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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

SENATE—*Friday, October 6, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:31 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, who has given us life, bless us today in the work we will do. We praise You for work that can be done as an expression of our worship of You. We bring the meaning of our faith to our work rather than making our work the ultimate meaning of our lives. With that perspective, we seek to do everything to Your glory. We pray for mental alertness, emotional stability, and physical strength to achieve excellence in all that we do. Thank You for Your companionship in tasks great and small. It is awesome to contemplate that You who are in control of the universe have placed us in charge of what You want to accomplish through us.

Fill us with Your joy and make us cheerful people who make others happier because we are with them. Make us a blessing and not a burden, a lift and not a load, a delight and not a drag. It's great to be alive! Help us make a difference because of the difference You have made in us. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES M. INHOFE, a Senator from the State of Oklahoma, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Iowa is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, I say on behalf of the leader, the Senate will be in a period for morning business until 10 a.m. Following morning business the Senate is expected to begin consideration of the conference report to accompany the Transportation appropriations bill or the sex trafficking conference report. The House is expected to consider the Transportation appropriations legislation this morning. Therefore, it is hoped that a vote can occur prior to noon today. Senators will be notified as soon as votes are scheduled. The leader thanks our colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with time to be equally divided in the usual form.

The Senator from Iowa.

ENERGY AND WATER APPROPRIATIONS

Mr. GRASSLEY. Mr. President, the Congress has wisely passed and will send to the President for signature H.R. 4733, the energy and water development appropriations bill for fiscal year 2001. I strongly urge the President to sign this vital legislation.

Proper management of our Nation's rivers is a concern for many Americans. Our rivers provide us drinking water, transportation, and recreation. They also provide habitat for aquatic life, wildlife, and birds. Good management techniques provide that all of these purposes are taken into account and managed appropriately and fairly. I firmly believe that H.R. 4733 provides for good river management. Specifically, section 103 prohibits the use of funds to revise the Missouri River Master Water Control Manual if the revision provides for increases in springtime water releases during spring heavy rainfall or snow melt. Many Iowans see this as just good common sense.

Increased spring water releases could easily cause the wild Missouri, and its many tributaries, to once again flood low-lying areas, including farmland and communities. Floods would cause a severe economic hardship on those affected. Farmers would be unable to plant crops, and home and business owners would experience property damage. Economic activity in the flood areas would decrease or cease during and immediately after the flooding, causing a loss of income for those impacted.

Many Americans forget what it was like to live along the Missouri prior to the construction of the dams. They forgot that the Missouri was truly wild. They forgot what it was like not to be able to safely plant your crops, grow them with some security that there would not be summer floods, and then be able to harvest them safely. They forgot what it was like to lose all or part of a crop. That meant the loss of your investment in time, labor, seed and other inputs. And that meant no income coming in after the harvest.

The folks in town were hurt, too. Houses and businesses were swept away. Basements were flooded with water, muck and other debris. Sometimes the water level went higher than that to the first floor, or even higher. Furniture and family keepsakes were destroyed. Businesses lost inventories. They could not serve their customers if the store was closed. Public drinking water system suffered damage, as did sewer systems. The economic devastation was high. The quality of life suffered. Increased spring water releases would also cause less water to be released during the summer months. The

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

lower river levels would halt river barge transportation. Barges are a key part of the agricultural transportation system. Loss of barge traffic would delivery the western part of America's great grain belt into the monopolistic hands of the rail roads. Iowa farmers have clearly told me that this is unacceptable.

Loss of the use of barges to transport agricultural commodities will drive up farm transportation prices. That in turn will drive up the overall price of our agricultural goods that must compete in the international marketplace. This is unfair to our hardworking farmers, as it puts them in jeopardy of losing markets.

While the farm crops travel downriver to reach markets, the loss of barge traffic would also affect bulk commodities and other items that travel up-river to Iowa. They include fertilizer for farm use, salt for highways in winter, steel for processing plants, and the like. The potential for moving cement for construction purposes would also be lost with lower summer water levels. I have talked to many Iowans who live along the Missouri River. They have told me of the devastation left from past floods. That devastation was more than economic. It produced heartache and broken dreams. Though Iowans are a strong people, the past floods have left their scars on individuals and in community life. Those Iowans have joined together on a nonpartisan basis to say, "No more floods!" That is the message for the President to consider as he deliberates on the energy and water appropriations bill. The President is in a powerful position to either do good or to inflict harm. It is almost as if he were actually God, able to exercise the power to flood or not to flood. That is how powerful he is on this issue. It is an awesome power that I hope that he uses wisely. It is my hope that he will decide to prevent flooding. It is my hope that he will listen to our farmers and not make their jobs more difficult than they already are. It is my hope that he will sign this bill.

Mr. President, let the people live in their homes, work in their businesses and farm their farms in safety.

Clearly, the U.S. Fish and Wildlife Service has violated Federal law in its ordering of the Corps of Engineers to begin a spring flood. It ignored the process set forth in the Endangered Species Act. These processes are there to protect everyone, and they were not followed. It has also based much of its opinion on speculation, not facts. The President must depend upon facts and protect due process. H.R. 4733 is good legislation which should be signed into law. It does not deserve a veto. Mr. President, please sign this important legislation.

President Clinton, one time, in private conversation with me, you told me how you understood the problems of the farmers more than most Presidents ever did because you had studied them so much.

Mr. President, you have been in the White House 8 years. I do not know how long it has been since you have visited a supermarket. But remember, food grows on farms, it does not grow in supermarkets. You have an opportunity here to help the farmers in the States of Iowa, Nebraska, Kansas, and Missouri to be able to put their crops in in the spring, to be able to take those crops out in the fall, to be able to ship the harvest down the river when it is most needed, so that the farmers are not the captives of a monopolistic railroad if the barge traffic isn't there for competition.

So, Mr. President, show us that you do, in fact, understand the problems of the farmers and sign this legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. REID. Mr. President, I know Members are waiting to determine whether or not we are going to have a vote today. The majority leader has indicated we likely will have one. From the minority's perspective, we badly want to move to the Transportation appropriations bill which, as we speak, the House is discussing.

But we have a number of Members who are rightfully unwilling to do that until we get the legislation and are able to look at the conference report, which we don't now have. I hope we can start talking about the conference report, with the hope of getting the actual document as soon as possible so that Senators can look at it.

I know one Senator indicated he would like to be able to have a day to look at the conference report. I will check with this Senator and others to see if that can be expedited, if they have an opportunity to review the conference report.

In short, the minority is saying that we are ready to move forward and we are willing, in the late days of the session, to expedite things as much as we can, but there are certain basic things we need to read, such as a bill or a conference report, before we vote on it.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

TRIBUTE TO THE LATE CONGRESSMAN SIDNEY YATES

Mr. DURBIN. Mr. President, it is my sad duty to report to the Senate and to the Congress that I learned a few moments ago that one of the greatest servants of the American people in the Congress in the 20th century passed away last night.

Sidney Yates was a Congressman from the city of Chicago who was elected in 1948 and served until 1999, with only 2 years that he wasn't in service. His was an amazing story. I guess it was a great story of America. His mother and father were Russian immigrants who came to this country in the beginning of the last century. He grew up in the city of Chicago and went to law school. Before that, he distinguished himself, as hard as it may be to understand today, in athletics. He was a semi-pro basketball player and was a member of a Big Ten basketball team when he was a student at the University of Chicago. His semi-pro basketball team was called the Lifschultz Fast Freighters. I used to joke with him about this trucking company and the fact that he was the basketball star for them in the city of Chicago.

On an impulse, in 1948, he decided to run for Congress. It didn't look like a very good year. Tom Dewey was supposed to be elected President, and this young man who had never run for office before was going to try to be elected to the House of Representatives. People didn't give him much of a chance, and his style of campaigning was in sharp contrast with what we do today. I asked him how he ran for office in 1948. He said he had a buddy who played a guitar and they went from one ward meeting to the next singing ethnic folk songs for the groups there. If there was a German group, he sang in German. If it was a group of his fellow Jewish Americans, he sang something they would find appealing.

There was a young lady watching that campaign by the name of Mary Bain. She had volunteered to work on the Truman campaign. She saw this young man in 1948 wandering around Chicago running for Congress and, frankly, took pity on him and said, "I am going to try to help this fellow." To everyone's surprise, he won in 1948 and came to the House of Representatives; he began a long term of service there. His term of service included many years on the House Appropriations Committee. He was a stalwart, a fighter, a person of real value and principle.

In 1962, Sid Yates was persuaded to leave the House of Representatives and run for the Senate. He ran against Everett M. Dirksen—no small task even in 1962. He lost that race, which was the only loss in his political life. In 1964, he returned to the House of Representatives and once again took up service on the House Appropriations Committee.

I was elected many years later, in 1982, and a couple years after that began to serve on that same Appropriations Committee. Probably the best fortune I had as a Member of Congress was when I decided to take a chair next to Sid Yates in the Appropriations Committee and sit next to this great man for more than a decade. I learned so much and had such a great time in that experience because of who Sid Yates was and what he stood for.

When you look back at Sid's career, there were several things that really made a difference to him, meant a lot to him, and made a difference in this country. He had a passionate commitment to the arts. You know, that gets to be controversial from time to time. The National Endowment for the Arts is occasionally a whipping boy here on Capitol Hill. But Sid Yates never faltered. He believed in the arts. He was a man of the arts. I used to love to listen to him quote the classics from memory. His knowledge of art and music was absolutely legendary.

When Sid retired from the House of Representatives, the tributes came pouring in, but particularly from people around the United States who understood that Sid Yates stood up and defended the arts in America when nobody else would. My daughter is an art student at the Art Institute of Chicago. She knew of Sid Yates. She never met him personally, but she knew what he stood for. He was always there fighting for the National Endowment for the Arts and for arts in America.

As chairman of the Interior Subcommittee of Appropriations, he also had the responsibility to protect America's national parks and many of our national treasures. He protected them with a vengeance. I can recall some of the titanic struggles in the Appropriations Committee when people would want to exploit America's national treasures. They didn't have a chance when they fought Sid Yates.

There were so many other areas where he worked so hard. I recall the creation of the Holocaust Museum. Sid was devoted to the nation of Israel. So many people across America looked to him, and so many Members of Congress looked to him for guidance on important issues involving the Middle East. When he was asked to be part of the creation of the Holocaust Museum, you just knew it would be a success, as it has been here in Washington, DC. He was one of the founding members on the board of directors there and a person absolutely revered for his commitment in that regard.

Through it all, too, he was committed to the rights and freedoms of Americans. I know it wasn't always popular, but you could count on him to stand up, in good times and in bad, for the freedoms that were guaranteed under the Bill of Rights. Sid Yates was a great man, and he had a great partner in life in his wife Addie, who was always by his side during his public service.

I once asked him what his greatest achievement was in the Congress, and I was surprised that he said: Well, you would not think of it when you think of me as a Democrat, but back in the 1950s, the atomic submarine program was being debated in America, and a fellow by the name of Hyman Rickover was being criticized on Capitol Hill. I came to his defense because I thought he was a good man and had a good program. I am proudest of that moment.

I never would have guessed that, but that was just part of Sid's career. For over 50 years, Sid Yates was fighting for America, fighting for Chicago. He left his mark on the Chicago shoreline and the museums and institutions of that great city. But most of all, he left his mark in our hearts—those of us who had the good fortune of serving with him, learning from him, and standing today in tribute to his great memory.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the morning hour be extended for 10 minutes.

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

SID YATES

Mr. REID. Mr. President, I want to say, before my friend from Illinois leaves the floor, that I had the pleasure of serving with Sid Yates. I served with him in the House, of course, but didn't know him very well in that large body. I came to know him better after coming to the Senate and being a member of the Interior Subcommittee on Appropriations while he was chairman of that committee on the House side.

We worked very closely together. Everything the Senator from Illinois has said is absolutely true about Sid Yates. He was a distinguished man, and a distinguished looking man. When he left the House, he was almost 90 years old; handsome; stood tall; never faltered a word of his speech.

Being from the western part of the United States, I will never forget Sid Yates. He stood for the West. He loved the wilderness, and he helped us protect the pristine wilderness of Nevada and other places in the West. Native Americans never had a better friend in the Congress than Sid Yates.

I didn't know Sid Yates as well as my friend from Illinois, but I have great respect and admiration for Sid Yates, and I will never forget him.

Mr. DURBIN. Mr. President, if the Senator will yield, I thank the Senator from Nevada for his comments. I think each one of us who served with Sid Yates on either side of the aisle will never forget him. When his retirement came about, Congressman RALPH REGULA, a Republican from Ohio, never missed a retirement event for Sid Yates. I think it showed that he reached across the aisle and established friendships and alliances that were not just good for Congress but were good for America. He was a wonderful man. I am blessed to have known him, to have served with him, and perhaps to have learned a few lessons at his side.

I think his legacy will be his efforts for education, for defense of the arts, for defense of the environment, and for the rights of Americans.

Our condolences go to Addie and his family. We wish them strength in this time of loss and tell them we stand by their side.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Morning business is closed.

Mr. STEVENS. Mr. President, what is the business before the Senate?

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to the consideration of S. 2557, a bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

UNANIMOUS CONSENT REQUEST—S. 3059

Mr. McCAIN. Mr. President, I ask unanimous consent that it now be in order for the Senate to immediately turn to the consideration of S. 3059, and that only relevant amendments to the bill be in order.

Mr. STEVENS. I object.

Mr. McCAIN. Mr. President, the reason I am objecting to taking up the Department of Transportation appropriations report is that it contains a substantive amendment to the Federal Motor Vehicle Safety Act. The legislation was never approved by either House or Senate commerce committees and failed in its attempts to correct indisputable faults with safety data collection and retention practices of the

National Highway Traffic Safety Administration.

Well over 100 Americans have died, and estimates are that as many as 150 in other countries. This is a very serious safety issue in which American lives are at stake.

I am simply asking to take up this legislation. I will be glad to have any amendments and time agreements associated with it—anything that we can do to move this legislation along.

The House Commerce Committee yesterday passed similar legislation. We are told it will be passed on the floor of the House by next Tuesday.

Why we can't take up this bill, which is designed according to consumer organizations, according to the Secretary of Transportation, according to all outside observers and safety experts, to stop or at least take action to reduce the number of American lives that will be lost on the highways of the United States of America is really hard to understand.

Let me do the best I can to explain it.

What is happening here is the "fix is in." Here is the fix. The House will pass a bill. The Commerce Committee passed a bill, and the House will pass that bill this week.

We have a series of holds on this legislation which passed the Commerce Committee by a vote of 20–0 in a bipartisan fashion after getting testimony from experts from all over America, from the Secretary of Transportation, from the Acting Director of the National Highway Traffic Safety Administration, and others. That bill is now on the calendar. There are holds on the bill.

Here is the fix. The House will pass the bill. The Senate will refuse to take up the bill because of holds, and we will then pass—no matter how hard I try to prevent it—the Department of Transportation appropriations safety report that contains simply language concerning what can be done about this issue.

I have taken the floor on many, many occasions to talk about the influence of special interests in Washington. The automotive industry is now blocking this legislation. The word is on the street. The "fix" is in that the bill will not pass the Senate, or pass the House so House Members can say we did what we needed to do.

You know what we are talking about here. We are talking about the lives of American citizens who are in danger as we speak. The special interests will now prevail over safety interests, where lives of Americans are literally at stake. Remarkable. Remarkable commentary. Remarkable.

I have a letter and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER *5, 2000.*

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.
Hon. ERNEST HOLLINGS,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN AND SENATOR HOLLINGS: We are writing in support of your decision to halt the FY 2001 Department of Transportation appropriations bill pending Senate action on the Ford/Firestone amendments to the Motor Vehicle Safety Act. While we recognize that there are compelling reasons to support the appropriations bill—such as the new rule mandating that drunken driving blood alcohol levels be lowered to .08% nationwide—we feel it is imperative that Congress react with legislation to the Ford/Firestone tragedy before the close of this session.

Signed,

Bob and Laura Bishop, Bartlesville, OK; Geoffrey Coffin, Shelton, CT; Janette Fennell, San Francisco, CA; Vickie and Joe Hendricks, Corpus Christi, TX; Spence Hegener, Baylor University, Waco, TX; Pam Hegener, Lake Charles, LA; Juanita Sawyer, Tahlequah, OK; Robert C. Sanders, Upper Marlboro, MD; Spencer and Elizabeth Taintor, Miami, Florida; Sondra Runfeldt, West Palm Beach, FL; B.J. Kincade, Catoosa, OK; Shannon Johnson—Query, Jacksonville, FL.

Mr. MCCAIN. It reads:

DEAR SENATOR MCCAIN AND SENATOR HOLLINGS: We are writing in support of your decision to halt the FY 2001 Department of Transportation Appropriations bill pending Senate action on the Ford/Firestone amendments to the Motor Vehicle Safety Act. While we recognize that there are compelling reasons to support the appropriations bill—such as the new rule mandating that drunken driving blood alcohol levels be lowered to .08% nationwide—we feel it is imperative that Congress react with legislation to the Ford/Firestone tragedy before the close of this session.

Mr. President, this is signed by the relatives of people who have been killed in accidents because of the Bridgestone/Firestone problem. Can't we listen to the family members of those who have been killed on the highways of America with a fixable problem, at least action that has been recommended unanimously that must be taken to prevent further tragedies on America's highways?

This is egregious. I don't think many American citizens would approve of the Senate blocking legislation which is designed to save lives.

There may be a couple of controversial aspects of this bill, although it passed out of the Commerce Committee unanimously. There may be a couple of controversial aspects of this bill. Fine, let's have amendments and time agreements. We can dispose of those controversial aspects of it in a matter of a few hours. I eagerly welcome such a thing. The Senator from Alaska has just objected to us taking up this legislation which we could dispose of in a few hours. The lives of American citizens are at stake here.

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. I will not.

Mr. STEVENS. For one moment for clarification on that.

Mr. MCCAIN. The Senator from Alaska has just objected to us moving forward with legislation which, in the view of any outside expert, has to do with American lives that are endangered on the highways of America due to a flaw in the Bridgestone/Firestone situation and/or Ford automobiles.

This is serious business. This is serious business. There has been a series of holds put on this bill. We now object to taking up this legislation in favor of an appropriations bill which has watered down language which is intended—at least in the view of some—to address part of the problem. It does not. Ask any safety expert. It does not.

As to the language that has been inserted in the conference bill, I guess we can all thank the advocates of safety for the provision that was in the bill that prevented the National Highway Traffic Safety Administration from addressing rollover accidents for a year until a National Academy of Sciences study was completed—again, the special interests.

I intend to do whatever I can to see this legislation is brought up before the Senate. I hope those Senators who have a hold on this bill will step forward and identify themselves. This isn't an ordinary piece of legislation. This is a piece of legislation that has to do with the lives of American citizens and those overseas. I don't know of a more compelling problem.

Mr. President, I rise in opposition to the Department of Transportation appropriations report that contains a substantive amendment to the Federal Motor Vehicle Safety Act. This legislation was never approved by either the House or Senate Commerce committees and it fails in its attempt to correct indisputable flaws with the safety-related data collection and retention practices of the National Highway Traffic Safety Administration.

The language contained in the appropriations report falls short of the mark for many reasons, but for now, I will list only the key shortcomings. First, it fails to require manufacturers to collect and report essential safety-related information that would allow the Secretary to identify potential consumer-safety issues. Second, it fails to increase penalties for violations of the Federal Motor Vehicle Safety Act. And third, the language does not require NHTSA to upgrade the 30-year-old federal tire-safety standard.

Prompted by an August 9, 2000, announcement by Ford Motor Company and Bridgestone/Firestone to recall millions of potentially defective tires, the Senate Committee on Commerce, Science and Transportation held a September 12th hearing that was attended by the Secretary of Transportation, NHTSA's Acting Administrator, the parties involved in the recall, and several consumer groups. All who testified agreed that systemic changes were needed to make the processes of sharing safety-related information more efficient. In response, on September 15th, joined by my colleagues, Senators GORTON and SPECTER, I introduced S. 3059, the "Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act." This bill would dramatically amend the current law by ensuring NHTSA's possession of critical information regarding motor vehicles and motor vehicle equipment that would enable it to make sound safety-related decisions.

Following the introduction of S. 3059, the House Commerce Committee began consideration of H.R. 5164, the "Transportation Recall Enhancement, Accountability, and Documentation Act," also referred to as "T.R.E.A.D." While the House's bill does not appear to be entirely adequate to correct the current law, it does seek to accomplish similar objectives as S. 3059. Therefore, I was encouraged by the possibility of compromise prior to the conclusion of the 106th Congress. However, due to the limited amount of time remaining prior to the adjournment of this Congress, the differences of the House bill, and the unapproved actions taken by the Senate Appropriations Subcommittee on Transportation, I offer today a narrower version of S. 3059 that I hope that my colleagues would support.

Mr. President, I would like to outline what the new version of the bill would do:

Reporting requirements: The bill would direct the Secretary to collect additional safety-related information from manufacturers; specifically, it would mandate that the Secretary require manufacturers to collect and report new information about defects—including information about foreign recalls, but only to the extent that the information may assist in the identification of potential defects related to motor vehicle safety or failures to meet the federal motor vehicle safety standards. This information would include accidents or incidents, claims data, warranty adjustment data, and other safety-related information. The method, manner and extent of the collection of this data would be determined through rulemaking by the Secretary.

Civil penalties: This legislation would increase the Motor Vehicle Safety chapter's maximum civil penalty from $800,000 to $15,000,000, and allow for the assessment of larger civil penalties for intentional and willful acts.

Criminal penalties: The Secretary would be authorized to assess criminal penalties for knowingly violating provisions of the Motor Vehicle Safety Act, which results in death or grievous bodily harm. This provision of the bill has been the subject of much discussion. Let me briefly describe what would be required for a manufacturer to be subject to criminal penalties under this section. The manufacturer, their officers or directors, would have to order, authorize, or ratify the introduction of a motor vehicle or motor vehicle equipment into interstate commerce while knowing that the motor vehicle or equipment violated federal safety standards, that violation created a serious danger of an accident that would result in death or serious injury, and death or such injury occurs. Let me be clear, the standard required under this provision is "actual knowledge." This provision is intended to provide the option of criminal penalties only in instances of conduct that are so egregious as to render civil penalties meaningless.

The inclusion of a criminal penalties provision has received support from the Secretary of Transportation, Jacques Nasser, who is the President and CEO of Ford Motor Company, and consumer groups such as Public Citizen. This type of penalty is not novel. Multiple agencies are authorized to assess criminal penalties, including, among others, the Department of Labor, the Consumer Product Safety Commission, the Food and Drug Administration, and the Environmental Protection Agency. This provision would authorize the Secretary, in conjunction with the U.S. Attorney General, to pursue criminal penalties against automobile manufacturers in instances where State governments may not have the resources to enforce their relevant law.

Updating safety standards: Finally, this bill would require NHTSA to upgrade the tire-safety standard for the first time in 30 years.

Regardless of whether the House or Senate version of the bill is enacted, the need for this legislation was triggered by the possibility that Ford and Bridgstone/Firestone may have had knowledge of a safety-related problem concerning the performance of certain tire models prior to the recall, but refrained from reporting even the possibility of a defect to NHTSA. Notwithstanding whether or not the manufacturers knew of the problem, the situation focused my attention, as well as the attention of my colleagues, to flaws that exist in the reporting processes between manufacturers of motor vehicles and motor vehicle equipment, and NHTSA. S. 3059 would amend the Federal Motor Vehicle Safety Act to make it more difficult for manufacturers to knowingly conceal safety-related information from the Secretary of Transportation and increase the penalties for such unlawful conduct.

Under current law, manufacturers are not required to report to NHTSA either "claims data," which include personal injury or property damage claims that can be helpful early-warning indicators of potential threats to consumer safety, or overseas actions involving equipment and vehicles sold in the United States. Furthermore, should manufacturers fail to report safety-related information that is required by the Secretary, the maximum civil penalty allowable under the current law is a mere $980,000. To put this in perspective, last year Ford Motor Company spent $2.57 billion on advertising. Other than minor adjustments over the last two years, the maximum civil penalty has not been updated since its enactment, which means, at a minimum, if adjusted for inflation it should be five times that amount in the year 2000. Finally, the current law does not allow for the assessment of criminal penalties for particularly egregious conduct. The absence of criminal penalties coupled with a nominal maximum civil penalty creates an environment where meaningful enforcement is impossible commonplace. This bill would change that practice.

Mr. President, thus far, NHTSA has linked more than 100 deaths to the failures of Bridgestone/Firestone tires that are subject to the current recall. Each day it becomes more apparent that these deaths may have been avoided had NHTSA possessed vital safety-related information that the law does not currently require manufacturers to report. The legislation that I have introduced does not accomplish all of the needed reforms, but it is a positive step toward a more efficient exchange of safety-related information between the Secretary and manufacturers. Nevertheless, S. 3059 is being held up partly due to the influence of the automotive industry. The lives of American consumers are being placed at risk. We must act quickly to resolve the flaws in NHTSA's data-collection processes and prevent the recurrence of this crisis.

I express my deep disappointment that the "fix" is in from the special interests. This bill will be held and will not be passed by the Senate; it will be passed by the House. Guess what. We couldn't do anything. I hope the American people are well informed by the media and by those family members who have lost loved ones and by the public safety advocate who see what is happening here. It is not my proudest moment in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I thank the Senator from Arizona for his normal courtesy to me as manager of the bill that we are trying to bring up. I did not object on my own behalf and he knows that full well. But I do believe we all know what the situation is.

UNANIMOUS CONSENT REQUEST—
H.R. 4475

Mr. STEVENS. Mr. President, I ask consent that the Senate now proceed to the Transportation appropriations conference report, notwithstanding the receipt of the papers from the House.

I further ask consent that the conference report be considered under the following time agreement: 10 minutes for the chairman and ranking member of the Appropriations Committee; 10 minutes for the chairman and ranking member; of the appropriations subcommittee; and 15 minutes under the control of Senator McCAIN.

I further ask consent that following the use or yielding back of time, the Senate proceed to vote on the adoption of the conference report, without any intervening action or debate.

Mr. McCAIN. I object.

Mr. STEVENS. I thank the Senator for his normal courtesy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I will take 10 minutes in morning business while we are trying to work things out here on the floor.

Mr. STEVENS. Mr. President, will the Senator yield for just one moment?

Mr. WELLSTONE. I am pleased to yield.

Mr. STEVENS. For the purpose of managing the floor, would there be an objection if we extended morning business until 11 a.m.? The papers are not here on the Transportation appropriations bill.

EXTENSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that morning business be extended to the hour of 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. REID. Will the Senator yield, just so I can enter into a colloquy with my friend?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. I say to Senator STEVENS, the problem we are having on this side, as I know you are having on your side of the aisle, is whether there is going to be any votes this morning. Would you be able to determine that quickly from your leader, as to whether or not there is going to be a vote? We have a number of Senators, with the holiday coming up, with places to go. We need to know whether there is going to be a vote this morning.

Mr. STEVENS. I say with due respect to my friend—and despite words at times, he is my friend—I believe the Senator from Arizona would have to answer that. It is our intention, once the papers are here, to move to proceed to that conference report. That is not a debatable item. There would be a vote immediately. After that, the conference report would be before the Senate, I would ask for the yeas and nays, and it would be a matter of time, how much time the Senator from Arizona wishes to debate the bill.

I know of no other speakers.

Mr. REID. I have spoken to my friend from Arizona and there is no question he is going to want to speak for more than a half-hour or an hour.

Mr. STEVENS. I would expect that. I honor his right to do so. It would be my predilection that you should address that to the leader. The question is how late in the day would the Senator from Arizona finish his brief comments?

Mr. REID. If, in fact, he would finish today.

Mr. STEVENS. That is for the Senator from Arizona to determine.

Mr. REID. I guess my question to the Senator from Alaska is, if we do not vote on that, does the majority leader want us to vote on something else today? I hope in the next few minutes there could be a determination made as to whether or not, around 11 o'clock when we finish morning business, there will be a vote on something other than the Transportation appropriations bill.

Mr. STEVENS. I might say to my good friend from Nevada, and to the Senate as a whole, it has been my request to the leader that we proceed with appropriations bills and only appropriations bills so we can get them to the President. We have been doing that. We do have other appropriations bills on the move now. The Agriculture conference was finished last evening. I do not think we can get to that today. But I do believe we should try to finish the Transportation bill today if we can and take up Agriculture appropriations next week.

We have three other conferences that are going forward and we do, I understand, have an agreement now—nearly an agreement on how to handle the VA–HUD bill. So we should be voting on several bills early next week. But I do not know of any other bill that we can get before the Senate today in the form of a conference report. I do think we could handle the VA–HUD bill if we could round up that agreement. It is still waiting for one clearance. I doubt we will finish that one today. We should take that up early next week, however.

Mr. REID. It sounds to me it is fairly safe to assume there will not be any votes on appropriations bills today. As I said, I have spoken to my friend from Arizona.

Mr. McCAIN. If my friend will yield, I am seeking agreement to take up this legislation on which American lives are at stake—not money but safety and lives of Americans. I am seeking an agreement to take that up. If we could get agreement to get that bill up, with relevant amendments, then I will be more than happy to not impede the work of the Senate.

I do not know of a higher priority than to take up legislation about a compelling issue that has to do with the lives of the American people. So I hope we could get an agreement to take up that legislation, either now or in the next several days. Then I would certainly remove my objections to proceeding with an appropriations bill. Apparently, that is not the case because there are "rolling holds" on this legislation. I think that is really quite remarkable.

Mr. STEVENS. Mr. President, as the Senator from Arizona knows, I am a member of the conference committee, and I support the legislation he mentions. But I also know portions of it are in this bill and were agreed to by the Transportation conference committee, and the matter he suggests is a leadership issue. I am in no position to negotiate on when the bill, that I also support, would come up. But I do believe our problem is trying to get this bill on its way. We cannot flood the White House with bills, appropriations bills, and expect to get answers in time.

We are trying to get them down day by day so we can get some timing and get some response. If the President wishes to veto them, we will have to come back and deal with those, too.

But we are trying to move this bill. This bill is ready to go. The Transportation bill is ready to go. It contains a portion of the bill the Senator from Arizona has mentioned—not all of it but a portion of it. It is not negative, but it is not totally positive.

I do believe the issue he reaches, whether or not the Senate will allow the consideration of the bill—that is under consideration now in the House—at any particular time, is a matter for the leader to determine, not for me. I would like to move forward with this Transportation bill. I urge my friend to allow us to do that because it is a significant bill, one of the most significant Transportation bills on which I have been privileged to work. It sets a new process for trying to reduce the increasing numbers of drunken drivers on our highways.

If there is a safety problem out there that is greater than the one the Senator from Arizona mentioned, it is alcohol. I do not want to see this bill delayed. I would like to see it get to the President. I am informed the President will sign it. I hope he will. We could get it to him today if the Senator from Arizona will allow us to do that. But for now, I suggest the absence of a quorum.

Mr. WELLSTONE. No, no.

Mr. STEVENS. Pardon me. I do thank the Senator for yielding. I apologize and yield back to the Senator from Minnesota.

Mr. REID. Mr. President, it is my understanding the Senator from Minnesota has the floor?

The PRESIDING OFFICER. The Senator from Minnesota has the floor for 10 minutes.

Mr. REID. The Senator from Minnesota has the floor. I know his urgency, being able to speak for up to 10 minutes, but there are a number of Senators who are concerned about whether or not we are going to have a vote. It appears, based on what the Senator from Alaska said and interchanges with the Senator from Arizona, we are not going to have a vote on appropriations bills today. That seems very clear. So unless there is a vote on some other issue, or on a motion to proceed to it, I don't think we will have a vote.

Mr. MCCAIN. If the Senator will yield, I am still hoping the leadership will agree to take up this bill. The chairman of the Appropriations Committee says he is not in the leadership. I have seen the Senator from Alaska have significant effect on the leadership from time to time. What I am hoping is we can get this issue resolved and move forward with the Transportation appropriations bill.

Mr. STEVENS. Will the Senator yield further? Without question, there will be a vote on the motion to proceed to the Transportation appropriations bill today—without any question.

The PRESIDING OFFICER. The Senate is in a period for morning business to end at 11 a.m. The Senator from Minnesota has the floor for not to exceed 10 minutes.

Mr. WELLSTONE. Mr. President, one has to keep a twinkle in one's eye, I guess. I am glad we are going to vote on something. I do not mind being here Monday early or Friday late as long as we are working. Sometimes it is a little maddening when there are other things you want to do back in your State that you think are important and you do not know if we are going to have a vote.

I am glad we are going to vote on something and move forward.

VIOLENCE AGAINST WOMEN ACT AND TRAFFICKING VICTIMS PROTECTION ACT

Mr. WELLSTONE. Mr. President, in the spirit of moving forward, I thank colleagues for the bipartisan work on the Trafficking Victims Protection Act. I especially thank Senator BROWNBACK with whom I have had a chance to work very closely on this bill. There are other key people as well.

This conference report, without going into all the details, which will come to the Senate I hope—"pray" may not be too strong a word—probably Tuesday—it looks as if we are just now working out a time agreement. I thank all Senators for their cooperation.

What is important about this legislation is that we have one part of it that deals with trafficking, which I want to talk about in a moment, and the other is the reauthorization of the Violence Against Women Act which received a huge vote in the House of Representatives.

The Violence Against Women Act, VAWA, has made a huge difference. I could talk for hours about the shelters, about the hotline, about the ways in which police take violence against women more seriously, about the ways in which the country takes this more seriously. Still, about every 13 seconds a woman is battered in her home, and still there are somewhere around 3 million to 10 million children who witness this.

We have to do even better. I look forward to a couple of efforts next year, one dealing with a program which will electronically link all of the shelters, so with one phone call, one, you will know where to go and can be saved, and, two, it will focus on the children who witness this violence. I feel good about the fact we are going to move forward with this. It certainly appears that way. I thank all Senators who have been willing to cooperate.

I also feel good about the trafficking bill on which I have had a chance, as I said, to work with Senator BROWNBACK.

So colleagues know, these two pieces of legislation have a lot of integrity in how they interrelate with one another. One deals with violence against women, children, and families. There are a number of women organizations around this country that have worked on this. They made this possible. And the strong voices of Senators—from Senator BIDEN to Senator LEAHY to Senator BOXER and others—have made a huge difference.

I started on the trafficking legislation 3 years ago. I do not even know if it is appropriate to brag, but it is not about me. My wife Sheila said this is something we really should do. There has been great help from a lot of Senators.

Again, I thank Senator BROWNBACK and also Representatives CHRIS SMITH and SAM GEJDENSON for their help and work, and CONNIE MORELLA is always there on all these issues. I will talk more about staff and the great work by people after this passes. It has not passed yet, but I think we are there. I say to Senator REID, I believe we are there in terms of finally getting a time agreement and we can move this forward.

We are talking about the trafficking of some 2 million women, and mainly girls, for the purposes of forced prostitution and forced labor, some 50,000 to our country. This rivals drug trafficking in terms of how scummy it is and how exploitative it is.

What happens is these women, girls, in countries that are going through economic chaos and disarray are recruited. They are told they will have an opportunity to be a waitress, an opportunity to come to another country, such as our country, and make an income and be able to build a good life.

This happened at a "massage parlor" 2 miles from here in Bethesda where these girls were forced into prostitution. What happens is, these young women, young girls, do not know their rights; they do not know what they are getting into. They come to these countries, and then it becomes a nightmare.

This legislation focuses on prevention. We have an outreach through AID with some of the nongovernment organizations and others who really do the information work so that young girls, young women, know what might be happening to them, know about trafficking, know what the dangers are, and hopefully will have some knowledge about this before they are exploited. That is the first piece.

The second piece is the protection piece. The bitter irony is that all too often one of these young girls, young women, steps forward and says: This is what is happening to me. If they should escape from it, they then are deported. So the victim is the one who ends up being punished. There is a temporary visa extension for 3 years, and then decisions are made after that.

There are services for these women and girls. I say "girls" because we are talking about children, too, 12, 13 years of age. In Minnesota, we have a very, I think, holy place called the Center for the Treatment of Torture Victims. When women and children go through this hell, there is a whole lot that needs to be done to help them rebuild their lives. We have a provision for those services.

The final thing is prosecution. If you are going to be involved in the trafficking of a girl under the age of 16 for purposes of forced prostitution, you can face a life sentence. We should take this seriously. We will be the first country to pass such strong legislation, the first Government in the world. This will be a model for a lot of other governments around the world.

This is one of the best human rights pieces of legislation in the Congress in some time. I am not objective because I have had a chance to be a part of it. I am proud of the fact that we are going to do this. I am proud of the fact that it is going to be linked with the reauthorization of the Violence Against Women Act. And I am proud of the fact the Senate next week, I hope early on, right after Yom Kippur, the Jewish holiday, will take decisive action and will pass this most important human rights legislation. I say to all colleagues, please cooperate. Please, let's do this. This will make a difference. It will make a difference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Minnesota leaves the floor, I want to make a couple comments. There have been, as the Senator indicated, a number of people who have worked very hard on domestic violence. Senator JOE BIDEN authored the original legislation and has been a model for what has transpired since then.

I say in the presence of the Senator from Minnesota that since he came to the Senate, this has been an issue he has worked on passionately. I appreciate the work he has done.

The Senator from Minnesota mentioned his wife Sheila. I remember the work the two of them have done together.

I remember the display they put in the Russell Building, which certainly dramatized the need for continuing the work in this area. There are many unique partnerships in America today, but one of those that I admire greatly is that of PAUL and Sheila WELLSTONE. They have worked on these issues together. I think it goes without saying that the good work the Senator has done would not be as good but for the involvement of his wife.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Senator REID from Nevada is very gracious towards lots of Senators. That is just the way he is. I thank the Senator very much.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFETY AND THE TRANSPORTATION APPROPRIATIONS CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I want to emphasize the bipartisanship of the request made by my distinguished chairman, the Senator from Arizona, to get some kind of consent for S. 3059, the bill dealing with, of course, the defective equipment. We had extensive hearings.

Let me emphasize several things that we learned during the hearings.

One, generally speaking, the National Highway Traffic Safety Administration has been—I do not want to say defunct; I will use an elaborative; dormant. The testimony showed there had not been a single recall ordered by the National Highway Traffic Safety Administration in five years. They had not ordered a recall.

Now, of course, I have kept up on this because I have had to stand in the well defending my trial lawyer friends who really bring about far more safety than one would normally suspect. In the 5-year period, there have been 99 million recalls. And everybody can write a thank-you note to Mark Robinson in the Pinto case. He never collected a cent in his punitive damages. But once industry realized there could be just that—lawsuits —then they began to voluntarily have recalls. And that is what occurred here.

This defective tire situation, causing multiple deaths—over 100 that we know about in the United States—was not a result of recalls ordered by NHTSA. More or less, the lawsuits, even though gagged, had really brought it to the attention of NHTSA to get off the dime, wake up, and start acting.

So we brought together now a measured safety precaution where this will not occur again. And again, it has been simmered down somewhat from the unanimous vote. We have been working, on both sides, with consumer product safety officials, with the tire companies. I talked to the tire companies themselves. Their main objection, in a way, to that bill was dealing with foreign defects, in reporting foreign defects and otherwise. Of course, you can call it the A tire here in the United States and manufacture the B tire in another country like it is different, but it is the same tire. So we would want to know about the recalls in Saudi Arabia, which started first, in order to bring the attention here of the Firestone defect.

So we worked it out. Now here we have a unanimous report out. The distinguished chairman of the Appropriations Committee, as he just said a moment ago, had no objection to that bill coming up because he voted for it to be reported favorably to the floor of the Senate. Otherwise, the distinguished majority leader, as a member of our committee, voted for it. So there has to be an untying of this snarl or knot so that we can get things done.

The only reason we cannot get it done is that we cannot offer an amendment to the conference report. If the conference report were an item just called up, we could call up this amendment, have a time limit for 10 minutes to a side, and easily adopt or reject the amendment, which was the bill, S. 3059. But, of course, it is a conference report, and under the rules we cannot just bring it up as an amendment. I say that so everybody will understand.

But as the distinguished chairman of our committee, Senator MCCAIN, pointed out, we could easily agree to give it some kind of consideration—an hour to a side. It could be called up so we can stop this indiscriminate killing on the highways due to faulty equipment.

I think it ought to be emphasized that we found this out really as in getting past the gag orders. I do not like these gag orders, but sometimes they do promote settlements of judicial disputes. So we do not have anything in the bill in relation to the gag orders. But when you get lawsuits—that means that you have gone to a lawyer; you have a serious injury or you maybe have a death case, or whatever it is—so when you get multiple lawsuits, then that notice is given, of course, to NHTSA, and we can act from there.

But it is a studied, deliberate, measured response. Generally speaking, they don't ever agree. I do not want to infer the industry agrees this is a good bill, but listening to them, they didn't have any serious objection that I can discern.

I support 100 percent Senator MCCAIN's movement on the floor. He is not holding things up. We can get a Transportation conference report to the President here on Friday. We can come in here on Tuesday, if there is a holiday on Monday. We can easily get it to the President.

And as has been indicated, it has already been approved. We know the White House folks watch and make sure their concerns are taken care of in the measure. So whether it gets there Friday, gets there Tuesday, next Wednesday, let's get on with having safety in America.

The Senator from Arizona standing in the well is not being an obstructionist whatsoever, but trying to promote safety where everybody is agreed. But, as he said, there is a "fix" on somewhere because why can't we just call up the bill and get an agreement and everything else of that kind?

Our distinguished leader, the Senator from Nevada, says perhaps there is not going to be any vote in the Senate. And the Senator from Alaska, the chairman of the Appropriations Committee says, oh yes, we are going to have a vote to move to proceed. But that is not going to get us anywhere because with the vote to proceed, we will still have plenty of time to talk. And we will talk into next week, and talk into Tuesday and Wednesday, and everything else, to show to the American people that there is some kind of responsibility with this political entity here, the Senate.

Heavens above, when we have everybody agreed—it is totally bipartisan—why can't we move deliberately and bring it up and have a vote on it?

The PRESIDING OFFICER. Time in morning business has expired.

Mr. HOLLINGS. I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. DODD. May I inquire? Would it be possible to extend morning business a few minutes beyond the 11 o'clock hour?

The PRESIDING OFFICER. It would take unanimous consent.

Mr. DODD. Senator STEVENS and I both have a short time we want to take after our distinguished colleague has a chance to speak.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the morning hour be extended until 11:15, with the time equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

THE PROGRESS OF THE SENATE

Mr. THOMAS. Mr. President, I want to speak about energy, which seems to be one of the things I think is very important that people are talking about. But first I wish to comment a little on the progress, or lack thereof, that we are making in the Senate. It is not unusual that we come up to the end of the session and find ourselves kind of blocked up here, and things have been postponed until now. Of course, it is the appropriations bills that, always end up in this category. We have 13 of them to pass in order to keep the Government going. The fiscal year expired at the end of September, of course. We have extended our time and will do it into next week again.

One of the important roles of Congress is this allocation of funding. It is one that is very important and really needs to be given all the attention we can give it. I think we ought to move as quickly as we can to do that job. I hope we don't end up with huge omnibus bills at the end of the session. They are so large that people don't know what is in them. I would rather we deal with them individually as much as possible. Let me say that one of the things we ought to consider, which I have supported since I have been in the Congress—and from my experience in the Wyoming Legislature—is I think we ought to have a 2-year budgeting arrangement, which would alleviate this sort of thing every year. Nevertheless, we are not there.

However, we need to move forward. When we are ready with the appropriations bills, we ought to do that. I favor the bill being talked about here. I think it is a good bill. I don't know why it wasn't brought up earlier in the week when we were sitting here and didn't have anything before us. Now we are down to the last hours of this week and we bring up something that stops the opportunity for us to pass legislation regarding appropriations. I think that is unfortunate. In any event, we ought to be doing that.

Obviously, one of the difficulties with appropriations has been this idea of attaching to them the kinds of things that are not within the appropriations process because it is the end of the session, and because they have not been handled, or some refused to handle them earlier. That was wrong, in my opinion. I hope we consider a rule that would make that more difficult.

ENERGY POLICY

Regarding energy, we ought to talk about that. We ought to talk, more importantly, about where we want to be, and what we think the role of the domestic energy program ought to be to achieve what we consider to be our goal. I have become more and more aware of the importance of that sort of thing in all the legislation that we address. Really, it became clear to me when we were talking about re-regulation of electricity. We got wrapped up in all the different kinds of details that necessarily go into it, but really I don't think we had a clear vision of where we wanted to be when we were through. We didn't have a clear vision of our goal.

To a large extent, I think that is the case with energy. We have high prices, for gasoline, for natural gas, and we are going to have higher electricity and heating oil prices, and so on. Of course, that is the problem we see, but what do we see as the solution? I think certainly these high prices ought not to be a big surprise. This administration hasn't had an energy policy. We were very happy when oil was $10 a barrel. When it gets up to $35 a barrel, we are very unhappy, and I understand that. I don't recommend that, either.

We ought to have intermediate pricing. You don't do that without an energy policy. We have lacked a domestic energy policy that keeps us from being entirely dependent and subservient to OPEC and the foreign oil producers. We have allowed ourselves to do that.

It is not new that we don't have one. The Clinton administration has relied on short-term fixes. The most current one was to release crude oil from the Strategic Petroleum Reserve, which was 30 million barrels, and I don't suppose that will change the world. That is a short-term kind of reaction, not a long-term solution to where we are going. That has been the latest short-term fix.

I agree with increasing funding for Low-Income Housing Energy Assistance, and other short-term fixes. Those are good, and they have to be done because of where we are. But the fact is, if we are going to get out of that over time, then we have to do something different. We have to take a look at EPA's regulations that have had the effect of shutting down coal-fired powerplants in the Midwest. We have more coal resources probably than most anything. We can do more about the difficulties that have happened in the past. We have done a great deal because coal is now a clean source, but this administration has made it more and more difficult for that to happen. The fact that coal supplies 56 percent of the Nation's electric energy is very important, of course.

I have a personal feeling about it because our State is the highest producer of low sulfur coal. We have had 36 refineries shut down since 1992. No new ones have been built since 1996, largely because the EPA pressed for continuing restrictions that make it much more difficult. This administration—particularly the Vice President—calls for green alternatives. I don't know of anybody who opposes that idea. Green alternatives, right now, provide about 2 percent of our energy needs. It is going to be a very long time before solar or wind energy moves in to do that. So that can't be our short-term/long-term policy.

There are a lot of things that can be done and we are moving to try to do that. It has to do with domestic energy policy which would help increase domestic production so that we are not totally subject to the whims of OPEC. Since 1992, our oil production in this country has gone down 17 percent. Consumption has gone up 14 percent. Part of that is in States such as Wyoming in the West, where 50 percent of the State is owned by the Federal Government. Those areas of Federal land—not all—are for multiple use.

We found this administration making it much more difficult for exploration and production to take place for the multiple use of public lands. That is not a good idea. U.S. jobs were involved in the exploring and producing. We used to have 400,000 of those jobs. Now it is less than 300,000, which is a 27-percent decline. These imports are rapidly growing—up 56 percent now—and we need to move forward with that.

This is really an issue we can do something about. We need to do something about it. I could go over a lot of things this administration has brought about that have helped to create the energy crisis we are in now. I am urging that we look at some of the things that are available to us and that we can do to reach the goal we want in order to be more self-reliant for our energy. We can do something about consumption, too, and I have no problem about that. However, that is not a short-term problem. A short-term problem is going to be the price to farmers, ranchers, truckers, and to people who use oil particularly for heating in the wintertime.

Certainly we are not going to be able to solve this problem in the next few days. I hope we can move forward with our appropriations process, which is obviously before us now. I do think we ought to be giving a great deal of thought to establishing a domestic energy policy that will, in fact, help level out our dependency on foreign oil and be good for this economy and good for American citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I await the return of the Senator from Alaska, who I believe would like to object to a unanimous consent agreement I may seek.

If the Senator from Connecticut is waiting, perhaps we can extend morning business for a few minutes.

The PRESIDING OFFICER. Morning business has been extended.

Mr. DODD. Mr. President, Senator STEVENS and I will have a joint statement on an unrelated matter.

Mr. REID. Mr. President, if my friend from Connecticut will yield, morning business has been extended until 11:15, with time evenly divided between Senator STEVENS and Senator DODD. I think everybody will get their wish, because Senator STEVENS will be here momentarily to make a statement and, following Senator STEVENS, Senator DODD will make a statement.

Mr. McCAIN. I apologize to the Chair. I thought when I left the floor that morning business had expired at 11 a.m.

I will await 11:15.

Mr. DODD. Mr. President, I know my colleague from Alaska is going to come here shortly to share some thoughts and comments with me this morning. I will begin in order to move things along.

GIFT TO THE LIBRARY OF CONGRESS

Mr. DODD. Mr. President, I rise—and will be joined by my friend and colleague from Alaska—to speak about a remarkable gift that was made to our wonderful country yesterday.

Yesterday, it was announced that the Library of Congress—the greatest library in the world—would receive the single largest gift in its history—$60 million—to promote scholarly excellence. Like a university, the center will have endowed chairs in a number of fields.

The remarkable gift by a remarkable person will also establish a $1 million annual prize for lifetime achievement in scholarly endeavors.

The gift has been made by a wonderful man whom I have known for many years and for whom I have great admiration, John Kluge. He is also a very good friend of the Senator from Alaska.

John Kluge immigrated to our shores from Germany nearly eight decades ago.

He began his working life selling shoes, clothes, and stationery, and moved up from there to become one of our nation's most successful businessmen. Like many others whose lives followed a similar path, Mr. Kluge has decided to give something back to the country that has given him so much over his years of living in this Nation. His remarkable gift of $60 million will benefit all Americans by raising standards of scholarly excellence, and blazing new paths of knowledge in areas of science, the humanities, and the social sciences.

It will also, in my view, be immensely beneficial to our institutions of government. Those of us who serve in those institutions will have the benefit of the fresh, bold thinking that men and women of scholarly achievement can bring to the most pressing challenges that we face as a nation. Hopefully, this gift will contribute to making our nation even more prosperous and just in the years to come.

Perhaps most importantly, however, this gift stands as testimony to the unique and ongoing promise of America. Every day, we are reminded by events large and small that this is an extraordinary country. Our is a country that—despite its problems—offers individuals a level of freedom, equality, and dignity unsurpassed anywhere else on the planet, or indeed, in the history of the world. That is why people risk their lives to come to our shores.

That is why we are the inspiration for people who in fact yesterday rose up against tyranny—the people of Yugoslavia—on the shores of the Balkans.

The extraordinarily generous gift given yesterday by Mr. Kluge to the Library of Congress reminds all Americans that ours is a land of limitless possibility—a land where even the most humble can go on to achieve great success. And it is a gift that reminds each one of us that, in our own way, we have an opportunity and an obligation to give back to the country that has given us so much. Because more than anything else, America is the sum of the acts of selfless patriotism of its people. Any time we are reminded of that fact, my colleagues, we receive a gift whose value far exceeds its monetary sum.

John Kluge gave such a gift yesterday, as he has on countless other occasions.

In addition to this remarkable gift which John Kluge gave to the Library of Congress, he has helped raise $48 million in private funds for the Library on previous occasions to establish an electronic enterprise, the National Digital Library, with which my colleague from Alaska has been deeply involved. Congress appropriated an additional $15 million for that program.

Over the years, he has given $13 million of his own money to the Library, including $5 million to kick start the digital library.

John Kluge was the major contributor who orchestrated the wonderful 200th celebration of the Library of Congress.

He has given millions of dollars to other wonderful causes, universities, and other worthwhile enterprises.

I have known John Kluge for years and years. He was a wonderful friend of my parents. I have spent an awful lot of time with him over a number of years, particularly in the last number of months. He truly is a great American, truly a great patriot, and his wonderful contribution is going to make the Library of Congress an even greater institution in the years to come than it has been.

I wanted to take a minute to express the gratitude of all of us, my constituents, and all Americans to John Kluge for his remarkable contribution to our Nation.

Mr. STEVENS. Mr. President, yesterday, as chairman of the Joint Committee on the Library of Congress, it was my privilege to join Vice Chairman BILL THOMAS and Dr. James Billington out by our Ohio Clock to announce the largest gift in the history of our Library in 200 years. There has never been a greater gift to the Library of Congress.

As the Senator from Connecticut has said, John W. Kluge is a marvelous individual who is renowned in the international corporate community as one of the Library's staunchest supporters and most devoted people to the Madison Council. As a matter of fact, he was the founder of the Madison Council. He has now given the Library a gift of another $60 million.

Mr. Kluge's leadership in the Madison Council has enabled the Library to raise a total of $222 million in private donations for the Library over the last 10 years. His contributions alone amount to $73 million.

Yesterday's gift of $60 million will establish The John W. Kluge Center and Prize in the Human Sciences which will endow 5 scholarly chairs, and fellows, and will recognize areas of study not currently covered by the Noble prize structure. The Center will endow chairs in areas such as American law and government, American cultures and societies, technology and society, and modern culture. The Librarian will make the appointments in consultation with the Library's Scholars Council, and the first chairs will be awarded in 2001.

The Kluge Prize in the Human Sciences will include areas of study not covered by the Nobel Prize, including areas such as history, anthropology, sociology, literary and artistic criticism. Strangely enough, I had been discussing with one of my esteemed friends a similar type of approach to cover areas not covered by our Nobel Prize process. The prize will be a cash award of $1 million.

In addition, the award ceremony will recognize a lifetime of achievement in the Intellectual Arts, just as the Kennedy Center Honors recognize lifetime achievement in the performing arts. As Dr. Billington noted, "the Kluge Center will help bridge the divide between the academic and political worlds, between knowledge and power." He summed up the need for the Center best when he said, "We need broader and deeper exchanges; to make time for greater contemplation, what Milton called 'wisdom's best nurse'."

I speak for all of the Joint Committee members in saying that we are deeply grateful for the support the Library has received from Mr. Kluge, and the private sector under Dr. Billington's leadership. Over this past year, and in celebration of the Library's Bicentennial, the private sector has supported hundreds of activities. With Mr. Kluge's extraordinary gift of $60 million, the total amount of gifts and donations to the Library during its bicentennial year from the private sector, particularly the Madison Council, totals $106 million.

On behalf of the Joint Committee on the Library, I extend Congress' deepest thanks to John Kluge, and all of the members of the Madison Council. Their generosity has been outstanding. It has helped to make possible the digital initiatives at the Library, and has added priceless collections over the past 10 years. The nation owes Mr. Kluge a debt of gratitude for his generous support. I ask that a copy of the remarks that Mr. Kluge made regarding his gift be included in the RECORD as well as an article that appeared in the New York Times. It is my hope that Members will read his remarks. They are significant. I ask unanimous consent that a copy of his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN KLUGE'S REMARKS AT THE TEA HOSTED BY SENATOR TED STEVENS

Thank you, Dr. Billington.

I have known the Librarian of Congress, Jim Billington, for ten years and during that time, my admiration for him and faith in him as the head of our national library have multiplied many times over. Dr. Billington came to the Library with a great vision of what the Library could be and should be in our new global society. He knew that the vast knowledge contained in the Library, if made available to all, could enrich and enlighten the lives of people everywhere. He knew that the Library of Congress is something that every American can be deeply proud of—a symbol of our open democratic society; and a visible promise from our lawmakers that whatever information is available to them is also freely available to everyone. And he knew that visitors to the Library would come away inspired by it and proud that the most beautiful building in Washington, perhaps in the country, is a library. It has been a privilege for all of us on the Madison Council to join with the Congress in helping the librarian fulfill his vision.

We have seen the Library transformed—from a great, but under-used and little known federal institution, to an open and universally accessible resource for students, scholars and learners everywhere. This exciting transformation, and my confidence in the Librarian and his talented staff, have led to my decision to endow a center for scholarship and a prize in the human sciences which were just announced. My deepest wish—as a person who came to this country as a child with almost nothing and has enjoyed the freedom to try new things, to take risks and at least sometimes to succeed—is to make a contribution that helps others have the same kind of opportunity. I hope that the scholars who come to this center to grapple with some of the most important issues of our time and future times, will have the same wish—to use their talents and brains to better the world.

My deepest wish—as a person who came to this country as an 8 year old—and I must tell you the only possession I had was a Dresden horse which I still have in my bedroom at Morvan in Charlottesville, VA and when I get just too self-important, I look at that horse and know exactly where I came from and it has kept me grounded, I hope, all my life and that has been 86 years and I have enjoyed the freedom to try new things, to take risks, and at least sometimes succeed—is to make a contribution that helps others.

Thank you Madison Council members for making the Library a priority in your lives. Your dedication over the past ten years has paid off richly for a great American institution and for the nation.

Mr. STEVENS. He made those remarks at the time he announced this award yesterday in our presence in the Mansfield Room in the Senate.

I also ask unanimous consent an article from the New York Times pertaining to this gift be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 5, 2000]

$60 MILLION GIFT IS MADE TO LIBRARY OF CONGRESS

(By Francis X. Clines)

WASHINGTON, OCT. 4.—The Library of Congress has just received the largest single donation in its history, $60 million, and Dr. James H. Billington, the librarian, is eagerly preparing to spend it repairing relations between "the thinkers and the doers," between a resident panel of visiting senior scholars he plans for the library and the politicians across the street in the Capitol.

"These two worlds just kind of fell apart in the 60's and haven't really come back together again," Dr. Billington said as he explained his new program for the ultimate mix in political town and academic gown.

He plans rotating far-flung scholars to Washington to pursue fresh research and play a "catalytic" intellectual role for Congress, the primary user of the national library.

Beginning next year, the program will endow eight senior chairs plus a dozen fellowships for younger scholars. And most prominently, it will create a $1 million prize for intellectual excellence in the human sciences, a field that Dr. Billington feels is neglected by the Nobel prizes.

"We're trying to celebrate and facilitate not just the life of the mind, but also the role of the life of the mind in the life of the republic," he said of the new scholar center, which will be named after its benefactor, John W. Kluge.

A billionaire entrepreneur and philanthropist, Mr. Kluge heads the library's Madison Council, which has been enlisting advisers and donors from the private sector for the past decade. After helping the library raise about $160 million in the last 10 years from others, Mr. Kluge, now 85 and chairman of the Metromedia International telecommunications and entertainment company, has donated $60 million to it himself.

Based around the great hall in the library's newly refurbished Jefferson building, the center—which will be formally announced on Thursday—is to set aside suites of offices and meeting rooms for the scholars and lawmakers. The hope is they will intermingle for whatever discussions they please about ideas large or small, pressing or serendipitous.

"You can't legislate or buy depth but we're making some probes," said Dr. Billington, a 71-year-old historian and Russian specialist who diplomatically stressed that he has nothing against the capital city's hedgerows of think tanks and flocks of talking heads all now operating in the name of thoughtfulness.

Still, he said, "a deeper immersion" and interplay between scholarly ideas and political curiosity is needed. "There is already a great deal of applied intellect in this city, even if a lot of it is in lobbying and advocacy."

He vowed to reach out for scholars not usually associated with a Washington intellectual life top-heavy with economists and political scientists.

The initial senior scholars are to be chosen within the next year, with the first Kluge prize for intellectual excellence likely in 2002. Those under consideration will be vetted from assorted disciplines by Dr. Billington and an advisory council of scholars led by his deputy at the library, Dr. Prosser Gifford.

Dr. Billington declined to speculate on choices. But he said the standard would ideally be of the sort set by two scholars he had previously coaxed into serving the library briefly—Vyacheslav Ivanov, the linguist and lecturer on semiotics, and the late philosopher Isaiah Berlin.

The eight specialties to be covered by the senior chairs are broadly defined along the library's separate collections to include the culture and society of the Northern (advanced) and Southern (less developed) Hemispheres; technology's interaction with society, American law and governance; education; international relations; American history and ethics; and modern culture, including the library's formidable collections of music and films.

"What we're trying to do is to make sure you get Greece into Rome," said Dr. Billington, the 13th librarian of Congress in the two century-history of the institution.

"What's fascinating is that the link between learning and lawmaking was here from the beginning," he said, describing how the first joint committee was created by the founding Congress to run the library.

Scholars have at least as much to gain in the untapped resources of the library as in the interaction with lawmakers, Dr. Billington said. He noted, for example, the thousands of unread copyrighted novels in the library's archive of more than 120 million items.

"I tell my friends in academia that instead of deconstructing novels that everybody used to enjoy before you started writing about them, how about coming down and discovering the unpublished novels that nobody has read," he wryly added.

"There is no magic bullet for interacting doers and thinkers," he conceded, but he expressed faith in the idea of simply bringing "some of the scholars scattered all over the country directly into the library" that members of Congress use—"people who already have a life of scholarly accomplishment but who might be capable of distilling some wisdom in roaming across the rich variety of things at the library."

Reviewing the institution's virtues, he cited its several hundred book cataloguers as rich foragers. "They're my hidden heroes," he said.

"It's going to be additive, it's going to be catalytic," Dr. Billington insisted. "It's not a little empire, or a university or a new think tank."

"It's going to have an ever changing group of people," he added, with most of them staying for a year or so. "It will work in that way America does things best—not with a giant prefixed plan that you sit around and debate in the abstract, but by working on the human elements and hoping that things will jell."

Mr. STEVENS. One of the interesting things about John Kluge's remarks was when he referred to himself as a young boy who came to this country at the age of 8 as an immigrant and he had one possession. It was a small Dresden figurine; it was a horse. That is all he owned when he came to this country.

Today, as Senator DODD has said, through the process of freedom in this country and his basic knowledge as a human being, he is one of the richest men in the world. I think to be in the man's presence is an honor. He is one of the great people of this country.

Yesterday, after I attended this ceremony and was going back on the subway, one of the operators of the subway noticed I was smiling. That is strange around this place, as people know. I said: Yes, I've just been to a delightful ceremony. I told him that this man came to this country as an immigrant boy of 8 with one little possession, that he still has, had amassed this great fortune, and he had just given the Library of Congress $60 million.

The driver of the subway said: He came here with nothing? I said: That is right. And he has just given this great gift to the Library? And I said: That is right. And he said: That man is truly blessed.

That is my feeling about John Kluge. He is a truly blessed man.

Mr. DODD. I thank my colleague for his wonderful comments about John Kluge.

Mr. President, I ask unanimous consent to proceed for 5 minutes in morning business.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

VICE PRESIDENTIAL DEBATE

Mr. DODD. Mr. President, I went to Danville, KY, last evening, and I thought both JOE LIEBERMAN and DICK CHENEY did an admirable job in presenting their respective points of view during the Vice Presidential debate.

It will be understandable if I express a certain amount of parochial pride in the performance of my colleague and friend from Connecticut, JOE LIEBERMAN, who I thought did a magnificent job in laying out in civil, polite, and in a courteous way, the differences between the two teams, the two parties, and the candidates for the Presidency of the United States of America.

I think all Americans benefited last night as a result of the very eloquent, precise, thoughtful, and clear presentations. So it seems fitting for me to take a minute to commend them both, particularly my colleague from Connecticut. When young people around the country are thinking about politics and wonder whether good examples are out there, it is my hope that they might be shown by their history teachers, the Vice Presidential debate of the year 2000. Indeed, it was a wonderful example of how people of significant differences of opinion and points of view can have a worthwhile, informative discussion and debate of critical issues that face the future of our Nation.

I commend both, particularly my good friend and colleague from Connecticut. There is a collective sense of pride over the junior Senator from Connecticut. I may not call him "junior" Senator much longer, but I want to tell my colleagues how very proud I was of his performance.

WORK REMAINS

Mr. DODD. I want to say briefly before the time runs out, I have great admiration for the work Senator STEVENS has done as chairman of the Appropriations Committee. It is a tough job. We all know how hard he works and how hard he tries to work out the differences in the spending bills. I have great respect for him and the work he has done as chairman of that committee.

That said, I also would be remiss if I did not mention that there are several important matters, generally speaking, that we have not addressed. We are about to wrap up, to finish over the next few days, with maybe one or two votes left, I am told.

I am saddened that, despite the efforts of Senator STEVENS, the leaders, and others, the Senate has thus far failed to act on several other important matters, including the 39 million seniors who will go without prescription drug benefits under Medicare. That is a great loss. We could have done it this year, and we didn't.

More than 11 million working families will not get the benefit of an increase in the minimum wage. That is a great loss for those people. Mr. President, 53 million children go to school every day in this country, and for the first time in 35 years we were not able to pass the Elementary and Secondary Education Act to try to improve the quality of schools, reduce class sizes, and come up with good afterschool programs.

So, 53 million children lose, 11 million working people don't get an increase in the minimum wage, and 39 million seniors fail to get prescription drug benefits. I think it is a sad day indeed. We could have passed these measures, and we didn't. I am deeply saddened by it, as I think the American people are as well.

While I commend Senator STEVENS and members of the Appropriations Committee, including my colleague from Nevada, HARRY REID, and the distinguished Senator from West Virginia, Mr. BYRD, who have worked tirelessly to get the appropriations work done, the fact of the matter is, a great deal of America's business has gone unattended.

Mr. President, I regret that the leadership of this Congress has failed thus far to act on these and other crucial priorities. If we can find two weeks to debate renaming National Airport, if we can spend many days debating whether to provide estate tax relief to the 44,000 most affluent Americans, then I would hope that in these waning days of this Congress we could find the time to consider the needs of America's children, seniors, and working families.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—S. 3059

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I come back to try to resolve this issue. Before I ask for another unanimous consent agreement with some different language, I ask unanimous consent to have printed in the RECORD a letter from the Secretary of Transportation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 6, 2000.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I would like to take this opportunity to reiterate my views regarding the penalty structure for Department of Transportation regulatory agencies such as the National Highway Traffic Safety Administration (NHTSA). I expressed these views in testimony on the Firestone tire recall before the full committee on September 12, 2000.

The Administration supports a three-tiered approach to the enforcement of health and

> safety statutes: (1) administrative penalties; (2) judicially enforced civil penalties; and (3) in the case of egregious circumstances, criminal penalties for those who knowingly and willfully violate the law. We welcome the opportunity to work with the Congress to properly structure this approach.
>
> Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects. I will work with you in any way I can to help shape legislation that the Congress can approve and the President can sign into law.
>
> Sincerely,
>
> RODNEY E. SLATER.

Mr. MCCAIN. I will read a portion of the letter:

> I would like to take this opportunity to reiterate my views regarding the penalty structure for Department of Transportation regulatory agencies such as the National Highway Traffic Safety Administration (NHTSA). I expressed these views in testimony on the Firestone tire recall before the full committee on September 12, 2000.

and the last paragraph:

> Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects. I will work with you in any way I can to help shape legislation that the Congress can approve and the President can sign into law.

I repeat for my colleagues what the Secretary of Transportation says:

> Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.

This legislation passed through the committee with the help of the chairman of the Appropriations Committee, a member of that committee, a valued member of that committee. This legislation passed through the Commerce Committee with the support of the majority leader of the Senate, a valued member of that committee.

Although I don't agree with the Transportation appropriations bill, I am not interested in blocking it. I am interested in trying to get action on this legislation before Congress adjourns.

I ask the Senator from Alaska if it would be acceptable if I modified the unanimous consent agreement to say that the majority leader, after consultation with the Democrat leader, would set a specific time and date for this legislation to be considered, and only relevant amendments to the bill be in order of S. 3059.

It seems to me we could then achieve the goal of having a time and date where we could address this issue, we could move forward with the important appropriations bill, which understandably the Senator from Alaska has as his highest priority, which is also understandable given the fact that he is the chairman of the Appropriations Committee.

I ask the Senator from Alaska if he would consider—and I will ask now—I ask unanimous consent that the majority leader, after consultation with the Democrat leader, could set a specific time and date for the consideration to S. 3059 and that only relevant amendments to the bill be in order.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, it is my understanding that there is a process underway right now to see if it is possible to get such an agreement that the Senator from Arizona mentioned.

I have inquired, since the last exchange we had on the floor—and I am a person who has voted for this bill in committee, but the problem is there are objections on both sides of the aisle, I am informed, to a unanimous consent agreement which would be necessary to carry out the Senator's current unanimous consent agreement.

The difficulty is, there are some Members who are not members of the committee, our Commerce Committee, who have not had time to study that. They have informed the staff on both sides of the Senate, both Democratic and Republican, as I understand, that there are reservations. I cannot call them holds because they have not seen the bill yet; that is, as I understand it, the bill will come over from the House. It will be the House bill we would consider. It is just a very difficult position for me to be in, but as a representative of the leadership in this matter right now, I am constrained to say I am forced to object to the bill I support. I do object to that request.

I urge the Senator from Arizona to be part of this process of trying to clear that bill. I will join him. I have been trying to work on that since our last exchange, to see if we can clear bringing up that bill. But there are reservations on both sides of the aisle to that bill, and I am constrained to be in the position, and I am in the position, to say: I object to the request of the Senator.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the chair.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. REID. Will the Senator yield so I can make a statement?

Mr. MCCAIN. Before the Senator from Alaska leaves the floor, I would like to respond.

Mr. REID. I wanted to respond before he leaves also. I will just take a brief moment.

I say to my friend from Alaska, we are not objecting to this request.

Mr. STEVENS. Yes, you are. We had a statement you are objecting.

Mr. MCCAIN. Claiming the floor, it is clear on that side of the aisle there is no objection to this unanimous consent request.

I don't understand the comment of the Senator from Alaska about nobody has read the bill and no one understands the bill. We passed it 2 weeks ago out of the committee. No. 1. No. 2, this is not a low visibility issue. No. 3, we want to pass this bill through the Senate. The House will be passing the bill and we will go through the normal procedures.

I want to say again to the Senator from Alaska, on an issue of this importance—he said Members on both sides have reservations or objections; clearly, it is on this side of the aisle—come down with relevant amendments. We can reach time agreements and go through the normal process. But to block consideration at any time between now and when we leave is a clear message, I say in all due respect to the Senator from Alaska, that there is an intention to block consideration of the passage of this bill.

I can understand the objection of the Senator from Alaska to me holding up the consideration of the Transportation appropriations bill. I can fully understand that. I cannot understand why the leadership would not agree to taking up this bill with relevant amendments sometime between now and when we go out.

So, with all due respect to the Senator from Alaska, I don't get it. I do not understand why, when there is no objection on the other side of the aisle.

Mr. STEVENS. No, no; if the Senator will yield, Mr. President, I will state categorically I am informed there is an objection on the other side of the aisle.

Mr. REID. Mr. President, I respectfully say there is no objection on this side of the aisle.

Mr. MCCAIN. With all due respect to the Senator from Alaska, you have to respect the statement of the leader of the other side of the aisle.

Mr. REID. The Senator from Arizona made a unanimous consent request.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. I ask unanimous consent to yield to the Senator from Nevada for a statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. REID. The Senator from Arizona made a request, a unanimous consent request, to move forward with relevant amendments. We have no objection.

Mr. MCCAIN. I think it is abundantly clear, I say to the Senator from Alaska, there is no objection to moving forward on that side of the aisle. The problem is on this side of the aisle.

Why in the world can't we come to an agreement, when the Secretary of Transportation says:

> Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.

We are talking about a life-threatening situation here.

So all I can say is it is clear the problem seems to be on this side of the aisle. I am asking the Senator from

Alaska, who represents the leadership, to agree to this unanimous consent request, which I think is eminently reasonable. So I guess, Mr. President, I will ask again, if I could get the attention of the Senator from Alaska, since it is clear there is no objection to this unanimous consent request from the other side of the aisle—and I am not trying to impede the progress of the Transportation appropriations bill. We are only trying to get addressed the issue that there are life-threatening motor vehicle safety defects—if we at least could have some agreement. If there are objections to the legislation, then those objections, it seems to me, could be articulated in the form of relevant amendments.

So, again, I don't understand the explanation of the Senator from Alaska. The bill was passed 2 weeks ago. This is a very high visibility issue. We would take it up and pass it. The House is going to pass this legislation next Tuesday, according to all news reports. We could pass it, go to conference, and get this legislation to the President of the United States unless it is blocked on this side of the aisle—on this side of the aisle. This is a bill that passed 20-0 with the support of the majority leader, with the support of the chairman of the Appropriations Committee.

Mr. THOMAS. Will the Senator yield for a question?

Mr. McCAIN. I am glad to yield.

Mr. THOMAS. This passed 2 weeks ago, Senator. Why hasn't it come up before this and not at the very end?

Mr. McCAIN. I have been urging it, I respond to my colleague. Since the day after we passed it, I have been begging the leadership every day to bring up this bill for consideration. This has been blocked.

Mr. THOMAS. I thank the Senator.

Mr. McCAIN. I appreciate the question of the Senator from Wyoming because we have been trying to do everything we can to bring this bill up. That is why—because I have been stymied in these efforts—I had to come to the floor this morning to try to force some action on it since there was no response from our leadership, on this side, because of holds on the bill and objections to it.

I again ask unanimous consent that the majority leader, in consultation with the Democratic leader, establish a specific time and date for consideration of S. 3059, and that only relevant amendments to the bill be in order.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Reserving my right to object, I ask the Senator through the Chair a question. Is that a unanimous consent agreement that involves bringing the bill before the Senate without the ability of any Member of the Senate to object at that time to its consideration?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. As I understand it, the Senator is saying he would like to have the Senate agree that the two leaders can bring a bill before the Senate for consideration that has not yet been passed by the House, and no Member would be able to object to consideration at that time.

The PRESIDING OFFICER. That is correct.

Mr. McCAIN. Could I respond quickly to the Senator from Alaska? This is not a House bill; this is a Senate bill I am asking to have considered on the floor of the Senate as we regularly do with legislation in the Senate.

Mr. STEVENS. I apologize, Mr. President. From the prior conversation, I understood the House had brought its bill out of committee. I understood we were going to await that bill.

In any event, I want to say it again, as one who has voted for the bill, I am in the position of representing the leader.

Mr. President, I sought to become leader of the Senate once. I lost by two votes. I understand what it means not to be leader, but I also understand what it means to be leader. The leader has asked me to object on his behalf, and I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Arizona.

Mr. McCAIN. Could I just say again, and I want to clarify for the benefit of the Senator from Alaska, this is a Senate bill. It was passed through the Commerce Committee by a vote of 20-0. Yesterday, the House, by a vote of 42-0, passed through their committee similar legislation, although not the same legislation. They announced they would be passing their legislation next Tuesday.

What I am seeking is for us to be able to pass the Senate bill and go to conference, as is normal.

I should not do this, but I want to make another commitment to the Senator from Alaska because of the time constraints, and that is, if there are 50 relevant amendments filed and it looks as if the bill is going to be filibustered to death and we are not going to be able to pass it, then I will ask that the legislation be withdrawn at that time because I understand the time constraints under which the chairman of the Appropriations Committee is operating.

All I am asking is it be brought up with relevant amendments, as it will be passed by the House next Tuesday, and conferees will be appointed, as is normal, and we will go to conference and report out legislation hopefully that can be passed before we go out of session.

I say again to the Senator from Alaska, one, we passed it 2 weeks ago; two, the House has acted in their committee, and they will be passing the bill next Tuesday. Right now we have no assurance of any kind that we can in any way take up this bill at any time. So when the Senator from Alaska objects on behalf of the leadership to consideration at any time that would be in keeping with the majority leader's schedule, then it is clear the effect is to kill the legislation, and we are talking about, as the Secretary of Transportation says, "Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects."

I ask the chairman of the Appropriations Committee if he will do the following: If we can just go into a quorum call for 10 minutes and see if the leadership will allow this unanimous consent request to move forward. I am not interested in embarrassing the leadership. In fact, I am interested in not embarrassing the leadership because if there is no objection on the other side of the aisle and there is an objection on this side of the aisle to taking up the legislation at any time, that is really not good. That is not a good thing to happen. I speak as a Member on this side of the aisle. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed in morning business to speak about Yugoslavia for up to 10 minutes. If that causes problems for anyone, I will withhold.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIDEN. Mr. President, to assure everyone, if the conference report comes over, I will immediately cease and desist so we can proceed with the regular business of the Senate.

REVOLUTION IN SERBIA

Mr. BIDEN. Mr. President, we have had many debates on the floor of the Senate, genuinely heartfelt debates about the role of the United States of America in the world and the use of American force in the world.

We have had a split in this body between the parties, and within the parties, about whether or not it is appropriate for the United States to take a leadership role in Europe, including, on occasion, the use of force to promote our national interest and that of our allies.

There are several political cancers that exist in various parts of the world. And the one remaining cancer on the continent of Europe—the primary one—is Slobodan Milosevic.

I suggest that we all take a lesson from what is going on now in the Federal Republic of Yugoslavia—in Serbia. Many of us, Democrat and Republican, have argued—myself; Senator MCCAIN; Senator LIEBERMAN; Senator Dole, when he was here—that the United States had an obligation, in its own self-interest and in the interest of our allies, and in the interest of humanity, to intervene, to stop the genocide and the ethnic cleansing that was being perpetrated by Slobodan Milosevic's vile nationalism.

I have been arguing for some time now that, absent our involvement in that region of the world, there would be chaos in, if not the heart, then the belly of Europe, and that if we acted with dispatch—swiftly and with resolve, and a willingness not to back away—Slobodan Milosevic, as with most thugs, would be stopped and would be eliminated.

Some have said on this floor, and some will say in the various Presidential and Senatorial and House campaigns that are going on, that we did not have an exit strategy when we committed American forces in Kosovo or American forces in Bosnia. Some will say that we have not succeeded because all is not tranquil, and if we were to withdraw American forces, things would revert to the chaos that existed before, and that this serves as proof that what we had done had not worked. The press and others declared early on in the bombing campaign in Kosovo—3 days into the 70-some day campaign—that it was a failure.

I am told, time and again, by some of my colleagues on the floor and I have read some pundits who state that, in fact, the American people are not patient, that they want instant results.

I say this. The end of Slobodan Milosevic is evidence of a number of things. One, our involvement was not only positive and good and successful, it was absolutely necessary. Without the leadership of the United States of America, I respectfully suggest our European allies would not have been as aggressive, they would not have been as united, and they would not have been as resolved.

Second, I hope we take a lesson from this as well to demonstrate that the American people have a great deal more patience and wisdom than we give them credit for. I have not heard, nor have I heard anyone else tell me that, while they have been home in the last 4 years, they have been told, as they walked from the grocery store, or to the drugstore, or home, that it is urgent we withdraw American forces from the Balkans.

Quite frankly, the opposite has occurred. The American people intuitively knew this was a place where wars have started before, this was a place where if chaos reigned it could not be contained, this was a place where a man such as Slobodan Milosevic could do nothing but ultimately harm the interest of Europe and the United States. They were resolved, and they are resolved, to keep American forces in that area to maintain the peace and security of the region, along with our allies.

I might add, parenthetically, that we make up only, roughly, 7,000 of the nearly 41,000 troops that are in Kosovo, and that, in fact, we are doing the Lord's work there. It is kind of interesting that, in the six or seven trips I have made to the region—the last one being a trip to Kosovo—after I came back I remember having discussions here on the floor, and I would hear about how down the morale was of the American forces and how circumspect they were about whether we should be involved.

That is not what I found, whether it was at Camp McGovern in Bosnia several years ago or at Camp Bondsteel in Kosovo last year. What I found was that these young women and men knew exactly why they were there. They knew why they were there. They did not have to be told. And they felt good about it. They knew they were doing the Lord's work. They understood. They understood there was a purpose and meaning for being there. All they had to do was ride through the streets and they understood it. It is interesting that the retention rate and reenlistment rate is higher for those who have been in Kosovo or Bosnia than for any other segment of the military.

So I would argue that what is happening in Yugoslavia now is making a lie of some of the assertions that were taken for granted around this place by a majority of the people on the floor, as well as a majority of the press, as well as a majority of the people who are so-called pundits.

This is the point I want to make.

We should not now, at this moment, change policy. Slobodan Milosevic is a war criminal. We should not, as former Secretary Eagleburger—a man for whom I have great respect—said yesterday on television, accommodate his departure from Serbia by winking and nodding and essentially letting him off the hook on the War Crimes Tribunal. We should not do that.

The newly elected President of Serbia, Vojislav Kostunica, is a lot of things that are good. But his record shows that he is also a fierce nationalist.

We should lift sanctions, but only when Milosevic goes. But again, just a word of caution, we should not lift all sanctions until we are clear that the new leadership in Serbia, in Belgrade, will honor the Dayton accords and will not use force in Kosovo. This is no time to relent. None—none—of us should relent now.

We have been right so far. A steady course, firm hand, U.S. power, U.S. leadership, and U.S. resolve have brought us this far. Without it, none of what has happened would be, in fact, what the history books will write about 2, 5, 10, and 20 years from now. History will record that what we did was the right thing to do from a moral standpoint, and, even more importantly, in a Machiavellian sense, right for the national interests of the United States, and essential for any prospect of long-term peace and security in Europe.

I said a week ago that Milosevic could not be sustained, no matter what he did from this point on. The tides of history have moved. We saw it some years ago in Bulgaria. We saw it in Romania. We saw it occur again in Croatia. We saw it again in Bosnia. And we now see it in Serbia. For the first time in modern European history, there is a prospect—a serious prospect—that the Balkans will be integrated into Europe as a whole.

I can think of no more significant foreign policy initiative that this Government has taken since the Berlin Wall came down that has been so clearly vindicated—so clearly vindicated. So now is not the time to take an easy road out. Lift sanctions partially, make it clear to the Serbian people that we love them—our fight was never with them; they are a noble people—but I think we should have a steady hand. We are prevailing. The West is prevailing. Yugoslavia, in particular—most people refer to it as Serbia—is about to come into the light of day. We must not now send the wrong signal and let people in Serbia conclude that there is not a price to pay for those who violate, in a massive way, the human rights of their fellow citizens and that we expect the new government to behave in a way consistent with international norms.

I thank the Chair and I yield the floor.

UNANIMOUS CONSENT REQUEST—S. 3059

Mr. MCCAIN. I ask unanimous consent that the majority leader, in consultation with the Democratic leader, set a time and date for consideration of S. 3059, and that only relevant amendments to the bill be in order.

The PRESIDING OFFICER (Mr. THOMAS). Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, I have been involved in other meetings this morning, and I have not heard the discussion. I have not had an opportunity to see the level of disagreement on this. Let me just say to Senator MCCAIN —and we just talked about it—I don't have a personal problem with this. But give me a little time to make sure that all of our people know to what we are about to agree. Hopefully, within the next few minutes he can offer that again. I will object at this point, but if he will withhold, because I understand there may be more objections, I will check that out.

Mr. MCCAIN. Mr. President, I withdraw my unanimous consent request. I also assure the majority leader that if it appears as if there is going to be an avalanche of relevant amendments to which we cannot get time agreements, then I am not interested in tying up the entire Senate on that legislation. But I do believe that it is important that we take it up, obviously. I am grateful the other side doesn't object to the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, when the conference report arrives, I will terminate my comments.

THE SAFETY AND HEALTH OF AMERICA'S CHILDREN

Mr. FRIST. Amidst all of the proposals and discussions and objections and debate that has gone on here on the floor, I rise to talk about a bill that has been very positive, which demonstrates the best of what this body is all about—a pulling together and working together across the aisle in a bipartisan way, all with the goal of making others' lives more fulfilling, both in the current generation and in future generations. This week, the U.S. Congress has sent to the President of the United States for his signing a comprehensive bill that very much forms the backbone of efforts to improve the safety and health of America's children.

This bill that has been sent to the President focuses on our children's health, the Children's Health Act of 2000. It was more than a year ago that Senator Jim JEFFORDS and I reached out across the Capitol to Chairman BLILEY and Representative BILIRAKIS to work together in a coordinated way on a whole variety of issues and bills that are critical to children's health and safety. These included such issues as maternal and infant health, day-care safety, pediatric research, pediatric health promotion, and efforts to fight drug abuse and provide mental health services for young people today. I am delighted that both the House and the Senate have passed this bill, that it has been sent to the President, and that we were successful in achieving our goal.

The bill addresses a range of issues. Just to give some flavor of this bill and what it can achieve, what it will achieve, what it does achieve in its language, let me comment on a few.

Day-care safety. Currently, there are more than 13 million children 6 years of age and less who are enrolled in day-care centers. Almost a quarter of a million are in Tennessee. One provision in this bill, the Day-Care Safety Act, recognizes the need to make these settings safer, improving the health and public welfare of children in day care. Parents should simply not be afraid to leave their children in the morning when they drop them off in these day-care settings, fearing that a licensed day-care facility is not safe over the course of that day. This bill helps ensure that our childcare centers will be safer.

Secondly, children's health. Provisions included in this bill, the Children's Public Health Act of 2000, some of which were introduced July 13 of this past year—that I introduced with Senators JEFFORDS and KENNEDY—address a number of children's health issues, including maternal and pediatric health promotion and research.

Thirdly, traumatic brain injury. Traumatic injuries are the leading cause of death for every age group between 1 and 19 years of age. This bill strengthens the traumatic brain injury programs at the CDC, the National Institutes of Health, and the Health Resources and Services Administration.

Fourth, birth defects: Birth defects are the leading cause of infant mortality and are responsible for about 30 percent of all pediatric admissions.

This bill focuses on maternal and infant health. The legislation establishes a national center for birth defects and developmental disabilities at the CDC, the purpose of which is to collect and analyze and distribute data on birth defects.

Fifth, asthma. The bill combats some of the most common challenges, problems, and public health issues in children today. In terms of asthma, it provides comprehensive asthma services and coordinates a wide range of asthma prevention programs in the Federal Government to address this most common chronic childhood disease.

Mr. President, I am delighted that this bill has passed both of these bodies with this body working together in a bipartisan way.

I understand that we are about ready to begin on the conference report. Therefore, I will terminate my comments at this point, and later in the day, during morning business, will extend my comments on this very important bill.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The majority leader is recognized.

Mr. LOTT. Mr. President, I will continue to work on this with Senator MCCAIN. I understand other Senators are coming to the floor to discuss the issues with him.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. LOTT. Mr. President, I submit a report of the committee of conference on the bill H.R. 4475 making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 4475, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 5, 2000.)

Mr. SHELBY. Mr. President, what is the pending business? Is there a quorum call?

The PRESIDING OFFICER. The conference report on Transportation is the pending business.

Mr. SHELBY. I urge adoption of the conference report and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent that following the completion of the vote, Senator HARKIN be recognized for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I am pleased that the Senate will have the opportunity to consider the conference agreement for the fiscal year 2001 Transportation appropriations bill.

I believe that this bill strikes a funding balance between the modes of transportation, funds critical safety initiatives, reflects the priorities of the overwhelming majorities of both the House and the Senate, and provides adequate flexibility and direction for the Department as it transitions into the next administration.

Mr. President, allow me to take just a few minutes to summarize and highlight a few of the provisions of the conference report that is now before the Senate.

Of the three issues that the administration indicated were critical to it in the safety arena, I'm pleased to report that we're three for three. And, so is the administration. These issues have been negotiated in a fashion and with a spirit of accommodating the interests of the House, the Senate, and the administration. Through some creativity and with an awareness of the specific concerns of all the parties, we have been able to meet everyone more than halfway.

The compromise language on the hours of service regulations in this conference report allows the Department to move forward with the analysis of the docket, issue a supplemental NPRM, and do everything short of issuing the final rule. I think that is a reasonable compromise and one that should provide the incentive for the administration to fully listen and solicit views on all sides of this issue.

As many of you know, I have a concern that NHTSA has ignored calls from consumer groups and critics of the proposes static stability factor rating system in its rush to publish a rollover rating as part of the NCAP program. Notwithstanding that concern, I have been convinced by the distinguished House Chairman, Mr. WOLF, that he believes that NHTSA, in light of our attention to the issue, will now act responsibly in this area.

Accordingly, the conference agreement maintains the Senate requirement to conduct a 9-month study at the National Academy of Sciences. The Academy is directed to investigate the usefulness of the information that NHTSA proposes to provide, the scientific underpinnings of the NHTSA approach, and consideration of whether dynamic testing is preferable to the static stability factor calculation—while simultaneously allowing NHTSA to move forward with its proposal.

This issue deserves all our attention as it evolved because rollovers are among the most deadly of accident types and providing bad information to consumers could well mean more highway fatalities. People have a right to expect that the information that the Federal Government provides is accurate, unbiased, and based on sound testing methodologies. I am pleased that in the conference agreement NHTSA will have to meet that standard, if not in the short term, at least in the long term.

The funding levels keep faith with the recently enacted AIR-21 capital and airport authorizations, and come very close to the President's budget request for FAA operations.

The Highway and Transit accounts are funded at the TEA-21 authorized levels; the Coast Guard, adjusted for some of the capital projects funded in the supplemental, is above the President's requested level for fiscal year 2001; NHTSA is above the President's request once it is adjusted downward for the RABA shift that was a nonstarter with both the House and the Senate.

Amtrak is funded at the President's request and the remaining accounts: Pipeline Safety, the Inspector General, the National Transportation Safety Board are all at or above the President's request.

There is no tenable argument that can be made that there isn't enough money in this bill. The conference agreement includes approximately 14 percent more budget resources than the fiscal year 2000 enacted levels.

In addition, we have tried to reflect and accommodate the priorities of our subcommittee members, full committee members, and the membership of both the House and Senate. We have listened to what our members have requested us to do and accordingly, the negotiated compromise reflects the priority that members have put on highway and transit spending.

There are other issues that have been the subject of some attention—the most notable of which is the .08 blood alcohol content. The Senate bill included a provision which would hold back a portion of highway funds from states which fail to adopt a .08 blood alcohol content standard.

The conference agreement modifies that provision by providing a more graduated, phased-in approach of the highway holdback and more time for states to adopt the .08 standard. I also want to point out that no state incurs the loss of highway funds if they adopt the .08 blood alcohol content standard by 2007. Whatever funds withheld from them starting in 2004 would be returned without penalty under the hold-harmless clause as long as a .08 standard is adopted by 2007. I think this is a reasonable and fair transition to a standard that we know will save lives.

Mr. President, there are a few people I would particularly like to thank before we vote. My ranking members, Senator LAUTENBERG, has been a valued partner in this process during his final year as the ranking member of the Senate Transportation Appropriations Subcommittee. While we have had our disagreements and differences, I have been privileged to work with him and believe this nation's transportation policy have benefitted by the substantial contributions he has made during his tenure in the Senate and on the subcommittee.

Senators STEVENS and BYRD have provided guidance throughout the year, and made a successful bill possible by ensuring an adequate allocation for transportation programs.

My House counterpart, Congressman FRANK WOLF and his staff: John Blazey, Rich Efford, Stephanie Gupta, and Linda Muir, have been particularly accommodating and collegial.

Finally, Mr. President, I want to thank Steve Cortese and Jay Kimmitt of the full committee staff for their invaluable assistance and advice throughout the process.

Mr. President, I urge adoption of the conference report.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise in strong support of the Conference Agreement on the Transportation Appropriations Act for Fiscal Year 2001. I have served on the Appropriations Committee for all but 2 years of my 18-year career in the Senate.

For 14 of those years, I have served either as chairman or ranking member of the Transportation Subcommittee. I can say without reservation—and I compliment the chairman of the subcommittee, Senator SHELBY, and the chairman of the Appropriations Committee, Senator STEVENS, for the work they did—that this is the best transportation bill in those 14 years.

The bill makes historic investments in our transportation infrastructure and, simultaneously, takes dramatic steps forward in our efforts to improve safety.

Under this Conference Agreement, funding for highways will total almost $33.4 billion, a 16 percent increase over the Fiscal Year 2000 level. Funding for our nation's mass transit systems will grow by 8.4 percent.

Investment in our nation's airports will grow by an astronomical 69 percent, and funding for the FAA's facilities and equipment account, which makes critical investments in the modernization of our nation's air traffic control infrastructure will grow by 22 percent. The bill also includes substantial growth in the critical accounts that ensure safety in all modes of transportation.

Funding for the Coast Guard's operating budget will grow by 15 percent and funding for the FAA's operating budget will grow by almost 10 percent. The new Federal Motor Carrier Safety Administration will receive a funding boost of almost 70 percent—an investment that is long overdue in addressing the problem of truck safety.

Most importantly, Mr. President, this Conference Agreement includes a provision establishing a new national intoxication standard at .08 blood alcohol content. This provision has passed the Senate twice before. First, during Senate consideration of the last highway bill and, most recently, as part of this Transportation Appropriations bill.

Indeed, this bill passed the Senate by a vote of 99–0, the first time in my memory that we had not even one dissenting vote on the Transportation bill.

The .08 provision contained in this conference report represents a historic step forward in the federal government's effort to combat drunk driving.

Not since we passed the Minimum Drinking Age Act, a law I championed back in 1984, have we made such significant progress in saving lives on our highways.

The .08 provision in this conference agreement largely follows the outline of the Minimum Drinking Age Act.

It imposes sanctions on states' highway construction funds at an increasing level until they adopt the national .08 standard. States that have their funds sanctioned will have the opportunity to have that highway funding restored so long as they adopt the national standard within the first six years after enactment of this bill.

But states should not wait for the sanctions to even begin—I urge states to act as soon as possible and save lives now.

The reason for a national .08 standard is simple—the medical and scientific communities confirm that you are too drunk to drive at .08 blood alcohol content.

Critical driving skills, such as steering and braking decrease by as much as 60 percent at .08 BAC.

NHTSA estimates that this provision will save more than 500 lives per year. And the Senate should be very proud of its efforts today to spare 500 families from that horrifying phone call in the dark of night telling them that one of their loved ones has died at the hands of a drunk driver.

There are a great many people to thank for our success in this bipartisan effort. Most importantly, I would like to thank the Subcommittee Chairman, Senator SHELBY, who has stuck by me on this provision since the very beginning. As I've mentioned, this was truly a bipartisan effort. And it was not easy. We faced stiff opposition from powerful interests.

My Chairman showed great courage and stood up for the safety of America's families.

I also want to thank Chairman WOLF, the Chairman of the House Transportation Appropriations Subcommittee. Through his six years as Chairman of the Transportation Subcommittee, Representative WOLF has been a true champion for safety.

He is the leading congressional expert in the area of truck safety and he spent months convincing his colleagues of the merits of a national intoxication standard.

I also want to thank President Clinton and Vice President GORE who both personally lobbied the Conferees on this issue, along with members of their staff, including John Podesta and Jack Lew of OMB.

I would also like to thank Millie Webb, a victim of a .08 driver and the President of Mothers Against Drunk Driving.

She lost a daughter and a nephew—both about 4 years of age—to a drunk driver. She then gave birth to a child prematurely who became blind early in her life. This has been Millie's interest for some years because the driver who committed this horrible crime had a blood alcohol content of .08. She is here today to witness this law becoming effective because she didn't want any other families to suffer the pain and grief she went through.

I also want to thank Brandy Anderson, MADD's Congressional representative and the rest of the MADD leadership. In addition, I want to thank Jackie Gillan and Stephanie Mennen of Advocates for Highway Safety.

The help of these public interest groups was critical to getting this law passed. They deserve a great deal of credit.

In recent months, my office has resembled a "war room" on the .08 issue, doing everything we can in concert with MADD and Chairman WOLF to see to it that the .08 provision could become law this year.

I want to thank the members of Mr. WOLF's staff, especially John Blazey and Stephanie Gupta, as well as members of my own staff, Peter Rogoff, Sander Lurie, Dan Katz, Denise Matthews, Gabrielle Batkin, and Laurie Saroff who have worked tirelessly on behalf of this provision.

I also want to thank one individual who is no longer on my staff. During consideration of TEA–21, Elizabeth O'Donohue was a tireless advocate for the .08 provision. We were able to get the .08 provision adopted in the Senate on the TEA–21 bill, but we ran into an ambush in the House of Representatives, thanks to the negative work of the liquor lobby.

While Liz is no longer with my staff, I want to recognize the extraordinary groundwork that she laid in past years. There is no question that her efforts contributed greatly to our success here today.

In addition, I want to thank Tom Howarth, a former member of my staff who helped us get the 21 year old minimum drinking age passed, and has worked for years to make the .08 standard the law of the land.

I also want to thank Senator SHELBY's excellent staff, including Wally Burnett, Joyce Rose, Paul Doerrer, Tom Young and Kathy Casey.

Finally, as I make my parting comments as a leader on the Transportation Subcommittee, I want to make one last request of my colleagues. When the Senate considers a new highway bill in 2002 or later, I will no longer be a member of the Environment and Public Works Committee or the Senate and I certainly am not going to be in a position to work as hard as I did in the past on this issue. There is no question, when the Senate considers a new highway bill, there could be an attempt to repeal the national .08 standard. I am sure my colleagues are sensible people and I implore them not to bend to the pressure of those that would bring more bloodshed to our highways. I urge my colleagues not to flinch from their commitment to safety. Please do not condemn 500 American families a year to the tragedy of losing a loved one to drunk driving.

I urge my colleagues to maintain a national drunk driving policy based on safety, sanity and science. You must not bend to those who would seek to undo the progress we have made.

I yield the floor for this my last transportation bill as a Member of the Senate. I have enjoyed my service on this subcommittee. I think it has been important to the country, but particularly to my State, to see the improvements we have been able to make on highway safety and mass transit.

Finally, I think we are on our way to getting high-speed rail service and inner-city rail service in place. That is the only way to relieve the congestion in the skies and on the highways. There is no more room in the skies for additional airlines, no matter what we put on the ground.

I hope we will give high-speed rail the resources it needs to say to those people who are unable to make their business appointments or their contacts because of delayed flights, here is one way to make a difference in the way we travel in this country.

I yield the floor.

Mr. REID. Mr. President, I want the Senator from New Jersey to understand, before he leaves the floor, how appreciative I personally am, and the whole Senate is, for the work the Senator has done—not only in the Transportation appropriations—for many years. The Senator has set the pattern for transportation in the most rapidly growing State, Nevada. The Senator has been instrumental in the things we have been able to do with Senator SHELBY, to come up with programs for the State of Nevada that have been remarkably efficient and good.

In addition to that, before the Senator leaves, this may be the last opportunity we have to speak publicly on the Senator's behalf as to the things the Senator has done in relation to tobacco. I remember my children had respiratory problems and they hated to fly in an airplane. There was smoking and nonsmoking. That was a fallacy; it was all smoking. It is because of the Senator and his perseverance that we have people flying smoke free on airplanes all over the country. It is a crime to smoke a cigarette, as it should be, on an airplane.

This is just one of many things, including gun control, that the Senator has done on the Environment and Public Works Committee. We have served together my entire 14 years in the Senate. The Senator has been a leader in the area dealing with the environment. I speak not only for me but the entire Senate in gratitude for the great work the Senator has done.

FHWA ITS ACCOUNT

Mr. BURNS. Mr. President, I thank my colleague from Alabama for his work on the fiscal year 2001 Department of Transportation appropriations bill. The conference report we are considering today is a balanced report. The bill meets fully the congressional commitment to highway, transit and aviation spending in TEA–21 and AIR–21.

The bill makes transportation in our nation safer and more efficient. Our healthy economy is dependent on this bill. I would like to request one small item of clarification. The report includes a remark in the FHwA's Intelligent Transportation Systems account directing $750,000 to allow the State of Montana to complete the STARS program. This a great new program that I expect will receive national attention in the near future once long haul truck operators are made aware of the efficiencies it will provide them.

However, I have been made aware by my staff that the intention of these funds were to allow the State of Montana to use these funds to complete deployment of the STARS programs and also establish a GIS/GPS framework on the State's public roadways which will benefit the safety of the traveling public in Montana.

Mr. SHELBY. I thank the Senator for his support of this report. I agree with my colleague from Montana that the intention of these funds within the framework established by the ITS account are available to the State of Montana for use in both completing the STARS program, as well as, working on the GIS/GPS project.

Mr. SMITH of New Hampshire. Mr. President, it is with great regret that I rise today to oppose the conference report to the Transportation appropriations bill.

I want to begin by praising my colleagues on the Committee on Appropriations who have worked so hard on this bill and conference report. I know they have faced many difficult issues, competing demands for limited resources, and the pressure of time as this Congress winds down. And there are many good provisions in this bill, including several that will benefit my home State of New Hampshire.

These include: $2 million of the extension of the Commuter Rail line from Boston to Lowell, Massachusetts into Nashua, New Hampshire; A provision that designates the I–93 project as a national model for implementation of environmental streamlining; $1.5 million for improvements to U.S. Route 2 in New Hampshire; $500,000 for the Concord 20/20 Vision project; $250,000 for the Bedford, New Hampshire Route 101 Corridor Study and Improvements; $200,000 for a Feasibility Study of a High Speed Rail Corridor from Boston, MA to Burlington, VT, through New Hampshire; $10 million nationally for the Historic Covered Bridge Program, under which N.H. communities can apply for funds to repair covered bridges; $12 million for construction of the Broad Street Parkway in Nashua, NH; Over $137 million to the New Hampshire Department of Transportation under the states' federal highway allocation authorized by the 1998 Transportation Equity Act for the 21st Century (TEA–21).

But this bill contains several objectionable departures from TEA–21, which are under the clear jurisdiction of the Environment and Public Works Committee, the authorizing committee which I chair.

First, I am concerned about the so-called .08 blood alcohol content (BAC) provision to mandate a nationwide standard for state drunk driving laws by threatening sanctions on highway funding. In TEA–21 we specifically rejected this approach in favor of incentives to encourage stronger drunk driving laws. Congress worked hard to reach this compromise during TEA–21 so that states could address highway safety and drunk driving in a variety of ways, without the federal government forcing them to focus on whether their laws contain .08 as the magic number. This heavy handed approach that was pushed through on an appropriations bill threatens to take away highway funds from 32 states. I will carry my strong opposition to funding sanctions into the next transportation reauthorization bill, and I hope we have seen the last of this kind of federal intervention.

On this issue of funding, in TEA–21 we guaranteed collections into the Highway Trust Fund would be redistributed to the states and to DOT discretionary programs. When these collections are above TEA–21 estimates, the additional funds, called RABA funds, are distributed according to TEA–21.

This bill makes several major and minor adjustments to the RABA funds—including failing to provide for some programs, and diverting these funds to special projects.

On top of this, the bill also takes an extra $1.4 billion in funds from the Highway Trust fund to go to special projects.

This money is not authorized to be spent in TEA–21. This money comes out of Highway Trust Fund balances. This is like the balance in your checkbook that is there to pay outstanding bills and checks that are waiting to clear.

In TEA–21 we crafted careful compromises over how Highway Trust Fund dollars are spent and distributed. This bill ignores our work and includes page after page of earmarks for unauthorized projects.

We have not been consulted on the viability of these projects, we have no assurance that these projects are important, whether they have met environmental clearances, or whether the funds provided are based on engineering estimates for these projects.

The Highway Trust Fund money is to be distributed to states where they have local control over which projects are funded and when. This bill attempts to circumvent this process with funding earmarks.

I object to this intrusion into the Highway Trust Fund. It is unwise to pick and choose highway projects to insert in the appropriations bill.

As I stated at the beginning, there are many good provisions in this Transportation conference report. I applaud the work that my colleagues have done and appreciate the support they have given to important New Hampshire projects. Therefore, it is with great reluctance that I oppose the conference report.

Mr. FEINGOLD. Mr. President, I regret that I must oppose the Conference Report on H.R. 4475, the Transportation Appropriations Act, because it contains a number of provisions that I support. Others have noted the amount of special interest spending that was included in this bill. While I understand and share the desire of others to respond to particular local concerns, the level of such spending in this bill has become so great that it undercuts the efforts we made in the last Congress to bring more equity to the way transportation dollars are distributed.

Mr. President, beyond that I am greatly disappointed that this measure also includes a provision that is effectively a mandate on States with respect to blood alcohol levels. This issue is classically a matter of State discretion, and the Federal government has no business engaging in what amounts to little more than extortion to impose a policy on States in an area that is so clearly a State matter.

Mr. President, I have come to the floor before to talk about the disturbing trend toward the federalization of matters that should be left to state and local governments to decide. We have seen this in a number of policy areas, including our criminal justice system, but perhaps no area has been the subject of more inappropriate Federal intervention than transportation. From speed limits to seat belts, from helmets to blood alcohol levels, Congress effectively has usurped State authority to set public policy in this area.

Mr. President, I was privileged to serve in the Wisconsin State Senate for ten years, and I can tell you that state legislators like to have something to do. State legislators and governors are fully capable of understanding the arguments made in favor of adopting the .08 standard, and the Congress should not interfere with a policy matter that is so clearly a State prerogative.

Again, Mr. President, I regret I cannot support this measure. Adequate funding for the full spectrum of our transportation infrastructure is one of my highest budget priorities. But the inclusion of the blood alcohol standard puts that very needed funding at risk for states like Wisconsin that have a different policy. As with the special interest provisions that are included in this measure, it undermines the great strides that were made as part of TEA 21 to get Wisconsin a fairer portion of the revenue Wisconsin taxpayers contribute to the transportation fund.

Mr. McCAIN. Mr. President, the United States' transportation infrastructure is vital to its success as a nation. The ability to regulate and move goods and people safely and efficiently by land, air and sea has defined industrialized countries, nationally and internationally, for centuries. With our economy prospering, there have been significant increases in travel and movement of goods across our country. As a result, it is essential that critical transportation safety and policy programs get proper funding. This Transportation Appropriations conference report takes some appropriate steps in that direction.

However, while I agree with the need for increased funding, I do not agree with the need for increased pork. Unfortunately, once again, the appropriations committee has adopted the mantra that increased funding for necessary programs equals increased pork-barrel spending for parochial projects.

Mr. President, while I was speaking on the floor Monday, I read aloud from an article in that day's Wall Street Journal about the Congressional scramble to wrap up budget negotiations while at the same time, a frantic chase was underway by members seeking to ensure they could take home plenty of earmarked port barrel projects for their districts and states. Well, that article was like reading a crystal ball. And this enormously bloated transportation bill takes the cake. It illustrates one of the most gluttonous, pork-driven, self-serving spending agendas we've seen yet.

Therefore, once again I must rise to object to the immense amount of special projects that have been earmarked in a conference report. Through the appropriations conference, legislators have tacked on millions of dollars in special interest "projects". These projects are pure pork tacked on for the benefit of a particular area or community. While some of these projects may not be objectionable on their merits, the process by which they are added is unconscionable.

During closed-door conferences, decisions were made to tack on millions of dollars in special projects. Other members were not allowed to participate in, or vote on, the outcome. While democracy is the foundation of our government, the democratic process is shut out of these closed-door proceedings. Members were not even allowed to view the contents of this report until early this morning, even though it has been reported the conference was completed Tuesday morning. No member should be asked to consider a 146 page bill and 236 page report they were given no time to review. I do not think the managers of this legislation, nor, more importantly, the leadership of this chamber, should be at all proud of how this process has been handled. Indeed, this is not the kind of leadership we can expect the American voters to embrace.

This earmarking process takes away the discretion of the very Federal agencies created and empowered to disburse federal funding. At the current levels of earmarking, we should just save the American taxpayers billions of dollars and abolish all Federal agencies and let the appropriators dole out money directly without any oversight.

This transportation appropriations conference report adds more than $3 billion over the Administration's FY 2001 funding request.

According to published reports, and I must rely on them, since neither I nor my staff have been allowed to view the report until moments ago, more than $2 billion of these funds are earmarked for highway and bridge projects.

I note $600 million is earmarked for the project to replace the Woodrow Wilson Bridge over the Potomac River between Virginia and Maryland. The project already was given an earmark of $900 million through the Transportation Equity Act of the 21st Century, TEA-21—that is, $900 million in addition to the billions of dollars each state receives in their annual highway funding allocation. To add insult to injury, the additional money is being taken from the budget surplus.

Mr. President, mark my word, that project is the next "Big Dig" in the making. The estimated costs of the project have already soared from $1.9 billion to $2.5 billion—and you can bet those costs will keep going up and up and up.

Besides earmarking more than $2 billion in extra funds for highway and bridge projects, of which the Wilson Bridge receives 25 percent of, the conference managers earmarked nearly every other dollar available in the bill.

These earmarks reportedly include $102 million for the U.S. 82 bridge over the Mississippi River at Greenville, Mississippi, $100 million for I-49 in Arkansas and almost $20 million for I-69 in Tennessee. Mr. President, there are a lot of roads and bridges that need rehabilitation; I don't understand why Congress is substituting its judgment for the judgment of Federal agencies.

In addition, there have been a reported $700 million in transit earmarks for the Chicago Metro and Transit Authority in the home state of the Speaker of the House, for a rapid transit bus project at Dulles International Airport in the home state of the Chairman of the House Transportation Appropriations Subcommittee and for the Minneapolis Hiawatha project in the home district of the ranking member of the House Appropriations Subcommittee.

According to his own press releases, and again, I had to rely on them since I had no real opportunity to view the bill, the Chairman of the Senate Appropriations Subcommittee on Transportation has managed to earmark almost $300 million in transportation funds for his home state. Again that is $300 million in personal projects for his state!

Included in this amount is $100 million for the construction of "Corridor X", a 97 mile highway through northwest Alabama; $34 million for construction of the Birmingham Northern Beltline; $10 million to construct a Transportation Technology Center at Auburn University; $3 million to the State of Alabama to develop a training program for jobs in the automobile manufacturing field.

The conference report also provides $9 million to replace the Whitesburg Bridge in Alabama; $5 million for the Mobile Alabama Maritime Center; $2.5 million to initiate on-campus shuttle bus service at the University of South Alabama; $2 million for the University of Alabama-Birmingham to acquire fuel cell buses; and $2 million to the University of North Alabama to improve transit and pedestrian access.

Mr. President, this is taxpayer money used to fund the personal pork projects of the appropriators. And I have never seen the levels of pork that we are reaching.

This year, for the first time ever, the appropriators have earmarked $300 million for specific discretionary projects in the FAA airport improvement program. This past year, we fought long and hard with the appropriators and budgeteers to ensure that there was increased funding for airport infrastructure. This was necessary to attempt to keep up with the significant increase in air travel over the past 10 years and the expected increase over the next 10. I congratulate Congress for meeting the agreed upon levels of authorizations.

However, now that we have increased funding, the appropriators feel as if they have the necessary knowledge and expertise to determine where $300 million of these monies should go. Mr. President, I realize that as members of Congress, we travel a great deal. However, I don't believe that experience supplies members with the necessary wisdom to replace FAA's judgment on which projects deserve merit and which projects do not.

The FAA is tasked with the safety of our aviation system. But Congress won't let it do the job. Now we are saying to—indeed, the bill directs—the FAA to spend this increased funding where Congress wants it to, not where it is needed. Mr. President, this is obscene and untenable.

Mr. President, I could go on and on about pork-barrel spending and its effect on the taxpayer, but I will conclude with this thought. We have acted responsibly to increase funding, we are not acting responsibly by denoting where this money should go. I ask unanimous consent that examples of this port barrel spending from the transportation appropriations conference report be entered in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN H.R. 4475, FY 2001 TRANSPORTATION APPROPRIATIONS CONFERENCE COMMITTEE REPORT

—Bill earmarks $5,000,000 for Alabama State Docks;

—Bill earmarks $7,500,000 for Auburn University Transportation Center;

—Bill earmarks $18,467,857 for Woodrow Wilson Memorial Bridge;

—Bill earmarks $1,735,039 Alaska Highway;

—Bill earmarks $8,000,000 for US177 in Stillwater, Oklahoma;

—Bill earmarks $4,300,000 for US177 in Cimarron River, Oklahoma;

—Bill earmarks $1,500,000 for US 70 near Broken Bone, Oklahoma;

—Bill earmarks $100,000 for US 70 in Marshall and Byran Counties, OK;

—Bill earmarks $24,600,000 for I–55 in Mississippi;

—Bill earmarks $4,000,000 for Albany to North Creek intermodel transportation corridor.

—Bill earmarks $1,000,000 for Battiest-Pickens Road, Oklahoma;

—Bill earmarks $8,000,000 for the Patton Island bridge in Lauderdale County, AL;

—Bill earmarks $46,000,000 for traffic mitigation on SR 710 in California;

Report earmarks: $1.4 million for the 2001 Special Winter Olympics; $1 million to ensure consumer information and choice in the airline industry; $2 million for planning for the Salt Lake City Winter Olympic Games; $3 million for automotive workforce training; $300,000 for DOT to study telework efforts in the New York metropolitan area; and $3 million of minority business outreach.

FEDERAL HIGHWAY ADMINISTRATION

Report earmarks: $4 million for commercial remote sensing products and spatial information technologies; $10 million for the national historic covered bridge preservation program; $5 million for construction and improvement of the Alabama State Docks; $10 million for the Auburn University for the Center for Transportation Technology; $7.5 million for Child Passenger Protection Education Grants; $25 million for the transportation and community and system preservation program; $1.6 million for international trade data systems; and $1 million to conduct a study of corporate average fuel economy standards.

Report directs the Secretary of the Army to remove lead-based paint from the St. Georges Bridge in Delaware, to repaint the bridge and to conduct an assessment for rehabilitation of the bridge using funds from the Energy and Water Development Appropriations Acts.

Report redistributes TEA–21 RABA funding after deducting $156,486,491 for "high priority projects" including $25 million for Indian reservation roads program, $18.4 million for the Woodrow Wilson Bridge, $10 million for the CDL program, and $1.7 million for the Alaska Highway.

Report stipulates how funds apportioned for Oklahoma, Mississippi, New York, Nebraska, Alabama, and California are to be allocated within those states.

Report directs DOT Secretary to designate the New Hampshire I–93 corridor as an environmental streamlining pilot project.

Report encourages FHWA to expend up to $500,000 to explore traffic striping technology improvements which enhance reflectivity in heavy rain; $2 million to determine the effectiveness of Freezefree anti-icing systems; for cooperative research at the Western Washington University Vehicle Research Institute for safety and related initiatives; up to $500,000 for rural bridge safety research in cooperation with the Vermont Agency of Transportation and up to $1.8 million to the Transportation Research Institute at the George Washington University for multimodal crash analysis.

Report earmarks $15 million for pavements research, including $750,000 for cement concrete pavement research at Iowa State University; $2 million for alkali silica reactivity research, up to $2 million for research into the GSB–88 emulsified sealer/binder treatment; up to $2 million for a cooperative polymer additive demonstration involving South Carolina State University and Clemson University, and up to $1 million for geosynthetic material pavement research at the Western Transportation Institute.

Report provides $15 million for structures research, encouraging FHWA to provide up to $2 million for research at the Center for Advanced Bridge Engineering at Wayne State University; up to $2 million for earthquake hazards mitigation research at the University of Missouri-Rolla; up to $2 million for related engineering research at West Virginia University; up to $2 million for research for wood structures at the University of Maine; up to $2 million for rustproofing and paint technology transfer project using the I–110 bridge from I10 to U.S.—90, and up to $1.5 million for research at Washington State University.

Report provides $6.2 million for environmental research, and encourages FHWA to provide up to $1 million for the Sustainable Transportation Systems Lab and the National Center for Transportation Technology for mitigation research for heavily-trafficked national parks; up to $1.5 million for a dust and persistent particulate abatement demonstration study in Kotzebue, Alaska, and up to $1 million for the National Environmental Respiratory Center.

For Highway operations and assent management,. the report encourages FHWA to provide up to $800,000 for innovative infrastructure financing best practices at the University of Southern California; up to $1 million for the road life research program in New Mexico; up to $2 million for the New York and Auburn University for continued work on a transportation management plan.

FERRY BOATS AND FERRY TERMINAL FACILITIES

The report earmarks the entire amount available for ferry boats and ferry terminals for projects in 15 states.

MAGLEV

The report directs that $21.5 million be used for the deployment of high-speed maglev projects as follows:

$5 million for the Pittsburgh International Airport link;

$1 million for the Maryland Department of Transportation for the Baltimore Washington International Airport link;

$1 million for the California-Nevada Super Speed Train Commission;

$1 million for the Georgia/Atlanta Regional Commission,

$1 million for the Southern California Association of Governments for a link between Los Angeles International Airport to March Air Force Base;

$1 million for the Florida Department of Transportation; and

$1 million for the Greater New Orleans Expressway Commission.

The report further earmarks the following Low-speed maglev program:

$2,000,000 for the Segmented Rail Phased Induction Electric Magnetic Motor (SERAPHIM) project;

$2 million for the Colorado Intermountain Fixed Guideway Authority Airport link project; and

$2 million for the Pittsburgh Pennsylvania airborne shuttle system.

Report includes $50 million for the transportation and community and system preservation program and earmarks the funds as follows:

Project	*Conference*
Anniston Evacuation corridor, Calhoun County, Alabama	$3,000,000
Avalon Boulevard/405 Freeway interchange, Carson, California	875,000
Boca Raton traffic calming, Florida	500,000
City of North Ridgeville, Lorain County, Ohio grade crossing improvements	600,000
Coalfields expressway, Virginia	4,000,000
Coalfields expressway, West Virginia	10,000,000
Downtown Fitchburg Route 12, extension, Massachusetts	2,000,000
Hatcher Pass (phase I), Alaska	2,000,000
I–25 corridor from Alameda to Logan, Colorado	4,000,000
I–29 Port of Entry, Union County, South Dakota	2,000,000
I–35 corridor expansion, Waco, Texas	1,325,000
I–5 South Medford interchange and Delta Park, Oregon	1,000,000
I–65 upgrade, Clark County, Indiana	1,350,000
I–66, Somerset to London, Kentucky	5,000,000

	Conference
I–69 corridor, Louisiana	2,300,000
I–69 corridor, Texas	3,000,000
I–74 bridge, Moline, Illinois	5,600,000
Madison County, KY 21 and I–75, Kentucky	1,000,000
New Boston Road improvements, Mercer County, Illinois	3,000,000
Radio Road overpass, City of Sulphur Springs, Texas	1,350,000
Route 104, Virginia	1,000,000
South Shore industrial safety overpass, Indiana	4,750,000
Stevenson expressway, Illinois	3,800,000
US 19, Florida	10,000,000
US 25 improvements, Kentucky	2,000,000
US 321 and US 74, Gasden and Mecklenburg County, North Carolina	500,000
US 395 North Spokane corridor, Washington	1,000,000
US 43, Alabama	4,000,000
US 51 widening, Decatur, Illinois	1,350,000
US 95 (Milepost 522 to Canadian border), Idaho	1,900,000
US Route 2, New Hampshire	1,500,000
US–61 (Avenue of the Saints), Missouri	4,000,000
WI 29 (Chippewa Falls bypass, Wisconsin)	3,000,000

The report earmarks FHWA's public lands discretionary program as follows:

	Conference
20/20 vision project in Concord, New Hampshire	500,000
Arkansas River, Wichita, Kansas, pedestrian transportation facility	1,000,000
Bangor, Maine, intermodal hub facility planning, railroad crossing signalization, bike and pedestrian trails	600,000
Bedford, New Hampshire, corridor planning	250,000
Billings, Montana, open/green space improvement project	775,000
Bowling Green, Kentucky, Riverfront Development transportation enhancements	1,000,000
Buckeye Greenbelt parkway beautification, Toledo, Ohio	250,000
Burlington, Vermont, North Street and Church Street improvements	1,100,000
Chantry Flats Road, Sierra Madre, California	600,000
Charleston, West Virginia, Kanawha Boulevard Walkway project	2,000,000
City of Angola and Steuben City, Indiana, bike path	325,000
City of Bedminster, New Jersey, bike path	500,000
City of Coronado, California, mobility improvements	600,000
City of Ferndale, Michigan, traffic signals	50,000
Claiborne County, Mississippi, access road from US 61 to new port facility	400,000
Clay/Leslie County, Kentucky	2,000,000
Clovis, New Mexico, street revitalization	750,000
Community and environmental transportation acceptability process, California	1,000,000
Delong Mountain, Alaska, airport access and related planning	300,000
Downtown Omaha, Nebraska, access and redevelopment project	300,000
East Redoubt Avenue improvements, Soldotna, Alaska	725,000
El Segundo, California, intermodal facility improvements	1,000,000
Elwood bicycle/pedestrian bridge, County of Santa Barbara, California	250,000
Fairbanks, Alaska, downtown transit and cultural integration planning	450,000
Fairfax cross county trail/Potomac national heritage Scenic Trail, Virginia	500,000
Flint, Michigan, transportation planning and origin & destination shipping study	150,000
Fort Worth, Texas, trolley study	750,000
Heritage Corridor Project study, Illinois	200,000
High capacity transportation system study, Albuquerque, New Mexico	500,000
Houston, Texas, Main Street Connectivity Project	750,000
Hudson River Waterfront Walkway, New Jersey	2,000,000
Huffman Prairie Flying Field Pedestrian and Multimodal Gateway Entrance, Dayton, Ohio	700,000
Humboldt Greenway project, Hennepin County, Minnesota	1,000,000
Jackson traffic congestion mitigation planning, Mississippi	600,000
Johnstown, Pennsylvania, pedestrian and streetscape improvements	400,000
Kansas City, Missouri, Illus Davis Mall enhancements	350,000
Las Cruces, New Mexico railroad and transportation museum	200,000
Lincoln Parish transportation plan, Louisiana	1,500,000
Lodge freeway pedestrian overpass, Detroit, Michigan	900,000
Manchester, Vermont, pedestrian initiative	375,000
Marked Tree, Arkansas, to I–55 along U.S. Highway 63 improvements and controlled access lanes	600,000
Minnesota Trunk Highway 610/10 interchange construction of I–94	1,650,000
Mitchell Marina development, Greenport, New York	250,000
Mobile, Alabama, GM&O intermodal center/Amtrak station	650,000
Montana DOT/Western Montana College statewide geological sign project	200,000
Montana statewide rail grade separation study and environmental review	400,000
New Bedford, Massachusetts, North Terminal	200,000
New Orleans, Louisiana, intermodal transportation research	950,000
NW 7th Avenue corridor improvement project, Miami, Florida	100,000
Ohio and Erie Canal corridor trail development, Ohio	1,000,000

Conference agreement includes a total of $218,000,000 for Intelligent Transportation System (ITS) of which $118,000,000 is available for ITS deployment activities and $1000,000,000 for R&D earmarked as follows:

Alameda-Contra Costa, CA—$500,000;
Aquidneck Island, RI—$500,000;
Arapahoe County, CO—$1,000,000;
Austin, TX—$250,000;
Automated crash notification system, UAB—$1,000,000;
Baton Rouge, LA—$1,000,000;
Bay County, FL—$1,500,000;
Beaumont, TX—$150,000;
Bellington, WA—$350,000;
Bloomingdale Township, IL—$400,000;
Calhoun County, MI—$750,000;
Carbondale, PA—$2,000,000;
Cargo Mate, NJ—$750,000;
Charlotte, NC—$625,000;
College Station, TX—$1,800,000;
Commonwealth of Virginia—$5,500,000;
Corpus Christi, TX—vehicle dispatching—$1,000,000;
Delaware River Port Authority—$1,250,000;
DuPage County, IL—$500,000;
Fargo, ND—$1,000,000;
Fort Collins, CO—$1,250,000;
Hattiesburg, MS—$500,000;
Huntington Beach, CA—$1,250,000;
Huntsville, AL—$3,000,000;
I–70 West project, CO—$750,000;
Inglewood, CA—$600,000;
Jackson, MS—$1,000,000;
Jefferson County, CO—$4,250,000;
Johnsonburg, PA—$1,500,000;
Kansas City, MO—$1;250,000;
Lake County, IL—$450,000;
Lewis & Clark trail, MT—$625,000;
Montgomery County, PA—$2,000,000;
Moscow, ID—$875,000;
Muscle Shoals, AL—$1,000,000;
Nashville, TN—$500,000;
New Jersey regional integration/TRANSCOM—$3,000,000;
North Las Vegas, NV—$1,800,000;
North Central Pennsylvania—$1,500,000;
Norwalk and Santa Fe Springs, CA—$500,000;
Oakland and Wayne Counties, MI—$500,000;
Pennsylvania Turnpike Commission—$1,500,000;
Philadelphia, PA—$500,000;
Puget Sound Regional Fare Coordination—$2,500,000;
Rensselaer County, NY—$500,000;
Rochester, NY—$1,500,000;
Sacramento to Reno, I–80 corridor—$100,000;
Sacramento, CA—$500,000;
Salt Lake City—Olympic Games—$1,000,000;
San Antonio, TX—$100,000;
Santa Teresa, NM—$500,000;
Schuylkill County, Pennsylvania—$400,000;
Seabrook, Texas—$1,200,000;
Shreveport, LA—$2,000,000;
South Carolina statewide—$1,000,000;
South Dakota commercial vehicle ITS—$1,250,000;

Southeast Michigan—$500,000;
Southhaven, MS—$150,000;
Spokane County, WA—$1,000,000;
Springfield—Branson, MO—$750,000;
St. Louis, MO—$500,000;
State of Arizona—$1,000,000;
State of Connecticut—$3,000,000;
State of Delaware—$1,000,000;
State of Illinois—$1,000,000;
State of Indiana (SAFE-T)—$1,000,000;
State of Iowa (traffic enforcement and transit)—$2,750,000;
State of Kentucky—$1,500,000;
State of Maryland—$3,000,000;
State of Minnesota—$6,500,000;
State of Missouri—Rural—$750,000;
State of Montana—$750,000;
State of Nebraska—$2,600,000;
State of New Mexico—$750,000;
State of North Carolina—$1,500,000;
State of North Dakota—$500,000;
State of Ohio—$2,000,000;
State of Oklahoma—$1,000,000
State of Oregon—$750,000;
State of South Carolina statewide—$4,000,000;
State of Tennessee—$1,850,000;
State of Utah—$1,500,000;
State of Vermont—$500,000;
State of Wisconsin—$1,000,000;
Texas Border Phase I Houston, TX—$500,000;
Tuscaloosa, AL—$2,000,000;
Tucson, AZ—$2,500,000
Vermont rural ITS—$1,500,000;
Washington, DC area—$1,250,000;
Washoe County, NV—$200,000;
Wayne County, MI—$5,000,000; and
Williamson County/Round Rock, TX—$250,000.

FEDERAL TRANSIT ADMINISTRATION

—Bill earmarks $60,000,000 for planning, delivery, and temporary use of transit vehicles and construction of temporary transportation facilities for the Olympics in Salt Lake City, Utah to the Utah Department of Transportation and removes the requirement for any state or local matching funds.

—Bill earmarks $4,983,828 for the Pittsburgh airport busway project;

—Bill earmarks $1,488,750 Burlington to Gloucester, NJ line;

The bill further earmarks:

$10,400,000 for Alaska and Hawaii ferry projects;

$500,000 for the Albuquerque/Greater Albuquerque mass transit project;

$25,000,000 for the Atlanta, Georgia, North line extension project;

$1,000,000 for the Austin, Texas, capital metro light rail project; together with $50,000,000 transferred from "Federal Transit Administration, Formula grants";

$3,000,000 for the Baltimore central LRT double track project;

$5,000,000 for the Birmingham, Alabama, transit corridor;

$25,000,000 for the Boston South Boston Piers transitway project;

$1,000,000 for the Boston Urban Ring project;

$2,000,000 for the Burlington-Bennington (ABE), Vermont, commuter rail project;

$1,000,000 for the Calais, Maine, branch line regional transit program;

$2,000,000 for the Canton-Akron-Cleveland commuter rail project;

$3,000,000 for the Central Florida commuter rail project;

$15,000,000 for the Chicago Ravenswood and Douglas branch reconstruction projects;

$1,500,000 for the Clark County, Nevada, RTC fixed guideway project;

$4,000,000 for the improvement project;

$5,000,000 for the Charlotte, North Carolina, north corridor and south corridor;

$1,000,000 for the Colorado Roaring Fork Valley project;

$70,000,000 for the Dallas north central light rail extension project;

$5,000,000 for the Denver Southeast corridor project;

$20,200,000 for the Denver Southwest corridor project;

$500,000 for the Detroit, Michigan, metropolitan airport light rail project;

$50,000,000 for the Dulles corridor project;

$15,000,000 for the Fort Lauderdale, Florida, Tri-County commuter rail project;

$1,000,000 for the Galveston, Texas, rail trolley extension project;

$15,000,000 for the Girdwood to Wasillia, Alaska, commuter rail project; and

$1,000,000 for the Hollister/Gilroy branchline.

FEDERAL RAILROAD ADMINISTRATION

—Bill earmarks $17,000,000 for the construction of a third track on the Northeast Corridor between Davisville and Central Falls, RI;

—Bill earmarks $25,100,000 for High Speed Rail program;

—Bill earmarks $20,000,000 for Alaska Railroad; and

—Bill earmarks $15,000,000 for West Virginia rail development.

The report provides $350,000 to establish an "intermodal emergency response training center for the southeast region of the country, to be located in Meridian, Mississippi.

The report provides $100,000 for a grant to Alabama State docks, a state owned facility, for a study of the cost and economic benefits of restoring rail service on Blakeley Island in Mobile Bay.

The report provides a total of $700,000 for North Carolina's "sealed corridor initiative."

Under the heading of "corridor planning", $200,000 is provided for a Boston to Burlington high-speed corridor feasibility study; $200,000 for the Southeast corridor extension from Charlotte, NC to Macon, GA; and $300,000 for the Gulf Coast high speed rail corridor from Mobile, AL to New Orleans, LA.

The conference report provides $20,000,000 for the Alaska Railroad.

The report provides $15,000,000 for Rail Development in West Virginia.

The report provides funding for Rail-highway crossing hazard elimination. Of these funds, $750,000 for the High Speed Rail corridor from Washington to Richmond; $1.5 million for the High Speed rail corridor from Mobile to New Orleans; $1.5 million for Salem, OR; $125,000 for both Atlanta to Macon, GA and the Eastern San Fernando Valley, CA; $500,000 for both the Harrisburg to Philadelphia corridor and the Milwaukee to Madison, WI corridor; and $250,000 is provided for the Minneapolis/St. Paul to Chicago high speed rail corridor.

The conference agreement, in Sec. 321, allows funds made available "for Alaska or Hawaii ferry boats or terminal facilities to be used to construct new vessels and facilities; or to improve existing vessels and facilities.

U.S. COAST GUARD

Operating expenses

Conference Report earmarks $1,000,000 for Tulane University and the University of Alabama in Birmingham to investigate the unique occupational and health hazards affecting Coast Guard personnel due to their work in the marine environment. (Not Requested, p. 13) (Senate provision originally provided $1.75 million).

Conference Report directs the Coast Guard to evaluate the "boatracs" text communication system. (p. 14) (Authorizing provision not included in either bill).

Conference Report directs the Coast Guard to conduct an assessment of progress to replace single hull tankers with double hull ships (p. 14) (Authorizing provision not included in either bill).

Acquisition, construction, and improvements

Bill language earmarks $5,800,000 to be transferred from the Coast Guard to the City of Homer, AK, for the construction of a municipal pier and other harbor improvements. (Not requested).

Conference Report earmarks $1,000,000 for Helipad modernization in Craig, AK (not requested).

Alteration of bridges

The FY 2001 Budget Request proposed that funding for this account be provided out of the FHWA's discretionary bridge program instead of the Coast Guard's budget. This account was authorized by the last Coast Guard Authorization bill (FY 98). Conference report provides $15.5 million to repair 6 bridges under the Truman-Hobbs Act. The report earmarks $3,000,000 for the Sidney Lanier highway bridge in Brunswick, GA; $3,000,000 for the EJ&E railroad bridge in Morris, IL; $2,000,000 for the John F. Limehouse bridge in Charleston, SC; $3,000,000 for the Fourteen Mile Bridge in Mobile, AL; $3,925,000 for the Florida Avenue bridge in New Orleans, LA; and $575,000 for the Fox River Bridge in Oshkosh, WI. (Not requested).

General provisions

Sec. 382 prohibits funds to be used to adjust the boundary of the Point Retreat Light Station currently under lease to the Alaska lighthouse Association. (This provision conveys to the lighthouse association approximately an additional 1500 acres of land currently held by the U.S. Forest Service).

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Operations and research

Prohibits funds from being used to plan, finalize, or implement any rulemaking for any requirement pertaining to a grading standard that is different from the three standards (treadwear, traction, and temperature resistance) already in effect. (Included since FY 1996); and

Requires an NAS study on the static stability factor test versus a test with rollover metrics based on dynamic driving conditions that may induce rollovers (but allows NHTSA to continue to move forward with the rollover rating proposal during the NAS study).

Conference report earmarks $750,000 for the Brain Trauma Foundation to continue phase three of the guidelines for pre-hospital management of traumatic brain injury.

Conference report earmarks $750,000 for an aggressive driving program in Maryland, Virginia, and D.C. as specified in the House report.

Conference report earmarks $250,000 to the University of Vermont's College of Medicine and Fletcher Allen Health Care for advance mobile video telecommunications links in rural areas.

Conference report earmarks $500,000 to continue a project at the University of South Alabama on rural vehicular trauma victims, as proposed by the Senate.

Conference report earmarks $250,000, within contract funds, to Mercer University Research Center for a school bus safety initiative, as proposed by the Senate.

Conference report earmarks $1,000,000 to the Injury Control Research Center at the University of Alabama for research on cervical spine and paralyzing neck injuries from motor vehicle accidents.

Conference report prohibits the use of funds to prepare, prescribe, or promulgate different CAFE standards.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Colorado (Mr. CAMPBELL), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. KYL), and the Senator from Alaska (Mr. MURKOWSKI), are necessarily absent.

Mr. REID. I announce that the Senator from California (Mr. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. DORGAN), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Washington (Mrs. MURRAY) would each vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 10, as follow:

[Rollcall Vote No. 267 Leg.]

YEAS—78

Abraham
Akaka
Ashcroft
Bayh
Bennett
Biden
Bingaman
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Edwards
Fitzgerald
Frist
Gorton
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—10

Allard
Baucus
Feingold
Graham
Gramm
McCain
Nickles
Smith (NH)
Thomas
Voinovich

NOT VOTING—12

Bond
Boxer
Campbell
Dorgan
Durbin
Enzi
Feinstein
Kennedy
Kyl
Lieberman
Murkowski
Murray

The conference report was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is recognized for 15 minutes.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

THE NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, it has now been 218 days—218 days that the Judiciary Committee of the Senate has had Bonnie J. Campbell's name there and not reported her out. She has had her hearings. Her paperwork is done. Yet she sits bottled up in the Senate Judiciary Committee.

I understand that later today—or maybe early next week—there will be a unanimous consent request to bring up for consideration and pass the Violence Against Women Act. It is a very good bill, a good law, that has done a lot to help reduce domestic violence in our country.

But we have an interesting dichotomy here. There will be a line of Senators out here talking about how they are all for the Violence Against Women Act. It will go through here like greased lightning. But when it comes to the person who has been in charge of implementing the provisions of the Violence Against Women Act, the person who has been in charge of the Office of Violence Against Women since its beginning in 1995—because it was created by the Violence Against Women Act—when it comes to that person who is widely recognized all over America as the one person who has done more to implement that law than anybody else—when it comes to that person, they say, no, we are not going to let her be reported out of the Judiciary Committee. That is Bonnie Campbell.

It is all right to have the Violence Against Women Act but, no, it is not all right to have her sit on the court of appeals—the one person who knows this law intimately, the one person who has led the fight in this country against domestic violence and violence against women in general.

Bonnie Campbell has not been treated fairly by this Senate, by the Republican leadership, and by the Senate Judiciary Committee.

I have heard all the arguments—including the one that she she wasn't nominated until this year. Mr. President, she was nominated in early March. She had her hearing in May. Yet the other day we reported four judges out, all of whom were nominated later than Bonnie Campbell. Three were nominated in July, had their hearing, and were reported out all in the same week. Yet Bonnie Campbell sits there, 218 days today.

It is not as if the appeals courts are full. We have 22 vacancies on the appeals courts. And we need more women serving on the appeals court. Out of 148 circuit judges, 33 are women—22 percent. Yet the Republican leadership in this Senate and on the Senate Judiciary Committee will not let Bonnie Campbell's name come out for a vote.

If somebody on the other side wants to vote against her, for whatever reason, that is their right. It is their senatorial privilege and even their responsibility, if they feel deeply about it, to do so. But I don't believe it is anyone's responsibility, nor even a right, to hold that name bottled up in committee when she is fully qualified. I have not heard one Senator say Bonnie Campbell is not qualified for this position—not one. I have heard no objections raised at all. She is supported by both the Senators from Iowa—a Republican Senator, Mr. GRASSLEY, and by me, a Democrat. So there has been strong, bipartisan support.

Again, she is a former attorney general of the State of Iowa and now head of the Violence Against Women office. Yet they won't report her name out.

Yes, they will let the Violence Against Women Act come through, and we will hear wonderful speeches about it, I am sure, from the Republican side. The House of Representatives, last week, voted for the Violence Against Women Act, 415-3. Does anybody believe they would have voted that overwhelmingly if the only person who has run that office had done a bad job and had not enforced the law fairly and equitably and brought honor to the law and the position? Absolutely not. By that 415-3 vote, they were saying Bonnie Campbell has done an outstanding job.

Mr. WELLSTONE. Will the Senator yield?

Mr. HARKIN. Yes.

Mr. WELLSTONE. I say this to the Senator from Iowa—and I wonder whether he would agree with me—I think if we had an up-or-down vote on Bonnie Campbell, it would be 100-0 or 99-1. Under the Violence Against Women Act, in terms of dramatically affecting the lives of women and their children, we would not have been able to have made a real difference without Bonnie Campbell. She is the one who made this a reality——

Mr. HARKIN. Exactly.

Mr. WELLSTONE. When it came to directly affecting their lives. If we had a vote, I think it would be 100-0 or 99-1.

Mr. HARKIN. I hadn't made that point, but yes, that is true. If we had a vote, I daresay maybe one or two may have a problem for some reason, but I think it would be overwhelming.

Mr. LEAHY. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. LEAHY. The Republican nominee for President, George W. Bush, has said what the Senate ought to do on all these nominees is, within 60 days, vote them up or down, but at least bring them to a vote. Would the Senator from Iowa agree with me that that is a good idea on what should be done?

Mr. HARKIN. I think that is a great idea.

Mr. LEAHY. Would he also agree with me that if Governor Bush actually means that, he ought to pick up the phone and call the Republican leadership and say there are an awful lot of women and minorities and others who have been bottled up, as well as Bonnie Campbell, a lot longer than 60 days—I think one for more than 1,360 days—we ought to vote them up or down?

Mr. HARKIN. I agree.

Mr. LEAHY. Lastly, would the Senator from Iowa agree with me that all he wants and would be satisfied with—bring her down here, 9 o'clock in the morning, or at night, whatever, and let's have a rollcall vote? I can assure you, I have read all of her file, and I sit on the Judiciary Committee. I have gone through every bit of this. Bonnie Campbell is one of the most qualified people nominated by either a Republican or Democrat in the 25 years I have been on the Judiciary Committee.

Mr. HARKIN. I agree with the Senator from Vermont, my great friend who does an outstanding job on the Judiciary Committee. He is absolutely right. Governor Bush said we ought to have a 60-day deadline. He should pick up the phone, as my friend said, and call the Republican leadership. He is the leader of the Republican Party.

UNANIMOUS CONSENT AGREEMENT

Mr. President, I will, as I do every day, ask unanimous consent to discharge the Judiciary Committee on further consideration of the nomination of Bonnie Campbell, nominee for the Eighth Circuit Court, and that her nomination be considered by the Senate following the conclusion of action on the pending matter, and that the debate on the nomination be limited to 2 hours equally divided, and that a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I intend to make my point every day. And as you can see, an objection to bringing Bonnie Campbell's name out of the Judiciary Committee so we can have a debate and vote is made every time on the Republican side. That is who is holding this up. It is a darn shame that this is being done to a person who has led an exemplary life, done an outstanding job in public service both as attorney general of Iowa and now as head of the Violence Against Women Office in the Department of Justice. It is not right, it is not fair.

So every day that we are here I will continue to ask unanimous consent to bring her name out. Before I yield the floor, once again, I will point out that in 1992, when there was a Republican President and a Democratic Senate, 9 circuit court judges had their hearings; there were 14 nominated in 1992, during an election year, and 9 had hearings. Of all those who had hearings, they were all referred and all confirmed—one as late as October of 1992, a couple in September, and a couple were in August.

When the shoe was on the other foot, when there was a Republican President and a Democratic Senate, we had the hearings. Everyone who had a hearing during the Bush Administration got a vote in Committee. All but one got a vote on the Senate floor. Well, Bonnie Campbell had her hearing. All the paperwork is done. Yet she has been referred. Every single one was confirmed in 1992.

Well, this is the year 2000 and we have had seven circuit court judges nominated this year. One has had a hearing and was referred and was confirmed. That is one out of seven. In 1992, it was 9 out of 14. Tell me who is playing politics around this place. Tell me who wants to play politics with the circuit courts. It is not our side. It is the other side.

In 1992, as I said, we had nine circuit judges nominated and confirmed. This year, there was only one. No. 1, it is a flimsy argument to say because she was nominated this year it is too late. No. 2, it is a phony argument that, well, it is a circuit court and maybe George Bush will win the election and, therefore, we will put Republicans on there instead of somebody such as Bonnie Campbell.

In 1992, as I pointed out, when the roles were reversed, we confirmed nine circuit court judges that year. We could have said the same thing: Bill Clinton may win, so don't confirm them. But we didn't do that. I believe the right course of action to follow is to report those out, let them have a debate. If people want to vote one way or the other, that is their right.

I will continue to take this floor every day until we adjourn sine die, or whatever we do here. I will begin to use every means at my disposal to get her name out of the Judiciary Committee and make sure she is treated fairly by this Senate and that at least we have a vote.

I yield the floor.

UNANIMOUS CONSENT REQUEST—S. 3059

The PRESIDING OFFICER. The Senator from Arizona.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. McCAIN. I am doing a unanimous consent.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I ask unanimous consent that the majority leader, in consultation with the Democrat leader, establish a date certain and time certain for consideration of S. 3059, and that only relevant amendments to the bill be in order.

Mr. REID. Reserving the right to object, I ask the Chair, is there no time certain for the vote on the unanimous consent request?

The PRESIDING OFFICER. No time certain.

Mr. REID. I object.

Mr. McCAIN. Could I have the reason for the objection?

Mr. REID. I say to my friend, we are very anxious to move forward on this matter, but we want a time for the vote.

Is this your request?

Mr. McCAIN. It is my request.

Mr. REID. I thought it was a different matter; sorry. I withdraw my objection.

Mr. SESSIONS. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. McCAIN. Mr. President, before the Senator from Alabama leaves the floor, the Senator from Alabama should understand what he is doing.

This bill came out 2 weeks ago. This bill came out 2 weeks ago and there are relevant amendments that are in order. The Senator from Alabama is going to bear responsibility for our failure to act.

Mr. President, I quote to the Senator from Alabama what the Secretary of Transportation says:

> More importantly, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.

I tell the Senator from Alabama, if we don't act expeditiously, we will not address life-threatening motor vehicle safety defects.

The Senator from Alabama can have all the amendments he wants that are relevant, and he can have all the time he wants that is relevant. By blocking the bill, the Senator from Alabama assumes great responsibility, great responsibility. I hope he has a chance to talk to the relatives of those who have already been killed, and those who are going to be killed if this legislation is killed.

Again, I ask unanimous consent that the majority leader, in consultation with the Democrat leader, establish a date certain and a time certain for consideration of S. 3059, and only relevant amendments to the bill be in order.

For the benefit of my colleagues, that doesn't mean there is any time limit or any limits on amendments. An objection to this can only be viewed as obstructionism. I say again, expeditious action on comprehensive legislation will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.

I intend to come back to the floor in about 15 minutes and propound this unanimous consent agreement again, if there is an objection.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

Will the Senator from Arizona yield?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. SESSIONS. I want to respond.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. How long does the Senator from Alabama desire to speak?

Mr. SESSIONS. Five minutes.

Mr. REID. The Senator from Montana has been on the floor for a long time and he wants 10 minutes; the Senator from Connecticut desires 10 minutes. I ask permission from the Senator from Montana to allow the Senator from Alabama to speak for 5 minutes, and I ask unanimous consent the speaking order be: the Senator from Alabama for 5 minutes; the Senator from Montana, 15 minutes; the Senator from Connecticut for 10 minutes, in that order; and following my having this consent granted, I ask that the Senators from Minnesota and from Kansas be allowed to speak for 1 minute.

Mr. BROWNBACK. At most to proffer a unanimous consent. Could we do that first?

I understand Senator DOMENICI seeks 20 minutes.

Mr. REID. I ask unanimous consent Senator DOMENICI speak for 20 minutes.

The PRESIDING OFFICER. Is there an objection?

Mr. McCAIN. Reserving the right to object, I will want to have 10 minutes following Senator DOMENICI for the purpose of propounding another unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. BROWNBACK. This is a unanimous consent agreed to and worked out ad nauseam on both sides.

UNANIMOUS CONSENT REQUEST—H.R. 3244

Mr. BROWNBACK. Mr. President, I ask unanimous consent that at 9:30 a.m. on Wednesday the Senate proceed to the conference report to accompany H.R. 3244, the trafficking victims conference report and the conference report which has just passed the House, and be considered as having been read and considered under the following agreement for debate only: 2 hours equally divided between Senators BROWNBACK and WELLSTONE, or their designees; 3 hours under the control of the ranking member of the Judiciary committee; 1 hour under the control of Senator BIDEN; and 1 hour under the control of Senator HATCH.

I further ask consent that following the conclusion or yielding back of time, Senator THOMPSON be recognized to make a point of order against the conference report that the conference text, section 2001, regarding Aimee's law is not in the jurisdiction of the Foreign Relations committee and following the ruling by the Chair, Senator THOMPSON would appeal the Chair's ruling and that appeal be limited to the following: 1 hour under the control of Senator THOMPSON.

I further ask consent that following the use or yielding back of time, the vote relative to the appeal occur immediately on Wednesday, and if the Chair is not overturned, no other action occur and the Senate proceed to vote on adoption of the conference report, immediately, without any intervening action or debate.

Mr. LEAHY. Reserving the right to object, sometimes it is work to manufacture a time for a vote. I note, so there is not any confusion, and notwithstanding the fact that the conference report was sent over without people seeing it, I am perfectly happy to have the vote on this today. I am perfectly happy to go to a vote today on each of the aspects, so there will not be any question on that, and I understand that notwithstanding the fact that we can't get any other work done around here, the Republican leadership, which is their right, is going to take a few days off again, but I want to at least have this debate on the day we vote.

I commend the Senator from Kansas and the Senator from Minnesota for their work in getting us to this point. I do not object.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I know the Senator from Arizona cares deeply about his legislation. He cares deeply about every legislative piece he pushes. I have some important legislation pending, too, and I haven't had time to debate them.

The Paul Coverdell Criminal Laboratory for Forensic bill will probably save more lives than this bill. However, I think his request is not unreasonable. I do believe the bill has problems. As a person who prosecuted for over 15 years, I do not believe in a continual blurring of the lines between what is criminal liability and civil liability.

We are talking about making crimes out of defective building of an automobile. I think we have to be careful about that. It has not gone through the Judiciary Committee. I have not had a chance to see it and I was very concerned about it. I indicated my concern to others.

As I have been briefed on this just 5 minutes ago, by my staff—they provided a memorandum which I have not had a chance to even read—I was prepared to go forward with the Senator's request and not object. However, I find that several people expected that I would be objecting who also wanted to object, and I felt I was obligated, due to that miscommunication, to file an objection.

Two hours from now I will not object if no one else does. I am prepared to debate these problems and see if we can cure these problems, but I do not feel it would be a collegial thing for me to do, when apparently it was thought that I would object, so that is why I object.

Mr. McCAIN. Will the Senator yield to me just for a comment?

Mr. SESSIONS. I will.

Mr. McCAIN. I thank the Senator from Alabama. I will be back in 2 hours. I want to assure him I understand those concerns, particularly on criminal sanctions. No one knows the situation better than the Senator from Alabama, who was a former attorney general of his State, who has more knowledge on those issues than I do. I want to work with the Senator from Alabama on that. That is why relevant amendments will be in order. I just hope the Senator from Alabama will allow this to move forward when we propound it again.

Again, I understand very well the concerns he has. That is why the unanimous consent agreement calls for simply relevant amendments, with no time limit. I think the stark political reality around here, as the Senator from Alabama knows, is that we are not coming back in until Wednesday. If the Senator from Alabama and others who object just have numerous amendments, there is no way we are going to be able to get a bill passed and then into conference with the House and move forward. So I thank the Senator from Alabama for his consideration. I understand his concerns. I look forward very much to working with him.

I yield and I thank my colleague from Montana for his indulgence.

THE PRESIDING OFFICER. The Senator from Montana is recognized.

COMMENDATION OF MONTANA WILDFIRE FIREFIGHTERS

Mr. BAUCUS. Mr. President, I rise today to talk about a matter that has impacted every inhabitant of the state of Montana: The wildfires of the past 2 months. The recent rain and snow have finally brought the fires in Montana under control, but many of the largest fires are still smoldering.

The Helena Independent Record Recently described the summer of 2000 as a:

> Fire season marked by miracles and loss, heroism and heartache, smoky skies and blackened backyards, of evacuations, waiting, planning and prayer.

This photo showing two elk trying to escape the flames was taken on August 6th in the Bitterroot Valley by Forest Service firefighter John McColgan. On this particular day several forest fires converged near Sula, burning over 100,000 acres and destroying 10 homes. And this fire was just one of dozens burning across Montana.

Mr. President, it is not an exaggeration to say that these fires impacted every inhabitant of Montana. Even people in our cities, miles from the front lines, lived with a constant reminder of the conflagration burning about them.

As you can see in this photo of Helena, cities all across the region spent weeks under a cloud of smoke.

Clearly, it was one of the worst fire seasons we've seen in the last 100 years.

This is our cathedral, Saint Helena's Cathedral. You can see big smoke columns rising. The fact is, this is dramatically an understatement. I have asked my office to see if there are other photos which more accurately describe the situation in my State, and this is all we could come up with at the time. But this town, Helena, I might say, was so covered with smoke that my house—up just about 500, 600 feet from here—as I was looking across the back alley through the kitchen window, I could not even see across the alley. The whole city was just covered all the way down to ground level with smoke. That was the rule. That was the rule for all Montana cities, with the exception maybe of some of the eastern Montana cities. Most of them had just dense smoke impact for a long time. Clearly one of the worst fire seasons we have seen in over 100 years.

But, Mr. President, I didn't come to the floor to talk about how bad the fires were—that's already apparent. Nor did I come down here to talk about forest management policy and what we could have done to lessen the harmful impact of these fires—there will be plenty of time to address both topics in the weeks and months to come.

Mr. President, I am here today to commend the efforts of the thousands of people who pulled together to do battle with one of Mother Nature's most unforgiving forces.

From New Zealand's finest, most experienced firefighters to the Montana volunteers who ran Red Cross evacuee camps, the fires brought together some of the most courageous and hard-working individuals I have ever encountered.

Someone once told me that the true character of any community will reveal itself in the face of a natural disaster. I am proud of how Montanans and all of those who came to help rose to this challenge and persevered.

Of all the statistics—almost a million acres burned, over 300 structures lost, over $200 million spent in battling fires—the one statistic I am most proud of is the number of human casualties—zero. That's right, in Montana not one life was lost during this disaster and no one was seriously injured.

I can't tell you how proud I am that safety remained the highest priority: of all of the firefighters who were in harm's way, the pilots who flew risky missions dumping water or retardant chemicals over the fiery landscape, and the thousands of people who were evacuated—no one was seriously injured. To me, that's one heck of a statistic.

That's why today, Mr. President, I want to extend a heartfelt "thank you," and I know I speak for every Montanan.

I want to thank firefighters from across the country, and around the world. Volunteer firefighters who left their regular jobs. The employees who let them go. Students who postponed attending classes. The families left at home and the co-workers who put in overtime to cover for those who traveled to the west.

I might say in this photo, in the center is James Lee Witt, flanked by two members of the Montana delegation, myself on the left, and Senator BURNS on the right. We are talking to a volunteer firefighter.

These are people who, when the fire comes, often are in an area next to a community—there are homes back in the woods and the volunteer fighters immediately rush out. They are the first ones there. They are there without any pay. It is their community and they are fighting their hearts out. They are bleeding, almost literally—doing all they can to prevent that structure from burning, to do all they can to force the fire back. They are not paid. It is without compensation. The Forest Service and smokejumpers are; there are others who are not paid. The others are not. They are the first there and often the last to leave. They are just into it because it is their community.

I called James Lee Witt, pictured in the center of this photo. He very quickly got some regulations changed so volunteer firefighters could be reimbursed. Recently now they are receiving payment for the services they rendered. But the point is, people came from all over. Employers let volunteers leave work—it was lost work, but still the main job had to be done fighting these fires. Students postponed attending classes at the University of Montana, or other classes, families left at home, coworkers who put in overtime to cover those who traveled to the West.

The Red Cross and its hundreds of volunteers who were there when folks needed to see a friendly face. The various state agencies that worked diligently and expeditiously to implement emergency plans. The federal agencies that came forward to help put the fires out and begin to rebuild these communities.

Specifically, I'd like to commend FEMA, the Federal Emergency Management Agency for their efforts. On several occasions, they quickly released federal funds or waived personnel requirements. Cutting red tape so we could get the assistance we needed right away.

I especially thank FEMA Director James Lee Witt who spent countless hours working with me and other folks in Montana. When these fires started to blow in Montana, James Lee Witt said he was really booked up with other plans, but he dramatically changed his schedule so he could come to Montana. That made a huge difference in getting agencies to work together, and it cut so much of this redtape. FEMA is still working on recovery efforts, and we very much appreciate all they have done and continue to do.

I also thank with the same enthusiasm the adjutant general of the Montana National Guard, Gene Prendergast, and all his troops. Gene really stepped up. This guy really cares. He mobilized his troops, who care just as much. He was also influential in working with Federal, State, and local agencies to coordinate plans and requests for Federal assistance. We owe Gene Prendergast a huge debt of gratitude.

At the high point of the fires, there were well over 12,000 people fighting blazes in western Montana. That includes Forest Service firefighters and National Guard men and women. We had 3 active-duty battalions from the East coming to fight fires in Montana. People came from everywhere—from 48 States and 3 countries—to Montana. Across the West, some 30,000 brave individuals battled wildfires during this season.

We did not lose any lives in our State, thanks to the combination of solid training, sensible fire strategy, and good luck. The dangers faced by these individuals, however, were obviously real. Think of the danger we put people into.

Last year, we took time to remember the Mann Gulch fire. That was a huge fire in Montana which blew up about 50 years ago. Thirteen National Forest Service smoke jumpers died in that blowup. They were fighting a fire 10 miles away from Helena, 10 miles from the photo I showed earlier. It was not thought to be a fire that was going to threaten lives or property. An observer described the Mann Gulch fire with these words:

> A terrific draft of superheated air of tremendous velocity had swept up the hill exploding all inflammable material, causing a wall of flame 600 feet high to roll over the

ridge and down the other side and continue over ridges and down gulches until the fuels were so light that the wall could not maintain enough heat to continue. This wall covered 3,000 acres in 10 minutes. Anything caught in the direct path of the heat blast perished.

Just 6 years ago, we lost 14 smoke jumpers in a similar firestorm near Glenwood Springs, CO. This fire, like the Mann Gulch, was considered routine, and these were not even the most deadly fires in the West's history. It is important to remember those who gave their lives fighting wildfires. It is also important to celebrate those who put their lives on the line day after day to keep our homes and communities safe.

A simple thank you does not seem to be enough to show our appreciation for these people and for everything they have done. That is why I have come to the floor to announce I am introducing legislation to honor and commemorate the selfless sacrifices each of these individuals has made to keep our families and our homes safe.

The legislation will direct the U.S. Forest Service, the Bureau of Land Management, the Federal Emergency Management Agency, and the U.S. Department of Defense to work together to create a commemorative pin or badge that will be issued to each firefighter at the end of a fire season. This will serve as an emblem of the vital service they have provided and a symbol of our gratitude, much as a soldier might receive a band to record a tour of duty, because those who fight wildfires really are soldiers who put their lives on the line every day in defense of the people, communities, the lands of America. These courageous men and women need to be recognized as the heroes they are.

As we properly focus on the work these brave firefighters do for us, let us not forget the work we must do for them, for it is only by creating and funding sensible forest management policy and by guiding development to reduce the risk to homes and property posed by wildfires that we can keep more of our firefighters out of harm's way and prevent future tragedies like Mann Gulch.

As we commemorate our firefighters, let us make sure we rise to the task of putting aside our differences and working together for commonsense policies that will keep our forests healthy and firefighters safe.

Again, I say thank you, thank you to all the heroes—firefighters, volunteers, Government employees, ordinary citizens—who pulled together to protect life and home in Montana and across the West. Please know that we are truly grateful for everything you have done.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before my colleague from Montana leaves the floor, I commend him for his fine remarks. Connecticut is a long way geographically from the State of Montana. The Nation was transfixed over this past summer watching events unfold in the West and particularly in his State where so many millions of acres were engulfed in flames.

I express the strong feelings of all of us across the country on the tremendous work these firefighters have done and note further that we just passed as part of the Defense authorization bill a provision, the Fire Act, which will, for the first time, provide financial resources much along the lines of the COPS programs for fire departments, the 30,000 of them that exist in this country—volunteer, paid, and combination departments—to assist local communities and States in providing the sophisticated technology today which firefighters need, particularly the volunteer departments, where chemical and toxic substances and the tragedies of this summer demand a talent, education, and training unlike people even imaged a few years ago.

I commend the Senator from Montana for his fine work and express my sincere thanks to him and the fine people of Montana as well for a job well done.

Mr. DODD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. SSSSIONS). The motion to proceed.

I believe the Senator has a time request to propound.

Mr. DODD. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPPOSITION TO CUBA PROVISIONS

Mr. DODD. Mr. President, I express my strong opposition and disappointment with the outcome of last night's Agriculture appropriations conference report with respect to U.S.-Cuba policy. It is rather ironic that those who rail against Fidel Castro's dictatorial behavior seem to have adopted some of his tendencies; namely, a willingness to abuse the democratic process and go against the will of the majority in the Congress.

The proposed changes in the bill with respect to the sale of food to Cuba are modest at best since these exports can only be financed using third-country private commercial credit or cash. Such restrictive financing terms are a major hurdle for American exporters to overcome and are likely to significantly discourage any significant increases in such exports.

With respect to the codification of existing travel restrictions on Americans wishing to travel to Cuba, I think this action is shameful and irresponsible. I predict the authors of this provision will live to regret deeply having taken away this and future administrations' discretion to grant licenses on a case-by-case basis in circumstances that do not fall into the now codified categories of permissible travel.

I also believe that Cuban Americans who want to keep in touch with their family members in Cuba are going to be extremely critical of the fact that their ability to visit loved ones is now frozen in statute.

I say to the authors of this provision that they are only kidding themselves if they think this is going to stop Cuban Americans who are determined to visit their family members in Cuba several times a year from doing so. Sadly, they are going to encourage otherwise law-abiding individuals to break the law. I think that is regrettable.

I am supportive of other provisions of this legislation which will dramatically loosen the licensing and financing restrictions on sales of food and medicine to other countries that have been designated as terrorist states—North Korea, Iran, Sudan, and Libya. I strongly believe food and medicine should not be used as a sanctions tool, since the impact of denying such sales falls most heavily on innocent men, women, and children in these countries.

This is not to confuse our sincere and deep objections and strong opposition to the Governments of North Korea, Iran, Sudan, and Libya. But, it is not an American tradition to take food and medicine and make them a sanctions tool on a unilateral basis. We have understood in the past that you do not blame the innocent civilians of populations for the cruel regimes of their dictators and rulers. It is not in the American spirit to say to an innocent child—in any one of these countries—that if we are able to get food and medicine to you, you ought to be denied it as a tool of U.S. foreign policy.

I find it appalling that Cuba has been singled out, because in this bill we now say food and medicine can go to North Korea, Iran, Sudan, and Libya, but not to a little country of 11 million people 90 miles off our shore. I think that is regrettable. Cuba has been singled out for even more restrictive treatment than countries that are far more of a potential threat to United States foreign policy and national security interests than Cuba has ever been.

I am sure the average American is extremely puzzled by the decision just taken by the Agriculture appropriations conferees. I do not blame them for being confused, to put it mildly, and puzzled. Didn't the House and Senate go on record in support of less restrictive conditions on the sale of food and medicine to Cuba? Seventy Senators—70—voted to lift restrictions on the sale of such items; 301 Members out of the 435 Members of the House did so as well. And, 232 Members of the House also are on record in favor of lifting all travel restrictions to Cuba.

Yet despite these overwhelming votes by both Chambers—majorities, bipartisan majorities—the advocates of "tightening the screws," as they like to say, on Castro are always quick to say they hold no ill will against the Cuban people. Yet I somehow suspect that the residents of Havana or Santiago, Cuba, will not be applauding our recent actions in Washington.

But that isn't what last night's conference decision was about, in any event. Very little we do in Washington with respect to Cuba has anything to do with winning the hearts and minds of the Cuban people. Rather, it is about attempting to win the hearts and votes of the residents of some sections of the country—hardly a wise and moral way, in my view, to make foreign policy decisions.

Earlier this year, Senator LEAHY and I introduced legislation that would take United States policy in a different direction with respect to the island of Cuba. A companion bill was introduced in the House by MARK SANFORD. The bill is entitled the Freedom to Travel to Cuba Act of 2000. It would have lifted the archaic, counterproductive, and ill-conceived ban on Americans traveling to Cuba.

We offered this legislation because we believe the existing restrictions on travel hinder rather than help our efforts to spread democracy as well as unnecessarily abridge the rights of ordinary Americans. We were taught in civics class that the United States was founded on the principles of liberty and freedom. Yet when it comes to Cuba, our Government abridges these rights with no greater rationale than political and rhetorical gain.

It is one thing if Castro does not want to let an American citizen in. I understand that. He is a dictator. What I do not understand is a democratic government saying to its own people you can't go somewhere. Cuba lies just 90 miles from America's shore. Yet those 90 miles of water might as well be on a different planet. We have made a land ripe for American influence a forbidden territory. In doing so, we have enabled the Cuban regime to be a closed system with the Cuban people having little contact with their closest neighbors on this Earth.

I note that in a few weeks the President of the United States is going to travel to Vietnam, a Communist government. There are 58,000 names on a wall just a few blocks from here of Americans who died in that conflict. Yet we have found it possible to rebuild diplomatic relations, economic relations, and even an America President will travel to a nation that only a few years ago we were in hostile conflict with and has a government with a political philosophy of which today we fundamentally disagree. Yet 90 miles off our shore there is a country to which you cannot even go to try to make a difference, and enlighten people about what democracy means.

Surely we do not ban travel to Cuba out of concern for the safety of Americans who might visit the island nation. Today Americans are free to travel to Iran, to Sudan, to Burma, to Yugoslavia, and to North Korea—but not to Cuba. Is there anyone who would come to this Chamber and suggest to me it is less dangerous to be in Sudan or Burma or Yugoslavia than the island nation that is 90 miles off our shore? I doubt it.

You can fly to Iran. They held hostages, we all recall, back in the 1979–1980 period, yet I can go to Iran today. I can fly there, if I want, without restriction. But I cannot go 90 miles off our shore to the island of Cuba. What an inconsistency.

If the Cubans want to stop Americans, as I said, from visiting their country, then that is their business. I disagree with it, but I would not be surprised that under a dictatorship they might pass such laws or prohibit such travel. But to say to an American citizen that you can travel to Iran, where they held American hostages for months on end, to North Korea, which has declared us to be an enemy of theirs completely, but you cannot travel 90 miles off the shore of this Nation to the island of Cuba is more than just a mistake, in my view.

To this day, some Iranian politicians believe the United States to be "the Great Satan." That is what they like to call us. We hear it all the time. Just two decades ago, Iran occupied our Embassy and took innocent American diplomats hostage. To this day, protesters in Tehran burn the American flag with the encouragement of some officials in their Government. Those few Americans who venture into such inhospitable surroundings often find themselves pelted by rocks and accosted by the public.

Similarly, we do not ban travel to the Sudan, a nation we attacked with cruise missiles several years ago for its support of terrorism; to Burma, a nation with one of the most oppressive regimes in the world today; to North Korea, whose soldiers have peered at American servicemen through gun sights for decades; or Syria, which has one of the most egregious human rights records and is one of the foremost sponsors of terrorism.

I fail to see how isolating the Cuban people from democratic values and ideals will foster the transition to democracy in that country. I fail to see how isolating the Cuban people from democratic values and from the influence of Americans when they go to that country to help bring about change we all seek serves our own interest.

The Cuban people are not currently permitted the freedom to travel enjoyed by many peoples around the world. However, because Fidel Castro does not permit Cubans to leave Cuba and come to this country is no justification for adopting a similar principle in this country—a great democracy.

We need to treasure and respect the fundamental rights we embrace as Americans. Travel is one of them. If other countries want to prohibit us from going there, that is their business. But for us to say that citizens of Connecticut or Alabama cannot go where they would like to go is not the kind of restraint we ought to put on our own people.

Today, every single country in the western hemisphere is a democracy, with one exception: Cuba. American influence, through person-to-person and cultural exchanges, was one of the prime factors in this evolution from a hemisphere ruled predominantly by authoritarian and military regimes to one where democracy is the rule.

Our current policy toward Cuba limits these exchanges and prevents the United States from using our most potent weapon, in my view, in our effort to combat totalitarianism, and that is our own people—our own people. They are some of the best ambassadors we have ever sent anywhere. They are the best ambassadors to have.

Most totalitarian regimes bar Americans from coming into their countries for that very reason. These countries are afraid of the gospel of freedom that might motivate their citizens to overthrow dictators, as they have done in dozens of nations over the last half century. Isn't it ironic that when it comes to Cuba, we do the dictator's bidding for him in a sense? Cuba does not have to worry about America spreading democracy. Our own Government stops us from doing so.

There is no better way, in my view, to communicate America's values, our ideals, than by unleashing the average American men and women to demonstrate, by daily living, what our great country stands for, and the contrasts between what we stand for and what exists in Cuba today.

I do not believe there was ever a sensible rationale for restricting Americans' right to travel to Cuba. With the collapse of the Soviet Union and an end to the cold war, I do not think any excuse remains today to ban this kind of travel. This argument that dollars and tourism will be used to prop up the regime is specious. The regime seems to have survived 38 years despite the draconian U.S. embargo during that entire period. The notion that allowing Americans to spend a few dollars in Cuba is somehow going to give major aid and comfort to the Cuban regime is without basis, in my view.

Political rhetoric is not sufficient reason to abridge the freedoms of American citizens. Nor is it sufficient reason to stand by a law which counteracts one of the basic premises of

American foreign policy; namely, the spread of democracy. The time has come to allow Americans—average Americans—to travel freely to Cuba not make it even more difficult to do so.

Mr. President, a small number of individuals in the Congress may have temporarily succeeded in hijacking the democratic process with respect to this issue and in thwarting the will of the majority with respect to loosening U.S. restrictions on travel and sales of food and medicine to Cuba. But let me assure you that this issue is not settled. Those of us who want to see meaningful change in our Cuba policy will be back next year raising this matter on the floors of the House and Senate. And I predict that when the democratic process is allowed to work, the results of last night's conference will be decisively reversed and U.S. policy toward Cuba will be finally put on the right track and the prospects of a peaceful democratic transition in that country greatly enhanced, and the 11 million Cubans will know that the American people care about them despite their strong objections to the Government which runs that country today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, it is my understanding that Mr. DOMENICI, and then Mr. MCCAIN, have orders for recognition.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I ask unanimous consent that I may briefly speak now, and that I may also be recognized following the speech by Mr. MCCAIN and the speech by Mr. DOMENICI for not to exceed 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAUREEN MANSFIELD

Mr. BYRD. Mr. President, on Wednesday, September 20, the Senate lost one of its own family members. Not a member with a capital "M," elected by the people, but an unpaid, unsung, but O so important member of the Senate family. On Wednesday, Maureen Mansfield, the beloved wife of former majority leader Mike Mansfield, passed away.

It is safe to say that without the efforts, energy, dedication, and love of Maureen Mansfield, the Senate and the people of Montana might never have benefited from the extraordinary talents of Mike Mansfield. Like myself, Mike was raised by an aunt and uncle after the death of his mother when he was just 3 years old. During the First World War, Mike Mansfield dropped out of school and joined the Navy, and he also served with the Army and the Marine Corps.

Upon his return to Montana, he worked as a mucker in the copper mines and did not resume the schooling he had left in the eighth grade.

Maureen, a high school teacher when her younger sister introduced her to Mike, encouraged him to return to school. She helped him to apply to Montana State University and helped him complete his high school equivalency courses before completing college. She cashed in her life insurance and worked as a social worker in order to support her husband in school. Then both of them went on to earn Master's degrees. Maureen Mansfield did not believe, and disproved, the old saw that you cannot change a man and that all efforts to do so are futile.

Mike Mansfield's congressional career also benefitted from Maureen Mansfield's support. Maureen would campaign for Mike in Montana, sometimes on her own when Mike could not get away from Washington. Mike Mansfield served five terms in the House before his first election to the Senate. In the Senate, Lyndon Johnson picked Mike for party whip.

In those days, it was different from what it is now because a leader would not pick another Member for the office of party whip. That is a matter that the Members will resolve.

Mike went on to serve as Majority Leader himself for sixteen years, longer than any other Senator. I served as his party whip. I continued to hold Mike Mansfield in the highest respect. Mike and Maureen have always been good friends to me and Erma, and we will both miss their companionship and the very deep affection and esteem with which they treated each other, and which sustained them through 68 years of marriage.

Erma and I have 5 more years to go before we can say we have been married 68 years. But Mike and Maureen set an example as an exemplary creative family in that regard.

Mike Mansfield never lost his appreciation for his wife's support. He always readily gave Maureen the credit that he felt she was due and which I, having enjoyed the same kind of love and support from my wife, readily endorse. These talented, organized, gracious women, such as Maureen Mansfield and Erma Byrd, could have commanded armies. They could have run universities or won Senate seats in their own right. But they chose instead to hitch their stars to the wagons of their husbands. And Mike Mansfield and I are definitely the better for it. I believe, too, that the nation is better off as result as well.

The demands of the Senate, particularly the demands placed upon Majority Leaders, are stressful, time-consuming, and exhausting. It is even more than a two-person job. I could concentrate on Senate matters knowing that Erma was there at home to support me and to give the love, affection, and attention to our two daughters that they so much deserved. I am here to say that one old adage is certainly true, and we have all heard it many times. That is, behind any great man is an even greater woman. To the extent that I ever wanted to be great, I have been denied that. But I can say that I have Erma to thank for whatever I have been able to accomplish. I know Mike Mansfield would say the same about Maureen.

Now that Maureen has found new life in the shelter of God's hand, I hope that Mike, his daughter Anne, and his granddaughter might sympathize with the words of "The Beyond," penned by Ella Wheeler Wilcox (1855–1919):

It seemeth such a little way to me,
Across to that strange country, the Beyond;
And yet, not strange, for it has grown to be
The home of those of whom I am so fond;
They make it seem familiar and most dear,
As journeying friends bring distant countries near.

And so for me there is no sting to death,
And so the grave has lost its victory;
It is but crossing with bated breath
And white, set face, a little strip of sea,
To find the loved ones waiting on the shore,
More beautiful, more precious than before.

We miss her here, but she surely waits for Mike.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first, I want to congratulate Senator BYRD on his comments with regard to the very distinguished Mike Mansfield, and what happened to him recently with the passing of his beautiful and wonderful wife. I, too, in reading about him—I didn't experience as much of him as the Senator from West Virginia did—but he did things in a rather sensational and unique way.

Even though I didn't know him as long as the Senator from West Virginia, and didn't feel his presence as much, he is a very wonderful American.

Can you imagine in his early life what he did, how he became educated and found himself majority leader of the Senate? He did that for a long time, and is still the recordholder.

Mr. BYRD. He is. He was majority leader longer than any other Senator.

Mr. DOMENICI. Frankly, from what I understand, he did it with a very cool hand. Maybe it was different in those days. It was less confrontational than today, as I understand it—with no criticism and no inferences; just that it was different when he was leading.

Mr. BYRD. We were in very different times, and we were dealing with different personalities. He was a remarkable man, however.

I thank the very distinguished senior Senator from New Mexico for his words.

Mr. DOMENICI. I thank the Senator.

THE GORE BUDGET

Mr. DOMENICI. Mr. President, yesterday, and maybe two previous occasions on the Senate floor, I discussed the Gore budget and what is going to happen to the huge amount of money that we are getting from the taxpayers, which we have begun to call a "surplus." I choose now to call it the "tax overpayment." It is what the people are paying in that we don't need.

I would like to, once again, make sure the Republican candidate for President, George W. Bush, and the candidate for Vice President—who last night did such a marvelous job—the distinguished former Secretary of Defense, Dick Cheney—I urge them to continue to tell the American people what the Gore budget will look like.

When it is mentioned, everybody says this came from the Budget Committee staff and the Republicans, and, therefore, you shouldn't use it; that it is partisan; that it is like paper that is not even worth using.

I say to our two candidates, keep using it. Keep saying it is true because they are about as good as any people we have ever had to look at budgets. I am chairman of that committee, and, frankly, I have relied on their expertise year after year. I don't think I have to exaggerate and say they are the best. They are the best at getting to the bottom of programs and analyzing them. I asked them to do it. They did it. They gave us a major report on the subject, and I will say to our candidate—to the Governor of Texas, to the former Secretary of Defense, Dick Cheney—no matter what they say about it, you use it.

The Gore budget has 200 new programs in it. If you estimate appropriately their cost based upon what is said about the program, you cannot pay for those programs without using all of the on-budget surplus and $700 to $900 billion of the Social Security surplus.

Now, that is our version. We think it is true. And we don't believe the American people actually think when you finally have a surplus—because we are paying so much more in taxes than we need—we don't think the American people want the Government to grow at the largest rate in modern history. Probably if you put the Gore expenditure budget into effect, you will increase Government in 1 to 2 years, more than any modern year, excepting maybe the Lyndon Johnson Great Society years.

Now, it doesn't matter to me as the chairman of the Budget Committee what Vice President GORE says about these figures, nor what our distinguished Senator from Connecticut, Vice Presidential nominee who I have great, great respect for, it doesn't matter what they keep saying. The truth is, we have an analysis of that budget. Early next week we will have a full analysis. They finally put their budget on to sheets of paper. It is a very large budget. We will finally have that analyzed. I am told it will come out no different. It will come out the same way, 200-plus new programs, the largest new expenditure in the next 5 years that we have ever had in the Government. If you take them at their word and do all of them, you cannot do it without spending part of the Social Security surplus. No matter what they say about its source, it is as good as anything they have.

I have great respect for the Vice Presidential nominee. He knows that. Last night he said something that wasn't true, and I ask him to revisit this. He said their budget, the budget they have, analyzed for the future, was done by a neutral body called the Congressional Budget Office. That is to make sure that everybody would think it is authentic and that the Domenici budget analysis is not authentic. I assure everyone, the Congressional Budget Office does not do an analysis of either candidate's budget. In fact, that is not within their prerogative. They have not analyzed the Gore budget. They have not analyzed the budget of the Governor of Texas, either. And they won't.

The Democrats have somebody analyzing theirs, watching out for them, who is on their team, and they want everybody to think ours, and the majority staff has worked on this for years, they want everyone to believe it has no credibility. I think to the contrary.

My friend Dick Cheney will be in my State in a few days. I hope he talks about this subject. Let them bring up the fact that Democrats don't think it is worth very much. We will make sure the public understands we have as good an analysis as anyone. If the Democratic nominee for President does every program he contemplates—there are some that are superexpensive. There are some universal programs in there that will never get adopted by Congress, but we might as well make sure the public understands they are expected, they are contemplated, they are out there to tell the people, elect us and we will do all these things.

That is part of my reason for coming to the floor, so anyone who wonders whether that is authentic, I can assure Members, I will not give ground on this through the election and after the election. I believe it is right. I think our candidates ought to use it.

Now I will talk about the so-called Al Gore tax cut plan and the George W. Bush plan. I don't know if I have enough time today to go through the George W. Bush plan, which is very simple. I am not sure I can do that because today I want to talk a little bit about a rather unique way to cut taxes, or allege you are cutting taxes, for middle-income America when you are not.

If there is a middle-income American who happens to be listening, and they say, oh, boy, Vice President GORE has spoken so much about giving the middle class a tax cut, I will get a tax cut—my friends, you are not necessarily going to get the tax cut. The Gore plan says the Internal Revenue Service will decide whether you get a tax cut. And you are going to apply for it when you file your tax return, and if you are a family, you have to go through up to 25 different tests with the Internal Revenue Service to determine what you are entitled to. In fact, if the people think the Internal Revenue Code is complicated, and IRS is not doing a good job, then remember that every single so-called tax cut that Vice President GORE is telling you about is going to be administered by the Internal Revenue Service, which is going to pass judgment on whether you are entitled to one of the scores of tax credits or other tax benefits. Let me go further, the IRS will determine what tax refunds or government check you are entitled to, because under Vice President GORE's plan not only taxpayers get tax breaks, people who pay no taxes get government checks.

People will fill out their federal tax return. They will find a check in the mail from the Internal Revenue Service, even though they pay no taxes.

That is part of his tax plan: The part for middle Americans, middle-income Americans, you cannot just file your tax return and say, I am a middle-income American earning $65,000, and I want my 5-percent tax cut, or 7 or 10, you have to ask yourself if you qualify for a tax credit or a refundable tax credit under this plan. There are all kinds of reasons you might get some tax relief, but they are all going to administered by the Internal Revenue Service.

Isn't that nice? So if you apply, and the IRS agrees, you get to use your tax money. If you apply and if you fit, you get to use your taxpayer dollars for a certain specified purpose.

The most significant difference in the two men's tax proposals is that George W. Bush gives you a tax refund and you can spend it for whatever you want. The Vice President, the nominee from the Democratic Party, gives you no tax cut to spend as you may. Since it is your money, you have to qualify as if you were under a Federal program.

GORE wants to imbed social policy of the country into the tax code. We are substituting the Internal Revenue Service as the one that gets to see whether or not you are going to be able to have these particular services paid for by the Federal Government. I cannot believe when the American people understand this that they are going to say they want that tax approach.

Let me repeat, in order to get all of the so-called Gore middle-class tax cut, a family has to meet 25 different tests, at least one for each of the 25 proposed pieces of the Gore middle class tax cut. That means if you don't meet the tests, you don't get any relief, any help. Wouldn't it be better to have a 5-percent or a 10-percent tax cut, and you use the money as you see fit, if you are $67,000, a $72,000 family or $35,000 or $40,000? You have to understand or try to understand and then comply with 25 sets of rules before you see $1 of so-called tax relief.

I thought tax policy was supposed to be neutral. The best tax policy does not try to engineer social behavior. I didn't think it was supposed to be the vehicle by which you ran scores of social programs and you told Americans if you want that program, you can pay for it and we will give you the money; but if you don't want that program, you don't get any tax relief.

GORE proposes to substitute the Internal Revenue Service for a score of Government programs. Instead of saying let's create a new federal program in this area with Government, AL GORE says file a tax return, and if you fit the cookie cutter profile, you can help your great grandmother who is sick—you get some of your tax overpayment back to help pay some of those expenses. The Government will help you. It will not help you with a program, it will help you so that you will get a piece of the taxes you pay refunded—or deducted.

This is not a step toward tax simplification. It will make the Tax Code more complicated. If it is too complicated today, it will become even more complicated. I think it would not take 3 or 4 years before the American people will force us to throw it out. But I do not think it will ever become law.

Some of the tax cuts are not even for taxpayers, much less for middle-class Americans. Because of the income limits, many people who think they are middle class are left totally out because they earn too much money to pigeonholed into AL GORE's "middle class," or to be entitled to one of the myriad tax credits the Vice President suggests is good tax policy.

A refundable tax credit is Tax Code talk for Government checks to people who do not pay Federal income taxes. It sounds more like a way to have some welfare spending and use the income tax code to administer it. There is only one refundable credit in the code now, and many believe it is one too many. But I do not believe almost all of the entire surplus that is going to go to taxpayers ought to be done in this way, with refundable tax credits going to people who pay no federal income tax so long as the person does what the Vice President thinks you ought to do with your money. Refundable child care credits, refundable day care, refundable after school care—all specific and all already covered in the Earned Income tax credit. You don't have to be a taxpayer to get a so-called middle-income tax cut for child care, family leave, or stay-at-home parents or kids in afterschool care, or expanding the earned-income tax credit. More spending programs dressed up as tax cuts will be there for those who do not pay any taxes.

In addition to refundable credits, the Vice President proposes initiates that this Administration has vetoed. For instance, tuition savings accounts are listed now as one of those things in the long list of things that you might put your money away for and get some tax relief. AL GORE says he would like to enact them. Interesting; this administration vetoed that bill for them more than once.

The Vice President says he is for marriage penalty relief yet the Administration vetoed the bill providing it. The Vice President's proposal is curious. Let me say there is no marriage penalty relief if you own your own home and pay a mortgage. Isn't that interesting? This administration boasts record numbers of American homeowners. Yet, they will not give a dollar of marriage tax penalty relief to people who own homes and pay mortgages, again, using the Tax Code for social approaches in the United States. Perhaps the reason for this one is there are too many people who are building too many homes, and maybe we ought to slow it down.

There is a tax credit for individual health insurance. Yet you get part of the middle-income tax cut if you need additional training, or certification programs. That is a separate notion in their Tax Code.

So, today, I would like to start a series of discussions which I will bring to the floor regularly. The next one will be: What is the George Bush tax plan. The next time I come, I will include in the RECORD the entirety of Vice President GORE's so-called middle-income tax relief. I will bring the entire list. You might say: Why are you bringing a list? Isn't a middle-income tax cut just a percentage, just a cut?

No; it is myriad programs. If you do not qualify as having done one of those, or choose to do one of them, you do not get tax credits nor refundable tax credits. That is a very new way to run America.

We are going to expand those beyond recognition. The most significant one we have now is the earned-income tax credit. It is refundable. A lot of people who pay no federal income tax get a check from the federal government under the Earned Income Tax Credit program. It is an encouragement for low-income workers to work—although we have changed that, where you do not have to work. But, just think, we have a few of them. The entire middle-income tax proposal of the Vice President is going to be specific things that specific Americans qualify for or they do not get any tax relief.

Essentially, I am going to close saying the most significant aspect of the Bush tax cut is that the 15-percent bracket is cut to 10. This is a tax cut for taxpayers. That encompasses almost the entirety of the tax cuts—15 percent at the bottom goes to 10. But, you see, everybody at every bracket pays taxes on some of their income at the lowest rate—15-percent bracket. So cutting the lowest rate helps all taxpayers. It is very simple. You get it because of the tax bracket and whatever other things are in the current Tax Code.

I repeat, there is much talk about the top 1 percent. The top 1 percent pays 33 percent of the taxes in America. When the Bush plan is completed they will pay 34 percent of the total tax take of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

UNANIMOUS CONSENT REQUEST—S. 3059

Mr. McCAIN. Mr. President, I would like to use 4 or 5 of those minutes in case someone who might object to the unanimous consent agreement would have time to come to the floor. I would like to say, within about 5 minutes I am going to try to get the unanimous consent agreement again.

Mr. President, this is from October 9, 2000, a copy of Newsweek magazine:

> At first, the death of 14-year-old cheerleader Jessica LeAnn Taylor seemed simply to be a tragic tire failure. While heading for a football game in Mexia, Texas, on a hot October afternoon in 1998, the Ford Explorer in which Taylor was riding flipped after its left rear Firestone tire shredded at 70 miles an hour. Jessica's grieving parents sued Bridgestone/Firestone in March 1999. But over the last two months, as congressional investigators probed the recall of 6.5 million Firestone tires, the Taylors became convinced that Ford Motor Co. shares the blame for their daughter's death. So late last month the Taylors sued Ford, too, and when the case goes to trial next spring, the Taylors' lawyer Randy Roberts says he will tell the jury: "A piece of tire tread never killed anybody. People die when the vehicle rolls over. And the responsibility for the design and occupant protection of that vehicle belongs to Ford."
>
> Since the safety crisis began, Ford executives have argued the recall was strictly a "tire issue." But as the death toll mounts to 101 lives, [it has exceeded that since then] questions about the stability of the Explorer are shifting the focus onto Ford. The carmaker is facing 80 lawsuits involving Explorers equipped with Firestones that shred

> at high speeds. Meanwhile, Firestone is consistently trying to blame Ford. "We could remove every one of our tires from the Explorer, and rollovers and serious accidents will continue," Firestone executive John Lampe told a congressional panel.

Mr. MCCAIN. Mr. President, there have been well over 100 deaths. Last weekend, a 10-year-old boy was killed when the driver of a Firestone-equipped Explorer had an accident near Laredo, TX. Authorities said at least one of the tires was shredded.

I am not going to repeat every human tragedy that takes place here. But we passed a bill out of the Commerce Committee on a 20–0 vote. The majority leader is a member of that committee. He supported it. All Republican members had an opportunity to amend it, as well as those on the other side of the aisle.

I would like to repeat; I have a letter from the Secretary of Transportation. In the last paragraph, he says:

> Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects. I will work with you in any way I can to help shape legislation the Congress can approve and the President can sign into law.
>
> Sincerely, Rodney Slater.

Mr. President, the Members of the House of Representatives are here to meet with me. They just passed a bill through the House, 42–0, from their committee.

They are prepared to take it to the floor of the House on Tuesday, is my understanding from Chairman TAUZIN and Congressman Upton. Congressman UPTON, by the way, as we all know, is from a State where the vehicles under question are manufactured and one of the reasons he has taken a lead role here.

I hope we can get this agreement. I emphasize again my commitment to the Presiding Officer, the Senator from Alabama, to work with him on serious concerns that he has about this issue. I assure the Senator from Alabama, again, my respect for him, his experience as former attorney general of his State, and I believe his views and his input will be very important.

Also, in this unanimous consent request, there is no time limit and only relevant amendments are in order. It would be fairly easy, the way the Senate works, in the remaining days—because my understanding is now we will not be back until next Wednesday—it would be fairly easy to block this legislation, although I certainly hope that will not be the case.

Again, I thank the Senator from Alabama for his consideration of this issue.

Mr. President, I ask unanimous consent that it now be in order for the majority leader and the Democratic leader to determine the specific time and date for the consideration of S. 3059 and that only relevant amendments to the bill be in order.

The PRESIDING OFFICER. Is there objection?

Mr. VOINOVICH. Mr. President, I reserve the right to object and I shall not object, but I would like to engage in a discussion with the Senator from Arizona. I have some substantive concerns about this bill and I and my staff need some time to review the bill. I have concerns that if we are going to impose criminal penalties in this area, that standard for triggering these penalties is a clear bright line. I am also concerned that the reporting requirements as outlined presently are over broad and unworkable. I am very concerned about safety and want to ensure that we enact solid workable legislation to protect people. I am not trying to stop this bill, just ensure that it is solid, clean, well thought through legislation.

Mr. MCCAIN. I appreciate the concerns of the Senator from Ohio and I respect his right to object. I intend to work with the Senator to resolve his concerns either before we move the bill or through the amendment process. As I have said from the beginning, all I am seeking is an opportunity for the Senate to address this matter before we adjourn.

Mr. DOMENICI. Mr. President, reserving the right to object, I will say to my friend from Arizona, I have been asked by a number of Senators who cannot be here at this hour to object in their behalf. So I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I was told by the majority leader that if Senators had objections, they would come to the floor themselves. That was the word I had from the majority leader, that those who had objections would come themselves. I have his word on that, so I took his word.

I think the Senator from New Mexico should know that was the word I was given by the majority leader of the Senate; That they would have to come down and object to this unanimous consent request themselves. So I hope the Senator from New Mexico will withdraw his objection.

Mr. DOMENICI. Mr. President, I say again to my distinguished friend from Arizona, I have no such understanding and representatives on the floor of the majority leader's office have asked me to do this.

Mr. MCCAIN. I thank the Senator from New Mexico.

Will the Senator from New Mexico, for the RECORD, say which Member or Members are objecting to this legislation?

Mr. DOMENICI. I do not believe I have to and I will not do that.

Mr. MCCAIN. I did not imply the Senator had to.

Mr. DOMENICI. I understand that. I have been asked to do this. You have asked a number of times, and the objection has been raised just as I am raising it. I regret I have to do it. I am not here suggesting you have not taken due diligence in producing this bill. I am saying in the waning moments of this session, this is what I have been asked to do, and I must object.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, it is of interest that the Members on the other side of the aisle have no objection to moving forward with this legislation, this unanimous consent request. Therefore, I intend to continue to propound the unanimous consent request as long as it seems there might be some way to do so.

I say to the Senator from New Mexico—and I say this more in sorrow than anger—by objecting, you do take responsibility in not allowing this legislation to go forward, and I regret that deeply.

Mr. President, I suggest the absence of a quorum.

Mr. DOMENICI. Before the Senator does that, I ask for 1 minute.

The PRESIDING OFFICER. Does the Senator from Arizona withhold?

Mr. MCCAIN. I withhold.

Mr. DOMENICI. I thank you for your comments. I do not agree with you with reference to my responsibility, but I think we know each other well enough. I know what I had to do, and I know where my responsibility lies, but I thank you very much.

Mr. MCCAIN. I thank you for your response. The fact is, the Senator from New Mexico lodged the objection.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, will the distinguished Senator withhold his suggestion and allow me to complete some remarks?

Mr. MCCAIN. Absolutely.

Mr. BYRD. I thank the distinguished Senator.

THE SENATE SAYS GOODBYE TO SENATOR J. ROBERT KERREY

Mr. BYRD. Mr. President, in this season of fall, the view from our window on the world transforms. As the stoic Greek philosopher Heraclitus has been quoted as saying, "Nothing endures but change."

Since I became a Senator in 1959, I have observed that every 2 years the picture of the United States Senate also changes. This year will be no exception. Before we adjourn, we will wish a fond farewell to the men who have chosen to leave the hallowed halls of the Capitol to travel down new roads that will bring different vistas into view.

Five of our fellow Senators know, even before the election results are tallied in November, that come January

2001—the beginning of the 21st century and the beginning of the third millennium—they will be starting out on a new journey. One of these five has announced that he will take a position that will allow him to continue his advocacy for a fine and noble pursuit, the pursuit of education. In January, Senator BOB KERREY, the Senior Senator from Nebraska, but the youngest Senator who has announced his retirement from the Senate this session, will begin a new life, far from his native Omaha, as president of the New School University of New York City. There he certainly will have a different view from his window on the world, a much different view than the one we see from Capitol Hill.

While many of us were surprised by Senator KERREY's decision not to seek reelection at the youthful age of 57 years, setting off on new adventures is nothing new to Senator KERREY, who has already followed many different paths during his lifetime. While serving in the Senate, BOB KERREY has never feared to take the path less trodden, to follow his convictions and his principles no matter how rocky or lonely the road. His independence of thought and action is legendary.

After earning a Master of Science degree in pharmacy in 1966 from the University of Nebraska, he volunteered for military service in Vietnam. Not only did he volunteer to bear arms for our Nation, he distinguished himself during service. He earned a Bronze Star, a Purple Heart, and as a U.S. Navy SEAL. In doing so, BOB KERREY displayed such courage, dedication, and heroism that he was awarded the Medal of Honor by President Nixon.

In March 1999, on the occasion of the 30th anniversary of the events giving rise to his receiving the Medal of Honor, I joined with my colleagues in the Senate to salute him for his courage, his determination, and his heroism. His heroic story is inspiring.

After Senator KERREY's return from service as a U.S. Navy SEAL, he started a chain of restaurants and health clubs in his home State of Nebraska. Then, in 1982, he ran for Governor of Nebraska and won. He served as Governor of Nebraska until 1986, when he announced, to the surprise of many, that despite a 70-percent approval rating, he would not seek another term as Governor. He was prepared to take a turn down a different road, and 2 years later, he won a seat in the United States Senate.

When his face was added to the Senate picture in 1989, he became a member of the Senate Committee on Appropriations. It was my pleasure to welcome him, as I was chairman of that committee at that time. I appreciated the clear vision and the unflappable demeanor that Senator KERREY brought to the committee. In 1997, he chose to leave the Appropriations Committee for the Senate Committee on Finance. The countenance of that important committee will drastically change when we return, God willing, in January, after Senators MOYNIHAN, BRYAN, KERREY, and MACK depart from the Senate, of their own volition and on their own choice.

I commend Senator KERREY for his willingness to work hard on issues of interest to him and to his constituents.

During his 57 years of life, he has thus far been a scholar, a U.S. Navy SEAL, a Medal of Honor recipient, a scholar, a restauranteur, a fitness club founder, Governor of Nebraska, and a United States Senator. He has made his life unique. I wish the Senator from Nebraska well as he sets off down the path for his next adventure. Knowing Senator KERREY's propensity for taking his own road, I shall close with the following lines of verse written by Robert Frost. We are all familiar with that great poem, "The Road Not Taken."

THE ROAD NOT TAKEN

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth;
Then took the other, as just as fair,
And having perhaps the better claim,
Because it was grassy and wanted wear;
Though as for that the passing there
Had worn them really about the same,
And both that morning equally lay
In leaves no step had trodden black.
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back.
I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

PLANNING FOR OUR ENERGY FUTURE

Mr. BYRD. Mr. President, once again a critical region of the Middle East is engaged in violent clashes. Over the last week, the death toll in the Gaza Strip and the West Bank has risen to 67 lives lost. I know that Prime Minister Ehud Barak and PLO Leader Yasser Arafat made heroic efforts to try to reach a peace agreement these last few months. They even met for part of the time in my own State of West Virginia. With U.S. support and encouragement, the Israelis and Palestinians stood at the brink of a resolution, and they were as close as they have ever been to resolving a very longstanding dispute in that ancient, volatile, and embattled part of our world. Though I hope these two peoples will return to the negotiating table, today that opportunity appears lost.

This disheartening incident again illustrates that the Middle East peace is very fragile and could erupt like flash powder. While Saddam Hussein has been quelled for the time being, the world must always be on the watch. We do not know if the Israelis and Palestinians will reach a peace accord. Americans are affected in many ways. We have security and family interests in this region of the world, and the United States gets much of its energy resources from there as well. The U.S., our European allies, and many other industrial countries are tethered to the Middle Eastern oil chain. If we are ever going to break that stranglehold, then it is time that we take action here at home.

Over the past 18 months, the national average price of gasoline has risen from under $1 per gallon to $1.52 per gallon this week. As winter approaches and crude oil inventories remain at record low levels, both gasoline and fuel prices are expected to increase further. Americans are growing increasingly concerned about the seemingly endless volatility in our energy markets.

What we are seeing, Mr. President, in the fluctuation of energy prices is a textbook study of how supply and demand can affect energy prices. First, the Organization of Petroleum Exporting Countries agreed last year to reduce crude oil production, thus increasing the cost of producing gasoline. Secondly, gasoline refineries, which had shut down some operations when crude oil prices fell to record lows in 1998, suddenly faced shortages of production capacity to produce gasoline and heating oil when demand spiked earlier this year.

In response, the administration has successfully lobbied for an increase by OPEC in crude oil production over the past year. In March, OPEC's decision to increase crude oil production temporarily reduced the cost of gasoline, but prices increased again going into the summer driving season as demand for gasoline increased. Gasoline prices decreased in late summer, but, as winter approaches and the expected demand for crude oil, heating oil, and gasoline increases, prices could very likely climb again. These are the ups and downs of the energy roller coaster that has taken the American public for a ride.

To make matters worse, this volatility in gasoline prices is occurring as the United States prepares itself for the upcoming Presidential election. This has added fuel to the fire as Members of Congress, the administration, and politicians everywhere position themselves politically to avoid blame for the spike in energy prices. Unfortunately, such positioning is usually accompanied by a myriad of snake-oil remedies and miracle cures that do little more than lull the American public into believing that the problem is being fixed when, in fact, the problem is being exacerbated.

Two weeks ago, the administration announced such a proposal, against the better judgment of the U.S. Treasury Secretary and the Chairman of the

Federal Reserve, that would authorize the sale of 30 million barrels of crude oil from the Strategic Petroleum Reserve over the next month. This is the same petroleum reserve that was created in response to the 1973 Arab oil embargo to store oil in case of a national emergency, such as a war in the Middle East. Like the Army, you hope never to use the reserve. But, if you need to, it should be big enough to do the job.

Yet, the release of oil from this reserve is unlikely to have a significant effect on prices at the pump. The United States consumes approximately 19 million to 20 million barrels of crude oil per day. The administration's proposal would provide for an additional one million barrels per day. Such a small amount of oil is unlikely to have much of an effect on gasoline prices, especially in light of the additional 800,000 barrels per day of crude oil that will be produced by OPEC.

But what is worse is that this sort of intervention in the domestic energy market, which may seem simple, could actually be self defeating. If refiners expect more oil to be released from the reserve, these shrewd businessmen may hold off on buying more crude oil to produce gasoline and heating oil until the price of crude oil decreases, which would make it more profitable to them, not to mention the oil companies that have posted strong profits this year. Similarly, OPEC could easily offset any benefits from the release of crude oil from the reserve by reducing its own production by an equal amount.

So, I am not sure that Americans should breathe a collective sigh of relief at this announcement regarding releases from the Strategic Petroleum Reserve. It might be good public relations but not a good faith effort to reduce prices. A similar "fix all, miracle cure" was offered this spring in response to high oil prices. Some Members of Congress proposed reducing the federal excise tax on gasoline in order to reduce prices at the pump. In their rush to score political points, the proposal was brought to the Senate floor for a vote twice in April—once as an amendment to the fiscal year 2001 budget resolution and again as a free-standing bill. Both times, a sensible majority in the Senate voted not to repeal the gasoline tax by substantial majorities. I am proud that so many of my colleagues refused to swallow this patent nostrum, realizing that first, the savings from the excise tax repeal would not filter down to the consumer, and, second, that a reduction in the excise tax would have a significantly negative effect on the highway trust fund. Presumably, the sponsors of this dangerous proposition were going to provide tax relief to these oil and gas companies and delay highway projects just to make a political point. It is time to get beyond this campaign hysteria and last-minute gimmickery. These current concerns are really just symptoms of a larger problem.

Mr. President, I would also be remiss if I did not raise disturbing evidence that oil companies are sending our own oil overseas. On average, 50,000 to 90,000 barrels of oil per day have been exported to the Asian Pacific Region from Alaska's Northern Slope after an export ban was lifted in 1995. This output equaled about 27 million barrels in 1999. Why are we exporting oil from Alaska to countries like South Korea, Japan, Taiwan, and China when we face shortages at home? Are the same voices advocating for increased production in Alaska also supporting the export of oil overseas while simultaneously criticizing the recent release from the Strategic Petroleum Reserve? These voices are singing the siren song for increased oil company profits, not the hallelujah chorus of relief for the average American.

So here we are today caught in a black hole that will do little to move us down the road toward developing a sustainable energy policy. Just last week, a motion was made to proceed to S. 2557. I believe that we should be deliberating proposals on energy security. I also believe that we should not forget that there are other measures out there that should be given equal attention. While this bill may have some valid energy policy provisions, so do many other proposals. I note for the record, that Senator DASCHLE began an effort over two years ago to construct an energy security package. This effort, which I have cosponsored, addresses a number of important energy resources and industries. If Senators wish to support greater energy independence and encourage cleaner, more efficient technologies, then I urge them to also look at S. 2904, the Energy Security Tax and Policy Act of 2000.

We need to be talking about very complicated and critical energy matters, asking what role and responsibility we all must play. What is OPEC doing? What are the oil and gas companies doing? What is the administration doing? What is Congress doing? What are we doing individually?

My call for a comprehensive national energy policy is longstanding. On May 14, 1984, I took to the Floor with a warning that America should not be so dependent on Persian Gulf oil. At that time, the Reagan Administration was trying to eliminate the Department of Energy and its many energy programs. I argued that this was a wrongheaded approach and that short-term budget concerns should not dominate longer-term national security interests. At that time, I said: "Our energy security rests upon our military might, not upon our natural resources, nor our technological genius."

In another floor statement from August 6, 1987, I noted how the Reagan administration was continuing to undercut funding for the fossil, renewable, and synthetic fuels programs. That administration had slashed spending for energy conservation programs and vetoed legislation to provide for emergency preparedness and national appliance efficiency standards. Additionally, the Reagan administration was even balking at filling—not using—but filling the Strategic Petroleum Reserve. In reviewing that August 1987 speech, I warned:

> Why must the energy security of the United States be protected first with guns and not with brains or our homegrown natural resources? . . . The Reagan Administration's destruction of the Nation's long-term energy policies—policies that have been developed and promoted by every Administration since President Nixon—is imperiling America's energy security.

What can Congress do to find some common ground? Energy security and energy independence are a critical national, in fact, a critical international issue. Congress should find beneficial proposals and move forward on passing legislation in the 107th Congress that will get the job done. We should be looking at a variety of opportunities.

Let me offer one example from the recent past. Several weeks ago, while the Senate was debating the bill to grant China permanent normal trade relations, I offered an amendment to increase the use of American-made clean energy technologies in China. No Senator argued against this amendment on its merits. I believe that if a proposal like this were offered on another bill, then it could very likely have passed by an overwhelming margin and would be a win-win-win opportunity for business, labor, and the environment. I say to my colleagues, knowing that a multi-trillion dollar clean energy and environmental infrastructure market will be exploding in the coming decades, we should be taking every opportunity to promote market-based initiatives to deploy these American-made clean energy technologies at home and export these same technologies to developing countries as soon as possible.

Still, I realize that an effective energy strategy will require much debate and a good bit of negotiation. This is not something that can be resolved by depending on any one approach, technology, or resource. There are many serious questions that must be examined when considering our energy choices. We must consider the pros and cons of each of our energy resources and ask the following questions. With regard to oil and natural gas, how can the U.S. decrease its dependence on foreign producers by increasing domestic production while also ensuring that environmental protection and conservation are promoted? Regarding nuclear energy, is it possible for the U.S. to continue utilizing our existing nuclear energy facilities while also finding a workable solution to the problem of nuclear waste? Can the U.S. find ways to decrease the price for renewable technologies like wind, solar, geothermal, and biomass in a very competitive energy market? Is it possible to reconcile the conflicts regarding hydroelectric power and sustainable fisheries? How can the U.S. continue to use coal while ensuring that the air and water are made even cleaner? Finally, how can American businesses and individuals use all of these energy resources more wisely and find ways to reduce greenhouse gas emissions? No one industry, no one resource, no one technology, no one approach is going to provide that one silver bullet to fix our energy security problems!

Our long-term energy security interest goes far beyond the current price hikes in gasoline, diesel, home heating oil, or electricity. I fear that, as a nation, we are falling asleep at the wheel. We need policies that buffer our economy and our people from decisions made by foreign suppliers. It is time to focus on increased research and development into advanced technologies, energy efficiency and conservation measures, and market-based incentives to rapidly move these advanced technologies and conservation measures from the lab to the field. I believe that a comprehensive national energy strategy can do all of this and incorporate a strong environmental strategy as well.

Therefore, what would a comprehensive national energy strategy include? Let me suggest a framework that I believe would help Congress craft such an energy policy. We must look at developing all of our energy resource sectors—fossil, nuclear, and renewables. A comprehensive plan must include improved measures for all of the major energy consuming sectors—the transportation, manufacturing, residential, and commercial sectors. A national energy plan needs to address the development and the conservation of our resources. It does no good to be producing more of our energy at home if we are not making further progress to conserve energy as well, especially in a growing economy. We need to develop an effective pipeline for the development of more advanced energy technologies. This will demand that more money and effort must be devoted to research and development, demonstration, and, ultimately, deployment in the market place. This energy strategy must be sound economically and environmentally. We must examine actions that can be taken now as well as actions for the long-term. Finally, while taking these steps domestically, we should also be finding ways that we can increase the export of American-made clean energy technologies to other countries that need these technologies just as much as we do.

As many of my colleagues know, I have been working for many years to provide funding for a range of clean energy technologies. I note that two of these 21st century clean energy technologies, the Clean Coal and fuel cell programs, are being centered at our nation's newest national laboratory, the National Energy Technology Laboratory in Morgantown, WV and Pittsburgh, PA and I believe that Congress should continue to support critical efforts like these in the future.

These are 21st century clean energy technologies—not because this is the 21st century, it is not, until next year. But we are talking about technologies that extend into the future.

These technologies are essential for growing our economy while also ensuring that environmental improvements, energy security, public health, and air and water quality are met. I have been working for 15 years on the Clean Coal Technology Program, and I believe that it is possible to bring together several complementary and mutually beneficial proposals. Let me outline a framework for coal and Clean Coal Technologies that I believe should be included in an energy security bill in the 107th Congress. This package must be bipartisan, and I look forward to working with my Democratic and Republican colleagues who have supported this effort like Senator DASCHLE, Senator MCCONNELL, and others.

Senator LOTT's bill, S. 2557, has requested a report from the Department of Energy regarding coal and the development of an effective research, development, and demonstration program. I agree it is time to do a more comprehensive study of Clean Coal Technologies. Among other steps, the Department of Energy should work with the private sector on a study to find ways for achieving higher performance goals and should recommend a road map for the development of these new technologies. The Congress should also consider authorizing additional funding to carry out a more advanced research, development, and demonstration program to achieve these ends. I will certainly put my shoulder to the appropriations wheel in an effort to assist in this regard.

A comprehensive energy package should also include a provision to promote the commercialization of Clean Coal Technologies, similar to that included in S. 2904. This provision, which I and other Senators support, would help to establish incentives to increase the deployment of these advanced Clean Coal Technologies now and in the future.

Finally, it is time that the U.S. turn its attention to the current fleet of coal-fired power plants. These coal-fired powerplants generate approximately 56 percent of our Nation's electricity and are the work horses of our electric generating capacity.

Up here is part of the work. Take a look at the lights in the ceiling. When the curtains of night fall, look at the lights at the top of the Capitol and across both sides of the Capitol, and pause to think that those lights are burning because coal is still being mined.

It is time that we examine market-based incentives to make emission reductions and efficiency improvements for the existing fleet of coal-fired electric power generation.

I believe that Americans witnessed a healthy discussion about our Nation's energy security at Tuesday night's presidential debate between Vice President GORE and Governor Bush. Both candidates put forward their views on how the U.S. can effectively develop a comprehensive national energy policy. Each candidate made what I believe signify complementary goals regarding a comprehensive energy policy. Principally, Governor Bush expressed his belief that the U.S. should take additional steps to increase the availability of our domestic energy resources, and Vice President GORE asserted that the U.S. should also find ways to decrease our energy consumption. Additionally, and particularly, I welcome the comments by both Presidential candidates regarding clean coal technologies.

I have to say that this present administration and some of the budgets that have come to the Hill have sought to defer funding on clean coal technology, and even this year sought to rescind some of the money. That is going in the wrong direction.

The Vice President, in his September 14, 2000, letter to United Mine Workers President Cecil Roberts remarked, "I strongly support accelerating the development and deployment of technologies that will allow us to use coal in cleaner and more efficient ways." Following his announced support for clean coal technologies at a campaign stop in Huntington, WV a day before, Governor Bush also voiced his support at the debate by saying, "I want to develop the coal resources in America and have clean coal technologies." Responding to those comments by Governor Bush, Vice President GORE said, "I strongly support new investments in clean coal technology." I am heartened by the comments of both candidates, and I hope that the next administration will be a strong advocate for the increased research and development, demonstration, and deployment of these clean coal technologies in the coming years. The next administration has an obligation to follow through on those commitments to help America's coal miners, develop our own resources and technologies, and to deploy these clean coal technologies in the market at home and abroad. If we want to have a national energy strategy, then we must sit down together and put all of our interests on the table.

I heard a great deal of talk by both Presidential candidates in that debate about what each is going to do. Each is going to do this and each is going to do that, and this is going to happen and that is going to happen. Very little mention was made in that debate about Congress.

Congress has to be a partner in carrying out whatever plans the winning candidate may have in this respect and in other respects. So don't leave out Congress, my friends. Congress is very much a partner. I hope both candidates will recognize that in their future debates. They will think of Congress because it takes help from Congress, because Congress is made up of the elected representatives of the people. You have to have Congress on your side, whoever becomes President. We will sit down together and put all of our interests on the table.

We should judge the success of our energy strategy by how it affects the average person. How will it benefit farmers, coal miners, home owners, and truck drivers? We need to help create more jobs and an even stronger economy and ensure that the U.S. does not quiver each time that OPEC tries to flex its muscles. We must not allow ourselves to be swayed by the winds of the current political movement. The American people are not fools. They realize that last-minute, short-term, quick-fix solutions do little to address the underlying problem: the need for comprehensive national energy policy. It is my hope that Congress will begin to take a serious look at energy security legislation in the 107th Congress. Mr. President, I stand ready to meet these challenges.

ON THE RETIREMENT OF SENATOR CONNIE MACK

Mr. BYRD. Mr. President, the distinguished Senator from Florida, CONNIE MACK, has decided to retire from the Senate after serving two successful terms. This Senator from the Sunshine State has served his people and his country well.

Following graduation from the University of Florida with a Bachelor of Arts degree in Marketing, the young Senator-to-be began a successful sixteen-year career as a community banker. Quickly emerging as a local civic leader in Cape Coral, FL, he fought to ensure access to vital health care services in his community by leading the effort to build a local hospital.

Heeding the call of greater professional challenge, CONNIE MACK entered the political arena when he won election to the U.S. House of Representatives in 1982, a position he would occupy for the next six years. As a member of the House, he was recognized by U.S. News and World Report as one of the Nation's most effective "rising political stars." His sincere dedication to public service and love for the art and the process of legislating further propelled him to seek and win a seat in the United States Senate.

It is obvious that his Florida constituents understand and appreciate the degree of skill, dedication, and integrity that Senator MACK has brought to his work. And, as Republican Conference Chairman and third-ranking member of the Senate Republican leadership, it is obvious that his Republican colleagues have understood and valued those qualities in Senator MACK as well.

In 1994, Senator MACK had the distinguished honor of being the first Republican in Florida history to be reelected to the U.S. Senate. He received 70 percent of the vote, more than any other Republican Senate candidate in the nation. In that same year, Senator MACK was named by Campaigns and Elections magazine as one of the 20 most popular elected officials in America.

Mr. President, no Senator has fought more vigorously to protect and preserve the jewel-green waters, the soft, white beaches, and the inland springs that comprise the immense natural beauty of the marvelous peninsula he so effectively represents. He has been an ardent supporter of restoring the natural history and the fragile ecosystem of the Florida Everglades, a true national treasure. Most recently, Senator MACK played a large role in the recent Senate passage of the largest environmental restoration project in history—a $7.8 billion effort to rescue the Florida Everglades from years of environmental degradation.

Senator MACK has been driven by his personal commitment to doing all that he can to provide a better, healthier life for all Americans and people of the world. He has worked long hours, and with great determination, in an effort to see that Federal dollars are wisely used to combat breast cancer, prostate cancer, heart disease, and Alzheimer's disease. The junior Senator from Florida has long realized the importance of providing researchers with the tools necessary to continue the tremendous advances being made in biomedical research.

In the Senate, CONNIE MACK has been a true champion of the fight against cancer. He impressively co-chairs the Senate Cancer Coalition with Senator DIANE FEINSTEIN to heighten awareness of cancer research, early detection programs, improving cancer prevention, and exploring various innovative cancer treatment options. Senator MACK and his wife Priscilla, have both escaped the clutches of cancer, and have led the charge to ensure that all Americans take to heart the message that early detection of cancer saves lives. The Senator and his wife have received numerous honors and awards in their crusade against cancer, such as the National Coalition for Cancer Survivorship Ribbon of Hope Award in 1998 and the National Coalition for Cancer Research Lifetime Achievement Award in 1999.

Drawing upon his experience as a community banker, Senator MACK played a key role in defining the framework of landmark legislation in the Senate to modernize our nation's banking laws and offer more convenience for consumers. I supported this legislation. It has helped to shape the financial industry, enabling more efficient and appropriate responses to the burgeoning demands of an aggressive global marketplace.

And so, Mr. President, as he prepares to leave the Senate, I offer my sincere gratitude to Senator CONNIE MACK for his professionalism, for his friendship, for his leadership, for his candor, and for his many years of dedicated service to our Nation.

Always a gentleman, and that means a lot in this body and in life, he brought to this Senate floor and to his committee work some of the best that Florida has to offer this Nation—a willingness to work hard, to make tough and principled decisions, and to seek common ground in order to serve the common good. It is these notable qualities which will be so sorely missed.

I wish my distinguished colleague from the Sunshine State well.

Next week I will have something to say about other colleagues who are retiring and about whom I have yet to state a farewell message.

I yield the floor.

HATE CRIMES LEGISLATION

Mr. LEAHY. Mr. President, I rise today to note my deep disappointment that hate crimes legislation has been dropped from the Department of Defense authorization bill in conference, despite the fact that both the Senate and the House have voted to include it. This is a major step backward for our commitment to civil rights.

The Senate passed the Local Law Enforcement Enhancement Act of 2000, sponsored by Senators KENNEDY and GORDON SMITH, on June 20 by a strong bipartisan vote of 57–42. This legislation would strengthen current law by making it easier for federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. It also focuses the attention and resources of the federal government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability.

The Senate bill also shows full respect for principles of federalism. It strengthens Federal jurisdiction over hate crimes as a back-up, but not a substitute, for state and local law enforcement. It has received strong bipartisan support from state and local law enforcement organizations across the country, support that is particularly significant to me as a former prosecutor.

On September 13, the House voted 232–192 to instruct their conferees to agree to the Senate language, showing that a strong bipartisan majority of the House also wanted to strengthen and expand our laws against hate crimes.

But the conferees have now ignored the will of both the Senate and the House. They have dropped the Local Law Enforcement Enhancement Act, which has the support of not just the Congress but the President and the American people.

Their objection cannot be that this legislation is unimportant. Hate crimes affect more than just their victims and their victims' families—they inspire fear in those who have no connection to the victim beyond a shared characteristic such as race or sexual orientation. When James Byrd, Jr. was dragged behind a pickup truck and killed by bigots in Texas for no reason other than his race, many African-Americans throughout the United States surely felt diminished as citizens. When Matthew Shepard was brutally murdered in Wyoming because he was gay, many gay people throughout the United States felt less safe on our streets and in their homes. These crimes promote fear and insecurity that are distinct from the reactions to other crimes, and House and Senate have both agreed that they should have distinct punishments.

The conferees' objection cannot be that this legislation is unnecessary. Bigotry and hatred are corrosive elements in any society, but especially in a country as diverse and open as ours. We need to make clear that a bigoted attack on one or some of us diminishes each of us, and it diminishes our Nation. As a Nation, we must say loudly and clearly that we will defend ourselves against such violence. All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted Federal laws to protect the civil rights of all of our citizens for more than 100 years. The hate crimes amendment this Senate approved and the House endorsed continues that great and honorable tradition.

The conferees' objection cannot be that this legislation is unconstitutional. This bill accomplishes a critically important goal—protecting all of our citizens—without compromising our constitutional responsibilities. It is a tool for combating acts of violence and threats of violence motivated by hatred and bigotry. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it. As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with it. As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it.

The conferees' objection cannot be that this legislation has not been properly examined. In addition to gaining the approval of the Senate and the House this year, similar legislation passed the Senate last year. It has been the subject of great discussion in the general public and in the halls of Congress. It is long past time to act on this legislation.

Finally, the conferees's objection cannot be that hate crimes are rare occurrences. In addition to the terrible murders of Mr. Byrd and Mr. Shepard, the last years have seen the murder of former Northwestern basketball coach Ricky Byrdsong and others in a bigoted Illinois shooting spree, the terrible sight of small children at a Jewish community center in Los Angeles fleeing a gunman who sprayed the building with 70 bullets from a submachine gun, and racially-motivated crimes in the Pittsburgh area by both African-American and white offenders. And these are just some examples of a wider phenomenon of hate-based crimes.

I would like to thank Senators KENNEDY and GORDON SMITH for their exhaustive efforts on behalf of hate crimes legislation. I regret that their efforts and the will of the House and Senate have been frustrated.

VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue to fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 6, 1999:

Hector Colon, 34, Bridgeport, CT;

David Cook, 32, Kansas City, MO;

Raymond Foster, 32, Philadelphia, PA;

Michael Gatheright, 46, Detroit, MI;

Andres Geronimo, 15, Houston, TX;

Jose Godinez, 19, Chicago, IL;

Jerome Green, 40, Boston, MA;

Relendo McKarney, 21, Washington, DC;

Christopher Reese, 17, Fort Worth, TX; and

Ennis Walton, 29, Denver, CO.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

THE PASSING OF PIERRE ELLIOT TRUDEAU

Mr. L. CHAFEE. Mr. President, last week the Canadian people learned of the passing of their former prime minister, Pierre Elliot Trudeau. His funeral, which took place on Wednesday, brought Canada's many political factions together for an unusual moment of unity. I would like to take this time to share with my colleagues my thoughts on this momentous event for our neighbors.

Pierre Trudeau led Canada at a time when that nation made enormous progress both internally and on the world stage. He served as prime minister from 1968 through 1984, with a brief nine-month hiatus in 1979–80. During these years, Trudeau championed many initiatives, and supervised the process by which Canada replaced its ties to Great Britain with a constitution of its own. His agenda affected Canadian politics for years after he left office.

Pierre Trudeau's private life certainly made many headlines, but his most enduring legacy was his success in addressing the separatist movement in his native Quebec. Just two years after assuming the prime minister's post, he won plaudits from the Canadian people for his toughness in dealing with separatist terrorists who had kidnapped a British diplomat and a Quebecois provincial official. Ten years later, in May 1980, Trudeau's leadership and persuasiveness convinced 59.6% of Quebecois to vote against separating from the national government. At the same time, though, he was sensitive to his country's French-speaking population; Canada was made officially bilingual in 1984.

I lived in Canada for seven years during the Trudeau era. As an American in this foreign-but-nearby land, I learned first-hand how Pierre Trudeau shaped and influenced the maturation of Canada. Although the United States and Canada certainly had their differences during this era, particularly on matters of arms control, I know that our nation fully respected his abilities and leadership qualities that guided Canada through some momentous times. Our friendly neighbor to the north has lost a great leader, and I hope all of my colleagues will take a moment to recognize the enormous legacy of Pierre Elliot Trudeau.

THE HAZARD SUPPORT SYSTEM

Mr. AKAKA. Mr. President, Benjamin Franklin once described how "for want of nail the shoe was lost; for want of a shoe the horse was lost; and for want of a horse the rider was lost."

I wish to call the Senate's attention today to a similar situation. For $13 million, we could help prevent hundreds of millions of dollars in losses from forest fires.

This case involves a Federal program which can help detect wild fires and volcanic activity from space. It is a small program that has been in a pilot phase for a couple of years but which is now operational. Except it is not operating. It stopped when funding for it ended on September 30, 2000. Unfortunately, funds to keep it going have not been authorized or appropriated for the next fiscal year.

The program, which only recently came to my attention, is called the Hazard Support System. It is operated by the United States Geological Survey (USGS) and is a forceful example of how today's modern technologies can be employed to the benefit of us all.

For several years, our fire and volcanic agencies have been working with the Department of Defense to realize the potential dual use of the nation's ballistic missile warning satellites to argument existing fire detection and suppression capabilities and to monitor global volcanic activity.

We have heard a great deal about fires over the past few months. On average there about 100,000 wildland fires in the United States each year, destroying millions of acres of timber, rangeland, and homes at the cost of hundred of millions of dollars. In 1994, federal fire suppression cost $920 million.

Here is a system—the Hazard Support System—which can detect fires of less than a quarter acre in size and dispatch warnings via the Internet to fire fighters in five minutes, saving potentially millions of dollars—not to mention people's homes—and it is not being funded.

The system's utility is not limited to forest fires but also can be used to detect volcanic eruptions and to track ash clouds.

One can ask why should we care about tracking ash clouds?

Imagine cruising through an ash cloud in a airplane at 30,000 feet above Alaska: volcanic ash is sucked into the jet's engines where it instantly melts, coating the inside of the engines, cutting off the flow of oxygen, and causing the engines to stall. The plane drops to 10,000 feet where the engines restart only because the rapid descent has dislodged the ash crust. This actually happened to an aircraft in Alaska.

Jet radars and weather satellites cannot detect ash clouds. To these systems, ash looks like water vapor. With ash from volcanic explosions traveling around the world at high altitudes, we cannot fly safely unless we have the ability to track these clouds. Every year about 10 volcanic eruptions penetrate the altitude range of air traffic. Seven passenger airliners have experienced engine power losses, and plane repair and replacement costs, as of 1994, exceeded $200 million.

Most of the world's volcanoes can erupt without warning. There is no global volcano monitoring capability. Currently, less than half of America's 65 potentially active volcanoes are monitored for signs of activity—but not their ash clouds. We have active volcanoes in Alaska, Washington, Oregon, California, and Hawaii. Most of the volcanoes in the Aleutian Islands are active but, along this major international airline route, only 10 percent of these volcanoes are monitored. Only 10 percent of the world's 1,500 potentially active volcanoes are under constant surveillance.

The USGS' Hazard Support System fuses the fire- and volcanic-activity detection capabilities of the world's environmental weather satellites with that of our ballistic missile warning satellites—without affecting their primary national security mission—to provide 24-hour worldwide detection.

The cost of this system for its first year would be $13.5 million and $5 million thereafter. The benefits of this program for states in the Western part of the United States are obvious. I have been assured by the Administration that the only reason funding for this program was not requested for the next fiscal year was because, at the time of the budget preparation, the system was not yet operational. It is now operational and proven.

I intend to seek funding for a small program with a huge return in protecting Americans from future forest fires and the danger of catastrophic airline crashes. I would urge my colleagues to join me in support of this program.

VIOLENCE AGAINST WOMEN ACT

Mr. JOHNSON. Mr. President, October is Domestic Violence Awareness Month, and I can think of no better way to start off the month than by reauthorizing the Violence Against Women Act and providing thousands of South Dakota women and children with the resources and protection from violence and abuse.

As you know, programs contained in the Violence Against Women Act expired October 1. I have sponsored legislation to reauthorize and expand these important programs, and the reauthorization bill has received broad, bipartisan support in both the House and Senate. In fact, there are 72 Senators cosponsoring my bill. Also, the House of Representatives voted last week by an overwhelming 415–3 margin to reauthorize the Violence Against Women Act.

This Congress, that has failed to act on several important legislative initiatives, has the opportunity to do something right this week. Majority Leader LOTT can schedule votes today on reauthorization of the Violence Against Women Act, and it would pass overwhelmingly. The President has promised to sign the bill as soon as possible. The time to act is now.

In South Dakota alone, approximately 15,000 victims of domestic violence were provided assistance last year. Shelters, victims' service providers, and counseling centers in South Dakota rely heavily on these funds to provide assistance to these women and children. Reauthorization of this legislation assures that South Dakota communities will continue to have access to critical funds for domestic violence services.

A woman from South Dakota recently wrote me about this issue, and I shared her story on the Senate floor last week because I believe it made the most compelling case for reauthorization of the Violence Against Women Act. This South Dakotan was abused as a child, raped as a teenager, and emotionally abused as a wife. Her grandchildren were also abused. In her letter, she pleads: Please reauthorize the Violence Against Women Act. Don't let another woman go through what I went through, and please don't let another child go through what my grandchildren have gone through. You can make a difference."

I also heard from a Rural Outreach Advocate in South Dakota who said a grant from the Violence Against Women Act enables her and other advocates to help battered women in our state. She noted that many assaulted women and children in our state live in remote, rural areas that don't have available services. Without grants from the Violence Against Women Act, this Rural Outreach Advocate warned that we will be unable to help a majority of battered women and children on our state's farms and in our state's small towns.

In addition to the need to reauthorize the Violence Against Women Act, I recently joined Senator PAUL WELLSTONE of Minnesota in introducing legislation called the National Domestic Violence Hotline Enhancement Act. Since 1994, the National Domestic Violence Hotline (1–800–799–SAFE) has received 500,000 calls from women and children in danger from abuse. My legislation would create the National First Call for Safety web site that would allow National Domestic Violence Hotline operators to quickly and easily find the most appropriate shelter for callers. The highly secure and confidential web site would keep a continuously updated, nationwide list of available shelters and information about services and facilities offered by these shelters.

My legislation is modeled after the successful Day One program in Minnesota. Day One has run a web site linking every shelter in Minnesota and reports that 99 percent of women and children who call are assured to receive shelters and services that meet their needs.

While there are many worthwhile issues that must be addressed by this Congress in the next few weeks, I can think of no better accomplishment for Congress than to reauthorize the Violence Against Women Act and pass my National Domestic Violence Hotline Enhancement Act. Simply put, these laws will help keep wives, daughters, sisters, and friends from becoming victims of domestic violence.

RURAL LOAN GUARANTEE PROGRAM

Mr. LEAHY. Mr. President, as a conferee last year on the satellite television bill, I worked hard to include, along with several of my colleagues, a provision that would have ensured that the benefits of that bill would also be shared by rural Americans through a loan guarantee program.

Those benefits include providing local-into-local television over satellite—which simply means that rural Americans would be able to receive their local network stations over satellite if they owned a satellite dish, along with the full range of weather, movie, superstation, sports and a host of other channels.

We wanted to ensure that rural Americans would get the same level of television service over satellite as urban Americas would enjoy.

As it turns out, urban Americans can now receive the full array of local network channels over satellite—but the great majority of rural Americans can not.

Unfortunately, the Chairman of the Banking Committee objected to the provision—at the end of last year—that would have helped finance such service to rural areas and we have been unable to resolve this matter.

At the time I was very worried this would happen which is why I discussed it at some length on the floor.

I want to stress, once again, to all of my colleagues that this is very important to our constituents. We need to work together so that we can resolve this problem and make sure that rural America is not left in the dark.

I am here today, to again stand with rural Americans. I have already mentioned on the floor several times that if we tried to hold a Conference on this issue that we would be unable to pass the bill this year.

I said few weeks ago that we simply do not have time to go through the formal Conference process. The e-signature Conference, for example, took many months. As I have warned everyone before—we do not have time for a Conference.

However, if we work together we can easily finish a bill that will actually work and get local television stations carried over satellite.

With a few improvements to the House-passed or to the Senate-passed bills we can get this job done for rural America.

We need to make sure that the federal guarantee can cover providing high-speed Internet access to rural Americans. As long as we are going to help finance a satellite we should get the biggest benefit out of it by having it also help break down the digital divide.

Also, some of the bill provisions consist of such atypical, and onerous, credit requirement that I do not think that any lenders will want to participate.

I have two basic concerns with the proposed language, and have serious concerns about the extraneous House provisions on cell telephones and the like.

I also understand through lobbyists that efforts are being made to include language that would take away FCC authority to approve the new "Northpoint" technology that could provide local-into-local television in many areas of the country. My understanding is that some of the satellite providers are concerned that Northpoint could compete with them.

In terms of the credit provisions of the bill, I am worried that potential borrowers may have long-term existing contractural obligations or security agreements whose contract terms would be abrogated by this law if they were to participate in this loan guarantee program.

If they received a guaranteed loan under the bill, their lenders could pull back existing credit lines for violating their contracts by complying with the new law.

With respect to the default language, even a minor default could lead to liquidation which would reduce the ability of the United States to protects its own interests and, in addition, could trigger unnecessary defaults on loans or projects which the borrower may have with the United States, or other lenders.

The additional problem with the superpriority bankruptcy language is that it is a backdoor "taking" of property because it would take the property rights of creditors that have other prior perfected security interests in the borrower's property.

These contract property rights—which would be destroyed after the fact—could be very valuable and the bill could take them away.

Mr. President, I have provided language to most interested offices some months ago to resolve these points which may appear at first blush to be technical but, in fact, could make it impossible for this program to work.

I have also proposed language to ensure that rural Americans are able to receive high-speed Internet access under this bill. The section on prerequisites for the loan does not list high-speed Internet access as a purpose for the guarantee.

I recommend adding "high-speed Internet access" to that section so that the Board could approve a guarantee which would include that purpose, as a secondary consideration.

I have pointed out before on the Senate floor that, "computers are on a development path that improves performance by a factor of 10 every five years," according to Scientific American.

However, without high-speed linkage of these constantly improving computers rural America will be left behind.

In America, there is a growing disparity between the digital "haves" and "have-nots" as portions of our society get left behind at the same lightning pace at which the Internet develops.

I would like the bill changed so that we can close the "digital divide" that keeps rural America from fully participating in America's economic boom under President Clinton.

I know that some are fighting to keep this disparity—but this disparity between rural and urban America is self-defeating as the Internet becomes an increasingly important thread of our business and social fabric.

So I hope all my colleagues will join with me in working together to get this program in operation before Congress goes out of session.

APPROPRIATIONS—INTERIOR AND RELATED AGENCIES

Mrs. LINCOLN. Mr. President, I rise today to talk about the Interior Appropriations Bill for fiscal 2001 and our efforts here in the Senate to enact the Conservation and Reinvestment Act to provide permanent funding for land, water, and wildlife conservation programs in this nation.

With the passage of the Interior Appropriations Bill for fiscal year 2001, we have taken a step in the right direction toward providing a permanent conservation fund for this nation—but it is only a step.

The Interior Appropriations bill funds many important programs and projects in Arkansas including refurbishing the historic Hot Springs National Park Bathhouses, constructing a visitors center at the White River National Wildlife Refuge, and funding needed construction and maintenance at recreation areas in the Ouachita National Forest.

The bill also increases the funding for the Land and Water Conservation Fund, Payments in Lieu of Taxes, Urban and Historic Preservation programs, State Conservation grants. And needed funding for tackling the maintenance backlog in our nation's park system. But it leaves many of the programs that we have pushed for in the Conservation and Reinvestment Act out completely. Specifically, it leaves out a permanent stream of funding for wildlife conservation and education programs.

By establishing a permanent funding source for state based wildlife programs, we can take steps now to prevent species from becoming endangered. This would enable us not only to conserve the significant cultural heritage of wildlife enjoyment for the people of this country, but also to avoid the substantial costs associated with recovery for endangered species. In fact, all 50 states would benefit as a result of the important link between these wildlife education-based initiatives and the benefits of wildlife-related tourism.

CARA also would have provided a permanent funding source for rural community assistance and development funds, historic preservation, urban parks, conservation easements, and restoration of National Parks. These provisions would annually provide almost $3 billion nationwide for land, water, and wildlife conservation programs and include over $25 million in funding for Arkansas.

The 2001 Interior Appropriations bill is an important step toward providing for the conservation of this nation's land, water, and wildlife, but we can do so much more. We must not let this opportunity slip away to enact what may well be the most significant conservation effort of the century. I strongly urge my colleagues to continue to work toward passage of the Conservation and Reinvestment Act.

CONCEALED GUN LICENSES

Mr. LEVIN. Mr. President, in recent years, lobbyists for the National Rifle Association, NRA, have been pressing state legislatures around the country to pass so called "shall issue" laws. "Shall issue" laws require that licensing authorities shall or must issue concealed weapons permits to those who meet standard eligibility requirements. The state laws take discretion away from local law enforcement agencies, who would ordinarily use their own criteria to determine who should carry a concealed weapon.

When such a law was proposed in my home state of Michigan, every major law enforcement organization in the state spoke out against it. Athletes, entertainers, religious leaders and some lawmakers joined them in their public plea to keep concealed firearms off our streets. In the end, although both the State House and Senate passed the "shall issue" legislation, lawmakers yielded to public pressure and refused to proceed to a conference committee, thereby rejecting the law.

While Michigan's citizens acted quickly to ensure that lawmakers rejected the NRA backed proposal, other state legislatures embraced the law as their own. This week the Los Angeles Times published an extensive report on the effects of the relatively new law that gives Texans the right to carry concealed weapons into public places, including churches, hospitals, nursing homes, and amusement parks. The Times story reveals that since the "shall issue" law's inception in 1995, and its expansion in 1997, Texas has issued concealed weapons permits to more than 400 criminals with prior convictions, and has since arrested more than 3,000 licensees.

Based on the LA Times investigation, it appears that the law billed as part of an "anti-crime" package could really be more accurately described as pro-crime. A recently released study from the Violence Policy Center disclosed that Texans with concealed-carry licenses were 66 percent more likely to be arrested for firearms violations than Texans who did not have such licenses.

The LA Times story explains that part of the problem is that in many cases, concealed permits were given to those whose records should have disqualified them. Perhaps the most disturbing case is that of Terry Gist, also known to his friends as "Holsters" because of his well-known affection for guns. Before he even applied for his permit to carry a concealed weapon in Texas in 1997, Gist had already been to court for trying to choke his wife and threaten her with a gun (she had a restraining order out against him) and arrested while in the army for brandishing his handgun at a local citizen in Haiti. After he passed the state background check and received his concealed weapons permit in the mail, he was known to carry two semiautomatic handguns, sometimes three, with him at all times. Gist bragged that he displayed one of those guns to a driver during a "freeway feud." In 1998, Gist was arrested and convicted for sexually assaulting an eight-year-old girl who said during the trial that she was afraid he was going to shoot her.

The most common category of problems associated with concealed weapons holders, however, are not those of Terry Gist, but those of people like Paul Leuders. Leuders, a Houston computer analyst, became so upset when he almost missed his bus that the concealed weapons licensee took out his gun and shot the bus driver in the chest.

Law abiding citizens, armed with concealed weapons, are too often turning what would otherwise be unpleasant but not catastrophic events, such as fender-benders and commuting hassles, into tragedies. The "shall issue" laws in Texas and in states around the country don't make us safer, they make us less secure. In addition, they send the wrong message to our children, that the way to deal with the problems of modern life is with a gun. People around the country reject the NRA logic that they are unsafe in public places if they are not armed. Legislatures should do the same.

America has come a long way since the days of the wild west. Over the last years our law enforcement agencies have developed better ways to reduce violent crime and keep our streets safe. "Shall issue" laws go in the wrong direction by increasing the number of weapons on the streets and the dangers we and our children face.

NATIONAL RURAL DEVELOPMENT PARTNERSHIP ACT OF 2000

Mr. CONRAD. Mr. President, I am pleased to be a cosponsor of the National Rural Development Partnership (NRDP) Act of 2000 introduced yesterday by my friend from Idaho, Senator CRAIG, and 25 of our distinguished colleagues.

The NRDP is a nonpartisan interagency working group whose mission is to "contribute to the vitality of the nation by strengthening the ability of all rural Americans to participate in determining their futures." Today the NRDP is comprised of nearly 40 State Rural Development Councils [SRDCs]. The NRDP also brings to the task of developing rural America more than 40 agencies, in addition to state, local, tribal, for- and non-profit organizations.

The Partnership has thrived in recent years because of the hard work of thousands of dedicated Americans throughout the country who are committed to reinvigorating rural life through coordination of their efforts and those of the public and private sectors. However, the NRDP has never been formally authorized. The future of this important organization can only be secured if the NRDP, the National Rural Development Council, and the SRDCs are formally recognized by the Congress and authorized to receive appropriations.

Mr. President, that is exactly what this legislation would do. Additionally, the Craig-Conrad bill delineates specific responsibilities for each component of the NRDP while refocusing and reinvigorating many current activities. It does not, however, create any new bureaucracy. This legislation grew out of a hearing of the Agriculture Committee's Subcommittee on Forestry, Conservation, and Rural Revitalization that Senator CRAIG and I, as chairman and ranking member, held on March 8 of this year. The support expressed at that hearing for the NRDP was broad-based and considerable.

I cannot emphasize enough the importance of the NRDP's work. Every region of our nation has benefited. In my part of the country, the NRDP has been particularly valuable in bringing together previously independent rural development efforts, creating a synergistic effect.

As I have discussed on the Senate floor and in committee on numerous occasions, in the Upper Great Plains we are facing a crisis of staggering proportions, placing unprecedented stress on every aspect of economic and community life. This is a very serious matter for the entire country. The farms of the Dakotas and the surrounding states produce wheat, corn, and soybeans in abundance, but something much more important: good families and great kids. The rural way of life helps foster the values of hard work and fortitude that have made America great.

In my view, the ongoing crisis in agriculture represents as great a threat to our nation's future as any of the foreign threats we face today. As we work to combat this domestic national security threat and preserve the rural way of life, the NRDP is a truly vital asset. I hope all my colleagues will join the 27 of us on this bill in pressing for its passage and enactment at the earliest possible moment.

Mr. President, I yield the floor.

ADDITIONAL STATEMENTS

FATHER NICHOLAS MAESTRINI AND FATHER JOHN BORACCO CELEBRATE 70TH ANNIVERSARY OF PRIESTHOOD TOGETHER

• Mr. ABRAHAM. Mr. President, I rise today to recognize Father Nicholas Maestrini and Father John Boracco, two men who have dedicated their lives in service to the Catholic Church, and who have often found their paths cross along the way. On October 22, 2000, the paths of these old friends will converge once again, as they will be honored together by the Pontifical Institute for Foreign Missions (PIME) in Detroit, Michigan, in recognition of their 70th Anniversary of Ordination.

Fr. Maestrini and Fr. Boracco began their long histories of dedicated service to the Catholic Church together as seminary classmates in Monza, Italy. Shortly after becoming ordained priests, both chose to enter into the PIME missionary. PIME is an international community of priests, lay missionaries and lay volunteers who have dedicated their lives to service in foreign lands. Founded in Italy in 1850, it is now a global organization that operates missions throughout the world. Its international headquarters are in Rome, Italy, while PIME U.S. Region is based out of Detroit.

Both Fr. Maestrini and Fr. Boracco joined missions in Asia, and both experienced struggle and hardship there during the chaotic period before, during and after World War II. Fr. Maestrini served as a missionary in Hong Kong from 1931–50. During this time, he suffered through the strife of the Great War and of being interned by the Japanese. Fr. Boracco had it no easier in China, where he was stationed from 1934–54, first in the northern Henan Province and then at Kai Pheng. He was forced to persevere through imprisonment, the Japanese occupation, and the Communist revolution. In 1954, he was condemned to die at the hands of the Communists, but was instead expelled.

In 1951, Fr. Maestrini was named Superior of the PIME U.S. Region. Four years later, he was joined in Detroit by Fr. Boracco, who was assigned to help with the seminary expansion started by his friend. For the next 19 years, the two formed the perfect team. Fr. Maestrini focused his energy on external matters, such as public relations and fundraising, while Fr. Boracco served as rector and spiritual director of PIME's theological and high school seminars. With success, their roles expanded. Fr. Maestrini oversaw the establishment of three seminaries, two award-winning films, and many fund raising and public relations programs benefitting the foreign missions. Fr. Boracco became Director of the PIME residence for priests, brothers and seminaries. While Fr. Maestrini retired as Superior in 1974, Fr. Boracco retired just last year.

Both Fr. Boracco and Fr. Maestrini remain active within the Catholic community. Aside from assisting at his local parish, Fr. Maestrini publishes a mission newsletter, and continues correspondence with missionaries and benefactors. Fr. Boracco regularly assists several parishes in the Archdiocese of Detroit.

I applaud Fr. Maestrini and Fr. Boracco on their extraordinary legacies of service. For 70 years, they have tirelessly spread the message of faith and good will to others embodied by the Catholic Church, and they have done so while forming a friendship that is truly unique. On behalf of the entire United States Senate, I congratulate Father Nicholas Maestrini and Father John Boracco on 70 years of successful service, and wish them both continued success in the future.•

TRIBUTE TO MR. BENNIE THAYER

• Mr. KERRY. Mr. President, Senator BOND and I would like to submit for the RECORD a tribute to Mr. Bennie Thayer, a long-time business advocate and remarkable man who passed away Monday.

Mr. BOND. Yes, Mr. President, Senator KERRY and I would like to join in making the following statement recognizing Mr. Thayer's lifetime accomplishments.

The remarks follow:

Mr. Thayer earned the respect and admiration of the small business community. Until his passing, Mr. Thayer served as the eloquently outspoken President and CEO for the National Association for the Self-Employed. Representing more than 200,000 members nationwide, as head of NASE Mr. Thayer fought for relief from unfair government regulations and pushed for legislative action on issues ranging from taxes to retirement plans. I think we will all remember him for his tireless work to get 100 percent deductibility for health insurance purchased by the self-employed. It wasn't easy. In fact, it was a long, long fight, but he managed to build bi-partisan support for 100 percent deductibility. How fitting it would be for Congress to pass such legislation before we adjourn.

In addition to Mr. Thayer's leadership at NASE, he has chaired and served on the board of many local and national business associations covering economic development, credit development, small-business enhancement, and general business growth. Of course, Mr. Thayer knew what he was doing. He could identify with the needs of small business owners and the self-employed because he himself was co-owner of the Board of Natural Health Options and A.W. Curtis Products, a manufacturer of natural health products. In his distinguished career, Mr. Thayer also was called upon at times to advise the past three Presidents—President Reagan, President Bush, and President Clinton.

But Mr. Thayer should be remembered for much more than his impressive resume or for being a champion of and advocate for small businesses and the self-employed. He served tirelessly in several capacities as a leader in his community. For the past seven years, Mr. Thayer was Senior Pastor of the United Methodist Church of the Redeemer in Temple Hills, Maryland. He also worked toward community development and youth mentoring as a board member of such organizations as REDEEM Inc. and the Board of Eagle Flight Inc.

In the most recent issue of "Self-Employed America," NASE's bi-monthly publication, there is an article entitled "Make Yourself Memorable." Mr. Thayer did. His first impression was a lasting impression—a warm, sincere handshake and an incredible, mesmerizing voice. Even if you didn't agree with something he said, you always liked how he said it. We will miss him.

Our condolences go out to his wife Bernice, his two daughters, his two grandchildren and his home community in Prince George's County Maryland, where he touched the lives of so many. May God bless his family and friends, and may the remarkable Bennie Thayer rest in peace.•

HONORING A COLUMBINE HERO, BOY SCOUT EVAN TODD

• Mr. ALLARD. Mr. President, I rise today to share with my colleagues a pair of statements I recently received from an exceptional young man in Colorado, Mr. Evan Todd of Littleton. Evan was one of the many unfortunate victims of the horrific shooting that took place at Columbine High School on April 20, 1999. Evan was the first student shot in the library at Columbine High School, and despite his injuries he assisted other students and administered first aid to a seriously wounded peer until emergency services could arrive. Evan, an active Boy Scout, was awarded the prestigious Boy Scouts of America Honor Medal for his inspiring actions. Still a Columbine student, Evan has dedicated a tremendous amount of time to speaking to other students and adults around the nation concerning the problems of youth violence and the cultural influences on American youth. I am honored that Evan took the time to write to me and I ask that a copy of Evan Todd's letter to his fellow Scouts and a copy of a speech he delivered at "The Gathering," a meeting of victims of school violence, be included in the CONGRESSIONAL RECORD.

The material follows:

Dear Fellow Scouts, I have been told that into each life some rain must fall. Some get rained on more than others. The rain that came down on us at Columbine High School was a cloudburst of epic proportions. This act was senseless, tragic and without justification, whatsoever. 13 murdered 25 wounded and 1,951 students youth destroyed. As a student who was shot and wounded in the library, it has changed my life, forever.

I believe that the children of a society are nothing more than the reflection of the society that they are brought into. The event here at Columbine in Littleton Colorado, and the events at Moses Lake Washington, Pearl Mississippi, Jonesboro Arkansas, Edinboro Pennsylvania, Fayetteville Tennessee, Springfield Oregon, Richmond Virginia, Conyers Georgia, Los Angeles California and elsewhere indicate to me that our nation has a serious character flaw. Since the Columbine tragedy, I have tried to stay abreast of the "adult society" debate as to the "why" and "how" of these terrible incidents. The adults debate and argue over what constitutes good and what constitutes evil; what is right and what is wrong. At the time of the Columbine tragedy, our national leader, the President, stated the youth of this nation need to learn to resolve our differences with words, not weapons. At the time this statement was made, we as a nation, were bombing Yugoslavia. They tell us that the youth of this nation need to be more tolerant, kinder, gentler, more understanding. Yet our entertainment, music, TV, movies, games (and actions of) the adult world provides for our consumption are all too often filled with violence, sex, death and destruction. If we were to take into our lives what is provided to us by our society, our actions would also violate the Scout Oath & Law. Other solutions to school violence have been nametags to be carried around our neck as millstones, metal detectors, increased video surveillance, etc. Our nation has always had guns. Our nation has always had children. What our nation hasn't always had is children murdering children and their parents, and parents murdering their children. The ingredient that has made America different is the last couple of 'adult generations', and their changes towards what is right & wrong, good & evil. It appears to me that our society is confused. The adult world seems as a ship with no rudder being cast around by the wind and storms of our times, with no control or understanding as to why. Many of these storms appear to have been caused by their own accord. It's as if our adult society has no compass, no bearing, no standards for our society. I have found them confused. Even at our age, we can discern the difference between what you say and what you do. . . .

In regard to the solution of watching what comes out of us by monitoring closely our world with surveillance cameras, what we say, how we look, etc., our society needs to watch carefully what goes into us. In my room is a picture of the Grand Teton mountain range in Wyoming. Below the picture is the following:

"THE ESSENCE OF DESTINY

"Watch your thoughts, for they become words. Choose your words, for they become actions. Understand your actions, for they become habits. Study your habits, for they will become your character. Develop your character, for it becomes your destiny."

The good news for those of us that are Scouts is that we are privileged to be a part of an organization that provides us the tools and instructions to put into us that which builds a better person, a better nation. Those tools are called the Scout Oath and Scout Law. Robert Gates, former Director of the U.S. Central Intelligence Agency (CIA) and our current President of the National Eagle Scout Association (NESA) recently stated that there is a war going on for the souls of our boys and young men in this nation. He sees clearly. If you are to be a scout, don't be a scout in word only. Learn and practice the Oath & Law in everything you think, say and do. I understand well how hard that can be, but "Do Your Best." To the Boy Scouts of America, thank you for defending our 90-year record and not allowing the Oath & Law to be redefined. As you say, it has stood the test of time. The generation that wants to change the Oath & Law has not stood the test of time. To all the scouts across America that sent me & my troop cards, letters, posters, your thoughts and prayers, thank you from the bottom of my heart. To you here tonight, I bid you vaya con Dios mi amigos, God Bless you and God Bless the work you do. Thank you.

GLASTONBURY YOUTH AND FAMILY SERVICES

• Mr. LIEBERMAN. Mr. President, I rise today to congratulate Glastonbury Youth and Family Services on its thirtieth anniversary. For a generation, this agency has provided a much needed service to the families of Glastonbury, Connecticut.

The children of Glastonbury are the future leaders of our state and nation, and it is critical to our continued success that they obtain the social and educational skills necessary to compete and succeed in the twenty-first century. The many programs offered by Glastonbury Youth and Family Services helps ensure that the town's children are exposed to the very best role models both inside and outside of the home. Because of the hard work and dedication of the parents, children, and workers in this program, the future of Glastonbury is very bright indeed.

Glasonbury Youth and Family Services has already helped open doors for countless young people, and I am confident that the children of the community will continue to benefit from its services far into the future.

Mr. President, I ask that you and all of my colleagues join me in congratulating Glastonbury Youth and Family Services on this very special anniversary.•

THE 75TH ANNIVERSARY OF THE NORWEGIAN CLUB OF DETROIT

• Mr. ABRAHAM. Mr. President, I rise today to recognize the Norwegian Club of Detroit, which will celebrate its 75th Anniversary in Orchard Lake, Michigan, on October 14, 2000. Only Ireland has had a larger percentage of its population immigrate to the United States than has Norway. As Norwegians arrived in Michigan, the Norwegian Club of Detroit was there to help them adjust to their new homeland, while at the same time continue to celebrate the familiar traditions of home.

The Norwegian Club of Detroit was organized in 1925. Originally consisting of only engineers, it quickly expanded to include Norwegians from all walks of life, providing an important cultural, social and professional network for Michigan's Norwegian community.

An example of the Club's importance to the Norwegian community can clearly be seen during World War II, when members managed to mobilize and ultimately provide support to Norwegian military forces who escaped the Nazi invasion. Members also organized training in Canada to assist in the war effort of the Allies.

The Norwegian Club of Detroit remains an important factor in celebrating and promoting Norwegian and Scandinavian cultural, political and economic ties to the State of Michigan. One of the first groups to participate in the Ethnic Festivals in Detroit, the Club also has helped support performances by the Scandinavian Symphony, a visit by the Hjemkomst Viking ship reproduction, as well as various Norwegian performers and artists.

Mr. President, 2000 is an extremely important year in the Norwegian-American community. It is the 100th Anniversary of the founding of Oslo, Norway's capital city, as well as the 1000th Anniversary of the Viking discovery of North America. This year also marks 175 years of Norwegian immigration to the United States. Amidst all of this, and on behalf of the entire United States Senate, I wish the Norwegian Club of Detroit a Happy 75th Anniversary, and continued success in the future.•

HONORING SHIRLEY RAGSDALE

• Mr. JOHNSON. Mr. President, I rise today to publicly commend Shirley Ragsdale, the editor for the Sioux Falls, South Dakota Argus Leader newspaper, on her receiving the national Casey Journalism Center Awards 2000 Casey Medals for her outstanding coverage of the plight of South Dakota's children in the Juvenile Corrections facilities.

The Casey Medals for Meritorious Journalism honor distinguished coverage of disadvantaged children and family, and the institutions and agencies charged with serving them. The Casey Journalism Center serves as an independent national resource center for professional journalists and it is operated by the University of Maryland

and funded by the Annie E. Casey Foundation.

Shirley Ragsdale is a talented journalist, an advocate of children's rights, and a dedicated citizen of South Dakota. This honorable award is a reflection of her extraordinary talent, creativity, and ability to convey depth and originality supported by thorough research and consistent documentation. Her unremitting and well-reasoned editorials pressed for changes in the unacceptable practices, as indicated by substantiated reports of abuse, occurring within the South Dakota juvenile correction system.

Shirley Ragsdale truly deserves this prestigous award. It is an honor for me to share her impressive achievements with my colleagues and to commend her on her journalistic success.●

OLYMPIC SWIMMER JENNY THOMPSON

● Mr. GREGG. Mr. President, I would like to take this opportunity to congratulate one of our nation's finest Olympians, Jenny Thompson. This week, Jenny set herself apart from the rest of the world. With 10 Olympic medals, 8 of which are gold, Jenny has become the most decorated Olympic female swimmer of all time. As an American, I am very proud of our U.S. Olympic athletes, but I am especially proud of Jenny Thompson, from my home state of New Hampshire.

Jenny first appeared on swimming's national stage in the mid-1980's when she began swimming for the Seacoast Swimming Association in Dover, New Hampshire for coach Mike Parratto. At the age of 15, Jenny just missed making the 1988 U.S. Olympic Swim Team, but her success as a young athlete drew the attention of college swimming programs from around the country. Jenny began attending Stanford University in 1991, and in 1992, she became the first woman in 61 years to set a world record in the 100 meter freestyle event. She followed up on her new world record by leading Stanford to a 27–0 dual-meet record, four PAC–10 titles and four consecutive NCAA Championships. Through her leadership and her firm sense of teamwork, Jenny Thompson was elevated to team captain and served as a mentor for Stanford's more recent arrivals to the natatorium.

In addition to Jenny's team accomplishments, she managed to swim her way to 19 NCAA titles, the most in women's collegiate swimming history. Having also captured 23 U.S. national titles, Jenny is the most successful active swimmer in the United States.

When Jenny arrived in Sydney, Australia, she did so with five gold medals and one silver medal. She has now added to her Olympic success by again leading the U.S. women's relay team to gold in the 4 x 100 meter freestyle relay, setting another new world record, and the 4 x 100 meter medley relay. Additionally, Jenny continued to show her competitive edge as an individual by medaling in the 100 meter freestyle, winning the bronze.

Jenny Thompson's performance at the 2000 Sydney Olympics has made her the most decorated female Olympian in the United States and the most successful female Olympic swimmer in history. Aside from her achievements at the Olympics and Stanford University, Jenny has won numerous World Championships and accumulated countless awards and honors as an athlete. She has always displayed team spirit and professionalism in and around the pool, showing that character is one of her finest assets. Her contribution to the sport of swimming is unmatched and has left a lasting impression in the minds and hearts of all who have watched her represent the United States throughout the years. Jenny Thompson has inspired a generation of young swimmers to dream and achieve their goals to think positively and to work hard.

Jenny Thompson will enter Columbia University Medical School next fall, where I know she will be successful. Her drive and desire will surely allow her to achieve her goals as she makes her way into a different stage of her life. I am confident that Jenny will continue to be a role model for all, and I hope that she knows we are proud of her. New Hampshire is proud of her, our nation is proud of her, and we wish her nothing but the best in her future endeavors.●

COLUMBUS, GEORGIA'S HOUSE OF HEROES PROGRAM

● Mr. CLELAND. Mr. President, there is a great outpouring of human generosity taking place in our great country that I must speak about here today. I was honored to be with my friends and colleagues, including the late Senator Coverdell, Representatives MAC COLLINS and SANFORD BISHOP, Columbus Mayor Bobby Peters, Col. Frank Helmick, along with Wayne Anthony of Hands On Columbus and many, many other volunteers, as we embarked on the historic event of initiating the House of Heroes program. This program should serve as a model to communities all across the country to provide needed assistance and support for aging veterans who bravely served their country and their families.

It is often said that "Poor is the nation who has no heroes. Poorer still is the nation which has them but forgets them." The House of Heroes project makes sure we don't forget this adage by having volunteers take up shovels, paint brushes and brooms to show not only our veterans, but also their families, that they are not forgotten. This past May at the home of Betty Cook of Columbus, in my state of Georgia, the House of Heroes was inaugurated by federal, military, and local officials to help serve as a reminder to younger generations of Americans how our nation's older men and woman veterans have proudly served and sacrificed for their country to help preserve our freedom. The inauguration ceremony reminded us all that honor, valor, and sacrifice come not only from service members, but from their spouses and family as well. While Mrs. Cook's husband served his country as a medic in World War II, she fought the war at home. She supported their family on her own, while encouraging her husband to press on in battle overseas. Hundreds of thousands of G.I.'s fought for their families, sustained by the love they were getting from home. Victory was never won alone.

The House of Heroes program relies on people who volunteer their services to repair and improve the home of a veteran and/or their spouse as an act of appreciation from the Congress of the United States and people of this nation. I am especially proud of those who contributed their time, effort and energy to help bring this project to fruition. It was especially uplifting to have witnessed the hard work that was put into the project. I would like to express my gratitude to each and every volunteer who made this worthy event the great success that it was.

I strongly support H. Con. Res. 395 that expresses the sense of the Congress that the House of Heroes project in Columbus, Georgia, should serve as a model for public support for the Nation's veterans and strongly agree with everything this resolution represents. I especially thank Representative MAC COLLINS for introducing this worthy legislation.

Today, Columbus, Georgia, remains home to thousands of service members and their families stationed at Ft. Benning and Columbus has always been a critical area for our nation's defenses, both past and present. The initiation of the House of Heroes program proves that from beginning to end, this remarkable city is home to some remarkable people. This event is only the beginning for the House of Heroes program as communities across the nation will begin to undertake their own House of Heroes programs modeled after the great program that the fine people of Columbus started.●

A TRIBUTE TO CAPTAIN WILLIAM JAMES BUSHAW

● Mr. ABRAHAM. Mr. President, I rise today to recognize Captain William James Bushaw, who is retiring from the United States Navy after nearly 30 years of service. Captain Bushaw leaves behind a legacy of versatility and consistency, as he has consistently been successful in whatever area he has been asked to perform.

Upon graduating from the University of Michigan, Captain Bushaw attended Navy Officer Candidate School in Newport, Rhode Island. He was commissioned as an ensign May 14, 1971, receiving the award of Distinguished Naval Graduate.

While on active duty, Captain Bushaw served as the Gunnery Officer aboard the U.S.S. *Joseph Strauss*. From January of 1972 until August of that same year he participated in several combat operations in Vietnam, including Operation Freedom Train, Operation Linebacker and Operation Notification Line. During these operations, U.S.S. *Joseph Strauss* fired over 15,000 rounds of ammunition, earning the Navy Unit Citation. Captain Bushaw himself earned the Navy Achievement Medal with Combat V and the Combat Action Award.

Following active duty Captain Bushaw transferred to the selected reserve. As a drilling reservist, he served as Commanding Officer of three Navy reserve units and Executive Officer of two other units. For his efforts, he received a Navy Commendation Medal.

Captain Bushaw currently serves as the Emergency Preparedness Liaison Officer to the Governor of the State of Michigan, representing the United States Navy in all issues of emergency preparedness. He recently received the State Legion of Merit award from the Adjutant General of the Michigan National Guard.

I applaud Captain Bushaw on nearly thirty years of extraordinary service to our Nation. I know that the United States Navy will greatly miss his leadership, as will the many men he has commanded. On behalf of the entire United States Senate, I thank Captain William James Bushaw for his service, and wish him the best of luck in retirement.•

IN TRIBUTE TO FRANCIS BROWN

• Ms. SNOWE. Mr. President, I rise today to pay tribute to a great Mainer and one of the most outstanding individuals I have had the good fortune to know, Francis Brown of Calais, ME.

There are many rewarding aspects to public service, not the least of which is the opportunity to meet people like Francis Brown. It has been my privilege to call Francis a friend for more than two decades now, and I know the people of Downeast Maine share my high regard and deepest respect for this devoted family man who has given so much of himself to the community and state he loves.

Francis is a leading citizen of Calais. He exemplifies the kind of values and ideals we frequently associate with those small towns throughout the country where neighbors still help neighbors, and where service to others is the standard by which a man or woman is measured. Indeed, for Francis, the concept of service is one indelibly woven through the fabric of his life.

As a student at the University of Maine, my alma mater, Francis spent four years in the ROTC program, and went on to serve in World War Two as a Radar Officer and in Korea as a member of the military police. Having more than fulfilled his duty to his country, Francis nevertheless later volunteered as an Army reservist with the Maine Army National Guard from 1946 until 1967, when he retired with the rank of Major.

When he was not serving his country in the armed forces, Francis was working on behalf of his fellow Mainers not only in his law practice but as a long-time and well-respected city solicitor. As is typical of his nature, however, Francis was not content to allow his efforts in the practice of law alone—significant as they were—define his commitment to the community.

Giving generously of his time and talents, Francis has touched many lives and has made an indelible and positive mark on his beloved Washington County and the State of Maine. He was a member of the Advisory Committee to the Maine Supreme Judicial Court on Criminal Rules of procedure for thirteen years. A long-time active and integral member of the Calais Rotary Club, he earned distinction as a Paul Harris Fellow in 1976.

Emblematic of his commitment to and interest in education, Francis brought his tremendous wealth of knowledge and experience to his service on the University of Maine Board of Trustees for more than a decade. And as a man whose faith has always been central to his life, he has served his beloved United Methodist Church in Calais as a trustee for many years.

Not surprisingly, Francis has been recognized with many awards over the years, including the Arlo T. Bates Award for Outstanding Community Service from the Calais Chamber of Commerce, the prestigious Jefferson Public Service Award, and the University of Maine Presidential Achievement Award.

And just as predictably, Francis has never been very impressed by all the recognition and adulation. For him, good deeds are always to be done for their own sake. Acts of kindness are made because that is simply the proper way to live one's life, not because they may bring personal glorification. Indeed, Francis is one of the most genuinely decent and humble people I have known.

Most of all, he is quite simply a wonderful person to be around. I would dare say there was never a person who has met Francis who does not like Francis. His generous spirit could warm even the coldest Maine day, and his humor could shine good cheer into the darkest of times. How thankful we are for such gifts as those he has so selflessly given to us.

Today, it is our turn to return the favor. With Francis having fallen ill in recent times, the hearts of many go out to him as do our prayers. It is not likely that any of us will be able to fully repay the debt of gratitude we feel to this beloved friend, neighbor, and fellow Mainer. But we certainly feel compelled to try.

The great American author Ralph Waldo Emerson once wrote, "to know even one life has breathed easier because you have lived—this is to have succeeded." By that measure, Francis Brown is unquestionably one of the most successful people I know, and I want him to know that I am proud to call him a friend.•

THE 150TH BIRTHDAY OF ST. CLEMENT CATHOLIC CHURCH IN CENTER LINE, MICHIGAN

• Mr. ABRAHAM. Mr. President, I rise today to recognize St. Clement Catholic Church in Center Line, Michigan, which will celebrate 150 years of service to the Warren and Center Line communities with an anniversary mass on October 15, 2000. The story of St. Clement is one of continual adaptation and growth, but through it all the spirit that existed in 1850 remains today, for the church has never stayed from its original purpose of teaching the timeless lessons of faith and love.

The perfect illustration of how important St. Clement is to the Warren and Center Line communities can be seen in how many times it has been forced to be reconstructed. In 1857, a school was added to the church. After expansions to the original building in 1868 and 1879, the growing size of the congregation forced a new building to be constructed in 1880. In 1922, a new school had to be built to accommodate the growing number of students, and, ultimately, another school was constructed anew in 1953. In May of 1960, ground broke on the present church building. It is an extraordinary piece of architecture, a Cruciform-shaped structure with a 65 foot high vaulted ceiling, gables that form a cross, hundreds of stain-glassed panes, a main altar of imported marble, a seating capacity of over 1,600 worshippers and two cry rooms.

An essential part of the success of St. Clement Church has been its leadership. From 1868–1890, Father William Hendrix guided the growing church to the point where it had firmly established its presence as the center of social activity in the Warren and Center Line communities. From 1890–1929, Father John Kramer's devotion to improving education was essential not only to having the new school be built, but also to filling it with nearly 400 students. Father Alexander Mayer guided the parish through the Depression, World War II and the Korean War, and his leadership enabled the church to make it through years of financial hardship.

Father Timothy Edward Murray oversaw the building of the third St. Clement Church, as well as set up a program where St. Clement Schools became involved in a shared-time program with Center Line Public Schools. In 1976, Father James Murphy returned a warmth and camaderie to the parish. From 1992–97, the Rev. Dr. Arthur J. Jacobi, Jr.'s many skills both as an educator and as a professional businessman helped to lead St. Clement both spiritually and financially. And today, Father Ron Victor continues in this strong tradition of leadership, overseeing the growth and adaptation that is a necessary part of any church's history, while at the same time shepherding his parish on its continuous mission of faith and love.

For 150 years, St. Clement Catholic Church has been an essential part of the Warren and Center Line communities. It has been a constant source of leadership within these communities, and has guided them through both good and bad times. It has also provided thousands of children with a solid foundation upon which to grow and become upstanding members of their own communities. On behalf of the entire United States Senate, I congratulate St. Clement Catholic Church on 150 successful years of leadership and growth, and wish the church continued success in the future.•

OLYMPIC SWIMMER B.J. BEDFORD

• Mr. GREGG. Mr. President, I rise today to recognize and honor B.J. Bedford, a gold medalist for the 2000 United States Olympic Swim Team and originally from the town of Hanover in my home state of New Hampshire. B.J. has been a competitive swimmer in national standings for years. She competed in the 1988 Olympic trials when she was just 15 years old. After three Olympic trials and a successful 12 year career in domestic competition, B.J.'s hard work has paid off this year as she secured a spot on the U.S. Swim Team for the 2000 Summer Games.

B.J.'s participation in the XXVII Olympiad certainly adds to a long and illustrious career in swimming. B.J. Bedford has qualified and competed in four Olympic trials, winning the 100 meter backstroke this year, set an American record in the 50 meter backstroke, and won seven U.S. National Titles in the 50, 100 and 200 meter backstroke and two gold medals for relays at the 1998 World Championships. On September 23, 2000, B.J. Bedford became the holder of a new world record. Swimming the backstroke leg of the 4 x 100 meter medley relay, B.J. and three of her teammates won gold in Sydney and smashed the previously held world record by an incredible three seconds.

Her outstanding work in the pool, along with her display of dedication to her sport and her country, have helped to make the U.S. Swim Team more successful than any other country at the Sydney Games. The United States won 33 medals in swimming, tying its highest total since 1984. B.J. Bedford was an important part of this overall team victory, as her experience undoubtedly made her a leader in the pool. B.J.'s athleticism, drive and determination have allowed her to claim her place in history. She has made both New Hampshire and the country proud, and I am confident that B.J. will be successful in all that she chooses to do.

I would like to congratulate B.J. for her fine work at the Olympics, for the excitement that she brought to Americans this summer, and for her gracious representation of the United States. She is a positive role model that will be looked up to by younger swimmers, and for that, she should be proud. We wish her nothing but the best in all of her future endeavors.•

IN RECOGNITION OF CORE CITY NEIGHBORHOODS IN DETROIT, MICHIGAN

• Mr. ABRAHAM. Mr. President, I rise today to recognize Core City Neighborhoods of Detroit, Michigan, which will hold its 16th Annual Meeting and Dinner on October 12, 2000. In its sixteen years, Core City Neighborhoods has been a leader in the field of community development, serving and supporting the residents and small businesses of Southwest Detroit in an exemplary manner.

The mission of Core City Neighborhoods is to strengthen the social and human development of the Southwest Detroit community while at the same time helping to spur the physical and economic development of the area. The organization does this through a variety of programs, focusing on such things as youth and adult leadership to training and employment.

One of the most successful Core City Neighborhoods program has been an after school program for children aged 6–13. The program seeks to strengthen academic and life skills, such as substance abuse and violence prevention, as well as provide a safe and positive environment for the youth involved. The program also provides children with tutoring and mentoring. They work on homework together, and play board games and sports in an effort to aid in the development of teamwork skills and self confidence.

Another program sponsored by CCN is the Multi-Family Apartment Building Acquisition and Rehabilitation Program. The goal of this program is to prevent further loss of highly visible apartment buildings, buildings which truly serve as the foundations of the Southwest Detroit community. The program includes counseling, Homebuyers Club, Home Repair workshops, loans and referrals on such topics as credit and budgeting.

Core City Neighborhoods has also been directly responsible for the development of nearly 200 units of housing, totaling over $12 million of reinvestment into the Southeast Detroit community. This includes the development of the Alberta W. King Village Apartments, which were built to house low to moderate income families.

I applaud the many people involved with Core City Neighborhoods on the extraordinary work they have done on behalf of Southwest Detroit. No group works harder to build up this community, both physically and spiritually. On behalf of the entire United States Senate I thank Core city Neighborhoods for fifteen successful years of civic service, and wish the organization continued success in the future.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:19 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2941. An act to establish the Las Cienegas National Conservation Area in the State of Arizona.

At 11:59 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS SIGNED

At 1:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1143. An act to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

H.R. 1162. An act to designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge."

H.R. 1605. An act to designate the Federal building and United States courthouse located at 402 North Walnut Street and Prospect Avenue in Harrison, Arkansas, as the "J. Smith Henley Federal Building and United States Courthouse."

H.R. 4318. An act to establish the Red River National Wildlife Refuge.

H.R. 4578. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4642. An act to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

H.R. 4806. An act to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building."

H.R. 5284. An act to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett United States Customhouse."

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:14 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11047. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of five items; to the Committee on Environment and Public Works.

EC–11048. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Promulgation of Extension of Attainment Date for the San Diego, California Serious Ozone Nonattainment Area" (FRL #6872–8) received on October 4, 2000; to the Committee on Environment and Public Works.

EC–11049. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Chlorinated Aliphatics Production Waste; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities" (FRL #6882–6) received on October 4, 2000; to the Committee on Environment and Public Works.

EC–11050. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104 'Announcement of Proposal Deadline for the Competition for the FY 2001 Brownfields Cleanup Revolving Loan Fund Pilots'" (FRL #6884–1) received on October 5, 2000; to the Committee on Environment and Public Works.

EC–11051. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program, Regulatory Review: Electronic Benefit Transfer (EBT) Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (RIN0584–AC44) received on October 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11052. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Phosphorus Acid; Exemption from the Requirement of a Tolerance" (FRL #6599–1) received on October 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11053. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, the report of one item, received on October 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11054. A communication from the Acting Associate Administrator for Civil Rights, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" received on October 3, 2000; to the Committee on Governmental Affairs.

EC–11055. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2000 through 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–11056. A communication from the Acting Director of Communications and Legislative Affairs, Equal Opportunity Commission, transmitting, pursuant to law, a report relative to the employment of minorities, women and people with disabilities; to the Committee on Health, Education, Labor, and Pensions.

EC–11057. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to the United Kingdom, France, Italy, Sweden, Australia, Germany, Norway, Japan, Belgium, Bermuda, and Canada; to the Committee on Foreign Relations.

EC–11058. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to the updated strategic plan for fiscal year 2000 through 2005; to the Committee on Foreign Relations.

EC–11059. A communication from the Director of the Office of Equal Opportunity Program, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN1190–AA28) received on October 3, 2000; to the Committee on Finance.

EC–11060. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the effect of the Nursing Home Initiative on nursing home quality of care; to the Committee on Finance.

EC–11061. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Advance transit passes under section 132(f) of the Internal Revenue Code" (Announcement 2000–78) received on October 4, 2000; to the Committee on Finance.

EC–11062. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 846 Discount Factors for 2000" (Revenue Procedure 2000–44) received on October 5, 2000; to the Committee on Finance.

EC–11063. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 832 Discount Factors for 2000" (Revenue Procedure 2000–45) received on October 5, 2000; to the Committee on Finance.

EC–11064. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rabbi Trust Notice" (Notice 2000–56) received on October 5, 2000; to the Committee on Finance.

EC–11065. A communication from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice of Proposed Rulemaking; Rules and Procedures for Efficient Federal-State Transfers" (RIN1510–AA38) received on October 5, 2000; to the Committee on Finance.

EC–11066. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the revised strategic plan; to the Committee on Commerce, Science, and Transportation.

EC–11067. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Appliance Labeling Rule, 16 C.F.R. Part 305" (RIN3084–AA74) received on October 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11068. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; Gary IN and establishment of Class E Airspace; Gary, IN; docket No. 00–AGL–16 [9–29/10–5]" (RIN2120–AA66) (2000–0228) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11069. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Duchesne, UT; docket No. 00–ANM–08 [9/21–10/5]" (RIN2120–AA66) (2000–0229) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11070. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations, IBR; docket No. 29334 [9-19/10-5]" (RIN2120-AA66) (2000-0230) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11071. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Augusta SpA Model A109E Helicopters; docket No. 2000-SW-41 [9-23/10-5]" (RIN2120-AA64) (2000-0477) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11072. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777 Series Airplanes; docket No. 2000-NM-259 [9-22/10-5]" (RIN2120-AA64) (2000-0478) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11073. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes, docket No. 2000-NM-43 [9-20/10-5]" (RIN2120-AA64) (2000-0479) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11074. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB135 and EMB 145 Series Airplanes; docket No. 2000-NM-300 [9-18/10-5]" (RIN2120-AA64) (2000-0480) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11075. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB135 and EMB 145; docket No. 2000-NM-301" (RIN2120-AA64) (2000-0481) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11076. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (28); Amdt. No. 2010 [9-21/10-5]" (RIN2120-AA65) (2000-0048) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11077. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (147); amdt. No. 2011 [9-21/10-5]" (RIN2120-AA65) (2000-0049) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

PETITONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-627. A resolution adopted by the Senate of the State of Michigan relative to a proposed mitigation policy for portions of the Lake Michigan shoreline; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 209

Whereas, The United States Army Corps of Engineers, through its Detroit district office, has issued a proposed erosion mitigation policy for shore protection projects along the eastern shoreline of Lake Michigan's Lower Peninsula. This proposed policy is designed to minimize damage to the delicate ecology of the shore by structures constructed to save property threatened by erosion. The corps is seeking public comment until September 29, 2000; and

Whereas, The policy proposed provides for a series of requirements and reviews to safeguard the shoreline from damage that may occur at locations that can be some distance from any retaining wall or other project. A variety of permit options are presented; and

Whereas, There are many aspects of the proposed policy that have generated concern. One of the key problem areas is the possibility that the Corps of Engineers may be impinging upon the rights of private property owners to take reasonable steps to protect their property. Requirements for private property owners who follow regulations in constructing protective seawalls to bear all of the costs of beach nourishment can be a major obstacle for a property owner protecting his or her property; and

Whereas, In any discussion of the erosion mitigation policy, it is essential to determine the authority for the establishment of policies and for the enforcement of them. The line between congressional responsibility and the Army's responsibility must be understood for both clarity and consistency. This will also contribute to public support for shore protection practices; now, therefore, be it

Resolved by the Senate, That we urge the United States Army Corps of Engineers to hold public hearings on its proposed erosion mitigation policy for portions of the Lake Michigan shoreline (file number 00-900-001-0); and be it further

Resolved, That copies of this resolution be transmitted to the Detroit District of the United States Army Corps of Engineers, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 1688: A bill to amend chapter 89 of title 5, United States Code, relating to the Federal Employees Health Benefits Program, to enable the Federal Government to enroll an employee and the family of the employee in the program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage, and for other purposes (Rept. No. 106-492).

H.R. 3995: A bill to establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government (Rept. No. 106-493).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. CONRAD):

S. 3176. A bill to conduct a demonstration program to show that physician shortage, recruitment, and retention problems may be ameliorated in rural states by developing a comprehensive program that will result in statewide physician population growth; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BREAUX, and Mr. REED):

S. 3177. A bill to require the Secretary of Health and Human Services to establish minimum nursing staff levels for nursing facilities, to provide for grants to improve the quality of care furnished in nursing facilities, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. AKAKA)):

S. 3178. A bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same age that applies with respect to Federal law enforcement officers; to the Committee on Governmental Affairs.

By Mrs. LINCOLN (for herself and Mr. CLELAND):

S. 3179. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EDWARDS:

S. 3180. A bill to provide for the disclosure of the collection of information through computer software, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. BYRD, and Mr. SCHUMER):

S. Res. 368. A resolution to recognize the importance of relocating and renovating the Hamilton Grange, New York; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself, Mr. INOUYE, Mr. THURMOND, and Mr. STEVENS):

S. Con. Res. 145. A concurrent resolution expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capital; considered and agreed to.

By Mr. WELLSTONE (for himself and Mr. GRAMS):

S. Con. Res. 146. A concurrent resolution condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BINGAMAN (for himself, Mr. DOMENICI and Mr. CONRAD):

S. 3176. A bill to conduct a demonstration program to show that physician shortage, recruitment, and retention problems may be ameliorated in rural states by developing a comprehensive program that will result in statewide physician population growth; to the Committee on Finance.

RURAL STATES PHYSICIAN RECRUITMENT AND RETENTION DEMONSTRATION ACT OF 2000

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator DOMENICI of New Mexico to introduce legislation that is intended address a significant problem facing some rural states today—a serious shortage of physicians. The bills we are introducing are intended to demonstrate that physician shortages, and recruitment and retention problems can be ameliorated in some rural states by a multifaceted approach, including providing incentives for physicians in training to practice in areas where they are most likely to be needed.

The Council on Graduate Medical Education (COGME) has for some time held the position that the U.S., in the aggregate, has enough, if not too many, physicians. However, COGME's most recent report, published in March 1999, documented that almost half of the counties in our country are designated as Health Professional Shortage Areas—a remarkable finding, given almost three decades of Federal government efforts to address the geographic maldistribution of physicians.

In our State of New Mexico we have physician shortages that are worsening, with certain types of speciality physicians being in the shortest supply. According to 1998 data from the American Medical Association, New Mexico is 20 percent below the U.S. national average of 224 patient care physicians per 100,000 persons. In 15 New Mexico counties, there is no more than 1 physician or less per 1000 population, and 1 New Mexico county has no physician at all to care for its population.

And, Mr. President, New Mexico is not alone. Other rural states are also suffering.

A recent Health Care Finance Administration report showed that there has been a decline over the past 5 years in certain types of specialty physicians either practicing medicine or participating in the Medicare program in many rural states. The worst loss for New Mexico has occurred in thoracic surgery with a 35 percent decline. Several other specialities, such as urology, ophthalmology, and psychiatry, are not that far behind.

The only significant physician growth that can be seen is in primary care and that's still not adequate. With losses occurring in certain physician specialties, problems for all physicians' practices are continuing to worsen—they can't refer patients to specialists without great difficulty. For example, in New Mexico, there have been accounts of patients being referred to ear, nose and throat doctors having to wait up to 9 months for a non-emergency consultation. Without a timely in-state consultation, the patient's primary care physician may have to refer the patient to an out of state speciality physician for care. This is frustrating for the physician, and costly and time consuming for the patient.

As many of you know, New Mexico is one of the nation's poorest states, with a large uninsured population. In 1998, it ranked 48th in the amount of personal income per capita. For many physicians, this means they may never get paid for much of the work they do.

The physician shortage is becoming so severe in our state that last year the New Mexico Medical Society conducted a survey of our physicians to try to find out about how doctors are faring in the state. The response from New Mexico physicians was shocking—42 percent of the physicians surveyed said that they are seriously or somewhat seriously considering leaving their medical practice, and 40 percent said that reimbursement rates are a significant problem. Comments offered by physicians in this survey were very clear—"I make a good income, but to do that I have to work 65–70 hours a week, in, and week out. The reimbursement rates are such that I could move to a lot of nice places and maintain my income and work three-quarters as much. Family life is important."

Almost weekly, New Mexico newspapers report about problems caused by provider shortages. On September 7th, the Albuquerque Journal carried a story about a women who had fallen, bruised her spinal cord, and rapidly developed paralysis of both hands and arms. She had to wait 18 hours to be seen on an emergency basis because of a critical shortage of neurosurgeons in Albuquerque, New Mexico's largest city. Stories like this one are becoming more and more common. There are many accounts of New Mexicans having to wait up to 9 months for an appointment to be seen by a specialist, and of newborns having to be transported out of state because the neonatal intensive care unit does not have adequate physician coverage.

My offices in Washington, DC, and New Mexico are constantly receiving letters and phone calls, and visits from constituents who want to tell us about physician shortages, physicians leaving the State of New Mexico, and the loss of their individual providers. They can't understand why this happening in a country with the greatest healthcare system in the world.

All of these problems clearly show that New Mexico's health care system has broken down. However, it is not only New Mexico that is experiencing these problems. Other rural states are experiencing similar problems—they have become states that are being avoided by physicians entering practice. With the population in these states continuing to grow, the problem just gets worse. If this situation is not addressed right now, it will result in a complete breakdown of an already fragile health care delivery system.

This is why we are each introducing this package of legislation today. These two bills, the "Rural States Physician Recruitment and Retention Demonstration Act of 2000, will together, when enacted, demonstrate that physician shortages and recruitment and retention problems can be ameliorated in rural states by instituting a comprehensive plan that provides for a proper physician speciality mix that will address the needs of a rural state's population.

My legislation will require the Secretary of the Department of Health and Human Services to establish a demonstration program that will:

Target up to a 15 percent increase in physician residency slots identified to be in short supply in demonstration states. These expanded residency slots would carry with them a legally binding commitment to practice in the demonstration state on a year of training for year of service basis.

Establish a loan repayment program to provide incentives for physicians in identified shortage specialities to locate their practices in demonstration states. This program will help physicians repay their educational loans on a year of service for a year of loan repayment basis in return for a commitment to practice in the demonstration state.

Develop a demonstration state health professional data base to capture and track the practice characteristics and distribution of licensed health care providers. This data will be used to develop a baseline and track changes in a demonstration state's health professions workforce, target this demonstration program to identified physician specialities and determine a state's need for other types of supportive health professionals.

Provide for an evaluation of each element of our comprehensive demonstration by the Council on Graduate Medical Education (COGME) for physician workforce issues, and by Medicare Payment Advisory Commission (Medpac) for Medicare reimbursement and Medicare funded graduate medical education positions.

As I mentioned earlier, one of the primary reason physicians report they are leaving New Mexico is because reimbursement is too low, particularly when combined with other factors like long work days, inability to recruit speciality physicians, and provide comprehensive patient care in a reasonable period of time.

That's why the second part of this package, the Physician Recruitment and Retention Act of 2000, consists of legislation that will provide physicians that are practicing in demonstration states with a special 5 percent Medicare part B reimbursement rate increase. This increase will provide a financial incentive to physicians to continue to practice in the underserved states and also to continue to participate in the Medicare program.

Both Senator DOMENICI and I anticipate that by the end of this demonstration program, physician shortages, particularly in specific physician specialities, will be greatly diminished or even have disappeared.

Mr. President, the health care system in New Mexico is near collapse for reasons too numerous and complex to get into here. These bills we are introducing today, in combination with the fixes we are making to the problems resulting from the BBA of 1997, may stave off disaster for a while. I certainly hope they will.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural States Physician Recruitment and Retention Demonstration Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Rural States Physician Recruitment and Retention Demonstration Program.
Sec. 4. Establishment of the Health Professions Database.
Sec. 5. Evaluation and reports.
Sec. 6. Contracting flexibility.

SEC. 2. DEFINITIONS.

In this Act:

(1) COGME.—The term "COGME" means the Council on Graduate Medical Education established under section 762 of the Public Health Service Act (42 U.S.C. 294o).

(2) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Rural States Physician Recruitment and Retention Demonstration Program established by the Secretary under section 3(a).

(3) DEMONSTRATION STATES.—The term "demonstration States" means the 2 States selected by the Secretary that, based upon 1998 data, have—

(A) an uninsured population above 20 percent (as determined by the Bureau of the Census);

(B) a population eligible for medical assistance under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) above 17 percent (as determined by the Health Care Financing Administration);

(C) an unemployment rate above 4.8 percent (as determined by the Bureau of Labor Statistics);

(D) an average per capita income below $21,200 (as determined by the Bureau of Economic Analysis); and

(E) a geographic practice cost indices component of the reimbursement rate for physicians under the medicare program that is below the national average (as determined by the Health Care Financing Administration).

(4) ELIGIBLE RESIDENCY OR FELLOWSHIP GRADUATE.—The term "eligible residency or fellowship graduate" means a graduate of an approved medical residency training program (as defined in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A))) in a shortage physician specialty.

(5) HEALTH PROFESSIONS DATABASE.—The term "Health Professions Database" means the database established under section 4(a).

(6) MEDICARE PROGRAM.—The term "medicare program" means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) MEDPAC.—The term "MedPAC" means the Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6).

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(9) SHORTAGE PHYSICIAN SPECIALTIES.—The term "shortage physician specialty" means a medical or surgical specialty identified in a demonstration State by the Secretary based on—

(A) an analysis and comparison of National data and demonstration State data; and

(B) recommendations from appropriate Federal, State, and private commissions, centers, councils, medical and surgical physician specialty boards, and medical societies or associations involved in physician workforce, education and training, and payment issues.

SEC. 3. RURAL STATES PHYSICIAN RECRUITMENT AND RETENTION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a Rural States Physician Recruitment and Retention Demonstration Program for the purpose of ameliorating physician shortage, recruitment, and retention problems in rural states in accordance with the requirements of this section.

(2) CONSULTATION.—For purposes of establishing the demonstration program, the Secretary shall consult with—

(A) COGME;

(B) MedPAC;

(C) a representative of each demonstration State medical society or association;

(D) the health workforce planning and physician training authority of each demonstration State; and

(E) any other entity described in section 2(9)(B).

(b) DURATION.—The Secretary shall conduct the demonstration program for a period of 10 years.

(c) CONDUCT OF PROGRAM.—

(1) FUNDING OF ADDITIONAL RESIDENCY AND FELLOWSHIP POSITIONS.—

(A) IN GENERAL.—As part of the demonstration program, the Secretary (acting through the Administrator of the Health Care Financing Administration) shall—

(i) waive any limitation under section 1886 of the Social Security Act (42 U.S.C. 1395ww) with respect to the number of residency and fellowship positions;

(ii) increase by up to 15 percent of the total number residency and fellowship positions approved at each medical residency training program in each demonstration State the number of residency and fellowships in each shortage physician specialty; and

(iii) subject to subparagraph (C), provide funding for such additional positions under subsections (d)(5)(B) and (h) of section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(B) ESTABLISHMENT OF ADDITIONAL POSITIONS.—

(i) IDENTIFICATION.—The Secretary shall identify each additional residency and fellowship position created as a result of the application of subparagraph (A).

(ii) NEGOTIATION AND CONSULTATION.—The Secretary shall negotiate and consult with representatives of each approved medical residency training program in a demonstration State at which a position identified under clause (i) is created for purposes of supporting such position.

(C) CONTRACTS WITH RESIDENTS AND FELLOWS.—

(i) IN GENERAL.—The Secretary shall condition the availability of funding for each residency and fellowship position identified under subparagraph (B)(i) on the execution of a contract containing the provisions described in clause (ii) by each individual accepting such a residency or fellowship position.

(ii) PROVISIONS DESCRIBED.—The provisions described in this clause provide that, upon completion of the residency or fellowship, the individual completing such residency or fellowship will practice in the demonstration State in which such residency or fellowship was completed that is designated by the contract for 1 year for each year of training under the residency or fellowship in the demonstration State.

(iii) CONSTRUCTION.—The period that the individual practices in the area designated by the contract shall be in addition to any period that such individual practices in an area designated under a contract executed pursuant to paragraph (2)(C).

(D) LIMITATIONS.—

(i) PERIOD OF PAYMENT.—The Secretary may not fund any residency of fellowship position identified under subparagraph (B)(i) for a period of more than 5 years.

(ii) PHASE-OUT OF PROGRAM.—The Secretary may not enter into any contract under subparagraph (C) after the date that is 5 years after the date on which the Secretary establishes the demonstration program.

(2) LOAN REPAYMENT AND FORGIVENESS PROGRAM.—

(A) IN GENERAL.—As part of the demonstration program, the Secretary (acting through the Administrator of Health Resources and Services Administration) shall establish a loan repayment and forgiveness program, through the holder of the loan, under which the Secretary assumes the obligation to repay a qualified loan amount for an educational loan of an eligible residency or fellowship graduate—

(i) for which the Secretary has approved an application submitted under subparagraph (D); and

(ii) with which the Secretary has entered into a contract under subparagraph (C).

(B) QUALIFIED LOAN AMOUNT.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall repay not more than $25,000 per graduate per year of the loan obligation on a loan that is outstanding during the period that the eligible residency or fellowship graduate practices in the area designated by the contract entered into under subparagraph (C).

(ii) LIMITATION.—The aggregate amount under this subparagraph shall not exceed $125,000 for any graduate and the Secretary may not repay or forgive more than 30 loans per year in each demonstration State under this paragraph.

(C) CONTRACTS WITH RESIDENTS AND FELLOWS.—

(i) IN GENERAL.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall execute a contract containing the provisions described in clause (ii).

(ii) PROVISIONS.—The provisions described in this clause are provisions that require the eligible residency or fellowship graduate to practice in a demonstration State during the period in which a loan is being repaid or forgiven under this section.

(D) APPLICATION.—

(i) IN GENERAL.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(ii) PHASE-OUT OF LOAN REPAYMENT AND FORGIVENESS PROGRAM.—The Secretary may not accept an application for repayment of any loan under this paragraph after the date that is 5 years after the date on which the demonstration program is established.

(E) CONSTRUCTION.—Nothing in the section shall be construed to authorize any refunding of any repayment of a loan.

(F) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this paragraph and any loan repayment or forgiveness program under title VII of the Public Health Service Act (42 U.S.C. 292 et seq.).

(d) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary is authorized to waive any requirement of the medicare program, or approve equivalent or alternative ways of meeting such a requirement, if such waiver is necessary to carry out the demonstration program, including the waiver of any limitation on the amount of payment or number of residents under section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(e) APPROPRIATIONS.—

(1) FUNDING OF ADDITIONAL RESIDENCY AND FELLOWSHIP POSITIONS.—Any expenditures resulting from the establishment of the funding of additional residency and fellowship positions under subsection (c)(1) shall be made from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i).

(2) LOAN REPAYMENT AND FORGIVENESS PROGRAM.—There are authorized to be appropriated such sums as may be necessary to carry out the loan repayment and forgiveness program established under subsection (c)(2).

SEC. 4. ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.

(a) ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.—

(1) IN GENERAL.—Not later than 7 months after the date of enactment of this Act, the Secretary (acting through the Administrator of Health Resources and Services Administration) shall establish a State-specific health professions database to track health professionals in each demonstration State with respect to specialty certifications, practice characteristics, professional licensure, practice types, locations, education, training, as well as obligations under the demonstration program as a result of the execution of a contract under paragraph (1)(C) or (2)(C) of section 3(c).

(2) DATA SOURCES.—In establishing the Health Professions Database, the Secretary shall use the latest available data from existing health workforce files, including the AMA Master File, State databases, specialty medical society data sources and information, and such other data points as may be recommended by COGME, MedPAC, the National Center for Workforce Information and Analysis, or the medical society of the respective demonstration State.

(b) AVAILABILITY.—

(1) DURING THE PROGRAM.—During the demonstration program, data from the Health Professions Database shall be made available to the Secretary, each demonstration State, and the public for the purposes of—

(A) developing a baseline and to track changes in a demonstration State's health professions workforce;

(B) tracking direct and indirect graduate medical education payments to hospitals;

(C) tracking the forgiveness and repayment of loans for educating physicians; and

(D) tracking commitments by physicians under the demonstration program.

(2) FOLLOWING THE PROGRAM.—Following the termination of the demonstration program, a demonstration State may elect to maintain the Health Professions Database for such State at its expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the purpose of carrying out this section.

SEC. 5. EVALUATION AND REPORTS.

(a) EVALUATION.—

(1) IN GENERAL.—COGME and MedPAC shall jointly conduct a comprehensive evaluation of the demonstration program established under section 3.

(2) MATTERS EVALUATED.—The evaluation conducted under paragraph (1) shall include an analysis of the effectiveness of the funding of additional residency and fellowship positions and the loan repayment and forgiveness program on physician recruitment, retention, and specialty mix in each demonstration State.

(b) PROGRESS REPORTS.—

(1) COGME.—COGME shall submit a report on the progress of the demonstration program to the Secretary and Congress 1 year after the date on which the Secretary establishes the demonstration program, 5 years after such date, and 10 years after such date.

(2) MEDPAC.—MedPAC shall submit biennial reports on the progress of the demonstration program to the Secretary and Congress.

(c) FINAL REPORT.—Not later than 1 year after the date on which the demonstration program terminates, COGME and MedPAC shall submit a final report to the President, Congress, and the Secretary which shall contain a detailed statement of the findings and conclusions of COGME and MedPAC, together with such recommendations for such legislation and administrative actions as COGME and MedPAC consider appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to COGME such sums as may be necessary for the purpose of carrying out this section.

SEC. 6. CONTRACTING FLEXIBILITY.

For purposes of conducting the demonstration program and establishing and administering the Health Professions Database, the Secretary may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

By Mr. GRASSLEY (for himself, Mr. BREAUX, and Mr. REED):

S. 3177. A bill to require the Secretary of Health and Human Services to establish minimum nursing staff levels for nursing facilities, to provide for grants to improve the quality of care furnished in nursing facilities, and for other purposes; to the Committee on Finance.

NURSING HOME STAFF IMPROVEMENT ACT OF 2000

Mr. GRASSLEY. Mr. President, I am pleased to have the support of Senator BREAUX in introducing The Nursing Home Staff Improvement Act of 2000. This is an important piece of legislation for the 1.6 million frail elderly Americans who reside in nursing homes across the nation.

A recently released and long overdue report from the Health Care Financing Administration was the immediate impetus for our bill. This report was first mandated by Congress in 1990. It took the Department of Health and Human Services 10 years to complete Part I of the report. It will take almost another year to finish it. The first part of the study documented, to just about everyone's satisfaction, severe staffing shortages, severe staffing shortages in our nation's nursing homes. While we are waiting for the agency to complete the second and final part of the report, Senate BREAUX and I want to begin to address the staffing crisis in long-term care. Therefore, we are introducing this legislation today.

We have a long way to go in meeting the staffing needs of elderly nursing home residents. The bill we are introducing today is not the answer to the problem. It is only a first step. Yet, it is an extremely important step that Congress should take.

Before describing the bill Senator BREAUX and I are introducing today, I'd like to take a couple of minutes to go over the history of our committee's work on nursing home quality of care and HCFA oversight of the Nursing Home Reform Act of 1987. It's important for me to emphasize the scope and depth of the problem in order to give my fellow Senators an appreciation of the context out of which this legislation developed.

In the fall of 1997, serious allegations were brought to my attention about the quality of care provided in California nursing homes. These allegations claimed that thousands of California nursing home residents had suffered and met with untimely and unnecessary deaths due to malnutrition, dehydration, decubitus ulcers, and urinary tract infections.

In an effort to respond to these allegations, I asked the General Accounting Office [GAO] to conduct a thorough review of them and, more generally, of the quality of care in California nursing homes.

This review culminated in a 2-day hearing held on July 27–28, 1998, entitled "Betrayal: The Quality of Care in California Nursing Homes." At this hearing, the GAO released its report titled "California Nursing Homes: Care Problems Persist Despite Federal and State Oversight." The findings of this report were explosive and disturbing, illustrating that residents in far too many California nursing homes were threatened by seriously substandard care.

One week prior to this hearing, the Clinton administration announced a broad set of new nursing home initiatives to improve enforcement of the Nursing Home Reform Act and, hence, the quality of care in nursing facilities. The administration was acting in response to the impending release of the GAO's study before the scheduled Aging Committee hearing. It acted also in response to a congressionally mandated report by the Department of Health and Human Services on nursing home oversight that was completed just before the hearing. The Department's report uncovered weaknesses on the part of the federal government in its oversight of nursing home quality of care. As the Federal agency with regulatory oversight responsibility over our Nation's nursing homes, the Health Care Financing Administration [HCFA] is responsible for monitoring the compliance of nursing home facilities in meeting the requirements of the Nursing Home Reform Act. For facilities found to be noncompliant, HCFA is responsible for seeing that remedies or sanctions are imposed until the situation is corrected. The administration's report found shortcomings in HCFA's enforcement of the Nursing Home Reform Act of 1987. The agency's report was really a kind of self-indictment. Up to that point, the agency had failed in its responsibility to protect nursing home residents.

As part of its multistep initiative, the administration called for improvements in nursing home inspections, better and more timely enforcement against nursing homes that repeatedly violate safety rules, and more attention to quality of care for nursing home residents through prevention of bed sores, malnutrition and dehydration. HCFA was given the responsibility for carrying out this initiative. Under my chairmanship, the Senate Special Committee on Aging has taken an active role in overseeing the implementation of the President's nursing home initiative led by the Administrator of HCFA. At regular hearings and forums, 10 to be specific, I have heard from family members, health care professionals and other long-term care experts about the progress and obstacles in achieving improved nursing home quality of care.

Anecdotally, we have heard from the very beginning of our work on nursing home quality of care that understaffing is a root cause of many of the problems facing nursing home residents. Because we desperately needed a more systematic, research-based analysis of this understaffing problem, I had persistently urged HCFA to finish the long delayed staffing report I mentioned earlier.

On July 27, 2000, Part I of the report, entitled "Appropriateness of Minimum Staffing Ratios in Nursing Homes" was done, and our committee held a hearing to take testimony on it. The report and the hearing presented groundbreaking new information on nursing facility staffing. It was the first time that understaffing, and the consequences of understaffing, were described by a scientifically sound government report. Although a Part II of the report will be required to completely validate the findings of Part I and to analyze a number of other questions raised by Part I, the report showed for the first time what family members and resident advocates had been saying for years: that the majority of nursing homes in our country are dramatically understaffed. Specifically, the report concluded that more than half of nursing facilities around the country employ too few nurses and nurse aides to provide adequate care to residents.

As a result of these report findings, I began working on legislation to address the serious problems of understaffing. I started by seeking input from interested parties, including the Administration, nursing home providers, health care professionals, and resident advocates. I finalized my proposal right around the same time the President announced the administration's initiative in this area. The two proposals are similar in their goal to start addressing the problems of understaffing in nursing facilities.

As I said earlier, the impetus for my bill was the Report to Congress on the "Appropriateness of Minimum Nurse Staffing Ratios in Nursing Homes". The major conclusions of the report are outlined in the Findings section of our bill. The report found that 2.0 nurse aide hours per resident day is a threshold below which residents' lives are at risk, not a standard for the provision of appropriate care. The findings also showed that 2.9 nurse aide hours per resident day are necessary for a nurse aide to complete core resident care tasks, although, because of the very conservative estimates used in this part of the study, 2.9 hours probably significantly understates the staffing levels necessary for a nurse aide to complete these core tasks. Part I of the report also indicated that Part II will analyze and report on minimum staffing levels according to a facility's resident acuity level. I urge Congress and the Administration to be careful in accepting either the 2.0 or 2.9 nurse aide hours per resident day as a minimum goal for nursing facilities until these results are validated and case-mix is included in the equation. It is reasonable to expect that staffing requirements will be substantially higher for facilities that have residents with higher acuity.

Our bill calls for the completion of phase two of the study. It requires the Secretary to complete the report not later than July 1, 2001. It adds to the original authority a requirement that the study undertake several tasks that Part I of the report stated would be done in the second phase. Among other things, these tasks include a requirement that the case mix analysis of Part I of the report be further refined and related to appropriate minimum staffing levels. It also adds to the original authority a requirement that the report analyze "optimal minimum" caregiver to resident levels and "optimal minimum" supervisor to caregiver levels of skilled nursing facilities participating in the Medicare program and nursing facilities participating in the Medicaid program. We modified the original authority in this manner because we believed the public should know not just appropriate minimum staffing levels, but also what more optimal staffing levels should be in nursing facilities.

My bill requires that minimum staffing levels be developed and enforced within one year of the completion of the Report. It requires the Secretary to make recommendations regarding appropriate minimum caregiver to resident levels and minimum supervisor to caregiver levels for skilled nursing facilities participating in the Medicare program and nursing facilities participating in the Medicaid program. The Secretary further shall require through the administrative rulemaking process compliance with appropriate minimum staffing levels as a condition for such facilities to receive payment under those programs. The Secretary would be required to promulgate a final rule not later than one year after completion of the report.

The bill requires that the Secretary establish appropriate minimum staffing levels because we believed that a regulatory requirement should establish those staffing levels that will assure that residents receive the quality of care they have a right to receive under the terms of the Nursing Home Reform Act of 1987. We assume that the resident case mix of a facility will have an effect on the appropriate minimum staffing levels of the facility.

In order to help States prepare for the minimum staffing levels that the Secretary will promulgate by July 1, 2002, my bill establishes a competitive state grant program. The purpose of the grant program will be to improve staffing levels in nursing facilities in order to improve the quality of care to residents of such facilities. A state that secures such a grant may provide technical or financial support to nursing facilities, labor organizations, nonprofit organizations, community colleges, or other organizations approved by the Secretary. Such support from the state shall be used for projects which will help to increase or improve recruitment and retention of direct care nursing staff. Projects supported by a state must be consistent with the requirements of sections 1818 and 1919 of the Social Security Act. No funds may be made available to county or state-owned nursing facilities. Funds used under a grant to a state may only be used to supplement, not supplant, other funds that the state extends to carry out the activities that may be supported by this grant program. The Secretary shall evaluate this grant program and report to the Congress on her findings not later than six months after completion of the grant program. Authorized to be appropriated are $500,000,000 for each of fiscal years 2001 and 2002.

My bill includes a requirement for reporting of accurate information on staffing. Skilled nursing facilities participating in the Medicare program and nursing facilities participating in the Medicaid program would be required to submit staffing information to the Secretary in a form and manner determined by the Secretary. Such information must be attested to as accurate by the reporting facility. The Secretary shall periodically post and update such information on the Nursing Home Compare web site. Skilled nursing facilities participating in the Medicare program and nursing facilities participating in the Medicaid program shall submit to the Secretary a classification of all residents of the facility according to the resident classification system required under current law. My understanding is that nursing facilities should have data on hand and in a form that would be required by the Secretary for reporting to the Department, and, thus, the administrative burden of this requirement should be minimal.

My bill includes a requirement for posting of facility staffing information. Facilities participating in the Medicare and Medicaid program would be required to post daily for each nursing unit and each work shift the current number of licensed and unlicensed nursing staff directly responsible for resident care together with the number of residents per unit and shift.

Throughout my work and oversight activity of nursing facility quality of care, I have made it a point to stress that there are many good nursing facilities. When a family is in need of a facility for a loved one, it is critically important that individuals shop around and gather information in order to find the best nursing home to meet the needs of their loved ones. The provision in my bill calling for additional reporting of staffing and facility posting of staffing data will help families which need to find a good facility for a loved one's placement. It should also eventually have an effect on the overall quality of care in nursing facilities as families search out and choose better facilities.

The information collected by HCFA will help it improve and maintain its Nursing Home Compare web site. This is a database which contains information on every Medicare and Medicaid certified nursing home in the country. You can locate nursing homes in your area and find information about compliance with Medicare and Medicaid regulations based on the facility's most recent survey by state inspectors. Additionally, the web site contains useful phone numbers for survey agencies and long term care ombudsmen on the web site's "Phone Directory" page.

In closing, I plan to continue my work to improve quality of care and quality of life for nursing home residents. In my position as Chairman of the Special Committee on Aging, I will continue to monitor the quality of care provided to our nation's nursing home residents. With the assistance of the GAO, I will continually assess and monitor the Health Care Financing Administration's progress and commitment to improving the quality of care in nursing homes.

Mr. BREAUX. Mr. President, I rise today as ranking member of the Special Committee on Aging and am proud to inform you that after the culmination of years of investigation and attention to the relationship between nursing home staff levels and quality of care, today Senator GRASSLEY—my colleague on the Committee—and I are introducing legislation on this important issue. Our "Nursing Facility Staff Improvement Act of 2000" would encourage increased quantities of staff but also would improve the quality of those caring for our loved ones in nursing homes.

Chairman GRASSLEY and I have been committed to ensuring that our seniors are getting the best quality care possible in our nation's nursing homes, and the Aging Committee has held numerous hearings regarding the best way to reach this goal. We have been working with HCFA to determine the best way to ensure state surveyors are appropriately monitoring the quality of care their residents receive. Additionally, we held a hearing to learn from industry representatives about the links between nursing home bankruptcies and quality care. And we have continually and consistently sent the message that we will remain involved and committed to improvement for as long as it takes.

The bill we introduce today—the Nursing Facility Staff Improvement Act of 2000—is the result of bipartisan efforts to put something on the books that will not only provide real incentives for nursing home staff to strive to do their jobs well but will also be a huge step toward defining what optional nursing home care should entail. I commend President Clinton for building on the Aging Committee's findings and making this very important issue one of his priorities.

More specifically, this bill will:

Call for the Secretary of HHS to establish a competitive grant program to the states to increase or improve the recruitment and retention of direct care nursing staff. Provide for $1 billion over two years. Require that HCFA complete Phase II of their Nursing Home Staffing study and report back not later than July 1, 2001. Appropriate use of grant monies would include: establishing career ladders for nurse aides; improving nursing management; providing additional training programs for staff.

In conclusion, it is exciting for me to put forth a piece of legislation that offers tangible incentives to current and future staff and also directly encourages appropriate nursing home care for our loved ones. This effort has truly been one of joint cooperation between my Republican colleague on the Aging Committee and myself and I am proud to introduce it to you today.

Mr. REED. Mr. President, I rise today to join my colleague from Iowa, the Chairman of the Special Senate Committee on Aging, to introduce legislation that we hope will begin to address an immediate and critical labor shortage facing nursing home facilities across the nation as well as the long term objective of establishing nursing home staffing thresholds.

In late July, the Health Care Financing Administration, HCFA, released the first phase of its long awaited report on the feasibility and appropriateness of minimum nursing home staffing ratios. The initial phase of this report explored the relationship between staffing levels and quality of care. The HCFA study found a strong correlation between certain staffing thresholds and the quality of care provided to nursing home residents. The report also found that nursing homes are having great difficulty in recruiting and retaining qualified staff to work in their facilities. Clearly, we can and should be doing more to ensure that the care of our elderly and disabled is not being placed at risk.

In my home state of Rhode Island, we have been dealing with a critical shortage in the number of Certified Nursing Assistants, CNAs, in particular. CNAs provide direct care in a skilled nursing setting to residents who need help with essential daily living tasks, such as dressing, feeding and bathing. A state task force comprised of long term care providers and nursing home consumer advocates found that over 26,000 individuals were licensed as CNAs, but only 14,000 are currently working in the field. The task force also found that the turnover rate for CNAs rose to an unprecedented 82.6 percent in 1999.

The two most important issues identified in the state report were wages and adequate staffing levels. In terms of wages, a person in my state can make more in starting salary as a hotel maid in Providence ($9.50/hour) than they would as a licensed CNA ($7.69/hour). Those individuals who have dedicated their careers to caring for our most vulnerable citizens certainly deserve better and the legislation we are introducing today will help to restore respect and dignity to the caregiver profession.

The Nursing Home Staff Improvement Act will address these problems in essentially two ways. First, the legislation requires the Secretary of Health and Human Services to complete the second phase of the nursing home staffing report by July 2001. The Secretary will then be called upon to use the findings and recommendations of the final report to develop appropriate caregiver to resident and supervisor to caregiver ratios for nursing facilities that participate in the Medicare and Medicaid programs. The second major component of the bill is the establishment of a grant program to States for the purpose of augmenting staffing levels. This provision, which is based on a initiative announced by President Clinton in mid-September, will support projects aimed at improving the recruitment and retention of direct nursing staff. The bill also requires nursing homes to post, on a daily basis, the number of staff and residents at the facility as well as submit staffing information to the Secretary.

As a member of the Special Senate Committee on Aging, I am pleased to be an original cosponsor of the Nursing Home Staff Improvement Act, a balanced piece of legislation that I believe will go a long way in stabilizing nursing home staffing levels nationwide. I look forward to working with Senator GRASSLEY and my other colleagues to enact this important legislation.

By Mrs. LINCOLN (for herself and Mr. CLELAND):

S. 3179. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Energy and Natural Resources.

RECREATION LAKES ACT OF 2000

Mrs. LINCOLN. Mr. President, I rise today to introduce the Recreation Lakes Act of 2000—a bill that will recognize the benefits and value of recreation at federal lakes and give recreation a seat at the table in the management decisions of all our federal lakes. I am proud to be joined in this effort today by Senator CLELAND.

Recreation on our federal lakes has become a powerful tourist magnet, attracting some 900 million visitors annually and generating an estimated $44 billion in economic activity—mostly spent on privately-provided goods and services. And by the middle of this century, our federal lakes are expected to host nearly two billion visitors per year.

Yet, even with the millions of visitors each year to our lakes and reservoirs, recreation has suffered from a lack of unifying policy direction and leadership, as well as insufficient interagency and intergovernmental planning and coordination. Most federal agencies are focused on the traditional functions of man-made lakes and reservoirs; flood control, hydroelectric power, water supply, irrigation, and navigation. And often recreation is left out of the decision process.

Mr. President, this legislation will reaffirm that recreation is also an authorized purpose at almost all federal lakes and direct the agencies managing these projects to take action to reemphasize recreation programs in their management plans. This legislation will emphasis partnerships between the federal government, local governments, and private groups to promote responsible recreation on all our federal lakes.

It will establish a National Recreational Lakes Demonstration Program, comprised of up to 20 lakes across the nation. At each of these federal lakes, the managing agency will be empowered to develop creative agreements with private sector recreation providers as well as state land agencies to enhance recreation opportunities. Rather than just building new federal campgrounds with tax dollars, we need to create new partnerships to provide support for building recreation infrastructure that is in line with visitor and tourist desires for recreation. The National Recreation Lakes Demonstration Program will be a pilot project to test these creative agreements and management techniques on a small scale to demonstrate their effectiveness at promoting recreation on federal lakes.

Second, this legislation will establish a Federal Recreation Lakes Leadership Council to coordinate the National Recreation Lakes Demonstration Program and coordinate efforts among federal agencies to promote recreation on federal lakes.

It also will include the Bureau of Reclamation and the U.S. Army Corps of Engineers in the Recreation Fee Demonstration Program. The Fee Demo Program has had wide successes in Arkansas and across the country in allowing individual parks and recreation areas to keep more of their fee revenues on-site to reduce the often overwhelming maintenance backlog.

The legislation will also provide for periodic review of the management of recreation at federal water projects—something long overdue. A great deal has changed since many of the water projects were authorized, yet the initial legislative direction from over 70 years ago continues to be the basis for the management practices now in the year 2000—and that is not right.

Finally, the legislation will provide new opportunities to link the national recreation lakes initiative with other federal recreation assistance efforts, including the Wallop-Breaux program for boating and fishing.

Mr. President, let me give you a little background on how this legislation was developed. In 1996, the U.S. Senate recognized that recreation was becoming more important on federal lakes and conceived the National Recreation Lakes Study Commission to review the current and anticipated demand for recreational opportunities on federally managed lakes and reservoirs. The National Recreation Lakes Study Commission was charged to "review the current and anticipated demand for recreational opportunities at federally-managed man-made lakes and reservoirs" and "to develop alternatives for enhanced recreational use of such facilities."

The Commission released its long-awaited report confirming the impact of recreation on federally-managed, man-made lakes in June of last year. The Commission also recognized that we are far from realizing their full potential. The study documented that these lakes are powerful tourist magnets, attracting some 900 million visitors annually and generating an estimated $44 billion in economic activity—mostly spent on privately-provided goods and services.

During the Energy and Natural Resources Committee's hearing last year on the Recreation Lakes Study, the Chairman and I spent some time discussing how children today do not take full advantage of the outdoor opportunities that are available to them. It is so important that we encourage our children to enjoy the great outdoors that often times is less than an hour's drive away.

As the mother of twin 4-year-old boys, I feel we need to encourage our children to be children, not to become adults too quickly, to learn how to enjoy the outdoors. The only way we can do that is by exposing them to it early and often.

In this nation we have nearly 1,800 federally-managed lakes and reservoirs. There are 38 in my home state of Arkansas. With so many federal lakes spread throughout the country, there's no reason why we shouldn't do all we can to promote recreation on our federal lakes. I know that in Arkansas, we don't think twice about getting away to the lake for the weekend to go boating or fishing, or to just get away from the day-to-day grind. And that doesn't even begin to get into the tremendous economic impact from recreation on our federal lakes.

Mr. President, this bill is not an attempt to completely rewrite how federal lakes in this country are managed or to put recreation in front of all other authorized purposes at federal lakes.

The Recreation Lakes Act of 2000 will work with all current laws and regulations to ensure that recreation is merely given a seat at the table when the management decisions are made for our federal lakes.

Mr. President, this is a good bill. In everything from the creation of jobs to the money that tourists like myself spend at the marinas and local stores surrounding the lake—our Federal lakes and reservoirs have an immense recreational value that can and does bring revenues into our local economies. The best way to encourage and expand this aspect is to ensure that recreation is given a higher priority in the management of our federal lakes.

I encourage my colleagues to support this legislation and look forward to the debate on how we can promote recreation on our federal lakes.

By Mr. EDWARDS:

S. 3180. A bill to provide for the disclosure of the collection of information through computer software, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SPYWARE CONTROL AND PRIVACY PROTECTION ACT

Mr. EDWARDS. Mr. President, how would you feel if someone was eavesdropping on your private phone conversations without your knowledge? Well, if it happened to me, I would be very disturbed. And I think that most Americans would be very disturbed to know that something similar may be happening every time they use their computers.

The shocking fact is that many software programs contain something called spyware. Spyware is computer code that surreptitiously uses our Internet connection to transmit information about things like our purchasing patterns and our health and financial status. This information is collected without our knowledge or explicit permission and the spyware programs run undetected while you surf the Internet.

Spyware has been found in Quicken software, which is manufactured by Intuit, Inc. So let me use this as an example. Imagine you purchase Quicken software or download it from the Internet. You install it on your computer to help you with your finances. However, unbeknownst to you, Quicken does more than install financial planning tools on your computer. It also installs a little piece of spyware. The spyware lies dormant until one day when you get on the Internet.

As you start surfing the Internet, the spyware sends back information to Intuit about what you buy and what you are interested in. And all of this happens without your knowledge. You could be on Amazon.com or researching health issues and at the very same time Intuit spyware is using your Internet connection, transmitting some of your most private data to someone you never heard of.

In the months since it was reported that Quicken contained spyware, the folks at Intuit may have decided to remove the spyware from Quicken. However, Quicken is not the only software program that may contain spyware. One computer expert recently found spyware programs in popular children's software that is designed to help them learn, such as Mattel Interactive's Reader Rabbit and Arthur's Thinking Games. And, according to another expert's assessment, spyware is present in four hundred software programs, including commonly used software such as RealNetworks RealDownload, Netscape/AOL Smart Download, and NetZip Download Demon. Spyware in these software programs can transmit information about every file you download from the Internet.

I rise today to introduce the Spyware Control and Privacy Protection Act of 2000. I believe that this legislation will help Americans regain some control over their personal information and will help stop the loss of their privacy and the privacy of their families.

My proposal is common-sense and simple. It incorporates all four fair information practices of notice, choice, access and security—practices that I believe are essential to effective computer privacy legislation.

First, the Act requires that any software that contains spyware must provide consumers with clear and conspicuous notice—at the time the software is installed—that the software contains spyware. The notice must also describe the information that the spyware will collect and indicate to whom it will be transmitted.

Another critical provision of my bill requires that software users must first give their affirmative consent before the spyware is enabled and allowed to start obtaining and sharing users' personal information with third parties. In other words, software users must "opt-in" to the collection and transmission of their information. My bill gives software users a choice whether they will allow the spyware to collect and share their information.

The Spyware Control and Privacy Protection Act allows for some common-sense exceptions to the notice and opt-in requirements. Under my proposal, software users would not have to receive notice and give their permission to enable the spyware if the software user's information is gathered in order to provide technical support for use of the software. In addition, users' information may be collected if it is necessary to determine if they are licensed users of the software. And finally, the legislation would not apply to situations where employers are using spyware to monitor Internet usage by their employees. I believe that this last issue is a serious one and deserves to be addressed in separate legislation.

Another important aspect of the Spyware Control and Privacy Protection Act is that it would incorporate the fair information practice known as "access." What this means is that an individual software user would have the ability to find out what information has been collected about them, and would be given a reasonable chance to correct any errors.

And finally, the fourth fair information practice guaranteed by my bill is "security." Anyone that uses spyware to collect information about software users must establish procedures to keep that information confidential and safe from hackers.

Spyware is a modern day Trojan horse. You install software on your computer thinking it's designed to help you, and it turns out that something else is hidden inside that may be quite harmful.

I have been closely following the privacy debate for some time now. And I am struck by how often I discover new ways in which our privacy is being eroded. Spyware is among the more startling examples of how this erosion is occurring.

Most people would agree that modern technology has been extraordinarily beneficial. It has enabled us to obtain information more quickly and easily than ever before. And companies have streamlined their processes for providing goods and services.

But these remarkable developments can have a startling downside. They have made it easier to track personal information such as medical and financial records, and buying habits. In turn, our ability to keep our personal information private is being eroded.

Even sophisticated computer software users are unlikely to be aware that information is being collected about their Internet surfing habits and is likely being fed into a growing personal profile maintained at a data warehouse. They don't know that companies can and do extract the information from the warehouse to create a so-called cyber-profile of what they are likely to buy, what the status of their health may be, what their family is like, and what their financial situation may be.

I believe that in the absence of government regulation, it is difficult, if not impossible for people to control the use of their own personal information. Consumers are not properly informed, and businesses are under no legal obligation to protect consumers' privacy.

I believe that the Spyware Control and Privacy Protection Act is a reasonable way to help Americans regain some of their privacy. My legislation does not prevent software manufacturers from using their software to collect a consumer's online information. However, it gives back some control to the consumer by allowing him or her to decide whether their information may be gathered.

My bill protects consumer privacy, while enabling software companies and marketing firms to continue obtaining consumers' information if the consumer so chooses. Confidence in these companies will be enhanced if they are able to assure their customers that they will not collect their personal information without their permission.

Privacy protections should not stop with computer software. I am also proud to be a cosponsor of the Consumer Privacy Protection Act, a much-needed measure that would prevent Internet service providers, individual web sites, network advertisers, and other third parties from gathering information about our online surfing habits without our permission.

And last fall, I introduced the Telephone Call Privacy Act in order to prevent phone companies from disclosing consumers' private phone records without their permission. Although there are only a few weeks left in this congressional session, it is my hope that Congress will pass meaningful privacy legislation soon.

Increasingly, technology is impacting our lives and the lives of our families. I believe that while it is important to encourage technological growth, we must also balance new developments with our fundamental right to privacy. Otherwise, we may wake up one day and realize that our privacy has been so thoroughly eroded that it is impossible to recover.

I urge my colleagues to support the Spyware Control and Privacy Protection Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spyware Control and Privacy Protection Act of 2000".

SEC. 2. COLLECTION OF INFORMATION BY COMPUTER SOFTWARE.

(a) NOTICE AND CHOICE REQUIRED.—

(1) IN GENERAL.—Any computer software made available to the public, whether by sale or without charge, that includes a capability to collect information about the user of such computer software, the hardware on which such computer software is used, or the manner in which such computer software is used, and to disclose to such information to any person other than the user of such computer software, shall include—

(A) a clear and conspicuous written notice, on the first electronic page of the instructions for the installation of such computer software, that such computer software includes such capability;

(B) a description of the information subject to collection and the name and address of each person to whom such computer software will transmit or otherwise communicate such information; and

(C) a clear and conspicuous written electronic notice, in a manner reasonably calculated to provide the user of such computer software with easily understood instructions on how to disable such capability without affecting the performance or operation of such computer software for the purposes for which such computer software was intended.

(2) ENABLEMENT OF CAPABILITY.—A capability of computer software described in paragraph (1) may not be enabled unless the user of such computer software provides affirmative consent, in advance, to the enablement of the capability.

(3) EXCEPTION.—The requirements in paragraphs (1) and (2) shall not apply to any capability of computer software that is reasonably needed to—

(A) determine whether or not the user is a licensed or authorized user of such computer software;

(B) provide, upon request of the user, technical support of the use of such computer software by the user; or

(C) enable an employer to monitor computer usage by its employees while such employees are within the scope of employment as authorized by applicable Federal, State, or local law.

(4) USE OF INFORMATION COLLECTED THROUGH EXCEPTED CAPABILITY.—Any information collected through a capability described in paragraph (1) for a purpose referred to in paragraph (3) may be utilized only for the purpose for which such information is collected under paragraph (3).

(5) ACCESS TO INFORMATION COLLECTED THROUGH EXCEPTED CAPABILITY.—Any person collecting information about a user of computer software through a capability described in paragraph (1) shall—

(A) upon request of the user, provide reasonable access by user to information so collected;

(B) provide a reasonable opportunity for the user to correct, delete, or supplement such information; and

(C) make the correction or supplementary information a part of the information about the user for purposes of any future use of such information under this subsection.

(6) SECURITY OF INFORMATION COLLECTED THROUGH EXCEPTED CAPABILITY.—Any person collecting information through a capability described in paragraph (1) shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of such information.

(b) PREINSTALLATION.—In the case of computer software described in subsection (a)(1) that is installed on a computer by someone other than the user of such computer software, whether through preinstallation by the provider of such computer or computer software, by installation by someone before delivery of such computer to the user, or otherwise, the notice and instructions under that subsection shall be provided in electronic form to the user before the first use of such computer software by the user.

(c) VIOLATIONS.—A violation of subsection (a) or (b) shall be treated as an unfair or deceptive act or practice proscribed by section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(d) DISCLOSURE TO LAW ENFORCEMENT OR UNDER COURT ORDER.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, a computer software provider that collects information about users of the computer software may disclose information about a user of the computer software—

(A) to a law enforcement agency in response to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with paragraph (3); or

(B) in response to a court order in a civil proceeding granted upon a showing of compelling need for the information that cannot be accommodated by any other means if—

(i) the user to whom the information relates is given reasonable notice by the person seeking the information of the court proceeding at which the order is requested; and

(ii) the user is afforded a reasonable opportunity to appear and contest the issuance of the requested order or to narrow its scope.

(2) SAFEGUARDS AGAINST FURTHER DISCLOSURE.—A court that issues an order described in paragraph (1) shall impose appropriate safeguards on the use of the information to protect against its unauthorized disclosure.

(3) COURT ORDERS.—A court order authorizing disclosure under paragraph (1)(A) may issue only with prior notice to the user and only if the law enforcement agency shows that there is probable cause to believe that the user has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this paragraph, on a motion made promptly by the computer software provider may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on the provider.

(e) PRIVATE RIGHT OF ACTION.—

(1) ACTIONS AUTHORIZED.—A person may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate Federal court, if such laws or rules prohibit such actions, either or both of the actions as follows:

(A) An action based on a violation of subsection (a) or (b) to enjoin such violation.

(B) An action to recover actual monetary loss for a violation of subsection (a) or (b) in an amount equal to the greater of—

(i) the amount of such actual monetary loss; or

(ii) $2,500 for such violation, not to exceed a total amount of $500,000.

(2) ADDITIONAL REMEDY.—If the court in an action under paragraph (1) finds that the defendant willfully, knowingly, or repeatedly violated subsection (a) or (b), the court may, in its discretion, increase the amount of the award under paragraph (1)(B) to an amount not greater than three times the amount available under paragraph (1)(B)(ii).

(3) LITIGATION COSTS AND ATTORNEY FEES.—In any action under paragraph (1), the court may, in its discretion, require an undertaking for the payment of the costs of such action and assess reasonable costs, including reasonable attorney fees, against the defendant.

(4) VENUE.—In addition to any contractual provision otherwise, venue for an action under paragraph (1) shall lie where the computer software concerned was installed or used or where the person alleged to have committed the violation concerned is found.

(5) PROTECTION OF TRADE SECRETS.—At the request of any party to an action under paragraph (1), or any other participant in such action, the court may, in its discretion, issue a protective order and conduct proceedings in such action so as to protect the secrecy and security of the computer, computer network, computer data, computer program, and computer software involved in order to—

(A) prevent possible recurrence of the same or a similar act by another person; or

(B) protect any trade secrets of such party or participant.

(f) DEFINITIONS.—In this section:

(1) COLLECT.—The term "collect" means the gathering of information about a computer or a user of computer software by any means, whether direct or indirect and whether active or passive.

(2) COMPUTER.—The term "computer" means a programmable electronic device that can store, retrieve, and process data.

(3) COMPUTER SOFTWARE.—(A) Except as provided in subparagraph (B), the term "computer software" means any program designed to cause a computer to perform a desired function or functions.

(B) The term does not include a text file, or cookie, placed on a person's computer system by an Internet service provider, interactive computer service, or commercial Internet website to return information to the Internet service provider, interactive computer service, commercial Internet website, or third party if the person subsequently uses the Internet service provider or interactive computer service, or accesses the commercial Internet website.

(4) INFORMATION.—The term "information" means information that personally identifies a user of computer software, including the following:

(A) A first and last name, whether given at birth or adoption, assumed, or legally changed.

(B) A home or other physical address including street name and name of a city or town.

(C) An electronic mail address.

(D) A telephone number.

(E) A social security number.

(F) A credit card number, any access code associated with the credit card, or both.

(G) A birth date, birth certificate number, or place of birth.

(H) Any other unique information identifying an individual that a computer software provider, Internet service provider, interactive computer service, or operator of a commercial Internet website collects and combines with information described in subparagraphs (A) through (G) of this paragraph.

(5) PERSON.—The term "person" has the meaning given that term in section 3(32) of the Communications Act of 1934 (47 U.S.C. 153(32)).

(6) USER.—The term "user" means an individual who acquires, through purchase or otherwise, computer software for purposes other than resale.

(g) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1110

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 1110, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering.

S. 1197

At the request of Mr. ROTH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. BOXER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Mr. ABRAHAM), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. VOINOVICH), the Senator from Alabama (Mr. SESSIONS), the Senator from Tennessee (Mr. THOMPSON), the Senator from Nebraska (Mr. KERREY), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2242

At the request of Mr. THOMAS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2242, a bill to amend the Federal Activities Inventory Reform Act of 1998 to improve the process for identifying the functions of the Federal Government that are not inherently governmental functions, for determining the appropriate organizations for the performance of such functions on the basis of competition, and for other purposes.

S. 2358

At the request of Mr. INHOFE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2358, a bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

S. 2609

At the request of Mr. CRAIG, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2725

At the request of Mr. SMITH of New Hampshire, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Delaware (Mr. ROTH), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2967

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2967, a bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry.

S. 3045

At the request of Mr. SESSIONS, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 3045, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 3091

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3091, a bill to implement the recommendations of the General Accounting Office on improving the administration of the Packers and Stockyards Act, 1921 by the Department of Agriculture.

S. 3106

At the request of Mr. JEFFORDS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3106, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the medicare home health benefit.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3127

At the request of Mr. SANTORUM, the names of the Senator from Missouri (Mr. BOND) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 3127, a bill to protect infants who are born alive.

S. 3137

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 3137, a bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

S. 3147

At the request of Mr. ROBB, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3152

At the request of Mr. ROTH, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3173

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3173, a bill to improve the implementation of the environmental streamlining provisions of the Transportation Equity Act for the 21st Century.

S. RES. 364

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Colorado (Mr. CAMPBELL), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. Res. 364, a resolution commending Sydney, New South Wales, Australia for its successful conduct of the 2000 Summer Olympic Games and congratulating the United States Olympic Team for its outstanding accomplishments at those Olympic Games.

SENATE CONCURRENT RESOLUTION 145—EXPRESSING THE SENSE OF CONGRESS ON THE PROPRIETY AND NEED FOR EXPEDITIOUS CONSTRUCTION OF THE NATIONAL WORLD WAR II MEMORIAL AT THE RAINBOW POOL ON THE NATIONAL MALL IN THE NATION'S CAPITAL

Mr. WARNER (for himself, Mr. INOUYE, Mr. THURMOND, and Mr. STEVENS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 145

Whereas World War II is the defining event of the twentieth century for the United States and its wartime allies;

Whereas in World War II, more than 16,000,000 American men and women served in uniform in the Armed Forces, more than 400,000 of them gave their lives, and more than 670,000 of them were wounded;

Whereas many millions more on the home front in the United States organized and sacrificed to give unwavering support to those in uniform;

Whereas fewer than 6,000,000 World War II veterans are surviving at the end of the twentieth century, and the Nation mourns the passing of more than 1,200 veterans each day;

Whereas Congress, in Public Law 103–422 (108 Stat. 4356) enacted in 1994, approved the location of a memorial to this epic era in an area of the National Mall that includes the Rainbow Pool;

Whereas since 1995, the National World War II Memorial site and design have been the subject of 19 public hearings that have resulted in an endorsement from the State Historic Preservation Officer of the District of Columbia, three endorsements from the District of Columbia Historic Preservation Review Board, the endorsement of many Members of Congress, and, most significantly, four approvals from the Commission of Fine Arts and four approvals from the National Capital Planning Commission (including the approvals of those Commissions for the final architectural design);

Whereas on Veterans Day 1995, the President dedicated the approved site at the Rainbow Pool on the National Mall as the site for the National World War II Memorial; and

Whereas fundraising for the National World War II Memorial has been enormously successful, garnering enthusiastic support from half a million individual Americans, hundreds of corporations and foundations, dozens of civic, fraternal, and professional organizations, state legislatures, students in 1,100 schools, and more than 450 veterans groups representing 11,000,000 veterans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) it is appropriate for the United States to memorialize in the Nation's Capital the triumph of democracy over tyranny in World War II, the most important event of the twentieth century;

(2) the will of the American people to memorialize that triumph and all who labored to achieve it, and the decisions made on that memorialization by the appointed bodies charged by law with protecting the public's interests in the design, location, and construction of memorials on the National Mall in the Nation's Capital, should be fulfilled by the construction of the National World War II Memorial, as designed, at the approved and dedicated Rainbow Pool site on the National Mall; and

(3) it is imperative that expeditious action be taken to commence and complete the construction of the National World War II Memorial so that the completed memorial will be dedicated while Americans of the World War II generation are alive to receive the national tribute embodied in that memorial, which they earned with their sacrifice and achievement during the largest and most devastating war the world has known.

SENATE CONCURRENT RESOLUTION 146—A CONCURRENT RESOLUTION CONDEMNING THE ASSASSINATION OF FATHER JOHN KAISER AND OTHERS IN KENYA, AND CALLING FOR A THOROUGH INVESTIGATION TO BE CONDUCTED IN THOSE CASES, A REPORT ON THE PROGRESS MADE IN SUCH AN INVESTIGATION TO BE SUBMITTED TO CONGRESS BY DECEMBER 15, 2000, AND A FINAL REPORT ON SUCH AN INVESTIGATION TO BE MADE PUBLIC, AND FOR OTHER PURPOSES

Mr. WELLSTONE (for himself and Mr. GRAMS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 146

Whereas Father John Kaiser, a Catholic of the Order of the Mill Hill Missionaries and a native of Minnesota, who for 36 years served as a missionary in the Kisii and Ngong Dioceses in the Republic of Kenya and advocated the rights of all Kenyans, was shot dead on Wednesday, August 23, 2000;

Whereas Father Kaiser was a frequently outspoken advocate on issues of human rights and against the injustice of government corruption in Kenya;

Whereas fellow priests report that Father Kaiser spoke to them of his fear for his life on the night before his assassination;

Whereas the murders of Father Stallone, Father Graife, and Father Luigi Andeni, all of Marsabit Diocese in Kenya, the circumstances of the murder of Brother Larry Timors of Nakaru Diocese in Kenya, the murder of Father Martin Boyle of Eldoret Diocese, and the murders of other local human rights advocates in Kenya have not yet been fully explained, nor have the perpetrators of these murders been brought to justice;

Whereas the report of a Kenyan governmental commission, known as the Akiwumi Commission, on the government's investigation into tribal violence between 1992 and 1997 in Kenya's Great Rift Valley has not yet been released in spite of several requests by numerous church leaders and human rights organizations to have the Commission's findings released to the public;

Whereas, after Father Kaiser's assassination, documents were found on his body that he had intended to present to the Akiwumi Commission;

Whereas the nongovernmental Kenyan Human Rights Commission has expressed fear that the progress achieved in Kenya during the last few years in the struggle for democracy, the rule of law, respect for human rights, and meeting the basic needs of all Kenyans is jeopardized by the current Kenyan government; and

Whereas the 1999 Country Report on Human Rights released by the Bureau of Democracy, Human Rights, and Labor of the Department of State reports that the Kenyan Government's "overall human rights record was generally poor, and serious problems remained in many areas; while there were some signs of improvement in a few areas, the situation worsened in others.": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the violent deaths of Father John Kaiser and others who have worked to promote human rights and justice in the Republic of Kenya and expresses its outrage at those deaths;

(2) calls for a thorough investigation of those deaths that includes other persons in addition to the Kenyan authorities;

(3) calls on the Secretary of State, acting through the Assistant Secretary of State for Democracy, Human Rights, and Labor, to prepare and submit to Congress, by December 15, 2000, a report on the progress made on investigating these killings, including, particularly, a discussion of the actions taken by the Kenyan government to conduct an investigation as described in paragraph (2);

(4) calls on the President to support investigation of these killings through all diplomatic means; and

(5) calls for the final report of such an investigation to be made public.

Mr. WELLSTONE. Mr. President, colleagues, I rise to today to offer a resolution calling for thorough investigation into the murder of Father John Kaiser, a Catholic missionary from Minnesota who was brutally murdered in Kenya last month, and requiring the State Department to report to Congress on the progress of the investigation by December 15th, and to make public the final findings of the investigation.

For those of you who know little of Father John Kaiser, let me just say this: Father Kaiser was an amazing man. One of those rare individuals who found his calling early in life, he remained dedicated to that calling throughout his life. A catholic of the Order of the Mill Hill Missionaries, Father Kaiser served as a missionary in Kenya for 36 years. Born in Minnesota in 1932 to a German father and Irish mother, from 1954–1957, prior to being ordained, he had served his own country in the U.S. Army training paratroopers in the 82nd Airborne.

Those who knew Father Kaiser recall him as humble and soft-spoken with totally selfless zeal for the service of others. In Kenya Father Kaiser was an outspoken advocate on the issue of human rights and injustice, and advocated those rights on behalf of all Kenyans. In March of this year Father Kaiser was awarded the "Award for Distinguished Service in the Support of Human Rights" by the Law Society of Kenya. This is the highest award given by the Law Society and it is usually awarded to three people annually—this year Father Kaiser was the sole recipient. I have a copy of the speech given by the Law Society in honor of Father Kaiser and I will ask that this speech be inserted in the Record. I'd also like to note that earlier this week in St. Paul, Minnesota Father Kaiser was posthumously awarded the twin cities International Citizen Award.

Father Kaiser spoke frequently against the injustice of government corruption in Kenya and some believe this is what led to his death. In 1992 Father Kaiser was confronted for his political activism against corruption. At an inquiry into why tribal clashes killed hundred in the run-up to Kenya's first multiparty election in 1992, Kaiser had testified that two Cabinet ministers had encouraged the strife in a ploy to drive those in opposition off their land. After accusing high-level government officials of stealing land from the poor, he was arrested last year and threatened with deportation. His most recent confrontation with a powerful Kenyan involved Minister of State Julius Sunkuli, considered by many to be the current Kenya President's personal preference as a successor. Working with the Kenya chapter of the International Federation of Women Lawyers, Father Kaiser had been helping a female parishioner who claimed that Mr. Sunkuli raped her three years ago when she was 14 and fathered her child. Father Kaiser was killed one week before the court case was due to begin. A few days later, the young women dropped the charge.

Father Kaiser's death is a manifestation of the corruption and injustice rampant in Kenya today. In its annual survey issued two weeks ago, the Transparency International watchdog organization named Kenya the ninth-most corrupt country in the world, on par with Russia. In Kenya, church leaders bemoan the fact that they are told to stay out of politics. They argue that what the government calls politics—promoting human rights, social and economic justice—is part and parcel of their mission. Mr. President, colleagues, I believe the position of the leadership in Kenya is not unusual; religious persecution is up around the world because religious mandates such as promoting human rights, social and economic justice, are inherently political. We must speak up about this case not only to find the truth about Father Kaiser's death and to bring some relief to his family, but also to let Kenya and the world know that the United States does not condone Kenya's behavior.

An investigation is underway for the killer of Father Kaiser. The Kenyan Attorney General requested the help of the FBI in the investigation and today three FBI agents are in Kenya. The U.S. Ambassador has also met with the Kenyan Foreign Minister and the Kenyan Attorney General. This is a good start. I am hopeful that the State Department will continue to keep a close eye on this case. We must express our outrage at the violent death of Father John Kaiser, as well as the brutal murder of other activists fighting against injustice in Kenya. And we must demand a thorough investigation into their deaths. Prominent human rights groups and organizations like Transparency International, report that in Kenya corruption reaches to the highest level of government. It is for that reason that any investigation must include persons other than the Kenyan authorities and its final report must be made public. That is what I call for in the Resolution I am offering today with my colleague from Minnesota. I urge you to join us in your support, not only for the family of Father Kaiser and the others who lost their lives fighting injustice in Kenya but for the countless victims who have given their lives fighting injustice worldwide.

Mr. President, I ask unanimous consent that the Law Society speech honoring Father Kaiser be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Law Society of Kenya—Statement in Support of the Award for Distinguished Service in the Promotion of Human Rights to Father John Anthony Kaiser for the Year 2000, March 11, 2000

This year's Law Society of Kenya Awards ceremony is a rare departure from its young tradition in that we have only one recipient. But that man is rare, indeed, one of a kind. His name is Father John Anthony Kaiser. And it is a name we have all heard.

In conferring upon him the Society's award for Distinguished Service in the Promotion of human rights for the year 2000, we of the Society consider ourselves specially honored to have known and dealt with this man of God who, like the Biblical Elijah, is a voice of stern rebuke to all those that trouble the people and think it a little matter to deny sovereign citizens their God-given right to live, move and have. To them, he is a poisonous troublemaker, an unwelcome meddler and a pain in the flesh. But to us and to all those that love life and liberty, he is a stalwart defender of the defenseless and a man eminently deserving of honor.

In his life Father Kaiser has lived for and upheld two ideals namely the universality of human rights and the principle that Kenya citizenship appeals and protects all Kenyan in every part of the Republic of Kenya. In upholding these noble truths in the 1990s in Kenya Father Kaiser repeatedly found himself in trouble. Not that Father Kaiser is a man who goes out of his way to court trouble. To the contrary, he is a retiring, humble and soft-spoken "Mzee." He is a simple man without pretensions. Seeing him on a normal day one could easily dismiss him for just another tired old man. Though a tall one.

Those who know him will say he has a totally selfless zeal for the service of others. But they will also tell you that he is a man of singular candour. He is honest and forthright in speech almost to a fault. He would speak that uncomfortable truth with a startling naivete that at once sets you thinking and charms you to a new respect for the man.

Born in Minnesota, United States of America in 1932 to a German father and Irish mother, the future Father Kaiser attended a one-roomed school for eight years before he went to a Benedictine secondary school.

After a two-year stint at a junior college where he studied Greek and Latin, he joined the U.S. Army for some three years. His true calling was elsewhere and he quit to join the St. Louis College where he studied theology and philosophy. This was to be followed by some four years across the Atlantic, studying to become a priest at St. Joseph's Mill Hill College. Father Kaiser was in 1964 posted to Kenya and specifically to the Kisii Catholic Diocese to which he dedicated 30 years of exemplary and emulable service mostly in the humble hills and valleys of Gusiiland, away from any sort of public limelight. Everywhere he went he exhibited the best missionary spirit of uplifting enlightening and supporting the poor. A strong man physically, he worked with joyful energy setting up churches wherever he went sometimes single-handedly. So thoroughly did he immerse himself in the daily living of the locals that he speaks Ekegussi with a fluency that would put most native speakers of the language to shame. He became in a real sense a much loved if not revered 'Omogaka' to the Abagusii among whom he lived and served.

Come 1993, Father Kaiser was sent to the Ngong Catholic Diocese his first appointment being to the fateful Maela Refugee Camp for the internally victims of the infamous Tribal Clashes. It was while at Maela that he witnessed at even closer hand some of the most dastardly and heinous acts of man's inhumanity to man. Freeborn Kenyans who had been violently and murderously driven out of homes they had lived in all their lives were reduced to the most abject and dehumanizing poverty. He saw disease, despair, hunger and the elements ravish men and women; the young and the aged alike whose only crime was the biological and historical accident of having been born into the 'wrong' tribes. Father Kaiser busied himself in trying to alleviate in what small ways he could the anguish of those unfortunate.

It was while *in situ* at Maela, and while lawfully engaged in Christian service quite in consonance with the oft repeated credo of being mindful of the welfare of fellow Kenyans that the fell foul of the ubiquitous and often tyrannical Provincial Administration.

The existence of the Maela Refugee Camp had become an acute embarrassment to the government which was not so keen on having the shocking truth of ethnic cleansing exposed to the watching world. The camp was an eyesore abominable and damning to the Government. Some evil genius in the administration hatched the plan to erase evidence of the very existence of the Camp. Thus, on the 27th of December 1994, those hapless Kenyans, once betrayed, raped, and dispossessed, were betrayed a second time. They were descended upon in a whirlwind government operation that broke up the camp and bundled its inhabitants into trucks that would dump them in stadiums, abandoned playing fields and roadsides in the Central Province. The same bright mind in government had now invented a new term with which these unfortunate victims were baptized: Land Speculators.

The Naivasha District Officer who spearheaded the Maela mop-up .was livid that among those at the camp and who witnessed the wanton dehumanization of the refugees was Father Kaiser. For merely being there and not approving of what the officers of government were doing, Father Kaiser was violently assaulted by those agents of our government, handcuffed, as a common criminal would be removed from the scene. He was held under house arrest with armed men in guard. State-sponsored terrorism is no respecter of persons even when they are harmless parish priests. Shortly after Maela, Father Kiser was posted to Lologorian Parish in Trans Mara District. And trouble followed him there. It is an abiding if tragic fact of this country's sociopolitical landscape that no place is safe or tranquil for any honest man of pure convictions. Wherever such people are, the tyrants, sycophants, rapist and land grabbers that dot Kenya's public life will feel uneasy and attempt to make life unbearable for them.

True to his prophetic calling as a voice for the voiceless and defender of the defenseless among his flock, Father Kaiser found himself on a collision cause with those who had oppressed, displaced, dispossessed and marginalized whole clans of the Maasai in an orgy of systematic and avaricious land-grabbing. His consistent and conscientious stance against this and other evils and ills in Trans Mara was fast gaining a formidable horde of enemies at all levels of the power structure. No less than a powerful cabinet minister saw the hand of good Father Kaiser in allegations of rape or defilement leveled by young girls against the said minister. There is of course no question that it is in the nature of Father Kaiser to insist and demand that any man, no matter his rank, who proves to be a pestilential monster against nubile girls must face justice. It is a very Christian demand.

Father Kaiser's gift and burden has been his unshakable commitment to truth and justice. It is therefore not surprising that when the Commission appointed to investigate the causes of the ethnic cleansing under the Chairmanship of Court of Appeal Judge Akiwuni got down to business, he appeared to testify as to what he saw, experienced and heard.

In his painfully forthright way, the priest told the Commission the horrible things he had witnessed. He recounted tales heart rendering in their pain and outrageous that they should be true. Unquestionably, he was a witness of truth. His testimony was one of a man with a deep and abiding need to see the demons of our national shame exorcised, the ghosts of our innocent dead compatriots finally laid to rest and the tears of their beloved wiped dry at last.

Inevitably, he categorically and bluntly told the Commission that on the basis of the facts in his possession, responsibility for the horror that was the clashes lay at the highest echelons of state. Mincing no words, he fingered the very heart of State power as the first culprit in this crime against Kenya holding the Government and its trusted lieutenants responsible. Father Kaiser mentioned dates, names, places and times.

It is a monumental irony that detailed and useful as Father Kaiser's testimony was, the Commission thought it violated some in-house rules against mentioning the Head of State and promptly expunged the same from its record.

Whether offensive to the rules of the Commission or not, and shorn of all the trappings, technicalities and complexities of procedure, Father Kaiser's experiences and observations in his own words are admissible in the Tribunal of Truth and that of public opinion and, we trust, will some day find judicial admission when those who threatened to dismember Kenya are finally brought to book. His courage, boldness and candor in saying it as it really is cannot have been in vain.

It is in the aforegoing context that we view the attempt by the Kenya government to deport our hero in late 1999. A day after his testimony at the Commission, the agents of terror that he had named and shamed made a public threat that Father Kaiser would be deported from Kenya. Could what followed be related to these threats? Still smarting from the priest's insistent voice of conscience, someone suddenly remembered that this cleric who may pass for an Ompgusii, a Maasai, a Kalenjin or a Kikuyu and who had lived in Kenya for as long as we have been a republic, was not a Kenyan and, by reason of his inadvertent failure to renew his work permit was deserving of immediate deportation. Evidently our laws on citizenship are in urgent need of revision. For, if Father Kaiser does not qualify for citizenship, who does?

The move by the Government was amateurish, its sinister and vindictive motivation too transparent to miss. There was an immediate chorus of condemnation of the government's persecution of the priest from many quarters including Catholic Bishops, the Kenya Human Rights Commission and the American Embassy. We are happy to recall the Law Society of Kenya added its voice in demanding that his permit be renewed. We are happier to note with a certain satisfaction that, left with no choice, Government relented and, as you can see, Father Kaiser is still here with us.

The life and times of Father John Anthony Kaiser stand out as a study in courage, determination and sacrifice on behalf of the weak, oppressed and downtrodden. He has had the loftiness of ideals to speak out against social ills and defend the native rights and dignity of mankind in the face of callus and blood-chilling abuse. He has paid the price of his convictions in being beaten, arrested, insulted and hounded but has remained true to his conscience. He has stood up to tyrants big and petty and won many battles for which the humble men and women of Kenya for whom he has striven are the happier. And in all this he has retained his cool and has urged victims of violence not to retaliate in kind. Indeed, he is on record as still loving and still praying for his persecutors.

He does not consider himself a civil rights worker. He would not call himself a human rights activist let alone its champion. He would not admit to all his achievements, which have emboldened and inspired many to love truth, cherish liberty and fight for human rights. Father Kaiser says he is just a simple parish priest. We agree. And we honor him.

Mr. GRAMS. Mr. President, I rise today to introduce a resolution along with Senator WELLSTONE which addresses a very tragic event in Kenya involving a native son of Minnesota, Father John Kaiser.

Sixty-seven years ago, Father Kaiser was born in Perham, Minnesota and grew up in Maine Township near Fergus Falls. He attended St. John's Prep in Collegeville, along with former Senator Dave Durenberger, and St. John's University. He was ordained a Catholic priest in 1964 after attending St. Joseph's Seminary in England.

His thirty-six years in the East African country of Kenya was spent building schools and helping the people. He was a strong supporter of human rights and justice for the poor and oppressed. He was their spokesman and a highly visible reminder to the Kenyan government of the injustices he sought to remedy. His courage in the face of death emboldened and strengthened the resolve of others in the human rights community to stand for principle—for law and order, decency and respect.

The cattle herders and farmers in the Great Rift Valley, the helpless young girls who may have suffered abuse at the hands of government officials and the dedicated members of Father Kaiser's Mill Hill Mission have lost a champion—but not the principles on which he stood—justice and equity and human rights for all.

I have addressed this issue at the highest level with Secretary of State Madeleine Albright during a recent Foreign Affairs Committee meeting. The resolution of this United States citizen's death is important to Kenya's credibility in the world community. We intend to see his assassins quickly brought to trial, and our Resolution reflects the desire of Congress to step-up the investigation into his death. I join Bishop John Njue, Chairman of the Kenyan Catholic Episcopal Conference in saying "Do not be afraid"—we are with you.

SENATE RESOLUTION 368—RECOGNIZING THE IMPORTANCE OF RELOCATING AND RENOVATING THE HAMILTON GRANGE, NEW YORK

Mr. MOYNIHAN (for himself, Mr. BYRD, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources.

S. RES. 368

Whereas Alexander Hamilton, assisted by James Madison and George Washington, was the principal drafter of the Constitution of the United States;

Whereas Hamilton was General Washington's aide-de-camp during the Revolutionary War, and, given command by Washington of the New York and Connecticut light infantry battalion, led the successful assault on British redoubt number 10 at Yorktown;

Whereas after serving as Secretary of the Treasury, Hamilton founded the Bank of New York and the New York Post;

Whereas the only home Hamilton ever owned, commonly known as "the Grange", is a fine example of Federal period architecture designed by New York architect John McComb, Jr., and was built in upper Manhattan in 1803;

Whereas the New York State Assembly enacted a law in 1908 authorizing New York City to acquire the Grange and move it to nearby St. Nicholas Park, part of the original Hamilton estate, but no action was taken;

Whereas in 1962, the National Park Service took over management of the Grange, by then wedged on Convent Avenue within inches between an apartment house on the north side and a church on the south side;

Whereas the 1962 designation of the Grange as a national memorial was contingent on the acquisition by the National Park Service of a site to which the building could be relocated;

Whereas the New York State legislature enacted a law in 1998 that granted approval for New York City to transfer land in St. Nicholas Park to the National Park Service, causing renovations to the Grange to be postponed; and

Whereas no obelisk, monument, or classical temple along the national mall has been constructed to honor the man who more than any other designed the Government of the United States, Hamilton should at least be remembered by restoring his home in a sylvan setting: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes the immense contribution Alexander Hamilton made to the United States as a principal drafter of the Constitution; and

(2) the National Park Service should expeditiously—

(A) proceed to relocate the Grange to St. Nicholas Park; and

(B) restore the Grange to a state befitting the memory of Alexander Hamilton.

Mr. MOYNIHAN. Mr. President, I rise to introduce a Sense of the Senate Resolution that calls on the National Park Service to relocate the Hamilton Grange, which is the home of Alexander Hamilton. As Washington's aide-de-camp during the Revolution, delegate to the Constitutional Convention, Secretary of the Treasury, and founder of the Bank of New York and the New York Post, Hamilton was instrumental in determining the direction of the nation in its early years. The only home he ever owned is in New York City. It sits on a block in Harlem, bounded on the north by an apartment house and on the south by a church. The apartment house is inches away, the church a few feet.

For some forty years the National Park Service has been contemplating the relocation of the Grange to a better site. The plan now is to go around the corner to St. Nicholas Park. The park was part of the original Hamilton estate and would be a far more appropriate location for the house. The necessary civic approvals are nearly set. It will soon be in the hands of the Park Service to get this done. The resolution simply states that the agency should do so expeditiously, and should then proceed with the restoration projects that have been on hold. Alexander Hamilton and those who come to see his home deserve as much. I ask my colleagues for their support.

AMENDMENTS SUBMITTED

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2000

JEFFORDS (AND KENNEDY) AMENDMENT NO. 4301

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill (H.R. 1102) to provide for pension reform, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE IX—ERISA PROVISIONS

SEC. 901. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsection:

"(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

"(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

"(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

"(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

"(A) to the corporation, or

"(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

"(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

"(A) in a single sum (plus interest), or

"(B) in such other form as is specified in regulations of the corporation.

"(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

"(A) the plan is a pension plan (within the meaning of section 3(2))—

"(i) to which the provisions of this section do not apply (without regard to this subsection), and

"(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

"(B) at the time the assets are to be distributed upon termination, the plan—

"(i) has missing participants, and

"(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

"(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 902. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting "other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined)," after "single-employer plan,",

(2) in clause (iii), by striking the period at the end and inserting “, and”, and

(3) by adding at the end the following new clause:

“(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.”.

(b) Definition of New Single-Employer Plan.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

“(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

“(ii)(I) For purposes of this paragraph, the term ‘small employer’ means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

“(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.”.

(c) Effective Date.—The amendments made by this section shall apply to plans established after December 31, 2000.

SEC. 903. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) New Plans.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

“(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term ‘applicable percentage’ means—

“(I) 0 percent, for the first plan year.

“(II) 20 percent, for the second plan year.

“(III) 40 percent, for the third plan year.

“(IV) 60 percent, for the fourth plan year.

“(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.”. .

(b) Small Plans.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by section 902(b), is amended—

(1) by striking “The” in subparagraph (E)(i) and inserting “Except as provided in subparagraph (G), the”, and

(2) by inserting after subparagraph (F) the following new subparagraph:

“(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

“(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.”.

(c) Effective Dates.—

(1) Subsection (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2000.

(2) Subsection (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2000.

SEC. 904. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) In General.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking “(b)” and inserting “(b)(1)”, and

(2) by inserting at the end the following new paragraph:

“(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).”.

(b) Effective Date.—The amendment made by subsection (a) shall apply to refunds made on or after the date of the enactment of this Act.

SEC. 905. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) Modification of Phase-In of Guarantee.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

“(5)(A) For purposes of this paragraph, the term ‘majority owner’ means an individual who, at any time during the 60-month period ending on the date the determination is being made—

“(i) owns the entire interest in an unincorporated trade or business,

“(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

“(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation. For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

“(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

“(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

“(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.”.

(b) Modification of Allocation of Assets.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking “section 4022(b)(5)” and inserting “section 4022(b)(5)(B)”.

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking “(5)” in paragraph (2) and inserting “(4), (5),”, and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

“(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.”.

(c) Conforming Amendments.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking “as defined in section 4022(b)(6)”, and

(B) by adding at the end the following new subsection:

“(d) For purposes of subsection (b)(9), the term ‘substantial owner’ means an individual who, at any time during the 60-month period ending on the date the determination is being made—

“(1) owns the entire interest in an unincorporated trade or business,

“(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

“(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).”.

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking “section 4022(b)(6)” and inserting “section 4021(d)”.

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2000, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) Conforming amendments.—The amendments made by subsection (c) shall take effect on January 1, 2001.

SEC. 906. MULTIEMPLOYER PLAN BENEFITS GUARANTEE.

(a) IN GENERAL.—Section 4022A(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322A(c)) is amended—

(1) by striking "$5" each place it appears in paragraph (1) and inserting "$11",

(2) by striking "$15" in paragraph (1) and inserting "$33", and

(3) by striking paragraphs (2), (5), and (6) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENT.—Section 4244(e)(4) of such Act (29 U.S.C. 1424(e)(4)) is amended by striking "and without regard to section 4022A(c)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits payable after the date of the enactment of this Act, except that such amendments shall not apply to any multiemployer plan that has received financial assistance (within the meaning of section 4261 of the Employee Retirement Income Security Act of 1974) within the 1-year period ending on the date of the enactment of this Act.

SEC. 907. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) IMPOSITION AND AMOUNT OF PENALTY MADE DISCRETIONARY.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking "shall" and inserting "may", and

(2) by striking "equal to" and inserting "not greater than".

(b) APPLICABLE RECOVERY AMOUNT.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended to read as follows:

"(2) For purposes of paragraph (1), the term 'applicable recovery amount' means any amount which is recovered from any fiduciary or other person (or from any other person on behalf of any such fiduciary or other person) with respect to a breach or violation described in paragraph (1) on or after the 30th day following receipt by such fiduciary or other person of written notice from the Secretary of the violation, whether paid voluntarily or by order of a court in a judicial proceeding instituted by the Secretary under subsection (a)(2) or (a)(5). The Secretary may, in the Secretary's sole discretion, extend the 30-day period described in the preceding sentence.".

(c) OTHER RULES.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following new paragraph:

"(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

"(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(2) TRANSITION RULE.—In applying the amendment made by subsection (b) (relating to applicable recovery amount), a breach or other violation occurring before the date of enactment of this Act which continues after the 180th day after such date (and which may have been discontinued at any time during its existence) shall be treated as having occurred after such date of enactment.

SEC. 908. BENEFIT SUSPENSION NOTICE.

(a) MODIFICATION OF REGULATION.—The Secretary of Labor shall modify the regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation—

(1) in the case of an employee who returns to work for a former employer after commencement of payment of benefits under the plan, shall, if a reduced rate of future benefit accruals could apply to the returning employee, include a statement that the rate of future benefit accruals may be reduced, and

(2) in the case of any other employee—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) EFFECTIVE DATE.—The modification made under this section shall apply to plan years beginning after December 31, 2000.

Mr. JEFFORDS. Mr. President, I rise today to file an amendment on behalf of myself, as chairman of the Committee on Health, Education, Labor, and Pensions, and Mr. KENNEDY, Ranking Member of the Committee to H.R. 1102, the Retirement Security and Savings Act of 2000, as reported by the Committee on Finance on September 12, 2000. Our amendment concerns pension issues within our jurisdiction. It would simplify and modify provisions of the Employee Retirement Income Security Act of 1974 relating to employer pension plans.

More specifically, the amendment would expand the Pension Benefit Guaranty Corporation's (PBGC) Missing Participants program; reduce PBGC premiums for new plans of small employers; authorize the PBGC to pay interest on premium overpayment refunds; simplify the substantial owner benefit rules for terminated defined benefit plans; increase the PBGC guarantee of benefits in multiemployer plans; allow the Secretary of Labor to reduce or waive civil penalties for breach of fiduciary responsibility; make parties that are jointly and severally liable for fiduciary violations also jointly and severally liable for the related penalty; and improve and better target notices of benefit suspension to pension plan participants.

Mr. President, I ask that our more detailed description of the amendment be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DESCRIPTION OF AMENDMENT NO. 4301 TO THE "RETIREMENT SECURITY AND SAVINGS ACT OF 2000" (H.R. 1102)

1. EXTENSION OF PBGC MISSING PARTICIPANTS PROGRAM

Present law

The plan administrator of a defined benefit pension plan that is subject to Title IV of ERISA, is maintained by a single employer, and terminates under a standard termination is required to distribute the assets of the plan. With respect to a participant whom the plan administrator cannot locate after a diligent search, the plan administrator satisfies the distribution requirement only by purchasing irrevocable commitments from an insurer to provide all benefit liabilities under the plan or transferring the participant's designated benefit to the Pension Benefit Guaranty Corporation ("PBGC"), which holds the benefit of the missing participant as trustee until the PBGC locates the missing participant and distributes the benefit. The PBGC missing participant program is not available to multiemployer plans or defined contribution plans and other plans not covered by Title IV of ERISA.

Reason for change

Terminating multiemployer plans and terminating defined contribution plans face the same problems with missing participants as single-employer defined benefit plans. Allowing terminating multiemployer and defined contribution plans to transfer pension funds for missing participants to the PBGC would enable these plans to wind up their affairs and would increase the chances that missing participants will be able to locate their benefits.

Description of proposal

The proposal would direct the PBGC to prescribe for terminating multiemployer plans and terminating defined contribution plans (including plans under section 401(k) of the Internal Revenue Code) rules similar to the present-law missing participant rules applicable to terminating single-employer plans that are subject to Title IV of ERISA.

Effective date

The proposal would be effective for distributions from terminating plans that occur after the PBGC has adopted final regulations implementing the proposal.

2. REDUCE PBGC PREMIUMS FOR SMALL AND NEW PLANS

Present law

Under present law, the Pension Benefit Guaranty Corporation ("PBGC") provides insurance protection for participants and beneficiaries under certain defined benefit pension plans by guaranteeing certain basic benefits under the plan in the event the plan is terminated with insufficient assets. The guaranteed benefits are funded in part by premium payments from employers who sponsor defined benefit plans.

The amount of the required annual PBGC premium for a single-employer plan is generally a flat rate premium of $19 per participant and an additional variable rate premium based on a charge of $9 per $1,000 of unfunded vested benefits. Unfunded vested benefits under a plan generally means (1) the unfunded current liability for vested benefits under the plan, over (2) the value of the plan's assets, reduced by any credit balance in the funding standard account. No variable rate premium is imposed for a year if contributions to the plan were at least equal to the full funding limit. The PBGC guarantee is phased in ratably in the case of plans that have been in effect for less than 5 years, and with respect to benefit increases from a plan amendment that was in effect for less than 5 years before termination of the plan.

Reason for change

The number of single-employer defined benefit plans covered by PBGC has declined dramatically in recent years—from 112,000 in 1985 to little over 39,000 in 1999. Most of the decline is because of the termination of small plans. An employer incurs a number of one-time costs to establish a plan. The proposal is intended to remove the PBGC premium as a disincentive to small employers establishing defined benefit plans.

For very small employers, the variable-rate premium can be a disproportionately large and unpredictable cost and can discourage them from establishing or maintaining a defined benefit pension plan for their employees. Very small employers would be more likely to establish and keep defined benefit plans if they could be assured that the variable rate premium would be affordable.

While most of the decline in the number of defined benefit plans is because of the termination of small plans, many larger plans also have terminated. Further, larger employers that establish plans are not choosing defined benefit plans.

Incentives are needed to encourage establishment of defined benefit plans by larger employers. The PBGC variable rate premium can be a disincentive to some plans. The proposal would provide a limited break from the variable rate premium, keyed to PBGC's guarantee limits in the early years of a plan.

Description of proposal

a. Reduced flat-rate premiums for new plans of small employers

Under the proposal, for each of the first five plan years of a new single-employer plan of a small employer, the flat-rate PBGC premium would be $5 per plan participant. A small employer would be defined as a plan contributing sponsor that, together with other members of its controlled group, employs 100 or fewer employees on the first day of the plan year.

Under ERISA, the "employer" consists of a plan's "contributing sponsor" and all entities that are in "common control" with it under the tax code. The contributing sponsor together with the other entities in common control are also referred to as members of the "controlled group." In the case of a plan to which more than one unrelated contributing sponsor contributes, employees of all contributing sponsors (and their controlled group members) would be taken into account in determining whether the plan is a plan of a small employer.)

A new plan would mean a defined benefit plan maintained by a contributing sponsor if, during the 36-month period ending on the date of adoption of the plan, such contributing sponsor (or controlled group member or a predecessor of either) did not establish or maintain a plan subject to PBGC coverage with respect to which benefits were accrued for substantially the same employees as are in the new plan.

b. Reduced variable PBGC premium for new and small employer plans

The proposal would provide that the variable premium is phased in for "new defined benefit plans" over a six-year period starting with the plan's first plan year. The amount of the variable premium would be a percentage of the variable premium otherwise due, as follows: 0 percent of the otherwise applicable variable premium in the first plan year; 20 percent in the second plan year; 40 percent in the third plan year; 60 percent in the fourth plan year; 80 percent in the fifth plan year; and 100 percent in the sixth plan year (and thereafter). A new defined benefit plan would be defined as under the flat-rate premium proposal relating to new small employer plans.

In addition, in the case of any plan (not just a new plan) of an employer with 25 or fewer employees, the per-participant variable-rate premium would be no more than $5 multiplied by the number of plan participants.

Effective date

The proposals relating to new plans would be effective for plans established after December 31, 2000. The proposal reducing the PBGC variable premium for small plans would be effective for years after December 31, 2000.

3. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS

Present law

The PBGC currently charges interest on underpayments but is not authorized to pay interest to plan sponsors on refunds of premium overpayments.

Reason for change

Premium payors should receive interest on monies that are owed to them.

Description of proposal

The proposal would allow the PBGC to pay interest on overpayments made by premium payors. Interest paid on overpayments would be calculated at the same rate and in the same manner as interest is charged on premium underpayments.

Effective date

The proposal would be effective with respect to refunds made on or after the date of enactment of this Act.

4. RULES FOR SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS

Present law

Under present law, the Pension Benefit Guaranty Corporation ("PBGC") provides participants and beneficiaries in a defined benefit pension plan with certain minimal guarantees as to the receipt of benefits under the plan in case of plan termination. The employer sponsoring the defined benefit pension plan is required to pay premiums to the PBGC to provide insurance for the guaranteed benefits. In general, PBGC will guarantee all basic benefits which are payable in periodic installments for the life (or lives) of the participant and his or her beneficiaries and are non-forfeitable at the time of plan termination. The amount of the guaranteed benefit is subject to certain limitations. One limitation is that the plan (or an amendment to the plan which increases benefits) must be in effect for 60 months before termination for the PBGC to guarantee the full amount of basic benefits for a plan participant, other than a substantial owner. In the case of a substantial owner, the guaranteed basic benefit is phased in over 30 years beginning with participation in the plan. A substantial owner is one who owns, directly or indirectly, more than 10 percent of the voting stock of a corporation. Special rules restricting the amount of benefit guaranteed and the allocation of assets also apply to substantial owners.

Reason for change

The special substantial owner rules are inordinately complex and require plan documents going back as far as 30 years, which are difficult or impossible to obtain. The rules penalize owners in plans that started out with modest benefit levels and those with little control over plan decisions. Changes are needed in the guarantee and asset allocation rules to simplify determination of benefits and eliminate the unduly harsh treatment of owners under the current law. The proposed changes also will eliminate one of the reasons that small business owners give for not establishing defined benefit plans (i.e., the inadequacy of PBGC guarantees for owners).

Description of proposal

The proposal would provide that the 60-month phase-in of guaranteed benefits would apply to a substantial owner with less than 50 percent ownership interest. For a substantial owner with a 50 percent of more ownership interest ("majority owner"), the guarantee would depend on the number of years the plan has been in effect and would not be more than the amount guaranteed for other participants. Specifically, a majority owner's guarantee would be computed by multiplying the guarantee that would apply if the participant were not a substantial owner, by a fraction (not to exceed 1), the numerator of which is the number of years the plan was in effect, and the denominator of which is 10. The rules regarding allocation of assets would apply to substantial owners, other than majority owners, in the same manner as other participants.

Effective date

The proposal would be effective for plan terminations with respect to which notices of intent to terminate are provided, or for which proceedings for termination are instituted by the PBGC after December 31, 2000.

5. MULTIEMPLOYER PLAN BENEFITS GUARANTEED

Present law

The PBGC guarantees benefits of workers in multiemployer plans. The monthly guarantee is equal to the participant's years of service multiplied by the sum of (i) 100 percent of the first $5 of the monthly benefit accrual rate, and (ii) 75 percent of the next $15 of the accrual rate. The level of benefits guaranteed by the PBGC under the multiemployer program is modest and has not increased since 1980. For a retiree with 30 years of service, the maximum guaranteed annual benefit if $5,850. The maximum guarantee under the PBGC's single-employer program is adjusted each year to reflect changes in the social security wage index.

Reason for change

The level of benefits guaranteed by the PBGC under the multiemployer program is modest and has not increased since 1980.

Description of proposal

The proposal adjusts the amount guaranteed in multiemployer plans to account for changes in the social security wage index since 1980. Under the proposal, the PBGC would guarantee a monthly benefit equal to the participant's years of service multiplied by the sum of (i) 100 percent of the first $11 of the monthly benefit accrual rate, and (ii) 75 percent of the next $33 of the accrual rate. The proposed change would increase the maximum annual guarantee for a retiree with 30 years of service to $12,870.

Effective date

The proposal would be effective for benefits payable after the date of enactment of this Act, excluding benefits payable under a multiemployer plan that received assistance payments from the PBGC during the one-year period ending on the date of enactment of this Act.

6. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY

Current law

Section 502(l) was added to ERISA by the Omnibus Budget Reconciliation Act of 1989. In its current form, section 502(l) requires the Secretary of Labor to assess a civil penalty against a fiduciary who breaches a fiduciary responsibility under, or commits a violation of, Part 4 of Title I of ERISA, or any other person who knowingly participates in such a breach or violation. The penalty is a flat 20 percent of the "applicable recovery amount" that is paid pursuant to a settlement agreement with the Secretary or that a court orders to be paid in a judicial proceeding brought by the Secretary to enforce ERISA's fiduciary responsibility provisions. The Secretary may waive or reduce the penalty only if the Secretary finds in writing that either (1) the violator acted reasonably and in good faith, or (2) it is reasonable to expect that the violator cannot restore all the losses without severe financial hardship unless the waiver or reduction is granted.

Reason for change

Since its enactment, the section 502(l) penalty provision has discouraged voluntary, prompt settlements of fiduciary violations with the Department of Labor. This is because the Secretary of Labor was given little authority to reduce or waive the penalty in order to encourage prompt settlements with violators. Moreover, administration of the provision often raises difficult questions concerning whether a particular payment to a plan was made pursuant to a settlement agreement.

Description of proposal

The proposal would remove the current disincentive to settlement and encourage parties to quickly settle claims of violations that the Department brings to their attention. The proposal would give the Secretary of Labor full discretion to reduce or waive the penalty, and no penalty would be assessed on any amount recovered by a plan or by a participant or beneficiary within 30 days after the violator receives written notice of the violation from the Department of Labor. The Secretary would be given authority to extend the 30-day grace period.

The proposal would make all persons who are jointly and severally liable for a violation also jointly and severally liable for the penalty. The proposal also would clarify that the term "applicable recovery amount" includes payments by third parties that are made on behalf of the violator. This change would prevent avoidance of the penalty by having an unrelated third party pay the recovery amount.

Finally, when a penalty is contested, the proposal would give Administrative Law Judges the authority to decide both the existence of the underlying violation and the applicable recovery amount. This provision would apply to any breach of fiduciary responsibility or other violation of Part 4 of Title I of ERISA occurring on or after enactment.

Effective date

(a) General effective date. The proposal would apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(b) Transition rule. Fiduciaries would have six months from the date of enactment to undo continuing violations without application of the amendments. Thereafter, all such violations would be treated as having begun after the effective date of the amendments for purposes of determining the applicable recovery amount.

7. BENEFIT SUSPENSION NOTICE

Current law

Pension plans must provide a "Benefit Suspension Notice" to retirees who have been receiving a pension who then decide to return to work for that same employer. These same notices are sent to employees who continue to work past normal retirement age. The plan must provide this notice during the first calendar month or payroll period after the employee reaches normal retirement age or the plan risks losing its tax exempt status.

Reason for change

The loss of tax exempt status is an excessive penalty for failure to give a notice to employees reaching normal retirement age. These "Benefit Suspension Notices" are often regarded by employees who choose to continue to work past normal retirement age either as a sign that the employer is trying to force them into retirement or as a notice that somehow the pension plan is being suspended. In either case, for the employee who continues to work, and does not expect to receive a pension, these notices are often cause for alarm. The benefit "suspension" notice for benefit payments that have not yet begun is irrational and should be discontinued.

Benefit Suspension Notices sent to retirees who return to work for their previous employer do not currently alert these workers to reductions in the rate of benefit accruals that may now apply to them because they are working past normal retirement age, the plan has been amended or terminated, or for other reasons. As a result, these workers may not be prepared for these lower accrual rates (or no accruals in the case of a terminated plan).

Description of proposal

The proposal would require that "Benefit Suspension Notices" be sent only to those pension plan beneficiaries who return to the workforce. Benefit Suspension Notices sent to a retiree returning to work for a previous employer, must include a statement that the rate of future benefit accruals may be reduced, if a reduced accrual rate could apply to the returning worker.

Effective date

The proposal would apply to plan years beginning after December 31, 2000.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 1999

WYDEN (AND CRAIG) AMENDMENT NO. 4302

Mr HAGEL (for Mr. WYDEN (for himself and Mr. CRAIG)) proposed an amendment to the bill (H.R. 2389) to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Secure Rural Schools and Community Self-Determination Act of 2000".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Conforming amendment.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.
Sec. 102. Payments to States from National Forest Service lands for use by counties to benefit public education and transportation.
Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.
Sec. 202. General limitation on use of project funds.
Sec. 203. Submission of project proposals.
Sec. 204. Evaluation and approval of projects by Secretary concerned.
Sec. 205. Resource advisory committees.
Sec. 206. Use of project funds.
Sec. 207. Availability of project funds.
Sec. 208. Termination of authority.

TITLE III—COUNTY PROJECTS

Sec. 301. Definitions.
Sec. 302. Use of county funds.
Sec. 303. Termination of authority.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Treatment of funds and revenues.
Sec. 403. Regulations.
Sec. 404. Conforming amendments.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

Sec. 501. Short title.
Sec. 502. Findings.
Sec. 503. Amendment of the Mineral Leasing Act.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States

for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of Federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To stabilize payments to counties to provide funding for schools and roads that supplements other available funds.

(2) To make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to—

(A) road, trail, and infrastructure maintenance or obliteration;

(B) soil productivity improvement;

(C) improvements in forest ecosystem health;

(D) watershed restoration and maintenance;

(E) restoration, maintenance and improvement of wildlife and fish habitat;

(F) control of noxious and exotic weeds; and

(G) reestablishment of native species.

(3) To improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LANDS.—The term "Federal lands" means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

(2) ELIGIBILITY PERIOD.—The term "eligibility period" means fiscal year 1986 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term "eligible county" means a county that received 50-percent payments for one or more fiscal years of the eligibility period or a county that received a portion of an eligible State's 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county established after the date of the enactment of this Act so long as the county includes all or a portion of a county described in the preceding sentence.

(4) ELIGIBLE STATE.—The term "eligible State" means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) FULL PAYMENT AMOUNT.—The term "full payment amount" means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-PERCENT PAYMENT.—The term "25-percent payment" means the payment to States required by the sixth paragraph under the heading of "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(7) 50-PERCENT PAYMENT.—The term "50-percent payment" means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

(8) SAFETY NET PAYMENTS.—The term "safety net payments" means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

SEC. 4. CONFORMING AMENDMENT.

Section 6903(a)(1)(C) of title 31, United States Code, is amended by inserting after "(16 U.S.C. 500)" the following: "or the Secure Rural Schools and Community Self-Determination Act of 2000".

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible State that received a 25-percent payment during the eligibility period an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for the fiscal years of the eligibility period.

(2) BUREAU OF LAND MANAGEMENT COUNTIES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for the fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect 50 percent of the changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) PAYMENT AMOUNTS.—The Secretary of the Treasury shall pay an eligible State the sum of the amounts elected under subsection (b) by each eligible county for either—

(1) the 25-percent payment under the Act of May 23, 1908 (16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (16 U.S.C. 500); or

(2) the full payment amount in place of the 25-percent payment.

(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

(1) ELECTION; SUBMISSION OF RESULTS.—The election to receive either the full payment amount or the 25-percent payment shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State.

(2) DURATION OF ELECTION.—A county election to receive the 25-percent payment shall be effective for two fiscal years. When a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years through fiscal year 2006.

(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State under this section for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in section 3(1)(A) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) shall distribute the payment among all eligible counties in the State in accordance with the Act of May 23, 1908 (16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(2) Expenditure purposes.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to eligible counties shall be expended as required by the laws referred to in paragraph (1).

(d) Expenditure Rules for Eligible Counties.—

(1) Allocations.—

(A) Use of portion in same manner as 25-percent payments.—If an eligible county elects to receive its share of the full payment amount, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended.

(B) Election as to use of balance.—An eligible county shall elect to do one or more of the following with the balance of the funds not expended pursuant to subparagraph (A):

(i) Reserve the balance for projects in accordance with title II.

(ii) Reserve the balance for projects in accordance with title III.

(iii) Return the balance to the General Treasury in accordance with section 402(b).

(2) Distribution of funds.—

(A) Treatment of title II funds.—Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(B) Treatment of title III funds.—Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) Election.—

(A) In general.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under this section in the same manner in which the 25-percent payments are required to be expended, and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(B) Counties with minor distributions.—Notwithstanding any adjustment made pursuant to section 101(b) in the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to subsection (c)(1), the eligible county may elect to expend all such funds in accordance with subsection (c)(2).

(e) Time for payment.—The payment to an eligible State under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) Payment.—The Secretary of the Treasury shall pay an eligible county either—

(1) the 50-percent payment under the Act of August 28, 1937 (43 U.S.C. 1181f), or the Act of May 24, 1939 (43 U.S.C. 1181f–1) as appropriate; or

(2) the full payment amount in place of the 50-percent payment.

(b) Election To Receive Full Payment Amount.—

(1) Election; duration.—The election to receive the full payment amount shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years through fiscal year 2006.

(2) Source of payment amounts.—The payment to an eligible county under this section for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management on the Federal lands described in section 3(1)(B) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) Expenditure Rules for Eligible Counties.—

(1) Allocations.—

(A) Use of portion in same manner as 50-percent payments.—Of the funds to be paid to an eligible county pursuant to subsection (a)(2), not less than 80 percent, but not more than 85 percent, of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended.

(B) Election as to use of balance.—An eligible county shall elect to do one or more of the following with the balance of the funds not expended pursuant to subparagraph (A):

(i) Reserve the balance for projects in accordance with title II.

(ii) Reserve the balance for projects in accordance with title III.

(iii) Return the balance to the General Treasury in accordance with section 402(b).

(2) Distribution of funds.—

(A) Treatment of title II funds.—Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(B) Treatment of title III funds.—Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) Election.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds received under subsection (a)(2) in the same manner in which the 50-percent payments are required to be expended and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(d) Time for payment.—The payment to an eligible county under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) Participating county.—The term "participating county" means an eligible county that elects under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to expend a portion of the Federal funds received under section 102 or 103 in accordance with this title.

(2) Project funds.—The term "project funds" means all funds an eligible county elects under sections 102(d)(1)(B)(i) and 103(c)(1)(B)(i) to reserve for expenditure in accordance with this title.

(3) Resource advisory committee.—The term "resource advisory committee" means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) Resource management plan.—The term "resource management plan" means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) Secretary concerned.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal lands described in section 3(1)(A); and

(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal lands described in section 3(1)(B).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on Federal land and on non-Federal land where projects would benefit these resources on Federal land.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) Submission of Project Proposals to Secretary Concerned.—

(1) Projects funded using project funds.—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

(2) Projects funded using other funds.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) Joint projects.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) Required Description of Projects.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2(b).

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(b) ENVIRONMENTAL REVIEWS.—

(1) PAYMENT OF REVIEW COSTS.—

(A) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal law and regulations.

(B) EFFECT OF REFUSAL TO PAY.—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) DECISIONS OF SECRETARY CONCERNED.—

(1) REJECTION OF PROJECTS.—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, it shall be deemed a Federal action for all purposes.

(e) IMPLEMENTATION OF APPROVED PROJECTS.—

(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) BEST VALUE CONTRACTING.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) MERCHANTABLE MATERIAL CONTRACTING PILOT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable material using separate contracts for—

(i) the harvesting or collection of merchantable material; and

(ii) the sale of such material.

(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale merchantable material are implemented using separate contracts:

(i) For fiscal year 2001, 15 percent.

(ii) For fiscal year 2002, 25 percent.

(iii) For fiscal year 2003, 25 percent.

(iv) For fiscal year 2004, 50 percent.

(v) For fiscal year 2005, 50 percent.

(vi) For fiscal year 2006, 50 percent.

(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable material shall be made by the Secretary concerned after the approval of the project under this title.

(D) ASSISTANCE.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal lands to assist in the administration of projects conducted under the pilot program. The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

(E) REVIEW AND REPORT.—Not later than September 30, 2003, the Comptroller General shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Resources of the House of Representatives a report assessing the pilot program. The Secretary concerned shall submit to such committees an annual report describing the results of the pilot program.

(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

(1) to road maintenance, decommissioning, or obliteration; or

(2) to restoration of streams and watersheds.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) PURPOSE.—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) EXISTING ADVISORY COMMITTEES.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of this title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) DUTIES.—A resource advisory committee shall—

(1) review projects proposed under this title by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title; and

(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning

at the early stages of the project development process under this title.

(c) Appointment by the Secretary.—

(1) Appointment and term.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) Basic requirements.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) Initial appointment.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) Vacancies.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) Compensation.—Members of the resource advisory committees shall not receive any compensation.

(d) Composition of Advisory Committee.—

(1) Number.—Each resource advisory committee shall be comprised of 15 members.

(2) Community interests represented.—Committee members shall be representative of the interests of the following three categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archaeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold State elected office or their designee;

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) Balanced representation.—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) Geographic distribution.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

(5) Chairperson.—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) Approval Procedures.—(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if it has been approved by a majority of members of the committee from each of the three categories in subsection (d)(2).

(f) Other Committee Authorities and Requirements.—

(1) Staff assistance.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) Meetings.—All meetings of a resource advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) Records.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) Agreement Regarding Schedule and Cost of Project.—

(1) Agreement between parties.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) Limited use of federal funds.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) Transfer of Project Funds.—

(1) Initial transfer required.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) Condition on project commencement.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) Subsequent transfers for multiyear projects.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) Submission of Proposed Projects To Obligate Funds.—By September 30 of each fiscal year through fiscal year 2006, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) Use or Transfer of Unobligated Funds.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(c) Effect of Rejection of Projects.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) Effect of Court Orders.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to that project to the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i), whichever applies to the funds involved.

SEC. 208. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any project funds not obligated by September 30, 2007, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY PROJECTS

SEC. 301. DEFINITIONS.

In this title:

(1) Participating county.—The term "participating county" means an eligible county that elects under section 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to expend a portion of the Federal funds received under section 102 or 103 in accordance with this title.

(2) County funds.—The term "county funds" means all funds an eligible county elects under sections 102(d)(1)(B)(ii) and 103(c)(1)(B)(ii) to reserve for expenditure in accordance with this title.

SEC. 302. USE OF COUNTY FUNDS.

(a) Limitation on County Fund Use.—County funds shall be expended solely on projects that meet the requirements of this title. A project under this title shall be approved by the participating county only following a 45-day public comment period, at the beginning of which the county shall—

(1) publish a description of the proposed project in the publications of local record; and

(2) send the proposed project to the appropriate resource advisory committee established under section 205, if one exists for the county.

(b) AUTHORIZED USES.—

(1) SEARCH, RESCUE, AND EMERGENCY SERVICES.—An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

(2) COMMUNITY SERVICE WORK CAMPS.—An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

(3) EASEMENT PURCHASES.—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for nonmotorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

(4) FOREST RELATED EDUCATIONAL OPPORTUNITIES.—A county may use these funds to establish and conduct forest-related after school programs.

(5) FIRE PREVENTION AND COUNTY PLANNING.—A county may use these funds for—

(A) efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and

(B) planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.

(6) COMMUNITY FORESTRY.—A county may use these funds towards non-Federal cost-share requirements of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).

SEC. 303. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any county funds not obligated by September 30, 2007 shall be available to be expended by the county for the uses identified in section 302(b).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 2001 through 2006.

SEC. 402. TREATMENT OF FUNDS AND REVENUES.

(a) RELATION TO OTHER APPROPRIATIONS.—Funds appropriated pursuant to the authorization of appropriations in section 401 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, any funds remitted by counties pursuant to section 102(d)(1)(B)(iii) or section 103(c)(1)(B)(iii), and any interest accrued from such funds shall be deposited in the Treasury of the United States.

SEC. 403. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 404. CONFORMING AMENDMENTS.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) are repealed.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

SEC. 501. SHORT TITLE.

This title may be cited as the "Mineral Revenue Payments Clarification Act of 2000".

SEC. 502. FINDINGS.

The Congress finds the following:

(1) Section 10201 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 107 Stat. 407) amended section 35 of the Mineral Leasing Act (30 U.S.C. 191) to change the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues "50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws . . .".

(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November 1997, the Inspector General of the Department of the Interior found that "the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions".

(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 is justified.

SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.

Section 35(b) of the Mineral Leasing Act (30 U.S.C. 191(b)) is amended to read as follows:

"(b) In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States.".

TITLE VI—COMMUNITY FOREST RESTORATION

SECTION 601. SHORT TITLE.

This title may be cited as the "Community Forest Restoration Act".

SEC. 602. FINDINGS.

The Congress finds the following:

(1) A century of fire suppression, logging, and livestock grazing has altered the ecological balance of New Mexico's forests.

(2) Some forest lands in New Mexico contain an unnaturally high number of small diameter trees that are subject to large, high intensity wildfires that can endanger human lives, livelihoods, and ecological stability.

(3) Forest lands that contain an unnaturally high number of small diameter trees have reduced biodiversity and provide fewer benefits to human communities, wildlife, and watersheds.

(4) Healthy and productive watersheds minimize the threat of large, high intensity wildfires, provide abundant and diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows.

(5) Restoration efforts are more successful when there is involvement from neighboring communities and better stewardship will evolve from more diverse involvement.

(6) Designing demonstration restoration projects through a collaborative approach may—

(A) lead to the development of cost effective restoration activities;

(B) empower diverse organizations to implement activities which value local and traditional knowledge;

(c) build ownership and civil pride; and

(D) ensure healthy, diverse, and productive forests and watersheds.

SEC. 603. PURPOSES.

The purposes of this title are—

(1) to promote healthy watersheds and reduced the threat of large, high intensity wildfires, insect infestation, and disease in the forests in New Mexico;

(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, Tribal, State, County, and Municipal, forest lands;

(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to improve the use of, or add value to, small diameter trees;

(5) to encourage sustainable communities and sustainable forests through collaborative partnerships whose objectives are forest restoration; and

(6) to develop, demonstrate, and evaluate ecologically sound forest restoration techniques.

SEC. 604. DEFINITIONS.

As used in this title—

(1) the term 'Secretary' means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term 'stakeholder' includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 605. ESTABLISHMENT OF PROGRAM.

(a) The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the 'Collaborative Forest Restoration Program'). The projects may be entirely on, or on any combination of, Federal, Tribal, State, County, or Municipal forest lands. The Federal share of an individual project cost shall not exceed eighty percent of the total costs. The twenty percent matching may be in the form of cash or in-kind contribution.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this title, a project shall—

(1) address the following objectives—

(A) reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species populations;

(B) re-establish fire regimes approximating those that shaped forest ecosystems prior to fire suppression;

(C) preserve old and large trees;

(D) replant trees in deforested areas if they exist in the proposed project area; and

(E) improve the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental laws;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State County, and Municipal government representatives in the design, implemention, and monitoring of the project;

(4) incorporate current scientific forest restoration information; and

(5) include a multi-party assessment to—

(A) identify both the existing ecological condition of the proposed project area and the desired future condition; and

(B) report, upon project completion, on the positive or negative impact and effectiveness of the project including improvements in local management skills and on the ground results;

(6) create local employment or training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this title, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;

(7) not exceed four years in length;

(8) not exceed a total annual cost of $150,000, with the Federal portion not exceeding $120,000 annually, nor exceed a total cost of $450,000 for the project, with the Federal portion of the total cost not exceeding $360,000;

(9) leverage Federal funding through in-kind or matching contributions; and

(10) include an agreement by each stakeholder to attend an annual workshop with other stakeholders for the purpose of discussing the cooperative forest restoration program and projects implemented under this title. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this title to pay for their travel and per diem expenses to attend the workshop.

SEC. 606. SELECTION PROCESS.

(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

(b) The Secretary shall convene a technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program. The technical advisory panel shall consider eligibility criteria established in section 605, the effect on long term management, and seek to use a consensus-based decision making process to develop such recommendations. The panel shall be composed of 12 to 15 members, to be appointed by the Secretary as follows:

(1) A State Natural Resource official from the State of New Mexico.

(2) At least two representatives from Federal land management agencies.

(3) At least one tribal or pueblo representative.

(4) At least two independent scientists with experience in forest ecosystem restoration.

(5) Equal representation from—

(A) conservation interests;

(B) local communities; and

(C) commodity interests.

SEC. 607. MONITORING AND EVALUATION.

The Secretary shall establish a multiparty monitoring and evaluation process in order to assess the cumulative accomplishments or adverse impacts of the Collaborative Forest Restoration Program. The Secretary shall include any interested individual or organization in the monitoring and evaluation process. The Secretary also shall conduct a monitoring program to assess the short and long term ecological effects of the restoration treatments, if any, or a minimum of 15 years.

SEC. 608. REPORT.

No later than five years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this title are meeting the purposes of the Collaborative Forest Restoration Program.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 annually to carry out this title.

COLORADO UTE SETTLEMENT ACT OF 2000

CAMPBELL (AND ALLARD) AMENDMENT NO. 4303

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by them to the bill (S. 2508) to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; FINDINGS; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Colorado Ute Settlement Act Amendments of 2000".

(b) FINDINGS.—Congress makes the following findings:

(1) In order to provide for a full and final settlement of the claims of the Colorado Ute Indian Tribes on the Animas and La Plata Rivers, the Tribes, the State of Colorado, and certain of the non-Indian parties to the Agreement have proposed certain modifications to the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) The claims of the Colorado Ute Indian Tribes on all rivers in Colorado other than the Animas and La Plata Rivers have been settled in accordance with the provisions of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) The Indian and non-Indian communities of southwest Colorado and northwest New Mexico will be benefited by a settlement of the tribal claims on the Animas and La Plata Rivers that provides the Tribes with a firm water supply without taking water away from existing uses.

(4) The Agreement contemplated a specific timetable for the delivery of irrigation and municipal and industrial water and other benefits to the Tribes from the Animas-La Plata Project, which timetable has not been met. The provision of irrigation water can not presently be satisfied under the current implementation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(5) In order to meet the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and in particular the various biological opinions issued by the Fish and Wildlife Service, the amendments made by this Act are needed to provide for a significant reduction in the facilities and water supply contemplated under the Agreement.

(6) The substitute benefits provided to the Tribes under the amendments made by this Act, including the waiver of capital costs and the provisions of funds for natural resource enhancement, result in a settlement that provides the Tribes with benefits that are equivalent to those that the Tribes would have received under the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(7) The requirement that the Secretary of the Interior comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other national environmental laws before implementing the proposed settlement will ensure that the satisfaction of the tribal water rights is accomplished in an environmentally responsible fashion.

(8) In considering the full range of alternatives for satisfying the water rights claims of the Southern Ute Indian Tribe and Ute Mountain Ute Indian Tribe, Congress has held numerous legislative hearings and deliberations, and reviewed the considerable record including the following documents:

(A) The Final EIS No. INT–FES–80–18, dated July 1, 1980.

(B) The Draft Supplement to the FES No. INT–DES–92–41, dated October 13, 1992.

(C) The Final Supplemental to the FES No. 96–23, dated April 26, 1996;

(D) The Draft Supplemental EIS, dated January 14, 2000.

(E) The Final Supplemental EIS, dated July 2000.

(F) The Record of Decision for the Settlement of the Colorado Ute Indian Waters, September 25, 2000.

(9) In the Record of Decision referred to in paragraph (8)(F), the Secretary determined that the preferred alternative could only proceed if Congress amended the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973) so as to satisfy the Tribal water rights claim through the construction of the features authorized by this Act. The amendments to the Colorado Ute Indian Water Rights Settlement Act of 1988 set forth in this Act will provide the Ute Tribes with substitute benefits equivalent to those that the Tribes would have received under the Colorado Ute Indian Water Rights Settlement Act of 1988, in a manner consistent with paragraph (8) and the Federal Government's trust obligation.

(10) Based upon paragraph (8), it is the intent of Congress to enact legislation that implements the Record of Decision referred to in paragraph (8)(F).

(c) DEFINITIONS.—In this Act:

(1) AGREEMENT.—The term "Agreement" has the meaning given that term in section 3(1) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) ANIMAS-LA PLATA PROJECT.—The term "Animas-La Plata Project" has the meaning given that term in section 3(2) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) DOLORES PROJECT.—The term "Dolores Project" has the meaning given that term in section 3(3) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2974).

(4) TRIBE; TRIBES.—The term "Tribe" or "Tribes" has the meaning given that term in section 3(6) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2974).

SEC. 2. AMENDMENTS TO SECTION 6 OF THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT OF 1988.

Subsection (a) of section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2975) is amended to read as follows:

"(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL WATER.—

"(1) FACILITIES.—

"(A) IN GENERAL.—After the date of enactment of this subsection, but prior to January 1, 2005, or the date established in the Amended Final Decree described in section 18(c), the Secretary, in order to settle the outstanding claims of the Tribes on the Animas and La Plata Rivers, acting through the Bureau of Reclamation, is specifically authorized to—

"(i) complete construction of, and operate and maintain, a reservoir, a pumping plant, a reservoir inlet conduit, and appurtenant facilities with sufficient capacity to divert and store water from the Animas River to provide for an average annual depletion of 57,100 acre-feet of water to be used for a municipal and industrial water supply, which facilities shall—

"(I) be designed and operated in accordance with the hydrologic regime necessary for the recovery of the endangered fish of the San Juan River as determined by the San Juan River Recovery Implementation Program;

"(II) be operated in accordance with the Animas-La Plata Project Compact as approved by Congress in Public Law 90-537;

"(III) include an inactive pool of an appropriate size to be determined by the Secretary following the completion of required environmental compliance activities; and

"(IV) include those recreation facilities determined to be appropriate by agreement between the State of Colorado and the Secretary that shall address the payment of any of the costs of such facilities by the State of Colorado in addition to the costs described in paragraph (3); and

"(ii) deliver, through the use of the project components referred to in clause (i), municipal and industrial water allocations—

"(I) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Southern Ute Indian Tribe for its present and future needs;

"(II) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Ute Mountain Ute Indian Tribe for its present and future needs;

"(III) with an average annual depletion not to exceed 2,340 acre-feet of water, to the Navajo Nation for its present and future needs;

"(IV) with an average annual depletion not to exceed 10,400 acre-feet of water, to the San Juan Water Commission for its present and future needs;

"(V) with an average annual depletion of an amount not to exceed 2,600 acre-feet of water, to the Animas-La Plata Conservancy District for its present and future needs;

"(VI) with an average annual depletion of an amount not to exceed 5,230 acre-feet of water, to the State of Colorado for its present and future needs; and

"(VII) with an average annual depletion of an amount not to exceed 780 acre-feet of water, to the La Plata Conservancy District of New Mexico for its present and future needs.

"(B) APPLICABILITY OF OTHER FEDERAL LAW.—The responsibilities of the Secretary described in subparagraph (A) are subject to the requirements of Federal laws related to the protection of the environment and otherwise applicable to the construction of the proposed facilities, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Water Act (42 U.S.C. 7401 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). Nothing in this Act shall be construed to predetermine or otherwise affect the outcome of any analysis conducted by the Secretary or any other Federal official under applicable laws.

"(C) LIMITATION.—

"(i) IN GENERAL.—If constructed, the facilities described in subparagraph (A) shall constitute the Animas-La Plata Project. Construction of any other project features authorized by Public Law 90-537 shall not be commenced without further express authorization from Congress.

"(ii) CONTINGENCY IN APPLICATION.—If the facilities described in subparagraph (A) are not constructed and operated, clause (i) shall not take effect.

"(2) TRIBAL CONSTRUCTION COSTS.—Construction costs allocable to the facilities that are required to deliver the municipal and industrial water allocations described in subclauses (I), (II) and (III) of paragraph (1)(A)(ii) shall be nonreimbursable to the United States.

"(3) NONTRIBAL WATER CAPITAL OBLIGATIONS.—

"(A) IN GENERAL.—Under the provisions of section 9 of the Act of August 4, 1939 (43 U.S.C. 485h), the nontribal municipal and industrial water capital repayment obligations for the facilities described in paragraph (1)(A)(i) may be satisfied upon the payment in full of the nontribal water capital obligations prior to the initiation of construction. The amount of the obligations described in the preceding sentence shall be determined by agreement between the Secretary of the Interior and the entity responsible for such repayment as to the appropriate reimbursable share of the construction costs allocated to that entity's municipal water storage. Such repayment shall be consistent with Federal reclamation law, including the Colorado River Storage Project Act of 1956 (43 U.S.C. 620 et seq.). Such agreement shall take into account the fact that the construction of certain project facilities, including those facilities required to provide irrigation water supplies from the Animas-La Plata Project, is not authorized under paragraph (1)(A)(i) and no costs associated with the design or development of such facilities, including costs associated with environmental compliance, shall be allocable to the municipal and industrial users of the facilities authorized under such paragraph.

"(B) NONTRIBAL REPAYMENT OBLIGATION SUBJECT TO FINAL COST ALLOCATION.—The nontribal repayment obligation set forth in subparagraph (A) shall be subject to a final cost allocation by the Secretary upon project completion. In the event that the final cost allocation indicates that additional repayment is warranted based on the applicable entity's share of project water storage and determination of overall reimbursable cost, that entity may elect to enter into a new agreement to make the additional payment necessary to secure the full water supply identified in paragraph (1)(A)(ii). If the repayment entity elects not to enter into a new agreement, the portion of project storage relinquished by such election shall be available to the Secretary for allocation to other project purposes. Additional repayment shall only be warranted for reasonable and unforeseen costs associated with project construction as determined by the Secretary in consultation with the relevant repayment entities.

"(C) REPORT.—Not later than April 1, 2001, the Secretary shall report to Congress on the status of the cost-share agreements contemplated in subparagraph (A). In the event that no agreement is reached with either the Animas-La Plata Conservancy District or the State of Colorado for the water allocations set forth in subclauses (V) and (VI) of paragraph (1)(A)(ii), those allocations shall be reallocated equally to the Colorado Ute Tribes.

"(4) TRIBAL WATER ALLOCATIONS.—

"(A) IN GENERAL.—With respect to municipal and industrial water allocated to a Tribe from the Animas-La Plata Project or the Dolores Project, until that water is first used by a Tribe or used pursuant to a water use contract with the Tribe, the Secretary shall pay the annual operation, maintenance, and replacement costs allocable to that municipal and industrial water allocation of the Tribe.

"(B) TREATMENT OF COSTS.—A Tribe shall not be required to reimburse the Secretary for the payment of any cost referred to in subparagraph (A).

"(5) REPAYMENT OF PRO RATA SHARE.—Upon a Tribe's first use of an increment of a municipal and industrial water allocation described in paragraph (4), or the Tribe's first use of such water pursuant to the terms of a water use contract—

"(A) repayment of that increment's pro rata share of those allocable construction costs for the Dolores Project shall be made by the Tribe; and

"(B) the Tribe shall bear a pro rata share of the allocable annual operation, maintenance, and replacement costs of the increment as referred to in paragraph (4).".

SEC. 3. MISCELLANEOUS.

The Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973) is amended by adding at the end the following:

"SEC. 15. NEW MEXICO AND NAVAJO NATION WATER MATTERS.

"(a) ASSIGNMENT OF WATER PERMIT.—Upon the request of the State Engineer of the State of New Mexico, the Secretary shall, as soon as practicable, in a manner consistent with applicable law, assign, without consideration, to the New Mexico Animas-La Plata Project beneficiaries or to the New Mexico Interstate Stream Commission in accordance with the request of the State Engineer, the Department of the Interior's interest in New

Mexico State Engineer Permit Number 2883, dated May 1, 1956, in order to fulfill the New Mexico non-Navajo purposes of the Animas-La Plata Project, so long as the permit assignment does not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to the use of the water involved.

"(b) NAVAJO NATION MUNICIPAL PIPELINE.—The Secretary is specifically authorized to construct a water line to augment the existing system that conveys the municipal water supplies, in an amount not less than 4,680 acre-feet per year, to the Navajo Indian Reservation at or near Shiprock, New Mexico. The Secretary shall comply with all applicable environmental laws with respect to such water line. Construction costs allocated to the Navajo Nation for such water line shall be nonreimbursable to the United States.

"(c) PROTECTION OF NAVAJO WATER CLAIMS.—Nothing in this Act, including the permit assignment authorized by subsection (a), shall be construed to quantify or otherwise adversely affect the water rights and the claims of entitlement to water of the Navajo Nation.

"SEC. 16. RESOURCE FUNDS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $8,000,000 for each of fiscal years 2002 through 2006. Not later than 60 days after amounts are appropriated and available to the Secretary for a fiscal year under this paragraph, the Secretary shall make a payment to each of the Tribal Resource Funds established under subsection (b). Each such payment shall be equal to 50 percent of the amount appropriated for the fiscal year involved.

"(b) FUNDS.—The Secretary shall establish a—

"(1) Southern Ute Tribal Resource Fund; and

"(2) Ute Mountain Ute Tribal Resource Fund.

"(c) TRIBAL DEVELOPMENT.—

"(1) INVESTMENT.—The Secretary shall, in the absence of an approved tribal investment plan provided for under paragraph (2), invest the amount in each Tribal Resource Fund established under subsection (b) in accordance with the Act entitled, 'An Act to authorize the deposit and investment of Indian funds' approved June 24, 1938 (25 U.S.C. 162a). With the exception of the funds referred to in paragraph (3)(B)(i), the Secretary shall disburse, at the request of a Tribe, the principal and income in its Resource Fund, or any part thereof, in accordance with a resource acquisition and enhancement plan approved under paragraph (3).

"(2) INVESTMENT PLAN.—

"(A) IN GENERAL.—In lieu of the investment provided for in paragraph (1), a Tribe may submit a tribal investment plan applicable to all or part of the Tribe's Tribal Resource Fund, except with respect to the funds referred to in paragraph (3)(B)(i).

"(B) APPROVAL.—Not later than 60 days after the date on which an investment plan is submitted under subparagraph (A), the Secretary shall approve such investment plan if the Secretary finds that the plan is reasonable and sound. If the Secretary does not approve such investment plan, the Secretary shall set forth in writing and with particularity the reasons for such disapproval. If such investment plan is approved by the Secretary, the Tribal Resource Fund involved shall be disbursed to the Tribe to be invested by the Tribe in accordance with the approved investment plan, subject to subsection (d).

"(C) COMPLIANCE.—The Secretary may take such steps as the Secretary determines to be necessary to monitor the compliance of a Tribe with an investment plan approved under subparagraph (B). The United States shall not be responsible for the review, approval, or audit of any individual investment under the plan. The United States shall not be directly or indirectly liable with respect to any such investment, including any act or omission of the Tribe in managing or investing such funds.

"(D) ECONOMIC DEVELOPMENT PLAN.—The principal and income derived from tribal investments under an investment plan approved under subparagraph (B) shall be subject to the provisions of this section and shall be expended only in accordance with an economic development plan approved under paragraph (3)(B).

"(3) ECONOMIC DEVELOPMENT PLAN.—

"(A) IN GENERAL.—Each Tribe shall submit to the Secretary a resource acquisition and enhancement plan for all or any portion of its Tribal Resource Fund.

"(B) APPROVAL.—Not later than 60 days after the date on which a plan is submitted under subparagraph (A), the Secretary shall approve such plan if it is consistent with the following requirements:

"(i) With respect to at least ¾ of the funds appropriated pursuant to this section and consistent with the long-standing practice of the Tribes and other local entities and communities to work together to use their respective water rights and resources for mutual benefit, at least ¾ of the funds appropriated pursuant to this section shall be utilized to enhance, restore, and utilize the Tribes' natural resources in partnership with adjacent non-Indian communities or entities in the area.

"(ii) The plan must be reasonably related to the protection, acquisition, enhancement, or development of natural resources for the benefit of the Tribe and its members.

"(iii) Notwithstanding any other provision of law and in order to ensure that the Federal Government fulfills the objectives of the Record of Decision referred to in section 1(b)(8)(F) of the Colorado Ute Settlement Act Amendments of 2000 by requiring that the funds referred to in clause (i) are expended directly by employees of the Federal Government, the Secretary acting through the Bureau of Reclamation shall expend not less than ⅓ of the funds referred to in clause (i) for municipal or rural water development and not less than ⅔ of the funds referred to such clause for resource acquisition and enhancement.

"(C) MODIFICATION.—Subject to the provisions of this Act and the approval of the Secretary, each Tribe may modify a plan approved under subparagraph (B).

"(D) LIABILITY.—The United States shall not be directly or indirectly liable for any claim or cause of action arising from the approval of a plan under this paragraph, or from the use and expenditure by the Tribe of the principal or interest of the Funds.

"(d) LIMITATION ON PER CAPITA DISTRIBUTIONS.—No part of the principal contained in the Tribal Resource Fund, or of the income accruing to such funds, or the revenue from any water use contract, shall be distributed to any member of either Tribe on a per capita basis.

"(e) LIMITATION ON SETTING ASIDE FINAL CONSENT DECREE.—Neither the Tribes nor the United States shall have the right to set aside the final consent decree solely because the requirements of subsection (c) are not complied with or implemented.

"(f) LIMITATION ON DISBURSEMENT OF TRIBAL RESOURCE FUNDS.—Any funds appropriated under this section shall be placed into the Southern Ute Tribal Resource Fund and the Ute Mountain Ute Tribal Resource Fund in the Treasury of the United States but shall not be available for disbursement under this section until the final settlement of the tribal claims as provided in section 18. The Secretary of the Interior may, in the Secretary's sole discretion, authorize the disbursement of funds prior to the final settlement in the event that the Secretary determines that substantial portions of the settlement have been completed. In the event that the funds are not disbursed under the terms of this section by December 31, 2012, such funds shall be deposited in the general fund of the Treasury.

"SEC. 17. COLORADO UTE SETTLEMENT FUND.

"(a) ESTABLISHMENT OF FUND.—There is hereby established within the Treasury of the United States a fund to be known as the 'Colorado Ute Settlement Fund'.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Colorado Ute Settlement Fund such funds as are necessary to complete the construction of the facilities described in sections 6(a)(1)(A) and 15(b) within 7 years of the date of enactment of this section. Such funds are authorized to be appropriated for each of the first 5 fiscal years beginning with the first full fiscal year following the date of enactment of this section.

"SEC. 18. FINAL SETTLEMENT.

"(a) IN GENERAL.—The construction of the facilities described in section 6(a)(1)(A), the allocation of the water supply from those facilities to the Tribes as described in that section, and the provision of funds to the Tribes in accordance with section 16 and the issuance of an amended final consent decree as contemplated in subsection (c) shall constitute final settlement of the tribal claims to water rights on the Animas and La Plata Rivers in the State of Colorado.

"(b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the right of the Tribes to water rights on the streams and rivers described in the Agreement, other than the Animas and La Plata Rivers, to receive the amounts of water dedicated to tribal use under the Agreement, or to acquire water rights under the laws of the State of Colorado.

"(c) ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall file with the District Court, Water Division Number 7, of the State of Colorado, such instruments as may be necessary to request the court to amend the final consent decree to provide for the amendments made to this Act under the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000. The amended final consent decree shall specify terms and conditions to provide for an extension of the current January 1, 2005, deadline for the Tribes to commence litigation of their reserved rights claims on the Animas and La Plata Rivers.

"SEC. 19. STATUTORY CONSTRUCTION; TREATMENT OF CERTAIN FUNDS.

"(a) IN GENERAL.—Nothing in the amendments made by the Colorado Ute Settlement Act Amendments of 2000 shall be construed to affect the applicability of any provision of this Act.

"(b) TREATMENT OF UNCOMMITTED PORTION OF COST-SHARING OBLIGATION.—The uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in section 6(a)(3) shall be made available, upon the request of the State of Colorado, to the State of Colorado after the date on which payment is made of the amount specified in that section.".

• Mr. CAMPBELL. Mr. President, today I am submitting an amendment which supercedes S. 2508, legislation I introduced earlier this year to provide for the final settlement of the Colorado Ute Indians Water Rights Settlement Act of 1988. I am proud to have my colleague Senator WAYNE ALLARD as an original cosponsor of this legislation.

These amendments come after prolonged negotiations with officials of the Department of Interior, the Tribes and other parties to this agreement. It is our last opportunity to fulfill our treaty obligations and prevent the Tribes from suing the federal government for the water they were promised more than 12 years ago.

I am aware of the precious little time we have left in this session and the huge legislative task we have with the remaining important legislation which remains on our calendar. Unfortunately, the Secretary of the Interior waited until September 25, 2000 to sign a Record of Decision supporting these amendments, amendments his staff helped negotiate. It was my intent to move forward long before this.

However, I am compelled to introduce this amended legislation now, because by law, the Tribes already have the ability to sue the federal government to have their treaty obligations for water fulfilled. And, I believe the Tribes will undoubtedly prevail and the damages awarded them could far exceed what it will cost us to do what is already prescribed by law and federal treaty.

The record, the law and our moral obligation in this matter are clear. I believe the Administration and my colleagues agree with me, the time to put this matter behind us has come. We teach our children that our country was built on honesty, respect for the law and integrity. But, we cannot hold up our respect for treaties we have entered into with American Indians, because we have never honored any of those treaties we have signed. It is time to do what is right and to make water available to the Ute Tribes. This legislation does so in a manner that minimizes the environmental impacts and the burden on the American taxpayers.

I urge my colleagues to support passage of this legislation before Congress adjourns for the year.•

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 1999

On October 5, 2000, the Senate amended and passed S. 1756, as follows:

S. 1756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Laboratories Partnership Improvement Act of 2000".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Department" means the Department of Energy;

(2) the term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law;

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "National Laboratory" means any of the following institutions owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Renewable Energy Laboratory;

(H) Oak Ridge National Laboratory;

(I) Pacific Northwest National Laboratory; or

(J) Sandia National Laboratory;

(5) the term "facility" means any of the following institutions owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Kansas City Plant;

(F) National Energy Technology Laboratory;

(G) Nevada Test Site;

(H) Princeton Plasma Physics Laboratory;

(I) Savannah River Technology Center;

(J) Stanford Linear Accelerator Center;

(K) Thomas Jefferson National Accelerator Facility;

(L) Waste Isolation Pilot Plant;

(M) Y–12 facility at Oak Ridge National Laboratory; or

(N) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities;

(6) the term "nonprofit institution" has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(5));

(7) the term "Secretary" means the Secretary of Energy;

(8) the term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term "technology-related business concern" means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufacturers products based on new technologies, or

(D) performs technological services;

(10) the term "technology cluster" means a concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions,

that reinforce each other's performance through formal or informal relationships;

(11) the term "socially and economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and

(12) the term "NNSA" means the National Nuclear Security Administration established by title XXXII of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

SEC. 3. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the appropriate officials of the Department, shall establish a Technology Infrastructure Pilot Program in accordance with this section.

(b) PURPOSE.—The purpose of the program shall be to improve the ability of National Laboratories or facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support the missions of the National Laboratories or facilities;

(2) improving the ability of National Laboratories or facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of State, tribal, or local governments, that can support the missions of the National Laboratories and facilities.

(c) PILOT PROGRAM.—In each of the first three fiscal years after the date of enactment of this section, the Secretary may provide no more than $10,000,000, divided equally, among no more than ten National Laboratories or facilities selected by the Secretary to conduct Technology Infrastructure Program Pilot Programs.

(d) PROJECTS.—The Secretary shall authorize the Director of each National Laboratory or facility designated under subsection (c) to implement the Technology Infrastructure Pilot Program at such National Laboratory or facility through projects that meet the requirements of subsections (e) and (f).

(e) PROGRAM REQUIREMENTS.—Each project funded under this section shall meet the following requirements:

(1) MINIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) a National Laboratory or facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a State, local, or tribal government.

(2) COST SHARING.—

(A) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) QUALIFIED FUNDING AND RESOURCES.—

(i) The calculation of costs paid by the non-Federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31-205-18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project's scope of work shall be credited toward the costs paid by the non-Federal sources to the project.

(3) COMPETITIVE SELECTION.—All projects where a party other than the Department or a National Laboratory or facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary or his designee.

(4) ACCOUNTING STANDARDS.—Any participant receiving funding under this section, other than a National Laboratory or facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) LIMITATIONS.—No Federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(f) SELECTION CRITERIA.—

(1) THRESHOLD FUNDING CRITERIA.—The Secretary shall authorize the provision of Federal funds for projects under this section only when the Director of the National Laboratory or facility managing such a project determines that the project is likely to improve the participating National Laboratory or facility's ability to achieve technical success in meeting departmental missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall also require the Director of the National Laboratory or facility managing a project under this section to consider the following criteria in selecting a project to receive Federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) the potential of the project to promote the development of a commercially sustainable technology cluster, one that will derive most of the demand for its products or services from the private sector, that can support the missions of the participating National Laboratory or facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or facility;

(D) the commitment shown by non-Federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or facility and that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of State, tribal, or local governments that will make substantive contributions to achieving the goals of the project; and

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves such small business concerns substantively in the project.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall limit the Secretary from requiring the consideration of other criteria, as appropriate, in determining whether projects should be funded under this section.

(g) REPORT TO CONGRESS ON FULL IMPLEMENTATION.—Not later than 120 days after the start of the third fiscal year after the date of enactment of this section, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued beyond the pilot stage, and, if so, how the fully implemented program should be managed. This report shall take into consideration the results of the pilot program to date and the views of the relevant Directors of the National laboratories and facilities. The report shall include any proposals for legislation considered necessary by the Secretary to fully implement the program.

SEC. 4. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) ADVOCACY FUNCTION.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a small business advocacy function that is organizationally independent of the procurement function at the National Laboratory or facility. The person or office vested with the small business advocacy function shall—

(1) work to increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurements, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or facility;

(2) report to the Director of the National Laboratory or facility on the actual participation of small business concerns in procurements and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurements and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

SEC. 5. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding each laboratory's policies and actions with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing. Each ombudsman shall—

(1) be a senior official of the National Laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory, function as such a senior official; and

(2) have direct access to the Director of the National Laboratory or facility.

(b) DUTIES.—Each ombudsman shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the laboratory regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report, through the Director of the National Laboratory or facility, to the Department annually on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information.

(c) DUAL APPOINTMENT.—A person vested with the small business advocacy function of section 4 may also serve as the technology partnership ombudsman.

SEC. 6. STUDIES RELATED TO IMPROVING MISSION EFFECTIVENESS, PARTNERSHIPS, AND TECHNOLOGY TRANSFER AT NATIONAL LABORATORIES.

(a) STUDIES.—The Secretary shall direct the Laboratory Operations Board to study and report to him, not later than one year after the date of enactment of this section, on the following topics—

(1) the possible benefits from and need for policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among National Laboratories and facilities; and

(2) the possible benefits from and need for changes in—

(A) the indemnification requirements for patents or other intellectual property licensed from a National Laboratory or facility;

(B) the royalty and fee schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a National Laboratory or facility;

(C) the licensing procedures and requirements for patents and other intellectual property;

(D) the rights given to a small business concern that has licensed a patent or other intellectual property from a National Laboratory or facility to bring suit against third parties infringing such intellectual property;

(E) the advance funding requirements for a small business concern funding a project at a National Laboratory or facility through a Funds-In-Agreement;

(F) the intellectual property rights allocated to a business when it is funding a project at a National Laboratory or facility through a Funds-In-Agreement; and

(G) policies on royalty payments to inventors employed by a contractor-operated National Laboratory or facility, including those for inventions made under a Funds-In-Agreement.

(b) DEFINITION.—For the purposes of this section, the term "Funds-In-Agreement" means a contract between the Department and a non-Federal organization where that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

(c) REPORT TO CONGRESS.—Not later than one month after receiving the report under subsection (a), the Secretary shall transmit the report, along with his recommendations for action and proposals for legislation to implement the recommendations, to Congress.

SEC. 7. OTHER TRANSACTIONS AUTHORITY.

(a) NEW AUTHORITY.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsection:

"(g) OTHER TRANSACTIONS AUTHORITY.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

"(2)(A) The Secretary of Energy shall ensure that—

"(i) to the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

"(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

"(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

"(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-Federal entity under paragraph (1) that is privileged and confidential.

"(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-Federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

"(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.".

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions. Other transactions shall be made available, if needed, in order to implement projects funded under section 3.

SEC. 8. CONFORMANCE WITH NNSA ORGANIZATIONAL STRUCTURE.

All actions taken by the Secretary in carrying out this Act with respect to National Laboratories and facilities that are part of the NNSA shall be through the Administrator for Nuclear Security in accordance with the requirements of title XXXII of the National Defense Authorization Act for Fiscal Year 2000.

SEC. 9. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS FOR GOVERNMENT-OWNED, CONTRACTOR-OPERATED LABORATORIES.

(a) STRATEGIC PLANS.—Subsection (a) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by striking "joint work statement," and inserting "joint work statement or, if permitted by the agency, in an agency-approved annual strategic plan,".

(b) EXPERIMENTAL FEDERAL WAIVERS.—Subsection (b) of that section is amended by adding at the end the following new paragraph:

"(6)(A) In the case of a Department of Energy laboratory, a designated official of the Department of Energy may waive any license retained by the Government under paragraph (1)(A), (2), or (3)(D), in whole or in part and according to negotiated terms and conditions, if the designated official finds that the retention of the license by the Department of Energy would substantially inhibit the commercialization of an invention that would otherwise serve an important Federal mission.

"(B) The authority to grant a waiver under subparagraph (A) shall expire on the date that is 5 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001.

"(C) The expiration under subparagraph (B) of authority to grant a waiver under subparagraph (A) shall not effect any waiver granted under subparagraph (A) before the expiration of such authority.".

(c) TIME REQUIRED FOR APPROVAL.—Subsection (c)(5) of that section is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (C) as so redesignated—

(A) in clause (i)—

(i) by striking "with a small business firm"; and

(ii) by inserting "if" after "statement"; and

(B) by adding at the end the following new clauses:

"(iv) Any agency that has contracted with a non-Federal entity to operate a laboratory may develop and provide to such laboratory one or more model cooperative research and development agreements, for the purposes of standardizing practices and procedures, resolving common legal issues, and enabling review of cooperative research and development agreements to be carried out in a routine and prompt manner.

"(v) A Federal agency may waive the requirements of clause (i) or (ii) under such circumstances as the agency considers appropriate. However, the agency may not take longer than 30 days to review and approve, request modifications to, or disapprove any proposed agreement or joint work statement that it elects to receive.".

SEC. 10. COOPERATIVE RESEARCH AND DEVELOPMENT OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) OBJECTIVE FOR OBLIGATION OF FUNDS.—It shall be an objective of the Administrator of the National Nuclear Security Administration to obligate funds for cooperative research and development agreements (as that term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))), or similar cooperative, cost-shared research partnerships with non-Federal organizations, in a fiscal year covered by subsection (b) in an amount at least equal to the percentage of the total amount appropriated for the Administration for such fiscal year that is specified for such fiscal year under subsection (b).

(b) FISCAL YEAR PERCENTAGES.—The percentages of funds appropriated for the National Nuclear Security Administration that are obligated in accordance with the objective under subsection (a) are as follows:

(1) In each of fiscal years 2001 and 2002, 0.5 percent.

(2) In any fiscal year after fiscal year 2002, the percentage recommended by the Administrator for each such fiscal year in the report under subsection (c).

(c) RECOMMENDTIONS FOR PERCENTAGES IN LATER FISCAL YEARS.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report setting forth the Administrator's recommendations for appropriate percentages of funds appropriated for the National Nuclear Security Administration to be obligated for agreements described in subsection (a) during each fiscal year covered by the report.

(d) CONSISTENCY OF AGREEMENTS.—Any agreement entered into under this section shall be consistent with and in support of the mission of the National Nuclear Security Administration.

(e) REPORTS ON ACHIEVEMENT OF OBJECTIVE.—(1) Not later than March 30, 2002, and each year thereafter, the Administrator shall submit to the congressional defense committees a report on whether funds of the National Nuclear Security Administration were obligated in the fiscal year ending in the preceding year in accordance with the objective for such fiscal year under this section.

(2) If funds were not obligated in a fiscal year in accordance with the objective under this section for such fiscal year, the report under paragraph (1) shall—

(A) describe the actions the Administrator proposes to take to ensure that the objective under this section for the current fiscal year and future fiscal years will be met; and

(B) include any recommendations for legislation required to achieve such actions.

GREAT SAND DUNES NATIONAL PARK ACT OF 2000

On October 5, 2000, the Senate amended and passed S. 2547, as follows:

S. 2547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Sand Dunes National Park and Preserve Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Sand Dunes National Monument in the State of Colorado was established by Presidential proclamation in 1932 to preserve Federal land containing spectacular and unique sand dunes and additional features of scenic, scientific, and educational interest for the benefit and enjoyment of future generations;

(2) the Great Sand Dunes, together with the associated sand sheet and adjacent wetland and upland, contain a variety of rare ecological, geological, paleontological, archaeological, scenic, historical, and wildlife components, which—

(A) include the unique pulse flow characteristics of Sand Creek and Medano Creek that are integral to the existence of the dunes system;

(B) interact to sustain the unique Great Sand Dunes system beyond the boundaries of the existing National Monument;

(C) are enhanced by the serenity and rural western setting of the area; and

(D) comprise a setting of irreplaceable national significance;

(3) the Great Sand Dunes and adjacent land within the Great Sand Dunes National Monument—

(A) provide extensive opportunities for educational activities, ecological research, and recreational activities; and

(B) are publicly used for hiking, camping, and fishing, and for wilderness value (including solitude);

(4) other public and private land adjacent to the Great Sand Dunes National Monument—

(A) offers additional unique geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources; and

(B) contributes to the protection of—

(i) the sand sheet associated with the dune mass;

(ii) the surface and ground water systems that are necessary to the preservation of the dunes and the adjacent wetland; and

(iii) the wildlife, viewshed, and scenic qualities of the Great Sand Dunes National Monument;

(5) some of the private land described in paragraph (4) contains important portions of the sand dune mass, the associated sand sheet, and unique alpine environments, which would be threatened by future development pressures;

(6) the designation of a Great Sand Dunes National Park, which would encompass the existing Great Sand Dunes National Monument and additional land, would provide—

(A) greater long-term protection of the geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources of the area (including the sand sheet associated with the dune mass and the ground water system on which the sand dune and wetland systems depend); and

(B) expanded visitor use opportunities;

(7) land in and adjacent to the Great Sand Dunes National Monument is—

(A) recognized for the culturally diverse nature of the historical settlement of the area;

(B) recognized for offering natural, ecological, wildlife, cultural, scenic, paleontological, wilderness, and recreational resources; and

(C) recognized as being a fragile and irreplaceable ecological system that could be destroyed if not carefully protected; and

(8) preservation of this diversity of resources would ensure the perpetuation of the entire ecosystem for the enjoyment of future generations.

SEC. 3. DEFINITIONS.

In this Act:

(1) Advisory council.—The term "Advisory Council" means the Great Sand Dunes National Park Advisory Council established under section 8(a).

(2) Luis Maria Baca Grant No. 4.—The term "Luis Maria Baca Grant No. 4" means those lands as described in the patent dated February 20, 1900, from the United States to the heirs of Luis Maria Baca recorded in book 86, page 20, of the records of the Clerk and Recorder of Saguache County, Colorado.

(3) Map.—The term "map" means the map entitled "Great Sand Dunes National Park and Preserve", numbered 140/80,032 and dated September 19, 2000.

(4) National monument.—The term "national monument" means the Great Sand Dunes National Monument, including lands added to the monument pursuant to this Act.

(5) National park.—The term "national park" means the Great Sand Dunes National Park established in section 4.

(6) National wildlife refuge.—The term "wildlife refuge" means the Baca National Wildlife Refuge established in section 6.

(7) Preserve.—The term "preserve" means the Great Sand Dunes National Preserve established in section 5.

(8) Resources.—The term "resources" means the resources described in section 2.

(9) Secretary.—The term "Secretary" means the Secretary of the Interior.

(10) Uses.—The term "uses" means the uses described in section 2.

SEC. 4. GREAT SAND DUNES NATIONAL PARK, COLORADO.

(a) Establishment.—When the Secretary determines that sufficient land having a sufficient diversity of resources has been acquired to warrant designation of the land as a national park, the Secretary shall establish the Great Sand Dunes National Park in the State of Colorado, as generally depicted on the map, as a unit of the National Park System. Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) Availability of Map.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) Notification.—Until the date on which the national park is established, the Secretary shall annually notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of—

(1) the estimate of the Secretary of the lands necessary to achieve a sufficient diversity of resources to warrant designation of the national park; and

(2) the progress of the Secretary in acquiring the necessary lands.

(d) Abolishment of National Monument.—(1) On the date of establishment of the national park pursuant to subsection (a), the Great Sand Dunes National Monument shall be abolished, and any funds made available for the purposes of the national monument shall be available for the purposes of the national park.

(2) Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Great Sand Dunes National Monument" shall be considered a reference to "Great Sand Dunes National Park".

(e) Transfer of Jurisdiction.—Administrative jurisdiction is transferred to the National Park Service over any land under the jurisdiction of the Department of the Interior that—

(1) is depicted on the map as being within the boundaries of the national park or the preserve; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

SEC. 5. GREAT SAND DUNES NATIONAL PRESERVE, COLORADO.

(a) Establishment of Great Sand Dunes National Preserve.—(1) There is hereby established the Great Sand Dunes National Preserve in the State of Colorado, as generally depicted on the map, as a unit of the National Park System.

(2) Administrative jurisdiction of lands and interests therein administered by the Secretary of Agriculture within the boundaries of the preserve is transferred to the Secretary of the Interior, to be administered as part of the preserve. The Secretary of Agriculture shall modify the boundaries of the Rio Grande National Forest to exclude the transferred lands from the forest boundaries.

(3) Any lands within the preserve boundaries which were designated as wilderness prior to the date of enactment of this Act shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-767; 16 U.S.C. 5391 note).

(b) Map and Legal Description.—(1) As soon as practicable after the establishment of the national park and the preserve, the Secretary shall file maps and a legal description of the national park and the preserve with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and maps.

(3) The map and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) Boundary Survey.—As soon as practicable after the establishment of the national park and preserve and subject to the availability of funds, the Secretary shall complete an official boundary survey.

SEC. 6. BACA NATIONAL WILDLIFE REFUGE, COLORADO.

(a) Establishment.—(1) When the Secretary determines that sufficient land has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge, the Secretary shall establish the Baca National Wildlife Refuge, as generally depicted on the map.

(2) Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) Availability of Map.—The map shall be on file and available for public inspection in the appropriate offices of the United States Fish and Wildlife Service.

(c) Administration.—The Secretary shall administer all lands and interests therein acquired within the boundaries of the national wildlife refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (16 U.S.C. 460k et seq.) (commonly known as the Refuge Recreation Act).

(d) Protection of Water Resources.—In administering water resources for the national wildlife refuge, the Secretary shall—

(1) protect and maintain irrigation water rights necessary for the protection of monument, park, preserve, and refuge resources and uses; and

(2) minimize, to the extent consistent with the protection of national wildlife refuge resources, adverse impacts on other water users.

SEC. 7. ADMINISTRATION OF NATIONAL PARK AND PRESERVE.

(a) In General.—The Secretary shall administer the national park and the preserve in accordance with—

(1) this Act; and

(2) all laws generally applicable to units of the National Park System, including—

(A) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2-4) and

(B) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) Grazing.—

(1) Acquired state or private land.—With respect to former State or private land on which grazing is authorized to occur on the date of enactment of this Act and which is acquired for the national monument, or the national park and preserve, or the wildlife refuge, the Secretary, in consultation with the lessee, may permit the continuation of grazing on the land by the lessee at the time of acquisition, subject to applicable law (including regulations).

(2) Federal land.—Where grazing is permitted on land that is Federal land as of the date of enactment of this Act and that is located within the boundaries of the national monument or the national park and preserve, the Secretary is authorized to permit the continuation of such grazing activities unless the Secretary determines that grazing would harm the resources or values of the national park or the preserve.

(3) Termination of leases.—Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the national monument or the national park or the preserve.

(c) Hunting, Fishing, and Trapping.—

(1) In general.—Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trapping on land and water within the preserve in accordance with applicable Federal and State laws.

(2) Administrative exceptions.—The Secretary may designate areas where, and establish limited periods when, no hunting, fishing, or trapping shall be permitted under paragraph (1) for reasons of public safety, administration, or compliance with applicable law.

(3) Agency agreement.—Except in an emergency, regulations closing areas within the preserve to hunting, fishing, or trapping under this subsection shall be made in consultation with the appropriate agency of the State of Colorado having responsibility for fish and wildlife administration.

(4) Savings clause.—Nothing in this Act affects any jurisdiction or responsibility of the State of Colorado with respect to fish and wildlife on Federal land and water covered by this Act.

(d) Closed Basin Division, San Luis Valley Project.—Any feature of the Closed Basin Division, San Luis Valley Project, located within the boundaries of the national monument, national park or the national wildlife refuge, including any well, pump, road, easement, pipeline, canal, ditch, power line, power supply facility, or any other project facility, and the operation, maintenance, repair, and replacement of such a feature—

(1) shall not be affected by this Act; and

(2) shall continue to be the responsibility of, and be operated by, the Bureau of Reclamation in accordance with title I of the Reclamation Project Authorization Act of 1972 (43 U.S.C. 615aaa et seq.).

(e) Withdrawal—(1) On the date of enactment of this Act, subject to valid existing rights, all Federal land depicted on the map as being located within Zone A, or within the boundaries of the national monument, the national park or the preserve is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

(2) The provisions of this subsection also shall apply to any lands—

(A) acquired under this Act; or

(B) transferred from any Federal agency after the date of enactment of this Act for the national monument, the national park or preserve, or the national wildlife refuge.

(f) Wildnerness Protection.—(1) Nothing in this Act alters the Wilderness designation of any land within the national monument, the national park, or the preserve.

(2) All areas designated as Wilderness that are transferred to the administrative jurisdiction of the National Park Service shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 539i note). If any part of this Act conflicts with the provisions of the Wilderness Act or the Colorado Wilderness Act of 1993 with respect to the wilderness areas within the preserve boundaries, the provisions of those Acts shall control.

SEC. 8. ACQUISITION OF PROPERTY AND BOUNDARY ADJUSTMENTS

(a) Acquisition Authority.—(1) Within the area depicted on the map as the "Acquisition Area" or the national monument, the Secretary may acquire lands and interests therein by purchase, donation, transfer from another Federal agency, or exchange: *Provided*, That lands or interests therein may only be acquired with the consent of the owner thereof.

(2) Lands or interests therein owned by the State of Colorado, or a political subdivision thereof, may only be acquired by donation or exchange.

(b) Boundary Adjustment.—As soon as practicable after the acquisition of any land or interest under this section, the Secretary shall modify the boundary of the unit to which the land is transferred pursuant to subsection (b) to include any land or interest acquired.

(c) Administration of Acquired Lands.—

(1) General authority.—Upon acquisition of lands under subsection (a), the Secretary shall, as appropriate—

(A) transfer administrative jurisdiction of the lands of the National Park Service—

(i) for addition to and management as part of the Great Sand Dunes National Monument, or

(ii) for addition to and management as part of the Great Sand Dunes National Park (after designation of the Park) or the Great Sand Dunes National Preserve; or

(B) transfer administrative jurisdiction of the lands to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge.

(2) Forest service administration.—(A) Any lands acquired within the area depicted on the map as being located within Zone B shall be transferred to the Secretary of Agriculture and shall be added to and managed as part of the Rio Grande National Forest.

(B) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Rio Grande National Forest, as revised by the transfer of land under paragraph (A), shall be considered to be the boundaries of the national forest.

SEC. 9. WATER RIGHTS.

(a) San Luis Valley Protection, Colorado.—Section 1501(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4663) is amended by striking paragraph (3) and inserting the following:

"(3) adversely affect the purposes of—

"(A) the Great Sand Dunes National Monument;

"(B) the Great Sands Dunes National Park (including purposes relating to all water, water rights, and water-dependent resources within the park);

"(C) the Great Sand Dunes National Preserve (including purposes relating to all water, water rights, and water-dependent resources within the preserve);

"(D) the Baca National Wildlife Refuge (including purposes relating to all water, water rights, and water-dependent resources within the national wildlife refuge); and

"(E) any Federal land adjacent to any area described in subparagraph (A), (B), (C), or (D).".

(b) Effect on Water Rights.—

(1) In general.—Subject to the amendment made by subsection (a), nothing in this Act affects—

(A) the use, allocation, ownership, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right;

(B) any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) any interstate water compact in existence on the date of enactment of this Act; or

(D) subject to the provisions of paragraph (2), State jurisdiction over any water law.

(2) Water rights for national park and national preserve.—In carrying out this Act, the Secretary shall obtain and exercise any water rights required to fulfill the purposes of the national park and the national preserve in accordance with the following provisions:

(A) Such water rights shall be appropriated, adjudicated, changed, and administered pursuant to the procedural requirements and priority system of the laws of the State of Colorado.

(B) The purposes and other substantive characteristics of such water rights shall be established pursuant to State law, except that the Secretary is specifically authorized to appropriate water under this Act exclusively for the purpose of maintaining ground water levels, surface water levels, and stream flows on, across, and under the national park and national preserve, in order to accomplish the purposes of the national park and the national preserve and to protect park resources and park uses.

(C) Such water rights shall be established and used without interfering with—

(i) any exercise of a water right in existence on the date of enactment of this Act for a non-Federal purpose in the San Luis Valley, Colorado; and

(ii) the Closed Basin Division, San Luis Valley Project.

(D) Except as provided in subsections (c) and (d), no Federal reservation of water may be claimed or established for the national park or the national preserve.

(c) National Forest Water Rights.—To the extent that a water right is established or acquired by the United States for the Rio Grande National Forest, the water right shall—

(1) be considered to be of equal use and value for the national preserve; and

(2) retain its priority and purpose when included in the national preserve.

(d) National Monument Water Rights.—To the extent that a water right has been established or acquired by the United States for the Great Sand Dunes National Monument, the water right shall—

(1) be considered to be of equal use and value for the national park; and

(2) retain its priority and purpose when included in the national park.

(e) ACQUIRED WATER RIGHTS AND WATER RESOURCES.—

(1) IN GENERAL.—(A) If, and to the extent that, the Luis Maria Baca Grant No. 4 is acquired, all water rights and water resources associated with the Luis Maria Baca Grant No. 4 shall be restricted for use only within—

(i) the national park;

(ii) the preserve;

(iii) the national wildlife refuge; or

(iv) the immediately surrounding areas of Alamosa or Saguache Counties, Colorado.

(B) USE.—Except as provided in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LC, and Baca Grande Water and Sanitation District, dated August 28, 1997, water rights and water resources described in subparagraph (A) shall be restricted for use in—

(i) the protection of resources and values for the national monument, the national park, the preserve, or the wildlife refuge;

(ii) fish and wildlife management and protection; or

(iii) irrigation necessary to protect water resources.

(2) STATE AUTHORITY.—If, and to the extent that, water rights associated with the Luis Maria Baca Grant No. 4 are acquired, the use of those water rights shall be changed only in accordance with the laws of the State of Colorado.

(f) DISPOSAL.—The Secretary is authorized to sell the water resources and related appurtenances and fixtures as the Secretary deems necessary to obtain the termination of obligations specified in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC and the Baca Grande Water and Sanitation District, dated August 28, 1997. Prior to the sale, the Secretary shall determine that the sale is not detrimental to the protection of the resources of Great Sand Dunes National Monument, Great Sand Dunes National Park, and Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge, and that appropriate measures to provide for such protection are included in the sale.

SEC. 10. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the "Great Sand Dunes National Park Advisory Council":

(b) DUTIES.—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of a management plan for the national park and the preserve.

(c) MEMBERS.—The Advisory Council shall consist of 10 members, to be appointed by the Secretary, as follows:

(1) One member of, or nominated by, the Alamosa County Commission.

(2) One member of, or nominated by, the Saguache County Commission.

(3) One member of, or nominated by, the Friends of the Dunes Organization.

(4) Four members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of whom have recognized backgrounds reflecting—

(A) the purposes for which the national park and the preserve are established; and

(B) the interests of persons that will be affected by the planning and management of the national park and the preserve.

(d) APPLICABLE LAW.—The Advisory Council shall function in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other applicable laws.

(e) VACANCY.—A vacancy on the Advisory Council shall be filled in the same manner as the original appointment.

(f) CHAIRPERSON.—The Advisory Council shall elect a chairperson and shall establish such rules and procedures as it deems necessary or desirable.

(g) NO COMPENSATION.—Members of the Advisory Council shall serve without compensation.

(h) TERMINATION.—The Advisory Council shall terminate upon the completion of the management plan for the national park and preserve.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

THE CALENDAR

Mr. HAGEL. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following reported by the Governmental Affairs Committee: Calendar No. 864, H.R. 2302; Calendar No. 865, H.R. 3030; Calendar No. 866, H.R. 3454; Calendar No. 867, H.R. 3909; Calendar No. 868, H.R. 3985; Calendar No. 869, H.R. 4157; Calendar No. 870, H.R. 4169; Calendar No. 871, H.R. 4447; Calendar No. 872, H.R. 4448; Calendar No. 873, H.R. 4534; Calendar No. 874, H.R. 4449; Calendar No. 875, H.R. 4484; Calendar No. 876, H.R. 4517; Calendar No. 877, H.R. 4554; Calendar No. 878, H.R. 4615; Calendar No. 879, H.R. 4658; Calendar No. 880, H.R. 4884; Calendar No. 881, S. 2804.

Mr. President, I ask unanimous consent the bills be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to any of these bills be printed, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES W. McCABE, SR. POST OFFICE BUILDING

A bill (H.R. 2302) to designate the building located at 307 Main Street in Johnson City, New York as the "James W. McCabe, Sr. Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

MATTHEW F. McHUGH POST OFFICE

A bill (H.R. 3030) to designate the building located at 757 Warren Road in Ithaca, New York as the "Matthew F. McHugh Post Office" was considered, ordered to a third reading, read the third time, and passed.

HENRY McNEAL TURNER POST OFFICE

A bill (H.R. 3454) to designate the building located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office" was considered, ordered to a third reading, read the third time, and passed.

HENRY W. McGEE POST OFFICE BUILDING

A bill (H.R. 3909) to designate the building located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the "Henry W. McGee Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

VICKI COCEANO POST OFFICE BUILDING

A bill (H.R. 3985) to designate the building located at 14900 Southwest 30th Street in Miramar, Florida, as the "Vicki Coceano Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

MATTHEW "MACK" ROBINSON POST OFFICE BUILDING

A bill (H.R. 4157) to designate the building located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew "Mack" Robinson Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

BARBARA F. VUCANOVICH POST OFFICE BUILDING

A bill (H.R. 4169) to designate the building located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

SAMUEL H. LACY, SR. POST OFFICE BUILDING

A bill (H.R. 4447) to designate the building located at 919 West 34th Street in Baltimore, Maryland as the "Samuel H. Lacy, Sr. Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

JUDGE ROBERT BERNARD WATTS, SR. POST OFFICE BUILDING

A bill (H.R. 4448) to designate the building located at 3500 Dolfield Avenue in Baltimore, Maryland as the "Judge Robert Bernard Watts, Sr. Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

JAMES T. BROYHILL POST OFFICE BUILDING

A bill (H.R. 4534) to designate the building located at 114 Ridge Street in Lenoir, North Carolina, as the "James

T. Broyhill Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

DR. FLOSSIE McCLAIN DEDMOND POST OFFICE BUILDING

A bill (H.R. 4449) to designate the building located at 1908 North Ellamont Street in Baltimore, Maryland as the "Dr. Flossie McClain Dedmond Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

EVERETT ALVAREZ, JR. POST OFFICE BUILDING

A bill (H.R. 4484) to designate the building located at 500 North Washington Street in Rockville, Maryland as the "Everett Alvarez, Jr. Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

ALAN B. SHEPARD, JR. POST OFFICE BUILDING

A bill (H.R. 4517) to designate the building located at 24 Tsienneto Road in Derry, New Hampshire as the "Alan B. Shepard, Jr. Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

JOSEPH F. SMITH POST OFFICE BUILDING

A bill (H.R. 4554) to designate the building located at 1602 Frankford Avenue in Philadelphia, Pennsylvania as the "Joseph F. Smith Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

REVEREND J.C. WADE POST OFFICE

A bill (H.R. 4615) to designate the building located at 3030 Meredith Avenue in Omaha, Nebraska as the "Reverend J.C. Wade Post Office" was considered, ordered to a third reading, read the third time, and passed.

J.L. DAWKINS POST OFFICE BUILDING

A bill (H.R. 4658) to designate the building located at 301 Green Street in Fayetteville, North Carolina as the "J.L. Dawkins Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

WILLIAM S. BROOMFIELD POST OFFICE BUILDING

A bill (H.R. 4884) to designate the building located at 200 West 2nd Street in Royal Oak, Michigan as the "William S. Broomfield Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

JOHN BRADEMAS POST OFFICE

A bill (S. 2804) to designate the building located at 424 South Michigan Street in South Bend, Indiana as the "John Brademas Post Office" was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 2804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOHN BRADEMAS POST OFFICE.

(a) IN GENERAL.—The facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, shall be known and designated as the "John Brademas Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John Brademas Post Office".

FRANK R. LAUTENBERG POST OFFICE AND COURTHOUSE

Mr. HAGEL. I ask unanimous consent the Senate proceed to the consideration of H.R. 4975, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4975) to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the "Frank R. LAUTENBERG Post Office and Courthouse".

Without objection, the Senate proceeded to consider the bill.

Mr. HAGEL. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4975) was read the third time and passed.

JOHN BRADEMAS POST OFFICE

Mr. HAGEL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 2938 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2938) to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office."

There being no objection, the Senate proceeded to consider the bill.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2938) was read the third time and passed.

COUNTY SCHOOLS FUNDING REVITALIZATION ACT OF 1999

Mr. HAGEL. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2389 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2389) to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4302

Mr. HAGEL. Mr. President, Senators WYDEN and CRAIG have a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for Mr. WYDEN, for himself and Mr. CRAIG, proposes an amendment numbered 4302.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HAGEL. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4302) was agreed to.

The bill (H.R. 2389), as amended, was read the third time and passed.

REDUCED RATE MAIL

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 917, S. 2686.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2686) to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2686) was read the third time and passed, as follows:

S. 2686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RATEMAKING PROVISIONS.

(a) ESTABLISHMENT OF REGULAR RATES FOR MAIL CLASSES WITH CERTAIN PREFERRED SUBCLASSES.—Section 3622 of title 39, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) Regular rates for each class or subclass of mail that includes 1 or more special rate categories for mail under former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title shall be established by applying the policies of this title, including the factors of section 3622(b) of this title, to the costs attributable to the regular rate mail in each class or subclass combined with the mail in the corresponding special rate categories authorized by former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title.".

(b) RESIDUAL RULE FOR PREFERRED PERIODICAL MAIL.—Section 3626(a)(3)(A) of title 39, United States Code, is amended to read as follows:

"(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358 of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

"(i) the estimated costs attributable to such class of mail or kind of mailer; and

"(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).".

(c) SPECIAL RULE FOR NONPROFIT AND CLASSROOM PERIODICALS.—Section 3626(a)(4) of title 39, United States Code, is amended to read as follows:

"(4)(A) Except as specified in subparagraph (B), rates of postage for a class of mail or kind of mailer under former section 4358 (d) or (e) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate category mailing.

"(B) With respect to the postage for the advertising pound portion of any mail matter under former section 4358 (d) or (e) of this title, the 5-percent discount specified in subparagraph (A) shall not apply if the advertising portion exceeds 10 percent of the publication involved.".

(d) SPECIAL RULE FOR NONPROFIT STANDARD (A) MAIL.—Section 3626(a) of title 39, United States Code, is amended by adding at the end the following:

"(6) The rates for mail matter under former sections 4452 (b) and (c) of this title shall be established as follows:

"(A) The estimated average revenue per piece to be received by the Postal Service from each subclass of mail under former sections 4452 (b) and (c) of this title shall be equal, as nearly as practicable, to 60 percent of the estimated average revenue per piece to be received from the most closely corresponding regular-rate subclass of mail.

"(B) For purposes of subparagraph (A), the estimated average revenue per piece of each regular-rate subclass shall be calculated on the basis of expected volumes and mix of mail for such subclass at current rates in the test year of the proceeding.

"(C) Rate differentials within each subclass of mail matter under former sections 4452 (b) and (c) shall reflect the policies of this title, including the factors set forth in section 3622(b) of this title.".

(e) SPECIAL RULE FOR LIBRARY AND EDUCATIONAL MATTER.—Section 3626(a) of title 39, United States Code, as amended by subsection (d) of this section, is amended by adding at the end the following:

"(7) The rates for mail matter under former sections 4554 (b) and (c) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate mailing.".

SEC. 2. TRANSITIONAL AND TECHNICAL PROVISIONS.

(a) TRANSITIONAL PROVISION FOR NONPROFIT STANDARD (A) MAIL.—In any proceeding in which rates are to be established under chapter 36 of title 39, United States Code, for mail matter under former sections 4452 (b) and (c) of that title, pending as of the date of enactment of section 1 of this Act, the estimated reduction in postal revenue from such mail matter caused by the enactment of section 3626(a)(6)(A) of that title, if any, shall be treated as a reasonably assignable cost of the Postal Service under section 3622(b)(3) of that title.

(b) TECHNICAL AMENDMENT.—Section 3626(a)(1) of title 39, United States Code, is amended by striking "4454(b), or 4454(c)" and inserting "4554(b), or 4554(c)".

DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 918, S. 3062.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3062) to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3062) was read the third time and passed, as follows:

S. 3062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN.

Section 456 of the District of Columbia Home Rule Act (section 47-231 et seq. of the District of Columbia Code) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "Nct later than March 1 of each year (beginning with 1998)" and inserting "Concurrent with the submission of the District of Columbia budget to Congress each year (beginning with 2001)"; and

(B) in paragraph (2)(A) by striking "that describe an acceptable level of performance by the government and a superior level of performance by the government"; and

(2) in subsection (b)—

(A) in paragraph (1) by striking "1999" and inserting "2001"; and

(B) in paragraph (2)(A) by striking "for an acceptable level cf performance by the government and a superior level of performance by the government".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations reported by the Armed Services Committee, Nos. 717 through 755, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D. Hopper, Jr., 6003

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Grig. Gen. Paul W. Essex, 6243

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John H. Campbell, 2822

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Lloyd J. Austin III, 5848
Col. Vincent E. Boles, 8885

Col. Gary L. Border, 4796
Col. Thomas P. Bostick, 3680
Col. Howard B. Bromberg, 2959
Col. James A. Coggin, 0287
Col. Michael L. Combest, 6794
Col. William C. David, 2507
Col. Martin E. Dempsey, 8511
Col. Joseph F. Fil, Jr., 0990
Col. Benjamin C. Freakley, 0002
Col. John D. Gardner, 1994
Col. Brian I. Geehan, 7655
Col. Richard V. Geraci, 7246
Col. Gary L. Harrell, 7778
Col. Janet E. A. Hicks, 4097
Col. Jay W. Hood, 6271
Col. Kenneth W. Hunzeker, 4503
Col. Charles H. Jacoby, Jr., 3627
Col. Gary M. Jones, 0483
Col. Jason K. Kamiya, 9579
Col. James A. Kelley, 0354
Col. Ricky Lynch, 2073
Col. Bernardo C. Negrete, 1299
Col. Patricia L. Nilo, 2459
Col. F. Joseph Prasek, 0077
Col. David C. Ralston, 4648
Col. Don T. Riley, 7610
Col. David M. Rodriguez, 1850
Col. Donald F. Schenk, 9074
Col. Steven P. Schook, 9597
Col. Gratton O. Sealock II, 7906
Col. Stephen M. Seay, 2151
Col. Jeffrey A. Sorenson, 3510
Col. Guy C. Swan III, 1672
Col. David P. Valcourt, 6455
Col. Robert M. Williams, 6304
Col. W. Montague Winfield, 5342
Col. Richard P. Zahner, 3707

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., Section 624:

To be major general

Brig. Gen. Lawrence R. Adair, 1436
Brig. Gen. Buford C. Blount III, 5012
Brig. Gen. Steven W. Boutelle, 1030
Brig. Gen. James D. Bryan, 1525
Brig. Gen. Eddie Cain, 1695
Brig. Gen. John P. Cavanaugh, 7354
Brig. Gen. Bantz J. Craddock, 7782
Brig. Gen. Keith W. Dayton, 7231
Brig. Gen. Kathryn G. Frost, 8467
Brig. Gen. Larry D. Gottardi, 1032
Brig. Gen. Stanley E. Green, 4130
Brig. Gen. Criag D. Hackett, 5451
Brig. Gen. Franklin L. Hagenbeck, 3956
Brig. Gen. Hubert L. Hartsell, 8996
Brig. Gen. George A. Higgins, 7049
Brig. Gen. William J. Leszczynski, 7829
Brig. Gen. Michael D. Maples, 9508
Brig. Gen. Thomas F. Metz, 5686
Brig. Gen. Daniel G. Mongeon, 4804
Brig. Gen. William E. Mortensen, 1064
Brig. Gen. Eric T. Olson, 5130
Brig. Gen. Richard J. Quirk III, 1272
Brig. Gen. Ricardo S. Sanchez, 9260
Brig. Gen. Gary D. Speer, 7286
Brig. Gen. Mitchell H. Stevenson, 3914
Brig. Gen. Charles H. Swannack, Jr., 8239
Brig. Gen. Terry L. Tucker, 6846
Brig. Gen. John R. Wood, 0518

The following named officer for appointment as the Chief of Engineers, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and 3036:

To be lieutenant general

Maj. Gen. Robert B. Flowers, 0549

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Charles S. Mahan, Jr., 5401

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. H. Steven Blum, 9926

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William T. Nesbitt, 8512

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David P. Rataczak, 5455

To be brigadier general

Col. George J. Robinson, 6368

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. George F. Bowman, 9374
Brig. Gen. Lloyd D. Burtch, 7226
Brig. Gen. Alfonsa Gilley, 9002
Brig. Gen. James R. Helmly, 0535
Brig. Gen. Dennis E. Klein, 0720

To be brigadier general

Col. James A. Cheatham, 4975
Col. George R. Fay, 4701
Col. Charles E. Gorton, 6077
Col. John H. Kern, 3064
Col. Charles E. McCartney, 5546
Col. Jack S. Stultz, Jr., 5861
Col. Stephen D. Tom, 2119

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bradford C. Brightman, 2206

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10 U.S.C., section 12203:

To be major general

Brig. Gen. H. Douglas Robertson, 1652

To be major general

Brig. Gen. Willie A. Alexander, 7252

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10 U.S.C., section 12203:

To be brigadier general

Col. Carole A. Briscoe, 8823

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David J. Kaucheck, 3284

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Daniel F. Perugini, 0634

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. John E. Stevens, 5894

To be brigadier general

Col. Rick Baccus, 5697
Col. Abner C. Blalock, Jr., 0594
Col. John M. Braun, 5088
Brig. Gen. George A. Buskirk, Jr., 3156
Col. James R. Carpenter, 2966
Col. Craig N. Christensen, 3064
Col. Paul D. Costilow, 2786
Col. James P. Daley, 2270
Col. Charles E. Gibson, 2195
Col. Michael A. Gorman, 3651
Col. John F. Holechek, Jr., 4313
Col. Mitchell R. LeClaire, 4067
Col. Richard G. Maxon, 0268
Col. Gary A. Pappas, 3580
Col. Donald H. Polk, 3019
Col. Robley S. Rigdon, 7740
Col. Charles T. Robbs, 6993
Col. Bruce D. Schrimpf, 2945
Col. Thomas J. Sullivan, 4948
Col. Brian L. Tarbet, 0965
Col. Gordon D. Toney, 1990
Col. Antonio J. Vicens-Gonzalez, 8687
Col. William L. Waller, Jr., 7603
Col. Charles R. Webb, 2951
Col. William D. Wofford, 5170
Col. Kenneth F. Wondrack, 1587
Col. Ronald D. Young, 3292

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William J. Davies, 1673
Brig. Gen. George T. Garrett, 4718
Brig. Gen. Dennis A. Kamimura, 1117
Brig. Gen. Bruce M. Lawlor, 3844
Brig. Gen. Timothy E. Neel, 6895
Brig. Gen. Larry W. Shellito, 2025
Brig. Gen. Darwin H. Simpson, 3156
Brig. Gen. Edwin H. Wright, 8891

To be brigadier general

Col. George A. Alexander, 7321
Col. Terry F. Barker, 9468
Col. John P. Basilica, Jr., 4126
Col. Wesley E. Craig, Jr., 6586
Col. James J. Dougherty, Jr., 1953
Col. Ronald B. Kalkofen, 1783
Col. Edward G. Klein, 3085
Col. Thomas P. Luczynski, 9915
Col. James R. Mason, 7632
Col. Glen I. Sakagawa, 0978
Col. Joseph J. Taluto, 0598
Col. Thomas S. Walker, 7835
Col. George W. Wilson, 5766
Col. Ireneusz J. Zembrzuski, 9839

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Herbert L. Altshuler, 8024
Brig. Gen. Richard E. Coleman, 5494
Brig. Gen. B. Sue Dueitt, 9342
Brig. Gen. Michael R. Mayo, 3841
Brig. Gen. Robert S. Silverthorn, Jr., 7380
Brig. Gen. Charles E. Wilson, 7188

To be brigadier general

Col. Michael G. Corrigan, 8444
Col. John R. Hawkins III, 7069
Col. Gregory J. Hunt, 9933
Col. Michael K. Jelinsky, 5149
Col. Robert R. Jordan, 4761
Col. David E. Kratzer, 9689
Col. Michael A. Kuehr, 0757
Col. Bruce D. Moore, 8071
Col. Conrad W. Ponder, Jr., 4071
Col. Jerry W. Reshetar, 0799
Col. Bruce E. Robinson, 2520

Col. James R. Sholar, 6553
Col. Edwin E. Spain, 8277
Col. Stephen B. Thompson, 2012
Col. George W. Wells, Jr., 9978

The following named officers for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Kevin P. Byrnes, 7639

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Kerry G. Denson, 1996

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William W. Goodwin, 8875

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Jack A. Davis, 8721

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. James R. Battaglini, 5336
Brig. Gen. James E. Cartwright, 5961
Brig. Gen. Christopher Cortez, 9054
Brig. Gen. Gary H. Hughey, 9286
Brig. Gen. Thomas S. Jones, 2831
Brig. Gen. Richard L. Kelly, 9290
Brig. Gen. John F. Sattler, 0580
Brig. Gen. William A. Whitlow, 5394

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John F. Goodman, 3509

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Thomas A. Benes, 4726
Col. Christian B. Cowdrey, 0819
Col. Michael E. Ennis, 1117
Col. Walter E. Gaskin, Sr., 4185
Col. Michael R. Lehnert, 3452
Col. Joseph J. McMenamin, 3792
Col. Duane D. Thiessen, 8882
Col. George J. Trautman III, 0849
Col. Willie J. Williams, 4568
Col. Richard C. Zilmer, 9990

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Andrew B. Davis, 1872
Col. Harold J. Fruchtnicht, 2652

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gregory S. Newbold, 6783

IN THE NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John G. Cotton, 6982
Rear Adm. (lh) Henry F. White, Jr., 1081

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. William V. Alford, 4792
Capt. John P. Debbout, 9101
Capt. Roger T. Nolan, 6456
Capt. Stephen S. Oswald, 2861
Capt. Robert O. Passmore, 0129
Capt. Gregory J. Slavonic, 4544

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael R. Johnson, 2467
Rear Adm. (lh) Charles R. Kubic, 6173

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Rodrigo C. Melendez, 1580

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Richard W. Mayo, 4195

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

To be admiral

Vice Adm. William J. Fallon, 0304

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Toney M. Bucchi, 9527

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Timothy J. Keating, 8508

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Martin J. Mayer, 0493

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Dennis V. McGinn, 1807

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1166 Air Force nominations (9) beginning Donna L. Kennedy, and ending Michael D. Prazak, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

PN1167 Air Force nominations (106) beginning Franklin C. Albright, and ending Lewis F. Wolf, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1209 Air Force nomination of Warren S. Silberman, which was received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1243 Air Force nomination of James C. Seaman, which was received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1288 Air Force nominations (680) beginning George M. Abernathy, and ending Richard M. Zink, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2000.

PN1330 Air Force nominations (2) beginning Douglas N. Barlow, and ending Gregory E. Seely, which nominations were received by the Senate and appeared in the Congressional Record of September 28, 2000.

PN1337 Air Force nominations (2) beginning John B. Stetson, and ending Christine E. Tholen, which nominations were received by the Senate and appeared in the Congressional Record of October 2, 2000.

IN THE ARMY

PN1135 Army nominations (28) beginning John W. Alexander, Jr. and ending Donald L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of July 10, 2000.

PN1168 Army nominations (158) beginning Bruce D. Adams, and ending Vikram P. Zadoo, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1196 Army nominations (1314) beginning Daniel G. Aaron, and ending X2457, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2000.

PN1210 Army nomination of Merritt M. Smith, which was received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1211 Army nominations (4) beginning James M. Davis, and ending Lanneau H. Siegling, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1212 Army nomination of John Espinosa, which was received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1222 Army nomination of Albert L. Lewis, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1223 Army nominations (2) beginning Philip C. Caccese, and ending Donald E. McLean, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1224 Army nominations (3) beginning Richard W.J. Cacini, and ending Carlos A. Trejo, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1225 Army nominations (4) beginning Melvin Lawrence Kaplan, and ending George Raymond Ripplinger, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1226 Army nomination of *Michael Walker, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1244 Army nominations (13) beginning Eddie L. Cole, and ending Christopher A. White, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1245 Army nominations (19) beginning Jeanne J. Blaes, and ending Janelle S. Weyn, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1246 Army nominations (43) beginning *Patrick N. Bailey, and ending *Jeffrey L. Zust, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1247 Army nominations (1747) beginning Timothy F. Abbott, and ending *X4076, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

IN THE MARINE CORPS

PN1197 Marine Corps nominations (73) beginning Jack G. Abate, and ending Jeffrey G. Young, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2000.

PN1227 Marine Corps nomination of Gerald A. Cummings, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1259 Marine Corps nomination of David L. Ladouceur, which was received by the Senate and appeared in the Congressional Record of September 13, 2000.

IN THE NAVY

PN1040 Navy nomination of Bradley S. Russell, which was received by the Senate and appeared in the Congressional Record of May 11, 2000.

PN1169 Navy nomination of Douglas M. Larratt, which was received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1170 Navy nominations (11) beginning Felix R. Tormes, and ending Christopher F. Beaubien, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1171 Navy nominations (387) beginning Ava C. Abney, and ending Michael E. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1188 Navy nominations (217) beginning William B. Acker III, and ending John Zarem, which nominations were received by the Senate and appeared in the Congressional Record of July 26, 2000.

PN1198 Navy nomination of Keith R. Belau, which was received by the Senate and appeared in the Congressional Record of July 27, 2000.

PN1213 Navy nomination of Randall J. Bigelow, which was received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1228 Navy nomination of Robert G. Butler, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1229 Navy nomination of Vito W. Jimenez, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1230 Navy nomination of Michael P. Tillotson, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1231 Navy nomination of Michael W. Altiser, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1232 Navy nomination of Melvin J. Hendricks, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1233 Navy nomination of Glenn A. Jett, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1234 Navy nomination of Joseph T. Mahachek, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1235 Navy nomination of Robert J. Werner, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1236 Navy nomination of Marian L. Celli, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1237 Navy nomination of Stephen M. Trafton, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1248 Navy nominations (821) beginning Eric M. Aaby, and ending Anthony E. Zerangue, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1249 Navy nominations (1446) beginning William S. Abrams II, and ending Michael Ziv, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1260 Navy nomination of Jeffrey N. Rocker, which was received by the Senate and appeared in the Congressional Record of September 13, 2000.

PN1261 Navy nominations (224) beginning Jerry C. Mazanowski, and ending Douglas S. Velvel, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2000.

PN1289 Navy nominations (32) beginning Michael W. Bastian, and ending Steven C. Wurgler, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR TUESDAY, OCTOBER 10, 2000

Mr. HAGEL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 2 p.m. on Tuesday, October 10. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business for up to 2 hours, with the time controlled in the following fashion: the first hour under the control of Senator DURBIN or his designee, with 30 minutes under the control of Senator GRAHAM of Florida; the second hour under the control of Senator THOMAS or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HAGEL. Mr. President, for the information of all Senators, the Senate will be in session on Tuesday for morning business and possible consideration of an appropriations conference report. On Wednesday, there will be up to 7 hours of debate on the conference report to accompany trafficking victims. Senator THOMPSON will make the point of order against the report and a vote is expected relative to appealing the ruling of the Chair and adoption of the conference report, both of which will occur late afternoon on Wednesday.

The Senator from Virginia is recognized.

EXPRESSING THE SENSE OF THE CONGRESS ON THE NEED FOR CONSTRUCTION OF THE WORLD WAR II MEMORIAL ON THE CAPITAL MALL

Mr. WARNER. Mr. President, on behalf of myself, Mr. INOUYE, Mr. STEVENS, and Mr. THURMOND, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 145) expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capital.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. Mr. President, our former distinguished majority leader, Mr. Dole, has headed up, together with others, an effort across America, and indeed from abroad, to raise the funds and otherwise provide for a memorial to be erected in the Nation's Capital in memory of those who served in World War II, and indeed those who were not in uniform but here on the homefront who, in every other respect, supported that heroic effort during that period from the day beginning December 7, 1941, to and including the surrender of Japan in August of 1945.

Mr. President, as we all know, World War II was the defining event of the 20th century for the United States and its wartime allies with more than 16,000,000 American men and women serving in uniform in the Armed Forces. Over 400,000 Americans gave their lives for our nation and more than 600,000 were wounded. In addition, countless Americans back home in the United States organized and sacrificed to give their unwavering support to those in uniform.

Today, there are less than 6,000,000 surviving World War II veterans and we mourn the passing of greater than 1,200 veterans each day.

Mr. President, this is why the construction of the National World War II Memorial must follow an expeditious and critical path to completion. In

1994, legislation was enacted which approved the location of a memorial to this epic era in an area of the National Mall that includes the Rainbow Pool.

Since July 1995, the National World War II Memorial site and design have been subject to 19 public hearings that have resulted in an endorsement from the State Historic Preservation Officer of the District of Columbia, three endorsements from the District of Columbia Historic Preservation Review Board, and most significantly, four approvals from the Commission of Fine Arts and four approvals from the National Capital Planning Commission. In July of this year, the Commission of Fine Arts approved the design of the memorial followed by final architectural design approval by the National Capital Planning Commission on September 21, 2000.

Mr. President, it is my feeling that construction of this magnificent memorial, which has received a thorough review and given final approval by all jurisdictional authorities, should begin without delay. It is imperative that this fitting tribute to those brave and patriotic Americans be completed and dedicated while surviving veterans are still alive.

I ask my Senate colleagues to support this resolution and allow our World War II veterans, veterans of the most devastating war the world has known, to see and be a part of the memorial they so fiercely deserve.

Mr. President, I sought to get the cosponsorship of all those in this body who served in World War II. The ability to do this, time-wise, precluded that, but I am certain that almost all would have joined. Therefore, it is a particular privilege for me to submit this to the Senate. Congressman STUMP will introduce the identical measure in the House of Representatives.

Mr. President, I ask that we take action on this resolution.

The PRESIDING OFFICER. Is there further debate on the concurrent resolution?

The concurrent resolution (S. Con. Res. 145) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 145

Whereas World War II is the defining event of the twentieth century for the United States and its wartime allies;

Whereas in World War II, more than 16,000,000 American men and women served in uniform in the Armed Forces, more than 400,000 of them gave their lives, and more than 670,000 of them were wounded;

Whereas many millions more on the home front in the United States organized and sacrificed to give unwavering support to those in uniform;

Whereas fewer than 6,000,000 World War II veterans are surviving at the end of the twentieth century, and the Nation mourns the passing of more than 1,200 veterans each day;

Whereas Congress, in Public Law 103-422 (108 Stat. 4356) enacted in 1994, approved the location of a memorial to this epic era in an area of the National Mall that includes the Rainbow Pool;

Whereas since 1995, the National World War II Memorial site and design have been the subject of 19 public hearings that have resulted in an endorsement from the State Historic Preservation Officer of the District of Columbia, three endorsements from the District of Columbia Historic Preservation Review Board, the endorsement of many Members of Congress, and, most significantly, four approvals from the Commission of Fine Arts and four approvals from the National Capital Planning Commission (including the approvals of those Commissions for the final architectural design);

Whereas on Veterans Day 1995, the President dedicated the approved site at the Rainbow Pool on the National Mall as the site for the National World War II Memorial; and

Whereas fundraising for the National World War II Memorial has been enormously successful, garnering enthusiastic support from half a million individual Americans, hundreds of corporations and foundations, dozens of civic, fraternal, and professional organizations, state legislatures, students in 1,100 schools, and more than 450 veterans groups representing 11,000,000 veterans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) it is appropriate for the United States to memorialize in the Nation's Capitol the triumph of democracy over tyranny in World War II, the most important event of the twentieth century;

(2) the will of the American people to memorialize that triumph and all who labored to achieve it, and the decisions made on that memorialization by the appointed bodies charged by law with protecting the public's interests in the design, location, and construction of memorials on the National Mall in the Nation's Capitol, should be fulfilled by the construction of the National World War II Memorial, as designed, at the approved and dedicated Rainbow Pool site on the National Mall; and

(3) it is imperative that expeditious action be taken to commence and complete the construction of the National World War II Memorial so that the completed memorial will be dedicated while Americans of the World War II generation are alive to receive the national tribute embodied in that memorial, which they earned with their sacrifice and achievement during the largest and most devastating war the world has known.

Mr. WARNER. Mr. President, I thank the Chair, the floor staff, and the staffs of many Senators who were able to clear this resolution. I appreciate that.

I note the presence of another colleague on the floor. I would like to consult the Republican floor staff before I address the Senate further.

Mr. President, I understand our distinguished colleague wishes to address the Senate for a period of time. How much time will he require?

Mr. WYDEN. Five minutes will be plenty.

ORDER FOR RECESS

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, following the remarks of Mr. WYDEN for not to exceed 5 minutes, I ask unanimous consent that the Senate stand in recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

Mr. WYDEN. Mr. President, twenty-two days ago I was here on the Senate floor helping to secure the support of 100 Senators in passing the Secure Rural Schools and Community Self-Determination Act of 2000. It was a good day for rural Americans when the Senate adopted S. 1608 unanimously.

Today is even better for rural Americans. A few minutes ago, the Senate passed legislation that now reflects an agreement among all stakeholders—the schools, the counties, the House and Senate and the Administration—that assures House and Senate passage and the President's signature. This bill is the winning formula for everyone concerned about rural communities.

The bill the Senate has passed is fundamentally unchanged from S. 1608. The basics are the same: the purposes, the funding formula, and the flexibility for counties to choose how to spend a portion of the payment. The bill will provide stable payments for education and roads in more than 750 timber-dependent counties across this country and real opportunities for environmental restoration on our national forests.

The bill will make sure our rural communities do not become economic sacrifice zones. It will help people in forest communities adapt to changing national forest management policies by creating a funding formula alternative to timber receipts.

Policy changes in Washington, D.C. affecting logging on national forests across this country have caused timber receipts to fall an average of 70 percent over the last 15 years, and by as much as 90 percent in some areas. As timber receipts disappeared, roads fell deeper into disrepair, school programs were cut to the bone, and some schools even had to close their doors at least one day a week.

This legislation will give rural communities a more predictable payment formula than the current roller coaster system based on timber receipts. The amount going toward schools and roads would represent 80-85 percent of the three-year average of the highest payment years from fiscal years 1986 to 1999. The amount would be calculated on a state-by-state, three-high-year basis, but would be distributed among the counties on a county-by-county, three-high-year calculation. Unlike today's system, a county will receive its

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The bill before us today retains and improves upon a key element of S. 1608: that counties decide for themselves, in conjunction with other stakeholders, how they want to invest the remaining 15-to-20 percent of the average payment. This bill clarifies and underscores county flexibility to use the funds other than those designated for schools and roads in any combination a county chooses for: fire prevention and fighting wildfires; forest-related education; easement purchases; emergency services reimbursement; stewardship projects; maintenance of existing forest infrastructure; ecosystem restoration; and improvement of land and water quality on national forest lands.

There is no doubt about it. This legislation will change the traditional dynamic between logging and Federal payments to schools and counties. But altering the link between timber harvest and county payments does not mean we seek to sever the ties between people and land. This bill will strengthen the bond between communities and neighboring Federal forests. The authorized projects are a way for the Federal government to recognize—without relaxing or compromising our environmental commitments—that timber towns grow not just trees, but people, too.

S. 1608 is supported by thousands of groups, hundreds of counties, labor organizations and school groups including the National Education Association, National Association of Counties, the American Federation of State, County and Municipal Employees, as well as the AFL–CIO.

I particularly want to thank Senator CRAIG, Chairman of the Forests and Public Lands Subcommittee, for helping to bring us to where we are today. He has been tireless in his efforts. I also want to recognize the outstanding commitment of Senator BINGAMAN, the ranking member on the Energy Committee, and the incredible work of Senator BAUCUS, who brought additional attention to non-federal land county projects, including wildfire prevention.

I would also like to acknowledge the work of the staff on this legislation. In particular, Josh Kardon, my Chief of Staff, and Sarah Bittleman, my Natural Resources Counsel, have done yeoman's work on this legislation. Carole Grunberg, my Legislative Director, was always there with support and encouragement. And Jeff Gagne, my Education advisor, also contributed to the effort by figuring out the maze of Oregon education spending. Special thanks also goes to David Dye, Counsel to the Senate Energy Committee and to Mark Rey of the Energy Committee staff, whose steady hand and creativity helped resolve so many problems successfully; to Bob Simon and Kira Finkler, of the Energy Committee Democratic staff; and to Brian Kuehl with Senator BAUCUS, Sara Barth with Senator BOXER, and Peter Hanson with Senator DASCHLE.

RECESS UNTIL 2 P.M. TUESDAY, OCTOBER 10, 2000

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. Tuesday, October 10, 2000.

Thereupon, the Senate, at 3:51 p.m., recessed until Tuesday, October 10, 2000, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate October 6, 2000:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

AVIS T. BOHLEN, OF THE DISTRICT OF COLUMBIA
RICHARD A. BOUCHER, OF MARYLAND
JOSEPH GERARD SULLIVAN, OF MASSACHUSETTS
WILLIAM H TWADDELL, OF RHODE ISLAND
ALEXANDER RUSSELL VERSHBOW, OF THE DISTRICT OF COLUMBIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MICHAEL HUGH ANDERSON, OF MINNESOTA
ANNA ANDERSON LEHEL BORG, OF THE DISTRICT OF COLUMBIA
MARK M. BOULWARE, OF TEXAS
WILLIAM RIVINGTON BROWNFIELD, OF TEXAS
STEVEN A. BROWNING, OF TEXAS
JOHN PATRICK CAULFIELD, JR., OF NEW JERSEY
GENE BURL CHRISTY, OF TEXAS
GWEN C. CLARE, OF CONNECTICUT
JOHN ALBERT CLOUD, JR., OF VIRGINIA
STEVEN JAMES COFFEY, OF VIRGINIA
PAMELA COREY-ARCHER, OF CALIFORNIA
ARNOLD JACKSON CRODDY, JR., OF MARYLAND
GLYN TOWNSEND DAVIES, OF WYOMING
JOHN SHIELDS DICKSON, OF NEW HAMPSHIRE
JOHN R. DINGER, OF IOWA
GEORGE S. DRAGNICH, OF VIRGINIA
KENNETH ALAN DUNCAN, OF CONNECTICUT
WILLIAM A. EATON, OF VIRGINIA
GREGORY WILLIAM ENGLE, OF VIRGINIA
RICHARD W. ERDMAN, OF MARYLAND
BEN FLOYD FAIRFAX, OF VIRGINIA
DANIEL TED FANTOZZI, OF VIRGINIA
BRIAN M. FLORA, OF FLORIDA
MICHAEL E. GUEST, OF SOUTH CAROLINA
JOHN DAVIS HAMILL, OF OHIO
RENO LEON HARNISH III, OF VIRGINIA
DOUGLAS ALAN HARTWICK, OF WASHINGTON
JOHN E. HERBST, OF VIRGINIA
HEATHER M. HODGES, OF VIRGINIA
CAROLYN RUTH HUGGINS, OF FLORIDA
WILLIAM IMBRIE III, OF MARYLAND
JAMES FRANKLIN JEFFREY, OF MASSACHUSETTS
LAURA-ELIZABETH KENNEDY, OF VIRGINIA
KRISTIE ANNE KENNEY, OF VIRGINIA
FREDERIC M. KRUG, OF NEW JERSEY
JAMES V. LEDESMA, OF CALIFORNIA
MICHAEL CRAIG LEMMON, OF FLORIDA
DAVID C. LITT, OF FLORIDA
WAYNE K. LOGSDON, OF WASHINGTON
THOMAS A. LYNCH, JR., OF VIRGINIA
FREDERIC WILLIAM MAERKLE III, OF CALIFORNIA
MICHAEL E. MALINOWSKI, OF ILLINOIS
STEVEN R. MANN, OF PENNSYLVANIA
EDWARD MCKEON, OF THE DISTRICT OF COLUMBIA
BRIAN J. MOHLER, OF VIRGINIA
JAMES F. MORIARTY, OF MASSACHUSETTS
LAUREN MORIARTY, OF HAWAII
GRETA N. MORRIS, OF CALIFORNIA
MICHAEL NESEMANN, M.D., OF VIRGINIA
EDWARD B. O'DONNELL, JR., OF TEXAS
MICHAEL ELEAZAR PARMLY, OF FLORIDA
MILDRED ANNE PATTERSON, OF VIRGINIA
MARGARET C. PEARSON, OF CALIFORNIA
VICTOR MANUEL ROCHA, OF CALIFORNIA

ANTHONY FRANCIS ROCK, OF NEW HAMPSHIRE
LAWRENCE GEORGE ROSSIN, OF CALIFORNIA
ARTHUR F. SALVATERRA, OF PENNSYLVANIA
DAVID MICHAEL SATTERFIELD, OF VIRGINIA
BRENDA BROWN SCHOONOVER, OF CALIFORNIA
CHARLES S. SHAPIRO, OF GEORGIA
DANIEL SREEBNY, OF VIRGINIA
GEORGE MC DADE STAPLES, OF KENTUCKY
JAIME SUAREZ, M.D., OF LOUISIANA
THOMAS C. TIGHE, OF FLORIDA
HOWARD C. WIENER III, OF VIRGINIA
ROSS LEE WILSON, OF MARYLAND
THOMAS W. YUN, M.D., OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

BETSY LYNN ANDERSON, OF VIRGINIA
JOHN RICHARD ARNDT, OF FLORIDA
LEWIS R. ATHERTON, OF THE DISTRICT OF COLUMBIA
SHELDON E. AUSTIN, OF FLORIDA
DAVID LEE BALLARD, OF TEXAS
DOUGLAS MALCOLM BARNES, OF COLORADO
WILLIAM MICHAEL BARTLETT, OF FLORIDA
JOHN ROSS BEYRLE, OF VIRGINIA
STANTON R. BIGELOW, OF WISCONSIN
MICHELE THOREN BOND, OF NEW JERSEY
GAYLEATHA BEATRICE BROWN, OF NEW JERSEY
HERBERT RENARD BROWN, OF FLORIDA
DAVID M. BUSS, OF TEXAS
PATRICIA A. BUTENIS, OF NEW JERSEY
JORGE CINTRON, OF PUERTO RICO
SCOTT H. DELISI, OF VIRGINIA
ALICE AMELIA DRESS, OF TENNESSEE
CLIFTON W. FLOWERS, OF VIRGINIA
JAMES BRENDAN FOLEY, OF NEW YORK
PHILIP CHARLES FRENCH, OF CALIFORNIA
GEORGE ALLEN GLASS, OF NEW JERSEY
JAN HARTMAN, OF FLORIDA
WILLIAM JAMES HAUGH, OF CALIFORNIA
LLEWELLYN H. HEDGBETH, OF CALIFORNIA
DOUGLAS C. HENGEL, OF NEW YORK
ROBYN E. HINSON-JONES, OF NEW YORK
J. ANTHONY HOLMES, OF CALIFORNIA
LEE JAMES IRWIN, OF WISCONSIN
JEANINE JACKSON, OF WYOMING
KENNETH H. JARRETT, OF NEW YORK
PAUL WAYNE JONES, OF NEW YORK
CRAIG ALLEN KELLY, OF CALIFORNIA
HANS GEORGE KLEMM, OF INDIANA
ANDREW C. KOSS, OF MAINE
DAVID KURAKANE, OF CALIFORNIA
BARRY JAY LEVIN, OF MISSOURI
SALLY MATHIASEN LIGHT, OF WASHINGTON
DENNIS M. LINSKEY, OF NEW YORK
MARY BLAND MARSHALL, OF VIRGINIA
GAIL DENNISE THOMAS MATHIEU, OF NEW JERSEY
GARY H. MAYBARDUK, OF MINNESOTA
DEBORAH ANN MC CARTHY, OF CALIFORNIA
TERENCE PATRICK MC CULLEY, OF OREGON
JACKSON C. MC DONALD, OF FLORIDA
KEVIN CORT MILAS, OF CALIFORNIA
DAVID B. MONK, OF MASSACHUSETTS
PATRICK S. MOON, OF OKLAHOMA
JAMES ROBERT MOORE, OF CONNECTICUT
JEFFREY C. MURRAY, OF MARYLAND
JAMES DINNEEN NEALON, JR., OF NEW HAMPSHIRE
LOUIS JOHN NIGRO, OF FLORIDA
THEODORE ARTHUR NIST, OF SOUTH DAKOTA
ROGER CHRISTOPHER NOTTINGHAM, OF INDIANA
ANNE H. O'LEARY, OF CALIFORNIA
STEPHEN R. PATTISON, OF TEXAS
DAVID D. PEARCE, OF MAINE
ROGER DWAYNE PIERCE, OF THE DISTRICT OF COLUMBIA
EUNICE SHARON REDDICK, OF NEW YORK
J. PAUL REID, OF CALIFORNIA
RONALD SINCLAIR ROBINSON, OF VIRGINIA
JOSIAH BLUMENTHAL ROSENBLATT, OF CONNECTICUT
PAUL EDWARD ROWE, OF VIRGINIA
MARLENE J. SAKAUE, OF CALIFORNIA
JOHN FREDERICK SAMMIS, OF VIRGINIA
JOHN RICHARD SCHMIDT, OF WISCONSIN
STEPHEN A. SECHE, OF MASSACHUSETTS
ANGUS TAYLOR SIMMONS, OF CALIFORNIA
MICHELE J. SISON, OF MARYLAND
DOUGLAS GORDON SPELMAN, OF OHIO
MADELYN ELIZABETH SPIRNAK, OF THE DISTRICT OF COLUMBIA
ADRIENNE M. STEFAN, OF FLORIDA
CRAIG J. STROMME, OF NEW YORK
JUDITH ANNE STROTZ, OF VIRGINIA
PAUL A. TRIVELLI, OF CONNECTICUT
J. PATRICK TRUHN, OF THE DISTRICT OF COLUMBIA
MOOSA A. VALLI, OF CALIFORNIA
LUCIEN S. VANDENBROUCKE, OF MARYLAND
DAVID GOFORTH WAGNER, OF PENNSYLVANIA
JANET M. WEBER, OF NEW YORK
A. DANIEL WEYGANDT, OF VIRGINIA
MARY ANN WHITTEN, OF CALIFORNIA
ROBERT M. WITAJEWSKI, OF CALIFORNIA
ROBERT CANTRELL WOOD, OF SOUTH CAROLINA
JACK M. ZETKULIC, OF NEW JERSEY
JAMES P. ZUMWALT, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ALAN O. BIGLER, OF OHIO
JOHN P. BOULANGER, OF NEW HAMPSHIRE
JEFFREY L. BOZWORTH, OF MARYLAND
ANDREW J. COLANTONIO, OF VIRGINIA
JOSEPH M. DEVLIN, OF MONTANA
EDWARD F. GAFFNEY, OF VIRGINIA
STEPHEN J. KRUCHKO, OF VIRGINIA
SUSAN J. MONG, OF PENNSYLVANIA
ANTHONY MUSE, OF TENNESSEE
JANE S. NORRIS, OF TEXAS
RAYMOND L. NORRIS, OF OKLAHOMA
WILLIAM PRIOR, OF VIRGINIA
NICHOLAS J. RIESLAND, OF WASHINGTON
DAVID T. SHAEFFER, OF VIRGINIA
GREGORY BOWNE STARR, OF VIRGINIA
JOHN L. TELLO, OF MAINE
HARLAN D. WADLEY, OF OREGON
CHARLES D. WISECARVER, JR., OF VIRGINIA
MARK YOUNG, OF CALIFORNIA

STATE JUSTICE INSTITUTE

SOPHIA H. HALL, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2003. (REAPPOINTMENT)

THE JUDICIARY

ANDRE M. DAVIS, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE FRANCIS D. MURNAGHAN, JR., DECEASED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 6, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D. HOPPER, JR., 6003

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. PAUL W. ESSEX, 6243

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN H. CAMPBELL, 2822

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LLOYD J. AUSTIN III, 5848
COL. VINCENT E. BOLES, 8885
COL. GARY L. BORDER, 4796
COL. THOMAS P. BOSTICK, 3680
COL. HOWARD B. BROMBERG, 2959
COL. JAMES A. COGGIN, 0287
COL. MICHAEL L. COMBEST, 6794
COL. WILLIAM C. DAVID, 2507
COL. MARTIN E. DEMPSEY, 8511
COL. JOSEPH F. FIL, JR., 0990
COL. BENJAMIN C. FREAKLEY, 0002
COL. JOHN D. GARDNER, 1994
COL. BRIAN I. GEEHAN, 7655
COL. RICHARD V. GERACI, 7246
COL. GARY L. HARRELL, 7778
COL. JANET E. A. HICKS, 4097
COL. JAY W. HOOD, 6271
COL. KENNETH W. HUNZEKER, 4503
COL. CHARLES H. JACOBY, JR., 3627
COL. GARY M. JONES, 0483
COL. JASON K. KAMIYA, 9579
COL. JAMES A. KELLEY, 0354
COL. RICKY LYNCH, 2073
COL. BERNARDO C. NEGRETE, 1299
COL. PATRICIA L. NILO, 2459
COL. F. JOSEPH PRASEK, 0077
COL. DAVID C. RALSTON, 4648
COL. DON T. RILEY, 7610
COL. DAVID M. RODRIGUEZ, 1850
COL. DONALD F. SCHENK, 9074
COL. STEVEN P. SCHOOK, 9597
COL. GRATTON O. SEALOCK II, 7906
COL. STEPHEN M. SEAY, 2151
COL. JEFFREY A. SORENSON, 3510
COL. GUY C. SWAN III, 1672
COL. DAVID P. VALCOURT, 6455
COL. ROBERT M. WILLIAMS, 6304
COL. W. MONTAGUE WINFIELD, 5342
COL. RICHARD P. ZAHNER, 3707

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. LAWRENCE R. ADAIR, 1436
BRIG. GEN. BUFORD C. BLOUNT III, 5012
BRIG. GEN. STEVEN W. BOUTELLE, 1030
BRIG. GEN. JAMES D. BRYAN, 1525
BRIG. GEN. EDDIE CAIN, 1695
BRIG. GEN. JOHN P. CAVANAUGH, 7354
BRIG. GEN. BANTZ J. CRADDOCK, 7782
BRIG. GEN. KEITH W. DAYTON, 7231
BRIG. GEN. KATHRYN G. FROST, 8467
BRIG. GEN. LARRY D. GOTTARDI, 1032
BRIG. GEN. STANLEY E. GREEN, 4130
BRIG. GEN. CRAIG D. HACKETT, 5451
BRIG. GEN. FRANKLIN L. HAGENBECK, 3956
BRIG. GEN. HUBERT L. HARTSELL, 8996
BRIG. GEN. GEORGE A. HIGGINS, 7049
BRIG. GEN. WILLIAM J. LESZCZYNSKI, 7829
BRIG. GEN. MICHAEL D. MAPLES, 9508
BRIG. GEN. THOMAS F. METZ, 5686
BRIG. GEN. DANIEL G. MONGEON, 4804
BRIG. GEN. WILLIAM E. MORTENSEN, 1064
BRIG. GEN. ERIC T. OLSON, 5130
BRIG. GEN. RICHARD J. QUIRK III, 1272
BRIG. GEN. RICARDO S. SANCHEZ, 9260
BRIG. GEN. GARY D. SPEER, 7286
BRIG. GEN. MITCHELL H. STEVENSON, 3914
BRIG. GEN. CHARLES H. SWANNACK, JR., 8239
BRIG. GEN. TERRY L. TUCKER, 6846
BRIG. GEN. JOHN R. WOOD, 0518

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 3036:

To be lieutenant general

MAJ. GEN. ROBERT B. FLOWERS, 0549

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES S. MAHAN, JR., 5401

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. H. STEVEN BLUM, 9926

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM T. NESBITT, 8512

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID P. RATACZAK, 5455

To be brigadier general

COL. GEORGE J. ROBINSON, 6368

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GEORGE F. BOWMAN, 9374
BRIG. GEN. LLOYD D. BURTCH, 7226
BRIG. GEN. ALFONSA GILLEY, 9002
BRIG. GEN. JAMES R. HELMLY, 0535
BRIG. GEN. DENNIS E. KLEIN, 0720

To be brigadier general

COL. JAMES A. CHEATHAM, 4975
COL. GEORGE R. FAY, 4701
COL. CHARLES E. GORTON, 6077
COL. JOHN H. KERN, 3064
COL. CHARLES E. MCCARTNEY, 5546
COL. JACK C. STULTZ, JR., 5861
COL. STEPHEN D. TOM, 2119

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRADFORD C. BRIGHTMAN, 2206

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. H. DOUGLAS ROBERTSON, 1652

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIE A. ALEXANDER, 7252

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203;

To be brigadier general

COL. CAROLE A. BRISCOE, 8823

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID J. KAUCHECK, 3284

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DANIEL F. PERUGINI, 0634

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN E. STEVENS, 5894

To be brigadier general

COL. RICK BACCUS, 5697
COL. ABNER C. BLALOCK, JR., 0594
COL. JOHN M. BRAUN, 5088
BRIG. GEN. GEORGE A. BUSKIRK, JR., 3156
COL. JAMES R. CARPENTER, 2966
COL. CRAIG N. CHRISTENSEN, 3064
COL. PAUL D. COSTILOW, 2786
COL. JAMES P. DALEY, 2270
COL. CHARLES E. FLEMING, 2330
COL. CHARLES E. GIBSON, 2195
COL. MICHAEL A. GORMAN, 3651
COL. JOHN F. HOLECHEK, JR., 4313
COL. MITCHELL R. LECLAIRE, 4067
COL. RICHARD G. MAXON, 0268
COL. GARY A. PAPPAS, 3580
COL. DONALD H. POLK, 3019
COL. ROBLEY S. RIGDON, 7740
COL. CHARLES T. ROBBS, 6993
COL. BRUCE D. SCHRIMPF, 2945
COL. THOMAS J. SULLIVAN, 4948
COL. BRIAN L. TARBET, 0965
COL. GORDON D. TONEY, 1990
COL. ANTONIO J. VICENS-GONZALEZ, 8687
COL. WILLIAM L. WALLER, JR., 7603
COL. CHARLES R. WEBB, 2951
COL. WILLIAM D. WOFFORD, 5170
COL. KENNETH F. WONDRACK, 1587
COL. RONALD D. YOUNG, 3292

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM J. DAVIES, 1673
BRIG. GEN. GEORGE T. GARRETT, 4718
BRIG. GEN. DENNIS A. KAMIMURA, 1117
BRIG. GEN. BRUCE M. LAWLOR, 3844
BRIG. GEN. TIMOTHY E. NEEL, 6895
BRIG. GEN. LARRY W. SHELLITO, 2025
BRIG. GEN. DARWIN H. SIMPSON, 3156
BRIG. GEN. EDWIN H. WRIGHT, 8891

To be brigadier general

COL. GEORGE A. ALEXANDER, 7321
COL. TERRY F. BARKER, 9468
COL. JOHN P. BASILICA, JR., 4126
COL. WESLEY E. CRAIG, JR., 6586
COL. JAMES J. DOUGHERTY, JR., 1953
COL. RONALD B. KALKOFEN, 1783
COL. EDWARD G. KLEIN, 3085
COL. THOMAS P. LUCZYNSKI, 9915
COL. JAMES R. MASON, 7632
COL. GLEN I. SAKAGAWA, 0978
COL. JOSEPH J. TALUTO, 0598
COL. THOMAS S. WALKER, 7835
COL. GEORGE W. WILSON, 5766
COL. IRENEUSZ J. ZEMBRZUSKI, 9839

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. HERBERT L. ALTSHULER, 8024
BRIG. GEN. RICHARD E. COLEMAN, 5494
BRIG. GEN. B. SUE DUEITT, 9342
BRIG. GEN. MICHAEL R. MAYO, 3841
BRIG. GEN. ROBERT S. SILVERTHORN, JR., 7380
BRIG. GEN. CHARLES E. WILSON, 7188

To be brigadier general

COL. MICHAEL G. CORRIGAN, 8444
COL. JOHN R. HAWKINS, III, 7069
COL. GREGORY J. HUNT, 9933
COL. MICHAEL K. JELINSKY, 5149
COL. ROBERT R. JORDAN, 4761
COL. DAVID E. KRATZER, 9689
COL. MICHAEL A. KUEHR, 0757
COL. BRUCE D. MOORE, 8071
COL. CONRAD W. PONDER, JR., 4071
COL. JERRY W. RESHETAR, 0799
COL. BRUCE E. ROBINSON, 2520
COL. JAMES R. SHOLAR, 6553
COL. EDWIN E. SPAIN, 8277
COL. STEPHEN B. THOMPSON, 2012
COL. GEORGE W. WELLS, JR., 9978

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KEVIN P. BYRNES, 7639

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KERRY G. DENSON, 1996

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM W. GOODWIN, 8875

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JACK A. DAVIS, 8721

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES R. BATTAGLINI, 5336
BRIG. GEN. JAMES E. CARTWRIGHT, 5961
BRIG. GEN. CHRISTOPHER CORTEZ, 9054
BRIG. GEN. GARY H. HUGHEY, 9286
BRIG. GEN. THOMAS S. JONES, 2831
BRIG. GEN. RICHARD L. KELLY, 9290
BRIG. GEN. JOHN F. SATTLER, 0580
BRIG. GEN. WILLIAM A. WHITLOW, 5394

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN F. GOODMAN, 3509

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS A. BENES, 4726
COL. CHRISTIAN B. COWDREY, 0819
COL. MICHAEL E. ENNIS, 1117
COL. WALTER E. GASKIN SR., 4185
COL. MICHAEL R. LEHNERT, 3452
COL. JOSEPH J. MC MENAMIN, 3792
COL. DUANE D. THIESSEN, 8882
COL. GEORGE J. TRAUTMAN III, 0849
COL. WILLiE J. WILLIAMS, 4568
COL. RICHARD C. ZILMER, 9990

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ANDREW B. DAVIS, 1872
COL. HAROLD J. FRUCHTNICHT, 2652

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GREGORY S. NEWBOLD, 6783

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN G. COTTON, 6982
REAR ADM. (LH) HENRY F. WHITE, JR., 1081

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. WILLIAM V. ALFORD, 4792
CAPT. JOHN P. DEBBOUT, 9101
CAPT. ROGER T. NOLAN, 6456
CAPT. STEPHEN S. OSWALD, 2861
CAPT. ROBERT O. PASSMORE, 0129
CAPT. GREGORY J. SLAVONIC, 4544

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL R. JOHNSON, 2467
REAR ADM. (LH) CHARLES R. KUBIC, 6173

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RODRIGO C. MELENDEZ, 1580

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD W. MAYO, 4195

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. WILLIAM J. FALLON, 0304

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TONEY M. BUCCHI, 9527

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TIMOTHY J. KEATING, 8508

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MARTIN J. MAYER, 0493

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. DENNIS V. MC GINN, 1807

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING DONNA L. KENNEDY, AND ENDING

MICHAEL D. PRAZAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.

AIR FORCE NOMINATIONS BEGINNING FRANKLIN C. ALBRIGHT, AND ENDING LEWIS F. WOLF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WARREN S. SILBERMAN, 1962

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES C. SEAMAN, 7897

AIR FORCE NOMINATIONS BEGINNING GEORGE M. ABERNATHY, AND ENDING RICHARD M. ZINK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2000.

AIR FORCE NOMINATIONS BEGINNING DOUGLAS N. BARLOW, AND ENDING GREGORY E. SEELY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 28, 2000.

AIR FORCE NOMINATIONS BEGINNING JOHN B. STETSON, AND ENDING CHRISTINE E. THOLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 2, 2000.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JOHN W. ALEXANDER JR. AND ENDING DONALD L. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 10, 2000.

ARMY NOMINATIONS BEGINNING BRUCE D. ADAMS, AND ENDING VIKRAM P. ZADOO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.

ARMY NOMINATIONS BEGINNING DANIEL G. AARON, AND ENDING X2457, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be colonel

MERRITT M. SMITH, 4603

ARMY NOMINATIONS BEGINNING JAMES M. DAVIS, AND ENDING LANNEAU H. SIEGLING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 628:

To be major

JOHN ESPINOSA, 7234

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ALBERT L. LEWIS, 9612

ARMY NOMINATIONS BEGINNING PHILIP C. CACCESE, AND ENDING DONALD E. MC LEAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

ARMY NOMINATIONS BEGINNING RICHARD W. J. CACINI, AND ENDING CARLOS A. TREJO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

ARMY NOMINATIONS BEGINNING MELVIN LAWRENCE KAPLAN, AND ENDING GEORGE RAYMOND RIPPLINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be major

*MICHAEL WALKER, 2492 SP

ARMY NOMINATIONS BEGINNING EDDIE L. COLE, AND ENDING CHRISTOPHER A. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

ARMY NOMINATIONS BEGINNING JEANNE J. BLAES, AND ENDING JANELLE S. WEYN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

ARMY NOMINATIONS BEGINNING *PATRICK N. BAILEY, AND ENDING *JEFFREY L. ZUST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

ARMY NOMINATIONS BEGINNING TIMOTHY F. ABBOTT, AND ENDING *X4076, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING JACK G. ABATE, AND ENDING JEFFREY G. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2000.

THE FOLLOWING NAMED OFFICER FOR ORIGINAL APPOINTMENT AS PERMANENT LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be captain

GERALD A. CUMMINGS, 1323

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID L. LADOUCEUR, 1171

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRADLEY S. RUSSELL, 9051

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DOUGLAS M. LARRATT, 2579

NAVY NOMINATIONS BEGINNING FELIX R. TORMES, AND ENDING CHRISTOPHER F. BEAUBIEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.

NAVY NOMINATIONS BEGINNING AVA C. ABNEY, AND ENDING MICHAEL E. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.

NAVY NOMINATIONS BEGINNING WILLIAM B. ACKER III, AND ENDING JOHN ZAREM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KEITH R. BELAU, 7771

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RANDALL J. BIGELOW, 1959

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT G. BUTLER, 3153

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

VITO W. JIMENEZ, 9743

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL P. TILLOTSON, 7164

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

MICHAEL W. ALTISER, 7544

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

MELVIN J. HENDRICKS, 4805

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

GLENN A. JETT, 1764

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

JOSEPH T. MAHACHEK, 6397

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

ROBERT J. WERNER, 9272

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

MARIAN L. CELLI, 3723

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEPHEN M. TRAFTON, 2900

NAVY NOMINATIONS BEGINNING ERIC M. AABY, AND ENDING ANTHONY E. ZERANGUE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

NAVY NOMINATIONS BEGINNING WILLIAM S. ABRAMS II, AND ENDING MICHAEL ZIV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

Jeffrey N. Rocker, 0332.

NAVY NOMINATIONS BEGINNING JERRY C. MAZANOWSKI, AND ENDING JAMES S. CARMICHAEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2000.

NAVY NOMINATIONS BEGINNING MICHAEL W. BASTIAN, AND ENDING STEVEN C. WURGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2000.

HOUSE OF REPRESENTATIVES—*Friday, October 6, 2000*

The House met at 9 a.m.

The Reverend Claude Pomerleau, University of Portland, Portland, Oregon, offered the following prayer:

Lord and Master of the universe, we dare to call You Mother and Father because You are the Source of all that we are, all that we have and all that we do. You have sent us Your Spirit, and so we also call ourselves Your children. We know that You love us all, and that this gift goes beyond our greatest expectations.

O God, bless all the Members of the House this day and always. May they act in accordance with Your Spirit as they serve this Nation and work for a more peaceful and secure world. May they be just and compassionate in their work as You are just and compassionate with Your creation, and may they be a sign of Your presence for this Nation and the world.

We pray that we may always be instruments of Your peace, even in the midst of unresolved problems and constant human conflicts. And, as a result, may we strive to be a mosaic of Your renewing presence in this world, through which we have a brief but glorious passage. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 267, nays 50, answered "present" 1, not voting 116, as follows:

[Roll No. 514]

YEAS—267

Abercrombie
Allen
Andrews
Baca
Bachus
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Boswell
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Camp
Campbell
Capps
Cardin
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Cunningham
Danner
Davis (IL)
Deal
DeGette
DeLauro
DeMint
Deutsch
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Ehlers
Emerson
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Forbes
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hill (IN)
Hinojosa
Hobson
Hoeffel
Holden
Hooley
Horn
Hostettler
Houghton
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Rahall
Regula
Reynolds
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velázquez
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (PA)
Weygand
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NAYS—50

Aderholt
Baird
Baldacci
Borski
Brady (PA)
Capuano
Costello
Crowley
DeFazio
Dickey
Gibbons
Gutierrez
Gutknecht
Hastings (FL)
Hill (MT)
Hilleary
Hilliard
Hoekstra
Holt
Hutchinson
Kucinich
LaFalce
Lipinski
LoBiondo
McDermott
McNulty
Miller, George
Moran (KS)
Neal
Oberstar
Obey
Phelps
Ramstad
Riley
Sabo
Sanchez
Sawyer
Schaffer
Slaughter
Stark
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Weller
Wu

ANSWERED "PRESENT"—1

Smith (MI)

NOT VOTING—116

Ackerman
Archer
Armey
Baker
Barton
Berman
Bilbray
Bilirakis
Blumenauer
Boehlert
Bonior
Bono
Boucher
Brown (FL)
Burton
Calvert
Canady
Cannon
Carson
Castle
Chenoweth-Hage
Clay
Collins
Conyers
Crane
Cubin
Cummings
Davis (FL)
Davis (VA)
Delahunt
DeLay
Diaz-Balart
Dicks
Dixon
Doolittle
Dunn
Edwards
Ehrlich
Engel
English
Eshoo
Filner
Foley
Ford
Fossella
Franks (NJ)
Gephardt
Gilchrest
Goss
Graham
Hansen
Hayes
Hefley
Herger
Hinchey
Hoyer
Hulshof
Johnson (CT)
Johnson, Sam
Kaptur
King (NY)
Kleczka
Klink
Largent
Lazio
Leach
Lewis (GA)
Lowey
Martinez
McCarthy (MO)
McCollum
McGovern
McIntosh
McKinney
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Millender-McDonald
Miller (FL)
Mollohan
Norwood
Owens
Paul
Peterson (MN)
Pombo
Porter
Quinn
Radanovich
Rangel
Reyes
Rodriguez
Rogan
Rogers
Rush
Sanders
Scott
Shuster
Smith (TX)
Souder
Spence
Stabenow
Strickland
Tancredo
Thomas
Vento
Vitter
Waters
Watt (NC)
Waxman
Weldon (FL)
Wexler
Whitfield
Wicker
Wise
Young (AK)

□ 0931

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. OWENS. Mr. Speaker, this morning I was unavoidably absent on a matter of critical importance and missed the following vote:

On the Journal (rollcall No. 514), I would have voted "yea."

Mr. FOLEY. Mr. Speaker, on rollcall No. 514, I was unavoidably detained. Had I been present, I would have voted "yea."

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 514, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 514, I was inadvertently detained. Had I been present, I would have voted "nay."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. UPTON). Will the gentleman from Idaho (Mr. SIMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SIMPSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. One minutes will be postponed until the end of the day except for the gentlewoman from Illinois (Ms. SCHAKOWSKY).

ANNOUNCEMENT OF THE PASSING OF FORMER CONGRESSMAN SIDNEY YATES

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, I rise with a very sad announcement. Congressman Sidney Yates died last night.

Those who loved the arts, who cherish the environment, who struggle for human freedom and dignity lost a hero. Many of us, many of you lost a very dear friend, a true gentleman in this body for 48 years.

There will be an opportunity at a later time for those who are moved to pay tribute to Sid to speak on this floor, and details about arrangements will be provided to all Members as soon as they are available.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 612 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 612

> *Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The Conference report shall be considered as read.
>
> SEC. 2. House Resolutions 586, 592, 595, 599, and 600 are laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 612 is a standard conference report rule providing for consideration of the conference report to accompany H.R. 4475, the Department of Transportation and Related Agencies Appropriations for the Fiscal Year 2001.

The rule waives all points of order against the conference report and against its consideration. Additionally, the rule provides that the conference report shall be considered as read. Finally, the rule lays House Resolutions 586, 592, 595, 599, and 600 on the table.

Mr. Speaker, whether cross-town or cross-country, by car, train or plane, ensuring the safety and efficiency of our transportation networks is one of the Federal Government's highest responsibilities. The conference report accompanying H.R. 4475 continues the Republican Congress' focus on safety for all modes of transportation.

This bill improves and invests in the Nation's infrastructure and safety by targeting funds to critical programs such as air traffic control modernization, airport improvement grants, motor carrier safety, and increasing investments in highway safety research.

The bill enhances the safety and capacity of the aviation system and the highway and rail networks. It makes runway prevention systems and devices eligible for airport improvement funds and directs the FAA to make such requests for discretionary funding the highest priority. Under this bill, air traffic services continue to make up an integral part of aviation safety.

The bill provides a total of nearly $17.8 billion in discretionary budget authority for our Nation's infrastructure and transportation safety, including the Federal Aviation Administration, transit program spending, the United States Coast Guard, and the National Highway Traffic Safety Administration.

The bill includes $279 million for the Federal Motor Carrier Safety Administration, an increase of more than 50 percent from last year's levels, to improve the safety of the trucks of our Nation's roads. The underlying legislation also increases investments to critical highway safety research and development of smart vehicle technologies.

Another significant piece of the Transportation Appropriations is to fund the drug interdiction activities carried out by the U.S. Coast Guard. The bill provides for $565 million for these activities, helping the men and women of the Coast Guard prevent addictive and deadly narcotics from ever reaching our shores, let alone our neighborhoods and school yards.

Additionally, the bill meets the funding obligations for the highway and aviation accounts, as prescribed under TEA-21 and AIR-21 reauthorization bills. These programs are critical to improvements and modernization of our roadways and our airways, providing desperately needed funds across the Nation.

The bill also contains an increase in funding for pipeline safety, an increase of 25 percent over last year.

I am also pleased the underlying bill makes available a $2 million continuing appropriation for the Rochester Genesee Regional Transportation Authority bus project, an important public transportation project that will serve my district and region. It also contains an additional appropriation for reverse commuting that will help those most in need to reach their jobs, wherever they may be, demonstrating our commitment to better, safer public transportation.

Similarly, the conference report provides much needed funding of $2 million for the Niagra Falls Transportation Authority in the Buffalo area. Under this legislation, Western New York will be able to be better served with more reliable and safe bus transportation and improve job access and reverse commute efforts.

Mr. Speaker, safety should remain the Federal Government's highest responsibility in the transportation area, and clearly this bill addresses those needs and concerns.

In conclusion, I would like to commend the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for their hard work in bringing this measure before the House today. I would also like to commend the gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Transportation, and the gentleman from Minnesota (Mr. SABO), the ranking member, for their hard work and continued commitment to our Nation's infrastructure.

Mr. Speaker, I urge my colleagues to support the rule and the underlying measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me the time.

Mr. Speaker, this rule will waive all points of order against the conference report to accompany H.R. 4475. This is the bill that makes appropriations for the Department of Transportation and related agencies in the year 2001.

Mr. Speaker, the bill funds much of the Nation's transportation infrastructure. It includes money for the construction, the maintenance, the operation of highways, airports, public transit systems and Amtrak. It also supports transportation safety and research for all modes.

The bill spends $3.5 billion in discretionary spending, more than last year. This is an investment that will pay off in safer and more efficient transportation for most Americans.

The conference agreement sets a national standard for drunken driving. Drivers will be considered legally drunk if they have a blood alcohol level of 0.8. This standard will save lives and reduce traffic accidents.

I am also pleased with the bill because it includes funds for the Centennial of Flight Commission. This is a national commission helping to coordinate and promote the celebration of the centennial of the Wright Brothers' first flight. The anniversary will take place in the year 2003.

The bill also funds programs on the Department of Treasury, Executive Office of the President, General Services Administration, National Archives and Records Administration.

This will be the last House vote on the Transportation appropriations bill under the gentleman from Virginia (Mr. WOLF) as chairman of the Subcommittee on Transportation. The gentleman from Virginia (Mr. WOLF) will be leaving this particular position of chairman of the Subcommittee on Transportation in the next Congress.

And despite many of the tensions around here, the Transportation appropriations bill has emerged largely without partisanship. That is a tribute to the leadership and fairness of the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO). I join my colleagues on both sides today in thanking the gentleman from Virginia (Mr. WOLF) for a job well done.

This is the way I think in the House of Representatives that we are to conduct our business, in a very good, very efficient, very bipartisan way.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, does the gentleman from Ohio (Mr. HALL) have any further speakers?

Mr. HALL of Ohio. Mr. Speaker, I have one speaker.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY), who is the ranking minority member of the Committee on Appropriations, former chairman of the committee.

Mr. OBEY. Mr. Speaker, I am sorry to say that this conference report demonstrates that people who too frequently promise regular order should be regarded in the same way that Blaze Starr regarded men who used the phrase "trust me."

The process by which this bill is being brought to the floor is truly amazing. The normal process, the legislative process is for both Houses to pass bills. Then we have a conference between the committees representing both Houses. They produce a document, and then each House has an opportunity to vote on that document.

If the Senate has adopted amendments out of the normal scope of the conference, then House Members are protected and authorizing committees are protected by having the ability to have a vote on those amendments on the House floor.

Instead, this rule today takes the conference report on this bill, and instead of bringing it back as a conference report, it introduces as a new bill the conference report.

□ 0945

It then files a report that refers to that conference report. So to figure out what is in this bill, Members do not have to just go and look at the document accompanying this conference report, they have to go look at a second document. It is a two-step operation and it has two convenient results: Number one, it makes it just a little bit more difficult for the average rank-and-file Member to figure out what has been done in the conference; and, secondly, it guts our ability as an institution to deal with subject matters that individual Members, rather than a few power brokers in this House, feel that they ought to have an ability to comment on.

Now, this abuse on this bill would be far less disturbing if it were not part of a broad pattern of abuse of the legislative process which is having the effect of depriving the great majority of Members in this institution in both parties from having a real opportunity to play a meaningful role in the resolution of these issues.

One Member told me earlier this week that we are evolving into a system in which no more than 30 or 40 people have any meaningful input on the major decisions happening here, and nearly half of those people are staff. That is a sad reality. That means that well over 400 of the 435 Members of this institution are effectively cut out of the process, and that means 400 congressional districts, representing 200 million Americans, virtually have little league say, at best, in the decisions that are made here. And that simply is not fair.

In fact, one Member observed to me that, given the way this House has approached appropriation bills for the past year, most Members really do not have to show up in this place for real until October because the institution spends most of its time passing meaningless resolutions trying to nail the people on the other side of the aisle on controversial issues, or else we pass appropriation bills that have no relationship whatsoever to what is expected to finally be in those bills when they emerge as a final product. So we debate political press releases, unfortunately, instead of debating our real convictions on these bills, and that is a destruction of the process that needs to stop.

I would note that the reason that this is being done today is simply to get around Senate rules, because we are apparently afraid that an individual Senator on the majority side of the aisle is unhappy with the contents of this bill and wants to read the bill on the floor. Now, the problem is that this House's rules are being destroyed in order for us to deal with the Senate rules as an institution, and the leadership of the House is making that worse.

In the Senate, major appropriation bills in the Senate, major appropriation bills involving half of the departments of the Federal Government, were never even taken to the Senate Floor. And we have gotten so far from the regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term Representative Democracy. The reason that we have stuck to regular order as long as we have in this institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body left in the world.

Last night, for instance, we had, after 2 months of waiting to go to conference because the majority party leadership was trying to decide what the contents of the agriculture bill should be, after 2 months we finally went to conference, after we had a motion to instruct the committee to have a full-blown conference on the Agriculture bill, and we had a very meaningful debate in that conference. But even then, at the end of that conference, we had to have the majority members march up to the leadership offices to find out what their marching orders were for the rest of the conference.

Now, I just do not believe that we ought to be proceeding in this manner. And what I find ironic about this is that the very people in this institution and in the House leadership who cry the most about central government power in Washington, are the very same people who are day by day centralizing power in this institution. And that is not only wrong, it is dangerous. There needs to be a happy medium between power that lodges in the hands of individual Members, committees and the leadership.

I believe that this incredible centralization of decision-making in the hands of staff in the House leadership offices means that for most Members representing their districts in this body is diminishing every day in terms of their ability to have a say in what goes on around here. And that is the real problem with this rule.

I have problems with the underlying bill. I intend to vote against it, and I will explain why during the debate on that bill. But even more important to me is the increasing abuse of process. This House works best when we take advantage of the expertise that all Members have in each and every one of our committees. They bring that expertise to bear. It is leavened by the judgment of the leadership, which is a perfectly appropriate role.

But when we wind up having the judgment of the leadership come down like a hammer and prevent committees from doing their work in an orderly manner, and then they prevent individual Members from having a say on nongermane Senate amendments, it reminds me of the fights we used to have when the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. MILLER) and the gentleman from California (Mr. BROWN) and the Republican counterparts, when the Republicans were in the minority, used to raise "you know what" because all kinds of nongermane amendments were being offered in Senate and the authorizing committees had no way here to protect themselves. That is why we built in some of these rules and protections. Today they have been stripped away in the name of one word: Convenience. There ought to be a higher standard in this place.

Mr. REYNOLDS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I rise to not disagree with my friend, the gentleman from Wisconsin (Mr. OBEY). This is not the normal procedure. But I do rise to tell the Members of the House that no Member of the House is disadvantaged by using this procedure.

The conference report on H.R. 4475, and the new bill that is numbered H.R. 5394, are identical. The language of the new bill has been available to the Members at the same time as the conference report on H.R. 4475 because it is printed in the statement of the managers. So no Member of the House has been disadvantaged.

As the gentleman from Wisconsin (Mr. OBEY) has pointed out, this was done to accommodate the other body. Whether that is the best procedure or not, it has been done before, but it is not really the regular order. The main issue here is Members of the House have not been disadvantaged by this procedure. The words in the copy of the bill in the statement of the managers on the conference report and the new bill are identical and they have been available to the House Members. Members are not disadvantaged because of timing and thus disadvantaged because of the language in the introduced bill.

So I think we ought to go ahead and pass this rule, and then I think we ought to go ahead and pass this conference report. As usual, as many Members often say, it is not perfect. There are things in there Members can be opposed to, but there are a lot of good things in there. This conference agreement provides for the highway needs and the transportation needs of the United States of America. And I believe, Mr. Speaker, that we ought to get on with business.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I will vote against H. Res. 612, the rule on the conference report for H.R. 4475, the FY2001 Transportation Appropriations bill. Like many of my colleagues, I voted "no" to signal my frustration at the chaotic manner in which this bill was fashioned. I would also like to take this opportunity to express an additional concern I had relating to the National Corridor Planning and Development Program.

First, let me thank the conferees for including significant investments for the Dallas Area Rapid Transit (DART) system. I am pleased that the bill includes my $70 million request for DART to construct the North Central Light Rail Extension. This funding fulfills the federal government's commitments under a full funding grant agreement reached between DART and the Federal Transit Administration in October, 1999, and will ensure that the North Central extension can proceed on schedule.

I would also like to thank the conferees for including $2 million for DART to acquire new buses that will be used throughout the 13 member jurisdictions within DART's service territory.

I was extremely disappointed, however, that the conferees could not fund my $12 million request for the I–35 Bridge under the National Corridor Planning and Development Program. In recognition of the increased trade and traffic that NAFTA would bring to Texas, I–35 was designated as a corridor under the National Highway System Designation Act of 1995. The I–35 Bridge project is necessary to alleviate the heavy local and trade-related traffic that now traverses the Dallas area. Although the conferees did include $1.325 million for I–35 construction in the Waco, Texas area, I was disappointed that no funding was provided for the heavily congested part of I–35 that traverses Dallas.

Moreover, I am extremely concerned that the State of Texas has again been shortchanged under the National Corridor Planning and Development Program. Under H.R. 4475, total earmarks for this program total approximately $95 million. However, only $5.675 million, or less than 6 percent, was targeted toward projects in Texas. Even more disturbing was that the bill provided funding for two individual projects that both individually exceed the total amount earmarked for Texas, and that these two projects are located in states that are not adjacent to Canada or Mexico.

Thd distribution provided in the National Corridor Planning and Development Program is fundamentally unfair to Texas. The corridor and border programs, authorized in TEA–21, were designed specifically to target assistance to nationally significant roadways that foster international trade and economic growth and that improve the flow of commerce at U.S. ports of entry. Texas has four nationally significant corridors, two of which (I–35 and I–10) carry almost 50 percent of all NAFTA trucks. Texas border crossings carry nearly 80 percent of international truck traffic, with 40 percent of this traveling through the state to other destinations in the U.S. and Canada. However, in the first two years of the programs, Texas has received only $36 million out of approximately $245 million, or less than 15 percent. By decreasing this meager amount to 6 percent, H.R. 4475 certainly goes in the wrong direction.

Mr. Speaker, I am extremely disappointed in this aspect of the Transportation Appropriations bill, and I now intend to redouble my efforts in this area so that future distributions to Texas will be more equitable.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. REYNOLDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 136, not voting 53, as follows:

[Roll No. 515]

YEAS—244

Abercrombie
Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley

Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot

Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Collins
Combest
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)

Deal
DeFazio
DeLay
DeMint
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Evans
Everett
Ewing
Fletcher
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hobson
Hoeffel
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Larson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
Markey
Mascara
McCrery
McHugh
McInnis
McKeon
McNulty
Menendez
Mica
Miller, Gary
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Souder
Spratt
Stabenow
Stearns
Stump
Sununu
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (FL)

NAYS—136

Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berry
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Clayton
Coburn
Condit
Costello
Crowley
DeGette
DeLauro
Deutsch
Dingell
Doggett
Edwards
Etheridge
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Lantos
Lee
Levin
Lofgren
Lucas (KY)
Luther
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
Meehan
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Nadler
Napolitano
Neal
Oberstar
Obey
Owens
Pallone
Pastor
Payne
Pelosi
Petri
Phelps
Price (NC)
Rivers
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Sensenbrenner
Sherman
Slaughter
Smith (WA)
Snyder
Stark
Stenholm
Stupak
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watt (NC)
Weiner
Wexler
Woolsey
Wu

NOT VOTING—53

Ackerman
Baker
Berman
Blumenauer
Boucher
Cannon
Carson
Clay
Conyers
Crane
Cummings
Delahunt
Diaz-Balart
Dicks
Dixon
Engel
Eshoo
Foley
Franks (NJ)
Gilchrest
Goss
Hansen
Hefley
King (NY)
Klink
Lazio
Lewis (GA)
Lowey
Martinez
McCollum
McIntosh
McKinney
Meek (FL)
Meeks (NY)
Metcalf
Miller (FL)
Paul
Porter
Rangel
Reyes
Rodriguez
Rush
Shadegg
Shows
Shuster
Smith (TX)
Spence
Strickland
Vento
Waters
Waxman
Wise
Young (AK)

☐ 1015

Messrs. HILL of Montana, DOGGETT, ALLEN, PASTOR, WATT of North Carolina, MINGE, and Ms. HOOLEY of Oregon changed their vote from "yea" to "nay."

Messrs. CLYBURN, McNULTY and OLVER changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOLEY. Mr. Speaker, on rollcall No. 515, I was unavoidably detained. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 4475, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Virginia?

There was no objection.

CONFERENCE REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 612, I call up the conference report on the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 612, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 5, 2000, at page H8922.)

The SPEAKER pro tempore. The gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have the pleasure to present today the conference report on the Department of Transportation and related agencies. In total, the bill provides $17.8 billion in discretionary budget authority for critical operations of the Department of Transportation, an increase of $3.5 billion over fiscal year 2000. Much of the increase over last year's level is attributed to mandated increases in the Federal Aviation Administration as a result of the enactment of AIR21. In addition, the increase over last year is a result of additional operational requirements of the U.S. Coast Guard.

Allow me to mention a couple of highlights:

$4.5 billion for the Coast Guard, of which $565 million is for drug interdiction;

$12 billion for the Federal Aviation Administration, a 25 percent increase over last year, consistent with the requirements of AIR21, of which $3.2 billion is for airport improvement programs;

$30 billion for the federal-aid highways program, an increase of almost $2 billion over last year and consistent with TEA21;

$720 million for the emergency relief highway program to fund the backlog of overdue bills to restore highways damaged in previous natural disasters;

$6.3 billion for transit program spending, an increase of $486 million;

$279 million for the Federal Motor Carrier Safety Administration, more than double last year, to improve truck safety on our Nation's roads;

$404 million for the National Highway Traffic Safety Administration, an increase of nearly 10 percent, again safety;

$725 million for the Federal Railroad Administration, of which $521 million is for Amtrak;

$47 million for pipeline safety, which is an increase of over 25 percent.

In addition, the conference agreement contains several items that have been of deep interest to a lot of Members. The agreement before the body contains the following resolutions on rollover, hours-of-service, and .08.

First, on rollover, the agreement permits the National Highway Traffic Safety Administration to move forward with its rollover testing proposal while the National Academy of Sciences studies static versus dynamic testing. Once the study is completed, the administration must propose any appropriate revisions to their testing procedures.

Second, the agreement permits the Federal Motor Carrier Safety Administration to collect and analyze public comments and data on its proposed hours-of-service rule-making during fiscal year 2001. The administration may also issue a supplemental notice of proposed rule-making once this analysis is complete. However, the agreement prohibits the Federal Motor Carrier Administration from taking any final action on the proposed rule during the year 2001. However, a lot of Members in this body and on the committee will be watching to see the Motor Carrier move ahead, because over 5,000 people a year are killed with regard to trucks every year and a number because of tired truck drivers.

Third, the agreement modifies the Senate provision on .08 but still adopts a national standard for drunk driving. This new provision requires all States to adopt a blood alcohol level of .08 by fiscal year 2004. If States do not adopt this standard, they will lose a portion of their highway funds each year, 2 percent in the year 2004, 4 percent in 2005, 6 percent in 2006, and 8 percent in 2007. However, the highway funding would be restored if a State moves to the lower standard by the end of the year 2007. This is basically in honor and in memory of the moms and dads who have lost loved ones on the road because by doing this, we will save four to 500 lives every year. It is my understanding that the Department of Transportation and the White House supports all three of these compromises.

Mr. Speaker, the conference agreement also includes a provision relating to the Central Artery project. This provision is the culmination of 6 years of review and scrutiny by this committee and the Department of Transportation's Inspector General on the project. The Central Artery/Tunnel project in Boston, first estimated to cost $2.5 billion in fiscal year 1985, is now estimated to top $13.1 billion. This provision contained in the conference agreement codifies a recent agreement with Massachusetts officials and the Federal Highway Administration which limits Federal financial participation in the project to $8.5 billion, and sets forward other terms and conditions, including the requirement that the Commonwealth of Massachusetts undertake a balanced statewide construction program of $400 million a year.

Mr. Speaker, this provision is not meant to impugn the administration of, or the recent actions by, the Massachusetts Turnpike Authority. In fact, over the last recent months, the new administration has been forthcoming with details of the cost overruns and the cost to complete the project, something that previous MTA officials withheld from Federal officials. This provision is not to prejudice the current administration of the MTA but rather to ensure that the Federal Highway Administration and the Secretary of Transportation fulfill their fiduciary responsibilities to the American taxpayer.

This conference agreement is a good bill, it is balanced, and it is a bill which will clearly, whether it be on the rollover, whether it be on the .08, whether it be on the trucks and the others and the Coast Guard will save lives. Seldom do we get an opportunity to vote for something that we clearly know will save so many lives. It deserves, hopefully, the body's support. It is my understanding the administration has no serious objections to the bill and will sign it.

Before I close, I would like to thank the gentleman from Minnesota (Mr. SABO), the ranking member, and the other members of the subcommittee for the bipartisan spirit which they have shown in helping us to reach an agreement on these issues. This has never been a partisan bill, and I am pleased that this tradition continues. The gentleman from Minnesota (Mr. SABO) and the gentleman from Wisconsin (Mr. OBEY) have been most gracious and willing to reach compromises needed to move this bill forward to the President.

The gentleman from Florida (Mr. YOUNG), our full committee chairman who has done such an outstanding job, has always ensured that this subcommittee's allocation is ample to accommodate the needs of this subcommittee. With that spirit, I think we have a good bill.

Mr. Speaker, I would like to also take a moment to express my deepest appreciation for the fine work done by the professional staff on the transportation appropriations subcommittee, including John Blazey, Stephanie Gupta, Rich Efford, Linda Muir, Cheryl Smith and the detailee from the Department of Transportation, Chris Porter.

These professionals have been instrumental in bringing together this important bill. They epitomize, and I speak really for staff people on all the committees, the countless committee staffers who work long hours on Capitol Hill with little or many times no recognition. Now, thanks to their efforts, we are sending a bill to the President that will improve the lives of all Americans by helping to ensure that they not only can go where they want to go but can get there safely.

Stephanie Gupta worked tirelessly to include the .08 standard which will make certain that our sons and daughters and moms and dads can return home safely at night. Her perseverance on this issue, in the face of incredible odds, was crucial in the inclusion of .08. Again, 500 lives.

Additionally, Rich Efford diligently worked to guarantee that the FAA was giving adequate attention to the problem of runway incursions and other safety issues that are so important to Members on both sides of this issue. Rich sacrificed time with his own family for the purpose of making sure that air travel is safer for all of our families.

And Linda Muir is the glue that holds it all together in the subcommittee office. Her organizational skills and good humor have made all of our jobs a lot easier.

Cheryl Smith, from the minority side, is a true professional whose knowledge and experience were valuable assets to the committee's work.

I also want to thank Geoff Gleason from my staff for the committee who for 2 decades, first working with Mr. Solomon and the gentleman from New York (Mr. SWEENEY) and now in my office has been invaluable in our work with our colleagues in bringing this legislation up.

Finally, I would like to thank the staff director, John Blazey, who oversaw the hundreds, and I would say thousands of projects in this bill and is one of the finest professionals on Capitol Hill. I was a staffer on Capitol Hill for a number of years before I had the opportunity to serve and watching John, I can tell you, he is a tribute to the staff that does such a good job on both sides of the aisle. Through his guidance and leadership, we have brought forth an excellent bill which tackles many of the concerns at the heart of transportation in America.

□ 1030

John Blazey knows more about these issues perhaps than anyone else certainly in the Congress, and maybe in the country. I know he will be an asset to the new Bush Administration when they take over in January of next year.

As this will be my last year as chairman of this transportation appropriations bill, I want to extend my heartfelt thanks to the staff, to the Members on both sides, to the leadership and to the gentleman from Florida (Mr. YOUNG) for helping.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first share the kind words of the gentleman from Virginia (Chairman WOLF for our staff, all the staff he mentioned, along with Marjorie Duske of my staff. They do outstanding work. This is a big and complicated bill to put together, and they do an outstanding job. We owe them our heartfelt thanks for the hours and hours of work they put in producing this bill. They are competent, they are professional, they are fair, and my thanks go to all the staff that works on this bill.

As the gentleman from Virginia (Chairman WOLF) indicated, this is his last year chairing the Subcommittee on Transportation. I have had the opportunity over the last 4 years to serve as the ranking member on this subcommittee and as a member for the entire 6 years that the gentleman from Virginia (Mr. WOLF) has chaired the subcommittee. The gentleman has done an outstanding job. He is professional, he is tough, he is fair, and he knows what he is doing, and he works hard. I expect on many issues we come from differing points on view, on many issues that come before this Congress, but in terms of working on this subcommittee, I have always found the gentleman to be totally open, to be fair in dealing with the members of the minority. His commitment to the transportation system in this country, in particular to safety issues, the transportation system is better because of his efforts; but in particular I have to say that his constant attention to safety issues has been simply outstanding.

I would say to the gentleman from Virginia (Mr. WOLF), this House and the whole country owes the gentleman a big thank you for 6 years of an outstanding job.

On the bill itself, it is a good bill. I intend to vote for it. I am not going to go through the same detail the Chairman did. Everything the gentleman said is accurate. It is a bill that will make substantial improvement to the transportation systems of this country.

I agree with most everything in the bill, but let me just briefly mention one issue where the Chair and I disagree. He is on the winning side; I am on the losing side. But in the context of our Federal system in this country, there are certain things that the Federal Government has responsibilities for; there are other things that State government has responsibility. Clearly one area where the States have preeminence is creating and enforcing the traffic laws of our country.

One of the most difficult issues for States to deal with is to establish the framework for dealing with drunk drivers. That involves their responsibility not only for creating law, but creating a court system to deal with it, creating the enforcement mechanisms, creating and spending the money for penalties and creating and spending the money for treatment.

There are many components that go into a State having a rational and strong drunk driving law. In my judgment, it is a serious mistake for the Federal Government to move in on one component of a complex and difficult problem and say to the States, you do what we think is right, or we will take your highway money away, or a portion of your highway money away.

It is the type of thing we do too frequently in this institution, not with careful thought, but simply because somebody at some point thinks it is a good idea. We add it as a rider to a bill, and the States have to comply.

It may or may not be the right thing to do. It may vary from State to State. What I am certain of, however, is that setting the blood alcohol content level is only one small part of establishing a comprehensive drunk driving policy for a State; and for us to insert our judgment on simply this one issue, and leaving the States with all the complexity of other things to deal with, to me represents the arrogance at times that we carry in the Federal Government as it relates to State and local government in this country. So I strongly oppose what we are doing on this particular provision.

Nonetheless, I intend to vote for the total bill, because, overall, it is a very good bill for transportation and safety in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. KOLBE), the chairman of the Committee on Appropriations Subcommittee on Treasury, Postal Service and General Government.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to discuss those provisions of this conference agreement which come under the jurisdiction of the Subcommittee on Treasury, Postal Service and General Government. These provisions are ones that we hope will allow the conference report, which has been over in the Senate and, unfortunately, has not been successful in passage, to allow that to be brought up again and finally passed. We believe that these represent the final compromises and agreements on the Treasury-Postal legislation, and those changes are incorporated into this bill.

The provisions include more funding for the IRS, and they are items that the administration has indicated that they need to have in order to fully support the fiscal year 2001 conference report that we passed on September 14.

The conference report includes an additional $348 million for the programs of the Department of Treasury, the Executive Office of the President, the National Archives, and the General Services Administration. When combined with the amounts that are in H.R. 4985, the fiscal year 2001 conference agreement, it provides $15.9 billion for agencies under the jurisdiction of the Subcommittee on Treasury, Postal Service and General Government. That is an increase of $2.3 billion from fiscal year 2000, or 16.4 percent.

Included in the amount under consideration in the conference report pending before us now are these, among others: $37.2 million for Treasury-wide efforts to combat terrorism, that is an increase; an increase of $215 million for the IRS, including $71.8 million for ongoing efforts related to information systems modernization, $141 million to support ongoing reform efforts, including staff for customer service and audits, and $3.1 million for money laundering; an additional $16.6 million for the Customs Service, to enhance both infrastructure and staffing along the northern border, specifically to counter terrorist threats in that area; an additional $30 million to establish and operate a metropolitan area law enforcement training center for the Department of Treasury, the U.S. Capitol Police, the Washington, D.C. Metropolitan Police Department and other Federal agencies; $5 million for the enhanced operation of the Office of National Drug Control's Technology Transfer Program; and $2.5 million as a transfer to the Elections Commission of the Commonwealth of Puerto Rico for objective nonpartisan citizens education for choice by voters on the island's future status.

Let me just say a few words about this latter item, because it proved to be one of the more contentious ones. It is money that is provided for the Puerto Rico referendum on statehood or independence. After many long hours of numerous variations on a theme, we were able to secure a compromise with the administration on the use of these funds.

The funds are provided with the following conditions: they are not available until March 31, 2001; the funds may not be used by the Elections Commission until 45 days after the commission submits to the Committees on Appropriations an expenditure plan developed jointly by the Popular Democratic Party, the New Progressive Party, and the Puerto Rico Independence Party; and the expenditure plan must be approved by the Committees on Appropriations prior to any funds being spent.

I want to pay special tribute to my colleague, the gentleman from Maryland (Mr. HOYER). This has been a difficult bill, to negotiate the final agreements. He and his staff have worked extremely hard with us, and I believe what we have achieved is good legislation.

I want to thank the staff of my subcommittee, led by the clerk, Michelle Mrdeza, Jeff Ashford, Kurt Dodd, Tammy Hughes, our detailee, Doug Burke, Kevin Messner from any own staff, and, of course, on the other side, Pat Schlueter and Scott Nance, who have played key roles in getting this legislation to where we are today.

I believe we have legislation that can be supported, and I hope that Members will support it.

Mr. SABO. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Wisconsin (Mr. OBEY), ranking member of the full Committee on Appropriations and a member of the Subcommittee on Treasury, Postal Service and General Government.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would like to vote for this bill. I think in many ways it is a good bill. This subcommittee is run by a very classy guy. The gentleman from Virginia (Mr. WOLF) has been a very good chairman for this subcommittee, and I think everybody in this institution knows it. And the gentleman from Minnesota (Mr. SABO) is one of the classiest people who has ever been in this institution, and he has done a fine job as well. But I am going to vote against it, and I want to explain why.

I do not need any lectures from anybody about the dangers of drunk driving. When I was in junior high school, I was knocked off my bicycle by a truck driver who had spent 4 hours in a tavern rather than doing what he was supposed to be doing that day. My grandfather was killed in an accident involving drunk driving. So I have had experience with drunk drivers.

But I have also had experience with seeing people killed or maimed because of bad highways. I used to live on a two-lane highway, Highway 29, in Marathon County, Wisconsin. A car was demolished simply pulling into our driveway because it was a badly engineered road. If that highway had been modernized, those people would not have been mangled. The problem with this bill is that it sacrifices highway safety in one area because of concern in another area, and I think that is wrong.

Now, I do not know what the proper blood alcohol level ought to be, but I do know that if the Federal Government is going to penalize States by taking away highway money that they need to modernize dangerous roads, that then States ought to be judged on the whole array of their laws involving drunk driving, and not just one piece.

I want to give some examples. This proposal originated with a Senator from New Jersey. I want to compare my State's record to New Jersey's.

Virginia has often been cited as a reason why we should lower the blood alcohol level. But I want to point out, Wisconsin, my State, has a prohibition on open containers containing alcohol in motor vehicles; Virginia does not.

On blood alcohol testing, Wisconsin has mandatory testing of all drivers after an accident; New Jersey and Virginia do not.

Wisconsin requires mandatory early assessment of drunk drivers to determine alcohol dependency; and it requires treatment, if needed. Virginia and New Jersey do not have those requirements.

In Wisconsin, the Department of Motor Vehicles can revoke a license for drunk driving; in New Jersey, only a court can revoke a license for drunk driving, and that takes much longer.

In Wisconsin, if you compare the traffic fatality rate between 1975 and 1997, Wisconsin's has improved by 61 percent; New Jersey's has improved by only 45 percent.

Yet Wisconsin is being penalized. It is going to lose money because it does not have a .08 alcohol level, and New Jersey happens to have it.

The most significant reason that Wisconsin has been able to attack successfully drunk driving is because we have an initiative under which we have a broad-based county-by-county supervision program that oversees drunk drivers in all aspects of their lives.

□ 1045

And that has dramatically reduced recidivism. And according to the National Highway Safety Administration, which authorized a study of this, if you have a program like we have, you are 12 times less likely to engage in drunk driving than you are if you do not have that kind of a program.

Mr. Speaker, my objection is very simply this: All of us as human beings want to be judged on the basis of our entire conduct, not on the basis of any one little imperfection that someone happens to see. The same should be true of States. We should not take away precious highway aids from States who have done a far better job overall in dealing with the drunk driving issue, just because they happen to not meet somebody's standard of perfection on one narrow item, and that is why the National Governor's Association, The League of Cities, AAA, the Conference of State Legislatures and the International Association of Chiefs of Police all oppose this narrow approach to this problem.

I am going to vote against this in protest to the way Congress has looked only at one narrow issue, rather than the whole range of issues in determining what a State's level of highway aid ought to be. I thank the gentleman from Minnesota (Mr. SABO) for yielding me the time.

Mr. WOLF. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG), chairman of the full committee.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Transportation for yielding the time to me, and I want to compliment him for working through a difficult conference and producing what I think is a really fine bill.

It meets the needs of America. There are more needs that need to be met, but this bill goes right directly to the heart of some of the hot transportation problems, whether it is surface transportation or whether it is air transportation.

Are there negatives? Are there things you could look for to be against? Of course. In any bill that comes before this House, if my colleagues want to find something to be against, they can find something to be against. There are 435 of us here. I would suspect that there are a lot more than 3 or 4 ideas or positions on any issue.

But I want to specifically compliment the gentleman from Virginia (Chairman WOLF) and the gentleman from Minnesota (Mr. SABO), the ranking member of the subcommittee.

The gentleman from Virginia (Mr. WOLF) mentioned our staff, John Blazey, Rich Efford, Stephie Gupta and the other members of the staff. These people are professionals. They know what the needs are, and they do the best they can to give us advice so that we can utilize the money available to meet those needs.

I wanted to talk specifically for just a few minutes today about the United States Coast Guard. There are many who believe that the United States Coast Guard, because they are a uniform service, because they carry guns, because they enforce laws, because they go to war when America go goes to war or to deployment, as they did in Kosovo or as they did in Bosnia, they are part of the national defense system and get funded through the Defense appropriations bill. That is not the case.

The United States Coast Guard is funded in this bill on transportation. I represent a county in Florida where we are very fortunate to have three Coast Guard stations in that county, Pinellas County, Florida. We have the major Coast Guard air station for the entire system.

We also have a major sea station, and we have a fast boat station for quick access to the Gulf of Mexico to take care of close in problems with people that are boating or fishing or whatever and need the service of the Coast Guard. But the Coast Guard is called upon to be deployed 365 days a year; and for years, the Coast Guard had to squeeze their budget, really squeeze to get by, to keep their operational activities going.

I would like to say to the gentleman from Virginia (Chairman WOLF), I thank him so much. In this bill, the gentleman has really met the needs of the United States Coast Guard. I believe that Commandant Loy, who is an outstanding leader, would say to the gentleman, as he has to me, and he probably has to the gentleman, that this bill really makes them feel comfortable.

If my colleagues want to not vote for this bill for any reason like they did not get a new bridge in their districts, or did not get some new highway money, or did not get some aviation assets in this bill, think of the United States Coast Guard. They not only protect our coast and our harbors, but they risk their own lives in search and rescue missions, where they go into weather situations that other people are running from to save lives and to save property.

In the interdiction of drugs, the United States Coast Guard has an outstanding record. These are the drugs that are trying to be brought into the United States to seriously affect people of this great country, and the Coast Guard just does a great job of preventing this. As I said, they are deployed every day. They risk their lives every day.

And I say to the gentleman from Virginia (Chairman WOLF) and to the gentleman from Minnesota (Mr. SABO), the ranking member and to the staff of this subcommittee, I just want to say as one Member who has a personal experience with the Coast Guard, my colleagues have done a good job for the United States Coast Guard.

I thank my colleagues for that. I appreciate that, and I will enthusiastically support this bill.

Mr. OLVER. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), who is the ranking member on the Subcommittee on Treasury, Postal Service and General Government.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. OLVER) for yielding me the time, and I rise in support of this conference report and particularly to discuss the component of this conference report which deals with the Treasury Postal bill, of which I have the honor of being the ranking member and working with the gentleman from Arizona (Chairman KOLBE).

As the gentleman from Arizona (Chairman KOLBE) indicated in his opening remarks, this has been a difficult bill and difficult for us to come to agreement between ourselves and with the administration, but I believe we have done so.

I believe we have done so in a very responsible fashion, which provides for an additional sum for the IRS, which is critical for the agency to meet the mandates of the Restructuring and Reform Act of 1998. I think there is agreement on that between the gentleman from Arizona (Chairman KOLBE) and myself in our subcommittee.

Without this funding, a successful completion of the 2001 filing season would quite possibly have been at risk. Customer service would have been reduced and audit coverage could have continued to decline. In addition, this legislation continues the modernization of the IRS by upgrading its computer systems and business practices.

All of that was critically important to do, and I am pleased that we are adding a sum sufficient to accomplish those objectives in this conference report.

Mr. Speaker, it also includes more than $37 million in funding to counter terrorist threats along our northern border, enhances the Federal Government's joint terrorism task force, and to establish a new national terrorist asset tracking center, which was very important to the administration. They had asked for $50 million. They did not get all $50 million but they got about $38 million, and that was a significant step forward in countering terrorism.

Finally, Mr. Speaker, I want to thank the conference for including sums, and this is the transportation conference, so that we might complete the reconstruction of the Wilson Bridge.

Mr. Speaker, I will vote for this conference report, both because the transportation side of it is good, and I think the Treasury Postal side is a very good step forward.

I want to join in the remarks of the gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee on Transportation, with reference to the gentleman from Virginia (Mr. WOLF). FRANK WOLF is a good friend of mine. He is a man of great character, intellect and deep integrity.

He is a fine Member of this body, and he has, as the gentleman from Minnesota (Mr. SABO) indicated, led this committee for 6 years, in a very, very bipartisan and substantive way. And I join the gentleman from Minnesota (Mr. SABO) in his complimentary remarks about the leadership of the gentleman from Virginia (Mr. WOLF), who is such an important Member of the Washington metropolitan delegation.

Mr. Speaker, I also want to thank the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Treasury, Postal Service and General Government, and thank, as he did, the staff: my own staff, Pat Schlueter and Scott Nance who worked very hard on this bill. I thank the gentleman from Arizona (Chairman KOLBE) for his words about them, and then Michelle Mrdeza who is our staff director. She does an extraordinary job trying to keep all the component parts of our bill together.

It has been a very difficult year for her, because, as all of my colleagues know, we have had some problems on the Senate side passing the bill. I also want to thank Jeff Ashford, Kurt Dodd, Doug Burke, and Tammy Hughes for their work on this bill.

As the gentleman from Virginia (Mr. WOLF) said and as the gentleman from Arizona (Mr. KOLBE) said and as the gentleman from Minnesota (Mr. SABO) said, we cannot do this work without very conscientiousness, very able, very hard-working staff; and although this has been a difficult process, they have stayed with it, and their effort was a critical component of our success.

Mr. Speaker, as I said, I will support the conference report, which includes the additions which I think will make the Treasury Postal bill a signable bill by the President.

Mr. WOLF. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. WOLF) for shepherding a very, very complex bill through a very complicated legislative process.

Most of all, I also want to thank the regional delegation for working together in a bipartisan manner, and the administration and my House leadership for the inclusion of the $600 million for the Woodrow Wilson bridge. This is a major artery along the North-South expressway. It is in danger of falling into the Potomac River if a new bridge is not completed. This will complete the $1.5 billion Federal obligation and just my thanks to all concerned.

Finally, to my colleague, the gentleman from Virginia (Mr. WOLF), I thank him for his leadership in the last 6 years of this subcommittee. It has meant a lot to this region. It has meant a lot to this country, and it has been just a pleasure to serve with the gentleman in this capacity and the value the gentleman has added to our region, I think is second to anything anybody has ever done. The gentleman has made a huge difference.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to join my friend from Virginia (Mr. DAVIS) and say we see a lot of partisanship, but one of the positive things for me in this Congress is working with the Washington metropolitan delegation which is very bipartisan. It is almost half and half in terms of its makeup, and we work very well together. This was a great success for our region and for our country. I thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Virginia (Mr. DAVIS) and certainly the gentleman from Virginia (Mr. MORAN) and our four Senators who worked so hard on reaching this objective. I thank the gentleman from Virginia (Mr. DAVIS) for yielding to me.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER). It has been a pleasure working with the gentleman, and I also thank the gentleman from Virginia (Mr. MORAN) as well.

Mr. OLVER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I am very happy to vote for this legislation. I want, first, to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO), our ranking member, and the majority and minority staff, John Blazey for the majority and Cheryl SMITH for the minority staff, for the work that they have done; and it is a very fine piece of work on what is a bipartisan bill.

Mr. Speaker, I want particularly to thank the chair and the ranking member and the majority and minority staff for working with me and the other Members of the Massachusetts delegation to repair the necessary working relationship between the Federal Highway Administration and the Massachusetts Highway Administration, making certain that my State would continue to have or could depend upon a balanced construction program during the final years of the construction of what is the largest and most complex construction project in the history of this country.

Mr. Speaker, I also want to pay tribute to the gentleman from Virginia (Mr. WOLF), the chairman, who will move on to some other subcommittee or some other ranking chairmanship position in the next Congress. I want to commend him for what has been the hallmarks of his tenure as chairman which, in my mind, clearly has been both fairness and safety.

□ 1100

Throughout his years he has focused on the safety of the traveling public, whether it was rail, whether it was air travel, whether it was highway travel. In that, I want to commend him for his persistence in his advocacy of what I believe is a carefully and judiciously crafted phase-in of the .08 blood alcohol content requirement.

Remember, here, no one loses any dollars for at least 6 years. I do not in any way doubt that the blood alcohol content provision can be viewed as only one part of a comprehensive program in dealing with driving under the influence. But if adopted, if adhered to, if enforced, this provision can save 500 lives every year, and in so doing, save hundreds and probably thousands of families from the grief of loss that occurs when there is a senseless DUI accident. I commend the chairman for his persistence in his work on that.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, 2 decades ago I had the privilege of being first elected to serve here in the Congress, and one of the greatest members of that class in 1980 was the gentleman from Virginia (Mr. WOLF), who, as has been pointed out by virtually everyone here, has served extraordinarily well as chairman over the past 6 years of this very important subcommittee.

I listen to my colleagues who are proud to represent this Washington, D.C. metropolitan area, and yet I have to say that the gentleman from Virginia (Mr. WOLF) has also done an awful lot to help us deal with one of the most pressing problems that we have in my State, especially in the southern part of the State which I am privileged to represent, and that is transportation.

The gentleman from Massachusetts (Mr. OLVER) just mentioned the focus on safety, and that, obviously, is a high priority. I want to praise the gentleman from Virginia (Mr. Wolf) for focusing on air traffic safety, which is obviously a very important issue, near and dear to virtually all of us who live outside of the Washington, D.C. metropolitan area who travel by air regularly.

Of course, for those of us who suffered through the horrible delays this past summer, we want to bring about some kind of resolution to ensure that that kind of thing does not, as many have predicted, get worse.

Let me talk briefly about just four specific Southern California priorities that we have.

First and foremost, for years we have worked together to deal with the challenges that have confronted the Metropolitan Transit Authority in Los Angeles. Dealing with the construction there has been difficult, but the gentleman from Virginia (Mr. WOLF) has regularly been understanding of the very important needs that we have faced there, and the fact that in Southern California, Los Angeles was the largest city on the face of the Earth without a mass transit system. The gentleman from Virginia (Mr. WOLF) has helped us as we have moved ahead to try and address that need.

Specifically, in the area that I represent, there are three particular priorities that we have. That is, number one, when we look at the fact that we live in a global economy, international trade is very, very important for our survival. The ports of Long Beach and Los Angeles are going to be providing an opportunity to expand trade in both directions, to the Pacific Rim and other parts of the world.

A project known as the Alameda Corridor was established to make sure that goods could get to and from the ports of Long Beach and Los Angeles in the Los Angeles area to downtown.

One of the things that we had to realize, though, and it did not come to our attention until a few years ago, is that once things got to downtown Los Angeles, they had to get to the rest of the Nation. So we established a priority known as the Alameda Corridor East so on the east side of Los Angeles, going to the rest of the country, we could deal with grade separations and other problems that existed there that would jeopardize the ability of goods to move in both directions. So there is very important funding here for the Alameda Corridor East, which is important.

The other priority we have in our area, which is a very, very important one and with a great partnership, as the gentleman from Virginia (Mr. WOLF) knows between the local communities, the private sector, and the Federal Government, has been something known as Foothill Transit. It has had wonderful success.

Again, I believe, as I have testified before, the subcommittee of the gentleman from Virginia (Mr. WOLF) should be a model for the rest of the country of how we can see disparate levels of government come together, along with the private sector, to proceed with meeting this very, very important need.

Then there is one little item, we in Southern California you may recall suffered fires and ensuing rains which caused mudslides. We have a very important road known as Chantry Flats, which has been wiped out because of those storms. I am very appreciative of the fact that we are going to be able to have the resources in to make sure that we construct that and get it back on track.

So let me just say that along with the priorities that have been outlined by so many, the Coast Guard, which the gentleman from Florida (Mr. YOUNG) talked about, very important to California, the gentleman from Virginia (Mr. WOLF) is part of that important Maryland, Virginia, and metropolitan Washington D.C. area.

His interest in dealing with national concerns, even those 3,000 miles away, has not gone unnoticed; and I greatly appreciate the time and effort he has put in to addressing our needs.

Mr. OLVER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, the authorizing committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I join gladly in the praise of the retiring chairman, retiring from the chairmanship, the gentleman from Virginia (Mr. WOLF), for his steadfast advocacy for safety in transportation, which has been very effective and has indeed made our Nation's transportation systems safer.

This may indeed be a good bill, but the manager's report does not measure up to that standard. It includes a listing of 162 airport projects which the managers would like to see funded out of FAA discretionary funds.

In the past, to be sure, there have been listings of projects for specific airports, but without specific dollar amounts and with less prescriptive language, and far fewer projects, only a handful compared to the 162 listed in this manager's report, or in excess of $300 million.

I know that gold rush did not start in this body, it started with the other body. I would like to clarify the legal situation on these projects.

The law governing aviation discretionary funds requires the FAA to establish, and they have established for decades, a priority system to decide which projects will get these very limited funds. The highest priority goes to projects that will bring airports into compliance with safety standards. Next are projects that allow the airport to accommodate large aircraft. The next is standards, standards that continue with other forms of development in aviation.

Many of the projects listed in this manager's report, I concede, are of sufficient quality in and of themselves, as we have analyzed them, to qualify for funding under these established FAA standards in the regular order. But what I want to point out is that aviation is not like highways. An improvement to a highway project in Boston does not necessarily benefit California, but in the national system of integrated airports, an improvement in one airport, a major hub airport, means potentially a vast improvement for all of aviation.

The FAA should have and does have discretion to fund improvements to increase capacity, to improve safety, to reduce bottlenecks. If next year we have the same kind of delays and problems in aviation that we have had this year and last year, travelers might not feel so comfortable traveling in an aviation system designed by Congress.

I want to make it clear that the language in a report cannot override a priority system established under the governing law. I would like to quote from the decision of the Comptroller General that was found in a report expressing congressional preference.

The Comptroller General found that Congress cannot require the Navy to select a particular aircraft the language in the committee report wanted the Navy to require and to abandon normal procurement procedures.

The Comptroller General wrote: "It is our view that when Congress merely appropriates lump sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should be or are expected to be spent do not establish any legal requirements on Federal agencies."

Accordingly, I believe it is incumbent on FAA to continue to use its priority system to award discretionary funds and assure that those funds will be directed to the greatest safety benefit and not to the specific, narrowly drawn, targeted little projects listed in this manager's report.

As chair of the Subcommittee on Aviation for many years, I steadfastly resisted designating projects in our authorizing bill and have continued, as ranking member of the full committee, to resist such designation. It should not be done in a manager's report of appropriations.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, to the gentleman from Virginia (Mr. WOLF), for all his hard work, I thank him very much. As a new member on the subcommittee, I do appreciate the gentleman's diligence, his sincerity, as well as his equal handling of us as we worked together in a bipartisan way on this committee, and thanks to Mr. John Blazey and his staff for all the work they have done in working with us.

I want to take this opportunity to thank the gentleman from Minnesota (Mr. SABO) for his style, grace, and hard work as he works together with all of us to make sure that our transportation needs are met on our side of the aisle; and to Cheryl Smith on the staff, as well.

Mr. Speaker, I rise in support of the transportation bill that we have before us. It is a good bill, but it is not a perfect bill, as many things are not in the world that we live in today.

The bill is good, and I want to make a special point to thank the staff on both sides of the aisle for working with Michigan on our transit concerns. We do have a problem in Michigan, and it is a long problem. I hope as this Congress moves forward in the 107th Congress that we will address that problem.

Our State Department of Transportation must not work around the appropriations process, must not overlook the Members on both sides of the aisle, and must work with us as members of appropriations, both the gentleman from Michigan (Mr. KNOLLENBERG) and myself, who represent our State and our entire State delegation.

I thank the staff for their work with us to make sure that all the Members' concerns are addressed. I pledge that I will continue to do that with the Members, and will hope our State Department of Transportation will do the same, and not try to usurp our appropriations authority.

I want to speak briefly on the .08 blood alcohol level. I think it is wonderful and it will save at least 500 lives, as has been mentioned, but we can do more, and not just on this issue, by having further, stronger laws that will save more American lives. The .08 by itself, it will save some, but I think we can do better. We can enforce open container laws. We can have administrators revoking licenses and not waiting for a judicial decision. We can also have mandatory blood testing after accidents to encourage people not to drink. I think all of that must work together if in fact we are going to really address drunk driving in our country. It is a problem. This may be a first step, but we need to do more.

The chairman, the gentleman from Virginia (Mr. WOLF), and the gentleman from Minnesota (Mr. SABO) our ranking member, I thank them for their time, for their insistence that we bring a bill that provides safety for our American citizens and also addresses the nation's highway needs.

Transit in America is still important. Many people in America do not drive cars, so our highways have to be safe, our transit systems have to be adequate, and we have to continue to work together.

I rise in support of the conference report. The process is a little less than what is desired, but I am happy that we have reached this point. I urge my colleagues to vote for the transportation conference report.

Mr. WOLF. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER).

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Ms. GRANGER. Mr. Speaker, I rise today in strong support of the fiscal year 2001 Transportation appropriations conference report. Not only does this legislation continue our critical investment in our Nation's infrastructure, it also appropriates $5 billion to pay down the national debt.

This legislation is consistent with the Transportation Equity Act for the 21st Century. It provides an increase of almost 7 percent in Federal aid highway spending. Outlays, mostly needed for transportation infrastructure, are up 13.3 percent.

The conference agreement also includes $720 million for emergency relief for highways to cover the cost of highway repairs resulting from previous disasters. In short, this legislation addresses our Nation's transportation needs.

Mr. Speaker, I am honored to serve on the Subcommittee on Transportation of the Committee on Appropriations, and I want to thank the gentleman from Virginia (Chairman WOLF) for the outstanding job that he has done as chairman.

Mr. Speaker, I also want to thank John Blazey, Rich Efford, Stephanie Gupta, and Linda Muir for all their hard work and long hours. I feel fortunate to have the opportunity to work with such an outstanding staff and committee.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Northern Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Minnesota (Mr. SABO), my friend and colleague and the ranking member of the Subcommittee on Transportation of the Committee on Appropriations, very much for yielding to me for his leadership on this bill, and I thank the gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Transportation for his exemplary leadership.

This bill is balanced. It is fair. It is responsible. It maintains and in fact improves our Nation's entire transportation infrastructure. I urge that it be supported. It also makes our roadways safer by encouraging States to adopt stricter thresholds for drunk driving. It contains a matter of vital importance to the entire mid-Atlantic corridor and to interstate commerce.

As Members may be aware, this metropolitan Washington region suffers from the second worst traffic congestion in the entire country. No place is this problem more critical than at the Woodrow Wilson Bridge. It was built 40 years ago. It is crumbling before our eyes. Ten lanes of traffic are having to converge into six lanes.

We are told that, if we do not get this bridge rebuilt within 5 to 6 years, we may have to divert 20,000 trucks from being able to cross the bridge. Not only would that be a nightmare scenario for the region, but it would be a severe handicap to this Nation's economy. So the $600 million that is included in this bridge is critically important.

I would remind any Members that have questions about this, this is a federally owned bridge. It is a Federal responsibility. It will be turned over to the States as soon as it is reconstructed, as soon as we have a new bridge built. The States will pick up the financing from here on this. But this was necessary, and it was necessary now.

I am very appreciative, not only to all the Members of the subcommittee, its leadership, its staff, but also the Members of the regional delegation on the House and Senate side who worked together in a bipartisan constructive manner.

Mr. WOLF. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentleman from Virginia (Chairman WOLF) for yielding me this time.

Mr. Speaker, I rise today in strong support of the Transportation bill, and I wanted to congratulate both the gentleman from Virginia (Chairman WOLF) and the gentleman from Minnesota (Mr. SABO), the ranking member. I want to particularly thank the gentleman from Virginia (Chairman WOLF) for his courageous leadership on the .08 issue. We have been fighting for this a very long time. Without his hard work, we would not be at this point today.

When I first introduced this legislation 3 years ago, I knew that it was going to be an uphill road to victory. I also knew that this was the right thing for the American people.

Quite simply, this is about saving lives. Five hundred to 600 lives will be saved in the United States each year when every State adopts the .08 standard. Tens of thousands of injuries will be avoided. These two statistics are too compelling to ignore.

What we are talking about is not putting our values on someone else. All we are saying is, if one is going to drink, just do not drive. This is the right standard. It is the right time.

We know that the relative risk of a fatality on the road is 11 times greater at BACs between .08 and .09.

Mr. Speaker, I want to thank the gentleman from Virginia (Chairman WOLF) again for his courageous work on this important issue.

I rise today in strong support of the Transportation Appropriations bill. I am also pleased to announce that today, Congress is standing up in defense of safer roads. Congress is poised with this vote to make .08 the law of the land.

I want to thank Chairman WOLF for his courageous leadership on this issue. Without his hard work, we wouldn't be at this point today.

When I first introduced legislation on this issue three years ago, I knew that it was going to be an uphill road to victory. I also knew that this was the right thing for the American people.

Quite simply, this is about saving lives. 500–600 lives will be saved in the U.S. each year when every state adopts the .08 standard. And tens of thousands of injuries will be avoided. These statistics are too compelling to ignore. There are just too many accidents involving .08 drivers for us to stand by. This is the right standard and this is the right time.

We know that the relative risk of a fatality on the road is eleven times greater at BACs between .05 and .09 than with no alcohol in your blood. And the Administration and the Department of Transportation released two reports last month showing that .08 works for states that have already adopted it. In fact, Illinois alone, which adopted .08 in 1997, has seen a 13.7% decline in the number of drunk drivers involved in fatal crashes.

We have fought so hard for this standard over the cries of the restaurant and liquor lobbies. They say that ordinary people who have a glass of wine with dinner will be pulled over and charged with drunk driving. That's simply not true. It takes four drinks in one hour on an empty stomach to get a 170 pound man to .08. No dinner, just drinks. It takes four of them. That's a far cry from a glass of wine with dinner.

We knew this then and we know it now. Drinking and driving do not mix.

Again, I just want to express my great pleasure to announce this important victory today. I urge my colleagues to support this conference report.

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from Minnesota for yielding me this time.

Mr. Speaker, I want to commend the gentleman from Virginia (Chairman WOLF) and the gentleman from Minnesota (Mr. SABO), ranking member, for the work they have done on a bill that has very many good things, whether it be the Coast Guard, the .08 blood alcohol level, highway safety and construction, and mass transit.

But I do have two problems with this bill. The first is this bill is indicative of the fact that the budget process in this Congress has become a fallacy. This bill is over the House mark, it is over the Senate mark, and it is over the administration's mark. It is leading us down the path to where we have eroded or evaded the Budget Act and even the Unified Budget Act of 1968. So I think that is a problem in this bill.

Second of all, I have to say this bill includes language which prohibits the Houston Metro from using its share of Federal funds for a light rail project. The Houston Metro is the only agency in the country that has that prohibition. It seems to me this is a case of Washington knows best, telling the City of Houston and its areas what it is going to do.

They are going to build the rail project anyway with their own money. But Houston will be the only city that is not allowed to use Federal funds. I think this is a mistake, and I think it is a problem in this bill. I would hope in the future we can correct it.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Virginia (Mr. WOLF) has 4½ minutes remaining. The gentleman from Minnesota (Mr. SABO) has 1½ minutes remaining.

Mr. WOLF. Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the chairman for his leadership and his excellent efforts with the issue of .08. I think that we will save lives, and I appreciate having the opportunity to vote on this legislation that includes this instructive and positive legislative initiative.

Let me thank the gentleman from Minnesota (Mr. SABO), the ranking member, as well for his kindness; and I say that to him on behalf of the constituents of the 18th Congressional District. We appreciate the gentleman's balance and also his interest in our issues, and that of all of our colleagues.

This bill has some very good elements: The ATP program in Houston for $2.5 million and a connectivity program for $750,000 that is very important to the residents of the third ward.

The pipeline safety allocation is very important to me, and the transit programs are likewise. I am delighted that we saw fit to ensure that more people in this Nation have rail. I might cite for my colleagues, Atlanta, Baltimore, Canton, Akron, Cleveland, Florida, and a variety of other places.

So my concern is, Mr. Speaker, that here we are in Washington dictating to the citizens of Houston that they cannot have light rail. This is the mayor of the city of Houston, the county judge, the partnership, residents and others who have expressed their desire for light rail.

I would simply say that I applaud this bill. I will support this bill. But I look forward to the needs of the people of Houston being addressed in the next session so that we can move forward on our light rail project.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. WOLF) has 4½ minutes remaining. The gentleman from Minnesota (Mr. SABO) has 30 seconds remaining.

Mr. WOLF. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I want to thank the gentleman from Virginia (Chairman WOLF) and the gentleman from Minnesota (Mr. SABO), the ranking member, for doing an excellent job with this bill. I am going to vote for this bill.

I have served on this subcommittee every year that I have been on the Committee on Appropriations and have dealt with transportation problems in many different cities as well as transportation issues for the City of Houston and the metroplex around Houston. Up until now, we have had excellent opportunity to work with Houston.

Unfortunately, we have a new mass transit system that has decided to break what I thought was a model for the Nation of different transportation entities working together and sometimes overlapping and being concerned about mobility in Houston. We now have a metro system that has decided that they are going to build a megamulti-billion dollar rail system without the input of the people of Houston, without the people of Houston even gathering the information that would deal with this.

It is the age-old bureaucratic strategy of let us build a little bitty short system, and then when it does not work, we can force the people into building a bigger system.

Now, I have very serious concerns about that. I especially have concerns that, when we have a full-funding agreement on the mass transit monies going to Houston, that they want to come in and undermine that full funding agreement by taking some of that money and putting it into a rail system that has not been designed or considered by everybody in the Houston metroplex.

Therefore, I told the Houston Metro System that, when they get their act together, when they look at congestion studies, when they look at the regional mobility plan, then we can talk about a rail system as part of that overall regional mobility plan.

I have one other issue. I am for .08. Texas has .08. But I have very strong concerns about the Federal Government blackmailing States into doing something that maybe the States have a different idea in how to solve the problem.

But I am going to support this bill, and I urge my colleagues to do so also.

Mr. SABO. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, let me quickly say with great respect to the gentleman from Houston, Texas (Mr. DELAY), that the City of Houston, the County of Harris has a regional mobility plan. In fact, County Judge Echols has sent this multipage document to all Members of Congress. In addition, the Houston Partnership right now is involved in a regional plan, an additional plan.

I know that the Congress needs to move forward on this bill, and we cannot debate local issues. But I hope the Congress realizes this is not a local issue. This is a question of equality and parity when all of the other areas of the Nation are able to get dollars for light rail. I think, if the community wants light rail and meets the requirement, then this Congress should give them consideration. I look forward in the future Congresses and elsewhere to provide that for my community.

Mr. WOLF. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, in closing, let me just comment a little bit on the situation of the gentleman from Texas (Mr. DELAY). Nobody has been a stronger advocate in my times on the committee for mass transit in Houston than the gentleman from Texas (Mr. DELAY). He had the subcommittee go down there years ago to look at it, and I understand what he is trying to do. The same thing has happened in other parts of the country. People want to immediately move to rail.

In my area, we eventually would like to have rail going out to Dulles Airport. I support that. But our intermediate step is the rapid bus transit which will be for one-tenth of the cost. In some respects, that is really modeled after what has been taking place in Houston. So what the gentleman from Texas (Mr. DELAY) is saying is one moves to that and then afterward. So I think he has been a very strong advocate for the entire time.

In closing, Mr. Speaker, this is a good bill. I echo the comments of the regional delegation who worked together. The Woodrow Wilson Bridge, it is the whole north-south corridor which, if it ever collapsed or prohibited the use of trucks, it would just devastate the economy of the Northeast.

The Coast Guard, as the gentleman from Florida (Chairman YOUNG) said, the necessary increase, particularly for the men and women who serve and are risking their lives; the increase for drug interdiction, the increase for the FAA; the .08 which will save so many lives.

So in closing, I urge passage. Again, I want to thank the gentleman from Minnesota (Mr. SABO). I could not have had a better working relationship. God bless. Thank you.

I urge the passage of the bill.

Mr. KOLBE. Mr. Speaker, I rise in reluctant support of this conference report. I say reluctant because there is a provision in this bill which tramples state rights.

The conference agreement requires states to adopt a .08 blood alcohol law and provides highway sanctions beginning in fiscal year 2004. Reductions in highway funds of 2 percent per year would be phased in, not to exceed 8 percent, for those states that are in noncompliance. Now I strongly support measures to discourage drunk driving. But this provision disregards the right of states to regulate alcohol sales. Such a provision should not be included as a part of this conference report and it should have been rejected.

Unfortunately it was not. And as opposed as I am to this provision I am going to vote for this report. It provides much needed federal funds to increase the capacity and safety of our nation's transportation infrastructure. In total, the bill provides nearly $17.8 billion in discretionary budget authority, an increase of $3.5 billion over the fiscal year 2000 enacted level. Outlays, mostly needed for transportation infrastructure, are up 13.3 percent compared to the fiscal year 2000 enacted level. The conference agreement provides $12 billion for the Federal Aviation Administration—$2.5 billion (25 percent) over the fiscal year 2000 enacted level and 7 percent more than the Administration's request. Funding for the airport improvement program is $3.2 billion, an increase of $1.25 billion—or 64 percent—over the fiscal year 2000 enacted level. It also includes $5 billion is provided in the conference report to reduce the public debt.

Thus, despite my misgivings about the impact of this bill on state's rights. I will vote for this bill. However, I will continue to work with my colleagues to overturn this provision or to lessen its impact on state's rights.

Mr. CRANE. Mr. Speaker, I just wanted to take this opportunity to congratulate all those responsible for bringing to the House Floor a transportation appropriations measure that will be of great benefit to this country. I know a lot of hard work went into the crafting of this conference report and I want everyone who contributed to it to know that they have my thanks.

Assuming this legislation is signed into law, as I surely hope it will be, Americans will benefit in a number of ways.

First, they will be able to travel more quickly and easily thanks to the multitude of highway, rail, airport and mass transit projects that are funded by this measure. With traffic congestion growing on our existing roads and at our airports, that is very important.

Second, they will know that the taxes they have paid to finance highway and airport improvements are being spent for those purposes. In this day and age, when cynicism about government is all too prevalent, it is equally important that money raised for a particular purpose be spent as intended.

And last but not least, they will have reason to believe that the foundation is being laid for a transportation network that will meet people's needs for decades to come. Given the increase in commuting times in many of our metropolitan areas, that is reassuring.

A good example of why people should derive reassurance from this legislation can be found in the transportation infrastructure investments it makes in the Chicago area. Not only does it provide funding for three METRA commuter rail projects in the region, including one in the district I am privileged to represent, but it also funds a pair of Chicago Transit Authority route rehabilitation projects. In addition, and this is very reassuring, the language and the explanation of the conference report pave the way for Full Funding Grant Agreements for all five of those projects, which greatly improves the prospects that they will be completed on schedule.

In addition, the conference report makes several investments in the development of several future-oriented intelligent transportation systems in the Chicagoland, including one for Lake County, Illinois, much of which I am privileged to represent. Also, it funds a study of the possibility of extending METRA's commuter rail service from Chicago all the way to Milwaukee, plus it provides money for bus routes and numerous other transportation improvements.

All of these things bode well for the residents of my district, the people of the Chicago area and all of those who come to the Chicagoland on vacation or to conduct business. On their behalf, I would like to reiterate my thanks to all those responsible and to urge enactment of this legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 4475, the FY 2001 Transportation and Related Agencies Conference Report. This bill includes significant funding for projects that will ease traffic congestion in Northern Virginia which was the dubious distinction of the second worst traffic congestion in the nation. Most importantly, I would like to applaud the inclusion of $600 million for the replacement of the Woodrow Wilson Bridge. This is money that is desperately needed to fund a vital East Coast Interstate link. Additionally, this bill contains important funding for other Northern Virginia projects including $50 million for rail out the Dulles Corridor, $3 million for bus funding in Prince William County, $500,000 to complete the Fairfax County trail system, $500,000 for the Fair Lakes League Shuttle, $500,000 for Potomac River Jet ferry boat funding for ferry service from Prince William County to the Navy Yard and Washington Harbour, and $5 million for 14th Street Bridge improvements.

Since I first came to Congress in 1995, finding the appropriate solution for replacing and paying for a new Woodrow Wilson Bridge has been one of my top priorities. We face a critical time frame to follow in replacing the old bridge structure in order to avoid regional and eastern seaboard gridlock. The replacement of this rapidly aging structure is urgent and desperately needed. The $600 million we secured today brings the total federal commitment to $1.5 billion. This will fulfill our obligation to this project.

For quite some time, the federal government and Virginia and Maryland have known that the bridge needed to be replaced, or truck traffic would have to be rerouted throughout the entire Washington Metropolitan area. However, there has been ongoing debate about the level of commitment the federal government needed to provide to the project. That is because the Woodrow Wilson Bridge is truly a unique circumstance. It is the only federally-owned bridge in the United States, it is the midpoint between Maine and Florida on Interstate 95, it is technically located in Maryland, Virginia, and the District of Columbia, and it links the Capital Beltway at its southern crossing point between Maryland and Virginia. These factors have all combined to significantly shorten the life of the current bridge and create the dire circumstance that our region and the east coast faces.

As the midpoint between Maine and Florida in the Interstate system, it carries an unusually large amount of interstate commerce up and down the east coast. In 1993, it was estimated by the Bureau of Transportation Statistics that 1.3 percent of gross domestic product carried by truck crossed the Wilson Bridge. That is $58 billion, a figure that I am certain has only increased in the past seven years. Four hundred and fifty miles is the average distance traveled by truck shipments once they have crossed the bridge. It is important to note the many cities that fall within that 450 mile travel shed: Boston, Baltimore, Philadelphia, Norfolk, New York City, Richmond, Raleigh, Newark, Savannah, Hartford, and Trenton. Forty-nine percent of heavy trucks, or 7,000 trucks crossing the bridge go beyond the immediate area. That means that consumers up and down the east coast would face higher prices for products and services if truck traffic had to be rerouted and delivery of products was slowed.

As the southern crossing point for the Capital Beltway, it has carried more traffic and heavy trucks than it was designed to hold. When the bridge was opened in 1961, it was designed as a lightweight, flexible structure to serve a 4-lane beltway without heavy truck traffic. As early as 1969, the bridge began carrying more traffic than its designed capacity of 75,000 vehicles. In 1975, the decision was made that Interstate 95 should not be routed through Washington, D.C. as originally planned, and the bridge is now the default southern crossing for I–95. To accommodate that change, the beltway was widened to eight lanes but the structural limitations of the bridge meant that it could not be widened. While we may all now agree with the 1975 decision, it had serious implications for the life span of the Woodrow Wilson Bridge. In 1988, the bridge begins to carry 150,000 vehicles daily. This history doomed the original bridge structure to fail much earlier than anticipated and put us in the situation we face today.

In TEA–21, this Committee and the 105th Congress recognized the federal responsibility for the bridge and funded the construction of the bridge at $900 million. As I have said, now we have come up with the additional $600 million federal commitment to allow this project to go forward. Virginia and Maryland must now make their funding commitment available so this urgent project goes forward on time.

While the Wilson Bridge project will receive a large amount of federal funding, without this commitment for the Bridge, the entire Washington Metropolitan area could face potential gridlock. One of the nation's strongest regional economies and the seat of our federal government could face a grave threat should this bridge project not move forward in a timely manner. As we have seen in the past, a shutdown Wilson Bridge can shut down this region and our Nation's Capital.

I am also proud that we have been able to include an additional $50 million for rail out the Dulles Corridor. This follows on the $86 million I was able to secure in the TEA–21 legislation in the 105th Congress and the $25 million we were able to secure in last year's transportation appropriations bill. This is a critically needed project that will serve the ongoing growth out the Dulles Corridor. Rail to Dulles will significantly ease congestion in the Tysons Corner region and through Reston and Herndon in my Congressional District.

I would also like to note the inclusion of three projects that will help ease congestion in the I–95 corridor and for my constituents in Prince William County. H.R. 4475 provides funding for necessary improvements on the 14th Street Bridge. These improvements will significantly relieve the bottleneck that occurs during the morning and evening rush hours. This bill includes $3 million for bus funding for Prince William County to replace an aging fleet. Also, it includes $500,000 for funding for ferry service from Prince William County to the Washington Navy Yard and Washington Harbour. These two items will provide alternatives to those who otherwise face long commutes through the Springfield Interchange replacement project.

Mr. Speaker, in closing, the Woodrow Wilson Bridge serves the people who serve our government in all three branches of government. Gridlock in the Nation's Capital is one of the gravest threats facing the daily operation of our Republic. I would also like to thank my good friend, Mr. WOLF for his leadership on this important bill and his leadership chairing the Subcommittee on Transportation Appropriations. His commitment to providing the necessary transportation funding for this nation's vital projects is enabling all our communities address the tremendous growth we are undergoing nationwide and ensuring that our families are able to spend less time in traffic and more time at home.

Mr. SHUSTER. Mr. Speaker, I rise to discuss H.R. 4475, the fiscal year 2001 transportation appropriations bill.

I am pleased that the conference report honors the funding guarantees in TEA–21 and AIR–21, while still providing sufficient funds for other important transportation programs such as the Coast Guard and AMTRAK.

As you know, I have long believed that we could honor the principle of dedicating trust fund revenues to their intended purposes while still maintaining sufficient funding for other important transportation programs, and this bill proves it.

By fully funding TEA–21 and AIR–21, this bill will have far-reaching impacts on the quality of life in our communities, the nation's economy, and our competitiveness in the world marketplace.

The benefits of shortened travel times, increased productivity, and improved safety will affect every American and every business everyday.

In particular, the resources provided by this bill are an important first step toward reducing the aviation gridlock that we began to experience last summer.

I am disappointed by the conferees' decision to include many legislative and unauthorized provisions that, had they been included in the House bill, would have violated the rules of the House.

I am particularly concerned by the provision that will penalize each state that does not adopt a legal blood alcohol content limit of .08 percent by reducing that state's federal highway funding.

Congress addressed the problem of drunk driving most recently 2 years ago in TEA–21.

In TEA–21, Congress provided a generous financial incentive to states that adopt .08 BAC laws, as well as incentives for a number of other anti-drunk driving approaches that have proven very effective in targeting the most egregious offenders.

TEA–21 conferees wanted to encourage states to adopt a .08 BAC law, but did not want to do so at the expense of other, more effective programs that the states were employing to reduce drunk driving accidents.

The Transportation and Infrastructure Committee, as the committee of jurisdiction over this provision, will look at the .08 funding sanction very carefully in the next Congress to determine whether or not it is appropriate and effective.

In addition, I am disappointed that the conference report alters the distribution of funds made available by the revenue aligned budget authority provision of TEA–21, which increases or decreases funding based on actual gas tax revenues deposited in the Highway Trust Fund.

In doing so, the conference report alters the distribution of contract authority from the Highway Trust Fund that was painstakingly arrived at by the TEA–21 conferees.

I am also concerned about the unprecedented earmarking of airport improvement program funds in the report accompanying this bill.

The AIP discretionary funds earmarked by this report are funds that the FAA should be targeting to the highest priority safety, security and capacity enhancing projects.

FAA has its own internal priority system for deciding which airports should get the few discretionary dollars that are available.

This system puts the highest priority on projects that will enhance safety. That is entirely appropriate.

In issuing discretionary AIP grants, I would urge the FAA to stick to its priority system and not be swayed by earmarks in the joint explanatory statement accompanying this conference report, which after all, are not legally binding.

If, nevertheless, the FAA chooses to fund these earmarks, I urge the FAA to look, in the first instance, to the airport's entitlement funds to provide the money.

Finally, I am also disappointed that the conference report includes funding for transit new start projects that were neither authorized in TEA–21 nor cleared by the Transportation and Infrastructure Committee.

Demand for new starts funding already far exceeds available resources. Funding unauthorized projects spreads limited resources too broadly, and will produce a lower return on federal investment.

Mr. PASCRELL. Mr. Speaker, I rise in strong support of this conference report and commend the Committee for its hard work.

I am especially pleased and delighted because this Conference Report includes funding for the New Jersey Community Development Center's "Transportation Opportunity Center," which is located in Paterson, New Jersey.

The Transportation Opportunity Center will demonstrate the vital role that transportation and the transportation industry plays in extending economic opportunity to low income individuals—particularly those moving from welfare to work.

The Center is in the heart of Paterson's historic district and will be used to educate low-income citizens about using existing public transportation to access suburban-based jobs.

It is through innovative programs like the Transportation Opportunity Center that we can continue to increase access to transportation for low-income citizens who are striving to participate in this prosperous economy.

These changes are good for our environment, good for our economy, and good for our quality of life.

I have said so many times—and I think you would all agree—that we do not invest in our transportation system merely to improve roads and bridges.

Transportation is not merely about getting from point A to point B. We invest in transportation to improve the very quality of life for our citizens.

That is what this project will do.

Again, I thank the Committee for its hard work, and I urge my colleagues to support this Conference Report.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 344, nays 50, not voting 39, as follows:

[Roll No. 516]

YEAS—344

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Barr
Barrett (NE)
Bartlett
Bass
Becerra
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Granger
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
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Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
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Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
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Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
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Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—50

Archer
Baldwin
Barcia
Barrett (WI)
Barton
Bentsen
Boehner
Brady (TX)
Bryant
Chabot
Coburn
Cox
Cubin
DeMint
Doggett
Gillmor
Graham
Green (TX)
Green (WI)
Gutknecht
Hayworth
Herger
Hoekstra
Hostettler
Johnson, Sam
Jones (NC)
Kasich
Kind (WI)
Kleczka
Largent
Obey
Oxley
Petri
Pitts
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Stearns
Stump
Taylor (MS)
Thornberry
Toomey
Velázquez

NOT VOTING—39

Ackerman
Baker
Ballenger
Berman
Blumenauer
Campbell
Carson
Clay
Diaz-Balart
Dicks
Eshoo
Franks (NJ)
Goss
Hansen
Hefley
Hutchinson
King (NY)
Klink
Lazio
Lewis (GA)
McCollum
McIntosh
Meek (FL)
Meeks (NY)
Metcalf
Miller (FL)
Paul
Rangel
Reyes
Shuster
Smith (TX)
Spence
Strickland
Talent
Vento
Waters
Waxman
Weldon (PA)
Wise

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Messrs. BENTSEN and HERGER changed their vote from "yea" to "nay."

Mr. LUTHER changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 1509. An act to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 2496. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 2641. An act to make technical corrections to title X of the Energy Policy Act of 1992.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 2833. An act to establish the Yuma Crossing National Heritage Area.

H.R. 3201. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3676. An act to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 3817. An act to dedicate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.

H.R. 4063. An act to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes.

H.R. 4226. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4275. An act to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

H.R. 4285. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

H.R. 4286. An act to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unit NC–01 of the Coastal Barrier Resources System.

H.R. 4444. An act to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

H.R. 5036. An act to amend the Dayton Aviation Heritage preservation act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

H. Con. Res. 89. Concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 34. An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

H.R. 209. An act to improve the ability of Federal agencies to license federally owned inventions.

H.R. 468. An act to establish the Saint Helena Island National Scenic Area.

H.R. 1695. An act to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

H.R. 1725. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

H.R. 2879. An act to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

H.R. 3292. An act to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 707) "An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes," with amendment.

The message also announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 134. An act to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area.

S. 1367. An act to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

S. 1670. An act to revise the boundary of Fort Matanzas National Monument, and for other purposes.

S. 1925. An act to promote environmental restoration around the Lake Tahoe basin.

S. 1972. An act to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

S. 2069. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2111. An act to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation.

S. 2273. An act to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2331. An act to require the Secretary of the Interior to submit the dispute over the franchise fee owed by Fort Sumter Tours, Inc. to binding arbitration.

S. 2345. An act to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

S. 2439. An act to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes.

S. 2478. An act to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes.

S. 2485. An act to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

S. 2499. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania.

S. 2691. An act to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes.

S. 2749. An act to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States.

S. 2757. An act to provide for the transfer and other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington.

S. 2865. An act to designate certain land of the National Forest System located in the State of Virginia as wilderness.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2885. An act to establish the Jamestown 400th Commemoration Commission, and for other purposes.

S. 2942. An act to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado.

S. 2977. An act to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3000. An act to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

S. Con. Res. 143. Concurrent resolution to make technical corrections in the enrollment of the bill, H.R. 3676.

S. Con. Res. 144. Concurrent resolution commemorating the 200th anniversary of the first meeting of Congress in Washington, DC.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1236) "An Act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.".

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1849) "An Act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.".

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2311) "An Act to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.".

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 835) "An Act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes," and agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMITH of New Hampshire, Mr. WARNER, Mr. CRAPO, Mr. BAUCUS, and Mrs. BOXER, to be the conferees on the part of the Senate.

CONFERENCE REPORT ON H.R. 3244, VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 613 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 613

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague and friend, the gentlewoman from New York (Mrs. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 613 is a rule waiving all points of order against the consideration of the conference report to accompany H.R. 3244, the Victims of Trafficking and Violence Protection Act of 2000.

H.R. 3244 was passed by the House earlier this year on May 9 by voice vote. On September 27, our colleagues in the other body considered and passed this important legislation with an amendment by unanimous consent.

I would like to congratulate the gentleman from New Jersey (Mr. SMITH) for introducing the legislation and for his steadfast support of human rights around the world.

I also would like to thank the gentleman from New York (Chairman GILMAN); the gentleman from Connecticut (Mr. GEJDENSON), the ranking member; and all the conferees for their efforts.

Finally, I would like to extend a special thanks to my colleague and friend, the gentlewoman from Maryland (Mrs. MORELLA), for all her work to fight violence against women; and I wish to congratulate her on the reauthorization of the Violence Against Women Act.

The conference report includes three divisions: division A includes the Trafficking Victims Protection Act of 2000; division B, I am pleased to inform my colleagues, includes the Violence Against Women Act of 2000; and division C consists of three other important anti-crime measures.

Division B reauthorizes through fiscal year 2005 the Violence Against Women Act, or VAWA, which expired just last week.

As a former prosecutor and judge who served on the Domestic Violence Task Force back in my hometown of Columbus, Ohio, I have seen firsthand the ravages of domestic violence.

As such, I am firmly committed to doing all that I can to put an end to domestic violence and to ensure that victims have access to high-quality treatment, protective services, and ultimate justice.

The Department of Justice estimates that violence against women has decreased by 21 percent since this law was passed in 1994. By acting today, we will provide the needed protection to American women from the violence that seeks to destroy their lives; and, hopefully, these numbers will continue to decrease.

Specifically, the legislation authorizes $3 billion over the next 5 years to fund programs that support State and local efforts to shelter battered women, train police and court officials in domestic abuse cases, and provide counseling service as well as a hotline for battered women.

In addition, it enacts a number of new programs. It authorizes $10 million in grants for disabled victims of gender-motivated crimes and requires shelters to comply with the Americans with Disabilities Act.

Mr. Speaker, additional funding is authorized to train emergency medical personnel in treating sexually abused patients, and it establishes procedures for handling evidence in rape cases.

The bill also ensures that the Legal Services Corporation grantees can help victims of sexual abuse obtain the needed assistance in civil cases against their attackers, and needed funding is provided for transitional housing assistance to women and their children when escaping domestic abuse.

Finally, this legislation doubles the amount authorized for the Violence Against Women Act over the next 5 years and extends the Violent Crime Reduction Trust Fund.

Mr. Speaker, women who suffer from violence need our help and assistance. They need to know that there is someone to turn to and someplace safe to go to escape from the violence which they too often suffer.

This reauthorization fills that need and sends a strong message that someone cares and that help is there.

Mr. Speaker, division A of this important legislation includes H.R. 3244, the Trafficking Victims Protection Act. This legislation combats the trafficking of persons into the sex trade, slavery, and slavery-like conditions in the United States and many other countries around the world.

Through prevention, prosecution and enforcement against traffickers, as well as protection and assistance for victims of trafficking, this important legislation fairly allocates resources, modifies existing law, and increases international cooperation to decrease the global trade of men, women, and children.

According to the Department of State, between one and two million women and children are trafficked each year worldwide into forced labor, domestic servitude, or sexual exploitation. Incredible in this day and age.

Of these, approximately 50,000 individuals are trafficked to the United States each year. This is a major criminal enterprise generating billions of dollars annually. Trafficking is now considered the third largest source of profits for organized crime, behind only drugs and guns.

□ 1200

Victims of trafficking are first acquired in a number of different ways. Some are forcibly kidnapped and taken out of their own countries. Others are deceived with offers of good work or a better life. But no matter how they are taken, trafficking victims are universally subject to cruel mental and physical abuse, including beatings, rape, starvation, forced drug use, confinement and seclusion. Many victims suffer mental breakdowns and are exposed to sexually transmitted diseases. Ultimately, many cannot survive these harsh conditions.

H.R. 3244 works to prevent trafficking through measures to increase awareness and enhance economic opportunity for potential victims of trafficking as a method to deter them from becoming victims in the first place. Further, this legislation urges countries to prohibit and punish severe forms of trafficking and establishes minimum standards applicable to countries that have a significant trafficking problem and assistance for programs and activities designed to meet the standards.

For those who are unfortunate enough to have been trafficking victims, the legislation establishes programs and initiatives to assist in their safe integration, reintegration, or resettlement. For victims located in the United States, the bill provides protection while in Federal custody and amends current law to grant nonimmigrant visas to victims who would face a significant possibility of retribution or other harm if they were forced to leave. In addition, we make those funds seized from traffickers available for victims' restitution and victims assistance programs.

Mr. Speaker, finally, division C includes three other important provisions which all passed the House earlier this year. The first bill, Aimee's Law, passed in July. That requires the Attorney General to transfer Federal law enforcement assistance funds from any State that convicted a person of a first offense of murder, rape or a dangerous sexual offense to the State that ultimately convicts that same person of a subsequent offense. In other words, Aimee's Law encourages States to keep murderers, rapists and child molesters behind bars and hold them financially accountable if they do not to the States that end up having to incarcerate on the second offense.

The second bill, the Justice for Victims of Terrorism Act, also passed the House in July. It provides assistance to American victims of terrorism and allows those victims who prevail in court to collect against the frozen assets of terrorist countries. It is designed to send a strong message to terrorists and their state sponsors and will allow victims of past terrorist acts to finally receive some level of justice.

Finally, the third bill, the Twenty-First Amendment Enforcement Act, passed the House in August. It grants States that have the authority to regulate interstate sale of alcohol within their borders the right to do so.

Mr. Speaker, this law is straightforward and noncontroversial. Its adoption will allow the House to consider and pass this important conference report. I urge all my colleagues to support both the rule and these essential provisions which seek to protect women, end violence, and fight crime.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this resolution waives all points of order against the conference report on H.R. 3244 and against its consideration.

Mr. Speaker, in June 1994, I first introduced legislation addressing the growing problem of Burmese women and children being sold to work in the thriving sex industry in Thailand. This legislation responded to reports indicating that thousands of Burmese women and girls were being trafficked into Thailand with false promises of good-paying jobs in restaurants or factories and then forced to work in brothels under slavery-like conditions. Some of the victims were as young as 5 years old.

As I learned more about this issue, it became clear that it was not limited to one particular region of the world. In fact, in the wake of the discovery of a prostitution ring of trafficked women in Florida and the Carolinas, as well as a group of Thai garment workers held captive in California, I soon realized that this was an issue that must be dealt with in our own backyard as well.

Six years later I am proud to be standing here today to support this important legislation. H.R. 3244 sets forth policies not only to monitor but to eliminate trafficking here in the United States and abroad. More importantly, it does so in a way that punishes the true perpetrators, the traffickers themselves, while at the same time taking the necessary steps to protect the victims of this heinous crime. Finally, it uses our Nation's considerable influence throughout the world to put pressure on other nations to adopt policies that will hopefully lead to an end this abhorrent practice.

The bill recognizes the fact that trafficking is not exclusively a crime of sexual exploitation. Taken independently, this action is an egregious practice in and of itself. It is also important, however, to be aware that people are being illegally smuggled across borders to work in sweatshops, domestic servitude or other slavery-like conditions.

Mr. Speaker, developing this initiative has been a long and arduous process. At the beginning of this endeavor many of the groups involved had different approaches to defining and dealing with this issue. In addition, we also had to deal with a State Department that was less than cooperative when dealing with the Congress. Nevertheless, we are here today because this is an issue that is important enough to cross both partisan and personality divides.

Mr. Speaker, the conference report also reauthorizes the Violence Against Women Act. I am proud to have a long history of activism on domestic violence issues. Fifteen years ago our greatest challenge was convincing Americans that domestic violence was a real problem. Many women knew only too well that we were in the midst of a deadly epidemic, but the culture of silence that surrounded the issue made it difficult for them to speak out or to get help. Being a victim of domestic violence was a source of fear and shame. Many women were trapped in these situations without any means of escape. Furthermore, domestic violence tended to be trivialized by law enforcement, by the judicial system, by health care providers and sometimes even by friends, family or neighbors.

We have come a long way in the 15 years since I began working on these issues. The single most important thing that Congress did to effect a change was pass the Violence Against Women Act. The Violence Against Women Act catapulted domestic violence onto the national agenda, providing Federal support for programs like shelters for battered women and their children, education for law enforcement officers and judges, and resources mostly for prevention and education. I am proud to have been the author of provisions of VAWA that protected battered immigrant women who were often trapped in abusive relationships by the threat of deportation. VAWA transformed the national landscape for victims of domestic violence. Today, a woman in an abusive relationship has options, a place to live, help with court proceedings, assistance for herself and her children, and protection from her batterer.

Nevertheless, we still have a long way to go. Too many women still die at the hands of an abusive spouse or boyfriend. Protective orders can be ineffective. Going on welfare is far from an ideal choice even as a temporary step. Convictions against batterers remain infrequent and penalties can be extremely light. It is imperative that Congress reauthorize these vital programs.

Also included in this conference report are miscellaneous provisions relating to Aimee's Law, assistance to victims of terrorism and the Twenty-First Amendment Act regarding Internet alcohol sales.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. SESSIONS) my distinguished colleague from the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I thank my colleague from the Committee on Rules, the gentlewoman from Ohio (Ms. PRYCE), for not only working on this issue but also my other colleague, the gentlewoman from New York (Ms. SLAUGHTER), for her work on this important issue.

Mr. Speaker, today we are talking about the conference report on the Trafficking Victims Protection Act of 2000. In particular, we are trying to draw attention to the importance of what the Violence Against Women Act of 2000 is all about.

Mr. Speaker, for quite some time I have been engaged in trying to work with women's centers in Dallas, Texas, who every day are a part of the lives of thousands of women who are taken advantage of in marriage, taken advantage of not only because of the frailties that they have as the caregivers for children, women who are responsible for making sure that a family works together and stays together and many times are in a marriage that is very difficult.

The Violence Against Women Act of 2000 is important because it once again enunciates by the House of Representatives that this is a crime that is taking place all across America, violence against women, that we will not tolerate. Most importantly, the gentlewoman from Ohio is speaking up about the importance of the issue so that it is not hidden in the work that Congress does. It is important that we support not only this conference report but that we recognize that America and the importance that we put on solving this national epidemic are brought to the forefront, the importance of Congress and the importance of a public policy that we have.

Mr. Speaker, the gentlewoman from Ohio is not only a leader in our Congress but she is a leader for women in this area. I salute her and applaud her for the hard work that she has put in on this act.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman for yielding me this time. I rise in opposition to the rule. While the provisions relating to addressing sex trafficking and violence against women are essentially noncontroversial and should be enacted, this does not apply to section 2001 of the bill which includes the controversial Aimee's Law. I am aware of the political adage that no good politician will vote against a crime bill named after somebody, but I thought that before we vote on this rule that we want to think about some evaluations of Aimee's Law.

The bill is onerous, impractical and unworkable. It is worse than an unfunded mandate. It is certain to generate a morass of bureaucracy. It is enormously costly. And the probable public safety impact of the bill will be zero.

These are not my words but the words of the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the United States Department of Justice, and a noted criminologist. Despite all of these critical descriptions, the bill comes before us on the suspension calendar hooked up with noncontroversial items. Ask your governors and State legislators whether or not they believe that it will help victims of crime or simply allow Members to take credit for passing a good sound bite while avoiding doing anything the experts say will actually reduce crime, that is, investing in prevention programs.

Supporters of Aimee's Law say that it will prevent murderers, rapists and child molesters from committing second offenses. It requires the Attorney General to transfer a portion of one State's Federal money to another State each time a murderer or rapist released from the first State commits such an offense in the second State, unless the first State has either truth-in-sentencing or the person is sentenced to an above average time to be served. That above average can change from year to year. Since truth-in-sentencing and determinate sentencing are recent sentencing practices and there is no limit on how far back you have to go to find prior convictions, trying to determine the information necessary to implement this provision will be a bureaucratic nightmare for the Attorney General and the States. So the fact is that the provision has a lot more to do with requiring bureaucratic processing and exchanging Federal funds than it has to do with preventing crime.

Aside from the impracticality of implementing this provision, even if the bureaucratic exchanges could occur, the net result will probably be a wash between States passing money back and forth. Further, States concerned about the fiscal impact of the bill or those wishing to cash in on it can play games. For instance, plea bargaining a high charge with a low sentence so that you can get the money rather than a lower charge like manslaughter with a higher sentence and you can cash in and get the money.

The fact is that no State without truth-in-sentencing will implement truth-in-sentencing as a result of this bill. That is because truth-in-sentencing in Virginia costs billions of dollars and no State will incur that kind of expense to avoid a few hundred thousand dollars that this bill might actually cost them.

All in all, the rule perpetuates sound-bite politics at its worst. It tacks on to two noncontroversial provisions; a provision which creates a bureaucratic nightmare for the States and the Federal Government by second-guessing the sentences on crimes that have already occurred with no discernible effect on the crime rate.

□ 1215

Accordingly, Mr. Speaker, I urge that the rule be defeated, so that we can remove this provision and get on with well thought-out legislation which will actually reduce crime and help victims.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2½ minutes to my friend, the distinguished gentlewoman from New York (Mrs. KELLY), who has worked so hard on many of these provisions.

Mrs. KELLY. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in strong support of this rule and the underlying bill, the Trafficking Victims Protection Act Conference Report.

The package of legislation we have before us is critically important to the lives of millions of people across the world and here at home. Passage of this package will have a tremendously positive effect on the quality of life for millions of people across the world.

Just over a week ago, I joined my good friend, the gentlewoman from Maryland (Mrs. MORELLA), here on the floor to urge support for H.R. 1248, the Violence Against Women Act of 1999. Today, we have yet another opportunity to demonstrate our commitment to this important legislation.

While the Justice Department has estimated that since the start of the VAWA programs in 1994, domestic violence has dropped by almost 21 percent, this epidemic is not over yet. Still today, one in three girls age 16 to 19 will be abused by their boyfriends, and it is estimated that approximately 3 million children witness domestic abuse in their homes.

The legislation we have before us today will take a serious step towards breaking this cycle of violence and providing a better future, not only for the millions of women who have come to rely upon the services provided under VAWA, but also for the millions of teens and children who will now have access to services and will see that violence is not necessarily a way of life.

I would also like to take a moment to note that this legislation includes a measure I introduced in Congress to strengthen the Federal anti-stalking statute, the Stalking Prevention and Victim Protection Act. This bill, which passed the House unanimously last November, strengthens current law, which stipulates that one must travel across State lines in order to commit a Federal stalking offense. My measure acknowledges that stalking can be perpetrated through other mediums, such as over the telephone, through the mail, or over the Internet.

Today we again have the opportunity to help millions of people feel a little safer, knowing that we are here, that we are listening, and that we will once again fulfill our promise and continue to supply the resources to help them escape from abuse and end the cycle of violence.

Mr. Speaker, I would like to thank my friend, the gentlewoman from Maryland (Mrs. MORELLA), for her tireless efforts on behalf of these men and women. I would like to thank my friend, the gentleman from Illinois (Mr. HYDE), and my friend, the gentleman from Florida (Mr. MCCOLLUM), who helped move this legislation forward.

I urge my colleagues to help me in supporting this rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I am very gratified to see that the Violence Against Women Act is finally here on the floor in a conference report so that we are going to pass it. For reasons I stated on the floor before and many others have said today, reauthorization of the Violence Against Women Act is a tremendously important thing to do. I am unhappy that it is grouped with four completely unrelated other bills in this one bill, some of which I would vote for, and some against.

It is grouped with part of the sex trafficking act. We all want to put an end to sex trafficking. That is a good provision.

Victims of terrorism, to make it easier for victims to sue, a very good provision. It has nothing to do with the other bill, but it is a very good provision.

But then we have two other bills that are not too good. We have the Internet Alcohol Act, which is a commercial dispute between rival groups and should not be in this bill; and we have Aimee's Law, an extremely foolish political sound bite, which will have no impact except to cost States money and to create more bureaucracy.

Let us look at how ridiculous Aimee's Law, at least the version of Aimee's Law we have here, is. What this says is if someone is convicted of murder, rape or dangerous sexual offenses in one State, serves a jail term, and is subsequently released and then commits a similar crime in another State, the first State has to pay all the costs of incarceration and legal proceedings in the second State if the first State is a bad State.

What do we mean by a bad State? If the individual had served less than 85 percent of the term of imprisonment; or, if the individual had served more than 85 percent of the maximum sentence, if the average term of imprisonment imposed by the State for these kinds of offenses is less than the average term imposed for that offense in all States?

In other words, State A imposes an average sentence of 25 years. The national average is 27 years. Well, obviously State A had better improve its law. That is what we are saying. State A now changes its law to 28 years. That changes the average, and some other States change the average. State A is a bad State again, and it is going to be penalized if someone after serving 28 years goes out and commits another crime in a different State.

Now, you have got a moving target here. I do not think the drafters of this act thought through, and since I do not think there was a committee vote on this bill, there was no opportunity for amendments, it never was properly debated. And what ever happened to our concern for States to be able to write their own criminal justice laws? Here we are telling them, you had better keep ratcheting up your terms of imprisonment, no matter what you think is right, to match everybody else's, lest we charge you.

Now, it is not going to have a major practical effect, because the fact is that it is very rare for people to be convicted in a second State, but it is foolish and ought not be in this bill.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me thank the gentlewoman from Ohio for her leadership in bringing this rule to the floor.

I suggest to the gentleman from New York, when he makes statements like "this is a foolish bill," Aimee's Law, I would ask him to read the text of the bill, because I guess if your family or friends or someone close to you had been murdered, raped or molested, you would not think this was such a foolish exercise. In fact, these are some of the crimes that have the highest degree of recidivism, and in fact in Florida we have suffered from people being released from prison and then coming to perpetrate the same murder and rape on innocent people in our State.

So I commend the gentleman from Arizona (Mr. SALMON) for his introduction of Aimee's Law, and I commend my colleagues for its passage, because I think it will help tighten, if you will, laws that affect people's lives, those who have been raped, some who have been murdered, children who have been molested. They need the full protection of the law, not protecting those who committed the crime.

I commend also the gentleman from Florida (Mr. SCARBOROUGH) for his 21st Amendment Enforcement, and I am glad if is part of this bill. Hopefully it will lead to less drinking by underage people who may have found through the Internet chances to purchase alcohol. I think this is a very, very important provision.

Justice for victims of terrorism, that is extremely important in this bill.

The gentlewoman from Maryland (Mrs. MORELLA), obviously with Violence Against Women, another subject that the gentlewoman from Ohio (Ms. PRYCE) has been very involved in, is an essential bill to our society. There is far too much prevalence of violence against women, domestic disputes; and we have to strengthen the law. We have to provide and strengthen services for victims. We have to do more to combat violence in families that can lead to the destruction, not only of a person's individual life, but the destruction of the children that are forced to watch this kind of parental misdeed, if you will.

Also on the first, the Trafficking Victims Protection Act, it is again a very important provision of the bill. I think if people read through the bill, they would not use words like "foolish" or "political sound bites," but recognize these are indeed very, very important issues.

In fact, in Florida we had a professor at a university that had brought a child into this country, lured from his parents, brought here strictly for sexual services. He was underage. He was paid money. The parents were paid money under the assumption that the child was going to be given a better life in America. Regrettably, it was not for a better life, it was for sexual exploitation, right in my own community of Palm Beach County. Fortunately, the man is in jail. The law has dealt with this person. But, regrettably, there is not enough internationally being done in other countries to make certain that they are enforcing the laws as well.

So this goes to the heart of both domestic combatting of these issues, as well as working with our foreign colleagues, foreign governments, in order to meet a higher standard, an international standard for elimination of the trafficking of individuals.

So I commend my colleagues to vote for the entirety of this report. I think it is a solid bill. Again, I commend the gentlewoman from Ohio (Ms. PRYCE) for her leadership on this, and I urge my colleagues to support it and its passage.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, there is much that is good in this bill before us today. I am particularly gratified that the efforts to fight trafficking in the sex trade have been included in this matter, so that we can actually get success in the fight against that this year.

I think the provision of visas for those who are fleeing from their oppressors, whether it be sweatshop or sexual abuse, is extremely important.

Obviously, the Violence against Women Act is enormously important. And although reasonable people can differ, and I think there is a technical issue in the Aimee's Law provision that absolutely must be corrected, that I think the ranking member of the committee will raise and hopefully will be able to deal with, I also support the Aimee's Law concept.

That is why I am so upset that with all of these good things that we would have bipartisan support on, and I think nearly overwhelming support, that, for some reason, the provision, the very controversial provision, about Internet and wine sales has been included in this matter. It does not belong in this package of bills. It is not about protecting children from abuse, and it just really is very distressing.

I have two teenagers, and they are good kids and their friends are good kids, and the argument that has been advanced is that we have to prohibit the Internet sale of wine to protect children.

Well, as a mother of two, that is preposterous. If a kid wanted to go out and buy alcohol, they are not going to get on the Internet, pay 20 bucks a bottle for wine in my district, or up in the Napa Valley, wait a couple of weeks for it to be delivered, and that is how they are doing underage drinking. That is not the way the real world works.

So, I urge a no vote on the rule in protest for this Internet wine sales tax. It is just so distressing that it has been included.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), the sponsor of this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my very good friend for yielding and her good work and leadership on this issue.

I say to my colleagues, this is the result of an enormous amount of bipartisanship. The legislation, division A, which deals with trafficking of women, we all know now that especially with the break up of the Soviet Union and the ascendancy of the Mob, organized crime in Moscow, in the Ukraine, and all around the world, is trafficking in women and children as never before.

The estimates are as high as 2 million individuals, mostly women, who are being trafficked every year. About 50,000 are coming into the United States, and many of those are forced into prostitution.

Our legislation, and, again I want to thank the gentleman from Connecticut (Mr. GEJDENSON) who has worked so closely on this, has been very bipartisan. It throws the book at those who would commit these heinous crimes and make money off the exploitation of women and children.

Our legislation provides $95 million over 2 years for enforcement of anti-trafficking provisions. But, again, the life imprisonment aspect to it, the protection for the women themselves so they are not put on the next plane and sent back to Kiev or St. Petersburg or anywhere else where they might be in danger is very important. We try to put sandbags of protection around them and to say we will help you, we will give you a hand and assistance, and that is what this legislation does.

There are many other aspects to it. It is a comprehensive bill. We have had three hearings in my subcommittee on this issue, and we heard from the victims themselves, who talked about how even the NGOs, like Miramed in St. Petersburg, which is out there on the cutting edge trying to help these women, are under tremendous duress by the Mafia, as well as very much underfunded.

We want all of the world's governments, especially those that are countries of origination, to do all that they can to mitigate and hopefully end this egregious practice.

Division B, the Violence against Women Act, provides about $3.3 billion over 5 years, more than double the current programs, to increase law enforcement and expand shelter space and rehab programs for battered and abused women.

There are many, many important grants articulated in the legislation, like the $140 million for Violent Crimes Against Women on Campus Grants, to ensure that our young women on the college campuses are protected to the maximum degree possible, and then $60 million for the Safe Havens Project; and, very significantly, the money for the shelters is increased by $375 million to a total of $875 million to protect battered women and their children.

□ 1230

There is also legislation, as my colleagues heard, dealing with Aimee's Law. Aimee's Law passed overwhelming in this House. It ought to be part of this package, and it will hopefully prevent those who have high rates of recidivism, the rapists, the murderers so they do not get out early to recommit these crimes, because we know that there are thousands of those who commit the crimes upon their release.

Mr. Speaker, I urge support for the rule, and then I hope for support of the underlying conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are many people to thank this morning. I add my appreciation to the gentleman from Michigan (Mr. CONYERS) for his leadership and the gentlewoman from Maryland (Mrs. MORELLA) and to the ranking member and chairman and the gentlewoman from Ohio (Ms. PRYCE).

This bill has many good elements. I would argue that we have thrown out a fishnet and gotten some elements that I think deserve a lot of consideration, and I wish we had not done that. I rise to support the concepts in this bill and would hope that we would be able be fix some of the elements that need not be included.

Particularly, let me appreciate the battered immigrant provisions that have come from the legislation that the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentlewoman from Maryland (Mrs. MORELLA) and myself have sponsored, H.R. 3083. We had a hearing on the bill in the committee that I serve on, the Subcommittee on Immigration and Claims. And I thank the gentleman from New Jersey (Mr. SMITH), my chairman.

I say to the gentleman from Michigan (Mr. CONYERS), I had the unfortunate privilege of visiting in Bangladesh, women who were battered, as well as women who were sold into slavery, sold for sexual activities, and see the children, see the abuse, the depression, the mutilation, the injuries that they suffered. So this bill is extremely important.

Mr. Speaker, I thank the Committee on International Relations and all of those who worked on the human rights aspect to stop that. It is also important to recognize that VAWA that gives rights to American women finally will reach a point where we can see it reauthorized and have the centers open, protect the children who have seen abuse in their homes.

Mr. Speaker, I do want to thank the conference committee for putting in the elements dealing with battered immigrant women, because without those elements, VAWA did not cover immigrant women; in particular, we would find situations where the abuser would hold it over the head of the immigrant woman that you can stay here all the time and I can abuse you, but you will not have the rights to access relief under VAWA.

Take, for example, the idea of an abuser saying to the abused that I will keep you from being a citizen or legal resident, because all you came to do was to come here to this country with your children and seek to be a legal resident, and, therefore, I will punish you and I will continue to abuse you.

Mr. Speaker, I am gratified that elements that will allow for self-petition are included in this legislation and that an abused woman can as well seek that.

Finally, let me say that I hope we can improve some elements of this bill. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me the time.

Mr. Speaker, I come to the floor today in my capacity as Ranking Member of the Subcommittee on Immigration and Claims. Inside this report is the agreement authorizing VAWA, and some very important provisions that deal with Battered Immigrant Women. I joined with Congresswoman JAN SCHAKOWSKY and Congresswoman CONNIE MORELLA to sponsor H.R. 3083, The Battered Immigrant Women Protection Act of 1999, would provide much needed access to battered immigrant victims of domestic violence. Fortunately, many of the provisions of this bill were included in this conference report.

These provisions are important because but for the failure of citizens or permanent resident abusers to submit immigration petitions for their immigrant spouses and children, the beneficiaries of the Battered Immigrant provisions would already have lawful immigration status through a family-based visa petition.

A citizen or permanent resident batterer often manipulates such misconceptions by convincing his victim that he will prevail in court because he is a male and he has more money. Moreover, a batterer often uses his immigration status against his victim as a tool of control, threatening to report her to INS or refusing or withdrawing immigration petitions that would grant her status.

I am relieved to stand before the House in order that we might be able to consider legislation that will reauthorize the Violence Against Women Act (VAWA) before the close of the 106th Congress. This act was first passed in 1994, and it marked a turning point in our nation's response to family violence, offering states a comprehensive means of addressing domestic violence and sexual assault. Although VAWA has contributed to a decline in the rates of domestic violence, there is still much work to be done.

We know that more than 3 million women have been abused since Congress began considering reauthorization of the VAWA in 1999. If Congress does not act by October 13th, VAWA will be lost to those women and their children who are victimized by family violence. The sad fact is that the victims of violence are not limited to women and in some cases men, but it can also extend to their children. It is estimated that 9,000 children, in our nation, witness family violence everyday. Each year, just about 3.3 million children witness their mothers or female caretakers being abused. Further, forty to sixty percent of men who abuse women also abuse children.

Family violence also extends to non-married women. Young women, between the age of 16 and 24 in dating relationships experience the highest rate of domestic violence and sexual assault. While an average of 28 percent of high school and college students experience the highest rate of domestic violence and sexual assault. Twenty-six percent of pregnant teens reported being physically abused by their boyfriends—about half of them said the battering began or intensified after he learned of her pregnancy.

We need to expand VAWA and increase funding to support it. In the last six months, calls to the National Domestic Violence Hotline have increased from 8,000 to 13,000 calls a month. More women and children are seeking the safety of shelters, stretching shelter resources to the limits. Protections for young women, who are at the greatest risk of dating violence and sexual assault, are also severely lacking.

This bill includes provisions similar to the House-passed H.R. 1248 to reauthorize the Violence Against Women Act for five years. The House bill authorized more than $3 billion in FY 2001 through FY 2005 for programs to combat violence against women, including battered women's shelters and services, sexual assault prevention programs and education and training for judges.

The separate VAWA legislation has been merged with H.R. 3244, the Conference Report on International Sex Trafficking, a bill intended to directs the Justice, Labor and Health and Human Services departments to expand assistance to victims of severe forms of trafficking in the United States. The measure also allows the Justice Department to make grants to local governments and nonprofit organizations to expand services for victims of trafficking. most of our nation's citizens may still believe that the trafficking of human beings ended with the Fourteenth Amendment to our Nation's Constitution, which outlawed the practice of slavery.

This conference report also includes the bill H.R. 2031, which addresses concerns regarding the sale of alcohol over the Internet. The conference agreement grants state attorneys general authority to bring a civil action in federal courts to enforce state laws that outlaw the direct sale of alcohol over the Internet. The provision is similar to the House-passed H.R. 2031, and to Senate provisions in its version of the juvenile justice bill (H.R. 1501).

In addition this conference report also includes H.R. 894, titled Aimee's Law, that requires a state that releases a violent sexual offender who commits a similar crime in another state to reimburse the second state for costs related to the incarceration, prosecution and apprehension of the individual. This provision is similar to provisions in the House version of the juvenile justice bill (H.R. 1501).

This law provides that whenever someone convicted of murder, rape, or a dangerous sexual offense is released from prison and commits another such offense in another state, the state from which the offender was released will be liable for the cost of apprehension, prosecution, incarceration, and the victim's damages (i.e., up to $100,000 for each victim).

The Attorney General is also directed to pay these costs and damages from the Federal Law Enforcement Assistance Funds which the state of origin. The costs and damage provisions, which are paid out of federal law enforcement assistance funds, are designed to leverage states into passing tougher sentences regarding these crimes or risk losing federal funds.

I have concerns that this bill is premised on a "Sense of Congress" that anyone convicted of these crimes should be sentenced to death or life imprisonment without the possibility of parole.

Before taking such drastic actions, I believe that we need to better define the criminal offenses of which one may be convicted. I suggest that we work to narrow the definition of which crimes trigger punishment.

However, I realize, as do most Americans that prevention is the best strategy and if this type of law would provide the appropriate disincentive for potential murderers or rapists, I must also recognize this benefit.

As expressed in the Subcommittee Crime hearings, this law, under the definition of Dangerous Sexual Offense in H.R. 894, does not require any age difference between victim and offender on which to base an assumption of predation.

Consequently, unlike other laws that make no such distinction, there is more potential for this bill to have an impact on the sexual abuse of American children.

As a parent, I sympathize with proponents of this bill that want adequate punishment against those convicted of sexual assault, rape or murder. As a mother, a member of Congress and founder of the Congressional Children's Caucus, I cannot in good faith support the maintenance of laws that create loopholes for sexual predators.

Every 19 seconds a girl or women is raped, every 70 seconds a child is molested and every 70 seconds a child or adult is murdered. Yet, despite these horrific statistics, the average time served in prison for rape is 5 years and the average time served in prison for molesting a child is less than 4 years.

We cannot tolerate the perpetuation of violent crimes against women and children any longer! This bill provides states the financial incentive to enact effective legislation that will keep repeat violent offenders behind bars.

We cannot allow states to continue to act irresponsibly in the prosecution of sexual predators. We all need to work together to help spare families the needless tragedy of having to put to rest their children because the state failed to effectively prosecute a sexual predator.

I am horrified by the story of Aimee Willard, for which this law is named. I hope that no family will ever have to suffer through such a tragedy again, but unfortunately I know that this is not true.

I ask that my colleagues put aside their politics and think about the children and families that have been affected because of a lack of adequate enforcement of the laws. Our children need protection now.

Last, this conference report also includes language intended to address the needs of the Victims of Terrorism by allowing victims of terrorism or their families in the United States to recover judgments against countries listed by the State Department as sponsors of terrorism. (Currently, the frozen assets of nations that allegedly support terrorism are protected from U.S. court judgments if the president declares it in the national security interest to leave them untouched.) Under the agreement, the president would have the authority to differentiate, on an asset-by-asset basis, the premises of foreign diplomatic missions, but not commercial property or rental proceeds from diplomatic property eligible to be protected.

I would hope that we will remember that one of the most deadly terrorist attacks to occur in this country was not caused by a foreign government or international group, but by people who thought of themselves as American patriots, I am referring to the Oklahoma City bombing, which killed 167 men, women and infants. I applaud any effort to make those responsible for terrorism, which results in loss of life or property civilly and criminally responsible for their actions. However, I would caution not to join those who believe that by virtue of the fact that someone is born outside of the United States that some how their act of terrorism is much more grievous than one that is carried out by a fellow American citizen. For this reason, I support this effort, but I would also encourage this body to make those of our citizens convicted to terrorist acts be equally held criminally and civilly liable for their actions.

All of the measures, which are included in this conference report are important to the American people, it is unfortunate that they could not have been considered individually.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. SALMON), the author of Aimee's Law.

Mr. SALMON. Mr. Speaker, I would first like to thank the author of the bill here on the House, the gentleman from New Jersey (Mr. SMITH) for all of his support for Aimee's Law.

I would like to thank him for putting together such a wonderful piece of legislation in the first place, because this is all about victims. It is about victims who are slave traded. It is about victims, women who are harmed across the country in many, many different ways. It is about little children who are victims.

I would like to speak specifically about Aimee's Law. I would like to go back down to memory lane 3 years ago when I introduced this bill. I had a dinner with several victims rights advocates: Fred Goldman whose son Ron was murdered, with Mary Vincent who was kidnapped when she was 15 years old while she was walking along the road. She was raped and had her arms chopped off. She walked for 2 miles to safety and survived to testify against her perpetrator who, by the way, was let out of prison and then killed a mother of 5.

I remember Mika Moulton whose little boy was stabbed 66 times and left in a shallow grave; that in and of itself is heinous enough, but the fact that this boy, this young man that did this to her son was let out of prison for killing a 5-year-old girl and raping her with a stick ought to make your blood curdle. The fact is 14,000 rapes, murders and molestations occur every year, and they are 100 percent preventable. We heard some people on the other side of the aisle who have some heartburn about this. Let us make government be accountable.

These are not just statistics. These are people who are dying. These are people being raped. These are children being molested. We have an opportunity to do something about it to make the States be accountable if they let someone out of prison who poses a threat to society, then there should be a price to pay, and that is what this is about.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding the time to me.

Mr. Speaker, I want to thank the gentleman from Arizona (Mr. SALMON for his work, and I just wanted to ask a question in colloquy. Am I correct that it is the intent of the Congress that Aimee's Law shall apply prospectively; that is, only if offenders whose first sentence for a covered offense occurred on or after the effective date of this law, which is January 1, 2002?

Mr. SALMON. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Speaker, as it is currently drafted, that is my understanding, yes.

Mr. CONYERS. Reclaiming my time, I thank the gentleman.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, at this time of day, all across this great country from San Diego to New York, from Wisconsin to Louisiana, our parents, our grandparents, our aunts and uncles are concerned about the same thing, and that is the safety of our children in our schools; whether those children are in classrooms or playgrounds, inner-city or rural schools, our parents share this concern about their safety.

I want to point out, I hope, a noncontroversial part of this bill and salute the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS), for a provision that mirrors a bill that the gentleman from New Jersey (Mr. ROTHMAN) and I introduced called the Secure Our Schools Act, that will provide $30 million each year for 3 years for a total of $90 million to help our schools be safe and secure, especially in light of the gun violence that has taken place in our schools over the last 3 years.

The beauty of this bill is that this provides Federal resources to our local schools but lets the local school determine what to spend this money on. Should they spend it on a metal detector? Yes, they could. And could they spend it on a handheld metal device for security? Yes, they could. Security training for teachers, police officers, students? Yes, that is an allowable expense.

These are competitive grants issued for the Department of Justice and the Attorney General to help our parents and grandparents and aunts and uncles make sure that they feel good about the safety and security of our schools. This is a good partnership for our government to enter into. I am proud of this provision and proud to support this provision in this law.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I am proud to rise in support of H.R. 3244 and most of the provisions of this conference report. I want to thank the gentlewoman from Ohio (Ms. PRYCE) and the gentlewoman from New York (Ms. SLAUGHTER), the gentleman from New Jersey (Mr. SMITH), and the gentleman from Connecticut (Mr. GEJDENSON) and thank the gentleman from Illinois (Chairman HYDE) and the gentleman from Michigan (Mr. CONYERS), the ranking member, for their diligence in crafting this report, which includes several important provisions that will literally save the lives of women and girls around the world.

When I had the privilege of traveling with the President to India, I saw little girls who had been sold into the sex industry. No child should be subjected to such horrors. We know that the Violence Against Women Act has saved lives and helped to rebuild even more. And I am grateful that my provisions to expand legal protections for battered immigrant women and children and to fund transitional housing for domestic abuse victims were included in the report.

The 1996 immigration laws made some changes that forced many immigrant women to remain in dangerous situations, putting themselves and their children at great risk. Today we have the opportunity to end this injustice. With the passage of this conference report, immigrant women will be empowered to move away from their abusers. They will have the additional legal protections along with access to critical transitional housing services that will enable them to alleviate the abuse and break the cycle of violence.

Mr. Speaker, I urge my colleagues to vote yes on this conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman from New York (Mrs. SLAUGHTER) for her leadership and yielding the time to me.

Mr. Speaker, I rise in opposition to the rule because it couples many unrelated nongermane provisions to two underlying bills that are tremendously important, the Violence Against Women Act and the antitrafficking bill. These bills will literally save lives, and they have been a top priority this year of the bipartisan women's caucus.

In this month alone, approximately 75,000 women will become victims of beatings, and in many cases their children will be attacked as well. The Violence Against Women Act has been, and must, remain a powerful tool in the fight against domestic violence, stalking and sexual assault. Domestic violence is the number one health risk for women between the ages of 15 and 44, and close to a third of all the women murdered in America are killed by their husbands or boyfriends.

This conference report authorizes more than $3 billion over the next 5 years to combat violence in our families and homes and schools through September 2000, from the first VAWA grant. My home State of New York received over $97 million in funding, but you cannot measure the value of that funding unless you look into the eyes of a child who has witnessed the violence in the home. There is no cost too great for preventing this tragedy.

The Violence Against Women Act will do many good things. It has a hot line, and in New York City alone, in 1999, over 169,000 calls were received. I am very pleased that two provisions were added to the bill from my Older American's Protection from Violence Act, H.R. 2590.

My bill specifically allows VAWA programs to help older and disabled women, and they were included in this bill, specifically a grant program to address domestic violence among older women and the disabled. It is a proud day. I compliment all who have worked to make this pass to stop the Violence Against Women Act.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me remind my colleagues that this conference report includes essential provisions in our fight to halt the trafficking of individuals, end family violence, deter terrorism and fight crime. The House has already passed these initiatives separately. This conference report will allow us to send this package to the President for his signature. Mr. Speaker, I urge adoption of the straightforward rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. PRYCE of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 356, nays 28, not voting 49, as follows:

[Roll No. 517]

YEAS—356

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dingell
Dixon
Doggett
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Istook
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—28

Clayton
Conyers
DeGette
Dooley
Doolittle
Gordon
Hulshof
Jackson-Lee (TX)
Jones (OH)
LaTourette
Lee
Lofgren
Maloney (NY)
Minge
Murtha
Nethercutt
Oberstar
Ose
Payne
Pelosi
Pombo
Sanders
Sanford
Scott
Thompson (CA)
Watt (NC)
Woolsey
Wu

NOT VOTING—49

Ackerman
Baker
Ballenger
Barton
Berman
Blumenauer
Callahan
Campbell
Carson
Clay
Diaz-Balart
Dicks
Eshoo
Forbes
Franks (NJ)
Goss
Hansen
Hefley
Hutchinson
Isakson
Jenkins
King (NY)
Klink
Kolbe
Lazio
Lewis (GA)
McCollum
McIntosh
Meek (FL)
Meeks (NY)
Metcalf
Miller (FL)
Paul
Peterson (PA)
Pickett
Rangel
Reyes
Shuster
Smith (TX)
Spence
Stark
Strickland
Talent
Thompson (MS)
Vento
Waters
Waxman
Weldon (PA)
Wise

□ 1302

Ms. DEGETTE, Mrs. CLAYTON, Ms. LEE, Mr. WU and Ms. PELOSI changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 613, I call up the conference report on the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 613, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 5, 2000 at page H8855.)

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minute.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 3244.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent, after consulting with the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the other committee, that we cut our time in half, all of us, because I have been besieged by Members who have commitments and plane tickets; and that is the only reason that I would do that.

Mr. Speaker, I ask unanimous consent that the time allotted to all of the committees be cut in half.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan (Mr. CONYERS) that the time be limited to 15 minutes for the gentleman from New York (Mr. GILMAN) and 15 minutes for the gentleman from Connecticut (Mr. GEJDENSON)?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of the conference report on H.R. 3244, the Trafficking Victims Protection Act of 2000.

I was proud to cosponsor this measure. I am pleased that we have been able to steer this important measure all the way through the process and on towards the President's desk.

I especially want to commend two Members of our committee's leadership who have made this legislation possible. I commend the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights, who is the lead sponsor of this measure and a tireless proponent. He was joined in refining the legislation, pushing it through the process by the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking Democratic member of our committee.

As noted in the legislation, millions of people, primarily women and children, are trafficked every year across international borders for sexual and other exploitive purposes. Approximately 50,000 women and children are trafficked into the United States for such purposes every year.

The conference report on this measure contains a number of provisions designed to make certain that our government uses its influence around the world to stop this trafficking of human beings. In addition, it enhances some protections on the U.S. law for victims of trafficking in our country.

Although the administration initially opposed the legislation, I am pleased they have now considered their position and ultimately came to recognize the necessity for this measure.

The conferees on the measure were pleased to incorporate a number of other pending measures into the conference report.

Most of these additions have greatly strengthened the conference report. Three of these additions are bills that I strongly support, and I am pleased to be able to help send them to the President's desk.

The Violence Against Women's Act, Aimee's Law, and the Justice for Victims of Terrorism Act are all included in this conference report, and all are important measures that are overwhelmingly supported by the House.

Mr. Speaker, I am pleased to rise in support of the conference report on H.R. 3244, the "Trafficking Victims Protection Act of 2000."

I was proud to cosponsor H.R. 3244, and am pleased that we have been able to steer this important measure all the way through the legislative process and on toward the President's desk.

I especially want to commend two members of our Committee whose leadership has made this legislation possible. The distinguished chairman of our Subcommittee on International Operations and Human Rights, the gentleman from New Jersey, Mr. SMITH was the lead sponsor of this measure and a tireless proponent of it. He was joined in refining the legislation and pushing it through the legislative process by the distinguished Ranking Democratic Member of our Committee, the gentleman from Connecticut, Mr. GEJDENSON.

As noted in the legislation, millions of people, primarily women and children, are trafficked every year across international borders for sexual or other exploitative purposes. Approximately 50,000 women and children are trafficked into the United States for such purposes every year.

The conference report on H.R. 3244 contains a number of provisions designed to ensure that the United States Government uses its influence around the world to stop this trafficking in human beings. In addition, it enhances the protections under U.S. law for victims of trafficking in the United States.

The legislation establishes minimum standards that should be achieved in countries with significant trafficking problems in order for them to begin eliminating trafficking. The bill authorizes U.S. foreign assistance to help countries meet these minimum standards, and provides for sanctions against countries that fail to meet the standards. In the typical case this threat should provide a powerful incentive to countries with trafficking problems to meet the minimum standards.

Within the United States, the legislation permits certain victims of trafficking to remain in the country so that, among other things, they can assist in the prosecution of traffickers. Victims of severe forms of trafficking are also made eligible for special programs set up for crime victims. The legislation also strengthens the criminal penalties for trafficking under U.S. law in a number of critical respects.

Taken together, this is a solidly-crafted piece of legislation that addresses an urgent moral and humanitarian problem. Although the Administration initially opposed the legislation, I am pleased that they reconsidered their position and ultimately came to recognize the necessity for this measure.

The conferees on H.R. 3244 were pleased to incorporate a number of other pending measures into the conference report.

Most of these additions have greatly strengthened the conference report.

Three of these additions are bills that I have strongly supported and that I am pleased to be able to help send to the President's desk.

The Violence Against Women Act, Aimee's Law, and the Justice for Victims of Terrorism Act are all included in this conference report, and all are important measures that are overwhelmingly supported in the House of Representatives.

For all these reasons, Mr. Speaker, I urge my colleagues to vote for this conference report.

Mr. Speaker, I reserve the balance of my time; and pending that, I ask unanimous consent that the balance of my time be controlled by the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights, the principle sponsor of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I yield half of my time to the gentleman from Michigan (Mr. CONYERS), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise with some reluctance to support the conference report because I wanted a clean bill concerning the Trafficking Victims and Violence Against Women's Act, both of which passed the House with strong bipartisan support.

So the bill continues funding for important Violence Against Women Act programs such as enforcement and prosecution grants to combat violence against women, the National Domestic Violence Hotline, battered women's shelters and services. But it also takes important preliminary steps to address dating violence.

Now, we would not be here without the organizations that work with us in the Congress, and I just wanted to get into the RECORD: NOW Legal Defense and Education Fund, the National Coalition Against Domestic Violence, the National Task Force to End Domestic Violence, and the Feminists Majority.

Now, the legislation, I must say, does not go far enough on VAWA, and we are going to continue this struggle. It leaves out many critical programs that were in the House-passed bill. For example, we have not allowed the provisions to more adequately fund rape prevention and education programs, civil legal assistance and STOP grants. There is less money allocated to victims services.

The conference falls short. But the bill does the special-interest bidding for alcohol wholesalers and effectively allows the shutdown of e-commerce by wineries. What, I ask, does this have to do with the victims of sex trafficking? Answer: nothing.

Mr. Speaker, I rise with some reluctance to support the Conference Report. I had hoped that we would be voting on a clean bill concerning the Trafficking Victims and Violence Against Women Act, both of which passed the Houses with strong bipartisan support. Unfortunately, something dire happened on the way to the altar.

Whenever the Republican majority wants to pass legislation to protect women, they will only do it half way. On the one hand, the bill before us continues funding for important VAWA programs such as law enforcement and prosecution grants to combat violence against women, the National Domestic Violence Hotline, battered women's shelters and services. The bill also takes important preliminary steps to address dating violence. For these positive things, I would like to particularly note the hard work of Leslie Orloff, Janice Kaguyutan, Pat Reuss and Jackie Payne of the NOW Legal Defense and Education Fund, Julie Fulcher of the National Coalition Against Domestic Violence and all the people at the National Task Force to End Domestic Violence.

On the other hand, I must report that the legislation does not go far enough on VAWA, leaving out many of the critical programs in the House passed bill. For example, the Majority refused to include the more generous House VAWA provisions to more adequately fund rape prevention and education programs, civil legal assistance and STOP grants. I am also disturbed that less money is allocated to victims' services, the scope of civil legal assistance to be offered is narrowed and the types of organizations that qualify to provide assistance is limited.

The conference report also falls short with regard to the victims of sex trafficking. The bill still contains a 5,000 cap on the number of victims eligible to receive a "T" visa, despite the House's motion to instruct the conferees to remove the cap. Moreover, parents of victims are not eligible for derivative immigration status despite clear evidence that the traffickers will threaten to injure or kill the parents living abroad to prevent the victim from assisting in a criminal prosecution.

If this weren't enough, this bill does the special interest bidding for the alcohol wholesalers, effectively allowing the shut down of e-commerce by wineries. What, I ask, does this special interest legislation have to do with victims of sex trafficking. Nothing. It's just a vehicle to do a special favor for that special interest.

And the bill incorporates Aimee's law which the National Governors' Association and National Conference of State Legislatures both conclude "is onerous, impractical, and unworkable." Chalk it up for another bill that aborts the legislative process. The Judiciary Committee has had plenty of time to make such a proposal workable for governors, but the Committee has failed again to do so.

Finally, I must note that this process is an example of how legislation should not be conducted. On almost every provision, House Democrats were given take it or leave proposals from the Republicans, and there was virtually no deliberation by the members. That's a pretty bad show.

So, I will vote yes today, but I would hope we could do a better job of protecting battered women and victims of sex trafficking in the future.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the full Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I rise in very strong support of this conference report. As this body is aware, it includes a number of important bipartisan pieces of legislation that together advance the cause of justice for crime victims and truly offer the prospect of improving public safety.

Among the many items of legislation that are in this conference report, the Violence Against Women Act, which is the product of so many hours of work by the gentlewoman from Maryland (Mrs. MORELLA), is included; and I am very proud that it is, along with several other bills, the Rothman bill.

I rise in strong support of this conference report on H.R. 3244. As this body is aware, it includes a number of important, bi-partisan pieces of legislation that, together, advance the cause of justice for crime victims and truly offer the prospect of improving public safety.

The underlying bill, the "Trafficking Victims Protection Act of 2000," addresses one of the enduring and pernicious forms of slavery that still blights our time. While Lincoln may have freed the slaves In America, there are those today who engage in other forms of slavery on persons of many colors. Throughout the world there are criminals who smuggle persons into this country, principally women and children, in order to force them into sexual slavery, or to work in sweatshops for years in order to pay off the exorbitant fees charged by their traffickers for their illegal entry.

This conference report will prevent and punish sex trafficking and other forms of trafficking in human beings. As such, it is another step forward in the full and complete enforcement of the anti-slavery amendments to our Constitution. Twelve years ago, the Supreme Court held that our existing anti-slavery statutes only prohibited the use of force or the abuse of the legal process to force a person into involuntary servitude. But the sad fact is that those who traffic in human beings today also use deceptive schemes and other lies, together with threats of force to family members in a home country, to coerce the victim into labor. This bill will now punish that criminal conduct. And it will fill another gap in the law by punishing, for the first time, those who traffic in human beings in order to provide the supply of labor to those who will enslave them once they arrive on our shores. The legislation will also substantially increase the penalties for the existing involuntary servitude laws already on the books.

Mr. Speaker, it is time to do all of these things to put an end to all forms of slavery that continue to exist in our country and our world.

Importantly, the conference report also includes the "Violence Against Women Act of 2000," which this body passed last Tuesday by a vote of 315 to 3. The "Violence Against Women Act of 2000," strengthens the ability of local communities to respond effectively to the national problem of violence against women, in all of its tragic forms, including domestic battery, stalking, rape and murder. This legislation continues and builds on our national commitment to support comprehensive, community-based efforts to keep these crime victims safe and hold offenders accountable.

The VAWA legislation reauthorizes funding for state and local law enforcement agencies as well as for education, prevention, and outreach programs. This legislation ensures that VAWA programs will continue to aid the prosecution of domestic violence, sexual assault and child abuse cases across the country and increases victim services like domestic violence shelters for women. Additional initiatives have been authorized aimed at preventing domestic violence and sexual assault against older and disabled individuals, meeting the civil legal assistance and transitional housing needs of victims, and establishing a task force to minimize overlapping federal efforts to address domestic violence. In short, the legislation is a balanced and comprehensive effort to enhance the ability of states and localities to prevent and combat violence against women.

I again want to salute the gentlewoman from Maryland, Mrs. MORELLA, for her leadership on this issue and her tireless efforts to ensure that this legislation becomes law.

This conference report also includes a compromise version of the "Justice for Victims of Terrorism Act," which is supported by the Administration. This legislation ensures that American victims of international terrorism will be able to receive their judgements from any blocked assets held in the United States. At the same time, the legislation provides the President waiver authority to protect national security. As a result of this legislation, the Secretary of the Treasury will finally satisfy claims brought under the Anti-terrorism Act of 1996 of victims who hold final judgements.

This bill also includes a provision known as Aimee's law, which will hold states responsible when they release a convicted felon from their prisons who then travels to another state and commits a crime. Under this provision, first introduced by the gentleman from Arizona, Mr. SALMON, a state that releases a felon from its prisons who then commits a crime in another state will be required to reimburse that state for the costs it incurs in prosecuting and incarcerating that criminal. This provision has twice before passed this House, mostly recently this past July, when it passed by voice vote.

The conference report also includes the "Secure Our Schools Act," which authorizes $30 million a year for the next three years for States and local governments to improve school security. Funds can be used for measures that deter crime, such as metal detectors and lighting, or other programs that offer the prospect of significantly improving public safety.

Finally, the conference report includes the "Twenty-First Amendment Enforcement Act," aimed at cracking down on the problem of illegal intestate shipments of alcohol. It does so by permitting States Attorneys General to enter federal district court to enjoin any shipping or transporting of alcohol into their state in violation of state law. In short, this balanced provision empowers states to ensure compliance with their own laws regulating the sale and consumption of alcohol.

The text of S. 577, the "21st Amendment Enforcement Act." S. 577 is the counterpart to H.R. 2031, which was approved by the House Judiciary Committee on July 20, 1999, and passed by the House on August 3, 1999. This legislation would grant federal court jurisdiction to actions for injunctive relief brought by state attorneys' general seeking to enforce their state liquor importation and transportation laws.

Importantly, the bill reflects the respectful comity that exists between the federal government and the states. In this bill, Congress is granting to the states the privilege of using the forum of the federal courts for limited jurisdictional purposes—so, the legislation is procedural in nature. Congress is acting under its powers to establish the lower federal courts and to define their jurisdiction. Congress is not pre-judging or endorsing the validity of the various state liquor statutes.

The sole remedy available under the bill is injunctive relief—no damages, no civil fines or criminal penalties can be imposed by the federal courts under S. 577. When the Senate Judiciary Committee considered this measure in May, it adopted a substitute offered by chairman HATCH which included a number of the due process protections which were added to the bill when it was considered in the House Judiciary Committee. So, for example, the bill requires prior notice to the adverse party or parties, applies traditional proof requirements for preliminary injunctions and requires that a hearing be held before the issuance of any preliminary or permanent injunction occurs. A State must prove by a preponderance of the evidence that a violation of State law has taken place or is taking place.

Additionally, Chairman HATCH's substitute includes language in subsection 2(e), entitled "Rules of construction," that states that the legislation "shall be construed only to extend the jurisdiction of the Federal courts in connection with State law that is a valid exercise power vested in the States" under the 21st amendment, as interpreted by the Supreme Court, including interpretations "in conjunction with other provisions of the Constitution." Federal jurisdiction is also limited to state law that is a valid exercise of state power under the first section of the Webb-Kenyon Act, as that section is interpreted by the U.S. Supreme Court. Further, S. 577 is not to be construed as granting the states any additional power.

This rules of construction language is an implicit recognition of the Supreme Court decisions made over the last 35 years holding that the 21st Amendment cannot be read in isolation from other provisions contained in the U.S. Constitution. *Hostetter* v. *Idlewild Bon Voyage Liquor Corporation,* 377 U.S. 324 (1964) (commerce clause); *Capital Cities Cable, Inc.* v. *Crisp,* 467 U.S. 691, 712 (1984) (supremacy clause); *Larkin* v. *Grendel's Den, Inc.,* 459 U.S. 116, 122 (1982) (establishment clause); *Department of Revenue* v. *James Beam Co.,* 377 U.S. 341 (1964) (export-import clause); *Craig* v. *Boren,* 429 U.S. 190, 209 (1976) (equal protection); *Bacchus Imports, Ltd.* v. *Dias,* 468 U.S. 263, 275 (1984) (commerce clause); *44 Liquormart, Inc.* v. *Rhode Island,* 517 U.S. 484, 516 (1996) (First Amendment). Again, in enacting this jurisdictional statute, Congress is not passing on the advisability or the legal validity of the various state laws regulating alcoholic beverages. Whether a particular state law on this subject is a valid exercise of state power is, and will continue to be, a matter for the courts to decide.

In my view, S. 577 takes a balanced and fair approach. The 21st Amendment Enforcement Act will assist the states in the enforcement of liquor laws that are genuinely about encouraging temperance. The courts will also continue to recognize the inherent police powers of the states to prohibit underage drinking. At the same time, this legislation preserves Congressional neutrality as to whether or not a particular state liquor law is constitutionally valid and should be enforced by the federal courts.

Opponents of this language believe that it undercuts the basis of the legislation. The legislation itself is titled as an Act, "divesting intoxicating liquors of their interstate character in certain cases." Thus, it is the purpose of the Act to, under certain circumstances, "burden" interstate commerce. To them declare in the same Act that it does not "impose an unconstitutional burden" on that commerce is, according to the opponents arguments, a signal of Congressional intent to nullify the actual purpose of the Act and to invite litigation challenging all State enforcement.

Mr. Speaker, this is an important conference report, offering the prospect of real solutions to real problems. I urge its passage.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to commend the gentleman from New Jersey (Mr. SMITH), the gentleman from New York (Mr. GILMAN), all my partners on the other side. I thank all the staff tactically on my side, Mr. Yeo and Mr. Abramowitz and Alethea Gordon.

Mr. Speaker, I rise in support of the Conference Report on H.R. 3244, the Victims of Trafficking and Violence Protection Act of 2000, and yield myself as much time as I may consume. Mr. Speaker, the conference agreement on H.R. 3244 represents landmark legislation that not only seeks to put a stop to the heinous practices of modern-day slavery, but also addresses the millions of American women who face violence in their lives each year. At so many junctures over the past months, the bill appeared headed towards the very full dustbin on the 106th Congress, but with tremendous bipartisan work both in this House and in the other body, I am happy to report that we are reporting a good bill to the House of Representatives. I want to congratulate Representative CHRIS SMITH and his staff for their arduous work on this legislation. This is the way legislation on foreign policy should work, where members from both sides of the aisle and in both chambers working together to address in a real, concrete manner, human rights abuses that effect the United States, nations around the world, and millions of people, particularly vulnerable women and children.

The original bill was intended to stop the trafficking in persons throughout the world. The U.S. Government has reported that up to 50,000 people, mostly women and children, are trafficked into the United States alone. It is simply intolerable that as we begin the 21st century, human beings are being trafficked into modern day slavery, including thousands of women and children trafficked into the United States each year. According to human rights organizations, in a typical case, a woman is recruited with promises of a good job in another country or province, and lacking better options at home, she agrees to migrate. There are also cases in which women are lured with false marriage offers or vacation invitations, in which children are bartered by their parents for a cash advance and/or promises of future earnings, or in which victims are abducted outright. Next an agent makes arrangements for the woman's travel and job placement, obtaining the necessary travel documentation, contacting employers or job brokers, and hiring an escort to accompany the woman on her trip. Once the arrangements have been made, the woman is escorted to her destination and delivered to an employer or to another intermediary who brokers conditions of her employment. Many women learn they have been deceived about the nature of the work they will do, most have been lied to about the financial arrangements and conditions of their employment, and all find themselves in coercive and abusive situations from which escape is both difficult and dangerous.

In New York, hearing impaired men and women were recruited from Mexico and brutalized into selling trinkets on the street.

In the Carolinas, teenage girls were held in slavery and forced to work as prostitutes.

In Chicago, traffickers met Russian and Latvian women at the airport, seized their passports and return tickets, beat them and threatened to kill their families if they refused to dance nude in a nightclub.

In Florida, traffickers used alcohol and drugs to lure field workers to isolated locations and hold them under cruel conditions of debt bondage.

In New Jersey, a Bangladeshi woman was forced to work 18 to 20 hours a day, seven days a week, and after receiving no pay for 3 months, was forced to leave upon asking for her backpay and given only for her entire work $370, amounting to about 25 cents an hour. She was also forced to shovel snow in the sandals she arrived in, and when she got sick, they refused to take her to a doctor. They told her not to go out on her own, that the police were surely waiting to arrest her.

In California, a Thai boy who had contracted AIDS through his prostitute mother was used as a decoy to try to traffick a woman into the United States, trying to make immigration officials believe that the two adults accompanying him were his parents.

Right here in Washington, D.C., we heard cases of a woman who was paid virtually nothing and then sexually abused and refused any medical treatment.

One of the most shocking aspects of this problem is that our laws often punish the victims, not the international criminal syndicates perpetrating these abuses. We need to reverse this situation. A short time ago, no one was discussing the trafficking issue. Now, the Clinton Administration is negotiating an international protocol to end trafficking in human beings, and the Congress is doing its part by passing comprehensive legislation.

A broad coalition from across the political and ideological spectrum helped move this issue to the top of the national agenda. They were determined to have the United States serve as an example for the rest of the world in stopping trafficking everywhere. By our action, we can encourage other countries to do more, and several countries have already indicated that they are looking at U.S. legislation as a model for their own response.

The legislation reported out of the conference in some ways combines many of the best features of the bills passed by the House and the other chamber, where the effort was led by Senators BROWNBACK and WELLSTONE. It provides for prevention of trafficking here and abroad, protection of victims in the United States by providing a new visa category for them, among other things, and punishes traffickers by creating new crimes of forced labor, and labor and sex trafficking.

The bill also includes additional legislation that the conferees felt must be moved quickly. In particular, the legislation now includes the Violence Against Women Act of 2000. The original Violence Against Women Act expired last Thursday, leaving millions of American women without protection from the violence that they suffer in their lives. This Act reauthorizes through Fiscal Year 2005 the key programs included in the original Violence Against Women Act, such as the STOP, Pro-Arrest, Rural Domestic Violence and Child Abuse Enforcement, and campus grants; battered women's shelters; the National Domestic Violence Hotline; rape prevention and education grant programs; and three victims of child abuse programs, including the court-appointed special advocate program (CASA). It also makes some improvements responding to the experience with the original act, including authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault and strengthening and refining the protections for battered immigrant women, including a new visa for battered immigrant women. It is fitting that this bill address the severe problems of both trafficking and of violence against women in the United States.

The bill also includes terrorism assistance provisions for using frozen foreign government assets to pay for U.S. victims of terrorism who have judgments against such governments and other assistance for victims of terrorism. This provision addresses the need for compensation for victims of terrorism such as the family of Alissa Flatow, who was killed in a bombing in Jerusalem, the victims of the Cuban shootdown of the plane of the "Brothers of the Rescue" humanitarian organization, Terry Anderson, Joseph Ciccipio and other victims.

Finally, and in my view regrettably, the bill contains a number of extraneous provisions that are somewhat controversial, including a provision dealing with the sale of alcohol through the internet and across state lines. However, these provisions needed to be included for the bill to be reported out of the Conference.

I want to thank the staff of several committees and Members who worked endlessly on this legislation: my counsel, David Abramowitz, Peter Yeo, and Alethea Gordon from my staff; Joseph Rees, Scott Deutchman, Iden Martyn, Glenn Schmitt and Lora Ries, of the House, and Charlotte Oldhan-Moore, Jill Hickson, Karen Knutsen, Sharon Payt, Brian McKeon, and Mark Lagon of the Senate.

Overall, I do believe this bill addresses important and real needs of women and children here and abroad. I urge the Committee to provide this bill with the normal rule relating to conference reports, waiving points of order against it.

I urge my colleagues to support the conference report on H.R. 4344, and I reserve the balance of my time.

Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey (Mr. ROTHMAN) be permitted to control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. ROTHMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise today in strong support of H.R. 3244, the Trafficking Victims Protection Act.

An estimated 1 million to 2 million people are trafficked every year worldwide; 50,000 to the United States. Trafficking is the third largest source of profits for organized crime behind only drugs and guns, generating billions of dollars annually.

This bill contains provisions to strengthen current law to prevent unlawful buying and selling of persons, human beings.

This measure also includes the Violence Against Women Act which has provided and will now continue to provide battered women and their children a safe haven and much-needed support for their physical and their emotional well-being.

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Women and children are depending on passage of this important provision within this bill to help stop violent crimes that are too often committed against them. H.R. 3244 addresses the devastating problems of international sex trafficking, sexual predators, violence against women and much more. Violence and abuse against women and children will not be tolerated. I urge passage of this very important bill.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise to celebrate the inclusion of the Violence Against Women Act in the Trafficking Victims Protection Act. I want to thank the gentleman from New Jersey (Mr. SMITH) for supporting this effort to do so.

I remember a Latin phrase meaning after the struggle comes the reward. This has been quite a struggle. This is the reward for the American people.

These two bills form a natural alliance by protecting women around the globe from being abused, raped, bought, sold or forced against their will. We can all celebrate the message being sent to women everywhere when we pass this legislation that women's minds and bodies are their own. By passing this conference report, we empower millions of women around the world to escape from pain and fear.

This version of the Violence Against Women Act combines the strongest programs of both the House and Senate bills. We will never have a bill that meets every need of every victim and child, but this bill is the strongest commitment that Congress has ever made to fighting domestic violence and sexual assault.

I am proud of the bill. I am proud of the dozens of Members and staff who worked tirelessly to maintain the programs and the funding to meet the horrifying need of millions of victims to be safe from both immediate and long-term danger.

In this bill we finally recognize the highest risk group for intimate partner violence, ages 16 to 24 years old. The House Committee on the Judiciary worked with me to include victims of dating violence in three desperately needed categories: Services and Training for Officers and Prosecutors, or STOP grants; grants to encourage arrest policies; and rural State grants.

With the inclusion of dating violence in the Violence Against Women Act, I hope we can begin to recognize that young women are falling prey to violent relationships in their earliest dating experiences. If we can send them the message that anger and violence is not a sign of love, we may prevent thousands of future battered women and children from living in fear.

By passing this bill, we reauthorize the existing Violence Against Women Act programs for another 5 years. When it was originally passed in 1994, and some of us remember it because we were very much involved with it, Congress authorized $1.5 billion. Today, we have more than double the available grants to States. We have the STOP grants, we have grants to reduce violent crimes against women on campus, we have grants essential to protecting victims, the shelters for battered women and children, the National Domestic Violence Hot Line, which as we know receives 13,000 calls per month, in fact more than that, and a number of other provisions. We have increased grants being made available for rape prevention and education programs, which will continue to empower women with ways to protect themselves from sexual assault.

I just want this body to know that they can be very proud of passing this conference report. It will make a difference. It does not settle everything but it will make a big difference.

I also want to commend the staff people, the Committee on the Judiciary, with the chairman, the gentleman from Illinois (Mr. HYDE); the other Members, the ranking member; and all the other Members who have worked very hard on it. I want to thank our staffs, especially my staff, Kate Dickens who worked indefatigably on this.

And, lastly, Mr. Speaker, I will be submitting for the RECORD the names of the many organizations and personages who worked so hard and who deserve the credit for this bill. The credit and the beneficiaries will be the American people.

Judiciary Committee staff, Carl Thorsen and Dan Bryant for their long hours and dedication to understanding the issue, also Cori Flam for her commitment to helping victims. To leadership of their support and especially Paul McNulty for his mediation skills.

Juley Fulcher, Public Policy Director and the staff of the National Coalition Against Domestic Violence also Robin Runge and good luck to Marlo Cohen, who is thrilled somewhere in a law library.

Kiersten Stewart, Director of Public Policy and the staff of the Family Violence Prevention Fund.

Lynn Rosenthal, Executive Director and the staff of the National Network to End Domestic Violence.

Leslye Orloff, Director, Immigrant Women's Program, NOW Legal Defense and Education Fund.

Pat Reuss, Vice-President of Government Relations and Jackie Payne at NOW Legal Defense and Education Fund.

Diane Moyer, Director of Public Policy and the staff at Pennsylvania Coalition Against Rape.

Debbie Andrews, Executive Director and staff of RAINN.

Jody Rabhan, Associate Director and the staff at the National Council of Jewish Women.

The National Organization of Women.

National Task Force to End Domestic Violence and Sexual Assault and to the thousands of advocates, health care professionals, law enforcement and judicial personnel, prosecutors for caring so much about individuals in need.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I rise in strong support of this legislation, the Violence Against Women Act, and the Sex Trafficking Victims Protection Act, H.R. 3244. These provisions are vital to ensure women can exercise their rights and to protect women from violence, abuse, sexual assault, and sexual predators. Women should feel safe in their homes, safe walking in the street, and safe at night. The reauthorization of VAWA brings us closer to these goals and will improve the health and quality of life of hundreds of thousands of women and children and families. The underlying bill will reduce illegal and inhumane trafficking in women and children around the world and serve to protect and uphold their human rights.

While I applaud the progress we have made, I am disappointed that the Congressional leadership did not bring these related, but separate provisions, up independently and I am concerned that leadership took so long to debate, vote, and approve these important protections. VAWA was introduced at the beginning of this Congress—more than 18 months ago. This reauthorizing bill should not have been delayed this late and VAWA's authorization should not have expired. In the future, I hope other issues of significance of women are treated in a more timely and measured manner.

This bill reauthorizes the programs under the original Violence Against Women Act continuing provisions to fund battered women's shelters, rape crisis centers and a hotline for domestic violence. It builds on that bill and strengthens law enforcement to reduce violence; education and training to combat violence; and services to the victims of violence. It also helps limit the traumatic effects violence has on children who too frequently suffer as silent victims.

We must work to support America's young women, our future leaders, and this bill reaches out to them through efforts to prevent campus sex crimes and efforts to prevent teen suicide. In light of the recent attention to many immigration issues, I am pleased this bill addresses the needs of battered immigrant women and takes protective steps to address their plight.

The Sex Trafficking Victims Protection Act will help end trafficking—a terrible modern version of slavery—that rapes, starves, physically brutalizes its victims, ultimately victimizing all women. Since many victims residing in the U.S. lack U.S. citizenship or appropriate documentation, existing U.S. laws are inadequate to protect these victims. This bill seeks to end trafficking and ensure traffickers are held accountable for their crimes.

I urge my colleagues to vote yes on this legislation.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE), as I will the other seven Members that are waiting to come up under Judiciary time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me pay tribute to a lady who will benefit from this legislation, Calla, a Guatemalan woman who lived with her fiance, a legal permanent resident, for 5 years; and when she asked about getting married so she could apply for her own legal residency, he beats her and accuses her of only wanting to be with him so she can get her immigration status recognized.

This bill is long overdue. The battered immigrant women provisions are necessary. Though I would have wanted to see access to food stamps, access to housing, access to other benefits, we must move this bill forward, and we must move the programs that provide sexual assault prevention programs and education and training of judges. That is a key element for providing relief to those abused individuals.

I would like to thank the Committee on International Relations for protecting the victims of terrorism and those subjected to slavery. This is a good conference report and I ask for my colleagues to vote for it.

Mr. Speaker, first, I would like to thank the leaders like Congressman JOHN CONYERS who has been a leader on VAWA issues for years, Congressman SAM GEJDENSON, the Ranking Member of the International Relations Committee for his leadership in being instrumental in reaching a compromise on this bill, Congressman TOM LANTOS, who is a champion on Human Rights around the globe, and his true counterpart on the other side, Congressman CHRIS SMITH, who also has been a champion of Human Rights, and Congressman LAMAR SMITH the Chairman of the Subcommittee on Immigration and Claims, who I have been able to work very well with throughout the 106th Congress.

I come to the floor today in my capacity as Ranking Member of the Subcommittee on Immigration and Claims. Inside this report is the agreement authorizing VAWA, and some very important provisions that deal with Battered Immigrant Women. I joined with Congresswoman JAN SCHAKOWSKY and Congresswoman CONNIE MORELLA to sponsor H.R. 3083, The Battered Immigrant Women Protection Act of 1999, would provide much needed access to battered immigrant victims of domestic violence. Fortunately, many of the provisions of this bill were included in this conference report.

The 1994 VAWA requires the victim to be married to a citizen or permanent resident and prove battery or extreme cruelty by the abuser. There is a provision in this report that eliminates the requirement that an immigrant victim has to prove extreme hardship. The spirit and intent of the 1994 law was to allow immigrants to safely escape the violence and bring their abusers to justice, now this can be done with the adoption of this report.

This Conference Report has language that would provide VAWA relief to abused children who subsequently turn 21 as long as they can demonstrate that one or more incidents of battery or extreme cruelty occurred before they turned 21.

This conference report gives battered immigrants living abroad new access to VAWA immigration relief. Abused children of spouses married to members of the U.S. Armed Forces and U.S. government employees living abroad are trapped overseas unable to escape and seek assistance. Filing a family-based visa petition at an American consulate is permissible, while filing VAWA self-petitions are not. This Conference Report makes it possible for battered immigrant women to file their own petitions. This is a major change.

This Conference Report now allows battered immigrants to file VAWA self-petitions if it is filed within two years of divorce. Divorced battered immigrants do not have access to VAWA immigrant relief. There are many "savvy" abusers who know that if they divorce their abused spouse they will cut off their victim's access to VAWA relief. Provisions in this report change that.

I am very disappointed that some missing provisions that were in the House bill, H.R. 3083 are not in the Conference Report. They are provisions that: exempted fiances from conditional residency requirements, a provision that extended VAWA to sons and daughters of legal permanent residents who are 21 and would allow them to include children in the self-petition; a provision that would have given battered immigrants the option of having children follow to join them rather than placing them in deportation proceedings; and deeply regret that there are no provisions in the report that provide access to food stamps to battered aliens; and access to housing, and access to benefits that would enable the alien to avoid battery or extreme cruelty in the future.

We need this language because far too often, the pleas for help by these immigrant victims are not heard because of language or cultural barriers. Moreover, many victims remain silent because the threat of deportation looms over them and their children. As a result, immigrant women are caught in an intersection of immigration, family, and welfare laws that do not reflect their needs and life experiences, leaving them vulnerable to exploitation with few options for redress. There are real human illustrations as to why we need this bill.

Carla, a Guatemalan woman, has lived with her boyfriend, a legal permanent resident for five years. When she asks him about getting married so she can apply for her own legal residency, he beats her and accuses her of only wanting to be with him so she can get her immigration status recognized.

Such compelling real-life stories illustrate the unique array of legal, economic, and social problems battered immigrant women face today. Most importantly, when these women are facing desperate times and struggles, they have children who are directly impacted. Often times when the mothers are in shelters or deported, the children become the custody of local child welfare agencies.

A battered woman, who is not a legal resident, or whose immigration status depends completely on her partner, is often isolated by unique cultural dynamics which may prevent her from leaving her husband or seeking assistance from the American legal system. With the adoption of this report, a woman in this position is now provided relief. The language in this report will improve the lives of battered immigrants and send them on a path to rebuilding their lives and the lives of their children. I urge the adoption of this report.

While the sweeping provisions of Battered Immigrant Women are included in this report, there is also the reauthorization of the Violence Against Women Act for five years. The money for these programs will combat violence against women, including battered women's shelters and services, sexual assault prevention programs and education and training judges. While I favored the Conyers version in committee, it does seem that compromise was reached to include some much needed provisions from his bill.

The Conference Agreement also includes provisions to allow victims of terrorism or their families in the United States to recover judgments against countries listed by the State Department as sponsors of terrorism. Under the agreement, the president would have the authority to differentiate, on an asset-by asset basis, the premises of foreign diplomatic missions, but not commercial property or rental proceeds from diplomatic property eligible to be protected. This is a reasonable compromise because I remember that the Administration had some concerns and they have been taken care of.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of this conference report, and I especially want to thank the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from Maryland (Mrs. MORELLA) for their valiant leadership. This is long overdue, and all the battered women and children in this world need this.

Mr. Speaker, I would like to thank my colleague from New Jersey, Mr. SMITH, for his leadership in bringing these various important items to the floor. I strongly support the Trafficking Victims Protection Act, the Justice for Victims of Terrorism Act, Aimee's Law and 21st Century Amendment Enforcement Act. These provisions are extremely important to women and children in our nation and in the international community.

What I would particularly like to focus my time on today is the reauthorization of the Violence Against Women Act of 1994. I commend Mrs. MORELLA for her diligent leadership to ensure that this important legislation is reauthorized before the end of the session.

H.R. 1248 authorizes $3 billion dollars over the next four years to fund various programs that support state and local efforts to shelter battered women, train local police and court officials how to handle domestic abuse cases, and provide a hotline and counseling services to battered women.

In my district, the fifth district of New Jersey, there are numerous state and local efforts to address the problem of domestic violence. I want to tell you about four of these programs today. In Hackensack, New Jersey, we have the "Shelter our Sisters" domestic abuse program. This program provides shelter and clothing for battered women of Bergen County and their children. In Passaic County, we have the "Strengthen our Sisters" program which is located in Wanaque, NJ. I visited this shelter last spring. Not only do they provide shelter and clothing. As part of the services provided, the program includes a beauty parlor that is run by battered women from the shelter. This provides the ability for the women to have their hair and nails done before looking for a job. In Sussex County, Domestic Abuse Services, Inc. (DASI) is an organization that has been active for over 16 years. DASI offers a variety of services, including individual and group counseling, a 24-hour hotline, an emergency shelter, a food pantry, a sexual trauma resource center, and community education about domestic violence. And to summarize, I want to identify Ginny's House in Sussex County, which has the heart and soul of angel's helping the little children of our county with physical and emotional support.

These are just a few examples of the innovative things people in my district have done to help women who are the victims of domestic abuse. I commend these programs for their work assisting women get "back on their feet" after being the unfortunate victims of abuse.

Violence against women continues to be a disturbing reality in America. Every day, four women die in this country as a result of domestic violence, and studies indicate that nearly two to four million women are battered each year. In addition, more than 132,000 women are raped yearly.

Six years ago, the Violence Against Women Act became law as part of the historic 1994 Crime Bill. VAWA reflected a comprehensive understanding of the broad range of strategies needed to change this nation's response to violence against women.

Its passage was a watershed event in the continuing struggle to end this type of unnecessary violence. Since the law was passed in 1994, the Justice Department estimates that violence against women has decreased by 21 percent.

The bottom line is: as this decrease indicates this comprehensive approach to combating domestic violence works. But our work is not done until violence against women in our nation is completely eliminated.

I know that all of us in Congress are deeply concerned about these violent crimes that are perpetrated against women. It is a serious national problem whether it takes the form of domestic battery, rape and murder, or stalking. I believe our ability to respond effectively to such violent crimes is an indicator of our commitment to securing safe neighborhoods and safe communities. I urge my colleagues to vote in support of this important legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for yielding me this time; and I also thank the chairman, the gentleman from Illinois (Mr. HYDE), for his important work on this bill and including the language from my bill, H.R. 2031, the 21st Amendment Enforcement Act. I would also like to thank the gentleman from Massachusetts (Mr. DELAHUNT) for cosponsoring this important bill.

It is important because it stops illegal bootlegging on the Internet and the illegal sale of alcohol. This legislation ensures that States have the resources they need to enforce their alcohol control laws from out-of-State bootleggers and illegal shippers of alcohol.

It is important to remember that there are no new substantive laws. This only allows State attorneys general the ability to seek injunctive relief in Federal Court to enforce State laws relating to direct shipment of intoxicating liquor. It does not apply to anybody unless they are breaking the law.

It is a comprehensive solution that is carefully crafted to give States access to Federal courts to enforce their laws without infringing on the use of cutting edge marketing techniques if the deliveries and the sales they generate are made illegally.

This bill is not about the Internet per se. It creates no Internet commerce policy nor does it change the States or the Federal Government's alcohol policy. If people are playing by the rules, it does not apply to them. No new laws, if people play by the rules. But if they break the rules, if they sell to children over the Internet or engage in illegal bootlegging, that can be and will be stopped now by State attorneys general thanks to the 21st Amendment Enforcement Act.

Mr. ROTHMAN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, as the ranking member of the Subcommittee on Human Resources of the Committee on Ways and Means, I am particularly pleased we were able to work out an agreement allowing victims of trafficking access to certain basic assistance programs, such as Medicaid, TANF, and food stamps. I am also pleased that, in addition to the trafficking bill, we were able to include the Violence Against Women Act. It is very important legislation, and I am pleased we were able to incorporate it in the conference report before us.

I must point out, though, that I am disappointed we were able to include the Child Support Distribution Act that passed overwhelmingly by this body and is now laboring in the other body. The gentlewoman from Connecticut (Mrs. JOHNSON) and I had urged the conference to include that particular legislation. We were unable to convince our friends in the other body, but I would hope that before we adjourn sine die that we will be able to pass that important legislation that would send over a billion dollars of increased child support to our Nation's poorest children and families.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS), who has been working very, very hard on the trafficking issue, particularly as a member of the Helsinki Commission.

Mr. PITTS. Mr. Speaker, I rise today in support of the Trafficking Victims Protection Act, a bill that my good friend, the gentleman from New Jersey (Mr. SMITH), has worked tirelessly on.

As Americans, we have always worked for justice and freedom in our borders and worldwide, and that is what this bill is all about; justice through criminal penalties and victim restitution for those who would traffic women and children, and freedom for the victims as the United States takes the lead in fighting to end this criminal business around the world.

I want to take a moment to thank Dr. Laura Lederer, Director of the Protection Project at Johns Hopkins University. Her work has been vital to those working for the victims of sexual trafficking. I hope she is able to continue her study. Let me just read her quote. "Sexual trafficking is a huge problem that urgently needs to be addressed. To conceptualize how immense the problem is, imagine a city the size of Minneapolis or St. Louis, made up entirely of women and children. Imagine that those women and children are kidnapped, raped, and forced into prostitution. Imagine it happening every year. Then stop imagining, because it is happening now and in those numbers."

That is why we are voting on the bill today, and I urge my colleagues to vote for it.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, last March I was honored to be in Southeast Asia. We heard the terrifying stories of trafficking victims and spoke with dedicated individuals who have devoted their lives to helping those women. Today, we have the opportunity to assure these women and children that they are not alone; that the international community recognizes their struggle and is committed to putting an end to this barbaric practice.

This legislation devotes critical funds to helping foreign governments fight trafficking and assist their victims, and pledges the full force of U.S. law to stopping this practice here at home. This is an important step, and I support it wholeheartedly.

I am especially delighted that this conference report contains the reauthorization of the landmark Violence Against Women Act. For those of us who have been fighting for VAWA, today is a cause for celebration.

But more importantly, this bill represents a major victory for the millions of American women who cannot advocate for themselves, women who suffer abuse in silence and in shame, women whose lives and liberty are jeopardized due to gender-based violence.

It used to be that victims of domestic violence and sexual assault were ostracized by their communities, ignored by law enforcement, and even shunned by their own families. But VAWA has played a major role in changing that. It significantly bolstered criminal penalties for sex offenses, stalking, and domestic violence. And in just six years, VAWA has provided over $1.6 billion to support prosecutors, law enforcement, courts, shelters, support services, and prevention programs to combat violence against women.

But we have so much work left to do. Experts estimate that 1.5 million women are victims of gender-based violence every year. An estimated one in three adult women experiences at least one physical assault by an intimate partner during her lifetime. And women throughout America will continue to suffer because they lack access to legal representation in obtaining orders of protection, filing divorce or custody cases, and disputing discrimination in the workplace.

I'm so proud that we are at long last sending the Violence Against Women Act to the President. I'm also delighted that legislation I authored to expand victims' access to legal services has been included in this bill. Increasing funding for legal services to $40 million annually, improving the training of attorneys, and requiring cooperation between legal service providers and victims' organizations will all help empower thousands of women to break the cycle of abuse.

Every woman—whether in our country or abroad—deserves to feel and be safe in her home, her workplace, and in her community. For our nation's women and women around the world, I urge my colleagues to pass this critical bill.

Mr. ROTHMAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise in support of H.R. 3244, a bill on sex trafficking on the floor at this time.

My colleague, the gentleman from New Jersey (Mr. SMITH), has held several hearings in the Subcommittee on International Operations and Human Rights, and I commend him for that and also the gentleman from Michigan (Mr. CONYERS) for his interest.

This act will work to combat trafficking in persons, especially into the sex trade, slavery and involuntary servitude in the United States and in other countries; it also enacts tough criminal laws against buying, selling, either by force, fraud or coercion, or where the victim is a minor. It authorizes the rehabilitation and shelter programs; it authorizes law enforcement assistance to help foreign governments fight trafficking; and encourages the Secretary of State to produce an annual list of foreign countries who do not meet minimum international standards to eliminate trafficking.

This has grown tremendously. Some report it at least $7 billion per year, second only to drug and international arms trade. The victims are young people who have no hope.

Mr. Speaker, I urge passage of H.R. 3244.

Mr. SMITH of New Jersey. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New Jersey (Mr. SMITH) has 5½ minutes remaining, the gentleman from Michigan (Mr. CONYERS) has 4 minutes remaining, and the gentleman from New Jersey (Mr. ROTHMAN) HAS 4½ MINUTES REMAINING.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. SALMON), the author of Aimee's Law.

Mr. SALMON. Mr. Speaker, at the outset, I would like to clarify my response to the colloquy I engaged in with the gentleman from Michigan (Mr. CONYERS). The version of Aimee's Law contained in H.R. 3244 would apply only to individuals convicted of murders, rape, or child molestation for a second time after the law takes effect on January 1st, 2002. I hope that clears up any misunderstanding that I might have had or given.

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I would also like to thank the gentleman from New Jersey (Mr. SMITH) for his graciousness in including this legislation, which will make a real difference in people's lives. Because, Mr. Speaker, 14,000 rapes, murders, and molestations occur every year, and they are 100 percent preventable. Because if these monsters were not let out of prison, or if after let out of prison they had an adequate program for tracking these people through their parole program to make sure that the violence is not recommitted, lives would be spared, children's innocence would be preserved, and women's lives would not be ruined.

This will make a difference. It will make a difference.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 45 seconds to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, since I have 45 seconds, I am going to forego all the preliminaries and only stand to say, as a former prosecutor engaged in the prosecution of domestic violence cases, the Violence Against Women Act provided us the opportunity to come together and put together a program and protocol in our community to deal with violence against women.

I am very proud to stand in support of this legislation as it extends itself to deal with women who are in this country and the victim of violence.

I will again say that I hate the administrative nightmares that are aided by the Aimee's law, but it is very important that we make sure that we provide prosecutors, State court judges, police officers, and Violence Against Women workers with the money they need to do the job out on the streets.

Mr. ROTHMAN. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to thank my colleague, the gentleman from New Jersey (Mr. SMITH), for all his fine work in introducing this very important legislation.

Mr. Speaker, my message is very simple. Congress must give local school boards the resources they need to keep guns out of their classrooms.

Mr. Speaker, do my colleagues remember the time when guns were routinely involved in the airline hijackings? What happened? Airlines installed metal detectors. That was 30 years ago.

Here in the Capitol, after several tragic incidents involving guns, the Capitol Police installed metal detectors here.

Today, when we have elementary schoolchildren bringing guns into their schools, and this phenomenon has occurred across the country, it is now long beyond time to give local school boards the help they need to keep guns out of their schools.

Therefore, we must pass the Secure Our Schools Act, a bill which I introduced along with the gentleman from Indiana (Mr. ROEMER) and others, which is part of this conference report.

Under this bill, Federal matching grants would be provided to any school that requests help to pay for metal detectors, security cameras, or other security devices, or to train school officials in security matters, or to work with local law enforcement officials.

I am very pleased that this bill, with bipartisan support, overwhelmingly passed the House Committee on the Judiciary.

I would like to take this opportunity to thank our distinguished ranking member, the gentleman from Michigan (Mr. CONYERS), for all his assistance and to thank the gentleman from Illinois (Chairman HYDE), without whom this bill would not be on the floor today.

In particular, I would like to mention and thank the gentleman from Illinois (Mr. HYDE) for his invaluable work in reaching across the aisle to assure bipartisan support so that America's children are protected from guns entering their classrooms.

Some young constituents of mine, middle school students from Saddle Brook, New Jersey, said it best when they wrote to me and said, "School is supposed to be a place where we feel safe."

Let us give them and their local school boards the resources to keep guns out of their schools.

I urge my colleagues to vote for this conference report.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 45 seconds to the gentlewoman from New York (Mrs. MALONEY) and thank her for the excellent work that she has done on this bill.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his leadership and for yielding me the time.

Mr. Speaker, I rise in strong support for the reauthorization of the Violence Against Women Act and the International Sexual Trafficking Bill. Both of these important bills were top priorities of the bipartisan Women's Caucus. I regret that it was packaged with several other unrelated, nongermane bills.

The International Sexual Trafficking Bill is important because not only does it take steps to eliminate the sex trafficking industry by punishing the predators that exploit women around the world, but it also takes steps to protect the victims of sex trafficking.

The bill sets forth the minimum international standards for the elimination of sex trafficking. It establishes criminal and civil penalties. And it does many other things.

I appreciate all of my colleagues' work on this important bill for women.

And by establishing criminal and civil penalties for traffickers this bill punishes traffickers for profiting from the victimization of women.

In addition, it authorizes assistance, through non-governmental organizations to the native countries of sex trafficked victims to help the victims and to take steps to stop the industry.

The United States is not immune to the problems of trafficking. It is estimated that as many as 50,000 women, children, and men are trafficked into the U.S. each year. This bill would assist those victims by authorizing a new visa for trafficking victims to provide protection to the women and children that are brought into the United States and forced into prostitution.

Of course there is more that needs to be done to stop the many human rights abuses inflicted on women around the world.

Attacking the sex trafficking industry is an important step in the continued fight for women's rights and freedom around the world.

Mr. CONYERS. Mr. Speaker, I am happy to yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, today I rise in support of this Conference Agreement on H.R. 3244 and the joint efforts of the House, Senate, and Administration to assert our global leadership in halting trafficking and gender-specific violence against all persons, particularly women and girls around the world. Practices of abduction, coercion, violence and exploitation are without a doubt the most reprehensible phenomena sweeping the globe today.

We know that between 1–2 million women and children are trafficked annually around the world. Approximately 50,000—100,000 women and children are trafficked into the United States each year primarily from Southeast Asia and the former Soviet Union. Think about this for a moment. In our country, where we have fought to secure women rights for nearly a century, we too are plagued by these terrible practices. Women and girls suffer extreme physical and mental abuse including rape, torture, starvation, imprisonment and sometimes death. Women and children trafficked in the sex industry are exposed to deadly disease including HIV and AIDS.

While many of us are prospering in the global economy, still others are exploited by traffickers seeking to capitalize on foreign labor markets, the disintegrating social networks, and lower status of women. Victims are lured into trafficking networks through false promises of jobs, good working conditions, high pay and foreign adventure. Yet, slave-like conditions in jobs as domestic workers, factory workers, sex workers, nannies, waitresses, and service workers mire trafficked women and children at the bottom, lock them into the most insecure occupations, and leave victims open to ongoing exploitation and isolation.

Trafficking is a grave human rights, economic, migration, and transnational crimes issue. In 1998, President Clinton established the anti-trafficking strategy of prevention, protection for victims, and prosecution and enforcement against traffickers. The President also charged the Interagency Council on Women with coordinating the U.S. trafficking in women and children policy.

Mr. Speaker, H.R. 3244 will permit the U.S. government to extend our efforts to combat trafficking in women and children and ensure a just and effective punishment of traffickers and protect their victims. This bill directs the Secretary of State to include comprehensive information on trafficking in our Country Reports on Human Rights Practices. The bill also establishes the "Interagency Task Force to Monitor and Combat Trafficking" which I applaud. I believe the high level appointments to this Task Force, including the Secretary of State, Director of USAID, and Attorney General speak to the seriousness to which our country takes this issue. H.R. 3244 will help create economic alternatives to deter women from traffickers by providing them clear choices to improve their economic conditions.

H.R. 3244 engages the U.S. government with foreign countries to meet minimum standards for the elimination of trafficking and establishes a policy not to provide nonhumanitarian foreign assistance to countries which do not meet these minimum standards. And, this bill targets individuals who are known to traffic in persons. The Secretary of State is instructed to establish a list of such persons to identify and sanction such persons who are significant traffickers in persons. The Attorney General is empowered to strengthen the prosecution and punishment of traffickers.

And, finally, this bill puts our money where our hearts and commitments are to end this horrible practice by authorizing $15 million over two years to Health and Human Services, $15 million over two years to the Secretary of state; $15 million over two years to the Attorney General and $15 million each for victims' assistance and foreign countries to meet minimum standards and finally, $15 million over two years to the Secretary of Labor to assist victims in the United States.

I urge my colleagues to vote "yes" on the H.R. 3244 Conference Report.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I rise in support of the conference report.

The conference report includes H.R. 1248, which reauthorizes the Violence Against Women Act (VAWA) for an additional five years.

As a cosponsor of H.R. 1248, I commend my colleagues Mr. HYDE, Mrs. MORELLA, Mr. CONYERS and Mr. MCCOLLUM for their tireless efforts to bring this vital piece of legislation to the floor.

The scourge of domestic violence must be ended. Perpetrators of these reprehensible crimes must be punished, and victims must have support services available to help them transition to a normal life.

VAWA is a piece of legislation this body can be proud of. This law has substantially reduced the levels of violence committed against women and children by their spouses and partners.

Since it was signed into law in 1994, VAWA has strengthened criminal laws and provided funding to enhance their enforcement. It has also provided a foundation for a successful long term criminal justice effort to end violence against women.

By encouraging collaboration among police, prosecutors and victim service providers, VAWA is building a comprehensive community response to violence against women across the country.

VAWA grants have made a difference in the lives of women and their families. Authorization for this critical set of programs expires in four days. It would simply be irresponsible of this body to fail to reauthorize the legislation before adjourning.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support reauthorizing the Violence Against Women Act by voting for H.R. 3244.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very happy that H.R. 3244, the Smith-Gejdenson-Brownback-Wellstone Victims of Trafficking and Violence Protection Act of 2000, is now poised to be passed and, hopefully, will be passed by the Senate and sent to the President for signature.

Interestingly and importantly, it has been endorsed by people like Chuck Colson and Gloria Steinem, by the Family Research Council and Equality Now, by the Religious Action Center of Reformed Judaism, as well as the National Association of Evangelicals.

In crafting this legislation, we also had the very able assistance of impartial experts, such as Gary Haugen of the International Justice Mission, which goes out and rescues trafficked women and children one by one, and Dr. Laura Lederer of the Protection Project, whose painstaking research has been indispensable to ensuring that we have the facts about this worldwide criminal enterprise and its victims.

I also especially want to thank my Staff Director and Chief Counsel Grover Joseph Rees, who has been indefatigable in his expertise on a myriad of these issues. As former general counsel of the INS, he has been indispensable in writing and crafting this legislation.

I also want to thank David Abramowitz with the Democratic staff, who has also done yeoman's work. This is truly bipartisan legislation. I also want to express my gratitude to Michael Horowitz of the Hudson Institute who has supported this effort from day one.

H.R. 3244 has attracted such broad support not only because it is pro-woman, pro-child, pro-human rights, pro-family values, and anti-crime, but also because it addresses a problem that cries out for a solution. Division A of this conference report, the Trafficking Victims Protection Act, focuses on the most severe forms of trafficking in human beings: on the buying and selling of children into the international sex industry, on sex trafficking of women and children alike by force, fraud, or coercion, and on trafficking into slavery and involuntary servitude.

Each year as many as two million innocent victims—of whom the overwhelming majority are women and children—are brought by force and/or fraud into the international commercial sex industry. Efforts by the United States government, international organizations, and others to stop this brutal practice have thus far proved unsuccessful.

Part of the problem is that current laws and law enforcement strategies—in the United States as in other nations—often punish victims more severely than they punish the perpetrators. When a sex-for-hire establishment is raided, the women (and sometimes children) in the brothel are typically deported if they are not citizens of the country in which the establishment is located—without reference to whether their participation was voluntary or involuntary, and without reference to whether they will face retribution or other serious harm upon return. This not only inflicts further cruelty on the victims, it also leaves nobody to testify against the real criminals, and frightens other victims from coming forward.

This legislation seeks the elimination of slavery, and particularly sex slavery, by a comprehensive, balanced approach of prevention, prosecution and enforcement, and victim protection. The central principle behind the Trafficking Victims Protection Act is that criminals who knowingly operate enterprises that profit from sex acts involving persons who have been brought across international boundaries for such purposes by force or fraud, or who force human beings into slavery, should receive punishment commensurate with the penalties for kidnapping and forcible rape. This would be not only a just punishment, but also a powerful deterrent.

And the logical corollary of this principle is that we need to treat victims of these terrible crimes as victims, who desperately need our help and protection. The bill implements these principles by toughening up enforcement and by providing protection and assistance for victims.

Mr. Speaker, I am also very proud that Division B is the Violence Against Women Act of 2000, of which I was also a co-sponsor along with HENRY HYDE, BILL MCCOLLUM, CONNIE MORELLA and other colleagues from both parties. This Act includes provisions to reauthorize federal programs that combat violence against women, to strengthen law enforcement to reduce violence against women, to strengthen services to victims of violence, to limit the effects of violence on children, to strengthen education and training to combat violence against women, to enact new procedures for the protection of battered immigrant women, and to extend the Violent Crime Reduction Trust Fund.

Mr. Speaker, we cannot wait one more day to begin saving the millions of women and children who are forced every day to submit to the most atrocious offenses against their persons and against their dignity as human beings. I urge unanimous support for the Victims of Trafficking and Violence Protection Act of 2000.

Mr. RADANOVICH. Mr. Speaker, I rise today to enter into the RECORD my understanding of the Twenty-first Amendment Enforcement Act as reflected in the Conference Report concerning Trafficking Victims Protection Act of 2000 (H.R. 3244).

Representative CHRIS SMITH's H.R. 3244 has been in Conference for the past several weeks. That Conference concluded with a report that allows the Twenty-first Amendment Enforcement Act (S. 577—Hatch) to be added to the legislation. I have a strong objection to the addition of this legislation, as it is not germane to the underlying, House-passed bill. However, as I support my esteemed colleague's efforts, I will vote to pass the Conference report.

As a proud vintner, I object to the association of my industry with violence against women, sex trafficking and slavery, and believe that S. 577 should not be included for that reason. In addition to my objection, The National Association of State Legislatures took action opposing S. 577 on a 41–7 vote. Mothers Against Drunk Driving does not support Congress' involvement in an internal industry issue under the guise of juvenile access to alcohol.

The proponents of S. 577 argue that the legislation is needed in order to avoid distribution of alcoholic beverages to minors. If that is indeed their position, the Conference Report should include language that limits the provisions of S. 577 to enforcement in cases involving minors. It does not; therefore, I believe that the intention of the proponents of S. 577 is in fact broader than the rhetoric would indicate.

Previous versions of the Twenty-first Amendment Enforcement Act contained provisions that would have allowed states to unfairly discriminate against out-of-state sellers for the purposes of economic protectionism. Such protectionism would clearly be a violation of the Commerce clause of the Constitution; thus, the current version of this legislation does not allow for such protectionist acts.

The Twenty-first Amendment Enforcement Act is simply a jurisdictional statute with very narrow and specific purposes. The bill is not intended to allow the enforcement of invalid or unconstitutional state liquor laws in the federal courts, and is certainly not intended to allow states to unfairly discriminate against out of state sellers. The legislation does provide the federal courts jurisdiction to injunctive relief actions brought by state attorneys general seeking to enforce state laws dealing with the importation or transportation of alcoholic beverages. We are not today saying that those state laws are valid, reasonable or in any manner given import outside of the jurisdiction of the state.

Mr. Speaker, I believe that the Conference has reported a bill that confuses, rather than enlightens, the debate within the alcohol beverage industry regarding the best mechanism for consumers to obtain the products they wish to purchase in a free society. As a standalone bill, I have worked to make sure that this confusion was not adopted in law. However, the procedural actions that resulted in this bill being included in the Sex Trafficking conference report make such efforts futile, and as I indicated, I will vote to support the report.

Mr. UDALL of Colorado. Mr. Speaker, I support this conference report, which combines a number of law-enforcement measures, including two very important measures to protect women around the world and here in the United States.

Worldwide, the conference report takes important steps to make the United States a full partner in the international effort to curb exploitation of women who are the victims of the international sex trade. This is very important because recent favorable international developments—including the breakup of the Soviet Union and greater freedom of travel—have also had the effect of making it easier for this exploitation to occur.

Here at home, the conference report also authorizes the important programs of the Violence Against Women Act, or "VAWA." That is also something I strongly support.

VAWA is very important for Colorado. Through last year, our state received almost $15 million in VAWA grants. That money has helped assist victims of domestic violence, but it has also done much more.

In fact, according to a letter from our Attorney General, Ken Salazar, and his colleagues from other states, VAWA "has enabled us to maximize the effectiveness of our state programs that have made a critical difference in the lives of women and children endangered by domestic violence, sexual assault, and stalking."

VAWA is also important for our country. It has made a difference in the lives of millions of women by aiding in the prosecution of cases of domestic violence, sexual assault, and child abuse, by increasing services for victims and resources for law enforcement personnel, and by establishing a National Domestic Violence Hotline.

Partly as a result, crimes against women have decreased by 27 percent since VAWA's enactment.

But more remains to be done. More women are injured by domestic violence each year than by automobile accidents and cancer combined. More than one-third of all women using emergency rooms are victims of domestic violence. In 1997 more than 250,000 women and children sought refuge from domestic violence in women's shelters. More than 300,000 sexual assaults were perpetrated against women in 1998 alone. And every year more than one million women are targeted by stalkers.

Because I strongly support renewing and strengthening this vital measure, I joined in co-sponsoring H.R. 1248, the bipartisan VAWA reauthorization bill that was also supported by the Administration. The House passed that bill last month, and by passing this conference report we will take the next step toward its enactment.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in strong support of H.R. 3244, the Victims of Trafficking and Violence Protection Act Conference Report. This life saving legislation for women and girls in the United States is a strong, positive example to all nations around the world that violence against women and girls is intolerable and must end.

The Violence Against Women Act, first establish in 1994, has been successful, and its renewal is essential. The National Organization for Women reports that every day four women in this country die as a result of domestic violence, and that between two to four million women of all races and socioeconomic classes are battered annually in America. The Violence Against Women Act reauthorization, which is included in this bill, commits over three billion dollars for the next five years to assist victims of domestic violence, and seek an end to such behavior in our society.

The plight of battered women is a sad and tragic concern. Fortunately in my community, organizations such as Hope House, MOSCA, and Rose Brooks are there for women and children in need. This measure will help reach women who are not now being served because of current limited resources.

Around the world, the problem of trafficking in women and girls is growing. Currently, trafficking is the third largest source of profits for organized crime. America has a responsibility to address this problem because over 50,000 women are illegally trafficked into our country each year. Through prevention and immigration services, this measure will aid these women who have been forcibly removed from their homes and shipped overseas.

I urge reauthorization of this vitally important measure to empower millions of women worldwide through protection of their bodies and spirits. I applaud the numerous women's organizations and fellow co-sponsors who have worked tirelessly on these issues, and I salute the commitment of this Congress to enact this measure.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of this measure, and I am delighted that we have found an acceptable vehicle to attach a provision to reauthorize the Violence Against Women Act. This is an area that deserves continued attention in our country, and we must continue to spread the word to reduce the violence that occurs every day against American women.

The agreement in H.R. 3244 will fund programs to combat violence against women, including much-needed battered women's shelters and services, sexual assault prevention programs and education and training for judges. Unfortunately, this is a problem that continues to be prevalent in my area and has an impact on the entire community. However, H.R. 3244 goes a long way toward curbing the violence that affects women victims by assuring access to free shelters. Hopefully, this bill will continue as a positive step to reduce the overall domestic violence that plagues our communities.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to urge all of my colleagues to vote for H.R. 3244, the Trafficking Victims Protection Act, which includes reauthorization of the Violence Against Women Act.

The Strengthened Violence Against Women Act (VAWA) we will vote on today reauthorizes current VAWA grant programs for five years, makes targeted improvements, and adds important new programs.

The bill strengthens law enforcement efforts to reduce violence against women, increases services to victims of violence, seeks to limit the effects of violence on children, enhances education and training to combat violence against women, and provides important new protections for battered immigrant women.

The original VAWA bill authorized $1.5 billion for programs to protect women and children from domestic abuse. The bill we will vote on today provides $3.4 billion for the 2001–2005 reauthorization period.

The passage of the Violence Against Women Act in 1994 was one of the greatest accomplishments of the 103rd Congress and the Clinton Administration. Since 1995, VAWA grants have provided a major source of funding for national and local programs to reduce rape, stalking, and domestic violence. The 1994 Act bolstered the prosecution of child abuse, sexual assault, and domestic violence cases; provided services for victims by funding shelters and sexual assault crisis centers; increased resources for law enforcement and presecutors; and created a National Domestic Violence Hotline.

The VAWA bill we will vote on today provides important new provisions to prevent and prosecute dating violence, to help women who are trying to escape domestic violence by providing transitional housing and legal assistance services, to enforce state and tribal protection orders nationwide, to improve services to victims of violence, and much more.

I also strongly support the Trafficking Protection Act, which strengthens current law to prevent the unlawful international trafficking of women and children, to increase penalties for those who engage in this abhorrent practice, and to protect the victims of trafficking. This modern form of slavery, which forces women and children into prostitution or forced labor must be eliminated.

I am confident that my colleagues will vote to support H.R. 3244, which provides vital protections for women and children and gives us the tools we need to prosecute those who prey upon them.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of the conference report for H.R. 3244, the Transportation appropriations bill for fiscal year 2001. This Member greatly appreciates the inclusion of $3.5 million for the construction of a pedestrian/trolley overpass in Lincoln, Nebraska. This request was this Member's highest infrastructure priority for fiscal year 2001.

The City of Lincoln, Nebraska, is seeking Federal assistance for transportation improvements associated with the construction of a new baseball/softball complex. The construction of the complex, to be built on the edge of downtown Lincoln, represents a partnership between the City, the University of Nebraska-Lincoln (UNL), and private business. It will be home of a minor league baseball team, the UN–L baseball and softball teams, as well as any number of City of Lincoln recreational activities.

Currently, the most pressing need for the City of Lincoln in the completion of this project, is the construction of a pedestrian/trolley overpass that would allow for safe and enhanced access to the stadium. The reason this bridge is so vital is that it would provide important connections between the baseball complex, the popular Haymarket section of Lincoln, the City's trails system, the University of Nebraska campus, and parking facilities for both the baseball complex and the home of the Husker football team, Memorial Stadium. What makes this development site unusual and difficult, but the reason it is available, is the fact that it is separated from the downtown area by I–180 and what is literally one of the world's busiest train routes where huge amounts of western coal are moved east, along with large volumes of other freight. Therefore, the City of Lincoln plans to use and really must use the most innovative techniques to move large numbers of people in short periods to this site during events. The approach selected must be chosen to allow for enhanced transit, paratransit, bicycle, and pedestrian access from the University and the Lincoln community.

The City of Lincoln has already committed $1 million. The $3.5 million appropriation in the Transportation appropriations conference report is necessary for Lincoln to compete this important project.

Within the conference report, however, Mr. Speaker, is the .08 blood alcohol mandate. Although the conference compromise agreement is better than the Senate-passed language, this Member is opposed to all Federal mandates on Highway Trust Funds which require either the passage of specific state legislation or the loss of Federal highway funds. This Member has always opposed any provisions which would limit or reduce the Highway Trust Funds or limit the states' ability to use their Highway Trust Funds as they choose. Nebraskans and other Americans pay their gasoline taxes at the pump and deserve to have them returned for highway construction and maintenance and other transportation projects, without strings being attached. In short, states should be allocated money from the highway trust funds without conditionality being applied for any objectives—be those objectives noble or misguided. Of course, this Member recognizes that drunk driving remains a serious problem—and in fact more than twenty-four years ago introduced what he has been told was the first bill in the Nebraska Legislature to lower the standard to .08 percent; unfortunately, it never made it out of committee because of the strenuous opposition of the alcohol lobby. This Member believes that under the U.S. Constitution, the establishment of the blood alcohol content level as it relates to driving is the responsibility of the states, not the Federal Government. Nevertheless, despite this very strong concern I believe the case for the prompt enactment of this legislation is compelling.

In closing, Mr. Speaker, this Member urges his colleagues to support H.R. 3244.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 1, not voting 62, as follows:

[Roll No. 518]

YEAS—371

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ewing
Fattah
Filner
Fletcher
Foley

Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo

Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce

Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
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Taylor (MS)
Taylor (NC)
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Thompson (CA)
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Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
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Walden
Walsh
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Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Sanford

NOT VOTING—62

Ackerman
Baker
Ballenger
Barton
Berman
Bilirakis
Bliley
Blumenauer
Callahan
Campbell
Carson
Clay
Cramer
Danner
Diaz-Balart
Dicks
Eshoo
Everett
Farr
Forbes
Fowler

Franks (NJ)
Goodling
Goss
Hansen
Hefley
Hunter
Hutchinson
Isakson
Kennedy
King (NY)
Klink
Knollenberg
Kolbe
LaTourette
Lazio
Lewis (GA)
Lipinski
McCollum
McIntosh
Meek (FL)
Meeks (NY)

Metcalf
Mica
Miller (FL)
Pascrell
Paul
Peterson (PA)
Pickett
Rangel
Reyes
Shuster
Smith (TX)
Spence
Stark
Strickland
Talent
Thompson (MS)
Vento
Waters
Waxman
Wise

☐ 1401

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, due to a conflict, I missed rollcall No. 518. Had I been present, I would have voted "yea" on adoption of the conference report for H.R. 3244, the Trafficking Victims Protection Act.

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 518, I could not be present. Had I been present, I would have voted "yea."

Mr. MICA. Mr. Speaker, on rollcall No. 518, I could not be present. Had I been present, I would have voted "yea."

Mrs. FOWLER. Mr. Speaker, on rollcall No. 518, I could not be present. Had I been present, I would have voted "yea."

Mr. EVERETT. Mr. Speaker, due to sickness in my family and thus the need to return home to my district, I was unable to vote on rollcall vote No. 518. Had I been present, I would have voted "yea" on H.R. 3244, final passage of the Trafficking Victims Protection Act of 2000.

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, today the House debated H.R. 3244, the "Trafficking Victims Protection Act" conference report. I was unavoidably absent for a vote on the rule (H. Res. 613) and the bill. Had I been present, I would have voted "nay" on the rule (rollcall vote No. 517) and "aye" on the conference report (rollcall vote No. 518).

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Speaker, on rollcall votes 514, 515, 516, 517 and 518, I was absent. I was in my district, touring flood damage in the Presidentially-declared federal disaster area, with the Director of the Federal Emergency Management Agency. Had I been present, I would have voted "aye" on each of those votes.

LEGISLATIVE PROGRAM

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I take this time to inquire about next week's schedule.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my fellow Committee on Rules member, the gentleman from Dallas, for yielding.

I am pleased to announce to our colleagues, Mr. Speaker, that the House has completed its legislative business for the week. The House will next meet for legislative business on Tuesday, October 10, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices later today.

On Tuesday, the House will also consider H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. We are hoping in the Committee on Rules to be able to report the rule on that conference report out before too terribly long. I hope my friend from Texas will remain with us while we attempt to do that.

On Tuesday, I should say there are no votes anticipated until after 6 p.m.

On Wednesday, October 11, and the balance of the week, the House will consider the following measures: H.R. 4461, the Agriculture Appropriations Conference Report; H.R. 4577, the Departments of Labor, Health and Human Services, and Education Appropriations Conference Report; and H.R. 4942, the District of Columbia Appropriations Conference Report. The House will also consider any other conference reports that may become available throughout the week.

I thank my friend for yielding and hope that when we do report out this conference report rule upstairs that we will be able to send everyone home for the weekend.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Wisconsin, the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wonder if I could inquire, can we be assured that next week all of the appropriations conference reports will actually be in the conference reports, or will we again have to go through the charade that we went through today where, if you went to the conference report on the bill passed earlier, you could not find one word of the bill that was being conferenced?

Mr. DREIER. Well, I will assure my friend that we will not continue with any kind of "charade" that he thinks may or may not have taken place. We are going to try to proceed with conference reports and have votes on those next week.

Mr. OBEY. Can the gentleman assure us that every bill that has been conferenced will, in fact, be found in the conference report?

Mr. DREIER. If my friend would continue to yield, I cannot provide assurance that my friend from Wisconsin will be completely happy with the procedure that will be followed.

Mr. OBEY. I did not think so.

Mr. FROST. Mr. Speaker, I have several questions, if I may. First, I listened carefully to what my colleague on the Committee on Rules said. I am not sure I understood exactly one point. Do we expect any appropriation bills on the floor on Tuesday, or are they only going to come up later in the week?

Mr. DREIER. At this juncture, we do not anticipate any appropriation conference reports to be on the floor on Tuesday.

Mr. FROST. If I could ask the gentleman an additional question, when will our business be completed for the week next week? Do we anticipate a weekend session?

Mr. DREIER. Do we anticipate? As my friend knows, the Continuing Resolution expires one week from tomorrow, and we hope very much we will have the work of the 106th Congress completed by that time. So, at this juncture, we hope that we will be completed by next Saturday.

Mr. FROST. Do we anticipate being here on Saturday?

Mr. DREIER. I think it would be great if we could finish it midweek and adjourn sine die, but that probably will not happen. At this juncture, we have until Saturday, when the Continuing Resolution expires; and it is our hope that we will complete our work by that time.

Mr. FROST. Should we not complete our work by next Saturday, by the day on which the CR expires, do we anticipate very short-term CRs after that? Can we tell how long the next one would be, if in fact the next one were necessary?

Mr. DREIER. We will obviously want to work closely with our friends on the other side of the aisle and down Pennsylvania Avenue to bring about some kind of resolution on that question. I think it is too early to raise that question, and we are all hoping that by the expiration of the Continuing Resolution next Saturday, we will be able to adjourn sine die.

H-1B NON-IMMIGRANT WORKERS FEE INCREASE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 5362) to increase the amount of fees charged to employers who are petitioners for the employment of H-1B non-immigrant workers, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. CONYERS. Mr. Speaker, reserving the right to object, I yield to the gentleman from Utah (Mr. CANNON), my distinguished colleague on the Committee on the Judiciary, for an explanation and a discussion of the purpose of the bill that he offers.

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill adds the final piece to the H-1B legislation that we passed earlier this week. There is widespread consensus that the $500 fee for an H-1B visa application should be increased. The money collected in fees goes toward job training for American workers and scholarships for American students studying math and science. These programs will provide the long-term solution to the shortage of information technology workers plaguing our economy.

H.R. 5362 raises the fee to $1,000. With the new H-1B quota of 195,000, this increased fee could raise almost $200 million a year for job training and scholarships.

The bill also exempts primary and secondary schools and universities from having to pay the fee. These institutions are already doing their part to train American students for the jobs of the future.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. Speaker, as I understand the amendment, the fee charged to employers for sponsoring an H-1B worker will double from $500 to $1,000. I support the increased fee, because we have a critical need to retrain America's workers and educate our children to meet the demands of the new economy and to better administer and enforce the H-1B program.

In fact, in my view, a larger fee increase may have been appropriate, in light of the urgent need for qualified American high-tech workers, particularly in minority and under-represented communities.

The allocation of the new fee makes the training and education of American workers and America's children a priority. Over half the fees will be used by the Labor Department to provide technical skills training for U.S. workers. Over 35 percent of the fees will go to scholarships for low-income persons and the National Science Foundation competitive grants for K-12 math, technology, and science education.

Now, it is common knowledge that the administration of the H-1B program by the Immigration Service and the Labor Department could be far better than it is. We have increased the funds allocated to each agency so that they can better administer and enforce the programs, as well as reduce the horrendous backlogs in applications currently faced by employers.

We will review the implementation of the H-1B program in the next Congress, and I fully expect to see improvements in how these agencies handle the H-1B program. In other words, they should be held rather strictly accountable.

Mr. Speaker, because the fee increase will begin to address the needs of the American workforce, I support the bill.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I would like to extend my appreciation to my colleagues on the Committee on the Judiciary, first, for bringing this up.

This fee increase is one which was struck through an agreement in legislation that my colleague next to whom the gentleman is standing, the gentlewoman from California (Ms. LOFGREN), and I worked, beginning last October.

It is very important for us to recognize that while just 2 days ago we were able to pass legislation which does bring about that increase to 195,000 the number of H-1B visas, it is important for us to realize the long-term solution is to do exactly what my friend from Michigan has said, focus on scholarships for the National Science Foundation, increase math and science education at the K through 12 level, and realize that if we are going to have a workforce that is going to be globally competitive, we must have them trained and educated here in the United States.

Until that time, we have increased the H-1B visa level. We have had a bipartisan agreement to do that. It seems to me that this legislation, which I was very proud to introduce, after we passed the H-1B visa bill, along with the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member of the Committee on Rules, is one which we can move immediately.

Again, I would like to compliment my colleague, the gentlewoman from California (Ms. LOFGREN), and the gentleman from Utah (Mr. CANNON) and others who have worked long and hard on trying to move ahead with the package.

On this issue of education and math and science education, I specifically want to mention the gentleman from Michigan (Mr. EHLERS), who has done a great deal of work focusing on the importance of math and science training.

So I hope we can move ahead just as quickly as possible. Again, I congratulate all those who have been involved in this effort.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I thank the gentleman from California (Chairman DREIER).

The gentleman reminds me that I have been discussing with the gentlewoman from California (Ms. LOFGREN) about how, in the next term, if we are fortunate enough to come back to Congress elected by our constituents, that we really begin to work on a larger plan that coordinates all of the efforts that some employers are engaged in; that the Department of Labor should certainly be working very hard at; that the Department of Education, for example, should be doing more.

□ 1415

But I am still looking for, and I am willing to create with interested Members in the Congress, the omnibus inclusive program that really gets at the problem of the training, which, as we know, has the start in the very first grades. You cannot bring in a technical program for people who have not been prepared for the course studies.

Ms. LOFGREN. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Speaker, I appreciate the comments of the gentleman from Michigan (Mr. CONYERS), the ranking member, as well as the gentleman from California (Chairman DREIER), the Committee on Rules.

I very much believe that this is the right thing to do today. As the gentleman from California (Mr. DREIER) referenced, this was the fee that was included in the bill here in the House. Because of the glitch, and I cannot argue with the parliamentarian in the other body, it could not be included, because revenue increases can only be instigated in the House and thus this is an essential thing to do. I do agree.

Mr. DREIER. Mr. Speaker, will the gentleman will yield further?

Mr. CONYERS. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, that glitch happens to be article 1, section 7 of the U.S. Constitution.

Ms. LOFGREN. Mr. Speaker, I thank the gentleman very much for the reminder of the Committee on Judiciary members, the origin of the glitch.

Mr. Speaker, I would like to say, though, that I think that the issue of H-1Bs is more complicated than training programs; 98 percent of the H-1B visa holders have at least a bachelor's degree, half of them have a master's degree or Ph.D., so I am very much for the job training programs that are included in this. It is important, but it is a different employee group than the H-1B visa holders.

And for that, I am hopeful that we will be able to do additional funding and additional emphasis on math and science education, so that poor children who are in great numbers are not getting to colleges they should be and not getting into the Ph.D. programs as they should be will have that opportunity.

Mr. Speaker, I would further note that this is about not just shortage but excellence, and we will always want the ability to recruit worldwide. A country that would not want somebody like Linus Torvalds to be in America and want to be one of us is a country that is inexplicable.

So we will always want to be able to do that, but that does not obviate the need for putting massive effort and attention and additional resources especially into poor schools for poor children. We were losing bright minds. It is an outrage for those families and those kids, but further it is something that this country can no longer afford to do. So I am eager to support this.

Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), the ranking member, for yielding to me. I am hopeful that next year we can do much, much more.

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman from Houston, Texas (Mrs. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, continuing on the reservation of the gentleman from Michigan (Mr. CONYERS), let me thank the gentleman very much.

Let me acknowledge that there are elements in this UC that I certainly do appreciate. In particular, language taken out of H.R. 4227, the Technology Worker Temporary Relief Act, that has a recognition of the burden on primary and secondary educational institutions with respect to paying the fee.

These are entities that would put teachers into the primary and secondary public schools and, of course, this language came out of our bill. It was language that I drew from the gentleman from Texas (Mr. GREEN) in working with our local school districts, so I am very gratified that this lessens the burdens on our local school districts.

In addition, I think it is vital that we increase the fee, because, of course, one of the elements that many of us are concerned about with the H-1B philosophy, if you will, is the training that is necessary for American workers.

What I would say, however, as well, is that I wish we would have captured an opportunity to allow us for a full debate when this particular legislation came to the floor of the House, my reservations are that in that instance, we might have been able to go from 195,000 to 225,000. As the gentleman well knows, the industry said they need millions, but we did not do that.

I think we missed a very valuable opportunity, and I would just like to share with my colleagues just a few brief points on the continuing reservation.

There is nothing in this bill that requires H-1B tech employees to recruit, hire or train minority American workers. African Americans are only 11 percent of the high-tech industry, and they continue to be underemployed. There is nothing that requires H-1B employees to make efforts to continually train and update the existing skills incumbent on American workers and to promote such employees where possible.

There is nothing in the bill that requires the employers to take constructive steps to recruit qualified American workers who are members of underrepresented minority groups, recruit historically black colleges and universities, Hispanic-serving institutions, and advertise jobs to reach out to older and disabled Americans.

There is nothing in this bill that deals with rural communities. Under the leadership of the gentlewoman from North Carolina (Mrs. CLAYTON), we have been working in our Congressional Black Caucus to deal with these kinds of needy groups. There is nothing in this bill that deals with protecting American workers and ensuring that the salaries are competitive.

Mr. Speaker, I applaud the industry and I applaud the idea that jobs in America creates jobs; we know that. But we missed a very valuable opportunity, both in the legislation on Tuesday and as well as in the UC, to be able to respond to those groups who obviously need to be addressed.

Let me conclude, as I continue my reservation, I am gratified that the bill that I sponsored, Kids 2000, is in the legislation that deals with boys and girls club grants, and glad that the DOL will be getting training money. My only angst is that the training money should be directed toward historically black colleges and other institutions to specifically focus on groups that need to be encouraged to participate in this very vital and vibrant industry.

I hope that in working with the administration, this time around, and working next time in the 107th Congress, if we are lucky enough to come back, Mr. Speaker, that we will look to these issues that are very important, that the training dollars will not randomly be sent to the State, but they will be designated to work on these issues that we think are so very important.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) because she had a bill directed at the points that she made; unfortunately, it was unable to be heard in the committee on which she is the ranking member. I think it gives us a direction for where we really must go in the next Congress. This is a good start, but it is only that.

I hope that the gentlewoman will join in the dialogue that I have just begun today with members of the committee to put together an omnibus package that goes way beyond just increasing the fee and passing it on.

We have to have a targeted national program if we are to get these youngsters that we all want to train into the pipeline to be able to get into the technical courses that would make them prepared to go into the high-tech field.

And so I only remind the Members of this, because the gentlewoman has been working tirelessly on this subject ever since she became the ranking member on the Subcommittee on Immigration and Claims.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman would continue to yield so I may respond. I look forward to working with the gentleman on this omnibus effort as I think my colleague who will speak next, and we will continue to work in every direction that we can to really respond to the general need that we have on this very important issue of technology in America.

Mr. CONYERS. Mr. Speaker, continuing my reservation, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON) for her discussion under our reservation.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for his generosity in yielding the time. I thank him for his leadership, and I thank all of those who are interested in raising the fees so that American workers can have the opportunity for training. I certainly thank the gentlewoman from Texas (Ms. JACKSON-LEE) who has provided untireless hours and vigorous leadership on this issue.

I guess part of my reservation is both process and substance. The process is that we did not have an opportunity to have just this kind of dialogue which apparently we agree on when we could have had this opportunity to enhance this bill.

It is not the issue of not increasing it, because we are not anti the opportunity of getting the kind of technological skills in order to make our companies ever profitable and allow it to expand and the growth opportunities there but the uncertainty of the fact that we could not have this honest democratic discussion about how we bring various parts.

I represent rural America, so I bring that bias or that perspective. In rural America, we do not have access to the Internet, nor do we use the Internet in the same proportion, and that is exacerbated, obviously, by the persistent poverty, the sparsity of population, the distance they have to travel.

So we are finding ourselves with acts like this and others further disenfranchising digitally because we do not have the infrastructure, and to allow this opportunity to pass and not to allow American citizens and children and workers in rural America to benefit from this is not to suggest that we should not recruit others. And I agree with my colleague, the gentleman from California (Mr. DREIER), we certainly would be very narrow minded if we did not want to get the best minds worldwide.

But should we get the best minds at the expense of the best minds here? Should we indeed not do both? We can achieve both. I want to applaud what the gentleman is doing here, but I do not want the gentleman to think that I think we cannot do better this session. We ought to still stay engaged with the President and still stay engaged with that process to let him know we can perfect this.

The opportunity seems to me that we indeed ought to structure some of these funds so it, indeed, will go to those targeted areas.

My final comment is this, when America saw itself challenged 3 decades ago scientifically and astronomically, when we found ourselves behind the Russians, we made a commitment not just to recruit the Russian scientists here, we made a commitment to invest in our children, in our school. We are not making that kind of commitment.

And for my colleague from California (Mr. DREIER) who remarked this is short term; the gentleman is absolutely right, this is short term. It is short term, and if we keep doing it, it is going to become the most expedient way to do it, because it costs less to do this.

I want to make the plea to my colleague, we have to invest in our communities. We have to invest in our children. We have to invest in our workers. We have to invest in rural America so we can be a Nation that is proficient and enjoying the rising tide of this new economy, and we have to make that kind of effort.

It is not at the exclusion of bringing the best minds. This is not antiimmigration. This is an inclusive way, and it is to suggest that the information technology people, they understand the value of having a workforce here in America.

It seems to me that we short sighted their vision if we suggest that their only solution is that they must keep recruiting all their talents somewhere else. We did this in auto, and guess what? We found ourselves as American countries having competition all over.

I just want to challenge us, the most important integration bill we had on this House, we missed the opportunity to have this kind of give and take and discussion.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. EHLERS), a member of the Subcommittee on Energy and Environment.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding. I appreciate the opportunity to speak on this important topic. I am in agreement with much of what I have heard today, but we have to recognize, as the previous speaker, the gentlewoman from North Carolina (Mrs. CLAYTON), commented, this is a long-term problem. It is also something that I have been involved in since 1967 when I was a physics professor and became very concerned with what was called at that time scientific illiteracy.

□ 1430

It was clear the Nation had a major problem, so I dedicated myself as a professor of physics, first at Berkeley, then at Calvin College in Grand Rapids, Michigan, to trying to eradicate scientific illiteracy in the areas in which I dealt. I taught special courses designed for students who were not scientists, so they would begin to understand science and comprehend it.

That interest has continued, and I agree with the previous speaker, that this is a long-term problem that we have to address.

I have developed three bills which I introduced this past year. We have over 110 cosponsors of those bills, and I had hoped that we could act on them this year, but due to various circumstances, that did not happen, although one of the bills was reported out of the Committee on Science.

It is essential that we continue this. I have a brochure which I have handed out to many Members, and I will be happy to make available to any other Members.

The key point to recognize, first of all, we have a very serious problem in this country, but we also have a real blessing going on right now. The blessing is the tremendous economic boom we have enjoyed for almost a decade, which, according to Alan Greenspan and many other experts, is grounded entirely in the science and math developments of the recent past.

The research we have done has paid off, but we have not produced the manpower to keep the boom going, so we are forced to import scientifically, technically trained people from other countries. That is why we need the H–1B visas.

But that is a short-term solution. We need to do a better job of educating our citizens in math, science, engineering, technology, from pre-school through graduate school, if we want to continue to be competitive as a nation.

It is absolutely essential that we do that. The best place to start is our weakest link, K through 12 education. For a series of reasons, we are not doing a good job there. Evidence of that, of course, is the H–1B visa problem. Another evidence is that in any graduate school of science and engineering in this country, we will find over half of the students are from other nations. Our students cannot compete with students from other nations.

Another example of this is that we have 365,000 jobs open in this country unfilled because we do not have qualified people to fill those jobs.

So in an attempt to solve that, I have introduced these three bills. I hope next year we can get this through. I hope we will be able to use some of the funding from the H-1B visa fee to propagate this and actually get at and solve the problem.

The previous speaker referred to the effort after the Russians reached space first. I have given a number of speeches entitled, "Where is Sputnik when we need it," because we need another Sputnik now to reenergize our people, to reenergize our Congress, and get this in, address this problem.

It can be addressed, and it is not all that expensive. We simply have to set our minds to it and do it, and do it right, so that we can produce a workforce that is technically trained, scientifically trained, and able to deal with the economy we have now, and keep this economic boom going so that we will all continue to enjoy a better life in the future.

Mr. CONYERS. Continuing my reservation of objection, Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding to me. I did not appropriately thank him for his leadership, and the members of the committee; and also for having the passion and understanding that though this came through the Subcommittee on Immigration and Claims, it is a Committee on the Judiciary issue, a full committee issue.

I am delighted that the gentleman from Michigan (Mr. EHLERS) talked about the reeducating of our youth. The point I wanted to focus on is that this is a continuing effort, this is not a one-time effort, as everyone has said.

But this is a time to speak to my colleagues who would think that it is a narrow issue. The issue should be that we leave, and I have heard this said before, we leave no one behind. Right now, even though we can focus on those K through 12 students which we want to excite about math and science, to project them into the future, let me just remind my colleagues that we do have existing American workers who, with cross-training, what we call incumbent worker training, engineers graduated from historically black colleges or Hispanic-serving institutions or individuals in rural America who are now ready to stand alongside of the immigrant visas we are giving.

It must be said as much as we fought on the issue of helping immigrants, particularly trying to restructure the INS, making things less bureaucratic, we know this is not an attempt to discard the talents that they bring, but it is to recognize that there are existing workers today, Hispanics, African-Americans, people who live in rural communities, people who live in urban communities, who can benefit from the recruitment of the industry that we would like to see, from the collaboration and training in institutions that these individuals could get cross-training in, and as an engineer, be able to write software technology.

That is why I was saddened at the opportunity we missed with this legislation. I am gratified that the fees are raised, so we know we are committed to training; gratified that those public schools that need teachers coming in from foreign countries to teach, because we have a teacher shortage, now do not have to pay the fee; gratified that we have the Kids 2000 technology aspect; but hope that my colleagues, in keeping with the comments of the gentleman from Michigan (Mr. CONYERS) about an omnibus approach in the future, that we will be reminded of those underserved, underutilized communities, and underutilized American workers we have.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding.

I want to take a moment to thank those involved in this bill, the gentleman from California (Mr. DREIER) has worked indefatigably on this issue, as has the gentlewoman from Texas (Ms. JACKSON-LEE). We appreciate that. Her great leadership on the committee has been helpful.

The gentleman from Michigan (Mr. EHLERS) has worked very, very hard on these issues. We appreciate his comments, and those of the gentlewoman from North Carolina (Mrs. CLAYTON), who just spoke eloquently. We appreciate her concerns and leadership on the issue.

Mr. MOAKLEY. Mr. Speaker, the bill before us contains technical corrections and clarifications to the H1–B visa legislation which passed the House by voice vote on Wednesday and the Senate 96 to 1. This bill will increase the H1–B visa fee which will be used to train American workers in high tech jobs. It also goes further to protect non-profits affiliated with educational institutions, like teaching hospitals. This training money is a positive step. It is overwhelmingly supported by members in both bodies and on both sides of the aisle. I want to thank my colleague DAVID DREIER for his leadership on this issue.

Mr. GREEN of Texas. Mr. Speaker, I would like to thank Chairman DREIER and Congressman JOE MOAKLEY for including my bill into the H–1B visa bill. The American Competitiveness and Workforce Improvement Act of 1998 developed a new filing fee which must be paid by employers when they file H–1B petitions for "aliens in specialty occupations" before October 1, 2001. Certain employers are exempt from paying the filing fee, including institutions of higher education, nonprofit organizations or a Government research institute, it is my regret that this preferential treatment does not extend to grades K–12. With this in mind, elementary and secondary-level education institutions that qualify as nonprofit organizations under the appropriate sections of the Internal Revenue Code do not qualify as "institutions of higher education," as defined by the ACWIA, and are thus not exempt.

In response to this confusion, The Department of Labor has identified the need to clarify the definition of exemption provisions as they apply to elementary and secondary-level education institutions. We offered H.R. 1573 to ensure that the same policies and objectives served by the ACWIA be extended to include elementary and secondary-level education providers.

The fee was paid by our public schools from property tax dollars to I.N.S. This bill will save our public schools scarce property tax funds to use for education.

I hope we can pass this legislation that would provide our elementary and secondary schools a chance to hire experts and teachers through the H1–B Visa program and save local tax dollars.

Mr. CONYERS. Mr. Speaker, because I support the bill, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HOBSON). Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITIES RELATING TO THE IMPOSITION OF FEES.

Section 214(c)(9) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)) is amended—

(1) in subparagraph (A), by striking "(excluding" and all that follows through "2001)" and inserting "(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing before October 1, 2003"; and

(2) in subparagraph (B), by striking "$500" and inserting "$1000".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1(2) shall apply only to petitions that are filed on or after the date that is two months after the date of enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5362.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregon, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4475) "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.".

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2547. An act to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

CONFERENCE REPORT ON H.R. 5408, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. STUMP submitted the following conference report and statement on the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–945)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4205), to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. ENACTMENT OF FISCAL YEAR 2001 NATIONAL DEFENSE AUTHORIZATION ACT.

The provisions of H.R. 5408 of the 106th Congress, as introduced on October 6, 2000, are hereby enacted into law.

SEC. 2. PUBLICATION OF ACT.

In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval an appendix setting forth the text of the bill referred to in section 1.

And the Senate agree to the same.

JOEL HEFLEY,
JIM SAXTON,
STEVE BUYER,
TILLIE K. FOWLER,
JOHN M. MCHUGH,
JAMES M. TALENT,
TERRY EVERETT,
ROSCOE G. BARTLETT,

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
DUNCAN HUNTER,
JOHN R. KASICH,
JAMES V. HANSEN,
CURT WELDON,
HOWARD "BUCK" MCKEON,
J.C. WATTS, JR.,
MACK THORNBERRY,
JOHN N. HASTETTLER,
SAXBY CHAMBLISS,
IKE SKELTON,
NORMAN SISISKY
JOHN SPRATT,
SOLOMON P. ORTIZ,
OWEN B. PICKETT,
LANE EVANS,
GENE TAYLOR,
NEIL ABERCROMBIE,
MARTIN T. MEEHAN,
THOMAS ALLEN,
VIC SNYDER,
JAMES H. MALONEY,
MIKE MCINTYRE,
ELLEN O. TAUSCHER,
MIKE THOMPSON,

Provided that Mr. Kuykendall is appointed in lieu of Mr. Kasich for consideration of section 2863 of the House bill, and section 2862 of the Senate amendment, and modifications committed to conference:

STEVEN T. KUYKENDALL,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

PORTER J. GOSS,
JERRY LEWIS,
JULIAN C. DIXON,

From the Committee on Commerce, for consideration of sections 601, 725, and 1501 of the House bill, and sections 342, 601, 618, 701, 1073, 1402, 2812, 3131, 3133, 3134, 3138, 3152, 3154, 3155, 3167–3169, 3171, 3201, and 3301–3303 of the Senate amendment, and modifications committed to conference:

TOM BLILEY,
JOE BARTON,
JOHN D. DINGELL,

Provided that Mr. Bilirakis is appointed in lieu of Mr. Barton of Texas for consideration of sections 601 and 725 of the House bill, and sections 601, 618, 701, and 1073 of the Senate amendment, and modifications committed to conference:

MIKE BILIRAKIS,

Provided that Mr. Oxley is appointed in lieu of Mr. Barton of Texas for consideration of section 1501 of the House bill, and sections 342 and 2812 of the Senate amendment, and modifications committed to conference:

MICHAEL G. OXLEY,

From the Committee on Education and the Workforce, for consideration of sections 341, 342, 504, and 1106 of the House bill, and sections 311, 379, 553, 669, 1053, and title XXXV of the Senate amendment, and modifications committed to conference:

BILL GOODLING,
VAN HILLEARY,
PASTY T. MINK,

From the Committee on Government Reform, for consideration of sections 518, 651, 723, 801, 906, 1101–1104, 1106, 1107, and 3137 of the House bill, and sections 643, 651, 801, 806, 810, 814–816, 1010A 1044, 1057, 1063, 1069, 1073, 1101, 1102, 1004, and 1106–1118, title XIV, and sections 2871, 2881, 3155, and 3171 of the Senate amendment, and modifications committed to conference:

DAN BURTON,
JOE SCARBOROUGH,
HENRY A. WAXMAN,

Provided that Mr. Horn is appointed in lieu of Mr. Scarborough for consideration of section 801 of the House bill, and sections 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, and 1101, title XIV, and sections 2871 and 2881 of the Senate amendment, and modifications committee to conference:

STEPHEN HORN,

Provided that Mr. McHugh is appointed in lieu of Mr. Scarborough for consideration of section 1073 of the Senate amendment, and modifications committed to conference:

JOHN M. MCHUGH,

From the Committee on House Administration, for consideration of sections 561–563 of the Senate amendment, and modifications committed to conference:

WILLIAM M. THOMAS,
JOHN BOEHNER,
STENY H. HOYER,

From the Committee on International Relations, for consideration of sections 1201, 1205, 1209, and 1210, title XIII, and section 3136 of the House bill, and sections 1011, 1201–1203, 1206 1208, 1209, 1212, 1214, 3178, and 3193 of the Senate amendment, and modifications committed to conference:

BILL GOODLING,

From the Committee on the Judiciary, for consideration of sections 543 and 906 of the House bill, and sections 506, 645, 663, 668, 909, 1068, and 1106, title XV, and title XXXV of the Senate amendment, and modifications committed to conference:

HENRY HYDE,
CHARLES T. CANADY,

From the Committee on Resources, for consideration of sections 312, 601, 1501, 2853, 2883, and 3402 of the House bill, and sections 601 and 1059, title XIII, and sections 2871, 2893, and 3303 of the Senate amendment, and modifications committed to conference:

DON YOUNG of Alaska,
BILLY TAUZIN,

From the Committee on Transportation and Infrastructure, for consideration of sections 601, 2839, and 2881 of the House bill, and sections 502, 601, and 1072 of the Senate amendment, and modifications committed to conference:

BUD SHUSTER,
WAYNE T. GILCHREST
BRIAN BAIRD,

Provided that Mr. Pascrell is appointed in lieu of Mr. Baird for consideration of section 1072 of the Senate amendment, and modifications committed to conference:

BILL PASCRELL, Jr.,

From the Committee on Veterans' Affairs, for consideration of sections 535, 738, and 2831 of the House bill, and sections 561–563, 648, 664–666, 671, 672, 682–684, 721, 722, and 1067 of the Senate amendment, and modifications committed to conference:

MICHAEL BILIRAKIS,
JACK QUINN,
CORRINE BROWN of Florida,

From the Committee on Ways and Means, for consideration of section 725 of the House bill, and section 701 of the Senate amendment, and modifications committed to conference:

WILLIAM M. THOMAS,
Managers on the Part of the House.
JOHN W. WARNER,
STROM THURMOND,

JOHN MCCAIN,
BOB SMITH of New Hampshire,
JAMES INHOFE,
RICK SANTORUM,
OLYMPIA J. SNOWE,
PAT ROBERTS,
WAYNE ALLARD,
TIM HUTCHINSON,
JEFF SESSIONS,
CARL LEVIN,
EDWARD KENNEDY,
JEFF BINGAMAN,
ROBERT C. BYRD,
CHUCK ROBB,
JOE LIEBERMAN,
MAX CLELAND,
MS. MARY L. LANDRIEU,
JACK REED,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

The conference agreement would enact the provisions of H.R. 5408 as introduced on October 6, 2000. The text of that bill follows:

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001".

(b) FINDINGS.—Congress makes the following findings:

(1) Representative Floyd D. Spence of South Carolina was elected to the House of Representatives in 1970, for service in the 92d Congress, after serving in the South Carolina legislature for 10 years, and he has been reelected to each subsequent Congress.

(2) Representative Spence came to Congress as a distinguished veteran of service in the Armed Forces of the United States.

(3) Upon graduation from college in 1952, Representative Spence was commissioned as an ensign in the United States Naval Reserve. After entering active duty, he served with distinction aboard the USS CARTER HALL and the USS LSM-397 during the Korean War and later served as commanding officer of a Naval Reserve Surface Division and as group commander of all Naval Reserve units in Columbia, South Carolina. Representative Spence retired from the Naval Reserve in 1988 in the grade of captain, after 41 years of dedicated service.

(4) Upon election to the House of Representatives, Representative Spence became a member of the Committee on Armed Services of that body. During 30 years of service on that committee (4 years of which were served while the committee was known as the Committee on National Security), Representative Spence's contributions to the national defense and security of the United States have been profound and long lasting.

(5) Representative Spence served as chairman of that committee while known as the Committee on National Security during the 104th and 105th Congresses and serves as chairman of that committee for the 106th Congress. In addition, Representative Spence served as the ranking minority member of the Committee on Armed Services during the 103d Congress.

(6) Dozens of awards from active duty and reserve military, veterans service, military retiree, and industry organizations and associations have recognized the distinguished character of Representative Spence's service to the Nation.

(7) Representative Spence has been a leading figure in the debate over many of the most critical military readiness, health care, recruiting, and retention issues currently confronting the Nation's military. His concern for the men and women in uniform has been unwavering, and his accomplishments in promoting and gaining support for those issues that preserve the combat effectiveness, morale, and quality of life of the Nation's military personnel have been unparalleled.

(8) During his tenure as chairman of the Committee on National Security and the Committee on Armed Services of the House of Representatives, Representative Spence has—

(A) led efforts to identify and reverse the effect that declining resources and rising commitments have had on military quality of life for service members and their families, on combat readiness, and on equipment modernization, with a direct result of those diligent efforts and of his willingness to be an outspoken proponent for America's military being that Congress has added nearly $50,000,000,000 to the President's defense budgets over the past 5 years;

(B) been a leading proponent of the need to expeditiously develop and field a national missile defense to protect American citizens and forward deployed military forces from growing ballistic missile threats;

(C) advocated reversing the growing disparity between actual military capability and the requirements associated with the National Military Strategy; and

(D) led efforts in Congress to reform Department of Defense acquisition and management headquarters and infrastructure and business practices.

(9) This Act is the 30th annual authorization bill for the Department of Defense for which Representative Spence has taken a major responsibility as a member of the Committee on Armed Services of the House of Representatives (including 4 years while that committee was known as the Committee on National Security).

(10) In light of the findings in the preceding paragraphs, it is altogether fitting and proper that this Act be named in honor of Representative Floyd D. Spence of South Carolina, as provided in subsection (a).

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Defense Health Program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority.
Sec. 112. Increase in limitation on number of bunker defeat munitions that may be acquired.
Sec. 113. Reports and limitations relating to Army transformation.

Subtitle C—Navy Programs

Sec. 121. CVNX-1 nuclear aircraft carrier program.
Sec. 122. Arleigh Burke class destroyer program.
Sec. 123. Virginia class submarine program.
Sec. 124. Limitation during fiscal year 2001 on changes in submarine force structure.
Sec. 125. ADC(X) ship program.
Sec. 126. Refueling and complex overhaul program of the U.S.S. Dwight D. Eisenhower.
Sec. 127. Analysis of certain shipbuilding programs.
Sec. 128. Helicopter support of FFG-7 frigates during fiscal year 2001.
Sec. 129. V-22 cockpit aircraft voice and flight data recorders.

Subtitle D—Air Force Programs

Sec. 131. Annual report on B-2 bomber.
Sec. 132. Report on modernization of Air National Guard F-16A units.

Subtitle E—Joint Programs

Sec. 141. Study of final assembly and checkout alternatives for the Joint Strike Fighter program.

Subtitle F—Chemical Demilitarization

Sec. 151. Pueblo Chemical Depot chemical agent and munitions destruction technologies.
Sec. 152. Report on assessment of need for Federal economic assistance for communities impacted by chemical demilitarization activities.
Sec. 153. Prohibition against disposal of nonstockpile chemical warfare material at Anniston chemical stockpile disposal facility.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Management of Space-Based Infrared System—Low.
Sec. 212. Joint Strike Fighter program.
Sec. 213. Fiscal year 2002 joint field experiment.
Sec. 214. Nuclear aircraft carrier design and production modeling.
Sec. 215. DD-21 class destroyer program.
Sec. 216. Limitation on Russian American Observation Satellites program.
Sec. 217. Joint biological defense program.
Sec. 218. Report on biological warfare defense vaccine research and development programs.

Sec. 219. Cost limitations applicable to F–22 aircraft program.
Sec. 220. Unmanned advanced capability combat aircraft and ground combat vehicles.
Sec. 221. Global Hawk high altitude endurance unmanned aerial vehicle.
Sec. 222. Army space control technology development.

Subtitle C—Ballistic Missile Defense

Sec. 231. Funding for fiscal year 2001.
Sec. 232. Reports on ballistic missile threat posed by North Korea.
Sec. 233. Plan to modify ballistic missile defense architecture.
Sec. 234. Management of Airborne Laser program.

Subtitle D—High Energy Laser Programs

Sec. 241. Funding.
Sec. 242. Implementation of High Energy Laser Master Plan.
Sec. 243. Designation of senior official for high energy laser programs.
Sec. 244. Site for Joint Technology Office.
Sec. 245. High energy laser infrastructure improvements.
Sec. 246. Cooperative programs and activities.
Sec. 247. Technology plan.
Sec. 248. Annual report.
Sec. 249. Definition.
Sec. 250. Review of defense-wide directed energy programs.

Subtitle E—Other Matters

Sec. 251. Reports on mobile offshore base concept and potential use for certain purposes of technologies associated with that concept.
Sec. 252. Air Force science and technology planning.
Sec. 253. Enhancement of authorities regarding education partnerships for purposes of encouraging scientific study.
Sec. 254. Recognition of those individuals instrumental to naval research efforts during the period from before World War II through the end of the Cold War.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Joint warfighting capabilities assessment teams.

Subtitle B—Environmental Provisions

Sec. 311. Establishment of additional environmental restoration account and use of accounts for operation and monitoring of environmental remedies.
Sec. 312. Certain environmental restoration activities.
Sec. 313. Annual reports under Strategic Environmental Research and Development Program.
Sec. 314. Payment of fines and penalties for environmental compliance at Fort Wainwright, Alaska.
Sec. 315. Payment of fines or penalties imposed for environmental compliance violations at other Department of Defense facilities.
Sec. 316. Reimbursement for certain costs in connection with the former Nansemond Ordnance Depot Site, Suffolk, Virginia.
Sec. 317. Necessity of military low-level flight training to protect national security and enhance military readiness.
Sec. 318. Ship disposal project.
Sec. 319. Defense Environmental Security Corporate Information Management Program.
Sec. 320. Report on Plasma Energy Pyrolysis System.
Sec. 321. Sense of Congress regarding environmental restoration of former defense manufacturing site, Santa Clarita, California.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 331. Use of appropriated funds to cover operating expenses of commissary stores.
Sec. 332. Adjustment of sales prices of commissary store goods and services to cover certain expenses.
Sec. 333. Use of surcharges for construction and improvement of commissary stores.
Sec. 334. Inclusion of magazines and other periodicals as an authorized commissary merchandise category.
Sec. 335. Use of most economical distribution method for distilled spirits.
Sec. 336. Report on effects of availability of slot machines on United States military installations overseas.

Subtitle D—Department of Defense Industrial Facilities

Sec. 341. Designation of Centers of Industrial and Technical Excellence and public-private partnerships to increase utilization of such centers.
Sec. 342. Unutilized and underutilized plant-capacity costs of United States arsenals.
Sec. 343. Arsenal support program initiative.
Sec. 344. Codification and improvement of armament retooling and manufacturing support programs.

Subtitle E—Performance of Functions by Private-Sector Sources

Sec. 351. Inclusion of additional information in reports to Congress required before conversion of commercial or industrial type functions to contractor performance.
Sec. 352 Effects of outsourcing on overhead costs of Centers of Industrial and Technical Excellence and Army ammunition plants.
Sec. 353. Consolidation, restructuring, or reengineering of Department of Defense organizations, functions, or activities.
Sec. 354. Monitoring of savings resulting from workforce reductions as part of conversion of functions to performance by private sector or other strategic sourcing initiatives.
Sec. 355. Performance of emergency response functions at chemical weapons storage installations.
Sec. 356. Suspension of reorganization or relocation of Naval Audit Service.

Subtitle F—Defense Dependents Education

Sec. 361. Eligibility of dependents of American Red Cross employees for enrollment in Department of Defense domestic dependent schools in Puerto Rico.
Sec. 362. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 363. Impact aid for children with severe disabilities.
Sec. 364. Assistance for maintenance, repair, and renovation of school facilities that serve dependents of members of the Armed Forces and Department of Defense civilian employees.

Subtitle G—Military Readiness Issues

Sec. 371. Measuring cannibalization of parts, supplies, and equipment under readiness reporting system.
Sec. 372. Reporting requirements regarding transfers from high-priority readiness appropriations.
Sec. 373. Effects of worldwide contingency operations on readiness of military aircraft and equipment.
Sec. 374. Identification of requirements to reduce backlog in maintenance and repair of defense facilities.
Sec. 375. New methodology for preparing budget requests to satisfy Army readiness requirements.
Sec. 376. Review of AH–64 aircraft program.
Sec. 377. Report on Air Force spare and repair parts program for C–5 aircraft.

Subtitle H—Other Matters

Sec. 381. Annual report on public sale of certain military equipment identified on United States Munitions List.
Sec. 382. Resale of armor-piercing ammunition disposed of by the Army.
Sec. 383. Reimbursement by civil air carriers for support provided at Johnston Atoll.
Sec. 384. Travel by Reserves on military aircraft.
Sec. 385. Overseas airlift service on Civil Reserve Air Fleet aircraft.
Sec. 386. Additions to plan for ensuring visibility over all in-transit end items and secondary items.
Sec. 387. Reauthorization of pilot program for acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.
Sec. 388. Extension of authority to sell certain aircraft for use in wildfire suppression.
Sec. 389. Damage to aviation facilities caused by alkali silica reactivity.
Sec. 390. Demonstration project to increase reserve component internet access and services in rural communities.
Sec. 391. Additional conditions on implementation of Defense Joint Accounting System.
Sec. 392. Report on Defense Travel System.
Sec. 393. Review of Department of Defense costs of maintaining historical properties.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Adjustment to end strength flexibility authority.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2001 limitation on nondual status technicians.
Sec. 415. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.

Subtitle C—Other Matters Relating to Personnel Strengths

Sec. 421. Authority for Secretary of Defense to suspend certain personnel strength limitations during war or national emergency.

Sec. 422. Exclusion from active component end strengths of certain reserve component members on active duty in support of the combatant commands.

Sec. 423. Exclusion of Army and Air Force medical and dental officers from limitation on strengths of reserve commissioned officers in grades below brigadier general.

Sec. 424. Authority for temporary increases in number of reserve component personnel serving on active duty or full-time national guard duty in certain grades.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Eligibility of Army and Air Force Reserve colonels and brigadier generals for position vacancy promotions.

Sec. 502. Flexibility in establishing promotion zones for Coast Guard Reserve officers.

Sec. 503. Time for release of reports of officer promotion selection boards.

Sec. 504. Clarification of requirements for composition of active-duty list selection boards when reserve officers are under consideration.

Sec. 505. Authority to issue posthumous commissions in the case of members dying before official recommendation for appointment or promotion is approved by Secretary concerned.

Sec. 506. Technical corrections relating to retired grade of reserve commissioned officers.

Sec. 507. Grade of chiefs of reserve components and directors of National Guard components.

Sec. 508. Revision to rules for entitlement to separation pay for regular and reserve officers.

Subtitle B—Reserve Component Personnel Policy

Sec. 521. Exemption from active-duty list for reserve officers on active duty for a period of three years or less.

Sec. 522. Termination of application requirement for consideration of officers for continuation on the reserve active-status list.

Sec. 523. Authority to retain Air Force Reserve officers in all medical specialties until specified age.

Sec. 524. Authority for provision of legal services to reserve component members following release from active duty.

Sec. 525. Extension of involuntary civil service retirement date for certain reserve technicians.

Subtitle C—Education and Training

Sec. 531. Eligibility of children of Reserves for Presidential appointment to service academies.

Sec. 532. Selection of foreign students to receive instruction at service academies.

Sec. 533. Revision of college tuition assistance program for members of Marine Corps Platoon Leaders Class program.

Sec. 534. Review of allocation of Junior Reserve Officers Training Corps units among the services.

Sec. 535. Authority for Naval Postgraduate School to enroll certain defense industry civilians in specified programs relating to defense product development.

Subtitle D—Decorations, Awards, and Commendations

Sec. 541. Limitation on award of Bronze Star to members in receipt of imminent danger pay.

Sec. 542. Consideration of proposals for posthumous or honorary promotions or appointments of members or former members of the Armed Forces and other qualified persons.

Sec. 543. Waiver of time limitations for award of certain decorations to certain persons.

Sec. 544. Addition of certain information to markers on graves containing remains of certain unknowns from the U.S.S. Arizona who died in the Japanese attack on Pearl Harbor on December 7, 1941.

Sec. 545. Sense of Congress on the court-martial conviction of Captain Charles Butler McVay, Commander of the U.S.S. Indianapolis, and on the courageous service of the crew of that vessel.

Sec. 546. Posthumous advancement on retired list of Rear Admiral Husband E. Kimmel and Major General Walter C. Short, senior officers in command in Hawaii on December 7, 1941.

Sec. 547. Commendation of citizens of Remy, France, for World War II actions.

Sec. 548. Authority for Award of the Medal of Honor to William H. Pitsenbarger for valor during the Vietnam War.

Subtitle E—Military Justice and Legal Assistance Matters

Sec. 551. Recognition by States of military testamentary instruments.

Sec. 552. Policy concerning rights of individuals whose names have been entered into Department of Defense official criminal investigative reports.

Sec. 553. Limitation on Secretarial authority to grant clemency for military prisoners serving sentence of confinement for life without eligibility for parole.

Sec. 554. Authority for civilian special agents of military department criminal investigative organizations to execute warrants and make arrests.

Sec. 555. Requirement for verbatim record in certain special court-martial cases.

Sec. 556. Commemoration of the 50th anniversary of the Uniform Code of Military Justice.

Subtitle F—Matters Relating to Recruiting

Sec. 561. Army recruiting pilot programs.

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SEC. . CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

TITLE I—PROCUREMENT

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Subtitle C—Navy Programs

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Subtitle D—Air Force Programs

Sec. 131. Annual report on B–2 bomber.
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Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Army as follows:

(1) For aircraft, $1,550,012,000.

(2) For missiles, $1,320,681,000.

(3) For weapons and tracked combat vehicles, $2,436,324,000.

(4) For ammunition, $1,179,916,000.

(5) For other procurement, $4,235,719,000.

(6) For chemical agents and munitions destruction, $980,100,000, for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Navy as follows:

(1) For aircraft, $8,394,338,000.

(2) For weapons, including missiles and torpedoes, $1,443,600,000.

(3) For shipbuilding and conversion, $12,826,919,000.

(4) For other procurement, $3,380,680,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Marine Corps in the amount of $1,212,768,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement of ammunition for the Navy and the Marine Corps in the amount of $487,749,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Air Force as follows:

(1) For aircraft, $9,923,868,000.

(2) For missiles, $2,863,778,000.

(3) For ammunition, $646,808,000.

(4) For other procurement, $7,711,647,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

(a) AMOUNT AUTHORIZED.—Funds are hereby authorized to be appropriated for fiscal year 2001 for Defense-wide procurement in the amount of $2,278,408,000.

(b) AMOUNT FOR NATIONAL MISSILE DEFENSE.—Of the funds authorized to be appropriated in subsection (a), $74,530,000 shall be available for the National Missile Defense program.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Inspector General of the Department of Defense in the amount of $3,300,000.

SEC. 106. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $290,006,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY.

(a) M2A3 BRADLEY FIGHTING VEHICLE.—(1) Beginning with the fiscal year 2001 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of M2A3 Bradley fighting vehicles.

(2) The Secretary of the Army may execute a contract authorized by paragraph (1) only after—

(A) there is a successful completion of a M2A3 Bradley initial operational test and evaluation (IOT&E); and

(B) the Secretary certifies in writing to the congressional defense committees that the vehicle met all required test parameters.

(b) UTILITY HELICOPTERS.—Beginning with the fiscal year 2002 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of UH–60 Blackhawk utility helicopters and, acting as executive agent for the Department of the Navy, CH–60 Knighthawk utility helicopters.

SEC. 112. INCREASE IN LIMITATION ON NUMBER OF BUNKER DEFEAT MUNITIONS THAT MAY BE ACQUIRED.

Section 116(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2682) is amended by striking "6,000" and inserting "8,500".

SEC. 113. REPORTS AND LIMITATIONS RELATING TO ARMY TRANSFORMATION.

(a) SECRETARY OF THE ARMY REPORT ON OBJECTIVE FORCE DEVELOPMENT PROCESS.—The Secretary of the Army shall submit to the congressional defense committees a report on the process for developing the objective force in the transformation of the Army. The report shall include the following:

(1) The operational environments envisioned for the objective force.

(2) The threat assumptions on which research and development efforts for transformation of the Army into the objective force are based.

(3) The potential operational and organizational concepts for the objective force.

(4) The operational requirements anticipated for the operational requirements document of the objective force.

(5) The anticipated schedule of Army transformation activities through fiscal year 2012, together with—

(A) the projected funding requirements through that fiscal year for research and development activities and procurement activities related to transition to the objective force; and

(B) a summary of the anticipated investments of the Defense Advanced Research Projects Agency in programs designed to lead to the fielding of future combat systems for the objective force.

(6) A proposed plan for the comparison referred to in subsection (c).

If any of the information required by paragraphs (1) through (5) is not available at the time the report is submitted, the Secretary shall include in the report the anticipated schedule for the availability of that information.

(b) SECRETARY OF DEFENSE REPORT ON OBJECTIVE FORCE DEVELOPMENT PROCESS.—Not later than March 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the process for developing the objective force in the transformation of the Army. The report shall include the following:

(1) The joint warfighting requirements that will be supported by the fielding of the objective force, together with a description of the adjustments that are planned to be made in the war plans of the commanders of the unified combatant commands in relation to the fielding of the objective force.

(2) The changes in lift requirements that may result from the establishment and fielding of the combat brigades of the objective force.

(3) The evaluation process that will be used to support decisionmaking on the course of the Army transformation, including a description of the operational evaluations and experimentation that will be used to validate the operational requirements for the operational requirements document of the objective force.

If any of the information required by paragraphs (1) through (3) is not available at the time the report is submitted, the Secretary shall include in the report the anticipated schedule for the availability of that information.

(c) COSTS AND EFFECTIVENESS OF MEDIUM ARMORED COMBAT VEHICLES FOR THE INTERIM BRIGADE COMBAT TEAMS.—(1) The Secretary of the Army shall develop a plan for comparing—

(A) the costs and operational effectiveness of the infantry carrier variant of the interim armored vehicles selected for the infantry battalions of the interim brigade combat teams; and

(B) the costs and operational effectiveness of the troop-carrying medium armored vehicles currently in the Army inventory for the use of infantry battalions.

(2) The Secretary of the Army may not carry out the comparison described in paragraph (1) until the Director of Operational Test and Evaluation of the Department of Defense approves the plan for that comparison developed under that paragraph.

(d) Limitation Pending Receipt of Secretary of the Army Report.—Not more than 80 percent of the amount appropriated for fiscal year 2001 for the procurement of armored vehicles in the family of new medium armored vehicles may be obligated until—

(1) the Secretary of the Army submits to the congressional defense committees the report required under subsection (a); and

(2) a period of 30 days has elapsed from the date of the submittal of such report.

(e) Limitation Pending Comparison and Certification.—No funds appropriated or otherwise made available to the Department of the Army for any fiscal year may be obligated for acquisition of medium armored combat vehicles to equip a third interim brigade combat team until—

(1) the plan for a comparison of costs and operational effectiveness developed under subsection (c)(1), as approved under subsection (c)(2), is carried out;

(2) the Secretary of Defense submits to the congressional defense committees, after the completion of the comparison referred to in paragraph (1), a certification that—

(A) the Secretary approves of the obligation of funds for that purpose; and

(B) the force structure resulting from the acquisition and subsequent operational capability of interim brigade combat teams will not diminish the combat power of the Army; and

(3) a period of 30 days has elapsed from the date of the certification under paragraph (2).

(f) Definitions.—In this section:

(1) The term "transformation", with respect to the Army, means the actions being undertaken to transform the Army, as it is constituted in terms of organization, equipment, and doctrine in 2000, into the objective force.

(2) The term "objective force" means the Army that has the organizational structure, the most advanced equipment that early twenty-first century science and technology can provide, and the appropriate doctrine to ensure that the Army is responsive, deployable, agile, versatile, lethal, survivable, and sustainable for the full spectrum of the operations anticipated to be required of the Army during the early years of the twenty-first century following 2010.

(3) The term "interim brigade combat team" means an Army brigade that is designated by the Secretary of the Army as a brigade combat team and is reorganized and equipped with currently available equipment in a configuration that effectuates an evolutionary advancement toward transformation of the Army to the objective force.

Subtitle C—Navy Programs

SEC. 121. CVNX–1 NUCLEAR AIRCRAFT CARRIER PROGRAM.

(a) Authorization of Ship.—The Secretary of the Navy is authorized to procure the aircraft carrier to be designated CVNX–1.

(b) Advance Procurement and Construction.—The Secretary may enter into one or more contracts for the advance procurement and advance construction of components for the ship authorized under subsection (a).

(c) Amount Authorized From SCN Account.—Of the amounts authorized to be appropriated under section 102(a)(3) for fiscal year 2001, $21,869,000 is available for the advance procurement and advance construction of components (including nuclear components) for the CVNX–1 aircraft carrier program.

SEC. 122. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) Economical Multiyear Procurement of Previously Authorized Vessels and One Additional Vessel.—(1) Subsection (b) of section 122 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446), as amended by section 122(a) of Public Law 106–65 (113 Stat. 534), is further amended by striking "a total of 18 Arleigh Burke class destroyers" in the first sentence and all that follows through the period at the end of that sentence and inserting "Arleigh Burke class destroyers in accordance with this subsection and subsection (a)(4) at procurement rates not in excess of three ships in each of the fiscal years beginning after September 30, 1998, and before October 1, 2005. The authority under the preceding sentence is subject to the availability of appropriations for such destroyers.".

(2) The heading for such subsection is amended by striking "18".

(b) Economical Rate of Procurement.—It is the sense of Congress that, for the procurement of the Arleigh Burke class destroyers to be procured after fiscal year 2001 under multiyear contracts authorized under section 122(b) of Public Law 104–201, as amended by subsection (a)—

(1) the Secretary of the Navy should—

(A) achieve the most economical rate of procurement; and

(B) enter into such contracts for advance procurement as may be necessary to achieve that rate of procurement;

(2) the most economical rate of procurement would be achieved by procuring three of those vessels in each of fiscal years 2002 and 2003 and procuring another vessel in fiscal year 2004; and

(3) the Secretary has the authority under section 122(b) of Public Law 104–201 (110 Stat. 2446) and subsections (b) and (c) of section 122 of Public Law 106–65 (113 Stat. 534) to provide for procurement at the most economical rate, as described in paragraph (2).

(c) Update of 1993 Report on DDG–51 Class Ships.—(1) The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than November 1, 2000, a report that updates the information provided in the report of the Secretary of the Navy entitled the "Arleigh Burke (DDG–51) Class Industrial Base Study of 1993". The Secretary shall transmit a copy of the updated report to the Comptroller General not later than the date on which the Secretary submits the report to the committees.

(2) The Comptroller General shall review the updated report submitted under paragraph (1) and, not later than December 1, 2000, submit to the Committees on Armed Services of the Senate and House of Representatives the Comptroller General's comments on the updated report.

SEC. 123. VIRGINIA CLASS SUBMARINE PROGRAM.

(a) Amounts Authorized From SCN Account.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 2001, $1,706,234,000 is available for the Virginia class submarine program.

(b) Contract Authority.—(1) The Secretary of the Navy is authorized to enter into a contract for the procurement of up to five Virginia class submarines, including the procurement of material in economic order quantities when cost savings are achievable, during fiscal years 2003 through 2006. The submarines authorized under the preceding sentence are in addition to the submarines authorized under section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648).

(2) A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose.

(c) Shipbuilder Teaming.—Paragraphs (2)(A), (3), and (4) of section 121(b) of Public Law 105–85 apply to the procurement of submarines under this section.

(d) Limitation of Liability.—If a contract entered into under this section is terminated, the United States shall not be liable for termination costs in excess of the total of the amounts appropriated for the Virginia class submarine program that remain available for the program.

(e) Report Requirement.—At that same time that the President submits the budget for fiscal year 2002 to Congress under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report on the Navy's fleet of fast attack submarines. The report shall include the following:

(1) A plan for maintaining at least 55 fast attack submarines in commissioned service through 2015, including, by 2015, 18 Virginia class submarines.

(2) Two assessments of the potential savings that would be achieved under the Virginia class submarine program if the production rate for that program were at least two submarines each fiscal year, as follows:

(A) An assessment if that were the production rate beginning in fiscal year 2004.

(B) An assessment if that were the production rate beginning in fiscal year 2006.

(3) An analysis of the advantages and disadvantages of various contracting strategies for the Virginia class submarine program, including one or more multiyear procurement strategies and one or more strategies for block buy with economic order quantity.

SEC. 124. LIMITATION DURING FISCAL YEAR 2001 ON CHANGES IN SUBMARINE FORCE STRUCTURE.

(a) Limitation on Retirement of Submarines.—During fiscal year 2001, the Secretary of the Navy may not retire from the active force structure of the Navy any Los Angeles class nuclear-powered attack submarine or any Ohio class nuclear-powered ballistic missile submarine unless the Secretary of the Navy certifies to Congress in writing that he cannot assure the continued safe and militarily effective operation of that submarine.

(b) Report.—Not later than April 15, 2001, the President shall submit to Congress a report on the required force structure for nuclear-powered submarines, including attack submarines (SSNs), ballistic missile submarines (SSBNs), and cruise missile submarines (SSGNs), to support the national military strategy through 2020. The report shall include a detailed discussion of the acquisition strategy and fleet maintenance requirements to achieve and maintain that force structure through—

(1) the procurement of new construction submarines;

(2) the refueling of Los Angeles class attack submarines (SSNs) to achieve the maximum amount of operational useful service; and

(3) the conversion of Ohio class submarines that are no longer required for the strategic deterrence mission from their current ballistic missile (SSBN) configuration to a cruise-missile (SSGN) configuration.

SEC. 125. ADC(X) SHIP PROGRAM.

The Secretary of the Navy may procure the construction of all ADC(X) class ships in one shipyard if the Secretary determines that it is more cost effective to do so than to procure the construction of such ships from more than one shipyard.

SEC. 126. REFUELING AND COMPLEX OVERHAUL PROGRAM OF THE U.S.S. DWIGHT D. EISENHOWER.

(a) Amount Authorized From SCN Account.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2001, $698,441,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Dwight D. Eisenhower (CVN–69) during fiscal year 2001. The amount made available in the preceding sentence is the first increment in the incremental funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) Contract Authority.—The Secretary of the Navy is authorized to enter into a contract during fiscal year 2001 for the nuclear refueling and complex overhaul of the U.S.S. Dwight D. Eisenhower.

(c) Condition for Out-Year Contract Payments.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2001 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 127. ANALYSIS OF CERTAIN SHIPBUILDING PROGRAMS.

(a) Alternative Funding Analysis.—The Secretary of the Navy shall conduct an analysis on the potential benefits and risks associated with alternative funding mechanisms for the procurement of various classes of naval vessels and other naval capabilities beginning in fiscal year 2002.

(b) Alternative Funding Mechanisms.—For purposes of this section, the term "alternative funding mechanism" means any of the following:

(1) The use of multiyear procurement.

(2) The use of advance procurement for block buys of materials in economic order quantities.

(3) The use of advance procurement and advance construction required in the number of years appropriate to minimize the cost of ship construction.

(4) The use of advance procurement and advance construction apportioned roughly evenly across some number of fiscal years.

(5) The use of resources from the National Defense Sealift Fund to budget for auxiliary ships and strategic lift ships.

(6) The use of the resources from the National Defense Sealift Fund to provide advance payments for national defense features to establish an active Ready Reserve Force.

(c) Report.—The Secretary shall submit to the congressional defense committees a report providing the results of the analysis under subsection (a). The report shall be submitted concurrently with the submission of the President's budget for fiscal year 2002, but in no event later than February 5, 2001. The report shall include the following:

(1) A detailed description of the funding mechanisms considered.

(2) The potential savings or costs associated with each such funding mechanism.

(3) The year-to-year effect of each such funding mechanism on production stability of other shipbuilding programs funded within the Shipbuilding and Conversion, Navy, account, given the current acquisition plan of the Navy through fiscal year 2010.

(4) The variables and constants used in the analysis which should include economic, industrial base, and budget realities.

(5) A description and discussion of any statutory or regulatory restrictions that would preclude the use of any of the funding mechanisms considered.

SEC. 128. HELICOPTER SUPPORT OF FFG–7 FRIGATES DURING FISCAL YEAR 2001.

During fiscal year 2001, the Secretary of the Navy shall operate one squadron of six SH-2G helicopters to provide organic helicopter assets for operational support of missions that are to be carried out by FFG–7 Flight I and Flight II frigates during that fiscal year.

SEC. 129. V–22 COCKPIT AIRCRAFT VOICE AND FLIGHT DATA RECORDERS.

The Secretary of Defense shall require that all V–22 Osprey aircraft be equipped with a state-of-the-art cockpit voice recorder and a state-of-the-art flight data recorder each of which meets, at a minimum, the standards for such devices recommended by the National Transportation Safety Board.

Subtitle D—Air Force Programs

SEC. 131. ANNUAL REPORT ON B–2 BOMBER.

(a) In General.—(1) Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2282. B–2 bomber: annual report

"Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the B–2 bomber aircraft. Each such report shall include the following:

"(1) Identification of the average full-mission capable rate of B–2 aircraft for the preceding fiscal year and the Secretary's overall assessment of the implications of that full-mission capable rate on mission accomplishment for the B–2 aircraft, together with the Secretary's determination as to whether that rate is adequate for the accomplishment of each of the missions assigned to the B–2 aircraft as of the date of the assessment.

"(2) An assessment of the technical capabilities of the B–2 aircraft and whether these capabilities are adequate to accomplish each of the missions assigned to that aircraft as of the date of the assessment.

"(3) Identification of all ongoing and planned development of technologies to enhance the capabilities of that aircraft.

"(4) Identification and assessment of additional technologies that would make that aircraft more capable or survivable against known and evolving threats.

"(5) A fiscally phased program for each technology identified in paragraphs (3) and (4) for the budget year and the future-years defense program, based on the following three funding situations:

"(A) The President's current budget.

"(B) The President's current budget and the current Department of Defense unfunded priority list.

"(C) The maximum executable funding for the B–2 aircraft given the requirement to maintain enough operationally ready aircraft to accomplish missions assigned to the B-2 aircraft.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2282. B–2 bomber: annual report.".

(b) Repeal of Superseded Reporting Requirement.—Section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) is repealed.

SEC. 132. REPORT ON MODERNIZATION OF AIR NATIONAL GUARD F–16A UNITS.

The Secretary of the Air Force shall, not later than February 1, 2001, submit to Congress a plan to modernize and upgrade the combat capabilities of those Air National Guard units that, as of the date of the enactment of this Act, are assigned F–16A aircraft so that those units can be deployed as part of Air Expeditionary Forces.

Subtitle E—Joint Programs

SEC. 141. STUDY OF FINAL ASSEMBLY AND CHECKOUT ALTERNATIVES FOR THE JOINT STRIKE FIGHTER PROGRAM.

(a) Report Required.—Not later than 180 days after the date of the award of a contract for engineering and manufacturing development for the Joint Strike Fighter aircraft program, the Secretary of Defense shall submit to Congress a report providing the results of a study of final assembly and checkout alternatives for that aircraft.

(b) Matters To Be Included.—The report under subsection (a) shall include the following:

(1) Examination of alternative final assembly and checkout strategies for the program, including—

(A) final assembly and checkout of all aircraft under the program at one location;

(B) final assembly and checkout at dual locations; and

(C) final assembly and checkout at multiple locations.

(2) Identification of each Government and industry facility that is a potential location for such final assembly and checkout.

(3) Identification of the anticipated costs of final assembly and checkout at each facility identified pursuant to paragraph (2), based upon a reasonable profile for the annual procurement of that aircraft once it enters production.

(4) A comparison of the anticipated costs of carrying out such final assembly and checkout at each such location.

(c) Cost Comparison.—In identifying costs under subsection (b)(3) and carrying out the cost comparisons required by subsection (b)(4), the Secretary shall include consideration of each of the following factors:

(1) State tax credits.

(2) State and local incentives.

(3) Skilled resident workforce.

(4) Supplier and technical support bases.

(5) Available stealth production facilities.

(6) Environmental standards.

Subtitle F—Chemical Demilitarization

SEC. 151. PUEBLO CHEMICAL DEPOT CHEMICAL AGENT AND MUNITIONS DESTRUCTION TECHNOLOGIES.

(a) Limitation.—In determining the technologies to be used for the destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, whether under the assessment required by section 141(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 537; 50 U.S.C. 1521 note), the Assembled Chemical Weapons Assessment, or any other assessment, the Secretary of Defense may consider only the following technologies:

(1) Incineration.

(2) Any technologies demonstrated under the Assembled Chemical Weapons Assessment on or before May 1, 2000.

(b) Assembled Chemical Weapons Assessment Defined.—As used in subsection (a), the term "Assembled Chemical Weapons Assessment" means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208; 110 Stat. 3009-101; 50 U.S.C. 1521 note).

SEC. 152. REPORT ON ASSESSMENT OF NEED FOR FEDERAL ECONOMIC ASSISTANCE FOR COMMUNITIES IMPACTED BY CHEMICAL DEMILITARIZATION ACTIVITIES.

(a) Report Required.—Not later than April 1, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report on the impact of the Department of Defense chemical agents and munitions destruction program on the communities in the vicinity of the chemical weapons stockpile storage sites and associated chemical agent demilitarization activities at the following facilities:

(1) Anniston Chemical Activity, Alabama.

(2) Blue Grass Chemical Activity, Kentucky.

(3) Deseret Chemical Depot, Utah.

(4) Edgewood Chemical Activity, Maryland.

(5) Newport Chemical Activity, Indiana.

(6) Pine Bluff Chemical Activity, Arkansas.

(7) Pueblo Chemical Activity, Colorado.

(8) Umatilla Chemical Depot, Oregon.

(b) RECOMMENDATION.—The Secretary shall include in the report a recommendation regarding whether Federal economic assistance for any or all of those communities to assist in meeting the impact of that program is needed and appropriate. If the Secretary's recommendation is that such economic assistance is needed and appropriate for any or all of such communities, the Secretary shall include in the report criteria for determining the amount of such economic assistance.

(c) MATTERS TO BE CONSIDERED IN ASSESSING IMPACT.—In assessing the impact of the program referred to in subsection (a) for purposes of preparing the report required by that subsection and the recommendation required by subsection (b), the Secretary shall consider the following:

(1) The impact that any change in population as a result of chemical agent demilitarization activities would have on the community.

(2) The possible temporary nature of such a change in population and the long-range financial impact of such a change in population on the permanent residents of the community.

(3) The initial capitalization required for the services, facilities, or infrastructure to support any increase in population.

(4) The operating costs for sustaining or upgrading the services, facilities, or infrastructure to support any increase in population.

(5) The costs incurred by local government entities for improvements to emergency evacuation routes required by the chemical demilitarization activities.

(6) Such other factors as the Secretary considers appropriate.

SEC. 153. PROHIBITION AGAINST DISPOSAL OF NON-STOCKPILE CHEMICAL WARFARE MATERIAL AT ANNISTON CHEMICAL STOCKPILE DISPOSAL FACILITY.

No funds authorized to be made available under this or any other Act may be used to facilitate the disposal using the chemical stockpile disposal facility at Anniston, Alabama, of any non-stockpile chemical warfare material that is not stored (as of the date of the enactment of this Act) at the Anniston Army Depot.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Management of Space-Based Infrared System—Low.

Sec. 212. Joint Strike Fighter program.

Sec. 213. Fiscal year 2002 joint field experiment.

Sec. 214. Nuclear aircraft carrier design and production modeling.

Sec. 215. DD–21 class destroyer program.

Sec. 216. Limitation on Russian American Observation Satellites program.

Sec. 217. Joint biological defense program.

Sec. 218. Report on biological warfare defense vaccine research and development programs.

Sec. 219. Cost limitations applicable to F–22 aircraft program.

Sec. 220. Unmanned advanced capability combat aircraft and ground combat vehicles.

Sec. 221. Global Hawk high altitude endurance unmanned aerial vehicle.

Sec. 222. Army space control technology development.

Subtitle C—Ballistic Missile Defense

Sec. 231. Funding for fiscal year 2001.

Sec. 232. Reports on ballistic missile threat posed by North Korea.

Sec. 233. Plan to modify ballistic missile defense architecture.

Sec. 234. Management of Airborne Laser program.

Subtitle D—High Energy Laser Programs

Sec. 241. Funding.

Sec. 242. Implementation of High Energy Laser Master Plan.

Sec. 243. Designation of senior official for high energy laser programs.

Sec. 244. Site for Joint Technology Office.

Sec. 245. High energy laser infrastructure improvements.

Sec. 246. Cooperative programs and activities.

Sec. 247. Technology plan.

Sec. 248. Annual report.

Sec. 249. Definition.

Sec. 250. Review of Defense-wide directed energy programs.

Subtitle E—Other Matters

Sec. 251. Reports on mobile offshore base concept and potential use for certain purposes of technologies associated with that concept.

Sec. 252. Air Force science and technology planning.

Sec. 253. Enhancement of authorities regarding education partnerships for purposes of encouraging scientific study.

Sec. 254. Recognition of those individuals instrumental to naval research efforts during the period from before World War II through the end of the Cold War.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $5,568,482,000.

(2) For the Navy, $8,715,335,000.

(3) For the Air Force, $13,779,144,000.

(4) For Defense-wide activities, $10,873,712,000, of which $192,060,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2001.—Of the amounts authorized to be appropriated by section 201, $4,557,188,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term "basic research and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MANAGEMENT OF SPACE-BASED INFRARED SYSTEM—LOW.

Not later than October 1, 2001, the Secretary of Defense shall direct that the Director of the Ballistic Missile Defense Organization shall have authority for program management for the ballistic missile defense program known on the date of the enactment of this Act as the Space-Based Infrared System—Low.

SEC. 212. JOINT STRIKE FIGHTER PROGRAM.

(a) REPORT.—Not later than December 15, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the Joint Strike Fighter aircraft program describing the criteria for exit of the program from the demonstration and validation phase, and entry of the program into the engineering and manufacturing development phase, of the acquisition process.

(b) CERTIFICATION.—The Joint Strike Fighter program may not be approved for entry into the engineering and manufacturing development phase of the acquisition process until the Secretary of Defense certifies to the congressional defense committees that—

(1) the exit criteria established in the report submitted under subsection (a) have been accomplished;

(2) the technological maturity of key technologies for the program is sufficient to warrant entry of the program into the engineering and manufacturing development phase; and

(3) the short take-off, vertical-landing aircraft variant selected for engineering and manufacturing development has successfully flown at least 20 hours.

(c) TRANSFERS WITHIN THE JOINT STRIKE FIGHTER NAVY AND AIR FORCE ACCOUNTS.—(1) The Secretary of Defense may, subject to established congressional notification and reprogramming procedures, transfer within the Joint Strike Fighter program the following amounts:

(A) Of the funds authorized to be appropriated for PE 64800N, up to $100,000,000 to PE 63800N.

(B) Of the funds authorized to be appropriated for PE 64800F, up to $100,000,000 to PE 63800F.

(2) The transfer authority authorized in paragraph (1) is in addition to the transfer authority provided in section 1001.

SEC. 213. FISCAL YEAR 2002 JOINT FIELD EXPERIMENT.

(a) REQUIREMENTS.—The Secretary of Defense shall carry out a joint field experiment in fiscal year 2002. The Secretary shall ensure that the planning for the joint field experiment is carried out in fiscal year 2001.

(b) PURPOSE.—The purpose of the joint field experiment is to explore critical war fighting challenges at the operational level of war that will confront United States joint military forces after 2010.

(c) PARTICIPATING FORCES.—(1) The joint field experiment shall involve elements of the Army, Navy, Marine Corps, and Air Force, and shall include special operations forces.

(2) The forces designated to participate in the joint field experiment shall exemplify the concepts for organization, equipment, and doctrine that are conceived for the forces after 2010 under Joint Vision 2010 and Joint Vision 2020 (issued by the Joint Chiefs of Staff) and the current vision statements of the Chief of Staff of the Army, the Chief of Naval Operations, the Commandant of the Marine Corps, and the Chief of Staff of the Air Force, including the following concepts:

(A) Army medium weight brigades.

(B) Navy Forward-From-The-Sea.

(C) Air Force expeditionary aerospace forces.

(d) REPORT.—Not later than March 1, 2001, the Secretary shall submit to the congressional defense committees a report on the concept plan for the joint field experiment required under subsection (a). The report shall include the following:

(1) The objectives of the experiment.

(2) The forces participating in the experiment.

(3) The schedule and location of the experiment.

(4) For each joint command, defense agency, and service component participating in the experiment, an identification of—

(A) the funding required for the experiment by that command, agency, or component; and

(B) any shortfall in the budget request for the Department of Defense for fiscal year 2002 for that funding for that command, agency, or component.

SEC. 214. NUCLEAR AIRCRAFT CARRIER DESIGN AND PRODUCTION MODELING.

(a) ASSESSMENT REQUIRED.—The Secretary of the Navy shall conduct an assessment of the cost-effectiveness of—

(1) converting design data for the Nimitz-class aircraft carrier from non-electronic to electronic form; and

(2) developing an electronic, three-dimensional design product model for the CVNX class aircraft carrier.

(b) CONDUCT OF THE ASSESSMENT.—The Secretary of the Navy shall carry out the assessment in a manner that ensures the participation of the nuclear aircraft carrier shipbuilding industry.

(c) REPORT.—The Secretary of the Navy shall submit a report to the congressional defense committees on the assessment. The report shall include the results of the assessment and plans and funding requirements for developing the model specified in subsection (a)(2). The report shall be submitted with the submission of the budget request for the Department of Defense for fiscal year 2002.

(d) FUNDING.—Of the amount authorized to be appropriated under section 201(2) for research, development, test, and evaluation for the Navy, $8,000,000 shall be available to initiate the conversion and development of nuclear aircraft carrier design data into an electronic, three-dimensional product model.

SEC. 215. DD–21 CLASS DESTROYER PROGRAM.

(a) AUTHORITY.—The Secretary of the Navy is authorized to pursue a technology insertion approach for the construction of the DD–21 destroyer that is based on the assumption of the following schedule:

(1) Award of a contract for advance procurement for construction of components for the DD–21 destroyer during fiscal year 2004.

(2) Delivery of the completed ship during fiscal year 2009.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there are compelling reasons for starting the program for constructing the DD–21 destroyer during fiscal year 2004 with available procurement funds and continuing with sequential construction of DD–21 class destroyers during the ensuing fiscal years until 32 DD–21 class destroyers have been constructed; and

(2) the Secretary of the Navy, in providing for the acquisition of DD–21 class destroyers, should consider that—

(A) the Marine Corps needs the surface fire-support capabilities of the DD–21 class destroyers as soon as possible in order to mitigate the inadequacies of the surface fire-support capabilities that are currently available;

(B) the Navy and Marine Corps need to resolve whether there is a requirement for surface fire-support missile weapon systems to be easily sustainable by means of replenishment while under way;

(C) the technology insertion approach has been successful for other ship construction programs and is being pursued for the CVNX aircraft carrier program and the Virginia class submarine program;

(D) the establishment of a stable configuration for the first 10 DD–21 class destroyers should enable the construction of those ships with the greatest capabilities at the lowest cost; and

(E) action to acquire DD–21 class destroyers should be taken as soon as possible in order to realize fully the cost savings that can be derived from the construction and operation of DD–21 class destroyers, including—

(i) savings in construction costs that would result from achievement of the Navy's target per-ship cost of $750,000,000 by the fifth ship constructed in each construction yard;

(ii) savings that would result from the estimated reduction of the crews of destroyers by 200 or more personnel for each ship; and

(iii) savings that would result from a reduction in the operating costs for destroyers by an estimated 70 percent.

(c) NAVY PLAN FOR USE OF TECHNOLOGY INSERTION APPROACH FOR CONSTRUCTION OF THE DD–21 SHIP.—The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than April 18, 2001, a plan for pursuing a technology insertion approach for the construction of the DD–21 destroyer as authorized under subsection (a). The plan shall include estimates of the resources necessary to carry out the plan.

(d) REPORT ON ACQUISITION AND MAINTENANCE PLAN FOR DD–21 CLASS SHIPS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than April 18, 2001, a report on the Navy's plan for the acquisition and maintenance of DD–21 class destroyers. The report shall include a discussion of each of the following matters:

(1) The technical feasibility of contracting for, and commencing construction of, the first destroyer in that class during fiscal year 2004 and achieving delivery of the completed ship during fiscal year 2009.

(2) An analysis of alternative contracting strategies for the construction of the first 10 destroyers in that class, including one or more multiyear procurement strategies and one or more strategies for block buy in economic order quantity.

(3) A comparison of the effects on the destroyer industrial base and on costs to other Navy shipbuilding programs of the following two options:

(A) Commencing construction of the first destroyer in that class during fiscal year 2004, with delivery of the completed ship during fiscal year 2009, and delaying commencement of construction of the next destroyer in that class until fiscal year 2006.

(B) Commencing construction of the first destroyer in that class during fiscal year 2005 (rather than fiscal year 2004), with advance procurement during fiscal year 2004 and delivery of the completed ship during fiscal year 2010, and delaying commencement of construction of the next destroyer in that class until fiscal year 2007 (rather than fiscal year 2006).

(4) The effects on the fleet maintenance strategies of Navy fleet commanders, on commercial maintenance facilities in fleet concentration areas, and on the administration of funds in compliance with section 2466 of title 10, United States Code, of awarding to a contractor for the construction of a destroyer in that class all maintenance workloads for destroyers in that class that are below depot-level maintenance and above ship-level maintenance.

SEC. 216. LIMITATION ON RUSSIAN AMERICAN OBSERVATION SATELLITES PROGRAM.

None of the funds authorized to be appropriated under section 201(4) for the Russian American Observation Satellites program may be obligated or expended until 30 days after the Secretary of Defense submits to Congress a report explaining how the Secretary plans to protect United States advanced military technology that may be associated with the Russian American Observation Satellites program.

SEC. 217. JOINT BIOLOGICAL DEFENSE PROGRAM.

(a) LIMITATION.—Subject to subsection (c), funds authorized to be appropriated by this Act may not be obligated for the procurement of a vaccine for the biological agent anthrax until the Secretary of Defense has submitted to the congressional defense committees each of the following:

(1) A written notification that the Food and Drug Administration has approved the current manufacturer for production of the vaccine.

(2) A report on the contingencies associated with continuing to rely on the current manufacturer to supply the vaccine.

(b) CONTENT OF REPORT.—The report required under subsection (a)(2) shall include each of the following:

(1) Recommended strategies to mitigate the risk to the Department of Defense of losing the current manufacturer as a source of anthrax vaccine, together with a discussion of the criteria to be applied in determining whether to carry out any of the strategies and which strategy to carry out.

(2) Recommended strategies to ensure that the Department of Defense can procure, from one or more sources other than the current manufacturer, an anthrax vaccine approved by the Food and Drug Administration that meets the requirements of the Department if—

(A) the Food and Drug Administration does not approve the release of the anthrax vaccine available from the current manufacturer; or

(B) the current manufacturer terminates the production of anthrax vaccine permanently.

(3) A five-year budget to support each strategy recommended under paragraph (1) or (2).

(c) PERMISSIBLE OBLIGATIONS.—(1) This section does not limit the obligation of funds for any of the following purposes:

(A) The support of any action that is necessary for the current manufacturer to comply with standards of the Food and Drug Administration (including those purposes necessary to obtain or maintain a biological license application) applicable to anthrax vaccine.

(B) Establishing an additional source (other than or in conjunction with the current manufacturer) for the production of anthrax vaccine.

(C) Any action that the Secretary determines necessary to ensure production of anthrax vaccine for meeting an urgent and immediate national defense requirement.

(2) Not later than seven days after the total amount of the funds obligated (or obligated and expended) for purposes specified in paragraph (1) exceeds $5,000,000, the Secretary shall submit to Congress a notification that the total obligations exceed that amount, together with a written justification for the obligation of funds in excess of that amount.

(d) CURRENT MANUFACTURER.—In this section, the term "current manufacturer" means the manufacturing source from which the Department of Defense is procuring anthrax vaccine as of the date of the enactment of this Act.

SEC. 218. REPORT ON BIOLOGICAL WARFARE DEFENSE VACCINE RESEARCH AND DEVELOPMENT PROGRAMS.

(a) REPORT REQUIRED.—Not later than February 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the acquisition of biological warfare defense vaccines for the Department of Defense.

(b) CONTENTS.—The report shall include the following:

(1) The Secretary's evaluation of the implications of reliance on the commercial sector to meet the requirements of the Department of Defense for biological warfare defense vaccines.

(2) A design for a government-owned, contractor-operated facility for the production of biological warfare defense vaccines that meets the requirements of the Department for such vaccines, and the assumptions on which that design is based.

(3) A preliminary cost estimate of, and schedule for, establishing and bringing into operation

such a facility, and the estimated annual cost of operating such a facility thereafter.

(4) A determination, developed in consultation with the Surgeon General, of the utility of such a facility to support the production of vaccines for the civilian sector, and a discussion of the effects that the use of such a facility for that purpose might have on—

(A) the production of vaccines for the Armed Forces; and

(B) the annual cost of operating such a facility.

(5) An analysis of the effects that international requirements for vaccines, and the production of vaccines in response to those requirements, might have on—

(A) the production of vaccines for the Armed Forces; and

(B) the annual cost of operating such a facility.

(c) Biological Warfare Defense Vaccine Defined.—In this section, the term "biological warfare defense vaccine" means a vaccine useful for the immunization of military personnel to protect against biological agents on the Validated Threat List issued by the Joint Chiefs of Staff, whether such vaccine is in production or is being developed.

SEC. 219. COST LIMITATIONS APPLICABLE TO F–22 AIRCRAFT PROGRAM.

(a) Flexibility in Engineering and Manufacturing Development Cost Cap.—Section 217(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1660) is amended by adding at the end the following new paragraph:

"(3) With respect to the limitation in subsection (a), an increase by an amount that does not exceed 1½ percent of the total amount of that limitation (taking into account the increases and decreases, if any, under paragraphs (1) and (2)) if the Director of Operational Test and Evaluation, after consulting with the Under Secretary of Defense for Acquisition, Technology, and Logistics, determines that the increase is necessary in order to ensure adequate testing.".

(b) Reestablishment of Separate Engineering and Manufacturing Development Cost Cap and Production Cost Cap.—The provisions of subsections (a) and (b) of section 217 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1660) shall continue to apply with respect to amounts obligated and expended for engineering and manufacturing development, and for production, respectively, for the F–22 aircraft program without regard to any provision of law establishing a single limitation on amounts obligated and expended for engineering and manufacturing development and for production for that program.

SEC. 220. UNMANNED ADVANCED CAPABILITY COMBAT AIRCRAFT AND GROUND COMBAT VEHICLES.

(a) Goal.—It shall be a goal of the Armed Forces to achieve the fielding of unmanned, remotely controlled technology such that—

(1) by 2010, one-third of the aircraft in the operational deep strike force aircraft fleet are unmanned; and

(2) by 2015, one-third of the operational ground combat vehicles are unmanned.

(b) Report on Unmanned Advanced Capability Combat Aircraft and Ground Combat Vehicles.—(1) Not later than January 31, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the programs to demonstrate unmanned advanced capability combat aircraft and ground combat vehicles undertaken jointly between the Director of the Defense Advanced Research Projects Agency and any of the following:

(A) The Secretary of the Army.

(B) The Secretary of the Navy.

(C) The Secretary of the Air Force.

(2) The report shall include, for each program referred to in paragraph (1), the following:

(A) A schedule for the demonstration to be carried out under that program.

(B) An identification of the funding required for fiscal year 2002 and for the future-years defense program to carry out that program and for the demonstration to be carried out under that program.

(C) In the case of the program relating to the Army, the plan for modification of the existing memorandum of agreement with the Defense Advanced Research Projects Agency for demonstration and development of the Future Combat System to reflect an increase in unmanned, remotely controlled enabling technologies.

(3) The report shall also include, for each Secretary referred to in paragraphs (1)(A), (1)(B), and (1)(C), a description and assessment of the acquisition strategy for unmanned advanced capability combat aircraft and ground combat vehicles planned by that Secretary, which shall include a detailed estimate of all research and development, procurement, operation, support, ownership, and other costs required to carry out such strategy through the year 2030, and—

(A) in the case of the acquisition strategy relating to the Army, the transition from the planned acquisition strategy for the Future Combat System to an acquisition strategy capable of meeting the goal specified in subsection (a)(2);

(B) in the case of the acquisition strategy relating to the Navy—

(i) the plan to implement a program that examines the ongoing Air Force unmanned combat air vehicle program and identifies an approach to develop a Navy unmanned combat air vehicle program that has the goal of developing an aircraft that is suitable for aircraft carrier use and has maximum commonality with the aircraft under the Air Force program; and

(ii) an analysis of alternatives between the operational deep strike force aircraft fleet and that fleet together with an additional 10 to 20 unmanned advanced capability combat aircraft that are suitable for aircraft carrier use and capable of penetrating fully operational enemy air defense systems; and

(C) in the case of the acquisition strategy relating to the Air Force—

(i) the schedule for evaluation of demonstration results for the ongoing unmanned combat air vehicle program and the earliest possible transition of that program into engineering and manufacturing development and procurement; and

(ii) an analysis of alternatives between the currently planned deep strike force aircraft fleet and the operational deep strike force aircraft fleet that could be acquired by fiscal year 2010 to meet the goal specified in subsection (a)(1).

(c) Funds.—Of the amount authorized to be appropriated for Defense-wide activities under section 201(4) for the Defense Advanced Research Projects Agency, $100,000,000 shall be available only to carry out the programs referred to in subsection (b)(1).

(d) Definitions.—For purposes of this section:

(1) An aircraft or ground combat vehicle has "unmanned advanced capability" if it is an autonomous, semi-autonomous, or remotely controlled system that can be deployed, re-tasked, recovered, and re-deployed.

(2) The term "currently planned deep strike force aircraft fleet" means the early entry, deep strike aircraft fleet (composed of F–117 stealth aircraft and B–2 stealth aircraft) that is currently planned for fiscal year 2010.

(3) The term "operational deep strike force aircraft fleet" means the currently planned deep strike force aircraft fleet, together with at least 30 unmanned advanced capability combat aircraft that are capable of penetrating fully operational enemy air defense systems.

(4) The term "operational ground combat vehicles" means ground combat vehicles acquired through the Future Combat System acquisition program of the Army to equip the future objective force, as outlined in the vision statement of the Chief of Staff of the Army.

SEC. 221. GLOBAL HAWK HIGH ALTITUDE ENDURANCE UNMANNED AERIAL VEHICLE.

(a) Concept Demonstration Required.—The Secretary of Defense shall require and coordinate a concept demonstration of the Global Hawk high altitude endurance unmanned aerial vehicle.

(b) Purpose of Demonstration.—The purpose of the concept demonstration is to demonstrate the capability of the Global Hawk high altitude endurance unmanned aerial vehicle to operate in an airborne surveillance mode, using available, non-developmental technology.

(c) Time for Demonstration.—The Secretary shall initiate the demonstration not later than March 1, 2001.

(d) Participation by CINCs.—The Secretary shall require the commander of the United States Joint Forces Command and the commander of the United States Southern Command jointly to provide guidance for the demonstration and otherwise to participate in the demonstration.

(e) Scenario for Demonstration.—The demonstration shall be conducted in a counter-drug surveillance scenario that is designed to replicate factual conditions typically encountered in the performance of the counter-drug surveillance mission of the commander of the United States Southern Command within that commander's area of responsibility.

(f) Report.—Not later than 45 days after the demonstration is completed, the Secretary shall submit to Congress a report on the results of the demonstration. The report shall include the following:

(1) The Secretary's assessment of the technical feasibility of using the Global Hawk high altitude endurance unmanned aerial vehicle for airborne air surveillance.

(2) A discussion of the operational concept for the use of the vehicle for that purpose.

(g) Funding.—Of the funds authorized to be appropriated by section 301(20) for Drug Interdiction and Counter-drug Activities, Defense-wide, $18,000,000 shall be available for the concept demonstration required by subsection (a), including initiation of concurrent development for an improved surveillance radar.

SEC. 222. ARMY SPACE CONTROL TECHNOLOGY DEVELOPMENT.

Of the funds authorized to be appropriated under section 201(1) for Army space control technology, $3,000,000 shall be available for the kinetic energy anti-satellite technology program.

Subtitle C—Ballistic Missile Defense

SEC. 231. FUNDING FOR FISCAL YEAR 2001.

Of the funds authorized to be appropriated in section 201(4), $1,875,238,000 shall be available for the National Missile Defense program.

SEC. 232. REPORTS ON BALLISTIC MISSILE THREAT POSED BY NORTH KOREA.

(a) Report On Ballistic Missile Threat.—Not later than two weeks after the next flight test by North Korea of a long-range ballistic missile, the President shall submit to Congress, in classified and unclassified form, a report on the North Korean ballistic missile threat to the United States. The report shall include the following:

(1) An assessment of the current North Korean missile threat to the United States.

(2) An assessment of whether the United States is capable of defeating the North Korean

long-range missile threat to the United States as of the date of the report.

(3) An assessment of when the United States will be capable of defeating the North Korean missile threat to the United States.

(4) An assessment of the potential for proliferation of North Korean missile technologies to other states and whether such proliferation will accelerate the development of additional long-range ballistic missile threats to the United States.

(b) REPORT ON REDUCING VULNERABILITY.—Not later than two weeks after the next flight test by North Korea of a long-range ballistic missile, the President shall submit to Congress a report providing the following:

(1) Any additional steps the President intends to take to reduce the period of time during which the Nation is vulnerable to the North Korean long-range ballistic missile threat.

(2) The technical and programmatic viability of testing any other missile defense systems against targets with flight characteristics similar to the North Korean long-range missile threat, and plans to do so if such tests are considered to be a viable alternative.

(c) DEFINITION.—For purposes of this section, the term "United States", when used in a geographic sense, means the 50 States, the District of Columbia, and any Commonwealth, territory, or possession of the United States.

SEC. 233. PLAN TO MODIFY BALLISTIC MISSILE DEFENSE ARCHITECTURE.

(a) PLAN.—The Director of the Ballistic Missile Defense Organization shall develop a plan to adapt ballistic missile defense systems and architectures to counter potential threats to the United States, United States forces deployed outside the United States, and other United States national security interests that are posed by longer range medium-range ballistic missiles and intermediate-range ballistic missiles.

(b) USE OF SPACE-BASED SENSORS INCLUDED.—The plan shall include—

(1) potential use of space-based sensors, including the Space-Based Infrared System (SBIRS) Low and Space-Based Infrared System (SBIRS) High, Navy theater missile defense assets, upgrades of land-based theater missile defenses, the airborne laser, and other assets available in the European theater; and

(2) a schedule for ground and flight testing against the identified threats.

(c) REPORT.—The Secretary of Defense shall assess the plan and, not later than February 15, 2001, shall submit to the congressional defense committees a report on the results of the assessment.

SEC. 234. MANAGEMENT OF AIRBORNE LASER PROGRAM.

(a) OVERSIGHT OF FUNDING, SCHEDULE, AND TECHNICAL REQUIREMENTS.—With respect to the program known as of the date of the enactment of this Act as the "Airborne Laser" program, the Secretary of Defense shall require that the Secretary of the Air Force obtain the concurrence of the Director of the Ballistic Missile Defense Organization before the Secretary—

(1) makes any change to the funding plan or schedule for that program that would delay to a date later than September 30, 2003, the first test of the airborne laser that is intended to destroy a ballistic missile in flight;

(2) makes any change to the funding plan for that program in the future-years defense program that would delay the initial operational capability of the airborne laser; and

(3) makes any change to the technical requirements of the airborne laser that would significantly reduce its ballistic missile defense capabilities.

(b) REPORT.—Not later than February 15, 2001, the Director of the Ballistic Missile Defense Organization shall submit to the congressional defense committees a report, to be prepared in coordination with the Secretary of the Air Force, on the role of the airborne laser in the family of systems missile defense architecture developed by the Director of the Ballistic Missile Defense Organization and the Director of the Joint Theater Air and Missile Defense Organization. The report shall be submitted in unclassified and, if necessary, classified form. The report shall include the following:

(1) An assessment by the Secretary of the Air Force and the Director of the Ballistic Missile Defense Organization of the funding plan for that program required to achieve the schedule identified in paragraphs (1) and (2) of subsection (a).

(2) Potential future airborne laser roles in that architecture.

(3) An assessment of the effect of deployment of the airborne laser on requirements for theater ballistic missile defense systems.

(4) An assessment of the cost effectiveness of the airborne laser compared to other ballistic missile defense systems.

(5) An assessment of the relative significance of the airborne laser in the family of systems missile defense architecture.

Subtitle D—High Energy Laser Programs

SEC. 241. FUNDING.

(a) FUNDING FOR FISCAL YEAR 2001.—(1) Of the amount authorized to be appropriated by section 201(4), $30,000,000 is authorized for high energy laser development.

(2) Funds available under this subsection are available to supplement the high energy laser programs of the military departments and Defense Agencies, as determined by the official designated under section 243.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should establish funding for high energy laser programs within the science and technology programs of each of the military departments and the Ballistic Missile Defense Organization; and

(2) the Secretary of Defense should establish a goal that basic, applied, and advanced research in high energy laser technology should constitute at least 4.5 percent of the total science and technology budget of the Department of Defense by fiscal year 2004.

SEC. 242. IMPLEMENTATION OF HIGH ENERGY LASER MASTER PLAN.

The Secretary of Defense shall implement the management and organizational structure specified in the Department of Defense High Energy Laser Master Plan of March 24, 2000.

SEC. 243. DESIGNATION OF SENIOR OFFICIAL FOR HIGH ENERGY LASER PROGRAMS.

(a) DESIGNATION.—The Secretary of Defense shall designate a single senior civilian official in the Office of the Secretary of Defense (in this subtitle referred to as the "designated official") to chair the High Energy Laser Technology Council called for in the master plan referred to in section 242 and to carry out responsibilities for the programs for which funds are provided under this subtitle. The designated official shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics for matters concerning the responsibilities specified in subsection (b).

(b) RESPONSIBILITIES.—The primary responsibilities of the designated official shall include the following:

(1) Establishment of priorities for the high energy laser programs of the military departments and the Defense Agencies.

(2) Coordination of high energy laser programs among the military departments and the Defense Agencies.

(3) Identification of promising high energy laser technologies for which funding should be a high priority for the Department of Defense and establishment of priority for funding among those technologies.

(4) Preparation, in coordination with the Secretaries of the military departments and the Directors of the Defense Agencies, of a detailed technology plan to develop and mature high energy laser technologies.

(5) Planning and programming appropriate to rapid evolution of high energy laser technology.

(6) Ensuring that high energy laser programs of each military department and the Defense Agencies are initiated and managed effectively and are complementary with programs managed by the other military departments and Defense Agencies and by the Office of the Secretary of Defense.

(7) Ensuring that the high energy laser programs of the military departments and the Defense Agencies comply with the requirements specified in subsection (c).

(c) COORDINATION AND FUNDING BALANCE.—In carrying out the responsibilities specified in subsection (b), the designated official shall ensure that—

(1) high energy laser programs of each military department and of the Defense Agencies are consistent with the priorities identified in the designated official's planning and programming activities;

(2) funding provided by the Office of the Secretary of Defense for high energy laser research and development complements high energy laser programs for which funds are provided by the military departments and the Defense Agencies;

(3) programs, projects, and activities to be carried out by the recipients of such funds are selected on the basis of appropriate competitive procedures or Department of Defense peer review process;

(4) beginning with fiscal year 2002, funding from the Office of the Secretary of Defense in applied research and advanced technology development program elements is not applied to technology efforts in support of high energy laser programs that are not funded by a military department or the Defense Agencies; and

(5) funding from the Office of the Secretary of Defense to complement an applied research or advanced technology development high energy laser program for which funds are provided by one of the military departments or the Defense Agencies do not exceed the amount provided by the military department or the Defense Agencies for that program.

SEC. 244. SITE FOR JOINT TECHNOLOGY OFFICE.

(a) DEADLINE FOR SELECTION OF SITE.—The Secretary of Defense shall locate the Joint Technology Office called for in the High Energy Laser Master Plan referred to in section 242 at a location determined appropriate by the Secretary not later than 30 days after the date of the enactment of this Act.

(b) CONSIDERATION OF SITE.—In determining the location of the Joint Technology Office, the Secretary shall, in consultation with the Deputy Under Secretary of Defense for Science and Technology, assess—

(1) cost;

(2) accessibility between the Office and the Armed Forces and senior Department of Defense leaders; and

(3) the advantages and disadvantages of locating the Office at a site at which occurs a substantial proportion of the directed energy research, development, test, and evaluation activities of the Department of Defense.

SEC. 245. HIGH ENERGY LASER INFRASTRUCTURE IMPROVEMENTS.

(a) ENHANCEMENT OF INDUSTRIAL BASE.—The Secretary of Defense shall consider, evaluate, and undertake to the extent appropriate initiatives, including investment initiatives, to enhance the industrial base to support military applications of high energy laser technologies and systems.

(b) ENHANCEMENT OF TEST AND EVALUATION CAPABILITIES.—The Secretary of Defense shall consider modernizing the High Energy Laser Test Facility at White Sands Missile Range, New Mexico, in order to enhance the test and evaluation capabilities of the Department of Defense with respect to high energy laser weapons.

SEC. 246. COOPERATIVE PROGRAMS AND ACTIVITIES.

(a) MEMORANDUM OF AGREEMENT WITH NNSA.—(1) The Secretary of Defense and the Administrator for Nuclear Security of the Department of Energy shall enter into a memorandum of agreement to conduct joint research and development on military applications of high energy lasers.

(2) The projects pursued under the memorandum of agreement—

(A) shall be of mutual benefit to the national security programs of the Department of Defense and the National Nuclear Security Administration of the Department of Energy;

(B) shall be prioritized jointly by officials designated to do so by the Secretary of Defense and the Administrator; and

(C) shall be consistent with the technology plan prepared pursuant to section 243(b)(4) and the requirements identified in section 243(c).

(3) The costs of each project pursued under the memorandum of agreement shall be shared equally by the Department of Defense and the National Nuclear Security Administration.

(4) The memorandum of agreement shall provide for appropriate peer review of projects pursued under the memorandum of agreement.

(b) EVALUATION OF OTHER COOPERATIVE PROGRAMS AND ACTIVITIES.—The Secretary of Defense shall evaluate the feasibility and advisability of entering into cooperative programs or activities with other Federal agencies, institutions of higher education, and the private sector for the purpose of enhancing the programs, projects, and activities of the Department of Defense relating to high energy laser technologies, systems, and weapons.

SEC. 247. TECHNOLOGY PLAN.

The designated official shall submit to the congressional defense committees by February 15, 2001, the technology plan prepared pursuant to section 243(b)(4). The report shall be submitted in unclassified and, if necessary, classified form.

SEC. 248. ANNUAL REPORT.

Not later than February 15 of 2001, 2002, and 2003, the Secretary of Defense shall submit to the congressional defense committees a report on the high energy laser programs of the Department of Defense. Each report shall include an assessment of the following:

(1) The adequacy of the management structure of the Department of Defense for the high energy laser programs.

(2) The funding available for the high energy laser programs.

(3) The technical progress achieved for the high energy laser programs.

(4) The extent to which goals and objectives of the high energy laser technology plan have been met.

SEC. 249. DEFINITION.

For purposes of this subtitle, the term "high energy laser" means a laser that has average power in excess of one kilowatt and that has potential weapons applications.

SEC. 250. REVIEW OF DEFENSE-WIDE DIRECTED ENERGY PROGRAMS.

(a) EVALUATION.—The Secretary of Defense, in consultation with the Deputy Under Secretary of Defense for Science and Technology, shall evaluate expansion of the High Energy Laser management structure specified in section 242 for possible inclusion in that management structure of science and technology programs in related areas, including the following:

(1) High power microwave technologies.

(2) Low energy and nonlethal laser technologies.

(3) Other directed energy technologies.

(b) CONSIDERATION OF PRIOR STUDY.—The evaluation under subsection (a) shall take into consideration the July 1999 Department of Defense study on streamlining and coordinating science and technology and research, development, test, and evaluation within the Department of Defense.

(c) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the findings of the evaluation under subsection (a). The report shall be submitted not later than March 15, 2001.

Subtitle E—Other Matters

SEC. 251. REPORTS ON MOBILE OFFSHORE BASE CONCEPT AND POTENTIAL USE FOR CERTAIN PURPOSES OF TECHNOLOGIES ASSOCIATED WITH THAT CONCEPT.

(a) REPORT ON MERITS OF MOBILE OFFSHORE BASE CONCEPT.—Not later than March 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the mobile offshore base concept. The report shall include the following:

(1) A cost-benefit analysis of the mobile offshore base, using operational concepts that would support the National Military Strategy.

(2) A recommendation regarding whether to proceed with the mobile offshore base as a program and, if so—

(A) a statement regarding which of the Armed Forces is to be designated to have the lead responsibility for the program; and

(B) a schedule for the program.

(b) REPORT ON POTENTIAL USE FOR CERTAIN PURPOSES OF ASSOCIATED TECHNOLOGIES.—Not later than March 1, 2001, the Secretary of the Navy shall submit to the congressional defense committees a report on the potential use of technologies associated with the mobile offshore base concept. The report shall include an assessment of the potential application and feasibility of using existing technologies, including those technologies associated with the mobile offshore base concept, to a sea-based landing platform for support of naval aviation training.

SEC. 252. AIR FORCE SCIENCE AND TECHNOLOGY PLANNING.

(a) REQUIREMENT FOR REVIEW.—The Secretary of the Air Force shall conduct a review of the long-term challenges and short-term objectives of the Air Force science and technology programs. The Secretary shall complete the review not later than one year after the date of the enactment of this Act.

(b) MATTERS TO BE REVIEWED.—The review shall include the following:

(1) An assessment of the budgetary resources that are being used for fiscal year 2001 for addressing the long-term challenges and the short-term objectives of the Air Force science and technology programs.

(2) The budgetary resources that are necessary to address those challenges and objectives adequately.

(3) A course of action for each projected or ongoing Air Force science and technology program that does not address either the long-term challenges or the short-term objectives.

(4) The matters required under subsection (c)(5) and (d)(6).

(c) LONG-TERM CHALLENGES.—(1) The Secretary of the Air Force shall establish an integrated product team to identify high-risk, high-payoff challenges that will provide a long-term focus and motivation for the Air Force science and technology programs over the next 20 to 50 years following the enactment of this Act. The integrated product team shall include representatives of the Office of Scientific Research and personnel from the Air Force Research Laboratory.

(2) The team shall solicit views from the entire Air Force science and technology community on the matters under consideration by the team.

(3) The team—

(A) shall select for consideration science and technology challenges that involve—

(i) compelling requirements of the Air Force;

(ii) high-risk, high-payoff areas of exploration; and

(iii) very difficult, but probably achievable, results; and

(B) should not select a linear extension of any ongoing Air Force science and technology program for consideration as a science and technology challenge under subparagraph (A).

(4) The Deputy Assistant Secretary of the Air Force for Science, Technology, and Engineering shall designate a technical coordinator and a management coordinator for each science and technology challenge identified pursuant to this subsection. Each technical coordinator shall have sufficient expertise in fields related to the challenge to be able to identify other experts in such fields and to affirm the credibility of the challenge. The coordinator for a science and technology challenge shall conduct workshops within the relevant scientific and technological community to obtain suggestions for possible approaches to addressing the challenge and to identify ongoing work that addresses the challenge, deficiencies in current work relating to the challenge, and promising areas of research.

(5) In carrying out subsection (a), the Secretary of the Air Force shall review the science and technology challenges identified pursuant to this subsection and, for each such challenge, at a minimum—

(A) consider the results of the workshops conducted pursuant to paragraph (4); and

(B) identify any work not currently funded by the Air Force that should be performed to meet the challenge.

(d) SHORT-TERM OBJECTIVES.—(1) The Secretary of the Air Force shall establish a task force to identify short-term technological objectives of the Air Force science and technology programs. The task force shall be chaired by the Deputy Assistant Secretary of the Air Force for Science, Technology, and Engineering and shall include representatives of the Chief of Staff of the Air Force and the specified combatant commands of the Air Force.

(2) The task force shall solicit views from the entire Air Force requirements community, user community, and acquisition community.

(3) The task force shall select for consideration short-term objectives that involve—

(A) compelling requirements of the Air Force;

(B) support in the user community; and

(C) likely attainment of the desired benefits within a five-year period.

(4) The Deputy Assistant Secretary of the Air Force for Science, Technology, and Engineering shall establish an integrated product team for each short-term objective identified pursuant to this subsection. Each integrated product team shall include representatives of the requirements community, the user community, and the science and technology community with relevant expertise.

(5) The integrated product team for a short-term objective shall be responsible for—

(A) identifying, defining, and prioritizing the enabling capabilities that are necessary for achieving the objective;

(B) identifying deficiencies in the enabling capabilities that must be addressed if the short-term objective is to be achieved; and

(C) working with the Air Force science and technology community to identify science and technology projects and programs that should be undertaken to eliminate each deficiency in an enabling capability.

(6) In carrying out subsection (a), the Secretary of the Air Force shall review the short-term science and technology objectives identified pursuant to this subsection and, for each such objective, at a minimum—

(A) consider the work of the integrated product team conducted pursuant to paragraph (5); and

(B) identify the science and technology work of the Air Force that should be undertaken to eliminate each deficiency in enabling capabilities that is identified by the integrated product team pursuant to subparagraph (B) of that paragraph.

(e) COMPTROLLER GENERAL REVIEW.—(1) Not later than 90 days after the Secretary of the Air Force completes the review required by subsection (a), the Comptroller General shall submit to Congress a report on the results of the review. The report shall include the Comptroller General's assessment regarding the extent to which the review was conducted in compliance with the requirements of this section.

(2) Immediately upon completing the review required by subsection (a), the Secretary of Defense shall notify the Comptroller General of the completion of the review. For the purposes of paragraph (1), the date of the notification shall be considered the date of the completion of the review.

SEC. 253. ENHANCEMENT OF AUTHORITIES REGARDING EDUCATION PARTNERSHIPS FOR PURPOSES OF ENCOURAGING SCIENTIFIC STUDY.

(a) ASSISTANCE IN SUPPORT OF PARTNERSHIPS.—Subsection (b) of section 2194 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ", and is encouraged to provide," after "may provide";

(2) in paragraph (1), by inserting before the semicolon the following: "for any purpose and duration in support of such agreement that the director considers appropriate"; and

(3) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any computer equipment, or other scientific equipment, that is—

"(A) commonly used by educational institutions;

"(B) surplus to the needs of the defense laboratory; and

"(C) determined by the director to be appropriate for support of such agreement;".

(b) DEFENSE LABORATORY DEFINED.—Subsection (e) of that section is amended to read as follows:

"(e) In this section:

"(1) The term 'defense laboratory' means any laboratory, product center, test center, depot, training and educational organization, or operational command under the jurisdiction of the Department of Defense.

"(2) The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).".

SEC. 254. RECOGNITION OF THOSE INDIVIDUALS INSTRUMENTAL TO NAVAL RESEARCH EFFORTS DURING THE PERIOD FROM BEFORE WORLD WAR II THROUGH THE END OF THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The contributions of the Nation's scientific community and of science research to the victory of the United States and its allies in World War II resulted in the understanding that science and technology are of critical importance to the future security of the Nation.

(2) Academic institutions and oceanographers provided vital support to the Navy and the Marine Corps during World War II.

(3) Congress created the Office of Naval Research in the Department of the Navy in 1946 to ensure the availability of resources for research in oceanography and other fields related to the missions of the Navy and Marine Corps.

(4) The Office of Naval Research of the Department of the Navy, in addition to its support of naval research within the Federal Government, has also supported the conduct of oceanographic and scientific research through partnerships with educational and scientific institutions throughout the Nation.

(5) These partnerships have long been recognized as among the most innovative and productive research partnerships ever established by the Federal Government and have resulted in a vast improvement in understanding of basic ocean processes and the development of new technologies critical to the security and defense of the Nation.

(b) CONGRESSIONAL RECOGNITION AND APPRECIATION.—Congress—

(1) applauds the commitment and dedication of the officers, scientists, researchers, students, and administrators who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions, including those individuals who helped forge that program before World War II, implement it during World War II, and improve it throughout the Cold War;

(2) recognizes that the Nation, in ultimately prevailing in the Cold War, relied to a significant extent on research supported by, and technologies developed through, those partnerships and, in particular, on the superior understanding of the ocean environment generated through that research;

(3) supports efforts by the Secretary of the Navy and the Chief of Naval Research to honor those individuals, who contributed so greatly and unselfishly to the naval mission and the national defense, through those partnerships during the period beginning before World War II and continuing through the end of the Cold War; and

(4) expresses appreciation for the ongoing efforts of the Office of Naval Research to support oceanographic and scientific research and the development of researchers in those fields, to ensure that such partnerships will continue to make important contributions to the defense and the general welfare of the Nation.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

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Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $19,280,381,000.

(2) For the Navy, $23,766,610,000.

(3) For the Marine Corps, $2,826,291,000.

(4) For the Air Force, $22,395,221,000.

(5) For Defense-wide activities, $11,740,569,000.

(6) For the Army Reserve, $1,561,418,000.

(7) For the Naval Reserve, $978,946,000.

(8) For the Marine Corps Reserve, $144,159,000.

(9) For the Air Force Reserve, $1,903,859,000.

(10) For the Army National Guard, $3,233,835,000.

(11) For the Air National Guard, $3,468,375,000.

(12) For the Defense Inspector General, $144,245,000.

(13) For the United States Court of Appeals for the Armed Forces, $8,574,000.

(14) For Environmental Restoration, Army, $389,932,000.

(15) For Environmental Restoration, Navy, $294,038,000.

(16) For Environmental Restoration, Air Force, $376,300,000.

(17) For Environmental Restoration, Defense-wide, $21,412,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $231,499,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $55,900,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $869,000,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $25,000,000.

(22) For Defense Health Program, $11,480,123,000.

(23) For Cooperative Threat Reduction programs, $443,400,000.

(24) For Overseas Contingency Operations Transfer Fund, $4,100,577,000.

(25) For Quality of Life Enhancements, Defense-Wide, $10,500,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $916,276,000.

(2) For the National Defense Sealift Fund, $388,158,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2001 from the Armed Forces Retirement Home Trust Fund the sum of $69,832,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) Transfer Authority.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2001 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) Treatment of Transfers.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) Relationship to Other Transfer Authority.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. JOINT WARFIGHTING CAPABILITIES ASSESSMENT TEAMS.

Of the total amount authorized to be appropriated under section 301(5) for operation and maintenance for Defense-wide activities for the Joint Staff, $4,000,000 is available only for the improvement of the performance of analyses by the joint warfighting capabilities assessment teams of the Joint Requirements Oversight Council.

Subtitle B—Environmental Provisions

SEC. 311. ESTABLISHMENT OF ADDITIONAL ENVIRONMENTAL RESTORATION ACCOUNT AND USE OF ACCOUNTS FOR OPERATION AND MONITORING OF ENVIRONMENTAL REMEDIES.

(a) Account for Formerly Used Defense Sites.—Subsection (a) of section 2703 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) An account to be known as the 'Environmental Restoration Account, Formerly Used Defense Sites'.".

(b) Operation and Monitoring of Environmental Remedies.—Such section is further amended by adding at the end the following new subsection:

"(f) Sole Source of Funds for Operation and Monitoring of Environmental Remedies.—(1) The sole source of funds for all phases of an environmental remedy at a site under the jurisdiction of the Department of Defense or a formerly used defense site shall be the applicable environmental restoration account established under subsection (a).

"(2) In this subsection, the term 'environmental remedy' has the meaning given the term 'remedy' in section 101 of CERCLA (42 U.S.C. 9601).".

SEC. 312. CERTAIN ENVIRONMENTAL RESTORATION ACTIVITIES.

Subsection (b) of section 2703 of title 10, United States Code, is amended to read as follows:

"(b) Obligation of Authorized Amounts.—(1) Funds authorized for deposit in an account under subsection (a) may be obligated or expended from the account only—

"(A) to carry out the environmental restoration functions of the Secretary of Defense and the Secretaries of the military departments under this chapter and under any other provision of law; and

"(B) to pay for the costs of permanently relocating a facility because of a release or threatened release of hazardous substances, pollutants, or contaminants from—

"(i) real property on which the facility is located and that is currently under the jurisdiction of the Secretary of Defense or the Secretary of a military department; or

"(ii) real property on which the facility is located and that was under the jurisdiction of the Secretary of Defense or the Secretary of a military department at the time of the actions leading to the release or threatened release.

"(2) The authority provided by paragraph (1)(B) expires September 30, 2003. The Secretary of Defense or the Secretary of a military department may not pay the costs of permanently relocating a facility under such paragraph unless the Secretary—

"(A) determines that permanent relocation—

"(i) is the most cost effective method of responding to the release or threatened release of hazardous substances, pollutants, or contaminants from the real property on which the facility is located;

"(ii) has the approval of relevant regulatory agencies; and

"(iii) is supported by the affected community; and

"(B) submits to Congress written notice of the determination before undertaking the permanent relocation of the facility, including a description of the response action taken or to be taken in connection with the permanent relocation and a statement of the costs incurred or to be incurred in connection with the permanent relocation.

"(3) If relocation costs are to be paid under paragraph (1)(B) with respect to a facility located on real property described in clause (ii) of such paragraph, the Secretary of Defense or the Secretary of the military department concerned may use only fund transfer mechanisms otherwise available to the Secretary.

"(4) Funds authorized for deposit in an account under subsection (a) shall remain available until expended. Not more than 5 percent of the funds deposited in an account under subsection (a) for a fiscal year may be used to pay relocation costs under paragraph (1)(B).".

SEC. 313. ANNUAL REPORTS UNDER STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) REPEAL OF REQUIREMENT FOR ANNUAL REPORT FROM SCIENTIFIC ADVISORY BOARD.—Section 2904 of title 10, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

(b) INCLUSION OF ACTIONS OF BOARD IN ANNUAL REPORTS OF COUNCIL.—Section 2902(d)(3) of such title is amended by adding at the end the following new subparagraph:

"(D) A summary of the actions of the Strategic Environmental Research and Development Program Scientific Advisory Board during the year preceding the year in which the report is submitted and any recommendations, including recommendations on program direction and legislation, that the Advisory Board considers appropriate regarding the program.".

SEC. 314. PAYMENT OF FINES AND PENALTIES FOR ENVIRONMENTAL COMPLIANCE AT FORT WAINWRIGHT, ALASKA.

The Secretary of Defense, or the Secretary of the Army, may pay, as part of a settlement of liability, a fine or penalty of not more than $2,000,000 for matters addressed in the Notice of Violation issued on March 5, 1999, by the Administrator of the Environmental Protection Agency to Fort Wainwright, Alaska.

SEC. 315. PAYMENT OF FINES OR PENALTIES IMPOSED FOR ENVIRONMENTAL COMPLIANCE VIOLATIONS AT OTHER DEPARTMENT OF DEFENSE FACILITIES.

(a) ARMY VIOLATIONS.—Using amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, the Secretary of the Army may pay the following amounts in connection with environmental compliance violations at the following locations:

(1) $993,000 for a supplemental environmental project to implement an installation-wide hazardous substance management system at Walter Reed Army Medical Center, Washington, District of Columbia, in satisfaction of a fine imposed by Environmental Protection Agency Region 3 under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(2) $377,250 for a supplemental environmental project to install new parts washers at Fort Campbell, Kentucky, in satisfaction of a fine imposed by Environmental Protection Agency Region 4 under the Solid Waste Disposal Act.

(3) $20,701 for a supplemental environmental project to upgrade the wastewater treatment plant at Fort Gordon, Georgia, in satisfaction of a fine imposed by the State of Georgia under the Solid Waste Disposal Act.

(4) $78,500 for supplemental environmental projects to reduce the generation of hazardous waste at Pueblo Chemical Depot, Colorado, in satisfaction of a fine imposed by the State of Colorado under the Solid Waste Disposal Act.

(5) $20,000 for a supplemental environmental project to repair cracks in floors of igloos used to store munitions hazardous waste at Deseret Chemical Depot, Utah, in satisfaction of a fine imposed by the State of Utah under the Solid Waste Disposal Act.

(6) $7,975 for payment to the Texas Natural Resource Conservation Commission of a cash penalty for permit violations assessed with respect to Fort Sam Houston, Texas, under the Solid Waste Disposal Act.

(b) NAVY VIOLATIONS.—Using amounts authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, the Secretary of the Navy may pay the following amounts in connection with environmental compliance violations at the following locations:

(1) $108,800 for payment to the West Virginia Division of Environmental Protection of a cash penalty with respect to Allegany Ballistics Laboratory, West Virginia, under the Solid Waste Disposal Act.

(2) $5,000 for payment to Environmental Protection Agency Region 6 of a cash penalty with respect to Naval Air Station, Corpus Christi, Texas, under the Clean Air Act (42 U.S.C. 7401).

(3) $1,650 for payment to Environmental Protection Agency Region 3 of a cash penalty with respect to Marine Corps Combat Development Command, Quantico, Virginia, under the Clean Air Act.

SEC. 316. REIMBURSEMENT FOR CERTAIN COSTS IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

(a) AUTHORITY.—The Secretary of Defense may pay, using funds described in subsection(b). not more than $98,210 to the Former Nansemond Ordnance Depot Site Special Account within the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the Environmental Protection Agency for costs incurred by the agency in overseeing a time critical removal action under CERCLA being performed by the Department of Defense under the Defense Environmental Restoration Program for ordnance and explosive safety hazards at the Former Nansemond Ordnance Depot Site, Suffolk, Virginia, pursuant to an Interagency Agreement entered into by the Department of the Army and the Environmental Protection Agency on January 3, 2000.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Formerly Used Defense Sites, established by paragraph (5) of section 2703(a) of title 10, United States Code, as added by section 311(a) of this Act.

(c) DEFINITIONS.—In this section:

(1) The term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(2) The term "Defense Environmental Restoration Program" means the program of environmental restoration carried out under chapter 160 of title 10, United States Code.

SEC. 317. NECESSITY OF MILITARY LOW-LEVEL FLIGHT TRAINING TO PROTECT NATIONAL SECURITY AND ENHANCE MILITARY READINESS.

Nothing in the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the regulations implementing such law shall require the Secretary of Defense or the Secretary ofa military department to prepare a programmatic, nation-wide environmental impact statement for low-level flight training as a precondition to the use by the Armed Forces of an airspace for the performance of low-level training flights.

SEC. 318. SHIP DISPOSAL PROJECT.

(a) CONTINUATION OF PROJECT; PURPOSE.—During fiscal year 2001, the Secretary of the Navy shall continue to carry out the ship disposal project within the United States to permit the Secretary to assemble appropriate data on the cost of scrapping naval vessels.

(b) USE OF COMPETITIVE PROCEDURES.—The Secretary shall use competitive procedures to award all task orders under the primary contracts under the ship disposal project.

(c) REPORT.—Not later than December 31, 2000, the Secretary shall submit to the congressional defense committees a report on the ship disposal project. The report shall contain the following:

(1) A description of the competitive procedures used for the solicitation and award of all task orders under the project.

(2) A description of the task orders awarded under the project.

(3) An assessment of the results of the project as of the date of the report, including the performance of contractors under the project.

(4) The proposed strategy of the Navy for future procurement of ship scrapping activities.

SEC. 319. DEFENSE ENVIRONMENTAL SECURITY CORPORATE INFORMATION MANAGEMENT PROGRAM.

(a) MANAGEMENT AND OVERSIGHT OF PROGRAM.—The Chief Information Officer of the Department of Defense shall ensure that management and oversight of the Defense Environmental Security Corporate Information Management Program is consistent with the requirements of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106), section 2223 of title 10, United States Code, Department of Defense Directives 5000.1, 5000.2-R, and 5137.1, and all other laws, directives, regulations, and management controls applicable to investment in information technology and related services.

(b) PROGRAM REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Defense Environmental Security Corporate Information Management Program.

(c) MISSION.—The report shall include a mission statement and strategic objectives for the Defense Environmental Security Corporate Information Management Program, including the recommendations of the Secretary for the future mission and objectives of the Program.

(d) PERSONNEL, ORGANIZATION, AND OVERSIGHT.—The report shall include—

(1) the personnel requirements and organizational structure of the Defense Environmental Security Corporate Information Management Program to carry out the mission statement; and

(2) a discussion of—

(A) the means by which the Program will ensure program accountability, including accountability for all past, current, and future activities funded under the Program; and

(B) the role of the Chief Information Officer of the Department of Defense in ensuring program accountability as required by subsection (a).

(e) PROGRAM ACTIVITIES.—The report shall include a discussion of the means by which the Defense Environmental Security Corporate Information Management Program will address or provide—

(1) information access procedures that keep pace with current and evolving requirements for information access;

(2) data standardization and systems integration;

(3) product failures and cost-effective results;

(4) user confidence and utilization; and

(5) program continuity.

SEC. 320. REPORT ON PLASMA ENERGY PYROLYSIS SYSTEM.

(a) REPORT REQUIRED.—Not later than February 1, 2001, the Secretary of the Army shall submit to the congressional defense committees a report on the Plasma Energy Pyrolysis System.

(b) REPORT ELEMENTS.—The report on the Plasma Energy Pyrolysis System shall include the following:

(1) An analysis of available information and data on the fixed-transportable unit demonstration phase of the System and on the mobile unit demonstration phase of the System.

(2) Recommendations regarding future applications for each phase of the System described in paragraph (1).

(3) A statement of the projected funding for such future applications.

SEC. 321. SENSE OF CONGRESS REGARDING ENVIRONMENTAL RESTORATION OF FORMER DEFENSE MANUFACTURING SITE, SANTA CLARITA, CALIFORNIA.

It is the sense of the Congress that—

(1) there exists a 1,000-acre former defense manufacturing site in Santa Clarita, California (known as the "Santa Clarita site"), that could be environmentally restored to serve a future role in the community, and every effort should be made to apply all known public and private sector innovative technologies to restore the Santa Clarita site to productive use for the benefit of the community; and

(2) the experience gained from environmental restoration at the Santa Clarita site by private and public sector partnerships has the potential to benefit not only the community of Santa Clarita, but all sites in need of environmental restoration.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 331. USE OF APPROPRIATED FUNDS TO COVER OPERATING EXPENSES OF COMMISSARY STORES.

(a) IN GENERAL.—(1) Section 2484 of title 10, United States Code, is amended to read as follows:

"§2484. Commissary stores: use of appropriated funds to cover operating expenses

"(a) OPERATION OF AGENCY AND SYSTEM.—Except as otherwise provided in this title, the operation of the Defense Commissary Agency and the defense commissary system may be funded using such amounts as are appropriated for such purpose.

"(b) OPERATING EXPENSES OF COMMISSARY STORES.—Appropriated funds may be used to cover the expenses of operating commissary stores and central product processing facilities of the defense commissary system. For purposes of this subsection, operating expenses include the following:

"(1) Salaries and wages of employees of the United States, host nations, and contractors supporting commissary store operations.

"(2) Utilities.

"(3) Communications.

"(4) Operating supplies and services.

"(5) Second destination transportation costs within or outside the United States.

"(6) Any cost associated with above-store-level management or other indirect support of a commissary store or a central product processing facility, including equipment maintenance and information technology costs.".

(2) The table of sections at the beginning of chapter 147 of such title is amended by striking the item relating to section 2484 and inserting the following new item:

"2484. Commissary stores: use of appropriated funds to cover operating expenses.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 332. ADJUSTMENT OF SALES PRICES OF COMMISSARY STORE GOODS AND SERVICES TO COVER CERTAIN EXPENSES.

(a) ADJUSTMENT REQUIRED.—Section 2486 of title 10, United States Code, is amended—

(1) in subsection (c), by striking "section 2484(b) or" and inserting "subsection (d) or section"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "sections 2484 and" and inserting "section"; and

(B) by adding at the end the following new paragraph:

"(3) The sales price of merchandise and services sold in, at, or by commissary stores shall be adjusted to cover the following:

"(A) The cost of first destination commercial transportation of the merchandise in the United States to the place of sale.

"(B) The actual or estimated cost of shrinkage, spoilage, and pilferage of merchandise under the control of commissary stores.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 333. USE OF SURCHARGES FOR CONSTRUCTION AND IMPROVEMENT OF COMMISSARY STORES.

(a) EXPANSION OF AUTHORIZED, USES.—Subsection (b) of section 2685 of title 10, United States Code, is amended to read as follows:

"(b) USE FOR CONSTRUCTION, REPAIR, IMPROVEMENT, AND MAINTENANCE.—(1) The Secretary of Defense may use the proceeds from the adjustments or surcharges authorized by subsection (a) only—

"(A) to acquire (including acquisition by lease), construct, convert, expand, improve, repair, maintain, and equip the physical infrastructure of commissary stores and central product processing facilities of the defense commissary system; and

"(B) to cover environmental evaluation and construction costs related to activities described in paragraph (1), including costs for surveys, administration, overhead, planning, and design.

"(2) In paragraph (1), the term 'physical infrastructure' includes real property, utilities, and equipment (installed and free standing and including computer equipment), necessary to provide a complete and usable commissary store or central product processing facility.".

(b) AUTHORITY OF SECRETARY OF DEFENSE.—Such section is further amended—

(1) in subsection (a), by striking "Secretary of a military department, under regulations established by him and approved by the Secretary of Defense," and inserting "Secretary of Defense";

(2) in subsection (c)—

(A) by striking "Secretary of a military department, with the approval of the Secretary of Defense and" and inserting "Secretary of Defense, with the approval of"; and

(B) by striking "Secretary of the military department determines" and inserting "Secretary determines"; and

(3) in subsection (d)(1), by striking "Secretary of a military department" and inserting "Secretary of Defense".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 334. INCLUSION OF MAGAZINES AND OTHER PERIODICALS AS AN AUTHORIZED COMMISSARY MERCHANDISE CATEGORY.

(a) ADDITIONAL AUTHORIZED CATEGORY.—Subsection (b) of section 2486 of title 10, United States Code, is amended—

(1) by redesignating paragraph (11) as paragraph (12); and

(2) by inserting after paragraph (10) the following new paragraph:

"(11) Magazines and other periodicals.".

(b) CONFORMING AMENDMENTS.—Subsection (f) of such section is amended—

(1) by striking "(1)" before "Notwithstanding";

(2) by striking "items in the merchandise categories specified in paragraph (2)" and inserting "tobacco products"; and

(3) by striking paragraph (2).

SEC. 335. USE OF MOST ECONOMICAL DISTRIBUTION METHOD FOR DISTILLED SPIRITS.

Section 2488(c) of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 336. REPORT ON EFFECTS OF AVAILABILITY OF SLOT MACHINES ON UNITED STATES MILITARY INSTALLATIONS OVERSEAS.

(a) REPORT REQUIRED.—Not later than March 31, 2001, the Secretary of Defense shall submit to Congress a report evaluating the effect that the ready availability of slot machines as a morale, welfare, and recreation activity on United States military installations outside of the United States has on members of the Armed Forces, their dependents, and other persons who use such slot machines, the morale of military communities overseas, and the personal financial stability of members of the Armed Forces.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report—

(1) an estimate of the number of persons who used such slot machines during the preceding two years and, of such persons, the percentage who were enlisted members (shown both in the aggregate and by pay grade), officers (shown both in the aggregate and by pay grade), Department of Defense civilians, other United States persons, and foreign nationals;

(2) to the extent feasible, information with respect to military personnel referred to in paragraph (1) showing the number (as a percentage and by pay grade) who have—

(A) sought financial services counseling at least partially due to the use of such slot machines;

(B) qualified for Government financial assistance at least partially due to the use of such slot machines; or

(C) had a personal check returned for insufficient funds or received any other nonpayment notification from a creditor at least partially due to the use of such slot machines; and

(3) to the extent feasible, information with respect to the average amount expended by each category of persons referred to in paragraph (1) in using such slot machines per visit, to be shown by pay grade in the case of military personnel.

Subtitle D—Department of Defense Industrial Facilities

SEC. 341. DESIGNATION OF CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE AND PUBLIC-PRIVATE PARTNERSHIPS TO INCREASE UTILIZATION OF SUCH CENTERS.

(a) DESIGNATION METHOD.—Subsection (a) of section 2474 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "The Secretary of Defense" and inserting "The Secretary concerned, or the Secretary of Defense in the case of a Defense Agency,"; and

(B) by striking "of the activity" and inserting "of the designee";

(2) in paragraph (2)—

(A) by inserting "of Defense" after "The Secretary"; and

(B) by striking "depot-level activities" and inserting "Centers of Industrial and Technical Excellence"; and

(3) in paragraph (3)—

(A) by striking "depot-level operations" and inserting "operations at Centers of Industrial and Technical Excellence";

(B) by striking "depot-level activities" and inserting "the Centers"; and

(C) by striking "such activities" and inserting "the Centers".

(b) PUBLIC-PRIVATE PARTNERSHIPS.—Subsection (b) of such section is amended to read as follows:

"(b) PUBLIC-PRIVATE PARTNERSHIPS.—(1) To achieve one or more objectives set forth in paragraph (2), the Secretary designating a Center of

Industrial and Technical Excellence under subsection (a) may authorize and encourage the head of the Center to enter into public-private cooperative arrangements (in this section referred to as a ‘public-private partnership’) to provide for any of the following:

“(A) For employees of the Center, private industry, or other entities outside the Department of Defense to perform (under contract, subcontract, or otherwise) work related to the core competencies of the Center, including any depot-level maintenance and repair work that involves one or more core competencies of the Center.

“(B) For private industry or other entities outside the Department of Defense to use, for any period of time determined to be consistent with the needs of the Department of Defense, any facilities or equipment of the Center that are not fully utilized for a military department's own production or maintenance requirements.

“(2) The objectives for exercising the authority provided in paragraph (1) are as follows:

“(A) To maximize the utilization of the capacity of a Center of Industrial and Technical Excellence.

“(B) To reduce or eliminate the cost of ownership of a Center by the Department of Defense in such areas of responsibility as operations and maintenance and environmental remediation.

“(C) To reduce the cost of products of the Department of Defense produced or maintained at a Center.

“(D) To leverage private sector investment in—

“(i) such efforts as plant and equipment recapitalization for a Center; and

“(ii) the promotion of the undertaking of commercial business ventures at a Center.

“(E) To foster cooperation between the armed forces and private industry.

“(3) If the Secretary concerned, or the Secretary of Defense in the case of a Defense Agency, authorizes the use of public-private partnerships under this subsection, the Secretary shall submit to Congress a report evaluating the need for loan guarantee authority, similar to the ARMS Initiative loan guarantee program under section 4555 of this title, to facilitate the establishment of public-private partnerships and the achievement of the objectives set forth in paragraph (2).”.

(c) Private Sector Use of Excess Capacity.—Such section is further amended—

(1) by striking subsection (d);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) Private Sector Use of Excess Capacity.—Any facilities or equipment of a Center of Industrial and Technical Excellence made available to private industry may be used to perform maintenance or to produce goods in order to make more efficient and economical use of Government-owned industrial plants and encourage the creation and preservation of jobs to ensure the availability of a workforce with the necessary manufacturing and maintenance skills to meet the needs of the armed forces.”.

(d) Crediting of Amounts for Performance.—Subsection (d) of such section, as redesignated by subsection (c)(2), is amended by adding at the end the following new sentences: “Consideration in the form of rental payments or (notwithstanding section 3302(b) of title 31) in other forms may be accepted for a use of property accountable under a contract performed pursuant to this section. Notwithstanding section 2667(d) of this title, revenues generated pursuant to this section shall be available for facility operations, maintenance, and environmental restoration at the Center where the leased property is located.”.

(e) Availability of Excess Equipment to Private-Sector Partners.—Such section is further amended by adding at the end the following new subsections:

“(e) Availability of Excess Equipment to Private-Sector Partners.—Equipment or facilities of a Center of Industrial and Technical Excellence may be made available for use by a private-sector entity under this section only if—

“(1) the use of the equipment or facilities will not have a significant adverse effect on the readiness of the armed forces, as determined by the Secretary concerned or, in the case of a Center in a Defense Agency, by the Secretary of Defense; and

“(2) the private-sector entity agrees—

“(A) to reimburse the Department of Defense for the direct and indirect costs (including any rental costs) that are attributable to the entity's use of the equipment or facilities, as determined by that Secretary; and

“(B) to hold harmless and indemnify the United States from—

“(i) any claim for damages or injury to any person or property arising out of the use of the equipment or facilities, except in a case of willful conduct or gross negligence; and

“(ii) any liability or claim for damages or injury to any person or property arising out of a decision by the Secretary concerned or the Secretary of Defense to suspend or terminate that use of equipment or facilities during a war or national emergency.

“(f) Construction of Provision.—Nothing in this section may be construed to authorize a change, otherwise prohibited by law, from the performance of work at a Center of Industrial and Technical Excellence by Department of Defense personnel to performance by a contractor.”.

(f) Use of Working Capital-Funded Facilities.—Section 2208(j)(1) of title 10, United States Code, is amended—

(1) by striking “contract; and” at the end of subparagraph (A) and all that follows through “(B) the solicitation” and inserting “contract, and the solicitation”;

(2) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(B) the Secretary would advance the objectives set forth in section 2474(b)(2) of this title by authorizing the facility to do so.”.

(g) Repeal of General Authority To Lease Excess Depot-Level Equipment and Facilities to Outside Tenants.—(1) Section 2471 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2471.

SEC. 342. UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS OF UNITED STATES ARSENALS.

(a) Treatment of Unutilized and Underutilized Plant-Capacity Costs.—Chapter 433 of title 10, United States Code, is amended by inserting after section 4540 the following new section:

“§4541. Army arsenals: treatment of unutilized or underutilized plant-capacity costs

“(a) Estimate of Costs.—The Secretary of the Army shall include in the budget justification documents submitted to Congress in support of the President's budget for a fiscal year submitted under section 1105 of title 31 an estimate of the funds to be required in that fiscal year to cover unutilized and underutilized plant-capacity costs at Army arsenals.

“(b) Use of Funds.—Funds appropriated to the Secretary of the Army for a fiscal year to cover unutilized and underutilized plant-capacity costs at Army arsenals shall be used in such fiscal year only for such costs.

“(c) Treatment of Costs.—(1) The Secretary of the Army shall not include unutilized and underutilized plant-capacity costs when evaluating the bid of an Army arsenal for purposes of the arsenal's contracting to provide a good or service to a Government agency.

“(2) When an Army arsenal is serving as a subcontractor to a private-sector entity with respect to a good or service to be provided to a Government agency, the cost charged by the arsenal shall not include unutilized and underutilized plant-capacity costs that are funded by a direct appropriation.

“(d) Definitions.—In this section:

“(1) The term ‘Army arsenal’ means a Government-owned, Government-operated defense plant of the Department of the Army that manufactures weapons, weapon components, or both.

“(2) The term ‘unutilized and underutilized plant-capacity costs’ means the costs associated with operating and maintaining the facilities and equipment of an Army arsenal that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities and equipment are not used or are used only 20 percent or less of available work days.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4540 the following new item:

“4541. Army arsenals: treatment of unutilized or underutilized plant-capacity costs.”.

SEC. 343. ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) Demonstration Program Required.—To help maintain the viability of the Army manufacturing arsenals and the unique capabilities of these arsenals to support the national security interests of the United States, the Secretary of the Army shall carry out a demonstration program under this section during fiscal years 2001 and 2002 at each manufacturing arsenal of the Department of the Army.

(b) Purposes of Demonstration Program.—The purposes of the demonstration program are as follows:

(1) To provide for the utilization of the existing skilled workforce at the Army manufacturing arsenals by commercial firms.

(2) To provide for the reemployment and retraining of skilled workers who, as a result of declining workload and reduced Army spending on arsenal production requirements at these Army arsenals, are idled or underemployed.

(3) To encourage commercial firms, to the maximum extent practicable, to use these Army arsenals for commercial purposes.

(4) To increase the opportunities for small businesses (including socially and economically disadvantaged small business concerns and new small businesses) to use these Army arsenals for those purposes.

(5) To maintain in the United States a work force having the skills in manufacturing processes that are necessary to meet industrial emergency planned requirements for national security purposes.

(6) To demonstrate innovative business practices, to support Department of Defense acquisition reform, and to serve as both a model and a laboratory for future defense conversion initiatives of the Department of Defense.

(7) To the maximum extent practicable, to allow the operation of these Army arsenals to be rapidly responsive to the forces of free market competition.

(8) To reduce or eliminate the cost of Government ownership of these Army arsenals, including the costs of operations and maintenance, the costs of environmental remediation, and other costs.

(9) To reduce the cost of products of the Department of Defense produced at these Army arsenals.

(10) To leverage private investment at these Army arsenals through long-term facility use contracts, property management contracts, leases, or other agreements that support and advance the demonstration program for the following activities:

(A) Recapitalization of plant and equipment.

(B) Environmental remediation.

(C) Promotion of commercial business ventures.

(D) Other activities approved by the Secretary of the Army.

(11) To foster cooperation between the Department of the Army, property managers, commercial interests, and State and local agencies in the implementation of sustainable development strategies and investment in these Army arsenals.

(c) CONTRACT AUTHORITY.—(1) In the case of each Army manufacturing arsenal, the Secretary of the Army may enter into contracts with commercial firms to authorize the contractors, consistent with section 4543 of title 10, United States Code—

(A) to use the arsenal, or a portion of the arsenal, and the skilled workforce at the arsenal to manufacture weapons, weapon components, or related products consistent with the purposes of the program; and

(B) to enter into subcontracts for the commercial use of the arsenal consistent with such purposes.

(2) A contract under paragraph (1) shall require the contractor to contribute toward the operation and maintenance of the Army manufacturing arsenal covered by the contract.

(3) In the event an Army manufacturing arsenal is converted to contractor operation, the Secretary may enter into a contract with the contractor to authorize the contractor, consistent with section 4543 of title 10, United States Code—

(A) to use the facility during the period of the program in a manner consistent with the purposes of the program; and

(B) to enter into subcontracts for the commercial use of the facility consistent with such purposes.

(d) LOAN GUARANTEES.—(1) Subject to paragraph (2), the Secretary of the Army may guarantee the repayment of any loan made to a commercial firm to fund, in whole or in part, the establishment of a commercial activity at an Army manufacturing arsenal under this section.

(2) Loan guarantees under this subsection may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

(3) The Secretary of the Army may enter into agreements with the Administrator of the Small Business Administration or the Administrator of the Farmers Home Administration, the Administrator of the Rural Development Administration, or the head of other appropriate agencies of the Department of Agriculture, under which such Administrators may, under this subsection—

(A) process applications for loan guarantees;

(B) guarantee repayment of loans; and

(C) provide any other services to the Secretary of the Army to administer this subsection.

(4) An Administrator referred to in paragraph (3) may guarantee loans under this section to commercial firms of any size, notwithstanding any limitations on the size of applicants imposed on other loan guarantee programs that the Administrator administers. To the extent practicable, each Administrator shall use the same procedures for processing loan guarantee applications under this subsection as the Administrator uses for processing loan guarantee applications under other loan guarantee programs that the Administrator administers.

(e) LOAN LIMITS.—The maximum amount of loan principal guaranteed during a fiscal year under subsection (d) may not exceed—

(1) $20,000,000, with respect to any single borrower; and

(2) $320,000,000 with respect to all borrowers.

(f) TRANSFER OF FUNDS.—The Secretary of the Army may transfer to an Administrator providing services under subsection (d), and the Administrator may accept, such funds as may be necessary to administer loan guarantees under such subsection.

(g) REPORTING REQUIREMENTS.—(1) Not later than July 1 of each year in which a guarantee issued under subsection (d) is in effect, the Secretary of the Army shall submit to Congress a report specifying the amounts of loans guaranteed under such subsection during the preceding calendar year. No report is required after fiscal year 2002.

(2) Not later than July 1, 2001, the Secretary of the Army shall submit to the congressional defense committees a report on the implementation of the demonstration program. The report shall contain a comprehensive review of contracting at the Army manufacturing arsenals covered by the program and such recommendations as the Secretary considers appropriate regarding changes to the program.

SEC. 344. CODIFICATION AND IMPROVEMENT OF ARMAMENT RETOOLING AND MANUFACTURING SUPPORT PROGRAMS.

(a) IN GENERAL.—(1) Part IV of subtitle B of title 10, United States Code, is amended by inserting after chapter 433 the following new chapter:

"CHAPTER 434—ARMAMENTS INDUSTRIAL BASE

"Sec.
"4551. Definitions.
"4552. Policy.
"4553. Armament Retooling and Manufacturing Support Initiative.
"4554. Property management contracts and leases.
"4555. ARMS Initiative loan guarantee program.

"§4551. Definitions

"In this chapter:

"(1) The term 'ARMS Initiative' means the Armament Retooling and Manufacturing Support Initiative authorized by this chapter.

"(2) The term 'eligible facility' means a Government-owned, contractor-operated ammunition manufacturing facility of the Department of the Army that is in an active, inactive, layaway, or caretaker status.

"(3) The term 'property manager' includes any person or entity managing an eligible facility made available under the ARMS Initiative through a property management contract.

"(4) The term 'property management contract' includes facility use contracts, site management contracts, leases, and other agreements entered into under the authority of this chapter.

"(5) The term 'Secretary' means the Secretary of the Army.

"§4552. Policy

"It is the policy of the United States—

"(1) to encourage, to the maximum extent practicable, commercial firms to use Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army;

"(2) to use such facilities for supporting programs, projects, policies, and initiatives that promote competition in the private sector of the United States economy and that advance United States interests in the global marketplace;

"(3) to increase the manufacture of products inside the United States;

"(4) to support policies and programs that provide manufacturers with incentives to assist the United States in making more efficient and economical use of eligible facilities for commercial purposes;

"(5) to provide, as appropriate, small businesses (including socially and economically disadvantaged small business concerns and new small businesses) with incentives that encourage those businesses to undertake manufacturing and other industrial processing activities that contribute to the prosperity of the United States;

"(6) to encourage the creation of jobs through increased investment in the private sector of the United States economy;

"(7) to foster a more efficient, cost-effective, and adaptable armaments industry in the United States;

"(8) to achieve, with respect to armaments manufacturing capacity, an optimum level of readiness of the national technology and industrial base within the United States that is consistent with the projected threats to the national security of the United States and the projected emergency requirements of the armed forces; and

"(9) to encourage facility use contracting where feasible.

"§4553. Armament Retooling and Manufacturing Support Initiative

"(a) AUTHORITY FOR INITIATIVE.—The Secretary may carry out a program to be known as the 'Armament Retooling and Manufacturing Support Initiative'.

"(b) PURPOSES.—The purposes of the ARMS Initiative are as follows:

"(1) To encourage commercial firms, to the maximum extent practicable, to use eligible facilities for commercial purposes.

"(2) To increase the opportunities for small businesses (including socially and economically disadvantaged small business concerns and new small businesses) to use eligible facilities for those purposes.

"(3) To maintain in the United States a work force having the skills in manufacturing processes that are necessary to meet industrial emergency planned requirements for national security purposes.

"(4) To demonstrate innovative business practices, to support Department of Defense acquisition reform, and to serve as both a model and a laboratory for future defense conversion initiatives of the Department of Defense.

"(5) To the maximum extent practicable, to allow the operation of eligible facilities to be rapidly responsive to the forces of free market competition.

"(6) To reduce or eliminate the cost of Government ownership of eligible facilities, including the costs of operations and maintenance, the costs of environmental remediation, and other costs.

"(7) To reduce the cost of products of the Department of Defense produced at eligible facilities.

"(8) To leverage private investment at eligible facilities through long-term facility use contracts, property management contracts, leases, or other agreements that support and advance the policies and purposes of this chapter, for the following activities:

"(A) Recapitalization of plant and equipment.

"(B) Environmental remediation.

"(C) Promotion of commercial business ventures.

"(D) Other activities approved by the Secretary.

"(9) To foster cooperation between the Department of the Army, property managers, commercial interests, and State and local agencies in the implementation of sustainable development strategies and investment in eligible facilities made available for purposes of the ARMS Initiative.

''(10) To reduce or eliminate the cost of asset disposal that would be incurred if property at an eligible facility was declared excess to the needs of the Department of the Army.

''(c) AVAILABILITY OF FACILITIES.—The Secretary may make any eligible facility available for the purposes of the ARMS Initiative.

''(d) CONSIDERATION FOR LEASES.—Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), shall not apply to uses of property or facilities in accordance with the ARMS Initiative.

''(e) PROGRAM SUPPORT.—(1) Funds appropriated for purposes of the ARMS Initiative may be used for administrative support and management.

''(2) A full annual accounting of such expenses for each fiscal year shall be provided to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives not later than March 30 of the following fiscal year.

''§4554. Property management contracts and leases

''(a) IN GENERAL.—In the case of each eligible facility that is made available for the ARMS Initiative, the Secretary—

''(1) shall make full use of facility use contracts, leases, and other such commercial contractual instruments as may be appropriate;

''(2) shall evaluate, on the basis of efficiency, cost, emergency mobilization requirements, and the goals and purposes of the ARMS Initiative, the procurement of services from the property manager, including maintenance, operation, modification, infrastructure, environmental restoration and remediation, and disposal of ammunition manufacturing assets, and other services; and

''(3) may, in carrying out paragraphs (1) and (2)—

''(A) enter into contracts, and provide for subcontracts, for terms up to 25 years, as the Secretary considers appropriate and consistent with the needs of the Department of the Army and the goals and purposes of the ARMS Initiative; and

''(B) use procedures that are authorized to be used under section 2304(c)(5) of this title when the contractor or subcontractor is a source specified in law.

''(b) CONSIDERATION FOR USE.—(1) To the extent provided in a contract entered into under this section for the use of property at an eligible facility that is accountable under the contract, the Secretary may accept consideration for such use that is, in whole or in part, in a form other than—

''(A) rental payments; or

''(B) revenue generated at the facility.

''(2) Forms of consideration acceptable under paragraph (1) for a use of an eligible facility or any property at an eligible facility include the following:

''(A) The improvement, maintenance, protection, repair, and restoration of the facility, the property, or any property within the boundaries of the installation where the facility is located.

''(B) Reductions in overhead costs.

''(C) Reductions in product cost.

''(3) The authority under paragraph (1) may be exercised without regard to section 3302(b) of title 31 and any other provision of law.

''§4555. ARMS Initiative loan guarantee program

''(a) PROGRAM AUTHORIZED.—Subject to subsection (b), the Secretary may carry out a loan guarantee program to encourage commercial firms to use eligible facilities under this chapter. Under any such program, the Secretary may guarantee the repayment of any loan made to a commercial firm to fund, in whole or in part, the establishment of a commercial activity to use an eligible facility under this chapter.

''(b) ADVANCED BUDGET AUTHORITY.—Loan guarantees under this section may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

''(c) PROGRAM ADMINISTRATION.—(1) The Secretary may enter into an agreement with any of the officials named in paragraph (2) under which that official may, for the purposes of this section—

''(A) process applications for loan guarantees;

''(B) guarantee repayment of loans; and

''(C) provide any other services to the Secretary to administer the loan guarantee program.

''(2) The officials referred to in paragraph (1) are as follows:

''(A) The Administrator of the Small Business Administration.

''(B) The head of any appropriate agency in the Department of Agriculture, including—

''(i) the Administrator of the Farmers Home Administration; and

''(ii) the Administrator of the Rural Development Administration.

''(3) Each official authorized to do so under an agreement entered into under paragraph (1) may guarantee loans under this section to commercial firms of any size, notwithstanding any limitations on the size of applicants imposed on other loan guarantee programs that the official administers.

''(4) To the extent practicable, each official processing loan guarantee applications under this section pursuant to an agreement entered into under paragraph (1) shall use the same processing procedures as the official uses for processing loan guarantee applications under other loan guarantee programs that the official administers.

''(d) LOAN LIMITS.—The maximum amount of loan principal guaranteed during a fiscal year under this section may not exceed—

''(1) $20,000,000, with respect to any single borrower; and

''(2) $320,000,000 with respect to all borrowers.

''(e) TRANSFER OF FUNDS.—The Secretary may transfer to an official providing services under subsection (c), and that official may accept, such funds as may be necessary to administer the loan guarantee program under this section.''.

(2) The tables of chapters at the beginning of subtitle B of such title and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 433 the following new item:

''434. Armaments Industrial Base .... 4551''.

(b) IMPLEMENTATION REPORT.—Not later than July 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the procedures and controls implemented to carry out section 4554 of title 10, United States Code, as added by subsection (a).

(c) RELATIONSHIP TO NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE.—(1) Subchapter IV of chapter 148 of title 10, United States Code, is amended—

(A) by redesignating section 2525 as section 2521; and

(B) by adding at the end the following new section:

''§2522. Armament retooling and manufacturing

''The Secretary of the Army is authorized by chapter 434 of this title to carry out programs for the support of armaments retooling and manufacturing in the national defense industrial and technology base.''.

(2) The table of sections at the beginning of such subchapter is amended by striking the item relating to section 2525 and inserting the following new items:

''2521. Manufacturing Technology Program.
''2522. Armament retooling and manufacturing.''.

(d) REPEAL OF SUPERSEDED LAW.—The Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is repealed.

Subtitle E—Performance of Functions by Private-Sector Sources

SEC. 351. INCLUSION OF ADDITIONAL INFORMATION IN REPORTS TO CONGRESS REQUIRED BEFORE CONVERSION OF COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE.

(a) INFORMATION REQUIRED BEFORE COMMENCEMENT OF CONVERSION ANALYSIS.—Subsection (b)(1)(D) of section 2461 of title 10, United States Code, is amended by inserting before the period the following: '', and a specific identification of the budgetary line item from which funds will be used to cover the cost of the analysis''.

(b) INFORMATION REQUIRED IN NOTIFICATION OF DECISION.—Subsection (c)(1) of such section is amended—

(1) by redesignating subparagraphs (A), (B), (C), (D), and (E) as subparagraphs (B), (C), (F), (H), and (I), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

''(A) The date when the analysis of that commercial or industrial type function for possible change to performance by the private sector was commenced.'';

(3) by inserting after subparagraph (C), as so redesignated, the following new subparagraphs:

''(D) The number of Department of Defense civilian employees who were performing the function when the analysis was commenced, the number of such employees whose employment was terminated or otherwise affected in implementing the most efficient organization of the function, and the number of such employees whose employment would be terminated or otherwise affected by changing to performance of the function by the private sector.

''(E) The Secretary's certification that the factors considered in the examinations performed under subsection (b)(3), and in the making of the decision to change performance, did not include any predetermined personnel constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.''; and

(4) by inserting after subparagraph (F), as so redesignated, the following new subparagraph:

''(G) A statement of the potential economic effect of the change on each affected local community, as determined in the examination under subsection (b)(3)(B)(ii).''.

SEC. 352. EFFECTS OF OUTSOURCING ON OVERHEAD COSTS OF CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE AND ARMY AMMUNITION PLANTS.

Section 2461(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) If the commercial or industrial type function to be changed to performance by the private sector is performed at a Center of Industrial and Technical Excellence designated under section 2474(a) of this title or an Army ammunition plant—

''(A) the report required by this subsection shall also include a description of the effect that the performance and administration of the resulting contract will have on the overhead costs

of the center or ammunition plant, as the case may be; and

"(B) notwithstanding paragraph (3), the change of the function to contractor performance may not begin until at least 60 days after the submission of the report.".

SEC. 353. CONSOLIDATION, RESTRUCTURING, OR REENGINEERING OF DEPARTMENT OF DEFENSE ORGANIZATIONS, FUNCTIONS, OR ACTIVITIES.

(a) IN GENERAL.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2475. Consolidation, restructuring, or reengineering of organizations, functions, or activities: notification requirements

"(a) REQUIREMENT TO SUBMIT PLAN ANNUALLY—Concurrently with the submission of the President's annual budget request under section 1105 of title 31, the Secretary of Defense shall submit to Congress each Strategic Sourcing Plan of Action for the Department of Defense (as identified in the Department of Defense Interim Guidance dated February 29, 2000, or any successor Department of Defense guidance or directive), for the following year.

"(b) NOTIFICATION OF DECISION TO EXECUTE PLAN.—If a decision is made to consolidate, restructure, or reengineer an organization, function, or activity of the Department of Defense pursuant to a Strategic Sourcing Plan of Action described in subsection (a), and such consolidation, restructuring, or reengineering would result in a manpower reduction affecting 50 or more personnel of the Department of Defense (including military and civilian personnel)—

"(1) the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing that decision, including—

"(A) a projection of the savings that will be realized as a result of the consolidation, restructuring, or reengineering, compared with the cost incurred by the Department of Defense to perform the function or to operate the organization or activity prior to such proposed consolidation, restructuring, or reengineering;

"(B) a description of all missions, duties, or military requirements that will be affected as a result of the decision to consolidate, restructure, or reengineer the organization, function, or activity that was analyzed;

"(C) the Secretary's certification that the consolidation, restructuring, or reengineering will not result in any diminution of military readiness;

"(D) a schedule for performing the consolidation, restructuring, or reengineering; and

"(E) the Secretary's certification that the entire analysis for the consolidation, restructuring, or reengineering is available for examination; and

"(2) the head of the Defense Agency or the Secretary of the military department concerned may not implement the plan until 30 days after the date that the agency head or Secretary submits notification to the Committees on Armed Services of the Senate and House of Representatives of the intent to carry out such plan.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2475. Consolidation, restructuring, or reengineering of organizations, functions, or activities: notification requirements.".

SEC. 354. MONITORING OF SAVINGS RESULTING FROM WORKFORCE REDUCTIONS AS PART OF CONVERSION OF FUNCTIONS TO PERFORMANCE BY PRIVATE SECTOR OR OTHER STRATEGIC SOURCING INITIATIVES.

(a) REQUIREMENT FOR A MONITORING SYSTEM.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2461 the following new section:

"§2461a. Development of system for monitoring cost savings resulting from workforce reductions

"(a) WORKFORCE REVIEW DEFINED.—In this section, the term 'workforce review', with respect to a function of the Department of Defense performed by Department of Defense civilian employees, means a review conducted under Office of Management and Budget Circular A–76 (or any successor administrative regulation or policy), the Strategic Sourcing Program Plan of Action (or any successor Department of Defense guidance or directive), or any other authority to determine whether the function—

"(1) should be performed by a workforce composed of Department of Defense civilian employees or by a private sector workforce; or

"(2) should be reorganized or otherwise reengineered to improve the effeciency or effectiveness of the performance of the function, with a resulting decrease in the number of Department of Defense civilian employees performing the function.

"(b) SYSTEM FOR MONITORING PERFORMANCE.—(1) The Secretary of Defense shall establish a system for monitoring the performance, including the cost of performance, of each function of the Department of Defense that, after the date of the enactment of this section, is the subject of a workforce review.

"(2) The monitoring system shall be designed to compare the following:

"(A) The costs to perform a function before the workforce review to the costs actually incurred to perform the function after implementing the conversion, reorganization, or reengineering actions recommended by the workforce review.

"(B) The anticipated savings to the actual savings, if any, resulting from conversion, reorganization, or reengineering actions undertaken in response to the workforce review.

"(3) The monitoring of a function shall continue under this section for at least five years after the conversion, reorganization, or reengineering of the function.

"(c) WAIVER FOR CERTAIN WORKFORCE REVIEWS.—Subsection (b) shall not apply to a workforce review that would result in a manpower reduction affecting fewer than 50 Department of Defense civilian employees.

"(d) ANNUAL REPORT.—Not later than February 1 of each fiscal year, the Secretary of Defense shall submit to Congress a report on the results of the monitoring performed under the system established under subsection (b). For each function subject to monitoring during the previous fiscal year, the report shall indicate the following:

"(1) The cost of the workforce review.

"(2) The cost of performing the function before the workforce review compared to the costs incurred after implementing the conversion, reorganization, or reengineering actions recommended by the workforce review.

"(3) The actual savings derived from the implementation of the recommendations of the workforce review, if any, compared to the anticipated savings that were to result from the conversion, reorganization, or reengineering actions.

"(e) CONSIDERATION IN PREPARATION OF FUTURE-YEARS DEFENSE PROGRAM.—In preparing the future-years defense program under section 221 of this title, the Secretary of Defense shall, for the fiscal years covered by the program, estimate and take into account the costs to be incurred and the savings to be derived from the performance of functions by workforces selected in workforce reviews. The Secretary shall consider the results of the monitoring under this section in making the estimates.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2461 the following new item:

"2461a. Development of system for monitoring cost savings resulting from workforce reductions.".

SEC. 355. PERFORMANCE OF EMERGENCY RESPONSE FUNCTIONS AT CHEMICAL WEAPONS STORAGE INSTALLATIONS.

(a) RESTRICTION ON CONVERSION.—The Secretary of the Army may not convert to contractor performance the emergency response functions of any chemical weapons storage installation that, as of the date of the enactment of this Act, are performed for that installation by employees of the United States until the certification required by subsection (c) has been submitted in accordance with that subsection.

(b) COVERED INSTALLATIONS.—For the purposes of this section, a chemical weapons storage installation is any installation of the Department of Defense on which lethal chemical agents or munitions are stored.

(c) CERTIFICATION REQUIREMENT.—The Secretary of the Army shall certify in writing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that, to ensure that there will be no lapse of capability to perform the chemical weapon emergency response mission at a chemical weapons storage installation during any transition to contractor performance of those functions at the installation, the plan for conversion of the performance of those functions—

(1) is consistent with the recommendation contained in General Accounting Office Report NSIAD–00–88, entitled "DoD Competitive Sourcing", dated March 2000;

(2) provides for a transition to contractor performance of emergency response functions which ensures an adequate transfer of the relevant knowledge and expertise regarding chemical weapon emergency response to the contractor personnel; and

(3) complies with section 2465 of title 10, United States Code.

SEC. 356. SUSPENSION OF REORGANIZATION OR RELOCATION OF NAVAL AUDIT SERVICE.

(a) SUSPENSION.—During the period specified in subsection (b), the Secretary of the Navy may not commence or continue any consolidation, involuntary transfer, buy-out, or other reduction in force of the workforce of auditors and administrative support personnel of the Naval Audit Service if the consolidation, involuntary transfer, buy-out, or other reduction in force is associated with the reorganization or relocation of the performance of the auditing functions of the Naval Audit Service.

(b) DURATION.—Subsection (a) applies during the period beginning on the date of the enactment of this Act and ending 180 days after the date on which the Secretary submits to the congressional defense committees a report that sets forth in detail the Navy's plans and justification for the reorganization or relocation of the performance of the auditing functions of the Naval Audit Service, as the case may be.

Subtitle F—Defense Dependents Education

SEC. 361. ELIGIBILITY OF DEPENDENTS OF AMERICAN RED CROSS EMPLOYEES FOR ENROLLMENT IN DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOLS IN PUERTO RICO.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i) AMERICAN RED CROSS EMPLOYEE DEPENDENTS IN PUERTO RICO.—(1) The Secretary may authorize the dependent of an American Red Cross employee described in paragraph (2) to enroll in an education program provided by the

Secretary pursuant to subsection (a) in Puerto Rico if the American Red Cross agrees to reimburse the Secretary for the educational services so provided.

"(2) An employee referred to in paragraph (1) is an American Red Cross employee who—

"(A) resides in Puerto Rico; and

"(B) performs, on a full-time basis, emergency services on behalf of members of the armed forces.

"(3) In determining the dependency status of any person for the purposes of paragraph (1), the Secretary shall apply the same definitions as apply to the determination of such status with respect to Federal employees in the administration of this section.

"(4) Subsection (g) shall apply with respect to determining the reimbursement rates for educational services provided pursuant to this subsection. Amounts received as reimbursement for such educational services shall be treated in the same manner as amounts received under subsection (g).".

SEC. 362. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2001.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2001, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2001 of—

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term "educational agencies assistance" means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 363. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

(a) PAYMENTS.—Subject to subsection (f), the Secretary of Defense shall make a payment for fiscal years after fiscal year 2001, to each local educational agency eligible to receive a payment for a child described in subparagraph (A)(ii), (B), (D)(i) or (D)(ii) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)) that serves two or more such children with severe disabilities, for costs incurred in providing a free appropriate public education to each such child.

(b) PAYMENT AMOUNT.—The amount of the payment under subsection (a) to a local educational agency for a fiscal year for each child referred to in such subsection with a severe disability shall be—

(1) the payment made on behalf of the child with a severe disability that is in excess of the average per pupil expenditure in the State in which the local educational agency is located; less

(2) the sum of the funds received by the local educational agency—

(A) from the State in which the child resides to defray the educational and related services for such child;

(B) under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to defray the educational and related services for such child; and

(C) from any other source to defray the costs of providing educational and related services to the child which are received due to the presence of a severe disabling condition of such child.

(c) EXCLUSIONS.—No payment shall be made under subsection (a) on behalf of a child with a severe disability whose individual cost of educational and related services does not exceed—

(1) five times the national or State average per pupil expenditure (whichever is lower), for a child who is provided educational and related services under a program that is located outside the boundaries of the school district of the local educational agency that pays for the free appropriate public education of the student; or

(2) three times the State average per pupil expenditure, for a child who is provided educational and related services under a program offered by the local educational agency, or within the boundaries of the school district served by the local educational agency.

(d) RATABLE REDUCTION.—If the amount available for a fiscal year for payments under subsection (a) is insufficient to pay the full amount all local educational agencies are eligible to receive under such subsection, the Secretary of Defense shall ratably reduce the amounts of the payments made under such subsection to all local educational agencies by an equal percentage.

(e) REPORT.—Each local educational agency desiring a payment under subsection (a) shall report to the Secretary of Defense—

(1) the number of severely disabled children for which a payment may be made under this section; and

(2) a breakdown of the average cost, by placement (inside or outside the boundaries of the school district of the local educational agency), of providing education and related services to such children.

(f) PAYMENTS SUBJECT TO APPROPRIATION.—Payments shall be made for any period in a fiscal year under this section only to the extent that funds are appropriated specifically for making such payments for that fiscal year.

(g) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 364. ASSISTANCE FOR MAINTENANCE, REPAIR, AND RENOVATION OF SCHOOL FACILITIES THAT SERVE DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) REPAIR AND RENOVATION ASSISTANCE.—(1) During fiscal year 2001, the Secretary of Defense may make a grant to an eligible local educational agency to assist the agency to repair and renovate—

(A) an impacted school facility that is used by significant numbers of military dependent students; or

(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school.

(2) Authorized repair and renovation projects may include repairs and improvements to an impacted school facility (including the grounds of the facility) designed to ensure compliance with the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or local health and safety ordinances, to meet classroom size requirements, or to accommodate school population increases.

(3) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed $2,500,000 during fiscal year 2001.

(b) MAINTENANCE ASSISTANCE.—(1) During fiscal year 2001, the Secretary of Defense may make a grant to an eligible local educational agency whose boundaries are the same as a military installation to assist the agency to maintain an impacted school facility, including the grounds of such a facility.

(2) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed $250,000 during fiscal year 2001.

(c) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—(1) A local educational agency is an eligible local educational agency under this section only if the Secretary of Defense determines that the local educational agency has—

(A) one or more federally impacted school facilities; and

(B) satisfies at least one of the following eligibility requirements:

(i) The local educational agency is eligible to receive assistance under subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who were in average daily attendance in the schools of such agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

(ii) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

(iii) The State education system and the local educational agency are one and the same.

(2) A local educational agency is also an eligible local educational agency under this section if the local educational agency has a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under subsection (a) may only be used to repair and renovate that specific facility.

(d) NOTIFICATION OF ELIGIBILITY.—Not later than April 30, 2001, the Secretary of Defense shall notify each local educational agency identified under subsection (c) that the local educational agency is eligible to apply for a grant under subsection (a), subsection (b), or both subsections.

(e) RELATION TO IMPACT AID CONSTRUCTION ASSISTANCE.—A local education agency that receives a grant under subsection (a) to repair and renovate a school facility may not also receive a payment for school construction under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for fiscal year 2001.

(f) GRANT CONSIDERATIONS.—In determining which eligible local educational agencies will receive a grant under this section, the Secretary of Defense shall take into consideration the following conditions and needs at impacted school facilities of eligible local educational agencies:

(1) The repair or renovation of facilities is needed to meet State mandated class size requirements, including student-teacher ratios and instructional space size requirements.

(2) There is an increase in the number of military dependent students in facilities of the agency due to increases in unit strength as part of military readiness.

(3) There are unhoused students on a military installation due to other strength adjustments at military installations.

(4) The repair or renovation of facilities is needed to address any of the following conditions:

(A) The condition of the facility poses a threat to the safety and well-being of students.

(B) The requirements of the Americans with Disabilities Act of 1990.

(C) The cost associated with asbestos removal, energy conservation, or technology upgrades.

(D) Overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment.

(5) The repair or renovation of facilities is needed to meet any other Federal or State mandate.

(6) The number of military dependent students as a percentage of the total student population in the particular school facility.

(7) The age of facility to be repaired or renovated.

(g) Definitions.—In this section:

(1) Local educational agency.—The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(2) Impacted school facility.—The term "impacted school facility" means a facility of a local educational agency—

(A) that is used to provide elementary or secondary education at or near a military installation; and

(B) at which the average annual enrollment of military dependent students is a high percentage of the total student enrollment at the facility, as determined by the Secretary of Defense.

(3) Military dependent students.—The term "military dependent students" means students who are dependents of members of the armed forces or Department of Defense civilian employees.

(4) Military installation.—The term "military installation" has the meaning given that term in section 2687(e) of title 10, United States Code.

(h) Funding Source.—The amount authorized to be appropriated under section 301(25) for Quality of Life Enhancements, Defense-Wide, shall be available to the Secretary of Defense to make grants under this section.

Subtitle G—Military Readiness Issues

SEC. 371. MEASURING CANNIBALIZATION OF PARTS, SUPPLIES, AND EQUIPMENT UNDER READINESS REPORTING SYSTEM.

Section 117(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) Measure, on a quarterly basis, the extent to which units of the armed forces remove serviceable parts, supplies, or equipment from one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational.".

SEC. 372. REPORTING REQUIREMENTS REGARDING TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

(a) Continuation of Reporting Requirements.—Section 483 of title 10, United States Code, is amended by striking subsection (e).

(b) Level of Detail.—Subsection (c)(2) of such section is amended by inserting before the period the following: ", including identification of the sources from which funds were transferred into that activity and identification of the recipients of the funds transferred out of that activity".

(c) Additional Covered Budget Activities.—Subsection (d)(5) of such section is amended by adding at the end the following new subparagraphs:

"(G) Combat Enhancement Forces.

"(H) Combat Communications.".

SEC. 373. EFFECTS OF WORLDWIDE CONTINGENCY OPERATIONS ON READINESS OF MILITARY AIRCRAFT AND EQUIPMENT.

(a) Requirement for Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the effects of worldwide contingency operations on—

(1) the readiness of aircraft and ground equipment of the Armed Forces; and

(2) the capability of the Armed Forces to maintain a high level of equipment readiness and to manage a high operating tempo for the aircraft and ground equipment.

(b) Effects on Aircraft.—With respect to aircraft, the assessment contained in the report shall address the following effects:

(1) The effects of the contingency operations carried out during fiscal years 1995 through 2000 on the aircraft of each of the Armed Forces in each category of aircraft, as follows:

(A) Combat tactical aircraft.

(B) Strategic aircraft.

(C) Combat support aircraft.

(D) Combat service support aircraft.

(2) The types of adverse effects on the aircraft of each of the Armed Forces in each category of aircraft specified in paragraph (1) resulting from contingency operations, as follows:

(A) Patrolling in no-fly zones over Iraq in Operation Northern Watch and Operation Southern Watch and over the Balkans in Operation Allied Force.

(B) Air operations in the North Atlantic Treaty Organization air war against Serbia in Operation Sky Anvil, Operation Noble Anvil, and Operation Allied Force.

(C) Air operations in Operation Shining Hope in Kosovo.

(D) All other activities within the general context of worldwide contingency operations.

(3) Any other effects that the Secretary of Defense considers appropriate in carrying out subsection (a).

(c) Effects on Ground Equipment.—With respect to ground equipment, the assessment contained in the report shall address following effects:

(1) The effects of the contingency operations carried out during fiscal years 1995 through 2000 on the ground equipment of each of the Armed Forces.

(2) Any other effects that the Secretary of Defense considers appropriate in carrying out subsection (a).

(d) Definitions.—In this section:

(1) The term "Armed Forces" means the Army, Navy, Marine Corps, and Air Force.

(2) The term "contingency operation" has the meaning given the term in section 101(a)(13) of title 10, United States Code.

SEC. 374. IDENTIFICATION OF REQUIREMENTS TO REDUCE BACKLOG IN MAINTENANCE AND REPAIR OF DEFENSE FACILITIES.

(a) Report To Address Maintenance and Repair Backlog.—Not later than March 15, 2001, the Secretary of Defense shall submit to Congress a report identifying a list of requirements to reduce the backlog in maintenance and repair needs of facilities and infrastructure under the jurisdiction of the Department of Defense or a military department.

(b) Elements of Report.—At a minimum, the report shall include or address the following:

(1) The extent of the work necessary to repair and revitalize facilities and infrastructure, or to demolish and replace unusable facilities, carried as backlog by the Secretary of Defense or the Secretary of a military department.

(2) Measurable goals, over specified time frames, for addressing all of the identified requirements.

(3) Expected funding for each military department and Defense Agency to address the identified requirements during the period covered by the most recent future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code.

(4) The cost of the current backlog in maintenance and repair for each military department and Defense Agency, which shall be determined using the standard costs to standard facility categories in the Department of Defense Facilities Cost Factors Handbook, shown both in the aggregate and individually for each major military installation.

(5) The total number of square feet of building space of each military department and DefenseAgency to be demolished or proposed for demolition, shown both in the aggregate and individually for each major military installation.

(6) The initiatives underway to identify facility and infrastructure requirements at military installation to accommodate new and developing weapons systems and to prepare installations to accommodate these systems.

(c) Annual Updates.—The Secretary of Defense shall update the report required under subsection (a) annually. The annual updates shall be submitted to Congress at or about the time that the budget is submitted to Congress for a fiscal year under section 1105(a) of title 31, United States Code.

SEC. 375. NEW METHODOLOGY FOR PREPARING BUDGET REQUESTS TO SATISFY ARMY READINESS REQUIREMENTS.

(a) Requirement for New Methodology.—The Secretary of the Army shall develop a new methodology for preparing budget requests for operation and maintenance for the Army that can be used to ensure that the budget requests for operation and maintenance for future fiscal years more accurately reflect the Army's requirements than did the budget requests submitted to Congress for fiscal year 2001 and preceding fiscal years.

(b) Sense of Congress Regarding New Methodology.—It is the sense of Congress that—

(1) the methodology required by subsection (a) should provide for the determination of the budget levels to request for operation and maintenance for the Army to be based on—

(A) the level of training that must be conducted in order for the Army to execute successfully the full range of missions called for in the national defense strategy delineated pursuant to section 118 of title 10, United States Code, at a low-to-moderate level of risk;

(B) the cost of conducting training at the level of training described in subparagraph (A); and

(C) the costs of all other Army operations, including the cost of meeting infrastructure requirements; and

(2) the Secretary of the Army should use the new methodology in the preparation of the budget requests for operation and maintenance for the Army for fiscal years after fiscal year 2001.

SEC. 376. REVIEW OF AH–64 AIRCRAFT PROGRAM.

(a) Requirement for Review.—The Comptroller General shall conduct a review of the Army's AH–64 aircraft program to determine—

(1) whether obsolete spare parts, rather than spare parts for the latest aircraft configuration, are being procured;

(2) whether there is insufficient sustaining system technical support;

(3) whether technical data packages and manuals are obsolete;

(4) whether there are unfunded requirements for airframe and component upgrades; and

(5) if one or more of the conditions described in the preceding paragraphs exist, whether the readiness of the aircraft is impaired by the conditions.

(b) Report.—Not later than March 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the review under subsection (a).

SEC. 377. REPORT ON AIR FORCE SPARE AND REPAIR PARTS PROGRAM FOR C–5 AIRCRAFT.

(a) FINDINGS.—Congress makes the following findings:

(1) There exists a significant shortfall in the Nation's current strategic airlift requirement, even though strategic airlift remains critical to the national security strategy of the United States.

(2) This shortfall results from the slow phase-out of C–141 aircraft and their replacement with C–17 aircraft and from lower than optimal reliability rates for the C–5 aircraft.

(3) One of the primary causes of these reliability rates for C–5 aircraft, and especially for operational unit aircraft, is the shortage of spare repair parts. Over the past 5 years, this shortage has been particularly evident in the C–5 fleet.

(4) Not Mission Capable for Supply rates for C–5 aircraft have increased significantly in the period between 1997 and 1999. At Dover Air Force Base, Delaware, for example, an average of 7 to 9 C–5 aircraft were not available during that period because of a lack of parts.

(5) Average rates of cannibalization of C–5 aircraft per 100 sorties of such aircraft have also increased during that period and are well above the Air Mobility Command standard. In any given month, this means devoting additional manhours to cannibalization of C–5 aircraft. At Dover Air Force Base, for example, an average of 800 to 1,000 additional manhours were required for cannibalization of C–5 aircraft during that period. Cannibalization is often required for aircraft that transit through a base such as Dover Air Force Base, as well as those that are based there.

(6) High cannibalization rates indicate a significant problem in delivering spare parts in a timely manner and systemic problems within the repair and maintenance process, and also demoralize overworked maintenance crews.

(7) The C–5 aircraft remains an absolutely critical asset in air mobility and airlifting heavy equipment and personnel to both military contingencies and humanitarian relief efforts around the world.

(8) Despite increased funding for spare and repair parts and other efforts by the Air Force to mitigate the parts shortage problem, Congress continues to receive reports of significant cannibalization to airworthy C–5 aircraft and parts backlogs.

(b) REPORT REQUIRED.—Not later than January 1, 2001, and September 30, 2001, the Secretary of the Air Force shall submit to Congress a report on the overall status of the spare and repair parts program of the Air Force for the C–5 aircraft.

(c) ELEMENTS OF REPORT.—Each report shall include the following:

(1) A statement of the funds currently allocated to the acquisition of spare and repair parts for the C–5 aircraft and the adequacy of such funds to meet current and future repair and maintenance requirements for that aircraft.

(2) A description of current efforts to address shortfalls in the availability of spare and repair parts for the C–5 aircraft, including an assessment of potential short-term and long-term effects of such efforts.

(3) An assessment of the effects of such parts shortfalls on readiness and reliability ratings for the C–5 aircraft.

(4) A description of rates at which spare and repair parts for one C–5 aircraft are taken from another C–5 aircraft (known as parts cannibalization) and the manhours devoted to part cannibalization of such aircraft.

(5) An assessment of the effects of parts shortfalls and parts cannibalization with respect to C–5 aircraft on readiness and retention.

Subtitle H—Other Matters

SEC. 381. ANNUAL REPORT ON PUBLIC SALE OF CERTAIN MILITARY EQUIPMENT IDENTIFIED ON UNITED STATES MUNITIONS LIST.

(a) ANNUAL REPORT REQUIRED.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

"§2582. Military equipment identified on United States munitions list: annual report of public sales

"(a) REPORT REQUIRED.—The Secretary of Defense shall prepare an annual report identifying each public sale conducted by a military department or Defense Agency of military items that are—

"(1) identified on the United States Munitions List maintained under section 121.1 of title 22, Code of Federal Regulations; and

"(2) assigned a demilitarization code of 'B' or its equivalent.

"(b) ELEMENTS OF REPORT.—(1) A report under this section shall cover all public sales described in subsection (a) that were conducted during the preceding fiscal year.

"(2) The report shall specify the following for each sale:

"(A) The date of the sale.

"(B) The military department or Defense Agency conducting the sale.

"(C) The manner in which the sale was conducted.

"(D) The military items described in subsection (a) that were sold or offered for sale.

"(E) The purchaser of each item.

"(F) The stated end-use of each item sold.

"(c) SUBMISSION OF REPORT.—Not later than March 31 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate the report required by this section for the preceding fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2582. Military equipment identified on United States munitions list: annual report of public sales.".

SEC. 382. RESALE OF ARMOR-PIERCING AMMUNITION DISPOSED OF BY THE ARMY.

(a) RESTRICTION.—(1) Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

"§4688. Armor-piercing ammunition and components: condition on disposal

"(a) LIMITATION ON RESALE OR OTHER TRANSFER.—Except as provided in subsection (b), whenever the Secretary of the Army carries out a disposal (by sale or otherwise) of armor-piercing ammunition, or a component of armor-piercing ammunition, the Secretary shall require as a condition of the disposal that the recipient agree in writing not to sell or otherwise transfer any of the ammunition (reconditioned or otherwise), or any armor-piercing component of that ammunition, to any purchaser in the United States other than a law enforcement or other governmental agency.

"(b) EXCEPTION.—Subsection (a) does not apply to a transfer of a component of armor-piercing ammunition solely for the purpose of metal reclamation by means of a destructive process such as melting, crushing, or shredding.

"(c) SPECIAL RULE FOR NON-ARMOR-PIERCING COMPONENTS.—A component of the armor-piercing ammunition that is not itself armor-piercing and is not subjected to metal reclamation as described in subsection (b) may not be used as a component in the production of new or remanufactured armor-piercing ammunition other than for sale to a law enforcement or other governmental agency or for a government-to-government sale or commercial export to a foreign government under the Arms Export Control Act (22 U.S.C. 2751).

"(d) DEFINITION.—In this section, the term 'armor-piercing ammunition' means a center-fire cartridge the military designation of which includes the term 'armor penetrator' or 'armor-piercing', including a center-fire cartridge designated as armor-piercing incendiary (API) or armor-piercing incendiary-tracer (API–T).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4688. Armor-piercing ammunition and components: condition on disposal.".

(b) APPLICABILITY.—Section 4688 of title 10, United States Code, as added by subsection (a), shall apply with respect to any disposal of ammunition or components referred to in that section after the date of the enactment of this Act.

SEC. 383. REIMBURSEMENT BY CIVIL AIR CARRIERS FOR SUPPORT PROVIDED AT JOHNSTON ATOLL.

(a) IN GENERAL.—Chapter 949 of title 10, United States Code, is amended by adding at the end the following new section:

"§9783. Johnston Atoll: reimbursement for support provided to civil air carriers

"(a) AUTHORITY OF THE SECRETARY.—The Secretary of the Air Force may, under regulations prescribed by the Secretary, require payment by a civil air carrier for support provided by the United States to the carrier at Johnston Atoll that is either—

"(1) requested by the civil air carrier; or

"(2) determined under the regulations as being necessary to accommodate the civil air carrier's use of Johnston Atoll.

"(b) AMOUNT OF CHARGES.—Any amount charged an air carrier under subsection (a) for support shall be equal to the total amount of the actual costs to the United States of providing the support. The amount charged may not include any amount for an item of support that does not satisfy a condition described in paragraph (1) or (2) of subsection (a).

"(c) RELATIONSHIP TO LANDING FEES.—No landing fee shall be charged an air carrier for a landing of an aircraft of the air carrier at Johnston Atoll if the air carrier is charged under subsection (a) for support provided to the air carrier.

"(d) DISPOSITION OF PAYMENTS.—(1) Amounts collected from an air carrier under this section shall be credited to appropriations available for the fiscal year in which collected, as follows:

"(A) For support provided by the Air Force, to appropriations available for the Air Force for operation and maintenance.

"(B) For support provided by the Army, to appropriations available for the Army for chemical demilitarization.

"(2) Amounts credited to an appropriation under paragraph (1) shall be merged with funds in that appropriation and shall be available, without further appropriation, for the purposes and period for which the appropriation is available.

"(e) DEFINITIONS.—In this section:

"(1) The term 'civil air carrier' means an air carrier (as defined in section 40101(a)(2) of title 49) that is issued a certificate of public convenience and necessity under section 41102 of such title.

"(2) The term 'support' includes fuel, fire rescue, use of facilities, improvements necessary to accommodate use by civil air carriers, police, safety, housing, food, air traffic control, suspension of military operations on the island (including operations at the Johnston Atoll Chemical Agent Demilitarization System), repairs, and any other construction, services, or supplies.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"9783. Johnston Atoll: reimbursement for support provided to civil air carriers.".

SEC. 384. TRAVEL BY RESERVES ON MILITARY AIRCRAFT.

(a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO DUTY STATIONS.—Subsection (a) of section 18505 of title 10, United States Code, is amended to read as follows:

"(a) A member of a reserve component traveling for annual training duty or inactive-duty training (including a place other than the place of the member's unit training assembly if the member is performing annual training duty or inactive-duty training in another location) may travel in a space-required status on aircraft of the armed forces between the member's home and the place of the annual training duty or inactive-duty training.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§18505. Reserves traveling for annual training duty or inactive-duty training: space-required travel on military aircraft".

(2) The table of sections at the beginning of chapter 1805 of such title is amended by striking the item relating to section 18505 and inserting the following new item:

"18505. Reserves traveling for annual training duty or inactive-duty training: space-required travel on military aircraft.".

SEC. 385. OVERSEAS AIRLIFT SERVICE ON CIVIL RESERVE AIR FLEET AIRCRAFT.

(a) IN GENERAL.—Section 41106 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking "of at least 31 days";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

"(b) TRANSPORTATION BETWEEN THE UNITED STATES AND FOREIGN LOCATIONS.—Except as provided in subsection (d), the transportation of passengers or property by transport category aircraft between a place in the United States and a place outside the United States obtained by the Secretary of Defense or the Secretary of a military department through a contract for airlift service shall be provided by an air carrier referred to in subsection (a).

"(c) TRANSPORTATION BETWEEN FOREIGN LOCATIONS.—The transportation of passengers or property by transport category aircraft between two places outside the United States obtained by the Secretary of Defense or the Secretary of a military department through a contract for airlift service shall be provided by an air carrier that has aircraft in the civil reserve air fleet whenever transportation by such an air carrier is reasonably available.".

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is further amended by striking "GENERAL.—(1) Except as provided in subsection (b) of this section," and inserting "INTERSTATE TRANSPORTATION.—(1) Except as provided in subsection (d) of this section,".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 386. ADDITIONS TO PLAN FOR ENSURING VISIBILITY OVER ALL IN-TRANSIT END ITEMS AND SECONDARY ITEMS.

(a) REQUIRED ADDITIONS.—Subsection (d) of section 349 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1981; 10 U.S.C. 2458 note) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: ", including specific actions to address underlying weaknesses in the controls over items being shipped"; and

(2) by adding at the end the following new paragraph:

"(5) The key management elements for monitoring, and for measuring the progress achieved in, the implementation of the plan, including—

"(A) the assignment of oversight responsibility for each action identified pursuant to paragraph (1);

"(B) a description of the resources required for oversight; and

"(C) an estimate of the annual cost of oversight.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended by striking "Not later than" and all that follows through "Congress" and inserting "The Secretary of Defense shall prescribe and carry out".

(2) Such section is further amended by adding at the end the following new subsection:

"(f) SUBMISSIONS TO CONGRESS.—The Secretary shall submit to Congress any revisions made to the plan that are required by any law enacted after October 17, 1998. The revisions so made shall be submitted not later than 180 days after the date of the enactment of the law requiring the revisions.".

(3) Subsection (e)(1) of such section is amended by striking "submits the plan" and inserting "submits the initial plan".

SEC. 387. REAUTHORIZATION OF PILOT PROGRAM FOR ACCEPTANCE AND USE OF LANDING FEES CHARGED FOR USE OF DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) REAUTHORIZATION.—Section 377 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1993; 10 U.S.C. 113 note) is amended—

(1) in subsection (a)—

(A) by striking "during fiscal years 1999 and 2000"; and

(B) by striking the second sentence; and

(2) by adding at the end the following new subsection:

"(e) DURATION OF PILOT PROGRAM.—The pilot program under this section may not be carried out after September 30, 2010.".

(b) FEES COLLECTED.—Subsection (b) of such section is amended to read as follows:

"(b) LANDING FEE DEFINED.—In this section, the term 'landing fee' means any fee that is established under or in accordance with regulations of the military department concerned (whether prescribed in a fee schedule or imposed under a joint-use agreement) to recover costs incurred for use by civil aircraft of an airfield of the military department in the United States or in a territory or possession of the United States.".

(c) USE OF PROCEEDS.—Subsection (c) of such section is amended by striking "Amounts received for a fiscal year in payment of landing fees imposed under the pilot program for use of a military airfield" and inserting "Amounts received in payment of landing fees for use of a military airfield in a fiscal year of the pilot program".

(d) REPORT.—Subsection (d) of such section is amended—

(1) by striking "March 31, 2000," and inserting "March 31, 2003,"; and

(2) by striking "December 31, 1999" and inserting "December 31, 2002".

SEC. 388. EXTENSION OF AUTHORITY TO SELL CERTAIN AIRCRAFT FOR USE IN WILDFIRE SUPPRESSION.

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (Public Law 104–307; 10 U.S.C. 2576 note) is amended—

(1) in subsection (a)(1), by striking "September 30, 2000" and inserting "September 30, 2005";

(2) in subsection (d)(1)—

(A) by striking "the date of the enactment of this Act" and inserting "October 14, 1996"; and

(B) by adding at the end the following: "The regulations prescribed under this paragraph shall be effective until the end of the period specified in subsection (a)(1)."; and

(3) in subsection (f), by striking "March 31, 2000" and inserting "March 31, 2005".

SEC. 389. DAMAGE TO AVIATION FACILITIES CAUSED BY ALKALI SILICA REACTIVITY.

(a) ASSESSMENT OF DAMAGE AND PREVENTION AND MITIGATION TECHNOLOGY.—The Secretary of Defense shall require the Secretaries of the military departments to assess—

(1) the damage caused to aviation facilities of the Armed Forces by alkali silica reactivity; and

(2) the availability of technologies capable of preventing, treating, or mitigating alkali silica reactivity in hardened concrete structures and pavements.

(b) EVALUATION OF TECHNOLOGIES.—(1) Taking into consideration the assessment under subsection (a), the Secretary of each military department may conduct a demonstration project at a location selected by the Secretary concerned to test and evaluate the effectiveness of technologies intended to prevent, treat, or mitigate alkali silica reactivity in hardened concrete structures and pavements.

(2) The Secretary of Defense shall ensure that the locations selected for the demonstration projects represent the diverse operating environments of the Armed Forces.

(c) NEW CONSTRUCTION.—The Secretary of Defense shall develop specific guidelines for appropriate testing and use of lithium salts to prevent alkali silica reactivity in new construction of the Department of Defense.

(d) COMPLETION OF ASSESSMENT AND DEMONSTRATION.—The assessment conducted under subsection (a) and the demonstration projects, if any, conducted under subsection (b) shall be completed not later than September 30, 2006.

(e) DELEGATION OF AUTHORITY.—The authority to conduct the assessment under subsection (a) may be delegated only to the Chief of Engineers of the Army, the Commander of the Naval Facilities Engineering Command, and the Civil Engineer of the Air Force.

(f) LIMITATION ON EXPENDITURES.—The Secretary of Defense and the Secretaries of the military departments may not expend more than a total of $5,000,000 to conduct both the assessment under subsection (a) and all of the demonstration projects under subsection (b).

SEC. 390. DEMONSTRATION PROJECT TO INCREASE RESERVE COMPONENT INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES.

(a) AUTHORIZATION AND PURPOSE OF PROJECT.—The Secretary of the Army, acting through the Chief of the National Guard Bureau, may carry out a demonstration project in rural communities that are unserved or underserved by the telecommunications medium known as the Internet to provide or increase Internet access and services to units and members of the National Guard and other reserve components located in these communities.

(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary may—

(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

(2) provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

(c) REPORT.—Not later than February 1, 2005, the Secretary shall submit to Congress a report on the demonstration project. The report shall

describe the activities conducted under the demonstration project and include any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

SEC. 391. ADDITIONAL CONDITIONS ON IMPLEMENTATION OF DEFENSE JOINT ACCOUNTING SYSTEM.

(a) REPORT ON DEPLOYMENT OF SYSTEM.—The proposed Defense Joint Accounting System is not prohibited, but the Secretary of Defense may not grant a Milestone III decision for the system unless and until the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report—

(1) explaining the reasons for the withdrawal of the Department of the Air Force from the proposed Defense Joint Accounting System and the effect of the withdrawal on the development of the system;

(2) explaining the reasons why the Department of the Navy is not required to participate in the system;

(3) identifying business process reengineering initiatives reviewed, considered, or undertaken by the Department of the Air Force and the Department of the Navy before the decisions were made to exclude the Department of the Navy from the system and to allow the Department of the Air Force to withdraw from the system; and

(4) containing an analysis, prepared with the participation of the Secretaries of the military departments, of alternatives to the system to determine whether the system warrants deployment.

(b) CERTIFICATION.—If the Secretary of Defense determines that the proposed Defense Joint Accounting System warrants a Milestone III decision, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a certification that the system will meet—

(1) the required functionality for users of the system;

(2) Department of Defense acquisition standards;

(3) the applicable requirements for Milestones I, II and III; and

(4) the applicable requirements of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106).

SEC. 392. REPORT ON DEFENSE TRAVEL SYSTEM.

(a) REQUIREMENT FOR REPORT.—Not later than November 30, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the Defense Travel System.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A detailed discussion of the development, testing, and fielding of the system, including the performance requirements, the evaluation criteria, the funding that has been provided for the development, testing, and fielding of the system, and the funding that is projected to be required for completing the development, testing, and fielding of the system.

(2) The schedule for the testing of the system, including the initial operational test and evaluation and the finaloperational testing and evaluation, together with the results of the testing.

(3) The cost savings expected to result from the deployment of the system and from the completed implementation of the system, together with a discussion of how the savings are estimated and the expected schedule for the realization of the savings.

(4) An analysis of the costs and benefits of fielding the front-end software for the system throughout all 18 geographical areas selected for the original fielding of the system.

SEC. 393. REVIEW OF DEPARTMENT OF DEFENSE COSTS OF MAINTAINING HISTORICAL PROPERTIES.

(a) REQUIREMENT FOR REVIEW.—The Comptroller General shall conduct a review of the annual costs incurred by the Department of Defense to comply with the requirements of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) REPORT.—Not later than February 28, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the review. The report shall contain the following:

(1) For each military department and Defense Agency and for the Department of Defense in the aggregate, the cost for fiscal year 2000 and the projected costs for the ensuing 10 fiscal years to comply with the requirements of the National Historic Preservation Act.

(2) Of the costs referred to in paragraph (1), the portion of such costs related to maintenance of those properties that qualified as historic properties under the National Historic Preservation Act when such Act was originally enacted in 1966.

(3) The accounts used for paying the costs of complying with the requirements of the National Historic Preservation Act.

(4) For each military department and Defense Agency, the identity of all properties that must be maintained in order to comply with the requirements of the National Historic Preservation Act.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Adjustment to end strength flexibility authority.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2001 limitation on non-dual status technicians.
Sec. 415. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.

Subtitle C—Other Matters Relating to Personnel Strengths

Sec. 421. Authority for Secretary of Defense to suspend certain personnel strength limitations during war or national emergency.
Sec. 422. Exclusion from active component end strengths of certain reserve component members on active duty in support of the combatant commands.
Sec. 423. Exclusion of Army and Air Force medical and dental officers from limitation on strengths of reserve commissioned officers in grades below brigadier general.
Sec. 424. Authority for temporary increases in number of reserve component personnel serving on active duty or full-time national guard duty in certain grades.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2001, as follows:

(1) The Army, 480,000.
(2) The Navy, 372,642.
(3) The Marine Corps, 172,600.
(4) The Air Force, 357,000.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "371,781" and inserting "372,000";

(2) in paragraph (3), by striking "172,148" and inserting "172,600"; and

(3) in paragraph (4), by striking "360,877" and inserting "357,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2000.

SEC. 403. ADJUSTMENT TO END STRENGTH FLEXIBILITY AUTHORITY.

Section 691(e) of title 10, United States Code, is amended by inserting "or greater than" after "identical to".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2001, as follows:

(1) The Army National Guard of the United States, 350,526.
(2) The Army Reserve, 205,300.
(3) The Naval Reserve, 88,900.
(4) The Marine Corps Reserve, 39,558.
(5) The Air National Guard of the United States, 108,022.
(6) The Air Force Reserve, 74,358.
(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2001, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,974.
(2) The Army Reserve, 13,106.
(3) The Naval Reserve, 14,649.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 11,170.
(6) The Air Force Reserve, 1,336.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year

2001 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 23,128.

(2) For the Army Reserve, 5,921.

(3) For the Air National Guard of the United States, 22,247.

(4) For the Air Force Reserve, 9,785.

SEC. 414. FISCAL YEAR 2001 LIMITATION ON NON-DUAL STATUS TECHNICIANS.

(a) LIMITATION.—The number of non-dual status technicians employed by the reserve components of the Army and the Air Force as of September 30, 2001, may not exceed the following:

(1) For the Army Reserve, 1,195.

(2) For the Army National Guard of the United States, 1,600.

(3) For the Air Force Reserve, 10.

(4) For the Air National Guard of the United States, 326.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

(c) POSTPONEMENT OF PERMANENT LIMITATION.—Section 10217(c)(2) of title 10, United States Code, is amended by striking "October 1, 2001" and inserting "October 1, 2002".

SEC. 415. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,316	1,071	948	140
Lieutenant Colonel or Commander	1,759	520	852	90
Colonel or Navy Captain	529	188	317	30".

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	764	202	502	20
E–8 ....:..	2,821	429	1,117	94".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

(d) REPORT.—(1) Not later than March 31, 2001, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on management of the grade structure for reserve-component officers who are subject to section 12011 of title 10, United States Code, and on the grade structure of enlisted members who are subject to section 12012 of that title. The Secretary of Defense shall include in the report recommendations for a permanent solution for managing the grade structures for those officers and enlisted members without requirement for frequent statutory adjustments to the limitations in those sections.

(2) In developing recommendations for the report under paragraph(1), the Secretary shall consider the following areas:

(A) The grade structure authorized for field-grade officers in the active-duty forces and the reasons why the grade structure for field-grade reserve officers on active duty in support of the reserves is different.

(B) The grade structure authorized for senior enlisted members in the active-duty forces and the reasons why the grade structure for senior enlisted reserve members on active duty in support of the reserves is different.

(C) The need for independent grade limits for each reserve component under sections 12011 and 12012 of title 10, United States Code.

(D) The advantages and disadvantage of replacing management by the current grade tables in those sections with management through a system based on the grade authorized for the position occupied by the member.

(E) The current mix within each reserve component, for each controlled grade, of (i) traditional reservists, (ii) military technicians, (iii) regular component members, and (iv) reserve members on active duty in support of the reserves, and how that mix, for each component, would shift over time under the Secretary's recommended solution as specified in paragraph (1).

Subtitle C—Other Matters Relating to Personnel Strengths

SEC. 421. AUTHORITY FOR SECRETARY OF DEFENSE TO SUSPEND CERTAIN PERSONNEL STRENGTH LIMITATIONS DURING WAR OR NATIONAL EMERGENCY.

(a) SENIOR ENLISTED MEMBERS ON ACTIVE DUTY.—Section 517 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.".

(b) FIELD GRADE RESERVE COMPONENT OFFICERS.—Section 12011 of such title is amended by adding at the end the following new subsection:

"(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.".

(c) SENIOR ENLISTED MEMBER IN RESERVE COMPONENTS.—Section 12012 of such title is amended by adding at the end the following new subsection:

"(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.".

SEC. 422. EXCLUSION FROM ACTIVE COMPONENT END STRENGTHS OF CERTAIN RESERVE COMPONENT MEMBERS ON ACTIVE DUTY IN SUPPORT OF THE COMBATANT COMMANDS.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(9) Members of reserve components (not described in paragraph (8)) on active duty for more than 180 days but less than 271 days to perform special work in support of the combatant commands, except that—

"(A) general and flag officers may not be excluded under this paragraph; and

"(B) the number of members of any of the armed forces excluded under this paragraph may not exceed the number equal to 0.2 percent of the end strength authorized for active-duty personnel of that armed force under subsection (a)(1)(A).".

SEC. 423. EXCLUSION OF ARMY AND AIR FORCE MEDICAL AND DENTAL OFFICERS FROM LIMITATION ON STRENGTHS OF RESERVE COMMISSIONED OFFICERS IN GRADES BELOW BRIGADIER GENERAL.

Section 12005(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Medical officers and dental officers shall not be counted for the purposes of this subsection.".

SEC. 424. AUTHORITY FOR TEMPORARY INCREASES IN NUMBER OF RESERVE COMPONENT PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES.

(a) FIELD GRADE OFFICERS.—Section 12011 of title 10, United States Code, as amended by section 421(b), is amended by adding at the end the following new subsection:

"(d) Upon increasing under subsection (c)(2) of section 115 of this title the end strength that is authorized under subsection (a)(1)(B) of that section for a fiscal year for active-duty personnel and full-time National Guard duty personnel of an armed force who are to be paid from funds appropriated for reserve personnel, the Secretary of Defense may increase for that fiscal year the limitation that is set forth in subsection (a) of this section for the number of officers of that armed force serving in any grade if the Secretary determines that such action is in the national interest. The percent of the increase may not exceed the percent by which the Secretary increases that end strength.".

(b) SENIOR ENLISTED PERSONNEL.—Section 12012 of such title, as amended by section 421(c), is amended by adding at the end the following new subsection:

"(d) Upon increasing under subsection (c)(2) of section 115 of this title the end strength that is authorized under subsection (a)(1)(B) of that section for a fiscal year for active-duty personnel and full-time National Guard duty personnel of an armed force who are to be paid from funds appropriated for reserve personnel, the Secretary of Defense may increase for that fiscal year the limitation that is set forth in subsection (a) of this section for the number of enlisted members of that armed force serving in any grade if the Secretary determines that such action is in the national interest. The percent of the increase may not exceed the percent by which the Secretary increases that end strength.".

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2001 a total of $75,801,666,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2001.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Eligibility of Army and Air Force Reserve colonels and brigadier generals for position vacancy promotions.

Sec. 502. Flexibility in establishing promotion zones for Coast Guard Reserve officers.

Sec. 503. Time for release of reports of officer promotion selection boards.

Sec. 504. Clarification of requirements for composition of active-duty list selection boards when reserve officers are under consideration.
Sec. 505. Authority to issue posthumous commissions in the case of members dying before official recommendation for appointment or promotion is approved by Secretary concerned.
Sec. 506. Technical corrections relating to retired grade of reserve commissioned officers.
Sec. 507. Grade of chiefs of reserve components and directors of National Guard components.
Sec. 508. Revision to rules for entitlement to separation pay for regular and reserve officers.

Subtitle B—Reserve Component Personnel Policy

Sec. 521. Exemption from active-duty list for reserve officers on active duty for a period of three years or less.
Sec. 522. Termination of application requirement for consideration of officers for continuation on the reserve active-status list.
Sec. 523. Authority to retain Air Force Reserve officers in all medical specialties until specified age.
Sec. 524. Authority for provision of legal services to reserve component members following release from active duty.
Sec. 525. Extension of involuntary civil service retirement date for certain reserve technicians.

Subtitle C—Education and Training

Sec. 531. Eligibility of children of Reserves for Presidential appointment to service academies.
Sec. 532. Selection of foreign students to receive instruction at service academies.
Sec. 533. Revision of college tuition assistance program for members of Marine Corps Platoon Leaders Class program.
Sec. 534. Review of allocation of Junior Reserve Officers Training Corps units among the services.
Sec. 535. Authority for Naval Postgraduate School to enroll certain defense industry civilians in specified programs relating to defense product development.

Subtitle D—Decorations, Awards, and Commendations

Sec. 541. Limitation on award of Bronze Star to members in receipt of imminent danger pay.
Sec. 542. Consideration of proposals for posthumous or honorary promotions or appointments of members or former members of the Armed Forces and other qualified persons.
Sec. 543. Waiver of time limitations for award of certain decorations to certain persons.
Sec. 544. Addition of certain information to markers on graves containing remains of certain unknowns from the U.S.S. Arizona who died in the Japanese attack on Pearl Harbor on December 7, 1941.
Sec. 545. Sense of Congress on the court-martial conviction of Captain Charles Butler McVay, Commander of the U.S.S. Indianapolis, and on the courageous service of the crew of that vessel.
Sec. 546. Posthumous advancement on retired list of Rear Admiral Husband E. Kimmel and Major General Walter C. Short, senior officers in command in Hawaii on December 7, 1941.
Sec. 547. Commendation of citizens of Remy, France, for World War II actions.
Sec. 548. Authority for Award of the Medal of Honor to William H. Pitsenbarger for valor during the Vietnam War.

Subtitle E—Military Justice and Legal Assistance Matters

Sec. 551. Recognition by States of military testamentary instruments.
Sec. 552. Policy concerning rights of individuals whose names have been entered into Department of Defense official criminal investigative reports.
Sec. 553. Limitation on Secretarial authority to grant clemency for military prisoners serving sentence of confinement for life without eligibility for parole.
Sec. 554. Authority for civilian special agents of military department criminal investigative organizations to execute warrants and make arrests.
Sec. 555. Requirement for verbatim record in certain special court-martial cases.
Sec. 556. Commemoration of the 50th anniversary of the Uniform Code of Military Justice.

Subtitle F—Matters Relating to Recruiting

Sec. 561. Army recruiting pilot programs.
Sec. 562. Enhancement of recruitment market research and advertising programs.
Sec. 563. Access to secondary schools for military recruiting purposes.
Sec. 564. Pilot program to enhance military recruiting by improving military awareness of school counselors and educators.

Subtitle G—Other Matters

Sec. 571. Extension to end of calendar year of expiration date for certain force drawdown transition authorities.
Sec. 572. Voluntary separation incentive.
Sec. 573. Congressional review period for assignment of women to duty on submarines and for any proposed reconfiguration or design of submarines to accommodate female crew members.
Sec. 574. Management and per diem requirements for members subject to lengthy or numerous deployments.
Sec. 575. Pay in lieu of allowance for funeral honors duty.
Sec. 576. Test of ability of reserve component intelligence units and personnel to meet current and emerging defense intelligence needs.
Sec. 577. National Guard Challenge Program.
Sec. 578. Study of use of civilian contractor pilots for operational support missions.
Sec. 579. Reimbursement for expenses incurred by members in connection with cancellation of leave on short notice.

SUBTITLE A—OFFICER PERSONNEL POLICY

SEC. 501. ELIGIBILITY OF ARMY AND AIR FORCE RESERVE COLONELS AND BRIGADIER GENERALS FOR POSITION VACANCY PROMOTIONS.

Section 14315(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting after "(A) is assigned to the duties of a general officer of the next higher reserve grade in the Army Reserve" the following: "or is recommended for such an assignment under regulations prescribed by the Secretary of the Army"; and

(2) in paragraph (2), by inserting after "(A) is assigned to the duties of a general officer of the next higher reserve grade" the following: "or is recommended for such an assignment under regulations prescribed by the Secretary of the Air Force".

SEC. 502. FLEXIBILITY IN ESTABLISHING PROMOTION ZONES FOR COAST GUARD RESERVE OFFICERS.

(a) COAST GUARD RESERVE OFFICER PROMOTION SYSTEM BASED ON DOD ROPMA SYSTEM.—Section 729(d) of title 14, United States Code, is amended to read as follows:

"(d)(1) Before convening a selection board to recommend Reserve officers for promotion, the Secretary shall establish a promotion zone for officers serving in each grade to be considered by the board. The Secretary shall determine the number of officers in the promotion zone for officers serving in any grade from among officers who are eligible for promotion in that grade.

"(2)(A) Before convening a selection board to recommend Reserve officers for promotion to a grade (other than the grade of lieutenant (junior grade)), the Secretary shall determine the maximum number of officers in that grade that the board may recommend for promotion.

"(B) The Secretary shall make the determination under subparagraph (A) of the maximum number that may be recommended with a view to having in an active status a sufficient number of Reserve officers in each grade to meet the needs of the Coast Guard for Reserve officers in an active status.

"(C) In order to make the determination under subparagraph (B), the Secretary shall determine the following:

"(i) The number of positions needed to accomplish mission objectives that require officers in the grade to which the board will recommend officers for promotion.

"(ii) The estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted.

"(iii) The number of officers authorized by the Secretary to serve in an active status in the grade under consideration.

"(iv) Any statutory limitation on the number of officers in any grade authorized to be in an active status.

"(3)(A) The Secretary may, when the needs of the Coast Guard require, authorize the consideration of officers in a grade above lieutenant (junior grade) for promotion to the next higher grade from below the promotion zone.

"(B) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion, except that the Secretary may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary determines that the needs of the Coast Guard so require. If the maximum number determined under this subparagraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

"(C) The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers that the board is authorized to recommend for promotion under paragraph (2).".

(b) RUNNING MATE SYSTEM MADE OPTIONAL.—(1) Section 731 of such title is amended—

(A) by designating the text of such section as subsection (b);

(B) by inserting after the section heading the following:

"(a) AUTHORITY TO USE RUNNING MATE SYSTEM.—The Secretary may by regulation implement section 729(d)(1) of this title by requiring that the promotion zone for consideration of Reserve officers in an active status for promotion to the next higher grade be determined in accordance with a running mate system as provided in subsection (b).";

(C) in subsection (b), as designated by subparagraph (A), by striking "Subject to the eligibility requirements of this subchapter, a Reserve officer shall" and inserting the following: "CONSIDERATION FOR PROMOTION.—If promotion zones are determined as authorized under subsection (a), a Reserve officer shall, subject to the eligibility requirements of this subchapter,"; and

(D) by adding at the end the following:

"(c) CONSIDERATION OF OFFICERS BELOW THE ZONE.—If the Secretary authorizes the selection of officers for promotion from below the promotion zone in accordance with section 729(d)(3) of this title, the number of officers to be considered from below the zone may be established through the application of the running mate system under this subchapter or otherwise as the Secretary determines to be appropriate to meet the needs of the Coast Guard.".

(2)(A) The heading for such section is amended to read as follows:

"§731. Establishment of promotion zones under running mate system".

(B) The item relating to such section in the table of sections at the beginning of chapter 21 of such title is amended to read as follows:

"731. Establishment of promotion zones under running mate system.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to selection boards convened under section 730 of title 14, United States Code, on or after the date of the enactment of this Act.

SEC. 503. TIME FOR RELEASE OF REPORTS OF OFFICER PROMOTION SELECTION BOARDS.

(a) ACTIVE-DUTY LIST OFFICER BOARDS.—Section 618(e) of title 10, United States Code, is amended to read as follows:

"(e)(1) The names of the officers recommended for promotion in the report of a selection board shall be disseminated to the armed force concerned as follows:

"(A) In the case of officers recommended for promotion to a grade below brigadier general or rear admiral (lower half), such names may be disseminated upon, or at any time after, the transmittal of the report to the President.

"(B) In the case of officers recommended for promotion to a grade above colonel or, in the case of the Navy, captain, such names may be disseminated upon, or at any time after, the approval of the report by the President.

"(C) In the case of officers whose names have not been sooner disseminated, such names shall be promptly disseminated upon confirmation by the Senate.

"(2) A list of names of officers disseminated under paragraph (1) may not include—

"(A) any name removed by the President from the report of the selection board containing that name, if dissemination is under the authority of subparagraph (B) of such paragraph; or

"(B) the name of any officer whose promotion the Senate failed to confirm, if dissemination is under the authority of subparagraph (C) of such paragraph.".

(b) RESERVE ACTIVE-STATUS LIST OFFICER BOARDS.—The text of section 14112 of title 10, United States Code, is amended to read as follows:

"(a) TIME FOR DISSEMINATION.—The names of the officers recommended for promotion in the report of a selection board shall be disseminated to the armed force concerned as follows:

"(1) In the case of officers recommended for promotion to a grade below brigadier general or rear admiral (lower half), such names may be disseminated upon, or at any time after, the transmittal of the report to the President.

"(2) In the case of officers recommended for promotion to a grade above colonel or, in the case of the Navy, captain, such names may be disseminated upon, or at any time after, the approval of the report by the President.

"(3) In the case of officers whose names have not been sooner disseminated, such names shall be promptly disseminated—

"(A) upon confirmation of the promotion of the officers by the Senate (in the case of promotions required to be submitted to the Senate for confirmation); or

"(B) upon the approval of the report by the President (in the case of promotions not required to be submitted to the Senate for confirmation).

"(b) NAMES NOT DISSEMINATED.—A list of names of officers disseminated under subsection (a) may not include—

"(1) any name removed by the President from the report of the selection board containing that name, if dissemination is under the authority of paragraph (2) or (3)(B) of that subsection; or

"(2) the name of any officer whose promotion the Senate failed to confirm, if dissemination is under the authority of paragraph (3)(A) of that subsection.".

SEC. 504. CLARIFICATION OF REQUIREMENTS FOR COMPOSITION OF ACTIVE-DUTY LIST SELECTION BOARDS WHEN RESERVE OFFICERS ARE UNDER CONSIDERATION.

(a) CLARIFICATION.—Section 612(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "who are on the active-duty list" in the second sentence; and

(B) by inserting after the second sentence the following new sentence: "Each member of a selection board (except as provided in paragraphs (2), (3), and (4)) shall be an officer on the active-duty list."; and

(2) in paragraph (3)—

(A) by striking "of that armed force, with the exact number of reserve officers to be" and inserting "of that armed force on active duty (whether or not on the active-duty list). The actual number of reserve officers shall be"; and

(B) by striking "his discretion, except that" and inserting "the Secretary's discretion. Notwithstanding the first sentence of this paragraph,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any selection board convened under section 611(a) of title 10, United States Code, on or after August 1, 1981.

SEC. 505. AUTHORITY TO ISSUE POSTHUMOUS COMMISSIONS IN THE CASE OF MEMBERS DYING BEFORE OFFICIAL RECOMMENDATION FOR APPOINTMENT OR PROMOTION IS APPROVED BY SECRETARY CONCERNED.

(a) REPEAL OF LIMITATION TO DEATHS OCCURRING AFTER SECRETARIAL APPROVAL.—Subsection (a)(3) of section 1521 of title 10, United States Code, is amended by striking "and the recommendation for whose appointment or promotion was approved by the Secretary concerned".

(b) EFFECTIVE DATE OF COMMISSION.—Subsection (b) of such section is amended by striking "approval" both places it appears and inserting "official recommendation".

SEC. 506. TECHNICAL CORRECTIONS RELATING TO RETIRED GRADE OF RESERVE COMMISSIONED OFFICERS.

(a) ARMY.—Section 3961(a) of title 10, United States Code, is amended by striking "or for nonregular service under chapter 1223 of this title".

(b) AIR FORCE.—Section 8961(a) of title 10, United States Code, is amended by striking "or for nonregular service under chapter 1223 of this title".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to Reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion by a board convened under chapter 36 or 1403 of title 10, United States Code, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after October 1, 1996.

SEC. 507. GRADE OF CHIEFS OF RESERVE COMPONENTS AND DIRECTORS OF NATIONAL GUARD COMPONENTS.

(a) CHIEF OF ARMY RESERVE.—Subsections (b) and (c) of section 3038 of title 10, United States Code, are amended to read as follows:

"(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Army Reserve from general officers of the Army Reserve who have had at least 10 years of commissioned service in the Army Reserve.

"(2) The Secretary of Defense may not recommend an officer to the President for appointment as Chief of Army Reserve unless the officer—

"(A) is recommended by the Secretary of the Army; and

"(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a resultof a process established by the Chairman, to have significant joint duty experience.

"(3) An officer on active duty for service as the Chief of Army Reserve shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

"(4) Until October 1, 2003, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Army Reserve if the Secretary of the Army requests the waiver and, in the judgment of the Secretary of Defense—

"(A) the officer is qualified for service in the position; and

"(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

"(c) TERM; REAPPOINTMENT; GRADE.—(1) The Chief of Army Reserve is appointed for a period of four years, but may be removed for cause at any time. An officer serving as Chief of Army Reserve may be reappointed for one additional four-year period.

"(2) The Chief of Army Reserve, while so serving, holds the grade of lieutenant general.".

(b) CHIEF OF NAVAL RESERVE.—Subsections (b) and (c) of section 5143 of such title are amended to read as follows:

"(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Naval Reserve from flag officers of the Navy (as defined in section 5001(1)) who have had at least 10 years of commissioned service.

"(2) The Secretary of Defense may not recommend an officer to the President for appointment as Chief of Naval Reserve unless the officer—

"(A) is recommended by the Secretary of the Navy; and

"(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

"(3) An officer on active duty for service as the Chief of Naval Reserve shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

"(4) Until October 1, 2003, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Naval Reserve if the Secretary of the Navy requests the waiver and, in the judgment of the Secretary of Defense—

"(A) the officer is qualified for service in the position; and

"(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

"(c) TERM; REAPPOINTMENT; GRADE.—(1) The Chief of Naval Reserve is appointed for a term determined by the Chief of Naval Operations, normally four years, but may be removed for cause at any time. An officer serving as Chief of Naval Reserve may be reappointed for one additional term of up to four years.

"(2) The Chief of Naval Reserve, while so serving, holds the grade of vice admiral.".

(c) COMMANDER, MARINE FORCES RESERVE.—Subsections (b) and (c) of section 5144 of such title are amended to read as follows:

"(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Commander, Marine Forces Reserve, from general officers of the Marine Corps (as defined in section 5001(2)) who have had at least 10 years of commissioned service.

"(2) The Secretary of Defense may not recommend an officer to the President for appointment as Commander, Marine Forces Reserve, unless the officer—

"(A) is recommended by the Secretary of the Navy; and

"(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

"(3) An officer on active duty for service as the Commander, Marine Forces Reserve, shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

"(4) Until October 1, 2003, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Commander, Marine Forces Reserve, if the Secretary of the Navy requests the waiver and, in the judgment of the Secretary of Defense—

"(A) the officer is qualified for service in the position; and

"(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

"(c) TERM; REAPPOINTMENT; GRADE.—(1) The Commander, Marine Forces Reserve, is appointed for a term determined by the Commandant of the Marine Corps, normally four years, but may be removed for cause at any time. An officer serving as Commander, Marine Forces Reserve, may be reappointed for one additional term of up to four years.

"(2) The Commander, Marine Forces Reserve, while so serving, holds the grade of lieutenant general.".

(d) CHIEF OF AIR FORCE RESERVE.—Subsections (b) and (c) of section 8038 of such title are amended to read as follows:

"(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Air Force Reserve from general officers of the Air Force Reserve who have had at least 10 years of commissioned service in the Air Force.

"(2) The Secretary of Defense may not recommend an officer to the President for appointment as Chief of Air Force Reserve unless the officer—

"(A) is recommended by the Secretary of the Air Force; and

"(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

"(3) An officer on active duty for service as the Chief of Air Force Reserve shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

"(4) Until October 1, 2003, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Air Force Reserve if the Secretary of the Air Force requests the waiver and, in the judgment of the Secretary of Defense—

"(A) the officer is qualified for service in the position; and

"(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

"(c) TERM; REAPPOINTMENT; GRADE.—(1) The Chief of Air Force Reserve is appointed for a period of four years, but may be removed for cause at any time. An officer serving as Chief of Air Force Reserve may be reappointed for one additional four-year period.

"(2) The Chief of Air Force Reserve, while so serving, holds the grade of lieutenant general.".

(e) DIRECTORS IN THE NATIONAL GUARD BUREAU.—Section 10506(a) of such title is amended—

(1) in subparagraphs (A) and (B) of paragraph (1), by striking "while so serving shall hold the grade of major general or, if appointed to that position in accordance with section 12505(a)(2) of this title, the grade of lieutenant general, and" and inserting "shall be appointed in accordance with paragraph (3), shall hold the grade of lieutenant general while so serving, and shall"; and

(2) by adding at the end the following new paragraph:

"(3)(A) The President, by and with the advice and consent of the Senate, shall appoint the Director, Army National Guard, from general officers of the Army National Guard of the United States and shall appoint the Director, Air National Guard, from general officers of the Air National Guard of the United States.

"(B) The Secretary of Defense may not recommend an officer to the President for appointment as Director, Army National Guard, or as Director, Air National Guard, unless the officer—

"(i) is recommended by the Secretary of the military department concerned; and

"(ii) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

"(C) An officer on active duty for service as the Director, Army National Guard, or the Director, Air National Guard, shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

"(D) Until October 1, 2003, the Secretary of Defense may waive clause (ii) of subparagraph (B) with respect to the appointment of an officer as Director, Army National Guard, or as Director, Air National Guard, if the Secretary of the military department concerned requests the waiver and, in the judgment of the Secretary of Defense—

"(i) the officer is qualified for service in the position; and

"(ii) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

"(E) The Director, Army National Guard, and the Director, Air National Guard, are appointed for a period of four years, but may be removed for cause at any time. An officer serving as either Director may be reappointed for one additional four-year period.".

(f) REPEAL OF SUPERSEDED SECTION.—(1) Section 12505 of such title is repealed.

(2) The table of sections at the beginning of chapter 1213 is amended by striking the item relating to section 12505.

(g) CONFORMING INCREASE IN AUTHORIZED NUMBER OF O–9 POSITIONS.—Section 525(b) of such title is amended—

(1) in paragraph (1)—

(A) by striking "Army, Air Force, or Marine Corps" in the first sentence and inserting "Army or Air Force";

(B) by striking "15 percent" both places it appears and inserting "15.7 percent";

(C) by striking "In the case of the Army and Air Force, of" at the beginning of the second sentence and inserting "Of"; and

(D) by inserting "of the Army or Air Force" in the second sentence after "general officers"; and

(2) in paragraph (2)—

(A) by inserting "(A)" after "(2)";

(B) by striking "15 percent" both places it appears and inserting "15.7 percent"; and

(C) by adding at the end the following:

"(B) No appointment may be made in a grade above major general in the Marine Corps if that appointment would result in more than 16.2 percent of the general officers of the Marine Corps on active duty being in grades above major general.".

(h) STUDY OF INCREASE IN GRADE FOR VICE CHIEF OF NATIONAL GUARD BUREAU.—(1) The Secretary of Defense shall conduct a study of the advisability of changing the grade authorized for the Vice Chief of the National Guard Bureau from major general to lieutenant general.

(2) As part of the study, the Chief of the National Guard Bureau shall submit to the Secretary of Defense an analysis of the functions and responsibilities of the Vice Chief of the National Guard Bureau and the Chief's recommendation as to whether the grade for the Vice Chief should be changed from major general to lieutenant general.

(3) Not later than February 1, 2001, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the study. The report shall include the following—

(A) the recommendation of the Chief of the National Guard Bureau and any other information provided by the Chief to the Secretary of Defense pursuant to paragraph (2);

(B) the conclusions resulting from the study; and

(C) the Secretary's recommendations regarding whether the grade authorized for the Vice Chief of the National Guard Bureau should be changed to lieutenant general.

(i) IMPLEMENTATION.—(1) An appointment or reappointment, in the case of the incumbent in a reserve component chief position, shall be made to each of the reserve component chief positions not later than 12 months after the date of the enactment of this Act, in accordance with the amendments made by subsections (a) through (e).

(2) An officer serving in a reserve component chief position on the date of the enactment of this Act may be reappointed to that position under the amendments made by subsection (a) through (e), if eligible and otherwise qualified in accordance with those amendments. If such an officer is so reappointed, the appointment may be made for the remainder of the officer's original term or for a full new term, as specified at the time of the appointment.

(3) An officer serving on the date of the enactment of this Act in a reserve component chief position may continue to serve in that position in accordance with the provisions of law in effect immediately before the amendments made

by this section until a successor is appointed under paragraph (1) (or that officer is reappointed under paragraph (1)).

(4) The amendments made by subsection (g) shall be implemented so that each increase authorized by those amendments in the number of officers in the grades of lieutenant general and vice admiral is implemented on a case-by-case basis with an initial appointment made after the date of the enactment of this Act, as specified in paragraph (1), to a reserve component chief position.

(5) For purposes of this subsection, the term "reserve component chief position" means a position specified in section 3038, 5143, 5144, or 8038 of title 10, United States Code, or the position of Director, Army National Guard or Director, Air National Guard under section 10506(a)(1) of such title.

SEC. 508. REVISION TO RULES FOR ENTITLEMENT TO SEPARATION PAY FOR REGULAR AND RESERVE OFFICERS.

(a) REGULAR OFFICERS.—Subsection (a) of section 1174 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) Notwithstanding paragraphs (1) and (2), an officer who is subject to discharge under any provision of chapter 36 of this title or under section 580 or 6383 of this title by reason of having twice failed of selection for promotion to the next higher grade is not entitled to separation pay under this section if that officer, after such second failure of selection for promotion, is selected for, and declines, continuation on active duty for a period that is equal to or more than the amount of service required to qualify the officer for retirement.".

(b) RESERVE OFFICERS.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(4) In the case of an officer who is subject to discharge or release from active duty under a law or regulation requiring that an officer who has failed of selection for promotion to the next higher grade for the second time be discharged or released from active duty and who, after such second failure of selection for promotion, is selected for, and declines, continuation on active duty—

"(A) if the period of time for which the officer was selected for continuation on active duty is less than the amount of service that would be required to qualify the officer for retirement, the officer's discharge or release from active duty shall be considered to be involuntary for purposes of paragraph (1)(A); and

"(B) if the period of time for which the officer was selected for continuation on active duty is equal to or more than the amount of service that would be required to qualify the officer for retirement, the officer's discharge or release from active duty shall not be considered to be involuntary for the purposes of paragraph (1)(A).".

(c) EFFECTIVE DATE.—Paragraph (4) of section 1174(a) of title 10, United States Code, as added by subsection (a), and paragraph (4) of section 1174(c) of such title, as added by subsection (b), shall apply with respect to any offer of selective continuation on active duty that is declined on or after the date of the enactment of this Act.

Subtitle B—Reserve Component Personnel Policy

SEC. 521. EXEMPTION FROM ACTIVE-DUTY LIST FOR RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

Section 641(1) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) on the reserve active-status list who are on active duty under section 12301(d) of this title, other than as provided in subparagraph (C), under a call or order to active duty specifying a period of three years or less;".

SEC. 522. TERMINATION OF APPLICATION REQUIREMENT FOR CONSIDERATION OF OFFICERS FOR CONTINUATION ON THE RESERVE ACTIVE-STATUS LIST.

Section 14701(a)(1) of title 10, United States Code, is amended by striking "Upon application, a reserve officer" and inserting "A reserve officer".

SEC. 523. AUTHORITY TO RETAIN AIR FORCE RESERVE OFFICERS IN ALL MEDICAL SPECIALTIES UNTIL SPECIFIED AGE.

Section 14703(a)(3) of title 10, United States Code, is amended by striking "veterinary officer" and all that follows through the period and inserting "Air Force nurse, Medical Service Corps officer, biomedical sciences officer, or chaplain.".

SEC. 524. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

(a) LEGAL SERVICES.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Members of reserve components not covered by paragraph (1) or (2) following release from active duty under a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary of Defense), for a period of time, prescribed by the Secretary of Defense, that begins on the date of the release and is not less than twice the length of the period served on active duty under that call or order to active duty.".

(b) DEPENDENTS.—Paragraph (5) of such section, as redesignated by subsection (a)(1), is amended by striking "and (3)" and inserting "(3), and (4)".

(c) IMPLEMENTING REGULATIONS.—Regulations to implement the amendments made by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 525. EXTENSION OF INVOLUNTARY CIVIL SERVICE RETIREMENT DATE FOR CERTAIN RESERVE TECHNICIANS.

(a) MANDATORY RETIREMENT NOT APPLICABLE UNTIL AGE 60.—Section 10218 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "and is age 60 or older at that time" after "unreduced annuity" in paragraph (2);

(B) by inserting "or is under age 60 at that time" after "unreduced annuity" in paragraph (3)(A); and

(C) by inserting "and becoming 60 years of age" after "unreduced annuity" in paragraph (3)(B)(ii)(I); and

(2) in subsection (b)—

(A) by inserting "and is age 60 or older" after "unreduced annuity" in paragraph (1);

(B) by inserting "or is under age 60" after "unreduced annuity" in paragraph (2)(A); and

(C) by inserting "and becoming 60 years of age" after "unreduced annuity" in paragraph (2)(B)(ii)(I).

(b) TRANSITION PROVISION.—(1) An individual who before the date of the enactment of this Act was involuntarily separated or retired from employment as an Army Reserve or Air Force Reserve technician under section 10218 of title 10, United States Code, and who would not have been so separated if the provisions of subsection (c) of that section, as amended by subsection (a), had been in effect at the time of such separation may, with the approval of the Secretary concerned, be reinstated to the technician status held by that individual immediately before that separation. The effective date of any such reinstatement is the date the employee resumes technician status.

(2) The authority under paragraph (1) applies only to reinstatement for which an application is received by the Secretary concerned before the end of the one-year period beginning on the date of the enactment of this Act.

Subtitle C—Education and Training

SEC. 531. ELIGIBILITY OF CHILDREN OF RESERVES FOR PRESIDENTIAL APPOINTMENT TO SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ", other than those granted retired pay under section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)"; and

(2) by inserting after subparagraph (B) the following:

"(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

"(D) would be, or who died while they would have been, entitled to retired pay under chapter 1223 of this title except for not having attained 60 years of age;".

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(b)(1) of such title is amended—

(1) in subparagraph (B), by striking ", other than those granted retired pay under section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)"; and

(2) by inserting after subparagraph (B) the following:

"(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

"(D) would be, or who died while they would have been, entitled to retired pay under chapter 1223 of this title except for not having attained 60 years of age;".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(b)(1) of such title is amended—

(1) in subparagraph (B), by striking ", other than those granted retired pay under section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)"; and

(2) by inserting after subparagraph (B) the following:

"(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

"(D) would be, or who died while they would have been, entitled to retired pay under chapter 1223 of this title except for not having attained 60 years of age;".

SEC. 532. SELECTION OF FOREIGN STUDENTS TO RECEIVE INSTRUCTION AT SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4344(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) In selecting persons to receive instruction under this section from among applicants from the countries approved under paragraph (2), the Secretary of the Army shall give a priority to persons who have a national service obligation to their countries upon graduation from the Academy.".

(b) UNITED STATES NAVAL ACADEMY.—Section 6957(a) of such title is amended by adding at the end the following new paragraph:

"(3) In selecting persons to receive instruction under this section from among applicants from the countries approved under paragraph (2), theSecretary of the Navy shall give a priority to persons who have a national service obligation to their countries upon graduation from the Academy.".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9344(a) of such title is amended by adding at the end the following new paragraph:

"(3) In selecting persons to receive instruction under this section from among applicants from the countries approved under paragraph (2), the Secretary of the Air Force shall give a priority to persons who have a national service obligation to their countries upon graduation from the Academy.".

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to academic years that begin after October 1, 2000.

SEC. 533. REVISION OF COLLEGE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF MARINE CORPS PLATOON LEADERS CLASS PROGRAM.

(a) ELIGIBILITY OF OFFICERS.—Section 16401 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "enlisted" in the matter preceding paragraph (1); and

(2) in subsection (b)(1)—

(A) by striking "an enlisted member" in the matter preceding subparagraph (A) and inserting "a member"; and

(B) by striking "an officer candidate in" in subparagraph (A) and inserting "a member of".

(b) REPEAL OF AGE LIMITATIONS.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (B);

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(C) in subparagraph (C), as so redesignated, by striking "paragraph (3)" and inserting "paragraph (2)";

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as so redesignated, by striking "paragraph (1)(D)" and inserting "paragraph (1)(C)".

(c) CANDIDATES FOR LAW DEGREES.—Subsection (a)(2) of such section is amended by striking "three" and inserting "four".

(d) SANCTIONS; EXCEPTIONS.—Subsection (f) of such section is amended—

(1) in paragraph (1)—

(A) by striking "A member who" and inserting "An enlisted member who";

(B) by inserting "and an officer who receives financial assistance under this section may be required to repay the full amount of financial assistance," after "for more than four years,"; and

(C) by inserting "or, if already a commissioned officer in the Marine Corps, refuses to accept an assignment on active duty when offered" in subparagraph (A) after "when offered"; and

(2) by striking paragraph (2) and inserting the following:

"(2) The Secretary of the Navy may waive the requirements of paragraph (1) in the case of a person who—

"(A) becomes unqualified to serve on active duty as an officer due to a circumstance not within the control of the person;

"(B) is not physically qualified for appointment under section 532 of this title and later is determined by the Secretary of the Navy under section 505 of this title to be unqualified for service as an enlisted member of the Marine Corps due to a physical or medical condition that was not the result of misconduct or grossly negligent conduct; or

"(C) fails to complete the military or academic requirements of the Marine Corps Platoon Leaders Class program due to a circumstance not within the control of the person.".

(e) CLARIFICATION OF SERVICE EXCLUDED IN COMPUTATION OF CREDITABLE SERVICE AS A MARINE CORPS OFFICER.—(1) Section 205(f) of title 37, United States Code, is amended by striking "that the officer performed concurrently as a member" and inserting "that the officer performed concurrently as an enlisted member".

(2) Such section is further amended by striking "section 12209" and inserting "section 12203".

(f) AMENDMENTS OF HEADINGS.—(1) The heading of section 16401 of title 10, United States Code, is amended to read as follows:

"§ 16401. Marine Corps Platoon Leaders Class: college tuition assistance program".

(2) The heading for subsection (a) of such section is amended by striking "FOR FINANCIAL ASSISTANCE PROGRAM".

(g) CLERICAL AMENDMENT.—The item relating to such section in the table of chapters at the beginning of chapter1611 of title 10, United States Code, is amended to read as follows:

"16401. Marine Corps Platoon Leaders Class: college tuition assistance program.".

SEC. 534. REVIEW OF ALLOCATION OF JUNIOR RESERVE OFFICERS TRAINING CORPS UNITS AMONG THE SERVICES.

(a) REALLOCATION OF JROTC UNITS.—Not later than March 31, 2001, the Secretary of Defense shall—

(1) review the allocation among the military departments of the statutory maximum number of Junior Reserve Officers' Training Corps (JROTC) units; and

(2) redistribute the allocation of those units planned (as of the date of the enactment of this Act) for fiscal years 2001 through 2006 so as to increase the number of units for a military department that proposes to more quickly eliminate the current waiting list for such units and to commit the necessary resources for that purpose.

(b) PROPOSAL FOR INCREASE IN STATUTORY MAXIMUM.—If, based on the review under subsection (a) and the redistribution of the allocation of JROTC units under that subsection, the Secretary determines that an increase in the statutory maximum number of such units is warranted, the Secretary shall include a proposal for such an increase in the budget proposal of the Department of Defense for fiscal year 2002.

SEC. 535. AUTHORITY FOR NAVAL POSTGRADUATE SCHOOL TO ENROLL CERTAIN DEFENSE INDUSTRY CIVILIANS IN SPECIFIED PROGRAMS RELATING TO DEFENSE PRODUCT DEVELOPMENT.

(a) IN GENERAL.—(1) Chapter 605 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7049. Defense industry civilians: admission to defense product development program

"(a) AUTHORITY FOR ADMISSION.—The Secretary of the Navy may permit eligible defense industry employees to receive instruction at the Naval Postgraduate School in accordance with this section. Any such defense industry employee may only be enrolled in, and may only be provided instruction in, a program leading to a masters's degree in a curriculum related to defense product development. No more than 10 such defense industry employees may be enrolled at any one time. Upon successful completion of the course of instruction in which enrolled, any such defense industry employee may be awarded an appropriate degree under section 7048 of this title.

"(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the school remains eligible for such instruction only so long at that person remains employed by the same firm.

"(c) ANNUAL CERTIFICATION BY THE SECRETARY OF THE NAVY.—Defense industry employees may receive instruction at the school during any academic year only if, before the start of that academic year, the Secretary of the Navy determines, and certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, that providing instruction to defense industry employees under this section during that year—

"(1) will further the military mission of the school;

"(2) will enhance the ability of the Department of Defense and defense-oriented private sector contractors engaged in the design and development of defense systems to reduce the product and project lead times required to bring such systems to initial operational capability; and

"(3) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

"(d) PROGRAM REQUIREMENTS.—The Secretary of the Navy shall ensure that—

"(1) the curriculum for the defense product development program in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on defense product development functions that are conducted by military organizations and defense contractors working in close cooperation; and

"(2) the course offerings at the school continue to be determined solely by the needs of the Department of Defense.

"(e) TUITION.—The Superintendent of the school shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Navy.

"(f) STANDARDS OF CONDUCT.—While receiving instruction at the school, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.

"(g) USE OF FUNDS.—Amounts received by the school for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7049. Defense industry civilians: admission to defense product development program.".

(b) PROGRAM EVALUATION AND REPORT.—(1) Before the start of the fourth year of instruction, but no earlier than the start of the third year of instruction, of defense industry employees at the Naval Postgraduate School under section 7049 of title 10, United States Code, as added by subsection (a), the Secretary of the Navy shall conduct an evaluation of the admission of such students under that section. The evaluation shall include the following:

(A) An assessment of whether the authority for instruction of nongovernment civilians at *the school has resulted in a discernible benefit for the Government.*

(B) Determination of whether the receipt and disposition of funds received by the school as tuition for instruction of such civilians at the school have been properly identified in records of the school.

(C) A summary of the disposition and uses made of those funds.

(D) An assessment of whether instruction of such civilians at the school is in the best interests of the Government.

(2) Not later than 30 days after completing the evaluation referred to in paragraph (1), the Secretary of the Navy shall submit to the Secretary of Defense a report on the program under such section. The report shall include—

(A) the results of the evaluation under paragraph (1);

(B) the Secretary's conclusions and recommendation with respect to continuing to allow nongovernment civilians to receive instruction at the Naval Postgraduate School as part of a program related to defense product development; and

(C) any proposals for legislative changes recommended by the Secretary.

(3) Not later than 60 days after receiving the report of the Secretary of the Navy under paragraph (2), the Secretary of Defense shall submit the report, together with any comments that the Secretary considers appropriate, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

Subtitle D—Decorations, Awards, and Commendations

SEC. 541. LIMITATION ON AWARD OF BRONZE STAR TO MEMBERS IN RECEIPT OF IMMINENT DANGER PAY.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"*§1133. Bronze Star: limitation to members receiving imminent danger pay*

"The decoration known as the 'Bronze Star' may only be awarded to a member of the armed forces who is in receipt of special pay under section 310 of title 37 at the time of the events for which the decoration is to be awarded or who receives such pay as a result of those events.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1133. Bronze star: limitation to members receiving imminent danger pay.".

SEC. 542. CONSIDERATION OF PROPOSALS FOR POSTHUMOUS OR HONORARY PROMOTIONS OR APPOINTMENTS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES AND OTHER QUALIFIED PERSONS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"*§1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and recommendation*

"(a) REVIEW BY SECRETARY CONCERNED.—Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the posthumous or honorary promotion or appointment of a member or former member of the armed forces, or any other person considered qualified, that is not otherwise authorized by law. Based upon such review, the Secretary shall make a determination as to the merits of approving the posthumous or honorary promotion or appointment and the other determinations necessary to comply with subsection (b).

"(b) NOTICE OF RESULTS OF REVIEW.—Upon making a determination under subsection (a) as to the merits of approving the posthumous or honorary promotion or appointment, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives and to the requesting Member of Congress notice in writing of one of the following:

"(1) The posthumous or honorary promotion or appointment does not warrant approval on the merits.

"(2) The posthumous or honorary promotion or appointment warrants approval and authorization by law for the promotion or appointment is recommended.

"(3) The posthumous or honorary promotion or appointment warrants approval on the merits and has been recommended to the President as an exception to policy.

"(4) The posthumous or honorary promotion or appointment warrants approval on the merits and authorization by law for the promotion or appointment is required but is not recommended. A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decision of the Secretary.

"(c) DEFINITION.—In this section, the term 'Member of Congress' means—

"(1) a Senator; or

"(2) a Representative in, or a Delegate or Resident Commissioner to, Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and recommendation.".

SEC. 543. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) SILVER STAR.—Subsection (a) applies to the award of the Silver Star to Louis Rickler, of Rochester, New York, for gallantry in action from August 18 to November 18, 1918, while serving as a member of the Army.

(c) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 5, 1999, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 544. ADDITION OF CERTAIN INFORMATION TO MARKERS ON GRAVES CONTAINING REMAINS OF CERTAIN UNKNOWNS FROM THE U.S.S. ARIZONA WHO DIED IN THE JAPANESE ATTACK ON PEARL HARBOR ON DECEMBER 7, 1941.

(a) INFORMATION TO BE PROVIDED SECRETARY OF VETERANS AFFAIRS.—The Secretary of the Army shall provide to the Secretary of Veterans Affairs certain information, as specified in subsection (b), pertaining to the remains of certain unknown persons that are interred in the National Memorial Cemetery of the Pacific, Honolulu, Hawaii. The Secretary of Veterans Affairs shall add to the inscriptions on the markers on the graves containing those remains the information provided.

(b) INFORMATION TO BE ADDED—The information to be added to grave markers under subsection (a)—

(1) shall be determined by the Secretary of the Army, based on a review of the information that, as of the date of the enactment of this Act, has been authenticated by the director of the Naval Historical Center, Washington, D.C., pertaining to the interment of remains of certain unknown casualties from the U.S.S. ARIZONA who died as a result of the Japanese attack on Pearl Harbor on December 7, 1941; and

(2) shall, at a minimum, indicate that the interred remains are from the U.S.S. ARIZONA.

(c) LIMITATION OF SCOPE OF SECTION.—This section does not impose any requirement on the Secretary of the Army to undertake a review of any information pertaining to the interred remains of any unknown person other than as provided in subsection (b).

SEC. 545. SENSE OF CONGRESS ON THE COURT-MARTIAL CONVICTION OF CAPTAIN CHARLES BUTLER McVAY, COMMANDER OF THE U.S.S. INDIANAPOLIS, AND ON THE COURAGEOUS SERVICE OF THE CREW OF THAT VESSEL.

(a) FINDINGS.—Congress makes the following findings:

(1) Shortly after midnight on the morning of July 30, 1945, during the closing days of World War II, the United States Navy heavy cruiser U.S.S. Indianapolis (CA–35) was torpedoed and sunk by the Japanese submarine I–58 in what became the worst sea disaster in the history of the United States Navy.

(2) Although approximately 900 of the ship's crew of 1,196 survived the actual sinking, only 316 of those courageous sailors survived when rescued after four and a half days adrift in the open sea, the remainder having perishing from battle wounds, drowning, predatory shark attacks, exposure to the elements, and lack of food and potable water.

(3) Rescue for the remaining 316 sailors came only when they were spotted by chance by Navy Lieutenant Wilbur C. Gwinn while flying a routine naval air patrol mission.

(4) After the end of World War II, the commanding officer of the U.S.S. Indianapolis, Captain Charles Butler McVay, III, who was rescued with the other survivors, was court-martialed for "suffering a vessel to be hazarded through negligence" by failing to zigzag (a naval tactic employed to help evade submarine attacks) and was convicted even though—

(A) the choice to zigzag was left to Captain McVay's discretion in his orders; and

(B) Motchisura Hashimoto, the commander of the Japanese submarine that sank the U.S.S. Indianapolis, and Glynn R. Donaho, a United States Navy submarine commander highly decorated for his service during World War II, both testified at Captain McVay's court-martial trial that the Japanese submarine could have sunk the U.S.S. Indianapolis whether or not it had been zigzagging, an assertion that has since been reaffirmed in a letter to the Chairman of the Committee on Armed Services of the Senate dated November 24, 1999.

(5) Although not argued by Captain McVay's defense counsel in the court-martial trial, poor visibility on the night of the sinking (as attested in surviving crew members' handwritten accounts recently discovered at the National Archives) justified Captain McVay's choice not to zigzag as that choice was consistent with the applicable Navy directives in force in 1945, which stated that, "During thick weather and

at night, except on very clear nights or during bright moonlight, vessels normally cease zigzagging.''.

(6) Before the U.S.S. Indianapolis sailed from Guam on what became her final voyage, Naval officials failed to provide Captain McVay with available support that was critical to the safety of the U.S.S. Indianapolis and her crew by—

(A) disapproving a request made by Captain McVay for a destroyer escort for the U.S.S. Indianapolis across the Philippine Sea as being ''not necessary'';

(B) not informing Captain McVay that naval intelligence sources, through signal intelligence (the Japanese code having been broken earlier in World War II), had become aware that the Japanese submarine I–58 was operating in the area of the U.S.S. Indianapolis' course (as disclosed in evidence presented in a hearing of the Committee on Armed Services of the Senate conducted September 14, 1999); and

(C) not informing Captain McVay of the sinking of the destroyer escort U.S.S. Underhill by a Japanese submarine within range of the course of the U.S.S. Indianapolis four days before the U.S.S. Indianapolis departed Guam for the Philippine Islands.

(7) Captain McVay's court-martial initially was opposed by his immediate command superiors, Fleet Admiral Chester Nimitz (CINCPAC) and Vice Admiral Raymond Spruance of the 5th fleet, for whom the U.S.S. Indianapolis had served as flagship, but, despite their recommendations, Secretary of the Navy James Forrestal ordered the court-martial, largely on the basis of the recommendation of Fleet Admiral Ernest King, Chief of Naval Operations.

(8) There is no explanation on the public record for the overruling by Secretary Forestal of the recommendations made by Admirals Nimitz and Spruance.

(9) Captain McVay was the only commander of a United States Navy vessel lost in combat to enemy action during World War II who was subjected to a court-martial trial for such a loss, even though several hundred United States Navy ships were lost in combat to enemy action during World War II.

(10) The survivors of the U.S.S. Indianapolis overwhelmingly conclude that Captain McVay was not at fault in the loss of the Indianapolis and have dedicated their lives to vindicating their Captain McVay.

(11) Although promoted to the grade of rear admiral in accordance with then-applicable law upon retirement from the Navy in 1949, Captain McVay never recovered from the stigma of his post-war court-martial and in 1968, tragically, took his own life.

(12) Charles Butler McVay, III—

(A) was a graduate of the United States Naval Academy;

(B) was an exemplary career naval officer with an outstanding record (including participation in the amphibious invasions of North Africa, the assault on Iwo Jima, and the assault on Okinawa where the U.S.S. Indianapolis under his command survived a fierce kamikaze attack);

(C) was a recipient of the Silver Star earned for courage under fire during the Solomon Islands campaign; and

(D) with the crew of the U.S.S. Indianapolis, had so thoroughly demonstrated proficiency in naval warfare that the Navy entrusted him and the crew of the U.S.S. Indianapolis with transporting to the Pacific theater components necessary for assembling the atomic bombs that were exploded over Hiroshima and Nagasaki to end the war with Japan (delivery of such components to the island of Tinian having been accomplished on July 25, 1945).

(b) SENSE OF CONGRESS CONCERNING CHARLES BUTLER MCVAY, III.—With respect to the sinking of the U.S.S. Indianapolis (CA–35) on July 30, 1945, and the subsequent court-martial conviction of the ship's commanding officer, Captain Charles Butler McVay, III, arising from that sinking, it is the sense of Congress, based on the review of evidence by the Senate and the House of Representatives—

(1) that, in light of the remission by the Secretary of the Navy of the sentence of the court-martial and the restoration of Captain McVay to active duty by the Chief of Naval Operations, Fleet Admiral Chester Nimitz, the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. Indianapolis and the lives of the men who died as a result of the sinking of that vessel; and

(2) that, in light of the fact that certain exculpatory information was not available to the court-martial board and that Captain McVay's conviction resulted therefrom, Captain McVay's military record should now reflect that he is exonerated for the loss of the U.S.S. Indianapolis and so many of her crew.

(c) UNIT CITATION FOR FINAL CREW OF U.S.S. INDIANAPOLIS.—The Secretary of the Navy should award a Navy Unit Commendation to the U.S.S. Indianapolis (CA–35) and her final crew.

SEC. 546. POSTHUMOUS ADVANCEMENT ON RETIRED LIST OF REAR ADMIRAL HUSBAND E. KIMMEL AND MAJOR GENERAL WALTER C. SHORT, SENIOR OFFICERS IN COMMAND IN HAWAII ON DECEMBER 7, 1941.

(a) FINDINGS.—Congress makes the following findings:

(1) The late Rear Admiral Husband E. Kimmel, while serving in the temporary grade of admiral, was the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, at the time of the Japanese attack on Pearl Harbor, Hawaii, on December 7, 1941, with an excellent and unassailable record throughout his career in the United States Navy before that date.

(2) The late Major General Walter C. Short, while serving in the temporary grade of lieutenant general, was the Commander of the United States Army Hawaiian Department, at the time of the Japanese attack on Pearl Harbor, Hawaii, on December 7, 1941, with an excellent and unassailable record throughout his career in the United States Army before that date.

(3) Numerous investigations following the attack on Pearl Harbor have documented that Admiral Kimmel and Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6 to 7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent grades of rear admiral and major general, respectively.

(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of ''dereliction of duty'' only six weeks after the attack on Pearl Harbor, later disavowed the report, maintaining that ''these two officers were martyred'' and ''if they had been brought to trial, both would have been cleared of the charge''.

(6) On October 19, 1944, a Naval Court of Inquiry—

(A) exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941, attack on Pearl Harbor were proper ''by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor'';

(B) criticized the higher command for not sharing with Admiral Kimmel ''during the very critical period of November 26 to December 7, 1941, important information . . . regarding the Japanese situation''; and

(C) concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel.

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that—

(A) Lieutenant General Short had not been kept ''fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war'';

(B) detailed information and intelligence about Japanese intentions and war plans were available in ''abundance'' but were not shared with the Lieutenant General Short's Hawaii command; and

(C) Lieutenant General Short was not provided ''on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this''.

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral Kimmel and Major General Short were denied their requests to defend themselves through trial by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) On April 27, 1954, the Chief of Naval Personnel, Admiral J. L. Holloway, Jr., recommended that Rear Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(12) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that Major General Short ''was unjustly held responsible for the Pearl Harbor disaster'' and that ''it would be equitable and just'' to advance him to the rank of lieutenant general on the retired list.

(13) In October 1994, the Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Rear Admiral Kimmel and recommended that his case be reopened.

(14) Although the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of Rear Admiral Kimmel or Major General Short in grade, it did set forth as a conclusion of the study that ''responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared''.

(15) The Dorn Report found—

(A) that ''Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war'';

(B) that "the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and followup at higher levels"; and

(C) that "together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered".

(16) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from Admiral Kimmel and Lieutenant General Short.

(17) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.

(18) Rear Admiral Kimmel and Major General Short are the only two officers eligible for advancement under the Officer Personnel Act of 1947 as senior World War II commanders who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime grades under that Act.

(19) This singular exclusion of those two officers from advancement on the retired list serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General Walter Short died on September 23, 1949, and Rear Admiral Husband Kimmel died on May 14, 1968, without the honor of having been returned to their wartime grades as were their fellow commanders of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, and the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of Admiral Kimmel and Lieutenant General Short through their posthumous advancement on the retired lists to their highest wartime grades.

(b) Advancement of Rear Admiral Kimmel and Major General Short on Retired Lists.—(1) The President is requested—

(A) to advance the late Rear Admiral Husband E. Kimmel, United States Navy (retired), to the grade of admiral on the retired list of the Navy; and

(B) to advance the late Major General Walter C. Short, United States Army (retired), to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(c) Sense of Congress Regarding the Professional Performance of Admiral Kimmel and Lieutenant General Short.—It is the sense of Congress—

(1) that the late Rear Admiral Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally and, therefore, that the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by then Admiral Kimmel; and

(2) that the late Major General Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally and, therefore, that the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by then Lieutenant General Short.

SEC. 547. COMMENDATION OF CITIZENS OF REMY, FRANCE, FOR WORLD WAR II ACTIONS.

(a) Findings.—The Congress finds the following:

(1) On August 2, 1944, a squadron of P–51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France.

(2) The resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including seven stained glass windows in the 13th century church.

(3) Despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers.

(4) On Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor.

(5) The surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy.

(6) To express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds, through its project "Windows for Remy", to restore the church's stained glass windows.

(b) Commendation and Recognition.—The Congress commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly during and after August 1944, and recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th century church.

SEC. 548. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO WILLIAM H. PITSENBARGER FOR VALOR DURING THE VIETNAM WAR.

(a) Waiver of Time Limitations.—Notwithstanding the period of limitations specified in section 8744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Air Force, the President may award the Medal of Honor under section 8741 of that title, posthumously, to William H. Pitsenbarger of Piqua, Ohio, for the acts of valor referred to in subsection (b).

(b) Action Defined.—The acts of valor referred to in subsection (a) are the actions of William H. Pitsenbarger on April 11, 1966, as an Air Force pararescue crew member, serving in the grade of Airman First Class at Cam My, Republic of Vietnam, with Detachment 6, 38th Aerospace Rescue and Recovery Helicopter Squadron, in support of the combat mission known as "Operations Abilene".

Subtitle E—Military Justice and Legal Assistance Matters

SEC. 551. RECOGNITION BY STATES OF MILITARY TESTAMENTARY INSTRUMENTS.

(a) In General.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044c the following new section:

"§ 1044d. Military testamentary instruments: requirement for recognition by States

"(a) Testamentary Instruments To Be Given Legal Effect.—A military testamentary instrument—

"(1) is exempt from any requirement of form, formality, or recording before probate that is provided for testamentary instruments under the laws of a State; and

"(2) has the same legal effect as a testamentary instrument prepared and executed in accordance with the laws of the State in which it is presented for probate.

"(b) Military Testamentary Instruments.—For purposes of this section, a military testamentary instrument is an instrument that is prepared with testamentary intent in accordance with regulations prescribed under this section and that—

"(1) is executed in accordance with subsection (c) by (or on behalf of) a person, as a testator, who is eligible for military legal assistance;

"(2) makes a disposition of property of the testator; and

"(3) takes effect upon the death of the testator.

"(c) Requirements for Execution of Military Testamentary Instruments.—An instrument is valid as a military testamentary instrument only if—

"(1) the instrument is executed by the testator (or, if the testator is unable to execute the instrument personally, the instrument is executed in the presence of, by the direction of, and on behalf of the testator);

"(2) the instrument is executed in the presence of a military legal assistance counsel acting as presiding attorney;

"(3) the instrument is executed in the presence of at least two disinterested witnesses (in addition to the presiding attorney), each of whom attests to witnessing the testator's execution of the instrument by signing it; and

"(4) the instrument is executed in accordance with such additional requirements as may be provided in regulations prescribed under this section.

"(d) Self-Proving Military Testamentary Instruments.—(1) If the document setting forth a military testamentary instrument meets the requirements of paragraph (2), then the signature of a person on the document as the testator, an attesting witness, a notary, or the presiding attorney, together with a written representation of the person's status as such and the person's military grade (if any) or other title, is prima facie evidence of the following:

"(A) That the signature is genuine.

"(B) That the signatory had the represented status and title at the time of the execution of the will.

"(C) That the signature was executed in compliance with the procedures required under the regulations prescribed under subsection (f).

"(2) A document setting forth a military testamentary instrument meets the requirements of this paragraph if it includes (or has attached to it), in a form and content required under the regulations prescribed under subsection (f), each of the following:

"(A) A certificate, executed by the testator, that includes the testator's acknowledgment of the testamentary instrument.

"(B) An affidavit, executed by each witness signing the testamentary instrument, that attests to the circumstances under which the testamentary instrument was executed.

"(C) A notarization, including a certificate of any administration of an oath required under the regulations, that is signed by the notary or other official administering the oath.

"(e) Statement To Be Included.—(1) Under regulations prescribed under this section, each military testamentary instrument shall contain a statement that sets forth the provisions of subsection (a).

"(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to a testamentary instrument that does not include a statement described in that paragraph.

"(f) Regulations.—Regulations for the purposes of this section shall be prescribed jointly by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Department of the Navy.

"(g) Definitions.—In this section:

"(1) The term 'person eligible for military legal assistance' means a person who is eligible for legal assistance under section 1044 of this title.

"(2) The term 'military legal assistance counsel' means—

"(A) a judge advocate (as defined in section 801(13) of this title); or

"(B) a civilian attorney serving as a legal assistance officer under the provisions of section 1044 of this title.

"(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each possession of the United States.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044c the following new item:

"1044d. Military testamentary instruments: requirement for recognition by States.".

SEC. 552. POLICY CONCERNING RIGHTS OF INDIVIDUALS WHOSE NAMES HAVE BEEN ENTERED INTO DEPARTMENT OF DEFENSE OFFICIAL CRIMINAL INVESTIGATIVE REPORTS.

(a) Policy Requirement.—The Secretary of Defense shall establish a policy creating a uniform process within the Department of Defense that—

(1) affords any individual who, in connection with the investigation of a reported crime, is designated (by name or by any other identifying information) as a suspect in the case in any official investigative report, or in a central index for potential retrieval and analysis by law enforcement organizations, an opportunity to obtain a review of that designation; and

(2) requires the expungement of the name and other identifying information of any such individual from such report or index in any case in which it is determined the entry of such identifying information on that individual was made contrary to Department of Defense requirements.

(b) Effective Date.—The policy required by subsection (a) shall be established not later than 120 days after the date of the enactment of this Act.

SEC. 553. LIMITATION ON SECRETARIAL AUTHORITY TO GRANT CLEMENCY FOR MILITARY PRISONERS SERVING SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.

(a) Limitation.—Section 874(a) of title 10, United States Code (article 74(a) of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: "However, in the case of a sentence of confinement for life without eligibility for parole, after the sentence is ordered executed, the authority of the Secretary concerned under the preceding sentence (1) may not be delegated, and (2) may be exercised only after the service of a period of confinement of not less than 20 years.".

(b) Effective Date.—The amendment made by subsection (a) shall not apply with respect to a sentence of confinement for life without eligibility for parole that is adjudged for an offense committed before the date of the enactment of this Act.

SEC. 554. AUTHORITY FOR CIVILIAN SPECIAL AGENTS OF MILITARY DEPARTMENT CRIMINAL INVESTIGATIVE ORGANIZATIONS TO EXECUTE WARRANTS AND MAKE ARRESTS.

(a) Department of the Army.—(1) Chapter 373 of title 10, United States Code, is amended by adding at the end the following new section:

"§4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests

"(a) Authority.—The Secretary of the Army may authorize any Department of the Army civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

"(b) Agents To Have Authority.—Subsection (a) applies to any employee of the Department of the Army who is a special agent of the Army Criminal Investigation Command (or a successor to that command) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Army.

"(c) Guidelines for Exercise of Authority.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Army and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Army, the Secretary of Defense, or the Attorney General.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end following new item:

"4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests.".

(b) Department of the Navy.—(1) Chapter 643 of title 10, United States Code, is amended by adding at the end the following new section:

"§7480. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests

"(a) Authority.—The Secretary of the Navy may authorize any Department of the Navy civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

"(b) Agents To Have Authority.—Subsection (a) applies to any employee of the Department of the Navy who is a special agent of the Naval Criminal Investigative Service (or any successor to that service) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Navy.

"(c) Guidelines for Exercise of Authority.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Navy and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Navy, the Secretary of Defense, or the Attorney General.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end following new item:

"7480. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests.".

(c) Department of the Air Force.—(1) Chapter 873 of title 10, United States Code, is amended by adding at the end the following new section:

"§9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests

"(a) Authority.—The Secretary of the Air Force may authorize any Department of the Air Force civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

"(b) Agents To Have Authority.—Subsection (a) applies to any employee of the Department of the Air Force who is a special agent of the Air Force Office of Special Investigations (or a successor to that office) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Air Force.

"(c) Guidelines for Exercise of Authority.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Air Force and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Air Force, the Secretary of Defense, or the Attorney General.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end following new item:

"9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests.".

SEC. 555. REQUIREMENT FOR VERBATIM RECORD IN CERTAIN SPECIAL COURT-MARTIAL CASES.

(a) When Required.—Subsection (c)(1)(B) of section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by inserting after "bad-conduct discharge" the following: ", confinement for more than six months, or forfeiture of pay for more than six months".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as of April 1, 2000, and shall apply with respect to charges referred on or after that date to trial by special court-martial.

SEC. 556. COMMEMORATION OF THE 50TH ANNIVERSARY OF THE UNIFORM CODE OF MILITARY JUSTICE.

(a) Findings.—Congress makes the following findings:

(1) The American military justice system predates the United States itself, having had a continuous existence since the enactment of the first American Articles of War by the Continental Congress in 1775.

(2) Pursuant to article I of the Constitution, which explicitly empowers Congress "To make Rules for the Government and Regulation of the land and naval Forces", Congress enacted the Articles of War and an Act to Govern the Navy,

which were revised on several occasions between the ratification of the Constitution and the end of World War II.

(3) Dissatisfaction with the administration of military justice during World War I and World War II (including dissatisfaction arising from separate systems of justice for the Army and for the Navy and Marine Corps) led both to significant statutory reforms in the Articles of War and to the convening of a committee, under Department of Defense auspices, to draft a single code of military justice applicable uniformly to all of the Armed Forces.

(4) The committee, chaired by Professor Edmund M. Morgan of Harvard Law School, made recommendations that formed the basis of bills introduced in Congress to establish such a uniform code of military justice.

(5) After lengthy hearings and debate on the congressional proposals, the Uniform Code of Military Justice was enacted into law on May 5, 1950, when President Harry S Truman signed the legislation.

(6) President Truman then issued a revised Manual for Courts-Martial implementing the new code, and the code became effective on May 31, 1951.

(7) One of the greatest innovations of the Uniform Code of Military Justice (now codified as chapter 47 of title 10, United States Code) was the establishment of a civilian court of appeals within the military justice system. That court, the United States Court of Military Appeals (now the United States Court of Appeals for the Armed Forces), held its first session on July 25, 1951.

(8) Congress enacted major revisions of the Uniform Code of Military Justice in 1968 and 1983 and, in addition, has amended the code from time to time over the years as practice under the code indicated a need for updating the substance or procedure of the law of military justice.

(9) The evolution of the system of military justice under the Uniform Code of Military Justice may be traced in the decisions of the Courts of Criminal Appeals of each of the Armed Forces and the decisions of the United States Court of Appeals for the Armed Forces. These courts have produced a unique body of jurisprudence upon which commanders and judge advocates rely in the performance of their duties.

(10) It is altogether fitting that the 50th anniversary of the Uniform Code of Military Justice be duly commemorated.

(b) COMMEMORATION.—The Congress—

(1) requests the President to issue a proclamation commemorating the 50th anniversary of the Uniform Code of Military Justice; and

(2) calls upon the Department of Defense, the Armed Forces, and the United States Court of Appeals for the Armed Forces and interested organizations and members of the bar and the public to commemorate the occasion of that anniversary with ceremonies and activities befitting its importance.

Subtitle F—Matters Relating to Recruiting

SEC. 561. ARMY RECRUITING PILOT PROGRAMS.

(a) REQUIREMENT FOR PROGRAMS.—The Secretary of the Army shall carry out pilot programs to test various recruiting approaches under this section for the following purposes:

(1) To assess the effectiveness of the recruiting approaches for creating enhanced opportunities for recruiters to make direct, personal contact with potential recruits.

(2) To improve the overall effectiveness and efficiency of Army recruiting activities.

(b) OUTREACH THROUGH MOTOR SPORTS.—(1) One of the pilot programs shall be a pilot program of public outreach that associates the Army with motor sports competitions to achieve the objectives set forth in paragraph (2).

(2) The events and activities undertaken under the pilot program shall be designed to provide opportunities for Army recruiters to make direct, personal contact with high school students to achieve the following objectives:

(A) To increase enlistments by students graduating from high school.

(B) To reduce attrition in the Delayed Entry Program of the Army by sustaining the personal commitment of students who have elected delayed entry into the Army under the program.

(3) Under the pilot program, the Secretary of the Army shall provide for the following:

(A) For Army recruiters or other Army personnel—

(i) to organize Army sponsored career day events in association with national motor sports competitions; and

(ii) to arrange for or encourage attendance at the competitions by high school students, teachers, guidance counselors, and administrators of high schools located near the competitions.

(B) For Army recruiters and other soldiers to attend national motor sports competitions—

(i) to display exhibits depicting the contemporary Army and career opportunities in the Army; and

(ii) to discuss those opportunities with potential recruits.

(C) For the Army to sponsor a motor sports racing team as part of an integrated program of recruitment and publicity for the Army.

(D) For the Army to sponsor motor sports competitions for high school students at which recruiters meet with potential recruits.

(E) For Army recruiters or other Army personnel to compile in an Internet accessible database the names, addresses, telephone numbers, and electronic mail addresses of persons who are identified as potential recruits through activities under the pilot program.

(F) Any other activities associated with motor sports competition that the Secretary determines appropriate for Army recruitment purposes.

(c) OUTREACH AT VOCATIONAL SCHOOLS AND COMMUNITY COLLEGES.—(1) One of the pilot programs shall be a pilot program under which Army recruiters are assigned, as their primary responsibility, at postsecondary vocational institutions and community colleges for the purpose of recruiting students graduating from those institutions and colleges, recent graduates of those institutions and colleges, and students withdrawing from enrollments in those institutions and colleges.

(2) The Secretary of the Army shall select the institutions and colleges to be invited to participate in the pilot program.

(3) The conduct of the pilot program at an institution or college shall be subject to an agreement which the Secretary shall enter into with the governing body or authorized official of the institution or college, as the case may be.

(4) Under the pilot program, the Secretary shall provide for the following:

(A) For Army recruiters to be placed in postsecondary vocational institutions and community colleges to serve as a resource for guidance counselors and to recruit for the Army.

(B) For Army recruiters to recruit from among students and graduates described in paragraph (1).

(C) For the use of telemarketing, direct mail, interactive voice response systems, and Internet website capabilities to assist the recruiters in the postsecondary vocational institutions and community colleges.

(D) For any other activities that the Secretary determines appropriate for recruitment activities in postsecondary vocational institutions and community colleges.

(5) In this subsection, the term "postsecondary vocational institution" has the meaning given the term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

(d) CONTRACT RECRUITING INITIATIVES.—(1) One of the pilot programs shall be a program that expands in accordance with this subsection the scope of the Army's contract recruiting initiatives that are ongoing as of the date of the enactment of this Act. Under the pilot program, the Secretary of the Army shall select at least 10 recruiting companies to apply the initiatives in efforts to recruit personnel for the Army.

(2) Under the pilot program, the Secretary shall provide for the following:

(A) For replacement of the Regular Army recruiters by contract recruiters in the 10 recruiting companies selected under paragraph (1).

(B) For operation of the 10 companies under the same rules and chain of command as the other Army recruiting companies.

(C) For use of the offices, facilities, and equipment of the 10 companies by the contract recruiters.

(D) For reversion to performance of the recruiting activities by Regular Army soldiers in the 10 companies upon termination of the pilot program.

(E) For any other uses of contractor personnel for Army recruiting activities that the Secretary determines appropriate.

(e) DURATION OF PILOT PROGRAMS.—The pilot programs required by this section shall be carried out during the period beginning on October 1, 2000, and, subject to subsection (f), ending on December 31, 2005.

(f) AUTHORITY TO EXPAND OR EXTEND PILOT PROGRAMS.—The Secretary may expand the scope of any of the pilot programs (under subsection (b)(3)(F), (c)(4)(D), (d)(2)(E), or otherwise) or extend the period for any of the pilot programs. Before doing so in the case of a pilot program, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a written notification of the expansion of the pilot program (together with the scope of the expansion) or the continuation of the pilot program (together with the period of the extension), as the case may be.

(g) REPORTS.—Not later than February 1, 2006, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a separate report on each of the pilot programs carried out under this section. The report on a pilot program shall include the following:

(1) The Secretary's assessment of the value of the actions taken in the administration of the pilot program for increasing the effectiveness and efficiency of Army recruiting.

(2) Any recommendations for legislation or other action that the Secretary considers appropriate to increase the effectiveness and efficiency of Army recruiting.

SEC. 562. ENHANCEMENT OF RECRUITMENT MARKET RESEARCH AND ADVERTISING PROGRAMS.

Section 503(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense shall act on a continuing basis to enhance the effectiveness of recruitment programs of the Department of Defense (including programs conducted jointly and programs conducted by the separate armed forces) through an aggressive program of advertising and market research targeted at prospective recruits for the armed forces and those who may influence prospective recruits. Subchapter I of chapter 35 of title 44 shall not apply to actions taken as part of that program.".

SEC. 563. ACCESS TO SECONDARY SCHOOLS FOR MILITARY RECRUITING PURPOSES.

(a) REQUIREMENT FOR ACCESS.—Subsection (c) of section 503 of title 10, United States Code, is amended to read as follows:

"(c) ACCESS TO SECONDARY SCHOOLS.—(1) Each local educational agency shall (except as

provided under paragraph (5)) provide to the Department of Defense, upon a request made for military recruiting purposes, the same access to secondary school students, and to directory information concerning such students, as is provided generally to post-secondary educational institutions or to prospective employers of those students.

"(2) If a local educational agency denies a request by the Department of Defense for recruiting access, the Secretary of Defense, in cooperation with the Secretary of the military department concerned, shall designate an officer in a grade not below the grade of colonel or, in the case of the Navy, captain, or a senior executive of that military department to meet with representatives of that local educational agency in person, at the offices of that agency, for the purpose of arranging for recruiting access. The designated officer or senior executive shall seek to have that meeting within 120 days of the date of the denial of the request for recruiting access.

"(3) If, after a meeting under paragraph (2) with representatives of a local educational agency that has denied a request for recruiting access or (if the educational agency declines a request for the meeting) after the end of such 120-day period, the Secretary of Defense determines that the agency continues to deny recruiting access, the Secretary shall transmit to the chief executive of the State in which the agency is located a notification of the denial of recruiting access and a request for assistance in obtaining that access. The notification shall be transmitted within 60 days after the date of the determination. The Secretary shall provide to the Secretary of Education a copy of such notification and any other communication between the Secretary and that chief executive with respect to such access.

"(4) If a local educational agency continues to deny recruiting access one year after the date of the transmittal of a notification regarding that agency under paragraph (3), the Secretary—

"(A) shall determine whether the agency denies recruiting access to at least two of the armed forces (other than the Coast Guard when it is not operating as a service in the Navy); and

"(B) upon making an affirmative determination under subparagraph (A), shall transmit a notification of the denial of recruiting access to—

"(i) the specified congressional committees;

"(ii) the Senators of the State in which the local educational agency is located; and

"(iii) the member of the House of Representatives who represents the district in which the local educational agency is located.

"(5) The requirements of this subsection do not apply to—

"(A) a local educational agency with respect to access to secondary school students or access to directory information concerning such students for any period during which there is in effect a policy of that agency, established by majority vote of the governing body of the agency, to deny recruiting access to those students or to that directory information, respectively; or

"(B) a private secondary school which maintains a religious objection to service in the armed forces and which objection is verifiable through the corporate or other organizational documents or materials of that school.

"(6) In this subsection:

"(A) The term 'local educational agency' means—

"(i) a local educational agency, within the meaning of that term in section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18)); and

"(ii) a private secondary school.

"(B) The term 'recruiting access' means access requested as described in paragraph (1).

"(C) The term 'senior executive' has the meaning given that term in section 3132(a)(3) of title 5.

"(D) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

"(E) The term 'specified congressional committees' means the following:

"(i) The Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate.

"(ii) The Committee on Armed Services and the Committee on Education and the Workforce of the House of Representatives.

"(F) The term 'member of the House of Representatives' includes a Delegate or Resident Commissioner to Congress.".

(b) DEFINITION OF DIRECTORY INFORMATION.—Such section is further amended—

(1) by striking paragraph (7) of subsection (b); and

(2) by adding at the end the following new subsection:

"(d) DIRECTORY INFORMATION DEFINED.—In this section, the term 'directory information' has the meaning given that term in subsection (a)(5)(A) of section 444 of the General Education Provisions Act (20 U.S.C. 1232g).".

(c) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "RECRUITING CAMPAIGNS.—" after "(a)"; and

(2) in subsection (b), by inserting "COMPILATION OF DIRECTORY INFORMATION.—" after "(b)".

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2002.

SEC. 564. PILOT PROGRAM TO ENHANCE MILITARY RECRUITING BY IMPROVING MILITARY AWARENESS OF SCHOOL COUNSELORS AND EDUCATORS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to determine if cooperation with military recruiters by local educational agencies and by institutions of higher education could be enhanced by improving the understanding of school counselors and educators about military recruiting and military career opportunities. The pilot program shall be conducted during a three-year period beginning not later than 180 days after the date of the enactment of this Act.

(b) CONDUCT OF PILOT PROGRAM THROUGH PARTICIPATION IN INTERACTIVE INTERNET SITE.—(1) The pilot program shall be conducted by means of participation by the Department of Defense in a qualifying interactive Internet site.

(2) For purposes of this section, a qualifying interactive Internet site is an Internet site in existence as of the date of the enactment of this Act that is designed to provide to employees of local educational agencies and institutions of higher education participating in the Internet site—

(A) systems for communicating;

(B) resources for individual professional development;

(C) resources to enhance individual on-the-job effectiveness; and

(D) resources to improve organizational effectiveness.

(3) Participation in an Internet site by the Department of Defense for purposes of this section shall include—

(A) funding;

(B) assistance; and

(C) access by other Internet site participants to Department of Defense aptitude testing programs, career development information, and other resources, in addition to information on military recruiting and career opportunities.

(c) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing the Secretary's findings and conclusions on the pilot program not later than 180 days after the end of the three-year program period.

Subtitle G—Other Matters

SEC. 571. EXTENSION TO END OF CALENDAR YEAR OF EXPIRATION DATE FOR CERTAIN FORCE DRAWDOWN TRANSITION AUTHORITIES.

(a) EARLY RETIREMENT AUTHORITY FOR ACTIVE FORCE MEMBERS.—Section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended—

(1) in subsection (a), by striking "through fiscal year 1999" and inserting "during the active force drawdown period"; and

(2) in subsection (i), by striking "October 1, 2001" and inserting "December 31, 2001".

(b) SSB AND VSI.—Sections 1174a(h)(1) and 1175(d)(3) of title 10, United States Code, are amended by striking "September 30, 2001" and inserting "December 31, 2001".

(c) SELECTIVE EARLY RETIREMENT BOARDS.—Section 638a(a) of such title is amended by striking "September 30, 2001" and inserting "December 31, 2001".

(d) TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370 of such title is amended by striking "September 30, 2001" in subsections (a)(2)(A) and (d)(5) and inserting "December 31, 2001".

(e) MINIMUM COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b), 6323(a)(2), and 8911(b) of such title are amended by striking "September 30, 2001" and inserting "December 31, 2001".

(f) TRAVEL, TRANSPORTATION, AND STORAGE BENEFITS.—Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, and section 503(c)(1) of the National Defense Authorization Act for Fiscal Year 1991 (37 U.S.C. 406 note) are amended by striking "September 30, 2001" and inserting "December 31, 2001".

(g) EDUCATIONAL LEAVE FOR PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a note) is amended by striking "September 30, 2001" and inserting "December 31, 2001".

(h) TRANSITIONAL HEALTH BENEFITS.—Subsections (a)(1), (c)(1), and (e) of section 1145 of title 10, United States Code, are amended by striking "September 30, 2001" and inserting "December 31, 2001".

(i) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—Section 1146 of such title is amended by striking "September 30, 2001" both places it appears and inserting "December 31, 2001".

(j) TRANSITIONAL USE OF MILITARY HOUSING.—Paragraphs (1) and (2) of section 1147(a) of such title are amended by striking "September 30, 2001" and inserting "December 31, 2001".

(k) CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking "September 30, 2001" and inserting "December 31, 2001".

(l) FORCE REDUCTION TRANSITION PERIOD DEFINED FOR CERTAIN GUARD AND RESERVE BENEFITS.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking "September 30, 2001" and inserting "December 31, 2001".

(m) TEMPORARY SPECIAL AUTHORITY FOR FORCE REDUCTION PERIOD RETIREMENTS.—Section 4416(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681

note) is amended by striking "October 1, 2001" and inserting "the end of the force reduction period".

(n) RETIRED PAY FOR NON-REGULAR SERVICE.—(1) Section 12731(f) of title 10, United States Code, is amended by striking "September 30, 2001" and inserting "December 31, 2001".

(2) Section 12731a of such title is amended—

(A) in subsection (a)(1)(B), by striking "October 1, 2001" and inserting "the end of the period described in subsection (b)"; and

(B) in subsection (b), by striking "October 1, 2001" and inserting "December 31, 2001".

(o) AFFILIATION WITH GUARD AND RESERVE UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section 1150(a) of such title is amended by striking "September 30, 2001" and inserting "December 31, 2001".

(p) RESERVE MONTGOMERY GI BILL.—Section 16133(b)(1)(B) of such title is amended by striking "September 30, 2001" and inserting "December 31, 2001".

SEC. 572. VOLUNTARY SEPARATION INCENTIVE.

(a) AUTHORITY FOR TERMINATION UPON ENTITLEMENT TO RETIRED PAY.—Section 1175(e)(3) of title 10, United States Code, is amended—

(1) inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) If a member is receiving simultaneous voluntary separation incentive payments and retired or retainer pay, the member may elect to terminate the receipt of voluntary separation incentive payments. Any such election is permanent and irrevocable. The rate of monthly recoupment from retired or retainer pay of voluntary separation incentive payments received after such an election shall be reduced by a percentage that is equal to a fraction with a denominator equal to the number of months that the voluntary separation incentive payments were scheduled to be paid and a numerator equal to the number of months that would not be paid as a result of the member's decision to terminate the voluntary separation incentive.".

(b) EFFECTIVE DATE.—Subparagraph (B) of section 1175(e)(3) of title 10, United States Code, as added by subsection (a), shall apply with respect to decisions by members to terminate voluntary separation incentive payments under section 1175 of title 10, United States Code, to be effective after September 30, 2000.

SEC. 573. CONGRESSIONAL REVIEW PERIOD FOR ASSIGNMENT OF WOMEN TO DUTY ON SUBMARINES AND FOR ANY PROPOSED RECONFIGURATION OR DESIGN OF SUBMARINES TO ACCOMMODATE FEMALE CREW MEMBERS.

(a) IN GENERAL.—(1) Chapter 555 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6035. Female members: congressional review period for assignment to duty on submarines or for reconfiguration of submarines

"(a) No change in the Department of the Navy policy limiting service on submarines to males, as in effect on May 10, 2000, may take effect until—

"(1) the Secretary of Defense submits to Congress written notice of the proposed change; and

"(2) a period of 30 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) expires following the date on which the notice is received.

"(b) No funds available to the Department of the Navy may be expended to reconfigure any existing submarine, or to design any new submarine, to accommodate female crew members until—

"(1) the Secretary of Defense submits to Congress written notice of the proposed reconfiguration or design; and

"(2) a period of 30 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) expires following the date on which the notice is received.

"(c) For purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"6035. Female members: congressional review period for assignment to duty on submarines or for reconfiguration of submarines.".

(b) CONFORMING AMENDMENT.—Section 542(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is amended by inserting "or by section 6035 of title 10, United States Code" after "Except in a case covered by subsection (b)".

SEC. 574. MANAGEMENT AND PER DIEM REQUIREMENTS FOR MEMBERS SUBJECT TO LENGTHY OR NUMEROUS DEPLOYMENTS.

(a) APPROVING AUTHORITY FOR LENGTHY DEPLOYMENTS OF MEMBERS.—Subsection (a) of section 991 of title 10, United States Code, is amended—

(1) by striking "unless an officer" in the second sentence of paragraph (1) and all that follows through the period at the end of that sentence and inserting a period and the following: "However, the member may be deployed, or continued in a deployment, without regard to the preceding sentence if such deployment, or continued deployment, is approved—

"(A) in the case of a member who is assigned to a combatant command in a position under the operational control of the officer in that combatant command who is the service component commander for the members of that member's armed force in that combatant command, by that officer; and

"(B) in the case of a member not assigned as described in subparagraph (A), by the service chief of that member's armed force (or, if so designated by that service chief, by an officer of the same armed force on active duty who is in the grade of general or admiral or who is the personnel chief for that armed force)."; and

(2) by adding at the end the following new paragraph:

"(3) In paragraph (1)(B), the term 'service chief' means the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps.".

(b) CLARIFICATION OF DEFINITION OF DEPLOYMENT.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting "or homeport, as the case may be" before the period at the end;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) In the case of a member of a reserve component performing active service, the member shall be considered deployed or in a deployment for the purposes of paragraph (1) on any day on which, pursuant to orders that do not establish a permanent change of station, the member is performing the active service at a location that—

"(A) is not the member's permanent training site; and

"(B) is—

"(i) at least 100 miles from the member's permanent residence; or

"(ii) a lesser distance from the member's permanent residence that, under the circumstances applicable to the member's travel, is a distance that requires at least three hours of travel to traverse."; and

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(C) unavailable solely because of—

"(i) a hospitalization of the member at the member's permanent duty station or homeport or in the immediate vicinity of the member's permanent residence; or

"(ii) a disciplinary action taken against the member.".

(c) ASSOCIATED PER DIEM ALLOWANCE.—Section 435 of title 37, United States Code (as added to that title effective October 1, 2001, by section 586(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 638)) is amended—

(1) in subsection (a), by striking "251 days or more out of the preceding 365 days" and inserting "401 or more days out of the preceding 730 days"; and

(2) in subsection (b), by striking "prescribed under paragraph (3)" and inserting "prescribed under paragraph (4)".

(d) REVIEW OF MANAGEMENT OF DEPLOYMENTS OF INDIVIDUAL MEMBERS.— Not later than March 31, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of section 991 of title 10, United States Code, during fiscal year 2001. The report shall include—

(1) a discussion of the experience in tracking and recording the deployments of members of the Armed Forces; and

(2) any recommendations for revision of such section that the Secretary considers appropriate.

(e) EFFECTIVE DATE.—If this Act is enacted before October 1, 2000, the amendments made by subsections (a) and (b) shall take effect on October 1, 2000, immediately after the amendment made by section 586(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 637) adding section 991 of title 10, United States Code, to such title.

SEC. 575. PAY IN LIEU OF ALLOWANCE FOR FUNERAL HONORS DUTY.

(a) COMPENSATION AT RATE FOR INACTIVE-DUTY TRAINING.—(1) Section 115(b)(2) of title 32, United States Code, is amended to read as follows:

"(2) as directed by the Secretary concerned, either—

"(A) the allowance under section 435 of title 37; or

"(B) compensation under section 206 of title 37.".

(2) Section 12503(b)(2) of title 10, United States Code, is amended to read as follows:

"(2) as directed by the Secretary concerned, either—

"(A) the allowance under section 435 of title 37; or

"(B) compensation under section 206 of title 37.".

(b) CONFORMING REPEAL.—Section 435 of title 37, United States Code, is amended by striking subsection (c).

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to funeral honors duty performed on or after October 1, 2000.

SEC. 576. TEST OF ABILITY OF RESERVE COMPONENT INTELLIGENCE UNITS AND PERSONNEL TO MEET CURRENT AND EMERGING DEFENSE INTELLIGENCE NEEDS.

(a) TEST PROGRAM REQUIRED.—(1) Beginning not later than June 1, 2001, the Secretary of Defense shall conduct a three-year test program of reserve component intelligence units and personnel. The purpose of the test program shall be—

(A) to determine the most effective peacetime structure and operational employment of reserve component intelligence assets for meeting current and future Department of Defense peacetime operational intelligence requirements; and

(B) to establish a means to coordinate and transition that peacetime intelligence operational support network into use for meeting wartime requirements.

(2) The test program shall be carried out using the Joint Reserve Intelligence Program and appropriate reserve component intelligence units and personnel.

(3) In conducting the test program, the Secretary of Defense shall expand the current Joint Reserve Intelligence Program as needed to meet the objectives of the test program.

(b) OVERSIGHT PANEL.—The Secretary shall establish an oversight panel to structure the test program so as to achieve the objectives of the test program, ensure proper funding for the test program, and oversee the conduct and evaluation of the test program. The panel members shall include—

(1) the Assistant Secretary of Defense for Command, Control, Communications and Intelligence;

(2) the Assistant Secretary of Defense for Reserve Affairs; and

(3) representatives from the Defense Intelligence Agency, the Army, Navy, Air Force, and Marine Corps, the Joint Staff, and the combatant commands.

(c) TEST PROGRAM OBJECTIVES.—The test program shall have the following objectives:

(1) To identify the range of peacetime roles and missions that are appropriate for reserve component intelligence units and personnel, including the following missions: counterdrug, counterintelligence, counterterrorism, information operations, information warfare, and other emerging threats.

(2) To recommend a process for justifying and validating reserve component intelligence force structure and manpower to support the peacetime roles and missions identified under paragraph (1) and to establish a means to coordinate and transition that peacetime operational support network and structure into wartime requirements.

(3) To provide, pursuant to paragraphs (1) and (2), the basis for new or revised intelligence and reserve component policy guidelines for the peacetime use, organization, management, infrastructure ,and funding of reserve component intelligence units and personnel.

(4) To determine the most effective structure, organization, manning, and management of Joint Reserve Intelligence Centers to enable them to be both reserve training facilities and virtual collaborative production facilities in support of Department of Defense peacetime operational intelligence requirements.

(5) To determine the most effective uses of technology for virtual collaborative intelligence operational support during peacetime and wartime.

(6) To determine personnel and career management initiatives or modifications that are required to improve the recruiting and retention of personnel in the reserve component intelligence specialties and occupational skills.

(7) To identify and make recommendations for the elimination of statutory prohibitions and barriers to using reserve component intelligence units and individuals to carry out peacetime operational requirements.

(d) REPORTS.—The Secretary of Defense shall submit to Congress—

(1) interim reports on the status of the test program not later than July 1, 2002, and July 1, 2003; and

(2) a final report, with such recommendations for changes as the Secretary considers necessary, not later than December 1, 2004.

SEC. 577. NATIONAL GUARD CHALLENGE PROGRAM.

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Subsection (a) of section 509 of title 32, United States Code, is amended by striking ", acting through the Chief of the National Guard Bureau,".

(b) SOURCES OF FEDERAL SUPPORT.—Subsection (b) of such section is amended—

(1) by inserting "(1)" before "The Secretary of Defense";

(2) by striking ", except that Federal expenditures under the program may not exceed $62,500,000 for any fiscal year"; and

(3) by adding at the end the following new paragraphs:

"(2) The Secretary shall carry out the National Guard Challenge Program using—

"(A) funds appropriated directly to the Secretary of Defense for the program, except that the amount of funds appropriated directly to the Secretary and expended for the program in a fiscal year may not exceed $62,500,000; and

"(B) nondefense funds made available or transferred to the Secretary of Defense by other Federal agencies to support the program.

"(3) Federal funds made available or transferred to the Secretary of Defense under paragraph (2)(B) by other Federal agencies to support the National Guard Challenge Program may be expended for the program in excess of the fiscal year limitation specified in paragraph (2)(A).".

(c) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

"(m) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the National Guard Challenge Program. The regulations shall address at a minimum the following:

"(1) The terms to be included in the program agreements required by subsection (c).

"(2) The qualifications for persons to participate in the program, as required by subsection (e).

"(3) The benefits authorized for program participants, as required by subsection (f).

"(4) The status of National Guard personnel assigned to duty in support of the program under subsection (g).

"(5) The conditions for the use of National Guard facilities and equipment to carry out the program, as required by subsection (h).

"(6) The status of program participants, as described in subsection (i).

"(7) The procedures to be used by the Secretary when communicating with States about the program.".

(d) CONFORMING AMENDMENT.—Section 2033 of title 10, United States Code, is amended by striking "appropriated for" and inserting "appropriated directly to the Secretary of Defense for".

SEC. 578. STUDY OF USE OF CIVILIAN CONTRACTOR PILOTS FOR OPERATIONAL SUPPORT MISSIONS.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the feasibility and cost, as well as the advantages and disadvantages, of using civilian contractor personnel as pilots and other air crew members to fly nonmilitary Government aircraft (referred to as "operational support aircraft") to perform noncombat personnel transportation missions worldwide. In carrying out the study, the Secretary shall consider the views and recommendations of the Chairman of the Joint Chiefs and the other members of the Joint Chiefs of Staff.

(b) MATTERS TO BE INCLUDED.—The study shall, as a minimum—

(1) determine whether use of civilian contractor personnel as pilots and other air crew members for such operational support missions would be a cost effective means of freeing for duty in units with combat and combat support missions those military pilots and other personnel who now perform such operational support missions; and

(2) the effect on retention of military pilots and other personnel if they are no longer required to fly operational support missions.

(c) SUBMISSION OF REPORT.—The Secretary shall submit a report containing the results of the study to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than six months after the date of the enactment of this Act.

SEC. 579. REIMBURSEMENT FOR EXPENSES INCURRED BY MEMBERS IN CONNECTION WITH CANCELLATION OF LEAVE ON SHORT NOTICE.

(a) REIMBURSEMENT AUTHORIZED.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1053 the following new section:

"§ 1053a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement

"(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when the leave is canceled in connection with the member's participation in a contingency operation and the cancellation occurs within 48 hours of the time the leave would have commenced.

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to establish the criteria for the applicability of subsection (a).

"(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.".

(b) EFFECTIVE DATE.—Section 1053a of title 10, United States Code, as added by subsection (a) shall apply with respect to any travel and related expenses incurred by a member in connection with leave canceled after the date of the enactment of this Act.

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of section 1052 of such title is amended to read as follows:

"§ 1052. Adoption expenses: reimbursement".

(2) The heading of section 1053 of such title is amended to read as follows:

"§ 1053. Financial institution charges incurred because of Government error in direct deposit of pay: reimbursement".

(3) The table of sections at the beginning of chapter 53 of such title is amended by striking the items relating to sections 1052 and 1053 and inserting the following:

"1052. Adoption expenses: reimbursement.
"1053. Financial institution charges incurred because of Government error in direct deposit of pay: reimbursement.
"1053a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement.".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2001.
Sec. 602. Additional restructuring of basic pay rates for enlisted members.
Sec. 603. Revised method for calculation of basic allowance for subsistence.
Sec. 604. Family subsistence supplemental allowance for low-income members of the Armed Forces.
Sec. 605. Basic allowance for housing.
Sec. 606. Additional amount available for fiscal year 2001 increase in basic allowance for housing inside the United States.

Sec. 607. Equitable treatment of junior enlisted members in computation of basic allowance for housing.

Sec. 608. Eligibility of members in grade E–4 to receive basic allowance for housing while on sea duty.

Sec. 609. Personal money allowance for senior enlisted members of the Armed Forces.

Sec. 610. Increased uniform allowances for officers.

Sec. 611. Cabinet-level authority to prescribe requirements and allowance for clothing of enlisted members.

Sec. 612. Increase in monthly subsistence allowance for members of precommissioning programs.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 621. Extension of certain bonuses and special pay authorities for reserve forces.

Sec. 622. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.

Sec. 623. Extension of authorities relating to payment of other bonuses and special pays.

Sec. 624. Revision of enlistment bonus authority.

Sec. 625. Consistency of authorities for special pay for reserve medical and dental officers.

Sec. 626. Elimination of required congressional notification before implementation of certain special pay authority.

Sec. 627. Special pay for physician assistants of the Coast Guard.

Sec. 628. Authorization of special pay and accession bonus for pharmacy officers.

Sec. 629. Correction of references to Air Force veterinarians.

Sec. 630. Career sea pay.

Sec. 631. Increased maximum rate of special duty assignment pay.

Sec. 632. Entitlement of members of the National Guard and other reserves not on active duty to receive special duty assignment pay.

Sec. 633. Authorization of retention bonus for members of the Armed Forces qualified in a critical military skill.

Sec. 634. Entitlement of active duty officers of the Public Health Service Corps to special pays and bonuses of health professional officers of the Armed Forces.

Subtitle C—Travel and Transportation Allowances

Sec. 641. Advance payments for temporary lodging of members and dependents.

Sec. 642. Additional transportation allowance regarding baggage and household effects.

Sec. 643. Incentive for shipping and storing household goods in less than average weights.

Sec. 644. Equitable dislocation allowances for junior enlisted members.

Sec. 645. Authority to reimburse military recruiters, Senior ROTC cadre, and military entrance processing personnel for certain parking expenses.

Sec. 646. Expansion of funded student travel for dependents.

Subtitle D—Retirement and Survivor Benefit Matters

Sec. 651. Exception to high-36 month retired pay computation for members retired following a disciplinary reduction in grade.

Sec. 652. Increase in maximum number of Reserve retirement points that may be credited in any year.

Sec. 653. Retirement from active reserve service after regular retirement.

Sec. 654. Same treatment for Federal judges as for other Federal officials regarding payment of military retired pay.

Sec. 655. Reserve component Survivor Benefit Plan spousal consent requirement.

Sec. 656. Sense of Congress on increasing Survivor Benefit Plan annuities for surviving spouses age 62 or older.

Sec. 657. Revision to special compensation authority to repeal exclusion of uniformed services retirees in receipt of disability retired pay.

Subtitle E—Other Matters

Sec. 661. Participation in Thrift Savings Plan.

Sec. 662. Determinations of income eligibility for special supplemental food program.

Sec. 663. Billeting services for reserve members traveling for inactive-duty training.

Sec. 664. Settlement of claims for payments for unused accrued leave and for retired pay.

Sec. 665. Additional benefits and protections for personnel incurring injury, illness, or disease in the performance of funeral honors duty.

Sec. 666. Authority for extension of deadline for filing claims associated with capture and internment of certain persons by North Vietnam.

Sec. 667. Back pay for members of the Navy and Marine Corps selected for promotion while interned as prisoners of war during World War II.

Sec. 668. Sense of Congress concerning funding for reserve components.

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.

(a) Waiver of Section 1009 Adjustment.—The adjustment to become effective during fiscal year 2001 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) Increase in Basic Pay.—Effective on January 1, 2001, the rates of monthly basic pay for members of the uniformed services are increased by 3.7 percent.

SEC. 602. ADDITIONAL RESTRUCTURING OF BASIC PAY RATES FOR ENLISTED MEMBERS.

(a) Minimum Pay Increases for Mid-Level Enlisted Grades.—(1) Subject to paragraph (2), effective on July 1, 2001, the rates of monthly basic pay for enlisted members of the Armed Forces in the pay grades E–7, E–6, and E–5 shall be as follows:

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–7	1,831.20	1,999.20	2,075.10	2,149.80	2,228.10
E–6	1,575.00	1,740.30	1,817.40	1,891.80	1,969.80
E–5	1,381.80	1,549.20	1,623.90	1,701.00	1,779.30

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
E–7	2,362.20	2,437.80	2,512.80	2,588.10	2,666.10
E–6	2,097.30	2,174.10	2,248.80	2,325.00	2,379.60
E–5	1,888.50	1,962.90	2,040.30	2,040.30	2,040.30

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
E–7	2,742.00	2,817.90	2,949.60	3,034.80	3,250.50
E–6	2,421.30	2,421.30	2,421.30	2,421.30	2,421.30
E–5	2,040.30	2,040.30	2,040.30	2,040.30	2,040.30

(2) The amounts specified in the table in paragraph (1) are subject to such revision as the Secretary of Defense and the Secretary of Transportation may prescribe under subsection (b)(1)(A).

(b) Secretarial Authority to Further Revise.—(1) To ensure the efficient and effective operation of the military pay system, the Secretary of Defense, and the Secretary of Transportation with regard to the Coast Guard, may—

(A) further increase any of the amounts specified in the table in subsection (a) for enlisted members of the Armed Forces in the pay grades E–7, E–6, and E–5; and

(B) increase any of the amounts specified for other enlisted members in the table under the heading "ENLISTED MEMBERS" in section 601(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 648), as adjusted on January 1, 2001, pursuant to section 601(b) of this Act.

(2) The revisions in monthly basic pay made by the Secretary of Defense and the Secretary of Transportation under paragraph (1) shall take effect on July 1, 2001, but only if the Secretaries also comply with paragraph (3).

(3) If the Secretary of Defense or the Secretary of Transportation exercises the authority provided by paragraph (1), the Secretaries shall include, in the budget justification materials submitted to Congress in support of the President's

budget submitted under section 1105 of title 31, United States Code, for fiscal year 2002—

(A) a revised pay table for enlisted members of the Armed Forces to reflect the increases in monthly basic pay to take effect on July 1, 2001; and

(B) a description of the various increases made and the reasons therefor.

SEC. 603. REVISED METHOD FOR CALCULATION OF BASIC ALLOWANCE FOR SUBSISTENCE.

(a) ANNUAL REVISION OF RATE.—Subsection (b) of section 402 of title 37, United States Code, is amended—

(1) in paragraph (1), by striking "The monthly rate" and inserting "Through December 31, 2001, the monthly rate";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) On and after January 1, 2002, the monthly rate of basic allowance for subsistence to be in effect for an enlisted member for a year (beginning on January 1 of that year) shall be equal to the sum of—

"(A) the monthly rate of basic allowance for subsistence that was in effect for an enlisted member for the preceding year; plus

"(B) the product of the monthly rate under subparagraph (A) and the percentage increase in the monthly cost of a liberal food plan for a male in the United States who is between 20 and 50 years of age over the preceding fiscal year, as determined by the Secretary of Agriculture each October 1.".

(b) CONFORMING AMENDMENT.—Subsection (d)(1) of such section is amended by striking "established under subsection (b)(1)" and inserting "in effect under paragraph (1) or (2) of subsection (b)".

(c) EARLY TERMINATION OF BAS TRANSITIONAL AUTHORITY.—Effective October 1, 2001, subsections (c) through (f) of section 602 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 402 note) are repealed.

SEC. 604. FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE FOR LOW-INCOME MEMBERS OF THE ARMED FORCES.

(a) SUPPLEMENTAL ALLOWANCE REQUIRED.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

"§402a. Supplemental subsistence allowance for low-income members with dependents

"(a) SUPPLEMENTAL ALLOWANCE REQUIRED.—(1) The Secretary concerned shall increase the basic allowance for subsistence to which a member of the armed forces described in subsection (b) is otherwise entitled under section 402 of this title by an amount (in this section referred to as the 'supplemental subsistence allowance') designed to remove the member's household from eligibility for benefits under the food stamp program.

"(2) The supplemental subsistence allowance may not exceed $500 per month. In establishing the amount of the supplemental subsistence allowance to be paid an eligible member under this paragraph, the Secretary shall take into consideration the amount of the basic allowance for housing that the member receives under section 403 of this title or would otherwise receive under such section, in the case of a member who is not entitled to that allowance as a result of assignment to quarters of the United States or a housing facility under the jurisdiction of a uniformed service.

"(3) In the case of a member described in subsection (b) who establishes to the satisfaction of the Secretary concerned that the allotment of the member's household under the food stamp program, calculated in the absence of the supplemental subsistence allowance, would exceed the amount established by the Secretary concerned under paragraph (2), the amount of the supplemental subsistence allowance for the member shall be equal to the lesser of the following:

"(A) The value of that allotment.

"(B) $500.

"(b) MEMBERS ENTITLED TO ALLOWANCE.—(1) Subject to subsection (d), a member of the armed forces is entitled to receive the supplemental subsistence allowance if the Secretary concerned determines that the member's income, together with the income of the rest of the member's household (if any), is within the highest income standard of eligibility, as then in effect under section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) and without regard to paragraph (1) of such section, for participation in the food stamp program.

"(2) In determining whether a member meets the eligibility criteria under paragraph (1), the Secretary—

"(A) shall not take into consideration the amount of the supplemental subsistence allowance payable under this section; but

"(B) shall take into consideration the amount of the basic allowance for housing that the member receives under section 403 of this title or would otherwise receive under such section, in the case of a member who is not entitled to that allowance as a result of assignment to quarters of the United States or a housing facility under the jurisdiction of a uniformed service.

"(c) APPLICATION FOR ALLOWANCE.—To request the supplemental subsistence allowance, a member shall submit an application to the Secretary concerned in such form and containing such information as the Secretary concerned may prescribe. A member applying for the supplemental subsistence allowance shall furnish such evidence regarding the member's satisfaction of the eligibility criteria under subsection (b) as the Secretary concerned may require.

"(d) EFFECTIVE PERIOD.—The entitlement of a member to receive the supplemental subsistence allowance terminates upon the occurrence of any of the following events, even though the member continues to meet the eligibility criteria described in subsection (b):

"(1) Payment of the supplemental subsistence allowance for 12 consecutive months.

"(2) Promotion of the member to a higher grade.

"(3) Transfer of the member in a permanent change of station.

"(e) REAPPLICATION.—Upon the termination of the effective period of the supplemental subsistence allowance for a member, or in anticipation of the imminent termination of the allowance, a member may reapply for the allowance under subsection (c), and the Secretary concerned shall approve the application and resume payment of the allowance to the member, if the member continues to meet, or once again meets, the eligibility criteria described in subsection (b).

"(f) REPORTING REQUIREMENT.—Not later than March 1 of each year after 2001, the Secretary of Defense shall submit to Congress a report specifying the number of members of the armed forces who received, at any time during the preceding year, the supplemental subsistence allowance. In preparing the report, the Secretary of Defense shall consult with the Secretary of Transportation. No report is required under this subsection after March 1, 2006.

"(g) DEFINITIONS.—In this section:

"(1) The term 'Secretary concerned' means—

"(A) the Secretary of Defense; and

"(B) the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy.

"(2) The terms 'allotment' and 'household' have the meanings given those terms in section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012).

"(3) The term 'food stamp program' means the program established pursuant to section 4 of the Food Stamp Act of 1977 (7 U.S.C. 2013).

"(h) TERMINATION OF AUTHORITY.—No supplemental subsistence allowance may be provided under this section after September 30, 2006.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

"402a. Supplemental subsistence allowance for low-income members with dependents.".

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month that begins not less than 180 days after the date of the enactment of this Act.

SEC. 605. BASIC ALLOWANCE FOR HOUSING.

(a) CALCULATION OF RATES.—Subsection (b) of section 403 of title 37, United States Code, is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (1) as paragraph (2); and

(3) by inserting after the subsection heading the following: "(1) The Secretary of Defense shall prescribe the rates of the basic allowance for housing that are applicable for the various military housing areas in the United States. The rates for an area shall be based on the costs of adequate housing determined for the area under paragraph (2).".

(b) MINIMUM ANNUAL AMOUNT AVAILABLE FOR HOUSING ALLOWANCES.—Subsection (b) of such section is further amended—

(1) by striking paragraphs (3) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) The total amount that may be paid for a fiscal year for the basic allowance for housing under this subsection may not be less than the product of—

"(A) the total amount authorized to be paid for such allowance for the preceding fiscal year; and

"(B) a fraction—

"(i) the numerator of which is the index of the national average monthly cost of housing for June of the preceding fiscal year; and

"(ii) the denominator of which is the index of the national average monthly cost of housing for June of the second preceding fiscal year.".

(c) LIMITATIONS ON REDUCTION IN MEMBER'S ALLOWANCE.—(1) Paragraph (6) of such subsection is amended by striking ", changes in the national average monthly cost of housing,".

(2) Paragraph (7) of such subsection is amended by striking "without dependents".

(d) ALLOWANCE WHEN DEPENDENTS ARE UNABLE TO ACCOMPANY MEMBERS.—Subsection (d) of such section is amended by striking paragraph (3) and inserting the following new paragraph:

"(3) If a member with dependents is assigned to duty in an area that is different from the area in which the member's dependents reside, the member is entitled to a basic allowance for housing as provided in subsection (b) or (c), whichever applies to the member, subject to the following:

"(A) If the member's assignment to duty in that area, or the circumstances of that assignment, require the member's dependents to reside in a different area, as determined by the Secretary concerned, the amount of the basic allowance for housing for the member shall be based on the area in which the dependents reside or the member's last duty station, whichever the Secretary concerned determines to be most equitable.

"(B) If the member's assignment to duty in that area is under the conditions of a low-cost or no-cost permanent change of station or permanent change of assignment, the amount of

the basic allowance for housing for the member shall be based on the member's last duty station if the Secretary concerned determines that it would be inequitable to base the allowance on the cost of housing in the area to which the member is reassigned.".

(e) EXTENSION OF TRANSITION PERIOD.—Section 603(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 403 note) is amended by striking "six years" and inserting "eight years".

(f) EFFECTIVE DATE; APPLICATION.—(1) The amendments made by this section shall take effect on October 1, 2000.

(2) In the case of the amendment made by subsection (c)(2), the amendment shall apply with respect to pay periods beginning on and after October 1, 2000, for a member of the uniformed services covered by the provision of law so amended regardless of the date on which the member was first reassigned to duty under the conditions of a low-cost or no-cost permanent change of station or permanent change of assignment.

(3) In the case of the amendment made by subsection (d), the amendment shall apply with respect to pay periods beginning on and after October 1, 2000, for a member of the uniformed services covered by the provision of law so amended regardless of the date on which the member was first assigned to duty in an area that is different from the area in which the member's dependents reside.

SEC. 606. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL YEAR 2001 INCREASE IN BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.

In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code, as amended by section 605(b), to be the total amount to be paid during fiscal year 2001 for the basic allowance for housing for military housing areas inside the United States, $30,000,000 of the amount authorized to be appropriated by section 421 for military personnel shall be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.

SEC. 607. EQUITABLE TREATMENT OF JUNIOR ENLISTED MEMBERS IN COMPUTATION OF BASIC ALLOWANCE FOR HOUSING.

(a) DETERMINATION OF COSTS OF ADEQUATE HOUSING.—Paragraph (2) of subsection (b) of section 403 of title 37, United States Code, as redesignated by section 605(a)(2), is amended by adding at the end the following new sentence: "After June 30, 2001, the Secretary may not differentiate between members with dependents in pay grades E–1 through E–4 in determining what constitutes adequate housing for members.".

(b) SINGLE RATE; MINIMUM.—Subsection (b) of such section, as amended by section 605(b)(1), is amended by inserting after paragraph (4) the following new paragraph:

"(5) On and after July 1, 2001, the Secretary of Defense shall establish a single monthly rate for members of the uniformed services with dependents in pay grades E–1 through E–4 in the same military housing area. The rate shall be consistent with the rates paid to members in pay grades other than pay grades E–1 through E–4 and shall be based on the following:

"(A) The average cost of a two-bedroom apartment in that military housing area.

"(B) One-half of the difference between the average cost of a two-bedroom townhouse in that area and the amount determined in subparagraph (A).".

SEC. 608. ELIGIBILITY OF MEMBERS IN GRADE E–4 TO RECEIVE BASIC ALLOWANCE FOR HOUSING WHILE ON SEA DUTY.

(a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of section 403 of title 37, United States Code, is amended—

(1) by striking "E–5" in the first sentence and inserting "E–4 or E–5"; and

(2) by striking "grade E–5" in the second sentence and inserting "grades E–4 and E–5".

(b) CONFORMING AMENDMENT.—Subsection (m)(1)(B) of such section is amended by striking "E–4" and inserting "E–3".

SEC. 609. PERSONAL MONEY ALLOWANCE FOR SENIOR ENLISTED MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY.—Section 414 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(c) ALLOWANCE FOR SENIOR ENLISTED MEMBERS.—In addition to other pay or allowances authorized by this title, a noncommissioned officer is entitled to a personal money allowance of $2,000 a year while serving as the Sergeant Major of the Army, the Master Chief Petty Officer of the Navy, the Chief Master Sergeant of the Air Force, the Sergeant Major of the Marine Corps, or the Master Chief Petty Officer of the Coast Guard.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "ALLOWANCE FOR OFFICERS SERVING IN CERTAIN RANKS OR POSITIONS.—" after "(a)"; and

(2) in subsection (b), by inserting "ALLOWANCE FOR CERTAIN NAVAL OFFICERS.—" after "(b)".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 610. INCREASED UNIFORM ALLOWANCES FOR OFFICERS.

(a) INITIAL ALLOWANCE.—Section 415(a) of title 37, United States Code, is amended by striking "$200" and inserting "$400".

(b) ADDITIONAL ALLOWANCE.—Section 416(a) of such title is amended by striking "$100" and inserting "$200".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 611. CABINET-LEVEL AUTHORITY TO PRESCRIBE REQUIREMENTS AND ALLOWANCE FOR CLOTHING OF ENLISTED MEMBERS.

Section 418 of title 37, United States Code, is amended—

(1) in subsection (a), by striking "The President" and inserting "The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy,"; and

(2) in subsection (b), by striking "the President" and inserting "the Secretary of Defense".

SEC. 612. INCREASE IN MONTHLY SUBSISTENCE ALLOWANCE FOR MEMBERS OF PRECOMMISSIONING PROGRAMS.

(a) PAY RATES FOR CADETS AND MIDSHIPMEN.—Section 203(c) of title 37, United States Code, is amended by striking "at the rate of $600.00." and inserting "at the monthly rate equal to 35 percent of the basic pay of a commissioned officer in the pay grade O–1 with less than two years of service.".

(b) SUBSISTENCE ALLOWANCE RATES.—Subsection (a) of section 209 of such title is amended—

(1) by inserting "(1)" before "Except";

(2) by striking "subsistence allowance of $200 a month" and inserting "monthly subsistence allowance at a rate prescribed under paragraph (2)";

(3) by striking "Subsistence" and inserting the following:

"(3) A subsistence"; and

(4) by inserting after the first sentence the following:

"(2) The Secretary of Defense shall prescribe by regulation the monthly rates for subsistence allowances provided under this section. The rate may not be less than $250 per month, but may not exceed $674 per month.".

(c) CONFORMING AND STYLISTIC AMENDMENTS.—Section 209 of such title is further amended—

(1) in subsection (a), by inserting "SENIOR ROTC MEMBERS IN ADVANCED TRAINING.—" after "(a)";

(2) in subsection (b)—

(A) by inserting "SENIOR ROTC MEMBERS APPOINTED IN RESERVES.—" after "(b)"; and

(B) by striking "in the amount provided in subsection (a)" and inserting "at a rate prescribed under subsection (a)";

(3) in subsection (c), by inserting "PAY WHILE ATTENDING TRAINING OR PRACTICE CRUISE.—" after "(c)" the first place it appears; and

(4) in subsection (d)—

(A) by inserting "MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAM.—" after "(d)"; and

(B) by striking "the same rate as that prescribed by subsection (a)," and inserting "a monthly rate prescribed under subsection (a)".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect October 1, 2001.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 621. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 2000" and inserting "December 31, 2001".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2001" and inserting "January 1, 2002".

SEC. 622. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2000" and inserting "December 31, 2001".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United

States Code, is amended by striking "December 31, 2000" and inserting "December 31, 2001".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 2000" and inserting "December 31, 2001".

SEC. 623. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2000," and inserting "December 31, 2001,".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".

(c) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".

(d) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".

(e) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".

SEC. 624. REVISION OF ENLISTMENT BONUS AUTHORITY.

(a) BONUS AUTHORIZED.—(1) Title 37, United States Code, is amended by inserting after section 308i the following new section:

"§309. Special pay: enlistment bonus

"(a) BONUS AUTHORIZED; BONUS AMOUNT.—A person who enlists in an armed force for a period of at least 2 years may be paid a bonus in an amount not to exceed $20,000. The bonus may be paid in a single lump sum or in periodic installments.

"(b) REPAYMENT OF BONUS.—(1) A member of the armed forces who voluntarily, or because of the member's misconduct, does not complete the term of enlistment for which a bonus was paid under this section, or a member who is not technically qualified in the skill for which the bonus was paid, if any (other than a member who is not qualified because of injury, illness, or other impairment not the result of the member's misconduct), shall refund to the United States that percentage of the bonus that the unexpired part of member's enlistment is of the total enlistment period for which the bonus was paid.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving the bonus from the debt arising under paragraph (1).

"(c) RELATION TO PROHIBITION ON BOUNTIES.—The enlistment bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

"(d) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

"(e) DURATION OF AUTHORITY.—No bonus shall be paid under this section with respect to any enlistment in the armed forces made after December 31, 2001.".

(2) The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 308i the following new item:

"309. Special pay: enlistment bonus.".

(b) REPEAL OF SUPERSEDED ENLISTMENT BONUS AUTHORITIES.—(1) Sections 308a and 308f of title 37, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the items relating to such sections.

(c) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall take effect on October 1, 2000, and apply with respect to enlistments in the Armed Forces made on or after that date.

(2) The amendments made by subsection (b) shall take effect on October 1, 2000. The repeal of sections 308a and 308f of title 37, United States Code, by such subsection shall not affect the validity or terms of any bonus provided under such sections for enlistments in the Armed Forces made before that date.

SEC. 625. CONSISTENCY OF AUTHORITIES FOR SPECIAL PAY FOR RESERVE MEDICAL AND DENTAL OFFICERS.

(a) CONSISTENT DESCRIPTIONS OF ACTIVE DUTY.—Section 302(h)(1) of title 37, United States Code, is amended by inserting before the period at the end the following: ", including active duty in the form of annual training, active duty for training, and active duty for special work".

(b) RELATION TO OTHER SPECIAL PAY AUTHORITIES.—Subsection (d) of section 302f of such title is amended to read as follows:

"(d) SPECIAL RULE FOR RESERVE MEDICAL AND DENTAL OFFICERS.—While a reserve medical or dental officer receives a special pay under section 302 or 302b of this title by reason of subsection (a), the officer shall not be entitled to special pay under section 302(h) or 302b(h) of this title.".

SEC. 626. ELIMINATION OF REQUIRED CONGRESSIONAL NOTIFICATION BEFORE IMPLEMENTATION OF CERTAIN SPECIAL PAY AUTHORITY.

(a) RETENTION SPECIAL PAY FOR OPTOMETRISTS.—(1) Section 302a(b)(1) of title 37, United States Code, is amended by striking "an officer described in paragraph (2) may be paid" and inserting "the Secretary concerned may pay an officer described in paragraph (2) a".

(2) Section 617 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 302a note) is amended by striking subsection (b).

(b) SPECIAL PAY FOR OFFICERS IN NURSING SPECIALTIES.—(1) Section 302e(b)(2)(A) of title 37, United States Code, is amended by striking "the Secretary" and inserting "the Secretary of the military department concerned".

(2) Section 614 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 302e note) is amended by striking subsection (c).

SEC. 627. SPECIAL PAY FOR PHYSICIAN ASSISTANTS OF THE COAST GUARD.

Section 302c(d)(1) of title 37, United States Code, is amended by inserting after "nurse," the following: "an officer of the Coast Guard or Coast Guard Reserve designated as a physician assistant,".

SEC. 628. AUTHORIZATION OF SPECIAL PAY AND ACCESSION BONUS FOR PHARMACY OFFICERS.

(a) AUTHORIZATION OF SPECIAL PAY AND BONUS.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302h the following new sections:

"§302i. Special pay: pharmacy officers

"(a) ARMY, NAVY, AND AIR FORCE PHARMACY OFFICERS.—Under regulations prescribed pursuant to section 303a of this title, the Secretary of the military department concerned may, subject to subsection (c), pay special pay at the rates specified in subsection (d) to an officer who—

"(1) is a pharmacy officer in the Medical Service Corps of the Army or Navy or the Biomedical Sciences Corps of the Air Force; and

"(2) is on active duty under a call or order to active duty for a period of not less than one year.

"(b) PUBLIC HEALTH SERVICE CORPS.—Subject to subsection (c), the Secretary of Health and Human Services may pay special pay at the rates specified in subsection (d) to an officer who—

"(1) is an officer in the Regular or Reserve Corps of the Public Health Service and is designated as a pharmacy officer; and

"(2) is on active duty under a call or order to active duty for a period of not less than one year.

"(c) LIMITATION.—Special pay may not be paid under this section to an officer serving in a pay grade above pay grade O–6.

"(d) RATE OF SPECIAL PAY.—The rate of special pay paid to an officer under subsection (a) or (b) is as follows:

"(1) $3,000 per year, if the officer is undergoing pharmacy internship training or has less than 3 years of creditable service.

"(2) $7,000 per year, if the officer has at least 3 but less than 6 years of creditable service and is not undergoing pharmacy internship training.

"(3) $7,000 per year, if the officer has at least 6 but less than 8 years of creditable service.

"(4) $12,000 per year, if the officer has at least 8 but less than 12 years of creditable service.

"(5) $10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

"(6) $9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

"(7) $8,000 per year, if the officer has 18 or more years of creditable service.

"§302j. Special pay: accession bonus for pharmacy officers

"(a) ACCESSION BONUS AUTHORIZED.—A person who is a graduate of an accredited pharmacy school and who, during the period beginning on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and ending on September 30, 2004, executes a written agreement described in subsection (c) to accept a commission as an officer of a uniformed service and remain on active duty for a period of not less than 4 years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

"(b) LIMITATION ON AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $30,000.

"(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

"(1) the person, in exchange for an agreement to accept an appointment as a warrant or commissioned officer, received financial assistance from the Department of Defense or the Department of Health and Human Services to pursue a course of study in pharmacy; or

"(2) the Secretary concerned determines that the person is not qualified to become and remain licensed as a pharmacist.

"(d) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the uniformed service concerned, the person executing the agreement shall be assigned to duty, for the period of obligated service covered by the agreement, as a pharmacy officer in the Medical Service Corps of the Army or Navy, a biomedical sciences officer in the Air Force designated as a pharmacy officer, or a pharmacy officer of the Public Health Service.

"(e) REPAYMENT.—(1) An officer who receives a payment under subsection (a) and who fails to become and remain licensed as a pharmacist during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.

"(2) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

"(3) An obligation to reimburse the United States under paragraph (1) or (2) is for all purposes a debt owed to the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.".

(b) ADMINISTRATION.—Section 303a of title 37, United States Code, is amended by striking "302h" each place it appears and inserting "302j".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302h the following new items:

"302i. Special pay: pharmacy officers.
"302j. Special pay: accession bonus for pharmacy officers.".

SEC. 629. CORRECTION OF REFERENCES TO AIR FORCE VETERINARIANS.

Section 303(a) of title 37, United States Code, is amended—

(1) in paragraph (1)(B), by striking "who is designated as a veterinary officer" and inserting "who is an officer in the Biomedical Sciences Corps and holds a degree in veterinary medicine"; and

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) of a reserve component of the Air Force, of the Army or the Air Force without specification of component, or of the National Guard, who—

"(i) is designated as a veterinary officer; or

"(ii) is an officer in the Biomedical Sciences Corps of the Air Force and holds a degree in veterinary medicine; or".

SEC. 630. CAREER SEA PAY.

(a) REFORM OF AUTHORITIES.—Section 305a of title 37, United States Code, is amended—

(1) in subsection (a), by striking "(a) Under regulations prescribed by the President, a member" and inserting "(a) AVAILABILITY OF SPECIAL PAY.—A member";

(2) by redesignating subsection (d) as subsection (e); and

(3) by striking subsections (b) and (c) and inserting the following new subsections:

"(b) RATES; MAXIMUM.—The Secretary concerned shall prescribe the monthly rates for special pay applicable to members of each armed force under the Secretary's jurisdiction. No monthly rate may exceed $750.

"(c) PREMIUM.—A member of a uniformed service entitled to career sea pay under this section who has served 36 consecutive months of sea duty is also entitled to a career sea pay premium for the thirty-seventh consecutive month and each subsequent consecutive month of sea duty served by such member. The monthly amount of the premium shall be prescribed by the Secretary concerned, but may not exceed $350.

"(d) REGULATIONS.—The Secretary concerned shall prescribe regulations for the administration of this section for the armed force or armed forces under the jurisdiction of the Secretary. The entitlements under this section shall be subject to the regulations.".

(b) STYLISTIC AMENDMENT.—Subsection (e) of such section, as redesignated by subsection (a)(2), is amended by inserting before "(1)" in paragraph (1) the following: "DEFINITION OF SEA DUTY.—".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000, and shall apply with respect to months beginning on or after that date.

SEC. 631. INCREASED MAXIMUM RATE OF SPECIAL DUTY ASSIGNMENT PAY.

Section 307(a) of title 37, United States Code, is amended—

(1) by striking "$275" and inserting "$600"; and

(2) by striking the second sentence.

SEC. 632. ENTITLEMENT OF MEMBERS OF THE NATIONAL GUARD AND OTHER RESERVES NOT ON ACTIVE DUTY TO RECEIVE SPECIAL DUTY ASSIGNMENT PAY.

(a) AUTHORITY.—Section 307 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Under regulations prescribed by the Secretary concerned and to the extent provided for by appropriations, when an enlisted member of the National Guard or a reserve component of a uniformed service who is entitled to compensation under section 206 of this title performs duty for which a member described in subsection (a) is entitled to special pay under such subsection, the member of the National Guard or reserve component is entitled to an increase in compensation equal to 1/30 of the monthly special duty assignment pay prescribed by the Secretary concerned for the performance of that same duty by members described in subsection (a).

"(2) A member of the National Guard or a reserve component entitled to an increase in compensation under paragraph (1) is entitled to the increase—

"(A) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday; or

"(B) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

"(3) This subsection does not apply to a member of the National Guard or a reserve component who is entitled to basic pay under section 204 of this title.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2000.

SEC. 633. AUTHORIZATION OF RETENTION BONUS FOR MEMBERS OF THE ARMED FORCES QUALIFIED IN A CRITICAL MILITARY SKILL.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§323. Special pay: retention incentives for members qualified in a critical military skill

"(a) RETENTION BONUS AUTHORIZED.—An officer or enlisted member of the armed forces who is serving on active duty and is qualified in a designated critical military skill may be paid a retention bonus as provided in this section if—

"(1) in the case of an officer, the member executes a written agreement to remain on active duty for at least 1 year; or

"(2) in the case of an enlisted member, the member reenlists or voluntarily extends the member's enlistment for a period of at least 1 year.

"(b) DESIGNATION OF CRITICAL SKILLS.—(1) A designated critical military skill referred to in subsection (a) is a military skill designated as critical by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"(2) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall notify Congress, in advance, of each military skill to be designated by the Secretary as critical for purposes of this section. The notice shall be submitted at least 90 days before any bonus with regard to that critical skill is offered under subsection (a) and shall include a discussion of the necessity for the bonus, the amount and method of payment of the bonus, and the retention results that the bonus is expected to achieve.

"(c) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum or in periodic installments.

"(d) MAXIMUM BONUS AMOUNT.—A member may enter into an agreement under this section, or reenlist or voluntarily extend the member's enlistment, more than once to receive a bonus under this section. However, a member may not receive a total of more than $200,000 in payments under this section.

"(e) CERTAIN MEMBERS INELIGIBLE.—A retention bonus may not be provided under subsection (a) to a member of the armed forces who—

"(1) has completed more than 25 years of active duty; or

"(2) will complete the member's twenty-fifth year of active duty before the end of the period of active duty for which the bonus is being offered.

"(f) RELATIONSHIP TO OTHER INCENTIVES.—A retention bonus paid under this section is in addition to any other pay and allowances to which a member is entitled.

"(g) REPAYMENT OF BONUS.—(1) If an officer who has entered into a written agreement under subsection (a) fails to complete the total period of active duty specified in the agreement, or an enlisted member who voluntarily or because of misconduct does not complete the term of enlistment for which a bonus was paid under this section, the Secretary of Defense, and the Secretary of Transportation with respect to members of the Coast Guard when it is not operating as a service in the Navy, may require the member to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the member from a debt arising under paragraph (2).

"(h) ANNUAL REPORT.—Not later than February 15 of each year, the Secretary of Defense and the Secretary of Transportation shall submit to Congress a report—

"(1) analyzing the effect, during the preceding fiscal year, of the provision of bonuses under this section on the retention of members qualified in the critical military skills for which the bonuses were offered; and

"(2) describing the intentions of the Secretary regarding the continued use of the bonus authority during the current and next fiscal years.

"(i) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any reenlistment, or voluntary extension of an enlistment, in the armed forces entered into after December 31, 2001, and no agreement under this section may be entered into after that date.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"323. Special pay: retention incentives for members qualified in a critical military skill.".

(b) EFFECTIVE DATE.—Section 323 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.

SEC. 634. ENTITLEMENT OF ACTIVE DUTY OFFICERS OF THE PUBLIC HEALTH SERVICE CORPS TO SPECIAL PAYS AND BONUSES OF HEALTH PROFESSIONAL OFFICERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 303a of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) Except as provided in paragraph (2) or as otherwise provided under a provision of this chapter, a commissioned officer in the Regular or Reserve Corps of the Public Health Service is entitled to special pay under a provision of this chapter in the same amounts, and under the same terms and conditions, as a commissioned officer of the armed forces is entitled to special pay under that provision.

"(2) A commissioned medical officer in the Regular or Reserve Corps of the Public Health Service (other than an officer serving in the Indian Health Service) may not receive additional special pay under section 302(a)(4) of this title for any period during which the officer is providing obligated service under the following provisions of law:

"(A) Section 338B of the Public Health Service Act (42 U.S.C. 254l–1).

"(B) Section 225(e) of the Public Health Service Act, as that section was in effect before 1, 1977.

"(C) Section 752 of the Public Health Service Act, as that section was in effect between October 1, 1977, and August 13, 1981.".

(b) REPEAL OF SUPERSEDED PROVISIONS.—Section 208(a) of the Public Health Service Act (42 U.S.C. 210(a)) is amended—

(1) by striking paragraphs (2) and (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) For provisions relating to the receipt of special pay by commissioned officers of the Regular and Reserve Corps while on active duty, see section 303a(b) of title 37, United States Code.".

Subtitle C—Travel and Transportation Allowances

SEC. 641. ADVANCE PAYMENTS FOR TEMPORARY LODGING OF MEMBERS AND DEPENDENTS.

(a) SUBSISTENCE EXPENSES.— Section 404a of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

(2) by striking subsection (a) and inserting the following:

"(a) PAYMENT OR REIMBURSEMENT OF SUBSISTENCE EXPENSES.—(1) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station described in paragraph (2) shall be paid or reimbursed for subsistence expenses of the member and the member's dependents for the period (subject to subsection (c)) for which the member and dependents occupy temporary quarters incident to that change of permanent station.

"(2) Paragraph (1) applies to the following:

"(A) A permanent change of station from any duty station to a duty station in the United States (other than Hawaii or Alaska).

"(B) A permanent change of station from a duty station in the United States (other than Hawaii or Alaska) to a duty station outside the United States or in Hawaii or Alaska.

"(C) In the case of an enlisted member who is reporting to the member's first permanent duty station, the change from the member's home of record or initial technical school to that first permanent duty station.

"(b) PAYMENT IN ADVANCE.—The Secretary concerned may make any payment for subsistence expenses to a member under this section in advance of the member actually incurring the expenses. The amount of an advance payment made to a member shall be computed on the basis of the Secretary's determination of the average number of days that members and their dependents occupy temporary quarters under the circumstances applicable to the member and the member's dependents.

"(c) MAXIMUM PAYMENT PERIOD.—(1) In the case of a change of permanent station described in subparagraph (A) or (C) of subsection (a)(2), the period for which subsistence expenses are to be paid or reimbursed under this section may not exceed 10 days.

"(2) In the case of a change of permanent station described in subsection (a)(2)(B)—

"(A) the period for which such expenses are to be paid or reimbursed under this section may not exceed five days; and

"(B) such payment or reimbursement may be provided only for expenses incurred before leaving the United States (other than Hawaii or Alaska).".

(b) PER DIEM.—Section 405 of such title is amended to read as follows:

"§405. Travel and transportation allowances: per diem while on duty outside the United States or in Hawaii or Alaska

"(a) PER DIEM AUTHORIZED.—Without regard to the monetary limitation of this title, the Secretary concerned may pay a per diem to a member of the uniformed services who is on duty outside of the United States or in Hawaii or Alaska, whether or not the member is in a travel status. The Secretary may pay the per diem in advance of the accrual of the per diem.

"(b) DETERMINATION OF PER DIEM.—In determining the per diem to be paid under this section, the Secretary concerned shall consider all elements of the cost of living to members of the uniformed services under the Secretary's jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.

"(c) TREATMENT OF HOUSING COST AND ALLOWANCE.—Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.".

(c) STYLISTIC AMENDMENTS.—Section 404a of such title is further amended—

(1) in subsection (d), as redesignated by subsection (a), by striking "(d)" and inserting "(d) DAILY SUBSISTENCE RATES.—"; and

(2) in subsection (e), as redesignated by subsection (a), by striking "(e)" and inserting "(e) MAXIMUM DAILY PAYMENT.—".

SEC. 642. ADDITIONAL TRANSPORTATION ALLOWANCE REGARDING BAGGAGE AND HOUSEHOLD EFFECTS.

(a) PET QUARANTINE FEES.—Section 406(a)(1) of title 37, United States Code, is amended by adding at the end the following new sentence: "The Secretary concerned may also reimburse the member for mandatory pet quarantine fees for household pets, but not to exceed $275 per change of station, when the member incurs the fees incident to such change of station.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2000.

SEC. 643. INCENTIVE FOR SHIPPING AND STORING HOUSEHOLD GOODS IN LESS THAN AVERAGE WEIGHTS.

Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(G) Under regulations prescribed by the Secretary of Defense, the Secretary concerned may pay a member a share (determined pursuant to such regulations) of the savings resulting to the United States when the total weights of the member's baggage and household effects shipped and stored under subparagraph (A) are less than the average weights of the baggage and household effects that are shipped and stored, respectively, by other members in the same grade and with the same dependents status as the member in connection with changes of station that are comparable to the member's change of station. The total savings shall be equal to the difference between the cost of shipping and cost of storing such average weights of baggage and household effects, respectively, and the corresponding costs associated with the weights of the member's baggage and household effects. For the administration of this subparagraph, the Secretary of Defense shall annually determine the average weights of baggage and household effects shipped and stored in connection with a change of temporary or permanent station.".

SEC. 644. EQUITABLE DISLOCATION ALLOWANCES FOR JUNIOR ENLISTED MEMBERS.

Section 407(c)(1) of title 37, United States Code, is amended by inserting before the period at the end the following: ", except that the Secretary concerned may not differentiate between members with dependents in pay grades E–1 through E–5".

SEC. 645. AUTHORITY TO REIMBURSE MILITARY RECRUITERS, SENIOR ROTC CADRE, AND MILITARY ENTRANCE PROCESSING PERSONNEL FOR CERTAIN PARKING EXPENSES.

(a) REIMBURSEMENT AUTHORITY.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411h the following new section:

"§411i. Travel and transportation allowances: parking expenses

"(a) REIMBURSEMENT AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may reimburse eligible Department of Defense personnel for expenses incurred after October 1, 2001, for parking a privately owned vehicle at a place of duty described in subsection (b).

"(b) ELIGIBILITY.—A member of the Army, Navy, Air Force, or Marine Corps or an employee of the Department of Defense may be reimbursed under subsection (a) for parking expenses while—

"(1) assigned to duty as a recruiter for any of the armed forces;

"(2) assigned to duty at a military entrance processing facility of the armed forces; or

"(3) detailed for instructional and administrative duties at any institution where a unit of the Senior Reserve Officers' Training Corps is maintained.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411h the following new item:

"411i. Travel and transportation allowances: parking expenses.".

SEC. 646. EXPANSION OF FUNDED STUDENT TRAVEL FOR DEPENDENTS.

Section 430 of title 37, United States Code, is amended—

(1) in subsections (a)(3) and (b)(1), by striking "for the purpose of obtaining a secondary or undergraduate college education" and inserting "for the purpose of obtaining a formal education"; and

(2) in subsection (f)—

(A) by striking "In this section, the term" and inserting the following:

"In this section:

"(1) The term"; and

(B) by adding at the end the following new subparagraph:

"(2) The term 'formal education' means the following:

"(A) A secondary education.

"(B) An undergraduate college education.

"(C) A graduate education pursued on a full-time basis at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

"(D) Vocational education pursued on a full-time basis at a post-secondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).".

Subtitle D—Retirement and Survivor Benefit Matters

SEC. 651. EXCEPTION TO HIGH-36 MONTH RETIRED PAY COMPUTATION FOR MEMBERS RETIRED FOLLOWING A DISCIPLINARY REDUCTION IN GRADE.

Section 1407 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "The retired pay base" and inserting "Except as provided in subsection (f), the retired pay base"; and

(2) by adding at the end the following new subsection:

"(f) Exception for Enlisted Members Reduced in Grade and Officers Who Do Not Serve Satisfactorily in Highest Grade Held.—

"(1) Computation based on pre-high-three rules.—In the case of a member or former member described in paragraph (2), the retired pay base or retainer pay base is determined under section 1406 of this title in the same manner as if the member or former member first became a member of a uniformed service before September 8, 1980.

"(2) Affected members.—A member or former member referred to in paragraph (1) is a member or former member who by reason of conduct occurring after the date of the enactment of this subsection—

"(A) in the case of a member retired in an enlisted grade or transferred to the Fleet Reserve or Fleet Marine Corps Reserve, was at any time reduced in grade as the result of a court-martial sentence, nonjudicial punishment, or an administrative action, unless the member was subsequently promoted to a higher enlisted grade or appointed to a commissioned or warrant grade; and

"(B) in the case of an officer, is retired in a grade lower than the highest grade in which served by reason of denial of a determination or certification under section 1370 of this title that the officer served on active duty satisfactorily in that grade.

"(3) Special rule for enlisted members.—In the case of a member who retires within three years after having been reduced in grade as described in paragraph (2)(A), who retires in an enlisted grade that is lower than the grade from which reduced, and who would be subject to paragraph (1) but for a subsequent promotion to a higher enlisted grade or a subsequent appointment to a warrant or commissioned grade, the rates of basic pay used in the computation of the member's high-36 average for the period of the member's service in a grade higher than the grade in which retired shall be the rates of pay that would apply if the member had been serving for that period in the grade in which retired.".

SEC. 652. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking "but not more than" and all that follows and inserting "but not more than—

"(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

"(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001; and

"(C) 90 days in the year of service that includes the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and in any subsequent year of service.".

SEC. 653. RETIREMENT FROM ACTIVE RESERVE SERVICE AFTER REGULAR RETIREMENT.

(a) Conversion to Reserve Retirement.—(1) Chapter 1223 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12741. Retirement from active reserve service performed after regular retirement

"(a) Election of Reserve Retired Pay.—A person who, after becoming entitled to retired or retainer pay under chapter 65, 367, 571, or 867 of this title, serves in an active status in a reserve component is entitled to retired pay under this chapter if—

"(1) the person would, but for paragraphs (3) and (4) of section 12731(a) of this title, otherwise be entitled to retired pay under this chapter;

"(2) the person elects under this section to received retired pay under this chapter; and

"(3) the person's service in an active status after having become entitled to retired or retainer pay under that chapter is determined by the Secretary concerned to have been satisfactory.

"(b) Actions To Effectuate Election.—As of the effective date of an election made by a person under subsection (a), the Secretary concerned shall—

"(1) terminate the person's entitlement to retired or retainer pay under the applicable chapter of this title referred to in subsection (a); and

"(2) in the case of a reserve commissioned officer, transfer the officer to the Retired Reserve.

"(c) Time and Form of Election.—An election under subsection (b) shall be made within such time and in such form as the Secretary concerned requires.

"(d) Effective Date of Election.—An election made by a person under subsection (b) shall be effective—

"(1) except as provided in paragraph (2)(B), as of the date on which the person attains 60 years of age, if the Secretary concerned receives the election in accordance with this section within 180 days after that date; or

"(2) on the first day of the first month that begins after the date on which the Secretary concerned receives the election in accordance with this section, if—

"(A) the date of the receipt of the election is more than 180 days after the date on which the person attains 60 years of age; or

"(B) the person retires from service in an active status within that 180-day period.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12741. Retirement from active service performed after regular retirement.".

(b) Effective Date.—Section 12741 of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act and shall apply with respect to retired pay payable for months beginning on of after that effective date.

SEC. 654. SAME TREATMENT FOR FEDERAL JUDGES AS FOR OTHER FEDERAL OFFICIALS REGARDING PAYMENT OF MILITARY RETIRED PAY.

(a) Article III Judges.—(1) Section 371 of title 28, United States Code, is amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(2) Subsection (b) of such section is amended by striking "subsection (f)" each place it appears and inserting "subsection (e)".

(b) Judges of United States Court of Federal Claims.—(1) Section 180 of title 28, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 180.

(c) Retroactive . Effective Date.—The amendments made by this section shall take effect as of October 1, 1999.

SEC. 655. RESERVE COMPONENT SURVIVOR BENEFIT PLAN SPOUSAL CONSENT REQUIREMENT.

(a) Eligible Participants.—Subsection (a)(2)(B) of section 1448 of title 10, United States Code, is amended to read as follows:

"(B) Reserve-component annuity participants.—A person who (i) is eligible to participate in the Plan under paragraph (1)(B), and (ii) is married or has a dependent child when he is notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay, unless the person elects (with his spouse's concurrence, if required under paragraph (3)) not to participate in the Plan before the end of the 90-day period beginning on the date on which he receives that notification.".

(b) Subsequent Election To Participate.—Subsection (a)(3)(B) of such section is amended—

(1) by striking "who elects to provide" and inserting "who is eligible to provide";

(2) by redesignating clauses (i) and (ii) as. clauses (iii) and (iv), respectively; and

(3) by inserting before clause (iii) (as so redesignated) the following new clauses:

"(i) not to participate in the Plan;

"(ii) to designate under subsection (e)(2) the effective date for commencement of annuity payments under the Plan in the event that the member dies before becoming 60 years of age to be the 60th anniversary of the member's birth (rather than the day after the date of the member's death);".

(c) Conforming Amendments.—Subchapter II of chapter 73 of such title is further amended—

(1) in section 1448(a)(2), by striking "described in clauses (i) and (ii)" in the sentence following subparagraph (B) (as amended by subsection (a)) and all that follows through "that clause" and inserting "who elects under subparagraph (B) not to participate in the Plan";

(2) in section 1448(a)(4)—

(A) by striking "not to participate in the Plan" in subparagraph (A); and

(B) by striking "to participate in the Plan" in subparagraph (B);

(3) in section 1448(e), by striking "a person electing to participate" and all that follows through "making such election" and inserting "a person is required to make a designation under this subsection, the person"; and

(4) in section 1450(j)(1), by striking "An annuity" and all that follows through the period and inserting "A reserve-component annuity shall be effective in accordance with the designation made under section 1448(e) of this title by the person providing the annuity.".

(d) Effective Date.—The amendments made by this section apply only with respect to a notification under section 12731(d) of title 10, United States Code, made after January 1, 2001, that a member of a reserve component has completed the years of service required for eligibility for reserve-component retired pay.

SEC. 656. SENSE OF CONGRESS ON INCREASING SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVING SPOUSES AGE 62 OR OLDER.

(a) Sense of Congress.—It is the sense of Congress that, subject to the requirements and limitations of congressional budget procedures relating to the enactment of new (or increased) entitlement authority, there should be enacted legislation that increases the annuities provided

under the Survivor Benefit Plan program for surviving spouses who are 62 years of age or older in order to reduce (and eventually eliminate) the different levels of annuities under that program for surviving spouses who are under age 62 and those who are 62 years of age and older.

(b) SURVIVOR BENEFIT PLAN.—For purposes of this section, the term "Survivor Benefit Plan program" means the program of annuities for survivors of members of the uniformed services provided under subchapter II of chapter 73 of title 10, United States Code.

SEC. 657. REVISION TO SPECIAL COMPENSATION AUTHORITY TO REPEAL EXCLUSION OF UNIFORMED SERVICES RETIREES IN RECEIPT OF DISABILITY RETIRED PAY.

(a) ELIGIBILITY FOR CHAPTER 61 RETIREES.—Section 1413(c) of title 10, United States Code, is amended by striking "(other than a member who is retired under chapter 61 of this title)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply to months that begin on or after that date. No benefit may be paid under section 1413 of title 10, United States Code, to any person by reason of the amendment made by subsection (a) for any period before that date.

Subtitle E—Other Matters

SEC. 661. PARTICIPATION IN THRIFT SAVINGS PLAN.

(a) EFFECTIVE DATE OF AUTHORITY TO PARTICIPATE.—Section 663 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 673; 5 U.S.C. 8440 note) is amended to read as follows:

"SEC. 663. EFFECTIVE DATE.

"(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect 180 days after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

"(b) POSTPONEMENT AUTHORITY.—(1) The Secretary of Defense may postpone by up to 180 days after the date that would otherwise apply under subsection (a)—

"(A) the date as of which the amendments made by this subtitle shall take effect; or

"(B) the date as of which section 211(a)(2) of title 37, United States Code (as added by this subtitle) shall take effect.

"(2) Postponement authority under this subsection may be exercised only to the extent that the failure to do so would prevent the Federal Retirement Thrift Investment Board from being able to provide timely and accurate services to investors or would place an excessive burden on the administrative capacity of the Board to accommodate participants in the Thrift Savings Plan, as determined by the Secretary of Defense after consultation with the Executive Director (appointed by the Board).

"(3) Paragraph (1) includes the authority to postpone the effective date of the amendments made by this subtitle (apart from section 211(a)(2) of title 37, United States Code), and the effective date of such section 211(a)(2), by different lengths of time.

"(4) The Secretary shall notify the congressional defense committees, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate of any determination made under this subsection.".

(b) REGULATIONS.—Section 661(b) of such Act (113 Stat. 672; 5 U.S.C. 8440e note) is amended by striking "the date on which" and all that follows through "later," and inserting "the 180th day after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001,".

(c) CONFORMING AMENDMENT.—Section 8440e(b)(2)(B)(i) of title 5, United States Code, is amended by striking "as of" and all that follows through "thereof)" and inserting "as of the effective date that applies with respect to such individual under section 663 of the National Defense Authorization Act for Fiscal Year 2000".

SEC. 662. DETERMINATIONS OF INCOME ELIGIBILITY FOR SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1060a(c)(1)(B) of title 10, United States Code, is amended by striking the second sentence and inserting the following new sentence: "In the application of such criterion, the Secretary shall exclude from income any basic allowance for housing as permitted under section 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)).".

SEC. 663. BILLETING SERVICES FOR RESERVE MEMBERS TRAVELING FOR INACTIVE-DUTY TRAINING.

(a) IN GENERAL.—(1) Chapter 1217 of title 10, United States Code, is amended by inserting after section 12603 the following new section:

"§ 12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training

"(a) AUTHORITY FOR BILLETING ON SAME BASIS AS ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—The Secretary of Defense shall prescribe regulations authorizing a Reserve traveling to inactive-duty training at a location more than 50 miles from that Reserve's residence to be eligible for billeting in Department of Defense facilities on the same basis and to the same extent as a member of the armed forces on active duty who is traveling under orders away from the member's permanent duty station.

"(b) PROOF OF REASON FOR TRAVEL.—The Secretary shall include in the regulations the means for confirming a Reserve's eligibility for billeting under subsection (a).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12603 the following new item:

"12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training.".

(b) EFFECTIVE DATE.—Section 12604 of title 10, United States Code, as added by subsection (a), shall apply with respect to periods of inactive-duty training beginning more than 180 days after the date of the enactment of this Act.

SEC. 664. SETTLEMENT OF CLAIMS FOR PAYMENTS FOR UNUSED ACCRUED LEAVE AND FOR RETIRED PAY.

(a) CLAIMS FOR PAYMENTS FOR UNUSED ACCRUED LEAVE.—Subsection (a)(1)(A) of section 3702 of title 31, United States Code, is amended by inserting "payments for unused accrued leave," after "transportation,".

(b) WAIVER OF TIME LIMITATIONS.—Subsection (e)(1) of such section is amended by striking "claim for pay or allowances provided under title 37" and inserting "claim for pay, allowances, or payment for unused accrued leave under title 37 or a claim for retired pay under title 10".

SEC. 665. ADDITIONAL BENEFITS AND PROTECTIONS FOR PERSONNEL INCURRING INJURY, ILLNESS, OR DISEASE IN THE PERFORMANCE OF FUNERAL HONORS DUTY.

(a) INCAPACITATION PAY.—Section 204 of title 37, United States Code, is amended—

(1) in subsection (g)(1)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(C) by adding at the end the following:

"(E) in line of duty while—

"(i) serving on funeral honors duty under section 12503 of title 10 or section 115 of title 32;

"(ii) traveling to or from the place at which the duty was to be performed; or

"(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence."; and

(2) in subsection (h)(1)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(C) by adding at the end the following:

"(E) in line of duty while—

"(i) serving on funeral honors duty under section 12503 of title 10 or section 115 of title 32;

"(ii) traveling to or from the place at which the duty was to be performed; or

"(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.".

(b) TORT CLAIMS.—Section 2671 of title 28, United States Code, is amended by inserting "115," in the second paragraph after "members of the National Guard while engaged in training or duty under section".

(c) APPLICABILITY.—(1) The amendments made by subsection (a) shall apply with respect to months beginning on or after the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to acts and omissions occurring before, on, or after the date of the enactment of this Act.

SEC. 666. AUTHORITY FOR EXTENSION OF DEADLINE FOR FILING CLAIMS ASSOCIATED WITH CAPTURE AND INTERNMENT OF CERTAIN PERSONS BY NORTH VIETNAM.

Section 657(d)(1) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2585) is amended by adding at the end the following new sentence: "The Secretary may, in the case of any claim under this section, extend the time limitation under the preceding sentence by up to 18 months if the Secretary determines that such an extension in the case of that claim is necessary to prevent an injustice or that failure of the claimant to file the claim within that time limitation is due to excusable neglect.".

SEC. 667. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.

(a) ENTITLEMENT OF FORMER PRISONERS OF WAR.—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay, from any appropriation currently available to the Secretary, back pay to any person who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the person had been selected.

(b) PAYMENT TO SURVIVING SPOUSE OF DECEASED FORMER MEMBER.—In the case of a person described in subsection (a) who is deceased, the back pay for that person under this section shall be paid to the living surviving spouse of that person, if any. If there is no living surviving spouse, no claim may be paid under this section with respect to that person.

(c) AMOUNT OF BACK PAY.—(1) The amount of back pay payable to or for a person described in subsection (a) is the amount equal to the difference between—

(A) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps for the back-pay computation period if the person had been promoted to the grade to which selected to be promoted; and

(B) the total amount of basic pay that was actually paid to or for that person for such service for the back-pay computation period.

(2) For purposes of paragraph (1), the backpay computation period for a person covered by subsection (a) is the period—

(A) beginning on the date (as determined by the Secretary of the Navy) as of when that person's promotion would have been effective for pay purposes but for the person's internment as a prisoner of war; and

(B) ending on the earliest of—

(i) the date of the person's discharge or release from active duty;

(ii) the date on which the person's promotion to that grade in fact became effective for pay purposes; and

(iii) the end of World War II.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of the Navy within two years after the effective date of the regulations prescribed to carry out this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—Not later than six months after the date of the enactment of this Act, the Secretary of the Navy shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment of back pay under this section may be made only to a person who is eligible for the payment under subsection (a) or (b).

(2) In the case of a claim approved for payment but not disbursed as a result of paragraph (1), the Secretary shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term "World War II" has the meaning given that term in section 101(8) of title 38, United States Code.

SEC. 668. SENSE OF CONGRESS CONCERNING FUNDING FOR RESERVE COMPONENTS.

It is the sense of Congress that it is in the national interest for the President, in the President's Budget for each fiscal year, to provide funds for the reserve components of the Armed Forces at a level sufficient to ensure that the reserve components are able to meet the requirements, including training requirements, specified for them in the National Military Strategy.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Provision of domiciliary and custodial care for CHAMPUS beneficiaries and certain former CHAMPUS beneficiaries.
Sec. 702. Chiropractic health care for members on active duty.
Sec. 703. School-required physical examinations for certain minor dependents.
Sec. 704. Two-year extension of dental and medical benefits for surviving dependents of certain deceased members.
Sec. 705. Two-year extension of authority for use of contract physicians at military entrance processing stations and elsewhere outside medical treatment facilities.
Sec. 706. Medical and dental care for Medal of Honor recipients.

Subtitle B—Senior Health Care

Sec. 711. Implementation of TRICARE senior pharmacy program.
Sec. 712. Conditions for eligibility for CHAMPUS and TRICARE upon the attainment of age 65; expansion and modification of medicare subvention project.
Sec. 713. Accrual funding for health care for medicare-eligible retirees and dependents.

Subtitle C—TRICARE Program

Sec. 721. Improvement of access to health care under the TRICARE program.
Sec. 722. Additional beneficiaries under TRICARE Prime Remote program in the continental United States.
Sec. 723. Modernization of TRICARE business practices and increase of use of military treatment facilities.
Sec. 724. Extension of TRICARE managed care support contracts.
Sec. 725. Report on protections against health care providers seeking direct reimbursement from members of the uniformed services.
Sec. 726. Voluntary termination of enrollment in TRICARE retiree dental program.
Sec. 727. Claims processing improvements.
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Subtitle D—Demonstration Projects

Sec. 731. Demonstration project for expanded access to mental health counselors.
Sec. 732. Teleradiology demonstration project.
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Subtitle E—Joint Initiatives With Department of Veterans Affairs

Sec. 741. VA-DOD sharing agreements for health services.
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Subtitle F—Other Matters

Sec. 751. Management of anthrax vaccine immunization program.
Sec. 752. Elimination of copayments for immediate family.
Sec. 753. Medical informatics.
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Sec. 755. Augmentation of Army Medical Department by detailing Reserve officers of the Public Health Service.
Sec. 756. Privacy of Department of Defense medical records.
Sec. 757. Authority to establish special locality-based reimbursement rates; reports.
Sec. 758. Reimbursement for certain travel expenses.
Sec. 759. Reduction of cap on payments.
Sec. 760. Training in health care management and administration.
Sec. 761. Studies on feasibility of sharing biomedical research facility.
Sec. 762. Study on comparability of coverage for physical, speech, and occupational therapies.

Subtitle A—Health Care Services

SEC. 701. PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CHAMPUS BENEFICIARIES AND CERTAIN FORMER CHAMPUS BENEFICIARIES.

(a) CONTINUATION OF CARE FOR CERTAIN CHAMPUS BENEFICIARIES.—Section 703(a)(1) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note) is amended by inserting before the period at the end the following: "or by the prohibition in section 1086(d)(1) of such title".

(b) REIMBURSEMENT FOR SERVICES PROVIDED.—Section 703(a) of such Act is further amended by adding at the end the following new paragraph:

"(4) The Secretary may provide payment for domiciliary or custodial care services provided to an eligible beneficiary for which payment was discontinued by reason of section 1086(d) of title 10, United States Code, and subsequently reestablished under other legal authority. Such payment is authorized for the period beginning on the date of discontinuation of payment for domiciliary or custodial care services and ending on the date of reestablishment of payment for such services.".

(c) COST LIMITATION FOR INDIVIDUAL CASE MANAGEMENT PROGRAM.—(1) Section 1079(a)(17) of title 10, United States Code, is amended—

(A) by inserting "(A)" after "(17)"; and

(B) by adding at the end the following:

"(B) The total amount expended under subparagraph (A) for a fiscal year may not exceed $100,000,000.".

(2) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 is further amended by adding at the end the following:

"(e) COST LIMITATION.—The total amount paid for services for eligible beneficiaries under subsection (a) for a fiscal year (together with the costs of administering the authority under that subsection) shall be included in the expenditures limited by section 1079(a)(17)(B) of title 10, United States Code.".

(3) The amendments made by paragraphs (1) and (2) shall apply to fiscal years after fiscal year 1999.

(d) STUDY REQUIRED.—(1) Not later than the date that is three months after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination and effectiveness of the supplemental disability health care programs of the Department of Defense, the Program for Persons with Disabilities and the Individual Case Management Program for Persons with Disabilities, as such programs relate to other elements of the TRICARE program in meeting the health care needs of disabled dependents of members of the Armed Forces on active duty. The Comptroller General shall examine—

(A) the number of such dependents who receive services under the Program for Persons with Disabilities, and the number of beneficiaries receiving care under the Individual Case Management Program for Persons with Disabilities, and a description of the patterns of use and expenditures for services provided under such programs;

(B) the effectiveness of the existing system for coordinating the provision of services under the TRICARE program and the supplemental disability programs of the Department of Defense, including the comprehensiveness of services and the cost effectiveness of providing services;

(C) the extent to which the monthly maximum benefit imposed under current law under the

Program for Persons with Disabilities affects the ability of beneficiaries to obtain needed health care services;

(D) the number of beneficiaries who are receiving services that supplement services to the TRICARE program under the Program for Persons with Disabilities and the Individual Case Management Program for Persons with Disabilities; and

(E) the extent to which costs or lack of coverage for health care services for disabled dependents of members of the Armed Forces on active duty under existing military health care programs has caused increased enrollment of such dependents in medicaid programs.

(2) Not later than April 16, 2001, the Comptroller General shall submit to Congress a report on the results of the study under this section, including recommendations for legislative or administrative changes for providing a comprehensive, efficient, and complete system of health care services for disabled dependents of members of the Armed Forces on active duty.

SEC. 702. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) Plan Required.—(1) Not later than March 31, 2001, the Secretary of Defense shall complete development of a plan to provide chiropractic health care services and benefits, as a permanent part of the Defense Health Program (including the TRICARE program), for all members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code.

(2) The plan shall provide for the following:

(A) Access, at designated military medical treatment facilities, to the scope of chiropractic services as determined by the Secretary, which includes, at a minimum, care for neuro-musculoskeletal conditions typical among military personnel on active duty.

(B) A detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system.

(C) An examination of the proposed military medical treatment facilities at which such services would be provided.

(D) An examination of the military readiness requirements for chiropractors who would provide such services.

(E) An examination of any other relevant factors that the Secretary considers appropriate.

(F) Phased-in implementation of the plan over a 5-year period, beginning on October 1, 2001.

(b) Consultation Requirements.—The Secretary of Defense shall consult with the other administering Secretaries described in section 1073 of title 10, United States Code, and the oversight advisory committee established under section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) regarding the following:

(1) The development and implementation of the plan required under subsection (a).

(2) Each report that the Secretary is required to submit to Congress regarding the plan.

(3) The selection of the military medical treatment facilities at which the chiropractic services described in subsection (a)(2)(A) are to be provided.

(c) Continuation of Current Services.—Until the plan required under subsection (a) is implemented, the Secretary shall continue to furnish the same level of chiropractic health care services and benefits under the Defense Health Program that is provided during fiscal year 2000 at military medical treatment facilities that provide such services and benefits.

(d) Report Required.—Not later than January 31, 2001, the Secretary of Defense shall submit a report on the plan required under subsection (a), together with appropriate appendices and attachments, to the Committees on Armed Services of the Senate and the House of Representatives.

(e) GAO Reports.—The Comptroller General shall monitor the development and implementation of the plan required under subsection (a), including the administration of services and benefits under the plan, and periodically submit to the committees referred to in subsection (d) written reports on such development and implementation.

SEC. 703. SCHOOL-REQUIRED PHYSICAL EXAMINATIONS FOR CERTAIN MINOR DEPENDENTS.

Section 1076 of title 10, United States Code is amended by adding at the end the following:

"(f)(1) The administering Secretaries shall furnish an eligible dependent a physical examination that is required by a school in connection with the enrollment of the dependent as a student in that school.

"(2) A dependent is eligible for a physical examination under paragraph (1) if the dependent—

"(A) is entitled to receive medical care under subsection (a) or is authorized to receive medical care under subsection (b); and

"(B) is at least 5 years of age and less than 12 years of age.

"(3) Nothing in paragraph (2) may be construed to prohibit the furnishing of a school-required physical examination to any dependent who, except for not satisfying the age requirement under that paragraph, would otherwise be eligible for a physical examination required to be furnished under this subsection.".

SEC. 704. TWO-YEAR EXTENSION OF DENTAL AND MEDICAL BENEFITS FOR SURVIVING DEPENDENTS OF CERTAIN DECEASED MEMBERS.

(a) Dental Benefits.—Section 1076a(k)(2) of title 10, United States Code, is amended by striking "one-year period" and inserting "three-year period".

(b) Medical Benefits.—Section 1079(g) of title 10, United States Code, is amended by striking "one-year period" in the second sentence and inserting "three-year period".

SEC. 705. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF CONTRACT PHYSICIANS AT MILITARY ENTRANCE PROCESSING STATIONS AND ELSEWHERE OUTSIDE MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking "December 31, 2000" in the second sentence and inserting "December 31, 2002".

SEC. 706. MEDICAL AND DENTAL CARE FOR MEDAL OF HONOR RECIPIENTS.

(a) In General.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074g the following new section:

"§ 1074h. Medical and dental care: medal of honor recipients; dependents

"(a) Medal of Honor Recipients.—A former member of the armed forces who is a Medal of Honor recipient and who is not otherwise entitled to medical and dental benefits under this chapter may, upon request, be given medical and dental care provided by the administering Secretaries in the same manner as if entitled to retired pay.

"(b) Immediate Dependents.—A person who is an immediate dependent of a Medal of Honor recipient and who is not otherwise entitled to medical and dental benefits under this chapter may, upon request, be given medical and dental care provided by the administering Secretaries in the same manner as if the Medal of Honor recipient were, or (if deceased) was at the time of death, entitled to retired pay.

"(c) Definitions—In this section:

"(1) The term 'Medal of Honor recipient' means a person who has been awarded a medal of honor under section 3741, 6241, or 8741 of this title or section 491 of title 14.

"(2) The term 'immediate dependent' means a dependent described in subparagraph (A), (B), (C), or (D) of section 1072(2) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074g the following new item:

"1074h. Medical and dental care: medal of honor recipients; dependents.".

(b) Effective Date.—Section 1074h of title 10, United States Code, shall apply with respect to medical and dental care provided on or after the date of the enactment of this Act.

Subtitle B—Senior Health Care

SEC. 711. IMPLEMENTATION OF TRICARE SENIOR PHARMACY PROGRAM.

(a) Expansion of TRICARE Senior Pharmacy Program.—Section 723 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2068; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a)—

(A) by striking "October 1, 1999" and inserting "April 1, 2001"; and

(B) by striking "who reside in an area selected under subsection (f)";

(2) by amending subsection (b) to read as follows:

"(b) Program Requirements.—The same coverage for pharmacy services and the same requirements for cost sharing and reimbursement as are applicable under section 1086 of title 10, United States Code, shall apply with respect to the program required by subsection (a).";

(3) in subsection (d)—

(A) by striking "December 31, 2000" and inserting "December 31, 2001"; and

(B) by striking "December 31, 2002" and inserting "December 31, 2003";

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting "and" after the semicolon;

(ii) in subparagraph (C), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (D); and

(B) in paragraph (2), by striking "at the time" and all that follows through "facility" and inserting ", before April 1, 2001, has attained the age of 65 and did not enroll in the program described in such paragraph"; and

(5) by striking subsection (f).

(b) Termination of Demonstration Project and Retail Pharmacy Network Requirements.—Section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1079 note) is amended by adding at the end the following:

"(h) Termination.—This section shall cease to apply to the Secretary of Defense on the date after the implementation of section 711 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 that the Secretary determines appropriate, with a view to minimizing instability with respect to the provision of pharmacy benefits, but in no case later than the date that is one year after the date of the enactment of such Act.".

SEC. 712. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS AND TRICARE UPON THE ATTAINMENT OF AGE 65; EXPANSION AND MODIFICATION OF MEDICARE SUBVENTION PROJECT.

(a) Eligibility of Medicare Eligible Persons.—(1) Section 1086(d) of title 10, United States Code, is amended—

(A) by striking paragraph (2) and inserting the following:

"(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

"(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

"(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426–1(a)).''; and

(B) in paragraph (4), by striking ''paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph,'' and inserting ''subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph''.

(2) Subsection (a)(4)(A) of section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is amended to read as follows:

''(A) is eligible for health benefits under section 1086 of such title by reason of subsection (c)(1) of such section;''.

(3) The amendments made by paragraphs (1) and (2) shall take effect on October 1, 2001.

(b) 1-Year Extension of Medicare Subvention Project.—Section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is amended—

(1) in subsection (b)(4), by striking ''3-year period'' and inserting ''4-year period''; and

(2) in subsection (i)(4)—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) $70,000,000 for calendar year 2001.''.

(c) Further Extension of Medicare Subvention Project.—(1) Subsection (b)(4) of section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is amended by striking the period at the end and inserting the following: '', except that the administering Secretaries may negotiate and (subiect to section 701(f) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001) enter into a new or revised agreement under paragraph (1)(A) to continue the project after the end of such period. If the project is so continued, the administering Secretaries may terminate the agreement under which the program operates after providing notice to Congress in accordance with subsection (k)(2)(B)(v).''.

(2) Such section is further amended—

(A) in the heading, by striking ''DEMONSTRATION PROJECT'' and inserting ''PROGRAM'';

(B) by amending paragraph (2) of subsection (a) to read as follows:

''(2) Program.—The term 'program' means the program carried out under this section.'';

(C) by striking ''DEMONSTRATION PROJECT'' and ''demonstration project'' and ''project'' each place each appears and inserting ''PROGRAM'', ''program'', and ''program'' respectively; and

(D) by striking ''DEMONSTRATION'' in the heading of subsection (j)(1).

(3) Subsection (i)(4) of such section is amended to read as follows:

''(4) Cap on Amount.—The maximum aggregate expenditures from the trust funds under this subsection pursuant to the agreement entered into between the administering Secretaries under subsection (b) for a fiscal year (before fiscal year 2006) shall not exceed the amount agreed by the Secretaries to be the amount that would have been expended from the trust funds on beneficiaries who enroll in the program, had the program not been established, plus the following:

''(A) $35,000,000 for fiscal year 2002.

''(B) $55,000,000 for fiscal year 2003.

''(C) $75,000,000 for fiscal year 2004.

''(D) $100,000,000 for fiscal year 2005.''.

(d) Authorizing Program Expansion and Modifications.—(1) Paragraph (2) of subsection (b) of such section 1896 is amended to read as follows:

''(2) Location of Sites.—Subject to subsection (k)(2)(B), the program shall be conducted in any site that is designated jointly by the administering Secretaries.''.

(2) Subsection (d)(2) of such section is amended by inserting '', or (subject to subsection (k)(2)(B)) such comparable requirements as are included in the agreement under subsection (b)(1)(A)'' after ''the following areas''.

(3) Subsection (i) of such section is amended—

(A) in paragraph (2), by inserting ''subject to paragraph (4),'' after ''paragraph (1)''; and

(B) by striking paragraph (4) and inserting the following:

''(4) Modification of Payment Methodology.—The administering Secretaries may, subject to subsection (k)(2)(B), modify the payment methodology provided under paragraphs (1) and (2) so long as the amount of the reimbursement provided to the Secretary of Defense fully reimburses the Department of Defense for its cost of providing services under the program but does not exceed an amount that is estimated to be equivalent to the amount that otherwise would have been expended under this title for such services if provided other than under the program (not including amounts described in paragraph (2)). Such limiting amount may be based for any site on the amount that would be payable to Medicare+Choice organizations under part C for the area of the site or the amounts that would be payable under parts A and B.''.

(e) Change in Reports.—Paragraph (2) of subsection (k) of such section 1896 is amended to read as follows:

''(2) Reports on Program Operation and Changes.—

''(A) Annual Report.—The administering Secretaries shall submit to the Committees on Armed Services and Finance of the Senate and the Committees on Armed Services and Ways and Means of the House of Representatives an annual report on the program and its impact on costs and the provision of health services under this title and title 10, United States Code.

''(B) Before Making Certain Program Changes.—The administering Secretaries shall submit to such Committees a report at least 60 days before—

''(i) changing the designation of a site under subsection (b)(2);

''(ii) applying comparable requirements under subsection (d)(2);

''(iii) making significant changes in payment methodology or amounts under subsection (i)(4);

''(iv) making other significant changes in the operation of the program; or

''(v) terminating the agreement under the second sentence of subsection (b)(4).

''(C) Explanation.—Each report under subparagraph (B) shall include justifications for the changes or termination to which the report refers.''.

(f) Conditional Effective Date.—(1) Upon negotiating an agreement under the amendment made by subsection (c)(1), the Secretary of Defense and the Secretary of Health and Human Services shall jointly transmit a notification of the proposed agreement to the Committee on Armed Services and the Committee on Finance of the Senate and the Committee on Armed Services and the Committee on Ways and Means of the House of Representatives, and shall include with the transmittal a copy of the proposed agreement and all related agreements and supporting documents.

(2) Such proposed agreement shall take effect, and the amendments made by subsections (c)(2), (c)(3), (d), and (e) shall take effect, on such date as is provided for in such agreement and in an Act enacted after the date of the enactment of this Act.

SEC. 713. ACCRUAL FUNDING FOR HEALTH CARE FOR MEDICARE-ELIGIBLE RETIREES AND DEPENDENTS.

(a) Establishment of Fund.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 55 the following new chapter:

''CHAPTER 56—DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND

''Sec.
''1111. Establishment and purpose of Fund; definitions.
''1112. Assets of Fund.
''1113. Payments from the Fund.
''1114. Board of Actuaries.
''1115. Determination of contributions to the Fund.
''1116. Payments into the Fund.
''1117. Investment of assets of Fund.

''§ 1111. Establishment and purpose of Fund; definitions

''(a) There is established on the books of the Treasury a fund to be known as the Department of Defense Medicare-Eligible Retiree Health Care Fund (hereinafter in this chapter referred to as the ''Fund''), which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Department of Defense under Department of Defense retiree health care programs for medicare-eligible beneficiaries.

''(b) In this chapter:

''(1) The term 'Department of Defense retiree health care programs for medicare-eligible beneficiaries' means the provisions of this title or any other provision of law creating entitlement to health care for a medicare-eligible member or former member of the uniformed services entitled to retired or retainer pay, or a medicare-eligible dependent of a member or former member of the uniformed services entitled to retired or retainer pay.

''(2) The term 'medicare-eligible' means entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

''(3) The term 'dependent' means a dependent (as such term is defined in section 1072 of this title) described in section 1076(b)(1) of this title.

''§ 1112. Assets of Fund

''There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

''(1) Amounts paid into the Fund under section 1116 of this title.

''(2) Any amount appropriated to the Fund.

''(3) Any return on investment of the assets of the Fund.

''§ 1113. Payments from the Fund

''(a) There shall be paid from the Fund amounts payable for Department of Defense retiree health care programs for medicare-eligible beneficiaries.

''(b) The assets of the Fund are hereby made available for payments under subsection (a).

''§ 1114. Board of Actuaries

''(a)(1) There is established in the Department of Defense a Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries (hereinafter in this chapter referred to as the ''Board''). The Board shall consist of three members who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

''(2)(A) Except as provided in subparagraph (B), the members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which his predecessor was appointed shall only serve until the

end of such term. A member may serve after the end of his term until his successor has taken office. A member of the Board may be removed by the Secretary of Defense for misconduct or failure to perform functions vested in the Board, and for no other reason.

"(B) Of the members of the Board who are first appointed under this paragraph, one each shall be appointed for terms ending five, ten, and 15 years, respectively, after the date of appointment, as designated by the Secretary of Defense at the time of appointment.

"(3) A member of the Board who is not otherwise an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay under the General Schedule of subchapter III of chapter 53 of title 5, for each day the member is engaged in the performance of duties vested in the Board, and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of title 5.

"(b) The Board shall report to the Secretary of Defense annually on the actuarial status of the Fund and shall furnish its advice and opinion on matters referred to it by the Secretary.

"(c) The Board shall review valuations of the Fund under section 1115(c) of this title and shall report periodically, not less than once every four years, to the President and Congress on the status of the Fund. The Board shall include in such reports recommendations for such changes as in the Board's judgment are necessary to protect the public interest and maintain the Fund on a sound actuarial basis.

"§1115. Determination of contributions to the Fund

"(a) The Board shall determine the amount that is the present value (as of October 1, 2002) of future benefits payable from the Fund that are attributable to service in the uniformed services performed before October 1, 2002. That amount is the original unfunded liability of the Fund. The Board shall determine the period of time over which the original unfunded liability should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original unfunded liability in accordance with such schedule shall be made as provided in section 1116(b) of this title.

"(b)(1) The Secretary of Defense shall determine each year, in sufficient time for inclusion in budget requests for the following fiscal year, the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1116(a) of this title. That amount shall be the sum of the following:

"(A) The product of—

"(i) the current estimate of the value of the single level dollar amount to be determined under subsection (c)(1)(A) at the time of the next actuarial valuation under subsection (c); and

"(ii) the expected average force strength during that fiscal year for members of the uniformed services on active duty (other than active duty for training) and full-time National Guard duty (other than full-time National Guard duty for training only).

"(B) The product of—

"(i) the current estimate of the value of the single level dollar amount to be determined under subsection (c)(1)(B) at the time of the next actuarial valuation under subsection (c); and

"(ii) the expected average force strength during that fiscal year for members of the Ready Reserve of the uniformed services other than members on full-time National Guard duty other than for training) who are not otherwise described in subparagraph (A)(ii).

"(2) The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Defense for that fiscal year for payments to be made to the Fund during that year under section 1116(a) of this title. The President shall include not less than the full amount so determined in the budget transmitted to Congress for that fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.

"(c)(1) Not less often than every four years, the Secretary of Defense shall carry out an actuarial valuation of the Fund. Each such actuarial valuation shall include—

"(A) a determination (using the aggregate entry-age normal cost method) of a single level dollar amount for members of the uniformed services on active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only); and

"(B) a determination (using the aggregate entry-age normal cost method) of a single level dollar amount for members of the Ready Reserve of the uniformed services and other than members on full-time National Guard duty other than for training) who are not otherwise described by subparagraph (A).

Such single level dollar amounts shall be used for the purposes of subsection (b) and section 1116(a) of this title.

"(2) If at the time of any such valuation there has been a change in benefits under the Department of Defense retiree health care programs for medicare-eligible beneficiaries that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Secretary of Defense shall determine an amortization methodology and schedule for the amortization of the cumulative unfunded liability (or actuarial gain to the Fund) created by such change and any previous such changes so that the present value of the sum of the amortization payments (or reductions in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such amounts.

"(3) If at the time of any such valuation the Secretary of Defense determines that, based upon changes in actuarial assumptions since the last valuation, there has been an actuarial gain or loss to the Fund, the Secretary shall determine an amortization methodology and schedule for the amortization of the cumulative gain or loss to the Fund created by such change in assumptions and any previous such changes in assumptions through an increase or decrease in the payments that would otherwise be made to the Fund.

"(4) If at the time of any such valuation the Secretary of Defense determines that, based upon the Fund's actuarial experience (other than resulting from changes in benefits or actuarial assumptions) since the last valuation, there has been an actuarial gain or loss to the Fund, the Secretary shall determine an amortization methodology and schedule for the amortization of the cumulative gain or loss to the Fund created by such actuarial experience and any previous actuarial experience through an increase or decrease in the payments that would otherwise be made to the Fund.

"(5) Contributions to the Fund in accordance with amortization schedules under paragraphs (2), (3), and (4) shall be made as provided in section 1116(b) of this title.

"(d) All determinations under this section shall be made using methods and assumptions approved by the Board of Actuaries (including assumptions of interest rates and medical inflation) and in accordance with generally accepted actuarial principles and practices.

"(e) The Secretary of Defense shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

"§1116. Payments into the Fund

"(a) The Secretary of Defense shall pay into the Fund at the end of each month as the Department of Defense contribution to the Fund for that month the amount that is the sum of the following:

"(1) The product of—

"(A) the monthly dollar amount determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1115(c)(1)(A) of this title (except that any statutory change in the Department of Defense retiree health care programs for medicare-eligible beneficiaries that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

"(B) the total end strength for that month for members of the uniformed services on active duty (other than active duty for training) and full-time National Guard duty (other than full-time National Guard duty for training only).

"(2) The product of—

"(A) the level monthly dollar amount determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1115(c)(1)(B) of this title (except that any statutory change in the Department of Defense retiree health care programs for medicare-eligible beneficiaries that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

"(B) the total end strength for that month for members of the Ready Reserve of the uniformed services other than members on full-time National Guard duty other than for training) who are not otherwise described in paragraph (1)(B).

Amounts paid into the Fund under this subsection shall be paid from funds available for the Defense Health Program.

"(b)(1) At the beginning of each fiscal year the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount certified to the Secretary by the Secretary of Defense under paragraph (3). Such payment shall be the contribution to the Fund for that fiscal year required by sections 1115(a) and 1115(c) of this title.

"(2) At the beginning of each fiscal year the Secretary of Defense shall determine the sum of the following:

"(A) The amount of the payment for that year under the amortization schedule determined by the Board of Actuaries under section 1115(a) of this title for the amortization of the original unfunded liability of the Fund.

"(B) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(2) of this title for the amortization of any cumulative unfunded liability (or any gain) to the Fund resulting from changes in benefits.

"(C) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(3) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial assumption changes.

"(D) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 111(c)(4) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial experience.

"(3) The Secretary of Defense shall promptly certify the amount determined under paragraph (2) each year to the Secretary of the Treasury.

"§1117. Investment of assets of Fund

"The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 55 the following new item:

"56. Department of Defense Medicare-
Eligible Retiree Health Care Fund ..... 1111.".

(b) DELAYED EFFECTIVE DATES FOR CERTAIN PROVISIONS.—(1) Sections 1113 and 1116 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2002.

(2) Section 1115 of such title (as added by such subsection) shall take effect on October 1, 2001.

Subtitle C—TRICARE Program

SEC. 721. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary inform the primary care manager of the beneficiary of any health care received from a civilian provider or in a specialized treatment facility.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary demonstrates significant costs would be avoided by performing specific procedures at the affected military medical treatment facilities;

(2) the Secretary determines that a specific procedure must be provided at the affected military medical treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

(d) EFFECTIVE DATE—This section shall take effect on October 1, 2001.

SEC. 722. ADDITIONAL BENEFICIARIES UNDER TRICARE PRIME REMOTE PROGRAM IN THE CONTINENTAL UNITED STATES.

(a) COVERAGE OF OTHER UNIFORMED SERVICES.—(1) Section 1074(c) of title 10, United States Code, is amended—

(A) by striking "armed forces" each place it appears, except in paragraph (3)(A), and inserting "uniformed services";

(B) in paragraph (1), by inserting after "military department" in the first sentence the following: ", the Department of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy), or the Department of Health and Human Services (with respect to the National Oceanic and Atmospheric Administration and the Public Health Service)";

(C) in paragraph (2), by adding at the end the following:

"(C) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this paragraph."; and

(D) in paragraph (3)(A), by striking "The Secretary of Defense may not require a member of the armed forces described in subparagraph (B)" and inserting "A member of the uniformed services described in subparagraph (B) may not be required".

(2)(A) Subsections (b), (c), and (d)(3) of section 731 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note) are amended by striking "Armed Forces" and inserting "uniformed services".

(B) Subsection (b) of such section is further amended by adding at the end the following:

"(4) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.".

(C) Subsection (f) of such section is amended by adding at the end the following:

"(3) The terms 'uniformed services' and 'administering Secretaries' have the meanings given those terms in section 1072 of title 10, United States Code.".

(3) Section 706(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 684) is amended by striking "Armed Forces" and inserting "uniformed services (as defined in section 1072(1) of title 10, United States Code)".

(b) COVERAGE OF IMMEDIATE FAMILY.—(1) Section 1079 of title 10, United States Code, is amended by adding at the end the following:

"(p)(1) Subject to such exceptions as the Secretary of Defense considers necessary, coverage for medical care under this section for the dependents referred to in subsection (a) of a member of the uniformed services referred to in section 1074(c)(3) of this title who are residing with the member, and standards with respect to timely access to such care, shall be comparable to coverage for medical care and standards for timely access to such care under the managed care option of the TRICARE program known as TRICARE Prime.

"(2) The Secretary of Defense shall enter into arrangements with contractors under the TRICARE program or with other appropriate contractors for the timely and efficient processing of claims under this subsection.

"(3) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.".

(2) Section 731(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note) is amended—

(A) in paragraph (1), by adding at the end the following: "A dependent of the member, as described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code, who is residing with the member shall have the same entitlement to care and to waiver of charges as the member."; and

(B) in paragraph (2), by inserting "or dependent of the member, as the case may be," after "(2) A member".

(c) EFFECTIVE DATES; APPLICABILITY.—(1) The amendments made by subsections (a)(1) and (b)(1) shall take effect on October 1, 2001.

(2) The amendments made by subsection (a)(2), with respect to members of the uniformed services, and the amendments made by subsection (b)(2), with respect to dependents of members, shall take effect on the date of the enactment of this Act and shall expire with respect to a member or the dependents of a member, respectively, on the later of the following:

(A) The date that is one year after the date of the enactment of this Act.

(B) The date on which the policies required by the amendments made by subsection (a)(1) or (b)(1) are implemented with respect to the coverage of medical care for and provision of such care to the member or dependents, respectively.

(3) Section 731(b)(3) of Public Law 105–85 does not apply to a member of the Coast Guard, the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service, or to a dependent of a member of a uniformed service.

SEC. 723. MODERNIZATION OF TRICARE BUSINESS PRACTICES AND INCREASE OF USE OF MILITARY TREATMENT FACILITIES.

(a) REQUIREMENT TO IMPLEMENT INTERNET-BASED SYSTEM.—Not later than October 1, 2001, the Secretary of Defense shall implement a system to simplify and make accessible through the use of the Internet, through commercially available systems and products, critical administrative processes within the military health care system and the TRICARE program. The purposes of the system shall be to enhance efficiency, improve service, and achieve commercially recognized standards of performance.

(b) ELEMENTS OF SYSTEM.—The system required by subsection (a)—

(1) shall comply with patient confidentiality and security requirements, and incorporate data requirements, that are currently widely used by insurers under medicare and commercial insurers;

(2) shall be designed to achieve improvements with respect to—

(A) the availability and scheduling of appointments;

(B) the filing, processing, and payment of claims;

(C) marketing and information initiatives;

(D) the continuation of enrollments without expiration;

(E) the portability of enrollments nationwide;

(F) education of beneficiaries regarding the military health care system and the TRICARE program; and

(G) education of health care providers regarding such system and program; and

(3) may be implemented through a contractor under TRICARE Prime.

(c) AREAS OF IMPLEMENTATION.—The Secretary shall implement the system required by subsection (a) in at least one region under the TRICARE program.

(d) PLAN FOR IMPROVED PORTABILITY OF BENEFITS.—Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to provide portability and reciprocity of benefits for all enrollees under the TRICARE program throughout all TRICARE regions.

(e) INCREASE OF USE OF MILITARY MEDICAL TREATMENT FACILITIES.—The Secretary shall initiate a program to maximize the use of military medical treatment facilities by improving the efficiency of health care operations in such facilities.

(f) DEFINITION.—In this section the term "TRICARE program" has the meaning given such term in section 1072 of title 10, United States Code.

SEC. 724. EXTENSION OF TRICARE MANAGED CARE SUPPORT CONTRACTS.

(a) AUTHORITY.—Notwithstanding any other provision of law and subject to subsection (b), any TRICARE managed care support contract in effect, or in the final stages of acquisition, on September 30, 1999, may be extended for four years.

(b) Conditions.—Any extension of a contract under subsection (a)—

(1) may be made only if the Secretary of Defense determines that it is in the best interest of the United States to do so; and

(2) shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Federal Government.

SEC. 725. REPORT ON PROTECTIONS AGAINST HEALTH CARE PROVIDERS SEEKING DIRECT REIMBURSEMENT FROM MEMBERS OF THE UNIFORMED SERVICES.

Not later than January 31, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report recommending practices to discourage or prohibit health care providers under the TRICARE program, and individuals or entities working on behalf of such providers, from seeking direct reimbursement from members of the uniformed services or their dependents for health care received by such members or dependents.

SEC. 726. VOLUNTARY TERMINATION OF ENROLLMENT IN TRICARE RETIREE DENTAL PROGRAM.

(a) Procedures.—Section 1076c of title 10, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) Voluntary Disenrollment.—(1) With respect to enrollment in the dental insurance plan established under subsection (a), the Secretary of Defense—

"(A) shall allow for a period of up to 30 days at the beginning of the prescribed minimum enrollment period during which an enrollee may disenroll; and

"(B) shall provide for limited circumstances under which disenrollment shall be permitted during the prescribed enrollment period, without jeopardizing the fiscal integrity of the dental program.

"(2) The circumstances described in paragraph (1)(B) shall include—

"(A) a case in which a retired member, surviving spouse, or dependent of a retired member who is also a Federal employee is assigned to a location outside the jurisdiction of the dental insurance plan established under subsection (a) that prevents utilization of dental benefits under the plan;

"(B) a case in which a retired member, surviving spouse, or dependent of a retired member is prevented by a serious medical condition from being able to obtain benefits under the plan;

"(C) a case in which severe financial hardship would result; and

"(D) any other circumstances which the Secretary considers appropriate.

"(3) The Secretary shall establish procedures for timely decisions on requests for disenrollment under this section and for appeal to the TRICARE Management Activity of adverse decisions."

(b) Clarifying Amendment.—The heading for subsection (f) is amended by striking "Termination" and inserting "Required Terminations".

SEC. 727. CLAIMS PROCESSING IMPROVEMENTS.

Beginning on the date of the enactment of this Act, the Secretary of Defense shall, to the maximum extent practicable, take all necessary actions to implement the following improvements with respect to processing of claims under the TRICARE program:

(1) Use of the TRICARE encounter data information system rather than the health care service record in maintaining information on covered beneficiaries under chapter 55 of title 10, United States Code.

(2) Elimination of all delays in payment of claims to health care providers that may result from the development of the health care service record or TRICARE encounter data information.

(3) Requiring all health care providers under the TRICARE program that the Secretary determines are high-volume providers to submit claims electronically.

(4) Processing 50 percent of all claims by health care providers and institutions under the TRICARE program by electronic means.

(5) Authorizing managed care support contractors under the TRICARE program to require providers to access information on the status of claims through the use of telephone automated voice response units.

SEC. 728. PRIOR AUTHORIZATIONS FOR CERTAIN REFERRALS AND NONAVAILABILITY-OF-HEALTH-CARE STATEMENTS.

(a) Prohibition Regarding Prior Authorization for Referrals.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095e the following new section:

"§ 1095f. TRICARE program: referrals for specialty health care

"The Secretary of Defense shall ensure that no contract for managed care support under the TRICARE program includes any requirement that a managed care support contractor require a primary care or specialty care provider to obtain prior authorization before referring a patient to a specialty care provider that is part of the network of health care providers or institutions of the contractor.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095e the following new item:

"1095f. TRICARE program: referrals for specialty health care.".

(b) Report.—Not later than February 1, 2001, the Comptroller General shall submit to Congress a report on the financial and management implications of eliminating the requirement to obtain nonavailability-of-health-care statements under section 1080 of title 10, United States Code.

(c) Effective Date.—Section 1095f of title 10, United States Code, as added by subsection (a), shall apply with respect to a TRICARE managed care support contract entered into by the Department of Defense after the date of the enactment of this Act.

Subtitle D—Demonstration Projects

SEC. 731. DEMONSTRATION PROJECT FOR EXPANDED ACCESS TO MENTAL HEALTH COUNSELORS.

(a) Requirement To Conduct Demonstration Project.—The Secretary of Defense shall conduct a demonstration project under which licensed and certified professional mental health counselors who meet eligibility requirements for participation as providers under the Civilian Health and Medical Program of the Uniformed Services (hereafter in this section referred to as "CHAMPUS") or the TRICARE program may provide services to covered beneficiaries under chapter 55 of title 10, United States Code, without referral by physicians or adherence to supervision requirements.

(b) Duration and Location of Project.—The Secretary shall conduct the demonstration project required by subsection (a)—

(1) during the 2-year period beginning October 1, 2001; and

(2) in one established TRICARE region.

(c) Regulations.—The Secretary shall prescribe regulations regarding participation in the demonstration project required by subsection (a).

(d) Plan for Project.—Not later than March 31, 2001, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to carry out the demonstration project. The plan shall include, but not be limited to, a description of the following:

(1) The TRICARE region in which the project will be conducted.

(2) The estimated funds required to carry out the demonstration project.

(3) The criteria for determining which professional mental health counselors will be authorized to participate under the demonstration project.

(4) The plan of action, including critical milestone dates, for carrying out the demonstration project.

(e) Report.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the demonstration project carried out under this section. The report shall include the following:

(1) A description of the extent to which expenditures for reimbursement of licensed or certified professional mental health counselors change as a result of allowing the independent practice of such counselors.

(2) Data on utilization and reimbursement regarding non-physician mental health professionals other than licensed or certified professional mental health counselors under CHAMPUS and the TRICARE program.

(3) Data on utilization and reimbursement regarding physicians who make referrals to, and supervise, mental health counselors.

(4) A description of the administrative costs incurred as a result of the requirement for documentation of referral to mental health counselors and supervision activities for such counselors.

(5) For each of the categories described in paragraphs (1) through (4), a comparison of data for a 1-year period for the area in which the demonstration project is being implemented with corresponding data for a similar area in which the demonstration project is not being implemented.

(6) A description of the ways in which allowing for independent reimbursement of licensed or certified professional mental health counselors affects the confidentiality of mental health and substance abuse services for covered beneficiaries under CHAMPUS and the TRICARE program.

(7) A description of the effect, if any, of changing reimbursement policies on the health and treatment of covered beneficiaries under CHAMPUS and the TRICARE program, including a comparison of the treatment outcomes of covered beneficiaries who receive mental health services from licensed or certified professional mental health counselors acting under physician referral and supervision, other non-physician mental health providers recognized under CHAMPUS and the TRICARE program, and physicians, with treatment outcomes under the demonstration project allowing independent practice of professional counselors on the same basis as other non-physician mental health providers.

(8) The effect of policies of the Department of Defense on the willingness of licensed or certified professional mental health counselors to participate as health care providers in CHAMPUS and the TRICARE program.

(9) Any policy requests or recommendations regarding mental health counselors made by health care plans and managed care organizations participating in CHAMPUS or the TRICARE program.

SEC. 732. TELERADIOLOGY DEMONSTRATION PROJECT.

(a) Authority To Conduct Project.—(1) The Secretary of Defense may conduct a demonstration project for the purposes of increasing

efficiency of operations with respect to teleradiology at military medical treatment facilities, supporting remote clinics, and increasing coordination with respect to teleradiology between such facilities and clinics. Under the project, a military medical treatment facility and each clinic supported by such facility shall be linked by a digital radiology network through which digital radiology X-rays may be sent electronically from clinics to the military medical treatment facility.

(2) The demonstration project may be conducted at several multispecialty tertiary-care military medical treatment facilities affiliated with a university medical school. One of such facilities shall be supported by at least 5 geographically dispersed remote clinics of the Departments of the Army, Navy, and Air Force, and clinics of the Department of Veterans Affairs and the Coast Guard. Another of such facilities shall be in an underserved rural geographic region served under established telemedicine contracts between the Department of Defense, the Department of Veterans Affairs, and a local university.

(b) DURATION OF PROJECT.—The Secretary shall conduct the project during the 2-year period beginning on the date of the enactment of this Act.

SEC. 733. HEALTH CARE MANAGEMENT DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a demonstration program on health care management to explore opportunities for improving the planning, programming, budgeting systems, and management of the Department of Defense health care system.

(b) TEST MODELS.—Under the demonstration program, the Secretary shall test the use of the following planning and management models:

(1) A health care simulation model for studying alternative delivery policies, processes, organizations, and technologies.

(2) A health care simulation model for studying long term disease management.

(c) DEMONSTRATION SITES.—The Secretary shall test each model separately at one or more sites.

(d) PERIOD FOR PROGRAM.—The demonstration program shall begin not later than 180 days after the date of the enactment of this Act and shall terminate on December 31, 2001.

(e) REPORTS.—The Secretary of Defense shall submit a report on the demonstration program to the Committees on Armed Services of the Senate and the House of Representatives not later than March 15, 2002. The report shall include the Secretary's assessment of the value of incorporating the use of the tested planning and management models throughout the planning, programming, budgeting systems, and management of the Department of Defense health care system.

(f) FUNDING.—Of the amount authorized to be appropriated under section 301(22), $6,000,000 shall be available for the demonstration program under this section.

Subtitle E—Joint Initiatives With Department of Veterans Affairs

SEC. 741. VA-DOD SHARING AGREEMENTS FOR HEALTH SERVICES.

(a) PRIMACY OF SHARING AGREEMENTS.—The Secretary of Defense shall—

(1) give full force and effect to any agreement into which the Secretary or the Secretary of a military department entered under section 8111 of title 38, United States Code, or under section 1535 of title 31, United States Code, which was in effect on September 30, 1999; and

(2) ensure that the Secretary of the military department concerned directly reimburses the Secretary of Veterans Affairs for any services or resources provided under such agreement in accordance with the terms of such agreement, including terms providing for reimbursement from funds available for that military department.

(b) MODIFICATION OR TERMINATION.—Any agreement described in subsection (a) shall remain in effect in accordance with such subsection unless, during the 12-month period following the date of the enactment of this Act, such agreement is modified or terminated in accordance with the terms of such agreement.

SEC. 742. PROCESSES FOR PATIENT SAFETY IN MILITARY AND VETERANS HEALTH CARE SYSTEMS.

(a) ERROR TRACKING PROCESS.—The Secretary of Defense shall implement a centralized process for reporting, compilation, and analysis of errors in the provision of health care under the defense health program that endanger patients beyond the normal risks associated with the care and treatment of such patients. To the extent practicable, that process shall emulate the system established by the Secretary of Veterans Affairs for reporting, compilation, and analysis of errors in the provision of health care under the Department of Veterans Affairs health care system that endanger patients beyond such risks.

(b) SHARING OF INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs—

(1) shall share information regarding the designs of systems or protocols established to reduce errors in the provision of health care described in subsection (a); and

(2) shall develop such protocols as the Secretaries consider necessary for the establishment and administration of effective processes for the reporting, compilation, and analysis of such errors.

SEC. 743. COOPERATION IN DEVELOPING PHARMACEUTICAL IDENTIFICATION TECHNOLOGY.

The Secretary of Defense and the Secretary of Veterans Affairs shall cooperate in developing systems for the use of bar codes for the identification of pharmaceuticals in the health care programs of the Department of Defense and the Department of Veterans Affairs. In any case in which a common pharmaceutical is used in such programs, the bar codes for those pharmaceuticals shall, to the maximum extent practicable, be identical.

Subtitle F—Other Matters

SEC. 751. MANAGEMENT OF ANTHRAX VACCINE IMMUNIZATION PROGRAM.

(a) SYSTEM AND PROCEDURES FOR TRACKING SEPARATIONS.—(1) Chapter 59 of title 10, United States Code, is amended by adding at the end the following new section:

"§1178. System and procedures for tracking separations resulting from refusal to participate in anthrax vaccine immunization program

"(a) REQUIREMENT TO ESTABLISH SYSTEM.—The Secretary of each military department shall establish a system for tracking, recording, and reporting separations of members of the armed forces under the Secretary's jurisdiction that result from procedures initiated as a result of a refusal to participate in the anthrax vaccine immunization program.

"(b) REPORT.—The Secretary of Defense shall consolidate the information recorded under the system described in subsection (a) and shall submit to the Committees on Armed Services of the Senate and the House of Representatives not later than April 1 of each year a report on such information. Each such report shall include a description of—

"(1) the number of members separated, categorized by military department, grade, and active-duty or reserve status; and

"(2) any other information determined appropriate by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1178. System and procedures for tracking separations resulting from refusal to participate in anthrax vaccine immunization program.".

(b) PROCEDURES FOR EXEMPTIONS; MONITORING ADVERSE REACTIONS.—(1) Chapter 55 of such title is amended by adding at the end the following new section:

"§1110. Anthrax vaccine immunization program; procedures for exemptions and monitoring reactions

"(a) PROCEDURES FOR MEDICAL AND ADMINISTRATIVE EXEMPTIONS.—(1) The Secretary of Defense shall establish uniform procedures under which members of the armed forces may be exempted from participating in the anthrax vaccine immunization program for either administrative or medical reasons.

"(2) The Secretaries of the military departments shall provide for notification of all members of the armed forces of the procedures established pursuant to paragraph (1).

"(b) SYSTEM FOR MONITORING ADVERSE REACTIONS.—(1) The Secretary shall establish a system for monitoring adverse reactions of members of the armed forces to the anthrax vaccine. That system shall include the following:

"(A) Independent review of Vaccine Adverse Event Reporting System reports.

"(B) Periodic surveys of personnel to whom the vaccine is administered.

"(C) A continuing longitudinal study of a preidentified group of members of the armed forces (including men and women and members from all services).

"(D) Active surveillance of a sample of members to whom the anthrax vaccine has been administered that is sufficient to identify, at the earliest opportunity, any patterns of adverse reactions, the discovery of which might be delayed by reliance solely on the Vaccine Adverse Event Reporting System.

"(2) The Secretary may extend or expand any ongoing or planned study or analysis of trends in adverse reactions of members of the armed forces to the anthrax vaccine in order to meet any of the requirements in paragraph (1).

"(3) The Secretary shall establish guidelines under which members of the armed forces who are determined by an independent expert panel to be experiencing unexplained adverse reactions may obtain access to a Department of Defense Center of Excellence treatment facility for expedited treatment and follow up.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1110. Anthrax vaccine immunization program; procedures for exemptions and monitoring reactions.".

(c) EMERGENCY ESSENTIAL EMPLOYEES.—(1) Chapter 81 of such title is amended by inserting after section 1580 the following new section:

"§1580a. Emergency essential employees: notification of required participation in anthrax vaccine immunization program

"The Secretary of Defense shall—

"(1) prescribe regulations for the purpose of ensuring that any civilian employee of the Department of Defense who is determined to be an emergency essential employee and who is required to participate in the anthrax vaccine immunization program is notified of the requirement to participate in the program and the consequences of a decision not to participate; and

"(2) ensure that any individual who is being considered for a position as such an employee is notified of the obligation to participate in the program before being offered employment in such position.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1580 the following new item:

"1580a. Emergency essential employees: notification of required participation in anthrax vaccine immunization program.".

(d) Comptroller General Report.—(1) Not later than April 1, 2002, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effect of the Department of Defense anthrax vaccine immunization program on the recruitment and retention of active duty and reserve military personnel and civilian personnel of the Department of Defense. The study shall cover the period beginning on the date of the enactment of this Act and ending on December 31, 2001.

(2) The Comptroller General shall include in the report required by paragraph (1) a description of any personnel actions (including transfer, termination, or reassignment of any personnel) taken as a result of the refusal of any civilian employee of the Department of Defense to participate in the anthrax vaccine immunization program.

(e) Deadlines for Establishment and Implementation.—The Secretary of Defense shall—

(1) not later than April 1, 2001, establish the uniform procedures for exemption from participation in the anthrax vaccine immunization program of the Department of Defense required under subsection (a) of section 1110 of title 10, United States Code (as added by subsection (b));

(2) not later than July 1, 2001, establish the system for monitoring adverse reactions of members of the Armed Forces to the anthrax vaccine required under subsection (b)(1) of such section;

(3) not later than April 1, 2001, establish the guidelines under which members of the Armed Forces may obtain access to a Department of Defense Center of Excellence treatment facility for expedited treatment and follow up required under subsection (b)(3) of such section; and

(4) not later than July 1, 2001, prescribe the regulations regarding emergency essential employees of the Department of Defense required under subsection (a) of section 1580a of such title (as added by subsection(c)).

SEC. 752. ELIMINATION OF COPAYMENTS FOR IMMEDIATE FAMILY.

(a) No Copayment for Immediate Family.—Section 1097a of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) No Copayment for Immediate Family.—No copayment shall be charged a member for care provided under TRICARE Prime to a dependent of a member of the uniformed services described in subparagraph (A), (D), or (I) of section 1072 of this title.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect 180 days after the date of the enactment of this Act, and shall apply with respect to care provided on or after that date.

SEC. 753. MEDICAL INFORMATICS.

(a) Additional Matters for Annual Report on Medical Informatics Advisory Committee.—Section 723(d)(5) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 697; 10 U.S.C. 1071 note) is amended to read as follows:

"(5) The Secretary of Defense shall submit to Congress an annual report on medical informatics. The report shall include a discussion of the following matters:

"(A) The activities of the Committee.

"(B) The coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government, and between the Federal Government and the private sector.

"(C) The progress or growth occurring in medical informatics.

"(D) How the TRICARE program and the Department of Veterans Affairs health care system can use the advancement of knowledge in medical informatics to raise the standards of health care and treatment and the expectations for improving health care and treatment.".

(b) Limitation on Fiscal Year 2001 Funding for Pharmaceuticals-Related Medical Informatics.—Of the funds authorized to be appropriated under section 301(22), any amounts used for pharmaceuticals-related informatics may be used only for the following:

(1) Commencement of the implementation of a new computerized medical record, including an automated entry order system for pharmaceuticals and an infrastructure network that is compliant with the provisions enacted in the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1936), to make all relevant clinical information on beneficiaries under the Defense Health Program available when needed.

(2) An integrated pharmacy system under the Defense Health Program that creates a single profile for all pharmaceuticals for such beneficiaries prescribed at military medical treatment facilities or private pharmacies that are part of the Department of Defense pharmacy network.

SEC. 754. PATIENT CARE REPORTING AND MANAGEMENT SYSTEM.

(a) Establishment.—The Secretary of Defense shall establish a patient care error reporting and management system.

(b) Purposes of System.—The purposes of the system are as follows:

(1) To study the occurrences of errors in the patient care provided under chapter 55 of title 10, United States Code.

(2) To identify the systemic factors that are associated with such occurrences.

(3) To provide for action to be taken to correct the identified systemic factors.

(c) Requirements for System.—The patient care error reporting and management system shall include the following:

(1) A hospital-level patient safety center, within the quality assurance department of each health care organization of the Department of Defense, to collect, assess, and report on the nature and frequency of errors related to patient care.

(2) For each health care organization of the Department of Defense and for the entire Defense health program, patient safety standards that are necessary for the development of a full understanding of patient safety issues in each such organization and the entire program, including the nature and types of errors and the systemic causes of the errors.

(3) Establishment of a Department of Defense Patient Safety Center within the Armed Forces Institute of Pathology, which shall have the following missions:

(A) To analyze information on patient care errors that is submitted to the Center by each military health care organization.

(B) To develop action plans for addressing patterns of patient care errors.

(C) To execute those action plans to mitigate and control errors in patient care with a goal of ensuring that the health care organizations of the Department of Defense provide highly reliable patient care with virtually no error.

(D) To provide, through the Assistant Secretary of Defense for Health Affairs, to the Agency for Healthcare Research and Quality of the Department of Health and Human Services any reports that the Assistant Secretary determines appropriate.

(E) To review and integrate processes for reducing errors associated with patient care and for enhancing patient safety.

(F) To contract with a qualified and objective external organization to manage the national patient safety database of the Department of Defense.

(d) MedTeams Program.—The Secretary shall expand the health care team coordination program to integrate that program into all Department of Defense health care operations. In carrying out this subsection, the Secretary shall take the following actions:

(1) Establish not less than two Centers of Excellence for the development, validation, proliferation, and sustainment of the health care team coordination program, one of which shall support all fixed military health care organizations, the other of which shall support all combat casualty care organizations.

(2) Deploy the program to all fixed and combat casualty care organizations of each of the Armed Forces, at the rate of not less than 10 organizations in each fiscal year.

(3) Expand the scope of the health care team coordination program from a focus on emergency department care to a coverage that includes care in all major medical specialties, at the rate of not less than one specialty in each fiscal year.

(4) Continue research and development investments to improve communication, coordination, and team work in the provision of health care.

(e) Consultation.—The Secretary shall consult with the other administering Secretaries (as defined in section 1072(3) of title 10, United States Code) in carrying out this section.

SEC. 755. AUGMENTATION OF ARMY MEDICAL DEPARTMENT BY DETAILING RESERVE OFFICERS OF THE PUBLIC HEALTH SERVICE.

(a) Authority.—The Secretary of the Army and the Secretary of Health and Human Services may jointly conduct a program to augment the Army Medical Department by exercising any authorities provided to those officials in law for the detailing of reserve commissioned officers of the Public Health Service not in an active status to the Army Medical Department for that purpose.

(b) Agreement.—The Secretary of the Army and the Secretary of Health and Human Services shall enter into an agreement governing any program conducted under subsection (a).

(c) Assessment.—(1) The Secretary of the Army shall review the laws providing the authorities described in subsection (a) and assess the adequacy of those laws for authorizing—

(A) the Secretary of Health and Human Services to detail reserve commissioned officers of the Public Health Service not in an active status to the Army Medical Department to augment that department; and

(B) the Secretary of the Army to accept the detail of such officers for that purpose.

(2) The Secretary shall complete the review and assessment under paragraph (1) not later than 90 days after the date of the enactment of this Act.

(d) Report to Congress.—Not later than March 1, 2001, the Secretary of the Army shall submit a report on the results of the review and assessment under subsection (c) to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following:

(1) The findings resulting from the review and assessment.

(2) Any proposal for legislation that the Secretary recommends to strengthen the authority of the Secretary of Health and Human Services and the authority of the Secretary of the Army to take the actions described in subparagraphs (A) and (B), respectively, of subsection (c)(1).

(e) CONSULTATION REQUIREMENT.—The Secretary of the Army shall consult with the Secretary of Health and Human Services in carrying out the review and assessment under subsection (c) and in preparing the report (including making recommendations) under subsection (d).

SEC. 756. PRIVACY OF DEPARTMENT OF DEFENSE MEDICAL RECORDS.

(a) COMPREHENSIVE PLAN.—Not later than April 1, 2001, the Secretary of Defense shall submit to Congress a comprehensive plan to improve privacy protections for medical records maintained by the Department of Defense. Such plan shall be consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 42 U.S.C. 1320d–2 note).

(b) INTERIM REGULATIONS.—(1) Notwithstanding any other provision of law, the Secretary shall prescribe interim regulations, pending full implementation of the comprehensive plan described in subsection (a), to improve privacy protections for medical records maintained by the Department of Defense.

(2) The regulations prescribed under paragraph (1) shall provide maximum protections for privacy consistent with such actions that the Secretary determines are necessary for purposes of national security, law enforcement, patient treatment, public health reporting, accreditation and licensure review activities, external peer review and other quality assurance program activities, payment for health care services, fraud and abuse prevention, judicial and administrative proceedings, research consistent with regulations on Governmentwide protection of human subjects, Department of Veterans Affairs benefit programs, and any other purposes identified by the Secretary for the responsible management of the military health care system.

SEC. 757. AUTHORITY TO ESTABLISH SPECIAL LOCALITY-BASED REIMBURSEMENT RATES; REPORTS.

(a) IN GENERAL.—Section 1079(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) To assure access to care for all covered beneficiaries, the Secretary of Defense, in consultation with the other administering Secretaries, shall designate specific rates for reimbursement for services in certain localities if the Secretary determines that without payment of such rates access to health care services would be severely impaired. Such a determination shall be based on consideration of the number of providers in a locality who provide the services, the number of such providers who are CHAMPUS participating providers, the number of covered beneficiaries under CHAMPUS in the locality, the availability of military providers in the location or a nearby location, and any other factors determined to be relevant by the Secretary.".

(b) REPORTS.—(1) Not later than March 31, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives and the General Accounting Office a report on actions taken to carry out section 1079(h)(5) of title 10, United States Code (as added by subsection (a)) and section 1097b of such title.

(2) Not later than May 1, 2001, the Comptroller General shall submit to Congress a report analyzing the utility of—

(A) increased reimbursement authorities with respect to ensuring the availability of network providers and nonnetwork providers under the TRICARE program to covered beneficiaries under chapter 55 of such title; and

(B) requiring a reimbursement limitation of 70 percent of usual and customary rates rather than 115 percent of maximum allowable charges under the Civilian Health and Medical Program of the Uniformed Services.

(3)(A) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which physicians are choosing not to participate in contracts for the furnishing of health care in rural States under chapter 55 of title 10, United States Code. The report shall include the following:

(i) The number of physicians in rural States who are withdrawing from participation, or otherwise refusing to participate, in the health care contracts.

(ii) The reasons for the withdrawals and refusals.

(iii) The actions that the Secretary of Defense can take to encourage more physicians to participate in the health care contracts.

(iv) Any recommendations for legislation that the Secretary considers necessary to encourage more physicians to participate in the health care contracts.

(B) In this paragraph, the term "rural State" means a State that has, on average, as determined by the Bureau of the Census in the latest decennial census—

(i) fewer than 76 residents per square mile; and

(ii) fewer than 211 actively practicing physicians (not counting physicians employed by the United States) per 100,000 residents.

SEC. 758. REIMBURSEMENT FOR CERTAIN TRAVEL EXPENSES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074h (as added by section 706) the following new section:

"§ 1074i. Reimbursement for certain travel expenses

"In any case in which a covered beneficiary is referred by a primary care physician to a specialty care provider who provides services more than 100 miles from the location in which the primary care provider provides services to the covered beneficiary, the Secretary shall provide reimbursement for reasonable travel expenses for the covered beneficiary.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074g the following new item:

"1074i. Reimbursement for certain travel expenses.".

SEC. 759. REDUCTION OF CAP ON PAYMENTS.

Section 1086(b)(4) of title 10, United States Code, is amended by striking "$7,500" and inserting "$3,000".

SEC. 760. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION.

(a) EXPANSION OF PROGRAM.—Section 715(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat 375; 10 U.S.C. 1073 note) is amended—

(1) in the matter preceding paragraph (1), by striking "Not later than six months after the date of the enactment of this Act, the" and inserting "The";

(2) in paragraph (1)—

(A) by inserting ", deputy commander, and managed care coordinator" after "commander"; and

(B) by inserting ", and any other person," after "Defense"; and

(3) by amending subsection (b) to read as follows:

"(b) LIMITATION ON ASSIGNMENT UNTIL COMPLETION OF TRAINING.—No person may be assigned as the commander, deputy commander, or managed care coordinator of a military medical treatment facility or as a TRICARE lead agent or senior member of the staff of a TRICARE lead agent office until the Secretary of the military department concerned submits a certification to the Secretary of Defense that such person has completed the training described in subsection (a).".

(b) REPORT REQUIREMENT.—(1) Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on progress in meeting the requirements of section 715 of such Act (as amended by subsection (a)) by implementing a professional educational program to provide appropriate training in health care management and administration.

(2) The report required by paragraph (1) shall include the following:

(A) A survey of professional civilian certifications and credentials which demonstrate achievement of the requirements of such section.

(B) A description of the continuing education activities required to obtain initial certification and periodic required recertification.

(C) A description of the prominence of such credentials or certifications among senior civilian health care executives.

(c) APPLICABILITY.—The amendments made by subsection (a) to section 715 of such Act—

(1) shall apply to a deputy commander, a managed care coordinator of a military medical treatment facility, or a lead agent for coordinating the delivery of health care by military and civilian providers under the TRICARE program, who is assigned to such position on or after the date that is one year after the date of the enactment of this Act; and

(2) may apply, in the discretion of the Secretary of Defense, to a deputy commander, a managed care coordinator of such a facility, or a lead agent for coordinating the delivery of such health care, who is assigned to such position before the date that is one year after the date of the enactment of this Act.

SEC. 761. STUDIES ON FEASIBILITY OF SHARING BIOMEDICAL RESEARCH FACILITY.

(a) STUDIES REQUIRED.—(1) The Secretary of the Army shall conduct a study on the feasibility of the Tripler Army Medical Center, Hawaii, sharing a biomedical research facility with the Department of Veterans Affairs and the School of Medicine at the University of Hawaii for the purpose of making more efficient use of funding for biomedical research.

(2) The Secretary of the Air Force shall conduct a study on the feasibility of the Little Rock Medical Facility, Arkansas, sharing a biomedical research facility with the Department of Veterans Affairs and the School of Medicine at the University of Arkansas for the purpose of making more efficient use of funding for biomedical research.

(3) The biomedical research facilities described in paragraphs (1) and (2) would include a clinical research center and facilities for educational, academic, and laboratory research.

(b) REPORTS.—Not later than March 1, 2001—

(1) the Secretary of the Army shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the study conducted under subsection (a)(1); and

(2) the Secretary of the Air Force shall submit to such committees a report on the study conducted under subsection (a)(2).

SEC. 762. STUDY ON COMPARABILITY OF COVERAGE FOR PHYSICAL, SPEECH, AND OCCUPATIONAL THERAPIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study comparing coverage and reimbursement for covered beneficiaries under chapter 55 of title 10, United States Code, for physical, speech, and occupational therapies under the TRICARE program and the Civilian Health and Medical Program of the Uniformed Services to coverage and reimbursement for such therapies by insurers under Medicare and the

Federal Employees Health Benefits Program. The study shall examine the following:

(1) Types of services covered.

(2) Whether prior authorization is required to receive such services.

(3) Reimbursement limits for services covered.

(4) Whether services are covered on both an inpatient and outpatient basis.

(b) REPORT.—Not later than March 31, 2001, the Secretary shall submit a report on the findings of the study conducted under this section to the Committees on Armed Services of the Senate and the House of Representatives.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 801. Department of Defense acquisition pilot programs.
Sec. 802. Multiyear services contracts.
Sec. 803. Clarification and extension of authority to carry out certain prototype projects.
Sec. 804. Clarification of authority of Comptroller General to review records of participants in certain prototype projects.
Sec. 805. Extension of time period of limitation on procurement of ball bearings and roller bearings.
Sec. 806. Reporting requirements relating to multiyear contracts.
Sec. 807. Eligibility of small business concerns owned and controlled by women for assistance under the mentor-protege program.
Sec. 808. Qualifications required for employment and assignment in contracting positions.
Sec. 809. Revision of authority for solutions-based contracting pilot program.
Sec. 810. Procurement notice of contracting opportunities through electronic means.

Subtitle B—Information Technology

Sec. 811. Acquisition and management of information technology.
Sec. 812. Tracking and management of information technology purchases.
Sec. 813. Appropriate use of requirements regarding experience and education of contractor personnel in the procurement of information technology services.
Sec. 814. Navy-Marine Corps Intranet.
Sec. 815. Sense of Congress regarding information technology systems for Guard and Reserve components.

Subtitle C—Other Acquisition-Related Matters

Sec. 821. Improvements in procurements of services.
Sec. 822. Financial analysis of use of dual rates for quantifying overhead costs at Army ammunition plants.
Sec. 823. Repeal of prohibition on use of Department of Defense funds for procurement of nuclear-capable shipyard crane from a foreign source.
Sec. 824. Extension of waiver period for live-fire survivability testing for MH-47E and MH-60K helicopter modification programs.
Sec. 825. Compliance with existing law regarding purchases of equipment and products.
Sec. 826. Requirement to disregard certain agreements in awarding contracts for the purchase of firearms or ammunition.

Subtitle D—Studies and Reports

Sec. 831. Study on impact of foreign sourcing of systems on long-term military readiness and related industrial infrastructure.
Sec. 832. Study of policies and procedures for transfer of commercial activities.
Sec. 833. Study and report on practice of contract bundling in military construction contracts.
Sec. 834. Requirement to conduct study on contract bundling.

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. DEPARTMENT OF DEFENSE ACQUISITION PILOT PROGRAMS.

(a) EXTENSION OF AUTHORITY.—Section 5064(d)(2) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3361; 10 U.S.C. 2430 note) is amended by striking "45 days after the date of the enactment of this Act and ends on September 30, 1998" and inserting "on October 13, 1994, and ends on October 1, 2007".

(b) EXPANSION OF JDAM PROGRAM.—Section 5064(a)(2) of such Act is amended by striking "1000-pound and 2000-pound bombs" and inserting "500-pound, 1000-pound, and 2000-pound bombs".

(c) REPORT REQUIRED.—(1) Not later than January 1, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the acquisition pilot programs of the Department of Defense. The report shall describe, for each acquisition program identified in section 5064(a) of the Federal Acquisition Streamlining Act of 1994, the following:

(A) Each quantitative measure and goal established for each item described in paragraph (2), which of such goals have been achieved, and the extent to which the use of the authorities in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2430 note) and section 5064 of the Federal Acquisition Streamlining Act of 1994 was a factor in achieving each of such goals.

(B) Recommended revisions to statutes or the Federal Acquisition Regulation as a result of participation in the pilot program.

(C) Any innovative business practices developed as a result of participation in the pilot program, whether such business practices could be applied to other acquisition programs, and any impediments to application of such practices to other programs.

(D) Technological changes to the program, and to what extent those changes affected the items in paragraph (2).

(E) Any other information determined appropriate by the Secretary.

(2) The items under this paragraph are, with respect to defense acquisition programs, the following:

(A) The acquisition management costs.

(B) The unit cost of the items procured.

(C) The acquisition cycle.

(D) The total cost of carrying out the contract.

(E) Staffing necessary to carry out the program.

SEC. 802. MULTIYEAR SERVICES CONTRACTS.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2306b the following:

"§2306c. Multiyear contracts: acquisition of services

"(a) AUTHORITY.—Subject to subsections (d) and (e), the head of an agency may enter into contracts for periods of not more than five years for services described in subsection (b), and for items of supply related to such services, for which funds would otherwise be available for obligation only within the fiscal year for which appropriated whenever the head of the agency finds that—

"(1) there will be a continuing requirement for the services consonant with current plans for the proposed contract period;

"(2) the furnishing of such services will require a substantial initial investment in plant or equipment, or the incurrence of substantial contingent liabilities for the assembly, training, or transportation of a specialized work force; and

"(3) the use of such a contract will promote the best interests of the United States by encouraging effective competition and promoting economies in operation.

"(b) COVERED SERVICES.—The authority under subsection (a) applies to the following types of services:

"(1) Operation, maintenance, and support of facilities and installations.

"(2) Maintenance or modification of aircraft, ships, vehicles, and other highly complex military equipment.

"(3) Specialized training necessitating high quality instructor skills (for example, pilot and air crew members; foreign language training).

"(4) Base services (for example, ground maintenance; in-plane refueling; bus transportation; refuse collection and disposal).

"(c) APPLICABLE PRINCIPLES.—In entering into multiyear contracts for services under the authority of this section, the head of the agency shall be guided by the following principles:

"(1) The portion of the cost of any plant or equipment amortized as a cost of contract performance should not exceed the ratio between the period of contract performance and the anticipated useful commercial life of such plant or equipment. Useful commercial life, for this purpose, means the commercial utility of the facilities rather than the physical life thereof, with due consideration given to such factors as location of facilities, specialized nature thereof, and obsolescence.

"(2) Consideration shall be given to the desirability of obtaining an option to renew the contract for a reasonable period not to exceed three years, at prices not to include charges for plant, equipment and other nonrecurring costs, already amortized.

"(3) Consideration shall be given to the desirability of reserving in the agency the right, upon payment of the unamortized portion of the cost of the plant or equipment, to take title thereto under appropriate circumstances.

"(d) RESTRICTIONS APPLICABLE GENERALLY.—(1) The head of an agency may not initiate under this section a contract for services that includes an unfunded contingent liability in excess of $20,000,000 unless the committees of Congress named in paragraph (5) are notified of the proposed contract at least 30 days in advance of the award of the proposed contract.

"(2) The head of an agency may not initiate a multiyear contract for services under this section if the value of the multiyear contract would exceed $500,000,000 unless authority for the contract is specifically provided by law.

"(3) The head of an agency may not terminate a multiyear procurement contract for services until 10 days after the date on which notice of the proposed termination is provided to the committees of Congress named in paragraph (5).

"(4) Before any contract described in subsection (a) that contains a clause setting forth a cancellation ceiling in excess of $100,000,000 may be awarded, the head of the agency concerned shall give written notification of the proposed contract and of the proposed cancellation ceiling for that contract to the committees of Congress named in paragraph (5), and such contract may not then be awarded until the end of a period of 30 days beginning on the date of such notification.

"(5) The committees of Congress referred to in paragraphs (1), (3), and (4) are as follows:

"(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

"(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

"(e) Cancellation or Termination for Insufficient Funding After First Year.—In the event that funds are not made available for the continuation of a multiyear contract for services into a subsequent fiscal year, the contract shall be canceled or terminated, and the costs of cancellation or termination may be paid from—

"(1) appropriations originally available for the performance of the contract concerned;

"(2) appropriations currently available for procurement of the type of services concerned, and not otherwise obligated; or

"(3) funds appropriated for those payments.

"(f) Multiyear Contract Defined.—For the purposes of this section, a multiyear contract is a contract for the purchase of services for more than one, but not more than five, program years. Such a contract may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2306b the following:

"2306c. Multiyear contracts: acquisition of services.".

(b) Reference to Relocated Authority.—Subsection (g) of section 2306 of such title is amended to read as follows:

"(g) Multiyear contracting authority for the acquisition of services is provided in section 2306c of this title.".

(c) Conforming Amendment.—Section 2306b(k) of title 10, United States Code, is amended by striking "or services".

(d) Applicability.—Section 2306c of title 10, United States Code (as added by subsection (a)), shall apply with respect to contracts for which solicitations of offers are issued after the date of the enactment of this Act.

SEC. 803. CLARIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) Amendments to Authority.—Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

"(d) Appropriate Use of Authority.—(1) The Secretary of Defense shall ensure that no official of an agency enters into a transaction (other than a contract, grant, or cooperative agreement) for a prototype project under the authority of this section unless—

"(A) there is at least one nontraditional defense contractor participating to a significant extent in the prototype project; or

"(B) no nontraditional defense contractor is participating to a significant extent in the prototype project, but at least one of the following circumstances exists:

"(i) At least one third of the total cost of the prototype project is to be paid out of funds provided by parties to the transaction other than the Federal Government.

"(ii) The senior procurement executive for the agency (as designated for the purposes of section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) determines in writing that exceptional circumstances justify the use of a transaction that provides for innovative business arrangements or structures that would not be feasible or appropriate under a contract.

"(2)(A) Except as provided in subparagraph (B), the amounts counted for the purposes of this subsection as being provided, or to be provided, by a party to a transaction with respect to a prototype project that is entered into under this section other than the Federal Government do not include costs that were incurred before the date on which the transaction becomes effective.

"(B) Costs that were incurred for a prototype project by a party after the beginning of negotiations resulting in a transaction (other than a contract, grant, or cooperative agreement) with respect to the project before the date on which the transaction becomes effective may be counted for purposes of this subsection as being provided, or to be provided, by the party to the transaction if and to the extent that the official responsible for entering into the transaction determines in writing that—

"(i) the party incurred the costs in anticipation of entering into the transaction; and

"(ii) it was appropriate for the party to incur the costs before the transaction became effective in order to ensure the successful implementation of the transaction.

"(e) Nontraditional Defense Contractor Defined.—In this section, the term 'nontraditional defense contractor' means an entity that has not, for a period of at least one year prior to the date that a transaction (other than a contract, grant, or cooperative agreement) for a prototype project under the authority of this section is entered into, entered into or performed with respect to—

"(1) any contract that is subject to full coverage under the cost accounting standards prescribed pursuant to section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422) and the regulations implementing such section; or

"(2) any other contract in excess of $500,000 to carry out prototype projects or to perform basic, applied, or advanced research projects for a Federal agency, that is subject to the Federal Acquisition Regulation.".

(b) Extension of Authority.—Subsection (f) of such section, as redesignated by subsection (a)(1), is amended by striking "September 30, 2001" and inserting "September 30, 2004".

SEC. 804. CLARIFICATION OF AUTHORITY OF COMPTROLLER GENERAL TO REVIEW RECORDS OF PARTICIPANTS IN CERTAIN PROTOTYPE PROJECTS.

(a) Comptroller General Review.—Section 845(c) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) The right provided to the Comptroller General in a clause of an agreement under paragraph (1) is limited as provided in subparagraph (B) in the case of a party to the agreement, an entity that participates in the performance of the agreement, or a subordinate element of that party or entity if the only agreements or other transactions that the party, entity, or subordinate element entered into with Government entities in the year prior to the date of that agreement are cooperative agreements or transactions that were entered into under this section or section 2371 of title 10, United States Code.

"(B) The only records of a party, other entity, or subordinate element referred to in subparagraph (A) that the Comptroller General may examine in the exercise of the right referred to in that subparagraph are records of the same type as the records that the Government has had the right to examine under the audit access clauses of the previous agreements or transactions referred to in such subparagraph that were entered into by that particular party, entity, or subordinate element.".

SEC. 805. EXTENSION OF TIME PERIOD OF LIMITATION ON PROCUREMENT OF BALL BEARINGS AND ROLLER BEARINGS.

Section 2534(c)(3) of title 10, United States Code, is amended by striking "October 1, 2000" and inserting "October 1, 2005".

SEC. 806. REPORTING REQUIREMENTS RELATING TO MULTIYEAR CONTRACTS.

Section 2306b(l) of title 10, United States Code, is amended—

(1) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking "The head of an agency" and all that follows through "following information" and inserting "Not later than the date of the submission of the President's budget request under section 1105 of title 31, the Secretary of Defense shall submit a report to the congressional defense committees each year, providing the following information with respect to each multiyear contract (and each extension of an existing multiyear contract) entered into, or planned to be entered into, by the head of an agency during the current or preceding year"; and

(B) in subparagraph (B), by striking "in effect immediately before the contract (or contract extension) is entered into" and inserting "in effect at the time the report is submitted";

(2) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively; and

(3) by inserting after paragraph (4) the following new paragraph (5):

"(5) The head of an agency may not enter into a multiyear contract (or extend an existing multiyear contract), the value of which would exceed $500,000,000 (when entered into or when extended, as the case may be), until the Secretary of Defense submits to the congressional defense committees a report containing the information described in paragraph (4) with respect to the contract (or contract extension).".

SEC. 807. ELIGIBILITY OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN FOR ASSISTANCE UNDER THE MENTOR-PROTEGE PROGRAM.

Section 831(m)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following:

"(E) a small business concern owned and controlled by women, as defined in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).".

SEC. 808. QUALIFICATIONS REQUIRED FOR EMPLOYMENT AND ASSIGNMENT IN CONTRACTING POSITIONS.

(a) Applicability of Requirements to Members of the Armed Forces.—Section 1724 of title 10, United States Code, is amended in the first sentence of subsection (d)—

(1) by striking "employee of" and inserting "employee or member of"; and

(2) by striking "employee possesses" and inserting "employee or member possesses".

(b) Mandatory Academic Qualifications.—(1) Subsection (a)(3) of such section is amended—

(A) by inserting "and" before "(B)"; and

(B) by striking ", or (C)" and all that follows through "listed in subparagraph (B)".

(2) Subsection (b) of such section is amended to read as follows:

"(b) GS–1102 Series Positions and Similar Military Positions.—The Secretary of Defense shall require that a person meet the requirements set forth in paragraph (3) of subsection (a), but not the other requirements set forth in that subsection, in order to qualify to serve in a position in the Department of Defense in—

"(1) the GS–1102 occupational series; or

"(2) a similar occupational specialty if the position is to be filled by a member of the armed forces.".

(c) Exception.—Subsection (c) of such section is amended to read as follows:

"(c) Exception.—The requirements imposed under subsection (a) or (b) shall not apply to a person for the purpose of qualifying to serve in a position in which the person is serving on September 30, 2000.".

(d) Deletion of Unnecessary Cross References.—Subsection (a) of such section is amended by striking "(except as provided in subsections (c) and (d))" in the matter preceding paragraph (1).

(e) Effective Date.—This section, and the amendments made by this section, shall take effect on October 1, 2000, and shall apply to appointments and assignments to contracting positions made on or after that date.

SEC. 809. REVISION OF AUTHORITY FOR SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) Pilot Projects Under the Program.—Section 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1492) is amended—

(1) in subsection (a), by striking "subsection (d)(2)" and inserting "subsection (d)"; and

(2) by striking subsection (d) and inserting the following:

"(d) Pilot Program Projects.—The Administrator shall authorize to be carried out under the pilot program—

"(1) not more than 10 projects, each of which has an estimated cost of at least $25,000,000 and not more than $100,000,000; and

"(2) not more than 10 projects for small business concerns, each of which has an estimated cost of at least $1,000,000 and not more than $5,000,000.".

(b) Elimination of Requirement for Federal Funding of Program Definition Phase.—Subsection (c)(9)(B) of such section is amended by striking "program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—" and inserting "program definition phase—".

SEC. 810. PROCUREMENT NOTICE OF CONTRACTING OPPORTUNITIES THROUGH ELECTRONIC MEANS.

(a) Publication by Electronic Means.—Subsection (a) of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended—

(1) in paragraph (1)(A), by striking "furnish for publication by the Secretary of Commerce" and inserting "publish";

(2) by striking paragraph (2) and inserting the following:

"(2)(A) A notice of solicitation required to be published under paragraph (1) may be published—

"(i) by electronic means that meets the requirements for accessibility under paragraph (7); or

"(ii) by the Secretary of Commerce in the Commerce Business Daily.

"(B) The Secretary of Commerce shall promptly publish in the Commerce Business Daily each notice or announcement received under this subsection for publication by that means."; and

(3) by adding at the end the following:

"(7) A publication of a notice of solicitation by electronic means meets the requirements for accessibility under this paragraph if the notice is electronically accessible in a form that allows convenient and universal user access through the single Government-wide point of entry designated in the Federal Acquisition Regulation.".

(b) Waiting Period for Issuance of Solicitation.—Paragraph (3) of such subsection is amended—

(1) in the matter preceding subparagraph (A), by striking "furnish a notice to the Secretary of Commerce" and inserting "publish a notice of solicitation"; and

(2) in subparagraph (A), by striking "by the Secretary of Commerce".

(c) Conforming Amendments To Small Business Act.—Subsection (e) of section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(1) in paragraph (1)(A), by striking "furnish for publication by the Secretary of Commerce" and inserting "publish";

(2) by striking paragraph (2) and inserting the following:

"(2)(A) A notice of solicitation required to be published under paragraph (1) may be published—

"(i) by electronic means that meet the accessibility requirements under section 18(a)(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(7)); or

"(ii) by the Secretary of Commerce in the Commerce Business Daily.

"(B) The Secretary of Commerce shall promptly publish in the Commerce Business Daily each notice or announcement received under this subsection for publication by that means."; and

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking "furnish a notice to the Secretary of Commerce" and inserting "publish a notice of solicitation"; and

(B) in subparagraph (A), by striking "by the Secretary of Commerce".

(d) Periodic Reports on Implementation of Electronic Commerce in Federal Procurement.—Section 30(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(e)) is amended—

(1) in the first sentence, by striking "Not later than March 1, 1998, and every year afterward through 2003" and inserting "Not later than March 1 of each even-numbered year through 2004"; and

(2) in paragraph (4)—

(A) by striking "Beginning with the report submitted on March 1, 1999, an" and inserting "An"; and

(B) by striking "calendar year" and inserting "two fiscal years".

(e) Effective Date; Applicability.—The amendments made by this section shall take effect on October 1, 2000. The amendments made by subsections (a), (b), and (c) shall apply with respect to solicitations issued on or after that date.

Subtitle B—Information Technology

SEC. 811. ACQUISITION AND MANAGEMENT OF INFORMATION TECHNOLOGY.

(a) Responsibility of DOD Chief Information Officer Relating to Mission Critical and Mission Essential Information Technology Systems.—Section 2223(a) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following:

"(5) maintain a consolidated inventory of Department of Defense mission critical and mission essential information systems, identify interfaces between those systems and other information systems, and develop and maintain contingency plans for responding to a disruption in the operation of any of those information systems.".

(b) Minimum Planning Requirements for the Acquisition of Information Technology Systems.—(1) Not later than 60 days after the date of the enactment of this Act, Department of Defense Directive 5000.1 shall be revised to establish minimum planning requirements for the acquisition of information technology systems.

(2) The revised directive required by (1) shall—

(A) include definitions of the terms "mission critical information system" and "mission essential information system";

(B) prohibit the award of any contract for the acquisition of a mission critical or mission essential information technology system until—

(i) the system has been registered with the Chief Information Officer of the Department of Defense;

(ii) the Chief Information Officer has received all information on the system that is required under the directive to be provided to that official; and

(iii) the Chief Information Officer has determined that there is in place for the system an appropriate information assurance strategy; and

(C) require that, in the case of each system registered pursuant to subparagraph (B)(i), the information required under subparagraph (B)(ii) to be submitted as part of the registration shall be updated on not less than a quarterly basis.

(c) Milestone Approval for Major Automated Information Systems.—The revised directive required by subsection (b) shall prohibit Milestone I approval, Milestone II approval, or Milestone III approval (or the equivalent) of a major automated information system within the Department of Defense until the Chief Information Officer has determined that—

(1) the system is being developed in accordance with the requirements of division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.);

(2) appropriate actions have been taken with respect to the system in the areas of business process reengineering, analysis of alternatives, economic analysis, and performance measures; and

(3) the system has been registered as described in subsection (b)(2)(B).

(d) Notice of Redesignation of Systems.—(1) Whenever during fiscal year 2001, 2002, or 2003 the Chief Information Officer designates a system previously designated as a major automated information system to be in a designation category other than a major automated information system, the Chief Information Officer shall notify the congressional defense committees of that designation. The notice shall be provided not later than 30 days after the date of that designation. Any such notice shall include the rationale for the decision to make the designation and a description of the program management oversight that will be implemented for the system so designated.

(2) Not later than 60 days after the date of the enactment of this Act, the Chief Information Officer shall submit to the congressional defense committees a report specifying each information system of the Department of Defense previously designated as a major automated information system that is currently designated in a designation category other than a major automated information system including designation as a "special interest major technology initiative". The report shall include for each such system the information specified in the third sentence of paragraph (1).

(e) Annual Implementation Report.—(1) The Secretary of Defense shall submit to the congressional defense committees, not later than April 1 of each of fiscal years 2001, 2002, and 2003, a report on the implementation of the requirements of this section during the preceding fiscal year.

(2) The report for a fiscal year under paragraph (1) shall include, at a minimum, for each major automated information system that was approved during such preceding fiscal year

under Department of Defense Directive 5000.1 (as revised pursuant to subsection (b)), the following:

(A) The funding baseline.

(B) The milestone schedule.

(C) The actions that have been taken to ensure compliance with the requirements of this section and the directive.

(3) The first report shall include, in addition to the information required by paragraph (2), an explanation of the manner in which the responsible officials within the Department of Defense have addressed, or intend to address, the following acquisition issues for each major automated information system planned to be acquired after that fiscal year:

(A) Requirements definition.

(B) Presentation of a business case analysis, including an analysis of alternatives and a calculation of return on investment.

(C) Performance measurement.

(D) Test and evaluation.

(E) Interoperability.

(F) Cost, schedule, and performance baselines.

(G) Information assurance.

(H) Incremental fielding and implementation.

(I) Risk mitigation.

(J) The role of integrated product teams.

(K) Issues arising from implementation of the Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance Plan required by Department of Defense Directive 5000.1 and Chairman of the Joint Chiefs of Staff Instruction 3170.01.

(L) Oversight, including the Chief Information Officer's oversight of decision reviews.

(f) Definitions.—In this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term "major automated information system" has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 812. TRACKING AND MANAGEMENT OF INFORMATION TECHNOLOGY PURCHASES.

(a) In General.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2225. Information technology purchases: tracking and management

"(a) Collection of Data Required.—To improve tracking and management of information technology products and services by the Department of Defense, the Secretary of Defense shall provide for the collection of the data described in subsection (b) for each purchase of such products or services made by a military department or Defense Agency in excess of the simplified acquisition threshold, regardless of whether such a purchase is made in the form of a contract, task order, delivery order, military interdepartmental purchase request, or any other form of interagency agreement.

"(b) Data To Be Collected.—The data required to be collected under subsection (a) includes the following:

"(1) The products or services purchased.

"(2) Whether the products or services are categorized as commercially available off-the-shelf items, other commercial items, nondevelopmental items other than commercial items, other noncommercial items, or services.

"(3) The total dollar amount of the purchase.

"(4) The form of contracting action used to make the purchase.

"(5) In the case of a purchase made through an agency other than the Department of Defense—

"(A) the agency through which the purchase is made; and

"(B) the reasons for making the purchase through that agency.

"(6) The type of pricing used to make the purchase (whether fixed price or another type of pricing).

"(7) The extent of competition provided in making the purchase.

"(8) A statement regarding whether the purchase was made from—

"(A) a small business concern;

"(B) a small business concern owned and controlled by socially and economically disadvantaged individuals; or

"(C) a small business concern owned and controlled by women.

"(9) A statement regarding whether the purchase was made in compliance with the planning requirements under sections 5122 and 5123 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1422, 1423).

"(c) Responsibility To Ensure Fairness of Certain Prices.—The head of each contracting activity in the Department of Defense shall have responsibility for ensuring the fairness and reasonableness of unit prices paid by the contracting activity for information technology products and services that are frequently purchased commercially available off-the-shelf items.

"(d) Limitation on Certain Purchases.—No purchase of information technology products or services in excess of the simplified acquisition threshold shall be made for the Department of Defense from a Federal agency outside the Department of Defense unless—

"(1) the purchase data is collected in accordance with subsection (a); or

"(2)(A) in the case of a purchase by a Defense Agency, the purchase is approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics; or

"(B) in the case of a purchase by a military department, the purchase is approved by the senior procurement executive of the military department.

"(e) Annual Report.—Not later than March 15 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a summary of the data collected in accordance with subsection (a).

"(f) Definitions.—In this section:

"(1) The term 'senior procurement executive', with respect to a military department, means the official designated as the senior procurement executive for the military department for the purposes of section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).

"(2) The term 'simplified acquisition threshold' has the meaning given the term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

"(3) The term 'small business concern' means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"(4) The term 'small business concern owned and controlled by socially and economically disadvantaged individuals' has the meaning given that term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

"(5) The term 'small business concern owned and controlled by women' has the meaning given that term in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2225. Information technology purchases: tracking and management.".

(b) Time for Implementation; Applicability.—(1) The Secretary of Defense shall collect data as required under section 2225 of title 10, United States Code (as added by subsection (a)) for all contractual actions covered by such section entered into on or after the date that is one year after the date of the enactment of this Act.

(2) Subsection (d) of such section shall apply with respect to purchases described in that subsection for which solicitations of offers are issued on or after the date that is one year after the date of the enactment of this Act.

(c) GAO Report.—Not later than 15 months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the collection of data under such section 2225. The report shall include the Comptroller General's assessment of the extent to which the collection of data meets the requirements of that section.

SEC. 813. APPROPRIATE USE OF REQUIREMENTS REGARDING EXPERIENCE AND EDUCATION OF CONTRACTOR PERSONNEL IN THE PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES.

(a) Amendment of the Federal Acquisition Regulation.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be amended to address the use, in the procurement of information technology services, of requirements regarding the experience and education of contractor personnel.

(b) Content of Amendment.—The amendment issued pursuant to subsection (a) shall, at a minimum, provide that solicitations for the procurement of information technology services shall not set forth any minimum experience or educational requirement for proposed contractor personnel in order for a bidder to be eligible for award of a contract unless—

(1) the contracting officer first determines that the needs of the executive agency cannot be met without any such requirement; or

(2) the needs of the executive agency require the use of a type of contract other than a performance-based contract.

(c) GAO Report.—Not later than one year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

(1) executive agency compliance with the regulations; and

(2) conformance of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

(d) Definitions.—In this section:

(1) The term "executive agency" has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term "information technology" has the meaning given that term in section 5002(3) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401(3)).

(3) The term "performance-based", with respect to a contract, means that the contract includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

SEC. 814. NAVY-MARINE CORPS INTRANET.

(a) Limitation.—None of the funds authorized to be appropriated for the Department of the Navy may be obligated or expended to carry out a Navy-Marine Corps Intranet contract before—

(1) the Comptroller of the Department of Defense and the Director of the Office of Management and Budget—

(A) have reviewed—

(i) the Report to Congress on the Navy-Marine Corps Intranet submitted by the Department of the Navy on June 30, 2000; and

(ii) the Business Case Analysis Supplement for the Report to Congress on the Navy-Marine Corps Intranet submitted by the Department of the Navy on July 15, 2000; and

(B) have provided their written comments to the Secretary of the Navy and the Chief of Naval Operations; and

(2) the Secretary of the Navy and the Chief of Naval Operations have submitted to Congress a joint certification that they have reviewed the business case for the contract and the comments provided by the Comptroller of the Department of Defense and the Director of the Office of Management and Budget and that they have determined that the implementation of the contract is in the best interest of the Department of the Navy.

(b) Phased Implementation.—(1) Upon the submission of the certification under subsection (a)(2), the Secretary of the Navy may commence a phased implementation of a Navy-Marine Corps Intranet contract.

(2) Not more than 15 percent of the total number of work stations to be provided under the Navy-Marine Corps Intranet program may be provided in the first increment of implementation of the Navy-Marine Corps Intranet contract.

(3) No work stations in excess of the number permitted by paragraph (2) may be provided under the program until—

(A) the Secretary of the Navy has conducted operational testing and cost review of the increment covered by that paragraph;

(B) the Chief Information Officer of the Department of Defense has certified to the Secretary of the Navy that the results of the operational testing of the Intranet are acceptable;

(C) the Comptroller of the Department of Defense has certified to the Secretary of the Navy that the cost review provides a reliable basis for forecasting the cost impact of continued implementation; and

(D) the Secretary of the Navy and the Chief of Naval Operations have submitted to Congress a joint certification that they have reviewed the certifications submitted under subparagraphs (B) and (C) and have determined that the continued implementation of the contract is in the best interest of the Department of the Navy.

(4) No increment of the Navy-Marine Corps Intranet that is implemented during fiscal year 2001 may include any activities of the Marine Corps, the naval shipyards, or the naval aviation depots. Funds available for fiscal year 2001 for activities of the Marine Corps, the naval shipyards, or the naval aviation depots may not be expended for any contract for the Navy-Marine Corps Intranet.

(c) Prohibition on Increase of Rates Charged.—The Secretary of the Navy shall ensure that rates charged by a working capital funded industrial facility of the Department of the Navy for goods or services provided by such facility are not increased during fiscal year 2001 for the purpose of funding the Navy-Marine Corps Intranet contract.

(d) Applicability of Statutory and Regulatory Requirements.—The acquisition of a Navy-Marine Corps Intranet shall be managed by the Department of the Navy in accordance with the requirements of—

(1) the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106), including the requirement for utilizing modular contracting in accordance with section 38 of the Office of Federal Procurement Policy Act (41 U.S.C. 434); and

(2) Department of Defense Directives 5000.1 and 5000.2–R and all other directives, regulations, and management controls that are applicable to major investments in information technology and related services.

(e) Impact on Federal Employees.—The Secretary shall mitigate any adverse impact of the implementation of the Navy-Marine Corps Intranet on civilian employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the Navy-Marine Corps Intranet program by—

(1) developing a comprehensive plan for the transition of such employees to the performance of other functions within the Department of the Navy;

(2) taking full advantage of transition authorities available for the benefit of employees;

(3) encouraging the retraining of employees who express a desire to qualify for reassignment to the performance of other functions within the Department of the Navy; and

(4) including a provision in the Navy-Marine Corps Intranet contract that requires the contractor to provide a preference for hiring employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the contract.

(f) Navy-Marine Corps Intranet Contract Defined.—In this section, the term "Navy-Marine Corps Intranet contract" means a contract providing for a long-term arrangement of the Department of the Navy with the commercial sector that imposes on the contractor a responsibility for, and transfers to the contractor the risk of, providing and managing the significant majority of desktop, server, infrastructure, and communication assets and services of the Department of the Navy.

SEC. 815. SENSE OF CONGRESS REGARDING INFORMATION TECHNOLOGY SYSTEMS FOR GUARD AND RESERVE COMPONENTS.

It is the sense of Congress—

(1) that the Secretary of Defense should take appropriate steps to provide for upgrading information technology systems of the reserve components to ensure that those systems are capable, as required for mission purposes, of communicating with other relevant information technology systems of the military department concerned and of the Department of Defense in general; and

(2) that the Secretary of each military department should ensure that communications systems for the reserve components under the Secretary's jurisdiction receive appropriate funding for information technology systems in order to achieve the capability referred to in paragraph (1).

Subtitle C—Other Acquisition-Related Matters

SEC. 821. IMPROVEMENTS IN PROCUREMENTS OF SERVICES.

(a) Preference for Performance-Based Service Contracting.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be revised to establish a preference for use of contracts and task orders for the purchase of services in the following order of precedence:

(1) A performance-based contract or performance-based task order that contains firm fixed prices for the specific tasks to be performed.

(2) Any other performance-based contract or performance-based task order.

(3) Any contract or task order that is not a performance-based contract or a performance-based task order.

(b) Incentive for Use of Performance-Based Service Contracts.—(1) A Department of Defense performance-based service contract or performance-based task order may be treated as a contract for the procurement of commercial items if—

(A) the contract or task order is valued at $5,000,000 or less;

(B) the contract or task order sets forth specifically each task to be performed and, for each task—

(i) defines the task in measurable, mission-related terms;

(ii) identifies the specific end products or output to be achieved; and

(iii) contains a firm fixed price; and

(C) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.

(2) The special simplified procedures provided in the Federal Acquisition Regulation pursuant to section 2304(g)(1)(B) of title 10, United States Code, shall not apply to a performance-based service contract or performance-based task order that is treated as a contract for the procurement of commercial items under paragraph (1).

(3) Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report on the implementation of this subsection to the congressional defense committees.

(4) The authority under this subsection shall not apply to contracts entered into or task orders issued more than 3 years after the date of the enactment of this Act.

(c) Centers of Excellence in Service Contracting.—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall establish at least one center of excellence in contracting for services. Each center of excellence shall assist the acquisition community by identifying, and serving as a clearinghouse for, best practices in contracting for services in the public and private sectors.

(d) Enhanced Training in Service Contracting.—(1) The Secretary of Defense shall ensure that classes focusing specifically on contracting for services are offered by the Defense Acquisition University and the Defense Systems Management College and are otherwise available to contracting personnel throughout the Department of Defense.

(2) The Secretary of each military department and the head of each Defense Agency shall ensure that the personnel of the department or agency, as the case may be, who are responsible for the awarding and management of contracts for services receive appropriate training that is focused specifically on contracting for services.

(e) Definitions.—In this section:

(1) The term "performance-based", with respect to a contract, a task order, or contracting, means that the contract, task order, or contracting, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(2) The term "commercial item" has the meaning given the term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(3) The term "Defense Agency" has the meaning given the term in section 101(a)(11) of title 10, United States Code.

SEC. 822. FINANCIAL ANALYSIS OF USE OF DUAL RATES FOR QUANTIFYING OVERHEAD COSTS AT ARMY AMMUNITION PLANTS.

(a) Requirement for Analysis.—The Secretary of the Army shall carry out a financial analysis of the costs that would be incurred and the benefits that would be derived from the implementation of a policy of using—

(1) one set of rates for quantifying the overhead costs associated with Government-owned ammunition plants of the Department of the Army when allocating those costs to contractors operating the plants; and

(2) another set of rates for quantifying the overhead costs to be allocated to the operation

of such plants by employees of the United States.

(b) REPORT.—Not later than February 15, 2001, the Secretary shall submit to the congressional defense committees a report on the results of the analysis carried out under subsection (a). The report shall include the following:

(1) The costs and benefits identified in the analysis under subsection (a).

(2) The risks to the United States of implementing a dual-rate policy described in subsection (a).

(3) The effects that a use of dual rates under such a policy would have on the defense industrial base of the United States.

SEC. 823. REPEAL OF PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR PROCUREMENT OF NUCLEAR-CAPABLE SHIPYARD CRANE FROM A FOREIGN SOURCE.

Section 8093 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1253), is amended by striking subsection (d), relating to a prohibition on the use of Department of Defense funds to procure a nuclear-capable shipyard crane from a foreign source.

SEC. 824. EXTENSION OF WAIVER PERIOD FOR LIVE-FIRE SURVIVABILITY TESTING FOR MH–47E AND MH–60K HELICOPTER MODIFICATION PROGRAMS.

(a) EXISTING WAIVER PERIOD NOT APPLICABLE.—Section 2366(c)(1) of title 10, United States Code, shall not apply with respect to survivability and lethality tests for the MH–47E and MH–60K helicopter modification programs. Except as provided in the previous sentence, the provisions and requirements in section 2366(c) of such title shall apply with respect to such programs, and the certification required by subsection (b) shall comply with the requirements in paragraph (3) of such section.

(b) EXTENDED PERIOD FOR WAIVER.—With respect to the MH–47E and MH–60K helicopter modification programs, the Secretary of Defense may waive the application of the survivability and lethality tests described in section 2366(a) of title 10, United States Code, if the Secretary, before full materiel release of the MH–47E and MH–60K helicopters for operational use, certifies to Congress that live-fire testing of the programs would be unreasonably expensive and impracticable.

(c) CONFORMING AMENDMENT.—Section 142(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2338) is amended by striking "and survivability testing" in paragraphs (1) and (2).

SEC. 825. COMPLIANCE WITH EXISTING LAW REGARDING PURCHASES OF EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS REGARDING PURCHASE BY THE DEPARTMENT OF DEFENSE OF EQUIPMENT AND PRODUCTS.—It is the sense of Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should fully comply with the Buy American Act (41 U.S.C. 10a et seq.) and section 2533 of title 10, United States Code.

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription, or another inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

SEC. 826. REQUIREMENT TO DISREGARD CERTAIN AGREEMENTS IN AWARDING CONTRACTS FOR THE PURCHASE OF FIREARMS OR AMMUNITION.

In accordance with the requirements contained in the amendments enacted in the Competition in Contracting Act of 1984 (title VII of division B of Public Law 98–369; 98 Stat. 1175), the Secretary of Defense may not, in awarding a contract for the purchase of firearms or ammunition, take into account whether a manufacturer or vendor of firearms or ammunition is a party to an agreement under which the manufacturer or vendor agrees to adopt limitations with respect to importing, manufacturing, or dealing in firearms or ammunition in the commercial market.

Subtitle D—Studies and Reports

SEC. 831. STUDY ON IMPACT OF FOREIGN SOURCING OF SYSTEMS ON LONG-TERM MILITARY READINESS AND RELATED INDUSTRIAL INFRASTRUCTURE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study analyzing in detail—

(1) the amount and sources of parts, components, and materials of the systems described in subsection (b) that are obtained from foreign sources;

(2) the impact of obtaining such parts, components, and materials from foreign sources on the long-term readiness of the Armed Forces and on the economic viability of the national technology and industrial base;

(3) the impact on military readiness that would result from the loss of the ability to obtain parts, components, and materials identified pursuant to paragraph (1) from foreign sources; and

(4) the availability of domestic sources for parts, components, and materials identified as being obtained from foreign sources pursuant to paragraph (1).

(b) SYSTEMS.—The systems referred to in subsection (a) are the following:

(1) AH–64D Apache helicopter.

(2) F/A–18 E/F aircraft.

(3) M1A2 Abrams tank.

(4) AIM–120 AMRAAM missile.

(5) Patriot missile ground station.

(6) Hellfire missile.

(c) SOURCE OF INFORMATION.—The Secretary shall collect information to be analyzed under the study from prime contractors and first and second tier subcontractors.

(d) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study required by this section.

(e) DEFINITIONS.—In this section:

(1) The term "domestic source" means a person or organization that falls within the term "national technology and industrial base", as defined in section 2500(1) of title 10, United States Code.

(2) The term "foreign source" means a person or organization that does not fall within the meaning of the term "national technology and industrial base", as defined in such section.

(3) The term "national technology and industrial base" has the meaning given that term in such section.

SEC. 832. STUDY OF POLICIES AND PROCEDURES FOR TRANSFER OF COMMERCIAL ACTIVITIES.

(a) GAO-CONVENED PANEL.—The Comptroller General shall convene a panel of experts to study the policies and procedures governing the transfer of commercial activities for the Federal Government from Government personnel to a Federal contractor, including—

(1) procedures for determining whether functions should continue to be performed by Government personnel;

(2) procedures for comparing the costs of performance of functions by Government personnel and the costs of performance of such functions by Federal contractors;

(3) implementation by the Department of Defense of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note); and

(4) procedures of the Department of Defense for public-private competitions pursuant to the Office of Management and Budget Circular A-76.

(b) COMPOSITION OF PANEL.—(1) The Comptroller General shall appoint highly qualified and knowledgeable persons to serve on the panel and shall ensure that the following entities receive fair representation on the panel:

(A) The Department of Defense.

(B) Persons in private industry.

(C) Federal labor organizations.

(D) The Office of Management and Budget.

(2) For the purposes of the requirement for fair representation under paragraph (1), persons serving on the panel under subparagraph (C) of that paragraph shall not be counted as persons serving on the panel under subparagraph (A), (B), or (D) of that paragraph.

(c) CHAIRMAN.—The Comptroller General, or an individual within the General Accounting Office designated by the Comptroller General, shall be the chairman of the panel.

(d) PARTICIPATION BY OTHER INTERESTED PARTIES.—The chairman shall ensure that all interested parties, including individuals who are not represented on the panel who are officers or employees of the United States, persons in private industry, or representatives of Federal labor organizations, have the opportunity to submit information and views on the matters being studied by the panel.

(e) INFORMATION FROM AGENCIES.—The panel may request directly from any department or agency of the United States any information that the panel considers necessary to carry out a meaningful study of the policies and procedures described in subsection (a), including the Office of Management and Budget Circular A-76 process. To the extent consistent with applicable laws and regulations, the head of such department or agency shall furnish the requested information to the panel.

(f) REPORT.—Not later than May 1, 2002, the Comptroller General shall submit the report of the panel on the results of the study to Congress, including recommended changes with respect to implementation of policies and enactment of legislation.

(g) DEFINITION.—In this section, the term "Federal labor organization" has the meaning given the term "labor organization" in section 7103(a)(4) of title 5, United States Code.

SEC. 833. STUDY AND REPORT ON PRACTICE OF CONTRACT BUNDLING IN MILITARY CONSTRUCTION CONTRACTS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study regarding the use of the practice known as "contract bundling" with respect to military construction contracts.

(b) REPORT.—Not later than February 1, 2001, the Comptroller General shall submit to the committees on Armed Services of the Senate and the House of Representatives a report on the results of the study conducted under subsection (a).

SEC. 834. REQUIREMENT TO CONDUCT STUDY ON CONTRACT BUNDLING.

(a) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive study on the practice known as "contract bundling" by the Department of Defense, and the effects of such practice on small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled

by women, and historically underutilized business zones (as such terms are used in the Small Business Act (15 U.S.C. 631 et seq.)).

(b) DEADLINE.—The Secretary shall submit the results of the study to the Committees on Armed Services and Small Business of the Senate and the House of Representatives before submission of the budget request of the Department of Defense for fiscal year 2002.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense Officers

Sec. 901. Overall supervision of Department of Defense activities for combating terrorism.
Sec. 902. Change of title of certain positions in the Headquarters, Marine Corps.
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Sec. 904. Policy to ensure conduct of science and technology programs so as to foster the transition of science and technology to higher levels of research, development, test, and evaluation.
Sec. 905. Additional components of Chairman of the Joint Chiefs of staff annual report on combatant command requirements.

Subtitle B—Department of Defense Organizations

Sec. 911. Western Hemisphere Institute for Security Cooperation.
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Sec. 916. Semiannual report on Joint Requirements Oversight Council reform initiative.
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Subtitle C—Information Security

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Sec. 931. Date of submittal of reports on shortfalls in equipment procurement and military construction for the reserve components in future-years defense programs.
Sec. 932. Report on number of personnel assigned to legislative liaison functions.
Sec. 933. Joint report on establishment of national collaborative information analysis capability.
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Subtitle E—Other Matters

Sec. 941. Flexibility in implementation of limitation on major Department of Defense headquarters activities personnel.
Sec. 942. Consolidation of certain Navy gift funds.
Sec. 943. Temporary authority to dispose of a gift previously accepted for the Naval Academy.

Subtitle A—Duties and Functions of Department of Defense Officers

SEC. 901. OVERALL SUPERVISION OF DEPARTMENT OF DEFENSE ACTIVITIES FOR COMBATING TERRORISM.

Section 138(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6)(A) One of the Assistant Secretaries, as designated by the Secretary of Defense from among those Assistant Secretaries with responsibilities that include responsibilities related to combating terrorism, shall have, among that Assistant Secretary's duties, the duty to provide overall direction and supervision for policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for combating terrorism, including antiterrorism activities, counterterrorism activities, terrorism consequences management activities, and terrorism-related intelligence support activities.

"(B) The Assistant Secretary designated under subparagraph (A) shall be the principal civilian adviser to the Secretary of Defense on combating terrorism and (after the Secretary and Deputy Secretary) shall be the principal official within the senior management of the Department of Defense responsible for combating terrorism.

"(C) If the Secretary of Defense designates under subparagraph (A) an Assistant Secretary other than the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, then the responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict related to combating terrorism shall be exercised subject to subparagraph (B).".

SEC. 902. CHANGE OF TITLE OF CERTAIN POSITIONS IN THE HEADQUARTERS, MARINE CORPS.

(a) INSTITUTION OF POSITIONS AS DEPUTY COMMANDANTS.—Section 5041(b) of title 10, United States Code, is amended—

(1) by striking paragraphs (3) through (5) and inserting the following:

"(3) The Deputy Commandants."; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(b) DESIGNATION OF DEPUTY COMMANDANTS.—(1) Section 5045 of such title is amended to read as follows:

"§ 5045. Deputy Commandants

"There are in the Headquarters, Marine Corps, not more than five Deputy Commandants, detailed by the Secretary of the Navy from officers on the active-duty list of the Marine Corps.".

(2) The item relating to section 5045 in the table of sections at the beginning of chapter 506 of such title is amended to read as follows:

"5045. Deputy Commandants.".

(c) CONFORMING AMENDMENT.—Section 1502(7)(D) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended to read as follows:

"(D) the Deputy Commandant of the Marine Corps with responsibility for personnel matters.".

SEC. 903. CLARIFICATION OF SCOPE OF INSPECTOR GENERAL AUTHORITIES UNDER MILITARY WHISTLEBLOWER LAW.

(a) CLARIFICATION OF RESPONSIBILITIES.—Subsection (c)(3)(A) of section 1034 of title 10, United States Code, is amended by inserting ", in accordance with regulations prescribed under subsection (h)," after "shall expeditiously determine".

(b) REDEFINITION OF INSPECTOR GENERAL.—Subsection (i)(2) of such section is amended—

(1) by inserting "any of" in the matter preceding subparagraph (A) after "means";

(2) by striking subparagraphs (C), (D), (E), (F) and (G); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) Any officer of the armed forces or employee of the Department of Defense who is assigned or detailed to serve as an Inspector General at any level in the Department of Defense.".

SEC. 904. POLICY TO ENSURE CONDUCT OF SCIENCE AND TECHNOLOGY PROGRAMS SO AS TO FOSTER THE TRANSITION OF SCIENCE AND TECHNOLOGY TO HIGHER LEVELS OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) IN GENERAL.—(1) Chapter 139 of title 10, United States Code, is amended by inserting after section 2358 the following new section:

"§ 2359. Science and technology programs to be conducted so as to foster the transition of science and technology to higher levels of research, development, test, and evaluation

"(a) POLICY.—Each official specified in subsection (b) shall ensure that the management and conduct of the science and technology programs under the authority of that official are carried out in a manner that will foster the transition of science and technology to higher levels of research, development, test, and evaluation.

"(b) COVERED OFFICIALS.—Subsection (a) applies to the following officials of the Department of Defense:

"(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(2) The Secretary of each military department.

"(3) The Director of the Defense Advanced Research Projects Agency.

"(4) The directors and heads of other offices and agencies of the Department of Defense with assigned research, development, test, and evaluation responsibilities.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2358 the following new item:

"2359. Science and technology programs to be conducted so as to foster the transition of science and technology to higher levels of research, development, test, and evaluation.".

(b) OFFICE OF NAVAL RESEARCH.—Section 5022(b) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the execution of, and management responsibility for, programs for which funds are provided in the basic and applied research and advanced technology categories of the Department of the Navy research, development, test, and evaluation budget in such a manner that will foster the transition of science and technology to higher levels of research, development, test and evaluation.".

SEC. 905. ADDITIONAL COMPONENTS OF CHAIRMAN OF THE JOINT CHIEFS OF STAFF ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.

(a) ADDITIONAL COMPONENTS.—Section 153(d)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraphs:

"(C) A description of the extent to which the most recent future-years defense program (under section 221 of this title) addresses the requirements on the consolidated lists.

"(D) A description of the funding proposed in the President's budget for the next fiscal year, *and for the subsequent fiscal years covered by the most recent future-years defense program, to address each deficiency in readiness identified during the joint readiness review conducted under section 117 of this title for the first quarter of the current fiscal year.''.*

(b) Time for Submission.—Such section is further amended by striking "Not later than August 15 of each year," and inserting "At or about the time that the budget is submitted to Congress for a fiscal year under section 1105(a) of title 31,".

Subtitle B—Department of Defense Organizations

SEC. 911. WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) In General.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§2166. Western Hemisphere Institute for Security Cooperation

"(a) Establishment and Administration.—(1) The Secretary of Defense may operate an education and training facility for the purpose set forth in subsection (b). The facility shall be known as the 'Western Hemisphere Institute for Security Cooperation'.

"(2) The Secretary may designate the Secretary of a military department as the Department of Defense executive agent for carrying out the responsibilities of the Secretary of Defense under this section.

"(b) Purpose.—The purpose of the Institute is to provide professional education and training to eligible personnel of nations of the Western Hemisphere within the context of the democratic principles set forth in the Charter of the Organization of American States (such charter being a treaty to which the United States is a party), while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values, respect for human rights, and knowledge and understanding of United States customs and traditions.

"(c) Eligible Personnel.—(1) Subject to paragraph (2), personnel of nations of the Western Hemisphere are eligible for education and training at the Institute as follows:

"(A) Military personnel.

"(B) Law enforcement personnel.

"(C) Civilian personnel.

"(2) The Secretary of State shall be consulted in the selection of foreign personnel for education or training at the Institute.

"(d) Curriculum.—(1) The curriculum of the Institute shall include mandatory instruction for each student, for at least 8 hours, on human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society.

"(2) The curriculum may include instruction and other educational and training activities on the following:

"(A) Leadership development.

"(B) Counterdrug operations.

"(C) Peace support operations.

"(D) Disaster relief.

"(E) Any other matter that the Secretary determines appropriate.

"(e) Board of Visitors.—(1) There shall be a Board of Visitors for the Institute. The Board shall be composed of the following:

"(A) The chairman and ranking minority member of the Committee on Armed Services of the Senate, or a designee of either of them.

"(B) The chairman and ranking minority member of the Committee on Armed Services of the House of Representatives, or a designee of either of them.

"(C) Six persons designated by the Secretary of Defense including, to the extent practicable, persons from academia and the religious and human rights communities.

"(D) One person designated by the Secretary of State.

"(E) The senior military officer responsible for training and doctrine for the Army or, if the Secretary of the Navy or the Secretary of the Air Force is designated as the executive agent of the Secretary of Defense under subsection (a)(2), the senior military officer responsible for training and doctrine for the Navy or Marine Corps or for the Air Force, respectively, or a designee of the senior military officer concerned.

"(F) The commander of the unified combatant command having geographic responsibility for Latin America, or a designee of that officer.

"(2) A vacancy in a position on the Board shall be filled in the same manner as the position was originally filled.

"(3) The Board shall meet at least once each year.

"(4)(A) The Board shall inquire into the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Institute, other matters relating to the Institute that the Board decides to consider, and any other matter that the Secretary of Defense determines appropriate.

"(B) The Board shall review the curriculum of the Institute to determine whether—

"(i) the curriculum complies with applicable United States laws and regulations;

"(ii) the curriculum is consistent with United States policy goals toward Latin America and the Caribbean;

"(iii) the curriculum adheres to current United States doctrine; and

"(iv) the instruction under the curriculum appropriately emphasizes the matters specified in subsection (d)(1).

"(5) Not later than 60 days after its annual meeting, the Board shall submit to the Secretary of Defense a written report of its activities and of its views and recommendations pertaining to the Institute.

"(6) Members of the Board shall not be compensated by reason of service on the Board.

"(7) With the approval of the Secretary of Defense, the Board may accept and use the services of voluntary and uncompensated advisers appropriate to the duties of the Board without regard to section 1342 of title 31.

"(8) Members of the Board and advisers whose services are accepted under paragraph (7) shall be allowed travel and transportation expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in the performance of services for the Board. Allowances under this paragraph shall be computed—

"(A) in the case of members of the Board who are officers or employees of the United States, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5; and

"(B) in the case of other members of the Board and advisers, as authorized under section 5703 of title 5 for employees serving without pay.

"(9) The Federal Advisory Committee Act (5 U.S.C. App. 2), other than section 14 (relating to termination after two years), shall apply to the Board.

"(f) Fixed Costs.—The fixed costs of operating and maintaining the Institute for a fiscal year may be paid from—

"(1) any funds available for that fiscal year for operation and maintenance for the executive agent designated under subsection (a)(2); or

"(2) if no executive agent is designated under subsection (a)(2), any funds available for that fiscal year for the Department of Defense for operation and maintenance for Defense-wide activities.

"(g) Tuition.—Tuition fees charged for persons who attend the Institute may not include the fixed costs of operating and maintaining the Institute.

"(h) Annual Report.—Not later than March 15 of each year, the Secretary of Defense shall submit to Congress a detailed report on the activities of the Institute during the preceding year. The report shall be prepared in consultation with the Secretary of State.''.

(b) Repeal of Authority for United States Army School of the Americas.—Section 4415 of title 10, United States Code, is repealed.

(c) Clerical Amendments.—(1) The table of sections at the beginning of chapter 108 of title 10, United States Code, is amended by inserting after the item relating to section 2165 the following new item:

"2166. Western Hemisphere Institute for Security Cooperation.''.

(2) The table of sections at the beginning of chapter 407 of such title is amended by striking the item relating to section 4415.

SEC. 912. DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) Requirement for Annual Report.—(1) Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§184. Department of Defense regional centers for security studies

"(a) Advance Notification to Congress of the Establishment of New Regional Centers.—After the date of the enactment of this section, a regional center for security studies may not be established in the Department of Defense until—

"(1) the Secretary of Defense submits to Congress a notification of the intent of the Secretary to establish the center, including a description of the mission and functions of the proposed center and a justification for the proposed center; and

"(2) a period of 90 days has elapsed after the date on which that notification is submitted.

"(b) Requirement for Annual Report.—Not later than February 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the operation of the Department of Defense regional centers for security studies during the preceding fiscal year. The annual report shall include, for each regional center, the following information:

"(1) The status and objectives of the center.

"(2) The budget of the center, including the costs of operating the center.

"(3) A description of the extent of the international participation in the programs of the center, including the costs incurred by the United States for the participation of each foreign nation.

"(4) A description of the foreign gifts and donations, if any, accepted under any of the following provisions of law:

"(A) Section 2611 of this title.

"(B) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892).

"(C) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2653; 10 U.S.C. 113 note).

"(c) Regional Center for Security Studies Defined.—For the purposes of this section, a regional center for security studies is any center within the Department of Defense that—

"(1) is operated, and designated as such, by the Secretary of Defense for the study of security issues relating to a specified geographic region of the world; and

"(2) serves as a forum for bilateral and multilateral communication and military and civilian exchanges with nations in that region.''.

(2) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

"184. Department of Defense regional centers for security studies.".

(b) FIRST ANNUAL REPORT.—In the first annual report on Department of Defense regional centers for security studies under section 184(b) of title 10, United States Code (as added by subsection (a)), to be submitted not later than February 1, 2001, the Secretary of Defense shall include any recommendation for legislation that the Secretary considers appropriate for the operation of Department of Defense regional centers for security studies, together with a detailed justification for the recommended legislation.

SEC. 913. CHANGE IN NAME OF ARMED FORCES STAFF COLLEGE TO JOINT FORCES STAFF COLLEGE.

(a) CHANGE IN NAME.—The Armed Forces Staff College of the Department of Defense is hereby renamed the "Joint Forces Staff College".

(b) CONFORMING AMENDMENT.—Section 2165(b)(3) of title 10, United States Code, is amended by striking "Armed Forces Staff College" and inserting "Joint Forces Staff College".

(c) REFERENCES.—Any reference to the Armed Forces Staff College in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Joint Forces Staff College.

SEC. 914. SPECIAL AUTHORITY FOR ADMINISTRATION OF NAVY FISHER HOUSES.

(a) BASE OPERATING SUPPORT.—Section 2493 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) SPECIAL AUTHORITY FOR NAVY.—The Secretary of the Navy shall provide base operating support for Fisher Houses associated with health care facilities of the Navy. The level of the support shall be equivalent to the base operating support that the Secretary provides for morale, welfare, and recreation category B community activities (as defined in regulations, prescribed by the Secretary, that govern morale, welfare, and recreation activities associated with Navy installations).".

(b) SAVINGS PROVISIONS FOR CERTAIN NAVY EMPLOYEES.—(1) The Secretary of the Navy may continue to employ, and pay out of appropriated funds, any employee of the Navy in the competitive service who, as of October 17, 1998, was employed by the Navy in a position at a Fisher House administered by the Navy, but only for so long as the employee is continuously employed in that position.

(2) After a person vacates a position in which the person was continued to be employed under the authority of paragraph (1), a person employed in that position shall be employed as an employee of a nonappropriated fund instrumentality of the United States and may not be paid for services in that position out of appropriated funds.

(3) In this subsection:

(A) The term "Fisher House" has the meaning given the term in section 2493(a)(1) of title 10, United States Code.

(B) The term "competitive service" has the meaning given the term in section 2102 of title 5, United States Code.

(c) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall be effective as of October 17, 1998, as if included in section 2493 of title 10, United States Code, as enacted by section 906(a) of Public Law 105–261.

(2) Subsection (b) applies with respect to the pay period that includes October 17, 1998, and subsequent pay periods.

SEC. 915. SUPERVISORY CONTROL OF ARMED FORCES RETIREMENT HOME BOARD BY SECRETARY OF DEFENSE.

The Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.) is amended by inserting after section 1523 the following new section:

"SEC. 1524. CONDITIONAL SUPERVISORY CONTROL OF RETIREMENT HOME BOARD BY SECRETARY OF DEFENSE.

"(a) APPLICABILITY.—This section shall apply only when the deduction authorized by section 1007(i)(1) of title 37, United States Code, to be made from the monthly pay of certain members of the armed forces is equal to $1.00 for each enlisted member, warrant officer, and limited duty officer of the armed forces on active duty.

"(b) BOARD AUTHORITY SUBJECT TO SECRETARY'S CONTROL.—The Retirement Home Board shall be subject to the authority, direction, and control of the Secretary of Defense in the performance of the Board's duties under section 1516.

"(c) APPOINTMENT OF BOARD MEMBERS.—When an appointment of a member of the Retirement Home Board under section 1515 is not made by the Secretary of Defense, the appointment shall be subject to the approval of the Secretary of Defense.

"(d) TERMS OF BOARD MEMBERS.—(1) Notwithstanding section 1515(e)(3), only the Secretary of Defense may appoint a member of the Retirement Home Board for a second consecutive term.

"(2) The Secretary of Defense may terminate the appointment of a member of the Retirement Home Board at the pleasure of the Secretary.

"(e) RESPONSIBILITY OF CHAIRMAN TO THE SECRETARY.—Notwithstanding section 1515(d)(1)(B), the chairman of the Retirement Home Board shall be responsible to the Secretary of Defense, but not to the Secretaries of the military departments, for direction and management of the Retirement Home or each facility maintained as a separate facility of the Retirement Home.".

SEC. 916. SEMIANNUAL REPORT ON JOINT REQUIREMENTS OVERSIGHT COUNCIL REFORM INITIATIVE.

(a) SEMIANNUAL REPORT.—The Chairman of the Joints Chiefs of Staff shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a series of five semiannual reports, as prescribed by subsection (b), on the activities of the Joint Requirements Oversight Council. The principal focus of each such report shall be on the progress made on the initiative of the Chairman to reform and refocus the Joint Requirements Oversight Council.

(b) SUBMISSION OF REPORTS.—Reports under this section shall be submitted not later than March 1, 2001, September 1, 2001, March 1, 2002, September 1, 2002, and March 1, 2003. Each report shall cover the half of a fiscal year that ends five months before the date on which the report is due.

(c) CONTENT.—In the case of any report under this section after the first such report, if any matter to be included is unchanged from the preceding report, that matter may be included by reference to the preceding report. Each such report shall include, to the extent practicable, the following:

(1) A listing of each of the capability areas designated by the Chairman of the Joints Chiefs of Staff as being within the principal domain of the Joint Requirements Oversight Council and a justification for each such designation.

(2) A listing of the joint requirements developed, considered, or approved within each of the capability areas listed pursuant to paragraph (1).

(3) A listing and explanation of the decisions made by the Joint Requirements Oversight Council and, to the extent appropriate, a listing of each of the recommendations to the Council made by the commander of the United States Joint Forces Command.

(4) An assessment of—

(A) the progress made in shifting the Joint Requirements Oversight Council to having a more strategic focus on future war fighting requirements;

(B) the progress made on integration of requirements; and

(C) the progress made on development of overarching common architectures for defense information systems to ensure that common defense information systems are fully interoperable.

(5) A description of any actions that have been taken to improve the Joint Requirements Oversight Council.

SEC. 917. COMPTROLLER GENERAL REVIEW OF OPERATIONS OF DEFENSE LOGISTICS AGENCY.

(a) COMPTROLLER GENERAL REVIEW REQUIRED.—The Comptroller General shall review the operations of the Defense Logistics Agency—

(1) to assess—

(A) the efficiency of those operations;

(B) the effectiveness of those operations in meeting customer requirements; and

(C) the flexibility of those operation to adopt best business practices; and

(2) to identify alternative approaches for improving the operations of that agency.

(b) REPORT.—Not later than February 1, 2002, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives one or more reports setting forth the Comptroller General's findings resulting from the review under subsection (a).

SEC. 918. COMPTROLLER GENERAL REVIEW OF OPERATIONS OF DEFENSE INFORMATION SYSTEMS AGENCY.

(a) COMPTROLLER GENERAL REVIEW REQUIRED.—The Comptroller General shall review the operations of the Defense Information Systems Agency—

(1) to assess—

(A) the efficiency of those operations;

(B) the effectiveness of those operations in meeting customer requirements; and

(C) the flexibility of those operations to adopt best business practices; and

(2) to identify alternative approaches for improving the operations of that agency.

(b) REPORT.—Not later than February 1, 2002, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives one or more reports setting forth the Comptroller General's findings resulting from the review under subsection (a).

Subtitle C—Information Security

SEC. 921. INSTITUTE FOR DEFENSE COMPUTER SECURITY AND INFORMATION PROTECTION.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Institute for Defense Computer Security and Information Protection.

(b) MISSION.—The Secretary shall require the institute—

(1) to conduct research and technology development that is relevant to foreseeable computer and network security requirements and information assurance requirements of the Department of Defense with a principal focus on areas not being carried out by other organizations in the private or public sector; and

(2) to facilitate the exchange of information regarding cyberthreats, technology, tools, and other relevant issues.

(c) CONTRACTOR OPERATION.—The Secretary shall enter into a contract with a not-for-profit entity, or a consortium of not-for-profit entities, to organize and operate the institute. The Secretary shall use competitive procedures for the selection of the contractor to the extent determined necessary by the Secretary.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(5), $5,000,000 shall

be available for the Institute for Defense Computer Security and Information Protection.

(e) REPORT.—Not later than April 1, 2001, the Secretary shall submit to the congressional defense committees the Secretary's plan for implementing this section.

SEC. 922. INFORMATION SECURITY SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—(1) Part III of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 112—INFORMATION SECURITY SCHOLARSHIP PROGRAM

"Sec.
"2200. Programs; purpose.
"2200a. Scholarship program.
"2200b. Grant program.
"2200c. Centers of Academic Excellence in Information Assurance Education.
"2200d. Regulations.
"2200e. Definitions.
"2200f. Inapplicability to Coast Guard.

"§2200. Programs; purpose

"(a) IN GENERAL.—To encourage the recruitment and retention of Department of Defense personnel who have the computer and network security skills necessary to meet Department of Defense information assurance requirements, the Secretary of Defense may carry out programs in accordance with this chapter to provide financial support for education in disciplines relevant to those requirements at institutions of higher education.

"(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

"(1) Scholarships for pursuit of programs of education in information assurance at institutions of higher education.

"(2) Grants to institutions of higher education.

"§2200a. Scholarship program

"(a) AUTHORITY.—The Secretary of Defense may, subject to subsection (g), provide financial assistance in accordance with this section to a person—

"(1) who is pursuing an associate, baccalaureate, or advanced degree, or a certification, in an information assurance discipline referred to in section 2200(a) of this title at an institution of higher education; and

"(2) who enters into an agreement with the Secretary as described in subsection (b).

"(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section—

"(A) a member of the armed forces shall enter into an agreement to serve on active duty in the member's armed force for the period of obligated service determined under paragraph (2);

"(B) an employee of the Department of Defense shall enter into an agreement to continue in the employment of the department for the period of obligated service determined under paragraph (2); and

"(C) a person not referred to in subparagraph (A) or (B) shall enter into an agreement—

"(i) to enlist or accept a commission in one of the armed forces and to serve on active duty in that armed force for the period of obligated service determined under paragraph (2); or

"(ii) to accept and continue employment in the Department of Defense for the period of obligated service determined under paragraph (2).

"(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title. In no event may the period of service required of a recipient be less than the period equal to three-fourths of the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

"(3) An agreement entered into under this section by a person pursuing an academic degree shall include terms that provide the following:

"(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 2200d of this title.

"(B) That the person will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the person under this section.

"(C) Any other terms and conditions that the Secretary of Defense determines appropriate for carrying out this section.

"(c) AMOUNT OF ASSISTANCE.—The amount of the financial assistance provided for a person under this section shall be the amount determined by the Secretary of Defense as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

"(d) USE OF ASSISTANCE FOR SUPPORT OF INTERNSHIPS.—The financial assistance for a person under this section may also be provided to support internship activities of the person at the Department of Defense in periods between the academic years leading to the degree for which assistance is provided the person under this section.

"(e) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A person who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (b) shall refund to the United States an amount determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary of Defense may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(f) EFFECT OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under subsection (e).

"(g) ALLOCATION OF FUNDING.—Not less than 50 percent of the amount available for financial assistance under this section for a fiscal year shall be available only for providing financial assistance for the pursuit of degrees referred to in subsection (a) at institutions of higher education that have established, improved, or are administering programs of education in information assurance under the grant program established in section 2200b of this title, as determined by the Secretary of Defense.

"§2200b. Grant program

"(a) AUTHORITY.—The Secretary of Defense may provide grants of financial assistance to institutions of higher education to support the establishment, improvement, or administration of programs of education in information assurance disciplines referred to in section 2200(a) of this title.

"(b) PURPOSES.—The proceeds of grants under this section may be used by an institution of higher education for the following purposes:

"(1) Faculty development.

"(2) Curriculum development.

"(3) Laboratory improvements.

"(4) Faculty research in information security.

"§2200c. Centers of Academic Excellence in Information Assurance Education

"In the selection of a recipient for the award of a scholarship or grant under this chapter, consideration shall be given to whether—

"(1) in the case of a scholarship, the institution at which the recipient pursues a degree is a Center of Academic Excellence in Information Assurance Education; and

"(2) in the case of a grant, the recipient is a Center of Academic Excellence in Information Assurance Education.

"§2200d. Regulations

"The Secretary of Defense shall prescribe regulations for the administration of this chapter.

"§2200e. Definitions

"In this chapter:

"(1) The term 'information assurance' includes the following:

"(A) Computer security.

"(B) Network security.

"(C) Any other information technology that the Secretary of Defense considers related to information assurance.

"(2) The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(3) The term 'Center of Academic Excellence in Information Assurance Education' means an institution .of higher education that is designated by the Director of the National Security Agency as a Center of Academic Excellence in Information Assurance Education.

"§2200f. Inapplicability to Coast Guard

"This chapter does not apply to the Coast Guard when it is not operating as a service in the Navy.".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 111 the following new item:

"112. Information Security Scholarship Program .... 2200".

(b) FUNDING.—Of the amount authorized to be appropriated by section 301(5), $15,000,000 shall be available for carrying out chapter 112 of title 10, United States Code (as added by subsection (a)).

(c) REPORT.—Not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a plan for implementing the programs under chapter 112 of title 10, United States Code.

Subtitle D—Reports

SEC. 931. DATE OF SUBMITTAL OF REPORTS ON SHORTFALLS IN EQUIPMENT PROCUREMENT AND MILITARY CONSTRUCTION FOR THE RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.

Section 10543(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) A report required under paragraph (1) for a fiscal year shall be submitted not later than 15 days after the date on which the President submits to Congress the budget for such fiscal year under section 1105(a) of title 31.".

SEC. 932. REPORT ON NUMBER OF PERSONNEL ASSIGNED TO LEGISLATIVE LIAISON FUNCTIONS.

(a) REPORT.—Not later than December 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the number of personnel of the Department of Defense performing legislative liaison functions as of April 1, 2000.

(b) MATTERS TO BE INCLUDED.—The report shall include the following:

(1) The number of military and civilian personnel of the Department of Defense assigned to full-time legislative liaison functions, shown by organizational entity and by pay grade.

(2) The number of military and civilian personnel of the Department not covered by paragraph (1) (other than personnel described in subsection (e)) who perform legislative liaison functions as part of their assigned duties, shown by organizational entity and by pay grade.

(c) LEGISLATIVE LIAISON FUNCTIONS.—For purposes of this section, a legislative liaison function is a function (regardless of how characterized within the Department of Defense) that has been established or designated to principally provide advice, information, and assistance to the legislative branch on Department of Defense policies, plans, and programs.

(d) ORGANIZATIONAL ENTITIES.—The display of information under subsection (b) by organizational entity shall be for the Department of Defense and for each military department as a whole and separately for each organization at the level of major command or Defense Agency or higher.

(e) PERSONNEL NOT COVERED.—Subsection (b)(2) does not apply to civilian officers appointed by the President, by and with the advice and consent of the Senate, or to general or flag officers.

SEC. 933. JOINT REPORT ON ESTABLISHMENT OF NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.

(a) REPORT.—Not later than March 1, 2000, the Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees and the congressional intelligence committees a joint report assessing alternatives for the establishment of a national collaborative information analysis capability. The report shall include the following:

(1) An assessment of alternative architectures to establish a national collaborative information analysis capability to conduct data mining and profiling of information from a wide array of electronic data sources.

(2) Identification, from among the various architectures assessed under paragraph (1), of the preferred architecture and a detailed description of that architecture and of a program to acquire and implement the capability that would be provided through that architecture.

(3) A detailed explanation of how the personal information resulting from the data mining and profiling capability developed under the preferred architecture will be employed consistent with the requirements of section 552a of title 5, United States Code

(b) COMPLETION AND USE OF ARMY LAND INFORMATION WARFARE ACTIVITY.—The Secretary of Defense—

(1) shall ensure that the data mining, profiling, and analysis capability of the Army's Land Information Warfare Activity is completed and is fully operational as soon as possible; and

(2) shall make appropriate use of that capability to provide support to all appropriate national defense components.

SEC. 934. NETWORK CENTRIC WARFARE.

(a) FINDINGS.—Congress makes the following findings:

(1) Joint Vision 2020 set the goal for the Department of Defense to pursue information superiority in order that joint forces may possess superior knowledge and attain decision superiority during operations across the spectrum of conflict.

(2) One concept being pursued to attain information superiority is known as Network Centric Warfare. The concept of Network Centric Warfare links sensors, communications systems and weapons systems in an interconnected grid that allows for a seamless information flow to warfighters, policy makers, and support personnel.

(3) The Joint Staff, the Defense Agencies, and the military departments are all pursuing various concepts related to Network Centric Warfare.

(b) GOAL.—It shall be the goal of Department of Defense to fully coordinate various efforts being pursued by the Joint Staff, the Defense Agencies, and the military departments as they develop the concept of Network Centric Warfare.

(c) REPORT ON NETWORK CENTRIC WARFARE.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the development and implementation of network centric warfare concepts within the Department of Defense. The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff.

(2) The report shall include the following:

(A) A clear definition and terminology to describe the set of operational concepts referred to as "network centric warfare".

(B) An identification and description of the current and planned activities by the Office of the Secretary of Defense, the Joint Chiefs of Staff, and the United States Joint Forces Command relating to network centric warfare.

(C) A discussion of how the concept of network centric warfare is related to the strategy of transformation as outlined in the document entitled "Joint Vision 2020", along with the advantages and disadvantages of pursing that concept.

(D) A discussion on how the Department is implementing the concepts of network centric warfare as it relates to information superiority and decision superiority articulated in "Joint Vision 2020."

(E) An identification and description of the current and planned activities of each of the Armed Forces relating to network centric warfare.

(F) A discussion on how the Department plans to attain a fully integrated, joint command, control, communications, computers, intelligence, surveillance, and reconnaissance (C^{4}ISR) capability.

(G) A description of the joint requirements under development that will lead to the acquisition of technologies for enabling network centric warfare and whether those joint requirements are modifying existing service requirements and vision statements.

(H) A discussion of how Department of Defense activities to establish a joint network centric capability are coordinated with other departments and agencies of the United States and with United States allies.

(I) A discussion of the coordination of the science and technology investments of the military departments and Defense Agencies in the development of future joint network centric warfare capabilities.

(J) The methodology being used to measure progress toward stated goals.

(d) STUDY ON THE USE OF JOINT EXPERIMENTATION FOR DEVELOPING NETWORK CENTRIC WARFARE CONCEPTS.—(1) The Secretary of Defense shall conduct a study on the present and future use of the joint experimentation program of the Department of Defense in the development of network centric warfare concepts.

(2) The Secretary shall submit to the congressional defense committees a report on the results of the study. The report shall include the following:

(A) A survey of and description of how experimentation under the joint experimentation at United States Joint Forces Command is being used for evaluating emerging concepts in network centric warfare.

(B) A survey of and description of how experimentation under the joint experimentation of each of the armed services are being used for evaluating emerging concepts in network centric warfare.

(C) A description of any emerging concepts and recommendations developed by those experiments, with special emphasis on force structure implications.

(3) The Secretary of Defense, acting through the Chairman of the Joint Chief of Staff, shall designate the Commander in Chief of the United States Joint Forces Command to carry out the study and prepare the report required under this subsection.

(e) TIME FOR SUBMISSION OF REPORTS.—Each report required under this section shall be submitted not later than March 1, 2001.

SEC. 935. REPORT ON AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) REPORT REQUIRED.—Not later than September 30, 2001, the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the roles and missions, organizational structure, funding, and operations of the Air Force Institute of Technology as projected through 2010.

(b) MATTERS TO BE INCLUDED.—The report shall provide—

(1) a statement of the Institute's roles and missions through 2010 in meeting the critical scientific and educational requirements of the Air Force;

(2) a statement of the strategic priorities for the Institute in meeting long-term core science and technology educational needs of the Air Force; and

(3) a plan for the near-term increase in the production by the Institute of masters and doctoral degree graduates.

(c) RECOMMENDATIONS TO BE PROVIDED.—Based on the matters determined for purposes of subsection (b), the report shall include recommendations of the Secretary of the Air Force with respect to the following:

(1) The grade of the Commandant of the Institute.

(2) The chain of command of the Commandant within the Air Force.

(3) The employment and compensation of civilian professors at the Institute.

(4) The processes for the identification of requirements for personnel with advanced degrees within the Air Force and identification and selection of candidates for annual enrollment at the Institute.

(5) Postgraduation opportunities within the Air Force for graduates of the Institute.

(6) The policies and practices regarding the admission to the Institute of—

(A) officers of the Army, Navy, Marine Corps, and Coast Guard;

(B) employees of the Department of the Army, Department of the Navy, and Department of Transportation;

(C) personnel of the military forces of foreign countries;

(D) enlisted members of the Armed Forces; and

(E) other persons eligible for admission.

(7) Near- and long-term funding of the institute.

(8) Opportunities for cooperation, collaboration, and joint endeavors with other military and civilian scientific and technical educational

institutions for the production of qualified personnel to meet Department of Defense scientific and technical requirements.

(d) CONSULTATION.—The report shall be prepared in consultation with the Chief of Staff of the Air Force and the Commander of the Air Force Materiel Command.

Subtitle E—Other Matters

SEC. 941. FLEXIBILITY IN IMPLEMENTATION OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL.

Section 130a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) FLEXIBILITY.—(1) If during fiscal year 2001 or fiscal year 2002 the Secretary of Defense determines, and certifies to Congress, that the limitation under subsection (a), or a limitation under subsection (b), would adversely affect United States national security, the Secretary may take any of the following actions:

"(A) Increase the percentage specified in subsection (b)(1) by such amount as the Secretary determines necessary or waive the limitation under that subsection.

"(B) Increase the percentage specified in subsection (b)(2) by such amount as the Secretary determines necessary, not to exceed a cumulative increase of 7.5 percentage points.

"(C) Increase the percentage specified in subsection (a) by such amount as the Secretary determines necessary, not to exceed a cumulative increase of 7.5 percentage points.

"(2) Any certification under paragraph (1) shall include notice of the specific waiver or increases made pursuant to the authority provided in that paragraph.".

SEC. 942. CONSOLIDATION OF CERTAIN NAVY GIFT FUNDS.

(a) MERGER OF NAVAL HISTORICAL CENTER FUND INTO DEPARTMENT OF THE NAVY GENERAL GIFT FUND.—(1) The Secretary of the Navy shall transfer all amounts in the Naval Historical Center Fund maintained under section 7222 of title 10, United States Code, to the Department of the Navy General Gift Fund maintained under section 2601 of such title. Upon completing the transfer, the Secretary shall close the Naval Historical Center Fund.

(2) Amounts transferred to the Department of the Navy General Gift Fund under this subsection shall be merged with other amounts in that Fund and shall be available for the purposes for which amounts in that Fund are available.

(b) CONSOLIDATION OF NAVAL ACADEMY GENERAL GIFT FUND AND NAVAL ACADEMY MUSEUM FUND.—(1) The Secretary of the Navy shall transfer all amounts in the United States Naval Academy Museum Fund established by section 6974 of title 10, United States Code, to the gift fund maintained for the benefit and use of the United States Naval Academy under section 6973 of such title. Upon completing the transfer, the Secretary shall close the United States Naval Academy Museum Fund.

(2) Amounts transferred under this subsection shall be merged with other amounts in the gift fund to which transferred and shall be available for the purposes for which amounts in that gift fund are available.

(c) CONSOLIDATION AND REVISION OF AUTHORITIES FOR ACCEPTANCE OF GIFTS, BEQUESTS, AND LOANS FOR THE UNITED STATES NAVAL ACADEMY.—(1) Subsection (a) of section 6973 of title 10, United States Code, is amended—

(A) in the first sentence—

(i) by striking "gifts and bequests of personal property" and inserting "any gift or bequest of personal property, and may accept, hold, and administer any loan of personal property other than money, that is"; and

(ii) by inserting "or the Naval Academy Museum, its collection, or its services" before the period at the end;

(B) in the second sentence, by striking "'United States Naval Academy general gift fund'" and inserting "'United States Naval Academy Gift and Museum Fund'"; and

(C) in the third sentence, by inserting "(including the Naval Academy Museum)" after "the Naval Academy".

(2) Such section is further amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) The Secretary shall prescribe written guidelines to be used for determinations of whether the acceptance of money, any personal property, or any loan of personal property under subsection (a) would reflect unfavorably on the ability of the Department of the Navy or any officer or employee of the Department of the Navy to carry out responsibilities or duties in a fair and objective manner, or would compromise either the integrity or the appearance of the integrity of any program of the Department of the Navy or any officer or employee of the Department of the Navy who is involved in any such program.".

(3) Subsection (d) of such section, as redesignated by paragraph (2)(A), is amended by striking "United States Naval Academy general gift fund" both places it appears and inserting "United States Naval Academy Gift and Museum Fund".

(4) The heading for such section is amended to read as follows:

"§ 6973. Gifts, bequests, and loans of property: acceptance for benefit and use of Naval Academy".

(d) REFERENCES TO CLOSED GIFT FUNDS.—(1) Section 6974 of title 10, United States Code, is amended to read as follows:

"§ 6974. United States Naval Academy Museum Fund: references to Fund

"Any reference in a law, regulation, document, paper, or other record of the United States to the United States Naval Academy Museum Fund formerly maintained under this section shall be deemed to refer to the United States Naval Academy Gift and Museum Fund maintained under section 6973 of this title.".

(2) Section 7222 of such title is amended to read as follows:

"§ 7222. Naval Historical Center Fund: references to Fund

"Any reference in a law, regulation, document, paper, or other record of the United States to the Naval Historical Center Fund formerly maintained under this section shall be deemed to refer to the Department of the Navy General Gift Fund maintained under section 2601 of this title.".

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 603 of title 10, United States Code, is amended by striking the items relating to sections 6973 and 6974 and inserting the following:

"6973. Gifts, bequests, and loans of property: acceptance for benefit and use of Naval Academy.
"6974. United States Naval Academy Museum Fund: references to Fund.".

(2) The item relating to section 7222 of such title in the table of sections at the beginning of chapter 631 of such title is amended to read as follows:

"7222. Naval Historical Center Fund: references to Fund.".

SEC. 943. TEMPORARY AUTHORITY TO DISPOSE OF A GIFT PREVIOUSLY ACCEPTED FOR THE NAVAL ACADEMY.

Notwithstanding section 6973 of title 10, United States Code, during fiscal year 2001 the Secretary of the Navy may dispose of a gift accepted before the date of the enactment of this Act for the United States Naval Academy by disbursing from the United States Naval Academy general gift fund to an entity designated by the donor of the gift the amount equal to the current cash value of that gift.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Authorization of emergency supplemental appropriations for fiscal year 2000.
Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2001.
Sec. 1005. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2001.
Sec. 1006. Requirement for prompt payment of contract vouchers.
Sec. 1007. Plan for prompt recording of obligations of funds for contractual transactions.
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Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Revisions to national defense features program.
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Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of authority to provide support for counter-drug activities of Colombia.
Sec. 1022. Report on Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1023. Recommendations on expansion of support for counter-drug activities.
Sec. 1024. Review of riverine counter-drug program.
Sec. 1025. Report on tethered aerostat radar system.
Sec. 1026. Sense of Congress regarding use of Armed Forces for counter-drug and counter-terrorism activities.

Subtitle D—Counterterrorism and Domestic Preparedness

Sec. 1031. Preparedness of military installation first responders for incidents involving weapons of mass destruction.
Sec. 1032. Additional weapons of mass destruction civil support teams.
Sec. 1033. Authority to provide loan guarantees to improve domestic preparedness to combat cyberterrorism.
Sec. 1034. Report on the status of domestic preparedness against the threat of biological terrorism.
Sec. 1035 Report on strategy, policies, and programs to combat domestic terrorism.

Subtitle E—Strategic Forces

Sec. 1041. Revised nuclear posture review.
Sec. 1042. Plan for the long-term sustainment and modernization of United States strategic nuclear forces.

Sec. 1043. Modification of scope of waiver authority for limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1044. Report on the defeat of hardened and deeply buried targets.
Sec. 1045. Sense of Congress on the maintenance of the strategic nuclear triad.

Subtitle F—Miscellaneous Reporting Requirements

Sec. 1051. Management review of working-capital fund activities.
Sec. 1052. Report on submarine rescue support vessels.
Sec. 1053. Report on Federal Government progress in developing information assurance strategies.
Sec. 1054. Department of Defense process for decisionmaking in cases of false claims.

Subtitle G—Government Information Security Reform

Sec. 1061. Coordination of Federal information policy.
Sec. 1062. Responsibilities of certain agencies.
Sec. 1063. Relationship of Defense Information Assurance Program to Government-wide information security program.
Sec. 1064. Technical and conforming amendments.
Sec. 1065. Effective date.

Subtitle H—Security Matters

Sec. 1071. Limitation on granting of security clearances.
Sec. 1072. Process for prioritizing background investigations for security clearances for Department of Defense personnel and defense contractor personnel.
Sec. 1073. Authority to withhold certain sensitive information from public disclosure.
Sec. 1074. Expansion of authority to exempt geodetic products of the Department of Defense from public disclosure.
Sec. 1075. Expenditures for declassification activities.
Sec. 1076. Enhanced access to criminal history record information for national security and other purposes
Sec. 1077. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
Sec. 1078. Coordination of nuclear weapons secrecy policies and consideration of health of workers at former Department of Defense nuclear facilities.

Subtitle I—Other Matters

Sec. 1081. Funds for administrative expenses under Defense Export Loan Guarantee program.
Sec. 1082. Transit pass program for Department of Defense personnel in poor air quality areas.
Sec. 1083. Transfer of Vietnam era TA–4 aircraft to nonprofit foundation.
Sec. 1084. Transfer of 19th century cannon to museum.
Sec. 1085. Fees for providing historical information to the public.
Sec. 1086. Grants to American Red Cross for Armed Forces emergency services.
Sec. 1087. Technical and clerical amendments.
Sec. 1088. Maximum size of parcel post packages transported overseas for Armed Forces post offices.
Sec. 1089. Sense of Congress regarding tax treatment of members receiving special pay for duty subject to hostile fire or imminent danger.
Sec. 1090. Organization and management of Civil Air Patrol.
Sec. 1091. Additional duties for Commission to Assess United States National Security Space Management and Organization.
Sec. 1092. Commission on the Future of the United States Aerospace Industry.
Sec. 1093. Drug addiction treatment.

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2001 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee of conference to accompany the conference report on the bill H.R. 4205 of the One Hundred Sixth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2000.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2000 in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the Emergency Supplemental Act, 2000 (division B of Public Law 106–246) or in title IX of the Department of Defense Appropriations Act, 2001 (Public Law 106–259).

SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2001.

(a) FISCAL YEAR 2001 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2001 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2000, of funds appropriated for fiscal years before fiscal year 2001 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $743,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $181,981,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1005. LIMITATION ON FUNDS FOR BOSNIA AND KOSOVO PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2001.

(a) LIMITATION.—Of the amounts authorized to be appropriated by section 301(24) for the Overseas Contingency Operations Transfer Fund—

(1) no more than $1,387,800,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations; and

(2) no more than $1,650,400,000 may be obligated for incremental costs of the Armed Forces for Kosovo peacekeeping operations.

(b) PRESIDENTIAL WAIVER.—The President may waive the limitation in subsection (a)(1), or the limitation in subsection (a)(2), after submitting to Congress the following:

(1) The President's written certification that the waiver is necessary in the national security interests of the United States.

(2) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(3) A report setting forth the following:

(A) The reasons that the waiver is necessary in the national security interests of the United States.

(B) The specific reasons that additional funding is required for the continued presence of

United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be, for fiscal year 2001.

(C) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be.

(4) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2001 costs associated with United States military forces participating in, or supporting, Bosnia or Kosovo peacekeeping operations.

(c) PEACEKEEPING OPERATIONS DEFINED.—For the purposes of this section:

(1) The term "Bosnia peacekeeping operations" has the meaning given such term in section 1004(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

(2) The term "Kosovo peacekeeping operations"—

(A) means the operation designated as Operation Joint Guardian and any other operation involving the participation of any of the Armed Forces in peacekeeping or peace enforcement activities in and around Kosovo; and

(B) includes, with respect to Operation Joint Guardian or any such other operation, each activity that is directly related to the support of the operation.

SEC. 1006. REQUIREMENT FOR PROMPT PAYMENT OF CONTRACT VOUCHERS.

(a) REQUIREMENT.—(1) Chapter 131 of title 10, United States Code, is amended by adding after section 2225, as added by section 812(a)(1), the following new section:

"§2226. Contracted property and services: prompt payment of vouchers

"(a) REQUIREMENT.—Of the contract vouchers that are received by the Defense Finance and Accounting Service by means of the mechanization of contract administration services system, the number of such vouchers that remain unpaid for more than 30 days as of the last day of each month may not exceed 5 percent of the total number of the contract vouchers so received that remain unpaid on that day.

"(b) CONTRACT VOUCHER DEFINED.—In this section, the term 'contract voucher' means a voucher or invoice for the payment to a contractor for services, commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))), or other deliverable items provided by the contractor under a contract funded by the Department of Defense.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2225, as added by section 812(a)(2), the following new item:

"2226. Contracted property and services: prompt payment of vouchers.".

(b) EFFECTIVE DATE.—Section 2226 of title 10, United States Code (as added by subsection (a)), shall take effect on December 1, 2000.

(c) CONDITIONAL REQUIREMENT FOR REPORT.—(1) If for any month of the noncompliance reporting period the requirement in section 2226 of title 10, United States Code (as added by subsection (a)), is not met, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the magnitude of the unpaid contract vouchers. The report for a month shall be submitted not later than 30 days after the end of that month.

(2) A report for a month under paragraph (1) shall include information current as of the last day of the month as follows:

(A) The number of the vouchers received by the Defense Finance and Accounting Service by means of the mechanization of contract administration services system during each month.

(B) The number of the vouchers so received, whenever received by the Defense Finance and Accounting Service, that remain unpaid for each of the following periods:

(i) Over 30 days and not more than 60 days.

(ii) Over 60 days and not more than 90 days.

(iii) More than 90 days.

(C) The number of the vouchers so received that remain unpaid for the major categories of procurements, as defined by the Secretary of Defense.

(D) The corrective actions that are necessary, and those that are being taken, to ensure compliance with the requirement in subsection (a).

(3) For purposes of this subsection:

(A) The term "noncompliance reporting period" means the period beginning on December 1, 2000, and ending on November 30, 2004.

(B) The term "contract voucher" has the meaning given that term in section 2226(b) of title 10, United States Code (as added by subsection (a)).

SEC. 1007. PLAN FOR PROMPT RECORDING OF OBLIGATIONS OF FUNDS FOR CONTRACTUAL TRANSACTIONS.

(a) REQUIREMENT FOR PLAN.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than November 15, 2000, a plan for ensuring that each obligation of the Department of Defense under a transaction described in subsection (c) be recorded in the appropriate financial administration systems of the Department of Defense not later than 10 days after the date on which the obligation is incurred.

(b) CONTENT OF PLAN.—The plan under subsection (a) shall provide for the following:

(1) The recording of obligations in accordance with requirements that apply uniformly throughout the Department of Defense, including requirements for the recording of detailed data on each such obligation.

(2) A system of accounting classification reference numbers for the recording of obligations that applies uniformly throughout the Department of Defense.

(3) A discussion of how the plan is to be implemented, including a schedule for implementation.

(c) COVERED TRANSACTIONS.—The plan shall apply to each obligation under any of the following transactions of the Department of Defense:

(1) A contract.

(2) A grant.

(3) A cooperative agreement.

(4) A transaction authorized under section 2371 of title 10, United States Code.

SEC. 1008. ELECTRONIC SUBMISSION AND PROCESSING OF CLAIMS FOR CONTRACT PAYMENTS.

(a) REQUIREMENTS.—(1) Chapter 131 of title 10, United States Code, is amended by adding after section 2226, as added by section 1006(a)(1), the following new section:

"§2227. Electronic submission and processing of claims for contract payments

"(a) SUBMISSION OF CLAIMS.—The Secretary of Defense shall require that any claim for payment under a Department of Defense contract shall be submitted to the Department of Defense in electronic form.

"(b) PROCESSING.—A contracting officer, contract administrator, certifying official, or other officer or employee of the Department of Defense who receives a claim for payment in electronic form in accordance with subsection (a) and is required to transmit the claim to any other officer or employee of the Department of Defense for processing under procedures of the department shall transmit the claim and any additional documentation necessary to support the determination and payment of the claim to such other officer or employee electronically.

"(c) WAIVER AUTHORITY.—If the Secretary of Defense determines that the requirement for using electronic means for submitting claims under subsection (a), or for transmitting claims and supporting documentation under subsection (b), is unduly burdensome in any category of cases, the Secretary may exempt the cases in that category from the application of the requirement.

"(d) IMPLEMENTATION OF REQUIREMENTS.—In implementing subsections (a) and (b), the Secretary of Defense shall provide for the following:

"(1) Policies, requirements, and procedures for using electronic means for the submission of claims for payment to the Department of Defense and for the transmission, between Department of Defense officials, of claims for payment received in electronic form, together with supporting documentation (such as receiving reports, contracts and contract modifications, and required certifications).

"(2) The format in which information can be accepted by the corporate database of the Defense Finance and Accounting Service.

"(3) The requirements to be included in contracts regarding the electronic submission of claims for payment by contractors.

"(e) CLAIM FOR PAYMENT DEFINED.—In this section, the term 'claim for payment' means an invoice or any other demand or request for payment.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2226, as added by section 1006(a)(2), the following new item:

"2227. Electronic submission and processing of claims for contract payments.".

(b) IMPLEMENTATION PLAN.—Not later than March 30, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for the implementation of the requirements imposed under section 2227 of title 10, United States Code (as added by subsection (a)). The plan shall provide for each of the matters specified in subsection (d) of that section.

(c) APPLICABILITY.—(1) Subject to paragraph (2), the Secretary of Defense shall apply section 2227 of title 10, United States Code (as added by subsection (a)), with respect to contracts for which solicitations of offers are issued after June 30, 2001.

(2)(A) The Secretary may delay the implementation of section 2227 to a date after June 30, 2001, upon a finding that it is impracticable to implement that section until that later date. In no event, however, may the implementation be delayed to a date after October 1, 2002.

(B) Upon determining to delay the implementation of such section 2227 to a later date under subparagraph (A), the Secretary shall promptly publish a notice of the delay in the Federal Register. The notice shall include a specification of the later date on which the implementation of that section is to begin. Not later than 30 days before the later implementation date, the Secretary shall publish in the Federal Register another notice that such section is being implemented beginning on that date.

SEC. 1009. ADMINISTRATIVE OFFSETS FOR OVERPAYMENT OF TRANSPORTATION COSTS.

(a) OFFSETS FOR OVERPAYMENTS OR LIQUIDATED DAMAGES.—(1) Section 2636 of title 10, United States Code, is amended to read as follows:

"§2636. Deductions from amounts due carriers

"(a) AMOUNTS FOR LOSS OR DAMAGE.—An amount deducted from an amount due a carrier shall be credited as follows:

"(1) If deducted because of loss of or damage to material in transit for a military department, the amount shall be credited to the proper appropriation, account, or fund from which the same or similar material may be replaced.

"(2) If deducted as an administrative offset for an overpayment previously made to the carrier under any Department of Defense contract for transportation services or as liquidated damages due under any such contract, the amount shall be credited to the appropriation or account from which payments for the transportation services were made.

"(b) SIMPLIFIED OFFSET FOR COLLECTION OF CLAIMS NOT IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.—(1) In any case in which the total amount of a claim for the recovery of overpayments or liquidated damages under a contract described in subsection (a)(2) does not exceed the simplified acquisition threshold, the Secretary of Defense or the Secretary concerned, in exercising the authority to collect the claim by administrative offset under section 3716 of title 31, may apply paragraphs (2) and (3) of subsection (a) of that section with respect to that collection after (rather than before) the claim is so collected.

"(2) Regulations prescribed by the Secretary of Defense under subsection (b) of section 3716 of title 31—

"(A) shall include provisions to carry out paragraph (1); and

"(B) shall provide the carrier for a claim subject to paragraph (1) with an opportunity to offer an alternative method of repaying the claim (rather than by administrative offset) if the collection of the claim by administrative offset has not already been made.

"(3) In this subsection, the term 'simplified acquisition threshold' has the meaning given that term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).".

(2) The item relating to such section in the table of sections at the beginning of chapter 157 of such title is amended to read as follows:

"2636. Deductions from amounts due carriers.".

(b) EFFECTIVE DATE.—Subsections (a)(2) and (b) of section 2636 of title 10, United States Code, as added by subsection (a)(1), shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 1010. INTEREST PENALTIES FOR LATE PAYMENT OF INTERIM PAYMENTS DUE UNDER GOVERNMENT SERVICE CONTRACTS.

(a) PROMPT PAYMENT REQUIREMENT FOR INTERIM PAYMENTS.—Under regulations prescribed under subsection (c), the head of an agency acquiring services from a business concern under a cost reimbursement contract requiring interim payments who does not pay the concern a required interim payment by the date that is 30 days after the date of the receipt of a proper invoice shall pay an interest penalty to the concern on the amount of the payment due. The interest shall be computed as provided in section 3902(a) of title 31, United States Code.

(b) REGULATIONS.—The Director of the Office of Management and Budget shall prescribe regulations to carry out this section. Such regulations shall be prescribed as part of the regulations prescribed under section 3903 of title 31, United States Code.

(c) INCORPORATION OF CERTAIN PROVISIONS OF LAW.—The provisions of chapter 39 of title 31, United States Code, shall apply to this section in the same manner as if this section were enacted as part of such chapter.

(d) EFFECTIVE DATE.—Subsection (a) shall take effect on December 15, 2000. No interest shall accrue by reason of that subsection for any period before that date.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. REVISIONS TO NATIONAL DEFENSE FEATURES PROGRAM.

Section 2218(k) of title 10, United States Code, is amended—

(1) by adding at the end of paragraph (1) the following new sentence: "As consideration for a contract with the head of an agency under this subsection, the company entering into the contract shall agree with the Secretary of Defense to make any vessel covered by the contract available to the Secretary, fully crewed and ready for sea, at any time at any port determined by the Secretary, and for whatever duration the Secretary determines necessary.";

(2) by adding at the end of paragraph (2) the following new subparagraph:

"(E) Payments of such sums as the Government would otherwise expend, if the vessel were placed in the Ready Reserve Fleet, for maintaining the vessel in the status designated as 'ROS-4 status' in the Ready Reserve Fleet for 25 years."; and

(3) by adding at the end the following new paragraph:

"(6) The head of an agency may not enter into a contract under paragraph (1) that would provide for payments to the contractor as authorized in paragraph (2)(E) until notice of the proposed contract is submitted to the congressional defense committees and a period of 90 days has elapsed.".

SEC. 1012. SENSE OF CONGRESS ON THE NAMING OF THE CVN–77 AIRCRAFT CARRIER.

(a) FINDINGS.—Congress makes the following findings:

(1) Over the last three decades Congress has authorized and appropriated funds for a total of 10 Nimitz class aircraft carriers.

(2) The last vessel in the Nimitz class of aircraft carriers, CVN–77, is currently under construction and will be delivered in 2008.

(3) The first nine vessels in this class bear the following proud names:

(A) U.S.S. Nimitz (CVN–68).
(B) U.S.S. Dwight D. Eisenhower (CVN–69).
(C) U.S.S. Carl Vinson (CVN–70).
(D) U.S.S. Theodore Roosevelt (CVN–71).
(E) U.S.S. Abraham Lincoln (CVN–72).
(F) U.S.S. George Washington (CVN–73).
(G) U.S.S. John C. Stennis (CVN–74).
(H) U.S.S. Harry S. Truman (CVN–75).
(I) U.S.S. Ronald Reagan (CVN–76).

(4) It is appropriate for Congress to recommend to the President, as Commander in Chief of the Armed Forces, an appropriate name for the final vessel in the Nimitz class of aircraft carriers.

(5) Over the last 25 years the vessels in the Nimitz class of aircraft carriers have served as one of the principal means of United States diplomacy and as one of the principal means for the defense of the United States and its allies around the world.

(6) The name bestowed upon the aircraft carrier CVN–77 should embody the American spirit and provide a lasting symbol of the American commitment to freedom.

(7) The name "Lexington" has been a symbol of freedom from the first battle of the American Revolution.

(8) The two aircraft carriers previously named U.S.S. Lexington (the CV–2 and the CV–16) served the Nation for 64 years, served in World War II, and earned a total of 13 battle stars.

(9) One of those honored vessels, the CV–2, was lost at the Battle of the Coral Sea on May 8, 1942.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the CVN–77 aircraft carrier should be named the "U.S.S. Lexington"—

(1) in order to honor the men and women who served in the Armed Forces of the United States during World War II and the incalculable number of United States citizens on the home front during that war who mobilized in the name of freedom; and

(2) as a special tribute to the 16,000,000 veterans of the Armed Forces who served on land, sea, and air during World War II (of whom fewer than 6,000,000 remain alive today) and a lasting symbol of their commitment to freedom as they pass on having proudly taken their place in history.

SEC. 1013. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) BRAZIL.—To the Government of Brazil—

(A) the THOMASTON class dock landing ships ALAMO (LSD 33) and HERMITAGE (LSD 34); and

(B) the GARCIA class frigates BRADLEY (FF 1041), DAVIDSON (FF 1045), SAMPLE (FF 1048) and ALBERT DAVID (FF 1050).

(2) GREECE.—To the Government of Greece, the KNOX class frigates VREELAND (FF 1068) and TRIPPE (FF 1075).

(b) TRANSFERS ON A COMBINED LEASE-SALE BASIS.—(1) The President is authorized to transfer vessels to foreign countries on a combined lease-sale basis under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796 and 2761) and in accordance with subsection (c) as follows:

(A) CHILE.—To the Government of Chile, the OLIVER HAZARD PERRY class guided missile frigates WADSWORTH (FFG 9), and ESTOCIN (FFG 15).

(B) TURKEY.—To the Government of Turkey, the OLIVER HAZARD PERRY class guided missile frigates JOHN A. MOORE (FFG 19) and FLATLEY (FFG 21).

(2) The authority provided under paragraph (1)(B) is in addition to the authority provided under section 1018(a)(9) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 745) for the transfer of those vessels to the Government of Turkey on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) CONDITIONS RELATING TO COMBINED LEASE-SALE TRANSFERS.—A transfer of a vessel on a combined lease-sale basis authorized by subsection (b) shall be made in accordance with the following requirements:

(1) The President may initially transfer the vessel by lease, with lease payments suspended for the term of the lease, if the country entering into the lease for the vessel simultaneously enters into a foreign military sales agreement for the transfer of title to the vessel.

(2) The President may not deliver to the purchasing country title to the vessel until the purchase price of the vessel under such a foreign military sales agreement is paid in full.

(3) Upon payment of the purchase price in full under such a sales agreement and delivery of title to the recipient country, the President shall terminate the lease.

(4) If the purchasing country fails to make full payment of the purchase price in accordance with the sales agreement by the date required under the sales agreement—

(A) the sales agreement shall be immediately terminated;

(B) the suspension of lease payments under the lease shall be vacated; and

(C) the United States shall be entitled to retain all funds received on or before the date of the termination under the sales agreement, up to the amount of the lease payments due and payable under the lease and all other costs required by the lease to be paid to that date.

(5) If a sales agreement is terminated pursuant to paragraph (4), the United States shall not be required to pay any interest to the recipient country on any amount paid to the United States by the recipient country under the sales agreement and not retained by the United States under the lease.

(d) AUTHORIZATION OF APPROPRIATIONS FOR COSTS OF LEASE-SALE TRANSFERS.—There is hereby authorized to be appropriated into the Defense Vessels Transfer Program Account such sums as may be necessary for paying the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale transfers authorized by subsection (b). Amounts so appropriated shall be available only for the purpose of paying those costs.

(e) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(f) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))) in the case of a transfer authorized to be made on a grant basis under subsection (a)).

(g) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(h) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

(i) COORDINATION OF PROVISIONS.—(1) If the Security Assistance Act of 2000 is enacted before this Act, the provisions of this section shall not take effect.

(2) If the Security Assistance Act of 2000 is enacted after this Act, this section shall cease to be in effect upon the enactment of that Act.

SEC. 1014. AUTHORITY TO CONSENT TO RETRANSFER OF ALTERNATIVE FORMER NAVAL VESSEL BY GOVERNMENT OF GREECE.

(a) AUTHORITY FOR RETRANSFER OF ALTERNATIVE VESSEL.—Section 1012 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 740) is amended—

(1) in subsection (a), by inserting after "HS Rodos (ex-USS BOWMAN COUNTY (LST 391))" the following: ", LST 325, or any other former United States LST previously transferred to the Government of Greece that is excess to the needs of that government"; and

(2) in subsection (b)(1), by inserting "retransferred under subsection (a)" after "the vessel".

(b) REPEAL.—Section 1305 of the Arms Control, Nonproliferation, and Security Assistance Act of 1999 (113 Stat. 1501A–511) is repealed.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF COLOMBIA.

(a) EXTENSION OF AUTHORITY.—Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881) is amended—

(1) in subsection (a), by striking "during fiscal years 1998 through 2002,"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: ", for fiscal years 1998 through 2002"; and

(B) in paragraph (2), by inserting before the period at the end the following: ", for fiscal years 1998 through 2006".

(b) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended by striking "2002" and inserting "2006".

SEC. 1022. REPORT ON DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Not later than January 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report detailing the expenditure of funds by the Secretary during fiscal year 2000 in direct or indirect support of the counter-drug activities of foreign governments. The report shall include the following for each foreign government:

(1) The total amount of assistance provided to, or expended on behalf of, the foreign government.

(2) A description of the types of counter-drug activities conducted using the assistance.

(3) An explanation of the legal authority under which the assistance was provided.

SEC. 1023. RECOMMENDATIONS ON EXPANSION OF SUPPORT FOR COUNTER-DRUG ACTIVITIES.

(a) REQUIREMENT FOR SUBMITTAL OF RECOMMENDATIONS.—Not later than February 1, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the recommendations of the Secretary regarding whether expanded support for counter-drug activities should be authorized under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881) for the region that includes the countries that are covered by that authority on the date of the enactment of this Act.

(b) CONTENT OF SUBMISSION.—The submission under subsection (a) shall include the following:

(1) What, if any, additional countries should be covered.

(2) What, if any, additional support should be provided to covered countries, together with the reasons for recommending the additional support.

(3) For each country recommended under paragraph (1), a plan for providing support, including the counter-drug activities proposed to be supported.

SEC. 1024. REVIEW OF RIVERINE COUNTER-DRUG PROGRAM.

(a) REQUIREMENT FOR REVIEW.—The Secretary of Defense shall review the riverine counter-drug program supported under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881).

(b) REPORT.—Not later than February 1, 2001, the Secretary shall submit a report on the riverine counter-drug program to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include, for each country receiving support under the riverine counter-drug program, the following:

(1) The Assistant Secretary's assessment of the effectiveness of the program.

(2) A recommendation regarding which of the Armed Forces, units of the Armed Forces, or other organizations within the Department of Defense should be responsible for managing the program.

(c) DELEGATION OF AUTHORITY.—The Secretary shall require the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to carry out the responsibilities under this section.

SEC. 1025. REPORT ON TETHERED AEROSTAT RADAR SYSTEM.

(a) REPORT REQUIRED.—Not later than May 1, 2001, The Secretary of Defense shall submit to Congress a report on the status of the Tethered Aerostat Radar System used to conduct counter-drug detection and monitoring and border security and air sovereignty operations. The report shall include the following:

(1) The status and operational availability of each of the existing sites of the Tethered Aerostat Radar System.

(2) A discussion of any plans to close, during the next 5 years, currently operational sites, including a review of the justification for each proposed closure.

(3) A review of the requirements of other agencies, especially the United States Customs Service, for data derived from the Tethered Aerostat Radar System.

(4) A assessment of the value of the Tethered Aerostat Radar System in the conduct of counter-drug detection and monitoring and border security and air sovereignty operations compared to other surveillance systems available for such operations.

(5) The costs associated with the planned standardization of the Tethered Aerostat Radar System and the Secretary's analysis of that standardization.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Secretary of the Treasury.

SEC. 1026. SENSE OF CONGRESS REGARDING USE OF ARMED FORCES FOR COUNTER-DRUG AND COUNTER-TERRORISM ACTIVITIES.

It is the sense of Congress that the President should be able to use members of the Army, Navy, Air Force, and Marine Corps to assist law enforcement agencies, to the full extent consistent with section 1385 of title 18, United States Code (commonly known as the Posse Comitatus Act), section 375 of title 10, United States Code, and other applicable law, in preventing the entry into the United States of terrorists and drug traffickers, weapons of mass destruction, components of weapons of mass destruction, and prohibited narcotics and drugs.

Subtitle D—Counterterrorism and Domestic Preparedness

SEC. 1031. PREPAREDNESS OF MILITARY INSTALLATION FIRST RESPONDERS FOR INCIDENTS INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the program of the Department of Defense to ensure the preparedness of the first responders of the Department of Defense for incidents involving weapons of mass destruction on installations of the Department of Defense.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A detailed description of the overall preparedness program.

(2) A detailed description of the deficiencies in the preparedness of Department of Defense installations to respond to an incident involving a weapon of mass destruction, together with a discussion of the actions planned to be taken by the Department of Defense to correct the deficiencies.

(3) The schedule and costs associated with the implementation of the preparedness program.

(4) The Department's plan for coordinating the preparedness program with responders in the communities in the localities of the installations.

(5) The Department's plan for promoting the interoperability of the equipment used by the installation first responders referred to in subsection (a) with the equipment used by the first responders in those communities.

(c) Form of Report.—The report shall be submitted in an unclassified form, but may include a classified annex.

(d) Definitions.—In this section:

(1) The term "first responder" means an organization responsible for responding to an incident involving a weapon of mass destruction.

(2) The term "weapon of mass destruction" has the meaning given that term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

SEC. 1032. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

During fiscal year 2001, the Secretary of Defense shall establish five additional teams designated as Weapons of Mass Destruction Civil Support Teams (for a total of 32 such teams).

SEC. 1033. AUTHORITY TO PROVIDE LOAN GUARANTEES TO IMPROVE DOMESTIC PREPAREDNESS TO COMBAT CYBERTERRORISM.

(a) Establishment of Program.—(1) Chapter 148 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER VII—CRITICAL INFRASTRUCTURE PROTECTION LOAN GUARANTEES

"Sec.
"2541. Establishment of loan guarantee program.
"2541a. Fees charged and collected.
"2541b. Administration.
"2541c. Transferability, additional limitations, and definition.
"2541d. Reports.

"§2541. Establishment of loan guarantee program

"(a) Establishment.—In order to meet the national security objectives in section 2501(a) of this title, the Secretary of Defense shall establish a program under which the Secretary may issue guarantees assuring lenders against losses of principal or interest, or both principal and interest, for loans made to qualified commercial firms to fund, in whole or in part, any of the following activities:

(1) The improvement of the protection of the critical infrastructure of the commercial firms.

(2) The refinancing of improvements previously made to the protection of the critical infrastructure of the commercial firms.

"(b) Qualified Commercial Firms.—For purposes of this section, a qualified commercial firm is a company or other business entity (including a consortium of such companies or other business entities, as determined by the Secretary) that the Secretary determines—

"(1) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States;

"(2) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business of a parent company that is incorporated in a country the government of which—

"(A) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations or agreements; and

"(B) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States;

"(3) provides technology products or services critical to the operations of the Department of Defense;

"(4) meets standards of prevention of cyberterrorism applicable to the Department of Defense; and

"(5) agrees to submit the report required under section 2541d of this title.

"(c) Loan Limits.—The maximum amount of loan principal guaranteed during a fiscal year under this section may not exceed $10,000,000, with respect to all borrowers.

"(d) Goals and Standards.—The Secretary shall prescribe regulations setting forth goals for the use of the loan guarantees provided under this section and standards for evaluating whether those goals are met by each entity receiving such loan guarantees.

"(e) Authority Subject to Provisions of Appropriations.—The Secretary may guarantee a loan under this subchapter only to such extent or in such amounts as may be provided in advance in appropriations Acts.

"§2541a. Fees charged and collected

"(a) Fee Required.—The Secretary of Defense shall assess a fee for providing a loan guarantee under this subchapter.

"(b) Amount of Fee.—The amount of the fee shall be not less than 75 percent of the amount incurred by the Secretary to provide the loan guarantee.

"(c) Special Account.—(1) Such fees shall be credited to a special account in the Treasury.

"(2) Amounts in the special account shall be available, to the extent and in amounts provided in appropriations Acts, for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this subchapter.

"(3)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this subchapter, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed $500,000 in any fiscal year, for those expenses.

"(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish operations and maintenance accounts for amounts expended under subparagraph (A).

"§2541b. Administration

"(a) Agreements Required.—The Secretary of Defense may enter into one or more agreements, each with an appropriate Federal or private entity, under which such entity may, under this subchapter—

"(1) process applications for loan guarantees;

"(2) administer repayment of loans; and

"(3) provide any other services to the Secretary to administer this subchapter.

"(b) Treatment of Costs.—The costs of such agreements shall be considered, for purposes of the special account established under section 2541a(c), to be costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this subchapter.

"§2541c. Transferability, additional limitations, and definition

"The following provisions of subtitle VI of this chapter apply to guarantees issued under this subtitle:

"(1) Section 2540a, relating to transferability of guarantees.

"(2) Subsections (b) and (c) of section 2540b, providing limitations.

"(3) Section 2540d(2), providing a definition of the term 'cost'.

"§2541d. Reports

"(a) Report by Commercial Firms to Secretary of Defense.—The Secretary of Defense shall require each qualified commercial firm for which a loan is guaranteed under this subchapter to submit to the Secretary a report on the improvements financed or refinanced with the loan. The report shall include an assessment of the value of the improvements for the protection of the critical infrastructure of that commercial firm. The Secretary shall prescribe the time for submitting the report.

"(b) Annual Report by Secretary of Defense to Congress.—Not later than March 1 of each year in which guarantees are made under this subchapter, the Secretary of Defense shall submit to Congress a report on the loan guarantee program under this subchapter. The report shall include the following:

"(1) The amounts of the loans for which guarantees were issued during the year preceding the year of the report.

"(2) The success of the program in improving the protection of the critical infrastructure of the commercial firms covered by the guarantees.

"(3) The relationship of the loan guarantee program to the critical infrastructure protection program of the Department of Defense, together with an assessment of the extent to which the loan guarantee program supports the critical infrastructure protection program.

"(4) Any other information on the loan guarantee program that the Secretary considers appropriate to include in the report.".

(2) The table of subchapters at the beginning of such chapter is amended by adding at the end the following new item:

"VII. Critical Infrastructure Protection Loan Guarantees .... 2541".

(b) Redesignation of Displaced Sections.—(1) Sections 2541 through 2554 of chapter 152 of title 10, United States Code, are redesignated as sections 2551 through 2564, respectively.

(2) The items in the table of sections at the beginning of chapter 152 of such title are revised to reflect the redesignations made by paragraph (1).

(c) Conforming Amendments.—(1) Subsection (c)(3)(C) of section 2561 of such title, as redesignated by subsection (b), is amended by striking "section 2547" and inserting "section 2557".

(2) Subsection (b) of section 2562 of such title, as so redesignated, is amended by striking "section 2547" and inserting "section 2557";

(3) Section 7300 of such title is amended by striking "section 2553" and inserting "section 2563".

SEC. 1034. REPORT ON THE STATUS OF DOMESTIC PREPAREDNESS AGAINST THE THREAT OF BIOLOGICAL TERRORISM.

(a) Report Required.—Not later than March 31, 2001, the President shall submit to Congress a report on domestic preparedness against the threat of biological terrorism.

(b) Report Elements.—The report shall address the following:

(1) The current state of United States preparedness to defend against a biologic attack.

(2) The roles that various Federal agencies currently play, and should play, in preparing for, and defending against, such an attack.

(3) The roles that State and local agencies and public health facilities currently play, and should play, in preparing for, and defending against, such an attack.

(4) The advisability of establishing an intergovernmental task force to assist in preparations for such an attack.

(5) The potential role of advanced communications systems in aiding domestic preparedness against such an attack.

(6) The potential for additional research and development in biotechnology to aid domestic preparedness against such an attack.

(7) Other measures that should be taken to aid domestic preparedness against such an attack.

(8) The financial resources necessary to support efforts for domestic preparedness against such an attack.

(9) The deficiencies and vulnerabilities in the United States public health system for dealing with the consequences of a biological terrorist attack on the United States, and current plans to address those deficiencies and vulnerabilities.

(c) INTELLIGENCE ESTIMATE.—(1) Not later than March 1, 2001, the Secretary of Defense shall submit to Congress an intelligence estimate, prepared in consultation with the Director of Central Intelligence, containing—

(A) an assessment of the threat to the United States posed by a terrorist using a biological weapon; and

(B) an assessment of the relative consequences of an attack against the United States by a terrorist using a biological weapon compared with the consequences of an attack against the United States by a terrorist using a weapon that is a weapon of mass destruction other than a biological weapon or that is a conventional weapon.

(2) The intelligence estimate submitted under paragraph (1) shall include a comparison of—

(A) the likelihood of the threat of a terrorist attack against the United States through the use of a biological weapon, with

(B) the likelihood of the threat of a terrorist attack against the United States through the use of a weapon that is a weapon of mass destruction other than a biological weapon or that is a conventional weapon.

SEC. 1035. REPORT ON STRATEGY, POLICIES, AND PROGRAMS TO COMBAT DOMESTIC TERRORISM.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the strategy, policies, and programs of the United States for combating domestic terrorism, and in particular domestic terrorism involving weapons of mass destruction. The report shall document the progress and problems experienced by the Federal Government in organizing and preparing to respond to domestic terrorist incidents.

Subtitle E—Strategic Forces

SEC. 1041. REVISED NUCLEAR POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify United States nuclear deterrence policy and strategy for the near term, the Secretary of Defense shall conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years. The Secretary shall conduct the review in consultation with the Secretary of Energy.

(b) ELEMENTS OF REVIEW.—The nuclear posture review shall include the following elements:

(1) The role of nuclear forces in United States military strategy, planning, and programming.

(2) The policy requirements and objectives for the United States to maintain a safe, reliable, and credible nuclear deterrence posture.

(3) The relationship among United States nuclear deterrence policy, targeting strategy, and arms control objectives.

(4) The levels and composition of the nuclear delivery systems that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying existing systems.

(5) The nuclear weapons complex that will be required for implementing the United States national and military strategy, including any plans to modernize or modify the complex.

(6) The active and inactive nuclear weapons stockpile that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying warheads.

(c) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress, in unclassified and classified forms as necessary, a report on the results of the nuclear posture review conducted under this section. The report shall be submitted concurrently with the Quadrennial Defense Review report due in December 2001.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the nuclear posture review conducted under this section should be used as the basis for establishing future United States arms control objectives and negotiating positions.

SEC. 1042. PLAN FOR THE LONG-TERM SUSTAINMENT AND MODERNIZATION OF UNITED STATES STRATEGIC NUCLEAR FORCES.

(a) REQUIREMENT FOR PLAN.—The Secretary of Defense, in consultation with the Secretary of Energy, shall develop a long-range plan for the sustainment and modernization of United States strategic nuclear forces to counter emerging threats and satisfy the evolving requirements of deterrence.

(b) ELEMENTS OF PLAN.—The plan specified under subsection (a) shall include the Secretary's plans, if any, for the sustainment and modernization of the following:

(1) Land-based and sea-based strategic ballistic missiles, including any plans for developing replacements for the Minuteman III intercontinental ballistic missile and the Trident II sea-launched ballistic missile and plans for common ballistic missile technology development.

(2) Strategic nuclear bombers, including any plans for a B–2 follow-on, a B–52 replacement, and any new air-launched weapon systems.

(3) Appropriate warheads to outfit the strategic nuclear delivery systems referred to in paragraphs (1) and (2) to satisfy evolving military requirements.

(c) SUBMITTAL OF PLAN.—The plan specified under subsection (a) shall be submitted to Congress not later than April 15, 2001. The plan shall be submitted in unclassified and classified forms, as necessary.

SEC. 1043. MODIFICATION OF SCOPE OF WAIVER AUTHORITY FOR LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

Section 1302(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948), as amended by section 1501(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 806), is further amended by striking "the application of the limitation in effect under paragraph (1)(B) or (3) of subsection (a), as the case may be," and inserting "the application of the limitation in effect under subsection (a) to a strategic nuclear delivery system".

SEC. 1044. REPORT ON THE DEFEAT OF HARDENED AND DEEPLY BURIED TARGETS.

(a) STUDY.—The Secretary of Defense shall, in conjunction with the Secretary of Energy, conduct a study relating to the defeat of hardened and deeply buried targets. Under the study, the Secretaries shall—

(1) review—

(A) the requirements of the United States to defeat hardened and deeply buried targets and stockpiles of chemical and biological agents and related capabilities; and

(B) current and future plans to meet those requirements;

(2) determine if those plans adequately address all such requirements;

(3) identify potential future hardened and deeply buried targets and other related targets;

(4) determine what resources and research and development efforts are needed to defeat the targets identified under paragraph (3) as well as other requirements to defeat stockpiles of chemical and biological agents and related capabilities;

(5) assess both current and future options to defeat hardened and deeply buried targets as well as concepts to defeat stockpiles of chemical and biological agents and related capabilities; and

(6) determine the capability and cost of each option assessed under paragraph (5).

(b) CONDUCT OF ASSESSMENTS.—In conducting the study under subsection (a), the Secretaries may, in order to perform the assessments required by paragraph (5) of that subsection, conduct any limited research and development that may be necessary to perform those assessments.

(c) REPORT.—(1) Not later than July 1, 2001, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the study conducted under subsection (a). The report shall be prepared in conjunction with the Secretary of Energy.

(2) The report under paragraph (1) shall be submitted in unclassified form, together with a classified annex if necessary.

SEC. 1045. SENSE OF CONGRESS ON THE MAINTENANCE OF THE STRATEGIC NUCLEAR TRIAD.

It is the sense of Congress that, in light of the potential for further arms control agreements with the Russian Federation limiting strategic forces—

(1) it is in the national interest of the United States to maintain a robust and balanced triad of strategic nuclear delivery vehicles, including (A) long-range bombers, (B) land-based intercontinental ballistic missiles (ICBMs), and (C) ballistic missile submarines; and

(2) reductions to United States conventional bomber capability are not in the national interest of the United States.

Subtitle F—Miscellaneous Reporting Requirements

SEC. 1051. MANAGEMENT REVIEW OF WORKING-CAPITAL FUND ACTIVITIES.

(a) COMPTROLLER GENERAL REVIEW REQUIRED.—The Comptroller General shall conduct a review of the working-capital fund activities of the Department of Defense to identify any potential changes in current management processes or policies that, if made, would result in a more efficient and economical operation of those activities.

(b) REVIEW TO INCLUDE CARRYOVER POLICY.—The review shall include a review of practices under the Department of Defense policy that authorizes funds available for working-capital fund activities for one fiscal year to be obligated for work to be performed at such activities within the first 90 days of the next fiscal year (known as "carryover"). On the basis of the review, the Comptroller General shall determine the following:

(1) The extent to which the working-capital fund activities of the Department of Defense have complied with the 90-day carryover policy.

(2) The reasons for the carryover authority under the policy to apply to as much as a 90-day quantity of work.

(3) Whether applying the carryover authority to not more than a 30-day quantity of work would be sufficient to ensure uninterrupted operations at the working-capital fund activities early in a fiscal year.

(4) What, if any, savings could be achieved by restricting the carryover authority so as to apply to a 30-day quantity of work.

SEC. 1052. REPORT ON SUBMARINE RESCUE SUPPORT VESSELS.

(a) REQUIREMENT.—The Secretary of the Navy shall submit to Congress, together with the submission of the budget of the President for fiscal year 2002 under section 1105 of title 31, United States Code, a report on the plan of the Navy for providing for submarine rescue support vessels through fiscal year 2007.

(b) CONTENT.—The report shall include a discussion of the following:

(1) The requirement for submarine rescue support vessels through fiscal year 2007, including experience in changing from the provision of such vessels from dedicated platforms to the provision of such vessels through vessel of opportunity services and charter vessels.

(2) The resources required, the risks to submariners, and the operational impacts of the following:

(A) Chartering submarine rescue support vessels for terms of up to five years, with options to extend the charters for two additional five-year periods.

(B) Providing submarine rescue support vessels using vessel of opportunity services.

(C) Providing submarine rescue support services through other means considered by the Navy.

SEC. 1053. REPORT ON FEDERAL GOVERNMENT PROGRESS IN DEVELOPING INFORMATION ASSURANCE STRATEGIES.

Not later than January 15, 2001, the President shall submit to Congress a comprehensive report detailing the specific steps taken by the Federal Government as of the date of the report to develop critical infrastructure assurance strategies as outlined by Presidential Decision Directive No. 63 (PDD–63). The report shall include the following:

(1) A detailed summary of the progress of each Federal agency in developing an internal information assurance plan.

(2) The progress of Federal agencies in establishing partnerships with relevant private sector industries to address critical infrastructure vulnerabilities.

SEC. 1054. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING IN CASES OF FALSE CLAIMS.

Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report describing the policies and procedures for Department of Defense decisionmaking on issues arising under sections 3729 through 3733 of title 31, United States Code, in cases of claims submitted to the Department of Defense that are suspected or alleged to be false. The report shall include a discussion of any changes that have been made in the policies and procedures since January 1, 2000, and how such procedures are being implemented.

Subtitle G—Government Information Security Reform

SEC. 1061. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by inserting at the end the following new subchapter:

"SUBCHAPTER II—INFORMATION SECURITY

"§3531. Purposes

"The purposes of this subchapter are the following:

"(1) To provide a comprehensive framework for establishing and ensuring the effectiveness of controls over information resources that support Federal operations and assets.

"(2)(A) To recognize the highly networked nature of the Federal computing environment including the need for Federal Government interoperability and, in the implementation of improved security management measures, assure that opportunities for interoperability are not adversely affected.

"(B) To provide effective Government-wide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities.

"(3) To provide for development and maintenance of minimum controls required to protect Federal information and information systems.

"(4) To provide a mechanism for improved oversight of Federal agency information security programs.

"§3532. Definitions

"(a) Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

"(b) In this subchapter:

"(1) The term 'information technology' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

"(2) The term 'mission critical system' means any telecommunications or information system used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency, that—

"(A) is defined as a national security system under section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452);

"(B) is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be classified in the interest of national defense or foreign policy; or

"(C) processes any information, the loss, misuse, disclosure, or unauthorized access to or modification of, would have a debilitating impact on the mission of an agency.

"§3533. Authority and functions of the Director

"(a)(1) The Director shall establish Government-wide policies for the management of programs that—

"(A) support the cost-effective security of Federal information systems by promoting security as an integral component of each agency's business operations; and

"(B) include information technology architectures as defined under section 5125 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1425).

"(2) Policies under this subsection shall—

"(A) be founded on a continuing risk management cycle that recognizes the need to—

"(i) identify, assess, and understand risk; and

"(ii) determine security needs commensurate with the level of risk;

"(B) implement controls that adequately address the risk;

"(C) promote continuing awareness of information security risk; and

"(D) continually monitor and evaluate policy and control effectiveness of information security practices.

"(b) The authority under subsection (a) includes the authority to—

"(1) oversee and develop policies, principles, standards, and guidelines for the handling of Federal information and information resources to improve the efficiency and effectiveness of governmental operations, including principles, policies, and guidelines for the implementation of agency responsibilities under applicable law for ensuring the privacy, confidentiality, and security of Federal information;

"(2) consistent with the standards and guidelines promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 1441 note; Public Law 100–235; 101 Stat. 1729), require Federal agencies to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency;

"(3) direct the heads of agencies to—

"(A) identify, use, and share best security practices;

"(B) develop an agency-wide information security plan;

"(C) incorporate information security principles and practices throughout the life cycles of the agency's information systems; and

"(D) ensure that the agency's information security plan is practiced throughout all life cycles of the agency's information systems;

"(4) oversee the development and implementation of standards and guidelines relating to security controls for Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3);

"(5) oversee and coordinate compliance with this section in a manner consistent with—

"(A) sections 552 and 552a of title 5;

"(B) sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3 and 278g–4);

"(C) section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441);

"(D) sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 1441 note; Public Law 100–235; 101 Stat. 1729); and

"(E) related information management laws; and

"(6) take any authorized action under section 5113(b)(5) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1413(b)(5)) that the Director considers appropriate, including any action involving the budgetary process or appropriations management process, to enforce accountability of the head of an agency for information resources management, including the requirements of this subchapter, and for the investments made by the agency in information technology, including—

"(A) recommending a reduction or an increase in any amount for information resources that the head of the agency proposes for the budget submitted to Congress under section 1105(a) of title 31;

"(B) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources; and

"(C) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources.

"(c) The authorities of the Director under this section (other than the authority described in subsection (b)(6))—

"(1) shall be delegated to the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President in the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2);

"(2) shall be delegated to the Secretary of Defense in the case of systems described under subparagraph (C) of section 3532(b)(2) that are operated by the Department of Defense, a contractor of the Department of Defense, or another entity on behalf of the Department of Defense; and

"(3) in the case of all other Federal information systems, may be delegated only to the Deputy Director for Management of the Office of Management and Budget.

"§3534. Federal agency responsibilities

"(a) The head of each agency shall—

"(1) be responsible for—

"(A) adequately ensuring the integrity, confidentiality, authenticity, availability, and nonrepudiation of information and information systems supporting agency operations and assets;

"(B) developing and implementing information security policies, procedures, and control techniques sufficient to afford security protections commensurate with the risk and magnitude of the harm resulting from unauthorized disclosure, disruption, modification, or destruction of information collected or maintained by or for the agency; and

"(C) ensuring that the agency's information security plan is practiced throughout the life cycle of each agency system;

"(2) ensure that appropriate senior agency officials are responsible for—

"(A) assessing the information security risks associated with the operations and assets for programs and systems over which such officials have control;

"(B) determining the levels of information security appropriate to protect such operations and assets; and

"(C) periodically testing and evaluating information security controls and techniques;

"(3) delegate to the agency Chief Information Officer established under section 3506, or a comparable official in an agency not covered by such section, the authority to administer all functions under this subchapter including—

"(A) designating a senior agency information security official who shall report to the Chief Information Officer or a comparable official;

"(B) developing and maintaining an agencywide information security program as required under subsection (b);

"(C) ensuring that the agency effectively implements and maintains information security policies, procedures, and control techniques;

"(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

"(E) assisting senior agency officials concerning responsibilities under paragraph (2);

"(4) ensure that the agency has trained personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines; and

"(5) ensure that the agency Chief Information Officer, in coordination with senior agency officials, periodically—

"(A)(i) evaluates the effectiveness of the agency information security program, including testing control techniques; and

"(ii) implements appropriate remedial actions based on that evaluation; and

"(B) reports to the agency head on—

"(i) the results of such tests and evaluations; and

"(ii) the progress of remedial actions.

"(b)(1) Each agency shall develop and implement an agencywide information security program to provide information security for the operations and assets of the agency, including operations and assets provided or managed by another agency.

"(2) Each program under this subsection shall include—

"(A) periodic risk assessments that consider internal and external threats to—

"(i) the integrity, confidentiality, and availability of systems; and

"(ii) data supporting critical operations and assets;

"(B) policies and procedures that—

"(i) are based on the risk assessments required under subparagraph (A) that cost-effectively reduce information security risks to an acceptable level; and

"(ii) ensure compliance with—

"(I) the requirements of this subchapter;

"(II) policies and procedures as may be prescribed by the Director; and

"(III) any other applicable requirements;

"(C) security awareness training to inform personnel of—

"(i) information security risks associated with the activities of personnel; and

"(ii) responsibilities of personnel in complying with agency policies and procedures designed to reduce such risks;

"(D) periodic management testing and evaluation of the effectiveness of information security policies and procedures;

"(E) a process for ensuring remedial action to address any significant deficiencies; and

"(F) procedures for detecting, reporting, and responding to security incidents, including—

"(i) mitigating risks associated with such incidents before substantial damage occurs;

"(ii) notifying and consulting with law enforcement officials and other offices and authorities;

"(iii) notifying and consulting with an office designated by the Administrator of General Services within the General Services Administration; and

"(iv) notifying and consulting with an office designated by the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President for incidents involving systems described under subparagraphs (A) and (B) of section 3532(b)(2).

"(3) Each program under this subsection is subject to the approval of the Director and is required to be reviewed at least annually by agency program officials in consultation with the Chief Information Officer. In the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2), the Director shall delegate approval authority under this paragraph to the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President.

"(c)(1) Each agency shall examine the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

"(A) annual agency budgets;

"(B) information resources management under subchapter I of this chapter;

"(C) performance and results based management under the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.);

"(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 through 2805 of title 39; and

"(E) financial management under—

"(i) chapter 9 of title 31, United States Code, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) (and the amendments made by that Act);

"(ii) the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) (and the amendments made by that Act); and

"(iii) the internal controls conducted under section 3512 of title 31.

"(2) Any significant deficiency in a policy, procedure, or practice identified under paragraph (1) shall be reported as a material weakness in reporting required under the applicable provision of law under paragraph (1).

"(d)(1) In addition to the requirements of subsection (c), each agency, in consultation with the Chief Information Officer, shall include as part of the performance plan required under section 1115 of title 31 a description of—

"(A) the time periods, and

"(B) the resources, including budget, staffing, and training,

which are necessary to implement the program required under subsection (b)(1).

"(2) The description under paragraph (1) shall be based on the risk assessment required under subsection (b)(2)(A).

"§3535. Annual independent evaluation

"(a)(1) Each year each agency shall have performed an independent evaluation of the information security program and practices of that agency.

"(2) Each evaluation by an agency under this section shall include—

"(A) testing of the effectiveness of information security control techniques for an appropriate subset of the agency's information systems; and

"(B) an assessment (made on the basis of the results of the testing) of the compliance with—

"(i) the requirements of this subchapter; and

"(ii) related information security policies, procedures, standards, and guidelines.

"(3) The Inspector General or the independent evaluator performing an evaluation under this section may use an audit, evaluation, or report relating to programs or practices of the applicable agency.

"(b)(1)(A) Subject to subparagraph (B), for agencies with Inspectors General appointed under the Inspector General Act of 1978 (5 U.S.C. App.) or any other law, the annual evaluation required under this section or, in the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2), an audit of the annual evaluation required under this section, shall be performed by the Inspector General or by an independent evaluator, as determined by the Inspector General of the agency.

"(B) For systems described under subparagraphs (A) and (B) of section 3532(b)(2), the evaluation required under this section shall be performed only by an entity designated by the Secretary of Defense, the Director of Central Intelligence, or another agency head as designated by the President.

"(2) For any agency to which paragraph (1) does not apply, the head of the agency shall contract with an independent evaluator to perform the evaluation.

"(c) Each year, not later than the anniversary of the date of the enactment of this subchapter, the applicable agency head shall submit to the Director—

"(1) the results of each evaluation required under this section, other than an evaluation of a system described under subparagraph (A) or (B) of section 3532(b)(2); and

"(2) the results of each audit of an evaluation required under this section of a system described under subparagraph (A) or (B) of section 3532(b)(2).

"(d)(1) The Director shall submit to Congress each year a report summarizing the materials received from agencies pursuant to subsection (c) in that year.

"(2) Evaluations and audits of evaluations of systems under the authority and control of the Director of Central Intelligence and evaluations and audits of evaluation of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available only to the appropriate oversight committees of Congress, in accordance with applicable laws.

"(e) Agencies and evaluators shall take appropriate actions to ensure the protection of information, the disclosure of which may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws.

"§3536. Expiration

"This subchapter shall not be in effect after the date that is two years after the date on which this subchapter takes effect.".

SEC. 1062. RESPONSIBILITIES OF CERTAIN AGENCIES.

(a) DEPARTMENT OF COMMERCE.—Notwithstanding section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and except as provided under subsection (b), the Secretary of Commerce, through the National Institute of Standards and Technology and with technical assistance from the National Security Agency, as required or when requested, shall—

(1) develop, issue, review, and update standards and guidance for the security of Federal information systems, including development of methods and techniques for security systems and validation programs;

(2) develop, issue, review, and update guidelines for training in computer security awareness and accepted computer security practices, with assistance from the Office of Personnel Management;

(3) provide agencies with guidance for security planning to assist in the development of applications and system security plans for such agencies;

(4) provide guidance and assistance to agencies concerning cost-effective controls when interconnecting with other systems; and

(5) evaluate information technologies to assess security vulnerabilities and alert Federal agencies of such vulnerabilities as soon as those vulnerabilities are known.

(b) DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—Notwithstanding any other provision of this subtitle (including any amendment made by this subtitle)—

(A) the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President, shall, consistent with their respective authorities—

(i) develop and issue information security policies, standards, and guidelines for systems described under subparagraphs (A) and (B) of section 3532(b)(2) of title 44, United States Code (as added by section 1061 of this Act), that provide more stringent protection, to the maximum extent practicable, than the policies, principles, standards, and guidelines required under section 353 of such title (as added by such section 1061); and

(ii) ensure the implementation of the information security policies, principles, standards, and guidelines described under clause (i); and

(B) the Secretary of Defense shall, consistent with his authority—

(i) develop and issue information security policies, standards, and guidelines for systems described under subparagraph (C) of section 3532(b)(2) of title 44, United States Code (as added by section 1061 of this Act), that are operated by the Department of Defense, a contractor of the Department of Defense, or another entity on behalf of the Department of Defense that provide more stringent protection, to the maximum extent practicable, than the policies, principles, standards, and guidelines required under section 3533 of such title (as added by such section 1061); and

(ii) ensure the implementation of the information security policies, principles, standards, and guidelines described under clause (i).

(2) MEASURES ADDRESSED.—The policies, principles, standards, and guidelines developed by the Secretary of Defense and the Director of Central Intelligence under paragraph (1) shall address the full range of information assurance measures needed to protect and defend Federal information and information systems by ensuring their integrity, confidentiality, authenticity, availability, and nonrepudiation.

(c) DEPARTMENT OF JUSTICE.—The Attorney General shall review and update guidance to agencies on—

(1) legal remedies regarding security incidents and ways to report to and work with law enforcement agencies concerning such incidents; and

(2) lawful uses of security techniques and technologies.

(d) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall—

(1) review and update General Services Administration guidance to agencies on addressing security considerations when acquiring information technology; and

(2) assist agencies in—

(A) fulfilling agency responsibilities under section 3534(b)(2)(F) of title 44, United States Code (as added by section 1061 of this Act); and

(B) the acquisition of cost-effective security products, services, and incident response capabilities.

(e) OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

(1) review and update Office of Personnel Management regulations concerning computer security training for Federal civilian employees;

(2) assist the Department of Commerce in updating and maintaining guidelines for training in computer security awareness and computer security best practices; and

(3) work with the National Science Foundation and other agencies on personnel and training initiatives (including scholarships and fellowships, as authorized by law) as necessary to ensure that the Federal Government—

(A) has adequate sources of continuing information security education and training available for employees; and

(B) has an adequate supply of qualified information security professionals to meet agency needs.

(f) INFORMATION SECURITY POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES.—

(1) ADOPTION OF POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES OF OTHER AGENCIES.—The policies, principles, standards, and guidelines developed under subsection (b) by the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President may be adopted, to the extent that such policies are consistent with policies and guidance developed by the Director of the Office of Management and Budget and the Secretary of Commerce—

(A) by the Director of the Office of Management and Budget, as appropriate, for application to the mission critical systems of all agencies; or

(B) by an agency head, as appropriate, for application to the mission critical systems of that agency.

(2) DEVELOPMENT OF MORE STRINGENT POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES.—To the extent that such policies are consistent with policies and guidance developed by the Director of the Office of Management and Budget and the Secretary of Commerce, an agency may develop and implement information security policies, principles, standards, and guidelines that provide more stringent protection than those required under section 3533 of title 44, United States Code (as added by section 1061 of this Act), or subsection (a) of this section.

(g) ATOMIC ENERGY ACT OF 1954.—Nothing in this subtitle (including any amendment made by this subtitle) shall supersede any requirement made by, or under, the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.). Restricted Data or Formerly Restricted Data shall be handled, protected, classified, downgraded, and declassified in conformity with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

SEC. 1063. RELATIONSHIP OF DEFENSE INFORMATION ASSURANCE PROGRAM TO GOVERNMENT-WIDE INFORMATION SECURITY PROGRAM.

(a) CONSISTENCY OF REQUIREMENTS.—Subsection (b) of section 2224 of title 10, United States Code, is amended—

(1) by striking "(b) OBJECTIVES OF THE PROGRAM.—" and inserting "(b) OBJECTIVES AND MINIMUM REQUIREMENTS.—(1)"; and

(2) by adding at the end the following:

"(2) The program shall at a minimum meet the requirements of sections 3534 and 3535 of title 44.".

(b) ADDITION TO ANNUAL REPORT.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

"(7) A summary of the actions taken in the administration of sections 3534 and 3535 of title 44 within the Department of Defense.".

SEC. 1064. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF SECTIONS.—Chapter 35 of title 44, United States Code, is amended—

(1) in the table of sections—

(A) by inserting after the chapter heading the following:

"SUBCHAPTER I—FEDERAL INFORMATION POLICY";

and

(B) by inserting after the item relating to section 3520 the following:

"SUBCHAPTER II—INFORMATION SECURITY

"Sec.
"3531. Purposes.
"3532. Definitions.
"3533. Authority and functions of the Director.
"3534. Federal agency responsibilities.
"3535. Annual independent evaluation.
"3536. Expiration.";

and

(2) by inserting before section 3501 the following:

"SUBCHAPTER I—FEDERAL INFORMATION POLICY".

(b) REFERENCES TO CHAPTER 35.—Sections 3501 through 3520 of title 44, United States Code, are amended by striking "chapter" each place it appears and inserting "subchapter", except in section 3507(i)(1) of such title.

SEC. 1065. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect 30 days after the date of enactment of this Act.

Subtitle H—Security Matters

SEC. 1071. LIMITATION ON GRANTING OF SECURITY CLEARANCES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§986. Security clearances: limitations

"(a) PROHIBITION.—After the date of the enactment of this section, the Department of Defense may not grant or renew a security clearance for a person to whom this section applies who is described in subsection (c).

"(b) COVERED PERSONS.—This section applies to the following persons:

"(1) An officer or employee of the Department of Defense.

"(2) A member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status.

"(3) An officer or employee of a contractor of the Department of Defense.

"(c) PERSONS DISQUALIFIED FROM BEING GRANTED SECURITY CLEARANCES.—A person is described in this subsection if any of the following applies to that person:

"(1) The person has been convicted in any court of the United States of a crime and sentenced to imprisonment for a term exceeding one year.

"(2) The person is an unlawful user of, or is addicted to, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(3) The person is mentally incompetent, as determined by a mental health professional approved by the Department of Defense.

"(4) The person has been discharged or dismissed from the Armed Forces under dishonorable conditions.

"(d) WAIVER AUTHORITY.—In a meritorious case, the Secretary of Defense or the Secretary of the military department concerned may authorize an exception to the prohibition in subsection (a) for a person described in paragraph (1) or (4) of subsection (c). The authority under the preceding sentence may not be delegated.

"(e) ANNUAL REPORT.—Not later than February 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report identifying each waiver issued under subsection (d) during the preceding year with an explanation for each case of the disqualifying factor in subsection (c) that applied, and the reason for the waiver of the disqualification.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"986. Security clearances: limitations.".

SEC. 1072. PROCESS FOR PRIORITIZING BACKGROUND INVESTIGATIONS FOR SECURITY CLEARANCES FOR DEPARTMENT OF DEFENSE PERSONNEL AND DEFENSE CONTRACTOR PERSONNEL.

(a) Establishment of Process.—Chapter 80 of title 10, United States Code, is amended by adding after section 1563, as added by section 542(a), the following new section:

"§ 1564. Security clearance investigations

"(a) Expedited Process.—The Secretary of Defense shall prescribe a process for expediting the completion of the background investigations necessary for granting security clearances for Department of Defense personnel and Department of Defense contractor personnel who are engaged in sensitive duties that are critical to the national security.

"(b) Required Features.—The process developed under subsection (a) shall provide for the following:

"(1) Quantification of the requirements for background investigations necessary for grants of security clearances for Department of Defense personnel and Department of Defense contractor personnel.

"(2) Categorization of personnel on the basis of the degree of sensitivity of their duties and the extent to which those duties are critical to the national security.

"(3) Prioritization of the processing of background investigations on the basis of the categories of personnel determined under paragraph (2).

"(c) Annual Review.—The Secretary shall conduct an annual review of the process prescribed under subsection (a) and shall revise that process as determined necessary in relation to ongoing Department of Defense missions.

"(d) Consultation Requirement.—The Secretary shall consult with the Secretaries of the military departments and the heads of Defense Agencies in carrying out this section.

"(e) Sensitive Duties.—For the purposes of this section, it is not necessary for the performance of duties to involve classified activities or classified matters in order for the duties to be considered sensitive and critical to the national security.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1563, as added by section 542(b), the following new item:

"1564. Security clearance investigations.".

(c) Deadline for Prescribing Process for Prioritizing Background Investigations for Security Clearances.—The process required by section 1564(a) of title 10, United States Code, as added by subsection (a), for expediting the completion of the background investigations necessary for granting security clearances for certain persons shall be prescribed not later than January 1, 2001.

SEC. 1073. AUTHORITY TO WITHHOLD CERTAIN SENSITIVE INFORMATION FROM PUBLIC DISCLOSURE.

(a) In General.—Chapter 3 of title 10, United States Code, is amended by inserting after section 130b the following new section:

"§ 130c. Nondisclosure of information: certain sensitive information of foreign governments and international organizations

"(a) Exemption From Disclosure.—The national security official concerned (as defined in subsection (h)) may withhold from public disclosure otherwise required by law sensitive information of foreign governments in accordance with this section.

"(b) Information Eligible for Exemption.—For the purposes of this section, information is sensitive information of a foreign government only if the national security official concerned makes each of the following determinations with respect to the information:

"(1) That the information was provided by, otherwise made available by, or produced in cooperation with, a foreign government or international organization.

"(2) That the foreign government or international organization is withholding the information from public disclosure (relying for that determination on the written representation of the foreign government or international organization to that effect).

"(3) That any of the following conditions are met:

"(A) The foreign government or international organization requests, in writing, that the information be withheld.

"(B) The information was provided or made available to the United States Government on the condition that it not be released to the public.

"(C) The information is an item of information, or is in a category of information, that the national security official concerned has specified in regulations prescribed under subsection (f) as being information the release of which would have an adverse effect on the ability of the United States Government to obtain the same or similar information in the future.

"(c) Information of Other Agencies.—If the national security official concerned provides to the head of another agency sensitive information of a foreign government, as determined by that national security official under subsection (b), and informs the head of the other agency of that determination, then the head of the other agency shall withhold the information from any public disclosure unless that national security official specifically authorizes the disclosure.

"(d) Limitations.—(1) If a request for disclosure covers any sensitive information of a foreign government (as described in subsection (b)) that came into the possession or under the control of the United States Government before the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and more than 25 years before the request is received by an agency, the information may be withheld only as set forth in paragraph (3).

"(2)(A) If a request for disclosure covers any sensitive information of a foreign government (as described in subsection (b)) that came into the possession or under the control of the United States Government on or after the date referred to in paragraph (1), the authority to withhold the information under this section is subject to the provisions of subparagraphs (B) and (C).

"(B) Information referred to in subparagraph (A) may not be withheld under this section after—

"(i) the date that is specified by a foreign government or international organization in a request or expression of a condition described in paragraph (1) or (2) of subsection (b) that is made by the foreign government or international organization concerning the information; or

"(ii) if there are more than one such foreign governments or international organizations, the latest date so specified by any of them.

"(C) If no date is applicable under subparagraph (B) to a request referred to in subparagraph (A) and the information referred to in that subparagraph came into possession or under the control of the United States more than 10 years before the date on which the request is received by an agency, the information may be withheld under this section only as set forth in paragraph (3).

"(3) Information referred to in paragraph (1) or (2)(C) may be withheld under this section in the case of a request for disclosure only if, upon the notification of each foreign government and international organization concerned in accordance with the regulations prescribed under subsection (g)(2), any such government or organization requests in writing that the information not be disclosed for an additional period stated in the request of that government or organization. After the national security official concerned considers the request of the foreign government or international organization, the official shall designate a later date as the date after which the information is not to be withheld under this section. The later date may be extended in accordance with a later request of any such foreign government or international organization under this paragraph.

"(e) Information Protected Under Other Authority.—This section does not apply to information or matters that are specifically required in the interest of national defense or foreign policy to be protected against unauthorized disclosure under criteria established by an Executive order and are classified, properly, at the confidential, secret, or top secret level pursuant to such Executive order.

"(f) Disclosures Not Affected.—Nothing in this section shall be construed to authorize any official to withhold, or to authorize the withholding of, information from the following:

"(1) Congress.

"(2) The Comptroller General, unless the information relates to activities that the President designates as foreign intelligence or counterintelligence activities.

"(g) Regulations.—(1) The national security officials referred to in subsection (h)(1) shall each prescribe regulations to carry out this section. The regulations shall include criteria for making the determinations required under subsection (b). The regulations may provide for controls on access to and use of, and special markings and specific safeguards for, a category or categories of information subject to this section.

"(2) The regulations shall include procedures for notifying and consulting with each foreign government or international organization concerned about requests for disclosure of information to which this section applies.

"(h) Definitions.—In this section:

"(1) The term 'national security official concerned' means the following:

"(A) The Secretary of Defense, with respect to information of concern to the Department of Defense, as determined by the Secretary.

"(B) The Secretary of Transportation, with respect to information of concern to the Coast Guard, as determined by the Secretary, but only while the Coast Guard is not operating as a service in the Navy.

"(C) The Secretary of Energy, with respect to information concerning the national security programs of the Department of Energy, as determined by the Secretary.

"(2) The term 'agency' has the meaning given that term in section 552(f) of title 5.

"(3) The term 'international organization' means the following:

"(A) A public international organization designated pursuant to section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288) as being entitled to enjoy the privileges, exemptions, and immunities provided in such Act.

"(B) A public international organization created pursuant to a treaty or other international agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs.

"(C) An official mission, except a United States mission, to a public international organization referred to in subparagraph (A) or (B).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130b the following new item:

"130c. Nondisclosure of information: certain sensitive information of foreign governments and international organizations.".

SEC. 1074. EXPANSION OF AUTHORITY TO EXEMPT GEODETIC PRODUCTS OF THE DEPARTMENT OF DEFENSE FROM PUBLIC DISCLOSURE.

Section 455(b)(1)(C) of title 10, United States Code, is amended by striking "or reveal military operational or contingency plans" and inserting ", reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities".

SEC. 1075. EXPENDITURES FOR DECLASSIFICATION ACTIVITIES.

(a) IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES.—Section 230 of title 10, United States Code, is amended—

(1) by striking ", as a budgetary line item,"; and

(2) by adding at the end the following new sentence: "Identification of such amounts in such budget justification materials shall be in a single display that shows the total amount for the Department of Defense and the amount for each military department and Defense Agency.".

(b) LIMITATION ON EXPENDITURES.—The total amount expended by the Department of Defense during fiscal year 2001 to carry out declassification activities under the provisions of sections 3.4, 3.5, and 3.6 of Executive Order 12958 (50 U.S.C. 435 note) and for special searches (including costs for document search, copying, and review and imagery analysis) may not exceed $30,000,000.

(c) COMPILATION AND ORGANIZATION OF RECORDS.—The Department of Defense may not be required, when conducting a special search, to compile or organize records that have already been declassified and placed into the public domain.

(d) SPECIAL SEARCHES.—For the purpose of this section, the term "special search" means the response of the Department of Defense to any of the following:

(1) A statutory requirement to conduct a declassification review on a specified set of agency records.

(2) An Executive order to conduct a declassification review on a specified set of agency records.

(3) An order from the President or an official with delegated authority from the President to conduct a declassification review on a specified set of agency records.

SEC. 1076. ENHANCED ACCESS TO CRIMINAL HISTORY RECORD INFORMATION FOR NATIONAL SECURITY AND OTHER PURPOSES

(a) COVERAGE OF DEPARTMENT OF TRANSPORTATION.—Section 9101 of title 5, United States Code, is amended—

(1) by adding at the end of subsection (a) the following new paragraph:

"(6) The term 'covered agency' means any of the following:

"(A) The Department of Defense.

"(B) The Department of State.

"(C) The Department of Transportation.

"(D) The Office of Personnel Management.

"(E) The Central Intelligence Agency.

"(F) The Federal Bureau of Investigation.";

(2) in subsection (b)(1)—

(A) by striking "by the Department of Defense" and all that follows through "Federal Bureau of Investigation" and inserting "by the head of a covered agency"; and

(B) by striking "such department, office, agency, or bureau" and inserting "that covered agency"; and

(3) in subsection (c), by striking "The Department of Defense" and all that follows through "Federal Bureau of Investigation" and inserting "A covered agency".

(b) REPEAL OF EXPIRED PROVISION.—Subsection (b) of such section is amended by striking paragraph (3).

(c) EXPANDED PURPOSES FOR ACCESS TO CRIMINAL HISTORY INFORMATION.—Subsection (b) of such section is further amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in the first sentence of paragraph (1)—

(A) by inserting "any of the following:" after "eligibility for"; and

(B) by striking "(A) access to classified information" and all that follows through the end of the sentence and inserting the following:

"(A) Access to classified information.

"(B) Assignment to or retention in sensitive national security duties.

"(C) Acceptance or retention in the armed forces.

"(D) Appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the Government or performing a Government contract.";

(3) by designating the second sentence of paragraph (1) as paragraph (2); and

(4) by designating the third sentence of paragraph (1) as paragraph (3) and in that sentence by striking ", nor shall" and all that follows through the end of the sentence and inserting a period.

(d) USE OF AUTOMATED INFORMATION DELIVERY SYSTEMS.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e)(1) Automated information delivery systems shall be used to provide criminal history record information to a covered agency under subsection (b) whenever available.

"(2) Fees, if any, charged for automated access through such systems may not exceed the reasonable cost of providing such access.

"(3) The criminal justice agency providing the criminal history record information through such systems may not limit disclosure on the basis that the repository is accessed from outside the State.

"(4) Information provided through such systems shall be the full and complete criminal history record.

"(5) Criminal justice agencies shall accept and respond to requests for criminal history record information through such systems with printed or photocopied records when requested.".

(e) TECHNICAL AMENDMENTS.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking "includes" and all that follows through "thereof which" and inserting "means (A) any Federal, State, or local court, and (B) any Federal, State, or local agency, or any subunit thereof, which"; and

(2) in paragraph (4)—

(A) by inserting "the Commonwealth of" before "the Northern Mariana Islands"; and

(B) by striking "the Trust Territory of the Pacific Islands,'.

(f) CONFORMING AMENDMENTS.—(1)(A) The heading for chapter 91 of title 5, United States Code, is amended to read as follows:

"CHAPTER 91—ACCESS TO CRIMINAL HISTORY RECORDS FOR NATIONAL SECURITY AND OTHER PURPOSES".

(B) The item relating to chapter 91 in the table of chapters at the beginning of part III of such title is amended to read as follows:

"91. Access to Criminal History Records for National Security and Other Purposes .... 9101".

(2)(A) The heading of section 9101 of such title is amended to read as follows:

"§9101. Access to criminal history records for national security and other purposes".

(B) The item relating to that section in the table of sections at the beginning of chapter 91 of such title is amended to read as follows:

"9101. Access to criminal history records for national security and other purposes.".

(g) REPEAL OF SUPERSEDED PROVISION.—(1) Section 520a of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 31 of such title is amended by striking the item relating to section 520a.

SEC. 1077. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by striking "December 31, 2000" and inserting "December 31, 2002".

SEC. 1078. COORDINATION OF NUCLEAR WEAPONS SECRECY POLICIES AND CONSIDERATION OF HEALTH OF WORKERS AT FORMER DEPARTMENT OF DEFENSE NUCLEAR FACILITIES.

(a) REVIEW OF SECRECY POLICIES.—(1) The Secretary of Defense shall review classification and security policies of the Department of Defense in order to ensure that, within appropriate national security constraints, those policies do not prevent or discourage former defense nuclear weapons facility employees who may have been exposed to radioactive or other hazardous substances associated with nuclear weapons from discussing such exposures with appropriate health care providers and with other appropriate officials.

(2) The policies reviewed under paragraph (1) shall include the policy to neither confirm nor deny the presence of nuclear weapons as that policy is applied to former defense nuclear weapons facilities.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "former defense nuclear weapons facility employees" means employees and former employees of the Department of Defense who are or were employed at a site that, as of the date of the enactment of this Act, is a former defense nuclear weapons facility.

(2) The term "former defense nuclear weapons facility" means a current or former Department of Defense site in the United States which at one time was a defense nuclear weapons facility but which no longer contains nuclear weapons or materials and otherwise is no longer used for such purpose.

(3) The term "defense nuclear weapons facility" means a Department of Defense site in the United States at which nuclear weapons or materials are stored, assembled, disassembled, or maintained.

(c) NOTIFICATION OF AFFECTED EMPLOYEES.—(1) The Secretary of Defense shall seek to identify individuals—

(A) who are former defense nuclear weapons facility employees; and

(B) who, while employed at a defense nuclear weapons facility, may have been exposed to radioactive or hazardous substances associated with nuclear weapons.

(2) Upon identification of any individual under paragraph (1), the Secretary of Defense shall notify that individual, by mail or other individual means, of any such exposure to radioactive or hazardous substances associated with nuclear weapons that has been identified by the Secretary. The notification shall include an explanation of how (or the degree to which) that

individual can discuss any such exposure with a health care provider who does not hold a security clearance without violating security or classification procedures and, if necessary, provide guidance to facilitate the ability of that individual to contact a health care provider with appropriate security clearances or otherwise to discuss such exposures with other officials who are determined by the Secretary of Defense to be appropriate.

(d) REPORT.—Not later than May 1, 2001, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth—

(1) the results of the review conducted under subsection (a), including any changes made or recommendations for legislation; and

(2) the status of the notifications required by subsection (b) and an anticipated date by which the identification and notification of individuals under that subsection will be completed.

(e) CONSULTATION WITH SECRETARY OF ENERGY.—The Secretary of Defense shall carry out the review under subsection (a) and the identification of individuals under subsection (b), and shall prepare the report under subsection (c), in consultation with the Secretary of Energy.

Subtitle I—Other Matters

SEC. 1081. FUNDS FOR ADMINISTRATIVE EXPENSES UNDER DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

(a) AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS ON AN INTERIM BASIS.—Section 2540c(d) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "FEES.—"; and

(2) by adding at the end the following new paragraph:

"(2)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this subchapter, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed $500,000 in any fiscal year, for those expenses.

"(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish operations and maintenance accounts for amounts expended under subparagraph (A) as soon as the Secretary determines practicable.".

(b) EFFECTIVE DATE.—Paragraph (2) of section 2540c(d) of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.

(c) LIMITATION PENDING SUBMISSION OF REPORT.—The Secretary of Defense may not exercise the authority provided by paragraph (2) of section 2540c(d) of title 10, United States Code, as added by subsection (a), until the Secretary submits to Congress a report on the operation of the Defense Export Loan Guarantee Program under subchapter V of chapter 148 of title 10, United States Code. The report shall include the following:

(1) A discussion of the effectiveness of the loan guarantee program in furthering the sale of United States defense articles, defense services, and design and construction services to nations that are specified in section 2540(b) of such title, to include a comparison of the loan guarantee program with other United States Government programs that are intended to contribute to the sale of United States defense articles, defense services, and design and construction services and other comparisons the Secretary determines to be appropriate.

(2) A discussion of the requirements and resources (including personnel and funds) for continued administration of the loan guarantee program by the Defense Department, to include—

(A) an itemization of the requirements necessary and resources available (or that could be made available) to administer the loan guarantee program for each of the following entities: the Defense Security Cooperation Agency, the Department of Defense International Cooperation Office, and other Defense Department agencies, offices, or activities as the Secretary may specify; and

(B) for each such activity, agency, or office, a comparison of the use of Defense Department personnel exclusively to administer, manage, and oversee the program with the use of contracted commercial entities to administer and manage the program.

(3) Any legislative recommendations that the Secretary believes could improve the effectiveness of the program.

(4) A determination made by the Secretary of Defense indicating which Defense Department agency, office, or other activity should administer, manage, and oversee the loan guarantee program to increase sales of United States defense articles, defense services, and design and construction services, such determination to be made based on the information and analysis provided in the report.

SEC. 1082. TRANSIT PASS PROGRAM FOR DEPARTMENT OF DEFENSE PERSONNEL IN POOR AIR QUALITY AREAS.

(a) IN GENERAL.—(1) Chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2259. Transit pass program: personnel in poor air quality areas

"(a) ESTABLISHMENT OF PROGRAM.—To encourage Department of Defense personnel assigned to duty, or employed, in poor air quality areas to use means other than single-occupancy motor vehicles to commute to or from the location of their duty assignments, the Secretary of Defense shall exercise the authority provided in section 7905 of title 5 to establish a program to provide a transit pass benefit under subsection (b)(2)(A) of that section for members of the Army, Navy, Air Force, and Marine Corps who are assigned to duty, and to Department of Defense civilian officers and employees who are employed, in a poor air quality area.

"(b) POOR AIR QUALITY AREAS.—In this section, the term 'poor air quality area' means an area—

"(1) that is subject to the national ambient air quality standards promulgated by the Administrator of the Environmental Protection Agency under section 109 of the Clean Air Act (42 U.S.C. 7409); and

"(2) that, as determined by the Administrator of the Environmental Protection Agency, is a nonattainment area with respect to any of those standards.".

(2) The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2259. Transit pass program: personnel in poor air quality areas.".

(b) TIME FOR IMPLEMENTATION.—The Secretary of Defense shall prescribe the effective date for the transit pass program required under section 2259 of title 10, United States Code, as added by subsection (a). The effective date so prescribed may not be later than the first day of the first month that begins on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 1083. TRANSFER OF VIETNAM ERA TA-4 AIRCRAFT TO NONPROFIT FOUNDATION.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to the nonprofit Collings Foundation of Stow, Massachusetts (in this section referred to as the "foundation"), all right, title, and interest of the United States in and to one surplus TA-4 aircraft that is flyable or that can be readily restored to flyable condition. The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—(1) The Secretary may not convey ownership of an aircraft under subsection (a) until the Secretary determines that the foundation has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The foundation shall complete any such alteration within one year after the date of the enactment of this Act.

(2) The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft—

(1) a condition that the foundation not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary;

(2) a condition that the foundation operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration; and

(3) a condition that if the Secretary determines at any time that the foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in paragraph (2), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the foundation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of a TA-4 aircraft to the foundation under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

SEC. 1084. TRANSFER OF 19TH CENTURY CANNON TO MUSEUM.

(a) DONATION REQUIRED.—The Secretary of the Army shall convey, without consideration, to the Friends of the Cannonball House, Incorporated (in this section referred to as the "recipient"), which is a nonprofit corporation that operates the Cannonball House Museum in Macon, Georgia, all right, title, and interest of the United States in and to a 12-pounder Napoleon cannon bearing the following markings:

(1) On the top "CS".

(2) On the face of the muzzle: "Macon Arsenal, 1864/No.41/1164 ET".

(3) On the right trunnion: "Macon Arsenal GEO/1864/No.41/WT.1164/E.T.".

(b) ADDITIONAL TERMS AND CONDITIONS ON CONVEYANCE.—The Secretary of the Army shall

include in the instrument of conveyance of the cannon under subsection (a)—

(1) a condition that the recipient not convey any ownership interest in, or transfer possession of, the cannon to any other party without the prior approval of the Secretary; and

(2) a condition that if the Secretary determines at any time that the recipient has conveyed an ownership interest in, or transferred possession of, the cannon to any other party without the prior approval of the Secretary, all right, title, and interest in and to the cannon shall revert to the United States, and the United States shall have the right of immediate possession of the cannon.

(c) RELATIONSHIP TO OTHER LAW.—The conveyance required under this section may be carried out without regard to the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906 (16 U.S.C. 431 et seq.), popularly referred to as the "Antiquities Act of 1906".

(d) ACQUISITION OF REPLACEMENT MACON CANNON.—If the Secretary of the Army determines that the Army's inventory of Civil War era cannons should include an additional cannon documented as having been manufactured in Macon, Georgia, to replace the cannon conveyed under subsection (a), the Secretary may acquire such a cannon by donation or purchase with funds made available for this purpose.

SEC. 1085. FEES FOR PROVIDING HISTORICAL INFORMATION TO THE PUBLIC.

(a) ARMY.—(1) Chapter 437 of title 10, United States Code, is amended by adding at the end the following new section:

"§4595. Army Military History Institute: fee for providing historical information to the public

"(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Army may charge a person a fee for providing the person with information from the United States Army Military History Institute that is requested by that person.

"(b) EXCEPTIONS.—A fee may not be charged under this section—

"(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

"(2) for a release of information under section 552 of title 5.

"(c) LIMITATION ON AMOUNT.—A fee charged for providing information under this section may not exceed the cost of providing the information.

"(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from the United States Army Military History Institute during that fiscal year.

"(e) DEFINITIONS.—In this section:

"(1) The term 'United States Army Military History Institute' means the archive for historical records and materials of the Army that the Secretary of the Army designates as the primary archive for such records and materials.

"(2) The terms 'officer of the United States' and 'employee of the United States' have the meanings given the terms 'officer' and 'employee', respectively, in sections 2104 and 2105, respectively, of title 5.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4595. Army Military History Institute: fee for providing historical information to the public.".

(b) NAVY.—(1) Chapter 649 of such title is amended by adding at the end the following new section:

"§7582. Naval and Marine Corps Historical Centers: fee for providing historical information to the public

"(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Navy may charge a person a fee for providing the person with information from the United States Naval Historical Center or the Marine Corps Historical Center that is requested by that person.

"(b) EXCEPTIONS.—A fee may not be charged under this section—

"(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

"(2) for a release of information under section 552 of title 5.

"(c) LIMITATION ON AMOUNT.—A fee charged for providing information under this section may not exceed the cost of providing the information.

"(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information from the United States Naval Historical Center or the Marine Corps Historical Center in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from that historical center during that fiscal year.

"(e) DEFINITIONS.—In this section:

"(1) The term 'United States Naval Historical Center' means the archive for historical records and materials of the Navy that the Secretary of the Navy designates as the primary archive for such records and materials.

"(2) The term 'Marine Corps Historical Center' means the archive for historical records and materials of the Marine Corps that the Secretary of the Navy designates as the primary archive for such records and materials.

"(3) The terms 'officer of the United States' and 'employee of the United States' have the meanings given the terms 'officer' and 'employee', respectively, in sections 2104 and 2105, respectively, of title 5.".

(2) The heading of such chapter is amended by striking "**RELATED**".

(3)(A) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7582. Naval and Marine Corps Historical Centers: fee for providing historical information to the public.".

(B) The item relating to such chapter in the tables of chapters at the beginning of subtitle C of such title and the beginning of part IV of such subtitle is amended by striking out "Related".

(c) AIR FORCE.—(1) Chapter 937 of such title is amended by adding at the end the following new section:

"§9594. Air Force Military History Institute: fee for providing historical information to the public

"(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Air Force may charge a person a fee for providing the person with information from the United States Air Force Military History Institute that is requested by that person.

"(b) EXCEPTIONS.—A fee may not be charged under this section—

"(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

"(2) for a release of information under section 552 of title 5.

"(c) LIMITATION ON AMOUNT.—A fee charged for providing information under this section may not exceed the cost of providing the information.

"(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from the United States Air Force Military History Institute during that fiscal year.

"(e) DEFINITIONS.—In this section:

"(1) The term 'United States Air Force Military History Institute' means the archive for historical records and materials of the Air Force that the Secretary of the Air Force designates as the primary archive for such records and materials.

"(2) The terms 'officer of the United States' and 'employee of the United States' have the meanings given the terms 'officer' and 'employee', respectively, in sections 2104 and 2105, respectively, of title 5.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"9594. Air Force Military History Institute: fee for providing historical information to the public.".

SEC. 1086. GRANTS TO AMERICAN RED CROSS FOR ARMED FORCES EMERGENCY SERVICES.

(a) GRANTS AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may make a grant to the American Red Cross in an amount not to exceed $9,400,000 in each of fiscal years 2001, 2002, and 2003 for the support of the Armed Forces Emergency Services program of the American Red Cross.

(b) MATCHING REQUIREMENT.—The grant under subsection (a) for a fiscal year may not be made until after the American Red Cross Incorporated, certifies to the Secretary of Defense that the American Red Cross will expend for the Armed Forces Emergency Services program for that fiscal year funds, derived from non-Federal sources, in a total amount that equals or exceeds the amount of the grant.

SEC. 1087. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 180(d) is amended by striking "section 5376" and inserting "section 5315".

(2) Section 628(c)(2) is amended by striking "section" in the second sentence after "rather than the provisions of" and inserting "sections".

(3) Section 702(b)(2) is amended by striking "section 230(c)" and inserting "section 203(c)".

(4) Section 706(c) is amended—

(A) by striking "(1)" after "(c)"; and

(B) by striking paragraph (2).

(5) Section 1074g is amended—

(A) in subsection (a)(6), by striking "as part of the regulations established" and inserting "in the regulations prescribed";

(B) in subsection (a)(7), by striking "not included on the uniform formulary, but," and inserting "that are not included on the uniform formulary but that are";

(C) in subsection (b)(1), by striking "required by" in the last sentence and inserting "prescribed under";

(D) in subsection (d)(2), by striking "Not later than" and all that follows through "utilize" and inserting "Effective not later than April 5, 2000, the Secretary shall use";

(E) in subsection (e)—

(i) by striking "Not later than April 1, 2000, the" and inserting "The"; and

(ii) by inserting "in" before "the TRICARE" and before "the national";

(F) in subsection (f)—

(i) by striking "As used in this section—" and inserting "In this section:";

(ii) by striking "the" at the beginning of paragraphs (1) and (2) and inserting "The"; and

(iii) by striking "; and" at the end of paragraph (1) and inserting a period; and

(G) in subsection (g), by striking "promulgate" and inserting "prescribe".

(6) Section 1076c(b)(5)(C) is amended by striking "pursuant to subsection (i)(2) of such section".

(7) Section 1095d(b) is amended by striking "subparagraphs" and inserting "subparagraph".

(8) Section 1109(b) is amended by striking "(1)" before "The Secretaries".

(9) Section 1142(b)(4) is amended by striking "sections 1151, 1152, and 1153 of this title" and inserting "sections 1152 and 1153 of this title and the Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301 et seq.)".

(10) Section 1448(b)(3)(E)(ii) is amended by striking the second comma after "October 16, 1998".

(11) Section 1598 is amended—

(A) in subsection (d)(2), by inserting "as in effect on October 4, 1999," after "of this title," both places it appears; and

(B) in subsection (f), by inserting ", as in effect on October 4, 1999," after "of this title".

(12) Section 2113(f) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by designating the penultimate sentence and the last sentence of paragraph (1) as paragraphs (2) and (3), respectively.

(13) Section 2401(b)(1)(B) is amended by striking "Committees on Appropriations" and inserting "Committee on Appropriations".

(14) Section 2410j is amended—

(A) in subsection (f)(2), by inserting "as in effect on October 4, 1999," after "of this title," both places it appears; and

(B) in subsection (h), by inserting ", as in effect on October 4, 1999," after "of this title".

(15) Section 2688 is amended by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(16) Section 2814(k) is amended by inserting "and" after "Balanced Budget".

(17) Sections 4357(e)(5), 6975(e)(5), and 9356(e)(5) are amended by inserting a close parenthesis after "80b–2)".

(18) Section 5143(c)(2) is amended by striking "has a grade" and inserting "has the grade of".

(19) Section 5144(c)(2) is amended by striking "has a grade" and inserting "has the grade of".

(20) Section 10218 is amended—

(A) in subsections (a)(1), (b)(1), (b)(2)(A), and (b)(2)(B)(ii), by striking "the date of the enactment of this section" each place it appears and inserting "October 5, 1999,";

(B) in subsections (a)(3)(B)(i) and (b)(2)(B)(i), by striking "the end of the one-year period beginning on the date of the enactment of this subsection" and inserting "October 5, 2000";

(C) in subsection (b)(1), by striking "six months after the date of the enactment of this section" and inserting "April 5, 2000"; and

(D) in subsection (b)(3), by striking "within six months of the date of the enactment of this section" and inserting "during the period beginning on October 5, 1999, and ending on April 5, 2000,".

(21) Section 12552 is amended by inserting a period at the end.

(22) Section 18233a(b) is amended—

(A) in paragraph (1), by striking "section 2805(c)(1)" and inserting "section 2805(c)(1)(A)"; and

(B) in paragraph (2), by striking "section 2805(c)(2)" and inserting "section 2805(c)(1)(B)".

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 301b(j)(2) is amended by striking "section 301a(a)(6)(A)" and inserting "section 301a(a)(6)(B)".

(2) Section 403(f)(3) is amended by striking "regulation" and inserting "regulations".

(3) Section 404(b)(2) is amended by striking "section 402(e)" and inserting "section 403(f)(3)".

(4) The section 435 added by section 586(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 638) is redesignated as section 436, and the item relating to that section in the table of sections at the beginning of chapter 7 is revised to conform to such redesignation.

(5) Section 1012 is amended by striking "section 402(b)(3)" and inserting "section 402(e)".

(c) PUBLIC LAW 106–65.—(1) Effective as of October 5, 1999, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 512 et seq) is amended as follows:

(A) Section 578 is amended—

(i) in subsection (j) (113 Stat. 630), by striking "Chapter 4" and inserting "Chapter 7"; and

(ii) in subsection (k)(4) (113 Stat. 631), by striking "chapter 4" and inserting "chapter 7".

(B) Section 586(c)(2) (113 Stat. 639) is amended by striking "relating to section 434" and inserting "added by section 578(k)(4)".

(C) Section 601(c) (113 Stat. 645; 37 U.S.C. 1009 note) is amended—

(i) in the first table, relating to commissioned officers, by striking "$12,441.00" in footnote 2 and inserting "$12,488.70"; and

(ii) in the fourth table, relating to enlisted members, by striking "$4,701.00" in footnote 2 and inserting "$4,719.00".

(D) Section 657(a)(1)(A) (113 Stat. 668; 10 U.S.C. 1450 note) is amended by striking "August 21, 1983" and inserting "August 19, 1983".

(2) In the case of any former spouse to whom paragraph (3) of section 1450(f) of title 10, United States Code, applies by reason of the amendment made by paragraph (1)(D), the provisions of subsection (b) of section 657 of the National Defense Authorization Act for Fiscal Year 2000 shall be applied by using the date of the enactment of this Act, rather than the date of the enactment of that Act.

(d) PUBLIC LAW 105–261.—Effective as of October 17, 1998, and as if included therein as enacted, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.) is amended as follows:

(1) Section 142 (112 Stat. 1943; 50 U.S.C. 1521 note) is amended—

(A) in subsection (e), by striking "1521(f))" and inserting "1521 note)"; and

(B) by redesignating the second subsection (f) as subsection (g).

(2) Section 503(b)(1) (112 Stat. 2003) is amended by inserting "its" after "record of" in the first quoted matter therein.

(3) Section 645(b) (112 Stat. 2050) is amended by striking "a member" and inserting "member" in the quoted matter therein.

(4) Section 701 (112 Stat. 2056) is amended—

(A) in subsection (a), by inserting "(1)" before "Section 1076a(b)(2)"; and

(B) in subsection (b), by inserting "of such title" after "1076a".

(5) Section 802(b) (112 Stat. 2081) is amended by striking "Administrative" in the first quoted matter therein and inserting "Administration".

(6) Section 1101(e)(2)(C) (112 Stat. 2140; 5 U.S.C. 3104 note) is amended by striking "subsection (c)(1)" and inserting "subsection (c)(2)".

(7) Section 1405(k)(2) (112 Stat. 2170; 50 U.S.C. 2301 note) is amended by striking "subchapter" and inserting "chapter".

(e) PUBLIC LAW 105–85.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 602(d)(1)(A) (111 Stat. 1773; 37 U.S.C. 402 note) is amended by striking "of" the first place it appears in the matter preceding clause (i).

(2) Section 1221(a)(3) (22 U.S.C. 1928 note), as amended by section 1233(a)(2)(A) of Public Law 105–261 (112 Stat. 2156), is amended by striking the second close parenthesis after "relief efforts".

(f) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 3329 is amended—

(A) in subsection (a), by striking "such term" and inserting "the term 'military technician (dual status)'"; and

(B) in subsection (b), by striking "section 1332 of title 10" and inserting "section 12732 of title 10".

(2) Section 5531 is amended by striking "sections 5532 and" in the matter preceding paragraph (1) and inserting "section".

(3) Section 8116(a)(4) is amended by striking ", subject to" and all that follows through "United States Code".

(4) Section 8339(g) is amended by striking "the application of the limitation in section 5532 of this title, or" in the third sentence.

(5) Section 8344(h)(1) is amended by inserting "(as in effect before the repeal of that section by section 651(a) of Public Law 106–65)" after "section 5532(f)(2) of this title".

(g) OTHER LAWS.—

(1) Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking the second period after "2005".

(2) Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by transferring subparagraph (G) so as to appear immediately before subparagraph (H), as added by section 2821(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 853).

(3) Section 686(b) of title 14, United States Code, is amended—

(A) in paragraph (1), by striking "section 403(b)" and inserting "section 403(e)"; and

(B) in paragraph (2), by striking "a basic allowance for quarters under section 403 of title 37, and, if in a high housing cost area, a variable housing allowance under section 403a of that title" and inserting "a basic allowance for housing under section 403 of title 37".

(4) Chapter 701 of title 36, United States Code, relating to the Federal charter of the Fleet Reserve Association, is amended in sections 70102(a) and 70108(a) by striking "Delaware" and inserting "Pennsylvania".

(5) Section 7426 of title 38, United States Code, is amended by striking subsection (c).

(6) The item relating to chapter 112 in the table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by revising the second and third words so that the initial letter of each of those words is lower case.

(7) Section 405(f)(6)(B) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999 (as contained in section 101(f) of division A of Public Law 105–277; 112 Stat. 2681–430), is amended by striking "Act of title" in the first quoted matter therein and inserting "Act or title".

(8) Section 1403(c)(6) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 922(c)(6)) is amended by striking "the" before "Assistant Secretary of Defense".

(9) Effective as of October 5, 1999, section 224 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2274(b)) is amended by striking "$500,000" and inserting "$50,000".

(h) COORDINATION WITH OTHER AMENDMENTS.—For purposes of applying amendments made by provisions of this Act other than provisions of this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 1088. MAXIMUM SIZE OF PARCEL POST PACKAGES TRANSPORTED OVERSEAS FOR ARMED FORCES POST OFFICES.

Section 3401(b) of title 39, United States Code, is amended by striking "100 inches in length and girth combined" in paragraphs (2) and (3) and inserting "the maximum size allowed by the Postal Service for fourth class parcel post (known as 'Standard Mail (B)')".

SEC. 1089. SENSE OF CONGRESS REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.

It is the sense of Congress that members of the Armed Forces who receive special pay under section 310 of title 37, United States Code, for duty subject to hostile fire or imminent danger should receive the same treatment under Federal income tax laws as members serving in combat zones.

SEC. 1090. ORGANIZATION AND MANAGEMENT OF CIVIL AIR PATROL.

(a) In General.—Chapter 909 of title 10, United States Code, is amended to read as follows:

"CHAPTER 909—CIVIL AIR PATROL

"Sec.
"9441. Status as federally chartered corporation; purposes.
"9442. Status as volunteer civilian auxiliary of the Air Force.
"9443. Activities performed as federally chartered nonprofit corporation.
"9444. Activities performed as auxiliary of the Air Force.
"9445. Funds appropriated for the Civil Air Patrol.
"9446. Miscellaneous personnel authorities.
"9447. Board of Governors.
"9448. Regulations.

"§ 9441. Status as federally chartered corporation; purposes

"(a) Status.—(1) The Civil Air Patrol is a nonprofit corporation that is federally chartered under section 40301 of title 36.

"(2) Except as provided in section 9442(b)(2) of this title, the Civil Air Patrol is not an instrumentality of the Federal Government for any purpose.

"(b) Purposes.—The purposes of the Civil Air Patrol are set forth in section 40302 of title 36.

"§ 9442. Status as volunteer civilian auxiliary of the Air Force

"(a) Volunteer Civilian Auxiliary.—The Civil Air Patrol is a volunteer civilian auxiliary of the Air Force when the services of the Civil Air Patrol are used by any department or agency in any branch of the Federal Government.

"(b) Use by Air Force.—(1) The Secretary of the Air Force may use the services of the Civil Air Patrol to fulfill the noncombat programs and missions of the Department of the Air Force.

"(2) The Civil Air Patrol shall be deemed to be an instrumentality of the United States with respect to any act or omission of the Civil Air Patrol, including any member of the Civil Air Patrol, in carrying out a mission assigned by the Secretary of the Air Force.

"§ 9443. Activities performed as federally chartered nonprofit corporation

"(a) Use of Federally Provided Resources.—In its status as a federally chartered nonprofit corporation, the Civil Air Patrol may use equipment, supplies, and other resources, including aircraft, motor vehicles, computers, and communications equipment, provided to the Civil Air Patrol by a department or agency of the Federal Government or acquired by or for the Civil Air Patrol with appropriated funds (or with funds of the Civil Air Patrol, but reimbursed from appropriated funds)—

"(1) to provide assistance requested by State or local governmental authorities to perform disaster relief missions and activities, other emergency missions and activities, and nonemergency missions and activities; and

"(2) to fulfill its other purposes set forth in section 40302 of title 36.

"(b) Use Subject to Applicable Laws.—The use of equipment, supplies, or other resources under subsection (a) is subject to the laws and regulations that govern the use by nonprofit corporations of federally provided assets or of assets purchased with appropriated funds, as the case may be.

"(c) Authority Not Contingent on Reimbursement.—The authority for the Civil Air Patrol to provide assistance under subsection (a)(1) is not contingent on the Civil Air Patrol being reimbursed for the cost of providing the assistance. If the Civil Air Patrol elects to require reimbursement for the provision of assistance under such subsection, the Civil Air Patrol may establish the reimbursement rate at a rate less than the rates charged by private sector sources for equivalent services.

"(d) Liability Insurance.—The Secretary of the Air Force may provide the Civil Air Patrol with funds for paying the cost of liability insurance to cover missions and activities carried out under this section.

"§ 9444. Activities performed as auxiliary of the Air Force

"(a) Air Force Support for Activities.—The Secretary of the Air Force may furnish to the Civil Air Patrol in accordance with this section any equipment, supplies, and other resources that the Secretary determines necessary to enable the Civil Air Patrol to fulfill the missions assigned by the Secretary to the Civil Air Patrol as an auxiliary of the Air Force.

"(b) Forms of Air Force Support.—The Secretary of the Air Force may, under subsection (a)—

"(1) give, lend, or sell to the Civil Air Patrol without regard to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)—

"(A) major items of equipment (including aircraft, motor vehicles, computers, and communications equipment) that are excess to the military departments; and

"(B) necessary related supplies and training aids that are excess to the military departments;

"(2) permit the use, with or without charge, of services and facilities of the Air Force;

"(3) furnish supplies (including fuel, lubricants, and other items required for vehicle and aircraft operations) or provide funds for the acquisition of supplies;

"(4) establish, maintain, and supply liaison officers of the Air Force at the national, regional, State, and territorial headquarters of the Civil Air Patrol;

"(5) detail or assign any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any liaison office at the national, regional, State, or territorial headquarters of the Civil Air Patrol;

"(6) detail any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any unit or installation of the Civil Air Patrol to assist in the training programs of the Civil Air Patrol;

"(7) authorize the payment of travel expenses and allowances, at rates not to exceed those paid to employees of the United States under subchapter I of chapter 57 of title 5, to members of the Civil Air Patrol while the members are carrying out programs or missions specifically assigned by the Air Force;

"(8) provide funds for the national headquarters of the Civil Air Patrol, including—

"(A) funds for the payment of staff compensation and benefits, administrative expenses, travel, per diem and allowances, rent, utilities, other operational expenses of the national headquarters; and

"(B) to the extent considered necessary by the Secretary of the Air Force to fulfill Air Force requirements, funds for the payment of compensation and benefits for key staff at regional, State, or territorial headquarters;

"(9) authorize the payment of expenses of placing into serviceable condition, improving, and maintaining equipment (including aircraft, motor vehicles, computers, and communications equipment) owned or leased by the Civil Air Patrol;

"(10) provide funds for the lease or purchase of items of equipment that the Secretary determines necessary for the Civil Air Patrol;

"(11) support the Civil Air Patrol cadet program by furnishing—

"(A) articles of the Air Force uniform to cadets without cost; and

"(B) any other support that the Secretary of the Air Force determines is consistent with Air Force missions and objectives; and

"(12) provide support, including appropriated funds, for the Civil Air Patrol aerospace education program to the extent that the Secretary of the Air Force determines appropriate for furthering the fulfillment of Air Force missions and objectives.

"(c) Assistance by Other Agencies.—(1) The Secretary of the Air Force may arrange for the use by the Civil Air Patrol of such facilities and services under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, or the head of any other department or agency of the United States as the Secretary of the Air Force considers to be needed by the Civil Air Patrol to carry out its mission.

"(2) An arrangement for use of facilities or services of a military department or other department or agency under this subsection shall be subject to the agreement of the Secretary of the military department or head of the other department or agency, as the case may be.

"(3) Each arrangement under this subsection shall be made in accordance with regulations prescribed under section 9448 of this title.

"§ 9445. Funds appropriated for the Civil Air Patrol

"Funds appropriated for the Civil Air Patrol shall be available only for the exclusive use of the Civil Air Patrol.

"§ 9446. Miscellaneous personnel authorities

"(a) Use of Retired Air Force Personnel.—(1) Upon the request of a person retired from service in the Air Force, the Secretary of the Air Force may enter into a personal services contract with that person providing for the person to serve as an administrator or liaison officer for the Civil Air Patrol. The qualifications of a person to provide the services shall be determined and approved in accordance with regulations prescribed under section 9448 of this title.

"(2) To the extent provided in a contract under paragraph (1), a person providing services under the contract may accept services on behalf of the Air Force.

"(3) A person, while providing services under a contract authorized under paragraph (1), may not be considered to be on active duty or inactive-duty training for any purpose.

"(b) Use of Civil Air Patrol Chaplains.—The Secretary of the Air Force may use the services of Civil Air Patrol chaplains in support of the Air Force active duty and reserve component forces to the extent and under conditions that the Secretary determines appropriate.

"§ 9447. Board of Governors

"(a) Governing Body.—The Board of Governors of the Civil Air Patrol is the governing body of the Civil Air Patrol.

"(b) Composition.—The Board of Governors is composed of 11 members as follows:

"(1) Four members appointed by the Secretary of the Air Force, who may be active or retired officers of the Air Force (including reserve components of the Air Force), employees of the United States, or private citizens.

"(2) Four members of the Civil Air Patrol, selected in accordance with the constitution and bylaws of the Civil Air Patrol.

"(3) Three members appointed or selected as provided in subsection (c) from among personnel of any Federal Government agencies, public corporations, nonprofit associations, and other organizations that have an interest and expertise in civil aviation and the Civil Air Patrol mission.

"(c) APPOINTMENTS FROM INTERESTED ORGANIZATIONS.—(1) Subject to paragraph (2), the members of the Board of Governors referred to in subsection (b)(3) shall be appointed jointly by the Secretary of the Air Force and the National Commander of the Civil Air Patrol.

"(2) Any vacancy in the position of a member referred to in paragraph (1) that is not filled under that paragraph within 90 days shall be filled by majority vote of the other members of the Board.

"(d) CHAIRMAN.—The Chairman of the Board of Governors shall be chosen by the members of the Board of Governors from among the members of the Board referred to in paragraphs (1) and (2) of subsection (b) and shall serve for a term of two years. The position of Chairman shall be held on a rotating basis between members of the Board appointed by the Secretary of the Air Force under paragraph (1) of subsection (b) and members of the Board selected under paragraph (2) of that subsection.

"(e) POWERS.—(1) The Board of Governors shall, subject to paragraphs (2) and (3), exercise the powers granted to the Civil Air Patrol under section 40304 of title 36.

"(2) Any exercise by the Board of the power to amend the constitution or bylaws of the Civil Air Patrol or to adopt a new constitution or bylaws shall be subject to approval by a majority of the members of the Board.

"(3) Neither the Board of Governors nor any other component of the Civil Air Patrol may modify or terminate any requirement or authority set forth in this section.

"(f) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) Subject to paragraph (2), the Board of Governors may take such action as is necessary to limit the personal liability of a member of the Board of Governors to the Civil Air Patrol, or to any of its members, for monetary damages for a breach of fiduciary duty while serving as a member of the Board.

"(2) The Board may not limit the liability of a member of the Board of Governors to the Civil Air Patrol, or to any of its members, for monetary damages for any of the following:

"(A) A breach of the member's duty of loyalty to the Civil Air Patrol or its members.

"(B) Any act or omission that is not in good faith or that involves intentional misconduct or a knowing violation of law.

"(C) Participation in any transaction from which the member directly or indirectly derives an improper personal benefit.

"(3) Nothing in this subsection shall be construed as rendering section 207 or 208 of title 18 inapplicable in any respect to a member of the Board of Governors who is a member of the Air Force on active duty, an officer on a retired list of the Air Force, or an employee of the United States.

"(g) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) Except as provided in paragraph (2), no member of the Board of Governors or officer of the Civil Air Patrol shall be personally liable for damages for any injury or death or loss or damage of property resulting from a tortious act or omission of an employee or member of the Civil Air Patrol.

"(2) Paragraph (1) does not apply to a member of the Board of Governors or officer of the Civil Air Patrol for a tortious act or omission in which the member or officer, as the case may be, was personally involved, whether in breach of a civil duty or in commission of a criminal offense.

"(3) Nothing in this subsection shall be construed to restrict the applicability of common law protections and rights that a member of the Board of Governors or officer of the Civil Air Patrol may have.

"(4) The protections provided under this subsection are in addition to the protections provided under subsection (f).

"§ 9448. Regulations

"(a) AUTHORITY.—The Secretary of the Air Force shall prescribe regulations for the administration of this chapter.

"(b) REQUIRED REGULATIONS.—The regulations shall include the following:

"(1) Regulations governing the conduct of the activities of the Civil Air Patrol when it is performing its duties as a volunteer civilian auxiliary of the Air Force under section 9442 of this title.

"(2) Regulations for providing support by the Air Force and for arranging assistance by other agencies under section 9444 of this title.

"(3) Regulations governing the qualifications of retired Air Force personnel to serve as an administrator or liaison officer for the Civil Air Patrol under a personal services contract entered into under section 9446(a) of this title.

"(c) APPROVAL BY SECRETARY OF DEFENSE.—The regulations required by subsection (b)(2) shall be subject to the approval of the Secretary of Defense.".

(b) CONFORMING AMENDMENTS.—(1) Section 40302 of title 36, United States Code, is amended—

(A) by striking "to—" in the matter preceding paragraph (1) and inserting "as follows:";

(B) by inserting "To" after the paragraph designation in each of paragraphs (1), (2), (3), and (4);

(C) by striking the semicolon at the end of paragraphs (1)(B) and (2) and inserting a period;

(D) by striking "; and" at the end of paragraph (3) and inserting a period; and

(E) by adding at the end the following:

"(5) To assist the Department of the Air Force in fulfilling its noncombat programs and missions.".

(2)(A) Section 40303 of such title is amended—

(i) by inserting "(a) MEMBERSHIP.—" before "Eligibility"; and

(ii) by adding at the end the following:

"(b) GOVERNING BODY.—The Civil Air Patrol has a Board of Governors. The composition and responsibilities of the Board of Governors are set forth in section 9447 of title 10.".

(B) The heading for such section is amended to read as follows:

"§ 40303. Membership and governing body".

(C) The item relating to such section in the table of sections at the beginning of chapter 403 of title 36, United States Code, is amended to read as follows:

"40303. Membership and governing body.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

SEC. 1091. ADDITIONAL DUTIES FOR COMMISSION TO ASSESS UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.

Section 1622(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 814; 10 U.S.C. 111 note) is amended by adding at the end the following new paragraph:

"(6) The advisability of—

"(A) various actions to eliminate the de facto requirement that specified officers in the United States Space Command be flight rated that results from the dual assignment of officers to that command and to one or more other commands in positions in which such officers are expressly required to be flight rated;

"(B) the establishment of a requirement that, as a condition of the assignment of a general or flag officer to the United States Space Command, the officer have experience in space, missile, or information operations that was gained through either acquisition or operational experience; and

"(C) rotating the command of the United States Space Command among the Armed Forces.".

SEC. 1092. COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Commission on the Future of the United States Aerospace Industry" (in this section referred to as the "Commission").

(b) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed, not later than March 1, 2001, as follows:

(A) Up to six members shall be appointed by the President.

(B) Two members shall be appointed by the Speaker of the House of Representatives.

(C) Two members shall be appointed by the majority leader of the Senate.

(D) One member shall be appointed by the minority leader of the Senate.

(E) One member shall be appointed by the minority leader of the House of Representatives.

(2) The members of the Commission shall be appointed from among persons with extensive experience and national reputations in aerospace manufacturing, economics, finance, national security, international trade, or foreign policy and persons who are representative of labor organizations associated with the aerospace industry.

(3) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) The President shall designate one member of the Commission to serve as the chairman of the Commission.

(5) The Commission shall meet at the call of the chairman. A majority of the members shall constitute a quorum, but a lesser number may hold hearings.

(c) DUTIES.—(1) The Commission shall—

(A) study the issues associated with the future of the United States aerospace industry in the global economy, particularly in relationship to United States national security; and

(B) assess the future importance of the domestic aerospace industry for the economic and national security of the United States.

(2) In order to fulfill its responsibilities, the Commission shall study the following:

(A) The budget process of the United States Government, particularly with a view to assessing the adequacy of projected budgets of the federal departments and agencies for aerospace research and development and procurement.

(B) The acquisition process of the Government, particularly with a view to assessing—

(i) the adequacy of the current acquisition process of federal departments and agencies; and

(ii) the procedures for developing and fielding aerospace systems incorporating new technologies in a timely fashion.

(C) The policies, procedures, and methods for the financing and payment of government contracts.

(D) Statutes and regulations governing international trade and the export of technology, particularly with a view to assessing—

(i) the extent to which the current system for controlling the export of aerospace goods, services, and technologies reflects an adequate balance between the need to protect national security and the need to ensure unhindered access to the global marketplace; and

(ii) the adequacy of United States and multilateral trade laws and policies for maintaining the international competitiveness of the United States aerospace industry.

(E) Policies governing taxation, particularly with a view to assessing the impact of current tax laws and practices on the international competitiveness of the aerospace industry.

(F) Programs for the maintenance of the national space launch infrastructure, particularly with a view to assessing the adequacy of current and projected programs for maintaining the national space launch infrastructure.

(G) Programs for the support of science and engineering education, including current programs for supporting aerospace science and engineering efforts at institutions of higher learning, with a view to determining the adequacy of those programs.

(d) REPORT.—(1) Not later than March 1, 2002, the Commission shall submit a report on its activities to the President and Congress.

(2) The report shall include the following:

(A) The Commission's findings and conclusions.

(B) The Commission's recommendations for actions by federal departments and agencies to support the maintenance of a robust aerospace industry in the United States in the 21st century and any recommendations for statutory and regulatory changes to support the implementation of the Commission's findings.

(C) A discussion of the appropriate means for implementing the Commission's recommendations.

(e) ADMINISTRATIVE REQUIREMENTS AND AUTHORITIES.—(1) The Director of the Office of Management and Budget shall ensure that the Commission is provided such administrative services, facilities, staff, and other support services as may be necessary. Any expenses of the Commission shall be paid from funds available to the Director.

(2) The Commission may hold hearings, sit and act at times and places, take testimony, and receive evidence that the Commission considers advisable to carry out the purposes of this section.

(3) The Commission may request directly from any department or agency of the United States any information that the Commission considers necessary to carry out the provisions of this section. To the extent consistent with applicable requirements of law and regulations, the head of such department or agency shall furnish such information to the Commission.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) COMMISSION PERSONNEL MATTERS.—(1) Members of the Commission shall serve without additional compensation for their service on the Commission, except that members appointed from among private citizens may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in government service under subchapter I of chapter 57 of title 5, United States Code, while away from their homes and places of business in the performance of services for the Commission.

(2) The chairman of the Commission may appoint staff of the Commission, request the detail of Federal employees, and accept temporary and intermittent services in accordance with section 3161 of title 5, United States Code (as added by section 1101 of this Act).

(g) TERMINATION.—The Commission shall terminate 30 days after the date of the submission of its report under subsection (d).

SEC. 1093. DRUG ADDICTION TREATMENT.

(a) IN GENERAL.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking "(A) security" and inserting "(i) security", and by striking "(B) the maintenance" and inserting "(ii) the maintenance";

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting "(1)" after "(g)";

(4) by striking "Practitioners who dispense" and inserting "Except as provided in paragraph (2), practitioners who dispense"; and

(5) by adding at the end the following paragraph:

"(2)(A) Subject to subparagraphs (D) and (J), the requirements of paragraph (1) are waived in the case of the dispensing (including the prescribing), by a practitioner, of narcotic drugs in schedule III, IV, or V or combinations of such drugs if the practitioner meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

"(B) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a practitioner are that, before the initial dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, the practitioner submit to the Secretary a notification of the intent of the practitioner to begin dispensing the drugs or combinations for such purpose, and that the notification contain the following certifications by the practitioner:

"(i) The practitioner is a qualifying physician (as defined in subparagraph (G)).

"(ii) With respect to patients to whom the practitioner will provide such drugs or combinations of drugs, the practitioner has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

"(iii) In any case in which the practitioner is not in a group practice, the total number of such patients of the practitioner at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number.

"(iv) In any case in which the practitioner is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of practitioners in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

"(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V or combinations of such drugs are as follows:

"(i) The drugs or combinations of drugs have, under the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

"(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of practitioners to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

"(D)(i) A waiver under subparagraph (A) with respect to a practitioner is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

"(I) The notification under subparagraph (B) is in writing and states the name of the practitioner.

"(II) The notification identifies the registration issued for the practitioner pursuant to subsection (f).

"(III) If the practitioner is a member of a group practice, the notification states the names of the other practitioners in the practice and identifies the registrations issued for the other practitioners pursuant to subsection (f).

"(ii) Upon receiving a notification under subparagraph (B), the Attorney General shall assign the practitioner involved an identification number under this paragraph for inclusion with the registration issued for the practitioner pursuant to subsection (f). The identification number so assigned shall be appropriate to preserve the confidentiality of patients for whom the practitioner has dispensed narcotic drugs under a waiver under subparagraph (A).

"(iii) Not later than 45 days after the date on which the Secretary receives a notification under subparagraph (B), the Secretary shall make a determination of whether the practitioner involved meets all requirements for a waiver under subparagraph (B). If the Secretary fails to make such determination by the end of the such 45-day period, the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

"(E)(i) If a practitioner is not registered under paragraph (1) and, in violation of the conditions specified in subparagraphs (B) through (D), dispenses narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the practitioner to have committed an act that renders the registration of the practitioner pursuant to subsection (f) to be inconsistent with the public interest.

"(ii)(I) Upon the expiration of 45 days from the date on which the Secretary receives a notification under subparagraph (B), a practitioner who in good faith submits a notification under subparagraph (B) and reasonably believes that the conditions specified in subparagraphs (B) through (D) have been met shall, in dispensing narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, be considered to have a waiver under subparagraph (A) until notified otherwise by the Secretary, except that such a practitioner may commence to prescribe or dispense such narcotic drugs for such purposes prior to the expiration of such 45-day period if it facilitates the treatment of an individual patient and both the Secretary and the Attorney General are notified by the practitioner of the intent to commence prescribing or dispensing such narcotic drugs.

"(II) For purposes of subclause (I), the publication in the Federal Register of an adverse determination by the Secretary pursuant to subparagraph (C)(ii) shall (with respect to the narcotic drug or combination involved) be considered to be a notification provided by the Secretary to practitioners, effective upon the expiration of the 30-day period beginning on the date on which the adverse determination is so published.

"(F)(i) With respect to the dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, a practitioner may, in his or her discretion, dispense such drugs or combinations for such treatment under a registration under paragraph (1) or a waiver under subparagraph (A) (subject to meeting the applicable conditions).

"(ii) This paragraph may not be construed as having any legal effect on the conditions for obtaining a registration under paragraph (1), including with respect to the number of patients who may be served under such a registration.

"(G) For purposes of this paragraph:

"(i) The term 'group practice' has the meaning given such term in section 1877(h)(4) of the Social Security Act.

"(ii) The term 'qualifying physician' means a physician who is licensed under State law and who meets one or more of the following conditions:

"(I) The physician holds a subspecialty board certification in addiction psychiatry from the American Board of Medical Specialties.

"(II) The physician holds an addiction certification from the American Society of Addiction Medicine.

"(III) The physician holds a subspecialty board certification in addiction medicine from the American Osteopathic Association.

"(IV) The physician has, with respect to the treatment and management of opiate-dependent patients, completed not less than eight hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines is appropriate for purposes of this subclause.

"(V) The physician has participated as an investigator in one or more clinical trials leading to the approval of a narcotic drug in schedule III, IV, or V for maintenance or detoxification treatment, as demonstrated by a statement submitted to the Secretary by the sponsor of such approved drug.

"(VI) The physician has such other training or experience as the State medical licensing board (of the State in which the physician will provide maintenance or detoxification treatment) considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients.

"(VII) The physician has such other training or experience as the Secretary considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients. Any criteria of the Secretary under this subclause shall be established by regulation. Any such criteria are effective only for 3 years after the date on which the criteria are promulgated, but may be extended for such additional discrete 3-year periods as the Secretary considers appropriate for purposes of this subclause. Such an extension of criteria may only be effectuated through a statement published in the Federal Register by the Secretary during the 30-day period preceding the end of the 3-year period involved.

"(H)(i) In consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, the Secretary shall issue regulations (through notice and comment rulemaking) or issue practice guidelines to address the following:

"(I) Approval of additional credentialing bodies and the responsibilities of additional credentialing bodies.

"(II) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

Nothing in such regulations or practice guidelines may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

"(ii) Not later than 120 days after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, the Secretary shall issue a treatment improvement protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration, and other substance abuse disorder professionals. The protocol shall be guided by science.

"(I) During the 3-year period beginning on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, a State may not preclude a practitioner from dispensing or prescribing drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing such drugs or combinations of drug.

"(J)(i) This paragraph takes effect on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

"(ii) For purposes relating to clause (iii), the Secretary and the Attorney General may, during the 3-year period beginning on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, make determinations in accordance with the following:

"(I) The Secretary may make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings; may make a determination of whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and may make a determination of whether such waivers have adverse consequences for the public health.

"(II) The Attorney General may make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; may make a determination of whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V or combinations of such drugs are being dispensed or possessed in violation of this Act; and may make a determination of whether such waivers have adverse consequences for the public health.

"(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall in making any such decision consult with the Attorney General, and shall in publishing the decision in the Federal Register include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall in making any such decision consult with the Secretary, and shall in publishing the decision in the Federal Register include any comments received from the Secretary for inclusion in the publication.".

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter after and below paragraph (5), by striking "section 303(g)" each place such term appears and inserting "section 303(g)(1)"; and

(2) in subsection (d), by striking "section 303(g)" and inserting "section 303(g)(1)".

(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—For the purpose of assisting the Secretary of Health and Human Services with the additional duties established for the Secretary pursuant to the amendments made by this section, there are authorized to be appropriated, in addition to other authorizations of appropriations that are available for such purpose, such sums as may be necessary for each of fiscal years 2001 through 2003.

(d) COORDINATION OF PROVISIONS.—(1) If the Drug Addiction Treatment Act of 2000 is enacted before this Act, the provisions of this section shall not take effect.

(2) If the Drug Addiction Treatment Act of 2000 is enacted after this Act, the amendments made by this section shall be deemed for all purposes to have been made by section 3502 of that Act and this section shall cease to be in effect as of that enactment.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Subtitle A—Civilian Personnel Management Generally

Sec. 1101. Employment and compensation of employees for temporary organizations established by law or Executive order.
Sec. 1102. Assistive technology accommodations program.
Sec. 1103. Extension of authority for voluntary separations in reductions in force.
Sec. 1104. Electronic maintenance of performance appraisal systems.
Sec. 1105. Study on civilian personnel services.

Subtitle B—Demonstration and Pilot Programs

Sec. 1111. Pilot program for reengineering the equal employment opportunity complaint process.
Sec. 1112. Work safety demonstration program.
Sec. 1113. Extension, expansion, and revision of authority for experimental personnel program for scientific and technical personnel.
Sec. 1114. Clarification of personnel management authority under personnel demonstration project.

Subtitle C—Educational Assistance

Sec. 1121. Restructuring the restriction on degree training.
Sec. 1122. Student loan repayment programs.
Sec. 1123. Extension of authority for tuition reimbursement and training for civilian employees in the defense acquisition workforce.

Subtitle D—Other Benefits

Sec. 1131. Additional special pay for foreign language proficiency beneficial for United States national security interests.
Sec. 1132. Approval authority for cash awards in excess of $10,000.

Sec. 1133. Leave for crews of certain vessels.
Sec. 1134. Life insurance for emergency essential Department of Defense employees.

Subtitle E—Intelligence Civilian Personnel

Sec. 1141. Expansion of defense civilian intelligence personnel system positions.
Sec. 1142. Increase in number of positions authorized for the Defense Intelligence Senior Executive Service.

Subtitle F—Voluntary Separation Incentive Pay and Early Retirement Authority

Sec. 1151. Extension, revision, and expansion of authorities for use of voluntary separation incentive pay and voluntary early retirement.
Sec. 1152. Department of Defense employee voluntary early retirement authority.
Sec. 1153. Limitations.

Subtitle A—Civilian Personnel Management Generally

SEC. 1101. EMPLOYMENT AND COMPENSATION OF EMPLOYEES FOR TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER.

(a) In General.—Chapter 31 of title 5, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER

"§ 3161. Employment and compensation of employees

"(a) Definition of Temporary Organization.—For the purposes of this subchapter, the term 'temporary organization' means a commission, committee, board, or other organization that—

"(1) is established by law or Executive order for a specific period not in excess of three years for the purpose of performing a specific study or other project; and

"(2) is terminated upon the completion of the study or project or upon the occurrence of a condition related to the completion of the study or project.

"(b) Employment Authority.—(1) Notwithstanding the provisions of chapter 51 of this title, the head of a temporary organization may appoint persons to positions of employment in a temporary organization in such numbers and with such skills as are necessary for the performance of the functions required of a temporary organization.

"(2) The period of an appointment under paragraph (1) may not exceed three years, except that under regulations prescribed by the Office of Personnel Management the period of appointment may be extended for up to an additional two years.

"(3) The positions of employment in a temporary organization are in the excepted service of the civil service.

"(c) Detail Authority.—Upon the request of the head of a temporary organization, the head of any department or agency of the Government may detail, on a nonreimbursable basis, any personnel of the department or agency to that organization to assist in carrying out its duties.

"(d) Compensation.—(1) The rate of basic pay for an employee appointed under subsection (b) shall be established under regulations prescribed by the Office of Personnel Management without regard to the provisions of chapter 51 and subchapter III of chapter 53 of this title.

"(2) The rate of basic pay for the chairman, a member, an executive director, a staff director, or another executive level position of a temporary organization may not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of this title.

"(3) Except as provided in paragraph (4), the rate of basic pay for other positions in a temporary organization may not exceed the maximum rate of basic pay for grade GS–15 of the General Schedule under section 5332 of this title.

"(4) The rate of basic pay for a senior staff position of a temporary organization may, in a case determined by the head of the temporary organization as exceptional, exceed the maximum rate of basic pay authorized under paragraph (3), but may not exceed the maximum rate of basic pay authorized for an executive level position under paragraph (2).

"(5) In this subsection, the term 'basic pay' includes locality pay provided for under section 5304 of this title.

"(e) Travel Expenses.—An employee of a temporary organization, whether employed on a full-time or part-time basis, may be allowed travel and transportation expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of this title, while traveling away from the employee's regular place of business in the performance of services for the temporary organization.

"(f) Benefits.—An employee appointed under subsection (b) shall be afforded the same benefits and entitlements as are provided temporary employees under this title.

"(g) Return Rights.—An employee serving under a career or career conditional appointment or the equivalent in an agency who transfers to or converts to an appointment in a temporary organization with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay retention in the agency if the employee—

"(1) is being separated from the temporary organization for reasons other than misconduct, neglect of duty, or malfeasance; and

"(2) applies for return not later than 30 days before the earlier of—

"(A) the date of the termination of the employment in the temporary organization; or

"(B) the date of the termination of the temporary organization.

"(h) Temporary and Intermittent Services.—The head of a temporary organization may procure for the organization temporary and intermittent services under section 3109(b) of this title.

"(i) Acceptance of Volunteer Services.—(1) The head of a temporary organization may accept volunteer services appropriate to the duties of the organization without regard to section 1342 of title 31.

"(2) Donors of voluntary services accepted for a temporary organization under this subsection may include the following:

"(A) Advisors.

"(B) Experts.

"(C) Members of the commission, committee, board, or other temporary organization, as the case may be.

"(D) A person performing services in any other capacity determined appropriate by the head of the temporary organization.

"(3) The head of the temporary organization—

"(A) shall ensure that each person performing voluntary services accepted under this subsection is notified of the scope of the voluntary services accepted;

"(B) shall supervise the volunteer to the same extent as employees receiving compensation for similar services; and

"(C) shall ensure that the volunteer has appropriate credentials or is otherwise qualified to perform in each capacity for which the volunteer's services are accepted.

"(4) A person providing volunteer services accepted under this subsection shall be considered an employee of the Federal Government in the performance of those services for the purposes of the following provisions of law:

"(A) Chapter 81 of this title, relating to compensation for work-related injuries.

"(B) Chapter 171 of title 28, relating to tort claims.

"(C) Chapter 11 of title 18, relating to conflicts of interest.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER IV—TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER

"Sec.
"3161. Employment and compensation of employees.".

SEC. 1102. ASSISTIVE TECHNOLOGY ACCOMMODATIONS PROGRAM.

(a) Authority To Provide Technology, Devices, and Services.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1581 the following new section:

"§ 1582. Assistive technology, assistive technology devices, and assistive technology services

"(a) Authority.—The Secretary of Defense may provide assistive technology, assistive technology devices, and assistive technology services to the following:

"(1) Department of Defense employees with disabilities.

"(2) Organizations within the Department that have requirements to make programs or facilities accessible to, and usable by, persons with disabilities.

"(3) Any other department or agency of the Federal Government, upon the request of the head of that department or agency, for its employees with disabilities or for satisfying a requirement to make its programs or facilities accessible to, and usable by, persons with disabilities.

"(b) Definitions.—In this section, the terms 'assistive technology', 'assistive technology device', 'assistive technology service', and 'disability' have the meanings given those terms in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1581 the following new item:

"1582. Assistive technology, assistive technology devices, and assistive technology services.".

SEC. 1103. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking "September 30, 2001" and inserting "September 30, 2005".

SEC. 1104. ELECTRONIC MAINTENANCE OF PERFORMANCE APPRAISAL SYSTEMS.

Section 4302 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(c) In accordance with regulations which the Office shall prescribe, the head of an agency may administer and maintain a performance appraisal system electronically.".

SEC. 1105. STUDY ON CIVILIAN PERSONNEL SERVICES.

(a) Study Required.—The Secretary of Defense shall assess the manner in which personnel services are provided for civilian personnel in the Department of Defense and determine whether—

(1) administration of such services should continue to be centralized in individual military services and Defense Agencies or whether such services should be centralized within designated

geographical areas to provide services to all Department of Defense elements;

(2) offices that perform such services should be established to perform specific functions rather than cover an established geographical area;

(3) processes and functions of civilian personnel offices should be reengineered to provide greater efficiency and better service to management and employees of the Department of Defense; and

(4) efficiencies could be gained by public-private competition of the delivery of any of the personnel services for civilian personnel of the Department of Defense.

(b) REPORT.—Not later than January 1, 2002, the Secretary of Defense shall submit a report on the study, including recommendations, to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the Secretary's assessment of the items described in subsection (a), and, if appropriate, a proposal for a demonstration program to test the concepts developed under the study. The Secretary may also include any recommendations for legislation or other actions that the Secretary considers appropriate to increase the effectiveness and efficiency of the delivery of personnel services with respect to civilian personnel of the Department of Defense.

Subtitle B—Demonstration and Pilot Programs

SEC. 1111. PILOT PROGRAM FOR REENGINEERING THE EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS.

(a) PILOT PROGRAM.—(1) The Secretary of Defense shall carry out a pilot program to improve processes for the resolution of equal employment opportunity complaints by civilian employees of the Department of Defense. Complaints processed under the pilot program shall be subject to the procedural requirements established for the pilot program and shall not be subject to the procedural requirements of part 1614 of title 29 of the Code of Federal Regulations or other regulations, directives, or regulatory restrictions prescribed by the Equal Employment Opportunity Commission.

(2) The pilot program shall include procedures to reduce processing time and eliminate redundancy with respect to processes for the resolution of equal employment opportunity complaints, reinforce local management and chain-of-command accountability, and provide the parties involved with early opportunity for resolution.

(3) The Secretary may carry out the pilot program for a period of three years, beginning on January 1, 2001.

(4)(A) Participation in the pilot program shall be voluntary on the part of the complainant. Complainants who participate in the pilot program shall retain the right to appeal a final agency decision to the Equal Employment Opportunity Commission and to file suit in district court. The Equal Employment Opportunity Commission shall not reverse a final agency decision on the grounds that the agency did not comply with the regulatory requirements promulgated by the Commission.

(B) Subparagraph (A) shall apply to all cases—

(i) pending as of January 1, 2001, before the Equal Employment Opportunity Commission involving a civilian employee who filed a complaint under the pilot program of the Department of the Navy to improve processes for the resolution of equal employment opportunity complaints; and

(ii) hereinafter filed with the Commission under the pilot program established by this section.

(5) The pilot program shall be carried out in at least one military department and two Defense Agencies.

(b) REPORT.—Not later than 90 days following the end of the first and last full or partial fiscal years during which the pilot program is implemented, the Comptroller General shall submit to Congress a report on the pilot program. Such report shall contain the following:

(1) A description of the processes tested by the pilot program.

(2) The results of such testing.

(3) Recommendations for changes to the processes for the resolution of equal employment opportunity complaints as a result of such pilot program.

(4) A comparison of the processes used, and results obtained, under the pilot program to traditional and alternative dispute resolution processes used in the government or private industry.

SEC. 1112. WORK SAFETY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a defense employees work safety demonstration program.

(b) PRIVATE SECTOR WORK SAFETY MODELS.—Under the demonstration program, the Secretary shall—

(1) adopt for use in the workplace of civilian employees of the Department of Defense such work safety models used by employers in the private sector that the Secretary considers as being representative of the best work safety practices in use by private sector employers; and

(2) determine whether the use of those practices in the Department of Defense improves the work safety record of Department of Defense employees.

(c) SITES.—(1) The Secretary shall carry out the demonstration program—

(A) at not fewer than two installations of each of the Armed Forces (other than the Coast Guard), for employees of the military department concerned; and

(B) in at least two Defense Agencies (as defined in section 101(a)(11) of title 10, United States Code).

(2) The Secretary shall select the installations and Defense Agencies from among the installations and Defense Agencies listed in the Federal Worker 2000 Presidential Initiative.

(d) PERIOD FOR PROGRAM.—The demonstration program shall begin not later than 180 days after the date of the enactment of this Act and shall terminate on September 30, 2002.

(e) REPORTS.—(1) The Secretary of Defense shall submit an interim report on the demonstration program to the Committees on Armed Services of the Senate and the House of Representatives not later than December 1, 2001. The interim report shall contain, at a minimum, for each site of the demonstration program the following:

(A) A baseline assessment of the lost workday injury rate.

(B) A comparison of the lost workday injury rate for fiscal year 2000 with the lost workday injury rate for fiscal year 1999.

(C) The direct and indirect costs associated with all lost workday injuries.

(2) The Secretary of Defense shall submit a final report on the demonstration program to the Committees on Armed Services of the Senate and the House of Representatives not later than December 1, 2002. The final report shall contain, at a minimum, for each site of the demonstration program the following:

(A) The Secretary's determination on the issue described in subsection (b)(2).

(B) A comparison of the lost workday injury rate under the program with the baseline assessment of the lost workday injury rate.

(C) The lost workday injury rate for fiscal year 2002.

(D) A comparison of the direct and indirect costs associated with all lost workday injuries for fiscal year 2002 with the direct and indirect costs associated with all lost workday injuries for fiscal year 2001.

(f) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $5,000,000 shall be available for the demonstration program under this section.

SEC. 1113. EXTENSION, EXPANSION, AND REVISION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) EXTENSION OF PROGRAM.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2139; 5 U.S.C. 3104 note) is amended—

(1) in subsection (a), by striking "the 5-year period beginning on the date of the enactment of this Act" and inserting "the program period specified in subsection (e)(1)";

(2) in subsection (e), by striking paragraph (1) and inserting the following:

"(1) The period for carrying out the program authorized under this section begins on October 17, 1998, and ends on October 16, 2005."; and

(3) in subsection (f), by striking "on the day before the termination of the program" and inserting "on the last day of the program period specified in subsection (e)(1)".

(b) EXPANSION OF SCOPE.—Subsection (a) of such section, as amended by subsection (a)(1) of this section, is further amended by inserting before the period at the end the following: "and research and development projects administered by laboratories designated for the program by the Secretary from among the laboratories of each of the military departments".

(c) LIMITATION ON NUMBER OF APPOINTMENTS.—Subsection (b)(1) of such section is amended to read as follows:

"(1) without regard to any provision of title 5, United States Code, governing the appointment of employees in the civil service, appoint scientists and engineers from outside the civil service and uniformed services (as such terms are defined in section 2101 of such title) to—

"(A) not more than 40 scientific and engineering positions in the Defense Advanced Research Projects Agency;

"(B) not more than 40 scientific and engineering positions in the designated laboratories of each of the military services; and

"(C) not more than a total of 10 scientific and engineering positions in the National Imagery and Mapping Agency and the National Security Agency;".

(d) RATES OF PAY FOR APPOINTEES.—Subsection (b)(2) of such section is amended by inserting after "United States Code," the following: "as increased by locality-based comparability payments under section 5304 of such title,".

(e) COMMENSURATE EXTENSION OF REQUIREMENT FOR ANNUAL REPORT.—Subsection (g) of such section is amended by striking "2004" and inserting "2006".

(f) AMENDMENT OF SECTION HEADING.—The heading for such section is amended to read as follows:

"SEC. 1101. EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.".

SEC. 1114. CLARIFICATION OF PERSONNEL MANAGEMENT AUTHORITY UNDER PERSONNEL DEMONSTRATION PROJECT.

(a) ELIMINATION OF REQUIREMENT FOR OPM REVIEW AND APPROVAL.—Section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721) is amended—

(1) in subsection (b)(1), by striking ", with the approval of the Director of the Office of Personnel Management,"; and

(2) in subsection (b)(3)—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking "section 4703." and inserting "section 4703; and" at the end of subparagraph (B); and

(C) by inserting at the end the following new subparagraph (C):

"(C) the Secretary shall exercise the authorities granted to the Office of Personnel Management under such section 4703.".

(b) INCREASE IN LEVEL OF AUTHORIZED PAY.—Section 342(b) of such Act is further amended by adding at the end the following new paragraph:

"(5) The limitations in section 5373 of title 5, United States Code, do not apply to the authority of the Secretary under this section to prescribe salary schedules and other related benefits.".

Subtitle C—Educational Assistance

SEC. 1121. RESTRUCTURING THE RESTRICTION ON DEGREE TRAINING.

Section 4107 of title 5, United States Code, is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(2) in subsection (b)(1), by striking "subsection (a)" and inserting "subsection (a) or (c)"; and

(3) by adding at the end the following new subsection:

"(c) With respect to an employee of the Department of Defense—

"(1) this chapter does not authorize, except as provided in subsection (b) of this section, the selection and assignment of the employee for training, or the payment or reimbursement of the costs of training, for—

"(A) the purpose of providing an opportunity to the employee to obtain an academic degree in order to qualify for appointment to a particular position for which the academic degree is a basic requirement; or

"(B) the sole purpose of providing an opportunity to the employee to obtain one or more academic degrees, unless such opportunity is part of a planned, systematic, and coordinated program of professional development endorsed by the Department of Defense; and

"(2) any course of post-secondary education delivered through classroom, electronic, or other means shall be administered or conducted by an institution recognized under standards implemented by a national or regional accrediting body, except in a case in which such standards do not exist or the use of such standards would not be appropriate.".

SEC. 1122. STUDENT LOAN REPAYMENT PROGRAMS.

(a) COVERED STUDENT LOANS.—Section 5379(a)(1)(B) of title 5, United States Code, is amended—

(1) in clause (i), by inserting "(20 U.S.C. 1071 et seq.)" before the semicolon;

(2) in clause (ii), by striking "part E of title IV of the Higher Education Act of 1965" and inserting "part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et seq.)"; and

(3) in clause (iii), by striking "part C of title VII of Public Health Service Act or under part B of title VIII of such Act" and inserting "part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) or under part E of title VIII of such Act (42 U.S.C. 297a et seq.)".

(b) PERSONNEL COVERED.—(1) Section 5379(a)(2) of title 5, United States Code, is amended to read as follows:

"(2) An employee shall be ineligible for benefits under this section if the employee occupies a position that is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.".

(2) Section 5379(b)(1) of title 5, United States Code, is amended by striking "professional, technical, or administrative".

(c) REGULATIONS.—(1) Not later than 60 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall issue proposed regulations under section 5379(g) of title 5, United States Code. The Director shall provide for a period of not less than 60 days for public comment on the regulations.

(2) Not later than 240 days after the date of enactment of this Act, the Director shall issue final regulations.

(d) ANNUAL REPORTS.—Section 5379 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) Each head of an agency shall maintain, and annually submit to the Director of the Office of Personnel Management, information with respect to the agency on—

"(A) the number of Federal employees selected to receive benefits under this section;

"(B) the job classifications for the recipients; and

"(C) the cost to the Federal Government of providing the benefits.

"(2) The Director of the Office of Personnel Management shall prepare, and annually submit to Congress, a report containing the information submitted under paragraph (1), and information identifying the agencies that have provided benefits under this section.".

SEC. 1123. EXTENSION OF AUTHORITY FOR TUITION REIMBURSEMENT AND TRAINING FOR CIVILIAN EMPLOYEES IN THE DEFENSE ACQUISITION WORKFORCE.

Section 1745(a)(2) of title 10, United States Code, is amended by striking "September 30, 2001" and inserting "September 30, 2010".

Subtitle D—Other Benefits

SEC. 1131. ADDITIONAL SPECIAL PAY FOR FOREIGN LANGUAGE PROFICIENCY BENEFICIAL FOR UNITED STATES NATIONAL SECURITY INTERESTS.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1596 the following new section:

"§ 1596a. Foreign language proficiency: special pay for proficiency beneficial for other national security interests

"(a) AUTHORITY.—The Secretary of Defense may pay special pay under this section to an employee of the Department of Defense who—

"(1) has been certified by the Secretary to be proficient in a foreign language identified by the Secretary as being a language in which proficiency by civilian personnel of the Department is necessary because of national security interests;

"(2) is assigned duties requiring proficiency in that foreign language during a contingency operation supported by the armed forces; and

"(3) is not receiving special pay under section 1596 of this title.

"(b) RATE.—The rate of special pay for an employee under this section shall be prescribed by the Secretary, but may not exceed five percent of the employee's rate of basic pay.

"(c) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay under this section is in addition to any other pay or allowances to which the employee is entitled.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

(b) AMENDMENT TO DISTINGUISH OTHER FOREIGN LANGUAGE PROFICIENCY SPECIAL PAY.—The heading for section 1596 of title 10, United States Code, is amended to read as follows:

"§ 1596. Foreign language proficiency: special pay for proficiency beneficial for intelligence interests".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1596 and inserting the following new items:

"1596. Foreign language proficiency: special pay for proficiency beneficial for intelligence interests.
"1596a. Foreign language proficiency: special pay for proficiency beneficial for other national security interests.".

SEC. 1132. APPROVAL AUTHORITY FOR CASH AWARDS IN EXCESS OF $10,000.

Section 4502 of title 5, United States Code, is amended by adding at the end the following:

"(f) The Secretary of Defense may grant a cash award under subsection (b) of this section without regard to the requirements for certification and approval provided in that subsection.".

SEC. 1133. LEAVE FOR CREWS OF CERTAIN VESSELS.

Section 6305(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) may not be made the basis for a lump-sum payment, except that civil service mariners of the Military Sealift Command on temporary promotion aboard ship may be paid the difference between their temporary and permanent rates of pay for leave accrued under this section and section 6303 and not otherwise used during the temporary promotion upon the expiration or termination of the temporary promotion; and".

SEC. 1134. LIFE INSURANCE FOR EMERGENCY ESSENTIAL DEPARTMENT OF DEFENSE EMPLOYEES.

(a) IN GENERAL.—Section 8702 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(c) Notwithstanding a notice previously given under subsection (b), an employee of the Department of Defense who is designated as an emergency essential employee under section 1580 of title 10 shall be insured if the employee, within 60 days after the date of the designation, elects to be insured under a policy of insurance under this chapter. An election under the preceding sentence shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.".

(b) APPLICABILITY.—For purposes of section 8702(c) of title 5, United States Code (as added by subsection (a)), an employee of the Department of Defense who is designated as an emergency essential employee under section 1580 of title 10, United States Code, before the date of the enactment of this Act shall be deemed to be so designated on the date of the enactment of this Act.

Subtitle E—Intelligence Civilian Personnel

SEC. 1141. EXPANSION OF DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM POSITIONS.

(a) AUTHORITY FOR SENIOR DOD INTELLIGENCE POSITIONS THROUGHOUT DEPARTMENT OF DEFENSE.—Section 1601(a)(1) of title 10, United States Code, is amended—

(1) by striking "in the intelligence components of the Department of Defense and the military departments" and inserting "in the Department of Defense"; and

(2) by striking "of those components and departments" and inserting "of the Department".

(b) CONFORMING AMENDMENT FOR PERSONS ELIGIBLE FOR POSTEMPLOYMENT ASSISTANCE.—Section 1611 of such title is amended—

(1) in subsection (a)(1), by striking "an intelligence component of the Department of Defense" and inserting "a defense intelligence position";

(2) in subsection (b)—

(A) by striking "sensitive position in an intelligence component of the Department of Defense" in the matter preceding paragraph (1) and inserting "sensitive defense intelligence position"; and

(B) by striking "with the intelligence component" in paragraphs (1) and (2) and inserting "in a defense intelligence position";

(3) in subsection (d), by striking "an intelligence component of the Department of Defense" and inserting "in a defense intelligence position"; and

(4) by striking subsection (f).

(c) CONFORMING AMENDMENT FOR DEFINITION OF DEFENSE INTELLIGENCE POSITION.—Section 1614(1) of such title is amended by striking "of an intelligence component of the Department of Defense or of a military department" and inserting "of the Department of Defense".

SEC. 1142. INCREASE IN NUMBER OF POSITIONS AUTHORIZED FOR THE DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.

Section 1606(a) of title 10, United States Code, is amended by striking "492" and inserting "517".

Subtitle F—Voluntary Separation Incentive Pay and Early Retirement Authority

SEC. 1151. EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAY AND VOLUNTARY EARLY RETIREMENT.

(a) REVISION AND ADDITION OF PURPOSES FOR DEPARTMENT OF DEFENSE VSIP.—Subsection (b) of section 5597 of title 5, United States Code, is amended by inserting after "transfer of function," the following: "workforce restructuring (to meet mission needs, achieve one or more strength reductions, correct skill imbalances, or reduce the number of high-grade, managerial, or supervisory positions),".

(b) ELIGIBILITY.—Subsection (c) of such section is amended—

(1) in paragraph (2), by inserting "objective and nonpersonal" after "similar"; and

(2) by adding at the end the following:

"A determination of which employees are within the scope of an offer of separation pay shall be made only on the basis of consistent and well-documented application of the relevant criteria.".

(c) INSTALLMENT PAYMENTS.—Subsection (d) of such section is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) shall be paid in a lump-sum or in installments;";

(2) by striking "and" at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting "; and"; and

(4) by adding at the end the following:

"(5) if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract, as described in subsection (g)(1).".

(d) APPLICABILITY OF REPAYMENT REQUIREMENT TO REEMPLOYMENT UNDER PERSONAL SERVICES CONTRACTS.—Subsection (g)(1) of such section is amended by inserting after "employment with the Government of the United States" the following: ", or who commences work for an agency of the United States through a personal services contract with the United States,".

SEC. 1152. DEPARTMENT OF DEFENSE EMPLOYEE VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended—

(1) in subsection (d)(2), by inserting "except in the case of an employee who is separated from the service under a program carried out under subsection (o)," after "(2)"; and

(2) by adding at the end the following:

"(o)(1) The Secretary of Defense may, during fiscal years 2002 and 2003, carry out a program under which an employee of the Department of Defense may be separated from the service entitled to an immediate annuity under this subchapter if the employee—

"(A) has—

"(i) completed 25 years of service; or

"(ii) become 50 years of age and completed 20 years of service; and

"(B) is eligible for the annuity under paragraph (2) or (3).

"(2)(A) For the purposes of paragraph (1), an employee referred to in that paragraph is eligible for an immediate annuity under this paragraph if the employee—

"(i) is separated from the service involuntarily other than for cause; and

"(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

"(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

"(3) For the purposes of paragraph (1), an employee referred to in that paragraph is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

"(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

"(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

"(C) The employee is serving under an appointment that is not limited by time.

"(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

"(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

"(i) One or more organizational units.

"(ii) One or more occupational groups, series, or levels.

"(iii) One or more geographical locations.

"(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

"(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

"(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office, upon the request of the Secretary of Defense; and

"(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

"(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

"(6) In this subsection, the term 'major organizational adjustment' means any of the following:

"(A) A major reorganization.

"(B) A major reduction in force.

"(C) A major transfer of function.

"(D) A workforce restructuring—

"(i) to meet mission needs;

"(ii) to achieve one or more reductions in strength;

"(iii) to correct skill imbalances; or

"(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended—

(1) in subsection (b)(1)(B), by inserting "except in the case of an employee who is separated from the service under a program carried out under subsection (d)," after "(B)"; and

(2) by adding at the end the following:

"(d)(1) The Secretary of Defense may, during fiscal years 2002 and 2003, carry out a program under which an employee of the Department of Defense may be separated from the service entitled to an immediate annuity under this subchapter if the employee—

"(A) has—

"(i) completed 25 years of service; or

"(ii) become 50 years of age and completed 20 years of service; and

"(B) is eligible for the annuity under paragraph (2) or (3).

"(2)(A) For the purposes of paragraph (1), an employee referred to in that paragraph is eligible for an immediate annuity under this paragraph if the employee—

"(i) is separated from the service involuntarily other than for cause; and

"(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

"(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

"(3) For the purposes of paragraph (1), an employee referred to in that paragraph is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

"(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

"(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

"(C) The employee is serving under an appointment that is not limited by time.

"(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

"(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

"(i) One or more organizational units.

"(ii) One or more occupational groups, series, or levels.

"(iii) One or more geographical locations.

"(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

"(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

"(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office upon the request of the Secretary of Defense; and

"(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

"(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

"(6) In this subsection, the term 'major organizational adjustment' means any of the following:

"(A) A major reorganization.

"(B) A major reduction in force.

"(C) A major transfer of function.

"(D) A workforce restructuring—

"(i) to meet mission needs;

"(ii) to achieve one or more reductions in strength;

"(iii) to correct skill imbalances; or

"(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.".

(c) CONFORMING AMENDMENTS.—(1) Section 8339(h) of such title is amended by striking out "or (j)" in the first sentence and inserting "(j), or (o)".

(2) Section 8464(a)(1)(A)(i) of such title is amended by striking out "or (b)(1)(B)" and ", (b)(1)(B), or (d)".

SEC. 1153. LIMITATIONS.

(a) FISCAL YEAR 2001 LIMITATIONS ON VSIP.—Section 5597 of title 5, United States Code, as amended by section 1151, is further amended by adding at the end the following new subsection:

"(i)(1) Notwithstanding any other provision of this section, during fiscal year 2001, separation pay may be offered under the program carried out under this section with respect to workforce restructuring only to persons who, upon separation, are entitled to an immediate annuity under section 8336, 8412, or 8414 of this title and are otherwise eligible for the separation pay under this section.

"(2) In the administration of the program under this section during fiscal year 2001, the Secretary shall ensure that not more than 1,000 employees are, as a result of workforce restructuring, separated from service in that fiscal year entitled to separation pay under this section.

"(3) Separation pay may not be offered as a result of workforce restructuring under the program carried out under this section after fiscal year 2003.".

(b) LIMITATIONS FOR FISCAL YEARS 2002 AND 2003 ON VSIP AND VERA.—(1) Subject to paragraph (2), the Secretary of Defense shall ensure that, in each of fiscal years 2002 and 2003, not more than 4,000 employees of the Department of Defense are, as a result of workforce restructuring, separated from service entitled to one or more of the following benefits:

(A) Voluntary separation incentive pay under section 5597 of title 5, United States Code.

(B) Immediate annuity under section 8336(o) or 8414(d) of such title.

(2) Notwithstanding sections 5597(e), 8336(o), and 8414(d) of title 5, United States Code, the Secretary of Defense may carry out the programs authorized in those sections during fiscal years 2002 and 2003 with respect to workforce restructuring only to the extent provided in a law enacted by the One Hundred Seventh Congress.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

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Sec. 1201. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.

Sec. 1202. Support of consultations on Arab and Israeli arms control and regional security issues.

Sec. 1203. Furnishing of nuclear test monitoring equipment to foreign governments.

Sec. 1204. Additional matters for annual report on transfers of militarily sensitive technology to countries and entities of concern.

Subtitle B—Matters Relating to the Balkans

Sec. 1211. Annual report assessing effect of continued operations in the Balkans region on readiness to execute the national military strategy.

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Subtitle C—North Atlantic Treaty Organization and United States Forces in Europe

Sec. 1221. NATO fair burdensharing.

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Sec. 1231. Joint data exchange center with Russian Federation on early warning systems and notification of ballistic missile launches.

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Sec. 1236. Sense of Congress regarding the use of children as soldiers.

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Sec. 1238. United States-China Security Review Commission.

Subtitle A—Matters Related to Arms Control

SEC. 1201. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2001—The total amount of the assistance for fiscal year 2001 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking "2000" and inserting "2001".

SEC. 1202. SUPPORT OF CONSULTATIONS ON ARAB AND ISRAELI ARMS CONTROL AND REGIONAL SECURITY ISSUES.

Of the amount authorized to be appropriated by section 301(5), up to $1,000,000 is available for the support of programs to promote formal and informal region-wide consultations among Arab, Israeli, and United States officials and experts on arms control and security issues concerning the Middle East region.

SEC. 1203. FURNISHING OF NUCLEAR TEST MONITORING EQUIPMENT TO FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

"§2555. Nuclear test monitoring equipment: furnishing to foreign governments

"(a) AUTHORITY TO CONVEY OR PROVIDE NUCLEAR TEST MONITORING EQUIPMENT.—Subject to subsection (b), the Secretary of Defense may—

"(1) convey or otherwise provide to a foreign government (A) equipment for the monitoring of nuclear test explosions, and (B) associated equipment; and

"(2) as part of any such conveyance or provision of equipment, install such equipment on foreign territory or in international waters.

"(b) AGREEMENT REQUIRED.—Nuclear test explosion monitoring equipment may be conveyed or otherwise provided under subsection (a) only pursuant to the terms of an agreement between the United States and the foreign government receiving the equipment in which the recipient foreign government agrees—

"(1) to provide the United States with timely access to the data produced, collected, or generated by the equipment;

"(2) to permit the Secretary of Defense to take such measures as the Secretary considers necessary to inspect, test, maintain, repair, or replace that equipment, including access for purposes of such measures; and

"(3) to return such equipment to the United States (or allow the United States to recover such equipment) if either party determines that the agreement no longer serves its interests.

"(c) REPORT.—Promptly after entering into any agreement under subsection (b), the Secretary of Defense shall submit to Congress a report on the agreement. The report shall identify the country with which the agreement was made, the anticipated costs to the United States to be incurred under the agreement, and the national interest of the United States that is furthered by the agreement.

"(d) LIMITATION ON DELEGATION.—The Secretary of Defense may delegate the authority of the Secretary to carry out this section only to the Secretary of the Air Force. Such a delegation may be redelegated.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2555. Nuclear test monitoring equipment: furnishing to foreign governments.".

SEC. 1204. ADDITIONAL MATTERS FOR ANNUAL REPORT ON TRANSFERS OF MILITARILY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

Section 1402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 798) is amended by adding at the end the following new paragraph:

"(4) The status of the implementation or other disposition of recommendations included in reports of audits by Inspectors General that have been set forth in a previous annual report under this section pursuant to paragraph (3).".

Subtitle B—Matters Relating to the Balkans

SEC. 1211. ANNUAL REPORT ASSESSING EFFECT OF CONTINUED OPERATIONS IN THE BALKANS REGION ON READINESS TO EXECUTE THE NATIONAL MILITARY STRATEGY.

Section 1035 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 753) is amended—

(1) in subsection (a), by striking "Not later than 180 days after the date of the enactment of this Act," and inserting "Not later than April 1 each year (but subject to subsection (e)),";

(2) in subsection (b), by striking "The report" in the matter preceding paragraph (1) and inserting "Each report";

(3) in subsection (d), by striking "the report" and inserting "a report"; and

(4) by adding at the end the following new subsection:

"(e) TERMINATION WHEN UNITED STATES MILITARY OPERATIONS END.—(1) No report is required under this section after United States military operations in the Balkans region have ended.

"(2) After the requirement for an annual report under this section is terminated by operation of paragraph (1), but not later than the latest date on which the next annual report under this section would, except for paragraph (1), otherwise be due, the Secretary of Defense shall transmit to Congress a notification of the termination of the reporting requirement.".

SEC. 1212. SITUATION IN THE BALKANS.

(a) Establishment of NATO Benchmarks for Withdrawal of Forces From Kosovo.—The President shall develop, not later than May 31, 2001, militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo. Congress urges the President to seek concurrence among member nations of the North Atlantic Treaty Organization in the development of those benchmarks.

(b) Comprehensive Political-Military Strategy.—(1) The President—

(A) shall develop a comprehensive political-military strategy for addressing the political, economic, humanitarian, and military issues in the Balkans; and

(B) shall establish near-term, mid-term, and long-term objectives in the region.

(2) In developing that strategy and those objectives, the President shall take into consideration—

(A) the benchmarks relating to Kosovo developed as described in subsection (a); and

(B) the benchmarks relating to Bosnia that were detailed in the report accompanying the certification by the President to Congress on March 3, 1998 (printed as House Document 105–223), with respect to the continued presence of United States Armed Forces, after June 30, 1998, in Bosnia and Herzegovina, submitted to Congress pursuant to section 7 of title I of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174; 112 Stat. 63).

(3) That strategy and those objectives shall be developed in consultation with appropriate regional and international entities.

(c) Semiannual Report on Benchmarks.—Not later than June 30, 2001, and every six months thereafter, the President shall submit to Congress a report on the progress made in achieving the benchmarks developed pursuant to subsection (a). The President may submit a single report covering these benchmarks and the benchmarks relating to Bosnia referred to in subsection (b)(2)(B).

(d) Semiannual Report on Comprehensive Strategy.—Not later than June 30, 2001, and every six months thereafter so long as United States forces are in the Balkans, the President shall submit to Congress a report on the progress being made in developing and implementing a comprehensive political-military strategy as described in subsection (b)(1)(A).

SEC. 1213. SEMIANNUAL REPORT ON KOSOVO PEACEKEEPING.

(a) Requirement for Periodic Report.—The President shall submit to the specified congressional committees a semiannual report on the contributions of European nations and organizations to the peacekeeping operations in Kosovo. The first such report shall be submitted not later than December 1, 2000.

(b) Content of Report.—Each report shall contain detailed information on the following:

(1) The commitments and pledges made by the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization for—

(A) reconstruction assistance in Kosovo;

(B) humanitarian assistance in Kosovo;

(C) the Kosovo Consolidated Budget;

(D) police (including special police) for the United Nations international police force for Kosovo; and

(E) military personnel for peacekeeping operations in Kosovo.

(2) The amount of the assistance that has been provided in each category, and the number of police and military personnel that have been deployed to Kosovo, by each organization or nation referred to in paragraph (1).

(3) The full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(d) Specified Congressional Committees.—In the section, the term "specified congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

Subtitle C—North Atlantic Treaty Organization and United States Forces in Europe

SEC. 1221. NATO FAIR BURDENSHARING.

(a) Report on Costs of Operation Allied Force.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the costs to the United States of the 78-day air campaign known as Operation Allied Force conducted against the Federal Republic of Yugoslavia during the period from March 24 through June 9, 1999. The report shall include the following:

(1) The costs of ordnance expended, fuel consumed, and personnel.

(2) The estimated cost of the reduced service life of United States aircraft and other systems participating in the operation.

(b) Report on Burdensharing of Future NATO Operations.—Whenever the North Atlantic Treaty Organization undertakes a military operation, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing—

(1) the contributions to that operation made by each of the member nations of the North Atlantic Treaty Organization during that operation; and

(2) the contributions that each of the member nations of the North Atlantic Treaty Organization are making or have pledged to make during any follow-on operation.

(c) Time for Submission of Report.—A report under subsection (b) shall be submitted not later than 90 days after the completion of the military operation.

(d) Applicability.—Subsection (b) shall apply only with respect to military operations begun after the date of the enactment of this Act.

SEC. 1222. REPEAL OF RESTRICTION PREVENTING COOPERATIVE AIRLIFT SUPPORT THROUGH ACQUISITION AND CROSS-SERVICING AGREEMENTS.

Section 2350c of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 1223. GAO STUDY ON THE BENEFITS AND COSTS OF UNITED STATES MILITARY ENGAGEMENT IN EUROPE.

(a) Comptroller General Study.—The Comptroller General shall conduct a study assessing the benefits and costs to the United States and United States national security interests of the engagement of United States forces in Europe and of United States military strategies used to shape the international security environment in Europe.

(b) Matters To Be Included.—The study shall include an assessment of the following matters:

(1) The benefits and costs to the United States of having forces stationed in Europe and assigned to areas of regional conflict such as Bosnia and Kosovo.

(2) The benefits and costs associated with stationing United States forces in Europe and with assigning those forces to areas of regional conflict, including an analysis of the benefits and costs of deploying United States forces with the forces of European allies.

(3) The amount and type of the following kinds of contributions to European security made by European allies in 1999 and 2000:

(A) Financial contributions.

(B) Contributions of military personnel and units.

(C) Contributions of nonmilitary personnel, such as medical personnel, police officers, judicial officers, and other civic officials.

(D) Contributions, including contributions in kind, for humanitarian and reconstruction assistance and infrastructure building or activities that contribute to regional stability, whether in lieu of or in addition to military-related contributions.

(4) The extent to which a forward United States military presence compensates for existing shortfalls of air and sea lift capability in the event of regional conflict in Europe or the Middle East.

(c) Report.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study not later than December 1, 2001.

Subtitle D—Other Matters

SEC. 1231. JOINT DATA EXCHANGE CENTER WITH RUSSIAN FEDERATION ON EARLY WARNING SYSTEMS AND NOTIFICATION OF BALLISTIC MISSILE LAUNCHES.

(a) Authority.—The Secretary of Defense is authorized to establish, in conjunction with the Government of the Russian Federation, a United States-Russian Federation joint center for the exchange of data from systems to provide early warning of launches of ballistic missiles and for notification of launches of such missiles.

(b) Specific Actions.—The actions that the Secretary undertakes for the establishment of the center may include—

(1) subject to subsection (d), participating in the renovation of a mutually agreed upon facility to be made available by the Russian Federation; and

(2) the furnishing of such equipment and supplies as may be necessary to begin the operation of the center.

(c) Report Required.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on plans for the joint data exchange center.

(2) The report shall include the following:

(A) A detailed explanation as to why the particular facility intended to house the center was chosen.

(B) An estimate of the total cost of renovating that facility for use by the center.

(C) A description of the manner by which the United States proposes to meet its share of the costs of such renovation.

(d) Limitation.—(1) The Secretary of Defense may participate under subsection (b) in the renovation of the facility identified in the report under subsection (c) only if the United States and the Russian Federation enter into a cost-sharing arrangement that provides for an equal sharing between the two nations of the cost of establishing the center, including the costs of renovating and operating the facility.

(2) Not more than $4,000,000 of funds appropriated for fiscal year 2001 may be obligated or

expended after the date of the enactment of this Act by the Secretary of Defense for the renovation of such facility until 30 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a copy of a written agreement between the United States and the Russian Federation that provides details of the cost-sharing arrangement specified in paragraph (1), in accordance with the Memorandum of Agreement between the two nations signed in Moscow in June 2000.

SEC. 1232. REPORT ON SHARING AND EXCHANGE OF BALLISTIC MISSILE LAUNCH EARLY WARNING DATA.

Not later than March 15, 2001, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on current and planned activities of the Department of Defense with respect to the sharing and exchange with other countries of early warning data concerning ballistic missile launches. The report shall include the Secretary's assessment of the benefits and risks of sharing such data with other countries on a bilateral or multilateral basis.

SEC. 1233. ANNUAL REPORT OF COMMUNIST CHINESE MILITARY COMPANIES OPERATING IN THE UNITED STATES.

Section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note) is amended—

(1) by striking "PUBLICATION" in the subsection heading and inserting "REPORTING"; and

(2) by striking paragraphs (1) and (2) and inserting the following:

"(1) INITIAL DETERMINATION AND REPORTING.—Not later than March 1, 2001, the Secretary of Defense shall make a determination of those persons operating directly or indirectly in the United States or any of its territories and possessions that are Communist Chinese military companies and shall submit a list of those persons in classified and unclassified form to the following:

"(A) The Committee on Armed Services of the House of Representatives.

"(B) The Committee on Armed Services of the Senate.

"(C) The Secretary of State.

"(D) The Secretary of the Treasury.

"(E) The Attorney General.

"(F) The Secretary of Commerce.

"(G) The Secretary of Energy.

"(H) The Director of Central Intelligence.

"(2) ANNUAL REVISIONS TO THE LIST.—The Secretary of Defense shall make additions or deletions to the list submitted under paragraph (1) on an annual basis based on the latest information available and shall submit the updated list not later than February 1, each year to the committees and officers specified in paragraph (1).".

SEC. 1234. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking "180" and inserting "60"; and

(2) by adding at the end the following new subsection:

"(h) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

SEC. 1235. INCREASED AUTHORITY TO PROVIDE HEALTH CARE SERVICES AS HUMANITARIAN AND CIVIC ASSISTANCE.

Section 401(e)(1) of title 10, United States Code, is amended by striking "rural areas of a country" and inserting "areas of a country that are rural or are underserved by medical, dental, and veterinary professionals, respectively".

SEC. 1236. SENSE OF CONGRESS REGARDING THE USE OF CHILDREN AS SOLDIERS.

(a) FINDINGS.—Congress makes the following findings:

(1) In the year 2000, approximately 300,000 individuals under the age of 18 are participating in armed conflict in more than 30 countries worldwide.

(2) Many children participating in armed conflict in various countries around the world are forcibly conscripted through kidnapping or coercion, while others join military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety.

(3) Many military commanders frequently force child soldiers to commit gruesome acts of ritual killings or torture against their enemies, including against other children.

(4) Many military commanders separate children from their families in order to foster dependence on military units and leaders, leaving children vulnerable to manipulation, deep traumatization, and in need of psychological counseling and rehabilitation.

(5) Child soldiers are exposed to hazardous conditions and risk physical injuries, sexually transmitted diseases, malnutrition, deformed backs and shoulders from carrying overweight loads, and respiratory and skin infections.

(6) Many young female soldiers face the additional psychological and physical horrors of rape and sexual abuse, being enslaved for sexual purposes by militia commanders, and forced to endure severe social stigma should they return home.

(7) Children in northern Uganda continue to be kidnapped by the Lords Resistance Army (LRA), which is supported and funded by the Government of Sudan and which has committed and continues to commit gross human rights violations in Uganda.

(8) Children in Sri Lanka have been forcibly recruited by the opposition Tamil Tigers movement and forced to kill or be killed in the armed conflict in that country.

(9) An estimated 7,000 child soldiers have been involved in the conflict in Sierra Leone, some as young as age 10, with many being forced to commit extrajudicial executions, torture, rape, and amputations for the rebel Revolutionary United Front.

(10) On January 21, 2000, in Geneva, a United Nations Working Group, including representatives from more than 80 governments including the United States, reached consensus on an international agreement, referred to in this case as an "optional protocol", on the use of child soldiers.

(11) This optional protocol, upon entry into force, will—

(A) raise the international minimum age for conscription and will require governments to take all feasible measures to ensure that members of their armed forces under age 18 do not participate directly in combat;

(B) prohibit the recruitment and use in armed conflict of persons under the age of 18 by nongovernmental armed forces;

(C) encourage governments to raise the minimum legal age for voluntary recruits above the current standard of 15, and

(D) commit governments to support the demobilization and rehabilitation of child soldiers and, when possible, to allocate resources to this purpose.

(12) On October 29, 1998, United Nations Secretary General Kofi Annan set minimum age requirements for United Nations peacekeeping personnel that are made available by member nations of the United Nations.

(13) The United Nations Under-Secretary General for Peace-keeping, Bernard Miyet, announced in the Fourth Committee of the General Assembly that contributing governments of member nations were asked not to send civilian police and military observers under the age of 25 and that troops in national contingents should preferably be at least 21 years of age but in no case should they be younger than 18 years of age.

(14) On August 25, 1999, the United Nations Security Council unanimously passed Resolution 1261 (1999) condemning the use of children in armed conflicts.

(15) In addressing the Security Council on August 26, 1999, the Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunnu, urged the adoption of a global three-pronged approach to combatting the use of children in armed conflict that would—

(A) first, raise the age limit for recruitment and participation in armed conflict from the present age of 15 to the age of 18;

(B) second, increase international pressure on armed groups which currently abuse children; and

(C) third, address the political, social, and economic factors that create an environment in which children are induced by appeal of ideology or by socio-economic collapse to become child soldiers.

(16) The United States delegation to the United Nations working group relating to child soldiers, which included representatives from the Department of Defense, supported the Geneva agreement on the optional protocol.

(17) On May 25, 2000, the United Nations General Assembly unanimously adopted the optional protocol on the use of child soldiers.

(18) The optional protocol was opened for signature on June 5, 2000.

(19) The President signed the optional protocol on behalf of the United States on July 5, 2000.

(b) CONGRESSIONAL STATEMENTS ON CHILD SOLDIERS.—Congress joins the international community in—

(1) condemning the use of children as soldiers by governmental and nongovernmental armed forces worldwide; and

(2) welcoming the optional protocol on the use of child soldiers adopted by the United Nations General Assembly on May 25, 2000, as a critical first step in ending the use of children as soldiers.

(c) SENSE OF CONGRESS ON FURTHER ACTIONS.—It is the sense of Congress that—

(1) it is essential that the President consult closely with the Senate with the objective of building support for ratification by the United States of the optional protocol and that the Senate move forward as expeditiously as possible;

(2) the United States should provide assistance, through a new fund to be established by law, for the rehabilitation and reintegration into their respective civilian societies of child soldiers of other nations; and

(3) the President, acting through the Secretaries of State and Defense and other appropriate officials, should undertake all possible efforts to persuade and encourage other governments to ratify and endorse the optional protocol on the use of child soldiers.

SEC. 1237. SENSE OF CONGRESS REGARDING UNDERSEA RESCUE AND RECOVERY.

(a) FINDINGS.—Congress makes the following findings:

(1) The tragic loss in August 2000 of the Russian submarine Kursk resulted in the death of all 118 members of the submarine's crew.

(2) The Kursk is the third vessel of the submarine fleet of the Russian Federation and its predecessor, the Union of Soviet Socialist Republics, to be lost in an accident at sea with considerable loss of life of the officers and crews of those submarines.

(3) The United States submarines USS Thresher and USS Scorpion, with their officers and crews, were also lost at sea in tragic accidents, in 1963 and 1968, respectively.

(4) The United States, the Russian Federation, and other maritime nations possess extensive capabilities consisting of naval and research vessels and other assets that could be used to respond to accidents or incidents involving submarines or other undersea vessels.

(5) The United States Navy has rescue agreements with the navies of 14 countries from Europe, the Western Pacific, and the Americas, but not including the Russian Federation, and exercises regularly to train crews and practice submarine rescue procedures with the navies of participating nations.

(b) EXPRESSION OF SYMPATHY.—Congress expresses its sympathy and the sympathy of the American people to the people of the Russian Federation and joins the Russian people in mourning the death of the crewmen of the submarine Kursk.

(c) SENSE OF CONGRESS CONCERNING INTERNATIONAL COOPERATION.—It is the sense of Congress that when undersea accidents or incidents involving submarines or other undersea vessels occur, it is in the best interests of all nations to work together to respond promptly to the accident or incident, rescue and recover the crew of the vessel, minimize the loss of life, and prevent damage to the oceans.

(d) ESTABLISHMENT OF PLAN FOR RESPONDING TO UNDERSEA ACCIDENTS OR INCIDENTS.—Congress urges the President of the United States and the President of the Russian Federation, in coordination with the leaders of other maritime nations that possess undersea naval and research vessels and undersea rescue capabilities, to cooperate in establishing a plan for—

(1) responding to accidents or incidents involving submarines or other undersea vessels; and

(2) rescue and recovery of the crew of the vessels involved in such accidents or incidents.

SEC. 1238. UNITED STATES-CHINA SECURITY REVIEW COMMISSION.

(a) PURPOSES.—The purposes of this section are as follows:

(1) To establish the United States-China Security Review Commission to review the national security implications of trade and economic ties between the United States and the People's Republic of China.

(2) To facilitate the assumption by the United States-China Security Review Commission of its duties regarding the review referred to in paragraph (1) by providing for the transfer to that Commission of staff, materials, and infrastructure (including leased premises) of the Trade Deficit Review Commission that are appropriate for the review upon the submittal of the final report of the Trade Deficit Review Commission.

(b) ESTABLISHMENT OF UNITED STATES-CHINA SECURITY REVIEW COMMISSION.—

(1) IN GENERAL.—There is hereby established a commission to be known as the United States-China Security Review Commission (in this section referred to as the "Commission").

(2) PURPOSE.—The purpose of the Commission is to monitor, investigate, and report to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.

(3) MEMBERSHIP.—The United States-China Security Review Commission shall be composed of 12 members, who shall be appointed in the same manner provided for the appointment of members of the Trade Deficit Review Commission under section 127(c)(3) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note), except that—

(A) appointment of members by the Speaker of the House of Representatives shall be made after consultation with the chairman of the Committee on Armed Services of the House of Representatives, in addition to consultation with the chairman of the Committee on Ways and Means of the House of Representatives provided for under clause (iii) of subparagraph (A) of that section;

(B) appointment of members by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate shall be made after consultation with the chairman of the Committee on Armed Services of the Senate, in addition to consultation with the chairman of the Committee on Finance of the Senate provided for under clause (i) of that subparagraph;

(C) appointment of members by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate shall be made after consultation with the ranking minority member of the Committee on Armed Services of the Senate, in addition to consultation with the ranking minority member of the Committee on Finance of the Senate provided for under clause (ii) of that subparagraph;

(D) appointment of members by the minority leader of the House of Representatives shall be made after consultation with the ranking minority member of the Committee on Armed Services of the House of Representatives, in addition to consultation with the ranking minority member of the Committee on Ways and Means of the House of Representatives provided for under clause (iv) of that subparagraph;

(E) persons appointed to the Commission shall have expertise in national security matters and United States-China relations, in addition to the expertise provided for under subparagraph (B)(i)(I) of that section;

(F) members shall be appointed to the Commission not later than 30 days after the date on which each new Congress convenes;

(G) members of the Commission may be reappointed for additional terms of service as members of the Commission; and

(H) members of the Trade Deficit Review Commission as of the date of the enactment of this Act shall serve as members of the United States-China Security Review Commission until such time as members are first appointed to the United States-China Security Review Commission under this paragraph.

(4) RETENTION OF SUPPORT.—The United States-China Security Review Commission shall retain and make use of such staff, materials, and infrastructure (including leased premises) of the Trade Deficit Review Commission as the United States-China Security Review Commission determines, in the judgment of the members of the United States-China Security Review Commission, are required to facilitate the ready commencement of activities of the United States-China Security Review Commission under subsection (c) or to carry out such activities after the commencement of such activities.

(5) CHAIRMAN AND VICE CHAIRMAN.—The members of the Commission shall select a Chairman and Vice Chairman of the Commission from among the members of the Commission.

(6) MEETINGS.—

(A) MEETINGS.—The Commission shall meet at the call of the Chairman of the Commission.

(B) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business of the Commission.

(7) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(c) DUTIES.—

(1) ANNUAL REPORT.—Not later than March 1 each year (beginning in 2002), the Commission shall submit to Congress a report, in both unclassified and classified form, regarding the national security implications and impact of the bilateral trade and economic relationship between the United States and the People's Republic of China. The report shall include a full analysis, along with conclusions and recommendations for legislative and administrative actions, if any, of the national security implications for the United States of the trade and current balances with the People's Republic of China in goods and services, financial transactions, and technology transfers. The Commission shall also take into account patterns of trade and transfers through third countries to the extent practicable.

(2) CONTENTS OF REPORT.—Each report under paragraph (1) shall include, at a minimum, a full discussion of the following:

(A) The portion of trade in goods and services with the United States that the People's Republic of China dedicates to military systems or systems of a dual nature that could be used for military purposes.

(B) The acquisition by the People's Republic of China of advanced military or dual-use technologies from the United States by trade (including procurement) and other technology transfers, especially those transfers, if any, that contribute to the proliferation of weapons of mass destruction or their delivery systems, or that undermine international agreements or United States laws with respect to nonproliferation.

(C) Any transfers, other than those identified under subparagraph (B), to the military systems of the People's Republic of China made by United States firms and United States-based multinational corporations.

(D) An analysis of the statements and writing of the People's Republic of China officials and officially-sanctioned writings that bear on the intentions, if any, of the Government of the People's Republic of China regarding the pursuit of military competition with, and leverage over, or cooperation with, the United States and the Asian allies of the United States.

(E) The military actions taken by the Government of the People's Republic of China during the preceding year that bear on the national security of the United States and the regional stability of the Asian allies of the United States.

(F) The effects, if any, on the national security interests of the United States of the use by the People's Republic of China of financial transactions and capital flow and currency manipulations.

(G) Any action taken by the Government of the People's Republic of China in the context of the World Trade Organization that is adverse or favorable to the United States national security interests.

(H) Patterns of trade and investment between the People's Republic of China and its major trading partners, other than the United States, that appear to be substantively different from trade and investment patterns with the United States and whether the differences have any national security implications for the United States.

(I) The extent to which the trade surplus of the People's Republic of China with the United

States enhances the military budget of the People's Republic of China.

(J) An overall assessment of the state of the security challenges presented by the People's Republic of China to the United States and whether the security challenges are increasing or decreasing from previous years.

(3) RECOMMENDATIONS OF REPORT.—Each report under paragraph (1) shall also include recommendations for action by Congress or the President, or both, including specific recommendations for the United States to invoke Article XXI (relating to security exceptions) of the General Agreement on Tariffs and Trade 1994 with respect to the People's Republic of China, as a result of any adverse impact on the national security interests of the United States.

(d) HEARINGS.—

(1) IN GENERAL.—The Commission or, at its direction, any panel or member of the Commission, may for the purpose of carrying out the provisions of this section, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(2) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its duties under this section, except the provision of intelligence information to the Commission shall be made with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, under procedures approved by the Director of Central Intelligence.

(3) SECURITY.—The Office of Senate Security shall—

(A) provide classified storage and meeting and hearing spaces, when necessary, for the Commission; and

(B) assist members and staff of the Commission in obtaining security clearances.

(4) SECURITY CLEARANCES.—All members of the Commission and appropriate staff shall be sworn and hold appropriate security clearances.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Members of the United States-China Security Review Commission shall be compensated in the same manner provided for the compensation of members of the Trade Deficit Review Commission under section 127(g)(1) and section 127(g)(6) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note).

(2) TRAVEL EXPENSES.—Travel expenses of the United States-China Security Review Commission shall be allowed in the same manner provided for the allowance of the travel expenses of the Trade Deficit Review Commission under section 127(g)(2) of the Trade Deficit Review Commission Act.

(3) STAFF.—An executive director and other additional personnel for the United States-China Security Review Commission shall be appointed, compensated, and terminated in the same manner provided for the appointment, compensation, and termination of the executive director and other personnel of the Trade Deficit Review Commission under section 127(g)(3) and section 127(g)(6) of the Trade Deficit Review Commission Act.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Federal Government employees may be detailed to the United States-China Security Review Commission in the same manner provided for the detail of Federal Government employees to the Trade Deficit Review Commission under section 127(g)(4) of the Trade Deficit Review Commission Act.

(5) FOREIGN TRAVEL FOR OFFICIAL PURPOSES.—Foreign travel for official purposes by members and staff of the Commission may be authorized by either the Chairman or the Vice Chairman of the Commission.

(6) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the United States-China Security Review Commission may procure temporary and intermittent services for the United States-China Security Review Commission in the same manner provided for the procurement of temporary and intermittent services for the Trade Deficit Review Commission under section 127(g)(5) of the Trade Deficit Review Commission Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission for fiscal year 2001, and for each fiscal year thereafter, such sums as may be necessary to enable the Commission to carry out its functions under this section.

(2) AVAILABILITY.—Amounts appropriated to the Commission shall remain available until expended.

(g) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) EFFECTIVE DATE.—This section shall take effect on the first day of the 107th Congress.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Prohibition on use of funds for elimination of conventional weapons.
Sec. 1304. Limitations on use of funds for fissile material storage facility.
Sec. 1305. Limitation on use of funds to support warhead dismantlement processing.
Sec. 1306. Agreement on nuclear weapons storage sites.
Sec. 1307. Limitation on use of funds for construction of fossil fuel energy plants; report.
Sec. 1308. Reports on activities and assistance under Cooperative Threat Reduction programs.
Sec. 1309. Russian chemical weapons elimination.
Sec. 1310. Limitation on use of funds for elimination of weapons grade plutonium program.
Sec. 1311. Report on audits of Cooperative Threat Reduction programs.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2001 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2001 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $443,400,000 authorized to be appropriated to the Department of Defense for fiscal year 2001 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $177,800,000.

(2) For strategic nuclear arms elimination in Ukraine, $29,100,000.

(3) For activities to support warhead dismantlement processing in Russia, $9,300,000.

(4) For weapons transportation security in Russia, $14,000,000.

(5) For planning, design, and construction of a storage facility for Russian fissile material, $57,400,000.

(6) For weapons storage security in Russia, $89,700,000.

(7) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $32,100,000.

(8) For biological weapons proliferation prevention activities in the former Soviet Union, $12,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $13,000,000.

(10) For defense and military contacts, $9,000,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2001 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2001 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in any of paragraphs (4), (5), (7), (9), or (10) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION ON USE OF FUNDS FOR ELIMINATION OF CONVENTIONAL WEAPONS.

No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.

SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

(a) LIMITATIONS.—No fiscal year 2001 Cooperative Threat Reduction funds may be used—

(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(5); or

(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a written transparency agreement that provides for verification that material stored at the facility is of weapons origin.

(b) ESTABLISHMENT OF FUNDING CAP FOR FIRST WING OF STORAGE FACILITY.—Out of funds authorized to be appropriated for Cooperative Threat Reduction programs for fiscal year 2001 or any other fiscal year, not more than $412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5).

SEC. 1305. LIMITATION ON USE OF FUNDS TO SUPPORT WARHEAD DISMANTLEMENT PROCESSING.

No fiscal year 2001 Cooperative Threat Reduction funds may be used for activities to support warhead dismantlement processing in Russia until 15 days after the date that the Secretary of Defense submits to Congress notification that the United States has reached an agreement with Russia, which shall provide for appropriate transparency measures, regarding assistance by the United States with respect to such processing.

SEC. 1306. AGREEMENT ON NUCLEAR WEAPONS STORAGE SITES.

The Secretary of Defense shall seek to enter into an agreement with Russia regarding procedures to allow the United States appropriate access to nuclear weapons storage sites for which assistance under Cooperative Threat Reduction programs is provided.

SEC. 1307. LIMITATION ON USE OF FUNDS FOR CONSTRUCTION OF FOSSIL FUEL ENERGY PLANTS; REPORT.

(a) IN GENERAL.—No fiscal year 2001 Cooperative Threat Reduction funds may be used for the construction of a fossil fuel energy plant intended to provide power to local communities that already receive power from nuclear energy plants that produce plutonium.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report detailing options for assisting Russia in the development of alternative energy sources to the three plutonium production reactors remaining in operation in Russia. The report shall include—

(1) an assessment of the costs of building fossil fuel plants in Russia to replace the existing plutonium production reactors; and

(2) an identification of funding sources, other than Cooperative Threat Reduction funds, that could possibly be used for the construction of such plants in the event that the option to use fossil fuel energy is chosen as part of a plan to shut down Russia's nuclear plutonium production reactors at Seversk and Zelenogorsk.

SEC. 1308. REPORTS ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) ANNUAL REPORT.—In any year in which the budget of the President under section 1105 of title 31, United States Code, for the fiscal year beginning in such year requests funds for the Department of Defense for assistance or activities under Cooperative Threat Reduction programs with the states of the former Soviet Union, the Secretary of Defense shall submit to Congress a report on activities and assistance during the preceding fiscal year under Cooperative Threat Reduction programs setting forth the matters in subsection (c).

(b) DEADLINE FOR REPORT.—The report under subsection (a) shall be submitted not later than the first Monday in February of a year.

(c) MATTERS TO BE INCLUDED.—The report under subsection (a) in a year shall set forth the following:

(1) An estimate of the total amount that will be required to be expended by the United States in order to achieve the objectives of the Cooperative Threat Reduction programs.

(2) A five-year plan setting forth the amount of funds and other resources proposed to be provided by the United States for Cooperative Threat Reduction programs over the term of the plan, including the purpose for which such funds and resources will be used, and to provide guidance for the preparation of annual budget submissions with respect to Cooperative Threat Reduction programs.

(3) A description of the Cooperative Threat Reduction activities carried out during the fiscal year ending in the year preceding the year of the report, including—

(A) the amounts notified, obligated, and expended for such activities and the purposes for which such amounts were notified, obligated, and expended for such fiscal year and cumulatively for Cooperative Threat Reduction programs;

(B) a description of the participation, if any, of each department and agency of the United States Government in such activities;

(C) a description of such activities, including the forms of assistance provided;

(D) a description of the United States private sector participation in the portion of such activities that were supported by the obligation and expenditure of funds for Cooperative Threat Reduction programs; and

(E) such other information as the Secretary of Defense considers appropriate to inform Congress fully of the operation of Cooperative Threat Reduction programs and activities, including with respect to proposed demilitarization or conversion projects, information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

(4) A description of the audits, examinations, and other efforts, such as on-site inspections, conducted by the United States during the fiscal year ending in the year preceding the year of the report to ensure that assistance provided under Cooperative Threat Reduction programs is fully accounted for and that such assistance is being used for its intended purpose, including—

(A) if such assistance consisted of equipment, a description of the current location of such equipment and the current condition of such equipment;

(B) if such assistance consisted of contracts or other services, a description of the status of such contracts or services and the methods used to ensure that such contracts and services are being used for their intended purpose;

(C) a determination whether the assistance described in subparagraphs (A) and (B) has been used for its intended purpose; and

(D) a description of the audits, examinations, and other efforts planned to be carried out during the fiscal year beginning in the year of the report to ensure that Cooperative Threat Reduction assistance provided during such fiscal year is fully accounted for and is used for its intended purpose.

(5) A current description of the tactical nuclear weapons arsenal of Russia, including—

(A) an estimate of the current types, numbers, yields, viability, locations, and deployment status of the nuclear warheads in that arsenal;

(B) an assessment of the strategic relevance of such warheads;

(C) an assessment of the current and projected threat of theft, sale, or unauthorized use of such warheads; and

(D) a summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile materials.

(d) INPUT OF DCI.—The Director of Central Intelligence shall submit to the Secretary of Defense the views of the Director on any matters covered by subsection (c)(5) in a report under subsection (a). Such views shall be included in such report as a classified annex to such report.

(e) COMPTROLLER GENERAL ASSESSMENT.—Not later than 90 days after the date on which a report is submitted to Congress under subsection (a), the Comptroller General shall submit to Congress a report setting forth the Comptroller General's assessment of the information described in paragraphs (2) and (4) of subsection (c).

(f) FIRST REPORT.—The first report submitted under subsection (a) shall be submitted in 2001.

(g) REPEAL OF SUPERSEDED REPORTING REQUIREMENTS.—(1) The following provisions of law are repealed:

(A) Section 1207 of the Cooperative Threat Reduction Act of 1994 (title XII of Public Law 103–160; 107 Stat. 1782; 22 U.S.C. 5956), relating to semiannual reports on Cooperative Threat Reduction.

(B) Section 1203 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2882), relating to a report accounting for United States assistance for Cooperative Threat Reduction.

(C) Section 1206 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 22 U.S.C. 5955 note), relating to accounting for United States assistance for Cooperative Threat Reduction.

(D) Section 1307 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 795), relating to a limitation on use of funds for Cooperative Threat Reduction pending submittal of a multiyear plan.

(2) Effective on the date the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2001 as described in subsection (h), section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2883; 10 U.S.C. 5952 note), relating to multiyear planning and Allied support for Cooperative Threat Reduction, is repealed.

(3) Section 1312 of the National Defense Authorization Act for Fiscal Year 2000 (113 Stat. 796; 22 U.S.C. 5955 note), relating to Russian nonstrategic nuclear arms, is amended—

(A) by striking "(a) SENSE OF CONGRESS.—"; and

(B) by striking subsections (b) and (c).

(h) LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF MULTIYEAR PLAN.—Not more than 10 percent of fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2001 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 5952 note).

(i) REPORT ON RUSSIAN NONSTRATEGIC NUCLEAR ARMS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the following regarding Russia's arsenal of tactical nuclear warheads:

(1) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(2) An assessment of the strategic relevance of the warheads.

(3) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(4) A summary of past, current, and planned United States efforts to work cooperatively with

Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

SEC. 1309. RUSSIAN CHEMICAL WEAPONS ELIMINATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the international community should, when practicable, assist Russia in eliminating its chemical weapons stockpile in accordance with Russia's obligations under the Chemical Weapons Convention, and that the level of such assistance should be based on—

(1) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile;

(2) a demonstrated annual commitment by Russia to allocate at least $25,000,000 to chemical weapons elimination;

(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site; and

(5) an agreement by Russia to destroy its chemical weapons production facilities at Volgograd and Novocheboksark.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that identifies—

(1) the amount spent by Russia for chemical weapons elimination during fiscal year 2000;

(2) the specific assistance being provided to Russia by the international community for the safe storage and elimination of Russia's stockpile of nerve agents, including those nerve agents located at the Shchuch'ye depot;

(3) the countries providing the assistance identified in paragraph (2); and

(4) the value of the assistance that the international community has already provided and has committed to provide in future years for the purpose described in paragraph (2).

(c) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

SEC. 1310. LIMITATION ON USE OF FUNDS FOR ELIMINATION OF WEAPONS GRADE PLUTONIUM PROGRAM.

Of the amounts authorized to be appropriated by this Act for fiscal year 2001 for the Elimination of Weapons Grade Plutonium Program, not more than 50 percent of such amounts may be obligated or expended for the program in fiscal year 2001 until 30 days after the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report on an agreement between the United States Government and the Government of the Russian Federation regarding a new option selected for the shut down or conversion of the reactors of the Russian Federation that produce weapons grade plutonium, including—

(1) the new date on which such reactors will cease production of weapons grade plutonium under such agreement by reason of the shut down or conversion of such reactors; and

(2) any cost-sharing arrangements between the United States Government and the Government of the Russian Federation in undertaking activities under such agreement.

SEC. 1311. REPORT ON AUDITS OF COOPERATIVE THREAT REDUCTION PROGRAMS.

Not later than March 31, 2001, the Comptroller General shall submit to Congress a report examining the procedures and mechanisms with respect to audits by the Department of Defense of the use of funds for Cooperative Threat Reduction programs. The report shall examine the following:

(1) Whether the audits being conducted by the Department of Defense are producing necessary information regarding whether assistance under such programs, including equipment provided and services furnished, is being used as intended.

(2) Whether the audit procedures of the Department of Defense are adequate, including whether random samplings are used.

TITLE XIV—COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK

Sec. 1401. Establishment of commission.
Sec. 1402. Duties of commission.
Sec. 1403. Reports.
Sec. 1404. Powers.
Sec. 1405. Commission procedures.
Sec. 1406. Personnel matters.
Sec. 1407. Miscellaneous administrative provisions.
Sec. 1408. Funding.
Sec. 1409. Termination of the commission.

SEC. 1401. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack" (hereinafter in this title referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of nine members. Seven of the members shall be appointed by the Secretary of Defense and two of the members shall be appointed by the Director of the Federal Emergency Management Agency. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and military aspects of electromagnetic pulse (hereinafter in this title referred to as "EMP") effects resulting from the detonation of a nuclear weapon or weapons at high altitude, sometimes referred to as high-altitude electromagnetic pulse effects (HEMP).

(d) CHAIRMAN OF COMMISSION.—The Secretary of Defense shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(g) INITIAL ORGANIZATION REQUIREMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

SEC. 1402. DUTIES OF COMMISSION.

(a) REVIEW OF EMP THREAT.—The Commission shall assess—

(1) the nature and magnitude of potential high-altitude EMP threats to the United States from all potentially hostile states or non-state actors that have or could acquire nuclear weapons and ballistic missiles enabling them to perform a high-altitude EMP attack against the United States within the next 15 years;

(2) the vulnerability of United States military and especially civilian systems to an EMP attack, giving special attention to vulnerability of the civilian infrastructure as a matter of emergency preparedness;

(3) the capability of the United States to repair and recover from damage inflicted on United States military and civilian systems by an EMP attack; and

(4) the feasibility and cost of hardening select military and civilian systems against EMP attack.

(b) RECOMMENDATION.—The Commission shall recommend any steps it believes should be taken by the United States to better protect its military and civilian systems from EMP attack.

(c) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of the Federal Emergency Management Agency, and any other United States Government official serving in the Department of Defense or Armed Forces in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 1403. REPORTS.

(a) COMMISSION REPORT.—The Commission shall, not later than one year after the date of its first meeting, submit to Congress, the Secretary of Defense, and the Director of the Federal Emergency Management Agency a report on the Commission's findings and conclusions.

(b) SECRETARY OF DEFENSE REPORT.—Not later than one year after the date of the Commission's report under subsection (a), the Secretary of Defense shall submit to Congress a report—

(1) commenting on the Commission's findings and conclusions;

(2) describing political-military scenarios that could possibly lead to an EMP attack against the United States;

(3) evaluating the relative likelihood of an EMP attack against the United States compared to other threats involving nuclear weapons; and

(4) explaining what actions, if any, the Secretary intends to take to implement the recommendations of the Commission and the Secretary's reasons for doing so.

SEC. 1404. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 1405. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any agent or member of the Commission may, if authorized by the Commission, *take any action which the Commission is authorized to take under this title.*

SEC. 1406. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1407. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 1408. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2001. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 1409. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report under section 1403(a).

TITLE XV—NAVY ACTIVITIES ON THE ISLAND OF VIEQUES, PUERTO RICO

Sec. 1501. Assistance for economic growth on Vieques.
Sec. 1502. Conveyance of Naval Ammunition Support Detachment, Vieques Island.
Sec. 1503. Determination regarding continuation of Navy training.
Sec. 1504. Actions if training is approved.
Sec. 1505. Requirements if training is not approved or mandate for referendum is vitiated.
Sec. 1506. Certain properties exempt from conveyance or transfer.
Sec. 1507. Moratorium on improvements at Fort Buchanan.
Sec. 1508. Transfer and management of Conservation Zones.

SEC. 1501. ASSISTANCE FOR ECONOMIC GROWTH ON VIEQUES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Defense for fiscal year 2000, $40,000,000 to be used to provide economic assistance for the people and communities of the island of Vieques, Puerto Rico, in accordance with the terms and conditions of the Vieques supplemental appropriation.

(b) TRANSFER AUTHORITY.—The Secretary of Defense may transfer amounts of authorizations made available to the Department of Defense in subsection (a) to any agency or office of the United States Government in order to implement the projects for which the Vieques supplemental appropriation is made available. The transfer authority under this section is in addition to any transfer authority provided in Public Law 106–65 or any other Act.

(c) NOTICE TO CONGRESS.— The advance notice required by the Vieques supplemental appropriation of each proposed transfer shall also be submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(d) DEFINITION.—In this section, the term "Vieques supplemental appropriation" means the paragraph under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" in chapter 1 of title I of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 525).

SEC. 1502. CONVEYANCE OF NAVAL AMMUNITION SUPPORT DETACHMENT, VIEQUES ISLAND.

(a) CONVEYANCE REQUIRED.—

(1) PROPERTY TO BE CONVEYED.—The Secretary of the Navy shall convey, without consideration, to the Municipality of Vieques, Puerto Rico, all right, title, and interest of the United States in and to the land constituting the Naval Ammunition Support Detachment located on the western end of the island of Vieques, Puerto Rico, except for—

(A) the property that is exempt from conveyance under section 1506;

(B) the property that is required to be transferred to the Secretary of the Interior under section 1508(a); and

(C) any property that is conveyed pursuant to section 1508(b).

(2) TIME FOR CONVEYANCE.—The Secretary of the Navy shall complete the conveyance required by paragraph (1) not later than May 1, 2001.

(b) DESCRIPTION OF PROPERTY.—The Secretary of the Navy, in consultation with the Secretary of the Interior on issues relating to natural resource protection under section 1508, shall determine the exact acreage and legal description of the property required to be conveyed pursuant to subsection (a), including the legal description of any easements, rights of way, and other interests that are retained pursuant to section 1506.

(c) ENVIRONMENTAL RESTORATION.—

(1) OBJECTIVE OF CONVEYANCE.—An important objective of the conveyance required by this section is to promote timely redevelopment of the conveyed property in a manner that enhances employment opportunities and economic redevelopment, consistent with all applicable environmental requirements and in full consultation with the Governor of Puerto Rico, for the benefit of the residents of the island of Vieques.

(2) CONVEYANCE DESPITE RESPONSE NEED.—If the Secretary of the Navy, by May 1, 2001, is unable to provide the covenant required by subparagraph (A)(ii)(I) of section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) with respect to the property to be conveyed, the Secretary shall still complete the conveyance by that date, as required by subsection (a)(2). The Secretary shall remain responsible for completing all response actions required under such Act. Upon completion of such response actions, the Secretary shall execute and deliver to the transferee the warranty referred to in subparagraph (C)(iii) of such section. The completion of the response actions shall not be delayed on account of the conveyance.

(3) CONTINUED NAVY RESPONSIBILITY.—Consistent with existing Navy and legal requirements, the Secretary of the Navy shall remain responsible for the environmental condition of the property, and neither the Commonwealth of Puerto Rico nor the Municipality of Vieques shall be responsible for such condition existing at the time of the conveyance.

(4) SAVINGS CLAUSE.—All response actions with respect to the property to be conveyed shall take place in compliance with current law.

(d) CONTROL OF CONVEYED PROPERTY.—The government of the Municipality of Vieques, acting through the elected officials of that government, shall have the power to administer, manage, and control the property conveyed under subsection (a) in any manner determined by the government of the Municipality of Vieques as being most advantageous to the majority of the residents of the island of Vieques (consistent with the laws of the United States).

(e) INDEMNIFICATION.—

(1) ENTITIES AND PERSONS COVERED; EXTENT.—(A) Except as provided in subparagraph (C), and subject to paragraph (2), the Secretary of Defense shall hold harmless, defend, and indemnify in full the persons and entities described in subparagraph (B) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release (after the conveyance is made under subsection (a)) of any hazardous substance or pollutant or contaminant as a result of Department of Defense activities at those parts of the Naval Ammunition Support Detachment conveyed pursuant to subsection (a).

(B) The persons and entities described in this paragraph are the following:

(i) The Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico).

(ii) The Municipality of Vieques, Puerto Rico, and any other political subdivision of the Commonwealth of Puerto Rico that acquires such ownership or control (including any officer, agent, or employee of that Municipality or other political subdivision).

(iii) Any other person or entity that acquires such ownership or control.

(iv) Any successor, assignee, transferee, lender, or lessee of a person or entity described in clauses (i) through (iii).

(C) To the extent the persons and entities described in subparagraph (B) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) CONDITIONS ON INDEMNIFICATION.—No indemnification may be afforded under this subsection unless the person or entity making a claim for indemnification—

(A) notifies the Secretary of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary of Defense;

(B) furnishes to the Secretary of Defense copies of pertinent papers the entity receives;

(C) furnishes evidence of proof of any claim, loss, or damage covered by this subsection; and

(D) provides, upon request by the Secretary of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

(3) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—(A) In any case in which the Secretary of Defense determines that the Department of Defense may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary of Defense to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

(4) ACCRUAL OF ACTION.—For purposes of paragraph (2)(A), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any part of the Naval Ammunition Support Detachment conveyed pursuant to subsection (a).

(5) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed as affecting or modifying in any way subsection 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(6) DEFINITIONS.—In this subsection, the terms "hazardous substance", "release", and "pollutant or contaminant" have the meanings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

SEC. 1503. DETERMINATION REGARDING CONTINUATION OF NAVY TRAINING.

(a) REFERENDUM.—

(1) REQUIREMENT.—Except as provided in paragraph (2), the President shall provide for a referendum to be conducted on the island of Vieques, Puerto Rico, to determine by a majority of the votes cast in the referendum by the Vieques electorate whether the people of Vieques approve or disapprove of the continuation of the conduct of live-fire training, and any other types of training, by the Armed Forces at the Navy's training sites on the island under the conditions described in subsection (d).

(2) EXCEPTION.—If the Chief of Naval Operations and the Commandant of the Marine Corps jointly submit to the congressional defense committees, after the date of the enactment of this Act and before the date set forth in subsection (c), their certification that the Vieques Naval Training Range is no longer needed for training by the Navy and the Marine Corps, then the requirement for a referendum under paragraph (1) shall cease to be effective on the date on which the certification is submitted.

(b) PROHIBITION OF OTHER PROPOSITIONS.—In the referendum under this section, no proposition or option may be presented as an alternative to the propositions of approval and of disapproval of the continuation of the conduct of training as described in subsection (a)(1).

(c) TIME FOR REFERENDUM.—The referendum required under this section shall be held on May 1, 2001, or within 270 days before such date or 270 days after such date. The Secretary of the Navy shall publicize the date set for the referendum 90 days before that date.

(d) REQUIRED TRAINING CONDITIONS.—For the purposes of the referendum under this section, the conditions for the continuation of the conduct of training are those that are proposed by the Secretary of the Navy and publicized on the island of Vieques in connection with, and for a reasonable period in advance of, the referendum. The conditions shall include the following:

(1) LIVE-FIRE TRAINING.—A condition that the training may include live-fire training.

(2) MAXIMUM ANNUAL DAYS OF USE.—A condition that the training may be conducted on not more than 90 days each year.

(e) PROCLAMATION OF OUTCOME.—Promptly after the referendum is completed under this section, the President shall determine, and issue a proclamation declaring, the outcome of the referendum. The President's determination shall be final, and the outcome of the referendum (as so determined) shall be binding.

(f) VIEQUES ELECTORATE DEFINED.—

(1) REGISTERED VOTERS.—In this section, the term "Vieques electorate", with respect to a referendum under this section, means the residents of the island of Vieques, Puerto Rico, who, on both dates specified in paragraph (2), are registered to vote in a general election held for casting ballots for the election of the Resident Commissioner of the Commonwealth of Puerto Rico.

(2) REGISTRATION DATES.—The dates referred to in paragraph (1) are as follows:

(A) November 7, 2000.

(B) The date that is 180 days before the date of the referendum under this section.

SEC. 1504. ACTIONS IF TRAINING IS APPROVED.

(a) CONDITION FOR EFFECTIVENESS.—This section shall take effect on the date on which the President issues a proclamation under subsection (e) of section 1503 declaring that the continuation of the conduct of training (including live-fire training) by the Armed Forces at the Navy's training sites on the island of Vieques, Puerto Rico, under the conditions described in subsection (d) of such section, has been approved in the referendum conducted under such section.

(b) AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL ECONOMIC ASSISTANCE.—There is authorized to be appropriated to the President $50,000,000 to provide economic assistance for the people and communities of the island of Vieques. This authorization of appropriations is in addition to the amount authorized to appropriated to provide economic assistance under section 1501.

(c) TRAINING RANGE TO REMAIN OPEN.—The Vieques Naval Training Range shall remain available for the use of the Armed Forces, including for live-fire training.

SEC. 1505. REQUIREMENTS IF TRAINING IS NOT APPROVED OR MANDATE FOR REFERENDUM IS VITIATED.

(a) CONDITIONS FOR EFFECTIVENESS.—This section shall take effect on the date on which either of the following occurs:

(1) The President issues a proclamation under subsection (e) of section 1503 declaring that the continuation of the conduct of training (including live-fire training) by the Armed Forces at the Navy's training sites on the island of Vieques, Puerto Rico, under the conditions described in subsection (d) of such section, has not been approved in the referendum conducted under such section.

(2) The requirement for a referendum under section 1503 ceases to be effective pursuant to subsection (a)(2) of such section.

(b) ACTIONS REQUIRED OF SECRETARY OF DEFENSE.—

(1) TERMINATION OF OPERATION.—Not later than May 1, 2003, the Secretary of Defense shall—

(A) terminate all Navy and Marine Corps training operations on the island of Vieques; and

(B) terminate all Navy and Marine Corps operations at Naval Station Roosevelt Roads, Puerto Rico, that are related exclusively to the use of the training range on the island of Vieques by the Navy and the Marine Corps.

(2) RELOCATION OF UNITS.—The Secretary of Defense may relocate the units of the Armed Forces (other than those of the reserve components) and activities of the Department of Defense (including nonappropriated fund activities) at Fort Buchanan, Puerto Rico, to Naval Station Roosevelt Roads, Puerto Rico, to ensure maximum utilization of capacity.

(3) CLOSURE OF INSTALLATIONS AND FACILITIES.—The Secretary of Defense shall close the Department of Defense installations and facilities on the island of Vieques, other than properties exempt from conveyance and transfer under section 1506.

(c) ACTIONS REQUIRED OF SECRETARY OF THE NAVY.—The Secretary of the Navy shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior—

(1) the Live Impact Area on the island of Vieques;

(2) all Department of Defense real properties on the eastern side of the island that are identified as conservation zones; and

(3) all other Department of Defense real properties on the eastern side of the island.

(d) ACTIONS REQUIRED OF SECRETARY OF THE INTERIOR.—

(1) RETENTION AND ADMINISTRATION.—The Secretary of the Interior shall retain, and may not dispose of any of, the properties transferred under paragraphs (2) and (3) of subsection (c) and shall administer such properties as wildlife refuges under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) pending the enactment of a law that addresses the disposition of such properties.

(2) RESPONSIBILITY FOR LIVE IMPACT AREA.—Upon a termination of Navy and Marine Corps training operations on the island of Vieques under subsection (b)(1), the Secretary of the Interior shall assume responsibility for the administration of the Live Impact Area, administer that area as a wilderness area under the Wilderness Act (16 U.S.C. 1131 et seq.), and deny public access to the area.

(3) LIVE IMPACT AREA DEFINED.—In this section, the term "Live Impact Area" means the parcel of real property, consisting of approximately 900 acres (more or less), on the island of Vieques that is designated by the Secretary of the Navy for targeting by live ordnance in the training of forces of the Navy and Marine Corps.

(e) GAO REVIEW.—

(1) REQUIREMENT FOR REVIEW.—The Comptroller General shall review the requirement for the continued use of Fort Buchanan, Puerto Rico, by active Army forces and shall submit to the congressional defense committees a report containing—

(A) the findings resulting from the review; and

(B) recommendations regarding the closure of Fort Buchanan and the consolidation of units of the Armed Forces to Naval Station Roosevelt Roads, Puerto Rico.

(2) TIME FOR SUBMITTAL OF REPORT.—The Comptroller General shall submit the report under paragraph (1) not later than one year after the date on which the referendum under section 1503 is conducted or one year after the date on which a certification is submitted to the congressional defense committees under subsection (a)(2) of such section, as the case may be.

SEC. 1506. CERTAIN PROPERTIES EXEMPT FROM CONVEYANCE OR TRANSFER.

(a) EXEMPT PROPERTY.—The Department of Defense properties and property interests described in subsection (b) may not be conveyed or transferred out of the Department of Defense under this title.

(b) PROPERTIES DESCRIBED.—The exemption under subsection (a) applies to the following Department of Defense properties and property interests on the island of Vieques, Puerto Rico:

(1) ROTHR SITE.—The site for relocatable over-the-horizon radar.

(2) TELECOMMUNICATIONS SITES.—The Mount Pirata telecommunications sites.

(3) ASSOCIATED INTERESTS.—Any easements, rights-of-way, and other interests in property that the Secretary of the Navy determines necessary for—

(A) ensuring access to the properties referred to in paragraphs (1) and (2);

(B) providing utilities for such properties;

(C) ensuring the security of such properties; and

(D) ensuring effective maintenance and operations on such properties.

(4) REMEDIATION ACTIVITIES.—Any easements, rights-of-way, and other interests in property that the Secretary of the Navy determines necessary for protecting human health and the environment in the discharge of the Secretary's responsibilities for environmental remediation under section 1502(c), until such time as these responsibilities are completed.

SEC. 1507. MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN.

(a) IN GENERAL.—Except as provided in subsection (b), no acquisition, construction, conversion, rehabilitation, extension, or improvement of any facility at Fort Buchanan, Puerto Rico, may be initiated or continued on or after the date of the enactment of this Act.

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Actions necessary to maintain the existing facilities (including utilities) at Fort Buchanan.

(2) The construction of reserve component and nonappropriated fund facilities authorized before the date of the enactment of this Act.

(c) TERMINATION.—This section shall cease to be effective upon the issuance of a proclamation described in section 1504(a) or the enactment of a law, after the date of the enactment of this Act, that authorizes any acquisition, construction, conversion, rehabilitation, extension, or improvement of any facility at Fort Buchanan, Puerto Rico.

SEC. 1508. TRANSFER AND MANAGEMENT OF CONSERVATION ZONES.

(a) TRANSFER TO SECRETARY OF THE INTERIOR.—

(1) TRANSFER REQUIRED.—Except as provided in section 1506, the Secretary of the Navy shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior all Department of Defense real properties on the western end of the Vieques Island, consisting of a total of approximately 3,100 acres, that are designated as Conservation Zones in section IV of the 1983 Memorandum of Understanding between the Commonwealth of Puerto Rico and the Secretary of the Navy.

(2) TIME FOR TRANSFER.—The Secretary of the Navy shall complete the transfer required by paragraph (1) not later than May 1, 2001.

(b) CONVEYANCE TO CONSERVATION TRUST.—

(1) CONVEYANCE REQUIRED.—Except as provided in section 1506 and subject to paragraph (2), the Secretary of the Navy shall convey, without consideration, to the Puerto Rico Conservation Trust the additional Conservation Zones, consisting of a total of approximately 800 acres, identified in Alternative 1 in the Draft Environmental Assessment for the proposed transfer of Naval Ammunition Support Detachment property, Vieques, Puerto Rico, prepared by the Department of the Navy, as described in the Federal Register of August 28, 2000 (65 Fed. Reg. 52100).

(2) TIME FOR CONVEYANCE.—The Secretary of the Navy shall complete the conveyance required by paragraph (1) not later than May 1, 2001, except that paragraph (1) shall apply only to those portions of the lands described in such paragraph that the Commonwealth of Puerto Rico, the Secretary of the Interior, and the Puerto Rico Conservation Trust mutually agree, before that date, to—

(A) include in the cooperative agreement under subsection (d)(2); and

(B) manage under standards consistent with the standards in subsection (c) applicable to the lands transferred under subsection (a).

(c) ADMINISTRATION OF PROPERTIES AS WILDLIFE REFUGES.—The Secretary of the Interior shall administer as wildlife refuges under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) the Conservation Zones transferred to the Secretary under subsection (a).

(d) COOPERATIVE AGREEMENT.—

(1) REQUIRED; PARTIES.—The Secretary of the Interior shall manage the Conservation Zones transferred under subsection (a) pursuant to a cooperative agreement among the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior.

(2) INCLUSION OF ADJACENT AREAS.—Areas adjacent to the Conservation Zones transferred under subsection (a) shall be considered for inclusion under the cooperative agreement. Subject to the mutual agreement of the Commonwealth of Puerto Rico, the Secretary of the Interior, and the Puerto Rico Conservation Trust, such adjacent areas may be included under the cooperative agreement, except that the total acreage so included under this paragraph may not exceed 800 acres. This determination of inclusion of lands shall be incorporated into the cooperative agreement process as set forth in paragraph (4).

(3) SEA GRASS AREA.—The Sea Grass Area west of Mosquito Pier, as identified in the 1983 Memorandum of Understanding between the Commonwealth of Puerto Rico and the Secretary of the Navy, shall be included in the cooperative agreement to be protected under the laws of the United States and the laws of the Commonwealth of Puerto Rico.

(4) MANAGEMENT PURPOSES.—All lands covered by the cooperative agreement shall be managed to protect and preserve the natural resources of the lands in perpetuity. The Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior shall follow all applicable Federal environmental laws during the creation and any subsequent amendment of the cooperative agreement, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(5) COMPLETION AND IMPLEMENTATION.—The cooperative agreement shall be completed not later than May 1, 2001. The Secretary of the Interior shall implement the terms and conditions of the cooperative agreement, which can only be amended by agreement of the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior.

TITLE XVI—GI BILL EDUCATIONAL ASSISTANCE AND VETERANS CLAIMS ASSISTANCE

Subtitle A—Veterans Education Benefits

Sec. 1601. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.
Sec. 1602. Modification of authority to pay tuition for off-duty training and education.

Subtitle B—Veterans Claims Assistance

Sec. 1611. Clarification of Department of Veterans Affairs duty to assist.

Subtitle A—Veterans Education Benefits

SEC. 1601. ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) SPECIAL ENROLLMENT PERIOD.—Section 3018C of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A qualified individual (described in paragraph (2)) may make an irrevocable election under this subsection, during the one-year period beginning on the date of the enactment of this subsection, to become entitled to basic educational assistance under this chapter. Such an election shall be made in the same manner as elections made under subsection (a)(5).

"(2) A qualified individual referred to in paragraph (1) is an individual who meets each of the following requirements:

"(A) The individual was a participant in the educational benefits program under chapter 32 of this title.on or before October 9, 1996.

"(B) The individual has continuously served on active duty since October 9, 1996 (excluding the periods referred to in section 3202(1)(C) of this title), through at least April, 1, 2000.

"(C) The individual meets the requirements of subsection (a)(3).

"(D) The individual, when discharged or released from active duty, is discharged or released therefrom with an honorable discharge.

"(3)(A) Subject to the succeeding provisions of this paragraph, with respect to a qualified individual who makes an election under paragraph (1) to become entitled to basic education assistance under this chapter—

"(i) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is $2,700; and

"(ii) to the extent that basic pay is not so reduced before the qualified individual's discharge or release from active duty as specified in subsection (a)(4), at the election of the qualified individual—

"(I) the Secretary concerned shall collect from the qualified individual, or

"(II) the Secretary concerned shall reduce the retired or retainer pay of the qualified individual by,

an amount equal to the difference between $2,700 and the total amount of reductions under clause (i), which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(B)(i) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an election under paragraph (1), for the qualified individual to pay that Secretary the amount due under subparagraph (A).

"(ii) Nothing in clause (i) shall be construed as modifying the period of eligibility for and entitlement to basic education assistance under

this chapter applicable under section 3031 of this title.

"(C) The provisions of subsection (c) shall apply to individuals making elections under this subsection in the same manner as they applied to individuals making elections under subsection (a)(5).

"(4) With respect to qualified individuals referred to in paragraph (3)(A)(ii), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

"(A) the Secretary concerned collects the applicable amount under subparagraph (I) of such paragraph, or

"(B) the retired or retainer pay of the qualified individual is first reduced under subparagraph (II) of such paragraph.

"(5) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice to participants in the educational benefits program under chapter 32 of this title of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.".

(b) CONFORMING AMENDMENT.—Section 3018C(b) of such title is amended by striking "subsection (a)" and inserting "subsection (a) or (e)".

SEC. 1602. MODIFICATION OF AUTHORITY TO PAY TUITION FOR OFF-DUTY TRAINING AND EDUCATION.

(a) AUTHORITY TO PAY ALL CHARGES.—Section 2007 of title 10, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) Subject to subsection (b), the Secretary of a military department may pay all or a portion of the charges of an educational institution for the tuition or expenses of a member of the armed forces enrolled in such educational institution for education or training during the member's off-duty periods.

"(b) In the case of a commissioned officer on active duty, the Secretary of the military department concerned may not pay charges under subsection (a) unless the officer agrees to remain on active duty for a period of at least two years after the completion of the training or education for which the charges are paid."; and

(2) in subsection (d)—

(A) by striking "(within the limits set forth in subsection (a))" in the matter preceding paragraph (1); and

(B) in paragraph (3), by striking "subsection (a)(3)" and inserting "subsection (b)".

(b) USE OF ENTITLEMENT TO ASSISTANCE UNDER MONTGOMERY GI BILL FOR PAYMENT OF CHARGES.—(1) That section is further amended by adding at the end the following new subsection:

"(e)(1) A member of the armed forces who is entitled to basic educational assistance under chapter 30 of title 38 may use such entitlement for purposes of paying any portion of the charges described in subsection (a) or (c) that are not paid for by the Secretary of the military department concerned under such subsection.

"(2) The use of entitlement under paragraph (1) shall be governed by the provisions of section 3014(b) of title 38.".

(2) Section 3014 of title 38, United States Code, is amended—

(A) by inserting "(a)" before "The Secretary"; and

(B) by adding at the end the following new subsection:

"(b)(1) In the case of an individual entitled to basic educational assistance who is pursuing education or training described in subsection (a) or (c) of section 2007 of title 10, the Secretary shall, at the election of the individual, pay the individual a basic educational assistance allowance to meet all or a portion of the charges of the educational institution for the education or training that are not paid by the Secretary of the military department concerned under such subsection.

"(2)(A) The amount of the basic educational assistance allowance payable to an individual under this subsection for a month shall be the amount of the basic educational assistance allowance to which the individual would be entitled for the month under section 3015 of this title (without regard to subsection (g) of that section) were payment made under that section instead of under this subsection.

"(B) The maximum number of months for which an individual may be paid a basic educational assistance allowance under paragraph (1) is 36.".

(3) Section 3015 of title 38, United States Code, is amended—

(A) by striking "subsection (g)" each place it appears in subsections (a) and (b);

(B) by redesignating subsection (g) as subsection (h); and

(C) by inserting after subsection (f) the following new subsection (g):

"(g) In the case of an individual who has been paid a basic educational assistance allowance under section 3014(b) of this title, the rate of the basic educational assistance allowance applicable to the individual under this section shall be the rate otherwise applicable to the individual under this section reduced by an amount equal to—

"(1) the aggregate amount of such allowances paid the individual under such section 3014(b); divided by

"(2) 36.".

Subtitle B—Veterans Claims Assistance

SEC. 1611. CLARIFICATION OF DEPARTMENT OF VETERANS AFFAIRS DUTY TO ASSIST.

(a) IN GENERAL.—Section 5107 of title 38, United States Code, is amended to read as follows:

"§5107 Assistance to claimants; benefit of the doubt; burden of proof

"(a) The Secretary shall assist a claimant in developing all facts pertinent to a claim for benefits under this title. Such assistance shall include requesting information as described in section 5106 of this title. The Secretary shall provide a medical examination when such examination may substantiate entitlement to the benefits sought. The Secretary may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance will aid in the establishment of entitlement.

"(b) The Secretary shall consider all evidence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.

"(c) Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a person who submits a claim for benefits under a law administered by the Secretary shall have the burden of proof.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of that title is amended by striking the item relating to section 5017 and inserting the following new item:

"5107 Assistance to claimants; benefit of the doubt; burden of proof.".

TITLE XVII—ASSISTANCE TO FIREFIGHTERS

Sec. 1701. Firefighter assistance.
Sec. 1702. Volunteer fire assistance program.
Sec. 1703. Burn research.
Sec. 1704. Study and demonstration projects regarding cases of hepatitis C among certain emergency response employees.
Sec. 1705. Report on progress on spectrum sharing.
Sec. 1706. Sale or donation of excess defense property to assist firefighting agencies.
Sec. 1707. Identification of defense technologies suitable for use, or conversion for use, in providing fire and emergency medical services.

SEC. 1701. FIREFIGHTER ASSISTANCE.

(a) IN GENERAL.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

"SEC. 33. FIREFIGHTER ASSISTANCE.

"(a) DEFINITION OF FIREFIGHTING PERSONNEL.—In this section, the term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

"(b) ASSISTANCE PROGRAM.—

"(1) AUTHORITY.—In accordance with this section, the Director may—

"(A) make grants on a competitive basis directly to fire departments of a State, in consultation with the chief executive of the State, for the purpose of protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

"(B) provide assistance for fire prevention programs in accordance with paragraph (4).

"(2) OFFICE FOR ADMINISTRATION OF ASSISTANCE.—

"(A) ESTABLISHMENT.—Before providing assistance under paragraph (1), the Director shall establish an office in the Federal Emergency Management Agency to administer the assistance under this section.

"(B) INCLUDED DUTIES.—The duties of the office shall include the following:

"(i) RECIPIENT SELECTION CRITERIA.—To establish specific criteria for the selection of recipients of the assistance under this section.

"(ii) GRANT-WRITING ASSISTANCE.—To provide grant-writing assistance to applicants.

"(3) USE OF FIRE DEPARTMENT GRANT FUNDS.—The Director may make a grant under paragraph (1)(A) only if the applicant for the grant agrees to use the grant funds—

"(A) to hire additional firefighting personnel;

"(B) to train firefighting personnel in firefighting, emergency response, arson prevention and detection, or the handling of hazardous materials, or to train firefighting personnel to provide any of the training described in this subparagraph;

"(C) to fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies;

"(D) to certify fire inspectors;

"(E) to establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel can carry out their duties;

"(F) to fund emergency medical services provided by fire departments;

"(G) to acquire additional firefighting vehicles, including fire trucks;

"(H) to acquire additional firefighting equipment, including equipment for communications and monitoring;

"(I) to acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel;

"(J) to modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel;

"(K) to enforce fire codes;

"(L) to fund fire prevention programs;

"(M) to educate the public about arson prevention and detection; or

"(N) to provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

"(4) FIRE PREVENTION PROGRAMS.—

"(A) IN GENERAL.—For each fiscal year, the Director shall use not less than 5 percent of the funds made available under subsection (e)—

"(i) to make grants to fire departments for the purpose described in paragraph (3)(L); and

"(ii) to make grants to, or enter into contracts or cooperative agreements with, national, State, local, or community organizations that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities, for the purpose of carrying out fire prevention programs.

"(B) PRIORITY.—In selecting organizations described in subparagraph (A)(ii) to receive assistance under this paragraph, the Director shall give priority to organizations that focus on prevention of injuries to children from fire.

"(5) APPLICATION.—The Director may provide assistance to a fire department or organization under this subsection only if the fire department or organization seeking the assistance submits to the Director an application that meets the following requirements:

"(A) FORM.—The application shall be in such form as the Director may require.

"(B) INFORMATION.—The application shall include the following information:

"(i) FINANCIAL NEED.—Information that demonstrates the financial need of the applicant for the assistance for which applied.

"(ii) COST-BENEFIT ANALYSIS.—An analysis of the costs and benefits, with respect to public safety, of the use of the assistance.

"(iii) REPORTING SYSTEMS DATA.—An agreement to provide information to the national fire incident reporting system for the period covered by the assistance.

"(iv) OTHER INFORMATION.—Any other information that the Director may require.

"(6) MATCHING REQUIREMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Director may provide assistance under this subsection only if the applicant for the assistance agrees to match with an equal amount of non-Federal funds 30 percent of the assistance received under this subsection for any fiscal year.

"(B) REQUIREMENT FOR SMALL COMMUNITY ORGANIZATIONS.—In the case of an applicant whose personnel serve jurisdictions of 50,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 10 percent.

"(7) MAINTENANCE OF EXPENDITURES—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to maintain in the fiscal year for which the assistance will be received the applicant's aggregate expenditures for the uses described in paragraph (3) or (4) at or above the average level of such expenditures in the two fiscal years preceding the fiscal year for which the assistance will be received.

"(8) REPORT TO THE DIRECTOR.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to submit to the Director a report, including a description of how the assistance was used, with respect to each fiscal year for which the assistance was received.

"(9) VARIETY OF FIRE DEPARTMENT GRANT RECIPIENTS.—The Director shall ensure that grants under paragraph (1)(A) for a fiscal year are made to a variety of fire departments, including, to the extent that there are eligible applicants—

"(A) paid, volunteer, and combination fire departments;

"(B) fire departments located in communities of varying sizes; and

"(C) fire departments located in urban, suburban, and rural communities.

"(10) GRANT LIMITATIONS.—

"(A) RECIPIENT LIMITATION.—A grant recipient under this section may not receive more than $750,000 under this section for any fiscal year.

"(B) LIMITATION ON EXPENDITURES FOR FIREFIGHTING VEHICLES.—Not more than 25 percent of the funds appropriated to provide grants under this section for a fiscal year may be used to assist grant recipients to purchase vehicles, as authorized by paragraph (3)(G).

"(11) RESERVATION OF GRANT FUNDS FOR VOLUNTEER DEPARTMENTS.—In making grants to firefighting departments, the Director shall ensure that those firefighting departments that have either all-volunteer forces of firefighting personnel or combined forces of volunteer and professional firefighting personnel receive a proportion of the total grant funding that is not less than the proportion of the United States population that those firefighting departments protect.

"(c) AUDITS.—A recipient of a grant under this section shall be subject to audits to ensure that the grant proceeds are expended for the intended purposes and that the grant recipient complies with the requirements of paragraphs (6) and (7) of subsection (b).

"(d) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia and the Commonwealth of Puerto Rico.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this section amounts as follows:

"(1) $100,000,000 for fiscal year 2001.

"(2) $300,000,000 for fiscal year 2002.".

(b) STUDY ON NEED FOR FEDERAL ASSISTANCE TO STATE AND LOCAL COMMUNITIES TO FUND FIREFIGHTING AND EMERGENCY RESPONSE ACTIVITIES.—

(1) REQUIREMENT FOR STUDY.—The Director of the Federal Emergency Management Agency shall conduct a study in conjunction with the National Fire Protection Association to—

(A) define the current role and activities associated with the fire services;

(B) determine the adequacy of current levels of funding; and

(C) provide a needs assessment to identify shortfalls.

(2) TIME FOR COMPLETION OF STUDY; REPORT.—The Director shall complete the study under paragraph (1), and submit a report on the results of the study to Congress, within 18 months after the date of the enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Emergency Management Agency $300,000 for fiscal year 2001 to carry out the study required by paragraph (1).

SEC. 1702. VOLUNTEER FIRE ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Agriculture for carrying out paragraphs (1) through (3) of section 10(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)(1)-(3)) amounts as follows:

(1) $10,000,000 for fiscal year 2001.

(2) $20,000,000 for fiscal year 2002.

(b) REPORT.—

(1) IN GENERAL.—The Secretary of Agriculture shall submit a report to Congress on the results of the assistance provided under the provisions of law for which funds are authorized for appropriations under subsection (a).

(2) CONTENT.—The report shall contain the following:

(A) A list of the organizations that received funds authorized for appropriations under subsection (a) and the purpose for which those organizations were provided the funds.

(B) Efforts taken to ensure that potential recipients are provided with information necessary to develop an effective application.

(C) The Secretary's assessment regarding the appropriate level of funding that should be provided annually through the assistance program.

(D) The Secretary's assessment regarding the appropriate purposes for such assistance.

(E) Any other information the Secretary determines necessary.

(3) SUBMISSION DATE.—The report shall be submitted not later than February 1, 2002.

SEC. 1703. BURN RESEARCH.

(a) OFFICE.—The Director of the Federal Emergency Management Agency shall establish an office in the Agency to establish specific criteria of grant recipients and to administer grants under this section.

(b) SAFETY ORGANIZATION GRANTS.—The Director may make grants, on a competitive basis, to safety organizations that have experience in conducting burn safety programs for the purpose of assisting those organizations in conducting burn prevention programs or augmenting existing burn prevention programs.

(c) HOSPITAL GRANTS.—The Director may make grants, on a competitive basis, to hospitals that serve as regional burn centers to conduct acute burn care research.

(d) OTHER GRANTS.—The Director may make grants, on a competitive basis, to governmental and nongovernmental entities to provide afterburn treatment and counseling to individuals that are burn victims.

(e) REPORT.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of the grants provided under this section.

(2) CONTENT.—The report shall contain the following:

(A) A list of the organizations, hospitals, or other entities to which the grants were provided and the purpose for which those entities were provided grants.

(B) Efforts taken to ensure that potential grant applicants are provided with information necessary to develop an effective application.

(C) The Director's assessment regarding the appropriate level of funding that should be provided annually through the grant program.

(D) The Director's assessment regarding the appropriate purposes for such grants.

(E) Any other information the Director determines necessary.

(3) SUBMISSION DATE.—The report shall be submitted not later than February 1, 2002.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this section amounts as follows:

(1) $10,000,000 for fiscal year 2001.

(2) $20,000,000 for fiscal year 2002.

SEC. 1704. STUDY AND DEMONSTRATION PROJECTS REGARDING CASES OF HEPATITIS C AMONG CERTAIN EMERGENCY RESPONSE EMPLOYEES.

(a) STUDY REGARDING PREVALENCE AMONG CERTAIN EMERGENCY RESPONSE EMPLOYEES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), in consultation with the Secretary of Labor, shall conduct a study to determine—

(A) an estimate of the prevalence of hepatitis C among designated emergency response employees in the United States; and

(B) the likely means through which such employees become infected with such disease in the

course of performing their duties as such employees.

(2) DESIGNATED EMERGENCY RESPONSE EMPLOYEES.—For purposes of this section, the term "designated emergency response employees" means firefighters, paramedics, and emergency medical technicians who are employees or volunteers of units of local government.

(3) DATE CERTAIN FOR COMPLETION; REPORT TO CONGRESS.—The Secretary shall commence the study under paragraph (1) not later than 90 days after the date of the enactment of this Act. Not later that one year after such date, the Secretary shall complete the study and submit to the Congress a report describing the findings of the study.

(b) DEMONSTRATION PROJECTS REGARDING TRAINING AND TREATMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor, shall make grants to qualifying local governments for the purpose of carrying out demonstration projects that (directly or through arrangements with nonprofit private entities) carry out each of the following activities:

(A) Training designated emergency response employees in minimizing the risk of infection with hepatitis C in performing their duties as such employees.

(B) Testing such employees for infection with the disease.

(C) Treating the employees for the disease.

(2) QUALIFYING LOCAL GOVERNMENTS.—For purposes of this section, the term "qualifying local government" means a unit of local government whose population of designated emergency response employees has a prevalence of hepatitis C that is not less than 200 percent of the national average for the prevalence of such disease in such populations.

(3) CONFIDENTIALITY.—A grant may be made under paragraph (1) only if the qualifying local government involved agrees to ensure that information regarding the testing or treatment of designated emergency response employees pursuant to the grant is maintained confidentially in a manner not inconsistent with applicable law.

(4) EVALUATIONS.—The Secretary shall provide for an evaluation of each demonstration project under paragraph (1) in order to determine the extent to which the project has been effective in carry out the activities described in such paragraph.

(5) REPORT TO CONGRESS.—Not later than 180 days after the date on which all grants under paragraph (1) have been expended, the Secretary shall submit to Congress a report providing—

(A) a summary of evaluations under paragraph (4); and

(B) the recommendations of the Secretary for administrative or legislative initiatives regarding the activities described in paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated to the Department of Health and Human Services and the Department of Labor $10,000,000 for fiscal year 2001.

SEC. 1705. REPORT ON PROGRESS ON SPECTRUM SHARING.

(a) STUDY REQUIRED.—The Secretary of Defense, in consultation with the Attorney General and the Secretary of Commerce, shall provide for the conduct of an engineering study to identify—

(1) any portion of the 138-144 megahertz band that the Department of Defense can share in various geographic regions with public safety radio services;

(2) any measures required to prevent harmful interference between Department of Defense systems and the public safety systems proposed for operation on those frequencies; and

(3) a reasonable schedule for implementation of such sharing of frequencies.

(b) SUBMISSION OF INTERIM REPORT.—Within one year after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an interim report on the progress of the study conducted pursuant to subsection (a).

(c) REPORT.—Not later than January 1, 2002, the Secretary of Commerce and the Chairman of the Federal Communications Commission shall jointly submit a report to Congress on alternative frequencies available for use by public safety systems.

SEC. 1706. SALE OR DONATION OF EXCESS DEFENSE PROPERTY TO ASSIST FIREFIGHTING AGENCIES.

(a) TRANSFER AUTHORIZED.—Chapter 153 of title 10, United States Code, is amended by inserting after section 2576a the following new section:

"§2576b. Excess personal property: sale or donation to assist firefighting agencies

"(a) TRANSFER AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may transfer to a firefighting agency in a State any personal property of the Department of Defense that the Secretary determines is—

"(1) excess to the needs of the Department of Defense; and

"(2) suitable for use in providing fire and emergency medical services, including personal protective equipment and equipment for communication and monitoring.

"(b) CONDITIONS FOR TRANSFER.—The Secretary of Defense may transfer personal property under this section only if—

"(1) the property is drawn from existing stocks of the Department of Defense;

"(2) the recipient firefighting agency accepts the property on an as-is, where-is basis;

"(3) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment; and

"(4) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

"(c) CONSIDERATION.—Subject to subsection (b)(4), the Secretary may transfer personal property under this section without charge to the recipient firefighting agency.

"(d) DEFINITIONS.—In this section:

"(1) STATE.—The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

"(2) FIREFIGHTING AGENCY.—The term 'firefighting agency' means any volunteer, paid, or combined departments that provide fire and emergency medical services.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2576a the following new item:

"2576b. Excess personal property: sale or donation to assist firefighting agencies.".

SEC. 1707. IDENTIFICATION OF DEFENSE TECHNOLOGIES SUITABLE FOR USE, OR CONVERSION FOR USE, IN PROVIDING FIRE AND EMERGENCY MEDICAL SERVICES.

(a) APPOINTMENT OF TASK FORCE; PURPOSE.—The Secretary of Defense shall appoint a task force consisting of representatives from the Department of Defense and each of the seven major fire organizations identified in subsection (b) to identify defense technologies and equipment that—

(1) can be readily put to civilian use by fire service and the emergency response agencies; and

(2) can be transferred to these agencies using the authority provided by section 2576b of title 10, United States Code, as added by section 1706 of this Act.

(b) PARTICIPATING MAJOR FIRE ORGANIZATIONS.—Members of the task force shall be appointed from each of the following:

(1) The International Association of Fire Chiefs.

(2) The International Association of Fire Fighters.

(3) The National Volunteer Fire Council.

(4) The International Association of Arson Investigators.

(5) The International Society of Fire Service Instructors.

(6) The National Association of State Fire Marshals.

(7) The National Fire Protection Association.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Defense for activities of the task force $1,000,000 for fiscal year 2001.

TITLE XVIII—IMPACT AID

Sec. 1801. Short title.
Sec. 1802. Purpose.
Sec. 1803. Payments relating to Federal acquisition of real property.
Sec. 1804. Payments for eligible federally connected children.
Sec. 1805. Maximum amount of basic support payments.
Sec. 1806. Basic support payments for heavily impacted local educational agencies.
Sec. 1807. Basic support payments for local educational agencies affected by removal of Federal property.
Sec. 1808. Additional payments for local educational agencies with high concentrations of children with severe disabilities.
Sec. 1809. Application for payments under sections 8002 and 8003.
Sec. 1810. Payments for sudden and substantial increases in attendance of military dependents.
Sec. 1811. Construction.
Sec. 1812. State consideration of payments in providing State aid.
Sec. 1813. Federal administration.
Sec. 1814. Administrative hearings and judicial review.
Sec. 1815. Forgiveness of overpayments.
Sec. 1816. Definitions.
Sec. 1817. Authorization of appropriations.
Sec. 1818. Effective date.

SEC. 1801. SHORT TITLE.

This title may be cited as the "Impact Aid Reauthorization Act of 2000".

SEC. 1802. PURPOSE.

Section 8001 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701) is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting after "educational services to federally connected children" the following: "in a manner that promotes control by local educational agencies with little or no Federal or State involvement"; and

(B) by inserting after "certain activities of the Federal Government" the following: ", such as activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes and activities under section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 574),";

(2) in paragraph (4), by adding "or" at the end;

(3) by striking paragraph (5);

(4) by redesignating paragraph (6) as paragraph (5); and

(5) in paragraph (5) (as redesignated), by inserting before the period at the end the following: "and because of the difficulty of raising

local revenue through bond referendums for capital projects due to the inability to tax Federal property".

SEC. 1803. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

(a) FISCAL YEAR REQUIREMENT.—Section 8002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(a)) is amended in the matter preceding paragraph (1) by striking "1999" and inserting "2003".

(b) AMOUNT.—

(1) PROHIBITION ON REDUCTION IN AMOUNT OF PAYMENT.—Section 8002(b)(1)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(b)(1)(A)(i)) is amended—

(A) by striking "(i) The amount" and inserting "(i)(I) Subject to subclauses (II) and (III), the amount";

(B) by striking ", except that" and all that follows through "Federal property"; and

(C) by adding at the end the following:

"(II) Except as provided in subclause (III), the Secretary may not reduce the amount of a payment under this section to a local educational agency for a fiscal year by (aa) the amount equal to the amount of revenue, if any, the agency received during the previous fiscal year from activities conducted on Federal property eligible under this section and located in a school district served by the agency, including amounts received from any Federal department or agency (other than the Department of Education) from such activities, by reason of receipt of such revenue, or (bb) any other amount by reason of receipt of such revenue.

"(III) If the amount equal to the sum of (aa) the proposed payment under this section to a local educational agency for a fiscal year and (bb) the amount of revenue described in subclause (II)(aa) received by the agency during the previous fiscal year, exceeds the maximum amount the agency is eligible to receive under this section for the fiscal year involved, then the Secretary shall reduce the amount of the proposed payment under this section by an amount equal to such excess amount.".

(2) INSUFFICIENT FUNDS.—Section 8002(b)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(b)(1)(B)) is amended by striking "shall ratably reduce the payment to each eligible local educational agency" and inserting "shall calculate the payment for each eligible local educational agency in accordance with subsection (h)".

(3) MAXIMUM AMOUNT.—Section 8002(b)(1)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(b)(1)(C)) is amended by adding at the end before the period the following: ", or the maximum amount that such agency is eligible to receive for such fiscal year under this section, whichever is greater".

(c) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—Section 8002(h) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)) is amended to read as follows:

"(h) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For any fiscal year for which the amount appropriated under section 8014(a) is insufficient to pay to each eligible local educational agency the full amount determined under subsection (b), the Secretary shall make payments to each local educational agency under this section as follows:

"(1) FOUNDATION PAYMENTS FOR PRE-1995 RECIPIENTS.—

"(A) IN GENERAL.—The Secretary shall first make a foundation payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved and was eligible to receive a payment under section 2 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994) for any of the fiscal years 1989 through 1994.

"(B) AMOUNT.—The amount of a payment under subparagraph (A) for a local educational agency shall be equal to 38 percent of the local educational agency's maximum entitlement amount under section 2 of the Act of September 30, 1950, for fiscal year 1994 (or if the local educational agency was not eligible to receive a payment under such section 2 for fiscal year 1994, the local educational agency's maximum entitlement amount under such section 2 for the most recent fiscal year preceding 1994).

"(C) INSUFFICIENT APPROPRIATIONS.—If the amount appropriated under section 8014(a) is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

"(2) PAYMENTS FOR 1995 RECIPIENTS.—

"(A) IN GENERAL.—From any amounts remaining after making payments under paragraph (1) for the fiscal year involved, the Secretary shall make a payment to each eligible local educational agency that received a payment under this section for fiscal year 1995.

"(B) AMOUNT.—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

"(i) Calculate the difference between the amount appropriated to carry out this section for fiscal year 1995 and the total amount of foundation payments made under paragraph (1) for the fiscal year.

"(ii) Determine the percentage share for each local educational agency that received a payment under this section for fiscal year 1995 by dividing the assessed value of the Federal property of the local educational agency for fiscal year 1995 determined in accordance with subsection (b)(3), by the total eligible national assessed value of the eligible Federal property of all such local educational agencies for fiscal year 1995, as so determined.

"(iii) Multiply the percentage share described in clause (ii) for the local educational agency by the amount determined under clause (i).

"(3) SUBSECTION (i) RECIPIENTS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make payments in accordance with subsection (i).

"(4) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1), (2), and (3) for the fiscal year involved—

"(A) the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) for the fiscal year involved in an amount that bears the same relation to 25 percent of the remainder as the amount the local educational agency received under paragraph (1) for the fiscal year involved bears to the amount all local educational agencies received under paragraph (1) for the fiscal year involved; and

"(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (in the same manner as percentage shares are determined for local educational agencies under paragraph (2)(B)(ii)) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that for the purpose of calculating a local educational agency's assessed value of the Federal property, data from the most current fiscal year shall be used.".

(d) SPECIAL PAYMENTS.—

(1) IN GENERAL.—Section 8002(i)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)(1)) is amended to read as follows:

"(1) IN GENERAL.—For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) applies, the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year involved (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2).".

(2) CONFORMING AMENDMENT.—The heading of section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended by striking "PRIORITY" and inserting SPECIAL".

(e) ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROPERTY ACQUISITION.—Section 8002(j)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(j)(2)) is amended—

(1) by striking "(A) A local educational agency" and inserting "A local educational agency";

(2) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively; and

(3) in subparagraph (C) (as redesignated), by adding at the end before the semicolon the following: "and, at the time at which the agency is applying for a payment under this subsection, the agency does not have a military installation located within its geographic boundaries".

(f) PRIOR YEAR DATA.—Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) is amended by adding at the end the following:

"(l) PRIOR YEAR DATA.—Notwithstanding any other provision of this section, in determining the eligibility of a local educational agency for a payment under subsection (b) or (h)(4)(B) of this section for a fiscal year, and in calculating the amount of such payment, the Secretary—

"(1) shall use data from the prior fiscal year with respect to the Federal property involved, including data with respect to the assessed value of the property and the real property tax rate for current expenditures levied against or imputed to the property; and

"(2) shall use data from the second prior fiscal year with respect to determining the amount of revenue referred to in subsection (b)(1)(A)(i).".

(g) ELIGIBILITY.—Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702), as amended by this section, is further amended by adding at the end the following:

"(m) ELIGIBILITY.—

"(1) OLD FEDERAL PROPERTY.—Except as provided in paragraph (2), a local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of enactment of the Impact Aid Reauthorization Act of 2000 shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of the enactment of such Act.

"(2) COMBINED FEDERAL PROPERTY.—A local educational agency that is eligible to receive a

payment under this section for Federal property acquired by the Federal Government before the date of enactment of the Impact Aid Reauthorization Act of 2000 shall be eligible to receive the payment if—

''(A) the Federal property, when combined with other Federal property in the school district served by the local educational agency acquired by the Federal Government after the date of the enactment of such Act, meets the requirements of subsection (a); and

''(B) the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition of the Federal property acquired after the date of the enactment of such Act.

''(3) NEW FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government after the date of enactment of the Impact Aid Reauthorization Act of 2000 shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition.''.

SEC. 1804. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) GENERAL AMENDMENTS.—Section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (E) as subparagraph (F);

(B) in subparagraph (D), by striking ''subparagraphs (D) and (E) of paragraph (1) by a factor of .10'' and inserting ''subparagraph (D) of paragraph (1) by a factor of .20''; and

(C) by inserting after subparagraph (D) the following:

''(E) Multiply the number of children described in subparagraph (E) of paragraph (1) by a factor of .10.'';

(2) in subsection (b)(1), by adding at the end the following:

''(D) DATA.—If satisfactory data from the third preceding fiscal year are not available for any of the expenditures described in clause (i) or (ii) of subparagraph (C), the Secretary shall use data from the most recent fiscal year for which data that are satisfactory to the Secretary are available.

''(E) SPECIAL RULE.—For purposes of determining the comparable local contribution rate under subparagraph (C)(iii) for a local educational agency described in section 222.39(c)(3) of title 34, Code of Federal Regulations, that had its comparable local contribution rate for fiscal year 1998 calculated pursuant to section 222.39 of title 34, Code of Federal Regulations, the Secretary shall determine such comparable local contribution rate as the rate upon which payments under this subsection for fiscal year 2000 were made to the local educational agency adjusted by the percentage increase or decrease in the per pupil expenditure in the State serving the local educational agency calculated on the basis of the second most recent preceding school year compared to the third most recent preceding school year for which school year data are available.''; and

(3) by amending subsection (e) to read as follows:

''(e) HOLD HARMLESS.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the total amount the Secretary shall pay a local educational agency under subsection (b)—

''(A) for fiscal year 2001 shall not be less than 85 percent of the total amount that the local educational agency received under subsections (b) and (f) for fiscal year 2000; and

''(B) for fiscal year 2002 shall not be less than 70 percent of the total amount that the local educational agency received under subsections (b) and (f) for fiscal year 2000.

''(2) MAXIMUM AMOUNT.—The total amount provided to a local educational agency under subparagraph (A) or (B) of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be.

''(3) RATABLE REDUCTIONS.—

''(A) IN GENERAL.—If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) for such year, then the Secretary shall ratably reduce the payments to all such agencies for such year.

''(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.''.

(b) MILITARY INSTALLATION AND INDIAN HOUSING UNDERGOING RENOVATION OR REBUILDING.—

(1) IN GENERAL.—Section 8003(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended—

(A) in the heading—

(i) by inserting ''AND INDIAN'' after ''MILITARY INSTALLATION''; and

(ii) by inserting ''OR REBUILDING'' after ''RENOVATION'';

(B) by striking ''For purposes'' and inserting the following:

''(A) IN GENERAL.—(i) For purposes'';

(C) in subparagraph (A)(i) (as designated by subparagraph (B)), by inserting ''or rebuilding'' after ''undergoing renovation''; and

(D) by adding at the end the following:

''(ii) For purposes of computing the amount of a payment for a local educational agency that received a payment for children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application, the Secretary shall consider such children to be children described in paragraph (1)(C) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of the Interior or the Secretary of Housing and Urban Development, that such children would have resided in housing on Indian lands in accordance with paragraph (1)(C) except that such housing was undergoing renovation or rebuilding on the date for which the Secretary determines the number of children under paragraph (1).

''(B) LIMITATIONS.—(i)(I) Children described in paragraph (1)(D)(i) may be deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A)(i) for a period not to exceed 3 fiscal years.

''(II) The number of children described in paragraph (1)(D)(i) who are deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A)(i) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.

''(ii)(I) Children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application may be deemed to be children described in paragraph (1)(C) with respect to housing on Indian lands undergoing renovation or rebuilding in accordance with subparagraph (A)(ii) for a period not to exceed 3 fiscal years.

''(II) The number of children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application who are deemed to be children described in paragraph (1)(C) with respect to housing on Indian lands undergoing renovation or rebuilding in accordance with subparagraph (A)(ii) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to payments to a local educational agency for fiscal years beginning before, on, or after the date of the enactment of this Act.

(c) MILITARY ''BUILD TO LEASE'' PROGRAM HOUSING.—Section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended by adding at the end the following:

''(5) MILITARY 'BUILD TO LEASE' PROGRAM HOUSING.—

''(A) IN GENERAL.—For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10, United States Code (commonly known as the 'Build to Lease' program), as added by section 801 of the Military Construction Authorization Act, 1984, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated.

''(B) ADDITIONAL REQUIREMENTS.—If the property described in subparagraph (A) is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency that is applying to receive a payment under this section, then the Secretary—

''(i) shall require the local educational agency to provide certification from an appropriate official of the Department of Defense that the property is being used to provide military housing; and

'''(ii) shall reduce the amount of the payment under this section by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.''.

SEC. 1805. MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENTS.

Section 8003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)), as amended by this Act, is further amended by adding at the end the following:

''(F) INCREASE IN LOCAL CONTRIBUTION RATE DUE TO UNUSUAL GEOGRAPHIC FACTORS.—If the current expenditures in those local educational agencies which the Secretary has determined to be generally comparable to the local educational agency for which a computation is made under subparagraph (C) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in such agency, a level of education equivalent to that maintained in such other agencies, then the Secretary shall increase the local contribution rate for such agency under subparagraph (C)(iii) by such an amount which the Secretary determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. The amount of any such supplementary payment may not exceed the per-pupil share *(computed with regard to all children in average daily attendance), as determined by the Secretary, of the increased current expenditures necessitated by such unusual geographic factors.".*

SEC. 1806. BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) In General.—Section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) Basic support payments for heavily impacted local educational agencies.—

"(A) In general.—(i) From the amount appropriated under section 8014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible heavily impacted local educational agencies with children described in subsection (a).

"(ii) A local educational agency that receives a basic support payment under this paragraph for a fiscal year shall not be eligible to receive a basic support payment under paragraph (1) for that fiscal year.

"(B) Eligibility for continuing heavily impacted local educational agencies.—

"(i) In general.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

(I) received an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000; and

"(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation;

"(bb) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 35 percent, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State;

"(cc) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent, and has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State;

"(dd) has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

"(ee) meets the requirements of subsection (f)(2) applying the data requirements of subsection (f)(4) (as such subsections were in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000).

"(ii) Loss of eligibility.—A heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

"(iii) Resumption of eligibility.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

"(C) Eligibility for new heavily impacted local educational agencies.—

"(i) In general.—A heavily impacted local educational agency that did not receive an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000 is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or the agency—

"(I) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that—

"(aa) is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection; or

"(bb) is not less than 40 percent if such agency does not receive a payment on behalf of such children;

"(II)(aa) for a local educational agency that has a total student enrollment of 350 or more students, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

"(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency in the State in which the agency is located; and

"(III) has a tax rate for general fund purposes that is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State.

"(ii) Resumption of eligibility.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or meets the requirements of clause (i), for that subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

"(iii) Application.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

"(D) Maximum amount for regular heavily impacted local educational agencies.—(i) Except as provided in subparagraph (E), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

"(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

"(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

"(ii)(I) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), the Secretary shall calculate the weighted student units of such children for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 0.55.

"(II) For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

"(III) For a local educational agency that has an enrollment of more than 100 but not more than 750 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

"(E) Maximum amount for large heavily impacted local educational agencies.—(i)(I) Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

"(II) A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

"(ii) For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

"(F) Data.—For purposes of providing assistance under this paragraph the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.".

(b) Payments With Respect to Fiscal Years in Which Insufficient Funds Are Appropriated.—Section 8003(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(3)) (as so redesignated) is amended—

(1) in subparagraph (A), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subparagraph (B)—

(A) in the heading, by inserting after "PAYMENTS" the following: "IN LIEU OF PAYMENTS UNDER PARAGRAPH (1)";

(B) in clause (i)—

(i) in the matter preceding subclause (I), by inserting before "by multiplying" the following: "in lieu of basic support payments under paragraph (1)"; and

(ii) in subclause (II), by striking "(not including amounts received under subsection (f))"; and

(C) by adding at the end the following:

"(iv) In the case of a local educational agency that has a total student enrollment of fewer than 1,000 students and that has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located, the total percentage used to calculate threshold payments under clause (i) shall not be less than 40 percent.";

(3) by redesignating subparagraph (C) as subparagraph (D);

(4) by inserting after subparagraph (B) the following:

"(C) Learning Opportunity Threshold Payments in Lieu of Payments Under Paragraph (2).—For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2) shall be equal to the amount obtained under subparagraph (D) or (E) of paragraph (2), as the case may be."; and

(5) in subparagraph (D) (as so redesignated), by striking "computation made under subparagraph (B)" and inserting "computations made under subparagraphs (B) and (C)".

(c) Conforming Amendments.—Section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended—

(1) in the matter preceding subparagraph (A) of subsection (a)(1), by striking "subsection (b), (d), or (f)" and inserting "subsection (b) or (d)";

(2) in subsection (b)—

(A) in paragraph (1)(C), in the matter preceding clause (i), by striking "this subsection" and inserting "this paragraph"; and

(B) in paragraph (4) (as so redesignated)—

(i) in subparagraph (A), by striking "paragraphs (1)(B), (1)(C), and (2) of this subsection" and inserting "subparagraphs (B) and (C) of paragraph (1) or subparagraphs (B) through (D) of paragraph (2), as the case may be, paragraph (3) of this subsection"; and

(ii) in subparagraph (B)—

(I) by inserting after "paragraph (1)(C)" the following: "or subparagraph (D) or (E) of paragraph (2), as the case may be,"; and

(II) by striking "paragraph (2)(B)" and inserting "subparagraph (B) or (C) of paragraph (3), as the case may be,";

(3) in subsection (c)(1), by striking "paragraph (2) and subsection (f)" and inserting "subsections (b)(1)(D), (b)(2), and paragraph (2)";

(4) by striking subsection (f); and

(5) in subsection (h), by striking "section 6" and all that follows through "1994)" and inserting "section 386 of the National Defense Authorization Act for Fiscal Year 1993".

SEC. 1807. BASIC SUPPORT PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES AFFECTED BY REMOVAL OF FEDERAL PROPERTY.

Section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)), as amended by this Act, is further amended by adding at the end the following:

"(5) Local Educational Agencies Affected by Removal of Federal Property.—

"(A) In General.—In computing the amount of a basic support payment under this subsection for a fiscal year for a local educational agency described in subparagraph (B), the Secretary shall meet the additional requirements described in subparagraph (C).

"(B) Local Educational Agency Described.—A local educational agency described in this subparagraph is a local educational agency with respect to which Federal property (i) located within the boundaries of the agency, and (ii) on which one or more children reside who are receiving a free public education at a school of the agency, is transferred by the Federal Government to another entity in any fiscal year beginning on or after the date of the enactment of the Impact Aid Reauthorization Act of 2000 so that the property is subject to taxation by the State or a political subdivision of the State.

"(C) Additional Requirements.—The additional requirements described in this subparagraph are the following:

"(i) For each fiscal year beginning after the date on which the Federal property is transferred, a child described in subparagraph (B) who continues to reside on such property and who continues to receive a free public education at a school of the agency shall be deemed to be a child who resides on Federal property for purposes of computing under the applicable subparagraph of subsection (a)(1) the amount that the agency is eligible to receive under this subsection.

"(ii)(I) For the third fiscal year beginning after the date on which the Federal property is transferred, and for each fiscal year thereafter, the Secretary shall, after computing the amount that the agency is otherwise eligible to receive under this subsection for the fiscal year involved, deduct from such amount an amount equal to the revenue received by the agency for the immediately preceding fiscal year as a result of the taxable status of the former Federal property.

"(II) For purposes of determining the amount of revenue to be deducted in accordance with subclause (I), the local educational agency—

"(aa) shall provide for a review and certification of such amount by an appropriate local tax authority; and

"(bb) shall submit to the Secretary a report containing the amount certified under item (aa).".

SEC. 1808. ADDITIONAL PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF CHILDREN WITH SEVERE DISABILITIES.

(a) Repeal.—Subsection (g) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(g)) is repealed.

(b) Conforming Amendments.—(1) Section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(2) Section 426 of the General Education Provisions Act (20 U.S.C. 1228) is amended by striking "subsections (d) and (g) of section 8003 of such Act" and inserting "section 8003(d) of such Act".

SEC. 1809. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

Section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)) is amended—

(1) in paragraph (2), by inserting after "not more than 60 days after a deadline established under subsection (c)" the following: ", or not more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to paragraph (3)(A), as the case may be,"; and

(2) in paragraph (3) to read as follows:

"(3) Late Applications.—

"(A) Notice.—The Secretary shall, as soon as practicable after the deadline established under subsection (c), provide to each local educational agency that applied for a payment under section 8002 or 8003 for the prior fiscal year, and with respect to which the Secretary has not received an application for a payment under either such section (as the case may be) for the fiscal year in question, written notice of the failure to comply with the deadline and instruction to ensure that the application is filed not later than 60 days after the date on which the Secretary sends the notice.

"(B) Acceptance and Approval of Late Applications.—The Secretary shall not accept or approve any application of a local educational agency that is filed more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to subparagraph (A).".

SEC. 1810. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

Section 8006 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7706) is repealed.

SEC. 1811. CONSTRUCTION.

Section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) is amended to read as follows:

"SEC. 8007. CONSTRUCTION.

"(a) Construction Payments Authorized.—

"(1) In General.—From 40 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary shall make payments in accordance with this subsection to each local educational agency that receives a basic support payment under section 8003(b) for that fiscal year.

"(2) Additional Requirements.—A local educational agency that receives a basic support payment under section 8003(b)(1) shall also meet at least one of the following requirements:

"(A) The number of children determined under section 8003(a)(1)(C) for the agency for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year.

"(B) The number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) for the agency for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year.

"(3) Amount of Payments.—

"(A) Local Educational Agencies Impacted by Military Dependent Children.—The amount of a payment to each local educational agency described in this subsection that is impacted by military dependent children for a fiscal year shall be equal to—

"(i)(I) 20 percent of the amount appropriated under section 8014(e) for such fiscal year; divided by

"(II) the total number of weighted student units of children described in subparagraphs (B) and (D)(i) of section 8003(a)(1) for all local educational agencies described in this subsection (as calculated under section 8003(a)(2)), including the number of weighted student units of such children attending a school facility described in section 8008(a) if the Secretary does not provide assistance for the school facility under that section for the prior fiscal year; multiplied by

"(ii) the total number of such weighted student units for the agency.

"(B) Local Educational Agencies Impacted by Children Who Reside on Indian Lands.—The amount of a payment to each local educational agency described in this subsection that is impacted by children who reside on Indian lands for a fiscal year shall be equal to—

"(i)(I) 20 percent of the amount appropriated under section 8014(e) for such fiscal year; divided by

"(II) the total number of weighted student units of children described in section 8003(a)(1)(C) for all local educational agencies described in this subsection (as calculated under section 8003(a)(2)); multiplied by

"(ii) the total number of such weighted student units for the agency.

"(4) Use of Funds.—Any local educational agency that receives funds under this subsection shall use such funds for construction, as defined in section 8013(3).

"(b) SCHOOL FACILITY MODERNIZATION GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From 60 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary shall award grants in accordance with this subsection to eligible local educational agencies to enable the local educational agencies to carry out modernization of school facilities.

"(2) ELIGIBILITY REQUIREMENTS.—A local educational agency is eligible to receive funds under this subsection only if—

"(A) such agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, such agency's fiscal agent) has no capacity to issue bonds or is at such agency's limit in bonded indebtedness for the purposes of generating funds for capital expenditures, except that a local educational agency that is eligible to receive funds under section 8003(b)(2) shall be deemed to meet the requirements of this subparagraph; and

"(B)(i) such agency received assistance under section 8002(a) for the fiscal year and has an assessed value of taxable property per student in the school district that is less than the average of the assessed value of taxable property per student in the State in which the local educational agency is located; or

"(ii) such agency received assistance under subsection (a) for the fiscal year and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

"(3) AWARD CRITERIA.—In awarding grants under this subsection the Secretary shall consider one or more of the following factors:

"(A) The extent to which the local educational agency lacks the fiscal capacity to undertake the modernization project without Federal assistance.

"(B) The extent to which property in the local educational agency is nontaxable due to the presence of the Federal Government.

"(C) The extent to which the local educational agency serves high numbers or percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1).

"(D) The need for modernization to meet—

"(i) the threat that the condition of the school facility poses to the health, safety, and well-being of students;

"(ii) overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment; and

"(iii) facility needs resulting from actions of the Federal Government.

"(E) The age of the school facility to be modernized.

"(4) OTHER AWARD PROVISIONS.—

"(A) FEDERAL SHARE.—The Federal funds provided under this subsection to a local educational agency described in subparagraph (C) shall not exceed 50 percent of the total cost of the project to be assisted under this subsection. A local educational agency may use in-kind contributions to meet the matching requirement of the preceding sentence.

"(B) MAXIMUM GRANT.—A local educational agency described in subparagraph (C) may not receive a grant under this subsection in an amount that exceeds $3,000,000 during any 5-year period.

"(C) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this subparagraph is a local educational agency that has the authority to issue bonds but is at such agency's limit in bonded indebtedness for the purposes of generating funds for capital expenditures.

"(5) APPLICATIONS.—A local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain—

"(A) documentation certifying such agency's lack of bonding capacity;

"(B) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility;

"(C) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located;

"(D) a description of any school facility deficiency that poses a health or safety hazard to the occupants of the school facility and a description of how that deficiency will be repaired;

"(E) a description of the modernization to be supported with funds provided under this subsection;

"(F) a cost estimate of the proposed modernization; and

"(G) such other information and assurances as the Secretary may reasonably require.

"(6) EMERGENCY GRANTS.—

"(A) APPLICATIONS.—Each local educational agency described in paragraph (2)(B)(ii) that desires a grant under this subsection shall include in the application submitted under paragraph (5) a signed statement from an appropriate local official certifying that a health or safety deficiency exists.

"(B) PRIORITY.—If the Secretary receives more than one application from local educational agencies described in paragraph (2)(B)(ii) for grants under this subsection for any fiscal year, the Secretary shall give priority to local educational agencies based on the severity of the emergency, as determined by the Secretary, and when the application was received.

"(C) ALLOCATION; REPORTING REQUIREMENT.—

"(i) ALLOCATION.—In awarding grants under this subsection to local educational agencies described in paragraph (2)(B)(ii), the Secretary shall consider all applications received from local educational agencies that meet the requirement of subsection (a)(2)(A) and local educational agencies that meet the requirement of subsection (a)(2)(B).

"(ii) REPORTING REQUIREMENT.—

"(I) IN GENERAL.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate congressional committees a report that contains a justification for each grant awarded under this subsection for the prior fiscal year.

"(II) DEFINITION.—In this clause, the term 'appropriate congressional committees' means the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives and the Committee on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate.

"(D) CONSIDERATION FOR FOLLOWING YEAR.—A local educational agency described in paragraph (2)(B)(ii) that applies for a grant under this subsection for any fiscal year and does not receive the grant shall have the application for the grant considered for the following fiscal year, subject to the priority described in subparagraph (B).

"(7) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the modernization of school facilities used for educational purposes, and not to supplant such funds.".

SEC. 1812. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 8009 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709) is amended—

(1) in subsection (a)(1), by striking "or under" and all that follows through "of 1994)";

(2) by amending subsection (b)(1) to read as follows:

"(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under section 8002 or 8003(b) (except the amount calculated in excess of 1.0 under section 8003(a)(2)(B)) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State."; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter proceeding subparagraph (A), by striking "or under" and all that follows through "of 1994)"; and

(ii) in subparagraph (B), by striking "or under" and all that follows through "of 1994)"; and

(B) in paragraph (2), by striking "or under" and all that follows through "of 1994)".

SEC. 1813. FEDERAL ADMINISTRATION.

Section 8010(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7710(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as redesignated)—

(A) in subparagraph (D), by striking "section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) or"; and

(B) in subparagraph (E)—

(i) by striking "1994" and inserting "1999";

(ii) by striking "(or such section's predecessor authority)"; and

(iii) by striking "paragraph (2)" and inserting "paragraph (1)".

SEC. 1814. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

(a) ADMINISTRATIVE HEARINGS.—

(1) IN GENERAL.—Section 8011(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7711) is amended by adding at the end before the period the following: "if the local educational agency or State, as the case may be, submits to the Secretary a request for the hearing not later than 60 days after the date of the action of the Secretary under this title".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to an action of the Secretary under title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) initiated on or after the date of the enactment of this Act.

(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—Section 8011(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7711(b)(1)) is amended by striking "60 days" and inserting "30 working days (as determined by the local educational agency or State)".

SEC. 1815. FORGIVENESS OF OVERPAYMENTS.

The matter preceding paragraph (1) of section 8012 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7712) is amended by striking "under the Act" and all that follows through "of 1994)" and inserting "under this title's predecessor authorities".

SEC. 1816. DEFINITIONS.

Section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713) is amended—

(1) in paragraph (5)—

(A) in subparagraph (A)(iii)—

(I) in subclause (I), by striking "or" after the semicolon; and

(II) by adding at the end the following:

"(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or"; and

(B) in subparagraph (F)(i), by striking "the mutual" and all that follows through "1937" and inserting "or authorized by the Native American Housing Assistance and Self-Determination Act of 1996";

(2) in paragraph (8)(B), by striking "all States" and inserting "the 50 States and the District of Columbia";

(3) by redesignating paragraphs (11) and (12) as paragraphs (12) and (13), respectively; and

(4) by inserting after paragraph (10) the following:

"(11) MODERNIZATION.—The term 'modernization' means repair, renovation, alteration, or construction, including—

"(A) the concurrent installation of equipment; and

"(B) the complete or partial replacement of an existing school facility, but only if such replacement is less expensive and more cost-effective than repair, renovation, or alteration of the school facility.".

SEC. 1817. AUTHORIZATION OF APPROPRIATIONS.

(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—Section 8014(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(a)) is amended—

(1) by striking "$16,750,000 for fiscal year 1995" and inserting "$32,000,000 for fiscal year 2000"; and

(2) by striking "four" and inserting "three".

(b) BASIC PAYMENTS.—Section 8014(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(b)) is amended—

(1) by striking "subsections (b) and (f) of section 8003" and inserting "section 8003(b)";

(2) by striking "$775,000,000 for fiscal year 1995" and inserting "$809,400,000 for fiscal year 2000";

(3) by striking "four" and inserting "three"; and

(4) by striking ", of which 6 percent" and all that follows and inserting a period.

(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—Section 8014(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(c)) is amended—

(1) by striking "$45,000,000 for fiscal year 1995" and inserting "$50,000,000 for fiscal year 2000"; and

(2) by striking "four" and inserting "three".

(d) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—Subsection (d) of section 8014 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714) is repealed.

(e) CONSTRUCTION.—Section 8014(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(e)) is amended—

(1) by striking "$25,000,000 for fiscal year 1995" and inserting "$10,052,000 for fiscal year 2000"; and

(2) by striking "four" and inserting "three".

(f) FACILITIES MAINTENANCE.—Section 8014(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(f)) is amended—

(1) by striking "$2,000,000 for fiscal year 1995" and inserting "$5,000,000 for fiscal year 2000"; and

(2) by striking "four" and inserting "three".

(g) ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROPERTY ACQUISITION.—Section 8014(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(g)) is amended—

(1) in the heading, by striking "FEDERAL PROPERTY LOCAL EDUCATIONAL AGENCIES" and inserting "LOCAL EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROPERTY ACQUISITION"; and

(2) by striking "such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year" and inserting "$1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the three succeeding fiscal years".

SEC. 1818. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on October 1, 2000, or the date of the enactment of this Act, whichever occurs later.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2001".

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2000 projects.
Sec. 2106. Modification of authority to carry out certain fiscal year 1999 projects.
Sec. 2107. Modification of authority to carry out fiscal year 1998 project.
Sec. 2108. Authority to accept funds for realignment of certain military construction project, Fort Campbell, Kentucky.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama.	Redstone Arsenal	$39,000,000
Alaska	Fort Richardson	$3,000,000
Arizona	Fort Huachuca	$4,600,000
Arkansas.	Pine Bluff Arsenal ..	$2,750,000
California.	Fort Irwin	$31,000,000
	Presidio, Monterey ..	$2,600,000
Georgia	Fort Benning	$15,800,000
	Fort Gordon	$2,600,000
Hawaii	Pohakoula Training Facility.	$32,000,000
	Schofield Barracks ..	$43,800,000
Kansas	Fort Riley	$22,000,000
Kentucky.	Fort Knox	$550,000
Maryland.	Fort Meade	$19,000,000
Missouri.	Fort Leonard Wood	$65,400,000
New Jersey.	Picatinny Arsenal ...	$5,600,000
New York.	Fort Drum	$18,000,000
North Carolina.	Fort Bragg	$222,200,000
	Sunny Point Army Terminal.	$2,300,000
Ohio	Columbus	$1,832,000
Pennsylvania.	Carlisle Barracks	$10,500,000
	New Cumberland Army Depot.	$3,700,000
Texas ...	Fort Bliss	$26,000,000
	Fort Hood	$36,492,000
	Red River Army Depot.	$800,000
Virginia	Fort Evans	$4,450,000
	Total:	$615,974,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany ..	Area Support Group, Bamberg	$11,650,000
	Area Support Group, Darmstadt	$11,300,000
	Kaiserslautern	$3,400,000
	Mannheim	$4,050,000
Korea	Camp Carroll	$10,000,000
	Camp Hovey	$30,200,000
	Camp Humphreys	$14,200,000
	Camp Page	$19,500,000
	Yongpyong	$11,850,000
Puerto Rico.	Fort Buchanan ...	$3,700,000
	Total:	$119,850,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide..	Classified Location.	$11,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	75 Units	$24,000,000
Arizona	Fort Huachuca	110 Units	$16,224,000
California	Fort Irwin	24 Units	$4,700,000
Hawaii	Schofield Barracks	72 Units	$15,500,000
Kentucky	Fort Campbell	184 Units	$27,800,000
Maryland	Fort Detrick	48 Units	$5,600,000
Missouri	Fort Leonard Wood	24 Units	$4,150,000
North Carolina	Fort Bragg	160 Units	$22,000,000
South Carolina	Fort Jackson	1 Unit	$250,000
Texas	Fort Bliss	64 Units	$10,200,000
Virginia	Fort Lee	52 Units	$8,600,000
Korea	Camp Humphreys	60 Units	$21,800,000
Puerto Rico	Fort Buchanan	31 Units	$5,000,000
	Total:		$165,824,000

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $6,542,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $63,590,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,925,344,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $419;374,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $119,850,000.

(3) For a military construction project at an unspecified worldwide location authorized by section 2101(c), $11,000,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $20,700,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $109,306,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $235,956,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $971,704,000.

(7) For the construction of phase 1C of a barracks complex, Infantry Drive, Fort Riley, Kansas, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $10,000,000.

(8) For the construction of a railhead facility, Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2182), as amended by section 2106 of this Act, $9,800,000.

(9) For the construction of a chemical defense qualification facility, Pine Bluff Arsenal, Arkansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 825), $2,592,000.

(10) For the construction of phase 1B of a barracks complex, Wilson Street, Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 825), $22,400,000.

(11) For the construction of phase 2B of a barracks complex, Tagaytay Street, Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 825), $3,108,000.

(12) For the construction of phase 2 of a tactical equipment shop, Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 825), $10,100,000.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $22,600,000 (the balance of the amount authorized under section 2101(a) for the construction of a Basic Training Complex at Fort Leonard Wood, Missouri);

(3) $10,000,000 (the balance of the amount authorized under section 2101(a) for construction of a Multipurpose Digital Training Range at Fort Hood, Texas);

(4) $34,000,000 (the balance of the amount authorized under section 2101(a) for construction of phase 1 of a barracks complex, Longstreet Road, Fort Bragg, North Carolina);

(5) $104,000,000 (the balance of the amount authorized under section 2101(a) for the construction phase 1 of a barracks complex, Bunter Road, Fort Bragg, North Carolina);

(6) $6,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a battle simulation center at Fort Drum, New York); and

(7) $20,000,000 (the balance of the amount authorized under section 2101(a) for the construction of Saddle Access Road, Pohakuloa Training Facility, Hawaii).

(c) Adjustment.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (12) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $635,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $19,911,000 which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) Construction Projects Inside the United States.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 825) is amended—

(1) in the item relating to Fort Stewart, Georgia, by striking "$71,700,000" in the amount column and inserting "$25,700,000";

(2) by striking the item relating to Fort Riley, Kansas;

(3) in the item relating to CONUS Various, by striking "$36,400,000" in the amount column and inserting "$138,900,000"; and

(4) by striking the amount identified as the total in the amount column and inserting "$1,059,250,000".

(b) Unspecified Minor Construction Projects.—Subsection (a)(3) of section 2104 of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 826) is amended by striking "$9,500,000" and inserting "$14,600,000".

(c) Conforming Amendments.—Section 2104 of the Military Construction Authorization Act for Fiscal Year 2000 is further amended—

(1) in the matter preceding subsection (a), by striking "$2,353,231,000" and inserting "$2,358,331,000"; and

(2) in subsection (b), by striking paragraph (7) and inserting the following new paragraph:

"(7) $102,500,000 (the balance of the amount authorized under section 2101(a) for Army construction and land acquisition projects covered under the item relating to CONUS Various, as amended by section 2105 of the Military Construction Authorization Act for Fiscal Year 2001).

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) Modification.—The table in section 2101 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182) is amended—

(1) in the item relating to Fort Hood, Texas, by striking "$32,500,000" in the amount column and inserting "$45,300,000";

(2) in the item relating to Fort Riley, Kansas, by striking "$41,000,000" in the amount column and inserting "$44,500,000"; and

(3) by striking the amount identified as the total in the amount column and inserting "$785,081,000".

(b) Conforming Amendments.—Section 2104 of that Act (112 Stat. 2184) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "$2,098,713,000" and inserting "$2,111,513,000"; and

(B) in paragraph (1), by striking "$609,781,000" and inserting "$622,581,000"; and

(2) in subsection (b)(7), by striking "$24,500,000" and inserting "$28,000,000".

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1998 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1967), as amended by section 2105(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2185), is amended—

(1) in the item relating to Hunter Army Airfield, Fort Stewart, Georgia, by striking "$54,000,000" in the amount column and inserting "$57,500,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$606,250,000".

(b) CONFORMING AMENDMENT.—Section 2104(b)(5) of the Military Construction Authorization Act for Fiscal Year 1998 (111 Stat. 1969) is amended by striking "$42,500,000" and inserting "$46,000,000".

SEC. 2108. AUTHORITY TO ACCEPT FUNDS FOR REALIGNMENT OF CERTAIN MILITARY CONSTRUCTION PROJECT, FORT CAMPBELL, KENTUCKY.

(a) AUTHORITY TO ACCEPT FUNDS.—(1) The Secretary of the Army may accept funds from the Federal Highway Administration or the Commonwealth of Kentucky for purposes of funding all costs associated with the realignment of the military construction project involving a rail connector located at Fort Campbell, Kentucky, as authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2763).

(2) Any funds accepted under paragraph (1) shall be credited to the account of the Department of the Army from which the costs of the realignment of the military construction project described in that paragraph are to be paid.

(b) USE OF FUNDS.—(1) The Secretary may use funds accepted under subsection (a) for any costs associated with the realignment of the military construction project described in that subsection in addition to any amounts authorized and appropriated for the military construction project.

(2) For purposes of paragraph (1), the costs associated with the realignment of the military construction project described in subsection (a) include redesign costs, additional construction costs, additional costs due to construction delays related to the realignment, and additional real estate costs.

(3) Funds accepted under subsection (a) shall remain available for use under paragraph (1) until expended.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out fiscal year 1997 project at Marine Corps Combat Development Command, Quantico, Virginia.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma.	$8,200,000
	Navy Detachment, Camp Navajo.	$2,940,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$23,870,000
	Marine Corps Air Station, Miramar	$13,740,000
	Marine Corps Base, Camp Pendleton	$8,100,000
	Marine Corps Logistics Base, Barstow	$6,660,000
	Naval Air Station, Lemoore.	$12,050,000
	Naval Air Warfare Center Weapons Division, Point Mugu	$11,400,000
	Naval Aviation Depot, North Island	$4,340,000
	Naval Facility, San Clemente Island	$8,860,000
	Naval Postgraduate School, Monterey	$5,280,000
	Naval Ship Weapons Systems Engineering Station, Port Hueneme	$10,200,000
	Naval Station, San Diego.	$53,200,000
Connecticut.	Naval Submarine Base, New London	$3,100,000
CONUS Various.	CONUS Various	$11,500,000
District of Columbia.	Marine Corps Barracks.	$24,597,000
	Naval District, Washington.	$2,450,000
	Naval Research Laboratory, Washington	$12,390,000
Florida	Naval Air Station, Whiting Field.	$5,130,000
	Naval Surface Warfare Center Wastal Systems Station, Panama City	$9,960,000
	Naval Station, Mayport.	$6,830,000
	Naval Surface Warfare Center Detachment, Ft. Lauderdale	$3,570,000
Georgia	Marine Corps Logistics Base, Albany	$1,100,000
	Navy Supply Corps School, Athens	$2,950,000
	Trident Refit Facility, Kings Bay.	$5,200,000
Hawaii	Fleet Industrial Supply Center, Pearl Harbor	$12,000,000
	Naval Undersea Weapons Station Detachment, Lualualei	$2,100,000
	Marine Corps Air Station, Kaneohe	$18,400,000
	Naval Station, Pearl Harbor.	$37,600,000
Illinois	Naval Training Center, Great Lakes	$121,400,000
Maine	Naval Air Station, Brunswick.	$2,450,000
	Naval Shipyard, Portsmouth.	$4,960,000
Maryland	Naval Explosive Ordinance Disposal Technology Center, Indian Head	$6,430,000
	Naval Air Station, Patuxent River	$8,240,000
Mississippi	Naval Air Station, Meridian.	$4,700,000
	Naval Oceanographic Office, Stennis Space Center	$6,950,000
Nevada	Naval Air Station, Fallon.	$6,280,000
New Jersey	Naval Weapons Station, Earle.	$2,420,000
North Carolina.	Marine Corps Air Station, Cherry Point	$8,480,000
	Marine Corps Air Station, New River	$3,400,000
	Marine Corps Base, Camp Lejeune	$45,870,000
	Naval Aviation Depot, Cherry Point	$7,540,000
Pennsylvania.	Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia	$10,680,000
Rhode Island.	Naval Undersea Warfare Center Division, Newport	$4,150,000
South Carolina.	Marine Corps Air Station, Beaufort	$3,140,000
	Marine Corps Recruit Depot, Parris Island	$2,660,000
Texas	Naval Air Station, Corpus Christi	$4,850,000
	Naval Air Station, Kingsville.	$2,670,000
	Naval Station, Ingleside.	$2,420,000
Virginia	AEGIS Combat Systems Center, Wallops Island	$3,300,000
	Marine Corps Combat Development Command, Quantico	$8,590,000
	Naval Air Station, Norfolk.	$31,450,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Naval Air Station, Oceana.	*$5,250,000*
	Naval Amphibious Base, Little Creek	*$2,830,000*
	Naval Shipyard, Norfolk, Portsmouth	*$16,100,000*
	Naval Station, Norfolk.	*$4,700,000*
	Naval Surface Warfare Center, Dahlgren	*$30,700,000*
Washington.	*Naval Shipyard, Bremerton, Puget Sound*	*$100,740,000*
	Naval Station, Bremerton	*$11,930,000*
	Naval Station, Everett	*$5,500,000*
	Naval Submarine Base, Bangor	*$4,600,000*
	Strategic Weapons Facility Pacific, Bremerton	*$1,400,000*
	Total:	*$811,497,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	*Administrative Support Unit.*	*$19,400,000*
Italy	*Naval Air Station, Sigonella.*	*$32,969,000*
	Naval Support Activity, Naples.	*$15,000,000*
Various Locations.	*Host Nation Infrastructure Support*	*$142,000*
	Total:	*$67,511,000*

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
California	*Marine Corps Air-Ground Combat Center, Twentynine Palms*	*79 Units*	*$13,923,000*
	Naval Air Station, Lemoore	*260 Units*	*$47,871,000*
Hawaii	*Commander Naval Base, Pearl Harbor*	*112 Units*	*$23,654,000*
	Commander Naval Base, Pearl Harbor	*62 Units*	*$14,237,000*
	Commander Naval Base, Pearl Harbor	*98 Units*	*$22,230,000*
	Marine Corps Air Station, Kaneohe Bay	*84 Units*	*$21,910,000*
Louisiana	*Naval Air Station, New Orleans*	*34 Units*	*$5,000,000*
Maine	*Naval Air Station, Brunswick*	*168 Units*	*$18,722,000*
Mississippi	*Naval Construction Battalion Center, Gulfport*	*157 Units*	*$20,700,000*
Washington	*Naval Air Station, Whidbey Island*	*98 Units*	*$16,873,000*
		Total:	*$205,120,000*

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $19,958,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $193,077,000..

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,227,995,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $750,257,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $67,511,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,659,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $73,335,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $418,155,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $882,638,000.

(6) For construction of a berthing wharf at Naval Air Station, North Island, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 828), $12,800,000.

(7) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H.M. Smith, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000, $35,600,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $17,500,000 (the balance of the amount authorized under section 2201(a) for repair of a pier at Naval Station, San Diego, California);

(3) $24,460,000 (the balance of the amount authorized under section 2201(a) for replacement of a pier at Naval Shipyard, Bremerton, Puget Sound, Washington); and

(4) $10,280,000 (the balance of the amount authorized under section 2201(a) for construction of an industrial skills center at Naval Shipyard, Bremerton, Puget Sound, Washington).

(c) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $2,889,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States;

(2) $20,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes; and

(3) $1,071,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing support outside the United States.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1997 PROJECT AT MARINE CORPS COMBAT DEVELOPMENT COMMAND, QUANTICO, VIRGINIA.

The Secretary of the Navy may carry out a military construction project involving infrastructure development at the Marine Corps Combat Development Command, Quantico, Virginia, in the amount of $8,900,000, using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2769) for a military construction project involving a sanitary landfill at that installation, as authorized by section 2201(a) of that Act (110 Stat. 2767) and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 842) and section 2703 of this Act.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base.	$3,825,000
Alaska	Cape Romanzof	$3,900,000
	Eielson Air Force Base.	$40,990,000
	Elmendorf Air Force Base.	$35,186,000
Arizona	Davis-Monthan Air Force Base	$7,900,000
Arkansas	Little Rock Air Force Base	$18,319,000
California	Beale Air Force Base.	$10,099,000
	Los Angeles Air Force Base.	$6,580,000
	Vandenberg Air Force Base.	$4,650,000
Colorado	Buckley Air National Guard Base	$2,750,000
	Peterson Air Force Base.	$22,396,000
	Schriever Air Force Base.	$8,450,000
	United States Air Force Academy	$18,960,000
CONUS Classified.	Classified Location.	$1,810,000
District of Columbia.	Bolling Air Force Base.	$4,520,000
Florida	Eglin Air Force Base.	$8,940,000
	Eglin Auxiliary Field 9.	$7,960,000
	Patrick Air Force Base.	$12,970,000
	Tyndall Air Force Base.	$31,495,000
Georgia	Fort Stewart/Hunter Army Air Field	$4,920,000
	Moody Air Force Base.	$11,318,000
	Robins Air Force Base.	$15,857,000
Hawaii	Hickam Air Force Base.	$4,620,000
Idaho	Mountain Home Air Force Base	$10,125,000
Illinois	Scott Air Force Base.	$3,830,000
Kansas	McConnell Air Force Base.	$11,864,000
Louisiana	Barksdale Air Force Base.	$20,464,000
Massachusetts.	Hanscom Air Force Base.	$12,000,000
Mississippi	Columbus Air Force Base.	$4,828,000
	Keesler Air Force Base.	$15,040,000
Missouri	Whiteman Air Force Base.	$12,050,000
Montana	Malmstrom Air Force Base.	$11,179,000
New Jersey	McGuire Air Force Base.	$29,772,000
New Mexico.	Cannon Air Force Base.	$4,934,000
	Holloman Air Force Base.	$18,380,000
	Kirtland Air Force Base.	$7,350,000
North Carolina.	Pope Air Force Base.	$24,570,000
	Seymour Johnson Air Force Base	$7,141,000
Ohio	Wright-Patterson Air Force Base	$37,508,000
Oklahoma	Altus Air Force Base.	$2,939,000
	Tinker Air Force Base.	$26,895,000
	Vance Air Force Base.	$10,504,000
South Carolina.	Charleston Air Force Base.	$22,238,000
	Shaw Air Force Base.	$8,102,000
South Dakota.	Ellsworth Air Force Base.	$10,290,000
Texas	Dyess Air Force Base.	$24,988,000
	Lackland Air Force Base.	$10,330,000
	Laughlin Air Force Base.	$11,973,000
	Sheppard Air Force Base.	$6,450,000
Utah	Hill Air Force Base.	$28,050,000
Virginia	Langley Air Force Base.	$19,650,000
Washington.	Fairchild Air Force Base.	$7,926,000
	McChord Air Force Base.	$10,250,000
Wyoming	F.E. Warren Air Force Base.	$25,720,000
	Total:	$745,755,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Diego Garcia.	Diego Garcia	$5,475,000
Italy	Aviano Air Base	$8,000,000
Korea	Kunsan Air Base	$6,400,000
	Osan Air Base	$21,948,000
Spain	Naval Station, Rota.	$5,052,000
Turkey	Incirlik Air Base	$1,000,000
	Total:	$47,875,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
California	Edwards Air Force Base	57 Units	$9,870,000
	Travis Air Force Base	64 Units	$9,870,000
District of Columbia	Bolling Air Force Base	136 Units	$17,137,000
Idaho	Mountain Home Air Force Base	119 Units	$10,598,000
Nevada	Nellis Air Force Base	26 Units	$5,000,000
North Dakota	Cavalier Air Force Station	2 Units	$443,000
	Minot Air Force Base	134 Units	$19,097,000
		Total:	$72,015,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,760,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $174,046,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,943,069,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $736,355,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $47,875,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,350,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,628,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $258,821,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $826,271,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $9,400,000 (the balance of the amount authorized under section 2301(a) for the construction of an air freight terminal and base supply complex at McGuire Air Force Base, New Jersey).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $12,231,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 1990 project.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization	Aberdeen Proving Ground	$3,100,000
Defense Education Activity	Camp Lejeune, North Carolina	$5,914,000
	Laurel Bay, South Carolina	$804,000
Defense Logistics Agency	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania ..	$17,700,000
	Defense Fuel Support Point, Cherry Point, North Carolina	$5,700,000
	Defense Fuel Support Point, MacDill Air Force Base, Florida	$16,956,000
	Defense Fuel Support Point, McConnell Air Force Base, Kansas	$11,000,000
	Defense Fuel Support Point, Naval Air Station, Fallon, Nevada	$5,000,000
	Defense Fuel Support Point, North Island, California	$5,900,000
	Defense Fuel Support Point, Oceana Naval Air Station, Virginia	$2,000,000
	Defense Fuel Support Point, Patuxent River, Maryland	$8,300,000
	Defense Fuel Support Point, Twentynine Palms, California	$2,200,000
	Defense Supply Center, Richmond, Virginia	$4,500,000
National Security Agency	Fort Meade, Maryland	$4,228,000
Special Operations Command	Eglin Auxiliary Field 9, Florida	$23,204,000
	Fleet Combat Training Center, Dam Neck, Virginia	$5,500,000
	Fort Bragg, North Carolina	$8,600,000
	Fort Campbell, Kentucky	$16,300,000
	Naval Air Station, North Island, California	$1,350,000
	Naval Air Station, Oceana, Virginia	$3,400,000
	Naval Amphibious Base, Coronado, California	$4,300,000
	Naval Amphibious Base, Little Creek, Virginia	$5,400,000
	Pearl Harbor, Hawaii	$9,900,000
TRICARE Management Activity	Edwards Air Force Base, California	$17,900,000
	Marine Corps Base, Camp Pendleton, California	$14,150,000
	Eglin Air Force Base, Florida ...	$37,600,000
	Fort Drum, New York	$1,400,000
	Patrick Air Force Base, Florida ...	$2,700,000
	Tyndall Air Force Base, Florida ...	$7,700,000
	William Beaumont Medical Center, Texas ..	$4,200,000
	Total:	$256,906,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity	Hanau, Germany	$2,030,000
	Hohenfels, Germany	$13,774,000
	Osan, Korea	$892,000
	Royal Air Force, Feltwell, United Kingdom	$1,800,000
	Royal Air Force, Lakenheath, United Kingdom	$5,650,000
	Schweinfurt, Germany	$1,750,000
	Seoul, Korea	$2,451,000
	Sigonella, Italy ...	$3,450,000
	Taegu, Korea	$806,000
	Wuerzburg, Germany	$2,635,000
Defense Finance and Accounting Service ..	Kleber Kaserne, Germany.	$7,500,000
Defense Logistics Agency	Defense Fuel Support Point, Andersen Air Force Base, Guam	$36,000,000
	Defense Fuel Support Point, Marine Corps Air Station, Iwakuni, Japan	$22,400,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
	Defense Fuel Support Point, Misawa Air Base, Japan	$26,400,000
	Defense Fuel Support Point, Royal Air Force, Mildenhall, United Kingdom	$10,000,000
	Defense Fuel Support Point, Sigonella, Italy	$16,300,000
Defense Threat Reduction Agency	Darmstadt, Germany	$2,450,000
Special Operations Command	Roosevelt Roads, Puerto Rico	$1,241,000
	Taegu, Korea	$1,450,000
TRICARE Management Agency	Kitzingen, Germany	$1,400,000
	Wiesbaden Air Base, Germany	$7,187,000
	Total:	$167,566,000

(c) Unspecified Worldwide.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations, and in the amounts, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide.	Unspecified Worldwide	$451,135,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $15,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) In General.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,883,902,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $256,906,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $167,566,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2401(c), $85,095,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $17,390,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $6,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $77,505,000.

(7) For energy conservation projects authorized by section 2402 of this Act, $15,000,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $1,024,369,000.

(9) For military family housing functions, for support of military housing (including functions described in section 2833 of title 10, United States Code), $44,886,000 of which not more than $38,478,000 may be obligated or expended for the leasing of military family housing units worldwide.

(10) For the construction of an ammunition demilitarization facility, Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $43,600,000.

(11) For the construction of phase 6 of an ammunition demilitarization facility, Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996, section 2408 of the Military Construction Authorization Act for Fiscal Year 1998, and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999, $9,400,000.

(12) For the construction of phase 2 of an ammunition demilitarization facility, Pueblo Army Depot, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), $10,700,000.

(13) For the construction of phase 3 of an ammunition demilitarization facility, Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2193), $54,400,000.

(14) For the construction of phase 3 of an ammunition demilitarization facility, Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999, $45,700,000.

(15) For construction of a replacement hospital at Fort Wainwright, Alaska, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 836), $44,000,000.

(16) For the construction of the Ammunition Demilitarization Support Phase 2, Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Act for Fiscal Year 2000, $8,500,000.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $366,040,000 (the balance of the amount authorized under section 2401(c) for construction of National Missile Defense Initial Deployment Facilities, Unspecified Worldwide locations).

(c) Adjustment.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (16) of subsection (a) is the sum of the amounts authorized to be appropriated by such paragraphs, reduced by—

(1) $7,115,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $20,000,000, which represents the combination of project savings in military construction for chemical demilitarization resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1990 PROJECT.

(a) Modification.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), is amended in the item relating to Portsmouth Naval Hospital, Virginia, by striking "$351,354,000" and inserting "$359,854,000".

(b) Conforming Amendment.—Section 2405(b)(2) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1999, is amended by striking "$342,854,000" and inserting "$351,354,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $172,000,000.

TITLE XXVI—GUARD AND RESERVE FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Authority to contribute to construction of airport tower, Cheyenne Airport, Cheyenne, Wyoming.

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2000, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $266,531,000; and

(B) for the Army Reserve, $108,738,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $62,073,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $194,929,000; and

(B) for the Air Force Reserve, $36,591,000.

SEC. 2602. AUTHORITY TO CONTRIBUTE TO CONSTRUCTION OF AIRPORT TOWER, CHEYENNE AIRPORT, CHEYENNE, WYOMING.

The Secretary of the Air Force may use up to $1,450,000 of the amounts appropriated pursuant to the authorization of appropriations in section 2601(3)(A) to make a contribution to the Cheyenne Airport Authority, consistent with applicable agreements, to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1998 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1997 projects.
Sec. 2704. Effective date.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2003; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2003; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2004 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act, shall remain in effect until October 1, 2001, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2002, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units)	$7,900,000
Texas	Fort Hood	Family Housing Construction (130 units)	$18,800,000

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Replacement Family Housing Construction (94 units)	$13,500,000
California	Marine Corps Air Station, Miramar	Family Housing Construction (166 units)	$28,881,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	Replacement Family Housing Construction (132 units)	$23,891,000
Louisiana	Naval Complex, New Orleans	Replacement Family Housing Construction (100 units)	$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units)	$22,250,000
Washington	Naval Air Station, Whidbey Island	Replacement Family Housing Construction (102 units)	$16,000,000

Air Force: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Georgia	Robins Air Force Base	Replace Family Housing (60 units)	$6,800,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (60 units)	$11,032,000
New Mexico	Kirtland Air Force Base	Replace Family Housing (180 units)	$20,900,000
Texas	Dyess Air Force Base	Construct Family Housing (70 units)	$10,503,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2782), authorizations set forth in the tables in subsection (b), as provided in section 2201, 2202, or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 842), shall remain in effect until October 1, 2001, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2002, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Florida	Navy Station, Mayport	Family Housing Construction (100 units)	$10,000,000
North Carolina	Marine Corps Base, Camp Lejuene	Family Housing Construction (94 units)	$10,110,000
South Carolina	Marine Corps Air Station, Beaufort	Family Housing Construction (140 units)	$14,000,000
Texas	Naval Complex, Corpus Christi	Family Housing Replacement (104 units)	$11,675,000
	Naval Air Station, Kingsville	Family Housing Replacement (48 units)	$7,550,000
Virginia	Marine Corps Combat Development Command, Quantico	Sanitary landfill	$8,900,000
Washington	Naval Station, Everett	Family Housing Construction (100 units)	$15,015,000

Army National Guard: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Complex (Phase II)	$5,000,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2000; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Joint use military construction projects.
Sec. 2802. Exclusion of certain costs from determination of applicability of limitation on use of funds for improvement of family housing.
Sec. 2803. Revision of space limitations for military family housing.
Sec. 2804. Modification of lease authority for high-cost military family housing.
Sec. 2805. Provision of utilities and services under alternative authority for acquisition and improvement of military housing.
Sec. 2806. Extension of alternative authority for acquisition and improvement of military housing.
Sec. 2807. Expansion of definition of armory to include readiness centers.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Increase in threshold for notice and wait requirements for real property transactions.
Sec. 2812. Enhancement of authority of military departments to lease non-excess property.
Sec. 2813. Conveyance authority regarding utility systems of military departments.
Sec. 2814. Permanent conveyance authority to improve property management.

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PART IV—OTHER CONVEYANCES

Sec. 2871. Land conveyance, Army and Air Force Exchange Service property, Farmers Branch, Texas.
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Sec. 2881. Relation of easement authority to leased parkland, Marine Corps Base, Camp Pendleton, California.
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Sec. 2886. Establishment of World War II memorial on Guam.
Sec. 2887. Naming of Army missile testing range at Kwajalein Atoll as the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.
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Sec. 2889. Designation of Balboa Naval Hospital, San Diego, California, in honor of Bob Wilson, a former member of the House of Representatives.
Sec. 2890. Sense of Congress regarding importance of expansion of National Training Center, Fort Irwin, California.
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Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. JOINT USE MILITARY CONSTRUCTION PROJECTS.

(a) SENSE OF CONGRESS ON JOINT USE PROJECTS.—It is the sense of Congress that when the Secretary of Defense assists the President in preparing the budget for the Department of Defense for a fiscal year for submission to Congress under section 1105 of title 31, United States Code, the Secretary of Defense should—

(1) seek to identify military construction projects that are suitable as joint use military construction projects;

(2) specify in the budget for the fiscal year the military construction projects that are identified under paragraph (1); and

(3) give priority in the budget for the fiscal year to the military construction projects specified under paragraph (2).

(b) ANNUAL EVALUATION OF JOINT USE PROJECTS.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§2815. Joint use military construction projects: annual evaluation

"(a) JOINT USE MILITARY CONSTRUCTION PROJECT DEFINED.—In this section, the term 'joint use military construction project' means a military construction project for a facility intended to be used by—

"(1) both the active and a reserve component of a single armed force; or

"(2) two or more components (whether active or reserve components) of the armed forces.

"(b) ANNUAL EVALUATION.—In the case of the budget submitted under section 1105 of title 31 for fiscal year 2003 and each fiscal year thereafter, the Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the budget a certification by each Secretary concerned that, in evaluating military construction projects for inclusion in the budget for that fiscal year, the Secretary concerned evaluated the feasibility of carrying out the projects as joint use military construction projects.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2815. Joint use military construction projects: annual evaluation.".

SEC. 2802. EXCLUSION OF CERTAIN COSTS FROM DETERMINATION OF APPLICABILITY OF LIMITATION ON USE OF FUNDS FOR IMPROVEMENT OF FAMILY HOUSING.

Section 2825(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) In determining the applicability of the limitation contained in paragraph (1), the Secretary concerned shall not include as part of the cost of the improvement of the unit or units concerned the following:

"(A) The cost of the installation of communications, security, or antiterrorism equipment required by an occupant of the unit or units to perform duties assigned to the occupant as a member of the armed forces.

"(B) The cost of the maintenance or repair of equipment described in subparagraph (A) installed for the purpose specified in such subparagraph.".

SEC. 2803. REVISION OF SPACE LIMITATIONS FOR MILITARY FAMILY HOUSING.

(a) IN GENERAL.—(1) Section 2826 of title 10, United States Code, is amended to read as follows:

"§2826. Military family housing: local comparability of room patterns and floor areas

"(a) LOCAL COMPARABILITY.—In the construction, acquisition, and improvement of military family housing, the Secretary concerned shall ensure that the room patterns and floor areas of military family housing in a particular locality (as designated by the Secretary concerned for purposes of this section) are similar to room patterns and floor areas of similar housing in the private sector in that locality.

"(b) REQUESTS FOR AUTHORITY FOR MILITARY FAMILY HOUSING.—(1) In submitting to Congress a request for authority to carry out the construction, acquisition, or improvement of military family housing, the Secretary concerned shall include in the request information on the net floor area of each unit of military family housing to be constructed, acquired, or improved under the authority.

"(2) In this subsection, the term 'net floor area', in the case of a military family housing unit, means the total number of square feet of the floor space inside the exterior walls of the unit, excluding the floor area of an unfinished basement, an unfinished attic, a utility space, a garage, a carport, an open or insect-screened porch, a stairwell, and any space used for a solar-energy system.".

(2) The table of sections at the beginning of subchapter II of chapter 169 of that title is amended by striking the item relating to section 2826 and inserting the following new item:

"2826. Military family housing: local comparability of room patterns and floor areas.".

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall take effect on October 1, 2001, but the Secretary of Defense shall anticipate the requirements of section 2826 of title 10, United States Code, as added by such subsection, when preparing the budget request for new construction, acquisition, or improvement of military family housing for fiscal year 2002.

(2) Section 2826 of title 10, United States Code, as in effect on September 30, 2001, shall continue to apply with respect to the construction, acquisition, or improvement of military family housing commenced on or before that date.

SEC. 2804. MODIFICATION OF LEASE AUTHORITY FOR HIGH-COST MILITARY FAMILY HOUSING.

(a) LEASES FOR UNITED STATES SOUTHERN COMMAND.—Paragraph (4) of section 2828(b) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) by striking the second sentence; and

(3) by adding at the end the following new subparagraphs:

''(B) The amount of all leases under this paragraph may not exceed $280,000 per year, as adjusted from time to time under paragraph (6).

''(C) The term of any lease under this paragraph may not exceed 5 years.''.

(b) ANNUAL ADJUSTMENT OF MAXIMUM LEASE AMOUNTS.—Such section is further amended by striking paragraph (5) and inserting the following new paragraphs:

''(5) At the beginning of each fiscal year, the Secretary concerned shall adjust the maximum lease amount provided for leases under paragraphs (2) and (3) for the previous fiscal year by the percentage (if any) by which the national average monthly cost of housing (as calculated for purposes of determining rates of basic allowance for housing under section 403 of title 37) for the preceding fiscal year exceeds the national average monthly cost of housing (as so calculated) for the fiscal year before such preceding fiscal year.

''(6) At the beginning of each fiscal year, the Secretary of the Army shall adjust the maximum aggregate amount for leases under paragraph (4) for the previous fiscal year by the percentage (if any) by which the annual average cost of housing for the Miami Military Housing Area (as calculated for purposes of determining rates of basic allowance for housing under section 403 of title 37) for the preceding fiscal year exceeds the annual average cost of housing for the Miami Military Housing Area (as so calculated) for the fiscal year before such preceding fiscal year.''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (2), by inserting after ''per year'' the following: '', as adjusted from time to under paragraph (5)''; and

(2) in paragraph (3), by striking ''$12,000 per unit per year but does not exceed $14,000 per unit per year'' and inserting ''the maximum amount per unit per year in effect under paragraph (2) but does not exceed $14,000 per unit per year, as adjusted from time to time under paragraph (5)''.

SEC. 2805. PROVISION OF UTILITIES AND SERVICES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) AUTHORITY TO FURNISH ON REIMBURSABLE BASIS.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2872 the following new section:

''§2872a. Utilities and services

''(a) AUTHORITY TO FURNISH.—The Secretary concerned may furnish utilities and services referred to in subsection (b) in connection with any military housing acquired or constructed pursuant to the exercise of any authority or combination of authorities under this subchapter if the military housing is located on a military installation.

''(b) COVERED UTILITIES AND SERVICES.—The utilities and services that may be furnished under subsection (a) are the following:

''(1) Electric power.

''(2) Steam.

''(3) Compressed air.

''(4) Water.

''(5) Sewage and garbage disposal.

''(6) Natural gas.

''(7) Pest control.

''(8) Snow and ice removal.

''(9) Mechanical refrigeration.

''(10) Telecommunications service.

''(c) REIMBURSEMENT.—(1) The Secretary concerned shall be reimbursed for any utilities or services furnished under subsection (a).

''(2) The amount of any cash payment received under paragraph (1) shall be credited to the appropriation or working capital account from which the cost of furnishing the utilities or services concerned was paid. Amounts so credited to an appropriation or account shall be merged with funds in such appropriation or account, and shall be available to the same extent, and subject to the same terms and conditions, as such funds.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2872 the following new item:

''2872a. Utilities and services.''.

SEC. 2806. EXTENSION OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

Section 2885 of title 10, United States Code, is amended by striking ''February 10, 2001'' and inserting ''December 31, 2004''.

SEC. 2807. EXPANSION OF DEFINITION OF ARMORY TO INCLUDE READINESS CENTERS.

(a) DEFINITION.—Section 18232(3) of title 10, United States Code, is amended—

(1) in the first sentence, by striking ''The term 'armory' means'' and inserting ''The terms 'armory' and 'readiness center' mean''; and

(2) in the second sentence, by striking ''It includes'' and inserting ''Such terms include''.

(b) CONFORMING AMENDMENTS.—(1) Section 18232(2) of such title is amended by striking ''armory or other structure'' and inserting ''armory, readiness center, or other structure''.

(2) Section 18236(b) of such title by inserting ''or readiness center'' after ''armory''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. INCREASE IN THRESHOLD FOR NOTICE AND WAIT REQUIREMENTS FOR REAL PROPERTY TRANSACTIONS.

(a) INCREASED THRESHOLD.—Section 2662 of title 10, United States Code, is amended by striking ''$200,000'' each place it appears and inserting ''$500,000''.

(b) REFERENCE TO SIMPLIFIED ACQUISITION THRESHOLD.—Subsection (b) of such section is amended by striking ''under section 2304(g) of this title'' and inserting ''specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)),''.

SEC. 2812. ENHANCEMENT OF AUTHORITY OF MILITARY DEPARTMENTS TO LEASE NON-EXCESS PROPERTY.

(a) PROPERTY AVAILABLE FOR LEASE.—Subsection (a) of section 2667 of title 10, United States Code, is amended—

(1) by inserting ''and'' at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) ACCEPTANCE OF IN-KIND CONSIDERATION.—Such section is further amended—

(1) in subsection (b)(5)—

(A) by striking ''improvement, maintenance, protection, repair, or restoration,'' and inserting ''alteration, repair, or improvement,''; and

(B) by striking '', or of the entire unit or installation where a substantial part of it is leased,'';

(2) by transferring subsection (c) to the end of the section and redesignating such subsection, as so transferred, as subsection (i);

(3) by inserting after subsection (b) the following new subsection (c):

''(c)(1) In addition to any in-kind consideration accepted under subsection (b)(5), in-kind consideration accepted with respect to a lease under this section may include the following:

''(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities under the control of the Secretary concerned.

''(B) Construction of new facilities for the Secretary concerned.

''(C) Provision of facilities for use by the Secretary concerned.

''(D) Facilities operation support for the Secretary concerned.

''(E) Provision of such other services relating to activities that will occur on the leased property as the Secretary concerned considers appropriate.

''(2) In-kind consideration under paragraph (1) may be accepted at any property or facilities under the control of the Secretary concerned that are selected for that purpose by the Secretary concerned.

''(3) Sections 2662 and 2802 of this title shall not apply to any new facilities whose construction is accepted as in-kind consideration under this subsection.

''(4) In the case of a lease for which all or part of the consideration proposed to be accepted by the Secretary concerned under this subsection is in-kind consideration with a value in excess of $500,000, the Secretary concerned may not enter into the lease until 30 days after the date on which a report on the facts of the lease is submitted to the congressional defense committees.''; and

(4) in subsection (f)—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(c) USE OF PROCEEDS.—Subsection (d)(1) of such section is amended to read as follows:

''(d)(1)(A) The Secretary of a military department shall deposit in a special account in the Treasury established for such military department the following:

''(i) All money rentals received pursuant to leases entered into by that Secretary under this section.

''(ii) All proceeds received pursuant to the granting of easements by that Secretary under sections 2668 and 2669 of this title.

''(iii) All proceeds received by that Secretary from authorizing the temporary use of other property under the control of that military department.

''(B) Subparagraph (A) does not apply to the following proceeds:

''(i) Amounts paid for utilities and services furnished lessees by the Secretary of a military department pursuant to leases entered into under this section.

''(ii) Money rentals referred to in paragraph (4) or (5).

''(C) Subject to subparagraphs (D) and (E), the proceeds deposited in the special account of a military department pursuant to subparagraph (A) shall be available to the Secretary of that military department, in such amounts as provided in appropriation Acts, for the following:

''(i) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities.

"(ii) Construction or acquisition of new facilities.

"(iii) Lease of facilities.

"(iv) Facilities operation support.

"(D) At least 50 percent of the proceeds deposited in the special account of a military department under subparagraph (A) shall be available for activities described in subparagraph (C) only at the military installation where the proceeds were derived.

"(E) The Secretary concerned may not expend under subparagraph (C) an amount in excess of $500,000 at a single installation until 30 days after the date on which a report on the facts of the proposed expenditure is submitted to the congressional defense committees.".

(d) CONGRESSIONAL NOTIFICATION.—Subsection (d)(3) of such section is amended—

(1) in the matter preceding subparagraph (A), by striking "As part" and all that follows through "Secretary of Defense" and inserting "Not later than March 15 each year, the Secretary of Defense shall submit to the congressional defense committees a report which"; and

(2) in subparagraph (A), by striking "request" and inserting "report".

(e) DEFINITIONS.—Subsection (h) of such section is amended to read as follows:

"(h) In this section:

"(1) The term 'congressional defense committees' means:

"(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

"(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

"(2) The term 'base closure law' means the following:

"(A) Section 2687 of this title.

"(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(C) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(3) The term 'military installation' has the meaning given such term in section 2687(e)(1) of this title.".

(f) CONFORMING AMENDMENTS.—(1) Section 2668 of such title is amended by adding at the end the following new subsection:

"(e) Subsection (d) of section 2667 of this title shall apply with respect to proceeds received by the Secretary of a military department in connection with an easement granted under this section in the same manner as such subsection applies to money rentals received pursuant to leases entered into by that Secretary under such section.".

(2) Section 2669 of such title is amended by adding at the end the following new subsection:

"(e) Subsection (d) of section 2667 of this title shall apply with respect to proceeds received by the Secretary of a military department in connection with an easement granted under this section in the same manner as such subsection applies to money rentals received pursuant to leases entered into by that Secretary under such section.".

SEC. 2813. CONVEYANCE AUTHORITY REGARDING UTILITY SYSTEMS OF MILITARY DEPARTMENTS.

(a) SELECTION OF CONVEYEE.—Subsection (b) of section 2688 of title 10, United States Code, is amended—

(1) by inserting "(1)" before "If more than one"; and

(2) by adding at the end the following new paragraphs:

"(2) Notwithstanding paragraph (1), the Secretary concerned may use procedures other than competitive procedures, but only in accordance with subsections (c) through (f) of section 2304 of this title, to select the conveyee of a utility system (or part of a utility system) under subsection (a).

"(3) With respect to the solicitation process used in connection with the conveyance of a utility system (or part of a utility system) under subsection (a), the Secretary concerned shall ensure that the process is conducted in a manner consistent with the laws and regulations of the State in which the utility system is located to the extent necessary to ensure that all interested regulated and unregulated utility companies and other interested entities receive an opportunity to acquire and operate the utility system to be conveyed.".

(b) APPLICABILITY OF REGULATORY REQUIREMENTS.—Subsection (f) of such section is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary concerned shall require in any contract for the conveyance of a utility system (or part of a utility system) under subsection (a) that the conveyee manage and operate the utility system in a manner consistent with applicable Federal and State regulations pertaining to health, safety, fire, and environmental requirements.".

SEC. 2814. PERMANENT CONVEYANCE AUTHORITY TO IMPROVE PROPERTY MANAGEMENT.

Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

"(B) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

"(i) law enforcement purposes, as determined by the Attorney General; or

"(ii) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.".

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. SCOPE OF AGREEMENTS TO TRANSFER PROPERTY TO REDEVELOPMENT AUTHORITIES WITHOUT CONSIDERATION UNDER THE BASE CLOSURE LAWS.

(a) 1990 LAW.—Section 2905(b)(4)(B)(i) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking "the transfer" and inserting "the initial transfer of property".

(b) 1988 LAW.—Section 204(b)(4)(B)(i) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking "the transfer" and inserting "the initial transfer of property".

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. TRANSFER OF JURISDICTION, ROCK ISLAND ARSENAL, ILLINOIS.

(a) TRANSFER AUTHORIZED.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 23 acres and comprising a portion of the Rock Island Arsenal, Illinois.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Rock Island National Cemetery and use the transferred property as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, GALESBURG, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Knox County, Illinois (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Galesburg, Illinois, consisting of approximately 4.65 acres and containing an Army Reserve Center for the purpose of permitting the County to use the parcel for municipal office space.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, CHARLES MELVIN PRICE SUPPORT CENTER, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey to the Tri-City Regional Port District of Granite City, Illinois (in this section referred to as the "Port District"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 752 acres and known as the Charles Melvin Price Support Center, for the purpose of permitting the Port District to use the parcel for development of a port facility and for other public purposes.

(2) The property to be conveyed under paragraph (1) shall include 158 units of military family housing at the Charles Melvin Price Support Center for the purpose of permitting the Port District to use the housing to provide affordable housing, but only if the Port District agrees to provide members of the Armed Forces first priority in leasing the housing at a rental rate not to exceed the member's basic allowance for housing.

(3) The Secretary of the Army may include as part of the conveyance under paragraph (1) personal property of the Army at the Charles Melvin Price Support Center that the Secretary of Transportation recommends is appropriate for the development or operation of the port facility and the Secretary of the Army agrees is excess to the needs of the Army.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary of the Army may lease the property to the Port District.

(c) CONSIDERATION.—(1) The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Army determines that the Port District satisfies the criteria specified in section 203(q) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(q)) and regulations prescribed to implement such section. If the Secretary determines that the Port District fails to qualify for a public benefit conveyance, but still desires to acquire the property, the Port District shall pay to the United States an amount equal to the fair

market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary of the Army.

(2) The Secretary of the Army may accept as consideration for a lease of the property under subsection (b) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease.

(d) Army Reserve Activities.—(1) Notwithstanding the total acreage of the parcel authorized for conveyance under subsection (a), the Secretary of the Army may retain up to 50 acres of the parcel for use by the Army Reserve. The acreage selected for retention shall be mutually agreeable to the Secretary and the Port District.

(2) At such time as the Secretary of the Army determines that the property retained under this subsection is no longer needed for Army Reserve activities, the Secretary shall convey the property to the Port District. The consideration for the conveyance shall be determined in the manner provided in subsection (c).

(e) Federal Lease of Facilities.—(1) As a condition for the conveyance under subsection (a), the Secretary of the Army may require that the Port District lease to the Department of Defense or any other Federal agency facilities for use by the agency on the property being conveyed. Any lease under this subsection shall be made under terms and conditions satisfactory to the Secretary and the Port District.

(2) The agency leasing a facility under this subsection shall provide for the maintenance of the facility or pay the Port District to maintain the facility. Maintenance of the leased facilities performed by the Port District shall be to the reasonable satisfaction of the United States, or as required by all applicable Federal, State, and local laws and ordinances.

(3) At the end of a lease under this subsection, the facility covered by the lease shall revert to the Port District.

(f) Flood Control Easement.—The Port District shall grant to the Secretary of the Army an easement on the property conveyed under subsection (a) for the purpose of permitting the Secretary to implement and maintain flood control projects. The Secretary of the Army, acting through the Corps of Engineers, shall be responsible for the maintenance of any flood control project built on the property pursuant to the easement.

(g) Description of Property.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army and the Port District. The cost of such survey shall be borne by the Port District.

(h) Additional Terms.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, FORT RILEY, KANSAS.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the State of Kansas (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 70 acres at Fort Riley Military Reservation, Fort Riley, Kansas. The preferred site is adjacent to the Fort Riley Military Reservation boundary, along the north side of Huebner Road across from the First Territorial Capitol of Kansas Historical Site Museum.

(b) Conditions of Conveyance.—The conveyance under subsection (a) shall be subject to the conditions that—

(1) the State use the property conveyed solely for purposes of establishing and maintaining a State-operated veterans cemetery; and

(2) all costs associated with the conveyance, including the cost of relocating water and electric utilities should the Secretary determine that such relocations are necessary, be borne by the State.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Director of the Kansas Commission on Veterans Affairs.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, FORT POLK, LOUISIANA.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the State of Louisiana (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 200 acres at Fort Polk, Louisiana, for the purpose of permitting the State to establish a State-run cemetery for veterans.

(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Winona State University Foundation of Winona, Minnesota (in this section referred to as the "Foundation"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Winona, Minnesota, containing an Army Reserve Center for the purpose of permitting the Foundation to use the parcel for educational purposes.

(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Foundation.

(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCE, FORT DIX, NEW JERSEY.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to Pemberton Township, New Jersey (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property at Fort Dix, New Jersey, consisting of approximately 2 acres and containing a parking lot inadvertently constructed on the parcel by the Township.

(b) Conditions of Conveyance.—The conveyance authorized under subsection (a) shall be subject to the conditions that—

(1) the Township accept the property as is; and

(2) the Township assume responsibility for any environmental restoration or remediation required with respect to the property under applicable law.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2838. LAND CONVEYANCE, NIKE SITE 43, ELRAMA, PENNSYLVANIA.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Board of Supervisors of Union Township, Pennsylvania (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Elrama, Pennsylvania, consisting of approximately 160 acres, which is known as Nike Site 43 and was more recently used by the Pennsylvania Army National Guard, for the purpose of permitting the Township to use the parcel for municipal storage and other public purposes.

(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LAND CONVEYANCE, ARMY RESERVE LOCAL TRAINING CENTER, CHATTANOOGA, TENNESSEE.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Medal of Honor Museum, Inc., a nonprofit corporation organized in the State of Tennessee (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 15 acres at the Army Reserve Local Training Center located on Bonny Oaks Drive, Chattanooga, Tennessee, for the purpose of permitting the Corporation to develop and use the parcel as a museum and for other educational purposes.

(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2840. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) Exchange Authorized.—The Secretary of the Army may convey to the City of Copperas Cove, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 100 acres at Fort Hood, Texas, in exchange for the City's conveyance to the Secretary of all right, title, and interest of the City in and to one or more parcels of real property that are acceptable to the Secretary and consist of a total of approximately 300 acres.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2841. LAND CONVEYANCE, FORT PICKETT, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Commonwealth of Virginia (in this section referred to as the "Commonwealth"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 700 acres at Fort Pickett, Virginia, for the purpose of permitting the Commonwealth to develop and operate a public safety training facility.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Commonwealth.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCE, FORT LAWTON, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Seattle, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to the real property at Fort Lawton, Washington, consisting of Area 500 and Government Way from 36th Avenue to Area 500, for purposes of the inclusion of the property in Discovery Park, Seattle, Washington.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. LAND CONVEYANCE, VANCOUVER BARRACKS, WASHINGTON.

(a) CONVEYANCE OF WEST BARRACKS AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Vancouver, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, encompassing 19 structures at Vancouver Barracks, Washington, which are identified by the Army using numbers between 602 and 676, and are known as the west barracks.

(b) PURPOSE.—The purpose of the conveyance authorized by subsection (a) shall be to include the property described in that subsection in the Vancouver National Historic Reserve, Washington.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2846. MODIFICATION OF LAND CONVEYANCE, MARINE CORPS AIR STATION, EL TORO, CALIFORNIA.

(a) USE OF CONSIDERATION.—Subsection (a)(2) of section 2811 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1650) is amended by striking "of additional military family housing units at Marine Corps Air Station, Tustin, California." and inserting "and repair of roads and development of Aerial Port of Embarkation facilities at Marine Corps Air Station, Miramar, California.".

(b) CONFORMING AMENDMENT.—The section heading of such section is amended by striking **", AND CONSTRUCTION OF FAMILY HOUSING AT MARINE CORPS AIR STATION, TUSTIN, CALIFORNIA"**.

SEC. 2847. MODIFICATION OF AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) ADDITIONAL RESTRICTIONS ON JOINT USE.—Subsection (c) of section 2343 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3067) is amended to read as follows:

"(c) RESTRICTIONS ON USE.—The District's use of the property covered by an agreement under subsection (a) is subject to the following conditions:

"(1) The District shall suspend operations under the agreement upon notification by the commanding officer of the Center that the property is needed to support mission essential naval vessel support requirements or Navy contingency operations, including combat missions, natural disasters, and humanitarian missions.

"(2) The District shall use the property covered by the agreement in a manner consistent with Navy operations at the Center, including cooperating with the Navy for the purpose of assisting the Navy to meet its through-put requirements at the Center for the expeditious movement of military cargo.

"(3) The commanding officer of the Center may require the District to remove any of its personal property at the Center that the commanding officer determines may interfere with military operations at the Center. If the District cannot expeditiously remove the property, the commanding officer may provide for the removal of the property at District expense.".

(b) CONSIDERATION.—Subsection (d) of such section is amended to read as follows:

"(d) CONSIDERATION.—(1) As consideration for the use of the property covered by an agreement under subsection (a), the District shall pay to the Navy an amount that is mutually agreeable to the parties to the agreement, taking into account the nature and extent of the District's use of the property.

"(2) The Secretary may accept in-kind consideration under paragraph (1), including consideration in the form of—

"(A) the District's maintenance, preservation, improvement, protection, repair, or restoration of all or any portion of the property covered by the agreement;

"(B) the construction of new facilities, the modification of existing facilities, or the replacement of facilities vacated by the Navy on account of the agreement; and

"(C) covering the cost of relocation of the operations of the Navy from the vacated facilities to the replacement facilities.

"(3) All cash consideration received under paragraph (1) shall be deposited in the special account in the Treasury established for the Navy under section 2667(d) of title 10, United States Code. The amounts deposited in the special account pursuant to this paragraph shall be available, as provided in appropriation Acts, for general supervision, administration, overhead expenses, and Center operations and for the maintenance preservation, improvement, protection, repair, or restoration of property at the Center.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 2848. TRANSFER OF JURISDICTION, MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) TRANSFER AUTHORIZED.—The Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior a parcel of real property, including any improvements thereon, consisting of approximately 250 acres and known as the Teacup Parcel, which comprises a portion of the Marine Corps Air Station, Miramar, California.

(b) USE OF LAND.—The Secretary of the Interior shall include the real property transferred under subsection (a) in the Vernal Pool Unit of the San Diego National Wildlife Refuge and administer the property for the conservation of fish and wildlife. All current and future military aviation and related activities at the Marine Corps Air Station, Miramar, are deemed to be compatible with the refuge purposes for which the property is transferred, and with any secondary uses that may be established on the transferred property.

(c) CONDITION ON TRANSFER.—The transfer authorized under subsection (a) shall be subject to the condition that the Secretary of the Interior make the transferred property available to the Secretary of the Navy for any habitat restoration or preservation project that may be required for mitigation of military activities occurring at the Marine Corps Air Station, Miramar, unless the Secretary of the Interior determines that the project will adversely affect the property's sensitive wildlife and habitat resource values.

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary of the Interior.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2849. LAND EXCHANGE, MARINE CORPS RECRUIT DEPOT, SAN DIEGO, CALIFORNIA.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Navy may convey to the San Diego Unified Port District of San Diego, California (in this section referred to as the "Port District"), all right, title, and interest of the United States in and to three parcels of real property, including any improvements thereon, consisting of approximately 44.5 acres and comprising a portion of the Marine Corps Recruit Depot, San Diego, California, in exchange for the Port District's—

(1) conveyance to the Secretary of all right, title, and interest of Port District in and to a parcel of real property that is acceptable to the Secretary and contiguous to the Marine Corps Recruit Depot; and

(2) construction of suitable replacement facilities and necessary supporting structures on the parcel or other property comprising the Marine Corps Recruit Depot, as determined necessary by the Secretary.

(b) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance to the Port District authorized by subsection (a) until the Secretary determines that the replacement facilities have been constructed and are ready for occupancy.

(c) ADMINISTRATIVE EXPENSES.—The Port District shall reimburse the Secretary for administrative expenses incurred by the Secretary in carrying out the exchange under subsection (a), including expenses related to the planning, design, survey, environmental compliance, and supervision and inspection of construction of the replacement facilities. Section 2695(c) of title 10, United States Code, shall apply to the amounts received by the Secretary.

(d) CONSTRUCTION SCHEDULE.—The Port District shall construct the replacement facilitates pursuant to such schedule and in such a manner so as to not interrupt or adversely affect the capability of the Marine Corps Recruit Depot to accomplish its mission.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Port District.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2850. LEASE OF PROPERTY, NAVAL AIR STATION, PENSACOLA, FLORIDA.

(a) AUTHORITY TO LEASE.—The Secretary of the Navy may lease, without consideration, to the Naval Aviation Museum Foundation (in this section referred to as the "Foundation") real property improvements constructed by the Foundation at the National Museum of Naval Aviation at Naval Air Station, Pensacola, Florida, for the purpose of permitting the Foundation to operate a National Flight Academy to encourage and assist American young people to develop an interest in naval aviation and to preserve and enhance the image and heritage of naval aviation.

(b) CONSTRUCTION.—The Foundation shall be solely responsible for the design and construction of the real property improvements referred to in subsection (a). Upon completion, the improvements shall be donated to and become the property of the United States, subject to the terms of the lease under subsection (a).

(c) TERM OF LEASE.—(1) The lease authorized by subsection (a) may be for a term of up to 50 years, with an option to renew for an additional 50 years.

(2) In the event that the National Flight Academy ceases operation for a period in excess of 1 year during the leasehold period, or any extension thereof, the lease shall immediately terminate without cost or future liability to the United States.

(d) USE BY NAVY.—The Secretary may use all or a portion of the leased property when the National Flight Academy is not in session or whenever the use of the property would not conflict with operation of the Academy. The Foundation shall permit such use at no cost to the Navy.

(e) MAINTENANCE AND REPAIR.—The Foundation shall be solely responsible during the leasehold period, and any extension thereof, for the operation, maintenance, and repair or replacement of the real property improvements authorized for lease under this section.

(f) ASSISTANCE.—(1) Subject to subsection (e), the Secretary may assist the Foundation in implementing the National Flight Academy by furnishing facilities, utilities, maintenance, and other services within the boundaries of Naval Air Station, Pensacola. The Secretary may require the Foundation to reimburse the Secretary for the facilities, utilities, maintenance, or other services so provided or may provide the facilities, utilities, maintenance, or other services without reimbursement by the Foundation.

(2) Any assistance provided the Foundation pursuant to paragraph (1) may be terminated by the Secretary without notice, cause, or liability to the United States.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2851. LAND CONVEYANCE, NAVAL RESERVE CENTER, TAMPA, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Tampa Port Authority of Tampa, Florida (in this section referred to as the "Port Authority"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2.18 acres and comprising the Naval Reserve Center, Tampa, Florida, for the purpose of permitting the Port Authority to use the parcel to facilitate the expansion of the Port of Tampa.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) The Port Authority will accept the Naval Reserve Center as is.

(2) The Port Authority will provide a replacement facility for the Naval Reserve Center on a site of comparable size and consisting of comparable improvements on port property or other public land acceptable to the Secretary. In the event that a federally owned site acceptable to the Secretary is not available for the construction of the replacement facility, the Port Authority will provide a site for the replacement facility acceptable to the Secretary and convey it in fee title to the United States.

(3) The Port Authority will procure all necessary funding and the planning and design necessary to construct a replacement facility that is fully operational and satisfies the Base Facilities Requirements plan, as provided by the Naval Reserve.

(4) The Port Authority will bear all reasonable costs that the Navy may incur in the relocating to the replacement facility.

(c) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance authorized under subsection (a) until all of the conditions specified in subsection (b) have been met to the satisfaction of the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. MODIFICATION OF LAND CONVEYANCE, DEFENSE FUEL SUPPLY POINT, CASCO BAY, MAINE.

Section 2839 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3065) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) REPLACEMENT OF REMOVED ELECTRIC UTILITY SERVICE.—(1) The Secretary of Defense shall replace the electric utility service removed during the course of environmental remediation carried out with respect to the property to be conveyed under subsection (a), including the procurement and installation of electrical cables, switch cabinets, and transformers associated with the service.

"(2) As part of the replacement of the electric utility service under paragraph (1), the Secretary of Defense may, at the request of the Town, improve the electric utility service and install telecommunications service. The Secretary shall determine, in consultation with the Town, the additional costs that would be associated with the improvement of the electric utility service and the installation of telecommunications service under this paragraph, and the Town shall be responsible for the payment of such costs.".

SEC. 2853. LAND CONVEYANCE, NAVAL COMPUTER AND TELECOMMUNICATIONS STATION, CUTLER, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 263 acres located in Washington County, Maine, and known as the Naval Computer and Telecommunications Station, Cutler, Maine.

(b) REIMBURSEMENT FOR ENVIRONMENTAL AND OTHER ASSESSMENTS.—(1) The Secretary may require the recipient of the property conveyed under this section to reimburse the Secretary for the costs incurred by the Secretary for any environmental assessments and other studies and analyses carried out by the Secretary with respect to the property to be conveyed under this section before the conveyance of the property under this section.

(2) The amount of any reimbursement required under paragraph (1) shall be determined by the Secretary and may not exceed the cost of the assessments, studies, and analyses for which reimbursement is required under that paragraph.

(3) Section 2695(c) of title 10, United States Code, shall apply to the amounts received by the Secretary.

(c) LEASE OF PROPERTY PENDING CONVEYANCE.—(1) Pending the conveyance by deed of the property authorized to be conveyed by subsection (a), the Secretary may enter into one or more leases of the property.

(2) The Secretary shall deposit any amounts paid under a lease under paragraph (1) in the appropriation or account providing funds for the protection, maintenance, or repair of the property, or for the provision of utility services for the property. Amounts so deposited shall be merged with funds in the appropriation or account in which deposited, and shall be available for the same purposes, and subject to the same conditions and limitations, as the funds with which merged.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2854. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FORMER NAVAL TRAINING CENTER, BAINBRIDGE, CECIL COUNTY, MARYLAND.

Section 1 of Public Law 99–596 (100 Stat. 3349) is amended—

(1) in subsection (a), by striking "subsections (b) through (f)" and inserting "subsections (b) through (e)";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) CONSIDERATION.—(1) In the event of the transfer of the property under subsection (a) to the State of Maryland, the transfer shall be with consideration or without consideration from the State of Maryland, at the election of the Secretary.

"(2) If the Secretary elects to receive consideration from the State of Maryland under paragraph (1), the Secretary may reduce the amount of consideration to be received from the State of Maryland under that paragraph by an amount equal to the cost, estimated as of the time of the transfer of the property under this section, of the restoration of the historic buildings on the property. The total amount of the reduction of consideration under this paragraph may not exceed $500,000.";

(3) by striking subsection (d); and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 2855. LAND CONVEYANCE, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Jacksonville, North Carolina (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, that is currently leased to Norfolk Southern Corporation and consists of approximately 50 acres, known as the railroad right-of-way, lying within the City between Highway 24 and Highway 17, at the Marine Corps Base, Camp Lejeune, North Carolina, for the purpose of permitting the City to develop the parcel for initial use as a bike/green way trail.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall reimburse the Secretary (in such amounts as the Secretary may determine) for the expenses incurred by the Secretary in making the conveyance, including costs related to planning, design, surveys, environmental assessment and compliance, supervision and inspection of construction, severing and realigning utility systems, and other prudent and necessary actions. Section 2695(c) of title 10, United States Code, shall apply to the amounts received by the Secretary.

(c) CONDITION OF CONVEYANCE.—The Secretary may retain such easements, rights-of-way, and other interests in the property to be conveyed under subsection (a) and impose such restrictions on the use of the conveyed property as the Secretary considers necessary to ensure the effective security, maintenance, and operations of the Marine Corps Base, Camp Lejeune, North Carolina, and to protect human health and the environment.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND EXCHANGE, NAVAL AIR RESERVE CENTER, COLUMBUS, OHIO.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Navy may convey to the Rickenbacker Port Authority of Columbus, Ohio (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 24 acres comprising the civilian facilities of the Naval Air Reserve at Rickenbacker International Airport in Franklin County, Ohio, in exchange for the Authority's conveyance to the Secretary of all right, title, and interest of the Authority in and to a parcel of real property consisting of approximately 10 to 15 acres acceptable to the Secretary at Rickenbacker International Airport.

(b) USE OF ACQUIRED PROPERTY.—The Secretary shall use the real property acquired from the Authority in the exchange as the site for a replacement facility that will house both the Naval Air Reserve Center at Rickenbacker International Airport and the Naval and Marine Corps Reserve Center currently located in Columbus, Ohio.

(c) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance to the Authority authorized by subsection (a) until the Secretary determines that the replacement facility described in subsection (b) has been constructed and is ready for occupancy.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCE, NAVAL STATION, BREMERTON, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Bremerton, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 45.8 acres and comprising the former East Park Transient Family Accommodations, which was an off-site housing facility for Naval Station, Bremerton, Washington.

(b) CONSIDERATION.—(1) The conveyance under subsection (a) may be made without consideration to the extent the real property to be conveyed will be used by the City, directly or through an agreement with a public or private entity, for public health, public safety, education, affordable housing, or public recreation.

(2) If the City intends to use a portion of the conveyed property for a purpose not specified in paragraph (1), the City shall pay to the United States an amount equal to the fair market value of that portion of the property. The fair market value shall be determined by an appraisal acceptable to the Secretary.

(c) ADMINISTRATIVE EXPENSES.—The City shall reimburse the Secretary for administrative expenses incurred by the Secretary in carrying out the conveyance under subsection (a), including expenses related to planning, design, survey, environmental compliance, and other prudent and necessary actions. Section 2695(c) of title 10, United States Code, shall apply to the amounts received by the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

SEC. 2861. LAND CONVEYANCE, LOS ANGELES AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, by sale or lease upon such terms as the Secretary considers appropriate, all or any portion of the following parcels of real property, including any improvements thereon, at Los Angeles Air Force Base, California:

(1) Approximately 42 acres in El Segundo, California, commonly known as Area A.

(2) Approximately 52 acres in El Segundo, California, commonly known as Area B.

(3) Approximately 13 acres in Hawthorne, California, commonly known as the Lawndale Annex.

(4) Approximately 3.7 acres in Sun Valley, California, commonly known as the Armed Forces Radio and Television Service Broadcast Center.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the recipient of the property shall provide for the design and construction on real property acceptable to the Secretary of one or more facilities to consolidate the mission and support functions at Los Angeles Air Force Base. Any such facility must comply with the seismic and safety design standards for Los Angeles County, California, in effect at the time the Secretary takes possession of the facility.

(c) LEASEBACK AUTHORITY.—If the fair market value of a facility to be provided as consideration for the conveyance of real property under subsection (a) exceeds the fair market value of the conveyed property, the Secretary may enter into a lease for the facility for a period not to exceed 10 years. Rental payments under the lease shall be established at the rate necessary to permit the lessor to recover, by the end of the lease term, the difference between the fair market value of a facility and the fair market value of the conveyed property. At the end of the lease, all right, title, and interest in the facility shall vest in the United States.

(d) APPRAISAL OF PROPERTY.—The Secretary shall obtain an appraisal of the fair market value of all property and facilities to be sold, leased, or acquired under this section. An appraisal shall be made by a qualified appraiser familiar with the type of property to be appraised. The Secretary shall consider the appraisals in determining whether a proposed conveyance accomplishes the purpose of this section and is in the interest of the United States. Appraisal reports shall not be released outside of the Federal Government, other than to the other party to a conveyance.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of real property to be conveyed under subsection (a) or acquired under subsection (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the property.

(f) EXEMPTION.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a).

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) or a lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, POINT ARENA AIR FORCE STATION, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Mendocino County, California (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately

82 acres at the Point Arena Air Force Station, California, for the purpose of permitting the County to use the parcel for municipal and other public purposes.

(b) Conditions of Conveyance.—The conveyance under subsection (a) shall be subject to the condition that the County—

(1) use the conveyed property, directly or through an agreement with a public or private entity, for municipal and other public purposes;

(2) convey the property to an appropriate public or private entity that will use the conveyed property for such purposes; or

(3) convey the property by sale or exchange and—

(A) if conveyed by exchange, use the property acquired in the exchange for such purposes; or

(B) if conveyed by sale, use the proceeds to acquire property that will be used for such purposes.

(c) Consideration.—If the Secretary determines at any time that the County, or a public or private entity to which the property is reconveyed as authorized by paragraph (2) of subsection (b), has failed to comply with the conditions specified in such subsection, the County shall pay the United States an amount equal to the fair market value of the property conveyed under subsection (a), as determined by an appraisal satisfactory to the Secretary.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, LOWRY AIR FORCE BASE, COLORADO.

(a) Conveyance Authorized.—The Secretary of the Air Force may convey, without consideration, or lease upon such terms as the Secretary considers appropriate, to the Lowry Redevelopment Authority (in this section referred to as the "Authority") all right, title, and interest of the United States in and to seven parcels of real property, including any improvements thereon, consisting of approximately 23 acres at the former Lowry Air Force Base, Colorado, for the purpose of permitting the Authority to use the property in furtherance of economic development and other public purposes.

(b) Description of Property.—The exact acreage and legal description of real property to be conveyed or leased under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with a conveyance or lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2864. LAND CONVEYANCE, WRIGHT PATTERSON AIR FORCE BASE, OHIO.

(a) Conveyance Authorized.—The Secretary of the Air Force may convey, without consideration, to Greene County, Ohio (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 92 acres comprising the communications test annex at Wright Patterson Air Force Base, Ohio, for the purpose of permitting the County to use the parcel for recreational purposes.

(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2865. MODIFICATION OF LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) Change in Recipient.—Subsection (a) of section 2863 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010) is amended by striking "Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the 'Corporation')" and inserting "West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation')".

(b) Conforming Amendments.—Such section is further amended by striking "Corporation" each place it appears in subsections (c) and (e) and inserting "Foundation".

SEC. 2866. LAND CONVEYANCE, MUKILTEO TANK FARM, EVERETT, WASHINGTON.

(a) Conveyance Authorized.—The Secretary of the Air Force may convey, without consideration, to the Port of Everett, Washington (in this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 22 acres and known as the Mukilteo Tank Farm for the purpose of permitting the Port to use the parcel for the development and operation of a port facility and for other public purposes.

(b) Personal Property.—The Secretary of the Air Force may include as part of the conveyance authorized by subsection (a) any personal property at the Mukilteo Tank Farm that is excess to the needs of the Air Force if the Secretary of Transportation determines that such personal property is appropriate for the development or operation of the Mukilteo Tank Farm as a port facility.

(c) Interim Lease.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary of the Air Force may lease all or part of the real property to the Port if the Secretary determines that the real property is suitable for lease and the lease of the property under this subsection will not interfere with any environmental remediation activities or schedules under applicable law or agreements.

(2) The determination under paragraph (1) whether the lease of the real property will interfere with environmental remediation activities or schedules referred to in that paragraph shall be based upon an environmental baseline survey conducted in accordance with applicable Air Force regulations and policy.

(3) Except as provided by paragraph (4), as consideration for the lease under this subsection, the Port shall pay the Secretary an amount equal to the fair market of the lease, as determined by the Secretary.

(4) The amount of consideration paid by the Port for the lease under this subsection may be an amount, as determined by the Secretary, less than the fair market value of the lease if the Secretary determines that—

(A) the public interest will be served by an amount of consideration for the lease that is less than the fair market value of the lease; and

(B) payment of an amount equal to the fair market value of the lease is unobtainable.

(d) Description of Property.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Port.

(e) Additional Terms and Conditions.—The Secretary of the Air Force, in consultation with the Secretary of Transportation, may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary of the Air Force considers appropriate to protect the interests of the United States.

PART IV—OTHER CONVEYANCES

SEC. 2871. LAND CONVEYANCE, ARMY AND AIR FORCE EXCHANGE SERVICE PROPERTY, FARMERS BRANCH, TEXAS.

(a) Conveyance Authorized.—The Secretary of Defense may authorize the Army and Air Force Exchange Service, which is a nonappropriated fund instrumentality of the United States, to sell all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 2727 LBJ Freeway in Farmers Branch, Texas.

(b) Consideration.—As consideration for conveyance under subsection (a), the purchaser shall pay, in a single lump sum payment, an amount equal to the fair market value of the real property conveyed, as determined by the Secretary. The payment shall be handled in the manner provided in section 204(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(c)).

(c) Congressional Report.—Within 30 days after the sale of the property under subsection (a), the Secretary shall submit to Congress a report detailing the particulars of the sale.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2872. LAND CONVEYANCE, FORMER NATIONAL GROUND INTELLIGENCE CENTER, CHARLOTTESVILLE, VIRGINIA.

(a) Conveyance Authorized.—The Administrator of General Services may convey, without consideration, to the City of Charlottesville, Virginia (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, formerly occupied by the National Ground Intelligence Center and known as the Jefferson Street Property, for the purpose of permitting the City to use the parcel, directly or through an agreement with a public or private entity, for economic development purposes.

(b) Authority To Convey Without Consideration.—The conveyance authorized by subsection (a) may be made without consideration if the Administrator determines that conveyance on that basis would be in the best interests of the United States.

(c) Reversionary Interest.—During the five-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), if the Administrator determines that the conveyed real property is not being used in accordance with the purpose specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, may upon the election of the Administrator revert to the United States, and upon such reversion the United States shall have the right of immediate entry onto the property.

(d) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Administrator makes the conveyance authorized by subsection (a) the City conveys any portion of the parcel conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to—

(A) the fair market value (as determined by the Administrator) of the portion conveyed at the time of the conveyance; less

(B) the cost of any improvements to the property made by the City.

(2) Paragraph (1) applies to a conveyance described in such paragraph only if the Administrator makes the conveyance authorized by subsection (a) without consideration.

(3) The Administrator shall deposit any amounts paid the United States under this subsection into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). Any amounts so deposited shall be available to the Administrator for real property management and related activities as provided for under paragraph (2) of such section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2881. RELATION OF EASEMENT AUTHORITY TO LEASED PARKLAND, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219) is amended by adding at the end the following new subsection:

"(f) EXEMPTION FOR CERTAIN LEASED LANDS.—(1) Section 303 of title 49, and section 138 of title 23, United States Code, shall not apply to any approval by the Secretary of Transportation of the use by State Route 241 of parkland within Camp Pendleton that is leased by the State of California, where the lease reserved to the United States the right to establish rights-of-way.

"(2) The Agency shall be responsible for the implementation of any measures required by the Secretary of Transportation to mitigate the impact of the Agency's use of parkland within Camp Pendleton for State Route 241. With the exception of those mitigation measures directly related to park functions, the measures shall be located outside the boundaries of Camp Pendleton. The required mitigation measures related to park functions shall be implemented in accordance with the terms of the lease referred to in paragraph (1).".

SEC. 2882. EXTENSION OF DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820), as added by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2225), is amended by striking "2000" and inserting "2001".

SEC. 2883. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF THIRD BUILDING AT UNITED STATES AIR FORCE MUSEUM, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit foundation, gifts in the form of cash, Treasury instruments, or comparable United States Government securities for the purpose of paying the costs of design and construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio. The terms of the gift may specify that all or a part of the amount of the gift be utilized solely for purposes of the design and construction of a particular portion of the building.

(b) DEPOSIT IN ESCROW ACCOUNT.—The Secretary, acting through the Comptroller of the Air Force Materiel Command, shall deposit the amount of any cash, instruments, or securities accepted as a gift under subsection (a) in an escrow account established for that purpose.

(c) INVESTMENT.—Amounts in the escrow account under subsection (b) not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Comptroller of the Air Force Materiel Command, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the account.

(d) UTILIZATION.—(1) Amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to a particular portion of the building described in subsection (a) shall be utilized by the Comptroller of the Air Force Materiel Command to pay the costs of the design and construction of such portion of the building, including progress payments for such design and construction.

(2) Subject to paragraph (3), amounts shall be payable under paragraph (1) upon receipt by the Comptroller of the Air Force Materiel Command of a notification from an appropriate officer or employee of the Corps of Engineers that such amounts are required for the timely payment of an invoice or claim for the performance of design or construction activities for which such amounts are payable under paragraph (1).

(3) The Comptroller of the Air Force Materiel Command shall, to the maximum extent practicable consistent with good business practice, limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(e) LIMITATION ON CONTRACTS.—The Corps of Engineers may not enter into a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to such portion of the building are sufficient to cover the amount of such contract.

(f) LIQUIDATION OF ESCROW ACCOUNT.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary of the Air Force shall terminate the escrow account under subsection (b). Any amounts in the account upon final payment of invoices and claims shall be available to the Secretary for such purposes as the Secretary considers appropriate.

SEC. 2884. DEVELOPMENT OF MARINE CORPS HERITAGE CENTER AT MARINE CORPS BASE, QUANTICO, VIRGINIA.

(a) AUTHORITY TO ENTER INTO JOINT VENTURE FOR DEVELOPMENT.—The Secretary of the Navy may enter into a joint venture with the Marine Corps Heritage Foundation, a not-for-profit entity, for the design and construction of a multipurpose facility to be used for historical displays for public viewing, curation, and storage of artifacts, research facilities, classrooms, offices, and associated activities consistent with the mission of the Marine Corps University. The facility shall be known as the Marine Corps Heritage Center.

(b) AUTHORITY TO ACCEPT CERTAIN LAND.—(1) The Secretary may, if the Secretary determines it to be necessary for the facility described in subsection (a), accept without compensation any portion of the land known as Locust Shade Park which is now offered by the Park Authority of the County of Prince William, Virginia, as a potential site for the facility.

(2) The Park Authority may convey the land described in paragraph (1) to the Secretary under this section without regard to any limitation on its use, or requirement for its replacement upon conveyance, under section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)) or under any other provision of law.

(c) DESIGN AND CONSTRUCTION.—For each phase of development of the facility described in subsection (a), the Secretary may—

(1) permit the Marine Corps Heritage Foundation to contract for the design, construction, or both of such phase of development; or

(2) accept funds from the Marine Corps Heritage Foundation for the design, construction, or both of such phase of development.

(d) ACCEPTANCE AUTHORITY.—Upon completion of construction of any phase of development of the facility described in subsection (a) by the Marine Corps Heritage Foundation to the satisfaction of the Secretary, and the satisfaction of any financial obligations incident thereto by the Marine Corps Heritage Foundation, the facility shall become the property of the Department of the Navy with all right, title, and interest in and to facility being in the United States.

(e) LEASE OF FACILITY.—(1) The Secretary may lease, under such terms and conditions as the Secretary considers appropriate for the joint venture authorized by subsection (a), portions of the facility developed under that subsection to the Marine Corps Heritage Foundation for use in generating revenue for activities of the facility and for such administrative purposes as may be necessary for support of the facility.

(2) The amount of consideration paid the Secretary by the Marine Corps Heritage Foundation for the lease under paragraph (1) may not exceed an amount equal to the actual cost (as determined by the Secretary) of the operation of the facility.

(3) Notwithstanding any other provision of law, the Secretary shall use amounts paid under paragraph (2) to cover the costs of operation of the facility.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the joint venture authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2885. ACTIVITIES RELATING TO THE GREENBELT AT FALLON NAVAL AIR STATION, NEVADA.

(a) IN GENERAL.—The Secretary of the Navy shall, in consultation with the Secretary of the Army acting through the Chief of Engineers, carry out appropriate activities after examination of the potential environmental and flight safety ramifications for irrigation that has been eliminated, or will be eliminated, for the greenbelt at Fallon Naval Air Station, Nevada. Any activities carried out under the preceding sentence shall be consistent with aircrew safety at Fallon Naval Air Station.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for operation and maintenance for the Navy such sums as may be necessary to carry out the activities required by subsection (a).

SEC. 2886. ESTABLISHMENT OF WORLD WAR II MEMORIAL ON GUAM.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall establish on Federal lands near the Fena Caves in Guam a suitable memorial intended to honor those Guamanian civilians who were killed during the occupation of Guam during World War II and to commemorate the liberation of Guam by the United States Armed Forces in 1944.

(b) MAINTENANCE OF MEMORIAL.—The Secretary of Defense shall be responsible for the maintenance of the memorial established pursuant to subsection (a).

(c) CONSULTATION.—In designing and building the memorial and selecting the specific location for the memorial, the Secretary of Defense shall consult with the American Battle Monuments Commission established under chapter 21 of title 36, United States Code.

SEC. 2887. NAMING OF ARMY MISSILE TESTING RANGE AT KWAJALEIN ATOLL AS THE RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE AT KWAJALEIN ATOLL.

The United States Army missile testing range located at Kwajalein Atoll in the Marshall Islands shall after the date of the enactment of this Act be known and designated as the "Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll". Any reference to that range in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.

SEC. 2888. DESIGNATION OF BUILDING AT FORT BELVOIR, VIRGINIA, IN HONOR OF ANDREW T. MCNAMARA.

The building at 8725 John J. Kingman Road, Fort Belvoir, Virginia, shall be known and designated as the "Andrew T. McNamara Building". Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Andrew T. McNamara Building.

SEC. 2889. DESIGNATION OF BALBOA NAVAL HOSPITAL, SAN DIEGO, CALIFORNIA, IN HONOR OF BOB WILSON, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Balboa Naval Hospital in San Diego, California, shall be known and designated as the "Bob Wilson Naval Hospital". Any reference to the Balboa Naval Hospital in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Bob Wilson Naval Hospital.

SEC. 2890. SENSE OF CONGRESS REGARDING IMPORTANCE OF EXPANSION OF NATIONAL TRAINING CENTER, FORT IRWIN, CALIFORNIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Training Center at Fort Irwin, California, is the Army's premier warfare training center.

(2) The National Training Center was cited by General Norman Schwarzkopf as being instrumental to the success of the allied victory in the Persian Gulf conflict.

(3) The National Training Center gives a military unit the opportunity to use high-tech equipment and confront realistic opposing forces in order to accurately discover the unit's strengths and weaknesses.

(4) The current size of the National Training Center is insufficient in light of the advanced equipment and technology required for modern warfare training.

(5) The expansion of the National Training Center to include additional lands would permit military units and members of the Armed Forces to adequately prepare for future conflicts and various warfare scenarios they may encounter throughout the world.

(6) Additional lands for the expansion of the National Training Center are presently available in the California desert.

(7) The expansion of the National Training Center is a top priority of the Army and the Office of the Secretary of Defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the prompt expansion of the National Training Center is vital to the national security interests of the United States.

SEC. 2891. SENSE OF CONGRESS REGARDING LAND TRANSFERS AT MELROSE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of the Air Force seeks the transfer of 6,713 acres of public domain land within the Melrose Range, New Mexico, from the Department of the Interior to the Department of the Air Force for the continued use of these lands as a military range.

(2) The Secretary of the Army seeks the transfer of 6,640 acres of public domain land within the Yakima Training Center, Washington, from the Department of the Interior to the Department of the Army for military training purposes.

(3) The transfers provide the Department of the Air Force and the Department of the Army with complete land management control of these public domain lands to allow for effective land management, minimize safety concerns, and ensure meaningful training.

(4) The Department of the Interior concurs with the land transfers at Melrose Range and Yakima Training Center.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington, will support military training, safety, and land management concerns on the lands subject to transfer.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $6,422,356,000, to be allocated as follows:

(1) WEAPONS ACTIVITIES.—For weapons activities, $4,840,289,000, to be allocated as follows:

(A) For stewardship, $4,505,545,000, to be allocated as follows:

(i) For directed stockpile work, $862,603,000.

(ii) For campaigns, $2,054,014,000, to be allocated as follows:

(I) For operation and maintenance, $1,639,682,000.

(II) For construction, $414,332,000, to be allocated as follows:

Project 01–D–101, distributed information systems laboratory, Sandia National Laboratories, Livermore, California, $2,300,000.

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $5,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $56,000,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $6,700,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $75,000,000.

Project 98–D–126, accelerator production of tritium, various locations, $25,000,000.

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $35,232,000.

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $209,100,000.

(iii) For readiness in technical base and facilities, $1,588,928,000, to be allocated as follows:

(I) For operation and maintenance, $1,429,087,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $159,841,000, to be allocated as follows:

Project 01–D–103, preliminary project design and engineering, various locations, $14,500,000.

Project 01–D–124, highly enriched uranium (HEU) materials storage facility, Y–12 Plant, Oak Ridge, Tennessee, $17,800,000.

Project 01–D–126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, $3,000,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $5,000,000.

Project 99–D–104, protection of real property (roof reconstruction, phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,800,000.

Project 99–D–106, model validation and system certification center, Sandia National Laboratories, Albuquerque, New Mexico, $5,200,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $2,000,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $13,000,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City plant, Kansas City, Missouri, $23,765,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $4,998,000.

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $18,043,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $30,767,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $2,918,000.

Project 95–D–102, chemistry and metallurgy research (CMR) upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,337,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $2,713,000.

(B) For secure transportation asset, $115,673,000, to be allocated as follows:

(i) For operation and maintenance, $79,357,000.

(ii) For program direction, $36,316,000.

(C) For program direction, $219,071,000.

(2) DEFENSE NUCLEAR NONPROLIFERATION.—For other nuclear security activities, $877,467,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $252,990,000, to be allocated as follows:

(i) For operation and maintenance, $245,990,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $7,000,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center (NISC), Los Alamos National Laboratory, Los Alamos, New Mexico, $7,000,000.

(B) For arms control, $320,560,000, to be allocated as follows:

(i) For arms control operations, $285,370,000.

(ii) For highly enriched uranium transparency implementation, $15,190,000.

(iii) For international nuclear safety, $20,000,000.

(C) For fissile materials control and disposition, $252,449,000, to be allocated as follows:

(i) For operation and maintenance, $175,517,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $76,932,000, to be allocated as follows:

Project 01–D–407, highly enriched uranium blend-down, Savannah River Site, Aiken, South Carolina, $27,932,000.

Project 00–D–142, immobilization and associated processing facility (Title I and II design), Savannah River Site, Aiken, South Carolina, $3,000,000.

Project 99–D–141, pit disassembly and conversion facility (Title I and II design), Savannah River Site, Aiken, South Carolina, $20,000,000.

Project 99–D–143, mixed oxide fuel fabrication facility (Title I and II design), Savannah River Site, Aiken, South Carolina, $26,000,000.

(D) For program direction, $51,468,000.

(3) NAVAL REACTORS.—For naval reactors, $694,600,000, to be allocated as follows:

(A) For naval reactors development, $673,200,000, to be allocated as follows:

(i) For operation and maintenance, $644,500,000.

(ii) For general plant projects, $11,400,000.

(iii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $17,300,000, to be allocated as follows:

Project 01–D–200, major office replacement building, Schenectady, New York, $1,300,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $16,000,000.

(B) For program direction, $21,400,000.

(4) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECURITY.—For the Office of the Administrator for Nuclear Security, for program direction, $10,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for environmental restoration and waste management activities in carrying out programs necessary for national security in the amount of $6,058,009,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7277n), $1,082,297,000

(2) SITE/PROJECT COMPLETION.—For site completion and project completion in carrying out environmental management activities necessary for national security programs, $941,719,000, to be allocated as follows:

(A) For operation and maintenance, $900,175,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $41,544,000, to be allocated as follows:

Project 01–D–402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $500,000.

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $7,714,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering *and Environmental Laboratory, Idaho Falls, Idaho, $4,300,000.*

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $1,690,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $3,949,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $12,512,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina, $8,879,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(3) POST-2006 COMPLETION.—For post-2006 completion in carrying out environmental restoration and waste management activities necessary for national security programs, $3,432,457,000, to be allocated as follows:

(A) For operation and maintenance, $2,691,106,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $27,212,000, to be allocated as follows:126 Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $27,212,000.

(C) For the Office of River Protection in carrying out environmental restoration and waste management activities necessary for national security programs, $714,139,000, to be allocated as follows:

(i) For operation and maintenance, $309,619,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $404,520,000, to be allocated as follows:

Project 01–D–416, Tank Waste Remediation System privatization phase I, Richland, Washington, $332,000,000.

Project 01–D–403, immobilized high-level waste interim storage facility, Richland, Washington, $1,300,000.

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $7,812,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $46,023,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $17,385,000.

(4) SCIENCE AND TECHNOLOGY DEVELOPMENT.—For science and technology development in carrying out environmental restoration and waste management activities necessary for national security programs, $246,548,000.

(5) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs, $354,988,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated by subsection (a) is the sum of the amounts authorized to be appropriated by paragraphs (1) through (5) of that subsection, reduced by $84,317,000, to be derived from offsets and use of prior year balances.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for other defense activities in carrying out programs necessary for national security in the amount of $543,822,000, to be allocated as follows:

(1) INTELLIGENCE.—For intelligence, $38,059,000, to be allocated as follows:

(A) For operation and maintenance, $36,059,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $2,000,000, to be allocated as follows:

Project 01–D–800, Sensitive compartmented information facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(2) COUNTERINTELLIGENCE.—For counterintelligence, $45,200,000.

(3) SECURITY AND EMERGENCY OPERATIONS.—For security and emergency operations, $284,076,000, to be allocated as follows:

(A) For nuclear safeguards and security, $124,409,000.

(B) For security investigations, $33,000,000.

(C) For emergency management, $37,300,000.

(D) For program direction, $89,367,000.

(4) INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.—For independent oversight and performance assurance, $14,937,000.

(5) ENVIRONMENT, SAFETY, AND HEALTH.—For the Office of Environment, Safety, and Health, $134,050,000, to be allocated as follows:

(A) For environment, safety, and health (defense), $86,446,000.

(B) For the Energy Employees Occupational Illness Compensation initiative, $25,000,000.

(C) For program direction, $22,604,000.

(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $24,500,000, to be allocated as follows:

(A) For worker and community transition, $21,500,000.

(B) For program direction, $3,000,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $3,000,000.

(b) ADJUSTMENTS.—The amount authorized to be appropriated pursuant to subsection (a)(3)(B) is reduced by $20,000,000 to reflect an offset provided by user organizations for security investigations.

SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $90,092,000, to be allocated as follows:

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $25,092,000.

Project 97–PVT–2, advanced mixed waste treatment project Idaho Falls, Idaho, $65,000,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated pursuant to subsection (a) is the sum of the amounts authorized to be appropriated for the projects in that subsection reduced by $90,092,000 for use of prior year balances of funds for defense environmental management privatization.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $112,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $ 1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, authorized by 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) does not apply to a construction project with a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(c) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may be used only to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for that design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2002.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term "defense environmental management funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 2000, and ending on September 30, 2001.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. FUNDING FOR TERMINATION COSTS OF RIVER PROTECTION PROJECT, RICHLAND, WASHINGTON.

The Secretary of Energy may not use appropriated funds to establish a reserve for the payment of any costs of termination of any contract relating to the River Protection Project, Richland, Washington (as designated by section 3141), that is terminated after the date of the enactment of this Act. Such costs may be paid from--

(1) appropriations originally available for the performance of the contract concerned;

(2) appropriations currently available for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs, and not otherwise obligated; or

(3) funds appropriated specifically for the payment of such costs.

SEC. 3132. ENHANCED COOPERATION BETWEEN NATIONAL NUCLEAR SECURITY ADMINISTRATION AND BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) JOINTLY FUNDED PROJECTS.—The Secretary of Energy and the Secretary of Defense shall modify the memorandum of understanding for the use of the national laboratories for ballistic missile defense programs, entered into under section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034; 10 U.S.C. 2431 note), to provide for jointly funded projects.

(b) REQUIREMENTS FOR PROJECTS.—The projects referred to in subsection (a) shall—

(1) be carried out by the National Nuclear Security Administration and the Ballistic Missile Defense Organization; and

(2) contribute to sustaining—

(A) the expertise necessary for the viability of such laboratories; and

(B) the capabilities required to sustain the nuclear stockpile.

(c) PARTICIPATION BY NNSA IN CERTAIN BMDO ACTIVITIES.—The Administrator for Nuclear Security and the Director of the Ballistic Missile Defense Organization shall implement mechanisms that increase the cooperative relationship between those organizations. Those mechanisms may include participation by personnel of the National Nuclear Security Administration in the following activities of the Ballistic Missile Defense Organization:

(1) Peer reviews of technical efforts.

(2) Activities of so-called "red teams".

SEC. 3133. REPROGRAMMING OF FUNDS AVAILABLE FOR INFRASTRUCTURE UPGRADES OR MAINTENANCE IN CERTAIN ACCOUNTS OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) LIMITATION.—(1) Except as provided in paragraph (2), the Secretary of Energy may not use amounts appropriated or otherwise made available to the Secretary for fiscal year 2001 for the purpose of infrastructure upgrades or maintenance in an account specified in subsection (b) for any other purpose.

(2) Paragraph (1) does not apply to a particular amount for the purpose of a particular infrastructure upgrade or maintenance project if the Secretary—

(A) determines that that project is not needed by reason of a change to, or cancellation of, a

program for which that project was intended to be used; and

(B) submits to the congressional defense committees the report referred to in subsection (c) and a period of 45 days elapses after the date on which such committees receive such report.

(b) COVERED ACCOUNTS.—An account referred to in subsection (a) is any Construction account or Readiness in Technical Base and Facilities account within any National Nuclear Security Administration budget account.

(c) REPORT.—(1) The report referred to in subsection (a)(2)(B) is a report containing a full and complete statement of—

(A) the determination of the Secretary under subsection (a)(2)(A); and

(B) the action proposed to be taken with the particular amount concerned and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 45-day period under subsection (a)(2)(B), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.

(d) COORDINATION WITH GENERAL REPROGRAMMING REPORT.—If the Secretary, in accordance with this section, submits a report referred to in subsection (c) for the use of a particular amount, that report shall be treated, for purposes of section 3121, as the report referred to in subsection (b) of that section for that use of that amount.

SEC. 3134. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS FOR POST-SHIPMENT VERIFICATION REPORTS ON ADVANCED SUPERCOMPUTER SALES TO CERTAIN FOREIGN NATIONS.

Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended by adding at the end the following new subsection:

"(e) ADJUSTMENT OF PERFORMANCE LEVELS.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for the purposes of subsection (a) of this section in lieu of the level set forth in subsection (a).".

SEC. 3135. MODIFICATION OF COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) COVERED PERSONS.—Subsection (b) of section 3154 of the Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999 (subtitle D of title XXXI of Public Law 106–65; 113 Stat. 941; 42 U.S.C. 7383h) is amended to read as follows:

"(b) COVERED PERSONS.—(1) Subject to paragraph (2), for purposes of this section, a covered person is one of the following:

"(A) An officer or employee of the Department.

"(B) An expert or consultant under contract to the Department.

"(C) An officer or employee of a contractor of the Department.

"(D) An individual assigned or detailed to the Department.

"(E) An applicant for a position in the Department.

"(2) A person described in paragraph (1) is a covered person for purposes of this section only if the position of the person, or for which the person is applying, under that paragraph is a position in one of the categories of positions listed in section 709.4(a) of title 10, Code of Federal Regulations.".

(b) HIGH-RISK PROGRAMS.—Subsection (c) of that section is amended to read as follows:

"(c) HIGH-RISK PROGRAMS.—For purposes of this section, high-risk programs are the following:

"(1) Programs using information known as Sensitive Compartmented Information.

"(2) The programs known as Special Access Programs and Personnel Security and Assurance Programs.

"(3) Any other program or position category specified in section 709.4(a) of title 10, Code of Federal Regulations.".

(c) AUTHORITY TO WAIVE EXAMINATION REQUIREMENT.—Subsection (d) of that section is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraphs:

"(2) Subject to paragraph (3), the Secretary may, after consultation with appropriate security personnel, waive the applicability of paragraph (1) to a covered person—

"(A) if—

"(i) the Secretary determines that the waiver is important to the national security interests of the United States;

"(ii) the covered person has an active security clearance; and

"(iii) the covered person acknowledges in a signed writing that the capacity of the covered person to perform duties under a high-risk program after the expiration of the waiver is conditional upon meeting the requirements of paragraph (1) within the effective period of the waiver;

"(B) if another Federal agency certifies to the Secretary that the covered person has completed successfully a full-scope or counterintelligence-scope polygraph examination during the 5-year period ending on the date of the certification; or

"(C) if the Secretary determines, after consultation with the covered person and appropriate medical personnel, that the treatment of a medical or psychological condition of the covered person should preclude the administration of the examination.

"(3)(A) The Secretary may not commence the exercise of the authority under paragraph (2) to waive the applicability of paragraph (1) to any covered persons until 15 days after the date on which the Secretary submits to the appropriate committees of Congress a report setting forth the criteria to be used by the Secretary for determining when a waiver under paragraph (2)(A) is important to the national security interests of the United States. The criteria shall not include the need to maintain the scientific vitality of the laboratory. The criteria shall include an assessment of counterintelligence risks and programmatic impacts.

"(B) Any waiver under paragraph (2)(A) shall be effective for not more than 120 days, and a person who is subject to a waiver under paragraph (2)(A) may not ever be subject to another waiver under paragraph (2)(A).

"(C) Any waiver under paragraph (2)(C) shall be effective for the duration of the treatment on which such waiver is based.

"(4) The Secretary shall submit to the appropriate committees of Congress on a semi-annual basis a report on any determinations made under paragraph (2)(A) during the 6-month period ending on the date of such report. The report shall include a national security justification for each waiver resulting from such determinations.

"(5) In this subsection, the term 'appropriate committees of Congress' means the following:

"(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

"(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

"(6) It is the sense of Congress that the waiver authority in paragraph (2) not be used by the Secretary to exempt from the applicability of paragraph (1) any covered persons in the highest risk categories, such as persons who have access to the most sensitive weapons design information and other highly sensitive programs, including special access programs.

"(7) The authority under paragraph (2) to waive the applicability of paragraph (1) to a covered person shall expire on September 30, 2002.".

(d) SCOPE OF COUNTERINTELLIGENCE POLYGRAPH EXAMINATION.—Subsection (f) of that section is amended—

(1) by inserting "terrorism," after "sabotage,"; and

(2) by inserting "deliberate damage to or malicious misuse of a United States Government information or defense system," before "and".

SEC. 3136. EMPLOYEE INCENTIVES FOR EMPLOYEES AT CLOSURE PROJECT FACILITIES.

(a) AUTHORITY TO PROVIDE INCENTIVES.—Notwithstanding any other provision of law, the Secretary of Energy may provide to any eligible employee of the Department of Energy one or more of the incentives described in subsection (d).

(b) ELIGIBLE EMPLOYEES.—An individual is an eligible employee of the Department of Energy for purposes of this section if the individual—

(1) has worked continuously at a closure facility for at least two years;

(2) is an employee (as that term is defined in section 2105(a) of title 5, United States Code);

(3) has a fully satisfactory or equivalent performance rating during the most recent performance period and is not subject to an adverse notice regarding conduct; and

(4) meets any other requirement or condition under subsection (d) for the incentive which is provided the employee under this section.

(c) CLOSURE FACILITY DEFINED.—For purposes of this section, the term "closure facility" means a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n).

(d) INCENTIVES.—The incentives that the Secretary may provide under this section are the following:

(1) The right to accumulate annual leave provided by section 6303 of title 5, United States Code, for use in succeeding years until it totals not more than 90 days, or not more than 720 hours based on a standard work week, at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year, except that—

(A) any annual leave that remains unused when an employee transfers to a position in a department or agency of the Federal Government shall be liquidated upon the transfer by payment to the employee of a lump sum for leave in excess of 30 days, or in excess of 240 hours based on a standard work week; and

(B) upon separation from service, annual leave accumulated under this paragraph shall be treated as any other accumulated annual leave is treated.

(2) The right to be paid a retention allowance in a lump sum in compliance with paragraphs (1) and (2) of section 5754(b) of title 5, United States Code, if the employee meets the requirements of section 5754(a) of that title, except that the retention allowance may exceed 25 percent, but may not be more than 30 percent, of the employee's rate of basic pay.

(e) AGREEMENT.—An eligible employee of the Department of Energy provided an incentive under this section shall enter into an agreement with the Secretary to remain employed at the closure facility at which the employee is employed as of the date of the agreement until a specific date or for a specific period of time.

(f) VIOLATION OF AGREEMENT.—(1) Except as provided under paragraph (3), an eligible employee of the Department of Energy who violates an agreement under subsection (e), or is

dismissed for cause, shall forfeit eligibility for any incentives under this section as of the date of the violation or dismissal, as the case may be.

(2) Except as provided under paragraph (3), an eligible employee of the Department of Energy who is paid a retention allowance under subsection (d)(2) and who violates an agreement under subsection (e), or is dismissed for cause, before the end of the period or date of employment agreed upon under such agreement shall refund to the United States an amount that bears the same ratio to the aggregate amount so paid to or received by the employee as the unserved part of such employment bears to the total period of employment agreed upon under such agreement.

(3) The Secretary may waive the applicability of paragraph (1) or (2) to an employee otherwise covered by such paragraph if the Secretary determines that there is good and sufficient reason for the waiver.

(g) REPORT.—The Secretary shall include in each report on a closure project under section 3143(h) of the National Defense Authorization Act for Fiscal Year 1997 a report on the incentives, if any, provided under this section with respect to the project for the period covered by such report.

(h) AUTHORITY WITH RESPECT TO HEALTH COVERAGE.—Section 8905a(d)(5)(A) of title 5, United States Code (as added by section 1106 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1598)), is amended by inserting after "readjustment" the following: ", or a voluntary or involuntary separation from a Department of Energy position at a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)".

(i) AUTHORITY WITH RESPECT TO VOLUNTARY SEPARATIONS.—(1) The Secretary may—

(A) separate from service any employee at a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n) who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force.

(3) An employee with critical knowledge and skills (as defined by the Secretary) may not participate in a voluntary separation under paragraph (1)(A) if the Secretary determines that such participation would impair the performance of the mission of the Department of Energy.

(j) TERMINATION.—The authority to provide incentives under this section terminates on March 31, 2007.

SEC. 3137. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSITION OF LEGACY NUCLEAR MATERIALS.

(a) CONTINUATION.—The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site, Aiken, South Carolina, and shall provide technical staff necessary to operate and so maintain such facilities.

(b) LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING OF F-CANYON FACILITY.—No amounts authorized to be appropriated or otherwise made available for the Department of Energy by this or any other Act may be obligated or expended for purposes of commencing the decommissioning of the F-canyon facility at the Savannah River Site until the Secretary and the Defense Nuclear Facilities Safety Board jointly submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the following:

(1) A certification that all materials present in the F-canyon facility as of the date of the certification are safely stabilized.

(2) A certification whether or not the requirements applicable to the F-canyon facility to meet the future needs of the United States for fissile materials disposition can be met through full use of the H-canyon facility at the Savannah River Site.

(3) If the certification required by paragraph (2) is that such requirements cannot be met through such use of the H-canyon facility—

(A) an identification by the Secretary of each such requirement that cannot be met through such use of the H-canyon facility; and

(B) for each requirement identified in subparagraph (A), the reasons why that requirement cannot be met through such use of the H-canyon facility and a description of the alternative capability for fissile materials disposition that is needed to meet that requirement.

(c) PLAN FOR TRANSFER OF LONG-TERM CHEMICAL SEPARATION ACTIVITIES.—Not later than February 15, 2001, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for the transfer of all long-term chemical separation activities at the Savannah River Site from the F-canyon facility to the H-canyon facility commencing in fiscal year 2002.

SEC. 3138. CONTINGENT LIMITATION ON USE OF CERTAIN FUNDS PENDING CERTIFICATIONS OF COMPLIANCE WITH FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM FUNDING PROHIBITION.

(a) CONTINGENT LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN TRAVEL EXPENSES.—Effective November 1, 2001, but subject to subsection (b), no funds authorized to be appropriated or otherwise made available by this or any other Act for the Department of Energy or the Department of the Army may be obligated or expended for travel by—

(1) the Secretary of Energy or any officer or employee of the Office of the Secretary of Energy; or

(2) the Chief of Engineers.

(b) EFFECTIVE DATE.—The limitation in subsection (a) shall not take effect if before November 1, 2001, both of the following certifications are submitted to the congressional defense committees:

(1) A certification by the Secretary of Energy that the Department of Energy is in compliance with the requirements of section 3131 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 925; 10 U.S.C. 2701 note).

(2) A certification by the Chief of Engineers that the Corps of Engineers is in compliance with the requirements of that section.

(c) TERMINATION.—If the limitation in subsection (a) takes effect, the limitation shall cease to be in effect when both certifications referred to in subsection (b) have been submitted to the congressional defense committees.

SEC. 3139. CONCEPTUAL DESIGN FOR SUBSURFACE GEOSCIENCES LABORATORY AT IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY, IDAHO FALLS, IDAHO.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated by paragraphs (2) and (3) of section 3102(a), not more than $400,000 may be available to the Secretary of Energy for purposes of carrying out a conceptual design for a Subsurface Geosciences Laboratory at Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho.

(b) LIMITATION.—None of the funds authorized to be appropriated by subsection (a) may be obligated until 60 days after the date on which the Secretary submits the report required by subsection (c).

(c) REPORT.—The Secretary of Energy shall submit to the congressional defense committees a report on the proposed Subsurface Geosciences Laboratory. The report shall include the following:

(1) Whether there is a need to conduct mesoscale experiments to meet long-term cleanup requirements at Department of Energy sites.

(2) The possibility of using or modifying an existing structure or facility to house a new capability for conducting mesoscale experiments.

(3) The estimated construction cost of the facility.

(4) The estimated annual operating cost of the facility.

(5) How the facility will use, integrate, and support the technical expertise, capabilities, and requirements at other Department of Energy and non-Department of Energy facilities.

(6) An analysis of costs, savings, and benefits which are unique to the Idaho National Engineering and Environmental Laboratory.

SEC. 3140. REPORT ON NATIONAL IGNITION FACILITY, LAWRENCE LIVERMORE NATIONAL LABORATORY, LIVERMORE, CALIFORNIA.

(a) NEW BASELINE.—(1) Not more than 50 percent of the funds available for the national ignition facility (Project 96–D–111) may be obligated or expended until the Administrator for Nuclear Security submits to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a new baseline plan for the completion of the national ignition facility.

(2) The report shall include—

(A) the funding required for completion of the facility, set forth in detail, year by year; and

(B) projected dates for the completion of program milestones, including the date on which the first laser beams are expected to become operational.

(b) COMPTROLLER GENERAL REVIEW OF NIF PROGRAM.—(1) The Comptroller General shall conduct a thorough review of the national ignition facility program.

(2) Not later than March 31, 2001, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review conducted under paragraph (1). The report shall include the following:

(A) An analysis of—

(i) the role of the national ignition facility in ensuring the safety and reliability of the nuclear stockpile of the United States;

(ii) the relationship of the national ignition facility program to other significant programs to sustain the nuclear stockpile of the United States; and

(iii) the potential effect of delays in the national ignition facility program, and of a failure to complete significant program objectives of the program, on the other significant programs to sustain the nuclear stockpile of the United States, such as the Accelerated Strategic Computing Initiative Program.

(B) A detailed description and analysis of the funds spent as of the date of the report on the national ignition facility program.

(C) An assessment whether the new baseline plan for the national ignition facility program submitted under subsection (a) includes clear goals for that program, adequate and sustainable funding, and achievable milestones for that program.

SEC. 3141. RIVER PROTECTION PROJECT, RICHLAND, WASHINGTON.

(a) REDESIGNATION OF PROJECT.—The tank waste remediation system environmental project, Richland, Washington, including all programs relating to the retrieval and treatment of tank waste at the site at Hanford, Washington, under the management of the Office of River Protection, shall be known and designated as the "River Protection Project". Any reference to that project in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the River Protection Project.

(b) MANAGEMENT AND RESPONSIBILITY OF OFFICE OF RIVER PROTECTION.—Subsection (b) of section 3139 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2250) is amended—

(1) in paragraph (2), by striking "managing all aspects of the" and all that follows through the period and inserting "managing, consistent with the policy direction established by the Department, all aspects of the River Protection Project, Richland, Washington."; and

(2) by adding at the end the following new paragraph:

"(3)(A) The Assistant Secretary of Energy for Environmental Management shall delegate in writing responsibility for the management of the River Protection Project, Richland, Washington, to the head of the Office.

"(B) Such delegation shall include, at a minimum, authorities for contracting, financial management, safety, and general program management that are equivalent to the authorities of managers of other operations offices of the Department of Energy.

"(C) The head of the Office shall, to the maximum extent possible, coordinate all activities of the Office with the manager of the Richland Operations Office of the Department of Energy.".

(c) DEPARTMENT RESPONSIBILITIES.—Subsection (c) of such section is amended—

(1) by striking "manager" and inserting "head"; and

(2) by striking "to manage" and all that follows through the period and inserting "to carry out the responsibilities specified in subsection (b)(2).".

(d) REPORTING TO CONGRESS.—Subsection (d) of such section is amended to read as follows:

"(d) REPORT.—The Assistant Secretary of Energy for Environmental Management shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, a copy of the delegation of authority required by subsection (b)(3).".

SEC. 3142. REPORT ON TANK WASTE REMEDIATION SYSTEM, HANFORD RESERVATION, RICHLAND, WASHINGTON.

Not later than December 15, 2000, the Secretary of Energy shall submit to Congress a report on the Tank Waste Remediation System project, Hanford Reservation, Richland, Washington. The report shall include the following:

(1) A proposed plan for processing and stabilizing all nuclear waste located in the Hanford Tank Farm.

(2) A proposed schedule for carrying out that proposed plan.

(3) The total estimated cost of carrying out that proposed plan.

(4) A description of any alternative options to that proposed plan and a description of the costs and benefits of each such option.

(5) A description of the volumes and characteristics of any wastes or materials that are not to be treated during phase 1(B) of the project.

(6) A plan for developing, demonstrating, and implementing advanced vitrification system technologies that can be used to treat and stabilize any out-of-specification wastes or materials (such as polychlorinated biphenyls) that cannot be treated and stabilized with the technologies that are to be used during phase 1(B) of the project.

Subtitle D—Matters Relating to Management of National Nuclear Security Administration

SEC. 3151. TERM OF OFFICE OF PERSON FIRST APPOINTED AS UNDER SECRETARY FOR NUCLEAR SECURITY OF THE DEPARTMENT OF ENERGY.

(a) LENGTH OF TERM.—The term of office as Under Secretary for Nuclear Security of the Department of Energy of the person first appointed to that position shall be three years.

(b) EXCLUSIVE REASONS FOR REMOVAL.—The exclusive reasons for removal from office as Under Secretary for Nuclear Security of the person described in subsection (a) shall be inefficiency, neglect of duty, or malfeasance in office.

(c) POSITION DESCRIBED.—The position of Under Secretary for Nuclear Security of the Department of Energy referred to in this section is the position established by subsection (c) of section 202 of the Department of Energy Organization Act (42 U.S.C. 7132), as added by section 3202 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 954).

SEC. 3152. MEMBERSHIP OF UNDER SECRETARY FOR NUCLEAR SECURITY ON THE JOINT NUCLEAR WEAPONS COUNCIL.

(a) MEMBERSHIP.—Section 179 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following new paragraph (3):

"(3) The Under Secretary for Nuclear Security of the Department of Energy."; and

(2) in subsection (b)(2), by striking "the representative designated under subsection (a)(3)" and inserting "the Under Secretary for Nuclear Security of the Department of Energy".

(b) CONFORMING AMENDMENT.—Section 3212 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 957; 50 U.S.C. 2402) is amended by adding at the end the following new subsection:

"(e) MEMBERSHIP ON JOINT NUCLEAR WEAPONS COUNCIL.—The Administrator serves as a member of the Joint Nuclear Weapons Council under section 179 of title 10, United States Code.".

SEC. 3153. ORGANIZATION PLAN FOR FIELD OFFICES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) PLAN REQUIRED.—Not later than May 1, 2001, the Administrator for Nuclear Security shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for assigning roles and responsibilities to and among the headquarters and field organizational units of the National Nuclear Security Administration.

(b) PLAN ELEMENTS.—The plan shall include the following:

(1) A general description of the organizational structure of the administrative functions of the National Nuclear Security Administration under the plan, including the authorities and responsibilities to be vested in the units of the headquarters, operations offices, and area offices of the Administration.

(2) A description of any downsizing, elimination, or consolidation of units of the headquarters, operations offices, and area offices of the Administration that may be necessary to enhance the efficiency of the Administration.

(3) A description of the modifications of staffing levels of the headquarters, operations offices, and area offices of the Administration, including any reductions in force, employment of additional personnel, or realignments of personnel, that are necessary to implement the plan.

(4) A schedule for the implementation of the plan.

(c) INCLUDED FACILITIES.—The plan shall address any administrative units in the National Nuclear Security Administration, including units in and under the following:

(1) The Department of Energy Headquarters, Washington, District of Columbia, metropolitan area.

(2) The Albuquerque Operations Office, Albuquerque, New Mexico.

(3) The Nevada Operations Office, Las Vegas, Nevada.

(4) The Oak Ridge Operations Office, Oak Ridge, Tennessee.

(5) The Oakland Operations Office, Oakland, California.

(6) The Savannah River Operations Office, Aiken, South Carolina.

(7) The Los Alamos Area Office, Los Alamos, New Mexico.

(8) The Kirtland Area Office, Albuquerque, New Mexico.

(9) The Amarillo Area Office, Amarillo, Texas.

(10) The Kansas City Area Office, Kansas City, Missouri.

SEC. 3154. REQUIRED CONTENTS OF FUTURE-YEARS NUCLEAR SECURITY PROGRAM.

(a) CONTENTS REQUIRED.—Subsection (b) of section 3253 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 966; 50 U.S.C. 2453) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting before paragraph (4) (as redesignated by paragraph (2)) the following new paragraphs:

"(1) A detailed description of the program elements (and the projects, activities, and construction projects associated with each such program element) during the applicable five-fiscal year period for at least each of the following:

"(A) For defense programs—

"(i) directed stockpile work;

"(ii) campaigns;

"(iii) readiness in technical base and facilities; and

"(iv) secure transportation asset.

"(B) For defense nuclear nonproliferation—

"(i) nonproliferation and verification, research, and development;

"(ii) arms control; and

"(iii) fissile materials disposition.

"(C) For naval reactors, naval reactors operations and maintenance.

"(2) A statement of proposed budget authority, estimated expenditures, and proposed appropriations necessary to support each program element specified pursuant to paragraph (1).

"(3) A detailed description of how the funds identified for each program element specified pursuant to paragraph (1) in the budget for the Administration for each fiscal year during that five-fiscal year period will help ensure that the nuclear weapons stockpile is safe and reliable, as determined in accordance with the criteria established under section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (42 U.S.C. 2121 note).".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(3) in subsection (d), as so redesignated, by striking "subsection (d)" and inserting "subsection (c)".

SEC. 3155. FUTURE-YEARS NUCLEAR SECURITY PROGRAM FOR FISCAL YEAR 2001.

(a) PROGRAM REQUIRED.—(1) Without regard to any future-years nuclear security program submitted before the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a future-years nuclear security program (including associated annexes) for fiscal year 2001 and the five succeeding fiscal years.

(2) The program shall reflect the estimated expenditures and proposed appropriations included in the budget for fiscal year 2001 that was submitted to Congress under section 1105(a) of title 31, United States Code.

(b) PROGRAM DETAIL.—The level of detail of the program submitted under subsection (a) shall be equivalent to the level of detail in the Project Baseline Summary system of the Department of Energy, if practicable, but in no event below the following:

(1) In the case of directed stockpile work, detail as follows:

(A) Stockpile research and development.

(B) Stockpile maintenance.

(C) Stockpile evaluation.

(D) Dismantlement and disposal.

(E) Production support.

(F) Field engineering, training, and manuals.

(2) In the case of campaigns, detail as follows:

(A) Primary certification.

(B) Dynamic materials properties.

(C) Advanced radiography.

(D) Secondary certification and nuclear system margins.

(E) Enhanced surety.

(F) Weapons system engineering certification.

(G) Certification in hostile environments.

(H) Enhanced surveillance.

(I) Advanced design and production technologies.

(J) Inertial confinement fusion (ICF) ignition and high yield.

(K) Defense computing and modeling.

(L) Pit manufacturing readiness.

(M) Secondary readiness.

(N) High explosive readiness.

(O) Nonnuclear readiness.

(P) Materials readiness.

(Q) Tritium readiness.

(3) In the case of readiness in technical base and facilities, detail as follows:

(A) Operation of facilities.

(B) Program readiness.

(C) Special projects.

(D) Materials recycle and recovery.

(E) Containers.

(F) Storage.

(4) In the case of secure transportation assets, detail as follows:

(A) Operation and maintenance.

(B) Program direction relating to transportation.

(5) Program direction.

(6) Construction (listed by project number).

(7) In the case of safeguards and security, detail as follows:

(A) Operation and maintenance.

(B) Construction.

(c) DEADLINE FOR SUBMITTAL.—The future-years nuclear security program required by subsection (a) shall be submitted not later than November 1, 2000.

(d) LIMITATION ON USE OF FUNDS PENDING SUBMITTAL.—Not more than 65 percent of the funds appropriated pursuant to the authorization of appropriations in section 3101(a)(1)(C) or otherwise made available made available to the Department of Energy for fiscal year 2001 for program direction in carrying out weapons activities may be obligated or expended until 45 days after the date on which the Administrator for Nuclear Security submits to the congressional defense committees the program required by subsection (a).

SEC. 3156. ENGINEERING AND MANUFACTURING RESEARCH, DEVELOPMENT, AND DEMONSTRATION BY PLANT MANAGERS OF CERTAIN NUCLEAR WEAPONS PRODUCTION PLANTS.

(a) AUTHORITY FOR PROGRAMS AT NUCLEAR WEAPONS PRODUCTIONS FACILITIES.—The Administrator for Nuclear Security shall authorize the head of each nuclear weapons production facility to establish an Engineering and Manufacturing Research, Development, and Demonstration Program under this section.

(b) PROJECTS AND ACTIVITIES.—The projects and activities carried out through the program at a nuclear weapons production facility under this section shall support innovative or high-risk design and manufacturing concepts and technologies with potentially high payoff for the nuclear weapons complex. Those projects and activities may include—

(1) replacement of obsolete or aging design and manufacturing technologies;

(2) development of innovative agile manufacturing techniques and processes; and

(3) training, recruitment, or retention of essential personnel in critical engineering and manufacturing disciplines.

(c) FUNDING.—The Administrator may authorize the head of each nuclear weapons production facility to obligate up to $3,000,000 of funds within the Advanced Design and Production Technologies Campaign available for such facility during fiscal year 2001 to carry out projects and activities of the program under this section at that facility.

(d) REPORT.—The Administrator for Nuclear Security shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than September 15, 2001, a report describing, for each nuclear weapons production facility, each project or activity for which funds were obligated under the program, the criteria used in the selection of each such project or activity, the potential benefits of each such project or activity, and the Administrator's recommendation concerning whether the program should be continued.

(e) DEFINITION.—For purposes of this section, the term "nuclear weapons production facility" has the meaning given that term in section 3281(2) of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 968; 50 U.S.C. 2471(2)).

SEC. 3157. PROHIBITION ON INDIVIDUALS ENGAGING IN CONCURRENT SERVICE OR DUTIES WITHIN NATIONAL NUCLEAR SECURITY ADMINISTRATION AND OUTSIDE THAT ADMINISTRATION BUT WITHIN DEPARTMENT OF ENERGY.

Section 3213 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 958; 50 U.S.C. 2403) is amended—

(1) in subsection (a), by striking "Administration," and all that follows through "function of the";

(2) in subsection (b), by striking ", in carrying out any function of the Administration,"; and

(3) by adding at the end the following new subsection:

"(d) PROHIBITION ON DUAL OFFICE HOLDING.—Except in accordance with sections 3212(a)(2) and 3216(a)(1):

"(1) An individual may not concurrently hold or carry out the responsibilities of—

"(A) a position within the Administration; and

"(B) a position within the Department of Energy not within the Administration.

"(2) No funds appropriated or otherwise made available for any fiscal year may be used to pay, to an individual who concurrently holds or carries out the responsibilities of a position specified in paragraph (1)(A) and a position specified in paragraph (1)(B), the basic pay, salary, or other compensation relating to any such position.".

SEC. 3158. ANNUAL PLAN FOR OBLIGATION OF FUNDS OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) PLAN REQUIRED.—Section 3252 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 966; 50 U.S.C. 2452) is amended—

(1) by inserting "(a) PROCEDURES REQUIRED.—" before "The Administrator shall"; and

(2) by adding at the end the following new subsections:

"(b) ANNUAL PLAN FOR OBLIGATION OF FUNDS.—(1) Each year, the Administrator shall prepare a plan for the obligation of the amounts that, in the President's budget submitted to Congress that year under section 1105(a) of title 31, United States Code, are proposed to be appropriated for the Administration for the fiscal year that begins in that year (in this section referred to as the 'budget year') and the two succeeding fiscal years.

"(2) For each program element and construction line item of the Administration, the plan shall provide the goal of the Administration for the obligation of those amounts for that element or item for each fiscal year of the plan, expressed as a percentage of the total amount proposed to be appropriated in that budget for that element or item.

"(c) SUBMISSION OF PLAN AND REPORT.—The Administrator shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress under section 1105(a) of title 31, United States Code, each of the following:

"(1) The plan required by subsection (b) prepared with respect to that budget.

"(2) A report on the plans prepared with respect to the preceding years' budgets, which shall include, for each goal provided in those plans—

"(A) the assessment of the Administrator as to whether or not that goal was met; and

"(B) if that assessment is that the goal was not met—

"(i) the reasons why that goal was not met; and

"(ii) the plan of the Administrator for meeting or, if necessary, adjusting that goal.".

(b) EFFECTIVE DATE OF REQUIREMENT TO ASSESS PRIOR PLAN.—The first report submitted under paragraph (2) of subsection (c) of such section (as added by subsection (a)) shall be the report on the plan prepared with respect to the budget submitted in calendar year 2001.

(c) GAO REPORT.—Not later than March 15, 2001, the Comptroller General shall submit to the congressional defense committees an assessment of the adequacy of the planning, programming, and budgeting processes of the National Nuclear Security Administration.

SEC. 3159. AUTHORITY TO REORGANIZE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) REORGANIZATION AUTHORITY.—Section 3212 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 957; 50 U.S.C. 2402) is amended by adding at the end the following new subsection:

"(e) REORGANIZATION AUTHORITY.—Except as provided by subsections (b) and (c) of section 3291:

"(1) The Administrator may establish, abolish, alter, consolidate, or discontinue any organizational unit or component of the Administration, or transfer any function of the Administration.

"(2) Such authority does not apply to the abolition of organizational units or components established by law or the transfer of functions

vested by law in any organizational unit or component.''.

(b) CONFORMING AMENDMENTS.—Section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) is amended—

(1) by striking "The Secretary" and inserting "(a) Except as provided in subsection (b), the Secretary"; and

(2) by adding at the end the following new subsection:

"(b) The authority of the Secretary under subsection (a) does not apply to the National Nuclear Security Administration. The corresponding authority that applies to the Administration is set forth in section 3212(e) of the National Nuclear Security Administration Act.''.

Subtitle E—National Laboratories Partnership Improvement

SEC. 3161. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator for Nuclear Security shall establish a Technology Infrastructure Pilot Program in accordance with this section.

(b) PURPOSE.—The purpose of the program shall be to explore new methods of collaboration and improvements in the management and effectiveness of collaborative programs carried out by the national security laboratories and nuclear weapons production facilities in partnership with private industry and institutions of higher education and to improve the ability of those laboratories and facilities to support missions of the Administration.

(c) FUNDING.—(1) Except as provided in paragraph (2), funding shall be available for the pilot program only to the extent of specific authorizations and appropriations enacted after the date of the enactment of this Act.

(2) From amounts available in fiscal years 2001 and 2002 for technology partnership programs of the Administration, the Administrator may allocate to carry out the pilot program not more than $5,000,000.

(d) PROJECT REQUIREMENTS.—A project may not be approved for the pilot program unless the project meets the following requirements:

(1) The participants in the project include—

(A) a national security laboratory or nuclear weapons production facility; and

(B) one or more of the following:

(i) A business.

(ii) An institution of higher education.

(iii) A nonprofit institution.

(iv) An agency of a State, local, or tribal government.

(2)(A) Not less than 50 percent of the costs of the project are to be provided by non-Federal sources.

(B)(i) The calculation of the amount of the costs of the project provided by non-Federal sources shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) No funds or other resources expended before the start of the project or outside the project's scope of work may be credited toward the costs provided by non-Federal sources to the project.

(3) The project (other than in the case of a project under which the participating laboratory or facility receives funding under this section) shall be competitively selected by that laboratory or facility using procedures determined to be appropriate by the Administrator.

(4) No Federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(e) SELECTION CRITERIA.—(1) The projects selected for the pilot program shall—

(A) stimulate the development of technology expertise and capabilities in private industry and institutions of higher education that can support the nuclear weapons and nuclear nonproliferation missions of the national security laboratories and nuclear weapons production facilities on a continuing basis;

(B) improve the ability of those laboratories and facilities benefit from commercial research, technology, products, processes, and services that can support the nuclear weapons and nuclear nonproliferation missions of those laboratories and facilities on a continuing basis; and

(C) encourage the exchange of scientific and technological expertise between those laboratories and facilities and—

(i) institutions of higher education;

(ii) technology-related business concerns;

(iii) nonprofit institutions; and

(iv) agencies of State, tribal, or local governments;

that can support the missions of those laboratories and facilities.

(2) The Administrator may authorize the provision of Federal funds for a project under this section only if the director of the laboratory or facility managing the project determines that the project is likely to improve the ability of that laboratory or facility to achieve technical success in meeting nuclear weapons and nuclear nonproliferation missions of the Administration.

(3) The Administrator shall require the director of the laboratory or facility to consider the following criteria in selecting a project to receive Federal funds:

(A) The potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan.

(B) The potential of the project to promote the development of a commercially sustainable technology, determined by considering whether the project will derive sufficient demand for its products or services from the private sector to support the nuclear weapons and nuclear nonproliferation missions of the participating laboratory or facility on a continuing basis.

(C) The potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating laboratory or facility to achieve its nuclear weapons and nuclear nonproliferation missions.

(D) The commitment shown by non-Federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project.

(E) The extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the nuclear weapons and nuclear nonproliferation missions of the participating laboratory or facility on a continuing basis and that will make substantive contributions to achieving the goals of the project.

(F) The extent of participation in the project by agencies of State, tribal, or local governments that will make substantive contributions to achieving the goals of the project.

(G) The extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves small business concerns substantively in the project.

(f) IMPLEMENTATION PLAN.—No funds may be allocated for the pilot program until 30 days after the date on which the Administrator submits to the congressional defense committees a plan for the implementation of the pilot program. The plan shall, at a minimum—

(1) identify the national security laboratories and nuclear weapons production facilities that have been designated by the Administrator to participate in the pilot program; and

(2) with respect to each laboratory or facility identified under paragraph (1)—

(A) identify the businesses, institutions of higher education, nonprofit institutions, and agencies of State, local, or tribal government that are expected to participate in the pilot program at that laboratory or facility;

(B) identify the technology areas to be addressed by the pilot program at that laboratory or facility and the manner in which the pilot program will support high-priority missions of that laboratory or facility on a continuing basis; and

(C) describe the management controls that have been put into place to ensure that the pilot program as conducted at that laboratory or facility is conducted in a cost-effective manner consistent with the objectives of the pilot program.

(g) REPORT ON IMPLEMENTATION.—(1) Not later than February 1, 2002, the Administrator shall submit to the congressional defense committees a report on the implementation and management of the pilot program. The report shall take into consideration the results of the pilot program to date and the views of the directors of the participating laboratories and facilities. The report shall include any recommendations the Administrator may have concerning the future of the pilot program.

(2) Not later than 30 days after the date on which the Administrator submits the report required by paragraph (1), the Comptroller General shall submit to the congressional defense committees a report containing the Comptroller General's assessment of that report.

SEC. 3162. REPORT ON SMALL BUSINESS PARTICIPATION IN NATIONAL NUCLEAR SECURITY ADMINISTRATION ACTIVITIES.

(a) REPORT REQUIRED.—Not later than February 15, 2001, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on small business participation in the activities of the National Nuclear Security Administration.

(b) CONTENTS OF REPORT.—The report shall include the following:

(1) A description of the scope and nature of the efforts of the National Nuclear Security Administration as of the date of the enactment of this Act to encourage or increase participation of small business concerns in procurements, collaborative research, technology licensing, and technology transfer activities carried out by the national security laboratories or nuclear weapons production facilities.

(2) An assessment of the effectiveness of those efforts in securing products and services of value to those laboratories and facilities.

(3) Recommendations on how to improve those efforts.

(4) An identification of legislative changes required to implement those recommendations.

SEC. 3163. STUDY AND REPORT RELATED TO IMPROVING MISSION EFFECTIVENESS, PARTNERSHIPS, AND TECHNOLOGY TRANSFER AT NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.

(a) STUDY AND REPORT REQUIRED.—The Secretary of Energy shall direct the Secretary of Energy Advisory Board to study and to submit to the Secretary not later than one year after the date of the enactment of this Act a report regarding the following topics:

(1) The advantages and disadvantages of providing the Administrator for Nuclear Security with authority, notwithstanding the limitations otherwise imposed by the Federal Acquisition Regulation, to enter into transactions with public agencies, private organizations, or individuals on terms the Administrator considers appropriate to the furtherance of basic, applied, and advanced research functions. The Advisory Board shall consider, in its assessment of this

authority, the management history of the Department of Energy and the effect of this authority on the National Nuclear Security Administration's use of contractors to operate the national security laboratories.

(2) The advantages and disadvantages of establishing and implementing policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among national security laboratories and nuclear weapons production facilities.

(3) The advantages and disadvantages of making changes in—

(A) the indemnification requirements for patents or other intellectual property licensed from a national security laboratory or nuclear weapons production facility;

(B) the royalty and fee schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a national security laboratory or nuclear weapons production facility;

(C) the licensing procedures and requirements for patents and other intellectual property;

(D) the rights given to a small business concern that has licensed a patent or other intellectual property from a national security laboratory or nuclear weapons production facility to bring suit against third parties infringing such intellectual property;

(E) the advance funding requirements for a small business concern funding a project at a national security laboratory or nuclear weapons production facility through a funds-in agreement;

(F) the intellectual property rights allocated to a business when it is funding a project at a national security laboratory or nuclear weapons production facility through a funds-in agreement; and

(G) policies on royalty payments to inventors employed by a contractor operating a national security laboratory or nuclear weapons production facility, including those for inventions made under a funds-in agreement.

(b) DEFINITION OF FUNDS-IN AGREEMENT.—For the purposes of this section, the term "funds-in agreement" means a contract between the Department and a non-Federal organization under which that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

(c) SUBMISSION TO CONGRESS.—Not later than one month after receiving the report under subsection (a), the Secretary shall submit to Congress that report, along with the Secretary's recommendations for action and proposals for legislation to implement the recommendations.

SEC. 3164. REPORT ON EFFECTIVENESS OF NATIONAL NUCLEAR SECURITY ADMINISTRATION TECHNOLOGY DEVELOPMENT PARTNERSHIPS WITH NON-FEDERAL ENTITIES.

(a) REPORT REQUIRED.—The Administrator for Nuclear Security shall submit to Congress, not later than March 1, 2001, a report on the efficiency and effectiveness with which the National Nuclear Security Administration and its laboratories and facilities carry out technology development activities in partnership with non-Federal entities, including cooperative research and development agreements. The report shall include an examination of the following matters with respect to the carrying out of those activities:

(1) Funding sources available to and used by the Administration.

(2) Types of legal instruments used by the Administration, and the extent to which they are used.

(3) Procedures used for selection of participants.

(4) Intellectual property licensing and royalty provisions.

(5) New technologies developed.

(6) The extent to which those new technologies have—

(A) commercial utility; and

(B) utility to the nuclear weapons and nuclear nonproliferation missions of the Administration.

(b) ADDITIONAL REQUIREMENTS FOR COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) The report required by subsection (a) shall include a section providing the following with respect to cooperative research and development agreements:

(A) An assessment of the advantages and disadvantages of such agreements.

(B) Any recommendations of the Administrator regarding the use of such agreements by the Administration in the future, including any appropriate funding levels.

(C) Any recommendations of the Administrator regarding legislation to make such agreements more effective in supporting the Administration's core nuclear weapons and nuclear non-proliferation missions.

(2) In this subsection, the term "cooperative research and development agreement" has the meaning given such term in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)).

(c) GAO REVIEW.—The Comptroller General shall submit to Congress, within 30 days after the submission of the report required by subsection (a), a report containing the Comptroller General's assessment of that report.

SEC. 3165. DEFINITIONS.

For purposes of this subtitle, the terms "national security laboratory" and "nuclear weapons production facility" have the meanings given such terms in section 3281 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 968; 50 U.S.C. 2471).

Subtitle F—Matters Relating to Defense Nuclear Nonproliferation

SEC. 3171. ANNUAL REPORT ON STATUS OF NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

(a) REPORT REQUIRED.—Not later than January 1 of each year, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the status of efforts during the preceding fiscal year under the Nuclear Materials Protection, Control, and Accounting Program of the Department of Energy to secure weapons-usable nuclear materials in Russia that have been identified as being at risk for theft or diversion.

(b) CONTENTS.—Each report under subsection (a) shall include the following:

(1) The number of buildings, including building locations, that received complete and integrated materials protection, control, and accounting systems for nuclear materials described in subsection (a) during the year covered by such report.

(2) The amounts of highly enriched uranium and plutonium in Russia that have been secured under systems described in paragraph (1) as of the date of such report.

(3) The amount of nuclear materials described in subsection (a) that continues to require securing under systems described in paragraph (1) as of the date of such report.

(4) A plan for actions to secure the nuclear materials identified in paragraph (3) under systems described in paragraph (1), including an estimate of the cost of such actions.

(5) The amounts expended through the fiscal year preceding the date of such report to secure nuclear materials described in subsection (a) under systems described in paragraph (1), set forth by total amount and by amount per fiscal year.

(c) LIMITATION ON USE OF CERTAIN FUNDS.—(1) No amounts authorized to be appropriated for the Department of Energy by this Act or any other Act for purposes of the Nuclear Materials Protection, Control, and Accounting Program may be obligated or expended after September 30, 2000, for any project under the program at a site controlled by the Russian Ministry of Atomic Energy (MINATOM) in Russia until the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the access policy established with respect to such project, including a certification that the access policy has been implemented.

(2) The access policy with respect to a project under this subsection shall—

(A) permit appropriate determinations by United States officials regarding security requirements, including security upgrades, for the project; and

(B) ensure verification by United States officials that Department of Energy assistance at the project is being used for the purposes intended.

SEC. 3172. NUCLEAR CITIES INITIATIVE.

(a) IN GENERAL.—(1) The Secretary of Energy may, in accordance with the provisions of this section, expand and enhance the activities of the Department of Energy under the Nuclear Cities Initiative.

(2) In this section, the term "Nuclear Cities Initiative" means the initiative arising pursuant to the joint statement dated July 24, 1998, signed by the Vice President of the United States and the Prime Minister of the Russian Federation and the agreement dated September 22, 1998, between the United States and the Russian Federation.

(b) FUNDING FOR FISCAL YEAR 2001.—There is hereby authorized to be appropriated for the Department of Energy for fiscal year 2001 $30,000,000 for purposes of the Nuclear Cities Initiative.

(c) LIMITATION PENDING SUBMISSION OF AGREEMENT.—No amount authorized to be appropriated or otherwise made available for the Department of Energy for fiscal year 2001 for the Nuclear Cities Initiative may be obligated or expended to provide assistance under the Initiative for more than three nuclear cities in Russia and two serial production facilities in Russia until 30 days after the date on which the Secretary of Energy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a copy of a written agreement between the United States Government and the Government of the Russian Federation which provides that Russia will close some of its facilities engaged in nuclear weapons assembly and disassembly work.

(d) LIMITATION PENDING IMPLEMENTATION OF PROJECT REVIEW PROCEDURES.—(1) Not more than $8,750,000 of the amounts referred to in subsection (b) may be obligated or expended for purposes of the Initiative until the Secretary of Energy establishes and implements project review procedures for projects under the Initiative and submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the project review procedures so established and implemented.

(2) The project review procedures established under paragraph (1) shall ensure that any scientific, technical, or commercial project initiated under the Initiative—

(A) will not enhance the military or weapons of mass destruction capabilities of Russia;

(B) will not result in the inadvertent transfer or utilization of products or activities under such project for military purposes;

(C) will be commercially viable; and

(D) will be carried out in conjunction with an appropriate commercial, industrial, or nonprofit entity as partner.

(e) LIMITATION PENDING CERTIFICATION AND REPORT.—No amount in excess of $17,500,000 authorized to be appropriated for the Department of Energy for fiscal year 2001 for the Nuclear Cities Initiative may be obligated or expended for purposes of providing assistance under the Initiative until 30 days after the date on which the Secretary of Energy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the following:

(1) A copy of the written agreement between the United States and the Russian Federation which provides that Russia will close some of its facilities engaged in nuclear weapons assembly and disassembly work within five years of the date of the agreement in exchange for receiving assistance through the Initiative.

(2) A certification by the Secretary—

(A) that project review procedures for all projects under the Initiative have been established and are being implemented; and

(B) that those procedures will ensure that any scientific, technical, or commercial project initiated under the Initiative—

(i) will not enhance the military or weapons of mass destruction capabilities of Russia;

(ii) will not result in the inadvertent transfer or utilization of products or activities under such project for military purposes;

(iii) will be commercially viable within three years after the date of the initiation of the project; and

(iv) will be carried out in conjunction with an appropriate commercial, industrial, or other nonprofit entity as partner.

(3) A report setting forth the following:

(A) A description of the project review procedures process.

(B) A list of the projects under the Initiative that have been reviewed under such project review procedures.

(C) A description for each project listed under subparagraph (B) of the purpose, expected lifecycle costs, out-year budget costs, participants, commercial viability, expected time for income generation, and number of Russian jobs created.

(f) PLAN FOR RESTRUCTURING THE RUSSIAN NUCLEAR COMPLEX.—(1) The President, acting through the Secretary of Energy, is urged to enter into discussions with the Russian Federation for purposes of the development by the Russian Federation of a plan to restructure the Russian nuclear complex in order to meet changes in the national security requirements of Russia by 2010.

(2) The plan under paragraph (1) should include the following:

(A) Mechanisms to consolidate the nuclear weapons production capacity in Russia to a capacity that is consistent with the obligations of Russia under current and future arms control agreements.

(B) Mechanisms to increase transparency regarding the restructuring of the Russian nuclear complex and weapons-surplus nuclear materials inventories in Russia to the levels of transparency for such matters in the United States, including the participation of Department of Energy officials with expertise in transparency of such matters.

(C) Measurable milestones that will permit the United States and the Russian Federation to monitor progress under the plan.

(g) ENCOURAGEMENT OF CAREERS IN NONPROLIFERATION.—(1) In carrying out actions under this section, the Secretary of Energy may carry out a program to encourage students in the United States and in the Russian Federation to pursue careers in areas relating to nonproliferation.

(2) Of the amounts made available under the Initiative for fiscal year 2001 in excess of $17,500,000, up to $2,000,000 shall be available for purposes of the program under paragraph (1).

(3) The Administrator for Nuclear Security shall notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives before any funds are expended pursuant to paragraph (2). Any such notification shall include—

(A) an identification of the amount to be expended under paragraph (2) during fiscal year 2001;

(B) the recipients of the funds; and

(C) specific information on the activities that will be conducted using those funds.

(h) DEFINITIONS.—In this section:

(1) The term "nuclear city" means any of the closed nuclear cities within the complex of the Russian Ministry of Atomic Energy as follows:

(A) Sarov (Arzamas–16).

(B) Zarechnyy (Penza–19).

(C) Novoural'sk (Sverdlovsk–44).

(D) Lesnoy (Sverdlovsk–45).

(E) Ozersk (Chelyabinsk–65).

(F) Snezhinsk (Chelyabinsk–70).

(G) Trechgornyy (Zlatoust–36).

(H) Seversk (Tomsk–7).

(I) Zheleznogorsk (Krasnoyarsk–26).

(J) Zelenogorsk (Krasnoyarsk–45).

(2) The term "Russian nuclear complex" means all of the nuclear cities.

(3) The term "serial production facilities" means the facilities in Russia that are located at the following cities:

(A) Avangard.

(B) Lesnoy (Sverdlovsk–45).

(C) Trechgornyy (Zlatoust–36).

(D) Zarechnyy (Penza–19).

SEC. 3173. DEPARTMENT OF ENERGY NONPROLIFERATION MONITORING.

(a) REPORT REQUIRED.—Not later than March 1, 2001, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the efforts of the Department of Energy to ensure adequate oversight and accountability of the Department's nonproliferation programs in Russia and the potential costs and effects of the use of on-the-ground monitoring for the Department's significant nonproliferation programs in Russia. The report shall include the following:

(1) A detailed discussion of the current management and oversight mechanisms used to ensure that Federal funds are expended for the intended purposes of those programs and that the projects are achieving their intended objectives.

(2) An evaluation of whether those mechanisms are adequate.

(3) A discussion of whether there is a need for additional employees of the Department, or of contractors of the Department, to be stationed in Russia, or to visit nonproliferation project sites in Russia on a regular basis, to monitor the programs carried out at those sites, and an estimate of the practical considerations and costs of such monitoring.

(4) An identification of each nonproliferation program and each site at which an employee referred to in paragraph (3) would be placed to monitor that program.

(5) A description of the costs associated with continued on-the-ground monitoring of those programs, including the costs associated with placing those employees in Russia.

(6) Recommendations regarding the most cost-effective option for the Department to pursue to ensure that Federal funds for those programs are expended for the intended purposes of those programs.

(7) Any recommendations of the Secretary for further improvements in the oversight and accountability of those programs, including any proposed legislation.

(b) GAO REPORT.—Not later than April 15, 2001, the Comptroller General shall submit to the committees referred to in subsection (a) a report setting forth the assessment of the Comptroller General concerning the information contained in the report required by that subsection.

SEC. 3174. SENSE OF CONGRESS ON THE NEED FOR COORDINATION OF NONPROLIFERATION PROGRAMS.

It is the sense of Congress that there should be clear and effective coordination among—

(1) the Nuclear Cities Initiative;

(2) the Initiatives for Proliferation Prevention program;

(3) the Cooperative Threat Reduction programs;

(4) the Nuclear Materials Protection, Control, and Accounting Program; and

(5) the International Science and Technology Center program.

SEC. 3175. LIMITATION ON USE OF FUNDS FOR INTERNATIONAL NUCLEAR SAFETY PROGRAM.

Amounts authorized to be appropriated or otherwise made available by this title for the Department of Energy for fiscal year 2001 for the International Nuclear Safety Program in the former Soviet Union and Eastern Europe shall be available only for purposes of reactor safety upgrades and training relating to nuclear operator and reactor safety.

Subtitle G—Other Matters

SEC. 3191. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 3161(c)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 42 U.S.C. 7231 note) is amended by striking "September 30, 2000" and inserting "September 30, 2002".

SEC. 3192. BIENNIAL REPORT CONTAINING UPDATE ON NUCLEAR TEST READINESS POSTURES.

Section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 623) is amended—

(1) by inserting "(a) REPORT.—" before "Not later than February 15, 1996,"; and

(2) by adding at the end the following:

"(b) BIENNIAL UPDATE REPORT.—(1) Not later than February 15 of each odd-numbered year, the Secretary shall submit to the congressional defense committees a report containing an update of the report required under subsection (a), as updated by any report previously submitted under this paragraph.

"(2) Each report under paragraph (1) shall include, as of the date of such report, the following:

"(A) A list and description of the workforce skills and capabilities that are essential to carry out underground nuclear tests at the Nevada Test Site.

"(B) A list and description of the infrastructure and physical plant that are essential to carry out underground nuclear tests at the Nevada Test Site.

"(C) A description of the readiness status of the skills and capabilities described in subparagraph (A) and of the infrastructure and physical plant described in subparagraph (B).

"(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.".

SEC. 3193. FREQUENCY OF REPORTS ON INADVERTENT RELEASES OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

(a) FREQUENCY OF REPORTS.—Section 3161(f)(2) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999

(Public Law 105–261; 112 Stat. 2261; 50 U.S.C. 435 note) is amended to read as follows:

"(2) The Secretary of Energy shall, on a quarterly basis, submit a report to the committees and Assistant to the President specified in subsection (d). The report shall state whether any inadvertent releases described in paragraph (1) occurred during the immediately preceding quarter and, if so, shall identify each such release.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) apply with respect to inadvertent releases of Restricted Data and Formerly Restricted Data that are discovered on or after the date of the enactment of this Act.

SEC. 3194. FORM OF CERTIFICATIONS REGARDING THE SAFETY OR RELIABILITY OF THE NUCLEAR WEAPONS STOCKPILE.

Any certification submitted to the President by the Secretary of Defense or the Secretary of Energy regarding confidence in the safety or reliability of a nuclear weapon type in the United States nuclear weapons stockpile shall be submitted in classified form only.

SEC. 3195. AUTHORITY TO PROVIDE CERTIFICATE OF COMMENDATION TO DEPARTMENT OF ENERGY AND CONTRACTOR EMPLOYEES FOR EXEMPLARY SERVICE IN STOCKPILE STEWARDSHIP AND SECURITY.

(a) AUTHORITY TO PRESENT CERTIFICATE OF COMMENDATION.—The Secretary of Energy may present a certificate of commendation to any current or former employee of the Department of Energy, and any current or former employee of a Department contractor, whose service to the Department in matters relating to stockpile stewardship and security assisted the Department in furthering the national security interests of the United States.

(b) CERTIFICATE.—The certificate of commendation presented to a current or former employee under subsection (a) shall include an appropriate citation of the service of the current or former employee described in that subsection, including a citation for dedication, intellect, and sacrifice in furthering the national security interests of the United States by maintaining a strong, safe, and viable United States nuclear deterrent during the Cold War or thereafter.

(c) DEPARTMENT OF ENERGY DEFINED.—For purposes of this section, the term "Department of Energy" includes any predecessor agency of the Department of Energy.

SEC. 3196. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS FOR GOVERNMENT-OWNED, CONTRACTOR-OPERATED LABORATORIES.

(a) STRATEGIC PLANS.—Subsection (a) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by striking "joint work statement," and inserting "joint work statement or, if permitted by the agency, in an agency-approved annual strategic plan,".

(b) EXPERIMENTAL FEDERAL WAIVERS.—Subsection (b) of that section is amended by adding at the end the following new paragraph:

"(6)(A) In the case of a laboratory that is part of the National Nuclear Security Administration, a designated official of that Administration may waive any license retained by the Government under paragraph (1)(A), (2), or (3)(D), in whole or in part and according to negotiated terms and conditions, if the designated official finds that the retention of the license by the Government would substantially inhibit the commercialization of an invention that would otherwise serve an important national security mission.

"(B) The authority to grant a waiver under subparagraph (A) shall expire on the date that is five years after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. The expiration under the preceding sentence of authority to grant a waiver under subparagraph (A) shall not affect any waiver granted under that subparagraph before the expiration of such authority.

"(C) Not later than February 15 of each year, the Administrator for Nuclear Security shall submit to Congress a report on any waivers granted under this paragraph during the preceding year.".

(c) TIME REQUIRED FOR APPROVAL.—Subsection (c)(5) of that section is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (C), as so redesignated—

(A) in clause (i)—

(i) by striking "with a small business firm"; and

(ii) by inserting "if" after "statement"; and

(B) by adding at the end the following new clauses:

"(iv) Any agency that has contracted with a non-Federal entity to operate a laboratory may develop and provide to such laboratory one or more model cooperative research and development agreements for purposes of standardizing practices and procedures, resolving common legal issues, and enabling review of cooperative research and development agreements to be carried out in a routine and prompt manner.

"(v) A Federal agency may waive the requirements of clause (i) or (ii) under such circumstances as the agency considers appropriate.".

SEC. 3197. OFFICE OF ARCTIC ENERGY.

(a) ESTABLISHMENT.—The Secretary of Energy may establish within the Department of Energy an Office of Arctic Energy.

(b) PURPOSES.—The purposes of such office shall be as follows:

(1) To promote research, development, and deployment of electric power technology that is cost-effective and especially well suited to meet the needs of rural and remote regions of the United States, especially where permafrost is present or located nearby.

(2) To promote research, development, and deployment in such regions of—

(A) enhanced oil recovery technology, including heavy oil recovery, reinjection of carbon, and extended reach drilling technologies;

(B) gas-to-liquids technology and liquified natural gas (including associated transportation systems);

(C) small hydroelectric facilities, river turbines, and tidal power;

(D) natural gas hydrates, coal bed methane, and shallow bed natural gas; and

(E) alternative energy, including wind, geothermal, and fuel cells.

(c) LOCATION.—The Secretary shall locate such office at a university with expertise and experience in the matters specified in subsection (b).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2001, $18,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of stockpile funds.
Sec. 3302. Increased receipts under prior disposal authority.
Sec. 3303. Disposal of titanium.

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2001, the National Defense Stockpile Manager may obligate up to $71,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. INCREASED RECEIPTS UNDER PRIOR DISPOSAL AUTHORITY.

Section 3303(a)(4) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2263; 50 U.S.C. 98d note) is amended by striking "$590,000,000" and inserting "$720,000,000".

SEC. 3303. DISPOSAL OF TITANIUM.

(a) DISPOSAL REQUIRED.—Notwithstanding any other provision of law, the President shall, by September 30, 2010, dispose of 30,000 short tons of titanium contained in the National Defense Stockpile.

(b) TREATMENT OF RECEIPTS.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), of the funds received as a result of the disposal of titanium under subsection (a), $6,000,000 shall be transferred to the American Battle Monuments Commission for deposit in the fund established under section 2113 of title 36, United States Code, for the World War II memorial authorized by section 1 of Public Law 103–32 (107 Stat. 90), and the remainder shall be deposited into the Treasury as miscellaneous receipts.

(c) WORLD WAR II MEMORIAL.—(1) The amount transferred to the American Battle Monuments Commission under subsection (b) shall be used to complete all necessary requirements for the design of, ground breaking for, construction of, maintenance of, and dedication of the World War II memorial. The Commission shall determine how the amount shall be apportioned among such purposes.

(2) Any funds not necessary for the purposes set forth in paragraph (1) shall be transferred to and deposited in the general fund of the Treasury.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding materials in the National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Minimum price of petroleum sold from certain naval petroleum reserves.
Sec. 3402. Repeal of authority to contract for cooperative or unit plans affecting naval petroleum reserve numbered 1.
Sec. 3403. Disposal of Oil Shale Reserve Numbered 2.

SEC. 3401. MINIMUM PRICE OF PETROLEUM SOLD FROM CERTAIN NAVAL PETROLEUM RESERVES.

Section 7430(b)(2) of title 10, United States Code, is amended—

(1) in the matter before subparagraph (A), by striking "Naval Petroleum Reserves Numbered 1,

2, and 3” and inserting “Naval Petroleum Reserves Numbered 2 and 3”; and

(2) in subparagraph (A), by striking “90 percent of”.

SEC. 3402. REPEAL OF AUTHORITY TO CONTRACT FOR COOPERATIVE OR UNIT PLANS AFFECTING NAVAL PETROLEUM RESERVE NUMBERED 1.

(a) REPEAL.—Section 7426 of title 10, United States Code, is repealed.

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) Section 7425 of such title is amended by striking “for—” and all that follows through “he may acquire” and inserting “for exchanges of land or agreements for conservation authorized by section 7424 of this title, the Secretary may acquire”.

(2) Section 7428 of such title is amended by striking “, except a plan authorized by section 7426 of this title,”.

(3) The table of sections at the beginning of chapter 641 of such title is amended by striking the item relating to section 7426.

(c) SAVINGS PROVISION.—The repeal of section 7426 of title 10, United States Code, shall not affect the validity of contracts that are in effect under such section on the day before the date of the enactment of this Act. No such contract may be extended or renewed on or after the date of the enactment of this Act.

SEC. 3403. DISPOSAL OF OIL SHALE RESERVE NUMBERED 2.

(a) TRANSFER TO INDIAN TRIBE.—Section 3405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended to read as follows:

“SEC. 3405. DISPOSAL OF OIL SHALE RESERVE NUMBERED 2.

“(a) DEFINITIONS.—In this section:

“(1) NOSR–2.—The term ‘NOSR–2’ means Oil Shale Reserve Numbered 2, as identified on a map on file in the Office of the Secretary of the Interior.

“(2) MOAB SITE.—The term ‘Moab site’ means the Moab uranium milling site located approximately three miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996 in conjunction with Source Materials License No. SUA–917.

“(3) MAP.—The term “map” means the map depicting the boundaries of NOSR–2, to be kept on file and available for public inspection in the offices of the Department of the Interior.

“(4) TRIBE.—The term ‘Tribe’ means the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

“(5) TRUSTEE.—The term ‘Trustee’ means the Trustee of the Moab Mill Reclamation Trust.

“(b) CONVEYANCE.—(1) Except as provided in paragraph (2) and subsection (e), all right, title, and interest of the United States in and to all Federal lands within the exterior boundaries of NOSR–2 (including surface and mineral rights) are hereby conveyed to the Tribe in fee simple. The Secretary of Energy shall execute and file in the appropriate office a deed or other instrument effectuating the conveyance made by this section.

“(2) The conveyance under paragraph (1) does not include the following:

“(A) The portion of the bed of Green River contained entirely within NOSR–2, as depicted on the map.

“(B) The land (including surface and mineral rights) to the west of the Green River within NOSR–2, as depicted on the map.

“(C) A ¼ mile scenic easement on the east side of the Green River within NOSR–2.

“(c) CONDITIONS ON CONVEYANCE.—(1) The conveyance under subsection (b) is subject to valid existing rights in effect on the day before the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

“(2) On completion of the conveyance under subsection (b), the United States relinquishes all management authority over the conveyed land, including tribal activities conducted on the land.

“(3) The land conveyed to the Tribe under subsection (b) shall not revert to the United States for management in trust status.

“(4) The reservation of the easement under subsection (b)(2)(C) shall not affect the right of the Tribe to use and maintain access to the Green River through the use of the road within the easement, as depicted on the map.

“(5) Each withdrawal that applies to NOSR–2 and that is in effect on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is revoked to the extent that the withdrawal applies to NOSR–2.

“(6) Notwithstanding that the land conveyed to the Tribe under subsection (b) shall not be part of the reservation of the Tribe, such land shall be deemed to be part of the reservation of the Tribe for the purposes of criminal and civil jurisdiction.

“(d) ADMINISTRATION OF UNCONVEYED LAND AND INTERESTS IN LAND.—(1) The land and interests in land excluded by subparagraphs (A) and (B) of subsection (b)(2) from conveyance under subsection (b) shall be administered by the Secretary of the Interior in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

“(2) Not later than three years after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, the Secretary of the Interior shall submit to Congress a land use plan for the management of the land and interests in land referred to in paragraph (1).

“(3) There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to carry out this subsection.

“(e) ROYALTY.—(1) Notwithstanding the conveyance under subsection (b), the United States retains a nine percent royalty interest in the value of any oil, gas, other hydrocarbons, and all other minerals that are produced, saved, and sold from the conveyed land during the period beginning on the date of the conveyance and ending on the date the Secretary of Energy releases the royalty interest under subsection (i).

“(2) The royalty payments shall be made by the Tribe or its designee to the Secretary of Energy during the period that the oil, gas, hydrocarbons, or minerals are being produced, saved, sold, or extracted. The Secretary of Energy shall retain and use the payments in the manner provided in subsection (i)(3).

“(3) The royalty interest retained by the United States under this subsection does not include any development, production, marketing, and operating expenses.

“(4) The Tribe shall submit to the Secretary of Energy and to Congress an annual report on resource development and other activities of the Tribe concerning the conveyance under subsection (b).

“(5) Not later than five years after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and every five years thereafter, the Tribe shall obtain an audit of all resource development activities of the Tribe concerning the conveyance under subsection (b), as provided under chapter 75 of title 31, United States Code. The results of each audit under this paragraph shall be included in the next annual report submitted under paragraph (4).

“(f) RIVER MANAGEMENT.—(1) The Tribe shall manage, under Tribal jurisdiction and in accordance with ordinances adopted by the Tribe, land of the Tribe that is adjacent to, and within ¼ mile of, the Green River in a manner that—

“(A) maintains the protected status of the land; and

“(B) is consistent with the government-to-government agreement and in the memorandum of understanding dated February 11, 2000, as agreed to by the Tribe and the Secretary of the Interior.

“(2) An ordinance referred to in paragraph (1) shall not impair, limit, or otherwise restrict the management and use of any land that is not owned, controlled, or subject to the jurisdiction of the Tribe.

“(3) An ordinance adopted by the Tribe and referenced in the government-to-government agreement may not be repealed or amended without the written approval of both the Tribe and the Secretary of the Interior.

“(g) PLANT SPECIES.—(1) In accordance with a government-to-government agreement between the Tribe and the Secretary of the Interior, in a manner consistent with levels of legal protection in effect on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, the Tribe shall protect, under ordinances adopted by the Tribe, any plant species that is—

“(A) listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

“(B) located or found on the NOSR–2 land conveyed to the Tribe.

“(2) The protection described in paragraph (1) shall be performed solely under tribal jurisdiction.

“(h) HORSES.—(1) The Tribe shall manage, protect, and assert control over any horse not owned by the Tribe or tribal members that is located or found on the NOSR–2 land conveyed to the Tribe in a manner that is consistent with Federal law governing the management, protection, and control of hofses in effect on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

“(2) The management, control, and protection of horses described in paragraph (1) shall be performed solely—

“(A) under tribal jurisdiction; and

“(B) in accordance with a government-to-government agreement between the Tribe and the Secretary of the Interior.

“(i) REMEDIAL ACTION AT MOAB SITE.—(1)(A) The Secretary of Energy shall prepare a plan for remediation, including ground water restoration, of the Moab site in accordance with title I of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7911 et seq.). The Secretary of Energy shall enter into arrangements with the National Academy of Sciences to obtain the technical advice, assistance, and recommendations of the National Academy of Sciences in objectively evaluating the costs, benefits, and risks associated with various remediation alternatives, including removal or treatment of radioactive or other hazardous materials at the site, ground water restoration, and long-term management of residual contaminants. If the Secretary prepares a remediation plan that is not consistent with the recommendations of the National Academy of Sciences, the Secretary shall submit to Congress a report explaining the reasons for deviation from the National Academy of Sciences’ recommendations.

“(B) The remediation plan required by subparagraph (A) shall be completed not later than one year after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and the Secretary of Energy shall commence remedial action at the Moab site as soon as practicable after the completion of the plan.

"(C) The license for the materials at the Moab site issued by the Nuclear Regulatory Commission shall terminate one year after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, unless the Secretary of Energy determines that the license may be terminated earlier. Until the license is terminated, the Trustee, subject to the availability of funds appropriated specifically for a purpose described in clauses (i) through (iii) or made available by the Trustee from the Moab Mill Reclamation Trust, may carry out—

"(i) interim measures to reduce or eliminate localized high ammonia concentrations in the Colorado River, identified by the United States Geological Survey in a report dated March 27, 2000;

"(ii) activities to dewater the mill tailings at the Moab site; and

"(iii) other activities related to the Moab site, subject to the authority of the Nuclear Regulatory Commission and in consultation with the Secretary of Energy.

"(D) As part of the remediation plan for the Moab site required by subparagraph (A), the Secretary of Energy shall develop, in consultation with the Trustee, the Nuclear Regulatory Commission, and the State of Utah, an efficient and legal means for transferring all responsibilities and title to the Moab site and all the materials therein from the Trustee to the Department of Energy.

"(2) The Secretary of Energy shall limit the amounts expended in carrying out the remedial action under paragraph (1) to—

"(A) amounts specifically appropriated for the remedial action in an appropriation Act; and

"(B) other amounts made available for the remedial action under this subsection.

"(3)(A) The royalty payments received by the Secretary of Energy under subsection (e) shall be available to the Secretary, without further appropriation, to carry out the remedial action under paragraph (1) until such time as the Secretary determines that all costs incurred by the United States to carry out the remedial action (other than costs associated with long-term monitoring) have been paid.

"(B) Upon making the determination referred to in subparagraph (A), the Secretary of Energy shall transfer all remaining royalty amounts to the general fund of the Treasury and release to the Tribe the royalty interest retained by the United States under subsection (e).

"(4)(A) Funds made available to the Department of Energy for national security activities shall not be used to carry out the remedial action under paragraph (1), except that the Secretary of Energy may use such funds for program direction directly related to the remedial action.

"(B) There are authorized to be appropriated to the Secretary of Energy to carry out the remedial action under paragraph (1) such sums as are necessary.

"(5) If the Moab site is sold after the date on which the Secretary of Energy completes the remedial action under paragraph (1), the seller shall pay to the Secretary of Energy, for deposit in the general fund of the Treasury, the portion of the sale price that the Secretary determines resulted from the enhancement of the value of the Moab site as a result of the remedial action. The enhanced value of the Moab site shall be equal to the difference between—

"(A) the fair market value of the Moab site on the date of enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, based on information available on that date; and

"(B) the fair market value of the Moab site, as appraised on completion of the remedial action.".

(b) URANIUM MILL TAILINGS.—Section 102 of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912) is amended by adding at the end the following new subsection:

"(f) DESIGNATION OF MOAB SITE AS PROCESSING SITE.—

"(1) DESIGNATION.—Notwithstanding any other provision of law, the Moab uranium milling site (referred to in this subsection as the 'Moab site') located approximately three miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996 in conjunction with Source Materials License No. SUA-917, is designated as a processing site.

"(2) APPLICABILITY.—This title applies to the Moab site in the same manner and to the same extent as to other processing sites designated under subsection (a), except that—

"(A) sections 103, 104(b), 107(a), 112(a), and 115(a) of this title shall not apply; and

"(B) a reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of the enactment of this subsection.

"(3) REMEDIATION.—Subject to the availability of appropriations for this purpose, the Secretary shall conduct remediation at the Moab site in a safe and environmentally sound manner that takes into consideration the remedial action plan prepared pursuant to section 3405(i) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105-261), including—

"(A) ground water restoration; and

"(B) the removal, to a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated material from the Moab site and the floodplain of the Colorado River.".

(c) CONFORMING AMENDMENT.—Section 3406 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105-261) is amended by adding at the end the following new subsection:

"(f) OIL SHALE RESERVE NUMBERED 2.—This section does not apply to the transfer of Oil Shale Reserve Numbered 2 under section 3405.".

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2001.
Sec. 3502. Scrapping of National Defense Reserve Fleet vessels.
Sec. 3503. Authority to convey National Defense Reserve Fleet vessel, GLACIER.
Sec. 3504. Maritime intermodal research.
Sec. 3505. Maritime research and technology development.
Sec. 3506. Reporting of administered and oversight funds.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

Funds are hereby authorized to be appropriated for fiscal year 2001, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $94,260,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $54,179,000, of which—

(A) $50,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $4,179,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3502. SCRAPPING OF NATIONAL DEFENSE RESERVE FLEET VESSELS.

(a) EXTENSION OF SCRAPPING AUTHORITY UNDER NATIONAL MARITIME HERITAGE ACT OF 1994.—Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) in subparagraph (A) by striking "2001" and inserting "2006"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) in the manner that provides the best value to the Government, except in any case in which obtaining the best value would require towing a vessel and such towing poses a serious threat to the environment; and".

(b) SELECTION OF SCRAPPING FACILITIES.—The Secretary of Transportation may scrap obsolete vessels pursuant to section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) through qualified scrapping facilities, using the most expeditious scrapping methodology and location practicable. Scrapping facilities shall be selected under that section on a best value basis consistent with the Federal Acquisition Regulation, as in effect on the date of the enactment of this Act, without any predisposition toward foreign or domestic facilities taking into consideration, among other things, the ability of facilities to scrap vessels—

(1) at least cost to the Government;

(2) in a timely manner;

(3) giving consideration to worker safety and the environment; and

(4) in a manner that minimizes the geographic distance that a vessel must be towed when towing a vessel poses a serious threat to the environment.

(c) LIMITATION ON SCRAPPING BEFORE PROGRAM.—

(1) IN GENERAL.—Until the report required by subsection (d)(1) is transmitted to the congressional committees referred to in that subsection, the Secretary may not proceed with the scrapping of any vessel in the National Defense Reserve Fleet except the following:

(A) DONNER.
(B) EXPORT COMMERCE.
(C) BUILDER.
(D) ALBERT E. WATTS.
(E) WAYNE VICTORY.
(F) MORMACDAWN.
(G) MORMACMOON.
(H) SANTA ELENA.
(I) SANTA ISABEL.
(J) SANTA CRUZ.
(K) PROTECTOR.
(L) LAUDERDALE.
(N) PVT. FRED C. MURPHY.
(M) BEAUJOLAIS.
(O) MEACHAM.
(P) NEACO.
(Q) WABASH.
(R) NEMASKET.
(S) MIRFAK.
(T) GEN. ALEX M. PATCH.
(U) ARTHUR M. HUDDELL.
(V) WASHINGTON.
(W) SUFFOLK COUNTY.
(X) CRANDALL.
(Y) CRILLEY.
(Z) RIGEL.
(AA) VEGA.
(BB) COMPASS ISLAND.
(CC) EXPORT CHALLENGER.
(DD) PRESERVER.
(EE) MARINE FIDDLER.
(FF) WOOD COUNTY.
(GG) CATAWBA VICTORY.
(HH) GEN. NELSON M. WALKER.
(II) LORAIN COUNTY.
(JJ) LYNCH.
(KK) MISSION SANTA YNEZ.
(LL) CALOOSAHATCHEE.
(MM) CANISTEO.

(2) PRIORITIZATION.—The Secretary shall exercise discretion to prioritize for scrapping those vessels identified in paragraph (1) that pose the most immediate threat to the environment.

(d) SCRAPPING PROGRAM FOR OBSOLETE NATIONAL DEFENSE RESERVE FLEET VESSELS.—

(1) DEVELOPMENT OF PROGRAM; REPORT.—The Secretary of Transportation, in consultation with the Secretary of the Navy and the Administrator of the Environmental Protection Agency, shall within 6 months after the date of the enactment of this Act—

(A) develop a program for the scrapping of obsolete National Defense Reserve Fleet vessels; and

(B) submit a report on the program to the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committees on Armed Services of the House of Representatives and the Senate.

(2) CONTENTS OF REPORT.—The report shall include information concerning the initial determination of scrapping capacity, both domestically and abroad, appropriate proposed regulations to implement the program, funding and staffing requirements, milestone dates for the disposal of each obsolete vessel, and longterm cost estimates for the program.

(3) ALTERNATIVES.—In developing the program, the Secretary of Transportation, in consultation with the Secretary of the Navy and the Administrator of the Environmental Protection Agency, shall consider all alternatives and available information, including—

(A) alternative scrapping sites;

(B) vessel donations;

(C) sinking of vessels in deep water;

(D) sinking vessels for development of artificial reefs;

(E) sales of vessels before they become obsolete;

(F) results from the Navy Ship Disposal Program under section 8124 of the Department of Defense Appropriations Act, 1999; and

(G) the Report of the Department of Defense's Interagency Panel on Ship Scrapping issued in April 1998.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Transportation, in coordination with the Secretary of the Navy, shall report to the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committees on Armed Services of the House of Representatives and the Senate on the progress of the vessel scrapping program developed under subsection (d)(1) and on the progress of any other scrapping of obsolete Government-owned vessels.

(f) PRESIDENTIAL RECOMMENDATION.—The President shall transmit with the report required by subsection (d)(1) a recommendation on—

(1) whether it is necessary to amend the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other environmental statute or regulatory requirements relevant to the disposal of vessels described in section 6(c)(2) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(2)) by September 30, 2006; and

(2) any proposed changes to those requirements to carry out such disposals.

SEC. 3503. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, GLACIER.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation (in this section referred to as "the Secretary") may, subject to subsection (b), convey all right, title, and interest of the United States Government in and to the vessel in the National Defense Reserve Fleet that was formerly the U.S.S. GLACIER (United States official number AGB–4) to the Glacier Society, Inc., a corporation established under the laws of the State of Connecticut that is located in Bridgeport, Connecticut (in this section referred to as the "recipient").

(b) TERMS OF CONVEYANCE.—

(1) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless the recipient—

(A) agrees to use the vessel for the purpose of a monument to the accomplishments of members of the Armed Forces of the United States, civilians, scientists, and diplomats in exploration of the Arctic and the Antarctic;

(B) agrees that the vessel will not be used for commercial purposes;

(C) agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency;

(D) agrees to hold the Government harmless for any claims arising from exposure to asbestos, polychlorinated biphenyls, or lead paint after the conveyance of the vessel, except for claims arising from use of the vessel by the Government pursuant to the agreement under subparagraph (C); and

(E) provides sufficient evidence to the Secretary that it has available for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(2) DELIVERY OF VESSEL.—If the Secretary conveys the vessel under this section, the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States Government.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—If the Secretary conveys the vessel under this section, the Secretary may also convey to the recipient any unneeded equipment from other vessels in the National Defense Reserve Fleet or Government storage facilities for use to restore the vessel to museum quality or to its original configuration (or both).

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under this section until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of the conveyance of the vessel under this section.

SEC. 3504. MARITIME INTERMODAL RESEARCH.

Section 8 of Public Law 101–115 (46 U.S.C. App. 1121–2) is amended by adding at the end thereof the following:

"(f) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

"(1) IN GENERAL.—The Secretary may make a grant under section 5505 of title 49, United States Code, to an institute designated under subsection (a) for maritime and maritime intermodal research under that section as if the institute were a university transportation center.

"(2) ADVICE AND CONSULTATION OF MARAD.—In making a grant under the authority of paragraph (1), the Secretary, through the Research and Special Programs Administration, shall advise the Maritime Administration concerning the availability of funds for the grants, and consult with the Administration on the making of the grants.".

SEC. 3505. MARITIME RESEARCH AND TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a study of maritime research and technology development, and report its findings and conclusions, together with any recommendations it finds appropriate, to the Congress within 9 months after the date of enactment of this Act.

(b) REQUIRED AREAS OF STUDY.—The Secretary shall include the following items in the report required by subsection (a):

(1) The approximate dollar values appropriated by the Congress for each of the 5 fiscal years ending before the study is commenced for each of the following modes of transportation:

(A) Highway.

(B) Rail.

(C) Aviation.

(D) Public transit.

(E) Maritime.

(2) A description of how Federal funds appropriated for research in the different transportation modes are utilized.

(3) A summary and description of current research and technology development funds appropriated for each of those fiscal years for maritime research initiatives, with separate categories for funds provided to the Coast Guard for marine safety research purposes.

(4) A description of cooperative mechanisms that could be used to attract and leverage non-federal investments in United States maritime research and technology development and application programs, including the potential for the creation of maritime transportation research centers and the benefits of cooperating with existing surface transportation research centers.

(5) Proposals for research and technology development funding to facilitate the evolution of Maritime Transportation System.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 3401 for operations and training, $100,000 is authorized to carry out this section.

SEC. 3506. REPORTING OF ADMINISTERED AND OVERSIGHT FUNDS.

The Maritime Administration, in its annual report to the Congress under section 208 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1118), and in its annual budget estimate submitted to the Congress, shall state separately the amount, source, intended use, and nature of any funds (other than funds appropriated to the Administration or to the Secretary of Transportation for use by the Administration) administered, or subject to oversight, by the Administration.

TITLE XXXVI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

Sec. 3601. Short title.
Sec. 3602. Findings; sense of Congress.

Subtitle A—Establishment of Compensation Program and Compensation Fund

Sec. 3611. Establishment of Energy Employees Occupational Illness Compensation Program.
Sec. 3612. Establishment of Energy Employees Occupational Illness Compensation Fund.
Sec. 3613. Legislative proposal.
Sec. 3614. Authorization of appropriations.

Subtitle B—Program Administration

Sec. 3621. Definitions for program administration.
Sec. 3622. Expansion of list of beryllium vendors.
Sec. 3623. Exposure in the performance of duty.
Sec. 3624. Advisory Board on Radiation and Worker Health.
Sec. 3625. Responsibilities of Secretary of Health and Human Services.
Sec. 3626. Designation of additional members of Special Exposure Cohort.
Sec. 3627. Separate treatment of chronic silicosis.
Sec. 3628. Compensation and benefits to be provided.

Sec. 3629. Medical benefits.
Sec. 3630. Separate treatment of certain uranium employees.
Sec. 3631. Assistance for claimants and potential claimants.

Subtitle C—Treatment, Coordination, and Forfeiture of Compensation and Benefits

Sec. 3641. Offset for certain payments.
Sec. 3642. Subrogation of the United States.
Sec. 3643. Payment in full settlement of claims.
Sec. 3644. Exclusivity of remedy against the United States and against contractors and subcontractors.
Sec. 3645. Election of remedy for beryllium employees and atomic weapons employees.
Sec. 3646. Certification of treatment of payments under other laws.
Sec. 3647. Claims not assignable or transferable; choice of remedies.
Sec. 3648. Attorney fees.
Sec. 3649. Certain claims not affected by awards of damages.
Sec. 3650. Forfeiture of benefits by convicted felons.
Sec. 3651. Coordination with other Federal radiation compensation laws.

Subtitle D—Assistance in State Workers' Compensation Proceedings

Sec. 3661. Agreements with States.

SEC. 3601. SHORT TITLE.

This title may be cited as the "Energy Employees Occupational Illness Compensation Program Act of 2000".

SEC. 3602. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds the following:

(1) Since World War II, Federal nuclear activities have been explicitly recognized under Federal law as activities that are ultra-hazardous. Nuclear weapons production and testing have involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers have not covered and recurring exposures to radioactive substances and beryllium that, even in small amounts, can cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, a large number of nuclear weapons workers at sites of the Department of Energy and at sites of vendors who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Many previously secret records have documented unmonitored exposures to radiation and beryllium and continuing problems at these sites across the Nation, at which the Department of Energy and its predecessor agencies have been, since World War II, self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to be carried out under such sweeping powers of self-regulation.

(4) The policy of the Department of Energy has been to litigate occupational illness claims, which has deterred workers from filing workers' compensation claims and has imposed major financial burdens for such employees who have sought compensation. Contractors of the Department have been held harmless and the employees have been denied workers' compensation coverage for occupational disease.

(5) Over the past 20 years, more than two dozen scientific findings have emerged that indicate that certain of such employees are experiencing increased risks of dying from cancer and non-malignant diseases. Several of these studies have also established a correlation between excess diseases and exposure to radiation and beryllium.

(6) While linking exposure to occupational hazards with the development of occupational disease is sometimes difficult, scientific evidence supports the conclusion that occupational exposure to dust particles or vapor of beryllium can cause beryllium sensitivity and chronic beryllium disease. Furthermore, studies indicate than 98 percent of radiation-induced cancers within the nuclear weapons complex have occurred at dose levels below existing maximum safe thresholds.

(7) Existing information indicates that State workers' compensation programs do not provide a uniform means of ensuring adequate compensation for the types of occupational illnesses and diseases that relate to the employees at those sites.

(8) To ensure fairness and equity, the civilian men and women who, over the past 50 years, have performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy and its predecessor agencies should have efficient, uniform, and adequate compensation for beryllium-related health conditions and radiation-related health conditions.

(9) On April 12, 2000, the Secretary of Energy announced that the Administration intended to seek compensation for individuals with a broad range of work-related illnesses throughout the Department of Energy's nuclear weapons complex.

(10) However, as of October 2, 2000, the Administration has failed to provide Congress with the necessary legislative and budget proposals to enact the promised compensation program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a program should be established to provide compensation to covered employees;

(2) a fund for payment of such compensation should be established on the books of the Treasury;

(3) payments from that fund should be made only after—

(A) the identification of employees of the Department of Energy (including its predecessor agencies), and of contractors of the Department, who may be members of the group of covered employees;

(B) the establishment of a process to receive and administer claims for compensation for disability or death of covered employees;

(C) the submittal by the President of a legislative proposal for compensation of such employees that includes the estimated annual budget resources for that compensation; and

(D) consideration by the Congress of the legislative proposal submitted by the President; and

(4) payments from that fund should commence not later than fiscal year 2002.

Subtitle A—Establishment of Compensation Program and Compensation Fund

SEC. 3611. ESTABLISHMENT OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) PROGRAM ESTABLISHED.—There is hereby established a program to be known as the "Energy Employees Occupational Illness Compensation Program" (in this title referred to as the "compensation program"). The President shall carry out the compensation program through one or more Federal agencies or officials, as designated by the President.

(b) PURPOSE OF PROGRAM.—The purpose of the compensation program is to provide for timely, uniform, and adequate compensation of covered employees and, where applicable, survivors of such employees, suffering from illnesses incurred by such employees in the performance of duty for the Department of Energy and certain of its contractors and subcontractors.

(c) ELIGIBILITY FOR COMPENSATION.—The eligibility of covered employees for compensation under the compensation program shall be determined in accordance with the provisions of subtitle B as may be modified by a law enacted after the date of the submittal of the proposal for legislation required by section 3613.

SEC. 3612. ESTABLISHMENT OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury a fund to be known as the "Energy Employees Occupational Illness Compensation Fund" (in this title referred to as the "compensation fund").

(b) AMOUNTS IN COMPENSATION FUND.—The compensation fund shall consist of the following amounts:

(1) Amounts appropriated to the compensation fund pursuant to the authorization of appropriations in section 3614(b).

(2) Amounts transferred to the compensation fund under subsection (c).

(c) FINANCING OF COMPENSATION FUND.—Upon the exhaustion of amounts in the compensation fund attributable to the authorization of appropriations in section 3614(b), the Secretary of the Treasury shall transfer directly to the compensation fund from the General Fund of the Treasury, without further appropriation, such amounts as are further necessary to carry out the compensation program.

(d) USE OF COMPENSATION FUND.—Subject to subsection (e), amounts in the compensation fund shall be used to carry out the compensation program.

(e) ADMINISTRATIVE COSTS NOT PAID FROM COMPENSATION FUND.—No cost incurred in carrying out the compensation program, or in administering the compensation fund, shall be paid from the compensation fund or set off against or otherwise deducted from any payment to any individual under the compensation program.

(f) INVESTMENT OF AMOUNTS IN COMPENSATION FUND.—Amounts in the compensation fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be credited to and become a part of the compensation fund.

SEC. 3613. LEGISLATIVE PROPOSAL.

(a) LEGISLATIVE PROPOSAL REQUIRED.—Not later than March 15, 2001, the President shall submit to Congress a proposal for legislation to implement the compensation program. The proposal for legislation shall include, at a minimum, the specific recommendations (including draft legislation) of the President for the following:

(1) The types of compensation and benefits, including lost wages, medical benefits, and any lump-sum settlement payments, to be provided under the compensation program.

(2) Any adjustments or modifications necessary to appropriately administer the compensation program under subtitle B.

(3) Whether to expand the compensation program to include other illnesses associated with exposure to toxic substances.

(4) Whether to expand the class of individuals who are members of the Special Exposure Cohort (as defined in section 3621(14)).

(b) ASSESSMENT OF POTENTIAL COVERED EMPLOYEES AND REQUIRED AMOUNTS.—The President shall include with the proposal for legislation under subsection (a) the following:

(1) An estimate of the number of covered employees that the President determines were exposed in the performance of duty.

(2) An estimate, for each fiscal year of the compensation program, of the amounts to be required for compensation and benefits anticipated to be provided in such fiscal year under the compensation program.

SEC. 3614. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Pursuant to the authorization of appropriations in section 3103(a),

$25,000,000 may be used for purposes of carrying out this title.

(b) COMPENSATION FUND.—There is hereby authorized to be appropriated $250,000,000 to the Energy Employees Occupational Illness Compensation Fund established by section 3612.

Subtitle B—Program Administration

SEC. 3621. DEFINITIONS FOR PROGRAM ADMINISTRATION.

In this title:

(1) The term "covered employee" means any of the following:

(A) A covered beryllium employee.

(B) A covered employee with cancer.

(C) To the extent provided in section 3627, a covered employee with chronic silicosis (as defined in that section).

(2) The term "atomic weapon" has the meaning given that term in section 11 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(d)).

(3) The term "atomic weapons employee" means an individual employed by an atomic weapons employer during a period when the employer was processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling.

(4) The term "atomic weapons employer" means an entity, other than the United States, that—

(A) processed or produced, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling; and

(B) is designated by the Secretary of Energy as an atomic weapons employer for purposes of the compensation program.

(5) The term "atomic weapons employer facility" means a facility, owned by an atomic weapons employer, that is or was used to process or produce, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining or milling.

(6) The term "beryllium vendor" means any of the following:

(A) Atomics International.

(B) Brush Wellman, Incorporated, and its predecessor, Brush Beryllium Company.

(C) General Atomics.

(D) General Electric Company.

(E) NGK Metals Corporation and its predecessors, Kawecki-Berylco, Cabot Corporation, BerylCo, and Beryllium Corporation of America.

(F) Nuclear Materials and Equipment Corporation.

(G) StarMet Corporation and its predecessor, Nuclear Metals, Incorporated.

(H) Wyman Gordan, Incorporated.

(I) Any other vendor, processor, or producer of beryllium or related products designated as a beryllium vendor for purposes of the compensation program under section 3622.

(7) The term "covered beryllium employee" means the following, if and only if the employee is determined to have been exposed to beryllium in the performance of duty in accordance with section 3623(a):

(A) A current or former employee (as that term is defined in section 8101(1) of title 5, United States Code) who may have been exposed to beryllium at a Department of Energy facility or at a facility owned, operated, or occupied by a beryllium vendor.

(B) A current or former employee of—

(i) any entity that contracted with the Department of Energy to provide management and operation, management and integration, or environmental remediation of a Department of Energy facility; or

(ii) any contractor or subcontractor that provided services, including construction and maintenance, at such a facility.

(C) A current or former employee of a beryllium vendor, or of a contractor or subcontractor of a beryllium vendor, during a period when the vendor was engaged in activities related to the production or processing of beryllium for sale to, or use by, the Department of Energy.

(8) The term "covered beryllium illness" means any of the following:

(A) Beryllium sensitivity as established by an abnormal beryllium lymphocyte proliferation test performed on either blood or lung lavage cells.

(B) Established chronic beryllium disease.

(C) Any injury, illness, impairment, or disability sustained as a consequence of a covered beryllium illness referred to in subparagraph (A) or (B).

(9) The term "covered employee with cancer" means any of the following:

(A) An individual with a specified cancer who is a member of the Special Exposure Cohort, if and only if that individual contracted that specified cancer after beginning employment at a Department of Energy facility (in the case of a Department of Energy employee or Department of Energy contractor employee) or at an atomic weapons employer facility (in the case of an atomic weapons employee).

(B)(i) An individual with cancer specified in subclause (I), (II), or (III) of clause (ii), if and only if that individual is determined to have sustained that cancer in the performance of duty in accordance with section 3623(b).

(ii) Clause (i) applies to any of the following:

(I) A Department of Energy employee who contracted that cancer after beginning employment at a Department of Energy facility.

(II) A Department of Energy contractor employee who contracted that cancer after beginning employment at a Department of Energy facility.

(III) An atomic weapons employee who contracted that cancer after beginning employment at an atomic weapons employer facility.

(10) The term "Department of Energy" includes the predecessor agencies of the Department of Energy, including the Manhattan Engineering District.

(11) The term "Department of Energy contractor employee" means any of the following:

(A) An individual who is or was in residence at a Department of Energy facility as a researcher for one or more periods aggregating at least 24 months.

(B) An individual who is or was employed at a Department of Energy facility by—

(i) an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility; or

(ii) a contractor or subcontractor that provided services, including construction and maintenance, at the facility.

(12) The term "Department of Energy facility" means any building, structure, or premise, including the grounds upon which such building, structure, or premise is located—

(A) in which operations are, or have been, conducted by, or on behalf of, the Department of Energy (except for buildings, structures, premises, grounds, or operations covered by Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note), pertaining to the Naval Nuclear Propulsion Program); and

(B) with regard to which the Department of Energy has or had—

(i) a proprietary interest; or

(ii) entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services.

(13) The term "established chronic beryllium disease" means chronic beryllium disease as established by the following:

(A) For diagnoses on or after January 1, 1993, beryllium sensitivity (as established in accordance with paragraph (8)(A)), together with lung pathology consistent with chronic beryllium disease, including—

(i) a lung biopsy showing granulomas or a lymphocytic process consistent with chronic beryllium disease;

(ii) a computerized axial tomography scan showing changes consistent with chronic beryllium disease; or

(iii) pulmonary function or exercise testing showing pulmonary deficits consistent with chronic beryllium disease.

(B) For diagnoses before January 1, 1993, the presence of—

(i) occupational or environmental history, or epidemiologic evidence of beryllium exposure; and

(ii) any three of the following criteria:

(I) Characteristic chest radiographic (or computed tomography (CT)) abnormalities.

(II) Restrictive or obstructive lung physiology testing or diffusing lung capacity defect.

(III) Lung pathology consistent with chronic beryllium disease.

(IV) Clinical course consistent with a chronic respiratory disorder.

(V) Immunologic tests showing beryllium sensitivity (skin patch test or beryllium blood test preferred).

(14) The term "member of the Special Exposure Cohort" means a Department of Energy employee, Department of Energy contractor employee, or atomic weapons employee who meets any of the following requirements:

(A) The employee was so employed for a number of work days aggregating at least 250 work days before February 1, 1992, at a gaseous diffusion plant located in Paducah, Kentucky, Portsmouth, Ohio, or Oak Ridge, Tennessee, and, during such employment—

(i) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of employee's body to radiation; or

(ii) worked in a job that had exposures comparable to a job that is or was monitored through the use of dosimetry badges.

(B) The employee was so employed before January 1, 1974, by the Department of Energy or a Department of Energy contractor or subcontractor on Amchitka Island, Alaska, and was exposed to ionizing radiation in the performance of duty related to the Long Shot, Milrow, or Cannikin underground nuclear tests.

(C)(i) Subject to clause (ii), the employee is an individual designated as a member of the Special Exposure Cohort by the President for purposes of the compensation program under section 3626.

(ii) A designation under clause (i) shall, unless Congress otherwise provides, take effect on the date that is 180 days after the date on which the President submits to Congress a report identifying the individuals covered by the designation and describing the criteria used in designating those individuals.

(15) The term "occupational illness" means a covered beryllium illness, cancer referred to in section 3621(9)(B), specified cancer, or chronic silicosis, as the case may be.

(16) The term "radiation" means ionizing radiation in the form of—

(A) alpha particles;

(B) beta particles;

(C) neutrons;

(D) gamma rays; or

(E) accelerated ions or subatomic particles from accelerator machines.

(17) The term "specified cancer" means any of the following:

(A) A specified disease, as that term is defined in section 4(b)(2) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

(B) Bone cancer.

(18) The term "survivor" means any individual or individuals eligible to receive compensation pursuant to section 8133 of title 5, United States Code.

SEC. 3622. EXPANSION OF LIST OF BERYLLIUM VENDORS.

Not later than December 31, 2002, the President may, in consultation with the Secretary of Energy, designate as a beryllium vendor for purposes of section 3621(6) any vendor, processor, or producer of beryllium or related products not previously listed under or designated for purposes of such section 3621(6) if the President finds that such vendor, processor, or producer has been engaged in activities related to the production or processing of beryllium for sale to, or use by, the Department of Energy in a manner similar to the entities listed in such section 3621(6).

SEC. 3623. EXPOSURE IN THE PERFORMANCE OF DUTY.

(a) BERYLLIUM.—A covered beryllium employee shall, in the absence of substantial evidence to the contrary, be determined to have been exposed to beryllium in the performance of duty for the purposes of the compensation program if, and only if, the covered beryllium employee was—

(1) employed at a Department of Energy facility; or

(2) present at a Department of Energy facility, or a facility owned and operated by a beryllium vendor, because of employment by the United States, a beryllium vendor, or a contractor or subcontractor of the Department of Energy;

during a period when beryllium dust, particles, or vapor may have been present at such facility.

(b) CANCER.—An individual with cancer specified in subclause (I), (II), or (III) of section 3621(9)(B)(ii) shall be determined to have sustained that cancer in the performance of duty for purposes of the compensation program if, and only if, the cancer specified in that subclause was at least as likely as not related to employment at the facility specified in that subclause, as determined in accordance with the guidelines established under subsection (c).

(c) GUIDELINES.—(1) For purposes of the compensation program, the President shall by regulation establish guidelines for making the determinations required by subsection (b).

(2) The President shall establish such guidelines after technical review by the Advisory Board on Radiation and Worker Health under section 3624.

(3) Such guidelines shall—

(A) be based on the radiation dose received by the employee (or a group of employees performing similar work) at such facility and the upper 99 percent confidence interval of the probability of causation in the radioepidemiological tables published under section 7(b) of the Orphan Drug Act (42 U.S.C. 241 note), as such tables may be updated under section 7(b)(3) of such Act from time to time;

(B) incorporate the methods established under subsection (d); and

(C) take into consideration the type of cancer, past health-related activities (such as smoking), information on the risk of developing a radiation-related cancer from workplace exposure, and other relevant factors.

(d) METHODS FOR RADIATION DOSE RECONSTRUCTIONS.—(1) The President shall, through any Federal agency (other than the Department of Energy) or official (other than the Secretary of Energy or any other official within the Department of Energy) that the President may designate, establish by regulation methods for arriving at reasonable estimates of the radiation doses received by an individual specified in subparagraph (B) of section 3621(9) at a facility specified in that subparagraph by each of the following employees:

(A) An employee who was not monitored for exposure to radiation at such facility.

(B) An employee who was monitored inadequately for exposure to radiation at such facility.

(C) An employee whose records of exposure to radiation at such facility are missing or incomplete.

(2) The President shall establish an independent review process using the Advisory Board on Radiation and Worker Health to—

(A) assess the methods established under paragraph (1); and

(B) verify a reasonable sample of the doses established under paragraph (1).

(e) INFORMATION ON RADIATION DOSES.—(1) The Secretary of Energy shall provide, to each covered employee with cancer specified in section 3621(9)(B), information specifying the estimated radiation dose of that employee during each employment specified in section 3621(9)(B), whether established by a dosimetry reading, by a method established under subsection (d), or by both a dosimetry reading and such method.

(2) The Secretary of Health and Human Services and the Secretary of Energy shall each make available to researchers and the general public information on the assumptions, methodology, and data used in establishing radiation doses under subsection (d). The actions taken under this paragraph shall be consistent with the protection of private medical records.

SEC. 3624. ADVISORY BOARD ON RADIATION AND WORKER HEALTH.

(a) ESTABLISHMENT.—(1) Not later than 120 days after the date of the enactment of this Act, the President shall establish and appoint an Advisory Board on Radiation and Worker Health (in this section referred to as the "Board").

(2) The President shall make appointments to the Board in consultation with organizations with expertise on worker health issues in order to ensure that the membership of the Board reflects a balance of scientific, medical, and worker perspectives.

(3) The President shall designate a Chair for the Board from among its members.

(b) DUTIES.—The Board shall advise the President on—

(1) the development of guidelines under section 3623(c);

(2) the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and

(3) such other matters related to radiation and worker health in Department of Energy facilities as the President considers appropriate.

(c) STAFF.—(1) The President shall appoint a staff to facilitate the work of the Board. The staff shall be headed by a Director who shall be appointed under subchapter VIII of chapter 33 of title 5, United States Code.

(2) The President may accept as staff of the Board personnel on detail from other Federal agencies. The detail of personnel under this paragraph may be on a nonreimbursable basis.

(d) EXPENSES.—Members of the Board, other than full-time employees of the United States, while attending meetings of the Board or while otherwise serving at the request of the President, while serving away from their homes or regular places of business, shall be allowed travel and meal expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

SEC. 3625. RESPONSIBILITIES OF SECRETARY OF HEALTH AND HUMAN SERVICES.

The Secretary of Health and Human Services shall carry out that Secretary's responsibilities with respect to the compensation program with the assistance of the Director of the National Institute for Occupational Safety and Health.

SEC. 3626. DESIGNATION OF ADDITIONAL MEMBERS OF SPECIAL EXPOSURE COHORT.

(a) ADVICE ON ADDITIONAL MEMBERS.—(1) The Advisory Board on Radiation and Worker Health under section 3624 shall advise the President whether there is a class of employees at any Department of Energy facility who likely were exposed to radiation at that facility but for whom it is not feasible to estimate with sufficient accuracy the radiation dose they received.

(2) The advice of the Advisory Board on Radiation and Worker Health under paragraph (1) shall be based on exposure assessments by radiation health professionals, information provided by the Department of Energy, and such other information as the Advisory Board considers appropriate.

(3) The President shall request advice under paragraph (1) after consideration of petitions by classes of employees described in that paragraph for such advice. The President shall consider such petitions pursuant to procedures established by the President.

(b) DESIGNATION OF ADDITIONAL MEMBERS.—Subject to the provisions of section 3621(14)(C), the members of a class of employees at a Department of Energy facility may be treated as members of the Special Exposure Cohort for purposes of the compensation program if the President, upon recommendation of the Advisory Board on Radiation and Worker Health, determines that—

(1) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

(2) there is a reasonable likelihood that such radiation dose may have endangered the health of members of the class.

(c) ACCESS TO INFORMATION.—The Secretary of Energy shall provide, in accordance with law, the Secretary of Health and Human Services and the members and staff of the Advisory Board on Radiation and Worker Health access to relevant information on worker exposures, including access to Restricted Data (as defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

SEC. 3627. SEPARATE TREATMENT OF CHRONIC SILICOSIS.

(a) SENSE OF CONGRESS.—The Congress finds that employees who worked in Department of Energy test sites and later contracted chronic silicosis should also be considered for inclusion in the compensation program. Recognizing that chronic silicosis resulting from exposure to silica is not a condition unique to the nuclear weapons industry, it is not the intent of Congress with this title to establish a precedent on the question of chronic silicosis as a compensable occupational disease. Consequently, it is the sense of Congress that a further determination by the President is appropriate before these workers are included in the compensation program.

(b) CERTIFICATION BY PRESIDENT.—A covered employee with chronic silicosis shall be treated as a covered employee (as defined in section 3621(1)) for the purposes of the compensation program required by section 3611 unless the President submits to Congress not later than 180 days after the date of the enactment of this Act the certification of the President that there is insufficient basis to include such employees. The President shall submit with the certification any recommendations about the compensation program with respect to covered employees with chronic silicosis as the President considers appropriate.

(c) EXPOSURE TO SILICA IN THE PERFORMANCE OF DUTY.—A covered employee shall, in the absence of substantial evidence to the contrary, be determined to have been exposed to silica in the performance of duty for the purposes of the compensation program if, and only if, the employee was present for a number of work days

aggregating at least 250 work days during the mining of tunnels at a Department of Energy facility located in Nevada or Alaska for tests or experiments related to an atomic weapon.

(d) COVERED EMPLOYEE WITH CHRONIC SILICOSIS.—For purposes of this title, the term "covered employee with chronic silicosis" means a Department of Energy employee, or a Department of Energy contractor employee, with chronic silicosis who was exposed to silica in the performance of duty as determined under subsection (c).

(e) CHRONIC SILICOSIS.—For purposes of this title, the term "chronic silicosis" means a nonmalignant lung disease if—

(1) the initial occupational exposure to silica dust preceded the onset of silicosis by at least 10 years; and

(2) a written diagnosis of silicosis is made by a medical doctor and is accompanied by—

(A) a chest radiograph, interpreted by an individual certified by the National Institute for Occupational Safety and Health as a B reader, classifying the existence of pneumoconioses of category 1/1 or higher;

(B) results from a computer assisted tomograph or other imaging technique that are consistent with silicosis; or

(C) lung biopsy findings consistent with silicosis.

SEC. 3628. COMPENSATION AND BENEFITS TO BE PROVIDED.

(a) COMPENSATION PROVIDED.—(1) Except as provided in paragraph (2), a covered employee, or the survivor of that covered employee if the employee is deceased, shall receive compensation for the disability or death of that employee from that employee's occupational illness in the amount of $150,000.

(2) A covered employee shall, to the extent that employee's occupational illness is established beryllium sensitivity, receive beryllium sensitivity monitoring under subsection (c) in lieu of compensation under paragraph (1).

(b) MEDICAL BENEFITS.—A covered employee shall receive medical benefits under section 3629 for that employee's occupational illness.

(c) BERYLLIUM SENSITIVITY MONITORING.—An individual receiving beryllium sensitivity monitoring under this subsection shall receive the following:

(1) A thorough medical examination to confirm the nature and extent of the individual's established beryllium sensitivity.

(2) Regular medical examinations thereafter to determine whether that individual has developed established chronic beryllium disease.

(d) PAYMENT FROM COMPENSATION FUND.—The compensation provided under this section, when authorized or approved by the President, shall be paid from the compensation fund established under section 3612.

(e) SURVIVORS.—(1) Subject to the provisions of this section, if a covered employee dies before the effective date specified in subsection (f), whether or not the death is a result of that employee's occupational illness, a survivor of that employee may, on behalf of that survivor and any other survivors of that employee, receive the compensation provided for under this section.

(2) The right to receive compensation under this section shall be afforded to survivors in the same order of precedence as that set forth in section 8109 of title 5, United States Code.

(f) EFFECTIVE DATE.—This section shall take effect on July 31, 2001, unless Congress otherwise provides in an Act enacted before that date.

SEC. 3629. MEDICAL BENEFITS.

(a) MEDICAL BENEFITS PROVIDED.—The United States shall furnish, to an individual receiving medical benefits under this section for an illness, the services, appliances, and supplies prescribed or recommended by a qualified physician for that illness, which the President considers likely to cure, give relief, or reduce the degree or the period of that illness.

(b) PERSONS FURNISHING BENEFITS.—(1) These services, appliances, and supplies shall be furnished by or on the order of United States medical officers and hospitals, or, at the individual's option, by or on the order of physicians and hospitals designated or approved by the President.

(2) The individual may initially select a physician to provide medical services, appliances, and supplies under this section in accordance with such regulations and instructions as the President considers necessary.

(c) TRANSPORTATION AND EXPENSES.—The individual may be furnished necessary and reasonable transportation and expenses incident to the securing of such services, appliances, and supplies.

(d) COMMENCEMENT OF BENEFITS.—An individual receiving benefits under this section shall be furnished those benefits as of the date on which that individual submitted the claim for those benefits in accordance with this title.

(e) PAYMENT FROM COMPENSATION FUND.—The benefits provided under this section, when authorized or approved by the President, shall be paid from the compensation fund established under section 3612.

(f) EFFECTIVE DATE.—This section shall take effect on July 31, 2001, unless Congress otherwise provides in an Act enacted before that date.

SEC. 3630. SEPARATE TREATMENT OF CERTAIN URANIUM EMPLOYEES.

(a) COMPENSATION PROVIDED.—An individual who receives, or has received, $100,000 under section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for a claim made under that Act (hereinafter in this section referred to as a "covered uranium employee"), or the survivor of that covered uranium employee if the employee is deceased, shall receive compensation under this section in the amount of $50,000.

(b) MEDICAL BENEFITS.—A covered uranium employee shall receive medical benefits under section 3629 for the illness for which that employee received $100,000 under section 5 of that Act.

(c) COORDINATION WITH RECA.—The compensation and benefits provided in subsections (a) and (b) are separate from any compensation or benefits provided under that Act.

(d) PAYMENT FROM COMPENSATION FUND.—The compensation provided under this section, when authorized or approved by the President, shall be paid from the compensation fund established under section 3612.

(e) SURVIVORS.—(1) Subject to the provisions of this section, if a covered uranium employee dies before the effective date specified in subsection (g), whether or not the death is a result of the illness specified in subsection (b), a survivor of that employee may, on behalf of that survivor and any other survivors of that employee, receive the compensation provided for under this section.

(2) The right to receive compensation under this section shall be afforded to survivors in the same order of precedence as that set forth in section 8109 of title 5, United States Code.

(f) PROCEDURES REQUIRED.—The President shall establish procedures to identify and notify each covered uranium employee, or the survivor of that covered uranium employee if that employee is deceased, of the availability of compensation and benefits under this section.

(g) EFFECTIVE DATE.—This section shall take effect on July 31, 2001, unless Congress otherwise provides in an Act enacted before that date.

SEC. 3631. ASSISTANCE FOR CLAIMANTS AND POTENTIAL CLAIMANTS.

(a) ASSISTANCE FOR CLAIMANTS.—The President shall, upon the receipt of a request for assistance from a claimant under the compensation program, provide assistance to the claimant in connection with the claim, including—

(1) assistance in securing medical testing and diagnostic services necessary to establish the existence of a covered beryllium illness, chronic silicosis, or cancer; and

(2) such other assistance as may be required to develop facts pertinent to the claim.

(b) ASSISTANCE FOR POTENTIAL CLAIMANTS.—The President shall take appropriate actions to inform and assist covered employees who are potential claimants under the compensation program, and other potential claimants under the compensation program, of the availability of compensation under the compensation program, including actions to—

(1) ensure the ready availability, in paper and electronic format, of forms necessary for making claims;

(2) provide such covered employees and other potential claimants with information and other support necessary for making claims, including—

(A) medical protocols for medical testing and diagnosis to establish the existence of a covered beryllium illness, chronic silicosis, or cancer; and

(B) lists of vendors approved for providing laboratory services related to such medical testing and diagnosis; and

(3) provide such additional assistance to such covered employees and other potential claimants as may be required for the development of facts pertinent to a claim.

(c) INFORMATION FROM BERYLLIUM VENDORS AND OTHER CONTRACTORS.—As part of the assistance program provided under subsections (a) and (b), and as permitted by law, the Secretary of Energy shall, upon the request of the President, require a beryllium vendor or other Department of Energy contractor or subcontractor to provide information relevant to a claim or potential claim under the compensation program to the President.

Subtitle C—Treatment, Coordination, and Forfeiture of Compensation and Benefits

SEC. 3641. OFFSET FOR CERTAIN PAYMENTS.

A payment of compensation to an individual, or to a survivor of that individual, under subtitle B shall be offset by the amount of any payment made pursuant to a final award or settlement on a claim (other than a claim for worker's compensation), against any person, that is based on injuries incurred by that individual on account of the exposure of a covered beryllium employee, covered employee with cancer, covered employee with chronic silicosis (as defined in section 3627), or covered uranium employee (as defined in section 3630), while so employed, to beryllium, radiation, silica, or radiation, respectively.

SEC. 3642. SUBROGATION OF THE UNITED STATES.

Upon payment of compensation under subtitle B, the United States is subrogated for the amount of the payment to a right or claim that the individual to whom the payment was made may have against any person on account of injuries referred to in section 3641.

SEC. 3643. PAYMENT IN FULL SETTLEMENT OF CLAIMS.

The acceptance by an individual of payment of compensation under subtitle B with respect to a covered employee shall be in full satisfaction of all claims of or on behalf of that individual against the United States, against a Department of Energy contractor or subcontractor, beryllium vendor, or atomic weapons employer, or against any person with respect to that person's performance of a contract with the United States, *that arise out of an exposure referred to in section 3641.*

SEC. 3644. EXCLUSIVITY OF REMEDY AGAINST THE UNITED STATES AND AGAINST CONTRACTORS AND SUBCONTRACTORS.

(a) IN GENERAL.—The liability of the United States or an instrumentality of the United States under this title with respect to a cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death related thereto of a covered employee is exclusive and instead of all other liability—

(1) of—

(A) the United States;

(B) any instrumentality of the United States;

(C) a contractor that contracted with the Department of Energy to provide management and operation, management and integration, or environmental remediation of a Department of Energy facility (in its capacity as a contractor);

(D) a subcontractor that provided services, including construction, at a Department of Energy facility (in its capacity as a subcontractor); and

(E) an employee, agent, or assign of an entity specified in subparagraphs (A) through (D);

(2) to—

(A) the covered employee;

(B) the covered employee's legal representative, spouse, dependents, survivors and next of kin; and

(C) any other person, including any third party as to whom the covered employee, or the covered employee's legal representative, spouse, dependents, survivors, or next of kin, has a cause of action relating to the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death, otherwise entitled to recover damages from the United States, the instrumentality, the contractor, the subcontractor, or the employee, agent, or assign of one of them;

because of the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death in any proceeding or action including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

(b) APPLICABILITY.—This section applies to all cases filed on or after the date of the enactment of this Act.

(c) WORKERS' COMPENSATION.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers' compensation law.

SEC. 3645. ELECTION OF REMEDY FOR BERYLLIUM EMPLOYEES AND ATOMIC WEAPONS EMPLOYEES.

(a) ELECTION TO FILE SUIT.—If a tort case is filed after the date of the enactment of this Act, alleging a claim referred to in section 3643 against a beryllium vendor or atomic weapons employer, the plaintiff shall not be eligible for compensation or benefits under subtitle B unless the plaintiff files such case within the applicable time limits in subsection (b).

(b) APPLICABLE TIME LIMITS.—A case described in subsection (a) shall be filed not later than the later of—

(1) the date that is 30 months after the date of the enactment of this Act; or

(2) the date that is 30 months after the date the plaintiff first becomes aware that an illness covered by subtitle B of a covered employee may be connected to the exposure of the covered employee in the performance of duty.

(c) DISMISSAL OF CLAIMS.—Unless a case filed under subsection (a) is dismissed prior to the time limits in subsection (b), the plaintiff shall not be eligible for compensation under subtitle B.

(d) DISMISSAL OF PENDING SUIT.—If a tort case was filed on or before the date of the enactment of this Act, alleging a claim referred to in section 3643 against a beryllium vendor or atomic weapons employer, the plaintiff shall not be eligible for compensation or benefits under subtitle B unless the plaintiff dismisses such case not later than December 31, 2003.

(e) WORKERS' COMPENSATION.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers' compensation law.

SEC. 3646. CERTIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.

Compensation or benefits provided to an individual under subtitle B—

(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

SEC. 3647. CLAIMS NOT ASSIGNABLE OR TRANSFERABLE; CHOICE OF REMEDIES.

(a) CLAIMS NOT ASSIGNABLE OR TRANSFERABLE.—No claim cognizable under subtitle B shall be assignable or transferable.

(b) CHOICE OF REMEDIES.—No individual may receive more than one payment of compensation under subtitle B.

SEC. 3648. ATTORNEY FEES.

(a) GENERAL RULE.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under subtitle B, more than that percentage specified in subsection (b) of a payment made under subtitle B on such claim.

(b) APPLICABLE PERCENTAGE LIMITATIONS.—The percentage referred to in subsection (a) is—

(1) 2 percent for the filing of an initial claim; and

(2) 10 percent with respect to any claim with respect to which a representative has made a contract for services before the date of the enactment of this Act.

(c) PENALTY.—Any such representative who violates this section shall be fined not more than $5,000.

SEC. 3649. CERTAIN CLAIMS NOT AFFECTED BY AWARDS OF DAMAGES.

A payment under subtitle B shall not be considered as any form of compensation or reimbursement for a loss for purposes of imposing liability on any individual receiving such payment, on the basis of such receipt, to repay any insurance carrier for insurance payments, or to repay any person on account of worker's compensation payments; and a payment under subtitle B shall not affect any claim against an insurance carrier with respect to insurance or against any person with respect to worker's compensation.

SEC. 3650. FORFEITURE OF BENEFITS BY CONVICTED FELONS.

(a) FORFEITURE OF COMPENSATION.—Any individual convicted of a violation of section 1920 of title 18, United States Code, or any other Federal or State criminal statute relating to fraud in the application for or receipt of any benefit under subtitle B or under any other Federal or State workers' compensation law, shall forfeit (as of the date of such conviction) any entitlement to any compensation or benefit under subtitle B such individual would otherwise be awarded for any injury, illness or death covered by subtitle B for which the time of injury was on or before the date of the conviction.

(b) INFORMATION.—Notwithstanding section 552a of title 5, United States Code, or any other Federal or State law, an agency of the United States, a State, or a political subdivision of a State shall make available to the President, upon written request from the President and if the President requires the information to carry out this section, the names and Social Security account numbers of individuals confined, for conviction of a felony, in a jail, prison, or other penal institution or correctional facility under the jurisdiction of that agency.

SEC. 3651. COORDINATION WITH OTHER FEDERAL RADIATION COMPENSATION LAWS.

Except in accordance with section 3630, an individual may not receive compensation or benefits under the compensation program for cancer and also receive compensation under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) or section 1112(c) of title 38, United States Code.

Subtitle D—Assistance in State Workers' Compensation Proceedings

SEC. 3661. AGREEMENTS WITH STATES.

(a) AGREEMENTS AUTHORIZED.—The Secretary of Energy (hereinafter in this section referred to as the "Secretary") may enter into agreements with the chief executive officer of a State to provide assistance to a Department of Energy contractor employee in filing a claim under the appropriate State workers' compensation system.

(b) PROCEDURE.—Pursuant to agreements under subsection (a), the Secretary may—

(1) establish procedures under which an individual may submit an application for review and assistance under this section; and

(2) review an application submitted under this section and determine whether the applicant submitted reasonable evidence that—

(A) the application was filed by or on behalf of a Department of Energy contractor employee or employee's estate; and

(B) the illness or death of the Department of Energy contractor employee may have been related to employment at a Department of Energy facility.

(c) SUBMITTAL OF APPLICATIONS TO PANELS.—If provided in an agreement under subsection (a), and if the Secretary determines that the applicant submitted reasonable evidence under subsection (b)(2), the Secretary shall submit the application to a physicians panel established under subsection (d). The Secretary shall assist the employee in obtaining additional evidence within the control of the Department of Energy and relevant to the panel's deliberations.

(d) COMPOSITION AND OPERATION OF PANELS.—(1) The Secretary shall inform the Secretary of Health and Human Services of the number of physicians panels the Secretary has determined to be appropriate to administer this section, the number of physicians needed for each panel, and the area of jurisdiction of each panel. The Secretary may determine to have only one panel.

(2)(A) The Secretary of Health and Human Services shall appoint panel members with experience and competency in diagnosing occupational illnesses under section 3109 of title 5, United States Code.

(B) Each member of a panel shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) the member is engaged in the work of a panel.

(3) A panel shall review an application submitted to it by the Secretary and determine, under guidelines established by the Secretary, by regulation, whether the illness or death that is the subject of the application arose out of and in the course of employment by the Department of Energy and exposure to a toxic substance at a Department of Energy facility.

(4) At the request of a panel, the Secretary and a contractor who employed a Department of Energy contractor employee shall provide additional information relevant to the panel's deliberations. A panel may consult specialists in relevant fields as it determines necessary.

(5) Once a panel has made a determination under paragraph (3), it shall report to the Secretary its determination and the basis for the determination.

(6) A panel established under this subsection shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) ASSISTANCE.—If provided in an agreement under subsection (a)—

(1) the Secretary shall review a panel's determination made under subsection (d), information the panel considered in reaching its determination, any relevant new information not reasonably available at the time of the panel's deliberations, and the basis for the panel's determination;

(2) as a result of the review under paragraph (1), the Secretary shall accept the panel's determination in the absence of significant evidence to the contrary; and

(3) if the panel has made a positive determination under subsection (d) and the Secretary accepts the determination under paragraph (2), or the panel has made a negative determination under subsection (d) and the Secretary finds significant evidence to the contrary—

(A) the Secretary shall assist the applicant to file a claim under the appropriate State workers' compensation system based on the health condition that was the subject of the determination;

(B) the Secretary thereafter—

(i) may not contest such claim;

(ii) may not contest an award made regarding such claim; and

(iii) may, to the extent permitted by law, direct the Department of Energy contractor who employed the applicant not to contest such claim or such award,

unless the Secretary finds significant new evidence to justify such contest; and

(C) any costs of contesting a claim or an award regarding the claim incurred by the contractor who employed the Department of Energy contractor employee who is the subject of the claim shall not be an allowable cost under a Department of Energy contract.

(f) INFORMATION.—At the request of the Secretary, a contractor who employed a Department of Energy contractor employee shall make available to the Secretary and the employee information relevant to deliberations under this section.

(g) GAO REPORT.—Not later than February 1, 2002, the Comptroller General shall submit to Congress a report on the implementation by the Department of Energy of the provisions of this section and of the effectiveness of the program under this section in assisting Department of Energy contractor employees in obtaining compensation for occupational illness.

Following is explanatory language on H.R. 5408, as introduced on October 6, 2000.

References in the following to a provision of the conference agreement refer to that provision in H.R. 5408.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorization for the Department of Defense for procurement, research, and development, test and evaluation, operation and maintenance, working capital funds, military construction and family housing, weapons programs of the Department of Energy, and the civil defense that have budget authority implications of $309.9 billion.

SUMMARY TABLE OF AUTHORIZATIONS

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is provided in appropriations acts.

In order to relate the conference recommendations to the Budget Resolution, matter in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the defense function are authorized permanently or, in certain instances, authorized in other annual legislation. In addition, this authorization bill would establish personnel levels and include a number of legislative provisions affecting military compensation.

The following table summarizes authorizations included in the bill for fiscal year 2001 and, in addition, summarizes the implications of the conference action for the budget totals for national defense (budget function 050).

Summary of
National Defense Authorization for FY 2001

(In Thousands of $'s)

	Authorization Request	House Authorized	Senate Authorized	Change	Conference Agreement	Budget Authority Implications Request	House	Senate	Conference
DIVISION A **TITLE I** **PROCUREMENT**									
Aircraft Procurement, Army	1,323,262	1,542,762	1,749,662	226,750	1,550,012	1,323,262	1,542,762	1,749,662	1,550,012
Missile Procurement, Army	1,295,728	1,367,681	1,382,328	24,953	1,320,681	1,295,728	1,367,681	1,382,328	1,320,681
Procurement of Weapons and Tracked Combat Vehicles, Army	1,874,638	2,167,938	2,115,138	561,686	2,436,324	1,874,638	2,167,938	2,115,138	2,436,324
Procurement of Ammunition, Army	1,131,323	1,199,323	1,224,323	48,593	1,179,916	1,131,323	1,199,323	1,224,323	1,179,916
Other Procurement, Army	3,795,870	4,095,270	4,027,170	439,849	4,235,719	3,795,870	4,095,270	4,027,170	4,235,719
Chemical Agents and Munitions Destruction, Army									
Research, Development, Test & Evaluation	274,400	0	0	0	274,400	274,400	0	0	274,400
Procurement	121,900	0	0	(16,200)	105,700	121,900	0	0	105,700
Operation & Maintenance	607,200	0	0	(7,200)	600,000	607,200	0	0	600,000
Aircraft Procurement, Navy	7,963,858	8,205,758	8,685,958	430,480	8,394,338	7,963,858	8,205,758	8,685,958	8,394,338
Weapons Procurement, Navy	1,434,250	1,562,250	1,539,950	9,350	1,443,600	1,434,250	1,562,250	1,539,950	1,443,600
Procurement of Ammunition, Navy and Marine Corps	429,649	481,349	500,749	58,100	487,749	429,649	481,349	500,749	487,749
Shipbuilding and Conversion, Navy	12,296,919	11,981,968	12,900,076	530,000	12,826,919	12,296,919	11,981,968	12,900,076	12,826,919
Other Procurement, Navy	3,334,611	3,432,011	3,378,311	46,069	3,380,680	3,334,611	3,432,011	3,378,311	3,380,680
Procurement, Marine Corps	1,171,935	1,254,735	1,191,035	40,833	1,212,768	1,171,935	1,254,735	1,191,035	1,212,768
Aircraft Procurement, Air Force	9,539,602	10,267,153	9,966,271	384,266	9,923,868	9,539,602	10,267,153	9,966,271	9,923,868
Procurement of Ammunition, Air Force	638,808	638,808	666,808	8,000	646,808	638,808	638,808	666,808	646,808
Missile Procurement, Air Force	3,061,715	3,046,715	3,008,015	(197,937)	2,863,778	3,061,715	3,046,715	3,008,015	2,863,778
Other Procurement, Air Force	7,699,127	7,869,903	7,717,527	12,520	7,711,647	7,699,127	7,869,903	7,717,527	7,711,647
Procurement, Defense-wide	2,275,308	2,309,074	2,210,508	3,100	2,278,408	2,275,308	2,309,074	2,210,508	2,278,408
Chemical Agents and Munitions Destruction, Defense-Wide									
Operation & Maintenance	0	607,200	607,200	0	0	0	607,200	607,200	0
Procurement	0	105,700	121,900	0	0	0	105,700	121,900	0
Research, Development, Test & Evaluation	0	164,200	274,400	0	0	0	164,200	274,400	0
Procurement, Defense Health Program	290,006	290,006	290,006	0	290,006	0	0	0	0
Procurement, Office of the Inspector General	3,300	3,300	3,300	0	3,300	0	0	0	0
Total Procurement	60,563,409	62,593,104	63,560,635	2,603,212	63,166,621	60,270,103	62,299,798	63,267,329	62,873,315
TITLE II **RESEARCH, DEVELOPMENT, TEST & EVALUATION**									
Research, Development, Test & Evaluation, Army	5,260,346	5,500,246	5,501,446	308,136	5,568,482	5,260,346	5,500,246	5,501,446	5,568,482
Research, Development, Test & Evaluation, Navy	8,476,677	8,834,477	8,665,865	238,658	8,715,335	8,476,677	8,834,477	8,665,865	8,715,335

Summary of
National Defense Authorization for FY 2001

(In Thousands of $'s)

	Authorization	House	Senate		Conference	Budget Authority Implications			
	Request	Authorized	Authorized	Change	Agreement	Request	House	Senate	Conference
Research, Development, Test & Evaluation, Air Force	13,685,576	13,677,108	13,897,336	93,568	13,779,144	13,685,576	13,677,108	13,897,336	13,779,144
Research, Development, Test & Evaluation, Defense-wide	10,238,242	11,077,763	11,043,142	443,410	10,681,652	10,238,242	11,077,763	11,043,142	10,681,652
Operational Test & Evaluation, Defense	201,560	219,560	223,060	(9,500)	192,060	201,560	219,560	223,060	192,060
Total Research, Development, Test & Evaluation	37,862,401	39,309,154	39,330,849	1,074,272	38,936,673	37,862,401	39,309,154	39,330,849	38,936,673
TITLE III									
OPERATION & MAINTENANCE & WORKING CAPITAL FUNDS									
Operation and Maintenance, Army	19,123,731	19,489,617	19,031,031	156,650	19,280,381	19,123,731	19,489,617	19,031,031	19,280,381
Operation and Maintenance, Navy	23,300,154	23,324,809	23,276,154	466,456	23,766,610	23,300,154	23,324,809	23,276,154	23,766,610
Operation and Maintenance, Marine Corps	2,705,658	2,851,678	2,746,558	120,633	2,826,291	2,705,658	2,851,678	2,746,558	2,826,291
Operation and Maintenance, Air Force	22,346,977	22,351,164	22,389,077	48,244	22,395,221	22,346,977	22,351,164	22,389,077	22,395,221
Operation and Maintenance, Defense-wide	11,920,069	11,673,852	11,912,069	(179,500)	11,740,569	11,920,069	11,673,852	11,912,069	11,740,569
Operation and Maintenance, Army Reserve	1,521,418	1,565,918	1,526,418	40,000	1,561,418	1,521,418	1,565,918	1,526,418	1,561,418
Operation and Maintenance, Navy Reserve	960,946	967,646	965,946	18,000	978,946	960,946	967,646	965,946	978,946
Operation and Maintenance, Marine Corps Reserve	133,959	150,469	138,959	10,200	144,159	133,959	150,469	138,959	144,159
Operation and Maintenance, Air Force Reserve	1,885,859	1,890,859	1,890,859	18,000	1,903,859	1,885,859	1,890,859	1,890,859	1,903,859
Operation and Maintenance, Army National Guard	3,182,335	3,236,835	3,222,335	51,500	3,233,835	3,182,335	3,236,835	3,222,335	3,233,835
Operation and Maintenance, Air National Guard	3,446,375	3,461,875	3,450,875	22,000	3,468,375	3,446,375	3,461,875	3,450,875	3,468,375
Office of the Inspector General	144,245	144,245	144,245	0	144,245	147,545	147,545	147,545	147,545
United States Court of Appeals for the Armed Forces	8,574	8,574	8,574	0	8,574	8,574	8,574	8,574	8,574
Environmental Restoration, Army	389,932	389,932	389,932	0	389,932	389,932	389,932	389,932	389,932
Environmental Restoration, Navy	294,038	294,038	294,038	0	294,038	294,038	294,038	294,038	294,038
Environmental Restoration, Air Force	376,300	376,300	376,300	0	376,300	376,300	376,300	376,300	376,300
Environmental Restoration, Defense-Wide	23,412	23,412	23,412	(2,000)	21,412	23,412	23,412	23,412	21,412
Environmental Restoration, Formerly Used Defense Sites	186,499	186,499	231,499	45,000	231,499	186,499	186,499	231,499	231,499
Drug Interdiction and Counter-drug Activities, Defense	836,300	841,500	845,300	32,700	869,000	836,300	841,500	845,300	869,000
Defense Health Program	11,310,423	11,571,523	11,401,723	169,700	11,480,123	11,600,429	11,861,529	11,691,729	11,770,129
Former Soviet Union Threat Reduction	458,400	433,400	458,400	(15,000)	443,400	458,400	433,400	458,400	443,400
Overseas Humanitarian, Disaster, & Civic Aid	64,900	55,800	55,400	(9,000)	55,900	64,900	55,800	55,400	55,900
Payment to Kaho' Olawe Island Fund	25,000	25,000	25,000	0	25,000	25,000	25,000	25,000	25,000
Overseas Contingency Operation Transfer Fund	4,100,577	4,100,577	4,100,577	0	4,100,577	4,100,577	4,100,577	4,100,577	4,100,577
Quality of Life Enhancement	0	0	0	10,500	10,500	0	0	0	10,500
Subtotal Operation and Maintenance	108,746,081	109,415,522	108,904,681	1,004,083	109,750,164	109,039,387	109,708,828	109,197,987	110,043,470
REVOLVING FUNDS									
Defense Working Capital Fund	916,276	916.276	916,276	0	916,276	916.276	916,276	916,276	916,276

Summary of
National Defense Authorization for FY 2001

(In Thousands of $'s)

	Authorization	House	Senate		Conference	Budget Authority Implications			
	Request	Authorized	Authorized	Change	Agreement	Request	House	Senate	Conference
National Defense Sealift Fund	388,158	737,109	388,158	0	388,158	388,158	737,109	388,158	388,158
National Defense Stockpile Transaction Fund (Routine & Ongoing Sales)	(150,000)	(150,000)	(150,000)	0	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)
National Defense Stockpile Transaction Fund (Excess of Routine Sales)	0	0	0	0	0	(210,000)	(219,000)	(210,000)	(210,000)
Subtotal Working Capital Funds	1,154,434	1,503,385	1,154,434	0	1,154,434	944,434	1,284,385	944,434	944,434
Total Operation and Maintenance & Working Capital Funds	109,900,515	110,918,907	110,059,115	1,004,083	110,904,598	109,983,821	110,993,213	110,142,421	110,987,904
TITLES IV-V-VI									
MILITARY PERSONNEL									
Military Personnel	75,801,666	75,801,666	75,632,266	0	75,801,666	75,801,666	75,801,666	75,632,266	75,801,666
DIVISION B									
MILITARY CONSTRUCTION									
Military Construction, Army	897,938	672,391	781,079	(160,343)	737,595 *	897,938	672,391	781,079	737,595
Military Construction, Navy	753,422	887,810	817,371	174,851	928,273	753,422	887,810	817,371	928,273
Military Construction, Air Force	530,969	703,873	763,491	339,239	870,208	530,969	703,873	763,491	870,208
Military Construction, Defense-wide	784,753	815,504	686,333	29,894	814,647 **	784,753	815,504	686,333	814,647
Military Construction, Army National Guard	59,130	129,139	181,629	207,401	266,531	59,130	129,139	181,629	266,531
Military Construction, Air National Guard	50,179	110,885	161,806	144,750	194,929	50,179	110,885	161,806	194,929
Military Construction, Army Reserve	81,713	104,854	92,497	27,025	108,738	81,713	104,854	92,497	108,738
Military Construction, Naval Reserve	16,103	56,574	38,091	45,970	62,073	16,103	56,574	38,091	62,073
Military Construction, Air Force Reserve	14,851	41,748	32,673	21,740	36,591	14,851	41,748	32,673	36,591
Base Realignment and Closure II, III, IV	1,174,369	1,174,369	1,174,369	(150,000)	1,024,369	1,174,369	1,174,369	1,174,369	1,024,369
NATO Infrastructure	190,000	177,500	190,000	(18,000)	172,000	190,000	177,500	190,000	172,000
Total Military Construction	4,553,427	4,874,647	4,919,339	662,527	5,215,954	4,553,427	4,874,647	4,919,339	5,215,954
FAMILY HOUSING									
Family Housing Construction, Army	162,106	198,505	218,306	73,850	235,956	162,106	198,505	218,306	235,956
Family Housing Support, Army	978,275	953,744	958,364	(26,482)	951,793	978,275	953,744	958,364	951,793
Family Housing Construction, Navy and Marine Corps	362,822	417,225	386,874	55,333	418,155	362,822	417,225	386,874	418,155
Family Housing Support, Navy and Marine Corps	882,638	882,638	881,567	(1,071)	881,567	882,638	882,638	881,567	881,567
Family Housing Construction, Air Force	223,483	241,384	247,147	28,499	251,982	223,483	241,384	247,147	251,982
Family Housing Support, Air Force	826,271	820,879	807,425	(5,392)	820,879	826,271	820,879	807,425	820,879
Family Housing Support, Defense-wide	44,886	44,886	44,886	0	44,886	44,886	44,886	44,886	44,886
Total Family Housing	3,480,481	3,559,261	3,544,569	124,737	3,605,218	3,480,481	3,559,261	3,544,569	3,605,218

* *Reflects projects previously authorized in PL 106-65 (Fiscal Year 2000, Defense Authorization Act)*

** *Reflects reduction of FOLs proposed in the FY 00 Congressional Emergency Supplemental*

Summary of
National Defense Authorization for FY 2001

(In Thousands of $'s)

	Authorization	House	Senate		Conference		Budget Authority Implications		
	Request	Authorized	Authorized	Change	Agreement	Request	House	Senate	Conference
DIVISION C									
TITLE XXXI-XXXII									
ATOMIC ENERGY DEFENSE ACTIVITIES (053)									
National Nuclear Security Administration									
Weapons Activities	4,594,000	4,677,800	4,747,800	246,289	4,840,289	4,594,000	4,677,800	4,747,800	4,840,289
Other Nuclear Security Activities	1,583,635	914,035	1,554,535	(706,168)	877,467	1,583,635	914,035	1,554,535	877,467
Naval Reactors	0	677,600	0	694,600	694,600	0	677,600	0	694,600
Office of the Administrator	0	0	0	10,000	10,000	0	0	0	10,000
Defense Environmental Restoration and Waste Management	4,551,527	4,591,527	5,576,824	1,422,165	5,973,692	4,551,527	4,591,527	5,576,824	5,973,692
Defense Facilities Closure Projects	1,082,297	1,082,297	0	(1,082,297)	0	1,082,297	1,082,297	0	0
Defense Environmental Management Privatization	515,000	259,000	365,000	(515,000)	0	515,000	259,000	365,000	0
Other Defense Activities	555,122	557,122	466,322	(31,300)	523,822	555,122	557,122	466,322	523,822
Defense Nuclear Waste Disposal	112,000	112,000	112,000	0	112,000	112,000	112,000	112,000	112,000
Energy Employees Compensation Initiative	17,000	0	17,000	(17,000)	0	17,000	0	17,000	0
Interim Storage Activities	0	0	0	0	0	(85,000)	(85,000)	(85,000)	(85,000)
Formerly Utilized Site Remediation	140,000	0	0	(140,000)	0	140,000	0	0	0
Defense Nuclear Facilities Safety Board	18,500	17,000	18,500	0	18,500	18,500	17,000	18,500	18,500
Total Atomic Energy Defense Activities (053)	13,169,081	12,888,381	12,857,981	(118,711)	13,050,370	13,084,081	12,803,381	12,772,981	12,965,370
Recapitulation									
Department of Defense (Division A)	284,127,991	288,622,831	288,582,865	4,681,567	288,809,558	283,917,991	288,403,831	288,372,865	288,599,558
Department of Defense (Division B)	8,033,908	8,433,908	8,463,908	787,264	8,821,172	8,033,908	8,433,908	8,463,908	8,821,172
Net Other Funds	5,000	0	0	(5,000)	0	532,451	536,331	527,181	527,451
Division A Rescission (PL 106-259)	0	0	0	0	0	0	0	0	(546,980)
Division B Rescission (PL 106-259)	0	0	0	0	0	0	0	0	(183,000)
Transfer Authority sec 1001 [Memo Entry]	2,000,000	2,000,000	2,000,000	0	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Offsetting Receipts	0	0	0	0	0	(1,485,000)	(1,485,000)	(1,485,000)	(1,485,000)
Total Department of Defense Military (051)	292,166,899	297,056,739	297,046,773	5,463,831	297,630,730	290,999,350	295,889,070	295,878,954	295,733,201
Total Atomic Energy Defense Activities (053)	13,169,081	12,888,381	12,857,981	(118,711)	13,050,370	13,084,081	12,803,381	12,772,981	12,965,370
Total Defense Related Activities (054)	48,000	0	0	(48,000)	0	1,249,749	1,201,749	1,201,749	1,201,749
TOTAL NATIONAL DEFENSE FUNCTION (050)	305,383,980	309,945,120	309,904,754	5,297,120	310,681,100	305,333,180	309,894,200	309,853,684	309,900,320

CONGRESSIONAL DEFENSE COMMITTEES

The term "congressional defense committees" is often used in this statement of managers. It means the Defense Authorization and Appropriations Committee of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Procurement Overview

The budget request for fiscal year 2001 included an authorization of $60,563.4 million for Procurement in the Department of Defense.

The House bill would authorize $62,593.1 million.

The Senate amendment would authorize $63,560.6 million.

The conferees recommended an authorization of $63,166.6 million. The conference agreement reflects reductions reflected in the fiscal year 2001 Department of Defense Appropriations Act (Public Law 106-259). Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Summary of
National Defense Authorization for FY 2001

(In Thousands of $'s)

TITLE I PROCUREMENT	Authorization Request	House Authorized	Senate Authorized	Change	Conference Agreement
Aircraft Procurement, Army	1,323,262	1,542,762	1,749,662	226,750	1,550,012
Missile Procurement, Army	1,295,728	1,367,681	1,382,328	24,953	1,320,681
Procurement of Weapons and Tracked Combat Vehicles, Army	1,874,638	2,167,938	2,115,138	561,686	2,436,324
Procurement of Ammunition, Army	1,131,323	1,199,323	1,224,323	48,593	1,179,916
Other Procurement, Army	3,795,870	4,095,270	4,027,170	439,849	4,235,719
Chemical Agents and Munitions Destruction, Army					
Research, Development, Test & Evaluation	274,400	0	0	0	274,400
Procurement	121,900	0	0	(16,200)	105,700
Operation & Maintenance	607,200	0	0	(7,200)	600,000
Aircraft Procurement, Navy	7,963,858	8,205,758	8,685,958	430,480	8,394,338
Weapons Procurement, Navy	1,434,250	1,562,250	1,539,950	9,350	1,443,600
Procurement of Ammunition, Navy and Marine Corps	429,649	481,349	500,749	58,100	487,749
Shipbuilding and Conversion, Navy	12,296,919	11,981,968	12,900,076	530,000	12,826,919
Other Procurement, Navy	3,334,611	3,432,011	3,378,311	46,069	3,380,680
Procurement, Marine Corps	1,171,935	1,254,735	1,191,035	40,833	1,212,768
Aircraft Procurement, Air Force	9,539,602	10,267,153	9,966,271	384,266	9,923,868
Procurement of Ammunition, Air Force	638,808	638,808	666,808	8,000	646,808
Missile Procurement, Air Force	3,061,715	3,046,715	3,008,015	(197,937)	2,863,778
Other Procurement, Air Force	7,699,127	7,869,903	7,717,527	12,520	7,711,647
Procurement, Defense-wide	2,275,308	2,309,074	2,210,508	3,100	2,278,408
Chemical Agents and Munitions Destruction, Defense-Wide					

Summary of
National Defense Authorization for FY 2001

(In Thousands of $'s)

	Authorization Request	House Authorized	Senate Authorized	Change	Conference Agreement
Operation & Maintenance	0	607,200	607,200	0	0
Procurement	0	105,700	121,900	0	0
Research, Development, Test & Evaluation	0	164,200	274,400	0	0
Procurement, Defense Health Program	290,006	290,006	290,006	0	290,006
Procurement, Office of the Inspector General	3,300	3,300	3,300	0	3,300
Total Procurement	60,563,409	62,593,104	63,560,635	2,603,212	63,166,621

Overview

The budget request for fiscal year 2001 included an authorization of $1,323.3 million for Aircraft Procurement, Army in the Department of Defense.

The House bill would authorize $1,542.8 million.

The Senate amendment would authorize $1,749.7 million.

The conferees recommended an authorization of $1,550.0 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
	AIRCRAFT PROCUREMENT, ARMY										
	AIRCRAFT										
	FIXED WING										
1	ARL (TIARA)	-	-	1	31,000	-	-	-	-	-	-
2	UTILITY F/W (MR) AIRCRAFT	-	-	1	7,600	3	24,300	1	7,600	1	7,600
3	GUARDRAIL COMMON SENSOR/ACS (TIARA)	-	-	-	-	-	-	-	-	-	-
	ROTARY										
4	UH-60 BLACKHAWK (MYP)	6	81,205	12	152,305	26	277,505	12	124,950	18	206,155
4	LESS: ADVANCE PROCUREMENT (PY)	-	(16,554)	-	(16,554)	-	(16,554)	-	-	-	(16,554)
5	ADVANCE PROCUREMENT (CY)	-	22,127	-	22,127	-	22,127	-	-	-	22,127
	TH-67 TRAINING HELICOPTER			19	24,000			19	24,000	19	24,000
	MODIFICATION OF AIRCRAFT										
	MODIFICATION OF AIRCRAFT										
6	GUARDRAIL MODS (TIARA)	-	22,626	-	22,626	-	22,626	-	-	-	22,626
7	ARL MODS	-	6,553	-	6,553	-	6,553	-	-	-	6,553
8	AHIF MODS	-	423	-	423	-	423	-	-	-	423
9	AH-64 MODS	-	18,516	-	30,516	-	18,516	-	17,500	-	36,016
10	CH-47 CARGO HELICOPTER MODS (MYP)	-	117,083	-	122,083	-	117,083	-	-	-	117,083
11	CH-47 ICH	-	57,630	-	57,630	-	57,630	-	-	-	57,630
12	ADVANCE PROCUREMENT (CY)	-	26,200	-	26,200	-	26,200	-	-	-	26,200
13	UTILITY/CARGO AIRPLANE MODS	-	11,903	-	11,903	-	11,903	-	-	-	11,903
14	OH-58 MODS	-	462	-	462	-	462	-	-	-	462
15	AIRCRAFT LONG RANGE MODS	-	752	-	752	-	752	-	-	-	752
16	LONGBOW	-	744,846	-	744,846	-	902,846	-	17,500	-	762,346
16	LESS: ADVANCE PROCUREMENT (PY)	-	(35,392)	-	(35,392)	-	(35,392)	-	-	-	(35,392)
17	ADVANCE PROCUREMENT (CY)	-	35,000	-	35,000	-	35,000	-	-	-	35,000
18	UH-1 MODS	-	4,297	-	4,297	-	4,297	-	-	-	4,297
19	UH-60 MODS	-	3,021	-	12,021	-	3,021	-	6,000	-	9,021
20	KIOWA WARRIOR	-	41,816	-	41,816	-	76,816	-	(1,200)	-	40,616
21	EH-60 QUICKFIX MODS	-	-	-	-	-	-	-	-	-	-
22	AIRBORNE AVIONICS	-	60,042	-	60,042	-	60,042	-	-	-	60,042

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
23	ASE MODS (SIRFC)	-	4,487	-	24,487	-	4,487	-	-	-	4,487
24	ASE MODS (ATIRCM)	-	-	-	-	-	-	-	-	-	-
25	GATM	-	10,073	-	10,073	-	10,073	-	-	-	10,073
26	MODIFICATIONS < $5.0M	-	-	-	-	-	-	-	-	-	-
	SPARES AND REPAIR PARTS										
	SPARES AND REPAIR PARTS										
27	SPARE PARTS (AIR)	-	15,167	-	15,167	-	15,167	-	-	-	15,167
	SUPPORT EQUIPMENT AND FACILITIES										
	GROUND SUPPORT AVIONICS										
28	AIRCRAFT SURVIVABILITY EQUIPMENT	-	-	-	8,000	-	-	-	10,000	-	10,000
	OTHER SUPPORT										
29	AVIONICS SUPPORT EQUIPMENT	-	-	-	-	-	13,900	-	10,000	-	10,000
30	COMMON GROUND EQUIPMENT	-	11,926	-	11,926	-	11,926	-	-	-	11,926
31	AIRCREW INTEGRATED SYSTEMS	-	3,490	-	3,490	-	9,390	-	2,400	-	5,890
32	AIR TRAFFIC CONTROL	-	74,144	-	74,144	-	74,144	-	-	-	74,144
33	INDUSTRIAL FACILITIES	-	1,419	-	1,419	-	1,419	-	-	-	1,419
34	AIRBORNE COMMUNICATIONS	-	-	-	31,800	-	-	-	8,000	-	8,000
35	CLOSED ACCOUNT ADJUSTMENT	-	-	-	-	-	-	-	-	-	-
	ECONOMIC ADJUSTMENT						(7,000)			-	-
	TOTAL, AIRCRAFT PROCUREMENT, ARMY		1,323,262		1,542,762		1,749,662		226,750		1,550,012

UH–60 Blackhawk

The budget request included $81.2 million to procure six UH–60L Blackhawk helicopters for the Army National Guard (ARNG).

The House bill would authorize an increase of $27.9 million to procure an additional three UH–60L Blackhawks, $40.2 million to procure three UH–60Q medical evacuation helicopters, and $3.0 million to procure two Firehawk conversion kits, a total increase of $71.1 million to meet additional UH–60 Blackhawk requirements for the ARNG.

The Senate amendment would authorize an increase of $196.3 million to procure an additional 20 UH–60L Blackhawk aircraft identified on the Army's unfunded requirements list.

The conferees agree to authorize $179.4 million for 16 UH–60L aircraft for the reserve components and $26.8 million for two UH–60Q aircraft for the ARNG, a total authorization of $206.2 million for UH–60 Blackhawk helicopters.

TH–67 training helicopter

The budget request included no funding for TH–67 training helicopter requirements.

The House bill would authorize an increase of $24.0 million to procure 19 TH–67 training helicopters.

The Senate amendment would authorize an increase of $35.0 million to procure 19 TH–67 aircraft.

The conferees agree to authorize an increase of $24.0 million to procure 19 TH–67 aircraft.

Longbow

The budget request included $744.8 million for AH–64 Apache Longbow modifications.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $141.1 million for Apache recapitalization requirements.

The conferees agree to authorize an increase of $17.5 million, a total authorization of $762.3 million to address AH–64 Apache recapitalization requirements.

AH–64 modifications

The budget request included $18.5 million for AH–64 modifications, but included no funding to continue procurement of the oil debris detection system (ODDS) or the vibration management enhancement program (VMEP).

The House bill would authorize an increase of $5.0 million to continue procurement of ODDS and $7.0 million for the procurement of VMEP for the Army National Guard (ARNG) AH–64 fleet, a total increase of $12.0 million to meet outstanding AH–64 modification requirements.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $5.0 million for ODDS, $5.0 million for VMEP for the ARNG AH–64 fleet, and $7.5 million to support critical component upgrades, as identified in the Army's unfunded requirements list, a total authorization of $36.0 million to address AH–64 modification requirements.

UH–60 modifications

The budget request included $3.0 million for UH–60 modifications.

The House bill would authorize an increase of $9.0 million for extended range fuel system modifications for Army National Guard (ARNG) UH–60 Blackhawks.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $6.0 million for UH–60 modifications, including $3.0 million for extended range fuel system modifications and $3.0 million for Firehawk kits, both for the ARNG.

Aircraft Survivability Equipment (ASE)

The budget request contained no funding for the procurement of Aircraft Survivability Equipment (ASE).

The House bill would authorize an increase of $8.0 million to upgrade the Aircraft Survivability Equipment Trainer (ASET) IV systems with current IR SAM threat simulators.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $10.0 million for aircraft survivability equipment. Of this amount, $4.0 million is for ASET IV systems upgrades and $6.0 million is for laser detection kits.

Aircrew integrated systems

The budget request included $3.5 million for aircrew integrated system equipment requirements.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $5.9 million for aircrew integrated systems to procure 12,640 advanced laser eye protection visors.

The conferees agree to authorize an increase of $2.4 million for aircrew laser eye protection requirements, a total authorization of $5.9 million for aircrew system equipment requirements.

Overview

The budget request for fiscal year 2001 included an authorization of $1,295.7 million for Missile Procurement, Army in the Department of Defense.

The House bill would authorize $1,367.7 million.

The Senate amendment would authorize $1,382.3 million.

The conferees recommended an authorization of $1,320.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	MISSILE PROCUREMENT, ARMY										
	OTHER MISSILES										
	SURFACE-TO-AIR MISSILE SYSTEM										
1	AVENGER SYSTEM SUMMARY	7	29,801	7	29,801	7	29,801	-	-	7	29,801
	AIR-TO-SURFACE MISSILE SYSTEM										
2	HELLFIRE SYS SUMMARY (MYP)	2,200	296,962	2,200	296,962	2,200	296,962	-	-	2,200	296,962
2	LESS: ADVANCE PROCUREMENT (PY)	-	(11,599)	-	(11,599)	-	(11,599)	-	-	-	(11,599)
3	ADVANCE PROCUREMENT (CY)	-	-	-	-	-	-	-	-	-	-
	ANTI-TANK/ASSAULT MISSILE SYSTEM										
4	JAVELIN (AAWS-M) SYSTEM SUMMARY (MYP)	3,754	387,959	3,754	387,959	3,754	387,959	-	(51,000)	3,754	336,959
4	LESS: ADVANCE PROCUREMENT (PY)	-	(15,711)	-	(15,711)	-	(15,711)	-	-	-	(15,711)
5	ADVANCE PROCUREMENT (CY)	-	-	-	-	-	-	-	-	-	-
6	MLRS ROCKET	-	9,413	-	9,413	-	9,413	-	-	-	9,413
7	MLRS LAUNCHER SYSTEMS	66	188,689	66	188,689	66	188,689	-	-	66	188,689
8	ARMY TACTICAL MSL SYS (ATACMS) - SYS SUM	-	15,044	51	25,044	100	92,444	-	83,000	-	98,044
9	ATACMS BLKII SYSTEM SUMMARY	55	230,334	55	230,334	55	230,334	-	(15,000)	55	215,334
10	ADVANCE PROCUREMENT (CY)	-	3,547	-	-	-	3,547	-	(3,547)	-	-
	MODIFICATION OF MISSILES										
	MODIFICATIONS										
11	PATRIOT MODS	-	22,929	-	88,429	-	22,929	-	-	-	22,929
12	STINGER MODS	-	21,838	-	21,838	-	37,038	-	11,500	-	33,338
13	AVENGER MODS	-	6,828	-	6,828	-	6,828	-	-	-	6,828
14	ITAS/TOW MODS (MYP)	-	64,562	-	64,562	-	64,562	-	-	-	64,562
15	MLRS MODS	-	16,499	-	16,499	-	16,499	-	-	-	16,499
	SPARES AND REPAIR PARTS										
	SPARES AND REPAIR PARTS										
16	SPARES AND REPAIR PARTS	-	20,785	-	20,785	-	20,785	-	-	-	20,785
	SUPPORT EQUIPMENT AND FACILITIES										
	SUPPORT EQUIPMENT AND FACILITIES										
17	AIR DEFENSE TARGETS	-	2,394	-	2,394	-	2,394	-	-	-	2,394
18	ITEMS LESS THAN $5.0M (MISSILES)	-	969	-	969	-	969	-	-	-	969

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
19	MISSILE DEMILITARIZATION	-	1,341	-	1,341	-	1,341	-	-	-	1,341
20	PRODUCTION BASE SUPPORT	-	3,144	-	3,144	-	3,144	-	-	-	3,144
21	CLOSED ACCOUNT ADJUSTMENTS	-	-	-	-	-	-	-	-	-	-
	ECONOMIC ADJUSTMENT			-	-		(6,000)			-	-
	TOTAL, MISSILE PROCUREMENT, ARMY		1,295,728		1,367,681		1,382,328		24,953		1,320,681

Army tactical missile system

The budget request included $15.0 million for Army tactical missile system (ATACMS) fielding and production line shutdown.

The House bill would authorize an increase of $10.0 million for the procurement of 51 ATACMS Block IV missiles.

The Senate amendment would authorize an increase of $77.4 million to procure 100 ATACMS block IA missiles.

The conferees agree to authorize an increase of $83.0 million, of which $6.0 million is for ATACMS block IV missiles and $77.0 million is to procure 100 ATACMS block IA missiles, a total authorization of $98.0 million.

Overview

The budget request for fiscal year 2001 included an authorization of $1,874.6 million for Weapons and Tracked Combat Vehicles Procurement, Army in the Department of Defense.

The House bill would authorize $2,167.9 million.

The Senate amendment would authorize $2,115.1 million.

The conferees recommended an authorization of $2,436.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	PROCUREMENT OF W&TCV, ARMY										
	TRACKED COMBAT VEHICLES										
	TRACKED COMBAT VEHICLES										
1	ABRAMS TRNG DEV MOD	-	5,331	-	5,331	-	5,331	-	-	-	5,331
2	BRADLEY BASE SUSTAINMENT	-	359,389	65	440,689	-	359,389	-	72,300	-	431,689
3	ADVANCE PROCUREMENT (CY)	-	20,006	-	20,006	-	20,006	-	-	-	20,006
4	BRADLEY FVS TRAINING DEVICES	-	12,098	-	12,098	-	12,098	-	-	-	12,098
5	HAB TRAINING DEVICES	-	-	-	-	-	-	-	-	-	-
6	BRADLEY FVS TRAINING DEVICES (MOD)	-	14,038	-	14,038	-	14,038	-	-	-	14,038
7	ABRAMS TANK TRAINING DEVICES	-	10,504	-	10,504	-	10,504	-	-	-	10,504
8	MEDIUM ARMORED VEHICLE FAMILY: MAVF	-	537,077	-	537,077	-	537,077	-	99,930	-	637,007
9	COMMAND & CONTROL VEHICLE	-	-	-	-	-	-	-	-	-	-
	MODIFICATION OF TRACKED COMBAT VEHICLES										
10	CARRIER, MOD	-	45,111	-	95,111	-	95,111	-	10,000	-	55,111
11	FIST VEHICLE (MOD)	-	31,898	-	31,898	-	31,898	-	-	-	31,898
12	BFVS SERIES (MOD)	-	37,142	-	57,142	-	37,142	-	-	-	37,142
13	HOWITZER, MED SP FT 155MM M109A6 (MOD)	-	8,060	-	8,060	-	8,060	-	-	-	8,060
14	FAASV PIP TO FLEET	-	5	-	5	-	5	-	-	-	5
15	IMPROVED RECOVERY VEHICLE (M88 MOD)	-	68,385	-	76,685	-	68,385	-	6,000	-	74,385
16	BREACHER SYSTEM (MOD)	-	-	-	20,000	-	108,000	-	-	-	-
17	HEAVY ASSAULT BRIDGE (HAB) SYS (MOD)	-	-	12	59,200	-	77,000	-	77,000	-	77,000
17A	ADVANCE PROCUREMENT (CY)			-	13,100						
18	ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)	-	1,692	-	1,692	-	1,692	-	(1,692)	-	-
19	AVLB SLEP	-	15,252	-	4,952	-	52	-	(15,252)	-	-
20	M1 ABRAMS TANK (MOD)	-	36,098	-	54,998	-	36,098	-	15,900	-	51,998
21	M1A1D RETROFIT	-	891	-	891	-	891	-	-	-	891
22	SYSTEM ENHANCEMENT PGM: SEP M1A2	16	36,149	16	36,149	16	36,149	-	22,500	16	58,649
23	ABRAMS UPGRADE PROGRAM	-	551,828	-	551,828	-	551,828	-	(44,500)	-	507,328
24	LESS: ADVANCE PROCUREMENT (PY)	-	(213,406)	-	(213,406)	-	(213,406)	-	-	-	(213,406)
24	ADVANCE PROCUREMENT (CY)	-	174,445	-	174,445	-	174,445	-	-	-	174,445
25	MODIFICATIONS LESS THAN $5.0M (TCV-WTCV)	-	-	-	-	-	-	-	-	-	-

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	SUPPORT EQUIPMENT AND FACILITIES										
26	ITEMS LESS THAN $5.0M (TCV-WTCV)	-	135	-	135	-	135	-	-	-	135
27	PRODUCTION BASE SUPPORT (TCV-WTCV)	-	9,250	-	9,250	-	9,250	-	-	-	9,250
	ARMY TRANSFORMATION: MEDIUM ARMORED VEHICLE							-	300,000	-	300,000
	WEAPONS AND OTHER COMBAT VEHICLES										
	WEAPONS AND OTHER COMBAT VEHICLES										
28	ARMOR MACHINE GUN, 7.62MM M240 SERIES	1,196	12,449	1,196	12,449	1,196	12,449	-	-	1,196	12,449
29	MACHINE GUN, 5.56MM (SAW)	-	-	-	18,300	4,280	18,300	-	17,000	-	17,000
30	GRENADE LAUNCHER, AUTO, 40MM, MK19-3	581	11,835	581	14,335	967	19,935	-	2,500	581	14,335
31	M16 RIFLE	10,314	4,793	10,314	4,793	10,314	4,793	-	-	10,314	4,793
32	XM107, CAL. 50, SNIPER RIFLE	230	3,085	230	3,085	230	3,085	-	-	230	3,085
33	5.56 CARBINE M4	8,309	5,190	8,309	5,190	8,309	5,190	-	-	8,309	5,190
	MOD OF WEAPONS AND OTHER COMBAT VEH										
34	MARK-19 MODIFICATIONS	-	1,813	-	1,813	-	1,813	-	-	-	1,813
35	M4 CARBINE MODS	-	2,504	-	2,504	-	3,804	-	-	-	2,504
36	SQUAD AUTOMATIC WEAPON (MOD)	-	9,956	-	9,956	-	9,956	-	-	-	9,956
37	MEDIUM MACHINE GUNS (MODS)	-	495	-	495	-	495	-	-	-	495
38	HOWITZER, TOWED, 155MM, M198 (MODS)	-	3,507	-	3,507	-	3,507	-	-	-	3,507
39	M119 MODIFICATIONS	-	4,705	-	4,705	-	4,705	-	-	-	4,705
40	M16 RIFLE MODS	-	9,592	-	9,592	-	9,592	-	-	-	9,592
41	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	-	787	-	787	-	787	-	-	-	787
	SUPPORT EQUIPMENT AND FACILITIES										
42	ITEMS LESS THAN $5.0M (WOCV-WTCV)	-	1,182	-	1,182	-	1,182	-	-	-	1,182
43	PRODUCTION BASE SUPPORT (WOCV-WTCV)	-	5,152	-	5,152	-	5,152	-	-	-	5,152
44	INDUSTRIAL PREPAREDNESS	-	3,604	-	15,604	-	3,604	-	-	-	3,604
45	SMALL ARMS (SOLDIER ENH PROG)	-	3,506	-	3,506	-	3,506	-	-	-	3,506
	SPARE AND REPAIR PARTS										
	SPARES										
46	SPARES AND REPAIR PARTS (WTCV)	-	29,105	-	29,105	-	29,105	-	-	-	29,105
	ECONOMIC ADJUSTMENT			-	-		(7,000)			-	-
	TOTAL, PROCUREMENT OF W&TCV, ARMY		1,874,638		2,167,938		2,115,138		561,686		2,436,324

Bradley base sustainment

The budget request included $359.4 million for the procurement of Bradley A3 fighting vehicle upgrades, of which $6.1 million was included for fielding Army National Guard (ARNG) A2 Operation Desert Storm (ODS) variants.

The House bill would authorize an increase of $81.3 million for upgrading an additional 65 Bradley A0 vehicles to the A2ODS variant for ARNG.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $72.3 million for ARNG Bradley A2ODS conversions.

Improved recovery vehicle

The budget request included $68.4 million to procure improved recovery vehicles (IRVs) but included no funding for the procurement of IRVs for the Army Reserve.

The House bill would authorize an increase of $8.3 million for additional M88A2 IRV upgrades for the Army Reserve.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $6.0 million for additional M88A2 IRV upgrades for the Army Reserve, a total authorization of $74.4 million.

Heavy assault bridge system modifications

The budget request included no funding to continue procurement of the heavy assault bridge system (HAB).

The House bill would authorize an increase of $59.2 million for 12 vehicles and an increase of $13.1 million in advanced procurement for fiscal year 2002 to maintain HAB production.

The Senate amendment would authorize an increase of $77.0 million to restore the Wolverine heavy assault bridge program and a corresponding decrease of $15.2 million to the AVLB SLEP program.

The conferees agree to authorize an increase of $77.0 million for the heavy assault bridge program, a total authorization of $77.0 million. Accordingly, the conferees expect the Secretary of the Army to budget for the HAB through the future years defense program.

Army Transformation

The budget request included $537.1 million, sufficient funds to procure equipment and to field the first interim brigade combat team as part of the Army transformation initiative.

The House bill and Senate amendment would authorize the budget request.

The conferees agree to authorize a total increase of $600.0 million for the Army transformation initiative, which includes:

(1) $100.0 million for medium armored vehicle procurement;

(2) $300.0 million for medium armored vehicles for a second interim brigade combat team; and

(3) $200.0 million for other support equipment for a second interim brigade combat team.

Machine gun, squad automatic weapon

The budget request included no funding for the squad automatic weapon (SAW).

The House bill would authorize an increase of $18.3 million to complete the procurement of the M249 SAW system.

The Senate amendment would authorize an increase of $18.3 million to procure 4,280 weapons and complete the acquisition of the SAW system.

The conferees agree to authorize an increase of $17.0 million for the procurement of 4,280 weapons and complete the acquisition of the SAW system, a total authorization of $17.0 million.

Overview

The budget request for fiscal year 2001 included an authorization of $1,131.3 million for Ammunition Procurement, Army in the Department of Defense.

The House bill would authorize $1,199.3 million.

The Senate amendment would authorize $1,224.3 million.

The conferees recommended an authorization of $1,179.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	PROCUREMENT OF AMMUNITION, ARMY										
	AMMUNITION										
	SMALL/MEDIUM CAL AMMUNITION										
1	CTG, 5.56MM, ALL TYPES	-	97,758	-	97,758	-	97,758	-	-	-	97,758
2	CTG 5.56MM ARMOR PIERCING M995	873	1,337	873	1,337	873	1,337	-	-	873	1,337
3	CTG, 7.62MM, ALL TYPES	-	8,990	-	8,990	-	8,990	-	-	-	8,990
4	CTG 7.62MM ARMOR PIERCING XM993	-	-	-	-	-	-	-	-	-	-
5	CTG, 9MM, ALL TYPES	-	2,487	-	2,487	-	2,487	-	-	-	2,487
6	CTG, .45 CAL, ALL TYPES	-	-	-	-	-	-	-	-	-	-
7	CTG, .50 CAL, ALL TYPES	-	10,646	-	16,646	-	10,646	-	6,000	-	16,646
8	CTG CAL .50 API MK211 MOD 0	254	1,987	254	3,987	254	1,987	-	1,000	254	2,987
9	CTG, 20MM, ALL TYPES	-	2,004	-	2,004	-	2,004	-	-	-	2,004
10	CTG, 25MM, ALL TYPES	-	57,780	-	57,780	-	57,780	-	-	-	57,780
11	CTG, 30MM, ALL TYPES	-	9,517	-	9,517	-	15,517	-	5,000	-	14,517
12	CTG, 40MM, ALL TYPES	-	60,788	-	60,788	-	60,788	-	-	-	60,788
13	NONLETHAL WEAPONS CAPABILITY SET	5	8,397	5	8,397	5	8,397	-	-	5	8,397
	MORTAR AMMUNITION										
14	60MM MORTAR, ALL TYPES	-	28,673	-	36,673	-	33,673	-	5,000	-	33,673
15	CTG 81MM INFRARED (IR) ILLUM XM816	-	-	-	-	-	-	-	-	-	-
16	CTG MORTAR 81MM PRAC 1/10 RANGE M880	24	930	24	930	24	930	-	-	24	930
17	CTG MORTAR 120MM FULL RANGE PRACTICE M931	-	-	-	-	-	-	-	-	-	-
18	CTG MORTAR 120MM HE M934 W/MO FUZE	62	45,031	62	50,431	70	51,031	-	3,000	62	48,031
19	CTG MORTAR 120MM ILLUM XM930 W/MTSQ FZ	-	-	-	6,600	-	-	-	5,000	-	5,000
20	CTG MORTAR 120MM SMOKE M929 W/MO FUZE	-	-	-	-	-	-	-	-	-	-
21	CTG 120MM WP SMOKE M929A1	26	24,969	26	24,969	26	24,969	-	-	26	24,969
	TANK AMMUNITION										
22	CTG 120MM APFSDS-T M829A2/M829E3	-	-	-	-	-	-	-	-	-	-
23	CTG 120MM HEAT-MP-T M830A1	-	-	-	-	-	-	-	-	-	-
24	CTG TANK 120MM TP-T M831/M831A1	87	48,477	87	48,477	87	48,477	-	-	87	48,477
25	CTG TANK 120MM TPCSDS-T M865	199	101,512	199	101,512	199	101,512	-	-	199	101,512
	ARTILLERY AMMUNITION										

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
26	CTG ARTY 75MM BLANK M337A1	40	1,807	40	1,807	40	1,807	-	-	40	1,807
27	CTG ARTY 105MM BLANK M395	-	-	-	-	-	-	-	-	-	-
28	CTG ARTY 105MM DPICM XM915	-	-	-	-	-	15,000	-	7,000	-	7,000
29	CTG ARTY 105MM HERA M913	-	-	-	-	-	-	-	-	-	-
30	CTG ARTY 105MM M927	-	-	-	-	-	-	-	-	-	-
31	CTG ARTY 105MM ILLUM M314 SERIES	-	130	-	130	-	130	-	-	-	130
32	PROJ ARTY 155MM SMOKE WP M825	-	14,682	-	14,682	-	14,682	-	-	-	14,682
33	PROJ ARTY 155MM HE M795	-	-	-	-	-	-	-	-	-	-
34	PROJ ARTY 155MM SADARM M898	-	14,907	-	14,907	-	14,907	-	(14,907)	-	-
35	REMOTE AREA DENIAL ARTILLERY MUNITION (RADA)	117	47,674	117	47,674	117	47,674	-	(20,000)	117	27,674
36	PROJ ARTY 155MM HE M107	175	35,178	175	35,178	175	45,178	-	5,000	175	40,178
37	MODULAR ARTILLERY CHARGE SYSTEM (MACS)	164	27,432	164	47,432	164	47,432	-	12,500	164	39,932
	ARTILLERY FUZES										
38	ARTILLERY FUZES, ALL TYPES	-	67,005	-	67,005	-	67,005	-	-	-	67,005
	MINES										
39	MINE, TRAINING, ALL TYPES	-	3,892	-	3,892	-	3,892	-	-	-	3,892
40	MINE AT M87 (VOLCANO)	-	-	-	-	-	-	-	-	-	-
41	WIDE AREA MUNITIONS	58	7,284	58	7,284	185	23,284	-	12,000	58	19,284
	ROCKETS										
42	BUNKER DEFEATING MUNITION (BDM)	-	-	-	10,000	-	-	-	6,000	-	6,000
43	ROCKET, HYDRA 70, ALL TYPES	-	152,767	-	152,767	-	152,767	-	-	-	152,767
	OTHER AMMUNITION										
44	DEMOLITION MUNITIONS, ALL TYPES	-	16,603	-	18,603	-	16,603	-	1,000	-	17,603
45	GRENADES, ALL TYPES	-	20,260	-	20,260	-	20,260	-	-	-	20,260
46	SIGNALS, ALL TYPES	-	13,067	-	13,067	-	13,067	-	-	-	13,067
47	SIMULATORS, ALL TYPES	-	3,053	-	3,053	-	3,053	-	-	-	3,053
	MISCELLANEOUS										
48	AMMO COMPONENTS, ALL TYPES	-	6,750	-	6,750	-	6,750	-	-	-	6,750
49	CAD/PAD ALL TYPES	-	4,298	-	4,298	-	4,298	-	-	-	4,298
50	ITEMS LESS THAN $5 MILLION	-	10,145	-	10,145	-	10,145	-	-	-	10,145
51	AMMUNITION PECULIAR EQUIPMENT	-	9,476	-	9,476	-	9,476	-	-	-	9,476

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
52	FIRST DESTINATION TRANSPORTATION (AMMO)	-	5,118	-	5,118	-	5,118	-	-	-	5,118
53	CLOSEOUT LIABILITIES	-	5,764	-	5,764	-	5,764	-	-	-	5,764
	AMMUNITION PRODUCTION BASE SUPPORT										
	PRODUCTION BASE SUPPORT										
54	PROVISION OF INDUSTRIAL FACILITIES	-	47,748	-	47,748	-	47,748	-	-	-	47,748
55	LAYAWAY OF INDUSTRIAL FACILITIES	-	3,215	-	3,215	-	3,215	-	-	-	3,215
56	MAINTENANCE OF INACTIVE FACILITIES	-	12,267	-	12,267	-	12,267	-	-	-	12,267
57	CONVENTIONAL AMMO DEMILITARIZATION	-	84,799	-	84,799	-	84,799	-	-	-	84,799
58	ARMS INITIATIVE	-	4,719	-	12,719	-	24,719	-	15,000	-	19,719
	ECONOMIC ADJUSTMENT			-	-		(5,000)			-	-
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY		1,131,323		1,199,323		1,224,323		48,593		1,179,916

155MM Sense and Destroy Armor Munition M898

The budget request included $14.9 million for the Sense and Destroy Armor Munition.

The House bill and the Senate amendment would authorize the budget request for this program.

Consistent with the outcome of the Department of Defense Appropriations Act, 2001 (Public Law 106–259), the conferees agree to authorize a decrease of $14.9 million for this program.

If the Secretary of the Army determines that it is important for the Army to continue this program, the conferees encourage the Secretary to submit a reprogramming request.

Overview

The budget request for fiscal year 2001 included an authorization of $3,795.9 million for Other Procurement, Army in the Department of Defense.

The House bill would authorize $4,095.3 million.

The Senate amendment would authorize $4,027.2 million.

The conferees recommended an authorization of $4,235.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	OTHER PROCUREMENT, ARMY										
	TACTICAL AND SUPPORT VEHICLES										
	TACTICAL VEHICLES										
1	TACTICAL TRAILERS/DOLLY SETS	-	-	-	-	-	-	-	3,800	-	3,800
2	SEMITRAILER FB BB/CONT TRANS 22 1/2 T	374	12,135	374	12,135	374	12,135	-	(7,100)	374	5,035
3	SEMITRAILER LB 40T M870A1 (CCE)	24	1,912	24	1,912	24	1,912	-	-	24	1,912
4	SEMITRAILER, TANK, 5000G	-	30,213	-	30,213	-	30,213	-	-	-	30,213
5	SEMITRAILER, TANK, 7500G, BULKHAUL	376	20,010	376	20,010	376	20,010	-	-	376	20,010
6	SEMITRAILER VAN CGO SUPPLY 12T 4WHL M129A2C	67	6,147	67	6,147	67	6,147	-	-	67	6,147
7	HI MOB MULTI-PURP WHLD VEH (HMMWV)	1,002	110,746	1,002	115,746	1,002	110,746	-	3,000	1,002	113,746
8	TRUCK, DUMP, 20T (CCE)	19	5,208	19	5,208	19	5,208	-	-	19	5,208
9	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	-	438,256	-	473,256	-	481,256	-	37,300	-	475,556
10	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPM	-	14,830	-	14,830	-	14,830	-	1,200	-	16,030
11	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	-	166,119	-	171,119	-	166,119	-	-	-	166,119
12	ARMORED SECURITY VEHICLES (ASV)	20	13,453	20	13,453	20	13,453	-	-	20	13,453
13	TRUCK, TRACTOR, LINE HAUL, M915/M916	-	42,989	-	44,589	-	42,989	-	1,000	-	43,989
14	TRUCK, TRACTOR, YARD TYPE, M878 (C/S)	-	-	-	-	-	-	-	-	-	-
15	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	94	17,233	94	17,233	94	17,233	-	-	94	17,233
16	MEDIUM TRUCK EXTENDED SVC PGM(ESP) (PREV SL)	-	-	-	-	-	-	-	-	-	-
17	LINE HAUL ESP	362	27,054	362	27,054	362	27,054	-	-	362	27,054
18	MODIFICATION OF IN SVC EQUIP	-	28,910	-	28,910	-	28,910	-	-	-	28,910
19	ITEMS LESS THAN $5.0M (TAC VEH)	-	1,853	-	1,853	-	1,853	-	-	-	1,853
	NON-TACTICAL VEHICLES										
20	HEAVY ARMORED SEDAN	12	2,263	12	2,263	12	2,263	-	(1,100)	12	1,163
21	PASSENGER CARRYING VEHICLES	35	834	35	834	35	834	-	(134)	35	700
22	GENERAL PURPOSE VEHICLES	-	989	-	989	-	989	-	-	-	989
23	SPECIAL PURPOSE VEHICLES	-	1,021	-	1,021	-	13,521	-	5,650	-	6,671
	SUPPORT EQUIPMENT AND FACILITIES										
24	SYSTEM FIELDING SUPPORT PEO	-	-	-	-	-	-	-	-	-	-
25	PROJECT MANAGEMENT SUPPORT	-	-	-	-	-	-	-	-	-	-
26	SYSTEM FIELDING SUPPORT (TACOM)	-	-	-	-	-	-	-	-	-	-

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT										
	COMM - JOINT COMMUNICATIONS										
27	COMBAT IDENTIFICATION PROGRAM	-	13,096	-	13,096	-	13,096	-	-	-	13,096
28	JCSE EQUIPMENT (USREDCOM)	-	5,553	-	5,553	-	5,553	-	-	-	5,553
	COMM - SATELLITE COMMUNICATIONS										
29	DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SP)	-	72,034	-	72,034	-	72,034	-	-	-	72,034
30	SHF TERM	-	38,307	-	38,307	-	38,307	-	(10,307)	-	28,000
31	SAT TERM, EMUT (SPACE)	-	3,475	-	3,475	-	3,475	-	-	-	3,475
32	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	-	21,439	-	21,439	-	21,439	-	-	-	21,439
33	SMART-T (SPACE)	-	48,594	-	48,594	-	28,594	-	(16,500)	-	32,094
34	SCAMP (SPACE)	-	4,261	-	4,261	-	4,261	-	-	-	4,261
35	GLOBAL BRDCST SVC - GBS	-	9,286	-	9,286	-	9,286	-	(5,000)	-	4,286
36	MOD OF IN-SVC EQUIP (TAC SAT)	-	1,489	-	1,489	-	1,489	-	-	-	1,489
	COMM - C3 SYSTEM										
37	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	-	10,355	-	10,355	-	10,355	-	-	-	10,355
	COMM - COMBAT COMMUNICATIONS										
38	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	-	32,675	-	51,175	-	65,275	-	37,500	-	70,175
39	SINCGARS FAMILY	-	18,340	-	49,040	-	18,340	-	30,000	-	48,340
40	JOINT TACTICAL AREA COMMAND SYSTEMS	-	972	-	972	-	972	-	-	-	972
41	ACUS MOD PROGRAM (WIN T/T)	-	113,951	-	113,951	-	187,951	-	60,000	-	173,951
42	COMMS-ELEC EQUIP FIELDING	-	3,348	-	3,348	-	3,348	-	-	-	3,348
43	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONIC	-	4,374	-	4,374	-	4,374	-	-	-	4,374
44	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	-	2,459	-	2,459	-	2,459	-	-	-	2,459
	COMM - INTELLIGENCE COMM										
45	CI AUTOMATION ARCHITECTURE	-	1,744	-	1,744	-	1,744	-	-	-	1,744
	INFORMATION SECURITY										
46	TSEC - ARMY KEY MGT SYS (AKMS)	-	11,051	-	11,051	-	11,051	-	-	-	11,051
47	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	-	54,374	-	58,374	-	54,374	-	4,000	-	58,374
	COMM - LONG HAUL COMMUNICATIONS										
48	TERRESTRIAL TRANSMISSION	-	2,025	-	2,025	-	2,025	-	-	-	2,025
49	BASE SUPPORT COMMUNICATIONS	-	3,945	-	3,945	-	3,945	-	-	-	3,945

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
50	ARMY DISN ROUTER	-	4,339	-	4,339	-	4,339	-	-	-	4,339
51	ELECTROMAG COMP PROG (EMCP)	-	431	-	431	-	431	-	-	-	431
52	WW TECH CON IMP PROG (WWTCIP)	-	2,865	-	2,865	-	2,865	-	-	-	2,865
	COMM - BASE COMMUNICATIONS										
53	INFORMATION SYSTEMS	-	57,779	-	57,779	-	57,779	-	-	-	57,779
54	DEFENSE MESSAGE SYSTEM (DMS)	-	18,836	-	18,836	-	18,836	-	-	-	18,836
55	LOCAL AREA NETWORK (LAN)	-	65,975	-	65,975	-	65,975	-	-	-	65,975
56	PENTAGON INFORMATION MGT AND TELECOM	-	65,412	-	65,412	-	65,412	-	(33,200)	-	32,212
	ELECT EQUIP - NAT FOR INT PROG (NFIP)										
57	FOREIGN COUNTERINTELLIGENCE PROG (FCI)	-	869	-	869	-	869	-	-	-	869
58	GENERAL DEFENSE INTELL PROG (GDIP)	-	19,604	-	19,604	-	19,604	-	-	-	19,604
	ELECT EQUIP - TACT INT REL ACT (TIARA)										
59	ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)	-	66,671	-	66,671	-	66,671	-	-	-	66,671
60	JTT/CIBS-M (TIARA)	183	26,753	183	26,753	183	26,753	-	-	183	26,753
61	PROPHET GROUND (TIARA)	-	9,571	-	9,571	-	9,571	-	-	-	9,571
62	TACTICAL UNMANNED AERIAL VEHICLE (TUAV)	4	37,789	4	37,789	4	37,789	-	-	4	37,789
63	JOINT STARS (ARMY) (TIARA)	-	66,415	-	66,415	-	66,415	-	-	-	66,415
64	INTEGRATED BROADCAST TERMINAL MODS (TIARA)	-	-	-	-	-	-	-	-	-	-
65	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)	44	20,030	44	20,030	44	20,030	-	-	44	20,030
66	DRUG INTERDICTION PROGRAM (DIP) (TIARA)	-	-	-	-	-	-	-	-	-	-
67	TACTICAL EXPLOITATION OF NATIONAL CAPABILIT	-	12,853	-	12,853	-	12,853	-	-	-	12,853
68	COMMON IMAGERY GROUND/SURFACE SYSTEM (CIGSS	-	2,833	-	2,833	-	2,833	-	-	-	2,833
69	JOINT TACTICAL GROUND STATION MODS (JTAGS)	-	-	-	-	-	-	-	-	-	-
70	TROJAN (TIARA)	-	4,264	-	4,264	-	4,264	-	-	-	4,264
71	MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)	-	224	-	224	-	224	-	-	-	224
72	CI HUMINT AUTOMATED TOOL SET (CHATS) (TIARA	404	1,939	404	1,939	404	1,939	-	-	404	1,939
73	ITEMS LESS THAN $5.0M (TIARA)	-	484	-	484	-	484	-	-	-	484
	ELECT EQUIP - ELECTRONIC WARFARE (EW)										
74	SHORTSTOP	-	-	-	-	-	-	-	-	-	-
75	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURE	-	2,311	-	2,311	-	2,311	-	-	-	2,311
	ELECT EQUIP - TACTICAL SURV. (TAC SURV)										

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
76	FAAD GBS	2	24,188	2	24,188	2	31,488	-	-	2	24,188
77	TARGET LOCATION OBSERVATION SYSTEM (TLOS)	-	-	-	-	-	-	-	-	-	-
78	NIGHT VISION DEVICES	-	34,146	-	54,546	-	82,146	-	32,000	-	66,146
79	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYST	77	46,156	77	46,156	77	46,156	-	-	77	46,156
80	LTWT VIDEO RECON SYSTEM (LWVRS)	-	1,199	-	1,199	-	1,199	-	-	-	1,199
81	NIGHT VISION, THERMAL WPN SIGHT	1,664	35,348	1,664	35,348	1,664	35,348	-	-	1,664	35,348
82	COMBAT IDENTIFICATION / AIMING LIGHT	-	8,040	-	8,040	-	8,040	-	3,000	-	11,040
83	ARTILLERY ACCURACY EQUIP	-	14,405	-	14,405	-	14,405	-	-	-	14,405
84	PORTABLE INDUCTIVE ARTILLERY FUZE SETTER	-	-	-	-	-	-	-	-	-	-
85	MOD OF IN-SVC EQUIP (TAC SURV)	-	18,530	-	18,530	-	18,530	-	-	-	18,530
86	DIGITIZATION APPLIQUE	1,660	60,802	1,660	60,802	1,660	60,802	-	-	1,660	60,802
87	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER	29	7,093	29	7,093	29	7,093	-	-	29	7,093
88	COMPUTER BALLISTICS: MORTAR M-30	73	1,652	73	1,652	73	1,652	-	-	73	1,652
89	MORTAR FIRE CONTROL SYSTEM	36	7,341	36	7,341	36	7,341	-	-	36	7,341
90	INTEGRATED MET SYS SENSORS (IMETS) - TIARA	7	7,018	7	7,018	7	7,018	-	-	7	7,018
	ELECT EQUIP - TACTICAL C2 SYSTEMS										
91	TACTICAL OPERATIONS CENTERS	-	17,260	-	17,260	-	17,260	-	-	-	17,260
92	ADV FIELD ARTILLERY TACT DATA SYS (AFATDS)	456	54,452	456	54,452	456	54,452	-	-	456	54,452
93	FIRE SUPPORT ADA CONVERSION	-	972	-	972	-	972	-	-	-	972
94	CMBT SVC SUPT CONTROL SYS (CSSCS)	333	27,411	333	27,411	333	27,411	-	-	333	27,411
95	FAAD C2	2	17,868	2	17,868	2	32,168	-	12,000	2	29,868
96	FAADC2I MODIFICATIONS	-	-	-	-	-	-	-	-	-	-
97	AIR & MSL DEFENSE PLANNING & CONTROL SYS	-	4,859	-	4,859	-	4,859	-	-	-	4,859
98	FORWARD ENTRY DEVICE (FED)	-	17,153	-	17,153	-	17,153	-	-	-	17,153
99	STRIKER-COMMAND AND CONTROL SYSTEM	33	19,084	33	19,084	50	27,084	-	5,000	33	24,084
100	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	-	1,010	-	1,010	-	1,010	-	-	-	1,010
101	LOGTECH	-	7,505	-	7,505	-	7,505	-	-	-	7,505
102	TC AIMS II	-	10,376	-	10,376	-	10,376	-	-	-	10,376
103	GUN LAYING AND POS SYS (GLPS)	92	8,410	92	8,410	92	8,410	-	-	92	8,410
104	ISYSCON EQUIPMENT	-	26,558	-	26,558	-	26,558	-	-	-	26,558
105	MANEUVER CONTROL SYSTEM (MCS)	176	22,935	176	22,935	176	22,935	-	-	176	22,935

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
106	STAMIS TACTICAL COMPUTERS (STACOMP)	-	40,015	-	40,015	-	40,015	-	-	-	40,015
107	STANDARD INTEGRATED CMD POST SYSTEM	-	35,971	-	40,971	-	53,471	-	11,500	-	47,471
	ELECT EQUIP - AUTOMATION										
108	ARMY TRAINING MODERNIZATION	-	35,960	-	43,960	-	35,960	-	-	-	35,960
109	AUTOMATED DATA PROCESSING EQUIP	-	172,051	-	178,051	-	172,051	-	8,000	-	180,051
110	RESERVE COMPONENT AUTOMATION SYS (RCAS)	-	91,495	-	91,495	-	91,495	-	-	-	91,495
	ELECT EQUIP - AUDIO VISUAL SYS (A/V)										
111	AFRTS	-	1,519	-	1,519	-	1,519	-	-	-	1,519
112	ITEMS LESS THAN $5.0M (A/V)	-	3,217	-	3,217	-	3,217	-	-	-	3,217
	ELECT EQUIP - SUPPORT										
113	PRODUCTION BASE SUPPORT (C-E)	-	374	-	374	-	374	-	-	-	374
	OTHER SUPPORT EQUIPMENT										
	CHEMICAL DEFENSIVE EQUIPMENT										
114	GEN SMK MECH:MTRZD DUAL PURP M56	48	11,369	96	22,769	48	11,369	-	3,000	48	14,369
115	GENERATOR, SMOKE, MECH M58	-	5,585	-	5,585	-	5,585	-	-	-	5,585
116	M6 DISCHARGER	-	-	-	-	-	-	-	-	-	-
117	ITEMS LESS THAN $5.0M (SMOKE/OBSCURANT)	-	-	-	-	-	-	-	-	-	-
	BRIDGING EQUIPMENT										
118	HEAVY DRY SUPT BRIDGE SYSTEM	4	19,224	4	19,224	4	19,224	-	-	4	19,224
119	RIBBON BRIDGE	-	15,669	-	42,669	-	15,669	-	14,500	-	30,169
120	FLOAT BRIDGE PROPULSION	5	1,942	5	1,942	5	1,942	-	-	5	1,942
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT										
121	KIT, STANDARD TELEOPERATING	2	688	2	10,688	2	688	-	6,000	2	6,688
122	METALLIC MINE DETECTOR, VEHICLE MOUNTED	-	-	-	-	-	-	-	-	-	-
123	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPM)	-	5,206	-	5,206	-	5,206	-	-	-	5,206
124	< $5M, COUNTERMINE EQUIPMENT	-	993	-	993	-	993	-	-	-	993
125	BN COUNTERMINE SIP	-	7,442	-	7,442	-	7,442	-	-	-	7,442
	COMBAT SERVICE SUPPORT EQUIPMENT										
126	ENVIRONMENTAL CONTROL UNITS (ECU)	150	6,348	150	6,348	150	6,348	-	-	150	6,348
127	FIRETRUCKS	-	-	-	-	-	-	-	-	-	-
128	LAUNDRIES, SHOWERS AND LATRINES	-	12,580	-	21,580	-	12,580	-	4,000	-	16,580

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
129	FLOODLIGHT SET, ELEC, TRL MTD, 3 LIGHTS	-	-	-	-	-	-	-	-	-	-
130	SOLDIER ENHANCEMENT	-	3,984	-	3,984	-	3,984	-	-	-	3,984
131	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)	160	1,999	160	6,599	418	6,599	-	3,600	160	5,599
132	FORCE PROVIDER	3	22,263	3	22,263	3	22,263	-	-	3	22,263
133	FIELD FEEDING AND REFRIGERATION	-	11,976	-	11,976	-	11,976	-	-	-	11,976
134	AIR DROP PROGRAM	-	3,971	-	3,971	-	3,971	-	-	-	3,971
135	CAMOUFLAGE: ULCANS	-	-	-	-	-	-	-	-	-	-
136	ITEMS LESS THAN $5.0M (CSS-EQ)	-	1,909	-	1,909	-	1,909	-	-	-	1,909
	PETROLEUM EQUIPMENT										
137	FAMILY OF TANK ASSEMBLIES	-	2,489	-	2,489	-	2,489	-	-	-	2,489
138	QUALITY SURVEILLANCE EQUIPMENT	-	7,120	-	7,120	-	7,120	-	-	-	7,120
139	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	-	13,516	-	13,516	-	13,516	-	-	-	13,516
140	PUMPS, WATER AND FUEL	-	-	-	-	-	-	-	-	-	-
141	HOSELINE OUTFIT FUEL HANDLING	50	5,878	50	5,878	50	5,878	-	-	50	5,878
142	INLAND PETROLEUM DISTRIBUTION SYSTEM	-	5,618	-	5,618	-	5,618	-	-	-	5,618
143	ITEMS LESS THAN $5.0M (POL)	-	-	-	-	-	-	-	-	-	-
	WATER EQUIPMENT										
144	WATER PURIFICATION SYSTEMS	-	40,727	-	40,727	-	40,727	-	-	-	40,727
145	ITEMS LESS THAN $5.0M (WATER EQ)	-	-	-	-	-	-	-	-	-	-
	MEDICAL EQUIPMENT										
146	COMBAT SUPPORT MEDICAL	-	31,567	-	45,567	-	37,567	-	5,000	-	36,567
	MAINTENANCE EQUIPMENT										
147	SHOP EQ CONTACT MAINTENANCE TRK MTD (MYP)	169	9,650	169	9,650	169	9,650	-	-	169	9,650
148	WELDING SHOP, TRAILER MTD	144	6,042	144	6,042	144	6,042	-	-	144	6,042
149	ITEMS LESS THAN $5.0M (MAINT EQ)	-	5,078	-	5,078	-	5,078	-	-	-	5,078
150	STEAM CLEANER, TRAILER MOUNTED	-	-	-	-	-	-	-	-	-	-
	CONSTRUCTION EQUIPMENT										
151	MISSION MODULES - ENGINEERING	-	1,489	-	1,489	-	1,489	-	-	-	1,489
152	ROLLER, VIBRATORY, SELF-PROPELLED (CCE)	70	4,671	166	11,671	150	9,671	-	7,000	70	11,671
153	COMPACTOR, HIGH SPEED	-	-	-	-	-	-	-	-	-	-
154	LOADERS	5	1,444	5	1,444	5	1,444	-	-	5	1,444

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
155	HYDRAULIC EXCAVATOR	35	8,282	48	10,582	35	8,282	-	1,500	35	9,782
156	DEPLOYABLE UNIVERSAL COMBAT EARTH MOVERS	34	14,146	34	24,346	52	21,146	30	10,200	64	24,346
157	CRANES	-	6,089	-	16,089	-	6,089	-	-	-	6,089
158	TRUCK, DUMP, 20T (CCE)	-	-	-	-	-	-	-	-	-	-
159	CRUSHING/SCREENING PLANT, 150 TPH	-	89	-	89	-	89	-	-	-	89
160	CONST EQUIP SLEP	-	1,986	-	11,986	-	1,986	-	10,000	-	11,986
161	ITEMS LESS THAN $5.0M (CONST EQUIP)	-	2,635	-	2,635	-	2,635	-	-	-	2,635
	RAIL FLOAT CONTAINERIZATION EQUIPMENT										
162	SMALL TUG	-	-	3	9,000	-	-	3	9,000	3	9,000
163	FLOATING CRANE, 100-250 TON	-	-	-	-	-	-	-	-	-	-
164	LOGISTIC SUPPORT VESSEL (LSV)	-	-	-	-	-	-	-	-	-	-
165	LOGISTICS SUPPORT VESSEL (ESP)	1	6,638	1	6,638	1	6,638	-	-	1	6,638
166	CONTAINERIZED MAINTENANCE FACILITY	-	-	-	-	-	-	-	-	-	-
167	CAUSEWAY SYSTEMS	-	17,227	-	17,227	-	17,227	-	-	-	17,227
168	RAILWAY CAR, FLAT, 89 FOOT	-	-	-	-	-	-	-	-	-	-
169	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	-	6,722	-	6,722	-	6,722	-	-	-	6,722
	GENERATORS										
170	GENERATORS AND ASSOCIATED EQUIP	-	85,886	-	85,886	-	85,886	-	-	-	85,886
	MATERIAL HANDLING EQUIPMENT										
171	ROUGH TERRAIN CONTAINER HANDLER, 53,000 LBS	77	40,031	77	40,031	77	40,031	-	-	77	40,031
172	ALL TERRAIN LIFTING ARMY SYSTEM	196	24,407	196	24,407	196	24,407	-	-	196	24,407
173	ROUGH TERRAIN CONTAINER CRANE	4	2,056	4	2,056	4	2,056	-	-	4	2,056
174	ITEMS LESS THAN $5.0M (MHE)	-	1,231	-	1,231	-	1,231	-	-	-	1,231
	TRAINING EQUIPMENT										
175	CTC INSTRUMENTATION SUPPORT	-	81,845	-	95,545	-	81,845	-	11,600	-	93,445
176	TRAINING DEVICES, NONSYSTEM	-	91,937	-	108,937	-	91,937	-	9,000	-	100,937
177	CLOSE COMBAT TACTICAL TRAINER	-	81,160	-	81,160	-	68,660	-	(39,160)	-	42,000
178	AVIATION COMBINED ARMS TACTICAL TRAINER (AV)	-	14,744	-	14,744	-	14,744	-	-	-	14,744
179	FIRE SUPPORT COMBINED ARMS TACTICAL TRAINER	-	1,457	-	1,457	-	1,457	-	-	-	1,457
	TEST MEASURE AND DIG EQUIPMENT (TMD)										
180	CALIBRATION SETS EQUIPMENT	-	18,828	-	18,828	-	18,828	-	-	-	18,828

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	-	65,381	-	70,381	-	65,381	-	3,000	-	68,381
182	TEST EQUIPMENT MODERNIZATION (TEMOD)	-	18,738	-	18,738	-	18,738	-	-	-	18,738
183	ARMY DIAGNOSTICS IMPROVEMENT PGM (ADIP)	-	17,300	-	17,300	-	17,300	-	-	-	17,300
	OTHER SUPPORT EQUIPMENT										
184	RECONFIGURABLE SIMULATORS	-	2,330	-	2,330	-	2,330	-	-	-	2,330
185	PHYSICAL SECURITY SYSTEMS (OPA3)	-	18,856	-	18,856	-	18,856	-	-	-	18,856
186	SYSTEM FIELDING SUPPORT (OPA-3)	-	-	-	-	-	-	-	-	-	-
187	BASE LEVEL COM'L EQUIPMENT	-	7,399	-	7,399	-	7,399	-	-	-	7,399
188	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	-	28,008	-	28,008	-	28,008	-	-	-	28,008
189	PRODUCTION BASE SUPPORT (OTH)	-	2,367	-	2,367	-	2,367	-	-	-	2,367
190	BUILDING, PRE-FAB, RELOCATABLE	-	-	-	-	-	-	-	-	-	-
191	SPECIAL EQUIPMENT FOR USER TESTING	-	24,344	-	24,344	-	24,344	-	-	-	24,344
192	MA8975	-	2,332	-	2,332	-	2,332	-	-	-	2,332
193	CLOSED ACCOUNT ADJUSTMENTS	-	-	-	-	-	-	-	-	-	-
	SPARE AND REPAIR PARTS										
	OPA1										
194	INITIAL SPARES - TSV	-	-	-	-	-	-	-	-	-	-
	OPA2										
195	INITIAL SPARES - C&E	-	42,401	-	42,401	-	42,401	-	-	-	42,401
	OPA3										
196	INITIAL SPARES - OTHER SUPPORT EQUIP	-	639	-	639	-	639	-	-	-	639
	ARMY TRANSFORMATION: OTHER SUPPORT EQUIPMENT	-	-	-	-	-	-	-	200,000	-	200,000
	ECONOMIC ADJUSTMENT			-	-		(16,000)			-	-
	TOTAL, OTHER PROCUREMENT, ARMY		3,795,870		4,095,270		4,027,170		439,849		4,235,719

Tactical trailers/dolly sets

The budget request included no funding for tactical trailers and dolly sets.

The House bill would authorize an increase of $3.8 million for heavy tactical vehicle requirements for Army National Guard (ARNG) multiple launch rocket system (MLRS) battalion conversions.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $3.8 million for heavy expanded mobility ammunition trailers for ARNG MLRS battalion conversions.

High mobility multipurpose-wheeled vehicle

The budget request included $110.7 million for 1,002 A2 model high mobility multipurpose-wheeled vehicle (HMMWVA2s), which incorporates upgraded electrical, braking, engine and transmission improvements, as well as a 15-year corrosion prevention program, but included no funding for HMMWVs to fill critical shortages in Army Reserve combat support and combat service support units.

The House bill would authorize an increase of $5.0 million for 100 Army Reserve HMMWVA2s.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $3.0 million for the procurement of 60 HMMWVA2s for the Army Reserve, a total authorization of $113.7 million for 1,062 HMMWVs.

Family of medium tactical vehicles

The budget request included $438.3 million to procure family of medium tactical vehicle (FMTV) trucks to replace an aging fleet of medium trucks found in the Army today.

The House bill would authorize an increase of $35.0 million for additional Army Reserve trucks.

The Senate amendment would authorize an increase of $43.0 million to procure additional FMTV trucks necessary to accelerate the fielding of these trucks to reserve component units.

The conferees agree to authorize an increase of $37.3 million to procure additional FMTV trucks for the reserve components, a total authorization of $475.6 million.

Fire trucks and associated firefighting equipment

The budget request included $14.8 million for fire trucks and associated firefighting equipment.

The House bill would authorize an increase of $1.2 million for heavy expanded mobility tactical truck (HEMTT) fire trucks for the Army Reserve.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $1.2 million for procurement of additional HEMTT fire trucks for the Army Reserve, a total authorization of $16.0 million.

M915/M916 line haul truck tractor

The budget request included $43.0 million for M915A3 line haul tractors, of which $3.4 million was included for M915A3s for the Army Reserve.

The House bill would authorize an increase of $1.6 million for the procurement of 12 additional upgraded M915A3 tractors for the Army Reserve.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $1.0 million for the procurement of additional upgraded M915A3 tractors for the Army Reserve, a total authorization of $44.0 million.

Weapons of Mass Destruction Civil Support Teams

The budget request included $76.4 million to sustain 27 Weapons of Mass Destruction Civil Support Teams (WMD–CSTs).

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $25.0 million for the WMD–CST program. This funding would establish five additional WMD–CSTs and provide additional equipment for the WMD–CST program, as follows: $3.2 million in military personnel; $7.5 million in Operations and Maintenance, Army; $1.8 million in Contamination Avoidance, Chemical Biological Defense Program, Procurement, Defense-Wide; and $12.5 million in Special Purpose Vehicles, Other Procurement, Army. Of the amounts included in the categories specified, $4.0 million of the $12.5 million in Special Purpose Vehicles, Other Procurement, Army would be for the purchase of two additional Unified Command Suites (UCS) and Mobile Analytical Labs (MALS) and for the purchase of 35 tactical mobility systems for use by the WMD–CSTs. The remainder of the funding would be for the five additional WMD–CSTs.

The conferees agree to authorize an increase of $15.7 million for the establishment of five additional WMD–CSTs, as follows: $3.2 million in military personnel; $5.9 million in Operations and Maintenance, Army; $900,000 in Contamination Avoidance, Chemical Biological Defense Program, Procurement, Defense-Wide; and $5.7 million in Special Purpose Vehicles, Other Procurement, Army.

Army data distribution system

The budget request included $32.7 million for Army data distribution system (ADDS) requirements.

The House bill would authorize an increase of $18.5 million to procure Enhanced Position Reporting System (EPLRS) radios for an Army National Guard (ARNG) enhanced brigade.

The Senate amendment would authorize an increase of $5.3 million to support EPLRS software development requirements and $27.3 million to procure 634 EPLRS systems and accelerate efforts to meet the Army acquisition objective for this system, a total increase of $32.6 million.

The conferees agree to authorize an increase of $37.5 million for ADDS requirements, including $24.2 million for the procurement of EPLRS to be allocated according to Army priorities, $8.0 million for ARNG EPLRS, and $5.3 million for EPLRS software development, a total authorization of $70.2 million for ADDS requirements.

Single channel ground and airborne radio systems family

The budget request included $18.3 million for the procurement and the fielding of airborne single channel ground and airborne radio systems (SINCGARS), but included no funding to procure SINCGARS advanced system improvement program (ASIP) radios for the Army National Guard (ARNG).

The House bill would authorize an increase of $30.7 million to procure SINCGARS ASIP radios for one ARNG division.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $20.0 million for ARNG requirements and $10.0 million for active Army requirements, a total authorization of $48.3 million for the procurement of SINCGARS.

Area common user system modification program

The budget request included $114.0 million for area common user system (ACUS) modification program requirements.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $60.0 million to procure 27 down-sized communications switches and 229 high mobility DGM assemblages (HMDA) devices and an increase of $14.0 million to accelerate the fielding of 2,901 TS–21 Blackjack secure facsimile machines.

The conferees agree to authorize an increase of $60.0 million for ACUS, a total authorization of $174.0 million. Of this amount, $51.0 million is for down-sized communications switches and HMDA equipment and $9.0 million is for TS–21 Blackjack secure facsimile machines.

Night vision devices

The budget request included $34.1 million for Army night vision devices, of which $29.5 million was included for AN/PVS–7 night vision goggles. However, no funding was included for third generation, 25 millimeter (mm) image intensification tube upgrades.

The House bill would authorize an increase of $12.0 million for AN/PVS–7 night vision goggles. Of this amount, $400,000 would be used to procure goggles for Army Reserve combat support units and $8.4 million would be used to procure third generation, 25mm image intensification tube upgrades.

The Senate amendment would authorize an increase of $48.0 million for the procurement of night vision devices, as follows:

(1) an increase of $18.1 million to procure 5,000 AN/PEQ–2A and 10,000 AN/PAC–4C target pointer/aiming lights;

(2) an increase of $14.9 million to procure 18,600 AN/PVS–7 night vision binoculars; and

(3) an increase of $15.0 million to procure 25mm image intensification tubes for AN/PVS–4 and AN/TVS–5 night vision weapon scopes.

The conferees agree to authorize an increase of $32.0 million for night vision devices, as follows:

(1) an increase of $8.0 million to procure AN/PVS–7;

(2) an increase of $6.0 million to procure 25mm image intensification tubes;

(3) an increase of $15.0 million to procure AN/PEQ–2A and AN/PAC–4C; and

(4) an increase of $3.0 million to procure miniature eyesafe lasers.

Combat identification/aiming light

The budget request included $8.0 million for combat identification/aiming light requirements.

The House bill would authorize an increase of $3.0 million for combat identification/aiming light engineering and manufacturing development requirements.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $3.0 million to support outstanding combat identification/aiming light requirements.

Standard integrated command post system

The budget request included $36.0 million to procure standard integrated command post systems (SICPS), of which $1.3 million was included for modular command post system (MCPS) tents.

The House bill would authorize an increase of $2.0 million and $3.0 million respectively, to procure MCPS for active and Army National Guard units.

The Senate amendment would authorize an increase of $17.5 million to procure additional SICPS.

The conferees agree to authorize an increase of $11.5 million, a total authorization of $47.5 million for SICPS/MCPS procurement.

Automated data processing equipment

The budget request included $172.1 million for procurement of automated data processing equipment (ADPE), of which $485,000 was included for automatic identification technology (AIT).

The House bill would authorize an increase of $6.0 million for maintenance AIT implementation.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $4.0 million for Army National Guard distance learning courseware and an increase of $4.0 million for maintenance AIT implementation, a total authorization of $180.1 million for ADPE.

Ribbon bridge

The budget request included $15.7 million for ribbon bridge equipment but included no funding to procure this equipment for Army National Guard (ARNG) multi-role bridge companies (MRBC).

The House bill would authorize an increase of $27.0 million to accelerate the fielding of two ARNG MRBC.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $14.5 million to procure ribbon bridge equipment for reserve component requirements, a total authorization of $30.2 million.

Laundries, showers, and latrines

The budget request included $12.6 million to procure the laundry advanced system (LADS).

The House bill would authorize an increase of $9.0 million to accelerate procurement of LADS.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $4.0 million for LADS, a total authorization of $16.6 million.

Combat support medical

The budget request included $31.6 million to procure deployable medical systems and field medical equipment, but included no funding for rapid intravenous (IV) infusion pumps or for life support trauma and transport (LSTAT) units. The budget request also contained $6.3 million in PE 64807A, but included no funds for LSTAT.

The House bill would authorize an increase of $18.0 million for the procurement of combat support medical, as follows:

(1) an increase of $8.0 million to procure rapid IV infusion pumps;

(2) an increase of $6.0 million to begin procurement of LSTAT units; and

(3) an increase of $4.0 million in PE64807A for development of expanded LSTAT capabilities.

The Senate amendment would authorize an increase of $6.0 million for rapid IV pumps.

The conferees agree to authorize an increase of $5.0 million for rapid IV pumps, a total authorization of $36.6 million for combat support medical equipment.

Roller, vibratory, self-propelled

The budget request included $4.7 million for self-propelled vibratory roller systems.

The House bill would authorize an increase of $7.0 million to procure 96 additional vibratory self-propelled rollers, including $3.0 million for active Army units and $4.0 million for Army Reserve units.

The Senate amendment would authorize an increase of $5.0 million to procure 80 vehicles necessary to meet the requirements of Army engineer units.

The conferees agree to authorize an increase of $4.0 million for Army Reserve units and an increase of $3.0 million for active component units, a total authorization of $11.7 million for the procurement of roller, vibratory, self-propelled vehicles.

Hydraulic excavator

The budget request included $8.3 million for procurement of hydraulic excavator (HYEX) equipment.

The House bill would authorize an increase of $2.3 million for 13 additional Type I HYEX systems for the Army Reserve.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $1.5 million for the procurement of HYEX systems for the Army Reserve, a total authorization of $9.8 million.

Deployable universal combat earth mover

The budget request included $14.1 million to procure deployable universal combat earth mover (DEUCE) equipment.

The House bill would authorize an increase of $10.2 million to begin fielding DEUCE systems for the Army's interim brigade.

The Senate amendment would authorize an increase of $7.0 million to procure 18 DEUCE vehicles.

The conferees agree to authorize an increase of $10.2 million for the procurement of 30 additional DEUCE vehicles, a total authorization of $24.3 million.

Construction equipment service life extension program

The budget request included $2.0 million for service life extensions to various types of construction equipment, but included no funding to conduct an Army National Guard (ARNG) D–7 dozer and Army Reserve heavy grader and scraper service life extension program (SLEP).

The House bill would authorize an increase of $10.0 million, of which $5.0 million is for an ARNG D–7 dozer SLEP and $5.0 million is for an Army Reserve heavy scraper and grader SLEP.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $10.0 million, of which $5.0 million is for an ARNG D–7 dozer SLEP and $5.0 million is for an Army Reserve heavy scraper and grader SLEP, a total authorization of $12.0 million.

Small tug

The budget request included no funding to procure small tugs for the Army to tow general cargo barges in harbors, inland waterways and along coastlines.

The House bill would authorize an increase of $9.0 million to accelerate procurement of three vessels towards completion of the requirement of 15 small tugs.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $9.0 million for the procurement of three vessels towards completion of the requirement of 15 small tugs.

Combat training center instrumentation support

The budget request included $81.8 million for combat training center support, but included no funding for either the Army National Guard (ARNG) deployable force-on-force instrumented range system (DFIRST) or the multi-purpose range complex-heavy (MPRC–H).

The House bill would authorize an increase of $3.2 million for MPRC–H targetry electronic upgrades and $10.5 million for three additional DFIRST systems to continue force-on-force simulation-based training at regional training centers, a total increase of $12.7 million.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $11.6 million for combat training centers. Of this amount, $9.6 million would be for additional DFIRST systems for the ARNG and $2.0 million would be for MPRC–H upgrades, a total authorization of $93.4 million.

Nonsystem training devices

The budget request included $91.9 million for procurement of training device and range modernization requirements.

The House bill would authorize an increase of $8.0 million to procure 30 engagement skills trainer (EST) 2000 systems and an increase of $9.0 million for the first increment of a three-year Abrams full-crew interactive skills trainer (A–FIST) XXI conversion program, both for the Army National Guard (ARNG), a total increase of $17.0 million for non-system training devices.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $9.0 million for the procurement of training device and range modernization requirements. Of this amount, $5.0 million would be for the procurement of ARNG EST 2000 systems and $4.0 million would be for the first increment of a three year ARNG A–FIST XXI conversion program, a total authorization of $100.9 million.

Overview

The budget request for fiscal year 2001 included an authorization of $1,003.5 million for Chemical Agents and Munitions Destruction, Army.

The House bill would authorize no funding for Chemical Agents and Munitions Destruction, Army, but would transfer the authorization of $877.1 million for Chemical Agents and Munitions Destruction, Defense.

The Senate amendment would authorize no funding for Chemical Agents and Munitions Destruction, Army but would transfer the authorization of $1,003.5 million for Chemical Agents and Munitions Destruction, Defense.

The conferees agree to authorize $980.1 million for Chemical Agents and Munitions Destruction, Army. Unless noted explicitly in the conference agreement, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	CHEM AGENTS & MUNITIONS DESTRUCTION, ARMY										
	CHEM AGENTS & MUNITIONS DESTRUCT-RDT&E										
	RESEARCH AND DEVELOPMENT										
1	CHEM DEMILITARIZATION - RDTE	-	274,400	-	-	-	-	-	-	-	274,400
	CHEM AGENTS & MUNITIONS DESTRUCT-PROC										
	PROCUREMENT										
2	CHEM DEMILITARIZATION - PROC	-	121,900	-	-	-	-	-	(16,200)	-	105,700
	CHEM AGENTS & MUNITIONS DESTRUCT-O&M										
	OPERATION AND MAINTENANCE										
3	CHEM DEMILITARIZATION - O&M	-	607,200	-	-	-	-	-	(7,200)	-	600,000
	TOTAL, CHEM AGENTS & MUNITIONS DEST, ARMY		1,003,500		-		-		(23,400)		980,100

Chemical Agents and Munitions Destruction, Army

The budget request for the Army included $1.0 billion for Chemical Agents and Munitions Destruction, Army.

The House bill would authorize no funding for Chemical Agents and Munitions Destruction, Army, but contained a provision (sec. 106) that would authorize $877.1 million for Chemical Agents and Munitions Destruction, Defense, for destruction of the lethal chemical agents and munitions stockpile pursuant to section 1412 of the Department of Defense Authorization Act for Fiscal Year 1986 (Public Law 99–45) and destruction of chemical warfare materiel not covered by section 1412 of the Act, a decrease of $126.4 million.

The Senate amendment would authorize no funding for Chemical Agents and Munitions Destruction, Army, but contained a provision (sec. 106) that would authorize $1.0 billion for Chemical Agents and Munitions Destruction, Defense.

The conferees agree to authorize $980.1 million for Chemical Agents and Munitions Destruction, Army, including $274.4 million for research and development, $105.7 million for procurement, and $600.0 million for operations and maintenance.

Section 1521(f) of title 50, United States Code, requires that funding for the chemical agents and munitions destruction program, including funds for military construction projects, shall be set forth in the budget of the Department of Defense as a separate account, and shall not be included in the budget accounts for any military department. The conferees expect that the Secretary of Defense will comply with these requirements in any future budget request for the chemical agents and munitions destruction program.

The conferees recognize that uncertainties in program requirements and execution create the potential for additional funding requirements that may have to be addressed during fiscal year 2001. The conferees encourage the Secretary to identify requirements for additional funds that may be required in fiscal year 2001 to ensure execution of the program and to make appropriate recommendations for reprogramming or other actions necessary to provide those funds at the earliest opportunity.

Chemical stockpile emergency preparedness project

The budget request for the chemical agents and munitions destruction program included $600,000 in procurement funds for minor equipment replacement and $66.7 million for chemical stockpile emergency preparedness program (CSEPP) operations and maintenance. The conferees note that funds provided for CSEPP in fiscal years 1999 and 2000 were subject to a decrease of approximately nine percent and eight percent, respectively, as a pro-rata share of the decrease to the chemical agents and munitions destruction account. Because of the potential impact of such reductions on the safety of those living and working near or on the chemical stockpile storage and destructions sites, the conferees direct that funding for CSEPP shall be at the requested level.

Non-stockpile chemical materiel project

The House report accompanying H.R. 4205 (H. Rept. 106–616) noted that an independent assessment of the non-stockpile project had raised several issues with respect to the project and recommended examination of project schedule and cost risks to quantify the potential risks, ultimate costs, and time required to complete the project. The report expressed the belief that these issues must be addressed before proceeding further with development and acquisition of integrated transportable treatment systems for non-stockpile chemical materiel. The conferees note that following submission of the fiscal year 2001 budget request, the project manager for chemical demilitarization, conducted a major review of the non-stockpile project, rebaselined the current project, and is considering the results of on-going analysis and non-stockpile cost containment efforts that could result in significant further changes to the project that would have both cost and schedule implications. The conferees direct that these issues, and planned and recommended changes to the non-stockpile chemical materiel project, schedule, and funding requirements be addressed in an addendum to the fiscal year 2000 annual report to Congress on the chemical demilitarization program to be submitted with the fiscal year 2002 budget request.

Destruction of non-stockpile chemical materiel in stockpile facilities

Section 141 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) amended subsection 1412(c) of the National Defense Authorization Act for Fiscal Year 1986 (Public Law 99–45) to allow non-stockpile chemical agents, munitions, or related materials specifically designated by the Secretary of Defense to be destroyed at stockpile facilities if the affected states have issued the appropriate permits. In the statement of managers accompanying the National Defense Authorization Act for Fiscal Year 2000, the conferees stated the expectation that site specific decisions relative to the issue of such permits would be arrived at in accordance with review processes that permit the views of the local jurisdictions to be considered.

The conferees note that federal, state, and local environmental laws and regulations require the Army to obtain permits for construction and the conduct of operations at each of the chemical weapons destruction facilities that are specific to the particular disposal site and the proposed chemical destruction operations to be conducted at the site. The conferees also note that established procedures for the review and approval of such statements, assessments, and permits provide for periods of public review and comment, and opportunities for consideration of the views of the local jurisdictions.

The conferees further note that the Environmental Protection Agency has delegated to the individual states the authority to administer and enforce the hazardous waste disposal requirements relative to those sites, and consequently decisions to approve permits required for the construction and operation of the chemical stockpile demilitarization facilities and for destruction of non-stockpile material are reserved to the states in which those sites are located. The conferees reiterate that it is the intent of Congress that the views of local jurisdictions in which the sites are located are a major factor to be considered in the permit and review process and in any decision by state authorities regarding such permits.

Overview

The budget request for fiscal year 2001 included an authorization of $7,963.9 million for Aircraft Procurement, Navy in the Department of Defense.

The House bill would authorize $8,205.8 million.

The Senate amendment would authorize $8,686.0 million.

The conferees recommended an authorization of $8,394.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
	AIRCRAFT PROCUREMENT, NAVY										
	COMBAT AIRCRAFT										
	COMBAT AIRCRAFT										
1	AV-8B (V/STOL)HARRIER (MYP)	10	282,132	10	282,132	14	374,132	2	35,550	12	317,682
1	LESS: ADVANCE PROCUREMENT (PY)	-	(55,486)	-	(55,486)	-	(55,486)	-	-	-	(55,486)
2	ADVANCE PROCUREMENT (CY)	-	-	-	-	-	-	-	-	-	-
3	F/A-18E/F (FIGHTER) HORNET (MYP)	42	2,923,960	39	2,718,160	42	2,923,960	-	(13,000)	42	2,910,960
3	LESS: ADVANCE PROCUREMENT (PY)	-	(105,407)	-	(105,407)	-	(105,407)	-	-	-	(105,407)
4	ADVANCE PROCUREMENT (CY)	-	101,068	-	101,068	-	101,068	-	-	-	101,068
5	V-22 (MEDIUM LIFT)	16	1,199,181	16	1,199,181	16	1,199,181	-	-	16	1,199,181
5	LESS: ADVANCE PROCUREMENT (PY)	-	(70,589)	-	(70,589)	-	(70,589)	-	-	-	(70,589)
6	ADVANCE PROCUREMENT (CY)	-	79,858	-	79,858	-	79,858	-	-	-	79,858
7	AH-1W (HELICOPTER) SEA COBRA	-	2,452	-	2,452	-	2,452	-	-	-	2,452
8	SH-60R	4	162,327	4	162,327	7	250,427	2	47,330	6	209,657
9	E-2C (EARLY WARNING) HAWKEYE (MYP)	5	364,882	5	364,882	5	364,882	-	(5,000)	5	359,882
9	LESS: ADVANCE PROCUREMENT (PY)	-	(112,092)	-	(112,092)	-	(112,092)	-	-	-	(112,092)
10	ADVANCE PROCUREMENT (CY)	-	68,082	-	68,082	-	68,082	-	-	-	68,082
	AIRLIFT AIRCRAFT										
	AIRLIFT AIRCRAFT										
11	CH-60S (MYP)	15	238,457	17	280,357	18	301,457	2	41,850	17	280,307
11	LESS: ADVANCE PROCUREMENT (PY)	-	(73,386)	-	(73,386)	-	(73,386)	-	-	-	(73,386)
12	ADVANCE PROCUREMENT (CY)	-	80,411	-	80,411	-	80,411	-	-	-	80,411
13	UC-35	-	-	2	15,200	2	15,200	1	7,600	1	7,600
14	C-40A	-	-	1	54,000	2	117,200	1	55,000	1	55,000
15	VP-3 REPLACEMENT AIRCRAFT	1	50,276	1	50,276	1	50,276	-	-	1	50,276
	TRAINER AIRCRAFT										
	TRAINER AIRCRAFT										
16	T-45TS (TRAINER) GOSHAWK	12	278,070	14	310,870	15	327,270	2	32,800	14	310,870
16	LESS: ADVANCE PROCUREMENT (PY)	-	(9,491)	-	(9,491)	-	(9,491)	-	-	-	(9,491)
17	ADVANCE PROCUREMENT (CY)	-	5,142	-	5,142	-	5,142	-	-	-	5,142
18	JPATS	21	74,372	21	74,372	24	81,372	3	7,000	24	81,372

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	OTHER AIRCRAFT										
	OTHER AIRCRAFT										
19	KC-130J	2	154,818	3	231,118	3	229,418	1	74,600	3	229,418
	HH/UH-1N RECLAIMATION AND CONVERSION			-	17,500						
	MODIFICATION OF AIRCRAFT										
	MODIFICATION OF AIRCRAFT										
20	EA-6 SERIES	-	203,102	-	226,102	-	206,402	-	(16,800)	-	186,302
21	AV-8 SERIES	-	40,639	-	40,639	-	120,039	-	79,400	-	120,039
22	F-14 SERIES	-	30,481	-	30,481	-	30,481	-	-	-	30,481
23	ADVERSARY	-	6,947	-	6,947	-	6,947	-	-	-	6,947
24	F-18 SERIES	-	212,614	-	316,314	-	258,614	-	51,600	-	264,214
25	H-46 SERIES	-	16,556	-	21,556	-	16,556	-	3,000	-	19,556
26	AH-1W SERIES	-	9,758	-	9,758	-	13,758	-	4,000	-	13,758
27	H-53 SERIES	-	19,919	-	34,919	-	19,919	-	1,800	-	21,719
28	SH-60 SERIES	-	21,088	-	29,088	-	21,088	-	-	-	21,088
29	H-1 SERIES	-	2,642	-	2,642	-	21,142	-	13,000	-	15,642
30	H-3 SERIES	-	61	-	61	-	61	-	-	-	61
31	EP-3 SERIES	-	25,833	-	25,833	-	25,833	-	(25,300)	-	533
32	P-3 SERIES	-	60,710	-	60,710	-	104,810	-	22,050	-	82,760
33	S-3 SERIES	-	79,050	-	79,050	-	79,050	-	(10,000)	-	69,050
34	E-2 SERIES	-	18,485	-	57,485	-	18,485	-	24,000	-	42,485
35	TRAINER A/C SERIES	-	19,422	-	19,422	-	19,422	-	-	-	19,422
36	C-2A	-	2,596	-	2,596	-	2,596	-	-	-	2,596
37	C-130 SERIES	-	7,921	-	7,921	-	7,921	-	-	-	7,921
38	FEWSG	-	605	-	605	-	605	-	-	-	605
39	CARGO/TRANSPORT A/C SERIES	-	7,936	-	7,936	-	7,936	-	-	-	7,936
40	E-6 SERIES	-	60,687	-	60,687	-	60,687	-	-	-	60,687
41	EXECUTIVE HELICOPTERS SERIES	-	7,632	-	7,632	-	7,632	-	-	-	7,632
42	SPECIAL PROJECT AIRCRAFT	-	4,134	-	4,134	-	4,134	-	-	-	4,134
43	T-45 SERIES	-	9,057	-	9,057	-	9,057	-	-	-	9,057
44	POWER PLANT CHANGES	-	17,062	-	17,062	-	17,062	-	-	-	17,062

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
45	COMMON ECM EQUIPMENT	-	41,889	-	41,889	-	41,889	-	-	-	41,889
46	COMMON AVIONICS CHANGES	-	71,620	-	80,920	-	80,920	-	-	-	71,620
	AIRCRAFT SPARES AND REPAIR PARTS										
	AIRCRAFT SPARES AND REPAIR PARTS										
47	SPARES AND REPAIR PARTS	-	941,553	-	941,553	-	952,753	-	-	-	941,553
	AIRCRAFT SUPPORT EQUIPMENT & FACILITIES										
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES										
48	COMMON GROUND EQUIPMENT	-	312,411	-	312,411	-	312,411	-	-	-	312,411
49	AIRCRAFT INDUSTRIAL FACILITIES	-	8,642	-	8,642	-	8,642	-	-	-	8,642
50	WAR CONSUMABLES	-	13,015	-	13,015	-	13,015	-	-	-	13,015
51	OTHER PRODUCTION CHARGES	-	37,088	-	44,088	-	37,088	-	-	-	37,088
52	SPECIAL SUPPORT EQUIPMENT	-	12,158	-	12,158	-	12,158	-	-	-	12,158
53	FIRST DESTINATION TRANSPORTATION	-	1,508	-	1,508	-	1,508	-	-	-	1,508
54	CANCELLED ACCOUNT ADJUSTMENTS (M)	-	-	-	-	-	-	-	-	-	-
	TOTAL, AIRCRAFT PROCUREMENT, NAVY		7,963,858		8,205,758		8,685,958		430,480		8,394,338

F/A–18E/F aircraft

The budget request included $2.819 billion for the procurement of 42 F/A–18E/F aircraft on a multiyear contract.

The House bill would authorize a decrease of $205.8 million, a total authorization of $2.613 billion for the procurement of 39 F/A–18E/F aircraft.

The Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $13.0 million due to production engineering support cost growth, a total authorization of $2.806 billion for the procurement of 42 F/A–18E/F aircraft.

SH–60R helicopter

The budget request included $162.3 million for the procurement of four remanufactured SH–60R helicopters, including the airborne low frequency sonar system (ALFS).

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $82.1 million for the procurement of three additional remanufactured SH–60R helicopters and an increase of $6.0 million for ALFS, a total increase of $88.1 million.

The conferees agree to authorize an increase of $47.3 million, as follows:

(1) an increase of $52.4 million for the procurement of two additional remanufactured SH–60R helicopters;

(2) an increase of $4.9 million for ALFS;

(3) a decrease of $5.0 million due to cost growth in non-recurring items; and

(4) a decrease of $5.0 million due to avionics support equipment that can be deferred.

UC–35 aircraft

The budget request included no funding for the procurement of UC–35 medium range operational support aircraft.

The House bill would authorize an increase of $15.2 million for the procurement of two UC–35 aircraft.

The Senate amendment would authorize an identical increase.

The conferees agree to authorize an increase of $7.6 million for the procurement of one UC–35 aircraft for the Marine Corps.

F–18 series modifications

The budget request included $212.6 million for F–18 modifications.

The House bill would authorize an increase of $103.7 million for F–18 modifications, as follows:

(1) an increase of $86.9 million to procure additional ECP–583 upgrade kits for Marine Corps F/A–18A active and reserve component aircraft;

(2) an increase of $31.0 million to procure ECP–560 upgrade kits for Naval Reserve F/A–18A aircraft;

(3) an increase of $9.6 million to procure advanced targeting forward-looking infrared (ATFLIR) pods for the Marine Corps Reserve F/A–18 aircraft; and

(4) a decrease of $23.8 million due to test results of the advanced tactical airborne reconnaissance system (ATARS).

The Senate amendment would authorize an increase of $46.0 million to upgrade F/A–18A aircraft with ECP–583.

The conferees agree to authorize an increase of $51.6 million for F–18 modifications, as follows:

(1) $46.0 million for ECP–583 for the Marine Corps active and reserve components;

(2) $7.0 million for ATFLIR for the Marine Corps Reserve;

(3) $3.0 million for tactical aircraft moving map capability (TAMMAC); and

(4) a decrease of $4.4 million for premature ATFLIR modifications and installation equipment.

AH–1 series modifications

The budget request included $9.8 million for Marine Corps AH–1 aircraft modifications.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $4.0 million to procure four night targeting systems (NTS) for reserve component AH–1 series aircraft.

The conferees agree to authorize an increase of $4.0 million to procure four night targeting systems for AH–1 aircraft.

H–53 series modifications

The budget request included $19.9 million for Marine Corps H–53 aircraft modification requirements.

The House bill would authorize an increase of $15.0 million for AN/AAQ–29 forward looking infrared (FLIR) system modifications. Of this amount, $12.4 million would be for modifying active component H–53 aircraft and $2.6 million would be for modifying Marine Corps Reserve H–53 aircraft.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $1.8 million, a total authorization of $21.7 million for AN/AAQ–29 FLIR modifications for Marine Corps Reserve aircraft.

H–1 series modifications

The budget request included $2.6 million for Marine Corps H–1 aircraft requirements.

The House bill would authorize an increase of $17.5 million for the H–1 reclamation and conversion program.

The Senate amendment would authorize an increase of $27.5 million for H–1 aircraft requirements. Of this amount, $10.0 million would be for thermal imaging systems for fielded aircraft to support flight operations at night and $17.5 million would be for the H–1 reclamation and conversion program.

The conferees agree to authorize a total of $15.6 million for H–1 series aircraft requirements. This includes an increase of $7.0 million for thermal imaging systems and an increase of $6.0 million for the H–1 reclamation and conversion program.

EP–3 aircraft modifications

The budget request included $25.8 million for modifications to the EP–3 aircraft.

The House bill and the Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $25.3 million to reflect funds that were provided for EP–3 modifications to the Department of Defense in the Emergency Supplemental Act, 2000 (division B of Public Law 106–246), a total authorization of $533,000.

Overview

The budget request for fiscal year 2001 included an authorization of $1,434.3 million for Weapons Procurement, Navy in the Department of Defense.

The House bill would authorize $1,562.3 million.

The Senate amendment would authorize $1,540.0 million.

The conferees recommended an authorization of $1,443.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	WEAPONS PROCUREMENT, NAVY										
	BALLISTIC MISSILES										
	BALLISTIC MISSILES										
1	TRIDENT II	12	472,859	12	472,859	12	472,859	-	-	12	472,859
1	LESS: ADVANCE PROCUREMENT (PY)	-	(38,927)	-	(38,927)	-	(38,927)	-	-	-	(38,927)
2	ADVANCE PROCUREMENT (CY)	-	28,801	-	28,801	-	28,801	-	(19,300)	-	9,501
	SUPPORT EQUIPMENT AND FACILITIES							-	-	-	-
3	MISSILE INDUSTRIAL FACILITIES	-	1,232	-	1,232	-	1,232	-	-	-	1,232
	OTHER MISSILES										
	STRATEGIC MISSILES										
4	TOMAHAWK	-	-	-	-	-	-	-	-	-	-
5	ESSM	36	40,001	36	40,001	36	40,001	-	-	36	40,001
	TACTICAL MISSILES										
6	AMRAAM	75	38,943	75	38,943	75	38,943	-	-	75	38,943
7	JSOW	636	171,624	811	206,624	816	207,624	54	13,950	690	185,574
8	SLAM-ER	30	27,859	90	57,859	30	27,859	-	-	30	27,859
9	STANDARD MISSILE	86	170,365	86	170,365	86	170,365	-	-	86	170,365
10	RAM	-	23,067	-	23,067	-	23,067	-	-	-	23,067
11	HELLFIRE	-	-	-	55,000	-	-	-	20,000	-	20,000
12	PENGUIN	-	-	-	-	-	-	-	-	-	-
13	AERIAL TARGETS	-	58,891	-	68,891	-	58,891	-	-	-	58,891
14	DRONES AND DECOYS	-	-	-	-	-	-	-	10,000	-	10,000
15	OTHER MISSILE SUPPORT	-	14,902	-	14,902	-	14,902	-	-	-	14,902
	MODIFICATION OF MISSILES										
16	SIDEWINDER MODS	63	27,532	63	27,532	63	27,532	-	-	63	27,532
17	HARM MODS	-	-	-	-	-	-	-	-	-	-
18	STANDARD MISSILES MODS	-	50,690	-	50,690	-	50,690	-	-	-	50,690
	SUPPORT EQUIPMENT AND FACILITIES										
19	WEAPONS INDUSTRIAL FACILITIES	-	21,269	-	20,269	-	28,969	-	7,700	-	28,969
20	FLEET SATELLITE COMM FOLLOW-ON	-	180,291	-	180,291	-	180,291	-	(75,000)	-	105,291
20	LESS: ADVANCE PROCUREMENT (PY)	-	(9,754)	-	(9,754)	-	(9,754)	-	-	-	(9,754)

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
21	ADVANCE PROCUREMENT (CY)	-	-	-	-	-	-	-	-	-	-
	ORDNANCE SUPPORT EQUIPMENT										
22	ORDNANCE SUPPORT EQUIPMENT	-	2,723	-	2,723	-	2,723	-	-	-	2,723
	TORPEDOES AND RELATED EQUIPMENT										
	TORPEDOES AND RELATED EQUIP.										
23	ASW TARGETS	-	3,180	-	3,180	-	3,180	-	-	-	3,180
	MOD OF TORPEDOES AND RELATED EQUIP										
24	MK-46 TORPEDO MODS	-	7,141	-	7,141	-	7,141	-	-	-	7,141
25	MK-48 TORPEDO ADCAP MODS	-	38,926	-	37,926	-	40,926	-	2,000	-	40,926
26	QUICKSTRIKE MINE	-	1,960	-	1,960	-	1,960	-	-	-	1,960
	SUPPORT EQUIPMENT										
27	TORPEDO SUPPORT EQUIPMENT	-	23,740	-	23,740	-	23,740	-	-	-	23,740
28	ASW RANGE SUPPORT	-	14,955	-	14,955	-	14,955	-	-	-	14,955
	DESTINATION TRANSPORTATION										
29	FIRST DESTINATION TRANSPORTATION	-	1,842	-	1,842	-	1,842	-	-	-	1,842
	OTHER WEAPONS										
	GUNS AND GUN MOUNTS										
30	SMALL ARMS AND WEAPONS	-	909	-	909	-	909	-	-	-	909
	MODIFICATION OF GUNS AND GUN MOUNTS										
31	CIWS MODS	-	964	-	964	-	30,964	-	25,000	-	25,964
32	5/54 GUN MOUNT MODS	-	-	-	-	-	-	-	-	-	-
33	MK-75 76MM GUN MOUNT MODS	-	-	-	-	-	-	-	-	-	-
34	GUN MOUNT MODS	-	4,779	-	4,779	-	34,779	-	25,000	-	29,779
35	MODS UNDER $2 MILLION	-	-	-	-	-	-	-	-	-	-
	OTHER										
36	PIONEER	-	-	-	-	-	-	-	-	-	-
37	CANCELLED ACCOUNT ADJUSTMENTS	-	-	-	-	-	-	-	-	-	-
	SPARES AND REPAIR PARTS										
	SPARES AND REPAIR PARTS										
38	SPARES AND REPAIR PARTS	-	53,486		53,486	-	53,486	-	-	-	53,486
	TOTAL, WEAPONS PROCUREMENT, NAVY		1,434,250		1,562,250		1,539,950		9,350		1,443,600

Trident II advance procurement

The budget request included $28.8 million for Trident II advance procurement.

The House bill and the Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $19.3 million for Trident II advance procurement, a total authorization of $9.5 million.

The conferees note that a significant part of the budget request was for the purchase of missile parts that will not be needed until the later years of the current Future Years Defense Program. However, the conferees are aware that the supplier base for the Trident II ballistic missile program is rapidly declining and that certain suppliers may no longer be available in the outyears. Therefore, the conferees direct the Secretary of the Navy to evaluate the Trident II supplier base to determine if any additional advance procurement funds are required in fiscal year 2001. If the Secretary determines that additional advance procurement funds are necessary during fiscal year 2001 to purchase parts that will not be available in subsequent years, the conferees invite the Secretary to seek a reprogramming for this purpose.

Drones and decoys

The budget request included no funding for drones and decoys.

The House bill would authorize an increase of $10.0 million for aerial targets for the procurement of improved tactical air-launched decoys (ITALDs).

The Senate amendment would authorize the budget request.

The conferees agree to authorize $10.0 million in drones and decoys for the procurement of ITALDs.

Weapons industrial facilities

The budget request included $21.3 million for various activities at government-owned and contractor-operated weapons industrial facilities.

The House bill would authorize a decrease of $1.0 million for weapons industrial facilities.

The Senate amendment would authorize an increase of $7.7 million to accelerate the facilities restoration program at the Allegany Ballistics Laboratory.

The conferees agree to authorize an increase of $7.7 million for the facilities restoration program at the Allegany Ballistics Laboratory.

Mark 48 advanced capability torpedo modifications

The budget request included $16.4 million for Mark 48 advanced capability (ADCAP) torpedo modifications.

The House bill would authorize a decrease of $1.0 million for Mark 48 ADCAP torpedo.

The Senate amendment would authorize an increase of $2.0 million for Mark 48 ADCAP modifications to field improved capability for littoral operations in the submarine fleet as soon as possible.

The conferees agree to authorize an increase of $2.0 million for Mark 48 ADCAP modifications.

Close-in weapons system modifications

The budget request included $964,000 for modifications to the close-in weapons system (CIWS) for surface ships.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $30.0 million for the procurement and modification of CIWS mounts to the block 1B configuration.

The conferees agree to authorize an increase of $25.0 million for CIWS block 1B modifications.

Gun mount modifications

The budget request included $4.8 million for the procurement and installation of modifications to surface ship gun mounts.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $30.0 million for the procurement of modifications to five inch 54 caliber guns for surface ships.

The conferees agree to authorize an increase of $25.0 million for modifications to five inch 54 caliber guns for surface ships.

Overview

The budget request for fiscal year 2001 included an authorization of $429.6 million for Ammunition Procurement, Navy and Marine Corps in the Department of Defense.

The House bill would authorize $481.3 million.

The Senate amendment would authorize $500.7 million.

The conferees recommended an authorization of $487.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
	PROCUREMENT OF AMMO, NAVY & MARINE CORPS										
	PROC AMMO, NAVY										
	NAVY AMMUNITION										
1	GENERAL PURPOSE BOMBS	-	63,157	-	78,157	-	83,157	-	5,000	-	68,157
2	JDAM	672	24,390	672	24,390	672	24,390	-	5,600	672	29,990
3	2.75 INCH ROCKETS	-	-	-	-	-	9,600	-	-	-	-
4	AIRBORNE ROCKETS, ALL TYPES	-	11,508	-	11,508	-	11,508	-	-	-	11,508
5	MACHINE GUN AMMUNITION	-	5,230	-	5,230	-	11,730	-	3,000	-	8,230
6	PRACTICE BOMBS	-	50,600	-	50,600	-	76,600	-	12,500	-	63,100
7	CARTRIDGES & CART ACTUATED DEVICES	-	26,461	-	26,461	-	26,461	-	-	-	26,461
8	AIRCRAFT ESCAPE ROCKETS	-	10,635	-	10,635	-	10,635	-	-	-	10,635
9	AIR EXPENDABLE COUNTERMEASURES	-	39,293	-	45,793	-	44,293	-	6,500	-	45,793
10	MARINE LOCATION MARKERS	-	-	-	-	-	-	-	-	-	-
11	JATOS	-	4,995	-	4,995	-	4,995	-	-	-	4,995
12	5 INCH/54 GUN AMMUNITION	-	14,948	-	14,945	-	14,948	-	-	-	14,948
13	EXTENDED RANGE GUIDED MUNITIONS (ERGM)	-	5,723	-	5,723	-	5,723	-	-	-	5,723
14	CIWS AMMUNITION	-	-	-	-	-	-	-	-	-	-
15	76MM GUN AMMUNITION	-	8,733	-	8,733	-	8,733	-	-	-	8,733
16	OTHER SHIP GUN AMMUNITION	-	5,176	-	5,176	-	5,176	-	-	-	5,176
17	SMALL ARMS & LANDING PARTY AMMO	-	8,745	-	8,745	-	8,745	-	-	-	8,745
18	PYROTECHNIC AND DEMOLITION	-	6,378	-	6,378	-	6,378	-	-	-	6,378
19	MINE NEUTRALIZATION DEVICES	-	7,317	-	7,317	-	7,317	-	-	-	7,317
20	CANCELLED ACCOUNT ADJUSTMENTS (87)	-	-	-	-	-	-	-	-	-	-
21	AMMUNITION LESS THAN $5 MILLION	-	1,343	-	1,343	-	1,343	-	-	-	1,343
22	CAWCF CLOSURE COSTS	-	1,300	-	1,300	-	1,300	-	-	-	1,300
	PROC AMMO, MC										
	MARINE CORPS AMMUNITION										
23	5.56 MM, ALL TYPES	-	23,456	-	26,456	-	23,456	-	2,000	-	25,456
24	7.62 MM, ALL TYPES	-	2,039	-	3,039	-	2,039	-	1,000	-	3,039
25	LINEAR CHARGES, ALL TYPES	-	40,945	-	42,945	-	44,945	-	4,000	-	44,945
26	.50 CALIBER	-	7,637	-	8,637	-	7,637	-	1,000	-	8,637

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
27	40 MM, ALL TYPES	-	2,034	-	2,034	-	2,034	-	-	-	2,034
28	60MM, ALL TYPES	-	688	-	688	-	688	-	-	-	688
29	81MM, ALL TYPES	-	4,981	-	4,981	-	4,981	-	-	-	4,981
30	120MM, ALL TYPES	-	7,633	-	7,633	-	7,633	-	-	-	7,633
31	CTG 25MM, ALL TYPES	-	3,931	-	3,931	-	3,931	-	-	-	3,931
32	9 MM ALL TYPES	-	2,657	-	2,657	-	2,657	-	-	-	2,657
33	GRENADES, ALL TYPES	-	8,358	-	8,358	-	8,358	-	-	-	8,358
34	STINGER SLEP	-	3,925	-	3,925	-	3,925	-	-	-	3,925
35	ROCKETS, ALL TYPES	-	1,592	-	16,892	-	1,592	-		-	11,192
	83mm Common Practice								4,600		
	83mm HEDP								5,000		
36	ARTILLERY, ALL TYPES	-	322	-	8,222	-	322	-	7,900	-	8,222
37	DEMOLITION MUNITIONS, ALL TYPES	-	9,638	-	9,638	-	9,638	-	-	-	9,638
38	FUZE, ALL TYPES	-	249	-	249	-	249	-	-	-	249
39	NON LETHALS	-	4,480	-	4,480	-	4,480	-	-	-	4,480
40	AMMO MODERNIZATION	-	6,900	-	6,900	-	6,900	-	-	-	6,900
41	ITEMS LESS THAN $5 MILLION	-	952	-	952	-	952	-	-	-	952
42	ITEMS LESS THAN $2 MIL	-	-	-	-	-	-	-	-	-	-
43	CAWCF CLOSURE COSTS	-	1,300	-	1,300	-	1,300	-	-	-	1,300
	TOTAL, PROCURE OF AMMO, NAVY & MARINE CORPS		429,649		481,349		500,749		58,100		487,749

Overview

The budget request for fiscal year 2001 included an authorization of $12,296.9 million for Shipbuilding and Conversion, Navy in the Department of Defense.

The House bill would authorize $11,982.0 million.

The Senate amendment would authorize $12,900.1 million.

The conferees recommended an authorization of $12,826.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
	SHIPBUILDING & CONVERSION, NAVY										
	OTHER WARSHIPS										
	OTHER WARSHIPS										
1	CARRIER REPLACEMENT PROGRAM	1	4,974,888	1	4,974,888	1	4,974,888	-	-	1	4,974,888
1	LESS: ADVANCE PROCUREMENT (PY)	-	(921,235)	-	(921,235)	-	(921,235)	-	-	-	(921,235)
2	ADVANCE PROCUREMENT (CY)	-	21,869	-	21,869	-	21,869	-	-	-	21,869
3	NEW SSN	1	2,019,503	1	2,019,503	1	2,019,503	-	(5,000)	1	2,014,503
3	LESS: ADVANCE PROCUREMENT (PY)	-	(816,491)	-	(816,491)	-	(816,491)	-	-	-	(816,491)
4	ADVANCE PROCUREMENT (CY)	-	508,222	-	508,222	-	508,222	-	-	-	508,222
5	CVN REFUELING OVERHAULS	-	705,228	-	705,228	-	705,228	-	(5,000)	-	700,228
5	LESS: ADVANCE PROCUREMENT (PY)	-	(1,787)	-	(1,787)	-	(1,787)	-	-	-	(1,787)
6	ADVANCE PROCUREMENT (CY)	-	25,000	-	25,000	-	25,000	-	-	-	25,000
7	SUBMARINE REFUELING OVERHAULS	1	210,414	1	210,414	1	210,414	-	-	1	210,414
8	ADVANCE PROCUREMENT (CY)	-	72,277	-	86,277	-	72,277	-	-	-	72,277
9	DDG-51 (MYP)	3	2,795,581	3	2,795,581	3	2,795,581	-	(10,000)	3	2,785,581
9	LESS: ADVANCE PROCUREMENT (PY)	-	(82,022)	-	(82,022)	-	(82,022)	-	-	-	(82,022)
10	ADVANCE PROCUREMENT (CY)	-	356,843	-	356,843	-	500,000	-	100,000	-	456,843
	AMPHIBIOUS SHIPS										
	AMPHIBIOUS SHIPS										
11	LHD-8 ADVANCE PROCUREMENT (CY)	-	-	-	10,000	-	460,000	-	460,000	-	460,000
12	LPD-17	2	1,489,286	2	1,489,286	2	1,489,286	-	-	2	1,489,286
12	LESS: ADVANCE PROCUREMENT (PY)	-	-	-	-	-	-	-	-	-	-
13	ADVANCE PROCUREMENT (CY)	-	20,700	-	20,700	-	20,700	-	-	-	20,700
	AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM										
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST										
14	OCEANOGRAPHIC SHIPS	-	-	-	-	-	-	-	-	-	-
14	LESS: ADVANCE PROCUREMENT (PY)	-	-	-	-	-	-	-	-	-	-
15	ADC(X)	1	338,951	-	-	1	338,951	-	-	1	338,951
16	LCAC LANDING CRAFT	-	-	-	-	-	-	-	-	-	-
16	LESS: ADVANCE PROCUREMENT (PY)	-	-	-	-	-	-	-	-	-	-
17	OUTFITTING	-	301,077	-	301,077	-	301,077	-	(10,000)	-	291,077

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
18	POST DELIVERY	-	-	-	-	-	-	-	-	-	-
19	LCAC SLEP	1	15,615	1	15,615	1	15,615	-	-	1	15,615
20	COMPLETION OF PY SHIPBUILDING PROGRAMS	-	263,000	-	263,000	-	263,000	-	-	-	263,000
21	FIRST DESTINATION TRANSPORTATION	-	-	-	-	-	-	-	-	-	-
	TOTAL, SHIPBUILDING & CONVERSION, NAVY		12,296,919		11,981,968		12,900,076		530,000		12,826,919

DDG–51 destroyers

The budget request included $2.7 billion for the procurement of three *Arleigh Burke*-class DDG–51 destroyers.

The House bill and the Senate amendment would authorize the budget request.

The conferees note recent developments that indicate basic construction cost growth for DDG–51 destroyers. Therefore, the conferees agree to authorize a decrease of $10.0 million for the procurement of three DDG–51 destroyers.

LHD–8 advance procurement

The Future Year Defense Program (FYDP) accompanying the budget request included LHD–8 advance procurement in fiscal year 2004 and full funding in fiscal year 2005.

The House bill would authorize an increase of $10.0 million for advance procurement of LHD–8.

The Senate amendment would authorize an increase of $460.0 million to continue the advance procurement and advance construction of components for the LHD–8 amphibious ship.

The conferees agree to authorize an increase of $460.0 million to continue the advance procurement and advance construction of components for the LHD–8 amphibious ship.

Ship outfitting

The budget request included $301.1 million for outfitting new construction ships with initial on board repair parts and equipage.

The House bill and the Senate amendment would authorize the budget request.

The conferees agree to a $10.0 million decrease for ship outfitting resulting from recent adjustments to the LPD–17 procurement.

Overview

The budget request for fiscal year 2001 included an authorization of $3,334.6 million for Other Procurement, Navy in the Department of Defense.

The House bill would authorize $3,432.0 million.

The Senate amendment would authorize $3,378.3 million.

The conferees recommended an authorization of $3,380.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
	OTHER PROCUREMENT, NAVY										
	SHIPS SUPPORT EQUIPMENT										
	SHIP PROPULSION EQUIPMENT										
1	LM-2500 GAS TURBINE	-	6,995	-	6,995	-	6,995	-	-	-	6,995
2	ALLISON 501K GAS TURBINE	-	6,257	-	6,257	-	6,257	-	-	-	6,257
3	STEAM PROPULSION IMPROVEMENT	-	-	-	-	-	-	-	-	-	-
4	OTHER PROPULSION EQUIPMENT	-	-	-	-	-	-	-	-	-	-
	GENERATORS										
5	OTHER GENERATORS	-	-	-	-	-	-	-	-	-	-
	PUMPS										
6	OTHER PUMPS	-	-	-	-	-	-	-	-	-	-
	PROPELLERS										
7	SUBMARINE PROPELLERS	-	3,757	-	3,757	-	3,757	-	-	-	3,757
8	OTHER PROPELLERS AND SHAFTS	-	-	-	-	-	-	-	-	-	-
	NAVIGATION EQUIPMENT										
9	OTHER NAVIGATION EQUIPMENT	-	33,425	-	45,425	-	44,425	-	14,000	-	47,425
	UNDERWAY REPLENISHMENT EQUIPMENT										
10	UNDERWAY REPLENISHMENT EQUIPMENT	-	9,120	-	9,120	-	9,120	-	-	-	9,120
	PERISCOPES										
11	SUB PERISCOPES & IMAGING EQUIP	-	18,998	-	18,998	-	18,998	-	-	-	18,998
	OTHER SHIPBOARD EQUIPMENT										
12	FIREFIGHTING EQUIPMENT	-	16,837	-	16,837	-	16,837	-	-	-	16,837
13	COMMAND AND CONTROL SWITCHBOARD	-	10,486	-	10,486	-	10,486	-	-	-	10,486
14	POLLUTION CONTROL EQUIPMENT	-	47,805	-	47,805	-	47,805	-	-	-	47,805
15	SUBMARINE SILENCING EQUIPMENT	-	-	-	-	-	-	-	-	-	-
16	SUBMARINE SUPPORT EQUIPMENT	-	11,419	-	11,419	-	11,419	-	-	-	11,419
17	SUBMARINE BATTERIES	-	12,387	-	12,387	-	12,387	-	-	-	12,387
18	SSN21 CLASS SUPPORT EQUIPMENT	-	-	-	-	-	-	-	-	-	-
19	STRATEGIC PLATFORM SUPPORT EQUIP	-	6,206	-	6,206	-	6,206	-	-	-	6,206
20	DSSP EQUIPMENT	-	5,356	-	5,356	-	5,356	-	-	-	5,356
21	LCAC	-	3,559	-	3,559	-	3,559	-	-	-	3,559

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
22	MINESWEEPING EQUIPMENT	-	16,589	-	16,589	-	16,589	-	-	-	16,589
23	HM&E ITEMS UNDER $2 MILLION	-	-	-	-	-	-	-	-	-	-
24	ITEMS LESS THAN $5 MILLION	-	58,851	-	60,851	-	63,851	-	4,000	-	62,851
25	SURFACE IMA	-	2,010	-	2,010	-	2,010	-	-	-	2,010
26	MINI/MICROMINI ELECTRONIC REPAIR	-	-	-	-	-	-	-	-	-	-
27	SUBMARINE LIFE SUPPORT SYSTEM	-	4,852	-	4,852	-	4,852	-	-	-	4,852
	REACTOR PLANT EQUIPMENT										
28	REACTOR POWER UNITS	-	-	-	-	-	-	-	-	-	-
29	REACTOR COMPONENTS	-	203,365	-	203,365	-	203,365	-	-	-	203,365
	OCEAN ENGINEERING										
30	DIVING AND SALVAGE EQUIPMENT	-	5,649	-	5,649	-	5,649	-	-	-	5,649
31	EOD UNDERWATER EQUIPMENT	-	-	-	-	-	-	-	-	-	-
	SMALL BOATS										
32	STANDARD BOATS	-	2,696	-	2,696	-	2,696	-	-	-	2,696
	TRAINING EQUIPMENT										
33	OTHER SHIPS TRAINING EQUIPMENT	-	3,302	-	3,302	-	3,302	-	-	-	3,302
	PRODUCTION FACILITIES EQUIPMENT										
34	OPERATING FORCES IPE	-	2,689	-	7,689	-	2,689	-	-	-	2,689
	OTHER SHIP SUPPORT										
35	NUCLEAR ALTERATIONS	-	80,870	-	80,870	-	80,870	-	-	-	80,870
	DRUG INTERDICTION SUPPORT										
36	DRUG INTERDICTION SUPPORT	-	-	-	-	-	-	-	-	-	-
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT										
	SHIP RADARS										
37	AN/SPS-49	-	-	-	-	-	-	-	-	-	-
38	RADAR SUPPORT	-	-	-	-	-	8,000	-	14,000	-	14,000
39	TISS	-	-	-	-	-	-	-	-	-	-
	SHIP SONARS										
40	AN/SQQ-89 SURF ASW COMBAT SYSTEM	-	14,291	-	14,291	-	14,291	-	-	-	14,291
41	SSN ACOUSTICS	-	106,647	-	114,647	-	106,647	-	6,000	-	112,647
42	UNDERSEA WARFARE SUPPORT EQUIPMENT	-	847	-	5,847	-	847	-	-	-	847

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
43	SONAR SUPPORT EQUIPMENT	-	-	-	-	-	-	-	5,000	-	5,000
44	SONAR SWITCHES AND TRANSDUCERS	-	10,726	-	10,726	-	10,726	-	-	-	10,726
	ASW ELECTRONIC EQUIPMENT										
45	SUBMARINE ACOUSTIC WARFARE SYSTEM	-	10,697	-	10,697	-	10,697	-	-	-	10,697
46	SSTD	-	-	-	-	-	-	-	-	-	-
47	ACOUSTIC COMMUNICATIONS	-	-	-	-	-	-	-	-	-	-
48	FIXED SURVEILLANCE SYSTEM	-	29,869	-	29,869	-	29,869	-	-	-	29,869
49	SURTASS	-	5,516	-	5,516	-	5,516	-	-	-	5,516
50	ASW OPERATIONS CENTER	-	6,213	-	6,213	-	6,213	-	-	-	6,213
51	CARRIER ASW MODULE	-	-	-	-	-	-	-	-	-	-
	ELECTRONIC WARFARE EQUIPMENT										
52	AN/SLQ-32	-	-	-	-	-	-	-	-	-	-
53	AN/WLR-1	-	-	-	-	-	-	-	-	-	-
54	INFORMATION WARFARE SYSTEMS	-	3,901	-	3,901	-	3,901	-	-	-	3,901
55	C-3 COUNTERMEASURES	-	-	-	-	-	-	-	-	-	-
	RECONNAISSANCE EQUIPMENT										
56	SHIPBOARD IW EXPLOIT	-	61,524	-	61,524	-	61,524	-	(500)	-	61,024
57	COMMON HIGH BANDWIDTH DATA LINK	-	-	-	-	-	-	-	-	-	-
	SUBMARINE SURVEILLANCE EQUIPMENT										
58	AN/WLQ-4	-	-	-	-	-	-	-	-	-	-
59	SUBMARINE SUPPORT EQUIPMENT PROG	-	17,316	-	17,316	-	17,316	-	-	-	17,316
	OTHER SHIP ELECTRONIC EQUIPMENT										
60	NAVY TACTICAL DATA SYSTEM	-	-	-	-	-	-	-	-	-	-
61	COOPERATIVE ENGAGEMENT CAPABILITY	-	15,853	-	15,853	-	15,853	-	-	-	15,853
62	GCCS-M EQUIPMENT AFLOAT	-	37,427	-	37,427	-	37,427	-	-	-	37,427
63	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCS)	-	46,692	-	46,692	-	46,692	-	-	-	46,692
64	ATDLS	-	19,153	-	19,153	-	19,153	-	-	-	19,153
65	MINESWEEPING SYSTEM REPLACEMENT	-	8,989	-	8,989	-	13,989	-	4,000	-	12,989
66	SHALLOW WATER MCM	-	16,863	-	16,863	-	16,863	-	(500)	-	16,363
67	NAVSTAR GPS RECEIVERS (SPACE)	-	9,607	-	9,607	-	9,607	-	-	-	9,607
68	ARMED FORCES RADIO AND TV	-	9,046	-	9,046	-	9,046	-	-	-	9,046

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
69	STRATEGIC PLATFORM SUPPORT EQUIP	-	15,356	-	15,356	-	15,356	-	-	-	15,356
	TRAINING EQUIPMENT										
70	OTHER SPAWAR TRAINING EQUIPMENT	-	1,341	-	1,341	-	1,341	-	-	-	1,341
71	OTHER TRAINING EQUIPMENT	-	21,390	-	25,390	-	21,390	-	4,000	-	25,390
	AVIATION ELECTRONIC EQUIPMENT										
72	MATCALS	-	4,294	-	4,294	-	4,294	-	-	-	4,294
73	SHIPBOARD AIR TRAFFIC CONTROL	-	7,945	-	7,945	-	7,945	-	-	-	7,945
74	AUTOMATIC CARRIER LANDING SYSTEM	-	18,510	-	18,510	-	18,510	-	-	-	18,510
75	NATIONAL AIR SPACE SYSTEM	-	30,549	-	30,549	-	30,549	-	-	-	30,549
76	AIR STATION SUPPORT EQUIPMENT	-	6,705	-	6,705	-	6,705	-	-	-	6,705
77	MICROWAVE LANDING SYSTEM	-	5,124	-	5,124	-	5,124	-	-	-	5,124
78	FACSFAC	-	4,315	-	4,315	-	4,315	-	-	-	4,315
79	ID SYSTEMS	-	14,280	-	14,280	-	14,280	-	-	-	14,280
80	SURFACE IDENTIFICATION SYSTEMS	-	-	-	-	-	-	-	-	-	-
81	TAC A/C MISSION PLANNING SYS(TAMPS)	-	11,980	-	11,980	-	11,980	-	-	-	11,980
	OTHER SHORE ELECTRONIC EQUIPMENT										
82	GCCS-M EQUIPMENT ASHORE	-	-	-	-	-	-	-	-	-	-
83	OSIS EVOLUTIONARY DEVELOPMENT (OED)	-	-	-	-	-	-	-	-	-	-
84	TADIX-B	-	32	-	6,032	-	32	-	6,000	-	6,032
85	NAVAL SPACE SURVEILLANCE SYSTEM	-	2,735	-	2,735	-	2,735	-	-	-	2,735
86	GCCS-M EQUIPMENT TACTICAL/MOBILE	-	-	-	-	-	-	-	-	-	-
87	COMMON IMAGERY GROUND SURFACE SYSTEMS	-	47,022	-	47,022	-	47,022	-	-	-	47,022
88	RADIAC	-	8,308	-	8,308	-	8,308	-	-	-	8,308
89	GPETE	-	7,356	-	7,356	-	7,356	-	-	-	7,356
90	INTEG COMBAT SYSTEM TEST FACILITY	-	4,421	-	4,421	-	4,421	-	-	-	4,421
91	CALIBRATION STANDARDS	-	-	-	-	-	-	-	-	-	-
92	EMI CONTROL INSTRUMENTATION	-	5,378	-	5,378	-	5,378	-	-	-	5,378
93	SHORE ELEC ITEMS UNDER $2 MILLION	-	-	-	-	-	-	-	-	-	-
94	ITEMS LESS THAN $5 MILLION	-	4,889	-	18,889	-	4,889	-	-	-	4,889
	SHIPBOARD COMMUNICATIONS										
95	SHIPBOARD TACTICAL COMMUNICATIONS	-	-	-	-	-	-	-	-	-	-

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
96	PORTABLE RADIOS	-	-	-	-	-	-	-	-	-	-
97	SINCGARS	-	-	-	-	-	-	-	-	-	-
98	SHIP COMMUNICATIONS AUTOMATION	-	185,143	-	185,143	-	185,143	-	-	-	185,143
99	SHIP COMM ITEMS UNDER $5 MILLION	-	-	-	-	-	-	-	-	-	-
100	INTEGRATED BROADCAST SYSTEM	-	-	-	-	-	-	-	-	-	-
101	COMMUNICATIONS ITEMS UNDER $5M	-	30,909	-	30,909	-	30,909	-	-	-	30,909
	SUBMARINE COMMUNICATIONS										
102	SHORE LF/VLF COMMUNICATIONS	-	31,433	-	31,433	-	31,433	-	-	-	31,433
103	SUBMARINE COMMUNICATION EQUIPMENT	-	77,957	-	77,957	-	77,957	-	-	-	77,957
104	ADVANCED VLF RECEIVER	-	-	-	-	-	-	-	-	-	-
	SATELLITE COMMUNICATIONS										
105	SATCOM SHIP TERMINALS (SPACE)	-	-	-	-	-	-	-	-	-	-
106	SATELLITE COMMUNICATIONS SYSTEMS	-	252,695	-	252,695	-	252,695	-	(25,000)	-	227,695
107	SATCOM SHORE TERMINALS (SPACE)	-	-	-	-	-	-	-	-	-	-
	SHORE COMMUNICATIONS										
108	JCS COMMUNICATIONS EQUIPMENT	-	2,460	-	2,460	-	2,460	-	-	-	2,460
109	NSIPS	-	1,785	-	1,785	-	1,785	-	-	-	1,785
110	JEDMICS	-	-	-	-	-	4,000	-	4,000	-	4,000
111	GCCS EQUIPMENT	-	-	-	-	-	-	-	-	-	-
112	NAVAL SHORE COMMUNICATIONS	-	176,132	-	176,132	-	176,132	-	(10,000)	-	166,132
	CRYPTOGRAPHIC EQUIPMENT										
113	INFO SYSTEMS SECURITY PROGRAM (ISSP)	-	46,563	-	50,563	-	46,563	-	4,000	-	50,563
	CRYPTOLOGIC EQUIPMENT										
114	SPECIAL DCP	-	14,964	-	14,964	-	14,964	-	-	-	14,964
115	CRYPTOLOGIC COMMUNICATIONS EQUIP	-	17,188	-	17,188	-	17,188	-	-	-	17,188
	DRUG INTERDICTION SUPPORT										
116	OTHER DRUG INTERDICTION SUPPORT	-	-	-	-	-	-	-	-	-	-
	AVIATION SUPPORT EQUIPMENT										
	SONOBUOYS										
117	AN/SSQ-36 (BT)	-	-	-	-	-	-	-	-	-	-
118	AN/SSQ-53 (DIFAR)	-	-	-	-	-	-	-	-	-	-

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
119	PASSIVE SONOBUOYS (NON-BEAM FORMING)	-	-	-	-	-	-	-	3,000	-	3,000
120	AN/SSQ-57 (SPECIAL PURPOSE)	-	-	-	-	-	-	-	-	-	-
121	AN/SSQ-62 (DICASS)	-	-	-	-	-	-	-	3,000	-	3,000
122	AN/SSQ-101 (ADAR)	-	-	-	-	-	-	-	-	-	-
123	SIGNAL, UNDERWATER SOUND (SUS)	-	-	-	-	-	-	-	-	-	-
124	SONOBUOYS - ALL TYPES	-	49,466	-	67,466	-	49,466	-	-	-	49,466
125	MISCELLANEOUS SONOBUOYS LESS THAN $5 M	-	-	-	-	-	-	-	-	-	-
	AIRCRAFT SUPPORT EQUIPMENT										
126	WEAPONS RANGE SUPPORT EQUIPMENT	-	15,125	-	22,625	-	15,125	-	3,600	-	18,725
127	EXPEDITIONARY AIRFIELDS	-	3,304	-	3,304	-	3,304	-	-	-	3,304
128	AIRCRAFT REARMING EQUIPMENT	-	10,676	-	10,676	-	10,676	-	-	-	10,676
129	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	-	36,433	-	36,433	-	36,433	-	-	-	36,433
130	METEOROLOGICAL EQUIPMENT	-	30,860	-	30,860	-	30,860	-	-	-	30,860
131	OTHER PHOTOGRAPHIC EQUIPMENT	-	1,682	-	1,682	-	1,682	-	-	-	1,682
132	AVIATION LIFE SUPPORT	-	20,374	-	30,274	-	30,274	-	6,200	-	26,574
133	AIRBORNE MINE COUNTERMEASURES	-	32,084	-	32,084	-	32,084	-	-	-	32,084
134	REWSON PHOTOGRAPHIC EQUIPMENT	-	-	-	-	-	-	-	-	-	-
135	OTHER AVIATION SUPPORT EQUIPMENT	-	4,928	-	4,928	-	4,928	-	-	-	4,928
	ORDNANCE SUPPORT EQUIPMENT										
	SHIP GUN SYSTEM EQUIPMENT										
136	GUN FIRE CONTROL EQUIPMENT	-	18,287	-	18,287	-	22,287	-	-	-	18,287
	SHIP MISSILE SYSTEMS EQUIPMENT										
137	MK-92 FIRE CONTROL SYSTEM	-	-	-	-	-	-	-	-	-	-
138	TARTAR SUPPORT EQUIPMENT	-	-	-	-	-	-	-	-	-	-
139	POINT DEFENSE SUPPORT EQUIPMENT	-	-	-	-	-	-	-	-	-	-
140	NATO SEASPARROW	-	21,716	-	21,716	-	21,716	-	-	-	21,716
141	RAM GMLS	-	37,309	-	37,309	-	37,309	-	(500)	-	36,809
142	SHIP SELF DEFENSE SYSTEM	-	9,352	-	9,352	-	9,352	-	-	-	9,352
143	AEGIS SUPPORT EQUIPMENT	-	36,848	-	36,848	-	19,348	-	(10,000)	-	26,848
144	SURFACE TOMAHAWK SUPPORT EQUIPMENT	-	70,562	-	70,562	-	70,562	-	-	-	70,562
145	SUBMARINE TOMAHAWK SUPPORT EQUIP	-	2,883	-	2,883	-	2,883	-	-	-	2,883

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	**Title**	**Qty**	**Cost**	**Qty**	**Cost**	**Qty**	**Cost**	**Qty**	**Cost**	**Qty**	**Cost**
146	VERTICAL LAUNCH SYSTEMS	-	6,982	-	6,982	-	6,982	-	-	-	6,982
	FBM SUPPORT EQUIPMENT										
147	STRATEGIC PLATFORM SUPPORT EQUIP	-	2,901	-	2,901	-	2,901	-	-	-	2,901
148	STRATEGIC MISSILE SYSTEMS EQUIP	-	166,619	-	166,619	-	166,619	-	-	-	166,619
149	ANTI-SHIP MISSILE DECOY SYSTEM	-	33,814	-	33,814	-	38,114	-	4,300	-	38,114
	ASW SUPPORT EQUIPMENT										
150	SSN COMBAT CONTROL SYSTEMS	-	20,896	-	20,896	-	20,896	-	(1,300)	-	19,596
151	SUBMARINE ASW SUPPORT EQUIPMENT	-	3,978	-	3,978	-	3,978	-	-	-	3,978
152	SURFACE ASW SUPPORT EQUIPMENT	-	6,269	-	6,269	-	6,269	-	-	-	6,269
153	ASW RANGE SUPPORT EQUIPMENT	-	6,904	-	6,904	-	6,904	-	-	-	6,904
	OTHER ORDNANCE SUPPORT EQUIPMENT										
154	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	-	7,525	-	7,525	-	7,525	-	-	-	7,525
155	UNMANNED SEABORNE TARGET	-	-	-	-	-	-	-	-	-	-
156	INDUSTRIAL FACILITIES (CALIBRATION EQUIPMENT)	-	-	-	-	-	-	-	-	-	-
157	ITEMS LESS THAN $5 MILLION	-	5,613	-	5,613	-	5,613	-	-	-	5,613
158	STOCK SURVEILLANCE EQUIPMENT	-	-	-	-	-	-	-	-	-	-
	OTHER EXPENDABLE ORDNANCE										
159	FLEET MINE SUPPORT EQUIPMENT	-	-	-	-	-	-	-	-	-	-
160	SURFACE TRAINING DEVICE MODS	-	7,941	-	7,941	-	7,941	-	-	-	7,941
161	SUBMARINE TRAINING DEVICE MODS	-	31,557	-	31,557	-	31,557	-	-	-	31,557
	CIVIL ENGINEERING SUPPORT EQUIPMENT										
	CIVIL ENGINEERING SUPPORT EQUIPMENT										
162	ARMORED SEDANS	1	197	1	197	1	197	(1)	(197)	-	-
163	PASSENGER CARRYING VEHICLES	3	94	3	94	3	94	(1)	(34)	2	60
164	SPECIAL PURPOSE VEHICLES	-	-	-	-	-	-	-	-	-	-
165	GENERAL PURPOSE TRUCKS	-	1,004	-	1,004	-	1,004	-	-	-	1,004
166	CONSTRUCTION & MAINTENANCE EQUIP	-	6,238	-	6,238	-	6,238	-	-	-	6,238
167	FIRE FIGHTING EQUIPMENT	-	2,477	-	2,477	-	2,477	-	-	-	2,477
168	TACTICAL VEHICLES	-	10,458	-	10,458	-	20,458	-	10,000	-	20,458
169	AMPHIBIOUS EQUIPMENT	-	51,615	-	51,615	-	51,615	-	-	-	51,615
170	COMBAT CONSTRUCTION SUPPORT EQUIP	-	-	-	-	-	-	-	-	-	-

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
171	MOBILE UTILITIES SUPPORT EQUIPMENT	-	-	-	-	-	-	-	-	-	-
172	OCEAN CONSTRUCTION EQUIPMENT	-	-	-	-	-	-	-	-	-	-
173	POLLUTION CONTROL EQUIPMENT	-	22,154	-	22,154	-	22,154	-	-	-	22,154
174	ITEMS UNDER $5 MILLION	-	3,433	-	3,433	-	3,433	-	-	-	3,433
	SUPPLY SUPPORT EQUIPMENT										
	SUPPLY SUPPORT EQUIPMENT										
175	MATERIALS HANDLING EQUIPMENT	-	7,646	-	7,646	-	7,646	-	-	-	7,646
176	OTHER SUPPLY SUPPORT EQUIPMENT	-	5,196	-	5,196	-	5,196	-	-	-	5,196
177	FIRST DESTINATION TRANSPORTATION	-	4,081	-	4,081	-	4,081	-	-	-	4,081
178	SPECIAL PURPOSE SUPPLY SYSTEMS	-	144,885	-	144,885	-	144,885	-	-	-	144,885
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT										
	TRAINING DEVICES										
179	TRAINING SUPPORT EQUIPMENT	-	1,562	-	1,562	-	1,562	-	-	-	1,562
180	COMMAND SUPPORT EQUIPMENT	-	15,592	-	15,592	-	15,592	-	-	-	15,592
181	EDUCATION SUPPORT EQUIPMENT	-	2,076	-	4,076	-	2,076	-	2,000	-	4,076
182	MEDICAL SUPPORT EQUIPMENT	-	7,386	-	7,386	-	7,386	-	-	-	7,386
183	INTELLIGENCE SUPPORT EQUIPMENT	-	15,993	-	15,993	-	15,993	-	-	-	15,993
184	OPERATING FORCES SUPPORT EQUIPMENT	-	25,003	-	25,003	-	25,003	-	-	-	25,003
185	ENVIRONMENTAL SUPPORT EQUIPMENT	-	22,247	-	22,247	-	22,247	-	(3,000)	-	19,247
186	PHYSICAL SECURITY EQUIPMENT	-	9,629	-	9,629	-	9,629	-	-	-	9,629
	OTHER										
187	CANCELLED ACCOUNT ADJUSTMENTS	-	-	-	-	-	-	-	-	-	-
	SPARES AND REPAIR PARTS										
	SPARES AND REPAIR PARTS										
188	SPARES AND REPAIR PARTS	-	208,941	-	208,941	-	208,941	-	-	-	208,941
	TOTAL, OTHER PROCUREMENT, NAVY		3,334,611		3,432,011		3,378,311		46,069		3,380,680

Surveillance and security for military sealift ships

The budget request included no funding for thermal imaging surveillance and security for military sealift ships.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $4.0 million for thermal imaging surveillance and security procurement and installation on Military Sealift Command (MSC) ships.

The conferees agree to authorize an increase of $4.0 million for thermal imaging surveillance and security procurement and installation on MSC ships.

AN/WSN–7 inertial navigation system

The budget request included $7.3 million for procurement of AN/WSN–7 ring laser inertial navigation systems.

The House bill would authorize an increase of $12.0 million for AN/WSN–7 navigation sets.

The Senate amendment would authorize an increase of $7.0 million for the procurement and installation of additional AN/WSN–7 navigation sets.

The conferees agree to authorize an increase of $10.0 million for the procurement and installation of additional AN/WSN–7 navigation sets.

Integrated condition assessment system

The budget request included $11.3 million for the integrated condition assessment system (ICAS) for ships. The ICAS is a system that electronically monitors the operating parameters of machinery and electronic systems, thus reducing man-hours spent taking readings on equipment.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $5.0 million for procurement and installation of ICAS equipment for surface ships.

The conferees agree to authorize an increase of $4.0 million for procurement and installation of ICAS equipment for surface ships.

AN/SPS–73(V) surface search radar

The budget request included no funding for procurement and installation of AN/SPS–73(V) surface search radars which would replace a number of aging radars on surface ships with one radar.

The House bill would authorize an increase of $14.0 million for the procurement and installation of AN/SPS–73(V) radars.

The Senate amendment would authorize an increase of $8.0 million for the procurement and installation of AN/SPS–73(V) radars.

The conferees agree to authorize an increase of $14.0 million for the procurement and installation of AN/SPS–73(V) radars.

Nuclear attack submarine acoustics

The budget request included $106.6 million for nuclear attack submarine (SSN) acoustics but included no funding for the refurbishment and upgrade of TB–23 submarine towed arrays.

The House bill would authorize an increase of $8.0 million to sustain the TB–23 array refurbishment and upgrade program.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $6.0 million for the TB–23 array refurbishment and upgrades.

Conferees note that the Navy intends to upgrade all submarine towed acoustics arrays with the TB–29A array beginning in fiscal year 2002 but at a rate that will require the TB–23 array to remain in service for at least the next decade.

Sonar support equipment

The budget request included no funding for sonar support equipment and included no funding for surface sonar windows and domes.

The House bill would authorize an increase of $5.0 million in undersea warfare support equipment to complete development of production tooling and fabrication of the first production sonar dome with a new material system.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $5.0 million for completing development and validation of a new sonar dome material fabrication process including production tooling and fabrication of the first production sonar dome.

Shipboard indications and warnings exploit

The budget request included $61.5 million for shipboard equipment to exploit indications and warnings (IW) from sources outside the ship.

The House bill and the Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $500,000 for shipboard IW exploit due to recent contract savings.

Side-scanning sonar for forward deployed minesweepers

The budget request included no funding for side-scanning sonar for forward deployed minesweepers.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $5.0 million for the procurement and installation of a side-scanning sonar in a forward deployed minesweeper to enhance the ability to detect and classify bottom mines.

The conferees agree to authorize an increase of $4.0 million for the procurement and installation of a commercial off-the-shelf side-scanning sonar in a forward deployed minesweeper.

Shallow water mine countermeasures

The budget request included $16.9 million for shallow water mine countermeasures equipment.

The House bill and the Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $500,000 for shallow water mine countermeasures due to recent contract savings.

Other training equipment

The budget request included $21.4 million for other training equipment, including $16.4 million for the procurement of equipment to support battle force tactical training (BFTT) programs.

The House bill would authorize an increase of $4.0 million to upgrade the BFTT system in order to provide an air traffic control (ATC) training capability for aircraft carrier crews.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $4.0 million to upgrade the BFTT system for ATC training aboard aircraft carriers.

Joint tactical terminal

The budget request included $32,000 for program support for tactical terminals including the joint tactical terminal (JTT).

The House bill would authorize an increase of $6.0 million for procurement and installation of additional JTT.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $6.0 million for procurement and installation of additional JTT.

Joint engineering data management and information control system

The budget request included no funding for the joint engineering data management and information control system (JEDMICS), the designated Department of Defense standard system for management, control and storage of engineering drawings.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $4.0 million for procurement, integration and accreditation surveys to ensure JEDMICS is fully compliant with the joint technical data environment.

The conferees agree to authorize an increase of $4.0 million for procurement, integration and accreditation surveys to ensure JEDMICS is fully compliant with the joint technical data environment.

The conferees note that this system is designed as an open, client-server architecture and is nearing full deployment for global access to the data in its repositories. However, the JEDMICS data available is not fully accessible to all clients using the joint technical data environment.

Naval shore communications equipment

The budget request included $176.1 million for procurement and installation of naval shore communications equipment.

The House bill and the Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $10.0 million for naval shore communications equipment as a result of budgeting for redundant systems.

Sonobuoys

The budget request included $49.5 million for the procurement of sonobuoys, including AN/SSQ–36, AN/SSQ–53E, AN/SSQ–57, AN/SSQ–62E, AN/SSQ–77, AN/SSQ–101, and Signal Underwater Sound (SUS) buoys.

The House bill would authorize an increase of $18.0 million to address the sonobuoy shortfall, including $3.0 million for the AN/SSQ–53E, $5.0 million for the AN/SSQ–62E, and $10.0 million for the AN/SSQ–77.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $3.0 million for non-beam forming passive sonobuoys and an increase of $3.0 million for the AN/SSQ–62 (DICASS) sonobuoy.

Weapons range support equipment

The budget request included $15.1 million for weapons range support equipment, including $2.7 million for procurement of ten underwater acoustic telemetry modems, $1.2 million for a Gulf of Mexico portable mine warfare range, and no funding to procure mobile remote emitter simulator (MRES) systems.

The House bill would authorize an increase of $7.5 million for the procurement and installation of one MRES system.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $7.5 million for MRES, a decrease of $2.7 million for underwater acoustic telemetry modems, and a decrease of $1.2 million for Gulf of Mexico mine warfare range.

Rolling airframe guided missile launcher

The budget request included $37.3 million for procurement and installation of rolling airframe (RAM) guided missile launchers.

The House bill and the Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $500,000 for procurement and installation of RAM launchers as a result of recent contract savings.

Cruiser smart ship

The budget request included $47.9 million for programs referred to as "smart ship" programs. Of this amount, $22.5 million would be for smart ship equipment procurement and logistics for *Ticonderoga*-class cruisers.

The House bill would authorize the budget request.

The Senate bill would authorize a decrease of $17.5 million for procurement of smart ship equipment.

The conferees agree to authorize a decrease of $10.0 million for procurement of smart ship equipment.

NULKA anti-ship missile decoy system

The budget request included $33.8 million for procurement and installation of the NULKA anti-ship missile decoy program.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $4.3 million for the procurement of NULKA launcher systems and decoys to outfit the fleet with this key self-defense equipment and an increase of $4.3 million in the Navy operations and maintenance account for critical training on the NULKA system.

The conferees agree to authorize an increase of $4.3 million for the procurement of NULKA launcher systems and decoys and an increase of $4.3 million in the Navy operations and maintenance account for critical training on the NULKA system, a proven decoy for anti-ship missiles.

SSN combat control systems

The budget request included $20.9 million nuclear fast attack submarine (SSN) combat control systems.

The House bill and the Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $1.3 million for AN/BSG–1 weapons launching system as a result of an operational testing delay.

Civil engineering support equipment

The budget request included $10.5 million for light and medium duty tactical equipment used mostly by the Naval Construction Force (NCF), Maritime Prepositioning Force (MPF), Naval Beach Group (NBG), and other special operating units.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $10.0 million for the procurement of civil engineering support equipment for the NCF.

The conferees agree to authorize an increase of $10.0 million for the procurement of civil engineering support equipment for the NCF.

Education support equipment

The budget request included $2.1 million for the virtual recruiting program which utilizes computer-based recruiting kiosks.

The House bill would authorize an increase of $2.0 million for procurement of 150 armed forces recruiting kiosks.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $2.0 million for procurement of 150 armed forces recruiting kiosks.

Overview

The budget request for fiscal year 2001 included an authorization of $1,171.9 million for Marine Corps Procurement, Navy in the Department of Defense.

The House bill would authorize $1,254.7 million.

The Senate amendment would authorize $1,191.0 million.

The conferees recommended an authorization of $1,212.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
	PROCUREMENT, MARINE CORPS										
	WEAPONS AND COMBAT VEHICLES										
	TRACKED COMBAT VEHICLES										
1	AAV7A1 PIP	170	83,372	170	83,372	170	83,372	-	-	170	83,372
2	RAPID ACQUISITION PROGRAM	-	4,930	-	4,930	-	4,930	-	(4,930)	-	-
3	LAV PIP	-	1,709	-	1,709	-	1,709	-	-	-	1,709
4	IMPROVED RECOVERY VEHICLE (IRV)	16	42,623	21	57,123	16	42,623	-	-	16	42,623
5	MODIFICATION KITS (TRKD VEH)	-	20,815	-	20,815	-	20,815	-	-	-	20,815
6	ITEMS UNDER $2M (TRKD VEH)	-	-	-	-	-	-	-	-	-	-
	ARTILLERY AND OTHER WEAPONS										
7	MOD KITS (ARTILLERY)	-	3,891	-	3,891	-	3,891	-	-	-	3,891
8	ITEMS UNDER $2M (ALL OTHER)	-	-	-	-	-	-	-	-	-	-
9	MARINE ENHANCEMENT PROGRAM	-	6,413	-	6,413	-	6,413	-	-	-	6,413
10	WEAPONS AND COMBAT VEHICLES UNDER $5 M	-	415	-	415	-	415	-	-	-	415
	WEAPONS										
11	155MM LIGHTWEIGHT TOWED HOWITZER	-	11,105	-	11,105	-	11,105	-	-	-	11,105
	OTHER SUPPORT										
12	OPERATIONS OTHER THAN WAR	-	1,347	-	1,347	-	1,347	-	-	-	1,347
	GUIDED MISSILES AND EQUIPMENT										
	GUIDED MISSILES										
13	EADS MOD	-	-	-	-	-	-	-	-	-	-
14	JAVELIN (MYP)	293	29,119	293	29,119	293	29,119	-	-	293	29,119
14	LESS: ADVANCE PROCUREMENT (PY)	-	-	-	-	-	-	-	-	-	-
15	PEDESTAL MOUNTED STINGER (PMS)	-	10,550	-	10,550	-	10,550	-	-	-	10,550
16	ITEMS UNDER $5 MILLION	-	949	-	949	-	949	-	-	-	949
17	PREDATOR (SRAW)	698	43,355	698	43,355	698	43,355	-	-	698	43,355
	OTHER SUPPORT										
18	MODIFICATION KITS	-	3,598	-	3,598	-	3,598	-	-	-	3,598
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT										
	REPAIR AND TEST EQUIPMENT										
19	AUTO TEST EQUIP SYS	-	4,714	-	4,714	-	4,714	-	-	-	4,714

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
20	GENERAL PURPOSE ELECTRONIC TEST EQUIP.	-	8,241	-	8,241	-	8,241	-	-	-	8,241
	INTELL/COMM EQUIPMENT (NON-TEL)										
21	AN/TPQ-36 FIRE FINDER RADAR UPGRADE	-	-	-	-	-	-	-	-	-	-
22	INTELLIGENCE SUPPORT EQUIPMENT	-	11,960	-	11,960	-	17,960	-	-	-	11,960
23	MOD KITS (INTEL)	-	5,041	-	13,541	-	5,041	-	-	-	5,041
24	ITEMS UNDER $5 MILLION (INTELL)	-	402	-	402	-	402	-	-	-	402
25	ITEMS LESS THAN $2M (INTELL)	-	-	-	-	-	-	-	-	-	-
	REPAIR AND TEST EQUIPMENT (NON-TEL)										
26	GENERAL PURPOSE MECHANICAL TMDE	-	4,676	-	4,676	-	4,676	-	-	-	4,676
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)										
27	NIGHT VISION EQUIPMENT	-	14,351	-	14,351	-	19,051	-	4,000	-	18,351
	OTHER SUPPORT (NON-TEL)										
28	ITEMS UNDER $5 MILLION (COMM & ELEC)	-	8,320	-	8,320	-	8,320	-	-	-	8,320
29	COMMON COMPUTER RESOURCES	-	80,656	-	80,656	-	80,656	-	-	-	80,656
30	COMMAND POST SYSTEMS	-	9,507	-	11,507	-	9,507	-	-	-	9,507
31	MANEUVER C2 SYSTEMS	-	-	-	-	-	-	-	-	-	-
32	RADIO SYSTEMS	-	3,097	-	15,097	-	9,497	-	13,400	-	16,497
33	COMM SWITCHING & CONTROL SYSTEMS	-	3,152	-	3,152	-	3,152	-	-	-	3,152
34	COMM & ELEC INFRASTRUCTURE SUPPORT	-	80,564	-	80,564	-	80,564	-	2,000	-	82,564
35	MOD KITS MAGTF C41	-	7,484	-	7,484	-	7,484	-	-	-	7,484
36	ITEMS < $2M MAGTF C41	-	-	-	-	-	-	-	-	-	-
37	ITEMS < $2M (OTHER)	-	-	-	-	-	-	-	-	-	-
38	AIR OPERATIONS C2 SYSTEMS	-	3,152	-	3,152	-	3,152	-	-	-	3,152
39	INTELLIGENCE C2 SYSTEMS	-	14,666	-	14,666	-	14,666	-	-	-	14,666
40	FIRE SUPPORT SYSTEM	-	12,343	-	12,343	-	12,343	-	-	-	12,343
	SUPPORT VEHICLES										
	ADMINISTRATIVE VEHICLES										
41	COMMERCIAL PASSENGER VEHICLES	33	1,397	33	1,397	33	1,397	(15)	(737)	18	660
42	COMMERCIAL CARGO VEHICLES	-	23,368	-	23,368	-	23,368	-	-	-	23,368
	TACTICAL VEHICLES										
43	5/4T TRUCK HMMWV (MYP)	1,859	124,448	1,859	147,448	1,859	126,448	-	15,000	1,859	139,448

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
44	MEDIUM TACTICAL VEHICLE REPLACEMENT (MYP)	2,027	325,582	2,027	325,582	2,027	325,582	-	-	2,027	325,582
45	LT TACTICAL VEHICLE REPLACEMENT(LTVR)	-	-	-	-	-	-	-	-	-	-
46	LOGISTICS VEHICLE SYSTEM REP	-	-	-	-	-	-	-	-	-	-
	OTHER SUPPORT										
47	ITEMS LESS THAN $2 MIL	-	-	-	-	-	-	-	-	-	-
48	ITEMS LESS THAN $5 MILLION	-	12,684	-	12,684	-	12,684	-	-	-	12,684
	ENGINEER AND OTHER EQUIPMENT										
	ENGINEER AND OTHER EQUIPMENT										
49	ENVIRONMENTAL CONTROL EQUIP ASSORT	-	3,809	-	3,809	-	3,809	-	-	-	3,809
50	BULK LIQUID EQUIPMENT	-	2,704	-	2,704	-	2,704	-	-	-	2,704
51	TACTICAL FUEL SYSTEMS	-	7,651	-	7,651	-	7,651	-	-	-	7,651
52	DEMOLITION SUPPORT SYSTEMS	-	655	-	655	-	655	-	-	-	655
53	POWER EQUIPMENT ASSORTED	-	9,325	-	9,325	-	9,325	-	-	-	9,325
54	SHOP EQ CONTACT MAINTENANCE (SECM)	-	-	-	-	-	-	-	-	-	-
55	CANCELLED ACCOUNT ADJUSTMENT (M)	-	-	-	-	-	-	-	-	-	-
	MATERIALS HANDLING EQUIPMENT										
56	COMMAND SUPPORT EQUIPMENT	-	-	-	-	-	-	-	-	-	-
57	AMPHIBIOUS RAID EQUIPMENT	-	-	-	-	-	-	-	-	-	-
58	PHYSICAL SECURITY EQUIPMENT	-	5,317	-	5,317	-	5,317	-	-	-	5,317
59	GARRISON MOBILE ENGR EQUIP	-	5,741	-	5,741	-	5,741	-	-	-	5,741
60	WAREHOUSE MODERNIZATION	-	-	-	-	-	-	-	-	-	-
61	MATERIAL HANDLING EQUIP	-	36,311	-	48,411	-	36,311	-	12,100	-	48,411
62	FIRST DESTINATION TRANSPORTATION	-	5,846	-	5,846	-	5,846	-	-	-	5,846
	GENERAL PROPERTY										
63	FIELD MEDICAL EQUIPMENT	-	1,914	-	1,914	-	1,914	-	-	-	1,914
64	TRAINING DEVICES	-	30,791	-	39,491	-	30,791	-	-	-	30,791
65	CONTAINER FAMILY	-	6,902	-	6,902	-	6,902	-	-	-	6,902
	OTHER SUPPORT										
66	MODIFICATION KITS	-	-	-	-	-	-	-	-	-	-
67	ITEMS LESS THAN $2 MIL	-	-	-	-	-	-	-	-	-	-
68	ITEMS LESS THAN $5 MILLION	-	5,591	-	7,591	-	5,591	-	-	-	5,591

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001	Request	House	Authorized	Senate	Authorized	Change		Conference	Agreement
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
69	CANCELLED ACCOUNT ADJUSTMENT (M)	-	-	-	-	-	-	-	-	-	-
	SPARES AND REPAIR PARTS										
	SPARES AND REPAIR PARTS										
70	SPARES AND REPAIR PARTS	-	25,382	-	25,382	-	25,382	-	-	-	25,382
	TOTAL, PROCUREMENT, MARINE CORPS		1,171,935		1,254,735		1,191,035		40,833		1,212,768

Communications and electronic infrastructure support

The budget request included $80.6 million for Marine Corps communications and electronic infrastructure support requirements.

The House bill would authorize an increase of $2.0 million for common end-user equipment requirements for the Marine Corps Reserve in another line.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $2.0 million for common end-user equipment requirements for the Marine Corps Reserve, a total authorization of $82.6 million for communications and electronic infrastructure support.

Night vision equipment

The budget request included $14.4 million for Marine Corps night vision equipment.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $2.7 million for improved night/day fire-control observation devices (INOD) for Marine Corps ground forces and an increase of $2.0 million to procure M203 tilting brackets.

The conferees agree to authorize an increase of $2.0 million for INOD systems to support improvements to Marine Corps fire control requirements and an increase of $2.0 million for M203 tilting brackets.

Radio systems

The budget request included $3.1 million for Marine Corps radio system requirements.

The House bill would authorize an increase of $12.0 million for tactical handheld radios.

The Senate amendment would authorize an increase of $6.4 million for additional enhanced position location reporting system (EPLRS) equipment.

The conferees agree to authorize an increase of $13.4 million for a total authorization of $16.5 million. Of this amount, $7.0 million is for tactical handheld radio requirements and $6.4 million is for EPLRS.

5/4 ton truck high mobility multipurpose wheeled vehicles

The budget request included $124.4 million for Marine Corps high mobility multipurpose wheeled vehicles (HMMWV).

The House bill would authorize an increase of $23.0 million for HMMWVA2 vehicles.

The Senate amendment would authorize an increase of $2.0 million for additional HMMWV's necessary to field recruiter vehicle requirements.

The conferees agree to authorize an increase of $15.0 million for HMMWVA2 vehicles for the Marine Corps.

Material handling equipment

The budget request included $36.3 million for material handling equipment requirements.

The House bill would authorize an increase of $12.1 million for D-7G bulldozer and scraper remanufacture requirements.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $12.1 million for D-7G bulldozer and scraper remanufacture requirements.

Overview

The budget request for fiscal year 2001 included an authorization of $9,539.6 million for Aircraft Procurement, Air Force in the Department of Defense.

The House bill would authorize $10,267.2 million.

The Senate amendment would authorize $9,966.3 million.

The conferees recommended an authorization of $9,923.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, AIR FORCE										
	COMBAT AIRCRAFT										
	TACTICAL FORCES										
1	F-22 RAPTOR	10	2,428,637	10	2,428,637	10	2,428,637	-	-	10	2,428,637
1	LESS: ADVANCE PROCUREMENT (PY)	-	(278,755)	-	(278,755)	-	(278,755)	-	-	-	(278,755)
2	ADVANCE PROCUREMENT (CY)	-	396,222	-	396,222	-	396,222	-	-	-	396,222
3	F-15A	-	24,290	2	174,090	-	24,290	2	149,800	2	174,090
3	LESS: ADVANCE PROCUREMENT (PY)	-	(24,290)	-	(24,290)	-	(24,290)	-	-	-	(24,290)
4	ADVANCE PROCUREMENT (CY)	-	-	-	-	-	-	-	-	-	-
5	F-16 C/D (MYP)	-	23,317	3	75,017	-	23,317	2	51,700	2	75,017
5	LESS: ADVANCE PROCUREMENT (PY)	-	(23,317)	-	(23,317)	-	(23,317)	-	-	-	(23,317)
6	ADVANCE PROCUREMENT (CY)	-	-	-	-	-	-	-	-	-	-
	AIRLIFT AIRCRAFT										
	TACTICAL AIRLIFT										
7	C-17 (MYP)	12	2,555,223	12	2,581,123	12	2,555,223	-	(41,000)	12	2,514,223
7	LESS: ADVANCE PROCUREMENT (PY)	-	(343,300)	-	(343,300)	-	(343,300)	-	-	-	(343,300)
8	ADVANCE PROCUREMENT (CY)	-	266,800	-	266,800	-	266,800	-	(9,000)	-	257,800
9	C-17 ICS	-	412,200	-	412,200	-	412,200	-	-	-	412,200
	OTHER AIRLIFT										
10	WC-130	-	-	-	-	-	-	-	-	-	-
11	EC-130J	-	-	-	-	1	90,000	1	90,000	1	90,000
12	C-130H	-	-	-	-	-	-	-	-	-	-
13	C-130J	2	208,051	2	208,051	2	208,051	-	-	2	208,051
	TRAINER AIRCRAFT										
	OPERATIONAL TRAINERS										
14	JPATS	27	113,825	27	113,825	34	132,725	7	18,900	34	132,725
	OTHER AIRCRAFT										
	HELICOPTERS										
15	V-22 OSPREY	4	355,681	4	355,681	4	355,681	-	-	4	355,681
15	LESS: ADVANCE PROCUREMENT (PY)	-	(19,915)	-	(19,915)	-	(19,915)	-	-	-	(19,915)
16	ADVANCE PROCUREMENT (CY)	-	27,209	-	27,209	-	27,209	-	(4,535)	-	22,674

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	MISSION SUPPORT AIRCRAFT										
17	SMALL VCX	-	-	-	-	-	-	-	-	-	-
18	C-32A	-	-	-	-	-	-	-	-	-	-
19	C-32B FEST/DEST AIRCRAFT	-	-	-	-	-	-	-	-	-	-
20	CIVIL AIR PATROL A/C	27	2,548	27	2,548	27	2,548	-	-	27	2,548
21	OPERATIONAL SUPPORT AIRCRAFT	-	-	-	-	-	-	-	-	-	-
	OTHER AIRCRAFT										
22	TARGET DRONES	-	32,915	-	32,915	-	32,915	-	-	-	32,915
23	E-8C	1	296,342	1	296,342	1	296,342	-	(10,000)	1	286,342
23	LESS: ADVANCE PROCUREMENT (PY)	-	(35,732)	-	(35,732)	-	(35,732)	-	-	-	(35,732)
24	ADVANCE PROCUREMENT (CY)	-	-	-	40,000	-	46,000	-	46,000	-	46,000
25	E-8C ICS	-	-	-	-	-	-	-	-	-	-
26	HAEUAV	-	22,388	-	22,388	-	-	-	-	-	22,388
27	PREDATOR UAV	7	22,078	7	34,078	7	22,078	-	10,000	7	32,078
	MODIFICATION OF INSERVICE AIRCRAFT										
	STRATEGIC AIRCRAFT										
28	B-2A	-	21,723	-	21,723	-	21,723	-	-	-	21,723
29	B-1B	-	48,793	-	48,793	-	48,793	-	-	-	48,793
30	B-52	-	8,425	-	8,425	-	20,425	-	9,000	-	17,425
31	F-117	-	32,005	-	32,005	-	32,005	-	-	-	32,005
	TACTICAL AIRCRAFT										
32	A-10	-	33,891	-	49,291	-	45,091	-	6,800	-	40,691
33	F-15	-	258,247	-	358,247	-	333,147	-	51,950	-	310,197
34	F-16	-	248,830	-	298,130	-	368,330	-	56,700	-	305,530
35	T/AT-37	-	83	-	83	-	83	-	-	-	83
	AIRLIFT AIRCRAFT										
36	C-5	-	95,401	-	95,401	-	95,401	-	-	-	95,401
37	C-9	-	3,271	-	3,271	-	3,271	-	-	-	3,271
38	C-17A	-	97,124	-	97,124	-	123,524	-	-	-	97,124
39	C-21	-	1,883	-	1,883	-	1,883	-	-	-	1,883
40	C-22	-	-	-	-	-	-	-	-	-	-

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
41	C-32A	-	23,568	-	23,568	-	23,568	-	(18,000)	-	5,568
42	C-37A	-	376	-	376	-	376	-	- -	-	376
43	C-141	-	737	-	737	-	737			-	737
	TRAINER AIRCRAFT										
44	T-1	-	-	-	-	-	-	-	-	-	-
45	T-3 (EFS) AIRCRAFT	-	1,949	-	-	-	1,949	-	(1,949)	-	-
46	T-38	-	120,520	-	120,520	-	120,520	-	-	-	120,520
47	T-41 AIRCRAFT	-	89	-	89	-	89	-	-	-	89
48	T-43	-	4,929	-	4,929	-	4,929	-	-	-	4,929
	OTHER AIRCRAFT										
49	KC-10A (ATCA)	-	55,370	-	55,370	-	55,370	-	-	-	55,370
50	C-12	-	1,521	-	1,521	-	1,521	-	-	-	1,521
51	C-18	-	345	-	345	-	345	-	-	-	345
52	C-20 MODS	-	5,235	-	5,235	-	5,235	-	-	-	5,235
53	VC-25A MOD	-	98	-	98	-	98	-	-	-	98
54	C-130	-	91,524	-	107,524	-	91,524	-	-	-	91,524
55	C-135	-	328,232	-	386,232	-	328,232	-	52,000	-	380,232
56	DARP	-	165,540	-	243,740	-	168,540	-	(13,264)	-	152,276
57	E-3	-	88,654	-	88,654	-	88,654	-	-	-	88,654
58	E-4	-	31,559	-	29,859	-	31,559	-	-	-	31,559
59	E-8	-	33,389	-	33,389	-	33,389	-	-	-	33,389
60	H-1	-	3,535	-	3,535	-	3,535	-	-	-	3,535
61	H-60	-	23,648	-	23,648	-	23,648	-	-	-	23,648
62	OTHER AIRCRAFT	-	28,214	-	35,214	-	28,214	-	5,500	-	33,714
63	PREDATOR MODS	-	-	-	-	-	-	-	-	-	-
	OTHER MODIFICATIONS										
64	CLASSIFIED PROJECTS	-	16,729	-	16,729	-	16,729	-	-	-	16,729
	AIRCRAFT NAVIGATIONAL AND PASSENGER SAFETY EQUIPMENT			-	20,000						
	AIRCRAFT SPARES AND REPAIR PARTS										
	AIRCRAFT SPARES + REPAIR PARTS										
65	AIRCRAFT SPARES/REPAIR PARTS	-	356,856	-	356,856	-	356,856	-	-	-	356,856

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES										
	COMMON SUPPORT EQUIPMENT										
66	AIRCRAFT SUPPORT EQ & FACILITIES	-	177,943	-	175,943	-	177,943	-	-	-	177,943
	POST PRODUCTION SUPPORT										
67	A-10	-	-	-	-	-	-	-	-	-	-
68	B-2A	-	18,603	-	18,603	-	18,603	-	-	-	18,603
69	B-2B	-	42,700	-	42,700	-	42,700	-	-	-	42,700
70	C-5	-	-	-	-	-	-	-	-	-	-
71	C-130	-	1,365	-	25,065	-	1,365	-	-	-	1,365
72	E-4	-	1,463	-	1,463	-	1,463	-	-	-	1,463
73	F-15 POST PRODUCTION SUPPORT	-	7,267	-	7,267	-	7,267	-	-	-	7,267
74	F-16 POST PRODUCTION SUPPORT	-	25,464	-	49,464	-	25,464	-	6,000	-	31,464
	INDUSTRIAL PREPAREDNESS										
75	INDUSTRIAL PREPAREDNESS	-	25,352	-	24,352	-	25,352	-	-	-	25,352
	WAR CONSUMABLES										
76	WAR CONSUMABLES	-	43,015	-	43,015	-	87,115	-	15,000	-	58,015
	OTHER PRODUCTION CHARGES										
77	MISC PRODUCTION CHARGES	-	398,474	-	431,474	-	426,274	-	-	-	398,474
	COMMON ECM EQUIPMENT										
78	COMMON ECM EQUIPMENT	-	4,836	-	4,836	-	4,836	-	-	-	4,836
	OTHER PRODUCTION CHARGES - SOF										
79	CANCELLED ACCOUNT PY ADJUSTMENTS	-	-	-	-	-	-	-	-	-	-
	DARP										
80	DARP	-	98,410	-	128,610	-	106,410	-	(87,336)	-	11,074
	ECONOMIC ADJUSTMENT						(32,743)			-	-
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE		9,539,602		10,267,153		9,966,271		384,266		9,923,868

F–16C aircraft

The budget request included no funding for the procurement of F–16C aircraft.

The House bill would authorize an increase of $51.7 million for the procurement of three block 50/52 F–16C aircraft, and would require the Department to combine $24.0 million of advance procurement funds appropriated in fiscal year 2000 for this purpose. The House report accompanying H.R. 4205 (H. Rept. 106–616) directed the Secretary of the Air Force to assign block 40 or later F–16 aircraft to Air National Guard fighter units whose capabilities have been downgraded as a result of the substitution of older block F–16 aircraft.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $51.7 million for the procurement of two F–16 block 50/52 aircraft, recognizing that the fiscal year 2000 funds were rescinded. The conferees agree to accept the Air Force proposal to upgrade the capability of Air National Guard fighter units, whose capabilities have been downgraded, with F–16C block 30 or better aircraft equipped with advanced targeting pods. The conferees understand that these advanced targeting pods are necessary to enable the aircraft to accomplish precision strike missions. The conferees expect the Air Force will provide an adequate number of these advanced targeting pods for Air National Guard units to support peacetime training and, when tasked, operational deployments.

C–17 aircraft

The budget request included $2.212 billion for the procurement of 12 C–17 aircraft under a multi-year program.

The House bill and the Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $41.0 million in response to an Air Force request for transfer to advance procurement, a total authorization of $2.171 billion.

C–17 advance procurement

The budget request included $266.8 million for advance procurement for the C–17 multiyear program.

The House bill and the Senate amendment would authorize the budget request.

The conferees agree to authorize a decrease of $9.0 million, as follows:

(1) an increase of $41.0 million transferred from the C–17 aircraft program; and

(2) a decrease of $50.0 million due to a revision of advance procurement funding requirements.

EC–130J aircraft

The budget request included no funding for the procurement of the EC–130J aircraft.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $90.0 million for the procurement of one EC–130J aircraft.

The conferees agree to authorize $90.0 million for the procurement of one EC–130J aircraft. The conferees expect the Department of the Air Force to utilize these funds in the most effective manner for EC–130 fleet modernization in the event that EC–130J procurement contract savings for this aircraft materialize.

B–52 aircraft modifications

The budget request included $8.4 million for modifications to the B–52 aircraft.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $12.0 million for improved electronic countermeasures.

The conferees agree to authorize an increase of $9.0 million for improved electronic countermeasures for the B–52 aircraft, a total authorization of $17.4 million.

A–10 aircraft integrated flight and fire control computer

The budget request included $33.9 million for modifications to the A–10 aircraft, but included no funding for procurement of the integrated flight and fire control computer (IFFCC).

The House bill would authorize an increase of $6.8 million for IFFCCs and an increase of $8.6 million for situational awareness data link (SADL) upgrades for Air National Guard aircraft, a total increase of $15.4 million.

The Senate amendment would authorize an increase of $11.2 million for the procurement of IFFCCs.

The conferees agree to authorize an increase of $6.8 million for A–10 IFFCCs, a total authorization of $40.7 million.

F–15 modifications

The budget request included $258.2 million for F–15 modifications.

The House bill would authorize an increase of $100.0 million for F–15 modifications, as follows:

(1) an increase of $70.0 million for upgrading F–15 engines from the F100–PW–100 to the F100–PW–220E configuration for the Air National Guard; and

(2) an increase of $30.0 million to integrate the BOL countermeasure dispenser system on Air National Guard (ANG) F–15A and F–15B aircraft.

The Senate amendment would authorize an increase of $74.9 million, as follows:

(1) an increase of $48.0 million for additional F–15 engine upgrades; and

(2) an increase of $26.9 million for the procurement of BOL systems and countermeasures for the F–15 aircraft.

The conferees agree to authorize an increase of $52.0 million for F–15 modifications, as follows:

(1) an increase of $36.0 million for F–15 engine upgrades to the F100–PW–220E configuration;

(2) an increase of $26.4 million for the procurement of BOL systems and countermeasures for integration on ANG F–15A and F–15B aircraft; and

(3) a decrease of $10.4 million due to delays and technical problems with the ALQ–135.

F–16 aircraft modifications

The budget request included $248.8 million for modifications to the F–16 aircraft.

The House bill would authorize an increase of $49.3 million, for F–16 modifications, as follows:

(1) an increase of $25.0 million to procure additional F–16 precision targeting pods for the Air National Guard;

(2) an increase of $12.3 million to accelerate the procurement of ALE–50 towed decoy pylons; and

(3) an increase of $12.0 million to improve reliability and reduce costs for the F–16 airborne video tape recorder.

The Senate amendment would authorize an increase of $119.5 million for F–16 modifications, as follows:

(1) an increase of $16.5 million for the procurement of the digital terrain system;

(2) an increase of $34.0 million for the procurement of precision targeting pods; and

(3) an increase of $69.0 million for the retrofit of Air National Guard block 42 F–16 aircraft with F100–PW–229 engines.

The conferees agree to authorize an increase of $56.7 million for F–16 aircraft modifications, as follows:

(1) an increase of $12.0 million for the procurement of digital terrain systems;

(2) an increase of $48.7 million for the retrofit of Air National Guard block 42 F–16 aircraft with F100–PW–229 engines; and

(3) a decrease of $4.0 due to delays with the Joint Helmet Mounted Cueing System.

Defense airborne reconnaissance program modifications

The budget request included $165.5 million for the defense airborne reconnaissance program (DARP) for modifying various reconnaissance aircraft, including the RC–135 and U–2 aircraft.

The House bill would consolidate all RC–135 DARP items in this funding line, and transfer U–2 DARP items to the DARP aircraft support equipment funding line. The House bill would also authorize an increase of $78.2 million for DARP modifications, as follows:

(1) an increase of $44.0 million to convert two C–135 aircraft into RC–135 training aircraft configurations;

(2) an increase of $9.0 million for a motion-capable operational flight trainer;

(3) an increase of $28.4 million for equipment associated with meeting the requirements of global air traffic management (GATM);

(4) an increase of $10.0 million for the theater airborne warning system (TAWS);

(5) an increase of $5.1 million for RC–135 modifications transferred from the DARP aircraft support equipment line; and

(6) a decrease of $18.3 million for U–2 modifications transferred to the DARP aircraft support equipment line for consolidation.

The Senate amendment would authorize an increase of $3.0 million for the procurement of Senior Year electro-optic reconnaissance system (SYERS) equipment for the U–2 aircraft.

The conferees agree to consolidate all RC–135 aircraft DARP modifications in this line and transfer U–2 aircraft DARP modifications to the DARP aircraft support equipment line. The conferees acknowledge that funds for the RC–135 operational flight trainer were provided in the Emergency Supplemental Act, 2000 (division B of Public Law 106–246). The conferees agree to a decrease of $13.2 million for RC–135 DARP for a total authorization of $152.3 million, as follows:

(1) an increase of $5.1 million for transfer of RC–135 aircraft DARP modifications from DARP aircraft support equipment; and

(2) a decrease of $18.3 million for transfer of U–2 aircraft DARP modifications to the DARP aircraft support equipment DARP line for consolidation.

Other aircraft modifications

The budget request included $28.2 million for other aircraft modifications.

The House bill would authorize an increase of $7.0 million for light weight environmentally sealed parachute assemblies and an increase of $20.6 million for the situational awareness data link (SADL) for Air National Guard (ANG) A–10, C–130, and C–135 aircraft.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $5.5 million for the ANG SADL for A–10, C–130, and C–135 aircraft, a total authorization of $33.7 million for other aircraft modifications.

Defense airborne reconnaissance program aircraft support equipment

The budget request included $98.4 million for the defense airborne reconnaissance program for modifying various reconnaissance aircraft, including U–2 and RC–135 aircraft.

The House bill would consolidate all U–2 DARP items in this funding line, and transfer all RC–135 DARP items to the DARP modification funding line. The House bill would authorize an increase of $30.2 million for DARP, as follows:

(1) an increase of $3.0 million for the procurement of additional Senior Year electro-optic reconnaissance system (SYERS) equipment;

(2) an increase of $4.0 million for procurement of additional joint signals intelligence avionics family (JSAF) equipment;

(3) an increase of $10.0 million to convert one U–2S aircraft to a U–2ST trainer aircraft configuration;

(4) an increase of $18.3 million for U–2 aircraft DARP modifications transferred from elsewhere, consisting of increases of $9.9 million for a power upgrades and $8.4 million for dual data links; and

(5) a decrease of $5.1 million due to the transfer of RC–135 aircraft modifications to the DARP modifications funding line.

The Senate amendment would authorize an increase of $8.0 million in DARP aircraft support equipment for JSAF, specifically the U–2, and an increase of $3.0 million for SYERS, specifically the U–2 in the DARP modifications line.

The conferees agree to authorize a decrease of $87.3 million in DARP aircraft support equipment, as follows:

(1) an increase of $3.0 million for SYERS equipment;

(2) an increase of $8.0 million for JSAF;

(3) an increase of $18.3 million for U–2 aircraft DARP modifications transferred from elsewhere, consisting of increases of $9.9 million for power upgrades and $8.4 million for dual data links;

(4) a decrease of $5.1 million for transfer of RC–135 aircraft modifications to the DARP modifications line; and

(5) a decrease of $111.6 million for U–2 DARP modifications. These funds were provided in the Emergency Supplemental Act, 2000 (division B of Public Law 106–246). Overview

The budget request for fiscal year 2001 included an authorization of $638.8 million for Ammunition Procurement, Air Force in the Department of Defense.

The House bill would authorize $638.8 million.

The Senate amendment would authorize $666.8 million.

The conferees recommended an authorization of $646.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	PROCUREMENT OF AMMUNITION, AIR FORCE										
	PROCUREMENT OF AMMO, AIR FORCE										
	ROCKETS										
1	ROCKETS	-	11,466	-	11,466	-	39,466	-	8,000	-	19,466
2	2.75 INCH ROCKET MOTOR	-	-	-	-	-	-	-	-	-	-
3	2.75 IN ROCKET, FLARE IR	-	-	-	-	-	-	-	-	-	-
4	ITEMS LESS THAN $5,000,000	-	-	-	-	-	-	-	-	-	-
	CARTRIDGES										
5	CARTRIDGES	-	70,090	-	70,090	-	70,090	-	-	-	70,090
6	5.56 MM	-	-	-	-	-	-	-	-	-	-
7	30 MM TRAINING	-	-	-	-	-	-	-	-	-	-
8	CARTRIDGE CHAFF RR-180	-	-	-	-	-	-	-	-	-	-
9	CARTRIDGE CHAFF RR-188	-	-	-	-	-	-	-	-	-	-
10	SIGNAL MK-4 MOD 3	-	-	-	-	-	-	-	-	-	-
11	ITEMS LESS THAN $5,000,000	-	-	-	-	-	-	-	-	-	-
	BOMBS										
12	PRACTICE BOMBS	-	32,731	-	32,731	-	32,731	-	-	-	32,731
13	GENERAL PURPOSE BOMBS	-	30,745	-	30,745	-	30,745	-	-	-	30,745
14	CAWCF CLOSURE COSTS	-	1,400	-	1,400	-	1,400	-	-	-	1,400
15	MK-82 INERT/BDU-50	-	-	-	-	-	-	-	-	-	-
16	GBU-28 HARD TARGET PENETRATOR	-	-	-	-	-	-	-	-	-	-
17	GBU - 37	-	-	-	-	-	-	-	-	-	-
18	GBU-15	-	-	-	-	-	-	-	-	-	-
19	BOMB PRACTICE 25 POUND	-	-	-	-	-	-	-	-	-	-
20	2000 LB HE BOMB MK-84	-	-	-	-	-	-	-	-	-	-
21	MK-84 BOMB-EMPTY	-	-	-	-	-	-	-	-	-	-
22	SENSOR FUZED WEAPON	300	107,201	300	107,201	300	107,201	-	-	300	107,201
23	JOINT DIRECT ATTACK MUNITION	9,098	219,848	9,098	219,848	9,098	219,848	-	-	9,098	219,848
24	WIND CORRECTED MUNITIONS DISPENSER	6,308	104,046	6,308	104,046	6,308	104,046	-	-	6,308	104,046
25	ITEMS LESS THAN $5,000,000	-	-	-	-	-	-	-	-	-	-
	FLARE, IR MJU-7B										

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
26	ASTE (INFRARED EXPENDABLE)	-	-	-	-	-	-	-	-	-	-
27	FLARE, IR MJU-7B	-	-	-	-	-	-	-	-	-	-
28	MJU-10B	-	-	-	-	-	-	-	-	-	-
29	M-206 CARTRIDGE FLARE	-	-	-	-	-	-	-	-	-	-
30	CAD/PAD	-	-	-	-	-	-	-	-	-	-
31	LUU-19 FLARE	-	-	-	-	-	-	-	-	-	-
32	SPARES AND REPAIR PARTS	-	2,431	-	2,431	-	2,431	-	-	-	2,431
33	MODIFICATIONS <5M	-	196	-	196	-	196	-	-	-	196
34	ITEMS LESS THAN $5,000,000	-	7,806	-	7,806	-	7,806	-	-	-	7,806
	FUZES										
35	FLARES	-	37,432	-	37,432	-	37,432	-	-	-	37,432
36	JOINT PROGRAMMABLE FUSE(JPF)	-	9,342	-	9,342	-	9,342	-	-	-	9,342
	WEAPONS										
	SMALL ARMS										
37	SMALL ARMS	-	4,074	-	4,074	-	4,074	-	-	-	4,074
38	M-16 A2 RIFLE	-	-	-	-	-	-	-	-	-	-
39	9MM COMPACT PISTOL	-	-	-	-	-	-	-	-	-	-
40	M-9 PISTOL	-	-	-	-	-	-	-	-	-	-
41	ITEMS LESS THAN $5M	-	-	-	-	-	-	-	-	-	-
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE		638,808		638,808		666,808		8,000		646,808

Overview

The budget request for fiscal year 2001 included an authorization of $3,061.7 million for Missile Procurement, Air Force in the Department of Defense.

The House bill would authorize $3,046.7 million.

The Senate amendment would authorize $3,008.0 million.

The conferees recommended an authorization of $2,863.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	MISSILE PROCUREMENT, AIR FORCE										
	BALLISTIC MISSILES										
	MISSILE REPLACEMENT EQUIPMENT - BALLISTIC										
1	MISSILE REPLACEMENT EQ-BALLISTIC	-	42,308	-	42,308	-	42,308	-	(20,000)	-	22,308
	OTHER MISSILES										
	STRATEGIC										
2	ADVANCED CRUISE MISSILE	-	2,006	-	2,006	-	2,006	-	-	-	2,006
	TACTICAL										
3	JOINT STANDOFF WEAPON	174	90,828	174	90,828	174	90,828	-	(7,408)	174	83,420
4	AGM-130 POWERED GBU-15	-	96	-	96	-	96	-	-	-	96
5	AMRAAM	204	98,687	204	98,687	204	98,687	-	-	204	98,687
	TARGET DRONES										
6	TARGET DRONES	-	-	-	-	-	-	-	-	-	-
	INDUSTRIAL FACILITIES										
7	INDUSTRIAL FACILITIES	-	3,017	-	3,017	-	3,017	-	-	-	3,017
	MISSILE REPLACEMENT EQUIPMENT - OTHER										
8	MISSILE REPLACEMENT EQ-OTHER	-	2,623	-	2,623	-	2,623	-	-	-	2,623
	MODIFICATION OF INSERVICE MISSILES										
	CLASS IV										
9	ADVANCED CRUISE MISSILE	-	-	-	-	-	-	-	-	-	-
10	CONVENTIONAL ALCM	-	-	-	-	-	-	-	-	-	-
11	SIDEWINDER (AIM-9X)	-	28,428	-	28,428	-	28,428	-	-	-	28,428
12	MM III MODIFICATIONS	-	375,129	-	375,129	-	375,129	-	-	-	375,129
13	AGM-65D MAVERICK	-	2,042	-	7,042	-	4,142	-	4,000	-	6,042
14	AIR LAUNCH CRUISE MISSILE	-	4,066	-	4,066	-	4,066	-	-	-	4,066
15	PEACEKEEPER (M-X)	-	99	-	99	-	99	-	(99)	-	-
16	MODIFICATIONS UNDER $5.0M	-	99	-	99	-	99	-	-	-	99
	SPARES AND REPAIR PARTS										
	MISSILE SPARES + REPAIR PARTS										
17	MISSILE SPARES - REPAIR PARTS	-	44,026	-	44,026	-	44,026	-	(1,672)	-	42,354
	OTHER SUPPORT										

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001 Request		House Authorized		Senate Authorized		Change		Conference Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	SPACE PROGRAMS										
18	ADVANCE PROCUREMENT (CY)	-	25,736	-	25,736	-	25,736	-	-	-	25,736
19	SPACEBORNE EQUIP (COMSEC)	-	9,765	-	9,765	-	9,765	-	-	-	9,765
20	GLOBAL POSITIONING (SPACE)	-	196,937	-	196,937	-	166,637	-	(39,800)	-	157,137
21	ADVANCE PROCUREMENT (CY)	-	13,404	-	13,404	-	13,404	-	4,500	-	17,904
22	NUDET DETECTION SYSTEM	-	1,478	-	1,478	-	1,478	-	-	-	1,478
23	INERTIAL UPPER STAGES(SPACE)	-	-	-	-	-	-	-	-	-	-
24	DEF METEOROLOGICAL SAT PROG(SPACE)	-	68,582	-	68,582	-	68,582	-	-	-	68,582
25	DEFENSE SUPPORT PROGRAM(SPACE)	-	106,356	-	106,356	-	106,356	-	-	-	106,356
26	DEFENSE SATELLITE COMM SYSTEM(SPACE)	-	22,770	-	22,770	-	22,770	-	-	-	22,770
27	TITAN SPACE BOOSTERS(SPACE)	-	469,720	-	459,720	-	459,720	-	(60,000)	-	409,720
28	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	3	287,996	3	287,996	3	287,996	-	(5,000)	3	282,996
29	MEDIUM LAUNCH VEHICLE(SPACE)	-	55,939	-	45,939	-	45,939	-	(12,858)	-	43,081
29	LESS: ADVANCE PROCUREMENT (PY)	-	-	-	-	-	-	-	-	-	-
	SPECIAL PROGRAMS										
30	CANCELLED ACCOUNT	-	-	-	-	-	-	-	-	-	-
31	SPECIAL PROGRAMS	-	968,498	-	968,498	-	968,498	-	(59,600)	-	908,898
32	SPECIAL UPDATE PROGRAMS	-	141,080	-	141,080	-	141,080	-	-	-	141,080
	ECONOMIC ADJUSTMENT						(5,500)			-	-
	TOTAL, MISSILE PROCUREMENT, AIR FORCE		3,061,715		3,046,715		3,008,015		(197,937)		2,863,778

Overview

The budget request for fiscal year 2001 included an authorization of $7,699.1 million for Other Procurement, Air Force in the Department of Defense.

The House bill would authorize $7,869.9 million.

The Senate amendment would authorize $7,717.5 million.

The conferees recommended an authorization of $7,711.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
	OTHER PROCUREMENT, AIR FORCE										
	VEHICULAR EQUIPMENT										
	PASSENGER CARRYING VEHICLES										
1	SEDAN, 4 DR 4X2	16	254	16	254	16	254	-	-	16	254
2	STATION WAGON, 4X2	-	-	-	-	-	-	-	-	-	-
3	BUSES	66	4,101	66	4,101	66	4,101	-	-	66	4,101
4	AMBULANCES	8	646	8	646	8	646	-	-	8	646
5	LAW ENFORCEMENT VEHICLE	83	1,706	83	1,706	83	1,706	-	-	83	1,706
6	ARMORED SEDAN	1	200	1	200	1	200	(1)	(200)	-	-
	CARGO + UTILITY VEHICLES										
7	TRUCK, CARGO-UTILITY, 3/4T, 4X4	-	-	-	-	-	-	-	-	-	-
8	TRUCK, CARGO-UTILITY, 1/2T, 4X2	-	-	-	-	-	-	-	-	-	-
9	TRUCK, PICKUP, 1/2T, 4X2	-	-	-	-	-	-	-	-	-	-
10	TRUCK, PICKUP, COMPACT	-	-	-	-	-	-	-	-	-	-
11	TRUCK MULTI-STOP 1 TON 4X2	-	17,593	-	16,393	-	17,593	-	-	-	17,593
12	TRUCK CARRYALL	-	-	-	-	-	-	-	-	-	-
13	FAMILY MEDIUM TACTICAL VEHICLES	-	5,869	-	5,869	-	5,869	-	-	-	5,869
14	HIGH MOBILITY VEHICLE (MYP)	-	13,435	-	13,435	-	13,435	-	-	-	13,435
15	TRUCK TRACTOR, OVER 5T	-	-	-	-	-	-	-	-	-	-
16	TRUCK, UTILITY	-	-	-	-	-	-	-	-	-	-
17	CAP VEHICLES	-	768	-	768	-	768	-	-	-	768
18	ITEMS LESS THAN $5,000,000	-	29,235	-	29,235	-	29,235	-	-	-	29,235
	SPECIAL PURPOSE VEHICLES										
19	HMMWV, ARMORED	-	5,586	-	5,586	-	5,586	-	-	-	5,586
20	TRACTOR, TOW, FLIGHTLINE	-	5,042	-	5,042	-	5,042	-	-	-	5,042
21	ITEMS LESS THAN $5,000,000	-	18,373	-	18,373	-	18,373	-	-	-	18,373
	FIRE FIGHTING EQUIPMENT										
22	TRUCK CRASH P-19	-	8,761	-	7,461	-	8,761	-	-	-	8,761
23	ITEMS LESS THAN $5,000,000	-	3,700	-	3,700	-	3,700	-	-	-	3,700
	MATERIALS HANDLING EQUIPMENT										
24	TRUCK, F/L 6000 LB	-	-	-	-	-	-	-	-	-	-

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001		House		Senate				Conference	
		Request		Authorized		Authorized		Change		Agreement	
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
25	TRUCK, F/L 10,000 LB	-	4,857	-	4,857	-	4,857	-	-	-	4,857
26	60K A/C LOADER	48	96,948	48	96,948	48	96,948	-	-	48	96,948
27	NEXT GENERATION SMALL LOADER(NGSL)	34	24,144	34	24,144	34	24,144	-	-	34	24,144
28	ITEMS LESS THAN $5,000,000	-	4,530	-	4,530	-	4,530	-	-	-	4,530
	BASE MAINTENANCE SUPPORT										
29	TRUCK, DUMP	-	1,763	-	1,763	-	1,763	-	-	-	1,763
30	RUNWAY SNOW REMOV AND CLEANING EQUIP	-	5,852	-	5,852	-	5,852	-	-	-	5,852
31	MODIFICATIONS	-	387	-	387	-	387	-	-	-	387
32	ITEMS LESS THAN $5,000,000	-	8,616	-	8,616	-	8,616	-	-	-	8,616
33	VEHICLE LEASES	-	-	-	-	-	-	-	-	-	-
	CANCELLED ACCOUNT ADJUSTM										
34	CANCELLED ACCOUNT ADJUSTMENTS	-	-	-	-	-	-	-	-	-	-
	ELECTRONICS AND TELECOMMUNICATIONS EQUIP										
	COMM SECURITY EQUIPMENT(COMSEC)										
35	COMSEC EQUIPMENT	-	23,346	-	23,346	-	23,346	-	-	-	23,346
36	MODIFICATIONS (COMSEC)	-	491	-	491	-	491	-	-	-	491
	INTELLIGENCE PROGRAMS										
37	INTELLIGENCE DATA HANDLING SYS	-	-	-	-	-	-	-	-	-	-
38	INTELLIGENCE TRAINING EQUIPMENT	-	1,572	-	1,572	-	1,572	-	-	-	1,572
39	INTELLIGENCE COMM EQUIP	-	5,530	-	13,730	-	5,530	-		-	14,530
	SECURE TERMINAL EQUIPMENT								4,000		
XX	EAGLE VISION	-	-	-	5,000	-	-		5,000		
	ELECTRONICS PROGRAMS										
40	AIR TRAFFIC CTRL/LAND SYS (ATCALS)	-	-	-	-	-	-	-	-	-	-
41	NATIONAL AIRSPACE SYSTEM	-	58,663	-	58,663	-	58,663	-	-	-	58,663
42	THEATER AIR CONTROL SYS IMPROVEMENT	-	15,431	-	19,831	-	15,431	-	(434)	-	14,997
43	WEATHER OBSERV/FORCAST	-	33,515	-	33,515	-	33,515	-	(2,000)	-	31,515
44	STRATEGIC COMMAND AND CONTROL	-	20,858	-	20,858	-	20,858	-	-	-	20,858
45	CHEYENNE MOUNTAIN COMPLEX	-	602	-	602	-	602	-	-	-	602
46	TAC SIGINT SUPPORT	-	1,447	-	1,447	-	1,447	-	-	-	1,447
47	DRUG INTERDICTION PROGRAM	-	-	-	-	-	-	-	-	-	-

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001	Request	House	Authorized	Senate	Authorized		Change	Conference	Agreement
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	SPECIAL COMM-ELECTRONICS PROJECTS										
48	AUTOMATIC DATA PROCESSING EQUIP	-	74,771	-	84,771	-	74,771	-	7,000	-	81,771
49	AF GLOBAL COMMAND & CONTROL SYS	-	14,753	-	14,753	-	14,753	-	-	-	14,753
50	MOBILITY COMMAND AND CONTROL	-	8,495	-	8,495	-	8,495	-	-	-	8,495
51	AIR FORCE PHYSICAL SECURITY SYSTEM	-	34,519	-	34,519	-	34,519	-	-	-	34,519
52	COMBAT TRAINING RANGES	-	26,003	-	27,003	-	46,003	-	20,000	-	46,003
53	MINIMUM ESSENTIAL EMERGENCY COMM NET	-	1,584	-	1,584	-	1,584	-	-	-	1,584
54	C3 COUNTERMEASURES	-	15,681	-	19,681	-	15,681	-	-	-	15,681
55	JOINT SURVEILLANCE SYSTEM	-	-	-	-	-	-	-	-	-	-
56	BASE LEVEL DATA AUTO PROGRAM	-	23,788	-	23,788	-	23,788	-	-	-	23,788
57	THEATER BATTLE MGT C2 SYS	-	56,820	-	56,820	-	56,820	-	-	-	56,820
	AIR FORCE COMMUNICATIONS										
58	INFORMATION TRANSMISSION SYSTEMS	-	-	-	-	-	-	-	-	-	-
59	BASE INFORMATION INFRASTRUCTURE	-	177,283	-	177,283	-	177,283	-	-	-	177,283
60	USCENTCOM	-	7,335	-	7,335	-	7,335	-	-	-	7,335
61	DEFENSE MESSAGE SYSTEM (DMS)	-	17,947	-	17,947	-	17,947	-	-	-	17,947
	DISA PROGRAMS										
62	NAVSTAR GPS SPACE	-	9,112	-	9,112	-	9,112	-	(5,000)	-	4,112
63	DEFENSE METEOROLOGICAL SAT PROG SPAC	-	-	-	-	-	-	-	-	-	-
64	NUDET DETECTION SYS (NDS) SPACE	-	2,674	-	2,674	-	2,674	-	-	-	2,674
65	AF SATELLITE CONTROL NETWORK SPACE	-	39,094	-	39,094	-	39,094	-	-	-	39,094
66	SPACELIFT RANGE SYSTEM SPACE	-	92,714	-	92,714	-	92,714	-	-	-	92,714
67	MILSATCOM SPACE	-	53,027	-	53,027	-	53,027	-	(17,900)	-	35,127
68	SPACE MODS SPACE	-	25,959	-	25,959	-	25,959	-	-	-	25,959
	ORGANIZATION AND BASE										
69	TACTICAL C-E EQUIPMENT	-	101,222	-	101,222	-	101,222	-	(2,500)	-	98,722
70	COMBAT SURVIVOR/EVADER LOCATER RADIO	-	3,104	-	3,104	-	3,104	-	-	-	3,104
71	RADIO EQUIPMENT	-	16,630	-	16,630	-	16,630	-	-	-	16,630
72	TV EQUIPMENT (AFRTV)	-	2,005	-	2,005	-	2,005	-	-	-	2,005
73	CCTV/AUDIOVISUAL EQUIPMENT	-	3,227	-	3,227	-	3,227	-	-	-	3,227
74	BASE COMM INFRASTRUCTURE	-	74,301	-	74,301	-	74,301	-	-	-	74,301

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
75	CAP COM & ELECT	-	386	-	386	-	386	-	-	-	386
76	ITEMS LESS THAN $5,000,000	-	7,204	-	7,204	-	7,204	-	-	-	7,204
	MODIFICATIONS										
77	COMM ELECT MODS	-	54,372	-	69,372	-	54,372	-	-	-	54,372
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP										
	TEST EQUIPMENT										
78	BASE/ALC CALIBRATION PACKAGE	-	10,106	-	10,106	-	10,106	-	-	-	10,106
79	PRIMARY STANDARDS LABORATORY PACKAGE	-	1,105	-	1,105	-	1,105	-	-	-	1,105
80	ITEMS LESS THAN $5,000,000	-	9,541	-	9,541	-	9,541	-	-	-	9,541
	PERSONAL SAFETY AND RESCUE EQUIP										
81	NIGHT VISION GOGGLES	-	2,833	-	2,833	-	3,833	-	-	-	2,833
82	ITEMS LESS THAN $5,000,000	-	6,744	-	6,744	-	6,744	-	3,000	-	9,744
	DEPOT PLANT + MATERIALS HANDLING EQ										
83	MECHANIZED MATERIAL HANDLING EQUIP	-	15,118	-	27,118	-	15,118	-	8,000	-	23,118
84	ITEMS LESS THAN $5,000,000	-	9,241	-	9,241	-	9,241	-	-	-	9,241
	ELECTRICAL EQUIPMENT										
85	GENERATORS-MOBILE ELECTRIC	-	-	-	-	-	-	-	-	-	-
86	FLOODLIGHTS	-	10,718	-	10,718	-	10,718	-	-	-	10,718
87	ITEMS LESS THAN $5,000,000	-	7,187	-	7,187	-	7,187	-	-	-	7,187
	BASE SUPPORT EQUIPMENT										
88	BASE PROCURED EQUIPMENT	-	15,171	-	15,171	-	15,171	-	-	-	15,171
89	MEDICAL/DENTAL EQUIPMENT	-	17,025	-	17,025	-	17,025	-	-	-	17,025
90	ENVIRONMENTAL PROJECTS	-	941	-	941	-	941	-	-	-	941
91	AIR BASE OPERABILITY	-	1,838	-	1,838	-	1,838	-	-	-	1,838
92	BLADDERS FUEL	-	-	-	-	-	-	-	-	-	-
93	AERIAL BULK FUEL DELIVERY SYSTEM	-	-	-	-	-	-	-	-	-	-
94	PHOTOGRAPHIC EQUIPMENT	-	6,037	-	6,037	-	6,037	-	-	-	6,037
95	PRODUCTIVITY INVESTMENTS	-	8,259	-	8,259	-	8,259	-	-	-	8,259
96	MOBILITY EQUIPMENT	-	50,021	-	50,021	-	50,021	-	-	-	50,021
97	DEPLOYMENT/EMPLOYMENT CONTAINERS	-	-	-	-	-	-	-	-	-	-
98	AIR CONDITIONERS	-	6,217	-	6,217	-	6,217	-	-	-	6,217

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
99	ITEMS LESS THAN $5,000,000	-	25,350	-	25,350	-	25,350	-	-	-	25,350
	SPECIAL SUPPORT PROJECTS										
100	INTELLIGENCE PRODUCTION ACTIVITY	-	38,629	-	38,629	-	38,629	-	-	-	38,629
101	TECH SURV COUNTERMEASURES EQ	-	2,975	-	2,975	-	2,975	-	-	-	2,975
102	DARP RC135	-	12,785	-	28,285	-	12,785	-	-	-	12,785
103	DARP, MRIGS	-	89,049	-	89,049	-	89,049	-	-	-	89,049
104	SELECTED ACTIVITIES	-	5,794,849	-	5,888,025	-	5,794,849	-	(6,446)	-	5,788,403
105	SPECIAL UPDATE PROGRAM	-	136,317	-	141,317	-	140,117	-	-	-	136,317
106	DEFENSE SPACE RECONNAISSANCE PROGRAM	-	8,985	-	8,985	-	8,985	-	-	-	8,985
107	INDUSTRIAL PREPAREDNESS	-	1,148	-	1,148	-	1,148	-	-	-	1,148
108	MODIFICATIONS	-	177	-	177	-	177	-	-	-	177
109	FIRST DESTINATION TRANSPORTATION	-	11,294	-	11,294	-	11,294	-	-	-	11,294
	SPARE AND REPAIR PARTS										
	SPARES AND REPAIR PARTS										
110	SPARES AND REPAIR PARTS	-	31,636	-	31,636	-	31,636	-	-	-	31,636
	ECONOMIC ADJUSTMENT						(6,400)			-	-
	TOTAL, OTHER PROCUREMENT, AIR FORCE		7,699,127		7,869,903		7,717,527		12,520		7,711,647

Intelligence communications equipment

The budget request included $5.5 million for intelligence communications equipment.

The House bill would authorize an increase of $5.0 million for Eagle Vision and an increase of $4.0 million for secure terminal equipment.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $9.0 million in intelligence communications equipment, including an increase of $5.0 million for Eagle Vision and $4.0 million for secure terminal equipment, a total authorization of $14.5 million.

Combat training ranges

The budget request included $26.0 million for the procurement of equipment for combat training ranges, of which $18.4 million is for advanced threat upgrades.

The House bill would authorize an increase of $1.0 million for the advanced message-oriented data security module (AMODSM).

The Senate amendment would authorize an increase of $20.0 million to procure additional advanced threat emitters for combat training ranges.

The conferees agree to authorize an increase of $20.0 million to procure additional advanced threat emitters for combat training ranges, a total authorization of $46.0 million.

Items less than $5.0 million

The budget request included $6.7 million for the procurement of items less than $5.0 million.

The House bill would authorize $7.0 million in other aircraft modifications for the procurement of lightweight environmentally-sealed parachute assemblies (LESPAs).

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $3.0 million for the procurement of LESPAs, a total authorization of $9.7 million.

Overview

The budget request for fiscal year 2001 included an authorization of $2,275.3 million for Defense-wide Procurement in the Department of Defense.

The House bill would authorize $2,309.1 million.

The Senate amendment would authorize $2,210.5 million.

The conferees recommended an authorization of $2,278.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
	PROCUREMENT, DEFENSE-WIDE										
	MAJOR EQUIPMENT										
	MAJOR EQUIPMENT, OSD/WHS										
1	MOTOR VEHICLES	-	321	-	321	-	321	-	-	-	321
2	MAJOR EQUIPMENT, OSD	-	64,872	-	64,872	-	64,872	-	-	-	64,872
3	MAJOR EQUIPMENT, WHS	-	23,191	-	29,191	-	23,191	-	-	-	23,191
	MAJOR EQUIPMENT, NSA										
5	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	-	11,535	-	11,535	-	11,535	-	-	-	11,535
	MAJOR EQUIPMENT, DISA										
6	MOBILE SATELLITE SYSTEM TECH	-	-	-	-	-	-	-	-	-	-
7	INFORMATION SYSTEMS SECURITY	-	26,655	-	26,655	-	26,655	-	-	-	26,655
8	CONTINUITY OF OPERATIONS	-	3,233	-	3,233	-	3,233	-	-	-	3,233
9	DEFENSE MESSAGE SYSTEM	-	19,399	-	19,399	-	19,399	-	-	-	19,399
10	GLOBAL COMMAND AND CONTROL SYS	-	3,671	-	3,671	-	3,671	-	-	-	3,671
11	GLOBAL COMBAT SUPPORT SYSTEM	-	5,136	-	5,136	-	5,136	-	-	-	5,136
12	STANDARD TACTICAL ENTRY POINT	-	2,469	-	2,469	-	2,469	-	-	-	2,469
13	ITEMS LESS THAN $5 MILLION	-	14,429	-	14,429	-	14,429	-	-	-	14,429
14	DRUG INTERDICTION SUPPORT	-	-	-	-	-	-	-	-	-	-
	MAJOR EQUIPMENT, DIA										
	MAJOR EQUIPMENT, DLA										
16	DEFENSE SUPPORT ACTIVITIES	-	82,863	-	82,863	-	82,863	-	-	-	82,863
	AUTOMATIC DOCUMENT CONVERSION SYSTEM			-	40,000				15,000	-	15,000
	MAJOR EQUIPMENT, DSS										
17	VEHICLES	-	-	-	-	-	-	-	-	-	-
18	OTHER CAPITAL EQUIPMENT	-	-	-	-	-	-	-	-	-	-
	MAJOR EQUIPMENT, DCAA										
19	ITEMS LESS THAN $5 MILLION	-	4,714	-	4,714	-	4,714	-	-	-	4,714
	MAJOR EQUIPMENT, DSPO										
20	MAJOR EQUIPMENT, DSPO	-	-	-	-	-	-	-	-	-	-
	MAJOR EQUIPMENT, TJS										
21	MAJOR EQUIPMENT, TJS	-	28,171	-	28,171	-	28,171	-	-	-	28,171

Title I- Procurement

(Dollars in Thousands)

Ln		FY 2001	Request	House	Authorized	Senate	Authorized	Change		Conference	Agreement
No	Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	BALLISTIC MISSILE DEFENSE ORGANIZATION										
22	PATRIOT PAC-3	40	365,457	48	430,657	40	365,457	-	-	40	365,457
23	NATIONAL MISSILE DEFENSE	-	74,530	-	74,530	-	74,530	-	-	-	74,530
24	C4I	-	3,975	-	3,975	-	3,975	-	-	-	3,975
25	NAVY AREA TBDM PROGRAM	-	-	-	-	-	-	-	-	-	-
	NATIONAL IMAGERY AND MAPPING AGENCY										
	DEFENSE THREAT REDUCTION AGENCY										
27	VEHICLES	-	145	-	145	-	145	-	-	-	145
28	OTHER MAJOR EQUIPMENT	-	44,034	-	44,034	-	44,034	-	-	-	44,034
	DEFENSE SECURITY COOPERATION AGENCY										
29	OTHER MAJOR EQUIPMENT	-	656	-	656	-	656	-	-	-	656
	MAJOR EQUIPMENT, AFIS										
30	MAJOR EQUIPMENT, AFIS	-	4,695	-	4,695	-	4,695	-	-	-	4,695
	MAJOR EQUIPMENT, DODDE										
31	MAJOR EQUIPMENT, DODDE	-	1,546	-	1,546	-	1,546	-	-	-	1,546
	SPECIAL OPERATIONS COMMAND										
	AVIATION PROGRAMS										
32	SOF ROTARY WING UPGRADES	-	68,480	-	68,480	-	87,380	-	10,000	-	78,480
33	SOF TRAINING SYSTEMS	-	2,364	-	2,364	-	2,364	-	-	-	2,364
34	MC-130H COMBAT TALON II	-	10,403	-	10,403	-	10,403	-	-	-	10,403
35	CV-22 SOF MODIFICATION	4	8,533	4	8,533	4	8,533	-	-	4	8,533
36	AC-130U GUNSHIP ACQUISITION	-	13,871	-	13,871	-	13,871	-	-	-	13,871
37	C-130 MODIFICATIONS	-	26,237	-	26,237	-	26,237	-	-	-	26,237
38	AIRCRAFT SUPPORT	-	2,186	-	2,186	-	2,186	-	-	-	2,186
	SHIPBUILDING										
39	ADVANCED SEAL DELIVERY SYS	-	33,477	-	33,477	-	36,777	-	3,300	-	36,777
39	LESS: ADVANCE PROCUREMENT (PY)	-	(7,977)	-	(7,977)	-	(7,977)	-	-	-	(7,977)
40	ADVANCE PROCUREMENT (CY)	-	22,472	-	22,472	-	22,472	-	-	-	22,472
41	MK VIII MOD 1 - SEAL DELIVERY VEH	-	-	-	-	-	7,000	-	-	-	-
42	SUBMARINE CONVERSION	-	1,559	-	1,559	-	1,559	-	-	-	1,559
	AMMUNITION PROGRAMS										

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
43	SOF ORDNANCE REPLENISHMENT	-	36,632	-	36,632	-	36,632	-	-	-	36,632
44	SOF ORDNANCE ACQUISITION	-	25,978	-	25,978	-	25,978	-	-	-	25,978
	OTHER PROCUREMENT PROGRAMS										
45	COMM EQUIPMENT & ELECTRONICS	-	74,444	-	74,444	-	74,444	-	-	-	74,444
46	SOF INTELLIGENCE SYSTEMS	-	32,309	-	38,309	-	32,309	-	3,000	-	35,309
47	SOF SMALL ARMS & WEAPONS	-	11,829	-	11,829	-	33,529	-	12,400	-	24,229
48	MARITIME EQUIPMENT MODS	-	909	-	909	-	909	-	-	-	909
49	NAVAL SPC WARFARE RIGID INFLATABLE BOAT	-	-	-	-	-	7,000	-	-	-	-
50	SOF COMBATANT CRAFT SYSTEMS	-	14,511	-	14,511	-	14,511	-	4,000	-	18,511
51	SPARES AND REPAIR PARTS	-	11,780	-	11,780	-	11,780	-	-	-	11,780
52	SOF MARITIME EQUIPMENT	-	5,801	-	5,801	-	5,801	-	-	-	5,801
53	DRUG INTERDICTION	-	-	-	-	-	-	-	-	-	-
54	MISCELLANEOUS EQUIPMENT	-	14,376	-	14,376	-	14,376	-	-	-	14,376
55	SOF PLANNING AND REHEARSAL SYSTEM	-	2,021	-	2,021	-	2,021	-	-	-	2,021
56	CLASSIFIED PROGRAMS	-	105,547	-	105,547	-	105,547	-	-	-	105,547
57	PSYOP EQUIPMENT	-	7,575	-	7,575	-	7,575	-	-	-	7,575
	CHEMICAL/BIOLOGICAL DEFENSE										
	CBDP										
58	INDIVIDUAL PROTECTION	-	108,725	-	108,725	-	108,725	-	2,500	-	111,225
59	DECONTAMINATION	-	12,195	-	12,195	-	12,195	-	-	-	12,195
60	JOINT BIO DEFENSE PROGRAM	-	141,781	-	141,781	-	141,781	-	-	-	141,781
61	COLLECTIVE PROTECTION	-	36,179	-	36,179	-	36,179	-	-	-	36,179
62	CONTAMINATION AVOIDANCE	-	175,056	-	175,056	-	179,356	-	900	-	175,956
999	CLASSIFIED PROGRAMS	9	490,358	9	406,924	9	370,358	-	(48,000)	9	442,358
	TOTAL, PROCUREMENT, DEFENSE-WIDE		2,275,308		2,309,074		2,210,508		3,100		2,278,408

Title I- Procurement

(Dollars in Thousands)

Ln No	Title	FY 2001 Request Qty	FY 2001 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Change Qty	Change Cost	Conference Agreement Qty	Conference Agreement Cost
	CHEM AGENTS & MUNITIONS DESTRUCTION, DEFENSE-WIDE										
	CHEM AGENTS & MUNITIONS DESTRUCT-RDT&E										
	RESEARCH AND DEVELOPMENT										
1	CHEM DEMILITARIZATION - RDTE	-	-	-	164,200	-	274,400		-	-	-
	CHEM AGENTS & MUNITIONS DESTRUCT-PROC										
	PROCUREMENT										
2	CHEM DEMILITARIZATION - PROC	-	-	-	105,700	-	121,900		-	-	-
	ECONOMIC ADJUSTMENT										
	CHEM AGENTS & MUNITIONS DESTRUCT-O&M										
	OPERATION AND MAINTENANCE										
3	CHEM DEMILITARIZATION - O&M	-	-	-	607,200	-	607,200		-	-	-
	TOTAL, CHEM AGENTS & MUNITIONS DEST, DEF-WIDE		-		877,100		1,003,500		-		-
	Defense Health Program		290,006	-	290,006	-	290,006	-	-	-	290,006
	Office of the Inspector General		3,300	-	3,300	-	3,300	-	-	-	3,300

MH–60 aerial refueling probes and 200 gallon fuel tanks

The budget request included $68.5 million for Procurement, Defense-wide, Special Operations Forces (SOF) rotary wing upgrades, but included no funding to continue the effort to upgrade the entire MH–60 fleet with aerial refueling probes and new, internal fuel tanks.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $18.9 million to procure and install the aerial refueling probes and 200 gallon fuel tanks required to complete the upgrade of the SOF MH–60 fleet.

The conferees agree to authorize an increase of $10.0 million in Procurement, Defense-wide, for SOF rotary wing upgrades for the purpose of procuring and installing aerial refueling probes and 200 gallon fuel tanks to continue the upgrade of the SOF MH–60 fleet.

Special operations forces small arms and support equipment

The budget request included $11.8 million for Procurement, Defense-wide, Special Operations Forces (SOF) small arms and support equipment, but included no funding to continue the procurement of SOF body armor load carriage systems (BALCS), the modular integrated communications helmet (MICH), or the SOF peculiar modifications to the M–4 carbine (SOPMOD).

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $21.7 million to procure approximately half of the equipment required to fully equip all SOF operators.

The conferees agree to authorize an increase of $12.4 million in Procurement, Defense-wide, SOF small arms and support equipment, including $4.9 million for BALCS, $2.5 million for MICH, and $5.0 million for SOPMOD.

ITEMS OF SPECIAL INTEREST

Air Mobility Command

The conferees are aware that regional commanders in chief (CINCs) continue to highlight a requirement for improved strategic lift capabilities, which remains the most compelling deficiency that our CINCs face in meeting their responsibility to execute the National Military Strategy. The conferees are also concerned to note the recent statements that confirm our total airlift capability is insufficient to execute the National Military Strategy. The conferees note that the Joint Chiefs of Staff Mobility Requirements Study of Fiscal Year 2005 (MRS–05) will not take into account certain fact-of-life changes in airlift requirements, specifically the transformation by the Army. The conferees direct the Secretary of the Air Force to deliver an analysis to the congressional defense committees by March 15, 2001. This analysis should use MRS–05 results and fiscal year 2000 readiness statistics for the C–141, C–5, and C–17 fleets. The analysis should determine readiness levels that are required to execute the National Military Strategy, and should explore alternatives to existing aircraft stationing plans for both active and reserve component airlift forces that are available to support existing lift requirements.

Intelligence, surveillance and reconnaissance programs

It is clear to the conferees that the Department of Defense (DoD) will place increasing reliance upon intelligence, surveillance and reconnaissance (ISR) programs in future operations. Experience in supporting DoD operations, including recent experience in the Balkans, has shown that relatively small numbers of ISR forces will be in high demand to provide information superiority. DoD has identified this information superiority as a "critical enabler" in the ongoing transformation of the Department.

The Department has identified shortages of some of these "high demand/low density" assets in various reports. The conferees are also aware that the Department has conducted and has underway studies on various pieces of the ISR puzzle, many at request of Congress.

The various reports of "lessons learned" from Kosovo operations, the fiscal year 2001 budget request, and the unfunded priority lists for fiscal year 2001 identified some specific fixes to specific problems. What is less clear is whether the Department, in view of these "lessons learned", has attempted to provide an overarching vision for ISR forces, to include sustaining and modernizing the current force, and improving ISR capabilities in the future.

Therefore, the conferees direct the Secretary of Defense to provide an analysis concurrent with the submission of the fiscal year 2002 budget request, that:

(1) evaluates the current ISR capability and forces;

(2) identifies those ISR capabilities and forces that need to be sustained and modernized;

(3) enumerates those capabilities that need to be created or enhanced to ensure that ISR forces can contribute to achieving the information superiority for the transformed military forces; and

(4) itemizes how the budget and the Future Years Defense Program supports these needs.

LPD–17 amphibious ships

The budget request included $1.5 billion for procurement of two San Antonio-class LPD–17 amphibious ships: LPD–21 and LPD–22. In addition, the budget request included $20.7 million for advance procurement for two San Antonio-class LPD–17 amphibious ships.

The House bill and the Senate amendment would authorize the budget request.

The conferees fully support the LPD–17 program and recognize the requirement to deliver these ships to the Navy and Marine Corps as soon as possible to support a key element of split amphibious ready group operations and the Marine Corps operational maneuver from the sea (OMFTS) concept.

Concerns regarding LPD–17 first ship design completion prior to transition to production led to congressional reassessment of the LPD–17 procurement request. The reassessment centered on the question of whether delays in the start of production of the lead ship would translate into schedule delays for subsequent ships, LPD–21 and LPD–22. This reassessment, in light of overall national defense budget realities, led to a shift in appropriations procurement strategy for LPD–21 and LPD–22.

However, subsequent to passage of the Department of Defense Appropriations Act for Fiscal Year 2001, the following significant actions occurred which led authorization conferees to conduct a further review of the progress of the LPD–17 program:

(1) The Navy commenced full rate construction of the lead ship, LPD–17, based on an extensive Production Readiness Review;

(2) Unprecedented levels of design completion were achieved prior commencing full production of LPD–17; and

(3) The Secretary of the Navy stated that fiscal year 2001 full funding for the LPD–21 and LPD–22 will permit the Navy to execute construction on schedule due to the achievement of 75 percent total ship design completion and 95 percent individual ship unit design completion prior to initial construction.

Based on this new information regarding significant program actions, the conferees agree to authorize the budget request.

The conferees expect the Navy to submit budget requests that include full funding for future San Antonio-class LPD–17 ships and adequate advance procurement to ensure that production continues at an efficient level and without interruption.

The conferees note with concern the adverse impact that reducing ship procurement has on the requirement for annual investment of $10.0 to $12.0 billion for ship construction necessary to maintain a Naval force structure of 300 ships. Therefore, the conferees support appropriation of additional procurement funds for LPD–17 in fiscal year 2001 should additional appropriations for the Department of Defense become available.

Multipurpose individual munition

The conferees believe the capabilities represented by the multipurpose individual munition (MPIM) system are critical to future requirements associated with the national military strategy. The conferees are concerned with recent actions taken by the Secretary of the Army to begin termination of the MPIM program after a significant investment and an extensive research and development effort. The Army has noted that the system has not met specified weight requirements and has historically suffered from technical and performance difficulties. While the conferees believe that most of the technical issues can be resolved, weapon system weight appears to be the compelling reason for program termination. The conferees believe, however, in light of the fact there is no other system in the inventory to fulfill MPIM requirements, no clarity on the final weight alternatives, and no program exists to meet these requirements, the Army should not terminate the MPIM program until these facts are reviewed.

The conferees agree with Army requirements documents that suggest there are clear and compelling needs to field a system, such as MPIM, to support soldiers for either combat or peacekeeping missions. Therefore, the conferees expect the Secretary of the Army to conduct a final, thorough review of the status of this program, alternatives to the status quo, and provide a plan to the congressional defense committees, no later than January 30, 2001, on how these requirements will be met as soon as practicable.

Shipbuilding overview

The conferees note that on June 26, 2000, the Secretary of Defense delivered to Congress the long-range shipbuilding report required by section 1013 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

The conferees agree that the report provides a framework for discussion of new ship construction plans necessary to maintain the number of ships required to carry out the national security strategy through fiscal year 2030. The report of the Secretary concludes that a steady state building rate of 8.7 ships annually is required to maintain at least 306 ships. The Secretary's report states that, ". . . the annual funding required to sustain the force . . . will require an average of $14 billion per year." The report of the Secretary also acknowledges the discrepancy between: (1) the requirement to buy 8.7 new construction ships annually to maintain at least 306 ships; and (2) according to the Secretary's report, ". . . the President's Budget for FY 2001–2005 which funds an average of 7.8 ships."

The conferees note two deficiencies in the report of the Secretary. Consistent with the 1999 attack submarine study developed by the Chairman of the Joint Chiefs of Staff, the report of the Secretary uses a larger nuclear attack submarine (SSN) force structure of 55 SSNs, versus the original Quadrennial Defense Review (QDR) goal of 50 SSNs. However, the shipbuilding plan in the report does not achieve a force level of 18 Virginia-class SSNs that the CJCS report states is required in fiscal year 2015 to counter the technologically pacing threat. The shipbuilding plan in the report would only provide 16 Virginia-class submarines by fiscal year 2015.

The second flaw in the report of the Secretary is its supposition that a delay in required annual investments is possible due to the size of the fleet and the average age of the ships in the fleet.

The Secretary's report fails to assess the risks associated with having to ramp-up to a higher level of investment later in the planning period. The report discusses risks associated with deviation from the long-range shipbuilding plan, but focuses primarily on the shipbuilding industrial base. There is no discussion of the risks associated with pursuing the shipbuilding plan's uneven investment strategy, particularly a plan that defers near-term investment and requires that the Navy double the annual shipbuilding procurement rate by fiscal year 2013 just to support the currently envisioned force structure. Whereas the report acknowledges that there may be additional future requirements for ships (i.e. for ballistic missile defense and sea-based land attack), it does not include an evaluation of the risks of not including the additional ships in the shipbuilding plan.

The conferees are concerned with the gap between the requirement stated in the long-range shipbuilding plan and the ships included in recent budget requests submitted to Congress by the President. Unfortunately, the Secretary's long-range shipbuilding report does not provide a clear plan to maintain the force structure recommended in the report, required to carry out the national security strategy. The conferees expect the Secretary of Defense to address these concerns in the fiscal year 2002 budget request.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Authorization of appropriations (secs. 101–106)

The House bill contained provisions (secs. 101–107) that would authorize the recommended fiscal year 2001 funding levels for procurement for the Army, Navy, and Marine Corps, Air Force, Defense-Wide Activities, Defense Inspector General, Chemical Demilitarization Program, and the Defense Health Program.

The Senate amendment contained similar provisions.

The conference agreement includes these provisions.

Subtitle B—Army Programs

Multiyear procurement authority (sec. 111)

The House bill contained a provision (sec. 111) that would authorize the Secretary of the Army to enter into a multiyear procurement contract for the M2A3 Bradley fighting vehicle, the UH–60 Blackhawk helicopter, and, acting as executive agent for the Department of the Navy, the CH–60 Knighthawk helicopter.

The Senate amendment contained a similar provision (sec. 111).

The Senate recedes.

The conferees agree that the Secretary of the Army shall certify that the M2A3 Bradley fighting vehicle has successfully completed the initial operational test and evaluation and milestone III review prior to awarding the multiyear contract.

Increase in limitation on number of bunker defeat munitions that may be acquired (sec. 112)

The House bill contained a provision (sec. 112) that would amend section 116 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) to increase the quantity of bunker defeat munitions by 2,500 that the Army is authorized to procure.

The Senate amendment contained no similar provision.

The Senate recedes.

Reports and limitations relating to Army transformation (sec. 113)

The Senate amendment contained a provision (sec. 112) that would require the Secretary of the Army to provide reports on the process associated with the development of an objective force and the fielding of an interim force for the Army transformation initiative. The provision also required the Secretary of the Army to conduct a comparative evaluation of interim armored vehicles (IAV) to be selected for the fielding of interim brigade combat teams (IBCT) with equipment already in the Army inventory.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of the Army to conduct an evaluation, as described in the conference agreement, at a level to be determined in conjunction with the Director of Operational Test and Evaluation prior to the obligation of funding for a third IBCT.

The conferees strongly support efforts designed by the Chief of Staff of the Army to transform the service into a lighter, more lethal, and survivable force able to deal effectively with the wide range of national security challenges that will face our nation in the 21st Century. The conferees look forward to receiving a well-defined road map that lays out the course of the Army transformation initiative through fiscal year 2012. The conferees continue to be concerned about the level of funding provided to the Army by the Department of Defense in support of the transformation initiative. The conferees do not understand how the Secretary of Defense can assert his support for the Army initiative while providing inadequate funding to facilitate the transformation process.

The conferees would expect the evaluation called for in the conference agreement to illustrate differences in capabilities that new IAVs may provide when compared to vehicles the Army currently has fielded. The conferees expect the Army to provide a plan to conduct a comparative evaluation, which will be subject to the approval of the Director of Operational Test and Evaluation prior to execution.

The conferees understand the IBCT force is designed to operate across the full spectrum of conflict. Current Army plans call for the first IBCT to be evaluated at the Joint Readiness Training Center in a range of environments largely focused on low intensity conflict and peacekeeping. The conferees believe it is important that the Army also plan and conduct an operational evaluation of these forces in a high intensity conflict environment. The Chief of Staff of the Army has highlighted a critical requirement for a new force that is able to quickly deploy with greater lethality and survivability than our light forces possessed during Operation Desert Shield when the 82nd Airborne Division was quickly deployed in response to Iraqi forces moving south toward Saudi Arabia. An operational evaluation of IBCTs in this type of an environment would facilitate an understanding of the overall capabilities that these forces possess to meet this type of challenge. The conferees, therefore, direct the Army to evaluate the capabilities of IBCTs in a high intensity combat environment and provide a report on the demonstrated combat capabilities these forces possess.

Subtitle C-Navy Programs

CVNX–1 nuclear aircraft carrier program (sec. 121)

The budget request included $21.9 million for advance procurement and advance construction of long lead time components for CVNX–1.

The Senate amendment contained a provision (sec. 121) that would authorize the budget request, authorize the Secretary of the Navy to procure the nuclear aircraft carrier designated CVNX–1, and to enter into a contract for the advance procurement and advance construction of that ship.

The House bill contained no similar provision.

The House recedes.

Arleigh Burke class destroyer program (sec. 122)

The House bill contained a provision (sec. 124) that would authorize an extension of the existing multiyear procurement contract for the DDG–51 destroyer program through fiscal year 2005. The provision would also authorize the procurement of three ships per year through fiscal year 2001 and the procurement of up to three ships per year from fiscal year 2002 through 2005.

The Senate amendment contained a provision (sec. 122) that would authorize an increase of $143.2 million in advance procurement for DDG–51. In addition, the provision would provide the following: (1) authorize the Secretary of the Navy to extend the 1997 multiyear contract to include the fiscal year 2004 and fiscal year 2005 DDG–51 procurements; (2) express the sense of Congress that the most economical rate for procurement is three ships per year; and (3) direct the Secretary to update the Arleigh Burke (DDG–51) Class Industrial Base Study of 1993 and further direct the Comptroller General to review the update performed by the Secretary.

The House recedes with an amendment that would authorize an increase of $100.0 million in advance procurement for DDG–51.

Virginia class submarine program (sec. 123)

The budget request included $1,711.2 million for the Virginia class submarine program including the procurement of material in economic order quantities when cost savings are achievable.

The House bill contained a provision (sec. 122) that would authorize the Navy to enter into a contract for the procurement of five Virginia class submarines during fiscal years 2003 through 2006.

The Senate amendment contained a similar provision (sec. 123) which would authorize the budget request and would require the Secretary of Defense to submit a fast attack submarine force structure report to the congressional defense committees.

The House recedes with an amendment that would authorize $1,706.2 million for Virginia class submarines, including the procurement of material in economic order quantities when cost savings are achievable.

Limitation during fiscal year 2001 on changes in submarine force structure (sec. 124)

The House bill contained a provision (sec. 121) that would prohibit the retirement of any Los Angeles-class nuclear powered attack submarine with less than 30 years of active commissioned service. This provision would also require the President to report to Congress on the submarine force structure required to support the national military strategy and the acquisition and overhaul requirements necessary to achieve and maintain such a force.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit to fiscal year 2001 the prohibition on retirement of Los Angeles-class submarines and would extend the prohibition on fiscal year 2001 retirements to Ohio-class submarines.

ADC(X) ship program (sec. 125)

The Senate amendment contained a provision (sec. 124) that would authorize the Secretary of the Navy to procure ADC(X)-class ships using the contracting authority that is most cost effective.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Refueling and complex overhaul program of the U.S.S. Dwight D. Eisenhower (sec. 126)

The budget request included $703.4 million to commence the overhaul of CVN-69.

The House bill would authorize the budget request.

The Senate amendment contained a provision (sec. 125) that would authorize the budget request and authorize the Secretary of the Navy to enter into a contract and commence overhaul of the U.S.S. Dwight D. Eisenhower (CVN-69) nuclear aircraft carrier during fiscal year 2001.

The House recedes with an amendment that would authorize $698.4 million for CVN-69 overhaul.

Analysis of certain shipbuilding programs (sec. 127)

The House bill contained a provision (sec. 125) that would require an economic analysis of procurement mechanisms for funding large aviation-capable naval vessels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would broaden the reporting requirement to include various vessel classes and additional considerations other than economic issues in evaluating funding mechanisms.

Helicopter support of FFG-7 frigates during fiscal year 2001 (sec. 128)

The House bill contained a provision (sec. 123) that would require the Secretary of the Navy to configure and equip the Naval Reserve FFG-7 Flight I and II frigates remaining in active service with the complete organic weapon system for those vessels as specified in the operational requirements document of the Navy and to retain operational assets integral to the FFG-7 weapons system in their current locations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to operate one squadron of SH-2G aircraft in the Navy in fiscal year 2001. The conferees direct that the Navy fully man and equip the SH-2G aircraft in a manner consistent with normal fleet operations.

V-22 cockpit aircraft voice and flight data recorders (sec. 129)

The House bill contained a provision (sec. 1037) that would require the Secretary of Defense to require all V-22 aircraft to be equipped with state-of-the-art cockpit voice and flight data recorders.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees recommend that appropriate measures be taken to ensure that the design, integration, and use of these recorders take into account the security of potentially sensitive tactical information.

Subtitle D—Air Force Programs

Annual Report on the B-2 bomber (sec. 131)

The House bill contained a provision (sec. 131) that would require the Secretary of Defense to provide an annual report on the operational status and technology insertion plans for the B-2 bomber and would repeal the requirement for an annual report on B-2 production contained in section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189).

The Senate amendment contained a provision (sec. 131) that would repeal the requirement for an annual report on B-2 production contained in section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991.

The Senate recedes with an amendment that would require the Secretary of Defense to provide an annual report on: (1) the capability of the B-2 bomber to carry out assigned missions; (2) ongoing and planned technology efforts to improve B-2 capabilities; (3) new technologies to meet any expanded threats; and (4) a fiscally-phased program for each of these technology efforts in three funding scenarios. The funding scenarios include the President's budget, the President's budget plus funding for the Department of Defense unfunded priority list, and maximum executable funding consistent with the need to maintain the B-2 in an operationally ready status. The provision would also repeal the requirement for an annual report on B-2 production contained in section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991.

Report on modernization of Air National Guard F-16A units (sec. 132)

The Senate amendment contained a provision (sec. 1070) that would express the sense of the Senate that certain Air National Guard units were flying F-16A aircraft without the upgrades that would allow them to be effectively deployed to contingency theaters of operation, and that the Air Force should provide a plan to Congress on how these units could be modernized.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of the Air Force to submit a report to Congress on how Air National Guard units flying F-16A aircraft will be modernized and upgraded.

Subtitle E—Joint Programs

Study of final assembly and checkout alternatives for the joint strike fighter program (sec. 141)

The House bill contained a provision (sec. 141) that would require the Secretary of Defense to provide a report on various production alternatives for the joint strike fighter.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would defer submission of the report until after the ongoing competition for the engineering and manufacturing development phase of the joint strike fighter program is completed.

Subtitle F—Chemical Demilitarization

Pueblo Chemical Depot chemical agent ammunitions destruction technologies (sec. 151)

The Senate amendment contained a provision (sec. 141) that would provide for the destruction of the stockpile of lethal chemical agents at the Pueblo Chemical Depot, Colorado, either by incineration or by any technology demonstrated by the Assembled Chemical Weapons Assessment on, or before, May 1, 2000.

The House bill contained no similar provision.

The House recedes.

Report on assessment of need for Federal economic assistance for communities impacted by chemical demilitarization activities (sec. 152)

The conferees agree to include a provision that would direct the Secretary of Defense to submit, by April 1, 2001, a report to the Armed Services Committees of the Senate and the House of Representatives on the assessment of the need for community economic assistance as a result of chemical weapons stockpile demilitarization activities.

Prohibition against disposal of non-stockpile chemical warfare material at Anniston chemical stockpile disposal facility (sec. 153)

The conferees note that Section 141 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) authorized the destruction of non-stockpile chemical agents, munitions, or related materials specifically designated by the Secretary of Defense at chemical stockpile disposal facilities if the states in which those facilities reside have issued the appropriate permits.

The conferees agree to a provision that would prohibit use of the chemical stockpile disposal facility at Anniston, Alabama, for disposal of non-stockpile chemical warfare material that is not currently stored on the Anniston Army Depot.

LEGISLATIVE PROVISIONS NOT ADOPTED

AGM-65 modifications

The budget request included $2.0 million to convert 200 AGM-65G missiles to the AGM-65K configuration.

The House bill would authorize an increase of $5.0 million for the conversion to both the AGM-65H and K configurations, of which some missiles would be procured for Air National Guard pilot training.

The Senate amendment contained a provision (sec. 132) that would authorize an increase of $2.1 million for AGM-65 modifications.

The Senate recedes on the provision.

The conferees agree to authorize an increase of $4.0 million for AGM-65 modifications, a total authorization of $6.0 million for the active and reserve components.

Anti-personnel obstacle breaching system

The Senate amendment contained a provision (sec. 127) that would provide $4.0 million for the procurement of the anti-personnel obstacle breaching system.

The House bill contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize $4.0 million in the Procurement Marine Corps Ammunition account for the purchase of the anti-personnel obstacle breaching system.

C–135 modifications

The budget request included $328.2 million for C–135 modifications.

The House bill contained a provision (sec. 132) that would authorize an increase of $52.0 million for reengining two KC–135 aircraft for the Air Force Reserve Command. The House bill would also authorize an increase of $6.0 million for the situational awareness data link (SADL).

The Senate amendment contained no similar provision, and would authorize the budget request.

The House recedes on the provision.

The conferees agree to authorize an increase of $52.0 million for reengining two KC–135 aircraft for the Air Force Reserve Command, a total authorization of $380.2 million for C–135 modifications.

Integrated bridge system for Naval systems special warfare rigid inflatable boats and high-speed assault craft

The Senate amendment contained a provision (sec. 142) that would authorize an increase of $7.0 million in Procurement, Defense-wide for the purpose of procuring and installing an integrated bridge system (IBS) for Special Operations Forces (SOF), Naval special warfare rigid inflatable boats and high-speed assault craft.

The House bill contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize an increase of $4.0 million in Procurement, Defense-wide, SOF combatant craft systems for the procurement and installation of IBS on SOF combatant watercraft.

Rapid intravenous infusion pumps

The budget request included no funding for rapid intravenous infusion pumps.

The House bill included an increase of $8.0 million to procure rapid intravenous infusion pumps.

The Senate amendment contained a provision (sec. 113) that would authorize an increase of $6.0 million to procure rapid intravenous infusion pumps.

The Senate recedes on the provision.

The conferees agree to authorize an increase of $5.0 million for rapid intravenous infusion pumps.

Remanufactured AV–8B aircraft

The budget request included $282.1 million for the procurement of 10 remanufactured AV–8B aircraft.

The House bill would authorize the budget request.

The Senate amendment contained a provision (sec. 126) that would authorize an increase of $92.0 million for the procurement of four AV–8B aircraft.

The Senate recedes on the provision.

The conferees agree to authorize an increase of $35.6 million for AV–8B aircraft, as follows:

(1) an increase of $52.0 million for the procurement of two additional remanufactured AV–8B aircraft;

(2) a decrease of $12.0 million for non-recurring cost; and

(3) a decrease of $4.4 million for cost growth in production engineering support.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, Development, Test, and Evaluation Overview

The budget request for fiscal year 2001 contained an authorization of $37,862.4 million for Research and Development in the Department of Defense.

The House bill would authorize $39,309.2 million.

The Senate amendment would authorize $39,330.8 million.

The conferees recommended an authorization of $38,936.7 million. The conference agreement reflects reductions reflected in the fiscal year 2001 Department of Defense Appropriations Act (Public Law 106–259). Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Summary of
National Defense Authorization for FY 2001

(In Thousands of $'s)

TITLE II RESEARCH, DEVELOPMENT, TEST & EVALUATION	Authorization Request	House Authorized	Senate Authorized	Change	Conference Agreement
Research, Development, Test & Evaluation, Army	5,260,346	5,500,246	5,501,446	308,136	5,568,482
Research, Development, Test & Evaluation, Navy	8,476,677	8,834,477	8,665,865	238,658	8,715,335
Research, Development, Test & Evaluation, Air Force	13,685,576	13,677,108	13,897,336	93,568	13,779,144
Research, Development, Test & Evaluation, Defense-wide	10,238,242	11,077,763	11,043,142	443,410	10,681,652
Operational Test & Evaluation, Defense	201,560	219,560	223,060	(9,500)	192,060
Total Research, Development, Test & Evaluation	37,862,401	39,309,154	39,330,849	1,074,272	38,936,673

Overview

The budget request for fiscal year 2001 contained an authorization of $5,260.3 million for Army, Research and Development in the Department of Defense.

The House bill would authorize $5,500.2 million.

The Senate amendment would authorize $5,501.4 million.

The conferees recommended an authorization of $5,568.5 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY					
0601101A	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	14,459	14,459	14,459	-	14,459
0601102A	2	DEFENSE RESEARCH SCIENCES	132,164	132,164	135,164	-	135,164
		Counter-Terrorism Research			[+3,000]	3,000	
0601104A	3	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	54,365	54,365	54,365	-	54,365
0602104A	4	TRACTOR ROSE		-	-	-	-
0602105A	5	MATERIALS TECHNOLOGY	11,557	11,557	17,557	-	17,557
		Composite Materials			[+6,000]	6,000	
0602120A	6	SENSORS AND ELECTRONIC SURVIVABILITY	20,722	24,722	20,722	-	23,222
		Passive Millimeter Wave Camera		[+4,000]		2,500	
0602122A	7	TRACTOR HIP	7,226	7,226	7,226	-	7,226
0602211A	8	AVIATION TECHNOLOGY	31,080	33,080	31,080	-	31,080
		Future Rotorcraft Technology		[+2,000]			
0602270A	9	EW TECHNOLOGY	17,310	17,310	17,310	-	17,310
0602303A	10	MISSILE TECHNOLOGY	47,183	52,183	52,183	-	56,183
		Hypersonic Wind Tunnel		[+1,000]			
		IMU-GPS		[+4,000]		4,000	
		Advanced missile composite components/Acceleration of Dev & Testing			[+5,000]	5,000	
0602307A	11	ADVANCED WEAPONS TECHNOLOGY	993	10,993	993	-	493
		Solid State Laser Development (Authorized in PE 0605605A)		[+10,000]			
		Transfer to High Energy Laser in RDT&E, DW				(500)	
0602308A	12	MODELING AND SIMULATION TECHNOLOGY	30,479	30,479	30,479	-	30,479
0602601A	13	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	63,589	63,589	67,089	-	67,089
		Smart Truck Initiative			[+3,500]	3,500	
0602618A	14	BALLISTICS TECHNOLOGY	49,750	49,750	49,750	-	49,750
0602622A	15	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	3,530	3,530	3,530	-	3,530
0602623A	16	JOINT SERVICE SMALL ARMS PROGRAM	5,415	5,415	5,415	-	5,415
0602624A	17	WEAPONS AND MUNITIONS TECHNOLOGY	33,761	33,761	33,761	-	33,761
0602705A	18	ELECTRONICS AND ELECTRONIC DEVICES	23,869	23,869	25,369	-	25,369
		Bi-polar Wafer Cell Nickel-Metal Hydride Technology		[1,000]		-	
		Portable Hybrid Electric Power Research			[+1,500]	1,500	
0602709A	19	NIGHT VISION TECHNOLOGY	20,465	25,465	20,465	-	23,965
		Combustion-Driven Eye Safe Self Powered Laser		[+5,000]		3,500	

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0602712A	20	COUNTERMINE SYSTEMS	12,386	12,386	14,886	-	14,886
		Acoustic Mine Dectection			[+2,500]	2,500	
0602716A	21	HUMAN FACTORS ENGINEERING TECHNOLOGY	15,786	19,486	15,786	-	18,286
		Medical Errors Reduction Research		[+3,700]		2,500	
0602720A	22	ENVIRONMENTAL QUALITY TECHNOLOGY	13,994	13,994	13,994	-	13,994
0602782A	23	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	23,314	23,314	23,314	-	23,314
0602783A	24	COMPUTER AND SOFTWARE TECHNOLOGY	3,987	3,987	3,987	-	3,987
0602784A	25	MILITARY ENGINEERING TECHNOLOGY	42,344	42,344	47,344	-	47,344
		Thermoelectric Power Generation for Military Applications			[+1,000]	1,000	
		Operational Support			[+4,000]	4,000	
0602785A	26	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	11,869	11,869	11,869	-	11,869
0602786A	27	WARFIGHTER TECHNOLOGY	24,659	24,659	24,659	-	26,159
		Thermal Fluid based Combat Feeding System (Transfer from PE 0603747A)				1,500	
0602787A	28	MEDICAL TECHNOLOGY	75,729	85,729	75,729	-	78,229
		Real Time Heart Rate Variability		[+5,000]		2,500	
		Volumetrically Controlled Manufacturing Technology (Authorized in PE 0603002A)		[+5,000]		-	
0602789A	29	ARMY ARTIFICIAL INTELLIGENCE TECHNOLOGY	1,338	1,338	1,338	-	1,338
0602805A	30	DUAL USE SCIENCE AND TECHNOLOGY	10,154	10,154	10,154	-	10,154
0603001A	31	WARFIGHTER ADVANCED TECHNOLOGY	15,469	15,469	15,469	-	15,469
0603002A	32	MEDICAL ADVANCED TECHNOLOGY	16,512	16,512	16,512	-	26,012
		Life Support for Trauma and Transportation (LSTAT) (Transfer from PE 0604807A)				4,000	
		Anti-malarial research/Tafenoquine Antimalarial Agent (Transfer from PE 0603807A)				2,000	
		Volumetrically Controlled Manufacturing/Artificial Hip (Transfer from PE 0602787A)				3,500	
0603003A	33	AVIATION ADVANCED TECHNOLOGY	28,810	28,810	28,810	-	28,810
0603004A	34	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	29,738	37,238	29,738	-	29,738
		Trajectory Correctable Munitions (Authorized in PE 0603639A)		[+7,500]			
0603005A	35	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	148,114	197,114	206,414	-	139,114
		National Automotive Center - University Innovative Research		[+3,000]		3,000	
		Equipment Readiness			[+8,000]	8,000	
		Fuel Cell Auxilary Power Units			[+4,000]	3,000	
		Enabling Technologies for Future Combat Systems		[+46,000]	[+46,300]	46,000	
		Future Scout & Calvary System				(69,000)	
0603006A	36	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	21,505	21,505	28,505	-	24,505

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
		Big Crow			[+7,000]	3,000	
0603007A	37	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	3,072	6,072	3,072	-	5,072
		Aircrew Coordination Training		[+3,000]		2,000	
0603009A	38	TRACTOR HIKE	12,217	12,217	12,217	-	12,217
0603013A	39	TRACTOR DIRT		-	-	-	-
0603017A	40	TRACTOR RED	984	984	984	-	984
0603020A	41	TRACTOR ROSE	10,892	10,892	10,892	-	10,892
0603105A	42	MILITARY HIV RESEARCH	5,889	5,889	5,889	-	5,889
0603122A	43	TRACTOR HIP	980	980	980	-	980
0603238A	44	GLOBAL SURVEILLANCE/AIR DEF/PRECISION STRIKE TECH DEMO	21,307	21,307	21,307	-	21,307
0603270A	45	EW TECHNOLOGY	15,359	15,359	15,359	-	15,359
0603280A	46	JOINT TACTICAL RADIO SYSTEM		-	-	-	-
0603313A	47	MISSILE AND ROCKET ADVANCED TECHNOLOGY	25,107	25,107	25,107	-	25,107
0603322A	48	TRACTOR CAGE	3,083	3,083	3,083	-	3,083
0603606A	49	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	20,894	20,894	20,894	-	20,894
0603607A	50	JOINT SERVICE SMALL ARMS PROGRAM	4,469	4,469	4,469	-	4,469
0603654A	51	LINE-OF-SIGHT TECHNOLOGY DEMONSTRATION	50,727	50,727	50,727	-	50,727
0603710A	52	NIGHT VISION ADVANCED TECHNOLOGY	33,341	37,141	33,341	-	37,141
		Helmet Mounted Infrared Sensor		[+3,800]		3,800	
0603728A	53	ENVIRONMENTAL QUALITY TECHNOLOGY DEVELOPMENT	1,616	1,616	1,616	-	1,616
0603734A	54	MILITARY ENGINEERING ADVANCED TECHNOLOGY	5,207	5,207	5,207	-	5,207
0603772A	55	ADVANCED TACTICAL COMPUTER SCIENCE & SENSOR TECH	15,613	15,613	15,613	-	15,613
0603308A	56	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (DEM/VAL)	12,573	17,573	75,773	-	70,273
		Simulation Centers Upgrades			[+4,500]	-	
		Family of Systems Simulators			[+3,000]	3,000	
		Army Space Control			[+5,000]	3,000	
		Missile Defense Flight Experiment/Northern Edge Range			[+14,700]	17,700	
		THEL		[+5,000]	[+15,000]	15,000	
		Acoustic Technology			[+4,000]	4,000	
		Radar Power Technology			[+4,000]	4,000	
		Scramjet Acoustic Combustion Enhancement			[+2,000]	1,500	
		Aero-Acoustic Instrumentation			[+4,000]	3,000	
		Supercluster Distributed Memory			[+2,000]	1,500	

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
		SMDC Battlelab			[+5,000]	5,000	
0603619A	57	LANDMINE WARFARE AND BARRIER - ADV DEV	22,803	22,803	22,803	-	22,803
0603639A	58	TANK AND MEDIUM CALIBER AMMUNITION	30,139	30,139	30,139	-	33,139
		Trajectory Correctable Muntion				3,000	
0603653A	59	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	118,139	118,139	158,139	-	268,139
		Transformation Initiative			[+40,000]	150,000	
0603713A	60	ARMY DATA DISTRIBUTION SYSTEM	17	17	17	-	17
0603747A	61	SOLDIER SUPPORT AND SURVIVABILITY	13,574	15,074	13,574	-	13,574
		Thermal Fluid Based Combat Feeding System (Authorized in PE 0602786A)		[+1,500]			
0603774A	62	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,968	10,968	10,968	-	10,968
0603779A	63	ENVIRONMENTAL QUALITY TECHNOLOGY DEM/VAL	4,897	4,897	4,897	-	4,897
0603790A	64	NATO RESEARCH AND DEVELOPMENT	1,920	1,920	1,920	-	1,920
0603801A	65	AVIATION - ADV DEV	5,848	5,848	5,848	-	5,848
0603802A	66	WEAPONS AND MUNITIONS - ADV DEV	28,679	28,679	28,679	-	28,679
0603804A	67	LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	6,317	6,317	6,317	-	6,317
0603805A	68	COMBAT SERVICE SUPPORT CONTROL SYS EVAL & ANALYSIS	13,753	13,753	13,753	-	13,753
0603807A	69	MEDICAL SYSTEMS - ADV DEV	15,259	15,259	17,259	-	15,259
		Anti-malarial Research (Authorized in PE 0603002A)			[+2,000]	-	
0603851A	70	TRACTOR CAGE (DEM/VAL)	979	979	979	-	979
0603854A	71	ARTILLERY SYSTEMS - DEM/VAL	355,309	355,309	355,309	-	355,309
0603856A	72	SCAMP BLOCK II DEM/VAL	20,277	20,277	20,277	-	20,277
0603889A	73	COUNTERDRUG RDT&E PROJECTS		-	-	-	-
0604201A	74	AIRCRAFT AVIONICS	42,280	42,280	42,280	-	42,280
0604220A	75	ARMED, DEPLOYABLE OH-58D	532	532	532	-	532
0604223A	76	COMANCHE	614,041	614,041	614,041	-	614,041
0604270A	77	EW DEVELOPMENT	61,056	61,056	91,556	-	70,056
		SIRFC/ATIRCM			[+38,500]	9,000	
0604280A	78	JOINT TACTICAL RADIO	62,218	62,218	62,218	-	62,218
0604321A	79	ALL SOURCE ANALYSIS SYSTEM	44,084	44,084	44,084	-	44,084
0604328A	80	TRACTOR CAGE	2,916	2,916	2,916	-	2,916
0604329A	81	MODERNIZED HELLFIRE	4,969	4,969	4,969	-	4,969
0604601A	82	INFANTRY SUPPORT WEAPONS	2	2	2	-	2
0604604A	83	MEDIUM TACTICAL VEHICLES	1,959	1,959	1,959	-	1,959

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0604609A	84	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ENG DEV	3,461	3,461	3,461	-	3,461
0604611A	85	JAVELIN	490	490	490	-	490
0604619A	86	LANDMINE WARFARE	15,902	15,902	15,902	-	15,902
0604622A	87	FAMILY OF HEAVY TACTICAL VEHICLES		-	-	-	-
0604633A	88	AIR TRAFFIC CONTROL	2,026	2,026	2,026	-	2,026
0604641A	89	TACTICAL UNMANNED GROUND VEHICLE (TUGV)		-	-	-	-
0604642A	90	LIGHT TACTICAL WHEELED VEHICLES	9,893	9,893	9,893	-	9,893
0604645A	91	ARMORED SYSTEMS MODERNIZATION (ASM)-ENG. DEV.	2,200	2,200	2,200	-	2,200
0604649A	92	ENGINEER MOBILITY EQUIPMENT DEVELOPMENT		59,600	-	-	15,000
		Breacher		[+59,600]		15,000	
0604710A	93	NIGHT VISION SYSTEMS - ENG DEV	32,574	32,574	32,574	-	32,574
0604713A	94	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	86,321	86,321	86,321	-	86,321
0604715A	95	NON-SYSTEM TRAINING DEVICES - ENG DEV	73,295	73,295	73,295	-	73,295
0604716A	96	TERRAIN INFORMATION - ENG DEV	6,082	6,082	6,082	-	6,082
0604726A	97	INTEGRATED METEOROLOGICAL SUPPORT SYSTEM	1,771	1,771	1,771	-	1,771
0604739A	98	INTEGRATED BROADCAST SERVICE	6,060	6,060	6,060	-	6,060
0604741A	99	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE - ENG DEV	16,462	16,462	16,462	-	16,462
0604746A	100	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	12,956	12,956	12,956	-	12,956
0604760A	101	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ENG DEV	20,689	20,689	20,689	-	20,689
0604766A	102	TACTICAL EXPLOITATION OF NATIONAL CAPABILITIES - EMD (TIARA)	57,419	60,419	57,419	-	58,419
		Semi-Automated Imagery Processor		[+3,000]		2,000	
		Lower Priority Projects				(1,000)	
0604768A	103	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	96,102	96,102	96,102		98,102
		P-31 Seeker for BAT				2,000	
0604770A	104	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM	17,898	13,998	17,898	-	21,898
		Common Ground Station		[-7,900]			
		Surveillance Control Data Link (SCDL)		[+4,000]		4,000	
0604778A	105	POSITIONING SYSTEMS DEVELOPMENT (SPACE)	2,420	2,420	2,420	-	2,420
0604780A	106	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	18,498	18,498	18,498	-	18,498
0604801A	107	AVIATION - ENG DEV	7,104	7,104	7,104	-	7,104
0604802A	108	WEAPONS AND MUNITIONS - ENG DEV	22,505	26,005	22,505	-	22,505
		Multi Purpose Individual Munition		[+3,500]			
0604804A	109	LOGISTICS AND ENGINEER EQUIPMENT - ENG DEV	20,457	20,457	20,457	-	20,457

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0604805A	110	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - ENG DEV	49,316	62,316	49,316	-	61,816
		Communications and Networking Technologies		[+13,000]		12,500	
0604807A	111	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEF EQUIP - ENG DEV	6,318	10,318	6,318	-	6,318
		Life Support for Trauma and Transport (Authorized in PE 0603002A)		[+4,000]			
0604808A	112	LANDMINE WARFARE/BARRIER - ENG DEV	69,584	69,584	69,584	-	69,584
0604814A	113	SENSE AND DESTROY ARMAMENT MISSILE - ENG DEV	52,848	52,848	52,848	-	31,805
		SADARM P31				(21,043)	
0604817A	114	COMBAT IDENTIFICATION	5,362	10,362	5,362	-	5,362
		Combat Identification Dismounted Solider		[+5,000]			
0604818A	115	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	33,420	33,420	33,420	-	33,420
0604819A	116	LOSAT	26,800	26,800	26,800	-	26,800
0604820A	117	RADAR DEVELOPMENT	8,429	8,429	8,429	-	8,429
0604823A	118	FIREFINDER	37,363	37,363	37,363	-	37,363
0604824A	119	DUAP COMMERCIAL OPERATIONS AND SUPPORT SAVINGS		-	-	-	-
0604854A	120	ARTILLERY SYSTEMS - EMD	20,105	20,105	20,105	-	20,105
0605013A	121	INFORMATION TECHNOLOGY DEVELOPMENT	94,170	94,170	94,170	-	94,170
0604256A	122	THREAT SIMULATOR DEVELOPMENT	13,901	13,901	18,501	-	15,801
		Threat Virtual Mine Simulator			[+2,500]	2,500	
		Threat Information Operations Attack Simulator			[+2,100]	2,100	
		XM18S				(2,700)	
0604258A	123	TARGET SYSTEMS DEVELOPMENT	13,346	13,346	13,346	-	10,346
		Aerial Targets				(3,000)	
0604759A	124	MAJOR T&E INVESTMENT	44,019	44,019	44,019	-	44,019
0605103A	125	RAND ARROYO CENTER	19,872	19,872	19,872	-	19,872
0605301A	126	ARMY KWAJALEIN ATOLL	153,326	153,326	153,326	-	153,326
0605326A	127	CONCEPTS EXPERIMENTATION PROGRAM	15,410	15,410	20,410	-	18,910
		Mounted Maneuver Battle Lab (MMBL)			[+5,000]	3,500	
0605502A	128	SMALL BUSINESS INNOVATIVE RESEARCH		-	-	-	-
0605601A	129	ARMY TEST RANGES AND FACILITIES	119,657	119,657	119,657	-	114,657
		Stinger Blk II				(5,000)	
0605602A	130	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	33,156	33,156	33,156	-	33,156
0605604A	131	SURVIVABILITY/LETHALITY ANALYSIS	27,248	27,248	27,248	-	27,248
0605605A	132	DOD HIGH ENERGY LASER TEST FACILITY	14,521	19,521	14,521	-	27,521

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
		High-Energy Laser Test Facility		[+5,000]		3,000	
		Solid State High Energy Laser (transfer from PE 0602307A)				10,000	
0605606A	133	AIRCRAFT CERTIFICATION	3,200	3,200	3,200	-	3,200
0605702A	134	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,927	6,927	6,927	-	6,927
0605706A	135	MATERIEL SYSTEMS ANALYSIS	8,737	8,737	8,737	-	8,737
0605709A	136	EXPLOITATION OF FOREIGN ITEMS	3,582	3,582	3,582	-	3,582
0605712A	137	SUPPORT OF OPERATIONAL TESTING	71,079	71,079	71,079	-	68,779
		Joint Testing Operational Testing				(2,300)	
0605716A	138	ARMY EVALUATION CENTER	26,337	26,337	26,337	-	26,337
0605801A	139	PROGRAMWIDE ACTIVITIES	73,811	73,811	73,811	-	73,811
0605803A	140	TECHNICAL INFORMATION ACTIVITIES	26,749	26,749	26,749	-	26,749
0605805A	141	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	11,276	11,276	11,276	-	11,276
0605853A	142	ENVIRONMENTAL CONSERVATION		-	-	-	-
0605854A	143	POLLUTION PREVENTION		-	-	-	-
0605856A	144	ENVIRONMENTAL COMPLIANCE		-	-	-	-
0605857A	145	ARMY ACQUISITION POLLUTION PREVENTION PROGRAM	5,418	5,418	5,418	-	5,418
0605876A	146	MINOR CONSTRUCTION (RPM) - RDT&E		-	-	-	-
0605878A	147	MAINTENANCE AND REPAIR (RPM) - RDT&E		-	-	-	-
0605879A	148	REAL PROPERTY SERVICES (RPS) - RDT&E		-	-	-	-
0605896A	149	BASE OPERATIONS - RDT&E		-	-	-	-
0605898A	150	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	5,371	5,371	5,371	-	5,371
0909999A	151	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		-	-	-	-
0603778A	152	MLRS PRODUCT IMPROVEMENT PROGRAM	59,523	59,523	75,523	-	69,523
		Cost Reduction Effort MLRS/HIMARS			[+16,000]	10,000	
0102419A	153	AEROSTAT JOINT PROJECT OFFICE	24,996	24,996	26,996	-	26,996
		Design and Manufacturing Program for JLENS			[+2,000]	2,000	
0203610A	154	DOMESTIC PREPAREDNESS AGAINST WEAPONS OF MASS DESTRUCTION		3,000	-	-	3,000
		Emergency Preparedness Training/National Terrorism Preparedness Institute		[+3,000]		3,000	
0203726A	155	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	36,816	36,816	36,816	-	36,816
0203735A	156	COMBAT VEHICLE IMPROVEMENT PROGRAMS	99,423	99,423	99,423	-	85,523
		Engine Upgrades				(20,000)	
		Transfer of System Technical Support Funding from WTCV A				6,100	
0203740A	157	MANEUVER CONTROL SYSTEM	48,910	48,910	48,910	-	48,910

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0203744A	158	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	95,829	116,229	95,829	-	107,829
		Apache Longbow Focused Modernization Program		[+18,400]		10,000	
		Guardrail Common Sensor/Tactical Integrated Broadcast System		[+2,000]		2,000	
0203752A	159	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	2,929	2,929	2,929	-	2,929
0203758A	160	DIGITIZATION	29,671	29,671	29,671	-	29,671
0203759A	161	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	63,601	63,601	63,601	-	63,601
0203761A	162	FORCE TWENTY-ONE (XXI), WARFIGHTING RAPID ACQUISITION PROG	6,021	6,021	6,021	-	-
		Termination				(6,021)	
0203801A	163	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	12,365	12,365	12,365	-	12,365
0203802A	164	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	64,418	64,418	64,418	-	56,418
		Tube Launched Optically Tracked Wire Guided Missile				(8,000)	
0203808A	165	TRACTOR CARD	3,837	3,837	3,837	-	3,837
0208010A	166	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	38,926	38,926	38,926	-	38,926
0208053A	167	JOINT TACTICAL GROUND SYSTEM	6,267	6,267	6,267	-	6,267
0301359A	168	SPECIAL ARMY PROGRAM	5,215	5,215	5,215	-	5,215
0303028A	169	SECURITY AND INTELLIGENCE ACTIVITIES		-	-	-	-
0303140A	170	INFORMATION SYSTEMS SECURITY PROGRAM	8,140	11,940	13,140	-	10,140
		Land Information Warfare Activities		[+3,800]		2,000	
		Center for Communications and Networking			[+5,000]	-	
0303141A	171	GLOBAL COMBAT SUPPORT SYSTEM	71,955	71,955	71,955	-	71,955
0303142A	172	SATCOM GROUND ENVIRONMENT (SPACE)	43,229	43,229	43,229	-	43,229
0303150A	173	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	14,234	14,234	14,234	-	14,234
0305114A	174	TRAFFIC CONTROL, APPROACH AND LANDING SYSTEM	783	783	783	-	783
0305204A	175	TACTICAL UNMANNED AERIAL VEHICLES	29,427	33,427	29,427	-	33,427
		Army Tactical Unmanned Aerial Vehicles PIP		[+4,000]		4,000	
0305206A	176	AIRBORNE RECONNAISSANCE SYSTEMS	4,898	4,898	4,898	-	4,898
0305208A	177	DISTRIBUTED COMMON GROUND SYSTEMS	7,894	7,894	7,894	-	7,894
0708045A	178	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	57,906	67,906	57,906	-	67,906
		ManTech		[+10,000]		10,000	
1001018A	179	NATO JOINT STARS		-	-		-
		ECONOMIC ADJUSTMENT		-	(19,000)		-
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	5,260,346	5,500,246	5,501,446	308,136	5,568,482

Tactical High Energy Laser

The budget request included no funding to complete development and testing of the Tactical High Energy Laser (THEL) program.

The House bill would authorize $5.0 million in PE 63308A for mobile THEL development.

The Senate amendment would authorize $15.0 million in PE 63308A to support continued THEL testing and deployment preparation activities.

The conferees agree to authorize $15.0 million in PE 63308A to support continued THEL development and testing.

The conferees note that the current THEL configuration lacks the mobility to be a truly effective operational system. Therefore, the conferees agree that, of the funds authorized to be appropriated for THEL, up to $5.0 million may be made available to evaluate and develop technologies that would support eventual development of a mobile THEL system.

Emergency preparedness training

The budget request included no funding in PE 23610A for domestic preparedness against weapons of mass destruction.

The House bill would authorize an increase of $3.0 million in PE 23610A to continue the development for Selected Reserve component forces of training programs for response to, and management of, the consequences of potential terrorism involving weapons of mass destruction.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $3.0 million in PE 23610A.

High energy laser research and development

The budget request included no funding in defense-wide science and technology accounts for high energy laser (HEL) research and development, no funding in PE 62307A for solid state laser research, $10.5 million in PE 62605F for solid state laser research, no funding in the Navy science and technology accounts for solid state laser research, no funding in PE 62111N for free electron laser (FEL) research, and $14.5 million in PE 65803A for the High Energy Laser System Test Facility (HELSTF).

The House bill included approval of the Department of Defense Laser Master Plan of March 24, 2000, and emphasized greater attention to, and priority for, HEL research and development (R&D) investments. Consequently, the House bill would authorize $10.0 million in PE 61108D and $25.0 million in PE 62890D8Z for HEL research and development, an increase of $10.0 million in PE 62307A for solid state laser research, the budget request in PE 62605F, an increase of $5.0 million in PE 62111N for FEL development, and an increase of $5.0 million in PE 65803A for research and development activities at HELSTF.

The Senate bill would authorize the budget request in PE 62307A, the budget request in PE 65803A for HELSTF, an increase of $5.0 million in PE 62111N for FEL development, the budget request in PE 62605F, and no funding in defense-wide science and technology accounts for HEL research and development. As described elsewhere in this report, the Senate bill also included approval of the Department of Defense Laser Master plan.

The conferees agree to authorize $30.0 million in PE 62890D8Z for HEL research and development, the budget request in PE 62307A, the budget request in PE 62605F, an increase of $5.0 million in PE 62111N for FEL development, an increase of $13.0 million in PE 65803A at HELSTF, of which $10.0 million is for solid state laser research and $3.0 million is for research and development activity at HELSTF. The conferees, as described elsewhere in this report, endorse the implementation of the management plan developed by the Secretary of Defense and submitted to Congress on March 24, 2000. The conferees continue to support service management of laser programs, but recognize the central role of the Office of the Secretary of Defense in developing and implementing an overall strategy to manage laser research effectively.

Funding actions related to the Tactical High Energy Laser, the Airborne Laser, and Space Based Laser are described elsewhere in this report.

Advanced tank armament system

The budget request included $118.1 million for advanced tank armament system research and development requirements.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $40.0 million to support Army transformation initiative test and evaluation requirements.

The conferees agree to authorize an increase of $150.0 million for Army transformation research and development requirements.

Defense manufacturing technology program

The budget request contained a total of $149.1 million for the Department of Defense manufacturing technology (ManTech) program, including $29.3 million in PE 78045A for the Army ManTech program, $59.6 million in PE 78011N for the Navy program, $53.1 million in PE 78011F for the Air Force program, and $7.1 million in PE 78011S for the Defense Logistics Agency's ManTech program.

The House bill would authorize an increase of $10.0 in PE 78045A for the Army manufacturing technology program, an increase of 10.0 million for the Navy ManTech program, and an increase of $4.5 million in PE 78011F in the Air Force program.

The Senate would authorize the budget request.

The conferees agree to authorize an increase of $10.0 million in PE 78045A for the Army ManTech program, an increase of $10.0 million in PE 78011N for the Navy ManTech program, and an increase of $3.8 million in PE 78011F for the Air Force ManTech program, as recommended in the House report accompanying H.R. 4205 (H. Rept. 106-616).

Section 217 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) established as the overall purpose of the Department of Defense ManTech program the development and application of advanced manufacturing technologies and processes to reduce acquisition and support costs, and manufacturing and repair cycle times for defense weapons systems. Section 217 emphasized the program's focus on the development and application of advanced manufacturing technology and processes that are essential to national defense, including repair and re-manufacturing operations, in support of systems commands, depots, air logistics centers, and shipyards. Section 217 also required the participation of the prospective users of the technology in the establishment of requirements for, and the periodic review of advanced manufacturing technologies or processes. Finally, Section 217 also included the requirement for an assessment of program effectiveness, cost sharing, and technology and process implementation plans in the annual update of the program's five-year plan. In the statement of managers accompanying the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (H. Rept. 105-736), the conferees expressed the expectation that additional funds provided for the manufacturing technology program would be awarded using competitive procedures established by the military departments for their respective manufacturing technology programs.

The conferees direct the Comptroller General to conduct an assessment of the implementation of the manufacturing technology program within the Department of Defense with regard to the achievement of the goals established for the program and execution of the program in accordance with the provisions of the public law and the intent of Congress, as stated in the statement of manager's language with regard to competitive award procedures. The conferees direct the Comptroller General to submit the results of that assessment to the congressional defense committees by March 31, 2001.

Overview

The budget request for fiscal year 2001 contained an authorization of $8,476.7 million for Navy, Research and Development in the Department of Defense.

The House bill would authorize $8,834.5 million.

The Senate amendment would authorize $8,665.9 million.

The conferees recommended an authorization of $8,715.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY					
0601152N	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	16,343	16,343	16,343	-	16,343
0601153N	2	DEFENSE RESEARCH SCIENCES	381,139	381,889	381,139	-	381,139
		Marine Mammal Research		[+750]			
0602111N	3	AIR AND SURFACE LAUNCHED WEAPONS TECHNOLOGY	37,966	48,466	42,966	-	42,466
		Transfer to High Energy Laser				(500)	
		Free Electron Laser		[+5,000]	[+5,000]	5,000	
		Integrated Semiconductor Bridge Based Fuze		[+1,500]		-	
		Propulsion Development (Authorized in PE 0603217N)		[+4,000]		-	
0602121N	4	SHIP, SUBMARINE & LOGISTICS TECHNOLOGY	44,563	44,563	48,813	-	47,813
		Biodegradable Polymers			[+1,250]	1,250	
		Bioenvironmental Hazards Research			[+3,000]	2,000	
0602122N	5	AIRCRAFT TECHNOLOGY	21,057	23,057	21,057	-	21,057
		New Composite Materials for Aircraft Canopies		[+2,000]			
0602131M	6	MARINE CORPS LANDING FORCE TECHNOLOGY	9,793	9,793	11,793	-	11,793
		Nontraditional Warfare Initiatives/Center for Emerging Threats and Opportunties			[+2,000]	2,000	
0602228N	7	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU)			-	-	-
0602232N	8	COMMUNICATIONS, COMMAND AND CONTROL, INTELL, SURVEIL.	79,905	90,405	82,905	-	82,905
		Hyperspectral Research		[+5,000]	[+3,000]	3,000	
		Hybrid Fiberoptic/Wireless Communications Technology (Authorized in PE 0602234N)		[+2,500]		-	
		Optically Multiplexed Wideband Radar Beam-Forming Array (Authorized in PE 0603582N)		[+3,000]		-	
0602233N	9	HUMAN SYSTEMS TECHNOLOGY	30,939	30,939	33,939	-	32,939
		Cognitive Research			[+3,000]	2,000	
0602234N	10	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	68,076	78,076	73,076	-	78,076
		Intermediate Modulus Carbon Fiber		[+2,000]		2,000	
		Silicon Carbide and Gallium Nitride Semiconductor Substrates and Materials		[+5,000]		4,000	
		Single Flux Quantum Electronics		[+3,000]		-	
		Vacuum Electronics		[10,000]		(2,500)	
		Nanoscale Sensor Research			[+3,000]	2,500	
		Ceramic and Carbon Based Composites			[+2,000]	2,000	
		Hybrid Fiberoptic wireless communications				2,000	
0602270N	11	ELECTRONIC WARFARE TECHNOLOGY	26,043	29,043	26,043	-	26,043
		High Performance Sigma-Delta Waveform Generator		[+3,000]			

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0602314N	12	UNDERSEA WARFARE SURVEILLANCE TECHNOLOGY	52,488	52,488	52,488	-	52,488
0602315N	13	MINE COUNTERMEASURES, MINING AND SPECIAL WARFARE	50,864	50,864	50,864	-	50,864
0602435N	14	OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	60,320	68,320	63,320	-	70,320
		Adv Sensors for Mine Countermeasures & Oceanography/Chem, optical & phy sensor sys		[+6,000]		6,000	
		Distributed Marine Environment Forecast System		[+2,000]		2,000	
		Littoral Area Acoustic Demo			[+3,000]	2,000	
0602633N	15	UNDERSEA WARFARE WEAPONRY TECHNOLOGY	35,028	35,028	37,028	-	39,028
		Torpedoes/Unmanned Underwater Vehicles				2,000	
		Computational Engineering Design			[+2,000]	2,000	
0602805N	16	DUAL USE SCIENCE AND TECHNOLOGY PROGRAM	10,067	10,067	10,067	-	10,067
0603217N	17	AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY	39,667	49,167	39,667	-	45,167
		DP-2 Thrust Vectoring Sys Proof of Concept Demonstration		[+9,500]		4,500	
		IHPTET				1,000	
0603238N	18	PRECISION STRIKE AND AIR DEFENSE TECHNOLOGY	68,555	68,555	68,555	-	68,555
0603270N	19	ADVANCED ELECTRONIC WARFARE TECHNOLOGY	17,583	17,583	17,583	-	17,583
0603508N	20	SURFACE SHIP & SUBMARINE HM&E ADVANCED TECHNOLOGY	37,432	49,232	57,232	-	57,932
		Power Node Control Centers (Authorized in PE 0604300N)		[+3,000]		-	
		Project M		[+3,000]		3,000	
		Ship Service Fuel Cell Program		[+2,800]		2,000	
		Supply Chain Best Practices (Authorized in PE 0605804N)			[+2,000]	-	
		Virtual Testbed for Reconfigurable Ship/Advanced Electrical Ship Systems		[+3,000]	[+2,000]	2,500	
		Modular Composite Hull			[+4,000]	3,000	
		Composite Helo Hangar Door			[+5,000]	4,000	
		Advanced Waterjet-21			[+4,000]	4,000	
		Laser Welding and Cutting			[+2,800]	2,000	
0603640M	21	MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	54,749	55,749	54,749	-	55,749
		Remote Precision Gun		[+1,000]		1,000	
0603706N	22	MEDICAL DEVELOPMENT	10,110	13,110	10,110	-	13,110
		Fleet Health Technology		[+3,000]		3,000	
		Malaria DNA Vaccine		[1,500]		-	
		Occupational Lung Disease (Authorized in PE 0603738D)		[500]		-	
0603707N	23	MANPOWER, PERSONNEL AND TRAINING ADV TECH DEV	26,988	26,988	26,988	-	26,988
0603712N	24	ENVIRONMENTAL QUALITY AND LOGISTICS ADV TECHNOLOGY	24,002	24,002	24,002	-	28,752

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(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
		Hybrid Light Detection Range Lidar				3,000	
		Aviation Depot Maint Tec Demo(transfer from PE 0603721N)				1,750	
0603727N	25	NAVY TECHNICAL INFORMATION PRESENTATION SYSTEM	49,506	49,506	55,506	-	51,506
		Joint Experimentation			[+6,000]	2,000	
0603747N	26	UNDERSEA WARFARE ADVANCED TECHNOLOGY	58,296	58,296	58,296	-	58,296
0603782N	27	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	45,618	45,618	48,618	-	48,618
		Ocean Modeling for Mine and Expeditionary Warfare			[+3,000]	3,000	
0603792N	28	ADVANCED TECHNOLOGY TRANSITION	76,333	101,333	91,333	-	83,833
		Littoral Support Fast Patrol Craft (Authorized in PE 0604567N)		[+22,000]			
		Hybrid Light Detection and Ranging LIDAR (Authorized in PE 0603712N)		[+3,000]			
		Vectored Thrust Ducted Propeller		[11,300]		[11,300]	
		USMC ATT Initiative			[+15,000]	7,500	
0603794N	29	C3 ADVANCED TECHNOLOGY	29,673	29,673	29,673	-	29,673
0603207N	30	AIR/OCEAN TACTICAL APPLICATIONS	30,337	30,337	30,337	-	30,337
0603216N	31	AVIATION SURVIVABILITY	7,536	12,036	7,536	-	7,536
		Aircraft Survivability Study		[+500]			
		Flight Worthy Transparent Armor System		[+2,000]			
		Lightweight Environmentally Sealed Parachute Assembly (LESPA)		[+2,000]			
0603254N	32	ASW SYSTEMS DEVELOPMENT	19,680	24,680	19,680	-	23,680
		Beartrap		[+5,000]		4,000	
0603261N	33	TACTICAL AIRBORNE RECONNAISSANCE	1,956	1,956	1,956	-	1,956
0603382N	34	ADVANCED COMBAT SYSTEMS TECHNOLOGY	6,943	6,943	6,943	-	6,943
0603502N	35	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	97,929	103,429	102,929	-	101,429
		Synthetic Aperture Sonar Development		[+5,500]		-	
		Minesweeper Integrated Combat Weapons System			[+5,000]	3,500	
0603504N	36	ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT			-	-	-
0603506N	37	SURFACE SHIP TORPEDO DEFENSE		8,400	-	-	8,400
		Surface Ship Torpedo Defense		[+8,400]		8,400	
0603512N	38	CARRIER SYSTEMS DEVELOPMENT	148,952	148,952	148,952	-	148,952
		CVNX Aircraft Carrier Design Product Model (Authorized in PE 0604567N)		[5,000]			
0603513N	39	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	244,437	238,437	244,437	-	244,437
		Program Decrease		[-6,000]			
0603525N	40	PILOT FISH	107,598	107,598	107,598	-	107,598

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(Dollars in Thousands)

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0603526N	41	ADVANCED SOFTWARE AND COMPUTING TECHNOLOGY			-	-	-
0603527N	42	RETRACT LARCH	11,895	11,895	11,895	-	11,895
0603536N	43	RETRACT JUNIPER			-	-	-
0603542N	44	RADIOLOGICAL CONTROL	572	572	572	-	572
0603553N	45	SURFACE ASW	6,752	6,752	6,752	-	6,752
0603559N	46	SSGN CONVERSION	34,762	34,762	43,762	-	37,762
		SSBN to SSGN Conversion Design Options			[+9,000]	3,000	
0603561N	47	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	113,269	123,469	117,769	-	123,269
		Common Towed Array		[+10,200]		6,000	
		Electric Motor Brush Technology			[+2,000]	2,000	
		Advanced Composite Sail Technology			[+2,500]	2,000	
0603562N	48	SUBMARINE TACTICAL WARFARE SYSTEMS	4,356	4,356	4,356	-	4,356
0603563N	49	SHIP CONCEPT ADVANCED DESIGN	162	162	162	-	162
0603564N	50	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	46,896	43,896	50,496	-	56,896
		Program Decrease		[-3,000]			
		Shipboard Simulation for Marine Corps Operations			[+20,000]	20,000	
		JCC(X) Analysis of Alternatives			[-16,400]	(10,000)	
0603570N	51	ADVANCED NUCLEAR POWER SYSTEMS	168,483	168,483	168,483	-	168,483
0603573N	52	ADVANCED SURFACE MACHINERY SYSTEMS	5,635	5,635	5,635	-	5,635
0603576N	53	CHALK EAGLE	64,770	64,770	64,770	-	64,770
0603582N	54	COMBAT SYSTEM INTEGRATION	32,966	32,966	42,966	-	44,966
		Common Command and Decision Functions			[+10,000]	10,000	
		Optically multiplexed wideband radar beamformer				2,000	
0603609N	55	CONVENTIONAL MUNITIONS	28,619	33,619	28,619	-	28,619
		Optical Correlation Technology for Automatic Target Recognition		[+5,000]			
0603611M	56	MARINE CORPS ASSAULT VEHICLES	137,981	165,481	160,481	-	150,481
		Advanced Amphibious Assault Vehicle		[+27,500]	[+27,500]	12,500	
0603612M	57	MARINE CORPS MINE/COUNTERMEASURES SYSTEMS - ADV DEV			-	-	-
0603635M	58	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	23,216	43,716	40,516	-	23,216
		High Mobility Artillery Rocket System (Authorized in PE 0206623M)		[+17,300]	[+17,300]	-	
		Lightweight 155		[+3,200]			
0603654N	59	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	13,131	13,131	13,131	-	13,131
0603658N	60	COOPERATIVE ENGAGEMENT	119,257	119,257	119,257	-	119,257

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0603713N	61	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	15,371	15,371	15,371	-	15,371
0603721N	62	ENVIRONMENTAL PROTECTION	62,194	63,944	62,194	-	62,194
		Aviation Depot Maintenance Technology (Authorized in PE 0603712N)		[+1,750]			
0603724N	63	NAVY ENERGY PROGRAM	4,942	4,942	4,942	-	4,942
0603725N	64	FACILITIES IMPROVEMENT	1,824	1,824	1,824	-	1,824
0603734N	65	CHALK CORAL	52,886	52,886	52,886	-	52,886
0603739N	66	NAVY LOGISTIC PRODUCTIVITY			-	-	-
0603746N	67	RETRACT MAPLE	125,222	125,222	125,222	-	125,222
0603748N	68	LINK PLUMERIA	42,372	42,372	42,372	-	42,372
0603751N	69	RETRACT ELM	13,541	13,541	13,541	-	13,541
0603755N	70	SHIP SELF DEFENSE - DEM/VAL	6,610	6,610	6,610	-	6,610
0603764N	71	LINK EVERGREEN	9,712	9,712	9,712	-	9,712
0603787N	72	SPECIAL PROCESSES	62,510	62,510	62,510	-	62,510
0603790N	73	NATO RESEARCH AND DEVELOPMENT	8,992	8,992	8,992	-	8,992
0603795N	74	LAND ATTACK TECHNOLOGY	143,044	143,044	153,044	-	139,244
		Extended Range Guided Munition		[39,100]	[+10,000]	7,000	
		Advanced Land Attack Missile (ALAM)				(10,800)	
0603800N	75	JOINT STRIKE FIGHTER (JSF) - DEM/VAL	131,566	131,566	343,666	-	243,050
		Extend DEM/VAL			[+212,100]	111,484	
0603851M	76	NONLETHAL WEAPONS - DEM/VAL	23,580	23,580	31,580	-	27,580
		Nonlethal Research and Technology Development			[+8,000]	4,000	
0603857N	77	ALL SERVICE COMBAT IDENTIFICATION EVALUATION TEAM (ASCIET)	13,110	13,110	13,110	-	13,110
0603889N	78	COUNTERDRUG RDT&E PROJECTS			-	-	-
0604327N	79	HARD & DEEPLY BURIED TARGET DEFEAT SYS (HDBTDS) PROG			-	-	-
0604707N	80	SPACE & ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENG SUP	34,100	34,100	38,100	-	38,100
		Collaborative Integrated Information Technology (NAVCIITI)			[+4,000]	4,000	
0603208N	81	TRAINING SYSTEM AIRCRAFT			-	-	-
0604212N	82	OTHER HELO DEVELOPMENT	24,393	24,393	34,393	-	24,393
		Parametric Airborne Dipping Sonar			[+10,000]	-	-
0604214N	83	AV-8B AIRCRAFT - ENG DEV	38,061	38,061	38,061	-	24,961
		Laser Spot Tracker				(13,100)	
0604215N	84	STANDARDS DEVELOPMENT	95,814	95,814	95,814	-	95,814
0604216N	85	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	69,946	69,946	77,946	-	74,946

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		Advanced Threat Infrared Countermeasures			[+8,000]	5,000	
0604217N	86	S-3 WEAPON SYSTEM IMPROVEMENT	455	12,455	455	-	455
		Surveillance System Upgrade		[+12,000]			
0604218N	87	AIR/OCEAN EQUIPMENT ENGINEERING	6,051	6,051	6,051	-	6,051
0604221N	88	P-3 MODERNIZATION PROGRAM	2,906	7,806	2,906	-	2,906
		Advanced Concept Systems Development		[+3,000]			
		New Electrical System		[+1,900]			
0604231N	89	TACTICAL COMMAND SYSTEM	57,817	57,817	57,817	-	57,817
0604245N	90	H-1 UPGRADES	139,680	139,680	139,680	-	139,680
0604261N	91	ACOUSTIC SEARCH SENSORS	20,766	20,766	20,766	-	20,766
0604262N	92	V-22A	148,168	148,168	148,168	-	148,168
0604264N	93	AIR CREW SYSTEMS DEVELOPMENT	17,466	25,466	17,466	-	18,527
		Integrated Aviat Life Sup Sys/Mod flight helmet/Adv visionics helmet sys/(HAILSS)		[+8,000]		4,000	
		K-36 Ejection Seat Program				(6,439)	
		Joint helmet mounted cueing system				3,500	
0604270N	94	EW DEVELOPMENT	97,281	103,281	97,281		100,281
		Location of Global Positioning Jammers		[+6,000]		3,000	
0604300N	95	SC-21 TOTAL SHIP SYSTEM ENGINEERING	305,274	305,274	318,274	-	292,274
		Power Node Control Center			[+3,000]	3,000	
		Advanced Food Service Technology (Authorized in PE 0604307N)			[+2,000]	-	
		SPY-3 and Volume Search Radar			[+8,000]	4,000	
		Development cost growth				(20,000)	
0604307N	96	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	179,684	179,684	179,684	-	181,684
		Advanced Food Service Technology				2,000	
0604311N	97	LPD-17 CLASS SYSTEMS INTEGRATION	273	273	273	-	273
0604312N	98	TRI-SERVICE STANDOFF ATTACK MISSILE	2,024	2,024	2,024	-	2,024
0604366N	99	STANDARD MISSILE IMPROVEMENTS	1,194	1,194	1,194	-	1,194
0604373N	100	AIRBORNE MCM	47,312	64,312	47,312	-	48,312
		AN/AQS-20/X Mine Hunting Sonar		[+17,000]		1,000	
0604503N	101	SSN-688 AND TRIDENT MODERNIZATION	34,801	49,801	54,801	-	54,801
		Multi-Purpose Processor		[+15,000]	[+15,000]	15,000	
		Antenna Technology Improvements			[+5,000]	5,000	
0604504N	102	AIR CONTROL	13,538	13,538	13,538	-	13,538

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0604507N	103	ENHANCED MODULAR SIGNAL PROCESSOR	875	875	875	-	875
0604512N	104	SHIPBOARD AVIATION SYSTEMS	9,833	9,833	9,833	-	9,833
0604518N	105	COMBAT INFORMATION CENTER CONVERSION	3,720	3,720	3,720	-	3,720
0604524N	106	SUBMARINE COMBAT SYSTEM	3,642	3,642	3,642	-	3,642
0604528N	107	SWATH (SM WATERPLANE AREA TWIN HULL) OCEANOGRAPHIC SHIP			-	-	-
0604558N	108	NEW DESIGN SSN	207,091	209,091	212,091	-	209,091
		Submarine Sonar Dome Window		[+2,000]		-	
		Submarine Common Architecture			[+5,000]	2,000	
0604561N	109	SSN-21 DEVELOPMENTS	6,617	6,617	6,617	-	6,617
0604562N	110	SUBMARINE TACTICAL WARFARE SYSTEM	20,492	20,492	24,492	-	24,492
		Advanced Tactical Software Integration			[+4,000]	4,000	
0604567N	111	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	62,204	62,204	72,204	-	78,204
		CVN-77, CVNX, and Nimitz Class Smart Product Model			[+10,000]	8,000	
		Littoral support fast patrol craft				8,000	
0604574N	112	NAVY TACTICAL COMPUTER RESOURCES	3,291	3,291	3,291	-	3,291
0604601N	113	MINE DEVELOPMENT	1,968	1,968	1,968	-	1,968
0604603N	114	UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	2,581	2,581	2,581	-	2,581
0604610N	115	LIGHTWEIGHT TORPEDO DEVELOPMENT	9,347	9,347	9,347	-	9,347
0604612M	116	MARINE CORPS MINE COUNTERMEASURES SYSTEMS - ENG DEV			-	-	-
0604618N	117	JOINT DIRECT ATTACK MUNITION	26,151	26,151	26,151	-	26,151
0604654N	118	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	7,102	7,102	7,102	-	7,102
0604703N	119	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	1,271	1,271	1,271	-	1,271
0604710N	120	NAVY ENERGY PROGRAM	5,531	5,531	5,531	-	5,531
0604721N	121	BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	2,232	2,232	2,232	-	2,232
0604727N	122	JOINT STANDOFF WEAPON SYSTEMS	20,823	20,823	20,823	-	20,823
0604755N	123	SHIP SELF DEFENSE - EMD	85,049	85,049	87,149	-	87,149
		NULKA Dual Band Spatially Distributed Infrared Signature			[+2,100]	2,100	
0604771N	124	MEDICAL DEVELOPMENT	5,273	7,273	5,273	-	6,773
		Mobile Integrated Diagnostic and Data Analysis System		[+2,000]		1,500	
0604777N	125	NAVIGATION/ID SYSTEM	18,487	18,487	18,487	-	18,487
0604784N	126	DISTRIBUTED SURVEILLANCE SYSTEM	20,710	30,710	20,710	-	30,710
		Advanced Deployable System		[+10,000]		10,000	
0604800N	127	JOINT STRIKE FIGHTER (JSF) - EMD	295,962	295,962	-	-	101,275

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		Extend DEM/VAL			[-295,962]	(194,687)	
0604805N	128	COMMERCIAL OPERATIONS AND SUPPORT SAVINGS INITIATIVE			-	-	-
0604910N	129	SMART CARD DEV/MOD	1,240	1,240	1,240	-	1,240
0605013M	130	INFORMATION TECHNOLOGY DEVELOPMENT	6,833	6,833	6,833	-	6,833
0605013N	131	INFORMATION TECHNOLOGY DEVELOPMENT	15,259	15,259	23,259	-	23,259
		Single Integrated Human Resources Strategy/Human Resources Enterprise Strategy			[+8,000]	8,000	
0508713N	132	NAVY STANDARD INTEGRATED PERSONNEL SYSTEM (NSIPS)	5,917	5,917	5,917	-	5,917
0604256N	133	THREAT SIMULATOR DEVELOPMENT	24,293	24,293	24,293	-	24,293
0604258N	134	TARGET SYSTEMS DEVELOPMENT	41,138	41,138	41,138	-	41,138
0604759N	135	MAJOR T&E INVESTMENT	40,707	40,707	40,707	-	40,707
0605152N	136	STUDIES AND ANALYSIS SUPPORT - NAVY	8,056	8,056	8,056	-	6,056
		Freeze to fiscal year 2000 level				(2,000)	
0605154N	137	CENTER FOR NAVAL ANALYSES	43,889	43,889	43,889	-	43,889
0605155N	138	FLEET TACTICAL DEVELOPMENT	2,886	2,886	2,886	-	2,886
0605502N	139	SMALL BUSINESS INNOVATIVE RESEARCH			-	-	-
0605804N	140	TECHNICAL INFORMATION SERVICES	949	4,949	949	-	4,949
		Supply Chain Management and Development Best Practices		[+4,000]		4,000	
0605853N	141	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	17,644	17,644	17,644	-	17,644
0605856N	142	STRATEGIC TECHNICAL SUPPORT	2,403	2,403	2,403	-	2,403
0605861N	143	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	53,380	53,380	53,380	-	53,380
0605862N	144	RDT&E INSTRUMENTATION MODERNIZATION	12,045	12,045	12,045	-	12,045
0605863N	145	RDT&E SHIP AND AIRCRAFT SUPPORT	76,128	76,128	76,128	-	76,128
0605864N	146	TEST AND EVALUATION SUPPORT	270,327	270,327	270,327	-	270,327
0605865N	147	OPERATIONAL TEST AND EVALUATION CAPABILITY	8,957	8,957	8,957	-	8,957
0605866N	148	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	3,262	3,262	3,262	-	3,262
0605867N	149	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	12,694	12,694	12,694	-	11,694
		Lower priority TENCAP projects				(1,000)	
0605873M	150	MARINE CORPS PROGRAM WIDE SUPPORT	8,091	8,091	11,091	-	9,091
		Marine Corps Research University			[+3,000]	1,000	
0305885N	151	TACTICAL CRYPTOLOGIC ACTIVITIES	4,666	4,666	4,666	-	4,666
0909999N	152	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			-	-	-
0603660N	153	ADVANCED DEVELOPMENT PROJECTS	207,000	207,000	207,000	-	207,000
0603661N	154	RETRACT VIOLET	30,161	30,161	30,161	-	30,161

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0604227N	155	HARPOON MODIFICATIONS			-	-	-
0604805N	156	COMMERCIAL OPERATIONS AND SUPPORT SAVINGS INITIATIVE	12,485	12,485	12,485	-	12,485
0101221N	157	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	42,687	42,687	44,687	-	44,687
		Reentry System Application Program			[+2,000]	2,000	
0101224N	158	SSBN SECURITY TECHNOLOGY PROGRAM	31,173	31,173	31,173	-	31,173
0101226N	159	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	879	879	879	-	879
0204136N	160	F/A-18 SQUADRONS	248,093	274,093	248,093	-	243,093
		Joint Helmet Mounted Cueing System (Authorized in PE 0604264N)		[+8,000]		-	
		SHARP (Authorized in PE 0305207N)		[+18,000]			
		ATFLIR Reserve				(4,000)	
		JHMCS Contract Savings				(1,000)	
0204152N	161	E-2 SQUADRONS	18,698	20,698	18,698	-	24,698
		E2-C2 Rotordome and Control Surface Improvements		[+2,000]		2,000	
		E2-C2 eight blade composite propeller				4,000	
0204163N	162	FLEET TELECOMMUNICATIONS (TACTICAL)	12,012	12,012	12,012	-	12,012
0204229N	163	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	91,436	91,436	91,436	-	91,436
0204311N	164	INTEGRATED SURVEILLANCE SYSTEM	16,928	16,928	16,928	-	16,928
0204413N	165	AMPHIBIOUS TACTICAL SUPPORT UNITS	7,911	7,911	7,911	-	7,911
0204571N	166	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	27,059	40,059	32,059	-	36,059
		Battle Force Tactical Trainer		[+5,000]		5,000	
		Joint Tactical Combat Training System		[+8,000]	[+5,000]	4,000	
0204575N	167	ELECTRONIC WARFARE (EW) READINESS SUPPORT	9,924	9,924	9,924	-	9,924
0205601N	168	HARM IMPROVEMENT	21,355	26,355	21,355	-	26,355
		Advanced Anti-Radiation Guided Missile		[+5,000]		5,000	
0205604N	169	TACTICAL DATA LINKS	26,245	26,245	26,245	-	26,245
0205620N	170	SURFACE ASW COMBAT SYSTEM INTEGRATION	29,585	29,585	29,585	-	29,585
0205632N	171	MK-48 ADCAP	15,853	15,853	15,853	-	15,853
0205633N	172	AVIATION IMPROVEMENTS	51,018	57,018	51,018	-	51,018
		C-2 Eight-Blade Composite Propeller System (Authorized in PE 0204152N)		[+6,000]			
0205667N	173	F-14 UPGRADE	1,228	1,228	10,228	-	10,228
		SAR Reconnaissance System Demonstrator			[+9,000]	9,000	
0205675N	174	OPERATIONAL NUCLEAR POWER SYSTEMS	53,435	53,435	53,435	-	53,435
0206313M	175	MARINE CORPS COMMUNICATIONS SYSTEMS	96,153	104,653	96,153	-	101,153

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		Mobile Electronic Warfare Support System		[+8,500]		5,000	
0206623M	176	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	22,124	22,124	22,124	-	39,424
		High Mobility Artillery Rocket System (HIMARS)				17,300	
0206624M	177	MARINE CORPS COMBAT SERVICES SUPPORT	2,854	2,854	2,854	-	2,854
0207161N	178	TACTICAL AIM MISSILES	21,705	21,705	21,705	-	21,705
0207163N	179	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	12,140	12,140	12,140	-	12,140
0303109N	182	SATELLITE COMMUNICATIONS (SPACE)	37,778	37,778	37,778	-	37,778
0303140N	183	INFORMATION SYSTEMS SECURITY PROGRAM	21,530	21,530	21,530	-	21,530
0303150N	184	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM			-	-	-
0305160N	186	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	19,730	19,730	19,730	-	19,730
0305188N	187	JOINT C4ISR BATTLE CENTER (JBC)	7,795	7,795	9,795	-	9,795
		Interoperability Process Software Tools			[+2,000]	2,000	
0305192N	188	JOINT MILITARY INTELLIGENCE PROGRAMS	7,000	7,000	7,000	-	7,000
0305204M	189	TACTICAL UNMANNED AERIAL VEHICLES		5,000	-	-	-
		Dragon Warrior Unmanned Aerial Vehicle		[+5,000]			
0305204N	190	TACTICAL UNMANNED AERIAL VEHICLES	113,052	121,052	113,052	-	121,052
		Joint Forces Command Operational Testbed		[+1,000]		1,000	
		TUAV MSAG Technology		[+7,000]		7,000	
0305206N	191	AIRBORNE RECONNAISSANCE SYSTEMS	4,759	4,759	4,759	-	12,759
		Long-Range Optical Sensor Technology/Upgrade to an 18" Lens--TARPS Pod				5,000	
		Solid State Shutter Mechanism/Focal Plane Array				3,000	
0305207N	192	MANNED RECONNAISSANCE SYSTEMS	27,479	38,079	27,479	-	46,479
		Long-Range Optical Sensor Technology (Authorized in PE 0305207N)		[+5,000]		-	
		P-3 Squadron Sensor Upgrade		[+2,600]		1,000	
		Solid-State Shutter Mechanism (Authorized in PE 0305207M)		[+3,000]		-	
		SHARP				18,000	
0305208N	193	DISTRIBUTED COMMON GROUND SYSTEMS	4,482	4,482	4,482	-	4,482
0305927N	194	NAVAL SPACE SURVEILLANCE	2,038	1,438	2,038	-	1,438
		Naval Space Surveillance		[-600]		(600)	
0305972N	195	SPACE ACTIVITIES			2,000	-	2,000
		SPAWAR SATCOM Systems Integration Initiative			[+2,000]	2,000	
0308601N	196	MODELING AND SIMULATION SUPPORT	9,106	12,106	14,106	-	14,106
		C4ISR Modeling and Simulation/Distributed Engineering Plant		[+3,000]	[+5,000]	5,000	

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0702207N	197	DEPOT MAINTENANCE (NON-IF)	34,166	34,166	34,166	-	34,166
0708011N	198	INDUSTRIAL PREPAREDNESS	59,626	69,626	59,626	-	69,626
		ManTech		[+10,000]		10,000	
0708730N	199	MARITIME TECHNOLOGY (MARITECH)	9,366	15,366	9,366	-	9,366
		MARITECH		[+6,000]			
XXXXXX	999	Classified Programs	531,940	531,940	531,940	15,000	546,940
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	8,476,677	8,834,477	8,665,865	238,658	8,715,335

Biodegradable polymers

The budget request included no funding for biodegradable polymers (PE 62121N).

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $1.25 million in PE 62121N to aid in the development of polymer membrane methods for treating graywater (kitchen, shower, and cleaning solution), blackwater (sewage), and bilge water (oily contaminants) to acceptable levels prior to shipboard release.

The conferees agree to authorize an increase of $1.25 million in PE 62121N for biodegradable polymers.

Torpedoes and unmanned undersea vehicles

The budget request included $35.0 million in PE 62633N for undersea warfare weapons technology development.

The House bill and the Senate amendment would authorize the budget request for improvements to torpedoes and unmanned undersea vehicles.

The conferees agree to an increase of $2.0 million in PE 62633N for development of improvements for current and future torpedoes and unmanned undersea vehicles.

DP–2 thrust vectoring system proof-of-concept demonstration

The budget request included $39.7 million in PE 63217N for air systems and weapons advanced technology development and $9.0 million for NATO research and development. The budget request did not include funds for continuation of the DP–2 thrust vectoring system proof-of-concept demonstration. The budget request did include $6.4 million for the vectoring extremely short takeoff and landing (ESTOL) control tailless operation research (VECTOR) program, an international cooperative research program between the United States and the Federal Republic of Germany, as follows: $4.1 million in PE 63217N and $2.3 million in PE 63790N.

The House bill would authorize an increase of $9.5 million in PE 63217N to continue the DP–2 development program leading to a proof-of-concept demonstration of a one-half scale flight test vehicle.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $4.5 million for DP–2 demonstration in PE 63790N.

The conferees direct the Secretary of the Navy to provide an assessment of the program progress, plans and funding requirements for completion of the flight-test demonstration to the congressional defense committees with the submission of the fiscal year 2002 budget request.

The conferees are aware that a funding shortfall has developed in the VECTOR program. Given the cooperative nature of this program, along with the substantial benefits to future carrier aviation development, the conferees urge the Secretary of the Navy to review the program funding deficiencies and, if necessary, request a reprogramming action.

Virtual test bed for reconfigurable ship

The budget request included no funding for a virtual test bed for a reconfigurable ship.

The House bill would authorize an increase of $3.0 million in PE 63508N for a virtual test bed for advanced electrical ship systems.

The Senate amendment would authorize an increase of $2.0 million in PE 63508N for a virtual test bed for a reconfigurable ship.

The conferees agree to authorize an increase of $2.0 million in PE 63508N for a virtual test bed for a reconfigurable ship, as recommended in the House report accompanying H.R. 4205 (H. Rept. 106–616) and the Senate report accompanying S. 2549 (S. Rept. 106–292).

Fleet health technology and occupational lung disease

The budget request included $10.1 million in PE 63706N for medical development, including $4.8 million for the fleet health technology program.

The House bill would authorize an increase of $3.0 million in PE 63706N, including $500,000 to establish an occupational lung disease assessment program to determine if the incidence of sarcoidosis among naval personnel could be attributable to service aboard Navy ships. The House bill also noted and expressed concern about the reduction in the Department of the Navy's fleet health technology program from previous years' funding levels and in the priority given to the medical and occupational health and safety of Navy and Marine Corps personnel.

The Senate amendment would authorize the budget request.

The conferees note that recent developments of immune therapies by investigators at the Naval Medical Research Center have been shown to prevent the rejection of transplants without the need for continuous immunosuppressive drugs. The ability to transplant massive tissue segments without rejection could revolutionize the treatment of combat casualties who suffer significant tissue loss or organ damage from blast, missile fragments, or burns. Results obtained from testing in the laboratory show promise and the Chief of Naval Research has initiated a program to capitalize on these newly developed methods of treatment. The conferees believe that the further development of these therapies and confirmation of these therapies in definitive clinical trials could have profound effects upon the treatment of combat casualties and of civilians with organ failure.

The conferees agree to authorize an increase of $3.0 million in PE 63706N for fleet health technology for the Navy's program for the development of new immune strategies and procedures for tissue transplantation for the treatment of combat casualties with massive tissue loss.

The conferees also agree to authorize an increase of $500,000 in PE 63738D for the conduct of the occupational lung disease assessment as discussed in the House report accompanying H.R. 4205 (H. Rept. 106–616).

Common towed array

The budget request included $113.3 million in PE 63561N for advanced submarine systems development, including $4.5 million for the development of advanced towed array technology for submarines and surface ships.

The House bill would authorize an increase of $10.2 million in PE 63561N to accelerate the development and demonstration of advanced towed array systems for surface ships and submarines. The House report accompanying H.R. 4205 (H. Rept. 106–616) indicated that these additional funds were to be particularly focused on developing multiple-line and fiber optic affordable towed array technology that could result in high gain, volumetric towed arrays with significantly improved sonar system performance for both submarines and surface vessels.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $6.0 million in PE 63561N to accelerate the development and demonstration of advanced towed array systems for surface ships and submarines. The conferees agree that these funds are not being designated for a specific program effort or contractor program, but that the Navy should use the additional funds to continue the efforts as described in the House report accompanying H.R. 4205 (H. Rept. 106–616).

Advanced land attack missile

The budget request included $19.8 million for research and development of the advanced land attack missile (ALAM) in PE 63795N.

The House bill and the Senate amendment would authorize the budget request.

The conferees note that the House report accompanying H.R. 1401 (H. Rept. 106–162) directed the Secretary of the Navy to report to the congressional defense committees the program plan and funding requirements for development of an advanced land attack missile (ALAM) system for the DD–21 land attack destroyer and other Naval combatants with the submission of the fiscal year 2001 budget request. The conferees also note the letter from the Under Secretary of Defense (Acquisition and Technology) to the Chairman, House Armed Services Committee, dated August 25, 1999, which stated that the Navy would pursue a multi-team industry competition for development of ALAM, and the Milestone 0 Acquisition Decision Memorandum, dated February 22, 2000, that designated the ALAM as a major defense acquisition program. The conferees further note that the Navy's ALAM program plan and funding included in the fiscal year 2001 budget request provide for completion of an ALAM analysis of alternatives and entry into the program risk and reduction phase in fiscal year 2001, competition and early prototyping by three to four contractors leading to an ALAM down-select/"fly-off" by the end of fiscal year 2003, engineering and manufacturing development, initial procurement, and delivery of the ALAM system to the fleet in early fiscal year 2009 for the DD–21 Zumwalt-class destroyer.

The conferees agree to authorize a decrease of $10.8 million in PE 63795N for ALAM based on information made available to the conferees subsequent to passage of the House bill and the Senate amendment. The conferees place a high priority on completing the analysis of alternatives to determine the appropriate course of action for providing Naval fire support. The conferees direct the Secretary of the Navy to report to the congressional defense committees concurrent with the submission of the fiscal year 2002 budget request on recommended revisions to the ALAM program plan and the funding required to deploy a system as soon as technically feasible.

Joint strike fighter

The budget request included $131.6 million in PE 63800N and $129.5 million in PE 63800F to complete the demonstration and validation (DEMVAL) phase for the joint strike fighter (JSF) program. The budget request also included $296.0 million in PE 64800N and $299.5 million in PE 64800F to initiate the engineering and manufacturing development (EMD) phase for the JSF.

The House bill would authorize the budget request and contained several provisions related to JSF discussed elsewhere in this conference agreement.

The Senate amendment would authorize an increase of $212.1 million in PE 63800N and an increase of $212.1 million in PE 63800F to extend the DEMVAL phase. The Senate amendment would also authorize a decrease of all funding requested for the EMD phase, $296.0

million in PE 64800N and $299.5 million in PE 64800F, due to slips in program schedule. The Senate amendment contained a JSF provision discussed elsewhere in this conference agreement.

The conferees agree to authorize an overall decrease of $168.0 million in the JSF program, as follows:

(1) an increase of $111.5 million in PE 63800N;

(2) an increase of $113.5 million in PE 63800F;

(3) a decrease of $194.7 million in PE 64800N; and

(4) a decrease of $198.3 million in PE 64800F.

The conferees remain concerned about the readiness of the JSF program to enter the EMD phase, and note that significant delays in the schedule, particularly the flight program for the short take-off, vertical landing (STOVL) variant of the JSF, further increase the technical risk for entry into the EMD phase. A JSF provision discussed elsewhere in this conference agreement addresses conferee concerns surrounding the technical risk of premature entry into EMD.

The conferees are also concerned about the apparent pattern of additional contractor funding required to sustain the current DEMVAL activities of the program. Since the JSF program is potentially one of the largest acquisition programs in the Department of Defense, both competing contractors in this winner-take-all competition realize the significance of winner selection. However, the conferees are opposed to the requirement for industry to make additional, unreimbursed investments in the JSF program beyond existing contractual agreements. The conferees view the additional DEMVAL funding as necessary to provide for the execution of those projects presented in the budget request on the extended schedule. The conferees expect that risk mitigation projects, including the alternate engine, will be funded to the levels presented in the budget request.

Nonlethal research and technologies

The budget request included no funding for nonlethal research and technologies in PE 63851M.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $8.0 million for nonlethal research and technologies in PE 63851M.

The conferees agree to authorize an increase of $4.0 million in PE 63851M. Of the increased amount, $2.0 million will be used to develop a program in nonlethal environmental effects and remediation as recommended in the Senate report accompanying S. 2549 (S. Rept. 106–292).

Power node control centers

The budget request included no funding for power node control centers (PNCC) for integrating shipboard power functions such as switching, conversion, distribution, and system operation and protection.

The House bill would authorize an increase of $3.0 million in PE 63508N for PNCC.

The Senate amendment would authorize an increase of $3.0 million in PE 64300N for PNCC.

The conferees agree to authorize an increase of $3.0 million in PE 64300N for PNCC.

Advanced food service technology

The budget request included no funding for research and development of technologies that could lead to manpower reductions resulting from altering food service operations on ships.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $2.0 million in PE 64300N for advanced food service technology testing.

The conferees agree to authorize a an increase of $2.0 million in PE 64307N for advanced food service technology testing.

F–14 tactical reconnaissance

The budget request included $1.2 million for operational systems development of the F–14 aircraft.

The House bill would authorize an increase of $7.0 million in aircraft procurement for the integration and demonstration of a commercial synthetic aperture radar (SAR) in the F–14 tactical airborne reconnaissance pod system (TARPS). This demonstration was intended to mitigate the risk associated with the development of a SAR capability for the shared airborne reconnaissance program (SHARP).

The Senate amendment would authorize an increase of $9.0 million in PE 25667N for a similar purpose.

The conferees agree to authorize an increase of $9.0 million in PE 25677N to demonstrate the military utility of a tactical SAR reconnaissance capability by modifying and integrating non-developmental SAR technology into the F–14 TARPS.

The conferees note that this effort is specifically intended to mitigate the risk associated with providing an all-weather capability for SHARP. The conferees agree that these funds are not being designated for a specific contractor's program. The conferees also agree that, if the technology proves attractive during the risk mitigation program, the Navy should select SAR technology for the SHARP application using appropriate competitive procedures.

Marine Corps ground combat/supporting arms systems

The budget request included $22.1 million for Marine Corps ground combat and supporting arms systems research and development requirements.

The House bill would authorize an increase of $17.3 million in PE 63635M to support efforts by the Marine Corps to evaluate the potential that the high mobility artillery rocket system (HIMARS) might have to meet critical Marine Corps fire support requirements.

The Senate amendment would authorize an identical increase.

The conferees agree to authorize an increase of $17.3 million in PE 26623M to support Marine Corps plans to evaluate the ability of HIMARS to address deficiencies in organic fire support for Marine Corps forces ashore.

Tactical unmanned aerial vehicles

The budget request included $113.1 million for tactical unmanned aerial vehicles (TUAVs).

The House bill would authorize an increase of $1.0 million for the joint operational test bed (JOTB), and an increase of $7.0 million for TUAV multi-function, self-aligned gate array (MSAG) technology.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $1.0 million for the JOTB and an increase of $7.0 million for TUAV MSAG technology, a total authorization of $121.1 million in PE 35204N.

The conferees note that the Joint Forces Command is tasked with ensuring interoperability among military forces. The conferees are aware that the Joint Requirements Oversight Council endorsed the tactical control system (TCS) to provide this interoperability among unmmanned aerial vehicles (UAVs), and that the Joint Forces Command has recently established the JOTB to develop this capability, using a TCS and two Predator UAVs. The conferees strongly support UAV interoperability, the establishment of the JOTB, and the use of TCS and Predator UAVs to achieve this goal.

The conferees are also encouraged by results of MSAG antenna technology testing, and reaffirm their support for the ongoing MSAG advanced concept technology demonstration (ACTD). The JROC approved this ACTD based on the recommendation of the operational commanders in chief, who rated the MSAG effort number one of twelve candidates. The conferees are aware that the Navy may consider withdrawing its sponsorship of the ACTD. The conferees believe that the MSAG ACTD program should move forward. The conferees direct the Secretary of Defense to ensure that no change in the ACTD content or schedule will be effected by a change in sponsorship of the program.

Overview

The budget request for fiscal year 2001 contained an authorization of $13,685.6 million for Air Force, Research and Development in the Department of Defense.

The House bill would authorize $13,677.1 million.

The Senate amendment would authorize $13,897.3 million.

The conferees recommended an authorization of $13,779.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF					
0601102F	1	DEFENSE RESEARCH SCIENCES	206,149	209,149	206,149	-	209,149
		Upper Atmospheric and Astronomical Research		[+3,000]		3,000	
0602102F	2	MATERIALS	72,815	80,065	81,815	-	85,615
		Special Aerospace Materials and Manufacturing Processes		[+5,250]		4,500	
		Ultra-High Thermal Conductivity Graphite Materials		[+2,000]		1,800	
		Resin Systems for Engine Applications			[+2,000]	1,300	
		Laser Processing Tools			[+4,000]	3,200	
		Thermal Protection Systems			[+1,500]	1,000	
		Weathering and Corrosion on Aircraft Surfaces and Parts			[+1,500]	1,000	
0602201F	3	AEROSPACE FLIGHT DYNAMICS	48,775	49,775	54,775	-	50,775
		Composite Affordability Initiative		[−1,000]			
		Aeronautical Research			[+6,000]	2,000	
0602202F	4	HUMAN EFFECTIVENESS APPLIED RESEARCH	62,619	62,619	62,619	-	62,619
0602203F	5	AEROSPACE PROPULSION	116,262	122,262	124,262	-	119,462
		IHPTET/IHPRPT		[+6,000]		3,800	
		Variable Displacement Vane Pump			[+3,000]	1,800	
		PBO Membrane Fuel Cell			[+5,000]	2,600	
		Rocket Propulsion Technology				(5,000)	
0602204F	6	AEROSPACE SENSORS	65,644	65,644	65,644	-	65,644
0602269F	7	HYPERSONIC TECHNOLOGY PROGRAM			-	-	-
0602601F	8	SPACE TECHNOLOGY	57,687	57,687	68,287	-	64,487
		Tech-Sat 21Transfer			[-5,000]	-	
		Aluminum Aerostructures			[+3,000]	1,800	
		Space Survivability			[+5,600]	3,000	
		HAARP			[+7,000]	7,000	
		Integrated Microsatellite Technology Concept				(5,000)	
0602602F	9	CONVENTIONAL MUNITIONS	45,223	45,223	45,223	-	53,223
		XSS-10 Microsatellite Technology				8,000	
0602605F	10	DIRECTED ENERGY TECHNOLOGY	32,337	32,337	32,337	-	32,337
0602702F	11	COMMAND CONTROL AND COMMUNICATIONS	78,749	78,749	78,749	-	78,749
0602805F	12	DUAL USE SCIENCE AND TECHNOLOGY PROGRAM	10,144	10,144	10,144	-	10,144
0603106F	13	LOGISTICS SYSTEMS TECHNOLOGY	13,895	13,895	13,895	-	13,895

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0603112F	14	ADVANCED MATERIALS FOR WEAPON SYSTEMS	21,678	26,928	21,678	-	26,178
		Special Aerospace Materials and Manufacturing Processes		[+5,250]		4,500	
0603202F	15	AEROSPACE PROPULSION SUBSYSTEMS INTEGRATION	34,440	34,440	34,440	-	34,440
0603203F	16	ADVANCED AEROSPACE SENSORS	28,311	30,311	34,311	-	31,811
		Combat Identification		[+2,000]		-	
		Integrated Demonstrations & Applications Laboratory (IDAL)			[+6,000]	3,500	
0603205F	17	FLIGHT VEHICLE TECHNOLOGY	2,445	2,445	4,445	-	3,845
		Fiber Optic Control Technologies			[+2,000]	1,400	
0603211F	18	AEROSPACE STRUCTURES	12,961	12,961	12,961	-	12,961
0603216F	19	AEROSPACE PROPULSION AND POWER TECHNOLOGY	41,964	41,964	41,964	-	41,964
0603227F	20	PERSONNEL, TRAINING AND SIMULATION TECHNOLOGY	6,491	6,491	6,491	-	6,491
0603231F	21	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	12,479	14,479	12,479	-	12,479
		Aircrew Laser Eye Protection		[+2,000]			
0603245F	22	FLIGHT VEHICLE TECHNOLOGY INTEGRATION	13.184	69,184	13,184	-	12,126
		21st Century Affordable Aircraft Thrust Demonstration Project		[+56,000]			
		Control Technologies and Adaptive Flight Control Algorithms				(1,058)	
0603253F	23	ADVANCED SENSOR INTEGRATION	5,350	5,350	5,350	-	5,350
0603270F	24	ELECTRONIC COMBAT TECHNOLOGY	25,882	25,882	25,882	-	25,882
0603302F	25	SPACE AND MISSILE ROCKET PROPULSION	24,283	57,983	24,283	-	24,283
		High Energy Propulsion Systems (Authorized in 0305182F)		[+23,700]			
		Low Cost Launch Technology (Authorized in 0603401F/0603173C)		[+10,000]			
0603311F	26	BALLISTIC MISSILE TECHNOLOGY		12,000	-	-	12,000
		Ballistic Missile Technology		[+12,000]		12,000	
0603401F	27	ADVANCED SPACECRAFT TECHNOLOGY	97,327	102,327	146,327	-	60,602
		Miniature Satellite Threat Reporting System (MSTRS)		[+5,000]	[+5,000]	1,500	
		Upper Stage Flight Experiment			[+5,000]	5,000	
		Scorpius/Low Cost Launch			[+5,000]	6,500	
		Space Maneuver Vehicle			[+15,000]	6,500	
		Solar Orbital Transfer Vehicle (SOTV)			[+5,000]	2,600	
		Micro-Satellite Technology (XSS-10) (Authorized in 0602602F)			[+12,000]	-	
		Composite Payload Fairings and Shrouds			[+2,000]	-	
		Second Integrated Space Technology Demonstration				(4,585)	
		Discoverer II				(54,240)	

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0603410F	28	SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS TECHNOLOGY	3,412	3,412	3,412	-	3,412
0603444F	29	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	4,625	4,625	4,625	-	4,625
0603601F	30	CONVENTIONAL WEAPONS TECHNOLOGY	22,731	22,731	22,731	-	22,731
0603605F	31	ADVANCED WEAPONS TECHNOLOGY	33,371	33,371	33,371	-	25,371
		Transfer to Joint High Energy Laser Program				(8,000)	
0603707F	32	WEATHER SYSTEMS TECHNOLOGY			-	-	-
0603723F	33	ENVIRONMENTAL ENGINEERING TECHNOLOGY			-	-	-
0603726F	34	AEROSPACE INFO TECH SYS INTEGRATION	7,429	7,429	7,429	-	7,429
0603728F	35	BATTLESPACE C2 TECHNOLOGY			-	-	-
0603789F	36	C3I ADVANCED DEVELOPMENT	19,468	19,468	19,468	-	19,468
0603876F	37	SPACE-BASED LASER	63,216	63,216	93,216	-	73,216
		SBL Integrated Flight Experiment (IFX)			[+30,000]	10,000	
0603260F	38	INTELLIGENCE ADVANCED DEVELOPMENT	4,401	4,401	4,401	-	4,401
0603319F	39	AIRBORNE LASER PROGRAM	148,637	-	241,037	-	233,637
		Transfer to 0603XXXC		[-148,637]			
		Program Restoration			[+92,400]	85,000	
0603430F	40	ADVANCED EHF MILSATCOM (SPACE)	246,396	246,396	246,396	-	246,396
0603432F	41	POLAR MILSATCOM (SPACE)	26,068	26,068	26,068	-	26,068
0603434F	42	NAT POLAR-ORBITING OP ENVIRON SATELLITE SYS (SPACE)	76,654	76,654	76,654	-	76,654
0603438F	43	SPACE CONTROL TECHNOLOGY	9,728	9,728	9,728	-	9,728
0603441F	44	SPACE BASED INFRARED ARCHITECTURE (SPACE) - DEM/VAL			-	-	-
0603617F	45	COMMAND, CONTROL, AND COMMUNICATION APPLICATIONS	7,828	7,828	7,828	-	7,828
0603690F	46	INFORMATION OPERATIONS TECHNOLOGY	991	991	991	-	-
		Transfer funds to 0303140F				(991)	
0603742F	47	COMBAT IDENTIFICATION TECHNOLOGY	10,933	10,933	10,933	-	10,933
0603790F	48	NATO RESEARCH AND DEVELOPMENT(H)	5,509	5,509	5,509	-	5,509
0603800F	49	JOINT STRIKE FIGHTER	129,538	144,538	341,638	-	243,050
		JSF Alternate Engine Program		[+15,000]			
		Extend DEM/VAL			[+212,100]	113,512	
0603850F	50	INTEGRATED BROADCAST SERVICE (DEM/VAL)	24,488	15,788	24,488	-	15,788
		Integrated Broadcast Service		[-8,700]		(8,700)	
0603851F	51	INTERCONTINENTAL BALLISTIC MISSILE - DEM/VAL	39,246	39,246	58,446	-	51,446
		RSLP GPS Range Safety/Northern Edge Exercise Support			[+19,200]	12,200	

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0603854F	52	WIDEBAND MILSATCOM (SPACE)	134,029	134,029	116,029	-	121,029
		Wideband Gapfiller Satellite Design			[-18,000]	(8,000)	
		Global Broadcast System				(5,000)	
0603856F	53	AIR FORCE/NATIONAL PROGRAM COOPERATION (AFNPC)	3,370	1,370	3,370	-	2,370
		Air Force/ NRO Partnership		[-2,000]		(1,000)	
0603859F	54	POLLUTION PREVENTION (DEM/VAL)	2,543	2,543	2,543	-	2,543
0603860F	55	JOINT PRECISION APPROACH AND LANDING SYSTEMS - DEM/VAL	18,092	18,092	18,092	-	18,092
0603876F	56	SPACE-BASED LASER			-	-	-
0604237F	57	VARIABLE STABILITY IN-FLIGHT SIMULATOR TEST AIRCRAFT			-	-	-
0604327F	58	HARD & DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROG			-	-	-
0604012F	59	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,312	1,312	1,312	-	1,312
0604201F	60	INTEGRATED AVIONICS PLANNING AND DEVELOPMENT	712	712	712	-	-
		Program reduction				(712)	
0604222F	61	NUCLEAR WEAPONS SUPPORT	10,133	10,133	10,133	-	10,133
0604226F	62	B-1B	168,122	178,122	168,122	-	158,122
		Link 16 Data Link		[+10,000]		-	
		IDECM delays				(10,000)	
0604227F	63	DISTRIBUTED MISSION TRAINING (DMT)	3,782	3,782	3,782	-	3,782
0604233F	64	SPECIALIZED UNDERGRADUATE PILOT TRAINING	23,853	23,853	23,853	-	23,853
0604239F	65	F-22 EMD	1,411,786	1,411,786	1,411,786	-	1,411,786
0604240F	66	B-2 ADVANCED TECHNOLOGY BOMBER	48,313	142,313	53,313	-	115,313
		Smart Bomb Rack/500lb JDAM Integration		[+56,000]		56,000	
		Link 16/Center Instrument Display		[+38,000]		11,000	
		SATCOM Connectivity			[+5,000]	-	
0604270F	67	EW DEVELOPMENT	58,198	82,898	66,198	-	49,598
		Precision Location and Identification Technology (PLAID)		[+17,700]	[+8,000]	10,000	
		MALD		[+7,000]		1,200	
		CMWS- Air Force withdrawl from program.				(19,800)	
0604441F	68	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	569,188	569,188	569,188	-	569,188
0604442F	69	SPACE BASED INFRARED SYSTEM (SBIRS) LOW EMD	241,021	-	241,021	-	241,021
		Transfer to BMDO PE 0603871C		[-241,021]			
0604479F	70	MILSTAR LDR/MDR SATELLITE COMMUNICATIONS (SPACE)	236,841	237,841	232,841	-	237,341
		Automated Communication Satellite Management		[+5,000]		4,500	

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
		MILSTAR/Excess Satellite Engineering Effort		[-4,000]	[-4,000]	(4,000)	
0604480F	71	GLOBAL POSITIONING SYSTEM BLOCK IIF (SPACE)			-	-	-
0604600F	72	MUNITIONS DISPENSER DEVELOPMENT			-	-	-
0604602F	73	ARMAMENT/ORDNANCE DEVELOPMENT	8,876	23,876	8,876	-	20,876
		Miniaturized Munitions Capability		[+15,000]		12,000	
0604604F	74	SUBMUNITIONS	4,775	4,775	4,775	-	4,775
0604617F	75	AGILE COMBAT SUPPORT	668	668	668	-	3,414
		Civil, Fire, Environment, Shelter Engineering				2,746	
0604618F	76	JOINT DIRECT ATTACK MUNITION	1,157	26,157	1,157	-	11,157
		500lb JDAM		[+25,000]		10,000	
0604703F	77	AEROMEDICAL/CHEMICAL DEFENSE SYSTEMS	5,929	5,929	5,929	-	5,929
0604706F	78	LIFE SUPPORT SYSTEMS	14,758	7,858	14,758	-	12,208
		Joint Ejection Seat Program		[-10,900]		-	
		Standardized Cockpit and Crew Seats		[+4,000]		3,700	
		K-36 Ejection Seat Qualification				(6,250)	
0604708F	79	CIVIL, FIRE, ENVIRONMENTAL, SHELTER ENGINEERING	2,746	2,746	2,746	-	-
		Transfer to Agile Combat Support (PE 0604617F)				(2,746)	
0604727F	80	JOINT STANDOFF WEAPONS SYSTEMS	1,498	1,498	1,498	-	1,498
0604735F	81	COMBAT TRAINING RANGES	12,559	16,559	12,559	-	16,559
		AMODSM		[+4,000]		4,000	
0604740F	82	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	214	214	214	-	214
0604750F	83	INTELLIGENCE EQUIPMENT	1,298	1,298	1,298	-	1,298
0604754F	84	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	8,745	8,745	8,745	-	8,745
0604762F	85	COMMON LOW OBSERVABLES VERIFICATION SYSTEM (CLOVERS)	11,621	11,621	11,621	-	11,621
0604779F	86	JOINT INTEROPERABILITY OF TACTICAL C2 SYS (JINTACCS)	5,825	5,825	5,825	-	5,825
0604800F	87	JOINT STRIKE FIGHTER EMD	299,540	299,540	-	-	101,275
		Extend DEM/VAL			[-299,540]	(198,265)	
0604805F	88	COMMERCIAL OPERATIONS AND SUPPORT SAVINGS INITIATIVE	19,851	19,851	19,851	-	19,851
0604851F	89	INTERCONTINENTAL BALLISTIC MISSILE - EMD	18,325	18,325	18,325	-	18,325
0604853F	90	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE) - EMD	332,952	332,952	332,952	-	332,952
0604XXXF	XX	EXTENDED RANGE CRUISE MISSILE		86,100			
		Increase (Authorized in PE 0207323F)		[+86,100]			
0605011F	91	RDT&E FOR AGING AIRCRAFT	14,204	26,204	14,204	-	24,204

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
		Aging Landing Gear Life Extension		[+12,000]		10,000	
0207249F	92	PRECISION ATTACK SYSTEMS	3,965	3,965	3,965	-	3,965
0305176F	93	COMBAT SURVIVOR EVADER LOCATOR	10,842	10,842	10,842	-	10,842
0604256F	94	THREAT SIMULATOR DEVELOPMENT	34,785	34,785	34,785	-	34,785
0604258F	95	TARGET SYSTEMS DEVELOPMENT	191	191	191	-	-
		Program reduction				(191)	
0604759F	96	MAJOR T&E INVESTMENT	54,057	54,057	54,057	-	54,057
0605101F	97	RAND PROJECT AIR FORCE	24,080	24,080	24,080	-	22,080
		Central Funding				(2,000)	
0605306F	98	RANCH HAND II EPIDEMIOLOGY STUDY	4,356	4,356	4,356	-	4,356
0605502F	99	SMALL BUSINESS INNOVATION RESEARCH			-	-	-
0605712F	100	INITIAL OPERATIONAL TEST & EVALUATION	28,238	28,238	28,238	-	28,238
0605807F	101	TEST AND EVALUATION SUPPORT	386,205	386,205	386,205	-	386,205
0605808F	102	DEVELOPMENT PLANNING			-	-	-
0605854F	103	POLLUTION PREVENTION			-	-	-
0605860F	104	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	7,906	7,906	7,906	-	7,906
0605864F	105	SPACE TEST PROGRAM (STP)	46,476	46,476	46,476	-	46,476
0909900F	106	FINANCING FOR EXPIRED ACCOUNT ADJUSTMENTS			-	-	-
1001004F	107	INTERNATIONAL ACTIVITIES	3,773	3,773	3,773	-	3,773
0101113F	108	B-52 SQUADRONS	50,787	50,787	50,787	-	50,787
0101120F	109	ADVANCED CRUISE MISSILE	4,182	4,182	4,182	-	4,182
0101122F	110	AIR-LAUNCHED CRUISE MISSILE (ALCM)	6,457	6,457	6,457	-	6,457
0102325F	111	JOINT SURVEILLANCE SYSTEM			-	-	-
0102326F	112	REG/SECTOR OPERATION CONTROL CENTER MOD PROG	992	992	992	-	992
0102411F	113	NORTH ATLANTIC DEFENSE SYSTEM			-	-	-
0102445F	114	COUNTERDRUG AEROSTATS			-	-	-
0207027F	115	AIR AND SPACE COMMAND AND CONTROL AGENCY (ASC2A)	24,769	24,769	24,769	-	24,769
0207131F	116	A-10 SQUADRONS	8,615	8,615	8,615	-	8,615
0207133F	117	F-16 SQUADRONS	124,903	124,903	124,903	-	119,903
		Auto GCAS				(5,000)	
0207134F	118	F-15E SQUADRONS	61,260	68,860	68,860	-	68,860
		BOL Countermeasures Integration		[+7,600]	[+7,600]	7,600	
0207136F	119	MANNED DESTRUCTIVE SUPPRESSION	14,670	14,670	14,670	-	14,670

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0207141F	120	F-117A SQUADRONS	3,912	3,912	3,912	-	3,912
0207161F	121	TACTICAL AIM MISSILES	21,706	21,706	21,706	-	21,706
0207163F	122	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	53,707	53,707	53,707	-	53,707
0207247F	123	AF TENCAP	9,826	13,826	11,826	-	13,826
		Hyperspectral Technology		[+4,000]	[+2,000]	-	-
		Hyperspectral research on Predator UAV				2,000	
		Hyperspectral research on high altitude reconnaissance platforms				2,000	
0207248F	124	SPECIAL EVALUATION PROGRAM	75,443	75,443	75,443	-	75,443
0207253F	125	COMPASS CALL	5,834	5,834	5,834	-	5,834
0207268F	126	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	166,926	166,926	166,926	-	166,926
0207277F	XXX	EAGLE VISION (Authorized in PE 0305208F)		4,500			
0207320F	127	SENSOR FUSED WEAPONS			-	-	-
0207323F	127A	EXTENDED RANGE CRUISE MISSILE			46,100	40,000	40,000
0207325F	128	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	120,281	120,281	120,281	-	116,281
		Defer pre-production operational test units per GAO recommendation				(4,000)	
0207412F	129	THEATER AIR CONTROL SYSTEMS	19,873	19,873	19,873	-	19,873
0207414F	130	COMBAT INTELLIGENCE SYSTEM			-	-	-
0207417F	131	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	35,653	35,653	35,653	-	35,653
0207423F	132	ADVANCED COMMUNICATIONS SYSTEMS	2,867	2,867	2,867	-	2,867
0207424F	133	EVALUATION AND ANALYSIS PROGRAM	81,027	81,027	81,027	-	81,027
0207433F	134	ADVANCED PROGRAM TECHNOLOGY	90,713	93,713	90,713	-	90,713
0207438F	135	THEATER BATTLE MANAGEMENT (TBM) C4I	41,068	41,068	41,068	-	41,068
0207581F	136	JOINT SURVEILLANCE & TARGET ATTACK RADAR SYS (JOINT STARS)	144,118	146,618	151,318	-	149,118
		Global Air Traffice Management (GATM)			[+7,200]	5,000	
0207590F	137	SEEK EAGLE	19,472	19,472	19,472	-	19,472
0207591F	138	ADVANCED PROGRAM EVALUATION	266,458	280,958	266,458	(900)	265,558
0207601F	139	USAF MODELING AND SIMULATION	17,624	17,624	17,624	-	17,624
0207605F	140	WARGAMING AND SIMULATION CENTERS	3,874	3,874	3,874	-	3,874
0208006F	141	MISSION PLANNING SYSTEMS	20,755	20,755	20,755	-	20,755
0208021F	142	INFORMATION WARFARE SUPPORT	1	1	1	-	-
		Program reduction				(1)	
0208031F	143	WAR RESERVE MATERIEL - EQUIPMENT/SECONDARY ITEMS	1,475	1,475	1,475	-	1,475
0208060F	144	THEATER MISSILE DEFENSES	19,824	19,824	19,824	-	19,824

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(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0208160F	145	TECHNICAL EVALUATION SYSTEM	98,263	98,263	98,263	-	98,263
0208161F	146	SPECIAL EVALUATION SYSTEM	74,240	74,240	74,240	-	74,240
0301357F	151	NUDET DETECTION SYSTEM			-	-	-
0302015F	153	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	34,410	34,410	34,410	-	34,410
0303110F	154	DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPACE)	7,328	7,328	7,328	-	7,328
0303112F	155	AIR FORCE COMMUNICATIONS (AIRCOM)	11,478	11,478	11,478	-	11,478
0303131F	156	MIN ESSENTIAL EMERG COMMUNICATIONS NETWORK (MEECN)	15,302	20,302	15,302	-	15,302
		B-52 MMRT Configurations		[+5,000]			
0303140F	157	INFORMATION SYSTEMS SECURITY PROGRAM	7,212	7,212	12,212	-	12,003
		Lighthouse Cyber-Security			[+5,000]	3,800	
		Transfer from 0603690F				991	
0303141F	158	GLOBAL COMBAT SUPPORT SYSTEM	46,369	46,369	46,369	-	46,369
0303150F	159	GLOBAL COMMAND AND CONTROL SYSTEM	3,743	3,743	3,743	-	3,743
0303401F	160	COMMUNICATIONS SECURITY (COMSEC)	4,857	4,857	4,857	-	4,857
0303601F	161	MILSATCOM TERMINALS	17,797	17,797	20,797	-	17,797
		B-2 Connectivity			[+3,000]	-	-
0304311F	163	SELECTED ACTIVITIES			-	-	-
0305099F	164	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	8,508	8,508	8,508	-	8,508
0305110F	165	SATELLITE CONTROL NETWORK (SPACE)	58,643	58,643	58,643	-	58,643
0305111F	166	WEATHER SERVICE	19,942	19,942	19,942	-	19,942
0305114F	167	AIR TRAFFIC CONTROL, APPROACH, & LANDING SYS (ATCALS)	18,093	18,093	18,093	-	18,093
0305119F	168	MEDIUM LAUNCH VEHICLES (SPACE)			-	-	-
0305128F	169	SECURITY AND INVESTIGATIVE ACTIVITIES	467	467	467	-	467
0305137F	170	NATIONAL AIRSPACE SYSTEM (NAS) PLAN	200	200	200	-	-
		Program Reduction				(200)	
0305138F	171	INERTIAL UPPER STAGE (IUS)			-	-	-
0305144F	173	TITAN SPACE LAUNCH VEHICLES (SPACE)	25,815	25,815	25,815	-	25,815
0305158F	174	TACTICAL TERMINAL	238	238	238	-	-
		Program reduction				(238)	
0305159F	175	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	45,149	38,049	45,149	-	41,599
		Defense Reconnaissance Support Program		[-7,100]		(3,550)	
0305160F	176	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)	25,372	25,372	25,372	-	25,372
0305164F	177	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	66,975	66,975	66,975	-	66,975

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(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0305165F	178	NAVSTAR GLOBAL POSITIONING SYS (SPACE & CONTROL SEGMENTS)	250,197	250,197	260,897	-	260,980
		Transfer from Missile Procurement			[+10,700]	-	-
		Amended budget submission				10,783	
0305182F	180	SPACELIFT RANGE SYSTEM (SPACE)	53,654	59,854	53,654	-	83,554
		New Flight Termination System		[700]		700	
		Space Launch Operations Complex		[+5,500]		5,500	
		High Energy Propulsion Systems/Edwards AFB test stands				23,700	
0305202F	181	DRAGON U-2 (JMIP)	27,546	31,546	33,546	-	32,546
		U-2 SYERS/SYERS Polarization Project		[+4,000]	[+6,000]	5,000	
0305205F	182	ENDURANCE UNMANNED AERIAL VEHICLES	109,215	109,215	127,215	-	109,215
		Improved Radar for Global Hawk			[+6,000]	-	-
		Global Hawk Air Surveillance Demonstration			[+12,000]	-	-
		Global Hawk EO/IR Sen Pkg/Repl of EO/IR Sen on Global Hawk UAV				[12,000]	
0305206F	183	AIRBORNE RECONNAISSANCE SYSTEMS	136,913	136,913	136,913	-	143,913
		Wideband integrated common data link				7,000	
0305207F	184	MANNED RECONNAISSANCE SYSTEMS		2,000	-	-	9,500
		Multi Link Antenna System		[+2,000]			
		ECARS				9,500	
0305208F	185	DISTRIBUTED COMMON GROUND SYSTEMS	21,330	21,330	21,330	-	25,830
		Eagle Vision IV				4,500	
0305906F	186	NCMC - TW/AA SYSTEM	19,309	19,309	19,309	-	19,309
0305910F	187	SPACETRACK (SPACE)	2,553	2,553	2,553	-	2,553
0305911F	188	DEFENSE SUPPORT PROGRAM (SPACE)	9,462	9,462	9,462	-	9,462
0305913F	189	NUDET DETECTION SYSTEM (SPACE)	17,088	17,088	17,088	-	12,088
		Program reduction				(5,000)	
0305917F	190	SPACE ARCHITECT			-	-	-
0305953F	191	EVOLVED EXPENDABLE LAUNCH VEHICLE (EELV) (SPACE)			-	-	-
0308601F	192	MODELING AND SIMULATION SUPPORT	1,177	1,177	1,177	-	1,177
0308699F	193	SHARED EARLY WARNING (SEW)	4,219	4,219	4,219	-	4,219
0401115F	194	C-130 AIRLIFT SQUADRON	60,496	60,496	60,496	-	60,496
0401119F	195	C-5 AIRLIFT SQUADRONS	92,530	92,530	92,530	-	92,530
0401130F	196	C-17 AIRCRAFT	176,439	176,439	176,439	-	176,439
0401214F	197	AIR CARGO MATERIAL HANDLING (463-L) (NON-IF)			-	-	-

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0401218F	198	KC-135S	487	487	487	-	487
0401219F	199	KC-10S	19,526	19,526	19,526	-	19,526
0404011F	200	SPECIAL OPERATIONS FORCES	1,109	1,109	1,109	-	1,109
0702207F	201	DEPOT MAINTENANCE (NON-IF)	1,515	1,515	1,515	-	1,515
0708011F	202	INDUSTRIAL PREPAREDNESS	53,082	57,582	53,082	-	56,882
		Specialty Aerospace Metals		[+4,500]		3,800	
0708026F	203	PROD, RELIABILITY, AVAILABILITY, MAINTAIN. PROG OFC (PRAMPO)	15,227	15,227	15,227	-	15,227
0708071F	204	JOINT LOGISTICS PROGRAM - AMMUNITION STANDARD SYSTEM	11,238	11,238	11,238	-	11,238
0708611F	205	SUPPORT SYSTEMS DEVELOPMENT	32,258	32,258	32,258	-	32,258
0708612F	206	COMPUTER RESOURCES SUPPORT IMP PROGRAM (CRSIP)	2,356	2,356	2,356	-	2,356
0901218F	207	CIVILIAN COMPENSATION PROGRAM	7,209	7,209	7,209	-	7,209
1001018F	208	NATO JOINT STARS	3,270	3,270	3,270	-	3,270
XXXXXX	999	Classified Programs	4,123,225	4,051,315	4,135,725	(109,037)	4,014,188
		ECONOMIC ADJUSTMENT		-	(42,100)		-
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF	13,685,576	13,677,108	13,897,336	93,568	13,779,144

XSS–10 micro-satellite technology demonstration

The budget request included no funding to complete and launch the XSS–10 micro-satellite technology demonstration.

The House bill would authorize the budget request.

The Senate amendment would authorize $12.0 million in PE 63401F to complete, launch, and operate the XSS–10 technology demonstration satellite.

The conferees agree to authorize $8.0 million in PE 62602F to complete the XSS–10 technology demonstration satellite. The conferees are aware that additional funds may be required to fully fund the launch and operation of the XSS–10. Therefore, the conferees direct the Secretary of the Air Force to reallocate the funds to complete the XSS–10 satellite and support its launch and operation from within funds authorized to be appropriated in PE 62601F and PE 63401F, as necessary.

Specialty aerospace metals

The budget request included $72.8 million for PE 62102F for applied research, $21.7 million in PE 63112F for advanced development of materials technologies for aerospace systems, and $53.1 million in PE 78011F for the Air Force's manufacturing technology program. The budget request included $57.7 million in 62601F for space technology.

The House bill would authorize a total increase of $15.0 million as follows: $5.25 million in PE 62102F; $5.25 million in PE 63112F; and $4.5 million in PE 78011F to establish an integrated program for the development and demonstration of special aerospace materials and materials manufacturing processes. The House bill would also encourage the Secretary of the Air Force to establish a continuing program for special aerospace metals and alloys as an integral part of the Air Force's science and technology and manufacturing technology programs.

The Senate amendment would authorize an increase of $3.0 million in PE 62601F for the aluminum aerostructures initiative.

The conferees agree to authorize an increase of $1.8 million in PE 62601F for the aluminum aerostructures and an increase of $12.8 million for aerospace specialty metals, of which $1.2 million would be used for the aluminum aerostructures initiative. The $12.8 million would be distributed as follows: $4.5 million in PE 62102F; $4.5 million in PE 63112F; and, $3.8 million in PE 78011F.

The conferees note the continuing need for advances in special aerospace metals and metal alloys for aircraft and space vehicle structures, propulsion, components, and weapon systems. Both the Navy and the Air Force are seeking access to materials that are lightweight, high strength, high performance, and capable of withstanding the stressing environments that are experienced by aerospace systems, and for the development and optimization of manufacturing processes for these materials. The conferees support the Air Force's efforts to develop and demonstrate a methodology for producing advanced aluminum aerostructures generating improved affordability, maintainability, and enhanced performance of current and future Air Force systems within the Advanced Aluminum Aerostructures initiative.

The conferees request that the Secretary of the Air Force assess requirements for advanced special aerospace metals and alloys and to report to the congressional defense committees on the plan for meeting those requirements with the submission of the fiscal year 2002 budget request.

Space-based radar

The budget request included $129.0 million for the Discoverer II space-based radar (SBR) program.

The House bill would authorize the budget request.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $30.0 million for continued SBR risk reduction and technology development.

The conferees strongly support an effort to develop the technologies and operational concepts that could enable deployment of an SBR system to perform ground moving target indications (GMTI), digital terrain elevation data (DTED) collection, and synthetic aperture radar (SAR) imaging. The conferees believe that such a system may offer a cost-effective way to provide valuable new technical capabilities while complementing, and perhaps replacing, the capabilities of other existing systems. The conferees believe that the Secretary of Defense should evaluate options for eventual development and deployment of an operational SBR system. In addition, the conferees believe that the Air Force, U.S. Space Command, the Defense Advanced Research Projects Agency, and the National Reconnaissance Office should continue to work together to mature the necessary technologies, conduct an analysis of alternatives, and develop operational concepts to provide better information for this evaluation and to support a potential deployment.

Therefore, the conferees direct the Secretary of Defense to prepare an SBR roadmap to guide this overall effort. The roadmap should address several concerns: (1) the operational requirements for space-based GMTI, DTED, and SAR capabilities; (2) the relationship of an SBR system to other current and planned air and space-based assets that might provide such capabilities; (3) the technologies needed to enable an affordable and operationally effective SBR system; and (4) if a requirement for an SBR system is established, whether a space-based technology demonstrator would be cost-beneficial prior to an SBR system acquisition. The conferees direct the Secretary to submit a report to the congressional defense committees on the SBR roadmap by May 1, 2001.

Space maneuver vehicle

The budget request included no funding for the Space Maneuver Vehicle (SMV).

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $15.0 million in PE 63401F for the SMV program.

The conferees agree to authorize an increase of $6.5 million in PE 63401F for acquisition of the "second tail number" X–40B demonstrator.

The conferees note that SMV development has been funded through congressional increases and are disappointed at the failure of the Secretary of the Air Force to request funding or provide efficient management for this program, notwithstanding repeated statements by Air Force and U.S. Space Command leaders indicating the importance of this program. The conferees urge the Air Force to request funding in future budget requests to support expeditious development.

The conferees also note that the full benefit of the Military Spaceplane concept, including the SMV, will not be realized without a low-cost reusable lower stage booster. The conferees direct the Secretary of the Air Force to provide a report to the congressional defense committees by April 1, 2001, on concepts, critical development paths, and applications for such a booster, and how it could fit into an overall Military Spaceplane system.

Space Based Laser program

The budget request included $137.7 million for the Space Based Laser (SBL) program, $63.2 million in the Air Force budget and $74.5 million in the Ballistic Missile Defense Organization budget.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $30.0 million in PE 63876F to support acceleration of the SBL Integrated Flight Experiment (IFX) and the SBL integrated test facility.

The conferees agree to authorize an increase of $10.0 million in PE 63876F to support acceleration of the IFX and the integrated test facility.

Electronic warfare development

The budget request included $58.2 million in PE 64270F for electronic warfare development.

The House bill would authorize an increase of $17.7 million in PE 64270F to continue development of the precision location and identification (PLAID) program, and an increase of $7.0 million in PE 64270F to increase the suitability of the miniature air-launched decoy (MALD) for operational use.

The Senate amendment contained a provision (sec. 226) that would authorize an increase of $8.0 million in PE 64270F for continued development of PLAID.

The Senate recedes on the provision.

The conferees agree to authorize a decrease of $8.6 million in PE 64270F, a total authorization of $49.6 million in electronic warfare development, as follows:

(1) an increase of $10.0 million for PLAID;

(2) an increase of $1.2 million for MALD; and

(3) a decrease of $19.8 million to reflect reapplication of prior year funds available due to Air Force withdrawal from the common missile warning system (CMWS) program.

Satellite control network

The budget request included $58.6 million in PE 35110F for satellite control network research and development.

The House bill would authorize the budget request and would require that $1.5 million be used for the Space Battlelab to evaluate the utility of commercial antenna networks for satellite control.

The Senate amendment would authorize the budget request.

The conferees agree to authorize the budget request without the restriction contained in the House bill.

The conferees direct the Secretary of the Air Force to conduct an evaluation of commercial technologies and services relevant to modernization of the satellite control network. The conferees believe that commercial technology may offer significant possibilities for modernizing the network, including its antennas, in a cost effective manner. The conferees direct the Secretary of the Air Force to submit a report on his evaluation to the congressional defense committees by April 1, 2001.

Manned reconnaissance systems

The budget request included no funding in PE 35207F for manned reconnaissance systems.

The House bill would authorize an increase of $2.0 million to complete a multi-link antenna system demonstration program on RC–135 aircraft.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $9.5 million to demonstrate the potential to integrate the data from an offboard intelligence sensor controlled by RC-135 Combat Sent aircraft into the Combat Sent processing system. This concept would involve adapting the expeditionary common automatic recovery system (ECARS) to control and precisely position the offboard platform to technically extend the reach of the Combat Sent aircraft into denied areas during a conflict. This concept would also provide for the safe, unassisted recovery of the offboard sensor. Since this data can be critical to responding to emerging threats during high intensity operations, the conferees believe that this effort should be supported.

Overview

The budget request for fiscal year 2001 contained an authorization of $10,238.2 million for Defense-Wide, Research and Development in the Department of Defense.

The House bill would authorize $11,077.8 million.

The Senate amendment would authorize $11,043.1 million.

The conferees recommended an authorization of $10,681.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
		RESEARCH, DEVELOPMENT, TEST & EVAL, DEFENSE-WIDE					
0601101D	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	2,007	2,007	2,007	-	2,007
0601101E	2	DEFENSE RESEARCH SCIENCES	90,415	90,415	90,415	-	100,415
		Advanced Photonics Research/Advanced Photonics Composite Res			[3,000]	[3,000]	
		Spin Electronics				10,000	
0601103D	3	UNIVERSITY RESEARCH INITIATIVES	253,627	263,127	259,127	-	257,627
		MEMS Sensors		[+9,500]		9,500	
		Military Personnel Research Institute			[+4,000]	4,000	
		Infrasound Detection Basic			[+1,500]	1,000	
		Spin Electronics				(10,000)	
		Transfer High Energy Laser				(500)	
0601105D	4	GULF WAR ILLNESS	16,978	16,978	16,978	-	16,978
0601108D	xx	HIGH ENERGY LASER RESEARCH DEVELOPMENT		10,000			
		High Energy Lasers (Transfer to PE 0602890D)		[+10,000]			
0601111D	5	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RES	6,715	6,715	6,715	-	6,715
0601114D	6	DEF EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RES	9,859	19,859	24,859	-	22,000
		DEPSCoR		[+10,000]	[+15,000]	12,141	
0601384BP	7	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	33,197	37,697	38,197	-	39,897
		Chemical and Biological Defense		[+3,000]		3,000	
		Chemical Agent Detection-Optical Computing		[+1,500]	[+2,000]	2,000	
		Thin Film Technology			[+3,000]	1,700	
0602110E	8	NEXT GENERATION INTERNET	15,000	15,000	15,000	-	15,000
0602173C	9	SUPPORT TECHNOLOGIES - APPLIED RESEARCH	37,747	47,747	49,747	-	39,747
		Wide Band Gap Materials		[+10,000]	[+2000]	2,000	
		NTW Follow-On Kill Vehicle Technology			[+10,000]	-	
0602227D	10	MEDICAL FREE ELECTRON LASER	15,029	15,029	15,029	-	15,029
0602228D	11	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE	14,236	14,236	14,236	-	14,236
0602234D	12	LINCOLN LABORATORY RESEARCH PROGRAM	18,602	18,602	20,702	-	20,102
		Bio-Defense Research			[+2,100]	1,500	
0602301E	13	COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY	376,592	331,592	361,292	-	331,592
		Computing Systems and Communications Technology		[-45,000]		-	
		Mobile Autonomous Robot Software				(15,000)	
		Program reduction due to program growth				(30,000)	

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0602302E	14	EXTENSIBLE INFORMATION SYSTEMS	69,282	49,282	69,282	-	52,282
		Extensible Information Systems		[-20,000]		-	
		Program reduction due to program growth				(17,000)	
0602383E	15	BIOLOGICAL WARFARE DEFENSE	162,064	142,064	162,064	-	147,064
		Biological Warfare Defense		[-20,000]		-	
		Program Reduction				(15,000)	
0602384BP	16	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	73,600	78,600	81,600	-	78,400
		Chemical and Biological Defense		[+5,000]		-	
		Hybrid Sensor Suite			[+8,000]	4,800	
0602702E	17	TACTICAL TECHNOLOGY	121,051	121,051	321,051	-	214,894
		Remotely Controlled Combat Systems Initiative			[+200,000]	100,000	
		Advanced Rotorcraft Technology				(5,657)	
		Transfer to Compact Lasers				(500)	
0602708E	18	INTEGRATED COMMAND AND CONTROL TECHNOLOGY	31,761	31,761	38,761	-	38,761
		High Definition Systems			[+7,000]	7,000	
0602712E	19	MATERIALS AND ELECTRONICS TECHNOLOGY	249,812	249,812	252,812	-	251,812
		3-D Structure Research			[+3,000]	2,000	
0602715BR	20	NUCLEAR SUSTAINMENT & COUNTERPROLIFERATION TECHNOLOGIES	230,928	213,928	230,928	-	212,428
		Nuclear Sustainment and Counterproliferation Technology		[-20,000]		-	
		Thermionics for Space Powered Systems		[+3,000]		2,500	
		Program Reduction/Program Growth				(21,000)	
0602787D	21	MEDICAL TECHNOLOGY	8,680	8,680	8,680	-	8,680
0602890D	xx	HIGH ENERGY LASER RESEARCH DEVELOPMENT	-	25,000		-	30,000
		High Energy Laser Applied Research (Includes all Laser Transfers)		[+25,000]		30,000	
0305108K	22	COMMAND AND CONTROL RESEARCH			-	-	-
0603002D	23	MEDICAL ADVANCED TECHNOLOGY	2,043	2,043	2,043	-	2,043
0603104D	24	EXPLOSIVES DEMILITARIZATION TECHNOLOGY	8,964	8,964	13,964	-	11,764
		Ammunition Risk Analysis Capability			[+5,000]	2,800	
0603121D	25	SO/LIC ADVANCED DEVELOPMENT	8,622	8,622	8,622	-	8,622
0603122D	26	COMBATING TERRORISM TECHNOLOGY SUPPORT	41,307	45,307	51,307	-	49,307
		Chem-Bio Detectors			[+5,000]	3,000	
		Blast Mitigation Testing			[+3,000]	3,000	
		Facial Recognition Acess Control Technology		[+4,000]	[+2,000]	2,000	

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0603160BR	27	COUNTERPROLIFERATION ADV DEVELOPMENT TECHNOLOGIES	77,391	100,554	77,391	-	77,391
0603173C	28	SUPPORT TECHNOLOGIES - ADV TECHNOLOGY DEVELOPMENT	93,249	122,249	130,249	-	121,549
		Exoatmospheric Interceptor Technology (EIT)		[+5,000]		-	
		Robust Adaptive Algorithms/RF/IR Data Fusion Testbed		[+4,000]		2,800	
		Magdalena Ridge Observatory			[+9,000]	-	
		Wide Band Gap			[+10,000]	10,000	
		Excalibur Low Cost Launch			[+3,000]	6,500	
		Atmospheric Inteceptor Technology		[+20,000]	[+15,000]	9,000	
0603174C	29	SPACE BASED LASERS (SBL)	74,537	74,537	74,537	-	74,537
0603225D	30	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	16,670	16,670	16,670	-	16,670
0603232D	31	AUTOMATIC TARGET RECOGNITION	7,534	7,534	7,534	-	7,534
0603285E	32	ADVANCED AEROSPACE SYSTEMS	26,821	26,821	26,821	-	14,821
		Orbital Express Space Operations Architecture				(12,000)	
0603384BP	33	CHEMICAL & BIOLOGICAL DEFENSE PROG - ADVANCED DEV	46,594	46,594	67,694	-	56,144
		Chem-Bio Individual Sampler			[+2,700]	2,000	
		Consequence Management Information System			[+6,400]	4,000	
		Chem-Bio Advanced Materials research			[+3,500]	2,800	
		Small Unit Bio Detector			[+8,500]	750	
		Anthrax Vaccine				[1,000]	
0603704D	34	SPECIAL TECHNICAL SUPPORT	10,777	15,777	15,777	-	14,777
		Complex System Design		[+5,000]	[+5,000]	4,000	
0603711BR	35	ARMS CONTROL TECHNOLOGY	52,930	52,930	52,930	-	52,930
0603712S	36	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	23,082	26,082	31,382	-	26,382
		Competitive Sustainment Initiative		[+3,000]	[+8,000]	3,000	
		Air Logistics			[+300]	300	
0603716D	37	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	51,357	51,357	56,357	-	50,557
		UXO Detection and Remediation			[+5,000]	4,000	
		Texas Regional Institute for Environmental Studies (TRIES)		[3,000]		[2,000]	
		Invasive Species Program				(1,400)	
		Proposed Rules/Regulations				(3,400)	
0603727D	38	JOINT WARFIGHTING PROGRAM	7,607	7,607	7,607	-	7,607
0603738D	39	COOPERATIVE DOD/VA MEDICAL RESEARCH			-	-	500
		Occupational Lung Disease/Review of Biopsies				500	

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0603739E	40	ADVANCED ELECTRONICS TECHNOLOGIES	191,800	191,800	191,800	-	191,800
0603747E	41	ELECTRIC VEHICLES			-	-	-
0603750D	42	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	116,425	117,425	116,425	-	117,425
		Ultra-wideband Radar/Radar Vision 2000		[+1,000]		1,000	
0603755D	43	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	164,027	164,027	164,027	-	164,027
0603760E	44	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	128,863	128,863	128,863	-	128,863
0603761E	45	COMMUNICATION AND SIMULATION TECHNOLOGY			-	-	-
0603762E	46	SENSOR AND GUIDANCE TECHNOLOGY	182,225	182,225	178,225	-	134,125
		Surface Target Identification for Engagement				(8,000)	
		Discoverer II				(40,100)	
0603763E	47	MARINE TECHNOLOGY	30,304	30,304	30,304	-	30,304
0603764E	48	LAND WARFARE TECHNOLOGY	134,249	134,249	134,249	-	133,249
		Advanced Land Warfare Concept Exploration				(1,000)	
0603765E	49	CLASSIFIED DARPA PROGRAMS	101,387	101,387	101,387	-	101,387
0603805S	50	DUAL USE APPLICATION PROGRAMS			-	-	-
0603832D	51	JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	56,971	56,971	61,971	-	59,971
		WMD Simulation Capability			[+5,000]	3,000	
0605160D	52	COUNTERPROLIFERATION SUPPORT	1,483	1,483	1,483	-	1,483
0603228D	56	PHYSICAL SECURITY EQUIPMENT	35,108	35,108	35,108	-	26,107
		Reduction for program growth				(9,001)	
0603708D	57	INTEGRATED DIAGNOSTICS			-	-	-
0603709D	58	JOINT ROBOTICS PROGRAM	10,294	10,294	10,294	-	10,294
0603714D	59	ADVANCED SENSOR APPLICATIONS PROGRAM	15,534	25,034	20,534	9,500	30,034
		HAARP			[+5,000]	5,000	
0603736D	60	CALS INITIATIVE	1,585	1,585	3,585	-	3,585
		Integrated Data Environment (IDE)			[+2,000]	2,000	
0603790T	61	NATO RESEARCH AND DEVELOPMENT			-	-	-
0603851D	62	ENVIRON SECURITY TECHNICAL CERTIFICATION PROG	24,906	24,906	34,906	-	28,906
		Remediation of Uexploded Ordnances			[+10,000]	4,000	
0603857J	63	ALL SERVICE COMBAT IDENTIFICATION EVALUATION TEAM (ASCIET)			-	-	-
0603861C	64	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - DEM/VAL			-	-	-
0603868C	65	NAVY THEATER WIDE MISSILE DEFENSE SYSTEM	382,671	407,671	442,671	-	462,671
		Advanced Technology Kill Vehicle		[+15,000]		-	

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
		Radar Technology Demonstration		[+10,000]		-	
		Accelerate NTW SM-3 Incerceptor			[+60,000]	-	
		Advanced Technology Kill Vehicle/Radar Competition, Program Acceleration				80,000	
0603869C	66	MEADS CONCEPTS - DEM/VAL	63,175	63,175	63,175	-	53,475
		Reduction for Program Growth				(9,700)	
0603870C	67	BOOST PHASE INTERCEPT THEATER MISSILE DEF ACQ - DEM/VAL			-	-	-
0603871C	68	NATIONAL MISSILE DEFENSE - DEM/VAL	1,740,238	2,066,259	1,869,238	-	1,875,238
		Risk Reduction		[+85,000]	[+129,000]	129,000	
		Transfer From PE 0604442F (SBIRS Low)		[+241,021]			
		NMD C2 Radar Prototyping Program				6,000	
0603872C	69	JOINT THEATER MISSILE DEFENSE - DEM/VAL			5,000	-	-
		BMD Liquid Fueled SurrogateTarget (Authorized in 0603874C)			[+5,000]	-	
0603873C	70	FAMILY-OF SYSTEMS ENGINEERING AND INTEGRATION (FOS E&I)	231,248	255,848	231,248	-	231,248
0603874C	71	BMD TECHNICAL OPERATIONS	270,718	315,118	280,218	-	291,218
		Liquid Surrogate Targets		[+9,000]		2,500	
		Wide Bandwidth Information Infrastructure		[+15,000]		9,000	
		Advanced Optical Data and Sensor Fusion			[+3,000]	3,000	
		Advanced Research Center			[+6,500]	6,000	
0603875C	72	INTERNATIONAL COOPERATIVE PROGRAMS	116,992	116,992	104,992	-	124,992
		RAMOS			[-20,000]	-	
		Arrow System Improvement Plan				8,000	
		Arrow Enhanced Interoperability			[+8,000]	-	
0603876C	73	THREAT AND COUNTERMEASURES	22,621	22,621	22,621	-	22,621
0603XXXC	XXX	AIRBORNE LASER PROGRAM		231,037			
		Increase		[+82,400]			
		Transfer From 0603319F		[+148,637]			
0603884BP	74	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - DEM/VAL	83,800	83,800	83,800	-	83,800
0603892D	75	ASAT			20,000	-	-
		KE-ASAT			[+20,000]	-	
0603920D	76	HUMANITARIAN DEMINING	12,728	12,728	12,728	-	12,728
0603923D	77	COALITION WARFARE	11,839	11,839	11,839	-	6,000
		Program Deferral				(5,839)	
0604722D	78	JOINT SERVICE EDUCATION AND TRAINING SYSTEMS DEVELOPMENT			-	-	-

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0605104T	79	TECHNICAL STUDIES, SUPPORT AND ANALYSIS			-	-	-
0605110T	80	PARTNERSHIP FOR PEACE (PFP) INFORMATION MGT SYS (PIMS)	1,932	1,932	1,932	-	1,932
0901585C	81	PENTAGON RESERVATION	4,772	4,772	4,772	-	4,772
0604384BP	82	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - EMD	100,815	100,815	102,915	-	100,815
		Next Generation Anthrax Vaccine (Authorized in PE 0603384BP)			[+2,100]	-	
0604709D	83	JOINT ROBOTICS PROGRAM - EMD	11,553	11,553	13,153	-	11,553
		WMD Response System			[+1,600]	-	
0604764K	84	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	14,685	14,685	14,685	-	14,685
0604771D	85	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	16,250	16,250	16,250	-	16,250
0604805D	86	COMMERCIAL OPERATIONS AND SUPPORT SAVINGS INITIATIVE			-	-	-
0604861C	87	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - EMD	549,945	549,945	549,945	-	549,945
0604865C	88	PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION - EMD	81,016	81,016	81,016	-	81,016
0604867C	89	NAVY AREA THEATER MISSILE DEFENSE - EMD	274,234	274,234	274,234	-	274,234
0605013D	90	INFORMATION TECHNOLOGY DEVELOPMENT	12.000	15,600	12,000	-	12,000
		TRICARE Encounter Data System		[+3,600]			
0605013S	91	INFORMATION TECHNOLOGY DEVELOPMENT	1,671	1,671	1,671	-	1,671
0605014S	92	INFORMATION TECHNOLOGY DEVELOPMENT (FIELD ACTIVITY)	26,797	26,797	26,797	-	26,797
0605015S	93	INFORMATION TECH DEV (STANDARD PROCUREMENT SYSTEM)	15,772	15,772	15,772	-	15,772
0303129K	94	DEFENSE MESSAGE SYSTEM	11,340	11,340	11,340	-	11,340
0303140K	95	INFORMATION SYSTEMS SECURITY PROGRAM	18,210	18,210	18,210	-	18,210
0303141K	96	GLOBAL COMBAT SUPPORT SYSTEM	22,287	22,287	22,287	-	22,287
0305840K	97	ELECTRONIC COMMERCE	28,094	28,094	28,094	-	28,094
0603858D	98	UNEXPLODED ORDNANCE DETECTION AND CLEARANCE	1,204	1,204	1,204	-	1,204
0604942D	99	ASSESSMENTS AND EVALUATIONS			-	-	-
0604943D	100	THERMAL VICAR	4,882	4,882	4,882	-	4,882
0605104D	101	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	30,597	30,597	30,597	-	30,597
0605110BR	102	CRITICAL TECHNOLOGY SUPPORT	3,927	3,927	3,927	-	3,927
0605114E	103	BLACK LIGHT	5,000	5,000	5,000	-	5,000
0605116D	104	GENERAL SUPPORT TO C3I	3,769	3,769	3,769	-	8,769
		Information Assurance: JCOATS-IO (Authorization transferred from 0305190D)				5,000	
0605117D	105	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	32,173	32,173	80,273	-	72,173
		Classified Program Increase				40,000	
0605123D	106	AFCC ENGINEERING AND INSTALLATION	6,000	6,000	6,000	-	6,000

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0605124D	107	SPECIAL APPLICATIONS PROGRAM	9,122	9,122	9,122	-	9,122
0605126J	108	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	21,200	21,200	21,200	-	21,200
0605128BR	109	CLASSIFIED PROGRAM			-	-	-
0605128D	110	CLASSIFIED PROGRAM USD(P)			-	-	-
0605130D	111	FOREIGN COMPARATIVE TESTING	31,697	31,697	31,697	-	31,697
0605160BR	112	COUNTERPROLIFERATION SUPPORT			-	-	-
0605384BP	113	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	23,907	23,907	23,907	-	23,907
0605502BP	114	SMALL BUSINESS INNOVATIVE RESEARCH - CHEM BIO DEF			-	-	-
0605502D	115	SMALL BUSINESS INNOVATIVE RESEARCH			-	-	-
0605502E	116	SMALL BUSINESS INNOVATIVE RESEARCH			-	-	-
0605710D	117	CLASSIFIED PROGRAMS - C3I	641	641	641	-	641
0605790D	118	SMALL BUSINESS INNOVATION RESEARCH ADMIN	1,728	1,728	1,728	-	1,728
0605798S	119	DEFENSE TECHNOLOGY ANALYSIS	5,048	5,048	5,048	-	5,048
0605801K	120	DEFENSE TECHNICAL INFORMATION SERVICES (DTIC)	45,350	45,350	45,350	-	45,350
0605803S	121	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING & EVALUATION	8,776	8,776	8,776	-	8,776
0605804D	122	DEVELOPMENT TEST AND EVALUATION	43,915	43,915	43,915	-	43,915
0605898E	123	MANAGEMENT HEADQUARTERS (RESEARCH & DEVELOPMENT)	34,679	34,679	34,679	(2,000)	32,679
0604805D	124	COMMERCIAL OPERATIONS AND SUPPORT SAVINGS INITIATIVE	9,629	9,629	9,629	-	9,629
0208045K	125	C3 INTEROPERABILITY	37,072	37,072	37,072	-	37,072
0208052J	126	JOINT ANALYTICAL MODEL IMPROVEMENT PROGRAM	11,941	11,941	11,941	-	11,941
0302016K	130	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	641	641	641	-	641
0302019K	131	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	5,704	5,704	5,704	-	5,704
0303126K	132	LONG-HAUL COMMUNICATIONS (DCS)	1,416	1,416	1,416	-	1,416
0303127K	133	SUPPORT OF THE NATIONAL COMMUNICATIONS SYSTEM	5,019	5,019	5,019	-	5,019
0303131K	134	MIN ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	7,099	7,099	7,099	-	7,099
0303140G	135	INFORMATION SYSTEMS SECURITY PROGRAM	290,771	290,771	297,571	-	292,571
		Information Operations Technology Center Alliance			[+5,000]	-	
		Trusted Rubix			[+1,800]	1,800	
0303149J	136	C4I FOR THE WARRIOR	5,486	5,486	5,486	-	5,486
0303149K	137	C4I FOR THE WARRIOR	405	405	405	-	405
0303153K	138	JOINT SPECTRUM CENTER	8,735	8,735	8,735	-	8,735
0304210BB	139	SPECIAL RECONNAISSANCE CAPABILITIES (SRC) PROGRAM	3,800	3,800	5,800	-	3,800
		Virtual Worlds Initiative			[+2,000]	-	

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
0305102BQ	141	DEFENSE IMAGERY AND MAPPING PROGRAM	74,975	96,975	81,975	-	94,975
		GeoSar		[+15,000]		15,000	
		National Technology Alliance NIMA Viewer/Commercial Mapping Visulization Toolkit		[+3,000]	[+5,000]	3,000	
		Rome Lab		[+4,000]		-	
		Smart Maps/Spatio-temporal Database Research			[+2,000]	2,000	
0305127V	142	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	444	444	444	-	444
0305159I	143	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)			-	-	-
0305190D	144	C3I INTELLIGENCE PROGRAMS	25,182	25,182	35,182	-	25,182
		JCOATS-IO (Authorization transferred to 0605116D)			[+5,000]	-	
		Information Assurance Testbed			[+5,000]	-	
0305202G	145	DRAGON U-2 (JMIP)	4,379	4,379	4,379	-	4,379
0305206G	146	AIRBORNE RECONNAISSANCE SYSTEMS	13,514	13,514	13,514	-	13,514
0305207G	147	MANNED RECONNAISSANCE SYSTEMS	4,543	4,543	4,543	-	4,543
0305208L	150	DISTRIBUTED COMMON GROUND SYSTEMS	994	994	994	-	994
0305885G	152	TACTICAL CRYPTOLOGIC ACTIVITIES	95,671	97,671	95,671	-	95,671
		COTS VME Receiver Technology for SIGINT Applications		[+1,000]			
		Commercial Silicon Germanium Integrated Circuits		[+1,000]			
0305889G	153	COUNTERDRUG INTELLIGENCE SUPPORT			-	-	-
0708011S	154	INDUSTRIAL PREPAREDNESS	7,090	7,090	7,090	-	7,090
0902298J	155	MANAGEMENT HEADQUARTERS (OJCS)	12,540	12,540	12,540	-	12,540
0902740J	156	JOINT SIMULATION SYSTEM	24,095	24,095	24,095	-	24,095
1001017D	157	PARTNERSHIP FOR PEACE ACTIVITIES			-	-	-
1160279BB	158	SM BUSINESS INNOVATIVE RES/SMALL BUS TECH TRANS PILOT PROG			-	-	-
1160401BB	159	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	7,360	7,360	7,360	-	7,360
1160402BB	160	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	7,778	7,778	7,778	-	7,778
1160404BB	161	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	133,520	147,720	133,520	-	138,820
		CV-22 Osprey Radar Improvements		[+9,200]		6,000	
		MC-130 Autonomous Landing Guidance System		[+5,000]		4,500	
		Advanced Lightweight Grenade Launcher				2,800	
		CV-22 Post Initial Operational Capability Block 10 changes				(3,000)	
		C-130 Engine Infrared Suppression				(5,000)	
1160405BB	162	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	3,022	5,022	3,022	-	4,022
		Special Operations Tactical Video System		[+2,000]		1,000	

Title II-RDT and E

(Dollars in Thousands)

Account	Ln No.	Title	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
1160407BB	163	SOF MEDICAL TECHNOLOGY DEVELOPMENT	2,065	2,065	2,065	-	2,065
1160408BB	164	SOF OPERATIONAL ENHANCEMENTS	87,071	87,071	92,671	-	73,571
		Advanced Lightweight Grenade Launcher (Authorized in PE 1160404 BB)			[+5,600]	-	
		Program Reduction				(13,500)	
XXXXXX		JOINT TECHNOLOGY INFORMATION CENTER INITIATIVE			20,000	20,000	20,000
XXXXXX		DIRECTED ENERGY			[50,000]		
XXXXX	999	Classified Programs	1,323,435	1,421,435	1,463,435	49,316	1,372,751
		ECONOMIC ADJUSTMENT		-	(1,500)		-
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DEF-WIDE	10,238,242	11,077,763	11,043,142	443,410	10,681,652
		OPERATIONAL TEST & EVAL, DEFENSE					
0604940D	1	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	121,401	139,401	141,401	-	110,401
		CTEIP		[+18,000]		-	
		Program Increase			[+20,000]	-	
		Threat Simulations/Targets				(5,000)	
		Program Delays				(6,000)	
0605118D	2	OPERATIONAL TEST AND EVALUATION	17,172	17,172	17,172	-	17,172
0605131D	3	LIVE FIRE TESTING	9,712	9,712	11,212	-	11,212
		Reality Fire-Fighting Training			[+1,500]	1,500	
0605804D	4	DEVELOPMENT TEST AND EVALUATION	53,275	53,275	53,275	-	53,275
		TOTAL, OPERATIONAL TEST & EVAL, DEFENSE	201,560	219,560	223,060	(9,500)	192,060

Chemical and Biological Defense Program

The budget request included $835.8 million for the Chemical and Biological Defense Program (CBDP), including $473.9 million for procurement and $361.9 million for research and development.

The House bill would authorize an increase of $4.5 million in PE 61384BP, including $3.0 million for chemical and biological defense basic research and $1.5 million for chemical agent detection via optical computing; and $5.0 million in PE 62384BP for chemical and biological defense applied research.

The Senate amendment would authorize increases for the following chemical and biological defense program activities: $2.0 million for chemical agent detection via optical computing and $3.0 million for thin film technology in PE 61384BP; $8.0 million to accelerate development of a light-weight, man portable hybrid sensor using thin film technology in PE 62384BP; $2.7 million for the chemical-biological individual sampler, $6.4 million for the consequence management information system, $3.5 million for the evaluation of advanced materials that contain reactive technologies to be added to textiles for protection against chemical and biological warfare agents, and $8.5 million for the Small Unit Biological Detector in PE 63384BP; $2.1 million for a next generation anthrax vaccine in PE 64384BP; $2.5 million for the procurement of thirteen enhanced nuclear, biological, and chemical (NBC) kits; and $1.8 million for the procurement of equipment in support of Weapons of Mass Destruction, Civil Support Teams (WMD–CST).

The conferees agree to authorize an increase for the following chemical and biological defense program activities: $6.7 million in PE 61384BP for chemical and biological defense basic research, including $3.0 million for chemical and biological defense, $2.0 million for chemical agent detection via optical computing, and $1.7 million for thin film technology in PE 61384BP; $4.8 million in PE 62384BP for a hybrid sensor suite using thin film technology; and $9.55 million in PE 63384BP, including $2.0 million for the chemical and biological individual sampler, $4.0 million for the consequence management information system, $2.8 million for evaluation of advanced materials containing reactive materials that may be added to textiles for protection against chemical and biological warfare agents, $750,000 for the small unit biological detector, and $1.0 million for second generation anthrax vaccine development. The conferees also agree to authorize increases of $2.5 million for procurement of NBC Defense Enhancement kits for Marine Expeditionary Units and $900,000 for procurement of equipment for Weapons of Mass Destruction, Civil Support Teams.

The conferees support initiatives for research, development, and demonstration of advanced chemical and biological defense technologies and systems. The conferees note, however, the growing tendency to fund individual chemical and biological defense projects directly within the budget accounts of the military services. The conferees emphasize that this practice violates the intent and purpose of Congress in establishing the consolidated chemical and biological defense program. The conferees direct the Under Secretary of Defense (Acquisition, Technology, and Logistics) to ensure that such initiatives compete for funding within the appropriate program elements of the joint chemical and biological defense program and the Defense Advanced Research Projects Agency's biological defense program on the basis of technical merit and the anticipated ability of the technology or system to meet joint and service unique needs.

Nuclear sustainment and counterproliferation technologies

The budget request included $230.9 million in PE 62715BR for nuclear sustainment and counterproliferation technologies, including $60.7 million for weapons effects technologies.

The House bill would authorize an increase of $3.0 million for thermionics for space powered systems and a decrease of $20.0 million to adjust for program growth in PE 62715BR.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $2.5 million for thermionics for space powered systems and a decrease of $21.0 million to adjust for program growth in PE 62715BR.

The conferees note that partnerships between universities, government laboratories, and industry accelerate the testing, development, and fielding of blast mitigation technologies for protection of U.S. missions and military installations abroad. The conferees strongly support such partnerships and encourage the Defense Threat Reduction Agency to continue to provide funding for this important initiative.

Blast mitigation testing

The budget request included $10.0 million in PE 63122D for blast mitigation testing.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $3.0 million in PE 63122D for blast mitigation testing.

The conferees agree to authorize an increase of $3.0 million in PE 63122D to accelerate the testing and certification of blast mitigation effects technology.

The conferees note these funds would allow the Department of Defense to accelerate the testing and analysis of building components and improve building design standards and guidelines for use in new construction applications.

Chemical and biological detectors

The budget request included $300,000 in PE 63122D to continue to develop aerogel and fiber optic based technologies for chemical and biological collector and detector prototypes.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $5.0 million in PE 63122D for aerogel and fiber optic based technologies for chemical and biological collector and detector prototypes.

The conferees agree to authorize an increase of $3.0 million in PE 63122D for aerogel and fiber optic based technologies for chemical and biological collector and detector prototypes.

Facial recognition access control technology

The budget request included no funding in PE 63122D for facial recognition access control technology.

The House bill would authorize an increase of $4.0 million in PE 63122D for facial recognition access control technology.

The Senate amendment would authorize an increase of $2.0 million in PE 63122D for facial recognition access control technology.

The conferees agree to authorize an increase of $2.0 million in PE 63122D for facial recognition access control technology.

The conferees note these funds will be used to further the efforts of the Department of Defense to develop, test and evaluate this surveillance, identification, and access control technology, and allow prototype development and testing.

Technologies for detection and transport of pollutants attributable to live-fire activities

The budget request included $9.0 million for research, development, testing, and evaluation (RDT&E) related to the environmental remediation of unexploded ordnance (UXO), $5.0 million in PE 63716D for development of UXO technology through the Strategic Environmental Research and Development Program (SERDP) and $4.0 million in PE 63851D for demonstration/validation through the Environmental Security Technology Certification Program (ESTCP).

The House bill would authorize $3.0 million within SERDP for the Texas Regional Institute for Environmental Studies (TRIES).

The Senate amendment contained a provision (sec. 222) that would authorize an increase of $5.0 million in SERDP (PE 63716D) for the development of technologies to map the presence and transport of constituents related to live-fire activities. The Senate amendment would also authorize an increase of $10.0 million in ESTCP (PE 63851D) for demonstration/validation of UXO remediation technology.

The Senate recedes on the provision.

The conferees agree to authorize $2.0 million within SERDP (PE 63716D) for TRIES. The conferees also agree to authorize an increase of $4.0 million for ESTCP (PE 63851D) and $4.0 million for SERDP (PE 63716D) to conduct RDT&E activities that will begin to address the full range of issues associated with the detection and remediation of constituents attributable to military live-fire training activities that impact a variety of hydrogeological areas.

The Department of Defense (DOD) has informed the conferees that its potential liability for remediation of unexploded ordnance may exceed $100.0 billion. It is evident to the conferees that increased emphasis in this area is essential.

Specifically, the conferees expect that the increased funding will be used for the research, development, and demonstration/validation of viable, cost effective technologies to detect, analyze, and map the presence and transport of live-fire constituents. Demonstration/validation of these technologies shall to the extent practicable be conducted at sites where detection and possible remediation of live-fire constituents is underway. Such efforts will help the military departments meet the extraordinary environmental detection and remediation challenges at active, inactive, closed, transferred, and transferring ranges. Performance measures shall be established for all technologies developed with these additional funds to facilitate implementation and utilization by the DOD.

Weapons of mass destruction attack-effects-response assessment capability at U.S. Joint Forces Command

The budget request included $56.971 million in PE 63832D for the Joint Wargaming Simulation Management Office.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $5.0 million in PE 63832D for the development and installation of a weapon of mass destruction attack-effects-response assessment capability for the Joint Task Forces-Civil Support that was recently established as part of the U.S. Joint Forces Command (USJFCOM). This program will allow USJFCOM, along with government agencies, state, and local authorities, to model chemical, biological or radiological incidents from the initial detection of the attack and initial effects through the medical response to the incident in an integrated, interoperable manner.

The conferees agree to authorize an increase of $3.0 million in PE 63832D for the development and installation of a weapon of mass destruction attack-effects-response assessment capability at USJFCOM.

Ballistic Missile Defense Organization funding and programmatic guidance

The budget request included approximately $4.5 billion for the Ballistic Missile Defense Organization (BMDO), including Procurement, Research, Development, Test and Evaluation (RDT&E) and military construction.

The House bill would authorize an increase of $669.6 million in RDT&E funding for BMDO, including transfers of funds from the Air Force for the Space Based Infrared System (SBIRS) Low and the Airborne Laser Program.

The Senate amendment would authorize an increase of $240.0 million in RDT&E funding for BMDO.

The conferees agree to authorize an overall increase of $264.1 million for BMDO RDT&E, as specified below. The conferee's recommendations for BMDO military construction are provided elsewhere in this conference agreement. The conferees' recommendations regarding the Airborne Laser and SBIRS-Low programs are also provided elsewhere in this conference agreement.

SUPPORT TECHNOLOGY

The conferees continue to support BMDO's efforts in the area of wide bandgap electronic materials and devices. To support this important technology effort, the conferees recommend an increase of $2.0 million in PE 62173C and an increase of $10.0 million in PE 63173C.

The conferees continue to support the Atmospheric Interceptor Technology (AIT) program to develop advanced interceptor kill vehicle technologies. The conferees recommend an increase of $9.0 million in PE 63173C to support the AIT program.

The conferees have supported BMDO's efforts to evaluate innovative and low-cost launch technologies. The conferees recommend an increase of $6.5 million in PE 63173C to support low cost launch technology, including the Excalibur concept. The conferees also agree to authorize an increase of $6.5 million in the Air Force budget (PE 63401F) for low cost launch, including the Scorpius concept.

The conferees note that the Director of BMDO has identified a need for additional funding to develop robust adaptive algorithms to counter evolving and off-nominal ballistic missile threats. The conferees recommend an increase of $2.8 million in PE 63173C to support such algorithm development.

The conferees remain concerned that funding for innovative ballistic missile defense technology projects continues to be insufficient to support BMDO's future needs. The conferees recommend that the Director of BMDO identify funds throughout the Future Years Defense Program sufficient to support a technology program that hedges against rapidly evolving missile threats.

NATIONAL MISSILE DEFENSE

The budget request included approximately $1.8 billion for the National Missile Defense (NMD) program, including Procurement and RDT&E. The conferees note that the Director of BMDO has identified a number of areas in which additional funds could be utilized to enhance risk reduction and testing activities. The Director identified $129.0 million in critical risk reduction unfunded requirements. Therefore, the conferees recommend an increase of $129.0 million in PE 63871C for NMD risk reduction.

The conferees understand that BMDO is considering entering into a competition for the NMD X-band ground-based radars (GBR) that would be deployed following the initial deployment of the GBR site in Alaska. The conferees direct the Director of BMDO to conduct an analysis of the advantages and disadvantages of a competitive approach to follow-on GBR development and deployment, and provide a report to the congressional defense committees by April 1, 2001. The conferees also agree to authorize an increase of $6.0 million in PE 63871C to support initial technology development and evaluation for the NMD capability–2 (C–2) radar.

The conferees are concerned by potential delays in the NMD program associated with the development of the ground-based interceptor (GBI) booster. The conferees believe that BMDO should evaluate options for reducing technical and schedule risks associated with the GBI, including the development of a backup booster option involving proven technologies. The conferees direct the Director of BMDO to submit a report to the congressional defense committees by April 1, 2001, on plans for mitigating the booster problems.

NAVY THEATER WIDE

The conferees continue to support the Navy Theater Wide (NTW) program and urge the Secretary of Defense to accelerate this important program to the extent permitted by the pace of technological development. The conferees agree to authorize an overall increase of $80.0 million in PE 63868C to accelerate the NTW program and to begin work on an advanced technology kill vehicle. Of this amount, the conferees agree to authorize the use of $65.0 million for acceleration of the Standard Missile–3 (SM–3) and to support continuation of NTW radar competition.

The conferees believe that BMDO should immediately begin to define and develop the necessary technology for the SM–3 block II kill vehicle. The conferees agree to authorize an increase of $15.0 million in PE 63868C to support the development of advanced NTW kill vehicle concepts employing light-weight non-toxic pumped-propulsion and active/passive sensor technology.

The conferees are concerned that the Navy has relied on congressional increases in the NTW program to support development of radar technologies and systems to support the ballistic missile defense mission. The conferees note that neither the Navy nor BMDO has budgeted for Navy missile defense radar requirements, as identified in the Navy's radar roadmap. The conferees believe that acceleration of the NTW program may be problematic unless these requirements are clearly defined. Such efforts are too important to remain unfunded in upcoming budget requests. The conferees believe that radar upgrades are primarily a Navy responsibility because they must be thoroughly integrated across the range of Navy missions, and that such upgrades cannot be funded exclusively through BMDO or through congressional increases. The conferees direct the Secretary of Defense to define the appropriate management and funding responsibilities between the Navy and BMDO regarding the development and acquisition of radars that support the Navy ballistic missile defense mission, and to ensure that appropriate funds are requested to support these activities.

MEDIUM EXTENDED AIR DEFENSE SYSTEM

The budget request included $63.2 million for the Medium Extended Air Defense System (MEADS). The conferees recommend a decrease of $9.7 million in PE 63869C due to growth in the MEADS program.

BMD TECHNICAL OPERATIONS

The conferees continue to support BMDO's effort to develop a theater missile defense surrogate target based on a liquid fuel engine. The conferees agree to authorize an increase of $2.5 million in PE 63874C to continue this effort.

The conferees continue to support the Army Space and Missile Defense Command's Advanced Research Center (ARC) and agree to authorize an increase of $6.0 million in PE 63874C in support of the ARC.

The conferees support BMDO's efforts to improve missile defense technologies and capabilities against advanced theater ballistic missile threats. One promising area of research is in optical data and sensor fusion for detection and discrimination of advanced threats, missile plumes, and penetration aids using advanced image processing and optical discrimination algorithms. The conferees agree to authorize an increase of $3.0 million in PE 63874C for BMDO to continue this work.

BMDO has succeeded in employing wideband information technologies to link geographically dispersed radar and missile hardware-in-the-loop test facilities to improve ground testing of theater missile defense systems and increase the probability of successful flight testing. The conferees believe that this approach can be used in other areas, including battle management and command, control, communications, and intelligence (C3I). Therefore, the conferees agree to authorize an increase of $9.0 million in PE 63874C to support continued development of a wide-band information infrastructure for BMDO.

INTERNATIONAL COOPERATIVE PROGRAMS

The budget request included $117.0 million for BMDO International Cooperative Programs, including $81.2 million for Israeli Cooperative Projects and $35.8 million for the Russian-American Observation Satellites (RAMOS) program.

The conferees acknowledge that the budget request included $45.0 million to support continued acquisition of the Arrow Third Battery. The conferees agree to authorize an increase of $8.0 million in PE 63875C to initiate the Arrow System Improvement Plan.

Defense imagery and mapping program

The budget request included $75.0 million in PE 35102BQ.

The House bill would authorize an increase of $22.0 million in PE 35102BQ: $4.0 million for Rome Laboratory moving target exploitation efforts; $3.0 million for the National Technology Alliance and the National Imagery and Mapping Agency (NIMA) Viewer development; and $15.0 million for the Geo-Synthetic Aperture Radar (GeoSAR) program.

The Senate amendment would authorize an increase of $7.0 million in PE 35102BQ: $5.0 for the NIMA Viewer; and $2.0 million for the "Smart Maps" initiative.

The conferees agree to authorize an increase of $20.0 million in PE 35102BQ: $3.0 million for the development of a Commercial Mapping and Visualization Toolkit, which includes the NIMA Viewer concept; $15.0 million for the GeoSAR program; and $2.0 million for the "Smart Maps" initiative.

The conferees agree that the mapping and visualization toolkit development funds are not being designated for a specific contractor program, but that NIMA should use the additional funds to continue efforts to upgrade its commercial mapping and visualization toolkit, and give appropriate consideration to competitive commercial sources for conducting this work.

Special operations tactical systems development

The budget request included $133.5 million for special operations tactical systems development in PE11644BB. The budget request did not include funding to continue the development of many programs, including the MC–130 autonomous landing guidance system, the CV–22 terrain following radar upgrades, or the advanced lightweight grenade launcher.

The House bill would authorize an increase of $14.2 million in PE 11644BB, as follows: $9.2 million for the CV–22 terrain following radar improvements; and, $5.0 million for continued development of the MC–130 autonomous landing guidance system.

The Senate amendment would authorize an increase of $5.6 million in PE 11648BB, Special Operations Forces operational enhancements, for the purpose of continuing research and development of the advanced lightweight grenade launcher.

The conferees agree to authorize an increase of $13.3 million in PE 11644BB, special operations tactical systems development to be distributed as follows: $4.5 million for the MC–130 autonomous landing guidance system; $6.0 million for the CV–22 terrain following radar upgrades; and, $2.8 million for the advanced lightweight grenade launcher.

The conferees also understand that there may be slippage in the CV–22 post initial operational capability block 10 changes. Additionally, the C–130 engine infrared suppression program has been canceled due to higher priority requirements. Therefore, the conferees agree to a reduction of $3.0 million for the CV–22 block 10 changes and a reduction of $5.0 million for the C–130 engine infrared suppression program.

ITEMS OF SPECIAL INTEREST

Common imagery processor

The House report accompanying H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001 (H. Rept. 106–620), would direct that, of the amounts appropriated pursuant to that Act in PE 35208F and PE 35208N for the distributed common ground system (DCGS), no more than 25 percent could be obligated or expended until the Department of Defense submits a plan to the congressional defense and intelligence committees that details how the common imagery processor (CIP) will be integrated into the Navy imagery system (NAVIS) and how the NAVIS funcionality could be incorporated into the common imagery ground/surface system (CIGSS) structure.

The conferees agree that the Department should take full advantage of functions and capabilities already owned by the government. In general, the conferees do not support expenditure of funds to recreate existing capabilities absent compelling arguments. In this light, the conferees believe there is potential for integrating capabilities of the CIP, NAVIS, and CIGSS.

Therefore, the conferees direct the Assistant Secretary of Defense for Command, Contol, Communications, and Intelligence, in consultation with the Director, National Imagery and Mapping Agency, to submit a plan to the congressional defense and intelligence agencies by March 15, 2001, which outlines an appropriate path for migrating tactical imagery programs, including the CIP, NAVIS, and CIGSS, to integrated solutions within the CIGSS architecture.

Defense Space Reconnaissance Program

The Defense Space Reconnaissance Program (DSRP) has served an important role in providing direct interactions between the National Reconnaissance Office (NRO) and operational military commanders and other elements of the Department of Defense. In recent years, however, the DSRP has become a less uniquely effective entity as overt NRO support to the military has increased and reduced classification barriers have greatly increased military customer knowledge of space-based systems. In fact, the NRO now maintains a Military Support Division, directed by a general officer tasked to interact directly with the military customers of the NRO.

The conferees understand that the Director of the NRO has recently recommended that the DSRP be reestablished as the budgetary mechanism for defense augmentation of NRO programs to meet tactical military needs. The conferees believe that this proposal merits careful consideration.

At the same time, the conferees believe that the Secretary of Defense needs to evaluate the overall role of the NRO in supporting tactical military forces. The conferees believe that the following issues must be addressed as part of an overall review of space intelligence support to the warfighter: (1) the appropriate role for the NRO to play in supporting military operations and exercises, such that the NRO does not duplicate unnecessarily the responsibilities and capabilities of organizations, such as the National Imagery and Mapping Agency, the National Security Agency, or U.S. Space Command that are specifically tasked to support their various military customers; (2) whether some or all of the funds and responsibilities currently included in the NRP, the DSRP, and the service Tactical Exploitation of National Capabilities (TENCAP) programs for supporting military operations and exercises should be consolidated; (3) whether a revitalized DSRP would be the best mechanism for giving the Unified Commands a role in determining future space intelligence and reconnaissance capability requirements and raising the visibility of space reconnaissance matters within the Department of Defense program planning and resource allocation process; and (4) the role of a revitalized DSRP in funding NRO system developments to satisfy unique military or service requirements.

The conferees direct the Secretary of Defense to provide the congressional defense and intelligence committees a report by May 1, 2001, on his assessment and recommendations regarding these matters.

Future scout and cavalry system

The conferees have strongly supported the Army's future scout and cavalry system (FSCS) development effort in a joint program with the United Kingdom and are concerned to note actions taken by the Army to eliminate funding for the FSCS engineering and manufacturing development phase. As a result, funding for the Advanced Technology Demonstration (ATD) phase was eliminated in the fiscal year 2001 Department of Defense Appropriations Conference Report. The conferees note the Army has recently developed a plan to include FSCS technologies within its transformation efforts and recognize the FSCS ATD will provide a basis to evaluate the integration of land-system technologies through a platform demonstration. The conferees believe the FSCS program is well positioned to develop leap-ahead technologies for future land systems and support Army intentions to request reprogramming authority necessary to carry this program through the ATD phase of the development effort.

Modernized hellfire/common missile

The budget request included $5.0 million for the modernized Hellfire program to explore risk reduction opportunities. The conferees understand the Army is considering the possibility of moving toward a common chemical energy missile and that the modernized Hellfire program would serve as the baseline for this effort. The conferees fully support the Army's goal to reduce the different types of anti-tank missile systems in its future tactical inventory. However, this goal was not supported by a request for funds in the fiscal year 2001 budget. Therefore, the conferees direct the Army to ensure that fiscal year 2001 funds for the modernized Hellfire are used, in part, to initiate a program definition study to determine the potential of a common ground and air-to-ground missile. Furthermore, the conferees expect the Army to begin funding this effort in the fiscal year 2002 budget submission.

National Imagery and Mapping Agency pre-acquisition activities

Congress has repeatedly addressed the critical need to conduct thorough and effective pre-acquisition activities before embarking on a path to make the necessary improvements to the National Imagery and Mapping Agency's (NIMA) tasking, processing, exploitation, and dissemination (TPED) capabilities. The conferees agree that NIMA needs to conduct comprehensive pre-acquisition activities and will require substantial additional funds for this purpose.

The conferees believe that these pre-acquisition activities should accomplish several goals: (1) to apply new information technology and modern business practices across the imagery and geospatial enterprise, to include such concepts as federated management and migrating legacy systems based on proprietary software to an open systems architecture; (2) to develop a realistic program plan and acquisition strategy related to the role of NIMA, its oversight mechanisms, and its contractors, including the use of an overarching systems integration contract (perhaps along the lines of the National Missile Defense Lead Systems Integrator contract), unless the Department of Defense (DOD) can demonstrate that it would be more efficient and effective for the government to retain the integration role; (3) to develop a realistic plan to manage the transition of the current systems and personnel of the United States Imagery and Geospatial Information System (USIGS) to the new, modern architecture; (4) to ensure that all imagery and geospatial systems within DOD and other intelligence community agencies (including tactical programs, airborne systems, and commercial capabilities) are incorporated into an integrated imagery TPED architecture; and (5) to provide appropriate basis for migrating the TPED architecture from an imagery and geospatial TPED architecture to one capable of processing intelligence of multiple types (a so-called "MULTI-INT" architecture).

The conferees understand that the plan of the NIMA Director is to consider all options for TPED, to include making significant changes to the current architecture. The conferees agree that the review should be thorough, and that NIMA should retain only those previous architectural efforts and program planning that withstand fresh scrutiny. The conferees do not intend for NIMA to delay progress in important ongoing activities (including such programs as NIMA libraries and softcopy exploitation, now in the fielding phase) while the pre-acquisition effort is underway.

The conferees believe that direct and personal involvement by the Deputy Secretary of Defense and the Director of Central Intelligence (DCI) are necessary to ensure that the large resource investment to correct TPED deficiencies is properly managed and adequately supported by all DOD and Intelligence Community components. Therefore, the conferees request the Deputy Secretary and the DCI to direct all subordinate departments, agencies, and organizations to fully support NIMA TPED pre-acquisition activities. This must include providing overall guidance, developing concepts and system technical interfaces, and organizing and training intelligence providers and customers to maximize the imagery TPED functions. As noted above, the scope of this effort clearly must involve all imagery and geospatial information systems, including open-source systems. It should also include: all collection systems (spacecraft, aircraft, unmanned aerial vehicles, etc.); all tasking, data, storage, processing, exploitation, analysis, dissemination (including communications) and collaboration systems; and all databases and the specific interfaces. In short, this pre-acquisition effort should refine and define the end-to-end information management processes for U.S. imagery and geospatial data systems so that intelligence can be provided to all customers at all levels.

The conferees expect that the policy and programmatic knowledge gained and the system-level specifications that result from the pre-acquisition activity will be used to focus NIMA's TPED development and acquisition efforts. The conferees expect the Deputy Secretary of Defense and the DCI to develop a realistic TPED transition plan with rigorous cost assessments and to submit that plan to Congress concurrent with future budget requests.

The conferees recognize that the fiscal year 2001 budget request and the Future Years Defense Program (FYDP) reflected additional resources to satisfy TPED requirements. This reflects the first firm commitment by the Deputy Secretary of Defense that the Department would provide additional resources to support TPED modernization. Although the conferees recognize that better funding estimates will result from the pre-acquisition activities addressed above, the administration must continue near- and long-term efforts to identify funding commitments in the fiscal year 2002 budget request and the FYDP that match the critical requirements in this area.

In the near-term, the conferees believe that the Department should take a number of steps to ensure the TPED efforts begin efficiently and promptly. These actions should include the following:

(1) NIMA should establish a focused, capable, and empowered program office that:

(a) remains separate from ongoing acquisition efforts;

(b) reports directly to the NIMA corporate acquisition executive for the Director of NIMA; and

(c) maintains clear and agreed upon relationships with the management oversight staffs, partnering program offices, and customers.

(2) NIMA should modify the current TPED study contracts as necessary to develop or to assist the Department in developing the following:

(a) a NIMA enterprise-wide 2005-era vision for the imagery TPED architecture, as modernized by new information management technology and business practices;

(b) a 2005-era concept of operations for all products, services, and business operations;

(c) a range of architectural approaches for a 2005-era USIGS that would account for current and near-term systems, and that are designed to facilitate transition from the current architecture;

(d) an acquisition strategy and program plan that clearly outlines program management, including the role of the NIMA program office and use of a systems integrator, contracts for advisory and assistance services (CAAS), and federally funded research and development centers;

(e) a source selection strategy;

(f) draft interface control documents, interagency memoranda, and one or more requests for proposal (as determined by the acquisition strategy) with all reference documents, to include statements of objectives, requirements, and operational concepts;

(g) a draft transition plan for all segments of the imagery and geospatial architecture, both internal and external to NIMA; and

(h) cost estimates and budget profiles for complete life cycle costs.

(3) NIMA's plan to achieve the actions in item (2) above shall be reviewed by the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, and the Deputy Director of Central Intelligence for Community Management.

The conferees direct the Secretary of Defense, in coordination with the DCI, to take these actions by February 1, 2001, and submit a report by that date to the congressional defense and intelligence committees that describes the implementation of these actions.

Nuclear Detonation Detection System

The conferees note that the Nuclear Detonation (NUDET) Detection System (NDS) Electromagnetic Pulse (EMP) V sensors are currently scheduled to fly on the next generation Global Positioning System (GPS) Block IIF satellites. These sensors support the mission areas of Integrated Tactical Warning and Attack Assessment (ITWAAA), Treaty Monitoring, and Nuclear Force Management (NFM). The conferees recognize that these sensors are necessary to providing the Commander in Chief of U.S. Strategic Command with the robust battle damage assessment capability required to adequately advise the National Command Authority during Single Integrated Operations Plan (SIOP) execution. In addition, these sensors are critical for arms control monitoring and verification.

Therefore, the conferees support efforts to procure the NDS EMP V sensors in time to fly on the first GPS IIF satellites. The conferees direct the Secretary of the Air Force to ensure that there is no loss in sensor coverage.

Radar technology insertion program

The conferees understand that the Air Force recently conducted a review of the Joint Surveillance and Target Attack Radar System (JSTARS) acquisition program, and confirmed the requirement for the Radar Technology Insertion Program (RTIP). Conferees note that RTIP capability will offer a major enhancement to the current JSTARS fleet and strongly urge the Air Force to install RTIP into any JSTARS aircraft produced after RTIP goes into production.

Space launch ranges

The conferees are concerned that continuing to vest the Air Force with sole fiscal responsibility for the space launch ranges is increasingly problematic. The conferees note that several recent congressional hearings and governmental studies indicate that: (1) the Air Force is transitioning to use of commercial launch services and the commercial launch industry is, and will remain, the predominant user of these ranges; (2) because it does not recover the costs of its management, operation, and modernization of the ranges, the Air Force provides a substantial subsidy to the commercial launch industry, which is less justifiable as the commercial launch industry matures; (3) the Air Force has done an inadequate job of maintaining and modernizing the ranges, and inadequate funding for the ranges is causing equipment to become outdated; and (4) the commercial launch industry does not believe that the Air Force manages the ranges efficiently, often leading to costly launch delays.

The conferees urge the Secretary of Defense to give consideration to expanding the sources of funding for range modernization, maintenance, and operations and to transition responsibility for range management, modernization, maintenance, and operations from the Air Force to joint responsibility between a combination of the Air Force, other state and federal agencies, and the commercial sector. The conferees believe that such approaches may offer the opportunities to improve both military and commercial launch capabilities.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Authorization of appropriations (secs. 201–202)

The House bill contained provisions (secs. 201–202) that would authorize the recommended fiscal year 2001 funding levels for all research, development, test, and evaluation accounts.

The Senate amendment contained similar provisions.

The conference agreement includes these provisions.

Subtitle B—Program Requirements, Restrictions, and Limitations

Management of Space-Based Infrared System-Low (sec. 211)

The House bill contained a provision (sec. 212) that would transfer during fiscal year 2001 the management authority over the Space-Based Infrared System (SBIRS) Low program from the Air Force to the Ballistic Missile Defense Organization (BMDO).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delay the transfer of the SBIRS-Low program to BMDO until fiscal year 2002.

Joint strike fighter program (sec. 212)

The House bill contained a provision (sec. 213) that would require the Secretary of Defense to certify to the congressional defense committees that the joint strike fighter (JSF) is technologically mature enough prior to allowing the JSF program to enter the engineering and manufacturing development (EMD) phase.

The Senate amendment contained a provision (sec. 215) that would require a report from the Secretary of Defense on the technical exit criteria for the JSF to enter EMD and on the impact of any changes the Department of Defense had made to the acquisition strategy. The Senate amendment would also provide a waiver of an amount of funds from the transfer authority ceiling in the event the Department decided to reprogram funds within the JSF program to support EMD activities.

The House recedes with an amendment that would require the Secretary of Defense to provide a report on the technical exit criteria for the JSF to enter EMD. The provision would require that, prior to entering EMD, the Secretary of Defense would have to certify to the congressional defense committees that the technical exit criteria have been met, that key technologies are sufficiently mature, and that the short takeoff and vertical landing variant of the design selected for EMD has accumulated at least 20 flight test hours. The provision would also provide a waiver of transfer authority ceiling in the event the Department were to decide that it needed to reprogram funds within the JSF program.

Fiscal year 2002 joint field experiment (sec. 213)

The Senate amendment contained a provision (sec. 211) that would require the Secretary of Defense to plan in fiscal year 2001, and execute in fiscal year 2002, a major joint field experiment. This experiment would include elements from all military services and special operations forces that represent equipment, organizations, and concepts intended to counter threats to U.S. national security in the year 2010 and beyond.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to submit to the congressional defense committees by March 1, 2001, a report on the concept plan for this joint field experiment that includes: (1) the objectives of the experiment; (2) participating forces; (3) experiment schedule and location(s); (4) funding requirements for each participating joint command, defense agency, and service component; and (5) identified shortfalls in funding required for the experiment that are not included in the fiscal year 2002 budget request for each of the participating joint commands, defense agencies, and service components.

The conferees agree to authorize an increase of $2.0 million in PE 63727N to facilitate the planning in fiscal year 2001 of this major joint field experiment to be executed in fiscal year 2002.

Nuclear aircraft carrier design and production modeling (sec. 214)

The budget request included $38.3 million in PE 64567N for aircraft carrier contract design. The budget request did not include funds specifically designated for converting nuclear aircraft carrier designs to a three-dimensional, computer-based system.

The House bill would authorize $5.0 million of the budget request to begin development of an aircraft carrier design product model for the CVNX.

The Senate amendment contained a provision (sec. 212) that would authorize an increase of $10.0 million in PE 64567N to develop an electronic product model of the CVNX–1 and applicable sections of CVN–77 nuclear aircraft carrier design. The Senate amendment would also direct the Navy to provide an analysis of the potential costs and benefits of extending this product model effort for use in supporting the Nimitz-class ships in the fleet.

The House recedes with an amendment that would authorize an increase of $8.0 million in PE 64567N to develop an electronic product model of the CVNX–1 and applicable sections of CVN–77. The amendment would also require the Secretary of the Navy to provide a report on the cost effectiveness of converting design data to an electronic form and developing a three-dimensional design product model for the CVNX class aircraft carrier.

DD–21 class destroyer program (sec. 215)

The Senate amendment contained a provision (sec. 213) that would authorize the Secretary of the Navy to pursue a technology insertion approach to DD–21 that would commence construction of the first DD–21 in fiscal year 2004 followed by a fiscal year 2009 delivery. The provision would also express the sense of Congress that there are compelling reasons to commence DD–21 construction in fiscal year 2004 followed by sequential construction of DD–21 destroyers until a total of 32 are built. The provision would further direct the Secretary of Defense and the Secretary of the Navy to submit certain reports on DD–21.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Limitation on Russian American Observation Satellites program (sec. 216)

The Senate amendment contained a provision (sec. 219) that would prohibit the expenditure or obligation of funds for the Russian American Observation Satellites (RAMOS) program until 30 days after the Secretary of Defense submits to Congress a report concerning the protection of advanced military technology that may be associated with the RAMOS program.

The House bill contained no similar provision.

The House recedes.

Joint Biological Defense Program (sec. 217)

The Senate amendment contained a provision (sec. 220) that would prohibit the obligation of funds to procure the vaccine for the biological agent anthrax until the Secretary of Defense makes a notification and delivers a report to the congressional defense committees.

The House bill contained no similar provision.

The House recedes with an amendment that would establish permissible actions related to the obligation of funds to procure the anthrax vaccine and would require the Secretary to report within seven days to the Congress all obligations in connection with the qualified procurement of anthrax vaccine with a value greater than $5.0 million.

The conferees note that the anthrax virus is only one of several biological agents Department of Defense officials have testified could pose a threat to military personnel. The conferees are concerned that the myriad issues associated with the production and acquisition of the anthrax vaccine may also apply to other biological warfare defense vaccine research, development, and procurement programs. It is incumbent on the Secretary to develop a plan, including milestones, for modernizing all vaccines used or anticipated to be used to immunize military personnel against biological agents. In the development of that plan, the Secretary should take such action, including procuring vaccines from more than one manufacturer, if necessary or appropriate, to ensure military personnel immunization policies and plans can be effectively implemented.

Section 1703 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) required the Secretary of Defense to report annually on the status and plans of chemical and biological defense research, development and procurement programs. In the report to be submitted in calendar year 2001 and the subsequent three reports, the costs incurred by, and payments made to, each contractor or other entity engaged in the production, storage, distribution, or marketing of the anthrax vaccine administered by the Department of Defense should be provided. In the report to be submitted in calendar year 2001, the following information should be included: (1) an estimate and update of the life cycle costs of the anthrax vaccination program; (2) a description of the anthrax vaccine acquisition strategy; (3) an assessment of government requirements (defense and non-defense) for the anthrax vaccine; (4) an assessment of the financial and manufacturing ability of the manufacturer of the anthrax vaccine to meet government requirements; and (5) a description of any activity related to any anthrax vaccine license with significant implications for the Department of Defense.

Report on biological warfare defense vaccine research and development programs (sec. 218)

The Senate amendment contained a provision (sec. 221) that would direct the Secretary of Defense to report on the Department of Defense (DOD) program to develop and procure vaccines for biological warfare agents no later than February 1, 2001. The provision would require the Secretary to develop a design for a government-owned, contractor-operated (GOCO) vaccine production facility and provide a determination on the utility of such a facility to support civilian vaccine production, and an analysis of possible vaccine production for international use.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the requirements of the report to include an estimated establishment cost and schedule for the GOCO facility, and an evaluation of the non-military use of such a facility on the production of vaccines for U.S. Armed Forces.

Cost limitations applicable to F–22 aircraft program (sec. 219)

The Senate amendment contained a provision (sec. 214) that would provide one percent relief on the engineering and manufacturing (EMD) development cost cap for the F–22 aircraft if the funds are required for testing, as certified by the Director of Operational Test and Evaluation (DOT&E) and the Undersecretary of Defense for Acquisition, Technology, and Logistics (USD AT&L).

The House bill contained no similar provision.

The House recedes with an amendment that would provide one and one half percent relief on the EMD cost cap for the F–22 aircraft program, if the use of these funds is required for testing, as certified by DOT&E after consultation with USD AT&L. The amendment would also reestablish the EMD and production cost caps, as established by section 217 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85).

Unmanned advanced capability combat aircraft and ground combat vehicles (sec. 220)

The Senate amendment contained a provision (sec. 217) that would establish an initiative to promote the use of unmanned combat systems and technologies with the goal that, within 10 years, one-third of U.S. military operational deep strike aircraft will be unmanned and, within 15 years, one-third of all ground combat vehicles will be unmanned. The Senate amendment would authorize $200.0 million in research, development, test and evaluation in PE 62702E to accelerate the technologies that will lead to the development and fielding of remotely controlled air combat vehicles by 2010 and remotely controlled ground combat vehicles by 2015.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees support the need to strengthen Army, Navy, and Air Force efforts to exploit the significant potential of unmanned combat aircraft and ground vehicles to effectively accomplish many critical combat missions while avoiding risk to aircraft and ground vehicle crews. The amendment reaffirms the goal established in section 217 of the Senate amendment of developing and fielding advanced capability unmanned combat aircraft and ground vehicles such that one-third of the operational deep strike aircraft in the year 2010 and one-third of the ground combat vehicles acquired through the Army's future combat system development program by the year 2015 could be unmanned.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees that describes the development and demonstration efforts of the services together with the Defense Advanced Research Projects Agency (DARPA) that will be required to support the established goals. The report shall be submitted in conjunction with the fiscal year 2002 budget request and will include the acquisition strategy required to achieve the established goals, including necessary funding, analysis of alternatives, and potential contributions to, or impacts to current and planned deep strike combat aircraft and ground combat vehicles.

The conferees recommend that efforts to develop and to demonstrate unmanned combat aircraft and ground combat vehicles should be focused initially on the highest risk mission areas. For aircraft, this mission area is defined as those early entry deep strike missions for suppression of enemy air defenses and other highest priority targets. The amendment also addresses commonality between the Air Force and Navy programs. The conferees expect that significant air vehicle systems commonality and interoperability between the Navy and Air Force variants is achievable, specifically in the areas of electronics, avionics, datalinks, and operating stations. The conferees also recognize the importance of low observable (LO) designs in future systems. To that end, Air Force should proceed with development of air vehicle three and validate the LO design of the unmanned combat air vehicle (UCAV) system. Accordingly, the Navy should fully explore the advantages of LO technology in their design of the unmanned combat air vehicle (UCAV-N) system.

In its analysis of alternatives, the Navy should examine a force of 10 to 20 UCAVs per carrier airwing. For ground combat vehicles, the capabilities currently anticipated for the Army's new objective force currently under development in collaboration with DARPA offer the most appropriate focus for application of unmanned vehicle capability.

To accelerate efforts toward achieving these aggressive goals, the conferees authorize an increase of $100.0 million in PE 62702E, as follows: $50.0 million for the Air Force's UCAV program; $25.0 million for the Navy's UCAV-N program; and, $25.0 million for the Army-DARPA joint program on the Future Combat System (FCS). The conferees expect DARPA and the services to work the additional funding, responsibilities, and timelines into the existing memorandum of agreements for these three programs.

The conferees recognize that an increase of $46.0 million is authorized in PE 63005A for enabling technologies for the FCS, as noted elsewhere in this report. The request for the additional funds came from the Department of the Army's unfunded priority list. The conferees note that the Army transformation program hinges on the success of FCS as it is the centerpiece of the service's new ground warfare strategy. The conferees urge the Department to fully fund this critical program in the future.

Global Hawk high altitude endurance unmanned aerial vehicle (sec. 221)

The Senate amendment contained a provision (sec. 216) that would require a demonstration of the Global Hawk high altitude endurance unmanned aerial vehicle (HAE UAV) in a counter-drug surveillance scenario.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to initiate this demonstration no later than March 1, 2001. The provision would also direct the Secretary to conduct the demonstration and the parallel radar development effort using funds authorized to be appropriated for Drug Interdiction and Counter-drug Activities, Defense.

Army space control technology development (sec. 222)

The Senate amendment contained a provision (sec. 218) that would authorize $20.0 million for the Kinetic Energy Anti-Satellite (KE-ASAT) program, $5.0 million for other Army space control technology development, and prohibit the obligation of funds for other Army space control technology until funds for the KE-ASAT program have been released to the KE-ASAT program manager.

The House bill contained no similar provision.

The House recedes with an amendment that would specify that, of the funds authorized to be appropriated for Army space control technology development, $3.0 million shall be available for the KE-ASAT program.

Subtitle C-Ballistic Missile Defense

Funding for fiscal year 2001 (sec. 231)

The House bill contained a provision (sec. 231) that would authorize funds for the National Missile Defense Program, including funds for the Space-Based Infrared System (SBIRS)-Low program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize funds for the National Missile Defense program, but not the SBIRS-Low program. Matters related to SBIRS-Low are addressed elsewhere in this report.

Reports on ballistic missile threat posed by North Korea (sec. 232)

The House bill contained a provision (sec. 233) that would require that, not later than two weeks after the next flight test by North Korea of a long-range ballistic missile, or 60 days after enactment of this Act, the President shall submit to Congress a report on the North Korean ballistic missile threat to the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that, not later than two weeks after the next flight test by North Korea of a long-range ballistic missile, the President shall submit to Congress a report on the North Korean ballistic missile threat to the United States.

Plan to modify ballistic missile defense architecture (sec. 233)

The House bill contained a provision (sec. 234) that would require the Director of the Ballistic Missile Defense Organization to develop a plan to adapt ballistic missile defense systems and architectures to counter threats to the United States, U.S. Armed Forces deployed outside the United States, and other U.S. national security interests that are posed by ballistic missiles with ranges of 1,500 to 2,500 miles.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Management of Airborne Laser program (sec. 234)

The House bill contained a provision (sec. 235) that would designate the Airborne Laser (ABL) program as a program element of the ballistic missile defense program managed by the Ballistic Missile Defense Organization (BMDO).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Air Force to obtain the approval of the Director of BMDO before making any change to the ABL funding profile, schedule, or technical requirements, and for the Director of BMDO, in coordination with the Secretary of the Air Force, to submit a report to the congressional defense committees on the role of the ABL in current U.S. missile defense architecture.

As addressed elsewhere in this conference agreement, the conferees recommend a funding increase of $85.0 million for the ABL program, the amount needed in fiscal year 2001 to keep the Program Definition and Risk Reduction aircraft on schedule to conduct the first lethal demonstration during fiscal year 2003. The conferees direct the Secretary of the Air Force to spend these additional fiscal year 2001 funds consistent with the fiscal year 2000 program plan. Absent the development of technical problems, the conferees believe that the ABL program should remain on schedule for a lethal demonstration in fiscal year 2003 and initial operational capability in fiscal year 2008.

Subtitle D—High Energy Laser Programs

High energy laser programs (secs. 241–250)

The House bill contained a provision (sec. 211) that would authorize funding for high energy laser (HEL) research and development, and would require the Secretary of Defense to designate a senior civilian official in the Office of the Secretary of Defense (OSD) to oversee, coordinate, prioritize, and conduct planning and programming for the HEL programs. The provision would also express a sense of Congress concerning the appropriate funding levels for HEL research and development, require the establishment of a memorandum of agreement between the Secretary of Defense and the Administrator of the National Nuclear Security Administration to conduct joint laser research programs, and establish certain reporting requirements.

The Senate amendment contained a similar provision (sec. 917) that would authorize funding for HEL programs, require the Secretary of Defense to implement the organizational recommendations included in the High Energy Laser Master Plan of March 24, 2000, and require other actions related to the management of HEL.

The Senate recedes with an amendment that would require the Secretary of Defense to implement the recommendations included in the High Energy Laser Master Plan recommendations and would address other matters related to HEL program funding and management. The amendment would also require the Secretary of Defense, in consultation with the Deputy Undersecretary of Defense for Science and Technology, to evaluate whether to include other directed energy science and technology programs in the new high energy laser management structure.

Subtitle E—Other Matters

Reports on mobile offshore base concept and potential use for certain purposes of technologies associated with that concept (sec. 251)

The Senate amendment contained a provision (sec. 241) that would require the Secretary of Defense to submit a report on the mobile offshore base that would contain a cost-benefit analysis for the base and a recommendation on whether a program should be established, with lead service designation and schedule.

The House bill contained no similar provision.

The House recedes with an amendment that would require an additional report from the Secretary of the Navy on the potential application and feasibility of using existing technologies, including those associated with the mobile offshore base concept, to a sea-based platform for support of naval aviation training. This report should be viewed as a matter totally disassociated with the potential requirement for a mobile offshore base, with the exception of potential sharing of technologies.

Air Force science and technology planning (sec. 252)

The Senate amendment contained a provision (sec. 242) that would require the Secretary of the Air Force to submit a report to the congressional defense committees on the long-term challenges and short-term objectives of the Air Force science and technology (S&T) program.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the reporting requirement for the Air Force, clarify the planning requirement, and require the Comptroller General to report on the results of the review and an assessment regarding the extent to which the review was conducted in compliance with the requirements of this section.

Enhancement of authorities regarding education partnerships for purposes of encouraging scientific study (sec. 253)

The Senate amendment contained a provision (sec. 243) that would amend section 2194 of title 10, United States Code, to enhance authorities relating to education partnerships to encourage scientific study.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the types of property eligible for transfer under the authorities of this provision.

Recognition of those individuals instrumental to naval research efforts during the period from before World War II through the end of the Cold War (sec. 254)

The House bill contained a provision (section 241) that would recognize those individuals instrumental in the establishment and conduct of oceanographic and scientific research partnerships between the Federal Government and academic institutions during the period beginning before World War II and continuing through the end of the Cold War, support efforts by the Secretary of the Navy and the Chief of Naval Research to honor those individuals, and express appreciation for the ongoing efforts of the Office of Naval Research to support oceanographic and scientific research and the development of researchers in scientific fields related to the missions of the Navy and the Marine Corps.

The Senate amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Acoustic mine detection technology

The Senate amendment contained a provision (sec. 223) that would authorize an increase of $2.5 million in PE 62712A for research in acoustic mine detection.

The House bill contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize an increase of $2.5 million in PE 62712A for research in acoustic mine detection, as noted elsewhere in this conference report.

Additional authorization for weathering and corrosion technology for aircraft surfaces and parts

The Senate amendment contained a provision (sec. 203) that would authorize an increase of $1.5 million in PE 62102F for weathering and corrosion technology for aircraft surfaces and parts.

The House bill contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize an increase of $1.0 million in PE 62102F for research, development, test, and evaluation technologies and processes to address weathering and corrosion of aircraft surfaces and parts, as noted elsewhere in this report.

The conferees direct that all applicable competitive procedures be used in the award of contracts or other agreements under this program and that cost sharing be used to the maximum extent practicable.

Air logistics technology

The Senate amendment contained a provision (sec. 225) that would authorize an increase of $300,000 in PE 63712S for air logistics technology.

The House bill contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize an increase of $300,000 in PE 63712S for air logistics technology, as noted elsewhere in this conference report.

Ammunition risk analysis research

The Senate amendment contained a provision (sec. 229) that would authorize an increase of $5.0 million in PE 63104D for research in ammunition risk analysis.

The House bill contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize an increase of $5.0 million in PE 63104D for research in ammunition risk analysis, as noted elsewhere in this conference report.

Funding for comparisons of medium armored vehicles

The Senate amendment contained a provision (sec. 230) that would authorize an increase of $40.0 million to support a comparative evaluation by the Army of medium armored combat vehicles.

The House bill contained no similar provision.

The Senate recedes.

Joint technology information center initiative

The Senate amendment contained a provision (sec. 228) that would authorize $20.0 million for the Joint Technology Information Center Initiative.

The House bill contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize $20.0 million in Research, Development, Test and Evaluation, Defensewide, for the Joint Technology Information Center initiative.

Navy information technology center and human resource enterprise strategy

The budget request included $15.3 million in PE 65013N for information technology development.

The House bill would authorize the budget request.

The Senate amendment contained a provision (sec. 227) that would authorize an increase of $5.0 million in PE 65013N for the Navy's single integrated human resources strategy (SIHRS).

The Senate recedes on the provision.

The conferees agree to authorize an increase of $8.0 million in PE 65013N for the business process re-engineering of Navy legacy systems through the SIHRS.

Sense of Congress concerning commitment to deployment of National Missile Defense System

The House bill contained a provision (sec. 232) that would:

(1) reaffirm the policy of the United States declared in the National Missile Defense (NMD) Act of 1999 (Public Law 106-38); (2) find that an effective NMD system is technologically feasible; (3) find that hostile "rogue" nations are capable of posing missile threats to the United States sufficient to justify deployment of an NMD system; and (4) express the sense of Congress that the action of the President in signing the NMD Act of 1999 entails a commitment by the President to execute the policy declared in that Act.

The Senate amendment contained no similar provision.

The House recedes.

Technology for mounted maneuver forces

The Senate amendment contained a provision (sec. 224) that would authorize an increase of $5.0 million in PE 65326A to test and evaluate future operational technologies for use by mounted maneuver forces.

The House bill contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize an increase of $3.5 million in PE 65326A to test and evaluate future operational technologies for use by mounted maneuver forces, as noted elsewhere in this conference report.

TITLE III—OPERATION AND MAINTENANCE

Overview

The budget request for fiscal year 2001 contained an authorization of $108,746.1 million for Operation and Maintenance in the Department of Defense and $1,154.4 for Working Capital Fund Accounts in fiscal year 2001.

The House bill would authorize $109,415.5 million for Operation and Maintenance and $1,503.4 for Working Capital Fund Accounts.

The Senate amendment would authorize $108,904.7 million for Operation and Maintenance and $1,154.4 for Working Capital Fund Accounts.

The conferees recommended an authorization of $109,750.2 million for Operation and Maintenance and $1,154.4 for Working Capital Fund Accounts for fiscal year 2001. The conference agreement reflects reductions reflected in the fiscal year 2001 Department of Defense Appropriations Act (Public Law 106-

259). Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Summary of
National Defense Authorization for FY 2001

(In Thousands of $'s)

	Authorization Request	House Authorized	Senate Authorized	Change	Conference Agreement
TITLE III					
OPERATION & MAINTENANCE & WORKING CAPITAL FUNDS					
Operation and Maintenance, Army	19,123,731	19,489,617	19,031,031	156,650	19,280,381
Operation and Maintenance, Navy	23,300,154	23,324,809	23,276,154	466,456	23,766,610
Operation and Maintenance, Marine Corps	2,705,658	2,851,678	2,746,558	120,633	2,826,291
Operation and Maintenance, Air Force	22,346,977	22,351,164	22,389,077	48,244	22,395,221
Operation and Maintenance, Defense-wide	11,920,069	11,673,852	11,912,069	(179,500)	11,740,569
Operation and Maintenance, Army Reserve	1,521,418	1,565,918	1,526,418	40,000	1,561,418
Operation and Maintenance, Navy Reserve	960,946	967,646	965,946	18,000	978,946
Operation and Maintenance, Marine Corps Reserve	133,959	150,469	138,959	10,200	144,159
Operation and Maintenance, Air Force Reserve	1,885,859	1,890,859	1,890,859	18,000	1,903,859
Operation and Maintenance, Army National Guard	3,182,335	3,236,835	3,222,335	51,500	3,233,835
Operation and Maintenance, Air National Guard	3,446,375	3,461,875	3,450,875	22,000	3,468,375
Office of the Inspector General	144,245	144,245	144,245	0	144,245
United States Court of Appeals for the Armed Forces	8,574	8,574	8,574	0	8,574
Environmental Restoration, Army	389,932	389,932	389,932	0	389,932
Environmental Restoration, Navy	294,038	294,038	294,038	0	294,038
Environmental Restoration, Air Force	376,300	376,300	376,300	0	376,300
Environmental Restoration, Defense-Wide	23,412	23,412	23,412	(2,000)	21,412
Environmental Restoration, Formerly Used Defense Sites	186,499	186,499	231,499	45,000	231,499
Drug Interdiction and Counter-drug Activities, Defense	836,300	841,500	845,300	32,700	869,000
Defense Health Program	11,310,423	11,571,523	11,401,723	169,700	11,480,123
Former Soviet Union Threat Reduction	458,400	433,400	458,400	(15,000)	443,400

Summary of
National Defense Authorization for FY 2001

(In Thousands of $'s)

	Authorization Request	House Authorized	Senate Authorized	Change	Conference Agreement
Overseas Humanitarian, Disaster, & Civic Aid	64,900	55,800	55,400	(9,000)	55,900
Payment to Kaho' Olawe Island Fund	25,000	25,000	25,000	0	25,000
Overseas Contingency Operation Transfer Fund	4,100,577	4,100,577	4,100,577	0	4,100,577
Quality of Life Enhancement	0	0	0	10,500	10,500
Subtotal Operation and Maintenance	108,746,081	109,415,522	108,904,681	1,004,083	109,750,164
REVOLVING FUNDS					
Defense Working Capital Fund	916,276	916,276	916,276	0	916,276
National Defense Sealift Fund	388,158	737,109	388,158	0	388,158
National Defense Stockpile Transaction Fund (Routine & Ongoing Sales)	(150,000)	(150,000)	(150,000)	0	(150,000
National Defense Stockpile Transaction Fund (Excess of Routine Sales)	0	0	0	0	0
Subtotal Working Capital Funds	1,154,434	1,503,385	1,154,434	0	1,154,434
Total Operation and Maintenance & Working Capital Funds	109,900,515	110,918,907	110,059,115	1,004,083	110,904,598

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
OPERATIONS AND MAINTENANCE, ARMY					
BUDGET ACTIVITY 01: OPERATING FORCES					
LAND FORCES	**3,330,899**	**3,453,199**	**3,390,899**	**73,000**	**3,403,899**
010 DIVISIONS	1,174,856	1,189,156	1,194,856	0	1,177,856
Military Gator/Battlefield Mobility Enhancements		[9,300]		3,000	
Soldier Support–Field Kitchen Burn Unit (MBU)		[5,000]		0	
Corrosion Control			[10,000]	0	
Battlefield Mobility Enhancement System			[10,000]	0	
020 CORPS COMBAT FORCES	321,297	321,297	321,297	0	321,297
030 CORPS SUPPORT FORCES	350,844	350,844	390,844	0	350,844
Aviations Spares			[40,000]	0	
040 ECHELON ABOVE CORPS FORCES	503,390	503,390	503,390	0	503,390
050 LAND FORCES OPERATIONS SUPPORT	980,512	980,512	980,512	0	969,512
JCS Exercises				(11,000)	
TRAINING RANGE MODERNIZATION/MANAGEMENT		108,000		76,000	81,000
Integerated Training Area Management				2,000	
Modern Burner Unit				3,000	
LAND FORCES READINESS	**2,370,841**	**2,508,291**	**2,370,841**	**39,000**	**2,409,841**
060 FORCE READINESS OPERATIONS SUPPORT	1,144,565	1,144,565	1,144,565	0	1,144,565
070 LAND FORCES SYSTEMS READINESS	531,614	531,614	531,614	0	516,614
Strike Force Funding				(15,000)	
080 LAND FORCES DEPOT MAINTENANCE	694,662	819,662	694,662	50,000	745,662
CORROSION CONTROL		12,450		0	
Maintenance Automatic Identification Technology				1,000	
LOGTECH				0	3,000
Apprenticeship Program				3,000	
LAND FORCES READINESS SUPPORT	**3,879,341**	**3,879,341**	**3,974,341**	**0**	**3,879,341**
090 BASE OPERATIONS SUPPORT (OPERATING FORCES)	2,698,913	2,698,913	2,698,913	0	2,698,913
100 REAL PROPERTY MAINTENANCE (OPERATING FORCES)	916,378	916,378	1,011,378	0	916,378
110 MANAGEMENT AND OPERATIONAL HEADQUARTERS	131,042	131,042	131,042	0	131,042

Title III-Operations and Maintenance

(Dollars in Thousands)

	ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
120	UNIFIED COMMANDS	82,388	82,388	82,388	0	82,388
130	ADDITIONAL ACTIVITIES	50,620	50,620	50,620	0	50,620
	TOTAL, BA 01: OPERATING FORCES	**9,581,081**	**9,840,831**	**9,736,081**	**112,000**	**9,693,081**
	BUDGET ACTIVITY 02: MOBILIZATION					
	MOBILITY OPERATIONS	**526,913**	**526,913**	**531,913**	**0**	**526,913**
140	STRATEGIC MOBILIZATION	309,219	309,219	309,219	0	309,219
150	ARMY PREPOSITIONED STOCKS	130,471	130,471	130,471	0	130,471
160	INDUSTRIAL PREPAREDNESS	66,557	66,557	66,557	0	66,557
170	REAL PROPERTY MAINTENANCE (MOBILITY OPERATIONS)	20,666	20,666	25,666	0	20,666
	TOTAL, BA 02: MOBILIZATION	**526,913**	**526,913**	**531,913**	**0**	**526,913**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
	ACCESSION TRAINING	**364,026**	**371,026**	**369,026**	**0**	**364,026**
180	OFFICER ACQUISITION	73,963	73,963	73,963	0	73,963
190	RECRUIT TRAINING	15,728	15,728	15,728	0	15,728
200	ONE STATION UNIT TRAINING	14,618	14,618	14,618	0	14,618
210	SENIOR RESERVE OFFICERS' TRAINING CORPS	134,581	141,581	134,581	0	134,581
	Senior ROTC Recruiting		[7,000]			
220	BASE OPERATIONS SUPPORT (ACCESSION TRAINING)	75,468	75,468	75,468	0	75,468
230	REAL PROPERTY MAINTENANCE (ACCESSION TRAINING)	49,668	49,668	54,668	0	49,668
	BASIC SKILL/ ADVANCE TRAINING	**2,193,890**	**2,236,292**	**2,253,890**	**7,500**	**2,201,390**
240	SPECIALIZED SKILL TRAINING	242,799	257,799	242,799	0	247,799
	Speclized Skill Training				5,000	
250	FLIGHT TRAINING	323,414	323,414	323,414	0	323,414
260	PROFESSIONAL DEVELOPMENT EDUCATION	100,260	100,260	100,260	0	97,760
	NDU				(2,500)	
270	TRAINING SUPPORT	417,639	421,639	467,639	0	422,639
	Range Upgrade			[50,000]	0	
	Institutional Training Support				5,000	

Title III-Operations and Maintenance

(Dollars in Thousands)

	ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
280	BASE OPERATIONS SUPPORT (BASIC SKILL/ADVANCED TRAINING)	845,136	845,136	845,136	0	845,136
290	REAL PROPERTY MAINTENANCE (BASIC SKILL/ADVANCED TRAINING)	264,642	264,642	274,642	0	264,642
	INSTITUTIONAL TRAINING		15,000		0	
	CRYPTOLOGIC SKILL TRAINING		4,000		0	
	DEPOT APPRENTICESHIP PROGRAM		4,402		0	
RECRUITING/OTHER TRAINING		**895,653**	**895,653**	**898,653**	**(3,500)**	**892,153**
300	RECRUITING AND ADVERTISING	385,251	385,251	385,251	0	382,251
	Contract Studies				(3,000)	
310	EXAMINING	77,700	77,700	77,700	0	77,700
320	OFF-DUTY AND VOLUNTARY EDUCATION	87,629	87,629	87,629	0	87,629
330	CIVILIAN EDUCATION AND TRAINING	79,207	79,207	79,207	(5,000)	74,207
340	JUNIOR RESERVE OFFICERS' TRAINING CORPS	77,491	77,491	80,491	4,500	81,991
350	BASE OPERATIONS SUPPORT (RECRUIT/OTHER TRAINING)	188,375	188,375	188,375	0	188,375
TOTAL, BA 03: TRAINING AND RECRUITING		**3,453,569**	**3,502,971**	**3,521,569**	**4,000**	**3,457,569**
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES						
SECURITY PROGRAMS		**472,588**	**472,588**	**472,588**	**0**	**472,588**
360	SECURITY PROGRAMS	472,588	472,588	472,588	0	472,588
LOGISTICS OPERATIONS		**1,551,090**	**1,551,090**	**1,551,090**	**5,000**	**1,556,090**
370	SERVICEWIDE TRANSPORTATION	488,831	488,831	488,831	0	488,831
380	CENTRAL SUPPLY ACTIVITIES	365,993	365,993	365,993	(5,000)	360,993
390	LOGISTICS SUPPORT ACTIVITIES	356,748	356,748	356,748	0	366,748
	System Technical Support				10,000	
400	AMMUNITION MANAGEMENT	339,518	339,518	339,518	0	339,518
SERVICEWIDE SUPPORT		**3,289,407**	**3,249,407**	**3,295,907**	**(41,000)**	**3,248,407**
410	ADMINISTRATION	327,113	327,113	327,113	0	327,113
420	SERVICEWIDE COMMUNICATIONS	466,906	466,906	466,906	0	466,906
430	MANPOWER MANAGEMENT	164,992	164,992	164,992	0	163,992
	Travel				(1,000)	
440	OTHER PERSONNEL SUPPORT	154,893	154,893	154,893	0	154,893

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
450 OTHER SERVICE SUPPORT	739,315	739,315	739,315	0	739,315
460 ARMY CLAIMS	112,851	72,851	112,851	(40,000)	72,851
470 REAL ESTATE MANAGEMENT	69,439	69,439	69,439	0	69,439
480 BASE OPERATIONS SUPPORT (SERVICEWIDE SUPPORT)	1,076,077	1,076,077	1,077,577	0	1,076,077
Clara Barton Center for Domestic Preparedness			[1,500]	0	
490 REAL PROPERTY MAINTENANCE (SERVICEWIDE SUPPORT)	177,821	177,821	182,821	0	177,821
SUPPORT OF OTHER NATIONS	**249,083**	**230,383**	**249,083**	**(18,700)**	**230,383**
500 INTERNATIONAL MILITARY HEADQUARTERS	194,381	194,381	194,381	0	181,981
NATO Administrative Growth				(12,400)	
510 MISC. SUPPORT OF OTHER NATIONS	54,702	48,402	54,702		48,402
Admistrative Cost Growth				(6,300)	
520 EXPANSION OF NATO	0	0	0	0	0
SUPPORT OF NATO OPERATIONS		(12,400)			
TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**5,562,168**	**5,503,468**	**5,568,668**	**(54,700)**	**5,507,468**
UNDISTRIBUTED:					
JCS Exercises		[-11,000]			
Classified Programs		[-2,700]		(4,000)	
Section 912 Headquarters Reduction		[-27,086]			
Real Property Maintenance		[280,360]		170,000	
Automatic Identification Technology		[4,000]			
Ultra Lightweigh Camouflage Net System		[15,000]			
Army Workload Performance System		[2,000]			
System Technical Support		[40,000]			
WCF Cash Balances/Rate Stabilization		[-55,550]			
WRM Prepositioned Equipment Support		[40,000]			
DFAS Program Growth		[-19,590]			
Civilian Under-execution			[-4,600]		
Excess Carryover--Defense Working Capital Funds			[-40,000]	(40,500)	
Foreign Currency Fluctuation		[-150,000]	[-292,100]		

Title III-Operations and Maintenance

(Dollars in Thousands)

	ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
	Ceremonial Rifles			[2,500]		
	WMD-CST			[7,500]	5,850	
	Pentagon Renovation, Unobligated Balances				(2,000)	
	Contract and Advisory Services				(20,000)	
	Defense Joint Accounting System				(14,000)	
	TOTAL		**115,434**	**(327,200)**	**95,350**	**95,350**
	TOTAL, OPERATIONS AND MAINTENANCE, ARMY	**19,123,731**	**19,489,617**	**19,031,031**	**156,650**	**19,280,381**
	OPERATIONS AND MAINTENANCE, NAVY					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	AIR OPERATIONS	**4,267,564**	**4,297,564**	**4,424,564**	**182,000**	**4,449,564**
010	MISSION AND OTHER FLIGHT OPERATIONS	2,636,230	2,636,230	2,793,230	0	2,788,230
	Aviation Spares			[75,000]	70,000	
	TACAMO Spares			[82,000]	82,000	
020	FLEET AIR TRAINING	798,956	798,956	798,956	0	798,956
030	INTERMEDIATE MAINTENANCE	59,407	59,407	59,407	0	59,407
040	AIR OPERATIONS AND SAFETY SUPPORT	102,182	102,182	102,182	0	102,182
050	AIRCRAFT DEPOT MAINTENANCE	648,745	678,745	648,745	20,000	678,745
	P-3 Aircraft Depot Maintenance		[10,000]		10,000	
060	AIRCRAFT DEPOT OPERATIONS SUPPORT	22,044	22,044	22,044	0	22,044
	SHIP OPERATIONS	**6,334,227**	**6,542,377**	**6,646,527**	**189,000**	**6,523,227**
070	MISSION AND OTHER SHIP OPERATIONS	2,237,075	2,240,925	2,312,075	0	2,237,075
	Man Overboard system		[3,850]			
	Spares			[75,000]	0	
080	SHIP OPERATIONAL SUPPORT AND TRAINING	539,919	539,919	539,919	0	539,919
090	INTERMEDIATE MAINTENANCE	393,478	393,478	393,478	0	393,478
100	SHIP DEPOT MAINTENANCE	2,113,052	2,295,352	2,350,352	142,000	2,302,052
	AOE Maintenance		[40,000]	[40,000]	0	
	LHA Midlife			[32,000]	32,000	
	BMB Maintenance			[22,000]	15,000	

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
110 SHIP DEPOT OPERATIONS SUPPORT	1,050,703	1,072,703	1,050,703	0	1,050,703
Berthing Barge Maintenance		[22,000]			
COMBAT OPERATIONS/SUPPORT	**1,667,580**	**1,667,580**	**1,674,580**	**8,500**	**1,676,080**
120 COMBAT COMMUNICATIONS	371,080	371,080	371,080	0	371,080
130 ELECTRONIC WARFARE	16,452	16,452	16,452	0	16,452
140 SPACE SYSTEMS AND SURVEILLANCE	167,779	167,779	167,779	0	167,779
150 WARFARE TACTICS	141,835	141,835	141,835	0	140,835
JCS Exercises				(1,000)	
160 OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	257,981	257,981	264,981	7,000	264,981
170 COMBAT SUPPORT FORCES	548,600	548,600	548,600	0	551,100
Man Overboard System				2,500	
180 EQUIPMENT MAINTENANCE	163,062	163,062	163,062	0	163,062
190 DEPOT OPERATIONS SUPPORT	791	791	791	0	791
WEAPONS SUPPORT	**1,386,942**	**1,386,942**	**1,408,942**	**21,800**	**1,408,742**
200 CRUISE MISSILE	139,779	139,779	139,779	0	139,779
210 FLEET BALLISTIC MISSILE	816,722	816,722	816,722	0	816,522
Arms Control				(200)	
220 IN-SERVICE WEAPONS SYSTEMS SUPPORT	48,635	48,635	48,635	0	48,635
230 WEAPONS MAINTENANCE	381,806	381,806	403,806	0	403,806
MK-45 Overhaul			[12,000]	12,000	
CIWS Overhaul			[10,000]	10,000	
WORKING CAPITAL FUND SUPPORT	**19,100**	**19,100**	**19,100**	**0**	**19,100**
240 NWCF SUPPORT	19,100	19,100	19,100	0	19,100
BASE SUPPORT	**3,017,265**	**3,017,265**	**3,167,265**	**0**	**3,017,265**
250 REAL PROPERTY MAINTENANCE	866,050	866,050	1,016,050	0	866,050
260 BASE SUPPORT	2,151,215	2,151,215	2,151,215	0	2,151,215
TOTAL, BA 01: OPERATING FORCES	**16,692,678**	**16,930,828**	**17,340,978**	**401,300**	**17,093,978**
BUDGET ACTIVITY 02: MOBILIZATION					
READY RESERVE AND PREPOSITIONING FORCES	**428,418**	**460,418**	**428,418**	**0**	**428,418**

Title III-Operations and Maintenance

(Dollars in Thousands)

	ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
270	SHIP PREPOSITIONING AND SURGE	428,418	428,418	428,418	0	428,418
	WRM/MATERIALS STOCKS		32,000			
	ACTIVATIONS/INACTIVATIONS	**196,403**	**196,403**	**196,403**	**0**	**196,403**
280	AIRCRAFT ACTIVATIONS/INACTIVATIONS	2,939	2,939	2,939	0	2,939
290	SHIP ACTIVATIONS/INACTIVATIONS	193,464	193,464	193,464	0	193,464
	MOBILIZATION PREPAREDNESS	**44,113**	**44,113**	**44,113**	**0**	**44,113**
300	FLEET HOSPITAL PROGRAM	23,707	23,707	23,707	0	23,707
310	INDUSTRIAL READINESS	1,112	1,112	1,112	0	1,112
320	COAST GUARD SUPPORT	19,294	19,294	19,294	0	19,294
	TOTAL, BA 02: MOBILIZATION	**668,934**	**700,934**	**668,934**	**0**	**668,934**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
	ACCESSION TRAINING	**174,633**	**174,633**	**174,633**	**0**	**174,633**
330	OFFICER ACQUISITION	90,121	90,121	90,121	0	90,121
340	RECRUIT TRAINING	6,594	6,594	6,594	0	6,594
350	RESERVE OFFICERS TRAINING CORPS (ROTC)	77,918	77,918	77,918	0	77,918
	BASIC SKILLS AND ADVANCED TRAINING	**913,264**	**914,154**	**942,564**	**4,300**	**917,564**
360	SPECIALIZED SKILL TRAINING	276,861	276,861	281,161	0	281,161
	NULKA Training			[4,300]	4,300	
370	FLIGHT TRAINING	342,553	342,553	342,553	0	342,553
380	PROFESSIONAL DEVELOPMENT EDUCATION	107,625	107,625	107,625	0	107,625
390	TRAINING SUPPORT	186,225	186,225	211,225	0	186,225
	Range Upgrades			[25,000]	0	
	DEPOT APPRENTICESHIP PROGRAM		890			
	RECRUITING, AND OTHER TRAINING AND EDUCATION	**354,956**	**354,956**	**357,956**	**3,000**	**357,956**
400	RECRUITING AND ADVERTISING	180,737	180,737	180,737	0	180,737
410	OFF-DUTY AND VOLUNTARY EDUCATION	86,613	86,613	86,613	0	86,613
420	CIVILIAN EDUCATION AND TRAINING	56,234	56,234	56,234	0	56,234
430	JUNIOR ROTC	31,372	31,372	34,372	3,000	34,372
	BASE SUPPORT	**522,786**	**522,786**	**537,786**	**0**	**522,786**

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
440 REAL PROPERTY MAINTENANCE	198,071	198,071	213,071	0	198,071
450 BASE SUPPORT	324,715	324,715	324,715	0	324,715
TOTAL, BA 03: TRAINING AND RECRUITING	**1,965,639**	**1,966,529**	**2,012,939**	7,300	**1,972,939**
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
SERVICEWIDE SUPPORT	**1,346,099**	**1,330,542**	**1,346,099**	**0**	**1,346,099**
460 ADMINISTRATION	618,145	618,145	618,145	0	618,145
470 EXTERNAL RELATIONS	19,987	19,987	19,987	0	19,987
480 CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	114,660	114,660	114,660	0	114,660
490 MILITARY MANPOWER AND PERSONNEL MANAGEMENT	97,812	97,812	97,812	0	97,812
500 OTHER PERSONNEL SUPPORT	187,270	187,270	187,270	0	187,270
510 SERVICEWIDE COMMUNICATIONS	308,225	292,668	308,225	0	308,225
520 MEDICAL ACTIVITIES	0	0	0	0	0
LOGISTICS OPERATIONS AND TECHNICAL SUPPORT	**1,728,826**	**1,728,826**	**1,728,826**	**0**	**1,728,826**
530 SERVICEWIDE TRANSPORTATION	186,105	186,105	186,105	0	186,105
540 ENVIRONMENTAL PROGRAMS	0	0	0	0	0
550 PLANNING, ENGINEERING AND DESIGN	355,482	355,482	355,482	0	355,482
560 ACQUISITION AND PROGRAM MANAGEMENT	721,560	721,560	721,560	0	721,560
570 AIR SYSTEMS SUPPORT	303,087	303,087	303,087	0	303,087
580 HULL, MECHANICAL AND ELECTRICAL SUPPORT	61,092	61,092	61,092	0	61,092
590 COMBAT/WEAPONS SYSTEMS	47,240	47,240	47,240	0	47,240
600 SPACE AND ELECTRONIC WARFARE SYSTEMS	54,260	54,260	54,260	0	54,260
SECURITY PROGRAMS	**622,854**	**625,854**	**622,854**	**0**	**622,854**
610 SECURITY PROGRAMS	622,854	622,854	622,854	0	622,854
ASHORE FORCE PROTECTION		3,000			
SUPPORT OF OTHER NATIONS	**8,508**	**8,508**	**8,508**	**0**	**8,508**
620 INTERNATIONAL HEADQUARTERS AND AGENCIES	8,508	8,508	8,508	0	8,508
BASE SUPPORT	**266,616**	**266,616**	**281,616**	**0**	**266,616**
630 REAL PROPERTY MAINTENANCE	109,485	109,485	124,485	0	109,485
640 BASE SUPPORT	157,131	157,131	157,131	0	157,131

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
CANCELLED ACCOUNTS	**0**	**0**	**0**	**0**	**0**
650 CANCELLED ACCOUNT	0	0	0	0	0
PROBLEM DISBURSEMENTS	**0**	**0**	**0**	**0**	**0**
660 PROBLEM DISBURSEMENTS	0	0	0	0	0
TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**3,972,903**	**3,960,346**	**3,987,903**	**0**	**3,972,903**
UNDISTRIBUTED:					
JCS Exercises		[-1,014]			
Classified Programs		[-3,752]		(11,144)	
Section 912 Headquarters Reduction		[-13,340]			
Environmenmtal Leadership Programs		[5,000]		3,000	
Real Property Maintenance		[162,170]		90,000	
Intergrated Broadcast Service		[-15,100]			
Acquisition Management		[-45,681]			
WCF Cash Balance/Rate Stabilization		[-227,250]			
Foreign Language Program		[3,000]		3,000	
Contract and Advisory Services		[-14,061]		(10,000)	
Civilian Under-execution		[-53,800]	[-53,800]		
Excess Carryover--Defense Working Capital Funds			[-585,700]		
Foreign Currency Fluctuation		[-30,000]	[-105,100]		
MTAPP			[2,000]	2,000	
Information Technology Center			[5,000]		
Call Center			[3,000]		
Pentagon Renovation, Unobligated Balances				(2,000)	
Defense Joint Accounting System				(7,000)	
Comunications Program Growth				(10,000)	
TOTAL		**(233,828)**	**(734,600)**	**57,856**	**57,856**
TOTAL, OPERATIONS AND MAINTENANCE, NAVY	**23,300,154**	**23,324,809**	**23,276,154**	**466,456**	**23,766,610**

OPERATIONS AND MAINTENANCE, MARINE CORPS

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
BUDGET ACTIVITY 01: OPERATING FORCES					
EXPEDITIONARY FORCES	**1,908,545**	**1,976,145**	**1,972,245**	**66,000**	**1,974,545**
010 OPERATIONAL FORCES	420,702	443,802	443,802	0	452,702
Initial Issue		[23,100]	[23,100]	22,000	
ULCANS				10,000	
020 FIELD LOGISTICS	235,561	243,061	235,561	0	244,561
Corrosion Control		[7,500]		4,000	
Equipment Maintenance				5,000	
030 DEPOT MAINTENANCE	97,194	129,194	137,794	20,000	117,194
Maintenance of Aging Equipment		[10,000]		0	
Corrosion Control			[7,500]	0	
040 BASE SUPPORT	760,299	760,299	760,299	0	760,299
050 REAL PROPERTY MAINTENANCE	394,789	394,789	394,789	0	394,789
PERSONAL SUPPORT EQUIPMENT		5,000		5,000	5,000
USMC PREPOSITIONING	**86,281**	**97,481**	**86,281**	**0**	**86,281**
060 MARITIME PREPOSITIONING	82,390	82,390	82,390	0	82,390
070 NORWAY PREPOSITIONING	3,891	3,891	3,891	0	3,891
MPS REPLENISHMENT/REPLACEMENT STOCKS		11,200			
TOTAL, BA 01: OPERATING FORCES	**1,994,826**	**2,073,626**	**2,058,526**	**66,000**	**2,060,826**
BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
ACCESSION TRAINING	**86,386**	**86,386**	**86,386**	**0**	**86,386**
080 RECRUIT TRAINING	10,655	10,655	10,655	0	10,655
090 OFFICER ACQUISITION	300	300	300	0	300
100 BASE SUPPORT	55,649	55,649	55,649	0	55,649
110 REAL PROPERTY MAINTENANCE	19,782	19,782	19,782	0	19,782
BASIC SKILLS AND ADVANCED TRAINING	**205,972**	**209,972**	**205,972**	**0**	**205,972**
120 SPECIALIZED SKILLS TRAINING	32,975	32,975	32,975	0	32,975
130 FLIGHT TRAINING	166	166	166	0	166
140 PROFESSIONAL DEVELOPMENT EDUCATION	8,704	8,704	8,704	0	8,704

Title III-Operations and Maintenance

(Dollars in Thousands)

	ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
150	TRAINING SUPPORT	84,417	84,417	84,417	0	84,417
160	BASE SUPPORT	50,948	50,948	50,948	0	50,948
170	REAL PROPERTY MAINTENANCE	28,762	28,762	28,762	0	28,762
	INSTITUTIONAL TRAINING		4,000			
	RECRUITING AND OTHER TRAINING EDUCATION	**140,518**	**152,618**	**143,518**	**7,000**	**147,518**
180	RECRUITING AND ADVERTISING	100,001	107,501	100,001	0	100,001
190	OFF-DUTY AND VOLUNTARY EDUCATION	17,961	17,961	17,961	0	17,961
200	JUNIOR ROTC	11,917	11,917	14,917	3,000	14,917
210	BASE SUPPORT	8,006	8,606	8,006	0	8,006
220	REAL PROPERTY MAINTENANCE	2,633	2,633	2,633	0	2,633
	STAFFING FOR VOLUNTARY EDUCATION PROGRAM		4,000		4,000	4,000
	TOTAL, BA 03: TRAINING AND RECRUITING	**432,876**	**448,976**	**435,876**	**7,000**	**439,876**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	SERVICEWIDE SUPPORT	**277,956**	**277,956**	**277,956**	**(2,000)**	**275,956**
230	SPECIAL SUPPORT	204,293	204,293	204,293	0	204,293
240	SERVICEWIDE TRANSPORTATION	31,414	31,414	31,414	(2,000)	29,414
250	ADMINISTRATION	25,811	25,811	25,811	0	25,811
260	BASE SUPPORT	14,157	14,157	14,157	0	14,157
270	REAL PROPERTY MAINTENANCE	2,281	2,281	2,281	0	2,281
	CANCELLED ACCOUNT	**0**	**0**	**0**	**0**	**0**
280	CANCELLED ACCOUNT	0	0	0	0	0
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**277,956**	**277,956**	**277,956**	**(2,000)**	**275,956**
	UNDISTRIBUTED:					
	Real Property Maintenance		[38,320]		35,000	
	Ultra Lightweight Camouflage System		[15,000]			
	Foreign Currency Fluctuation		[-2,200]	[-25,800]		
	MPS Replenishment/Replacement Stocks				15,000	
	Contract and Advisory Services				(367)	

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
TOTAL		51,120	(25,800)	49,633	49,633
TOTAL, OPERATIONS AND MAINTENANCE, MARINE CORPS	**2,705,658**	**2,851,678**	**2,746,558**	**120,633**	**2,826,291**
OPERATIONS AND MAINTNENANCE, AIR FORCE					
BUDGET ACTIVITY 01: OPERATING FORCES					
AIR OPERATIONS	**8,673,688**	**8,755,788**	**8,773,688**	**800**	**8,674,488**
010 PRIMARY COMBAT FORCES	2,363,665	2,363,665	2,363,665	0	2,363,665
020 PRIMARY COMBAT WEAPONS	306,379	306,379	306,379	0	306,379
030 COMBAT ENHANCEMENT FORCES	205,101	205,101	205,101	0	205,101
040 AIR OPERATIONS TRAINING	774,341	774,341	774,341	0	774,341
050 DEPOT MAINTENANCE	1,341,224	1,419,024	1,341,224	0	1,341,224
ENGINE R&M IMPROVEMENTS		4,300		0	
060 COMBAT COMMUNICATIONS	1,093,924	1,093,924	1,093,924	(2,000)	1,091,924
070 BASE SUPPORT	1,849,247	1,849,247	1,949,247	0	1,849,247
080 REAL PROPERTY MAINTENANCE	739,807	739,807	739,807	0	742,607
Keesler AFB, Weatherproofing			[2,800]	2,800	
COMBAT RELATED OPERATIONS	**1,536,955**	**1,536,955**	**1,536,955**	**(3,700)**	**1,533,255**
090 GLOBAL C3I AND EARLY WARNING	680,464	680,464	680,464	0	688,964
Tethered Aerostat Radar System				8,500	
100 NAVIGATION/WEATHER SUPPORT	154,153	154,153	154,153	0	154,153
110 OTHER COMBAT OPS SUPPORT PROGRAMS	280,971	280,971	280,971	0	280,971
120 JCS EXERCISES	37,052	37,052	37,052	(12,200)	24,852
130 MANAGEMENT/OPERATIONAL HEADQUARTERS	124,998	124,998	124,998	0	124,998
140 TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	259,317	259,317	259,317	0	259,317
SPACE OPERATIONS	**1,279,808**	**1,279,808**	**1,279,808**	**0**	**1,279,808**
150 LAUNCH FACILITIES	234,395	234,395	234,395	0	234,395
160 LAUNCH VEHICLES	116,766	116,766	116,766	0	116,766
170 SPACE CONTROL SYSTEMS	248,564	248,564	248,564	0	248,564
180 SATELLITE SYSTEMS	53,473	53,473	53,473	0	53,473
190 OTHER SPACE OPERATIONS	114,729	114,729	114,729	0	114,729

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
200 BASE SUPPORT	377,605	377,605	377,605	0	377,605
210 REAL PROPERTY MAINTENANCE	134,276	134,276	134,276	0	134,276
TOTAL, BA 01: OPERATING FORCES	**11,490,451**	**11,572,551**	**11,590,451**	**(2,900)**	**11,487,551**
BUDGET ACTIVITY 02: MOBILIZATION					
MOBILITY OPERATIONS	**3,159,544**	**3,167,244**	**3,204,244**	**0**	**3,159,544**
220 AIRLIFT OPERATIONS	1,653,084	1,653,084	1,653,084	0	1,653,084
230 AIRLIFT OPERATIONS C3I	37,961	37,961	37,961	0	37,961
240 MOBILIZATION PREPAREDNESS	146,133	146,133	146,133	0	146,133
250 DEPOT MAINTENANCE	305,244	305,244	305,244	0	305,244
260 PAYMENTS TO TRANSPORTATION BUSINESS AREA	429,775	429,775	429,775	0	429,775
270 BASE SUPPORT	466,832	466,832	511,532	0	466,832
280 REAL PROPERTY MAINTENANCE	120,515	120,515	120,515	0	120,515
AFLOAT PREPOSITIONED FLEET--AF		7,700			
TOTAL, BA 02: MOBILIZATION	**3,159,544**	**3,167,244**	**3,204,244**	**0**	**3,159,544**
BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
ACCESSION TRAINING	**266,841**	**267,241**	**266,841**	**(6,600)**	**260,241**
290 OFFICER ACQUISITION	68,142	68,142	68,142	0	68,142
300 RECRUIT TRAINING	4,302	4,302	4,302	0	4,302
310 RESERVE OFFICER TRAINING CORPS (ROTC)	61,522	61,922	61,522	0	61,922
Open Air Force Senior ROTC Support		[400]		400	
320 BASE SUPPORT (ACADEMIES ONLY)	68,220	68,220	68,220	0	61,220
Facility Investment Strategy				(7,000)	
330 REAL PROPERTY MAINTENANCE (ACADEMIES ONLY)	64,655	64,655	64,655	0	64,655
BASIC SKILLS AND ADVANCED TRAINING	**1,669,169**	**1,674,169**	**1,669,169**	**(2,000)**	**1,667,169**
340 SPECIALIZED SKILL TRAINING	256,003	256,003	256,003	0	256,003
350 FLIGHT TRAINING	618,293	618,293	618,293	0	618,293
360 PROFESSIONAL DEVELOPMENT EDUCATION	109,263	109,263	109,263	0	109,263
370 TRAINING SUPPORT	75,599	75,599	75,599	0	75,599

Title III-Operations and Maintenance

(Dollars in Thousands)

	ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
380	DEPOT MAINTENANCE	11,626	11,626	11,626	0	11,626
390	BASE SUPPORT (OTHER TRAINING)	471,268	471,268	471,268	(2,000)	469,268
400	REAL PROPERTY MAINTENANCE (OTHER TRAINING)	127,117	127,117	127,117	0	127,117
	INSTITUTIONAL TRAINING		5,000			
RECRUITING, AND OTHER TRAINING AND EDUCATION		**305,491**	**305,491**	**308,491**	**2,000**	**307,491**
410	RECRUITING AND ADVERTISING	113,524	113,524	113,524	0	113,524
420	EXAMINING	3,483	3,483	3,483	0	3,483
430	OFF DUTY AND VOLUNTARY EDUCATION	87,032	87,032	87,032	0	87,032
440	CIVILIAN EDUCATION AND TRAINING	69,633	69,633	69,633	(1,000)	68,633
450	JUNIOR ROTC	31,819	31,819	34,819	3,000	34,819
TOTAL, BA 03: TRAINING AND RECRUITING		**2,241,501**	**2,246,901**	**2,244,501**	**(6,600)**	**2,234,901**
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES						
LOGISTICS OPERATIONS		**3,131,611**	**3,131,611**	**3,206,611**	**2,000**	**3,133,611**
460	LOGISTICS OPERATIONS	985,411	985,411	1,060,411	0	987,411
	Readiness Spares Packages			[75,000]	0	
	Engine Reliability & Maintainability Program				2,000	
470	TECHNICAL SUPPORT ACTIVITIES	396,144	396,144	396,144	0	396,144
480	SERVICEWIDE TRANSPORTATION	222,395	222,395	222,395	0	222,395
490	DEPOT MAINTENANCE	55,398	55,398	55,398	0	55,398
500	BASE SUPPORT	1,131,172	1,131,172	1,131,172	0	1,131,172
510	REAL PROPERTY MAINTENANCE	341,091	341,091	341,091	0	341,091
SERVICEWIDE ACTIVITIES		**1,624,374**	**1,603,874**	**1,624,374**	**(6,900)**	**1,617,474**
520	ADMINISTRATION	153,206	143,206	153,206	0	153,206
530	SERVICEWIDE COMMUNICATIONS	322,654	322,654	322,654	0	322,654
540	PERSONNEL PROGRAMS	146,783	146,783	146,783	0	146,783
550	RESCUE AND RECOVERY SERVICES	59,073	59,073	59,073	0	59,073
560	ARMS CONTROL	41,094	30,594	41,094	(6,900)	34,194
570	OTHER SERVICEWIDE ACTIVITIES	590,249	590,249	590,249	0	590,249
580	OTHER PERSONNEL SUPPORT	35,109	35,109	35,109	0	35,109

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
590 CIVIL AIR PATROL CORPORATION	13,917	13,917	13,917	0	13,917
600 BASE SUPPORT	237,050	237,050	237,050	0	237,050
610 REAL PROPERTY MAINTENANCE	25,239	25,239	25,239	0	25,239
SECURITY PROGRAMS	**685,834**	**685,834**	**685,834**	**0**	**685,834**
620 SECURITY PROGRAMS	685,834	685,834	685,834	0	685,834
SUPPORT TO OTHER NATIONS	**13,662**	**13,662**	**13,662**	**(1,100)**	**12,562**
630 INTERNATIONAL SUPPORT	13,662	13,662	13,662	0	12,562
NATO & International Program Growth				(1,100)	
TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**5,455,481**	**5,434,981**	**5,530,481**	**(6,000)**	**5,449,481**
UNDISTRIBUTED:					
Classified Programs		[15,801]		10,144	
JCS Exercises		[-12,200]			
Section 912 Headquarters Reduction		[-14,500]			
Real Property Maintmenance		[176,040]		90,000	
LD/HD Flight Crew Training		[5,100]			
Aircraft Spares		[45,000]		70,800	
Integrated Broadcast Service		[15,100]			
Acquisition Management		[-8,800]			
WCF Cash Balance/Stablization		[-222,200]			
Contract and Advisory Services		[-4,633]		(41,000)	
DFAS Program Growth		[-27,521]			
Excess Carryover--Defense Working Capital Funds			[-52,200]	(52,200)	
Foreign Currency Fluctuation		[-37,700]	[-157,600]		
NBC Sustainment			[29,200]		
Pentagon Renovation				(2,000)	
Travel				(5,000)	
Defense Joint Accounting System				(7,000)	
TOTAL		**(70,513)**	**(180,600)**	**63,744**	**63,744**
TOTAL, OPERATIONS AND MAINTNENANCE, AIR FORCE	**22,346,977**	**22,351,164**	**22,389,077**	**48,244**	**22,395,221**

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
OPERATIONS AND MAINTENANCE, DEFENSE-WIDE					
BUDGET ACTIVITY 01: OPERATING FORCES					
010 JOINT CHIEFS OF STAFF	396,489	388,575	401,489	0	421,489
Exercise Program		[-32,914]			
Mobility Enhancements		[25,000]	[5,000]	25,000	
020 SPECIAL OPERATIONS COMMAND	1,263,572	1,263,572	1,263,572	0	1,263,572
TOTAL, BA 01: OPERATING FORCES	**1,660,061**	**1,652,147**	**1,665,061**	**25,000**	**1,685,061**
BUDGET ACTIVITY 02: MOBILIZATION					
030 DEFENSE LOGISTICS AGENCY	45,677	45,677	45,677	0	45,677
TOTAL, BA 02: MOBILIZATION	**45,677**	**45,677**	**45,677**	**0**	**45,677**
BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
040 AMERICAN FORCES INFORMATION SERVICE	10,999	10,999	10,999	0	10,999
050 DEFENSE ACQUISITION UNIVERSITY	100,331	100,331	102,331	0	102,331
IT Organization Composite Research				2,000	
060 DEFENSE FINANCE AND ACCOUNTING SERVICE	15,354	15,354	15,354	0	15,354
070 DEFENSE HUMAN RESOURCES ACTIVITY	78,299	78,299	78,299	(5,000)	73,299
080 DEFENSE SECURITY SERVICE	7,445	7,445	7,445	0	7,445
090 DEFENSE THREAT REDUCTION AGENCY	1,089	1,089	1,089	0	1,089
100 SPECIAL OPERATIONS COMMAND	49,158	49,158	49,158	0	49,158
TOTAL, BA 03: TRAINING AND RECRUITING	**262,675**	**262,675**	**264,675**	**(3,000)**	**259,675**
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
110 AMERICAN FORCES INFORMATION SERVICE	94,525	94,525	94,525	0	94,525
120 CIVIL MILITARY PROGRAMS	88,431	88,431	88,431	0	88,431
130 CLASSIFIED AND INTELLIGENCE	4,207,597	4,207,597	4,207,597	0	4,207,597
140 CLASSIFIED AND INTELLIGENCE (FY 98/99)	0	0	0	0	0
150 CLASSIFIED AND INTELLIGENCE (NO YEAR)	0	0	0	0	0
160 DEFENSE CONTRACT AUDIT AGENCY	348,658	348,658	348,658	(2,000)	346,658

Title III-Operations and Maintenance

(Dollars in Thousands)

	ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
170	DEFENSE FINANCE AND ACCOUNTING SERVICE	1,416	1,416	1,416	0	2,416
	MOCAS Enhancements				1,000	
180	DEFENSE HUMAN RESOURCES ACTIVITY	184,856	184,856	184,856	(5,000)	179,856
190	DEFENSE INFORMATION SYSTEMS AGENCY	755,197	755,197	755,197	0	755,197
200	DEFENSE LEGAL SERVICES AGENCY	12,596	12,596	12,596	0	12,596
210	DEFENSE LOGISTICS AGENCY	1,143,496	1,165,496	1,144,696	0	1,143,496
	Document Conversion		[10,000]		4,000	
	CTMA Program		[12,000]		0	
	MOCAS Enhancements			[1,200]	0	
	Equipment Purchases				(4,000)	
220	DEFENSE POW /MISSING PERSONS OFFICE	14,827	14,827	14,827	0	14,827
230	DEFENSE SECURITY COOPERATION AGENCY	67,598	65,312	64,498	0	57,598
	Partnership for Peace		[-2,286]	[-3,100]	(10,000)	
240	DEFENSE SECURITY SERVICE	126,929	126,929	126,929	0	126,929
250	DEFENSE THREAT REDUCTION AGENCY	215,624	214,624	215,624	(2,000)	213,624
260	DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,434,204	1,434,204	1,434,204	0	1,434,204
270	JOINT CHIEFS OF STAFF	157,883	157,361	157,883	0	157,883
	Section 912 Headquarters Reductions		[-522]			
280	OFFICE OF ECONOMIC ADJUSTMENT	22,495	22,495	22,495	0	22,495
290	OFFICE OF THE SECRETARY OF DEFENSE	417,126	412,680	420,626	0	413,626
	Section 912 Headquarters Reductions		[-4,446]		0	
	Joint Spectrum Center Data Base Upgrade			[8,500]	0	
	Environmental Security Cooperation				(1,000)	
	Studies and Analysis				(5,000)	
	DESCIM			[-5,000]	(5,000)	
	Clara Barton Center				1,500	
	CTMA-Depot Level Activities				6,000	
300	OFFICE OF THE SECRETARY OF DEFENSE (NO YEAR)	0	0	0	0	0
310	SPECIAL OPERATIONS COMMAND	43,864	42,182	43,864	0	43,864
	Section 912 Headquarters Reductions		[-1,682]			

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
320 WASHINGTON HEADQUARTERS SERVICES	299,334	265,375	299,334	0	289,334
Low Priority Programs				(10,000)	
330 NATURAL DISASTERS	0	0	0	0	0
340 SPECIAL PROGRAMS	315,000	115,000	315,000	(200,000)	115,000
TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**9,951,656**	**9,729,761**	**9,953,256**	**(231,500)**	**9,720,156**
UNDISTRIBUTED:					
Classified Programs		[-44,332]			
Section 912 Headquarters Reduction		[-12,586]			
Eagle Vision Commercial Imagery		[6,000]			
Civilian Under-execution		[-900]	[-27,500]		
Foreign Currency Fluctuation		[-10,100]	[-27,200]		
Legacy		[6,500]	[6,100]	6,500	
Defense Travel System			[-20,000]		
Information Security Scholarship Program			[20,000]	[15,000]	
Command Information Superiority Architecture			[2,000]		
Information Protection Research Institute			[10,000]	[5,000]	
International Student ProgramAT Senior Military		[2,000]		2,000	
Recruiter-High School Guidance Counselor Internet Connection		[2,000]		2,000	
IMPACT AID		[35,000]	[20,000]	35,000	
Pentagon Renovation				(2,000)	
Defense Joint Accounting System				(13,500)	
Middle East Regional Security Issues			[1,000]	[1,000]	
TOTAL		**(16,408)**	**(16,600)**	**30,000**	**30,000**
TOTAL, OPERATIONS AND MAINTENANCE, DEFENSE-WIDE	**11,920,069**	**11,673,852**	**11,912,069**	**(179,500)**	**11,740,569**
OPERATIONS AND MAINTENANCE, ARMY RESERVE					
BUDGET ACTIVITY 01: OPERATING FORCES					
LAND FORCES	**680,318**	**692,318**	**680,318**	**0**	**680,318**
010 DIVISION FORCES	9,921	9,921	9,921	0	9,921

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(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
020 CORPS COMBAT FORCES	22,544	22,544	22,544	0	22,544
030 CORPS SUPPORT FORCES	218,697	218,697	218,697	0	218,697
040 ECHELON ABOVE CORPS FORCES	103,347	103,347	103,347	0	103,347
050 LAND FORCES OPERATIONS SUPPORT	325,809	325,809	325,809	0	325,809
EXTENDED COLD WEATHER SYSTEM		12,000			
LAND FORCES READINESS	**211,288**	**211,288**	**216,288**	**0**	**211,288**
060 FORCES READINESS OPERATIONS SUPPORT	129,020	129,020	129,020	0	129,020
070 LAND FORCES SYSTEM READINESS	35,501	35,501	35,501	0	35,501
080 DEPOT MAINTENANCE	46,767	46,767	51,767	0	46,767
LAND FORCES READINESS SUPPORT	**461,815**	**461,815**	**461,815**	**0**	**461,815**
090 BASE SUPPORT	345,771	345,771	345,771	0	345,771
100 REAL PROPERTY MAINTENANCE	114,704	114,704	114,704	0	114,704
110 UNIFIED COMMANDS	0	0	0	0	0
120 ADDITIONAL ACTIVITIES	1,340	1,340	1,340	0	1,340
TOTAL, BA 01: OPERATING FORCES	**1,353,421**	**1,365,421**	**1,358,421**	**0**	**1,353,421**
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
130 ADMINISTRATION	34,708	34,708	34,708	0	34,708
140 SERVICEWIDE COMMUNICATIONS	22,482	22,482	22,482	0	22,482
150 PERSONNEL/FINANCIAL ADMINISTRATION	41,594	41,594	41,594	0	41,594
160 RECRUITING AND ADVERTISING	69,213	78,213	69,213	0	69,213
TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**167,997**	**176,997**	**167,997**	**0**	**167,997**
UNDISTRIBUTED:					
Additional Military Technicians		[25,000]		20,500	
Funeral Honors		[3,000]			
Real Property Maintenance				15,000	
Extended Cold Weather Clothing Sustem				4,500	
TOTAL		**23,500**		**40,000**	**40,000**

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(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
TOTAL, OPERATIONS AND MAINTENANCE, ARMY RESERVE	1,521,418	1,565,918	1,526,418	40,000	1,561,418
OPERATIONS AND MAINTNENANCE, NAVY RESERVE					
BUDGET ACTIVITY 01: OPERATING FORCES					
RESERVE AIR OPERATIONS	**478,297**	**478,297**	**478,297**	**0**	**478,297**
010 MISSION AND OTHER FLIGHT OPERATIONS	355,803	355,803	355,803	0	355,803
020 FLEET AIR TRAINING	0	0	0	0	0
030 INTERMEDIATE MAINTENANCE	17,381	17,381	17,381	0	17,381
040 AIR OPERATION AND SAFETY SUPPORT	3,384	3,384	3,384	0	3,384
050 AIRCRAFT DEPOT MAINTENANCE	101,391	101,391	101,391	0	101,391
060 AIRCRAFT DEPOT OPS SUPPORT	338	338	338	0	338
RESERVE SHIP OPERATIONS	**130,106**	**130,106**	**135,106**	**10,000**	**140,106**
070 MISSION AND OTHER SHIP OPERATIONS	48,182	48,182	48,182	0	48,182
080 SHIP OPERATIONAL SUPPORT AND TRAINING	621	621	621	0	621
090 INTERMEDIATE MAINTENANCE	11,207	11,207	11,207	0	11,207
100 SHIP DEPOT MAINTENANCE	68,721	68,721	73,721	10,000	78,721
110 SHIP DEPOT OPERATIONS SUPPORT	1,375	1,375	1,375	0	1,375
RESERVE COMBAT OPERATIONS SUPPORT	**34,850**	**34,850**	**34,850**	**0**	**34,850**
120 COMBAT SUPPORT FORCES	34,850	34,850	34,850	0	34,850
RESERVE WEAPONS SUPPORT	**5,436**	**5,436**	**5,436**	**0**	**5,436**
130 WEAPONS MAINTENANCE	5,436	5,436	5,436	0	5,436
BASE SUPPORT	**206,409**	**206,409**	**206,409**	**0**	**206,409**
140 REAL PROPERTY MAINTENANCE	63,728	63,728	63,728	0	63,728
150 BASE SUPPORT	142,681	142,681	142,681	0	142,681
TOTAL, BA 01: OPERATING FORCES	**855,098**	**855,098**	**860,098**	**10,000**	**865,098**
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**105,848**	**105,848**	**105,848**	**0**	**105,848**
160 ADMINISTRATION	7,004	7,004	7,004	0	7,004
170 CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	1,847	1,847	1,847	0	1,847

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(Dollars in Thousands)

	ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
180	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	27,713	27,713	27,713	0	27,713
190	SERVICEWIDE COMMUNICATIONS	63,070	63,070	63,070	0	63,070
200	COMBAT/WEAPONS SYSTEMS	5,566	5,566	5,566	0	5,566
210	GENERAL DEFENSE INTELLIGENCE PROGRAM	648	648	648	0	648
LOGISTICS OPERATIONS AND TECHNICAL SUPPORT		**0**	**0**	**0**	**0**	**0**
220	AIR SYSTEMS SUPPORT	0	0	0	0	0
CANCELLED ACCOUNTS		**0**	**0**	**0**	**0**	**0**
230	CANCELLED ACCOUNTS	0	0	0	0	0
TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		**105,848**	**105,848**	**105,848**	**0**	**105,848**
	UNDISTRIBUTED:					
	Rcruiting and Advertising		[3,700]			
	Recruiting Support		[3,000]			
	Real Property Maintenance				5,000	
	Flyhours				3,000	
	Total		**6,700**		**8,000**	**8,000**
TOTAL, OPERATIONS AND MAINTNENANCE, NAVY RESERVE		**960,946**	**967,646**	**965,946**	**18,000**	**978,946**
OPERATIONS AND MAINTENANCE, MARINE CORPS RESERVE						
BUDGET ACTIVITY 01: OPERATING FORCES						
MISSION FORCES						
010	TRAINING	17,938	17,938	17,938	0	23,138
	TRAINING CENTER IMPROVEMENTS		1,200		0	
	INITIAL ISSUE		5,200		5,200	
020	OPERATING FORCES	46,561	46,561	46,561	0	46,561
030	BASE SUPPORT	17,024	17,024	17,024	0	17,024
040	REAL PROPERTY MAINTENANCE	8,330	8,330	8,330	2,000	10,330
050	DEPOT MAINTENANCE	9,014	11,014	14,014	3,000	12,014
	MAINTENANCE OF AGING EQUIPMENT		2,000			
	CORROSION CONTROL COATING		1,000			

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
TOTAL, BA 01: OPERATING FORCES	**98,867**	**110,267**	**103,867**	**10,200**	**109,067**
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
060 RECRUITING AND ADVERTISING	7,907	9,907	7,907	0	7,907
070 SPECIAL SUPPORT	11,317	11,317	11,317	0	11,317
080 SERVICEWIDE TRANSPORTATION	484	484	484	0	484
090 ADMINISTRATION	7,628	7,628	7,628	0	7,628
100 BASE SUPPORT	7,756	7,756	7,756	0	7,756
TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**35,092**	**37,092**	**35,092**	**0**	**35,092**
UNDISTRIBUTED					
Real Property Maintenance		[3,100]			
TOTAL		**3,110**	**0**	**0**	**0**
TOTAL, OPERATIONS & MAINTENANCE, MARINE CORPS RES	**133,959**	**150,469**	**138,959**	**10,200**	**144,159**
OPERATIONS AND MAINTENANCE, AIR FORCE RESERVE					
BUDGET ACTIVITY 01: OPERATING FORCES					
AIR OPERATIONS					
010 PRIMARY COMBAT FORCES	1,199,990	1,199,990	1,199,990	0	1,199,990
020 MISSION SUPPORT OPERATIONS	49,309	49,309	49,309	0	49,309
030 DEPOT MAINTENANCE	281,177	281,177	286,177	7,000	288,177
040 BASE SUPPORT	224,138	224,138	224,138	0	224,138
050 REAL PROPERTY MAINTENANCE	45,661	45,661	45,661	0	45,661
TOTAL, BA 01: OPERATING FORCES	**1,800,275**	**1,800,275**	**1,805,275**	**7,000**	**1,807,275**
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
060 ADMINISTRATION	47,817	47,817	47,817	0	47,817
070 MILITARY MANPOWER AND PERSONNEL MANAGEMENT	20,094	20,094	20,094	0	20,094

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(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
080 RECRUITING AND ADVERTISING	10,562	10,562	10,562	0	10,562
090 OTHER PERSONNEL SUPPORT	6,457	6,457	6,457	0	6,457
100 AUDIOVISUAL	654	654	654	0	654
TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**85,584**	**85,584**	**85,584**	**0**	**85,584**
UNDISTRIBUTED					
Real Property Maintenance				4,000	
Flyhours				2,000	
Technician Pilot Retention Bonus		[5,000]		5,000	
TOTAL		**5,000**		**11,000**	**11,000**
TOTAL, OPERATIONS & MAINTENANCE, AIR FORCE RESERVE	**1,885,859**	**1,890,859**	**1,890,859**	**18,000**	**1,903,859**
OPERATIONS AND MAINTENANCE, ARMY NATIONAL GUARD					
BUDGET ACTIVITY 01: OPERATING FORCES					
LAND FORCES	**1,639,496**	**1,663,496**	**1,659,496**	**12,000**	**1,651,496**
010 DIVISIONS	420,846	420,846	440,846	0	420,846
Initial Issue			[20,000]	0	
020 CORPS COMBAT FORCES	743,303	743,303	743,303	0	743,303
030 CORPS SUPPORT FORCES	192,504	192,504	192,504	0	192,504
040 ECHELON ABOVE CORPS FORCES	184,399	184,399	184,399	0	184,399
050 LAND FORCES OPERATION SUPPORT	98,444	98,444	98,444	0	110,444
EXTENDED COLD WEATHER CLOTHING SYSTEM		24,000		12,000	
LAND FORCES READINESS	**262,419**	**262,419**	**262,419**	**0**	**262,419**
060 LAND FORCES SYSTEM READINESS	72,247	72,247	72,247	0	72,247
070 DEPOT MAINTENANCE	190,172	190,172	190,172	0	190,172
LAND FORCES READINESS SUPPORT	**1,085,439**	**1,085,439**	**1,105,439**	**0**	**1,085,439**
080 BASE OPERATIONS	460,632	460,632	460,632	0	460,632
090 REAL PROPERTY MAINTENANCE	202,431	202,431	222,431	0	202,431
100 MANAGEMENT AND OPERATIONAL HEADQUARTERS	422,376	422,376	422,376	0	422,376
TOTAL, BA 01: OPERATING FORCES	**2,987,354**	**3,011,354**	**3,027,354**	**12,000**	**2,999,354**

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(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
110 STAFF MANAGEMENT	73,993	73,993	73,993	0	73,993
120 INFORMATION MANAGEMENT	20,115	20,115	20,115	0	20,115
130 PERSONNEL ADMINISTRATION	33,627	33,627	33,627	0	33,627
140 RECRUITING AND ADVERTISING	67,246	67,246	67,246	0	67,246
TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**194,981**	**194,981**	**194,981**	**0**	**194,981**
UNDISTRIBUTED					
Additional Military Technicians		[30,500]		20,500	
Real Property Maintenance				19,000	
TOTAL		**30,500**		**39,500**	**39,500**
TOTAL, OPERATIONS & MAINTENANCE, ARMY NATIONAL GUARD	**3,182,335**	**3,236,835**	**3,222,335**	**51,500**	**3,233,835**
OPERATIONS AND MAINTNENANCE, AIR NATIONAL GUARD					
BUDGET ACTIVITY 01: OPERATING FORCES					
AIR OPERATIONS					
010 AIRCRAFT OPERATIONS	2,216,504	2,216,504	2,216,504	0	2,216,504
020 MISSION SUPPORT OPERATIONS	368,761	368,761	373,261	0	368,761
Distribution Mission Training			[4,500]	0	
030 BASE SUPPORT	291,414	291,414	291,414	0	291,414
040 REAL PROPERTY MAINTENANCE	104,385	104,385	104,385	0	104,385
050 DEPOT MAINTENANCE	452,932	452,932	452,932	16,500	469,432
EXTENDED COLD WEATHER CLOTHING SYSTEM		6,000			
TOTAL, BA 01: OPERATING FORCES	**3,433,996**	**3,439,996**	**3,438,496**	**16,500**	**3,450,496**
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
SERVICEWIDE ACTIVITIES					
060 ADMINISTRATION	2,668	2,668	2,668	0	2,668

Title III-Operations and Maintenance

(Dollars in Thousands)

ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
070 RECRUITING AND ADVERTISING	9,711	15,711	9,711	0	13,211
RECRUITING SUPPORT		3,500		3,500	
TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**12,379**	**21,879**	**12,379**	**3,500**	**15,879**
UNDISTRIBUTED					
Extended Cold Weather Clothing System				2,000	
TOTAL				**2,000**	**2,000**
TOTAL, OPERATIONS & MAINTNENANCE, AIR NATIONAL GUARD	**3,446,375**	**3,461,875**	**3,450,875**	**22,000**	**3,468,375**
TRANSFER ACCOUNTS					
10 ENVIRONMENTAL RESTORATION, ARMY	389,932	389,932	389,932	0	389,932
20 ENVIRONMENTAL RESTORATION, NAVY	294,038	294,038	294,038	0	294,038
30 ENVIRONMENTAL RESTORATION, AIR FORCE	376,300	376,300	376,300	0	376,300
40 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	23,412	23,412	23,412	(2,000)	21,412
50 ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES	186,499	186,499	231,499	45,000	231,499
60 DRUG INTERDICTION	836,300	841,500	845,300	32,700	869,000
70 OVERSEAS CONTINGENCIES	4,100,577	4,100,577	4,100,577	0	4,100,577
80 PENTAGON RENOVATION	0	0	0	0	0
TOTAL, O&M, TRANSFER ACCOUNTS	**6,207,058**	**6,212,258**	**6,261,058**	**75,700**	**6,282,758**
MISCELLANEOUS					
90 DEFENSE HEALTH PROGRAM	11,310,423	11,571,523	11,401,723		11,480,123
Foreign Currency Fluction		[-15,400]	[-6,700]	(8,900)	
Fund Study of DHP Accrual		[2,000]		2,000	
Fund Study of Medicare-Eligible Health Options		[2,000]			
Fund Study DOD/VA Joint Research Facility		[2,500]		1,000	
Modernize TRICARE Management/Increase Use of Treatment Facilities		[134,500]			
Reimburse Travel Expenses for Long-Distance Referrals		[15,000]		15,000	
Reduce Catastrophic Cap for Retirees		[32,000]		32,000	
TRICARE Senior Pharmacy Benefit		[94,000]		100,000	

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(Dollars in Thousands)

	ACCOUNT/BA/AG/SAG	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
	Foreign Military Training		[-10,000]			
	Claims Processing Initiative				3,600	
	Chiropractic Services for Active Duty Personnel		[3,000]		3,000	
	Medical/Dental Benefits for Survivors				6,000	
	Domiciliary and Custrodial Care				1,500	
	Tracking Patient Safety				10,000	
	Mental Health Conselor Demonstration				3,000	
	Telemedicine Radiology Demonstration		[1,500]		1,500	
100	EMERGENCY RESPONSE FUND, DEFENSE	0	0	0	0	0
110	FORMER SOVIET UNION THREAT REDUCTION	458,400	433,400	458,400	(15,000)	443,400
120	INSPECTOR GENERAL	144,245	144,245	144,245	0	144,245
130	OPPLAN 34A-35 P.O.W.				0	
140	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AFFAIRS	64,900	55,800	55,400	(9,000)	55,900
150	PAYMENT TO KAHO'OLAWE ISLAND	25,000	25,000	25,000	0	25,000
160	QUALITY OF LIFE ENHANCEMENTS	0	0	0	10,500	10,500
170	U.S. COURT OF APPEALS FOR THE ARMED FORCES	8,574	8,574	8,574	0	8,574
TOTAL, MISCELLANEOUS		**12,011,542**	**12,238,542**	**12,093,342**	**156,200**	**12,167,742**

Battlefield Mobility Enhancement System

The budget request included no funding for the battlefield mobility enhancement system know as Military Gator (M-Gator).

The House bill would authorize $9.3 million for M-Gator.

The Senate amendment would authorize $10.0 million for M-Gator.

The conferees agree to authorize $3.0 million for M-Gator. The conferees commend the Department of the Army and, specifically, the XVIII Airborne Corps for their efforts in acquiring the M-Gator battlefield mobility enhancement system. The conferees note that these efforts substantially shortened the acquisition process for this system by using a commercial off-the-shelf vehicle and thereby resisted the oft-repeated mistake of excessive modifications and militarizations, saving both time and money. The conferees understand that it took the Army only three years from the execution of the operational needs statement to the initial fielding of the M-Gator. The conferees are also pleased to note that M-Gators are currently available for world-wide deployment by the 82nd and 101st Airborne Divisions and, within available funding, will soon be available in the 10th Mountain Division in New York and the 25th Infantry Division in Hawaii.

Cultural and historic activities

The budget request included $300,000 for the Legacy Resource Management Program.

The House bill would authorize an increase of $6.5 million in the Legacy program.

The Senate amendment would authorize an increase of $6.1 million in the Legacy program for the recovery and preservation of three Civil War vessels: the *H.L. Hunley*, a Civil War submarine; the U.S.S. *Monitor*, a Civil War ironclad warship; and the C.S.S. *Alabama*, a Civil War commerce raider.

The conferees agree to authorize an increase of $6.5 million in the Legacy program. The conferees direct the Secretary of Defense and the Secretary of the Navy to use the additional Legacy funds to accomplish the following: (1) To raise the *H.L. Hunley*, recover other remaining artifacts, and conduct related preservation activities; (2) to make preparations for the turret recovery of the U.S.S. *Monitor* and recover other remaining artifacts, including two cannons; and (3) to survey and recover the artifacts of the C.S.S. *Alabama*, including the aft pivot gun and the lifting screw. The conferees further direct that, not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report that completely describes all prior and current use of Legacy funds and relevant state funds, and the status of recovery and preservation activities related to the *H.L. Hunley*, the U.S.S. *Monitor*, and the C.S.S. *Alabama*.

MOCAS enhancements

The budget request included $1.1 billion for the Defense Logistics Agency.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $1.2 million for improvements to the Mechanization of Contract Administration Service (MOCAS) System. The increase in funding is necessary for the development of a query tool, enhanced shared data warehouse, and other improvements to bring the MOCAS system in compliance with other provisions in the Act.

The House bill contained no similar provision and would authorize the budget request.

The conferees agree to authorize an increase of $1.0 million for these purposes for the Defense Finance and Accounting Service.

ITEMS OF SPECIAL INTEREST

Funding for Formerly Used Defense Sites and the Conway Bombing and Gunnery Range, Horry County, South Carolina

The Department of Defense (DOD) is responsible for cleaning up properties that it formerly owned, leased, possessed, or operated, known as Formerly Used Defense Sites (FUDS). The Army is the executive agent for the FUDS program, and the U.S. Army Corps of Engineers (Corps) manages and executes actual remediation activities. Because DOD no longer owns or uses the FUDS properties, a Corps district commander is given direct oversight responsibility for execution of environmental restoration projects.

There are about 9,302 properties identified for inclusion in the FUDS program, hundreds of which could be categorized as former ranges. Unfortunately, there are significant funding shortfalls within the FUDS program, which makes it difficult to execute much needed remediation projects at these sites. In an effort to address this problem, the Department of Defense Appropriations Act, 2001 (Public Law 106-259) included an increase of $45.0 million for FUDS remediation. Although these additional funds should facilitate further remediation activities on FUDS properties, there remains a funding shortfall that must be comprehensively addressed through the Department of Defense budget process. The conferees direct the Secretary of Defense to work cooperatively with the Secretary of the Army to resolve effectively the funding shortfall in the FUDS program.

The conferees are particularly concerned about the lack of focus and support for remediation of former military ranges. Specifically, the conferees have been informed of potential safety and environmental issues at the former Conway Bombing and Gunnery Range (Range III), Horry County, South Carolina. The conferees encourage the Secretary of the Army to move forward with remediation at such ranges in accordance with existing Department of Army policy.

United States Army marksmanship program

The conferees believe that international marksmanship competitions are an excellent opportunity to showcase the skills of U.S. military personnel in a sport that many countries see as a paradigm of military preparedness.

The conferees note that since 1956, the United States Army Marksmanship Unit, including active and reserve participants, have made a significant contribution to the success of U.S. marksmanship teams. Since the 1988 Olympic Games, reserve component participation on the Department of Defense (DOD) contingent on U.S. shooting teams has averaged nearly one half of all DOD team members. The conferees urge the Secretary of Defense to review the current Army Marksmanship program in order to maintain adequate opportunities for reserve component personnel to participate in future international marksmanship events.

Water quality issues at installations in Kaiserslautern, Germany

The conferees are concerned about contamination at approximately 36 locations recently identified on, or near, military installations supporting the missions of the U.S. Army and the U.S. Air Force in the area of Kaiserslautern, Germany. The conferees recognize the effort of the Secretaries of the Army and the Air Force to work cooperatively with local German authorities to resolve matters relating to environmental contamination of the water supply that supports the military installations and civilians in the area of Kaiserslautern, Germany. The conferees direct the Secretaries of the Army and Air Force to assess jointly the nature and extent of the water contamination issue, and develop a plan for the completion of remediation and restoration, to include related costs. The conferees direct the secretaries concerned to submit their findings and recommendations concurrent with the submission of the budget request for fiscal year 2002.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Authorization of appropriations (secs. 301–302)

The House bill contained provisions (secs. 301–302) that would authorize the recommended fiscal year 2001 funding levels for all operations and maintenance and working capital fund accounts.

The Senate amendment contained similar provisions.

The conference agreement includes these provisions.

Armed Forces Retirement Home (sec. 303)

The House bill contained a provision (sec. 303) that would authorize $69,832,000 from the Armed Forces Retirement Home Trust Fund to be appropriated for the operation of the Armed Forces Retirement Homes.

The Senate amendment contained an identical provision (sec. 303).

The conference agreement includes this provision.

Transfer from National Defense Stockpile Transaction Fund (sec. 304)

The House bill contained a provision (sec. 304) that would authorize the Secretary of Defense to transfer not more than $150.0 million from the amounts received from sales in the National Defense Stockpile Transaction Fund to the operations and maintenance accounts of the military services.

The Senate amendment contained an identical provision.

The conference agreement includes this provision.

Joint warfighting capabilities assessment teams (sec. 305)

The Senate amendment contained a provision (sec. 312) that would authorize $4.0 million in operation and maintenance for defense-wide activities for the Joint Staff be made available for the sole purpose of improving the performance of the joint warfighting capabilities assessment teams of the Joint Requirements Oversight Council.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle B—Environmental Provisions

Establishment of additional environmental restoration account and use of accounts for operation and monitoring of environmental remedies (sec. 311)

The Senate amendment contained a provision (sec. 341) that would amend section 2703 of title 10, United States Code, to designate an account for formerly used defense sites within the Environmental Restoration Account (ERA), and to ensure that all site closeout activities would be funded by an appropriate ERA.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Certain environmental restoration activities (sec. 312)

The House bill contained a provision (sec. 313) that would authorize the Secretary of

Defense or the secretaries of the military departments to use funds available in the environmental restoration accounts (ERA), pursuant to section 2703 of title 10, United States Code, to permanently relocate facilities. The authorization would be subject to secretarial determination that permanent relocation was the most cost effective environmental restoration option and would sunset in three years. The provision would also limit the total funds available to five percent of the funds deposited in an ERA for a fiscal year.

The Senate amendment contained a similar provision (sec. 346), but made the authorization contingent upon a secretary's written determination that such permanent relocation is part of a response action that: (1) has the support of the affected community; (2) has the approval of relevant regulatory agencies; and (3) is the most cost effective response action available. The authority would terminate after September 30, 2003, and be subject to a five percent funding cap within each fiscal year for the funds available under section 2703. The secretary concerned would also be required to provide an annual report to the congressional defense committees on each response action for which there has been a written determination made under this provision.

The Senate recedes with a technical amendment.

The conferees expect the Department of Defense to use this authority judiciously, and to ensure that funds are used only for legitimate environmental restoration priorities. Moreover, the conferees intend that this provision will allow for a flexible approach to environmental restoration at certain formerly used defense sites where progress has been slow.

Annual reports under Strategic Environmental Research and Development Program (sec. 313)

The Senate amendment contained a provision (sec. 343) that would modify the current reporting requirement for the Science Advisory Board to allow for its inclusion in the annual report for the Strategic Environmental Research and Development Program.

The House bill contained no similar provision.

The House recedes.

Payment of fines and penalties for environmental compliance at Fort Wainwright, Alaska (sec. 314)

The Senate amendment contained a provision (sec. 342) that would require the Secretary of Defense or the secretaries of the military departments to seek congressional authorization prior to paying any fine or penalty imposed by a Federal agency for an environmental compliance violation if the fine or penalty amount agreed to is $1.5 million or more. Supplemental environmental projects carried out as part of fine or penalty for amounts $1.5 million or more and agreed to after the enactment of this Act would also require specific authorization by law.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense or the Secretary of the Army to pay no more than $2.0 million in settlement for a $16.07 million notice of violation issued on March 5, 1999, by the Administrator of the Environmental Protection Agency at Fort Wainwright, Alaska.

The conferees note that a number of questions have been raised about the manner in which environmental compliance fines and penalties are assessed by state and federal enforcement authorities. Therefore, the conferees direct the Secretary of Defense to submit a report to the congressional defense committees no later than March 1, 2002, that includes an analysis of all environmental compliance fines and penalties assessed and imposed at military facilities during fiscal years 1995 through 2001. The analysis shall address the criteria or methodology used by enforcement authorities in initially assessing the amount of each fine and penalty. Any current or historical trends regarding the use of such criteria or methodology shall be identified.

Payment of fines or penalties imposed for environmental compliance violations at other Department of Defense facilities (sec. 315)

The House bill contained a provision (sec. 311) that would authorize the payment of certain fines and penalties, or to carry out supplemental environmental projects in accordance with section 8149 of the Department of Defense Appropriations Act for Fiscal Year 2000. The Secretary of the Army would be specifically authorized to pay following supplemental environmental projects carried out in satisfaction of an assessed fine or penalty: (1) $993,000 for Walter Reed Army Medical Center, Washington, D.C.; (2) $377,250 for Fort Campbell, Kentucky; (3) $20,701 for Fort Gordon, Georgia; (4) $78,500 for Pueblo Chemical Depot, Colorado; (5) $20,000 for Deseret Chemical Depot, Utah. The Secretary of the Navy would be specifically authorized to pay the following fines and penalties: (1) $108,000 for Allegany Ballistics Laboratory, West Virginia; and (2) $5,000 for Naval Air Station, Corpus Christi, Texas.

The Senate amendment contained a similar provision (sec. 344) that would authorize an additional fine of $7,975 for Fort Sam Houston, Texas.

The House recedes with an amendment that would authorize an additional fine of $1,650 imposed at Quantico, Virginia.

The conferees are pleased with the Army's most recent efforts to reduce the level of fines and penalties received.

Reimbursement for certain costs in connection with the former Nansemond Ordnance Depot Site, Suffolk, Virginia (sec. 316)

The Senate amendment contained a provision (sec. 345) that would authorize the Secretary of Defense to pay not more than $98,210 from the Environmental Restoration, Formerly Used Defense Sites Account to reimburse the Nansemond Ordnance Depot Site Special Account of the Hazardous Substance Superfund, established by the Internal Revenue Code of 1986 (26 U.S.C. 9507). The reimbursement would be for oversight costs incurred by the U.S. Environmental Protection Agency (EPA) on a time critical removal action at the Former Nansemond Ordnance Depot performed by the Department of Defense (DOD) under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.) and the Defense Environmental Restoration Program (10 U.S.C. 2701 et seq.).

The House bill contained no similar provision.

The House recedes.

The conferees direct the Department of Defense and the military departments to continue to seek congressional authorization prior to reimbursing EPA for any oversight costs incurred at environmental restoration sites where the DOD or the military departments have incurred liability under CERCLA.

Necessity of military low-level flight training to protect national security and enhance military readiness (sec. 317)

The House bill contained a provision (sec. 312) that would mandate that any environmental impact statement completed, as of the date of the enactment of this Act, for each special use airspace designated by a military department for the performance of low-level training flights satisfy all future requirements of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide, consistent with existing law, that NEPA does not require a programmatic, nation-wide environmental impact statement for low level flight training as a precondition to the use of any airspace by a military department for the performance of low-level training flights.

Ship disposal project (sec. 318)

The Senate amendment contained a provision (sec. 347) that would direct the Secretary of the Navy to continue to carry out a ship disposal project in fiscal year 2001 and to use competitive contracting procedures to award task orders within the ship disposal project. The provision would also direct the Secretary to submit, not later than December 31, 2000, a report to the congressional defense committees on the ship disposal project.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Defense Environmental Security Corporate Information Management Program (sec. 319)

The Senate amendment contained a provision (sec. 348) that would direct the Secretary of Defense to submit, not later than 60 days after the date of the enactment of this Act, a report to the congressional defense committees on the Defense Environmental Security Corporate Information Management (DESCIM) Program. The report would contain specific recommendations regarding the future mission of the DESCIM Program and address issues of concern within the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Chief Information Officer of the Department of Defense (DOD) to ensure management and oversight of the DESCIM program consistent with: the Clinger-Cohen Act of 1996 (42 U.S.C. 1401 et seq.); section 331(a) of the National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 2223); DOD Directives 5000.1, 5000.2-R, 5237.1; and all other statutes, directives, regulations, and management controls that are applicable to investments in information technology and related services.

The conferees remain concerned about evidence of mismanagement of the DESCIM program. The conferees note the nominal return on an investment of about $100.0 million.

Report on Plasma Energy Pyrolysis System (sec. 320)

The Senate amendment contained a provision (sec. 349) that would require the Secretary of the Army to submit, not later than October 1, 2000, a report to the congressional defense committees that includes the Army's analysis and recommendations regarding future applications for both phases of the Plasma Energy Pyrolysis System (PEPS) technology (PE 62720A).

The House bill contained no similar provision.

The House recedes with an amendment that would change the date for submission of the report to February 1, 2001.

Sense of Congress regarding environmental restoration of former defense manufacturing site, Santa Clarita, California (sec. 321)

The House bill contained a provision (sec. 314) that would express the sense of Congress that every effort should be made to apply all known public and private sector innovative technologies to restore the Santa Clarita site to productive use.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the original findings.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Use of appropriated funds to cover operating expenses of commissary stores (sec. 331)

The House bill contained a provision (sec. 321) that would authorize the Defense Commissary Agency to use appropriated funds to cover expenses of operating stores and central product processing facilities.

The Senate amendment contained no similar provision.

The Senate recedes.

Adjustment of sales prices of commissary store goods and services to cover certain expenses (sec. 332)

The House bill contained a provision (sec. 322) that would require the Defense Commissary Agency to adjust prices of goods and services to cover losses from shrinkage, spoilage, and pilferage, as well as the cost of first destination transportation.

The Senate amendment contained no similar provision.

The Senate recedes.

Use of surcharges for construction and improvement of commissary stores (sec. 333)

The House bill contained a provision (sec. 323) that would authorize the Secretary of Defense to use proceeds solely from the commissary surcharge for acquisition, construction, conversion, expansion, improvement, repair, maintenance, and equipping commissaries or to cover environmental evaluation and construction costs, including surveys and similar expenses related to commissary construction.

The Senate amendment contained no similar provision.

The Senate recedes.

Inclusion of magazines and other periodicals as an authorized commissary merchandise category (sec. 334)

The House bill contained a provision (sec. 324) that would add magazines and other periodicals as an authorized merchandise category for sale in commissaries.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to promulgate policy guidance that would limit the display of magazines and other periodicals in commissaries to the immediate area of the checkout lanes.

Use of most economical distribution method for distilled spirits (sec. 335)

The House bill contained a provision (sec. 325) that would authorize military exchanges to use private distributors to distribute distilled spirits in those cases in which such an option is determined to be the most cost-effective means of distribution.

The Senate amendment contained an identical provision (sec 369).

The conference agreement includes this provision.

Report on effects of availability of slot machines on United States military installations overseas (sec. 336)

The House bill contained a provision (sec. 326) that would require the Secretary of Defense to submit to the Congress, not later than March 31, 2001, a report evaluating the effect of the ready availability of slot machines as a morale, welfare and recreation activity on United States military installations overseas on members of the armed forces, their dependents, and others who use the slot machines.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle D—Department of Defense Industrial Facilities

Designation of Centers of Industrial and Technical Excellence and public-private partnerships to increase utilization of such centers (sec. 341)

The Senate amendment contained a provision (sec. 332) that would amend section 2474 of title 10, United States Code, to devolve the authority to designate the depot-level activities of the Department of Defense and the military departments to the respective secretaries of the military departments, including the arsenals and ammunition plants of the U.S. Army. The provision would also expand the activities authorized to be conducted at these centers by employees of the center, the private sector, or other entities outside the Department of Defense, to include the performance of work under contract, or subcontract, in any of the core competencies of the center; the performance of other depot-level maintenance and repair related to the core competencies at the center; or other work by the private sector that is not related to the core competencies of the center that requires the use of any facility or equipment of the center that are not fully utilized by a military department for its own production and maintenance requirements. The full costs of work performed by the employees of the center under contract from the private sector must be charged to the contract. Any revenues generated, by rents or through other mechanisms, by private sector use of facilities and equipment at these centers would be available to offset the costs of facility operations, maintenance, and environmental restoration at the center where the leased property is located. The provision would also include a loan guarantee program to encourage the private sector to participate in the public-private partnerships established in the centers.

The House bill contained no similar provision.

The House recedes with an amendment that would not include ammunition plants or arsenals under section 2474. The amendment would also authorize, rather than require, the secretary of a military department to allow centers to enter into public-private partnerships. Furthermore, the amendment would limit the work conducted at a center to work that is related to the core competencies of the center. Finally, rather than authorize a new loan guarantee program, the amendment would require the Secretary of Defense to provide the Congress with a report on the extent to which a loan guarantee program modeled after the loan guarantee program in the Armament Retooling and Manufacturing Support Program would help to achieve the objectives of section 2474.

Unutilized and underutilized plant-capacity costs of United States arsenals (sec. 342)

The Senate amendment contained a provision (sec. 335) that would prohibit the inclusion of the cost of unutilized or under utilized plant capacity in the evaluation of bids for the contracting of the arsenal to provide a good or service to a U.S. Government organization.

The House bill had no similar provision.

The House recedes with a technical amendment.

Arsenal support program initiative (sec. 343)

The House bill contained a provision (sec. 113) that would extend the Armament Retooling and Manufacturing Support (ARMS) program by one year and authorize the Army manufacturing arsenals to take part in the program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish a separate two year arsenal support demonstration program with authorities similar to those provided by the ARMS program.

Codification and improvement of armament retooling and manufacturing support programs (sec. 344)

The Senate amendment contained a provision (sec. 331) that would amend Part IV of subtitle B of title 10, United States Code, to make certain changes and codify the Armament Retooling and Manufacturing Support (ARMS) Initiative. The provision would expand the objectives of the program to include a reduction of the cost of ownership and/or disposal of ammunition plants, to enhance best business practices, and foster cooperation with the private sector at these facilities. The provision would also make it easier for non-federal entities to use excess capacity at these facilities, and offset the costs to the Federal Government of ownership by allowing revenues generated through private sector use to be applied to overhead and production costs.

The House bill contained no similar provision.

The House recedes with an amendment that would not further expand the use of the ARMS program to excess facilities or allow an ARMS facility to use contracts, leases, or other agreements for activities not traditionally associated with the ARMS program, unless approved by the Secretary of the Army.

Subtitle E—Performance of Functions by Private-Sector Sources

Inclusion of additional information in reports to Congress required before conversion of commercial or industrial type functions to contractor performance (sec. 351)

The House bill contained a provision (sec. 331) that would require the Secretary of Defense to provide the Congress with additional information before converting commercial or industrial functions to contractor performance. The additional information would include a certification that funds are specifically budgeted for conversion analysis, the date on which the analysis was initiated, and the number of Department of Defense civilians that would be adversely affected by the proposed conversion.

The Senate amendment contained a similar provision (sec. 366(b)).

The Senate recedes with an amendment that would require the Secretary of Defense to identify the funding source for the conversion analysis and the number of Department of Defense civilians who will be terminated or otherwise affected by the proposed conversion. The amendment would also require the Secretary to include the estimated economic impact of the change and a certification that the factors considered in the examinations performed, and the decisions made, did not include any predetermined personnel constraint or limitation in terms of man-years, end strength, full-time equivalent positions, or maximum number of employees.

Effects of outsourcing on overhead costs of Centers of Industrial and Technical Excellence and Army ammunition plants (sec. 352)

The Senate amendment contained a provision (sec. 333) that would require the Secretary of Defense to submit a report to Congress 30 days prior to entering into a contract that would result in moving workload performed by 50 or more employees from a center or ammunition plant. The report should describe the impact of any reduction in workload at a center or ammunition plant as a result of a contract and describe the overhead costs of that facility.

The House bill contained no similar provision.

The House recedes with an amendment that would increase the waiting period from 30 to 60 days.

Consolidation, restructuring, or re-engineering of Department of Defense organizations, functions, or activities (sec. 353)

The House bill contained a provision (sec. 364) that would prohibit the Secretary of Defense from initiating manpower reductions at organizations or activities, or within functions, that are commercial, commercial exempt from competition, military essential, or inherently governmental until the Secretary submits a report to Congress outlining the elements to be analyzed, the location and a description of the elements, the number of civilian or military personnel that would be affected, the cost of performance, and a certification that the decision is not the result of predetermined constraints or limitations on Department of Defense personnel. The provision would also require the Secretary of Defense to submit to the Armed Services Committees of the Senate and the House of Representatives a report on any decision on consolidation or re-engineering if such action would eliminate 11 or more positions. The provision would also require the Comptroller General to review and to audit the findings of the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to provide annually to Congress the Department's Strategic Sourcing Plan. The provision would also require that the Secretary of Defense provide a report to Congress outlining the results of the analysis performed for those elements when an action would result in a manpower reduction affecting 50 or more personnel. The Secretary could not implement the results of the analysis until 30 days after providing the Congress with the required report. This provision would not apply to the transfer of military units between locations.

Monitoring of savings resulting from workforce reductions as part of conversion of functions to performance by private sector or other strategic sourcing initiatives (sec. 354)

The Senate amendment contained a provision (sec. 366) that would require the Secretary of Defense to establish a system for monitoring the performance of functions of the Department of Defense that are performed by 50 or more employees of the Department and have been subjected to a review to determine whether the function should be performed by federal employees or a private sector workforce. The provision would also establish three performance measures, including the costs incurred, the savings derived, and the value of the performance by the selected workforce measured against the costs of the performance of the workload by the workforce at the beginning of the review. The provision would also require the Secretary of Defense to provide to the Congress with an annual report that outlines the results of the performance reviews conducted over the previous years.

The House bill contained no similar provision.

The House recedes with an amendment that would require the report provided by the Secretary of Defense to the Congress regarding the results of past performance reviews to include those reviews conducted over the previous five years. The report would compare the costs to perform the function before and after the review, and the anticipated savings from the review to the actual savings realized.

Performance of emergency response functions at chemical weapons storage installations (sec. 355)

The Senate amendment contained a provision (sec. 364) that would prohibit the Secretary of the Army from converting to contractor performance the emergency response functions of any chemical weapons storage installation currently performed by U.S. Government employees until the Secretary provides a certification to the Committees on Armed Services of the Senate and the House of Representatives.

The House bill contained no similar provision.

The House recedes with an amendment that reiterates the responsibility of the Secretary to enforce section 2465 of title 10, United States Code.

Suspension of reorganization or relocation of Naval Audit Service (sec. 356)

The Senate amendment contained a provision (sec. 367) that would require the Secretary of the Navy to provide the congressional defense committees a report outlining the plans and justification for the reorganization of the Naval Audit service 60 days before consolidating the functions of the service currently performed at its primary East and West Coast locations to Washington, DC.

The House bill contained no similar provision.

The report accompanying H.R. 4205 (House Report 106-616) directed the Secretary to wait 180 days before consolidating all activities in Washington.

The House recedes with an amendment that would require the Secretary to wait 180 days before proceeding with the consolidation.

Subtitle F—Defense Dependents Education

Eligibility of dependents of American Red Cross employees for enrollment in Department of Defense domestic dependent schools in Puerto Rico (sec. 361)

The House bill contained a provision (sec. 342) that would authorize the Secretary of Defense to permit the dependents of certain American Red Cross employees in Puerto Rico to enroll in Department of Defense Domestic Dependent Schools.

The Senate amendment contained a similar provision (sec. 1053).

The Senate recedes with a clarifying amendment.

Assistance to local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 362)

The House bill contained a provision (sec. 341) that would authorize $35.0 million for educational assistance to local educational agencies where the standard for the minimum level of education within the state could not be maintained because of the large number of military connected students.

The Senate amendment contained no similar provision.

The Senate recedes.

Impact aid for children with severe disabilities (sec. 363)

The Senate amendment contained a provision (sec. 311) that would authorize $20.0 million in Operation and Maintenance, Defense-wide activities for impact aid payments for children with disabilities under section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)).

The House bill contained no similar provision.

The House recedes with an amendment that would, effective October 1, 2001, establish a formula under which the Secretary of Defense would distribute funds, if appropriated for that purpose, for impact aid for disabled children.

Assistance for maintenance, repair, and renovation of school facilities that serve dependents of members of the Armed Forces and Department of Defense civilian employees (sec. 364)

The Senate amendment contained a provision (sec. 379) that would authorize the Secretary of Defense to make a grant to an eligible local educational agency to assist the agency in maintenance, repair, and renovation projects.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the authorization to fiscal year 2001.

Subtitle G—Military Readiness Issues

Measuring cannibalization of parts, supplies, and equipment under readiness reporting system (sec. 371)

The House bill contained a provision (sec. 351) that would amend section 117 of title 10, United States Code, to include equipment cannibalization rates in the quarterly readiness reports to Congress. The provision would also require the monthly readiness report to include a description of the funding proposed in the President's budget request to address each deficiency in readiness identified during the joint readiness review conducted for the first quarter of the current fiscal year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 117 of title 10, United States Code, to include cannibalization rates. The requirement for the Secretary of Defense to outline the funding proposed in the President's budget request to address each deficiency in readiness identified during the joint readiness review is addressed elsewhere in this conference agreement.

Reporting requirements regarding transfers from high-priority readiness appropriations (sec. 372)

The House bill contained a provision (sec. 352) that would include Combat Enhancement Forces and Combat Communications as high priority appropriations to be included in reports required by section 483 of title 10, United States Code, and require that other appropriations involved in transfers to, or transfers from, high priority accounts be identified in those same reports. The provision would also strike the termination date for this report.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Effects of worldwide contingency operations on readiness of military aircraft and equipment (sec. 373)

The Senate amendment contained a provision (sec. 361) that would require the Secretary of Defense to submit a report to Congress on the effects of worldwide contingency operations on the aircraft of the Navy, Marine Corps, and Air Force, and the ground equipment of the Army and Marine Corps. The report shall include the assessment of the Secretary of the effects of such operations on the ability of the Department of Defense to maintain a high level of readiness.

The House bill contained no similar provision.

The House recedes with an amendment that would include the effect that contingency operations are having on the readiness of the aircraft and the ground equipment of each of the military services.

Identification of requirements to reduce backlog in maintenance and repair of defense facilities (sec. 374)

The House bill contained a provision (sec. 353) that would require the Secretary of Defense to develop and annually update a strategic plan for the reduction of the backlog in real property maintenance.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to identify the funds necessary to reduce the backlog of real property maintenance and report that requirement to the Congress.

New methodology for preparing budget requests to satisfy Army readiness requirements (sec. 375)

The Senate amendment contained a provision (sec. 362) that would require the Secretary of the Army to develop a new methodology to be used in preparing a budget request that more accurately reflects the Army's requirements. This methodology should be based on the level of training required to maintain essential readiness, the cost of conducting such training, and the cost of all other Army operations, including the cost of meeting its infrastructure requirements. This methodology should be used in the preparation of the fiscal year 2002 budget request.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Review of AH-64 aircraft program (sec. 376)

The Senate amendment contained a provision (sec. 378) that would require the Comptroller General to conduct a study of the Army's AH-64 aircraft program to determine if the readiness of the program is adversely affected by lack of funding for modern parts, upgrades, and technical support.

The House bill contained no similar provision.

The House recedes.

Report on Air Force spare and repair parts program for C-5 (sec. 377)

The Senate amendment contained a provision (sec. 1027) that would require the Secretary of the Air Force to submit a report to the congressional defense committees on the overall status of the spare and repair parts program of the Air Force for the C-5 aircraft.

The House amendment contained no similar provision.

The House recedes.

Subtitle H—Other Matters

Annual report on public sale of certain military equipment identified on United States Munitions List (sec. 381)

The House bill contained a provision (sec. 362) that would require the Secretary of Defense to provide an annual report to the Committees on Armed Services of the Senate and the House of Representatives identifying each public sale conducted by a military department or defense agency of military items that are identified on the United States Munitions List 22 C.F.R. 121.1, and assigned a demilitarization code of B or its equivalent.

The Senate amendment contained no similar provision.

The Senate recedes.

Resale of armor-piercing ammunition disposed of by the Army (sec. 382)

The Senate amendment contained a provision (sec. 370) that would require the Secretary of the Army to ensure that excess armor-piercing ammunition that is not transferred to law enforcement or other governmental agencies or made available for foreign military sales, is not sold to the public. The requirement would not apply to the non-armor-piercing components of that ammunition, but such components could not be used to produce armor-piercing ammunition for sale to civilian purchasers.

The House had no similar provision.

The House recedes.

Reimbursement by civil air carriers for support provided at Johnston Atoll (sec. 383)

The Senate amendment contained a provision (sec. 373) that would authorize the Secretary of the Air Force to require reimbursement by a civil air carrier for support provided by the United States to that carrier at Johnston Atoll that is either requested by the carrier, or determined to be necessary to accommodate the carrier's use of Johnston Atoll. The reimbursement shall be equal to the actual costs incurred by the United States, and shall be credited to either Air Force operation and maintenance accounts or to the Army chemical demilitarization accounts.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Travel by Reserves on military aircraft (sec. 384)

The Senate amendment contained a provision (sec. 692) that would authorize reservists traveling to a place of annual training or inactive duty training to travel space-required on military aircraft between the member's home and the place of such duty or training, and would make reservists eligible for space-available travel on military aircraft for travel outside the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the space-required travel in conjunction with training or reserve duty is both to and from their home, and that would not permit reservists to use space-available travel on military aircraft.

Overseas airlift service on Civil Reserve Air Fleet aircraft (sec. 385)

The Senate amendment contained a provision (sec. 376) that would amend section 41106 of title 49, United States Code, to require that the Department of Defense (DOD) procure transportation from air carriers with aircraft in the Civil Reserve Air Fleet for travel from a place in the United States to a place outside the United States, and to the extent practicable, between two locations outside the United States.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Additions to plan for ensuring visibility over all in-transit end items and secondary items (sec. 386)

The Senate amendment contained a provision (sec. 363) that would amend section 349 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) by including specific requirements for monitoring and measuring implementation of the plan to ensure visibility over in-transit inventory items. The requirements would include the assignment of oversight responsibility for each action required to address weaknesses in the controls over in-transit items, a description of the resources required for oversight, and an estimate of the annual cost of oversight.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Reauthorization of pilot program for acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft (sec. 387)

The Senate amendment contained a provision (sec. 372) that would extend through fiscal year 2010 the authority of the service secretary concerned to accept payments for the use of domestic military and shared use airfields by civil aircraft and to use those payments for the operation and maintenance of the airfield.

The House bill contained no similar provision.

The House recedes.

Extension of authority to sell certain aircraft for use in wildfire suppression (sec. 388)

The Senate amendment contained a provision (sec. 375) that would extend through fiscal year 2005 the authority of the Secretary of Defense to sell excess aircraft and spare parts to persons or entities that contract with the Federal Government for the delivery of fire retardant by air in order to suppress wildfires.

The House bill contained no similar provision.

The House recedes.

Damage to aviation facilities caused by alkali silica reactivity (sec. 389)

The Senate amendment contained a provision (sec. 371) that would require the Secretary of Defense to test the use of lithium salts to preserve runway integrity and provide the congressional defense committees with a report outlining its success in mitigating the impact of alkali silica reactivity (ASR).

The House bill contained no similar provision.

The House recedes with an amendment that would require a pilot program to review the problems of ASR at environmentally diverse facilities of the military services.

Demonstration project to increase reserve component internet access and services in rural communities (sec. 390)

The Senate amendment contained a provision (sec. 314) that would authorize a demonstration project for the National Guard to provide internet access to government offices in rural areas.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the National Guard to provide internet access to Guard and other military reserve offices in rural areas. The provision would also require the Secretary of the Army to provide the congressional defense committees with a report and recommendations regarding the expansion of this demonstration project to other offices.

Additional conditions on implementation of Defense Joint Accounting System (sec. 391)

The Senate amendment contained a provision (sec. 380) that would postpone the milestone III decision to field the Defense Joint Accounting System (DJAS) until the Secretary of Defense conducts an analysis of the requirement for the DJAS and certifies to Congress that this warrants deployment.

The House bill amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to outline more specifically the need for the System.

The conferees note that this provision would supercede the direction provided by House report accompanying H.R.4204 (H. Rept. 106–616).

Report on Defense Travel System (sec. 392)

The Senate amendment contained a provision (sec. 377) that would require the Secretary of Defense to submit a report on the development, fielding, schedule, and potential cost savings expected to result from the deployment of the Defense Travel System.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the limitation on the use of funds for this system. The conferees direct the Secretary of Defense to submit a prior notification reprogramming to the congressional defense committees before the transfer of any funds for this program.

Review of Department of Defense costs of maintaining historical properties (sec. 393)

The Senate amendment contained a provision (sec. 374) that would require the Comptroller General to conduct a review of the annual costs incurred by the Department of Defense in complying with the requirements of the National Historic Preservation Act (NHPA) (16 U.S.C. 470 et seq.). The provision would require the Comptroller General to provide the congressional defense committees with a report of the results of the review, including the projected costs of maintaining these properties over the next 10 years, an analysis of maintaining only those properties which originally qualified as historic properties when the NHPA was first enacted, the accounts used for paying the costs to comply with the NHPA, and the identity of all properties that must be maintained in order to comply with the NHPA.

The House bill contained no similar provision

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Authority to ensure demilitarization of significant military equipment formerly owned by the Department of Defense

The House bill contained a provision (sec. 361) that would authorize the Secretary of Defense to require the owner of significant military equipment formerly owned by the Department of Defense to demilitarize that equipment or return it to the Department of Defense for demilitarization.

The Senate amendment had no similar provision.

The House recedes.

The conferees note that although the provision intended to address congressional concerns regarding the release of un-demilitarized military equipment to the public by the Department of Defense, the provision could have serious unintended consequences for legitimate owners of former military equipment, such as museums and ceremonial display organizations. The conferees direct the Secretary of Defense to reassess its approach for the recovery of un-demilitarized military equipment in a way that will not affect legitimate owners of former military equipment.

Close-in weapon system overhauls

The Senate amendment contained a provision (sec. 319) that would provide $391.8 million for weapons maintenance including $10.0 million for close-in weapon system overhauls.

The House bill contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize $10.0 million in the operation and maintenance account of the Navy for overhauls of the close-in weapon system.

Industrial mobilization capacity at government-owned, government-operated army ammunition facilities and arsenals

The Senate amendment contained a provision (sec. 318) that would provide $51.28 million to fund the cost of maintaining the industrial mobilization capacity at Army ammunition facilities and arsenals.

The House bill contained no similar provision.

The Senate recedes.

Investment of commissary trust revolving fund

The Senate amendment contained a provision (sec. 368) that would authorize the Secretary of Defense to invest a portion of the Commissary Trust Revolving Fund in public debt securities.

The House bill contained no similar provision.

The Senate recedes.

MK–45 overhaul

The Senate amendment contained a provision (sec. 317) that would authorize the expenditure of $12.0 million for the overhaul of MK–45 five inch guns.

The House bill had no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize $12.0 million for the overhaul of these guns in the Navy's operation and maintenance account.

Mounted urban combat training site, Fort Knox

The Senate amendment contained a provision (sec. 316) that would authorize the expenditure of $4.0 million for training range upgrades at the mounted urban combat training site, Fort Knox, Kentucky.

The House bill had no similar provision.

The Senate recedes.

National Guard assistance for certain youth and charitable organizations

The House bill contained a provision (sec. 365) that would amend section 508 of title 32, United States Code, to include other youth or charitable organizations designated by the Secretary of Defense among those organizations eligible to receive assistance from the National Guard.

The Senate amendment contained no similar provision.

The House recedes.

Notice of use of radio frequency spectrum by a system entering engineering and manufacturing development

The Senate bill contained a provision (sec. 365) that would require the Secretary of Defense to submit a report to the congressional defense committees before a new weapon system is acquired that would outline the frequency that the system will use. The report would also include a statement of whether the Department is designated as the primary user of that frequency and, if not, the unique technical characteristics that make it necessary to use that particular frequency, and a description of the protections that the Department of Defense has been given to ensure that it will not incur costs as a result of current or future interference from other users of that particular frequency.

The House amendment contained no similar provision.

The Senate recedes.

The conferees are concerned that in the past the Department of Defense has pursued the development of weapons systems utilizing portions of the radio frequency spectrum that are not designated for military use. This can lead to unintended interference between that system and a commercial system licensed to use the same frequency. This interference could then result in operational constraints, or expensive redesign of the weapon system.

The conferees note that the Department of Defense is implementing new procedures that are designed to ensure adequate coordination of the military services' efforts to develop new systems so that past problems with frequency interference do not take place. The conferees direct the Comptroller General to review these procedures and their implementation and provide the Armed Services Committees of the Senate and the House of Representatives with a report outlining the extent to which they will prevent interference that would result in operational constraints or expensive redesigns.

Revision of authority to waive limitation on performance of depot-level maintenance

The Senate bill contained a provision (sec. 334) that would amend section 2466 of title 10, United States Code, to require the President of the United States, rather than the secretary of the respective military department, to waive the 50 percent depot maintenance requirement for reasons of national security.

The House amendment contained no similar provision.

The Senate recedes.

The conferees are concerned that the Secretary of the Air Force has not taken the actions necessary to ensure the Air Force complies with the requirement contained in section 2466 of title 10, United States Code, that 50 percent of all depot maintenance funds of a military department be spent on depot maintenance services provided by employees of the Federal Government. The conferees believe that this requirement is essential to maintain the core maintenance capability necessary to preserve a ready and controlled source of repair and maintenance.

Spectrum data base upgrades

The Senate amendment contained a provision (sec. 320) that would provide a decrease of $10.0 million for spectrum data base upgrades.

The House bill contained no similar provision.

The Senate recedes.

Use of humanitarian and civic assistance funding for pay and allowances of special operations command reserves furnishing demining training and related assistance as humanitarian assistance

The Senate bill contained a provision (sec. 322) that would authorize pay and allowances from within funds for the overseas humanitarian, disaster, and civic assistance account, for reserve members of the Special Operations Command when these reservists perform humanitarian demining activities.

The House amendment contained no similar provision.

The Senate recedes.

Weatherproofing of facilities at Keesler Air Force Base

The Senate amendment contained a provision (sec. 313) that would authorize the expenditure of $2.8 million for the weatherproofing of facilities at Keesler Air Force Base.

The House bill contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize $2.8 million in the Air Force operation and maintenance account for the weatherproofing of these facilities.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

ITEMS OF SPECIAL INTEREST

Funding for Army Reserve Individual Mobilization Augmentees

The conferees are aware that projected fiscal year 2001 funding shortfalls within the Army Reserve have required that limitations be placed on the number of days that Individual Mobilization Augmentees (IMA) may serve on active duty. The conferees are also aware that many Army Reserve IMAs serve extended training tours in active component staffs and units, and that the imposed limits will significantly reduce, in some cases by as much half, the amount of support that IMAs may provide to the active Army. Believing that IMAs provide significant, critical support to the active Army, the conferees strongly urge the Secretary of the Army to address the funding shortfall expeditiously, either by transferring active military personnel funding to reserve personnel accounts, or by other means the Secretary considers appropriate.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize active duty end strengths for fiscal year 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army	480,000	480,000	480,000
Navy	372,037	372,000	372,642
Marine Corps	172,518	172,600	172,600
Air Force	360,877	357,000	357,000

The Senate amendment contained a similar provision (sec. 401) that would authorize active duty end strengths for fiscal year 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army	480,000	480,000	480,000
Navy	372,037	372,000	372,000
Marine Corps	172,518	172,600	172,600
Air Force	360,877	357,000	357,000

The Senate recedes.

Revision in permanent end strength minimum levels (sec. 402)

The House bill contained a provision (sec. 402) that would revise the active duty end strength floors to reflect the end strengths in the budget request.

The Senate amendment contained no similar provision.

The Senate recedes.

Adjustment to end strength flexibility authority (sec. 403)

The House bill contained a provision (sec. 403) that would authorize the secretary of a military department to reduce active duty end strength below the floors when the authorized end strength is equal to or higher than the minimum end strength level.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle B—Reserve Forces

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize Selected Reserve end strengths for fiscal year 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army National Guard of the United States	350,000	350,000	350,706
Army Reserve	205,000	205,000	205,300
Navy Reserve	90,288	88,900	88,900
Marine Corps Reserve	39,624	39,500	39,558
Air National Guard of the United States	106,678	108,000	108,000
Air Force Reserve	73,708	74,300	74,358
Coast Guard Reserve	8,000	8,000	8,000

The Senate amendment contained a similar provision (sec. 411) that would authorize Selected Reserve end strengths for fiscal year 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army National Guard of the United States	350,000	350,000	350,088
Army Reserve	205,000	205,000	205,000
Navy Reserve	90,288	88,900	88,900
Marine Corps Reserve	39,624	39,500	39,558
Air National Guard of the United States	106,678	108,000	108,022
Air Force Reserve	73,708	74,300	74,300
Coast Guard Reserve	8,000	8,000	8,500

The House recedes with an amendment that would authorize Selected Reserve end strengths for fiscal year 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army National Guard of the United States	350,000	350,000	350,526
Army Reserve	205,000	205,000	205,300
Navy Reserve	90,288	88,900	88,900
Marine Corps Reserve	39,624	39,500	39,558
Air National Guard of the United States	106,678	108,000	108,022
Air Force Reserve	73,708	74,300	74,358
Coast Guard Reserve	8,000	8,000	8,000

End strengths for Reserves on active duty in support of the reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize end strengths for reserves on active duty in support of the reserves for fiscal year 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army National Guard of the United States	22,430	22,448	23,154
Army Reserve	12,804	12,806	13,106
Navy Reserve	15,010	14,649	14,649
Marine Corps Reserve	2,272	2,203	2,261
Air National Guard of the United States	11,157	11,148	11,148
Air Force Reserve	1,134	1,278	1,336

The Senate amendment contained a similar provision (sec. 412) that would authorize end strengths for reserves on active duty in support of the reserves for fiscal year 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army National Guard of the United States	22,430	22,448	22,974
Army Reserve	12,804	12,806	12,806
Navy Reserve	15,010	14,649	14,649
Marine Corps Reserve	2,272	2,203	2,261
Air National Guard of the United States	11,157	11,148	11,170
Air Force Reserve	1,134	1,278	1,278

The Senate recedes with an amendment that would authorize end strengths for reserves on active duty in support of the reserves for fiscal year 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army National Guard of the United States	22,430	22,448	22,974
Army Reserve	12,804	12,806	13,106
Navy Reserve	15,010	14,649	14,649
Marine Corps Reserve	2,272	2,203	2,261
Air National Guard of the United States	11,157	11,148	11,170
Air Force Reserve	1,134	1,278	1,336

End strengths for military technicians (dual status) (sec. 413)

The House bill contained a provision (sec. 413) that would authorize the minimum level of dual status technician end strength for fiscal year 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army National Guard of the United States	23,125	22,357	23,392
Army Reserve	6,474	5,271	5,921
Air National Guard of the United States	22,247	22,221	22,247
Air Force Reserve	9,785	9,733	9,785

The Senate amendment contained a similar provision (sec. 413) that would authorize the minimum level of dual status technician end strength for fiscal year 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army National Guard of the United States	23,125	22,357	24,728
Army Reserve	6,474	5,271	5,249
Air National Guard of the United States	22,247	22,221	22,221
Air Force Reserve	9,785	9,733	9,733

The House recedes with an amendment that would authorize the minimum level of dual status technician end strength for fiscal year 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army National Guard of the United States	23,125	22,357	23,128
Army Reserve	6,474	5,271	5,921
Air National Guard of the United States	22,247	22,221	22,247
Air Force Reserve	9,785	9,733	9,785

Fiscal year 2001 limitation on non-dual status technicians (sec. 414)

The Senate amendment contained a provision (sec. 414) that would establish numerical limits on the number of non-dual status technicians who may be employed in the Department of Defense as of September 30, 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army National Guard of the United States	1,180	1,600	1,600
Army Reserve	1,295	1,195	1,195
Air National Guard of the United States	342	326	326
Air Force Reserve	0	0	0

The House bill contained no similar amendment.

The House recedes with an amendment that would establish numerical limits on the number of non-dual status technicians who may be employed in the Department of Defense as of September 30, 2001, as shown below:

	2000 authorization	2001 request	2001 recommendation
Army National Guard of the United States	1,180	1,600	1,600
Army Reserve	1,295	1,195	1,195
Air National Guard of the United States	342	326	326
Air Force Reserve	0	0	10

Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves (sec. 415)

The House bill contained a provision (sec. 414) that would increase the control grades for reserves serving on active duty or on full-time national guard duty in support of the reserves. The provision would authorize 20 additional colonels, 82 additional lieutenant colonels, 38 additional majors, 97 additional E–9s and 90 additional E–8s in the Air Force and 76 additional colonels, 219 additional lieutenant colonels, 178 additional majors, 221 additional E–9s and 373 additional E–8s in the Army.

The Senate amendment contained a similar provision (sec. 415) that would authorize 20 additional colonels, 131 additional lieutenant colonels, 107 additional majors, 96 additional E–9s and 61 additional E–8s in the Air Force and 73 additional colonels, 163 additional lieutenant colonels, 8 additional majors, 17 additional E–9s and 83 additional E–8s in the Army.

The House recedes with an amendment that would authorize 20 additional colonels, 75 additional lieutenant colonels, 88 additional majors, 97 additional E–9s, and 76 additional E–8s in the Air Force and 58 additional colonels, 148 additional lieutenant colonels, 89 additional majors, 119 additional E–9s and 228 additional E–8s in the Army.

The conferees are concerned with the piecemeal manner in which the reserve components are requesting increases to the control grade limits. This is the third consecutive year in which control grade tables for reserve officers on active duty in support of the reserves have been adjusted. The conferees strongly support the initiative in the House report accompanying H.R. 4205, (H. Rept. 106–616) to require a comprehensive approach to determining the appropriate control grade limits for each of the reserve components. Therefore, the conferees direct the Secretary of Defense to study the requirements and force structure of the reserves on active duty in support of the reserves and to recommend a permanent solution for managing grade structure for these officers. In conducting the study, the Secretary of Defense shall include the following areas:

(1) the grade structure authorized for the active duty forces and rationale for why the grade structure for reserves on active duty in support of the reserves should be different;

(2) explain any differences between required force structure and authorized force structure for the controlled grades;

(3) the need for independent grade limits for each reserve component;

(4) the potential for repealing the current grade tables in favor of a system that would manage grades based on the grade authorized for the position occupied by a service member; and

(5) the current mix within each reserve component of traditional reservists, dual status technicians, active component service members and reservists on active duty in support of the reserves in each controlled grade and how that mix for each component might change over time under the Secretary's recommended solution.

The conferees direct that the Secretary of Defense submit a report of findings and recommendations to the Committees on Armed Services of the Senate and the House of Representatives not later than March 31, 2001.

Subtitle C—Other Matters Relating to Personnel Strengths

Authority for Secretary of Defense to suspend certain personnel strength limitations during war or national emergency (sec. 421)

The House bill contained a provision (sec. 501) that would authorize the Secretary of Defense to suspend, in time of war or national emergency, the limits on the number of personnel serving in certain grades.

Senate amendment contained a similar provision (sec. 421).

Senate recedes with a clarifying amendment.

Exclusion from active component end strengths of certain reserve component members on active duty in support of the combatant commands (sec. 422)

The Senate amendment contained a provision (sec. 422) that would exempt a number, limited to not more than two-tenths of one percent of the active duty end strength of the service concerned, of reserve component members on active duty performing special work in support of the armed forces and the combatant commands from counting against the active component end strengths.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the exemption to reserve component personnel below the grade of brigadier general, or in the case of the Navy, rear admiral (lower half) who perform active duty for special work in the combatant commands and would limit the active duty time that could be exempted to not more than 270 days.

Exclusion of Army and Air Force medical and dental officers from limitation on strengths of reserve comissioned officers in grades below brigadier general (sec. 423)

The House bill contained a provision (sec. 512) that would exempt medical and dental officers from the calculation of the number of officers in each grade authorized to serve in an active status in a reserve component and would make the procedures for calculating the number of officers serving in controlled grades for the reserve components consistent with the procedures used for the active component.

The Senate amendment contained a similar provision (sec. 423).

The Senate recedes with a clarifying amendment.

Authority for temporary increases in number of reserve component personnel serving on active duty or full-time national guard duty in certain grades (sec. 424)

The House bill contained a provision (sec. 515) that would authorize the Secretary of Defense to increase the number of reserve members serving on active duty in support of the reserves in certain senior grades by the same percentage the Secretary is authorized to increase end strength of that force by section 115 of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 424).

The House recedes with a clarifying amendment.

Subtitle D—Authorization of Appropriations

Authorization of appropriations for military personnel (sec. 431)

The House bill contained a provision (sec. 421) that would authorize $75,801,666,000 to be appropriated to the Department of Defense for military personnel.

The Senate amendment contained a provision (sec. 431) that would authorize $75,632,266,000 to be appropriated to the Department of Defense for military personnel.

The Senate recedes.

The conferees provide the following itemization of the increases and decreases from the President's budget request related to the military personnel accounts. These increases and decreases do not include the additional funds included in the Emergency Supplemental Act, 2000 (division B of Public Law 106–246), which is authorized elsewhere in this conference agreement.

MILITARY PERSONNEL ACCOUNTS

[Additions in millions]

	Conference agreement
Active End Strength	
Navy:	
Add Recruiters (500)	15.0
USS Houston (142)	3.5
RC End Strength	
Army National Guard:	
Add AGR's (General Increase)	14.5
Add AGR's (WMD CS Teams)	2.0
Army Reserve Add AGR's (General Increase)	10.0
Air National Guard AGR's (WMD CS Teams)	1.2
Air Force Reserve:	
Add AGR Recruiters (50)	1.7
Add Red Horse AGR's (8)	0.4
USMC Reserve Add AR's (58)	1.9
Compensation	
Restructuring of basic pay tables for certain enlisted members	88.0
Accelerate Buydown of Out-of-Pocket Housing Costs	25.0
Increase Minimum Dislocation Allowance	6.0
Family subsistence supplemental allowance for low-income members 5.0.	
Revision of enlistment bonus authority	10.0
Equity in computation of BAH for junior enlisted members	10.0
Authorization of BAH for members w/out dependents on sea duty	30.0
Retention bonus for members qualified in a critical military skill	10.0

MILITARY PERSONNEL ACCOUNTS—Continued

[Additions in millions]

	Conference agreement
Participation in Thrift Savings Plan	1.0
Determinations of income-eligibility for special supplemental food program	3.0
Special duty assignment pay for enlisted members	25.0
Entitlement of Reserves not on active duty to special duty assignment pay	8.0
Authorization of special pay and accession bonus for pharmacy officers	4.0
Separation pay for twice passed-over officers	15.0
Reimburse Pet Quarantine Fees	1.0
Retirement	
Increase maximum number of reserve retirement points	4.0
Recruiting & Retention	
Army Enlistment/Reenlistment Bonuses	20.0
Army Reserve College First	5.0
Navy Enlistment/Reenlistment Bonuses	20.0
USMC:	
Enlistment Bonus	2.0
Selective Reenlistment Bonus	4.0
College Fund	4.4
Air Force:	
Selective Reenlistment Bonus	29.0
College-to-USAF Enl. Program	6.0
AF Reserve AGR Pilot Retention Bonus	3.8
Other Issues	
Army Reserve funeral honors	2.7
Naval Reserve:	
Reserve Annual Training	2.4
Reserve ADT (CINC Support)	13.4
Reserve ADT (Schools)	3.0
ADSW (Voluntary Support)	1.0
Inactive Duty for Training Travel	1.5
USMC Reserve Active Duty for Special Work	3.0
Total Increases to Military Personnel Accounts	416.4

MILITARY PERSONNEL ACCOUNTS

[Reductions in end strength underexecution]

	Conference agreement
Army	68.8
US Marine Corps	15.0
Air Force	51.7
US Marine Corps Reserve	0.7
Air National Guard	0.9
Unemployment Compensation:	
Army	2.1
Navy	1.4
US Marine Corps	0.7
Air Force	0.6
Permanent Change of Station	
Navy	2.0
Army Reserve	2.5
Other	
Air Force	8.7
Army Reserve	2.1
Foreign Currency Fluctuation	
Army	117.0
Navy	35.0
US Marine Corps	9.6
Air Force	97.6
Total Reductions Military Personnel	416.4

LEGISLATIVE PROVISIONS NOT ADOPTED

Temporary exemption of Director of the National Security Agency from limitations on number of Air Force officers above major general

The Senate amendment contained a provision (sec. 425) that would temporarily exempt the Air Force officer serving as the Director of the National Security Agency from the limitations on the number of Air Force officers authorized to serve on active duty in grades above major general.

The House bill contained no similar amendment.

The Senate recedes.

TITLE V—MILITARY PERSONNEL POLICY

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A-Officer Personnel Policy

Eligibility of Army and Air Force reserve colonels and brigadier generals for position vacancy promotions (sec. 501)

The Senate amendment contained a provision (sec. 501) that would authorize the Secretary of the Army to use a single selection board to recommend Army Reserve colonels and brigadier generals for assignment to vacancy positions and to recommend colonels and brigadier generals for promotion.

The House bill contained no similar provision.

The House recedes with an amendment that would extend similar authority to the Secretary of the Air Force.

Flexibility in establishing promotion zones for Coast Guard Reserve officers (sec. 502)

The Senate amendment contained a provision (sec. 502) that would authorize the Secretary of Transportation the same flexibility as secretaries of the military departments to establish promotion zones for the reserve officers based on service need.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Time for release of reports of officer promotion selection boards (sec. 503)

The Senate amendment contained a provision (sec. 503) that would authorize the Secretary of Defense to make public the names of officers recommended for promotion by a selection board prior to approval of the recommendation of the board by the President.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Clarification of requirements for composition of active-duty list selection boards when reserve officers are under consideration (sec. 504)

The House bill contained a provision (sec. 505) that would amend section 612 of title 10, United States Code, to specify that reserve officers serving on active duty may be appointed to serve on promotion boards even though they are not on the active-duty list.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority to issue posthumous commissions in case of members dying before official recommendation for appointment or promotion is approved by Secretary concerned (sec. 505)

The House bill contained a provision (sec. 502) that would clarify that the secretary concerned may confer posthumous commissions in cases where military members die prior to approval of an official recommendation for appointment or promotion.

The Senate amendment contained a similar provision (sec. 504).

The Senate recedes.

Technical corrections relating to retired grade rule for Army and Air Force officers (sec. 506)

The House bill contained a provision (sec. 503) that would eliminate conflicting provisions regarding the time-in-grade requirement to retire at the current grade held by a reserve component officer.

The Senate amendment contained a similar provision (sec. 509).

The House recedes.

Grade of chiefs of reserve components and directors of National Guard components (sec. 507)

The Senate amendment contained a provision (sec. 510) that would require the secretaries of the military departments to, within 90 days of enactment of this Act, increase the grade of the Chief of Army Reserve, Chief of Naval Reserve, Chief of Air Force Reserve, Director of Army National Guard and Director of Air National Guard to lieutenant general or, in the case of the Navy, vice admiral.

The House bill contained no similar provision.

The House recedes with an amendment that would include the Commander, Marine Forces Reserve, would retain the requirements in current law that the reserve component chiefs be joint qualified while extending the time period in which the Secretary of Defense may waive the joint qualification requirement by one year through fiscal year 2003, would require the reserve component chief to be appointed to a three-star grade within 12 months of enactment, and would amend section 525b, title 10, United States Code, to increase the current limit on the number of officers that may serve on active duty in grades above major general or, in the case of the Navy, rear admiral, while maintaining the limit on the number of general and flag officers.

Revision to rules for entitlement to separation pay for regular and reserve officers (sec. 508)

The House bill contained a provision (sec. 517) that would clarify that the separation of a reserve officer on active duty who was not selected for promotion twice to the same grade and who subsequently declines selective continuation shall be considered subject to involuntary separation and eligible for separation pay.

The Senate amendment contained a provision (sec. 573) that would make an officer who has twice failed selection for promotion to the next higher grade and who was offered the opportunity to continue on active duty, and who declines this offer, ineligible to receive involuntary separation pay.

The Senate recedes with an amendment that would make any officer who twice fails selection for promotion to the next higher grade, and is offered the opportunity to continue on active duty until the earliest point of eligibility for retirement and declines this offer ineligible to receive separation pay. Any officer who twice fails selection for promotion to the next higher grade, is offered selective continuation for a period that would not permit him to serve until eligible for retirement, and subsequently declines this offer would be eligible for separation pay.

Subtitle B—Reserve Component Personnel Policy

Exemption from active-duty list for reserve officers on active duty for a period of three years or less (sec. 521)

The House bill contained a provision (sec. 511) that would exclude certain reserve component officers serving on active duty for periods of three years or less from the active duty list for promotion purposes.

The Senate amendment contained a similar provision (sec. 505).

The Senate recedes.

Termination of application requirement for consideration of officers for continuation on the reserve active-status list (sec. 522)

The House bill contained a provision (sec. 513) that would terminate the requirement that a reserve officer apply for continuation on the reserve active-status list.

The Senate amendment contained a similar provision (sec. 508).

The House recedes.

Authority to retain Air Force reserve officers in all medical specialties until specified age (sec. 523)

The House bill contained a provision (sec. 514) that would authorize the Secretary of the Air Force to extend the service of medical service corps and biomedical sciences officers to age 67.

The Senate amendment contained a similar provision (sec. 507).

The Senate recedes with a clarifying amendment.

Authority for provision of legal services to reserve component members following release from active duty (sec. 524)

The House bill contained a provision (sec. 516) that would authorize legal services assistance to reservists, who serve on active duty for more than 29 days, and their dependents for a period not to exceed twice the length of time served on active duty.

The Senate amendment contained a similar provision (sec. 695).

The House recedes with a clarifying amendment.

Extension of involuntary civil service retirement date for certain reserve technicians (sec. 525)

The House bill contained a provision (sec. 518) that would authorize the secretaries of the military departments to retain certain non-dual status reserve technicians until age 60.

The Senate amendment contained no similar amendment.

The Senate recedes with a clarifying amendment.

Subtitle C—Education and Training

Eligibility of children of reserves for presidential appointment to service academies (sec. 531)

The Senate amendment contained a provision (sec. 541) that would make the children of members of the reserve components and retired or retirement-eligible reservists eligible for presidential appointments to the service academies on the same basis as children of active duty or retired active duty personnel.

The House bill contained no similar provision.

The House recedes.

Selection of foreign students to receive instruction at service academies (sec. 532)

The Senate amendment contained a provision (sec. 542) that would require the secretaries of the military departments to give priority consideration among foreign students applying for admission to the service academies to those who have a national service obligation upon graduation from the academy.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Revision of college tuition assistance program for members of Marine Corps Platoon Leaders Class program (sec. 533)

The House bill contained a provision (sec. 521) that would authorize the use of the Marine Corps Platoon Leaders Class tuition assistance program for the purpose of providing educational assistance, to include legal training to commissioned officers participating in the Platoon Leaders Class program.

The Senate amendment contained a provision (sec. 544) that would authorize members of the Marine Corps Platoon Leaders Class to continue to receive tuition assistance while in pursuit of an undergraduate degree. The Senate amendment also contained a related provision (sec. 604) that would clarify that the limitation on credible service computation as a result of accepting tuition assistance applies only to service as an enlisted member and not as a commissioned officer.

The House recedes with an amendment that would combine the three provisions.

Review of allocation of Junior Reserve Officers Training Corps units among the services (sec. 534)

The House bill contained a provision (sec. 522) that would require the Secretary of Defense to review and redistribute the current service Junior Reserve Officers Training Corps allocations for fiscal years 2001 through 2006 to ensure the most efficient and effective allocation of the 3,500 authorized programs.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority for Naval Postgraduate School to enroll certain defense industry civilians in specified programs relating to defense product development (sec. 535)

The House bill contained a provision (sec. 523) that would authorize the Secretary of the Navy to enroll up to ten defense-industry civilians at any one time at the Naval Postgraduate School in a defense product development curriculum leading to the award of a masters degree.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle D—Decorations, Awards, and Commendations

Limitation on award of Bronze Star to members in receipt of Imminent Danger Pay (sec. 541)

The conference agreement includes a provision that would limit the award of the Bronze Star Medal to members of the armed forces who are eligible to receive Imminent Danger Pay at the time of the events for which the medal is awarded.

Consideration of proposals for posthumous or honorary promotions or appointments of members or former members of the armed forces and other qualified persons (sec. 542)

The House bill contained a provision (sec. 533) that would authorize members of Congress to request that the secretary of a military department review a proposal for posthumous or honorary promotion, or appointment of a member or former member of the armed forces or other person. The secretary of the military department would review the request on the merits and provide the Committees on Armed Services of the Senate and the House of Representatives and the member of Congress who initiated the request written notice of one of the following determinations:

(1) the request for appointment or promotion does not warrant approval;

(2) the request for appointment or promotion warrants approval on the merits and authorization in law is required and recommended;

(3) the request for appointment or promotion warrants approval on the merits and has been recommended to the President as an exception to policy; and

(4) the request for appointment or promotion warrants approval on the merits and authorization in law is required, but not recommended.

The Senate amendment contained no similar provision.

The Senate recedes.

Waiver of time limitations for award of certain decorations to certain persons (sec. 543)

The House bill contained a provision (sec. 534) that would waive the statutory time limitations for the award of the Distinguished Flying Cross to individuals recommended by the secretaries of the military departments.

The Senate amendment contained a similar provision (sec. 572).

The House recedes.

Addition of certain information to markers on graves containing remains of certain unknowns from the U.S.S. Arizona who died in the Japanese attack on Pearl Harbor on December 7, 1941 (sec. 544)

The House bill contained a provision (sec. 535) that would require the Secretary of the Army, based on a review of existing information related to the interment of unknown casualties from the U.S.S. Arizona, to provide the Secretary of Veterans Affairs with information to be added to the inscriptions on the grave markers of those unknowns who are interred at the National Memorial Cemetery of the Pacific in Honolulu, Hawaii.

The Senate amendment contained no similar provision.

The Senate recedes.

Sense of Congress on the court-martial conviction of Captain Charles Butler McVay, commander of the U.S.S. Indianapolis, and on the courageous service of the crew of that vessel (sec. 545)

The House bill contained a provision (sec. 536) that would express the sense of Congress that the commander of the U.S.S. Indianapolis, (then Captain) Charles Butler McVay, III, was not culpable for the sinking of his ship and that the President should award the Presidential Unit Citation to the final crew of the U.S.S. Indianapolis for courage and fortitude after the torpedo attack.

The Senate amendment contained a provision (sec. 575) that would express the sense of Congress that, on the basis of facts presented in a public hearing conducted by the Committee on Armed Services of the Senate on September 14, 1999, the American people should now recognize Captain McVay's lack of culpability for the loss of the U.S.S. Indianapolis and the lives of the men who died as a result of the sinking; that Captain McVay's military record now reflect that he is exonerated for the loss of his ship and crew; and that Congress strongly encourages the Secretary of the Navy to award a Navy Unit Commendation to the U.S.S. Indianapolis and its final crew.

The House recedes with a clarifying amendment.

Posthumous advancement on retired list of Rear Admiral Husband E. Kimmel and Major General Walter C. Short, senior officers in command in Hawaii on December 7, 1941 (sec. 546)

The House bill contained a provision (sec. 537) that would request the President to advance Rear Admiral (Retired) Husband E. Kimmel, U.S. Navy, to admiral and Major General (Retired) Walter C. Short, U.S. Army, to lieutenant general on the retired list with no increase in compensation or benefits. The provision would also express the sense of Congress that both officers were professional and competent and the losses incurred during the attack on Pearl Harbor were not the result of dereliction in the performance of duties in the case of either officer.

The Senate amendment contained a similar provision (sec. 576).

The Senate recedes with a clarifying amendment.

Commendation of citizens of Remy, France, for World War II actions (sec. 547)

The House bill contained a provision (sec. 538) that would commend the bravery and honor of the citizens of Remy, France, for their action to bury Lieutenant Houston Braly, 364th Fighter Group, during World War II. The provision would also recognize the efforts of the surviving members of the 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th century church that were destroyed during World War II.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority for award of the medal of honor to William H. Pitsenbarger for valor during the Vietnam War (sec. 548)

The conferees included a provision that would waive the statutory time limits and authorize the President to posthumously award the Medal of Honor to William H. Pitsenbarger of Piqua, Ohio, for valor during the Vietnam War.

Subtitle E—Military Justice and Legal Assistance Matters

Recognition by states of military testamentary instruments (sec. 551)

The House bill contained a provision (sec. 541) that would amend chapter 53 of title 10, United States Code, to exempt a military testamentary instrument from any requirement of form, formality, or recording before probate under the laws of a state, and would provide that such an instrument has the same legal effect as a testamentary instrument prepared and executed in accordance with the laws of the state in which it is presented for probate. The provision would define "military testamentary instrument" and would establish requirements for the execution of such an instrument.

The Senate amendment contained an identical provision (sec. 574).

The conference agreement includes this provision.

Policy concerning rights of individuals whose names have been entered into Department of Defense official criminal investigative reports (sec. 552)

The House bill contained a provision (sec. 542) that would require the Department of Defense to apply the "probable cause" standard before "titling" or designating a person as a suspect in any official report or in a central index. The provision would also require the Secretary of Defense to establish a uniform standard for removal of a person's name from an official report and any central index if it is subsequently determined that there is not probable cause to believe that that person committed the crime.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to establish policy that creates a uniform process that affords individuals titled in criminal investigative reports or indexed in a central index an opportunity to obtain a review of such actions. If it is determined that an entry was made contrary to Department of Defense requirements, the name and identifying information of the person would be expunged from these records.

The conferees direct the Secretary of Defense to: (1) review policies and procedures addressing the degree of evidence or information that must exist before titling and indexing occurs, to include the weight, if any, given to initial allegations; (2) review the sufficiency of training provided to individuals with access to the Defense Clearance and Investigative Index (DCII) regarding the significance of criminal investigative entries in the DCII; (3) review the use of criminal investigative data in the DCII to determine if it is being used properly and examine the adequacy of available sanctions for those who improperly use such information; and (4) provide other pertinent information discovered in the review process. The Secretary shall submit a report, with findings and recommendations, to the congressional defense committees by April 1, 2001.

Limitation on secretarial authority to grant clemency for military prisoners serving sentence of confinement for life without eligibility for parole (sec. 553)

The House bill contained a provision (sec. 544) that would amend Article 74 of the Uniform Code of Military Justice (10 U.S.C. 874) to prohibit the secretary concerned from remitting or suspending that part of a court-martial sentence that extended to confinement for life without eligibility for parole, and would make conforming and clarifying amendments to other provisions of the Uniform Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the authority of the secretary concerned to remit or suspend such a sentence to situations in which the person had served at least 20 years confinement. Such authority could not be redelegated.

Authority for civilian special agents of the military department criminal investigative organizations to execute warrants and make arrests (sec. 554)

The House bill contained a provision (sec. 545) that would amend chapter 373 of title 10, United States Code, to authorize the secretaries of the military departments to grant the authority to execute and serve warrants and make arrests to the civilian special agents of their respective military criminal investigative organizations, subject to certain guidelines.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Requirement for verbatim record in certain special court-martial cases (sec. 555)

The Senate amendment contained a provision (sec. 577) that would amend Article 54 of the Uniform Code of Military Justice (10 U.S.C. 854) to require that a verbatim record of trial be prepared in each special court-martial in which the sentence adjudged includes a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Commemoration of the fiftieth anniversary of the Uniform Code of Military Justice (sec. 556)

The Senate amendment contained a provision (sec. 1051) that would request the President to issue a proclamation commemorating the fiftieth anniversary of the Uniform Code of Military Justice, which was enacted May 5, 1950, and call upon the Department of Defense, the armed forces, and the United States Court of Appeals for the Armed Forces to commemorate the occasion in a suitable manner.

The House bill contained no similar provision.

The House recedes.

Subtitle F—Matters Relating to Recruiting

Army recruiting pilot programs (sec. 561)

The Senate amendment contained a provision (sec. 551) that would require the Secretary of the Army to conduct three distinct five-year pilot programs to assess their effectiveness for creating enhanced opportunities for recruiters and to improve the effectiveness of Army recruiting programs.

The House bill contained no similar provision.

The House recedes with an amendment that would reduce the scope of the civilian contract recruiter pilot program and would require recruiters assigned to vocational schools and community colleges to be assigned those duties as their primary responsibility.

Enhancement of recruitment market research and advertising programs (sec. 562)

The Senate amendment contained a provision (sec. 552) that would direct the Secretary of Defense to take the necessary actions to enhance joint and service recruiting and advertising programs through an aggressive market research program, and would waive certain requirements of the Paperwork Reduction Act to enhance the flexibility of the Secretary of Defense and the military services to react to changes in the recruiting market.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Access to secondary schools for military recruiting purposes (sec. 563)

The Senate amendment contained a provision (sec. 553) that would, effective July 1, 2002, require local educational agencies to provide military recruiters access to secondary schools on the same basis as colleges, universities, and private sector employers, unless the governing body of the local educational agency acts by majority vote to deny access to military recruiters. The provision would also establish a process to ensure that secondary schools provide military recruiters access to the campus, directories, and student lists on the same basis as that afforded colleges, universities, and private sector employers. The provision would require the relevant military service to send a senior official to meet with the local educational agency within 120 days of a military recruiter being denied access. If the secondary school continues to deny access to military recruiters the Secretary of Defense shall, within 60 days, communicate with the governor of the state requesting assistance in restoring access for military recruiters. A copy of this correspondence shall be provided to the Secretary of Education. If, one year after the date of the transmittal of the letter from the Secretary of Defense, the local educational agency continues to deny access to at least two of the armed forces, the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives, and the members of the House of Representatives and the Senate who represent the district or districts in which the local educational agency operates.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the definition of the senior official who shall visit schools that deny access to include colonels, or in the case of the Navy, Captains, and would make other technical changes.

Pilot program to enhance military recruiting by improving military awareness of school counselors and educators (sec. 564)

The House bill contained a provision (sec. 555) that would require the Secretary of Defense to conduct a three-year pilot program to improve communications with student counselors and educators by providing funding, assistance, and information to an existing interactive internet site designed to provide information and services to employees of local educational agencies and institutions of higher learning.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle G—Other Matters

Extension to end of calendar year of expiration date for certain force drawdown transition authorities (sec. 571)

The House bill contained a provision (sec. 504) that would extend the expiration date of the current drawdown transition authorities through December 31, 2001.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Voluntary separation incentive (sec. 572)

The House bill contained a provision (sec. 506) that would authorize service members who simultaneously receive retired pay and voluntary separation incentive pay to terminate their eligibility for the voluntary separation incentive pay and would permit the retired member to reimburse the government for the amount of the voluntary separation incentive pay received without concurrently increasing the amount of the voluntary separation incentive pay that is owed.

The Senate amendment contained no similar provision.

The Senate recedes.

Congressional review period for assignment of women to duty on submarines and for any proposed reconfiguration or design of submarines to accommodate female crew members (sec. 573)

The House bill contained a provision (sec. 507) that would require the Secretary of Defense to provide Congress written notification and wait until 120 days of continuous legislative session pass prior to implementating any policy change affecting the current male-only assignment policy for submarines and prior to the expenditure of any funds to reconfigure or design a submarine to accommodate the assignment of female crew members.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the required waiting period between notification of Congress and the implementation of any policy change with regard to the assignment of females to submarines or expenditure of funds for design or reconfiguration of a submarine to accommodate females to 30 days in which both the House of Representatives and the Senate are in session.

Management and per diem requirements for members subject to lengthy or numerous deployments (sec. 574)

The Senate amendment contained a provision (sec. 578) that would amend section 586 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) to change the requirement for an officer in the grade of general or admiral to approve deployments of personnel who would be away from home more than 200 of the past 365 days to require that the designated component commander for the member's armed force approve deployments of personnel who would be away from home more than 200 of the past 365 days; to change the point at which the high-deployment per diem allowance would be paid from 251 days or more of the preceding 365 days to 501 days or more of the preceding 730 days. The provision would also require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than March 31, 2002, on the administration of this provision and make recommendations for revision, as the Secretary deems appropriate.

The House bill contained no similar provision.

The House recedes with an amendment that would change the point at which the high deployment per diem allowance would be paid from 501 days or more of the preceding 730 days to 401 days or more of the preceding 730 days.

The conferees strongly support the position of the Department of Defense that any high deployment per diem payments should be made from the operations and maintenance accounts. The conferees believe that deploying service members in excess of 400 days in any 730 day period cannot be attributable to any factor other than operational necessity. As such, high deployment per diem is an operational cost and must be paid from the operations and maintenance accounts.

Pay in lieu of allowance for funeral honors duty (sec. 575)

The House bill contained a provision (sec. 551) that would authorize a reserve component member assigned to a funeral honors detail for the funeral of a veteran to be compensated at the same rate as the member would be compensated for participating in inactive-duty training.

The Senate amendment contained a similar provision (sec. 603).

The House recedes with a clarifying amendment.

Test of ability of reserve component intelligence units and personnel to meet current and emerging defense intelligence needs (sec. 576)

The House bill contained a provision (sec. 552) that would require the Secretary of Defense to conduct a three-year test to determine the most effective peacetime structure and operational employment of reserve component intelligence assets for meeting future Department of Defense peacetime operational intelligence requirements and to establish a means of coordinating the transition of the peacetime operational support network into wartime requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

National Guard Challenge Program (sec. 577)

The House bill contained a provision (sec. 553) that would authorize the head of a federal agency or department to provide funds to the Secretary of Defense to support the National Guard Challenge Program and would allow the Secretary of Defense to expend those funds notwithstanding the $62.5 million limit in defense funding established by section 509(b) of title 32, United States Code. The provision would also require the Secretary of Defense to establish regulations for the Challenge Program.

The Senate amendment contained a provision (sec. 910) that would transfer oversight responsibility for the National Guard Challenge Program from the Chief of the National Guard Bureau to the Secretary of Defense, and would amend the limitation on federal funding for the National Guard Challenge Program to only Department of Defense funding.

The Senate recedes with an amendment that would combine the two provisions.

The conferees note that the intent of the transfer of responsibility for the National Guard Challenge Program to the Secretary of Defense is to reaffirm the role of the Secretary of Defense to establish policy for and oversight of the operation of Department of Defense programs. It is not the intent of the conferees that the National Guard Bureau should lose its ability to administer this highly successful program. Rather, the intent is that there be increased oversight and direction by the Secretary of Defense.

Study of use of civilian contractor pilots for operational support missions (sec. 578)

The House bill contained a provision (sec. 554) that would require the Secretary of Defense to study the feasibility and cost of using civilian contractor personnel as pilots and other aircrew members to fly government aircraft performing non-combat operational support missions world-wide.

The Senate amendment contained no similar provision.

The Senate recedes.

Reimbursement for expenses incurred by members in connection with cancellation of leave on short notice (sec. 579)

The House bill contained a provision (sec. 556) that would authorize the service secretaries to reimburse members for travel expenses when leave is canceled within 48 hours of commencing due to mission requirements of a contingency operation.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Authority for award of the Medal of Honor

The House bill contained a provision (sec. 531) that would waive the statutory time limitations for the award of the Medal of Honor to Andrew J. Smith for valor during the Battle of Honey Hill in South Carolina. The House bill also contained a provision (sec. 532) that would waive the statutory time limitations for the award of the Medal of Honor to Ed W. Freeman for valor during the battle of the IaDrang Valley in the Republic of Vietnam.

The Senate amendment contained a provision (sec. 571) that would waive the statutory time limits and authorize the President to award the Medal of Honor to Ed W. Freeman of Idaho for valor during the Vietnam Conflict; to James K. Okubo of Detroit, Michigan for valor during World War II; and to Andrew J. Smith of Massachusetts for valor during the Civil War.

The conferees note that Public Law 106-223, enacted on June 21, 2000, waived the statutory time limits and authorized the President to award the Medal of Honor to Ed W. Freeman of Idaho for valor during the Vietnam Conflict; to James K. Okubo of Detroit, Michigan, for valor during World War II; and to Andrew J. Smith of Massachusetts for valor during the Civil War. The conferees recede from their respective provisions.

Collection and use of deoxyribonucleic acid identification information from violent and sexual offenders in the armed forces

The House bill contained a provision (sec. 543) that would require the secretaries of the military departments to collect a deoxyribonucleic acid (DNA) sample from each member of the armed forces who is, or has been, convicted of a violent or sexual offense. The provision would further require the Secretary of Defense to analyze each sample and furnish the results of each analysis to the Federal Bureau of Investigation (FBI) for use in the Combined DNA Index System.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that the collection and indexing of samples, as proposed in this provision, has merit, but believe that this matter would be better addressed by general legislation with government-wide application.

Contingent exemption from limitation on number of Air Force officers serving on active duty in grades above major general

The Senate amendment contained a provision (sec. 511) that would exempt an Air Force officer serving in the grade of Lieutenant General or General from the limitations on the number of Air Force officers serving on active duty in grades above major general when either the Commander-in-Chief, United States Transportation Command, or the Commander-in-Chief, United States Space Command, is an officer from a service other than the Air Force.

The House bill contained no similar provision.

The Senate recedes.

Joint Officer Management

The Senate amendment contained provisions (sec. 521–527) that would streamline the designation and management of joint speciality officers by simplifying the requirements for designation as a joint speciality officer, requiring Joint Professional Military Education to be conducted in residence and by establishing promotion objectives for joint speciality officers.

The House bill contained no similar provision.

The Senate recedes.

Military Voting Rights Act of 2000

The Senate bill contained provisions (sec. 561–563) that would amend the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501) to preclude a military member from losing a claim to state residency for the purpose of voting in federal and state elections because of absence due to military orders, and would also amend the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff) to require each state to permit absent military voters to use absentee registration procedures and to vote by absentee ballot in elections for states and local offices, in addition to federal offices, as provided in current law.

The House amendment contained no similar provision.

The Senate recedes.

Preparation, participation, and conduct of athletic competitions and small arms competitions by the National Guard and members of the National Guard

The Senate amendment contained a provision (sec. 580) that would permit National Guard units and personnel to prepare for, participate in, and conduct athletic competitions and small arms competitions.

The House bill contained no similar provision.

The Senate recedes.

Repeal of contingent funding increase for Junior Reserve Officers Training Corps

The Senate amendment contained a provision (sec. 543) that would repeal the requirement that any amount in excess of $62,500,000 appropriated for the National Guard Challenge Program be made available for the Junior Reserve Officers Training Corps.

The House bill contained no similar provision.

The Senate recedes.

Review of actions of selection boards

The Senate amendment contained a provision (sec. 506) that would authorize the secretary concerned to correct a military personnel record in accordance with a recommendation made by a special board. The remedy could be restoration to active duty or status, if the person was separated, retired, or transferred to the retired or inactive reserve as the result of a recommendation made by a selection board; or the person could elect to receive back pay and allowances in lieu of restoration. If a special board did not recommend the correction, the action of the original selection board would be considered as final. The secretaries concerned shall prescribe regulations to carry out this provision, which would be subject to the approval of the Secretary of Defense.

The provision would require exhaustion of a person's administrative remedies within the military department concerned before the person could obtain relief in a judicial proceeding. The provision would not limit the jurisdiction of any federal court to determine the validity of any statute, regulation, or policy, and also would not limit the secretaries' authority to correct military records through boards for the correction of military records under section 1552 of title 10, United States Code.

The provision would also amend section 628 of title 10, United States Code, the statute dealing with promotion special selection boards, to require exhaustion of a person's remedies before a special selection board before relief could be obtained in a judicial proceeding.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that, while such an approach may have merit, this issue requires further study.

Title VI-Compensation and Other Personnel Benefits

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Pay and Allowances

Increase in basic pay for fiscal year 2001 (sec. 601)

The House bill contained a provision (sec. 601) that would waive section 1009 of title 37, United States Code, and increase the rates of basic pay for members of the uniformed services by 3.7 percent, effective January 1, 2001.

The Senate amendment contained a similar provision (sec. 601).

The House recedes.

Additional restructuring of basic pay rates for enlisted members (sec. 602)

The Senate amendment contained a provision (sec. 610A) that would, effective October 1, 2000, restructure the basic pay tables for enlisted members in grades E–5, E–6, and E–7 to increase the basic pay rates for members in these grades.

The House bill contained no similar provision.

The House recedes with an amendment that would, effective July 1, 2001, restructure the basic pay tables for enlisted members in grades E–5, E–6, and E–7 to increase the basic pay rates for members in these grades, and would authorize the Secretary of Defense to, on a one-time basis, adjust the basic pay tables for enlisted members to increase the rate of basic pay. The Secretary of Defense would be required to submit a legislative proposal incorporating any adjustments with the fiscal year 2002 legislative proposals. In the event the Secretary of Defense elects not to use the one-time authority to adjust the basic pay tables for other enlisted members, the increases for enlisted members in grades E–5 through E–7 would be effective July 1, 2001.

Revised method for calculation of basic allowance for subsistence (sec. 603)

The House bill contained a provision (sec. 602) that would repeal the basic allowance for subsistence transition program, effective October 1, 2001, and establish a process for increasing the basic allowance for subsistence rate in effect by the amount of the increase in food costs, as determined by the Department of Agriculture.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Family subsistence supplemental allowance for low-income members of the Armed Forces (sec. 604)

The House bill contained a provision (sec. 603) that would authorize the Secretary of Defense to establish a five-year program to pay members determined to be qualified for food stamps using the same gross income standards used by state officials to determine food stamp eligibility, except that the value of the member's basic allowance for housing will be included even if the member resides in government housing, a monthly amount not to exceed $500 per month, to supplement the basic allowance for subsistence.

The Senate amendment contained a provision (sec. 610) that would authorize, for a five-year period, a special subsistence allowance of $180 per month payable to enlisted personnel in grades E–5 and below who demonstrate eligibility for food stamps.

The Senate recedes with an amendment that would require the Secretary of Defense to establish a five-year program to pay members determined to be qualified for food stamps.

Basic allowance for housing (sec. 605)

The House bill contained a provision (sec. 604) that would repeal the requirement that service members pay 15 percent of housing costs out-of-pocket and would authorize the Secretary of Defense to increase the basic allowance for housing to eliminate out-of-pocket expenses for service members by fiscal year 2005.

The Senate amendment contained a similar provision (sec. 605). The Senate amendment also contained a provision (sec. 610B) that would permit service members who make a low-cost or no-cost permanent change of station move, while remaining in the same quarters occupied during their previous assignment, eligible for the higher of the basic allowance for housing rate from the previous permanent station or the new permanent station.

The Senate recedes with an amendment that would combine the provisions.

Additional amount available for fiscal year 2001 increase in basic allowance for housing inside the United States (sec. 606)

The House bill contained a provision (sec. 610) that would increase the funding available for the basic allowance for housing by $30.0 million in order to reduce the out-of-pocket costs by an additional one-half of one percent.

The Senate amendment contained no similar provision.

The Senate recedes.

Equitable treatment of junior enlisted members in computation of basic allowance for housing (sec. 607)

The House bill contained a provision (sec. 605) that would establish a single housing rate for members in grades E–1 through E–4 with dependents and would increase the basic allowance for housing rate to members above the rate previously paid to members in grade E–4.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Eligibility of members in grade E–4 to receive basic allowance for housing while on sea duty (sec. 608)

The House bill contained a provision (sec. 606) that would, effective October 1, 2001, authorize the payment of the basic allowance for housing to members serving in the grade of E–4, without dependents, who are assigned to sea duty in ships.

The Senate amendment contained a similar provision (sec. 606), that would be effective upon enactment of this Act.

The House recedes.

Personal money allowance for senior enlisted members of the armed forces (sec. 609)

The House bill contained a provision (sec. 607) that would authorize a $2,000 per year personal money allowance to senior enlisted members in each of the armed forces.

The Senate amendment contained a similar provision (sec. 607).

The Senate recedes.

Increased uniform allowances for officers (sec. 610)

The House bill contained a provision (sec. 608) that would increase the one-time initial uniform allowance paid to officers from $200 to $400 and the one-time additional uniform allowance paid to officers from $100 to $200.

The Senate amendment contained a similar provision (sec. 608).

The House recedes with a clarifying amendment.

Cabinet-level authority to prescribe requirements and allowance for clothing of enlisted members (sec. 611)

The Senate amendment contained a provision (sec. 609) that would authorize the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service of the Navy, to prescribe the clothing to be furnished annually to enlisted members and to establish the amount of the cash allowance paid when the prescribed clothing is not provided.

The House bill contained no similar provision.

The House recedes.

Increase in monthly subsistence allowance for members of precommissioning programs (sec. 612)

The House bill contained a provision (sec. 609) that would, effective October 1, 2001, increase the minimum stipend paid to senior Reserve Officers Training Corps (ROTC) cadets to $250 per month, would establish the maximum monthly stipend as $600 per month, and would provide the Secretary of Defense the authority to establish a tiered-stipend system in order to permit the monthly stipend to increase as the involvement of the cadet in ROTC increases.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would, effective October 1, 2001, establish the pay rates for cadets and midshipmen at the service academies at 35 percent of the basic pay of an O–1 with less that two years of service and would increase the maximum monthly ROTC stipend to $674.

Subtitle B—Bonuses and Special and Incentive Pays

Extension of certain bonuses and special pay authorities for reserve forces (sec. 621)

The House bill contained a provision (sec. 611) that would extend the authority for the special pay for health care professionals who serve in the selected reserve in critically short wartime specialities, the selected reserve reenlistment bonus, the selected reserve enlistment bonus, special pay for enlisted members of the selected reserve assigned to certain high priority units, the selected reserve affiliation bonus, the ready reserve enlistment and reenlistment bonus, and the prior service enlistment bonus until December 31, 2001. The provision would also extend the authority for repayment of educational loans for certain health care professionals who serve in the selected reserve until January 1, 2002.

The Senate amendment contained an identical provision (sec. 611).

The conference agreement includes this provision.

Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists (sec. 622)

The House bill contained a provision (sec. 612) that would extend the authority for the nurse officer candidate accession program, the accession bonus for registered nurses, and the incentive pay for nurse anesthetists until December 31, 2001.

The Senate amendment contained an identical provision (sec. 612).

The conference agreement includes this provision.

Extension of authorities relating to payment of other bonuses and special pays (sec. 623)

The House bill contained a provision (sec. 613) that would extend the authority for the aviation officer retention bonus, reenlistment bonus for active members, special pay for nuclear qualified officers extending the period of active service, nuclear career accession bonus, and the nuclear career annual incentive bonus to December 31, 2001, and would extend the enlistment bonus for persons with critical skills and the Army enlistment bonus to September 30, 2001.

The Senate amendment contained a similar provision (sec. 613).

The Senate recedes with an amendment that would remove the references to the enlistment bonus for persons with critical skills and the Army enlistment bonus in favor of a consolidated enlistment bonus addressed elsewhere in this conference agreement.

Revision of enlistment bonus authority (sec. 624)

The House bill contained a provision (sec. 618) that would consolidate existing bonus authorities and establish a maximum amount of $20,000 that may be paid to any enlistee.

The Senate amendment contained a similar provision (sec. 621).

The Senate recedes with a clarifying amendment.

Consistency of authorities for special pay for reserve medical and dental officers (sec. 625)

The House bill contained a provision (sec. 614) that would clarify that reserve medical and dental officers are paid special pay in a consistent manner.

The Senate amendment contained similar provision (sec. 614).

The Senate recedes with a clarifying amendment.

Elimination of required congressional notification before implementation of certain special pay authority (sec. 626)

The House bill contained a provision (sec. 620) that would eliminate the requirement for the secretary concerned to notify the Congress of the intent to pay special pay to optometrists and nurse anesthetists.

The Senate amendment contained no similar provision.

The Senate recedes.

Special pay for physician assistants of the Coast Guard (sec. 627)

The House bill contained a provision (sec. 615) that would extend the authority to pay special pay currently provided to physician assistants in the military departments to physician assistants in the Coast Guard.

The Senate amendment contained a similar provision (sec. 615).

The House recedes.

Authorization of special pay and accession bonus for pharmacy officers (sec. 628)

The Senate amendment contained a provision (sec. 616) that would authorize the secretary of a military department, or in the case of the Public Health Service, the Secretary of Health and Human Services, to pay a special pay and an accession bonus for pharmacy officers.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Correction of references to Air Force veterinarians (sec. 629)

The Senate amendment contained a provision (sec. 617) that would clarify that the special pay for board-certified veterinarians in the armed forces and the Public Health Service includes Air Force biomedical sciences officers who hold a degree in veterinary medicine.

The House bill contained no similar provision.

The House recedes.

Career sea pay (sec. 630)

The House bill contained a provision (sec. 617) that would authorize the secretary of a military department to establish the rates of career sea pay up to a limit of $750 per month and would increase the maximum career sea pay premium pay from $100 per month to $350 per month for consecutive or cumulative duty at sea.

The Senate amendment contained a similar provision (sec. 619).

The House recedes with a clarifying amendment.

Increased maximum rate of special duty assignment pay (sec. 631)

The House bill contained a provision (sec. 616) that would, effective October 1, 2001, increase the limit on special duty assignment pay from $275 per month to $600 per month.

The Senate amendment contained a similar provision (sec. 620) that would be effective October 1, 2000.

The House recedes.

Entitlement of members of the National Guard and other reserves not on active duty to receive special duty assignment pay (sec. 632)

The Senate amendment contained a provision (sec. 622) that would authorize members of the Selected Reserve who are not on active duty to receive special duty assignment pay.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the amount of special duty assignment pay for members of the Selected Reserve not on active duty to one day of pay for each drill period in which the reserve member successfully participates each month.

Authorization of retention bonus for members of the armed forces qualified in a critical military skill (sec. 633)

The House bill contained a provision (sec. 619) that would, effective 90 days after the Secretary of Defense notifies Congress of the details of the implementation plan, establish a retention bonus, providing payments up to $200,000 over a career, for members qualified in a critical military skill. The authority for this bonus would expire on December 31, 2001.

The Senate amendment contained no similar provision.

The Senate recedes.

Entitlement of active duty officers of the Public Health Service Corps to special pays and bonuses of health professional officers of the armed forces (sec. 634)

The Senate amendment contained a provision (sec. 618) that would make the special pays and bonuses for active duty officers of the Public Health Service Corps equal to those of health professional officers of the armed forces.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle C—Travel and Transportation Allowances

Advance payments for temporary lodging of members and dependents (sec. 641)

The House bill contained a provision (sec. 631) that would authorize advance payment of temporary lodging and living expenses incident to permanent changes in station.

The Senate amendment contained a similar provision (sec. 631).

The Senate recedes.

Additional transportation allowance regarding baggage and household effects (sec. 642)

The House bill contained a provision (sec. 632) that would authorize the secretary concerned to reimburse a member for mandatory pet quarantine fees for household pets up to a maximum of $275 when the fees are incident to a permanent change of station.

The Senate amendment contained no similar provision.

The Senate recedes.

Incentive for shipping and storing household goods in less than average weights (sec. 643)

The Senate amendment contained a provision (sec. 632) that would authorize the secretary concerned to pay a service member a share of the amount of savings resulting from the service member shipping or storing a lower household good or baggage weight than the average weight shipped or stored by members of the same grade and dependent status.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to develop regulations for this program in order to ensure that members of one service do not receive a benefit for which members of another service may not be eligible.

Equitable dislocation allowances for junior enlisted members (sec. 644)

The House bill contained a provision (sec. 633) that would require the Secretary of Defense to increase the amount of dislocation allowance paid to service members with dependents in pay grades E–1 through E–4 to the amount paid to service members in pay grade E–5.

The Senate amendment contained no similar amendment.

The Senate recedes.

Authority to reimburse military recruiters, senior ROTC cadre, and Military Entrance Processing personnel for certain parking expenses (sec. 645)

The House bill contained a provision (sec. 634) that would authorize the Secretary of Defense to reimburse service members and civilian employees for expenses incurred in parking their privately owned vehicles at their duty locations if they are assigned to duty as a recruiter, with a military entrance processing facility or with a Senior Reserve Officer Training Corps detachment.

The Senate amendment contained a similar provision (sec. 661).

The House recedes with an amendment that would make the provision effective October 1, 2001.

Expansion of funded student travel for dependents (sec. 646)

The House bill contained a provision (sec. 635) that would authorize funded student travel payments to be made for dependents pursuing graduate and vocational education programs in addition to secondary and undergraduate education programs.

The Senate amendment contained a similar provision (sec. 633).

The Senate recedes.

Subtitle D—Retirement and Survivor Benefit Matters

Exception to high–36 month retired pay computation for members retired following a disciplinary reduction in grade (sec. 651)

The Senate amendment contained a provision (sec. 641) that would require the computation of retired pay for military personnel who retire following a reduction in grade be based on basic pay of the grade held at the time of retirement rather than the average of the highest three years of basic pay.

The House bill contained no similar provision.

The House recedes.

Increase in maximum number of reserve retirement points that may be credited in any year (sec. 652)

The House bill contained a provision (sec. 641) that would increase, from 70 to 90, the maximum number of days in any one year that a reservist may accrue as credit toward retirement benefits.

The Senate amendment contained a similar provision (sec. 694).

The Senate recedes with a clarifying amendment.

Retirement from active reserve service after regular retirement (sec. 653)

The Senate amendment contained a provision (sec. 644) that would permit a retired active component service member who later serves, and is promoted in an active reserve position, to retire as a member of the retired reserve at the higher grade.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Same treatment for federal judges as for other federal officials regarding payment of military retired pay (sec. 654)

The Senate amendment contained a provision (sec. 645) that would amend section 371 of title 28, United States Code, to ensure that federal judges appointed under Article III of the Constitution are treated the same as other federal officials with regard to reduction in military retired pay.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Reserve Component Survivor Benefit Plan spousal consent requirement (sec. 655)

The House bill contained a provision (sec. 642) that would require retirement-eligible reservists to obtain the concurrence of their spouses before making a decision to decline or defer participation in the Reserve Component Survivor Benefit Plan or to select a level of participation that is less than the maximum available or to select coverage for a child but not the spouse.

The Senate amendment contained a similar provision (sec. 642).

The Senate recedes with a clarifying amendment.

Sense of Congress on increasing Survivor Benefit Plan annuities for surviving spouses age 62 or older (sec. 656)

The Senate amendment contained a provision (sec. 646) that would express the sense of Congress that legislation should be enacted that increases the minimum basic annuities provided under the Survivor Benefit Plan for surviving spouses of members of the uniformed services who are 62 years of age or older.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Revision to special compensation authority to repeal exclusion of uniformed services retirees in receipt of disability retired pay (sec. 657)

The conferees included a provision that would, effective October 1, 2001, make former members of the uniformed services retired for disability under chapter 61 of title 10, United States Code, eligible to receive the special compensation for severely disabled uniformed services retirees authorized by section 658 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

Subtitle E—Other Matters

Participation in Thrift Savings Plan (sec. 661)

The House bill contained a provision (sec. 651) that would authorize active duty and reserve members of the uniformed services to deposit up to five percent of their basic pay, before tax, each month in the Thrift Savings Plan now available for federal civil service employees.

The Senate amendment contained a similar provision (sec. 643) that would amend section 663 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) to establish the effective date for offering the Thrift Savings Plan to active and reserve component military personnel, effective not later than 180 days after the date of enactment of this Act, and would eliminate the requirement for the President to identify the mandatory spending offsets that are currently provided in the Concurrent Resolution on the Budget for Fiscal Year 2001.

The House recedes with an amendment that would permit the Secretary of Defense, with the advice of the Thrift Board, to delay the effective date for both the active and reserve component participation by 180 days and require that Committees on Armed Services of the Senate and the House of Representatives be notified of any delay.

Determinations of income eligibility for special supplemental food program (sec. 662)

The Senate amendment contained a provision (sec. 669) that would exclude the basic allowance for housing when computing eligibility for the special supplemental food program for service members assigned outside the United States. The special supplemental food program is similar to the Women, Infants, and Children program in the United States.

The House bill contained no similar provision.

The House recedes.

Billeting services for reserve members traveling for inactive-duty training (sec. 663)

The Senate amendment contained a provision (sec. 693) that would require the Secretary of Defense to promulgate regulations that would authorize reservists traveling to inactive-duty training at a location more than 50 miles from their residence to be eligible for billeting in Department of Defense facilities on the same basis as active duty personnel traveling for official purposes.

The House bill contained no similar provision.

The House recedes.

Settlement of claims for payments for unused accrued leave and for retired pay (sec. 664)

The Senate amendment contained a provision (sec. 663) that would authorize the Secretary of Defense to settle claims for unused accrued leave and to waive time limitations for filing claims for payments for unused accrued leave and for retired pay.

The House bill contained no similar provision.

The House recedes.

Additional benefits and protections for personnel incurring injury, illness, or disease in the performance of funeral honors duty (sec. 665)

The Senate amendment contained a provision (sec. 668) that would authorize the payment of incapacitation pay for reservists who incur an injury, illness, or disease in the performance of funeral honors duties.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Authority for extension of deadline for filing claims associated with capture and interment of certain persons by North Vietnam (sec. 666)

The Senate amendment contained a provision (sec. 662) that would extend the time limitation for certain Vietnamese Commandos, or their survivors, to file claims when the Secretary of Defense determines that such an extension is necessary to prevent an injustice or that a failure to file within the time frame is due to excusable neglect.

The House bill contained no similar provision

The House recedes with a clarifying amendment.

Back pay for members of the Navy and Marine Corps selected for promotion while interned as prisoners of war during World War II (sec. 667)

The Senate amendment contained a provision (sec. 673) that would authorize the payment of back pay for former members of the Navy and Marine Corps who were unable to compete for promotion while interned as prisoners of war during World War II.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the payments to former members or their spouses.

Sense of Congress concerning funding for reserve components (sec. 668)

The Senate amendment contained a provision (sec. 691) that would express the sense of Congress that it is in the national interest for the President to provide funds for the reserve components of the armed forces that are sufficient to ensure that the reserve components meet requirements specified in the National Military Strategy.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Authority to pay gratuity to certain veterans of Bataan and Corregidor

The Senate amendment contained a provision (sec. 665) that would authorize the Secretary of Veterans Affairs to pay a $20,000 gratuity to a veteran or to the surviving spouse of a veteran who served at Bataan or Corregidor, was captured and held as a prisoner of war, and was required to perform slave labor during World War II.

The House bill contained no similar provision.

The Senate recedes.

Benefits for members not transporting personal motor vehicles overseas

The Senate amendment contained a provision (sec. 634) that would authorize the secretary concerned to pay a service member a share of the amount of savings that accrue when an authorized member elects not to ship a personal vehicle overseas at government expense and would limit the amount payable to store a personal vehicle in lieu of shipment to an amount equal to the cost that would have been incurred by shipping the vehicle overseas and back.

The House bill contained no similar provision.

The Senate recedes.

Computation of survivor benefits

The Senate amendment contained a provision (sec. 650) that would reduce the amount of the offset from a survivor benefit annuity when the surviving spouse becomes eligible for social security benefits based on the contributions of the deceased service member.

The House bill contained no similar provision.

The Senate recedes.

Concurrent payment of retired pay and compensation for retired members with service-connected disabilities

The Senate amendment contained a provision (sec. 666) that would permit the concurrent payment of military retired pay and disability compensation from the Department of Veterans Affairs for retired service members with service-connected disabilities.

The House bill contained no similar provision.

The Senate recedes.

Concurrent payment to surviving spouses of Disability and Indemnity Compensation and annuities under Survivor Benefit Plan

The Senate amendment contained a provision (sec. 652) that would permit the concurrent payment of Disability and Indemnity Compensation and Survivor Benefit Plan annuities to surviving spouses of deceased service members.

The House bill contained no similar provision.

The Senate recedes.

Effective date of disability retirement for members dying in civilian medical facilities

The House bill contained a provision (sec. 643) that would authorize the secretary concerned to specify a date and time of death, other than that determined by the attending physician, for a member who dies in a civilian medical facility solely for the purpose of allowing a member to retire as if disabled.

The Senate amendment contained no similar provision.

The House recedes.

Eligibility of certain members of the Individual Ready Reserve for Servicemembers' Group Life Insurance

The Senate amendment contained a provision (sec. 664) that would authorize volunteers for assignment to a category in the Individual Ready Reserve that is subject to involuntary recall to active duty to participate in the Servicemembers' Group Life Insurance program.

The House bill contained no similar provision.

The Senate recedes.

Equitable application of early retirement eligibility requirements to military reserve technicians

The Senate amendment contained a provision (sec. 651) that would modify the early retirement eligibility requirements for all military technicians from a combination of 50 years of age and 25 years of service to 25 years of service or 50 years of age and 20 years of service.

The House bill contained no similar provision.

The Senate recedes.

Family coverage under Servicemembers' Group Life Insurance

The Senate amendment contained a provision (sec. 648) that would, at no cost to the government, extend life insurance coverage under the Servicemembers' Group Life Insurance to family members.

The House bill contained no similar provision.

The Senate recedes.

Fees paid by residents of the Armed Forces Retirement Home

The Senate amendment contained a provision (sec. 649) that would modify the fee structure paid by residents of the Armed Forces Retirement Home.

The House bill contained no similar provision.

The Senate recedes.

The conferees are aware of the financial difficulties of the Armed Forces Retirement Home and have received a number of complaints from residents about the fee structure and conditions at the homes. The conferees direct the Secretary of Defense, in consultation with the Armed Forces Retirement Home Board, to review the current and future financial status of the Armed Forces Retirement Home, to include the current fee structure. The Secretary of Defense shall submit a report not later than March 30, 2001, to the Committees on Armed Services of the Senate and the House of Representatives on the results of this review and any recommendations for changing the current fees or operations of the Armed Forces Retirement Home.

Recognition of members of the Alaska Territorial Guard as veterans

The Senate amendment contained a provision (sec. 671) that would prospectively recognize certain former members of the Alaska Territorial Guard as veterans.

The House bill contained no similar provision.

The Senate recedes.

Survivor benefit plan annuities for survivors of all members who die on active duty

The Senate amendment contained a provision (sec. 647) that would entitle a surviving spouse of a member who dies while on active duty to a Survivor Benefit Plan annuity.

The House bill contained no similar provision.

The Senate recedes.

Travel by reservists on military aircraft to and from locations outside the continental United States for inactive-duty training

The Senate amendment contained a provision (sec. 667) that would permit reservists who live outside the continental United States attending drills or annual training in the United States to travel space-required on military aircraft.

The House bill contained no similar provision.

The Senate recedes.

TITLE VII-HEALTH CARE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A-Health Care Services

Provision of domiciliary and custodial care for CHAMPUS beneficiaries and certain former CHAMPUS beneficiaries (sec. 701)

The House bill contained a provision (sec. 703) that would authorize the Secretary of Defense to reimburse certain former Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) beneficiaries for costs incurred for custodial or domiciliary care services during a period of temporary ineligibility for such services under CHAMPUS. The provision authorized a maximum expenditure of $100.0 million for the program.

The Senate amendment contained a provision (sec. 732) that would cap the program at $100.0 million per year and would grandfather those that participated in the Department of Defense home health care demonstration to allow their continued participation in the case management program, without regard to age.

The House recedes with an amendment that would incorporate the reimbursement provision in the House bill and direct the Comptroller General to report on the effectiveness of the existing coordination of the basic TRICARE program with the program for persons with disabilities and the individual case management program, as they relate to meeting the health care needs of disabled dependents of active duty military members.

Chiropractic health care for members on active duty (sec. 702)

The House bill contained a provision (sec. 737) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to phase in, over a period of five years, permanent chiropractic services for all active duty service personnel. The provision would also require the Secretary of Defense to continue to provide the same level of chiropractic health care services and benefits during fiscal year 2001 as were provided during fiscal year 2000.

The Senate amendment contained a provision (sec. 737) that would make permanent the provision of chiropractic health care services to military health care system beneficiaries who enroll in TRICARE Prime. The provision would direct the Secretary of Defense to develop and implement a plan to make available chiropractic services using a primary care manager model and would continue services at existing demonstration sites until TRICARE Prime enrollees at those sites would have access under the new provision.

The Senate recedes with a technical amendment.

School-required physical examinations for certain minor dependents (sec. 703)

The Senate amendment contained a provision (sec. 734) that would direct the Secretary of Defense to provide eligible dependents, between the ages of 5 years and 12 years, a physical examination when such an examination is required by a school in connection with the enrollment in that school. TRICARE Prime enrollees would require no copayment. Enrollees in TRICARE options other than Prime would pay appropriate cost shares.

The House bill contained no similar provision.

The House recedes.

Two-year extension of dental and medical benefits for surviving dependents of certain deceased members (sec. 704)

The Senate amendment contained a provision (sec. 735) that would extend the medical and dental benefits for surviving dependents of certain deceased members from one year to three years.

The House bill contained no similar provision.

The House recedes.

Two-year extension of authority for use of contract physicians at military entrance processing stations and elsewhere outside medical treatment facilities (sec. 705)

The House bill contained a provision (sec. 701) that would extend for two years, the authority of the Secretary of Defense to contract with physicians to provide health care and new-recruit examination services at military entrance processing stations and other locations.

The Senate amendment contained a similar provision (sec. 736).

The Senate recedes.

Medical and dental care for medal of honor recipients (sec. 706)

The House bill contained a provision (sec. 702) that would extend life-time medical and dental care, to be provided by the Department of Defense, to medal of honor recipients and their dependents.

The Senate amendment contained a similar provision (sec. 733).

The House recedes with a clarifying amendment.

Subtitle B-Senior Health Care

Implementation of TRICARE senior pharmacy program (sec. 711)

The House bill contained a provision (sec. 721) that would authorize the establishment of the TRICARE Senior Pharmacy Program. The program would provide Medicare eligible military retirees and their eligible family members the same pharmacy benefit as is currently available to other military health care beneficiaries through the TRICARE preferred provider and fee-for-services options commonly referred to as TRICARE Extra and TRICARE Standard. The House authorized an increase of $94.0 million to the Defense Health Program to fund this requirement.

The Senate amendment contained a provision (sec. 731) that would authorize a specific pharmacy benefit for eligible beneficiaries of the military health care system, including those eligible for Medicare. The provision would authorize a national mail order program and a retail pharmacy network.

The Senate recedes with an amendment that would grandfather all participants of the Base Realignment and Closure pharmacy benefit program.

Conditions for eligibility for CHAMPUS and TRICARE upon the attainment of age 65; expansion and modification of medicare subvention project (sec. 712)

The House bill contained a provision (sec. 725) that would extend the Medicare subvention, or TRICARE Senior Prime, program nationwide and would make the program permanent.

The Senate amendment contained a provision (sec. 701) that would extend TRICARE/CHAMPUS eligibility to all military retirees and their dependents, regardless of age.

The House recedes with an amendment that would extend the Medicare subvention program one year and would extend permanent TRICARE/CHAMPUS eligibility to all military retirees and their dependents, regardless of age.

The conferees note that continuation of the Medicare subvention program beyond the extended termination date would be contingent upon the Secretaries of Defense and Health and Human Services jointly developing and implementing program terms and conditions that are fair and equitable to both agencies, providing a report to the Congress, and a subsequent act of Congress.

The conferees recognize that the Department of Defense has provided some level of health care services to the senior population and would not expect reimbursement for that level of effort. The conferees believe the administrative costs and costs of resources expended during the process of approving a military treatment facility as a subvention site should be included when the Secretaries of Defense and Health and Human Services jointly develop the terms of a new subvention agreement.

While extending TRICARE/CHAMPUS eligibility to Medicare-eligible beneficiaries, the conferees direct the Secretary of Defense to refrain from using deductibles and copayments, in recognition of their participation in Medicare Part B as a condition of participation. The conferees urge the Secretary of Defense to implement, wherever reasonable, primary care impanelment programs patterned on the "MacDill-65" program which provide opportunities for senior retirees to establish a relationship with a military primary care provider while still taking full advantage of the added benefits under this provision.

The conferees also recognize that the ability of the Secretary of Defense to prepare reliable budget estimates is seriously compromised by the lack of any beneficiary enrollment requirements. With the addition of this significant TRICARE benefit for senior military retirees and their dependents, all retired military personnel will now have access to comprehensive health care services, no matter where they live. Therefore, the conferees direct the Secretary of Defense to submit a plan for universal, continuous enrollment of all eligible beneficiaries beginning in fiscal year 2002. Through the enrollment system, beneficiaries would select the component of the military health care system through which they would seek their health care services. The conferees expect the period of required enrollment would not exceed one year and some provision would be made for individual exceptions based on unforeseen circumstances. As the enrollment plan is being developed, the conferees encourage the Secretary of Defense to seek the views of affected beneficiary groups. Their views should be included in the final report. The required report shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than March 30, 2001.

Accrual funding for health care for Medicare-eligible retirees and dependents (sec. 713)

The conferees included a provision that would establish an accrual funding mechanism to finance, on an actuarially sound basis, liabilities of the Department of Defense under Department of Defense retiree health care programs for Medicare-eligible beneficiaries.

The conferees direct the Secretary of Defense to conduct a study using an independent entity to develop strategies for determining the periodicity and amount of payments from the Department of Defense Medicare-Eligible Retiree Health Care Fund under section 1113 of title 10, United States Code (as added by section 713). The conferees direct the Secretary of Defense to report to the Committees on Armed Services of the Senate and House of Representatives, not later than February 8, 2001, on the results of the study, including any recommendations and, if appropriate, legislative provisions necessary to implement the accrual funding mechanism.

Subtitle C-TRICARE Program

Improvement of access to health care under the TRICARE program (sec. 721)

The House bill contained a provision (sec. 739) that would eliminate the requirement to obtain non-availability statements under any new contract for those beneficiaries participating in TRICARE standard.

The Senate amendment contained a similar provision (sec. 714).

The Senate recedes with a technical amendment.

Additional beneficiaries under TRICARE prime remote program in the continental United States (sec. 722)

The House bill contained a provision (sec. 711) that would repeal the requirement for co-payments by family members of active duty military members under TRICARE Prime Remote and would require the same access and claims processing standards as would be available under TRICARE Prime. The provision would also extend the program to all uniformed service personnel and their immediate family members, as defined in section 101 of title 10, United States Code.

The Senate amendment contained an identical provision (sec. 711).

The conference agreement includes this provision.

Modernization of TRICARE business practices and increase of use of military treatment facilities (sec. 723)

The House bill contained a provision (sec. 713) that would require managers for the Department of Defense TRICARE program to implement improvements in business practices by the end of fiscal year 2001, and would require the Secretary of Defense to submit a plan for improvement by March 15, 2001. The provision would also authorize an increase of $134.5 million for the Defense Health Program to be used solely for the purpose of maximizing the use of military treatment facilities.

The Senate amendment contained a similar provision (sec. 713).

The Senate recedes with a clarifying amendment.

The conferees note that the Emergency Supplemental Act, 2000 (division B of Public Law 106–246) included $695.0 million for improvements in TRICARE for fiscal years 2000 and 2001. The conferees direct that $134.5 million of these funds be used for maximizing the use of military treatment facilities by improving the efficiency of health care operations in such facilities.

The conferees note that resource sharing initiatives are achieving significant savings by recapturing services in the direct care system. Savings can range from $1.25–$5.00 for every dollar expended. The conferees direct the Secretary of Defense to utilize the additional funds provided by this provision to achieve comparable savings.

The conferees understand that requirements for additional support staff are dynamic and require a flexible approach to ensure full utilization of military treatment facilities. The conferees direct the Secretary of Defense to develop a flexible mechanism to acquire additional support staff, as needed. Further, the conferees direct the Secretary of Defense to include, as part of the plan for improving TRICARE business practices, a methodology for the cost-effective use of additional support staff.

Extension of TRICARE managed care support contracts (sec. 724)

The Senate amendment contained a provision (sec. 579) that would provide authority to extend TRICARE managed care support contracts in effect or in final stages of acquisition to be extended up to four years.

The House bill contained no similar provision.

The House recedes.

Report on protections against health care providers seeking direct reimbursement from members of the uniformed services (sec. 725)

The House bill contained a provision (sec. 719) that would require the Secretary of Defense to provide a report to the Committees on Armed Services of the Senate and the House of Representatives on ways to discourage or prohibit TRICARE health care providers from seeking inappropriate direct reimbursement from military service members or their families for eligible health care services.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Voluntary termination of enrollment in TRICARE retiree dental program (sec. 726)

The House bill contained a provision (sec. 720) that would authorize the Secretary of Defense to permit retirees who enrolled in the Department of Defense Retiree Dental Program to disenroll from the program under certain circumstances.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees recognize the necessity of a termination of enrollment appeal process and direct the Secretary to ensure appropriate dental expertise is included in such procedures. Additionally, the conferees note the importance of making available a dental benefit for retirees overseas and direct the Secretary of Defense to explore expansion of this program.

Claims processing improvements (sec. 727)

The House bill contained a provision (sec. 714) that would require the Secretary of Defense to implement several changes to the TRICARE claims process system.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Prior authorizations for certain referrals and nonavailability-of-health-care statements (sec. 728)

The House bill contained a provision (sec. 715) that would prohibit the Secretary of Defense from requiring any TRICARE managed care support contractors to establish prior approval requirements among network providers.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees do not intend that this provision would in any way interfere with the relationship between the primary care provider and his or her patients or the requirement that patients enrolled under TRICARE Prime be referred for specialty care by their primary care providers. Rather, the conferees intend that the Department of Defense would, in new managed care support contracts, eliminate the requirement for TRICARE primary care providers to seek authorization before making a referral to a specialist who is part of a managed care support contractor's network of providers.

Subtitle D—Demonstration Projects

Demonstration project for expanded access to mental health counselors (sec. 731)

The House bill contained a provision (sec. 704) that would direct the Secretary of Defense to conduct a demonstration project to determine the effect of increasing access to certified professional mental health counselors by removing the requirement for physician referral prior to engaging a counselor under the TRICARE program.

The Senate amendment contained no similar provision.

The Senate recedes.

Teleradiology demonstration project (sec. 732)

The House bill contained a provision (sec. 705) that would direct the Secretary of Defense to implement a teleradiology demonstration project for the purpose of increasing the efficiency of operations and coordination between outlying clinics and a major military medical facility.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add an additional test site.

Health care management demonstration program (sec. 733)

The Senate amendment contained a provision (sec. 740) that would direct the Secretary of Defense to conduct a test of two models to improve health care delivery in the Defense Health Program: one for studying alternative delivery policies, processes, organizations, technologies; and another for studying long-term disease management.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle E—Joint Initiatives With Department of Veterans Affairs

VA-DOD sharing agreements for health services (sec. 741)

The House bill contained a provision (sec. 738) that would require the Secretary of Defense to give full force and effect to any sharing agreement entered into between the Veterans Health Administration and the Department of Defense treatment facilities. The provision would also require the Secretary of Defense to review all sharing agreements.

The Senate amendment contained no similar provision.

The Senate recedes.

Processes for patient safety in military and veterans health care systems (sec. 742)

The House bill contained a provision (sec. 733) that would require the Secretary of Defense to implement a system of indicators, standards, and protocols necessary to track patient safety.

The Senate amendment contained a provision (sec. 721) that would direct enhanced cooperation between the Department of Defense and Department of Veterans Affairs in the area of patient safety.

The House recedes with a technical amendment.

Cooperation in developing pharmaceutical identification technology (sec. 743)

The House bill contained a provision (sec. 734) that would require the Secretary of Defense to implement a pharmaceutical bar code identification program to improve the safety of Department of Defense pharmacy programs.

The Senate amendment contained a provision (sec. 722) that would direct the Secretary of Defense and the Secretary of Veterans Affairs to develop jointly a plan to bar code pills and to explore a bar code capability for the mail order pharmacy program.

The House recedes with a technical amendment.

Subtitle F—Other Matters

Management of anthrax vaccine immunization program (sec. 751)

The House bill contained a provision (sec. 735) that would strengthen congressional oversight of the Department of Defense Anthrax Vaccine Immunization Program (AVIP). The provision would require the Secretary of Defense to implement several initiatives to strengthen oversight of the program including: requiring the Secretary to track and report separations resulting from refusal to participate in the program; requiring guidance for emergency essential civilian personnel who are participating in AVIP; requiring the Secretary of Defense to put uniform medical and administrative exemptions into regulation; improving monitoring of adverse reactions; development of a plan for modernizing all-force protection immunizations; and requiring reports on financial and overall program management.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the procurement components of the provision and would focus on the administration of the AVIP.

Elimination of copayments for immediate family (sec. 752)

The House bill contained a provision (sec. 712) that would repeal the requirement for co-payments by family members of active duty military members enrolled in TRICARE Prime.

The Senate amendment contained a similar provision (sec. 712).

The House recedes with a clarifying amendment.

The conferees expect the Department of Defense to ensure that implementation of this provision would not impose additional costs on managed care support contractors. Further, it is not the intent of the conferees to eliminate copayments for pharmaceutical benefits under the mail order pharmacy program or such similar cost shares. The conferees expect implementation within 180 days after enactment of this Act.

Medical informatics (sec. 753)

The Senate amendment contained a provision (sec. 723) that would direct the Secretary of Defense to include two additional sections in the medical informatics report required by section 723 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65). The provision would also direct that, from within the resources of the Defense Health Program, $64.0 million be expended on a computerized patient record system, and $9.0 million be expended on an integrated pharmacy system in fiscal year 2001.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Patient care reporting and management system (sec. 754)

The Senate amendment contained a provision (sec. 739) that would direct the Secretary of Defense to implement a patient care reporting and management system in the military health system to identify, track, and report on errors and safety problems.

The House bill contained no similar provision.

The House recedes.

Augmentation of Army medical department by detailing reserve officers of the Public Health Service (sec. 755)

The Senate amendment contained a provision (sec. 742) that would authorize the Secretary of the Army and the Secretary of Health and Human Services to enter into an agreement to conduct a program under which officers of the Public Health Service Corps Inactive Reserve may be detailed to augment the Army Medical Department, subject to existing statutory authorities.

The House bill contained no similar provision.

The House recedes.

Privacy of Department of Defense medical records (sec. 756)

The Senate amendment contained a provision (sec. 744) that would direct the Secretary of Defense to create a blue ribbon advisory panel on Department of Defense policies regarding the privacy of medical records for beneficiaries of the military health care system.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Defense to report to Congress on a comprehensive plan to improve privacy protections for Department of Defense medical records, consistent with the Health Insurance Portability and Accountability Act of 1996. The conferees further direct the Secretary of Defense to issue interim regulations to expedite implementation of this provision and allow for reasonable use of medical records for certain circumstances including, but not limited to, national security, law enforcement, patient treatment, and payment for health care services.

Authority to establish special locality-based reimbursement rates; reports (sec. 757)

The House bill contained a provision (sec. 716) that would authorize the Secretary of Defense to establish higher rates for reimbursement for services in some localities under certain conditions.

The Senate amendment contained a provision (sec. 715) that would enhance access to TRICARE in rural states by increasing the maximum allowable charge by physicians in rural areas.

The Senate recedes with a clarifying amendment.

The conferees intend that the Department of Defense focus on resolving provider participation issues, particularly in rural areas, where limited numbers of health care providers present extreme difficulties in accessing care.

Reimbursement for certain travel expenses (sec. 758)

The House bill contained a provision (sec. 717) that would authorize the Secretary of Defense to reimburse TRICARE beneficiaries for their reasonable expenses incurred while traveling to a referral more than 100 miles from the location at which they normally receive their primary care services.

The Senate amendment contained no similar provision.

The Senate recedes.

Reduction of cap on payments (sec. 759)

The House bill contained a provision (sec. 718) that would reduce the maximum amount retired TRICARE beneficiaries could pay under TRICARE to $3,000 per family. The House bill authorized an increase in the Defense Health Program of $32.0 million for this purpose.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Training in health care management and administration (sec. 760)

The House bill contained a provision (sec. 731) that would require the Secretary of Defense to provide a report to the Committees on Armed Services of the Senate and the House of Representatives on the continued implementation of section 715 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). The provision would increase the number of senior management positions requiring professional management and administrative experience.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees direct the Secretary of Defense .to ensure that senior managers involved in leading and managing the Department of Defense complex health care delivery program are provided all possible professional management and administrative opportunities to increase their ability to succeed in this dynamic environment.

Study on feasibility of sharing biomedical research facility (sec. 761)

The House bill contained a provision (sec. 736) that would require the Secretary of the Army to conduct a study on the feasibility of a military medical center sharing a biomedical research facility with the Department of Veterans Affairs and an academic institution to make more efficient use of funding for biomedical research.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add an additional site for such a demonstration.

Study on comparability of coverage for physical, speech, and occupational therapies (sec. 762)

The House bill contained a provision (sec. 740) that would direct the Secretary of Defense to conduct a study comparing coverage and reimbursement for covered beneficiaries for physical, speech, and occupational therapies under the TRICARE program and the Civilian Health and Medical Program of the Uniformed Services to coverage and reimbursement for such therapies by insurers under Medicare and the Federal Employees Health Benefits Program.

The Senate amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Extended coverage under the Federal Employees Health Benefits Program

The House bill contained a provision (sec. 723) that would extend the period of the Federal Employees Health Benefits Program demonstration for one year and would require the Secretary of Defense to take actions to encourage participation in the program to its full authorized enrollment level.

The Senate amendment contained no similar provision.

The House recedes.

Extension of TRICARE senior supplement program

The House bill contained a provision (sec. 724) that would extend the period of the TRICARE Senior Supplement Program for one year.

The Senate amendment contained no similar provision.

The House recedes.

Service areas of transferees of former uniformed services treatment facilities

The Senate amendment contained a provision (sec. 743) that would expand the service areas of former uniformed services treatment facilities.

The House bill contained no similar provision.

The Senate recedes.

Study of accrual financing for health care for military retirees

The House bill contained a provision (sec. 732) that would direct the Secretary of Defense to conduct a study on the feasibility and desirability of financing the military health care program for uniformed services retirees on an accrual basis.

The Senate amendment contained a similar provision (sec. 741).

The conferees adopted an accrual funding provision elsewhere in this conference agreement.

Study of accrual financing for health care for retirees of the uniformed services

The House bill contained a provision (sec. 732) that would require the Secretary of Defense to conduct a study on the feasibility and desirability of financing the military health care program for uniformed services retirees on an accrual basis.

The Senate amendment contained a similar provision (sec. 741).

The House recedes with a technical amendment.

Study on health care options for medicare-eligible military retirees

The House bill contained a provision (sec. 722) that would require the Secretary of Defense to conduct a study on alternatives for providing continued health care benefits for Medicare-eligible military retirees.

The Senate amendment contained no similar provision.

The House recedes.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

ITEMS OF SPECIAL INTEREST

Acquisition programs at the National Security Agency

The Senate report accompanying S. 2549 (S. Rept. 106–292) would direct the National Security Agency (NSA) and the Department of Defense to manage the ongoing NSA modernization effort as though it were a major defense acquisition program, as defined in section 2430 of title 10, United States Code.

The House report accompanying H.R. 4205 (H. Rept. 106–616) contained no such direction.

The conferees agree that there is a need to improve the acquisition management and oversight processes to ensure sufficient structure, accountability, and visibility for the vital NSA modernization efforts. However, the conferees are not convinced that the DOD acquisition model is sufficiently flexible and timely to allow the NSA to deliver the necessary capabilities against the rapidly changing threat environment.

The conferees understand that representatives from the Intelligence Community (IC), the NSA, and the Office of the Secretary of Defense have jointly begun to define a formal plan to improve oversight of the NSA acquisition efforts, and that an interim oversight board has been used to review a major NSA acquisition program. The conferees understand that the IC and the DOD jointly intend to create a streamlined acquisition management and oversight process that will improve DOD and IC oversight of the NSA Acquisition process.

The conferees agree to allow some time for this new plan to achieve the objectives of providing sufficient structure, accountability, and visibility for the very important modernization efforts underway within NSA. The conferees take this position with the understanding that DOD and the IC will implement oversight procedures that will achieve several objectives: (1) aid the Director of NSA in the effort to accomplish fundamental financial and acquisition management reforms within the agency; (2) improve the linkage between the development of requirements and the acquisition process; (3) ensure that internal NSA acquisition processes comply with DOD and IC policy and with best practices; (4) improve the linkage across agencies for end-to-end performance; and (5) allow the Director to have sufficient flexibility to deliver urgently needed capability.

The conferees direct the Director of NSA, the Director of Central Intelligence, and the Secretary of Defense to provide the Congress with a report, concurrent with the budget request for fiscal year 2002, that outlines the oversight plan, including the changes the plan will make in the acquisition process. If implementation of this oversight plan fails to demonstrate a review mechanism that meets these objectives, the conferees may insist on requiring that NSA manage its programs as major defense acquisition programs in the future.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Department of Defense acquisition pilot programs (sec. 801)

The House bill contained a provision (sec. 801) that would amend the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355) to extend until fiscal year 2005 certain acquisition pilot programs and to require a report on the pilot programs.

The Senate amendment contained a provision (sec. 806) that would extend this authority through October 1, 2007.

The House recedes with an amendment that would add the 500 pound Joint Direct Attack Munition to the original pilot program and include a reporting requirement.

Multiyear services contracts (sec. 802)

The House bill contained a provision (sec. 808) that would amend section 2306b of title 10, United State Code, to clarify that this section applies to the multiyear procurement of services, as well as to the multiyear procurement of property.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would insert a new section in title 10, United States Code, that would clarify the authority to enter into multiyear contracts for the acquisition of services. The conferees direct the Secretary of Defense to provide to the congressional defense committees, not later than February 1, 2001, a report that contains information comparable to that required by section 2306b(l)(4) for each multiyear service contact and each extension of an existing multiyear service contract entered into, or planned to be entered into, during the current or preceding year.

Clarification and extension of authority to carry out certain prototype projects (sec. 803)

The House bill contained a provision (sec. 805) that would amend section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), to extend for three years the authority of the Defense Advanced Research Projects Agency, the military departments, and other officials designated by the Secretary of Defense to carry out prototype projects using transactions other than contracts, cooperative agreements, and grants, which must be executed in accordance with statutes or regulations applicable to contracts.

The Senate amendment contained a provision (sec. 807) that would extend for three years the other transaction prototype authority, identify appropriate uses of this authority to include cost sharing arrangements and the participation of nontraditional defense contractors, and establish a pilot program for the transition to follow-on production contracts for prototypes developed under the section 845 authority.

The House recedes with an amendment to modify the circumstances under which section 845 authority can be used and to strike the pilot program for the transition to follow-on production contracts for prototypes developed under the section 845 authority.

The conferees note the recommendations contained in the report of the Comptroller General "Acquisition Reform: DOD's Guidance on Using Section 845 Agreements Could be Improved" (GAO/NSIAD -00–33, dated April 2000), that the Secretary of Defense provide updated guidance that lays out the conditions for using section 845 agreements and provides a framework to tailor the terms and conditions appropriate for each agreement. The General Accounting Office (GAO) recommended that the Secretary should establish and require the use of a set of metrics, including the number of commercial firms participating in section 845 agreements, which are measurable and directly related to the agreement's use. The GAO also recommended that these requirements should be in place in time to assist in the deliberations on whether to extend the authority past September 30, 2001. The conferees further note that the Department of Defense (DOD) concurred with the need for revised guidance to help determine when section 845 agreements should be used, and that the Department planned to issue an updated guide by April 2000. The conferees direct the Secretary of Defense to issue the revised DOD guidelines for using section 845 agreements within 90 days of the enactment of this Act.

Clarification of authority of Comptroller General to review records of participants in certain prototype projects (sec. 804)

The Senate amendment contained a provision (sec. 808) that would clarify the audit access of the Comptroller General over other transaction prototype authority agreements for those contractors who have only done business with the government under other transaction authority or through cooperative agreements.

The House bill contained no similar provision.

The House recedes.

Extension of time period of limitation on procurement of ball bearings and roller bearings (sec. 805)

The House bill contained a provision (sec. 807) that would amend section 2534 of title 10, United States Code, to extend the limitations on the procurement of ball bearings and roller bearings. This provision would also extend the limitations on the procurement of naval valves for another three fiscal years, and authorize limitations on the procurement of polyacrylonitrile based carbon fiber (PAN carbon fiber) for the next three fiscal years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the limitations on the procurement of ball bearings and roller bearings to October 1, 2005. The conferees note that the domestic source restriction on PAN carbon fiber was first instituted in the 1980s after the Department of Defense determined that it was overly dependent on foreign industry for PAN carbon fibers. The conferees determined that a legislative restriction was unnecessary, because the Department of Defense has extended by three years the regulatory domestic source restriction on PAN based carbon fibers.

Reporting requirements relating to multiyear contracts (sec. 806)

The Senate amendment contained a provision (sec. 802) that would clarify the multiyear reporting requirements required by section 2306b of title 10, United States Code.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would require an annual report that addresses all multiyear contracts, regardless of the dollar value, and require a separate report prior to entering into a multiyear contract or extension above $500.0 million if the information required by section 2306b, for the contract or extension was not included in the annual report required by this provision.

Eligibility of small business concerns owned and controlled by women for assistance under the mentor-protege program (sec. 807)

The Senate amendment contained a provision (sec. 809) that would add small business concerns owned and controlled by women to the list of entities that are eligible to participate in the pilot mentor-protege program established by section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510).

The House bill contained no similar provision.

The House recedes.

Qualifications required for employment and assignment in contracting positions (sec. 808)

The Senate amendment contained a provision (sec. 811) that would require a baccalaureate degree and 24 semester credit hours in business disciplines for new entrants into the GS–1102 occupational series and for contracting officers above the simplified acquisition threshold.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Revision of authority for solutions-based contracting pilot program (sec. 809)

The Senate amendment contained a provision (sec. 815) that would amend section 5312 of the Clinger-Cohen Act (divisions D and E of the National Defense Authorization Act for Fiscal Year 1996 [Public Law 104–106]) to remove detailed statutory requirements concerning the development of a pilot plan to include elimination of the direct participation of private information technology specialists as part of a public-private working group.

The House bill contained no similar provision.

The House recedes.

Procurement notice of contracting opportunities through electronic means (sec. 810)

The Senate amendment contained a provision (sec. 818) that would allow electronic postings of solicitations through the single government-wide point of entry designated in the Federal Acquisition Regulations.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle B—Information Technology

Acquisition and management of information technology (sec. 811)

The House bill contained a provision (sec. 363) that would require that for the next three fiscal years all mission essential and mission critical information technology systems be registered with the Chief Information Officer of the Department of Defense (DOD). The House bill also contained a provision (sec. 806) that would require that in each of the next three fiscal years the Department of Defense Chief Information Officer certify that each major automated information system is in compliance with the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) prior to granting milestone approval.

The Senate amendment contained a provision (sec. 803) with similar registration and approval requirements. The provision would also require the Chief Information Officers of the DOD and the military services to maintain a consolidated inventory of DOD mission critical and mission essential information systems, to identify interfaces between these and other information systems, and to maintain contingency plans for responding to a disruption in the operation of any of these information systems. The Senate provision included similar requirements to the House provisions.

The Senate recedes with an amendment that would establish registration and approval requirements to enhance the management and oversight of information technology acquisitions.

Tracking and management of information technology purchases (sec. 812)

The Senate amendment contained a provision (sec. 804) that would require the Secretary of Defense and the secretaries of the military departments to administer an automated system to track and manage purchases of information technology products and services in excess of the simplified acquisition threshold.

The House bill contained no similar provision.

The House recedes with an amendment requiring the Secretary of Defense to provide for the collection of data on purchases of information technology.

The conferees understand that the requirements of this section will be met through the incorporation of the new data elements into the Defense Contract Action Data System which is the DOD data collection system for reporting contract actions to the Federal Procurement Data System.

Appropriate use of requirements regarding experience and education of contractor personnel in the procurement of information technology services (sec. 813)

The Senate amendment contained a provision (sec. 816) that would limit the circumstances in which bid solicitations for contracts of information technology services set forth minimum contractor personnel requirements for contract award eligibility.

The House bill contained no similar provision.

The House recedes with an amendment that would preclude in the bid solicitation for any contract of information technology services, minimum requirements for contractor personnel unless: (1) the contracting officer first determines that the needs of the agency cannot be met without such requirement; or (2) the needs of the agency require the use of a type of contract other than a performance-based contract.

Navy-Marine Corps Intranet (sec. 814)

The House bill contained a provision (sec. 332) that would prohibit the Department of the Navy from using fiscal year 2001 funds for payment of a long-term contract for comprehensive end-to-end shore based information services, known as the Navy Marine Corps Intranet (NMCI), until supporting documentation is provided to Congress.

The Senate amendment contained a similar provision (sec. 810) that would require the Secretary of the Navy to submit a report to Congress before beginning performance of the NMCI contract. The Senate amendment would also require that the Marine Corps, the naval shipyards, and the naval aviation depots be excluded from the performance of the contract in the first year; the program be developed incrementally; the impact on federal employees be mitigated; and the program be implemented in accordance with the requirements of the Clinger-Cohen Act of 1996, and applicable regulations and directives.

The House recedes with an amendment that would prohibit the Department of Navy to obligate or expend funds on NMCI until the Comptroller of the Department of Defense and the Director of the Office of Management and Budget (OMB) have reviewed and commented on the Department of Navy's June 30, 2000, and July 15, 2000, reports to the Congress; and the Secretary of the Navy and the Chief of Naval Operations have submitted a joint certification to Congress that they have reviewed the business case for the contract, reviewed OMB and Department of Defense Comptroller comments, and have determined that implementation of the contract is in the best interest of the Department of the Navy. The amendment would also require additional certifications by the DOD Comptroller, the Secretary of the Navy, and Chief of Naval Operations before more than 15 percent of the planned total number of work stations could be provided under the NMCI program.

The conferees recognize the need to upgrade the Navy's shore based information infrastructure, but remain concerned about affordability and effective management oversight of the program. To reduce risk in the program, the conferees direct the Secretary of Navy to ensure that contract management organization and procedures are in place before a contract is awarded, service level agreements are fully defined in the contract, requirements are validated for information technology services requested, a comprehensive funding transition plan and schedule, which includes complete and comprehensive cost estimates, are developed, a system for tracking NMCI costs and benefits is established, outcome-oriented performance measures beyond those in the service-level agreements are established, oversight and reporting responsibilities (both within the Navy and DOD) over the NMCI program are finalized, and measures of success are defined for the first increment of the program.

The conferees direct the Comptroller General to review the Department of Navy's June 30, 2000, and July 15, 2000, reports to Congress on the NMCI. The Comptroller General shall report to the Committees on Armed Services of the Senate and House of Representatives, the Secretary of Navy, and the Chief of Naval Operations on the risks that face the Navy on the NMCI program and recommend actions to mitigate such risks no later than 30 days after the enactment of this Act.

Sense of Congress regarding information technology systems for guard and reserve components (sec. 815)

The House bill contained a provision (sec. 1040) that would express the sense of Congress regarding information technology systems.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Subtitle C—Other Acquisition-Related Matters

Improvements in procurements of services (sec. 821)

The Senate amendment contained a provision (sec. 801) that would improve the procurement of services by establishing: (1) a governmentwide preference for performance based service contracting; (2) a Department of Defense Center of Excellence for service contracts; and (3) an incentive for the use of performance-based service contracts within the Department of Defense by treating performance based service contracts or performance based service task orders under $5.0 million as commercial items and thereby authorizing the use of simplified commercial procedures under Part 12 of the Federal Acquisition Regulations.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Financial analysis of use of dual rate for quantifying overhead costs at army ammunition plants (sec. 822)

The Senate amendment contained a provision (sec. 813) that would require the Secretary of the Army to conduct a financial analysis of the benefits and costs of permitting the use of dual overhead rates at Department of Army government-owned facilities as a means of encouraging commercial use of these facilities.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the scope of the financial analysis to Department of Army ammunition facilities.

Repeal of prohibition on use of Department of Defense funds for the procurement of nuclear-capable shipyard crane from a foreign source (sec. 823)

The Senate amendment contained a provision (sec. 143) that would strike section 8093(d) of the Department of Defense Appropriations Act, 2000 (Public Law 106–79) relating to the prohibition on the use of Department of Defense funds to procure a nuclear-capable shipyard crane from a foreign source.

The House bill contained no similar provision.

The House recedes.

Extension of waiver period for live-fire survivability testing for MH–47E and MH–60K helicopter modifications programs (sec. 824)

The House bill contained a provision (sec. 804) that would amend section 142 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) to authorize the Secretary of Defense to waive the survivability testing requirements contained in section 2366 of title 10, United States Code, for the MH–47E and MH–60K helicopters prior to full materiel release of those systems.

The Senate amendment contained no similar provision.

The Senate recedes.

Compliance with existing law regarding purchases of equipment and products (sec. 825)

The House bill contained a provision (sec. 813) that would limit funds to be expended by an entity of the Department of Defense (DOD) unless the entity agrees to comply with the Buy America Act, express the sense of Congress stating that DOD should only purchase American-made equipment and products, and require the Secretary of Defense to determine whether a person should be debarred from federal contracting if that person has been convicted of fraudulent use of "Made in America" labels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the limitation on funding and express the sense of Congress that DOD should fully comply with the Buy America Act and section 2533, title 10, United State Code, regarding determinations of public interest under the Buy American Act.

Requirement to disregard certain agreements in awarding contracts for the purchase of firearms or ammunition (sec. 826)

The House bill contained a provision (sec. 810) that would prohibit the Department of Defense from using a preference for the procurement of items from a marketer or vendor of firearms or ammunition that has entered into an agreement to abide by a designated code of conduct, operating practice, or product design.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle D—Studies and Reports

Study on impact of foreign sourcing of systems on long-term military readiness and related industrial infrastructure (sec. 831)

The House bill contained a provision (sec. 809) that would require the Secretary of Defense to study and provide a report to Congress on whether parts, components, and materials of certain systems are obtained through domestic sources or from foreign sources, and the impact on military readiness of purchasing such items from foreign sources.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the scope and requirements of the study.

Study of policies and procedures for transfer of commercial activities (sec. 832)

The Senate amendment contained a provision (sec. 817) that would require the Comptroller General to convene a panel to study rules and procedures for public-private competitions for the performance of government commercial activities.

The House bill contained no similar provision.

The House recedes with an amendment that clarifies the scope and timing of the study.

Study and report on practice of contract bundling in military construction contracts (sec. 833)

The House bill contained a provision (sec. 811) that would would require the Comptroller General to study the use "contract bundling" in military construction contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

Requirement to conduct study on contract bundling (sec. 834)

The House bill contained a provision (sec. 812) that would require the Secretary of Defense to conduct a comprehensive study of contract bundling by the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the requirement for the establishment of a contracting data base and require that the study review the effect of contract bundling on historically underutilized business zones.

LEGISLATIVE PROVISIONS NOT ADOPTED

Management of acquisition of mission-essential software for major defense acquisition programs

The House bill contained a provision (sec. 803) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to designate a Director of Mission-Essential Software Management.

Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to report to Congress by March 1, 2001, on: (1) the roles of the Undersecretary of Defense for Acquisition and Technology and the Chief Information Officer of the Department of Defense (DOD) in developing, managing, and reviewing policies regarding the procurement of mission-essential software; and (2) the amount of funds for information technology and software used to support Department of Defense weapon systems.

Repeal of requirement for contractor assurances regarding the completeness, accuracy, and contractual sufficiency of technical data provided by contractor

The Senate amendment contained a provision (sec. 805) that would eliminate the requirement for contractors providing technical data to the government to furnish written assurances that the technical data is complete, accurate, and satisfies the requirements of the contract.

The House bill contained no similar provision.

The Senate recedes.

Revision of the organization and authority of the cost accounting standards board

The Senate amendment contained a provision (sec. 814) that would modify the composition of the cost accounting standards (CAS) board and provide CAS waiver authority for firm fixed price contracts for which the requirement to provide cost or pricing data was waived.

The House bill contained no similar provision.

The Senate recedes.

Technical data rights for items developed exclusively at private expense

The House bill contained a provision (sec. 802) that would amend section 2320 of title 10, United States Code, by modifying the circumstances under which a contractor would be considered responsive to a solicitation.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 2320 of title 10, United States Code, establishes the statutory basis for regulations governing rights in technical data under Department of Defense contracts. This provision establishes the basic rule that the government has unlimited rights to technical data developed exclusively with federal funds; the government does not generally have rights in technical data established exclusively at private expense; and rights to data developed in part with federal funds and in part at private expense are negotiable. When the government purchases an item developed exclusively at private expense, however, section 2320 reserves the government's limited right to technical data that " * * * is necessary for operation, maintenance, installation, or training (other than detailed manufacturing or process data)."

Department of Defense officials have noted that it is increasingly common that commercially-developed systems or components are either returned to the manufacturer for repair or discarded. In such cases, these officials state, the government does not need technical data, and the insistence that contractors provide such data could discourage commercial companies from doing business with the government.

The conferees believes that this concern is based upon a misreading of the statute. Section 2320 requires contractors to provide only technical data that "is necessary" for operation, maintenance, installation, or training. This requirement provides executive branch officials with the flexibility to determine what data, if any, is necessary for these limited purposes. If, in view of the manner in which the system or component will be used, no data is necessary for these purposes, the government should not require the seller to provide any such data. The conferees direct the Department to review the regulations implementing section 2320 and adopt any changes that may be necessary to clarify this point.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Duties and Functions of Department of Defense Officers

Overall supervision of Department of Defense activities for combating terrorism (sec. 901)

The Senate amendment contained a provision (sec. 902) that would designate the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (ASD-SOLIC) as the principal civilian advisor to the Secretary of Defense on, and the principal official within the senior management of the Department of Defense (DOD) (after the Secretary and Deputy Secretary of Defense) responsible for, combating terrorism. The ASD-SOLIC would provide overall direction and supervision for policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for combating terrorism, including antiterrorism activities, counterterrorism activities, terrorism consequence management activities, and terrorism-related intelligence support activities.

The House bill contained no similar provision.

The House recedes with an amendment that provides the Secretary with the discretion to designate any one of the assistant secretaries with the overall supervision of the Department's combating terrorism activities. The amendment specifies that should the Secretary designate an assistant secretary other than ASD-SOLIC, then the responsibilities of the ASD-SOLIC related to combating terrorism shall be exercised subject to this provision.

Change of title of certain positions in the Headquarters, Marine Corps (sec. 902)

The House bill contained a provision (sec. 901) that would abolish the positions of Chief of Staff and Deputy and Assistant Chiefs of Staff from Headquarters, Marine Corps, and would authorize five Deputy Commandant positions within Headquarters, Marine Corps.

The Senate amendment contained no similar provision.

The Senate recedes.

Clarification of scope of Inspector General authorities under military whistleblower law (sec. 903)

The House bill contained a provision (sec. 903) that would clarify the responsibilities of inspectors general under section 1034 of title 10, United States Code, and would also clarify that the provisions of this statute applied to any officer of the armed forces or civilian employee of the Department of Defense assigned or detailed to serve as an Inspector General at any level in the Department.

The Senate amendment contained a similar provision (sec. 905).

The Senate recedes.

Policy to ensure conduct of science and technology programs so as to foster the transition of science and technology to higher levels of research, development, test, and evaluation (sec. 904)

The Senate amendment contained a provision (sec. 914) that would clarify the duties of the Chief of Naval Research to stress the responsibility for transition of science and technology to higher levels of research, development, test and evaluation (RDT&E).

The House bill contained no similar provision.

The House recedes with an amendment that would emphasize the role in fostering the transition of science and technology to higher levels for all of the officers currently assigned such duties: the Undersecretary of Defense for Acquisition, Technology and Logistics, the secretaries of the military departments, and directors of defense agencies with assigned research, development, test, and evaluation. The provision would also specifically address the role of the Chief of Naval Research relative to assigned duties relating to basic and applied research and advanced technology development as provided in section 5022 of Title 10, United States Code. By transition to higher levels of RDT&E, the conferees intend to include the following: transition of technology to higher budget categories of RDT&E; to useful application in industry to operational military techniques; to accessing, retaining, training and educating military and civilian members of the Department of Defense; to procurement and to other applications that improve the effectiveness or reduce the cost of equipment or operations within the Department.

The conferees are concerned that the percentage of technology initiatives incorporated into acquisition programs continues to be low. In some cases, this transition problem may be attributable to the rapid pace of technological developments and the comparatively slow pace of the acquisition system. However, there also appears to be a communication problem between the science and technology community and the acquisition community in all three services. The conferees believe that a strong commitment to technology transition is needed in both communities to ensure the successful incorporation of technology developments into weapon systems.

Additional components of Chairman of the Joint Chiefs of Staff annual report on combatant command requirements (sec. 905)

The Senate amendment contained a provision (sec. 1021) that would amend section 153 of title 10, United States Code, to require the Chairman of the Joint Chiefs to include within his report to Congress on the readiness requirements of the combatant commanders information on the extent to which those requirements are addressed in the Future Years Defense Program.

The House bill contained no similar provision.

The House recedes with an amendment that would amend the date of the report to February 1 of each year, and would require the identification of the extent to which the Future Years Defense Program includes funds to address the capability shortfalls identified during the Joint Readiness Review conducted during the first quarter of the fiscal year.

Subtitle B—Department of Defense Organization

Western Hemisphere Institute for Security Cooperation (sec. 911)

The House bill contained a provision (sec. 908) that would amend Chapter 108 of Title 10, United States Code, authorizing the Army to operate the U.S. Army School of the Americas and would authorize the Secretary of Defense to operate a Defense Institute for Hemispheric Security Cooperation. The institute would be operated for the purpose of providing professional education and training in defense and security matters to military, law enforcement and civilian personnel of nations of the Western Hemisphere. The curricula of the institute would include a minimum of eight hours of instruction per student in human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society. There would be a board of visitors to oversee the activities and curricula of the institute and the board would submit an annual report to the Secretary of Defense and, in turn, to Congress.

The Senate amendment contained a provision (sec. 1204) that would amend Chapter 108 of Title 10, United States Code, authorizing the Army to operate the U.S. Army School of the Americas and would authorize the Secretary of Defense to operate a Western Hemisphere Institute for Professional Education and Training. The institute would be operated for the purpose of providing professional education and training to military, law enforcement and civilian personnel of the Western Hemisphere in areas such as leadership development, counterdrug operations, peace support operations, and disaster relief. The curricula of the institution would include, at a minimum, eight hours of instruction relating to human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society. There would be a board of visitors, including four members of Congress and six members from academia, the religious community, and the human rights community, to review the institute's curricula and instruction. The board would submit an annual report to the Secretary of Defense. The Secretary of Defense would submit an annual report, in coordination with the Secretary of State and the heads of other agencies, to Congress detailing the activities of the institute during the previous calendar year.

The House recedes with an amendment that would name the institute the Western Hemisphere Institute for Security Cooperation; modify the composition of the board of visitors to include the Chairman and Ranking Members of the Armed Services Committees of the Senate and the House of Representatives, or their designees; modify the role of the Secretary of State with regard to the selection of the institute's foreign students; and require the Secretary of Defense to consult only with the Secretary of State in the preparation of the annual report.

Department of Defense regional centers for security studies (sec. 912)

The House bill contained a provision (sec. 909) that would amend title 10, United States Code, to consolidate various authorities that currently exist regarding the operation of Department of Defense (DOD) regional centers for security studies. The provision would also require congressional notification of an intent to establish additional regional centers and an annual report to Congress by the Secretary of Defense on the status, objectives, and operations of the regional centers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the consolidation requirement and expand the annual report section by requiring that budgetary and international participation information be included in the report. The amendment would also require the first annual report to include any recommendation for legislation that the Secretary considers appropriate for the operation of DOD regional centers.

The conferees note their intent to address next year the full range of issues identified by the Department, taking into account the information contained in the report required by this section.

Change in name of Armed Forces Staff College to Joint Forces Staff College (sec. 913)

The House bill contained a provision (sec. 910) that would amend section 2165 of title 10, United States Code, to change the name of the Armed Forces Staff College to Joint Forces Staff College.

The Senate amendment contained no similar provision.

The Senate recedes.

Special authority for administration of Navy Fisher Houses (sec. 914)

The Senate amendment contained a provision (sec. 908) that would clarify the degree to which the Navy Fisher Houses may be provided common support equivalent to category B community support activities and would permit the current general schedule employees to continue to serve until they leave those positions.

The House bill contained no similar provision.

The House recedes.

Supervisory control of Armed Forces Retirement Home Board by Secretary of Defense (sec. 915)

The Senate amendment contained a provision (sec. 911) that would require the Armed Forces Retirement Home Board to be subject to the authority, direction, and control of the Secretary of Defense on the performance of its responsibilities, and would give the Secretary of Defense authority over appointment and terms of board members, and would make the Chairman of the Retirement Home Board responsible to the Secretary of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would establish the effective date for the provision as the date on which the Secretary of Defense increases the monthly contribution of enlisted and warrant officer personnel from $0.50 to $1.00 per month.

Semiannual report on the Joint Requirements Oversight Council reform initiative (sec. 916)

The Senate amendment contained a provision (sec. 1022) that would require the Chairman of the Joint Chiefs of Staff to submit a semiannual report to the congressional defense committees on specific activities of the Joint Requirements Oversight Council.

The House bill contained no similar provision.

The House recedes with an amendment that would terminate the requirement for this report upon submission of a fifth and final report no later than March 1, 2003. The amendment would establish reporting periods and specific dates for the submission of the required reports and clarifies specific reporting requirements.

Comptroller General review of operations of Defense Logistics Agency (sec. 917)

The Senate bill contained a provision (sec. 1025) that would require the Comptroller General to conduct a review of all the functions of the Defense Logistics Agency to assess their efficiency, their effectiveness in meeting customer needs, their ability to adopt best business practices, and to identify alternative approaches for improving the agency's operations.

The House amendment had no similar provision.

The House recedes.

Comptroller General review of operations of Defense Information Systems Agency (sec. 918)

The Senate amendment contained a provision (sec. 1026) that would require the Comptroller General to conduct a comprehensive review of the operations of the Defense Information Systems Agency and make such recommendations that the Comptroller General determines would improve the support that this agency provides to the military services.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle C—Information Security

Institute for Defense Computer Security and Information Protection (sec. 921)

The Senate amendment contained a provision (sec. 1041) that would require the Secretary of Defense to establish an Institute for Defense Computer Security and Information Protection to conduct research and technology development in the area of information assurance and to facilitate the exchange of information regarding cyberthreats, technology, tools, and other relevant issues. The provision would also authorize $10.0 million for the Institute.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize $5.0 million for the Institute.

Information security scholarship program (sec. 922)

The Senate amendment contained a provision (sec. 1042) that would amend Part III of subtitle A of title 10, United States Code, by establishing an Information Security Scholarship Program. The program would authorize the Secretary of Defense to award grants to institutions of higher education to establish or improve programs in information security and to provide financial assistance to persons pursuing a baccalaureate or advanced degree in information assurance. Grant recipients would incur a government service commitment commensurate with the educational benefit, as determined by the Secretary. The provision would also authorize $20.0 million to support the program.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary to utilize the scholarship program to support associate degrees or certification programs in information security, in addition to baccalaureate or advanced degrees, and would authorize $15.0 million to support the program.

Subtitle D—Reports

Date of submittal of reports on shortfalls in equipment procurement and military construction for reserve components in future-years defense programs (sec. 931)

The Senate amendment contained a provision (sec. 1024) that would amend section 10543 of title 10, United States Code, to specify that the report required by the section be submitted not later than 15 days after the date on which the President submits to Congress the budget for a fiscal year.

The House bill contained no similar provision.

The House recedes.

Report on number of personnel assigned to legislative liaison functions (sec. 932)

The House bill contained a provision (sec. 904) that would require the Secretary of Defense to provide to the Committees on Armed Services of the Senate and the House of Representatives, not later than December 1, 2000, a report identifying all personnel assigned to legislative affairs and legislative liaison functions throughout the military departments and all defense agencies.

The Senate amendment contained no similar provision.

The Senate recedes.

Joint report on establishment of national collaborative information analysis capability (sec. 933)

The House bill contained a provision (sec. 905) that would: (1) require the Secretary of Defense and the Director of Central Intelligence to prepare a joint report assessing alternatives for the establishment of a national collaborative information analysis capability; (2) require the Secretary of Defense to complete the data mining, profiling, and analysis capability of the Army's Land Information Warfare Activity; and (3) restrict funds to establish, support, or implement a data mining and analysis capability until such a capability is specifically authorized by law.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) require the Secretary of Defense and the Director of Central Intelligence to prepare a joint report assessing alternatives for the establishment of a national collaborative information analysis capability; and (2) require the Secretary of Defense to complete the data mining, profiling, and analysis capability of the Army's Land Information Warfare Activity. The amendment would not restrict funds, but would require the Secretary to make appropriate use of such capability to provide support to appropriate national defense components.

Network centric warfare (sec. 934)

The House bill contained a provision (sec. 907) that would require the Secretary of Defense to submit a report to the congressional defense committees outlining the efforts of the Department to define and integrate network centric warfare concepts into its vision for future military operations.

The Senate amendment contained a similar provision (sec. 906) that would require the Secretary of Defense to submit three reports: (1) a report on the implementation of network centric warfare principles; (2) a study on the use of joint experimentation for developing network centric warfare concepts; and (3) a report on science and technology programs to support network centric warfare concepts.

The House recedes with an amendment that would establish a requirement for the Secretary of Defense to submit two reports: (1) a report on implementation of network centric warfare principles; and (2) a study on the use of joint experimentation for developing network centric warfare concepts. The amendment would further clarify specific elements of the information to be included in the reports.

Report on Air Force Institute of Technology (sec. 935)

The Senate amendment contained a provision (sec. 915) that would amend Part III of subtitle D of title 10, United States Code, to codify the Air Force Institute of Technology and provide a sense of the Senate that the Air Force should review the organizational structure and operations of the institute.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of the Air Force to submit a report to the Committee on Armed Services of the Senate and the House of Representatives on the roles and missions, organizational structure, funding, and operations of the Air Force Institute of Technology as projected through 2010.

Subtitle E—Other Matters

Flexibility in implementation of limitation on major Department of Defense headquarters activities personnel (sec. 941)

The Senate amendment contained a provision (sec. 901) that would repeal the requirement to reduce the number of personnel assigned to major Department of Defense headquarters activities.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 130a of title 10, United States Code, to give the Secretary of Defense the discretion to reduce the required personnel reductions in major Department of Defense headquarters by a cumulative total of 7.5 percent following a certification to Congress that execution of the current 15 percent reductions would adversely impact National Security.

Consolidation of certain Navy gift funds (sec. 942)

The Senate amendment contained a provision (sec. 912) that would authorize the Secretary of the Navy to transfer all amounts in the Naval Historical Center Fund to the Department of the Navy General Gift Fund and to close the Naval Historical Fund. The provision would authorize the Secretary of the Navy to transfer all amounts in the United States Naval Academy Museum Fund to the gift fund maintained for the benefit and use of the United States Naval Academy and to close the United States Naval Academy Museum fund.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Temporary authority to dispose of a gift previously accepted for the Naval Academy (sec. 943)

The Senate amendment contained a provision (sec. 913) that would authorize the Naval Academy to, during fiscal year 2001 and at the request of the donor, transfer a gift previously given to the Naval Academy Gift Fund to another entity.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Defense acquisition workforce

The House bill contained a provision (sec. 902) that would require the Secretary of Defense to implement 13,000 reductions in the Department of Defense acquisition workforce in fiscal year 2001 and would direct the Secretary of Defense to provide a report containing an implementation plan for re-shaping, recruiting, and sustaining the Department's acquisition workforce and any changes in statutory authorities that the Secretary deems necessary.

The Senate amendment contained a provision (sec. 812) that would establish a moratorium on further cuts in the acquisition workforce for three years and require a report on the sufficiency of the acquisition and support workforce of the Department of Defense.

The conference agreement does not include this provision.

National Defense Panel 2001

The Senate amendment contained a provision (sec. 903) that would require the Secretary of Defense to establish a non-partisan, independent panel to be known as the National Defense Panel 2001, to accompany the Quadrennial Defense Review being conducted in 2001.

The House bill contained no similar provision.

The Senate recedes.

Quadrennial National Defense Panel

The Senate amendment contained a provision (sec. 904) that would amend title 10, United States Code, to require that the Secretary of Defense establish, on a recurring basis, every four years in the year preceding the inauguration of a President, a non-partisan, independent panel to be known as the National Defense Panel to complement the Quadrennial Defense Review.

The House bill contained no similar provision.

The Senate recedes.

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Financial Matters

Transfer authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would provide the reprogramming authority for the transfer of authorized funds made available in Division A of this Act.

The Senate amendment contained an identical provision.

The conference agreement includes this provision.

Incorporation of classified annex (sec. 1002)

The House bill contained a provision (sec. 1002) that would incorporate the classified annex prepared by the Committee on Armed Services into this Act.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would provide that the classified annex prepared by the committee of conference be incorporated into this Act.

Authorization of emergency supplemental appropriations for fiscal year 2000 (sec. 1003)

The House bill contained a provision (sec. 1003) that would authorize the emergency supplemental appropriations enacted in the 2000 Supplemental Appropriations and Rescissions Act (Public Law 106-246) or in title IX of the Department of Defense Appropriations Act, 2001 (Public Law 106-259). The supplemental provided funding for fiscal year 2000 expenses related to military operations in Kosovo, drug interdiction and counter-drug activities, and natural disasters

The Senate amendment contained a similar provision.

The House recedes with a technical amendment.

United States contribution to NATO common-funded budgets in fiscal year 2001 (sec. 1004)

The Senate amendment contained a provision (sec. 1003) that would authorize the U.S. contribution to NATO common-funded budgets for fiscal year 2001, including the use of unexpended balances from prior years. The resolution of ratification for the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary and the Czech Republic contained a provision (section 3(2)(c)(ii)) requiring a specific authorization for U.S. payments to the common-funded budgets of NATO for each fiscal year, beginning in fiscal year 1999, that payments exceed the fiscal year 1998 total.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2001 (sec. 1005)

The House bill contained a provision (sec. 1005) that would limit the amount of funds authorized to be appropriated for incremental costs of the armed forces for peacekeeping operations in Bosnia and Kosovo in fiscal year 2001 to the amounts contained in the budget request: $1,387.8 million for Bosnia and $1,650.4 million for Kosovo. The provision would authorize the President to waive the limitation after submitting to Congress: (1) a written certification that the waiver is necessary in the national security interests of the United States and that the exercise of the waiver will not adversely affect the readiness of U.S. military forces; (2) a report setting forth the reasons for the waiver, to include a discussion of the impact of U.S. military involvement in Balkan peacekeeping operations on U.S. military readiness; and (3) a supplemental appropriations request for the Department of Defense for the additional fiscal year 2001 costs associated with U.S. military participation in or support for peacekeeping operations in Bosnia and Kosovo.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Requirement for prompt payment of contract vouchers (sec. 1006)

The Senate amendment contained a provision (sec. 1005) that would require the Secretary of Defense to reduce the backlog of vouchers to be paid by the Defense Finance and Accounting Service to five percent or less of the total Mechanization of Contract Administration Service vouchers received. The provision would further require the Secretary of Defense to submit a report to Congress for any month in which the five percent goal is not met. The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to continue to report to Congress for the next four years.

Plan for the prompt recording of obligations of funds for contractual transactions (sec. 1007)

The Senate amendment contained a provision (sec. 1007) that would require the Secretary of Defense to submit a plan concerning the timely posting of obligations uniformly throughout the Department of Defense.

The House bill contained no similar provisions.

The House recedes with a technical and clarifying amendment.

Electronic submission and processing of claims for contract payments (sec. 1008)

The Senate amendment contained a provision (sec. 1008) that would require the Secretary of Defense to submit a plan to the congressional defense committees by March 31, 2001, for the electronic submission of contract supporting transactions, such as invoices, receiving reports, and certifications. The provision would also require the Secretary to carry out this plan without establishing a specific deadline.

The House bill contained no similar provision.

The House recedes with an amendment that would provide for a waiver in cases where the Secretary determines that the requirement for using electronic means for submitting claims for a particular type of contracts is unduly burdensome and establishes an implementation date of June 30, 2001, that may be waived until October 1, 2002.

Administrative offsets for overpayment of transportation costs (sec. 1009)

The Senate amendment contained a provision (sec. 1009) that would provide a streamlined offset procedure for amounts overpaid for transportation services that are below the simplified acquisition threshold of $100,000. The amounts offset would be credited to the appropriation or accounts that funded the transportation service.

The House bill contained no similar provision.

The House recedes with an amendment that would ensure an appeals process in cases where the vendor challenges the amount of the administrative offset.

Interest penalties for late payments of interim payments due under Government service contracts (sec. 1010)

The Senate amendment contained a provision (sec. 1010A) that would require the payment of interest on vouchers for service received and not paid for more than 30 days.

The House bill contained no similar provision.

The House recedes with a technical and clarifying amendment.

Subtitle B—Naval Vessels and Shipyards

Revisions to national defense features program (sec. 1011)

The House bill contained a provision (sec. 1011) that would amend section 2218 of title 10, United States Code, to permit the payment to a vessel operator, as consideration for making a vessel available to the government, on such terms as the Secretary of Defense or the secretary of a military department and the operator agree, in an amount equal to the cost of maintaining the vessel in a four day reduced operating status (ROS-4) condition in the ready reserve fleet for a period of 25 years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a notification to Congress 90 days prior to entering into a contract for national defense features authorized by this provision.

Sense of Congress on the naming of the CVN-77 aircraft carrier (sec. 1012)

The Senate amendment contained a provision (sec. 1058) that would express a sense of Congress that the President designate the final Nimitz-class aircraft carrier, CVN-77, as the U.S.S. Lexington.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to transfer naval vessels to certain foreign countries (sec. 1013)

The Senate amendment contained a provision (sec. 1201) that would authorize the Secretary of the Navy to transfer to various countries on a combined lease-sale basis the following: four Kidd-class destroyers and four Oliver Hazard Perry-class frigates; and, on a grant basis, two Thomaston-class dock landing ships, four Garcia-class frigates, one Dixie-class destroyer tender, and two Knox-class frigates. Any expense incurred by the United States in connection with these transfers would be charged to the recipient. The provision would also: (1) direct that, to the maximum extent possible, the Secretary of the Navy shall require, as a condition of transfer, that repair and refurbishment associated with the transfer be accomplished in a shipyard located in the United States; and (2) stipulate that the authority to transfer these vessels will expire at the end of a two-year period that begins on the date of enactment of the National Defense Authorization Act for Fiscal Year 2001.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the President to transfer to various countries the following: four Oliver Hazard Perry-class frigates on a combined lease-sale basis; and, on a grant basis, two Thomaston-class dock landing ships, four Garcia-class frigates, and two Knox-class frigates.

Authority to consent to retransfer of alternative former naval vessel by Government of Greece (sec. 1014)

The Senate amendment contained a provision (sec. 1212) that would provide authority for the retransfer of ex-LST 325 or any other former U.S. LST that is excess to the needs of the government of Greece.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle C—Counter-Drug Activities

The budget request for drug interdiction and other counter-drug activities of the Department of Defense (DOD) included approximately $1,070.1 million for fiscal year 2001: $836.3 million for the central transfer account, $155.9 million within the operating budgets of the military services for authorized counter-drug operations, and $76.8 million in the military construction account (division B of this Act) for infrastructure improvements at the forward operating locations.

The conferees recommend the following fiscal year 2001 budget for the Department's counter-drug activities.

Drug interdiction & counter-drug activities, operations and maintenance & military construction

[In millions of dollars; may not add due to rounding]

Fiscal Year 2001 Counter-drug Request	$1,070.1
Goal 1 (Dependent Demand Reduction)	22.7
Goal 2 (Support to DLEAs)	89.9
Goal 3 (DOD Personnel Demand Reduction)	74.0
Goal 4 (Drug Interdiction—TZ/SWB)	447.4
Goal 5 (Supply Reduction)	435.9
Increases:	
Caper Focus	6.0
Puerto Rico ROTHR Security	1.0
Southwest Border Fence	5.0
Tethered Aerostat	10.0
National Guard Counter-drug Activities	25.0
Global Hawk	18.0
Other counter-narcotics activities	23.1
Decreases:	
Air National Guard Fighter Counter-Drug Operations	5.0
Carribean Law Enforcement Support	3.0
Patrol Coastal Upgrades	3.0
Mexico Counter-Drug Support	3.0
Plan Colombia	41.4
Forward Operating Locations(division B)	76.8
Emergency Supplemental Appropriations Act, 2000 (division B of Public Law 106-246	270.6
Forward Operating Locations	116.5
Plan Colombia	154.1
Fiscal Year 2001 Counter-drug Funding	1,026.0

National Guard counter-drug activities

The conferees agree to authorize an increase of $25.0 million for the counter-drug activities of the National Guard including regional counter-drug training operations such as the Regional Counter-Drug Training Academy, and the Northeast Counter-Drug Training Center.

Global Hawk

The conferees agree to authorize $18.0 million for the concept demonstration of the Global Hawk unmanned aerial vehicle in a counter-drug role as required in title II this bill.

Other

The conferees agree to authorize $23.1 million for additional high-value counter-narcotics activities of the Department of Defense.

Caribbean law enforcement support

The budget request included $6.7 million for assistance to law enforcement agencies of

Carribean nations. The conferees agree to authorize a decrease of $3.0 million for this activity. The conferees expect the Department of State to provide support for this activity in the future.

Plan Colombia

The conferees agree to authorize a decrease of $41.4 million for Plan Colombia to reflect the fact that these funds were provided through the Emergency Supplemental Appropriations Act, 2000 (division B of Public Law 106–246).

Forward operating locations

The conferees agree to authorize a decrease of $76.8 million, as indicated in division B of this Act, for forward operating locations to reflect the fact that these funds were provided through the Emergency Supplemental Appropriations Act, 2000 (division B of Public Law 106–246).

Extension of authority to provide additional support for counter-drug activities of Colombia (sec. 1021)

The Senate amendment contained a provision (sec. 1011) that would extend through fiscal year 2006 the authority for the Department of Defense to provide counter-drug assistance to the Government of Colombia. The provision would also increase the level of resources authorized to be expended through this authority to $40.0 million each fiscal year.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the extension of the current program for Colombia through fiscal year 2006.

Report on Department of Defense expenditures to support foreign counter-drug activities (sec. 1022)

The House bill contained a provision (sec. 1021) that would require the Secretary of Defense to provide the congressional defense committees with a report that details the expenditure of funds by the Secretary during fiscal year 2000 in direct or indirect support of the counter-drug activities of foreign governments.

The Senate amendment contained no similar provision.

The Senate recedes.

Recommendations on expansion of support for counter-drug activities (sec. 1023)

The Senate amendment contained a provision (sec. 1012) that would require the Secretary of Defense to provide a report to the Committees on Armed Services of the Senate and House of Representatives that would outline the Secretary's recommendations on expanding the Department of Defense counter-drug authorities under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85).

The House bill contained no similar provision.

The House recedes.

Review of riverine counter-drug program (sec. 1024)

The Senate amendment contained a provision (sec. 1013) that would require the Secretary of Defense, acting through the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, to review the riverine counter-drug program and provide a report to Congress on the results of that review. The report should include an assessment of the effectiveness of the program for each country receiving support and a recommendation regarding which of the armed forces, units of the armed forces, or other organizations within the Department of Defense should be responsible for managing the program.

The House bill contained no similar provision.

The House recedes.

Report on tethered aerostat radar system (sec. 1025)

The House bill contained a provision (sec. 1022) that would require the Secretary of Defense, in consultation with the Commissioner of Customs, to provide Congress with a report on the status of the tethered aerostat radar system used to conduct counter-drug detection and monitoring, and border security and air sovereignty operations.

The Senate amendment contained a provision (sec. 315) that would authorize $33.0 million for continued operation and standardization of the tethered aerostat radar system.

The Senate recedes with an amendment that would require the Secretary of Defense to consult with the Secretary of the Treasury in the preparation of the report.

The conferees also agree to authorize an increase of $10.0 million for this program in the central transfer account, and an increase of $8.5 million for this program in title III of this Act.

Sense of Congress regarding use of the armed forces for counter-drug and counter-terrorism activities (sec. 1026)

The House bill contained a provision (sec. 1041) that would authorize the use of military personnel to assist the Immigration and Naturalization Service and the Customs Service in preventing the entry of terrorists, drug traffickers, weapons of mass destruction, illegal narcotics and related items into the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the President, as provided for under current law, should be able to use military personnel to assist law enforcement agencies in preventing the entry of terrorists, drug traffickers, weapons of mass destruction, illegal narcotics and related items into the United States. This provision would not supercede section 375 of title 10, United States Code, which specifically prohibits "direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity," or section 1385 of title 18, United States Code, which specifically prohibits the use of the military to execute the laws.

The conferees note that sections 373 and 374 of title 10, United States Code, allow the Secretary of Defense to make military personnel available to train, advise, and assist federal, state, and local civilian law enforcement agencies through the operation of equipment in support of enforcement activities, including counter-terrorism and counter-narcotics.

Subtitle D—Counterterrorism and Domestic Preparedness

Preparedness of military installation first responders for incidents involving weapons of mass destruction (sec. 1031)

The Senate amendment contained a provision (sec. 1023) that would direct, not later than 90 days after the date of enactment of this act, the Secretary of Defense to submit to Congress a report on the program of the Department of Defense (DOD) to ensure the preparedness of DOD first responders for incidents involving weapons of mass destruction on military installations. The provision would direct the Secretary to include within the report the following: (1) a detailed description of the program; (2) the schedule and costs associated with the implementation of the program; (3) how the program is being coordinated with first responders in the communities in the localities of the installations; (4) and the plan for promoting the interoperability of the equipment used by first responders on DOD installations with the equipment used by the first responders in the local communities.

The House bill contained no similar provision.

The House recedes with an amendment that would require the report to include a description of deficiencies in the preparedness of DOD installations to respond to a weapon of mass destruction incident and the plans of the Department to correct those deficiencies.

Additional weapons of mass destruction civil support teams (sec. 1032)

The House bill contained a provision (sec. 1038) that would authorize the Secretary of Defense to establish up to five additional Weapons of Mass Destruction Civil Support Teams (WMD–CSTs) (for a total of 32), to the extent that sources of funding for such additional teams are identified.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment specifying that the Secretary shall establish five additional WMD–CSTs (for a total of 32). The amendment also would remove language stating that the Secretary shall establish the teams only to the extent that sources of funding are identified. The conferees note that $15.7 million is authorized, as noted elsewhere in this report, to fund the five additional WMD–CSTs.

Authority to provide loan guarantees to improve domestic preparedness to combat cyberterrorism (sec. 1033)

The House bill contained a provision (sec. 1036) that would authorize the Secretary of Defense, subject to appropriations, to guarantee the repayment of loans, up to $10.0 million with respect to all borrowers, for qualified commercial firms to improve their information security in ways that improve the information assurance of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that the Secretary of Defense can contract out to a private entity for administration of the loan guarantee program, but not for the guarantees themselves.

Report on the status of domestic preparedness against the threat of biological terrorism (sec. 1034)

The Senate amendment contained a provision (sec. 1028) that would require the President to prepare a report on the status of domestic preparedness against the threat of biological terrorism. The report shall be delivered to the Congress not later than March 31, 2001.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to prepare, in consultation with the Director of Central Intelligence, an intelligence estimate assessing the threat to the United States posed by a terrorist using a biological weapon. The intelligence estimate will also include an assessment of the relative consequences of a biological terrorist attack compared to attacks using other types of weapons. The Secretary shall submit the intelligence estimate to Congress not later than March 1, 2001.

Report on strategy, policies, and programs to combat domestic terrorism (sec. 1035)

The conferees continue to be concerned about the threat of domestic terrorism, particularly involving the use of weapons of mass destruction (WMD), and the ability of the Federal Government to counter this threat. The conferees note that the Comptroller General has published a series of reports on federal programs to combat domestic terrorism, documenting the progress and problems in organizing and preparing to respond to a domestic terrorist incident.

The conferees agree to a provision that would require the Comptroller General to provide an updated report to Congress, not later than 180 days after enactment of this Act, on federal strategy, policy and programs to combat domestic terrorism. The conferees direct the Comptroller General to include in the report on combating domestic terrorism a discussion of the following issues: lead agency responsibility for crisis and consequence management; adequacy of existing plans formulated by the various federal agencies; threat and risk assessments; command and control structures; exercises, including a thorough assessment of the recent Top Official Exercise 2000; cyberterrorism; and research and development efforts of new technologies.

Subtitle E—Strategic Forces

Revised nuclear posture review (sec. 1041)

The Senate amendment contained a provision (sec. 1015) that would require the Secretary of Defense, in consultation with the Secretary of Energy, to conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees direct the Secretary of Defense, in conducting the revised nuclear posture review, to consult with the Secretary of Energy only on those matters that relate to the nuclear weapons stockpile. The conferees urge the Secretary of Defense to consider, in conducting the revised nuclear posture review, the results of the report on strategic stability under START III, as required by section 1503 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

Plan for the long-term sustainment and modernization of United States strategic nuclear forces (sec. 1042)

The Senate amendment contained a provision (sec. 1016) that would require the Secretary of Defense, in consultation with the Secretary of Energy, to develop a long-range plan for the sustainment and modernization of United States strategic nuclear forces to counter emerging threats and to satisfy the evolving requirements of deterrence.

The House bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, in preparing the plan, to consult with the Secretary of Energy only on those matters that relate to the nuclear weapons stockpile.

Modification of scope of waiver authority for limitation on retirement or dismantlement of strategic nuclear delivery systems (sec. 1043)

The Senate amendment contained a provision (sec. 1017) that would: (1) amend section 1302(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) to clarify that the waiver contained in that section applies to all of the strategic nuclear delivery systems specified in section 1302(a); and (2) following completion of a new nuclear posture review, allow the President to waive the limitation on retirement or dismantlement of strategic nuclear delivery systems if the President determines that it is in the national security interests of the United States to do so.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 1302(b) of the National Defense Authorization Act for Fiscal Year 1998 to modify the waiver contained in that section to apply to all of the strategic nuclear delivery systems specified in section 1302(a).

Report on the defeat of hardened and deeply buried targets (sec. 1044)

The Senate amendment contained a provision (sec. 1018) that would require the Secretaries of Defense and Energy to assess requirements and options for defeating hardened and deeply buried targets. The provision would expressly authorize the Department of Energy (DOE) to conduct any limited research and development that may be necessary to complete such assessments.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that a recent legal interpretation of existing law raised questions regarding whether DOE could participate in or otherwise support certain Department of Defense (DOD) studies and options assessments for defeating hardened and deeply buried targets. This expressly allows DOE to assist DOD with a review of these targets and the options for defeating such targets. The conferees believe that DOE should provide information and other assistance required to help DOD make informed decisions on whether: (1) to proceed with a new method of defeating hardened and deeply buried targets; and (2) to seek any necessary modifications to existing law.

The conferees are concerned that the ability to defeat hardened and deeply buried targets will continue to be a significant challenge for the foreseeable future.

Sense of Congress on the maintenance of the Strategic Nuclear Triad (sec. 1045)

The Senate amendment contained a provision (sec. 1019) that would express a sense of the Senate that, in light of the potential for further arms control agreements with the Russian Federation limiting strategic forces: (1) it is in the national interest of the United States to maintain a robust and balanced triad of strategic nuclear delivery systems; and (2) reductions to U.S. conventional bomber capability are not in the national interest of the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would express a sense of Congress on this matter.

Subtitle F—Miscellaneous Reporting Requirements

Management review of working-capital fund activities (sec. 1051)

The Senate amendment contained a provision (sec. 1030) that would require the Comptroller General to review working-capital fund activities and identify potential process or policies that would result in more efficient and economical operations of those activities.

The House bill amendment contained no similar provision.

The House recedes.

Report on submarine rescue support vessels (sec. 1052)

The Senate amendment contained a provision (sec. 1031) that would require the Secretary of the Navy to report on the plan for providing submarine rescue support vessels through fiscal year 2007.

The House bill contained no similar provision.

The House recedes.

Report on Federal Government progress in developing information assurance strategies (sec. 1053)

The Senate amendment contained a provision (sec. 1032) that would require the Federal Government to report on the status of implementation of information assurance strategies outlined in Presidential Decision Directive Number 63 and the roles and responsibilities of the Department of Defense in defending against attacks on the critical infrastructure of the United States.

The House bill contained no similar provision.

The House recedes with a clarifying amendment on the scope, timing, and requirements of the information reported to Congress.

Department of Defense process for decisionmaking in cases of false claims (sec. 1054)

The Senate amendment contained a provision (sec. 1065) that would require the Secretary of Defense to submit to Congress a report describing the policies and procedures for Department of Defense decisionmaking under the Civil False Claims Act (31 U.S.C. 3729 et seq.) and any changes made in the policies and procedures since January 1, 2000.

The House bill contained no similar provision.

The House recedes with an amendment requiring that the report also address the manner in which the policies and procedures have been implemented.

Subtitle G—Government Information Security Reform

Government information security reform (secs. 1061–1065)

The Senate amendment contained a series of provisions (secs. 1401–1405) that would provide for reform of federal information security practices.

The House bill contained no similar provision.

The House recedes with an amendment that would simplify audit and evaluation requirements and would clarify the roles and responsibilities of the Department of Defense (DOD).

The amendment would establish a new subchapter of title 44, United States Code, addressing the responsibilities of the Office of Management and Budget (OMB) and federal agencies in the area of information security. This new subchapter would remain in effect for two years after the effective date of the provision. The amendment would provide specific guidance on the responsibilities of certain agencies including the DOD. The amendment would also address the relationship between the defense information assurance program established under section 2224, title 10, United States Code, and the government-wide information security program.

The conferees note that the conference agreement would provide the DOD authority to implement its own information assurance policy in accordance with the requirements of section 2224, title 10, United States Code. The amendment would require the Director of OMB to delegate policy and oversight authority with regard to national security systems, classified systems, and other critical information systems of the Department of Defense and Intelligence Community to the Secretary of Defense, the Director of Central Intelligence, and, if designated by the President, an additional agency head. These agencies would be directed to develop their own information security policies, principles, standards, and guidelines. For the DOD, these policies, principles, standards and guidelines would be required to cover the full range of information assurance issues addressed in section 2224 of title 10, United States Code.

Subtitle H—Security Matters

Limitation on granting of security clearances (sec. 1071)

The Senate amendment contained a provision (sec. 1074) that would prohibit any officer, employee, or contractor of the Department of Defense, or any member of the armed forces, from receiving a security clearance if that person: (1) has been convicted in any court within the United States and sentenced to imprisonment for a term exceeding 1 year; (2) is an unlawful user of, or addicted to any controlled substance; (3) is currently mentally incompetent; or (4) has been discharged from the armed forces under dishonorable conditions.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense or the secretaries of the military departments to waive this provision in meritorious cases for persons who would otherwise be prohibited from receiving a security clearance.

Process for prioritizing background investigations for security clearances for Department of Defense personnel and defense contractor personnel (sec. 1072)

The Senate amendment contained a provision (sec. 1043) that would require the Secretary of Defense to establish a process for prioritizing background investigations for security clearances for Department of Defense personnel.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to establish a process for prioritizing background investigations for security clearances for Department of Defense personnel and contractors of the Department of Defense.

Authority to withhold certain sensitive information from public disclosure (sec. 1073)

The Senate amendment contained a provision (sec. 1044) that would authorize the Secretary of Defense, the Secretary of Transportation, and the Secretary of Energy to withhold from public disclosure otherwise authorized by law sensitive information provided by a foreign government or an international organization which is itself protecting the information from disclosure. The provision would not authorize the withholding of information from Congress or, except in the case of foreign intelligence or counterintelligence activities, the Comptroller General.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Expansion of authority to exempt geodetic products of the Department of Defense from public disclosure (sec. 1074)

The Senate amendment contained a provision (sec. 916) that would expand the authority of the Secretary of Defense to exempt geodetic products from public disclosure.

The House bill contained no similar provision.

The House recedes.

Expenditures for declassification activities (sec. 1075)

The House bill contained a provision (sec. 1035) that would: (1) Clarify section 230 of Title 10, United States Code; (2) limit the amount of funds expended during fiscal year 2001 by the Department of Defense to carry out declassification activities; and (3) prohibit the Department of Defense, as part of a special search, from being required to compile records that have already been declassified.

The Senate amendment contained no similar provision.

The Senate recedes.

Enhanced access to criminal history record information for national security and other purposes (sec. 1076)

The Senate amendment contained a provision (sec. 1057) that would amend section 9101 of title 5, United States Code, to provide expanded access to criminal history information by the Department of Defense and certain other executive departments and agencies. The provision would expand the authority to cover acceptance or retention in the armed forces, and appointment, retention, or assignment to a position of public trust or a critical employee. It would also authorize the Federal Government to obtain the information through the use of common identifiers, such as names, and would prohibit states and localities from conditioning the provision of such information on indemnification agreements.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the authorization of the use of common identifiers and the prohibition on the requirement of indemnification agreements, and would repeal a superseded provision of law.

Two-year extension of authority to engage in commercial activities as security for intelligence collection activities (sec. 1077)

The Senate amendment contained a provision (sec. 1071) that would extend the authority provided by section 431(a) of Title 10, United States Code, by two years.

The House bill contained no similar provision.

The House recedes.

Coordination of nuclear weapons secrecy policies and consideration of health of workers at former Department of Defense nuclear facilities (sec. 1078)

The Senate amendment contained a provision (sec. 1077) that would: (1) Require the Secretary of Defense, in consultation with the Secretary of Energy, to ensure that secrecy policies do not prevent or discourage employees at former nuclear weapons facilities who may have been exposed to radioactive or other hazardous substances from discussing such exposures with appropriate health care providers; and (2) seek to identify individuals who are or were employed at sites that no longer store, assemble, disassemble, or maintain nuclear weapons, and, upon determination that such individuals may have been exposed to radioactive or hazardous substances, notify such individuals about any such exposure, including an explanation of how employees can discuss exposures with health care providers.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that the Department of Defense operates a number of sites not engaged in the manufacture or storage of nuclear weapons that may nonetheless have exposed workers to hazardous substances. The conferees agree that the Secretary of Defense shall address in the review and notifications described in this provision workers exposed to radioactive or other hazardous materials at all such facilities where secrecy policies may otherwise pose an obstacle to seeking medical advice and treatment.

Subtitle I—Other Matters

Funds for administrative expenses under Defense Export Loan Guarantee program (sec. 1081)

The House bill contained a provision (sec. 1031) that would amend section 2540c of title 10, United States Code, to provide authority to the Secretary of Defense to fund administrative expenses under the Defense Export Loan Guarantee (DELG) Program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit to the Congress a report on the operation of the DELG Program and a determination as to which Defense Department agency, office, or other activity should administer, manage, and oversee the loan guarantee program. The conferees direct the Secretary to submit the report and determination to Congress prior to providing funds for DELG Program administrative expenses.

The conferees note that during four years of loan program operations, the Secretary has provided limited, ad hoc resources to implement the program. The conferees urge the Secretary to take such actions as directed so as to utilize expeditiously the authority to fund administrative expenses for the DELG Program.

Transit pass program Department of Defense personnel in poor air quality areas (sec. 1082)

The Senate amendment contained a provision (sec. 1055) that would direct the Secretary of Defense to, within 180 days of enactment of this Act, implement the transit pass program authorized in section 7905 of title 5, United States Code, in any area in the United States that does not meet the revised national ambient air quality standards under section 109 of the Clean Air Act (42 U.S.C. 7409).

The House bill contained no similar provision.

The House recedes.

Transfer of Vietnam-era TA-4 aircraft to a nonprofit foundation (sec. 1083)

The House bill contained a provision (sec. 1033) that would authorize the transfer of an excess TA-4 aircraft to the non-profit Collings Foundation at no cost to the government.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that the Collings Foundation demilitarize the aircraft within one year.

Transfer of 19th century cannon to museum (sec. 1084)

The House bill contained a provision (sec. 1034) that would authorize the Secretary of the Army to convey to the Cannonball House Museum in Macon, Georgia, a 12-pound Napoleon cannon with historical ties to the City of Macon.

The Senate amendment contained a similar provision (sec. 1059).

The Senate recedes with a clarifying amendment.

Fees for providing historical information to the public (sec. 1085)

The Senate amendment contained a provision (sec. 1056) that would authorize the secretaries of the military departments to charge the public fees for providing historical information from the services historical centers or agencies. These fees could be retained by the military departments to defray the costs of responding to requests for such information. The fees charged pursuant to this section could not exceed the costs of providing the information, and would not apply to requests from members of the armed forces or federal employees made in the course of their duties, or to requests under the Freedom of Information Act (5 U.S.C. 552).

The House bill contained no similar provision.

The House recedes.

The conferees direct the Comptroller General to provide a report to the Committees on Armed Services of the Senate and House of Representatives one year after the implementation of this provision by the military departments. The report should provide data on the fees collected for such information, and compare those sums with the actual costs to each military department of responding to such requests.

Grants to American Red Cross for Armed Forces emergency services (sec. 1086)

The Senate amendment contained a provision (sec. 1054) that would authorize the Secretary of Defense to make a grant to the American Red Cross up to $9.4 million in each of fiscal years 2001, 2002, and 2003. Such a grant could not be made until the American Red Cross certifies that it will expend, for the Armed Forces Emergency Services, an amount from non-federal sources that equals or exceeds the amount of the grant.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Technical and clerical amendments (sec. 1087)

The House bill contained a provision (sec. 1032) that would make various technical and clerical amendments to existing law.

The Senate amendment contained similar provisions (secs. 602 and 1052).

The Senate recedes with an amendment that would combine the provisions.

Maximum size of parcel post packages transported overseas for Armed Forces post offices (sec. 1088)

The Senate amendment contained a provision (sec. 1060) that would increase the authorized size of packages permitted to be mailed to eligible patrons of military post offices overseas to conform with those of the United States Postal Service.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding tax treatment of members receiving special pay for duty subject to hostile fire or imminent danger (sec. 1089)

The Senate amendment contained a provision (sec. 1064) that would express a sense of the Senate that members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger should receive the same tax treatment as members serving in combat zones.

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress that tax treatment should be the same for special pay for duty subject to hostile for imminent danger and combat zone pay.

Organization and management of the civil air patrol (sec. 1090)

The House bill contained a provision (sec. 906) that would codify the agreement recently reached between the Secretary of the Air Force and the leadership of the Civil Air Patrol regarding the Civil Air Patrol's status as a volunteer civilian auxiliary of the Air Force.

The Senate amendment contained a similar provision.

The Senate recedes with an amendment that would not allow contract employees of the Air Force to commit federal resources in support of the Civil Air Patrol.

The amendment would also not require a minimum salary for these contract employees.

Additional duties for the Commission to Assess United States National Security Space Management and Organization (sec. 1091)

The Senate amendment contained a provision (sec. 907) that would amend section 1622 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) to specify additional duties for the Commission to Assess United States National Security Space Management and Organization.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Commission on the future of the United States aerospace industry (sec. 1092)

The House bill contained a provision (sec. 1039) that would require the President to establish a commission to assess the future of the U.S. aerospace industry and to recommend actions to be taken by the Federal Government to support the ability of the U.S. aerospace industry to remain robust in the future.

The Senate amendment contained a similar provision (sec. 1061).

The House recedes with an amendment that would clarify the scope and requirements of the study. The conferees intend for the commission to provide guidance and insight to the next Administration as early as possible. Accordingly, the commission should plan to submit an interim report to the administration and the Congress outlining the areas the commission proposes to review and any preliminary findings.

Drug addiction treatment (sec. 1093)

The conference agreement includes a provision that would permit certain physicians to prescribe certain narcotic drugs to assist in combating heroin addiction.

LEGISLATIVE PROVISIONS NOT ADOPTED

Annual OMB/CBO joint report on scoring budget outlays

The Senate amendment contained a provision (sec. 1004) that would make minor administrative changes to the joint annual Office of Management and Budget/Congressional Budget Office (OMB/CBO) report on the scoring of budget outlays.

The House bill amendment contained no similar provision.

The Senate recedes.

Authority to provide headstones or markers for marked graves or otherwise commemorate certain individuals

The Senate amendment contained a provision (sec. 1067) that would require the Secretary of Veterans Affairs to, upon request, provide a headstone or marker for the marked or unmarked grave of the individual or at some other area appropriate for the purpose of commemorating the individual.

The House bill contained no similar provision.

The Senate recedes.

Breast cancer stamp extension

The Senate amendment contained a provision (sec. 1073) that would extend by two years the authorization for the breast cancer semipostal stamp.

The House bill contained no similar provision.

The Senate recedes.

Comprehensive study and support for criminal investigations and prosecutions by state and local law enforcement officials

The Senate amendment contained a provision (sec. 1068) that would require the Comptroller General to collect data and conduct a study of comparative treatment of hate crimes in jurisdictions having laws dealing specifically with such crimes and those having no such laws, and to submit a report to Congress. The provision would further authorize the Attorney General, upon request and where special circumstances existed, to provide assistance in the criminal investigation or prosecution of any hate crime. The Attorney General would be further authorized to make grants to states and localities to assist them in the investigation and prosecution of hate crimes.

The House bill contained no similar provision.

The Senate recedes.

Local Law Enforcement Enhancement Act of 2000

The Senate amendment contained several provisions (sec. 1501–1510) that would constitute the "Local Law Enforcement Act of 2000." The Attorney General, at the request of a state or Indian tribe law enforcement official, could provide assistance in the investigation or prosecution of certain hate crimes. The Attorney General could also award grants to state, local, and Indian tribe law enforcement officials to assist with the investigation and prosecution of such crimes. Chapter 13 of title 18, United States Code, would be amended to establish a substantive federal prohibition of certain specific hate crime acts. No prosecution could be undertaken under this provision without certification from the Attorney General or certain other officials of the Department of Justice.

The House bill contained no similar provision.

The Senate recedes.

Plan to ensure compliance with financial management requirements

The House bill contained a provision (sec. 1006) that would require the Secretary of Defense to submit to the Congress a plan to ensure compliance by the Department of Defense, not later than October 1, 2001, with all statutory and regulatory financial management requirements.

The Senate amendment contained no similar provision.

The House recedes.

Protection of operational files of the Defense Intelligence Agency

The Senate amendment contained a provision (sec. 1045) that would authorize the Secretary of Defense to withhold from public disclosure the operational files of the Defense Intelligence Agency (DIA). These files would be protected from disclosure to the same extent as provided for under section 701 of the National Security Act of 1947 (50 U.S.C. 431). The provision would also make applicable to these files the decennial review of provisions of section 702 of that Act (50 U.S.C. 432), with the Secretary exercising the authority granted to the Director of Central Intelligence under that section.

The House bill contained no similar provision.

The Senate recedes.

Repeal of certain provisions shifting outlays from one fiscal year to another

The House bill contained a provision (sec. 1004), that would repeal two provisions of the Department of Defense Appropriations Act for Fiscal Year 2000 (Public Law 106–79) concerning the Prompt Payment Act and the shifting of pay days for federal employees. The conferees note that similar provisions were enacted into law in the Emergency Supplemental Appropriations Act, 2000 (Public Law 106–246).

The Senate amendment contained similar provisions (secs. 1006 and 1010).

The House and Senate recede.

Report to the Congress regarding extent and severity of child poverty

The Senate amendment contained a provision (sec. 1062) that would require the Secretary of Health and Human Services to, not later than June 1, 2001, report to the Congress on the extent and severity of child poverty in the United States.

The House bill contained no similar provision.

The Senate recedes.

Sense of the Senate concerning long-term economic development aid for communities rebuilding from hurricane Floyd

The Senate amendment contained a provision (sec. 1066) that would express the sense of the Senate that additional community and regional development funding should be appropriated to assist communities in need of long-term economic development aid as a result of damage suffered by Hurricane Floyd.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that additional economic assistance for the victims of natural disasters was provided in the Emergency Supplemental Act, 2000 (Public Law 106–246).

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Civilian Personnel Management Generally

Employment and compensation of employees for temporary organizations established by law or executive order (sec. 1101)

The House bill contained a provision (sec. 1101) that would provide legislative and executive agencies the flexibility to use a streamlined process to hire and pay employees for temporary organizations established by law or executive order.

The Senate amendment contained a similar provision (sec. 1106).

The House recedes with an amendment that would limit the term of the management flexibility to three years, would designate the head of the temporary activity as the appointing authority for the temporary employees, and would limit the health and life insurance benefits to the same benefit as that afforded other temporary civil service employees.

Assistive technology accommodations program (sec. 1102)

The Senate amendment contained a provision (sec. 1101) that would authorize the Secretary of Defense to expand the Computer/Electronic Accommodations Program to provide assistive technology services to any department or agency of the Federal Government.

The House bill contained no similar provision.

The House recedes with an amendment that would restore the funding for this program to the Defense Health Program.

Extension of authority for voluntary separations in reductions in force (sec. 1103)

The House bill contained a provision (sec. 1104) that would extend, until September 30, 2005, the authority of the Secretary of Defense to allow certain civilian employees to volunteer for separation under reduction in force procedures even though those employees would not otherwise be subject to separation.

The Senate amendment contained a similar provision (sec. 1107).

The House recedes.

Electronic maintenance of performance appraisal systems (sec. 1104)

The Senate amendment contained a provision (sec. 1108) that would authorize the head of an executive branch agency to administer and to maintain the performance appraisal system electronically.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Study on civilian personnel services (sec. 1105)

The Senate amendment contained a provision (sec. 1112) that would require the Secretary of Defense to establish a four-year public-private competition pilot program to assess the extent to which the effectiveness and efficiency of providing civilian personnel services could be increased by conducting competitions for the performance of such services between the public and private sectors.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to study whether civilian personnel services could be enhanced by public-private competition and report to the Committees on Armed Services of the Senate and the House of Representatives, and include, if appropriate, a proposal for a demonstration program that would test such a concept.

Subtitle B—Demonstration and Pilot Programs

Pilot program for reengineering the equal employment opportunity complaint process (sec. 1111)

The House bill contained a provision (sec. 1106) that would authorize the Secretary of the Navy to carry out a five-year pilot program to demonstrate improved processes for the resolution of equal employment opportunity complaints.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a three-year pilot program to demonstrate improved processes for the resolution of equal employment opportunity complaints in a minimum of one military department and two defense agencies, and would require a report to the Committees on Armed Services of the Senate and the House of Representatives not later than two years after initiation of the pilot program.

Work safety demonstration program (sec. 1112)

The Senate amendment contained a provision (sec. 1105) that would direct the Secretary of Defense to conduct a two-year work safety demonstration program in which private sector work safety models would be used to determine whether the work safety record of civilian employees of Department of Defense can be improved.

The House bill contained no similar provision.

The House recedes.

Extension, expansion, and revision of authority for experimental personnel program for scientific and technical personnel (sec. 1113)

The Senate amendment contained a provision (sec. 1113) that would extend, expand, and revise the authority for the experimental civilian personnel program for scientific and technical personnel previously authorized in section 1101 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) to expand the number of positions in the Defense Advanced Research Projects Agency from 20 to 40 and would extend the authority to the military departments for use in the defense laboratories, the National Imagery and Mapping Agency, and the National Security Agency.

The House bill contained no similar provision.

The House recedes.

Clarification of personnel management authority under personnel demonstration project (sec. 1114)

The Senate amendment contained a provision (sec. 1114) that would provide direct hiring authority to the defense laboratory directors to appoint individuals and fix their compensation without the review or approval of any official or agency other than the Under Secretary of Defense for Acquisition, Technology and Logistics.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to establish and to operate demonstration programs in the defense laboratories without the review or approval of the Office of Personnel Management and would raise the limit on compensation that may be provided to laboratory employees under a demonstration project. The amendment would authorize the Secretary of Defense to appoint individuals and fix their compensation without the review or approval of the Office of Personnel Management or any other outside official or agency.

The conferees believe that this is the single most important step the Secretary of Defense could take to enable the defense laboratories to compete with the private sector for scientific talent, and that the applicable requirements could adequately be addressed through after-the-fact review. The conferees urge the Secretary of Defense to provide the laboratory directors with direct hiring authority, as authorized by this section.

Subtitle C—Educational Assistance

Restructuring the restriction on degree training (sec. 1121)

The House bill contained a provision (sec. 1102) that would authorize the Secretary of Defense to pay tuition for a civilian employee to obtain an academic degree if that degree training occurs at an accredited institution and is part of a planned Department of Defense professional development program.

The Senate amendment contained a similar provision (sec. 1118).

The Senate recedes.

Student loan repayment programs (sec. 1122)

The Senate amendment contained a provision (sec. 1069) that would require the Director of the Office of Personnel Management to, not later than 240 days after enactment of this Act, issue regulations that would implement the student loan repayment program, would eliminate the restriction on repayment of student loans to professional, technical, or administrative personnel, and would include federal student loan repayment programs established since enactment of earlier statutory authority.

The House bill contained no similar provision.

The House recedes.

Extension of authority for tuition reimbursement and training for civilian employees in the defense acquisition workforce (sec. 1123)

The House bill contained a provision (sec. 1103) that would extend the "shortage of personnel" designation for qualified civilian acquisition personnel of the Department of Defense until September 30, 2005, in order to permit such personnel to qualify for reimbursement of expenses for training and tuition.

The Senate amendment contained a similar provision (sec. 1104).

The House recedes.

Subtitle D-Other Benefits

Additional special pay for foreign language proficiency beneficial for United States national security interests (sec. 1131)

The Senate amendment contained a provision (sec. 1102) that would authorize the Secretary of Defense to provide additional pay for civilian employees who maintain a foreign language proficiency determined to be beneficial for national security interests.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the additional pay for maintaining proficiency in a foreign language to those who agree to deploy to an area in which the foreign language is determined to be critical to the national security interests.

Approval authority for cash awards in excess of $10,000 (sec. 1132)

The Senate amendment contained a provision (sec. 1109) that would authorize the Secretary of Defense to grant a cash award up to the maximum of $25,000 without seeking approval from the Office of Personnel Management.

The House bill contained no similar provision.

The House recedes.

Leave for crews of certain vessels (sec. 1133)

The Senate amendment contained a provision (sec. 1110) that would authorize the Military Sealift Command to pay civil service mariners, in an extended leave status, a lump-sum equal to the difference between their pay at a temporary promotion rate and their lower permanent grade rates.

The House bill contained no similar provision.

The House recedes.

Life insurance for emergency essential Department of Defense employees (sec. 1134)

The Senate amendment contained a provision (sec. 1111) that would authorize civilian employees designated by the Secretary of Defense as emergency essential and subject to being deployed to combat areas to elect to participate in the Federal Employees Group Life Insurance program.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Intelligence Civilian Personnel

Expansion of defense civilian intelligence personnel system positions (sec. 1141)

The House bill contained a provision (sec. 1105) that would authorize the Secretary of Defense to create positions within the defense civilian intelligence personnel system outside the designated intelligence components of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Increase in number of positions authorized for the Defense Intelligence Senior Executive Service (sec. 1142)

The Senate amendment contained a provision (sec. 1103) that would increase, by 25, the number of positions authorized for the defense intelligence senior executive service.

The House bill contained no similar provision.

The House recedes.

The conferees note that the 25 additional positions are authorized for the entire defense intelligence community and are not intended to be allocated to any single agency within the defense intelligence community. The conferees direct the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 15, 2001, on how the additional senior executive service positions are allocated within the defense intelligence community.

Subtitle F—Voluntary Separation Incentive Pay and Early Retirement Authority

Voluntary separation incentive pay and early retirement authority (secs. 1151–1153)

The House bill contained a provision (sec. 1107) that would provide temporary authority to the Secretary of the Air Force to use voluntary separation incentives and voluntary early retirement authority for restructuring the work force to separate up to 1000 civilian employees during each calendar year through December 31, 2003.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide temporary authority to the Secretary of Defense to use voluntary separation incentives and voluntary early retirement authority for workforce restructuring to meet mission needs, achieve one or more strength reductions, correct skill imbalances or reduce the number of high-grade, managerial, or supervisory positions. The temporary authority to use the voluntary separation incentives in fiscal year 2001 is limited to 1000 employees. The temporary authority to use voluntary separation incentives and the voluntary early retirement authority in each of fiscal years 2002 and 2003 is limited to 4000 employees. The Secretary of Defense may only carry out these programs in fiscal years 2002 and 2003 with respect to workforce restructuring to the extent provided in a law enacted by the 107th Congress.

LEGISLATIVE PROVISIONS NOT ADOPTED

Department of Defense employee voluntary early retirement authority

The Senate amendment contained a provision (sec. 1117) that would revise the authority for using voluntary early retirement authority within the Department of Defense to include restructuring of the workforce.

The House bill contained no similar provision.

The Senate recedes.

Extension of authority for voluntary separations in reductions in force

The Senate amendment contained a provision (sec. 1115) that would extend the authority for voluntary separations during reduction in force actions.

The House bill contained no similar provision.

The Senate recedes.

Extension, revision, and expansion of authorities for use of voluntary separation incentive pay and voluntary early retirement

The Senate amendment contained a provision (sec. 1116) that would extend the authority for voluntary separation incentive pay and voluntary early retirement through September 30, 2005, and would revise the authority for using the voluntary separation incentive pay within the Department of Defense to include restructuring of the workforce.

The House bill contained no similar provision.

The Senate recedes.

Strategic plan

The Senate amendment contained a provision (sec. 1119) that would require the Secretary of Defense to submit a strategic plan to the congressional defense committees not later than six months after enactment of this Act and before exercising any of the authorities for workforce restructuring.

The House bill contained no similar provision.

The Senate recedes.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A-Matters Related to Arms Control

Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities (sec. 1201)

The House bill contained a provision (sec. 1201) that would extend, through fiscal year 2001, the authority of the Department of Defense to support United Nations-sponsored inspection and monitoring efforts to ensure full Iraqi compliance with its international obligations to destroy its weapons of mass destruction and associated delivery systems. The provision would limit the assistance that could be provided by the Secretary of Defense to $15.0 million for fiscal year 2001.

The Senate amendment contained an identical provision (sec. 1202).

The conference agreement includes this provision.

Support of consultations on Arab and Israeli arms control and regional security issues (sec. 1202)

The Senate amendment contained a provision (sec. 1211) that would authorize up to $1.0 million from Defense-wide Operation and Maintenance accounts for the support of programs to promote informal, region-wide consultations among Arab, Israeli, and U.S. officials and experts on arms control and security issues concerning the Middle East region.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the scope of the programs to include formal consultations.

Furnishing of nuclear test monitoring equipment to foreign governments (sec. 1203)

The Senate amendment contained a provision (sec. 1206) that would authorize the Secretary of Defense to accept contributions from a foreign government or other entities for the development, procurement, installation, operation, repair, or maintenance of equipment for monitoring nuclear test explosions, and to loan or convey nuclear test monitoring equipment to a foreign government, subject to a required agreement.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to convey or to provide nuclear test monitoring equipment to a foreign government, subject to a required agreement.

The conferees believe that section 2608 of title 10, United States Code, already permits the Secretary of Defense to accept and to use contributions for purposes specified in the Senate amendment. Therefore, the conferees do not believe that additional authority is required. If the Secretary, in consultation with the Office of Management and Budget, determines that additional authority is required, the conferees are willing to reevaluate this matter in the future.

Additional matters for annual report on transfers of militarily sensitive technology to countries and entities of concern (sec. 1204)

The Senate amendment contained a provision (sec. 1075) that would require that the annual report required by section 1402 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) on transfers of militarily sensitive technology to countries of concern include a description of actions taken on recommendations of inspectors general contained in previous annual reports.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle B—Matters Relating to the Balkans

Annual report assessing effect of continued operations in the Balkans region on readiness to execute the national military strategy (sec. 1211)

The House bill contained a provision (sec. 1202) that would amend section 1035 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) to make the report on the readiness impact of U.S. military operations in the Balkans an annual report.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would sunset the reporting requirement upon termination of U.S. military activities in the Balkans.

Situation in the Balkans (sec. 1212)

The House bill contained a provision (sec. 1203) that would require the President to establish, not later than May 31, 2001, militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the U.S. military presence in Kosovo. In developing those benchmarks, the Congress would urge the President to seek the concurrence of North Atlantic Treaty Organization (NATO) member nations. The provision would also require the President to develop a comprehensive political-military strategy for addressing the political, economic, humanitarian and military issues in the Balkans, and to establish near-term, mid-term and long-term objectives in the region. Finally, the provision would require the President to submit semiannual reports, beginning no later than June 30, 2001, on the progress being made in developing and implementing a comprehensive political-military strategy, and the progress being made in achieving the conditions established by the benchmarks.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the President to submit a single semiannual report on the progress made in achieving both the benchmarks for Kosovo and the benchmarks for Bosnia, as required by section 7 of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105-174), and would make other technical modifications.

Semiannual report on Kosovo peacekeeping (sec. 1213)

The House bill contained a provision (sec. 1205) that would prohibit the use of Department of Defense funds for the continued deployment of U.S. ground combat troops in Kosovo after April 1, 2001, unless the President certifies to the Congress, prior to April 1, 2001, that the European Commission, the member nations of the European Union (EU), and the European member nations of the North Atlantic Treaty Organization (NATO) have provided specific amounts and types of assistance to the peacekeeping operations in Kosovo. The provision would also require the President to submit to the Congress, not later than April 30, 2001, a plan for the withdrawal of U.S. ground combat troops from Kosovo, if the President does not make the required certification; and submit a report to the Congress detailing the commitments and contributions of various European nations and organizations and the United Nations to the peacekeeping operations in Kosovo.

The Senate amendment contained a similar provision (sec. 1205) that would require a biannual report from the President to the Congress detailing the commitments and contributions of various European nations and organizations and the United Nations to the peacekeeping operations in Kosovo.

The House recedes.

The conferees note that, since congressional action focused attention on this issue earlier this year, European nations and organizations have made progress in providing the assistance and personnel they have pledged to peacekeeping operations in Kosovo. While more needs to be done by the Europeans in providing needed resources to the international community's operations, the conferees recognize that the pace of the civil implementation effort in Kosovo has improved since the beginning of the year. The conferees remain concerned, however, that U.S. troops, and the troops of other nations serving in Kosovo continue to perform a variety of non-military missions to compensate for remaining shortfalls in the civil implementation effort. In recognition of the fact that the United States bore the major share of the military burden for the air war on behalf of Kosovo, European nations agreed to pay the major share of the burden to secure the peace. The conferees believe that the Europeans must fulfill that commitment. The report required by this provision will provide the Congress with the information necessary, on a regular basis, to evaluate the performance of the nations and organizations covered by this provision in fulfilling their commitments regarding Kosovo. It is the intention of the conferees to pursue legislative options in the future if those commitments are not fulfilled.

Subtitle C—North Atlantic Treaty Organization and United States Forces in Europe

NATO fair burdensharing (sec. 1221)

The House bill contained a provision (sec. 1206) that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the costs to the United States of Operation Allied Force conducted against the Federal Republic of Yugoslavia. The report would include: (1) the costs of ordnance expended, fuel consumed, and personnel; (2) the estimated cost of the reduced service life of U.S. weapons systems which participated in the operation; and (3) whether and how the United States is being compensated by other NATO member nations for the costs of Operation Allied Force. The provision also would require a report from the Secretary whenever NATO undertakes a future military operation with the participation of the United States. The report would include: (1) how the costs of that operation are to be equitably distributed among the NATO member nations; or (2) how the United States is to be compensated by other NATO member nations, if the costs are borne disproportionately by the United States. The report would be due 30 days after the beginning of a military operation, or later, if the Secretary determines that such a delay is necessary to avoid an undue burden to ongoing operations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) delete the requirement for the Secretary to report on whether and how the United States is being compensated by other NATO nations for the costs of Operation Allied Force; (2) change the reporting requirement on future NATO military operations to apply to all NATO operations, and to include information on the contributions to that operation made by each of the member nations of NATO and the contributions that each member nation of NATO makes or has pledged to make during any follow-on operation; and, (3) require the report on future operations to be submitted not later than 90 days after the completion of the military operation.

Repeal of restriction preventing cooperative airlift support through acquisition and cross-servicing agreements (sec. 1222)

The Senate amendment contained a provision (sec. 1203) that would amend section 2350c of title 10, United States Code, to repeal the restriction that authorizes the Secretary of Defense to enter into military airlift agreements with allied countries only under the authority of section 2350c.

The House bill contained no similar provision.

The House recedes.

GAO study on the benefits and costs of the United States military engagement in Europe (sec. 1223)

The House bill contained a provision (sec. 1207) that would require the Comptroller General to conduct a study assessing the value to the United States and its national security interests gained from the engagement of U.S. Armed Forces in Europe and from military strategies used to shape the international security environment in Europe. The study would include an assessment of a number of issues related to the U.S. military presence in Europe and the contributions made by the European allies of the United States. The report would be submitted to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 2001.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the report to a study of the benefits and costs of U.S. military engagement in Europe and change the date for the submission of the report to December 1, 2001.

Subtitle D-Other Matters

Joint data exchange center with Russian Federation on early warning systems and notification of ballistic missile launches (sec. 1231)

The Senate amendment contained a provision (sec. 1213) that would authorize the Secretary of Defense to establish, in conjunction with the Government of the Russian Federation, a United States-Russian Federation joint center for the exchange of data from early warning systems and for notification of missile launches.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) authorize the Secretary of Defense to establish a U.S.-Russian Federation joint center for the exchange of data from early warning systems and for notification of missile launches; (2) require that the Secretary submit a report to the Armed Services Committees of the Senate and the House of Representatives on plans for the joint data exchange center; and (3) prohibit the obligation of more than $4.0 million of fiscal year 2001 funds for establishment of the joint data exchange center until 30 days after the date on which the Secretary submits a copy of a written agreement between the United States and Russia providing the details of the cost-sharing arrangement required in the Memorandum of Agreement of June 4, 2000.

Report on sharing and exchange of ballistic missile launch early warning data (sec. 1232)

The Senate amendment contained a provision (sec. 1029) that would require the Secretary of Defense to report on the feasibility and advisability of establishing a center at which missile launch early warning data from the United States and other nations would be made available to nations concerned with the launch of ballistic missiles.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to report on current and planned activities of the Department of Defense with respect to the sharing and exchange with other countries of early warning data concerning ballistic missile launches. The report shall include the Secretary's assessment of the benefits and risks of sharing such data with other countries on a bilateral or multilateral basis.

Annual report of Communist Chinese military companies operating in the United States (sec. 1233)

The House bill contained a provision (sec. 1208) that would express the sense of Congress that the Secretary of Defense has not complied with requirements of section 1237 of the Strom Thurmond National Defense Act for Fiscal Year 1999 (Public Law 105–261) to publish and update a list of Communist Chinese military companies operating in the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the sense of Congress and would amend section 1237 to require the Secretary to report on, rather than publish, a list of Communist Chinese military companies operating in the United States. The Secretary would be directed to submit that report to the following: the Committee on Armed Services of the House of Representatives; the Committee on Armed Services of the Senate; the Secretary of State; the Secretary of the Treasury; the Attorney General; the Secretary of Commerce; the Secretary of Energy; and the Director of Central Intelligence.

Adjustment of composite theoretical performance levels of high performance computers (sec. 1234)

The House bill contained a provision (sec. 1209) that would amend section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) to limit to 60 days, excluding days when the Congress is not in session because of an adjournment sine die, the time period for congressional review of a presidential change to the export control levels for high performance computers prior to that change going into effect.

The Senate amendment contained an identical provision (sec. 1214).

The conference agreement includes this provision.

The conferees believe that the administration needs to adequately assess the national security implications of commercial technological diffusion before new export levels are proposed. For that reason, the conferees direct the Secretary of Defense and the Director for Central Intelligence to jointly submit to Congress, not later than April 1, 2001, a report on the national security implications of trends in the research and development, manufacture, use, and proliferation of information technology in the commercial sector.

The report shall include a discussion of the following matters: (1) whether commercially available information technology has been or could be used for military and intelligence purposes by foreign nations and terrorist organizations, and the threats that such uses could pose to U.S. national security interests; (2) the advisability of inserting commercially available information technology as components into U.S. weapons systems, together with a discussion of the challenges associated with doing so; (3) whether the United States has the ability to control the proliferation of commercially available information technology effectively through unilateral or multilateral export control regimes; and (4) the identification of critical commercially available information technologies and associated knowledge for which unilateral, multilateral, or alternative export controls may be needed in the preservation of U.S. national security interests. The report should also consider the advisability of establishing a center to assess the military utility of commercially available information technology produced by both U.S. and foreign commercial sectors.

Increased authority to provide healthcare services as humanitarian and civic assistance (sec. 1235)

The Senate amendment contained a provision (sec. 321) that would allow under-served areas, as well as rural areas, to receive medical, dental, and veterinary services through the humanitarian and civic assistance program.

The House bill contained no similar provision.

The House recedes.

The conferees note that this increased authority is to be used in conjunction with authorized U.S. military operations in furtherance of U.S. security interests and the expansion of the operational readiness skills of the armed forces, and shall be carried out at no additional cost to the Department of Defense.

Sense of Congress regarding the use of children as soldiers (sec. 1236)

The Senate amendment contained a provision (sec. 1210) that would express the sense of Congress that the use of children as soldiers by governmental and non-governmental armed forces should be condemned worldwide, the optional protocol is a critical first step in ending the use of children as soldiers, that the President should consult closely with the Senate with the objective of building support for the optional protocol, that the President and Congress should work together to enact a law that establishes a fund for the rehabilitation and reintegration into society of child soldiers, and that the Secretaries of the Departments of State and Defense should undertake all possible efforts to persuade and encourage other governments to ratify and endorse the optional protocol on the use of child soldiers.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress regarding undersea rescue and recovery (sec. 1237)

The conferees agree to a provision that would express the sympathy of the Congress and of the American people to the people of the Russian Federation over the death of the crewmen of the submarine Kursk. The provision urges the President of the United States and the President of the Russian Federation, in coordination with the leaders of other maritime nations, to cooperate in establishing a plan for response, rescue, and recovery of the crew of undersea vessels involved in undersea accidents or incidents.

United States-China Security Review Commission (sec. 1238)

The Senate amendment contained a provision (sec. 1076) that would amend The Trade Deficit Review Commission Act to establish a 12-member commission, the United States-China Security Review Commission, to monitor and assess the national security implications of the evolving bilateral trade and economic relationship between the United States and the People's Republic of China. The commission would be established on the framework of the Trade Deficit Review Commission, which is scheduled to complete its work by the end of this year, and would issue an annual report.

The House bill contained no similar provision.

The House recedes with an amendment that would establish a free-standing United States-China Security Review Commission to review the national security implications of trade and economic ties between the United States and the People's Republic of China. The amendment would facilitate the assumption by the United States-China Security Review Commission of its duties regarding the review by providing for the transfer to that commission of staff, materials, and infrastructure of the Trade Deficit Review Commission that are appropriate for the review after the submittal of the final report of the Trade Deficit Review Commission. The amendment would also provide that the members of the Trade Deficit Review Commission, as of the date of the enactment of this Act, shall serve as members of the United States-China Security Review Commission until such time as members are appointed.

LEGISLATIVE PROVISIONS NOT ADOPTED

Limitation on number of military personnel in Colombia

The House bill contained a provision (sec. 1204) that would establish a limit of 500 on the number of U.S. military personnel authorized to be on duty in the Republic of Colombia at any time. The limit would not apply to military personnel deployed to Colombia for the purpose of rescuing or retrieving U.S. Government personnel, military personnel attached to the U.S. Embassy, military personnel engaged in relief operations, or nonoperational transient military personnel.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on assumption by United States Government of liability for nuclear accidents in North Korea

The House bill contained a provision (sec. 1210) that would prohibit the President cr any department, agency, or instrumentality of the U.S. Government from using the authority of Public Law 85–804 (50 U.S.C. 1431) or any other provision of law to enter into any contract or arrangement which would impose liability on the U.S. Government for nuclear accidents occurring in North Korea.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

LEGISLATIVE PROVISIONS ADOPTED

Specification of cooperative threat reduction programs and funds (sec. 1301)

The House bill contained a provision (sec. 1301) that would define Cooperative Threat Reduction (CTR) programs and Department of Defense funding for CTR programs, and make fiscal year 2001 CTR funds available for obligation for three fiscal years.

The Senate amendment contained no similar provision.

The Senate recedes.

Funding allocations (sec. 1302)

The budget request included $458.4 million for the Cooperative Threat Reduction (CTR) Program.

The House bill contained a provision (sec. 1302) that would authorize $443.4 million for the CTR Program for fiscal year 2001, a $15.0 million decrease. The provision would increase funding for strategic nuclear arms elimination projects in Russia and Ukraine, decrease funding for defense and military contacts, and deny funding, pursuant to the prohibition contained in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65), for activities related to a chemical weapons destruction facility in Russia.

The Senate amendment would authorize the budget request.

The Senate recedes with an amendment that would authorize $443.4 million for CTR programs to include: $177.8 million for strategic offensive arms elimination in Russia; $29.1 million for strategic nuclear arms elimination in Ukraine; $9.3 million for warhead dismantlement processing in Russia; $14.0 million for weapons transportation security in Russia; $57.4 million for planning, design, and construction of the storage facility for Russian fissile materials; $89.7 million for weapons storage security in Russia; $32.1 million for the elimination of the production of weapons grade plutonium at Russian reactors; $12.0 million for biological weapons proliferation prevention activities in the former Soviet Union; $13.0 million for other assessments and administrative support, and $9.0 million for defense and military contacts.

Prohibition on use of funds for elimination of conventional weapons (sec. 1303)

The House bill contained a provision (sec. 1303) that would prohibit the use of Cooperative Threat Reduction (CTR) funds to be used for the elimination of conventional weapons or delivery vehicles primarily intended to deliver such weapons.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees continue to believe that the CTR program should remain focused on eliminating the threat posed by weapons of mass destruction and their delivery vehicles in the former Soviet Union. The conferees are concerned by indications that the Department of Defense may be considering using CTR funds for the elimination of delivery systems primarily intended to deliver conventional weapons, and note that such actions would be prohibited by this section.

Limitations on use of funds for fissile material storage facility (sec. 1304)

The House bill contained a provision (sec. 1304) that would limit the use of fiscal year 2001 Cooperative Threat Reduction funds for construction, design, or planning of a second wing for the Mayak fissile material storage facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a written transparency agreement that provides that the material stored at the facility is of weapons origin. The provision also establishes a funding cap for the first wing of the facility of not more than $412.6 million.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

The conferees agree to establish a funding cap for the first wing of the facility because of continuing concerns over the ability and willingness of Russia to pay its share of the costs, and the previous agreement of the Department of Defense to absorb additional costs without prior congressional consultation.

Limitation on use of funds to support warhead dismantlement processing (sec. 1305)

The House bill contained a provision (sec. 1307) that would limit fiscal year 2001 funds for warhead dismantlement processing in Russia until 15 days after the date that the Secretary of Defense submits to Congress notification that the United States has reached an agreement with Russia, providing for appropriate transparency measures regarding assistance by the United States with respect to such processing.

The Senate amendment contained no similar provision.

The Senate recedes.

Agreement on nuclear weapons storage sites (sec. 1306)

The House bill contained a provision (sec. 1308) that would direct the Secretary of Defense to seek to enter into an agreement with Russia regarding procedures to allow the United States appropriate access to nuclear weapons storage sites for which assistance under Cooperative Threat Reduction programs is provided.

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation on use of funds for construction of fossil fuel energy plants; report (sec. 1307)

The House bill contained a provision (sec. 1309) that would prevent Cooperative Threat Reduction (CTR) funds from being used for the construction of a fossil fuel energy plant.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that prevents fiscal year 2001 CTR funds from being used for the construction of a fossil fuel energy plant intended to provide power to local communities already receiving power from nuclear energy plants that produce plutonium. The amendment also would require a report to Congress, no later than 60 days after enactment of this Act, detailing options for assisting Russia in the development of alternative energy sources to the three plutonium production reactors remaining in operation in Russia.

Reports on activities and assistance under cooperative threat reduction programs (sec. 1308)

The Senate amendment contained a provision (sec. 1207) that would consolidate several annual reporting requirements concerning the Cooperative Threat Reduction (CTR) program. The consolidated report would include: (1) an estimate of the total amount required to be expended to achieve the objectives of the program; (2) a description of a five year plan; (3) a description of the program activities carried out during the previous fiscal year; (4) a description of the audits and examinations conducted by the program to account for and ensure that the assistance is being used for its intended purpose; and (5) a current description of the tactical nuclear weapons arsenal of Russia. The first report would be submitted to Congress not later than the first Monday in February 2002. Also contained in the annual report would be a requirement for the Comptroller General of the United States to conduct an annual assessment of the information provided in the consolidated CTR report. The assessment would be due 60 days after the date on which the annual report is submitted to Congress.

The House bill contained a provision (sec. 1305) that would limit not more than 10 percent of fiscal year 2001 Cooperative Threat Reduction (CTR) funds from being expended or obligated until the Department of Defense submits to Congress an updated version of the CTR multiyear plan for fiscal year 2001, and another provision (sec. 1306) that would require the first report on Russian nonstrategic nuclear arms to be submitted to Congress not later than October 1, 2000.

The House recedes with an amendment that would add the provisions from the House bill to the CTR consolidated report, require the first consolidated report to be due on February 5, 2001, and narrow the scope of the Comptroller General's assessment to a review of the five year plan and the audits and examinations information in the annual report. This assessment would be submitted to Congress not later than 90 days after the date the CTR annual report is submitted to Congress, with the first Comptroller General's assessment submitted in 2001.

The conferees note that there have been repeated delays in the submission of the CTR reports to the Congress. The conferees expect that consolidating CTR reporting requirements into one annual report will facilitate the Department's ability to meet the congressionally mandated due date each year. The conferees believe that meeting this deadline provides the Congress with critical programmatic information crucial to the oversight of the CTR program. Failure to meet such deadlines impedes congressional oversight and is of great concern to the conferees. In light of this concern, the conferees expect the Department to meet the CTR report requirements and deadline, and agree that noncompliance may warrant future legislative measures to limit funding obligations and expenditures until such time as the necessary information is provided to the Congress.

Russian chemical weapons elimination (sec. 1309)

The Senate amendment contained a provision (sec. 1208) that would amend the prohibition contained in section 1305 of the National Defense Authorization Act for Fiscal

Year 2000 (Public Law 106–65) to limit fiscal year 2000 Cooperative Threat Reduction (CTR) funds, and funds appropriated after the date of enactment, from being obligated or expended to construct the Shchuch'ye chemical weapons destruction facility in Russia until 30 days after the Secretary of Defense certifies in writing to the Armed Services Committees of the Senate and the House of Representatives that for that fiscal year four specific criteria have been met. These criteria are: (1) that the government of Russia has agreed to provide at least $25.0 million annually for the construction, support, and operation of the facility; (2) that Russia has agreed to utilize this facility to destroy the remaining four stockpiles of nerve agents located throughout Russia; (3) that the United States has obtained multiyear commitments from the international community for the support of social infrastructure projects for Shchuch'ye; and (4) that Russia has agreed to destroy its chemical weapons production facilities at Volgograd and Novocheboksark.

The House bill contained no similar provision.

The House recedes with an amendment that would express support for international assistance, when practicable, to assist Russia in eliminating its chemical weapons stockpile in accordance with Russia's obligations under the Chemical Weapons Convention. The amendment would also require that the Secretary of Defense submit a report to the Armed Services Committees of the Senate and the House of Representatives that identifies: (1) the amount of money spent by Russia for chemical weapons elimination during fiscal year 2000; (2) the assistance being provided by the international community for the safe storage and elimination of Russia's stockpile of nerve agents, including those at Shchuch'ye; (3) the countries providing the assistance; and (4) the value of the assistance that the international community has already provided and has committed for this purpose.

The conferees agree not to repeal or amend the existing prohibition contained in Public Law 106–65 on funding for the chemical weapons destruction facility in Russia. The conferees believe the international community should take a more active role in assisting Russia with its chemical weapons elimination efforts. The conferees will continue to monitor progress in the effort to reduce and eliminate the threat from Russia's chemical weapons, including the participation of the international community in this effort. The conferees note that there are a number of options available within the CTR Program to advance U.S. threat reduction and nonproliferation objectives, including assisting Russia in its efforts to secure and eliminate its chemical weapons stockpiles. The conferees note the availability of prior-year funds that may be used to support this effort.

Limitation on use of funds for elimination of weapons grade plutonium program (sec. 1310)

The Senate amendment contained a provision (sec. 1209) that would prevent more than 50 percent of fiscal year 2001 Cooperative Threat Reduction (CTR) funds from being obligated or expended until 30 days after the Secretary of Defense submits to Congress a report on an agreement between the United States and Russia regarding a new option selected for the shut down or conversion of the reactors in the elimination of weapons grade plutonium program in Russia. The report must also contain the new date when such reactors will cease production of weapons grade plutonium and any cost sharing arrangements between Russia and the United States in undertaking the activities in this program.

The House bill contained no similar provision.

The House recedes.

Report on audits of Cooperative Threat Reduction programs (sec. 1311)

The House bill contained a provision (sec. 1310) that would direct the Comptroller General to submit to Congress a report not later than March 31, 2001, examining the procedures and mechanisms with respect to audits by the Department of Defense of the use of funds for Cooperative Threat Reduction programs.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Limitation on use of funds for prevention of biological weapons proliferation in Russia

The House bill contained a provision (sec. 1311) that would limit Cooperative Threat Reduction funds from being obligated or expended for the prevention of proliferation of biological weapons in Russia until the President submits to Congress the report on the Expanded Threat Reduction Initiative required by section 1309 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65). This report was due March 31, 2000.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XIV—COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK

LEGISLATIVE PROVISIONS ADOPTED

Commission to assess the threat to the United States from electromagnetic pulse (EMP) attack (secs. 1401–1409)

The House bill contained a provision (secs. 1401–1409) that would establish a Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit a report to Congress commenting on the Commission's findings and conclusions, describing the political-military scenarios that could possibly lead to an EMP attack against the United States, evaluating the relative likelihood of an EMP attack against the United States compared to other threats involving nuclear weapons, and explaining the actions intended to implement the recommendations of the Commission and the reasons for doing so.

TITLE XV—NAVY ACTIVITIES ON THE ISLAND OF VIEQUES, PUERTO RICO

LEGISLATIVE PROVISIONS ADOPTED

Navy activities on the island of Vieques, Puerto Rico (secs. 1501–1508)

The House bill contained a provision (sec. 1501) that would convey the Navy property, comprising the Naval Ammunition Support Detachment, on the western side of the Island of Vieques, Puerto Rico, except the communication and radar sites, to the Commonwealth of Puerto Rico under the terms of the agreement between the President and the Governor of Puerto Rico.

The Senate amendment contained provisions (secs. 1301–1308) that would support the agreement reached between the President and the Governor of Puerto Rico intended to restore relations between the people of Vieques and the Navy, and to provide for the continuation of live fire training on the Island of Vieques. Specifically, the Senate bill would authorize $40.0 million for infrastructure and other economic projects on the Island of Vieques, and would require the President to conduct a referendum on Vieques to determine whether the people of Vieques approve or disapprove of the continuation of live-fire military training on the island. The conservation zones on the western side of the island, containing seven endangered and threatened species, would be transferred to the Secretary of Interior to be administered as wildlife refuges. If the people of Vieques approve the continuation of live-fire training, the provision would authorize an additional $50.0 million in economic aid for the island. If the people of Vieques disapprove the continuation of live-fire training, the provision would require the Navy and Marine Corps to cease all training operations on the Island of Vieques by May 1, 2003; to terminate any operations at Roosevelt Roads related to the use of training ranges on Vieques, to reduce other defense activities at Roosevelt Roads to levels necessary for national security reasons, and to transfer all Navy property on the eastern side of the Island of Vieques to the Secretary of the Interior. The Secretary of Interior would be required to retain the transferred properties subject to further congressional action regarding disposition.

The conferees remain concerned about the lack of live-fire access to the Naval training facility on the Island of Vieques, and the related negative consequences for Navy and Marine Corps readiness. In testimony before the Congress, the Chairman of the Joint Chiefs of Staff, along with the Chief of Naval Operations and the Commandant of the Marine Corps, stated that Vieques provides integrated live-fire training ". . . critical to our readiness." The Secretary of the Navy also testified that ". . . only by providing this preparation can we fairly ask our service members to put their lives at risk." The concern of the Joint Chiefs of Staff were reinforced by operational commanders including the Commander of the Sixth Fleet of the Navy who stated that the loss of Vieques would "cost American lives."

The House recedes.

The conferees agree to include provisions that would support the agreement reached between the President and the Governor of Puerto Rico regarding the future of Navy live-fire military training on Vieques. The conferees agree to authorize $40.0 million in immediate economic assistance for the Municipality of Vieques.

The conferees would specifically include a provision that would transfer, with certain exceptions, the land comprising the Navy Ammunition Support Detachment to the Municipality of Vieques. The property would be administered, managed, and controlled by the Municipality of Vieques in a manner that is determined to be most advantageous to the majority of the residents of Vieques. The relocatable over-the-horizon radar site, the telecommunications equipment site on Mount Pirata, and any easements or rights-of-way associated with these sites would be exempted from transfer and retained by the Navy.

The conservation zones on the land comprising the Navy Ammunition Support Detachment would be transferred to the Secretary of Interior to be administered and managed by the Secretary as a wildlife refuge through a cooperative agreement among the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of Interior. Property adjacent to these wildlife refuge areas could be included in the cooperative agreement, however, such areas would not exceed 800 acres. If the cooperative agreement is not completed before the required transfer date, the Secretary of Interior should begin the administration and management of the land as wildlife refuges.

Given the importance of the Navy training range to national security and the unique circumstances of the people of Vieques, the conferees would also include a provision that would require a binding referendum by the people of Vieques to determine if the range should remain available for live-fire training. The referendum would require that the residents of Vieques vote on the future of live-fire training at the Navy range on Vieques. The vote would take place on May 1, 2001, or 270 days before or after that date. The conferees would authorize the referendum, despite remaining reservations regarding the propriety of such an action, and would also do so with the clear expectation that this represents a unique circumstance, and such local referenda should not be used to determine the status of national security assets.

The conferees agree to authorize an additional $50.0 million to provide economic assistance to the people of Vieques if there is a vote in favor of continued live-fire training at the Navy range.

If the people of Vieques disapprove continued live-fire training, or the Chief of Naval Operations and the Commandant of the Marine Corps jointly submit to the congressional defense committees a certification that the range is no longer needed for training by the Navy and the Marine Corps, all Navy owned land on the eastern side of the island, with the exception of the live-fire area, would be transferred to the Secretary of Interior to be administered and managed as a wildlife refuge. The live impact area would be administered as a wilderness area with no public access permitted.

Finally, the conferees would also include a provision that would impose a moratorium on new construction at Fort Buchanan pending a determination that such construction would be required despite the potential for relocation to Roosevelt Roads. Reserve component and nonappropriated fund facilities would not be included in the moratorium.

The conferees recognize and appreciate the sacrifice made by the people of Vieques and other communities located near U.S. military training installations, which have ensured the readiness of U.S. military forces. The conferees remain concerned that future training may be jeopardized as a result of historically poor relations with the people of Vieques, and the tragic accident which resulted in the death of a civilian employee of the Navy. The conferees hope that the Navy and the people of Vieques will successfully develop and sustain a cooperative relationship for the future.

TITLE XVI—VETERANS EDUCATION BENEFITS

LEGISLATIVE PROVISIONS ADOPTED

Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery G.I. Bill (sec. 1601)

The Senate amendment contained a provision (sec. 683) that would authorize the secretary of a military department to, as a recruiting or retention incentive, permit a service member who was previously eligible for the Veterans Educational Assistance Program (VEAP) or who did not elect to participate in the Montgomery G.I. Bill to enroll in the Montgomery G.I. Bill educational benefit program.

The House bill contained no similar provision.

The House recedes with an amendment that would, during a one-year period following enactment, permit individuals who were previously enrolled in VEAP to enroll in the Montgomery G.I. Bill program after paying a premium not to exceed $2,700.

Modification of authority to pay tuition for off-duty training and education (sec. 1602)

The Senate amendment contained a provision (sec. 684) that would authorize the secretary of a military department to pay up to 100 percent of the charges of an educational institution for the tuition or expenses of a service member enrolled in an off-duty educational program and would permit service members to use their Montgomery G.I. Bill educational benefit to pay any portion of the charges that are not paid by the secretary of the military department.

The House bill contained no similar provision.

The House recedes.

Clarification of Department of Veterans Affairs duty to assist (sec. 1611)

The Senate amendment contained a provision (sec. 672) that would clarify the responsibility of the Secretary of Veterans Affairs to assist claimants in developing all facts pertinent to a claim for benefits.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification of time for use by certain members of the Selected Reserve of entitlement to educational assistance

The Senate amendment contained a provision (sec. 670) that would extend the time frame in which members of the Selected Reserve could use their educational benefits.

The House bill contained no similar provision.

The Senate recedes.

Modification of time for use by certain members of Selected Reserve of entitlement to certain educational assistance

The Senate amendment contained a provision (sec. 685) that would extend the period in which members of the Selected Reserve may use their Reserve Montgomery G.I. Bill benefits to five years after they separate from the reserves.

The House bill contained no similar provision.

The Senate recedes.

Short title

The Senate amendment contained a provision (sec. 681) that would establish the subtitle, "Helping Our Professionals Educationally (HOPE) Act of 2000."

The House bill contained no similar provision.

The Senate recedes.

Transfer of entitlement to educational assistance by certain members of the armed forces

The Senate amendment contained a provision (sec. 682) that would authorize the secretary of a military department, as a recruiting or retention incentive, to permit a service member to transfer their entitlement to the basic educational benefit under the Montgomery G.I. Bill, in whole or in part, to their dependents.

The House bill contained no similar provision.

The Senate recedes.

TITLE XVII—ASSISTANCE TO FIREFIGHTERS

LEGISLATIVE PROVISIONS ADOPTED

Assistance to Firefighters (secs. 1701–1707)

The Senate amendment contained a provision (sec. 1072) that would authorize a six-year, $3.1 billion competitive federal grant program to provide assistance to local firefighting departments for the purpose of protecting the health and safety of the public and firefighting personnel, including volunteers and emergency medical service personnel, against fire and fire-related hazards. The provision would authorize grant funds to be used for various firefighting related activities including the hiring of additional personnel, the training of personnel, the procurement of vehicles and other equipment, certification of fire inspectors, and similar activities. A 10 percent matching requirement of non-federal funds under this program would be required. The Director of the Federal Emergency Management Agency (FEMA) would be responsible for the administration of the program.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize a series of provisions (secs. 1701–1707) to provide assistance to local firefighting departments.

The amendment would authorize a two-year, $400.0 million competitive grant program to provide assistance to local firefighting departments. Each grant could not exceed $750,000. In order for a grant applicant to receive funds, the applicant would have to demonstrate a financial need for the assistance; outline the costs and benefits of public safety in relation to the use of the assistance; and agree to provide information to the National Fire Incident Reporting System. There would be a 30 percent matching requirement of non-federal funds under this program for fire departments that serve more than 50,000 people, and a 10 percent matching requirement of non-federal funds for fire departments that serve 50,000 people or less. The Director of FEMA would be required to ensure that communities protected by volunteer firefighters receive grant funding that at least reflects a proportionate share, as compared to the U.S. population as a whole. The Director of FEMA would also be required to submit a report to Congress that provides the current role and activities associated with the fire services, the adequacy of current funding, and a needs assessment to identify shortfalls. The Director of FEMA would consult with the chief executive of a state when making a direct grant.

The amendment would also include a two-year, $30.0 million program to provide assistance to state foresters or equivalent state officials for firefighting activities. The Secretary of Agriculture would be responsible for the administration of this program. The Secretary of Agriculture would be required to submit a report to Congress on the results of the assistance provided under this program.

The amendment would further authorize a two-year, $30.0 million competitive grant program to hospitals that serve as regional burn centers, to safety organizations that conduct burn safety programs to assist burn prevention programs, to programs that augment existing burn prevention programs, or to other entities that provide after-burn treatment and counseling for burn victims. The Director of FEMA would be responsible for the administration of the program. The Director would be required to submit a report to Congress on the results of the assistance provided under this aspect of the grant program.

The amendment would also require the Secretary of Health and Human Services, in consultation with the Secretary of Labor, to conduct a study regarding the prevalence of hepatitis C among emergency response employees of the United States. The Secretary of Health and Human Services, in consultation with the Secretary of Labor, would also be authorized to make grants to qualifying local governments that are qualified to carry out demonstration projects that train employees to minimize the risk of hepatitis C infection, and to test and treat employees for the disease.

The amendment would further require the Secretary of Defense, in consultation with the Attorney General and the Secretary of Commerce, to conduct an engineering study to identify any portions of the 138–144 megahertz band that the Department of Defense can share with public safety radio services in various geographic regions of the United States. The study would include recommended measures necessary to prevent harmful interference between the Department of Defense systems and the public safety systems, and a reasonable schedule for the sharing of frequencies, provided such sharing can be accomplished without causing interference. The Secretary of Commerce and the Chairman of the Federal Communications Commission would also be required to submit a report to Congress on alternative frequencies that are, or could be made, available for use by public safety systems.

The amendment would authorize the Secretary of Defense to transfer excess personal property of the Department of Defense to firefighting agencies if the property is determined to be suitable for use in providing fire and emergency medical services. The property would have to be drawn from existing stocks of the Department of Defense and made without cost to the Department. The recipient firefighting department would accept the property on an as-is, where-is basis and cover all costs of the transfer of the property.

Finally, the amendment would require the establishment of a task force to identify defense technologies and equipment that could be readily put to use by fire service and emergency response personnel, and could be transferred to fire departments. The task force would consist of a representative from the Department of Defense and each of the seven organizations representing various views in firefighting.

TITLE XVIII—IMPACT AID

LEGISLATIVE PROVISIONS ADOPTED

Impact Aid Reauthorization Act of 2000 (secs. 1801–1818)

The conference agreement includes provisions that would amend the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701) to extend the authority for, and to restructure, assistance programs for local educational agencies impacted by federal presence. The provisions would make adjustments to the impact aid program to accommodate military housing privatization initiatives and would restructure the formula to increase impact aid to schools serving military children. Other provisions would hold school districts harmless in cases where military children have been temporarily relocated to off-base housing while on-base housing is renovated and would provide additional support to school districts required to support privatized military housing areas constructed on non-federal land. The provisions would accelerate payment of impact aid to the most severely effected school districts and would authorize the Secretary of Education to provide grants to school districts to renovate and repair schools with the greatest need. The provisions would also establish a minimum funding level for small, poor school districts.

Overview

The budget request for fiscal year 2001 included $8,033,908,000 for military construction and family housing.

The House bill would authorize $8,433,908,000 for military construction and family housing.

The Senate amendment would provide $8,463,908,000 for this purpose.

The conferees recommend authorization of appropriations of $8,821,172,000 for military construction and family housing, including general reductions and revised economic assumptions.

Summary of
National Defense Authorization for FY 2001

(In Thousands of $'s)

	Authorization Request	House Authorized	Senate Authorized	Change	Conference Agreement
DIVISION B					
MILITARY CONSTRUCTION					
Military Construction, Army	897,938	672,391	781,079	(160,343)	737,595 *
Military Construction, Navy	753,422	887,810	817,371	174,851	928,273
Military Construction, Air Force	530,969	703,873	763,491	339,239	870,208
Military Construction, Defense-wide	784,753	815,504	686,333	29,894	814,647 **
Military Construction, Army National Guard	59,130	129,139	181,629	207,401	266,531
Military Construction, Air National Guard	50,179	110,885	161,806	144,750	194,929
Military Construction, Army Reserve	81,713	104,854	92,497	27,025	108,738
Military Construction, Naval Reserve	16,103	56,574	38,091	45,970	62,073
Military Construction, Air Force Reserve	14,851	41,748	32,673	21,740	36,591
Base Realignment and Closure II, III, IV	1,174,369	1,174,369	1,174,369	(150,000)	1,024,369
NATO Infrastructure	190,000	177,500	190,000	(18,000)	172,000
Total Military Construction	4,553,427	4,874,647	4,919,339	662,527	5,215,954
FAMILY HOUSING					
Family Housing Construction, Army	162,106	198,505	218,306	73,850	235,956
Family Housing Support, Army	978,275	953,744	958,364	(26,482)	951,793
Family Housing Construction, Navy and Marine Corps	362,822	417,225	386,874	55,333	418,155
Family Housing Support, Navy and Marine Corps	882,638	882,638	881,567	(1,071)	881,567
Family Housing Construction, Air Force	223,483	241,384	247,147	28,499	251,982
Family Housing Support, Air Force	826,271	820,879	807,425	(5,392)	820,879
Family Housing Support, Defense-wide	44,886	44,886	44,886	0	44,886
Total Family Housing	3,480,481	3,559,261	3,544,569	124,737	3,605,218

* *Reflects projects previously authorized in PL 106-65 (Fiscal Year 2000, Defense Authorization Act)*

** *Reflects reduction of FOLs proposed in the FY 00 Congressional Emergency Supplemental*

Fiscal Year 2001 Authorization of Appropriations for Military Construction

(Dollars in Thousands)

Item	State	Service	Installation Name	Project Name	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
1	Alabama	Army	Fort Rucker	Fitness Ctr	-	5,600	-	-	-
2	Alabama	Army	Redstone Arsenal	Dining Fac	-	5,100	-	-	-
3	Alabama	Army	Redstone Arsenal	Space & Missile Defense Cmd Bldg	23,400	23,400	23,400	15,600	39,000
4	Alabama	Air Force	Maxwell AFB	OTS Academic Fac	3,825	3,825	3,825	-	3,825
5	Alabama	Army National Guard	Redstone Arsenal	Patriot UTES&DS Maint Shop	-	-	8,083	-	-
6	Alabama	Air National Guard	Dothan AGS	Combat Com Squadron Fac	-	-	11,000	-	-
7	Alabama	Air Force Reserve	Maxwell AFB	Fuel Cell Maintenance Hanger	-	6,362	-	-	-
8	Alaska	Army	Fort Richardson	Central Vehicle Wash Fac	3,000	3,000	3,000	-	3,000
9	Alaska	Air Force	Cape Romanzof Radar Site	Generator Fuel Storage	3,900	3,900	3,900	-	3,900
10	Alaska	Air Force	Eielson AFB	Dormitory (120 Rooms)	14,540	14,540	14,540	-	14,540
11	Alaska	Air Force	Eielson AFB	Hazardous Material Storage	1,450	1,450	1,450	-	1,450
12	Alaska	Air Force	Eielson AFB	Joint Mobility Complex	-	-	25,000	25,000	25,000
13	Alaska	Air Force	Elmendorf AFB	Child Development Ctr	-	-	7,666	7,666	7,666
14	Alaska	Air Force	Elmendorf AFB	Dormitory (144 Rooms)	15,920	15,920	15,920	-	15,920
15	Alaska	Air Force	Elmendorf AFB	Upgrade Hangar Complex	11,600	11,600	11,600	-	11,600
16	Alaska	SOCOM	Kodiak	Cold Weather Training Fac Upgrade	-	5,200	-	-	-
17	Alaska	TRICARE	Fort Wainwright	Hospital Replacement, PH 2	44,000	44,000	44,000	-	44,000
18	Alaska	Air National Guard	Kulis ANGB	Corrosion Control Fac	-	-	12,000	12,000	12,000
19	Alaska	Navy Reserve	Anchorage	Marine Corps Reserve Training Ctr	6,403	6,403	6,403	-	6,403
20	Arizona	Army	Fort Huachuca	Chapel	-	4,000	-	-	-
21	Arizona	Army	Fort Huachuca	Child Development Ctr	-	3,350	-	3,350	3,350
22	Arizona	Army	Fort Huachuca	Field Operations Fac	1,250	1,250	1,250	-	1,250
23	Arizona	Navy	Camp Navajo NAVDET	Magazine Modernization	2,940	2,940	2,940	-	2,940
24	Arizona	Navy	Yuma MCAS	Combat Aircraft Loading Apron	8,200	8,200	8,200	-	8,200
25	Arizona	Air Force	Davis-Monthan AFB	Fitness Ctr	7,900	7,900	7,900	-	7,900
26	Arizona	Army National Guard	Papago Military Reservation	Add/Alter Readiness Ctr	-	2,265	-	2,265	2,265
27	Arizona	Army National Guard	Yuma	Readiness Ctr	-	1,598	-	1,598	1,598
28	Arkansas	Army	Pine Bluff Arsenal*	Ammunition Demilitarization Fac, PH 5	43,600	-	43,600	(43,600)	-
29	Arkansas	Army	Pine Bluff Arsenal	Chemical Defense Qualification Fac	15,500	92	2,592	(12,908)	2,592
30	Arkansas	Army	Pine Bluff Arsenal	Child Development Ctr	-	2,750	-	2,750	2,750
31	Arkansas	Air Force	Little Rock AFB	C-130 Squad Ops/Aircraft Maint Unit	7,960	7,960	7,960	-	7,960
32	Arkansas	Air Force	Little Rock AFB	Fitness Ctr	9,100	9,100	9,100	-	9,100
33	Arkansas	Air Force	Little Rock AFB	Easement "Blackjack Drop Zone"	-	1,259	1,259	1,259	1,259
34	Arkansas	ChemDemil	Pine Bluff Arsenal	Ammunition Demilitarization Fac, PH 5	-	43,600	-	43,600	43,600
35	Arkansas	Air National Guard	Fort Smith MAP	Fire Training Fac	1,760	1,760	1,760	-	1,760
36	Arkansas	Air National Guard	Fort Smith MAP	Operations and Training Fac	-	-	7,200	-	-

Fiscal Year 2001 Authorization of Appropriations for Military Construction

(Dollars in Thousands)

Item	State	Service	Installation Name	Project Name	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
37	Arkansas	Army Reserve	Conway	Reserve Ctr	-	3,696	-	-	-
38	California	Army	Fort Irwin	Barracks Complex - North	31,000	31,000	31,000	-	31,000
39	California	Army	Presidio of Monterey	Barracks Addition	-	2,600	-	2,600	2,600
40	California	Army	Presidio of Monterey	Dir of Info Mngt Computer Cntr	-	2,000	-	-	-
41	California	Navy	Barstow MCLB	Paint and Undercoat Fac	-	6,660	-	6,660	6,660
42	California	Navy	Camp Pendleton MCB	Armor/Anti-Armor Tracking Range	4,100	4,100	4,100	-	4,100
43	California	Navy	Camp Pendleton MCB	Infantry Squadron Battle Course	4,000	4,000	4,000	-	4,000
44	California	Navy	Lemoore NAS	Bachelor Enlisted Quarters	8,260	8,260	8,260	-	8,260
45	California	Navy	Lemoore NAS	Child Development Ctr	-	2,500	-	3,790	3,790
46	California	Navy	Miramar MCAS	Ground Combat Training Range	7,350	7,350	7,350	-	7,350
47	California	Navy	Miramar MCAS	Physical Fitness Ctr	-	6,390	-	6,390	6,390
48	California	Navy	Monterey Nav Postgrad School	Bldg. 245 Extension, PH 1	-	5,280	-	5,280	5,280
49	California	Navy	North Island NADEP	Component Repair Clean Room Fac	4,340	4,340	4,340	-	4,340
50	California	Navy	North Island NAS	Berthing Wharf, PH 2	12,800	12,800	12,800	-	12,800
51	California	Navy	Point Mugu NAWCWD	Range Operations Ctr Add & Alter	11,400	12,600	11,400	-	11,400
52	California	Navy	Port Hueneme NSWC	Wpns Combat Systems Integration Lab	10,200	10,200	10,200	-	10,200
53	California	Navy	San Clemente NF	Aircraft Operations Building	8,860	8,860	8,860	-	8,860
54	California	Navy	San Diego NAVSTA	Berthing Pier PH 1	35,700	35,700	35,700	-	35,700
55	California	Navy	Twentynine Palms MCAGCC	Bachelor Enlisted Quarters	-	21,770	-	21,770	21,770
56	California	Navy	Twentynine Palms MCAGCC	Urban Assault Course	2,100	2,100	2,100	-	2,100
57	California	Air Force	Beale AFB	Control Tower	-	6,300	6,299	6,299	6,299
58	California	Air Force	Beale AFB	Water Treatment Plant & Distribution Line	3,800	3,800	3,800	-	3,800
59	California	Air Force	Los Angeles AFB	Fitness Ctr	6,580	6,580	6,580	-	6,580
60	California	Air Force	Vandenberg AFB	Upgrade Water Distribution System	4,650	4,650	4,650	-	4,650
61	California	DLA	DFSP North Island	Replace Fuel Storage Tanks	5,900	5,900	5,900	-	5,900
62	California	DLA	DFSP Twentynine Palms	Fuel Storage Fac	2,200	2,200	2,200	-	2,200
63	California	SOCOM	Coronado NAB	Applied Instruction Fac	4,300	4,300	4,300	-	4,300
64	California	SOCOM	North Island NAS	Small Craft Berthing Fac	1,350	1,350	1,350	-	1,350
65	California	TRICARE	Camp Pendleton MCB	Fleet Hospital Ops & Tng Cmd Spt Fac	2,900	2,900	2,900	-	2,900
66	California	TRICARE	Camp Pendleton MCB	Replace Med/Dent Clinic (Horno)	3,950	3,950	3,950	-	3,950
67	California	TRICARE	Camp Pendleton MCB	Replace Med/Dent Clinic (Las Pulgas)	3,750	3,750	3,750	-	3,750
68	California	TRICARE	Camp Pendleton MCB	Replace Med/Dent Clinic (Las Flores)	3,550	3,550	3,550	-	3,550
69	California	TRICARE	Edwards AFB	Med Clinic Replacement/Dent Clinic Alter	17,900	17,900	17,900	-	17,900
70	California	Army National Guard	Bakersfield	Organizational Maintenance Shop	1,380	1,380	-	(1,380)	-
71	California	Army National Guard	Camp Parks	Organizational Maintenance Shop	-	-	6,062	6,062	6,062
72	California	Army National Guard	Colton	Organizational Maintenance Shop	489	489	-	(489)	-

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(Dollars in Thousands)

Item	State	Service	Installation Name	Project Name	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
73	California	Army National Guard	Escondido	Organizational Maintenance Shop	1,380	1,380	-	(1,380)	-
74	California	Army National Guard	Fresno	Organizational Maintenance Shop	1,869	1,869	-	(1,869)	-
75	California	Army National Guard	Fresno (Shields Avenue)	Organizational Maintenance Shop	-	-	2,847	2,847	2,847
76	California	Army National Guard	Los Alamitos AFRC	Organizational Maintenance Shop	489	489	-	(489)	-
77	California	Army National Guard	Richmond	Organizational Maintenance Shop	489	489	-	(489)	-
78	California	Army National Guard	San Jose	Organizational Maintenance Shop	1,869	1,869	-	(1,869)	-
79	California	Army National Guard	San Mateo	Organizational Maintenance Shop	461	461	-	(461)	-
80	California	Army National Guard	Santa Barbara	Organizational Maintenance Shop	483	483	-	(483)	-
81	California	Navy Reserve	Alameda NAS	Seawall	950	950	950	-	950
82	California	Air Force Reserve	March ARB	Deployment Equipment Staging Area	-	1,680	-	-	-
83	Colorado	Army	Pueblo Depot Activity	Ammunition Demilitarization Fac, PH 2	10,700	-	10,700	(10,700)	-
84	Colorado	Air Force	Buckley ANGB	Space Based Infrared Sys Pwr Connection	2,750	2,750	2,750	-	2,750
85	Colorado	Air Force	Peterson AFB	Computer Network Defense Fac	-	-	6,826	6,826	6,826
86	Colorado	Air Force	Peterson AFB	Dormitory (144 Rooms)	11,000	11,000	11,000	-	11,000
87	Colorado	Air Force	Peterson AFB	Operations Support Fac	2,260	2,260	2,260	-	2,260
88	Colorado	Air Force	Peterson AFB	Main Access Gate	-	2,310	-	2,310	2,310
89	Colorado	Air Force	Schriever AFB	Add to Operational Support Fac	8,450	8,450	8,450	-	8,450
90	Colorado	Air Force	U.S. Air Force Academy	Add/Alter Athletic Facilities	18,960	18,960	18,960	-	18,960
91	Colorado	ChemDemil	Pueblo Depot Activity	Ammunition Demilitarization Fac, PH 2	-	10,700	-	10,700	10,700
92	Colorado	Army National Guard	Fort Carson	Mobilization and Training Equip Site, PH 1	-	15,100	-	15,100	15,100
93	Colorado	Air National Guard	Buckley ANGB	Repl Jt Munitions Maint & Storage Complex	-	6,000	6,000	6,000	6,000
94	Connecticut	Navy	New London NSB	Drydock Support Fac	3,100	3,100	3,100	-	3,100
95	Connecticut	Air National Guard	Orange ANGS	Air Control Squadron Complex	-	-	12,000	-	-
96	Delaware	Army National Guard	Smyrna	Readiness Ctr	-	-	7,020	7,020	7,020
97	District of Columbia	Navy	Marine Corps Barracks	Bachelor Enlisted Quarters	17,197	17,197	17,197	-	17,197
98	District of Columbia	Navy	Marine Corps Barracks	Site Improvement	-	7,400	-	7,400	7,400
99	District of Columbia	Navy	Washington NAVDIST	Navy Museum Annex	2,450	2,450	2,450	-	2,450
100	District of Columbia	Navy	Washington NRL	Nano Science Research Lab	-	12,390	-	12,390	12,390
101	District of Columbia	Air Force	Bolling AFB	Child Development Ctr	4,520	4,520	4,520	-	4,520
102	Florida	Navy	Blount Island Command	Land Acquisition, PH 2	-	3,320	-	-	-
103	Florida	Navy	Fort Lauderdale NSWC	Seawall & Ship Berthing Fac	3,570	3,570	3,570	-	3,570
104	Florida	Navy	Jacksonville NAS	Child Development Ctr Addition	-	1,400	-	-	-
105	Florida	Navy	Mayport NS	Aircraft Carrier Wharf Improvements	-	6,830	-	6,830	6,830
106	Florida	Navy	Panama City CSS	Amphibious Warfare Integration Fac	-	-	9,960	9,960	9,960
107	Florida	Navy	Panama City NSWCSS	Child Development Ctr	-	1,000	-	-	-
108	Florida	Navy	Whiting Field Milton NAS	JPATS T-6A GSE/Aircraft Paint Fac	3,900	3,900	3,900	-	3,900

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109	Florida	Navy	Whiting Field Milton NAS	JPATS T-6A Operations Maint Fac	1,230	1,230	1,230	-	1,230
110	Florida	Air Force	Eglin AFB	Precision Guided Munit Maint Fac	3,340	3,340	3,340	-	3,340
111	Florida	Air Force	Eglin AFB	Upgrade Dormitory (72 Rooms)	5,600	5,600	5,600	-	5,600
112	Florida	Air Force	Eglin Aux Field 9	Defense Access Road	2,360	2,360	2,360	-	2,360
113	Florida	Air Force	Eglin Aux Field 9	Upgrade Access Roads	5,600	5,600	5,600	-	5,600
114	Florida	Air Force	Patrick AFB	DEOMI Fac	12,970	12,970	12,970	-	12,970
115	Florida	Air Force	Tyndall AFB	Add/Alter F-22 Maintenance Fac	18,500	18,500	18,500	-	18,500
116	Florida	Air Force	Tyndall AFB	F-22 Operations Fac	6,800	6,800	6,800	-	6,800
117	Florida	Air Force	Tyndall AFB	Weapons Controller Training School	-	6,195	-	6,195	6,195
118	Florida	DLA	DFSP MacDill AFB	Replace Hydrant Fuel System	16,956	16,956	16,956	-	16,956
119	Florida	SOCOM	Eglin Aux Field 9	AGE Maintenance/Dispatch Complex	4,750	4,750	4,750	-	4,750
120	Florida	SOCOM	Eglin Aux Field 9	Air Field Readiness Improvements	3,000	3,000	3,000	-	3,000
121	Florida	SOCOM	Eglin Aux Field 9	Corrosion Control Fac	8,100	8,100	8,100	-	8,100
122	Florida	SOCOM	Eglin Aux Field 9	Hot Cargo Pad	7,354	7,354	7,354	-	7,354
123	Florida	SOCOM	Eglin Aux Field 9	Supply Package Fac	-	3,319	-	-	-
124	Florida	TRICARE	Eglin AFB	Hospital Add/Alter/Life Safety Upgrade	37,600	37,600	37,600	-	37,600
125	Florida	TRICARE	Patrick AFB	Medical Clinic	2,700	2,700	2,700	-	2,700
126	Florida	TRICARE	Tyndall AFB	Add/Alter Medical Clinic	7,700	7,700	7,700	-	7,700
127	Florida	Army Reserve	Clearwater	Army Aviation Support Fac	-	17,800	-	17,800	17,800
128	Florida	Army Reserve	Orlando	Add/Alter AFR Ctr/OMS	17,953	17,953	17,953	-	17,953
129	Florida	Army Reserve	St. Petersburg	Armed Forces Reserve Ctr, PH 1	-	10,000	-	10,000	10,000
130	Florida	Air Force Reserve	Homestead AFB	Add/Alter Fire Station, PH 2	-	-	-	2,000	2,000
131	Georgia	Army	Fort Benning*	Barracks Complex (Kelley Hill), PH 3B	24,000	-	-	(24,000)	-
132	Georgia	Army	Fort Benning	Fixed Wing Aircraft Parking Apron	15,800	15,800	15,800	-	15,800
133	Georgia	Army	Fort Gordon	Consolidated Fire Station	-	2,600	-	2,600	2,600
134	Georgia	Army	Fort Stewart/Hunter AAF *	Barracks Complex (Hunter AAF), PH 1C	26,000	-	-	(26,000)	-
135	Georgia	Navy	Albany MCLB	Renovate Vehicle Storage Fac	1,100	1,100	1,100	-	1,100
136	Georgia	Navy	Athens NSCS	Fitness Ctr	-	2,950	-	2,950	2,950
137	Georgia	Navy	TRIREFITFAC Kings Bay	Sand Blasting/Paint Fac	5,200	5,200	5,200	-	5,200
138	Georgia	Air Force	Fort Stewart/Hunter AAF	Air Support Operations Squadron Fac	4,920	4,920	4,920	-	4,920
139	Georgia	Air Force	Moody AFB	Dormitory	-	-	8,818	8,818	8,818
140	Georgia	Air Force	Moody AFB	Water Treatment Plant	2,500	2,500	2,500	-	2,500
141	Georgia	Air Force	Robins AFB	Add/Alter Storm Drainage System	-	11,762	-	11,762	11,762
142	Georgia	Air Force	Robins AFB	Airmen Dining Hall	-	-	4,095	4,095	4,095
143	Georgia	Air National Guard	Robins AFB	B-1 Munitions Maint and Trng Complex	8,500	8,500	8,500	-	8,500
144	Georgia	Navy Reserve	Atlanta NAS	Bachelor Enlisted Quarters, PH 1	-	-	5,970	-	-

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145	Georgia	Navy Reserve	Atlanta NAS	Fitness Ctr Expansion	2,650	2,650	2,650	-	2,650
146	Georgia	Navy Reserve	Atlanta NAS	Reserve Training Building Addition	1,769	1,769	1,769	-	1,769
147	Georgia	Air Force Reserve	Dobbins AFB	C-130 Assault Strip	6,032	6,032	6,032	-	6,032
148	Hawaii	Army	Pohakuloa Training Facility	Saddle Access Road, PH 1	-	-	12,000	12,000	12,000
149	Hawaii	Army	Schofield Barracks	Barracks Complex (Wilson Str), PH 1B	46,400	22,400	22,400	(24,000)	22,400
150	Hawaii	Army	Schofield Barracks	Barracks Complex (Quad F)				43,800	43,800
151	Hawaii	Army	Wheeler AAF	Barracks Complex	43,800	43,800	43,800	(43,800)	-
152	Hawaii	Navy	Camp Smith	CINCPAC Headquarters, PH 2	35,600	35,600	35,600	-	35,600
153	Hawaii	Navy	Kaneohe MCB	Bachelor Enlisted Quarters	18,400	18,400	18,400	-	18,400
154	Hawaii	Navy	Lualualei NAVUWEC	Consolidated Fleet Test Support Fac	2,100	2,100	2,100	-	2,100
155	Hawaii	Navy	Pearl Harbor FISC	Wharf Upgrade	12,000	12,000	12,000	-	12,000
156	Hawaii	Navy	Pearl Harbor NAVSTA	Bachelor Enlisted Quarters	16,500	16,500	16,500	-	16,500
157	Hawaii	Navy	Pearl Harbor NAVSTA	Relocate Seal Delivery Vehicle Team	14,200	14,200	14,200	-	14,200
158	Hawaii	Navy	Pearl Harbor NAVSTA	Sewer Force Main (Ford Island)	-	-	6,900	6,900	6,900
159	Hawaii	Air Force	Hickam AFB	Upgrade Hangar Complex	4,620	4,620	4,620	-	4,620
160	Hawaii	SOCOM	Pearl Harbor	Special Delivery Drydeck Fac	-	9,990	-	9,900	9,900
161	Hawaii	Army National Guard	Maui	Readiness Ctr	-	-	11,592	11,592	11,592
162	Idaho	Air Force	Mountain Home AFB	Enhanced Training Range, PH 3	10,125	10,125	10,125	-	10,125
163	Idaho	Air National Guard	Gowan Field	C-130 Assault Strip	-	-	-	9,000	9,000
164	Illinois	Navy	Great Lakes NTC	Child Development Ctr	-	3,400	-	-	-
165	Illinois	Navy	Great Lakes NTC	Recruit Barracks	37,000	37,000	37,000	-	37,000
166	Illinois	Navy	Great Lakes NTC	Recruit Barracks	37,700	37,700	37,700	-	37,700
167	Illinois	Navy	Great Lakes NTC	Replace RTC Drill Hall	11,700	11,700	11,700	-	11,700
168	Illinois	Navy	Great Lakes NTC	Physical Training Fac	35,000	35,000	35,000	-	35,000
169	Illinois	Air Force	Scott AFB	Munitions Storage/Land Acquisition	3,830	3,830	3,830	-	3,830
170	Illinois	Army National Guard	Aurora	Readiness Ctr	-	2,871	-	2,871	2,871
171	Illinois	Army National Guard	Danville	Readiness Ctr	-	2,435	-	2,435	2,435
172	Illinois	Air National Guard	Scott AFB	KC-135 Simulator Fac	1,500	1,500	1,500	-	1,500
173	Illinois	Air Force Reserve	Scott AFB	Support Group Training Fac	-	-	6,912	-	-
174	Indiana	Army	Newport AD	Ammunition Demilitarization Fac, PH 3	54,400	-	54,400	(54,400)	-
175	Indiana	Navy	Crane NWSC	Microwave Engineering Devices Ctr	-	8,460	-	-	-
176	Indiana	ChemDemil	Newport AD	Ammunition Demilitarization Fac, PH 3	-	54,400	-	54,400	54,400
177	Indiana	Army National Guard	Delphi	Organizational Maintenance Shop	1,563	1,563	1,563	-	1,563
178	Indiana	Army National Guard	Elkhart	Organizational Maintenance Shop	2,322	2,322	2,322	-	2,322
179	Indiana	Army National Guard	Logansport	Organizational Maintenance Shop	739	739	739	-	739
180	Indiana	Army National Guard	Plymouth	Organizational Maintenance Shop	951	951	951	-	951

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181	Indiana	Army National Guard	South Bend	Organizational Maintenance Shop	951	951	951	-	951
182	Indiana	Air National Guard	Fort Wayne IAP	Repl Fuel Cell and Corrosion Control Fac	-	7,000	-	7,000	7,000
183	Indiana	Navy Reserve	Grissom ARB MCRC	Reserve Training Ctr	-	-	4,730	4,730	4,730
184	Indiana	Air Force Reserve	Grissom ARB	Services Complex, PH 2	-	11,290	-	11,290	11,290
185	Kansas	Army	Fort Riley	Advanced Waste Water Treatment Fac	-	-	22,000	22,000	22,000
186	Kansas	Army	Fort Riley*	Barracks Complex (Infantry Dr.), PH 1C	15,000	10,000	10,000	(5,000)	10,000
187	Kansas	Army	Fort Riley	Child Development Ctr	-	5,600	-	-	-
188	Kansas	Air Force	McConnell AFB	Approach Lighting System	-	-	2,100	2,100	2,100
189	Kansas	Air Force	McConnell AFB	KC-135 Squad Ops/Aircraft Maint Unit	-	9,764	-	9,764	9,764
190	Kansas	DLA	McConnell AFB	Hydrant Fuel System	11,000	11,000	11,000	-	11,000
191	Kansas	Army National Guard	Kansas City	Organizational Maintenance Shop	641	641	641	-	641
192	Kansas	Air National Guard	McConnell AFB	B-1 Power Check Pad w/Sound Suppressor	-	1,600	1,550	1,550	1,550
193	Kentucky	Army	Blue Grass AD*	Ammunition Demilitarization Support, PH 2	8,500	-	8,500	(8,500)	-
194	Kentucky	Army	Fort Campbell*	Barracks Complex (Market Garden Rd), PH 2C	9,400	-	-	(9,400)	-
195	Kentucky	Army	Fort Knox	Multi-Purpose Digital Training Range, PH 3	8,450	-	600	(7,900)	550
196	Kentucky	ChemDemil	Blue Grass AD	Ammunition Demilitarization Support, PH 2	-	8,500	-	8,500	8,500
197	Kentucky	SOCOM	Fort Campbell	Equipment Maintenance Complex	4,500	4,500	4,500	-	4,500
198	Kentucky	SOCOM	Fort Campbell	Flight Simulator Fac	5,400	5,400	5,400	-	5,400
199	Kentucky	SOCOM	Fort Campbell	Tactical Equipment Complex	6,400	6,400	6,400	-	6,400
200	Kentucky	Army National Guard	Fort Knox	Parking at MATES	-	-	3,929	3,929	3,929
201	Louisiana	Air Force	Barksdale AFB	B-52H Fuel Cell Maintenance Dock	-	-	14,074	14,074	14,074
202	Louisiana	Air Force	Barksdale AFB	Dormitory (96 Rooms)	6,390	6,390	6,390	-	6,390
203	Louisiana	Army Reserve	Fort Polk	Add/Alter USARC/OMS/Equip Conc Site	9,912	9,912	9,912	-	9,912
204	Louisiana	Army Reserve	New Orleans	USARC/OMS/Unheated Storage	10,375	-	10,375	(10,375)	-
205	Louisiana	Navy Reserve	New Orleans NAS	Air Passenger Terminal	590	590	590	-	590
206	Louisiana	Navy Reserve	New Orleans NAS	Joint Reserve Ctr, PH 1	-	10,375	-	7,000	7,000
207	Louisiana	Navy Reserve	New Orleans NSA	Physical Fitness/Recreational Area	-	-	1,670	1,670	1,670
208	Louisiana	Navy Reserve	New Orleans NSA	Warehouse Add'n for Administration Support	800	800	800	-	800
209	Maine	Navy	Brunswick NAS	Aircraft De-Ice/Rinse Fac	2,450	2,450	2,450	-	2,450
210	Maine	Navy	Portsmouth NSY	Standardize Waterfront Crane Rail System	-	4,960	4,960	4,960	4,960
211	Maryland	Army	Aberdeen Proving Ground	Ammunition Demilitarization Fac, PH 3	45,700	-	45,700	(45,700)	-
212	Maryland	Army	Aberdeen Proving Ground	Emergency Services Ctr	-	5,800	-	-	-
213	Maryland	Army	Aberdeen Proving Ground	Munitions Assessment/Processing Syst Fac	3,100	-	3,100	(3,100)	-
214	Maryland	Army	Fort Meade	Replace Barracks	-	-	19,000	19,000	19,000
215	Maryland	Navy	NavExplOrdDispTechCtr Ind'n Head	Joint Service EOD Equipment Support Fac	6,430	6,430	6,430	-	6,430
216	Maryland	Navy	NAS Patuxent River	Environmental Noise Reduction Wall	-	1,670	-	1,670	1,670

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217	Maryland	Navy	NAS Patuxent River	RDT&E Support Fac	-	6,570	-	6,570	6,570
218	Maryland	ChemDemil	Aberdeen Proving Ground	Ammunition Demilitarization Fac, PH 3	-	45,700	-	45,700	45,700
219	Maryland	ChemDemil	Aberdeen Proving Ground	Munitions Assessment/Processing Syst Fac	-	3,100	-	3,100	3,100
220	Maryland	DLA	DFSP Patuxent River	Replace Operating Fuel Tanks	8,300	8,300	8,300	-	8,300
221	Maryland	NSA	Fort Meade	Critical Utility Control, PH 2	769	769	769	-	769
222	Maryland	NSA	Fort Meade	Route 32	3,459	3,459	3,459	-	3,459
223	Massachusetts	Air Force	Hanscom AFB	Renovate Acquisition Mgmt Fac, PH 2	-	-	17,851	12,000	12,000
224	Massachusetts	Air National Guard	Barnes MAP	Relocate Taxiway	-	4,000	-	4,000	4,000
225	Massachusetts	Air National Guard	Otis ANG	Upgrade Airfield Storm Water System	-	2,000	-	2,000	2,000
226	Massachusetts	Navy Reserve	Westover AFRB	Marine Reserve Training Fac	-	9,100	-	9,100	9,100
227	Massachusetts	Navy Reserve	Westover AFRB	MCR Technical Fac (Rescission FY 1998)	-	-	-	(2,400)	(2,400)
228	Massachusetts	Air Force Reserve	Westover AFRB	Repair/Alter Airman Quarters	-	7,450	-	7,450	7,450
229	Michigan	Army National Guard	Augusta	Organizational Maintenance Shop	-	3,600	3,600	3,600	3,600
230	Michigan	Army National Guard	Lansing	Combined Maintenance Shop, PH 1	-	-	22,743	17,000	17,000
231	Michigan	Army National Guard	Midland	Organizational Maintenance Shop	3,600	-	-	(3,600)	-
232	Michigan	Air National Guard	Alpena County RAP	Replace Operations and Training Fac	4,500	4,500	4,500	-	4,500
233	Michigan	Air National Guard	Selfridge ANGB	Upgrade Runway	-	-	18,000	18,000	18,000
234	Minnesota	Army National Guard	Camp Ripley*	Combined Maintenance Shop	-	-	-	-	-
235	Minnesota	Army National Guard	Mankato	Readiness Ctr	4,681	4,681	4,681	-	4,681
236	Mississippi	Navy	Meridian NAS	Control Tower and Beacon Tower	-	-	1,530	-	-
237	Mississippi	Navy	Meridian NAS	T-45 Aircraft Support Fac	4,700	4,700	4,700	-	4,700
238	Mississippi	Navy	Stennis Space Center	Warfighting Support Ctr	-	-	6,950	6,950	6,950
239	Mississippi	Air Force	Columbus AFB	Corrosion Control Fac	-	-	4,828	4,828	4,828
240	Mississippi	Air Force	Keesler AFB	Technical Training Fac	15,040	15,040	15,040	-	15,040
241	Mississippi	Army National Guard	Camp McCain (Elliot)	Modified Record Fire Range, Range 2B	-	2,000	-	2,000	2,000
242	Mississippi	Army National Guard	Oxford	Readiness Ctr	-	3,348	-	3,348	3,348
243	Mississippi	Air National Guard	Jackson IAP	C-17 Corrosion Control/Maint Hangar	10,500	10,500	12,800	1,700	12,200
244	Missouri	Army	Fort Leonard Wood	Air Field Improvement	-	4,200	-	4,200	4,200
245	Missouri	Army	Fort Leonard Wood	Basic Training Complex, PH 1A	38,600	38,600	38,600	-	38,600
246	Missouri	Air Force	Whiteman AFB	B-2 Conv Munitions Storage Igloos	4,150	4,150	4,150	-	4,150
247	Missouri	Air Force	Whiteman AFB	B-2 Munitions Assembly Area	7,900	7,900	7,900	-	7,900
248	Missouri	Army National Guard	Maryville	Readiness Ctr	-	-	-	4,225	4,225
249	Missouri	Navy Reserve	Whiteman AFB	Littoral Surveillance System	-	3,570	-	3,570	3,570
250	Montana	Air Force	Malmstrom AFB	Convert Commercial Gate	-	-	3,517	3,517	3,517
251	Montana	Air Force	Malmstrom AFB	Helicopter Operations Fac	-	-	2,362	2,362	2,362
252	Montana	Air Force	Malmstrom AFB	Minuteman III Missile Maint Fac	5,300	5,300	5,300	-	5,300

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Item	State	Service	Installation Name	Project Name	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
253	Montana	Army National Guard	Bozeman	Readiness Ctr	-	-	-	4,916	4,916
254	Montana	Army National Guard	Havre	Organizational Maintenance Shop	461	461	461	-	461
255	Montana	Army National Guard	Kalispell	Organizational Maintenance Shop	493	493	493	-	493
256	Montana	Army National Guard	Libby	Organizational Maintenance Shop	463	463	463	-	463
257	Nebraska	Air Force	Offutt AFB	Fire/Crash Rescue Station	-	-	9,765	-	-
258	Nebraska	Army National Guard	Gering	Organizational Maintenance Shop	657	657	657	-	657
259	Nebraska	Army National Guard	Mead	Organizational Maintenance Shop	714	714	714	-	714
260	Nebraska	Army National Guard	North Platte	Organizational Maintenance Shop	508	508	508	-	508
261	Nevada	Navy	Fallon NAS	Corrosion Control Hanger	-	6,280	6,280	6,280	6,280
262	Nevada	DLA	DFSP Fallon NAS	Replace Operating Fuel Tanks	5,000	5,000	5,000	-	5,000
263	Nevada	Army National Guard	Carson City	USP&FO Administrative Building	-	-	4,472	4,472	4,472
264	Nevada	Air National Guard	Reno-Tahoe IAP	Fuel Storage Complex	-	-	5,000	5,000	5,000
265	New Hampshire	Air National Guard	Pease International Trade Port	Replace Medical Training Fac	-	-	4,000	4,000	4,000
266	New Hampshire	Army Reserve	Rochester	Land Acquisition	980	980	980	-	980
267	New Jersey	Army	Picatinny Arsenal	Armament Software Eng Ctr, PH 1	-	5,600	-	5,600	5,600
268	New Jersey	Navy	NWS Earle	Recreation Ctr	2,420	2,420	2,420	-	2,420
269	New Jersey	Air Force	McGuire AFB	Air Freight /Base Supply Complex, PH 1	-	10,600	-	10,600	10,600
270	New Jersey	Air Force	McGuire AFB	Fitness Ctr	9,772	9,772	9,772	-	9,772
271	New Jersey	Army Reserve	Fort Dix	OES Barracks Upgrade	-	-	9,975	-	-
272	New Mexico	Army	White Sands Missile Range	Professional Development Ctr	-	9,000	-	-	-
273	New Mexico	Air Force	Cannon AFB	Control Tower	-	-	4,934	4,934	4,934
274	New Mexico	Air Force	Holloman AFB	Repair Bonito Pipeline	-	-	18,380	18,380	18,380
275	New Mexico	Air Force	Kirtland AFB	Fire/Crash Rescue Station	-	7,350	-	7,350	7,350
276	New Mexico	Air Force	Kirtland AFB	Replace Airfield Pavement, PH 2	-	-	7,352	-	-
277	New York	Army	Fort Drum	Battle Simulation Ctr, PH 1	-	12,000	-	12,000	12,000
278	New York	Army	Fort Drum*	Consolidated Soldier Support Ctr, PH 2	10,300	-	-	(10,300)	-
279	New York	Army	United States Military Academy *	Cadet Physical Development Ctr, PH 2A	13,600	-	-	(13,600)	-
280	New York	TRICARE	Fort Drum	Veterinary Treatment Fac	1,400	1,400	1,400	-	1,400
281	New York	Army National Guard	Hancock Field (ANG)	Readiness Ctr	5,376	5,376	5,376	-	5,376
282	New York	Air National Guard	Hancock Field Syracuse	Small Arms Range Training Fac	-	1,250	-	1,250	1,250
283	New York	Air National Guard	Hancock Field (ANG) Syracuse	Upgrade Aircraft Maintenance Shops	-	9,100	-	9,100	9,100
284	New York	Air National Guard	Niagara Falls IAP	Upgrade Overrun and Runway	-	4,100	-	4,100	4,100
285	New York	Air Force Reserve	Niagara ARS	Visiting Airmen Quarters, PH 1	-	-	6,881	-	-
286	North Carolina	Army	Fort Bragg	Ammunition Holding Area	12,600	12,600	12,600	-	12,600
287	North Carolina	Army	Fort Bragg	Barracks Complex (Butner Rd), PH 1	26,000	26,000	26,000	-	26,000
288	North Carolina	Army	Fort Bragg	Barracks Complex (Longstreet Rd), PH 1	45,600	45,600	45,600	-	45,600

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289	North Carolina	Army	Fort Bragg*	Barracks Complex (Tagaytay Str), PH 2B	38,600	3,108	3,108	(35,492)	3,108
290	North Carolina	Army	Sunny Point Army Terminal	Railroad Equipment Maintenance Fac	2,300	2,300	2,300	-	2,300
291	North Carolina	Navy	Camp LeJeune MCB	Amphibious Ops/Maint Storage Complex	9,500	9,500	9,500	-	9,500
292	North Carolina	Navy	Camp LeJeune MCB	Armories	10,000	14,000	10,000	4,000	14,000
293	North Carolina	Navy	Camp LeJeune MCB	Bachelor Enlisted Quarters	14,300	14,300	14,300	-	14,300
294	North Carolina	Navy	Camp LeJeune MCB	Child Development Ctr	4,420	4,420	4,420	-	4,420
295	North Carolina	Navy	Camp LeJeune MCB	Operations/Maintenance Storage Fac	3,650	3,650	3,650	-	3,650
296	North Carolina	Navy	Cherry Point MCAS	Aircraft Hangar Improvements	8,480	8,480	8,480	-	8,480
297	North Carolina	Navy	Cherry Point NADEP	Aircraft Stripping Fac Addition	7,540	7,540	7,540	-	7,540
298	North Carolina	Navy	New River MCAS	Aircraft Rinse Fac	800	800	800	-	800
299	North Carolina	Navy	New River MCAS	Control Tower	2,600	2,600	2,600	-	2,600
300	North Carolina	Air Force	Pope AFB	Dangerous Cargo Pads	24,570	24,570	24,570	-	24,570
301	North Carolina	Air Force	Seymour Johnson AFB	Repair Airfield Pavement	-	7,141	-	7,141	7,141
302	North Carolina	DODEA	Camp LeJeune MCB	Russell Elementary School	5,914	5,914	5,914	-	5,914
303	North Carolina	DLA	DFSP Cherry Point	Replace Fuel Storage Tanks	5,700	5,700	5,700	-	5,700
304	North Carolina	SOCOM	Fort Bragg	Media Operations Complex	8,600	8,600	8,600	-	8,600
305	North Carolina	Army National Guard	Fort Bragg	Military Educational Fac, PH 1	8,709	8,709	8,709	-	8,709
306	North Carolina	Air National Guard	Charlotte/Douglas IAP	Replace Base Supply Warehouse	-	6,300	-	6,300	6,300
307	North Dakota	Air Force	Minot AFB	Add to Missile Maint Fac	-	3,151	-	-	-
308	North Dakota	Army National Guard	Wahpeton	Armed Forces Readiness Ctr	-	-	10,960	10,960	10,960
309	Ohio	Army	Columbus	Military Entrance Processing Station	1,832	1,832	1,832	-	1,832
310	Ohio	Air Force	Wright-Patterson AFB	Consolidated Toxic Hazard Lab	-	14,908	-	14,908	14,908
311	Ohio	Air Force	Wright-Patterson AFB	Replace West Ramp, PH 1	22,600	22,600	22,600	-	22,600
312	Ohio	Air National Guard	Mansfield-Lahm MAP	Replace Squad Ops and Communications	-	7,700	-	7,700	7,700
313	Ohio	Air National Guard	Springfield-Buckley MAP	Relocate Pwr Check & Arm/DeArm Pad, PH 1	-	4,000	-	4,000	4,000
314	Ohio	Air National Guard	Toledo Express Airport	Replace Logistics Complex	-	6,900	-	-	-
315	Ohio	Navy Reserve	Columbus NMCRC	Consolidate Navy Marine Corps Reserve Ctr	-	7,080	-	7,080	7,080
316	Ohio	Navy Reserve	Rickenbacker NMCRC	Relocation and Consolidation of Facilities	-	-	7,080	-	-
317	Oklahoma	Army	Fort Sill	Tactical Equipment Shop, PH 2	-	10,991	10,100	10,100	10,100
318	Oklahoma	Air Force	Altus AFB	C-17 Cargo Compartment Trainer	-	2,939	2,939	2,939	2,939
319	Oklahoma	Air Force	Tinker AFB	Depot Corrosion Control Strip Fac (WCF)	12,380	12,380	12,380	-	12,380
320	Oklahoma	Air Force	Tinker AFB	Dormitory	-	8,715	-	8,715	8,715
321	Oklahoma	Air Force	Tinker AFB	Dormitory (96 Rooms)	5,800	5,800	5,800	-	5,800
322	Oklahoma	Air Force	Vance AFB	Maintenance Hanger	-	-	10,504	10,504	10,504
323	Oklahoma	Army National Guard	Sand Springs	Armed Forces Reserve Ctr	-	-	13,530	13,530	13,530
324	Oregon	Army	Umatilla DA	Ammunition Demilitarization Fac, PH 6	9,400	-	9,400	(9,400)	-

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325	Oregon	ChemDemil	Umatilla DA	Ammunition Demilitarization Fac, PH 6	-	9,400	-	9,400	9,400
326	Oregon	Army National Guard	Baker City	Readiness Ctr	3,122	3,122	3,122	-	3,122
327	Oregon	Army National Guard	Camp Rilea	Training Simulation Ctr	-	1,470	-	1,470	1,470
328	Oregon	Navy Reserve	Portland IAP	Reserve Ctr Alternation/Vehicle Maint Fac	1,420	1,420	1,420	-	1,420
329	Pennsylvania	Army	Carlisle Barracks	Academic Research Fac	10,500	10,500	10,500	-	10,500
330	Pennsylvania	Army	New Cumberland AD	Military Entrance Processing Station	3,700	3,700	3,700	-	3,700
331	Pennsylvania	Navy	Philadelphia NSWC	Gas Turbine Test Fac	-	10,680	-	10,680	10,680
332	Pennsylvania	DLA	DDSP New Cumberland	Child Development Ctr	4,700	4,700	4,700	-	4,700
333	Pennsylvania	DLA	DDSP New Cumberland	Replace Controlled Humidity Warehouse	13,000	13,000	13,000	-	13,000
334	Pennsylvania	Army National Guard	Fort Indiantown Gap	Repair Waste Treatment Sewage Plant Line	-	8,518	-	8,518	8,518
335	Pennsylvania	Army National Guard	Johnstown	Regional Maintenance Shop	-	4,500	-	4,500	4,500
336	Pennsylvania	Army National Guard	Mansfield	Readiness Ctr	-	3,100	-	3,100	3,100
337	Pennsylvania	Army National Guard	New Milford	Readiness Ctr	-	2,675	-	2,675	2,675
338	Pennsylvania	Air Force Reserve	Pittsburgh IAP	Combat Communications Fac	-	-	3,105	-	-
339	Pennsylvania	Air Force Reserve	Willow Grove ARS	Alter Hangar and Fire Suppression	2,400	2,400	2,400	-	2,400
340	Rhode Island	Navy	Division Newport NUWC	Shore Based Launch Fac	4,150	4,150	4,150	-	4,150
341	Rhode Island	Air National Guard	Quonset Point*	Maintenance Hanger, PH 1	-	-	-	-	-
342	South Carolina	Navy	Beaufort MCAS	Flightline Fire Safety Improvements	3,140	3,140	3,140	-	3,140
343	South Carolina	Navy	Parris Island MCRD	Field Training Complex	2,660	2,660	2,660	-	2,660
344	South Carolina	Air Force	Charleston AFB	Base Mobility Warehouse	-	-	9,449	9,449	9,449
345	South Carolina	Air Force	Charleston AFB	C-17 Add to Flight Simulator Fac	2,500	2,500	2,500	-	2,500
346	South Carolina	Air Force	Charleston AFB	Repair Runway, North Field	-	10,289	10,289	10,289	10,289
347	South Carolina	Air Force	Shaw AFB	Dining Fac	-	5,252	-	5,252	5,252
348	South Carolina	Air Force	Shaw AFB	USCENTAF Operations Weather Sqd Fac	2,850	2,850	2,850	-	2,850
349	South Carolina	DODEA	Laurel Bay	Laurel Bay Primary Classroom Addition	804	804	804	-	804
350	South Carolina	Army National Guard	Beaufort	Readiness Ctr	-	4,870	-	4,870	4,870
351	South Carolina	Army National Guard	Leesburg Training Center	Infrastructure Upgrades	-	-	5,682	5,682	5,682
352	South Carolina	Navy Reserve	Fort Jackson	Naval Reserve Readiness Ctr	-	5,200	-	5,200	5,200
353	South Dakota	Air Force	Ellsworth AFB	Base Civil Engineer Complex, PH 1	-	-	10,290	10,290	10,290
354	South Dakota	Army National Guard	Sioux Falls*	Consolidated Barracks/Education Fac	-	4,955	-	137	137
355	Tennessee	Army National Guard	Henderson	Organizational Maint Shop, PH 1	-	1,976	1,976	-	-
356	Tennessee	Army National Guard	Henderson	Readiness Ctr	-	-	-	5,165	5,165
357	Tennessee	Army National Guard	New Tazwell	Readiness Ctr	-	3,510	-	3,510	3,510
358	Texas	Army	Fort Bliss	Railyard Infrastructure	26,000	26,000	26,000	-	26,000
359	Texas	Army	Fort Hood	Command and Control Fac, PH 1	-	4,000	-	4,000	4,000
360	Texas	Army	Fort Hood	Fire Station/Transportation Motor Pool	-	6,492	-	6,492	6,492

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361	Texas	Army	Fort Hood	Multi-Purpose Digital Trng Range, PH 1	16,000	16,000	16,000	-	16,000
362	Texas	Army	Fort Hood	Railhead Fac, PH 3	9,800	9,800	9,800	-	9,800
363	Texas	Army	Red River Army Depot	Ammunition Container Complex	800	800	800	-	800
364	Texas	Navy	Corpus Christi NAS	Parking Apron Expansion	-	4,850	-	4,850	4,850
365	Texas	Navy	Ingleside NS	Mobile Mine Assembly Unit Fac	-	2,420	-	2,420	2,420
366	Texas	Navy	Kingsville NAS	Aircraft Parking Apron	-	2,670	-	2,670	2,670
367	Texas	Air Force	Dyess AFB	C-130 Squad Ops/Aircraft Maint Unit	-	7,348	-	-	-
368	Texas	Air Force	Dyess AFB	Fitness Ctr	-	-	12,813	12,813	12,813
369	Texas	Air Force	Dyess AFB	Realistic Bomber Training Initiative	12,175	12,175	12,175	-	12,175
370	Texas	Air Force	Lackland AFB	Child Development Ctr	-	4,830	4,830	4,830	4,830
371	Texas	Air Force	Lackland AFB	Dormitory (96 Rooms)	5,500	5,500	5,500	-	5,500
372	Texas	Air Force	Laughlin AFB	Visitors Quarters	-	11,973	-	11,973	11,973
373	Texas	Air Force	Sheppard AFB	Dining Fac	-	6,450	-	6,450	6,450
374	Texas	TRICARE	William Beaumont Medical Ctr	Laboratory Renovation	-	4,200	-	4,200	4,200
375	Texas	Air National Guard	Ellington Field	Base Supply Complex	-	-	10,000	10,000	10,000
376	Texas	Army Reserve	Camp Bullis	USAR Ctr/Unheated Storage	1,464	1,464	1,464	-	1,464
377	Texas	Army Reserve	Fort Sam Houston	USAR Ctr/OMS/Equip Conc Site	13,678	13,678	13,678	-	13,678
378	Texas	Navy Reserve	Fort Worth NAS, JRB	Indoor Rifle Range	-	3,490	-	3,490	3,490
379	Texas	Navy Reserve	Fort Worth NAS, JRB	Religious Ministry Fac	-	1,580	-	1,830	1,830
380	Utah	Air Force	Hill AFB	C-130 Corrosion Control Fac (WCF)	16,500	16,500	16,500	-	16,500
381	Utah	Air Force	Hill AFB	Dormitory	-	11,550	11,550	11,550	11,550
382	Utah	Air National Guard	Salt Lake City IAP	Aircraft Maintenance Complex	10,300	10,300	10,300	-	10,300
383	Vermont	Air National Guard	Burlington IAP	Aircraft Maintenance Complex	-	-	9,300	9,300	9,300
384	Virginia	Army	Fort Eustis	Aircraft Maint Instructional Building	-	-	4,450	4,450	4,450
385	Virginia	Navy	AEGIS CSC Wallops Island	Spy 1-D T&E Fac Addition	3,300	3,300	3,300	-	3,300
386	Virginia	Navy	Dahlgren NSWC	Innovative Tech & Infrastructure Fac	11,300	11,300	11,300	-	11,300
387	Virginia	Navy	Dahlgren NSWC	Joint Warfare Analysis Ctr	-	-	19,400	19,400	19,400
388	Virginia	Navy	Little Creek NAB	Waterfront Operations Fac	2,830	2,830	2,830	-	2,830
389	Virginia	Navy	Norfolk NAS	Aircraft Maintenance Hangar	13,300	13,300	13,300	-	13,300
390	Virginia	Navy	Norfolk NAS	Aircraft Maintenance Hangar	11,800	11,800	11,800	-	11,800
391	Virginia	Navy	Norfolk NAS	Taxiway Extension & Lights	6,350	6,350	6,350	-	6,350
392	Virginia	Navy	Norfolk NAVSTA	Pier Enhancements	4,700	4,700	4,700	-	4,700
393	Virginia	Navy	Norfolk NSY, Portsmouth	Bachelor Enlisted Quarters	16,100	16,100	16,100	-	16,100
394	Virginia	Navy	Oceana NAS	Airfield Improvements	5,250	5,250	5,250	-	5,250
395	Virginia	Navy	Oceana NAS	Airfield Perimeter Fence	-	4,190	-	-	-
396	Virginia	Navy	Quantico MCCDC	Physical Training Fac	8,590	8,590	8,590	-	8,590

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397	Virginia	Air Force	Langley AFB	Dormitory (96 Rooms)	7,470	7,470	7,470	-	7,470
398	Virginia	Air Force	Langley AFB	Fitness Ctr	-	12,180	-	12,180	12,180
399	Virginia	DLA	DFSP Oceana	Replace Fuel Storage Tank	2,000	2,000	2,000	-	2,000
400	Virginia	DLA	DSC Richmond	Emergency Services Fac	4,500	4,500	4,500	-	4,500
401	Virginia	SOCOM	Classified	Unit Training Fac	-	-	2,303	-	-
402	Virginia	SOCOM	FCTC Dam Neck	Operational Support Fac	5,500	5,500	5,500	-	5,500
403	Virginia	SOCOM	Little Creek NAB	Air Operations Fac	5,400	5,400	5,400	-	5,400
404	Virginia	SOCOM	Oceana NAS	Operations Support Fac	3,400	3,400	3,400	-	3,400
405	Virginia	Army National Guard	Richlands	Organizational Maintenance Shop	-	-	1,175	1,175	1,175
406	Virginia	Army Reserve	Fort A.P. Hill	USAR/OMS/Area Maint Support Activity	4,275	4,275	4,275	-	4,275
407	Washington	Navy	Bangor NSB	Strategic Security Support Fac	-	-	4,600	4,600	4,600
408	Washington	Navy	Bremerton NS	Fleet Recreation Fac	-	1,930	-	1,930	1,930
409	Washington	Navy	Everett NS	Aquatic Combat Training Fac	-	-	5,500	5,500	5,500
410	Washington	Navy	Puget Sound NSY,Bremerton	Chemical Metallurgical Lab	9,400	9,400	9,400	-	9,400
411	Washington	Navy	Puget Sound NSY, Bremerton	Industrial Skills Ctr	-	10,000	-	10,000	10,000
412	Washington	Navy	Puget Sound NSY, Bremerton	Oily Wastewater Collection	6,600	6,600	6,600	-	6,600
413	Washington	Navy	Puget Sound NSY, Bremerton	Pier Replacement, PH 1	38,000	38,000	38,000	-	38,000
414	Washington	Navy	Strat Wpns Fac Pac, Bremerton	Explosives Handling Wharf Mod	1,400	1,400	1,400	-	1,400
415	Washington	Air Force	Fairchild AFB	Joint Personnel Recovery Ctr	-	5,880	-	5,880	5,880
416	Washington	Air Force	Fairchild AFB	Runway Ctrline Lights	-	2,046	2,046	2,046	2,046
417	Washington	Air Force	McChord AFB	C-17 Add/Alter Nose Docks	3,750	3,750	3,750	-	3,750
418	Washington	Air Force	McChord AFB	C-17 Sqd Ops/Aircraft Maint Unit	6,500	6,500	6,500	-	6,500
419	Washington	Army National Guard	Bremerton	Readiness Ctr	2,639	4,341	4,248	1,702	4,341
420	Washington	Army National Guard	Yakima Training Center	Readiness Ctr	5,104	5,104	6,522	1,609	6,713
421	Washington	Army Reserve	Fort Lawton	Transfer	-	-	-	3,400	3,400
422	Washington	Army Reserve	Tacoma	USAR Ctr/OMS/AMSA, Marine	14,759	14,759	14,759	-	14,759
423	West Virginia	Air National Guard	Yeager ANG	Upgrade Parking Apron and Taxiway	-	-	6,000	6,000	6,000
424	West Virginia	Navy Reserve	Eleanor	Reserve Ctr	-	-	2,500	2,500	2,500
425	Wyoming	Air Force	F. E. Warren AFB	Command And Control Support Fac	10,200	10,200	10,200	-	10,200
426	Wyoming	Air Force	F. E. Warren AFB	Minuteman III Missile Service Complex	15,520	15,520	15,520	-	15,520
427	Wyoming	Air Force	F. E .Warren AFB	Upgrade Storm Water Drainage System	-	-	10,394	-	-
428	Wyoming	Air National Guard	Cheyenne	Control Tower	-	-	1,450	1,450	1,450
429	CONUS Classified	Air Force	Classified	Special Tactical Unit Detachment Fac	1,810	1,810	1,810	-	1,810
430	CONUS Various	Navy	CONUS Various	Bachelor Enlisted Quarters and Dining Fac	11,500	11,500	11,500	-	11,500
431	Bahrain	Navy	ASU	Operations Ctr	19,400	19,400	19,400	-	19,400
432	Curacao/Aruba	OSD	Aruba	Airfield Pavement/Rinse Fac	8,800	-	-	(8,800)	-

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433	Curacao/Aruba	OSD	Aruba	Expeditionary Maintenance Facilities	860	-	-	(860)	-
434	Curacao/Aruba	OSD	Aruba	Expeditionary Aircraft Maint Hangar/Apron	590	-	-	(590)	-
435	Curacao/Aruba	OSD	Curacao	Expeditionary Maintenance Facilities	3,000	-	-	(3,000)	-
436	Curacao/Aruba	OSD	Curacao	Expeditionary Squadron Ops/AMU/Storage	2,200	-	-	(2,200)	-
437	Curacao/Aruba	OSD	Curacao	Airfield Pavement/Rinse Fac	29,500	-	-	(29,500)	-
438	Curacao/Aruba	OSD	Curacao	Aircraft Maint Hangar/Nose/Dock/Apron	9,200	-	-	(9,200)	-
439	Diego Garcia	Air Force	Diego Garcia	Munitions Storage Igloos	5,475	5,475	5,475	-	5,475
440	Ecuador	OSD	Manta	Aircraft Maint Hangar/Nose/Dock/Apron	6,723	-	-	(6,723)	-
441	Ecuador	OSD	Manta	Expeditionary Maintenance Facilities	4,900	-	-	(4,900)	-
442	Ecuador	OSD	Manta	Expeditionary Rescue Station	2,200	-	-	(2,200)	-
443	Ecuador	OSD	Manta	Expeditionary Squadron Ops/AMU/Storage	2,600	-	-	(2,600)	-
444	Ecuador	OSD	Manta	Expeditionary Visiting Airmen Qtrs/Dining Fac	4,650	-	-	(4,650)	-
445	Ecuador	OSD	Manta	Expeditionary Visiting Officer Quarters	1,600	-	-	(1,600)	-
446	Germany	Army	Bamberg ASG	Barracks Complex - Warner 7005	7,800	7,800	7,800	-	7,800
447	Germany	Army	Bamberg ASG	Barracks Complex - Warner 7041	3,850	3,850	3,850	-	3,850
448	Germany	Army	Darmstadt ASG	Barracks Complex - Kelley 4164	5,600	5,600	5,600	-	5,600
449	Germany	Army	Darmstadt ASG	Barracks Complex - Cambrai Fritsch 4002	5,700	5,700	5,700	-	5,700
450	Germany	Army	Kaiserslautern	Child Development Ctr	3,400	3,400	3,400	-	3,400
451	Germany	Army	Mannheim	Barracks Complex - Coleman 2	4,050	4,050	4,050	-	4,050
452	Germany	DFAS	Kleber Kaserne	Renovate Administrative Fac	7,500	7,500	7,500	-	7,500
453	Germany	DODEA	Hanau	Argonner Elem School Classroom Add	1,026	1,026	1,026	1,004	2,030
454	Germany	DODEA	Hohenfels	Construct New Middle/High School	13,774	13,774	13,774	-	13,774
455	Germany	DODEA	Schweinfurt	Schweinfurt Elem School Add	1,444	1,444	1,444	306	1,750
456	Germany	DODEA	Wurtzburg	Wuerzburg Elem School Classroom Add	1,798	1,798	1,798	837	2,635
457	Germany	DTRA	Darmstadt	Renovate Administrative Fac	2,450	2,450	2,450	-	2,450
458	Germany	TRICARE	Kitzingen	Health/Dental Clinic Life Safety Upgrade	1,400	1,400	1,400	-	1,400
459	Germany	TRICARE	Wiesbaden AB	Health/Dental Clinic Add/Alter	7,187	7,187	7,187	-	7,187
460	Guam	Navy	Naval Activities Guam	Child Development Ctr	-	1,000	-	-	-
461	Guam	DLA	DFSP Andersen AFB	Replace Fuel Storage Tanks	16,000	16,000	16,000	-	16,000
462	Guam	DLA	DFSP Andersen AFB	Replace Hydrant Fuel System	20,000	20,000	20,000	-	20,000
463	Italy	Navy	Naples NSA	Bachelor Enlisted Quarters	15,000	15,000	15,000	-	15,000
464	Italy	Navy	Sigonella NAS	Community Facilities	32,029	32,969	32,029	940	32,969
465	Italy	Air Force	Aviano AB	Dormitory (102 Rooms)	8,000	8,000	8,000	-	8,000
466	Italy	DLA	DFSP Sigonella	Replace Bulk Fuel Storage Fac	16,300	16,300	16,300	-	16,300
467	Italy	DODEA	Sigonella	Sigonella Elem School/High School Add	971	971	971	2,479	3,450
468	Italy	TRICARE	Naples NSA	Medical Dental Fac Replacement	43,850	-	42,400	(43,850)	-

Fiscal Year 2001 Authorization of Appropriations for Military Construction

(Dollars in Thousands)

Item	State	Service	Installation Name	Project Name	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
469	Japan	DLA	DFSP Iwakuni MCAS	Bulk Fuel Storage Tanks	22,400	22,400	22,400	-	22,400
470	Japan	DLA	DFSP Misawa AB	Bulk Fuel Storage Tanks	26,400	26,400	26,400	-	26,400
471	Korea	Army	Camp Carroll	Whole Barracks Renewal Complex	-	10,000	-	10,000	10,000
472	Korea	Army	Camp Hovey	Dining Fac	-	4,200	-	4,200	4,200
473	Korea	Army	Camp Hovey	Whole Barracks Renewal Complex	-	-	-	26,000	26,000
474	Korea	Army	Camp Hovey	Unaccompanied Officers Quarters	-	-	-	-	-
475	Korea	Army	Camp Humphreys	Whole Barracks Renewal Complex	14,200	14,200	14,200	-	14,200
476	Korea	Army	Camp Page	Barracks Complex	19,500	19,500	19,500	-	19,500
477	Korea	Army	Yongpyong	MOUT Collective Fac	-	-	-	11,850	11,850
478	Korea	Air Force	Kunsan AB	Upgrade Water Distribution System	6,400	6,400	6,400	-	6,400
479	Korea	Air Force	Osan AB	Dormitory (156 Rooms)	11,348	11,348	11,348	-	11,348
480	Korea	Air Force	Osan AB	Upgrade Water Distribution System	10,600	10,600	10,600	-	10,600
481	Korea	SOCOM	Taegu AB	Tactical Equipment Maint Complex	1,450	1,450	1,450	-	1,450
482	Korea	DODEA	Osan	Elementary School Classroom Add	-	-	-	892	892
483	Korea	DODEA	Seoul	Elementary School Classroom Add	-	-	-	2,451	2,451
484	Korea	DODEA	Taegu AB	Elementary School Classroom Add	-	-	-	806	806
485	Kwajalein	Army	Kwajalein	Unaccompanied Pers Hous Renovation	18,000	18,000	-	(18,000)	-
486	Puerto Rico	Army	Fort Buchanan	Child Development Ctr	-	-	-	3,700	3,700
487	Puerto Rico	SOCOM	Roosevelt Roads	SOF Boat Maintenance Fac	1,241	1,241	1,241	-	1,241
488	Spain	Air Force	Rota NAVSTA	Enhance Rota, Various Facilities	5,052	5,052	5,052	-	5,052
489	Turkey	Air Force	Incirlik AB	Fire Training Fac	1,000	1,000	1,000	-	1,000
490	United Kingdom	DLA	DFSP RAF Mildenhall	Replace Hydrant Fuel System	10,000	10,000	10,000	-	10,000
491	United Kingdom	DODEA	RAF Feltwell	Feltwell Elem School Classroom Add	1,287	1,287	1,287	513	1,800
492	United Kingdom	DODEA	RAF Lakenheath	Lakenheath Elem School Classroom Add	3,086	3,086	3,086	2,564	5,650
493	Worldwide Unspecified	Army	Unspecified Worldwide	Classified Project	11,500	11,500	11,500	(500)	11,000
494	Worldwide Unspecified	Army	Unspecified Worldwide	Foreign Currency Adjustment	-	(635)	(635)	(635)	(635)
495	Worldwide Unspecified	Army	Unspecified Worldwide	Planning And Design	72,106	83,261	74,882	14,600	86,706
496	Worldwide Unspecified	Army	Unspecified Worldwide	Host Nation	22,600	22,600	22,600	-	22,600
497	Worldwide Unspecified	Navy	Unspecified Worldwide	Planning And Design	63,335	67,502	64,093	10,000	73,335
498	Worldwide Unspecified	Army	Unspecified Worldwide	Unspecified Minor Construction	15,000	17,000	15,000	5,700	20,700
499	Worldwide Unspecified	Navy	Unspecified Worldwide	Foreign Currency Fluctuation	-	(2,889)	(2,889)	(2,889)	(2,889)
500	Worldwide Unspecified	Navy	Unspecified Worldwide	General Reduction	-	-	-	(20,000)	(20,000)
501	Worldwide Unspecified	Navy	Unspecified Worldwide	Unspecified Minor Construction	7,659	7,659	7,659	4,000	11,659
502	Worldwide Unspecified	Air Force	Unspecified Worldwide	Planning And Design	54,237	56,949	71,529	20,391	74,628
503	Worldwide Unspecified	Air Force	Unspecified Worldwide	Prior Years Unobligated Funds	-	-	(15,000)	-	-
504	Worldwide Unspecified	Air Force	Unspecified Worldwide	Unspecified Minor Construction	9,850	9,850	9,850	1,500	11,350

Fiscal Year 2001 Authorization of Appropriations for Military Construction

(Dollars in Thousands)

Item	State	Service	Installation Name	Project Name	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
505	Worldwide Unspecified	BMDO	Unspecified Worldwide	NMD Initial Deployment Facilities	85,095	85,095	85,095	-	85,095
506	Worldwide Unspecified	BMDO	Unspecified Worldwide	Planning And Design	14,729	14,729	14,729	-	14,729
507	Worldwide Unspecified	BMDO	Unspecified Worldwide	Unspecified Minor Construction	3,694	3,694	3,694	-	3,694
508	Worldwide Unspecified	ChemDemil	Unspecified Worldwide	General Reduction (ChemDemil)	-	-	-	(20,000)	(20,000)
509	Worldwide Unspecified	Defense Agencies	Unspecified Worldwide	Foreign Currency Fluctuation	-	(7,115)	(7,115)	(7,115)	(7,115)
510	Worldwide Unspecified	DLA	Unspecified Worldwide	Planning And Design	1,800	1,800	1,800	-	1,800
511	Worldwide Unspecified	DIA	Unspecified Worldwide	Planning And Design	6,786	6,786	6,786	-	6,786
512	Worldwide Unspecified	DFAS	Unspecified Worldwide	Unspecified Minor Construction	1,500	1,500	1,500	-	1,500
513	Worldwide Unspecified	DTRA	Unspecified Worldwide	Planning And Design	2,600	2,600	2,600	-	2,600
514	Worldwide Unspecified	Energy Cons Impr Prgm	Unspecified Worldwide	Energy Conservation Improv Program	33,570	-	16,785	(18,570)	15,000
515	Worldwide Unspecified	Joint Chiefs of Staff	Unspecified Worldwide	Unspecified Minor Construction	6,196	6,196	6,196	-	6,196
516	Worldwide Unspecified	OSD	Unspecified Worldwide	Planning And Design (OSD)	2,900	-	2,900	(1,100)	1,800
517	Worldwide Unspecified	OSD	Unspecified Worldwide	Minor Construction (Defense Level)	3,000	3,000	3,000	-	3,000
518	Worldwide Unspecified	OSD	Unspecified Worldwide	Planning And Design (Defense Level)	24,000	24,000	24,000	-	24,000
519	Worldwide Unspecified	OSD Contingencies	Unspecified Worldwide	Contingency Construction	10,000	10,000	10,000	(4,000)	6,000
520	Worldwide Unspecified	SOCOM	Unspecified Worldwide	Planning And Design	3,790	3,790	3,790	-	3,790
521	Worldwide Unspecified	TRICARE	Unspecified Worldwide	Planning And Design	22,000	22,000	22,000	-	22,000
522	Worldwide Unspecified	TRICARE	Unspecified Worldwide	Unspecified Minor Construction	3,000	3,000	3,000	-	3,000
523	Worldwide Unspecified	Army National Guard	Unspecified Worldwide	Planning And Design	4,232	6,348	7,542	20,547	24,779
524	Worldwide Unspecified	Army National Guard	Unspecified Worldwide	Unspecified Minor Construction	2,295	3,295	2,295	10,480	12,775
525	Worldwide Unspecified	Army National Guard	Unspecified Worldwide	Unspecified Minor WMDCST	-	-	25,000	25,000	25,000
526	Worldwide Unspecified	Air National Guard	Unspecified Worldwide	Planning And Design	9,119	9,875	16,396	11,300	20,419
527	Worldwide Unspecified	Air National Guard	Unspecified Worldwide	Unspecified Minor Construction	4,000	4,000	4,000	4,000	8,000
528	Worldwide Unspecified	Army Reserve	Unspecified Worldwide	Planning And Design	6,400	7,720	7,209	5,500	11,900
529	Worldwide Unspecified	Army Reserve	Unspecified Worldwide	Unspecified Minor Construction	1,917	2,617	1,917	700	2,617
530	Worldwide Unspecified	Navy Reserve	Unspecified Worldwide	Planning And Design	1,521	1,597	1,559	2,200	3,721
531	Worldwide Unspecified	Air Force Reserve	Unspecified Worldwide	Planning And Design	2,304	2,419	3,228	1,000	3,304
532	Worldwide Unspecified	Air Force Reserve	Unspecified Worldwide	Unspecified Minor Construction	4,115	4,115	4,115	-	4,115
533	Worldwide Unspecified	Base Closure IV	BRAC IV	Base Realignment & Closure IV	1,174,369	1,174,369	1,174,369	(150,000)	1,024,369
534	Worldwide Unspecified	NATO Sec Invest Prgm	Unspecified Worldwide	NATO Security Investment Program	190,000	177,500	190,000	(18,000)	172,000
535	Worldwide Various	Navy	Various Worldwide	Host Nation Infrastructure Support	142	142	142	-	142
536	Worldwide Unspecified	Navy	Unspecified Worldwide	General Reduction	-	(20,000)	-	-	-
				Total	4,553,427	4,874,647	4,919,339	662,527	5,215,954
				* Authorized for Appropriation in FY00 Authorization Act				-	-

Fiscal Year 2001 Authorization of Appropriations for Military Construction

(Dollars in Thousands)

Item	State	Service	Installation Name	Project Name	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
1	Alaska	Army	Fort Wainright	Family Hous Revitalization (75 Units)	-	-	24,000	24,000	24,000
2	Arizona	Army	Fort Huachuca	Family Hous Replacement Const (110 Units)	16,224	16,224	16,224	-	16,224
3	California	Army	Fort Irwin	Family Hous Const (24 Units)	-	-	-	4,700	4,700
4	California	Navy	Lemoore NAS	Replace Family Hous (160 Units)	27,768	27,768	27,768	-	27,768
5	California	Navy	Lemoore NAS	Replace Family Hous (100 Units)	-	20,103	-	20,103	20,103
6	California	Navy	Twentynine Palms MCAGCC	Replacement Construction (79 Units)	13,923	13,923	13,923	-	13,923
7	California	Air Force	Edwards AFB	Replace Family Hous (57 Units)	-	9,870	-	9,870	9,870
8	California	Air Force	Travis AFB	Replace Family Hous (64 Units)	-	9,870	-	9,870	9,870
9	District of Columbia	Air Force	Bolling AFB	Replace Military Family Hous (136 Units)	17,137	17,137	17,137	-	17,137
10	Hawaii	Army	Schofield Barracks	Family Hous Replacement Const (72 Units)	15,500	15,500	15,500	-	15,500
11	Hawaii	Navy	Kaneohe Bay MCAS	Replace Capehart South (84 Units)	21,910	21,910	21,910	-	21,910
12	Hawaii	Navy	Pearl Harbor CNB	Replace Family Hous, Hale Moku (98 Units)	22,230	22,230	22,230	-	22,230
13	Hawaii	Navy	Pearl Harbor CNB	Replace Family Hous, Radford Terr (112 Units)	23,654	23,654	23,654	-	23,654
14	Hawaii	Navy	Pearl Harbor CNB	Replace Family Hous, Pearl City (62 Units)	14,237	14,237	14,237	-	14,237
15	Idaho	Air Force	Mountain Home AFB	Family Hous Replacement Const (119 Units)	-	-	22,694	10,598	10,598
16	Kentucky	Army	Fort Campbell	Family Hous Replacement Const (56 Units)	7,800	7,800	7,800	-	7,800
17	Kentucky	Army	Fort Campbell	Family Hous Replacement Const (128 Units)	-	8,000	20,000	20,000	20,000
18	Louisiana	Navy	New Orleans Naval Complex	Family Hous Construction (100 Units)	-	5,000	-	5,000	5,000
19	Maine	Navy	Brunswick NAS	Replace/New Enlisted Homes (168 Units)	18,722	18,722	18,722	-	18,722
20	Maryland	Army	Fort Detrick	Family Hous Replacement Const (48 Units)	5,600	5,600	5,600	-	5,600
21	Mississippi	Navy	Gulfport NCBC	Family Hous (157 Units)	-	20,700	-	20,700	20,700
22	Mississippi	Navy	Pascagoula NS	Family Hous (140 Units)		-	21,605	-	-
23	Nevada	Air Force	Nellis AFB	Family Hous (26 Units)	-	5,000	-	5,000	5,000
24	Missouri	Army	Fort Leonard Wood	Family Hous Replacement Const (24 Units)	-	-	-	4,150	4,150
25	North Carolina	Army	Fort Bragg	Family Hous Replacement Const (112 Units)	14,600	14,600	14,600	-	14,600
26	North Carolina	Army	Fort Bragg	Family Hous Replacement Const (54 Units)	-	7,400	-	7,400	7,400
27	North Carolina	Navy	Camp Lejeune	Revitalize Family Hous (149 Units)	-	-	7,838	-	-
28	North Dakota	Air Force	Cavalier AFS	Construct Military Family Hous (2 Units)	443	443	443	-	443
29	North Dakota	Air Force	Minot AFB	Replace Military Family Hous (134 Units)	19,097	19,097	19,097	-	19,097
30	South Carolina	Army	Fort Jackson	Family Hous New Construction (1 Unit)	250	250	250	-	250
31	Texas	Army	Fort Bliss	Family Hous Replacement Const (64 Units)	10,200	10,200	10,200	-	10,200
32	Texas	Army	Fort Sam Houston	Replace Family Hous (80 Units)	-	-	10,000	-	-
33	Virginia	Army	Fort Belvoir	Family Hous, New Construction (27 Units)	-	5,500	-	-	-
34	Virginia	Army	Fort Lee	Replace Family Hous (51 Units)	-	8,600	-	8,600	8,600
35	Washington	Navy	Whidbey Island NAS	Replace/New Family Hous (98 Units)	16,873	16,873	16,873	-	16,873
36	Korea	Army	Camp Humphreys	Family Hous New Construction (60 Units)	21,800	21,800	21,800	-	21,800

Fiscal Year 2001 Authorization of Appropriations for Military Construction

(Dollars in Thousands)

Item	State	Service	Installation Name	Project Name	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
37	Puerto Rico	Army	Fort Buchanan	Family Hous Replacement Const (31 Units)	-	-	-	5,000	5,000
38	Worldwide Unspecified	Army	Unspecified Worldwide	Construction Improvement	63,590	72,440	63,590	-	63,590
39	Worldwide Unspecified	Army	Unspecified Worldwide	Planning	6,542	6,542	8,742	-	6,542
40	Worldwide Unspecified	Army	Unspecified Worldwide	Foreign Currency Adjustment	-	(1,951)	-	-	0
41	Worldwide Unspecified	Army	Unspecified Worldwide	Furnishings Account	44,374	44,374	44,374	-	44,374
42	Worldwide Unspecified	Army	Unspecified Worldwide	Foreign Currency Adjustment	-	(17,960)	(19,911)	(19,911)	(19,911)
43	Worldwide Unspecified	Army	Unspecified Worldwide	Interest Payment	1	1	1	-	1
44	Worldwide Unspecified	Army	Unspecified Worldwide	Leasing	202,011	202,011	202,011	-	202,011
45	Worldwide Unspecified	Army	Unspecified Worldwide	Maintenance of Real Property	397,792	397,792	397,792	-	397,792
46	Worldwide Unspecified	Army	Unspecified Worldwide	Management Account	90,286	83,715	90,286	(6,571)	83,715
47	Worldwide Unspecified	Army	Unspecified Worldwide	Miscellaneous Account	855	855	855	-	855
48	Worldwide Unspecified	Army	Unspecified Worldwide	Services Account	44,855	44,855	44,855	-	44,855
49	Worldwide Unspecified	Army	Unspecified Worldwide	Utilities Account	198,101	198,101	198,101	-	198,101
50	Worldwide Unspecified	Navy	Unspecified Worldwide	Construction Improvements	183,547	192,147	183,547	9,530	193,077
51	Worldwide Unspecified	Navy	Unspecified Worldwide	Planning	19,958	19,958	19,958	-	19,958
52	Worldwide Unspecified	Navy	Unspecified Worldwide	Foreign Currency Adjustment	-	-	(1,071)	(1,071)	(1,071)
53	Worldwide Unspecified	Navy	Unspecified Worldwide	Furnishings Account	30,884	30,884	30,884	-	30,884
54	Worldwide Unspecified	Navy	Unspecified Worldwide	Leasing	142,690	142,690	142,690	-	142,690
55	Worldwide Unspecified	Navy	Unspecified Worldwide	Management Account	84,914	84,914	84,914	-	84,914
56	Worldwide Unspecified	Navy	Unspecified Worldwide	Maintenance of Real Property	393,830	393,830	393,830	-	393,830
57	Worldwide Unspecified	Navy	Unspecified Worldwide	Miscellaneous Account	1,239	1,239	1,239	-	1,239
58	Worldwide Unspecified	Navy	Unspecified Worldwide	Mortgage Insurance Premiums	71	71	71	-	71
59	Worldwide Unspecified	Navy	Unspecified Worldwide	Prior Years Unobligated Funds	-	-	(5,391)	-	-
60	Worldwide Unspecified	Navy	Unspecified Worldwide	Services Account	63,953	63,953	63,953	-	63,953
61	Worldwide Unspecified	Navy	Unspecified Worldwide	Utilities Account	165,057	165,057	165,057	-	165,057
62	Worldwide Unspecified	Air Force	Unspecified Worldwide	Construction Improvements	174,046	174,046	174,046	-	174,046
63	Worldwide Unspecified	Air Force	Unspecified Worldwide	Planning	12,760	12,760	13,730	-	12,760
64	Worldwide Unspecified	Air Force	Unspecified Worldwide	Foreign Currency Fluctuation Adjustment	-	(6,839)	-	(6,839)	(6,839)
65	Worldwide Unspecified	Air Force	Unspecified Worldwide	Foreign Currency Fluctuation	-	(5,392)	(12,231)	(5,392)	(5,392)
66	Worldwide Unspecified	Air Force	Unspecified Worldwide	Furnishings Account	38,180	38,180	38,180	-	38,180
67	Worldwide Unspecified	Air Force	Unspecified Worldwide	Leasing	114,628	114,628	114,628	-	114,628
68	Worldwide Unspecified	Air Force	Unspecified Worldwide	Management Account	55,685	55,685	55,685	-	55,685
69	Worldwide Unspecified	Air Force	Unspecified Worldwide	Maintenance of Real Property	428,456	428,456	428,456	-	428,456
70	Worldwide Unspecified	Air Force	Unspecified Worldwide	Miscellaneous Account	2,332	2,332	2,332	-	2,332
71	Worldwide Unspecified	Air Force	Unspecified Worldwide	Mortgage Insurance Premiums	34	34	34	-	34
72	Worldwide Unspecified	Air Force	Unspecified Worldwide	Prior Years Unobligated Funds	-	-	(6,615)	-	-

Fiscal Year 2001 Authorization of Appropriations for Military Construction

(Dollars in Thousands)

Item	State	Service	Installation Name	Project Name	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
73	Worldwide Unspecified	Air Force	Unspecified Worldwide	Services Account	27,997	27,997	27,997	-	27,997
74	Worldwide Unspecified	Air Force	Unspecified Worldwide	Utilities Account	158,959	158,959	158,959	-	158,959
75	Worldwide Unspecified	DIA	Unspecified Worldwide	Furnishings Account	3,564	3,564	3,564	-	3,564
76	Worldwide Unspecified	DIA	Unspecified Worldwide	Leasing	25,924	25,924	25,924	-	25,924
77	Worldwide Unspecified	DLA	Unspecified Worldwide	Management Account	271	271	271	-	271
78	Worldwide Unspecified	DLA	Unspecified Worldwide	Utilities Account	421	421	421	-	421
79	Worldwide Unspecified	DLA	Unspecified Worldwide	Services Account	77	77	77	-	77
80	Worldwide Unspecified	DLA	Unspecified Worldwide	Maintenance of Real Property	316	316	316	-	316
81	Worldwide Unspecified	DLA	Unspecified Worldwide	Furnishings Account	22	22	22	-	22
82	Worldwide Unspecified	NSA	Unspecified Worldwide	Leasing	12,554	12,554	12,554	-	12,554
83	Worldwide Unspecified	NSA	Unspecified Worldwide	Maintenance of Real Property	653	653	653	-	653
84	Worldwide Unspecified	NSA	Unspecified Worldwide	Services Account	415	415	415	-	415
85	Worldwide Unspecified	NSA	Unspecified Worldwide	Furnishings Account	146	146	146	-	146
86	Worldwide Unspecified	NSA	Unspecified Worldwide	Utilities Account	444	444	444	-	444
87	Worldwide Unspecified	NSA	Unspecified Worldwide	Management Account	15	15	15	-	15
88	Worldwide Unspecified	NSA	Unspecified Worldwide	Miscellaneous Account	64	64	64	-	64
				Total	3,480,481	3,559,261	3,544,569	124,737	3,605,218

FY 2001 BRAC MILITARY CONSTRUCTION PROJECTS—AIR FORCE: BRAC IV CONSTRUCTION, FISCAL YEAR 2001

[Dollars in Thousands]

State	Installation or location	Description	Amount
Texas	Fort Sam Houston	Defense Reutilization and Marketing Organization Complex	12,800
Total Air Force-BRAC IV Construction			12,800

TITLE XXI—ARMY

Overview

The House bill would authorize $1,824,640,000 for Army military construction and family housing programs for fiscal year 2001.

The Senate amendment would authorize $1,978,295,000 for this purpose.

The conferees recommend authorization of appropriations of $1,925,344,000 for Army military construction and family housing for fiscal year 2001.

The conferees agree to the following reductions: $635,000, which represents the combination of savings from adjustment to foreign currency rates for military construction outside the United States; and $19,911,000, which represents the combination of savings from adjustment to foreign currency rates for military family housing construction and military family housing support outside the United States. The reductions shall not cancel any military construction authorized by title XXI of this Act.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Army construction and land acquisition projects (sec. 2101)

The House bill contained a provision (sec. 2101) that would authorize Army construction projects for fiscal year 2001. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Family housing (sec. 2102)

The House bill included a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army for fiscal year 2001. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Improvements to military family housing units (sec. 2103)

The House bill contained a provision (sec. 2103) that would authorize improvements to existing units of family housing for fiscal year 2001.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

Authorization of appropriations, Army (sec. 2104)

The House bill contained a provision (sec. 2104) that would authorize specific appropriations for each line item contained in the Army's budget for fiscal year 2001. This section would also provide an overall limit on the amount the Army may spend on military construction projects.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

Modification of authority to carry out certain fiscal year 2000 projects (sec. 2105)

The Senate amendment contained a provision (sec. 2105) that would amend section 2101 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65) to make technical corrections in the funding authorization for Fort Stewart, Georgia, and Fort Riley, Kansas. The provision would also amend section 2104 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65) to provide for an increase in the amount authorized for appropriation for unspecified minor construction from $9.5 million to $14.6 million. The provision would also make certain conforming changes.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 2101 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65) to provide for an increase in the amount authorized for CONUS Various due to a change in scope.

Modification of authority to carry out certain fiscal year 1999 projects (sec. 2106)

The House bill contained a provision (sec. 2105) would amend section 2101 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261) to provide for an increase in the amount authorized for the construction of a railhead facility at Fort Hood, Texas.

The Senate amendment contained a similar provision (sec. 2106) that would amend section 2101 of the Military Construction Act for Fiscal Year 1999 (division B of Public Law 105–261) to increase the amount authorized for the construction of a barracks project at Fort Riley, Kansas, from $41.0 million to $44.5 million, and a railhead facility at Fort Hood, Texas, from $32.5 million to $45.3 million. The provision would also make certain technical corrections.

The House recedes with a technical amendment.

Modification of authority to carry out fiscal year 1998 project (sec. 2107)

The Senate amendment contained a provision (sec. 2107) that would amend section 2101 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85) to provide an increase in the amount authorized for the construction of a barracks project at Hunter Army Airfield, Fort Stewart, Georgia, from $54.0 million to $57.5 million. The provision would also make certain technical corrections.

The House bill contained no similar provision.

The House recedes.

Authority to accept funds for realignment of certain military construction project, Fort Campbell, Kentucky (sec. 2108)

The Senate amendment contained a provision (sec. 2108) that would authorize the Secretary of the Army to accept funds from the Federal Highway Administration (FHA) or the Commonwealth of Kentucky to fund the additional costs associated with the realignment of a rail connector military construction project at Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-210). The provision would authorize the Secretary to use the funds received from the FHA or the Commonwealth in the same manner as funds authorized and appropriated for the rail connector project. The provision would also specify that the costs associated with realignment include, but are not limited to, redesign costs, additional construction costs, additional costs due to construction delays related to the realignment, and additional real estate costs.

The House bill contained no similar provision.

The House recedes with a technical amendment.

TITLE XXII—NAVY

Overview

The House bill would authorize $2,187,673,000 for Navy military construction and family housing programs for fiscal year 2001.

The Senate amendment would authorize $2,095,163,000 for this purpose.

The conferees recommend authorization of appropriations of $2,227,995,000 for Navy military construction and family housing for fiscal year 2001.

The conferees agree to general reductions of $20,000,000 in the authorization of appropriations for the Navy military construction and military family housing accounts. The reductions are to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The conferees further agree to a reductions of $2,889,000, which represents the combination of savings from adjustment to foreign currency rates for military construction outside the United States and $1,071,000, which represents the combination of savings from adjustment to foreign currency rates for military family housing support outside the United States. The general reductions shall not cancel any military construction authorized by title XXII of this Act.

ITEMS OF SPECIAL INTEREST

Improvements to military family housing, Navy

The conferees recommend that, within authorized amounts for improvements to military family housing and facilities, the Secretary of the Navy execute the following projects: $9,030,000 for Whole House Revitalization (98 units) at Marine Corps Base, Camp Pendleton, California; and $500,000 for Whole House Revitalization (one unit) at the 8th and I Marine Corps Barracks, District of Columbia.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Navy construction and land acquisition projects (sec. 2201)

The House bill contained a provision (sec. 2201) that would authorize Navy construction projects for fiscal year 2001. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Family housing (sec. 2202)

The House bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Navy for fiscal year 2001. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Improvements to military family housing units (sec. 2203)

The House contained a provision (sec. 2203) that would authorize improvements to existing units of family housing for fiscal year 2001. The authorized amounts are listed on an installation-by-installation basis.

The Senate bill amendment contained a similar provision.

The conference agreement includes a similar provision.

Authorization of appropriations, Navy (sec. 2204)

The House bill contained a provision (sec. 2204) that would authorize specific appropriations for each line item in the Navy's budget for fiscal year 2001. This provision would also provide an overall limit on the amount the Navy may spend on military construction projects.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

Modification of authority to carry out fiscal year 1997 project at Marine Corps Combat Development Command, Quantico, Virginia (sec. 2205)

The House bill contained a provision (sec. 2205) that would modify the authorized use of funds authorized for appropriation for fiscal year 1997 for a military construction project at Marine Corps Command Development Command, Quantico, Virginia. The provision would permit the use of previously authorized funds to carry out a military construction project involving infrastructure development at that installation.

The Senate amendment contained a similar provision (sec. 2205).

The House recedes with a technical amendment.

TITLE XXIII—AIR FORCE

Overview

The House bill would authorize $1,766,136,000 for Air Force military construction and family housing programs for fiscal year 2001.

The Senate amendment would authorize $1,851,909,000 for this purpose.

The conferees recommend authorization of appropriations of $1,943,069,000 for Air Force military construction and family housing for fiscal year 2001.

The conferees agree to a $12,231,000 reduction which represents the combination of savings from adjustment to foreign currency rates for military family housing construction and military family housing support outside the United States. The reduction shall not cancel any military construction authorized by title XXIII of this Act.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Air Force construction and land acquisition projects (sec. 2301)

The House bill contained a provision (sec. 2301) that would authorize Air Force construction projects for fiscal year 2001. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Family housing (sec. 2302)

The House bill contained a provision (sec. 2302) that would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2001.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Improvements to military family housing units (sec. 2303)

The House bill contained a provision (sec. 2303) that would authorize improvements to existing units of family housing for fiscal year 2001.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

Authorization of appropriations, Air Force (sec. 2304)

The House bill contained a provision (sec. 2304) that would authorize specific appropriations for each line item in the Air Force budget for fiscal year 2001. This provision would also provide an overall limit on the amount the Air Force may spend on military construction projects.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

TITLE XXIV—DEFENSE AGENCIES

Overview

The House bill would authorize $860,390,000 for Defense Agencies military construction and family housing programs for fiscal year 2001. The bill would also authorize $1,174,369,000 for base closure activities.

The Senate amendment would authorize $736,884,000 for Defense Agencies military construction and family housing programs for fiscal year 2001. The amendment would also authorize $1,174,369,000 for base closure activities.

The conferees recommend authorization of appropriations of $859,533,000 for Defense Agencies military construction and family housing for fiscal year 2001. The conferees also recommend authorization of appropriations of $1,024,369,000 for base closure activities.

The conferees agree to a general reduction of $20,000,000 in the authorization of appropriations for the chemical demilitarization program. The reduction represents the combination of project savings in military construction for chemical demilitarization resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes. The conferees do not intend this reduction to interfere with timely compliance with the Chemical Weapons Convention. The conferees further agree to a reduction of $7,115,000, which represents the combination of savings from adjustment to foreign currency rates for military construction outside the United States. The reductions shall not cancel any military construction projects authorized by title XXIV of this Act.

ITEMS OF SPECIAL INTEREST

Military construction projects, Manta Air Base, Ecuador

The conferees agree, upon certification by the Secretary of Defense that sufficient aircraft will be scheduled to operate out of the Manta Air Base, Ecuador, to justify construction of projects at that facility, funds that have been authorized and appropriated shall be made available for the construction of large aerial surveillance aircraft related facilities, visiting officers' quarters, visiting airmen quarters, and dining facilities at Manta, Ecuador.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Defense Agencies construction and land acquisition projects (sec. 2401)

The House bill contained a provision (sec. 2401) that would authorize defense agencies construction projects for fiscal year 2001. The authorized amounts are listed on an installation-by-installation basis.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Energy conservation projects (sec. 2402)

The Senate amendment contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out energy conservation projects.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize for appropriation $15.0 million to carry out energy conservation projects.

Authorization of appropriations, Defense Agencies (sec. 2403)

The House bill contained a provision (sec. 2402) that would authorize specific appropriations for each line item in the Defense Agencies budgets for fiscal year 2001. This provision would also provide an overall limit on the amount the Defense Agencies may spend on military construction projects.

The Senate amendment contained a similar provision (sec. 2403).

The conference agreement includes a similar provision.

Modification of authority to carry out certain fiscal year 1990 project (sec. 2404)

The Senate amendment contained a provision (sec. 2404) that would amend section 2401 of the Military Construction Act for Fiscal Year 1990 and 1991 (division B of Public Law 101–189), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law

103-261) to provide for an increase in the amount authorized for the construction of the Portsmouth Naval Hospital, Virginia, from $342,854,000 to $351,354,000.

The House bill contained no similar provision.

The House recedes with a technical amendment.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Overview

The House bill would authorize $177,500,000 for the U.S. contribution to the NATO Security Investment Program for fiscal year 2001.

The Senate amendment would authorize $190,000,000 for this purpose.

The conferees agree to authorize $172,000,000 for the U.S. contribution to the NATO Security Investment Program.

LEGISLATIVE PROVISIONS ADOPTED

Authorized NATO construction and land acquisition projects (sec. 2501)

The House bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of the House bill and the amount of recoupment due to the United States for construction previously financed by the United States.

The Senate amendment contained an identical provision.

The conference agreement includes this provision.

Authorization of appropriations, NATO (sec. 2502)

The House bill contained a provision (sec. 2502) that would authorize appropriations of $177,500,000 as the United States contribution to the North Atlantic Treaty Organization (NATO) Security Investment Program.

The Senate amendment would authorize $190,000,000 for this purpose.

The conferees agree to authorize $172,000,000 for the United States contribution to the NATO Security Investment Program.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Overview

The House bill would authorize $443,200,000 for military construction and land acquisition for fiscal year 2001 for the Guard and Reserve components.

The Senate amendment would authorize $508,146,000 for this purpose.

The conferees recommend authorization of appropriations of $668,862,000 for military construction and land acquisition for fiscal year 2001. This authorization would be distributed as follows:

Army National Guard	$266,531,000
Air National Guard	194,929,000
Army Reserve	108,738,000
Naval and Marine Corps Reserve	62,073,000
Air Force Reserve	36,591,000
Total	668,862,000

ITEMS OF SPECIAL INTEREST

Support for Weapons of Mass Destruction Civil Support Teams

The conferees included $25.0 million for Unspecified Minor Construction, Army National Guard, to support the activation of the Weapons of Mass Destruction Civil Support Teams. Although these teams are to be assigned to locations that have existing facilities to accommodate their needs, the conferees understand that the Army National Guard has identified a requirement of approximately $31.0 million for the renovation of facilities to accommodate these teams. The conferees are aware that the military construction program for the reserve components is underfunded and that this requirement would place an additional burden on an already constrained military construction program for the Army National Guard. The conferees agree to authorize additional funds for this purpose on a one-time basis and direct the Secretary of the Army to provide a report on the expenditure of these funds not later than October 1, 2001.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Guard and Reserve construction and land acquisition projects (sec. 2601)

The House bill contained a provision (sec. 2601) that would authorize appropriations for military construction for the guard and reserve by service component for fiscal year 2002.

The Senate amendment contained a similar provision.

The conference agreement includes a similar provision.

The state list contained in this report is intended to be the binding list of specific projects authorized at each location.

Authority to contribute to construction of airport tower, Cheyenne Airport, Cheyenne, Wyoming (sec. 2602)

The Senate amendment contained a provision (sec. 2602) that would authorize $1,450,000 for a contribution by the Air National Guard to construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of the Air Force to contribute to the Cheyenne Airport Authority, consistent with applicable agreements, up to $1,450,000 from the funds authorized for appropriation in section 2601 to provide for the construction of an airport tower, at Cheyenne Airport, Cheyenne, Wyoming, in support of the Air National Guard mission.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

LEGISLATIVE PROVISIONS ADOPTED

Expiration of authorizations and amounts required to be specified by law (sec. 2701)

The House bill contained a provision (sec. 2701) that would provide that authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, contributions to the North Atlantic Treaty Organization Security Investment Program, and guard and reserve projects will expire on October 1, 2003, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later. This expiration would not apply to authorizations for which appropriated funds have been obligated before October 1, 2003, or the date of enactment of an Act authorizing funds for these projects, whichever is later.

The Senate amendment contained an identical provision.

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 1998 projects (sec. 2702)

The House bill contained a provision (sec. 2702) that would provide for selected extension of certain fiscal year 1998 military construction authorizations until October 1, 2001, or the date of the enactment of the Act authorizing funds for military construction for fiscal year 2002, whichever is later.

The Senate amendment contained an identical provision.

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 1997 projects (sec. 2703)

The House bill contained a provision (sec. 2703) that would provide for selected extension of certain fiscal year 1997 military construction authorizations until October 1, 2001, or the date of the enactment of the Act authorizing funds for military construction for fiscal year 2002, whichever is later.

The Senate amendment contained a similar provision.

The House recedes with a technical amendment.

Effective date (sec. 2704)

The House bill contained a provision (sec. 2704) that would provide that Titles XXI, XXII, XXIII, XXIV, XV, and XXVI of this bill shall take effect on October 1, 2000, or the date of the enactment of this Act, whichever is later.

The Senate amendment contained an identical provision.

The conference agreement includes this provision.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Joint use military construction projects (sec. 2801)

The Senate amendment contained a provision (sec. 2801) that would express the sense of Congress that the Secretary of Defense, when preparing the budget request, should identify military construction projects suitable for joint use, specify in the budget request joint use military construction projects, and give priority to joint use military construction projects. The provision would also direct the Secretary to include in the budget request a certification by each secretary concerned that the service screened each construction project in the budget request for the feasibility for joint use. The provision would further require the Secretary of Defense to submit, not later than September 30 of each year, a report that included the number of military construction projects evaluated for joint use construction, when the project could be executed, and a list of the military construction projects determined to be feasible for joint use. The provision would also make certain conforming changes.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to implement the program requirement by fiscal year 2003. The amendment would also eliminate the requirement that the Secretary of Defense conduct an annual evaluation.

Exclusion of certain costs from determination of applicability of limitation on use of funds for improvement of family housing (sec. 2802)

The Senate amendment contained a provision (sec. 2802) that would amend section 2825 of title 10, United States Code, to authorize the secretary concerned to exclude certain costs from the application of the limitation on the use of funds for improvement of military family housing units. The specific costs that would be excluded are the installation, maintenance, and repair of communications, security, or anti-terrorism equipment required by the occupant in the performance of his duties. The provision would also exclude the cost of repairing or replacing the exterior of the unit or units if such repair or replacement is necessary to meet historic preservation standards.

The House bill contained no similar provision.

The House recedes with an amendment that would exclude only those costs associated with the installation, maintenance, and repair of communications, security, or antiterrorism equipment required by the occupant in the performance of his duties.

Revision of space limitations for military family housing (sec. 2803)

The House bill contained a provision (sec. 2801) that would amend section 2826 of title 10, United States Code, to require the secretary concerned to ensure that the room patterns and floor areas of military family housing units constructed, acquired, or improved by the secretary shall be generally comparable to those available in the locality of the military installation on which such military family housing units are located.

The Senate amendment contained a similar provision (sec. 2803).

The House recedes with a technical amendment.

Modification of lease authority for high-cost military family housing (sec. 2804)

The House bill contained a provision (sec. 2802) that would amend section 2828 of title 10, United States Code, to modify the authorized terms of leasing for military family housing to support the United States Southern Command in Miami, Florida.

The Senate amendment contained a provision (sec. 2804) that would amend section 2828 of title 10, United States Code, to eliminate the $60,000 per year limitation on the lease of an individual housing unit and to authorize the Secretary of the Army to enter into leases for eight housing units in the Miami area for no more than five years. The provision would further amend section 2828 to authorize the Secretary concerned to adjust the maximum cost authorized for family housing leases based on the percentage that the national average monthly cost of housing differ during the two preceding fiscal years. The provision would authorize the Secretary of the Army to adjust the maximum amount of the eight family housing unit leases in the Miami area by the percent the annual average cost of housing for the Miami Military Housing Area exceeds the annual average cost for the same region for the fiscal year preceding the fiscal year.

The House recedes with a technical amendment.

Provision of utilities and services under alternative authority for acquisition and improvement of military housing (sec. 2805)

The Senate amendment contained a provision (sec. 2806) that would amend section 2872 of title 10, United States Code, to authorize the service secretaries to provide utilities and services to privatized housing units located on a military installation on a reimbursable basis. The payments received for such services would be credited to the appropriate account or working capital fund from which the cost of furnishing the utilities and services are paid.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the list of covered utilities and services.

Extension of alternative authority for acquisition and improvement of military housing (sec. 2806)

The House bill contained a provision (sec. 2803) that would amend section 2885 of title 10, United States Code, to extend the authorities contained in subchapter 169 of title 10, United States Code, for an additional five-year period to 2006.

The Senate amendment contained a provision (sec. 2807) that would amend section 2885 of title 10, United States Code, to extend the authorities contained in subchapter 169 of title 10, United States Code, for an additional three-year period.

The House recedes with an amendment that would extend the authorities contained in subchapter 169 of title 10, United States Code, to December 31, 2004.

Expansion of definition of armory to include readiness centers (sec. 2807)

The House bill contained a provision (sec. 2804) that would amend section 18232 of title 10, United States Code, to clarify that the term "readiness center" shall have the same meaning as the term "armory."

The Senate amendment contained a similar provision (sec. 2808).

The Senate recedes with a technical amendment.

Subtitle B—Real Property and Facilities Administration

Increase in threshold for notice and wait requirements for real property transactions (sec. 2811)

The House bill contained a provision (sec. 2811) that would amend section 2662 of title 10, United States Code, to increase the threshold for notice and wait requirements for real property transactions from $200,000 to $500,000.

The Senate amendment contained a similar provision (sec. 2811).

The Senate recedes.

Enhancement of authority of military departments to lease non-excess property (sec. 2812)

The House bill contained a provision (sec. 2812) that would amend section 2667 of title 10, United States, to modify the permissible forms of consideration received by the secretary concerned for the lease of non-excess real property under the control of the secretary.

The Senate amendment contained a provision (sec. 2812) that would amend section 2667 of title 10, United States Code, to authorize the secretary concerned to lease facilities that are under the control of that department and that are not excess to the needs of that department. The secretary concerned would be authorized to accept as compensation for the leases, either payment in-kind or cash. The provision would further authorize the secretary concerned to use cash proceeds from leases for maintenance, protection, alteration, repair, improvements or restoration of property or facilities, construction or acquisition of new facilities, lease facilities, and facilities support. The provision would authorize the secretary concerned to construct or acquire facilities in excess of $500,000 only after submission of a report on the facts of the construction or acquisition of such facilities to the congressional defense committees and passage of a waits 30-day waiting period. The provision would also authorize the secretary concerned to indemnify the leasee from any claim for personal injury or property damage, that results from the release of hazardous substance, pollutants or contaminants, petroleum, or unexploded ordnance as a result of Department of Defense activities on the military installation at which the leased property is located.

The Senate recedes with an amendment that would include the construction of new facilities as in-kind consideration and authorize the secretary concerned to use funds received from money rentals for the construction or acquisition of new facilities. The amendment would impose a notice and wait requirement for any new construction or acquisition of new facilities exceeding $500,000. The amendment would also not include a requirement for a certification by the Comptroller General prior to secretarial acceptance of in-kind consideration or money rentals.

Conveyance authority regarding utility systems of military departments (sec. 2813)

The House bill contained a provision (sec. 2813) that would amend section 2688 of title 10, United States Code, to require the secretary concerned to comply with the competition requirements of section 2304 of title 10, United States Code, in the conveyance of utility system infrastructure. The provision would also require that the secretary concerned carry out a conveyance or award only if he determines that the conveyance or award complies with State laws, regulations, rulings, and policies governing the provision of utility systems.

The Senate amendment contained a provision (sec. 2813) that would amend section 2688 of title 10, United States Code, to clarify that the secretary concerned may use procedures other than competitive procedures only under the circumstances specified in section 2304 (c) through (f) of title 10, United States Code.

The House recedes with an amendment that would require the secretary concerned to structure the solicitation process for the privatization of utility systems on military installations in such a manner that would allow, to the maximum extent possible, all interested regulated and unregulated entities the opportunity to acquire and operate utility systems on military installations regardless of franchise rights in the area of the installation concerned. The amendment would also direct the secretary concerned to require the conveyee or awardee of the utility system to manage and operate the utility system consistent with federal and state regulations pertaining to health safety, fire, and environmental requirements.

Permanent conveyance authority to improve property management (sec. 2814)

The Senate amendment contained a provision (sec. 1063) that would extend the authority of the Administrator of the General Services Administration to convey surplus property to local governments for law enforcement purposes until December 2002.

The House bill amendment contained no similar provision.

The House recedes with an amendment that would make permanent the authority of the Administrator of the General Services Administration to convey surplus property to local governments for law enforcement purposes.

Subtitle C—Defense Base Closure and Realignment

Scope of agreements to transfer property to redevelopment authorities without consideration under the base closure laws (sec. 2821)

The Senate amendment contained a provision (sec. 2821) that would amend section 2905 of the Department of Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510) and section 204 of the Defense Authorization Amendments and Base Closure Realignment Act (title II of Public Law 100–526) to clarify that the seven-year period to account for the proceeds from any sale or lease of property received by the redevelopment authority begins with the date of the initial transfer of property.

The House bill contained no similar provision.

The House recedes.

Subtitle D—Land Conveyances

Part I—Army Conveyances

Transfer of jurisdiction, Rock Island Arsenal, Illinois (sec. 2831)

The House bill contained a provision (sec. 2831) that would authorize the transfer of, and exchange of jurisdiction on, a parcel of real property with improvements consisting of approximately 23 acres at Rock Island Arsenal, Illinois, between the Secretary of the Army and the Secretary of Veterans' Affairs. The parcel is to be incorporated into the Rock Island National Cemetery.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Army Reserve Center, Galesburg, Illinois (sec. 2832)

The House bill contained a provision (sec. 2832) that would authorize the Secretary of the Army to convey, without consideration, a parcel of real property with improvements, consisting of approximately 4.65 acres in Galesburg, Illinois, to Knox County, Illinois.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Charles Melvin Price Support Center, Illinois (sec. 2833)

The House bill contained a provision (sec. 2839) that would authorize the Secretary of the Army to convey a parcel of real property with improvements consisting of approximately 752 acres to the Tri-City Regional Port District of Granite City, Illinois. As consideration for the conveyance, the Secretary shall determine if the Port District satisfies the criteria to qualify for a public benefit conveyance. If the public interest is served, the Secretary may accept an amount less than fair market value for a lease of the property. The cost of any surveys necessary for the conveyance would be borne by the Port District.

The Senate amendment contained a similar provision (sec. 2831).

The Senate recedes with an amendment that would authorize the Secretary of the Army to require as a condition for the conveyance that the Port District lease to the Department of Defense or any other federal agency facilities on the property to be conveyed. The amendment would also make certain technical corrections.

Land conveyance, Fort Riley, Kansas (sec. 2834)

The House bill contained a provision (sec. 2841) that would authorize the Secretary of the Army to convey, without consideration, approximately 70 acres of real property at the Fort Riley Military Reservation, Fort Riley, Kansas, to the State of Kansas. The purpose of the conveyance would be to establish a State-operated veterans cemetery. All costs associated with the conveyance would be borne by the State. The provision would waive the screening requirement under section 2696 of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 2836).

The House recedes with a technical amendment.

Land conveyance, Fort Polk, Louisiana (sec. 2835)

The House bill contained a provision (sec. 2834) that would authorize the Secretary of the Army to convey, without consideration, a parcel of real property with improvements, consisting of approximately 200 acres at Fort Polk, Louisiana, to the State of Louisiana. The property is to be used for the establishment of a State-run veterans' cemetery. The cost of any surveys necessary for the conveyance would be borne by the Commission.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Army Reserve Center, Winona, Minnesota (sec. 2836)

The House bill contained a provision (sec. 2833) that would authorize the Secretary of the Army to convey, without consideration, a parcel of real property with improvements to Winona State University Foundation. The property is to be used for educational purposes. The cost of any surveys necessary for the conveyance would be borne by the Foundation.

The Senate amendment contained an identical provision (sec. 2837).

The conference agreement includes this provision.

Land conveyance, Fort Dix, New Jersey (sec. 2837)

The House bill contained a provision (sec. 2836) that would authorize the Secretary of the Army to convey, without consideration, a parcel of real property with improvements, consisting of approximately two acres and containing a parking lot in advertently constructed on the parcel, at Fort Dix, New Jersey, to Pemberton Township, New Jersey.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Nike Site 43, Elrama, Pennsylvania (sec. 2838)

The House bill contained a provision (sec. 2837) that would authorize the Secretary of the Army to convey, without consideration, a parcel of real property with improvements, consisting of approximately 160 acres in Elmara, Pennsylvania, to the Board of Supervisors of Union Township, Pennsylvania. The parcel is to be used for municipal and other public purposes. The cost of any surveys necessary for the conveyance would be borne by the Township.

The Senate amendment contained no similar provision.

The Senate recedes.

Land exchange, Army Reserve Local Training Center, Chattanooga, Tennessee (sec. 2839)

The House bill contained a provision (sec. 2840) that would authorize the Secretary of the Army to convey, without consideration, a parcel of real property with improvements, consisting of approximately 15 acres at the Army Reserve Local Training Center, Chattanooga, Tennessee, to the Medal of Honor Museum, Inc., Chattanooga, Tennessee. The parcel is to be used as a museum and for other educational purposes. The cost of any surveys necessary for the conveyance would be borne by the Corporation.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Land exchange, Fort Hood, Texas (sec. 2840)

The House bill contained a provision (sec. 2838) that would authorize the Secretary of the Army to convey a parcel of real property with improvements, consisting of approximately 100 acres at Fort Hood, Texas, to the City of Copperas Cove, Texas. As consideration for the conveyance, the City would convey one or more parcels of real property, consisting of approximately 300 acres, to the Secretary. The cost of any surveys necessary for the conveyances would be borne by the City.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Fort Pickett, Virginia (sec. 2841)

The House bill contained a provision (sec. 2835) that would authorize the Secretary of the Army to convey, without consideration, a parcel of real property with improvements, consisting of approximately 700 acres, at Fort Pickett, Virginia, to the Commonwealth of Virginia. The property is to be used for the development and operation of a public safety training facility. The cost of any surveys necessary for the conveyance would be borne by the Commonwealth.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Fort Lawton, Washington (sec. 2842)

The Senate amendment contained a provision (sec. 2834) that would authorize the Secretary of the Army to convey, without consideration, a parcel of real property at Fort Lawton, Washington, consisting of Area 500 and Government Way from 36th Avenue to Area 500 to the City of Seattle, Washington. The property is to be used for inclusion in Discovery Park, Seattle, Washington.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Vancouver Barracks, Washington (sec. 2843)

The House bill contained a provision (sec. 2842) that would authorize the Secretary of the Army to convey, without consideration, to the City of Vancouver, Washington, two parcels of real property, including any improvements, at Vancouver Barracks, Washington, known as East and West Barracks.

The Senate amendment contained a provision (sec. 2835) that would authorize the Secretary of the Army to convey, without consideration, to the City of Vancouver, Washington, a parcel of real property, including any improvements, at Vancouver Barracks, Washington, known as the West Barracks.

The House recedes.

Part II—Navy Conveyances

Modification of land conveyance, Marine Corps Air Station, El Toro, California (sec. 2846)

The House bill contained a provision (sec. 2852) that would amend section 2811 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189) to modify the permissible uses of funds received by the Secretary of the Navy.

The Senate amendment contained a similar provision (sec. 2851).

The House recedes with a technical amendment.

Modification of authority for Oxnard Harbor District, Port Hueneme, California, to use certain Navy property (sec. 2847)

The House bill contained a provision (sec. 2851) that would amend section 2843 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337) to clarify the restrictions on the use of real property under the jurisdiction of the Secretary of the Navy by the Oxnard Harbor District, Port Hueneme, California. This provision would also clarify the forms of consideration that the District shall pay to the Secretary for the use of the property.

The Senate amendment contained an identical provision (sec. 2855).

The conference agreement includes this provision.

Transfer of jurisdiction, Marine Corps Air Station, Miramar, California (sec. 2848)

The House bill contained a provision (sec. 2853) that would authorize the transfer of, and exchange of jurisdiction on, a parcel of real property with improvements, consisting of approximately 250 acres at Marine Corps Air Station, Miramar, California, between the Secretary of the Navy and the Secretary of the Interior. The parcel is to be incorporated into the Vernal Pool Unit of the San Diego National Wildlife Refuge.

The Senate amendment contained no similar provision.

The Senate recedes.

Land exchange, Marine Corps Recruit Depot, San Diego, California (sec. 2849)

The House bill contained a provision (sec. 2856) that would authorize the Secretary of the Navy to convey a parcel of real property with improvements, consisting of approximately 44.5 acres at Marine Corps Recruit Depot, San Diego, California, to the San Diego Unified Port District. As consideration for the conveyance, the Port District would convey to the Secretary a parcel of real property contiguous to the installation and would construct suitable replacement facilities and necessary supporting structures, as determined by the Secretary.

The Senate amendment contained no similar provision.

The Senate recedes.

Lease of property, Naval Air Station, Pensacola, Florida (sec. 2850)

The House bill contained a provision (sec. 2855) that would authorize the Secretary of the Navy to lease real property improvements to be designed and constructed by the Naval Aviation Museum Foundation at the National Museum of Naval Aviation at Naval Air Station, Pensacola, Florida, to the Foundation for a period up to 50 years, with an option to renew for an additional 50 years. The improvements are to be used for the development and operation of a National Flight Academy. As a condition for the lease, the Foundation would make the property available at no cost to the Secretary under certain specified conditions. This section would also authorize the Secretary to provide assistance to the Foundation in the form services on a reimbursable basis.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Naval Reserve Center, Tampa, Florida (sec. 2851)

The House bill contained a provision (sec. 2858) that would authorize the Secretary of the Navy to convey a parcel of real property with improvements, consisting of approximately 2.18 acres and comprising the Naval Reserve Center, Tampa, Florida, to the Tampa Port Authority. As consideration for the conveyance, the Port Authority would be required to provide a replacement facility and to bear all reasonable costs incurred during the relocation. The cost of any surveys necessary for the conveyance would be borne by the Port Authority.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of land conveyance, Defense Fuel Supply Point, Casco Bay, Maine (sec. 2852)

The Senate amendment contained a provision (sec. 2852) that would amend section 2839 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337) to authorize the Secretary of Defense to replace electric utility service removed during environmental remediation at Defense Fuel Supply Point, Casco Bay, Maine. The provision would also authorize the Secretary, in consultation with the community, to improve the utility services and install telecommunications service, provided the community funds the cost of the improvements.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Defense to use funds available from Operations and Maintenance, Defense-Wide to replace the electric utility service.

Land conveyance, Naval Computer and Telecommunications Station, Cutler, Maine (sec. 2853)

The Senate amendment contained a provision (sec. 2854) that would authorize the Secretary of the Navy to convey, without consideration, a parcel of real property with improvements consisting of approximately 263 acres known as the Naval Computer and Telecommunications Station, Cutler, Maine, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine. The provision would authorize the Secretary to lease the property to the recipient pending the conveyance of the deed and would authorize the Secretary to require the recipient of the property to reimburse the cost of any environmental assessment or other studies required with respect to the conveyance of the property paid by the Secretary.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Modification of land conveyance authority, former Naval Training Center, Bainbridge, Cecil County, Maryland (sec. 2854)

The Senate amendment contained a provision (sec. 2853) that would amend section 1 of an Act to convey land in Cecil County, Maryland (Public Law 99-596) to authorize the Secretary of the Navy to reduce the amount of consideration received from the State of Maryland by an amount equal to the cost of restoring the historic buildings on the property. The total amount of the reduction would not exceed $500,000.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Marine Corps Base, Camp Lejeune, North Carolina (sec. 2855)

The Senate amendment contained a provision (sec. 2856) that would authorize the Secretary of the Navy to convey a parcel of real property with improvements consisting of approximately 50 acres known as the railroad right-of-way located between Highway 24 and Highway 17 at Marine Corps Base, Camp Lejeune, North Carolina, to the City of Jacksonville, North Carolina. The parcel is to be used for a bike/green way trail. The city would reimburse the Secretary for the costs incurred in carrying out the conveyance.

The House bill contained no similar provision.

The House recedes with clarifying amendment.

Land exchange, Naval Air Reserve Center, Columbus, Ohio (sec. 2856)

The House bill contained a provision (sec. 2857) that would authorize the Secretary of the Navy to convey a parcel of real property with improvements, consisting of approximately 24 acres comprising the Naval Air Reserve Center at Rickenbacker International Airport, Ohio, to the Rickenbacker Port Authority of Columbus, Ohio. As consideration for the conveyance, the Authority would convey to the Secretary a parcel of real property consisting of approximately 15 acres. This section would require the Secretary to utilize the property conveyed by the Authority as the site for a joint reserve center for units associated with the Naval Air Reserve Center at the Airport and the Naval and Marine Corps Reserve Center currently located in Columbus, Ohio. The cost of any survey necessary for the exchange would be borne by the Authority.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Naval Station, Bremerton, Washington (sec. 2857)

The conferees agree to include a provision that would authorize the Secretary of the Navy to convey a parcel of real property with improvements consisting of approximately 45.8 acres and comprising the former East Park Transient Family Accommodations, Naval Station, Bremerton, Washington, to the City of Bremerton, Washington. The property would be used for public benefit purposes. The conveyance would be without consideration except in the event the City uses the property for other purposes. In such an event, the City would pay fair market value, as determined by an appraisal acceptable to the Secretary. The City would be required to reimburse the Secretary for any administrative expenses incurred in carrying out the conveyance.

Part III—Air Force Conveyances

Land conveyance, Los Angeles Air Force Base, California (sec. 2861)

The House bill contained a provision (sec. 2863) that would authorize the Secretary of the Air Force to convey on terms the Secretary considers appropriate, any or all portions of four parcels of real property with improvements, totaling approximately 111 acres at Los Angeles Air Force Base, California. As consideration for the conveyance, the recipient shall provide for the design and construction, acceptable to the Secretary, of one or more facilities to consolidate the mission and support functions at the installation. Any such facilities would comply with specified seismic and safety standards. The provision would also authorize the Secretary to enter into a lease for the facility for a period not to exceed 10 years in the event the fair market value of a facility provided as consideration for the conveyance exceeds the fair market value of the conveyed property. Rental payments under the lease would be established at the rate necessary for the lessor to recover, by the end of the lease term, the difference between the fair market value of the facility and the fair market value of the conveyed property. The cost of any surveys necessary for the conveyance would be borne by the recipient.

The Senate amendment contained an identical provision (sec. 2862).

The conference agreement includes this provision.

Land conveyance, Point Arena Air Force Station, California (sec. 2862)

The House bill contained a provision (sec. 2862) that would authorize the Secretary of the Air Force to convey, without consideration, a parcel of real property with improvements, consisting of approximately 82 acres at the Point Arena Air Force Station, California, to Mendocino County, California. The property is to be used for municipal and other public purposes. The cost of any surveys necessary for the conveyance would be borne by the County.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the condition of conveyance to authorize Mendocino County to reconvey the property without consideration only for public benefit purposes.

Land conveyance, Lowry Air Force Base, Colorado (sec. 2863)

The House bill contained a provision (sec. 2864) that would authorize the Secretary of the Air Force to convey, without consideration, or lease, under such terms as he considers appropriate, to the Lowry Redevelopment Authority approximately 23 acres at the former Lowry Air Force Base, Colorado. The purpose of the conveyance would be for economic development and other public purposes.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Wright Patterson Air Force Base, Ohio (sec. 2864)

The House bill contained a provision (sec. 2861) that would authorize the Secretary of the Air Force to convey, without consideration, a parcel of real property with improvements, consisting of approximately 92 acres at Wright Patterson Air Force Base, Ohio, to Greene County, Ohio. The property is to be used for recreational purposes. The cost of any surveys necessary for the conveyance would be borne by the County.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of land conveyance, Ellsworth Air Force Base, South Dakota (sec. 2865)

The Senate amendment contained a provision (sec. 2861) that would amend section 2863 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85) to modify the recipient of the property from the Greater Box Elder Economic Development Corporation to the West River Foundation for Economic and Community Development, Sturgis, South Dakota.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Mukilteo Tank Farm, Everett, Washington (sec. 2866)

The Senate amendment contained a provision (sec. 2863) that would authorize the Secretary of the Air Force to convey, without consideration, a parcel of real property with improvements consisting of approximately 22 acres, known as the Mukilteo Tank Farm, to the Port of Everett, Washington. The parcel is to be used for the development and operation of a port facility. The provision would authorize the Secretary to convey personal property, excess to the needs of the Air Force, in the event the Secretary of Transportation determines it is appropriate for the development or operation of the tank farm as a port facility. The provision would also authorize the Secretary to provide an interim lease to the Port for the facility until transferred by deed.

The House bill contained no similar provision.

The House recedes.

Part IV—Other Conveyances

Land conveyance, Army and Air Force Exchange Service property, Farmers Branch, Texas (sec. 2871)

The House bill contained a provision (sec. 2871) that would authorize the Secretary of Defense to permit the Army and Air Force Exchange Service to sell a parcel of real property with improvements in Farmers Branch, Texas, for an amount equal to the fair market value of the parcel. The provision would also require the payment by the purchaser to be handled in the manner provided by section 485 of title 40, United States Code. The cost of any surveys necessary for the sale would be borne by the purchaser.

The Senate amendment contained a similar provision (sec. 2871).

The Senate recedes with a technical amendment.

Land conveyance, former National Ground Intelligence Center, Charlottesville, Virginia (sec. 2872)

The Senate amendment contained a provision (sec. 2881) that would authorize the Administrator of the General Services to convey, without consideration, a parcel of real property formerly occupied by the National Ground Intelligence Center, known as the Jefferson Street property, to the City of Charlottesville, Virginia. The conveyance would be for economic purposes. The provision would include a five-year reversionary clause and waive certain property management laws.

The House bill contained no similar provision.

The House recedes with an amendment that would specify the conditions that would apply to the reconveyance of the property by the City.

Subtitle E—Other Matters

Relation of easement authority to leased parkland, Marine Corps Base, Camp Pendleton, California (sec. 2881)

The House bill contained a provision (sec. 2881) that would amend section 2851 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261) to exempt certain lands located within Marine Corps Base, Camp Pendleton, California, and leased by the State of California for use as a restricted access highway from the requirements of section 303 of title 49 and section 138 of title 23, United States Code. This section would also require the Foothill/Eastern Transportation Agency to be responsible for the implementation of any mitigation measures required by the Secretary of Transportation.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies (sec. 2882)

The House bill contained a provision (sec. 2882) that would amend section 816 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337), as amended, to extend the period under which a demonstration project is authorized for the purchase of fire, security, police, public works, and utility services from local government at specified locations in Monterey, California.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the period under which the demonstration project is authorized for one year.

The conferees note the multiple extensions of this authority. However, the conferees are aware that both the Secretary of the Army and the Secretary of the Navy are in the process of implementing a pilot program. The conferees expect both services to demonstrate success prior to any further extension of these authorities.

Acceptance and use of gifts for construction of third building at United States Air Force Museum, Wright-Patterson Air Force Base, Ohio (sec. 2883)

The Senate amendment contained a provision (sec. 2892) that would authorize the Secretary of the Air Force to accept funds provided by the Air Forces Museum Foundation to support the construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio. The provision would direct that any funds not needed to meet current requirements would be invested in public debt securities as determined by the Comptroller of the Air Force Material Command. The proceeds of investments would be used for construction. Upon completion of the project the escrow would be closed and any funds remaining in the account could be used by the Secretary of the Air Force as he or she considers appropriate.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Development of Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia (sec. 2884)

The Senate amendment contained a provision (sec. 2893) that would authorize the Secretary of the Navy to enter into a joint venture with the Marine Corps Heritage Foundation for the design and construction of the Marine Corps Heritage Center. The provision would also authorize the Secretary to accept, without compensation, a parcel of real property, known as Locust Shade Park, from the County of Prince William, Virginia. The provision would also exempt the County from the requirement to provide replacement property, as required under section 6 of the Land and Water Conservation Fund Act of 1965. Upon completion of construction and the satisfaction of any financial obligations incurred by the Marine Corps Heritage Foundation, the Center would become the property of the Department of the Navy. The provision would further authorize the Secretary to lease the Center to the Heritage Foundation for revenue generating purposes. As compensation, the Foundation would pay the Secretary an amount equal to the cost of operating the facility.

The House bill contained no similar provision.

The House recedes.

Activities relating to the greenbelt at Fallon Naval Air Station, Nevada (sec. 2885)

The Senate amendment contained a provision (sec. 2894) that would require the Secretary of the Navy, in consultation with the Secretary of the Army acting through the Chief of Engineers, to carry out appropriate activities after examination of the potential environmental and flight safety ramifications of eliminating irrigation in the greenbelt at Fallon Naval Air Station, Nevada.

The House bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Navy to carry out all appropriate activities consistent with current legal requirements.

Establishment of World War II Memorial on Guam (sec. 2886)

The House bill contained a provision (sec. 2883) that would authorize the Secretary of Defense, in consultation with the American Battle Monuments Commission, to establish a suitable memorial on federal property near the Fena Caves in Guam to honor those civilians killed during the occupation of Guam during World War II and to commemorate the liberation of Guam by the Armed Forces of the United States in 1944.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees expect the Secretary to establish a memorial that requires minimal maintenance.

Naming of Army Missile Testing Range at Kwajalein Atoll as the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll (sec. 2887)

The House bill contained a provision (sec. 2884) that would designate the missile testing range at Kwajalein Atoll as the Ronald Reagan Ballistic Defense Test Site at Kwajalein Atoll.

The Senate amendment contained an identical provision (sec. 2891).

The conference agreement includes this provision.

Designation of Building at Fort Belvoir, Virginia, in honor of Andrew T. McNamara (sec. 2888)

The House bill contained a provision (sec. 2885) that would designate a building at Fort Belvoir, Virginia, as the Andrew T. McNamara Building.

The Senate amendment contained no similar provision.

The Senate recedes.

Designation of Balboa Naval Hospital, San Diego, California, in honor of Bob Wilson, a former member of the House of Representatives (sec. 2889)

The House bill contained a provision (sec. 2886) that would redesignate the Balboa Naval Hospital, San Diego, California, as the Bob Wilson Naval Hospital.

The Senate amendment contained no similar provision.

The Senate recedes.

Sense of Congress regarding importance of expansion of National Training Center, Fort Irwin, California (sec. 2890)

The House bill contained a provision (sec. 2887) that would express a sense of Congress that the prompt expansion of the National Training Center is vital to the national security interests of the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Sense of Congress regarding land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington (sec. 2891)

The Senate amendment contained a provision (sec. 2895) that would express a sense of Congress that the land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington, will support military training, safety, and land management concerns on the lands subject to transfer.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Applicability of competition policy to alternative authority for acquisition and improvement of military family housing

The Senate amendment contained a provision (sec. 2805) that would amend subchapter IV of chapter 169 of title 10, United States Code, to require that the secretary concerned use competitive procedures when exercising the alternative authorities for the acquisition and improvement of military housing. The secretary concerned could waive competitive procedures if he determines competition would be inconsistent with the public interest and notifies the Congress in writing of such determination not less than 30 days before entering the agreement.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the innovative approaches undertaken by the service secretaries in execution of the alternative authorities for the acquisition and improvement of military housing. The conferees remain strongly supportive of these authorities and believe competition in the private marketplace has resulted in a number of successful procurements after an early period of difficulty in program implementation. While supportive of a variety of innovative options to construct and acquire military housing under these authorities, the conferees were concerned that a methodology considered by the Secretary of the Air Force in the determination of the awardee of the housing privatization project at Patrick Air Force Base, Florida, appeared to be noncompetitive and to delegate the selection process to the private sector. The conferees are aware that the Secretary has subsequently directed a change in the solicitation process. The conferees reiterate that the use of competitive procedures should apply when exercising the alternative authorities for the acquisition and improvement of military housing, regardless of the process that may be used.

Land conveyance, Colonel Harold E. Steele Army Reserve Center and Maintenance Shop, Pittsburgh, Pennsylvania

The Senate amendment contained a provision (sec. 2833) that would authorize the Secretary of the Army to convey, at fair market value, a parcel of real property, with improvements, located at 6482 Aurelia Street in Pittsburgh, Pennsylvania, and containing the Colonel Harold E. Steele Army Reserve Center and Maintenance Shop to the Ellis School, Pittsburgh, Pennsylvania. The cost of any survey necessary for the conveyance would be borne by the Ellis School.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Secretary of the Army and the Ellis School are in the process of negotiating a land exchange under the authority provided by section 18233 of title 10, United States Code. The conferees urge the Secretary to complete the exchange as soon as practical and on an equitable basis.

Land conveyance, Lieutenant General Malcolm Hay Army Reserve Center, Pittsburgh, Pennsylvania

The Senate amendment contained a provision (sec. 2832) that would authorize the Secretary of the Army to convey, at fair market value, a parcel of real property, with improvements, located at 950 Saw Mill Run Boulevard in Pittsburgh, Pennsylvania, and containing the Lieutenant General Malcolm Hay Army Reserve Center to the City of Pittsburgh, Pennsylvania. The cost of any surveys necessary for the conveyance would be borne by the City.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Secretary of the Army and the City of Pittsburgh are in the process of negotiating a land exchange under the authority provided by section 18233 of title 10, United States Code. The conferees urge the Secretary to complete the exchange as soon as practical and on an equitable basis.

Lease of property, Marine Corps Air Station, Miramar, California

The House bill contained a provision (sec. 2854) that would authorize the Secretary of the Navy to lease, without consideration, a parcel of real property with improvements, consisting of approximately 44 acres and known as the Hickman Field, to the City of San Diego, California, for a period not to exceed five years. The lease would be subject to the condition that the City maintain the property at no cost to the United States, make the property available to the existing tenant at no cost, and use the property solely for recreational purposes. The cost of any survey necessary for the lease would be borne by the City.

The Senate amendment contained no similar provision.

The House recedes.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Overview

Title XXXI authorizes appropriations for the atomic energy defense activities of the Department of Energy for fiscal year 2001, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons; naval nuclear propulsion; environmental restoration and waste management; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95-91). The title would authorize appropriations in six categories: national nuclear security administration; defense environmental restoration and waste management; defense environmental management privatization; other defense activities; and defense nuclear waste disposal.

The budget request included for the atomic energy defense activities totaled $13.2 billion, an 8.3 percent increase over the adjusted fiscal year 2000 level. Of the total amount requested: $4.6 billion would be for weapons activities; $1.6 billion would be for other nuclear security activities; $4.6 billion would be for defense environmental restoration and waste management activities; $1.1 billion would be for defense facility closure projects; $540.1 million would be for defense environmental management privatization; $555.1 million would be for other defense activities; $112.0 million would be for defense nuclear waste disposal; $17.0 million would be for a Department of Energy Employees Compensation Initiative; and $140.0 million would be for the formerly utilized sites remedial action program.

The conferees agree to authorize $13.1 billion for atomic energy defense activities, a decrease of $118.7 million to the budget request. The conferees agree to authorize $6.4 billion for the national nuclear security administration (NNSA), an increase of $244.7 million of the amount authorized for the NNSA: $4.8 billion would be for weapons activities, an increase of $246.3 million; $877.5 million would be for defense nuclear nonproliferation, a decrease of $28.6 million; and

$694.6 million would be for naval reactors, an increase of $17.0 million. The conferees agree to authorize $6.0 billion for defense environmental restoration and waste management activities, an increase of $1.4 billion. Of the amount authorized for environmental management activities: $1.1 billion would be for closure projects, the amount of the request; $941.7 million would be for site and project completion, a decrease of $29.2 million; $3.4 billion would be for post fiscal year 2006 completion, an increase of $324.0 million; $246.5 million would be for technology development, an increase of $50.0 million; and $355.0 million would be for program direction, a decrease of $4.9 million. The conferees agree to authorize $91.0 million for defense environmental management privatization projects, a decrease of $450.0 million. The conferees agree to authorize $523.8 million for other defense activities, a decrease of $31.3 million. Of the amount authorized for other defense activities: $38.1 million would be for the Office of Intelligence, the amount of the request; $45.2 million would be for the Office of Counterintelligence, the amount of the budget request; $284.1 million would be for the Office of Security and Emergency Operations, a decrease of $56.3 million; $14.9 million would be for independent oversight and performance assurance, the amount of the request; $134.1 million would be for environment, safety and health-defense, an increase of $25.0 million; $24.5 million would be for the Office of Worker and Community Transition, the amount of the budget request; and $3.0 million would be for the Office of Hearings and Appeals, the amount of the budget request. The conferees agree to authorize $112.0 million for defense nuclear waste disposal, the amount of the budget request. The conferees agree to authorize no funding for the formerly utilized sites remedial action program, a decrease of $140.0 million, and agree to authorize no funding for the Department of Energy Employees Compensation Initiative, a decrease of $17.0 million.

The following table summarizes the budget request and the conferees recommendations:

Summary of
National Defense Authorization for FY 2001

(In Thousands of $'s)

	Authorization Request	House Authorized	Senate Authorized	Change	Conference Agreement
TITLE XXXI-XXXII					
ATOMIC ENERGY DEFENSE ACTIVITIES (053)					
National Nuclear Security Administration					
Weapons Activities	4,594,000	4,677,800	4,747,800	246,289	4,840,289
Other Nuclear Security Activities	1,583,635	914,035	1,554,535	(706,168)	877,467
Naval Reactors	0	677,600	0	694,600	694,600
Office of the Administrator	0	0	0	10,000	10,000
Defense Environmental Restoration and Waste Management	4,551,527	4,591,527	5,576,824	1,422,165	5,973,692
Defense Facilities Closure Projects	1,082,297	1,082,297	0	(1,082,297)	0
Defense Environmental Management Privatization	515,000	259,000	365,000	(515,000)	0
Other Defense Activities	555,122	557,122	466,322	(31,300)	523,822
Defense Nuclear Waste Disposal	112,000	112,000	112,000	0	112,000
Energy Employees Compensation Initiative	17,000	0	17,000	(17,000)	0
Interim Storage Activities	0	0	0	0	0
Formerly Utilized Site Remediation	140,000	0	0	(140,000)	0
Defense Nuclear Facilities Safety Board	18,500	17,000	18,500	0	18,500
Total Atomic Energy Defense Activities (053)	13,169,081	12,888,381	12,857,981	(118,711)	13,050,370

Title XXXI-XXXII
Atomic Energy Defense Activities
(Dollars in Thousands)

	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
National Nuclear Security Administration					
Weapons Activities					
Stewardship Operations & Maintenance					
Directed stockpile work					
Stockpile Research and Development	243,300	243,300	249,300	6,000	249,300
Stockpile Maintenance	257,994	266,994	257,994	9,000	266,994
Stockpile Evaluation	151,710	162,710	151,710	11,000	162,710
Dismatlement/Disposal	29,260	29,260	29,260	0	29,260
Production Support	149,939	149,939	149,939	0	149,939
Field Engineering, Training, and Manuals	4,400	4,400	4,400	0	4,400
Total, Directed stockpile work	836,603	856,603	842,603	26,000	862,603
Campaigns					
Primary Certification	41,400	41,400	41,400	0	41,400
Dynamic Materials Properties	64,408	64,408	64,408	0	64,408
Advanced Radiography (O&M)	43,000	43,000	43,000	0	43,000
97-D-102 Dual-axis radiographic hydrotest facility, LANL, Los Alamos, NM	35,232	35,232	35,232	0	35,232
Total Advanced Radiography	78,232	78,232	78,232	0	78,232
Secondary Certification and Nuclear Systems Margins	52,964	52,964	52,964	0	52,964
Intertial Confinement Fusion (ICF) Ignition and High Yield (O&M)	120,800	275,500	95,800	114,700	235,500
96-D-111 National ignition facility (NIF), LLNL, Livermore, CA	74,100	169,100	214,100	135,000	209,100
Total, Intertial Confinement Fusion (ICF) Ignition and High Yield	194,900	444,600	309,900	249,700	444,600
Certification in Hostile Environments	15,400	15,400	15,400	0	15,400
Defense Computing and Modeling (O&M)	249,100	706,175	686,175	457,075	706,175

Title XXXI-XXXII
Atomic Energy Defense Activities

(Dollars in Thousands)

	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
01-D-101 Distributed information systems laboratory, SNL, Livermore, CA	2,300	2,300	2,300	0	2,300
00-D-103, Terascale simulation facility, LLNL, Livermore, CA	5,000	5,000	5,000	0	5,000
00-D-105, Strategic computing complex, LANL, Los Alamos, NM	56,000	56,000	56,000	0	56,000
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM	6,700	6,700	6,700	0	6,700
Total, Defense Computing and Modeling	319,100	776,175	756,175	457,075	776,175
Weapons System Engineering Cerification	16,300	16,300	16,300	0	16,300
Enhanced Surety	40,600	40,600	40,600	0	40,600
Enhanced Surveillance	89,651	89,651	89,651	0	89,651
Advanced Design and Production Technologies	75,735	81,735	75,735	3,000	78,735
Pit Manufacturing Readiness	108,038	123,038	118,038	15,000	123,038
Secondary Readiness	15,000	15,000	15,000	0	15,000
Materials Readiness	40,511	40,511	40,511	0	40,511
Tritium Readiness (O&M)	77,000	102,000	77,000	0	77,000
98-D-125 Tritium extraction fac, Savannah River plant, Aiken, SC	75,000	75,000	75,000	0	75,000
98-D-126 Accelerator production of tritium (APT), various locations	0	0	34,000	25,000	25,000
Total, Tritium Readiness	152,000	177,000	186,000	25,000	177,000
Total, Campaigns	1,304,239	2,057,014	1,900,314	749,775	2,054,014
Readiness in technical base and facilities					
Program readiness	75,800	75,800	75,800	0	75,800
Special Projects	48,297	31,297	48,297	0	48,297
Materials Recycle and Recovery	22,018	22,018	22,018	0	22,018
Containers	7,876	7,876	7,876	0	7,876

Title XXXI-XXXII

Atomic Energy Defense Activities

(Dollars in Thousands)

	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
Storage	9,075	9,075	9,075	0	9,075
Advanced Simulation and Computing	477,075	0	0	(477,075)	0
Operations of Facilities	1,313,432	1,220,732	1,344,732	(47,411)	1,266,021
Construction:					
01-D-103 Preliminary Project Design and Engineering, various locations	14,500	14,500	14,500	0	14,500
01-D-124 HEU materials storage facility, Y-12 plant, Oak Ridge, TN	17,800	17,800	17,800	0	17,800
01-D-126 Weapons Evaluation Test Laboratory, Pantex Plant, Amarillo, TX	3,000	3,000	3,000	0	3,000
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA	5,000	5,000	5,000	0	5,000
99-D-104 Protection of real property (Phase II), LLNL, Livermore, CA	2,800	2,800	2,800	0	2,800
99-D-106 Model validation & system certification test center, SNL Albuquerque, NM	5,200	5,200	5,200	0	5,200
99-D-108 Renovate existing roadways, Nevada Test Site, NV	2,000	2,000	2,000	0	2,000
99-D-125 Replace boilers & controls, Kansas City plant, Kansas City, MO	13,000	13,000	13,000	0	13,000
99-D-127 Stockpile mgmt restructuring initiative, Kansas City plant, Kansas City, MO	23,765	23,765	23,765	0	23,765
99-D-128 Stockpile management restructuring initiative, Pantex plant, Amarillo, TX	4,998	4,998	4,998	0	4,998
99-D-132 Stockpile management restructuring initiative, nuclear materials safeguards & security upgrades project, LANL, Los Alamos, NM	18,043	18,043	18,043	0	18,043
98-D-123 Stockpile management restructuring initiative, Tritium facility modernization and consolidation, Savannah River plant, Aiken, SC	30,767	30,767	30,767	0	30,767
97-D-123 Structural upgrades, Kansas City plant, Kansas City, MO	2,918	2,918	2,918	0	2,918
95-D-102 Chemistry and metallurgy research (CMR) building upgrades project, LANL, Los Alamos, NM	13,337	13,337	13,337	0	13,337

Title XXXI-XXXII

Atomic Energy Defense Activities

(Dollars in Thousands)

	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
88-D-123 Security enhancements, Pantex plant, Amarillo, TX	2,713	2,713	2,713	0	2,713
Total, Construction	159,841	159,841	159,841	0	159,841
Total, Readiness in technical base and facilities	2,113,414	1,526,639	1,667,639	(524,486)	1,588,928
Total, Stewardship	4,254,256	4,440,256	4,410,556	251,289	4,505,545
Secure transportation asset					
Operation and maintenance	79,357	79,357	79,357	0	79,357
Program direction	36,316	36,316	36,316	0	36,316
Total, Secure transportation asset	115,673	115,673	115,673	0	115,673
Program direction	224,071	216,871	221,571	(5,000)	219,071
Subtotal, Weapons activities	4,594,000	4,772,800	4,747,800	246,289	4,840,289
Use of prior year balances	0	0	0	0	0
General Reduction	0	(95,000)	0	0	0
Less proposed supplemental	0	0	0	0	0
Total, Weapons Activities	4,594,000	4,677,800	4,747,800	246,289	4,840,289
Other Nuclear Security Activities					
Defense nuclear nonproliferation					
Nonproliferation and verification R&D					
Operation and maintenance	225,990	225,990	255,990	20,000	245,990
Construction:					
00-D-192 Nonproliferation and international security center (NISC), LANL, Los Alamos, NM	7,000	7,000	7,000	0	7,000
Total, Nonproliferation and verification R&D	232,990	232,990	262,990	20,000	252,990
Arms control					
Arms control operations	272,870	272,870	285,370	12,500	285,370

Title XXXI-XXXII

Atomic Energy Defense Activities

(Dollars in Thousands)

	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
Long-term nonproliferation program for Russia	100,000	100,000	0	(100,000)	0
HEU transparency implementation	15,190	15,190	15,190	0	15,190
International nuclear safety	20,000	20,000	20,000	0	20,000
Total, Arms control	408,060	408,060	320,560	(87,500)	320,560
Program direction	41,550	0	0	(41,550)	0
Total, Arms Control and verification R&D	682,600	641,050	583,550	(109,050)	573,550
Fissile materials disposition					
Operation and maintenance	175,517	175,517	175,517	0	175,517
Construction					
00-D-142, Immobilization & associated processing facility, title I & II SRS, Aiken, SC	3,000	3,000	3,000	0	3,000
99-D-141 Pit disassembly and conversion facility, title I & II design, Aiken, SC	20,000	20,000	20,000	0	20,000
99-D-143 Mixed oxide fuel fabrication facility, title I & II design, Aiken, SC	15,000	23,000	26,000	11,000	26,000
01-D-407 Highly Enriched Uranium (HEU) Blend-down, Savannah River, SC	0	0	0	27,932	27,932
Total, Construction	38,000	46,000	49,000	38,932	76,932
Program direction	9,918	0	0	(9,918)	0
Total, Fissile materials control and disposition	223,435	221,517	224,517	29,014	252,449
Program direction	0	51,468	51,468	51,468	51,468
Total, Defense Nuclear Nonproliferation	906,035	914,035	859,535	(28,568)	877,467
Naval reactors					
Naval reactors development					
Operation and maintenance	627,500	0	644,900	(627,500)	0

Title XXXI-XXXII
Atomic Energy Defense Activities
(Dollars in Thousands)

	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
GPN-101 General plant projects, various locations	11,400	0	11,400	(11,400)	0
Construction:					
01-D-200 Major office replacement building Schenectady, NY	1,300	0	1,300	(1,300)	0
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	16,000	0	16,000	(16,000)	0
Total, Construction	17,300	0	17,300	(17,300)	0
Total, Naval reactors development	656,200	0	673,600	(656,200)	0
Program direction	21,400	0	21,400	(21,400)	0
Total, Naval reactors	677,600	0	695,000	(677,600)	0
Subtotal, Other nuclear security activities	1,583,635	914,035	1,554,535	(706,168)	877,467
Total, Other Nuclear Security Activities	1,583,635	914,035	1,554,535	(706,168)	877,467
Naval reactors					
Naval reactors development					
Operation and maintenance		627,500	0	644,500	644,500
GPN-101 General plant projects, various locations		11,400	0	11,400	11,400
Construction:					
01-D-200 Major office replacement building Schenectady, NY		1,300	0	1,300	1,300
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID		16,000	0	16,000	16,000
Total, Construction		17,300	0	17,300	17,300
Total, Naval reactors development		656,200	0	673,200	673,200
Program direction		21,400		21,400	21,400
Total, Naval reactors		677,600	0	694,600	694,600

Title XXXI-XXXII

Atomic Energy Defense Activities

(Dollars in Thousands)

	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
Office of the Adminstrator	0	0	0	10,000	10,000
Total, National Nuclear Security Administration	6,177,635	6,269,435	6,302,335	244,721	6,422,356
Environmental and Other Defense Activities					
Defense Environmental Restoration & Waste Management					
Defense Facilities Closure Projects					
Site closure	0	0	1,082,297	1,082,297	1,082,297
Site/project completion					
Operation and maintenance	901,475	941,475	861,475	(1,300)	900,175
Construction:					
01-D-402 Intec cathodic protection system expansion, Idaho National Engineering Lab (INEEL) Idaho Falls, Idaho	500	500	500	0	500
01-D-407 Highly Enriched Uranium (HEU) Blend-down, Savannah River, SC	27,932	27,932	27,932	(27,932)	0
99-D-402 Tank farm support services, F&H area, Savannah River Site, Aiken, SC	7,714	7,714	7,714	0	7,714
99-D-404 Health physics instrumentation laboratory, INEEL, ID	4,300	4,300	4,300	0	4,300
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA	1,690	1,690	1,690	0	1,690
97-D-470 Regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, SC	3,949	3,949	3,949	0	3,949
96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken, SC	12,512	12,512	12,512	0	12,512

Title XXXI-XXXII
Atomic Energy Defense Activities
(Dollars in Thousands)

	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
92-D-140 F&H canyon exhaust upgrades, Aiken, SC	8,879	8,879	8,879	0	8,879
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA	2,000	2,000	2,000	0	2,000
Total, Construction	69,476	69,476	69,476	(27,932)	41,544
Total, Site/project completion	970,951	1,010,951	930,951	(29,232)	941,719
Post 2006 completion					
Operation and maintenance	2,588,725	2,588,725	2,683,725	(317,619)	2,271,106
Uranium enrichment D&D fund contribution	420,000	420,000	395,000	0	420,000
Construction:					
01-D-403 Immobilized high level waste interim storage facility, Richland, WA	1,300	1,300	1,300	(1,300)	0
99-D-403 Privatization phase I infrastructure support, Richland, WA	7,812	7,812	7,812	(7,812)	0
97-D-402 Tank farm restoration and safe operations, Richland, WA	46,023	46,023	46,023	(46,023)	0
94-D-407 Initial tank retrieval systems, Richland, WA	17,385	17,385	17,385	(17,385)	0
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC	27,212	27,212	27,212	0	27,212
Total, Construction	99,732	99,732	99,732	(72,520)	27,212
Office of River Protection					
Operation and maintenance	0	0	0	309,619	309,619
Construction:					
01-D-416 Tank Waste Remediation System Privatization Phase I, Richland, WA	0	0	0	332,000	332,000

Title XXXI-XXXII

Atomic Energy Defense Activities

(Dollars in Thousands)

	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
01-D-403 Immobilized high level waste interim storage facility, Richland, WA	0	0	0	1,300	1,300
99-D-403 Privatization phase I infrastructure support, Richland, WA	0	0	0	7,812	7,812
97-D-402 Tank farm restoration and safe operations, Richland, WA	0	0	0	46,023	46,023
94-D-407 Initial tank retrieval systems, Richland, WA	0	0	0	17,385	17,385
Total, Construction	0	0	0	404,520	404,520
Total, Post 2006 completion	3,108,457	3,108,457	3,178,457	324,000	3,432,457
Science and technology	196,548	196,548	246,548	50,000	246,548
Program direction	359,888	359,888	354,888	(4,900)	354,988
Subtotal, Defense environmental restoration & waste management	4,635,844	4,675,844	5,793,141	1,422,165	6,058,009
Use of prior year balances	(34,317)	(34,317)	(166,317)	0	(34,317)
Pension refund	(50,000)	(50,000)	(50,000)	0	(50,000)
Total, Defense Environmental Restoration & Waste Management	4,551,527	4,591,527	5,576,824	1,422,165	5,973,692
Defense Facilities Closure Projects					
Site closure	1,082,297	1,082,297	0	(1,082,297)	0
Defense Environmental Management Privatization					
Privatization initiatives, various locations	540,092	284,092	390,092	(450,000)	90,092
Use of prior year balances	(25,092)	(25,092)	(25,092)	(65,000)	(90,092)
Total, Defense Environmental Management Privatization.	515,000	259,000	365,000	(515,000)	0
Other Defense Activities					

Title XXXI-XXXII
Atomic Energy Defense Activities
(Dollars in Thousands)

	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
Intelligence					
Operation and maintenance	36,059	36,059	36,059	0	36,059
Construction:					
01-D-800 Sensitive compartmented information fac, LLNL, Livermore, CA	2,000	2,000	2,000	0	2,000
Total, Intelligence	38,059	38,059	38,059	0	38,059
Counterintelligence	45,200	45,200	75,200	0	45,200
Advanced accelerator applications					
Security and emergency operations					
Nuclear safeguards and security	124,409	124,409	124,409	0	124,409
Security investigations	33,000	33,000	33,000	0	33,000
Emergency management	93,600	93,600	37,300	(56,300)	37,300
Program direction	89,367	89,367	86,867	0	89,367
Total, Security and emergency operations	340,376	340,376	281,576	(56,300)	284,076
Independent oversight and performance assurance					
Program direction	14,937	14,937	14,937	0	14,937
Total, Independent oversight and performance assurance	14,937	14,937	14,937	0	14,937
Environment, safety & health					
Environment, safety and health (defense)	86,446	88,446	76,446	0	86,446
Energy employees occupational illness compensation initiative				25,000	25,000
Program direction	22,604	22,604	22,604	0	22,604
Total, Environment, safety and health	109,050	111,050	99,050	25,000	134,050
Worker and community transition					
Worker and community transition	21,500	21,500	21,500	0	21,500

Title XXXI-XXXII
Atomic Energy Defense Activities
(Dollars in Thousands)

	FY 01 Request	House Authorized	Senate Authorized	Change	Conference Agreement
Program direction	3,000	3,000	3,000	0	3,000
Total, Worker and community transition	24,500	24,500	24,500	0	24,500
Office of hearings and appeals	3,000	3,000	3,000	0	3,000
Subtotal, Other defense activities	575,122	577,122	536,322	(31,300)	543,822
Adjustments:					
Use of prior year balances	0	0	(50,000)	0	0
Offset to user organizations	(20,000)	(20,000)	(20,000)	0	(20,000)
Total, Adjustments	(20,000)	(20,000)	(70,000)	0	(20,000)
Total, Other Defense Activities	555,122	557,122	466,322	(31,300)	523,822
Defense Nuclear Waste Disposal					
Defense nuclear waste disposal	112,000	112,000	112,000	0	112,000
Energy Employees Compensation Initiative					0
Energy employees beryllium compensation fund	12,800	0	12,800	(12,800)	0
Energy employees pilot project	2,000	0	2,000	(2,000)	0
Paducah employees exposure compensation fund	2,200	0	2,200	(2,200)	0
Total, Energy Employees Compensation Initiative	17,000	0	17,000	(17,000)	0
TOTAL, DEFENSE NUCLEAR ACTIVITIES	13,010,581	12,871,381	12,839,481	21,289	13,031,870
Formerly Utilized Site Remediation	140,000	0	0	(140,000)	0
Defense Nuclear Facilities Safety Board	18,500	17,000	18,500	0	18,500

ITEMS OF SPECIAL INTEREST

Report on authorities and limitations in general recurring provisions

The conferees direct the Secretary of Energy, in consultation with the Administrator for Nuclear Security and the Assistant Secretary for Environmental Management, to submit to the Committees on Armed Services of the Senate and House of Representatives, not later than January 15, 2001, a report on the effect, advantages, and disadvantages of the authorities granted and limitations imposed in sections 3121 through 3129 of this Act.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—National Security Programs Authorizations

National Nuclear Security Administration (sec. 3101)

The budget request included $6.2 billion for activities of the Department of Energy (DOE) National Nuclear Security Administration (NNSA).

The House bill contained a provision (sec. 3101) that would authorize $6.3 billion for activities of the NNSA, an increase of $91.8 million.

The Senate amendment contained a similar provision (sec. 3101) that would authorize $6.3 billion for activities of the NNSA, an increase of $124.7 million.

The conferees agree to authorize $6.4 billion for activities of the NNSA, an increase of $244.7 million.

Weapons activities

The budget request included $4.6 billion for weapons activities, including: $836.6 million for directed stockpile work; $1.0 billion for campaigns; $2.0 billion for readiness in technical base and facilities; $115.7 million for secure transportation asset; $414.2 million for construction; and $224.1 million for program direction.

The House bill would authorize $4.7 billion for weapons activities, an increase of $83.8 million. The amount authorized is for the following activities: $856.6 million for directed stockpile work; $2.1 billion for campaigns; $1.4 billion for readiness in technical base and facilities; $115.7 million for secure transportation asset; $159.8 million for construction; and $216.9 million for program direction.

The Senate amendment would authorize $4.7 billion for weapons activities, an increase of $153.8 million. The amount authorized is for the following activities: $842.6 million for directed stockpile work; $1.5 billion for campaigns; $1.5 billion for readiness in technical base and facilities; $115.7 million for secure transportation asset; $588.2 million for construction; and $221.6 million for program direction.

The conferees agree to authorize $4.8 billion for weapons activities, an increase of $246.3 million. The amount authorized is for the following activities: $862.6 million for directed stockpile work, an increase of $26.0 million; $2.1 billion for campaigns, an increase of $749.8 million; $1.6 billion for readiness in technical base and facilities, a decrease of $524.5 million; $115.7 million for secure transportation asset, the amount of the budget request; and $219.1 million for program direction, a decrease of $5.0 million.

Directed stockpile work

In the directed stockpile work account, the conferees agree to authorize: an increase of $6.0 million for a cooperative research effort with the Department of Defense regarding defeating hard and deeply buried targets; an increase of $5.0 million for life extension and repairs for the B–61 warhead and other directed stockpile work at the Kansas City Plant; an increase of $4.0 million for life extension and repairs for the B–61 and W–76 warheads and other directed stockpile work at the Y–12 Plant; an increase of $5.0 million for radiographic inspection of nuclear weapons components and assemblies, vacuum chamber inspection activities, testing in the accelerated aging unit, and other stockpile evaluation activities at the Pantex plant; and an increase of $6.0 million for quality evaluation and certification activities and joint test assemblies at the Y–12 plant.

Campaigns

In the campaigns account, the conferees agree to authorize: an increase of $15.0 million for the pit manufacturing readiness campaign to begin conceptual design activities for a pit production facility adequate to meet future national security needs; an increase of $477.1 million for the defense computing and modeling campaign to reflect the consolidation of all defense computing and modeling activities into a single program line item; an increase of $144.7 million to reflect the consolidation of all inertial confinement fusion activities into a single program line item; an increase of $10.0 million for joint Department of Defense-NNSA high energy laser research; an increase of $135.0 million for the National Ignition Facility construction, which includes a transfer of $40.0 million from the inertial confinement fusion ignition and high yield campaign operations and maintenance account; an increase of $3.0 million to complete the American Textiles Partnership (AMTEX) project; an increase of $25.0 million for continued preliminary design and engineering development activities in the accelerator production of tritium project (98–D–126); a decrease of $20.0 million to the defense computing and modeling campaign to reflect delays in acquisition of the 100-trillion-operations-per-second computer platform and to slow the rate of growth in the Visual Interactive Environment Weapon Simulation (VIEWS) and university partnership programs; and the budget request of $32.1 million for the University of Rochester's Laboratory for Laser Energetics.

Readiness in technical base and facilities

In the readiness in technical base and facilities account, the conferees agree to authorize: an increase of $56.3 million to reflect the movement of the nuclear emergency search team and accident response group from the other defense activities emergency management account to the weapons activities account; an increase of $20.0 million for the Kansas City Plant to continue advanced manufacturing, modernization, infrastructure enhancement, and skills retention efforts; an increase of $13.0 million for the Pantex Plant for infrastructure improvements; an increase of $8.0 million for the Y–12 Plant for infrastructure improvements; a decrease of $144.7 million to reflect the transfer of inertial confinement fusion activities to the inertial confinement fusion ignition and high yield campaign account; and a decrease of $477.1 million to reflect the transfer of computing and modeling activities to the defense computing and modeling campaign account.

Of the funds available for directed stockpile work, the conferees agree to authorize $5.0 million for a cooperative program with the Defense Threat Reduction Agency to reestablish a vigorous nuclear weapon effects test capability. The program shall emphasize the need to invest in all elements of nuclear weapon effects technologies, including basic phenomenology, analysis and modeling, radiation effects simulation, and hardening technologies.

The conferees recommend that the fiscal year 2002 budget request include a separate program element for the operation of each NNSA facility, rather than one consolidated facility operations program element.

Construction

In the construction account, the conferees agree to authorize no funding. The conferees transferred all construction projects to the campaigns and readiness in technical base and facilities accounts. The conferees direct the Administrator to submit an NNSA budget request in fiscal year 2002 that reflects the alignment of construction projects with associated program elements.

Program direction

In the program direction account, the conferees agree to authorize a decrease of $5.0 million.

The conferees direct that the proposed decrease be achieved through the reorganization and realignment of headquarters and field office roles and responsibilities. The conferees believe that the performance of the Office of Defense Programs will be improved by eliminating duplicative efforts and by streamlining management control of DOE weapons activities.

The conferees continue to believe that the Office of Defense Programs is overstaffed. The conferees note that several independent assessments of the organizational structure of the Office of Defense Programs, dating back as far as calendar year 1997, have also concluded that the Office of Defense Programs would benefit from a realignment of headquarters and field organization personnel. The conferees expect the Department to utilize the authority to make the voluntary separation incentive payments authorized in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) to fully implement the realignment recommendations described in the calendar year 1997 report by the Institute for Defense Analysis. The conferees encourage the Administrator to make effective use of this authority to establish up to 300 excepted service positions in the Administration provided in section 3241 of the National Defense Authorization Act for Fiscal Year 2000 (P.L. 106–65). The conferees believe that this authority will be a valuable tool to provide NNSA with personnel competent to manage technically complex projects.

Budget structure for Office of the Deputy Administrator for Defense Programs

The conferees commend the Office of Defense Programs for establishing a more detailed and transparent budget structure. The conferees continue to believe that this new budget structure will greatly enhance the effectiveness of these programs and instill a higher degree of budgetary discipline in the Office of Defense Programs. The conferees further believe that the new budget structure will also assist Congress in assessing the degree of integration among varied experiments, simulation, research, and weapons assessments activities carried out at DOE weapons laboratories and production plants. The conferees direct that future budget requests for weapons activities clearly identify the funding required for each campaign and each program under the directed stockpile work and the readiness in technical base and facilities accounts.

National Ignition Facility

The conferees remain disappointed at the management, schedule, and budget difficulties experienced by the NIF program, but are convinced of the significance of the project in sustaining the U.S. nuclear stockpile. The conferees believe that recent improvements in program management justify the increase for NIF construction.

Nuclear Emergency Search Team

The conferees note that the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) requires that the Nuclear Emergency Search Team (NEST) remain a program function within the Office of Military Applications under the Office of Defense Programs. The conferees have transferred NEST funding from the Department of Energy Other Defense Activities account to the NNSA to reflect this requirement.

Accelerated Strategic Computing Initiative

The conferees note that the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) expressed concern about the rate of growth in the Advanced Strategic Computing Initiative (ASCI) and Strategic Computing accounts. The conferees believe that the rate of growth for the NNSA defense computing and modeling campaign remains very high and that such funding increases have not been adequately justified. The conferees encourage the Administrator for Nuclear Security to properly align resources for ASCI and other computing and modeling activities with other experimental tools required to sustain the U.S. nuclear stockpile.

Plutonium pit production

The conferees are aware that the November 8, 1999, report of the Panel to Assess the Reliability, Safety, and Security of the U.S. Nuclear Stockpile stated that its "paramount concern" with the DOE stockpile stewardship program ". . . is the need to begin work now on an adequate plutonium pit production manufacturing capability." The conferees endorse this finding and direct the Secretary of Energy to begin conceptual design activities for a pit production facility with a capacity adequate to meet future national security needs immediately.

Accelerator Production of Tritium

The conferees are concerned about proposals to fund continued APT design activities in the Office of Nuclear Energy, Science and Technology. In order to maintain clear lines of authority, the conferees believe that programs with direct relevance to the core missions of NNSA should be managed and funded by NNSA.

Defense Nuclear Nonproliferation

The budget request included $906.0 million for defense nuclear nonproliferation and fissile materials disposition, including: $233.0 million for nonproliferation verification research and development; $408.1 million for arms control; $213.5 million for fissile materials disposition; and $51.5 million for program direction.

The House bill would authorize $914.0 million for defense nuclear nonproliferation, an increase of $8.0 million. The amount authorized is for the following activities: $233.0 million for nonproliferation verification research and development; $408.1 million for arms control; $221.5 million for fissile materials disposition; and $51.5 million for program direction.

The Senate amendment would authorize $859.5 million for defense nuclear nonproliferation, a decrease of $46.5 million. The amount authorized is for the following activities: $263.0 million for nonproliferation verification research and development; $320.6 million for arms control; $224.5 million for fissile materials disposition; and $51.5 million for program direction.

The conferees agree to authorize $877.5 million for defense nuclear nonproliferation, a decrease of $28.6 million. The amount authorized is for the following activities: $253.0 million for nonproliferation verification research and development, an increase of $20.0 million; $320.6 million for arms control, a decrease of $87.5 million; $252.4 million for fissile materials disposition, an increase of $29.0 million; and $51.5 million for program direction, the amount of the budget request.

The conferees note that the Department of Energy Defense Nuclear Nonproliferation Program was formerly known as the nonproliferation and national security account during fiscal year 2000. Because DOE did not request these funds under separate budget accounts, as required by section 3251 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65), the conferees have renamed and consolidated these activities into a single account. The conferees further note that the request included separate program direction accounts for the Office of Nonproliferation and Office of Fissile Materials Disposition. The conferees established a single defense nuclear nonproliferation account.

Nonproliferation verification research and development

In the nonproliferation verification research and development account the conferees agree to authorize an increase of $20.0 million for detecting and deterring weapons of mass destruction proliferation, monitoring nuclear explosions, detecting and responding to chemical and biological weapons attacks, and conducting evaluations of the technical capabilities of other geographic areas that pose a threat to U.S. National Security because of the potential for development and delivery of weapons of mass destruction.

Arms control

In the arms control account the conferees agree to authorize an increase of $12.5 million for the Nuclear Cities Initiative. The conferees would authorize no funding for the long-term nonproliferation program for Russia.

Fissile materials control and disposition

In the fissile materials control and disposition account, the conferees agree to authorize an increase of $11.0 million to accelerate design activities for the mixed oxide fuel fabrication facility.

Naval Reactors

The budget request included $677.6 million for naval reactors.

The House bill would authorize $677.6 million for naval reactors, the amount of the request.

The Senate amendment would authorize $695.0 million for naval reactors, an increase of $17.4 million.

The conferees agree to authorize $694.6 million for naval reactors, an increase of $17.0 million for expedited decommissioning and decontamination activities at surplus facilities.

Office of the Administrator

The conferees agree to authorize $10.0 million for the Office of the Administrator, an increase of $10.0 million. The conferees note that the budget request did not include funding for the Office of the Administrator. The conferees direct that future budget requests include a separate budget line for the administrative activities of the Office of the Administrator.

Safeguards and security activities

The conferees note that DOE has proposed a budget amendment that would consolidate all safeguards and security funds into a single program to be managed by the Office of Security and Emergency Operations. The conferees do not support this proposal. The conferees direct that all funds authorized for safeguards and security activities pursuant to this section be managed exclusively by NNSA employees or NNSA contractor employees. Consistent with the National Nuclear Security Administration Act (Title 32 of Public Law 106–65; 113 Stat. 957; 50 U.S.C. 2402) the Administrator for Nuclear Security is not authorized to transfer or delegate responsibility for any safeguards and security activities of the NNSA to any employee or office outside the NNSA.

Defense environmental restoration and waste management (sec. 3102)

The budget request included $4.6 billion for environmental management activities of the Department of Energy (DOE).

The House bill contained a provision (sec. 3102) that would authorize $4.6 billion for environmental management activities, an increase of $40.0 million. The amount authorized would be for the following activities: $1.0 billion for site and project completion, an increase of $40.0 million; $3.1 billion for post 2006 completion, the amount of the budget request; $196.5 million for science and technology development, the amount of the budget request; and $359.9 million for program direction, the amount of the budget request.

The Senate amendment contained a similar provision (sec. 3102) that would authorize $5.6 billion for environmental management activities, including closure activities, a decrease of $56.9 million. The amount authorized would be for the following activities: $1.1 billion for closure projects, the amount of the budget request; $930.9 million for site and project completion, a decrease of $40.0 million; $3.2 billion for post 2006 completion, an increase of $70.0 million; $246.5 million for technology development, an increase of $50.0 million; and $354.9 million for program direction, a decrease of $5.0 million. The Senate provision would also authorize a decrease of $132.0 million to account for available uncosted, unobligated prior year funds and funds to be deobligated from completed, prior year construction projects.

The conferees agree to authorize $6.0 billion for environmental management activities, an increase of $1.4 billion. The amount authorized is for the following activities: $1.1 billion for closure projects, the amount of the budget request; $941.7 million for site and project completion, a decrease of $29.2 million; $3.4 billion for post 2006 completion, an increase of $324.0 million; $246.5 million for technology development, an increase of $50.0 million; and $355.0 million for program direction, a decrease of $4.9 million.

Post 2006 completion

For post 2006 completion activities, the conferees agree to authorize: an increase of $332.0 million to establish a new construction line item for the Tank Waste Remediation System Project; an increase of $10.0 million for the Columbia River Corridor Initiative at the Hanford Site to continue reactor decontamination and decommissioning activities; and a decrease of $18.0 million to reflect the movement of the Environmental Systems Research and Analysis Program into the Science and Technology Development Account. The conferees recommend full funding for the F-canyon and H-canyon materials processing facilities.

The conferees agreed to establish a separate sub-account within the post 2006 completion account for the activities of Office of

River Protection. The conferees have consolidated all post 2006 completion construction projects that support operation of the Hanford site tank farm into this sub-account, including a new construction line item for the Tank Waste Remediation System Project.

Site and project completion

For site and project completion activities, the conferees agree to authorize: an increase of $11.0 million to accelerate compliance with 94–1 requirements at the Savannah River Site, including pre-operational activities to support planned stabilization campaigns, acceleration of the Americium/Curium stabilization project, and continued operation of the HB-Line Phase I to process plutonium residues; a decrease of $27.9 million to reflect the transfer of the highly enriched (HEU) uranium blend-down project (01–D–407) to the National Nuclear Security Administration Office of Fissile Materials Disposition; a decrease of $10.0 million in operation and maintenance funds to reflect transfer of the HEU blend-down project; and a decrease of $2.3 million to reflect the movement of the Environmental Systems Research and Analysis Program into the Science and Technology Development account.

Science and technology development

For science and technology development activities, the conferees agree to authorize: an increase of $50.0 million for applied research and development activities. The amount authorized reflects the consolidation of the Environmental Systems Research and Analysis Program into the Science and Technology Development Account.

The conferees note that the cleanup and waste management efforts of the Department will continue well into the 21st Century with costs anticipated to exceed $150.0 billion and much of the cleanup work scheduled to continue beyond fiscal year 2030. DOE must make meaningful investments in innovative science and technology in order to reduce costs, reduce safety and health risks, and develop solutions to problems for which there are currently no available or effective technologies.

Columbia River Corridor Initiative

The conferees support the Columbia River Corridor Initiative to accelerate cleanup along the Hanford Reach of the Columbia River. The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) directed the Assistant Secretary of Energy for Environmental Management to establish a schedule by which the 100 square miles of the Hanford site that adjoin the Columbia River could be cleaned up on an accelerated schedule and proposed for removal from the National Priorities List. The conferees note that this schedule has not been submitted to Congress. The conferees expect that this report will be provided not later than November 1, 2000.

Report on pilot program to use prior year unobligated balances to accelerate cleanup of the Rocky Flats Environmental Technology Site

The conferees encourage the Secretary of Energy to use the authority provided by section 3176 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) to accelerate closure of the Rocky Flats Environmental Technology Site.

Safeguards and Security Activities

The conferees direct that all funds authorized for safeguards and security activities pursuant to this section be managed exclusively by Office of Environmental Management (EM) employees or EM contractor employees, and that such activities not be transferred or delegated to any office outside EM.

Other defense activities (sec. 3103)

The budget request included $555.1 million for other defense activities.

The House bill contained a provision (sec. 3103) that would authorize $557.1 million for other defense activities, an increase of $2.0 million.

The Senate amendment contained a similar provision (sec. 3103) that would authorize $466.3 million for other defense activities, a decrease of $88.8 million.

The conferees agree to authorize $523.8 million for other defense activities, a decrease of $31.3 million. The amount authorized would be for the following activities: $38.1 million for the Office of Intelligence, the amount of the budget request; $45.2 million for the Office of Counterintelligence, the amount of the budget request; $284.1 million for the Office of Security and Emergency Operations, a decrease of $56.3 million; $14.9 million for independent oversight and performance assurance, the amount of the budget request; $134.1 million for environment, safety and health-defense, an increase of $25.0 million; $24.5 million for the Office of Worker and Community Transition, the amount of the budget request; and $3.0 million for the Office of Hearings and Appeals, the amount of the budget request.

Office of Security and Emergency Operations

The conferees agree to authorize a decrease of $56.3 million to the Office of Security and Emergency Operations emergency management program to reflect movement of the nuclear emergency search team to the weapons activities account authorized in section 3101(a)(1) of this Act.

Environment, safety and health-defense

The conferees agree to authorize an increase of $25.0 million for environment, safety and health-defense to carry out the administrative activities associated with the establishment of an occupational illness compensation program for Department of Energy (DOE) and DOE contractor employees at the Department's defense nuclear facilities.

The conferees note that DOE requested authorization to begin making compensation payments in fiscal year 2001 with Atomic Energy Defense funding. The conferees further note that the Secretary of Energy has not submitted a comprehensive legislative proposal to Congress to establish such an employee compensation program. The conferees agree not to authorize any such payments from Atomic Energy Defense funding.

Office of worker and community transition

Of the funds available for worker and community transition activities, the conferees agree to authorize $5.0 million to support cleanup and infrastructure development at the Allied General Nuclear Site immediately adjacent to the DOE Savannah River Site.

The conferees endorse DOE's decision to remove the requirement that management and operating contracts at DOE sites include provisions for conducting economic development activities in the communities surrounding such sites. The conferees encourage DOE contractors to continue to be good corporate citizens by supporting community-based initiatives. The conferees believe, however, that economic development activities of DOE contractors should not be used as a measure of performance or as a selection criteria for the award of contracts.

Defense environmental management privatization (sec. 3104)

The budget request included $540.1 million for defense environmental management privatization projects and the use of $25.1 million from prior year, uncosted balances.

The House bill contained a provision (sec. 3105) that would authorize $284.1 million for defense environmental management privatization projects, a decrease of $256.0 million. Of the amount authorized: $194.0 million would be for the Tank Waste Remediation System Project, phase I (Richland); $65.0 million would be for the Advanced Mixed Waste Treatment project (Idaho); and $25.1 million would be for spent nuclear fuel dry storage (Idaho). The provision would authorize a decrease of $25.1 million to reflect the use of prior year, uncosted balances in the defense environmental management privatization account.

The Senate amendment contained a similar provision (sec. 3104) that would authorize $390.1 million for defense environmental management privatization projects and would authorize a decrease of $150.0 million to the Tank Waste Remediation System (TWRS) Project. The provision would also authorize a decrease of $25.1 million to reflect the use of prior year, uncosted balances in the defense environmental management privatization account.

The conferees agree to authorize $90.1 million for defense environmental management privatization projects, including $65.0 million for the Advanced Mixed Waste Treatment project (Idaho) and $25.1 million for spent nuclear fuel dry storage (Idaho). The conferees agree to authorize a decrease of $90.1 million to reflect the use of prior year, uncosted balances in the defense environmental management privatization account.

The conferees are deeply concerned with the status of the TWRS project. The conferees note that the cost estimate for the construction portion of this project increased from $3.2 billion to $6.4 billion, translating into a total estimated project cost increase from $6.9 billion to over $15.2 billion under the privatization approach. The conferees further understand that these cost estimates were based on a project design that is only 13 to 15 percent complete and, therefore, subject to additional change.

The conferees fully support the TWRS project and believe that the technological approach proposed is viable and realistic. The conferees also believe it is vitally important that this project proceed to full scale construction provided the Secretary of Energy has established a high degree of confidence in the overall project cost and other facility requirements. As a result, the conferees have moved the TWRS project to the post 2006 completion account and recommend no privatization funds for the project.

In order to make the funds for termination liability available for other purposes, the conferees have included a separate provision in this Act that would prohibit the use of appropriated funds to establish a reserve for contract termination costs for the TWRS project.

Defense nuclear waste disposal (sec. 3105)

The budget request included $112.0 million for the Department of Energy (DOE) fiscal year 2001 defense contribution to the Defense Nuclear Waste Fund.

The House bill contained a provision (sec. 3106) that would authorize $112.0 million for the DOE fiscal year 2001 defense contribution to the Defense Nuclear Waste Fund.

The Senate amendment contained an identical provision (sec. 3106).

The conference agreement includes this provision.

Subtitle B—Recurring General Provisions

Reprogramming (sec. 3121)

The House bill contained a provision (sec. 3121) that would prohibit the reprogramming of funds in excess of 110 percent of the amount authorized for the program, or in excess of $1.0 million above the amount authorized for the program, until the Secretary of Energy submits a report to the congressional defense committees and a period of 45 days has elapsed after the date on which the report is received.

The Senate bill contained a similar provision (sec. 3121) that would prohibit the reprogramming of funds in excess of 110 percent of the amount authorized for the program, or in excess of $1.0 million above the amount authorized for the program, until the Secretary of Energy submits a report to the congressional defense committees and a period of 30 days has elapsed after the date on which the report is received.

The House recedes.

Limits on general plant projects (sec. 3122)

The House bill contained a provision (sec. 3122) that would authorize the Secretary of Energy to carry out any construction project authorized under general plant projects if the total estimated cost does not exceed $5.0 million. The provision would require the Secretary to submit a report to the congressional defense committees detailing the reasons for the cost variation if the cost of the project is revised to exceed $5.0 million.

The Senate amendment contained an identical provision (sec. 3122).

The conference agreement includes this provision.

Limits on construction projects (sec. 3123)

The House bill contained a provision (sec. 3123) that would permit any construction project to be initiated and continued only if the estimated cost for the project does not exceed 125 percent of the higher of the amount authorized for the project or the most recent total estimated cost presented to the Congress as justification for such project. The provision would prohibit the Secretary of Energy from exceeding such limits until 30 legislative days after the Secretary submits to the congressional defense committees a detailed report setting forth the reasons for the increase. This provision would also specify that the 125 percent limitation would not apply to projects estimated to cost under $5.0 million.

The Senate amendment contained an identical provision (sec. 3123).

The conference agreement includes this provision.

Fund transfer authority (sec. 3124)

The House bill contained a provision (sec. 3124) that would permit funds authorized by this Act to be transferred to other agencies of the government for performance of work for which the funds were authorized and appropriated. The provision would permit the merger of such transferred funds with the authorized funds of the agency to which they are transferred. The provision would also limit, to not more than five percent of the account, the amount of funds authorized by this Act that may be transferred between authorization accounts within the Department of Energy.

The Senate amendment contained an identical provision (sec. 3124).

The conference agreement includes this provision.

Authority for conceptual and construction design (sec. 3125)

The House bill contained a provision (sec. 3125) that would limit the authority of the Secretary of Energy to request construction funding until the Secretary has completed a conceptual design. This limitation would apply to construction projects with a total estimated cost greater than $5.0 million. If the estimated cost to prepare the construction design exceeds $600,000, the provision would require the Secretary to obtain a specific authorization to obligate such funds. If the estimated cost to prepare the conceptual design exceeds $3.0 million, the provision would require the Secretary to request funds for the conceptual design before requesting funds for construction. The provision would also provide an exception to these requirements in the case of an emergency.

The Senate amendment contained an identical provision (sec. 3125).

The conference agreement includes this provision.

Authority for emergency planning, design, and construction activities (sec. 3126)

The House bill contained a provision (sec. 3126) that would permit the Secretary of Energy to perform planning and design with any funds available to the Department of Energy pursuant to this title, including those funds authorized for advance planning and construction design, whenever the Secretary determines that the design must proceed expeditiously to protect the public health and safety, to meet the needs of national defense, or to protect property.

The Senate amendment contained an identical provision (sec. 3126).

The conference agreement includes this provision.

Funds available for all national security programs of the Department of Energy (sec. 3127)

The Senate amendment contained a provision (sec. 3127) that would authorize amounts for management and support activities and for general plant projects to be made available for use in connection with all national security programs of the Department of Energy.

The House bill contained no similar provision.

The House recedes.

Availability of funds (sec. 3128)

The House bill contained a provision (sec. 3127) that would authorize funds for operation and maintenance or for plant projects and capital equipment within the Department of Energy (DOE) national security programs until the later of the following dates: October 1, 2003; or the date of enactment of the Act that would authorize funds for such activities in fiscal year 2004. The provision would also authorize funds for program direction within DOE national security programs until the later of the following dates: October 1, 2001; or the date of enactment of the Act that would authorize funds for program direction in fiscal year 2002.

The Senate amendment contained a similar provision (sec. 3128) that would authorize funds for DOE national security programs to remain available until expended, except for program direction funds which would remain available until the end of fiscal year 2003.

The House recedes with an amendment that would authorize funds for program direction until the end of fiscal year 2002.

The conferees note that section 3152 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-301) required that the National Nuclear Security Administration submit a budget request that would include funding authorization for a limited number of years. Additional funding limitations for future budget requests are addressed elsewhere in this conference agreement.

Transfers of defense environmental management funds (sec. 3129)

The House bill contained a provision (sec. 3128) that would provide the manager of each field office of the Department of Energy with limited authority to transfer up to $5.0 million in fiscal year 2001 defense environmental management funds from one program or project under the jurisdiction of the office to another such program or project, including site project and completion and post fiscal year 2006 completion funds, once in a fiscal year.

The Senate bill contained a similar provision (sec. 3129).

The Senate recedes.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Funding for termination costs of River Protection Project, Richland, Washington (sec. 3131)

The House bill contained a provision (sec. 3131) that would prohibit the Secretary of Energy from using appropriated funds to establish a reserve for the payment of termination costs of contracts relating to the tank waste remediation system at Richland, Washington, and would identify alternatives to pay for these costs should the need arise.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Enhanced cooperation between National Nuclear Security Administration and Ballistic Missile Defense Organization (sec. 3132)

The House bill contained a provision (sec. 3132) that would establish the basis for expanded cooperation between the Ballistic Missile Defense Organization and the National Nuclear Security Administration.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Reprogramming of funds available for infrastructure upgrades or maintenance in certain accounts of the National Nuclear Security Administration (sec. 3133)

The House bill contained a provision (sec. 3134) that would prohibit the use of funds authorized to be appropriated for the National Nuclear Security Administration for infrastructure upgrades or maintenance in the readiness of the technical base and facilities or construction accounts to be used for any other purpose.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Adjustment of composite theoretical performance levels for post-shipment verification reports on advanced supercomputers sales to certain foreign nations (sec. 3134)

The House bill contained a provision (sec. 3136) that would conform the reporting levels to those established under section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) as they apply to the Department of Energy report on sales by participants in the Accelerated Strategic Computing Initiative.

The Senate amendment contained an identical provision.

The conference agreement includes this provision.

Modification of counterintelligence polygraph program (sec. 3135)

The Senate amendment contained a provision (sec. 3154) that would amend section 3154 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) by authorizing the Secretary of Energy to waive the requirement that certain Department of Energy (DOE) employees and DOE contractor employees successfully pass a counterintelligence polygraph exam before such employees can be granted access to high-risk programs. The provision would allow the Secretary to waive this requirement for any individual for a period not to exceed 120 days, if the Secretary determines that: (1) such a waiver is in the national security interests of the United States; (2) the covered employee has been granted a security clearance; and (3) the covered employee signs a written acknowledgment that the employment is conditioned upon successfully passing a counterintelligence polygraph exam within 120 days of the date of signing such an acknowledgment. The provision would also allow the Secretary to waive this requirement for any individual who the Secretary determines: (1) has completed successfully a full-scope counterintelligence polygraph exam while employed with another federal agency; or (2) should not be examined because of treatment for a medical or psychological condition.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary to waive polygraph requirements on a one-time basis for any individual employee and would prohibit the Secretary from using the need to maintain the scientific viability of a DOE laboratory as a criteria for approving any such waivers. The amendment would further require that employees holding a sensitive compartmented information clearance be subject to these requirements.

Employee incentives for employees at closure project facilities (sec. 3136)

The House bill contained a provision (sec. 3137) that would provide incentives for retention and separation of federal employees at closure facilities of the Department of Energy (DOE) established pursuant to section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-106). Such incentives would include the accumulation of annual leave up to 720 hours, lump sum retention allowances of up to 30 percent of an employee's salary, freeze the cost of and continue health benefits for employees who are either voluntarily or involuntarily separated, and provide authority for voluntary reductions in force. The authority would terminate at a DOE site when closure is completed.

The Senate amendment contained a similar provision (sec. 3155) that would provide similar incentives, including lump sum retention allowances of up to 40 percent of an employee's salary, authority to pay voluntary separation incentive payments (also referred to as buyouts), and authority to make temporary assignments of certain DOE employees to private sector organizations, on a non-reimbursable basis. The authority would terminate on September 23, 2001.

The House recedes with an amendment that would provide the following incentives: (1) the accumulation of annual leave up to 720 hours; (2) lump sum retention allowances of up to 30 percent of an employee's salary; (3) freeze the cost of and continue health benefits for employees who are either voluntarily or involuntarily separated; and (4) provide authority for voluntary reductions in force. The authority would terminate on March 31, 2007.

Continuation of processing, treatment, and disposition of legacy nuclear materials (sec. 3137)

The Senate amendment contained a provision (sec. 3151) that would require the Secretary of Energy to maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River site. The provision would further prohibit the use of funds to begin decommissioning activities at the F-canyon facility, including studies and planning, until the Defense Nuclear Facilities Safety Board and the Secretary of Energy submit a report certifying that all materials currently present in the facility are safely stabilized and the requirements for the facility to meet future fissile materials disposition needs can be fully met utilizing the H-canyon facility. The provision would require the Secretary to submit to the Committees on Armed Services of the Senate and the House of Representatives a plan describing how all long-term chemical separations activities would be transferred from the F-canyon facility to the H-canyon facility beginning in fiscal year 2002. The report would be submitted not later than February 15, 2001.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to identify those fissile materials disposition needs that will require an alternative capability, including a description of the alternative capability and a justification of why any such requirements cannot be carried out at the H-canyon facility.

Limitation on use of certain funds pending certifications of compliance with Formerly Utilized Sites Remedial Action Program funding prohibition (sec. 3138)

The Senate amendment contained a provision (sec. 3152) that would prohibit the use of any funds authorized or otherwise made available to the Department of Energy by this or any other Act for travel by the Secretary of Energy or any employees of the Office of Secretary of Energy after March 1, 2001, unless or until the Secretary certifies to the congressional defense committees that no Atomic Energy Defense funds will be obligated or expended for treatment, storage, or disposal activities at sites designated as Formerly Utilized Site Remedial Action Program (FUSRAP) sites.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the use of travel funds by the Secretary of Energy, any employee of the Office of the Secretary, or the Chief of Engineers of the Army Corps of Engineers after November 1, 2001, unless or until the Secretary and Chief each certifies to the congressional defense committees that no Atomic Energy Defense funds will be obligated or expended for treatment, storage, or disposal activities at FUSRAP sites.

The conferees note that the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) prohibits any Atomic Energy Defense funds authorized or otherwise made available to the Department of Energy for any fiscal year after fiscal year 1999 from being obligated or expended to conduct treatment, storage, or disposal activities at sites designated as FUSRAP sites. The conferees continue to support the cleanup of FUSRAP sites in an expeditious, cost-effective manner. The conferees, however, do not support the use of scarce Atomic Energy Defense funds for this purpose.

Conceptual design for Subsurface Geosciences Laboratory at Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho (sec. 3139)

The Senate amendment contained a provision (sec. 3156) that would authorize the Secretary of Energy to obligate up to $400,000 to carry out conceptual design activities for a new Subsurface Geoscience Facility Laboratory at the Idaho National Engineering and Environmental Laboratory (INEEL), Idaho Falls, Idaho. The provision would prohibit obligation of the funds until 60 days after the Secretary submits a report to the congressional defense committees identifying: (1) the need to conduct mesoscale experiments to meet long-term Department of Energy (DOE) cleanup requirements; (2) the possibility of utilizing existing structures to house such a new facility; (3) the estimated construction costs of the facility; (4) the estimated annual operating costs of the facility; (5) how the facility would utilize the capabilities of other DOE and non-DOE sites; and (6) an analysis of costs, savings, and benefits that are unique to INEEL.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Report on National Ignition Facility, Lawrence Livermore National Laboratory, Livermore, California (sec. 3140)

The Senate amendment contained a provision (sec. 3158) that would require the Secretary of Energy to submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a revised cost and schedule baseline for completion of the National Ignition Facility (NIF) in Livermore, California. The provision would prohibit the obligation of more than 50 percent of the funds available for NIF until the report is submitted. The provision would further require that the Comptroller General report not later than March 31, 2001, to the Committees on Armed Services of the Senate and House of Representatives on: (1) the relationship of NIF to other elements of the Department of Energy nuclear weapons program; (2) the potential impacts if completion of the NIF were to be delayed; (3) a detailed description and analysis of the funds spent on NIF to date; and (4) an assessment of whether Lawrence Livermore National Laboratory has established a revised baseline for NIF that has achievable goals and milestones.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

River Protection Project, Richland, Washington (sec. 3141)

The House bill contained a provision (sec. 3135) that would rename the tank waste remediation project at the Department of Energy's (DOE) Hanford Site as the River Protection Project.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Assistant Secretary of Energy for Environmental Management to delegate, in writing, responsibility for management of the Office of River Protection (ORP) to the manager of that office. The delegation would include authority for contracting, financial management, safety, and general program management that are equivalent to those vested in other operations office managers. The ORP manager would, to the maximum extent possible, be required to coordinate all ORP activities with the manager of the DOE Richland Operations Office.

The conferees note that section 3139 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) made the manager of the Office of River Protection responsible for managing all aspects of this critical cleanup program. The conferees expect the Assistant Secretary to comply with the requirement for a written delegation of authority as expeditiously as possible. The conferees further expect that the Assistant Secretary will be provided with sufficient personnel and other resources to manage the tank waste program in an efficient and streamlined manner.

Report on tank waste remediation system, Hanford Reservation, Richland, Washington (sec. 3142)

The Senate amendment contained a provision (sec. 3157) that would authorize an increase of $150.0 million to carry out an accelerated cleanup and waste management program at the Hanford Site in Richland, Washington. The provision would also require the Secretary of Energy to submit a report to Congress not later than December 15, 2000, on the Tank Waste Remediation System (TWRS) project, including: (1) a proposed plan for processing and stabilizing all nuclear wastes located in the Hanford Tank Farm; (2) a proposed schedule for carrying out the plan; (3) the total estimated cost of carrying out the plan; and (4) a description of any alternative options to the proposed plan and description of the costs and benefits of each such option.

The House bill contained no similar provision.

The House recedes with an amendment that would require the report to include the following additional items: (1) a description of the volumes and characteristics of those wastes or materials that are not intended to be treated during Phase 1(B) of the project and (2) a plan for developing, demonstrating, and implementing advanced vitrification system technologies that might be required to safely treat and stabilize any out of specification wastes or materials, such as polychlorinated biphenyls, that cannot be treated and stabilized with the technologies proposed to be utilized during Phase 1(B) of the project.

Subtitle D—Matters Relating to Management of National Nuclear Security Administration

Term of office of person first appointed as Under Secretary for Nuclear Security of the Department of Energy (sec. 3151)

The Senate amendment contained a provision (sec. 3131) that would establish a fixed term of office for the first individual appointed as the Under Secretary for Nuclear Security at the Department of Energy. The individual would be subject to removal by the President only for inefficiency, neglect of duty, or malfeasance in office.

The House bill contained no similar provision.

The House recedes.

Membership of Under Secretary for Nuclear Security on the Joint Nuclear Weapons Council (sec. 3152)

The Senate amendment contained a provision (sec. 3132) that would designate the Under Secretary for Nuclear Security of the Department of Energy (DOE) to serve as the DOE representative on the Joint Nuclear Weapons Council.

The House bill contained no similar provision.

The House recedes.

Organization plan for field offices of the National Nuclear Security Administration (sec. 3153)

The Senate amendment contained a provision (sec. 3135) that would require the Under Secretary for Nuclear Security of the Department of Energy to develop an appropriate staffing and organization plan to carry out the activities of the National Nuclear Security Administration (NNSA). The plan would identify: (1) the roles and responsibilities to be assigned to each NNSA field organizational unit and the NNSA headquarters organization; (2) any modifications, downsizing, eliminations, or consolidations of NNSA headquarters and field organization units; (3) any modifications to headquarters and field office staffing levels that the Under Secretary determines are necessary to implement the plan; and (4) a schedule by which the plan could be implemented. The plan would be submitted to the congressional defense committees not later than March 1, 2001.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Under Secretary to submit the plan not later than May 1, 2001.

Required contents of future-years nuclear security program (sec. 3154)

The House bill contained a provision (sec. 3133) that would make certain findings that the budget submission for fiscal year 2001 to Congress does not comply with requirements imposed by sections 3251 and 3253 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65); would establish requirements for the content of the future years nuclear security program to be submitted annually by the Administrator of the National Nuclear Security Administration (NNSA) pursuant to section 3253; and would prohibit the obligation of more than 50 percent of funds authorized for appropriation for program direction within NNSA until 30 days after the Administrator provides Congress with the required future years nuclear security program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the restriction on use of program direction funds.

Future-years nuclear security program for fiscal year 2001 (sec. 3155)

The Senate amendment contained a provision (sec. 3136) that would require the Under Secretary for Nuclear Security to submit a future-years nuclear security program plan that would contain the estimated expenditures necessary to support the programs, projects, and activities of the National Nuclear Security Administration (NNSA). The report would be submitted to Congress not later than November 1, 2000.

The House contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that the Secretary of Energy was required by section 3135 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) and section 3253 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) to provide a five-year budget plan, and that the Secretary failed to comply with such requirements. The conferees further note that the Secretary of Defense provides such future year budget data to Congress concurrent with the submission of the budget request. The conferees believe that such a plan will provide an important planning tool for the Secretary, the Administrator, and the Congress, and would serve as a baseline upon which the congressional defense committees can better evaluate succeeding budget submissions.

The conferees are aware that DOE submitted a future years nuclear security program plan to the Office of Management and Budget as part of its fiscal year 2001 budget request. The conferees believe that this plan will meet the requirements of this provision.

Engineering and manufacturing research, development, and demonstration by plant managers of certain nuclear weapons production plants (sec. 3156)

The Senate amendment contained a provision (sec. 3175) that would authorize the Secretary of Energy to establish a Plant Manager Research, Development, and Demonstration (PMRDD) program to support innovative engineering and systems activities at the nuclear weapons production plants. The program would be limited to the Y–12 plant in Oak Ridge, Tennessee, the Kansas City plant in Kansas City, Missouri, and the Pantex plant in Amarillo, Texas. The program would be authorized at a level not to exceed two percent of the funds available for weapons activities at such plants.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Administrator of the National Nuclear Security Administration to authorize the head of each nuclear weapons production plant to establish a PMRDD program and would allow the Administrator to authorize the head of each production plant to obligate up to $3.0 million per year from those funds available in the Advanced Design and Production Technologies Campaign in fiscal year 2001 to carry out the program.

The conferees anticipate that this program would be used to explore viable tools and techniques for understanding and replacing sunset technologies and for developing more agile manufacturing techniques. The conferees believe the creation of this program will support recommendations for addressing workforce problems at the production plants identified by the Commission on Retaining Nuclear Weapons Expertise (also known as the Chiles Commission) by assisting with recruiting and retention of outstanding engineers and craftsmen.

Prohibition on individuals engaging in concurrent service or duties within National Nuclear Security Administration and outside that Administration but within Department of Energy (sec. 3157)

The Senate amendment contained a provision (sec. 3134) that would prohibit the use of any funds authorized to be appropriated or otherwise made available to the Department of Energy (DOE) after fiscal year 2000 to pay the basic pay of an officer or employee of DOE who: (1) serves concurrently in a position in the National Nuclear Security Administration (NNSA) and a position outside the NNSA; or (2) performs concurrently the duties of a position in the NNSA and the duties of a position outside the NNSA.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the practice of dual office holding.

The conferees recognize that NNSA may benefit from the unique skills of personnel in other federal agencies, other DOE entities not within NNSA, and private entities. The conferees believe that the assignment of detailees with such expertise to the NNSA on an occasional and temporary basis is acceptable, provided that the specific arrangements for detailee assignment to NNSA are consistent with the terms of this provision.

Annual plan for obligation of funds of the National Nuclear Security Administration (sec. 3158)

The conference agreement includes a provision that would require the Administrator of the National Nuclear Security Administration (NNSA) to submit a plan for obligation of amounts requested for each program element and construction line item expressed as percentage of the requested amounts in the annual budget and the two succeeding fiscal years; and an assessment as to whether the NNSA had met the goals of prior year obligation plans and any plan for corrective actions that might be needed. The amendment would also require an assessment by the Comptroller General concerning the adequacy of the NNSA planning, programming, and budgeting process.

The conferees are disappointed that the Department of Energy failed to comply with section 3152 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65), which required the NNSA to forward a budget with funding available for a limited number of years.

Authority to reorganize National Nuclear Security Administration (sec. 3159)

The Senate amendment contained a provision (sec. 3133) that would limit the authority of the Secretary of Energy to reorganize, abolish, alter, consolidate, or discontinue any organizational unit or component of the National Nuclear Security Administration (NNSA).

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Administrator to reorganize, abolish, alter, consolidate, or discontinue any organizational unit or component of the NNSA.

Subtitle E—National Laboratories Partnership Improvement

Technology Infrastructure Pilot Program (sec. 3161)

The Senate amendment contained a provision (section 3163) that would authorize the Secretary of Energy to obligate up to $10.0 million per year for a three-year period to establish the Technology Infrastructure Pilot Program. The pilot program would promote establishment of technology partnership clusters in the vicinity of certain DOE laboratories and plants. The provision would authorize each such DOE site to expend available funds to carry out cooperative activities with local businesses, universities, research organizations, or state, local, and tribal governments.

The House had no similar provision.

The House recedes with an amendment that would authorize the Administrator of the National Nuclear Security Administration (NNSA) to obligate up to $5.0 million during fiscal years 2001 and 2002 to carry out the pilot program.

The conferees are concerned that technology partnerships within the Office of Defense Programs have not been well managed in the past nor have they resulted in significant return on investment. Nevertheless, the conferees recognize that public-private collaborations may, if properly focused and managed, result in the development of commercially viable technologies that support the core nuclear weapons and nuclear nonproliferation missions of the NNSA. The Technology Infrastructure Pilot Program will allow the NNSA laboratories and facilities to explore new ways to collaborate with private entities in research, training, and shared facilities to enhance these core NNSA missions. The conferees note that technology networks of this kind have proven successful in the private sector. The conferees further note that the provision would not preclude the possibility of subsequent authorizations in appropriate circumstances.

Report on small business participation in National Nuclear Security Administration activities (sec. 3162)

The Senate amendment contained a provision (sec. 3164) that would require each laboratory to establish a small business advocacy and assistance program to increase the participation of small businesses in all contracting aspects of the laboratory. The provision would also require each laboratory to establish a small business assistance program to help local small businesses obtain more subcontracts at the laboratory and improve the commercial value of their products and services.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Administrator of the National Nuclear Security Administration (NNSA) to report to the congressional defense committees not later than February 15, 2001, regarding the effectiveness of NNSA small business programs, recommendations on how to improve them, and any legislative changes required to implement such improvements.

Study and report related to improving mission effectiveness, partnerships, and technology transfer at national security laboratories and nuclear weapons production facilities (sec. 3163)

The Senate amendment contained a provision (sec. 3166) that would require the Secretary to direct the Laboratory Operations Board to study and to report on the possible benefits of and need for policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among national security laboratories and facilities. The Board would be required to report on the possible benefits of and need for changes in the following: (1) the indemnification requirements for patents or other intellectual property licensed from a laboratory or facility; (2) the royalty and fee schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a National Laboratory or facility; (3) the licensing procedures and requirements for patents and other intellectual property, including preferences for small businesses started by former laboratory or facility employees who invented the patented technology or other intellectual property; (4) the infringement and protections available to small businesses that have received patents or other intellectual property from a laboratory or facility; (5) the advance funding requirements for a small business that funds a project at a laboratory or facility through a Funds-In-Agreement; (6) the intellectual property rights allocated to a business that funds a project at a laboratory or facility through a Funds-In-Agreement; and (7) the policies on royalty payments to inventors employed by a contractor-operated laboratory or facility, including those for inventions made under a Funds-In-Agreement.

The Board would be required to report to the Secretary not later than one year after the date of enactment of this Act. The Secretary would be required to transmit the report to Congress not later than one month after receiving the report of the board concurrent with the submission of the report of the Secretary shall provide recommendations regarding appropriate action and legislative proposals.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Energy Advisory Board to prepare and to submit the report related to the national security laboratories and facilities. The amendment would also require the report to include the advantages and disadvantages of providing the Administrator of the National Nuclear Security Administration with special contracting authority, such as "other transactions" authority.

Report on effectiveness of National Nuclear Security Administration technology development partnerships with non-Federal entities (sec. 3164)

The Senate amendment contained a provision (sec. 3137) that would establish funding goals for cooperative research and development agreements (CRADAs) of the National Nuclear Security Administration (NNSA) and require that such CRADAs be consistent with and support the missions of the National Nuclear Security Administration. The provision would establish a goal of obligating 0.5 percent of NNSA funds available during fiscal years 2001 and 2002 for CRADAs, or similar cooperative, cost-shared research partnerships with non-federal organizations. The provision would further require the Administrator of the NNSA to submit a report to the congressional defense committees setting forth a recommendation as to the appropriate future percentage goals. The provision would require that the Administrator report to Congress annually on whether the goals of this provision have been met in the successive fiscal year. The provision would require the Administrator to describe the actions necessary to achieve such goals and provide any legislative changes recommended to achieve them, if the goals have not been met.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Administrator to submit to Congress a report on the efficiency and effectiveness with which the NNSA and its laboratories and facilities carry out cooperative technology development activities with non-federal entities, including appropriate funding levels for such cooperative activities.

Definitions (sec. 3165)

The Senate amendment contained a provision (sec. 3162) that would define the terms referenced in subtitle E of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would define the terms "national security laboratory" and "nuclear weapons production facility" as they are defined in section 3281 of the National Nuclear Security Administration Act (Public Law 106–65).

Subtitle F—Matters Relating to Defense Nuclear Nonproliferation

Matters Relating to Defense Nuclear Nonproliferation (secs. 3171–3175)

The Senate amendment contained a provision (sec. 3153) that would: (1) require an annual report and limit funding for the program until an access policy is established and implemented by the Secretary for the Nuclear Materials Protection, Control, and Accounting Program; (2) establish programmatic management criteria and conditions on funds for the Nuclear Cities Initiative (NCI); and (3) require that funds for the International Nuclear Safety Program be used only for reactor safety upgrades and training for reactor operators participating in the program. The Senate amendment also contained provisions (sec. 3191–3195) that would expand the NCI by authorizing $30.0 million for fiscal year 2001, require an agreement that provides that Russia will close some of its facilities engaged in nuclear weapons assembly and disassembly work within five years in exchange for participating in the NCI, establish additional programmatic criteria, authorize the Secretary of Energy to encourage careers in nonproliferation, and express the sense of Congress on the need for establishing a national coordinator for nonproliferation.

The House bill contained no similar provision.

The House recedes with a technical amendment regarding the International Nuclear Safety Program. The amendment would also: (1) Authorize $30.0 million for fiscal year 2001 for the NCI; (2) prohibit the obligation or expenditure of funds for more than three nuclear cities in Russia and two serial production facilities until 30 days after the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a copy of a written agreement that provides that Russia will close some of its facilities engaged in nuclear weapons assembly and disassembly work; and (3) limit not more than $8.7 million from being expended or obligated until the Secretary establishes and implements project review procedures for projects under the NCI and submits to the Armed Services Committees of the Senate and the House of Representatives a report on the project review procedures established and implemented. The amendment would also prohibit amounts in excess of $17.5 million from being obligated or expended until 30 days after the Secretary submits a report to the Armed Services Committees of the Senate and the House of Representatives that includes: (1) a copy of a written agreement that provides that Russia will close some of its facilities engaged in nuclear weapons assembly and disassembly work within five years in exchange for participation in the NCI; (2) a certification by the Secretary that project review procedures have been established and are being implemented and that any scientific, technical, or commercial projects carried out under the NCI will meet specific nonproliferation objectives and be commercially viable in three years; (3) a description of the project review procedures process; (4) a list of the projects that have undergone review; and (5) detailed descriptions for each NCI project regarding project management costs, budgets, commercial viability, income generation, and the number of Russian jobs created. The amendment would also urge the President to discuss with the Russian Federation the development of a plan for restructuring the Russian nuclear weapons complex, and would authorize $2.0 million for the Secretary to encourage Russian and U.S. students to pursue nonproliferation careers. The funds for nonproliferation careers may only be obligated and expended after conditions are met for fiscal year 2001 funds in excess of $17.5 million, and after the Administrator for Nuclear Security provides prior notification to Congress that these funds will be expended. Finally, the House amendment expresses the sense of Congress on the need for effective and clear coordination of U.S.-Russian nonproliferation programs.

The conferees believe that the Department should support projects that have the greatest potential for commercialization in the near term through the rapid creation of Russian jobs in the closed cities.

In addition, the conferees agree to include a provision that would direct the Secretary to submit to the Armed Services Committees of the Senate and the House of Representatives not later than March 1, 2001, a report on the Department's recent and planned efforts to ensure adequate oversight and accountability of its nonproliferation programs in Russia, and the potential costs and impacts of on-the-ground monitoring. The conferees further direct the Comptroller General to conduct a review of the information contained in the Secretary's report to assess the information and provide the Congress with a report of the Comptroller General's assessment not later than April 15, 2001. The conferees are interested in ensuring that the Department of Energy has adequate assurance that federal funds expended in Russia for nonproliferation programs are being expended for the purposes for which they are intended, as exemplified in the legislative provision on access for the Materials Protection, Control, and Accounting program.

Subtitle G—Other Matters

Extension of authority for appointment of certain scientific, engineering, and technical personnel (sec. 3191)

The Senate amendment contained a provision (sec. 3171) that would extend the authority of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) related to excepted service hiring for up to 200 positions.

The House bill contained no similar provision.

The House recedes.

Biennial report containing update on nuclear test readiness postures (sec. 3192)

The Senate amendment contained a provision (sec. 3172) that would require the Secretary of Energy to update the nuclear test readiness report required by section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) on a biennial basis. The Secretary would be required to submit the first updated report to the congressional defense committees not later than February 15, 2001. The reports would include a listing and description of those workforce skills and capabilities that are essential to carry out the missions of the site, a listing and description of the required infrastructure and physical plant that are essential to carry out the missions of the site, and an assessment of the readiness status of the workforce and infrastructure. The report would be submitted in unclassified form, but could include a classified annex.

The House bill contained no similar provision.

The House recedes.

Frequency of reports on inadvertent releases of restricted data and formerly restricted data (sec. 3193)

The Senate amendment contained a provision (sec. 3173) that would amend section 3161 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) to require the Secretary of Energy to report inadvertent releases of restricted data and formerly restricted data on a quarterly basis rather than 30 days after any such release.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would make the quarterly report mandatory, regardless of whether there is a reportable incident during the period by the report.

Form of certifications regarding the safety or reliability of the nuclear weapons stockpile (sec. 3194)

The Senate amendment contained a provision (sec. 3174) that would require the annual certification to the President regarding the safety and reliability of the U.S. nuclear stockpile be submitted in classified form.

The House bill contained no similar provision.

The House recedes.

Authority to provide certificate of commendation to Department of Energy and contractor employees for exemplary service in stockpile stewardship and security (sec. 3195)

The Senate amendment contained a provision (sec. 3177) that would authorize the Secretary of Energy to award a certificate of commendation for meritorious service to current and former employees of the Department of Energy (DOE), and current and former contractor employees who worked in programs related to stewardship of the Nation's nuclear weapons stockpile.

The House bill contained no similar provision.

The House recedes.

The conferees note that the dedication, intellect, and hard work of the scientists and craftsmen employed at DOE laboratories and manufacturing plants are essential to maintaining a credible U.S. nuclear deterrent. The conferees further note that former scientists and craftsmen at DOE laboratories, plants, and materials production sites were instrumental in ensuring the security of the United States during the Cold War. The conferees included this provision to recognize the contributions of former employees at these facilities and to highlight the Nation's continued reliance on the capabilities of the skilled workers at DOE weapons laboratories and manufacturing plants. The conferees commend these individuals for their continued service to the Nation and for the peace that they have helped to preserve.

Cooperative research and development agreements for government-owned, contractor-operated laboratories (sec. 3196)

The Senate amendment contained a provision (sec. 3176) that would amend the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710) to streamline the approval process for cooperative research and development agreements (CRADA) at government-owned, contractor-operated (GOCO) facilities by authorizing federal agencies to substitute an annual strategic plan for individual joint work statements. The provision would, for a period of five years after the date of enactment of this Act, authorize the waiver of any license retained by the government if the retention of that license would inhibit commercialization of an invention that would otherwise serve an important federal mission. The provision would further streamline the CRADA process for GOCO facilities by authorizing federal agencies to permit routine CRADAs to be negotiated and signed by GOCO employees.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the applicability of the license waiver provision to the activities of the National Nuclear Security Administration laboratories, and would require a report on all license waivers.

Office of Arctic Energy (sec. 3197)

The Senate amendment contained a provision (sec. 3169) that would establish the Office of Arctic Energy Research.

The House bill contained no similar provision.

The House recedes with an amendment that would provide the Secretary of Energy with discretionary authority to establish the Office of Arctic Energy Research.

LEGISLATIVE PROVISIONS NOT ADOPTED

Conformance with National Nuclear Security Administration organizational structure

The Senate amendment contained a provision (sec. 3168) that would require the Secretary of Energy to carry out the requirements of Subtitle E of this Act, consistent with title 32 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65).

The House bill contained no similar provision.

The Senate recedes.

Construction of National Nuclear Security Administration Operations Office Complex

The Senate amendment contained a provision (sec. 3138) that would authorize the Administrator of the National Nuclear Security Administration (NNSA) to begin design and construction of a new operations office complex at the Department of Energy Albuquerque Operations Office located at Kirtland Air Force Base, New Mexico. The authority would have to be carried out in accordance with a Department of Energy feasibility study that would examine the design and construction of the office complex using one or more energy savings performance contracts, consistent with Title VIII of the National Energy Policy Conservation Act (42 U.S.C. 8287 et seq.). Construction costs would be derived from energy savings and ancillary operation and maintenance savings that result from replacing the current office complex with the proposed complex.

The Administrator could not begin conceptual design and construction until the later of: (1) 30 days after the date on which the Administrator submits to Congress the NNSA field organization plan required by a provision included elsewhere in this conference agreement; or (2) the date on which the Administrator certifies to Congress that the design and construction of the complex is consistent with the NNSA field organization plan and the feasibility study.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Administrator may seek future congressional authorization for design and construction of a new office complex at the Albuquerque Operations Office.

Energy employees compensation initiative

The budget request included $17.0 million for establishment of an energy employees compensation fund.

The Senate amendment contained a provision (sec. 3105) that would authorize $17.0 million for the establishment of an energy employees compensation fund to compensate Department of Energy (DOE) contractor employees that have proven health or other medical problems that are directly related to their employment at a DOE nuclear facility.

The House bill contained no similar provision.

The Senate recedes.

Environmental management closure projects

The House bill contained a provision (sec. 3104) that would authorize $1.0 billion for environmental management closure projects, the amount of the request.

The Senate amendment contained no similar provision.

The House recedes.

Other transactions

The Senate amendment contained a provision (sec. 3167) that would authorize the Secretary of Energy to permit the award contracts on a non-competitive basis, commonly known as "other transactions" authority.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that a report on "other transactions" authority is required elsewhere in this conference agreement.

Sense of the Congress regarding compensation and health care for personnel of the Department of Energy and its contractors and vendors who have sustained beryllium, silica, and radiation-related injury

The House bill contained a provision (sec. 3138) that would express the sense of the Congress that there is sufficient information available to Congress to warrant enactment of legislation regrading personnel of the Department of Energy and its contractors and vendors who have sustained beryllium, silica, and radiation-related injury.

The Senate amendment contained no similar provision.

The House recedes.

Short title

The Senate amendment contained a provision (sec. 3161) that would cite the subtitle E of the National Defense Authorization Act for Fiscal Year 2001 as the National Laboratories Partnership Improvement Act of 1999.

The House bill contained no similar provision.

The Senate recedes.

Technology partnerships ombudsman

The Senate amendment contained a provision (sec. 3165) that would require each laboratory to establish a technology partnership ombudsman to resolve complaints from outside organizations regarding patents, technology licenses, and other issues.

The House bill contained no similar provision.

The Senate recedes.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS ADOPTED

Defense Nuclear Facilities Safety Board (sec. 3201)

The budget request included $18.5 million for the Defense Nuclear Facilities Safety Board (DNFSB).

The House bill contained a provision (sec. 3201) that would authorize $17.0 million for the DNFSB, a decrease of $1.5 million.

The Senate amendment contained a similar provision (sec. 3201) that would authorize for the DNFSB the budget request.

The House recedes.

The conferees note that the National Nuclear Security Administration Act (Public Law 106-65), which established the National Nuclear Security Administration (NNSA) within the Department of Energy (DOE), did not repeal or amend the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011). The conferees further note that the independent oversight authority of the DNFSB related to health and safety matters at DOE and NNSA defense nuclear facilities was not changed by the National Nuclear Security Administration Act.

The conferees note that the DNFSB is an independent technical body that continually assesses safety issues at DOE facilities and submits formal safety findings and recommendations to the Secretary of Energy, the Assistant Secretary of Energy for Environment, Safety and Health, and Congress. As such, the conferees believe that the DNFSB is a cost-effective means of ensuring continuous improvement of the safety culture at DOE nuclear facilities.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS ADOPTED

Authorized uses of stockpile funds (sec. 3301)

The Senate amendment contained a provision (sec. 3401) that would authorize the stockpile manager to obligate $75.0 million from the National Defense Stockpile Transfer Fund during fiscal year 2001 for the authorized uses of funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h).

The House amendment contained a similar provision (sec. 3301).

The Senate recedes with an amendment that would authorize $71.0 million.

Increased receipts under prior disposal authority (sec. 3302)

The Senate amendment contained a provision (sec. 3402) that would increase, by $30.0 million, the amount of revenues that could be achieved through the sale of unneeded materials from the national defense stockpile.

The House bill contained no similar provision.

The House recedes with an amendment that would increase, by $130.0 million, the amount of revenues that could be achieved through the sale of unneeded materials from the national defense stockpile.

Disposal of titanium (sec. 3303)

The House bill contained a provision (sec. 3302) that would authorize the Secretary of Defense to make available to the military services the titanium sponge in the National Defense Stockpile for use as government furnished material in the production of military equipment.

The Senate amendment contained a provision (sec. 3403) that would require the sale of all remaining titanium in the National Defense Stockpile within ten years. The initial $6.0 million worth of revenues generated from the sale would be used for the construction, dedication, and related activities of the World War II Memorial, and the remainder used to defray the costs of health care benefit improvements for retired military personnel.

The House recedes with an amendment that would require the sale of $48.0 million of titanium in the National Defense Stockpile within ten years. The initial $6.0 million worth of revenues generated from the sale would be used for the construction, dedication, and related activities of the World War II Memorial, and the remainder to be deposited in the General Fund of the Treasury.

The conferees believe that with over 1,000 World War II veterans dying each year, it is important to finish construction and dedication of the World War II Memorial as soon as possible in order to recognize the men and women who served during that war. The conferees further believe that, although nothing could compensate for the sacrifices that were made by these veterans, this memorial will demonstrate the appreciation of a grateful nation to those who fought to preserve liberty and freedom for all U.S. citizens and millions of others throughout the world.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

LEGISLATIVE PROVISIONS ADOPTED

Minimum price of petroleum sold from certain naval petroleum reserves (sec. 3401)

The Senate amendment contained a provision (sec. 3301) that would repeal the authority for the Secretary of Energy to sell oil from the naval petroleum reserves for less than full market value.

The House bill contained no similar provision.

The House recedes.

Repeal of authority to contract for cooperative or unit plans affecting Naval Petroleum Reserve Numbered 1 (sec. 3402)

The Senate amendment contained a provision (sec. 3302) that would amend section 7426 of title 10, United States Code, to repeal the requirement for the United States to contract for cooperative or unit plans in the administration of the Naval Petroleum Reserve Numbered 1 at Elk Hills.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Disposal of Oil Shale Reserve Numbered 2 (sec. 3403)

The Senate amendment contained a provision (sec. 3303) that would authorize the conveyance of the Naval Oil Shale Reserve-Numbered 2 (NOSR–2), to the Ute Indian Tribe of the Uintah and Ouray Indian Reservation in Utah with the exception of a small parcel to be transferred to the Department of the Interior. The provision would also require the United States to retain a nine percent share of the revenues from the development of any minerals on the land after it is transferred. The provision would further require the environmental remediation and restoration of the uranium mill tailings site in Moab, Utah. The nine percent share of the revenues generated from the mineral development at the NOSR–2 would be available for the cleanup of the tailings site together with any funds specifically appropriated for this purpose.

The House bill contained no similar provision.

The House recedes with an amendment that would retain nine percent of the revenues from the mineral development of NOSR–2 until such time as the cleanup costs of the government for the tailings site have been recovered. The amendment would further require the Secretary of Energy to enter into an arrangement with the National Academy of Sciences to assist the Secretary of Energy in the preparation of a remediation plan that objectively evaluates the costs, benefits, and risks associated with various remediation alternatives for the cleanup of the tailings site.

The conferees understand that the remedial plan proposed by the Secretary of Energy will be prepared in accordance with title I of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C., 7901). The conferees expect that as part of the remediation plan, the Secretary of Energy will develop a strategy for transferring the legal responsibilities and title to the Moab site, from the present Moab site Trustee to the Department of Energy, and that the Secretary of Energy will consult with the Trustee and with the beneficiaries of the trust, the Nuclear Regulatory Commission and the State of Utah, in developing the plan for the transition of responsibilities.

TITLE XXXV—MARITIME ADMINISTRATION

LEGISLATIVE PROVISIONS ADOPTED

Authorization of appropriations for fiscal year 2001 (sec. 3501)

The budget request included $86.4 million for the Maritime Administration.

The House bill contained a provision (sec. 3401) that would authorize an increase of $61.9 million for the Maritime Administration. Of the funds authorized, $94.2 million would be for operations and training programs, $50.0 million would be for the cost as defined in section 502 of the Federal Credit Reform Act of 1990, of loan guarantees authorized by title XI of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1271 et seq.), and $4.2 million would be for administrative expenses related to providing those loan guarantees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize $94.3 million for operations and training programs, $50.0 million for the cost as defined in section 502 of the Federal Credit Reform Act of 1990, of loan guarantees authorized by title XI of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1271 et seq.), and $4.2 million for administrative expenses related to providing those loan guarantees.

Scrapping of National Defense Reserve Fleet vessels (sec. 3502)

The House bill contained a provision (sec. 3402) that would amend section 6(c)(1)(A) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)(A)) to authorize an extension of the period for disposal of obsolete vessels in the National Defense Reserve Fleet (NDRF). The provision would also direct that the obsolete vessels be scrapped outside the United States to the maximum extent possible.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the requirement to maximize financial returns on the sale of its obsolete vessels, as mandated by section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)). Under this provision, the Secretary of Transportation would only proceed with the scrapping of the NDRF vessels listed in the provision, and no others, until the report on the scrapping program has been transmitted to the appropriate congressional committees.

The provision would also direct the Secretary of Transportation, in consultation with the Secretary of the Navy and the Administrator of the Environmental Protection Agency, to develop a program within six months of the enactment of this Act to scrap obsolete NDRF vessels. The Secretary of Transportation would then have to submit a report to the Congress that describes the program. The conferees direct the Secretary of Transportation, based on concurrence of the Secretary of the Navy, to include in that report a description of how the Maritime Administration proposes to fund the disposal of obsolete NDRF vessels in the future years. An additional report on the progress of scrapping obsolete NDRF vessels would be required one year after the date of the enactment of this Act, and every six months thereafter.

In the selection of qualified foreign or domestic scrapping facilities, the provision would require a best value determination, consistent with the Federal Acquisition Regulations (FAR), including the provisions relevant to past performance, and taking into consideration the ability of facilities to scrap vessels: (1) at least cost to the Federal Government; (2) in a timely manner; (3) giving consideration to worker safety and the environment; and (4) in a manner that minimizes the geographic distance that a vessel must be towed when towing a vessel poses a serious threat to the environment. The provision would also require the President to make a recommendation to the Congress regarding whether it is necessary to amend the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other environmental statute or regulatory requirement relevant to the disposal of vessels described in section 6(c)(2) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(2)) and to recommend any proposed statutory or regulatory changes.

The conferees direct the administration, in the course of preparing the President's recommendation to Congress, to address directly the issues that impede the disposal of aging, obsolete NDRF vessels. The conferees believe that the public interest is not well served by continued inaction in this matter. Close cooperation by the Secretary of Transportation, the Secretary of the Navy, and the Administrator of the Environmental Protection Agency will be critical in developing a successful ship disposal program that prevents these vessels from becoming a serious threat to the environment.

Authority to convey National Defense Reserve Fleet vessel, Glacier (sec. 3503)

The House bill contained a provision (sec. 3403) that would authorize the Secretary of Transportation to convey, at no cost to the government, a surplus National Defense Reserve Fleet vessel, to the Glacier Society for use as a museum.

The Senate amendment contained no similar provision.

The Senate recedes.

Maritime intermodal research (sec. 3504)

The conferees agree to include a provision that would authorize the Secretary of Transportation to make grants to National Maritime Enhancement Institutes, as if they were University Transportation Centers, for maritime and maritime intermodal research.

Maritime research and technology development (sec. 3505)

The conferees agree to include a provision that would authorize $100,000 for the Secretary of Transportation to provide a report on the status of maritime research and development and to include in the report information on prior year funding for research and development on various modes of transportation.

Reporting of administered and oversight funds (sec. 3506)

The conferees agree to include a provision that would require the Maritime Administration to report to Congress the amount, source, and intended use of funds (other than funds appropriated for the Maritime Administration or the Secretary of Transportation for use by the Maritime Administration) administered by the Maritime Administration.

The conferees note that it is not the practice of the defense authorization conference to adopt provisions relating to the Maritime Administration that have not passed either the House of Representatives or the Senate. The conferees understand that provisions relating to the authorization of the Maritime Administration and national security aspects of the Merchant Marine, including financial assistance for the construction and operation of vessels, maintenance of the U.S.

shipbuilding and ship repair industrial base, cabotage, and cargo preference, will normally be considered by committees of conference for inclusion in future conference reports if these provisions have first been passed in either the House of Representatives or the Senate.

LEGISLATIVE PROVISIONS NOT ADOPTED

Authority to convey offshore drill rig Ocean Star

The House bill contained a provision (sec. 3404) that would authorize the Secretary of Transportation to convey the offshore drill, Ocean Star, to the Offshore Rig Museum, Inc., a non-profit corporation.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XXXVI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

The Senate amendment contained provisions (secs. 3501-3544) that would enact the Energy Employees Occupational Illness Compensation Act of 2000. The provision would establish a compensation program for Department of Energy (DOE) employees and DOE contractor employees who were injured due to exposure to radiation, beryllium, or silica while working at a DOE defense nuclear facility or nuclear weapons testing site.

The House bill contained no similar title.

The House recedes with an amendment that would establish the Energy Employees Occupational Illness Compensation Program.

LEGISLATIVE PROVISIONS ADOPTED

Short title (sec. 3601)

The conferees agree to include a provision that would designate the short title of the title as the Energy Employees Occupational Illness Compensation Act of 2000.

Findings; sense of Congress (sec. 3602)

The conferees agree to include a provision that would establish several findings and express the sense of Congress regarding personnel of the Department of Energy and its contractors and vendors who have sustained illnesses due to exposure to radiation, beryllium, and silica as a result of their employment with DOE.

Subtitle A—Establishment of Compensation Program and Compensation Fund

Establishment of Energy Employees Occupational Illness Compensation Program (sec. 3611)

The conferees agree to include a provision that would establish the Energy Employees Occupational Illness Compensation Program. The program would provide timely, uniform, and adequate compensation to certain DOE, DOE contractor, and DOE vendor employees who were injured from exposure to radiation, beryllium, or silica while working in DOE nuclear weapons-related programs and, where applicable, their survivors.

Establishment of Energy Employees Occupational Illness Compensation Fund (sec. 3612)

The conferees agree to include a provision that would establish the Energy Employees Occupational Illness Compensation Fund. The provision would also require the Secretary of the Treasury to transfer to the Fund from the general fund of the Treasury the amounts necessary to pay compensation under this title once amounts appropriated for the Fund have been exhausted. Such payments would be considered as mandatory funding without requiring any additional authorization or appropriation. The provision would further require that no administrative costs for carrying out the program be paid out of the Fund.

Legislative proposal (sec. 3613)

The conferees agree to include a provision that would require the President to submit, not later than March 15, 2001, a legislative proposal to implement the compensation program under this title. The proposal would include, at a minimum, the following elements: (1) the types of compensation to be provided to covered employees; (2) any adjustments or modifications necessary to administer the program; (3) whether to expand the program to include other illnesses associated with exposure to toxic substances; and (4) whether to expand the special exposure cohort to include new classes of employees.

Authorization of appropriations (sec. 3614)

The conferees agree to include a provision that would authorize $25.0 million for the purposes of carrying out the administrative requirements of this title and $250.0 million for the Energy Employees Occupational Illness Compensation Fund.

Subtitle B—Program Administration

Definitions for program administration (sec. 3621)

The conferees agree to include a provision that would define the terms and criteria used in this title.

Expansion of list of beryllium vendors (sec. 3622)

The conferees agree to include a provision that would authorize the President, in consultation with the Secretary of Energy, to designate additional beryllium vendors. Such designations would be required to be made not later than December 31, 2002.

Exposure in the performance of duty (sec. 3623)

The conferees agree to include a provision that would specify the criteria for determining whether a covered beryllium employee or a covered employee with cancer was exposed in the performance of duty.

The conferees prohibit the designation of the Department of Energy as the lead agency for establishing regulations for dose reconstruction under this provision. The conferees expect the Secretary to provide information in the possession of DOE and its contractors related to radiation exposures, but direct the President to select another agency to establish regulations required by this provision.

Advisory Board on Radiation and Worker Health (sec. 3624)

The conferees agree to include a provision that would establish the Advisory Board on Radiation and Worker Health. The President would appoint members of the Board in consultation with organizations with expertise on worker health issues. The Board would advise the President on matters relating to this title, including dose reconstruction and eligibility guidelines for radiation compensation.

Responsibilities of Secretary of Health and Human Services (sec. 3625)

The conferees agree to include a provision that would require the Secretary of Health and Human Services to carry out the Secretary's responsibilities under this title with the assistance of the National Institute of Occupational Safety and Health.

Designation of additional members of Special Exposure Cohort (sec. 3626)

The conferees agree to include a provision that would establish a process by which the President, upon recommendation of the Advisory Board on Radiation and Worker Health, could designate additional classes of employees at DOE facilities as members of the special exposure cohort 180 days after the President submits a report to Congress that would identify the class and criteria that have been used to justify their inclusion in the cohort. A class of employees would be permitted to be added if the President determines that: (1) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and (2) there is a reasonable likelihood that the radiation dose may have endangered the health of members of the class.

Separate treatment of chronic silicosis (sec. 3627)

The conferees agree to include a provision that would express the sense of Congress that further determination by the President is appropriate before employees who were exposed to silica are included in a comprehensive compensation program. The provision would include DOE employees who are diagnosed with silicosis in the program unless the President submits a certification to Congress within 180 days after the enactment of this Act that there is an insufficient basis to include such employees in the program. An employee would be included in the program only if the employee worked at a covered DOE facility for an aggregate of 250 work days.

Compensation and benefits to be provided (sec. 3628)

The conferees agree to include a provision that would establish an entitlement for compensation for covered employees, or the survivor of a covered employee if the employee is deceased, consisting of a $150,000 lump sum payment. In addition, the provision would establish, for a covered employee, an entitlement for reimbursement of prospective medical expenses related to a covered illness. Employees with beryllium sensitivity would receive medical monitoring only. All such compensation would be paid from the Energy Employees Occupational Illness Compensation Fund. The effective date of this provision would be July 31, 2001, unless the Congress provides otherwise in an Act enacted before that date.

Medical benefits (sec. 3629)

The conferees agree to include a provision that would define those medical services, appliances, supplies, and other related benefits to be provided.

Separate treatment of certain uranium employees (sec. 3630)

The conferees agree to include a provision that would establish an additional entitlement for certain uranium miners, millers, and transporters, or the survivor of any such employee if the employee is deceased, who receives, or has received, payment of a claim under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note). The additional payment would consist of: (1) a $50,000 lump sum payment; and (2) reimbursement of prospective medical expenses related to the covered illness. All such compensation would be paid from the Energy Employees Occupational Illness Compensation Fund. The effective date of this provision would be July 31, 2001, unless the Congress provides otherwise in an Act enacted before that date. The provision would further require the President to establish procedures to identify and notify each eligible individual under this section.

Assistance for claimants and potential claimants (sec. 3631)

The conferees agree to include a provision that would require the President to provide to all claimants under this title the following: (1) assistance in securing medical testing and diagnostic services for covered illnesses; and (2) assistance in preparing claims. The President would also be required to take appropriate action to inform potential claimants of the availability of compensation under this title.

Subtitle C—Treatment, Coordination, and Forfeiture of Compensation and Benefits

Offset for certain payments (sec. 3641)

The conferees agree to include a provision that would require any payment of compensation under this title to be offset by the amount of any other award or settlement of a claim, other than workers' compensation, that is based on the same injury.

Subrogation of the United States (sec. 3642)

The conferees agree to include a provision that would subrogate any payment of compensation under this title to a right or claim of the covered employee against any other party for the same injury.

Payment in full settlement of claims (sec. 3643)

The conferees agree to include a provision that would specify that acceptance of payment under this title would be in full settlement of all claims against the United States, a DOE contractor or subcontractor, beryllium vendor, or atomic weapons employer for the covered illness.

Exclusivity of remedy against the United States and against contractors and subcontractors (sec. 3644)

The conferees agree to include a provision that would specify the liabilities of the United States for future claims related to covered illnesses.

Election of remedy for beryllium employees and atomic weapons employees (sec. 3645)

The conferees agree to include a provision that would allow covered beryllium and atomic weapons employees to elect a remedy for a covered illness. A covered employee could elect to file suit or to file a claim under this provision, if the election is made not later than the later of: (1) the date that is 30 months after the date of enactment of this Act; or (2) 30 months after the date the employee first becomes aware of an illness that may have been sustained in the performance of duty. The provision would provide that any currently filed tort case must be dismissed by December 31, 2003, in order for an individual to be eligible for compensation under this title.

Certification of treatment of payments under other laws (sec. 3646)

The conferees agree to include a provision that would specify that compensation or benefits provided to an individual under the compensation program would be tax exempt and would not affect the eligibility of that individual for federal assistance programs.

Claims not assignable or transferrable; choice of remedies (sec. 3647)

The conferees agree to include a provision that would specify that claims under the compensation program are not assignable or transferable. The provision would also specify that no individual may receive more than one payment of compensation under the program. This would not preclude payment of both lump sum and medical benefits to a covered individual.

Attorney fees (sec. 3648)

The conferees agree to include a provision that would limit the payment of fees to an attorney of a claimant to two percent for filing of an initial claim.

Certain claims not affected by awards of damages (sec. 3649)

The conferees agree to include a provision that would ensure that a payment under the compensation program shall not be considered as any form of compensation or reimbursement for a loss for purposes of imposing liability on any individual receiving such payment, on the basis of such receipt, to repay any insurance carrier for insurance payments, or to repay any person on account of workers' compensation payments. A payment under the compensation program shall not affect any claim against an insurance carrier with respect to insurance or against any person with respect to worker's compensation.

Forfeiture of benefits by convicted felons (sec. 3650)

The conferees agree to include a provision that would require forfeiture of entitlement to any compensation or benefit under the compensation program by any individual convicted of a violation of section 1920 of title 18, United States Code, or any other federal or state criminal statute relating to fraud in the application for or receipt of any benefit under this program or any federal or state workers' compensation law.

Coordination with other Federal radiation compensation laws (sec. 3651)

The conferees agree to include a provision that would prevent an individual from receiving compensation or benefits under the compensation program for cancer and also receive compensation under the Radiation Exposure Compensation Act (section 2210 of title 42, United States Code) or section 1112(c) of title 38, United States Code, except as provided in this title.

Subtitle D—Assistance in State Workers' Compensation Proceedings

Agreements with States (sec. 3661)

The conferees agree to include a provision that would authorize the Secretary of Energy to enter into agreements with states to assist DOE contractor employees in filing a claim under the appropriate state workers' compensation system for illnesses related to exposure to other toxic chemicals. The provision would also establish procedures for such DOE assistance.

The Secretary of Energy would review and submit applications to an independent physician panel appointed by the Secretary of Health and Human Services. The panel would determine whether the illness or death that is the subject of the application arose as a result of exposure to a toxic substance at a DOE facility. The Secretary would be required to accept the panel's determination in the absence of significant evidence to the contrary. If the Secretary makes a positive determination, the Secretary would be required to assist the applicant in filing a claim under the appropriate state workers' compensation system. The Secretary would not contest the claim and would direct any relevant contractor not to contest the claim. The contractor's cost of fighting the claim would not be an allowable cost under a DOE contract.

Not later than February 1, 2002, the Comptroller General would be required to submit a report to Congress that would evaluate the Department's implementation of this provision and effectiveness in achieving compensation for employees with occupational illnesses.

Joel Hefley,
Jim Saxton,
Steve Buyer,
Tillie K. Fowler,
John M. McHugh,
James M. Talent,
Terry Everett,
Roscoe G. Bartlett,

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Floyd Spence,
Bob Stump,
Duncan Hunter,
John R. Kasich,
James V. Hansen,
Curt Weldon,
Howard "Buck" McKeon,
J.C. Watts, Jr.,
Mac Thornberry,
John N. Hostettler,
Saxby Chambliss,
Ike Skelton,
Norman Sisisky,
John Spratt,
Solomon P. Ortiz,
Owen B. Pickett,
Lane Evans,
Gene Taylor,
Neil Abercrombie,
Martin T. Meehan,
Robert A. Underwood,
Thomas Allen,
Vic Snyder,
James H. Maloney,
Mike McIntyre,
Ellen O. Tauscher,
Mike Thompson,

Provided that Mr. Kuykendall is appointed in lieu of Mr. Kasich for consideration of section 2863 of the House bill, and section 2862 of the Senate amendment, and modifications committed to conference:

Steven T. Kuykendall,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

Porter J. Goss,
Jerry Lewis,
Julian C. Dixon,

From the Committee on Commerce, for consideration of sections 601, 725, and 1501 of the House bill, and sections 342, 601, 618, 701, 1073, 1402, 2812, 3131, 3133, 3134, 3138, 3152, 3154, 3155, 3167–3169, 3171, 3201, and 3301–3303 of the Senate amendment, and modifications committed to conference:

Tom Bliley,
Joe Barton,
John D. Dingell,

Provided that Mr. Bilirakis is appointed in lieu of Mr. Barton of Texas for consideration of sections 601 and 725 of the House bill, and sections 601, 618, 701, and 1073 of the Senate amendment, and modifications committed to conference:

Mike Bilirakis,

Provided that Mr. Oxley is appointed in lieu of Mr. Barton of Texas for consideration of section 1501 of the House bill, and sections 342 and 2812 of the Senate amendment, and modifications committed to conference:

Michael G. Oxley,

From the Committee on Education and the Workforce, for consideration of sections 341, 342, 504, and 1106 of the House bill, and sections 311, 379, 553, 669, 1053, and title XXXV of the Senate amendment, and modifications committed to conference:

Bill Goodling,
Van Hilleary,
Patsy T. Mink,

From the Committee on Government Reform, for consideration of sections 518, 651, 801, 906, 1101–1104, 1106, 1107, and 3137 of the House bill, and sections 643, 651, 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, 1069, 1073, 1101, 1102, 1104, and 1106–1118, title XIV, and sections 2871, 2881, 3155, and 3171 of the Senate amendment, and modifications committed to conference:

Dan Burton,

Joe Scarborough,
Henry A. Waxman,

Provided that Mr. Horn is appointed in lieu of Mr. Scarborough for consideration of section 801 of the House bill, and sections 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, and 1101, title XIV, and sections 2871 and 2881 of the Senate amendment, and modifications committed to conference:

Stephen Horn,

Provided that Mr. McHugh is appointed in lieu of Mr. Scarborough for consideration of section 1073 of the Senate amendment, and modifications committed to conference:

John M. McHugh,

From the Committee on House Administration, for consideration of sections 561–563 of the Senate amendment, and modifications committed to conference:

William M. Thomas,
John Boehner,
Steny H. Hoyer,

From the Committee on International Relations, for consideration of sections 1201, 1205, 1209, and 1210, title XIII, and section 3136 of the House bill, and sections, 1011, 1201–1203, 1206, 1208, 1209, 1212, 1214, 3178, and 3198 of the Senate amendment, and modifications committed to conference:

Bill Goodling,

From the Committee on the Judiciary, for consideration of sections 543 and 906 of the House bill, and sections 506, 645, 663, 668, 909, 1068, and 1106, title XV, and title XXXV of the Senate amendment, and modifications committed to conference:

Henry Hyde,
Charles T. Canady,

From the Committee on Resources, for consideration of sections 312, 601, 1501, 2853, 2883, and 3402 of the House bill, and sections 601 and 1059, title XIII, and sections 2871, 2893, and 3303 of the Senate amendment, and modifications committed to conference:

Dan Young,
Billy Tauzin,

From the Committee on Transportation and Infrastructure, for consideration of sections 601, 2839, and 2881 of the House bill, and sections 502, 601, and 1072 of the Senate amendment, and modifications committed to conference:

Bud Shuster,
Wayne T. Gilchrest,
Brian Baird,

Provided that Mr. Pascrell is appointed in lieu of Mr. Baird for consideration of section 1072 of the Senate amendment, and modifications committed to conference:

Bill Pascrell, Jr.,

From the Committee on Veterans' Affairs, for consideration of sections 535, 738, and 2831 of the House bill, and sections 561–563, 648, 664–666, 671, 672, 682–684, 721, 722, and 1067 of the Senate amendment, and modifications committed to conference:

Michael Bilirakis,
Jack Quinn,
Corrine Brown,

From the Committee on Ways and Means, for consideration of section 725 of the House bill, and section 701 of the Senate amendment, and modifications committed to conference:

William M. Thomas,
Managers on the Part of the House.

John W. Warner,
Strom Thurmond,
John McCain,
Bob Smith,
James Inhofe,
Rick Santorum,
Olympia J. Snowe,
Pat Roberts,
Wayne Allard,
Tim Hutchinson,
Jeff Sessions,
Carl Levin,
Edward Kennedy,
Jeff Bingaman,
Robert C. Byrd,
Chuck Robb,
Joe Lieberman,
Max Cleland,
Mary L. Landrieu,
Jack Reed,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Hobson). The Chair will entertain one-minute requests.

PAYING DOWN THE DEBT IS THE RIGHT AND RESPONSIBLE THING TO DO

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, we have an historic opportunity to do what is right for America. We have an opportunity to make a real commitment to paying down our $5.6 trillion public debt by committing 90 percent of our budget surplus to debt reduction.

Republicans are committed to paying down the national debt, to protecting the economy, and the economic prosperity of future generations of Americans.

The Clinton-Gore administration, on the other hand, have other priorities. They want to spend the surplus on more big government programs. Mr. Speaker, I learned in Economics 101 that this is irresponsible to spend money when we are in debt, especially when we have a $5.6 trillion debt.

So I rise today to urge the administration to put their partisan and irresponsible agenda aside and join with this Republican Congress in committing 90 percent of the surplus to paying down our national debt.

Join with us to do the right thing for all Americans today and for generations to come.

AMERICA SHOULD SUPPORT THE FREE ELECTIONS IN SERBIA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the people of Serbia have spoken. I hope as the hours proceed, and maybe as we have been on the floor, I have not heard the latest update, that democracy will take hold and they will be free.

I met Mr. Milosevic, and actually went and sat in his office and asked him to promote peace. It was 1995, and he said to me, "I will do so." Some few short years later, I find myself in refugee camps in Albania looking at the threatened, intimidated, and frightened refugees that Mr. Milosevic had sent fleeing out of Serbia.

It is time now for him to lay down his leadership of despotism, and he should at least recognize that the people have spoken. It is time now for his nation to be free, to become part of the world community.

I would ask that they will be able to proceed as free citizens under the duly-elected new president. Mr. Milosevic has served his time, and unfortunately, it has not been a leadership of sharing.

I would hope that we would stand up and support the new and free elections of the people of Serbia, and include in that support the request that Mr. Milosevic, who hopefully will be found and, as well, be able to address the grievances against him, now knows that he no longer serves as president of that Nation.

THE WORK OF THE SUBCOMMITTEE ON BASIC RESEARCH OF THE COMMITTEE ON SCIENCE

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I would like to take this opportunity to talk a little bit about the work of the Subcommittee on Basic Research, a subcommittee I am honored to chair.

This subcommittee has had a busy and productive 2 years. In the 106th Congress, we have held a total of 25 oversight hearings, field briefings, markups, on a range of important and timely issues.

In addition, we have passed through the House two bills authorizing fire and earthquake programs under this subcommittee's jurisdiction, and oversight for the National Science Foundation, NSF, whose funding we authorize.

I believe the work we do in the subcommittee is truly unique. In our hearings on information technology, than on technology, education research, plant genomics, and biotechnology, for example, we have been able to glimpse the future, and through our oversight and authorization bills I hope we are able to shape that future, as well.

I am proud of our record and the collegiuality and bipartisanship on the subcommittee. I look forward to continuing that effort in the next session.

I would like to take this opportunity to thank the staff of the subcommittee who work behind the scenes to get things done. Stephen Eule, Peter Harsha, Mark Harrington, Sharon Hayes, and Steve Howell have made my job easier. I thank them for their good ideas and hard work.

I also compliment and congratulate our subcommittee ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and her chief of staff, Jim Wilson.

THE IMPORTANCE OF RESEARCH IN SCIENCE AND TECHOLOGY

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I just wanted to follow up on the comments made by the gentleman from Michigan, Mr. SMITH, and also related to comments I made a few moments ago about the importance of improving math and science education in this country.

As I mentioned in my previous comments, we are enjoying an immense economic boom at this time, much of which is due to the results of science and technology. In particular, it is due to the research which has been done over the past 50 years.

That is why the work of the gentleman from Michigan (Mr. SMITH) is so important, because if we wish to maintain a good economy, if we wish to have our children have a good economy, we must make the same investment in scientific research today that our parents and grandparents made 20, 30, 40, 50 years ago, and which we are enjoying the fruits of today.

It is extremely important that we continue that research effort to improve the health, the lives, and the freedoms not only in our Nation, but of peoples throughout the entire planet.

I commend the gentleman from Michigan for his work. I hope this Congress will continue to show a willingness to fund scientific research and maintain our leadership among the nations of this planet.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHAT IS BEHIND OPPOSITION TO THE DEMOCRATS' MEDICARE PRESCRIPTION DRUG PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, earlier this year a confidential document prepared for House Republicans somehow found its way into the public realm.

It was not big news at the time, just some talking points prepared by Republican polling firms on the Democrats' Medicare prescription drug plan.

According to their analysis, one way to create opposition to the Democratic plan is to call it a one-size-fits-all plan or a big government plan.

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One cannot blame the public for bristling at those phrases. I do not know anyone who likes big government for big government's sake. However, one can blame politicians for exploiting those terms instead of confronting the fundamental differences between the Democratic and Republican prescription drug plans. One can blame the drug companies and the chamber of commerce for spending $40 million already and promises of another $40 million on phony groups on television such as Citizens for Better Medicare.

The Democrats plan would add an optional drug benefit to Medicare. The Republican plan, the drug company plan, would bypass Medicare and subsidize private, stand-alone insurance plans.

So is the Democrats' Medicare prescription drug coverage a one-size-fits-all program as the Republicans and the prescription drug companies tell us? I do not think so.

It is difficult to conceive of a program offering more choice than Medicare. The Medicare program covers medically necessary care and services. Beneficiaries can see the health care professional and go to the facility of their choice.

Similarly, under the proposed drug benefit, enrollees can go to the pharmacy of their choice. FDA-approved medications prescribed by a physician would be covered under the Democrats' Medicare prescription drug plan.

Given this level of flexibility, how would a legion of new private health plans enhance the beneficiary's choice in any way that matters? It is more likely that the Republican plan, the prescription drug company plan, like any other managed care product, would restrict choice and add to the insurance and drug company's bottom lines.

Medicare is a single plan that treats all beneficiaries equally, provides maximum choice and maximum access for patients and doctors.

The Democrats' prescription drug coverage proposal embraces the same principle. Is that a one-size-fits-all program?

Under the Republican prescription drug proposal, under the drug companies' plan, Medicare beneficiaries would have to choose among private stand-alone insurance company prescription drug plans. They say that enables seniors to tailor their prescription drug coverage to their particular needs.

None of these private plans, however, will provide more choice to the Democrats' plan than the Medicare plan in terms of which medications are covered since the Democrats' plan covers all Medicare doctor-prescribed medications. None of these private plans could provide a broader choice of pharmacy since the Democrats' plan does not restrict access to pharmacies.

Under the Republican plan, under the prescription drug company plan, it appears that choice is actually code for "wealth." Higher-income seniors could, in fact, afford a decent prescription drug plan, one with the same level of coverage as would be available to all beneficiaries under the Democrats' Medicare plan. Lower-income enrollees, however, would be relegated to restrictive alternatives. Some choice.

Is the Democrats' prescription drug coverage plan a big government program as the Republicans and the prescription drug companies' executives tell us? Hardly.

Medicare is a Federal Government program with the beneficiary population of 39 million. It is definitely big. But Medicare is also one of the most enduring popular public programs in the Nation's history. Medicare far outranks both employer-sponsored and individually purchased private insurance as a trusted source of health care coverage.

So when opponents of the Democrats' prescription coverage plan berate it for being one size fits all or big government, they, in fact, are berating Medicare itself.

In fact, the Republican prescription drug proposal, the plan from the big drug companies, which ignore Medicare to establish new private insurance policies, is an insult to the Medicare program. Their plan pays homage to those Members of Congress who favor privatizing Medicare. Parenthetically, I have to say I have not yet met anyone outside of Washington who wants to privatize Medicare.

It is no coincidence that the only way a Medicare beneficiary could avoid carrying multiple health insurance policies under the Republican plan, under the prescription drug company plan, is to join a private-managed Medicare-managed care plan.

As Congress and the presidential candidates debate the merits of competing prescription drug coverage proposals, watch for allegations to be thrown around like one size fits all and big government program. Because when applied to insurance coverage offering maximum choice in matters that matter, choice of provider access to medically-necessary care, which is what Medicare is all about, those, those threats, those accusations of one size fits all and big government program, those terms simply fall flat.

Bear in mind that more than the structure of prescription drug benefit is at stake. The future of Medicare hangs in the balance.

VICE PRESIDENT GORE'S SOCIAL SECURITY PROPOSAL WILL INCREASE FUTURE PAYROLL TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I am very concerned about what it looks like might happen to the FICA taxes, the payroll taxes, if we move ahead with Vice-President GORE's proposal for Social Security.

This first chart reflects what the FICA taxes are now, 15.3 percent of what a worker makes. Then what is going to happen in terms of when we start running out of money? There is not enough money in the Medicare surplus as early as 2006. Then if we continue with the same program without doing anything else, without getting a better return on some of this money that is coming into the system in Social Security Trust Fund and the Medicare Trust Fund, then to keep the same benefits that we have promised continuing we are going to, the taxes would have to go up. Either taxes would have to go up or benefits drastically reduced. We are not going to reduce those benefits.

But, also, let us make some changes now so that we do not have to let the taxes go up, as we see on this chart, to 22.41 percent versus 27.96 percent.

If Vice President GORE's Medicare prescription drug program goes into effect, then those taxes will have to go up to 47 percent of what one makes. Look, it is some time ahead, so one can say somebody else could worry about it. But these are our kids; these are our grandkids that are going to have to pay that kind of tax. Let us make these kinds of changes now.

Let me just reemphasize how serious this tax is today on the payroll deduction tax. Seventy-eight percent, 78 percent of American workers now pay more in the FICA tax for Social Security and Medicare than they do their income tax. We cannot allow these taxes to go up. We cannot simply say, look, we have got to put Social Security first or Medicare first and say, look, we are going to add these benefits. That is what the Vice President does.

Somehow the American people have got to look seriously at the consequences of simply the attractiveness of saying we are going to increase benefits without making some changes in the program to get a better return on the money.

The better return, as suggested by Governor Bush, is to start investing some of that money. Right now, the average return for one's Social Security money that is paid in in taxes is a real return of 2 percent. That is 7 percent less than the average return on equities. Let us balance it. Let us not do all equities. It is going to be limited stock investments. There is going to be safe investments that a person can invest. But it is going to be in their name, their account. If they die, instead of losing everything, their heirs get it.

Let me show my colleagues this third chart. It simply says, no new taxes. Let us not force ourselves into a situation where the payroll deduction has to go up and we have to increase taxes. We have got to have a strong resolution that we are simply not going to cavalierly do what is politically attractive today to get votes today and leave the problem and an increased obligation of higher taxes to our kids and our grandkids.

Again, if we do nothing, if we go with a Gore plan, the 15.3 percent that we are paying in payroll deductions go up to the high of 27.96 percent. If we go with their prescription drug program that says, look, here is prescription drugs that taxpayers are somehow, some way, some time are going to have to pay for, then we end up with a payroll tax that goes as high as 47 percent.

Let us look at a program where one gets better investment from some of that money going in, where government cannot mess around with those benefits by letting at least part of that payroll tax equivalent go into personal investments. Let us not mess around with the trust fund. Let us keep the trust fund growing.

But let us take some of this surplus on-budget money and use it to make this kind of transition that is going to keep probably America's most successful, maybe America's most important, program continuing and keep it solvent.

WE NEED "POWER" TO CONTROL UNSCRUPULOUS ENERGY PRODUCERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, as our colleagues are going off to their home districts for the weekend, I want to remind them all of the crisis that is going on in my district in San Diego, California. They are the first city in California and, perhaps, the first in the Nation that has experienced full deregulation of its electricity prices. The cost of electricity to the average consumer, small business person, big business person has doubled, tripled in 3 or 4 months alone.

I want to remind my colleagues about what is going on in San Diego because San Diego is the harbinger of things to come for the rest of California and possibly the Nation. We are the poster children for what happens when deregulation of a basic commodity like electricity takes place in a monopoly situation.

Those who control the commodity can charge whatever price they can get. In fact, deregulation and the restructuring of the electricity industry is so flawed in California that electricity producers are allowed to charge wholesale prices four to five times higher than they were just a year ago. This is criminal, Mr. Speaker, and I use the word advisably.

Energy producers are making obscene profits on the back of our senior citizens, our schools, our hospitals, our libraries, our businesses. Our whole economy in California is threatened.

The electricity generators and marketeers have just in the last 4 months alone sucked almost $5 billion, that is billion with a "B," from our State economy, more than $450 million from San Diego alone.

Now these generators claim that the high rates are simply the result of supply and demand forces in a marketplace. That is nonsense, Mr. Speaker. The facts are that Southern California has been using less energy than last year, but wholesale prices have gone up from highs of $50 per megawatt in 1999 to $300 and $500 and even higher at the sharpest spikes in the year 2000.

The energy producers have figured out how to manipulate the market and set artificially high wholesale prices. They withhold power until the last minute. They launder power throughout out-of-state companies, they overload transmission lines, all to cause prices to rise to unprecedented levels and to raise their obscene profits. They already have killed off many small businesses in San Diego, caused unbearable suffering among those on fixed income, and robbed our whole community possibly of our future.

I have introduced a bill, H.R. 5131, the HELP San Diego Act, which means Halt Electrical Price gouging in San Diego, with bipartisan support of the gentlemen from California (Mr. HUNTER and Mr. BILBRAY), my San Diego colleagues. Because although the State legislature has removed the gun from our head in capping retail prices, those prices are merely deferred for the next couple of years. Those bills will become due, and those debts will have to be paid. 5131 says that the wholesale generators and marketeers of electricity should pay that bill. They should refund the overcharges that they have made over the last 4 or 5 months.

Now, as I said, this bill has bipartisan support. Yet the Republican leadership of this House will not schedule on the agenda a bill that is necessary to save the economy of San Diego.

I call on the Republican leadership of this House to help San Diego, to put that bill on the agenda with bipartisan support, so we can, in fact, make sure that the future of San Diego's economy is secure.

I have also introduced a bill today that we call the POWER Act. Quite simply, the POWER Act protects our communities by imposing 100 percent excise tax on windfall profits that are the rule of market manipulation and price fixing.

If we cannot pass H.R. 5131, which directs the Federal Energy Regulatory Commission to roll back the wholesale price and refund the overcharge to consumers, the POWER Act says that 100 percent tax on windfall profits shall be assessed.

This does not affect legitimate profits. It does not jeopardize any electrical producer. But it protects our senior citizens, our children, our small businesses, and our economy from the predatory actions of some unscrupulous companies that are taking advantage of their monopoly on the production of this vital and indispensable resource.

I ask my colleagues, as they return to their districts, to keep a close eye on San Diego.

□ 1500

We need your help in this last week of Congress. We need to pass H.R. 5131, a bipartisan bill to roll back wholesale prices in the western electric market, and to refund the consumers the obscene overcharging and profiteering they have been subject to.

I hope this Congress can act and act quickly. We must help San Diego.

THE FOUR CORNERSTONES OF MY SEASON IN THE CONGRESS

The SPEAKER pro tempore (Mr. SMITH of Michigan). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) is recognized for 60 minutes as the designee of the majority leader.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I rise on this occasion to give a very special sort of address. I am not here today to talk about a specific piece of legislation or to discuss any one thing in particular that the administration is doing or failing to do, but my message here today is both personal in nature and something that I hope that my colleagues and future Members of this great body will find useful in times to come.

Mr. Speaker, I am here to talk about the experience that one very average American citizen has had over the course of the past 6 years in being a part of what has been termed the greatest deliberative body on earth: The United States Congress. And although people call me Congressman, or sometimes Congresswoman, I am very much simply an average American citizen, an American citizen who took leave from her ordinary, average American life to serve for a time as an advocate for over half a million people in a State 2,000 miles away. And that can only happen in America.

Now, after serving here for 3 terms, I am fulfilling a pledge that I made in 1994, and I am leaving this body of my own will, returning to a life of an average American citizen to live under the laws that I hope that we have made a little bit better here.

I want to share with my colleagues and for the record some of my observations about this great government of ours, the daunting responsibilities we hold here, and my hope for the future. So I want to talk about several things.

I want to discuss the purpose of this mighty Congress and what its proper role is in the lives of ordinary Americans. I want to discuss how certain matters become very real and very practical matters in our everyday life, matters that may have at one time been theory but have become reality. And I want to raise some real questions and concerns about the future.

First, however, I would like to say a few words about some of the people who have worked for me and assisted me over the years. I feel that I have an extraordinary staff. I have been blessed, not through my own skill but I think it was just a blessing, that I was able to pull together a staff that I think are unusually brilliant and unusually fine Americans and who, within themselves individually, the flame for liberty and freedom beat within their hearts and, therefore, we were able to accomplish much together, this Chenoweth team.

My staff consisted of: Lois Anderson, Judy Boyle, Chris Caron, Doug Crandall, Georgia Golling, Ann Heissenbuttel, Chad Hyslop, Dave Kroeger, Dean Lester, Lisa Lovell, Matt Miller, Linda Mullin, Nathan Olsen, Karen Roetter, Keith Rupp, Valerie Schatz, Elizabeth Schwarzer, Tereasa Sinigiani, and Rhonda Tilden. And to all of them I just want to say thanks so much for the wonderful job.

There is a great deal of personal affection and admiration that I hold for my office staff, and there is among all of us the thing that has always bound us together and given purpose to our days here on Capitol Hill, which has been our shared commitment to a vision, a vision of our Nation and our government here in America. Let me tell my colleagues a little bit about that vision.

My vision as a Congressman for the first district of Idaho has been that America would continue to be a land where people live in peace with one another; that they respect each other's individual rights and property; and that people are free to advance as far as their individual talents and commitments to work hard will take them.

I believe that the rights of the people are not derived from government but, rather, the inalienable rights of the people to life, liberty, property and the pursuit of happiness are God-given rights that existed prior to the formation of any government. It is because these rights exist that governments are created by the people to help protect these rights that are God given. My vision is for a government that is keenly aware of this relationship between the governed and the governors, and which views its primary role as a protector of people's rights as opposed to a protector of people's persons or what they may think, and which views itself as the servant of the people and never the people's master.

I envisioned a congressional office staff which recognized the primacy of the citizens over the government, and I insisted that my staff recognize that they work for the constituents in Idaho's first district and across America, not the government; and that advancing the vision of freedom and individual liberty and providing service to constituents is the first priority in our office.

Most people who serve in this institution, I daresay, have a vision for the country and for their constituents. Those visions must be larger than our own personal ambitions and they must spring from a sense of purpose not necessarily for ourselves at all but for our fellow Americans and future generations. But what is the source of that purpose? To ponder that question is to ponder the purpose of government itself.

Since the beginning of time, man has wondered how to live together in harmony. Volumes have been written about it. It certainly has never been easy to figure out. There has always been a tendency for people to equate might with right. The philosopher Thomas Hobbes famously argued that man tends to be self-serving and to have a natural tendency to strive against and to plunder his fellow man. This is the basis of why we have government. People exist, people are born with certain natural rights. They have a right to continue to exist, and no one has a right to harm or kill another.

Mr. SMITH of Michigan. Mr. Speaker, if the gentlewoman would yield for just a moment, I just wanted to say, on behalf of many of us in the United States House of Representatives, I would like to thank the gentlewoman for her very diligent and hard work not only in representing the gentlewoman's district but in helping the United States of America. It is not easy. The gentlewoman has sacrificed, like many of us, a great deal.

So I thank the gentlewoman very, very much for her tremendous contribution that she has made in the last 6 years.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I thank the gentleman from Michigan, and I will always have very fond memories of landing in the gentleman's office and asking him to help me go over an appropriations bill and help untangle the mystery of the appropriating process here. The gentleman has been a great teacher.

I want to remind my colleagues, Mr. Speaker, that liberty is something that people have a right to their own freedom and they may not be held in bondage to one another. That is what liberty means. It is so important that we remember people's property rights. People simply do have a right to own things, and we have a responsibility to make sure that we respect the ownership rights of others.

The philosopher John Locke expounded on this notion when he said labor, in and of itself, is the origin and justification of property, according to Locke. And whatever a man "mixes his labor with" is his to use. It is his property. So in the state of nature, men have a right to protect their natural rights and to punish transgressors. So civil society arises when men agree to delegate this job of protecting their rights to an unbiased entity: A government. So because men establish this entity, government, they have the right to set limits on its authority, to modify it, or even to dismantle it should the need arise.

Now, a century later, this served as the rational foundation for our own Declaration of Independence. It is that very doctrine that gave us Americans the very moral authority to rebel against the tyranny of the British Crown. Why, my colleagues might ask, am I going over all this ancient history? Well, it is very simple, Mr. Speaker. It is because people forget. People forget across this Nation, but people forget in this body as well.

Mr. Speaker, if during one of my colleagues' town hall meetings that we all hold in our respective districts, they were to ask their constituents why we have a government, people would be likely to stare at them like a tree full of owls and they would probably experience an uncomfortable silence. Then, suddenly, some wiseacre might pipe up and say that he has been trying to figure that out all of his life. But then, usually, someone will say, well, we have government because we need to provide for the national defense. Well, they are on the right track, but that is not all there is to it.

Seldom will we hear one of our constituents recite those vitally important words of Thomas Jefferson, those words that he wrote in the Declaration of Independence, which states: "We hold these truths to be self-evident: That all men are created equal, and that they are endowed by their creator with certain inalienable rights, rights that among us are life, liberty and the pursuit of happiness. And that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

Oh, I hope that that will become emblazoned indelibly on our souls and our spirits and our minds; that government receives its just power from those who are governed. But to secure the rights of government, governments are instituted among men, and the reason our government exists is to secure the inalienable rights of the American people. No more, no less.

That has been my message over the past 6 years. It is very simple, it is very old, but it works for freedom and liberty. And while I am certain that a poll of our colleagues would find universal agreement and sentiment for that very sentiment that I just expressed, we have differing opinions on how we turn those eloquent words into action. It has been my experience that turning those values into real action seems to be one of the hardest things for some people to really, truly understand.

Sometimes my colleagues seem to think that little things are unimportant. But, Mr. Speaker, the little things are so vitally important. I think every schoolchild has heard the poem about the importance of little things by George Herbert when he wrote that: "For the want of a nail, the shoe was lost; For the want of a shoe, the horse was lost; For the want of a horse, the rider was lost; For the want of a rider, the battle was lost; For the want of a battle, the kingdom was lost!"

Yes, Mr. Speaker, little things matter. Little nails in horses hooves matter. They matter to all of us. And these little things are very important in the fight and the maintenance of our freedoms.

Some of my colleagues have certainly scratched their heads in wonder over some of the positions that I have taken over these years, and they wonder why I make such a big deal about language affecting private property rights or over some language that some might consider obscure issues, like the primacy of State water rights. My insistence that these rights be protected has certainly inconvenienced some Members of this House and served to annoy some Members and their staffs. And though it is sometimes an inconvenience, I hope that all who love freedom can understand how much more inconvenient it would be if we carelessly neglected the little nails and just began to give away our freedoms and liberty.

□ 1515

If the first job of government is to protect the rights of the freedoms of its citizens, then that is the standard by which we must first measure every single act we undertake.

I would like to discuss how I have attempted to apply these ideals to certain legislation in the hope that it might help some understand the importance of these issues, and perhaps some of my colleagues might take up this banner and continue to carry it forward as I leave this fine institution.

There are four areas in which I have seen the struggle most closely and I felt it most deeply. These have been the four cornerstones of my work here in Congress; and that is protecting the Constitution and protecting the rights of citizens, protecting our property and the wealth of our people, and protecting our national sovereignty.

Mr. Speaker, each of us swears an oath to uphold the Constitution of the United States of America and to protect it. But, Mr. Speaker, there are so many Americans, and I daresay a few of our colleagues here in this House, who seem to think that this is a matter of evolving and galloping interpretation.

But I remember when I first came to Congress in 1995, during those heady days of the Contract with America, one of the first matters that was considered in the Contract with America was granting the President line item veto authority. The power, in effect, would grant to the President the power to rewrite our legislation by eliminating certain specific provisions in the bills that we sent to him and then immediately signing that legislation into law.

I felt that that was unconstitutional. But this was an issue that had been championed by the people, especially Republicans, and it was a proposal favored by my favorite President, Ronald Reagan.

But I broke ranks with the leadership of my own party to oppose the line item veto. I did oppose it. I did vote against it because I believed that it constituted an unconstitutional shift away from legislative power to the administration.

So, Mr. Speaker, I can remember that it was difficult to go home after that vote, and I can remember a lot of my fellow Republicans criticizing me for that position. Who was I but a freshman Member, just an ordinary woman from Idaho, from a small western State, to oppose this kind of gigantic reform.

But I must confess that it gave me some small degree of satisfaction when the United States Supreme Court ruled that it was, indeed, unconstitutional for the President to have the power to rewrite legislation by vetoing part of it and struck down the line item veto.

Likewise, I have always thought that one aspect of the Endangered Species Act was especially silly, and I have fought against the ramifications of the Endangered Species Act since I first came to Congress.

But it was a legal tradition that held under the Endangered Species Act in and of itself that people did not have legal standing under the Endangered Species Act.

In fact, the Ninth Circuit Court of Appeals ruled that humans are not within the realm of jurisdiction under the Endangered Species Act. So if your private property was taken under the Endangered Species Act, you had absolutely no recourse for the damages. The only way a person could be an advocate in court under the Endangered Species Act, according to the Ninth Circuit Court of Appeals, was if they went in there and sued on behalf of an endangered species. They had to represent the species, not the human.

So, Mr. Speaker, I offered legislation to correct this obvious flaw in the law. And my colleagues should have heard some of the hoots offered up when I did that. Some people assumed that I was being facetious when I argued that people should have at least the same legal rights as the bugs and the snails and the animals and the plants.

But while my bill was working its way through the system, the United States Supreme Court beat me to the punch and ruled that, yes indeed, people do have legal standing under the Endangered Species Act. So, once again, I felt vindicated by the United States Supreme Court.

Mr. Speaker, I want to remind my colleagues that the genesis of the Constitution has been proven by the test of time as well as the genius of that great document. It has succeeded when others have failed. The United States is now the longest running democracy in the history of the world, but it will only continue to be so if we jealously guard and protect the Constitution and if we do not give in to the political expediency of the day and begin to weaken it.

I think about the political correctness that is now beginning to drive public policy in this Nation, and I have to remember what Charlton Heston just recently said, and this was that "political correctness is simply tyranny with manners. Oh that we would have the courage to do that which is unpopular but that which we feel is right and constitutional."

Heston went on to say that "political correctness is today's pocket change, but that courage is the currency of history."

So if we give in to political expediency, we will be crying out in this Nation for the want of another nail, the little things that can bring down a nation. Which brings me to the second issue, protecting the rights of our citizens.

The Constitution is the document free men wrote with the central purpose in mind of protecting God-given rights. And let us never weaken in that defense. Because the most important of these rights to be protected by government is the right to life.

And this is why have I been such a staunch defender of the rights of the unborn children. That child, that weakest citizen among us, is the most important and most needy when it comes to having a fair and impartial government to protect his or her life.

Simply put, that is why I speak out in defense of the unborn. And if you believe that life begins before birth, then government has a responsibility to protect that life. It is the first rule of law.

Mr. Speaker, I am also a very outspoken defender of the second amendment. I am a defender of all of the Bill of Rights, but it seems to me that the second amendment is the one that is actually under political attack most often. It is under political attack through political correctness, through massive marches, and just through the shear emotionalism that is reigning today.

No American takes lightly the threat of violence, and no American can ignore the issue of crime and personal safety. No American can dismiss the violence that has erupted in our schools. But to say the problem with crime and violence is the availability of guns is to cop out with an easy answer.

The problem is not the inanimate or the things or the guns or the knives or whatever else, it is a person who will casually use these objects to plunder or hurt or kill other persons.

To diminish our right to keep and bear arms by entangling us in more gun control is to want to loose yet another nail that may ultimately destroy our Nation.

It was precisely that danger that George Mason in 1788 wrote about and addressed this Nation when he addressed the Congress then and he said, "When the resolution of enslaving America was formed in Great Britain, the British parliament was advised by an artful man, who was governor of Pennsylvania, to disarm the people, that it was the best and most effectual way to enslave them, but that they should not do it openly but just weaken them and let them sink gradually."

Well, is that not the picture of gun control? But addressing the human factor is much more difficult than taking things away.

I find it amazing, for instance, that some of these same people who make the most noise about limiting their fellow American's second amendment rights are those same entertainment industry leaders who produce music, movies, and video games that glorify violence and debase our values. They, in essence, pit one basic right, one freedom of expression against another.

I find it amazing, Mr. Speaker, and I find it amazingly cynical. And yet where is the outrage over this? Rather than simply control themselves, the Hollywood moguls and the product they produce, they want to take the constitutionally guaranteed rights away from all their fellow men. It is cynical. It is selfish. It is short sighted, Mr. Speaker.

Let us seek solutions to our problems, but let us do it in a way that respects the rights of all of our citizens. Those rights are so essential.

Another early debate in which I became involved is centered around the efforts to reform the writ of habeas corpus and the rights under habeas corpus, that great writ.

It pained me, Mr. Speaker, to take a position in opposition of some of those great committee chairmen, some of my colleagues for whom I have enormous respect. But I fought against a proposal that sought to punish terrorists but which would cause ordinary citizens to lose their constitutionally guaranteed rights against search and seizure.

So the rights to speak and assemble freely, to be ensured of due process of law, and to be protected against false imprisonment belong to all Americans. We cannot allow ourselves to be frightened by one issue into giving up all of these freedoms or taking them away from our citizens.

So what Thomas Paine said in 1795 is as true today as it ever was before. Thomas Paine said, "He that would make his own liberty secure must guard even his enemy from oppression."

I remembered that expression by Thomas Paine when I joined my colleagues on the other side of the aisle to protect this profoundly important right of Americans.

To protect our rights, we give the government very powerful law enforcement powers. These powers are what enables society to move away from the concept of making might right.

A fair and responsible authority is supposed to act to protect our rights and to punish transgressors. But what happens when these law enforcement agencies themselves abuse the law or act in ways that cause distrust in the minds the very people they are supposed to be serving and protecting?

And this is what happened in a remote part of my district shortly before I was elected. It happened in a place called Ruby Ridge. Men who were supposed to protect people's rights and their lives instead perverted their mission into a bizarre siege of a man and his family.

Admittedly, the man held some unpopular opinions. But in a land where a person's right to his own opinion constitutes the first amendment, that is no justification for the killings of Randy Weaver's young son and the killing of his wife, Vicky, who held nothing more threatening in her arms than her infant 10-month-old daughter.

Mr. Speaker, this was a sad day in America; and this is an outrageous abuse of law enforcement power. And it did much more damage to us than the personal tragedies of the killings in this incident. It began to kill the trust and the respect that many Americans had for their government, and we reaped the whirlwind in the years that followed.

I think of Waco and I think of the seizure of Elian Gonzales, and it all amounts to the fact that we are beginning to numb America's senses to the outrage against the intrusion of Federal law enforcement in our homes and the security of our properties.

In the years ahead, Mr. Speaker, it is one of my most fervent hopes that my colleagues will continue to be ever vigilant against the possibility of anything like that ever happening again.

□ 1530

Mr. Speaker, as important as it is to protect the rights of our people, it is also important to protect their property. The right to own property, to keep that for which you labor, is perhaps the essence of a really truly free society. And it is one of the most essential roles of government, to protect private property. In fact, John Adams said that property is as sovereign as the laws of God, and that there must be a force of law and justice to protect property. Without property, Adams said, liberty cannot exist. And now with this Nation owning or controlling in the 40 percentile of this entire land base, we have to ask in this generation what has happened to our property rights? To own our property has been something that has allowed America to grow, to become a Nation that has been able to produce for its people the greatest standard of living in the history of civilization.

Over the centuries, many students of human nature have commented on the tendency of man to ignore other people's property rights if it suits his own individual interests. One of the philosophers whom I most admire was a Frenchman named Frederick Bastiat. If one of the signs of genius is to be able to distill complex ideas into a short, easily understandable form, then Bastiat was, by definition, a genius because in 1850 he published a little book, it is only 75 pages long, called "The Law." It is such an influential and important work that I actually require anyone who wants to work in my congressional office to read this book and to write an essay or a book report on their reactions to it so I can read their essay before I interview them. Bastiat was able to distill what the relationship between the governed and the governors really should be.

With regards to property, Bastiat wrote this:

"Man can live and satisfy his wants only by ceaseless labor; by the ceaseless application of his faculties to natural resources. This process is the origin of property.

"But it is also true that a man may live and satisfy his wants by seizing and consuming the products of the labor of others. This process is the origin of plunder.

"Now, since man is naturally inclined to avoid pain —and since labor in and of itself is pain—it follows that men will resort to plunder whenever plunder is easier than work. History shows this quite clearly. Under these conditions, neither religion or morality can stop it."

Bastiat continues:

"When, then, does plunder stop? It stops when it becomes more painful and more dangerous than labor.

"It is evident, then, that the proper purpose of law is to use the power of its collective force to stop this fatal tendency to plunder instead of work. All the measures of the law should protect property and punish plunder.

"But, generally, the law is made by one man or one class of men. And since law cannot operate without the sanction and support of a dominating force, this force must be entrusted to those who make the laws.

"This fact, combined with the fatal tendency that exists in the heart of man to satisfy his wants with the least possible effort, explains the almost universal perversion of the law. Thus it is easy to understand how law, instead of checking injustice, becomes the invincible weapon of injustice. It is easy to understand why the law is used by the legislator to destroy, in varying degrees among the rest of the people, to destroy their personal independence by slavery, to destroy their liberty by oppression, and to destroy their property by plunder.

"This is done by the person who makes the law, and in proportion to the power that he holds."

Well, those were very interesting words by Bastiat, words that really go deep in my soul. And so you see in a representative democracy such as ours, we are more insulated from the whims of a single person or a single class of people than were the citizens of France in the mid-19th century. Yet I think it is foolish if we ignore human nature, and I think it is even more foolish if we ignore the nature of government to by nature grow more powerful and bigger and more oppressive. There are certain classes of citizens who, still today, seek to gain political power in order to take advantage of the labor of others, and they use the power of big government to do just exactly that.

Bastiat goes on to argue that men naturally rebel against the injustice of which they are victims. "Thus," he says, "when plunder is organized by law for the profit of those who make the law, all the plundered classes try somehow to enter, by peaceful or revolutionary means, into the making of laws. According to their degree of enlightenment, these plundered classes may propose one of two entirely different purposes when they attempt to obtain political power: One, either they must wish to stop lawful plunder; or, two, they may wish to share in it.

"Woe to the Nation when this latter purpose prevails."

Mr. Speaker, we see today American citizens being plundered by other American citizens for a wide variety of purposes. We see Americans paying higher cumulative taxes than ever before to sustain programs that channel wealth from one class to another, or from one person to another. We see some of the leaders of this Nation proclaiming that some Americans are just too wealthy and that they do not deserve to be treated fairly and equitably under the law. We see class warfare motivated by personal envy. We see some citizens who live in populous parts of the country decide they want to take land from some people in the less populous western States and they argue that they want this land not for personal wealth but for aesthetic purposes or aboriginal purposes. But the end result is still the same: They are actually taking something from someone else and they are locking other Americans out of their beloved land.

We see a concerted, shortsighted effort on the part of some to seemingly attack the sources of original wealth in this Nation. And we know that it is a combination of land, labor and capital, only land, labor and capital, that creates original wealth. Yet that is being exploded apart with the seizure of our land.

In a time in which the new economy provides fabulous wealth overnight based on the trading of information, we are forgetting that all original wealth originates in the land. Wealth is created by the proper combination of land, property, and labor and capital, no more, no less. Wealth comes first from the things that we mine or mill or harvest, and without those things there can be no stock markets and no information superhighways and no bridges to the future.

But, Mr. Speaker, we are today turning our backs on this original wealth. To hear the way some would talk, you would think that mining minerals from the Earth or harvesting crops, including timber and raising livestock, are somehow morally reprehensible and wrong. Instead, our natural resources are the sources of our economic strength which built this country, which in turn became magnified and powerful through the strength of our economy.

President Theodore Roosevelt, commonly referred to as the father of today's environmental movement, said in a speech to the American Society of Foresters way back in 1903:

"First and foremost," Roosevelt said, "you can never afford to forget for one moment what is the object of our forest policy. That object is not to preserve the forests because they are beautiful, though that is good in and of itself, nor because they are refuges for the wild creatures of the wilderness, though that, too, is good in itself; but the primary object of our forest policy, as of the land policy of the United States of America, is the making of prosperous homes. It is part of the traditional policy of home-making of our country. Every other consideration comes as secondary. The whole effort of the government in dealing with the forests must be directed to this end, keeping in view the fact that it is not only necessary to start the homes as prosperous but to keep them so."

He went on to say, "Your attention must be directed to the preservation of the forests not, as an end in and of itself, but as a means of preserving and increasing the prosperity of this Nation. Forestry is the preservation of forests by wise use of the forests."

But those who call themselves environmentalists today would have turned their backs on Roosevelt's vision. What has happened when we impose an extreme and narrow political policy on our natural resources? We have this year experienced catastrophic wildfires, burning more board feet this year of timber than we have ever logged off our national forests. That is sheer waste. That is sheer destruction.

We must not cut off our noses to spite our face, Mr. Speaker. We must responsibly use and promote these industries. We must be wise stewards of our Earth and our resources. But those resources are there for us to use.

Just as there are some citizens who would plunder other citizens, there are other nations in this world who would seek unfair advantages from us, this great Nation. We must protect our Nation's interests and our national sovereignty. Sovereignty forms the fourth cornerstone of the policies that I have advocated. Just as with any community, there is a global community, and we should and do try to be a good and responsible neighbor in that community. Yet there are those who would argue that we are such a part of this global community that we can lose our identity and that people in other nations should have a voice in such matters as our own land policies or consumer protection laws or our judicial systems. That goes beyond being a good neighbor into becoming the neighborhood's doormat. Let America never become the global doormat.

That is why I and some of my colleagues put up such a fight over such seemingly small issues as World Heritage Site designations and the Man in the Biosphere programs of the United Nations. These are the neighborhood's busybodies, offering their opinions on the state of our yards and gardens. Everyone welcomes praise, but when the praise starts to turn into a sanctioning of what we may and may not do, a bright line has been crossed, a bright line has been crossed and an invasion into our sovereignty.

In the recent film about the American Revolution entitled "The Patriot," I saw that and I think everyone, Mr. Speaker, in this body should view the movie "The Patriot." It would remind everyone here in this body why we are here. The main character in that film rose and asked a body of his compatriots, "Would you be ruled by one tyrant 3,000 miles away or by 3,000 tyrants one mile away?"

Mr. Speaker, we now seem to face the prospect of thousands of would-be tyrants trying to rule us from all around the world. Nowhere is the fight to preserve our national sovereignty more important than in preserving our national security. I have often said that in my heart of hearts I really am a dove. But I want America to be the best armed dove on the planet. George Washington said it more eloquently when he said, "To be prepared for war is one of the most effectual means of preserving the peace." And Ronald Reagan carried that out effectively.

□ 1545

Sadly, we have allowed the readiness of our military to deteriorate badly. Training missions are compromised by tight budgets, we have military families eligible for food stamps, and retention levels are becoming difficult to maintain. And we often fail to meet our duty to our past warriors, our veterans, those great Americans. We provide them with inadequate health services. We dishonor them with neglect. In my home State of Idaho, we have not even provided them with a specific field of honor in which to lie when they pass on to the next world.

I am very pleased to report, Mr. Speaker, that as one of my proudest accomplishments, it does look like we will have that field of honor for our brave military veterans soon under construction at a place in Idaho just outside of Boise.

But we must be very careful that we do not trade away our national sovereignty in some ill-considered effort to become popular with the rest of the world. Our military exists to protect American land and vital American interests. We cannot bully the rest of the world into behaving like we do. But I just cringe when I think of American soldiers serving under foreign command, and I think that should never, never happen.

And when it comes to protecting our sovereignty, we must not compromise our internal laws to suit foreign interests, nor must we allow our thirst for trade with other nations to allow us to ignore the aggressive and threatening natures of some of our other neighbors in this global community. And we certainly must not casually give away any more of our important strategic assets, whether they be the secrets to our most powerful weapons, or important avenues for commercial and military traffic, such as the Panama Canal, which is now being run by the Red Chinese in violation of the Panama Canal Treaty. The Red Chinese are now piloting our ships through the Panama Canal.

Mr. Speaker, it is my belief and has been my work for the past years and will continue after I leave Congress, to defend these four cornerstones of freedom. This is the most important job that we have as legislators, to preserve the lives, the liberty and the property of our fellow citizens, and to protect our national sovereignty.

There has, however, been an almost inexorable trend against those unalienable rights. There is no mistake in my mind that those rights have weakened as our Federal Government has grown bigger and stronger. The efforts that work against those rights often come clothed in garments of good intentions.

When we seek to remedy some problem through the expansion or consolidation of power into a smaller set of hands, remember the words of Lord Acton, that power corrupts, and absolute power corrupts absolutely.

That corruption will twist and bend the law away from what our Founding Fathers intended and into something future generations will regret and future generations would suffer under.

So, Mr. Speaker and my fellow Members of Congress, it has been a great privilege to serve in this body, this great body representing this great land, this powerful government of the people, by the people and for the people. I hope that you will remember my words, and I hope that you will remember the lofty, yet very simple reason that we are here. And years hence, when some colleague takes the floor of this magnificent Chamber and speaks out for the cause of freedom and liberty, I hope that you will take those words to heart.

RECESS

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 49 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2159

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 9 O'clock and 59 minutes p.m.

CONFERENCE REPORT ON H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes:

Conference Report (H. Rept. No. 106–948)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4461) "making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Section 1. (a) The provisions of H.R. 5426 of the 106th Congress, as introduced on October 6, 2000, are hereby enacted into law.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in subsection (a) of this section.

And the Senate agree to the same.

Joe Skeen,
James T. Walsh,
Jay Dickey,
Jack Kingston,
George R. Nethercutt, Jr.,
Henry Bonilla,
Tom Latham,
Jo Ann Emerson,
C.W. Bill Young,
Managers on the Part of the House.

Thad Cochran,
Arlen Specter,
Christopher S. Bond,
Slade Gorton,
Mitch McConnell,
Conrad Burns,
Ted Stevens,
Herb Kohl,
Tom Harkin (Except for Cuba and drug reimportation),
Byron L. Dorgan,
Dianne Feinstein,
Robert C. Byrd,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement would enact the provisions of H.R. 5426 as introduced on October 6, 2000. The text of that bill follows:

A BILL

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related Programs for the fiscal year ending September 30, 2001, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Programs for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

Production, Processing, and Marketing

Office of the Secretary

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,914,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

Executive Operations

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $7,462,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $12,421,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,765,000.

Office of the Chief Information Officer

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $10,051,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, $40,000,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

Office of the Chief Financial Officer

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $5,171,000: Provided, That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

Office of the Assistant Secretary for Administration

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $629,000.

Agriculture Buildings and Facilities and Rental Payments

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, improvement, and repair of Agriculture buildings, $182,747,000, to remain available until expended: Provided, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

Hazardous Materials Management

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., $15,700,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $36,010,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,568,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,623,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $68,867,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $31,080,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $556,000.

ECONOMIC RESEARCH SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $67,038,000: Provided, That $1,000,000 shall be transferred to and merged with the appropriation for "Food and Nutrition Service, Food Program Administration" for studies and evaluations: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627, Public Law 105–113, and other laws, $100,772,000, of which up to $15,000,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $898,812,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2001, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $74,200,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $506,193,000, as follows: to carry out the provisions of the Hatch Act (7 U.S.C. 361a–i), $180,545,000; for grants for cooperative forestry research (16 U.S.C. 582a–a7), $21,932,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), $32,676,000, of which $1,000,000 shall be made available to West Virginia State College in Institute, West Virginia; for special grants for agricultural research (7 U.S.C. 450i(c)), $85,669,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $13,721,000; for competitive research grants (7 U.S.C. 450i(b)), $106,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,109,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $800,000; for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), $640,000, to remain available until expended; for the 1994 research program (7 U.S.C. 301 note), $1,000,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,000,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,350,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $1,000,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $3,500,000; for a program of noncompetitive grants, to be awarded on an equal basis, to Alaska Native-serving and Native Hawaiian-serving Institutions to carry out higher education programs (7 U.S.C. 3242), $3,000,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)), $800,000; for aquaculture grants (7 U.S.C. 3322), $4,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), $9,250,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, $9,500,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $1,552,000; and for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109, $18,149,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000: Provided, That hereafter, any distribution of the adjusted income from the Native American Institutions Endowment Fund is authorized to be used for facility renovation, repair, construction, and maintenance, in addition to other authorized purposes.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $433,429,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $276,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,280,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $4,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $12,200,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for youth-at-risk programs under section 3(d) of the Act, $8,500,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $500,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $2,000,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,800,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $28,243,000, of which $1,000,000 shall be made available to West Virginia State College in Institute, West Virginia; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $18,152,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $41,941,000, as follows: payments for the water quality program, $13,000,000; payments for the food safety program, $15,000,000; payments for the national agriculture pesticide impact assessment program, $4,541,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,900,000; payments for the crops affected by Food Quality Protection Act implementation, $1,500,000; payments for the methyl bromide transition program, $2,500,000; and payments for the organic transition program, $500,000.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $635,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Acts of March 2, 1931 (46 Stat. 1468) and December 22, 1987 (101 Stat. 1329–1331) (7 U.S.C. 426–426c); and to protect the environment, as authorized by law, $530,564,000, of which $4,105,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $59,400,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: Provided further, That not to exceed $1,000,000 of the funds available under this heading for wildlife services methods development may be used by the Secretary of Agriculture to conduct pilot projects in up to four States representative of wildlife predation of livestock in connection with farming operations for direct assistance in the application of non-lethal predation control methods: Provided further, That the General Accounting Office shall report to the Committees on Appropriations by November 30, 2001, on the Department's compliance with this provision and on the effectiveness of the non-lethal measures.

In fiscal year 2001, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2001, $85,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $9,870,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $65,335,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: Provided further, That, only after promulgation of a final rule on a National Organic Standards Program, $639,000 of this amount shall be available for the Expenses and Refunds, Inspection and Grading of Farm Products fund account for the cost of the National Organic Standards Program and such funds shall remain available until expended.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more *than $13,438,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.*

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,350,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $31,420,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,557,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $460,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $696,704,000, of which no less than $591,258,000 shall be available for Federal food inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: Provided, That not more than $2,500,000 of this appropriation may be used to implement section 752 of title VII of this Act: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: Provided further, That from amounts appropriated under this heading not needed for federal food inspection, up to $6,000,000 may be used to liquidate obligations incurred in previous years, to the extent approved by the Director of the Office of Management and Budget based on documentation provided by the Secretary of Agriculture.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $589,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $828,385,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), $3,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $450,000, to remain available until expended (7 U.S.C. 2209b): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: Provided further, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $998,000,000, of which $870,000,000 shall be for guaranteed loans; operating loans, $1,972,741,000, of which $1,077,839,000 shall be for unsubsidized guaranteed loans and $369,902,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $2,006,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $18,223,000, of which $4,437,000 shall be for guaranteed loans; operating loans, $92,310,000, of which $14,770,000 shall be for unsubsidized guaranteed loans and $30,185,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $323,000; and for emergency insured loans, $6,133,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $269,454,000, of which $265,315,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the Committees on Appropriations of both Houses of Congress.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $65,597,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2001, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $711,000: Provided, That none of the funds appropriated or otherwise made available by this Act or any other Act shall be available to the Office of the Under Secretary for Natural Resources and Environment for the supervision, management or direction of the Forest Service or the Natural Resources Conservation Service until January 20, 2001: Provided further, That the Chiefs of the Forest Service and the Natural Resources Conservation Service shall report directly to the Secretary of Agriculture until January 20, 2001.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $714,116,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,990,000 is for snow survey and water forecasting and not less than $9,125,000 is for operation and establishment of the plant materials centers: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That not to exceed $2,000,000 of this amount shall be available for the Urban Resources Partnership program, of which $1,000,000 shall be available only after promulgation of a final rule on this program: Provided further, That not to exceed $204,000 of this amount shall be available for American Heritage Rivers: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $10,868,000: Provided, That not to exceed $136,000 shall be available for American Heritage Rivers: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $99,443,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed $44,423,000 of this appropriation shall be available for technical assistance: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: Provided further, That of the funds available for Emergency Watershed Protection activities, $8,000,000 shall be available for Ohio, New Mexico, Mississippi and Wisconsin for financial and technical assistance for pilot rehabilitation projects of small, upstream dams built under the Watershed and Flood Prevention Act of 1954, Public Law 83–566 (16 U.S.C. 1001 et seq.); Section 13 of the Flood Control Act of 1944, Public Law 78–534 (33 U.S.C. 701 b–1); the pilot watershed program authorized under the heading "FLOOD PREVENTION" of the Department of Agriculture Appropriations Act, 1954, Public Law 83–156 (67 Stat. 214); and Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.): Provided further, That the amount of Federal funds that may be made available to an eligible local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation: Provided further, That consistent with existing statute, rehabilitation assistance provided may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource projects entered into between the Secretary and the eligible local organization responsible for the works of improvement.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $42,015,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $6,325,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $605,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act, $762,542,000, to remain available until expended, of which $53,225,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $644,360,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $64,957,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking and waste disposal systems pursuant to section 306C of such Act, of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, $6,000,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations serving low-income rural communities, including Federally Recognized Indian tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit intermediary organizations (including tribal) proposing to carry out a program of financial and technical assistance to other public entities with a record of achievement in providing technical and financial assistance to housing and community development organizations in rural areas: Provided further, That such intermediary organizations shall provide matching funds from other sources, including federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for rural community programs, not to exceed $5,000,000 shall be for hazardous weather early warning systems: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development;

$5,000,000 shall be for rural partnership technical assistance grants; and $2,000,000 shall be for grants to Mississippi Delta Region counties: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed $20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to one percent available to administer the program and up to one percent available to improve interagency coordination; not to exceed $16,215,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $9,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $42,574,650 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $34,704,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; and of which $8,435,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of administering Rural Development programs as authorized by the Rural Electrification Act of 1936; the Consolidated Farm and Rural Development Act; title V of the Housing Act of 1949; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926 for activities related to marketing aspects of cooperatives, including economic research findings, authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $130,371,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 may be used for employment under 5 U.S.C. 3109: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,800,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,700,000,000 shall be for unsubsidized guaranteed loans; $32,396,000 for section 504 housing repair loans; $100,000,000 for section 538 guaranteed multi-family housing loans; $114,321,000 for section 515 rental housing; $5,152,000 for section 524 site loans; $11,780,000 for credit sales of acquired property, of which up to $1,780,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans: Provided, That of the total amount made available for loans to section 502 borrowers, up to $5,400,000 shall be available until expended for use under a demonstration program to be carried out by the Secretary of Agriculture in North Carolina to determine the timeliness, quality, suitability, efficiency, and cost of utilizing modular housing to house low-income and very low-income elderly families who: (1) have lost their housing because of a major disaster (as so declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act); and (2)(A) do not have homeowner's insurance; or (B) can not repay a direct loan that is provided under section 502 of the Housing Act of 1949 with the maximum subsidy allowed for such loans: Provided further, That of the amounts made available for such demonstration program, $5,000,000 shall be for grants and $400,000 shall be for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of loans, for such families to acquire modular housing.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $184,160,000 of which $7,400,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $11,481,000; section 538 multi-family housing guaranteed loans, $1,520,000; section 515 rental housing, $56,326,000; multi-family credit sales of acquired property, $874,000; and section 523 self-help housing land development loans, $279,000: Provided, That of the total amount appropriated in this paragraph, $13,832,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $409,233,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $680,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2001 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $34,000,000, to remain available until expended (7 U.S.C. 2209b): Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $44,000,000, to remain available until expended: Provided, That of the total amount appropriated, $5,000,000 shall be for a housing demonstration program for agriculture, aquaculture, and seafood processor workers: Provided further, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $30,000,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $19,476,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $2,036,000 shall be for Federally Recognized Native American Tribes and of which $4,072,000 shall be for Mississippi Delta Region counties (as defined by Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $38,256,000: Provided further, That of the total amount appropriated, $3,216,000 shall be available through June 30, 2001, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $3,640,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,911,000, which shall be administered in accordance with the regulations utilized in fiscal year 2000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2001, as authorized by section 313 of the Rural Electrification Act of 1936, $3,911,000 shall not be obligated and $3,911,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $6,500,000, of which $2,000,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,500,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose *governing board and/or membership is comprised of at least 75 percent minority.*

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,500,000; 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $295,000,000; and loans made pursuant to section 306 of that Act, rural electric, $1,700,000,000 and rural telecommunications, $120,000,000; and $500,000,000 for Treasury rate direct electric loans.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of direct loans, $19,871,000; and cost of municipal rate loans, $20,503,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $34,716,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2001 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $2,590,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, $3,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $27,000,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas, and of which $2,000,000 may be available for a pilot program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of "rural area" used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $570,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $9,541,539,000, to remain available through September 30, 2002, of which $4,413,960,000 is hereby appropriated and $5,127,579,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading, up to $6,000,000 shall be for school breakfast pilot projects, including the evaluation required under section 18(e) of the National School Lunch Act: Provided further, That of the funds made available under this heading, $500,000 shall be for a School Breakfast Program startup grant pilot program for the State of Wisconsin: Provided further, That school food authorities in Ohio participating in a domestic food assistance program administered by the Secretary and preparing meals for use by other schools and institutions also participating in a domestic food assistance program, shall, with regard to such meals, not be subject to additional requirements under section 301(c) of the Federal Meat Inspection Act or section 5(c) of the Poultry Products Inspection Act: Provided further, That up to $4,511,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,052,000,000, to remain available through September 30, 2002: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the total amount available, the Secretary shall obligate $10,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional $10,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: Provided further, That notwithstanding section 17(h)(10)(A) of such Act, up to $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B), no less than $6,000,000 of which shall be used for the development of electronic benefit transfer systems: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: Provided further, That funds made available under this heading shall be made available for sites participating in the special supplemental nutrition program for women, infants, and children to determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $20,114,293,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $3,000,000 shall be used to purchase bison for the FDPIR: Provided further, That the Secretary shall purchase such bison from Native American producers and cooperative organizations without competition: Provided further, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That not more than $194,000,000 may be reserved by the Secretary, notwithstanding section 16(h)(1)(A)(vi) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)(A)(vi)), for allocation to State agencies under section 16(h)(1) of such Act to carry out Employment and Training programs: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $140,300,000, to remain available through September 30, 2002: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note), $20,781,000 of this amount shall be available for administrative expenses of the commodity supplemental food program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, $151,081,000, to remain available through September 30, 2002.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $116,807,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $4,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $115,424,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $114,186,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $1,850,000, of which $1,035,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $815,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $20,322,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: Provided, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $837,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,231,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $589,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,217,797,000, of which not to exceed $149,273,000 in prescription drug user fees authorized by 21 U.S.C. 379(h) may be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 2001 shall be subject to the fiscal year 2001 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $285,269,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $317,547,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $12,534,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $140,489,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $64,069,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $165,207,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $35,568,000 shall be for the National Center for Toxicological Research; (7) $25,855,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (8) $104,954,000 shall be for payments to the General Services Administration for rent and related costs; and (9) $78,839,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $31,350,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $68,000,000, including not to exceed $1,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $36,800,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2001 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 389 passenger motor vehicles, of which 385 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to $2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service

Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b; commonly known as the Agricultural Act of 1954).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2001 shall remain available until expended to cover obligations made in fiscal year 2001 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. Notwithstanding any other provision of law (including provisions of law requiring competition), the Secretary of Agriculture may hereafter enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Natural Resources Conservation Service; and (2) all parties will contribute resources to the accomplishment of these objectives: Provided, That Commodity Credit Corporation funds obligated for such purposes shall not exceed the level obligated by the Commodity Credit Corporation for such purposes in fiscal year 1998.

SEC. 715. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 716. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 717. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 718. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 719. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 720. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 721. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 722. (a) Of the funds made available to the Secretary of Agriculture pursuant to section 793(b)(1) of Public Law 104–127 (7 U.S.C. 2204f) for the 2000 fiscal year—

(1) $30,000,000 shall be available to be obligated for any purpose authorized under section 793 of that Act during the 2001 fiscal year; and

(2) $30,000,000 shall be available to be obligated for any purpose authorized under section 793 of that Act during the 2002 fiscal year.

(b) None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2001 funds under section 793 of Public Law 104–127 (7 U.S.C. 2204f).

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $174,000,000.

SEC. 724. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2001 funds under the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food

Systems (7 U.S.C. 7621): Provided, That notwithstanding section 401(d) of Public Law 105–185, any appropriation or funds available to the Secretary of Agriculture to make grants under section 401 of Public Law 105–185 shall be used only to make grants to Hispanic-serving institutions (as defined in 20 U.S.C. 1101a(5)); West Virginia State College in Institute; and the 1862 institutions, 1890 institutions, and 1994 institutions, as defined in section 2 of Public Law 105–185 (7 U.S.C. 7601), or research foundations maintained by such institutions.

SEC. 725. Hereafter, none of the funds made available to the Department of Agriculture shall be used to carry out any commodity purchase program that would prohibit eligibility or participation by farmer-owned cooperatives.

SEC. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 727. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis (recently renamed the Division of Pharmaceutical Analysis) in St. Louis, Missouri, except that funds could be used to plan a possible relocation of this Division within the city limits of St. Louis, Missouri.

SEC. 728. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 729. Hereafter, none of the funds appropriated by this Act or any other Act may be used to:

(1) carry out the proviso under 7 U.S.C. 1622(f); or

(2) carry out 7 U.S.C. 1622(h) unless the Secretary of Agriculture inspects and certifies agricultural processing equipment, and imposes a fee for the inspection and certification, in a manner that is similar to the inspection and certification of agricultural products under that section, as determined by the Secretary: Provided, That this provision shall not affect the authority of the Secretary to carry out the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 730. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2002 appropriations Act.

SEC. 731. None of the funds appropriated or otherwise made available by this Act shall be used to establish an Office of Community Food Security or any similar office within the United States Department of Agriculture without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 732. None of the funds appropriated or otherwise made available by this or any other Act may be used to carry out provision of section 612 of Public Law 105–185.

SEC. 733. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan.

SEC. 734. None of the funds appropriated or otherwise made available by this Act may be used to declare excess or surplus all or part of the lands and facilities owned by the Federal Government and administered by the Secretary of Agriculture at Fort Reno, Oklahoma, or to transfer or convey such lands or facilities prior to July 1, 2001, without the specific authorization of Congress.

SEC. 735. None of the funds appropriated or otherwise made available by this Act or any other Act shall be used for the implementation of a Support Services Bureau or similar organization.

SEC. 736. Notwithstanding any other provision of law, for any fiscal year, in the case of a high cost, isolated rural area of the State of Alaska that is not connected to a road system—

(1) in the case of assistance provided by the Rural Housing Service for single family housing under title V of the Housing Act of 1949 (7 U.S.C. 1471 et seq.), the maximum income level for the assistance shall be 150 percent of the average income level in metropolitan areas of the State;

(2) in the case of community facility loans and grants provided under paragraphs (1) and (19), respectively, of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) and assistance provided under programs carried out by the Rural Utilities Service, the maximum income level for the loans, grants, and assistance shall be 150 percent of the average income level in nonmetropolitan areas of the State;

(3) in the case of a business and industry guaranteed loan made under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)), to the extent permitted under that Act, the Secretary of Agriculture shall—

(A) guarantee the repayment of 90 percent of the principal and interest due on the loan; and

(B) charge a loan origination and servicing fee in an amount not to exceed 1 percent of the amount of the loan; and

(4) in the case of assistance provided under the Rural Community Development Initiative for fiscal year 2001 carried out under the rural community advancement program established under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), the median household income level, and the not employed rate, with respect to applicants for assistance under the Initiative shall be scored on a community-by-community basis.

SEC. 737. Notwithstanding any other provision of law, the Town of Lloyd, New York, and the Town of Thompson, New York, shall be eligible for loans and grants provided through the Rural Community Advancement Program.

SEC. 738. Hereafter, notwithstanding any other provision of law, no housing or residence in a foreign country purchased by an agent or instrumentality of the United States, for the purpose of housing the agricultural attaché, shall be sold or disposed of without the approval of the Foreign Agricultural Service of the United States Department of Agriculture, including property purchased using foreign currencies generated under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) and used or occupied by agricultural attachés of the Foreign Agricultural Service: Provided, That the Department of State/Office of Foreign Buildings may sell such properties with the concurrence of the Foreign Agricultural Service if the proceeds are used to acquire suitable properties of appropriate size for Foreign Agricultural Service agricultural attachés: Provided further, That the Foreign Agricultural Service shall have the right to occupy such residences in perpetuity with costs limited to appropriate maintenance expenses.

SEC. 739. Hereafter, notwithstanding section 502(h)(7) of the Housing Act of 1949 (42 U.S.C. 1472(h)(7)), the fee collected by the Secretary of Agriculture with respect to a guaranteed loan under such section 502(h) at the time of the issuance of such guarantee may be in an amount equal to not more than 2 percent of the principal obligation of the loan.

SEC. 740. Hereafter, funds appropriated to the Department of Agriculture may be used to employ individuals by contract for services outside the United States as determined by the agencies to be necessary or appropriate for carrying out programs and activities abroad; and such contracts are authorized to be negotiated, the terms of the contract to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions as relate to the negotiation, making and performance of contracts and performance of work in the United States. Individuals employed by contract to perform such services outside the United States shall not by virtue of such employment be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. Such individuals may be considered employees within the meaning of the Federal Employee Compensation Act, 5 U.S.C. 8101 et seq. Further, that Government service credit shall be accrued for the time employed under a Personal Service Agreement (PSA) should the individual later be hired into a permanent United States Government position within FAS or another United States Government agency if the authorities of the hiring agency so permit.

SEC. 741. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 742. (a) IN GENERAL.—Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended—

(1) in subsection (b)(4), by striking "and 2000"; and inserting "through 2001"; and

(2) in subsection (h), by striking "2000" each place it appears and inserting "2001".

(b) CONFORMING AMENDMENT.—Section 142(e) of the Agricultural Market Transition Act (7 U.S.C. 7252(e)) is amended by striking "2001" and inserting "2002".

SEC. 743. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 744. In addition to amounts otherwise appropriated or made available by this Act, $2,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

SEC. 745. (a) SHORT TITLE.—This section may be cited as the "Medicine Equity and Drug Safety Act of 2000".

(b) FINDINGS.—The Congress makes the following findings:

(1) The cost of prescription drugs for Americans continues to rise at an alarming rate.

(2) Millions of Americans, including medicare beneficiaries on fixed incomes, face a daily choice between purchasing life-sustaining prescription drugs, or paying for other necessities, such as food and housing.

(3) Many life-saving prescription drugs are available in countries other than the United States at substantially lower prices, even though such drugs were developed and are approved for use by patients in the United States.

(4) Many Americans travel to other countries to purchase prescription drugs because the medicines that they need are unaffordable in the United States.

(5) Americans should be able to purchase medicines at prices that are comparable to prices for such medicines in other countries, but efforts to enable such purchases should not endanger the gold standard for safety and effectiveness that has been established and maintained in the United States.

(c) AMENDMENT.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(d)(1), by inserting "and section 804" after "paragraph (2)"; and

(2) by adding at the end the following:

"IMPORTATION OF COVERED PRODUCTS

"SEC. 804. (a) REGULATIONS.—The Secretary, after consultation with the United States Trade Representative and the Commissioner of Customs, shall promulgate regulations permitting pharmacists and wholesalers to import into the United States covered products.

"(b) LIMITATION.—Regulations under subsection (a) shall—

"(1) require that safeguards be in place to ensure that each covered product imported pursuant to such subsection complies with section 505 (including with respect to being safe and effective for its intended use), with sections 501 and 502, and with other applicable requirements of this Act;

"(2) require that an importer of a covered product pursuant to subsection (a) comply with the applicable provisions of this section, including subsection (d); and

"(3) contain any additional provisions determined by the Secretary to be appropriate as a safeguard to protect the public health or as a means to facilitate the importation of such products.

"(c) RECORDS.—Regulations under subsection (a) shall require that records regarding the importation of covered products pursuant to such subsection be provided to and maintained by the Secretary for a period of time determined to be necessary by the Secretary.

"(d) IMPORTATION.—Regulations under subsection (a) shall require an importer of a covered product pursuant to such subsection to provide to the Secretary the following information and records:

"(1) The name and amount of the active ingredient of such product and description of the dosage form.

"(2) The date that the product is shipped and the quantity of the product that is shipped, points of origin and destination for the product, the price paid for the product by the importer, and (once the product is distributed) the price for which such product is sold by the importer.

"(3) Documentation from the foreign seller specifying the original source of the product and the amount of each lot of the product originally received.

"(4) The manufacturer's lot or control number of the product imported.

"(5) The name, address, and telephone number of the importer, including the professional license number of the importer, if any.

"(6) For a product that is coming directly from the first foreign recipient of the product from the manufacturer:

"(A) Documentation demonstrating that such product came from such recipient and was received by the recipient from such manufacturer.

"(B) Documentation of the amount of each lot of the product received by such recipient to demonstrate that the amount being imported into the United States is not more than the amount that was received by the recipient.

"(C) In the case of the initial imported shipment, documentation demonstrating that each batch of such shipment was statistically sampled and tested for authenticity and degradation.

"(D) In the case of all subsequent shipments from such recipient, documentation demonstrating that a statistically valid sample of such shipments was tested for authenticity and degradation.

"(E) Certification from the importer or manufacturer of such product that the product is approved for marketing in the United States and meets all labeling requirements under this Act.

"(7) For a product that is not coming directly from the first foreign recipient of the product from the manufacturer:

"(A) Documentation demonstrating that each batch in all shipments offered for importation into the United States was statistically sampled and tested for authenticity and degradation.

"(B) Certification from the importer or manufacturer of such product that the product is approved for marketing in the United States and meets all labeling requirements under this Act.

"(8) Laboratory records, including complete data derived from all tests necessary to assure that the product is in compliance with established specifications and standards.

"(9) Documentation demonstrating that the testing required by paragraphs (6) through (8) was performed at a qualifying laboratory (as defined in subsection (k)).

"(10) Any other information that the Secretary determines is necessary to ensure the protection of the public health.

"(e) TESTING.—Regulations under subsection (a)—

"(1) shall require that testing referred to in paragraphs (6) through (8) of subsection (d) be conducted by the importer of the covered product pursuant to subsection (a), or the manufacturer of the product;

"(2) shall require that if such tests are conducted by the importer, information needed to authenticate the product being tested, and to confirm that the labeling of such product complies with labeling requirements under this Act, be supplied by the manufacturer of such product to the pharmacist or wholesaler, and shall require that such information be kept in strict confidence and used only for purposes of testing under this Act; and

"(3) may include such additional provisions as the Secretary determines to be appropriate to provide for the protection of trade secrets and commercial or financial information that is privileged or confidential.

"(f) COUNTRY LIMITATION.—Regulations under subsection (a) shall provide that covered products may be imported pursuant to such subsection only from a country, union, or economic area that is listed in subparagraph (A) of section 802(b)(1) or designated by the Secretary, subject to such limitations as the Secretary determines to be appropriate to protect the public health.

"(g) SUSPENSION OF IMPORTATIONS.—The Secretary shall require that importations of specific covered products or importations by specific importers pursuant to subsection (a) be immediately suspended upon discovery of a pattern of importation of such products or by such importers that is counterfeit or in violation of any requirement pursuant to this section, until an investigation is completed and the Secretary determines that the public is adequately protected from counterfeit and violative covered products being imported pursuant to subsection (a).

"(h) PROHIBITED AGREEMENTS.—No manufacturer of a covered product may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products imported pursuant to subsection (a).

"(i) STUDIES; REPORTS.—

"(1) STUDY BY SECRETARY.—

"(A) IN GENERAL.—The Secretary shall conduct, or contract with an entity to conduct, a study on the imports permitted pursuant to subsection (a), including consideration of the information received under subsection (d). In conducting such study, the Secretary or entity shall—

"(i) evaluate the compliance of importers with regulations under subsection (a), and the number of shipments pursuant to such subsection, if any, that have been determined to be counterfeit, misbranded, or adulterated, and determine how such compliance contrasts with the number of shipments of prescription drugs transported within the United States that have been determined to be counterfeit, misbranded, or adulterated; and

"(ii) consult with the United States Trade Representative and the Commissioner of Patents and Trademarks to evaluate the effect of importations pursuant to subsection (a) on trade and patent rights under Federal law.

"(B) REPORT.—Not later than two years after the effective date of final regulations under subsection (a), the Secretary shall prepare and submit to the Congress a report describing the findings of the study under subparagraph (A).

"(2) STUDY BY GENERAL ACCOUNTING OFFICE.—The Comptroller General of the United States shall conduct a study to determine the effect of this section on the price of covered products sold to consumers at retail. Not later than 18 months after the effective date of final regulations under subsection (a), the Comptroller General shall prepare and submit to the Congress a report describing the findings of such study.

"(j) CONSTRUCTION.—Nothing in this section shall be construed to limit the statutory, regulatory, or enforcement authority of the Secretary relating to the importation of covered products, other than with respect to section 801(d)(1) as provided in this section.

"(k) DEFINITIONS.—

"(1) COVERED PRODUCT.—

"(A) IN GENERAL.—For purposes of this section, the term 'covered product' means a prescription drug, except that such term does not include a controlled substance in schedule I, II, *or III under section 202(c) of the Controlled Substances Act or a biological product as defined in section 351 of the Public Health Service Act.*

"(B) CHARITABLE CONTRIBUTIONS; PARENTERAL DRUGS.—Notwithstanding any other provision of this section, section 801(d)(1)—

"(i) continues to apply to a covered product donated or otherwise supplied for free by the manufacturer of the drug to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country; and

"(ii) continues to apply to a covered product that is a parenteral drug the importation of which pursuant to subsection (a) is determined by the Secretary to pose a threat to the public health.

"(2) OTHER TERMS.—For purposes of this section:

"(A) The term 'importer' means a pharmacist or wholesaler.

"(B) The term 'pharmacist' means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

"(C) The term 'prescription drug' means a drug subject to section 503(b).

"(D) The term 'qualifying laboratory' means a laboratory in the United States that has been approved by the Secretary for purposes of this section.

"(E) The term 'wholesaler' means a person licensed as a wholesaler or distributor of prescription drugs in the United States pursuant to section 503(e)(2)(A). Such term does not include a person authorized to import drugs under section 801(d)(1).

"(l) CONDITIONS.—This section shall become effective only if the Secretary demonstrates to the Congress that the implementation of this section will—

"(1) pose no additional risk to the public's health and safety; and

"(2) result in a significant reduction in the cost of covered products to the American consumer.

"(m) SUNSET.—Effective upon the expiration of the five-year period beginning on the effective date of final regulations under subsection (a), this section ceases to have any legal effect.".

(d) PROHIBITED ACT.—

(1) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(aa) The importation of a covered product in violation of section 804, the falsification of any record required to be maintained or provided to the Secretary under such section, or any other violation of regulations under such section.".

(2) ENHANCED PENALTIES.—Section 303(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)) is amended by adding at the end the following:

"(6) Notwithstanding subsection (a), any person who is a manufacturer or importer of a covered product pursuant to section 804(a) and knowingly fails to comply with a requirement of section 804(e) that is applicable to such manufacturer or importer, respectively, shall be imprisoned for not more than 10 years or fined not more than $250,000, or both.".

(e) For an additional amount for "Salaries and expenses", Food and Drug Administration, $23,000,000, solely to carry out the "Medicine Equity and Drug Safety Act of 2000", to be available only upon submission of an official budget request and justification for such amount by the President to the Congress.

SEC. 746. (a) SHORT TITLE.—This section may be cited as the "Prescription Drug Import Fairness Act of 2000".

(b) FINDINGS.—The Congress finds as follows:

(1) Patients and their families sometimes have reason to import into the United States drugs that have been approved by the Food and Drug Administration ("FDA").

(2) There have been circumstances in which—

(A) an individual seeking to import such a drug has received a notice from FDA that importing the drug violates or may violate the Federal Food, Drug, and Cosmetic Act; and

(B) the notice failed to inform the individual of the reasons underlying the decision to send the notice.

(3) FDA should not send a warning notice regarding the importation of a drug without providing to the individual involved a statement of the underlying reasons for the notice.

(c) CLARIFICATION OF CERTAIN RESPONSIBILITIES OF FOOD AND DRUG ADMINISTRATION WITH RESPECT TO IMPORTATION OF PRESCRIPTION DRUGS INTO UNITED STATES.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end the following subsection:

"(g)(1) With respect to a prescription drug being imported or offered for import into the United States, the Secretary, in the case of an individual who is not in the business of such importations, may not send a warning notice to the individual unless the following conditions are met:

"(A) The notice specifies, as applicable to the importation of the drug, that the Secretary has made a determination that—

"(i) importation is in violation of section 801(a) because the drug is or appears to be adulterated, misbranded, or in violation of section 505;

"(ii) importation is in violation of section 801(a) because the drug is or appears to be forbidden or restricted in sale in the country in which it was produced or from which it was exported;

"(iii) importation is or appears to be in violation of section 801(d)(1); or

"(iv) importation otherwise is or appears to be in violation of Federal law.

"(B) The notice does not specify any provision described in subparagraph (A) that is not applicable to the importation of the drug.

"(C) The notice states the reasons underlying such determination by the Secretary, including a brief application to the principal facts involved of the provision of law described in subparagraph (A) that is the basis of the determination by the Secretary.

"(2) For purposes of this section, the term 'warning notice', with respect to the importation of a drug, means a communication from the Secretary (written or otherwise) notifying a person, or clearly suggesting to the person, that importing the drug for personal use is, or appears to be, a violation of this Act.".

SEC. 747. Notwithstanding any other provision of law, the Secretary of Agriculture may not deny a loan application made pursuant to the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in Arkansas solely on the basis that—

(a) the proceeds of the loan will be used to conduct activities in a flood plain; or

(b) the loan is secured by land that is in a flood plain.

SEC. 748. Section 2111(a)(3) of the Organic Foods Production Act of 1990 (7 U.S.C. 651(a)(3)) is amended by adding after "sulfites," "except in the production of wine,".

SEC. 749. Notwithstanding any other provision of law or regulation, hereafter, Friends of the National Arboretum, an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code incorporated in the District of Columbia, shall not be considered a prohibited source with respect to gifts to the United States National Arboretum so long as Friends of the National Arboretum remains an organization described under section 501(c)(3) of such Code and continues to conduct its operations exclusively for the benefit of the United States National Arboretum. The Secretary of Agriculture shall, within 90 days of enactment of this Act, provide the Appropriations Committees of both Houses of Congress with either a copy of a Memorandum of Understanding detailing the nature of its partnership with the Friends of the National Arboretum, or with a written explanation of why such a Memorandum of Understanding could not be achieved.

SEC. 750. None of the funds made available by this Act may be used to require an office of the Farm Service Agency that is using FINPACK on May 17, 1999, for financial planning and credit analysis, to discontinue use of FINPACK for six months from the date of enactment of this Act.

SEC. 751. Hereafter, the Secretary of Agriculture shall consider any borrower whose income does not exceed 115 percent of the median family income of the United States as meeting the eligibility requirements for a borrower contained in section 502(h)(2) of the Housing Act of 1949 (42 U.S.C. 1472(h)(2)).

SEC. 752. Effective 180 days after the date of the enactment of this Act and continuing for the remainder of fiscal year 2001 and each subsequent fiscal year, establishments in the United States that slaughter or process birds of the order Ratitae, such as ostriches, emus and rheas, and squab, for distribution in commerce as human food shall be subject to the ante mortem and post mortem inspection, reinspection, and sanitation requirements of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) rather than the voluntary poultry inspection program of the Department of Agriculture under section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622).

SEC. 753. In developing a rule concerning on-farm standards for prevention of Salmonella Enteritidis in shell eggs pursuant to any plan to eliminate Salmonella Enteritidis illnesses due to eggs, the Food and Drug Administration shall—

(a) consider one environmental test per laying cycle for each layer house for verification of the producer's Salmonella Enteritidis reduction plan;

(b) consider when it is appropriate to require diversion of shell eggs to treatment, such as pasteurization, and base any requirement for testing that would necessitate diversion, which may include the receipt of a positive egg test result, on sound science;

(c) conduct or support research to develop cost-effective and improved tests for determination of Salmonella Enteritidis; and

(d) solicit comments on appropriate options for implementing a Salmonella Enteritidis reduction plan in shell eggs, including comments on conducting and funding testing, through state and federal programs.

SEC. 754. Public Law 105–277, division A, title XI, section 1121 (112 Stat. 2681–44, 2681–45) is amended by—

(1) striking "not later than January 1, 2000" and inserting "not later than January 1, 2001"; and

(2) adding the following new subsection at the end thereof—

"(d) ADDITIONAL DISBURSEMENT.—

"(1) COTTON STORED IN GEORGIA.—The State of Georgia may use funds remaining in the indemnity fund established in accordance with this section to compensate cotton producers in other States who stored cotton in the State of Georgia and incurred losses in 1998 or 1999 as the result of the events described in subsection (a).

"(2) GINNERS AND OTHERS.—The State of Georgia may also use funds remaining in the indemnity fund established in accordance with this section to compensate cotton ginners and others

in the business of producing, ginning, warehousing, buying, or selling cotton for losses they incurred in 1998 or 1999 as the result of the events described in subsection (a), if—

"(A) as of March 1, 2000, the indemnity fund has not been exhausted,

"(B) the State of Georgia provides cotton producers an additional time period prior to May 1, 2000, in which to establish eligibility for compensation under this section;

"(C) the State of Georgia determines during calendar year 2000 that all cotton producers in that State and cotton producers in other States as described in paragraph (d)(1) have been appropriately compensated for losses incurred in 1998 or 1999 as described in subsection (a); and

"(D) such additional compensation is not made available until May 1, 2000.".

SEC. 755. The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3830) the following:

"SEC. 1230A. GOOD FAITH RELIANCE.

"(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this chapter, the Secretary shall provide equitable relief to an owner or operator that has entered into a contract under this chapter, and that is subsequently determined to be in violation of the contract, if the owner or operator in attempting to comply with the terms of the contract and enrollment requirements took actions in good faith reliance on the action or advice of an authorized representative of the Secretary.

"(b) TYPES OF RELIEF.—The Secretary shall—

"(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator to do any one or more of the following—

"(A) to retain payments received under the contract;

"(B) to continue to receive payments under the contract;

"(C) to keep all or part of the land covered by the contract enrolled in the applicable program under this chapter;

"(D) to reenroll all or part of the land covered by the contract in the applicable program under this chapter; or

"(E) or any other equitable relief the Secretary deems appropriate; and

"(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

"(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

"(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).

"(e) APPLICABILITY OF RELIEF.—Relief under this section shall be available for contracts in effect on January 1, 2000 and for all subsequent contracts.".

SEC. 756. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "$20,000,000" and inserting "$25,000,000".

SEC. 757. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of Agriculture's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 7 U.S.C. 2235 and used to fund management initiatives of general benefit to the Department of Agriculture bureaus and offices as determined by the Secretary of Agriculture or the Secretary's designee.

SEC. 758. The Act of August 19, 1958 (7 U.S.C. 1431 note) is amended—

(1) by striking "clause (3) or (4) of" the first place it appears and inserting "the Food for Progress Act of 1985,";

(2) by striking "clause (3) or (4) of such" and inserting "the Food for Progress Act of 1985, such"; and

(3) by striking "to the President".

SEC. 759. Notwithstanding any other provision of law, the Sea Island Health Clinic located on Johns Island, South Carolina, shall remain eligible for assistance and funding from the Rural Development community facilities programs administered by the Department of Agriculture until such time new population data is available from the 2000 Census.

SEC. 760. Notwithstanding any other provision of law, the area bounded by West 197th Avenue, North S.W. 232nd Street, East U.S. Highway 1 and S.W. 360th Street in Dade County, Florida, shall continue to be eligible to receive business and industry guaranteed loans under section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) until such time that population data is available from the 2000 decennial Census.

SEC. 761. Hereafter, the Secretary of Agriculture shall consider the City of Kewanee and the City of Jacksonville, Illinois, as meeting the requirements of a rural area contained in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

SEC. 762. Notwithstanding any other provision of law, the Chief of the Natural Resources Conservation Service shall provide funds, within discretionary amounts available, to pay the balance of the amount due pursuant to the settlement of claims associated with the Chuquatonchee Watershed Project in Mississippi to close out this project.

SEC. 763. Notwithstanding any other provision of law, the Konocti Water District, California, shall be eligible for grants and loans administered by the Rural Utilities Service.

SEC. 764. Notwithstanding any other provision of law, Jefferson County, Kentucky, shall be considered to be a rural area for the purposes of the business and industry direct and guaranteed loan program authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

SEC. 765. The Secretary of Agriculture may convey, under such terms and conditions as the Secretary considers appropriate, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre located within the Sunnyside Subdivision in Prince George's County, Maryland, for the purpose of resolving land title claims and encroachments at the Beltsville Agricultural Research Center and for promoting public access on Sunnyside Avenue. Any funds received by the Secretary as a result of the conveyance shall be credited to and merged with the appropriations available to operate the Beltsville Agricultural Research Center and shall be available, without further appropriation, for the same purposes and for the same time period as such appropriations.

SEC. 766. Of the funds provided to carry out section 211(a) of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 2820 note; Public Law 106–224), up to $500,000 shall be used solely for the State of California.

SEC. 767. The first section of the Act of March 2, 1931 (7 U.S.C. 426) is amended to read as follows:

"SECTION 1. PREDATORY AND OTHER WILD ANIMALS.

"The Secretary of Agriculture may conduct a program of wildlife services with respect to injurious animal species and take any action the Secretary considers necessary in conducting the program. The Secretary shall administer the program in a manner consistent with all of the wildlife services authorities in effect on the day before the date of the enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001.".

SEC. 768. Section 412(d) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f(d)) is amended by striking "title I of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)" and inserting "dairy price support operations".

SEC. 769. Notwithstanding any other provision of law, the City of Coachella, California, shall be eligible for grants and loans administered by the rural development mission areas of the Department of Agriculture.

SEC. 770. Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the City of Vicksburg, Mississippi, as meeting the requirements of a rural area in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

SEC. 771. Notwithstanding any other provision of law, the Administrator of the Rural Utilities Service shall use the authorities provided in the Rural Electrification Act of 1936 to finance the acquisition of existing generation, transmission and distribution systems and facilities serving high cost, predominantly rural areas by entities capable of and dedicated to providing or improving service in such areas in an efficient and cost effective manner.

SEC. 772. None of the funds appropriated or otherwise made available by this Act shall be used to issue a notice of proposed rulemaking, to promulgate a proposed rule, or to otherwise change or modify the definition of "animal" in existing regulations pursuant to the Animal Welfare Act.

SEC. 773. Section 306(a)(19)(A) of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting after "nonprofit corporations" the following new phrase: ", Indian tribes (as such term is defined under section 4(e) of Public Law 93–638, as amended),".

SEC. 774. Section 2101 of the Emergency Supplemental Act, 2000 (Public Law 106–246; 114 Stat. 541) is amended—

(1) by inserting "or prior" after "such outstanding"; and

(2) by inserting "and subsequently repaid" after "placed under loan",

SEC. 775. For purposes of administering Title IX of this Act, the term "agricultural commodity" shall also include fertilizer and organic fertilizer, except to the extent provided pursuant to Section 904 of that title.

SEC. 776. HAMILTON GRANGE, NEW YORK.

(a) SENSE OF THE CONGRESS.—Congress finds that—

(1) Alexander Hamilton, assisted by James Madison and George Washington, was the principal drafter of the Constitution of the United States;

(2) Hamilton was General Washington's aide-de-camp during the Revolutionary War, and, given command by Washington of the New York and Connecticut light infantry battalion, led the successful assault on British redoubt number 10 at Yorktown;

(3) after serving as Secretary of the Treasury, Hamilton founded the Bank of New York and the New York Post;

(4) the only home Hamilton ever owned, commonly known as "the Grange", is a fine example of Federal period architecture designed by New York architect John McComb, Jr., and was built in upper Manhattan in 1803;

(5) the New York State Assembly enacted a law in 1908 authorizing New York City to acquire the Grange and move it to nearby St. Nicholas Park, part of the original Hamilton estate, but no action was taken;

(6) in 1962, the National Park Service took over management of the Grange, by then wedged on Convent Avenue within inches between an apartment house on the north side and a church on the south side;

(7) the 1962 designation of the Grange as a national memorial was contingent on the acquisition by the National Park Service of a site to which the building could be relocated;

(8) the New York State legislature enacted a law in 1998 that granted approval for New York City to transfer land in St. Nicholas Park to the National Park Service, causing renovations to the Grange to be postponed; and

(9) no obelisk, monument, or classical temple along the national mall has been constructed to honor the man who more than any other designed the Government of the United States, Hamilton should at least be remembered by restoring his home in a sylvan setting.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Alexander Hamilton made an immense contribution to the United States by serving as a principal drafter of the Constitution; and

(2) the National Park Service should expeditiously—

(A) proceed to relocate the Grange to St. Nicholas Park; and

(B) restore the Grange to a state befitting the memory of Alexander Hamilton.

SECTION 777. FINANCIAL ASSISTANCE FOR LAND ACQUISITION FOR FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORIC SITE.

(a) IN GENERAL.—Section 4 of the Fallen Timbers Battlefield and Fort Miamis National Historic Site Act of 1999 (Public Law 106–164; 16 U.S.C. 461 note) is amneded by adding at the end the following:

"(d) LAND ACQUISITION ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may provide financial assistance to the management entity for acquiring lands or interests in lands within the boundaries of the historic site under subsection (b).

"(2) COST SHARING.—Financial assistance under this subsection may not be used to pay more than 50 percent of the cost of any acquisition made with the assistance.

"(3) CONDITION.—The Secretary shall require, as a condition of any assistance under this subsection, that any interest in land acquired with assistance under this subsection shall be included in and managed as part of the historic site.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of such Act is amended by inserting "(a) IN GENERAL.— before "There is authorized", and by adding at the end the following:

"(b) LAND ACQUISITION ASSISTANCE.—There is authorized to be appropriated $2,500,000 to carry out section 4(d)."

TITLE VIII

NATURAL DISASTER ASSISTANCE AND OTHER EMERGENCY APPROPRIATIONS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE CHIEF INFORMATION OFFICER

COMMON COMPUTING ENVIRONMENT

For an additional amount for "Common Computing Environment," $19,500,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $19,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for Departmental Administration, $200,000: Provided, That this amount shall be transferred to the Small Business Administration to support two advocacy staffers to review rules and regulations relating to disasters to determine the impact of their implementation on small business entities: Provided further, That the entire amount shall be available only to the extent an official budget request for $200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $50,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program," for expenses resulting from natural disasters, $80,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for $80,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FEDERAL CROP INSURANCE CORPORATION FUND

For an additional amount for the Federal Crop Insurance Corporation Fund, up to $13,000,000, to provide premium discounts to purchasers of crop insurance reinsured by the Corporation (except for catastrophic risk protection coverage), as authorized under section 1102(g)(2) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1999 (Public Law 105–277): Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", to repair damages to the waterways and watersheds, including the purchase of floodplain easements, resulting from natural disasters, $110,000,000, to remain available until expended: Provided, That of the amount made available in this section, the Secretary may use up to $2,000,000 to replace, repair and improve snow telemetry equipment impacted by fire, winds, and fire fighting efforts in order to protect watersheds: Provided further, That the entire amount shall be available only to the extent an official budget request for $110,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the Rural Community Advancement Program, $200,000,000, to remain available until expended: Provided, That of the additional amount appropriated, $50,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression: Provided further, That of the additional amount appropriated, $30,000,000 shall be to provide grants in rural communities with extremely high energy costs: Provided further, That of the additional amount appropriated, $50,000,000 shall be for rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d), of which $25,000,000 shall be to provide assistance to areas in the State of North Carolina subject to a declaration of a major disaster as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: Provided further, That of the additional amount appropriated, $70,000,000 shall be for the cost of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d) for distribution through the national reserve, of which $30,000,000 may be used in counties which have received an emergency designation by the President or the Secretary after January 1, 2001, for applications responding to water shortages resulting from the designated emergency: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for $200,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISIONS—THIS TITLE

SEC. 801. Notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional $35,000,000, to remain available until expended, shall be provided through the Commodity Credit Corporation for technical assistance activities performed by any agency of the Department of Agriculture in carrying out the Conservation Reserve Program and the Wetlands Reserve Program funded by the Commodity Credit Corporation: Provided, That the entire amount shall be available only to the extent an official budget request for $35,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 802. The paragraph under the heading "Livestock Assistance" in chapter 1, title I of H.R. 3425 of the 106th Congress, enacted by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1536) is amended by striking "during 1999" and inserting "from January 1, 1999, through February 7, 2000": Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the *request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

SEC. 803. Hereafter, for the purposes of the Livestock Indemnity Program authorized in Public Law 105–18, the term "livestock" shall have the same meaning as the term "livestock" under section 104 of Public Law 106–31.

SEC. 804. Notwithstanding any other provision of law, the Secretary of Agriculture may use the funds, facilities and authorities of the Commodity Credit Corporation to administer and make payments for losses not otherwise compensated to: (a) compensate growers whose crops could not be sold due to Mexican fruit fly quarantines in San Diego and San Bernardino/Riverside counties in California since their imposition on November 16, 1999, and September 10, 1999, respectively; (b) compensate growers in relation to the Secretary's "Declaration of Extraordinary Emergency" on March 2, 2000, regarding the plum pox virus; (c) compensate growers for losses due to Pierce's disease; (d) compensate growers for losses due to watermelon sudden wilt disease; and (e) compensate growers for losses incurred due to infestations of grasshoppers and Mormon crickets: Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 805. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106–78 and to new dairy producers. Such payment, per unit of production used in such prior payments, shall be in an amount equal to 35 percent of the reduction in market value per unit of milk production in 2000, as determined by the Secretary, based, to the extent practicable, on price estimates as of the date of enactment of this Act, from the previous 5-year average and on the base production of the producer used to make a payment under section 805 of Public Law 106–78: Provided, That these funds shall be available until September 30, 2001: Provided further, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production which were applicable to the payments that were made to dairy producers under section 805 of Public Law 106–78, except that a producer may be paid for production up to 39,000 cwt: Provided further, That the Secretary shall also make payments to new dairy producers at the same per unit rate: Provided further, That for any dairy producers, including new dairy producers, whose base production was less than twelve months for purposes of section 805 of Public Law 106–78, the producer's base production for the purposes of payments under this section may be, at the producer's option, the production of that producer in the twelve months preceding the enactment of this section or the producer's base production under the program carried out under section 805 of Public Law 106–78 subject to such limitations which are applicable to other producers: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 806. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation in an amount equal to $490,000,000 to make and administer payments for livestock losses using the criteria established to carry out the 1999 Livestock Assistance Program (except for application of the national percentage reduction factor) to producers for 2000 losses in a county which has received an emergency designation by the President or the Secretary after January 1, 2000, and shall be available until September 30, 2001: Provided, That the Secretary shall give consideration to the effect of recurring droughts in establishing the level of payments to producers under this section: Provided further, That of the funds made available by this section, up to $40,000,000 may be used to carry out the Pasture Recovery Program: Provided further, That the payments to a producer made available through the Pasture Recovery Program shall be no less than 65 percent of the average cost of reseeding: Provided further, That of the funds made available, the Secretary shall use not more than $12,000,000 to carry out the American Indian Livestock Feed Program: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for $490,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 807. In using amounts made available under section 801(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106–78), or under the matter under the heading "CROP LOSS ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION FUND" of H.R. 3425 of the 106th Congress, as enacted by section 1001(a)(5) of Public Law 106–113 (113 Stat. 1536, 1501A–289), to provide emergency financial assistance to producers on a farm that have incurred losses in a 1999 crop due to a disaster, the Secretary of Agriculture shall consider nursery stock losses caused by Hurricane Irene on October 16 and 17, 1999, to be losses to the 1999 crop of nursery stock: Provided, That such sums shall also be available to provide additional compensation to eligible agriculture producers of 1999 crop year citrus fruit for losses incurred due to the December 1998 freeze in California: Provided further, That such additional compensation, together with compensation previously provided by the Secretary of Agriculture for such losses does not exceed the level of compensation such producers would have received if such losses had occurred during the 1998 crop year: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount necessary to carry out this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 808. Notwithstanding section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)), the Secretary of Agriculture may permit the enrollment of not to exceed 1,075,000 acres in the Wetlands Reserve Program: Provided, That notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), such sums as may be necessary, to remain available until expended, shall be provided through the Commodity Credit Corporation for technical assistance activities performed by any agency of the Department of Agriculture in carrying out this section: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 809. In addition to other compensation paid by the Secretary of Agriculture, the Secretary shall compensate, for economic losses not otherwise compensated, or otherwise seek to make whole, from funds of the Commodity Credit Corporation, not to exceed $2,400,000, the owners of all sheep destroyed from flocks within the period ending 20 days after the date of enactment of this Act under the Secretary's declarations of July 14, 2000, for lost income, or other business interruption losses, due to actions of the Secretary with respect to such sheep: Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 810. (a) The Secretary of Agriculture shall pay Florida commercial citrus and lime growers $26 for each commercial citrus or lime tree removed to control citrus canker in order to allow for tree replacement and associated business costs. Payments under this subsection shall be capped in accordance with the following trees per acre limitations:

(1) in the case of grapefruit, 104 trees per acre;
(2) in the case of valencias, 123 trees per acre;
(3) in the case of navels, 118 trees per acre;
(4) in the case of tangelos, 114 trees per acre;
(5) in the case of limes, 154 trees per acre; and
(6) in the case of other or mixed citrus, 104 trees per acre.

(b) The Secretary of Agriculture shall compensate Florida commercial citrus and lime growers for lost production, as determined by the Secretary of Agriculture, with respect to trees removed to control citrus canker.

(c) To receive assistance under this section, a tree referred to in subsection (a) or (b) must have been removed after January 1, 1986, and before September 30, 2001.

(d) In the case of a removed tree that was covered by a crop insurance tree policy, compensation for lost production under subsection (b) with respect to such a tree shall be reduced by the indemnity received with respect to such a tree. In the case of a removed tree that was not covered by a crop insurance tree policy, although such insurance was available for the

tree, compensation for lost production under subsection (b) with respect to such a tree shall be reduced by 5 percent.

(e) The Secretary of Agriculture shall use $58,000,000 of the funds of the Commodity Credit Corporation to carry out this section, to remain available until expended.

(f) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 811. Notwithstanding any other provision of law, the Secretary of Agriculture shall use $100,000,000 of Commodity Credit Corporation funds, to remain available until expended, to make payments to apple producers to provide relief for the loss of markets: Provided, That the amount of payment to each producer shall be made on a per pound basis equal to each qualifying producer's 1998 and 1999 production of apples: Provided further, That the grower shall establish eligibility for the amount of market loss payment upon either of the two crop years or an average of the two years: Provided further, That the Secretary shall not make payments for that amount of a particular farm's apple production that is in excess of 1.6 million pounds: Provided further, That in addition to the assistance provided under this section, the Secretary of Agriculture shall use $38,000,000 of Commodity Credit Corporation funds, to remain available until expended, to make payments to apple and potato producers to compensate them for quality losses to either or both their 1999 and 2000 crops due to fireblight or weather-related disaster, including but not limited to a hurricane or hail: Provided further, That these payments shall be made regardless of whether a crop was harvested and without limit: Provided further, That the producer shall be ineligible for payments under this section with respect to a market loss for apples or a quality loss for apples or potatoes to the extent of that amount that the producer received as compensation or assistance for the loss under any other Federal program, other than the Federal Crop Insurance Program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.): Provided further, That the Secretary shall not establish any terms or conditions for grower eligibility, such as limits based upon gross income, other than those in this section: Provided further, That the assistance made available under this section for an eligible producer shall be made as soon as practicable after the enactment of this Act: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 812. (a) NONRECOURSE MARKETING ASSISTANCE LOANS.—

(1) The Secretary shall use funds of the Commodity Credit Corporation to make nonrecourse marketing assistance loans available to producers of the 2000 crop of honey.

(2) The loan rate for a marketing assistance loan under paragraph (1) for honey shall be 65 cents per pound.

(3) The Secretary shall permit producers to repay a marketing assistance nonrecourse loan under paragraph (1) at a rate that is the lesser of—

(A) the loan rate for honey, plus interest (as determined by the Secretary); or

(B) the prevailing domestic market price for honey, as determined by the Secretary.

(b) LOAN DEFICIENCY PAYMENTS.—

(1) The Secretary may make loan deficiency payments available to any producer of honey that, although eligible to obtain a marketing assistance loan under subsection (a), agrees to forgo obtaining the loan in return for a payment under this subsection.

(2) A loan deficiency payment under this subsection shall be determined by multiplying—

(A) the loan payment rate determined under paragraph (3); by

(B) the quantity of honey that the producer is eligible to place under loan, but for which the producer forgoes obtaining the loan in return for a payment under this subsection.

(3) For the purposes of this subsection, the loan payment rate shall be the amount by which—

(A) the loan rate established under subsection (a)(2); exceeds

(B) the rate at which a loan may be repaid under subsection (a)(3).

(c) In order to provide an orderly transition to the loans and payments provided under this section, the Secretary shall convert recourse loans for the 2000 crop of honey outstanding on the date of enactment of this Act to nonrecourse marketing assistance loans under subsection (a).

(d) LIMITATIONS.—

(1) The marketing assistance loan gains and loan deficiency payments that a person may receive for the 2000 crop of honey under this section shall be subject to the same limitations that apply to marketing assistance loans and loan deficiency payments received by producers of the same crop of other agricultural commodities.

(2) The Secretary shall carry out this section in such a manner as to minimize forfeitures of honey marketing assistance loans.

(e) The Secretary shall make loans and loan deficiency payments under this section available to producers beginning not later than 30 days after the date of enactment of this Act.

(f) In the case of a producer that marketed or redeemed, before, on, or within 30 days after the date of the enactment of this Act, a quantity of an eligible 2000 crop for which the producer has not received a loan deficiency payment or marketing loan gain under this section, the producer shall be eligible to receive a payment from the Secretary of Agriculture under this section in an amount equal to the payment or gain that the producer would have received for that quantity of eligible production as of the date on which the producer lost beneficial interest in the quantity or redeemed the quantity, as determined by the Secretary.

(g) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 813. The Secretary shall use up to $10,000,000 of the funds of the Commodity Credit Corporation to make livestock indemnity payment to producers on a farm that have incurred livestock losses during calendar year 2000 due to a disaster, as determined by the Secretary, including losses due to fires and anthrax: Provided, That the entire amount shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 814. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation, not to exceed $20,000,000, to make payments directly to producers of wool, and producers of mohair, for the 2000 marketing year: Provided, That the payment rate for producers of wool and mohair shall be equal to $0.40 per pound: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 815. (a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds for quantity and economic losses as were used in administering that section.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (c)(2), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to crop diseases and insects) associated with crops that are, as determined by the Secretary—

(1) quantity losses for the 2000 crop;

(2) quality losses for the 2000 crop; or

(3) severe economic losses for the 2000 crop.

(d) QUALITY LOSSES.—

(1) AMOUNT OF QUALITY LOSS.—The amount of a quality loss for a crop of producers on a farm under subsection (c)(2) shall be equal to the difference between—

(A) the per unit market value of the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(2) AMOUNT OF QUALITY LOSS PAYMENT.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (c)(2) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the quantity of the crop affected by the quality loss that was produced on the farm; by

(B) 65 percent of the per unit quality loss for the crop determined under paragraph (1).

(3) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss

for a crop under subsection (c)(2), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 20 percent of the value that all production of the crop would have had if the crop had not suffered a quality loss.

(e) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters, including—

(1) irrigated crops that, due to lack of water or contamination by saltwater intrusion of an irrigation supply resulting from drought conditions, were planted and suffered a loss or were prevented from being planted;

(2) pecans; and

(3) nursery losses in the State of Florida that occur, because of disaster, during the period beginning on October 1, 2000, and ending on December 31, 2000. Calculations of the amount of such losses shall be made independently of other losses of the producer, and such losses shall be subject to a separate limit on payment amounts as may otherwise apply. Any payment under this section for such losses shall for all purposes, present and future, be considered to be a 2000 crop payment, and such compensated losses shall be ineligible for any assistance that may become available for 2001 crop losses.

(f) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(g) LIMITATION ON PAYMENTS FOR MULTIPLE LOSSES ON SAME ACREAGE.—Notwithstanding subsection (d), a producer may not receive assistance under this section for losses to more than 2000 crop on the same acreage unless there is an established practice of planting two or more crops for harvest on such acreage in the same crop year, as determined by the Secretary. The Secretary shall give a producer that is not covered by the exception in the previous sentence an opportunity to designate the 2000 crop for which the producer requests assistance under this section.

(h) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 816. Of the amounts made available to the Secretary for the purchase of specialty crops under sections 203(d) and 261(a)(2) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224), the Secretary shall use not less than $30,000,000 to purchase cranberry juice concentrate and frozen cranberry fruit: Provided, That section 203(d)(1) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224) is amended by inserting "or cranberry products (including cranberry juice concentrate and frozen cranberry fruit)" after "cranberries": Provided further, That in this section, the term "farm unit" means a separate and distinct farming operation that reports independent production information to the Cranberry Marketing Committee: Provided further, That to provide assistance for loss of markets for cranberries, the Secretary shall use $20,000,000 of funds of the Commodity Credit Corporation to make payments to cranberry producers: Provided further, That subject to this section and such other terms and conditions as are determined by the Secretary, a payment under this section shall be made on the basis of the quantity of the 1999 crop of cranberries that was produced on each farm unit: Provided further, That the maximum quantity of the 1999 crop of cranberries for which producers are eligible for a payment for a farm unit under this section shall be 1,600,000 pounds: Provided further, That subject to this section, the Secretary shall take such actions as are necessary to ensure that payments made under this section do not duplicate payments provided under other Federal programs for the same loss: Provided further, That this shall not apply to an indemnity provided under a policy or plan of insurance offered under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.): Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 817. Section 1232(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(4)) is amended—

(1) by striking "except that such" and inserting "except that—

"(A) such";

(2) by inserting "and" after the semicolon at the end; and

(3) by adding at the end the following:

"(B) the Secretary shall not terminate the contract for failure to establish approved vegetative or water cover on the land if—

"(i) the failure to plant such cover was due to excessive rainfall or flooding;

"(ii) the land subject to the contract that could practicably be planted to such cover is planted to such cover; and

"(iii) the land on which the owner or operator was unable to plant such cover is planted to such cover after the wet conditions that prevented the planting subsides;".

SEC. 818. (a) Section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) is amended by adding at the end the following:

"(7) FINANCING OF RECAPTURE PAYMENT.—

"(A) IN GENERAL.—The Secretary may amortize a recapture payment owed to the Secretary under this subsection.

"(B) TERM.—The term of an amortization under this paragraph may not exceed 25 years.

"(C) INTEREST RATE.—

"(i) IN GENERAL.—The interest rate applicable to an amortization under this paragraph may not exceed the rate applicable to a loan to reacquire homestead property less 100 basis points.

"(ii) EXISTING AMORTIZATIONS AND LOANS.—The interest rate applicable to an amortization or loan made by the Secretary before the date of enactment of this paragraph to finance a recapture payment owed to the Secretary under this subsection may not exceed the rate applicable to a loan to reacquire homestead property less 100 basis points.".

(b) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 819. The Secretary of Agriculture shall use up to $2,500,000 of the funds of the Commodity Credit Corporation to provide financial assistance to the State of South Carolina to capitalize the South Carolina Grain Dealers Guaranty Fund: Provided, That these funds shall only be available if the State of South Carolina provides an equal amount in the form of a grant to the South Carolina Grain Dealers Guaranty Fund: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 820. (a) The Secretary of Agriculture may use funds made available under sections 211(a) and 211(b), and 133(b) of the Agricultural Risk Protection Act of 2000 to provide technical assistance to farmers and ranchers for the purposes described in sections 211(a) and 211(b), and 133(b) of that Act; and

(b) The Secretary of Agriculture may use funds made available under section 211(b) of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) to provide additional funding for the Wildlife Habitat Incentive Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 in such sums as the Secretary considers necessary to carry out that program.

(c) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 821. Section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)) is amended by striking "Puerto Rico" and all that follows through "2002, to finance" and inserting "Puerto Rico—

"(i) for fiscal year 2000, $1,268,000,000;

"(ii) for fiscal year 2001, the amount required to be paid under clause (i) for fiscal year 2000, as adjusted by the change in the Food at Home series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, for the most recent 12-month period ending in June; and

"(iii) for fiscal year 2002, the amount required to be paid under clause (ii) for fiscal year 2001, as adjusted by the percentage by which the thrifty food plan is adjusted for fiscal year 2002 under section 3(o)(4);

to finance".

SEC. 822. Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount $7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to an agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices: Provided, That the entire amount shall be available only to the extent an official budget request for $7,200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget *and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

SEC. 823. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Long Park Dam in Utah from funds available for the Emergency Watershed Program, not to exceed $4,500,000.

SEC. 824. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Kuhn Bayou (Point Remove) Project in Arkansas from funds available for the Emergency Watershed Program, not to exceed $3,300,000.

SEC. 825. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Snake River Watershed project in Minnesota from funds available for the Emergency Watershed Program, not to exceed $4,000,000.

SEC. 826. Of the funds made available for the Emergency Watershed Protection Program activities in the State of North Carolina, $1,000,000 shall be available to the Secretary of Agriculture, acting through the Natural Resources Conservation Service, to provide technical and financial assistance for implementation of the project known as the "Flood Water Mitigation and Stream Restoration Project", Princeville, North Carolina.

SEC. 827. Notwithstanding any other provision of law, funds paid to oyster producers in the State of Connecticut under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) shall be retained by such producers.

SEC. 828. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to DuPage County, Illinois, from funds available for the Emergency Watershed Program, not to exceed $1,100,000.

SEC. 829. Subtitle G, Section 262 of Public Law 106–224 is amended as follows: After "obligate", strike "and expend".

SEC. 830. Any funds appropriated by Cerro Grande Fire Supplemental as contained in Public Law 106–246 for the Emergency Conservation Program not required to meet the purposes of rehabilitating farmland damaged from fires which resulted from prescribed burnings conducted by the Federal Government may be used by the Secretary of Agriculture for activities mandated under the Emergency Conservation Program authorized under section 401 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201) consistent with the cost-share requirements of that program: Provided, That the entire amount shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 831. Notwithstanding any other provision of law, for technical and financial assistance up to $120,000 shall be made available from the Emergency Watershed Program for the Camp Lejeune Project on the Camp Lejeune Marine Base, North Carolina.

SEC. 832. Funds appropriated by this Act and Public Law 106–113 to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans and emergency loans may be transferred among these programs with the prior approval of the Committees on Appropriations of both Houses of Congress: Provided, That the entire amount shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 833. Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) is amended by adding at the end the following:

"(3) LOANS TO POULTRY FARMERS.—

"(A) INABILITY TO OBTAIN INSURANCE.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer did not have hazard insurance at the time of the loss, if the farmer—

"(I) applied for, but was unable, to obtain hazard insurance for the chicken house;

"(II) uses the loan to rebuild the chicken house in accordance with industry standards in effect on the date the farmer submits an application for the loan (referred to in this paragraph as 'current industry standards');

"(III) obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

"(IV) meets the other requirements for the loan under this subtitle.

"(ii) AMOUNT.—Subject to the limitation contained in section 324(a)(2), the amount of a loan made to a poultry farmer under clause (i) shall be an amount that will allow the farmer to rebuild the chicken house in accordance with current industry standards.

"(B) LOANS TO COMPLY WITH CURRENT INDUSTRY STANDARDS.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer had hazard insurance at the time of the loss, if—

"(I) the amount of the hazard insurance is less than the cost of rebuilding the chicken house in accordance with current industry standards;

"(II) the farmer uses the loan to rebuild the chicken house in accordance with current industry standards;

"(III) the farmer obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

"(IV) the farmer meets the other requirements for the loan under this subtitle.

"(ii) AMOUNT.—Subject to the limitation contained in section 324(a)(2), the amount of a loan made to a poultry farmer under clause (i) shall be the difference between—

"(I) the amount of the hazard insurance obtained by the farmer; and

"(II) the cost of rebuilding the chicken house in accordance with current industry standards.".

SEC. 834. For an additional amount for grants under sections 231(a) and 261(a)(2) of the Agricultural Risk Protection Act of 2000, $10,000,000: Provided, That the entire amount shall be available only to the extent an official budget request for $10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 835. For an additional amount for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans under section 310B(a)(1) of the Consolidated Farm and Rural Development Act, $10,000,000: Provided, That the entire amount shall be available only to the extent an official budget request for $10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 836. Section 156(e) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(e)) is amended—

(1) in paragraph (1)—

(A) by striking "recourse" each place that it appears and inserting "nonrecourse"; and

(B) by striking "Subject to paragraph (2), the" and inserting "The";

(2) by striking paragraph (2);

(3) by re-designating paragraph (3) as paragraph (2); and

(4) in paragraph (2) as so re-designated, by striking "If" through "shall" in the first sentence and inserting "The Secretary shall".

SEC. 837. Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308 (1)), the total amount of the payments specified in section 1001(3) of that Act or section 812 of this Act that a person shall be entitled to receive under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for one or more contract commodities, oilseeds and for honey under section 812 of this Act produced during the 2000 crop year may not exceed $150,000: Provided, That in carrying out this section, the Secretary shall allow a producer that has marketed or redeemed a quantity of an eligible 2000 crop for which the producer has not received a loan deficiency payment or marketing loan gain under section 134 or 135 of the Agricultural Market Transition Act (7 U.S.C. 7234, 7235) or section 812 of this Act to receive such payment or gain as of the date on which the quantity was marketed or redeemed, as determined by the Secretary.

SEC. 838. Notwithstanding any other provision of law, the Secretary shall extend until the date that is 60 days after the date of enactment of this Act the final eligibility date for marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) for rice of special grade designations, as determined by the Secretary, that was made eligible for the loans by the Secretary during December 1999; and for which producers were not notified of the eligibility period for the loans: Provided, That producers on a farm that lost a beneficial interest in rice after the date on which the rice was made ineligible for loans and loan deficiency payments by the Secretary shall be eligible to obtain loan deficiency payments based on the payment rate that was in effect on the last date of eligibility for the loans before the date of enactment of this Act: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is *transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

SEC. 839. Notwithstanding any other provision of law, the Secretary of Agriculture may enter into contracts with livestock producers for the purpose of controlling the buildup of grasses, forbs and other natural fuels that contribute to the threat of wildfire on rangelands administered by the Secretary: Provided, That such contracts are provided from within discretionary funds.

SEC. 840. As soon as practicable after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall issue such regulations as are necessary to implement sections 804, 805, 806, 809, 810, 811, 812, 814, 815, 816, 836, 837, 838, 839, 841, 843, 844, and 845 of this title: Provided, That the issuance of the regulations shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act"): Provided further, That in carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 841. The Secretary of Agriculture shall use funds of the Commodity Credit Corporation to make a payment to each eligible person described in section 204(b)(1)(A) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224) without regard to section 204(b)(1)(A)(ii) of that Act: Provided, That the Secretary shall make a payment to an eligible person described in this section in the same amount as is payable to an eligible person under section 204 of that Act: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 842. Payments made from amounts appropriated pursuant to this title shall not be subject to administrative offset, including administrative offset under chapter 37 of title 31, United States Code.

SEC. 843. The Secretary of Agriculture shall use not more than $20,000,000 of funds of the Commodity Credit Corporation to make payments to producers of tomatoes, pears, peaches, and apricots that were unable to market the crops of the producers because of the insolvency of an agriculture cooperative in the State of California: Provided, That the amount of a payment made to a producer under this subsection shall not exceed 50 percent of the contract value of the unmarketed crop referred to in this section: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 844. LOAN FORFEITURES OF BURLEY TOBACCO.

(a) IN GENERAL.—Notwithstanding sections 106 through 106B of the Agricultural Act of 1949 (7 U.S.C. 1445 through 1445-2)—

(1) a producer-owned cooperative marketing association may fully settle a loan made for the 1999 crop of Burley tobacco by forfeiting to the Commodity Credit Corporation the Burley tobacco covered by the loan regardless of the condition of the tobacco;

(2) any losses to the Commodity Credit Corporation as a result of paragraph (1)—

(A) shall not be charged to the No Net Cost Tobacco Account; and

(B) shall not affect the amount of any assessment imposed against Burley or any other kind of tobacco under sections 106 through 106B of the Agricultural Act of 1949 (7 U.S.C. 1445 through 1445-2); and

(3) any tobacco forfeited pursuant to this section shall not be—

(A) counted for the purpose of determining the Burley tobacco quota for any year pursuant to section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e); or

(B) sold for use in the United States.

(b) EMERGENCY REQUIREMENT.—

(1) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(2) The entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 845. COMMODITY ELIGIBILITY ASSISTANCE.

(a) IN GENERAL.—Section 3720B(a) of title 31, United States Code, is amended in the first sentence by inserting "or a marketing assistance loan or loan deficiency payment under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.)" after "disaster loan".

(b) PAYMENTS.—Any payment made by the Commodity Credit Corporation to a producer as a result of the amendment made by section (a) shall be credited toward any delinquent debt owed by the producer to the Farm Service Agency.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) takes effect on the date of enactment of this Act.

(2) TRANSITION LOAN DEFICIENCY PAYMENTS.—If the producers on a farm lost beneficial interest in a crop during the period beginning March 21, 2000, and ending on the day before the date of enactment of this Act and were ineligible for a marketing assistance loan under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) because of section 3720B(a) of title 31, United States Code, as in effect before the amendment made by subsection (a), the producers shall be eligible for any loan deficiency payment under subtitle C of that Act that was available on the date on which the producers lost beneficial interest in the crop.

(d)(1) The entire amount necessary to carry out this section shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amedned, is transmitted by the President to the Congress.

(2) The entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 846. MAXIMUM AMOUNT OF EXCESS SHELTER EXPENSE DEDUCTION.

(a) AMENDMENT.—Section 5(e)(7)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(7)(B)) is amended by striking clauses (iii) and (iv) and inserting the following:

"(iii) for fiscal year 1999, $275, $478, $393, $334, and $203 per month, respectively;

"(iv) for fiscal year 2000, $280, $483, $398, $339, and $208 per month, respectively;

"(v) for fiscal year 2001, $340, $543, $458, $399, and $268 per month, respectively; and

"(vi) for fiscal year 2002 and each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.".

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENT.—(1) Except as provided in paragraph (2), the amendment made by this section shall take effect on March 1, 2001.

(2) The amendment made by this section shall not apply with respect to certification periods beginning before March 1, 2001.

(c)(1) The entire amount necessary to carry out this section shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(2) The entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 847. VEHICLE ALLOWANCE.

(a) IN GENERAL.—Section 5(g)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) by striking "subparagraph (C)" and inserting "subparagraphs (C) and (D)"; and

(B) by striking "to the extent that" and all that follows through the end of the clause and inserting "to the extent that the fair market value of the vehicle exceeds $4,650; and"; and

(2) by adding at the end the following:

"(D) ALTERNATIVE VEHICLE ALLOWANCE.—If the vehicle allowance standards that a State agency uses to determine eligibility for assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) would result in a lower attribution of resources to certain households than under subparagraph (B)(iv), in lieu of applying subparagraph (B)(iv), the State agency may elect to apply the State vehicle allowance standards to all households that would incur a lower attribution of resources under the State vehicle allowance standards.".

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 2001.

(2) The amendments made by this section shall not apply with respect to certification periods beginning before July 1, 2001.

(c)(1) The entire amount necessary to carry out this section shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(2) The entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

TITLE IX—TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Trade Sanctions Reform and Export Enhancement Act of 2000".

SEC. 902. DEFINITIONS.

In this title:

(1) Agricultural commodity.—The term "agricultural commodity" has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) Agricultural program.—The term "agricultural program" means—

(A) any program administered under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

(B) any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any program administered under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.);

(D) the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14);

(E) any commercial export sale of agricultural commodities; or

(F) any export financing (including credits or credit guarantees) provided by the United States Government for agricultural commodities.

(3) Joint resolution.—The term "joint resolution" means—

(A) in the case of section 903(a)(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 903(a)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section 903(a)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, transmitted on __________.", with the blank completed with the appropriate date; and

(B) in the case of section 906(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 906(2) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section 906(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, transmitted on __________.", with the blank completed with the appropriate date.

(4) Medical device.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(5) Medicine.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(6) Unilateral agricultural sanction.—The term "unilateral agricultural sanction" means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(A) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(B) a mandatory decision of the United Nations Security Council.

(7) Unilateral medical sanction.—The term "unilateral medical sanction" means any prohibition, restriction, or condition on exports of, or the provision of assistance consisting of, medicine or a medical device with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(A) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(B) a mandatory decision of the United Nations Security Council.

SEC. 903. RESTRICTION.

(a) New Sanctions.—Except as provided in sections 904 and 905 and notwithstanding any other provision of law, the President may not impose a unilateral agricultural sanction or unilateral medical sanction against a foreign country or foreign entity, unless—

(1) not later than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be prohibited, restricted, or conditioned; and

(B) describes the actions by the foreign country or foreign entity that justify the sanction; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(b) Existing Sanctions.—The President shall terminate any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act.

SEC. 904. EXCEPTIONS.

Section 903 shall not affect any authority or requirement to impose (or continue to impose) a sanction referred to in section 903—

(1) against a foreign country or foreign entity—

(A) pursuant to a declaration of war against the country or entity;

(B) pursuant to specific statutory authorization for the use of the Armed Forces of the United States against the country or entity;

(C) against which the Armed Forces of the United States are involved in hostilities; or

(D) where imminent involvement by the Armed Forces of the United States in hostilities against the country or entity is clearly indicated by the circumstances; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any agricultural commodity, medicine, or medical device that is—

(A) controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778);

(B) controlled on any control list established under the Export Administration Act of 1979 or any successor statute (50 U.S.C. App. 2401 et seq.); or

(C) used to facilitate the development or production of a chemical or biological weapon or weapon of mass destruction.

SEC. 905. TERMINATION OF SANCTIONS.

Any unilateral agricultural sanction or unilateral medical sanction that is imposed pursuant to the procedures described in section 903(a) shall terminate not later than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing—

(A) the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years; and

(B) the request of the President for approval by Congress of the recommendation; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

SEC. 906. STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) Requirement.—

(1) In general.—Notwithstanding any other provision of this title (other than section 904), the export of agricultural commodities, medicine, or medical devices to Cuba or to the government of a country that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. app. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), or to any other entity in such a country, shall only be made pursuant to one-year licenses issued by the United States Government for contracts entered into during the one-year period of the license and shipped within the 12-month period beginning on the date of the signing of the contract, except that the requirements of such one-year licenses shall be no more restrictive than license exceptions administered by the Department of Commerce or general licenses administered by the Department of the Treasury, except that procedures shall be in place to deny licenses for exports to any entity within such country promoting international terrorism.

(2) Exception.—Paragraph (1) shall not apply with respect to the export of agricultural commodities, medicine, or medical devices to the Government of Syria or to the Government of North Korea.

(b) Quarterly Reports.—The applicable department or agency of the Federal Government shall submit to the appropriate congressional committees on a quarterly basis a report on any activities undertaken under subsection (a)(1) during the preceding calendar quarter.

(c) Biennial Reports.—Not later than two years after the date of enactment of this Act, and every two years thereafter, the applicable department or agency of the Federal Government shall submit a report to the appropriate congressional committees on the operation of the licensing system under this section for the preceding two-year period, including—

(1) the number and types of licenses applied for;

(2) the number and types of licenses approved;

(3) the average amount of time elapsed from the date of filing of a license application until the date of its approval;

(4) the extent to which the licensing procedures were effectively implemented; and

(5) a description of comments received from interested parties about the extent to which the licensing procedures were effective, after the applicable department or agency holds a public 30-day comment period.

SEC. 907. CONGRESSIONAL PROCEDURES.

(a) Referral of Report.—A report described in section 903(a)(1) or 905(1) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(b) Referral of Joint Resolution.—

(1) In general.—A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations, and a joint resolution introduced in the House of Representatives shall be referred to the Committee on International Relations.

(2) Reporting date.—A joint resolution referred to in paragraph (1) may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

SEC. 908. PROHIBITION ON UNITED STATES ASSISTANCE AND FINANCING.

(a) Prohibition on United States Assistance.—

(1) In general.—Notwithstanding any other provision of law, no United States Government assistance, including United States foreign assistance, United States export assistance, and any United States credit or guarantees shall be available for exports to Cuba or for commercial exports to Iran, Libya, North Korea, or Sudan.

(2) Rule of construction.—Nothing in paragraph (1) shall be construed to alter, modify, or

otherwise affect the provisions of section 109 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039) or any other provision of law relating to Cuba in effect on the day before the date of the enactment of this Act.

(3) WAIVER.—The President may waive the application of paragraph (1) with respect to Iran, Libya, North Korea, and Sudan to the degree the President determines that it is in the national security interest of the United States to do so, or for humanitarian reasons.

(b) PROHIBITION ON FINANCING OF AGRICULTURAL SALES TO CUBA.—

(1) IN GENERAL.—No United States person may provide payment or financing terms for sales of agricultural commodities or products to Cuba or any person in Cuba, except in accordance with the following terms (notwithstanding part 515 of title 31, Code of Federal Regulations, or any other provision of law):

(A) Payment of cash in advance.

(B) Financing by third country financial institutions (excluding United States persons or Government of Cuba entities), except that such financing may be confirmed or advised by a United States financial institution.

Nothing in this paragraph authorizes payment terms or trade financing involving a debit or credit to an account of a person located in Cuba or of the Government of Cuba maintained on the books of a United States depository institution.

(2) PENALTIES.—Any private person or entity that violates paragraph (1) shall be subject to the penalties provided in the Trading With the Enemy Act for violations under that Act.

(3) ADMINISTRATION AND ENFORCEMENT.—The President shall issue such regulations as are necessary to carry out this section, except that the President, in lieu of issuing new regulations, may apply any regulations in effect on the date of the enactment of this Act, pursuant to the Trading With the Enemy Act, with respect to the conduct prohibited in paragraph (1).

(4) DEFINITIONS.—In this subsection—

(A) the term "financing" includes any loan or extension of credit;

(B) the term "United States depository institution" means any entity (including its foreign branches or subsidiaries) organized under the laws of any jurisdiction within the United States, or any agency, office or branch located in the United States of a foreign entity, that is engaged primarily in the business of banking (including a bank, savings bank, savings association, credit union, trust company, or United States bank holding company); and

(C) the term "United States person" means the Federal Government, any State or local government, or any private person or entity of the United States.

SEC. 909. PROHIBITION ON ADDITIONAL IMPORTS FROM CUBA.

Nothing in this title shall be construed to alter, modify, or otherwise affect the provisions of section 515.204 of title 31, Code of Federal Regulations, relating to the prohibition on the entry into the United States of merchandise that (1) is of Cuban origin, (2) is or has been located in or transported from or through Cuba, or (3) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

SEC. 910. REQUIREMENTS RELATING TO CERTAIN TRAVEL-RELATED TRANSACTIONS WITH CUBA.

(a) AUTHORIZATION OF TRAVEL RELATING TO COMMERCIAL SALE OF AGRICULTURAL COMMODITIES.—The Secretary of the Treasury shall promulgate regulations under which the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations, may be authorized on a case-by-case basis by a specific license for travel to, from, or within Cuba for the commercial export sale of agricultural commodities pursuant to the provisions of this title.

(b) PROHIBITION ON TRAVEL RELATING TO TOURIST ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, the Secretary of the Treasury, or any other Federal official, may not authorize the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations, either by a general license or on a case-by-case basis by a specific license for travel to, from, or within Cuba for tourist activities.

(2) DEFINITION.—In this subsection, the term "tourist activities" means any activity with respect to travel to, from, or within Cuba that is not expressly authorized in subsection (a) of this section, in any of paragraphs (1) through (12) of section 515.560 of title 31, Code of Federal Regulations, or in any section referred to in any of such paragraphs (1) through (12) (as such sections were in effect on June 1, 2000).

SEC. 911. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date of enactment of this Act, and shall apply thereafter in any fiscal year.

(b) EXISTING SANCTIONS.—In the case of any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act, this title shall take effect 120 days after the date of enactment of this Act, and shall apply thereafter in any fiscal year.

TITLE X—CONTINUED DUMPING AND SUBSIDY OFFSET

SEC. 1001. SHORT TITLE.

This title may be cited as the "Continued Dumping and Subsidy Offset Act of 2000".

SEC. 1002. FINDINGS OF CONGRESS.

Congress makes the following findings:

(1) Consistent with the rights of the United States under the World Trade Organization, injurious dumping is to be condemned and actionable subsidies which cause injury to domestic industries must be effectively neutralized.

(2) United States unfair trade laws have as their purpose the restoration of conditions of fair trade so that jobs and investment that should be in the United States are not lost through the false market signals.

(3) The continued dumping or subsidization of imported products after the issuance of antidumping orders or findings or countervailing duty orders can frustrate the remedial purpose of the laws by preventing market prices from returning to fair levels.

(4) Where dumping or subsidization continues, domestic producers will be reluctant to reinvest or rehire and may be unable to maintain pension and health care benefits that conditions of fair trade would permit. Similarly, small businesses and American farmers and ranchers may be unable to pay down accumulated debt, to obtain working capital, or to otherwise remain viable.

(5) United States trade laws should be strengthened to see that the remedial purpose of those laws is achieved.

SEC. 1003. AMENDMENTS TO THE TARIFF ACT OF 1930.

(a) IN GENERAL.—Title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) is amended by inserting after section 753 following new section:

"SEC. 754. CONTINUED DUMPING AND SUBSIDY OFFSET.

"(a) IN GENERAL.—Duties assessed pursuant to a countervailing duty order, an antidumping duty order, or a finding under the Antidumping Act of 1921 shall be distributed on an annual basis under this section to the affected domestic producers for qualifying expenditures. Such distribution shall be known as the 'continued dumping and subsidy offset'.

"(b) DEFINITIONS.—As used in this section:

"(1) AFFECTED DOMESTIC PRODUCER.—The term 'affected domestic producer' means any manufacturer, producer, farmer, rancher, or worker representative (including associations of such persons) that—

"(A) was a petitioner or interested party in support of the petition with respect to which an antidumping duty order, a finding under the Antidumping Act of 1921, or a countervailing duty order has been entered, and

"(B) remains in operation.

Companies, businesses, or persons that have ceased the production of the product covered by the order or finding or who have been acquired by a company or business that is related to a company that opposed the investigation shall not be an affected domestic producer.

"(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Customs.

"(3) COMMISSION.—The term 'Commission' means the United States International Trade Commission.

"(4) QUALIFYING EXPENDITURE.—The term 'qualifying expenditure' means an expenditure incurred after the issuance of the antidumping duty finding or order or countervailing duty order in any of the following categories:

"(A) Manufacturing facilities.

"(B) Equipment.

"(C) Research and development.

"(D) Personnel training.

"(E) Acquisition of technology.

"(F) Health care benefits to employees paid for by the employer.

"(G) Pension benefits to employees paid for by the employer.

"(H) Environmental equipment, training, or technology.

"(I) Acquisition of raw materials and other inputs.

"(J) Working capital or other funds needed to maintain production.

"(5) RELATED TO.—A company, business, or person shall be considered to be 'related to' another company, business, or person if—

"(A) the company, business, or person directly or indirectly controls or is controlled by the other company, business, or person,

"(B) a third party directly or indirectly controls both companies, businesses, or persons,

"(C) both companies, businesses, or persons directly or indirectly control a third party and there is reason to believe that the relationship causes the first company, business, or persons to act differently than a nonrelated party.

For purposes of this paragraph, a party shall be considered to directly or indirectly control another party if the party is legally or operationally in a position to exercise restraint or direction over the other party.

"(c) DISTRIBUTION PROCEDURES.—The Commissioner shall prescribe procedures for distribution of the continued dumping or subsidies offset required by this section. Such distribution shall be made not later than 60 days after the first day of a fiscal year from duties assessed during the preceding fiscal year.

"(d) PARTIES ELIGIBLE FOR DISTRIBUTION OF ANTIDUMPING AND COUNTERVAILING DUTIES ASSESSED.—

"(1) LIST OF AFFECTED DOMESTIC PRODUCERS.—The Commission shall forward to the Commissioner within 60 days after the effective date of this section in the case of orders or findings in effect on January 1, 1999, or thereafter, or in any other case, within 60 days after the date an antidumping or countervailing duty order or finding is issued, a list of petitioners and persons with respect to each order and finding and a list of persons that indicate support of the petition by letter or through questionnaire

response. In those cases in which a determination of injury was not required or the Commission's records do not permit an identification of those in support of a petition, the Commission shall consult with the administering authority to determine the identity of the petitioner and those domestic parties who have entered appearances during administrative reviews conducted by the administering authority under section 751.

"(2) PUBLICATION OF LIST; CERTIFICATION.—The Commissioner shall publish in the Federal Register at least 30 days before the distribution of a continued dumping and subsidy offset, a notice of intention to distribute the offset and the list of affected domestic producers potentially eligible for the distribution based on the list obtained from the Commission under paragraph (1). The Commissioner shall request a certification from each potentially eligible affected domestic producer—

"(A) that the producer desires to receive a distribution;

"(B) that the producer is eligible to receive the distribution as an affected domestic producer; and

"(C) the qualifying expenditures incurred by the producer since the issuance of the order or finding for which distribution under this section has not previously been made.

"(3) DISTRIBUTION OF FUNDS.—The Commissioner shall distribute all funds (including all interest earned on the funds) from assessed duties received in the preceding fiscal year to affected domestic producers based on the certifications described in paragraph (2). The distributions shall be made on a pro rata basis based on new and remaining qualifying expenditures.

"(e) SPECIAL ACCOUNTS.—

"(1) ESTABLISHMENTS.—Within 14 days after the effective date of this section, with respect to antidumping duty orders and findings and countervailing duty orders notified under subsection (d)(1), and within 14 days after the date an antidumping duty order or finding or countervailing duty order issued after the effective date takes effect, the Commissioner shall establish in the Treasury of the United States a special account with respect to each such order or finding.

"(2) DEPOSITS INTO ACCOUNTS.—The Commissioner shall deposit into the special accounts, all antidumping or countervailing duties (including interest earned on such duties) that are assessed after the effective date of this section under the antidumping order or finding or the countervailing duty order with respect to which the account was established.

"(3) TIME AND MANNER OF DISTRIBUTIONS.—Consistent with the requirements of subsections (c) and (d), the Commissioner shall by regulation prescribe the time and manner in which distribution of the funds in a special account shall be made.

"(4) TERMINATION.—A special account shall terminate after—

"(a) the order or finding with respect to which the account was established has terminated;

"(B) all entries relating to the order or finding are liquidated and duties assessed collected;

"(C) the Commissioner has provided notice and a final opportunity to obtain distribution pursuant to subsection (c); and

"(D) 90 days has elapsed from the date of the notice described in subparagraph (C).

Amounts not claimed within 90 days of the date of the notice described in subparagraph (C), shall be deposited into the general fund of the Treasury.".

(b) CONFORMING AMENDMENT.—The table of contents for title VII of the Tariff Act of 1930 is amended by inserting the following new item after the item relating to section 753:

"Sec. 754. Continued dumping and subsidy offset.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to all antidumping and countervailing duty assessments made on or after October 1, 2000.

TITLE XI—CONSERVATION OF FARMABLE WETLAND

SECTION 1101. SHORT TITLE.

This title may be cited as the "Conservation of Farmable Wetland Act of 2000".

SEC. 1102. PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

(a) IN GENERAL.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by adding at the end the following:

"(h) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—

"(1) IN GENERAL.—During the 2001 and 2002 calendar years, the Secretary shall carry out a pilot program in the States of Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota under which the Secretary shall include eligible acreage described in paragraph (3) in the program established under this subchapter.

"(2) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each of the States referred to in paragraph (1) have an equitable opportunity to participate in the pilot program established under this subsection.

"(3) ELIGIBLE ACREAGE.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (D), an owner or operator may enroll in the conservation reserve under this subsection—

"(i) a wetland (including a converted wetland described in section 1222(b)(1)(A)) that was cropped during at least 3 of the immediately preceding 10 crop years; and

"(ii) buffer acreage that—

"(I) is contiguous to the wetland described in clause (i);

"(II) is used to protect the wetland; and

"(III) is of such width as the Secretary determines is necessary to protect the wetland, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds the wetland.

"(B) EXCLUSIONS.—An owner or operator may not enroll in the conservation reserve under this subsection—

"(i) any wetland, or land on a floodplain, that is, or is adjacent to, a perennial riverine system wetland identified on the final national wetland inventory map of the Secretary of the Interior; or

"(ii) in the case of an area that is not covered by the final national inventory map, any wetland, or land on a floodplain, that is adjacent to a perennial stream identified on a 1-24,000 scale map of the United States Geological Survey.

"(C) PROGRAM LIMITATIONS.—

"(i) IN GENERAL.—The Secretary may enroll in the conservation reserve under this subsection—

"(I) not more than 500,000 acres in all States referred to in paragraph (1); and

"(II) not more than 150,000 acres in any 1 State referred to in paragraph (1).

"(ii) RELATIONSHIP TO PROGRAM MAXIMUM.—Subject to clause (iii), for the purposes of subsection (d), any acreage enrolled in the conservation reserve under this subsection shall be considered acres maintained in the conservation reserve.

"(iii) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled under this subsection shall not affect for any fiscal year the quantity of—

"(I) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

"(II) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

"(D) OWNER OR OPERATOR LIMITATIONS.—

"(i) WETLAND.—The maximum size of any wetland described in subparagraph (A)(i) of an owner or operator enrolled in the conservation reserve under this subsection shall be 5 contiguous acres.

"(ii) BUFFER ACREAGE.—The maximum size of any buffer acreage described in subparagraph (A)(ii) of an owner or operator enrolled in the conservation reserve under this subsection shall be the greater of—

"(I) 3 times the size of any wetland described in subparagraph (A)(i) to which the buffer acreage is contiguous; or

"(II) 150 feet on either side of the wetland.

"(iii) TRACTS.—The maximum size of any eligible acreage described in subparagraph (A) in a tract (as determined by the Secretary) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 acres.

"(4) DUTIES OF OWNERS AND OPERATORS.—Under a contract entered into under this subsection, during the term of the contract, an owner or operator of a farm or ranch must agree—

"(A) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

"(B) to establish vegetative cover on the eligible acreage, as determined by the Secretary; and

"(C) to carry out other duties described in section 1232.

"(5) DUTIES OF THE SECRETARY.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in return for a contract entered into by an owner or operator under this subsection, the Secretary shall make payments and provide assistance to the owner or operator in accordance with sections 1233 and 1234.

"(B) CONTINUOUS SIGNUP.—The Secretary shall use continuous signup under section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this subsection.

"(C) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this subsection shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.".

SEC. 1103. INCIDENTAL GRAZING.

Section 1232(a)(7)(A) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)(A)) is amended—

(1) by striking "occurs during" and inserting "occurs—

"(I) in the case of land other than eligible acreage enrolled under section 1231(h), during"; and

(2) by adding at the end the following:

"(II) in the case of eligible acreage enrolled under section 1231(h), at any time other than during the period beginning May 1 and ending August 1 of each year for a reduction in rental payment commensurate with the limited economic value of such incidental grazing; and".

SEC. 1104. STUDY OF IMPACT OF PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study of the impact of the pilot program established under section 1231(h) of the Food Security Act of 1985 (16 U.S.C. 3831(h)) (as added by section 1102(a)) on—

(1) enrollment of owners and operators in—

(A) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of that Act (16 U.S.C. 3831 et seq.);

(B) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of that Act (16 U.S.C. 3837 et seq.); and

(C) other Federal and State conservation programs;

(2) types of environmentally sensitive acreage that have not been enrolled in the wetlands reserve program; and

(3) conservation of soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat.

(b) REPORTS.—Not later than March 1, 2003, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the study.

SEC. 1105. REGULATIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to implement the amendments made by this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

TITLE XII—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

SEC. 1201. SHORT TITLE.

This title may be cited as the "Hass Avocado Promotion, Research, and Information Act of 2000".

SEC. 1202. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) Hass avocados are an integral food source in the United States that are a valuable and healthy part of the human diet and are enjoyed by millions of persons every year for a multitude of everyday and special occasions.

(2) Hass avocados are a significant tree fruit crop grown by many individual producers, but virtually all domestically produced Hass avocados for the commercial market are grown in the State of California.

(3) Hass avocados move in interstate and foreign commerce, and Hass avocados that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in Hass avocados.

(4) In recent years, large quantities of Hass avocados have been imported into the United States from other countries.

(5) The maintenance and expansion of markets in existence on the date of enactment of this title, and the development of new or improved markets or uses for Hass avocados are needed to preserve and strengthen the economic viability of the domestic Hass avocado industry for the benefit of producers and other persons associated with the producing, marketing, processing, and consuming of Hass avocados.

(6) An effective and coordinated program of promotion, research, industry information, and consumer information regarding Hass avocados is necessary for the maintenance, expansion, and development of domestic markets for Hass avocados.

(b) PURPOSE.—It is the purpose of this title to authorize the establishment, through the exercise of the powers provided in this title, of an orderly procedure for the development and financing (through an adequate assessment on Hass avocados sold by producers and importers in the United States) of an effective and coordinated program of promotion, research, industry information, and consumer information, including funds for marketing and market research activities, that is designed to—

(1) strengthen the position of the Hass avocado industry in the domestic marketplace; and

(2) maintain, develop, and expand markets and uses for Hass avocados in the domestic marketplace.

(c) LIMITATION.—Nothing in this title may be construed to provide for the control of production or otherwise limit the right of any person to produce, handle, or import Hass avocados.

SEC. 1203. DEFINITIONS.

As used in this title:

(1) BOARD.—The terms "Avocado Board" and "Board" mean the Hass Avocado Board established under section 1205.

(2) CONFLICT OF INTEREST.—The term "conflict of interest" means a situation in which a member or employee of the Board has a direct or indirect financial interest in a person that performs a service for, or enters into a contract with, the Board for anything of economic value.

(3) CONSUMER INFORMATION.—The term "consumer information" means any action or program that provides information to consumers and other persons on the use, nutritional attributes, and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of Hass avocados.

(4) CUSTOMS.—The term "Customs" means the United States Customs Service.

(5) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(6) HASS AVOCADO.—

(A) IN GENERAL.—The term "Hass avocado" includes—

(i) the fruit of any Hass variety avocado tree; and

(ii) any other type of avocado fruit that the Board, with the approval of the Secretary, determines is so similar to the Hass variety avocado as to be indistinguishable to consumers in fresh form.

(B) FORM OF FRUIT.—Except as provided in subparagraph (C), the term includes avocado fruit described in subparagraph (A) whether in fresh, frozen, or any other processed form.

(C) EXCEPTIONS.—In any case in which a handler further processes avocados described in subparagraph (A), or products of such avocados, for sale to a retailer, the Board, with the approval of the Secretary, may determine that such further processed products do not constitute a substantial value of the product and that, based on its determination, the product shall not be treated as a product of Hass avocados subject to assessment under the order. In addition, the Board, with the approval of the Secretary, may exempt certain frozen avocado products from assessment under the order.

(7) HANDLER.—

(A) FIRST HANDLER.—The term "first handler" means a person operating in the Hass avocados marketing system that sells domestic or imported Hass avocados for United States domestic consumption, and who is responsible for remitting assessments to the Board. The term includes an importer or producer who sells directly to consumers Hass avocados that the importer or producer has imported into the United States or produced, respectively.

(B) EXEMPT HANDLER.—The term "exempt handler" means a person who would otherwise be considered a first handler, except that all avocados purchased by the person have already been subject to the assessment under section 1205(h).

(8) IMPORTER.—The term "importer" means any person who imports Hass avocados into the United States.

(9) INDUSTRY INFORMATION.—The term "industry information" means information and programs that are designed to increase efficiency in processing, enhance the development of new markets and marketing strategies, increase marketing efficiency, and activities to enhance the image of Hass avocados and the Hass avocado industry domestically.

(10) ORDER.—The term "order" means the Hass avocado promotion, research, and information order issued under this title.

(11) PERSON.—The term "person" means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

(12) PRODUCER.—The term "producer" means any person who—

(A) is engaged in the domestic production of Hass avocados for commercial use; and

(B) owns, or shares the ownership and risk of loss, of such Hass avocados.

(13) PROMOTION.—The term "promotion" means any action to advance the image, desirability, or marketability of Hass avocados, including paid advertising, sales promotion, and publicity, in order to improve the competitive position and stimulate sales of Hass avocados in the domestic marketplace.

(14) RESEARCH.—The term "research" means any type of test, study, or analysis relating to market research, market development, and marketing efforts, or relating to the use, quality, or nutritional value of Hass avocados, other related food science research, or research designed to advance the image, desirability, and marketability of Hass avocados.

(15) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(16) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(17) UNITED STATES.—The term "United States" means the United States collectively.

SEC. 1204. ISSUANCE OF ORDERS.

(a) IN GENERAL.—

(1) ISSUANCE.—To effectuate the policy of this title specified in section 1202(b), the Secretary, subject to the procedures provided in subsection (b), shall issue orders under this title applicable to producers, importers, and first handlers of Hass avocados.

(2) SCOPE.—Any order shall be national in scope.

(3) ONE ORDER.—Not more than one order shall be in effect at any one time.

(b) PROCEDURES.—

(1) PROPOSAL FOR AN ORDER.—An existing organization of avocado producers established pursuant to a State statute, or any other person who will be affected by this title, may request the issuance of, and submit a proposal for an order.

(2) PUBLICATION OF PROPOSAL.—The Secretary shall publish a proposed order and give notice and opportunity for public comment on the proposed order not later than 60 days after receipt by the Secretary of a proposal for an order from an existing organization of avocado producers established pursuant to a State statute, as provided in paragraph (1).

(3) ISSUANCE OF ORDER.—

(A) IN GENERAL.—After notice and opportunity for public comment are provided in accordance with paragraph (2), the Secretary shall issue the order, taking into consideration the comments received and including in the

order such provisions as are necessary to ensure that the order is in conformity with this title.

(B) EFFECTIVE DATE.—The order shall be issued and become effective only after an affirmative vote in a referendum as provided in section 1206, but not later than 180 days after publication of the proposed order.

(c) AMENDMENTS.—The Secretary, from time to time, may amend an order. The provisions of this title applicable to an order shall be applicable to any amendment to an order.

SEC. 1205. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—An order shall contain the terms and provisions specified in this section.

(b) HASS AVOCADO BOARD.—

(1) ESTABLISHMENT AND MEMBERSHIP.—

(A) ESTABLISHMENT.—The order shall provide for the establishment of a Hass Avocado Board, consisting of 12 members, to administer the order.

(B) MEMBERSHIP.—

(i) APPOINTMENT.—The order shall provide that members of the Board shall be appointed by the Secretary from nominations submitted as provided in this subsection.

(ii) COMPOSITION.—The Board shall consist of participating domestic producers and importers.

(C) SPECIAL DEFINITION OF IMPORTER.—In this subsection, the term "importer" means a person who is involved in, as a substantial activity, the importation, sale, and marketing of Hass avocados in the United States (either directly or as an agent, broker, or consignee of any person or nation that produces or handles Hass avocados outside the United States for sale in the United States), and who is subject to assessments under the order.

(2) DISTRIBUTION OF APPOINTMENTS.—

(A) IN GENERAL.—The order shall provide that the membership of the Board shall consist of the following:

(i) Seven members who are domestic producers of Hass avocados and are subject to assessments under the order.

(ii) Two members who represent importers of Hass avocados and are subject to assessments under the order.

(iii) Three members who are domestic producers of Hass avocados and are subject to assessments under the order, or are importers of Hass avocados and are subject to assessments under the order, to reflect the proportion of domestic production and imports supplying the United States market, which shall be based on the Secretary's determination of the average volume of domestic production of Hass avocados proportionate to the average volume of imports of Hass avocados in the United States over the previous three years.

(B) ADJUSTMENT IN BOARD REPRESENTATION.—Three years after the assessment of Hass avocados commences pursuant to an order, and at the end of each three-year period thereafter, the Avocado Board shall adjust the proportion of producer representatives to importer representatives on the Board under subparagraph (A)(iii) on the basis of the amount of assessments collected from producers and importers over the immediately preceding three-year period. Any adjustment under this subparagraph shall be subject to the review and approval of the Secretary.

(3) NOMINATION PROCESS.—The order shall provide that—

(A) 2 nominees shall be submitted for each appointment to the Board;

(B) nominations for each appointment of a producer or an importer shall be made by domestic producers or importers, respectively—

(i) in the case of producers, through an election process which utilizes existing organizations of avocado producers established pursuant to a State statute, with approval by the Secretary; and

(ii) in the case of importers, nominations are submitted by importers under such procedures as the Secretary determines appropriate; and

(C) in any case in which producers or importers fail to nominate individuals for an appointment to the Board, the Secretary may appoint an individual to fill the vacancy on a basis provided in the order or other regulations of the Secretary.

(4) ALTERNATES.—The order shall provide for the selection of alternate members of the Board by the Secretary in accordance with procedures specified in the order.

(5) TERMS.—The order shall provide that—

(A) each term of appointment to the Board shall be for 3 years, except that, of the initial appointments, 4 of the appointments shall be for 2-year terms, 4 of the appointments shall be for 3-year terms, and 4 of the appointments shall be for 4-year terms; and

(B) no member of the Board may serve more than 2 consecutive terms of three years, except that any member serving an initial term of 4 years may serve an additional term of 3 years.

(6) REPLACEMENT.—

(A) DISQUALIFICATION FROM BOARD SERVICE.—The order shall provide that if a member or alternate of the Board who was appointed as a domestic producer or importer ceases to belong to the group for which such member was appointed, such member or alternate shall be disqualified from serving on the Board.

(B) MANNER OF FILLING VACANCY.—A vacancy arising as a result of disqualification or any other reason before the expiration of the term of office of an incumbent member or alternate of the Board shall be filled in a manner provided in the order.

(7) COMPENSATION.—The order shall provide that members and alternates of the Board shall serve without compensation, but shall be reimbursed for the reasonable expenses incurred in performing duties as members or alternates of the Board.

(c) GENERAL RESPONSIBILITIES OF THE AVOCADO BOARD.—The order shall define the general responsibilities of the Avocado Board, which shall include the responsibility to—

(1) administer the order in accordance with the terms and provisions of the order;

(2) meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(3) recommend to the Secretary rules and regulations to effectuate the terms and provisions of the order;

(4) employ such persons as the Board determines are necessary, and set the compensation and define the duties of the persons;

(5)(A) develop budgets for the implementation of the order and submit the budgets to the Secretary for approval under subsection (d); and

(B) propose and develop (or receive and evaluate), approve, and submit to the Secretary for approval under subsection (d) plans or projects for Hass avocado promotion, industry information, consumer information, or related research;

(6)(A) implement plans and projects for Hass avocado promotion, industry information, consumer information, or related research, as provided in subsection (d); or

(B) contract or enter into agreements with appropriate persons to implement the plans and projects, as provided in subsection (e), and pay the costs of the implementation, or contracts and agreement, with funds received under the order;

(7) evaluate on-going and completed plans and projects for Hass avocado promotion, industry information, consumer information, or related research and comply with the independent evaluation provisions of the Commodity Promotion, Research, and Information Act of 1996 (subtitle B of title V of Public Law 104–127; 7 U.S.C. 7401 et seq.);

(8) receive, investigate, and report to the Secretary complaints of violations of the order;

(9) recommend to the Secretary amendments to the order;

(10) invest, pending disbursement under a plan or project, funds collected through assessments authorized under this title only in—

(A) obligations of the United States or any agency of the United States;

(B) general obligations of any State or any political subdivision of a State;

(C) any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States, except that income from any such invested funds may be used only for a purpose for which the invested funds may be used;

(11) borrow funds necessary for the startup expenses of the order; and

(12) provide the Secretary such information as the Secretary may require.

(d) BUDGETS; PLANS AND PROJECTS.—

(1) SUBMISSION OF BUDGETS.—The order shall require the Board to submit to the Secretary for approval budgets, on a fiscal year basis, of the anticipated expenses and disbursements of the Board in the implementation of the order, including the projected costs of Hass avocado promotion, industry information, consumer information, and related research plans and projects.

(2) PLANS AND PROJECTS.—

(A) PROMOTION AND CONSUMER INFORMATION.—The order shall provide—

(i) for the establishment, implementation, administration, and evaluation of appropriate plans and projects for advertising, sales promotion, other promotion, and consumer information with respect to Hass avocados, and for the disbursement of necessary funds for the purposes described in this clause; and

(ii) that any plan or project referred to in clause (i) shall be directed toward increasing the general demand for Hass avocados in the domestic marketplace.

(B) INDUSTRY INFORMATION.—The order shall provide for the establishment, implementation, administration, and evaluation of appropriate plans and projects that will lead to the development of new markets, maintain and expand existing markets, lead to the development of new marketing strategies, or increase the efficiency of the Hass avocado industry, and activities to enhance the image of the Hass avocado industry, and for the disbursement of necessary funds for the purposes described in this subparagraph.

(C) RESEARCH.—The order shall provide for—

(i) the establishment, implementation, administration, and evaluation of plans and projects for market development research, research with respect to the sale, distribution, marketing, use, quality, or nutritional value of Hass avocados, and other research with respect to Hass avocado marketing, promotion, industry information or consumer information;

(ii) the dissemination of the information acquired through the plans and projects; and

(iii) the disbursement of such funds as are necessary to carry out this subparagraph.

(D) SUBMISSION TO SECRETARY.—The order shall provide that the Board shall submit to the Secretary for approval a proposed plan or project for Hass avocados promotion, industry information, consumer information, or related research, as described in subparagraphs (A), (B), and (C).

(3) APPROVAL BY SECRETARY.—A budget, plan, or project for Hass avocados promotion, industry information, consumer information, or related research may not be implemented prior to approval of the budget, plan, or project by the Secretary. Not later than 45 days after receipt of such a budget, plan, or project, the Secretary shall notify the Board whether the Secretary approves or disapproves the budget, plan, or

project. If the Secretary fails to provide such notice before the end of the 45-day period, the budget, plan, or project shall be deemed to be approved and may be implemented by the Board.

(e) CONTRACTS AND AGREEMENTS.—

(1) PROMOTION, CONSUMER INFORMATION, INDUSTRY INFORMATION AND RELATED RESEARCH PLANS AND PROJECTS.—

(A) IN GENERAL.—To ensure the efficient use of funds, the order shall provide that the Board, with the approval of the Secretary, shall enter into a contract or an agreement with an avocado organization established by State statute in a State with the majority of Hass avocado production in the United States, for the implementation of a plan or project for promotion, industry information, consumer information, or related research with respect to Hass avocados, and for the payment of the cost of the contract or agreement with funds received by the Board under the order.

(B) REQUIREMENTS.—The order shall provide that any contract or agreement entered into under this paragraph shall provide that—

(i) the contracting or agreeing party shall develop and submit to the Board a plan or project, together with a budget that includes the estimated costs to be incurred for the plan or project;

(ii) the plan or project shall become effective on the approval of the Secretary; and

(iii) the contracting party or agreeing party shall—

(I) keep accurate records of all transactions of the party;

(II) account for funds received and expended;

(III) make periodic reports to the Board of activities conducted; and

(IV) make such other reports as the Board or the Secretary shall require.

(2) OTHER CONTRACTS AND AGREEMENTS.—The order shall provide that the Board, with the approval of the Secretary, may enter into a contract or agreement for administrative services. Any contract or agreement entered into under this paragraph shall include provisions comparable to the provisions described in paragraph (1)(B).

(f) BOOKS AND RECORDS OF BOARD.—

(1) IN GENERAL.—The order shall require the Board to—

(A) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may require;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may require; and

(C) account for the receipt and disbursement of all the funds entrusted to the Board, including all assessment funds disbursed by the Board to a State organization of avocado producers established pursuant to State law.

(2) AUDITS.—The Board shall cause the books and records of the Board to be audited by an independent auditor at the end of each fiscal year. A report of each audit shall be submitted to the Secretary.

(g) CONTROL OF ADMINISTRATIVE COSTS.—

(1) SYSTEM OF COST CONTROLS.—The order shall provide that the Board shall, as soon as practicable after the order becomes effective and after consultation with the Secretary and other appropriate persons, implement a system of cost controls based on normally accepted business practices that—

(A) will ensure that the costs incurred by the Board in administering the order in any fiscal year shall not exceed 10 percent of the projected level of assessments to be collected by the Board for that fiscal year; and

(B) cover the minimum administrative activities and personnel needed to properly administer and enforce the order, and conduct, supervise, and evaluate plans and projects under the order.

(2) USE OF EXISTING PERSONNEL AND FACILITIES.—The Board shall use, to the extent possible, the resources, staffs, and facilities of existing organizations, as provided in subsection (e)(1)(A).

(h) ASSESSMENTS.—

(1) AUTHORITY.—

(A) IN GENERAL.—The order shall provide that each first handler shall remit to the Board, in the manner provided in the order, an assessment collected from the producer, except to the extent that the sale is excluded from assessments under paragraph (6). In the case of imports, the assessment shall be levied upon imports and remitted to the Board by Customs.

(B) PUBLISHED LISTS.—To facilitate the payment of assessments under this paragraph, the Board shall publish lists of first handlers required to remit assessments under the order and exempt handlers.

(C) MAKING DETERMINATIONS.—

(i) FIRST HANDLER STATUS.—The order shall contain provisions regarding the determination of the status of a person as a first handler or exempt handler.

(ii) PRODUCER-HANDLERS.—For purposes of paragraph (3), a producer-handler shall be considered the first handler of those Hass avocados that are produced by that producer-handler and packed by that producer-handler for sale at wholesale or retail.

(iii) IMPORTERS.—The assessment on imported Hass avocados shall be paid by the importer to Customs at the time of entry into the United States and shall be remitted by Customs to the Board. Importation occurs when Hass avocados originating outside the United States are released from custody of Customs and introduced into the stream of commerce within the United States. Importers include persons who hold title to foreign-produced Hass avocados immediately upon release by Customs, as well as any persons who act on behalf of others, as agents, brokers, or consignees, to secure the release of Hass avocados from Customs and the introduction of the released Hass avocados into the current of commerce.

(2) ASSESSMENT RATES.—With respect to assessment rates, the order shall contain the following terms:

(A) INITIAL RATE.—The rate of assessment on Hass avocados shall be $.025 per pound on fresh avocados or the equivalent rate for processed avocados on which an assessment has not been paid.

(B) CHANGES IN THE RATE.—

(i) IN GENERAL.—Once the order in is effect, the uniform assessment rate may be increased or decreased not more than once annually, but in no event shall the rate of assessment be in excess of $.05 per pound.

(ii) REQUIREMENTS.—Any change in the rate of assessment under this subparagraph—

(I) may be made only if adopted by the Board by an affirmative vote of at least seven members of the Board and approved by the Secretary as necessary to achieve the objectives of this title (after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title);

(II) shall be announced by the Board not less than 30 days prior to going into effect; and

(III) shall not be subject to a vote in a referendum conducted under section 1206.

(3) COLLECTION BY FIRST HANDLERS.—Except as provided in paragraph (1)(C)(iii), the first handler of Hass avocados shall be responsible for the collection of assessments from the producer under this subsection. As part of the collection of assessments, the first handler shall maintain a separate record of the Hass avocados of each producer whose Hass avocados are so handled, including the Hass avocados produced by the first handler.

(4) TIMING OF SUBMITTING ASSESSMENTS.—The order shall provide that each person required to remit assessments under this subsection shall remit to the Board the assessment due from each sale of Hass avocados that is subject to an assessment within such time period after the sale (not to exceed 60 days after the end of the month in which the sale took place) as is specified in the order.

(5) CLAIMING AN EXEMPTION FROM COLLECTING ASSESSMENTS.—To claim an exemption under section 1203(6) as an exempt handler for a particular fiscal year, a person shall submit an application to the Board—

(A) stating the basis for such exemption; and

(B) certifying such person will not purchase Hass avocados in the United States on which an assessment has not been paid for the current fiscal year.

(6) EXCLUSION.—An order shall exclude from assessments under the order any sale of Hass avocados for export from the United States.

(7) USE OF ASSESSMENT FUNDS.—The order shall provide that assessment funds shall be used for payment of costs incurred in implementing and administering the order, with provision for a reasonable reserve, and to cover the administrative costs incurred by the Secretary in implementing and administering this title, including any expenses incurred by the Secretary in conducting referenda under this title, subject to subsection (i).

(8) ASSESSMENT FUNDS FOR STATE ASSOCIATION.—The order shall provide that a State organization of avocado producers established pursuant to State law shall receive an amount equal to the product obtained by multiplying the aggregate amount of assessments attributable to the pounds of Hass avocados produced in such State by 85 percent. The State organization shall use such funds and any proceeds from the investment of such funds for financing domestic promotion, research, consumer information, and industry information plans and projects, except that no such funds shall be used for the administrative expenses of such State organization.

(9) ASSESSMENT FUNDS FOR IMPORTERS ASSOCIATIONS.—

(A) IN GENERAL.—The order shall provide that any importers association shall receive a credit described in subparagraph (B) if such association is—

(i) established pursuant to State law that requires detailed State regulation comparable to that applicable to the State organization of United States avocado producers, as determined by the Secretary; or

(ii) certified by the Secretary as meeting the requirements applicable to the Board as to budgets, plans, projects, audits, conflicts of interest, and reimbursements for administrative costs incurred by the Secretary.

(B) CREDIT.—An importers association described in subparagraph (A) shall receive 85 percent of the assessments paid on Hass avocados imported by the members of such association.

(C) USE OF FUNDS.—

(i) IN GENERAL.—Importers associations described in subparagraph (A) shall use the funds described in subparagraph (B) and proceeds from the investment of such funds for financing promotion, research, consumer information, and industry information plans and projects in the United States.

(ii) ADMINISTRATIVE EXPENSES.—No funds described in subparagraph (C) shall be used for the administrative expenses of such importers association.

(i) REIMBURSEMENT OF SECRETARY EXPENSES.—The order shall provide for reimbursing the Secretary—

(1) for expenses not to exceed $25,000 incurred by the Secretary in connection with any referendum conducted under section 1206;

(2) for administrative costs incurred by the Secretary for supervisory work of up to 2 employee years annually after an order or amendment to any order has been issued and made effective; and

(3) for costs incurred by the Secretary in implementation of the order issued under section 1204, for enforcement of the title and the order, for subsequent referenda conducted under section 1206, and in defending the Board in litigation arising out of action taken by the Board.

(j) PROHIBITION ON BRAND ADVERTISING AND CERTAIN CLAIMS.—

(1) PROHIBITIONS.—Except as provided in paragraph (2), a program or project conducted under this title shall not—

(A) make any reference to private brand names;

(B) make false, misleading, or disparaging claims on behalf of Hass avocados; or

(C) make false, misleading, or disparaging statements with respect to the attributes or use of any competing products.

(2) EXCEPTIONS.—Paragraph (1) does not preclude the Board from offering its programs and projects for use by commercial parties, under such terms and conditions as the Board may prescribe as approved by the Secretary. For the purposes of this subsection, a reference to State of origin does not constitute a reference to a private brand name with regard to any funds credited to, or disbursed by the Board to, a State organization of avocado producers established pursuant to State law. Furthermore, for the purposes of this section, a reference to either State of origin or country of origin does not constitute a reference to a private brand name with regard to any funds credited to, or disbursed by the Board to, any importers association established or certified in accordance with subsection (h)(9)(A).

(k) PROHIBITION ON USE OF FUNDS TO INFLUENCE GOVERNMENTAL ACTION.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), the order shall prohibit any funds collected by the Board under the order from being used in any manner for the purpose of influencing legislation or government action or policy.

(2) EXCEPTION.—Paragraph (1) shall not apply to the development or recommendation of amendments to the order.

(l) PROHIBITION OF CONFLICT OF INTEREST.—The Board may not engage in, and shall prohibit the employees and agents of the Board from engaging in, any action that would be a conflict of interest.

(m) BOOKS AND RECORDS; REPORTS.—

(1) IN GENERAL.—The order shall provide that each first handler, producer, and importer subject to the order shall maintain, and make available for inspection, such books and records as are required by the order and file reports at the time, in the manner, and having the content required by the order, to the end that such information is made available to the Secretary and the Board as is appropriate for the administration or enforcement of this title, the order, or any regulation issued under this title.

(2) CONFIDENTIALITY REQUIREMENT.—

(A) IN GENERAL.—Information obtained from books, records, or reports under paragraph (1) shall be kept confidential by all officers and employees of the Department of Agriculture and by the staff and agents of the Board.

(B) SUITS AND HEARINGS.—Information described in subparagraph (A) may be disclosed to the public only—

(i) in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, involving the order; and

(ii) to the extent the Secretary considers the information relevant to the suit or hearing.

(C) GENERAL STATEMENTS AND PUBLICATIONS.—Nothing in this paragraph may be construed to prohibit—

(i) the issuance of general statements, based on the reports, of the number of persons subject to the order or statistical data collected from the reports, if the statements do not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of the name of any person who violates the order, together with a statement of the particular provisions of the order violated by the person.

(3) LISTS OF IMPORTERS.—

(A) REVIEW.—The order shall provide that the staff of the Board shall periodically review lists of importers of Hass avocados to determine whether persons on the lists are subject to the order.

(B) CUSTOMS SERVICE.—On the request of the Secretary or the Board, the Commissioner of the United States Customs Service shall provide to the Secretary or the Board lists of importers of Hass avocados.

(n) CONSULTATIONS WITH INDUSTRY EXPERTS.—

(1) IN GENERAL.—The order shall provide that the Board may seek advice from and consult with experts from the production, import, wholesale, and retail segments of the Hass avocado industry to assist in the development of promotion, industry information, consumer information, and related research plans and projects.

(2) SPECIAL COMMITTEES.—

(A) IN GENERAL.—For the purposes described in paragraph (1), the order shall authorize the appointment of special committees composed of persons other than Board members.

(B) CONSULTATION.—A committee appointed under subparagraph (A) shall consult directly with the Board.

(o) OTHER TERMS OF THE ORDER.—The order shall contain such other terms and provisions, consistent with this title, as are necessary to carry out this title (including provision for the assessment of interest and a charge for each late payment of assessments under subsection (h)).

SEC. 1206. REFERENDA.

(a) REQUIREMENTS FOR INITIAL REFERENDUM.—

(1) REFERENDUM REQUIRED.—During the 60-day period immediately preceding the proposed effective date of an order issued under section 1204(b)(3), the Secretary shall conduct a referendum among producers and importers required to pay assessments under the order, as provided in section 1205(h)(1).

(2) APPROVAL OF ORDER NEEDED.—The order shall become effective only if the Secretary determines that the order has been approved by a simple majority of all votes cast in the referendum.

(b) VOTES PERMITTED.—

(1) IN GENERAL.—Each producer and importer eligible to vote in a referendum conducted under this section shall be entitled to cast 1 vote if they satisfy the eligibility requirements as defined in paragraph (2).

(2) ELIGIBILITY.—For purposes of paragraph (1), producers and importers, as these terms are defined in section 1203, shall be considered to be eligible to vote if they have been producers or importers with sales of Hass avocados during a period of at least 1 year prior to the referendum.

(c) MANNER OF CONDUCTING REFERENDA.—

(1) IN GENERAL.—Referenda conducted pursuant to this title shall be conducted in a manner determined by the Secretary.

(2) ADVANCE REGISTRATION.—A producer or importer of Hass avocados who chooses to vote in any referendum conducted under this title shall register with the Secretary prior to the voting period, after receiving notice from the Secretary concerning the referendum under paragraph (4).

(3) VOTING.—A producer or importer of Hass avocados who chooses to vote in any referendum conducted under this title shall vote in accordance with procedures established by the Secretary. The ballots and other information or reports that reveal or tend to reveal the identity or vote of voters shall be strictly confidential.

(4) NOTICE.—The Secretary shall notify all producers and importers at least 30 days prior to the referendum conducted under this title. The notice shall explain the procedure established under this subsection.

(d) SUBSEQUENT REFERENDA.—If an order is approved in a referendum conducted under subsection (a), effective beginning on the date that is 3 years after the date of the approval, the Secretary—

(1) at the discretion of the Secretary, may conduct at any time a referendum of producers and importers required to pay assessments under the order, as provided in section 1205(h)(1), subject to the voting requirements of subsections (b) and (c), to ascertain whether eligible producers and importers favor suspension, termination, or continuance of the order; or

(2) shall conduct a referendum of eligible producers and importers if requested by the Board or by a representative group comprising 30 percent or more of all producers and importers required to pay assessments under the order, as provided in section 1205(h)(1), subject to the voting requirements of subsections (b) and (c), to ascertain whether producers and importers favor suspension, termination, or continuance of the order.

(e) SUSPENSION OR TERMINATION.—If, as a result of a referendum conducted under subsection (d), the Secretary determines that suspension or termination of the order is favored by a simple majority of all votes cast in the referendum, the Secretary shall—

(1) not later than 180 days after the referendum, suspend or terminate, as appropriate, collection of assessments under the order; and

(2) suspend or terminate, as appropriate, activities under the order as soon as practicable and in an orderly manner.

SEC. 1207. PETITION AND REVIEW.

(a) PETITION AND HEARING.—

(1) PETITION.—A person subject to an order may file with the Secretary a petition—

(A) stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) HEARING.—The petitioner shall be given the opportunity for a hearing on a petition filed under paragraph (1), in accordance with regulations issued by the Secretary. Any such hearing shall be conducted in accordance with section 1209(b)(2) and be held within the United States judicial district in which the residence or principal place of business of the person is located.

(3) RULING.—After a hearing under paragraph (2), the Secretary shall make a ruling on the petition, which shall be final if in accordance with law.

(4) LIMITATION.—Any petition filed under this subsection challenging an order, any provision of the order, or any obligation imposed in connection with the order, shall be filed within 2 years after the effective date of the order, provision, or obligation subject to challenge in the petition.

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—The district courts of the United States in any district in which a person who is a petitioner under subsection (a) resides or conducts business shall

have jurisdiction to review the ruling of the Secretary on the petition of the person, if a complaint requesting the review is filed no later than 20 days after the date of the entry of the ruling by the Secretary.

(2) Process.—Service of process in proceedings under this subsection shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) Remand.—If the court in a proceeding under this subsection determines that the ruling of the Secretary on the petition of the person is not in accordance with law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion the court, the law requires.

(c) Enforcement.—The pendency of proceedings instituted under this section shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief under section 1208.

SEC. 1208. ENFORCEMENT.

(a) Jurisdiction.—A district court of the United States shall have jurisdiction to enforce, and to prevent and restrain any person from violating, this title or an order or regulation issued by the Secretary under this title.

(b) Referral to Attorney General.—A civil action brought under subsection (a) shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this title, or an order or regulation issued under this title, if the Secretary believes that the administration and enforcement of this title would be adequately served by administrative action under subsection (c) or suitable written notice or warning to the person who committed or is committing the violation.

(c) Civil Penalties and Orders.—

(1) Civil penalties.—

(A) In general.—A person who violates a provision of this title, or an order or regulation issued by the Secretary under this title, or who fails or refuses to pay, collect, or remit any assessment or fee required of the person under an order or regulation issued under this title, may be assessed by the Secretary—

(i) a civil penalty of not less than $1,000 nor more than $10,000 for each violation; and

(ii) in the case of a willful failure to remit an assessment as required by an order or regulation, an additional penalty equal to the amount of the assessment.

(B) Separate offenses.—Each violation shall be a separate offense.

(2) Cease and desist orders.—In addition to or in lieu of a civil penalty under paragraph (1), the Secretary may issue an order requiring a person to cease and desist from continuing a violation of this title, or an order or regulation issued under this title.

(3) Notice and hearing.—No penalty shall be assessed, or cease and desist order issued, by the Secretary under this subsection unless the Secretary gives the person against whom the penalty is assessed or the order is issued notice and opportunity for a hearing before the Secretary with respect to the violation. Any such hearing shall be conducted in accordance with section 1209(b)(2) and shall be held within the United States judicial district in which the residence or principal place of business of the person is located.

(4) Finality.—The penalty assessed or cease and desist order issued under this subsection shall be final and conclusive unless the person against whom the penalty is assessed or the order is issued files an appeal with the appropriate district court of the United States in accordance with subsection (d).

(d) Review by District Court.—

(1) Commencement of action.—

(A) In general.—Any person against whom a violation is found and a civil penalty is assessed or a cease and desist order is issued under subsection (c) may obtain review of the penalty or order by, within the 30-day period beginning on the date the penalty is assessed or the order is issued—

(i) filing a notice of appeal in the district court of the United States for the district in which the person resides or conducts business, or in the United States District Court for the District of Columbia; and

(ii) sending a copy of the notice by certified mail to the Secretary.

(B) Copy of record.—The Secretary shall promptly file in the court a certified copy of the record on which the Secretary found that the person had committed a violation.

(2) Standard of review.—A finding of the Secretary shall be set aside under this subsection only if the finding is found to be unsupported by substantial evidence.

(e) Failure To Obey an Order.—

(1) In general.—A person who fails to obey a cease and desist order issued under subsection (c) after the order has become final and unappealable, or after the appropriate United States district court had entered a final judgment in favor of the Secretary of not more than $10,000 for each offense, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d).

(2) Separate violations.—Each day during which the person fails to obey an order described in paragraph (1) shall be considered as a separate violation of the order.

(f) Failure To Pay a Penalty.—

(1) In general.—If a person fails to pay a civil penalty assessed under subsection (c) or (e) after the penalty has become final and unappealable, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any United States district court in which the person resides or conducts business.

(2) Scope of review.—In an action by the Attorney General under paragraph (1), the validity and appropriateness of a civil penalty shall not be subject to review.

(g) Additional Remedies.—The remedies provided in this title shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 1209. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) Investigations.—The Secretary may conduct such investigations as the Secretary considers necessary for the effective administration of this title, or to determine whether any person has engaged or is engaging in any act that constitutes a violation of this title or any order or regulation issued under this title.

(b) Subpoenas, Oaths, and Affirmations.—

(1) Investigations.—For the purpose of conducting an investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The production of the records may be required from any place in the United States.

(2) Administrative hearings.—For the purpose of an administrative hearing held under section 1207(a)(2) or 1208(c)(3), the presiding officer may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of the records may be required from any place in the United States.

(c) Aid of Courts.—

(1) In general.—In the case of contumacy by, or refusal to obey a subpoena issued under subsection (b) to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is conducted, or where the person resides or conducts business, in order to enforce a subpoena issued under subsection (b).

(2) Order.—The court may issue an order requiring the person referred to in paragraph (1) to comply with a subpoena referred to in paragraph (1).

(3) Failure to obey.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

(4) Process.—Process in any proceeding under this subsection may be served in the United States judicial district in which the person being proceeded against resides or conducts business, or wherever the person may be found.

SEC. 1210. CONFIDENTIALITY.

(a) Prohibition.—No information regarding names of voters or how a person voted in a referendum conducted under this title shall be made public.

(b) Penalty.—Any person who knowingly violates subsection (a) or the confidentiality terms of an order, as described in section 1205(m)(2), shall be subject to a fine of not less that $1,000 nor more than $10,000 or to imprisonment for not more than 1 year, or both. If the person is an officer or employee of the Department of Agriculture or the Board, the person shall be removed from office.

(c) Additional Prohibition.—No information obtained under this title may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this title or an investigatory or enforcement action necessary for the implementation of this title.

(d) Withholding Information From Congress Prohibited.—Nothing in this title shall be construed to authorize the withholding of information from Congress.

SEC. 1211. AUTHORITY FOR SECRETARY TO SUSPEND OR TERMINATE ORDER.

(a) Grounds for Suspension or Termination.—If the Secretary finds that an order, or any provision of the order, obstructs or does not tend to effectuate the policy of this title specified in section 1202(b), the Secretary shall terminate or suspend the operation of the order or provision under such terms as the Secretary determines are appropriate.

(b) Effect of Lack of Approval of Order.—If, as a result of a referendum, the Secretary determines that the order is not approved, the Secretary shall, within 180 days after making the determination, suspend, or terminate, as appropriate, collection of assessments under the order, and suspend or terminate, as appropriate, activities under the order in an orderly manner as soon as possible.

SEC. 1212. RULES OF CONSTRUCTION.

(a) Termination or Suspension Not an Order.—The termination or suspension of an order, or a provision of an order, shall not be considered an order under the meaning of this title.

(b) Rights.—This title—

(1) may not be construed to provide for control of production or otherwise limit the right of individual Hass avocado growers, handlers and importers to produce, handle, or import Hass avocados; and

(2) shall be construed to treat all persons producing, handling, and importing Hass avocados fairly and to implement any order in an equitable manner.

(c) Other Programs.—Nothing in this title may be construed to preempt or supersede any other program relating to Hass avocado promotion, research, industry information, and

consumer information organized and operated under the laws of the United States or of a State.

SEC. 1213. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this title and the powers vested in the Secretary by this title, including regulations relating to the assessment of late payment charges and interest.

SEC. 1214. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this title.

(b) ADMINISTRATIVE EXPENSES.—Funds appropriated under subsection (a) may not be used for the payment of the expenses or expenditures of the Board in administering a provision of an order.

TITLE XIII—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,000,000,000.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001".

Following is explanatory language on H.R. 5426, as introduced on October 6, 2000.

The conferees on H.R. 4461 agree with the matter included in H.R. 5426 and enacted in this conference report by reference and the following description of it. This bill was developed through negotiations by the conferees on the differences in H.R. 4461. References in the following description to the "conference agreement" mean the matter included in the introduced bill enacted by this conference report.

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House and Senate bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

In cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conference agreement provides $2,914,000 for the Office of the Secretary instead of $2,836,000 as proposed by the House and $27,914,000 as proposed by the Senate.

The conferees note that $40,000,000 for the development and implementation of a common computing environment is provided under the heading "Common Computing Environment" instead of $25,000,000 as proposed by the House.

The conference agreement does not adopt bill language as proposed by the Senate providing that funds for the development and implementation of a common computing environment shall be available only upon prior notice to the Committees on Appropriations.

The conference agreement does not include House language permitting unobligated balances of representation funds in the Foreign Agricultural Service to be used for official reception and representation purposes.

The conferees direct the Secretary to provide to the Committees on Appropriations a detailed report of all USDA activities related to Hurricane Mitch recovery efforts in Central America. The report should specifically include, but not be limited to, a list of all agencies that participated in the efforts, the specific activities by each agency, the cost incurred by each agency, and the source of funding for these costs.

The Secretary of Agriculture is urged to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in meeting the fuel needs of the Department of Agriculture.

As the Administration proceeds with implementing the 1998 Congressional amendments to the Clean Air Act, the conferees urge that it closely follow the legislative language defining the quarantine and preshipment exemption. The conferees also urge the Administration to work with stakeholders regarding methyl bromide availability for critical post-harvest uses.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

The conference agreement provides $7,462,000 for the Office of the Chief Economist as proposed by the Senate instead of $6,408,000 as proposed by the House.

NATIONAL APPEALS DIVISION

The conference agreement provides $12,421,000 for the National Appeals Division (NAD) as proposed by the Senate instead of $11,718,000 as proposed by the House.

The conferees direct that the Director of NAD track and make available information about Director Review Determinations that are made in favor of the Department and those that are made in favor of the producer, and that NAD make this information available to the public, and submit a report to the Committees on Appropriations no later than February 1, 2001, as proposed by the House.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

The conference agreement provides $6,765,000 for the Office of Budget and Program Analysis as proposed by the Senate instead of $6,581,000 as proposed by the House.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides $10,051,000 for the Office of the Chief Information Officer as proposed by the House instead of $10,046,000 as proposed by the Senate. This includes the following increases from the fiscal year 2000 level: $1,392,000 for a central cyber security program; $1,280,000 to strengthen the information risk management program; $1,116,000 for an information and telecommunications security architecture; and $217,000 for pay costs.

The conferees direct the Chief Information Officer to keep the Committees updated on a quarterly basis as the information security programs are implemented.

COMMON COMPUTING ENVIRONMENT

The conference agreement provides $40,000,000 in a separate account for the Common Computing Environment instead of $25,000,000 as proposed by the House.

The conferees note that incorporating geographic information systems technology and the use of geospatial information are important components of the Common Computing Environment.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides $5,171,000 for the Office of the Chief Financial Officer as proposed by the Senate instead of $4,783,000 as proposed by the House.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The conference agreement provides $629,000 for the Office of the Assistant Secretary for Administration as proposed by the Senate instead of $613,000 as proposed by the House.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

The conference agreement provides $182,747,000 for Agriculture Buildings and Facilities and Rental Payments as proposed by the Senate instead of $150,343,000 as proposed by the House.

The conferees expect that the five percent transfer authority will be proposed when a move into General Services Administration (GSA) space is vacated in favor of commercial space. The report further notes that this flexibility is provided to allow for incremental changes in the amount of GSA space, and is not intended to finance changes in GSA billing.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $36,010,000 for Departmental Administration instead of $34,708,000. as proposed by the House and $36,840,000 as proposed by the Senate.

The conference agreement reflects the transfer of $177,000 in FY 2000 for accounting support services from Departmental Administration to the Office of the Chief Financial Officer, and increases of $979,000 for pay costs and $500,000 for alternative dispute resolution.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

The conference agreement provides $3,568,000 for the Office of the Assistant Secretary for Congressional Relations as proposed by the House and the Senate. The conference agreement allows funds to be transferred to the agencies, but does not prescribe the amount of funds to be transferred. The conferees direct the Department, within 30 days of enactment, to notify the Committees on the allocation of these funds, including an explanation for any agency-by-agency distribution of these funds.

OFFICE OF COMMUNICATIONS

The conference agreement provides $8,623,000 for the Office of Communications instead of $8,138,000 as proposed by the House and $8,873,000 as proposed by the Senate.

The conference agreement includes the increase requested for pay costs and $250,000 for electronic access to information.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $68,867,000 for the Office of the Inspector General instead of $66,867,000 as proposed by the Senate and $65,097,000 as proposed by the House.

The conference agreement includes $2,000,000 for oversight and audit activities involving the more than $16 billion provided in emergency agricultural assistance in fiscal years 1999 and 2000. The conferees want to ensure the Inspector General's office has resources to carry out its oversight activities with respect to these funds.

The conferees do not agree to language proposed by the Senate directing the Inspector General to investigate whether National Appeals Division decisions overwhelmingly favor the Department. The conference agreement addresses this issue under the National Appeals Division account.

Office of the General Counsel

The conference agreement provides $31,080,000 for the Office of the General Counsel as proposed by the Senate instead of $29,194,000 as proposed by the House.

Office of the Under Secretary for Research, Education and Economics

The conference agreement provides $556,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the Senate instead of $540,000 as proposed by the House.

Economic Research Service

The conference agreement provides $67,038,000 for the Economic Research Service as proposed by the Senate instead of $66,419,000 as proposed by the House. Included in this amount is $12,195,000 for USDA food assistance program studies and evaluations, of which $1,000,000 is transferred to the Food Program Administration account of the Food and Nutrition Service as proposed by the Senate.

Of the $1,000,000 to be transferred to the Food and Nutrition Service for studies and evaluations, $500,000 is to be made available for a study on the decline in participation in the food stamp program. The FNS study on this issue is to be completed by the Food and Nutrition Service within 180 days of enactment of this Act.

The conferees note that the USDA released a study in June, 2000, on this same issue. In addition, the USDA has contracted out for a broader, more in-depth study of food stamp program access and declining food stamp participation. The conferees are concerned that the studies to date neither accounted for a large segment of the participation decline, nor did they fully account for the corresponding rise in demand among community food banks. The Department is encouraged to develop the ongoing study in a manner to answer these questions.

The conferees direct the Economic Research Service to provide an interim report, by April 15, 2001, on the number of suppliers of infant formula in each state or major marketing area, and to compare the cost of formula that is included in the WIC rebate program versus the cost of formula that is not in the WIC rebate program. The conferees expect a final report by August 31, 2001.

National Agricultural Statistics Service

The conference agreement provides $100,772,000 for the National Agricultural Statistics Service instead of $100,851,000 as proposed by the House and $100,615,000 as proposed by the Senate. This amount includes $159,000 to develop and implement a bi-weekly cream/milkfat price survey to benefit all segments of the dairy industry.

Agricultural Research Service

SALARIES AND EXPENSES

The conference agreement provides $898,812,000 for the Agricultural Research Service instead of $843,584,000 as proposed by the House and $871,593,000 as proposed by the Senate.

The conference agreement approves all directives and provides funding for all research and related costs, as specified in the House and Senate reports accompanying the fiscal year 2001 appropriations bill. Where increased funding is provided by both the House and Senate for the same research activity, the conference agreement provides funding at the higher level.

The conferees are aware that USDA is considering the relocation of ARS scientists from the Shafter Cotton Research Station, CA. The conferees are concerned that this relocation will reduce the level of resources for cotton research conducted at the station. The conference agreement provides continued funding at the fiscal year 2000 level for this research and directs that no action be taken to shift funds or staffing resources from Shafter without the prior approval of the Committees on Appropriations of both Houses of Congress.

The conferees recognize that ARS, Stoneville, MS, should be properly credited with the development of a catfish line (USDA 103) with improved growth characteristics. The Stoneville Unit has also developed the first channel catfish detailed genetic linkage map.

Increased funding provided by the conference agreement for endophyte research, as recommended by the House, is to be divided equally among the participating institutions (University of Arkansas, University of Missouri, and Oregon State University).

Increased funding provided by the conference agreement for chicken genome mapping, as recommended by the House, is to be carried out at the Avian Disease Oncology Laboratory, currently located in East Lansing, Michigan.

The conferees encourage the Department to carry out glassy-winged sharpshooter and Pierce's disease research at Parlier, CA.

The conferees expect the Department to ensure that funds provided to the Yakima Agricultural Research Laboratory intended for potato research are fully utilized for potato research.

The conferees concur with House report language regarding increased funding, as recommended by both the House and Senate, for potato research at Prosser, WA.

Increased funding provided by the conference agreement for mosquito trapping research and West Nile virus, as recommended by the House, is to be utilized for cooperative research with the State of Connecticut Agricultural Experiment Station for research that focuses on the West Nile virus crisis. These resources will allow the experiment station to enhance its on-going efforts to control and eradicate this infectious disease.

Within the increased funding provided by the conference agreement for soil tilth research, as recommended by the House, $350,000 is to be utilized for carbon cycle research focusing on the corn-soybean rotation.

BUILDINGS AND FACILITIES

The conference agreement provides $74,200,000 for Agricultural Research Service, Building and Facilities instead of $39,300,000 as proposed by the House and $56,330,000 as proposed by the Senate.

The following table reflects the conference agreement:

Arizona: Water Conservation and Western Cotton Laboratory, Maricopa.	$5,000,000
California: Western Regional Research Center, Albany.	4,900,000
District of Columbia: U.S. National Arboretum.	3,330,000
Hawaii: U.S. Pacific Basin Agricultural Research Center, Hilo.	5,000,000
Illinois: USDA Greenhouse Complex, Urbana.	3,600,000
Iowa: National Animal Disease Center, Ames.	9,000,000
Kansas: U.S. Grain Marketing Research Laboratory, Manhattan.	3,500,000
Maine: Northeast Marine Cold Water Aquaculture Research Center, Orono.	2,500,000
Maryland:	
Human Nutrition Research Center, Beltsville.	13,300,000
National Agricultural Library, Beltsville.	1,770,000
Mississippi: Insect Rearing Facility, Stoneville.	5,000,000
Montana: Fort Keogh Laboratory, Miles City.	5,300,000
New York: Plum Island Animal Disease Center, Greenport.	7,000,000
Utah: Poisonous Plant Laboratory, Logan.	5,000,090
Total	$74,200,000

The conferees are aware that the Agriculture Research Station and the Animal and Plant Health Inspection Service are developing a Master Plan to construct new and expanded facilities at Ames, Iowa. The conferees direct the Secretary of Agriculture to assess the scope of and need for this project based on the research and regulatory requirements of the Department, and the relationship between this project and existing capabilities available to the Department. The Office of the Secretary of Agriculture is directed to submit a report to the Committees on Appropriations by March 1, 2001 that will include this assessment as well as current estimates of full costs and the proposed construction schedule for this project. Of the funds appropriated no more than $2,000,000 will be expended prior to March 30, 2001. The Department will not commit additional funds on any of the components of this project after that date unless the report finds that the construction of the component is found to be appropriate.

Cooperative State Research, Education, and Extension Service

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides $506,193,000 for research and education activities instead of $481,551,000 as proposed by the House and $494,044,000 as proposed by the Senate.

The following table reflects the conference agreement:

Research and education activities

(In thousands of dollars)

	Conference Agreement
Payments under the Hatch Act	$180,545
Cooperative Forestry Research (McIntire-Stennis)	21,932
Payments to 1890 Colleges and Tuskegee University	32,676
Special Research Grants (Public Law 89–106):	
Advanced genetic technologies (KY)	475
Advanced spatial technologies (MS)	1,000
Aegilops cylindricum (WA)	360
Aflatoxin (IL)	131

	Conference Agreement
Agricultural diversification (HI)	131
Agricultural diversity/Red River Trade Corridor (MN,ND)	375
Agricultural telecommunications (NY)	425
Agriculture-based industrial lubricants (IA)	350
Agriculture water usage (GA)	300
Agroecology (MD)	285
Alliance of food protection (GA, NE)	300
Alternative crops (ND)	625
Alternative corps for arid lands (TX)	100
Alternative nutrient management (VT)	190
Alternative salmon products (AK)	645
Animal science food safety consortium (AR, IA, KS)	1,635
Apple fire blight (MI, NY)	500
Aquaculture (AR)	238
Aquaculture (FL)	446
Aquaculture (LA)	330
Aquaculture (MS)	592
Aquaculture (NC)	300
Aquaculture (VA)	100
Aquaculture (WA)	285
Aquaculture Product and Marketing Development (WV)	750
Asparagus technology and production (WA)	225
Babcock Institute (WI)	600
Beef technology transfer (MO)	285
Biobased technology (MI)	285
Bioinformatics (VA)	475
Biomass-based energy research (OK, MS)	902
Biotechnology (NC)	285
Blocking anhydrous methamphetamine production (IA)	248
Bovine Tuberculosis (MI)	325
Brucellosis vaccine (MT)	496
Center for animal health & productivity (PA)	113
Center for Rural Studies (VT)	200
Chesapeake Bay agroecology (MD)	175
Chesapeake Bay aquaculture	392
Citrus canker (FL)	4,750
Citrus tristeza	742
Competitiveness of agriculture products (WA)	680
Cool season legume research (ID, WA)	329
Cranberry/blueberry (MA)	175
Cranberry/blueberry disease and breeding (NJ)	220
Dairy and meat goat research (TX)	63
Dairy farm profitability (PA)	285
Delta rural revitalization (MS)	205
Designing foods for health (TX)	563
Diaprepes/root weevil (FL)	395
Drought mitigation (NE)	200
Ecosystems (AL)	500
Efficient irrigation (NM, TX)	1,188
Environmental biotechnology (RI)	190
Environmental horticulture (FL)	285
Environmental research (NY)	400
Environmental risk factors/cancer (NY)	227
Environmentally-safe products (VT)	246
Exotic pest diseases (CA)	1,250
Expanded wheat pasture (OK)	293
Farm injuries and illnesses (NC)	285
Feed barley for rangeland cattle (MT)	694
Fish and shellfish technologies (VA)	475
Floriculture (HI)	250
Food and Agriculture Policy Research Institute (IA, MO)	950
Food irradiation (IA)	225
Food Marketing Policy Center (CT)	495
Food processing center (NE)	42
Food quality (AK)	350
Food safety (AL)	521
Food safety research consortium (NY)	285
Food Systems Research Group (WI)	500
Forages for advancing livestock production (KY)	375
Forestry (AR)	523
Fruit and vegetable market analysis (AZ, MO)	348
Generic commodity promotions, research and evaluation (NY)	198
Global change/ultraviolet radiation	1,434
Grain sorghum (KS)	106
Grass seed cropping systems for sustainable agriculture (ID, OR, WA)	423
Human nutrition (IA)	473
Human nutrition (LA)	752
Human nutrition (NY)	622
Hydroponic tomato production (OH)	100
Illinois-Missouri Alliance for Biotechnology	1,242
Improved dairy management practices (PA)	398
Improved early detection of crop disease (NC)	198
Improved fruit practices (MI)	445
Infectious disease research (CO)	300
Institute for Food Science & Engineering (AR)	1,250
Integrated production systems (OK)	180
Intelligent quality sensor for food safety (ND)	142
International arid lands consortium	495
Iowa Biotechnology Consortium	1,564
Livestock and dairy policy (NY, TX)	570
Lowbush blueberry research (ME)	260
Maple research (VT)	119
Meadowfoam (OR)	300
Michigan biotechnology consortium	725
Midwest Advanced Food Manufacturing Alliance	462
Midwest agricultural products (IA)	646
Milk safety (PA)	375
Minor use animal drugs	550
Molluscan shellfish (OR)	400
Multi-commodity research (OR)	364
Multi-cropping strategies for aquaculture (HI)	127
National beef cattle genetic evaluation consortium (NY)	285
National biological impact assessment	254
Nematode resistance genetic engineering (NM)	127
Nevada arid rangelands initiative (NV)	300
New crop opportunities (AK)	496
New crop opportunities (KY)	725
Non-food uses of agricultural products (NE)	64
Nursery, greenhouse, and turf specialities (AL)	285
Oil resources from desert plants (NM)	175
Organic waste utilization (NM)	100
Pasture and forage research (UT)	250
Peach tree short life (SC)	179
Peanut allergy reduction (AL)	500
Pest control alternatives (SC)	117
Phytophthora root rot (NM)	138
Pierce's disease (CA)	1,900
Plant, drought, and disease resistance gene cataloging (NM)	250
Potato research	1,450
Precision agriculture (KY)	750
Preharvest food safety (KS)	212
Preservation and processing research (OK)	226
Produce pricing (AZ)	76
Protein utilization (IA)	190
Rangeland ecosystems (NM)	300
Red snapper research (AL)	725
Regional barley gene mapping project	588
Regionalized implications of farm programs (MO, TX)	294
Rice Modeling (AR)	296
Rural Development Centers (PA, IA, ND, MS, OR, LA)	523
Rural Policies Research Institute (NE, IA, MO)	822
Russian wheat aphid (CO)	250
Safe vegetable production (GA)	285
Satsuma orange research (AL)	475
Sclerotina disease research (MN)	238
Seafood and acquaculture harvesting, processing, and marketing (MS)	305
Seafood harvesting, processing, and marketing (AK)	1,168
Seafood safety (MA)	278
Small fruit research (OR, WA, ID)	325
Southwest consortium for plant genetics and water resources	369
Soybean cyst nematode (MO)	600
STEEP-water quality in the Pacific Northwest	500
Sustainable agriculture (CA)	393
Sustainable agriculture (MI)	445
Sustainable agriculture and natural resources (PA)	100
Sustainable agriculture systems (NE)	59
Sustainable agriculture beef supply (MT)	744
Sustainable pest management for dryland wheat (MT)	462
Swine waste management (NC)	500
Technological development of renewable resources (MO)	285
Tillage silviculture, waste management (LA)	212
Tomato wilt virus (GA)	250
Tropical aquaculture (FL)	198
Tropical and subtropical research/T STAR	3,862
Turkey carna virus (IN)	200
Value-added product development from agricultural resources (MT)	332
Value-added products (IL)	95
Vidalia onions (GA)	250
Viticulture consortium (NY, CA, PA)	1,500
Water conservation (KS)	79
Weed control (ND)	436
Wetland plants (LA)	600
Wheat genetic research (KS)	261
Wheat sawfly research (MT)	332
Wood utilization (AK, ID, ME, MI, MN, MS, NC, OR, TN)	5,786
Wool research (TX, MT, WY)	300
Subtotal, Special Grants	85,669
Improved pest control:	
Emerging pests/critical issues	200

	Conference Agreement
Expert IPM decision support system	177
Integrated pest management	2,731
IR-4 minor crop pest management	8,990
Pest management alternatives	1,623
Subtotal, Improved pest control	13,721
National Research Initiative (NRI) Competitive Grants	106,000
Animal health and disease (sec. 1433)	5,109
Alternative crops	800
Critical Agricultural Materials Act	640
1994 Institutions research program	1,000
Institution challenge grants	4,350
Graduate fellowships grants	3,000
Multicultural scholars program	1,000
Hispanic education partnership grants	3,500
Capacity building grants (1890 Institutions)	9,500
Payments to the 1994 Institutions	1,552
Alaska Native serving and Native Hawaiian-serving Institutions education grants	3,000
Secondary agriculture education	800
Sustainable agriculture research and education/SARE	9,250
Aquaculture centers (sec. 1475)	4,000
Federal Administration:	
Agriculture development in the American Pacific	564
Agriculture waste utilization (WV)	496
Agriculture water policy (GA)	366
Alternative fuels characterization laboratory (ND)	259
Animal waste management (OK)	275
Biotechnology (MS)	591
Center for Agricultural and Rural Development (IA)	428
Center for innovative food technology (OH)	761
Center for North American Studies (TX)	87
Climate change research (FL)	170
Cotton research (TX)	500
Data Information system	2,125
Geographic information system	1,025
Germplasm development in forage grasses (OH)	100
Livestock marketing information center (CO)	185
Mariculture (NC)	325
Mississippi Valley State University	647
National Center for Peanut Competitiveness (GA)	400
Office of Extramural Programs	449
Pay costs and FERS	1,100
Peer panels	350
PM-10 air quality study (WA)	436
Precision agriculture/Geospatial Training and Application Center (AL)	587
Precision agriculture/Tennessee Valley Research and Extension Center (AL)	147
Shrimp aquaculture (AZ, HI, MA, MS, SC, TX)	4,177
Sustainable agriculture development (OH)	475
Urban silviculture (NY)	238
Water quality (IL)	349
Water quality (ND)	395
Wetland plants (WV)	142
Subtotal, Federal Administration	18,149
Total, Research and Education Activities	$506,193

The conference agreement includes $800,000 for alternative crops, of which $600,000 is for canola and $200,000 is for hesperaloe and other natural products from desert plants.

The conference agreement for Binational Agricultural Research and Development (BARD) is included under the "Agricultural Research Service, Salaries and Expenses" account, which provides $400,000 as proposed by the Senate instead of $400,000 under CSREES Research and Education Activities as proposed by the House.

The conference agreement provides $106,000,000 for the National Research Initiative (NRI), without specifying the breakdown of funds to support the "high priority research" areas authorized by 7 U.S.C. 450i(b). However, the conferees direct that $20,788,000 of this amount, the full request level, be made available to support the President's Food Safety Initiative. The conferees also encourage a fair distribution of resources between research on animal systems and plants.

The conferees are aware that CSREES intends to fill the position of National Program Leader, Agricultural Engineering, vacated by retirement. The conferees intend that the primary responsibilities of the position should continue to support ginning education and technology transfer and be based at a USDA ginning laboratory facility to maintain efficiency and ensure close communications with stakeholders and researchers.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

The conference agreement provides $7,100,000 for the Native American Institutions Endowment Fund as proposed by both the House and the Senate, with technical corrections as proposed by the Senate.

EXTENSION ACTIVITIES

The conference agreement provides $433,429,000 for extension activities instead of $431,540,000 as proposed by the House and $427,380,000 as proposed by the Senate.

The following table reflects the conference agreement:

Extension Activities

[In thousands of dollars]

	Conference agreement
Smith-Lever sections 3(b) and (c)	$276,548
Smith-Lever section 3(d):	
Farm safety	4,000
Food and nutrition education	58,695
Indian reservation agents	2,000
Pesticide applicator training	0
Pest management	10,783
Rural development centers	908
Sustainable agriculture	3,800
Youth at risk	8,500
Youth farm safety education and certification	500
Renewable Resources Extension Act	3,192
1890 Colleges & Tuskegee University	28,243
1890 facilities grants	12,200
Rural health and safety education	2,628
Extension services at the 1994 institutions	3,280
Subtotal	415,277
Federal administration:	
After-school program (CA)	399
Ag in the Classroom	452
Beef producers improvement (AR)	197
Botanical garden initiative (IL)	238
Conservation technology transfer (WI)	475
Dairy education (IA)	238
Delta Teachers Academy	3,500
Diabetes detection, prevention (WA)	926
Efficient irrigation (NM/TX)	1,900
Extension specialist (MS)	100
Family farm beef industry network (OH)	1,320
Food animal residue avoidance database/FARAD	285
Food Electronically and Effectively Distributed (FEED) demonstration project (OR)	167
Income enhancement demonstration (OH)	246
Integrated cow/calf management (IA)	285
National Center for Agriculture Safety (IA)	195
Pilot technology transfer (WI)	163
Pilot technology transfer (OK, MS)	326
Potato pest management (WI)	190
Range improvement (NM)	197
Rural development (AK)	618
Rural development (NM)	280
Rural rehabilitation (GA)	246
Vocational agriculture (OK)	276
Wood biomass as an alternative farm product (NY)	197
General administration and pay	4,736
Total, Federal Administration	18,152
Total, Extension Activities	$433,429

The conference agreement includes $4,000,000 for farm safety, of which $2,800,000 is for the AgrAbility project.

INTEGRATED ACTIVITIES

The conference agreement provides $41,941,000 for integrated activities instead of $39,541,000 as proposed by the House and $43,365,000 as proposed by the Senate.

The following table reflects the conference agreement:

Integrated Activities Account

[In thousands of dollars]

	Conference agreement
Integrated Research, Education and Extension Competitive Grants Program:	
Water Quality	$13,000

	Conference agreement
Food Safety	15,000
Pesticide Impact Assessment	4,541
Crops at Risk From FQPA Implementation	1,500
FQPA Risk Mitigation Program for Major Food Crop Systems	4,900
Methyl Bromide Transition Program	2,500
Organic Transition Program	500
Total, Integrated Activities	41,941

The conferees direct the Department to continue funding for the Farm*A*Syst program at no less than the fiscal year 1999 level, and encourage the Department to give consideration to $4,000,000 for this program within the funds provided for water quality.

Office of the Under Secretary for Marketing and Regulatory Programs

The conference agreement provides $635,000 for the Office of the Under Secretary for Marketing and Regulatory Programs as proposed by the Senate instead of $618,000 as proposed by the House.

Animal and Plant Health Inspection Service

SALARIES AND EXPENSES

The conference agreement provides $530,564,000 for the Animal and Plant Health Inspection Service (APHIS) instead of $469,985,000 as proposed by the House and $458,149,000 as proposed by the Senate.

The conference agreement does not include the House bill language "reduced by $15,510."

The conference agreement includes language permitting up to $1,000,000 for wildlife services methods development pilot projects for wildlife predation of livestock.

The conference agreement includes an additional $59,400,000 for boll weevil eradication program as proposed by the Senate in Division B.

The conferees direct the agency not to deduct administrative and overhead expenses from the additional funding provided for boll weevil eradication. The conferees support the producer-governed Boll Weevil Action Committee's unanimously approved plan for allocation of the emergency and regular funding for eradication zones active as of December 1, 2000. The conferees understand the plan provides for distribution of funds on a pro-rata basis with exceptions to address special funding requirements arising from extraordinary circumstances in Oklahoma, Mississippi and possibly Tennessee.

The conferees are concerned about the need for more control of rabies. The conferees direct the Secretary of Agriculture to issue a declaration of emergency with regard to rabies in West Virginia, Ohio, Vermont, New Hampshire, New York, Pennsylvania, and Texas, and to provide an additional $4,100,000 above the fiscal year 2000 level for control efforts by the Animal and Plant Health Service (APHIS), Wildlife Services. Of this amount, not less than $1,300,000 is to be directed toward cooperative rabies control in West Virginia.

The following table reflects the conference agreement:

[In thousands of dollars]

	Conference agreement
Pest and Disease Exclusion:	
Agricultural quarantine inspection	$38,970
User fees	85,000
Subtotal, Agricultural Quarantine Inspection	123,970
Cattle ticks	5,276
Foot-and-mouth disease	3,803
Import/export	7,025
Sanitary/phytosanitary management	8,205
Fruit fly exclusion and detection	32,610
Screwworm	30,375
Tropical bont tick	407
Total, Pest and Disease Exclusion	211,671
Plant and Animal Health Monitoring:	
Animal health monitoring and surveillance	68,653
Animal and plant health regulatory enforcement	6,263
Emergency Management System	2,997
Pest detection	6,729
Total, Plant and Animal Health Monitoring	84,642
Pest and Disease Management Programs:	
Aquaculture	920
Biocontrol	8,318
Boll weevil	79,157
Brucellosis eradication	9,943
Emerging plant pests	3,533
Golden nematode	580
Gypsy moth	4,417
Imported fire ant	2,100
Noxious weeds	1,124
Pink bollworm	1,548
Pseudorabies	4,039
Scrapie eradication	3,024
Tuberculosis	5,474
Wildlife services operations	36,781
Witchweed	1,506
Total, Pest and Disease Management	162,464
Animal Care:	
Animal welfare	12,167
Horse protection	398
Total, Animal Care	12,565
Scientific and Technical Services:	
Biotechnology/environmental protection	10,021
Integrated systems acquisition project	1,000
Plant methods development laboratories	4,806
Veterinary biologics	10,751
Veterinary diagnostics	17,514
Wildlife Services methods development	11,025
Total, Scientific and Technical Services	55,117
Contingency fund	4,105
Invasive species	0
Total, Contingency Fund and Invasive Species	4,105
Total, Salaries and Expenses	530,564

The conference agreement provides $625,000 for a cooperative agreement with Georgia Wildlife Services and the University of Georgia to conduct research on and control of game bird predation in Georgia.

The conference agreement provides an increase of $1,000,000 above the fiscal year 2000 level for predator control programs for livestock operators in Montana, Idaho and Wyoming.

The conference agreement provides $50,000 to begin studies in order to better understand the effect of American white pelicans and their associated ecology on the aquaculture industry in the Mid-south.

The conferees are aware that the General Accounting Office has been asked to provide an analysis of the likely impact of an extension of the Andean Trade Preferences Act on imports of Peruvian asparagus within six months of the date of enactment of this Act. The conferees support this request and note the importance of completion of the study by the date requested.

The conferees urge the use of the VAC-TRAC Verification System (VTVS) through Artificial Intelligence networking in the establishment of the permanent animal identification system in the United States. The VTVS will possibly help enforce APHIS' port of entry agricultural quarantine program and assure the safety and efficacy of veterinary biological and agricultural biotechnology products overseen by APHIS.

The conference agreement includes an increase of $1,000,000 above the fiscal year 2000 level for aviation operations and safety.

The conference agreement includes an increase of $2,000,000 above the fiscal year 2000 level for the shared responsibility with the states to conduct surveys, compliance monitoring, and enforcement responsibilities affiliated with the fire ant quarantine of nursery and greenhouse plants including control, management and eradication of the imported fire ant in New Mexico.

The conference agreement provides $500,000 for research and evaluation of nicarbazin as a means of controlling goose and other avian populations and to increase airport safety.

The conference agreement does not adopt House report language regarding apportionment of funds by the Office of Management and Budget. The conferees direct the Department to notify the Committees on Appropriations when funds are released from the Commodity Credit Corporation for APHIS programs.

The conference agreement provides $920,000 for aquaculture including an increase of $191,000 above the fiscal year 2000 level to continue the telemetry studies on depredating species of wildlife in the Southeast and to pay for cost increases. The conference agreement also includes $100,000 to support a wildlife biologist at the Northwest Florida Aquaculture Farm in Blountstown, FL.

The conference agreement provides an increase of $124,000 for the National Poultry Improvement Program.

The conferees emphasize that they expect the Secretary to continue to conduct a wildlife services program consistent with the program in place on the date of enactment of this Act. The Secretary is expected to take all actions deemed necessary and proper to protect agricultural resources, natural resources, property, and public health and safety on all lands with respect to injurious animals such as predators, rodents, birds, reptiles, and amphibians. The conferees also emphasize the importance to develop and implement methods that best promote and further utilize non-lethal means of control in order to sustain diversity of and reduce harm to native species, and realize savings and efficiencies among public agencies and those seeking agency assistance. The conferees expect the Secretary to continue cooperating with all parties interested in agency activities and to conduct such investigations, experiments, and tests as he may deem necessary and proper to determine, demonstrate, and promulgate the best methods of eliminating the threats posed by injurious animals in the most efficient and humane manner practicable. The conferees further expect the General Accounting Office to provide a report to the Appropriations Committees of the House and the Senate by November 30, 2001 on actions taken or planned by Wildlife Services to reduce the threats posed by injurious animals; the nature, severity, and harm resulting from such threats; specific costs and benefits of agency operations; and opportunities for developing effective non-lethal methods of control as evidenced by evaluations of actual agency activities on farms and ranches representative of client appeals for assistance and results.

The conference agreement provides an increase of $50,000 above the fiscal year 2000 level for a cooperative agreement with Murray State University, Breathitt Veterinary Center, Hopkinsville, KY to determine the impact on animal health from common agricultural chemical usage.

The conference agreement provides an increase of $2,370,000 above the fiscal year 2000 level for the emergency management systems program so the agency can respond to crises that threaten the economic health of the animal industry.

The conferees direct the agency to evaluate its authority and its resources for sufficiency to promote the safety of companion animals transported on commercial airlines. This study should include recommendations regarding any authority needed by the agency to improve animal safety on all commercial airlines.

BUILDINGS AND FACILITIES

The conference agreement provides $9,870,000 for Animal and Plant Health Inspection Service Buildings and Facilities as proposed by the Senate instead of $5,200,000 as proposed by the House.

Agricultural Marketing Service

MARKETING SERVICES

The conference agreement provides $65,335,000 for the Agricultural Marketing Service instead of $56,326,000 as proposed by the House and $64,696,000 as proposed by the Senate. The conference agreement provides that $639,000 shall be transferred for the National Organic Standards program only after promulgation of a final rule as proposed by the House. The total amount recommended includes: $5,900,000 for the Livestock Mandatory Price Reporting Act of 1999 as proposed by the Senate instead of $3,000,000 as proposed by the House; $6,235,000 for the Microbiological Data program as proposed by the Senate; an increase of $1,106,000 for the Pesticide Data program as proposed by the House instead of $1,137,000 as proposed by the Senate; and an increase of $31,000 for the Federal-State Marketing Improvement program as proposed by the House.

The conferees expect that, prior to implementation of the recommendations of the USDA Research and Promotion Task Force, the Agricultural Marketing Service will conduct a cost and benefit analysis of the recommendations of the USDA Research and Promotion Task Force, and report to the Committees on Appropriations of the House of Representatives and the Senate on the cost implications to the affected commodity promotion boards.

The conferees place the highest emphasis on ensuring the safety of meals delivered through USDA's various feeding programs. The conferees direct that USDA will not preclude the use of any USDA-approved food safety technology in the preparation of food for its meal or nutrition programs.

PAYMENTS TO STATES AND POSSESSIONS

The conference agreement provides $1,350,000 for the Payments to States and Possessions program instead of $1,500,000 as proposed by the House and $1,200,000 as proposed by the Senate.

Grain Inspection, Packers and Stockyards Administration

SALARIES AND EXPENSES

The conference agreement provides $31,420,000 for the Grain Inspection, Packers and Stockyards Administration instead of $27,801,000 as proposed by the House and $27,269,000 as proposed by the Senate.

The conference agreement includes $600,000 for the completion of a biotechnology facility.

The conferees direct the Secretary of Agriculture to conduct a comprehensive study on the issue of captive supply, and deliver a report by September 30, 2001. In particular, the Secretary is instructed to examine and report on whether or not the cattle that are procured pursuant to a captive supply arrangement by a packer's non-reporting subsidiary, affiliate and owners, officers and employees are being included in the percentages as captive supply. The report shall also include the reasons why GIPSA's annual "Packers and Stockyard Statistical Report" frequently reports a captive supply percentage much lower than the percentages reported by other entities.

Office of the Under Secretary for Food Safety

The conference agreement provides $460,000 for the Office of the Under Secretary for Food Safety as proposed by the Senate instead of $446,000 as proposed by the House.

Food Safety and Inspection Service

The conference agreement provides $696,704,000 for the Food Safety and Inspection Service instead of $673,790,000 as proposed by the House and $678,011,000 as proposed by the Senate.

The conference agreement includes $591,258,000 for federal food inspection.

The conference agreement includes $6,000,000 to be used to the extent approved by the Director of the Office of Management and Budget to liquidate obligations incurred in previous years that violated the Antideficiency Act. The conferees expect the agency to take appropriate action to avoid violations of the Antideficiency Act from occurring again.

The conference agreement does not adopt Senate bill language providing that the appropriation shall not be available for shell egg surveillance under the Egg Products Inspection Act.

The conferees direct the agency to provide $500,000 to the National Research Council for an evaluation, at the earliest date practicable, by the National Research Council of the role of scientifically determined criteria, including microbiological criteria, in the production and regulation of meat and poultry products and a report, including recommendations to the Secretary, to be prepared by the National Advisory Committee on Microbiological Criteria for Foods, no later that March 1, 2001, regarding microbiological performance standards, including the role of such standards as a means of assuring meat and poultry product safety, as well as such other considerations as the Committee deems appropriate. These activities should in no way delay the implementation of the HACCP inspection system or other food safety activities.

The conferees direct the agency to continue to provide the Quarterly Report on Budget Execution and Staffing to the Committees on Appropriations.

The conference agreement does not include language under this heading which permits FSIS to expend funds appropriated for FY 2001 to liquidate overobligations and overexpenditures incurred in previous fiscal years as proposed by the House.

The conferees note that the conference agreement provides for all mandatory pay cost increases and the full amount requested for the FSIS portion of the Food Safety Initiative.

The conference agreement includes full funding for inspection costs and activities and $2,039,000 for activities related to the Codex Alimentarius. The conferees note increased responsibilities for the agency regarding participation in the Codex Alimentarius. The conference agreement provides for not to exceed $50,000 for representational expenses associated with Codex activities.

The conferees direct a report by March 1, 2001 on meat and poultry inspection regulations in place prior to publication of the Pathogen Reduction HACCP Rule.

Furthermore, the conferees, in supporting food safety regulations based upon the best available science, recognize the importance of the National Advisory Committee for Microbiological Criteria for Foods' (NACMF) chartered mission of providing impartial, scientific advice to Federal agencies on food safety matters. The conferees, therefore, direct that as part of Department of Health and Human Services and Department of Agriculture's ongoing rechartering of the NACMF, the Secretary of Agriculture and Secretary of Health and Human Services shall: (1) appoint a number of members consistent with scientific advisory committees utilized by agencies such as the Food and Drug Administration and the U.S. Environmental Protection Agency; (2) adhere strictly to applicable Federal conflict-of-interest requirements for Federal advisory committee membership; (3) report to the Committee on Appropriations and Committee on Agriculture, Nutrition, and Forestry of the U.S. Senate, the Committee on Appropriations and Committee on Agriculture in the U.S. House of Representatives, and the Secretaries of Agriculture and Health and Human Services on any conflicts of interest of NACMF members involved in making recommendations to federal agencies, whether waived under applicable Federal law or not, and what those conflicts are.

Office of the Under Secretary for Farm and Foreign Agricultural Services

The conference agreement provides $589,000 for the Office of the Under Secretary for Farm and Foreign Agricultural Services as proposed by the Senate instead of $572,000 as proposed by the House.

Farm Service Agency

SALARIES AND EXPENSES

The conference agreement provides $828,385,000 for the salaries and expenses of the Farm Service Agency (FSA), the same as proposed by the House, Senate and President's budget request. The conferees are concerned, however, that the budget request did not include a funding request sufficient to maintain FSA county office employees at the fiscal year 2000 level. Rural communities and agricultural producers rely heavily on the programs administered by the FSA county office employees during periods of economic decline. Since the economic crisis and FSA workload are not expected to decline in the near future, the conferees expect that future funding requests will fully support the workload needs of county office employees.

STATE MEDIATION GRANTS

The conferees are aware of outstanding issues regarding confidentiality of client information and auditing requirements necessary to maintain program integrity in the State Mediation Program. The conferees strongly encourage the relevant agencies to work cooperatively to balance those program interests and propose further reauthorization requirements as appropriate.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The following table reflects the conference agreement:

Farm Ownership Loans:	
Guaranteed	($870,000,000)
Subsidy	4,437,000
Farm Operating Loans:	
Direct	(525,000,000)
Subsidy	47,355,000
Unsubsidized Guaranteed	(1,077,839,000)
Subsidy	14,770,000
Subsidized Guaranteed	(369,902,000)
Subsidy	30,185,000
Emergency Loans	(25,000,000)
Subsidy	6,133,000
Indian Tribe Land Acquisition Loans	(2,006,000)
Subsidy	323,000

The conferees considered the estimated large carry over balances in the Agricultural Credit Insurance Fund Program account in determining the fiscal year 2001 funding amounts. The estimated carry over balances and the conference agreement reflect at a minimum the President's budget request. In the case of emergency loans, the total amount available is $292,802,000 with a subsidy of $71,825,000, reflecting an increase of $142,738,000 and $35,014,000, respectively, over the President's request.

RISK MANAGEMENT AGENCY

The conference agreement provides $65,597,000 for the Risk Management Agency (RMA) as proposed by the Senate instead of $67,700,000 as proposed by the House.

The conferees recognize the importance of improved risk management tools for dairy farmers and expect the RMA to allow the participation of producers in the Dairy Options Pilot Program (DOPP) for more than one year. The complexities inherent in DOPP require a full understanding of all facets of the program rather than a mere introduction to any benefits or problems. Accordingly, the Administrator of RMA is directed to report to the Appropriations Committees of the House and the Senate by January 2001 on agency compliance with this directive.

CORPORATIONS

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

The conference agreement provides such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses as proposed by the Senate instead of a limitation of $27,771,007,000 as proposed by the House.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

The conference agreement provides $711,000 for the Office of the Under Secretary for Natural Resources and Environment as proposed by the Senate instead of no appropriation as proposed by the House.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement provides $714,116,000 for Conservation Operations as proposed by the Senate instead of $676,812,000 as proposed by the House. Included in this amount is not less than $9,125,000 for operation and establishment of plant materials centers as proposed by the House instead of not less than $9,975,000 as proposed by the Senate.

The conference agreement provides $2,000,000 for the Urban Resources Partnership program, the same amount as the budget request, of which $1,000,000 is available only after promulgation of a final rule for the program.

The conference agreement includes language that makes $204,000 available for the American Heritage Rivers program, the same amount as the budget request.

The conferees recognize the long-term nature of the technical assistance work associated with EQIP contracts and recommend that the technical assistance component be reimbursed, from the Commodity Credit Corporation, for all costs associated with new and existing contracts.

In addition to the items in the House and Senate reports that are not changed by the conference agreement, funding is included for the following items: fiscal year 2000 funding level for the National Water Management Center in Arkansas; $290,000 to expand cooperative efforts with Delaware State University as proposed by the House instead of $500,000 as proposed by the Senate; $5,000,000 for pilot projects for technology systems resulting in nutrient reduction in Florida and North Carolina instead of $1,600,000 as proposed by the House; $525,000 for a cooperative agreement with the Georgia Soil and Water Conservation Commission; $750,000 for Hungry Canyon/Loess Hills erosion control instead of $900,000 as proposed by the Senate; $500,000 above the fiscal year 2000 funding level for Chesapeake Bay activities instead of $1,000,000 as proposed by the Senate; $250,000 for the Squirrel Branch drainage project in Mississippi instead of $500,000 as proposed by the Senate; $100,000 for a cooperative agreement for soil erosion and water quality analysis with Alcorn State University; $150,000 for Tallahagga grade stabilization; no funds to implement Phase II for watershed work in Walton, New York instead of $525,000 as proposed by the House; $300,000 for a study to characterize land use change in cooperation with Clemson University instead of $350,000 as proposed by the Senate; $300,000 for Oregon Garden in Silverton instead of $400,000 as proposed by the Senate; $225,000 to test emerging alternative technology to reduce phosphorus loading into Lake Champlain instead of $300,000 as proposed by the Senate; $18,000,000 for the Grazing Lands Conservation Initiative as proposed by the House instead of $17,000,000 as proposed by the Senate; $725,000 for the Great Lakes Basin Program instead of $700,000 as proposed by the House and $750,000 as proposed by the Senate; $1,000,000 above the fiscal year 2000 level for the Wildlife Management Institute for developing and transferring fish and wildife technology to States and field offices; and an increase of $14,060,000 above the fiscal year 2000 funding level for AFO/CAFO instead of $8,660,000 above fiscal year 2000 as proposed by the House.

WATERSHED SURVEYS AND PLANNING

The conference agreement provides $10,868,000 for Watershed Surveys and Planning as proposed by the House instead of $10,705,000 as proposed by the Senate. The conference agreement includes language providing $136,000 for American Heritage Rivers, the same amount as requested in the budget.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $99,443,000 as proposed by the Senate instead of $83,423,000 as proposed by the House. The conference agreement includes $15,000,000 for watersheds authorized under the Flood Control Act of 1936 as proposed by the Senate instead of $12,000,000 as proposed by the House.

The conference report includes a provision that earmarks $8,000,000 of the funds available for Emergency Watershed Protection activities for Mississippi, Wisconsin, New Mexico, and Ohio for financial and technical assistance for pilot rehabilitation projects.

The conference agreement includes funds for a study in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River.

In addition to the items in the House and Senate reports that are not changed by the conference agreement, the following item is included: funds for financial assistance to implement Phase II of a multi-year agreement between the NRCS and the Watershed Agricultural Council in Walton, New York including funds to monitor perpetual stewardship easements.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement provides $42,015,000 for Resource Conservation and Development instead of $41,708,000 as proposed by the House and $36,265,000 as proposed by the Senate.

FORESTRY INCENTIVES PROGRAM

The conference agreement provides $6,325,000 for the Forestry Incentives Program as proposed by the Senate. The House bill provided no funds for this account.

TITLE III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conference agreement provides $605,000 for the Office of the Under Secretary for Rural Development as proposed by the Senate instead of $588,000 as proposed by the House.

The conferees expect the Department to give consideration to the following requests for assistance from rural development programs: rural business enterprise grants to the Lower Mississippi Delta Development Center in Memphis, TN, the Central Kentucky Growers in Georgetown, KY, the Warren County Port Commission in Vicksburg, MS, and the York (PA) Farmers' Market; assistance from community facilities grant and loan programs for construction of a Filipino community center in Waipahu in Honolulu County, HI; assistance from the distance learning program to the Memphis Mid-south Telemedicine Network Initiative in Tennessee and an outreach program for e-commerce and a high school mentoring program at New Mexico State University; financial assistance to the Town of Newton, MA for upgrades to the sewer system to comply with Clean Water Act standards; funding for the Rockland County (NY) Cornell Cooperative

Extension facility; financial assistance, including use of other federal funds to offset USDA loans, for new wastewater treatment facilities in Beach City, OH, and assistance to deal with the environmental health risk due to the quality of water in Browning and East Glacier, MT located on the Blackfeet Indian Reservation and assistance for a sanitary sewers project in Jerusalem Township, Lucas County, OH.

The conferees expect the Department to apply established review procedures when considering applications.

The conferees direct the Department to fund the completion of a study by the National Ground Water Association that would identify and develop strategies to address economic, legal, technological, or public health issues that must be addressed prior to developing a publicly financed program to assist individual low and moderate income households to secure financing for the installation or refurbishing of individually owned household water well systems.

The conferees recognize the urgent need to provide adequate medical care for the members of the Mississippi Band of Choctaw Indians (the Tribe) and other eligible individuals residing in east central Mississippi including Attala, Winston, Noxubee, Leake, Neshoba, Kemper, Scott, Newton, Jasper, and Jones counties. The Tribe, under the provisions of a Self-Governance Compact with the Indian Health Service/U.S. Department of Health and Human Services is the major provider of comprehensive health care services to this large community. Given the rapid population growth in this community, especially young children, the conferees understand there is a critical need to update, expand and modernize the Tribe's existing medical facilities especially the Choctaw Health Center, the Choctaw Residential Center, and the Tribe's ambulatory medical and dental care facilities in the outlying rural clinics in Red Water, Bogue Chitto, and Conehatta.

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides $762,542,000 for the Rural Community Advancement Program (RCAP) instead of $775,837,000 as proposed by the House and $759,284,000 as proposed by the Senate.

The conference agreement does not include Senate language that specifies program levels within the total made available under the RCAP for assistance to Native Americans. The conferees are aware of housing, utility, business opportunity, and educational infrastructure needs and direct the Department to allocate program benefits in a manner that best serves the requirements of this population, but expect that up to $4,000,000 shall be available for community facility grants for tribal college improvements.

The conference agreement adopts House language setting aside funds provided for Federally Recognized Native American Tribes for technical assistance for rural transportation.

The conference agreement does not adopt House language setting aside $2,000,000 for an agritourism program. The conferees direct the Department to consider requests for agritourism funding and use funds provided under the RCAP to assist meritorious projects.

The conference agreement adopts House language setting aside $5,000,000 for hazardous weather early warning systems.

The conference agreement adopts House language setting aside $5,000,000 for rural partnership technical assistance grants.

The conference agreement does not adopt House language setting aside $2,000,000 for loans to firms that market and process biobased products.

The conference agreement adopts Senate language providing for up to one percent of funds provided for water and waste disposal systems in Alaska for program administration and up to one percent to improve interagency coordination.

The conference agreement adopts Senate language providing $16,125,000 for technical assistance grants.

The conference agreement adopts Senate language setting aside $34,704,000 for Rural Utility Services programs under the Rural Economic Area Partnership Zones.

The conferees direct that of the funds provided for technical assistance for rural waste systems, $7,300,000 be designated for the Rural Community Assistance Program.

The conference agreement includes language provided in title VII to define the use of funds awarded under the Rural Community Development Initiative.

The conferees direct the Department to give priority consideration to applications that will assist producers' transition from tobacco to alternative crops, and to applications that will add value to alternative crops within those states most dependent on tobacco production.

The conferees direct the Department to use RBOG funds for the regional development activities of multi-jurisdictional planning and development organizations serving general purpose units of local government.

The conferees are aware of and encourage the Department to consider applications from the City of Valdez to repair avalanche damage to its water and sewer system through the Water and Waste Disposal Loan and Grants program.

The following table indicates the distribution of funding for the RCAP:

Water/Sewer	$644,360,000
Community Facilities	53,225,000
Business-Cooperative Development	64,957,000
Total	762,542,000
Earmarks:	
Tech. Assist. (water/sewer)	16,215,000
Circuit Rider	9,500,000
Native Americans	24,000,000
Rural Community Development Initiative	6,000,000

RURAL DEVELOPMENT

SALARIES AND EXPENSES

The conference agreement provides $130,371,000 for Rural Development Salaries and Expenses as proposed by the Senate instead of $120,270,000 as proposed by the House.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $254,640,000 for activities under the Rural Housing Insurance Fund Program Account as proposed by the House instead of $285,279,000 as proposed by the Senate. The conference agreement provides for an estimated loan program level of $5,068,649,000 instead of $5,073,497,000 as proposed by the House and $4,564,372,000 as proposed by the Senate.

The conference agreement adopts House language providing up to $5,400,000 for a demonstration program in North Carolina on the use of modular housing.

The conference agreement adopts Senate language providing $13,832,000 for empowerment zones and enterprise communities designated as Rural Economic Area Partnership Zones.

The conference agreement adopts Senate language providing for a transfer of $409,233,000 to salaries and expenses.

The following table indicates loan and subsidy levels provided in the conference agreement:

Rural Housing Insurance Fund Program Account:	
Loan authorizations:	
Single family (sec. 502)	($1,100,000,000)
Unsubsidized guaranteed	(3,700,000,000)
Housing repair (sec. 504)	(32,396,000)
Rental housing (sec. 515)	(114,321,000)
Multi-family housing guarantees (sec. 538)	(100,000,000)
Site loans (sec. 524)	(5,152,000)
Credit sales of acquired property	(11,780,000)
Self-help housing land development fund	(5,000,000)
Total, Loan authorizations	(5,068,649,000)
Loan subsidies:	
Single family (sec. 502)	176,760,000
Unsubsidized guaranteed	7,400,000
Housing repair (sec. 504)	11,481,000
Multi-family housing guarantees (sec. 538)	1,520,000
Rental housing (sec. 515)	56,326,000
Site loans (sec. 524)	———
Credit sales of acquired property	874,000
Self-help housing land development fund	279,000
Total, Loan subsidies	254,640,000
RHIF administration expenses (transfer to RHS)	409,233,000
Total, Rural Housing Insurance Fund	1,343,873,000
(Loan authorization)	(5,068,649,000)

RENTAL ASSISTANCE PROGRAM

The conference agreement provides $680,000,000 for the Rental Assistance Program as proposed by the Senate instead of $655,900,000 as proposed by the House.

MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides $34,000,000 for Mutual and Self-Help Housing Grants as proposed by the Senate instead of $28,000,000 as proposed by the House.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $44,000,000 for Rural Housing Assistance Grants as proposed by the Senate instead of $39,000,000 as proposed by the House.

The conference agreement adopts Senate language setting aside $5,000,000 for a housing demonstration program for workers in the agriculture, aquaculture and seafood processing industries.

FARM LABOR PROGRAM ACCOUNT

The conference agreement provides $30,000,000 for the Farm Labor Program Account as proposed by the House instead of $28,750,000 as proposed by the Senate. The conference agreement provides $15,000,000 for loan subsidies and $15,000,000 for grants.

The conference agreement does not adopt House language providing $3,000,000 for grants to migrant and seasonal farm workers.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The conference agreement adopts Senate language providing for a transfer of $3,640,000 to salaries and expenses.

The conference agreement adopts Senate language setting aside $2,036,000 for Federally Recognized Native American Tribes and $4,072,000 for Mississippi Delta Region counties.

The conferees direct the Department to give priority consideration to applications that will assist producers' transition from tobacco to alternative crops and to applications that will add value to alternative crops within those states most dependent on tobacco production.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides $6,500,000 for Rural Cooperative Development Grants as proposed by the House instead of $6,000,000 as proposed by the Senate.

The conference agreement adopts House language providing $2,000,000 for the appropriate technology transfer for rural areas program.

The conference agreement adopts Senate language providing not to exceed $1,500,000 for cooperatives or associations of cooperatives, whose primary focus is to provide assistance to small, minority producers.

The conference agreement does not provide for the requested transfer of $2,000,000 from salaries and expenses to fund cooperative research agreements.

NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER REVOLVING FUND

The conference agreement does not provide $5,000,000 for the National Sheep Industry Improvement Center Revolving Fund as proposed by the House. The Senate bill provided no funds for this program. This matter is addressed in title VII.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $40,374,000 for activities under the Rural Electrification and Telecommunications Loans Program Account as proposed by the Senate instead of $33,270,000 as proposed by the House. The conference agreement provides for an estimated loan program level of $3,111,500,000 as proposed by the Senate instead of $2,040,000,000 as proposed by the House.

The conference agreement adopts Senate language providing for a transfer of $34,716,000 to salaries and expenses.

The following table indicates loan and subsidy levels provided in the conference agreement:

Rural Electrification and Telecommunications Loans Program Account:	
Loan authorizations:	
Electric:	
Direct, 5 percent	($121,500,000)
Direct, Muni	(295,000,000)
Direct, FFB	(1,700,000,000)
Direct, Treasury rate	(500,000,000)
Guaranteed	
Subtotal	(2,616,500,000)
Telecommunications:	
Direct, (5 percent)	(75,000,000)
Direct, Treasury rate	(300,000,000)
Direct, FFB	(120,000,000)
Subtotal	(495,000,000)
Total, loan authorizations	(3,111,500,000)
Loan subsidies:	
Electric:	
Direct, 5 percent	12,101,000
Direct, Muni	20,503,000
Direct, FFB	(1)
Direct, Treasury rate	(1)
Guaranteed	
Subtotal	32,604,000
Telecommunications:	
Direct, 5 percent	7,770,000
Direct, Treasury rate	(1)
Direct, FFB	(1)
Subtotal	7,770,000
Total, loan subsidies	40,374,000
RETLP administrative expenses (transfer to RUS)	34,716,000
Total, Rural Electrification and Telecommunications Loans Program Account	75,090,000
(Loan authorization)	(3,111,500,000)

[1] Negative subsidy rates for fiscal year 2001 are calculated for these programs.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The conference agreement adopts House language including audits under "administrative expenses."

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

The conference agreement provides $27,000,000 for the Distance Learning and Telemedicine Program as proposed by the Senate instead of $19,500,000 as proposed by the House.

The conference agreement adopts Senate language setting aside $2,000,000 for a pilot program to finance broadband transmission and local dial-up service in rural areas as proposed by the Senate instead of $1,400,000 as proposed by the House.

The conferees direct the Department to maintain the current level of funding for grants to rural entities to promote employment of rural residents through teleworking.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

The conference agreement provides $570,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services as proposed by the Senate instead of $554,000 as proposed by the House.

The conferees want to ensure that farmers participating in the WIC Farmers Market Nutrition Program (FMNP) and the Food Stamp Program (FSP) are able to participate through electronic benefit transfer (EBT) systems. The conferees note that USDA has established the technical feasibility of wireless and other innovative EBT systems for farmers markets, rural route vendors, and other "non-traditional" vendors operating without access to standard telephone and electricity service.

The conferees urge the Department to use funds designated for the development of WIC EBT systems to support state initiatives to implement wireless and other innovative EBT solutions for farmers and farmers markets participating in the WIC FMNP and the FSP to enable them to continue participating in these programs.

Nutrition monitoring activities are vital to shaping policies for food safety, child nutrition, food assistance, and dietary guidance. Integration of these activities must ensure that: (1) the quality of the dietary data collected is not diminished; (2) survey methods capture statistically valid intakes of various population groups, especially at-risk groups, and are continually updated to account for changes in dietary patterns and new food technologies; (3) the needs of the many users of these important data are met; and (4) data are made available in a timely manner. The conferees direct the USDA, in consultation with the Department of Health and Human Services, to prepare and submit a report to the House and Senate Committees on Appropriations, by December 31, 2000, that describes the process for integrating the National Health and Nutrition Examination Survey (NHANES) and the Continuing Survey of Food Intakes by Individuals (CSFII). The report should: (1) include a timeline and steps to accomplish the goals set forth in the National Nutrition Monitoring and Related Research Act of 1990; (2) be prepared in consultation with representatives of user groups (i.e., anti-hunger groups, consumer advocates, commodity organizations, food producers, nutrition professionals, and public and voluntary health organizations); (3) address the strengths and potential weaknesses of merging the two surveys and identify how problems will be addressed and by whom; (4) identify funding needs and sources; and (5) include recommendations for inclusion in reauthorization of the National Nutrition Monitoring and Related Research Act.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

The conference agreement provides a total of $9,541,539,000 for Child Nutrition Programs as proposed by the Senate instead of $9,535,039,000 as proposed by the House. Included in this amount is an appropriated amount of $4,413,960,000, a transfer from section 32 of $5,127,579,000, $6,000,000 for the school breakfast demonstration project as proposed by the Senate, and $500,000 for a school breakfast pilot project.

The conference agreement provides the following for Child Nutrition programs:

Total Obligational Authority

Child Nutrition Programs:	
School lunch program	$5,387,523,000
School breakfast program	1,495,684,000
Child and adult care food program	1,807,435,000
Summer food service program	323,499,000
Special milk program	16,843,000
State administrative expenses	127,321,000
Commodity procurement and support	360,223,000
School meals initiative/Team nutrition	10,000,000
School breakfast demonstration project	6,000,000
Coordinated review effort	4,511,000
Food safety education	2,000,000
School breakfast pilot project	500,000
Total	9,541,539,000

The conference agreement includes $500,000 for school breakfast startup grants in Wisconsin. The conferees are aware of an effort initiated and funded by the State of Wisconsin to enhance participation in the school breakfast program and the Department is directed to make available grants to currently non-participating schools in a manner consistent with that program.

The conferees are aware that the Department has recently issued a final rule regarding the use of alternate protein products in the Child Nutrition Programs. The conferees urge the Department to work with interested organizations to ensure that fortification, name and labeling requirements are sufficient to protect the health, growth, and nutritional well-being of America's school children. The conferees believe that any new requirements for fortification of these protein products should be based on the USDA guidelines that set levels for nutrient fortification of soy-containing foods used in the child nutrition programs. In addition, the conferees encourage that any recommended labeling requirements be consistent with similar guidelines of other Departmental agencies and the Food and Drug Administration.

The conferees recognize the longstanding, high level of expertise in the Food and Nutrition Service in the administration of school lunch programs, and encourage the Secretary to take advantage of this expertise by utilizing Food and Nutrition Service staff in any efforts to help other nations establish such programs.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides $4,052,000,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) as proposed by the Senate, instead of $4,067,000,000 as proposed by the House. The conference agreement provides sufficient funding to support an average of at least 7.4 million monthly participants in the WIC program, an increase from the projected fiscal year 2000 average monthly participation level of 7.2 million.

The conference agreement provides that the Secretary shall obligate $10,000,000 for the farmers' market nutrition program within 45 days of enactment of this Act, and that the Secretary shall obligate an additional $10,000,000 for this program from funds not needed to meet program participation requirements.

The conference agreement does not include a provision that allows fiscal year 2000 WIC carryover funds to be transferred to other nutrition programs as proposed by the House.

The conference agreement includes a provision that WIC funds shall be made available for sites participating in the WIC program to determine whether a child eligible to participate has received an appropriate blood lead screening test upon the enrollment of the child in the WIC program as proposed by the Senate.

It is not the intent of this conference agreement to detrimentally affect religious beliefs or practices. Nothing in this agreement is intended to preclude a child's participation in the Special Supplemental Nutrition Program for Women, Infants, and Children if a parent objects to his or her child receiving a lead poisoning screening test because such a test would be inconsistent with his or her religious beliefs and practices. Accommodation of religious beliefs and practices shall have no impact whatsoever on the level of funds made available for each site participating in the WIC program.

The conference agreement directs the USDA to release a final rule on WIC delivery systems no later than 90 days after enactment of this Act.

The conferees are aware that the Department is considering changes in the food package to the WIC program. One of those proposals involves the potential exceptions to the current sugar cap for the WIC food package. The sugar cap is an issue that has been studied many times, always with the same conclusion. The consensus from the studies, nutritionists, State WIC directors, sugar commodity associations, and dentists is that no exceptions to the sugar cap should be made. Accordingly, the conferees direct that the Department make no exceptions to the sugar cap. The conferees further direct that no USDA funds be used to investigate this issue further.

FOOD STAMP PROGRAM

The conference agreement provides $20,114,293,000 for the food stamp program instead of $21,221,293,000 as proposed by the Senate and $21,231,993,000 as proposed by the House. Included in this amount is $18,613,293,000 for expenses instead of $19,720,293,000 as proposed by the Senate and $19,730,993,000 as proposed by the House. The recommendation makes a downward adjustment of $1,107,000,000, as reflected in OMB's Mid-Session Review.

The conference agreement does not include Senate language providing for an additional amount, not to exceed $7,300,000, for bison purchases for the Food Distribution Program on Indian Reservations (FDPIR). The conferees encourage the Department to continue and increase, to the extent practicable, purchases of bison for FDPIR and to use every opportunity to acquire purchases from Native American producer and cooperative organizations. The Department should also review program infrastructure needs, including refrigeration, and use program funds, as necessary, to meet existing requirements.

The conferees recognize the severe health problems facing Native Americans, including diabetes and heart disease. The conferees expect the Secretary to purchase bison meat for the FDPIR to promote health benefits in the Native American population.

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides $140,300,000 for the Commodity Assistance Program as proposed by the Senate instead of $138,300,000 as proposed by the House. Included in the amount is $45,000,000 for administration of TEFAP, and $98,300,000 for the Commodity Supplemental Food Program.

The conference agreement includes language that provides $20,781,000 of this appropriation shall be available for administrative expenses of the Commodity Supplemental Food Program.

The conferees are aware of the interest in restoring the income eligibility guideline for senior citizens under the Commodity Supplemental Food Program to 185% of poverty, the same as that used for mothers, infants, and children. The Secretary is encouraged to give positive consideration to this proposal.

FOOD DONATIONS PROGRAM

The conference agreement provides $151,081,000 for the Food Donations Program instead of $161,081,000 as proposed by the House and $141,081,000 as proposed by the Senate. Included in this amount is $150,000,000 for the Elderly Feeding Program.

FOOD PROGRAM ADMINISTRATION

The conference agreement provides $116,807,000 for Food Program Administration as proposed by the Senate instead of $116,392,000 as proposed by the House. Included in this amount is not less than $4,500,000 to improve integrity in the Food Stamp Program and Child Nutrition Program as proposed by the Senate instead of not less than $3,000,000 as proposed by the House.

The conference agreement does not include funds for the Colonias program. The conferees note that over $300,000,000 is estimated to be spent on nutrition education, promotion, and information through USDA's feeding programs. The conferees urge the Department to target funding from these nutrition education, promotion and information programs to the Colonias in the southwestern United States.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

The conference agreement provides $115,424,000 for the Foreign Agricultural Service instead of $113,424,000 as proposed by the Senate and $109,186,000 as proposed by the House. The conference agreement includes $3,120,000 for mandatory pay cost increases and $618,000 for the Foreign Agricultural Service attaché, office in the American Institute in Taiwan.

The conference agreement provides $4,000,000 for the Cochran Fellowship Program and encourages the Secretary to continue to provide additional support for the program through the CCC Emerging Markets Program at the fiscal year 1999 level.

The conference agreement includes $2,000,000 for the Foreign Agricultural Service to administer and oversee emergency and other international food assistance. The Service is expected to undertake activities in support of monetization where there is the highest potential for promoting and enhancing economic growth and development in recipient countries. Further, the Service is directed to specifically expand its presence in Ukraine where there is a strong potential for expansion, and Bulgaria, where there is a need for more adequate administration and monitoring of USDA programs due to the sharp increase in USDA food aid programs in the Balkans. The conferees believe these funds will help build strong U.S. partnerships with emerging economies and enhance exports to develop long-term markets for U.S. agricultural inputs and products.

The conferees direct the Department to provide a quarterly report to the Subcommittees on Agriculture of the House and Senate Appropriations Committees detailing the volume of agricultural imports from and exports to China by commodity.

The conferees understand that there may be the opportunity to resume food assistance to Ukraine in the coming year. The Secretary is encouraged to pursue responsible opportunities for restoring appropriate levels of assistance for this nation, including opportunities for collaborative programs involving research, extension, micro-credit, and business development opportunities.

The Secretary is directed to require that any agreement be transparent, subject to monitoring, and to report to the Committees all steps taken to achieve these requirements before finalizing any agreement.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

The conferees encourage the Department of Agriculture to provide concessional financing through the P.L. 480 title I program to private entities as authorized in P.L. 104-27, the Federal Agriculture Improvement and Reform Act of 1996.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

The conference agreement adopts Senate bill language requiring prior notice to the

Committees on Appropriations for transfers of funds between title I agreements and title I ocean freight differential.

Public Law 480—Title II Grants

The conference agreement provides $837,000,000 for Public Law 480 title II as proposed by the Senate instead of $770,000,000 as proposed by the House.

The conference agreement does not adopt House bill language providing for transfer of up to 15 percent of title II funds to title III. The conferees note that this provision exists in current law.

The conference agreement does not adopt House bill language providing $1,850,000 for use by the United States Agency for International Development for administrative expenses to carry out title II.

The conferees are aware that loss of commodities under the Public Law 480 food program often occurs as a result of package breakage. The conferees urge the Secretary to evaluate this problem, explore using alternative containers, and to meet regularly with members of private voluntary organizations, the industry, shippers, and millers, to continue to improve the quality of food aid, in terms of its packaging, nutritional content, and other quality aspects.

The following table reflects the conference agreement for Public Law 480 program accounts:

Public Law 480 Program and Grant Accounts:	
Title I—Credit Sales:	
Program level	($180,000,000)
Direct loans	159,678,000
Ocean freight differential	20,322,000
Title II—Commodities for disposition abroad:	
Program level	(837,000,000)
Appropriation	837,000,000
Loan subsidies	114,186,000
Salaries and expenses:	
General Sales Manager (transfer to FAS)	1,035,000
Farm Service Agency (transfer to FSA)	815,000
Subtotal	1,850,000
Total, Public Law 480:	
Program level	(1,017,000,000)
Appropriation	973,358,000

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

SALARIES AND EXPENSES

The conference agreement provides total appropriations, including Prescription Drug User Fee Act collections, of $1,217,797,000 for the salaries and expenses of the Food and Drug Administration, instead of $1,240,178,000 as proposed by the House and $1,216,796,000 as proposed by the Senate, and provides specific amounts by FDA activity as proposed by the Senate.

The conference agreement does not include a rescission of $27,000,000 as proposed by the House. The conference agreement does not include the subheading "(Including Rescission)" as proposed by the House.

The conferees adopt the title VI subheading as proposed by the Senate. The House version differed technically.

The conference agreement does not include a proviso that $3,000,000 may be for activities carried out with regard to new animal drugs, as proposed by the House. However, the conference agreement provides an increase of $3,000,000 for work done within the Center for Veterinary Medicine on antimicrobial resistance. The Senate had no similar provision.

The conference agreement does not include a proviso that, in addition to amounts provided, $6,000,000 shall be made available for food safety activities, as proposed by the Senate. The conference agreement provides the full increase requested for the Food Safety Initiative, $30,000,000, as proposed by the House.

The conference agreement provides that fees derived from applications received during fiscal year 2001 shall be subject to the fiscal year 2001 limitation as proposed by the Senate. The House had no similar provision.

The conference agreement provides the full funding increases from the fiscal year 2000 levels requested in the President's fiscal year 2001 budget for the following activities: $30,000,000 for food safety initiatives; $22,879,000 for premarket review; and $4,783,000 for payments to the General Services Administration for rent and related activities. For other increases requested in the President's fiscal year 2001 budget, the conferees provide the following: $9,000,000 for inspections; $5,000,000 for enforcement of Internet drug sales; $5,000,000 for counter-bioterrorism activities; and $6,800,000 for improvements to FDA's current system of post-approval surveillance to identify adverse events associated with products on the market, subject to existing information confidentiality restrictions.

In addition, the conference agreement provides increases from the fiscal year 2000 levels of $1,000,000 for dietary supplements and $1,000,000 for orphan product grants, as recommended by the Senate; and $1,200,000 for the Office of Generic Drugs to reduce generic drug application review and approval times.

Fiscal year 2000 funds appropriated, but no longer required, for FDA tobacco activities have been made available to cover the $5,000,000 included in the fiscal year 2001 budget request for costs associated with the relocation of the Center for Food Safety and Applied Nutrition to College Park, MD; $21,800,000 included in the fiscal year 2001 budget request for one-time contracts and equipment purchases; and $1,500,000, as recommended by the House, for information technology upgrades for the Office of Generic Drugs. Funding for these one-time cost requirements is not included in the fiscal year 2001 level provided.

The conferees direct that FDA provide $1,500,000 from sums provided for food safety for a contract with New Mexico State University's Physical Science Laboratory to establish an agricultural products testing laboratory in Dona Ana County, New Mexico. The laboratory will conduct rapid screening analyses of fresh fruits and vegetables (imported and domestic) for microbiological contamination of products in the Texas, New Mexico, Arizona area. The laboratory will augment FDA's capabilities and facilitate rapid testing of these perishable products. The conference language replaces similar language in the House report. The Senate had no similar language.

The conferees expect FDA to make final the regulations regarding labeling of irradiated foods by March 1, 2002, and report to the House and Senate Committees on Appropriations on the status by November 15, 2000. This agreement changes the dates proposed for final regulations by the House of September 30, 2001, and by the Senate of October 30, 2001.

The conference agreement does not include House language on treatment of biologic drugs versus that of chemically-based drugs, as related to orphan drug alternatives. Recognizing that the House authorizing committee has recently resumed consideration of this issue, the conferees defer to that action in lieu of that recommended by the House. The Senate had no similar language.

It has been brought to the conferees' attention that makers of electronic facial toning appliances have been informed by the FDA that their products may be "medical devices" under the law. The conferees encourage the FDA to consider the companies' claims that products are purely cosmetic and not "intended to affect the structure or any function of the body." Nothing in this conference report language should be taken to diminish or attempt to diminish the responsibility under law for the FDA to continue to protect American consumers. FDA will report to the Appropriations Committees of the House and Senate on their findings.

BUILDINGS AND FACILITIES

The conference agreement provides $31,350,000 for Food and Drug Administration Buildings and Facilities as proposed by the Senate instead of $11,350,000 as proposed by the House.

INDEPENDENT AGENCIES

Commodity Futures Trading Commission

The conference agreement provides $68,000,000 for the Commodity Futures Trading Commission instead of $69,000,000 as proposed by the House and $67,100,000 as proposed by the Senate.

The conference agreement adopts Senate language providing not to exceed $1,000 for official reception and representation expenses instead of not to exceed $2,000 as proposed by the House.

The conference agreement does not adopt a House provision providing authority to charge reasonable fees to cover the costs of Commission-sponsored events and activities. The conferees note that this authority exists in permanent law.

TITLE VII—GENERAL PROVISIONS

House and Senate Section 701.—The conference agreement (Section 701) makes funds available for the purchase of passenger motor vehicles in fiscal year 2001 as proposed by the Senate instead of in the "current fiscal year" as proposed by the House.

House and Senate Section 704.—The conference agreement includes language (Section 704) that provides that the Secretary of Agriculture may transfer unobligated balances of the USDA to the Working Capital fund for the acquisition of plant and capital equipment of primary benefit to USDA with prior approval from the agency administrator and the Committees on Appropriations.

House and Senate Section 705.—The conference agreement includes language (Section 705) allowing certain funds to remain available until expended.

House Section 709.—The conference agreement does not include a provision as proposed by the House making commodities available to individuals in cases of hardship. The Secretary of Agriculture has this authority.

House Section 713 and Senate Section 712.—The conference agreement includes language (Section 712) that makes funds available for the cost of loans for fiscal year 2001 as proposed by the Senate instead of "in the current fiscal year" as proposed by the House.

House Section 714.—The conference agreement does not include a provision that sums as may be necessary for current fiscal year pay raises shall be absorbed within levels appropriated by this Act as proposed by the House.

House Section 716 and Senate Section 714.—The conference agreement includes permanent language (Section 714) allowing the use of cooperative agreements.

House Section 718 and Senate Section 716.—The conference agreement includes language (Section 716) that provides $1,800,000 for expenses for advisory committees as proposed by the Senate instead of $1,500,000 as proposed by the House.

House Section 723 and Senate Section 721.—The conference agreement includes language (Section 721) that provides for reprogramming procedures in fiscal year 2001.

House Section 724 and Senate Section 722.—The conference agreement includes language (Section 722) regarding limitations on the Fund for Rural America.

House Section 726.—The conference agreement does not contain a limitation on AMTA contract payments for wild rice as proposed by the House. Public Law 106–78 made this provision permanent.

House Section 727 and Senate Section 724.—The conference agreement includes language (Section 724) regarding limitations on the Initiative for Future Agriculture and Food Systems.

House Section 728 and Senate Section 725.—The conference agreement makes permanent a provision (Section 725) regarding participation by farmer-owned cooperatives in commodity purchase programs.

Senate Section 727.—The conference agreement includes language (Section 727) that prohibits the use of funds to close or relocate certain FDA offices in St. Louis, Missouri.

Senate Section 728.—The conference agreement includes language (Section 728) prohibiting the use of funds to reduce staff levels at certain FDA offices in Detroit, Michigan.

House Section 730 and Senate Section 729.—The conference agreement includes language (Section 729) to permanently (1) allow the Agricultural Marketing Service to utilize advertising in conducting consumer education activities, and (2) prohibit the use of funds to carry out certain activities unless the Secretary of Agriculture inspects and certifies agricultural processing equipment and imposes a fee for those activities.

House Section 731 and Senate Section 730.—The conference agreement includes language (Section 730) regarding budget submission requirements related to user fees proposals prior to the date of conference for the fiscal year 2002 appropriations Act.

House Section 732 and Senate Section 731.—The conference agreement includes language (Section 731) that none of the funds appropriated by this Act shall be used to establish an Office of Community Food Security or any similar office within the USDA without prior approval of the Committees on Appropriations of the House and the Senate.

House Section 734.—The conference agreement (Section 733) prohibits the use of funds for certain activities implementing the Kyoto Protocol.

Senate Section 733.—The conference agreement (Section 734) prohibits the use of funds to transfer or convey federal lands and facilities at Fort Reno, OK, without the specific authorization of Congress.

Senate Section 734.—The conference agreement (Section 735) prohibits the use of funds for the implementation of a Support Services Bureau or similar organization.

House Section 735.—The conference agreement does not include language regarding karnal bunt.

Senate Section 735.—The conference agreement (Section 736) contains a provision that raises income eligibility levels for rural development programs.

House Section 736.—The conference agreement (Section 737) makes Lloyd, New York, and Thompson, New York, eligible for certain loans and grants.

Senate Section 736.—The conference agreement (Section 738) contains a permanent provision that disallows the sale or disposal of housing purchased in a foreign country for the agricultural attaché, without the approval of the FAS.

House Section 737.—The conference agreement includes language (Section 739) making permanent a provision that the fee collected by the Secretary of Agriculture for a guaranteed loan may be in an amount equal to not more than 2 percent of the principal obligation of the loan.

House Section 738 and Senate Section 737.—The conference agreement includes language (Section 740) that allows the Secretary to use funds to employ individuals to perform services outside the U.S. as determined to be necessary to carry out programs and activities abroad through the use of Personal Service Agreements.

Senate Section 738.—The conference agreement includes language (Section 741) that prohibits the use of funds to close or relocate a state rural development office until/unless cost effectiveness and enhanced program delivery has been determined.

House Section 739.—The conference agreement includes language (Section 742) that extends the dairy price support program and delays the dairy recourse loan program.

Senate Section 739.—The conference agreement includes language (Section 743) that directs that not more than $25,000,000 worth of commodities made available under the section 416(b) program shall be made available to foreign countries to assist in mitigating the effects of HIV/AIDS.

House Section 740.—The conference agreement (Section 744) provides $2,000,000 for hunger fellowships.

Senate Section 740.—The conference agreement (Section 745) includes the "Medicine Equity and Drug Safety Act of 2000" and the "Prescription Drug Import Fairness Act of 2000" (Section 746).

House Section 741.—The conference agreement provides language (Section 747) regarding loans in Arkansas.

Senate Section 741.—The conference agreement includes language (Section 748) that amends the Organic Act of 1990 to allow sulfites in the production of wine.

House Section 742.—The conference agreement includes language (Section 749) regarding the Friends of the National Arboretum.

Senate Section 742.—The conference agreement includes language (Section 750) that prohibits the use of funds to discontinue use of FINPACK in the Farm Service Agency (FSA) offices for six months from the date of enactment. The conferees expect the FSA to provide for a smooth and orderly transition to a common computing environment in USDA field service centers. The transition should provide the capability of FSA computer programs to interface with any commercial off-the-shelf software, including FINPACK, that may be used by clients or lending institutions.

House Section 743.—The conference agreement does not include language regarding compensation for the value of lost production due to citrus canker.

Senate Section 743.—The conference agreement (Section 751) makes permanent a provision that any borrower whose income does not exceed 115 percent of the median family income of the U.S. shall be eligible for section 502 housing.

House Section 744.—The conference agreement does not include language regarding alternative protein products.

Senate Section 744.—The conference agreement does not include Sense of the Senate language regarding victims of domestic violence. However, the conferees do agree that to the extent practicable, USDA's Rural Housing Service should work with other public agencies and organizations to provide transitional housing for individuals and families who are homeless as a result of domestic violence.

House Section 745.—The conference agreement includes language (Section 752) that makes ratites and squab slaughtered for human consumption subject to the Poultry Products Inspection Act.

Senate Section 745.—The conference agreement does not include language that prohibits the use of funds to change natural cheese standards. The conferees are aware of technological changes relating to cheese processing and the potential economic and structural changes that might result within the dairy industry. The conferees are also aware of a request recently submitted to the General Accounting Office for a report on this subject and concur that such a request is consistent with that part of Senate Section 745 which requires a study on this subject.

House Section 746.—The conference agreement does not include language regarding previously appropriated funds to compensate nursery stock producers for losses caused by Hurricane Irene.

Senate Section 746.—The conference agreement does not include language regarding the import of Argentine citrus.

House Section 747.—The conference agreement includes language (Section 753) providing guidance for developing the prevention standards for Salmonella Enteritidis.

The conferees share the commitment to egg safety evidenced by the Action Plan to Eliminate Salmonella Enteritidis Illnesses Due to Eggs published on December 10, 1999. The conferees support FDA's current thinking paper on national standards for egg safety dated July 31, 2000. In preparing the regulations to implement the plan, the conferees expect the government agencies to: (1) coordinate federal and state programs to efficiently and effectively implement the standards; (2) consider egg labeling which is consistent with the existing safe handling instructions associated with meat and poultry; (3) consider effective administrative and management practices to ensure consistent nationwide enforcement and implementation of the standards, including (a) cleaning and disinfection, (b) rodent and pest elimination, (c) proper egg washing, (d) biosecurity, (e) refrigeration, (f) testing and verification, and (g) vaccination; (4) consider the appropriate utilization of existing federal, state, or local government agencies currently charged with poultry or egg safety responsibilities (including such aspects of grading as are related to egg safety), in implementing the regulations; (5) conduct traceback procedures in a consistent manner and make such procedures accessible to the public, and employ appropriate inspectional and testing protocols to determine the source of contamination; and (6) consider, as appropriate, the provisions of existing national and state quality assurance programs in establishing regulations that are practical, achievable and cost-effective in accordance with the risk posed to U.S. consumers.

Senate Section 747.—The conference agreement does not include language regarding the Dairy Export Incentive Program. The conferees are concerned that awards for U.S. dairy products under the Dairy Export Incentive Program have not been shipped and the Department has been reluctant to reallocate these amounts for other awards. The conferees direct the Secretary to provide information to the Committees no later than November 1, 2000, relating to a justification for this reluctance, including supporting documentation.

House Section 748.—The conference agreement does not include language regarding loans to poultry farmers.

Senate Section 748.—The conference agreement does not include language that reauthorizes State agricultural mediation programs through 2005. The conference agreement provides annual funding for the program in the appropriate section of the bill.

House Section 749.—The conference agreement includes language (Section 754) extending the time to compensate cotton producers/ginners/others in Georgia.

Senate Section 749.—The conference agreement includes language (Section 755) that adds a section to the Food Security Act of 1985 to make provisions for Good Faith Reliance when the owner/operator is attempting to comply with terms of the contract and enrollment requirements.

House Section 750.—The conference agreement does not include language providing emergency funds for market/quality loss payments for apples and potatoes.

Senate Section 750.—The conference agreement does not include language regarding data collected on imported herbs. The conferees do expect the Secretary of Agriculture to cooperate with the Secretary of the Treasury to establish a framework within which the publication of data regarding herb imports (including through electronic media) may be made available to the public on a monthly basis.

House Section 751.—The conference agreement does not include language exempting oyster fishermen from repaying emergency payments issued erroneously in the State of Connecticut.

House Section 752.—The conference agreement does not include language urging the Secretary of Agriculture to use alternative fuels in meeting the fuel needs of the USDA. This matter is addressed under the Office of the Secretary.

House Section 753.—The conference agreement does not include language regarding reimportation of prescription drugs. This matter is addressed under Sections 745 and 746.

House Section 754.—The conference agreement does not include language regarding reimportation of prescription drugs. This matter is addressed under Sections 745 and 746.

Section 756.—The conference agreement includes language that amends Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act.

Section 757.—The conference agreement includes language that allows the USDA to retain refunds and rebates from credit card services.

Section 758.—The conference agreement includes a technical correction to the Act of August 19, 1958, to permit section 416(b) food aid programs to operate more efficiently.

Section 759.—The conference agreement includes language that allows Sea Island Health Clinic on Johns Island, South Carolina, to remain eligible for Rural Development community facilities programs.

Section 760.—The conference agreement includes language making certain areas of Dade County, Florida, eligible for business and industry loans.

Section 761.—The conference agreement includes language designating the City of Kewanee and the City of Jacksonville, Illinois, as meeting the requirements of a rural area contained in section 520 of the Housing Act of 1949 permanently.

Section 762.—The conference agreement includes language directing the Chief of the Natural Resources Conservation Service to settle claims associated with the Chuquatonchee Watershed Project in Mississippi from existing funds.

Section 763.—The conference agreement includes language making the Konocti Water District, California, eligible for grants and loans administered by the Rural Utilities Service during fiscal year 2001.

Section 764.—The conference agreement includes language designating Jefferson County, Kentucky, as a rural area for purposes of the business and industry direct and guaranteed loan program during fiscal year 2001.

Section 765.—The conference agreement includes language authorizing the conveyance of a small parcel of land associated with the Beltsville Agricultural Research Center within the Sunnyside Subdivision of Prince George's County, Maryland.

Section 766.—The conference agreement designates up to $500,000 of the funds provided to carry out section 211(a) of the Agricultural Risk Protection Act of 2000 to be used solely for the State of California.

Section 767.—The conference agreement provides for a wildlife services program for injurious animal species.

Section 768.—The conference agreement amends section 412 (d) of the Agricultural Trade Development and Assistance Act of 1954 for dairy value products.

Section 769.—The conference agreement makes the City of Coachella, California, eligible for grants and loans administered by the Rural Development mission areas of USDA for fiscal year 2001.

Section 770.—The conference agreement designates the City of Vicksburg, Mississippi, as meeting the requirements of a rural area in section 520 of the Housing Act of 1949.

Section 771.—The conference agreement provides language instructing the Administrator of the Rural Utilities Service to use the authorities of the Rural Electrification Act of 1936 to finance the acquisition of electricity in predominantly rural areas.

Section 772.—The conference agreement includes language (Section 772) prohibiting the use of funds to promulgate a final rule to change the definition of "animal" pursuant to the Animal Welfare Act.

Section 773.—The conference agreement includes language (Section 773) adding "Indian tribes" to the Consolidated Farmers Home Administration Act of 1961.

Section 774.—The conference agreement includes language (Section 774) making technical corrections to P.L. 106-246.

Section 775.—The conference agreement includes language (Section 775) modifying the term "agricultural commodity" for the purposes of administering Title IX of this Act.

Section 776.—The conference agreement includes language (Section 776) regarding Hamilton Grange.

Section 777.—The conference agreement includes language (Section 777) regarding "Fallen Timbers Battlefield and Fort Miamis National Historic Site."

TITLE VIII

NATURAL DISASTER ASSISTANCE AND OTHER EMERGENCY APPROPRIATIONS, DEPARTMENT OF AGRICULTURE

The conference agreement includes a new title to provide emergency assistance for agricultural losses of crop production and quality related to natural disasters, conservation needs, market-related problems, relief to rural communities across America and certain USDA administrative requirements. Emergency agricultural assistance was previously included in H.R. 3908, as passed by the House of Representatives on March 30, 2000; H.R. 4461, as passed by the Senate on July 20, 2000; and Public Law 106-246, enacted on July 13, 2000. Items included in H.R. 3908 and H.R. 4461, not previously resolved in P.L. 106-246, were given consideration for inclusion in this conference report.

A number of accounts are included in this conference report which respond to the severe wildfires that have occurred in many states such as Montana and Idaho. The Emergency Conservation Program, Emergency Watershed Program, Livestock Assistance Program (including the American Indian Emergency Feed Assistance Program), Livestock Indemnity Program, and programs within the USDA rural development mission area receive funding in the conference report which will assist in the response and recovery of these affected lands, farming and ranching operations, and rural communities.

OFFICE OF THE SECRETARY OF AGRICULTURE

Bovine tuberculosis—The conferees expect the Secretary to use all existing authority for the implementation of a program that will prevent and eradicate bovine tuberculosis in Texas, Michigan, and other affected States, to reduce the monetary loss associated with bovine tuberculosis affecting cattle producers. The conferees recognize the importance of this program, and of the complete eradication of bovine tuberculosis. The conferees believe the program should include payments to producers who suffer livestock losses. The conferees direct the Secretary of Agriculture, in consultation with the affected States, to ensure the program shall be administered in such a manner that will reduce the Federal financial burden resulting from the payments made to the producers.

OFFICE OF THE CHIEF INFORMATION OFFICER

COMMON COMPUTING ENVIRONMENT

The conference agreement provides $19,500,000, to remain available until expended, for information technology tools needed to develop and implement a common computing environment in USDA field office service centers.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $200,000 for activities related to rural business entities.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

The conference agreement does not include $7,140,000 to contain and control Pierce's disease as proposed by the House in H.R. 3908. The conferees note that USDA has received emergency funds from the Commodity Credit Corporation for applied research, eradication, and control of Pierce's Disease.

The conference agreement addresses funding for boll weevil eradication in title I of this Act.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement includes $50,000,000, to remain available until expended, for administrative expenses associated with administering provisions of this title.

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides $80,000,000, to remain available until expended, for natural disasters. The conferees intend this funding to address damages incurred on crop lands as a result of the summer fires and drought conditions in certain regions of the country as well as other natural disasters. The conferees further intend for the funding to address the replacement of fences destroyed by the fires.

The conference agreement does not include language to allow the Secretary of Agriculture to use unobligated balances available in the ECP to repair farm buildings and equipment, as proposed by the House in H.R. 3908.

FEDERAL CROP INSURANCE CORPORATION FUND

The conference agreement provides an additional $13,000,000 to provide premium discounts to purchasers of crop insurance reinsured by the Corporation as proposed by the House in H.R. 3908 and the Senate.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides an additional $110,000,000, to remain available until expended, for watershed and flood prevention operations to reduce hazards to life and property in watersheds damaged by natural disasters. The Natural Resource Conservation Service will provide financial and technical assistance to help repair damage to rivers, streams, reservoirs, and other waterways including: $3,300,000 for the Kuhn Bayou Project in Arkansas; $10,000,000 for the Chino Dairy Preserve in California; $4,000,000 for the Snake River Project in Minnesota; $1,100,000 for DuPage County, Illinois; $8,000,000 for emergency dam rehabilitation projects in Mississippi, Wisconsin, Ohio, and New Mexico; $4,500,000 for Long Park Dam, Utah; $500,000 for floods in Wisconsin; $2,000,000 for the Lower James River in South Dakota; and $2,000,000 to replace, repair, and improve snow telemetry equipment impacted by fire, winds, and fire fighting efforts.

RURAL DEVELOPMENT

The conferees are aware of the efforts of the Coeur d'Alene tribe and private sector investors to operate a strawboard plant in Plummer, Idaho, that provides economic benefits to the community and achieves an environmentally safe method of disposing of blue grass straw. The conferees direct the Department to meet with the plant owners and operators to determine what assistance can be made available to keep the plant in operation.

The conferees urge the Department to consider forgiveness or restructuring for Rural Development loans issued to the Green County, Kentucky, Sanitation District No. 1.

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement includes an additional $200,000,000 for the Rural Community Advancement Program, instead of $180,000,000 as proposed by the Senate, and $43,000,000 as proposed by the House in H.R. 3908.

The conference agreement includes a provision regarding the availability of grants for rural community facilities for areas with extreme unemployment and severe economic depression as proposed by the Senate.

The conference agreement includes a provision regarding the availability of funds to provide grants in rural communities with extremely high energy costs as proposed by the Senate.

The conference agreement includes a provision regarding assistance to areas in the state of North Carolina subject to a declaration of a major disaster as a result of Hurricanes Floyd, Dennis or Irene.

The conference agreement provides that of the amount appropriated for rural utilities loans and grants, $30,000,000 may be used only in counties which have received an emergency declaration by the President or Secretary of Agriculture after January 1, 2000, for applications responding to water shortages resulting from a designated emergency, including in the states of Texas, Georgia, Montana and Idaho.

The conference agreement includes an additional $50,000,000 for communities facilities loans and grants with a requirement that $25,000,000 of the total be directed to assist recovery efforts in North Carolina from natural disasters.

The conferees are aware of an ongoing wastewater treatment project in Huey, Illinois. The conferees encourage USDA Rural Development to provide adequate funding and technical assistance to complete the project.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The conference agreement does not include any additional funding this account as proposed by the Senate.

GENERAL PROVISIONS—THIS TITLE

Senate Section 1101 and House Section 3101.—The conference agreement includes language (Section 801) that provides an additional $35,000,000 for conservation technical assistance, to remain available until expended.

Senate Section 1102.—The conference agreement includes language (section 802) that extends the period of eligibility for the Livestock Assistance Program.

Senate Section 1103.—The conference agreement includes language (section 803) that conforms the definition of "livestock" for the purposes of administering the Livestock Indemnity and Livestock Assistance Programs.

Senate Section 1104.—This matter is addressed in Section 805.

Senate Section 1105.—The conference agreement includes language (section 804) that allows the Secretary of Agriculture to utilize Commodity Credit Corporation funds to provide compensation to growers for losses due to Mexican fruit fly quarantines, plum pox virus, Pierce's disease, grasshopper/Mormon cricket infestations, and watermelon sudden wilt. The conferees note that this funding is in addition to the funding provided in section 203 of P.L. 106-224.

Senate Section 1106.—The conference agreement includes language (section 805) that provides supplemental payments to dairy producers.

Senate Section 1107.—The conference agreement includes language (section 806) that provides $490,000,000 to make and administer payments for livestock losses using criteria established to carry out the 1999 Livestock Assistance Program.

The conferees expect that up to $5,000,000 be provided under this section to the State of Alabama and that those funds shall be used in conjunction with the program administered by the Alabama Department of Agriculture and Industries.

The conferees expect the Department to provide up to $2,000,000 to individuals who raise poultry owned by other individuals for income losses sustained before April 30, 2001, to the extent that the Secretary finds that such losses are the result of Poult Enteritis Mortality Syndrome control programs.

The amount provided includes up to $300,000 for the Montana Department of Agriculture for transportation needs associated with emergency hay and feeding.

The conferees are aware of the extraordinarily bad weather during the past year. As a result of cold temperatures and record rainfall during the early growing season in New York and other parts of the Northeast, the hay crop is substandard in both quantity and quality. The conferees expect that the Secretary of Agriculture will use a portion of the funds available under this section to compensate dairy and livestock producers who suffered losses in their hay crop for purchases of supplemental feed.

Senate Section 1108.—The conference agreement includes language (section 807) that clarifies nursery crop loss eligibility.

Senate Section 1109.—The conference agreement includes language (section 808) that provides authority and technical assistance funding to enroll additional acres into the Wetlands Reserve Program.

Senate Section 1110.—The conference agreement includes language (section 809) that provides up to $2,400,000 in compensation for owners of sheep destroyed pursuant to the Secretary of Agriculture's declarations of July 14, 2000, instead of $4,000,000 as provided by the Senate.

Senate Section 1111 and House general provision 3103.—The conference agreement includes language (section 810) that directs the Secretary of Agriculture to use not more than $58,000,000 for replacement of citrus trees and for compensation for losses as a result of citrus canker, instead of $40,000,000 provided by the Senate and House in H.R. 3908.

Senate Section 1117 and House section 750.—The conference agreement includes language (section 811) regarding quality and market loss assistance for apples and potatoes.

The conference agreement includes language (section 812) that directs the Secretary of Agriculture to make non-recourse marketing assistance loans available to producers of honey.

The conference agreement includes language (section 813) that provides up to $10,000,000 from Commodity Credit Corporation funds for livestock indemnity payments to producers during calendar year 2000 due to disasters, including fires and anthrax.

The conference agreement includes language (section 814) that provides $20,000,000 from Commodity Credit Corporation funds for wool and mohair payments to producers for the 2000 marketing year.

Senate Sections 1114 and 1115.—The conference agreement includes language (section 815) which provides such sums as may be necessary to provide assistance to farmers for losses in production and quality sustained in 2000 due to natural disasters. The conferees expect the Department to administer this program within the general guidelines provided for similar programs enacted in recent years, with the exception of guidelines needed for adverse commodity quality losses.

In the case of grain and oilseed quality losses, the Department is expected to take into consideration market value reductions experienced by farmers who may be unable to market their production for the end use intended. The conferees are aware that farmers of some commodities adversely impacted by quality factors have not received compensation commensurate with actual value of reduction in the marketplace as a result of past Departmental quality loss procedures. Guidelines are established in this section that direct the Department to calculate the production value reduction of a commodity in an area from the value assigned for such commodities as production loss under this section. The Department is further instructed by the conferees to take every precaution to avoid payment levels reached by artificial or manipulated price fluctuations and to ensure that payments to producers are not at levels in excess of reasonable expectations.

The conferees have provided a mechanism of determining payments that will reduce time of application processing from those periods experienced in recent years. Due to ongoing problems related to depressed prices and the fact that the rural economy has not kept pace with other sectors of the national economy, it is expected that payments made available under this section will be provided in the most efficient and timely manner possible. The conferees note that the separation of production loss calculations from an independent calculation for quality might result in an eligible threshold of loss not being met by separate calculations for the same crop, and that the Secretary may wish to consider an adjustment to the threshold of loss, in equity, to account for economic losses sustained by a combination of both quality and quantity.

Because cotton is stored identity-preserved and its overall quality cannot be improved through blending in warehouses, the Secretary, in carrying out the provisions of this act providing assistance to cotton producers for losses in production (or quantity), quality and other economic losses, should ensure that (1) loss thresholds for quantity losses are determined in a manner that is similar to that used by the Secretary for the 1998 and 1999 crops of cotton; (2) that quality losses are compensated in a manner that is appropriate for cotton; and (3) that market losses, increased expenses (including expenses related to fuel purchases), and other factors that detrimentally affect a cotton producer's net income are included in determining severe economic losses that are to be compensated under subsection (c)(3) of this Act. If there is a category of severe economic loss for which the Secretary did not establish a threshold for the 1998 and 1999 crops, no additional threshold should be established and any loss that qualifies as a severe economic loss under subsection (c)(3) should be compensated.

With respect to the determination of quality losses for the 2000 crop of upland cotton, the Secretary should: (1) determine the value of quality losses in a manner that is similar to that used in implementing weather related disaster losses for the 1998 and 1999 crops and reflected in 7 C.F.R. 1478.17(g); (2) consider that any bale produced in a county that is of a quality that is less than the 5-year county average historical quality premium or discount has suffered a quality loss; and (3) in determining the value of the crop affected by the quality loss that would have applied if the crop had suffered a quantity loss, as provided in subsection (c)(2) for cotton, compare the value of the cotton affected by the quality loss with the value of the cotton if it had not had a reduction in quality.

Finally, in determining whether a cotton producer is eligible to receive a payment for a quality loss under this section, the Secretary should compare the amount of a quality loss payment that the producer would qualify for under subsection (c)(2) (notwithstanding the eligibility requirement in subsection (d)(3)) to the value of those bales of cotton that are affected by quality losses.

Due to the fact that onion growers have experienced weather related disasters three out of the last four years, the Secretary of Agriculture is directed to develop a suitable onion crop loss disaster program for weather related crop and weather related market losses incurred by producers during the 2000 crop year. Further, the conferees expect the Secretary to take into consideration each qualifying producer's pre-1996 production of onions, based on the 5-year average market price for yellow onions when calculating payments under this program.

The conference agreement includes language (section 816) regarding market loss assistance for growers of cranberries. The conferees continue to be concerned about the economic losses sustained by cranberry growers around the country. Prices for fruit paid to growers have declined to historically depressed levels due to enormous surpluses caused by record harvests. Steps taken thus far by the Secretary towards stabilizing prices, including the purchase of agricultural products containing cranberry ingredients, have only marginally reduced existing surpluses and hold out little hope of stabilizing prices. The industry has sought, and the Secretary has approved, a marketing order to help reduce the surplus but the short-term impact on growers will be negative, unless and until prices for the fruit are restored.

Accordingly, the conferees have included $20,000,000 for a market loss assistance payment to cranberry growers. The payment is to be calculated on a per pound basis on each qualifying producer's 1999 production of cranberries subject to a limitation of 1.6 million pounds per separate farm unit as reported to the Cranberry Marketing Committee and would be subject to such other terms and conditions as may be established by the Secretary.

The conferees also have included language to direct the Secretary to use not less than $30,000,000 of additional funds available to the Secretary for commodity purchases, including amounts permanently appropriated under the Section 32 program and additional amounts appropriated for specialty crops pursuant to section 261(a)(2) of the Agricultural Risk Protection Act of 2000 (Pub. L. 106–224; 114 Stat. 427), for the purchase of cranberry juice concentrate and frozen cranberry fruit or their equivalent in removing fruit from current surplus.

In selecting fruit or fruit products for purchase, the Secretary shall consult with industry representatives and representatives of the recipients of Federal food purchase programs to select products which utilize the greatest quantity of fruit at the least cost while providing the maximum nutritional benefit for food purchase recipients.

The conference agreement includes language (section 817) prohibiting the Secretary of Agriculture from terminating contracts established under section 1232(a)(4) of the Food Security Act of 1985 for failure to establish vegetative or water cover under certain conditions.

The conference agreement includes language (section 818) regarding shared appreciation for loans established under section 353(e) of the Consolidated Farm and Rural Development Act.

Senate Section 1112.—The conference agreement includes language (section 819), which allows the Secretary to contribute Commodity Credit Corporation funds for the establishment of a grain dealers' indemnity fund in South Carolina, to be available only if such funding is matched by a grant from the State.

Senate Section 1113.—The conference agreement provides language (section 820) that amends section 211 of the Agricultural Risk Protection Act of 2000 to provide technical assistance to farmers and ranchers and funding for the Wildlife Habitat Incentives Program from funds provided.

The conference agreement includes language (section 821) that reauthorizes the Puerto Rico Food Stamp Block Grant through 2002.

Senate Section 1116.—The conference agreement includes language (section 822) regarding payments to the State of Hawaii from the Commodity Credit Corporation for transportation assistance.

Senate Section 2101.—The conferees have addressed the issue of business and industry loan guarantee eligibility elsewhere in the Act.

Senate Sections 2102, 2103, and 2104.—The conference agreement provides (sections 823, 824, 825, 826, 828, 831) that Emergency Watershed Program funds shall be available for conservation technical and financial assistance for the Long Park Dam, UT; Kuhn Bayou, AR; Snake River Watershed Project, MN; DuPage County, IL; Camp Lejeune project in NC; and Princeville, NC.

Senate Section 2105 and House section 751.—The conference agreement includes language (section 827) that allows oyster farmers to keep payments made to them by USDA.

Senate Section 2107.—The conferees have addressed the issue of Sea Island Health Clinic in Johns Island, South Carolina eligibility for assistance and funding from the Rural Development Community facilities elsewhere in the Act.

The conference agreement includes language (section 829) regarding technical changes to subtitle G, section 262 of P.L. 106–224, The Agricultural

Risk Protection Act of 2000. The technical changes require obligations by a date certain rather than "expended by" the same date.

The conference agreement includes language (section 830) regarding the use of emergency conservation funds provided previously for the Cerro Grande fires.

The conference agreement includes language (section 832) regarding funding transfers for the Agricultural Credit Insurance Fund.

Senate Section 2106 and House section 748.—The conference agreement includes language (section 833) regarding emergency loans to poultry producers to rebuild chicken houses.

The conference agreement includes language (section 834) providing $10,000,000 for value-added agricultural product development grants.

The conference agreement includes language (section 835) providing an additional $10,000,000 for the cost of business and industry guaranteed loans.

The conference agreement includes language (section 836) regarding sugar nonrecourse loans.

The conference agreement includes language (section 837) regarding Loan Deficiency Payment limitations for crop year 2000.

The conferees note the importance of the role of loan deficiency payments in helping offset reductions in net farm income. The conferees direct the Secretary of Agriculture to take into account county production and prices of feed barley and malting barley in establishing county loan rates and loan repayment rates.

The conference agreement includes language (section 838) regarding date extention for marketing assistance loans and loan deficiency payments for rice.

The conference agreement includes a provision (section 839) that allows the Secretary to enter into agreements for the purpose of controlling the buildup of natural fuels that contribute to the threat of wildfires.

The conference agreement includes language (section 840) regarding publication of regulations for this title.

The conference agreement includes language (section 841) regarding tobacco.

The conference agreement includes language (section 842) regarding administrative offsets. The conferees note that the Secretary of Agriculture has in prior years used existing authorities to exempt farm payments from administrative offset, both within the Department of Agriculture and externally. In view of the significant economic hardships faced by farmers and ranchers this year, the third straight year of such hardships, the conferees urge the Secretary of Agriculture to exempt loan deficiency payments and marketing loan gains for year 2000 crops from internal and external administrative offset.

The conference agreement includes language (section 843) providing $20,000,000 to make payments to producers of tomatoes, pears, peaches, and apricots that were unable to market their crops because of agriculture cooperative losses in the state of California.

The conference agreement includes language (section 844) regarding burley tobacco.

The conference agreement includes language (section 845) regarding marketing assistance loans and deficiency loan payment eligibility.

The conference agreement includes language (section 846) regarding food stamp program excess shelter expenses.

The conference agreement includes language (section 847) regarding food stamp program vehicle allowances.

OFFSETS/RESCISSIONS

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement does not provide language that cancels funds in the Office of the Chief Information Officer account that were made available for Year 2000 conversion purposes.

TITLE IX—TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT

The conference agreement includes the "Trade Sanctions Reform and Export Enhancement Act of 2000".

TITLE X—CONTINUED DUMPING AND SUBSIDY OFFSET

The conference agreement includes the "Continued Dumping and Subsidy Offset Act of 2000".

TITLE XI—CONSERVATION OF FARMABLE WETLAND

The conference agreement includes language regarding a Conservation Reserve Program pilot in the prairie pothole region of the United States.

TITLE XII—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

The conference agreement includes language regarding avocado research and promotion program.

TITLE XIII—DEBT REDUCTION

The conference agreement includes language that reduces the public debt of the United States.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2000	$84,312,546
Budget estimates of new (obligational) authority, fiscal year 2001	76,785,597
House bill, fiscal year 2001	75,264,494
Senate bill, fiscal year 2001	75,356,809
Conference agreement, fiscal year 2001	78,139,809
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	−6,172,737
Budget estimates of new (obligational) authority, fiscal year 2001	+1,354,212
House bill, fiscal year 2001	+2,875,315
Senate bill, fiscal year 2001	+2,783,000

Joe Skeen,
James T. Walsh,
Jay Dickey,
Jack Kingston,
George R. Nethercutt, Jr.,
Henry Bonilla,
Tom Latham,
Jo Ann Emerson,
C.W. Bill Young,
Managers on the Part of the House.

Thad Cochran,
Arlen Specter,
Christopher S. Bond,
Slade Gorton,
Mitch McConnell,
Conrad Burns,
Ted Stevens,
Herb Kohl,
Tom Harkin,
(except for Cuba and drug reimportation),
Byron L. Dorgan,
Dianne Feinstein,
Robert C. Byrd,
Managers on the Part of the Senate.

ADJOURNMENT TO TUESDAY, OCTOBER 10, 2000

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, October 10, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Mr. GEPHARDT) for today on account of business in the district.

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. MEEKS of New York (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. PASCRELL (at the request of Mr. GEPHARDT) for today after 1:30 p.m. on account of official business.

Mr. REYES (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. STARK (at the request of Mr. GEPHARDT) for today after 12:30 p.m. on account of medical reasons.

Mr. DIAZ-BALART (at the request of Mr. ARMEY) for today on account of touring flood damage with the director of the Federal Emergency Management Agency.

Mrs. FOWLER (at the request of Mr. ARMEY) for today after 1:00 p.m. on account of official business.

Mr. HEFLEY (at the request of Mr. ARMEY) for today and October 3 on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, October 10.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 134. An act to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; to the Committee on Resources.

S. 1367. An act to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes; to the Committee on Resources.

S. 1534. An act to reauthorize the Coastal Zone Management Act, and for other purposes; to the Committee on Resources; in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1670. An act to revise the boundary of Fort Matanzas National Monument, and for other purposes; to the Committee on Resources.

S. 1972. An act to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park; to the Committee on Resources.

S. 2069. An act to permit the conveyance of certain land in Powell, Wyoming; to the Committee on Resources.

S. 2273. An act to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes; to the Committee on Resources.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; to the Committee on Resources.

S. 2345. An act to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes; to the Committee on Resources.

S. 2439. An act to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes; to the Committee on Commerce.

S. 2478. An act to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes; to the Committee on Resources.

S. 2485. An act to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine; to the Committee on Resources.

S. 2499. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; to the Committee on Commerce.

S. 2691. An act to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes; to the Committee on Resources; in addition to the Committee on Agriculture for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2749. An act to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States to the Committee on Resources.

S. 2865. An act to designate certain land of the National Forest System located in the State of Virginia as wilderness; to the Committee on Resources; in addition to the Committee on Agriculture for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2885. An act to establish the Jamestown 400th Commemoration Commission, and for other purposes; to the Committee on Government Reform.

S. 2942. An act to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia; to the Committee on Commerce.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1143. An act to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

H.R. 1162. An act to designate the bridge on United States Route 231 that crosses the Ohio river between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge".

H.R. 1605. An act to designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the "J. Smith Henley Federal Building and United States Courthouse".

H.R. 4318. An act to establish the Red River National Wildlife Refuge.

H.R. 4578. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4642. An act to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

H.R. 4806. An act to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building".

H.R. 5284. An act to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett United States Customhouse.".

ADJOURNMENT

Mr. YOUNG of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 01 minute p.m.), under its previous order, the House adjourned until Tuesday October 10, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10493. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutentant general on the retired list of Lieutentant General Randolph W. House, United States Army; to the Committee on Armed Services.

10494. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of Admiral on the retirement list of Admiral Charles S. Abbot, United States Navy; to the Committee on Armed Services.

10495. A letter from the Secretary, Department of Health and Human Services, transmitting the biennial report on activities and progress toward the prevention and treatment of addictive and mental disorders prepared by the Substance Abuse and Mental Health Services Administration (SAMHSA), pursuant to 42 U.S.C. 290gg(f)(2); to the Committee on Commerce.

10496. A letter from the Secretary, Department of the Treasury, transmitting an annual report to the President and to the Congress on the audit of the Telecommunications Development Fund, pursuant to 47 U.S.C. 614; to the Committee on Commerce.

10497. A letter from the Director, International Cooperation, Acquisition and Technology, Department of Defense, transmitting a copy of Transmittal No. 21–00 which constitutes a Request for Final Approval for the of Agreement concerning the Unmanned Aerial Vehicle (UAV) Airborne Communications Node Demonstration Project, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10498. A letter from the Chief Executive Officer, Corporation For National Service, transmitting the Corporation's strategic plan for fiscal years 2000 to 2005; to the Committee on Government Reform.

10499. A letter from the Deputy Chief Financial Officer, Environmental Protection Agency, transmitting the Strategic Plan for FY 2000–2005; to the Committee on Government Reform.

10500. A letter from the Chairman, Federal Communications Commission, transmitting the Strategic Plan, entitled, "A New FCC for the 21st Century"; to the Committee on Government Reform.

10501. A letter from the Executive Director, Federal Reserve Employee Benefits System, transmitting transmitting the annual report disclosing the financial condition of the Retirement Plan and Annual Report as required by Public Law 95–595, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

10502. A letter from the Director, National Gallery of Art, transmitting the Year 2000 Inventory's Annual Report On Agency Management of Commercial Activities; to the Committee on Government Reform.

10503. A letter from the Secretary of the Treasury, transmitting the strategic plan for fiscal years 2000 through 2005; to the Committee on Government Reform.

10504. A letter from the Chairman, Securities and Exchange Commission, transmitting the strategic plan for fiscal years 2000–2005; to the Committee on Government Reform.

10505. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30193;

Amdt. No. 2011] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10506. A letter from the Program Analyst, FAA, Department of Transportation, trans mitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30192] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10507. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Gary, IN; and establishment of Class E Airspace; Gary, IN [Airspace Docket No. 00-AGL-16] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E airspace, Duchesne, UT [Airspace Docket No. 00-ANM-08] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10509. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airspace Designations; Incorporation By Reference [Docket No. 29334; Amendment No. 71-32] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10510. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 832 Discount Factors for 2000 [Rev. Proc. 2000-45] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10511. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rabbi Trust Notice [Notice 2000-56] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10512. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 846 Discount Factors for 2000 [Rev. Proc. 2000-44] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10513. A letter from the Director, Office of Thrift Supervision, transmitting the Annual Consumer Report to Congress; jointly to the Committees on Banking and Financial Services and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII; reports of committee were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 828. A bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes; with an amendment (Rept. 106-943). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 964 An act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes (Rept. 106-944). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee of Conference. Conference report on H.R. 4205. A bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes (Rept. 106-945). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 2592. A bill to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act: with an amendment (Rept. 106-946). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1288. An act to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes (Rept. 106-947 Pt. 1). Ordered to be printed.

Mr. SKEEN: Committee of Conference. Conference report on H.R. 4461. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-948). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Ways and Means discharged. H.R. 3673 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 13, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 13, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 13, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SPENCE:

H.R. 5408. A bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Commerce, Education and the Workforce, Government Reform, International Relations, the Judiciary, Resources, Science, Transportation and Infrastructure, Veterans' Affairs, Ways and Means, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan:

H.R. 5409. A bill to extend for 9 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. HOYER, Mr. BOEHNER, Mr. EHLERS, Mr. NEY, Mr. MICA, Mr. LINDER, and Mr. FATTAH):

H.R. 5410. A bill to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. COOK:

H.R. 5411. A bill to direct the Secretary of Transportation to permit the State of Utah to construct a hook ramp as part of the highway project to reconstruct the interchange at Interstate Route 15 and University Parkway in Orem, Utah; to the Committee on Transportation and Infrastructure.

By Mr. DEAL of Georgia:

H.R. 5412. A bill to amend the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 5413. A bill to require the Secretary of Transportation to issue regulations addressing safety concerns in minimizing delay for automobile traffic at railroad grade crossings; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 5414. A bill to promote global efforts to protect biological diversity by protecting the Tongass Rain Forest, the United States' largest temperate rain forest, and for other purposes; to the Committee on Resources.

By Mr. FILNER (for himself and Mr. KUCINICH):

H.R. 5415. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on wholesale electric energy sold in the Western System Coordinating Council; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 5416. A bill to promote economic development and stability in Southeast Europe by providing countries in that region with additional trade benefits; to the Committee on Ways and Means.

By Mr. LAFALCE (for himself, Mr. GEPHARDT, Mr. FRANK of Massachusetts, Mr. LEACH, Mr. KANJORSKI, Ms. WATERS, Mr. SANDERS, Mrs. ROUKEMA, Mr. BAKER, Mr. LAZIO, Mrs. MALONEY of New York, Mr. GUTIERREZ, Ms. VELÁQUEZ, Mr. WATT of North Carolina, Mr. ACKERMAN, Mr. BENTSEN, Mr. MALONEY of Connecticut, Ms. HOOLEY of Oregon, Ms. CARSON, Mr. WEYGAND, Mr. SHERMAN, Mr. SANDLIN, Mr. MEEKS of New York, Ms. LEE, Mr. MASCARA, Mr. INSLEE, Ms. SCHAKOWSKY, Mr. MOORE, Mr. GONZALEZ, Mrs. JONES of Ohio, Mr. CAPUANO, Mr. FORBES, Mr. CASTLE, Mr. CAMPBELL, Mr. NEY, Mrs. KELLY, Mr. PAUL, Mr. LATOURETTE, Mrs. BIGGERT, Mr. TOOMEY, Mr. OBERSTAR, Mr. SABO, Mr. MINGE, Mr. WISE, Mr. NADLER, Mr. DAVIS of Illinois, Mr. TIERNEY, Mr. WAXMAN, Mrs. TAUSCHER, Mr. GREEN of Texas, Mr. EVANS, Mrs. MINK of Hawaii, Mr. SPRATT, Ms. BALDWIN, Mr. NEAL of Massachusetts, Mr. MEEHAN, Ms. ROYBAL-ALLARD, Ms. DANNER, Mr. DIXON, Mr. BROWN of Ohio, Mr. BOSWELL, Mr. MCGOVERN, Mrs. NAPOLITANO, Ms. MILLENDER-MCDONALD, and Mr. LUCAS of Oklahoma):

H.R. 5417. A bill to rename the Stewart B. McKinney Homeless Assistance Act as the "McKinney-Vento Homeless Assistance Act"; to the Committee on Banking and Financial Services.

By Mr. PITTS (for himself, Mr. SHUSTER, Mr. MURTHA, Mr. GEKAS, Mr. GOODLING, Mr. PETERSON of Pennsylvania, Mr. TOOMEY, Mr. GREENWOOD, Mr. BORSKI, Mr. SHERWOOD, Mr. FATTAH, Mr. HOLDEN, Mr. ENGLISH, Mr. KANJORSKI, Mr. KLINK, Mr. BRADY of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. HOEFFEL, and Mr. MASCARA):

H.R. 5418. A bill to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office"; to the Committee on Government Reform.

By Ms. PRYCE of Ohio (for herself and Mrs. CAPPS):

H.R. 5419. A bill to amend the Public Health Service Act to establish a demonstration project at the National Cancer Institute to provide funding for research concerning the prevention, diagnosis, treatment, and cure for cancer; to the Committee on Commerce.

By Mr. ROYCE:

H.R. 5420. A bill to establish a National Commission to Eliminate Waste in Government; to the Committee on Government Reform.

By Mr. SHAW (for himself and Mr. STARK):

H.R. 5421. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on persons who acquire structured settlement payments in factoring transactions, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. STUPAK, Mr. BOEHLERT, and Mr. METCALF):

H.R. 5422. A bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting program; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself, Mr. ABERCROMBIE, Mr. BAKER, Mr. BARCIA, Mr. BARRETT of Nebraska, Mrs. CHENOWETH-HAGE, Mr. COMBEST, Mrs. CUBIN, Mr. FOLEY, Mr. HASTINGS of Florida, Mr. HASTINGS of Washington, Mr. JEFFERSON, Mr. JOHN, Ms. KAPTUR, Mr. MINGE, Mrs. MINK of Hawaii, Mr. NETHERCUTT, Mr. POMEROY, Mr. SCHAFFER, Mr. TAUZIN, and Mrs. THURMAN):

H.R. 5423. A bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas; to the Committee on Ways and Means.

By Mr. WELDON of Pennsylvania:

H.R. 5424. A bill to amend the Housing and Community Development Act of 1974 to authorize communities receiving community development block grants to use grant amounts to provide assistance to local firefighting, emergency medical, and rescue services; to the Committee on Banking and Financial Services.

By Mr. WELDON of Pennsylvania:

H.R. 5425. A bill to amend the National and Community Service Act of 1990 to include participation in a volunteer firefighting agency as one of the national service programs specifically authorized to receive assistance under the AmeriCorps program; to the Committee on Education and the Workforce.

By Mr. SKEEN:

H.R. 5426. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Programs for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. STUMP (for himself and Mr. HYDE):

H. Con. Res. 419. Concurrent resolution expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capitol; to the Committee on Resources.

By Mr. ACKERMAN (for himself and Mr. GEJDENSON):

H. Res. 614. A resolution condemning the Government of Iran for the continued imprisonment of 10 Jews and 2 Muslims on false charges of espionage and urging the President to sustain United States sanctions against Iran, including opposition to assistance provided by international institutions, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. CUMMINGS.

H.R. 352: Mr. WALDEN of Oregon.

H.R. 453: Ms. SCHAKOWSKY and Mr. GALLEGLY.

H.R. 455: Mr. BACA.

H.R. 531: Mr. LEACH.

H.R. 762: Mr. LOBIONDO.

H.R. 1194: Mr. MINGE.

H.R. 1228: Mr. CONYERS, Mrs. CLAYTON, Mr. KUCINICH, and Mr. PRICE of North Carolina.

H.R. 1640: Mr. KENNEDY of Rhode Island.

H.R. 1870: Mr. GEJDENSON.

H.R. 2341: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Washington, Mr. SMITH of Michigan, Mr. WALDEN of Oregon, and Mr. BASS.

H.R. 2457: Mr. CRAMER, Mr. WEXLER, Mr. COOK, Mr. HASTINGS of Florida, Mr. LARSON, Mr. LAMPSON, Mr. BURTON of Indiana, Mrs. JONES of Ohio, Mr. BLUMENAUER, Mr. LOBIONDO, Mr. DEFAZIO, Mr. JACKSON of Illinois, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. SCOTT, Mr. LAZIO, Mr. KLECZKA, and Mr. TIERNEY.

H.R. 2505: Mr. KLINK.

H.R. 2738: Mr. BLAGOJEVICH.

H.R. 2774: Ms. NORTON.

H.R. 2907: Mr. CAPUANO, Mr. BONIOR, Mr. BERMAN, and Ms. CARSON.

H.R. 3004: Mr. LEWIS of Georgia and Mr. INSLEE.

H.R. 3249: Mr. UDALL of Colorado and Mr. HYDE.

H.R. 3377: Mr. GEJDENSON.

H.R. 3700: Ms. DELAURO, Mr. WU, and Mr. SNYDER.

H.R. 3905: Mr. HOBSON.

H.R. 4025: Mr. BOEHLERT.

H.R. 4178: Mr. SISISKY.

H.R. 4257: Mr. JONES of North Carolina.

H.R. 4390: Mr. WEXLER.

H.R. 4415: Mr. BONIOR.

H.R. 4434: Mr. WALSH.

H.R. 4453: Mrs. TAUSCHER.

H.R. 4467: Mr. THUNE.

H.R. 4493: Mr. HINCHEY.

H.R. 4501: Mr. LEWIS of California, Mr. COX, and Mr. CAMPBELL.

H.R. 4506: Mr. MCHUGH, Ms. DANNER, and Mr. WEYGAND.

H.R. 4570: Mr. LATHAM and Mr. ISAKSON.

H.R. 4571: Mr. WAMP, Mrs. MORELLA, Mr. BILBRAY, Mr. KILDEE, Ms. SCHAKOWSKY, Mr. BENTSEN, Mr. BOEHNER, Ms. CARSON, Mr. MCINTYRE, Mr. WELLER, and Mr. BLAGOJEVICH.

H.R. 4614: Mr. HOEFFEL.

H.R. 4707: Ms. MILLENDER-MCDONALD, Mr. PAYNE, and Mr. MCCOLLUM.

H.R. 4715: Mr. KLECZKA.

H.R. 4728: Mr. LUCAS of Kentucky, Mr. TANNER, Mr. CANNON, Mr. DAVIS of Illinois, Mr. WEINER, Mr. OWENS, Mr. DAVIS of Virginia, Mr. ISAKSON, and Mr. ALLEN.

H.R. 4740: Ms. NORTON, Mrs. CAPPS, and Mr. PRICE of North Carolina.

H.R. 4792: Mr. DEFAZIO.

H.R. 4794: Ms. DELAURO.

H.R. 4802: Mr. GREEN of Texas, Mr. BUYER, and Mr. BONILLA.

H.R. 4857: Mr. BILBRAY.

H.R. 4927: Mr. HOEFFEL.

H.R. 5027: Mr. KOLBE.

H.R. 5099: Mr. MINGE.

H.R. 5110: Mr. GARY MILLER of California.

H.R. 5121: Mr. WEXLER and Mr. BLAGOJEVICH.

H.R. 5132: Mr. PRICE of North Carolina, Mr. WELDON of Pennsylvania, and Mr. BERMAN.

H.R. 5137: Mr. BILBRAY, Mr. BACHUS, and Mr. LEVIN.

H.R. 5151: Mr. BONIOR.

H.R. 5152: Mr. DICKS.

H.R. 5163: Mr. ANDREWS, Mr. MORAN of Kansas, and Ms. WOOLSEY.

H.R. 5164: Mr. GILLMOR.

H.R. 5172: Mr. DEUTSCH, Mr. MCINTYRE, Ms. DANNER, Mr. DOOLEY of California, Mr. WELLER, Ms. STABENOW and Ms. CARSON.

H.R. 5232: Ms. SCHAKOWSKY.

H.R. 5247: Mr. DEFAZIO.

H.R. 5265: Mr. GOODE, Mr. GILLMOR, and Mr. STUMP.

H.R. 5275: Ms. RIVERS, Mr. THORNBERRY, and Mr. ISAKSON.

H.R. 5277: Mr. BALDACCI, Mr. SABO, Mr. TURNER, Mr. SISISKY, Ms. LOFGREN, Ms. RIVERS, and Mr. WEXLER.

H.R. 5314: Mr. POMBO, Mr. KOLBE, Mrs. NORTHUP, Mr. GOODE, Mr. BILBRAY, Mr. NADLER, Mr. ROYCE, Mr. SHAYS, Mr. GILCHREST, Mr. WELDON of Pennsylvania, Mr. EHRLICH, Mr. FROST, Mr. SMITH of Washington, Mr. NETHERCUTT, Mr. TAYLOR of Mississippi, Mr. BLILEY, Mr. KUCINICH, Mr. SANDERS, Mr. CONYERS, Mr. JACKSON of Illinois, Mr. ABERCROMBIE, Mr. LOBIONDO, Mr. CLEMENT, Mr. MEEHAN, Mr. STUMP, Mr. WICKER, Mr. COBURN, Mr. DOOLITTLE, Mr. REYES, Mr. GIBBONS, Mr. PITTS, Mr. KINGSTON, Mr. JONES of North Carolina, Mr. CHABOT, Mr. YOUNG of Florida, Mr. HYDE, Mr. TRAFICANT, and Mr. BACA.

H.R. 5345: Mrs. CAPPS, Mr. THOMPSON of California, Ms. PELOSI, Mrs. BONO, Mr. WYNN, and Mr. OSE.

H.R. 5356: Mr. SHERWOOD and Mr. KANJORSKI.

H.R. 5371: Mr. UDALL of Colorado.

H.R. 5375: Ms. SLAUGHTER and Mrs. KELLY.

H.R. 5392: Mr. ENGLISH.

H.R. 5397: Mr. BERMAN, Mr. HINOJOSA, Mr. PASTOR, Mr. BISHOP, Mr. BOYD, Mr. MARKEY, Mr. LANTOS, and Mr. RAMSTAD.

H. J. Res. 107: Mr. TIERNEY and Ms. CARSON.

H. Con. Res. 337: Mr. ISAKSON, Mr. HOLT, and Mr. POMBO.

H. Res. 146: Mr. INSLEE.

H. Res. 187: Ms. SLAUGHTER.

H. Res. 420: Mr. ORTIZ.

H. Res. 461: Mr. PETERSON of Pennsylvania, Mr. MEEHAN, Ms. LEE, and Mr. WEYGAND.

H. Res. 605: Mr. OSE and Mrs. FOWLER.

EXTENSIONS OF REMARKS

HONORING JUDGE ROMAN S. GRIBBS ON HIS RETIREMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. DINGELL. Mr. Speaker, today I recognize, honor and salute my dear friend Judge Roman S. Gribbs on his retirement from the Michigan Court of Appeals and for his many years of dedicated public service.

Beginnings do not come much more humble than Roman's. He attended grammar school in a one-room schoolhouse in the Thumb area of Michigan, and in 1944 graduated, as salutatorian, from Capac High School. After serving in the United States Army, Roman graduated Magna Cum Laude from the University of Detroit in 1952, with a degree in Economics and Accounting. In 1954, he earned his Juris Doctor from the same school.

Roman began his professional career as an instructor at his alma mater, the University of Detroit. He later served as Assistant Wayne County Prosecutor, Presiding Traffic Court Referee for the City of Detroit and Wayne County Sheriff. From 1970 through 1974, Judge Gribbs served as Mayor of Detroit, during which time he also was President of the National League of Cities. While working as a partner at the law firm Fenton, Nederlander, Dodge, Barris and Gribbs, P.C., Roman was also an Adjunct Professor at the University of Michigan. As though these many accomplishments were not enough, Mr. Speaker, my good friend has spent the last 23 years serving as a judge, first on the Third Judicial Circuit Court of Michigan, then on the Michigan Court of Appeals.

In addition to his vast professional accomplishments, Roman is an active member of many fine organizations including: the Detroit Institute of Arts, the Economic Club of Detroit, American Academy of Political and Social Sciences, the League of Women Voters of Michigan, National Association for the Advancement of Colored People and Michigan Youth Commission to name only a few.

Mr. Speaker, as Roman leaves the public limelight to spend time with his lovely wife, Lee, and his five children, I would ask that all of my colleagues salute Roman and his leadership, hard work and caring heart.

HONORING DR. LINDA ROSENSTOCK

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. OBEY. Mr. Speaker, The National Institute of Occupational Safety and Health (NIOSH) and the Centers for Disease Control and Prevention (CDC) are extremely fortunate to have recruited and retained one of the top occupational health physicians in the country to lead NIOSH over the past six years. As an internationally known authority in the field of occupational safety and health, Dr. Linda Rosenstock's steadfast devotion and visionary leadership have contributed significantly in establishing NIOSH as the model agency for occupational safety and health research. With this in mind, it comes as no surprise that she was recently selected as the new Dean of the School of Public Health at the University of California, Los Angeles, and while the CDC and NIOSH will miss her insightful leadership; young professionals and the public health environment as a whole will benefit in yet another way from her knowledge, hard work, and dedication to the field of occupational safety and health.

In her role as Director of NIOSH, Dr. Rosenstock relied greatly upon input from industry, labor unions, academia, government and other occupational health and safety professionals to help guide the Institute in a new direction that would explore the changing nature of our nation's workforce and work environment. Much of this involvement came about through the introduction of the National Occupational Research Agenda (NORA), a framework for guiding occupational safety and health research that was developed in collaboration with 500 external partners. This along with the strategic relocation of the health and safety functions of the former Bureau of Mines, and the completion of a new state-of-the-art research facility in Morgantown, West Virginia has brought an annual appropriation increase of $85 million to NIOSH since Dr. Rosenstock's arrival in 1994.

Dr. Rosenstock's hard work and dedication to occupational safety and health will long be remembered by this Congress and by the workers in this country who have benefitted from her efforts.

UP THE ANTE ON PAKISTAN

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. HILLIARD. Mr. Speaker, I submit the following articles for the Record.

[From the Washington Post, Sept. 11, 2000]

UP THE ANTE ON PAKISTAN

(By Arthur H. Davis)

While bitter enemies form Ireland to Israel are bowing to the dictates of peace and economic development, the threat of war in South Asia continues to loom large. The economy of Pakistan is sinking, yet the focus of the military leadership remains stronger than ever on Kashmir. Pakistan's junta continues to concentrate all of its resources on funding and fueling terrorism in Kashmir on the one hand, while on the other dashing domestic hopes for a return to a democratic and secular society.

Gen. Pervez Musharraf, the self-appointed chief executive of Pakistan, who also has the dubious distinction of being the coup leader and saboteur of the Lahore peace process, went on record saying that however the people of Kashmir decide their fate will be acceptable to Pakistan. The general also has reiterated his willingness to conduct his own talks with India at any place and any time on all issues, if Kashmir is included. Yet recent events clearly belie hopes that he intends to honor his words.

In late July the world welcomed the announcement of a three-month cease-fire and the offer of unconditional talks with the central government of India by the Hizbul Mujaheddin, the largest militant group in Indian Kashmir. Majir Dar, the Hizbul commander operating in Indian Kashmir, reportedly made this unexpected announcement after secret meetings with Hizbul followers and presumably with the group's leader, Sayed Salahuddin, who resides in Pakistan.

To this, the Indian government exhibited a new and welcome flexibility by responding positively to the offer. Lt. Gen. John Mukherjee, commander of Indian forces in Kashmir, announced the cessation of all operations against the Hizbul, while senior officials from Delhi proceeded to Kashmir to discuss the modalities of talks with the Hizbul. Unfortunately, the prospect for peace was not met with similar alacrity by Pakistan's military and fundamentalist religious leaders, who were clearly caught off guard by this show of militant independence. Pakistani security agents reportedly picked up Salahuddin shortly after the cease fire agreement, while his Hizbul Mujaheddin was ejected from the United Jehad Council, the umbrella alliance of Kashmiri militant outfits. And while official Pakistani responses initially were muted, wholesale attempts since have been underway by the junta to employ its influence over the regional militants to derail the incipient peace talks.

On the night of Aug. 1, more than a hundred Hindus, many of them pilgrims, were massacred by Pakistani-backed terrorists. The massacre has been followed by the attachment of two deal-breaking caveats to Hizbul's offer of "unconditional" talks. In a move the State Department has since termed "not helpful," Hizbul has demanded a seat for Pakistan at any talks and also that those talks be conducted outside the scope of India's constitution, thus allowing for a deal on Kashmiri independence. Indian leaders long have resisted both conditions.

It has been widely stated in Washington and other Western capitals that India must negotiate with the Pakistani military for a definitive peace to be achieved. But the question remains whether the army really wants peace. All three wars between India and Pakistan have been fought when there were military governments in Pakistan. A fourth, under the present military leadership, remains a possibility—this time with a nuclear shadow cast upon it.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Pakistani military regime is exhibiting an almost pathological determination to keep South Asia in turmoil, doing little to curb Islamic fundamentalism and terrorism breeding within its borders, while scuttling others' steps toward peace.

During his visit to the region earlier this year, President Clinton threaded a needle of admonishing Pakistan for its support of violence in Kashmir while keeping the door open for engagement if it abated such activities. Unfortunately, his stern warnings have yet to exact much change. Pakistan's intended destruction of the nascent Kashmir peace process requires a firmer response from the U.S. administration. Declaring Pakistan a terrorist state, and thus putting it on par with the terrorist group it harbors and supports, would encourage the people of Pakistan to remove the military warmongers who have deprived them of sustainable development.

It is clear who wants peace in the region and who does not. Only by challenging Pakistan's duplicatous ways will peace have a hope of winning.

[From the Los Angeles Times, Sept. 12, 2000]

ARMED INDIA CAN HELP STABILIZE ASIA

(By Selig S. Harrison)

In May, 1998, India conducted five nuclear tests. More than two years later, the United States, with a record of 949 nuclear tests during the five decades since Hiroshima, is still enforcing punitive economic sanctions against New Delhi, poisoning the entire relationship between the world's two largest democracies.

President Clinton should quietly bury this self-defeating policy when he meets with Prime Minister Atul Behari Vejpayee at the White House this week. Pressuring India to reverse its commitment to develop nuclear weapons merely strengthens Indian hawks who oppose closer relations with Washington and favor an all-out nuclear buildup that would stimulate nuclear arms races with China and Pakistan.

The United States should accept the reality of a nuclear armed India as part of a broader recognition of its emergence as a major economic and military power. Such a shift would remove the last major barrier blocking a rapid improvement in Indo-U.S. relations. President Clinton has kept up the pressure on India to forswear nuclear weapons despite the fact that all sections of Indian opinion strongly favor a nuclear deterrent.

Instead of persisting in a futile effort to roll back the Indian nuclear weapons program, the United States should seek to influence the current debate in New Delhi over the size and character of the nuclear buildup. A more relaxed relationship with New Delhi would facilitate U.S. cooperation with moderate elements in the Indian leadership who favor nuclear restraint.

A U.S. policy focused on nuclear restraint rather than nuclear rollback should not only seek to minimize the number of warheads but also to keep them under civilian control and to limit the frequency of missile tests. Other key U.S. goals should be to get India to sign the Comprehensive Nuclear Test Ban Treaty and to formalize de facto Indian restrictions on the export of nuclear technology.

Moderate elements in New Delhi are sympathetic to many of these objectives but need U.S. quid pro quos to make them politically attainable. For example, the continuation of sanctions makes it impossible for the Indian government to sign the test ban without appearing to surrender to foreign pressure. Equally important, the sanctions have blocked $3 billion in multilateral aid credits for power projects and other economic development priorities.

Together with the removal of sanctions, the U.S. should greatly reduce the blanket restrictions on the transfer of dual-use technology that were imposed after the 1998 tests. These restrictions cover many items with little relevance to nuclear weapons.

The most important U.S. quid pro quo would be the relaxation of the existing U.S. ban on the sale of civilian nuclear reactors badly needed by India to help meet its growing energy needs. Indians find it galling that China is permitted to buy U.S. reactors, while India is not.

The reason for this blatantly discriminatory policy lies in legalistic hair-splitting in the 1968 Nuclear Non-Proliferation Treaty (NPT). Since China had tested nuclear weapons in 1964, it was classified as a "nuclear weapons state" under the treaty. As such, Beijing was eligible to sign the NPT, along with the other powers then possessing nuclear weapons, the United States, Russia, Britain and France.

All other states were barred in perpetuity from the nuclear club and asked to forswear nuclear weapons formally by signing the treaty. India branded the NPT as discriminatory and refused to sign. Now it would like to sign as a nuclear weapon state but the U.S. will not permit it.

The NPT itself does not bar its signatories from providing nuclear technology to nonsignatories such as India. However, the U.S. Congress went beyond the NPT with a law stipulating that non-signatories cannot receive U.S. nuclear technology even if they accept International Atomic Energy Agency, or IAEA, safeguards on its use, which India is willing to do. This legislation even bars the U.S. from helping India to make its nuclear reactors safer.

Significantly, Hans Blix, the respected former IAEA director who now heads the U.N. arms inspection mission to Iraq, has urged that the ban on civilian nuclear sales to both India and Pakistan be lifted if they are willing to make two major concessions: signing the test ban and agreeing to freeze their stockpiles of weapons-grade fissile material at present levels.

"There is nothing in the NPT that would stand in the way of such an arrangement," Blix noted at a Stockholm seminar, and as matters stand, "India and Pakistan are most unlikely to discard whatever nuclear weapons capacity they possess. There is even a clear risk of a race between them to increase fissile material stocks."

The United States has been pushing India to join in a multilateral moratorium on fissile material production but without offering clear incentives. Blix has proposed a more realistic approach. U.S. policy should be based on a tactic recognition that a multipolar Asian balance of power in which India possesses a minimum nuclear deterrent will be more stable than one in which China enjoys a nuclear monopoly.

HONORING BETTE BELLE SMITH

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. CONDIT. Mr. Speaker, today I honor a very special lady. When I think of Bette Belle Smith I am truly amazed. This remarkable woman is the epitome of the word inspiration. I am proud to report to my colleagues Bette Belle has been named as California's Outstanding Older Worker for 2000 by Green Thumb, Inc.

Her story is truly one of extraordinary accomplishment. Consider that she didn't enter the workforce until she was 57 years old. Now, 22 years later she's still holding the same job as a bank vice president. As amazing as that may seem, what makes this lady so special is that she is truly the queen of volunteerism.

In fact, Bette Belle has been volunteering most of her life. She began her career as a volunteer during the Second World War with the American Red Cross. Among the organizations she is involved with since then include the Girl Scouts, Boy Scouts, California Women for Agriculture and the 4-H Sponsor Committee, the American Field Service International Scholarship Program and AFS Committee, United Way and Special Events Committee, the McHenry Museum Society and Museum Guild and the Modesto Symphony Orchestra board.

When she walks into a room, Mr. Speaker, it's nearly impossible to say no to her. Is it any wonder why The United Way of Stanislaus County named its annual volunteerism award, the "Bette Belle Smith Community Award?" I am proud to call this incredible woman my friend. She is tireless and a fantastic role model for us all.

I ask my colleagues in the House of Representatives to rise and join me in honoring Bette Belle Smith.

QUALITY, NOT QUANTITY; RESULTS, NOT PROCESS

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to our distinguished colleague from Seven Valleys, Pennsylvania, the Honorable WILLIAM GOODLING. BILL GOODLING has served his constituents and the nation in this body for more than a quarter century. In that time, he has proven himself a dedicated public servant, one who recognizes the importance of, as he says, quality over quantity and results over process.

That philosophy has been most apparent during his tenure as Chairman of the Education and the Workforce Committee. Over the past six years, BILL GOODLING has worked tirelessly for fair and comprehensive education and labor policy. He has advocated returning control over our children's education to parents, teachers, principals, and local school districts because BILL knows that no one is better qualified to meet their educational needs than the people who interact with them every day.

In fact, very few among us are as well suited as BILL GOODLING to championing the improvement of this nation's educational system. Prior to coming to Washington, he served his community as a teacher, principal, and coach.

He even served as school superintendent, so he knows first-hand the educational needs of children.

From his development of the Even Start Program to aid parents in supporting this children's learning process and his support of the Ed Flex bill, to his push to increase the percentage of American children receiving quality education from the current 50 percent to 100 percent, we know that BILL GOODLING has recognized the need to work today to create a better tomorrow.

I know I speak for many of our colleagues when I say that BILL GOODLING's insight and experience will be missed. Thank you, BILL, for your many years of service, and good luck in your future endeavors.

TRIBUTE TO MILDRED MILLIE JEFFREY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. LEVIN. Mr. Speaker, it is with high honor and deep admiration that I share the words of President William Jefferson Clinton as he bestowed the Presidential Medal of Freedom to a national treasure from the State of Michigan, Mildred "Millie" Jeffrey.

> As a Catholic schoolgirl, Millie Jeffrey dodged the stones of neighborhood bigots and watched Klansmen march through town with a burning cross. As a union organizer in Mississippi, she stood bravely as company men snapped bullwhips at her feet. Clearly, they didn't know whom they were up against.
>
> She may be small in stature and humble in manner, but she is very strong. She worked for Walter Reuther and counseled the Kennedys, influencing all with her courage and unflagging commitment to social justice. To meet the need for more women in public office, she started the National Women's Political Caucus, and sparked the effort to nominate Geraldine Ferraro 16 years ago.
>
> For countless women around the world, she remains an inspiration. Her impact will be felt for generations, and her example never forgotten.

It has been my personal privilege to work side by side with Millie Jeffrey over these years on many vital issues ranging from the world of politics including the campaign of Robert Kennedy to the world of civil rights and the rights of women. It is hard to convey through the written word Millie's enthusiasm and dogged devotion to her causes. She not only continues to "light up" a room, but she remains committed to action and results.

In closing, let me share a bit of Millie Jeffrey herself from an upcoming documentary film of her life, "You never win freedom permanently. You have to win it time after time after time—whether it's union rights, civil rights, equality in education or for women in any aspect of our lives. We have to keep at it, and at it."

TRIBUTE TO J.R. CURTIS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in memory of an exceptional man, an outstanding community leader and beloved citizen of Longview, Texas, the late J.R. Curtis, whose life was cut short at the age of 55 following a motorcycle accident on September 2 in Durango, Colorado. J.R. lived life with enthusiasm—and with a tremendous devotion to his family, his community, his friends and his faith. He leaves a remarkable legacy of professional and civic accomplishments—as well as a legacy of loving relationships with his family and many friends.

J.R. was born on August 18, 1945, to James R. Curtis, Sr., and Sarah DeRue Armstrong Curtis of Longview. He graduated from Longview High School in 1963 and graduated from Texas Christian University in Forth Worth in 1967. He also attended the American Institute of Foreign Trade in Glendale, Ariz., from 1967–68.

J.R. was a successful and popular radio broadcaster in Longview. He purchased KFRO AM/FM radio station from his father in 1986 and was the owner and manager until 1998. He also became owner of KLSQ–FM and operated KNYN in Santa Fe, N.M. He began his broadcasting career in high school, working for his father's station as sportscaster for KFRO's Wednesday night Teen Time Program. He learned all aspects of the radio business, from engineering to news and sales, at an early age.

J.R. was active in the Texas Association of Broadcasters, serving as a medium market director for TAB and as president of TAB. He was named Texas Broadcaster of the Year in 1990. He also was active at the national level, serving as a member of the National Association of Broadcasters Blitz Committee and as a director of NAB in Washington, DC, from 1996–99.

In addition to broadcasting, J.R. served as president of the Curtis Foundation, president of Workmans Oil Co., and a director of First Federal Savings Bank of Longview from 1982–1997. At the time of his death, he was employed as a consultant with Longview Economic Development Corp.

J.R. served nine years on the Longview City Council, from 1975–1984. In 1977 he became the youngest mayor in Texas when he was appointed by the council at age 33 to the city's top job. His recent community involvement included serving as president and vice president of Longview 20/20 Forum; finance chairman of Longview Museum Fine Arts, 1997; director of Longview Partnership, 1995–98; and a member of the administrative board of First United Methodist Church, 1996–98. He had a 19-year perfect attendance record in the Longview Rotary Club, where for many years he kept the membership informed of local and national news.

Other involvements included serving as president of Gregg County Housing Finance Corp., executive committee member for the East Texas Council of Governments, director of Little Cypress Utility District, director of the Longview Chamber of Commerce, foundation board member of Good Shepherd Medical Center, foundation board member of LeTourneau University, board member of Crisman Preparatory School and a volunteer for many other organizations. He was a member of the Collier Sunday School Class at First United Methodist Church and an usher at the church.

J.R. is survived by his loving wife of 33 years, Sue Skaggs Curtis; his son and daughter-in-law, Jason Skaggs Curtis and Janey of Forth Worth; his daughter, Elizabeth Ann Curtis of Longview; granddaughter, Margaret Lynn of Forth Worth; his aunt, Ruth Elizabeth Curtis Gray of Longview; mother-in-law, Fredna Skaggs of Longview; brother-in-law Bill Hodges of Longview and brother-in-law and sister-in-law, Dr. and Mrs. Richard Lucas of Longview; two nephews and a niece, and other relatives. He was preceded in death by his parents and one sister, Elizabeth DeRue Curtis Hodges.

J.R. had biked to Durango with five friends for an annual getaway vacation. He died as he had lived—with enthusiasm for life and for friendship. He will long be remembered for the significant contributions he made to his beloved city of Longview. As his wife and high school sweetheart, Sue Curtis, noted, "He loved Longview. He believed in Longview. He was born here and went to school here and wanted to make it a better place."

And he did. J.R.'s influence can be found everywhere in Longview—and will be felt for years to come. Mr. Speaker, as we adjourn today, let us do so in celebration of the life of this wonderful man and citizen of Longview, Texas—J.R. Curtis, whose memory will be cherished in the hearts and minds of those who knew him and loved him.

CONGRATULATIONS TO THE PEOPLE OF TAIWAN ON THE OCCASION OF THE REPUBLIC OF CHINA'S 89TH NATIONAL DAY

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mrs. CLAYTON. Mr. Speaker, on the eve of the Republic of China's 89th National Day, I ask my colleagues to join me in wishing our friends in Taiwan a most happy and enjoyable National Day.

Mr. Speaker, like many of my colleagues and me, there are countless people across this nation who applaud the economic and political accomplishments of our friends in Taiwan.

Mr. Speaker, I truly wish there were more nations in the world following Taiwan's example of unprecedented economic success and rapid democratization; Taiwan is indeed the shining model that all developing nations in the world should seek to emulate. I am certain, Mr. Speaker, that many of my colleagues, given the opportunity, would express the same sentiment.

I am pleased for this opportunity to extend every good wish to the people of Taiwan and its leaders.

TAIWAN CELEBRATES ITS BIRTHDAY

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. HILL of Montana. Mr. Speaker, Taiwan will celebrate its birthday on October 10, 2000. Taiwan is a modern country led by President Chen Shui-bian, who believes that Taiwan's future lies in a strong democracy and a free enterprise system. Taiwan is an excellent model of democracy, as was demonstrated in its March presidential election. Since his inauguration as president on May 20, President Chen has convincingly demonstrated his leadership. Economically, in addition to its well-known industrial prowess, in recent years Taiwan leads most Asian nations in its production of computers, chips and telecommunications equipment.

Taiwan is Montana's 5th largest trade partner, purchasing millions of dollars of Montana exports of agricultural products, chemicals and machinery. I want to thank our friends in Taiwan for their continued importation of Montana goods.

Taiwan's citizens enjoy one of the highest living standards in the world. On the occasion of Republic of China's National Day, it is important to remember that Taiwan has a strong relationship with the United States and we hope that this relationship will continue to flourish in the years to come. Happy birthday Taiwan.

IN MEMORIAL OF THOMAS J. LASSITER

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. ETHERIDGE. Mr. Speaker, today I celebrate the life and memory of Mr. Thomas J. Lassiter of Smithfield, NC. Mr. Lassiter was a talented and influential journalist, a respected community figure, and a dedicated family man. As a journalist and editor of the Smithfield herald, Mr. Lassiter was widely known for his bold and careful thought and for taking sometimes umpopular, yet morally correct positions on issues of the day. History has proven that Thomas Lassiter was truly a man before his time.

Thomas James Lassiter, Jr. was born on August 21, 1911, to Thomas and Rena Lassiter, and graduated from Duke University in 1932. After taking a year to play jazz trombone with the Jelly Leftwich orchestra, Mr. Lassiter returned to Smithfield to join his mother at the herald, where she was serving as editor. He remained at the paper for not quite half a century until his retirement in 1980. During the 1940's, 50's, and 60's. Lassiter gained fame for his strong editorials on racial justice and his opinions on local and international issues. He also served as president of the North Carolina Press Association in 1951–52, and in 1982 was elected to the North Carolina Journalism Hall of Fame. Mr. Lassiter also taught journalism at the University of North Carolina from 1948 to 1953.

By virtue of the words he wrote in the Smithfield herald, Mr. Lassiter was already a public figure, but he also was motivated to serve his community through action. Over the years, he served as chairman or president of the Smithfield Library Board of Trustees, the Smithfield Chamber of Commerce, the local chapter of the North Carolina Symphony Society, and the Smithfield Kiwanis Club. He was also a leader at Smithfield First Baptist Church, as superintendent of Sunday school and church history. Mr. Lassiter was also committed to his family. Together he and Elizabeth, his wife of 61 years, raised two children who gave him four grandchildren, and two great grandchildren.

Mr Speaker, before I close I want to read a quote form one of Mr. Lassiter's editorials. I believe it summarizes the greatness and vision of his work and gives us an idea of the intellect Mr. Lassiter possessed. This excerpt taken from an article titled "A Regrettable Rift" was written after some African American citizens were denied the right to register to vote in the 1945 Smithfield primary election.

> All the Negroes who presented themselves for registration—more than 75 of them—were turned down, while only two whites were denied the privilege of getting their names in the book.
>
> Racial discrimination is on the way out in America and the sooner the people generally recognizing that fact the better it will be for whites as well as Negroes. Racial discrimination is on the way out because it is fundamentally wrong. It is contrary to the very heart of the teachings of Jesus Christ. It is contrary to the highest concept of democracy. It is specially forbidden by the Constitution of the United States.
>
> Negroes pay taxes; they are subject to the same laws that govern whites; they are drafted into the armed forces; they shed their blood on the battlefields alongside of white soldiers. If they are asked to spill their blood for democracy, can we honorably deny them the right to share in the democracy for which they fight?
>
> How long will the Negroes refrain from militancy or belligerency in their struggle for basic rights? That depends upon how soon the majority race frees itself from deep-rooted prejudices and refrains from denying Negroes fundamental democratic privileges which are guaranteed them by the highest law in the land.

Twenty years before the Voting Rights Act, the extraordinary editorial was bold, visionary and courageous. Mr. Speaker, Thomas J. Lassiter left us a legacy of words and actions that inspire us to improve our society, serve our local community, and uphold the honor of our families. I am honored to share his story and celebrate his legacy with this House today.

IN MEMORY OF BETTY BANKS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. HALL. Mr. Speaker, I rise today in memory of a beloved citizen of the Fourth Congressional District and a dear friend, the later Betty Jean Henderson Banks of Ivanhoe, Texas, who passed away earlier this year. Betty was a wonderful woman whose kindness and dedication to her family, friends and community will be long remembered.

Born in Louisiana to the late Lafayette Victor Henderson and Ida Butler Starke Henderson, Betty married James Walter Banks in 1938 in Bonham, Texas. Throughout her years in Bonham, Betty raised a family and worked tirelessly on behalf of her community. Betty was known by many of her work at the Sam Rayburn Memorial Veterans Center in Bonham, where she worked in food service. She also was known throughout Bonham for her volunteer efforts on numerous causes, for making uniforms for the Missionettes (Girls Club) to helping find and fight for a liver transplant for a baby in need. Betty was an integral part of a women's prayer group that met monthly for a prayer breakfast at the First National Bank in Bonham, and she was a member of the First Pentecostal Church of God in Bonham.

In the local paper, this was written about Betty by Mrs. Paul Keahey: "Over the years she stood up for truth and honesty at all levels of society and government and what she believed to be right." These sentiments were echoed by her many friends and fellow citizens who knew her and loved her.

Betty is survived by her son and daughter-in-law, James V. "Butch" Banks and Carol of Baytown; two daughters and sons-in-law, Kathy and Mike Stockton of Ravenna and Becky and Victor Santiago of West Haven, Conn.; and a brother, Robert H. Henderson of Colville, Wash.. She is also survived by seven grandchildren and three great-grandchildren. She was preceded in death by her loving husband, James Walter Banks, who passed away in 1996; a granddaughter, Amanda Stockton; brother, L. Victor Henderson, and a sister, Yvonne Henderson.

Betty was an honest and loyal friend to many and a role model in her community. We will miss her—but her legacy will live on in the lives of all those whom she touched with her generosity and kindness. Mr. Speaker, as we adjourn today, may we do so in memory of this beloved citizen of Fannin County, Betty Banks.

DR. JAMES BILLINGTON, LIBRARIAN OF CONGRESS, HONORED FOR BICENTENNIAL AND LOCAL LEGACIES PROGRAM

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to Dr. James H. Billington, the Librarian of Congress, and to thank him for the fine job that he and the staff of the Library have done with the Local Legacies program, which has served as the focal point of this year's bicentennial celebration for the Library.

As the members may be aware, the Library of Congress, the nation's oldest federal cultural institution, was established by an act of

Congress in 1800, when President John Adams signed a bill transferring the seat of government from Philadelphia to the new capital city of Washington. In addition to the Local Legacies program, which is the focus of my remarks today, the bicentennial of this great institution has been observed with ceremonies, exhibitions, the issuance of a commemorative stamp and coins, as well as the launch of a new, easy-to-use and entertaining Web site, americaslibrary.gov.

In light of Dr. Billington's accomplishments and the tremendous success of the Local Legacies project, I would like to point out his ties to the Keystone State and to Northeastern Pennsylvania in particular. He is a native of Pennsylvania and holds an honorary degree from the University of Scranton. He has made great stride toward his goal of making the Library truly the "people's library," and the Local Legacies project is an excellent example of this.

Last year, each Member of Congress was asked to submit audio, visual, or textual documentation for at least one significant cultural heritage that has been important to his or her district or state to serve as a record for future generations, who might otherwise have lost this important knowledge forever. This documentation is now permanently housed in the collections of the Library's American Folklife Center. In May, Members of Congress and Local Legacies project participants from across the country came together in the Great Hall of the Thomas Jefferson building to celebrate the completion of this magnificent collection of historical material.

I was pleased to register several important cornerstones of community life in my district for posterity as Local Legacies: the Hazleton Funfest, the Bloomsburg Fair, the West End Fair, the Wyoming Commemorative Association, the Anthracite Heritage Parade, the Pittston Tomato Festival and the Saint Mary's Annual Homecoming Picnic in Mocanaqua.

Led by Father Thomas Skotek, the pastor of Saint Mary's, Our Lady of Perpetual Help Church, the Mocanaqua community sent the largest delegation of anywhere in the country—more than 80 people—to Washington for the Local Legacies completion ceremony. I was pleased to introduce them to Dr. Billington at the ceremony.

Mr. Speaker, the visit of the Mocanaqua delegation for the Local Legacies celebration was a particularly special occasion for Frank Evina, a native of Mocanaqua and 30-year employee of the Library of Congress, whose accomplishments are noteworthy in their own right. Mr. Evina was co-coordinator of the Local Legacies project and has helped organize numerous exhibits at the Library, including The Thomas Jefferson Building: Book Palace of the America People," an exhibition marking the centennial of the opening of the Jefferson Building, and "The Wizard of Oz: An American Fairy Tale," an exhibition marking this year's 100th anniversary of one of America's most beloved stories, The Wonderful Wizard of Oz.

The Library is holding a gala celebration tonight as part of the year-long observation of its bicentennial. I send my congratulations to Dr. Billington, Mr. Evina and the staff of the Library of Congress for their tremendous work on the Local Legacies project and all of the bicentennial commemorations, and I also send my best wishes to the people of Saint Mary's and Mocanaqua for the continued success of the Homecoming Picnic.

FIGURE SKATING: A GLIMPSE OF FREEDOM

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. MANZULLO. Mr. Speaker, Janet Lynn fascinated the nation several years ago, when, as a 14-year-old figure skater, she participated in the 1968 Olympics. Four years later, she won a Bronze Medal. Her faith and perseverance captured the Nation. She spoke during the Independence Day celebration in her home town of Rockford, IL, where the people named the ice arena after her. Her remarks on family, faith, and freedom are so compelling that I want her testimony to affect other Americans.

I would like to submit the following remarks into the CONGRESSIONAL RECORD.

FIGURE SKATING; A GLIMPSE OF FREEDOM

(By Janet Lynn)

I am honored to be asked to speak with you. What a privilege that the City of Rockford remembers me with such respect. I realized recently that the honor I feel is even stronger because I have been at home as a wife and mother longer than I was a skater. The fact that I am still remembered, yet alone having an ice rink named after me, is very humbling. I will try to reflect what is in my heart and tell you what it means to me.

Speaking is not my favorite past time and preparing to speak is more difficult for me than you can imagine. You may not know this, but my parents introduced me to skating hoping it would help cure my extreme shyness and timidity around people. But I liked to skate because I could express myself without talking to anyone! Somehow I think the joke was on me when I find myself invited to speak.

I grew up in Rockford from the age of 8. My memories of growing up here include my time at home, at the Wagon Wheel, at church and school, and my many opportunities to travel. It is here that foundations were built into my life. Skating was such an incredible vehicle to learn about many areas of life. I would like to share with you what I learned from the foundations of my skating, and relate them to the foundations of our nation; specifically, family, faith and freedom.

Since this is the eve of our country's birthday in a new millenium, I thought this would be entirely appropriate. The ability to live in a free and civilized nation has become a great passion for me. Over the years, even the many years that I have been raising my family, I have given deep thought to our freedom; where it comes from and why it is important. The skills and priorities I have developed from my job as wife, mother of 5 sons, and homemaker have strengthened my belief in the power and importance of strong foundations. The foundations historically provided by family and faith were the inspiration for our nation's beginning. I strongly believe that in order to continue to enjoy freedom in a civilized nation, we must rebuild our foundations.

God has placed in each and every human spirit the desire to be free. I think that skating is a very powerful metaphor of that hope of freedom.

It is my belief that one of the things that makes skating so very popular is that it looks so free. The people who skate well seem to fly. There is great exhileration in watching skaters fly across the ice and then into the air with such beauty and grace! It touches something deep in the soul of many who watch.

I can tell you that when I was skating well, it did indeed seem like I was soaring; and I felt very free to attempt anything I wanted to on the ice. It was so much fun to let God and beautiful music inspire my spirit on the ice, to the point that I could express what in my soul, without talking. That freedom that I had to skate was built upon foundations.

I not only learned about freedom from learning to be free on the ice, but also from my experience of visiting nations that were not free.

Perhaps my travels when I was young have given me a perspective of which many are unaware. I had the rare opportunity to visit nations that were not free at the time and to experience in a small way the oppression and fear of expression so many wonderful people had to live under. I have seen people so afraid of being caught socializing with people from other nations that they hid in a closet. I was sobered when suspicions were confirmed that some "officials" who closely monitored and traveled with my skating peers from unfree nations were actually secret police.

On one occasion in an unfree nation we were assigned an interpreter for our entire stay with whom I innocently spoke to about God. He must have been immediately reassigned because we never saw him again. I didn't realize how serious that kind of conversation was in unfree nations.

I have vivid memories of being a young lady who saw the Stars and Stripes with an emotional and grateful heart upon returning to the United States. I had a new awareness of what that flag meant and what it has meant to many millions who have sought the privilege to live under its freedom and protection. I remember wanting to kiss the ground of my country, the most free country on the face of the earth.

Even at a young age I knew there was an important difference between what I experienced in nations that were not free, and the freedom I knew in our great nation. I have thought long and hard to determine what the difference is between freedom and a lack of freedom and I believe the difference is found in the substance of foundations.

I learned about foundations from my skating. My brilliant coach, Miss Kohout, as I respectfully called her, constantly emphasized the foundational skills of my skating. How I executed a single jump was as important as how I executed a double or triple. I once had a three hour lesson on just one simple turn. Our challenging weekly Saturday night workout sessions mostly emphasized the foundations of skating. Plain stroking to music, as our muscles burned, was something I think we all dreaded. As Miss Kohout's students, we were especially challenged the day we had to stroke to music in rental hockey skates on very bad and chewed up ice. In the face of these challenges, our skills had to be strong and the technique proper. If the simple skills were not perfected, the advanced skills would become difficult, if not impossible and certainly much more dangerous.

As with the techniques and skills of skating, I learned that in order to have civilized freedom, our country must remain on its solid foundations. In skating, mastering those foundations required 4–10 hours a day, six days a week, of training, teaching and practicing. The discipline of school figures was an essential part of my training. Only when the foundational skills were mastered did I have the freedom to use those skills to express myself without fear of getting hurt. The training in those foundations of my skating continued for all the years that I skated. If I started having trouble with a jump, spin, turn, or edge, it could always be traced back to the loss or incorrect execution of foundational skills.

For 17 years I did not skate at all while I have tried to build and raise my family. When I began to skate again for physical fitness purposes, it became immediately clear that I had lost most of my freedom to express myself on the ice without fear of getting hurt. The foundations of my freedom on the ice were still somewhere in my memory, but I had to start reteaching myself and fighting with my body, which did not want to do those foundational skills in a way that gave me the freedom I once had. I could no longer enjoy the fun part of flying across the ice and doing jumps, spins, and footwork. To regain that freedom, I need to pay the price of rebuilding the foundations on the ice. When those foundations become second nature and I have the self-government of each muscle, then I will have earned the freedom to express myself without fear of getting hurt.

With all my heart I believe that these thoughts about my skating are a metaphor to what is happening in our nation. Our nation's freedom cost a great price. It was built upon certain foundations including the natural family and personal faith in the God Almighty. Today we have altered, or ignored, or perhaps forgotten the foundations of our nation's freedom, and I believe we are in great danger of losing our freedom to express ourselves without fear, as I have lost my freedom to skate.

There is a price to relearn the foundations of our freedom. But we can do it—and we must! I am concerned about the direction of our country. What kind of nation will my children, and yours, inherit? A lack of self control is omnipresent. Our culture seems to exist to satisfy the senses, and we have forgotten or deadened our souls. It is true that if we are not governed from within ourselves, that we will have to be controlled with excessive regulation or restrictions and force. If we relearn our self-government, there will be no need for excessive restrictions.

Peter Marshall put it best: "James Madison, chief architect of the Constitution of the United States, once explained the nature of the American Republic in these words: 'We have staked the whole of all our political institutions upon the capacity of mankind for self-government, upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God'." (This quote comes from "The Glory of America" by Peter Marshall and David Manuel.)

I do not want the next generation to inherit a nation where children are killing children as we have seen this past year in shock and horror, and where mothers and fathers are neglecting, abandoning or killing their own children. I want my children to inherit a nation that is relearning and applying the foundations of self-government, civility, and freedom. This work is hard, especially because parents have a hard time finding healthy opportunities for their children's growth that are not influenced by our degrading culture. That is why it is so important to make available in Rockford wholesome activities like ice skating which preserve the innocence of childhood.

I agree with William Bennett [as quoted in the Washington Times on October 12, 1999] as he spoke about "The Leading Cultural Indicators". He said, "the last 3½ decades . . . have 'fractured' many of the pillars American civilization stands on, and the nation remains 'more violent and vulgar, coarse and cynical, rude and remorseless, deviant and depressed,' than the one we once inhabited". He went on to say, "America's 'capacity for self-renewal is rare and real. We have relied on it in the past. . . . We must call on it again.' "

The foundations of my skating were supported by the foundations of our free nation. This profoundly impacted my ability to learn to skate and share my skill with others. In the United States of America I was free to express on the ice, without fear, what God put in my soul. The foundations of our free nation are within reach of every person in this land. They include family, faith and the great gift of living in a free country.

The important foundation of my family was essential as my skating developed and started to grow beyond anyone's expectations. I mentioned earlier that there is a price to learning and sustaining foundations. In my case my family often found themselves sacrificing for my success. They always did so with great grace, love and encouragement to me. It is hard to adequately express my thoughts and gratitude for the big and little things they did. I could not have accomplished what I did in skating without my father and mother, my brothers and sister, and my grandpa. They, all of them, gave me an honorable place to belong and a strong assurance that I was loved whether I won or lost (my worth did not come from skating). They taught me how to laugh at myself and they let me know I was a part of my natural family no matter what part of the world I was in, or how many hours I spent training. They gave me a perspective on life that went far beyond what I did on the ice. They are part of the reason that I know that what I have been doing as a homemaker is the most important job in the world.

The natural family is committed to one another and draws lessons, knowledge, love and a place of belonging from one another. It is a part of the foundation of our freedom. We need mothers who are devoted to their children and who are willing to spend quantity time loving and teaching them right and wrong. They must be willing to forgo immediate personal fulfillment for long term family rewards. We need faithful fathers who work with all their might to take moral responsibility for their families and provide for them. Fathers and mothers need to grow in the ability to give strong, loving guidance. We need parents who are willing to make their children and homes a priority each day, providing them with security and safety; protecting the innocence of childhood.

Though material wealth may have to be sacrificed, the wealth of spirit can hold the family foundation steady. Taking the time to learn, and then to teach our children the morals and virtues that sustain freedom only costs our time, effort, and a healthy balance of love and discipline. These foundations of our freedom are available to anyone.

Faith, which is available to everyone, was another deep foundation of my skating. Even now, as I look back on my skating, it is continually apparent to me—even more than when I skated—that God had a plan for me to skate. I made that statement in an interview as a shy 14 year old girl right after I made the Olympic Team in 1968. The next day the headlines in the Rockford paper read something like: "God has plan for Janet to Skate". I have wondered if that sincere statement would make a headline today?

I did not choose the circumstances that surrounded my ability to skate. Nor did I choose my ability, nor the love that I developed for skating. It had to be a Providential plan.

My skating gave me so many incredible, enriching opportunities and joyful experiences for which I am deeply thankful. But in life, the bitter often comes with the sweet. There were hard parts: getting up early every day, being so cold so often, having muscles aches and being away from family. It was difficult to have motion sickness since age 8 and to travel very uncomfortably. I had an obstacle to overcome when I had strep throat during the 1968 Olympics and was not able to take medicine because of the drug testing, but I was determined to be in the Olympics. I ended up very sick and delerious with fever after the Olympics. It was hard skating on intense exhibition tours with what was thought to be severe bronchitis, though I wanted so much to skate and was not about to go home. The emotional lows that corresponded to the extreme emotional highs were a part of training and competition. I didn't enjoy developing exercise-induced asthma at the height of my career after suffering from strep throat, pneumonia and pleurisy. I felt crushed when I realized that the medical treatment for my exercise-induced asthma caused more of a negative reaction from my body than the condition itself. When I had come home from Ice Follies to get my condition fixed so I could skate, I had no idea my body would not respond as I wanted. One of my favorite posters says: "When life gives you lemons, make lemonade."

Through the joys and difficulties, Jesus Christ has been my stability. He has a plan for my life and it certainly included skating. The faith that my family introduced me to through regular church attendance has been what ultimately enabled me to focus on the good and persevere through the unpleasant things. My faith in Christ, knowing that the loving God can take even broken dreams and make something beautiful in His time, has been the hope of my life. This faith was a foundation of my skating.

Let me tell you a story. A few weeks before I competed in the 1972 Olympics, I appeared on the cover of Newsweek Magazine as a Gold medal hopeful. My life to this point, including all the effort and sacrifice of my family and coach, as well as my personal dreams and ambitions for self, country and God, were wrapped up in this competition. I was devastated when I found myself in 4th place after the school figures with no possibility to win the gold medal. That day I argued with God as I lay weeping in my Olympic village apartment.

Somehow, through my broken dreams, a thought came into my mind, that if I couldn't win, then all I could do was to finish the competition and decide to dedicate my free-skating to show God's love to all who watched. A medal no longer mattered. Somehow, God heard my cries and answered a girl's prayers in ways I could not have imagined.

I fell on a flying sit spin, which I had never missed before, even in practice. Because of the way I had been trained, and the purpose that was in my heart, I was still smiling when I was sitting on the ice. That performance did earn me the bronze medal, but even more, that night I began an incredible relationship with the nation of Japan that has lasted 27 years. I was able to go back to Japan to talk about my faith soon after the Olympics. "How could I keep smiling when I fell in the Olympics?", is a question that has always been asked of me in Japan. Fifteen years after I spoke in Japan of my faith, I went back to Japan to skate. A young woman approached me and gave me a note. In the note she told me that when I had spoken of my faith 15 years earlier, she had wanted to take her own life. After hearing about the hope in Christ that I had when I fell in the Olympics, she decided to take that hope for her own and continue her life. That reward is one that is eternal; a reward that was given by a very powerful God.

One of the foundations of our free nation is faith in this Almighty God, Who is bigger than ourselves, or any situation. He is the One Who put the yearning for freedom into the human spirit, and it is He Who directs us towards the loving path of discipline and self-control—or self-government—that allows us to live in that freedom.

I had the gift of being born a free citizen in the United States of America. My success in skating was built upon the foundational element of being born in this country. I didn't have to flee my country to gain freedom of artistic expression, as some had to do during the era in which I skated. I didn't have to fear because I spoke to God.

I had the opportunity to visit some nations which did not allow their people to believe in God or to express that publicly. As a young lady I was amazed, and even depressed, when I was taken on tours of old and beautiful churches which were empty, unused, and explained a way as only great architectural works. God had been shut out, unwelcome; even unspeakable. I was even more depressed when we were taken on an Easter Sunday tour of a place where a bloody revolution had been started. One of the results of that revolution was the expulsion of God from a people rich in heart.

Because of that perspective, it disturbs me greatly to see instances in our nation become more and more frequent where people try to exclude God or create fear of talking about God in public. He has blessed this nation so richly. Why would anyone want to shut Him out? It is upon the principles of this God that this nation's foundation rests.

One of those principles of God is charity. I believe perhaps our nation has been the most charitable nation in the history of the world, and I believe that is because of our foundation of faith and freedom. We have been able to choose how we will earn a living with honor and honesty. And we have been able to freely choose, according to our conscience, how to spend what we earn.

I was not beholden to a government or its ideals that provided my training. My family did not believe that freedom was having everything provided. We all worked very hard and my family was very frugal. But at a point in my skating when I was going to have to quit, the charity of Mr. Walter Williamson as the sponsor of my skating allowed me to continue working to become the best I could be. This kind of charity one can never repay, nor did Mr. Williamson ever expect me to repay his charity to me, though I can pass on what I learned from it. He never exploited me or my name nor did he keep me beholden to him. His charity remained a quiet, unassuming foundation of my ability to learn to be free in my skating.

In this great nation, hard work and charity have been the often unnamed foundation that has helped develop hopes and dreams.

The freedom of our nation allowed my parents to choose a coach who valued discipline and hard work. And Miss Kohout, with incredible charity, freely chose to stop sending bills for lessons as my skating started to blossom.

By God's grace I was the benefactor of the free and charitable spirit of my coach and sponsor. Besides the generosity of Mr. Williamson and Miss Kohout, there was a man and wife, who we had never met, who freely offered to pay for my skates. And some generous people in New York helped me with costumes, as well as street clothes and hair cuts, in order to present myself properly. Professional secretaries freely gave of their time and energy to help with my mail when it became too overwhelming, and my mom tells of her friends and neighbors who would each take a part of my costumes to bead. Friends, family and neighbors often traveled to my competitions for quiet moral support. My ballet teacher, Helen Olson, patiently worked with me for many years, though I had no flexibility and had no promise of dancing. There was a woman from Rockford who donated cowboy hats to go with my choreography to the music of Rodeo. An American soldier on leave in Davos, Switzerland volunteered to shovel snow from the ice a few hours a day so I could practice school figures while training for a World Championship, though the snow did not stop for three weeks. The stories of help and charity are endless—all made possible by freedom.

The freedom to give and receive and to work hard and have the choice of how to use what we earn through our hard work—this freedom, based on self-control and self-government, was a foundation of my skating. Without this freedom and charitable spirit I would not have had the opportunity to develop my skating talent for God and for all those that took part. Ultimately it was God Who gave me this freedom. It was His plan for my life.

Family, faith and freedom—The three deep foundations that supported my skating. The foundational skills of skating allowed me to gain freedom to express the joy God put in my soul. And my desire to express God's love on the ice changed the destiny of one young woman in Japan. God's power and love is all about changed lives, and nations that are renewed, free and civilized.

The foundations of these United States of America have, and can again allow the greatest nation on earth to continue to express what God has put into our national soul and spread that freedom for others to enjoy.

As I learn again the foundations of my skating, I hope you will join me in learning again the foundations of family, faith, and freedom, starting in our own minds, hearts and homes. I want all of our children to inherit a nation where God is not shut out, a strong nation that is free and civilized. I hope we can rise above the desire to just do things that appeal to our senses, and rebuild a nation that fulfills the yearning of the soul.

May God grant us the will to do so.

To end, I would like to dedicate the ice arena that will carry my name, to all those who have sacrificed so I could learn to be free on the ice; to all those who have sacrificed so our nation can be free, and to God Who has given us the foundations in the Ten commandments and teaches us how to be free without fear of getting hurt. It is these unsung heros who deserve the honor, and God Who deserves the glory.

Thank you for your kind attention as I have tried to share what the honor you have given me means to me.

IN HONOR OF MR. JOE A. GUERRA

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. BONILLA. Mr. Speaker, I would like to take this opportunity to recognize Mr. Joe A. Guerra for his excellence in public service. Mr. Guerra currently serves as the dean of the Laredo City Council and is mayor pro-tempore. Mr. Guerra has been a member of the Laredo City Council for 18 years with his last, and final term ending in 2002. He has served under four distinct administrations, J. C. Martin, Aldo Tatangelo, Saul N. Ramirez, and Elizabeth G. Flores. A true representative of the people, Mr. Guerra was instrumental in the inception of Laredo's citywide paving program, and is a strong supporter for the disadvantaged and elderly.

Jose Antonio Guerra was born on July 9, 1934 in Laredo, TX, to Jose M. and Josefina Valls Guerra. His lineage traces all the way back to the first Guerra who came to the New World from Montaña de Castilla, Spain, Jose Guerra Cañamar. He is the oldest of nine children, carrying on the legacy of the Guerra family raising and educating eight children, and enjoying the blessing of six grandchildren with his wife of 39 years, Josie Guerra. Joe attended local schools and graduated from Martin High School in 1953, following high school he received his Bachelor of Science degree from Saint Mary's University in San Antonio, TX, in 1957.

Following his college experience, Mr. Guerra returned to Laredo to join his family in the automotive replacement part business. Since 1969, he has been involved in the commercial oil and gas business, and is the owner/operator of a local service station. Not only is he involved in the city council and the local business community, he is also a member of the City/County Government Consolidation Committee which was created to study and establish a metropolitan government, the City of Laredo Water Issues Committee, and the Ad Hoc Insurance Committee.

A member of the Republican Party since 1964, Mr. Guerra attributes his success to the party's ideals and values. He served as Webb County Chairman to the campaign for Governor William P. Clements. He served on the committee working to promote George Bush for President in 1988, and 1992. He also worked diligently to ensure my election as Representative of the 23rd District of Texas. Currently he is working hard for the George W. Bush for President campaign efforts.

Mr. Guerra was asked to lead the "Pledge of Allegiance" at the fourth session of the 2000 Republican National Convention in Philadelphia, which he proudly accepted with honor and dignity.

Mr. Guerra has made great contributions to society as a public servant. His commitment and dedication to his community are evident in the dynamic growth and development the city of Laredo has recently experienced. I want to send sincere thanks and best wishes to him, his wife Josie and the entire family for exceptional service.

SPEECH OF DEPUTY SECRETARY OF DEFENSE, RUDY DE LEON

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mrs. TAUSCHER. Mr. Speaker, I wish to submit into the record a speech by Deputy Secretary of Defense Rudy de Leon. This speech takes a look at the state of America's military, its accomplishments over the last decade, its challenges in recruiting and retaining the best people, and the realities we face in building the next generation of our fighting force.

Perhaps most importantly, Secretary de Leon does a superb job of illustrating the success that can come from Congress and the Administration working together. In the areas of defense and foreign policy, we must never divert from our traditional approach: that politics must stop at the water's edge.

Mr. Speaker, I hope that we will never deviate from that wisdom. Over the last eight years, the President and the Congress have come together in the area of defense policy, and the results have been stupendous. I know from my own experiences on the Armed Services Committee how valuable a bipartisan approach is, and I thank Secretary de Leon for articulating the concepts so well.

REMARKS BY DEPUTY SECRETARY OF DEFENSE RUDY DE LEON, DEFENSE ORIENTATION CONFERENCE ASSOCIATION

OCTOBER 4, 2000

Donald Bickle [DOCA President], John Olsen [DOCA Vice President], thank you both for the opportunity to join you today, for your leadership of this outstanding organization and for your service to this nation. John was in the Air Force and Donald was in the Navy during both the Second World War and Korea. We are grateful to you both. Members of the Board, members of DOCA and spouses, ladies and gentlemen.

First, allow me to begin with two simple words to every one of you. Thank you. Most of you will recall a time not so long ago when virtually every American had a family member or a friend in uniform and when what Tom Brokaw calls the Greatest Generation shared the lessons of their lives with the generations that followed.

Today, in an era when the military is smaller and less visible in our society, you—the members of that Greatest Generation—have been a bridge like no other. As informed observers with experience and insights into the military, and as respected and powerful voices within your communities, you have been in a unique position to help the nation understand the sacrifices and needs of our sons and daughters in uniform. And that is why I wanted to speak to you today.

I thought I might begin this morning by painting two pictures, pulled directly from recent headlines and world events, that capture a fundamental truth of our time.

The first picture is of the Former Republic of Yugoslavia. It is a picture of an entire people standing up and speaking out, of workers putting down their tools and walking out of their factories, of truckers and taxi drivers blockading roads, and of tens of thousands of average citizens taking to the streets to demand that their votes be counted and that the dictator who brought such misery and death to an entire region be ousted. And as this drama unfolds, the world hopes that a long, bloody chapter in the history of Europe might perhaps be coming to an end.

The second picture is from a world away on the Korean Peninsula. It is a picture of the leaders of North and South meeting for the first time and of a historic ceremony to cut through the DMZ—the world's most fortified border—with a reopened railway and a historic highway along which trade will travel. It is a picture of families reuniting in tearful embraces after a half-century of separation and of North and South Korean athletes marching into the Olympic stadium in Sydney under a common flag for the first time. And as this drama unfolds, the world hopes that a long, sad chapter of division in Asia might perhaps be coming to an end.

As different as these two pictures are, as distinct as the histories that have propelled these two nations to this epic moment, they share a common thread. Both would have been impossible without the presence, the persistence, and the determination of the United States Armed Forces and our allies. Both remind us of the powerful forces of freedom that can be unleashed by the stabilizing presence of the American military around the world.

So there's no more fitting time than now to consider how we reached this moment and to consider the great questions that will continue to face our nation in the future. What should our role be in the 21st Century? Is America's military ready? And how can we ensure that our forces can meet the immediate crises of today while at the same time, modernizing to meet the emerging threats of tomorrow?

These are valid and profound questions for our nation. They demand thoughtful and honest answers. When it comes to America's Armed Forces, we need a candid and comprehensive portrait of the state of our military. And that is what I want to discuss with you this afternoon.

Military readiness is a function of many factors, including the overall level of defense spending; the quality and quantity of those we recruit and retain; the capabilities of their equipment; and, finally, their ability to fulfill the missions we ask of them. To understand each of these is to understand the state of America's military at the dawn of the 21st Century.

First, there is the spending this nation devotes to our men and women in uniform. I think if we look over our shoulders at the past decade, we see that there have been several great revolutions that have had a tremendous impact on our country and the world at large.

There is the revolution in global affairs, most notably the collapse of the Soviet Union. With all the benefits of the Cold War's end came the burdens of being the world's sole superpower. As General [Hugh] Shelton [Chairman, Joint Chiefs of Staff] outlined to you this morning, soon we had fewer military personnel facing more missions, combining to levy unprecedented demands on our military men and women.

Then there is the revolution in technology with its daily digital leaps that are transforming everything from how we communicate, to how we learn, to how we understand our universe. As Secretary [of Defense William] Cohen has said, information can indeed be the great equalizer, placing enormous power in the hands of the common citizen or consumer. At the same time, information can also be the great destabilizer, placing enormous and deadly power in the hands of those who wish us harm. And so we now also face the prospect of hackers launching daily assaults on our defense systems and our critical infrastructure.

At the same time, there has been a revolution in demographics. Those born between 1965 and 1979—the so-called "Generation X"—comprise one of the smallest groups of 18-22 year olds, and, therefore, the smallest pool of potential recruits, since we started the All Volunteer Force in the 1970s. While the next wave—so-called "Generation Y"—is considerably larger, it won't start having a major impact on recruiting until at least 2003.

And then there is the revolution in our domestic financial affairs. We have balanced the budget and have eliminated deficits as a drain on our national security. Contrary to conventional wisdom, the decline in military spending did not start with the end of the Cold War. Rather, it started several years before with efforts to reduce the deficit—specifically the Gramm-Rudman Deficit Reduction Act—in the late 1980s.

Ten years ago when I was staff director of the House Armed Service Committee, and eight years ago when I entered the Pentagon, the overwhelming reality was the enormous budget deficit that hung over our heads. Few dared even think about real growth in spending or investment.

Today, we have achieved a sea-change in our financial affairs. Because of hard economic decisions and deficit reduction, and because of the roaring economy, these decisions helped to unleash, those record deficits have now turned into record surpluses.

That surplus has now allowed us to do something many through unlikely, if not impossible, even only a few years ago. With the President and Secretary of Defense working with the Congress, we are now making new investments in our military men and women totaling some $180 billion in just the last two years—the largest sustained increase in defense spending in fifteen years.

Consider the second measure by which to measure readiness—the quality and quantity of those we recruit and retain. The dynamic economy is pulling away many potential recruits and many of our highly skilled people. So we faced the twin challenges of too many people leaving the force and too few people entering the force.

That's why a significant part of that $180 billion increase in defense spending is going toward dramatic improvements in quality of life. With respect to pay, all our men and women have now received the largest pay raise since the early 1980s. Others with special skills and many in their mid-careers have received additional raises and bonuses on top of that, some as much as 5 percent more.

With respect to benefits, we have made dramatic changes. We have fixed and improved military retirement, restoring benefits so our people can once again retire with 50 percent of their pay after 20 years of service and have a powerful incentive to stay in the force longer.

With respect to housing, we're making progress as well. I know that some of you visited Travis Air Force Base in August, where you saw substandard housing in an area where the basic housing allowance we provide our forces sometimes isn't enough to match the high cost of living. Well, we've modified the allowance to better reflect the actual cost of off-base housing. And now we're making a truly historic change. This year, we are going to reduce from 19 percent to 15 percent what many of our people pay out of pocket for off-base housing. Within five years, we plan to eliminate those expenses entirely and we're going to devote $3 billion to do it.

With respect to health care, we have made, and will continue to make, improvements in an area that consistently ranks among the top concerns of our forces and their families. I know that in March some of you visited Fort Sam Houston in Texas, home to the U.S. Army Medical Command. Our TRICARE health system is now fully operational in the continental United States, and our service members and their families rate the quality of care they receive as very high. Our next major challenge is ensuring we provide care that is accessible and hassle-free. That's why we will soon be implementing important changes to lower the health care costs for active duty service members and their families, and to expand coverage for family members.

But just like the nation as a whole, we're grappling with sky-rocketing health care costs and a growing population of older Americans—our retired veterans. So Congress is about to pass—with the Administration's support—an expansion of a pharmacy benefit so that our military retirees can afford the cost of their prescription drugs. Health care will continue to be a hard issue, but we will continue to work hard with Congress in keep faith with our retired veterans who served their country so nobly. And Secretary Cohen and particularly General Shelton, continue to work with Congress in this area.

In many ways our force is only as strong as the families behind it. And because so many of our personnel are also parents, we've also devoted tremendous time and attention to ensuring strong military families. As a result, our schools recently led the nation in a national survey on writing, with our overseas schools coming in second to only one state, and our stateside schools coming in year. In recent years, students in our schools have scored well above the national average at all grade levels and in all subjects.

At the same time, by adding $190 million to child care programs over the past six years, we now have a child care system that has been described by many, including the New York Times, as "a model for the nation."

Thanks to all these efforts to improve quality life, we're now witnessing some important improvements in retention. However, it's not only the fundamental rewards that keep our people in uniform, it's the personal reward of doing the job they were trained to do. In fact, those soldiers serving in places like the Balkans have some of the highest re-enlistment rates in our armed forces. The services have already worked to relieve the stress of current operations. In the future, our challenge will be to ensure that the stress on our forces and their families doesn't turn that motivation to serve into a motivation to leave.

We want our forces to stay because they by almost every measure, the quality of our men and women is higher than it's ever been. With more of the force staying in the service for longer than 10 years, they are more experienced than ever. With more high school diplomas and more advanced degrees to their name, they are more educated than ever. So while very real challenges remain in keeping quality people, America needs to know what General Shelton told the U.S. Senate last week and perhaps again to you today. He said, "In my 37 years in uniform, I have never been around better soldiers, sailors, airmen and marines."

Our efforts to improve quality of life have also improved recruiting. In addition to the demographic revolution and lure of the private sector I mentioned, the causes [of our recruiting challenge] are many. They include the ever-increasing value of a college education and the ever-increasing availability of tuition assistance that has now made college available to virtually every high school graduate who wants to attend.

So what did we do when we wanted to recruit more young people? We put more recruiters on the streets. We created higher bonuses for enlistment. We increased educational incentives. And we tailored advertising and more spending to reach out to young people.

As a result, we're now seeing a real turnaround in recruitment. Just last week, the Army enlisted its 80,000th soldier for the fiscal year ending September. Shortfalls indeed remain in some areas like naval flight officers and computer specialists. But for the first time in three years, every service not only met their active duty recruiting goal, they exceeded them, and not only in terms of quantity, but in terms of quality as well. For example, over 90% of our recruits hold high school diplomas, much higher than the national average. So while challenges remain, America needs to know that we're still recruiting the best and brightest this nation has to offer.

Of course, just as important as the quality of our men and women, is the third measure of readiness—the quality of their equipment. The end of the Cold War was a time of transition for our force. But by 1997 we knew that a 13-year decline in procurement spending would have to end. So we ended it. As General Shelton noted to you this morning, this year we achieved our $60 billion in annual funding for the new weapons, tools and technologies our warriors need. Over the next five years we plan to increase that to $70 billion. And in the years beyond, building the advanced force of the future means that procurement will have to remain a national priority.

That's why we are investing in the next generation of aircraft. We're investing $38 billion for the revolutionary V–22 Osprey that takes off and lands like a helicopter but flies like an airplane, allowing our forces to be more mobile. We're investing $45 billion for the massive C–17 transport that carries more cargo to less accessible places, like those airfields in Albania during the air war over Kosovo. We're investing $62 billion for the F–22 that will ensure our supremacy of the skies for decades to come. And over the long-term, we're investing in our largest acquisition program, the Joint Strike Fighter.

America needs to know that all this investment is fueling an unprecedented Revolution in Military Affairs. Indeed, it's not enough to spend more, we also have to spend smarter. And we're doing both.

The Navy is improving the capabilities of its ships and aircraft, increasing their striking power by tying them together with the most sophisticated technologies.

The Air Force is transforming itself into an expeditionary force and—as the world saw in Kosovo—making greater use of Unmanned Aerial Vehicles that reduce the risk to pilots and increase our intelligence and reconnaissance capabilities.

The Marines are revolutionizing their capabilities by honing their skills in urban warfare.

And, of course, the Army has embarked on a historic transformation to dramatically enhance the speed, mobility, and firepower of our soldiers. That's why we worked with Congress to secure more than $7 billion for the next four years to propel that transformation, including more than $4 billion for Interim Armored Vehicles that will be more agile and lethal on the battlefield than anything our soldiers have today. We're also investing $48 billion in the lighter and more lethal Comanche helicopter.

America needs to know that we're also transforming the Defense Department to better support this new military. We created the Joint Forces command in Norfolk to improve the ability of the services to operate together and to experiment with the most advanced technologies and tactics. We created a Defense Threat Reduction Agency to pull together our counter-proliferation efforts. We created a special task force to advise and assist communities should a chemical or biological weapon ever be used on American soil. And we created another task force to defend our computer systems as part of our normal warfighting mission. As different as all these efforts may be, the result is the same—our men and women will be safer and our military will be stronger.

I've mentioned many of the investments we're making in our military. But I would suggest that just as important as what we should be spending is what we should not be spending. Consider the money lost to inefficiencies within the Defense Department itself. That's why we began a Defense Reform Initiative that is now saving us tens of billions of dollars.

Consider the money wasted on excess infrastructure. As a result of the four rounds of base realignment and closure to date, we expect to save more than $25 billion by the year 2003. Those of you who visited Kelly Air Force Base in March know how base closure, if done right, can mean the opening of new prosperity. The country and the Congress need to know that we can't build a lean, agile 21st Century military if it's dragged down by an oversized, outdated 20th Century infrastructure. The country and the Congress need to know that two more rounds of BRAC would save us $3 billion a year, billions that could be better spent on our forces and their families.

Which brings me to the fourth and final measure of readiness I want to address—and perhaps the most important of all—the ability of our men and women to complete the missions we ask of them. As you know from your visits to bases and installations around the country, and as the Joint Chiefs told Congress last week, and which I believe General Shelton reiterated to you this morning, our front-line units—the first to fight in the event of a conflict on the Korean Peninsula or in the Persian Gulf and the Balkans—are capable. Our forces can fulfill our strategy of fighting two major theater wars. And in the future, we should experience an increasing trend in readiness.

And so if the question is asked, "Is America's military ready if we call?" We need only look to the times when we have called them.

Those of you who went to Guatemala last year know that when Hurricane Mitch ripped across Central America, America's military was ready. As General [Charlie] Wilhelm [then Commander-in-Chief, U.S. Southern Command] told you, the millions of tons of food and supplies that U.S. forces flew in and gave out saved countless lives and helped to literally rebuild entire regions from the ground up.

When Slobodan Milosevic unleashed a wave of terror in Kosovo last year, America's military was ready. We had soldiers in neighboring countries preventing a wider war and airlifting tons of food and supplies to save thousands of Kosovar refugees. We had sailors and marines on ships and submarines in the Adriatic, and naval aviators flying into those dangerous Balkans skies. And we had airmen engaging in the most precise campaign in the history of air power. They conducted the vast majority of those 38,000 NATO sorties. They took to the skies for 78 days with only two planes lost and not a single combat casualty. And while that record was not achieved without stress on certain assets, that is a historic achievement of which our forces and the American people should be enormously proud.

Indeed, the true measure of America's military is the job they do every day. In short, America needs to know that the U.S. Armed Forces are the best trained, best educated, best led, most respected and finest fighting force the world has ever seen.

So in closing, I want to recite a page from America's past that I believe points the way to ensuring our military strength in the future. Half a century ago, this nation stood at the hinge of history, an unprecedented time of both promise and peril. There was the promise, our victory in the Second World War. But there was also the peril, a dawning Cold War. And America's very survival demanded that we think anew and act anew. And so to navigate the shoals of the century that lay ahead, Arthur Vanderberg, a Republican Senator from Michigan, joined with Harry Truman, a Democratic President from Missouri, and the nation came together around a common foreign and defense policy to defend freedom and to create a Marshall Plan and an alliance called NATO that would eventually win the Cold War.

Today, in the long wake of our triumph in that long struggle, America again stands at the hinge of history. Again there is the promise, of the world's sole economic and military superpower. Again there is the peril, the new threats of this new century. And to chart the nation's course in our time, William Cohen, a Republican Senator from Maine, joined with Bill Clinton, a Democratic President from Arkansas, to help restore a spirit of bi-partisanship to defense policy and to ensure that when it comes to our men and women in uniform, politics does indeed stop at the water's edge.

Ladies and gentlemen, in recent years we have recognized that truth. We have worked with Congress to support and strengthen our military. We have upheld our sacred pledge to care for America's sons and daughters who wear this nation's uniform. That is the message I wanted to bring to you today. That is the message I hope you carry back to your communities and the country. Thank you very much.

HONORING THE GRAND OLE OPRY IN NASHVILLE, TENNESSEE ON THE 75TH ANNIVERSARY CELEBRATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. CLEMENT. Mr. Speaker, today I honor a sacred historic institution, the Grand Ole Opry in Nashville, Tennessee, on the occasion of its 75th Anniversary as the longest continuously running live radio show in the world. The Opry and its colorful cast of characters are known and loved by individuals across the globe.

As a native Nashvillian, born and reared in Music City USA, I truly appreciate the significance of country music and its influence on so many people. Country music and its cousins, bluegrass, folk, gospel, blues and rockabilly, truly have captured the heart and soul of our great nation, offering songs that spring from the fabric of America. Country lyrics espouse our history, our faith in God, our love of family, and our appreciation for the value of freedom and hard work. With these melodies and themes, country music appeals to listeners of all ages and from all walks of life.

To honor and highlight the significance of country music, in 1990, I sponsored and passed legislation designating October as Country Music Month. Now Country Music Month and Country Music Week are nationally recognized events each year, celebrated by millions of individuals.

The Opry has inspired a country music fan fair phenomenon; been the focus of a theme park, hotel complex, television networks, magazines, and movies; infused the tourism industry in Tennessee; and given us an incredible amount of memorable music. Yet, the Opry's beginnings were humble.

In 1925, the "solemn old judge" George D. Hay moved from Chicago's WLS Barn Dance to Nashville, where he began broadcasting and hosting the show that would later become the Grand Ole Opry. Hay eventually would coin the phrase, "Grand Ole Opry" about the program, instantly giving it a name that would endure forever. With WSM's strong 100,000-watt clear channel signal, the Opry could be heard for hundreds of miles across the United States by thousands of people. As the show brought performers of traditional music to the stage, a new genre of music was officially born—country music.

Those early 1920s Opry performers included mainly instrumental talents such as banjo player Uncle Dave Macon and harmonica player Deford Bailey. In the 1930s and 40s, vocalists such as the "King of Country Music" Roy Acuff, Ernest Tubb, Hank Williams, and Bill Monroe all took the stage, as did comedienne Minnie Pearl.

As the years passed, the talent pool grew and the NBC Network picked up the show. Such big names as Patsy Cline, Flatt and Scruggs, Hank Snow, Hawkshaw Hawkins, Jim Reeves, Red Foley, Marty Robbins, Martha Carson, Kitty Wells, Johnny Wright, Bill Anderson, Connie Smith, Dolly Parton, Porter Wagoner, Garth Brooks, Pam Tillis, Trisha Yearwood, and Alison Krauss all have called the Opry stage home. These artists represent just a fraction of the bright and talented performers to grace the stage since its inception, whether at the War Memorial Auditorium, the Ryman Auditorium, or the Grand Ole Opry House of today.

My family has enjoyed an ongoing relationship with the Grand Ole Opry over the years. In fact my father, Governor Frank Clement, enjoyed strong friendships with many Opry members, often enlisting their talents for political rallies across the state. In addition, Governor Clement traveled to Washington and testified on behalf of country music when its lyrics were under fire by Congress in the 1950s.

Like any sacred institution, the Opry has endured sorrow, grief, and loss. It has faced adversity and strain. There have been joyous times and laughter. But the Opry has endured throughout each season. In the 1980s, George Jones touched our hearts as he sang, "Who's Gonna Fill Their Shoes" about the legacy of country music and its legendary artists. Jones singled out performers such as Lefty Frizzell, Merle Haggard, Elvis Presley, Carl Perkins, Willie Nelson, and Roy Acuff in the tune. He also mentioned the Opry in the song lyrics, inspiring a new generation of country artists to carry the torch. I'd particularly like to recognize the contributions of Ricky Skaggs, Marty Stuart, and WSM announcer Eddie Stubbs for promoting the cause of traditional music and educating the next generation about our rich heritage in this new millennium.

Throughout the years the Opry and its cast of performers, announcers, advertisers, and musicians have inspired and entertained us each Friday and Saturday night. For these valued contributions and cherished memories we are forever grateful to the Opry and those who have called it "home." We salute the Grand Ole Opry for 75 wonderful years and offer our sincerest wishes for continuous success in the years to come.

Thank you and God bless you.

HONORING OLYMPIC GOLD MEDAL WINNER STACY DRAGILA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. DOOLITTLE. Mr. Speaker, today I recognize a native of my congressional district who has brought glory and honor to herself, her family, and her fellow Americans. I wish to congratulate Stacy Dragila on recently winning the gold medal in the first-ever Olympic Women's Pole Vault Competition.

Dragila grew up in Auburn, California, where she competed in goat roping as a child. As a heptathlete during her years on Placer High School's track and field team, she had little idea that she would one day stand atop the Olympic medals podium as a pole vault champion. You see, when she was in high school, the pole vault was an event in which only male competitors took part.

As the women's pole vault has finally taken root in the United States, Stacy has quickly established herself as the premier athlete in her field. Each time she reaches a new personal best mark, she rewrites the world record. In fact, while competing on her home turf at this summer's U.S. Olympic Trials in Sacramento, she set the current world record 15′2¼″. By continually raising the bar, Stacy has forced her competitors to push their own limits as well. This resulted in an exciting duel at this month's Olympic Games in Sydney, Australia. In the end, Dragila brought home the gold with a vault of 15′1″.

At the age of 29, Stacy Dragila stands as an Olympic champion and as an American hero. Furthermore, as a pioneer in a new sport, she stands as a role model for those young women who will strive to match her achievements on the field. Perhaps most importantly, however, she is, by all accounts, a world-class person as well as a world-class athlete. Today, I proudly join with Americans everywhere in saluting gold medalist Stacy Dragila.

INDIAN GOVERNMENT SHOULD STOP ITS STATE TERRORISM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. TOWNS. Mr. Speaker, on September 27, a letter from the Council of Khalistan was published in the Washington Times. It details the propaganda spread by the Indian government to discredit its opponents.

That propaganda is necessary for the Indian government to cover up the atrocities and state terrorism against Christians, Sikhs, and other minorities. Former Indian cabinet minister R.L. Bhatia admitted in 1995 that the Indian government is spending "large sums of money" to spread this propaganda and influence affairs in the United States.

Earlier this month, militant Hindu fundamentalists attacked the home of a priest. They beat him and his servant. The servant was beaten so badly that he died. Unfortunately, this kind of thing is not unusual. It is just the latest in a series of atrocities carried out by organizations under the umbrella of the Rashtriya Swayamsewak Sangh (RSS), the parent organization of the ruling BJP. While Prime Minister Vajpayee was in New York during his recent visit to the U.S., he said, "I will always be a Swayamsewak."

Last week, former Prime Minister Chandra Shekhar said that there is no difference between the ruling BJP and the supposedly secular Congress Party. Unfortunately, from the point of view of the minorities in India, it is true. There is no difference. Whoever is in power, the repression continues. India has murdered over 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1947, over 70,000 Kashmiri Muslims since 1988, and tens of thousands of Dalit "untouchables" and other minorities. Thousands of Sikhs and other minorities are in illegal detention without charge or trial simply because they are opposed to the government, or because they are members of a minority.

Mr. Speaker, it is time for India to stop its state terrorism against the minorities within its borders. We must stop American aid to India and declare our support for self-determination for the people of Khalistan, Kashmir, Nagalim, and the other nations seeking their freedom, in the form of a free and fair democratic plebiscite. These measures are the only ones we can take that will help to bring real freedom and democracy to the people of South Asia. I submit the following article into the CONGRESSIONAL RECORD.

[From the Washington Times, Sept. 27, 2000]

NO MILITANTS IN THE COUNCIL OF KHALISTAN

Manpreet Singh Nibber's Sept. 16 letter, "India human rights criticism from unreliable source?" is so full of disinformation that he must be fronting for the Indian Embassy in its effort to confuse the American people.

Mr. Nibber, who is a member of the Punjab Welfare Council of the USA, does not address any of the facts we brought up in our last letter. Instead, he spreads Indian disinformation about the Council of Khalistan and its origins. He knows there are no "militants" involved in the council. We consistently support the liberation of Khalistan, the Sikh homeland that declared its independence from India on Oct. 7, 1987, by democratic, nonviolent means, through the Sikh tradition of "Shantmai morcha," or peaceful agitation.

The Indian Embassy has interfered in American elections, calling for the re-election of former Sen. Larry Pressler and attempting to damage the re-election campaign of Sen. Robert Torricelli. A few years ago, the Indian Embassy was caught giving illegal campaign donations to members of Congress through an immigration lawyer named Lalit Gadhia, who pleaded guilty to the scheme in federal court.

There are many other Gadhias throughout this country. Former Indian cabinet minister R.L. Bhatia admitted in a 1995 news conference that the Indian government is spending "large sums of money" through the embassy to influence American politics. But what is that money defending?

On Sept. 8, militant Hindus attacked the home of a priest and beat the priest and his servant. The servant was so severely beaten that he died of the injuries. On Aug. 25, News stories reported that militatnt Hindu nationalists kidnapped and tortured a priest in Gujarat, then paraded him naked through town. This attack was part of a wave of terror against Christians since Christmas 1998.

Incidents have included the murder of priests, the rape of nuns and the burning to death of nuns and the burning to death of a missionary and his two sons in their van by members of the Rashtriya Swayamsevak Sang (RSS), the parent organization of the ruling Bharatiya Janata Party. Schools and prayer halls have been attacked and destroyed. The individuals who raped the nuns were described by the Vishwa Hindu Parishad, a militant organization within the RSS, as "patriotic youth." The RSS was founded in support of fascism.

In March, 35 Sikhs were murdered in the village of Chithi Singh-pora in Kashmir. Two extensive independent investigations, one conducted by the Movement Against State Repression and the Punjab Human Rights Organization and another conducted by the Ludhiana-based International Human Rights Organization, proved that the Indian government was responsible for this massacre.

The Indian government has murdered more than 250,000 Sikhs since 1984, according to figures published in Inderjit Singh Jaijee's "The Politics of Genocide." India also has killed more than 200,000 Christians in Nagaland since 1947, more than 70,000 Kashmiri Muslims since 1988 and tens of thousands of other minorities. Amnesty International reports that thousands of political prisoners are being held without charge or trial in "the world's largest democracy."

India is hostile to the United States. It votes against America at the United Nations more often than any country except Cuba.

In May 1999, the Indian Express reported that Indian Defense Minister George Fernandes led a meeting with Cuba, China, Iraq, Serbia, Russia and Libya to construct a security alliance "to stop the U.S."

India openly supported the Soviet Union's invasion of Afghanistan. Its nuclear weapons test started the nuclear arms race in South Asia. It refuses to allow the Sikhs, Kashmiris, Christians and other minority nations seeking their freedom to decide their political future in a free and fair vote, the democratic way.

America must not accept this kind of brutality and tyranny from a government that claims to be democratic. We must cut off aid and trade to India and support a free and fair plebiscite to ensure human rights and self-determination for Khalistan, Christian Nagalim, Kashmir and all the minority nations and peoples living under Indian rule.

PERSONAL EXPLANATION

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. SPENCE. Mr. Speaker, on rollcall Nos. 503, 504 and 505, I was not present as I was unavoidably detained. Had I been present, I would have voted "yea" on all three.

A LETTER TO MY SONS

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. SANFORD. Mr. Speaker, in the final days of the 106th Congress and my time here in the House, I rise today to pass these words on to my sons.

October 5, 2000.

DEAR MARSHALL, LANDON, BOLTON AND BLAKE: I wanted to write this letter so that maybe in twenty years or maybe after I have died you could look it up and think about how much your Dad loves you. I write this letter as much as anything because I feel the need to pause and praise each of you and to say how proud I am of you and how much, again, I love you.

That's needed because over the last seven years all you have known is a world tied to politics. For each of the words I spoke into the record on the House floor, or in Committee, I couldn't expand time and also fill those minutes and hours with words to each of you. Each of the days I spent in Washington were days I couldn't spend with you. Each of the evenings I spent at political events were evenings I couldn't spend with you. I apologize for our time apart. Each of you as young men will one day discover your calling—why God put you here—and in turn have to struggle in balancing the different responsibilities each of you will embrace.

I have felt that my job over these last seven years was getting to—and being in—Congress. Since I came here I have tried as best I could do what I thought was right, but in all that doing I always thought of each one of you. Here in Washington I never went to bed once without saying prayers with each of you in them.

In the early years it was just Marshall and Landon, and you guys, as little guys, put in far more than your share of parades and political events.

As if yesterday I remember the Hell hole swamp parade and pulling the wagon with Marshall and Landon. In the Summerville parade in the first campaign, to this day I remember Marshall's wild white curls and his little light blue V-neck sweater. I am amazed to look at pictures and see how small Landon was at the start of this process.

I think the last parade with just Marshall and Landon was at the Loris Bog-off. It was cool and I remember your mom and I buying you both swords at a booth alongside the railroad track afterward. I doubt I was that big on the swords, but I am sure your mom well made the point that you earned them, and in case you don't remember the spot—there were men and women in bright blue clothes dancing to country music on a flatbed trailer just to the left.

Marshall, you have always been great help with your younger brothers, thank you. The way you have carried yourself also makes me proud. Do you remember going with then Governor Beasley and several security men in a Department of Natural Resources speedboat out to a Navy destroyer in Charleston Harbor? During the commissioning ceremony it was hot and you were not wild about being there, but you put up with it and behaved well. In the same vein do you remember sitting under my chair at the Hwy 61 connector opening. It was hardly a grand event, but you found shade and stayed still and quiet which was no small feat given your age. In these and many other events like them, you showed a maturity well beyond your years. It will carry you far in life.

In the political context of my note, Landon made me proud most recently at the St. Patricks day parade in North Myrtle Beach. I was pulling a wagon along side you while you walked straight up the yellow line in the middle of the street. In your young man's march you were waving at the several thousand people who lined both sides of the road. In most waves your arm was held at a forty-five degree angle and your palm and hand were straight up as if the tip of a small spear. The whole thing was not easy for you. In fact it was incredibly brave. Blake was in my arms and your two brothers were riding in the wagon and there you were, a reserved boy by nature walking up a street surrounded by strangers—waving to both sides. On the long drive home you started singing some silly song and next thing you know three boys are laughing hysterically in the back of the Suburban. You have the ability to defuse things with laughter.

Bolton—you are a natural born performer. Of all the family members you are the most gifted in surprising people, and not infrequently, making them laugh. You were doing just that winter before last at the Conway parade when you rode in the wagon and chose to throw bags of candy—not the candies! In the same light I remember the words Mary Crixmas, Mary Crixmas, Happy Santa Claus. Last winter I was the Grand Marshall of the Mount Pleasant Christmas parade. Marshall sat to my left, Landon on my right, you were on my lap and with outstretched arms you yelled these words with such enthusiasm that half-way through the parade you couldn't say another word. John McCain asks regularly about you and still talks about your enthusiasm for fishing. I think you are the only four year old to have given the President of the United States a froggy kiss. These days you are into catching butterflies with your hands, but thank you for wearing politics as well as you have.

Blake—you haven't said a whole lot in parades yet, but you haven't had to because with your blonde curls and cute smiles everyone adores you! You are specific in what you want thought, you like to be carried—not to ride on my shoulders like some of your brothers.

The point in these memories, and a thousand others like them, is that we have been through some interesting times together. Your peers have not had to go through what you have. At your young ages you have been exposed to a wide range of people and settings—medicade nursing home visits, trips to the White House, the House that Congress built with Habitat for Humanity, watching the sun rise from a boat moored feet from where the Hunley would rise hours later, feeding special Olympic kids at the Citadel, getting up hours earlier than you would have to go tc an event in Myrtle Beach, beach sweeps, and more. In the end I think you will be better for having seen a wide swath of life, but since it involved wear and tear on your bodies this note is here simply to say thank you. Thank you for behaving well, and thank you for putting with it. I am proud of you. You are each unique young men. I love you and look forward to spending more time with each of you over the years ahead.

Love,

DAD.

P.S. After reading this, one day do an extra something special for your mom. In my absence over the last six years she has changed a lot of diapers and fixed more than her share of dinners for you.

RECOGNIZING THE ACCOMPLISHMENTS OF HERBERT S. BECKER

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. THOMAS. Mr. Speaker, it is with great pride that we recognize the accomplishments of a visionary who is set to retire from service to the Congress at the end of this year. Herbert S. Becker has been the Director of the Office of Information Technology Services at the Library of Congress. During his 15 years of leadership, he helped bring about new programs in support of the Congress, the Library, and the nation.

In collaboration with the Congressional Research Service, Mr. Becker created a Capitol-Hill-wide Legislative Information System for better and faster access to legislative resources. He oversaw the successful transition to new technology that made the Library's online card catalog easier for patrons to use. He initiated the development and implementation of new technology to improve archiving at the Congressional Research Service and the U.S. Copyright Office. And he helped create a new financial management system.

But perhaps Mr. Becker's most significant accomplishment was his role in the development of the popular THOMAS website for public access to legislative information. With the advent of THOMAS, any citizen can access detailed and recently updated information about the business of Congress and gain insight into the legislative process.

His vision and the strength of his commitment have clearly facilitated the work of the people's representatives. I know I speak for the entire House when I wish him well in his future endeavors and thank him for his years of service to the American people.

MISSING JOURNALIST IN THE UKRAINE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. SMITH of New Jersey. Mr. Speaker, it has been almost three weeks since the highly disturbing disappearance of Heorhii Gongadze, a journalist known for his articles exposing corruption in the Ukraine and for playing a prominent role in defending media freedoms. Mr. Gongadze, whose visit to the United States last December included meetings with the Helsinki Commission staff, was publisher of a new Internet newspaper called Ukrainska Pravda (meaning Ukrainian Truth), a publication often critical of senior Ukrainian officials and their associates. In fact, shortly before he vanished, Mr. Gongadze had apparently been facing pressure and threats and had complained that police were harassing him and his colleagues at Ukrainska Pravda.

Unfortunately, Mr. Gongadze's disappearance takes place in an increasingly unhealthy media environment. According to the Committee to Protect Journalists, his disappearance follows several suspect or inconclusive investigations into the suspicious deaths of several Ukrainian journalists over the last few years and the beatings of two journalists following their articles about official corruption this year. This disappearance has occurred within an environment which has made it increasingly difficult for professional journalists to operate, including harassment by tax police, criminal libel prosecutions, the denial of access to state-controlled newsprint and printing presses, and phone calls to editors suggesting that they censure certain stories. Such an atmosphere clearly has a chilling effect on press freedom.

Mr. Speaker, I am encouraged that the Verkhovna Rada—the Ukraine's parliament—has formed a special ad hoc committee to investigate Mr. Gongadze's disappearance. I am also hopeful that the Ukraine's Ministry of Internal Affairs and other law enforcement agencies will conduct a serious, vigorous investigation to solve the case of this missing journalist.

As Chairman of the Helsinki Commission and as someone who has a longstanding interest in the Ukraine, I am deeply disappointed that the Ukraine's relatively positive human rights record has been tarnished by an environment not conducive to the development of a free media. I remain hopeful that the Ukrainian authorities will make every effort to reverse this situation.

HONORING TAIWAN'S NATIONAL DAY, OCTOBER 10, 2000

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Ms. DUNN. Mr. Speaker, as President Chen Shui-bian, Vice President Annette Lu, and the people of the Republic of China prepare to celebrate their National Day on October 10, 2000, I wish to extend my sincere congratulations on their progress.

Since its founding 89 years ago, the Republic of China on Taiwan has attained many remarkable achievements. Their progress ought to be recognized by the United States and emulated by the entire world community. For instance, Taiwan's economy is robust. In June of this year, exports and imports grew nearly 25 percent from the previous year. This growth is due in large part to Taiwan's embrace of the new economy, specifically information and high technologies.

Not only has Taiwan experienced strong economic growth, but Taiwan is also a democracy in the truest sense of the word. Taiwan upholds the freedoms we, as Americans, hold dear, including free elections, free media, and free expression.

Mr. Speaker, Taiwan is truly a model of success for many countries in the world. Taiwan deserves our congratulations and our support.

GOVERNOR RIDGE HONORS CONGRESSMAN WILLIAM GOODLING

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. SHUSTER. Mr. Speaker, I submit the following remarks to the Congressional Record on behalf of my good friend and former Member of this body, the current Governor of the Commonwealth of Pennsylvania, Tom Ridge, in honor of the outstanding contributions and dedicated service that Congressman Bill Goodling has provided to the United States Congress, the Commonwealth of Pennsylvania, and the people of the 19th Congressional District.

Honoring Congressman William Goodling

Dear Mr. Speaker: It gives me great pleasure to join the Pennsylvania delegation to honor Congressman Bill Goodling for his outstanding contributions and dedicated service to the United States Congress, the Commonwealth of Pennsylvania and the people of the 19th Congressional District.

Pennsylvania possesses a rich heritage of great civic and business leaders who have made significant contributions to their communities and the Commonwealth as a whole. Bill's attention and unwavering devotion to the needs and best interests of the constituents and our Commonwealth community aligns him with those who exemplify the founding principles of this great nation.

Adequately serving the needs of Pennsylvania citizens, families and communities relies upon the practical knowledge and personal integrity of those committed to the highest measures of citizenship. As Chairman of the Committee on Education and the Workforce Bill Goodling has consistently demonstrated outstanding leadership that directly reflects his unyielding devotion to ensuring a better quality of life for Pennsylvanians. As a devotee to both family and community, his tireless efforts have ensured south central Pennsylvania's economic stability and leadership as we enter the 21st century. It has been my honor to work with him as both a colleague and as Governor and I have personally witnessed his consistent diligence to the highest levels of personal, professional and civic distinction.

Michele and I extend our best wishes to Bill for much happiness and fulfillment in the future.

Tom Ridge,
Governor, Commonwealth of Pennsylvania.

REMEMBERING THE LIFE OF IDALOU FIREFIGHTER DAVID BUTLER

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. COMBEST. Mr. Speaker, today I remember the life of Mr. David Butler, an individual who understood the meaning of dedication and service to his neighbors and his community. On September 19, Mr. Butler was doing what he did best—helping people—when he collapsed and later passed away.

A firefighter with the Idalou, Texas, Volunteer Fire Department for 23 years and Assistant Chief for 10 of those, David gave the ultimate gift of life to save that of another. David, along with other members of the Idalou and Lorenzo Volunteer Fire Departments, arrived at the scene of a one-vehicle roll-over to find the driver trapped beneath a water truck. In an effort to free the driver, Assistant Chief Butler helped set up air bags to lift the truck off the pavement. Once the bags were inflated, he operated the controls to raise the truck, and the man was soon freed from the wreckage and transported to a local hospital. As firefighters were loading their equipment for the return home, David collapsed never to regain consciousness.

The fire department was an extension of David's family, and he acted as a father to his colleagues just as he did to his own three children. He was the epitome of a family man; an ever-dedicated servant to his family, friends and community. David is a true hero, and through his service, he has made Idalou and our society a better place to live. I would like to extend my most sincere condolences to his wife and children and to all who had the pleasure of working with and knowing him. You are all in my thoughts and prayers.

H.R. 2392

HON. JAMES M. TALENT

OF MISSOURI

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. TALENT. Mr. Speaker, on behalf of myself and Ms. Velázquez, I submit the following Joint Statement of Managers relating to The Small Business Innovation Research Program Reauthorization Act of 2000 (H.R. 2392).

Joint Statement of Managers from the Committee on Small Business regarding H.R. 2392, as considered pursuant to H. Res. 590

TITLE I

The Small Business Innovation Research Program Reauthorization Act of 2000 (H.R. 2392) was introduced on June 30, 1999, and referred to the House Committees on Small Business and Science. Both Committees held hearings and the House Committee on Small Business reported H.R. 2392 on September 23, 1999 (H. Rept. 106-329). In the interest of moving the bill to the floor of the House of Representatives promptly, the Committee on Science agreed not to exercise its right to report the legislation, provided that the House Committee on Small Business agreed to add the selected portions of the Science Committee version of the legislation, as Sections 8 through 11 of the House floor text of H.R. 2392. H.R. 2392 passed the House without further amendment on September 27. The Science Committee provisions were explained in floor statements by Congressmen Sensenbrenner, Morella, and Mark Udall.

On March 21, 2000, the Senate Committee marked-up H.R. 2392 and on May 10, 2000, reported the bill (S. Rept. 106–289). The Senate Committee struck several of the sections originating from the House Committee on Science and added sections not in the House-passed legislation, including a requirement that Federal agencies with Small Business Innovation Research (SBIR) programs report their methodology for calculating their SBIR budgets to the Small Business Administration (SBA) and a program to assist states in the development of small high-technology businesses. Negotiations then began among the leadership of the Senate and House committees on Small Business and the House Committee on Science (hereinafter referred to as the three committees). The resultant compromise text contains all major House and Senate provisions, some of which have been amended to reflect a compromise position. A section-by-section explanation of the revised text follows. For purposes of this statement, the bill passed by the House of Representatives is referred to as the "House version" and the bill reported by the Senate Committee on Small Business is referred to as the "Senate version."

Section 101. Short Title; Table of Contents. The compromise text uses the Senate short title: "Small Business Innovation Research Program Reauthorization Act of 2000." The table of contents lists the sections in the compromise text.

Section 102. Findings. The House and Senate versions of the findings are very similar. The compromise text uses the House version of the findings.

Section 103. Extension of the SBIR Program. The House version extend the SBIR program for seven years through September

30, 2007. The Senate version extend the program for ten years through September 30, 2010. The compromise text extends the program for eight years through September 30, 2008.

Section 104. Annual Report. The House version provides for the annual report on the SBIR program prepared by the SBA to be sent to the Committee on Science, as well as to the House and Senate Committees on Small Business that currently receive it. The Senate version did not include this section. The compromise text adopts the House language.

Section 105. Third Phase Assistance. The compromise text of this technical amendment is identical to both the House and Senate versions.

Section 106. Report on Programs for Annual Performance Plan. This section requires each agency that participates in the SBIR program to submit to Congress a performance plan consistent with the Government Performance and Results Act. The House and Senate versions have the same intent. The compromise text uses the House version.

Section 107. Output and Outcome Data. Both the House and Senate versions contain sections enabling the collection and maintenance of information from awardees as is necessary to assess the SBIR program. Both the House and Senate versions require the SBA to maintain a public database at SBA containing information on awardees from all SBIR agencies. The Senate version adds paragraphs to the public database section dealing with database identification of businesses or subsidiaries established for the commercial application of SBIR products or services and the inclusion of information regarding mentors and mentoring networks. The House version further requires the SBA to establish and maintain a government database, which is exempt from the Freedom of Information Act and is to be used solely for program evaluation. Outside individuals must sign a non-disclosure agreement before gaining access to the database. The compromise text contains each of these provisions, with certain modifications and clarifications, which are addressed below.

With respect to the public database, the compromise text makes clear that proprietary information, so identified by a small business concern, will not be included in the public database. With respect to the government database, the compromise text clarifies that the inclusion of information in the government database is not to be considered publication for purposes of patent law. The compromise text further permits the SBA to include in the government database any information received in connection with an SBIR award the SBA Administrator, in conjunction with the SBIR agency program managers, consider to be relevant and appropriate or that the Federal agency considers to be useful to SBIR program evaluation.

With respect to small business reporting for the government database, the compromise text directs that when a small business applies for a second phase award it is required to update information in the government database. If an applicant for a second phase award receives the award, it shall update information in the database concerning the award at the termination of the award period and will be requested to voluntarily update the information annually for an additional period of five years. This reporting procedure is similar to current Department of Defense requirements for the reporting of such information. When sales or additional investment information is related to more than one second phase award is involved, the compromise text permits a small business to apportion the information among the awards in any way it chooses, provided the apportionment is noted on all awards so apportioned.

The three committees understand that receiving complete commercialization data on the SBIR program is difficult, regardless of any reasonable time frame that could be established for the reporting of such data. Commercialization may occur many years following the receipt of a research grant and research from an award, while not directly resulting in a marketable product, may set the groundwork for additional research that leads to such a product. Nevertheless, the three committees believe that the government database will provide useful information for program evaluation.

Section 108. National Research Council Reports. The House version requires the four largest SBIR program agencies to enter into an agreement with the National Research Council (NRC) to conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs and to make recommendations on potential improvements to the program. The Senate version contains no similar provision. The study was designed to answer questions remaining from the House Committees' reviews of these programs and to make sure that a current evaluation of the program is available when the program next comes up for reauthorization.

The compromise text makes several changes to the House text. The compromise text adds the National Science Foundation to the agencies entering the agreement with the NRC and requires the agencies to consult with the SBA in entering such agreement. It also expands on the House version, which requires a review of the quality of SBIR research, to require a comparison of the value of projects conducted under SBIR with those funded by other Federal research and development expenditures. The compromise text further broadens the House version's review of the economic rate of return of the SBIR program to require an evaluation of the economic benefits of the SBIR program, including economic rate of return, and a comparison of the economic benefits of the SBIR program with that of other Federal research and development expenditures. The compromise text allows the NRC to chose an appropriate time-frame for such analysis that results in a fair comparison.

The three committees believe that a comprehensive report on the SBIR program and its relation to other Federal research expenditures will be useful in program oversight and will provide Congress with an understanding of the effects of extramural Federal research and development funding provided to large and small businesses and universities. The three committees understand, however, that measuring the direct benefits to the nation's economy from the SBIR program and other Federal research expenditures may be difficult to calculate and may not provide a complete portrayal of the benefits achieved by the SBIR program. Accordingly, the legislation requires the NRC also to review the non-economic benefits of the SBIR program, which may include, among other matters, the increase in scientific knowledge that has resulted from the program. The paragraph in the compromise text calling for recommendations remains the same as the House version; except that the bill now asks the NRC to make recommendations, should there be any.

While the study is to be carried out within National Research Council study guidelines and procedures, the compromise text requires the NRC to take the steps necessary to ensure that individuals from the small business community with expertise in the SBIR program are well-represented in the panel established for performing the study and among the peer reviewers of the study. The NRC is to consult with and consider the views of the SBA's Office of Technology and the SBA's Office of Advocacy and to conduct the study in an open manner that makes sure that the views and experiences of small businesses involved in the program are carefully considered in the design and execution of the study. Extension of the SBIR program for eight years rather than the five being contemplated when the House study provision was initially written has necessitated some adjustments in the study. The report is now required three years rather than four years after the date of enactment of the Act and the NRC is to update the report within six years of enactment. The update is intended to bring current, any information from the study relevant to the reauthorization of the SBIR program. It is not intended to be a second full-fledged study. In addition, semiannual progress reports by NRC to the three committees are required.

Section 109. Federal Agency Expenditures for the SBIR Program. The Senate version requires each Federal agency with an SBIR program to provide the SBA with a report describing its methodology for calculating its extramural budget for purposes of SBIR program set-aside and requires the Administrator of the SBA to include an analysis of the methodology from each agency in its annual report to the Congress. The House version has no similar provision. The compromise text follows the Senate text except that it specifies that each agency, rather than the agency's comptroller, shall submit the agency's report to the Administrator. The three committees intend that each agency's methodology include an itemization of each research program that is excluded from the calculation of its extramural budget for SBIR purposes as well as a brief explanation of why the agency feels each excluded program meets a particular exemption.

Section 110. Policy Directive Modifications. The House version includes policy directive modifications in Section 9 and the requirement of a second phase commercial plan in Section 10. The Senate version includes policy directive modifications in Section 6. The Senate version and now the compromise text require the Administrator to make modifications to SBA's policy directives 120 days after the date of enactment rather than the 30 days contained in the House version. The compromise text drops the House policy directive dealing with awards exceeding statutory dollar amounts and time limits because this flexibility is already being provided administratively. Addressed below is a description of the policy directive modifications contained in the compromise text that were not included in both the Senate version and the House version.

Section 10 of the House version requires the SBA to modify its policy directives to require the small businesses provide a commercial plan with each application for a second-phase award. The Senate version does not contain a similar provision. The compromise text requires the SBA to modify its policy directives to require that a small businesses provide a "succinct commercialization plan for each second phase award moving towards commercialization." The three committees acknowledge that commercialization is a current element of the SBIR program. The statutory definition of SBIR, which is not amended by H.R. 2392, includes "a second phase, to further develop proposals which meet particular program needs, in which awards shall be made based on the scientific and technical merit and feasibility of the proposals, as evidenced by the first phase, considering among other things the proposal's commercial potential * * *", and lists evidence of commercial potential as the small business's commercialization record, private sector funding commitments, SBIR Phase III commitments, and the presence of other indicators of the commercial potential. The three committees do not intend that the addition of a commercialization plan either increase or decrease the emphasis an agency places on the commercialization when reviewing second-phase proposals. Rather, the commercialization plan will give SBIR agencies a means of determining the seriousness with which individual applicants approach commercialization.

The commercialization plan, while concise, should show that the business has thought through both the steps it must take to prepare for the fruits of the SBIR award to enter the commercial marketplace or government procurement and the steps to build business expertise as needed during the SBIR second phase time period. The three committees intend that agencies take into consideration the stage of development of the product or process in deciding whether an appropriate commercialization plan has been submitted. In those instances when at the time of the SBIR Phase II proposal, the grantee cannot identify either a product or process with the potential eventually to enter either the commercial or the government marketplace, no commercialization plan is required.

The compromise text also adds new provisions that were not contained in either the Senate version or the House version. Current law (Section 9(j)(3)(C) of the Small Business Act) requires that the Administrator put in place procedures to ensure, to the extent practicable, that an agency which intends to pursue research, development or production of a technology developed by a small business concern under an SBIR program enter into follow-on, non-SBIR funding agreements with the small business concern for such research, development, or production.

The three committees are concerned that agencies sometimes provide these follow-on activities to large companies who are in incumbent positions or through contract bundling without written justification or without the statutory required documentation of the impracticability of using the small business for the work. So that the SBA and the Congress can track the extent of this problem, the compromise text requires agencies to record and report each such occurrence and to describe in writing why it is impractical to provide the research project to the original SBIR company. Additionally, the compromise text directs the SBA to develop policy directives to implement the new subsection (v), Simplified Reporting Requirements. This subsection requires that the directives regarding collection of data be designated to minimize the burden on small businesses; to permit the updating the database by electronic means; and to use standardized procedures for the collection and reporting of data.

Section 103(a)(2) of P.L. 102–564, which reauthorized the SBIR program in 1992, added language to the description of a third phase award which made it clear that the third phase is intended to be a logical conclusion of research projects selected through competitive procedures in phases one and two. The Report of the House Committee on Small Business (H. Rpt. 102–554, Pt. I) provides that the purpose of that clarification was to indicate the Committee's intent that an agency which wishes to fund an SBIR project in phase three (with non-SBIR monies) or enter into a follow-on procurement contract with an SBIR company, need not conduct another competition in order to satisfy the Federal Competition in Contracting Act (CICA). Rather by phase three the project has survived two competitions and thus has already satisfied the requirements of CICA, set forth in section 2302(2)(E) of that Act, as they apply to the SBIR program. As there has been confusion among SBIR agencies regarding the intent of this change, the three committees reemphasized the intent initially set forth in H. Rpt. 102–554, Pt. 1, including the clarification that follow-on phase III procurement contracts with an SBIR company may include procurement of products, services, research, or any combination intended for use by the Federal government.

Section 111. Federal and State Technology Partnership Program. This section establishes the FAST program from the Senate version, which is a competitive matching grant program to encourage states to assist in the development of high-technology businesses. The House version does not contain a similar provision. The most significant changes from the Senate version is the compromise text that are an extension of the maximum duration of awards from three years to five years and the lowering of the matching requirement for funds assisting businesses in low income areas to 50 cents per federal dollar, as advocated by Ranking Member Velazquez of the House Small Business Committee. The compromise text combines the definitions found in the Senate version of this section and the mentoring networks section.

Section 112. Mentoring Networks. The Senate version sets forth criteria for mentoring networks that organizations are encouraged to establish with matching funds from the FAST program and creates a database of small businesses willing to act as mentors. The compromise text, except for relocating the program definitions to Section 111, is the same as the Senate text. The House version did not contain a similar provision.

Section 113. Simplified Reporting Requirements. This section is not in either the House or the Senate versions. It requires the SBA Administrator to work with SBIR program agencies on standardizing SBIR reporting requirements with the ultimate goal of making the SBA;s SBIR database more user friendly. This provision requires the SBA to consider the needs of each agency when establishing and maintaining the database. Additionally, it requires the SBA to take measures to reduce the administrative burden on SBIR program participants whenever possible including, for example, permitting updating by electronic means.

Section 114. Rural Outreach Program Extension. This provision, which was not in either House or Senate versions, extends the life and authorization for appropriations for the Rural Outreach Program of the Small Business Administration for four additional years through fiscal year 2005. It is the intent of the three committees that this program be evaluated on the same schedule and in the same manner as the FAST program. Among other things, the evaluation should examine the extent to which the programs complement or duplicate each other. The evaluation should also include recommendations for improvement to the program, if any.

TITLE II

The purpose of Title II is to amend the general business loan program at the Small Business Administration, commonly known as the 7(a) loan program. Title II of H.R. 2392 contains a variety of technical and substantive changes to improve the program and correct problems brought to the Committee's attention through the oversight process and originally passed by the House as H.R. 2616.

Title II will increase the maximum guarantee amount of a 7(a) loan to $1 million from the current limit of $750,000 in order to keep pace with inflation. The guarantee amount was last increased in 1988. It also maintains a cap prohibiting loans with a gross amount in excess of $2 million.

The bill will also remove a provision which reduced SBA's liability for accrued interest on defaulted loans since the provision's intended savings failed to materialize.

Title II also includes three changes designed to encourage the making of smaller loans. The guarantee rate will be expanded to 85 percent from loans under $100,000 to loans under $150,000. Likewise, the two percent guarantee fee will now apply to loans up to $150,000, which represent a significant savings for these small borrowers.

Finally, for small loans, Title II of H.R. 2392 includes a provision allowing lenders to retain one quarter of the guarantee fee on loans under $150,000 as an incentive to make these loans.

The last part of Title II modifies an SBA regulatory restriction which prohibit loans for passive investment. Title II will permit the financing of projects where no more than 20 percent of a business location will be rented out provided the small business borrower in question occupies at least 60 percent of the business space.

Section 201. Short Title.

Section 202. Levels of Participation. Increases the guarantee percentage on loans of $150,000 or less to 85 percent. The current guarantee level of 80 percent extends only to loans of $100,000 or less. This guarantee increase is one of the changes proposed to encourage the availability of smaller loans.

Section 203. Loan Amounts. This provision will increase the maximum guarantee amount of $1 million. The maximum gross loan amount will be capped at $2 million. The language would prohibit SBA from placing a guarantee on any loan over $2 million regardless of the guaranteed amount. Consequently, the largest loan available would be a $2 million loan with a 50 percent guarantee.

The largest loan available at the maximum guarantee rate of 75 percent would be $1,333,333. The cap on loans over $2 million will effectively remove a number of large loans that have been made with only a minimal guarantee, loans which use up loan authority at a disproportionate rate. In 1998, roughly thirty loans over $2 million were made.

Section 204. Interest on defaulteld loans. This will remove the provision that reduced SBA's liability for accrued interest on defaulted loans. This provision was added to the program in 1996 as a method of reducing the subsidy cost of the program. It has come to the Committee's attention that the expected savings have not materialized.

Section 205. Prepayment of loans. This provision will reduce the incentive for early prepayment of 7(a) loans. It will assess a fee to the borrower for early prepayment of any loan with a term in excess of 15 years. Early prepayment will be defined as any prepayment within the first three years after disbursement. The prepayment fee will be determined by the date of the prepayment—5 percent in the first year, 3 percent in the second year, 1 percent in the third year. The fee will be based on "excess prepayment" which is defined as prepayment of more than 25 percent of the outstanding loan amount. In the event of an excess prepayment the fee would be assessed on the entire outstanding loan amount.

Section 206. Guarantee fees. This section changes the guarantee fee for loans of $150,000 or less to 2 percent. Currently, the guarantee fee of 2 percent is only for loans under $100,000. Loans over $100,000 currently have a guarantee fee of 3 percent. The section also provides for an incentive for lenders to make smaller loans (under $150,000) by allowing them to retain ¼ of the guarantee fee.

Section 207. Lease Terms. Under existing 7(a) rules, loan proceeds may not be used for investment purposes. This includes purchase or construction of property to be leased to others. Currently, 7(a) loans may be used to construct property which will be used solely by the borrower.

In 1997, Congress modified this rule for the 504 program to allow for projects where a small portion of a property might be rented out permanently, but the borrower's main focus was the construction of a permanent location. This provision would allow the same authority for 7(a) loans. Borrowers would be allowed to lease up to 20 percent of a property in which they will occupy at least 60 percent of the business space.

TITLE III

The purpose of Title III of H.R. 2392 is to amend the Small Business Investment Act to make changes in the Certified Development Company (CDC) loan program at the Small Business Administration (SBA), commonly known as the 504 loan program. Title III is the substance of H.R. 2614 which passed the House earlier this Congress and contains a variety of technical and substantive changes to improve the program and correct problems brought to the Committee's attention through the oversight process.

Title III will increase the maximum amount of a 504 loan, and its underlying debenture, to $1 million from the current limit of $750,000 in order to keep pace with inflation. The maximum amount for loans with specific public policy purposes (low-income, rural, and minority owned businesses) is increased to $1,300,000. The loan amount was last increased in 1988. Title III will also reauthorize the fees which support the 504 program.

Title III will also add women-owned businesses as a specific public policy goal for the 504 program. Title III will make permanent two pilot programs begun by SBA in 1997 in response to a Congressional mandate. The first pilot program, the Liquidation Pilot Program, enables certain qualified Certified Development Companies to liquidate their own loans rather enduring the usual process of SBA controlled liquidation. The second, the Premier Certified Lenders Program, enables experienced CDCs to use streamlined procedures for loan making and liquidation.

Sec. 302. Women-Owned Businesses. Women-owned businesses are added to the list of concerns eligible for the higher debentures available for public policy purposes. Current policy goals include lending to low-income and rural areas, and loans to businesses owned by minorities.

Sec. 303. Maximum Debenture Size. Maximum loan/debenture size is increased from $750,000 to $1,000,000 for regular debentures. Public policy loan/debentures are increased from $1,000,000 to $1,300,000 for public policy debentures. This increase is commensurate with inflation since the current debenture levels were established.

Sec. 304. Fees. Currently, the 504 program levies fees on the borrower, CDC, and the participating bank. The bank pays a one-time fee whereas the borrower and CDC pay a percentage of the outstanding balance annually in order to provide operational funding for the 504 program. Currently these fees sunset on October 1, 2000. This legislation would continue the fees through October 1, 2003.

Sec. 305. Premier Certified Lenders Program. The Premier Certified Lenders Program (PCLP) is granted permanent status. The current demonstration program terminates at the end of FY 2000.

Sec. 306. Sale of Certain Defaulted Loans. SBA is required to give any certified lender with contingent liability 90 days notice prior to including a defaulted loan in a bulk sale of loans. No loan may be sold without permitting prospective purchasers to examine SBA records on the loan.

Sec. 307. Loan Liquidation. Section 510 is added to the Small Business Investment Act of 1958 in order to create a program permitting CDCs to handle the liquidation of defaulted loans. This program replaces the pilot program authorized by PL 105–135, the Small Business Reauthorization Act of 1997. A permanent program would permit OMB to score savings achieved by the program when computing the subsidy rate for the 504 program.

In order to participate in the liquidation program, a CDC must have made at least 10 loans per year for the past three years and have at least one employee with 2 years of liquidation experience or be a member of the Accredited Lenders Program with at least one employee with 2 years of liquidation experience. Both groups are required to receive training. PCLP participants and current participants in the pilot program automatically qualify.

CDCs have the authority to litigate as necessary to foreclose and liquidate, but SBA could assume control of the litigation if the outcome might adversely affect SBA's management of the program or if SBA has additional legal remedies not available to the CDC.

All Section 510 participants are required to submit a liquidation plan to SBA for approval, and SBA has 15 days to approve, deny, or express concern with the plan. Further SBA approval of routine liquidation activities is not required.

CDCs are able to purchase indebtedness with SBA approval, and SBA is required to respond to such a request within 15 days. Likewise, CDCs are required to seek SBA approval of any workout plan, and SBA must respond to that request within 15 days. With SBA approval, a CDC may compromise indebtedness. Such approval must be granted, denied, or explained within 15 days of receipt of SBA.

TITLE IV

The purpose of Title IV is to amend the Small Business Investment Act (the Act) to make changes in the Small Business Investment Company (SBIC) program at the SBA. Title IV contains the language from H.R. 3845 which passed the House earlier this Congress and contains four technical changes to improve the program and correct problems brought to the Committee's attention through the oversight process.

H.R. 3845 modifies the definition of control for SBIC investment in small businesses, eliminating a cumbersome five prong test and setting a clear statutory standard. H.R. 3845 will also modify the definition of long term investment under the Act, changing it from five years to one year, in order to harmonize that definition with accepted business practice and the tax and banking laws. Third, the bill allows the Administration to adjust the subsidy fee for the SBIC program to maintain the subsidy rate of the program at zero. Finally, the bill makes a change to the distribution language in the Act, allowing SBICs more flexibility in making distributions to their investors and will simplify the accounting and tax procedures at SBICs.

Sec. 401. Short Title.

Sec. 402. Definitions. (a) Small Business Concern. Inserts the following language in section 103(5)(A)(i) of the Small Business Investment Act—"regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment". This phrase clarifies that a venture capital investment agreement from an SBIC may cause a change in control of a small business, but that such a change with not affect the eligibility of the small business concern. The Committee does not intend that SBICs become holding companies hence the language references the period of the investment agreement. Further, the Committee retains the authority for SBA examinations to inquire into "illegal control" by SBICs, though the committee expects such control to be that exercised outside an investment agreement.

(b) Long term. Inserts the following paragraph in section 103 of the Small Business Investment Act,

"(17) the term long term, when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year." The language changes the definition of a long term investment to harmonize it with the tax and banking laws.

Sec. 403. Investment in SBICs. This provision allows federal savings associations to invest in SBICs.

Sec. 404. Subsidy Fees. This provision amends sections 303(b) and 303(g)(2) of the Small Business Investment Act to allow the Administration to adjust the fee assessed on debentures and participating securities up to a maximum of one percent. The fee will be adjusted to keep the subsidy cost of the programs at zero or as close as possible to zero.

Sec. 405. Distributions. This section amends section 303(g)(8) of the Small Business Investment Act in order to allow SBICs to make distributions at any time during a calendar quarter based on the maximum estimated tax liability.

Sec. 406. Conforming Amendment.

TITLE V

The purpose of Title V is to reauthorize the programs and operations of the SBA. Title V contains the language from H.R. 3843 which contained the authorization levels for SBA for fiscal years 2001, 2002, and 2003. It contains no technical or substantive changes to any of the programs. The SBA provides a variety of services for small businesses—financial assistance, technical assistance, and disaster assistance.

Financial Assistance. The SBA provides approximately $11 billion in financing to small businesses annually. This financing is made available through a variety of programs.

SBA's largest financial program is the Section 7(a) general business loan program. The 7(a) program offers loans to small businesses through local lending institutions. These loans are provided with an SBA guarantee of up to 80 percent and are limited to a maximum of $750,000. The 7(a) program has a subsidy rate of 1.16 percent for fiscal year 2000 and an appropriation of $107 million, permitting $9.8 billion in lending.

The Section 504 loan program provides construction, renovation and capital investment financing to small businesses through CDCs. These CDCs are SBA licensed, local business development organizations which provide loans of up to $750,000 for small businesses, in cooperation with local banks. CDCs provide 40 percent of the financing package, while the bank provides 50 percent, and the small business provides a 10 percent down payment. CDC funding is obtained through issuance of an SBA guaranteed debenture. The 504 program currently operates at no cost to the taxpayer but does require authorization.

The microloan program provides small loans of up to $25,000 to borrowers in low-income areas. In fiscal year 1999 the program provided $29 million in loans. In addition, the program has a technical assistance aspect that provides managerial and business expertise to microloan borrowers. Microloans are made by intermediary organizations that specialize in local business development. The program has a subsidy rate of 8.54 percent.

The Small Business Investment Company (SBIC) program provides over $1.5 billion in long term and venture capital financing for small businesses annually. SBICs are venture capital firms that leverage private investment dollars with SBA guaranteed debentures or participating securities. The SBIC debenture program currently operates at a zero subsidy rate and requires no taxpayer subsidy. The participating securities program has a 1.8 percent subsidy rate.

Technical Assistance. The SBA provides technical and managerial assistance to small businesses through four primary programs—Small Business Development Centers (SBDCs), the Service Corps of Retired Executives (SCORE), the 7(j) technical assistance program, and the Women's Business Center program.

SBDCs are located primarily at colleges and universities and provide assistance through 51 center sites and approximately 970 satellite offices. Through a formula of matching grants and donations SBDCs offer small businesses guidance on marketing, financing, start-up, and other areas. The program currently receives $84 million in appropriations.

SCORE provides small business assistance on-site through the volunteer efforts of its members. SCORE volunteers are retired business men and women who offer their expertise to small businesses. SCORE volunteers are reimbursed for their travel expenses and SCORE receives funding as well for a website and offices in Washington, DC.

The 7(j) program provides financing for technical assistance to the minority contracting community primarily through courses and direct assistance from management consultants. In addition, the program provides assistance participants to attend business administration classes offered through several colleges and universities.

The Women's Business Center program provides five year grants matched by non-federal funds to private sector organizations to establish business training centers for women. Depending on the needs of the community, centers teach women the principles of finance, management and marketing as well as specialized topics such as government contracting or starting home-based businesses. There are currently 81 centers in 47 states in rural, urban and suburban locations.

Disaster Assistance. The Small Business Administration also provides disaster loan assistance to homeowners and small businesses nationwide. This program is a key component of the overall Federal recovery effort for communities struck by natural disasters. This assistance is authorized by section 7(b) of the Small Business Act which provides authority for reduced interest rate loans. Currently the interest rates fluctuate according to the statutory formula—a lower rate, not to exceed four percent is offered to applicants with no credit available elsewhere, while a rate of a maximum of eight percent is available for other borrowers.

SECTION-BY-SECTION ANALYSIS

Section 501. Short Title.

Section 502. Reauthorization of Small Business Programs. This section provides the authorized appropriation levels for the following programs: Section 7(a) general business loans, Section 504 Certified Development Company loans, direct microloans, guaranteed microloans, microloan technical assistance, Defense Transition (DELTA) loans, Small Business Investment Company debentures, Small Business Investment Company participating securities, Surety Bonds guarantees, SCORE, disaster loans, and salaries and expenses.

The following are the authorizations levels for the financial programs:

(in millions)	2001	2002	2003
7(a)	$14,500	$15,000	$16,000
504	4,000	4,500	5,000
Microloan	60	80	100
Microloan TA	45	60	70
Microloan gty	50	50	50
SBIC debentures	1,500	2,500	3,000
SBIC part. Securities	2,500	3,500	4,000
Surety bonds	4,000	5,000	6,000

This Title also authorizes the Service Corps of Retired Executives (SCORE). SCORE will be authorized at 5, 6, and 7 million dollars for fiscal years 2001, 2002, and 2003, respectively.

Title V also contains provisions authorizing funding for salaries and expenses at the Small Business Administration. These authorizations are established as "such sums as may be necessary".

Section 503. Additional Reauthorizations.

This section reauthorizes five programs:

(a) SBDC funding—Increases the authorization from $95,000,000 to $125,000,000.

(b) Drug Free Workplace—Extends authorization through fiscal year 2003 at $5,000,000 per year.

(c) HUBZones—Authorizes appropriations of $10,000,000 per year through fiscal year 2003.

(d) National Women's Business Council—Increases authorization to $1,000,000 per year and extends authorization through fiscal year 2003.

(e) Very Small Business Concerns—Extends authorization through September 30, 2003.

(f) SDB Certification—Extends authorization through September 30, 2003.

TITLE VI

Title VI contains several miscellaneous authorizations and programs.

Section 601. Loan Application Processing. This section requires a study of the time required for SBA to process loan applications.

Section 602. Application of eligibility requirements. This section clarifies that women-owned business, socially and economically disadvantaged business, and veteran owned business status is to be determined without regard for the possible application of state community property laws. Certain SBA offices have been denying loan applications based upon the possibility that qualified individuals may divorce resulting in joint ownership of the small business.

Section 603. HUBZone Eligibility. This section includes a provision extending eligibility for HUBZone Small Business Concerns for an additional year if they are located in areas that recently were removed from HUBZone status.

Section 604. Subcontracting Preference for Veterans. This clarifies that the language included in subcontracting plans for small business concerns owned and controlled by veterans and used for the purpose of data collection also includes small business concerns owned and controlled by service disabled veterans. Apparently, there is confusion over the fact that the group of veteran owned businesses also includes service disabled veteran owned businesses.

Section 605. Small Business Development Center funding. This section reforms the formula for funding Small Business Development Centers.

Section 606. Surety Bond program. Reauthorizes the Surety Bond financing program.

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY IRRIGATION WORKS OWNERSHIP

SPEECH OF

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. HAYWORTH. Mr. Speaker, during House floor consideration and passage of H.R. 2820, a draft resolution was inserted into the RECORD that was to have been a signed version of the resolution from the Salt River Pima-Maricopa Indian Community approving certain amendments to the Community's water code, as contemplated, and, indeed, as required by the bill. To correct this admission, I ask unanimous consent that the attached signed copy of the Community's resolution approving the requisite amendments to its water code be inserted into the RECORD and be included in the RECORD of the proceedings of the House with regard to H.R. 2820.

SALT RIVER PIMA-
MARICOPA INDIAN COMMUNITY,
Scottsdale, AZ.

RESOLUTION NO. SR-2031-2000

Whereas, the Salt River Pima-Maricopa Indian Community ("SRP-MIC") Council has the authority pursuant to Article VII, Section 1(d)(5) of the Constitution of the SRP-MIC to provide for the proper use and development and prevent the misuse of the lands, natural resources and other public property of the SRP-MIC; and

Whereas, the Congress of the United States has under consideration the passage of H.R. 2820 to convey to the SRP-MIC the irrigation works formerly owned and operated by the

Bureau of Indian Affairs and located on SRP-MIC tribal and allottee land; and

Whereas, as a result of negotiations that led to the development of H.R. 2820, and amendments thereto, the legislation's language contemplates that the Community will adopt certain amendments to its Surface Water Management Code prior to enactment of the legislation: Now, therefore, be it

Resolved, That the SRP-MIC hereby adopts the attached amendments to its Surface Water Management Code, attached hereto as Exhibits "A" and "B" respectively; and be it further

Resolved, That, if substitute legislation for H.R. 2820 (1) is not passed by the Congress prior to the adjournment sine die of the 106th Congress, or (2) if so passed by Congress, but it is not signed into law during the 106th Congress, the approval by the Community of these amendments shall become null and void.

CERTIFICATION

Pursuant to the authority contained in Article VII, Section 1(d)(5) of the Constitution of the Salt River Pima-Maricopa Indian Community, ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, the foregoing resolution was adopted this 19th day of September 2000, at a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 5 members were present by a vote of 5 for, 0 against, and 4 excused.

Salt River Pima-Maricopa Indian Community Council.

MERMA LEWIS,
Vice President.

MEDICARE COMPREHENSIVE QUALITY OF CARE AND SAFETY ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 5, 2000

Mr. STARK. Mr. Speaker, in March of 1998, the President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry (Quality Commission) issued its final report, raising concerns about medical errors and recommending steps to reduce the incidence of medical errors. The Quality Commission urged that measuring and improving quality of care be made a national priority.

In June of 1998, the Congressional Medicare Payment Advisory Commission (MedPAC) reported on quality of care in Medicare, and in June of 1999, MedPAC made specific recommendations for improving quality of care in Medicare. MedPAC recommended:

That quality of care goals for Medicare, including minimizing preventable errors and increasing participation by patients in their care should be established, reviewed and revised through a public process; that systems be established in Medicare for monitoring, improving and safeguarding quality of care; that the Secretary work with the private sector to develop and use common, core sets of quality measures for monitoring quality; and that to the extent possible, quality of care systems in the traditional Medicare fee-for-service program and Medicare+Choice be comparable.

In July of last year, the Inspector General issued four reports citing major deficiencies in the accreditation of hospitals to ensure that quality of care provided in hospitals for Medicare by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO). The Inspector General made a series of recommendations for improving the accreditation of hospitals to ensure that quality of care provided in hospitals met Medicare standards. Also last year, the General Accounting Office issued reports citing major deficiencies in the accreditation of nursing facilities.

Then, in November of last year, the Institute of Medicine issued a report, "To Err is Human", which reported that almost 100,000 people may be killed each year by medical errors. The IOM recommended that improving health care safety be made a national priority and that a nationwide mandatory reporting system of medical errors by providers should be established. The IOM also called for a "culture of safety" in health care organizations. On February 10, 2000, the Ways and Means Health Subcommittee held hearings on the IOM report.

And yesterday, October 4, 2000, the Journal of the American Medical Association (JAMA) published an article reporting on the findings of a study on quality of care furnished to Medicare fee-for-service (FFS) beneficiaries. The study examined Medicare hospital claims by State for 24 quality of care performance indicators. The study found wide variation in quality of care both among States and among performance indicators.

The authors state: "Available data suggest that providing the services measured here could each save hundreds to thousands of lives a year." The authors report that "there has been no systematic program for monitoring the quality of medical care provided to FFS Medicare beneficiaries." The authors suggest that the results of the study "urgently invite a partnership among practitioners, hospitals, health plans, and purchasers to achieve improvement."

Today, I along with Mr. NEAL and Mr. JEFFERSON, am introducing legislation that would address the recommendations made by these distinguished organizations. For the first time since the Medicare program was enacted, my bill would establish quality of care as a major emphasis in Medicare.

The "Medicare Comprehensive Quality of Care and Safety Act of 2000" would for the first time in the history of Medicare establish a comprehensive quality of care and safety system in Medicare for setting quality of care goals and priorities, conducting research and setting standards for quality of care, monitoring quality, safeguarding quality, and establishing systems to improve information and education of patients and providers concerning quality of care issues.

Perhaps most important of all, my legislation will create a "culture of safety and quality" in health care by requiring every provider to establish a "Medicare Quality of Care and Safety Program" (MQCSP). Based on model fraud and abuse compliance plans developed and implemented by the HHS Inspector General, every Medicare provider would be required to implement a quality monitoring and error reduction program—"Medicare Quality of Care and Safety Program"—and to report serious failures to meet quality standards and medical errors. The Secretary would be required to establish a national database of medical errors, as called for by the Institute of Medicine.

This legislation would establish a Medicare Quality and Safety Advisory Committee, which would be charged with recommending annual goals and priorities on quality of care. In the Medicare comprehensive quality of care system, the Secretary would be required to establish quality standards, including performance measures. The Secretary would be required to coordinate Medicare quality of care activities with those in other Agencies of the Department. As an example, the Centers for Disease Control and Prevention have for many years established and implemented performance standards for certain aspects of care; the CDC Medical Infection Disease System (MIDS) provides performance standards for limiting the spread of infectious diseases in hospitals. My legislation would require Medicare to make use of these standards and others already developed either in government or in the private sector. The Secretary would be required to establish systems to adopt these standards in Medicare and educate providers on their use.

Providers would be required to report quality of care and medical error data in a completely confidential system, and the Secretary would be required to establish data systems to monitor the performance of providers regarding quality of care and medical errors. The Secretary would be required to use standard data so that comparisons could be made across providers.

My legislation does not evision a punitive system, but rather a system of working together to achieve improvements in quality and error reduction. I believe that most medical errors are the result of systems failures, and my legislation would focus on correcting these systems errors. I also believe that improvement must come from within health care organizations, rather than being imposed from outside. That is why my legislation would focus on identifying and correcting systems failures from within. However, I also believe that information on best practices and standards must be collected at the national level and shared with health care providers.

This legislation would build on the organizations that are already charged with sharing information and helping to improve quality of care are the Peer Review Organizations (PROs). The Secretary would be required to develop standards and train the PROs regarding those standards. PROs, in turn, would train health care providers in implementing those standards. PROs would also be required to investigate serious failures by providers to meet quality standards, including serious medical errors, and work with providers to implement corrective action plans to modify systems or take other actions to improve quality and minimize errors.

As a way of increasing the confidence of providers in the PROs, fraud and abuse activities of the PROs would be phased out, and their work would be limited to quality related activities. The legislation would change the name of the PROs to "Quality Improvement Organizations" in keeping with their new emphasis in Medicare.

The Secretary would be required to monitor quality and safety though a national data system, as recommended by virtually all of the organizations reporting on quality of care. To help providers feel more comfortable in reporting problems with quality or medical errors, the Secretary would be required to establish a confidential reporting system so that physicians, employees of providers, and others would be able to report errors or other failures on a confidential basis. Employees would be provided whistle blower protection for reporting quality failures and errors. Providers who achieve outstanding results in meeting quality standards and minimizing errors would be rewarded with the designation of "Medicare Provider of Excellence."

ON THE INTRODUCTION OF THE VETERANS COMMEMORATION ACT OF 2000

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. INSLEE. Mr. Speaker, today I introduce the Veterans Commemoration Act of 2000. This piece of legislation will help to alleviate a serious impediment to adequate health care for our veterans.

Many veterans have trouble getting to and from VA hospitals. The legislation that I am introducing today would create a coin commemorating Executive Order 5398, signed by President Herbert Hoover on July 21, 1930, which established the Veterans Administration. The proceeds from the sale of this coin would fund a transportation program for veterans, provided by the Disabled American Veterans.

This program provides a much-needed service to our nation's veterans. The DAV provides transportation services to veterans to and from VA hospitals. Considering the fact that many veterans live far away from VA hospitals and are disabled, the lack of transportation can be a very serious impediment to adequate health care.

In my home state of Washington, the Veterans Administration hospital in Seattle serves the entire Pacific Northwest. Many of the patients who rely upon the care provided by the VA have severe disabilities that prevent them from easily accessing the clinic. Public transportation serves those veterans that live in the Metropolitan area, but for the thousands of veterans without access to public transportation, the DAV steps in to provide door to door services. This essential program is truly the missing link for veterans' health care.

The DAV has recognized this need by creating the transportation program. This program has been very successful so far. But it only operates in a few select areas and serves only a handful of veterans. This program should be available to all veterans, but the DAV simply cannot afford to fund a project of that magnitude. This bill would create the funds necessary to expand this program.

With no cost to the taxpayer, we can help our nation's veterans and show them that their needs are important. We must show our support to the brave men and women who have risked their lives to serve this country. This unique program, provided by the DAV, deserves our support.

Today I stand with over 150 of my colleagues to introduce this legislation. This bipartisan bill has diverse and broad support. We have the time and the support to pass this bill now. We should not wait for the next Congress to take action when we have the ability and the will to do so now. I urge my colleagues to stand with me and with the Disabled American Veterans to pass this bill and support our veterans.

THE CHILDREN OF SIERRA LEONE

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. TIERNEY. Mr. Speaker, if you are paying attention to the House floor at this moment, please listen very closely to what some of my colleagues and I are discussing. Because we are talking about saving children who are being savaged and we desperately need your help.

If you can, please stop what you are doing for a second—I know we're all very busy right now, but again this is important. So, please, stop what you are doing and remember for a moment what you felt like when you were a child, especially if you had moments in which you felt very vulnerable in any way.

Now, take that feeling, and try to imagine living in a community ripped by the throes of war—your parents are missing, friends, sisters and brothers beaten, broken and battered, if even still alive.

And as you imagine this life, now look down at your arms and legs. Imagine an arm or a leg or more mutilated and even severed from your body. Think about that. Can you even bear to imagine it?

As hard as it is to believe, there are children today who don't have to imagine this horror because they live it. They see where their arms and legs once were. They know that their family has been destroyed.

They are the children of Sierra Leone.

And no matter what your politics are, humanity calls us to act. Support funding for peacekeeping now. Support Tony Hall's bill to halt the illegal diamond trade that funds this butchering now. Don't wait. Support ending the horrific suffering of these children now.

CELEBRATION IN PITTSBURGH

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. COYNE. Mr. Speaker, I rise today to call my colleagues' attention to an upcoming ceremony that will be held in Pittsburgh on October 13, 2000, to commemorate the 100th anniversary of the founding of the Homestead Grays and the 40th anniversary of Bill Mazeroski's World Series-winning home run. The joint ceremony serves to highlight Pittsburgh's long history of outstanding professional baseball.

The Homestead Grays was a Negro League baseball team that was originally formed by local African American steelworkers. The Homestead Grays played baseball from 1900 until Major League baseball teams were integrated 50 years ago, and the club won a number of pennants. The Grays, incidentally, played the first night game in Pittsburgh baseball history—against the Kansas City Monarchs at Forbes Field on July 25, 1930.

The Homestead Grays were known for several outstanding players who could compete with the best baseball players of the time, white or black. A number of these players were eventually inducted into the Baseball Hall of Fame. Oscar Charleston, first baseman and manager for the Grays—with a lifetime batting average of .357, the ranking of fourth on the all-time home run list for the Negro Leagues, and fielding that was deemed superior to that of his white contemporary Ty Cobb—was inducted into the Baseball Hall of Fame in 1976. Smoky Joe Williams, who pitched for the Grays, was voted the greatest pitcher in Negro League history in 1952, beating out Leroy "Satchel" Paige. The Grays claim Buck Leonard, another first baseman and home run hitter, as well as Ray Brown, who in 1940 had the greatest season of any Negro league pitcher ever with 24 wins and only 4 losses. Catcher and power-hitter Josh Gibson was another of the stars of the Homestead Grays. Gibson has the distinction of having hit a 505-foot home run in Yankee Stadium—a feat matched or exceeded by no one, not even Babe Ruth (and in fact, only Dave Winfield and Doug DeCinces have even come close). I am pleased to note that Josh Gibson, Jr., who also played professional baseball, will receive a plaque at this ceremony in honor of his father.

I'd like to note in passing that the Pennsylvania Historical and Museum Commission put up a State historic marker to honor the Homestead Grays on the 100th anniversary of their founding. That marker, which was dedicated last week, can be found at the intersection of Amity Street and Fifth Avenue in Homestead, PA.

The October 13th ceremony will also honor Bill Mazeroski, long-time second baseman for the Pittsburgh Pirates. Mazeroski, who played for the Pirates from 1956 until 1972, was a great infielder and defensive player. Maz won eight Gold Gloves and was picked as an All-Star seven times. He holds the record as the second-baseman with the most double plays in Major League history—1,706—and the most double plays in one season—161 in 1966. He holds the Major League record for the most seasons leading the league in assists, and in five of those nine seasons, he was credited with 500 or more assists. For these accomplishments, if for nothing else, he deserves admission to the National Baseball Hall of Fame, an honor which to this date he has been unfairly denied.

Despite a long career of excellence in fielding, however, Maz is probably best remembered for his winning home run in the 1960 World Series against one of the greatest Yankees teams ever—a team that included baseball greats Mickey Mantle, Whitey Ford, and Yogi Berra. In the seventh game of the 1960 World Series, the Yankees and the Pirates were tied at three games apiece. In the bottom of the ninth inning, with the score tied at nine runs for each team, Bill Mazeroski knocked a home run over the left center field wall of Forbes Field, and the Pirates won the World Series four games to three with a score of 10 to 9. That one magnificent achievement has tended to obscure the remainder of William Stanley Mazeroski's outstanding career in Major League baseball. Mr. Mazeroski will also receive a plaque at the October 13th ceremony in acknowledgment of his many accomplishments on the 40th anniversary of his famous home run.

The ceremony will also highlight plans for the painting of two new wall murals on the wall that runs along the Boulevard of the Allies in Pittsburgh. One of these murals will commemorate the 100th anniversary of the founding of the Homestead Grays. The other will honor Mr. Mazeroski. The brass plaques that Mr. Mazeroski and Mr. Gibson will receive during the ceremony will be mounted alongside these murals. I believe that this is a fitting tribute to two of Pittsburgh's outstanding sports teams and two of Pittsburgh's greatest sports heroes.

TRIBUTE TO BROTHER MARTIN McMURTREY

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. GONZALEZ. Mr. Speaker, I rise today to thank and pay tribute to a true San Antonio legend, Brother Martin McMurtrey. After 56 years of service as an educator in the Society of Mary Catholic schools, 49 of those years being spent at Central Catholic High School in San Antonio, TX, Brother McMurtrey has announced his retirement.

Having received a bachelor of arts degree in English from the University of Dayton in 1942, and a master of education degree from St. Louis University in 1949, Brother McMurtrey first entered a classroom as a teacher in 1944. Shortly after, in 1951, Brother McMurtrey moved to San Antonio and began teaching at Central Catholic.

During his years at Central Catholic, Brother McMurtrey taught courses in English and drafting, coached football, authored two books, and dedicated countless hours to working with the disadvantaged in San Antonio parishes. I know that even though he is retiring, Brother McMurtrey will continue teaching all of us. As a matter of fact, I am sure that he will check the spelling and grammar of this entry in the CONGRESSIONAL RECORD of the U.S. House of Representatives.

In addition, Brother McMurtrey established a scholarship fund to assist students who could otherwise not afford to attend Catholic schools. He also spent 22 years volunteering after school as a Confraternity of Christian Doctrine teacher and as a worker with the Presentation Nuns. He also organized the Guardian Angels at Central Catholic, an organization that guided student collections of food, toys, and clothing during holiday seasons.

It is estimated that during his half-century of service, Brother McMurtrey touched the lives of some 6,000 students. Those students have gone on to careers in education, medicine, law, public service, and countless other fields. Indeed the impact that Brother McMurtrey has had on the lives of his students and on the San Antonio community is immeasurable.

Upon hearing Brother McMurtrey's announcement, several former Central Catholic students joined together to plan a retirement celebration aptly titled "The Last English Class." Mr. Speaker, today I join those students in thanking Brother McMurtrey for enriching the lives of all who had the privilege of his mentorship.

TRIBUTE TO SGT. MAJOR BILLY RAY LANEY OF CHEROKEE COUNTY, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. CRAMER. Mr. Speaker, today I recognize a fallen soldier from my home state of Alabama. It is a most unusual day for my district, today they are welcoming home Sgt. Maj. Laney 33 years after they sent him off to serve his country in the Vietnam War. Laney's widow, Charline and his three grown children, Wanda, Billy Ray Jr. and Vicky deserve our recognition for the sacrifices they have endured these many years. As their husband and father is laid to rest in the soil he fought and died to protect, I would like to offer my condolences to the family and express my utmost gratitude for Sgt. Maj. Laney's brave actions.

Sgt. Maj. Laney was only in Vietnam for one month. He was a member of the 5th Special Forces Group of the 1st Airborne Division and was listed as missing in action June 3, 1967 in Laos. Although the Department of Defense declared him deceased eleven years ago, his family has had no physical evidence of his death until two months ago.

I would like to take this opportunity to thank the Veterans Groups of my district: Vietnam Veterans of America, American Legion, Veterans of Foreign Wars, Military Order of the Purple Heart and Disabled American Veterans for going to extraordinary efforts to ensure that Sgt. Maj. Laney's life and death and his families' sacrifices will not be forgotten. Today as Sgt. Maj. Laney's remains are returned home, though tardy, he will be honored properly. Governor Don Siegelman, the Honor Guard and the Alabama State Patrol are traveling to join the procession and to pay their respects to this brave soldier and his family.

Sgt. Maj. Billy Ray Laney's retrieval sheds light on the POW/MIAs still unaccounted for across the country. There are two soldiers from Alabama listed as missing, Prentice Wayne Hicks and Edward Upner. I would like to take this opportunity to say that my thoughts are with their families and let them know that there is still hope that we will uncover their fate.

On behalf of the Congress of the United States, I would like to pay tribute to Sgt. Maj. Billy Ray Laney and his loving family. We can never afford to forget the victories and sacrifices of our veterans like Sgt. Maj. Laney lest we take for granted the precious freedoms we enjoy every minute of every day. My thoughts and prayers are with them today as they welcome their husband and father home to rest.

ATAXIA AWARENESS DAY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. DUNCAN. Mr. Speaker, September 25, 2000, marked International Ataxia Awareness Day. Ataxia disorders comprise a family of progressive, degenerative, neurological illnesses which affect more than 100,000 American families, including many in my District. Ataxia usually initially affects coordination, speech, and balance, but various forms often progress to impact the heart, sight, and hearing.

Unfortunately, there are no effective treatments for this often fatal disease. Worse, our very limited understanding of most forms of the disorder has not even produced any effective treatments. Hopefully we can increase awareness of this serious public health threat and spur the type of progress which will bring hope to the thousands of American families dealing with Ataxia.

The biomedical revolution which has taken root over the last couple of decades offers great promise. That is why I have been a proud supporter of the research efforts at the National Institutes of Health (NIH) and the National Institute on Neurological Disorders and Stroke (NINDS), the component of NIH charged with the study of Ataxia.

For example, NINDS-supported research has recently generated considerable new insights into more than 100 related gene defects which cause nervous system disorders. This work is particularly important to those suffering from the many forms of Ataxia which still cannot be specifically diagnosed. As we identify the genes responsible we can more quickly identify specific forms, and perhaps more importantly, begin developing treatment models.

Additionally, we need to continue to create incentives for additional private research aimed at the so-called orphan diseases. These relatively rare conditions do not receive the resources and attention that are often associated with more common public health problems like cancer and heart disease. I believe these special incentives for those developing orphan drugs have proven to be an unqualified success resulting in more new research on Ataxia, multiple sclerosis, ALS and other neurological disorders.

Even with all these efforts under way, it will still take time to even fully understand the questions we need to be asking about Ataxia. That is why it is so important to inform the public about this work and encourage the medical and emotional support those affected need. International Ataxia Awareness Day should be a substantial step in this direction, and I anticipate it will be an annual event. At the same time, we can hope that current research foreshadows a day when it will no longer be necessary to raise awareness of Ataxia.

SCIENCE SPENDING

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. BOEHLERT. Mr. Speaker, I insert in the record an op-ed piece that appeared in yesterday's Washington Post—an op-ed that I am also distributing as a Dear Colleague letter.

The column is by Dr. Harold Varmus, a distinguished Nobel Laureate and former director of the National Institutes of Health (NIH) who is now president of the Memorial Sloan-Kettering Cancer Center in New York City.

Dr. Varmus' point is that Congress needs to be investing adequately in science spending across the board, not just at NIH. Improvements in medicine rest on advancements in a wide variety of fields; we can't improve health in this country by focusing exclusively on NIH.

This is advice we would be wise to heed. The federal research portfolio has become too skewed toward medical research. We need to address that imbalance not by reducing funding for NIH but by increasing funding for the other federal research agencies. That would be a wise investment in this time of surplus.

I'm pleased to say that Congress is beginning to take steps in that direction. I know, for example, that the appropriations bill my good friend and neighbor Congressman JIM WALSH has put together includes a substantial increase for the National Science Foundation (NSF).

But we need to make a comprehensive, consistent commitment to funding the entire federal science portfolio more generously. I look forward to working with my colleagues to accomplish just that.

[From the Washington Post, Oct. 4, 2000]

SQUEEZE ON SCIENCE

(By Harold Varmus)

In recent weeks both presidential campaigns have voiced their support of efforts to double the budget of the National Institutes of Health. This is an encouraging sign that the current bipartisan enthusiasm for medical research will continue in the next administration. But it also offers an opportunity to make an important point about the kinds of science required to achieve breakthroughs against disease.

The NIH does a magnificent job, but it does not hold all the keys to success. The work of several science agencies is required for advances in medical sciences, and the health of some of those agencies is suffering.

For the coming fiscal year, Congress has again—magnanimously and appropriately—slated the NIH for a major increase, its third consecutive 15 percent increase. By these actions, Congress has shown that it is determined to combat the scourges of our time, including heart disease, cancer, diabetes, AIDS and Alzheimer's disease.

But Congress is not addressing with sufficient vigor the compelling needs of the other science agencies, especially the National Science Foundation and the Office of Science at the Department of Energy. This disparity in treatment undermines the balance of the sciences that is essential to progress in all spheres, including medicine.

I first observed the interdependence of the sciences as a boy when my father—a general practitioner with an office connected to our house—showed me an X-ray. I marveled at a technology that could reveal the bones of his patients or the guts of our pets. And I learned that it was something that doctors, no matter how expert with a stethoscope or suture, wouldn't have been likely to develop on their own.

Of course, the X-ray is routine now. Medical science can visualize the inner workings of the body at far higher resolution with techniques that sound dazzlingly sophisticated: ultrasound, positron-emission tomography and computer-assisted tomography. These techniques are the workhorses of medical diagnostics. And not a single one of them could have been developed without the contributions of scientists, such as mathematicians, physicists and chemists supported by the agencies currently at risk.

Effective medicines are among the most prominent products of medical research, and drug development also relies heavily on contributions from a variety of sciences. The traditional method of random prospecting for a few promising chemicals has been supplemented and even superseded by more rational methods based on molecular structures, computer-based images and chemical theory. Synthesis of promising compounds is guided by new chemical methods that can generate either pure preparations of a single molecule or collections of literally millions of subtle variants. To exploit these new possibilities fully, we need strength in many disciplines, not just pharmacology.

Medical advances may seem like wizardry. But pull back the curtain, and sitting at the lever is a high-energy physicist, a combinational chemist or an engineer. Magnetic resonance imaging is an excellent example. Perhaps the last century's greatest advance in diagnosis. MRI is the product of atomic, nuclear and high-energy physics, quantum chemistry, computer science, cryogenics, solid state physics and applied medicine.

In other words, the various sciences together constitute the vanguard of medical research. And it's time for Congress to treat them that way. Sens. Christopher Bond (R-Mo.) and Barbara Mikulski (D-Md.) have just proposed to double the budget of the National Science Foundation over five years. This admirable effort should be vigorously supported and extended to include the Department of Energy's Office of Science, which fund half of all research in the physical sciences and maintains the national laboratories that are central to biomedicine.

Scientists can wage an effective war on disease only if we—as a nation and as a scientific community—harness the energies of many disciplines, not just biology and medicine. The allies must include mathematicians, physicists, engineers and computer and behavioral scientists. I made this case repeatedly during my tenure as director of NIH, and the NIH has made significant efforts to boost its support of these areas. But in the long run, it is essential to provide adequate budgets for the agencies that traditionally fund such work and train its practitioners. Moreover, this will encourage the interagency collaboration that fuels interdisciplinary science. Only in this way will medical research be optimally poised to continue its dazzling progress.

H.R. 4292: THE BORN-ALIVE INFANTS PROTECTION ACT OF 2000

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. QUINN. Mr. Speaker, I would like to commend my colleagues in the House of Representatives for demonstrating their overwhelming support for H.R. 4292 last week. The Born-Alive Infants Protection Act of 2000, which is designed to ensure that all infants who are born alive are treated as persons for purposes of federal law, passed the House with 385 votes.

It has long been accepted legal principle that infants who are born alive are persons and are entitled to the full protection of the law. In fact, many states have statutes that, with some variations, explicitly enshrine this principle as a matter of state law, and some federal courts have recognized the principle in interpreting federal laws. But recent changes in the legal and cultural landscape appear to have brought this well-settled principle into question.

Babies whose lungs are insufficiently developed to permit sustained survival are often spontaneously delivered alive, and they may live for hours or days. Others are born alive following deliveries induced for medical reasons, or following attempted abortions. Enactment of H.R. 4292 is necessary to ensure that all infants who are born alive are treated as legal persons for purposes of federal law.

H.R. 4292 is proposed to codify (for federal law purposes only) the traditional definition of "born alive" that is already found in the laws of most states: complete expulsion from the mother, accompanied by heartbeat, respiratory, and/or voluntary movements.

Although I was unable to vote on this legislation, I wholeheartedly support it and urge its enactment into law.

H.R. 4365: CHILDREN'S HEALTH ACT OF 2000

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mrs. MYRICK. Mr. Speaker, a woman who becomes pregnant in less than ideal circumstances has a difficult road ahead no matter what action she takes. She faces serious questions about what will happen to her future: Will the father help? How will I afford the costs? What will my family think and will they support my decision? How am I going to get through this? It is an incredibly scary time and the ultimate question is whether her life will ever be the same.

My biggest concern for a woman in this situation is that she may see abortion as the easiest solution—when there is no easy choice. Too often, I hear stories about women who are frantic for a solution and rush to an abortion clinic without learning about the long-term emotional and physical consequences. As a mother and a grandmother, I can tell you that pregnancy changes a woman's life forever—even if the pregnancy is not carried to term.

The law states that women have the right to choose between carrying the baby and aborting it. Before she makes the decision, I pray that she is given the information and the support to truly be able to choose what is best for her and the tiny baby.

This bill strengthens a woman's choices in two ways. First, it increases access to information about adoption in the health clinics where it is needed most. Women facing unplanned pregnancies deserve to hear about their options from a well-trained counselor who can provide accurate, up-to-date information and refer them to a reputable placement agency.

This bill also authorizes a new grant program for research and additional services (such as mobile health clinics to provide comprehensive health services, including ultrasound screenings), to enhance access to health care for pregnant women and infants, including grants to increase access to prenatal care, ultrasound services, and prenatal surgery.

Prenatal surgery is now a very realistic option. Look at this picture that was taken by Max Aguilera-Hellwag—this baby underwent prenatal surgery to correct spina bifida. Sarah Marie Switzer was born on August 22, 1999.

Mr. Speaker, there are many exciting programs contained in this bill, and I urge my colleagues to vote in favor of H.R. 4365.

IN RECOGNITION OF BENNIE L. THAYER

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Ms. VALÁZQUEZ. Mr. Speaker, I rise today to pay a sad farewell to Bennie Thayer, the long-time President and Chief Executive of the National Association for the Self-Employed, who died October 2.

As a retailer and manufacturer himself, Mr. Thayer knew small business issues from the inside out. On the first day that I became the Democratic leader of the House Small Business Committee, he came to my office to advocate the need to accelerate the 100 percent deduction of health insurance for the self-employed.

He was a regular fixture in the Halls of Congress, where he frequently testified about the importance of simplifying government regulations for small businesses, clarifying the home-office deduction and promoting tax fairness.

When Mr. Thayer talked, I listened, because I knew he spoke straight from the heart of the small business community.

He has such an impressive history of accomplishments on behalf of small businesses that it is impossible to list them all adequately. He chaired and served on the boards of numerous local and national business associations concerned with economic development, credit development, small business enhancement and general business growth. In this capacity, he advised three Presidents on small business issues.

He authored a book that examined health care issues from the standpoint of small business owners. It was called, "We, the People: An American Solution to Health Care Reform."

But his accomplishments don't stop there. He served as the State Chair of the Maryland delegation to the 1995 White House Conference on Small Business and as the Regional Implementation Chairman. He was also on the Microsoft Small Business Technology Board to promote computer and information technology to small businesses nationwide. And he served as the Co-Chairman of the Maryland Delegation to the 1986 White House Conference on Small Business.

He was a renowned public speaker, appearing on various radio and television shows to increase awareness of the opportunities and challenges of the self-employed.

I will remember Bennie Thayer as a passionate champion of small businesses, a man of principle and someone who cared deeply about his community.

While the nation's small businesses have lost a great advocate, Mr. Thayer's legacy will live on in Congress and in the hearts of the self-employed.

I salute Bennie Thayer and extend my sympathies to his family.

A LETTER FROM THE HUNGARIAN AMBASSADOR

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. ISTOOK. Mr. Speaker, I submit the following letter from the Hungarian Ambassador into the CONGRESSIONAL RECORD.

THE AMBASSADOR OF HUNGARY,
October 4, 2000.

Hon. ERNEST J. ISTOOK, Jr.,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN ISTOOK: I am deeply moved when I express my heartfelt gratitude to you and your distinguished Colleagues in the House of Representatives on the adoption of H. Con. Res. 400 congratulating my country, Hungary, on the 1000th anniversary of its statehood. I am particularly indebted to Congressman Frank Pallone, who initiated the resolution, and your 29 Colleagues, who joined you as co-sponsors.

The eloquence and historical depth of the resolution will surely impress all my compatriots, as well as hundreds of thousands of Americans of Hungarian descent. Being a historian myself and as someone who lived through a greater part of the 20th century, which brought so much misfortune to my people, I also very much appreciate the words used by you and your colleagues in approving the resolution. On this occasion let me share a few ideas with you on the links that bind your great nation of America with Hungary.

The people of Hungary have been admirers of the United States for well over two centuries. We, too, have fought for our freedom and independence several times during these centuries. We felt your nation's sympathy in many difficult periods, particularly in 1848/49 and 1956. In 1978 the United States returned the Holy Crown of St. Stephen, kept in safety at Fort Knox since 1945, to the Hungarian people, boosting our morale and pride in our history, thus contributing to the process which led to the peaceful transformation of the political system of Hungary in 1989/90.

I am pleased to say that we, Hungarians, are not alone in celebrating the establishment of the State. Like the United States, Hungary is also a nation of immigrants. When our ancestors moved into the Carpathian Basin they soon absorbed its sparse Slavic and Turkic population. Later on we welcomed many individuals and whole national groups in search of a better life and more freedom. Thus credit for the achievements of our thousand year old history goes not only to our Founding Fathers, but to all those who joined our nation through the centuries, embraced our culture and language and enriched us immensely with their industry, knowledge, culture and traditions. Among our neighbors, the Slovaks shared a common state with the Hungarians for over 1000 years, and the Croats a union for 800 years. But all the peoples of Central and Eastern Europe joined the Hungarians at one time or other struggling against common enemies, sometimes even under common Sovereigns. Hungary was also open for refugees escaping war and oppression and it became a truly multinational country, showing both good and bad examples how to get on with many languages and cultures. The resolution appropriately points out the outstanding contributions in science, arts, culture and economy that Jewish Hungarians provided to our nation. Later on many of our citizens left the homeland, in order to seek knowledge, freedom or opportunity. That is how we established so many links to Western Europe and the Americans. Thus, the Hungarian Millennium is a common Central European celebration, and also a Trans-Atlantic one.

The bust of Louis Kossuth, Governor of revolutionary Hungary in 1849, and later a refugee most warmly received in the United States in 1851/52, stands in one of the hallways of the Capitol. The dream of Kossuth and so many other Hungarians has come true: our two nations have become allies. We are working together to turn South-Eastern Europe, a region of conflicts, into a stable and prosperous one. We are fighting jointly against international crime and terrorism, and the rights of people oppressed. We count on your support in our efforts to seek the safeguarding of the rights of close to three million Hungarians residing in the states bordering on Hungary.

A historian of ancient Rome, Sallustius, stated: "Truly not armies nor treasurers are the safeguards of a kingdom, but friends." We, Hungarians, have a modest army and small wealth, but a great friend in the United States. We are grateful for your friendship and for the resolution which is such a beautiful testimony of that.

Sincerely yours,
GEZA JESENSZKY.

REPUBLIC OF CHINA NATIONAL DAY

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. PETERSON of Minnesota. Mr. Speaker, our long time ally and close friend, the Republic of China on Taiwan, will be celebrating its 89th anniversary on October 10th.

Just like our 4th of July, their National Day marks the beginning of a fantastic story of struggles and triumphs—a story of economic miracles, social and political progress, and cultural leadership unlike any other. The National Day celebrates the past successes and ongoing efforts of a group of people committed to the idea that all citizens should be able to participate in the politics of the country they live in.

This October 10th is especially poignant because it marks the first time that newly elected President Chen Shui Bien will lead the celebration. Both President Chen and his Vice President Annette Lu have been working hard to continue to strengthen the bonds between the United States and Taiwan.

In my state of Minnesota we know that those bonds go beyond issues of national security and foreign policy minutiae. In my district we see how those ties connect with our agricultural economy. Last year the Republic of China on Taiwan pledged to purchase over $1 Billion dollars worth of grain, much of it out of the Red River Valley of the North in northwestern Minnesota. The previous year they pledged to buy $1.1 Billion over 12 months, and that goal was actually reached in less than 9 months. They have been good customers for the farmers in my district and I look forward to seeing that continue in future years.

Taiwan has built its relationship with the government and people of the United States by being a good international citizen. I congratulate the Republic of China on Taiwan and its people on their 89th National Day, and look forward to many years of close ties between our two nations.

GENERAL PULASKI MEMORIAL DAY PROCLAMATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to recognize that October 11th marks the 221st anniversary of the death of a Polish military hero who sacrificed his life in the fight for American liberty, General Casimir Pulaski. Every year, Poles and Americans alike honor this great man, known as the "Father of American Cavalry," for his dedication to the cause of freedom, and his brave contributions to both the American Revolution and the fight for Poland's independence.

General Pulaski was a romantic figure and brilliant military strategist, known throughout Europe for his valiant defense of Poland's freedom from the imperialism of Russia and Prussia. Eventually outnumbered in the fight for Poland, Pulaski was exiled to Paris, where Benjamin Franklin recruited him to join the American Revolution.

Pulaski quickly established himself as a talented and effective military leader at the battle of Brandywine under George Washington. Recognizing his potential, Congress granted Pulaski an independent cavalry, which became an entity feared and respected by British foes.

On October 11, 1779, Pulaski crusaded for freedom one last time during the siege of Savannah. Galloping to the rescue of a fellow commander, Pulaski was mortally wounded by British cannon fire. He died the way he lived—freely, valiantly, and purposefully.

Mr. Speaker, on behalf of all Americans, allow me to pay tribute to this great Polish man to whom, in part we owe our freedom.

INTRODUCTION OF A REVISION TO THE STRUCTURED SETTLEMENT PROTECTION ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. SHAW. Mr. Speaker, today I introduce a revised version of the Structured Settlement Protection Act, which I had introduced earlier in this Congress along with my colleague Mr. STARK and a broad bipartisan group of cosponsors constituting a majority of the Ways and Means Committee. The revised legislation I am introducing today, again joined by Mr. STARK, will bring a final resolution to the issue known as "factoring" of structured settlement payments.

I am a long-time supporter of the use of structured settlements to compensate victims of physical injuries. Structured settlements constitute a private sector funding alternative to taxpayer-financed programs to meet the ongoing, long-term medical and living needs of seriously-injured victims and their families. Structured settlements enable these injured people to live with dignity, free of reliance on government. For these reasons, Congress adopted special tax rules to encourage the use of structured settlements to provide long-term financial security to injured victims and their families.

The legislation I am introducing today addresses concerns that have been raised over the "factoring" of structured settlement payments, in which the structured settlement recipient sells future payments for cash. The legislation protects the Congressional policy underlying structured settlements by providing that a stiff excise tax would be imposed on a factoring transaction unless a State court approves the transaction in advance upon a finding that the factoring transaction is in the best interests of the victim, taking into account the welfare and support of the victim's dependents, and a further finding that the transaction does not contravene applicable statutes and court orders.

This legislation has been agreed to by the National Structured Settlements Trade Association (NSSTA) on behalf of the structured settlement industry and the National Association of Settlement Purchasers (NASP) on behalf of the factoring industry. I submit for the record a joint letter of support for this legislation from NSSTA and NASP.

An identical structured settlement protection provision has been included in S. 3152, the "Community Renewal and New Markets Act of 2000", introduced on October 3 by Senate Finance Committee Chairman ROTH and cosponsored by a bipartisan group of 15 Members of the Senate Finance Committee. The structured settlement protection provision in Chairman ROTH's package has been scored as essentially revenue neutral.

Enactment of this legislation—which is part of an overall package of Federal and State legislation which has been agreed to by the two sides in the debate—will bring a final resolution to all of the issues surrounding structured settlement factoring. I strongly urge the enactment of this important legislation as soon as possible.

Re Agreement between the National Structured Settlements Trade Association and the National Association of Settlement Purchasers on Proposed Legislation Covering Transfers of Structured Settlement Payments.

SEPTEMBER 13, 2000.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.
Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR MESSRS. CHAIRMEN: The National Structured Settlements Trade Association (NSSTA) and the National Association of Settlement Purchasers (NASP) have agreed on the concepts and language of the attached package of Federal and State legislation that would protect the Congressional policy underlying structured settlements and would regulate transfers of structured settlement payments to companies in the business of acquiring future structured settlement payments from recipients in exchange for a lump sum. These transfers are sometimes referred to as structured settlement "factoring" transactions.

The Federal and State measures are each necessary components of a single legislative package. (Legislative language for the Federal and State measures is attached.) Under the agreed approach, the States are given the consumer protection role. The proposed State legislation provides for court review of all proposed factoring transactions to ensure that a proposed transaction is appropriate under the circumstances. Specifically, in order for the transaction to proceed, the reviewing court must find that the transaction is in the best interest of the payee, taking into account the welfare and support of the payee's dependents, and that the transaction does not contravene other applicable statutes and court orders.

The Federal measure protects the Congressional policy underlying structured settlements by providing that a stiff excise tax would be imposed unless the requisite State court approval is obtained under a State structured settlement protection statute requiring findings that a transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents, and that the transfer does not contravene applicable statutes and court orders. The Federal measure would also assure that the parties to a structured settlement are not subject to adverse tax treatment in the event of a later transfer of payments under that settlement.

The Federal measure is similar to H.R. 263, sponsored by Reps. Clay Shaw (R–FL) and Pete Stark (D–CA) and co-sponsored by a broad bipartisan majority of the House Ways and Means Committee, and S. 1045, sponsored by Sens. Max Baucus (D–MT) and the late Sen. John Chafee (R–RI) and co-sponsored by a total of 6 Members of the Senate Finance Committee.

The State measure is complementary to the Federal measure. The State measure lays out the process for court approval of proposed transfers of structured settlement payments, including required disclosures to the payee and protections for the other parties to the structured settlement. Legislation similar to the State measure has been enacted in 16 States, and the National Conference of Insurance Legislators (NCOIL) has recently adopted a Model Structured Settlement Transfers Protection Act that closely resembles the State measure. The prospect of the Federal excise tax—which (following a transition period) would be payable by the company acquiring the payments from the structured settlement recipient in any transfer that has not received State court approval—will provide important impetus for enactment of the necessary State legislation in the remaining States (and enactment of conforming changes in States that have already enacted legislation) and for compliance with the State regulatory regime in light of the multi-state nature of structured settlement payment transfers.

Federal tax legislation that addresses only the issue of tax certainty for the parties to the structured settlement would be detrimental to our common objective of reaching a final legislative resolution of all of the issues surrounding transfers of structured settlement payments. Accordingly NSSTA and NASP would oppose the enactment of Federal tax legislation in this Congress which addresses only the tax certainty issue.

NSSTA and NASP respectfully request that you work with Reps. Shaw and Stark, Sens. Baucus and Grassley, and other members of the Ways and Means and Finance Committees to enact the attached Federal measure this year in order to achieve a final resolution of the issues surrounding transfers of structured settlement payments.

Sincerely,

National Association of Settlement Purchasers on behalf of its members, Singer Asset Finance Company L.L.C., Settlement Capital Corporation, J.G. Wentworth S.S.C., L.P., Settlement Funding LLC, d/b/a Peachtree Settlement Funding, Stone Street Capital, Inc., and other NASP members.

National Structured Settlements Trade Association, on behalf of its members.

The undersigned settlement purchasers, although not members of NASP, hereby confirm that they concur in and agree to comply with and support the undertakings made by NASP in the foregoing letter:

Metropolitan Mortgage and Securities Co. Inc.

John E. Chapoton,
Vinson & Elkins L.L.P., representing NASP.
John S. Stanton,
Nancy Granese,
Hogan & Hartson L.L.P., representing NSSTA.

HONORING ISABELLA "BELLE" CUMMINS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. GEKAS. Mr. Speaker, I rise today at the close of the 106th Congress to remember an outstanding individual who was a native of my own state of Pennsylvania and a friend to me and many of my colleagues, Isabella "Belle" Cummins. Belle tragically passed away in May of this year.

Belle was a familiar sight around the halls of the Capitol, where she served as staff counsel to the House Judiciary Committee from 1987 to 1991. During this time she was instrumental in gaining the passage of a national apology to Japanese-Americans for their internment during World War II. In 1991, Belle joined with former Representative Peter Kyros to establish the firm of Kyros and Cummins, where she promoted biomedical research causes until her untimely passing. She was an expert on administrative law, social security, and tort reform as well.

A decade ago, Belle played an instrumental part in developing the Congressional Biomedical Research Caucus, of which I am a Co-Chairman. This year the Caucus celebrates its tenth anniversary. Without the extraordinary efforts of Belle Cummins ten years ago and throughout the past decade, the Caucus would not have achieved the tremendous level of success that it garners today. With Belle's great assistance the bipartisan Caucus has grown to almost one hundred Members. The goals of the Caucus coincide with those Belle championed herself increasing funding for the National Institutes of Health and developing new and improved methods in biomedical research. Tragically, before science could repay with a cure its debt to her for her fantastic efforts in the field of biomedical research, Belle succumbed to cancer only one month after her diagnosis.

Belle had an upbeat attitude and positive outlook that could not be diminished. Belle was well-loved and well-respected by Members and staff alike on both sides of the aisle. Belle's reputation preceeded her, as she was often able to gain meetings with Members of the House or Senate when others could not. Perhaps no greater testimony to the impact Belle Cummins had on all of those who were privileged to know her could be found at a memorial held in her honor by family and friends in the Rayburn building last June. Countless friends and family attended to remember Belle, and many Members of Congress, staff, friends, and relatives shared their memories of her as a driven and determined, yet kind, generous, and positive individual.

Words cannot adequately express my extreme gratitude to Belle not only for her enormous efforts on legislative interests we shared, but for her friendship that spanned more than a decade. With Belle's passing, all of Congress suffers a great loss. My dear friend Belle Cummins is, and will be, greatly missed.

SUPPORTING SERBIAN PEOPLE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. PAYNE. Mr. Speaker, I rise in support of the Serbian people. The Serbian people won a great victory yesterday in the streets of Belgrade. They vindicated their choice for democracy and freedom that they exercised in the presidential elections of September 24. I congratulate the democratically elected President Vojislav Kustinca and the brave people of Yugoslavia who refused to allow their victory to be stolen from them.

It is now time for the West to welcome Yugoslavia into the family of free nations and to assist its new President to rebuild the country from the ravages of war.

TAIWAN'S NATIONAL DAY

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. ROHRABACHER. Mr. Speaker, I extend congratulations to the 23 million people of Taiwan and their democratically elected government, led by President Chen Shui-bian and Vice-President Annette Lu, on the occasion of Taiwan's forthcoming National Day.

Taiwan has become a beacon of democracy in the Asia-Pacific region, despite the threat of military force by Communist China. I have seen tremendous positive changes in Taiwan, from my first visit in 1967, when the island republic was under virtual martial law. Within the past three decades, as basic freedoms and civil liberties have become ingrained, Taiwan has evolved into a powerful economic engine for the entire region. Today the people of Taiwan are enjoying unprecedented prosperity and deserve international respect and admiration.

I have strongly supported Congressional resolutions advocating that Taiwan be permitted as an independent entity into international organizations, such as the World Health Organization and the World Trade Organization even before Communist China is admitted.

The government of communist China should never forget the importance of the freedom of Taiwan to the people of the United States. I wish even greater social and economic success for Taiwan in the coming years.

THE SOUTHEAST EUROPE TRADE PREFERENCE ACT

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. HOUGHTON. Mr. Speaker, today I've introduced the Southeast Europe Trade Preference Act (SETPA), a modest yet important bill that was originally introduced in the Senate by the Senior Senator from New York. This bill is designed to promote meaningful economic development and stability in Southeast Europe through additional trade benefits targeted to certain countries in Southeast Europe.

The bill, modeled on the recently passed Caribbean Basin Initiative, with some key changes. The bill authorizes the President to proclaim duty-free treatment for all eligible articles from the following countries, subject to specified conditions: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former

Yugoslav Republic of Macedonia, Romania, Slovenia, Kosovo, and Montenegro.

Mr. Speaker, this is a timely piece of legislation, especially when considering the changes occurring right now in the Federal Republic of Yugoslavia (FRY). As you know, following the recent elections and yesterday's uprising in Belgrade, Vojislav Kostunica is the president-elect of Yugoslavia and international war criminal Slobodan Milosevic has apparently been ousted. This is terrific news for the region, and the world.

The SETPA would extend duty-free treatment to products that are currently not eligible under the GSP program, including certain iron and steel products, certain agricultural products, footwear, glassware, ceramics, automobiles, bicycles, clocks and watches. The only product that would not receive additional coverage is textiles, in order to protect that fragile industry here in the United States.

It is important to note that the bill contains common sense protections for U.S. industries such as a provision that prohibits the President from designating any country a beneficiary country of the bill if that country has seized ownership of any property owned by a U.S. citizen or corporation, or has taken steps to do so.

That important provision can be waived if the President reports to Congress that compensation has been or is being made to the owner, or good-faith negotiations to provide such compensation are in progress. If the country is otherwise taking steps to discharge its obligations under international law; or a dispute over compensation for such a seizure has been submitted to arbitration under the Convention for the Settlement of Investment Disputes, the provision may also be waived.

Other grounds which could disqualify a country for designation as a beneficiary include a failure to recognize or enforce arbitral awards in favor of U.S. owners, the preferential treatment to the products of a developed country other than the United States, with significant adverse effect on U.S. commerce, the broadcast of copyrighted material belonging to U.S. copyright owners by a government-owned entity without the owners' express consent, or the absence of a treaty or other agreement regarding the extradition of U.S. citizens. Failure to take steps to afford workers in the country certain internationally recognized worker rights will also disqualify a country, as does membership in the European Union.

The President is, of course, able to waive these prohibitions should he report reasons for doing so to Congress, except in the case of membership in the European Union.

Importantly, the bill sets specific conditions for the beneficiary designation of the Federal Republic of Yugoslavia (FRY). With the sweeping changes now occurring in that nation, we want to be certain that the Administration is free to act accordingly should the FRY take the steps necessary for beneficiary designation.

A number of reports are necessary, and thus would be required after passage of the SETPA, to be sure that the bill does no harm to the United States. Section 8 of the bill requires the U.S. International Trade Commission to report to Congress and the President on the economic impact of this Act on U.S. industries and consumers, and Section 9 directs the Secretary of Labor to review, analyze, and report to Congress on this Act's impact on U.S. labor, as well as developments in labor conditions in the beneficiary countries.

Finally, Mr. Speaker, I would just like to say that this bill is good for the people of Southeast Europe, and good for the people of the United States. It will promote economic and political security in this important area of the world following the recent devastating conflicts of the area, and will enhance the economic and national security interests of the United States in Europe. I know that it's late in the session—really too late to consider the bill this year—but I would hope that we can take this bill up at the earliest possible opportunity in the 107th Congress.

INTRODUCTION OF LEGISLATION TO RENAME THE McKINNEY ACT, THE McKINNEY-VENTO HOMELESS ASSISTANCE ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. LAFALCE. Mr. Speaker, today I have the honor to introduce legislation that would rename the Stewart B. McKinney Homeless Assistance Act the McKinney-Vento Homeless Assistance Act, in tribute to Congressman BRUCE VENTO's tireless commitment to the homeless. I hope we can speed the enactment of this bill into law prior to the adjournment of the 106th Congress.

BRUCE F. VENTO has been a passionate champion and effective advocate on behalf of homeless people throughout his career. Traces of his tireless commitment can be found on any forgotten street in urban America: in a shelter where families can go for a hot meal, or a vacant building that has been converted into a place where the homeless can find a bed, and a roof over their heads. BRUCE wrote many of the laws that bring compassion and comfort to our poor and destitute every single day. It is most appropriate that we honor what he has done on behalf of some of our most vulnerable citizens.

In 1982, BRUCE VENTO introduced legislation to create the Emergency Shelter Grant Program. He was the first Member to bring the plight of our nation's homeless people to the attention of the Banking Committee in Congress. An amendment he attached to a housing bill, to provide matching grants to repair vacant buildings to be used as temporary shelters, became the first national legislation to provide federal assistance for emergency homeless shelters.

Throughout the 80's, BRUCE worked time and time again with other Banking Committee Members to build the coalitions and the interest necessary to enact comprehensive legislation to help the nation's homeless. In early 1987, he worked to pass an aid package that included $100 million for a program of emergency shelter grants to help charitable organizations and state and local governments renovate buildings for the homeless, and succeeded in enacting the legislation into law.

In that same year, BRUCE VENTO was an original author of a larger, more comprehensive measure that became known as the Stewart B. McKinney Homeless Assistance Act. This legislation was the first and only coordinated federal initiative directed toward the problem of homelessness, and the only social program that was passed during the Reagan era. The McKinney Act seeks to meet some of the most immediate needs of the homeless: shelter, food, health care, education, job training services, and transitional housing through programs at HUD, FEMA, HHS, the Education and Labor Departments.

It is particularly fitting to honor BRUCE VENTO by joining his name with that of his friend and colleague, Stewart B. McKinney, on legislation they worked together on for so many years. In 1987, after Representative McKinney's passing, BRUCE took a leading role in seeking to name the program that would serve homeless persons the McKinney Act because of Stewart McKinney's "close association and concern and compassion that he espoused and reflected throughout his service" in Congress. These words which BRUCE used to describe Stewart McKinney are equally applicable to him. In fact, our former Banking Committee chairman, Henry B. Gonzalez, used to call BRUCE the "Father of the Homeless."

BRUCE VENTO didn't stop with the enactment of the landmark homeless assistance act. Throughout the remainder of the 1980's and 1990's, he introduced the McKinney reauthorization acts of 1988, 1990, 1992, and 1994, pushing the provisions through our Banking Committee and the other Committees with jurisdiction, while continually seeking additional appropriations and fighting attempts to lessen resources for homeless persons.

BRUCE was also the chief sponsor of the House version of the Rural Homelessness Assistance Act. In 1992 he was the first Member of Congress to join with over 50 organizations across the country to sign onto the report, "Beyond McKinney; Policies to End Homelessness." In February of 1993, the Speaker of the House announced the formation of the Speaker's Task Force on Homelessness organized at the request of President Bill Clinton. BRUCE VENTO was appointed as Chairman of the Task Force, which issued a comprehensive, nationally recognized report to the Speaker one year later.

During the past few years, BRUCE has continued to work hard on the McKinney Act, even as the majority party on the Banking Committee has taken the lead in introducing reauthorizing legislation. BRUCE has worked to strengthen, maintain and renew the funding and the requirement for permanent housing funds in McKinney Act programs. He also authorized language that improved prevention planning and activities so that people do not become homeless due to lack of foresight or planning. The Vento prevention language added discharge planning requirements for persons who are discharged from publicly funded institutions—that is, mental health facilities, youth facilities and correctional facilities—so that people are not merely discharged to the streets.

BRUCE also introduced the Stand Down Authorization Act. Created by several Vietnam veterans, Stand Downs are designed to give homeless veterans a brief respite from life on the streets. The Stand Down bill would, in conjunction with the grassroots community, expand the VA's role in providing outreach assistance to homeless veterans. In this Congress, H.R. 566 gained the strong support of over 100 bi-partisan cosponsors, the VA, the American Legion, the Veterans of Foreign Wars (VFW) and the Disabled American Vets (DAV).

As he worked with all of us in this Congress, BRUCE consistently strove to improve, and even save, the lives of homeless men, women and children around this nation. In the tradition of Minnesota's great leader, Hubert H. Humphrey, BRUCE has always believed that we are elected to formulate and enact policies which improve the quality of life of our citizens. I have had the pleasure of working with him for almost a quarter of a century, and have been continually inspired by the strength of this commitment and the energy with which he has pursued it.

I urge you to join me in cosponsoring, and advocating for speedy passage of, the McKinney-Vento Act bill so that we can duly honor a colleague who has worked long and hard for the most vulnerable Americans, people who are without a home to call their own.

TAIWAN NATIONAL DAY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. GEKAS. Mr. Speaker, on the occasion Republic of China's forthcoming National Day, I wish to offer President Chen Shui-bian and his people my best wishes.

Taiwan is a proud nation that has made extraordinary progress in many areas, economic and political. Economically, the people in Taiwan enjoy one of the highest standards in the world; politically, it has a vibrant democracy with free elections, respect for human rights and a free press. Best wishes to President Chen Shui-bian and his people. May they continue to enjoy economic and political successes.

CHELTENHAM TOWNSHIP

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize Cheltenham Township in Montgomery County, Pennsylvania in welcoming dignitaries from their sister city of Cheltenham, England. The dignitaries have come to Cheltenham to celebrate 100 years as an Official First Class Township.

The visit is another exchange in the long-standing relationship between the two communities, which actually began with the founding of Cheltenham, Pennsylvania. Two of our founding fathers brought the name with them from their former home near Cheltenham, England, when they settled in America in the 1600s. The visiting dignitaries include Mayor Daphne Pennell and her daughter, Lorraine, Councillors Brian and Alexis Cassin, Councillor William Todman, and Twinning Officer Annette Wight.

For many years, representatives from both communities have visited their counterparts on official or pleasure trips, forging a bond of friendship and exchanging insights on municipal operations. This year's visit coincides with Cheltenham Township's Community Harvest Festival which attracts families from around the region with activities like haunted hayrides, a craft sale, live music, kids' games and a grand fireworks finale. The dignitaries will also have the opportunity to meet with township and school board officials, tour historic Philadelphia and be honored at a dinner with Centennial Celebration Committee members and other local, county and state officials.

I am pleased to recognize our visitors from Cheltenham, England to Montgomery County and it is my hope that their visit is an educational and rewarding experience in the United States.

A TRIBUTE TO DR. JAMES LEWIS CRAIG III

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to commend and congratulate a fellow educator and former colleague at the University of Guam on the occasion of his retirement. Dr. James Lewis Craig III has had a distinguished career which has taken him to many different parts of this country and the world in a span of almost five decades.

A seasoned veteran in the field of education, Jim Craig worked on a wide range of areas. Having great interest in the field of education early in life, he took undergraduate courses at Oregon State College from 1954 until 1956. He later joined the military and served until 1960. True to his calling, he spent two and a half years of his enlistment working as a military instructor. Upon his discharge from the military, he opted to spend part of 1960 and 1961 in Europe. While in Munich, Germany, he took courses with the University of Maryland extension program. He later resumed his undergraduate work at Oklahoma State University where he was awarded a bachelor's degree in Elementary Education in 1963.

Upon graduation, Jim worked as an elementary school teacher for the Albuquerque Public School System in Albuquerque, New Mexico and he taught grade school children from 1963 until 1971. During this period, he was also working towards a master's degree. In 1967, the University of New Mexico awarded him an M.A. in Educational Administration.

Between 1971 and 1974, Jim worked as a graduate teaching assistant at the University of New Mexico. He additionally did consulting work for several state agencies and was awarded grants to develop and implement Early Childhood Education programs. Around the same time, he earned a Ph.D. in Educational Foundations (Educational Sociology) from the University of New Mexico. Jim later served as an Assistant Professor of Education at the Southwest Missouri State University. Between 1974 and 1975, he taught graduate and undergraduate courses in Education and directed institutional research towards accreditation from the National Council for Accreditation of Teacher Education (NCATE). In 1975, Jim moved to Australia where he worked for the Churchlands College of Advanced Education in Perth Australia. He served as vice-chair of faculty at the Australian College of Education and later was elected divisional Councillor of the Western Australia Teacher Education Staff Association. He was also a member of the adjunct faculty of Murdoch University in Perth, where he taught a graduate course in Educational Research.

Jim's ties with the island of Guam go back to 1977 when he started work with the University of Guam. He initially served as an associate professor and Chair of the University's Department of Early Childhood Education. In 1983, Jim was awarded tenure and promoted to Professor of Education. After serving as Vice President for Administrative Affairs, Jim returned to the College of Education faculty in 1989. Upon his return, he authored and received funding for a number of grants and was elected various posts such as Vice-Chair of the University Faculty Council, Chair of the College of Education Academic Affairs Committee, Chair of the College of Education Graduate Program, and served as a member of the University Program Review, Promotion, and Tenure Committees.

In 1992, Jim was appointed Dean of the College of Education, the position that he held until his retirement. As the dean, he chaired several departments within the university namely, the Guam Teacher Corps Council, the University Administrative Council, the University Administrative Salary Task Force, the University Employee Development Council, the Institutional Audit Committee, and the University General Education Task Force. Jim is also credited for the concept of establishing University of Guam Branch Campuses in the Federated States of Micronesia, the Republic of Palau and the Republic of the Marshall Islands.

Jim has made great contributions to the field of Education especially through his work on early childhood education. Most noteworthy is his great contributions in the development and expansion of the College of Education and the University of Guam. He is a role model, he is a leader, and a distinguished colleague. He has been a great personal friend who rendered great assistance to me in my own professional development. On behalf of the people of Guam, I congratulate Jim Craig. I hope that he enjoys his well-earned retirement and wish him the best in his future endeavors. Si Yu'os Ma'ase' Jim.

COMMEMORATE THE REDEDICATION OF THE ELMER JACKSON BRIDGE IN TOPEKA, KANSAS

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. RYUN of Kansas. Mr. Speaker, I rise today to commemorate the rededication of the Elmer Jackson Bridge in Topeka, Kansas, to take place on October 21, 2000.

On June 15, 1920, in Duluth, Minnesota, three young black men were lynched by a mob numbering in the thousands. One of those men was Elmer Jackson, from Topeka, Kansas.

Leading newspapers throughout the North vilified the Duluthians for having stained their city's good name and castigated them for being evil, murderous racists. The governor of Minnesota, J.A.A. Burnquist commissioned his adjutant general to launch a formal investigation. Three dozen men were indicted for taking part in the mob action. And one year later, in reaction to the event, the state legislature enacted an anti-lynching law.

Michael Fedo, a former journalist, has written an account of the incident entitled the Lynchings in Duluth, based on newspaper accounts, court records and state files. The account of the lynchings shows that the mentality necessary for such events was not particular to any region.

Mr. Speaker, I rise today to commend Mr. Fedo and the various individuals and organizations involved in this effort for raising our consciousness by recognizing a painful time in our nation's history.

INTRODUCTORY STATEMENT FOR THE MILLENNIUM CANCER RESEARCH ACT

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Ms. PRYCE of Ohio. Mr. Speaker, I rise today, along with my colleague Congresswoman LOIS CAPPS, to introduce the Millennium Cancer Research Act. This important legislation authorizes a five-year demonstration project designed to increase the flexibility, effectiveness and creativity of our nation's cancer research program. It has been developed in collaboration with the National Cancer Institute (NCI) and my colleagues in the Senate, in an effort to encourage high impact, cutting-edge research that will lead to future progress in the fight against cancer.

Mr. Speaker, each year millions of Americans are touched by cancer, as they or someone they know is struck by this terrible disease. We have made enormous strides in the war against this most formidable of opponents, but we must do more to accelerate success. As scientific breakthroughs occur and innovations happen, our nation's cancer laboratories must be able to build upon them and should not be hindered by red tape.

This legislation will allow for a restructuring of the National Cancer Institute that will help to rid its scientific laboratories of redundancy and inefficiencies that slow progress in our ongoing battle against cancer. It will command accountability both to peers through mandatory reviews and to Congress through annual reporting requirements. This bill will provide the necessary flexibility to respond quickly to emerging research opportunities and to engage the brightest minds available while maintaining strict congressional oversight. It will allow NCI to streamline existing systems, maximize cost-effectiveness and more easily enter into strategic partnerships and collaborations in pursuit of a cure. In short, it puts in place an administrative structure that reflects the complex way in which research is conducted today.

Specifically, this legislation:

Directs the NCI Director to establish a program to encourage high-impact, high-risk rapid response research;

Provides NCI with authority similar to that given to the Defense Advanced Research Projects Agency (DARPA) to enter into multiparty agreements that recognize intellectual property rights as well as financial and in-kind contributions;

Allows NCI to create one simple and cost-effective personnel system to better recruit and manage priority research programs and initiatives;

Updates the dollar level for grants that must be reviewed by the National Cancer Advisory Board to $300,000, in order to reflect inflation and the pace of science over the last 15 years; and

Requires the NCI Director to report annually to Congress on research initiatives advanced under this legislation and to the NIH Director on the potential benefits of expanding these activities to other Institutes.

Mr. Speaker, we are at a critical juncture in the war on cancer. By the year 2010, we face losing one-fourth of our citizens to this disease every year. At a time of such rapid growth and discovery in the world of medicine, we need to be as thoughtful in forming the institute that leads our nation into the battle against cancer as we are in choosing the science that will help us to win. This legislation will propel our nation toward that goal and I encourage support for this bill.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in strong support of the Ryan White CARE Act. AIDS is one of the cruelest diseases to strike this nation in recent history. Between 800,000 and 1 million Americans are currently infected with HIV and each day, an average of 100 people are diagnosed with AIDS.

The rate of HIV infection is growing at an even higher rate for minorities. Thirty to forty percent of all Americans with HIV are minorities. But when we break down these numbers, we find that the rate of HIV transmission is spreading most rapidly to women and children. Of all women with AIDS, 76 percent are women of color and of all the children with AIDS, 82 percent are minorities.

Every year I lead a minority women and children AIDS Walk in California—the first of its kind in the country. I do so because in order for the Ryan White CARE Act to truly be effective, community leaders must play an integral role in bringing people together to raise awareness, educate individuals on HIV and AIDS, and build a network of support for families struggling with this disease. The Ryan White funding is crucial, but so is our activism. As leaders in each of our communities we have a duty to help raise awareness of critical issues such as AIDS, and to help our constituents obtain the education, counseling and treatment services they need.

The Ryan White CARE Act implements some valuable and necessary changes that will help more minorities in my district. Specifically it changes the formulas for distributing Title I grants to cities and Title II grants to states to consider the number of cases of HIV infection as well as the number of AIDS cases. Under current law, funds are distributed to cities and states on the basis of the number of AIDS cases alone when we all know that those with HIV are in dire need of these programs. The bill also modifies the current "hold-harmless" provision for cities receiving Title I grants. Under current law, if a city experiences a decline in its Title I formula allocation, its allocation is partially protected by a hold-harmless provision. Also under current law, no city could receive less than 95% of the amount it received in FY 1995; however, this bill changes the hold-harmless provisions so that cities will be protected from losing no more than 2% of their base-year allocation in the first year. The Ryan White CARE Act also establishes a Title II formula grant program for states with "emerging communities" in need of additional resources to combat HIV/AIDS. This supplemental program, which will help the emerging communities in my district, will be triggered when Title II appropriations exceed FY 2000 levels by $20 million.

Finally, the Ryan White CARE Act increases the authorization for the grant program dealing with perinatal transmission of the HIV virus from its current level of $10 million to $30 million. It adds treatment services for pregnant women infected with HIV to the current list of activities, such as counseling, voluntary testing and outreach, that may be funded by these grants. This portion of the bill is particularly important to me as I have been extremely active in trying to secure funding for pilot programs here and abroad to prevent mother-to-child transmission.

I am proud of the bipartisan efforts devoted to this important legislation and know that the Ryan White CARE Act programs will continue to benefit thousands upon thousands of my constituents in need of assistance in my district. I urge my colleagues to join me in voting for this vital, and in many cases, life-saving legislation.

TAIWAN OBSERVES ITS NATIONAL HOLIDAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. CRANE. Mr. Speaker, on Tuesday, October 10th, the Republic of China on Taiwan will celebrate its national holiday that commemorates the founding of the Republic of China by Dr. Sun Yat-sen in 1911.

Throughout my 31 years in Congress I have continually drawn attention to what has been achieved in Taiwan. It is one of the most dramatic examples in modern history of the power of freedom—that a small island, only slightly larger than the state of Maryland and with relatively few resources of its own, could rise to such a position of prominence in the global marketplace.

But a free market economy—the free exchange of goods and services—is not the only key to Taiwan's great success. The free exchange of ideas has also had a profound impact. And I know I speak for the entire House of Representatives when I say that the evolution of Taiwan's political system into a full-fledged democracy has been a source of great satisfaction to the American people and their representatives in Congress.

On the occasion of this year's R.O.C. National Day we are also pleased to welcome back to Washington a man many of us have known and admired through the years. Chien-jen-Chen—known to his many friends simply as "C.J."—is back in town as Taiwan's official representative and director of the Taipei Economic and Cultural Representative Office.

C.J. Chen served in Washington from 1971 to 1980 as a political secretary in what for most of those years was the R.O.C. Embassy. He was back between 1982 and 1989 as Taiwan's deputy representative in the United States. For us old hands here in Congress, C.J. Chen is a well-known figure and a great friend. It's good to have him back.

And I might add that during his years back in Taipei in the 1990s, C.J. Chen served in several high-level posts, including that of Minister of Foreign Affairs over the past year.

Mr. Speaker, it is a pleasure to welcome C.J. Chen back to Washington. And may I also extend the congratulations of Congress and the American people to the Republic of China on Taiwan on the occasion of this year's National Day celebration. May the close ties of friendship and solidarity between our two peoples continue to flourish in the years ahead.

ANNIVERSARY OF THE REPUBLIC OF TAIWAN

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. CROWLEY. Mr. Speaker, The Republic of China on Taiwan will celebrate its birthday on October 10, 2000. Taiwan has much to celebrate, it is a country lead by a freely elected President, with a open and vibrant press, an astonishingly successful entrepreneurial free market economy and a supportive and caring program of government assistance to counties in need all over the world, from war torn eastern Europe to Africa. In March of this year, Taiwan citizens freely chose Mr. Chen Shui-bian, the candidate representing the Democratic Progressive Party, as their president. Since his inauguration on May 20th, President Chen has shown strong leadership on behalf of the 22 million citizens on Taiwan.

Mr. Speaker, on the eighty ninth occasion of the Republic of China's National Day, it is important to remember that Taiwan has a strong relationship with the United States, and we hope this relationship will continue to flourish on the years to come.

IN RECOGNITION OF THE CONTRIBUTIONS OF THE B.F. HOXIE ENGINE CO. NO. 1

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. GEJDENSON. Mr. Speaker, today I congratulate the B.F. Hoxie Engine Co. No. 1 of Mystic as it celebrates 125 years of service of its community. The B.F. Hoxie Engine Co. No. 1 has been, and continues to be, a tremendous asset to residents throughout Mystic.

Since its inception in 1875, the B.F. Hoxie Engine Co. No. 1 has played an important and crucial role in protecting the community from fire damage. The company has been responsible for responding to and extinguishing several major fires during its operation, including the Noank Shipyard fires of 1890 and 1898.

Today, the B.F. Hoxie Engine Co. No. 1 stands as a pure example of the evolution of firefighting. Jumping directly into the new technologies of firefighting, the B.F. Hoxie Engine Co. was one of the first fire departments to introduce the use of the compressed air breathing apparatus for firefighters. The company utilizes the latest and most advance equipment available, including a thermal imaging camera to quickly locate the heart of a fire, a laser to measure surface temperature and a Biosystems PhD meter to detect gases in the air.

Powered only by volunteers, the B.F. Hoxie Engine Co. No. 1 is responsible for founding Mystic's first ambulance service, providing EMT service and responding to highway accidents and other emergencies, as well as hosting a weekly fish frying fund-raiser during a portion of the year to benefit the activities of the department.

Volunteer firefighters are true American heroes. They give their time and their energy to protect our families, our homes and our treasures. Some brave volunteers make the supreme sacrifice every year to save their neighbors and to make our communities safer.

Mr. Speaker, the members of the B.F. Hoxie Engine Co. No. 1, past and present, exemplify these qualities every day. I join with residents throughout Mystic and southeastern Connecticut in congratulating the B.F. Hoxie Engine Co. No. 1 on the occasion of its 125th anniversary.

REGARDING THE NATIONAL DAY OF TAIWAN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. HASTINGS of Florida. Mr. Speaker, today I take a moment to congratulate our friends and allies in the Republic of China on Taiwan as they prepare to celebrate their National Day on October 10. As a Member of the House International Relations Subcommittee on Asia and the Pacific, it gives me special pleasure to mark this occasion.

As my colleagues know, the Taiwanese people recently made history as they successfully and peacefully held their second democratic presidential election and chose Mr. Chen Shui-bian, the candidate from the opposition party, as their head of state. President Chen and the people of Taiwan are to be commended for that landmark achievement.

Like his predecessors, President Chen continues to seek a proper role for Taiwan in the international community. President Chen also has sent goodwill messages many times to resume a dialogue with the People's Republic of China. In the meantime, he exhorts his countrymen to make Taiwan a strong, peaceful, and worthy ally of ours in a region that is so important to our national interest.

I join with my colleagues in the Congress and many Taiwanese-American friends in the United States in congratulating the people of the Republic of China on Taiwan on this 89th anniversary of their National Day.

A POINT OF LIGHT FOR ALL AMERICANS: REV. DR. JAMES S. BULLOCK, PASTOR, HOLY SACRED BAPTIST CHURCH

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. OWENS. Mr. Speaker, I rise to pay tribute to Rev. Dr. James S. Bullock, the distinguished Pastor and Spiritual leader of Holy Sacred Baptist Church in Brooklyn, New York.

Dr. Bullock, the former Pastor of Mars Hill Baptist Church of Coney Island, New York, was called to Holy Sacred Baptist Church in August of 1999 and was installed on December 19, 1999 by The Metropolitan Interdenominational Ministers Conference, The Eastern Baptist Association, The Pastors and Churches Union and the Holy Sacred Baptist Church family. Presiding over the installation ceremonies was the Rev. Dr. B.T. McCollum, Vice-Moderator of the Eastern Baptist Association, the Moderator D.H. Dovore Chapman, Co-President.

The installation service was heralded by countless community leaders, including officials of the African American Clergy and Elected Officials of Brooklyn, the Rev. Joe L. Parker, President and many other clergymen and women along with school officials, teachers, and officers of the various PTA groups.

Rev. Dr. James S. Bullock is a community minded clergyman. He participates in many community-based organizations. He is involved with the following organizations: Secretary of the Association of Brooklyn Clergy for Community Development, Secretary of the African American Clergy and Elected Officials of Brooklyn, Vice President of The Metropolitan Interdenominational Ministers Conference, Parent Body Member Eastern Baptist Association, President of the North Bay Tenant Association of Coney Island, and President of The Men and Women's Interdenominational Ministers Conference of Brooklyn, New York.'

Rev. Dr. Bullock is a man of vision. He is a multi-talented person who is considered an excellent Preacher and Teacher, a builder of ideas and developer of community motivation, and a master decision maker. He is steadfast in his beliefs and a loyal supporter of the missions of the organizations to which he belongs. He consistently endorses the politics of community empowerment and the practical projects which bring the benefits of empowerment to the poor.

Mr. Speaker, I am proud to salute Rev. Dr. James S. Bullock as a distinguished "Point of Light" for all Americans.

HONORING A HOOSIER HERO: KATHY ALFKE

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. McINTOSH. Mr. Speaker, I rise today to congratulate a very special Hoosier who has been chosen to receive the Patrick Groff Teacher of the Year Award. This national award will be presented by the National Right to Read Foundation, an organization devoted to increasing literacy in America through scientifically-based reading research. Only one award is given each year, and this year the award will go to Indiana's own Kathy Alfke.

In addition to teaching reading skills to fourth and sixth graders at Riverside school in Indianapolis, Kathy teaches other teachers, parents, aides, tutors, and principals the Direct Approach Method, a reading instruction technique which brings amazing results. Since last February, she has taught teachers at 12 Indianapolis Public Schools and is currently instructing educators in at least 15 other schools. In her home town of New Palestine, she provided training for the reading tutors and the Director for Instruction at the town's newest school. In all, Kathy trained over 60 teachers this summer and has taken on more students this fall.

Her efforts are making a difference. Having taught the Direct Approach to Reading and Spelling teachers at Switzerland County schools, they scored sixth in the state on the Indiana Statewide Testing for Educational Progress (ISTEP). Kathy has contributed to her own school's dramatic progress leading to its removal from double probation status. Kathy received a National Literacy Award from the James Flannigan Foundation and UPS last year.

Kathy's success as a teacher was built on the determination to go beyond the status quo for the sake of children. Kathy graduated from Indiana State University with a B.A. in Education and a reading endorsement in 1983. She completed her Masters Degree at Indiana University-Purdue University Indianapolis (IUPUI) three years later. For many years, Kathy taught at Indianapolis Public Schools. After transferring to a school near her home, Kathy faced a situation which tested her resolve as a teacher. The teaching philosophy embraced by the administration rejected formal learning. Teachers were forbidden to have text books or skills charts in the classroom.

Of this experience, Kathy says, "The principal made sure you did what she said or you stood the chance of being on the 'hit list.' I withstood this environment for three years until I started feeling oppressed. I was losing my creativity and did not want to come to school. I felt like I was dying inside. I knew I was a good teacher and that God put me on earth to fulfill that position, but was I to continue to be in a building where things were so stressful and were not allowed to teach isolated skills? I was supposed to be a reading specialist, but I didn't know how to teach phonics."

Deeply discouraged with a system which was leaving kids without the most basic skills, Kathy took one year off on to home school her own son. During this time, she met a woman named Mercedes Russow, a 79-year-old lady who introduced her to a direct, systematic phonics approach to teaching reading called the "Direct Approach Method". This program was developed in the late 1950's by Mercedes' mother, the late Pauline Banks, a former Indianapolis Public School Teacher.

Mrs. Russow gave Kathy the skills and the hope she needed to return to the classroom. Since then, her success as a reading teacher has drawn the attention of teachers and principals alike. She divides her time between teaching children and other teachers.

Her workshops are full. Speaking of last year's fall seminar, Kathy states, "The meeting room was packed with teachers from all over Indianapolis who attended the training sessions in May and June to brush up on their phonics and word attack skills. Private school teachers, recently graduated "prospective" teachers, tutors, parents, principals, and Indianapolis Public school teachers and assistants from schools 14, 21, 37, 42, 48, 68, 81, 93, and 103 learned how to supplement their existing curriculum with the simple yet effective techniques of Direct Approach Phonics."

Kathy's success is an inspiration. Rather than accept a system that left some children behind, she sought the skills that were needed for a successful reading program, and now she is passing these skills on to others. Sound reading instruction is needed in Indiana. Kathy herself points out, "As far as education in general, in the schools where I go, I see wonderful, dedicated teachers who a lot of times are spinning their wheels trying to think, 'What is it that I need to do to improve what we're already doing?' Probably the most consistent thing I hear from teachers is the lack of training. From their university training they don't feel adequately prepared to teach reading, I see good things, but a lot of frustration."

Sadly, many of our students across the country do not have mastery of this basic skill of reading. The 1998 National Assessment for Educational Progress (NAEP) has found that 69% of 4th grade students are reading below the proficient level and that 85% of minority 4th grade students, most of whom are in Title I programs, are reading below the proficient level. Many of these students will end up in special education.

Studies indicate that at least half of the students being placed in Special Education programs have not been taught to read. The cost of Special Education—federal, state and local—is exceeding $60 billion each year. The cost to those who never learn to read adequately is much higher. The job prospects for functionally illiterate adults are slim. Opportunities for those who cannot read are few.

Reading is fundamental. To ensure mastery of these skills, correct teaching methodology is essential. According to the National Institute of Child Health and Human Development the ability to read depends on one's understanding of the relationship between letters and the speech sounds they represent. Intensive instruction in phonics teaches this skill—the 26 letters used to symbolize about 44 speech sounds and the most common ways they may be spelled.

The National Reading Panel's report on successful reading strategies which was released on April 13, 2000 echoes this point. After reviewing 30 years of reading research, the reading panel found that the most effective reading programs include instruction in phonemic awareness, phonics, fluency, comprehension, and vocabulary.

The research in support of intensive, systematic phonics is widely available yet teaching colleges often neglect to provide their students with the skills to teach this body of knowledge. Too often, teachers like Kathy graduate without the tools to successfully teach reading. These teachers are deeply devoted to children and want to teach the best they can, yet they lack essential teaching skills. Until teaching schools adopt successful reading instruction methods, the only place teachers can learn these is in workshops like the ones Kathy provides.

This is but one of the reasons Kathy is an education hero. In addition to helping children learn to read, she is providing other teachers the means to become excellent teachers. She is fighting the fight against illiteracy and arming others to do the same. Because of teachers like Kathy, I am hopeful that the literacy deficit in our country will become a thing of the past. It is for this reason that I will be presenting Kathy with a Certificate of Special Congressional Recognition for her service to Indiana next week. Her commitment to children and literacy is outstanding.

I would like to thank the National Right to Read Foundation for selecting this wonderful Hoosier to receive the Patrick Groff Teacher of the Year Award.

Mr. Speaker, I appreciate the opportunity to speak about this very special woman. I am reminded of the words of Historian Henry Brooks Adams who once said, "A teacher affects eternity; he can never tell where his influence stops."

THE VIOLENCE AGAINST WOMEN ACT

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mrs. JONES of Ohio. Mr. Speaker, today I support the Violence Against Women Act ("VAWA"). On September 26, 2000, this Body voted to reauthorize VAWA in a vote of 415 to 3. Our colleagues in the other Body are now considering the reauthorization of this important legislation.

In my career as a judge and prosecutor, I witnessed many instances in which violence tore at the fabric of family life, causing harm to women and children.

The Violence Against Women Act would ensure a comprehensive approach to combating violence through the tools of family services, community initiatives, training for law enforcement, and educational programs. The Act would also protect women with disabilities, many of whom are unable to advocate on their own behalf.

This Body's support of VAWA indicates widespread recognition of the problem of violence against women, and that it must stop. I urge that our colleagues in the other Body reauthorize this legislation.

TRIBUTE TO CONGRESSMAN SIDNEY YATES

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. JACKSON of Illinois. Thank you, Mr. Speaker. Mr. Speaker, I rise today to pay tribute to a distinguished legislator, a paragon of virtue and a national treasure—Congressman Sidney Yates from my home state of Illinois. I am deeply saddened by the news that Sid Yates died last night. I join my colleagues in taking the time to honor this truly remarkable man for his invaluable contribution to this nation. During this time of sorrow for his family, I want them to know that I hold them in my heart and in my prayers.

Mr. Yates was first elected in 1948, and for four decades served as a member of the Appropriations Committee. I am honored to now fill his seat. As the member who coined the appropriations moniker "College of Cardinals," he spent 20 years as Chairman of the Interior Appropriations Subcommittee. Sidney Yates was a staunch advocate for the arts, and a defender of the environment. He embodied all that is just and virtuous about public service. Through his exemplary tenure, Sidney Yates typified what it truly means to be called, "the honorable."

Mr. Yates was considerate to me, generous with his time and extremely helpful to me as a new legislator. On December 14, 1995, Mr. Yates introduced me after I took the oath of office, and continued to serve as a guide and teacher. As the Dean of the Illinois delegation, his courageous and principled stands on issues and legislation were inspirational—this despite great pressure to do otherwise.

I believe I speak for every member of this body when I say we will continue to be guided by the light of Sid Yates' leadership, public service, experience and wisdom. I will miss my good friend and trusted mentor.

ANTI-GAY VIOLENCE IN VIRGINIA HIGHLIGHTS THE NEED FOR EXPANDED HATE CRIMES LEGISLATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. LANTOS. Mr. Speaker, I was extremely disappointed that the conference committee on the defense authorization legislation voted to drop the hate crimes provision from the bill. As president Clinton said, yesterday, dropping this provision is a serious error. The hate crimes provision had strong bipartisan support in both the House and Senate. This legislation simply provided that all persons should be treated the same under our nation's laws, and it is a principle that all of us here in the Congress should support.

Mr. Speaker, a tragic incident just a few days ago in Roanoke, Virginia, has only served to highlight the need for this legislation. Ronald Edward Gay shot and killed Daniel Lee Overstreet simply because he was gay. Mr. Overstreet worked for Verizon network and was well liked by all who knew him. But he happened to be in a gay bar, when Ronald Edward Gay entered the bar and shot and killed him because, in Gay's words, he wanted to waste some "faggots". Like Matthew Shephard before him, Daniel Lee Overstreet was a victim of blind, impersonal hatred and bigotry.

The brutal attack in Virginia and the rise in hate crimes based on sexual orientation shows the need for Congress to adopt comprehensive hate crimes legislation. If we fail to enact this legislation, more and more people will continue to suffer from hate crimes in our country. According to the FBI, hate crimes based on anti-gay violence increased 14.3 percent from 1997 to 1998—even as the overall crime rate decreased. Hate crimes based on sexual orientation have nearly tripled since the FBI began collecting statistics in 1991, and in 1998 such crimes comprised 16 percent of all hate crimes—some 1,260 crimes nationally.

Mr. Speaker, the majority of Americans believe that now is the time to pass the expanded hate crimes legislation. According to recent polls, 63 percent of independent voters say they are "less likely" to vote for a candidate opposed to hate crimes legislation. These voters believe as I do, that hate crimes legislation does not make murdering someone who happens to be homosexual a greater crime than murdering someone who happens to be heterosexual as its opponents charge. Rather, it sends a message throughout our nation that hate crimes will not go unnoticed and they will not go unpunished.

Mr. Speaker, with the recent anti-gay violence in Virginia and the increasing number of hate crimes across the nation, it is now time to pass the Hate Crimes Prevention Act. We have the support of the American people. We need to take action to prevent tragedies like those of Matthew Shephard and Daniel Overstreet in the future. I urge my colleagues to support H.R. 1082 so that we can curb this rise in anti-gay violence and send a clear message that hate is wrong and the perpetrators of hate crimes will be punished.

CONGRATULATING ROBERT A. SCOTT ON RECEIVING THE 2000 RAOUL WALLENBERG HUMANITARIAN LEADERSHIP AWARD

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Robert A. Scott, Ph.D., president of Adelphi University and former president of Ramapo College, on being chosen to receive the 2000 Raoul Wallenberg Humanitarian Leadership Award. Dr. Scott, in addition to being a proven educational leader of high standards and strong management expertise, has been uniquely active and outspoken on issues surrounding the Holocaust, genocide, racism and anti-Semitism. He clearly deserves and has earned this high honor. I have worked closely with Dr. Scott for many years and can attest to his integrity and dedication.

The Raoul Wallenberg Humanitarian Leadership Award is presented annually by the Center for Holocaust and Genocide Studies at Ramapo College. While the Center was established before Dr. Scott became president of Ramapo in 1985, he was one of its strongest supporters throughout his tenure and contributed significantly to its growth and prominence in the world of Holocaust studies. Today, the Center is an independent, non-profit organization that encourages and assists persons of all ages in learning the history and lessons of the Holocaust and other genocides in the hope that through education such tragedies can be prevented from ever occurring again. The Center sponsors a variety of activities, including workshops for educators, recording of local Holocaust survivors' testimonies, art exhibits, film series, lectures and panel discussions.

The Raoul Wallenberg Humanitarian Leadership Award is given to individuals who display "outstanding leadership in advancing Holocaust studies and interfaith understanding." Dr. Scott clearly meets that test, and strives to follow the examples of courage and leadership set by Raoul Wallenberg, the Swedish diplomat who saved the lives of thousands of Jews in Budapest during World War II.

Prior to becoming president of Adelphi University on July 15 of this year, Dr. Scott spent 15 years as president of Ramapo College. His tenure at Ramapo was marked by rising enrollments, increasingly rigorous admissions standards, a construction boom, fiscal stability, the addition of three graduate degree programs and numerous other accomplishments. He has been a member of the New Jersey Commission on Higher Education since 1994 and chaired the Commission's Higher Education Restructuring Team. As a senior advisor to the U.S. State Department, he represented the United States at the 1998 United

National Education, Scientific and Cultural Organization conference in Paris that negotiated an international treaty on the transferability of academic credits and credentials. He has received numerous awards from education and community groups.

Before coming to Ramapo, Dr. Scott was assistant commissioner for the Indiana Commission for Higher Education and an associate dean and senior administrator at Cornell University. He holds a bachelor's degree in English from Bucknell University and his doctorate in sociology and organizational ethnography from Cornell.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating Dr. Scott and wishing him many years of continued success in his new role at Adelphi University.

COMMEMORATING THE REPUBLIC OF CHINA ON IT'S NATIONAL DAY, OCTOBER 10, 2000

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. HINCHEY. Mr. Speaker, in recent years, the Republic of China on Taiwan has emerged as a major economic power throughout the world. Much of this economic success is attributable to the efforts of Taiwan's leaders who understand that a strong economy is necessary for true political progress and reform. The Republic of China has now become a true democracy with several strong political parties. Earlier this year, the people of Taiwan elected as President Mr. Chen Shui-bian of the Democratic Progressive Party. His election underscored the vitality and diversity of Taiwan's democratic form of government.

Like his predecessor, former President Lee Teng-hui, President Chen continues to seek a proper role for the Republic of China in the international community. At the same time, President Chen also seeks a dialogue with the People's Republic of China. While the pace of this dialogue may evolve slowly, President Chen will continue to work with his countrymen to transform Taiwan into a high tech island that will be seen worldwide as a successful model for emerging democracies.

Mr. Speaker, I would urge my colleagues to show our admiration to our friends in the Republic of China by congratulating them on their forthcoming National Day.

IN HONOR OF HOLY FAMILY HIGH SCHOOL REUNION 2000

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Holy Family High School, as it celebrates Reunion 2000. On October 7, 2000, many of Holy Family's alumni will attend a reunion to celebrate the school that guided them through their formative years and prepared them for future success.

Holy Family High School was founded in the late 1800s, and was known as Columbia Business School. In the early 1920s, Franciscan nuns and priests took stewardship of the school, changing its name to Holy Family. They dedicated their lives to providing support and guidance, creating an environment that facilitated learning. Because of the exceptional education Holy Family provided, many of its students had the opportunity to go to college.

The closing of Holy Family High School in 1972 was a sad moment for everyone who had been a part of its history, and sad moment for the community. However, with this reunion, Holy Family's alumni share their memories and experiences, their triumphs and difficulties. In so doing, they breathe life back into their school and their childhood.

Today, I honor Holy Family High School and the students who passed through its halls on the way to realizing their dreams. And I ask my colleagues to honor them, as well.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Ms. VELÁZQUEZ. Mr. Speaker, due to an error, I was incorrectly shown as voting "yes" on rollcall No. 473. I was present during this roll call vote and intended to vote "no."

This was a vote on the Souder amendment to H.R. 4942, the DC Appropriations Bill for FY 2001. This amendment would prohibit the District of Columbia from using any funds, Federal or local, for a needle exchange program. I am strongly opposed to such a prohibition.

Needle exchange programs, which are used in over 30 states, have been proven to drastically reduce the transmission of HIV among intravenous drug users. Such programs have the support of the American Medical Association, the American Public Health Association, the United States Conference of Mayors and the Surgeon General of the United States. In fact, the Surgeon General has said, "There is conclusive scientific evidence that syringe exchange programs as part of a comprehensive HIV prevention strategy are, in effect, public health intervention that reduces the transmission of HIV and does not encourage the use of illegal drugs."

The District has budgeted it's own funds for the implementation of this program. However, the Souder amendment denies the District the right to local control over local policy, implemented by local dollars. It is not the responsibility of this Congress to impose the personal moral beliefs of certain of its Members on the public health policy of any local jurisdiction. Yet that is exactly what the Souder amendment does. I oppose this amendment and ask that this statement be entered into the record to clarify my position on this important issue.

WRONG ON KAZAKHSTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. BURTON of Indiana. Mr. Speaker, I would like to draw the attention of my colleagues to a very disturbing Op Ed article by Professor Amos Perlmutter ("More words than deeds on Kazakhstan?" in the Washington Times of October 4, 2000), detailing how the Clinton-Gore Administration has dropped the ball in promoting democracy and respect for human rights in Kazakhstan.

Time after time, Kazakhstan's ruthless and corrupt President, Nursultan Nazarbayev, has made promises to Vice President GORE and others in the Administration and has then failed to deliver on those promises. And so, as Professor Perlmutter puts it, the Nazarbayev regime continues its campaign of "relentlessly destroying the opposition, closing the free press and involving itself in corrupt schemes."

It should have been possible for the United States, which has had the support of the Organization for Security and Cooperation in Europe as well as numerous non-governmental human rights organizations, to insist that Nazarbayev fulfill the promises he made on human rights and free elections as a price for legitimacy in American eyes. Sadly, however, it seems clear that the Clinton-Gore Administration has pulled its punches, because it wants oil rich Kazakhstan's support for an oil pipeline that does not go through Russia. What is particularly troublesome in this regard is that the United States should not be turning a blind eye to repression and corruption in order to persuade Kazakhstan to do something that is in its interest in any event.

Mr. Speaker, I submit Professor Perlmutter's article for the RECORD.

[From the Washington Times, Oct. 4, 2000]

MORE WORDS THAN DEEDS ON KAZAKHSTAN?

(By Amos Perlmutter)

The Clinton-Gore administration relationship with Nursultan Nazarbayev's corrupt dictatorship in Kazakhstan is, once again, making news. Not without reason.

The case is that the administration failed to defend political freedom and free enterprise in Kazakhstan. They talked the talk without walking the walk when it came to challenging the Nazarbayev dictatorship.

Promises from Mr. Nazarbayev went unfulfilled. The administration failed to support the claims of human rights organizations, non-government organizations (NGOs), and the OSCE that the Nazarbayev government is not only failing to undergo democratic changes as a price for support from the United States, but also is relentlessly destroying the opposition, closing the free press and involving itself in corrupt schemes.

The effort to support this regime was conceived in conformity with the American national interest. After all, there are three reasons for U.S. strategic interest in Kazakhstan: oil, nukes and independence. Kazakhstan has been one of the Soviet Union's major oil reserves, and continues to be a most significant oil reserve and also a Caspian littoral state. Josef Stalin made Kazakhstan a Soviet nuclear arsenal.

Independence was the goal of both the Bush and Clinton administrations, to strengthen Central Asia non-Russian Muslim states, and to move them in the direction of democracy and free enterprise. There was a tacit strategic purpose in separating Kazakhstan from Russia's historical imperial linkages (an exercise in futility). Kazakhstan is the most Russified Central Asian state, with close to 30 percent of its population Russians who serve as the main scientific, industrial and business elite.

However, the Clinton administration sank into the pool of oil that inadvertently led to the most serious corruption of the Nazarbayev dictatorship by failing to resist the dictatorship. One of the administration's major foreign policy goals was humanitarian intervention to help bring an end to former communist dictatorships in the former Soviet Union and the Balkans.

In fact, the administration conducted a "humanitarian war" in Kosovo. The idea of a humanitarian and exemplary intervention, i.e. support of opposition groups in Kazakhstan, free press, and democracy was sacrificed, unfortunately, to the pool of oil.

The administration was not directly involved in support of the dictatorship. But it failed to vigorously resist the Nazarbayev violation of human rights, dissolution of the Kazakh parliament on two occasions and above all closing the only two opposition papers and the rigging of the 1999 elections.

In defense of the administration you could say diplomatic gobbleygook' and securing unfulfilled promises from Mr. Nazarbayev was unfortunately subordinated to oil and nuclear strategic policies. The embassy in Kazakhstan continuously reported to the U.S. State Department on Mr. Nazarbayev's violations of human rights.

In fact, the OSCE, human rights groups, non-government organizations (NGOs), and other groups have warned the administration and continuously protested Mr. Nazarbayev's dictatorship and suppression of freedom in Kazakhstan. Leon Fuerth, Vice President Al Gore's national security adviser, and his assistant, Richard Brody, met on Sept. 15, 1999, at the Old Executive Office Building to discuss the upcoming visit of President Nazarbayev to the United States. Attending were several people from the State Department, regional and human rights bureaus, as well as the Human Rights Foundation, and the Kazakhstan 21st Century Foundation.

Mr. Fuerth was on the defensive throughout the meeting, as the various representatives pressed hard the argument that the meeting was a mistake at that time, since Mr. Nazarbayev would interpret it as an endorsement of his behavior. According to one of the participants, Mr. Fuerth was unpersuasive and ineffective in defending the purpose for the visit of Mr. Nazarbayev to the United States.

The issue at stake was Kazakhstan's MiG sales to North Korea and the failure of democracy. When Mr. Nazarbayev promised Mr. Gore the next election "would be better," the OSCE report on the 1999 elections in Kazakhstan were still pending. Mr. Fuerth said at the meeting, "We will adopt its [OSCE's] findings as leverage on Nazarbayev." Mr. Fuerth continued, "Our government has been saying repeatedly, and the vice president personally, pay attention to what the monitors are saying about your, i.e. Nazarbayev's, elections." Mr. Fuerth said Mr. Nazarbayev is "not your poster boy" for democracy and freedom. Mr. Fuerth said, "Gore sees his personal relationship as essential to prodding Nazarbayev toward democracy."

America's goals include, says Mr. Fuerth, "carrying Kazakhstan to a modern self-sustaining state at every level of societal concern. . . . We are into their affairs at a fantastic level of detail, and that is only possible with the political support of Nazarbayev and this [Gore-Nazarbayev] commission and the commitment of the United States to a face-to-face meeting with the vice president.

Mr. Fuerth continued to say the United States must persuade them to "more and more perfect democracy," and he is "perfectly aware of the imperfections." According to Mr. Feurth, Mr. Gore's message is "Democracy is on the agenda. Democracy is not our idiosyncrasy." He describes Mr. Gore's agenda as follows: "Democracy and elections are essential parts of the relationship Nazarbayev wants with the U.S. Gore will explain why a valid election is indispensable if he [Mr. Nazarbayev] wants the relationship he seeks."

After meeting with the president, Mr. Nazarbayev went back home and continued in his oil-mired practices, human-rights violations and the creation of his position as president for life.

Since Mr. Gore was given the portfolio on Russia and the independent states of the former Soviet Union, the essential difference between what the Cox Report finds in the case of Russia and the administration policy toward Kazakhstan is that in the case of Russia it was mired with good intentions for reform that turned sour because of support for Boris Yeltsin's corrupt, undemocratic government. You cannot tell Russia, a major power, what to do, while the situation in Kazakhstan was totally different.

Not only was the United States in the position to help implement the recommendations for democracy and freedom in Kazakhstan, it coddled the dictator and made no impact whatsoever or follow up on the promises made by Mr. Nazarbayev to Mr. Gore to advance the democracy in Kazakhstan.

In the case of Kazakhstan, the United States was in a stronger position than in Russia, with the support of OSCE, multiple human rights organizations and NGOs, to impose upon the dictatorship to implement their promises made on human rights and free elections as a price for legitimacy in American eyes.

They did not do it. The administration tacitly accepted Mr. Nazarbayev's defense that there is an emergent democracy in Kazakhstan and it is a question of "time."

It seems the Clinton-Gore administration did not try very hard to institutionalize and implement their commitments to democracy, free elections, and an open press in the case of Kazakhstan.

MOTOR VEHICLE FRANCHISE CONTRACT ARBITRATION FAIRNESS ACT OF 2000

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BENTSEN. Mr. Speaker, I rise in strong support of legislation I cosponsored, H.R. 534, the Fairness and Voluntary Arbitration Act. This important legislation addresses an imbalance in the relationship between automobile manufacturers and automobile dealers.

Today, motor vehicle manufacturers regularly force small business auto and truck dealers into mandatory binding arbitration clauses by including the clauses in non-negotiated dealer agreements. Under the current system, automobile and truck dealers have no choice but to accept mandatory binding arbitration provisions in franchise agreements provided by motor vehicle manufacturers. These "take it or leave it" contracts undermine the "freedom to contract," a tenet of modern commercial law, and run counter to basic principles of fairness.

H.R. 534 would make arbitration of dealer-manufacturer disputes totally voluntary. H.R. 534 does not prohibit arbitration but rather seeks to make arbitration one of several avenues to dispute resolution. H.R. 534 makes arbitration one of several fair choices that both parties may willingly and knowingly select. I believe that we should reject the one-size-fits-all approach of arbitration and recognize that there are less expensive, more efficient, non-judicial modes of dispute resolution like mediation and other types of informal negotiation.

Under the current system, legitimate state protections are unavailable for dealers because of overly broad federal policy favoring arbitration. The landmark Supreme Court case, *Southland Corporation v. Keating,* 107 S. Ct. 852 (1984), established that federal law preempts state laws that prohibit mandatory binding arbitration in adhesion contracts or prohibit waivers of judicial or administrative remedies of a contract. Preemption prevents states from enforcing protective laws that limit or regulate unfair arbitration practices in contracts, despite the fact that enforceability of private contracts is ordinarily a question of state law. These arbitration clauses substantially deteriorate dealers' rights and remedies as provided under protective state franchise laws.

Mr. Speaker, the federal government has no business dictating the terms of contracts between small business auto and truck dealers and automotive manufacturers. Accordingly, I urge my colleagues to join me in support of H.R. 534, legislation to untie the hands of small business auto and truck dealers in their negotiations with automotive manufacturers.

TRIBUTE TO THE REVEREND JOHN ALPHONSO FERGUSON FOR A CAREER OF SERVICE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mrs. MEEK of Florida. Mr. Speaker, the Reverend John Alphonso Ferguson is the founding pastor of the Second Baptist Church of Richmond Heights, in my Congressional District. On Saturday, October 28, 2000, our entire community and Rev. Ferguson's friends, admirers and members of his congregation will gather at the Dadeland Marriott Hotel to wish him Godspeed upon his retirement after 36 years of service.

Ordained a minister at the First Baptist Church of Logan Park in Norfolk, Virginia on November 17, 1959, he moved in 1961 to Florida to establish the Second Baptist Church in South Dade's Richmond Heights community. Amidst the countless sermons he preached, the baptismals and christenings he presided over, and the weddings and funerals he performed, Reverend Ferguson was likewise indefatigable in reaching out to the schools and homes, hospitals and community organizations that sought and obtained his sage advice and wisdom.

The longevity of his pastorate in the vineyard of the Lord truly represents a stewardship that is inspiring. He remarkably transformed the Second Baptist Church into one of the most active congregations in Miami-Dade County. His role as spiritual leader and consummate activist has immensely enlightened and guided church members as they tackle the agenda of participatory government based on their God-given conscience and responsibility.

It is fitting for us to pause and reflect on the role that Reverend Ferguson played in the day-to-day affairs of our community during the last 36 years. He has truly personified the example of Christ as the Good Shepherd, leading his flock to become ". . . the light of the world and salt of the earth" through his preaching of God's word and spreading the good news of the gospels.

I am privileged to enjoy his friendship and confidence, and I will always be grateful for his example of leading us to live by his noble ethnic of always loving God through the service of our fellow human beings, especially those who could least fend for themselves.

The testament of his faithful consecration to our community's well-being buttresses the noble legacy he now leaves with us. I extend to him the thanks of our community for a job well done and our best wishes for a well-deserved retirement.

A TRIBUTE TO ST. KATHERINE DREXEL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. FORBES. Mr. Speaker, seventy years ago, Katherine Drexel visited the pristine coastline of Wading River, Long Island at the request of the Reverend Bernard Quinn, who wanted to help her in creating an orphanage for homeless African American children from New York City. So moved by the beauty of the vista and the dire need for the orphanage, Mother Katherine Drexel sent four nuns from the order she created, the Sisters of the Blessed Sacrament for Indians and Colored People, to teach at the Little Flower Institute.

Little Flower was established in 1930 after much opposition from the local residents. It was burnt down twice under mysterious circumstances. Despite the obstacles, Little Flower has grown to one of the largest foster care agencies in New York, providing services to approximately 2,500 children. Death, illness, poverty and substance abuse have claimed the innocence of so many of Little Flower's children. However, all of the people that have been involved in the institute, have given children a ray of hope and a new beginning for over 70 years.

Little Flower is just one of nearly 300 missions and schools, Katherine Drexel built. Rejecting the life of a socialite and donating her riches to "the cause of uplifting Indians and Colored People," she dedicated herself to a life of poverty and helping those who needed her the most. She was a woman who was ahead of her time. She afforded people of downtrodden races the respect and love that most others could not. Mother Drexel looks past the color of a person's skin and looks to the inside and the true humanity of each and every person she met.

This week, after the Catholic Church ascribed two miraculous cures of deafness, Mother Katherine Drexel became St. Katherine. She was cannonized by Pope John Paul II and joins only three other American saints.

St. Katherine has touched the lives of so many. So many children at Little Flower and other schools throughout the country. So many who had been abandoned by society and left to fend for themselves. So many who needed a person to see the goodness in all. So many who needed and were helped by St. Katherine Drexel.

REPUBLIC OF CHINA'S NATIONAL DAY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. ORTIZ. Mr. Speaker, on behalf of my constituents I wish to extend my best wishes and congratulations to the people of the Republic of China on the occasion of their forthcoming national day.

The Republic of China on Taiwan is a genuine democracy and its people enjoy one of the highest standards of living in the world. It is my belief that the story of Taiwan needs to be told again and again.

Meanwhile, best of luck to president Chen Shui-Bian of the Republic of China.

CONGRATULATING THE MIDWAY, TEXAS, ALL-STARS LITTLE LEAGUE SOFTBALL TEAM FOR WINNING THEIR FOURTH CONSECUTIVE WORLD SERIES

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. EDWARDS. Mr. Speaker, today I wish to congratulate the Midway All-Stars little league softball team for taking home the trophy for the Girls' Little League Softball World Series.

On August 19th, these young women, ages 11 and 12, ended another outstanding season. The Midway girls are eight-time world champions, having also won the world title in 1997, 1998 and 1999. They also were world champions from 1992–1995.

I think it is safe to say that the team dominated in the 1990s and has already captured the first championship in the new millennium. The latest Midway girls' triumph was international in scope as teams from the Philippines, Germany, Canada and the United States competed for the title of world champion.

Before heading to the championships, this year's squad had to get through teams at the district, sectional, state, and southern region levels. The team consists of girls from the small community of Hewitt/Woodway right outside of Waco in the heart of Texas' 11th Congressional District.

Members of this world championship team include Ashley Davilla, Rachel Fahlenkamp, Courtney Heard, Kacy Horn, Emily Lindsey, Hannah McGrew, Destinee Mordecai, Bethany Northern, Amanda Pack, Natalie Pendley, Rebecca Pryor, Brandi Rawls, Kelsey Sage, Elissa Stiba.

These young ladies have shown what it takes to win: teamwork, hard work, self-discipline and commitment. These same qualities will continue to serve them throughout their lives.

The team was very capably led by a coaching staff that includes Randy Sage, Kyle Heard and Andy Horn. They devoted many hours to the girls and their sacrifice was key to this victory.

I ask members to join me in congratulating this year's world series team and their coaches for this outstanding athletic accomplishment.

HONORING JOHN F. GARDE OF ILLINOIS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. HYDE. Mr. Speaker, today I pay tribute to an outstanding constituent from Illinois, John F. Garde. Mr. Garde will soon be retiring as the Executive Director of the American Association of Nurse Anesthetists (AANA) after 17 years of service. I am very pleased to honor the distinguished career of John F. Garde for his contributions to the practice of anesthesia from my state of Illinois.

The AANA is the professional association that represents over 27,000 practicing Certified Registered Nurse Anesthetists (CRNAs). Founded in 1931, the American Association of Nurse Anesthetists is the professional association representing CRNAs nationwide. As you may know, CRNAs administer more than 65 percent of the anesthetics given to patients each year in the United States. CRNAs provide anesthesia for all types of surgical cases and are the sole anesthesia provider in two-thirds of all rural hospitals, affording these medical facilities obstetrical, surgical and trauma stabilization capabilities. They work in every setting in which anesthesia is delivered including hospital surgical suites and obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and plastic surgeons.

John received his anesthesia training in 1957 from St. Francis Hospital School of Anesthesia in LaCrosse, WI and began practicing at the U.S. Public Health Hospital in Detroit, Michigan the following year. Having been a provider of anesthesia for numerous years he became an Associate Professor and Chairman of the Department of Anesthesia at Wayne State University, College of Pharmacy and Allied Health in 1975. Using this experience, he then became the Education Director of the AANA in Park Ridge, IL in 1980 before taking his current role as Executive Director in 1983. His accolades range from propelling nurse anesthesia programs into a graduate framework resulting in 50 percent of them moving into the College of Nursing, as well as establishing the International Federation of Nurse Anesthetists during his tenure with the AANA. John has served the AANA as a member, board member, past president, and now will be retiring as a very celebrated executive director among his peers.

Mr. Garde has many honors to follow his list of career accomplishments. John was inducted as a fellow of the American Academy of Nursing in 1994. In 1999 the Association of Chicagoland recognized him for his outstanding contributions to the Association community, presenting him with the John C. Thiel Distinguished Service Award.

I ask my colleagues to join me today in recognizing Mr. John F. Garde, CRNA, MS, FAAN, for his notable career and outstanding achievements.

TAIWAN NATIONAL DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. GILMAN. Mr. Speaker, as President Chen Shui-bian, who was elected in the first peaceful transfer of power in Chinese history, Vice President Annette Lu, and the people of the Republic of China on Taiwan prepare to celebrate their National Day on October 10, 2000, I wish to extend them my sincere congratulations. The "Double Ten" holiday also commemorates China's evolution toward democracy which was first sparked by Dr. Sun Yat-sen, the father of modern China, and his nationalist revolution against the foreign Manchu dynasty.

The Republic of China on Taiwan has a lot in which to be proud. Taiwan's economy is a powerhouse. For instance, export orders reached U.S. $74 billion from January to June, up 21 percent from the same period last year. In June of this year, exports and imports enjoyed almost 25 percent growth from the year-earlier period. Due to the soundness of its economic foundation, Taiwan was unique in being largely immune to the economic crisis which engulfed East Asia a few short years ago. It is the government of Tawian's policy to continue to develop a new economy based on information and high technologies.

Furthermore, Taiwan's citizens enjoy one of the highest living standards in the world and live in a society where, unlike some of their near neighbors, basic human rights are respected and no one has to fear the peril of a sudden knock on the door in the middle of the night. Politically, Taiwan is a true democracy with free island-wide elections, press independence and political pluralism.

Mr. Speaker, Taiwan is a model of success for many countries in the world, and we need to give Taiwan our approbation and support. Let us salute this beacon of democracy in the East China Sea on its National Day!

RECOGNIZING AVIS KELLY BAYSMORE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Avis Kelly Baysmore for over thirty years of dedicated and loyal service to Brevoort Children's Center in Brooklyn, New York.

Avis Kelly Baysmore is a wife, a mother, a grandmother, and a great-grandmother. Mrs. Baysmore and her family have been blessed with excellence, greatness, the favor of God, love and honor, the law of kindness in tongue, morality and character. All of these amazing attributes are the result of a God-centered life.

A child of God, Mrs. Baysmore came to Brevoort Children's Center in 1970 as a Substitute Teacher. For the next year she taught as a substitute teacher in other centers, including Tompkins and Sumner Children's Center. On July 5, 1971, she was hired as a Teacher's Aide at Brevoort Children's Center, working in Group 2 with four-year old children. After one year, Mrs. Baysmore was transferred to Group 2.6–3, where she worked until her retirement.

Mrs. Baysmore was enrolled by BKS in an Early Childhood Education Program at New York University, where she obtained credit in Early Childhood Education. She continued on to Pace College and attended many workshops in Early Childhood Education. Later, Mrs. Baysmore would become an Associate Teacher, filling in for the Group Teacher on many occasions. Finally, she also served as a Shop Steward for 19 years.

In her own words, Mrs. Baysmore says "It has not been easy, but I trusted God for everything and all Honor. Glory and praise goes to my Lord and Savior Jesus Christ. It was He that brought me through thirty years of service."

Mr. Speaker, Avis Kelly Baysmore is more than worthy of receiving this honor, and I hope that all of my colleagues will join me today in recognizing this truly remarkable woman.

LIFE IN THE AFTERMATH OF SIERRA LEONE'S DIAMOND WAR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. HALL of Ohio. Mr. Speaker, I rise today to draw our colleagues' attention to the moving statement of someone who testified to Chairman ED ROYCE's Africa Subcommittee. The event was an extraordinary one, an opportunity to see some of the real people who are affected by our government's policies and our consumers' purchases. It is one of many organized by Chairman ROYCE, who has been tireless in his efforts on behalf of Sierra Leone's people, and I commend him and his staff for the critical work they do.

Muctar Jalloh, who is 27, was caught by the rebels in the diamond-mining region in April 1998. He was targeted because he was a student and seen as an enemy of rebel forces trying to gain control of Sierra Leone's mineral resources. Using a machete, AFRC/RUF rebels cut off his right arm above the wrist and his right ear. Mr. Jalloh currently lives at the Murry Town amputee camp in Freetown, and is a leader of the amputees group. His statement needs no embellishment. I hope my colleagues will give it the consideration it deserves.

STATEMENT OF MUCTAR JALLOH—AMPUTEE VICTIM FROM SIERRA LEONE

AFRICA SUBCOMMITTEE OF THE INTERNATIONAL RELATIONS COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC—SEPTEMBER 26, 2000.

Thank you for inviting my friends and me to speak to you this morning. We have traveled a long way from Sierra Leone thanks to the generosity of Americans from all over the U.S., and especially from Baltimore, Maryland and Staten Island and Brooklyn, New York. This afternoon we leave for New York to begin several months of medical treatment, fittings and training with artificial limbs.

Today, I ask you not to dwell on the horrible injuries that I have suffered personally. I will be glad, if you wish, to describe the terrible ordeal and torture that I went through. I lost my right hand and my right ear when a rebel chopped them off with a machete.

No, I want instead to direct your attention to my young colleagues who traveled with me from the Murry Town Amputee Camp in our capital city of Freetown. Unlike me, they have suffered much even before they could begin really formalizing their dreams for a bright future. The two youngest with us are only four years old. And these three girls here are only eight, nine and ten years old.

Since I read and write in English I sometimes see articles in foreign newspapers or magazines stating that the war in Sierra Leone must be a tribal war, or maybe a religious war. Religion and tribal affiliation have nothing to do with why we are now without our limbs.

If it were a tribal war, you would not see in front of you representatives of our country's major ethnic groups, including Temne and Mende. Those amputated by the rebels include every ethnic group in Sierra Leone. If it were a religious war, you would not have both Christians and Muslims sitting here in front of you. Christians and Muslims have suffered equally at the hands of rebel forces.

The war is not tribal, and it is not religious. It is simply largely a war over control of diamonds. Little pieces of rock that people around the world like to wear on their fingers and hang from their ears. As you can see, because of these rocks I no longer have an ear or five of my fingers. And the victims you see in front of you are examples of what has happened when the people and the democratically elected government of Sierra Leone did not allow the rebels to keep control of the entire country.

Twenty thousand men, women and children have suffered the same excruciating pain and suffering as the eight of us sitting before you. Imagine the kind of people who would do this to Memunatu or Mohammed. What in the world did they do to anyone? Or Bintu, Damba or Fatu here? Or any of the rest of us? How can human beings do this to other human beings? And how can humanity allow this to continue to go on?

At home in Freetown, our hopes rise and fall with news of announcements from the United States, Europe or the UN. However, while Congressional committees and the parliaments of the world discuss and debate the issue of Sierra Leone, the suffering continues to spread. Children like those before you—Memunatu and Mohammed and Bintu and Damba—these are the victims of inaction and delay.

I am here to ask you for help in bringing the killing and maiming to an end. I am here to ask you to do everything in your power to protect the youngest and most innocent of God's creation from this terrible manifestation of man's worst greed. For if you allow this new form of systematic and widespread terrorism to be tolerated in Sierra Leone, it can happen again in some other country in the future.

Since I am not a politician, my goal is not to engage in politics. My interest is in helping the children of my country have a chance to live normal, healthy lives. This is a right that has been brutally taken away from those you see in front of you today. We will need help in rebuilding these as well since all of our schools and hospitals have been damaged or destroyed. But the rebuilding process cannot begin in earnest until we can begin living without fear.

Again, I thank you for the chance to come to Congress to plead the case of Sierra Leone's amputees. May God bless you and show you the way to help us.

REMEMBERING CONGRESSMAN SIDNEY R. YATES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. PORTER. Mr. Speaker, I rise today to remember and celebrate the wonderful life of our colleague, Sid Yates. He served here for almost fifty years and left an indelible mark on this institution.

I was privileged to serve with Sid as a part of the Illinois delegation for nineteen of my twenty-one years in Congress and on the House Appropriations Committee for eighteen. I will never know another public official more dedicated, astute, well-prepared and forceful in his work. I may often not have agreed with him, but I always respected him. He stood up and fought for the things he believed in. There can be no higher compliment paid to a member of this institution.

As Sid got into his eighties, many Republicans from his district would come to me and say, "Well, Sid Yates must be less vigorous, more forgetful, and less attentive to his legislative duties now." I would have to tell them that was not at all the case. Right into the final days of his time in Congress, Sid was still in the forefront of debates and issues before the Appropriations Committee. If I can be half as sharp as Sid Yates was on reaching the same age, I will be thankful indeed.

Dave Obey has said repeatedly that in his thirty-six years in Congress nothing can compare to the debate between Sid Yates and Eddie Boland during a mark-up in the full appropriations committee regarding federal support for the construction of an American Super Sonic Transport (SST). Sid opposed this construction while Eddie was determined to facilitate it. They debated each other for over an hour and held the attention of every member of the committee. Both men were articulate and earnest in their positions. It was incredible to watch. At the end, together they received a standing ovation from the entire committee. This is an event that has gone down in the lore of the House, and it is ironic that in the year of Sid's death, the European version of the SST is grounded and unlikely to return to service.

We send to Sid's wife and family our sorrow in his loss, but celebrate the life of an extraordinary man dedicated to his country, to his principles, to public service as the highest of callings and to this institution.

STATEMENT ON H.R. 2559, THE FY 2001 TRANSPORTATION APPROPRIATIONS ACT (CONFERENCE REPORT), H.R. 3244, THE TRAFFICKING VICTIMS PROTECTION ACT CONFERENCE REPORT, AND THE VIOLENCE AGAINST WOMEN ACT

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. TALENT. Mr. Speaker, I rise today to express my support for the Transportation Appropriations conference report, the Trafficking Victims Protection Act conference report, and the Violence Against Women Act, which was included in that bill.

As many people in my home state of Missouri know all too well, our infrastructure is crumbling. In fact, Mr. Speaker, we have the 6th worst roads and bridges in the country. That is why I am so pleased that this conference report passed the House today, and even more pleased that it contained more than $70 million in discretionary funds to directly address the tremendous needs in our state. I want to thank Subcommittee Chairman Wolf and Ranking Member Sabo for taking such great steps to address our infrastructure needs. And I also want to give special thanks to Congresswoman JoAnn Emerson for working so tirelessly to bring to the attention of the Members of the Committee Missouri's dire road situation. She has been a wonderful advocate on the Committee and I greatly appreciate her efforts.

Mr. Speaker, I would also like to express my support for the Trafficking Victims Protection Act conference report and the Violence Against Women Act, which was included in that bill. More than a million women and children are trafficked around the world for sex and other exploitative purposes every year—50,000 of which end up right here in the United States. This bill includes several measures which will strengthen current law to cut down on the unlawful buying and selling of human beings for profit. I'm very pleased that the house was able to come together to address this fundamental issue of human rights.

Finally, I want to give my warmest thanks to all of those who have so strongly supported re-authorization of the Violence Against Women Act, which I cosponsor. In my home state of Missouri, one out of every two women who seek a domestic violence shelter are turned away at the door because there simply is not enough room. These women are turned away from shelter with no option but to go back to their abuser. Mr. Speaker, this is a tragedy. In terms of legislation that affects real people's lives, I can think of none which is more important. Passage of this bill ensures that women will continue to have access to the important basic services, which have helped so many escape their situations. Continued authorization of this program says to women in America that there is a better tomorrow and that we are dedicated to helping you find it.

I am pleased, Mr. Speaker, that these two important pieces of legislation passed overwhelmingly here today.

RECOGNIZING REVEREND CRAIG B. GADDY, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Reverend Craig B. Gaddy, Sr., of the Friendship Baptist Church in Brooklyn, New York.

I honor Reverend Gaddy today in celebration of his first anniversary as Pastor of the Friendship Baptist Church. Mr. Speaker, Reverend Gaddy is deserving of our praise because he has served as a pillar of our community, having devoted his life to serving the needs of others.

He is the son of Sister Lucille A. Gaddy, who he describes as "my rock, my sword and shield." Reverend Gaddy is also the proud father of Nyesha J. Gaddy, and Craig Jr. He is the brother of Eric, James, Michael, Debra, David Jr., Tracey, Tyrone, Michelle, Tonya, Pamela and Theresa. Mr. Speaker, the entire Gaddy family has been blessed with excellence, greatness, the favor of God, love and honor, the law of kindness in tongue, morality and character. All of these amazing attributes are the result of a God-centered life.

Under the watchful eye of the late Reverend Dr. D. W. Batts, Reverend Gaddy received his license to preach the gospel in 1982 at the Greater Free Gift Baptist Church. In 1986 he received his ordination proper by Dr. Batts and the Eastern Baptist Association. In 1989 he was assigned to the Southern Baptist Church in New York City under the pastorate of the Reverend Eugene King, where he served as youth minister. In 1997, he was elected Assistant Pastor at the Southern Baptist Church where he served faithfully until 1999.

On June 26, 1999, Reverend Gaddy was called to pastor the Friendship Baptist Church. There, he continued in the footsteps of a truly great pastor, the late Reverend Dr. U.B. Whitfield. Reverend Gaddy serves with the National Baptist Association, the Empire State Association, the Eastern Baptist Association, and the NAACP.

Mr. Speaker, Reverend Craig Gaddy, Sr. is more than worthy of receiving this honor, and I hope that all of my colleagues will join me today in recognizing this truly remarkable man.

GILMAN ENDORSES LAZIO RESOLUTION DEMANDING THAT PALESTINIAN VIOLENCE END, H. CON. RES. 418

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. GILMAN. Mr. Speaker, I wish to take this opportunity to urge my colleagues to join me in cosponsoring a timely resolution sponsored by our colleague from New York, Mr. LAZIO. H. Con. Res. 418 expresses the sense of the Congress regarding the current level of violence between the Israelis and the Palestinians. The bill responds to this most serious of Palestinian violations of the Oslo process by condemning the violence, and demands that Palestinian Authority Chairman Yasser Arafat make a public appeal on Palestinian television for an end to these destructive acts. However, the fact that he has not yet done so speaks volumes about Chairman Arafat's true intentions.

The United States has consistently supported a peaceful resolution of the Arab-Israeli conflict, but this latest outburst is the worst we have seen in years. There is clear evidence that the violence was pre-meditated and coordinated by Yasser Arafat's Palestinian Authority. It seems to me that there can be no more flagrant disavowal of the Oslo process than this instigation of violence, because the very foundation of the Accords that were signed by the Israelis and Palestinians since 1993 underscores that the only avenue for the resolution of differences is negotiation, not confrontation.

H. Con. Res. 418 urges the President to use all of the diplomatic means available to our government to seek and end to the violence and return the Palestinians to the negotiating table. It expresses congressional support for the Israeli government's efforts to bring this current round of violence to a peaceful conclusion, since the current Israeli government has made it patently clear that it is prepared to make historic compromises for the sake of peace. We need now to determine whether Yasser Arafat, representing the Palestinian people, feels the same way.

H. Con. Res. 418 also urges this Administration to oppose any anti-Israel efforts at the United Nations, including the establishment of an international commission of inquiry; and puts Yasser Arafat and the Palestinians on notice that their response to this escalation of violence affects their future relations with the United States.

Accordingly, I ask that a copy of the measure be printed at this point in the CONGRESSIONAL RECORD for our colleagues' review, and urge them to contact Rep. LAZIO's office at their earliest opportunity to cosponsor this important resolution.

H. CON. RES. 418

IN THE HOUSE OF REPRESENTATIVES

Mr. LAZIO (for himself, Mr. GILMAN, and Mr. REYNOLDS) submitted the following concurrent resolution; which was referred to the Committee on International Relations.

CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding the current level of violence between the Israelis and the Palestinians.

Whereas the United States has consistently supported the peaceful resolution of the Arab-Israeli conflict;

Whereas the current level of violence between the Israelis and the Palestinians is the worst in years;

Whereas the current round of violence comes at a time when the Israeli Government is prepared to make historic compromises towards peace;

Whereas there is clear evidence that this violence was a pre-meditated and coordinated action by the Palestinian Authority;

Whereas the active participation of armed uniformed Palestinian police in attacks against Israelis is an indication of the unwillingness of the Palestinian Authority to work towards a halt to this violence;

Whereas the Palestinian Authority's encouragement of violence is a violation of the underlying basis on which the entire Oslo peace process has been built, particularly the incitement by Palestinian television;

Whereas the Palestinians are mounting a concerted international campaign to justify the violence by blaming Israel; and

Whereas the Palestinian renunciation of violence in the Oslo peace process does not provide any basis for the justification of the resumption of violence: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns, in the strongest possible terms, statements and actions by Palestinians designed to inflame and encourage violence;

(2) demands that Palestinian Authority Chairman Yasser Arafat make a public appeal on Palestinian television for the public to cease further acts of violence;

(3) urges the President to use all of the diplomatic means available to the United States Government to seek an end to the violence and return the Palestinians to the negotiating table;

(4) strongly supports actions by the Israeli Government designed to bring this current round of violence to a peaceful conclusion;

(5) urges the Administration to oppose—

(A) any United Nations effort to put forward one-sided anti-Israel resolutions or statements; and

(B) the establishment of any international commission of inquiry; and

(6) will consider the response of Palestinians to the escalation of violence in their future relations with the United States.

THE BROWARD COUNTY SCHOOLS PROFESSIONAL DEVELOPMENT AWARD

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize the commendable achievement of the Broward County Public School District of Fort Lauderdale, Florida. The Broward County Schools, which I am proud to represent, is one of only seven school districts in the country to be recognized by the United States Department of Education National Awards Program for Model Professional Development. Indeed, the remarkable efforts of the teachers, professional staff, and administrators of this, the nation's largest fully accredited public school district are fully deserving of this recognition.

Professional development for teachers—learning experiences which increase teachers' knowledge base and classroom skills—is a crucial ingredient to improving public education in America. The National Awards Program for Model Professional Development rewards and honors outstanding professional development programs and showcases effective professional development practices to help schools to learn from each other.

In establishing its professional development program called "Professional Pathways," the Broward County School District sought to meet the unique needs of its diverse multi-cultural population. Because of the complex demographic characteristics of the district's student population which represent 159 countries and speak 53 languages, the program had to achieve ambitious goals. High standards were set and professional accountability was demanded. Accordingly, Professional Pathways requires all professionals to write annual professional development goals that are aligned with the school's improvement plan and to provide the district with annual program reviews. Professional development opportunities for staff members include individual training school-based activities, and certain district mandated training. Moreover, Professional Pathways ensures that staff development is long-term, based on research, relates to school improvement, and addresses both student and teacher needs.

As a result of this ongoing initiative, since 1996, state writing assessment scores have increased in elementary grades and state mathematics assessment scores have increased in all levels, K-12. In addition, the district's average Scholastic Achievement Test scores and average American College Test scores have increased since 1997. Advanced Placement Test results indicate that the average score of district students increased 4.6 points over the previous year, compared to the statewide increase of 1.7 points.

Mr. Speaker, let me again congratulate and commend the instructional and professional staff of the Broward County Public School District for their exemplary achievement in enhancing the effectiveness and success of public education in the state of Florida. The vision and innovation illustrated in developing the Professional Pathways program by the Broward County School District serves as a wonderful example of quality teaching and learning in public education in Florida and the United States as a whole.

CONGRATULATING THE VILLAGE OF BELLWOOD, ILLINOIS 100TH ANNIVERSARY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to congratulate the village of Bellwood, Illinois as it winds down the celebration of its centennial existence, from a dream to more than 100 years of community life.

Bellwood was incorporated as a village more than 100 years ago and came up with a unique way of paying special tribute to its people. In addition to fun events, ceremonies and activities, the village decided to bestow medals upon 100 individuals who were nominated for acts of kindness.

I, Mr. Speaker, was nominated and presented with one of these and must confess that I have never felt more honored. But even more than that, it is indeed an honor to represent a community which pays close attention to its schools, parks, playgrounds and other recreational and developmental opportunities for its children.

It is indeed an honor to represent a community which values its senior population, is noted for its city services, has fire and police departments who serve and protect, who prevent fires and keep down crime, and it is an honor to represent a community which is proud of diversity and respects all of its people. It is an honor to represent a community where corporate/business citizenship is encouraged and where people seem to feel good about each other.

Therefore, Mr. Speaker, I take my hat off to the people of Bellwood and commend: President Donald Lemm, Clerk Booker T. Brown, Trustee Jann Beauchamp, Trustee Woodrow Broaders, Trustee Michael Rogers, Trustee Joyce Ann Porter, Trustee Art Grapenthien, Trustee Frank E. Hasman, and Trustee Frank A. Pasquale.

Library Trustee Gail Archibald, Library Trustee Arnie F. Bryant, Library Trustee Alice English, Library Trustee Carolyn Griffin, Library Trustee Mary Ann Grunder, Library Trustee Anthony Howard, and Library Trustee John Johnson, Jr.

Memorial Park District: Commissioner Patrick Hurley, Commissioner John Johnson, Commissioner Victor Lezza, Jr., Commissioner Frank A. Pasquale, and Commissioner Ralph Sartore.

School District 88: Ms. Marilyn Thurman, President; Ms. Linda Morgan-Jones, Vice-President; Ms. Roxanne A. Brown, Secretary; Ms. Gloria M. Blackwell, Mr. Willis J. Booker, Jr., Mrs. Barbara J. Griffin, and Mrs. Sandra M. Hixson.

School District 209: Ms. Imoni Baxter, Mrs. Sandra Collins, Secretary, Mr. Patrick "Chico" Hernandez, Mrs. Theresa L. Kelly, Mr. Richard G. Klaczynski, Mr. Michael A. Manzo, President, Mr. Robert J. Smith, and Mr. Gregory T. Jackson, Superintendent.

I also pay tribute to police chief Greg Moore, fire chief Andre Harvey, and all of those who work to make Bellwood the delightful city that it is.

Congratulations on 100 years of tremendous existence and I trust that Bellwood will be standing for at least 100 more.

ACCOMPLISHMENTS OF THE SUBCOMMITTEE ON BASIC RESEARCH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. SMITH of Michigan. Mr. Speaker, I would like to take this opportunity to talk a little bit about our work in the Subcommittee on Basic Research, a subcommittee I am honored to Chair. This Subcommittee has had a busy and productive two years. In the 106th Congress, we have held a total of 25 oversight hearings, field briefings, and mark-ups on a range of important and timely issues. In addition, we have passed through the House two bills authorizing fire and earthquake programs under this Subcommittee's jurisdiction, and these may yet be passed into law in the final days of the session.

I believe the work we do in this Subcommittee truly is unique. In our hearings on information technology, nanotechnology, education research, plant genomics, and biotechnology, for example, we have been able to glimpse the future. And through our oversight and our authorization bills, I hope that we are able to help shape that future, as well. I am proud of our record of collegiality and bipartisanship on the Subcommittee, and I look forward to continuing that tradition in the next Congress.

I would also like to this opportunity to thank the staff of the Subcommittee, who work behind the scenes to get things done. Stephen Eule, Peter Harsha, Mark Harrington, Sharon Hayes, and Steve Howell have made my job easier, and I thank them for all their good ideas and hard work. I congratulate all the members of the Subcommittee especially Ranking Member EDDIE BERNICE JOHNSON and her chief of staff Jim Wilsort.

COMMEMORATING THE 89TH ANNIVERSARY CELEBRATION OF THE NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Ms. PELOSI. Mr. Speaker, I rise to honor the National Day of the Republic of China, known as the "Double Tenth" celebration of freedom. This day is being commemorated in San Francisco with a grand celebration befitting the importance of this National Day.

The people of the United States have a strong bond with and commitment to the people of the Republic of China. With the historic election they held this year, the people of Taiwan have demonstrated to the world their dedication to democracy. The Republic of China continues to be a prosperous nation characterized by strong economic growth and respect for basic human rights and democratic freedoms. The Republic of China is an important economic, cultural and strategic partner of the United States, and their celebration is our celebration.

I am blessed in my district with so many Asian-Americans, including many from Taiwan, who make wonderful contributions to our City and its civic life. It is my privilege to congratulate the people of Taiwan as they commemorate the "Double Tenth" festival of freedom. I am proud to voice the support and best wishes of the Republic of China's many friends in Congress.

RECOGNIZING EAGLE SCOUT EDGAR JAMES III

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Eagle Scout Edgar James III.

Edgar James, III began scouting at the age of seven in 1992 as a Cub Scout with Pack 263, Stuyford District, Brooklyn, New York. As a Cub Scout, he learned the basics of Scouting, and as a Webelos, he prepared himself to become a Boy Scout. In May 1995, Edgar earned Cub Scout's highest award, the Arrow of Light.

Edgar was selected by his peers as a candidate for the Order of the Arrow, Honor Campers. He successfully completed the Ordeal and was inducted into the Order of the Arrow, Shu-Shu-Gah Lodge #24, in 1997.

Through tenacity, determination and hard work, Edgar progressed consistently through the ranks from tenderfoot in 1995 to his Eagle Award on July 27, 1999. Along the trail to Eagle, Edgar has served in several leadership positions including Assistant Patrol Leader, Patrol Leader and, currently, Assistant Senior Patrol Leader.

Edgar completed his Eagle service project with Outstanding Renewal Enterprises, Inc., in Manhattan. His goal was to encourage others while learning about environmentally sound management of New York City's Solid waste. Recycling and composting methods were used to inspire New York City residents to take responsibility for their environment in order to make the city a cleaner and greener place in which to live.

Edgar is a junior attending Midwood High School at Brooklyn College where he is in the Medical Science program and played the trumpet in the Marching Band. He was selected to participate in the Intel Corporation Social Science Research Program, representing Midwood High School. Edgar is a member of St. Paul Community Baptist Church in Brooklyn, New York. His future plans include a career in either medicine or law or, hopefully, to combine both and become a sports agent.

Mr. Speaker, Edgar is one of tomorrow's leaders, and I encourage my colleague to join me in honoring him today.

RECOGNIZING DOCTORS FRANK AND ANITA RICHELIEU UPON THEIR RETIREMENT

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize two remarkable individuals from my district. For nearly 40 years, Dr. Frank Richelieu and is wife Dr. Anita Richelieu have served the people of Redondo Beach.

In 1962, the Richelieus moved to Redondo Beach to work at the Church of Religious Science. It was under their leadership and guidance that the parish grew from just over 150 members to a congregation of well over a thousand worshipers.

Under the Richelieus' leadership, the Church of Religious Science has been actively involved in many charitable organizations and outreach programs. The Richelieus also sit on numerous community boards. Their commitment to improving our community is unparalleled.

Dr. Frank Richelieu and his wife Dr. Anita Richelieu are beloved members of the community and will be dearly missed. They have touched the lives of many during their years at the Church of Religious Science. I congratulate them on their retirement. Thank you for your valuable contributions to the South Bay.

HONORING THE LATE LENA HOFFMAN OF COLLINSVILLE, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. SHIMKUS. Mr. Speaker, today I honor Ms. Lena Hoffman of my hometown of Collinsville, Illinois. Ms. Hoffman passed away on October 1, 2000, three days before her 104th birthday.

Several weeks before her passing, her family asked me to share my thoughts and congratulations with Lena for her birthday milestone. I was excited to be a part of the celebration of one of the town's oldest citizens. Everyone was looking forward to the big day. As her family was coming together to celebrate her birthday, they found out that they would be gathering to mourn her death and celebrate her rich life.

Lena was not rich in material wealth, but rather, rich in spirit. That rich spirit lived in the beautiful garden she cultivated, in the quilting society she belonged to, and in the molasses cookies and breads she bake. Her rich spirit lives in her four daughters, her 31 grandchildren, in 50 great-grandchildren, in 38 great-great grandchildren and 10 great-great-great grandchildren.

Many people in Washington speak of legacies, I am not sure of too many people who can hold a candle to Lena Hoffman's legacy—a close, loving family—five generations strong. We should all be so lucky to have such a rich and full life.

Hermann Broch once wrote that, "No one's death comes to pass without making some impression, and those close to the deceased inherit part of the liberated soul and become richer in their humanness." In her 103 years, Lena touched many lives. She will be truly missed, but her legacy will live on.

TRIBUTE TO THE LATE DUSABLE MUSEUM CURATOR RAMON PRICE

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. DAVIS of Illinois. Mr. Speaker, Ramon Price spent his entire life pursuing goodness, helping others and being involved with art and artistic endeavors.

Mr. Price was the half brother of Chicago's first African American mayor, the Honorable Harold Washington and while Ramon was not overly drawn to electoral politics, he did organize artists for Washington and kept the artistic community actively engaged in fundraising and other support activity for the Washington political apparatus. Mr. Price was inspired by his high school art teacher, Dr. Margaret Burroughs who founded the DuSable Museum and the two of them became friends and worked together in developing the museum until his death.

In addition to his work with the DuSable Museum, Mr. Price who earned both bachelor and masters degrees taught at DuSable High School, was department chair and taught at Indiana University. He was also a painter and sculptor whose work is on display at DuSable, other museums and galleries.

A gentle soul who loved his community and his people. May his soul rest in peace.

IN SPECIAL RECOGNITION OF TIFFANY DRAIN ON WINNING THE PLEDGE OF ALLEGIANCE NATIONAL ESSAY CONTEST

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. GILLMOR. Mr. Speaker, today I pay special tribute to an outstanding young lady from Ohio's Fifth Congressional District. I am happy to announce that Tiffany Drain, a seventh grader at Liberty Center High School in Liberty Center, Ohio, is the winner of the "What the Pledge of Allegiance Means to Me," national essay contest.

Tiffany first submitted her essay at the district level to Local Elks Lodge #929 in Napoleon, Ohio, The lodge was the primary local sponsor of the essay contest open to all sixth graders across America. She would later go on to win at the state and national levels. Since then Tiffany has presented her essay at a number of local events, including the McClure Radish Festival in McClure, Ohio, and the Annual Tomato Parade at the Huron County Fair in Napoleon, Ohio. Tiffany most recently recited her national winning essay before the Ohio General Assembly, receiving a standing ovation from Ohio State Representatives and Senators alike.

The following are Tiffany's few but powerful words: "From Alabama to Michigan, California to Maine we are all taught the same thirty two words of the Pledge of Allegiance. As I hold my hand over my heart to recite these words as done so many times before, I think of peace and freedom. In these fifteen seconds we, as a nation, can stand next to each other without regard to the color of each others skin, without hatred towards each other, and become joined as one in unison. For fifteen seconds we are free from hatred, free from racism, and free from violence. From a Harvard College Professor to a St. Augustine first grader we can stand next to each other and know the same thirty-two words. As we face our flag with our hands over our hearts a hush overcomes all the noise and for fifteen seconds we have absolute peace in our nation."

As we turn the nation over to our youth, my confidence and optimism has been reinforced for the preservation and future of our great nation through the accomplishments of students like Tiffany. She serves as an example to us all.

Mr. Speaker, I would ask my colleagues to join me in paying special tribute to Tiffany Drain. We should all be grateful to her. Tiffany has reminded us that when we stand and pledge allegiance to the United States of America, that we not only stand for our flag, our freedom, and our allegiance to our great country, but that we stand as a nation, together.

RECOGNIZING THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. SCARBOROUGH. Mr. Speaker, in honor of the Republic of China's 89th National Day next Tuesday, October 10, 2000, I wish to salute Taiwan President Chen Shui-bian and the Taiwanese people for their many economic and political accomplishments.

Even though Taiwan is a small island nation with few natural resources, it has prospered. With one of the world's largest foreign exchange reserves, its 23 million people enjoy one of the highest standards of living in the world. Politically, Taiwan is a full democracy, with a multi-party system, free elections, and a free press. Taiwan fully embraces the values of economic liberalization, democracy, rule of law, and respect for human rights.

For these reasons, I commend Taiwan, our friend and partner in Asia. Congratulations and best wishes as you celebrate your National Day.

SENATE—*Tuesday, October 10, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 2:02 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, these days in the Senate are filled with crucial issues, differences on solutions, and vital votes on legislation. We begin this day with a question that You asked King Solomon, "Ask. What shall I give you?" We empathize with Solomon's answer. He asked for an "understanding heart." We are moved with the more precise Hebrew translation of an "understanding heart," meaning a "hearing heart."

Solomon wanted to hear a word from You for the perplexities that he faced. He longed for the gift of wisdom so that he could have answers and directions for his people. We are inspired by Your response: "See, I have given you a wise and listening heart."

I pray for nothing less as You answer this urgent prayer for the women and men of this Senate. Help them to listen to Your guidance and grant them wisdom for their debates and decisions. All through our history as a nation You have made good men and women great when they humbled themselves, confessed their need for Your wisdom, and listened intently to You. Speak Lord; we need to hear Your voice in the cacophony of other voices. We are listening. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will be in a period of morning business until 4 p.m. with Senators DURBIN and THOMAS in control of the time. Following morning business, the Senate is expected to consider the VA-HUD appropriations bill. It is hoped that legislation can be completed in short order and without a rollcall vote. However, if a rollcall vote is requested, the vote will occur tomorrow at a time to be determined.

On Wednesday, there will be up to 7 hours of debate on the conference report to accompany the sex trafficking victims bill. Senator THOMPSON will make a point of order against the report, and a vote is expected relative to appealing the ruling of the Chair. Senators can also expect a vote on the adoption of the sex trafficking conference report. The Senate may also begin consideration of the Agriculture appropriations conference report during tomorrow's session.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the time of the leaders is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business for 2 hours.

CONGRESSMAN BRUCE VENTO

Mr. REID. Mr. President, I was just informed by the Sergeant at Arms that BRUCE VENTO, a Member of the House of Representatives, died today, just a short time ago.

I served in the House with BRUCE. After I left the House, I saw him virtually every day; he and I worked out in the House gym every morning. He was very faithful. We had a very warm relationship.

When I served in the House, I can remember one of the first conversations we had was about a national park in Nevada. I had never contemplated a national park in Nevada. We did not have one. I, frankly, did not know the history of Nevada as it related to the area around Mt. Wheeler. I did not realize that Key Pittman, a longtime Senator from Nevada, had sent President Reagan's Director of the Park Service, William Penn Mott, there when he was a park ranger in the 1930s to find a site in Nevada for a national park, and this is the spot that he found and gave this information to President Roosevelt.

Over the years, many political battles ensued and the park never came into being. I did some wilderness legislation for Nevada. It was extremely controversial. But based on my conversations with BRUCE VENTO, I decided to peel off some of what we were doing in wilderness and go for a national park. It was one of the best things I ever did; we now have a national park in Nevada, Great Basin National Park, which is really a world wonder. It has a mountain peak over 13,000 feet high; it has Nevada's only glacier; it has the oldest living thing in the world, the bristlecone pine—over 5,000 years old. They were there before Christ came to Earth; they were there during the time the pyramids were built. In addition, Lehman Caves is located inside the park boundary.

Without talking more about the park itself, just the inception of that idea came to me as a result of a conversation I had with BRUCE VENTO as a new Member of the House of Representatives. He was very interested in things related to the environment.

BRUCE VENTO being dead now is hard to contemplate because he worked so hard on his physical body. A few years ago, while here at his home in Washington, he fell off the roof while doing some work and was broken up very badly. But it only kept him from his gym work for a short period of time, even though he had broken bones.

BRUCE VENTO died as a result of asbestosis which he contracted as a young man while working with asbestos. Out of nowhere he developed a lung problem. Last year he had a lung removed. They were hoping that they got it. They didn't. And a few weeks ago it was announced they did not. I am sure his family and those close to him knew that his life was not going to be long, but I didn't know.

I am really saddened at the death of BRUCE VENTO. He is somebody who I will always remember. I will always remember him for his smile and his love for the environment and, on a personal basis, for what he did to quicken my mind about the possibility of having a national park in Nevada.

Our country is less today than it was yesterday as a result of the passing of BRUCE VENTO. I expressed to his family the great affection that I and many Members, those who work with me in the Congress, have for BRUCE. I wish them, no I don't wish them—I give them the knowledge that the passage of time will lessen the anguish they now feel. Hopefully, as the months pass by, only memories of their love and loss will be in their minds, and not the fact of their loss; the fact of the many things he contributed to this country will be paramount in their minds.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I heard the remarks of our colleague from Nevada about our good friend, BRUCE VENTO. I also express my deepest sympathies to his family at their loss. It is a loss to them and it is a loss to America. BRUCE VENTO was a man who educated many of us, including myself, as to the great value of our national parks; that in many ways they are the repositories of America's dream, of what kind of a country we were and what kind of an America we wish to leave for future generations.

I had the opportunity to talk to Congressman VENTO just a few weeks ago on behalf of a national park that I feel very deeply about, Everglades National Park. As always, he was extremely solicitous of information and forthcoming in his willingness to be of assistance.

I am saddened today at the news of BRUCE VENTO's passing. America, and particularly our great natural treasures, have lost a tremendous friend and articulate advocate on their behalf.

THE BUDGETING PROCESS

Mr. GRAHAM. Mr. President, I come this afternoon to the floor for two reasons. The first is to express my general dismay at the status of the budgeting process for this year. Second is to give a specific example of how this process has resulted in a program—which was clearly outlined and approved by Congress and signed into law by the President as the Equity Transportation Act for the 21st Century, generally referred to as TEA–21—has been convoluted.

Let me first talk about the general budgeting process for this year. We are now 10 days into the new fiscal year, and substantial parts of our budget have yet to be enacted and sent to the President for his consideration. Even more dismaying than that is what is in the budgets that we have passed and sent to the President. I use, as example, No. 1, the most recent budget this Senate has acted upon when, last Friday, we passed the Transportation appropriations conference committee report.

First, the process. I was very interested in this bill, as will become apparent as I move to point No. 2 of my remarks. Yet it was not available until Friday morning, the same morning that we were called to vote upon this very complex bill which will allocate some $58 billion of our National Treasury. Even today, specific details are yet to be discerned. So we are operating as alleged pilots of the national fiscal trust through dark clouds and fog and driving rain, unaware of where we are or where we have gone.

I am also very concerned about the specific numbers in this legislation. I know this has been an issue of great concern to our Presiding Officer, who has, in his period in the Senate, distinguished himself as one who is very concerned about our fiscal discipline.

For the fiscal year 2000, which ended September 30, we had a Transportation appropriations amount of $50.7 billion. That is what we spent over the preceding 12 months. We have been operating under a budget resolution which, because of its own complexities, is difficult to align precisely with one of the specific appropriations bills, but we have had a general philosophy that the appropriations for fiscal year 2001 should not grow at a rate greater than the rate of inflation. According to the Consumer Price Index for the period July 1999 to July 2000, the rate of inflation for the United States was 3.5 percent.

If you add 3.5 percent to last year's Transportation appropriations, you would add, in rounded numbers, $1.775 billion for a total of $52.475 billion. That would have been the goal, the destination, the ceiling for spending under this Transportation account using the principle that the budget should be restrained to the rate of inflation.

The administration submitted a budget for this account that was $54.6 billion. The Senate passed a Transportation bill which was $54.8 billion.

But when the bill came back from the conference committee with the House, the total amount of the bill that we voted on favorably last Friday was $58 billion, a 14-percent growth over the expenditure on the same account for the previous fiscal year. That is a staggering increase, and it is an increase which puts at risk many of the things upon which the political campaigns of the fall of 2000 have focused their attention: How are we going to spend the non-Social Security surplus? How will we utilize the $2.2 trillion that is projected to come into the National Treasury over the next 10 years? I underscore that the $2.2 trillion is on the assumption that we will hold spending for this 10-year period to the rate of inflation. That rate was 3½ percent. Yet in this one budget we have spent 14 percent.

If this budget were to be the standard by which we operated—this budget represents about 8 percent of the total discretionary spending of the United States. If we exceed every budget by the same amount that we have done with this one budget of Transportation, we will diminish that non-Social Security surplus in the range of 35 to 40 percent. This is serious business because we are making representations to the American people that we are going to protect that surplus; that we are going to use it either for targeted tax cuts, to use it to build up our Social Security and Medicare program, and finance a prescription drug benefit or for large-scale tax cuts.

We are about to make all of those options unattainable if we do not exercise a greater degree of discipline over our spending this year and set the standard for what the spending will be over the next 9 years of this decade.

I first raise the alarm as to the process and the consequences of the budgets with which we are dealing as we conclude this session of Congress and lay out the fiscal plan for the Federal Government for the year 2001.

The second reason for my being here this afternoon is to bring to the attention of the Senate and the American people what we have done to one of the most innovative aspects of the Transportation Equity Act for the 21st Century, TEA–21.

In March of 1998, Congress overwhelmingly approved this groundbreaking transportation legislation to revamp the distribution of Federal highway funds. That legislation established, among other things, the intelligent transportation system, or ITS program, which sets aside money for research, development, and deployment of the components of an intelligent transportation system. The goal: to establish a sound policy for dealing with traffic congestion in the new millennium. The ITS program will work to solve congestion and safety, improve operating efficiencies in transit and commercial vehicles, and reduce the environmental impact of the growing travel demand.

The intelligent transportation systems use things such as modern computers, management techniques, and information technologies to improve the flow of traffic. ITS applications range from electronic highway signs that direct drivers away from accidents or other sources of congestion on the highways, to advanced radio advisories, to more efficient public transit.

Congress has sought to reward States that develop an intelligent transportation system. Demand for roads is increasing, particularly in the most populous and fastest growing areas of our country. Business commutes are getting longer, leisure travel options are becoming wider. States were encouraged to make use of advanced communications technology to ease gridlock.

This plan, developed by the Environment and Public Works Committee, where our Presiding Officer serves as chair of the subcommittee that has responsibility for this very legislation, was thoughtful and the plan had a specific purpose in mind: to foster the growth of intelligent transportation systems and, in a scientific manner, to gather results from the new ITS programs so that we could make wise decisions about the future direction of ITS when the next transportation bill is authorized in approximately 2003.

I am sad to report that this plan has come undone through the appropriations process. Allow me to explain how this has happened.

The Texas Transportation Institute at Texas A&M University, in conjunction with many State departments of transportation, conducts a periodic study of the traffic conditions in our Nation. The latest annual mobility report produced in 1999 ranked the 70 most congested urban areas, cities, and small towns in America. It would seem reasonable, it would make common sense that those cities with the worst traffic congestion would receive Federal funds to implement, improve, or expand their intelligent transportation system. Indeed, the creators of the intelligent transportation system program in TEA–21 meant it to work that way. The law says that ITS projects must be selected through competitive solicitation and meet certain detailed criteria for program funding dollars.

I will read a few excerpts from that law. The authors set out the gathering of effective data as a goal in TEA–21:

> To assure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for full consideration in the transportation planning process.

To me, that means we need to be able to offer to Federal, State, and local transportation officials accurate and scientific data on ITS. The authors of the Transportation Equity Act for the 21st Century spelled it out more precisely when they said:

> The Secretary shall select for funding through competitive solicitations projects that will serve as models to improve transportation efficiency, promote safety. . . .

And for other reasons listed in the statute.

Unfortunately, the intent of the legislation has not followed. It was not followed first in the fiscal year 2000. Of the total $221 million made available in the fiscal year 2000, the year that ended September 30 of this year, all but about 10 percent of that $211 million was earmarked. For those who are not familiar with the jargon of the Congress, "earmarked" means there was a total amount of money available for a particular objective, in this case to fund the intelligent transportation systems, which, according to statute, was to be allocated based on competition. Of that $211 million, 90 percent of it had a specific designation to a particular State or community within the United States.

According to the Texas report, the 15 most congested cities in the United States as of 1999 were: Los Angeles, Seattle, San Francisco, Washington, DC, Chicago, Miami, Atlanta, Boston, Detroit, San Diego, Houston, New York City, Portland, and San Jose.

Mr. President, would you be surprised, would you be stunned and appalled, if I were to tell you that in the fiscal year 2000, none of those 15 cities received any of the intelligent transportation system money? The 15 most congested cities in America, according to the national survey upon which we rely, were allocated a penny for ITS money.

Of the other most congested cities highlighted in the Texas transportation study, only five received funds, while a sixth city probably will receive funds from an overall earmark to the State in which it was located. Those funds, for the five cities and the one State, totaled only $7 million or 3 percent of the total ITS appropriation of $211 million.

We have 75 of the most congested cities in America, cities in urban areas and smaller communities getting 3 percent of the money to assist them, through intelligent transportation systems technologies, in improving their traffic congestion. I was so offended by that that I, on September 15 of this year, wrote a letter to the Transportation appropriations conferees urging them, for the year 2001, which began October 1 of this year, not to repeat the mistake made in the previous year.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, I quote the concluding paragraph of the letter, which states:

> I encourage you to adhere to the design created by TEA–21. The Congress has the opportunity, through ITS and other programs, to strengthen our national transportation infrastructure in a cost-effective, efficient manner. We undermine those efforts if we don't follow the criteria established and passed by Congress in TEA–21.

So in that context, it was with dismay that last Friday morning, when I finally had an opportunity to look at the Transportation conference report, I realized that again we were committing the same mistake. For the second year in a row, none of the top 15 traffic-choked cities got funding for intelligent transportation system technology to assist them in alleviating their gridlock.

Taking the list even further, none of the top 20 most congested cities received intelligent transportation system funding. Those additional five cities included Denver, Phoenix, San Bernardino, Minneapolis-St. Paul, and Tacoma, WA. Those five cities are added to the 15 that I have previously read in the category of cities that are the most 20 congested cities in America, none of whom received any of the intelligent transportation system money. This suggests to me a total disconnect between the problem that led to the creation of ITS in the first place and the allocation of dollars by the appropriators.

In addition to that fundamental disconnect, I am also concerned that the amounts of money that have been earmarked appear to be nonscientific. If you look at the conference report, you will see round figures, such as $200,000, $500,000, $1 million, $2 million, and so forth. Such figures are unlikely to be to the real dollar amount needed to fund well-designed, specific projects.

Investment in intelligent transportation technology pays huge dividends, but it is expensive. As an example, on February 17 of this year, I did one of my monthly workdays with the evolving ITS technology in and around Orlando, FL. Orlando has the most advanced intelligent transportation system program in my State. The first phase of the Orlando system cost nearly $8 million. When complete, the Orlando ITS system will cost about $14 million. In these earmarks, I wonder whether such small sums, such round numbers, are actually calculated to reach the critical mass needed to get a project underway and completed. Small sums, distributed widely across the Nation, are not the most effective, efficient way to use these precious dollars to alleviate priority congestion concerns.

Lastly and possibly most crucially, we are missing a critical opportunity: the opportunity to gather data in a scientific, meaningful way about an evolving technology, a technology which has the potential to mitigate traffic congestion and make our highways safer.

Gathering this information is important because TEA–21 was the first surface transportation bill to focus to such an extent on intelligent transportation systems. The authors of TEA–21 wanted to push the envelope and emphasize the use of technology as a strategy to ease traffic gridlock.

In 2 or 3 years from now, when we are reauthorizing the next surface transportation bill, we will need to ask: Did these ITS programs work? If so, what are the key elements in their successes? Should we expand ITS as a strategy to reduce traffic congestion? If we do not use the resources that we have devoted to ITS in a prudent, rational, scientific way, will we have the experience and information necessary to answer those questions in an informed way?

The short answer to that is, no.

The 2-year history of ITS causes concern for other Senate action. We have just finished debate on the Interior appropriations bill, a thoughtful piece of legislation. The Conservation and Reinvestment Act, CARA, was sidetracked by that Interior appropriations bill and replaced with language which assures that the appropriators will control specific allocations. The CARA bill had a vision, a vision to provide the American people with a permanent, dedicated source of funding to invest in our children's futures by preserving and protecting our natural resources—the very cause for which our departed friend, Congressman BRUCE VENTO, spent so much of his life and his congressional career.

This bill would have bolstered the Federal Government's relationship with our State governments by maintaining the Federal side of a respectful partnership, with the States to develop and support natural treasures, from urban parks and historic sites to the preservation of our coastal resources.

But instead of this carefully constructed program, which enjoyed widespread support, we were left with the following by the appropriations conference report. Quoting from that conference report for the Department of the Interior:

> This program is not mandatory and does not guarantee annual appropriations.

Continuing to quote:

> The House and Senate Committees on Appropriations have discretion in the amounts to be appropriated each year, subject to certain maximum amounts as described herein.

With that language, we have declared failure. We have failed to take advantage of our opportunity to enact landmark conservation legislation. We would be wildly optimistic to expect that the goals of the CARA legislation will be met.

With what we now see has happened to ITS, to intelligent transportation systems, what confidence can Americans have that the goal of protecting our natural resources will be met? What reason do we have to expect a different outcome, with the dream of sustained investment in protecting our natural resources, than the shredded results of reduced traffic congestion through intelligent transportation systems? The short answer is, none.

Returning to the Transportation appropriations bill, earmarks, in my view, are more acceptable in mature transportation programs than where we are attempting to learn about new technologies and policy approaches. We can and should address the needs of specific communities. ITS, however, is an evolving resource in transportation, and we should adhere to the intent of the law in seeking a competitive, scientific process to distribute these ITS funds.

This appropriations process, with respect to ITS, has foreclosed the valuable information which a rational distribution of funds would have given us.

In conclusion, I am concerned about the broad path upon which we are traveling as we conclude the consideration of the appropriations bill for fiscal year 2001. We are dramatically overspending the standard we set for ourselves just a few months ago. By that overspending, we are putting at risk the opportunity to use a significant Federal surplus for a variety of very beneficial purposes which will aid our people not only this year but for decades to come. And, within our appropriations, we are losing the opportunity to intelligently allocate funds against the targeted goals, such as the reduction of traffic congestion or the protection of our natural resources. Rather, we are succumbing to the temptation to earmark, to specify, based on considerations other than what is in a rational, long-term plan of prioritization of our Nation's needs.

We have but a few days left in this session, I hope. It would be my fondest expectation—or at least my optimistic dream—that we would use these few remaining days in a more constructive manner than has been demonstrated in the past few days, that we would use these to exercise principles of fiscal discipline and vision and the willingness to put aside our personal and parochial interests for what is in the broader national interest.

That is our challenge. That is what the American people expect of their elected representatives. It is a goal on which we have faltered in recent days. Let us use the remaining days to regain our solid fiscal footing.

EXHIBIT 1

UNITED STATES SENATE,
Washington, DC, September 15, 2000.

DEAR CONFEREE: I have been concerned about the distribution of Intelligent Transportation Systems (ITS) money in the Transportation Appropriation process.

The Environment and Public Works Committee designed TEA-21 so that ITS projects would be selected through competitive solicitation and meet certain detailed criteria. There was an overall plan: a portion of the money would specifically go to rural areas, and no state could receive more than $35 million per fiscal year. Other than that, the competitive process would be used to ensure the most efficient, effective use of the dollars. Essentially, the ITS theory is to make our highways, especially in high congestion areas, as efficient as possible, recognizing the tremendous costs of building additional lanes or other high capacity improvements. The intent is to make our existing highways serve to maximum capacity.

There are two major concerns about the current manner of distribution of ITS funds. First, the current earmarks appear to be allocated on a non-scientific, non-competitive basis. The Texas Transportation Institute in the Texas A&M University System is the organization that the U.S. Department of Transportation and the Congress look to for a professional assessment of highway congestion in our nation. Comparing recent appropriations bills with the institute's annual traffic congestion study show how far apart reality is from what is needed. For example, the ten most congested cities in the United States are: Los Angeles, Washington, DC, Miami, Chicago, San Francisco, Seattle, Detroit, Atlanta, San Diego and San Bernardino. Looking at the ITS FY01 earmarks, none of these most congested cities got funding for ITS technology to alleviate gridlock. Of the other 60 most-congested-cities featured in the study, only 5 receive funds, while a sixth city probably receives funds from an overall state earmark. These six funds total only $7,000,000 or 3% out of a total ITS appropriation of $211,200,000.

Second, the amount of money that has been earmarked appears to be non-scientific. They are round figures of $200,000, $500,000, $1,000,000, $2,000,000 and the like. Investment in intelligent transportation technology pays huge dividends, but it is expensive. We wonder whether such small sums, while helpful, actually reach the critical mass needed to get a project underway. Small sums, distributed widely across the nation, are not the most effective, efficient way to use these funds in alleviating priority congestion concerns.

This is important because TEA-21 was the first surface transportation bill to focus to such an extent on ITS. We wanted to push the envelope and emphasize the use of technology to ease traffic gridlock. In two to three years from now when we reauthorize the next surface transportation bill, we will need to ask: did these programs work? If we do not use the resources that we have devoted to ITS in a prudent, rational, scientific way, we will not have the experience and information necessary to answer that question in an informed way. Earmarks, in my view, are more acceptable in mature transportation programs. We can and should address the needs of specific communities. ITS, however, is an evolving resource in transportation, and we should adhere to the intent of the law in seeking a competitive, more scientific process to distribute ITS funds.

I encourage you to adhere to the design created by TEA-21. The Congress has the opportunity, through ITS and other programs, to strengthen our national transportation infrastructure in a cost-effective, efficient manner. We undermine those efforts if we don't follow the criteria established and passed by the Congress in TEA-21.

With kind regards,

Sincerely,

BOB GRAHAM,
U.S. Senator.

Mr. GRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFINISHED BUSINESS IN HEALTH CARE

Mr. DORGAN. Mr. President, we are nearing the end of the 106th Congress. No one is quite sure where the finish line is. My expectation is that within a week or two this Congress will be history.

Many will ask what this Congress did and what it did not do. There will be some people who will be joyous about its accomplishments and some who will be sorely disappointed over its failures. I think its accomplishments, however, will be a rather short list, and the areas where we could have and should have done better will represent a very long list. I rise to briefly discuss two of those areas before we near the end of the session.

I have spoken many times in the Senate about health care, and especially the two issues this Congress has a responsibility to address. One issue is providing a prescription drug benefit to the Medicare program. We have talked about providing a prescription drug benefit to the Medicare program for some long while. We are near the end of this session, and it looks as though it will not get done. Why? Because some people don't want to do it well. Everybody here talks about wanting to do this, but somehow they are not willing to support a plan that really accomplishes it.

On the second issue, we are nearing the end of the legislative session and we are apparently not going to pass a Patients' Bill of Rights. The Patients' Bill of Rights has been an issue over which we have battled for 2 to 3 years, and it has been a tough battle. I don't think there ought to be room left for those who believe there is not a need for a Patients' Bill of Rights. All we have to do is look at the evidence. The evidence is overwhelming that we need to pass a real Patients' Bill of Rights. The House did it; we have not. This Senate has dug in its heels and has not moved on either of these issues.

I will talk first about the issue of a prescription drug benefit in the Medicare program. When the Medicare program was developed, many of the miracle drugs that now exist weren't available. People got old. They did what they were expected to when they got old. They retired and led a more sedentary life. Then something might happen to them. They would be hospitalized. They would stay for long periods in acute care beds in the hospital. It was very expensive. The kinds of prescription drugs that are available now were not available then.

So when Medicare was created, a prescription drug benefit was not made a part of the Medicare program. When Medicare was developed, that too was fairly controversial. In the early 1960s, a fair number of Members of this Senate said: No, we can't do that. We can't provide health insurance for older Americans. We oppose that. That is some sort of encroachment of government into our lives.

I wasn't here at the time of that debate. But when they had that debate, fully one-half of all senior citizens in this country had no health insurance coverage at all. Why? Because it was too expensive.

Insurance companies aren't running around this country trying to find old people to sell health insurance to. That is just a fact of life. They want to find somebody who is 22 years old and healthy as a horse and isn't going to need any health care treatment for a long while. There are not people running around trying to figure out how they can attract a 70-year-old or a 75-year-old to buy their health insurance policy. They are not doing that because it is much more expensive to insure people who are 70 and 80 years of age. The result was, nearly 40 years ago half of the senior citizens in this country had no health insurance coverage at all.

So this Congress had a big debate. As is typical, those progressive voices who said this is something we should do were met by those voices of negativity who oppose everything for the first time. There are always people who just dig in their heels at any suggestion and say, no, this can't be done; no, it won't work.

Well, enough votes prevailed in the Congress over time that it passed a Medicare proposal. Now 99 percent of America's senior citizens are covered with health insurance under the Medicare program. What a remarkable success. People are living longer, better, healthier lives.

Now we know, however, that there is a deficiency in the Medicare program. The deficiency is that it does not cover prescription drugs. Let us me read some letters from North Dakotans. We could name a different State, and we would get exactly the same letters. My colleague from Florida just spoke. His constituents, I am sure, are writing exactly the same letters.

This is from a woman who lives in Bismarck, ND. She writes:

> Dear Senator Dorgan: I am writing in regard to the medication I take. I think something has to be done about the prices they charge. I get $303 each month in Social Security. I pay $400 a month for my medication. I have had heart surgery and I have osteoporosis and this medicine is very high-priced. We are using our savings now and I am 86 years old so I can't work. Can you help?

This is a letter from a fellow in Rolla, ND. He writes:

> Between me and my wife, we pay $350 to $400 a month on prescription drugs. We receive less than $900 a month in combined Social Security benefits. We have trouble paying for our prescription drugs.

A person from Rocklake, ND, writes:

> One-fourth of my Social Security check goes for my prescription drugs, so that doesn't leave a lot for household and personal expenses. It would sure help if Medicare covered these.

A man from Cavalier, ND, writes:

> Our drugs for the two of us—he is referring to his wife and himself—just about tripled last year from the year before. The total for last year was near $2300, and it only gets worse. We need a little help.

A woman from Williston, ND, who titled her letter "Message In A Bottle," writes:

> I have asthma and my medications and inhalers cost me over $100 each month, and my health insurance does not cover prescriptions. I am 84 years old, and it would be a great help to me to get Medicare coverage on my medications.

A woman from Bismarck, ND, writes:

> Dear Senator Dorgan: Enclosed please find my prescription bottles. I just had these medicines filled today. I am having a hard time financially with a Social Security check of $400 a month. My medicines cost $175 per month. That doesn't leave much to pay for food, rent, utilities and gas. Something has to be done with the high cost of prescription medicines. I am thinking of stopping some of my medicines. Please help!!!

These letters could have come from any State, from senior citizens everywhere struggling mightily to pay for their prescription drugs. Senior citizens make up 12 percent of America's population, but they consume one-third of all the prescription drugs in our country because they have reached that age where they have various ailments and problems and they need prescription drugs.

We need to add a prescription drug benefit to the Medicare Program. We have been trying very hard to do that. Some have said, well, let's not put it in the Medicare program, let's pay the insurance industry so they will sell an insurance policy providing for prescription drug benefits. The problem with that is, the Health Insurance Association of America says insurance companies will not be able to put together a policy like that which is affordable. In fact, I had CEOs from two insurance companies come to my office, and one said: In order to provide $1,000 worth of benefits to a senior citizen for prescription drugs, I would have to charge $1,100 for the premium. Do you know anybody that will pay $1,100 for an insurance policy that provides $1,000 worth of benefits? Not where I live.

I say to those who say we can have the private insurance industry deal with this: it won't work. Even if they could offer the policy, it would not be affordable. We must, it seems to me, put a prescription drug benefit in the Medicare program, and we ought to do it now.

We are nearing the end of this session and this ought to have been one of the top priorities for the Congress. It just should have been one of our top priorities. We live in good economic times, we have unprecedented economic growth, and we are going to have some surpluses this year and, we hope, in the years ahead. But do you know what the priority was for the surpluses? The priority was to run out here on a big trolley a huge batch of tax proposals that would give big tax cuts really fast. Let's provide very large tax cuts, most of which will go to the upper-income folks in this country, and let's do it even before we experience these surpluses.

My feeling is that we ought to have a more balanced approach. First, if we have surpluses, let's use some of those funds to pay down the Federal debt. Yes, we can use some, perhaps, for middle-income tax cuts, and we could use some of it to make the other investments we need to make. We should put a prescription drug benefit in the Medicare Program that is optional, has a copayment, and provides Medicare recipients protection against these high drug prices.

The proposal I support also has the ability, through purchasing power, to drive down prescription drug prices. So I say to those who schedule the Senate: Time is wasting here. Let's see if between now and the end of this week or next week we can perhaps get a prescription drug benefit bill to the floor of the Senate and get it passed. Those who want to give tax cuts to the top 1 percent of the income earners were certainly quick to get that to the floor of the Senate. Let's see if we can't do something similar in terms of legislative speed to try to add a prescription drug benefit to the Medicare program. We have time to do that. The question is, Do we have the will to do it?

Just one other point. I want to talk for a moment about the issue of a Patients' Bill of Rights. A Patients' Bill of Rights is not some theory that represents our interests or a wish. It is an absolute necessity to provide protection for patients in this country. Some managed care plans—although not all of them—have decided that health care is a function of their profit and loss. They administer their health care plans that way. The result has been devastating to some patients in our health care system. In fact, in some cases an HMO will not tell you all of your options for medical treatment, only the cheapest options. That is not fair.

Every patient in this country ought to have a right to understand all of his or her options for medical treatment, not just the cheapest one. There are some HMOs that don't give you the opportunity to have emergency room treatment when you have an emergency. That ought to be a patient's right. There have been instances of people hauled into an emergency room unconscious who are denied coverage because the HMO said they didn't get prior approval for the emergency room. It ought to be a patient's right, if you have insurance through an HMO, to have emergency room treatment when you have an emergency.

How about oncology care? In the case of a woman who has breast cancer and whose spouse's employer switches to a different health care plan, should that woman not be able to continue with her same oncologist and with the same cancer treatment under the new plan? Of course she ought to be able to. That ought to be a right.

I had a hearing recently with some of my colleagues on this subject, and a woman named Mary Lewandowski came. It was the third time Mary has come to Washington, DC, at her own expense. I want, for Mary's benefit, to put in the RECORD her complete testimony from this hearing. I ask unanimous consent that her entire testimony be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF MARY MUNNINGS LEWANDOWSKI BEFORE THE DEMOCRATIC POLICY COMMITTEE, SEPTEMBER 21, 2000

My name is Mary Munnings Lewandowski. I reside in Scottsville, NY. The picture that I have brought with me, is my youngest daughter Donna Marie at age 18.

This is my third trip to Washington to plead for passage of a bill that will protect patients rights. I've pounded on doors, handed out pictures of Donna and a picture of her headstone. I've done most anything I can to make people here aware that the Patients Bill of Rights is a Life and Death issue.

The week of February 3rd, 1997 Donna went to our PCP 4 times in 5 days. With each visit her symptoms were worsening. She was told that she had an upper respiratory infection and panic attacks. On Saturday Feb 8th, she could barely get off the couch. I assisted her up the stairs to get cleaned up at 8 PM. At 8:30 she started crying that she was very ill. I tried repeatedly to reach our PCP but only reached the answering service, as this was a Saturday evening.

I called the hospital at 9 and was told I couldn't bring her in unless her doctor authorized it or if I thought it was a life and death situation.

I am a school bus driver and a mom not a doctor or a nurse. At 9:10 I called 911, at 9:12 she screamed that her back hurt and that she thought she was going to die. She lapsed into a coma. My husband tried in vain to do CPR on her. She was pronounced dead at 10:45 PM at the young age of 22.

I went to our PCP on Monday and the very first thing that was told to me, was "they couldn't justify to her HMO to send her for the diagnostic tests that would have shown what was wrong with her".

22 year old kids, don't die. There were no tests done, none. In my subsequent research I found that HMO's can and do penalize and sanction doctors for ordering tests which HMO's feel are unnecessary.

I found out on Tuesday, February 11th, that she died from a bloodclot on her lung, literally the size of a football. A $750 lung scan would have shown this. But all for the sake of money, we lost a vital beautiful young lady that had only begun her life.

We were at the cemetery in August and my 6 year old granddaughter was with me. She went to Donna's grave and started crying. "Grandma, I shouldn't have to come here to see my Aunt Donna" Why did God take her.

Please, it is up to you, the Senators, our elected officials to change things. Health insurers should not be able to put profits before a person's life.

There is evidence that lives have been lost because of HMO decisions. Isn't that enough reason to pass legislation that would provide direct protection to patients?

Please, pass legislation that ensures that patients like my daughter get the test they need and access to emergency care before it is too late.

It could be your loved one.

Thank you for your time.

Mr. DORGAN. Mary lost her youngest daughter, Donna, at age 22.

She said:

The week of February 3, 1997, Donna went to our PCP—that is her primary care provider—4 times in 5 days.

With each visit her symptoms were worsening. She was told she had an upper respiratory infection and panic attacks. On Saturday, February 8th, she could barely get off the couch. I assisted her up the stairs to get cleaned up at 8 p.m. At 8:30 she started crying that she was very ill. I tried repeatedly to reach our PCP, but only reached the answering service, as this was a Saturday evening.

I called the hospital at 9 and was told I couldn't bring her in unless her doctor authorized it or if I thought it was a life and death situation.

Mary continued:

I am a school bus driver and a mom, not a doctor or a nurse. At 9:10 I called 911, at 9:12 she screamed that her back hurt and that she thought she was going to die. She lapsed into a coma. She was pronounced dead at 10:45 p.m. at the young age of 22.

I went to our PCP on Monday and the very first thing that was told to me was they couldn't justify to her HMO to send her for the diagnostic tests that would have shown what was wrong with her. Twenty-two-year-old kids don't die, so there were no tests done. None. In my subsequent research, I found that HMOs can and do penalize and sanction doctors for ordering tests which HMOs feel are unnecessary. I found out on Tuesday, February 11, she died from a blood clot on her lung literally the size of a football. A $750 lung scan would have shown this. But all for the sake of money, we lost a vital beautiful young lady that had only begun her life.

I have about 50 stories just like this which have been compiled from all around the country—people dealing with HMOs and discovering they have to fight their cancer and their health plans at the same time. That is not a fair fight.

We should pass a Patients' Bill of Rights. Now, the House of Representatives passed a bipartisan Patients' Bill of Rights and this Senate passed what I call a "patients' bill of goods." It is a hollow vessel, one of those charade-like things that doesn't do anything. In fact, the Republican Congressmen from the House have said the Senate passed proposal is a step backward, even worse than nothing. It is a charade. We still have an opportunity to enact a real Patients' Bill of Rights. This legislation is still in conference. This Congress can, in its final days, pass the Patients' Bill of Rights. When Mary Lewandowski comes to Washington, DC, three times because her daughter died—and this young woman should not have died—and says, "Do something, please," we have a responsibility to respond. We ought to do it now.

If the past is prologue, of course, we will end this session and we will not do the kinds of things we should—putting a prescription drug benefit in the Medicare program or enacting a real Patients' Bill of Rights. The American people will have lost. We will be back in January organizing as a new Congress and many of us will reintroduce exactly the same legislation. We will, once again, engage in this battle. The battle will not be over until we get done what needs to be done. Go back 40 years and the same people who stood on the floor of the Senate and opposed

Medicare, oppose doing these important tasks. They do not think the Federal Government should do it. This same mentality is what is now providing the roadblock for doing what we should and adding a prescription drug benefit to Medicare and passing a real Patients' Bill of Rights.

We can alter that result. We can do it this week, if there is the will. There is a way. The question for the Members of this body is, Does the will exist in the Senate to do the right thing in these final days? I hope so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I say to my colleague from North Dakota that I very much agree with him that we should be taking up the Patients' Bill of Rights legislation. I hope he will join those of us on this side of the aisle when we bring a conference report to this body which will report a very important Patients' Bill of Rights piece of legislation. We would then hope to pass it in the Senate, send it over to the House of Representatives, and have the President sign it.

I am very much hopeful that we can get such a conference report to the Senate and that my colleagues on the other side of the aisle will help us to pass it.

CHINA'S THREAT TO U.S. NATIONAL SECURITY

Mr. KYL. Mr. President, I would like to talk about something this afternoon that I think is of great importance to this country and one of the biggest challenges we are going to face in the coming years; that is, the challenge of how the United States manages our relationships with countries that potentially present threats to our national security.

While few would like to admit it, I think China cannot be omitted from this scrutiny, and I, therefore, would like to discuss that question with respect to China today.

As my colleagues know, it was not long ago that the bill to grant permanent normal trade status to China passed through the Senate without amendment. I voted for this bill because I recognize the economic benefits it will have for many American workers, businesses, and consumers. That said, it is of utmost importance that we not lose sight of the fact that trade alone does not define our relationship with China. The actions and the heated rhetoric of China's communist leaders should be of great concern. So now, in the aftermath of our recent decision to grant PNTR to China, we are obligated to face the other challenges presented by the communist Chinese government.

Time and time again, Chinese officials and state-sponsored media have made bellicose and threatening statements aimed at the United States and our long-standing, democratic ally, Taiwan. They have even gone so far as to issue implied threats to use nuclear weapons against the United States. The question is, will we take them at their word on these defense matters as we did when they made trade commitments.

For example, in 1995, General Xiong Guangkai warned a visiting U.S. official that China could use military force to prevent Taiwan's gaining independence without fear of U.S. intervention because American leaders "care more about Los Angeles than they do about Taiwan." An editorial in a military-owned newspaper this March was more blunt, warning that, "The United States will not sacrifice 200 million Americans for 20 million Taiwanese."

In February of this year, a state-owned paper again warned the United States against becoming involved in a conflict with China over Taiwan. The People's Liberation Army Daily carried an article which stated, "On the Taiwan issue, it is very likely that the United States will walk to the point where it injures others while ruining itself." The article went on to issue a veiled threat to attack the U.S. with long-range missiles, stating, "China is neither Iraq or Yugoslavia * * * it is a country that has certain abilities of launching a strategic counterattack and the capacity of launching a long-distance strike. Probably it is not a wise move to be at war with a country such as China, a point which U.S. policymakers know fairly well also."

Not only has China warned against U.S. military intervention in the event that Taiwan declares its independence, Chinese officials have also issued threats against U.S. sale of theater missile defenses (TMD) to Taiwan. In February 1999, China's top arms control official, Sha Zukang, was interviewed by a reporter for the publication Defense News. When asked if U.S. assistance on theater missile defense for Japan, South Korea and possibly Taiwan could cause damage to U.S.-China relations, he replied, "If the U.S. is bent on its own way on this issue, it will not, to put it lightly, be conducive to the development of legitimate self-defense needs of relevant countries." When further questioned about theater missile defense for Taiwan, he stated, "In the case of Taiwan, my God, that's really the limit. It constitutes a serious infringement of China's sovereignty and territorial integrity. It also represents a deliberate move on the part of the United States to provoke the entire Chinese people. Such a move will bring severe consequences." (Emphasis added) According to the Washington Post in July, that same Chinese official warned that the sale of U.S. technology to Taiwan for a smaller scope theater missile defense system would "lead to serious confrontation" because it would be tantamount to restoring a military alliance between Taipei and Washington. He stated, "This is of supreme national interest. It will be defended at any cost." (Emphasis added)

These are not examples of isolated threats. They are a small sample of the bellicose statements that China's government has made recently. I have compiled dozens of such statements and am disappointed at the sparse attention they have received. Mr. President, I have compiled a document containing 14 pages of threats issued by communist Chinese officials. It is by no means a comprehensive compendium of such statements, and is merely a sample. I ask unanimous consent that it be printed in the RECORD at the conclusion of my statement.

The PRESIDENT OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. KYL. Mr. President, the rhetoric from Beijing has also been accompanied by troubling actions. China has long-range nuclear-tipped missiles targeted at American cities, and is already increasing its arsenal of such weapons. It is greatly increasing the number of short-range missiles aimed at Taiwan, and has taken steps to improve its ability to invade or blockade the island.

China has also been the world's worst proliferator of missiles and weapons of mass destruction. It has sold ballistic missile technology to Iran, North Korea, Syria, Libya, and Pakistan, despite promising to adhere to the Missile Technology Control Regime. It has sold nuclear technology to Iran and Pakistan. It has aided Iran's chemical weapons program and sold that nation advanced cruise missiles. Because of China's assistance to rogue nations and its military advances, the American people, and our forces and friends abroad, face a much greater threat.

Mr. President, as we craft effective national security policies for the United States, it's important that we look for warning signs of problems. As Winston Churchill said, in his "Iron Curtain" speech in 1946, less than one year after the end of World War II, "Last time, I saw it all coming and I cried aloud to my own fellow-countrymen and to the world, but no one paid any attention. Up till the year 1933 or even 1935, Germany might have been saved from the awful fate which has overtaken her * * * There never was a war in all history easier to prevent by timely action than the one which has just desolated such great areas of the globe * * * but no one would listen * * * We surely must not let that happen again."

Now, more than 50 years later, we live in a very different world. The collapse of the Soviet empire, the spread of democracy and civil society in Eastern Europe and the Baltics, and the emergence of the United States as the sole-surviving superpower could lead some to mistakenly assume that the world is no longer a dangerous place.

To the contrary, the threats we face today are even more complex and harder to predict than those we faced during and before the Cold War. We must now be more clear than ever in our own minds about our strategic intentions, and just as clear in signaling these to our potential aggressors.

Obviously, China is not Nazi Germany, and it presents different challenges, yet the message delivered by Churchill about the need to heed warning signs is timeless. Many are quick to dismiss the rhetoric from Beijing as empty threats. This could be true, but I believe we must be prepared for another possibility—what if China's leaders mean what they say?

China's proliferation of the technology for ballistic missiles and weapons of mass destruction has increased the threat faced by the United States and our allies. China is increasing the size and capabilities of its strategic nuclear force targeted on the United States. And furthermore, China has tried to use the threat of missile attack to coerce the United States into staying out of any future conflict in the Taiwan Strait.

These are but three of the many compelling reasons why we need a national missile defense system to protect the United States and to guarantee our freedom of action. I disagree with those who claim China's objection to our proposed national missile defense, NMD, system will lead to an arms race with that country. As Secretary of Defense William Cohen testified to the Senate in July of this year, "I think it's fair to say that China, irrespective of what we do on NMD, will in fact, modernize and increase its ICBM capability." Of course, that is precisely what China has done. Left with this reality, we have no option but to deploy a national missile defense system that will protect the United States.

Frankly, I am disappointed that for the last eight years, the Clinton-Gore Administration has failed to pursue the most promising forms of missile defense and has underfunded the limited programs it has authorized due to loyalty to the ABM Treaty. For example, one of the Administration's first decisions in early 1993 was to return unopened proposals the Defense Department had requested from three teams of companies that had bid to develop a ground-based national missile defense interceptor. In 1993, the Clinton Administration also cut the budget for missile defense for fiscal year 1994 by $2.5 billion over the amount requested in President Bush's final budget, and has continued to underfund missile defense programs every year.

I believe that the ABM Treaty is obsolete. It was made with an entity that no longer exists. In the words of former Secretary of State Henry Kissinger, this treaty "constrains the nation's missile defense programs to an intolerable degree in the day and age when ballistic missiles are so attractive to so many countries." Dr. Kissinger has also stated that, "Deliberate vulnerability when the technologies are available to avoid it cannot be a strategic objective, cannot be a political objective, and cannot be a moral objective of any American President." We must not allow loyalty to an outdated piece of paper called the ABM Treaty to stand in the way of a sound defense given the threats we face.

In addition to the deployment of a national missile defense system, it is important for the United States to use the full range of economic and diplomatic tools to halt China's proliferation of the technology for missiles and weapons of mass destruction. I believe the Senate missed an opportunity when we failed to pass an amendment offered by Senator THOMPSON to combat this problem. I hope this legislation will be considered and passed next year. In addition, we need to ensure that strong export controls on U.S.-made products are in place so we don't inadvertently help China modernize its military.

It remains to be seen whether the rhetoric from Beijing will become reality, but in light of China's troubling actions, prudence demands that we take steps to address China's behavior. We ignored warnings in the past and paid a high price. We surely must not let it happen again.

THREATENING OR BELLICOSE STATEMENTS BY CHINESE OFFICIALS OR DRAWN FROM OFFICIAL STATE-RUN MEDIA

MISSILE THREAT TO THE UNITED STATES

The PLA could use military force to prevent Taiwan's gaining independence without fear of U.S. intervention, because American leaders, "care more about Los Angeles than they do about Taiwan."—Remark by an officer in the People's Liberation Army (PLA) to former Assistant Secretary of Defense, Chas Freeman, Jr., "As China Threatens Taiwan, It Makes Sure U.S. Listens," New York Times, January 24, 1996.

"On the Taiwan issue, it is very likely that the United States will walk to the point where it injures others while ruining itself. As is known to all, if the 'Taiwan independence' elements openly and brazenly advocate separatism, the PRC government will be forced to resort to the use of force ultimately to resolve the Taiwan issue. Once the cross-strait war breaks out, the U.S. government will face a dilemma: If it chooses not to intervene, the United States has to consider the 'Taiwan Relations Act;' besides, U.S. allies will doubt whether the promises made by the United States will hold. If the United States chooses to engage in substantial interventions, U.S. policymakers will be left with no choice but to consider the possible enormous pressure to endure and the possible exorbitant price to pay. *China is neither Iraq or Yugoslavia, but a very special country: on one hand, China is a permanent member of the U.N. Security Council; on the other hand, it is a country that has certain abilities of launching a strategic counterattack and the capacity of launching a long-distance strike. Probably it is not a wise move to be at war with a country such as China, a point which U.S. policymakers know fairly well also.*—"Safeguarding the One-China Policy is the Cornerstone of Peace in the Taiwan Strait—Splitting the Motherland by 'Taiwan Independence' Elements is Bound to provoke a War," People's Liberation Army Daily, February 28, 2000. (Emphasis added.)

"The United States will not sacrifice 200 million Americans for 20 million Taiwanese."—Excerpt from article in Chinese state-owned Haowangjiao Weekly, "Chinese Military Paper Warns Taiwan and U.S.," as reported by Philadelphia Inquirer, March 21, 2000.

"China is a country that has certain abilities of launching a strategic counterattack and the capacity of launching a long-distance strike. [If the United States intervenes in Taiwan it would lose the conflict and] even be forced to have a complete withdrawal from the East Asian region as they were forced to withdrawal from southern Vietnam."—Commentary in the People's Liberation Army Daily, "Threat By China Downplayed," Philadelphia Inquirer, March 1, 2000.

"Entitled, 'The United States Will Suffer Disastrous Blows,' the signed article [in a Chinese military journal] quotes an expert as saying that if the United States dares to obstruct China's reunification, China is bound to employ its nuclear weapons, and that for the sake of its national interests, China has made full preparations to fight a nuclear war with the United States."—"Beijing Military Journal: Nuclear War Will Certainly Break Out If United States Gets Involved," Hong Kong Sing Tao Jih Pao, April 11, 2000.

MISSILE DEFENSE

In reference to provisions in the Fiscal Year (FY) 1999 Defense Authorization Act regarding theater missile defense cooperation with allies in East Asia: "The US Congress has gravely violated the fundamental norms of international relations, interfered in China's internal affairs and seriously hurt the feelings of the Chinese people."—Chinese Foreign Ministry Spokesman Tang Guiqiang, "Beijing Rains fury on Defense Umbrella," South China Morning Post, October 30, 1998

When asked if U.S. insistence on theater missile defense for Japan, South Korea and possibly Taiwan could cause irreparable damage to US-Sino ties, he replied, "If the U.S. is bent on its own way on this issue, it will not, to put it lightly, be conducive to the development of legitimate self-defense needs of relevant countries." When further questioned about the TMD for Taiwan, he stated, "In the case of Taiwan, my God, that's really the limit. It constitutes a serious infringement of China's sovereignty and territorial integrity. It also represents a deliberate move on the part of the United States to provoke the entire Chinese people. Such a move will bring severe consequences."—Ambassador Sha Zukang, Director-General of the Chinese Foreign Ministry's Department of Arms Control and Disarmament, Interview with Defense News staff writer Barbara Opall-Rome, February 1, 1999.

"The US global strategy in Europe is to contain Russia's revival and in Asia to contain China's growth, and is to preserve US hegemony in the world . . . [NMD is a] hangover from the Cold War . . . [the political cost of its deployment will be] tremendous for the United States."

"The rest of the world is wondering if the United States could break the treaty it signed, shouldn't other countries do the same? In other words, the United States will set an example for others to dump other arms-reduction agreements if it presses forward with NMD."—Remarks by Luo Yuan, Director of the Second Office of Strategy Studies, Chinese Academy of Military Science, "Experts: US plan could start new arms race," China Daily, August 16, 2000.

In reference to a national missile defense system: "We believe this idea of the United States will inevitably support a new round of arms race and will compromise international peace and stability. This issue is by no means a dispute between China and the United States, but between the United States and the international community."—Remark from Chinese Foreign Minister Tang Jiaxuan, "Asian Forum Ends in Chorus of Criticism of U.S. Missile Defense Plan," Washington Post, July 30, 2000.

"China's government is standing up to U.S. attempts to set up both a national anti-ballistic missile system and a theater of war anti-ballistic missile system. Attempts [by the U.S.] to make Taiwan join the creation and unveiling of a theater of war anti-ballistic missile system are a serious interference into China's internal affairs and will necessarily be seriously repulsed by the Chinese people."—Remark by Chinese Defense Minister Chi Haotian, press conference, January 17, 2000.

"For its own defense needs, if the United States wants to develop a [theater missile defense] system, that's its own business. What we don't want to see is TMD covering Taiwan. That would . . . damage U.S.-China . . . relations."—Remarks by an unidentified senior Chinese official quoted in the Washington Post, January 27, 2000.

Placing TMD in Taiwan "seriously infringes on China's sovereignty and territorial integrity and will certainly meet with strong opposition from the Chinese people."—Remark from Chinese Embassy spokesman Cui Jianjun, "Chinese Warn U.S. on Defense; Missile Umbrella Would Aid Taiwan," The Washington Times, March 6, 1999.

"The inclusion of Taiwan into the theater-missile defense system will severely harm the stability of the region, and finally threaten bilateral relations."—"Chinese Warn U.S. on Defense; Missile Umbrella Would Aid Taiwan," Washington Times, March 6, 1999.

ARMS CONTROL

"Any amendment, or abolishing of the [ABM] treaty, will lead to disastrous consequences. This will bring a halt to nuclear disarmament now between the Russians and Americans, and in the future will halt multilateral disarmament as well."

"We are not rejecting the concept of missile defense completely, such as air defense to protect troops. But it is the advanced systems, in space and elsewhere, that are the problem. These are a violation of the ABM Treaty. These may disturb or destroy the strategic balance."

"[The] United States . . . has been teaching the international community that the ABM Treaty, though bilateral, is a cornerstone for strategic stability, that it's a precondition for further nuclear disarmament. Now suddenly they are attempting to amend it and threaten to abolish it. We have no words for this. Should we assume that the United States monopolizes all the truth in the world? This cannot be the case, I believe. So this will erode U.S. authority and credibility."—Excerpts of Remarks by Sha Zukang, Chinese Director-General of the Arms Control and Disarmament of the Ministry of Foreign Affairs, press interview, November 10, 1999.

"This decision by the United States [deployment of an NMD system] goes against the trend of the times and is detrimental to international arms control and disarmament efforts. It will have an extensive and profound negative impact on the global and regional strategic balance and stability in the 21st Century. The Chinese side expresses serious concern."

"The Chinese side expresses serious concern over this [U.S. deployment of NMD]. China believes that the development, deployment, and transfer of anti-missile systems with strategic defense potential will not enhance security or curb missile technology proliferation. On the contrary, it will only undermine security, and spur missile technology proliferation. Moreover, it violates the Anti-Ballistic Missile Treaty. The ABM Treaty is of great significance for safeguarding the global strategic balance and stability and for maintaining the momentum in the nuclear disarmament process. It should be observed strictly."

"This [the UN General Assembly resolution on the ABM Treaty] demonstrates the international community's near-unanimous opposition to or disapproval of the attempts by relevant countries to revise the ABM Treaty or to develop anti-missile systems. China urges relevant countries to take a serious approach toward the strong appeal from the international community, think carefully before making any move, and abandon the aforementioned programs for developing anti-missile systems."—Excerpts of Remarks by Chinese Foreign Ministry Spokesman Zhu Bangzao, press conference, January 13, 2000.

"The creation of such a system is strictly prohibited by the ABM. Russia and China have suggested that the United States is motivated by the ambition to gain unilateral superiority in the military sphere and in security issues. The realization of such a plan would undermine the security of not only Russia, China and other countries, but also the security of the US itself and global strategic stability in the world. That is why China and Russia resolutely oppose the plan."

"The collapse of the ABM would lead to a resumption of the arms race. Such a situation is not in the interests of any country. Those countries, which support the US' proposal to modify the Anti-Ballistic Missile Treaty, would be held responsible for undermining international stability and security and for all the consequences of that decision."—Excerpts from the joint statement of Russian President, Vladimir Putin, and Chinese President, Jiang Zemin, July 21, 2000.

When asked if China is setting the stage to recant on commitments to the Chemical Weapons Convention, he replied, "What we object to is the existence of the Australia Group, a smaller, more stricter group of nations with its own legal provisions that have created a de facto split among to the Convention. This has caused confusion, has undermined the Convention, and has affected the normal international trade of chemicals. This problem is compounded by the seemingly irresistible inclination of certain countries to impose their own standards or even their own domestic legislation onto other countries, thus giving rise to unnecessary international disputes."

"There are only two ways I see to rectify this situation: One is to do away with the Australia Group and the other is to do away with the Chemical Weapons Convention."—Ambassador Sha Zukang, Director-General of the Chinese Foreign Ministry's Department of Arms Control and Disarmament, Interview with Defense News staff writer Barbara Opall-Rome, February 1, 1999.

"China will never be involved in any arms race at any level. However, it has to consider necessary means to defend its national security."—Remark by Sha Zukang, Chinese Director-General of the Arms Control and Disarmament Department of the Ministry of Foreign Affairs, reported by Beijing China Daily, January 14, 2000.

"In pursuit of its own strategic interests and military superiority and in disregard of the authority of the already concluded international arms control legal instruments, a certain country attempted to rectify the Anti-Ballistic Missile Treaty. In light of this dangerous tendency, China, Russia and Belarus co-sponsored the draft resolution of Preserving and Observing the ABM Treaty which was adopted by an overwhelming majority in the Committee of Disarmament and International Security and the UN General Assembly respectively. China's efforts to safeguard world peace and security garnered the extensive support of the international community."—Excerpt of article by Chinese Foreign Minister Tang Jiaxuan, posted on the official home page of the Chinese Ministry of Foreign Affairs, January 14, 2000.

"We have always maintained that, as a country with powerful military strength, the United States' development of missile defense systems in violation of the Anti-Ballistic Missile Treaty does not benefit global and regional strategic balance and stability. I would like to point out once again that the 54th UN General Assembly has passed, by an overwhelming majority, a resolution on preserving and abiding by the ABM Treaty, which shows that the international community almost unanimously opposes or does not approve of attempts by relevant countries to amend the ABM Treaty and develop anti-ballistic missiles. We urge relevant countries to take seriously the strong call of the international community, to think carefully before acting, and to abandon the aforementioned anti-ballistic missile plan."—Remark by Chinese Foreign Ministry Spokesman Zhu Bangzao, press conference, January 20, 2000.

"A certain country . . . practices expediency and double standards toward arms control and disarmament agreements, even trying to weaken or abolish relevant treaties."

"The CTBT has been trampled on and faces an uncertain future."

"People cannot but ask: Do we prefer the common security for all or the absolute security enjoyed by a single state at the expense of all others?"—Excerpts of Remarks by Chinese Ambassador Hu Xiaodi, speech to the 66-nation Conference on Disarmament, January 27, 2000.

"In an attempt to seek absolute security for itself, a certain country is stepping up its research, development and deployment of sophisticated anti-missile systems, even at the expense of violating the international legal obligations to which it has committed itself."

"This move [U.S. violation of the ABM Treaty] will undoubtedly inflict severe damages on global strategic balance and stability, undermine the international security environment, make it difficult to carry on the international non-proliferation regime and may even trigger a new . . . arms race."

"For this, the international community cannot but express deep apprehension."

"China will never be a superpower or seek hegemony."

"I hope that others will not overestimate Chinese influence on North Korea."—Remarks by Chinese Deputy Foreign Minister Wang Guangya, Speech to the 36th Munich Conference on Security Policy, February 6, 2000

"All these facts have demonstrated that China adopts a clear-cut policy against the proliferation of WMD. This policy will remain unchanged in the future."

"[The U.S.] takes advantage of its economic and scientific strength to develop a national missile defense system, in an attempt to disrupt the global strategic balance, and to seek absolute security and hegemony for itself."

"It is a widely known fact that during the Cold War years, the Anti-Ballistic Missile Treaty constituted a cornerstone of global strategic stability, paving the way for the limitation and reduction of offensive strategic weapons between the United States and the former Soviet Union. Despite the drastic changes in the international situation following the end of the Cold War, the crucial role of the ABM Treaty to international security remains unchanged. Pending the elimination of nuclear weapons, any substantive amendment to this treaty will undermine global strategic stability."

"It is true that what the ABM Treaty maintains is 'the balance of terror' and can only offer relative security—not an ideal situation." "[A]ny violation of this treaty is bound to give rise to strong opposition from other countries, and will inevitably have severe negative impacts on international cooperation in arms control and non-proliferation."

"Everyone is equal before the law. And treaty obligations should be honored."

"Yet one country takes a cynical view on arms control and nonproliferation treaties and their legal obligations undertaken therein."

"The fundamental way to prevent the WMD proliferation lies in the complete prohibition and thorough destruction of such weapons."—Excerpts of Remarks by Chinese Director General of the Department of Arms Control and Disarmament of the Ministry of Foreign Affairs Sha Zukang, interview with Beijing Review, February 21, 2000

TAIWAN

"Our policy on Taiwan is a consistent one. That is, one, peaceful unification, one country-two systems. However, if there were to be any foreign intervention, or if there were to be Taiwan independence, then we would not undertake to renounce the use of force."—Remark by Chinese President Jiang Zemin, exchange with reporters prior to discussions with President Clinton, September 11, 1999

This threat, reportedly on the front page of almost every newspaper in Asia, was aimed at turning Taiwanese voters away from opposition candidate Chen Shui-bian: "Do not just act on impulse. Otherwise you will regret it very much and it will be too late to repent."—Chinese Prime Minister Zhu Rongji, "Bully in a China Shop," The Wall Street Journal, March 17, 2000

. . . the sale of U.S. technology to Taiwan for a smaller-scope theater missile defense system would "lead to serious confrontation" because it would be tantamount to restoring a military alliance between Taipei and Washington. "This is of supreme national interest. It will be defended at any cost."

"Instead of enhancing your security, your security policy will be further compromised. The United States will play the role of a fire brigade. Rushing from one place to another to extinguish fires."

Asked if China would reconsider its commitment to nuclear disarmament and a halt in sensitive weapons sales, Sha responded, "To say the least, our enthusiasm and our participation in all of those regimes, particularly in cooperating with the United States, our mood, let me say, would be severely dampened."

When asked if a decision to deploy missile defenses would also affect China's existing arms control treaties, Sha responded, "To say the least, it would seriously dampen our interest . . . We have not yet reached a stage to say we will forget our commitments . . . yet."—Remarks by Chinese Director General of the Foreign Ministry's Department of Arms Control and Disarmament Sha Zukang, "China: Missile Shield Threatens Arms Control," Washington Post, July 13, 2000

A U.S. shield against ballistic missiles would "aim to absorb Taiwan into the American sphere of protection, which we consider a gross interference into China's domestic affairs."—Remark by Chinese Premier Zhu Rongji in Rome, "US Ready to Discuss Objections to its Missile Defense Shield," Agence France Presse, July 6, 2000

In reference to TMD: "The system would aim to put Taiwan in a sphere of protection. This would be blatant interference in Chinese affairs."—Remark by Chinese Prime Minister Zhu Rongji, "Taiwan May Get Antimissile Technology," Washington Post, July 9, 2000

"If a grave turn of events occurs leading to the separation of Taiwan from China in any name, or if there is foreign invasion and occupation of Taiwan, or if Taiwan authorities indefinitely refuse to peacefully resolve the cross-strait unification problem through negotiations, then the PRC government will only be forced to adopt all possible drastic measures, including the use of force, to safeguard China's sovereignty and territorial integrity, and fulfill the great cause of China's unification."—"The One China Principle and the Taiwan Issue," English version published by Xinhua, February 21, 2000

Washington "bears unshakeable responsibility for the tension in the Taiwan Straits" and it was vital the US stopped arms sales to Taiwan.—Chinese Foreign Minister Tang Jiaxuan, Agence France Presse, March 16, 2000

The Chinese military made the statement that it would "spare no effort in a blood-soaked battle" to protect China's territorial integrity and that China would not be tricked into negotiations with Taiwan leaders who secretly apposed rejoining the motherland.

Prime Minister Zhu Rongji stated that China "will not sit idly by and watch and serious separatist activity."

General Zhang Wannian, a top military leader, echoed this thought stating, "The two sides of the strait cannot remain perpetually divided," and "Taiwanese independence means war."—"China Army Renews Threat Against Taiwan," New York Times, March 7, 2000.

"Taiwan Independence means war and splitting (with the mainland) means no peace."

"Anyone who pays no heed to this important information from us and insists on Taiwan independence will push Taiwan into the abyss of war and bring disaster to the Taiwan people."

It warned those who "underestimate the strong determination of China's government and the People's Liberation Army to safeguard national territorial integrity and put at stake the happiness of 23 million Taiwanese people that the great strength of the PLA will solve the Taiwan problem."

"The consequence will be worse than anything imaginable. We are not willing to see that."—Editorial in People's Liberation Army Daily, Agence France Presse, "China keeps up war-rhetoric as Taiwan prepares changing of guard," April 15, 2000.

"If the Taiwan authorities indefinitely refuse to peacefully settle the reunification issue through dialogue, the Chinese government will be forced to adopt all possible drastic measures, including military force."

Proposals to extend a theater missile defense system to Taiwan are "a gross interference in China's internal affairs and a grave threat to China's security . . . no country maintaining diplomatic relations with China should provide arms to Taiwan or enter into military alliance of any form with Taiwan."—"White Paper issued by China's State Council, as reported in Chicago Tribune, February 22, 2000.

"Beat them till they hurt, beat them till they obey, beat them until they're scared! Beat them until the Taiwan separatists admit total defeat"—An article carried on the state-run Yangcheng Evening News' web site said this to describe China's option of striking Taiwan with missiles and warplanes, "China Goes to War with Words Against Taiwan," AP, July 26, 1999.

"We must make it crystal clear. No matter who comes to power in Taiwan, Taiwan will never be allowed to be independent. This is our bottom line. This is also the will of the 1.25 billion Chinese people."

Dismissing widely held views by foreign military analysts that China lacks enough aircraft, missiles and ships to attack Taiwan, Zhu said, "By such calculations, Hitler would long ago have conquered the whole world. The Chinese people will use all their blood and even sacrifice their lives to defend the unity of our motherland and the dignity of the Chinese nation." Zhu accused U.S. political leadership of delaying China's unification with Taiwan, declaring, "They always have taken China as their imaginary or potential enemy and have always wanted to use Taiwan, which in their view is an unsinkable aircraft carrier, to oppose China."—Remarks from Chinese Premier Zhu Rongji, "Chinese Premier Warns U.S. Over Taiwan, PNTR Vote," National Journal's Congress Daily, March 15, 2000.

"A handful of American politicians, who are holding a Cold War mentality, have pushed the House to pass the act in an attempt to provide a legal basis for the buildup and expansion of military contacts and exchanges between the United States and Taiwan."

The Taiwan Security Enhancement Act is "a complete violation of the three Sino-U.S. joint communiques, a serious encroachment on China's sovereignty, a gross interference in China's internal affairs, and an attempt to make 'two Chinas'."—Remarks by Chinese Ambassador to the United States Li Zhaoxing, ChinaOnline, February 3, 2000.

"Although a handful of U.S. legislators claim that the Taiwan Security Enhancement Act was aimed at 'protecting' Taiwan's 'security,' their real motive is to split China, and prevent China from becoming stronger . . . some U.S. lawmakers have ignored International Law and tried to make legislation on the 'security' of another country's territory, and this has fully exposed the arrogance of the U.S. hegemonists."—Editorial in the People's Daily, as reported by ChinaOnline, February 3, 2000.

"The move [Taiwan's effort to join the United Nations] constitutes a flagrant violation of the purposes and principles of the U.N. Charter, a distortion of the nature of the U.N. and a gross interference in China's internal affairs."—Remark by Zhu Bangzao, Spokesman for the Chinese Foreign Ministry, "China Objects to Taiwan Leader's U.S. Visa," New York Times, August 5, 2000.

"If we were to take military action, it should be sooner rather than later."—Jiang Zemin, "Act soon if force is needed, says Jiang," South China Morning Post, March 28, 2000.

"At the special Politburo meeting called on the evening of the election, what the senior cadres were debating was not whether some degree of force would be used against Taiwan, but when."—"Military pressure builds over Taiwan," South China Morning Post, March 29, 2000.

"The [recently-acquired] Sovremenny destroyer is equipped with eight SS–N–22 missiles, which can carry *nuclear* missiles."—Beijing Jiefangjun Bao, March 22, 2000 (Emphasis added).

"The new Chinese-made super Kilo-class diesel attack submarine was quietly put into service recently with the South China Sea Fleet for the mission of combat readiness against Taiwan."—"Chinese-made Kilo-class attack submarine goes into service, starts undertaking combat readiness task," Hong Kong Sing Tao Jih Pao, April 4, 2000.

"A-Category Group Armies in Nanjing and Guangzhou War Theaters Have Been Equipped With Naval Vessels To Enhance Sea-Crossing and Landing Operations Capability"—Hong Kong Ming Pao, April 10, 2000.

"In order to deal with the military crisis that might occur in the Taiwan Strait, the Central Military Commission has decided to set up a Fujian Joint Operational Headquarters. On 11 February the headquarters for the first time directed the "routine military exercise" of using submarines to block the Taiwan Strait."—Hong Kong Sing Tao Jih Pao, February 17, 2000.

"The Taiwan authorities actually have only two roads to take: The first is to identify with the one China principle, peaceful reunification, and one country, two systems; the second is to force Beijing to resolve the Taiwan issue by military means. There is no third road, nor is it possible for the confrontation to go on for a long time."—Zhang Wannian, Vice Chairman of the Central Military Commission, July 6, 2000.

"In the process of settling the Taiwan issue, we will do whatever we can to bring about peaceful reunification. But, in the event that any serious incidents to split Taiwan from China under any pretext occur, that a foreign country invades Taiwan, or that the Taiwan authorities refuse for an indefinite time to settle the issue of cross-strait peaceful reunification through talks, then we will be forced to take all possible drastic measures to accomplish the great cause of the motherland's reunification."—General Zhang Wannian, the PLA's highest-ranking officer, a vice chairman of the Central Military Commission, and a Politburo member, "The One China Principle and the Taiwan Issue," February 21, 2000 (English version published by Xinhua).

"A possible interference by the United States has already been taken into account in our military preparations; in fact, we have taken into account all possibilities in our preparations. If the United States really interferes in the matter, the question is how far the United States can go in its interference. The Taiwan side should also get a clear idea of this issue. Making a big country like China as its opponent, the United States will surely lose more than it gains. The United States suffered losses in every war it fought in Asia in the past, and I believe it will surely learn from all its bitter lessons. Even if the Untied States or U.S.-led U.N. troops are involved in the matter, in no way will the United States afford a loss in the war; putting all other things aside, a slight increase in its casualties will lead to domestic pressure that will prove too much for it to bear. What is more, we also have other strategies to use in such a war, for example, a China-Russia alliance is also a move that can touch the United States on its sore spot. Therefore, we are not afraid of the involvement of the United States or any other foreign forces, for we are assured that we can win the war in the end."—Unnamed PLA general, "Discussing Taiwan Strait Crisis with a General," Ta Kung Pao, May 15, 2000.

ANTI-U.S. STATEMENTS

In reference to the relationship between Russia and China: "The partnership is an effort to oppose hegemony and supremacy, and one single country dominating the world."—Remark by Zhao Huasheng, Director of the Russian Studies Department at the Shanghai Institute for International Studies, "Putin Visits China in Hope of Strengthening a Strategic Axis," New York Times, July 17, 2000.

"U.S. a Threat to World Peace."—"China Demonizes," title of editorial from PRC state-owned China Daily, as reported by Washington Post, July 17, 2000.

"On June 22, 1999, the People's Daily fed a general anti-American campaign related to the accidental bombing of the Chinese Embassy in Belgrade with a long, hysterical piece accusing the United States of 'acting like Nazi Germany' by leading the NATO campaign to stop the ethnic cleansing of Kosovo."—"China Demonizes," Washington Post, July 17, 2000 (article excerpt).

In reference to the relationship between Russia and China: "The partnership is an effort to oppose hegemony and supremacy, and one single country dominating the world."—Remark by Zhao Huasheng, Director of the Russian Studies Department at the Shanghai Institute for International Studies, "Putin Visits China in Hope of Strengthening a Strategic Axis," New York Times, July 17, 2000.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Wyoming.

Mr. THOMAS. I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague from Wyoming.

TRIBUTE TO CONGRESSMAN BRUCE VENTO

Mr. WELLSTONE. Mr. President, I come to the floor of the Senate to speak about Congressman BRUCE VENTO from Minnesota, the Fourth Congressional District, who passed away today.

BRUCE VENTO was a fierce advocate for justice and a true representative, in the best sense of that word, of the people of the 4th District. He was generous and good-humored, with a seriousness of purpose that energized his work and inspired others. A gentle teacher and great friend, we were all ennobled, challenged and made greater by his presence among us, and will be less for his absence. The model he offered. of a life of public service for the common good, beckons us forward, toward the light, and for that we are grateful.

From working to protect our nation's vulnerable homeless, to fighting to protect and preserve earth's natural treasures from the Boundary Waters Canoe Area Wilderness to South American Rain Forests, BRUCE's legacy will last many generations. His leadership resulted in enactment of hundreds of conservation-related measures through the years, and protected millions of acres of our nation's parks, forests and wilderness areas. Close to home, when we look at a map of Minnesota we literally are looking at an image created in part by BRUCE VENTO. Our state's parks and green spaces are as healthy as they are in large part because of BRUCE's work over these many years.

Sheila and I will miss him terribly, and our thoughts and prayers are with his family.

I ask unanimous consent to have printed in the RECORD an AP story by Frederic Frommer from today, a piece in the Minnesota Star Tribune by Greg Gordon, and a piece from Tom Webb from the Pioneer Press.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press]

MINNESOTA REP. BRUCE VENTO DEAD AT 60

(By Frederic J. Frommer)

WASHINGTON (AP).—Minnesota Rep. Bruce Vento, a 12-term liberal Democrat who championed environmental and homeless causes, died Tuesday after a bout with lung cancer.

Vento, who was diagnosed in February, died at 12:20 p.m. at his home in St. Paul, Minn., surrounded by his family, spokesman Rick Jauert said. He had malignant mesothelioma, a rare type of cancer caused by inhaling asbestos fibers.

Vento, who was 60, announced in February that he had cancer and would not seek reelection. His treatment included the removal of one lung, chemotherapy and radiation, but doctors discovered more cancer last month.

As a young man, Vento worked as a state-paid laborer in several St. Paul-area facilities that he claimed exposed him to asbestos fibers. Two weeks ago he filed a lawsuit against 11 companies that allegedly supplied or installed asbestos products at those job sites.

Vento made his most significant legislative contributions on environmental issues, which he called his "true passion."

"I have been a member of Congress for the past 24 years, dedicated to making the federal government work for the people, to do for our community and state—and, yes, even internationally—that which we cannot do for ourselves," Vento said in February. "The federal government can and should make a difference."

When Democrats controlled the House, Vento was chairman of the Natural Resources subcommittee on national parks, forests and lands for 10 years, pushing for more money for national parks and other environmental priorities.

"I think Bruce Vento has been one of the most impressive and effective congressmen in modern Minnesota history," said former Vice President Walter Mondale. "It's hard to think of an environmental issue where his leadership has not been found."

Vento worked on efforts to ban oil drilling on the coastal plain of the Arctic National Wildlife Refuge and on preserving tropical rain forests. The Wilderness Society recognized Vento's work in 1994 with the Ansel Adams Conservation Award.

"He's been a hero," said Debbie Sease, legislative director for the Sierra Club. "He's done more for parks than anyone I know."

Vento also helped establish the emergency shelter grants program and preserve the Federal Housing Authority.

President Clinton paid tribute to Vento at a dinner in June for his environmental record and work on behalf of the homeless.

"He has steered into law more than 300 bills to protect our natural resources," Clinton said. "The thing I like even more about Bruce Vento is he cares about people, especially people without a voice—the homeless."

Vento was born Oct. 7, 1940, in St. Paul and attended the University of Minnesota and Wisconsin State University. He worked as a science and social studies teacher before winning a seat to the state House in 1970. He was first elected to Congress in 1976.

For the last decade, Vento pushed a bill to make it easier for the Hmong—an ethnic group in Laos—who fought with U.S. forces during the Vietnam War to become U.S. citizens by waiving the English-language requirement for them.

After he was diagnosed with cancer, Vento made passage of the bill a top priority. His effort ended successfully when Congress approved the measure in May.

"This bill would have never been conceived or passed if it had not been for Bruce Vento," said Philip Smith, Washington director of Lao Veterans of America, which lobbied on behalf of the legislation.

"He reached across the aisle and worked and persevered to make this happen. He is our hero. He is a champion of the Hmong people."

Vento is survived by his wife, Susan Lynch Vento, whom he married in August, and three sons.

[From the Minneapolis Star Tribune, Oct. 10, 2000]

REP. VENTO DIES IN ST. PAUL

(By Greg Gordon)

WASHINGTON, D.C.—Rep. Bruce Vento, D-Minn., died at his St. Paul home this morning after an eight-month battle with mesothelioma, a rare form of lung cancer usually associated with asbestos exposure.

Vento, a longtime environmental champion who planned to retire when his 12th term in office ends in January, celebrated his 60th birthday on Saturday.

Rick Jauert, Vento's press secretary, said the congressman died at 11:20 a.m. Twin Cities time at his home in St. Paul with his family by his side. He said he had no further details, and that Vento's chief of staff, Larry Romans, was flying to Minnesota, apparently to be with Vento's family and help with funeral arrangements.

Vento underwent surgery at Rochester's Mayo Clinic last February for removal of his left lung and diaphragm shortly after the fast-moving disease was discovered. But despite months of chemotherapy and radiation treatments, a person familiar with Vento's condition said in late September that the cancer had spread to his remaining lung. Doctors had drained fluid from Vento's remaining lung on at least two occasions.

"It's too bad he died so fast," former U.S. Sen. Eugene McCarthy, who held the same Fourth District congressional seat as Vento from 1948–58, said this afternoon. "It's too bad to lose him. He was such an established person in the Congress, but cancer is pretty impartial."

The former school teacher and state legislator leaves behind one of the most tangible legacies of any Congress member: He shepherded more than 300 laws that preserved natural lands from the Florida Everglades to the Alaska wilderness.

Since February 2000, Vento had been treated for malignant mesothelioma, a virulent form of cancer usually caused by asbestos exposure. Yet his final year in office included some of his most important legislative accomplishments, including easing citizenship requirements for Hmong veterans living in the United States.

Vento approached his ailment and last months in office with a graceful determination that won him the admiration of political friends and foes in Washington.

President Clinton hailed his fellow Democrat at a testimonial in June as a man who "never stops being a teacher. As he fights a disease that has not yet yielded all it secrets to science, he's our teacher again. He's shown us all a lot about courage."

Clinton made the comments at a bipartisan tribute dinner that Vento helped turn into a fund-raiser for scholarships to train future high school science teachers.

Vento was like that. As a legislator he was known for using every opportunity to pursue causes he held dear: Directing more resources to poor city neighborhoods, helping Hmong veterans, promoting public schools, raising the minimum wage and, always, protecting the environment.

Throughout the Reagan, Bush and Clinton years in Washington, he never gave up his belief in activist government.

SAVING WILDERNESS

In his first year in Congress he worked with others for the establishment of the Boundary Waters Canoe Area Wilderness. In every one of his 23 years in Congress, his name was associated with wilderness preservation legislation. He was best known in Minnesota as a defender of the ban on the use of motorized vehicles in the BWCA. At the beginning of his last term in Congress he ended up having to embrace a painful compromise that allowed two motorized portages there.

Vento was at the center of similar fights in dozens of other states because, before the Republican takeover of Congress in 1994, he was chairman of the House Subcommittee on National Parks, Forests and Public Lands.

In relentlessly pushing that legislation, Vento became better known in some parts of the West than he was in Minnesota.

"He spends all of his waking hours working against our interests," complained Charles Cushman, president of an organization of private property owners in Washington state in 1993. "The name Bruce Vento is without a doubt a very dirty word in many communities in the West," Cushman said in an interview. "Any place there's a national park, they fear Mr. Vento with a passion."

Indeed, the Sierra Club credits him in part for preserving and protecting 5 million acres of wild lands during the decade he was chairman of the subcommittee. In addition, he tended the designation of 76 "wild and scenic" rivers. His passion for parks came to him through personal experience. His father, a Machinists union officer, was not wealthy and couldn't afford fancy holidays or a lake cabin.

"We depended on the parks along the St. Croix River," Vento recalled in an interview a few years ago. "That was our Sunday picnic, our vacation."

HIGH RANKINGS

If Vento received poor marks from conservative property rights groups, he was generally adored by environmentalists, though his occasional willingness to compromise—as on the motorized portages in the BWCA—cost him support from a few die-hards.

At the June testimonial dinner, Interior Secretary Bruce Babbitt called him "a hero of the nation's parks" and said Vento coached him on how to handle the Republican takeover of Congress, which threatened continued investment in some national parks.

"Bruce said to me, 'Don't panic. Don't make a deal with these guys,'' Babbitt recalled. The interior secretary said the GOP threat to cut parks funding evaporated after Vento advised him to draw a chart of national parks units in the districts of congressional opponents, including House Speaker Newt Gingrich.

It wasn't just the environmentalists who considered Vento a hero. He also received 100 percent rankings most years from labor and liberal interest groups, while getting extremely low ratings from conservative and Christian fundamentalist organizations.

In 1992, Vento, a Catholic, shifted his position on abortion legislation, saying his views had "evolved" to the point that he would support abortion rights while remaining personally opposed to abortion.

That shift brought him fully in line with the dominant views of the DFL in Minnesota and the liberal wing of the Democratic party nationally.

From his seat on the House Banking and Urban Affairs Committee, Vento in 1982 became one of the first members of Congress to urge action to deal with homelessness. His proposal that year to provide $50 million to repair derelict buildings for temporary shelter was never brought to a vote by the full House.

Vento persevered, however, and eight years later he was the prime sponsor of the $1.3 billion McKinney homeless aid bill, which won approval and was signed into law.

Vento's work on low-income housing was enhanced when he became chairman and later ranking member of the Housing and Community Opportunity Subcommittee.

On the Banking Committee he was an advocate for smaller banks and credit unions and for community reinvestment requirements for major financial institutions.

Before coming to Washington, Vento served several terms in the Minnesota House, where he was assistant majority leader under Speaker Martin Sabo, who would later be Vento's close colleague in Congress.

The two Twin Cities congressmen were twins only in voting record. In demeanor they couldn't have been more different. While the Scandinavian Sabo was reticent and disinclined to give speeches, Vento was known as a ceaseless orator who didn't seem to know how to end a sentence.

When St. Paul's nine-term congressman Joseph Karth decided to retire in 1976, he endorsed the voluble Vento for his seat. That and strong labor support got Vento the party endorsement despite opposition in the primary from St. Paul attorney John Connolly and State Auditor Robert Mattson. Vento won that year with 52 percent of the vote, and would win reelection 11 more times.

FIGHTING FOR HMONG

After St. Paul became one of the major centers of Hmong immigration in the 1980s, Vento embraced the needs of the former Laotian hill tribespeople who had fought for the CIA's Secret Army during the Vietnam War. He pushed for federal housing and educational assistance and to waive the English-language requirement for citizenship for those who had fought with the United States in Laos.

In the 1990s, Vento's office became an informal Washington headquarters for this new group of Americans. His office wall was decorated with an enormous Hmong tapestry given in appreciation. And, on occasion, his inner and outer offices were lined with former Hmong soldiers in fatigues using his phones and desks to plan their lobbying assault on Washington.

After years of persistent advocacy by Vento and others, the bill easing citizenship requirements of Hmong veterans was passed by both Houses and signed into law in 2000 by President Clinton.

Lee Pao Xiong, a Hmong member of the Metropolitan Council, called Vento's decision to leave Congress at the end of his 12th term "a great loss to our community. Bruce Vento was a strong advocate for the Hmong community, always willing to bear our concerns."

The advocacy of the latest immigrant group by a man who was himself the descendent of immigrants was in the tradition of St. Paul, said Garrison Keillor, Minnesota's homegrown humorist. He said at the testimonial dinner that Vento never seemed like a slick Washington pol. "Bruce is like St. Paul," he said, later describing Vento as a man of "modesty and courage and passion."

PERSONAL LIFE

Vento's final year in Washington was not filled with funereal sentiment. In August he married a fellow educator, Susan Lynch of Chatfield, Minn.

It was the first wedding for Lynch but not for Vento, who has three adult sons from his first marriage, Michael, Peter and John.

A week before the nuptials, Vento, smiling but wan, attended the Democratic National Convention in Los Angeles, appearing with former Vice President Mondale and Minneapolis Mayor Sharon Sayles Belton as the Minnesota delegation cast its ballots for Vento's friend from their first days together in the House, Vice President Al Gore.

Vento's energy astonished his colleagues. After his cancer was diagnosed in February, he underwent surgery at the Mayo Clinic for removal of his left lung and diaphragm. He lost 25 pounds and some of his hair as he completed a draining regimen of chemotherapy and radiation treatment.

"I'm looking forward to fishing," Vento told reporters and supporters who asked what he planned to do next. "That's the ulterior motive in all the environmental protections I've fought for."

His longtime colleague and partner in liberal Democratic legislative ventures, Sabo, seemed stunned by Vento's news, saying over and again, "I can't imagine this place without Bruce around."

In the weeks after Vento announced his illness and his plans to retire, Republicans—from former Rep. Vin Weber to Sen. Rod Grams—acknowledged his 24 years of service.

"Put the partisan differences aside," said St. Paul Mayor Norm Coleman. "He delivered a lot for this community, and his passion will be missed."

[From the St. Paul Pioneer Press, Oct. 10, 2000]

U.S. REP. VENTO DIES

(By Tom Webb)

U.S. Rep. Bruce Vento, St. Paul's unwavering voice in Congress for 24 years, died Tuesday morning at his home in St. Paul after a long bout with cancer. He was 60.

A native of St. Paul's East Side, Vento was famed as a champion for wilderness, consumers, working people and the homeless, who never forgot the everyday struggles of average folks fighting to build a better life.

Vento died at 11:20 a.m., with his family at his bedside, his staff announced.

Vento was elected to Congress in 1976 from the Fourth Congressional District, covering Ramsey County and a sliver of Dakota County. He was the longest serving of a trio of notable DFLers who for a half-century have served the Fourth District in Congress, a group including Eugene McCarthy and Joseph Karth.

He was suffering from mesothelioma, a form of cancer usually linked with exposure to asbestos.

He is survived by his wife, Susan Lynch; his three sons, John, Peter and Michael; their spouses, four grandchildren; his parents, Frank and Anne Vento; and seven brothers and sisters and their families.

Funeral arrangements are pending.

Mr. WELLSTONE. Mr. President, BRUCE was elected to the State legislature in 1970 and to the House of Representatives in 1977. Before that, he had been a science teacher on the lower east side of St. Paul. He is a true product of the lower east side.

His family is wonderful. Sheila and I have had the chance to spend a lot of time with his family. It is a wonderful, caring, Italian Catholic family. I believe Frank and Annie had eight children; BRUCE was the second oldest.

I want to say two or three things if I may. One, I want to say to BRUCE's family and to his wife Sue: Sue, you have been a gift from Heaven for BRUCE and his family.

I talked to BRUCE Saturday. He turned 60. Today he passed away. When he passed away, all of his family were with him. All of them said: You can let go.

What a beautiful, caring, loving, wonderful family. And what a beautiful, loving, caring man. BRUCE has done so much for so many people. He was so committed to public service. But most important of all, to me, he was a friend whom I will miss.

I remember once he was going to come over to our home in St. Paul to talk about a big dispute over the Boundary Water Wilderness Area. We were supposed to meet early in the morning, but there was a huge snowstorm and all the weather reports were that all the schools were closed. People weren't going to be able to go to work. Everything was shut down. It was impossible to get around. We were supposed to meet at 8 o'clock in the morning. At 5 minutes to 8 o'clock, there was a knock on the door. There was BRUCE. He was in seventh heaven. This was like the outdoors, this was snow, this was Minnesota, and he was there. He loved the environment and did so much for our State and our country.

I say to BRUCE's family, what a great Congressman. It is easy to say that when someone has passed away, but he truly was. People in Minnesota loved this man. They always will. They will never forget him, will never forget all he has done for our Fourth Congressional District and for our State. Sheila and I will never forget BRUCE.

BRUCE is like my friend, Mike Epstein, about whom I spoke. Mike was here for all these years, so committed to public service. Two men, they died too young, from the horrible disease of cancer, two men who were so committed to public service, so committed to people.

From this day on, my belief is I have two friends who are looking down from heaven. I will be talking to them every day. I know BRUCE's children and grandchildren will be talking to him every day.

I yield the floor.

Mr. THOMAS. Mr. President, I certainly commend the Senator on his moving tribute to BRUCE VENTO. Certainly we can tell how emotionally attached the Senator was to that gentleman.

I knew him also. I served with him on the Resource Committee in the House. Certainly he was a fine gentleman. The Senator has described him well. We are all very sad at this loss.

The PRESIDING OFFICER. The Senator from Wyoming

THE ROLE OF THE FEDERAL GOVERNMENT

Mr. THOMAS. Mr. President, I wanted to go back to the remarks of the Senator from North Dakota as he talked about some of the issues that all of us are concerned about, issues such as pharmaceuticals—how we make that work; issues such as Medicare—which needs, after these years, some real, examination, some changes so over time we can ensure provision of health services to all who are beneficiaries. No one argues with that.

He also mentioned the Patients' Bill of Rights, which is interesting. I do not know of anyone in the Senate or the other body who is not for some form of the bill of rights. The unfortunate part is that there are some defining issues within that subject, defining issues that mean a lot in terms of where it goes in the future. The Senator failed to mention that. This is sort of the technique of those who favor more government. That is to simply talk about the title without talking about what is involved.

We have had in the Senate for a good long time—the Presiding Officer has participated—in a conference report, language designed to bring out a Patients' Bill of Rights that we could pass. Frankly, the Senator from North Dakota and others have opposed that.

One of the questions that is very important is whether or not it is going to be a bill of rights for patients or whether it is going to be a bill of rights for tort lawyers. If you have to go to court whenever there is a controversy, that is, of course, not what we seek to do.

So I want to make the point that you can talk in general terms about many issues. Everyone embraces those issues. But when you talk about the kinds of things that are important, within those issues, to implement them in a manner in keeping with the philosophy that you have over time, then that becomes quite a different matter. Of course, that is why we find ourselves at some loggerheads from time to time.

I have spoken before, and will again, about the amount of effort we have seen from the other side of the aisle to put obstacles in front of these issues and to, really, be more interested in making an issue rather than a solution. I am sorry for that. We are, of course, down now to the end, and we need to do something.

Let me talk for a moment or two about some of the things I think we face, not only in this body right now but that we will face in the future, we will face in this election. We need to make decisions as to where we are going. The key to those decisions in my view, regardless almost of what the decisions are—whether they are business decisions, whether they are personal decisions, whether they are political decisions—is to get some idea of what we want the result to be and where we are going to go over a period of time, and then measure whether or not what we are doing in the interim leads us to the accomplishment of those goals. It seems to me that is one of the most important things we can do.

So we are going to find ourselves, I think—I half hope, maybe—with some different philosophies from this past year, and we are going to have to choose.

I just returned from my State. I am going to get back, I hope, pretty soon and spend some time in schools with a voting program to get kids involved in politics, involved in elections; to talk about the issues and begin to get some feel about what it means to have a government of the people and by the people and for the people. I am excited about that because there are differences in philosophy.

Sometimes we find it difficult to define them, as we have these debates, as we will have tomorrow night. It is true; politicians have a little affinity for making things a little bit blurred. But it is up to us, then, as voters, to really separate those things and decide where we want to go; do we want more Federal Government in our lives or do we want less? It is up to us to define what we think the role of the Federal Government is and how it impacts us as citizens. What is the role of local and State governments? What is the role, then, really of individuals? That is what it is all about: individual freedom—opportunities for success.

We talk about taxes. Do we want more taxes and more Government? Do we want less Government so people can keep more of the money they earn? The real issue, of course, is Federal control down into communities, down into counties, down into schools. Or, indeed, do we want county commissioners and school boards and State legislators to make decisions that fit the decisions made by the people who have to live with them. There is a great deal of difference between the needs we have for the delivery of services in Philadelphia and in Greybull, WY. So those are the kinds of things that are taken into account.

We have talked about a surplus. There are reports of a surplus, certainly. I might say, it is more difficult to control the size of Government when you have a surplus than it is when you do not because, regardless of what the issues are, why, where we have a surplus we ought to spend the money. The other side of that, of course, is if we have a surplus there are certain priority things we ought to do but maybe we ought to put some of those surpluses back with the people who own them. They will be very important there.

We have different plans to deal with them. One of the plans that is out there takes about half of those surpluses and puts them into Social Security. One of the real issues before us is young people who are in their first jobs and pay 12.5 percent of their income, along with their employer, into the Social Security fund. In 40 years, are they going to have any benefits accruing to them? Not unless we make some changes.

The options are just to continue what we are doing and take more tax money to put into it, or to make some changes—for instance, to give some opportunities, based on the choice of the recipient, to put some of that money into the private sector, to get the return on that investment up from 2.5 to 3 percent, up to 4 percent or 5 percent or 6 percent, which certainly would make it more likely that those benefits are going to be there when their benefits are earned and ready to serve them.

When the Senator from North Dakota talked about tax cuts for the top 1 percent, that is not what is being proposed. Indeed, regarding the proposal that is out there that has caused all the 1 percent talk, the people who make the 1 percent, who make the most money in this country, will have a higher proportion of taxes on them than they have had before. Those taxes are for everyone who pays taxes. I think that is an excellent way to do that, to have marginal cuts and double the tax credits. Let's get rid of the estate tax. That doesn't do away with tax on the value, by the way, because that will be taxed when that asset is sold with the capital gains tax. But why should death cause you to have to sell the farm to pay the taxes? It should not.

These are some of the decisions that are out there to be made. Certainly they are important ones. I will not argue about what is right. We hear a lot of this: Let's do the right thing.

That depends on about whom you are speaking, what the right thing is, of course. So there are choices we have to make, legitimate choices. I hope all of us have a chance in this election to sort those out for ourselves and be able to do something with them.

Medicare is another one. I mentioned that before. You know, what we have is a Medicare program that, unless it is changed, cannot continue either.

There is something on which all of us can agree: We want to continue. If that is the goal, what do we have to do in the interim to ensure that happens?

One of the things we have to do is give people some choices. The way it is now, when you are 62, 63, 65, you have to take what is there, and that is the only choice.

There are people who have supplementary policies. My mother has a supplementary policy that provides pharmaceuticals. She is perfectly happy with that and wants to continue with that. There are people who do not have supplementary policies. They cannot afford them. They ought to have pharmaceutical coverage, and there ought to be choices in the way that is done. That is very possible. People ought to be able to choose. The alternative to what we suggested has no choice.

Education: It has been a very long time since we have been able to do something quite different on elementary and secondary education. We talked about it. We have had 5 weeks of discussion in this Congress on education. Again, everyone is for education. I do not know anyone who does not want to make education more effective, who does not want to make it better for everyone. What holds it up is who makes the decisions.

This administration has insisted on those dollars that go from the Federal Government to the States, regardless of what the needs are in a particular school district, that they either be for 100,000 more teachers or they be for buildings. Both of those are legitimate needs, but there are school districts that do not need more teachers and the school buildings are in pretty good shape. What they need is high-tech equipment, for example, and they should have an opportunity to spend that money as their needs dictate. That is the debate.

Sometimes it is a little hard to cut through: "Those guys are against education." That is not so. These are the choices and these are the choices of how we get around to resolving the problems. I hope we will soon.

There are always going to be differences of view. That is why we vote. The problem is we have not been able to bring those things to the floor, and every time we bring up education, someone brings up one of the issues on which we have already voted three or four times—gun control, minimum wage, whatever—to make sure that what we are focusing on does not happen.

Here we are now 1 week past our dedicated time to adjourn. Frankly, I am one who thinks that if we have business to do here, we ought to be here until we get it done. That is our job. We ought to get the bills out here, vote on them, move them on up. If the President wants to veto them, if he wants to try to use leverage to threaten and shut down the Government, let him do that, but he is the one who is going to shut down the Government. That is where we are.

It is an interesting time, an important time. I am confident we will move more quickly to resolve these items this week than perhaps we have over the last couple of weeks.

ACCESS TO NATIONAL PARKS

Mr. THOMAS. Mr. President, I want to express my views on a more parochial issue—not entirely parochial, as a matter of fact; it has to do with access to national parks. I have served over the last 6 years as chairman of the National Parks Subcommittee. We have been very involved with where we are going and have hopefully some idea where we want to be with parks.

Everybody recognizes the value of the national assets. It is one of the neat things. In the United States, we have 379 national parks that work in conjunction, of course, with State parks and local parks. The reasons for having a park, it seems to me, are, No. 1, to preserve the resource, of course, and, No. 2, to allow that resource to be enjoyed by the people who own it —the taxpayers.

We have a little difficulty from time to time with both of those things. We passed a bill, Parks 2020, last year which puts more emphasis on inventory, taking care of the resources. We need to put more effort into that, and we are working on that.

We have had a lot of talk about infrastructure in some of the larger parks and the things that need to be done, the money that needs to be spent for preserving the resource, such as on sewers. In the last budget that came from this administration, there was more money for acquisition of new parks than there was for maintenance of the parks we have. To me that is a problem.

If you want to enjoy it, you have to have access. One of the things that is controversial in our part of the world—in Yellowstone, Teton Park—which is equally true in New England and other places, is access for snow machines. For 3 years we have had an ongoing study in Yellowstone Park prompted by a lawsuit. Today they are coming out with their report on the environmental study and their recommendations as to what we should do. It is out for public comment for 30 days. I am going to ask that the 30 days be extended to 60 so people have an opportunity to review it.

There are difficulties with snow machines. There is difficulty with the noise. There is some difficulty with the pollution. The problem is the Park Service for 20 years has not sought to manage that growing industry and has simply avoided doing anything with it. Then suddenly there is a lawsuit filed against them, and there are some things that need to be changed. Instead of seeking to manage it, instead of seeking to find some remedies, instead of seeking to make some changes, they simply want to eliminate it. That is a mistake. There are ways the Park Service can manage those things. They can separate cross-country skiers from snowmobilers. They can limit the number if there are too many. But the EPA and the Park Service have never looked toward establishing standards for these machines.

I have visited a number of times with the manufacturers, and they are willing to change those machines. They did some experimental work in Jackson Hole, WY, last year and had machines that are only as loud as normal voices. Of course, no one is going to invest in those unless they have some idea that there are standards, and if they comply with them, they will be useful.

I hope we can change the idea of either nothing or no management and give some time to move toward the adjustments that can be made, toward some management in the parks so people can continue to enjoy them.

I see my friend from Kansas. I yield to the Senator from Kansas.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000

Mr. BROWNBACK. Mr. President, I appreciate my colleague from Wyoming allowing me to speak on a topic that we will be taking up fully tomorrow. Tomorrow this body will take up the Victims of Trafficking and Violence Protection Act of 2000. That will be the business of the day. Tomorrow we will vote on two bills associated therewith. The development of this legislation has been in progress for most of this year, and there are several pieces in this bill.

What I will do today is discuss with my colleagues what is in this bill, why it is important, why it passed the House of Representatives 371-1, and why it is important that we address this important issue at this particular time.

Senator WELLSTONE and I have been working on this legislation for this past year. It is the companion piece to a bill that passed in the House, sponsored by CHRIS SMITH and SAM GEJDENSON. The House bill is known as the Trafficking Victims Protection Act of 2000.

Our antitrafficking bill is the first complete legislation to address the growing practice of international trafficking worldwide. This is one of the largest manifestations of modern-day slavery internationally. Notably, this legislation is the most significant human rights bill of the 106th Congress if it is passed tomorrow as is expected. This is also the largest anti-slavery bill the United States has adopted, arguably, since 1865 and the demise of slavery at the end of the Civil War. Therefore, I greatly anticipate this vote tomorrow in the Senate on this very important legislation.

Senator WELLSTONE's and my trafficking bill, which passed in the Senate on July 27 of this year, was conferenced to reconcile the differences with the House bill. The conference report was filed on October 5, Thursday of last week. The final conference package contains four additional pieces of legislation which are substantially appropriate to our bill.

Most significant among those bill amendments is the Violence Against Women Act, which is part of this overall conference report—it is known as VAWA—which provides relief and assistance to those who suffer domestic violence in America. It is an important part of the package. It is a key piece of legislation that this body has previously passed. I am glad that it is part of this package. And it will pass as well with this overall package so we can help people caught in domestic violence.

Thus, the overall four bills included in this conference report are: The sex trafficking bill that I mentioned at the outset; VAWA, the Violence Against

Women Act; Aimee's law, which provides for interstate compensation for the costs of the incarceration of early-released sex offenders who commit another sex crime in a second State. The 21st Amendment Enforcement Act is also in this overall conference report. It allows for State attorneys general to enforce their State alcohol control laws in Federal court, including laws prohibiting sales to minors, which strengthens the grant of authority to States under the 21st amendment to the Constitution. The final piece of legislation in this conference report is the Justice for Victims of Terrorism Act, which authorizes the payment of foreign seized assets to victims of international terrorism.

The last step to adopting this legislative package rests with the Senate tomorrow. As I stated previously, it cleared the House on Friday by a vote of 371-1.

This legislation is our best opportunity to challenge the largest manifestation of current slavery worldwide, known as trafficking. I want to describe that term and what this bill does to get at what is taking place in the form of trafficking.

This practice of trafficking involves the coercive transportation of persons into slavery-like conditions, primarily involving forced prostitution, among other forms of slavery-like conditions.

Trafficking is the new slavery of the world. These victims are routinely forced against their will into the sex trade, transported across international borders, and left defenseless in a foreign country.

This bill also addresses the insidious practice known as "debt bondage," wherein a person can be enslaved to the money lender for an entire lifetime because of a $50 debt taken by the family for an emergency. This is a common practice in countries such as India and Nepal, among other places throughout the South Asian region.

People of conscience have fought against the different manifestations of slavery for centuries.

I might note that my State came into the Union under the fight of whether or not it would be a free or slave State in the 1860s. That was the big fight. In my State, we had bleeding Kansans, where they were referred to as those who were pro-slavery and those who were abolitionists.

The freedom forces fought guerrilla warfare to determine whether the State would be slave or free. The first election was actually stolen by the slave-State proponents, and there was a constitution they put forward that would allow slavery in Kansas. The free-State forces overtook them. They had a free election. The free-State ballot was elected and won. Kansas came in as a free State—probably one of the decisive events in setting off the Civil War—because then the balance of power in Washington shifted.

Under the Kansas-Nebraska Act, Nebraska was thought to come in as a free State, Kansas as a slave State, and Washington's balance of power would be maintained. When the abolitionists moved out of the Northeast to Kansas to settle, and to make sure it would be a free State, that tipped the balance of power and clearly led, according to historians, to the start of the Civil War. That is the history of my State. It is a noble one of fighting for freedom.

This anti-slavery legislation is in the tradition of William Wilberforce and Amy Carmichael of England, who were ardent abolitionists against slavery in the 19th and 20th centuries. Amy Carmichael was a British missionary to India at the turn of the last century and in the early 1900s. Upon arriving in that country, she was mortified to discover the routine practice of forced temple prostitution taking place. This was and continues to be a practice where young girls, from age 6 onward, are dedicated to the local temple, and are then forced into prostitution against their will to generate income.

Upon this morbid discovery, Amy Carmichael began to physically steal the young girls away from this incredibly degrading form of slavery. She would then hide the girls so they would escape the inevitable backlash of violence against these little girls. Eventually, the government outlawed this practice of forced temple prostitution as a result of Amy Carmichael's efforts. However, it bears noting that this terrible practice continues today in some rural villages throughout South Asia.

This bill challenges the myriad forms of slavery, including sex trafficking, temple prostitution, and debt bondage, among other forms.

This new phenomenon of sex trafficking, unfortunately, is growing exponentially. Some report that it is, at least, a $7 billion-per-year illicit trade, exceeded only by the international drug and arms trade in the illegal category.

Its victims are enslaved into a devastating brutality against their will, with no hope for relief or justice, while its perpetrators build criminal empires on this suffering with impunity. Our legislation will begin to challenge these injustices.

This is the new slavery of the world. As hard as it is to believe, women and children are routinely forced against their will into the sex trade internationally. They are usually transported across international borders so as to "shake" local authorities, leaving the victims defenseless in a foreign country, virtually held hostage in a strange land. The favored girls are in the age range of 10 to 13 years old.

I hope some people here can look at their own children or grandchildren and ask how this could possibly happen to somebody so young.

This bill is the first complete legislation to address this practice known as sex slavery, which has risen dramatically in the past two decades. It has risen dramatically with the increase of child pornography, sex tours in Eastern Asia, and the general popularizing of the sex industry worldwide. This mass trafficking of women and children, which includes both girls and boys, has been compared to some of the slave trade practices in the 18th and 19th centuries.

Professor Laura Lederer of Johns Hopkins University has identified the trafficking routes internationally. I want to put some of these routes up on a chart so my colleagues will be able to see where she has tracked these routes to take place.

You can see on the chart the trafficking routes from Russia and the Newly Independent States to other places around the world. We actually had a lady in the Foreign Relations Committee who testified she had been trafficked out of the Ukraine into Israel.

You can see all these routes being described going into Canada, into the United States, into Mexico, into Europe, and into other places in South Asia, into Australia and into South Africa.

These are the trafficking routes on which Professor Lederer has worked. She has studied this for nearly 10 years, describing and trying to put a finger on where these routes go.

This chart shows trafficking routes going into the United States. By our own Government estimates, about 50,000 girls are trafficked into the United States annually by this sex trafficking, this sex prostitution business. These are the routes shown here on this chart, with 50,000 girls per year trafficked into the United States. According to the State Department estimates, these are the routes coming in from Asia, the ports of entry they come in to the United States. Here on this chart is shown the routes coming from Central America and South America.

Shown here on this chart are the routes coming in from Europe and Africa and the ports of entry where they have been trafficked. Again, Dr. Lederer's Protection Project work showcases the same. Here is where they are coming from.

It is of note to say, as well, that by our Government estimates this is a growing practice. It is growing more because organized crime is getting more and more into it. We heard testimony in committee that organized crime is actually favoring going into this over drugs because they can sell their product more than one time. And in some places where they traffic in prostitution it is not illegal. So they are going into it in a nonillegal category, where it is a legal business. The category of sex trafficking is growing rapidly.

Other routes that have been discussed with us in committee include girls sold or abducted from Nepal into India. Nepalese girls are prized because of their beauty and their inability to defend themselves given the situations out of which they are coming.

In Eastern Asia, most abductees are innocent tribal girls from isolated mountain regions; they are forced into sexual service, primarily into Thailand and Malaysia.

I met with some of these Nepalese girls as they had returned, being taken back from the brothels of India. I met with them in January of this year in Katmandu. It was despicable to see these girls, many of them taken at 11, 12 years of age, coming back 16, 17 years old, two-thirds of them having AIDS and/or tuberculosis. It is a deplorable situation.

This is how the traffickers obtain their unsuspecting victims. Fraud is commonly used by traffickers against villagers in underdeveloped areas. Typically the buyer promises the parents that he or she is taking their young daughters to the city to become a nanny or domestic servant, giving the parents a few hundred dollars as a down payment for the future money she will earn for the family. Then the girl is transported across international borders, deposited in a brothel and forced into the trade, until she is no longer useful, having contracted some disease. She is held against her will on the false premise that she must work off her debt which was paid for the cost of her transportation, which typically takes several years. In fact, in India it is common for indentured laborers generally, not even sex workers, simply manual labor, to work 10 years or more to pay off a $50 debt.

The use of force to obtain the victim is common in the cities, where a girl is physically abducted, beaten, and held against her will, sometimes in chains. I have talked with these girls myself, as they appeared in two hearings that Senator WELLSTONE and I held before the Foreign Relations Committee. Some of them came in disguise because they feared the retribution their families might suffer back home, for reason of their testimony in exposing the slave trade mafia. That is how insidious and widespread this practice is.

Existing laws internationally fail to make clear distinctions between victims of sexual trafficking and the perpetrators. Also, the victims frequently do not have legal immigrations status in the countries into which they are trafficked, and the victims are punished even more harshly than the traffickers.

Our legislation establishes an entirely different approach of punishing the perpetrators but not the victims. Our legislation also facilitates important and baldly needed advocacy to raise awareness regarding sexual trafficking throughout the world.

Additional legislative measures include:

Providing new criminal punishment with enhanced sentences for persons convicted of operating such slavery enterprises in the U.S., as present criminal statutes are inadequate to obtain sentences commensurate with this new form of sex trafficking and slavery;

Establing a reporting and advocacy mechanism at the State Department which would monitor efforts taken by foreign countries to criminalize, punish and combat international sex trafficking within their borders; and

Assistance for victims in the U.S., including authorization of grants to shelters and rehabitation programs.

The legislation further includes the creation of a new form of visa for trafficking victims. This will substantially allow for more aggressive prosecution, as well as the protection of these witness victims.

It enhances cooperation and assistance with law enforcement agencies in foreign countries for the investigation and prosecution of international sexual trafficking, as well as promoting assistance in drafting and implementation of legislation.

And it promotes the creation of worldwide awareness programs to alert unsuspecting, potential victims of this practice.

Senator WELLSTONE and I believe this is the first sex trafficking legislation to pass around the world. We are hopeful it will become a model for other countries to deal with this pernicious, insidious practice that is part of the dark side of the new globalization of the economy.

I support the expansion of the economy. The globalization taking place can be a very positive thing, such as what is taking place today with the signing of permanent normal trade relations with China by the President that this body passed. But we also have to recognize that there are dark aspects of globalization; this being one of them. We need to deal with that as well.

Trafficking victims are the new enslaved of the world. Until recently, they had virtually no advocates, no defenders, no avenues for escape, except death, to release them from their obscene circumstances. This is changing rapidly, and a new human rights movement is forming on behalf of these victims and against the trafficking networks.

This growing movement runs from right to left, from William Bennett and Chuck Colson to Gloria Steinem; all are involved in supporting this legislation. Our legislation is part of that movement, providing numerous protections and tools to empower these brutalized people towards re-capturing their dignity and obtaining justice.

Trafficking has risen dramatically in the last 10 to 15 years with experts speculating that it could exceed the drug trade in revenues in the next few decades. It is sadly observed that drugs are sold once, while a woman or child can be sold 20 and even 30 times a day. This dramatic increase is attributed also to the popularizing of the sex industry worldwide, including the increase of child pornography and sex tours in Eastern Asia that I previously mentioned.

A Washington Post article entitled, "Sex Trade Enslaves East Europeans," dated July 25th, vividly captures the suffering of one Eastern Europe woman who was trafficked through Albania to Italy:

> As Irina recounts the next part of her story, she picks and scratches at the skin on her face, arms and legs, as if looking for an escape—she says the women were raped by a succession of Albanian men who stopped by at all hours, in what seemed part of a carefully organized campaign of psychological conditioning for a life of prostitution.

This awful practice must be challenged, and our legislation would do exactly that.

In closing, there is a unique generosity in the American people, who are respected internationally for their love of justice. As we challenge this dehumanizing trade, an inspired movement is growing in America and worldwide, a modern-day abolitionist movement. Please make this legislation a reality for the countless people who are presently lost to this modern day slave trade. Please vote for passage of this historic anti-slavery legislation and move forward this modern abolitionist movement.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the period for morning business be extended until 4:30 under the same terms as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the order of business?

The PRESIDING OFFICER. The order of business is that the Senate is in morning business until 4:30.

A TRIBUTE TO SENATOR RICHARD BRYAN

Mr. BYRD. Mr. President, we have all heard the phrase that in this world—especially in this body—there are workhorses and there are show horses. That is very true. I would like to reflect on one of the workhorses of the Senate who will be retiring at the end of this Congress, someone who has served his State, served his country, and served in this body with distinction.

Theodore Roosevelt once said, "Far and away the best prize that life offers is the chance to work hard at work worth doing." Senator BRYAN, one of the workhorses of the Senate, has made the most of his chance to work hard at work worth doing.

In addition to serving his constituents well, Senator BRYAN also has served the Senate well. He was asked to serve on the ad hoc committee that took testimony in the impeachment trial of U.S. District Judge ALCEE L. HASTINGS in 1989. In 1991, in the aftermath of the Keating Five scandal, Senate leaders named Senator BRYAN to a new task force to decide where to draw the line of propriety in such situations. His steady service helped to restore public confidence in the Senate, shaken by that troubling incident.

During the 103rd Congress, he was chairman of the Ethics Committee when the committee began an investigation into charges of sexual harassment leveled against former Senator Bob Packwood. Serving on the Ethics Committee is a thankless task. No Senator ever asks to serve on that committee. It does not generate the appreciation of constituents, nor does it particularly endear a Senator to his colleagues. This is important work, however—work that protects the integrity of this body. And as one who has great respect for this institution, I appreciate the exemplary job that Senator BRYAN did in steering the Senate through some tumultuous times.

Senator BRYAN has used his position in the U.S. Senate not only to advocate for his constituents in the great State of Nevada but also to protect consumers across the Nation. Ten years ago, as the chairman of the Commerce Committee's Consumer Subcommittee, Senator BRYAN oversaw the first stand-alone reauthorization of the Consumer Product Safety Commission since 1981. This was a hard-earned victory for consumers nationwide. Senator BRYAN was also successful in securing passage of legislation that he authored requiring the installation of passenger-side airbags in all automobiles sold in this country, a safety feature responsible for saving hundreds of lives.

Senator RICHARD BRYAN's career has been one of true and diligent public service. I am told that his experience in elected office began when he was chosen to be president of his eighth grade class at John S. Park Elementary School. He served in the U.S. Army, completing his military service in the Army Reserves as a captain. Upon completion of law school, RICHARD BRYAN returned to Nevada and began a career in public service that has spanned more than three decades. In 1964, Mr. BRYAN became a deputy district attorney in the Clark County District Attorney's Office. Two years later, he was appointed Clark County's first public defender. His legislative service to Nevada began in 1968 when he was elected to the Nevada State Assembly. Following a second term in the State Assembly, he was elected to the Nevada State Senate in 1972 and was reelected in 1976.

Senator BRYAN won his first statewide election to become Nevada's attorney general in 1978. He served as the State's chief law enforcement officer until 1982, when he was elected to the first of two terms as Nevada's 26th Governor. In 1988, Senator BRYAN ran for the U.S. Senate, defeating the incumbent Senator, and went on to be reelected to the Senate in 1994. That is a very respected and impressive record, Mr. President—a life devoted to public service at virtually every level of our government.

Senator BRYAN leaves the Senate as a young man—youth being relative. As I look back on his many years of public service, I am confident that in whatever endeavor he chooses next, we can expect more fine work—work worth doing—from Senator BRYAN. He is a man who can always be proud to look at himself in the mirror each morning. He will see a reflection of fine work in the past, as well as the great opportunity to do well each day.

Mr. President, I wish RICHARD BRYAN and his lovely wife every good thing in the years ahead. I hope he will come back to see us often.

Mr. President, before I was recognized, I saw another Senator on the floor and I think he was about to seek recognition. I suggested that he go ahead and get recognition. But he suggested that I get recognition. So I did. If my friend, the Senator from Wyoming, wishes to be recognized, I will be very glad to yield the floor. I have a couple of other speeches, but I will be happy to listen to him before I continue.

Mr. ENZI. Mr. President, I thank the Senator from West Virginia. I have a few articles on U.S. policy that I would like to have printed in the RECORD and make a couple of comments on them.

Mr. BYRD. Mr. President, I will be glad to yield the floor with the understanding that I retain the floor when the distinguished Senator has completed his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. The distinguished Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Mr. President.

NATIONAL POLICY ISSUES

Mr. ENZI. Mr. President, over the last couple of weeks we have had several debates on this floor that dealt with national policy, and, of course, with the debates on television, there are many issues related to national policy. I take this opportunity to relate how those policy issues are being viewed in Wyoming. I know that is kind of the melting pot and the test center for the United States. I say that in all sincerity because I talk to these people every weekend when I go home, and I know it is a real center of common sense with a real concern about a lack of national policy on some very important issues.

They talk about foreign policy and how we don't appear to know how to go into a war. They talk about energy policy, the price of gasoline, and how long we have been addressing that. They talk about Social Security policy.

They hear about the lockbox, and they have watched six or seven filibusters against the lockbox to protect Social Security. They hear about needing to save Social Security first and then not seeing any action on that.

I want to suggest, too, that our country needs policy. We are not talking about hindsight; we are talking about foresight. We are not talking about polls; we are talking about leadership.

There were a couple of editorials in Wyoming that dealt with the recent tapping of the Strategic Petroleum Reserve. One of them was in the Wyoming Tribune-Eagle, which is the main paper in Cheyenne, WY, the State capital of Wyoming. It starts off by saying:

> President Bill Clinton's decision to direct the Department of Energy to release 30 million barrels of oil from the Strategic Petroleum Reserve is viewed by the White House as a way to lower fuel prices and reduce our country's dependence on foreign oil.
>
> Nice try, Mr. Clinton.
>
> Each day, the world oil market produces 77.1 million barrels of oil and consumes 75.6 million barrels. The United States consumes 20 million barrels per day. The additional 30 million barrels is equal to about a 36-hour supply.
>
> * * * * *
>
> Higher energy prices fall squarely on the shoulder of the American people, the government's strangle-hold on refineries and the White House.
>
> * * * * *
>
> Let's not forget our country's thirst for oil. Since 1991, the amount of oil imported by the United States has increased an average of 5.3 percent per year.

Mr. President, I ask unanimous consent that the entire editorial be printed in the RECORD. I hope everybody will read it. It gets into more detail about policy and suggests some things that need to be done.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OUR VIEW

OIL RESERVES—TAPPING THIS SUPPLY WON'T SOLVE ENERGY DEPENDENCY

President Bill Clinton's decision to direct the Department of Energy to release 30 million barrels of oil from the Strategic petroleum Reserve is viewed by the White House as a way to lower fuel prices and reduce our country's dependence on foreign oil.

Nice try, Mr. Clinton

Each day, the world oil market produces 77.1 million barrels of oil and consumes 75.6 million barrels. The United States consumes 20 million barrels per day. The additional 30 million barrels is equal to about a 36-hour supply.

What Mr. Clinton did was wrong. Releasing the oil from the reserve to influence market prices sets a dangerous precedent. The oil reserve was created in 1975 to protect Americans from countries that decide to cut off oil exports to the United States, not to manipulate prices. Any unexpected cold snap, natural disaster, cutback in OPEC production or political unrest that leads to a disruption in world supply could quickly overwhelm any short-term benefit from tapping into our oil reserves.

Granted, releasing the oil may. have a short-term effect on prices, but markets eventually will refocus on the long-term conditions—influenced primarily by world supply and demand for oil—that have driven up prices during the past years.

Higher energy prices fall squarely on the shoulder of the American people, the government's strangle-hold on refineries and the White House.

Since 1983, access to federal land in the West—where 67 percent of America's onshore oil reserves are located—has declined by 60 percent. Mr. Clinton has used his executive powers to severely limit oil and gas activity on government land, and the search for new domestic offshore oil has been limited to parts of the Gulf of Mexico and Alaskan waters.

Let's not forget our country's thirst for oil. Since 1991, the amount of oil imported by the United States has increased an average of 5.3 percent per years.

While American refineries are operating at a 95.4 percent utilization rate, up from 94.1 percent a years ago, there is little margin for error. It's uncertain if American refineries will be able to process the oil released from the reserves fast enough to make a difference in gasoline prices or home heating oil inventories. The newest oil refinery was built nearly 25 years ago. That's because the Clean Air Act and other environmental requirements tied to upgrading or building new refineries restrict private business from building additional refining capacity.

The administration's failure to establish a long term domestic energy policy that guarantees America's energy independence is largely to blame for high gas prices at the pump.

The next president will need to address this nation's dependence on foreign oil that leaves both the economy and national security at risk. Unless the White House is ready to encourage the development of domestic energy resources, America will remain overly depend on foreign production.

That's the real tragedy.

Mr. ENZI. Mr. President, I also cite an editorial that appeared in the Riverton Ranger, Riverton, WY, with some of the same sentiments:

The Clinton-Gore administration has announced its intention to sell 30 million barrels of oil from the nation's strategic reserve.

This amounts to less than a two-day supply of oil for a country that uses 19 million barrels of oil a day.

The rationale for the release of oil from the salt mines is that the administration wants to make sure that no Americans are cold this winter, due to a shortage or too high prices for home heating oil.

The image of householders backing up to their burned-down home comes to mind. The optimist in the family warmed by the glowing embers as the fire dies down after consuming the house, remarks that "at least we'll be warm tonight."

That is about what the energy policy amounts to—burning down our strategic house to take care of a little blip that doesn't solve the problem at all—again, lack of an energy policy.

I ask unanimous consent that the complete editorial from the Riverton Ranger be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Clinton-Gore administration has announced its intention to sell 30 million barrels of oil from the nation's strategic reserve.

This amounts to less than a two-day supply of oil for a country that uses 19 million barrels of oil a day.

The rationale for the release of oil from the salt mines is that the administration wants to make sure that no Americans are cold this winter, due to a shortage or too high prices for home heating oil.

The image of households backing up to their burned-down home comes to mind. The optimist in the family, warmed by the glowing embers as the fire dies down after consuming the house, remarks that "at least we'll be warm tonight."

How ironic that the same administration that continues to lock up more of the public land from whence comes much of the nation's oil, designates more acreage as national monuments, classifies more of the public lands as defacto wilderness through roadless designation, would then provide temporary relief from an oil shortage by selling a few barrels of reserves, on the condition the oil companies replace the borrowed oil within a short period of time.

President Carter made quite a fuss when the domestic supply of oil dropped perilously close to 50 percent. Now we think nothing of having foreign sources 75 percent of our U.S. oil supply.

The same situation applies to uranium, or even worse. We have a law on the books of Washington that requires the maintenance of a viable domestic uranium industry, for strategic defense purposes, and for our nuclear utility industry.

With uranium mines closing and throttling back in Wyoming, the last of the 50 states still mining uranium, our domestic companies can supply less than 15 percent of the uranium needed by our nuclear utilities which supply now 23 percent of the nation's electricity. The rise from the traditional 20 percent share comes from the greater availability of the remaining almost 100 nuclear power stations for generation of electricity.

If our national leadership wanted to help our people stay warm, other than by backing up to our burning houses, a national policy ought to be developed that encourages domestic exploration and production, rather than impeding it at every turn.

The promised release of oil from our reserves appears to be politically timed and motivated.

Any hope for a sound national energy policy that will keep more companies finding oil on our own continent seems faint, indeed.

Mr. ENZI. Mr. President, finally, in the area of forest fires and forest fire policy, Mr. H.B. Davis writes the letter to the editor where he explains in some detail how we are failing on our forests.

Well, the West is again being managed by nature because a few people block the true management of our replenishable environment. Ignorance has again led us to ashes. Some of the very forests that have been "protected" against harvesting for years, have this summer burned. To those who wanted their homes surrounded by the pristine (I'm sorry), do they look better in ashes? The pristine that we admire will never remain, for it changes by growing old, weak, and ravaged, by nature, not just man. We can help it by maintenance, with harvest, common sense use, and stewardship. Nature does it by random (and sometimes violent) ways but we (some) have the intelligence to do it selectively and sensibly unless our hands are tied.

He goes on to explain how a sensible forest policy will allow us to enjoy the beauty of the forests rather than the devastation of forest fires, and even though forest fires help to rejuvenate forests, they do it in a very poor stewardship way.

As one lady at a hearing recently said: The difference between the clearcutting that my little family business does and what Mother Nature does, we respect 200 feet from a stream. We protect against erosion. We don't kill the fish. Mother Nature often does.

I ask unanimous consent that his entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IGNORANCE TO ASHES

EDITOR: Well, the West is again being managed by nature because a few people block the true management of our replenishable environment. Ignorance has again led us to ashes. Some of the very forests that have been "protected" against harvesting for years, have this summer burned. To those who wanted their homes surrounded by the pristine (I'm sorry), do they look better in ashes? The pristine that we admire will never remain, for it changes by growing old, weak, and ravaged, by nature, not just man. We can help it by maintenance, with harvest, common sense use, and stewardship. Nature does it by random (and sometimes violent) ways but we (some) have the intelligence to do it selectively and sensibly unless our hands are tied.

I fought timbering many years ago, thank God I failed, for the timbered areas are now beautiful and what I wanted to keep now has or needs to burn, for it is of no value except for wildfire fuel. We want clean air and to stop the greenhouse effect so we promote wildfire. Does it do the job?

Some people have the idea you can keep a living organism from growing old. Maybe some people, through money and surgery appear not to age, but they do age. That "stop-aging" or use attitude leads to fuel for wildfires, disease and starvation in animals, and imbalance in nature. To the people who take on a specific issue, you appear to forget an issue is not the book of life but a single page and until you can see all of life don't kill it with an issue, as is now happening. Closure does not guarantee protection, only lack of observation, thus allowing good conditions to go bad until it is all destroyed. On the other hand, careful harvesting, replanting, and maintenance does protect. It keeps it renewing and healthy. The cartoon, in Wed, Aug. 23, by Deering would have had a better caption of "what is this stuff?" "It is what's left when the environmentalists" protect the environment." I'll bet the burned bear cub (Signey) would prefer his mother protecting him and not some short sighted environmentalists.

We can't use and abuse, but we can harvest, replant, and maintain so Mother Nature doesn't have to do on a big scale what we should have done a little at a time.

Personally, I'd rather see the timber used to build (at a reasonable price, with jobs) than as smoke, ashes and charred pieces in mud to smother our wildlife and fish come the next rain. If our "do-gooders" would quit looking at a single page of aging life and work with the folks who would, with responsibility, harvest, replant, and maintain, we'd not need the tears of regret when Mother Nature has to manage.

H.R. DAVIS,
Riverton.

Mr. ENZI. Mr. President, I will take an opportunity at a later time to talk about lack of policy on Social Security. I would like to address the type of accounting we have where we are kind of fudging some things that will cost future generations their Social Security unless we take some action now.

We also need to take some action in the area of paying down the debt, tax policy, and education policy. If we don't address these policies using foresight instead of hindsight, if we don't do policy instead of polls, we are going to run into a situation similar to what we had when we hired 100,000 new teachers and then discovered we didn't have buildings to put them in. That was easy to solve; we just threw in a little more money. We put more buildings in there, except we are putting buildings in places where the voters themselves chose not to put buildings.

I hope we will look at policy.

I thank the Senator from West Virginia for his courtesy in letting me put those letters in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

RETIREMENT OF ARTHUR MALAN "TINKER" ST. CLAIR

Mr. BYRD. Mr. President, my State of West Virginia has provided to our Nation numerous individuals who have dedicated their lives to public service. Some have appeared, for a time, in the national spotlight. Others have labored quietly behind the scenes. One such individual, who has for more than 50 years contributed to the betterment of his community, his State, and his country, sits among us today in this Senate Chamber. Arthur Malan St. Clair, the senior Doorkeeper of the Senate, caught me by surprise recently when he handed me a letter informing me of his decision to retire from his post after serving this body since 1979. Arthur St. Clair, better known to us Senators as "Tinker," has served the Senate with distinction for 21 years.

But that is just a small part of his remarkable story. Now, speculation as to the age of another person is always something to be approached with some temerity, and not often approached, as a matter of fact. But there has been speculation as to Tinker's age. It has been a hot topic of debate among some Senators and Senator's staffs for a number of years. I understand, however, that Tinker is finally willing to let that particular cat out of the bag.

So, for the benefit of the curious, I shall start at the beginning: Tinker St. Clair was born in Pageton, McDowell County, West Virginia, in 1916. As his colleagues on the doors may be quickly calculating, that will make Tinker 85 years come next January.

Tinker was the son of a coal miner, small businessman, and local school board member. He was reared in what he is often heard to call the "free State of McDowell."

It is a county located in southern West Virginia right on the borderline there. It used to have a population of about right at 100,000 people. Today it has probably 30,000. It was a great coal mining county. When the mines took on mechanization and huge mining machines took the place of men, the population dropped. Many of the mines are worked out and are no longer mining coal. So it has become a county that, unfortunately, has many unemployed people who still live there.

That county is represented by NICK JOE RAHALL, who claims to be my Congressman because my voting residence is still at Sophia, WV, which is located in the congressional district represented by NICK RAHALL. NICK RAHALL has a lot of friends in those counties, and they are very proud of him as their representative. NICK and I often talk about Tinker St. Clair.

Tinker is from that great free state of McDowell. Back in those days, when McDowell County had almost 100,000 people, West Virginia had 97,600 farms and had 90,000 horses. The State of West Virginia had 90,000 horses and 6,000 mules. That was back in the days when Tinker was younger, I was younger, and McDowell County was more highly populated. Many of those 6,000 mules were used in the mines to pull the cars of coal.

I was trying to remember how much money was required to build that first capitol in West Virginia—not the first capitol; the first capitol burned down, but the capitol that replaced the capitol that burned down had gold leaf put upon it. That capitol was completed in February 1932. I will tell you what that capitol cost in 1932. Pay close attention: $9,491,180.03. That was the total cost of that capitol. Any person traveling in West Virginia must stop and see that beautiful capitol. It would cost many times that much to build it today. It was completed in the heart of the Great Depression: $9,491,180.03. That was a real bargain.

Well, McDowell County is in the heart of a region that is rich in coal and, more importantly, rich in the old values. It was in that environment that Tinker grew up. That was the environment in which he was raised. That was the environment in which he was instilled with patriotism and loyalty, honesty and determination and drive, and a strong sense of community.

Tinker graduated in 1937. That was the year in which I married. That was the year in which Erma and I married. I paid a hard-shell preacher $10 to marry her and me. We have been married ever since, 63 years ago. Nineteen hundred and thirty-seven was the year Tinker graduated from Gary High School where he played football and baseball.

Upon graduation, Tinker worked as a schoolbus driver and later worked as a driver for the Consolidated Bus Lines. He came to own a taxi business that operated in the towns of Welch, Oceana, and Pineville. For anyone unfamiliar with those communities, I should note that driving a bus or a taxi along those particular local roads, around the winding hills and in the gulches and the valleys and the hollows, requires a real talent, courage, and certainly a strong stomach.

It was at about that time in his life—in fact, on May 25, 1940—that Tinker married Elnora J. Hall and they later became the proud parents of two daughters, Patty and Linda.

As we have all observed in the Senate, and as I have known for many years, Tinker is always cheerful—always cheerful. He always has a nice smile on his face. He is always a very personable individual. He is just down to Earth, a plain, honest, hard-working, fine Christian gentleman.

He is a "people person." We hear a lot of talk these days about "people persons." Well, he is a "people person." His entrance into the realm of politics and public service, therefore, was just plain natural. Beginning in 1948, Tinker's career included service as a deputy sheriff. When Tinker came to get you, you better go—you better go. He had that big .45 slung on his hip and he was an excellent marksman. You just better go; better get ready. That fellow, the smiles, was the real Matt Dillon of McDowell County—Matt Dillon. And he was a court bailiff, criminal investigator for the prosecuting attorney, and justice of the peace.

In 1968, Tinker was elected county clerk, and he has held all the offices at the county level. That is where government starts, you know, at the county level. And he was overwhelmingly reelected in 1974, with 89 percent of the vote; 89 percent of the votes in a county that never, ever heard of a political machine.

Well, I better take that back, the part about a political machine; If there ever was a political machine, that was it, in McDowell County.

Well, anyhow, Tinker didn't need any machine. He had the votes—89 percent of the vote while running on the slogan, "The man to give the office back to the people." How about that for a slogan? If I had my political career to start over again, that is the slogan I would use, "The man to give the office back to the people."

It was in 1979, after serving 4 years of a 6-year term as county clerk, I received a telephone call. I will never forget that call. It came from Tinker. Over the phone, Tinker related to me a conversation that he had just had with Elnora. Elnora, as I recall it, had told Tinker that she was coming to Washington to visit their daughters and their grandchildren.

"Fine," said Tinker. "When will you be coming back?"

"I'm not," was the answer. "I'm not." She went on to say, "I miss the girls and the grandchildren and I'm going to Washington to stay."

Well, Tinker and I both knew that she meant business. And so I said to Tinker, "Well, you just come on up to Washington with Elnora, and we'll find work in my office somewhere for you."

That conversation took place during the first week of July, 1979. And on July 9, 1979, the Senate employed Tinker St. Clair as the newest member of our Senate family, and he has been a member of the Senate family ever since.

During his career, Tinker has played an important role in escorting leaders of this Nation throughout southern West Virginia. Nobody can escort one through southern West Virginia quite like Tinker. He walked with President Truman through the coal fields. He stood with candidate John F. Kennedy and campaigned with him in the hills and the hollows of West Virginia. And one time back home, he greeted a helicopter that was landing and he welcomed its passenger, Lyndon Baines Johnson. He was with another Kennedy—Bobby Kennedy—in 1968.

He traveled with another West Virginian, many times, day and night: ROBERT C. BYRD. He traveled with JAY ROCKEFELLER. And JAY can tell of trips to Welch where he was greeted by the dapper and dedicated Tinker. And the late Senator Jennings Randolph often found at Elnora's supper table some fine pastries and goodies. And so was NICK RAHALL there, from time to time, in Tinker's house.

Many a campaign strategy was cooked up at Elnora's supper table. Tinker and Elnora, in fact, serve as proof that anyone with the determination and the desire to make a difference in this Nation can play a valuable role in the political arena.

It was on April 24, 1996, that Tinker lost his beloved Elnora. I was concerned for my friend. The sudden loss of his dear wife had to have been quite a blow. Yet Tinker handled that difficult personal tragedy with tremendous inner strength that is so indicative of people who have come up the hard way in West Virginia's coal mining communities.

So now it has come to pass, Mr. President, that Tinker St. Clair will be retiring, and I am glad for him that he will be able to spend more time with his daughters, Patty and Linda; and with his grandchildren, Kimberly and Eddie and Mack; and with his two great-grandsons, Nicholas and Jack.

But I must admit, it does sadden me to think of our daily labors in this Chamber without Tinker; He has given so much. We will all miss Tinker's ready smile, his warm handshake, his full head of white hair, and his warm and reassuring presence in the Senate Chamber.

He won't be leaving for a while yet, but the day will come when Tinker will walk out of the door for his last time. So I say goodbye to my fellow West Virginian, and my dear friend, with these words of verse:

WORD TO THE LIVING

It isn't enough that we say in our hearts
That we like a man for his ways;
And it isn't enough that we fill our minds
With psalms of silent praise;
Nor is it enough that we honor a man
As our confidence upward mounts;
It's going right up to the man himself
And telling him so that counts.
Then when a man does a deed that you really admire,
Don't leave a kind word unsaid,
For fear to do so might make him vain
Or cause him to lose his head;
But reach out your hand and tell him, "Well done",
And see how his gratitude swells;
It isn't the flowers we strew on the grave,
It's the word to the living that tells.

I will say this to Tinker. I hope to serve 6 years more after this year in this Senate, but the sight of him back there on that bench will never fade from my view. I will always see him there. I will always see him returning my gaze and always with a smile. We will never, never forget him because he is the true symbol of service. And as the old saying goes: Service with a smile. Thank you.

The PRESIDING OFFICER. The distinguished Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I consider myself very lucky to be on the floor right now. I thank Senator BYRD for his words. I cannot even come close to matching what my colleague from West Virginia said. I have not known Tinker a whole lifetime, but I will say this: What I know about Tinker today and every day, I say to Senator BYRD, is that he is the kind of person who, when we debate, when we come out on the floor to speak, and sometimes we do not necessarily get the votes we want—that happens sometimes; with me, more than sometimes—Tinker is the person who is always there to give encouragement, always there to say: You keep speaking out for what you believe; you keep at it; everything will be all right.

I appreciate Tinker's wisdom. I appreciate his help. I appreciate his commitment to service. I appreciate his commitment to West Virginia. Most important of all, I appreciate his patriotism, because to me he is a true patriot. A patriot is someone who takes a part of their life and gives it to their country, and he has done that. So I am honored to be on the floor at this time.

RELATIVE TO THE DEATH OF REPRESENTATIVE BRUCE F. VENTO OF MINNESOTA

Mr. WELLSTONE. Mr. President, before I leave today, I will finish with some words about another man, a former colleague of the Presiding Officer, Congressman VENTO.

I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 369 relating to the death of Congressman BRUCE VENTO.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 369) relative to the death of Representative BRUCE F. VENTO, of Minnesota.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WELLSTONE. Mr. President, the resolution goes on to read:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Bruce F. Vento, late a Representative from the State of Minnesota.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

This is in behalf of the majority leader, Senator LOTT, Senator DASCHLE, myself, and Senator GRAMS. I also add Senators DURBIN and FEINGOLD.

Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 369) was agreed to.

Mr. WELLSTONE. I thank the Chair, and I thank my colleague, Senator BYRD.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Minnesota.

EULOGY FOR MURRAY ZWEBEN

Mr. BYRD. Mr. President, the Senate has lost an honored and esteemed friend. I rise to pay tribute to Murray Zweben, former Senate Parliamentarian, Senate Parliamentarian Emeritus, who passed away on a Sunday recently.

A few years before his own death, Thomas Jefferson wrote in a letter to John Adams:

> It is of some comfort to us both that the term is not very distant at which we are to deposit in the same cerement our sorrows and suffering bodies, and to ascend in essence to an ecstatic meeting with the friends we have loved and lost, and whom we shall still love and never lose again.

As we reflect upon and mourn the passing of Murray Zweben, these words remind us that death is but a temporary separation between this life and the next life. While we regret the loss of dear friends, and especially one who so ably served this body for many years, we can contemplate with assurance that there is the promise that we can be reunited.

A Parliamentarian emeritus of the Senate, Murray Zweben served this body as Assistant Senate Parliamentarian from 1963 to 1975. He served as the Senate Parliamentarian from 1975 until 1981, a position he held when I became majority leader. Murray Zweben first came to the Parliamentarian's office as Secretary to Parliamentarian Charles L. Watkins. He served 3 years as communications officer in the Communications Office of the Chief of Naval Operations following his graduation from naval officer candidate school in September 1953.

While serving as Secretary to the Parliamentarian, Murray Zweben attended the George Washington University Law School and achieved the honor of being on the Law Review there.

After clerking for Judge Laramore of the U.S. Court of Claims, and practicing law, he was called again to the Senate to fill the newly created position of Second Assistant Parliamentarian in January 1963. He was promoted to Assistant Parliamentarian in December 1964 where he served for 10 years under the tutelage of Dr. Floyd Riddick.

In 1974, Mr. Zweben was appointed Parliamentarian of the Senate, and he served in that post with distinction. He served as Parliamentarian during some turbulent years in the Senate. In his first year, Nelson Rockefeller, then Vice President of the United States and President of the Senate, relied heavily upon the advice of the Parliamentarian as he presided over the fight to amend the rules of the Senate.

Also during Mr. Zweben's first year as Parliamentarian, the Senate was faced with the unprecedented debate over the rightful claim to a Senate seat from New Hampshire, which required great skill to resolve.

The Senate saw other battles during Murray Zweben's tenure as Parliamentarian. Through all of those encounters, Mr. Zweben was fair, impartial, and judicious in the conduct of his duties. His unfailing good humor, even under stressful circumstances, will be remembered by all who knew him. Murray was unflappable in a post where a cool head is essential.

He was a shining example of public service. Although public service in general and public service careers in Washington have in some quarters fallen out of favor, I believe Murray Zweben's work represents a compelling case against the cynicism about the many fine people who serve in the Senate in various capacities. Their names are never in the papers, they experience few public kudos, and yet they work as many long hours—probably more so—than we Members do. They are dedicated, capable, patriotic individuals who represent the best that America produces from all over this Nation. Murray Zweben served this institution and his country well. His love of the institution, and his zest for politics, and for life made him a pleasure to know.

My thoughts and prayers are with Murray's family. When we lose friends and loved ones, we may lose the mortal companion, but this is but a temporary—but a temporary—one.

For as the rolling seasons bring
The hour of fate to those we love,
Each pearl that leaves the broken string
Is set in Friendship's crown above.
As narrower grows the earthly chain,
The circle widens in the sky;
These are our treasures that remain,
But those are stars that beam on high.

Those words were penned by Oliver Wendell Holmes, Sr.

TRIBUTE TO FRANK R. LAUTENBERG

Mr. BYRD. Mr. President, as the 106th Congress winds to a close, I want to take just a moment, as it were, to say farewell and to pay tribute to my friend and colleague, Senator FRANK LAUTENBERG, who, after serving three terms, will be retiring from the United States Senate. He has dutifully served the people of New Jersey, and served them well, for 18 years, and he has often been outspoken about the value of government and its ability to improve people's lives.

This belief stems from personal experience. As the son of immigrants who fled poverty and religious persecution, he raised himself from poverty to become a world leader in computer services. FRANK did well. He well understood the words of Thomas H. Huxley, who said, "The rung of a ladder was never meant to rest upon, but only to hold a man's foot long enough to enable him to put the other somewhat higher." Senator FRANK LAUTENBERG has never rested, and I am sure that, for him, retirement from the Senate simply means that he is moving on to the next rung on his life's ladder.

FRANK LAUTENBERG was born in Paterson, NJ, on January 23, 1924, and during his childhood moved about a dozen times with his parents in their pursuit of work in New Jersey. After graduating high school, FRANK enlisted and served in the Army Signal Corps in Europe during World War II. Benefitting from the GI bill following the war, he attended the Columbia University School of Business, where he earned an economics degree in 1949. In 1952 he cofounded a company called Automatic Data Processing and, by 1982, when he was elected to the U.S. Senate, his company employed 16,000 people. Think of that. His company employed more people than today work in the coal mines of West Virginia. And it was a company that processed the payroll for one of every 14 non-Government workers in the entire country. It had become one of the largest computing services companies in the world.

Because of his working-class roots and the values instilled in him by his parents, Senator LAUTENBERG came to realize that America really was the land of opportunity. America had provided him with many opportunities, and Senator LAUTENBERG decided that it was time to give something back to this wonderful country. He therefore launched his career in public service, and during his tenure of three terms, FRANK LAUTENBERG has fought hard to protect the health, safety, and security of American families.

Senator LAUTENBERG has an appreciation of the Senate and its special place in our Nation. He has fought to preserve the prerogatives of the Senate and of the Congress as a whole. As the senior member of the Budget Committee, he actively resisted the so-called balanced budget amendment to the Constitution. Senator LAUTENBERG was also one of a minority of Senators to oppose the Line Item Veto Act.

As ranking member of the Senate Budget Committee, Senator LAUTENBERG helped to craft the 1997 balanced budget agreement that helped to put our national finances in order. His work helped to demonstrate that the

Constitution did not have to be amended to balance the budget and that hard work and hard choices are what is needed in budgets, as in life.

Senator LAUTENBERG and I share a commitment to our transportation infrastructure and we have made it one of our top priorities. He is the ranking member of the Transportation Appropriations subcommittee. I have worked very closely with my friend from New Jersey, who serves with me on that subcommittee. We have toiled together on a wide variety of projects important to West Virginia and the Nation. And we have been doing this for a long time. When we were in the majority, when I was chairman of the Senate Appropriations Committee, FRANK LAUTENBERG was the chairman of the Transportation Subcommittee. For too long, the Federal Government has underinvested in our Nation's highways. As a key member of the Senate Environment and Public Works Committee, FRANK LAUTENBERG played an active role in crafting TEA-21, the historic transportation bill that was enacted last Congress which is an important step toward fixing past mistakes and assuring Americans of safer, more modern highways and improved public transit. We share the belief that a strong infrastructure is vital and makes a profound and positive difference for hundreds of millions of Americans by saving lives, reducing injuries, increasing business investment, expanding employment opportunities, and producing savings to the public and to the private sectors.

Senator LAUTENBERG has also worked to make transportation safer. He championed laws to make 21 the national drinking age, which has saved an estimated 12,000 lives since 1984. And he has sponsored legislation—and I have been proud to cosponsor it with him—to make .08 blood alcohol content the national standard for the illegal operation of a vehicle. In addition, Senator LAUTENBERG and I have worked together on efforts to combat underage drinking.

Senator LAUTENBERG is a strong environmental leader who helped to write the Superfund, Clean Air, and Safe Drinking Water Acts. Most Americans take safe drinking water for granted; however, the sad fact is that, in this, the most prosperous Nation in the world, millions of people rely on possibly contaminated water supplies. FRANK LAUTENBERG understands that. He understands that like improved highways and bridges, effective and efficient and clean water systems are vital to the continued economic expansion of our Nation and the health and safety of our people.

In his statement on February 17, 1999, announcing his plans for retirement, FRANK LAUTENBERG cited as one of the main factors of his decision his frustration with the overwhelming amount of financial resources needed for his upcoming reelection campaign. That is a shame; that is a shame. He believes—and has so stated—that without meaningful campaign finance reform, special interest funding will grow substantially, and even larger amounts of money will be necessary. That is a shame and a disgrace. I regret that we have not been able to address campaign financing in a meaningful way. I regret that the deplorable influence of money—filthy lucre—in politics has had such a detrimental impact on the Senate.

Senator LAUTENBERG knows what it is like to start from nothing and less than nothing and make the most of every opportunity. He has worked to make the lives of his constituents, and all Americans, better. From building up our country's infrastructure, to battling those who would attack our constitutional liberties, to protecting our environment, Senator LAUTENBERG has worked to provide a brighter future for our Nation. He has worked to improve our public schools. I have no doubt that my good friend and colleague will not rest on his laurels after he leaves the halls of Congress. FRANK LAUTENBERG will continue to serve so that others will have the opportunities that have lifted him to a place where he could serve the greatest Nation on Earth.

I thank Senator LAUTENBERG for his service to the Senate and to the Nation. I tried to talk him out of retirement. I urged him to think again, change his mind, change his decision for the good of the Senate and for the good of the country and, I am sure, for the good of New Jersey, but I know that it would be for the good of the Senate. I wish he could still change his mind. I am sorry he made that decision, but he had his reasons. He did what he thought was best, I am sure.

I thank him for his service to the Senate. He won't be leaving this afternoon or tomorrow or the day after tomorrow, but the time for him with us is all too short. The Senate will have lost a good man and a fine, fine Member. America will have lost a good servant. But, as I said, it may be that he will serve elsewhere. In any event, I wish him good health and happiness in his retirement.

As I say farewell to him, I recall these words from the great American author of the 19th century, Ralph Waldo Emerson. It is entitled "A Nation's Strength."

What makes a nation's pillars high
And its foundations strong?
What makes it mighty to defy
The foes that round it throng?
It is not gold. Its kingdoms grand
Go down in battle shock;
Its shafts are laid on sinking sand,
Not on abiding rock.
It is the sword? Ask the red dust
Of empires passed away;
The blood has turned their stones to rust,
Their glory to decay.
And is it pride? Ah, that bright crown
Has seemed to nations sweet;
But God has struck its luster down
In ashes at His feet.
Not gold but only men can make
A people great and strong;
Men who for truth and honor's sake
Stand fast and suffer long.
Brave men who work while others sleep,
Who dare while others fly—
They build a nation's pillars deep
And lift them to the sky.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Jersey.

SERVING IN THE SENATE

Mr. LAUTENBERG. Mr. President, what a wonderful coincidence it is that I came to the floor to hear my good friend, Senator BYRD, make such exaggerated remarks about my accomplishments but never about our friendship.

Around here, our seats are based on seniority. You kind of move to the middle or to the front as your seniority improves. But it is not where you sit that counts; it is where you stand.

Senator BYRD has stood for the right things for this country for more years than any of the people in this room will remember because it has been such a long history. It is not newly emplaced.

There is a commercial around that is often seen on television and radio that says—I think it is for PaineWebber—when PaineWebber speaks, everybody listens. That is an adaptation because when Senator BYRD speaks, everybody listens. And everybody can read Senator BYRD's books on the history of the Senate to learn what it really takes to be a Senator.

It takes more than just getting a slice of the largess that we call funds; it takes more than the incredible loyalty, as profound as it is, such as Senator BYRD has to this State—it transcends those things—that, frankly, has made a difference in the world in which we live. Whenever there is a question, whenever Senator BYRD speaks—and my experience is principally on our side of the aisle because we have our weekly meetings and occasional get-togethers—people listen because he is the historian of the Senate. He is, in many ways, the conscience of the Senate. He is a spokesman for the Senate, not just because he is an eloquent speaker but because of his knowledge and character.

I thank the distinguished senior Senator from West Virginia, my friend, ROBERT C. BYRD, for his comments. There is always a degree of eloquence and recall when he speaks. And if you have some spare time, if you ever want to hear about the history of battles that took place in Roman times or the list of Kings and Queens of the UK from a time earlier than William the Conqueror to the present date, how they died and what they stood for or what counts in terms of the Constitution of this country, Senator BYRD has that knowledge. Senator BYRD walks around with the Constitution in his pocket just as people walk around with phone numbers, and it is used and remembered.

It was a happy day for me when I was able to get on the Appropriations Committee and join Senator BYRD on so many issues for which we have fought. He reminds us that there is kind of a cultural aspect in the United States that so many of us want to give something back. I learned to give back by watching my parents as they struggled to raise a family in very tough times, with very modest wages and opportunities. I understood it in the Army when my father was on his deathbed, my mother was 36 years old, and my sister was 12. That was our family. My father was 42. I did it because it was my duty. At that time, I saw what happened to a family that was without health insurance, without any Social Security, without any kind of a benefit that would really help a widow with a small family.

Not only did my father die and leave the grief that followed, but his sickness, which lingered for a year, took any and all resources the family had. As a matter of fact, debts piled up as my father disintegrated. So I saw what happens to people who don't have a way of taking care of these needs. I saw what happens when a family is bereft of the opportunity to recover from that kind of a challenge.

I was lucky in some ways because as we lost a great man in our household, I was the beneficiary of an opportunity to help my family later on. The GI bill allowed me to go to a university that otherwise would have been out of my reach, no matter how far we stretched. We didn't have student loans and the kind of scholarships that exist now. I was a soldier and I had the GI bill. It armed me with an avenue to the future not simply because, as I have said here before, of the subjects I studied but because of the horizons that were opened to me about what could be, not that to which I was accustomed.

My experiences taught me about giving back. It is an honor and a privilege to be able to give back, whether it is to help create an industry—Senator BYRD referred to our business success. Two colleagues and I started a business, as they say, without a dime. Today, that company employs not 16,000, as it did when I came to the Senate in 1983, but 33,000 people. It is a business that was begun by three kids, literally, who came from the wrong side of town—the right side of the street but the wrong side of town. On our side of the street there were hard-working people. Most of them were immigrants, I would say. They knew they had to work with their hands to make a living. They weren't the scientists, the doctors, and the professionals we see today coming out of colleges. They didn't even have a chance, for the most part, to get to high school. So we created an industry, not just a company. What good fortune there was in our lives. The fact is that we are all healthy and we have terrific grandchildren. I have eight of them and the oldest is only 6, and they are more satisfied to see and talk to Senator BYRD than anything else in life.

The next great honor to me, after fatherhood, was to come to the Senate and to be able to be in this body—even with all of its defects—which reflects the structure of man and the structure of community. But if you look beyond the defects, you can see how many great people have come through this place and how many great people have yet to be recognized who are now Members of this great institution.

Mr. President, I leave with considerable misgivings. I am not happy about the decision I have made to leave. I do know this: Just as we came at different times in our lives, others will follow us who will also make contributions, who also will do the right thing for the people of our country. This country is in good hands. Every moment may not be a great moment, but this country's fundamentals are in place to make sure society will continue to grow and progress and harmonize in the years ahead. When we look at the defects, we see problems here and there and everywhere. But look beyond that. Look at the number of great people we have in our country who are fair-minded people. Look at what is happening now in the Presidential race, where one fellow is an Orthodox Jew who has been accepted and embraced across the country because the country is so fair. They are looking at this person as an individual and judging him on his ability to serve. That is what tells us about the character of our people. When you look at places in Government, you see people who, though listed as minorities, are great achievers, whether in administrative posts or law or science. That is what we are looking at as we look ahead into this 21st century.

I thank all of my colleagues—Republicans and Democrats. I believe that I am considered at times an argumentative fellow by some of my colleagues on the other side. That doesn't mean there is no affection.

One of the things that Senator BYRD portrays is character—a very special kind of character.

It is amazing to me how much respect and admiration one can have for people with whom one can have enormous differences and yet have incredible affection for them because they are respected for their beliefs, even though those beliefs may differ at times with the ones you hold. Whether it is the most ardent progressive or liberal or the most ardent conservative, they are done honestly. They are expressed honestly with respect for people.

That should be our mission—not to try to overturn or lecture people at various stages, but when someone comes here, having been selected by his or her State to serve, that is their entrance to the debate; their entrance to legislate; their entrance to decisionmaking and how this country is going to function.

I don't want to leave here with a tear in my eye. I may feel that way, perhaps, but I am so proud that I was able to serve my country and to be a part of the Senate.

Senator BYRD could give you the statistics immediately. I round it off. I think it is about 1,820 people—1,853. I knew Senator BYRD would be precise—1,853 have had the privilege of serving here since the founding of this country.

Think about it. Millions of people have lived and passed through society, and, in all those 200 years, 1,853 have been granted the honor and the privilege of serving here.

When it comes time to pack up the bags and leave, I will not do it necessarily willingly, but I will do it gratefully, knowing that I have had a chance to be here to witness history in the making, which occurs almost daily, and to know that someday one of my grandchildren—the oldest is six; he has some way to go before he goes to college—will be able to look in the database from his home, from his school, and say: There was my grandfather. He was the one who stopped smoking on airplanes. He was the one who raised the drinking age to 21—saving thousands of families from having to mourn the loss of a child. But he was the one who did other things to help this country that will last way beyond his service in the Senate.

I say to Senator BYRD that when he gives testimonial, it has meaning and credibility. It is special, and I truly appreciate it.

Mr. President, I ask whether the Senate is going to remain open for a while or do we have an order that would have us be closing down soon?

The PRESIDING OFFICER. There is no such order.

THE CRISIS IN THE MIDDLE EAST

Mr. LAUTENBERG. Mr. President, I am thoroughly upset about what is happening in the Middle East—watching people cower in fear, and some dying moments later as violence escalates. It is a terrible sight to see on television. It is a terrible sight to see in pictures and in the newspapers. It is terrible news to hear reports that after so much effort and so much concern for peace there is this carnage.

I think everyone probably knows that I have had a longtime interest in Israel. I have been there many times.

But I also have an active interest in a peace resolution. I got to know some of our friends in the Palestinian community. I got to know Mr. Arafat and the people who assisted him—and the Palestinian Authority.

Whether a child is Jewish or Moslem or whether he or she is an Israeli citizen or whether he or she is someone out of the refugee camps in Palestine and the surrounding areas, or from the nation of Lebanon, I don't like to see any child taken from a family.

I want to make a point. I visited Gaza. I was at the airport just weeks before it opened—maybe days. It was very close in time. I was very enthusiastic about giving help to the Palestinians to get their economy going and providing some hope and vision for them so their lives could be improved and their freedoms expanded.

I think it is fair to say that Israel is taking enormous risks in that promotion, particularly the Prime Minister of Israel, Mr. Barak, who went further, I believe, than anybody else in Israel. We all know that Prime Minister Rabin was assassinated because of his beliefs by someone in the Israeli community of the same faith—Jewish. He died for his interest in peace.

But I don't understand how there can be joy expressed in the destruction of Joseph's tomb or to see books and artifacts destroyed and burned, and people taking joy and gloating over the killing of an Israeli. They are people who are beyond control. We condemn their acts of violence against the Arabs in the area and within the state of Israel. I condemn that violence. It is not acceptable wherever it occurs.

However, I say to the Palestinian Authority, they have no right to use weapons that were given to provide police and law enforcement against the country that gave it to them in the first place. They have no right to promote violence, no right to have television programs coming over Palestinian television that talk about it being necessary to kill people in Israel, to destroy the country.

That kind of action, that kind of encouragement, is antithetical to the possibilities of peace or the possibilities of life. Anti-Semitic articles, cartoons, and newspapers, whether it be in Syria or even with our friends in Egypt or Lebanon, are unacceptable. Those are the kinds of things that ultimately promote violent action from one people to another.

I want our friends—Mr. Arafat, the people in the Palestinian Authority—to understand they will get nowhere by promoting assaults on Israel, whether they be on person or territory. It is not going to do them any good in the final analysis. A state of conflict, of war, is going to be painful to people on both sides. There will be no victors.

Help came from the United States to try to elevate the standard of living in the Palestinian community because people such as I promoted it. I was active on the issue. I wanted to show good faith and provide funds for the Palestinians to get their airport open. I visited the economic settlements they were erecting, development settlements to give jobs to people, to give hope to people. I supported it enthusiastically.

I think what is going on is unacceptable by any standard. The United Nations resolution issued last week was so lopsided that it looked as if they were trying to eliminate Israel from the family of nations. I don't understand it—encouraging the criticism of Israel and denigrating Israeli efforts to make peace, at some considerable risk again, as we have seen. Those young men captured and taken someplace in Lebanon or wherever, captured by a group that considers violence the way to resolve things—Hezbollah is proud of the fact they kidnap people. That is not the way peace is going to evolve or relationships develop.

I hope sense will come to the area very soon because what we see there is not, in my view, a limited conflict but, rather, a possibility that we will be seeing a conflict that will be very hard to put out. I hope we will soon hear better news from that area. I urge Mr. Arafat to curb violence where he sees it among his people. It cannot be fostered. It cannot be encouraged and at the same time gain the advantages that I am sure he would like to see for his people; that is, a peaceful existence and an improved quality of life.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2000 budget through September 30, 2000. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2001 concurrent resolution on the budget (H. Con. Res. 290), which replaced the 2000 concurrent resolution on the budget (H. Con. Res. 68).

The estimates show that current level spending is above the budget resolution by $19.3 billion in budget authority and by $20.6 billion in outlays. Current level is $28 million below the revenue floor in 2000.

Since my last report, dated September 5, 2000, the Congress has cleared, and the President has signed, the Department of Defense Appropriations Act, 2001 (Public Law 106-259). This action changed the 2000 current level of budget authority and outlays.

This is my last report for fiscal year 2000.

I ask unanimous consent to have printed in the RECORD the following material.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 5, 2000.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2000 budget and are current through September 30, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001, which replaced H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000.

Since my last report, dated July 26, 2000, the Congress has cleared, and the President has signed, the Department of Defense Appropriations Act, 2001 (Public Law 106-259). This action changed budget authority and outlays.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT, AS OF SEPTEMBER 30, 2000

[In billions of dollars]

	Budget resolution	Current level [1]	Current level over/under resolution
On-budget:			
Budget Authority	1,467.3	1,486.6	19.3
Outlays	1,441.1	1,461.7	20.6
Revenues	1,465.5	1,465.5	([2])
Debt Subject to Limit	5,628.3	5,579.2	−49.1
Off-budget:			
Social Security Outlays	326.5	326.5	0.0
Social Security Revenues	479.6	479.6	0.0

[1] Current level is the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

[2] Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES, AS OF SEPTEMBER 30, 2000

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,465,480
Permanents and other spending legislation	876,140	836,751	n.a.
Appropriation legislation	869,318	889,756	n.a.
Offsetting receipts	−284,184	−284,184	n.a.
Total, enacted in previous sessions	1,461,274	1,442,323	1,465,480
Enacted this session:			
Omnibus Parks Technical Corrections Act of 1999 (P.L. 106–176)	7	3	0
Wendell H. Ford Aviation Investment and Reform Act (P.L. 106–181)	2,805	0	0
Trade and Development Act of 2000 (P.L. 106–200)	53	52	−8
Agricultural Risk Protection Act of 2000 (P.L. 106–224)	5,500	5,500	0
Military Construction Appropriations Act, 2001 (P.L. 106–246)	15,173	13,799	0
Department of Defense Appropriations Act, 2001 (P.L. 106–259)	1,779	0	0
Total, enacted this session	25,317	19,354	−8
Entitlements and mandatories: Adjustments to appropriated mandatories to reflect baseline estimates	−35	0	n.a.
Total Current Level	1,486,556	1,461,677	1,465,472
Total Budget Resolution	1,467,300	1,441,100	1,465,500
Current Level Over Budget Resolution	19,256	20,577	n.a.
Current Level Under Budget Resolution	n.a.	n.a.	28
Memorandum: Emergency designations for bills enacted this session	35,261	16,108	0

Source: Congressional Budget Office.

Notes: P.L.=Public Law; n.a.=not applicable.

SANCTIONS AGAINST CUBA

Mr. LEAHY. Mr. President, the House of Representatives has, again, thwarted the will of a bipartisan majority of the Congress.

After strong votes in both the House and Senate to lift sanctions on the sale of food and medicine to Cuba, the Republican conferees on the Agriculture appropriations bill have added a provision to prohibit public financing which makes it virtually certain that few, if any, sales will actually occur.

It is bad for America's farmers, bad for the people of Cuba, and bad foreign policy.

Even worse, the conferees would codify the restrictions on travel to Cuba, a position which is at odds with the fundamental right of every American to travel freely.

Senator DODD and I introduced legislation earlier this year that would lift the ban on travel to Cuba. It is ironic—or I should say it is outrageous—that Americans can travel to North Korea, or Syria, or Vietnam, but not Cuba. What a hypocritical, self-defeating, anachronistic policy.

Senator DODD spoke eloquently last Friday about this misguided provision and I want to associate myself with his remarks. I will not take more time today.

But I want to say that this is a terrible decision, a partisan decision, a decision driven by politics, and one of the many, many reasons why the election on November 7 is so important. It is far past time that we inject some intelligence and bipartisanship into our foreign policy.

This Congress has had its chance. It has fallen short in too many ways to count. This decision on Cuba is just another example of the 106th Congress' failures to do what is right for America, and right for the American people.

BREAST CANCER AWARENESS MONTH

Mrs. HUTCHISON. Mr. President, I rise today to acknowledge that October is Breast Cancer Awareness Month.

During this month, a number of public and private agencies, organizations, and foundations will increase their efforts to make Americans more aware of the impact of this disease, as well as the need for early detection and increased resources to search for better treatments and ultimately for a cure.

Breast cancer is the second leading cause of cancer death among all women, and the leading cause of cancer death among women aged 40 to 55. By age 80, women have a 1-in-12 chance of developing the disease. This year alone, an estimated 175,000 women and 1,300 men will be diagnosed with breast cancer. Of those diagnosed, more than 41,000 women and 400 men can be expected to die from the disease. 41,000 women, that is about 117 per day—117 mothers, daughters, wives, and sisters whose lives will be cut short and whose families will be devastated by their loss. And, as I noted, the disease can also affect men with no less impact on them and their families.

But many of these deaths can be prevented, through regular screening and early detection and treatment. In fact, if detected early through self-exams and mammograms, the survival rate for most types of breast cancer exceeds 90 percent. And, while the number of breast cancer diagnoses continues at an unacceptably high level, the overall survival rate is increasing. We are beginning to turn the tide against breast cancer.

Though the phenomenal activities of private groups like the Susan G. Komen Foundation, of which I am proud to have been a founding supporter, more and more women are getting the message: get smart and get screened. Through events like the wildly popular "Race for the Cure," the Komen foundation has also raised over $215 million to help fund breast cancer research. My friend Nancy Brinker, sister of the late Susan G. Komen, has led the group from an idea to a leading force in health care that has, without doubt, helped to save and improve thousands of women's lives.

Many other groups and individuals are also helping to further the cause. The National Alliance of Breast Cancer Organizations has worked to expand research and public education in this area. The Y-ME National Breast Cancer Organization is another group that has been very active in supporting those directly and indirectly affected by breast cancer.

With regard to research, I have worked with my colleagues in the Senate, leaders like Senator MACK of Florida and Senator SPECTER of Pennsylvania, to ensure that our Federal commitment to disease research, and particularly that for breast cancer, continues to grow.

We have made remarkable progress. While federally-supported breast cancer research was not a large part of our overall federal disease research budget even a few years ago, that has changed dramatically in recent years. NIH funding alone on breast cancer totaled almost $500 million last year, and is expected to top $525 million this year. In fact, over the last decade, NIH breast cancer research funding has increased by 600 percent.

In addition, I have worked hard as a member of the Defense Appropriations Subcommittee to ensure that our breast cancer research that is conducted under the auspices of the DOD health research infrastructure continues. This contributes an additional $175-plus million per year to this cause.

Most recently, I was proud to have joined forces with my colleague, Senator DIANNE FEINSTEIN, to extend the issuance of the Postal Service's new Breast Cancer Awareness Stamp. To date, over 214 million of these stamps have been sold, generating $15.1 million for research. The first round of grant announcement using these funds was actually just made. These funds will support innovative and promising new research opportunities in understanding and treating breast cancer.

These efforts have begun to pay off. Through the development of ever-more effective diagnostic tools, like digital mammography, and through the development of innovative new treatment and preventative drugs, like Tamoxifin, we are slowly but surely beginning to get the upper hand on this disease.

But early detection remains the key. That is why the American Cancer Society recommendations on screening are so important: women aged 40 and above should have annual mammograms and clinical breast examinations; women aged 20 to 39 should have clinical examinations every three years; and all women 20 and over should conduct a breast self-examination every month.

Finally, I would note that the Senate just this week passed the Breast and Cervical Cancer Treatment Act, a bill that ensures that women who do not have health insurance and who are found to have either breast or cervical cancer through the Federal Breast and Cervical Cancer Early Detection Program, will get the follow-up care they need.

We have come a long way from the days when former First Lady Betty Ford brought breast cancer out into the national discourse, beginning the long overdue dialogue and public awareness campaign to save women's lives. But we still have much to do to match her courage and to live-up to her vision of the day when all women are appropriately screened and when we defeat breast cancer once and for all.

During this month, I urge my colleagues in Congress and all Americans to reflect upon this issue, to support research and efforts, and to arm themselves with the knowledge they need to respond should the unthinkable occur in their lives or in the lives of a loved one. Working together, we can and will beat breast cancer.

CHINA's CONVENTIONAL FORCE MILITARY MODERNIZATION

Mr. AKAKA. Mr. President, I call attention to a report prepared at my request by the Library of Congress' Congressional Research Service entitled "China's Foreign Conventional Arms Acquisitions: Background and Analysis." As ranking member of the Subcommittee on International Security, Proliferation, and Federal Services of the Governmental Affairs Committee, I have been keenly interested in the implications of Chinese conventional force modernization on Asian stability.

I am providing copies of this excellent analysis, which was authorized by Shirley Kan, Christopher Bolkcom, and Ronald O'Rourke, to all Senators. I believe my colleagues will find the report useful and insightful as we assess American policy towards China.

The report examines the major foreign conventional weapon systems that China has acquired or has committed to acquire since 1990, with particular attention to implications for U.S. security concerns. It pays special attention to Chinese air and naval acquisitions and describes how Chinese leaders began to pay greater attention to modernizing the People's Liberation Army, PLA, in the early 1990s, transforming it from a force mainly oriented towards domestic security to one focused on modern warfare. Since then, China has ranked among the top 10 leading arms buyers among developing nations.

According to the analysis, the catalyst for PLA modernization, including the procurement of advanced foreign military equipment, was China's view that its top security problem was preventing Taiwan's permanent separation and securing unification as "one China." However, additional security goals may be precluding Japan's rise as the strongest Asian power, ensuring Chinese influence over the Korean Peninsula, supporting Chinese claims to territory in the East and South China Seas, subduing India's quest for power, and countering American power in the region.

As China modernizes its forces, it is clear that arms sales from Russia are essential, providing advance aircraft, including Su-27 fighters, missile systems, submarines, and surface ships. The report is unclear as to the strategic advantage derived by Russia in selling such advanced systems to a country with which it historically has had difficulty along a shared border.

The report concludes that the operational significance of these major qualitative upgrades through foreign arms acquisitions remains to be seen and will depend in large measure on the PLA's ability to demonstrate an ability to conduct effective joint military operations.

The report also does an excellent job of comparing Chinese new conventional weapons to American capabilities, suggesting that in most cases—with some critical exceptions—American forces still retain a tactical and strategic edge. For example, the report mentions the potential threat from a nuclear armed SS-N-22, an anti-ship cruise missile, and the superior capabilities of the Su-27 fighter aircraft. Obviously, the United States should not be complacent. The Chinese are, for the first time in modern history, developing a capability to project air and naval forces beyond their coastal areas. The Untied States needs to seek ways to address any threat to American interests as a result of that capability not only through pursuing our own military modernization program but also through a strategic dialogue with China which reassures China that we have a shared desire in regional stability. Indeed, in many ways, initiating a productive diplomatic dialogue with China on Asian security may be more difficult than maintaining our qualitative edge on power projection.

Again, I commend this excellent report by the Congressional Research Service which was coordinated by Shirley Kan, a specialist in National Security Policy. It is one of the most comprehensive, unclassified assessments currently available on Chinese conventional arms acquisitions.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 10, 1999:

Delbert Deaton, Dallas, TX; Sedric Gillespie, 24, Denver, CO; Julian Lanier, 31, Denver, CO; Maria-Teresa Marquicias, San Francisco, CA; Dexter Lamont McKee, 19, Washington, DC; Cherry L. Minor, 22, New Orleans, LA; Donald Nelms, 56, Hollywood, FL; Jack Nowlin, 63, Miami-Dade County, FL; Joseph Ridual, San Francisco, CA; Noel Ridual, San Francisco, CA; Cliff Roberts, 22, Bloomington, IN; Baltazar Torres, 18, Wilmington, DE; Craig Watkins, 23, Baltimore, MD; Derrick White, 30, Oakland, CA; Anthony M. Witt, 27, Chicago, IL; Unidentified Male, 26, Norfolk, VA; and Unidentified Male, San Francisco, CA.

One victim of gun violence I mentioned, 22-year-old Cherry Minor of New Orleans, was pregnant when she was shot and killed one year ago today. Cherry was at home with her two small children and a friend when her husband forced his way into her house and shot her in the head. Cherry was separated from her husband, who police say had a history of domestic violence.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

CUBA POLICY AND SENATE PROCESSES

Mr. BAUCUS. Mr. President, I wish we were here on the Senate floor discussing and debating the important issues that are in the Commerce-Justice-State Appropriations bill. I strenuously object to the fact that we are not doing just that. This bill will not be debated on the floor today, or probably any day this session. In fact, we will likely have no opportunity to debate this bill, to offer amendments, or to vote on it. The plan is to wrap it up in an omnibus bill of some sort as the session ends.

This is no way to legislate. This is no way to lead. This goes against the very basis of what our country is about. Our Government is based on principles of transparency and openness. Our processes are supposed to be open to public scrutiny and comment.

Robert Hutchins, former President of the University of Chicago and one of the most esteemed American intellectuals of the 20th century, wrote:

> The death of democracy is not likely to be an assassination from ambush. It will be a slow extinction from apathy, indifference, and undernourishment.

Senators have been disenfranchised because of a distorted legislative process. And that means the American citizens who sent us to represent them have also been disenfranchised. I object to how this Congress is being run.

There are many important issues that should be of concern to Senators in the Commerce-Justice-State Appropriations bill. I will take a few moments today to address one of those issues. It needs public vetting, even if we are being deprived of our rights to debate it and vote on it.

The issue is TV Marti. This is a television station owned and operated by the U.S. Government. It broadcasts daily to Cuba. For more than a decade we beamed TV signals to Havana. The problem is that no one watches TV Marti. No one. And under this appropriations bill, we will spend another $9.5 million next year on a television station that no one watches. Let me explain.

The creation of TV Marti and Radio Marti was a good idea conceptually. With no freedom in Cuba, the United States Government would beam into Cuba uncensored news about the world and about what was really going on inside Cuba. The Cuban people, deprived of their freedoms, would have a source of news.

What has TV Marti accomplished since its creation in 1989? Has it penetrated the Cuban television market and provided the Cuban people with information that Castro wants to hide from them? The answer is a resounding no. Virtually nobody in Cuba has even heard of TV Marti. According to research commissioned by the Broadcasting Board of Governors, the agency that runs TV Marti, 9 out of 10 Cubans don't even know it exists.

The same research by the Broadcasting Board of Governors asked over 1,000 adults whether they had watched TV Marti in the past week. The answer was no one had watched. Not a single person. How many had watched TV Marti in the past year? One. One person out of a thousand.

Most Cubans watch television. None watches TV Marti. There are two major reasons.

First, TV Marti is on the air when Cubans are asleep. It broadcasts only from 3:30 in the morning until 8:00 A.M. TV Marti has to respect international broadcast rules which require that it not interfere with Cuban TV transmissions. So TV Marti can broadcast only when no Cuban station wants to use the same frequency. That is, it broadcasts when nobody watches television.

Second, there is nothing to see. It is just snow on the screen. The Cuban government has effectively jammed the video portion of TV Marti since its inception.

So, for $9.5 million in the coming fiscal year, $139 million over the last decade, another $100 million over the next decade, we ask Cubans to get up in the middle of the night to watch snow on a blank screen. This makes no sense at all.

Last year, some changes were made in TV Marti, although they are not likely to result in Cuban citizens watching.

Defenders of TV Marti contend that it is a long-term investment. They say that someday Fidel Castro will be gone. When that happens, we will want to get accurate information to the Cuban people. Defenders of TV Marti claim that we will save money by having TV Marti up and running at that point.

I don't buy this argument. So far we have spent $139 million to have TV Marti in place in case Castro suddenly leaves the scene. At the rate of spending in this appropriations bill, we will spend more than $100 million over the coming decade. That is, total spending of a quarter of a billion dollars for a contingency when Radio Marti is already operating and can get information to Cuban citizens. Is this cost effective? Hardly.

TV Marti is a dinosaur, a relic of the Cold War. We should not spend another $10 million to preserve a worthless skeleton. We should bury it once and for all this year.

I am compelled by the events of last week in the Agricultural Appropriations conference to raise another aspect of our Cuba policy. Earlier this year, both the Senate and the House agreed, by overwhelmingly majorities, to end the ban on food and medicine sales to Cuba. The votes clearly reflected the will of the American people. Yet the Republican majority on this conference rejected the House and Senate votes and thwarted the will of the people. They agreed to maintain restrictions on the sale of food and medicine that make any significant progress virtually impossible.

Then, to make matters worse, the Republican conferees converted current administrative restrictions on travel to Cuba into legal restrictions. The result is that the right of Americans to travel freely, and the right of Cuban Americans to visit family members in Cuba, are going to be abridged more than ever.

This is a travesty of our democracy. How can we allow a small group in the Republican leadership to flaunt the overwhelming will of the Congress, to maintain an anachronistic, Cold War policy toward Cuba that harms the average Cuban and risks great danger once the transition from the Castro regime begins, and to abridge the rights and freedom of Americans? I am profoundly unhappy with this result, and I protest the way this legislative process is being conducted.

ADDITIONAL STATEMENTS

ANNIVERSARY OF THE LITHONIA FIRST UNITED METHODIST CHURCH

• Mr. CLELAND. Mr. President, in my lifetime, I have witnessed many changes, experienced fantastic joys, and seen countless faces. It is easy in today's fast-moving society to find yourself caught in a perpetual whirlwind. With days full of appointments and meetings, life sometimes seems to lose all semblance of stability. Luckily, I have always had a source of peace and inspiration in my life, Lithonia First United Methodist Church.

With great personal pride and happiness, I come before you today to commemorate an anniversary that is of particular importance to my family and me. One hundred-forty years ago, on Sunday, October 14, 1860, a small group of Lithonians convened for the first time to worship under the leadership of the Reverend Newdaygate B. Ousley. From its humble beginnings in a one room meeting house, Lithonia Methodist Episcopal Church, the forerunner to Lithonia First United Methodist Church began its ministry and a tradition of service that continues even today.

It is ironic that a church that grew during the tumult of the Civil War has lasted as long as Lithonia First has. In fact, it is perhaps even more astounding that over the years since its first meeting, during a time that has seen two world wars and countless technological innovations, the church has pulled even closer together and taken on a significant leadership role in its Georgia community.

For 140 years, Lithonia First United Methodist Church has provided services and leadership for the surrounding region. Through personal outreach, family ministry, and organizing events like flea markets and barbeques to raise money for the needy, Lithonia First has solidified its place of leadership in its community.

Since its simple beginnings, Lithonia First United Methodist Church has grown and become a source of stability and inspiration for its congregants. Under the ministry of its Pastor, Dr. Lawrence E. Wilson, the church has proven how important faith is to our prosperity, and illustrated the power of a community united. It is my pleasure to honor Lithonia First United Methodist Church for its historic anniversary. I am forever grateful for the church's acceptance, dedication, and commitment, I am truly blessed to be a part of such a wonderful community.•

TRIBUTE TO COLONEL TERRY WILCUTT

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Kentuckian Terry Wilcutt on the occasion of his recent journey to the International Space Station as commander of the space shuttle Atlantis.

Congratulations to Colonel Wilcutt, on achieving the kind of academic and professional success it takes to receive the honor of commanding a flight into space. Colonel Wilcutt has flown to space not once, but four times, and on two such flights he has held the title of mission commander. I, along with my fellow Kentuckians, am certainly proud to call him one of Kentucky's own. His accomplishments speak well for his home state as well as his alma mater, Western Kentucky University.

Colonel Wilcutt is a Kentuckian, born and bred. He was born in Russellville, KY, graduated from Louisville's Southern High School in 1967, and is a 1974 graduate of Western Kentucky University with a bachelor of arts degree in math. Colonel Wilcutt taught high school math for 2 years and then entered the Marine Corps. While in the Marine Corps, he attended the notorious "Topgun" Naval Fighter Weapons School, achieved honors at every level of pilot training and has logged over 4,400 flight hours in more than 30 different aircraft.

Colonel Wilcutt's career in aeronautics began in 1990 when he was selected by the National Aeronautics and Space Administration, NASA, to become an astronaut. Prior to his September 2000 trip to space, Colonel Wilcutt flew on three missions to space and logged more than 724 hours in space.

On behalf of myself and my colleagues in the Senate, I congratulate you on your accomplishments. Only a handful of Americans reach the level of excellence required and receive the honor of being selected to lead missions into space. Colonel Wilcutt, I am proud of you, your fellow Kentuckians are proud of you, and your alma mater of Western Kentucky University is proud of you. Thank you for your brave service to our country, and best wishes for further success in the future.•

PRAISING THE PRESIDENT FOR HIS EXECUTIVE ORDER PROMOTING FEDERAL CONTRACT OPPORTUNITIES FOR DISADVANTAGED BUSINESSES

• Mr. KERRY. Mr. President, I speak today to commend the President for issuing Executive Order 11625, designed to help strengthen the Federal Government's commitment to providing contracting opportunities to disadvantaged businesses.

In 1998, I took to the floor to successfully defend the Transportation Department's Disadvantaged Business Enterprise (DBE) program from those who sought to weaken it. Today, I am pleased to speak out in favor of the President's efforts to strengthen programs like the DBE, along with all minority-owned business government contracting programs.

It should come as no surprise to anyone in this Chamber familiar with small businesses, especially minority owned firms, that government contracting can help provide a strong foundation to build a prosperous small business. As any successful graduate of the Small Business Administration's 8(a) program will tell you, it provides the opportunities, but you have to supply the entrepreneurial spirit and hard work.

And this hand-up approach is what I mean by assisting minority-owned firms. These programs are not a handout. Rather, they exist to help level the playing field and to combat the inequities in our society that may prevent these firms from receiving the same opportunities available to other businesses.

These contracts are beneficial not just because they provide initial contracts to small disadvantaged firms, they also help minority firms establish a record of providing goods and services to the Federal Government. This is of critical importance because it assists these businesses in obtaining future contracts. In turn, these firms help provide jobs and competition to larger businesses, saving the taxpayers money through reduced costs and time saving innovations. Thus, these programs have direct and indirect benefits to our economy at all levels.

The Executive Order signed by President Clinton on Friday will help strengthen minority business ownership by directing Federal agencies to take affirmative steps to increase contracting between the Federal government and Small Disadvantaged Businesses, 8(a) Businesses, and Minority Business Enterprises. The Executive Order also holds Federal agencies accountable for carrying out the terms of the Order by requiring them to develop a long-term strategic plan and to submit annual reports to the Office of Management and Budget (OMB) of their efforts to increase contracting with disadvantaged businesses; requires Federal agencies to ensure the participation of small and disadvantaged businesses when procuring information technology and telecommunications services; and directs Federal departments and agencies to ensure that all creation, placement, and transmission of federal advertising are fully reflective of the nation's diversity.

I applaud President Clinton's action to help ensure the vitality of minority-owned small businesses. As the Senior Democrat on the Senate Committee on Small Business and a long time supporter of these programs, I urge OMB to forward the agencies' plans and their implementation reports to the House and Senate Committees on Small Business for further review.•

HEALTHIER BABIES MONTH

• Mr. GRAMS. Mr. President, today I rise to applaud the support the March of Dimes provides for the Campaign for Healthier Babies Month. This month focuses attention on the March of Dimes Birth Defects Foundation and its many efforts to reduce the more than 150,000 birth defects which occur every year.

Debilitating birth defects leave our kids unable to walk, hear, think, or fight off disease. However, with the support of organizations like March of Dimes, community health programs, and especially local advocacy groups, the number of children affected by some 5,000 different types of birth defects continues to steadily decline. Since 1960, infant deaths related to birth defects have been cut in half due to increased awareness and medical advances in both surgery and specialized care in neonatal intensive care units.

The March of Dimes Foundation has played a major role in increasing the likelihood that children with birth defects will live to see their first birthday. Over the last decade, scientists have discovered that women who take a daily supplement of B vitamin folic acid in combination with a healthy diet—especially before pregnancy—greatly reduce the chances of their child being affected by birth defects.

Another vital step in reducing the chances of birth defects is the accessibility of prenatal care. My own state of Minnesota has one of America's finest health care systems and, as a result, ranks in the top ten states with regard to low birth-weight and infant mortality. But there are many states that are not as fortunate, and I firmly believe recognition of this campaign will help drive change which can have a profound impact on prenatal and perinatal care.

In the 105th Congress, the March of Dimes was instrumental in the passage of the Birth Defects Prevention Act, which established the first nationwide network of birth defects monitoring programs. I am confident the law complements March of Dime's efforts in the areas of both alcohol avoidance in preventing Fetal Alcohol Syndrome and the folic acid vitamin supplement program in preventing neural tube defects, NTDs. NTDs are among the most serious and common birth defects in the United States affecting some 2,500 babies each year, and are a result of an underdeveloped brain and spinal cord. The most common NTD is spina bifida, a leading cause of childhood paralysis.

Birth defects like these can affect any family. As we head into the new millennium, filled with endless possibilities, I am proud and honored to be able to pay tribute to those whose tireless efforts result in dramatic reductions in the number of birth defects in the United States every year.•

TRIBUTE TO FORMER GOVERNOR LEROY COLLINS

• Mr. CLELAND. Mr. President, amid the violence and uncertainty of the Civil Rights movement, many people distinguished themselves while fighting for fairness and justice. Men and women risked great personal harm and displayed unparalleled courage in a struggle none of us must ever forget. Although many of the names of those who fought for fairness have been lost to history, it is important to honor these selfless warriors of equality.

Although his name is not as familiar as those of Dr. Martin Luther King, Jr. and James Farmer, Mr. LeRoy Collins, former Governor of Florida, played an instrumental role in preventing violence and ensuring the success of demonstrations one fateful Spring day in Selma, AL, 35 years ago. As marchers arrived at the Edmund Pettus Bridge in Selma, they hoped against hope that a repeat of "Bloody Sunday" was not waiting for them.

President Lyndon Johnson, having witnessed the unconscionable violence initiated by Alabama State troopers on March 7, 1965, sought to stave off another potentially bloody day, and entrusted LeRoy Collins with the delicate task of easing the extremely tense situation.

Over the course of the day, Mr. Collins crisscrossed the Pettus Bridge, negotiating at either end with Dr. King and representatives of the Alabama police. After a tireless effort, Mr. Collins eventually secured an agreement that not only allowed the marchers to cross the bridge, but also prevented the violent clash so many people had feared. Later that day, with Alabama State troopers and the entire Nation looking on, 2,000 people led by Dr. King peacefully marched across the Edmund Pettus Bridge.

In an era known for its heated violence, peaceful encounters were a welcome surprise. The nonviolent nature of the second march across the Pettus Bridge was in no small measure a result of LeRoy Collins diligence and courage. One can imagine that had a deal not been brokered, an encounter, possibly more violent than the one on "Bloody Sunday," could very easily have taken place.

LeRoy Collins' work illustrates why it is important to go beyond the stories printed in the history books. His hard work and selfless effort saved lives and empowered the movement led by Dr. Martin Luther King, Jr. In a world seemingly devoid of real heroes, it is important to honor those who have made truly significant contributions to our Nation. It took a great man to accomplish what Mr. Collins did. As Dr. King once wrote, "Human progress never rolls on wheels of inevitability; it comes through the tireless efforts of men willing to be co-workers with God."•

TAIWAN'S NATIONAL HOLIDAY

• Mr. BUNNING. Mr. President, today, October 10th, is the 89th observance of National Day in the Republic of China on Taiwan. From its early days of struggle on the Chinese mainland to the establishment of the vigorous democracy and free market economy that we know today on Taiwan, the Republic of China has made great strides since its founding on October 10, 1911.

The vision of Dr. Sun Yat-sen, the founding father of the Republic of China, was expressed in what he called the "Three Principles of the People"—nationalism, democracy, and the people's well being. We all hope that Dr. Sun's vision, which has been realized so impressively on Taiwan, will some day be equally as true on the Chinese mainland.

Taiwan held its most recent parliamentary election in December 1998 and, of course, conducted its most recent presidential election just this past March. The election of Chen Shui-bian as president marked Taiwan's first transition of power from one party to another at the national level. Even more important, it marked the first time in the 5,000-year-long history of Chinese society that one democratically-elected head of state was succeeded by another.

In the economic and social fields, Taiwan's success is well known. The 22 million people of Taiwan are responsible for the 19th largest gross national product in the world. Japan is the only country with a larger population in all of Asia that has a higher standard of living than Taiwan's. Taiwan has an extraordinarily diversified economy: all the way from being virtually a "silicon island" and the world's third largest supplier of computer chips to being a major manufacturing power in such heavy industries as steel and shipbuilding.

All of this has not come about by accident. Wise leadership, dating back to the 1950's, laid the groundwork for the dynamic nation we see today. With strong and continued American support—and this is ever more crucial to the security and stability of the entire East Asia region—Taiwan will thrive and prosper far into the future. Believe me, the world is watching to see how the United States treats democratic Taiwan, because the future of every other democracy in East Asia is ultimately contingent on the stand we take.

The success of Taiwan must also continue to serve as an example—as well as a challenge—to the people and government on the Chinese mainland. The free, prosperous, democratic society that Taiwan has become is a glimpse of what can come to be on the mainland if the dictatorship in Beijing would get out of the way.

And so I salute the Republic of China on Taiwan on the occasion of National Day. And I look forward to many more celebrations to come.•

THE 130TH ANNIVERSARY OF THE MICHIGAN STATE UNIVERSITY SPARTAN MARCHING BAND

• Mr. ABRAHAM. Mr. President, I rise today to give recognition to one of Michigan State University's oldest institutions, the Spartan Marching Band. The Spartan Marching Band was formed in 1870 at the then Michigan Agricultural College, by Civil War Veteran and student Ransom Mc Donough. The band consisted of ten members and was all brass. The small group participated in drills and parades.

Throughout its 130 years, the band has evolved tremendously with the times as any successful organization must. And throughout its long history, the band has exemplified excellence and has represented the university with great pride and honor. The Michigan State University Marching Band welcomed the football team and fans for over 100 years and has accompanied the team to numerous bowl games, including four Rose Bowl appearances. The band has played for four presidents and appeared at the New York World's Fair.

The person who had perhaps the most significant impact on the Spartan Marching Band was Leonard Falcone. Mr. Falcone was appointed band director in 1927 and served Michigan State university and the Music program for 40 years. Mr. Falcone was affectionately known as "The Dean of Big Ten

Bands." Aside from his unprecedented tenure, Mr. Falcone is credited with arranging the music to the MSU Alma Mater, "MSU Shadows" and composing the music to the greatest college fight song in the world, the "MSU Fight Song." So revered was Mr. Falcone that on the eve of his death in 1985, former and present members of the Spartan Marching Band visited him and serenaded him with the "MSU Fight Son" and "MSU Shadows."

The Spartan Marching Band has continuously set the standard for the Nation's marching bands. It is well known throughout our State and Nation for its innovative and intricate marching style and excellent musical arrangements. Through its long legacy, which continues today under the fine leadership of band director John T. Madden, the Spartan Marching Band continues to set the standard for Michigan State pride.

Through its achievements the Spartan Marching Band has represented the face of Michigan State University for the past 130 years. From its street beat cadence called "The Series," to the traditional "Kick-Step" entrance into the stadium for pregame, to the singing of "MSU Shadows," to Military regimental traditions adhered to by all members, the Spartan Marching Band is a true ambassador of Michigan State University. As a Michigan State University Alumnus, I would like to thank the Spartan Marching Band for its contributions to MSU pride and congratulate all members of the 300 plus-member band of today and all past members of the Spartan Marching Band on 130 years of tradition, excellence, innovation, and pride. Go Green!•

TRIBUTE TO ELLEN WILLIAMS

• Mr. McCONNELL. Mr. President, I rise today to recognize my good friend Ellen Williams for her tremendous work as chairwoman of the Kentucky Republican Party.

To say that Ellen Williams is a busy woman is quite the understatement. Besides being a wife, Mom, soccer coach, and part-time career woman, Ellen is chairwoman of the Republican Party of Kentucky. She has a history of service spanning more than 15 years, which includes work in President Reagan's 1984 reelection campaign, Larry Forgy's 1995 gubernatorial campaign, and as state executive director of the Kentucky Republican Party in 1992–93. Ellen has shared her time, knowledge, and spirit with Kentucky Republicans over the last several years, and she continues to share her able leadership skills with us now as chairwoman of our party.

Ellen is a confident, capable leader. In her position as chairwoman, one of her many responsibilities is to be the voice of the Kentucky Republican Party. Ellen makes it her business to have her finger on the pulse of the State's Republicans. Considering the liberal leaning nature of the Kentucky press, I am fully aware of the challenge that being a spokesperson presents. Ellen is a true professional when it comes to dealing with the media, and handles each statement she gives and each press conference she holds with style and grace.

Another part of Ellen's job is to rally Kentucky Republicans for local, State and national races. This responsibility requires her to do a great deal of traveling—a recent Anderson News article says that Ellen has driven nearly 30,000 miles in the last year going to meetings and party events across the State. The fresh enthusiasm Ellen has brought to her post as chairwoman is invaluable, and I thank you, Ellen, for all that you do.

I also thank your husband, Greg, whom you have referred to as your "cochairman," and to your two young sons, Sam and Joey. I thank them for sharing you with Kentucky's Republicans, and for the love and support they provide which makes it possible for you to do the excellent job you do.

Ellen leads the party during an exciting time in Kentucky politics and in national politics. Our great state boasts two Republican U.S. Senators, five Republican Members of the U.S. Congress, a Republican majority in the State senate, and a promising November election for our Presidential nominee, Gov. George W. Bush. As chairman of Bush/Cheney 2000 in Kentucky, I want to say a special thank you, Ellen, for all of your hard work thus far. Thank you in advance for all of the hours of work yet to come before November 7.•

WEB PORTAL ALLIANCE—ZURICH MEDNET

• Mr. GRAMS. Mr. President, I rise today to speak about a recent alliance which has been made between two internationally recognized biomedical web-portals or web-based information exchanges. This alliance, I believe will have a dramatic impact on the way biomedical information is exchanged and used in developing new medical devices, pharmaceutical products, and life-saving medical techniques.

Mr. President, several weeks ago, I, along with my staff, had the pleasure of participating in an event hosted by the Swiss ambassador to the United States, Alfred DeFago, introducing the newly created alliance between MBBNet and Zurich MedNet.

MBBNet, a web portal, administered by the University of Minnesota, together with over 900 medical biotech companies and programs, have been the driving forces behind the accumulation and distribution of medical research and open source information for academicians, medical professionals, and corporate researchers in Minnesota and the United States. Zurich MedNet shares the same history, being the largest medical and biotech cluster in Europe. Together these two exchanges, Zurich MedNet and MBBNet by electronically combining resources, are setting international boundaries aside and taking meaningful strides toward the development and improvement of medical education and innovative medical technologies both here in the United States and abroad. I am convinced that alliances like this will help shape the research and development strategies across all industries in the future and I am pleased that Minnesota has again stepped to the fore and provided that kind of leadership. We all stand to benefit.

I look forward to other industries following the lead that Zurich MedNet and MBBNet have established, and I believe it is a positive step toward international cooperation others should seek to emulate. Mr. President, I would again like to thank Ambassador DeFago, and my colleagues that have helped and supported this endeavor, and I look forward to doing all I can to ensure the future success of this important alliance.•

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 4444. An act to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:13 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5362. An act to increase the amount of fees charged to employers who are petitioners for the employment of H-1B non-immigrant workers, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2725: A bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public

Health Service, and for other purposes (Rept. No. 106–494).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 3671: A bill to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes (Rept. No. 106–495).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL:

S. 3181. A bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 3182. A bill to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. WELLSTONE, Mr. GRAMS, Mr. DURBIN, and Mr. FEINGOLD):

S. Res. 369. A resolution relative to the death of Representative Bruce F. Vento, of Minnesota; considered and agreed to.

By Mr. HELMS:

S. Res. 370. A resolution to increase the authorization for expenditures relating to Senate activities in connection with participation in interparliamentary institutions and the facilitation of foreign interchanges in the United States, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 3182. A bill to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

FIVE NATIONS CITIZENS LAND REFORM ACT OF 2000

Mr. INHOFE. Mr. President, today I introduce a bill by request of the members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Nations, historically referred to as the "Five Civilized Tribes," who still own individual Indian restricted land or "restricted property."

The proposed bill would repeal aspects of the Stigler Act of 1947—the 1947 Act—and the Act of June 14, 1918—the 1918 Act—which subject the transactions of restricted property to the jurisdiction of Oklahoma's district courts and leave such lands open to adverse possession.

By way of background, the issue of individual restricted Indian lands has had a long legislative history. Between 1906 and 1970, Congress enacted numerous laws dealing specifically with the individually allotted lands of the "Five Civilized Tribes." Collectively, these laws have created a complex system of Indian land tenure in eastern Oklahoma. These laws are unique to eastern Oklahoma and are not applicable either in western Oklahoma or elsewhere in the United States.

Due to these laws, thousands of acres of Indian lands in eastern Oklahoma have gone unprobated for years, causing ownership of these lands to be increasingly fractionated and more difficult to manage for the benefit of the devisees or undetermined heirs. Indian allotments elsewhere in the United States, on the other hand, are generally held in trust under the jurisdiction of the Secretary of Interior. The goal of this legislation is to provide the remaining restricted Indian allotments in eastern Oklahoma, to the greatest extent feasible, with the same kind of protections as are afforded trust allotments in western Oklahoma and all other reservations in the United States. The bill would also include these lands in the national efforts to alleviate the growing problem of fractionated ownership.

Notwithstanding these goals, great lengths have been taken to draft the bill so that it would be "tax neutral" as to the county tax rolls. The bill is written to help preserve what is left of the individual Indian restricted land base, reducing the rate at which the current inventory of restricted property in eastern Oklahoma passes out of restricted status. The bill would not allow Indian members of the Five Civilized Tribes to simply acquire fee land and have it placed in restricted status.

With time very limited in the remaining days of the 106th Congress, I do not intend to rush this bill through Congress, denying adequate hearings and oversight, but simply to demonstrate to all interested parties that this legislation is a serious effort to reform the 1947 act. This bill has been through many drafts in recent months and much progress has been made to achieve a workable bill. I am hopeful that Congress can enact this reform next year.

ADDITIONAL COSPONSORS

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2608

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2608, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2841

At the request of Mr. ROBB, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 3040

At the request of Mr. THOMPSON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3040, a bill to establish the Commission for the Comprehensive Study of Privacy Protection, and for other purposes.

S. 3071

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 3071, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial

S. 3091

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3091, a bill to implement the recommendations of the General Accounting Office on improving the administration of the Packers and Stockyards Act, 1921 by the Department of Agriculture.

S. 3101

At the request of Mr. ASHCROFT, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 3101, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States.

S. 3145

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 3145, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities.

S. 3147

At the request of Mr. ROBB, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3152

At the request of Mr. ROTH, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Vermont (Mr. LEAHY), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3155

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3155, a bill to authorize the President to award a gold medal on behalf of the Congress to Oskar Schindler and Varian Fry in recognition of their contributions to the Nation and humanity.

S. 3178

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3178, a bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same age that applies with respect to Federal law enforcement officers.

S. RES. 292

At the request of Mr. CLELAND, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 292, a resolution recognizing the 20th century as the "Century of Women in the United States."

S. RES. 365

At the request of Mr. VOINOVICH, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Res. 365, a resolution expressing the sense of the Senate regarding recent elections in the Federal Republic of Yugoslavia, and for other purposes.

SENATE RESOLUTION 369—RESOLUTION RELATIVE TO THE DEATH OF REPRESENTATIVE BRUCE F. VENTO, OF MINNESOTA

Mr. LOTT (for himself, Mr. DASCHLE, Mr. WELLSTONE, Mr. GRAMS, Mr. DURBIN, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 369

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Bruce F. Vento, late a Representative from the State of Minnesota.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

SENATE RESOLUTION 370—TO INCREASE THE AUTHORIZATION FOR EXPENDITURES RELATING TO SENATE ACTIVITIES IN CONNECTION WITH PARTICIPATION IN INTERPARLIAMENTARY INSTITUTIONS AND THE FACILITATION OF FOREIGN INTERCHANGES IN THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. HELMS submitted the following resolution; which was considered and agreed to:

S. RES. 370

SECTION 1. INCREASE IN AUTHORIZATION FOR EXPENDITURES RELATING TO FOREIGN INTERCHANGES.

(a) IN GENERAL.—The first section of Senate Resolution 247, Eighty-seventh Congress, agreed to February 7, 1962 (as amended by section 3(c) of Senate Resolution 281, Ninety-sixth Congress, agreed to March 11, 1980) is amended by striking "$25,000" and inserting "$30,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date on which this resolution is agreed to and shall apply to fiscal year 2000 and each fiscal year thereafter.

AMENDMENTS SUBMITTED

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

LEAHY (AND CAMPBELL) AMENDMENT NO. 4304

Mr. BROWNBACK (for Mr. LEAHY (for himself and Mr. CAMPBELL)) proposed an amendment to the bill (S. 2413) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests; as follows:

On page 5, redesignate subsection (e) on line 18 as subsection (f) and insert after line 17 the following:

(e) INTERIM DEFINITION OF ARMOR VEST.—For purposes of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, the meaning of the term "armor vest" (as defined in section 2503 of such Act (42 U.S.C. 3796ll-2)) shall, until the date on which a final NIJ Standard 0115.00 is first fully approved and implemented, also include body armor which has been found to meet or exceed the requirements for protection against stabbing established by the State in which the grantee is located.

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that an associate in my office, Chad Luck, be granted the privilege of the floor during my discussion of the Victims of Trafficking and Violence Protection Act of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASE IN AUTHORIZATION FOR EXPENDITURES RELATING TO SENATE ACTIVITIES IN CONNECTION WITH PARTICIPATION IN INTERPARLIAMENTARY INSTITUTIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 370, submitted earlier by Senator HELMS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 370) to increase the authorization for expenditures relating to Senate activities in connection with participation in interparliamentary institutions and the facilitation of foreign interchanges in the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 370) was agreed to, as follows:

S. Res. 370

SECTION 1. INCREASE IN AUTHORIZATION FOR EXPENDITURES RELATING TO FOREIGN INTERCHANGES.

(a) In General.—The first section of Senate Resolution 247, Eighty-seventh Congress, agreed to February 7, 1962 (as amended by section 3(c) of Senate Resolution 281, Ninety-sixth Congress, agreed to March 11, 1980) is amended by striking "$25,000" and inserting "$30,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date on which this resolution is agreed to and shall apply to fiscal year 2000 and each fiscal year thereafter.

MODIFICATION TO AMENDMENT NO. 4302 TO H.R. 2389

Mr. BROWNBACK. Mr. President, I ask unanimous consent that previously agreed to amendment No. 4302 to H.R. 2389 be modified with the change that is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

Add the following subsection at the end of Section 102:

"Sec. 102(e). Time for Payment.—The payment to an eligible State under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year."

Add the following subsection at the end of Section 103:

"Sec. 103(d). Time for Payment.—The payment to an eligible county under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year."

INCREASE OF FEES CHARGED TO EMPLOYERS RELATIVE TO H–1B NONIMMIGRANT WORKERS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5362 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5362) to increase the amount of fees charged to employers who are petitioners for the employment of H–1B non-immigrant workers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5362) was read the third time and passed.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 652, S. 2413.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2413) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4304

Mr. BROWNBACK. Mr. President, Senators CAMPBELL and LEAHY have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. LEAHY, for himself and Mr. CAMPBELL, proposes an amendment numbered 4304.

The amendment is as follows:

AMENDMENT NO. 4304

(Purpose: To provide an interim definition for armor vests)

On page 5, redesignate subsection (e) on line 18 as subsection (f) and insert after line 17 the following:

(e) Interim Definition of Armor Vest.—For purposes of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, the meaning of the term "armor vest" (as defined in section 2503 of such Act (42 U.S.C. 3796611-2)) shall, until the date on which a final NIJ Standard 0115.00 is first fully approved and implemented, also include body armor which has been found to meet or exceed the requirements for protection against stabbing established by the State in which the grantee is located.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4304) was agreed to.

The bill (S. 2413), as amended, was read the third time and passed, as follows:

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bulletproof Vest Partnership Grant Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were killed in the line of duty;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) Matching Funds.—Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379611(f)) is amended—

(1) by striking "The portion" and inserting the following:

"(1) In general.—The portion";

(2) by striking "subsection (a)" and all that follows through the period at the end of the first sentence and inserting "subsection (a)—

"(A) may not exceed 50 percent; and

"(B) shall equal 50 percent, if—

"(i) such grant is to a unit of local government with fewer than 100,000 residents;

"(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

"(iii) such portion does not cause such grant to violate the requirements of subsection (e)."; and

(3) by striking "Any funds" and inserting the following:

"(2) Indian assistance.—Any funds".

(b) Allocation of Funds.—Section 2501(g) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379611(g)) is amended to read as follows:

"(g) Allocation of Funds.—Funds available under this part shall be awarded, without regard to subsection (c), to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this part shall be awarded to other qualifying applicants.".

(c) Applications.—Section 2502 of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379611–1) is amended by adding at the end the following:

"(d) Applications in Conjunction With Purchases.—If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

"(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

"(2) expressly assumes the obligation to carry out the transaction, regardless of whether such amounts are received.".

(d) Definition of Armor Vest.—Section 2503(1) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379611–2(1)) is amended—

(1) by striking "means body armor" and inserting the following: "means—

"(A) body armor";

(2) by adding "or" at the end; and

(3) by adding at the end the following:

"(B) body armor that has been tested through the voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any revision of such standard;".

(e) Interim Definition of Armor Vest.—For purposes of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, the meaning of the term "armor vest" (as defined in section 2503 of such Act (42 U.S.C. 3796611-2)) shall, until the date on which a final NIJ Standard 0115.00 is first fully approved and implemented, also include body armor which has been found to meet or exceed the requirements for protection agaisnt stabbing established by the State in which the grantee is located.

(f) Authorization of Appropriations.—Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by inserting before the period at the end the following: ", and $50,000,000 for each of fiscal years 2002 through 2004".

WATER POLLUTION PROGRAM ENHANCEMENTS ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 934, S. 2417.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2417) to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Environment and Public Works with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Pollution Program Enhancements Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) NAPA study—The term "NAPA Study" means the study required to be carried out under section 4(b).

(3) NAS study.—The term "NAS Study" means the study required to be carried out under section 4(a).

SEC. 3. FUNDING FOR WATER POLLUTION CONTROL MEASURES.

(a) State Grants.—Section 106 of the Federal Water Pollution Control Act (33 U.S.C. 1256) is amending by striking subsection (a) and inserting the following:

"(a) Funding.—

"(1) In general.—There are authorized to be appropriated $250,000,000 for each of fiscal years 2001 through 2007, to remain available until expended, for grants to States and interstate agencies to be used in carrying out this section, including—

"(A) the administration of programs for the prevention, reduction, and elimination of pollutants; and

"(B) enforcement carried out directly or through appropriate State law enforcement officers and agencies.

"(2) State activities.—Of the amount authorized under paragraph (1) for any fiscal year, $50,000,000 shall be made available to States for—

"(A) the collection of reliable monitoring data;

"(B) the improvement of lists prepared under section 303(d)(1);

"(C) the preparation of total maximum daily load allocations under section 303(d); and

"(D) the development of watershed management strategies.

(b) Nonpoint Source Management Programs.—Section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) is amended by striking subsection (j) and inserting the following:

"(j) Authorization of Appropriations.—

"(1) In general.—Subject to paragraphs (2) and (3), there is authorized to be appropriated to carry out subsections (h) and (i) $500,000,000 for each of fiscal years 2001 through 2007, to remain available until expended.

"(2) Groundwater quality.—Of the amount authorized under paragraph (1) for any fiscal year, not more than $7,500,000 may be made available to carry out subsection (i).

"(3) Project grants.—

"(A) In general.—Of the amount authorized under paragraph (1) for any fiscal year, $200,000,000 shall be made available to States to provide grants to landowners to develop and implement nonpoint source pollution control projects or activities to restore or improve the water quality of impaired water that has been identified by a State as a priority for restoration.

"(B) Cost sharing.—

"(i) Federal share.—The Federal share of the costs of any project or activity funded under this paragraph shall not exceed 90 percent.

"(ii) Non-Federal share.—The recipient of a grant under this paragraph may use funds from other Federal programs and eligible in-kind contributions to satisfy the non-Federal share.

"(C) Limitation.—Grants under this paragraph shall not be made available for projects or activities that are required to be carried out under Federal or State law.".

SEC. 4. REPORTS TO CONGRESS.

(a) National Academy of Sciences Study.—

(1) In general.—The Administrator shall contract with the National Academy of Sciences to conduct a study of—

(A) the scientific basis underlying the development and implementation of total maximum daily loads under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(B) the availability and effectiveness of alternative programs or mechanisms in producing quantifiable reductions of pollution from point sources and nonpoint sources to achieve water quality standards.

(2) Submission of NAS study to Congress.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure Committee of the House of Representatives and the Committee on Environment and Public Works of the Senate a copy of the NAS Study.

(3) Authorization of appropriations.—There is authorized to be appropriated to carry out the NAS Study $2,000,000, to remain available until expended.

(b) National Academy of Public Administrators Study.—

(1) In general.—The Administrator shall contract with the National Academy of Public Administrators to conduct a study of—

(A) the effectiveness of existing voluntary and other programs, activities, and practices being implemented as of the date of enactment of this Act in producing quantifiable reductions in pollution from point sources and nonpoint sources and attaining water quality standards; and

(B) the costs and benefits associated with the programs, activities, and practices described in subparagraph (A) that are incurred by State and local governments and the private sector.

(2) Submission of NAPA study to Congress.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a copy of the NAPA Study.

(3) Authorization of appropriations.—There is authorized to be appropriated to carry out the NAPA Study $3,000,000, to remain available until expended.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2417), as amended, was read the third time and passed.

NATIVE AMERICAN LANGUAGES ACT AMENDMENTS ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 915, S. 2688.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2688) to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Languages Act Amendments Act of 2000".

SEC. 2. PURPOSE.

The purposes of this Act are to—

(1) encourage and support the development of Native American Language Survival Schools as innovative means of addressing the effects of past discrimination against Native American language speakers and to support the revitalization of such languages through education in Native American languages and through instruction in other academic subjects using Native American languages as an instructional medium, consistent with United States policy as expressed in the Native American Languages Act (25 U.S.C. 2901 et seq.);

(2) demonstrate the positive effects of Native American Language Survival Schools on the academic success of Native American students and their mastery of standard English;

(3) encourage and support the involvement of families in the educational and cultural survival efforts of Native American Language Survival Schools;

(4) encourage communication, cooperation, and educational exchange among Native American Language Survival Schools and their administrators;

(5) provide support for Native American Language Survival School facilities and endowments;

(6) provide support for Native American Language Nests either as part of Native American Language Survival Schools or as separate programs that will be developed into more comprehensive Native American Language Survival Schools;

(7) support the development of local and national models that can be disseminated to the public and made available to other schools as exemplary methods of teaching Native American students; and

(8) develop a support center system for Native American Survival Schools at the university level.

SEC. 3. DEFINITIONS.

Section 103 of Public Law 101–477 (25 U.S.C. 2902) is amended to read as follows:

"DEFINITIONS

"SEC. 103. In this Act:

"(1) INDIAN.—The term 'Indian' has the meaning given that term in section 9161 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881).

"(2) INDIAN TRIBAL GOVERNMENT.—The term 'Indian tribal government' has the meaning given that term in section 502 of Public Law 95–134 (42 U.S.C. 4368b).

"(3) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(4) INDIAN RESERVATION.—The term 'Indian reservation' has the meaning given the term 'reservation' in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

"(5) NATIVE AMERICAN.—The term 'Native American' means an Indian, Native Hawaiian, or Native American Pacific Islander.

"(6) NATIVE AMERICAN LANGUAGE.—The term 'Native American language' means the historical, traditional languages spoken by Native Americans.

"(7) NATIVE AMERICAN LANGUAGE COLLEGE.—The term 'Native American Language College' means—

"(A) a tribally-controlled community college or university (as defined in section 2 of the Tribally-Controlled Community College or University Assistance Act of 1978 (25 U.S.C. 1801)) or a college applying for a Native American Language Survival School in a Native American language which that college regularly offers as part of its curriculum and which has the support of an Indian tribal government traditionally affiliated with that Native American language; or

"(B) Ka Haka 'Ula O Ke'elikolani College.

"(8) NATIVE AMERICAN LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native American Language Educational Organization' means an organization that—

"(A) is governed by a board consisting primarily of Native Americans and as many speakers of 1 or more Native American languages as possible;

"(B) is currently providing instruction through the use of a Native American language to at least 10 preschool, elementary, or high school students for at least 700 hours of instruction per year per student;

"(C) has provided such instruction for at least 10 preschool, elementary, or high school students through a Native American language for at least 700 hours per year per student for not less than 3 years prior to applying for a grant under this Act; and

"(D) may be a public school that meets the requirements of subparagraphs (A), (B), and (C).

"(9) NATIVE AMERICAN LANGUAGE NEST.—The term 'Native American Language Nest' means a site-based educational program enrolling families with children below the age of 7 which is conducted through a Native American language for at least 700 hours per year per student with the specific goal of strengthening, revitalizing, or reestablishing a Native American language and culture as a living language and culture of daily life.

"(10) NATIVE AMERICAN LANGUAGE SURVIVAL SCHOOL.—The term 'Native American Language Survival School' means a Native American language dominant site-based educational program which expands from a Native American Language Nest, either as a separate entity or inclusive of a Native American Language Nest, to enroll families with children eligible for elementary or secondary education and which provides a complete education through a Native American language with the specific goal of strengthening, revitalizing, or reestablishing a Native American language and culture as a living language and culture of daily life.

"(11) NATIVE AMERICAN PACIFIC ISLANDER.—The term 'Native American Pacific Islander' means any descendant of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States.

"(12) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given that term in section 9212 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7912).

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(14) TRADITIONAL LEADERS.—The term 'traditional leaders' includes Native Americans who have special expertise in Native American culture and Native American languages.

"(15) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).".

SEC. 4. NATIVE AMERICAN LANGUAGE NESTS AND SURVIVAL SCHOOLS.

Title I of Public Law 101–477 (25 U.S.C. 2901 et seq.) is amended by adding at the end the following new sections:

"GENERAL AUTHORITY

"NATIVE AMERICAN LANGUAGE NESTS

"SEC. 108. (a) IN GENERAL.—The Secretary is authorized to provide funds, through grant or contract, to Native American Language Educational Organizations, Native American Language Colleges, Indian tribal governments, organizations that demonstrate the potential to become Native American Language Educational Organizations, or a consortia of such organizations, colleges, or tribal governments for the purpose of establishing Native American Language Nest programs for students below the age of 7 and their families.

"(b) REQUIREMENTS.—A Native American Language Nest program receiving funds under this section shall—

"(1) provide instruction and child care through the use of a Native American language for at least 10 children below the age of 7 for at least 700 hours per year per student;

"(2) provide compulsory classes for parents of students enrolled in a Native American Language Nest in a Native American language, including Native American language-speaking parents;

"(3) provide compulsory monthly meetings for parents and other family members of students enrolled in a Native American Language Nest;

"(4) provide a preference in enrollment for students and families who are fluent in a Native American language;

"(5) receive at least 5 percent of its funding from another source, which may include federally funded programs, such as a Head Start program funded under the Head Start Act (42 U.S.C. 9801 et seq.); and

"(6) ensure that a Native American language becomes the dominant medium of instruction in the Native American Language Nest within a period of 6 years of receiving funding under this Act.

"NATIVE AMERICAN LANGUAGE SURVIVAL SCHOOLS

"SEC. 109. (a) IN GENERAL.—The Secretary is authorized to provide funds, through grant or contract, to Native American Language Educational Organizations, Native American Language Colleges, Indian tribal governments, or a consortia of such organizations, colleges, or tribal governments to operate, expand, and increase Native American Language Survival Schools throughout the United States and its territories for Native American children and Native American language-speaking children, including through the provision of direct educational services and school support services.

"(b) ELIGIBILITY.—As a condition of receiving funds under subsection (a), a Native American Language Educational Organization, a Native American Language College, an Indian tribal government, or a consortia of such organizations, colleges, or tribal governments—

"(1) shall—

"(A) have at least 3 years experience in operating and administering a Native American Language Survival School, a Native American Language Nest, or other educational programs in which instruction is conducted in a Native American language; and

"(B) include students who are subject to State compulsory education laws; and

"(2) may include students from infancy through grade 12, as well as their families.

"(c) PRIORITY.—In making grants or entering into contracts, the Secretary shall give priority to—

"(1) the provision of direct educational services;

"(2) applicants with the support of the appropriate tribal government or governments; and

"(3) applicants that have researched language revitalization and the unique characteristics and circumstances of the languages of their schools.

"(d) USE OF FUNDS.—

"(1) REQUIRED USES.—A Native American Language Survival School receiving funds under this section shall—

"(A) consist of not less than 700 hours of instruction per student conducted annually through a Native American language or languages for at least 15 students for whom a Native American Language Survival School is their principal place of instruction;

"(B) provide direct educational services and school support services to students that may also include—

"(i) support services for children with special needs;

"(ii) transportation;

"(iii) boarding;

"(iv) food service;

"(v) teacher and staff housing;

"(vi) purchase of basic materials;

"(vii) adaptation of teaching materials;

"(viii) translation and development; or

"(ix) other appropriate services;

"(C) provide direct or indirect educational and support services for the families of enrolled students on site, through colleges, or through other means to increase their knowledge and use of the Native American language and culture, and may impose a requirement of family participation as a condition of student enrollment; and

"(D) ensure that within 3 years of enrollment, all students achieve functional fluency appropriate to the unique circumstances and endangerment status of that Native American language with the ultimate goal of academic or cognitive fluency.

"(2) PERMISSIBLE USES.—A Native American Language Survival School receiving funds under this section may—

"(A) include Native American Language Nests and other educational programs for students who are not Native American language speakers

but who seek to establish fluency through instruction in a Native American language or to reestablish fluency as descendants of Native American language speakers;

"(B) provide instruction through more than 1 language;

"(C) provide instruction through a regional program (as opposed to 1 site) to better serve geographically dispersed students;

"(D) include a program of concurrent and summer college or university education course enrollment for secondary school students enrolled in Native American Language Survival Schools, as appropriate;

"(E) provide special support for Native American languages for which there are very few or no remaining Native American language speakers;

"(F) develop comprehensive curricula in Native American language instruction and instruction through Native American languages including—

"(i) curricula that can be used by public schools for instruction through a Native American language or teaching Native American languages as subjects;

"(ii) community Native American language use in communities served by Native American Language Survival Schools; and

"(iii) knowledge of a specific Native American language gained through research for the purpose of directly aiding the development of curriculum materials;

"(G) provide programs in pre-service and in-service teacher training, staff training, personnel development programs, programs to upgrade teacher and staff skills, and community resource development training, that shall include a program component which has as its objective increased Native American language speaking proficiency for teachers and staff employed in Native American Language Survival Schools and Native American Language Nests, which may include—

"(i) visits or exchanges among Native American Language Survival Schools and Native American Language Nests of school or nest teachers, staff, students, or families of students;

"(ii) participation in conference or special nondegree programs focusing on the use of a Native American language or languages for the education of students, teachers, staff, students, or families of students;

"(iii) full or partial scholarships and fellowships to colleges or universities for the professional development of faculty and staff, and to meet requirements for the involvement of the family or the community of Native American Language Survival School students in Native American Language Survival Schools, and to develop resource persons for Native American language programs in public schools, provided that a recipient of a fellowship or scholarship awarded under the authority of this clause who is enrolled in a program leading to a degree or certificate shall—

"(I) be trained in the Native American language of the Native American Language Survival School, if such program is available through that Native American language;

"(II) complete a minimum annual number of hours in Native American language study or training during the period of the fellowship or scholarship; and

"(III) enter into a contract which obligates the recipient to provide his or her professional services, either during the fellowship or scholarship period or upon completion of a degree or certificate, in Native American language instruction in the Native American language associated with the Native American Language Survival School in which the service obligation is to be fulfilled;

"(iv) training in the language and culture associated with a Native American Language Survival School either under community or academic experts in programs which may include credit courses;

"(v) structuring of personnel operations to support Native American language and cultural fluency and program effectiveness;

"(vi) Native American language planning, documentation, reference material and archives development; or

"(vii) recruitment for participation in teacher, staff, student, and community development; or

"(H) rent, lease, purchase, construct, maintain or repair educational facilities to ensure the academic achievement of Native American Language Survival School students.

"DEMONSTRATION PROGRAMS REGARDING LINGUISTICS ASSISTANCE

"SEC. 110. (a) DEMONSTRATION PROGRAMS.—The Secretary shall provide funds, through grant or contract, for the establishment of 3 demonstration programs that will provide assistance to Native American Language Survival Schools and Native American Language Nests. Such demonstration programs shall be established at—

"(1) Ka Haka 'Ula O Ke'elikolani College of the University of Hawaii at Hilo, in consortium with the 'Aha Punana Leo, Inc., and with other entities if deemed appropriate by such College, to—

"(A) conduct a demonstration program in the development and operation of the various components of a regional Native American Language Survival School program and college level Native American language teaching and use that is supportive of Native American Language Survival Schools; and

"(B) provide assistance in the establishment, operation, and administration of Native American Language Nests and Native American Language Survival Schools by such means as training, hosting informational visits to demonstration sites, and providing a national clearinghouse for data and information relevant to teaching Native American languages, outreach, courses, conferences, and other means;

"(2) Piegan Institute of Browning, Montana to demonstrate the operation of a Native American Language Nest and Survival School; and

"(3) the Alaska Native Language Center of the University of Alaska at Fairbanks, in consortium with other entities as deemed appropriate by such Center, to conduct a demonstration program, training, outreach, conferences, visitation programs, and other assistance in developing orthographies, resource materials, language documentation, language preservation, material archiving, and community support development.

"(b) USE OF TECHNOLOGY.—The demonstration programs authorized to be established under this section may employ synchronic and asynchronic telecommunications and other appropriate means to maintain coordination and cooperation with one another and with participating Native American Language Survival Schools and Native American Language Nests.

"(c) DIRECTIONS TO THE SECRETARY.—The demonstration programs authorized to be established under this section shall provide direction to the Secretary in developing a site visit evaluation of Native American Language Survival Schools and Native American Language Nests.

"(d) FOLLOWUP AND DATA COLLECTION.—The demonstration programs authorized to be established under this section may conduct followup data collection and analysis on students while they are in school to assess how Survival School students are performing in comparison to other students, as well as identify instructional methods that are working and those methods which may not be working.

"(e) ENDOWMENTS AND FACILITIES.—The demonstration programs authorized to be established under this section may establish endowments for the purpose of furthering their activities relative to the study and preservation of Native American languages, and may use funds to provide for the rental, lease, purchase, construction, maintenance, and repair of facilities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 111. There are authorized to be appropriated such sums as may be necessary to carry out the activities authorized by this Act for each of fiscal years 2001 through 2006.".

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2688), as amended, was read the third time and passed.

EXPRESSING SENSE OF THE SENATE REGARDING RECENT ELECTIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 365 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 365) expressing the sense of the Senate regarding recent elections in the Federal Republic of Yugoslavia, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 365) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 365

Whereas the Federal Republic of Yugoslavia held municipal, parliamentary, and presidential elections on September 24, 2000;

Whereas Slobodan Milosevic, President of the Federal Republic of Yugoslavia, is an indicted war criminal;

Whereas Slobodan Milosevic is largely responsible for immeasurable bloodshed, human rights abuses, ethnic cleansing, refugees, property destruction, and environmental destruction that has devastated southeast Europe in recent years;

Whereas Slobodan Milosevic has arrested, intimidated, and harassed opposition figures;

Whereas Slobodan Milosevic has prevented the freedom of assembly;

Whereas Slobodan Milosevic has prevented the freedom and independence of the press through intimidation, arrests, fines, the destruction of property, and jamming;

Whereas Slobodan Milosevic and his supporters refused to allow independent international election monitors into the Federal Republic of Yugoslavia before the September 24, 2000 elections;

Whereas reliable reports indicate that Slobodan Milosevic and his supporters intentionally ignored internationally accepted standards for free and fair elections in order to control voting results and violated the Federal Republic of Yugoslavia's new election law in the tabulation of the vote;

Whereas reliable documented reports indicate that 74 percent of the eligible voters of the Federal Republic of Yugoslavia participated in the September 24, 2000 elections;

Whereas reliable documented reports based on official voting records indicate that Vojislav Kostunica, President, Democratic Party of Serbia, defeated Slobodan Milosevic with more than 50 percent of the vote; and

Whereas the people of Serbia, Kosovo, Bosnia, and Croatia have been the victims of wars initiated by the Milosevic regime: Now, therefore, be it

Resolved, That the Senate hereby—

(1) congratulates the people of the Federal Republic of Yugoslavia for the courage in participating in the September 24, 2000 elections;

(2) applauds the clear decision of the people of the Federal Republic of Yugoslavia to embrace democracy, the rule of law, and integration into the international community by rejecting dictatorship and isolationism;

(3) reasserts its strong desire to reestablish the historic friendship between the American and Serbian people;

(4) expresses its intention to support a comprehensive assistance program for the Federal Republic of Yugoslavia to speed its economic recovery and European integration once a democratic government that respects the rule of law, human rights, and a market economy is established; and

(5) expresses its support for full economic integration for the Federal Republic of Yugoslavia, including access to international financial institutions, once a democratic government that respects the rule of law, human rights, and a market economy is established.

FEDERAL TRADE COMMISSION REAUTHORIZATION ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 761, S. 1687.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1687) to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment, as follows:

(Omit the part in boldface brackets and insert the part printed in italic.)

S. 1687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Trade Commission Reauthorization Act of **[**1999**]** *2000*".

SEC. 2. REAUTHORIZATION.

Section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended—

(1) by striking "and not to exceed" and inserting "not to exceed"; and

(2) by striking "1998." and inserting the following: "*1998;* not to exceed **[**$149,000,000**]** *$164,600,000* for fiscal year 2001; and not to exceed **[**$156,000,000**]** *$177,460,000* for fiscal year 2002.".

SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.

(a) IN GENERAL.—The Attorney General and the Federal Trade Commission shall each designate a senior official not directly having supervisory responsibility for the review of any enforcement recommendation under section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)) concerning the transaction at issue to hear any petition filed by the acquiring person or the person whose voting securities or assets are to be acquired, to determine—

(1) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome or duplicative; or

(2) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

(b) EXPEDITED REVIEW.—Internal review procedures for petitions filed pursuant to subsection (a) shall include reasonable deadlines for expedited review of any such petitions filed, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

(c) INTERNAL REVIEW.—The Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

(d) Not later than 120 days after the date of enactment of this Act, the Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals and relevant policy documents, where appropriate, to implement each reform in this subparagraph.

(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Federal Trade Commission shall each report to Congress—

(1) what reforms each agency has adopted under this subparagraph;

(2) what steps each has taken to implement such internal reforms; and

(3) the effects of those reforms.

SEC. 4. ANNUAL REPORTS.

The Attorney General and the Federal Trade Commission shall include in the report to Congress required by section 7A(j) of the Clayton Act (15 U.S.C. 18a(j))—

(1) the number of notifications filed under this section 7A of the Clayton Act (15 U.S.C. 18a);

(2) the number of notifications filed in which the Assistant Attorney General or Federal Trade Commission requested the submission of additional information or documentary material relevant to the proposed acquisition;

(3) data relating to the length of time for parties to comply with requests for the submission of additional information or documentary material relevant to the proposed acquisition;

(4) the number of petitions filed pursuant to section 3(a) of this Act regarding a request for the submission of additional information or documentary material relevant to the proposed acquisition and the manner in which such petitions were resolved;

(5) data relating to the volume (in number of boxes or pages) of materials submitted pursuant to requests for additional information or documentary material; and

(6) the number of notifications filed in which a request for additional information or documentary materials was made but never complied with prior to resolution of the case.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1687), as amended, was read the third time and passed, as follows:

S. 1687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Trade Commission Reauthorization Act of 2000".

SEC. 2. REAUTHORIZATION.

Section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended—

(1) by striking "and not to exceed" and inserting "not to exceed"; and

(2) by striking "1998." and inserting the following: "1998; not to exceed $164,600,000 for fiscal year 2001; and not to exceed $177,460,000 for fiscal year 2002.".

SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.

(a) IN GENERAL.—The Attorney General and the Federal Trade Commission shall each designate a senior official not directly having supervisory responsibility for the review of any enforcement recommendation under section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)) concerning the transaction at issue to hear any petition filed by the acquiring person or the person whose voting securities or assets are to be acquired, to determine—

(1) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome or duplicative; or

(2) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

(b) EXPEDITED REVIEW.—Internal review procedures for petitions filed pursuant to subsection (a) shall include reasonable deadlines for expedited review of any such petitions filed, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

(c) INTERNAL REVIEW.—The Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

(d) Not later than 120 days after the date of enactment of this Act, the Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals and relevant policy documents, where appropriate, to implement each reform in this subparagraph.

(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Federal Trade Commission shall each report to Congress—

(1) what reforms each agency has adopted under this subparagraph;

(2) what steps each has taken to implement such internal reforms; and

(3) the effects of those reforms.

SEC. 4. ANNUAL REPORTS.

The Attorney General and the Federal Trade Commission shall include in the report to Congress required by section 7A(j) of the Clayton Act (15 U.S.C. 18a(j))—

(1) the number of notifications filed under this section 7A of the Clayton Act (15 U.S.C. 18a);

(2) the number of notifications filed in which the Assistant Attorney General or Federal Trade Commission requested the submission of additional information or documentary material relevant to the proposed acquisition;

(3) data relating to the length of time for parties to comply with requests for the submission of additional information or documentary material relevant to the proposed acquisition;

(4) the number of petitions filed pursuant to section 3(a) of this Act regarding a request for the submission of additional information or documentary material relevant to the proposed acquisition and the manner in which such petitions were resolved;

(5) data relating to the volume (in number of boxes or pages) of materials submitted pursuant to requests for additional information or documentary material; and

(6) the number of notifications filed in which a request for additional information or documentary materials was made but never complied with prior to resolution of the case.

RURAL ACCESS TO EMERGENCY DEVICES ACT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 2528, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2528) to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I am pleased that the Senate is considering S. 2528, the Rural Access to Emergency Devices Act of 2000, which I introduced with my friend from Wisconsin, Senator Russ FEINGOLD. Our bill is intended to improve access to automated external defibrillators in small communities and rural areas to boost the survival rates of individuals in those communities who suffer cardiac arrest. Joining us as cosponsors of the bill are Senators JEFFORDS, MURRAY, ABRAHAM, WELLSTONE, HUTCHINSON, DORGAN, GRAMS, BINGAMAN, CHAFEE, ENZI, SNOWE, GRASSLEY, BIDEN, LEAHY, ROBB, KERRY,and DURBIN. I particularly want to thank the distinguished Chairman of the Senate Health, Education, Labor and Pensions Committee, Senator JEFFORDS, for all of his assistance in helping us to expedite action on this important measure.

Heart disease is the leading cause of death both in the state of Maine and in the United States. According to the American Heart Association, an estimated 250,000 Americans die each year from cardiac arrest. Many of these deaths could be prevented if automated external defibrillators—or AEDs—were more accessible. AEDs are computerized devices that can shock a heart back into normal rhythm and restore life to a cardiac arrest victim. They must, however, be used promptly. For every minute that passes before a victim's normal heart rhythm is restored, his or her chance of survival falls by as much as 10 percent.

We have a number of new and improved technologies in our arsenal of weapons to fight heart disease, including a new generation of small, easy-to-use AEDs that can strengthen the chain of survival for cardiac arrest victims. These new devices make it possible for not only emergency medical personnel, but also trained lay rescuers, to deliver defibrillation safely and effectively. The new AEDs are safe, effective, lightweight, low maintenance, and relatively inexpensive. Moreover, they are specifically designed so that they can be used by nonmedical personnel such as police, fire fighters, security guards and other lay rescuers, providing they have been properly trained. According to the American Heart Association, making AEDs standard equipment in police cars, fire trucks, ambulances and other emergency vehicles and getting these devices into more public places could save more than 50,000 lives a year.

Last December, the Bangor Mall installed an AED that is one of the first of these devices in Maine to be placed in a public setting outside the direct control of emergency medical personnel and hospital staff. Both the AED and an oxygen tank are kept inside a customer service booth, which is in an area of the mall where there is a high concentration of traffic and where heart emergencies might occur. Mall personnel have also received special training and, during mall hours, there is always at least one person who has been certified in both CPR and defibrillator use.

For at least one Bangor woman, this has been a lifesaver. On January 12th, just weeks after the AED was installed, two shoppers at the Mall collapsed in a single day. One was given oxygen and quickly revived. But the other shopper was unconscious and had stopped breathing. The trained mall staff—Maintenance Supervisor Larry Lee, Security Chief Dusty Rhodes, and General Manager Roy Daigle— were only able to detect a faint pulse. They quickly commenced CPR and attached the AED.

It is important to note that defibrillation is intended to supplement, not replace standard CPR. These devices, which are almost completely automated, run frequent self-diagnostics and will not allow the administration of shock unless the victim's recorded heart pattern requires it. When the AED is attached, it automatically analyzes the victim's vital signs. One of two commands will then be voiced and displayed by the unit: "Shock advised—charging"; or "Shock not advised—continue CPR."

In the Bangor Mall case, the shock was not advised, so CPR was continued until the emergency medical personnel arrived. The EMT's told Mr. Daigle, the General Manager of the mall, that the woman—who had had a heart attack and subsequently required triple bypass surgery—simply would not have survived if they had not been so prepared. As Mr. Daigle observed, "Twelve to fifteen minutes is just too long to wait for the emergency services to arrive."

Cities across America have begun to recognize the value of fast access to AEDs and are making them available to emergency responders. In many small and rural communities, however, limited budgets and the fact that so many rely on volunteer organizations for emergency services can make acquisition and appropriate training in the use of these life-saving devices problematic.

The legislation we are considering today is intended to increase access to AEDs and trained local responders for smaller towns and rural areas in Maine and elsewhere where those first on the scene may not be paramedics or others who would normally have AEDs. Our bill provides $25 million over three years to be given as grants to community partnerships consisting of local emergency responders, police and fire departments, hospitals, and other community organizations. This money could then be used to help purchase AEDs and train potential responders in their use, as well as in basic CPR and first aid.

The Rural Access to Emergency Devices Act has been endorsed by both the American Heart Association and the American Red Cross as a means of expanding access to these lifesaving devices across rural America, and I urge all of our colleagues to join us in supporting this important measure.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2528) was read the third time and passed, as follows:

S. 2528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Access to Emergency Devices Act" or the "Rural AED Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Heart disease is the leading cause of death in the United States.

(2) The American Heart Association estimates that 250,000 Americans die from sudden cardiac arrest each year.

(3) A cardiac arrest victim's chance of survival drops 10 percent for every minute that passes before his or her heart is returned to normal rhythm.

(4) Because most cardiac arrest victims are initially in ventricular fibrillation, and the only treatment for ventricular fibrillation is defibrillation, prompt access to defibrillation to return the heart to normal rhythm is essential.

(5) Lifesaving technology, the automated external defibrillator, has been developed to allow trained lay rescuers to respond to cardiac arrest by using this simple device to shock the heart into normal rhythm.

(6) Those people who are likely to be first on the scene of a cardiac arrest situation in many communities, particularly smaller and rural communities, lack sufficient numbers of automated external defibrillators to respond to cardiac arrest in a timely manner.

(7) The American Heart Association estimates that more than 50,000 deaths could be prevented each year if defibrillators were more widely available to designated responders.

(8) Legislation should be enacted to encourage greater public access to automated external defibrillators in communities across the United States.

SEC. 3. GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Rural Health Outreach Office of the Health Resources and Services Administration, shall award grants to community partnerships that meet the requirements of subsection (b) to enable such partnerships to purchase equipment and provide training as provided for in subsection (c).

(b) COMMUNITY PARTNERSHIPS.—A community partnership meets the requirements of this subsection if such partnership—

(1) is composed of local emergency response entities such as community training facilities, local emergency responders, fire and rescue departments, police, community hospitals, and local non-profit entities and for-profit entities concerned about cardiac arrest survival rates;

(2) evaluates the local community emergency response times to assess whether they meet the standards established by national public health organizations such as the American Heart Association and the American Red Cross; and

(3) submits to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts provided under a grant under this section shall be used—

(1) to purchase automatic external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration; and

(2) to provide defibrillator and basic life support training in automated external defibrillator usage through the American Heart Association, the American Red Cross, or other nationally recognized training courses.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether the increased availability of defibrillators has affected survival rates in the communities in which grantees under this section operated. The procedures under which the Secretary obtains data and prepares the report under this subsection shall not impose an undue burden on program participants under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for fiscal years 2001 through 2003 to carry out this section.

ORDERS FOR WEDNESDAY, OCTOBER 11, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Wednesday, October 11. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of the conference report to accompany H.R. 3244, the Sexual Trafficking Victims Protection Act, as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I note for Senators, this bill, the Sexual Trafficking Victims Protection Act, is an amalgam of several pieces of legislation. It is the sex trafficking bill that we have held several hearings on that passed this body previously, and that passed through the House. I believe in the House the vote was 371–1. It also has in it the Violence Against Women Act, VAWA, and several other pieces of important legislation. We will be on this most of the day tomorrow.

Mr. President, I further ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, the Senate will begin consideration of the sex trafficking conference report tomorrow morning. Under the order, there will be up to 7 hours of debate, with Senator THOMPSON raising a point of order against the report in regard to Aimee's law. A vote in relation to the point of order is expected during tomorrow's session, as well as a vote on adoption of the conference report itself.

Senators should also be prepared to vote on the VA–HUD appropriations bill and the conference report to accompany the Agriculture appropriations bill. Senators will be notified as votes are scheduled.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the provisions of S. Res. 369.

There being no objection, the Senate, at 5:58 p.m., recessed until Wednesday, October 11, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, October 10, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 10, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Cheek, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the "James W. McCabe, Sr. Post Office Building".

H.R. 2938. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office".

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office".

H.R. 3454. An act to designate the United States post office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office".

H.R. 3909. An act to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the "Henry W. McGee Post Office Building".

H.R. 3985. An act to redesignate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar, Florida, as the "Vicki Coceano Post Office Building".

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building".

H.R. 4169. An act to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building".

H.R. 4447. An act to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the "Samuel H. Lacy, Sr. Post Office Building".

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolefield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building".

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the "Dr. Flossie McClain Dedmond Post Office Building".

H.R. 4484. An act to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building."

H.R. 4517. An act to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the "Alan B. Shepard, Jr. Post Office Building".

H.R. 4534. An act to designate the facility of the United States Postal Service located at 114 Ridge Street, N.W. in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building".

H.R. 4554. An act to designate the facility of the United Sates Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the "Joseph F. Smith Post Office Building".

H.R. 4615. An act to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office".

H.R. 4658. An act to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the "J.L. Dawkins Post Office Building".

H.R. 4884. An act to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the "William S. Broomfield Post Office Building".

H.R. 4975. An act to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the "Frank R. Lautenberg Post Office and Courthouse".

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is respected:

S. 1756. An act to enhance the ability of the National Laboratories to meet Department of Energy missions, and for other purposes.

S. 2686. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

S. 2804. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office".

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

S. Con. Res. 145. Concurrent resolution expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capitol.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK) for 5 minutes.

U.S. SHOULD BE RESPONSIVE TO ISRAELI POSITION IN MIDDLE EAST CONFLICT

Mr. FRANK of Massachusetts. Madam Speaker, I am here to express my disagreement with the decision of the President of the United States to have the United States abstain on a resolution that was unfairly critical of the State of Israel in the U.N. Security Council. I recognize that the administration worked hard using the threat of a veto to make that resolution less obnoxious, but it was still mistaken, and I want to express why I think so.

It was mistaken on two levels. First of all, on its own terms it was unfair. Yes, Israeli forces and Jewish residents of Israel have in this terrible turmoil, some of them, done things they should not have done. Violence is not easily controllable. But there have also been terrible acts of violence, unjustified and provoked, on the part of the Palestinians, and, in Lebanon, on the part of Hezbollah, and a resolution which puts all the blame on one side when there are mistakes made on both sides is wrong.

But it is even more inaccurate and inadequate because it focuses too much on the tactical and not on the central point. The central point is that the government of Israel has been for the past year engaged in the most forthcoming peace offers in the history of the Middle East, and the tragedy is that this outreach on the part of the Israeli government to make peace on several fronts has been so overwhelmingly rejected.

We had the spectacle of an Israeli withdrawal in Lebanon which the Arab states had long called for being treated almost as if it were a further error by Israel. The effort by Israel to be conciliatory there brought the worst kind of brutal reaction.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

With regard to the Palestinians, let us be clear what the situation is. Fifty-two years ago, when the U.N. declared that there should be two states in the area, a Jewish state and a Palestinian state, the overwhelming reaction of the Arabs was to reject that and to seek to destroy the Jewish state. Over the ensuing years, Israel was forced time and again to defend itself. In the course of that effort, it grew. It grew to try to get more defensible borders; but in every case, it was acting in self-defense.

What then happened was the government of Prime Minister Barak decided to build on previous peacemaking efforts of the government of Begin and of others and tried to make an ultimate agreement with the Palestinians, and the Barak government went further in its offer than anyone thought it was possible for the Israeli society to support. Israel is a democracy, and you need public support. But they obviously felt, those in power in Israel, and I commend them for it, that it was worth some extra push to try to get peace.

Unfortunately, the result apparently was not simply a rejection of the specific offer with the wholly unrealistic demand that a democratically elected government of Israel give up physical and legal sovereignty over parts of Jerusalem, an impossibility, but also now with an assault on the government of Israel by the Palestinians, which we are told is motivated by a distrust of the peace process, by a denial of Israel's legitimacy.

We are not here talking about tactical issues. We are not talking about a reaction by the decision of Ariel Sharon to be provocative, and I wish he had not decided to be provocative, but he had a legal right to do that, and certainly the reaction to it is not now a reaction to Ariel Sharon's visit; it is a manifestation of great hostility on the part of much of the Arab world to the very existence of Israel, and that is the ultimate tragedy.

Some in Israel and elsewhere thought the Barak government went too far in its efforts. I think the current situation vindicates them in this sense: it may well be that what we are seeing is an outburst of hostility towards the very existence of Israel as a Jewish state that was there and was going to come in any case. Had it come a couple of years ago, there would have been people saying, well, the Israelis should have been willing to try to make peace.

When it comes now, with the Barak government having been so forthcoming, so conciliatory, and, remember, we are talking here about a state which was forced to defend itself in a war, which gained some territory in those self-defense wars, and is now voluntarily giving up much of that territory, I do not think there is an example in history of a nation forced to defend itself and picking up adjacent territory being as conciliatory as the Israelis have been. And if in fact this approach, such a willingness to make peace, is so bitterly rejected, if in fact what we are seeing, and we are told this is not just anger over Sharon, anger over a particular this or that or the settlement, but a frustration and a rejection of the whole notion of peace, then that is a sad lesson we have to draw.

I think the policy of the United States government ought to be very clear: Israel has a right to exist. It has a right to make policies in the peacemaking process that leave it defensible and that protect its right to maintain control and sovereignty in Jerusalem; and, if in fact, as good a settlement as Barak offered is met with this sort of rejection, our response should be to be totally supportive of the government of Israel's position.

GENERAL LEAVE

Mr. SMITH of Michigan. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject matter of the remarks to be presented by the gentleman from Virginia (Mr. WOLF).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

IN TRIBUTE TO RETIRING AND DECEASED VIRGINIA MEMBERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Madam Speaker, it is my distinct privilege to rise today and to join fellow members of the Virginia delegation in paying tribute to two retiring colleagues and to honor the memory of our late colleague, Congressman Herb Bateman.

TOM BLILEY came to Congress with me in 1981. It has been an honor to serve side by side with him for the last 20 years. TOM has been a fitting match for Virginia's seventh district, which includes the city of Richmond, as it is a district replete with a tradition of true statesmen.

TOM will leave the Congress having served as chairman of the Committee on Commerce, a responsibility he has taken very seriously and has performed with incredible legislative skills and expertise. He has shown an amazing ability to deal with such complex issues as the electric utility grid, Medicare formulas to home medical services, and discounts for veterans, as well as telecommunication legislation.

TOM's has been a diverse political experience before even making his way to Capitol Hill. He was first elected to the Richmond council as a conservative Democrat in 1968, then as Mayor of Richmond from 1970 to 1972, and eventually to the House of Representatives, this time as a Republican. His unique background has enabled him to work to achieve bipartisan results, while never losing sight of the issues which are important to his districts.

OWEN PICKETT has been a Member of this body for 14 years, having been first elected to Congress in 1986. OWEN has deep ties to the Commonwealth. He is a graduate of Virginia Tech and the University of Richmond Law School. He was elected to the Virginia House of Delegates in 1971, where he earned a reputation as a fiscal conservative and he served as State Democratic Chairman in 1981.

Congressman PICKETT, the ranking Democrat on the Subcommittee on Military Research and Development, has consistently placed the best interests of his constituency and of the country ahead of partisan differences. He has been a faithful watchdog on behalf our Nation's military, and a consistent advocate of fiscal responsibility and a balanced budget, even when such notions were less than fashionable.

Finally, our dear friend, Herb Bateman, faithfully served the people of Virginia's First Congressional District, and beamed with pride in calling his District "America's first district."

Herb worked tirelessly for the first district for 18 years. He had deep ties to his district, having practiced law in Newport News and attended the College of William and Mary. As chairman of the Subcommittee on Military Readiness of the Committee on Armed Services, he was a steady champion for our men and women in uniform, not only in the Tidewater region, but throughout the Nation and around the world. He recognized that peace was best maintained through strength. As a loyal defender of those who defend us, he worked for the best interests of those currently in uniform, as well as for those who have retired from the service of their country.

It is with mixed emotion that I offer tribute to these three true Virginia gentlemen. I am thankful to have had the honor to serve with them in this distinguished body, but am saddened at the prospect of their departure. We shall all truly miss their wise counsel and unwavering commitment to high ideals. Each of these gentlemen epitomize the highest ideals of public service.

I wish TOM and OWEN godspeed in their retirement and thank them for their years of service to the Commonwealth of Virginia and to the Nation.

Mr. SCOTT. Madam Speaker, I rise to join my colleagues in honoring three members of the Virginia Delegation, TOM BLILEY, OWEN PICKETT, and the late Herb Bateman for their many years of public service to Virginia and to this nation.

Madam Speaker, for over 20 years now, the 7th congressional district has been ably represented by Congressman TOM BLILEY. As the three term chairman of the powerful Commerce Committee, he has been dedicated to the task of ensuring that our system of free enterprise in the United States continues to lead the rest of the world in this ever changing global economy.

In addition to championing such legislative initiatives as the Food and Drug Administration Act and the Food Safety and Safe Drinking Water while chairman, TOM BLILEY was at the helm when the engine of economic growth switched from capital intensive brick and mortar facilities to electronic commerce. The result of his leadership was the landmark 1996 Telecommunications Act which removed regulatory barriers to competition in the telecommunications marketplace.

Madam Speaker, I have had the good fortune to work side by side with TOM BLILEY for the past 8 years. Because we represent neighboring districts and share the city of Richmond and parts of Henrico County, I have been privileged to work with him on several initiatives that have been instrumental in opening up new avenues for Virginia commerce.

TOM and I worked together to see that the James River and the Kanawha Canal river front project became a reality. This project restored a portion of the historic canal through the city of Richmond which is the main hub for the revitalization of the Historic Riverfront. And I am particularly grateful for his work on our bill which authorizes the Richmond National Battlefield Park. It includes the recognition of and support for a monument to commemorate the Battle of New Market Heights which was a landmark in black military history. We are both hoping that Congress will act on this important legislation before the end of the session.

Madam Speaker, we also rise today to say goodbye to another good friend and colleague, OWEN PICKETT who represents the 2d Congressional District of Virginia. For nearly 29 years, OWEN PICKETT has worked tirelessly and selflessly for the residents of this community and this nation. Fifteen of those years he spent in the General Assembly and for 14 years now, he has represented the 2d Congressional District of Virginia in the House of Representatives.

As a member of the Armed Services Committee, where he is the ranking Democrat on the Subcommittee on Military Research and Development and where he also serves on the Readiness Subcommittee, he has been a staunch advocate of military supremacy ensuring that our military has the equipment and programs necessary to carry forth its mission. And just as important, OWEN has been a champion of the quality of life issues affecting military families—recognizing that servicemembers cannot effectively do their job unless they know their families are well taken care of. The military community in Hampton Roads will miss OWEN and his steadfast advocacy on their behalf.

As a member of the Committee on Resources which has jurisdiction for environmental issues, OWEN has fought hard to remind his colleagues in Congress the protection of natural resources and the environment must be a national priority. Virginia Beach and the Chesapeake Bay are considered some of the finest natural resources on the East Coast because of his commitment to the environment. As we head into the final weeks of this legislative session, Mr. Speaker, OWEN will no doubt continue to demonstrate his leadership in the House of all the issues important to us in the Tidewater and across Virginia.

Madam Speaker, I would also like to take a moment to say a few words about our late colleague and dear friend Herb Bateman. If not for his untimely death late last month, we would be standing here today to also wish him well in his retirement with his departing colleagues—TOM and OWEN.

Herb was a conscientious and effective legislator during his service as a member of the Virginia General Assembly and for the past 18 years as the Representative of the 1st Congressional District of Virginia. Herb's leadership on the Armed Services Committee and in the area of aeronautics research funding will be sorely missed. His hard work over the years will have a lasting impact on the military readiness of our Nation's armed services and space and aeronautics program.

Madam Speaker, while we may disagree on certain national issues, the members of the Virginia Delegation has always been proud of our ability to reach across the aisle and work together in a bipartisan manner on issues affecting the Commonwealth. During the 8 years I have served in the House, we have met once a month for lunch to discuss those pressing issues such as Base Realignment and Closing, the ports, and funding for NASA. There is no doubt in my mind that Virginia has benefited from having us working together on these issues.

The loss of Representatives BLILEY, PICKETT and Bateman will be sorely felt. However, they have left the remaining members of the Delegation a legacy of bipartisanship and civility that will be long remembered.

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize two of my esteemed colleagues from the Commonwealth of Virginia who are retiring from the House this year, and to honor Congressman Herb Bateman, who we were not able to recognize before his passing last month.

Virginia has benefited enormously by their lifetime of public service. As a delegation, we are losing some of the finest Members of this Congress. I know I am accompanied by many other friends and colleagues who share a deep respect and gratitude for their years of friendship and service.

TOM BLILEY was first elected to this body in 1980, after a successful career as a businessman and serving on the city council and later as mayor of Richmond. Throughout his service in Congress, TOM BLILEY has been a strong advocate of fiscal responsibility, the free market and consumer choice. As chairman of the House Commerce Committee for the past three terms, he has steered some of the most significant legislation through Congress in recent years.

Chairman BLILEY has also served as the dean of the Virginia delegation and, true to this role, he has been a leader to all of our Members. We have all enjoyed his friendship and great sense of humor. I would like to share one small example of his leadership. Just the other day, I went to Chairman BLILEY to seek his committee's support for a bill (H. Con. Res. 133) that I sponsored to promote colorectal cancer screening and prevention. The Chairman quickly offered his assistance and steered the bill to the House floor for consideration. It is this kind of initiative and leadership that has earned him great respect among his colleagues on both sides of the aisle.

It has also been an honor for me to serve with OWEN PICKETT during the past 10 years. Mr. PICKETT is a true gentleman. Throughout his service, OWEN has worked tirelessly and effectively not only for people in southern Virginia, but for our entire nation. He has championed the interests of our nation's military, and the men and women who wear the uniform of the United States. He has been a particularly strong advocate for the Navy and for our commercial maritime interests.

OWEN has also been uncompromising in his insistence that government be fiscally disciplined, a trait which he probably acquired during his long service in the Virginia House of Delegates. The fact that he is retiring at a time of record surpluses is something fitting. It certainly wasn't that way when he came to the House in 1987.

Madam Speaker, this special order would not be complete without also recognizing the lifetime of service by our colleague, Herb Bateman. He was the quintessential Virginia gentleman. He was unfailingly polite and gracious to the people around him. He always had a kind word for members and staff, and he was easy to approach on any issue. Herb embodied the spirit of civility and bipartisanship that we strive for, but achieve too infrequently here in the House.

These personal qualities help to explain why Herb Bateman was so well liked on both sides of the aisle. Beyond his simple decency, Herb Bateman was a very effective member of Congress.

He was a champion for the Navy, for its shipbuilding program, and for the men and women who serve in our Armed Forces. As a ranking member of the former House Merchant Marine and Fisheries Committee, Herb was a forceful advocate for a strong U.S. merchant fleet and its role in our national security and economic livelihood. Generations of Virginians will long appreciate his work to promote economic development in our State, both as a member of Congress and the Senate of Virginia.

Madam Speaker, all of us in the House will certainly miss the service and dedication of these three great Virginia legislators. We wish TOM and OWEN a bright and rewarding future and all the best to Herb's family.

Mr. DAVIS of Virginia. Madam Speaker, it is my privilege to rise today to honor our colleague, OWEN PICKETT of Virginia's 2d Congressional District. After 29 years of serving the citizens of Virginia Beach and Norfolk, as well as the entire Commonwealth of Virginia, Mr. PICKETT has decided to retire from the United States House of Representatives.

My colleague, Mr. PICKETT, is a member of the Armed Services Committee and is the ranking member of the Subcommittee on Military Research and Development and serves on the Readiness Subcommittee and the MWR Panel. The 2d congressional district is heavily dependent on the massive concentration of naval installations, shipbuilders and shipping firms in the Hampton Roads harbor area, which ranks first in export tonnage among the nation's Atlantic ports.

The U.S. Navy Atlantic Fleet berthed in its home port of Norfolk is one of the greatest awe-inspiring sights in America, or anywhere. The aggregation of destructive power in the line of towering gray ships is probably greater than that of any single port in history. Over 100 ships are based here, with some 100,000 sailors and Marines, some $2 billion in annual spending. For these reasons, Congressman PICKETT has been an outspoken advocate for a strong, technologically superior military and has been tenacious in supporting military bases in his district. Mr. Pickett, together with Senator JOHN WARNER and the late Congressman Herbert H. Bateman, have provided tremendous leadership on behalf of Virginia. Other issues on which he has taken a strong position are the U.S.-flag merchant fleet, private property rights, public education, veterans programs and a balanced Federal budget.

Mr. PICKETT was born in Hanover County, VA, outside Richmond on August 31, 1930 and was the youngest of three children. He attended the public school system and is a graduate of Virginia Tech and the University of Richmond School of Law. He was first elected to the U.S. Congress in 1986. With old Virginia roots, he was elected to the Virginia House of Delegates in 1971, at the age of 41, where he was known as a fiscal conservative and for his hard work restructuring the State retirement system.

By the time Mr. PICKETT won the congressional seat vacated by retiring Republican G. William Whitehurst in 1986, Mr. Pickett had already served as chairman of the state Democratic Party, headed a Democratic presidential campaign in Virginia and served long enough in the state House of Delegates to be a senior member of the Appropriations Committee.

In the House, Mr. PICKETT showed his political acumen by getting a new seat created for him on the National Security Committee and getting a seat on the old Merchant Marine Committee as well—two crucial spots for any Norfolk Congressman. Much of Mr. PICKETT's work has been in supporting Hampton Roads military bases and defense contractors, and revitalizing the shipbuilding industry and merchant marine. That work has been successful. Newport News Shipbuilding and Drydock has been building three Nimitz-class aircraft carriers in the 1990s, and has effectively ensured that there is no industry monopoly on building nuclear submarines. The Norfolk Navy Shipyard under Mr. PICKETT's guidance has survived four rounds of base-closings and calls for privatization.

Madam Speaker, I join with my fellow Virginian colleagues in thanking Congressman OWEN PICKETT for his service to the Commonwealth and to our Nation.

Madam Speaker, it is also my privilege to rise today to honor our colleague, TOM BLILEY, of Virginia's 7th Congressional District. After 32 years of serving the citizens of Richmond, as well as the entire Commonwealth of Virginia, Chairman BLILEY has decided to retire from the U.S. House of Representatives.

Mr. BLILEY has been chairman of the House Committee on Commerce for his last three terms. He was handpicked by Speaker Newt Gingrich over more senior members. He has declared himself a friend of big business and his agenda for the past 6 years has been, quit simply to promote commerce. As chairman, Mr. BLILEY has been a pragmatist, willing to broker deals behind closed doors with ideologic foes and friends alike. The result of the Chairman's reign the committee has become one of the most constructive in Congress: Promoting free and fair markets, standing for consumer choice and common sense safeguards for our health and the environment, and keeping a watchful eye on the Federal bureaucracy. As chairman, Mr. BLILEY is an ex officio member of the five Commerce Committee subcommittees: Telecommunications, Trade, and Consumer Protection; Finance and Hazardous Materials; Health and Environment; Energy and Power; and Oversight and Investigation.

A pleasant, soft spoken mortician, the chairman started his political career in 1968 when civil leaders sought him out to run for the Richmond City Council. He served the city for almost a decade, not only on the city council, but also as vice mayor and then becoming mayor until 1977, when he retired to devote more time to his funeral home. However, the Chairman was not out of politics for long. He enthusiastically re-entered when Democrat David Satterfield announced his retirement from Congress in 1980.

Since his first election to Congress, the Chairman has been recognized by many organizations for his work. He has served in various roles with the NATO Parliamentary Assembly. From November 1994 to October 1998, he was chairman of the Economic Committee. In November 1998, he became one of the four Vice-Presidents; and, with the resignation of its President in May 2000, the Chairman became Acting President. His commitment to balancing the Federal budget has earned him the National Watchdog of the Treasury's "Golden bulldog Award" every year since 1981. He has been named a "Guardian of Small Business" by the National Federation of Independent Business. He has been called the "Most powerful Virginian since Harry Byrd" and the National Journal called him "Mr. Smooth."

Born in Chesterfield County, VA, the Chairman is a lifelong resident of the Richmond area. He earned his B.A. in history from Georgetown University and immediately following served three years in the U.S. Navy, rising to the rank of lieutenant.

Madam Speaker, I join with my fellow Virginian colleagues in thanking Chairman TOM BLILEY for his service to the Commonwealth and to our Nation. He has been a friend and a mentor to me, and he most certainly will be missed.

Mr. GOODLATE. Madam Speaker, I rise today to pay tribute to three fine Virginia gentlemen—TOM BLILEY, Herb Bateman, and OWEN PICKETT. The United States House of Representatives is a better place because of their selfless dedication and service to their country, and it has been my high honor and great privilege to serve with them.

I would first like to mention my good friend, colleague, tennis partner, and mentor TOM BLILEY. I have been friends with TOM for more than 20 years. When I was first elected to Congress in 1992, TOM was instrumental in helping me obtain a seat on the Judiciary Committee, and has been a mentor to me ever since. For the past 6 years, he has served as chairman of the House Commerce Committee, presiding over such landmark legislation as Securities Litigation Reform, modernization of the Food and Drug Administration, and the Telecommunications Act.

It would not be possible for me to list here all of the ways in which TOM has improved this House and the lives of every one of its Members. Suffice it to say that I owe a debt of gratitude to TOM BLILEY that I shall never be able to repay. I wish TOM, his lovely wife Mary Virginia, and their family all the best in the coming days.

The House of Representatives and our Nation as a whole suffered a great loss recently with the passing of my dear friend and colleague Herb Bateman. Herb represented what he referred to as America's first congressional district, and did so with great conviction and dedication. My thoughts and prayers remain with Herb's wife Laura and their children and grandchildren. He is sorely missed.

Herb was one of the most thoughtful Members of Congress with whom I worked. I thoroughly enjoyed discussing issues with him, as he always had well-founded reasons for the votes he cast. As a senior member of the Armed Services Committee and a former member of the U.S. Air Force, Herb was completely committed to strengthening America's national security. Our men and women in uniform around the world owe a great debt of gratitude to Herb Bateman.

And lastly, but certainly not least, OWEN PICKETT has been a very valued Member of the House of Representatives whose service will be missed. OWEN was first elected to the House in 1986, and has been a dedicated member of the Armed Services and Resources Committees. He has been a strong advocate for America's Armed Forces and has also served as a member of the Congressional Study Groups on Germany and Japan, as well as the Duma-Congress Study Group. I wish OWEN, his wife Sybil, and their family all the best in the days ahead.

The Commonwealth of Virginia has been very fortunate to have such valued Members of the House as TOM BLILEY, Herb Bateman, and OWEN PICKETT. They have set a standard of dedication and service that we should all strive to emulate. I will certainly miss their presence in the House of Representatives.

Mr. BLILEY. Madam Speaker, on September 11, 2000, our colleague, Representative Herb Bateman passed away before he could enjoy the fruits of retirement. Dan Scandling, Herb's chief of staff, delivered the following eulogy to his boss and friend of so many years. Dan's eulogy is a fitting tribute to our fallen colleague and I want to share it with you today.

EULOGY OF REPRESENTATIVE HERB BATEMAN

(By Dan Scandling, Chief of Staff)

So many things come to mind when you think of Herb Bateman. Congressman. State Senator. Colleague. Statesman. Virginia Gentleman. Devoted Public Servant. Boss. Golfing Partner. Friend. And lest no one forget: "America's First District." There also is the much more private side of Herb Bateman. Husband. Father. Grandfather.

One of the first things that struck me about Mr. Bateman when I came to work for him 10 years ago was his unwavering devotion to Laura. I can still vividly remember one of the first times she came into the office. We were just wrapping up one of those marathon meetings that all you Members so deeply cherish when Laura walked in. Herb got up from behind his desk, walked over to her, reached for her hand, gave her a kiss on her cheek and then asked how her day was. I quickly learned this wasn't just a one-time thing. Nothing was as important as making sure Laura had had a good day. I only wish I was half as attentive to the needs of my wife.

Laura was the most important thing in Herb's life. The two were inseparable. Wherever Herb went, Laura went. Whether it was travel overseas, a trip to the Eastern Shore or back and forth to Washington, the two of them were always together. Laura was very important to Herb's political career—particularly when it came to keeping names and faces straight. Herb was terrible with names. He always insisted on name tags at every event he hosted. Laura, on the other hand, is the master of remembering names and faces. No matter where they were, or who they ran into, it is like instant recall. She can always place a name with a face. You politicians in the audience today should be jealous. I know one certain Chief of Staff who owes his congressional career to Laura because she remembered his name and face.

Bert and Laura, you have no idea how proud your father was of you. Not a day went by that he wasn't telling me about how one of you gotten a better job, or a promotion, or had landed a big, new account. Bert, he was particularly proud of your desire—and commitment—to make Newport News a better place to live and work. He was proud that you were willing to give so much of yourself to your community. And he also was proud of how good a husband—and father—you are. Laura, nothing brought a bigger smile to your father's face than for him to run into one of his former colleagues from the Virginia Senate and have them tell him how great a job you do in Richmond and beyond. He was so proud of how successful you have become.

Then there is "Poppy." Herb loved his grandchildren. Emmy, Hank and Sam—you were the apples of his eye. Just last week he was boasting how Emmy had won a tennis tournament at the club and was so pleased that Hank had taken up running cross county. Every summer I would get the updates on all the ribbons the two of you would win at swim meets. Hank, I think your grandfather has high expectations from you on the athletic field. I know you won't let him down. Emmy, I know your "Poppy" wishes for you the same success that his daughter has had. Sam, your "Poppy" was so excited about your first day at school. He was looking forward to getting home last weekend to hear all about it first-hand.

I know this week has not been easy. It wasn't supposed to happen this way. I know you feel somewhat cheated because "Poppy" was finally going to be able to spend more than just the weekends in Newport News. There would be no more of this nomadic life of leaving for Washington every Monday morning only to return home sometime Friday—then do it all over again two days later. But look around this church. Look how many people are here. Everyone here loved your "Poppy." It's like one huge "Thank you" for sharing him with us. Thank you for all those times he left you—his family—to go work an 80-hour week in Washington; To go to a parade somewhere at the other end of the District on a Saturday morning; To go to some god-awful chicken dinner fund raiser; To go shake hands at the shipyard gates at 6 a.m. on some rain-soaked morning in the dead of winter. Thank you for sharing him with us. Thank you for the sacrifices you made.

I worked for Herb Bateman for 10 years. Over that time we grew to be pretty close. I think it would probably be fair to say he considered me part of the family. There aren't too many places in America's First District that he and I haven't been to together, and there aren't too many things we haven't discussed. Of all the things that have been ingrained in my head over the last 10 years, it's that credibility is everything. Once you lose your credibility, you lose everything. If people cannot take you at your word, then your world is nothing. Perhaps that explains why he was such an effective legislator, and why when he announced his retirement last January, letters, faxes and e-mails poured into his office thanking him for his dedicated service. He got letters from Admirals, Generals, captains of industry and politicians on both sides of the aisle. He got letters from long-time friends and associates. And most significantly, he got letters from hundreds of his constituents. All them were effusive in their praise.

Credibility meant everything to Herb Bateman. I know that first hand. I know it guided each of his decisions, whether it was on a controversial issue before Congress or a contentious political issue. He would have been pleased to hear how his colleagues described him during Tuesday evening's tribute on the floor of the House. I couldn't help but smile as I saw Member after Member get up and talk about his integrity. Perhaps Congressman Burton said it best:

"Herb was a man, who if he gave his word on anything, you could take it to the bank. Herb was not one of those guys that played both sides of the fence. He was a man of integrity—impeccable integrity—and one that all of us respected."

More than anything else—any aircraft carrier, any submarine, any bridge, any Corps of Engineers' project—Herb would want to be known for his integrity. Obviously, he has. Herb had two vices in life. A good steak, and golf. Man, did he love a good steak. New York Strip. Medium rare. He always ordered french fries with his steak—extra crispy, please, or potato sticks if you have them. If I was invited over to Shoe Lane for dinner it usually meant a good steak on the grill—and potato sticks! If I was invited out for a steak in Washington, it usually meant someone in the office was in trouble. I used to cringe when he would come up behind me, put his hand on my shoulder and say, "Dan, let's go have a steak." He always enjoyed his meal. I can't say the same.

Then there was golf. Next to Laura, golf was his passion. Like most us, he wasn't very good, but that didn't matter. He just loved to play. He loved being outdoors. He loved meeting new playing partners. And he loved mulligans! Herb played golf to relax. He didn't talk about work on the golf course. He didn't take a cell phone. He never carried a pager. Golf was for fun. If you were on the golf course, you were there to enjoy yourself. If Herb were ever elected President, I bet one of the first things he would do would be to issue an Executive Order prohibiting cell phones on the golf course. For all those golfers here today, I have one special request. The next time you play golf, as tribute to Herb, leave your cell phones and pagers in the car. Take the time to relax and enjoy the people you are playing with. I have made a promise to myself never to take a cell phone with me on the golf course again. I hope I can live up to it.

Oh, and take a couple of mulligans too.

I want to close by touching on some of the things that Herb did that no one knew about, that never made any headlines, that never got him a vote. Herb liked helping people. He always stressed to his staff that constituent service was the most important part of his job—and their job. He always reminded us that he worked for the people of America's First District and it was his job to help them when they had a problem. I could recount hundreds—if not thousands—of cases where Herb got personally involved. One that always comes to mind involved a woman from Williamsburg whose husband had died and was buried in Arlington Cemetery. The woman's husband had been an Air Force pilot and she asked that he be buried in the section in Arlington where you could have different types of tombstones. Soon after his funeral she went about designing a tombstone that she thought would be a fitting tribute. The cemetery approved the design and she had the stone carved. When the stone arrived at the cemetery several weeks later, cemetery officials did a complete 180 and told her she couldn't use the stone. Somehow, a columnist at the Washington Post caught wind of the situation and a story appeared in the paper. Herb saw it and asked me what I knew about it. After a few quick calls, it was evident the woman hadn't contacted us. But to Herb, that didn't matter. Within a matter of minutes, Herb, me and another staffer were in a car headed over to Arlington. We drove through the cemetery to where the woman's husband was buried, got out, looked at some of the other tombstones then headed back across the river. Upon returning to the office, Herb immediately called the Superintendent at Arlington and presto, the issue was resolved. When I called the woman to tell her the cemetery officials had relented, I asked why she didn't call us. She said she didn't want to burden the Congressman with her problem.

To Herb, it wasn't a bother; it was a pleasure. It was all about helping the people he represented. The Congress has lost more than an outstanding Member, it has lost a warm, caring individual who served his nation with great honor and distinction. God bless Herb, his family, and America's First District.

Mr. GOODE. Madam Speaker, I want to express my appreciation to Tom Bliley, Owen Pickett and the late Herb Bateman for their service to the Commonwealth of Virginia and the entire nation. It has been a great pleasure to know and serve with these gentlemen in the House of Representatives. These men have served not only the people of their districts and the Commonwealth of Virginia, but the entire nation as well. Each has provided invaluable leadership, experience, and statesmanship to the people of their districts, state, and nation. I will miss their friendship and guidance and their districts, the Commonwealth of Virginia and the nation will miss their service, wisdom and experience.

Tom Bliley's 20 years of service and his tenure as Chairman of the House Commerce Committee has benefitted his district, state, and country. Tom has led a life of public service and prior to his election and 20 years in the House of Representatives he was an outstanding mayor and leader for the City of Richmond.

OWEN PICKETT has always put the people, especially our military personnel, above partisanship. His many years of work and experience on the House Armed Services Committee and as Ranking Member of the Military Research and Development Subcommittee will be sorely missed by the 2nd District, the Commonwealth of Virignia and the nation.

The late Herb Bateman was a fine representative and a fine man. I appreciate his friendship as well as his service. We will miss his 18 years of service in the House and his experience on the Armed Services Committee and Chairmanship of the Military Readiness Subcommittee, but more than that we will miss Herb.

PNTR AGREEMENT WITH CHINA NOT GOOD FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Madam Speaker, today they are going to have a ceremony to celebrate the signing of the PNTR agreement with China downtown at the White House. It would be better if they held a wake to mourn the loss of U.S. jobs and complete capitulation of U.S. interests to the dictators in Beijing.

The 1999 trade deficit with China was $68.7 billion. It is headed toward $80 billion this year. The trade deficit with China currently reflects a 6 to 1 ratio of imports to exports, but they only talk about the few goods we export, not about the flood of imports and the value of those imports and the lost jobs from China.

The United States International Trade Commission acknowledges that with the adoption of PNTR, and if China joins the WTO, which is becoming very unlikely, they still estimate an increase in the trade deficit with China. Using their model, the Economic Policy Institute estimates the deficits will continue to grow for the next 50 years, reaching a peak of $649 billion in 2048. Our trade deficit with China would not fall below the current level until 2060, 60 years from now, when every currently employed American worker is retired or dead.

Even if the trends predicted by EPI only persisted for a decade, our deficit with China would reach $131 billion in 2010. The growth in exports would generate 325,000 jobs, but, unfortunately, the growth in imports would lose 1.14 million jobs. That is a net loss of 817,000 jobs, and those job losses would be reflected across the United States.

Let us not kid ourselves: PNTR with China was never about expanding U.S. exports to the Chinese, which would improve our global trade balance; it was about access by large multinational corporations to a low wage, brutalized labor force of 1.3 billion people, in a country with lax environmental standards.

The day after the vote, the day after the vote in the House of Representatives, the Wall Street Journal admitted this in a headline: "This deal is about investment, not exports. U.S. foreign investment is about to overtake U.S. exports as the primary means by which U.S. companies deliver goods to China."

They went on in the article to quote the chief representative of Rockwell International. "In China, that is the direction we are going. We are looking for predictability, reliability. With that, Rockwell expects to set up more factories in China."

The list goes on. GM expects to go from 40 percent Chinese parts to 80 percent Chinese parts. Procter & Gamble, Motorola, Eastman Kodak, Compaq, Coca Cola, a who's who of American businesses are saying this was about them building plants in China with U.S. capital, not about exporting U.S. manufactured goods to China.

They talk about all the concessions China made to join the WTO. But China has, as we pointed out during the debate, violated every major trade agreement for the last two decades on trade; all the nonproliferation agreements that they have had; the memorandum of understanding in 1992 on prison labor; in 1996, the bilateral agreement on intellectual property; the bilateral agreement on textiles; and the 1992 memorandum of understanding on market access. Why do we believe them this time?

In fact, they are already backtracking. Just after the negotiations, their chief negotiator said that these were only theoretical opportunities for U.S. exports, explaining the incongruity by saying, "During diplomatic negotiations, it is imperative to use beautiful words."

China says they still intend to protect machine, electronic, chemical, medical, military, telecommunications, energy, transportation, automobile and agriculture industries, even if they get in the WTO, and now they are saying they will not join the WTO because we are actually asking them to make some changes in their exclusionary practices, to actually begin to allow foreign goods into their country.

No, this is a sad day, and not a day to celebrate. A few large multinational corporations based in the U.S. have tilted U.S. policy in a way that is to the detriment of our workers, our national security, the global environment and the people of China and their workers and their rights and any improvement in human rights and labor rights in China. This should not be celebrated; it should be mourned.

KEEPING SOCIAL SECURITY SOLVENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, a lot of problems face this country and certainly face our administration. One of those problems is keeping Social Security solvent. This affects everybody, not only existing retirees, but the young, middle age and future generations. What is going to be their future in terms of working and paying taxes and, maybe or maybe not, getting Social Security benefits when they retire?

Social Security probably is one of this country's most successful programs in terms of helping people retire with some security. When we started Social Security in 1935, when Franklin Roosevelt decided we should have a program to force savings and pay for some disability insurance while you are working, rather than risk the poor house.

At that time, there were something like 52 workers for each Social Security retiree. Remember, it is a pay-as-you-go program; existing current workers, pay in their Social Security tax and that tax immediately goes out to pay benefits for existing retirees. By the time we got to 1940, there were 38 people working paying in their taxes for every one retiree. This year we have three people working, three people working, paying in their taxes to cover each retiree's benefits.

A couple of things have happened. Politicians in this chamber, the Senate and the presidents decided to increase benefits over the years because it was popular. When there was not enough money, they increased taxes and borrowing. By 2025, over on the far right-hand side of this chart, you see there are only going to be two workers paying in their taxes for each retiree.

We started out back in 1940 having a 3 percent tax on the first $1,500 of wages. Today we have increased that to 12.4 percent on the first almost $76,000 of wages.

So I hope we all agree one of our challenges is not to increase taxes yet again. Demographics of longer life span and lower birth rates have also greatly affected solvency.

The diminishing return on our Social Security investment should concern us all. The real return of Social Security is less than 2 percent for the average worker in the United States.

Again, not counting the amount of the Social Security tax that pays for the disability insurance portion workers get a real return of less than 2 percent on the taxes paid in.

For some, there is zero return on their Social Security. They are never going to live long enough to get back what they and their employer put into it. But, still, 1.9 percent is the average.

Minorities do not get back what they pay in. A young black male, for example, is going live on the average 62 years. That means they pay in all of their life, but do not get benefits. But the average real return for the market, is over 7 percent. Part of the solution for Social Security has got to be a better return on the investment.

This chart shows the number of years you are going to have to live after retirement to get back the money that you and your employer paid in, just to break even. If you were lucky enough to retire in 1940, it took 2 months. If you retired 5 years ago, in 1995, you are going to have to live 16 years after retirement to break even. On average if you retire in 2005, 2015 or 2025, it is unlikely you are going to ever get back what you put into this system.

Even a "C.D." or extra safe investments in the marketplace would give more to retirees. Governor Bush is suggesting limitations on any such investments; it can only be used for retirement purposes, it has to be limited to safe investments. We have companies now that will guarantee a return greater than Social Security without taking any risks. So, our challenge is we have to get people, this Congress, the President, to develop legislation to save Social Security.

It is easy to put off the fixing to the next generation or future congresses. Vice President Gore has suggested adding giant IOUs that demand increasing taxes later. The last president should have dealt with the problem. The next president should not put off solutions that will keep Social Security solvent for the next 75 years.

Right now there is enough money coming in to pay benefits, up until an estimated 2015. We need to take action. We cannot keep putting it off.

EPA HINDERING SMALL COMPANIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from North Carolina (Mr. BALLENGER) is recognized during morning hour debates for 5 minutes.

Mr. BALLENGER. Madam Speaker, first let me give you a quick history of my company. I founded a company in Hickory North Carolina, in 1957 with a loan on my house. This company prints and converts polyethylene, polypropylene and cellophane for packaging for companies like Procter & Gamble and Johnson and Johnson for overwrap for cookies, baby diapers, the packages themselves. That is what the company does. It started off in 1957. At the present time we have 250 employees.

What I want to do is gripe. I would like to gripe about our government.

Several years ago, air pollution regulations went into effect. There was a whole list of various and sundry things that were polluting the air and doing horrible things to everybody's breathing and so forth. But at that time, my company, you have to print something on polyethylene that will evaporate and leave the ink there, so we were printing with methyl alcohol as a solvent and nylon as the coloring. You print the film, blow hot air at it, and evaporate the solvent. Well, what happened is the methyl alcohol at that time was going out the roof.

Along comes an outfit called EPA, and EPA, with this long list of pollutants, decided that methyl alcohol, this is 5 or 6 years after the whole thing started, 5 or 6 years later they decided that methyl alcohol was a positive solvent.

Well, I had seven printing presses in this plant of mine, and at that time we asked EPA, since they said we were polluting, what should we do? And they said, well, you have got to collect the solvent, the evaporating solvent, and destroy it. So we asked, could you give us some advice as to what to do? They said, well, we do not give advice, that is against the rules of the Federal government, but you have to do it.

Well, this thing right here that you see on my left is what is called a catalytic converter. What it does is it collects the printing inks above all the printing presses, all seven of them, and vents it through this unit right here. In the bottom here we have an oven that is heated by natural gas, and it costs, by the way, $50,000 a year in natural gas to run this. At the top comes out what is left over.

Well, $50,000 a year to operate and $600,000 a year to build it, and we were all set to go. We thought we were operating according to what the government wanted, and everything was fine, until a couple of years later they come back and they say, well, we have got a slight problem with your operation. There is pollution leaking out of your presses all through the building and so forth, so you have got to do something to stop that.

Well, again, they did not give us any information as to what we were going to do, so what we did is we built a wall all the way around this building and made it a separate room, and in this separate room we put forced air. The way we used the forced air was air conditioning. This is $500,000 worth of air conditioning that we installed, and that costs $50,000 a year to operate. What it did is it forced all the air to go through the system and go to the catalytic converter.

Well, this is great and wonderful. We have got the catalytic converter going, and the good old government comes up to us and says, I hate to say this to you, but you know those seven printing presses you have? Your catalytic converter is not big enough, it will only handle six printing presses. So they said, you have to shut down one of these printing presses. One of these printing presses costs about $800,000. So we had to shut down a $800,000 printing press at the request of our Federal Government to be able to handle this situation.

This all sounds like we were doing what I would consider the right thing as far as the ecology of the country is concerned, as far as what is expected of business people in this country, although in certain areas of the world I am quite sure this does not happen.

But what really bothered me was eventually I found out that a competitor of mine who had, roughly speaking, the same size plant that I had, went to EPA and discussed it with them, and they came up with a new conclusion. Their conclusion was to allow him to spend $50,000 a year penalty for the right to pollute.

Now, here is a man that I am competing with. I have spent over $1 million, that costs $60,000 a year, that costs $50,000 a year, I am spending $110,000 a year to take care of pollution, and he is paying $50,000 to do it on his own. This is what I consider the great and wonderful way that our Federal Government operates.

So with that kind of information I called up EPA and I said, what is going on here? This does not make a whole bunch of sense to me. And they said, well you have to realize we have inspectors all over the country, and everything is left up to the individual decision by each inspector. So the inspector came up with this brilliant idea that I had to spend $1 million plus $100,000 a year in expenses, and my competitor only had to spend $50,000 a year.

I heard talk earlier about the difficulty of competing with China and imports. Well, I compete with on a regular basis with Taiwan, Korea and Mexico, and I would be willing to bet that none of these countries have even the slightest idea about trying to stop pollution. Yet in our country we have forced people to spend that kind of money.

I do wish the government would stop and think of what they are doing. They do not know what they are doing, and they ought to forget it.

RIGHT TO GO HOME ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, last year I introduced modest legislation that would allow seniors in managed care plans to return after a hospitalization to the retirement community they know, instead of a network HMO nursing home somewhere else. I offered the Right to Go Home Act on behalf of seniors who had been needlessly separated because of HMO rules from their loved ones and from their usual source of care.

It is difficult to believe a health plan would treat a hospitalized senior this way, until you speak to Medicare+Choice enrollees, privatized Medicare, if you will, who experienced it firsthand.

Take, for example, a couple in New Hampshire, separated after the husband's hospitalization because the HMO required him to be discharged to a nursing home in Maine, a 40 minute drive from the community where he and his wife had lived. Or a couple in Florida separated when their HMO required the wife to recuperate from a hospital stay in a nursing home 20 miles away from the retirement community. The husband had difficulty visiting her, and she died later at the HMO member facility.

A retirement community, a nursing facility, is more than just a health care provider; it is a home. Forced relocation means moving vulnerable patients, taking them away from providers experienced in these individual's chronic care needs. It places them in new, strange surroundings during that fragile period of recovery. It separates them from emotionally supportive family and friends.

Under our legislation, HMOs would not be required to pay a dime more for care provided at the beneficiary's retirement facility than in a network facility. What my bill would do is what HMOs should not need our prompting to do; that is, it allows hospitalized nursing home patients to recuperate near their loved ones.

Yet the HMO industry opposes this legislation. They lobbied for changes in the bill that effectively would exclude all but a small subset of seniors. Fortunately, the Committee on Ways and Means did not buckle under the pressure of the HMO industry. They included their legislation in their Balanced Budget Act Restoration proposal.

If the HMO lobby does not kill it, this legislation may make it into law. But the fact that Congress has to take action to ensure the well-being of hospitalized seniors in Plus Choice plans and the fact that the HMO industry would lobby against this bill should tell us something.

Those are facts Congress and the public should keep in mind as George W. Bush promotes commercial health insurance, as he promotes commercial health maintenance organizations, as a replacement, as a replacement, for Medicare.

George W. Bush believes Medicare should be turned over to private insurers. That is not conjecture, that is fact. Visit his web site. His plan is to establish a 4 year commission to restructure Medicare so that it is no longer a "one-size-fits-all big government plan."

Translate that into English. It means simply turning Medicare over to the private insurance industry. HMO's do some things well, but putting Medicare beneficiaries first is not one of them. How many times do we have to intervene with a managed care plan or other insurer on behalf of our constituents before the industry's loyalties become clear to us? Their loyalty is to their stockholders. No surprise there. It is verified every time managed care plans make decisions that fly in the face of good medicine.

Unshakeable loyalty to the bottom line results in decisions often not in the best interests of Medicare enrollees. Unconditional loyalty to the bottom line is what creates the need for a Patients' Bill of Rights. Unwavering loyalty to the bottom line explains why health insurers market to the healthiest individuals, the most profitable, and do everything in their power to avoid the rest; let government do that.

It explains how private managed care plans contracting with Medicare can enroll seniors one year, make money from them, and then cavalierly drop them the next when they are not quite as profitable. They promise supplemental benefits they cannot deliver; they blame the government then for problems that they, the insurance company-HMOs, create.

It explains how the managed care industry has the nerve, the outright arrogance, to lobby against legislation that costs them nothing and means the world to seniors in nursing homes. It is a disgrace.

The traditional Medicare program is different. It is universal, it is reliable, it is accountable to the public. Medicare's loyalty is to beneficiaries and to taxpayers. It is an undiluted commitment. Medicare offers choices in ways that actually make a difference in terms of health care quality in patient satisfaction.

Medicare does not tell beneficiaries which providers they can see; HMOs do. Medicare does not dictate which hospitals and nursing homes are permissible; HMOs do. Medicare does not discriminate between beneficiaries based on their health status; HMOs do. Medicare offers reliable coverage that does not come and go with the stock market.

So before voting for George W. Bush, I urge every American to think carefully about the wholesale changes he has in mind for Medicare.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess until 2 p.m. today.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God,

The seasons change. Across this Nation the days grow shorter. Time passes quickly, and when death strikes any house, all human flesh seems vulnerable. Grant eternal peace to the Honorable BRUCE VENTO. Be now strength for his family, his staff and all who suffer at this moment.

Help all Your people to use the gift of time prudently, for You alone are the judge of the living and the dead.

During the time given to us on this Earth, may we choose to live as You would have us live, so that in the end we may have accomplished Your holy will and come to live in Your presence now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Mrs. MEEK) come forward and lead the House in the Pledge of Allegiance.

Mrs. MEEK of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCING THE PASSING OF THE HONORABLE BRUCE VENTO

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute.)

Mr. OBERSTAR. Madam Speaker, with great sadness, a sense of personal loss and loss to this House, I take the well to announce that at 11:20 this morning, our colleague, Congressman BRUCE VENTO, succumbed to mesothelioma, asbestos-induced cancer of the lung and peritoneal cavity.

BRUCE, in his 12th term, served the people of his district nobly, with dignity, with passion, with purpose. He championed environmental causes. He championed the needs of the homeless, the voiceless, the voteless, those who could not do for themselves. He was an advocate for working people. He voted consistently and worked vigorously and strenuously, to champion the cause of organized labor in this body. He brought a balance to all that he undertook, and with a science teacher-like care for fact and detail, he pursued his causes with only the greatest of dignity and of skill.

My prayers go out to his wife Sue, to his children, to his constituents. I thank the Reverend Chaplain for the prayer for BRUCE and for his family. I ask all of our colleagues to join their prayers with those of the Vento family.

SECURITY FOR OUR SENIORS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, we all have responsibilities in life. Unfortunately, the Clinton-Gore administration is once again irresponsibly blocking the road to prosperity for American people.

Our seniors should not be forced to choose between food and medicine, and under our debt relief plan they will not have to make this tough choice. This Republican-led Congress wants to put 100 percent of Social Security and Medicare surpluses in a lockbox, and create another lockbox strictly for debt reduction to protect all our senior citizens. We want to guarantee that the surplus created by the tax dollars of the hardworking people of America be used for debt reduction and not big government spending.

Our fiscal discipline will ensure that as we continue to pay off the debt, we will have more money to save for Social Security and Medicare. And this means more security and a better quality of life for our seniors.

Let us keep the Washington bureaucrats out of our surpluses, out of our pockets, and out of our medicine cabinets. Let us build true prosperity and security for every American, young and old alike.

THE CHINA THREAT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, China will get $100 billion from Uncle Sam this year in trade surplus. With our cash, China is buying missiles like they are going out of style. Now, if that is not enough to arm yourself, after being told by the CIA that in fact China has those missiles aimed at America, Janet Reno appointed independent counsels for two love triangles.

Beam me up. Monica may be a threat to fidelity but China happens to be a threat perhaps to our national security. It is time to wise up, Congress, and wake up and smell the treason, and it is time to have a full and thorough investigation into this China mess and Janet Reno.

I yield back the fact that China has more soldiers than America has citizens, men, women and children combined.

TAIWAN

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, I rise today to congratulate the people of Taiwan as they celebrate their 89th National Day, which anniversary is today. There is a great deal to celebrate for the people of Taiwan. Taiwan has an even distribution of wealth and its citizens enjoy a high standard of living. Taiwan has been able to prosper in recent times despite its limited resources and relatively large population.

President Chen Shui-bian and the political leaders of Taiwan have done an excellent job of leading their country into the 21st century. Their effort to rejoin the United Nations and to maintain a dialogue with the Chinese mainland are admirable. Taiwan deserves a voice in these and other international organizations. There is no question that President Chen wants a serious dialogue with the mainland. He seeks stability in the Taiwan Strait and wants peace to prevail in the Asia Pacific region.

May God continue to bless our friends in the Republic of China on Taiwan. May Taiwan continue to shine as a beacon of prosperity and freedom in the Far East. And may Taiwan play an active role in international affairs and coexist with the Chinese mainland.

A PRESIDENT SHOULD TELL THE TRUTH

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Madam Speaker, should someone who does not believe in facts be our President?

Fiction: AL GORE recently claimed that his mother-in-law pays more than $100 for arthritis medicine. Fact: The figure came from a Democratic Party study. Newspapers reported AL GORE was not even sure his mother-in-law was taking any medication or had arthritis.

Fiction: AL GORE'S sister tragically died of lung cancer and he vowed never to accept tobacco money as campaign contributions. Fact: Just 4 years later he spoke to the tobacco industry, said he was one of them, and raised $100,000.

Fiction: AL GORE'S campaign literature once claimed he was a "brilliant student." Fact: He received C's and D's in college and dropped out of law school and divinity school.

Fiction: AL GORE claimed credit for inventing the Internet in the 1990s. Fact: The Internet has been used by government and educational institutions since the 1970s.

Fiction: AL GORE recently said that if elected President he would penalize producers of Hollywood's graphic sex and violence. Fact: Just 6 days later he attended a fund-raiser by Hollywood producers and raised $4 million.

Madam Speaker, we need a President who tells the truth.

TRIBUTE TO K. GUNN McKAY

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Madam Speaker, on October 6 last week our former colleague K. Gunn McKay passed away due to complications of cancer.

Gunn served in this House from 1971 to 1981 and was chairman of the Subcommittee on Military Construction of the Committee on Appropriations.

Gunn's family comes from Huntsville, Utah, and as a relatively young man his father passed away. Gunn worked diligently to help his brothers and sisters to gain an education and took over many of the responsibilities of the family.

As a public servant, Gunn admirably served the people of the First Congressional District of Utah, he served in the Utah legislature, and as chief of staff to former Governor Cal Rampton. He also was a very devout member of the Church of Jesus Christ of Latter-Day Saints and served in many positions of leadership.

Gunn and his wife Donna are the parents of 10 children, and he has a remarkably fine family composed of both his brothers and sisters as well as his own children. I am sure that many of my former colleagues and his former colleagues join with me in expressing condolences to the McKay family at the time of Gunn's passing.

ON SCORE

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Madam Speaker, since coming to the U.S. House of Representatives, I have had the opportunity to become familiar with a volunteer organization in Colorado known as SCORE, or Service Corps of Retired Executives, a great resource partner to the Small Business Administration that specializes in counseling, mentoring and educating America's small business owners.

In Colorado, there are 154 men and women volunteering their time, business acumen and counsel to the small business community to provide a top quality resource at no cost to their clients. Nationally there are more than 12,000 volunteer members representing 389 SCORE chapters providing individual counseling and business workshops for aspiring entrepreneurs and small business owners.

With over 50 percent of all new businesses failing within the first 6 years, counseling early on can be the difference between success and failure.

Small businesses account for 99.7 percent of all employers and 54 percent of employment representing a major contribution to our economic growth. It is time we recognized that this organization is the best kept secret in the country, that we appreciate their hard work and dedication, and that we vote to support its modest budget for this year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill earlier today:

H.R. 4444, an act to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, WASHINGTON, DC, OCTOBER 2, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am transmitting herewith copies of the resolutions approved on September 27, 2000 by the Committee on Transportation and Infrastructure, as follows:

- Committee survey resolutions authorizing the U.S. Army Corps of Engineers to study the following potential water resources projects: Donaldsonville, Louisiana; Atchafalaya River Channels, Louisiana; and, Tennessee River Watershed, Virginia.
- Committee resolution authorizing the Natural Resources Conservation Service to undertake a small watershed project for the Snake River, Minnesota.

With kind personal regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

Enclosures.

DOCKET 2657: ATCHAFALAYA RIVER CHANNELS, LA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to view the report, Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, published as House Document 155, 90th Congress, 1st Session, and other pertinent reports, with a view to determine whether modifications of the recommendations contained therein are advisable at the present time, with particular reference to the provision of a 35-foot channel in the Lower Atchafalaya River between Morgan City, Louisiana, and the Gulf of Mexico and to the enlargement of the remaining project channels to the project depth of 35 feet.

Adopted: September 27, 2000.

DOCKET 2656: DONALDSONVILLE, ASCENSION PARISH, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report on the Mississippi River and Tributaries Project, published as House Document 308, 88th Congress, 2nd Session, and other pertinent reports, with a view to determine if improvements along the Mississippi River in the area of Ascension Parish, Louisiana inclusive of the City of Donaldson, Louisiana, in the interest of navigation, environmental restoration and protection, and related purposes are advisable at the present time.

Adopted: September 27, 2000.

DOCKET 2658: TENNESSEE RIVER WATERSHED, VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army, is requested to review the report of the Chief of Engineers, Cumberland River, Kentucky and Tennessee, published as House Document 761, 79th Congress, 2nd Session, and Senate Document 81, 83rd Congress, 2nd Session, and the Tennessee River and Tributaries, North Carolina, Tennessee, Alabama and Kentucky, published as House Document 328, 71st Congress, 2nd Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time, with a view to determine whether improvements to the Tennessee River Watershed, including all tributaries, located in Lee, Wise, Scott, Russell, Tazewell, Smyth, and Washington Counties, Virginia are advisable for environmental restoration and protection, flood control, regional water systems, and watershed management.

Adopted: September 27, 2000.

RESOLUTION

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That pursuant to the provisions of Section 2 of Public Law 566, Eighty-third Congress, as amended, the following project for flood protection, water quality, soil conservation, and other purposes at Snake River Watershed, Minnesota, is hereby approved in accordance with the report on such project dated June 1999, and transmitted to Congress by the Deputy Chief of Programs, Natural Resources Conservation Service, by letter dated June 2, 2000, and said report is made a part of this approval.

Name of Project: Snake River Watershed, Minnesota

Adopted: September 27, 2000.

There was no objection.

COMMUNICATION FROM THE HONORABLE SAM FARR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable SAM FARR, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 10, 2000.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Superior Court for San Diego County, California.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to notify the party that issued the subpoenas that I do not have any responsive documents.

Sincerely,

SAM FARR,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

SENSE OF CONGRESS IN SUPPORT OF A LIBERTY DAY

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 376) expressing the sense of the Congress regarding support for the recognition of a Liberty Day.

The Clerk read as follows:

H. CON. RES. 376

Whereas our rights and liberties are rooted in the cherished documents that gave birth to our nation, those being the Declaration of Independence and the United States Constitution with its Bill of Rights;

Whereas the patriot James Madison, fourth President of the United States, was the major author of the Virginia Plan, the model and the basis for that United States Constitution that emerged from the Constitutional Convention in 1787;

Whereas James Madison kept detailed written records of the debates and compromises that were in integral part of that Convention of 1787, which records were published only after the death of all delegates to the Convention;

Whereas James Madison wrote many of the newspaper articles now known as the Federalist Papers, outlining why States should endorse the new Constitution and enduring as some of the best arguments for our form of government;

Whereas James Madison introduced the Bill of Rights into the 1st Congress of the United States, whereupon the first ten amendments to the Constitution were adopted; and

Whereas it is altogether fitting that the 16th day of March, the birthday of the distinguished founding father, James Madison, would serve as a fitting reminder of Liberty Day, a celebration of the Declaration of Independence and the United States Constitution, where our unalienable rights and liberties are enumerated: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) a Liberty Day should be celebrated each year in the United States as a remembrance of both the freedom that Americans were given in the Declaration of Independence and the extraordinary rights and liberties that Americans were given in their Constitution; and

(2) all elected and previously-elected representatives of the people who voluntarily give of their time to speak to Americans about those founding documents, in furtherance of that remembrance of our freedom, our rights and our liberties, deserve our thanks.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. **MORELLA**) and the gentleman from Maryland (Mr. **CUMMINGS**) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. **MORELLA**).

□ 1415

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 376.

The SPEAKER pro tempore (Mrs. **BIGGERT**). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Concurrent Resolution 376, which calls for the people of the United States to celebrate a Liberty Day each year. In the words of the resolution, Liberty Day would serve, quote, "as a remembrance of both the freedom that Americans were given in the Declaration of Independence and the extraordinary rights and liberties that Americans were given in their Constitution," unquote.

The resolution also holds that all elected and previously elected representatives of the people who voluntarily give of their time to speak to the American people about these founding documents to further our remembrance of our freedom, our rights and our liberties, will deserve our thanks. The preamble to the resolution also finds that March 16, James Madison's birthday, would be a fitting reminder of Liberty Day and an appropriate occasion to celebrate the inalienable rights and liberties proclaimed by the Declaration of Independence and secured by the Constitution.

Madam Speaker, this is the second time in as many weeks that this House has had occasion to reflect on the life and achievements of James Madison. Last week, we passed House Concurrent Resolution 396 to celebrate Madison's birth and his many contributions to our Nation.

The resolution before the House today also recognizes the immense contributions of this remarkable patriot to securing the freedom we enjoy today.

Madam Speaker, Madison himself said that, quote, "my life has been so much of a public one that any review of it must mainly consistent of the agency which was my lot in public transactions," unquote.

Although he was the fourth President of the United States, the greatest of Madison's public transactions was surely his crucial role in the framing and adoption of the Constitution of the United States. As the resolution notes, Madison was the major author of the Virginia Plan, which served as the basis and model for the Constitution of the United States, that was proposed by the Constitutional Convention in 1787.

Along with John Jay and Alexander Hamilton, Madison also contributed to securing ratification of the Constitution by writing parts of the Federalist Papers.

The Federalist Papers endure to this day, as the resolution observes, as some of the best arguments for our form of government.

Madison also kept detailed records of the debates and compromises in the Constitutional Convention which were published only after all delegates to the convention were dead. The Federalist Papers and Madison's notes on the Constitutional Convention remain primary sources for all who seek an understanding of the Framers' intent.

As a Member of the first Congress, Madison was also instrumental in framing the Bill of Rights. Madam Speaker, as the 106th Congress concludes, it is certainly proper that we pass this resolution to remember the founding documents, the Declaration of Independence and the Constitution, and James Madison's contributions to the formation of our system of government. I urge all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, last Monday I stood at this podium to manage House Concurrent Resolution 396, celebrating the birth of James Madison and his contributions to the Nation. Today I am here to manage a resolution that would express Congress' support for the recognition of March 16, James Madison's birthday, as Liberty Day. This resolution bestows this honor on James Madison because he was the primary author and steadfast supporter of three great works of American democracy: the Constitution, the Federalist Papers, and the Bill of Rights.

If this resolution is passed, Madison's birthday would serve to remind us of our rights and liberties as enumerated in the Declaration of Independence and the Constitution of the United States.

Liberty is defined in Webster's Collegiate Dictionary as, and I quote, "the quality or state of being free, and the power of choice," two premises on which this Nation was founded.

The promise of freedom and choice is what thousands of immigrants saw in a copper statue in the New York Bay. The statue was of a woman holding a torch in her right hand and a tablet bearing the adoption date of the Declaration of Independence in her left.

Her pedestal reads, and I quote, "Give me your tired, your poor, your huddled masses yearning to breathe free." The Statue of Liberty was and still is a symbol of hope and freedom in America.

Another traditional symbol of United States freedom can be found in Philadelphia in the form of a cracked bell. The bell was first rung on July 8, 1776, 4 days after the adoption of the Declaration of Independence. It tolled to celebrate the first public reading of the document. The bell bears the motto, and I quote, "Proclaim liberty throughout all the land unto all the inhabitants thereof."

The Liberty Bell, first named in an 1839 Abolitionist pamphlet, remains a symbol of freedom and a reminder that all Americans are created equal.

When H. Con. Res. 376 is passed, Americans will have another opportunity to reflect on this Nation's tradition of freedom and equality. Liberty Day will further enhance the importance and symbolic meaning of two existing icons of American freedom: the Statue of Liberty and the Liberty Bell.

On March 16, Americans will celebrate a promise originated by James Madison and others and documented in the Declaration of Independence and the United States Constitution. That promise is one of freedom and choice. And in the words of James Madison, he said simply these: "The prescriptions in favor of liberty ought to be leveled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power; but this is not found in either the executive or legislative departments of government, but in the body of the people, operating by the majority against the minority."

Madam Speaker, I urge all of my colleagues to support this resolution. I congratulate its sponsor.

Madam Speaker, I reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO), the sponsor of this resolution.

Mr. TANCREDO. Madam Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me this time.

Madam Speaker, I could not do better in terms of describing the importance of this resolution and its historical implications than my two colleagues from the State of Maryland have done here. Both of them, I think, have been incredibly articulate in expressing those sentiments.

I will only add that it is important also to remember that James Madison, as the fourth President of the United States, was also the major author of the Virginia Plan, which is a model and the basis for the United States Constitution that emerged from the Constitutional Convention in 1787.

I want to also say that this whole issue comes to us today on the floor as a result of the really tireless efforts of one individual in my district, a gentleman by the name of Andy McKean, who with other members of the Lion's Club took this on as a project some time ago and decided something had to be done in order to increase the level of knowledge that students, especially students and youngsters, have about the Constitution, about the Bill of Rights and about really what liberty means in the United States of America.

As part of that task, they have been instrumental in delivering and distributing literally hundreds of thousands of copies of the Constitution. Liberty Day Colorado is the way it is identified here, but these little pocket Constitutions have gone out to schools all over Colorado. There are over 1 million active members of the Lion's Club nationwide, and it is my understanding that this is a project they are anticipating to take on as an organization.

It is supported right now in State legislatures throughout the country: Colorado, California, Maine, Pennsylvania, Ohio, North Carolina, Virginia, New Hampshire, Montana, Mississippi, Indiana, Idaho, Wyoming. And other States are on the way.

It is nonpartisan, as evidenced by the discussion here today. It is funded entirely through businesses and individual contributions. The national recognition will provide a rallying point for this grass-roots movement; and it is also, I think, a tribute to individuals like Mr. McKean.

A textbook could not be written about the way in which he has devoted a good portion of his life to this event and how it has worked its way through the process and it now appears before us on the floor of the House and hopefully will eventually become part of our national recognition of Liberty Day.

So, again, I want to thank the committee; and I want to thank the Members here who have spoken so eloquently in its support.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentleman from Colorado (Mr. TANCREDO) for his words. It is very heartening to know that the Lion's Club took this on as a project.

I think it is very, very important in our society that we do everything in our power, Madam Speaker, to lift up our children. I have often said that they are the living messages we send to a future we may never see. I want to congratulate him for that.

Madam Speaker, I just want to end with one of my favorite quotes from Madison, which was stated on June 8, 1789, when he said that all power is originally vested in and consequently derived from the people; that government is instituted and ought to be exercised for the benefit of the people, which consists in the enjoyment of life and liberty, with the right of acquiring and using property and generally of pursuing and obtaining happiness and safety; that the people have an indubitable, unalienable and indefeasible right to reform or change their government whenever it be found adverse and inadequate to the purposes of the institution.

Madam Speaker, I would urge all of our colleagues to vote in favor of this very important resolution.

Madam Speaker, I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I very much appreciate the quotation and the discussion with my colleague from Maryland (Mr. CUMMINGS).

Madam Speaker, I yield such time as he may consume to another colleague, the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Madam Speaker, I want to thank my friend, the gentlewoman from Maryland (Mrs. MORELLA), for yielding me this time and I want to thank my other friend, the gentleman from Maryland (Mr. CUMMINGS), for his quote.

Madam Speaker, it is hard for us to realize what a radical document the Declaration of Independence was. If we think back, our forefathers now, they come from all parts of the world; but our forefathers when this country was founded came from principally the British Isles and the European continent. If we remember our history, almost every one of them came from a country where the king or the emperor claimed and, incredibly from our position, was granted what was known as divine rights. In other words, what the king or the emperor claimed was that the rights came from God to him; that he would then give what rights he wished to his people. Sometimes many; sometimes very few.

Our forefathers made a radical departure from this, because in the Declaration of Independence they said we hold these truths to be self-evident that all men are created equal; that they are endowed by their Creator with certain unalienable rights. That the rights did not come from God to the king, that the rights came from God to the people, and it was the wish of our forefathers that they would found a government which had very limited rights.

☐ 1430

Most of the rights should still reside in the people. So they wrote the Constitution 11 years later, ratified in 1787. The ink was hardly dry before they recognized that it might not be clear to everyone how committed they were to the proposition that the rights fundamentally belonged to the people, and they would give just what few rights were necessary to the government.

Four years later, in 1791, the first 10 amendments which we know as the Bill of Rights were finally ratified by three-fourths of the States. If we look through those Bill of rights and reflect on what they said, most of them address the rights of the people.

Then to make sure that no one could misunderstand that they meant most of these rights to reside with the people, in the Ninth Amendment they said that, just because we did not mention in the Constitution that the right belonged to the people, do not disparage the fact that it does belong to the people.

Then in the Tenth Amendment they came back, and I think this is the most violated amendment in the Constitution, the most violated part of the Constitution, they come back and say, in today's English, if you kind of put this in today's English, our Constitution is old English and it is legalese so sometimes we have to paraphrase it to understand clearly what they meant, what they are saying in the Tenth Amendment is that if we cannot find it in article 1, Section 8, of the Constitution, the Federal government cannot do it; that they can only do those things which are found there, and all the things which are not found there, all the rights not specifically given to the government, belong to the people or to the States.

So I think it is very appropriate that we designate a Liberty Day. That is what our forefathers wished so much for us to have. That is what we are at risk of losing as government becomes ever bigger and bigger and more and more intrusive.

I wholeheartedly support the resolution.

Mrs. MORELLA. Madam Speaker, I yield myself the balance of my time.

I commend the gentleman from Colorado (Mr. TANCREDO) for introducing this resolution and working very hard to bring it to the floor today. I also want to thank the Lions Club for taking on this Liberty Day project. The Lions Club has been noted for its eye banks. They care about vision, and frankly, Liberty Day has to do with the vision to look ahead in terms of recognizing the values of the past and the principles upon which we are guided into the future.

I also want to thank the gentleman from Florida (Mr. SCARBOROUGH), the chairman of the Subcommittee on Civil Service, the gentleman from Maryland (Mr. CUMMINGS), a ranking member of the Subcommittee on Civil Service, the gentleman from Indiana (Mr. BURTON) of the Committee on Government Reform, as well as the ranking member, the gentleman from California (Mr. WAXMAN), because they have helped the consideration of this resolution.

It is also a pleasure to be able to floor manage this resolution that we believe in with my colleague, the gentleman from Maryland (Mr. CUMMINGS). I thank my other colleague from Maryland (Mr. BARTLETT) also for his understanding of the Constitution and his statement.

Madam Speaker, I ask Members' support of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 376.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL THRIFT SAVINGS PLAN PARTICIPATION ACT

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 208) to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 2, line 15, strike out all after "distribution" down to and including "trust." in line 16 and insert: *that a qualified trust could accept under the Internal Revenue Code of 1986.*

Page 3, strike out lines 1 through 5 and insert:

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect at the earliest practicable date after September 30, 2000, as determined by the Executive Director in regulations.

Page 6, strike out lines 5 through 10 and insert:

(1) IN GENERAL.—The amendments made by this section shall take effect at the earliest practicable date after September 30, 2000, as determined by the Executive Director in regulations.

Page 6, strike out all after line 15, over to and including line 2 on page 8, and insert:

SEC. 3. COURT ORDERS AFFECTING REFUNDS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8342(j)(1) of title 5, United States Code, is amended to read as follows:

"(j)(1)(A) Payment of the lump-sum credit under subsection (a) may be made only if the spouse, if any, and any former spouse of the employee or Member are notified of the employee or Member's application.

"(B) The Office shall prescribe regulations under which the lump-sum credit shall not be paid without the consent of a spouse or former spouse of the employee or Member where the Office has received such additional information and documentation as the Office may require that—

"(i) a court order bars payment of the lump-sum credit in order to preserve the court's ability to award an annuity under section 8341(h) or section 8345(j); or

"(ii) payment of the lump-sum credit would extinguish the entitlement of the spouse or former spouse, under a court order on file with the Office, to a survivor annuity under section 8341(h) or to any portion of an annuity under section 8345(j).".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8424(b)(1) of title 5, United States Code, is amended to read as follows:

"(b)(1)(A) Payment of the lump-sum credit under subsection (a) may be made only if the spouse, if any, and any former spouse of the employee or Member are notified of the employee or Member's application.

"(B) The Office shall prescribe regulations under which the lump-sum credit shall not be paid without the consent of a spouse or former spouse of the employee or Member where the Office has received such additional information or documentation as the Office may require that—

"(i) a court order bars payment of the lump-sum credit in order to preserve the court's ability to award an annuity under section 8445 or 8467; or

"(ii) payment of the lump-sum credit would extinguish the entitlement of the spouse or former spouse, under a court order on file with the Office, to a survivor annuity under section 8445 or to any portion of an annuity under section 8467.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 208.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank all of the people who are involved in our consideration of H.R. 208, the Federal Thrift Savings Plan Participation Act. When I thank the Speaker, I know that I speak for the thousands of Federal employees with whom I have met and who have written and called my office in support of this legislation, including the gentleman from Maryland (Mr. CUMMINGS), who is going to be handling it on the other side of the aisle.

My legislation would bolster two critical components of Federal employees' retirement benefits, the Thrift Savings Plan. As we know, the TSP is a retirement savings and investment plan for Federal and postal employees.

The TSP is critical for all Federal employees, but it is particularly important for those employees hired in the last decade who, under the Federal Employees' Retirement System, receive smaller civil service benefits and need to invest more to enhance their retirement income.

Currently, employees can elect to begin contributing to the TSP only during two semi-annual election periods established by law. Newly-hired employees are first eligible to participate during the second election period after being hired. As a result, these employees must wait from 6 to 12 months, depending upon their dates of hire, before they may contribute their own funds.

Allowing employees to begin contributing to the TSP immediately makes it more likely that employees will get into and continue the habit of saving for retirement through payroll deduction.

Early saving is especially important in order to maximize the effect of compound earnings, and to take full advantage of the benefit of pre-tax savings accorded to tax-deferred retirement plans.

This bill would eliminate all waiting periods for employee contributions to the TSP for new hires and rehires. Employees who are hired or rehired would be eligible to contribute their own funds immediately.

Further, ensuring the portability of retirement savings is important because portable retirement savings can follow employees as they change jobs, while preserving the special tax status accorded to these funds.

While the Internal Revenue Code currently allows transfers of retirement savings between 401(k) plans, such transfers are not authorized for the TSP. There is no justification for this limitation. This bill, H.R. 208, would authorize employees to transfer funds from certain tax-deferred savings plans from previous jobs to their TSP accounts. As amended by the Senate, the TSP will be able to accept any transfer that a private sector 401(k) can accept under the Internal Revenue Code.

In addition, the Senate has also included an amendment by Senator AKAKA which would allow the Office of Personnel Management to recognize court orders prohibiting a Federal employee who is going through a divorce proceeding from withdrawing his or her retirement contributions to the Civil Service Retirement and Disability Trust Fund.

This is a terrific bill. It will help in recruiting and retaining our wonderful Federal work force.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I commend my colleague, the gentlewoman from Maryland (Mrs. MORELLA), for sponsoring H.R. 208. I am very pleased to say that I am a very proud cosponsor.

Madam Speaker, this bill makes significant reforms in the Thrift Savings Plan. It contains proposals that were included in President Clinton's last two budget proposals.

It would permit new Federal employees to begin contributing to their TSP immediately rather than waiting a year, as required under current law. It would also let Federal employees transfer balances from other tax-deferred savings plans, including private sector 401(k) accounts, to their TSP accounts.

Early participation in the Federal Employees' Retirement System, especially in the TSP, is critical if an employee is going to maximize the amount of earnings saved for retirement.

The Subcommittee on Civil Service has addressed the issue of protecting employees' retirement savings by moving legislation through Congress that would provide long-term care insurance as a benefit option for Federal employees and postal employees, as well as military personnel and retirees. The legislation, the Long Term Security Act, was signed into law by President Clinton last month.

Baby-boomers are concerned about their retirement security, but are not saving adequately for their long-term care needs. H.R. 208 is one initiative that will help the Federal work force save money for their retirement.

Senator AKAKA's amendment to the House bill further strengthens the legislation by allowing the TSP to accept all of the types of rollover contributions that private sector 401(k) plans may now accept.

In addition, the Senator's amendment would provide an offset for the legislation that will not divert money from the agency's hard-pressed salaries and expenses accounts.

I am pleased again to be a cosponsor. I want to thank the gentlewoman from Maryland (Mrs. MORELLA) for her sponsorship.

Madam Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a member of the subcommittee.

The Subcommittee on Civil Service is one that works very closely, and we have done some great work this year. The gentlewoman is one of the leaders on our subcommittee, and one who constantly reminds us of how important our civil servants are.

Ms. NORTON. Madam Speaker, I thank the gentleman from Maryland for yielding time to me, and for his very kind and gracious words. May I thank him and our other regional colleague, the gentlewoman from Maryland (Mrs. MORELLA), for their leadership on this bill. They have been steadfast until in fact we have come to this moment, when it has gone to the Senate and come back to us with a few changes.

I want particularly to thank President Clinton, whose leadership has been at the forefront of this concept.

Madam Speaker, I would like to say that this concept represents precisely what we ought to be doing with retirement. We are not taking any money from the social security trust fund to get this done. What we are doing is encouraging people, through incentives we are providing, to save their own money. That is the only way to make sure we secure the social service trust fund at the same time we do what we have not done nearly enough of, and that is to encourage the American people to stop spending so much of their money and save it. They are not doing that. We are at the lowest savings rate virtually in history.

This bill encourages savings in two ways. First, it brings Federal employees into equality in rolling over their contributions into 401(k)s now, like their private sector counterparts. There is no reason for there to have been any distinction in that regard.

Secondly, it allows newly-hired employees to get into the savings habit from the moment they get their first paycheck by allowing TSP to apply to them immediately, instead of waiting for the next period, which could be as much as a year.

Thus, essentially what this very good bill does is to put the government in the ballgame of employee savings plans. It brings us to where many private sector plans have long been.

The House, of course, offset this bill through contributions from the Civil Service Retirement and Disability Fund. The administration opposed that, and I think correctly. After all, the Civil Service Retirement and Disability Fund is very controversial over here, at least with respect to funding it, and these contributions would not be related to benefits or to retirement. I believe the administration was probably correct in saying that it set a poor precedent for the future to use the trust fund for unrelated purposes.

So I appreciate the suggestion of the other body, which is why this bill is back here, that we should offset, as is required, in a way that I must say gives us a double bang.

First of all, it gives us the money. We recognize now court orders during a divorce proceedings that otherwise might result in what amounts to fraud. If one is going through a divorce and they say, oh, my God, I might have to give some of this to my wife or husband, and they pull their money out so they cannot be part of the proceeding, that is nothing the Federal government wants to encourage.

☐ 1445

This body has been trying to go in the other way and secure spouses in what would otherwise be available to them, so I regard it as an antifraud measure. But then I am also pleased to see, when we consider what this means for women in particular, that it would safeguard women for what would otherwise be a fleet of what should be available to them.

Madam Speaker, we get the savings, we prevent fraud, and we allow either spouse, in this case, I think it probably benefits women more than men, to perhaps get what would otherwise be available to them but has not been in the past, because the Federal Government did not recognize court orders until the divorce was all done and through, in which case the spouse could have withdrawn the retirement funds that were in the account.

May I say, Madam Speaker, that there is another benefit to this bill, and that really has to do with the retention and recruitment of employees. The Federal Government has become almost noncompetitive with the private sector in pay and benefits.

With the scarcity of workers, and I am amazed to hear myself say that, we have the kind of full employment that we never had in my lifetime, the private sector is trying everywhere it can to make sure that it recruits and retains employees. Moreover, the sizzle is all there. Youngsters getting out of school think of the Federal Government and State governments as kind of ho hum places. They want to go where the action is, to technology, to the private sector by having benefits that do not equal what the private sector has long done.

We certainly do not help ourselves to retain and recruit the employees we need to keep this government running.

Benefits used to be the way the government offset lower pay; now benefits have lost ground as well. We are not going to be able to maintain the extraordinary civil service we have had throughout my lifetime in this city as a native Washingtonian, unless we wake up and smell the coffee when it comes to pay and benefits.

Obviously, this bill helps employees by equalizing their savings and benefit plan, but it helps the Government to make up for lost ground in recruiting and maintaining what has been historically the best and brightest labor force in the country.

Mrs. MORELLA. Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself 9 minutes.

Madam Speaker, I want to, first of all, thank the gentlewoman from the District of Columbia (Ms. NORTON) for what she just said. It reminds me that our subcommittee has worked very hard to stand up for our Federal employees, and we have had a tremendous sensitivity to their needs and their concerns.

So often Federal employees are not given the credit for all the wonderful things that they do, and I have often said that they are the folks who keep government together. They are the oil that keeps the engine running. Without them, we would not be able to accomplish very much of anything in this country.

With that, I want to thank the gentlewoman from Maryland (Ms. MORELLA) again for her sensitivity, but we have been very fortunate to work in a bipartisan way. As the gentlewoman from the District of Columbia (Ms. NORTON) said, this is the way things should be done; just a common sense approach and encouraging people to save on their own.

As we reach the waning days of this session, I want to take a moment, Madam Speaker, to thank the members of our committee, certainly the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Maine (Mr. ALLEN), the gentleman from Florida (Mr. MICA), the gentleman from Florida (Mr. MILLER), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Arkansas (Mr. HUTCHINSON), and certainly the gentleman from Florida (Mr. SCARBOROUGH), our chairman, for all of the efforts that we have been able to pull together to create some very, very meaningful legislation.

I think that it is safe to say, Madam Speaker, that we set some goals at the beginning of this term, and I think we fulfilled just about all of them; and this is a crowning piece of legislation, because, again, it is recognition for our Federal employees for what they do every day, every day to lift our Nation up, to make it the strongest Nation in the world and the greatest Nation in the world. With that, I urge all of my colleagues to support this legislation.

Madam Speaker, I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for his very appropriate and very kind words, but certainly the work that he has commented on dealing with this subcommittee working together for Federal employees, because they are so important to our Nation.

America, Madam Speaker, has one of the lowest national savings rates among industrialized countries. It has fallen steadily over the last 20 years, seriously jeopardizing America's security during what is supposed to be our golden years. Even though Americans recognize that they should be saving more, half of all family heads in their late 50s possess less than $10,000 in net financial assets.

With the retirement of America's baby boomers approaching, Congress is beginning to consider how we can encourage Americans to save more. Federal employees, like all Americans, are increasingly concerned with planning for their retirement.

This bill, H.R. 208, is a sensible way to encourage Federal employees to take personal responsibility and increase their savings for retirement without adding impediments before them. I think also as a Nation it helps us recruit and retain Federal employees. It says that we care about our civil servants. I am delighted that this important legislation has come to the floor for a vote. I want to thank the gentleman from Florida (Mr. Scarborough), chairman of the Subcommittee on Civil Service, the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform for their support in expediting consideration of the resolution.

Madam Speaker, I want to thank the gentleman from Maryland (Mr. CUMMINGS), who is the ranking member of the Subcommittee on Civil Service, and the gentleman from California (Mr. WAXMAN), who is the ranking member of the Committee on Government Reform, for their support.

I would also like to thank Tom Trabucco, he is from the Thrift Savings Retirement Board, for all of his help in crafting this legislation. I also want to thank our staffs on both sides of the aisle and certainly on this side such as Garry Ewing, and especially my staff person Jordie Hannum. Madam Speaker, I ask my colleagues to vote for this bill.

Mr. MORAN of Virginia. Madam Speaker, I rise today to join my colleague from Maryland in support of H.R. 208, the modernization of the Federal Employee Thrift Savings Plan (TSP).

I share Mrs. MORELLA's view that federal employees should be allowed to participate in the TSP immediately upon being hired.

As Members of Congress, it is the least we can do to reward the hard work of our federal employees who, in recent years, have assumed increasing responsibilities, sacrificed higher private sector wages, and generally tried to make the federal government operate more efficiently with, in many cases, tighter budgets.

This bill will help to ensure that the Federal government is able to keep pace with the private sector in attracting the best and brightest personnel.

I have seen this trend first-hand in my district, where many talented individuals leave federal service because their government compensation and benefits just don't compete with offers in the private sector. I firmly believe that this bill seeks to level the playing field by enabling the federal government to hire and retain a highly skilled workforce that will secure the American public's confidence in our government and the services our federal workforce provides.

By lifting the waiting period restrictions on TSP participation, this is just one more step to make federal employment more attractive to individuals, and more competitive with the private sector.

Mrs. MORELLA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 208.

The question was taken.

Mrs. MORELLA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RUTH HARRIS COLEMAN POST OFFICE

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5229) to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the "Ruth Harris Coleman Post Office."

The Clerk read as follows:

H.R. 5229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RUTH HARRIS COLEMAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, shall be known and designated as the "Ruth Harris Coleman Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Ruth Harris Coleman Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5229.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the bill before us, H.R. 5229, was introduced by the gentleman from Georgia (Mr. KINGSTON) and supported by the entire House delegation from the State of Georgia, pursuant to the practice of the Committee on Government Reform.

The legislation designates the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia as the "Ruth Harris Coleman Post Office."

Ruth Coleman was a schoolteacher and played a dynamic role in the activities of Odum as the originator and director of Odum Day for 17 of the past 24 years. She was named Odum's Citizen of the Year in 1998 and was a former chairman of the Wayne County Chapter of the AARP. She was a Member of the Wayne Memorial Hospital Auxiliary, and she chaired the American Red Cross Blood Drive in Wayne County for many years.

She also served as chairman of the Harris Family Reunion and the organizer of the Odum Sunlighters. Ruth Coleman passed away in 1998 when she was 70 years of age.

Madam Speaker, I urge our colleagues to support H.R. 5229, recognizing the contributions of Ruth Harris Coleman to Wayne County by naming a post office in Odum, Georgia in her honor.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 5229 was introduced by the gentleman from Georgia (Mr. KINGSTON) on September 20, 2000. Mrs. Ruth Harris Coleman was a schoolteacher and one of the originators of Odum Day, which celebrated its 25th year on October 7 of this year.

Mrs. Coleman was Odum Day director for 17 years. In 1983, she was the grand marshal of Odum's homecoming parade and in 1998 was named Odum's Citizen of the Year.

She chaired the American Red Cross Drive in the Wayne County Chapter of AARP and was a member of the Wayne Memorial Hospital Auxiliary. Ms. Coleman died in 1998.

I have often said that when we take a moment, Madam Speaker, to name a post office after someone, it is not the deed that counts; but it is the memory of the fact that we are taking a moment to salute this schoolteacher and give her the recognition that she richly deserves says a lot. With that, Madam Speaker, I would urge the swift passage of this bill and ask all of our colleagues to vote in favor of it.

Madam Speaker, I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I ask that the House approve this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 5229.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ROBERTO CLEMENTE POST OFFICE

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4831) to redesignate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the "Roberto Clemente Post Office," as amended.

The Clerk read as follows:

H.R. 4831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERTO CLEMENTE POST OFFICE.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, and known as the Logan Square Post Office, shall be known and designated as the "Roberto Clemente Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Roberto Clemente Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4831, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the bill before us, H.R. 4831, was introduced by the gentleman from Illinois (Mr. GUTIERREZ) on July 12 and amended by the Committee on Government Reform on October 5. The amendment simply changes the word "Street" to "Avenue" as determined after review by the United States Postal Service.

H.R. 4831, as amended, designates the post office located at 2339 North California Avenue in Chicago, Illinois, presently known as the Logan Square Post Office as the Roberto Clemente Post Office. Each member of the House delegation from the State of Illinois has cosponsored this legislation pursuant to the policy of the Committee on Government Reform.

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Roberto Clemente was born in 1934 in Carolina, Puerto Rico, the son of a foreman of a sugar cane plantation and grocery store operator. He played softball as a youngster, and then he played with the professional major league caliber team until 1953 when his .356 batting average came to the attention of the Brooklyn Dodgers.

The Dodgers gave Roberto a bonus and sent him to the Montreal Royals, ordering that he should not be played lest another team draft him. He was, however, drafted by the Pittsburgh Pirates after an observant Pirate scout spotted him.

Roberto Clemente played for several years as their star outfielder until 1972 when he met his untimely and tragic death when he was only 38 years old. He was thought by many as the greatest and most complete player, but he was also the victim of dual discrimination for being black and Hispanic.

Now, 28 years after the fatal plane crash while on a mission of mercy taking humanitarian supplies to the victims of an earthquake in Nicaragua, he is no longer the invisible player.

Roberto Clemente led the Pirates to World Series victories in 1960 and 1971. He was the National League batting champion in 1961, 1964, 1965, and 1967. He was ordered 12 gold gloves. He established a major league record by leading the National League in assists five times. He was inducted into the Baseball Hall of Fame at Cooperstown, the first Latin player to be so honored.

Roberto Clemente may not have been a resident of Chicago, but this citizen of the world is recognized by the Nation, and he is recognized by all lovers of the sport of baseball as a great athlete, humanitarian, and a role model.

I urge all of our colleagues to support H.R. 4831, naming a Post Office in Chicago after this hero.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4831, to redesignate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the "Roberto Clemente Post Office" was introduced by the gentleman from Illinois (Mr. GUTIERREZ), my distinguished colleague and good friend, on July 12, 2000.

The bill was amended on October 5, 2000 in the Committee on Government Reform to change the address designation from California Street to California Avenue.

Mr. Roberto Walker Clemente was born in 1934 in Carolina, Puerto Rico and rose from an impoverished background in his hometown to become the star outfielder for the Pittsburgh Pirates from 1955 to 1972. He helped the Pirates win two World Series in 1960 and 1971.

Mr. Clemente was a four-time National League batting champion, was awarded 12 gold gloves, and was one of only 16 players to have 3,000 or more hits during their career.

Mr. Roberto Clemente, a victim of dual discrimination for being black and Hispanic, died in 1972 in a plane crash delivering relief supplies to victims of an earthquake in Nicaragua. This proud son of Puerto Rico was posthumously inducted into the Baseball Hall of Fame in Cooperstown.

I urge my colleagues to vote for this measure, and I ask, Mr. Speaker, that we recognize the fact that Roberto Clemente was, not only a great baseball player, but he was a great role model and a great humanitarian.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I have no other requests to participate, and I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, it is my pleasure to yield 10 minutes to the distinguished gentleman from Illinois (Mr. GUTIERREZ) who is the sponsor of this bill.

Mr. GUTIERREZ. Mr. Speaker, I rise to do my share of duty to history. Today I rise to celebrate the life of Roberto Clemente and to recognize his enormous contributions to humankind. I am very honored to do so. In this particular case, I respectfully think that I contribute, however humbly, to add to the prestige of this House. This is the people's House. Today I rise to pay very deserving tribute to a hero of the people.

As a son of Puerto Rican parents, I pay homage to who was, perhaps, the favorite son of Puerto Rico. In doing so, I feel doubly proud. Today I feel prouder than ever of being a Member of this august body, a body that in recognizing the greatness of this champion elevates its own.

As a Puerto Rican myself, my heart fills with joy knowing of the effect this humble action of ours here today will have in the minds and the souls of hundreds of thousands of Puerto Rico and Hispanic youth in my district in Chicago, throughout the country, and in Puerto Rico.

Much is made from rags to riches stories. In this case, it is different. Because, in achieving what the former Commissioner of Baseball, Mr. Bowie Kuhn, called "the touch of royalty," Roberto Clemente enriched us all.

Roberto was the son of a cane sugar worker, Melchor Clemente, and his mother, Luisa Walker. He was the youngest of seven children. He was born in the municipality of Carolina, Puerto Rico, in Barrio San Anton. As my friend, the Honorable Jose Aponte, Mayor of Carolina, is fond of saying, Carolina greets most visitors to Puerto Rico, because that is where the international airport lies. Carolina has beautiful rolling hills that lead to El Yunque, the mountain where our Taino Indians believed to be home to the Supreme Creator, Yukiyu.

Roberto Clemente was born in the midst of the depression of the 1930s, but was raised by a family full of love and with the best of the Puerto Rican traditions of respect and civility.

Cane sugar workers in Puerto Rico lived a very humble life and a life of poverty. Roberto began playing baseball like many of his contemporaries did, doing batting practice with a broken broomstick hitting bottle caps. He said that, after swinging hundreds of times at bottle caps, a baseball looked as big as a coconut.

Roberto made by hand the first baseball he ever owned, using a discarded golf ball as its core and many layers of string from burlap dried beans and rice bags, finally covered with tape.

From a skinny, smallish boy, Roberto grew to become a superb athlete, demonstrating with hard work and dedication what one can achieve.

Unlike Jackie Robinson, Roberto Clemente was not the first one of his race to break into the majors. Unlike Jackie Robinson, Roberto Clemente faced a double kind of discrimination, as he was both black and Puerto Rican. Unlike Jackie Robinson, Roberto Clemente faced also a language and cultural barrier.

But Mr. Speaker, Roberto Clemente was like his people. Puerto Ricans, like their Latino brothers and sisters, are hard working, proud, and dignified. Despite centuries of colonialism, Puerto Ricans continue to search for a solution to their colonial situation. As they struggle with the scourge, they have continued to create and develop, working hard to improve both their island and communities where they migrated to and reside in the United States, communities like mine in Chicago, where we will now have the honor of naming a Post Office after Roberto Clemente.

After a short stint in Montreal, Clemente was traded in 1955 to the Pittsburgh Pirates where he would end his glorious career. The team rebuilt around him, and he led it to contend for the pennant in 1958 and to the world championship in 1960.

Unfortunately, after a season in which he hit .314 and drove in a club leading 94 runs, he finished behind three white teammates and others in the vote for most valuable player.

Undeterred, Roberto Clemente went on to compile one of the brightest lifetime records in Major League Baseball: four batting titles, Most Valuable Player in 1966, 12 Golden Gloves, 14 appearances in the All Star Games, a National League record of five consecutive seasons leading in outfield assists, and a lifetime batting average of .317.

In the 1971 World Series, when he again led his team to the World Championship, Roberto Clemente hit .414 and two home runs, including the winning blow in game seven and made two extraordinary catches. For his performance, he was awarded the World Series Most Valuable Player award.

Next year in 1972, as if to say goodbye to all the children and admirers the world over, Roberto Clemente became the 11th player in the history of organized baseball to reach the 3,000 hit mark.

Benjamin Franklin said, "There was never yet a truly great man that was not at the same time truly virtuous." Those wise words from one of the wisest of our Founding Fathers never rang so true as when spoken about Roberto Clemente. For today, and forever, we will remember Roberto Clemente as much for what he accomplished in the playing field as for what he accomplished outside of it.

Roberto Clemente became a symbol to Puerto Rican, Hispanic and minority youth, actually to all youth. He was the essence of a success story, yet he was always a true gentleman, a caring father, a devoted husband, and someone dedicated to uplifting all around him. He never forgot whence he came from. He devoted countless hours to youth, especially poor youth.

We can have a real measure of a man, not only by the way he lives, but also by the way he dies.

The end came to Roberto Clemente in such a way that he is now enshrined forever in the hearts of all Hispanics along with Simon Bolivar, Jose Marti, and Cesar Chavez.

After a devastating earthquake virtually destroyed Managua, Nicaragua, Roberto Clemente became the leader of the aid efforts to Managua. After reports reached him that the first supplies that landed in Nicaragua had been grafted by the members of a corrupt military, Roberto Clemente decided, against all advice, to fly with the next airplane load of supplies to ensure that they would reach the poor and needy of Nicaragua.

He could have sent a check. He could have sent the supplies, but he wanted to make sure. This baseball player got on the plane. I wonder how many of us would get on a similar airplane.

As people were partying the arrival of the new year, Roberto Clemente died when his plane went down in 120 feet of water just north of the same international airport of his hometown of Carolina.

Mr. Speaker, there has been countless acts that seek to justly recognize the great man that was Roberto Clemente. Among them, let me cite a few. In 1973, Major League Baseball made an exception to the 5-year rule and accepted Roberto Clemente into the Hall of Fame, roughly a year after he played his last year in the majors. It was, I believe, most fitting for the greatest of Latino players to become the first Hispanic player ever to be inducted into the Hall of Fame.

In 1973, Major League Baseball renamed its award that recognizes the player who best exemplifies the game of baseball, sportsmanship, community involvement and the individual's contributions to his team, formerly the "Commissioner's Award" to the Roberto Clemente Award.

But Roberto Clemente is honored every day, in song, in poetry and in actions that emulate his own by young and old alike in Puerto Rico, in Chicago, in Pittsburgh, and everywhere. Everywhere there are Hispanic or lovers of baseball or good people who admire a deed of sacrifice and love, there is a school or a baseball park or a road bearing the name of this true hero of the people.

The U.S. Postal Service issued the first Roberto Clemente stamp in 1984 and recently featured Roberto Clemente as part of its Legends of Baseball Series issued in Atlanta on July 6, 2000.

Mr. Speaker, in voting for H.R. 4831, this House is joining with millions of Latinos and sports fans everywhere to pay dual tribute to Roberto Clemente.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. GUTIERREZ) for introducing this bill to name the post office and also for his very eloquent statement about Roberto Clemente.

In my jurisdiction, also, there is a school named for Roberto Clemente. He is a great role model for the youngsters of that school to learn something about his sacrifice.

Character does count, respect for the truth, respect for hard work, respect for each other. He demonstrated that as a role model. So I thank him. I thank the members of the Committee on Government Reform and the Subcommittee on Postal Service for bringing this bill out on the floor of the House. So I ask people to vote for it.

Mr. Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman Maryland (Mr. CUMMINGS) has 8 minutes remaining.

Mr. CUMMINGS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I listened to the distinguished gentleman from Illinois (Mr. GUTIERREZ), I could not help, Mr. Speaker, but think about my own life in South Baltimore and watching Roberto Clemente on television.

I just want the gentleman from Illinois to know, Mr. Speaker, that he is absolutely right. Roberto Clemente was more than a hero to just the Puerto Rican community or Hispanic community, but he was a hero to all of us. When we look at what he accomplished in his life, he not only touched the Hispanic and Puerto Rican community, but he touched the world. He touched the world in a way that we could probably never do right by in these proceedings.

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Last but not least, I was also very moved, Mr. Speaker, by the comments of the gentleman from Illinois (Mr. GUTIERREZ), when he talked about the naming of a post office so that the children could have an opportunity to see that name on that post office. Many, many years from now, when that post office stands and that name is up there, it may be so long from now that somebody may say, well, who was that. The fact is that somebody will know who he was and will know that he came upon this Earth, he saw it, he looked and said, I can make a difference by simply being the best that I can be, working hard, and giving to mankind.

Mr. Speaker, I applaud the gentleman for this bill. I want to thank the gentlewoman from Maryland (Mrs. MORELLA) and the entire committee for making sure this bill got to the floor, and I urge all my colleagues to vote in favor of it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 4831, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to redesignate the facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, as the 'Roberto Clemente Post Office'.".

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

SENSE OF CONGRESS WITH RESPECT TO POSTPARTUM DEPRESSION

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 163) expressing the sense of the House of Representatives with respect to postpartum depression.

The Clerk read as follows:

H. RES. 163

Whereas postpartum depression is the name given to a wide range of emotional, psychological, and physiological reactions to childbirth including loneliness, sadness, fatigue, low self-esteem, loss of identity, increased vulnerability, irritability, confusion, disorientation, memory impairment, agitation, and anxiety, which challenge the stamina of the new mother suffering from postpartum depression and can intensify and impair her ability to function and nurture her newborn(s);

Whereas as many as 400,000 American women will suffer from postpartum depression this year and will require treatment. This constitutes up to 20 percent of women who give birth. Incidence of mild, "transitory blues" ranges from 500 to 800 cases per 1,000 births (50 to 80 percent);

Whereas postpartum depression is the result of a chemical imbalance triggered by a sudden dramatic drop in hormonal production after the birth of a baby, especially in women who have an increased risk. Those women at highest risk are those with a previous psychiatric difficulty, such as depression, anxiety, or panic disorder. Levels of risk are greater for those with a family member suffering from the same, including alcoholism;

Whereas women are more likely to suffer from mood and anxiety disorders during pregnancy and following childbirth than at any other time in their lives. 70 to 80 percent of all new mothers suffer some degree of postpartum mood disorder lasting anywhere from a week to as much as a year or more. Approximately 10 to 20 percent of new mothers experience a paralyzing, diagnosable clinical depression;

Whereas many new mothers suffering from postpartum depression require counseling and treatment, yet many do not realize that they require help. It is imperative that the health care provider who treats her has a thorough understanding of this disorder. Those whose illness is severe may require medication to correct the underlying brain chemistry that is disturbed. This often debilitating condition has typically been a silent condition suffered privately by women because of the feelings of shame or guilt;

Whereas postpartum depression frequently strikes without warning in women without any past emotional problems, without any history of depression and without any complications in pregnancy. Postpartum depression strikes mothers who are in very satisfying marriages as well as those who are single. It strikes women who had easy pregnancies and deliveries, as well as women who suffered prolonged, complicated labors and caesarean section deliveries. Symptoms may appear at any time after delivery, often after the woman has returned home from the hospital. It may strike after the first, third, or even fourth birth;

Whereas postpartum depression is not a new phenomenon. Hippocrates observed the connection between childbirth and mental illness over 2,000 years ago. Louis V. Marce, a French physician, detailed the identifiable signs and symptoms of postpartum depression in 1858;

Whereas the most extreme and rare form of this condition, called postpartum psychosis, hosts a quick and severe onset, usually within 3 months. 80 percent of all cases of this more extreme form present within 3 to 14 days after delivery with intensifying symptoms; once suffered recurrence rate with subsequent pregnancies is high;

Whereas postpartum mood disorders occur after the mother has had frequent contact prenatally with health care professionals who might identify symptoms and those at risk. In the United States, where medical surveillance of new mothers often lapses between discharge from the hospital and the physical checkup 6 weeks later, the recognition of postpartum illness is left mainly to chance. The focus of the 6-week checkup is on the medical aspects of her reproductive system and not her mental health;

Whereas having a baby often marks one of the happiest times in a woman's life. For 9 months, she awaits her child's birth with a whole range of emotions ranging from nervous anticipation to complete joy. Society is quite clear about what her emotions are expected to be once the baby is born. Joy and other positive feelings are emphasized, while sadness and other negative emotions are minimized. It is culturally acceptable to be depressed after a death or divorce but not by the arrival of an infant. Because of the social stigma surrounding depression after delivery, women are afraid to say that something is wrong if they are experiencing something different than what they are expected to feel. Mothers are ashamed, fearful, and embarrassed to share their negative feelings and can also be fearful of losing their babies;

Whereas treatment can significantly reduce the duration and severity of postpartum psychiatric illness;

Whereas postpartum depression dramatically distorts the image of perfect new motherhood and is often dismissed by those suffering and those around her. It is thought to be a weakness on the part of the sufferer—self-induced an self-controllable;

Whereas education can help take away the "stigma" of postpartum depression and can make it easier to detect and diagnose this disorder in its earliest stages, preventing the most severe cases;

Whereas at present, the United States lacks any organized treatment protocol for postpartum depression. Sufferers have few treatment resources. The United States lags behind most other developed countries in providing such information, support, and treatment;

Whereas the United States Government and its agencies collect very little data on postpartum illness;

Whereas if early recognition and treatment are to occur, postpartum depression must be discussed in childbirth classes and obstetrical office visits, as are conditions, such as hemorrhage and sepsis;

Whereas early detection, diagnosis, and treatment of postpartum illness will become easier if public education is enhanced to lift the social stigma, thereby increasing the chance that women will inform others of her symptoms as she would for physical complications;

Whereas research shows that in the first few weeks after delivery, a woman's chance of requiring a psychiatric admission is 7 times higher than at any other time in her life. It is estimated that as many as 90 percent realize something is wrong, but less than 2 percent report symptoms to their health care provider. The remaining individuals are either undiagnosed, misdiagnosed, or seek no medical assistance;

Whereas it is estimated that as many as 90 percent of women realize something is wrong; however less than 2 percent report symptoms to their health care provider. Only about 20 percent of women with the disorder receive treatment. The remaining individuals are either undiagnosed, misdiagnosed, or seek no medical assistance;

Whereas in addition to the mother, the effects of postpartum depression can also impact the child and the father significantly. Infants of mothers with postpartum depression are at risk for socioemotional difficulties in life. Maternal depression can affect the mother's ability to respond sensitively to her infant's needs. A depressed mother is less likely to provide her children with appropriate levels of stimulation and to express positive affect. Research generally shows that children who receive warm and responsive caregiving from the moment of birth and are securely attached to their caregivers cope with difficult times more easily when they are older. They are more curious, get along better with other children, and perform better in school than those who are less securely attached;

Whereas a mother's marriage can also become severely strained when dealing with a postpartum illness. Husbands/fathers feel anxious and helpless, not understanding what is going wrong or what is the source of the depression. They can express exasperation and even resentment as a result of the problems created by the illness. They are also more likely to become depressed themselves, further compromising the functioning of the family. Lack of support from the partner can contribute to the development or continuation of postpartum depression. Husbands, partners, family members, and friends need access to information on these issues in order to support their wives, relatives, or friends;

Whereas severe postpartum illness can obstruct the important pattern of friendship and support that most couples with newborns tend to form. Family units as a whole can experience isolation;

Whereas education is helpful to new parents coping with these emotional and hormonal changes and also helps them to decide if and when they need to seek outside help; and

Whereas postpartum depression is one of the most treatable and curable of all forms of mental illness. Learning about postpartum depression helps prevent it and relieve it: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recommends that all hospitals and clinics which deliver babies provide departing new mothers and fathers or family members with complete information about postpartum depression, its symptoms, methods of coping with it, and treatment resources;

(2) encourages all obstetricians to inquire prenatally about any psychiatric problems the mother may have experienced, including substance abuse, existence of the above in any family members, and, ideally screen for ongoing depression;

(3) encourages all obstetricians to screen new mothers for postpartum depression symptoms prior to discharge from the hospital and again when they bring in their babies for early checkups;

(4) recommends that appropriate health care professionals be trained specifically in screening women for signs of postpartum depression in order to improve chances of early detection;

(5) recognizes that a coordinated system of registry should be developed to collect data on mental disorders in the new mother and that the National Institutes of Health should undertake additional research on postpartum psychiatric illnesses;

(6) recognizes the impact of a mother's postpartum depression on fathers and other family members as well and strongly encourages that they be included in both the education and treatment processes to help them better understand the nature and causes of postpartum depression so they too can overcome the spillover effects of the condition and improve their ability to be supportive; and

(7) calls on the citizens of the United States, particularly the medical community, to learn more about postpartum depression, how to educate women and families about it, and thus ultimately lower the likelihood that women around the country will continue to suffer in silence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 163, the legislation now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of H. Res. 163, a resolution expressing the sense of the House of Representatives regarding postpartum depression; legislation introduced by our colleague, the gentleman from Georgia (Mr. KINGSTON).

This year, as many as 20 percent of American mothers will suffer from postpartum depression. The resolution before us recognizes that this condition is the result of a chemical imbalance triggered by a sudden dramatic drop in hormonal production after the birth of a baby. H. Res. 163 is designed to increase public awareness and understanding so that thousands of women will no longer be forced to suffer in silence.

Among its provisions, the resolution encourages all obstetricians to screen new mothers for postpartum depression symptoms prior to discharge from the hospital and again when they bring in their babies for early checkups. It also recommends that appropriate health care professionals be trained specifically in screening women for signs of postpartum depression in order to improve chances of early detection.

Mr. Speaker, H. Res. 163 emphasizes our commitment to increased access to information about postpartum depression, its symptoms and treatment resources. I ask every Member to join me in supporting passage of this important resolution by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 163, which focuses on a condition that has not received the attention that it deserves. I want to commend my colleagues, the gentleman from Georgia (Mr. KINGSTON) and especially the gentlewoman from California (Mrs. CAPPS), for introducing this resolution.

The gentlewoman from California (Mrs. CAPPS), a nurse, is one of the most knowledgeable and active members of the Subcommittee on Health and Environment of the Committee on Commerce. I feel privileged to work with her in the subcommittee, and I am proud to join her as a cosponsor of this resolution.

The gentlewoman from California's district is home to Postpartum Support International, an advocacy and support group founded by Jane Honikman. Jane is a pioneer in this field, and I know the gentlewoman from California would want to acknowledge her important contribution, as we do here today.

Each year, 400,000 American women, 20 percent of those who give birth, experience some postpartum depression caused by chemical imbalance. Hundreds of thousands more experience some of the symptoms, which can include such impairments as disorientation, memory impairment, profound anxiety, and heightened fatigue. This is not an exhaustive list.

It is tragic that so many new mothers are robbed of the joy at such a miraculous time in their lives, and it is tragic that postpartum depression is so often ignored or stigmatized when it should be aggressively treated.

The first months of life are critical for a newborn and profoundly challenging for new mothers. This resolution recommends several important steps the Nation can take to help new mothers and to help their families cope with postpartum depression.

It recommends providing women with information on postpartum depression before they take their babies home from the hospital so that women affected by this condition recognize the symptoms and seek help as soon as possible.

It recommends providing training so health professionals know what signs to look for in new mothers. Doctors should be encouraged to screen new mothers for symptoms prior to discharging them from the hospital and when they bring their babies for early checkups.

And it also recommends we begin to collect data on postpartum depression in the United States.

To effectively target public awareness and treatment, it is important to track the incidence and the prevalence of this condition in different subpopulations. Again, I applaud the gentleman from Georgia (Mr. KINGSTON) and the gentlewoman from California (Mrs. CAPPS) for offering this resolution, and I urge its passage.

Mr. DINGELL. Mr. Speaker, I support H. Res. 163, which recognizes the debilitating effects of post-partum depression on new mothers, their babies and their families. I want to pay particular tribute to my friend and colleague, Representative CAPPS, as well as Representative KINGSTON, for their work on this matter.

H. Res. 163 encourages health care providers to become more attuned to the signs of this common, treatable aftermath of pregnancy in order to detect the problem in its earliest days and offer appropriate interventions.

This weeks' announcement that the Nobel prize in medicine is being awarded to three scientists whose discoveries have unlocked keys to the central nervous system, including the understanding the biochemical underpinnings of depression, underscores the importance of the mind-body connection. Depression is indeed a physiologic response, and there is no time in a woman's life when her physiology changes as markedly and as abruptly as it does with the delivery of a baby. Set against the excitement of a new birth, the emergence of an unexpected mood disorder, such as post-partum depression, can be frightening and confusing. Ironically, detecting this problem takes us back to the heart of the patient-provider relationship by employing our lowest-tech, most-highly valued tools, talking and listening to the patient.

The American College of Obstetricians and Gynecologists suggests that thorough medical history-taking as early as the first prenatal visit can assist providers in identifying those women at highest risk for post-partum depression. Post-partum depression can be diagnoses by simply asking a new mother about a number of aspects of here new life. Her answers and mood are keys to an early and correct diagnosis. This approach also provides an opening for a woman to discuss feelings she may finding shameful and frightening. With an accurate diagnosis, treatment can begin, benefitting mother, baby and family.

As Congress today recognizes the research and treatment needs of women experiencing post-partum depression, we must also recognize that many of the women at highest risk for this condition live outside of the health care safety net, and therefore will not benefit from early detection and intervention. The Congress must work to solve these inequities. We must also work to assure that whatever reforms occur in the healthcare delivery system, providers must never stop talking with their patients. As the lines between medical and mental health problems blur, all health care providers need access to the most up-to-date information, so that opportunities to diagnose and treat problems such as post-partum depression are not missed. This resolution is one step in that direction.

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of H. Res. 163, which calls attention to a condition that affects thousands of women across this country, post partum depression.

This resolution was introduced in May of 1999 by my colleague JACK KINGSTON and I. I want to thank him for his hard work and leadership in this area.

Approximately 400,000 women will experience post partum depression this year, and many do not even know that they need help. This condition can put a strain on family relationships, at a time when most families are often experiencing the joy of the birth of a child.

As a nurse for many years, I have seen firsthand how much women, their families and partners struggle with this difficult condition.

There is great stigma associated with post partum depression, as many women feel ashamed of the feelings that they are experiencing.

There are some steps that can be taken to alleviate this suffering. Our resolution makes some important recommendations.

This legislation recommends that women be provided with information on post partum depression before they leave the hospitals with their babies. This way they can know what signs to look for in those early post-natal days.

It also calls for more training of medical providers, so that they know what signs to look for in new mothers. Doctors should be encouraged to screen new mothers for symptoms prior to discharge from the hospital and when they bring their babies for early check-ups. The earlier we identify the symptoms, the better.

Finally it recommends that we begin to collect data on post partum depression in the U.S., so that we can measure its extent. The National Institute of Mental Health is currently researching the topic, but more must be done. Federal funding is sorely needed in this area.

My district is home to Post Partum Support International, an advocacy and support group founded by my constituent Jane Honikman. Jane is a pioneer in this field, and I applaud the work that she continues to do on this topic every day.

Mr. Speaker, here in Congress we must work to raise awareness of post-partum depression, in order to ultimately lower the likelihood that women around the country will continue to experience it. Women and families around this country have suffered for too long in silence.

Mr. BLILEY. Mr. Speaker, I rise in support of H. Res. 163, which expresses the sense of the House of Representatives with respect to postpartum depression.

The birth of a child is a most joyous occasion for a family. Unfortunately, postpartum depression after childbirth is a common condition for some new moms. In fact, up to 80 percent of new moms experience "baby blues," a mild depression that begins in the first days after childbirth and lasts 2 weeks or less. Postpartum depression lasts longer than the "baby blues" however and its symptoms are far more intense and constant.

This condition also affects women who for whatever reason do not carry their pregnancy to term. The sudden and dramatic drop in hormonal production after the termination of pregnancy often results in feelings of guilt, insomnia, and postpartum depression. The same sudden drop in hormonal production found in women with postpartum depression also contributes to the feelings of guilt, insomnia, and depression immediately following an abortion. In fact, a national poll found that at least 56 percent of women experience a sense of guilt over their decision to have an abortion, and a 5-year study shows that 25 percent of women who have had abortions sought out psychiatric care, versus just 3 percent of women who have not had abortions. Further, numerous studies reveal that women who have had an abortion experience a high incidence of depression, stress, low self-esteem, suicidal feelings, and substance abuse. Some abortion reactions may even fit into the model of complicated bereavement or pathological grief.

I ask unanimous consent to enter into the RECORD two studies on the link between clinical depression and abortion (Angelo, E.J., "Psychiatric Sequelae of Abortion: The Many Faces of Post-Abortion Grief," Linacre Quarterly, 59(2): 69–80, 1992; Brown, D., Elkins, T.E., Lardson, D.B., "Prolonged Grieving After Abortion," J Clinical Ethics, 4(2): 118–123 (1993)).

In light of these widespread and related afflictions, Congress should be more attentive to post-abortion depression as a related condition that calls out for more research from the National Institutes of Health. I urge Members to join me in supporting passage of H. Res. 163.

Psychiatric Sequelae of Abortion: The Many Faces of Post-Abortion Grief

(By E. Joanne Angelo, M.D.)

This paper was presented at the N.F.C.P.G. annual meeting in October of 1991.

Induced abortion is the surgical or medical intervention in a pregnancy for the purpose of causing the death of the embryo or fetus. (If the procedure results in a live birth, the outcome is a preterm delivery, not an abortion.) Every abortion, then, is an iatrogenic death. Every post-abortion woman has undergone a real death experience—the death of her child.

Grief is a natural consequence of death. Current obstetrical and psychiatric literature abounds with articles about grief following perinatal death—death due to spontaneous abortion, premature birth, stillbirth, and Sudden Infant Death Syndrome. However, it is only in recent years that the medical profession has begun to understand that perinatal losses can be followed by a grief reaction similar to the loss of an older child or an adult as illustrated by the following statement in Clinics of OB/GYN in 1986. "I can state most assuredly that couples with recurrent, unexplained or explained early pregnancy losses grieve as intensely as those with later losses or losses of live-born children. Their grief is not visible, however, since society, family, friends, press, or clergy do not support or are not trained to support them. The grief is very real and if unattended can eventually be felt by them to be aberrant, unnatural, or even unhealthy."

Hospital obstetrical units have developed teams of physicians, nurses, and social workers to help parents deal with perinatal death and the issues of grief, anger, and guilt which it raises. The September 1990 issue of the British Journal of Obstetrics and Gynecology states: "Ways of helping parents cope with their losses have been recommended and have reduced the frequency of prolonged emotional disturbance and of abnormal grief reactions. . . . Ways of facilitating the grieving process have been identified. These include seeing and holding the dead baby, giving it a name and taking photographs; all help make the situation a reality and to create memories. It is difficult to grieve when no memory of the individual exists."

In addition to the 20 to 30 percent of pregnancies thought to end in spontaneous abortion in this country, there is now one elective abortion for every three live births. Evidence is mounting that the reaction to the loss of a child from induced abortion is part of the same continuum of grief. In an editorial in the Lancet (March 2, 1991) entitled, "When is a fetus a dead baby?," the author acknowledges that grief follows early pregnancy loss regardless of its cause, "There is no doubt that the profession, led by society, more readily accepts that miscarriage, termination, stillbirth, and neonatal death lie in a spectrum of the same grief. . . . Why should the death of a baby be a unique zone of grief? Perhaps it is because to the parents, and to the mother in particular, an unknown potential has been lost." With half of all pregnancies resulting in fetal death, our society is facing a potential epidemic of invisible mourning and pathological grief.

Grief after induced abortion is often more profound and delayed than grief after other perinatal losses. Grief after elective abortion is uniquely poignant because it is largely hidden. The post-abortion woman's grief is not acknowledged by society because the reality of her child's death is not acknowledged. In order to gain her consent for the abortion she has been told that the procedure will remove a "blob of tissue" a "product of conception", or a "pre-embryo." She has been assured that her "problem will be solved" and that she will be able to "get on with her life" as though nothing significant had happened.

Yet the pregnant woman knows by the changes in her body that something very significant is happening to her: her menses have stopped, her breasts are enlarging, she is sick in the morning (or all day long), and she knows that the process which has begun in her will most likely result in the birth of a baby in nine months time if allowed to run its course. She is aware of the expected date of delivery and she has often thought of a name for her baby as she has begun to picture the child as he or she would be at birth (Bonding begins very early in pregnancy.). All of these feelings and fantasies about her pregnancy must be denied in order to undergo an elective abortion. The pregnant woman is asked to deny the fact that she is carrying a child at all!

Society offers her no support in grieving. Her decision to undergo an abortion is made very quickly without time for calm reflection or seeking advice. The whole process is usually kept secret from her family and friends and professional colleagues, and often even from the father of her child. Abortion clinics offer no "Perinatal Loss Team" to help her deal with her confusing and perhaps overwhelming feelings. She is typically alone, without her partner during the procedure. There is no dead child to hold, no photographs, no funeral, burial, or grave to visit, no consolation from friends, relatives or clergy. Her only memories are of a rushed, painful procedure and of her own efforts to convince herself that what her "abortion counselor" had told her was true. The psychological defense mechanisms of denial and repression are massively in effect by the time she leaves the clinic. It is not surprising then, that "exit poll" research and studies of the immediate post-abortion days, weeks and months find that women feel relieved and claim to have no adverse psychological aftereffects of elective abortion. When pain and bleeding remind her of the physical assault on her body and when the sudden and unnatural endocrine changes cause her to become emotionally labile, society continues to expect her to act as if nothing had happened. Her attempts to comply with those expectations are at great personal expense. She may begin to dose herself with alcohol or sleeping pills to deal with the nightmares and her feelings of grief and guilt; she may throw herself into intense activity—work or study or attempts to repair her intimate relationships or to develop new ones. When waves of sadness, anger, emptiness, and loneliness overwhelm her she berates herself for not "feeling fine" as is expected of her.

Women who have chosen abortion are often haunted by the obsessive thought, "I killed my baby!" They find themselves alone to cope not only with the loss of the child they will never know, but also with their personal responsibility in the child's death. Their guilt is not merely subjective or neurotic; it is objective and real. Reminders are all around them—the expected date of delivery, children the same age that their children would have been, a visit to the gynecologist, the sound of the suction machine in the dentist's office, a baby in a television ad, a new birth, another death experience. Each of these may trigger a breakthrough of guilt, grief, anger, and even despair. This cycle typically continues for many months or years before appropriate help is found because until recently mental health professionals have failed to recognize the many faces of post-abortion grief.

UNCOMPLICATED BEREAVEMENT (NORMAL GRIEF)

Grief is the subjective experience which follows the death of a loved one. Psychiatrists agree that the period of mourning after a significant loss normally continues for at least a year after the death, and that if "grief work" is not accomplished appropriately, unresolved grief can produce a variety of psychological and psychosomatic symptoms over time.

Horowitz divides normal grief into four stages:

1. OUTCRY which occurs immediately after the death when there may be an intense expression of emotion and an immediate turning to others for help and consolation.
2. DENIAL PHASE during which the bereaved person may avoid reminders of the deceased and focus attention on other things and during which an emotional numbness of blunting may occur.
3. INTRUSION PHASE during which negative recollections of the deceased become frequent, including bad dreams and daytime preoccupations which may interfere with concentration on other tasks.
4. WORKING THROUGH during which the bereaved person begins to experience both positive and negative memories of the deceased, but without the intrusive, disturbing quality which they had had previously and when emotional numbness lessens. The process of working through has reached completion when the bereaved person once again has the emotional energy to invest in new relationships, to work, to create, and to experience positive states of mind.

PATHOLOGICAL GRIEF

Pathological grief occurs when the normal stages of grief are intensified, prolonged or delayed and when the bereaved person is not able to resume normal functioning due to the development of other psychiatric of psychophysiologic symptoms. Horowitz gives the following examples of pathological grief.

Immediately following the death the OUTCRY may be intensified into a panic state where behavior is erratic, and self-coherence is lost in a flood of uncontrolled fear and grief. Alternatively, the bereaved person's withdrawal may be exaggerated into a dissociative state or a reactive psychotic state.

When the DENIAL PHASE is pathological the following may occur; "overuse of alcohol or drugs to anesthetize the person to pain. Some persons may seek to jam all channels of consciousness with stimuli, avoiding thinking and feeling about the death. To escape feeling dead and unreal, one may engage in frenzied sexual, athletic, work, thrill-seeking, or risktaking activities."

Risk factors for the development of pathological grief are listed in Michels' 1990 textbook Psychiatry:

"Some circumstances are likely to increase the severity or duration of grief reactions. These include pre-existing high dependency on the deceased, pre-existing frustration or anxiety in relating to the deceased, unexpected or tortuous deaths, a sense of alienation from or antagonism to others, a history of multiple, unintegrated earlier losses or simultaneous losses, and real or fantasied responsibility for the suffering or death itself. When several of these factors are present, a complicated bereavement reaction may result that warrants diagnosis as one of the anxiety or depressive disorders (including Post-traumatic Stress Disorder), an adjustment disorder, reactive psychosis, or a flare up of a pre-existing personality disorder."

DEPRESSION

Pathological or unresolved grief has long been recognized as a precursor to serious depressive illness. Shakespeare's Macbeth says, "Give sorrow words; the grief that does not speak knits up the o'erwrought heart and bids it break . . ." The current Diagnostic and Statistical Manual of Mental Disorders states, "morbid preoccupation with worthlessness, suicidal ideation, marked functional impairment, or psychomotor retardation, or prolonged duration suggests that bereavement is complicated by a Major Depressive Episode."

In a review article, "Mental Health and Abortion" in the Psychiatric Journal of the University of Ottowa (1989), Phillip Nay concludes that although depression was once a frequent indicator for induced abortion, "depression is likely to be worsened by abortion because if increases guilt and causes another loss."

Depressive disorders are the most common reason for psychiatric referral of post-abortion women in my experience. Suicidal ideation, impairment of the ability to carry out daily functions at work, school, or home, somatic symptoms such as weight loss and insomnia make psychiatric care imperative. Psychiatric intervention often includes anti-depressant medication and/or hospitalization, as well as intensive psychotherapy. Although the diagnosis of Major Depressive Episode is made and appropriate initial treatment instituted, the significance of the early pregnancy loss through abortion as a causative factor is often overlooked. This may occur for a number of reasons.

1. The patient may not volunteer her abortion history, and may be reluctant to answer routine questions about her reproductive history because of intense shame and guilt and because of a lack of a trusting relationship with her therapist, which takes time to develop.

2. A long time may have passed since her abortion, and the psychiatrist may not be aware of the very common delay of eight to ten years from the induced abortion until the woman seeks help for her depression, which has become so severe that she can no longer function and her life is in danger. An eight to ten year delay in seeking help has been a common finding in outreach programs to post-abortion women across the United States.

3. So many other negative factors in the history could account for the woman's depression: alcohol and drug abuse, failed marriages, job stress, intrusive obsessive thoughts which may appear to be psychotic in nature. An example of the latter is the case of a 75 year old woman in a nursing home who was heard muttering over and over again "I killed my baby!", and who, in fact, had an abortion sixty years before.

4. Society's "blind spot" regarding the significance of perinatal loss and the grief following induced abortion is shared by many psychiatrists and other mental health professionals. If her tentative attempts to share her profound grief and guilt with her therapist are not heard or are belittled, the post-abortion women's sense of worthlessness and despair may increase and she may be confirmed in her conviction that no one will ever understand or be able to help. She may discontinue her medication, cancel appointments, and sink even more deeply into depression.

Peterson, who is studying post-abortion women in Germany, believes that when deep feelings of guilt which have been suppressed for a long time are followed by "a breakthrough of destructive deep awareness, with chaos and panic, revulsion and hate" these feelings must be acknowledged and the woman helped to come to "acceptance of existing reality, responsibility and feeling of guilt toward the dead child." It is my experience that only when the therapist can endure the flood of primitive emotions which the patient needs to pour out over a number of sessions without rejecting her or asking her to diminish their intensity, can he or she begin to help the post-abortion woman in her work of mourning.

Although there are no visual memories of her child, no pictures, no shared experiences to help her work through the grief process, she has frequently formed a mental image of her child. It is in fact that mental image which has been haunting her, intruding itself into her thoughts day and night. Often the image is of an infant being torn to pieces sucked down into a tube, crying out in pain, or reaching out to her for help. She has often named her child and may have regularly occurring conversations with him or her in her mind. The work of therapy involves allowing her to share these images and to accept her guilt while at the same time the therapist is kind and supportive to her. Gradually she will learn to accept the reality of what has happened and her own responsibility in the death of her child. In time she can begin to develop a mental image of her child no longer suffering and crying out to her but at peace and at rest.

The treatment of depression in a post-abortion woman involves more than providing for her safety and physical well-being (emergency psychiatric care) or offering her appropriate anti-depressant medication if indicated. One must also allow her to share the overwhelming guilt, sorrow, anger and self-hate which she has harbored perhaps for years and which she has attempted to deal with by dosing herself with alcohol, drugs, and frenzied activity. Her fantasies about her dead child must also be acknowledged for these are her only memories of her baby. Gradually these fantasies can be shaped in a more positive and consoling manner so that she can finally put them to rest. Clergy can be helpful in this process both in helping the woman seek forgiveness and in offering prayers and/or a memorial service for her baby.

SUICIDE

"Women in the first year after childbirth and during pregnancy have a low risk of suicide" is the conclusion reached by Appleby after studying all women aged 15 to 44 who committed suicide in England and Wales from 1973 to 1984." The actual number of suicides in this group was only one-sixth of that expected relative to other women of the same age leading him to conclude, "Motherhood seems to protect against suicide. Concern for dependents may be an important focus for suicide prevention in clinical practice."

The same study found, however, that the suicide rate after stillbirth was six times that for all mothers after childbirth. While the birth of a living child seems to "protect against suicide", it would appear that the birth of a dead child greatly increases the risk of suicide. What then of the risk of suicide after elective abortion when the mother is not only dealing with the death of her child but with her responsibility in causing that death? In my search of the literature I have not found any such demographic studies.

It is well known that youthful suicides are increasing at an alarming rate, and that the majority of these occur between the ages of 15 and 24 years which is the same age group where most induced abortions occur. Most adolescent suicides occur in the middle and upper socioeconomic class as do most abortions. "Suicidal behavior in 'normal' adolescents" is the topic of a 1989 study published in the American Journal of Orthopsychiatry. Sexuality and loss were two of four risk factors which causes a nearly five fold increase in the risk of suicidality in a sample of 300 public high school students in grade 9–12 in a small Northeastern community. Although the report of the study does not include data about abortions, the correlation between teen sexual activity, pregnancy and loss through abortion is apparent in this population.

The newsletter of the American Suicide Foundation observes that, "Specific crises and environmental stressors may precipitate suicidal behavior, although it can be hard to appreciate the stressfulness of a seemingly minor event that falls on the shoulders of an adolescent who is already burdened with depression."

Some case vignettes from my own practice may illustrate why elective abortion is anything but a minor event in the lives of young women and their partners.

"Lorna", a 22 year-old woman in the military was referred to me because of an eating disorder. In our first visit she told me that for the past year since her elective abortion she had wanted to die. In fact she had made a suicide attempt two days before he scheduled abortion when she felt that she could neither go through with it nor face the rest of her tour of duty in the military as a single parent. When she was unsuccessful in causing a fatal automobile accident after she had overdosed on drugs and alcohol, she had been admitted to a psychiatric inpatient unit.

Her psychiatrist advised her to go through with the abortion which has been scheduled for her the next day. Since that time her cocaine and alcohol use had escalated and her weight had continually dropped. She was haunted by a strong desire to be united with her baby, and by the urge to kill herself. In the year in which I worked intensely with her she made several suicide attempts and was re-hospitalized once. Before she moved out of the area she thanked me for having helped her, saying: "I'm not going to kill myself now, but when I die I know that's how it will happen." A year later it did happen.

A 23 year old single woman whom I have called "Joyce" was referred to me after a suicide attempt which also involved a planned drunk driving accident. Her obsessive through was, "I want my babies!" She had had two abortions, one at the age of 17, and once at the age of 18 while in high school. She was the youngest in a large family and still living at home. Her fear was that if she told her parents (who were older and in precarious health) that she has become pregnant and had the abortions they would "drop deaf of heart attacks." She suffered alone for six years with her guilt and her longing for her lost children. When an uncle who was a priest returned from overseas she planned to tell him her tragic story. Before she could talk with him he suddenly died of a heart attack. Mourning his death and now convinced that she would never be able to share her guilt and grief without risking further losses, she planned her own death both to end her pain and to achieve a reunion with her children and her uncle.

An 18 year old gas station attendant, "Peter", shot himself and died three months after his father's unexpected death. Only his closest friend knew that at the time of his suicide he was despondent over his girlfriend's abortion. Their child had been conceived on the day of his father's death. In Peter's mind a mental image of the child had formed: he had told his friend that he would have a son and that he planned to name the boy after his father. The loss of that child and all that he represented to Peter was more than he could bear.

POST-TRAUMATIC STRESS DISORDER

Post-traumatic Stress Disorder is one of the Anxiety Disorders listed in the Diagnostic and Statistical Manual of Mental Disorders. "The characteristic symptoms involve re-experiencing the traumatic event, avoidance of stimuli associated with the event or numbing of general responsiveness, and increased arousal . . . The most common traumata involve either a serious threat to one's life or to physical integrity; a serious threat or harm to one's children, spouse, or other close relatives and friends. . . . The disorder is apparently more severe and longer lasting when the stressor is of human design." A list of life events which may cause sufficient stress to produce Post-Traumatic Stress Disorder includes abortion. The most familiar type of Post Traumatic stress disorder or P.T.S.D., is "Post Vietnam Syndrome." Following induced abortion, many women experience similar symptoms. In fact the similarities are so striking that some clinicians have coined the term "Post Abortion Syndrome."

Characteristic symptoms of Post Traumatic Stress Disorder include: recurrent and intrusive distressing recollections and/or dreams of the event, sudden acting or feeling as if the traumatic event were recurring (flashbacks), and intense psychological distress at exposure to events that symbolize or resemble an aspect of the traumatic event, including anniversaries of the trauma; persistent avoidance of stimuli associated with the trauma, emotional numbness and an inability to feel emotions of any type, especially those associated with intimacy, tenderness and sexuality; and increased symptoms of arousal i.e. startle responses; recurrent nightmares and sleep disturbances. A case vignette follows:

"Alice", an attractive professional woman in her early thirties, was referred because of marital problems, sleeplessness, anxiety and a sense of being hyperalert and over-reactive to loud noises. These latter symptoms interfered with her work which placed her constantly in the public eye. She had had a traumatic abortion a year before arranged for her by her husband in a clandestine manner. She had been experiencing frightening dreams, daytime flashbacks, intense anger and loathing for her husband and suicidal preoccupations for the past year. "I killed my baby! I don't deserve to live!" were the intrusive thoughts which haunted her waking hours. She had been seriously contemplating suicide.

ANNIVERSARY REACTIONS

Suicide attempts on the expected date of delivery of the aborted child or subsequent anniversaries of that date or the date of the abortion are common. Tishler describes two adolescent girls who attempted suicide on the approximate date the fetus would have been born had it come to term although one of them was not consciously aware of the significance of the date prior to her medication overdose.

Thirty out of 83 women surveyed regarding post-abortion coping reported anniversary reactions associated with the abortion or the due date in a 1989 study from the Department of Psychiatry of the Medical College of Ohio. In addition to intense and persistent emotional pain after abortion, these anniversary reactions were characterized by physical symptoms most commonly involving the reproductive system—abdominal pain and dyspareunia, also headaches, chest pain, eating irregularities and increased drug and alcohol abuse. The authors state, "The time-specific relationship of the symptoms to the original experience is often not recognized by the subject and appears to be an attempt to master through reliving rather than remembering. Unresolved grief and pre-existing dysphoria have been suggested as increasing the likelihood of anniversary reactions."

If the conflicted issues could be sequestered on a subconscious level throughout most of the year and arise only under camouflage to some extent, then a protective role is certainly possible. The woman might be able to receive concern and attention from others without necessarily having the conflict identified. The authors advise physicians and therapists to ask about particular events which may have occurred around the time of year when the patient presents poorly explained physical or psychiatric symptoms. It is easy to see how excessive medical work-ups could lead to unnecessary tests and procedures and even unnecessary surgery.

The authors also report that women in the non-anniversary group in their study mentioned self-punishment as their reason for having a hysterectomy or tubal ligation or for suicidal behavior.

The following case illustrates an unusual anniversary reaction:

"Akiko", a Japanese college student, was referred for presumed Premenstrual Syndrome (PMS) which was in fact an acute anniversary reaction to her abortion which recurred monthly. One or two days each month her dormitory staff reported that she would not come out of her room for meals or for classes and spent the time crying inconsolably—a most unusual occurrence among Asian students in their experience.

Akiko had had an abortion the day before she left Japan to come to the U.S. to study early childhood education. Her first college classes focused on pre-natal development. During a film showing intra-uterine life she suddenly became aware of the actual developmental stage of the fetus she had aborted a few weeks before. From then on, each month on the anniversary of her abortion she had become overwhelmed and inconsolable by sadness and guilt which she could not share with anyone.

In the context of helping her to work through her grief, I asked Akiko about how women in Japan deal with post-abortion grief. I learned that it is common for mothers in Japan to request memorial services for their children whom they believe they have "sent from dark to dark." At Buddhist temples parents rent stone statues of children for a year during which time prayers are offered for the babies to the god Jizu. More recently, the goddess Mizuko Kanon is believed to be better able to care for these water babies who arrive with smashed heads and shredded bodies because she has large hands with webbed fingers. Parents regularly visit these statues and leave toys, flowers and written messages for their babies.

PSYCHOSOMATIC SYMPTOMS

In addition to the psychophysiological anniversary reactions described above, the chronic stress of unresolved post-abortion grief can also provide classical psychophysiologic reactions as the following case illustrates.

"Jerry" was doubled over in pain before a scheduled media presentation. He had not had time for breakfast and forgotten the antacid medication he regularly took to control the peptic ulcer which he had recently developed. Jerry's wife had aborted their first child without his knowledge, and had aborted their second child without his consent. After the birth of their third child, Jerry had become over-protective of the boy, spending every waking moment with him, even changing his work schedule so as to be alone with him while his wife worked. A divorce ensued and sole custody of the child was awarded to his ex-wife. Jerry's grief became profound and his psychosomatic symptoms increased.

FAMILY ISSUES

As has been described above, post-abortion grief may be responsible for marital conflicts, problems with sexual intimacy, and parent-child relationship difficulties. Two additional case vignettes will further illustrate these issues.

"John" was a 28 year old office worker who entered psychotherapy because of a depressed mood, difficulty sleeping, lack of concentration at work, and conflicts with his wife and children. After several apparently unproductive sessions with his therapist, he reported a dream during which a former girlfriend brought him into a room and introduced him to a ten year old boy, stating, "This is your son!" Only then did he recall her pregnancy with their child and his active participation in her abortion. Subsequent work with him revealed that it was his unresolved grief and guilt over that child's loss which was responsible for his current symptoms.

"Jeannie" was a six year old girl who was referred for evaluation of school phobic symptoms. Her separation anxiety began at kindergarten and had not abated in first grade. She often stayed home complaining of stomach aches and headaches. She would only go to school accompanied by her mother, and terrible scenes occurred each time her mother was encouraged to leave with crying, screaming and kicking. Jeannie's mother was afraid to leave her at school in that state even though the teachers assured her that within a few minutes after her mother's departure Jeannie was able to enter the classroom and participate with the other children.

Jeannie's mother had aborted her previous pregnancy—a decision which she deeply regretted. This next child was burdened with her mother's pathologically intense attachment to her which did not allow for age-appropriate separation and growth for her child.

CONCLUSION

In 1973, an article in the Journal of the National Medical Association stated, "Early information would tend to alert the physician to the need for systematic follow-up of all abortion patients . . . The epidemologic consequences of abortion may (therefore) become statistically relevant in the not-too-distant future with far-reaching public health significance."

With 26 million abortions in this country in the 18 years since Roe v. Wade, and the continuing rate of 1.6 million abortions per year, we can no longer deny the public health significance of their psychological and psychophysiological sequelae. Epidemological studies are urgently needed which are statistically sound and which follow women and men for at least ten years post-abortion.

In the meantime, case reports remain valid psychiatric documentation of the many faces of post-abortion grief. The traditional teaching of our profession has not been by means of controlled studies with a sample of several hundred and statistically significant standard deviations. Sigmund Freud, Eric Erikson, Viktor Frankl, Jean Piaget, and Robert Coles have told us about individuals who they have studied in depth. Their detailed case studies have led to lasting insights into human development and the origins and treatment of psychopathology.

The best treatment for any illness, of course, is primary prevention. Primary prevention of the negative psychiatric sequellae of abortion involves the prevention of abortion itself by means of offering compassionate alternatives such as support in child bearing, child rearing and adoption, but more importantly the prevention of untimely pregnancy by teaching the true meaning of an reverence for human sexuality.

[From the Journal of Clinical Ethics, Summer 1993]

PROLONGED GRIEVING AFTER ABORTION: A DESCRIPTIVE STUDY

(By Douglas Brown, Thomas E. Elkins, and David B. Larson)

INTRODUCTION

"Legal abortion of an unwanted pregnancy in the first trimester does not post a psychological hazard for women." As exceptions to this widely held generalization, most gynecologists have an anecdotal story or two about a patient's prolonged grieving after undergoing an abortion.

Clinicians searching for perspective on a patient's prolonged grieving may be surprised by the number of publications about potentially negative psychological sequel following induced abortion. Reviews of this vast literature have located at least 30 attempts to design either randomized longitudinal studies or retrospective studies of prolonged grieving after abortion. Based on questionnaires, psychological tests, and interviews, these studies have reported prevalences of negative psychological sequel ranging from 2 percent to 41 percent. Most of the studies did not follow participants past one year after their abortions. The six studies that attempted to identify and interpret prolonged negative experiences after induced abortion all reported the phenomenon, but they questioned whether the abortion itself or circumstances precipitating the choice of abortion brought on the symptoms.

Together, these studies have tended to encourage the generalization that abortion, when a conflict-free decision, brings relief to the patient. A corollary to this generalization is that abortion can have a disturbing or stabilizing impact, depending upon the past mental health history, emotional dynamics, and life circumstances peculiar to each woman who aborts. Most of the researchers who conducted these studies have been careful to admit that their conclusions are somewhat tenuous, given the possibly inherent incompatibility between the objectivity sought in a randomized study and the deeply personal subject matter. Recent literature reviews have drawn specific attention to such methodological limitations.

A clinician's search for perspective may be further complicated when the literature-review articles are themselves compared. For instance, American Family Physician and Psychiatric Journal of the University of Ottawa published review articles that had less than one-third of their research citations in common. Of those few citations in common, one-third were presented with nearly opposite interpretations by the two reviews.

Both the research and the reviews of research that favor the generalization that in most instances abortion does not precipitate debilitating psychological sequelae appear to be significantly limited. Nonetheless, we do not in this article take issue with this generalization about abortion. We do contend that attention to each patient's well-being and to the containment of healthcare costs keeps the issue of potentially negative and prolonged psychological sequelae clinically relevant. For instance, given the annual average of 1.5 million abortions in this country alone, a 1 percent prevalence of a single psychiatric disorder—major depression—tranlates into 15,000 patients.

In response to a presidential assignment, Surgeon General Koop reported in 1989 that the research to date was so ambiguous or flawed that no conclusion about psychological consequences from abortion could be drawn. He believed the subject was important enough to recommend a definitive, multimillion dollar, randomized, longitudial study. However, when the initiation of such a study remains doubtful and when retrospective studies have proven inconclusive, some perspective on this concern can still be sought through a presentation of cases.

Accordingly, this article examines the experience of negative emotional sequelae after abortion expressed by one previously undescribed group of patients, with particular focus on the prolonged nature of their experience. What is lacking in objectivity from these unstructured responses is partially offset by the open-ended admission of feeling and still-active painful memories. Current attention in medical ethics literature to patients' life stories, which a case-series design complements, provides a conceptual framework within which to hear these women share a portion of their stories.

METHODOLOGY

This study documents the selfreported suffering experienced by 45 women after undergoing induced abortions. In 1987, the surgeon general invited several religious leaders from across the United States to Washington, D.C., to relate and comment upon the possible adverse consequences of abortion in the experience of women in their congregations. Among the invitees was the pastor of a large Protestant congregation in Florida. The congregation was predominantly of white, urban, and middle-to-upper-class.

After informing a Sunday morning gathering—which included from 1,600 to 2,000 women on any given Sunday—of the upcoming meeting, this pastor asked for descriptive letters from women who had negative experiences that they perceived to be linked with a past abortion. One week later, 61 replies, most anonymously forwarded through the mail, had arrived. No follow-up requests were made. Of the original 61 replies, five came from significant others (two husbands, two sisters, and one parent) who recounted the negative impact of an abortion on a family member. Another 11 letters were too brief to be useful. This report is an attempt to describe and analyze the remaining 45 letters.

We categorized the content of the letters for descriptive and comparative purposes. The categories we used were those found in the literature on negative psychological responses and on the comparison between the expressions of grief following abortion to expressions of grief associated with perinatal death, spontaneous abortion, and birth of a severely handicapped newborn. The symptomatic categories we included were masking, anger, loss, depression, regret, shame, fantasizing, suicidal ideation, and guilt. One of these classifications needs clarification. We used "masking" to categorize the disclosure that a patient hid inner feelings beneath an apparently stable and peaceful outward manner.

RESULTS

The letters revealed what these 45 women perceived to be the most acute consequences from their abortions. Since the women were not asked to provide specific clinical information or to comment on their perceived rationale for specific symptoms, we have avoided speculation about what the women did not mention. Categorization of reported experiences was based on explicit comments in the letters.

The ages of these women ranged from 25 to over 60 years; 87 percent of those who mentioned their age were less than 40 years old. Their ages at the time of abortion (a few had experienced multiple abortions) ranged from 16 to early 40s; 80 percent of those who mentioned age were under 30 years old. Of these women, 81 percent indicated they had undergone first-trimester abortions. Of those who indicated the reasons they sought abortions, 19 percent attributed their having abortions to overt family pressure; a few spoke of medical (4 percent) or financial (9 percent) reasons. Of the respondents, 64 percent spoke of more than incidental and transient grief immediately after the procedure. Half of the respondents mentioned having children subsequent to their abortions. Of the women who mentioned marital status, 75 percent were single at the time of the procedure, and 71 percent placed the time of their abortions after Roe v. Wade.

Table 1 gives a summary of the negative sequelae experienced by these women following their abortions. Analysis of the letters is reported both for the total group and for various subgroups.

TABLE 1.—NEGATIVE FEELINGS FOLLOWING ABORTION

	Feelings (percentage of respondents)								
	Masking	Anger	Loss	Depression	Regret	Shame	Fantasizing	Suicidal	Guilt
All respondents (*N*=45)	35.5	20.0	31.1	44.4	44.4	26.7	57.8	15.5	73.3
Age at time of abortion:									
Pre-21 (*N*=19)	47.4	21.0	36.8	47.4	42.1	31.6	52.6	10.5	73.7
21–30 (*N*=17)	17.6	29.4	17.6	47.0	47.0	35.3	58.8	17.6	82.3
Age at time of contact (1987):									
21–30 (*N*=18)	16.7	27.8	27.8	50.0	50.0	22.2	44.4	11.1	72.2
31–40 (*N*=14)	42.8	28.6	35.7	35.7	42.8	42.8	71.4	7.1	78.6
Reason for abortion:									
Elective (*N*=33)	32.2	17.6	29.4	44.1	47.0	26.5	52.9	17.6	73.5
Pressured (*N*=12)	41.7	33.3	50.0	66.7	41.7	33.3	75.0	16.7	100.0
Subsequent children (*N*=26)	38.5	11.5	46.1	50.0	50.0	19.2	73.1	19.2	73.1
Marital status at time of abortion:									
Single (*N*=30)	36.7	26.7	23.3	53.3	36.7	30.0	56.7	16.7	76.7
Married (*N*=10)	30.0	10.0	40.0	40.0	70.0	30.0	70.0	10.0	90.0
Practicing Christian at time of abortion:									
No (*N*=19)	42.1	15.8	10.5	47.4	42.1	31.6	52.6	15.8	73.7
Yes (*N*=11)	18.1	27.2	18.1	54.5	36.4	36.4	54.5	27.2	72.7
Time of abortion:									
Before Roe (*N*=10)	60.0	10.0	10.0	50.0	20.0	30.0	50.0	30.0	60.0
After Roe (*N*=32)	31.3	25.0	34.4	40.6	46.9	31.3	56.3	12.5	84.1

The responses of the women who described their abortions as uncoerced were not noticeably different from the total responses. However, the presence of coercion in the decision-making process did distinguish these womens' responses from the total responses more than any other variable. The mention of negative sequelae was consistently more frequent for women who felt coerced. The responses of women who had borne children subsequent to an abortion varied little from the total responses, except in the mention of loss and of fantasizing about the infant they might have had.

The most frequently mentioned long-term experience was the continued feeling of guilt. Every woman who recalled being coerced to have an abortion spoke of guilt. Those who had terminated pregnancies after *Roe* v. *Wade* spoke more frequently of guilt than those who had aborted before *Roe* v. *Wade*. Fantasizing about the aborted fetus was the second most frequently mentioned experience, with more attention given to this experience by the older respondents and by those who felt coerced to have an abortion.

Many of the respondents noted, with varying wording, that they were writing "the most difficult letter" they had ever written. Half of the participants referred to their abortions as murder. Others used such phrases as "a horrid mistake," my worst experience," "a living hell." Several mentioned that hearing the word "abortion" would awake painful emotions. A number of the women spoke of suicidal ideation (15.5 percent), recurrent nightmares (13.3 percent), marital discord (15.5 percent), phobic responses to infants (13.3 percent), fear of men (8.9 percent), and disinterest in sex (6.7 percent).

Half of the women who admitted fantasizing about the infant they might have had referred to that aborted fetus as "my baby." One woman, subsequent to the abortion, had named "her baby" Jeremy. Several commemorated the anniversaries of the abortion and of the aborted child's projected birthday. These women described drifting into thoughts about the aborted child's sex, talents, appearance, and interests. Some found relief in vividly anticipating a reunion with their aborted infants in an afterlife. Unavoidable reminders—such as celebrating Mother's Day, receiving the news of a friend's pregnancy, being invited to a baby shower, seeing children on a playground, and even planning a birthday party for their own children—kept many of these women moving from one painful emotional fantasy to the next. One woman explained:

"One cannot escape children—their birth, the joy of a baby whether it be next door or around every corner you turn. After all, who would want to? Unless the reminder is unbearable. It takes years and you always remember. Your own children remind you. As I face the rest of my life I will be reminded daily, sometimes hourly. One day I will be a grandmother—I hope—and then the pain will once again become unbearable. I will always be there. An abortion is forever."

Another woman commented: "It (an abortion) may seem the fastest way and easiest way to put a bad experience behind them, but it does not stay there. It will surface when they fall in love, when they consider marriage, at the birth of their child(ren), each time they have a physical, each time the word "abortion" is mentioned, when your child shows an interest in the opposite sex, when you look into the face of a baby, etc., etc. You see, it never goes away. Never."

Of these women, 20 percent related negative responses to the abortion procedure itself. Some recalled crying continuously, while others remembered trying to stop the procedure once it had started. Every woman who mentioned the procedure expressed dissatisfaction with the lack of or superficial counseling they received and with the physicians involved in the procedure.

In some cases, the onset of negative sequelae was immediate; Table 2 illustrates the length of time these symptoms had been experienced. Of the respondents, 64 percent described their suffering as beginning immediately after (or during) the procedure, and 42 percent reported negative emotional sequelae endured over 10 years. One woman experienced such symptoms for 60 years. After years of turmoil, few at the time of writing expressed confidence that their symptoms might be eradicated.

TABLE 2.—DURATION OF NEGATIVE FEELINGS FOLLOWING ABORTION

Characteristics of respondents	Duration (percent of respondents)			
	Immediate onset	0 to 5 years	6 to 10 years	10+ years
All respondents (*N*=45)	64.4	6.7	40.0	42.2
Age at time of abortion:				
Pre-21 (*N*=19)	68.4	5.3	36.8	57.9
21–30 (*N*=17)	70.6	11.8	28.6	42.8
Age at time of contact (1987)				
21–30 (*N*=18)	61.1	16.7	55.5	16.7
31–40 (*N*=14)	57.1	....	7.1	64.3
Reason for abortion				
Elective (*N*=33)	51.5	3.0	33.3	42.4
Pressured (*N*=12)	100.0	....	37.5	25.0
Subsequent children (N=26)	65.4	3.8	34.6	53.8
Marital status at time of abortion				
Single (*N*=30)	73.3	10.0	46.7	36.7
Married (*N*=10)	70.0	....	30.0	60.0
Practicing Christian at time of abortion				
No (*N*=19)	68.4	5.7	47.4	31.6
Yes (*N*=11)	63.6	18.1	27.2	36.3
Time of abortion				
Before Roe (*N*=10)	50.0	....	....	90.0
After Roe (*N*=32)	68.7	9.4	46.9	34.4

Note.—Because 11 respondents did not specify length of time, percentages do not add up to 100 percent.

DISCUSSION

Due to the manner in which the data became available, this study's design falls far short of the gold standard—a randomized, double-blind longitudinal study. The data are retrospective and self-reported. The person responsible for gathering the data made no provision to control for population variables. No uniform instrument was used. The participants came from a self-selected population group (the Protestant congregation) with a known bias against induced abortion. The possibility of embellishment by the sample population, given the stated purpose for the requested letters, existed. Only negative responses to the experience of abortion were solicited. No psychological testing could be done, nor was the frequency or perceived effectiveness of mental health treatment noted. Incomplete demographic information permitted limited aggregate evaluation and conclusions.

Still, we believe that the testimony of these women permits four observations that suggest some perspective on prolonged negative sequelae possibly associated with abortion. First, this series of cases reinforces a clinician's anecdotal awareness that such sequelae occur. If ethics has to do with what ought to be done all things considered, then clinicians should be careful not to be inattentive to indications that an abortion may create for the woman terminating her pregnancy a period of crisis, requiring effective counseling and reliable support.

Such attention has not been encouraged by the social and political turmoil that has surrounded abortion since Roe v. Wade. Opinion about whether abortion inevitably causes psychological harm for women terminating their pregnancies had begun to shift when the U.S. Supreme Court decided Roe v. Wade. The American Psychiatric Association membership, for instance, did an about-face between 1967 and 1969 on the issue of legalizing abortion on request—with those in favor increasing from 24 to 72 percent. In the aftermath of Roe v. Wade, elective abortion came widely to be seen, in most instances, as a conflict-free decision. Consistent with this perception, interpreters of data that suggested the occurrence of negative psychologic sequelae tended to minimize the incidence. For instance, Smith reported that "only" 6 percent of the 80 women studied had necessitated psychiatric treatment within two years of their abortions. Lazarus found that "only" 15 percent of the 292 women followed for two weeks after abortion acknowledged feelings of guilt and depression. American medical literature turned to other facets of potential perinatal grief responses. The cultural climate permitted preabortion counseling to become optional, rather than a prerequisite to the procedure.

Second, it has been estimated that nearly half of all women who received abortions deny having had abortions. The letters in this article suggest that such denial is a refusal to publicize an experience, but not a refusal privately to face painful consequences. Of these women, 35 percent spoke of masking their experience with the appearance of wellbeing. Women who received abortions before they were 21 mentioned masking their psychological pain far more frequently than the women who had abortions when they were older. Women who had abortions before Roe v. Wade mentioned this hidden pain twice as often as women who had abortions after Roe. This difference may illustrate that since Roe, the social stigma associated with having an abortion has lessened.

Third, a clinician has reason to be concerned when a women perceives the termination of her pregnancy as a coerced decision. The responses of the women who described their decisions to abort as freely chosen did not differ significantly from the total responses, suggesting doubt about the perception that only coerced decisions put a woman at risk. However, the responses of the women who spoke of being coerced (by peers, family, medical complications, economic fears) to have an abortion showed a higher incidence of negative sequelae in all but one emotional category (Table 1). They unanimously admitted guilt feelings. Their problems were, without exception, manifest immediately after the procedure, whereas only half of the women who did not feel coerced but later experienced problems mentioned such immediate sequelae. This difference draws attention to the need for professionals as well as significant others to probe signals of ambiguity from women considering abortion in a manner that is sensitive yet accurate.

Fourth, these letters raise questions about the hypothesis that religious fervor causes and/or magnifies psychological complications after abortion. Two out of three respondents mentioned that they were not practicing Christians or active members of this particular church when they had their abortions. Although there is the possibility that religious beliefs encouraged the prolonged grieving, the responses of those women who were not practicing Christians when they had their abortions did not differ significantly from the responses of all the respondents. Those who were practicing Christians when they had their abortions did indicate a slightly higher incidence of depression and shame. The letters suggest that religious convictions and religious involvement appear to have deepened the psychological pain for some of the women, while for others the same convictions and involvement served as an important resource to reduce the feelings of guilt and despair that had already developed.

CONCLUSION

These letters have provided a window into the ramifications that can surround abortion. We are not taking issue with the generalization, "legal abortion of an unwanted pregnancy in the first trimester does not pose a psychological hazard for women." However, generalizations are, by definition, subject to exception. The more frequent the exceptions, the more tenuous becomes the generalization. Here, 81 percent of the women who experienced painful and prolonged emotional sequelae indicated that their abortions were first-trimester abortions.

Our interpretation of these letters does not reinforce either of the categorical positions—for or against abortion—that are presently polarized in public debate. This study does reinforce the need, if possible, for clinically valid studies of the syndrome of delayed grief among what appears to be a small but significant number of women who have abortions. The causal relationship (or lack thereof) between such women's abortions and their enduring, psychologic pain needs research documentation. The frequency needs to be determined. Factors that predict such problems need to be identified so that psychologic intervention can be made more readily available and even encouraged in some settings.

Clinical implications, not political ramifications, have prompted their descriptive study. The quality of medical care and the assurance of truly informed consent in the termination of pregnancy depend ultimately upon prospective research of negative psychological sequelae. Until such research is achieved, case services of such experiences should not be discounted on methodological grounds or exploited in public debate. Instead, they should be documented as reminders that abortion is, for some women, a moment of crisis of immediate and/or enduring proportion. What is at stake is not the validity of either side in the ongoing public debate over abortion, but the issue of patient care.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the resolution, House Resolution 163.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

LUPUS RESEARCH AND CARE AMENDMENTS OF 2000

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 762) to amend the Public Health Service Act to provide for research and services with respect to lupus, as amended.

The Clerk read as follows:

H.R. 762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lupus Research and Care Amendments of 2000".

SEC. 2. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women 9 times more often than men;

(3) there are 3 main types of lupus: systemic lupus, a serious form of the disease that affects many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women is 3 times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that between 1,400,000 and 2,000,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatments for the disease can be effective, but may lead to damaging side effects;

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives; and

(10) in fiscal year 1996, the amount allocated by the National Institutes of Health for research on lupus was $33,000,000, which is less than ½ of 1 percent of the budget for such Institutes.

TITLE I—RESEARCH ON LUPUS

SEC. 101. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following section:

"LUPUS

"SEC. 441A. (a) IN GENERAL.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

"(c) PROGRAMS FOR LUPUS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include conducting and supporting the following:

"(1) Research to determine the reasons underlying the elevated prevalence of lupus in women, including African-American women.

"(2) Basic research concerning the etiology and causes of the disease.

"(3) Epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among

racial and ethnic groups with respect to the disease.

"(4) The development of improved diagnostic techniques.

"(5) Clinical research for the development and evaluation of new treatments, including new biological agents.

"(6) Information and education programs for health care professionals and the public.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.".

TITLE II—DELIVERY OF SERVICES REGARDING LUPUS

SEC. 201. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall in accordance with this title make grants to provide for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with lupus and their families.

(b) RECIPIENTS OF GRANTS.—A grant under subsection (a) may be made to an entity only if the entity is a public or nonprofit private entity, which may include a State or local government; a public or nonprofit private hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, or homeless health center; or other appropriate public or nonprofit private entity.

(c) CERTAIN ACTIVITIES.—To the extent practicable and appropriate, the Secretary shall ensure that projects under subsection (a) provide services for the diagnosis and disease management of lupus. Activities that the Secretary may authorize for such projects may also include the following:

(1) Delivering or enhancing outpatient, ambulatory, and home-based health and support services, including case management and comprehensive treatment services, for individuals with lupus; and delivering or enhancing support services for their families.

(2) Delivering or enhancing inpatient care management services that prevent unnecessary hospitalization or that expedite discharge, as medically appropriate, from inpatient facilities of individuals with lupus.

(3) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance) for individuals with lupus and support services for their families.

(d) INTEGRATION WITH OTHER PROGRAMS.—To the extent practicable and appropriate, the Secretary shall integrate the program under this title with other grant programs carried out by the Secretary, including the program under section 330 of the Public Health Service Act.

SEC. 202. CERTAIN REQUIREMENTS.

A grant may be made under section 201 only if the applicant involved makes the following agreements:

(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

(2) The grant will be used to supplement and not supplant funds from other sources related to the treatment of lupus.

(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

(4) The grant will not be expended to make payment for services authorized under section 201(a) to the extent that payment has been made, or can reasonably be expected to be made, with respect to such services—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(5) The applicant will, at each site at which the applicant provides services under section 201(a), post a conspicuous notice informing individuals who receive the services of any Federal policies that apply to the applicant with respect to the imposition of charges on such individuals.

SEC. 203. TECHNICAL ASSISTANCE.

The Secretary may provide technical assistance to assist entities in complying with the requirements of this title in order to make such entities eligible to receive grants under section 201.

SEC. 204. DEFINITIONS.

For purposes of this title:

(1) The term "official poverty line" means the poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(2) The term "Secretary" means the Secretary of Health and Human Services.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 762, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great pleasure that I rise today in support of H.R. 762, the Lupus Research and Care Amendments. This important measure addresses the devastating, devastating, I underline devastating, disease of lupus. It was introduced by my colleague, the gentlewoman from Florida (Mrs. MEEK), who lost her sister to complications from the illness.

Lupus is a disease which causes the body's immune system to attack its own cells, resulting in progressive damage to all organs. It affects more than 1.5 million Americans. The vast majority of patients who suffer from lupus are women, and a disproportionate number are minorities. Most women are afflicted in their childbearing years, making it difficult for them to work and care for their families.

H.R. 762 expands lupus-related activities of the National Institutes of Health in the areas of basic research, epidemiology, treatment, diagnosis, and public and health care provider education. It also authorizes project grants for the delivery of essential services to individuals with lupus to be administered through local governments, community hospitals, and other nonprofit health care facilities.

By enhancing research on lupus, the bill before us will speed the day when a cure is found for this terrible disease. H.R. 762 will provide early diagnosis and disease management services for lupus patients. It will also increase outreach and expand patient care among low- income populations. Further, the initiatives authorized under this measure will provide a road map for other private and public programs to help victims of lupus.

H.R. 762, Mr. Speaker, has the support of 245 cosponsors in the House; and it was unanimously approved by the Committee on Commerce last month. I urge my colleagues to join me in supporting passage of this very important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentlewoman from Florida (Mrs. MEEK) for her dedication on the issue of lupus and her successful effort to put together widespread support for this bill in Congress. This bill has special meaning for my colleague, and I am proud to be one of the bill's 243 cosponsors.

H.R. 762 provides a blueprint for combating lupus, a complex and lethal autoimmune disorder for which there currently is no cure. Lupus affects nine times more women than men, disproportionately more blacks, Hispanics, more Asians, and is most commonly diagnosed in individuals between the ages of 15 and 45.

The ability of lupus, as well as other autoimmune diseases, to strike someone as young as 15 years old speaks to the need for expanded research. Lupus is not universally fatal. Young people with lupus are capable of living active lives, but diagnosis is difficult. There is not a test for lupus, and young people will continue to suffer and die from lupus without our help.

I am pleased that autoimmune disease research was included in the children's health bill now awaiting the President's signature. Autoimmune diseases are unique. Research on one, like lupus, can benefit many others in a synergistic sort of way.

The bill sponsored by the gentlewoman from Florida is a responsible investment in our Nation's health, and I urge its passage.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Mrs. MEEK), the author of this bill, who has fought on this issue for months and months and years and years.

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. It is a very proud moment for me. It also is a moment of personal feeling at this time. I lost my dear sister to lupus and many of my very close friends.

I want to thank the chairman, the gentleman from Florida (Mr. BILIRAKIS), for having gone with me for quite a few years. I first applied for this bill in 1995, and it has been back and forth. But now we are at the point where he has pushed, as chairman of the Subcommittee on Health and Environment, and now the gentleman from Ohio (Mr. BROWN), as his ranking member. We have 243 people in this Congress who feel this is important.

I am pleased to rise in support of it because it is going to expand and intensify the research part of lupus. NIH each year has done something toward the application of research to lupus, but now we are asking that this be a mandate of NIH to be sure that they expand research efforts, so it will make it much easier to diagnose this. This is a crippler, Mr. Speaker. It is a crippler and it is a killer. It catches women in their childbearing years, and it is time we put research into it to find out about it. There is very little known about this disease, too little known about it with its crippling effects.

Since my arrival at the House in 1993, I have urged the Congress to direct NIH to mount an all-out campaign against lupus. If any of my colleagues have ever seen or talked to someone who suffers from this disease, they will surely understand why. My colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and I have also fought for this in our Dade County. We have found a great number of Hispanic and black people who are certainly besieged by this terrible disease.

I want to assure my dear colleagues that if we pass this bill and the Senate takes it up and passes it on to the President, and if he signs it, we will have alleviated in the future, I am sure, a great deal of pain and suffering.

I want to thank the Speaker, and I want to thank the minority leader, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Virginia (Mr. BLILEY), the ranking member, the gentleman from Michigan (Mr. DINGELL), and chairman of the subcommittee, the gentleman from Florida (Mr. BILIRAKIS), to be sure, as well as the ranking member, the gentleman from Ohio (Mr. BROWN), of the subcommittee. If it were not for the top of the tickets here pushing this bill, I do not think it would have come to this floor.

A word of thanks to the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), the ranking member, the gentleman from Wisconsin (Mr. OBEY), and chairman of the Subcommittee on Labor, Health and Human Services, and Education, the gentleman from Illinois (Mr. PORTER). And here I want to take a special moment to thank the gentleman from Illinois, Mr. Speaker. Every year, every time the appropriations bill came before him, we did not have any kind of legislation that would authorize it, but he still added money to the NIH budget because he saw the very, very deleterious effects of this disease.

□ 1530

So I certainly want to thank all those people and last, but not least, my 244 colleagues who have cosponsored this bill for bringing their help in bringing this bipartisan measure to the floor.

I want to especially thank Duane Peters and Lee Peckarsky of the Lupus Foundation of America and all of the dedicated lupus volunteers from all around America who work so tirelessly to support this bill.

Mr. Speaker, we have heard a lot today about lupus. It is an autoimmune disease that afflicts women nine times more than it does men. It has its most significant impact on women during the child-bearing years. About 1.4 million Americans have some form of lupus, one out of every 185 Americans. Many of them do not even recognize that they have it. Many think they have arthritis or some kind of rheumatoid disease because the diagnosis is so very hard.

Lupus disproportionately affects African-American women. The prevalence of lupus among African-American women is three times that of white women. We do not yet know why this is so. This is one of the many mysteries about lupus that still needs to be resolved.

Thousands of women with lupus die each year. Thousands of women die from complications caused by lupus. Many other victims suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives. Many women who have young babies and have lupus cannot even hold their children. Lupus is devastating not only to the patient but to family members, as well.

My bill authorizes appropriations of such funds as are necessary for fiscal year 2000 through fiscal year 2003 for lupus research so badly needed, Mr. Speaker. The education that goes along with this bill is so badly needed and the treatment, as well.

So this also empowers the Secretary of the Department of Health and Human Services to protect the poor and the uninsured from financial devastation by limiting charges to individuals receiving lupus services pursuant to the grant program, the way that we do under the Ryan White CARE Act.

It is very important, Mr. Speaker, that we realize that this is a bipartisan bill that has been carried through this process by both Republicans and Democrats for the benefit of the people of America.

Mr. BILIRAKIS. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to thank the gentleman from Florida (Mr. BILIRAKIS) and thank the gentleman from Ohio (Mr. BROWN) for their leadership in this legislation and the chairman and the ranking member. I am also proud to be a co-sponsor of this important legislation.

But I would really like to shower applause down on my good colleague and friend the gentlewoman from Florida (Mrs. MEEK) for the leadership that she has offered and the persistence that she has offered not only on the floor of the House and tracking this bill through Commerce, but working every year diligently with the appropriators to provide funds for research regarding this devastating disease.

Lupus kills. I lost a very dear friend, a young mother, who did not get a chance to see her children grow up. And then I have a dear friend named Pat who lives valiantly with lupus but yet suffers every day. Her enthusiasm for being alive was seen through her hard work in organizing a Lupus Day walk to raise funds in Houston.

I want to encourage those around the Nation who want to educate people about lupus to continue to go out and walk and to have walks that will raise private money and along with federal funds we may find a cure for this disease that strike down young women.

Lupus does kill. It disproportionately affects African-American women, as the prevalence of the disease among such women is three times the prevalence among white women and an estimated one in 250 African-American women between the ages of 15 and 65 develop the disease. But it affects all women. And more than 1.4 million to 2 million Americans have been diagnosed with the disease and there are many more undiagnosed cases because sometimes people do not know what they have, they just feel they have a few aches and pains. But yet, if they are not diagnosed, they can ultimately die from the disease.

I want to thank the gentlewoman from Florida (Mrs. MEEK) for the $33 million that was allocated in 1996 for the National Institutes for Health to do more research. This is an important legislative initiative. Every time we can come to the floor of the House in a bipartisan way to save lives of Americans, I think, Mr. Speaker, that we are doing what the American people would want us to do.

I hope this legislation will be taken up in the Senate. And I believe that, with the passage of this legislation, we will be able to save many more lives and be on the pathway for doing more to improve the health of all Americans.

Mr. BILIRAKIS. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me the time.

Mr. Speaker, I would like to begin by acknowledging my colleague, the gentlewoman from Florida (Mrs. MEEK), for her hard work, determination, and advocacy on behalf of those with lupus. This is an issue that the congresswoman has been working on for a very long time. And I am pleased to see that the leadership is working in a bipartisan way to bring this legislation to the floor.

Mr. Speaker, this should be the way we should handle all matters in these final, final days. We need to do here for those least able to help themselves. I think that should be the barometer. It will help us through these tough days.

This is a serious, complex, inflammatory, autoimmune disease that affects women nine times more often than men. Oftentimes those suffering from lupus are not diagnosed in a timely manner. I have seen that happen to close friends. They remain in pain and the sickness progresses.

It has been estimated that between 1.4 and 2 million Americans have been diagnosed with this disease and that many more have undiagnosed cases.

The victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and to lead normal lives.

This critical legislation will correct the oversight that was made in the past by providing increased funding for NIH scientific and clinical research and for improved patient access and care measures. It will ensure that every person who suffers from this disease will receive the highest quality of care possible.

The funding will also improve the quality, availability, and the organization of health care and support services for individuals with lupus and support services for their families.

I wholeheartedly support the passage of this legislation and encourage all my colleagues to do the same.

Mr. BILIRAKIS. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Speaker, let me begin by first congratulating my colleague, the gentlewoman from Florida (Mrs. MEEK), of course and the ranking member of the subcommittee, as well.

Let me just say that this is a very important piece of legislation. As we walk and we talk to people who are suffering from this disease, we think about the fact that maybe we need to do more. I think that this is a giant step in the right direction because we need to do more in terms of research and need to make certain that treatment is available to those that suffer from this illness.

I think that access to treatment is very, very important. I think that when we look at many people in some of the rural areas of this country that are having great difficulty getting treatment, I think that this is the right step.

I would like to again congratulate my colleague from Ohio and, of course, my colleague from Florida, both colleagues from Florida, for their outstanding work in this effort and to say to them that they probably do not realize how many lives they are saving and how many people that are encountering all kinds of difficulties that they are going to make life better for all of them. And I want to salute them for that.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just very quickly. This is a very, very important piece of legislation, and we are all very pleased to have been a part of it. An awful lot of hard work went into it.

The personal staff of the gentlewoman from Florida (Mrs. MEEK) and my personal staff, Anne Esposito particularly, and the Committee on Commerce both majority and minority staffs are really to be congratulated. They are responsible for this more so than the rest of us.

Mr. Speaker, I ask for support of this legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 762, the Lupus Research and Care Amendments of 1999. I am proud to be a cosponsor of this legislation to expand and intensify the research efforts of the National Institute of Health to diagnose, treat, and eventually cure lupus.

Lupus is a very serious illness that causes the body's immune system to attack its own cells. More people suffer from this little-known illness than from cerebral palsy, multiple sclerosis, sickle cell anemia, cystic fibrosis, and AIDS combined. Although lupus may occur at any age and in either sex, 90 percent of those affected are women. During the childbearing years, lupus strikes women 10 to 15 times more often than men. More than 1.5 million Americans have been diagnosed with this terrible disease. Many more cases go undiagnosed, since the symptoms of this disease tend to wax and wane with passing time.

H.R. 762 would require the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases to expand its research activities on the disease lupus, especially with regard to its increasing prevalence among women. The bill expands lupus-related activities at the Institute into the areas of basic research, epidemiology, treatment, diagnosis, and public and health care provider education. H.R. 762 also authorizes project grants to improve health delivery services through local governments and to community hospitals.

Mr. Speaker, H.R. 762 would provide the needed support to NIH in their works towards making medical breakthroughs in the fight against lupus. I urge all of my colleagues to join me in voting in support of the lupus research and care amendments.

Mr. DINGELL. Mr. Speaker, I strongly support H.R. 762, the Lupus Research and Care Amendments. I want to commend my good friend and colleague, Representative CARRIE MEEK for her steadfast advocacy for this excellent legislation. Lupus is a debilitating and sometimes fatal auto-immune disease that disproportionately afflicts women, particularly women of color. Today's vote brings help and hope to approximately 1.5 million Americans with lupus, and their families.

H.R. 762 accomplishes two goals. Title I recognizes the National Institute of Health's (NIH) present research activities on the many facets of this disease through the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Autoimmune Diseases Coordinating Committee. It authorizes appropriations to expand and intensify these activities with emphasis on earlier diagnosis, better treatment, and an eventual cure. Epidemiologic studies and education about lupus for the public and health professionals will also be undertaken with funds made available by this bill.

Title II addresses on-going primary care and treatment needs of poor and uninsured individuals with this expensive-to-treat and debilitating disease. It authorizes the Secretary to award care grants to local governments, community hospitals, health centers, and other nonprofit health facilities for the provision of out-patient care and a breadth of support services to affect individuals and the family members who are involved in their care. The holistic treatment and support services provided by H.R. 762 will diminish the sense of isolation that is concomitant to chronic illness by weaving a safety-net of services.

This an excellent bill and I urge my colleagues to join me in supporting its passage today.

Mrs. MORELLA. Mr. Speaker, I am delighted to join my good friend and colleague, Congresswoman CARRIE MEEK, as we move forward and pass H.R. 762, the Lupus Research and Care Amendments.

This bill would amend the Public Health Service Act and require the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases to expand and intensify its research activities on the disease lupus, especially with regard to its increasing prevalence among African-American and other women.

This bill will expand lupus-related activities at the Institute into areas of basic research, treatment, diagnosis, and public and health care provider education.

Mr. Speaker, lupus is an autoimmune disease, passage of this H.R. 762, will leverage H.R. 4365, "The Children Health Act of 2000" which was recently passed by this House.

Title XIX of this bill, "NIH Initiative on Autoimmune Diseases", requires the Director of NIH to expand, intensify, and coordinate the activities of NIH with respect to autoimmune diseases. This includes forming an Autoimmune Diseases Coordinating Committee and Advisory Council that will develop a plan for NIH activities related to autoimmune diseases and to require different institutes within NIH to provide a detailed report to Congress specifying how funds were spent on autoimmune diseases.

Recently, the American Journal of Public Health published a study demonstrating that autoimmune disorders are among the top 10 leading causes of death among women under 65, indeed today, three-quarters of the 13.5 million Americans afflicted with an autoimmune disease are women.

I urge my colleagues to support H.R. 762, to support the health of our nation's citizens.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 762, as amended.

The question was taken.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DRUG DEALER LIABILITY ACT OF 1999

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1042) to amend the Controlled Substances Act to provide civil liability for illegal manufacturers and distributors of controlled substances for the harm caused by the use of those controlled substances.

The Clerk read as follows:

H.R. 1042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Dealer Liability Act of 1999".

SEC. 2. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

(a) IN GENERAL.—Part E of the Controlled Substances Act is amended by adding at the end the following:

"SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

"(a) IN GENERAL.—Except as provided in subsection (b), any person who manufactures or distributes a controlled substance in a felony violation of this title or title III shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

"(b) EXCEPTION.—An individual user of a controlled substance may not bring or maintain an action under this section unless the individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual's sources of illegal controlled substances.".

(b) CLERICAL AMENDMENT.—The table of sections for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the time relating to section 520 the following new item:

"Sec. 521. Federal cause of action for drug dealer liability.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1042.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1042, the Drug Dealer Liability Act.

I am pleased to act on this legislation because it will give law enforcement authorities and the American public another tool in our efforts to reduce the use of illegal drugs.

We have all known for some time, Mr. Speaker, that the costs of drug abuse in the United States are certainly quite high. In addition to the terrible impact drugs have on users, experts estimate that our country loses close to $100 billion a year to drug-related illnesses, lost productivity and crime. In many cases, these costs are being absorbed by American families and those who are victimized by the drug trade. The bill of the gentleman from Iowa (Mr. LATHAM) would help change that.

Under H.R. 1042, drug dealers would begin paying from their own pocketbooks for the damage that they level on our society. This legislation would allow victims of the drug trade to recover civil money damages from individuals who have sold or manufactured illegal drugs.

Parents, drug-addicted babies, and employers will now have an expanded ability to punish drug dealers and put these criminals out of business.

This type of law is already on the book in 12 States and would be extended to the other 38 under this bill.

So, Mr. Speaker, I commend the distinguished gentleman from Iowa (Mr. LATHAM) for authoring this legislation. By passing this bill, we are sending a message to America's drug dealers: Dealing drugs does not pay. If they are an aspiring drug dealer and believe that they can make a lot of money off of selling drugs, think again. Under this proposal, they will be at great risk of going bankrupt.

I urge support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am pleased to support the Drug Dealer Liability Act; and I commend its author, my colleague, the gentleman from Iowa (Mr. LATHAM).

H.R. 1042 would subject individuals who participate in illegal drug activity to civil liability. The civil justice system is an important deterrent to unlawful activity and an effective avenue for compensating individuals and organizations harmed by illegal activity.

No illegal activity inflicts more harm than the illegal drug trade. Illegal drugs fuel crime, siphon public and private dollars into prevention and treatment programs. They undercut productive lives. They undermine entire communities. They kill our children.

□ 1545

The criminal justice system is giving the drug problem its primary attention. Its counterpart, the civil justice system, should be brought into the fight.

Individuals who engage in the drug trade should know that they will be held financially liable for the harm they cause. Manufacturers and distributors of these drugs should bear the costs associated with their illegal activity, including the costs of medical treatment or drug rehabilitation. Taxpayers currently bear most of that burden. That is not the way it should be.

This legislation gives us another weapon in the war against drugs. I am pleased to support it.

Mr. LATHAM. Mr. Speaker, I rise today as the sponsor of H.R. 1042, the Drug Dealer Liability Act, to urge your strong support for this important legislation. This is not the first time we have addressed this issue. You may recall the House voted overwhelmingly to add the very provisions included in this legislation to the Juvenile Justice Bill in 1999.

Unfortunately, juvenile crime is a growing trend across the nation. For years, the rural states thought themselves immune from the serious juvenile crime and drug problems on America's coasts and in the big cities. However, this is no longer the case.

In fact, nowhere is the juvenile crime problem growing faster than in America's heartland. This is, of course, directly related to the incredible growth in drug use. According to the U.S. Department of Justice's latest statistics, juvenile drug arrests across the nation have more than doubled since 1988. My home state of Iowa is experiencing an unprecedented influx of methamphetamine. In calendar year 1999, there were over 300 federal methamphetamine lab seizures in the State of Iowa. State law enforcement personnel seized an additional 500 labs during that same time.

Clearly, our children are the most innocent and vulnerable of those affected by illegal drug use. The very nature of drug abuse makes this an epidemic that has severe monetary costs as well, creating significant financial challenges for parents, law enforcement and human services providers. For many of the juvenile addicts, who are increasingly female, the only hope is extensive medical and psychological treatment, physical therapy, or special education.

All of these potential remedies are expensive. In fact, recent figures estimate the annual cost of substance in the United States to be nearly $100 billion. Juveniles, through their parents or through court appointed guardians, should be able to recover damages from those in the community who have entered and participated in the sale of the types of illegal drugs that have caused their injuries.

The legislation I am offering today would provide a civil remedy for people harmed by drugs—whether it be the actual user, the family of a user or even the hospital that provides treatment—to hold drug dealers accountable for selling this poison that is tearing apart the fabric of our society. There are drug pushers in all of our congressional districts who profit from this culture of death, pain and dependency that must be taken to task. Many of them elude the authorities by getting off on technicalities or through their position as affluent persons in the community. However, that should not make them immune from paying for the destruction they cause.

This legislation would empower victims to take action like the Utah housewife who sued her husband's drug dealer "friend" of six years under that State's drug dealer liability law. Her husband actually shared a vacation cabin with the dealer until, after years of abuse, her husband lost his job and ruined the family. Other states, such as California, Arkansas, Illinois, Michigan, Georgia, Louisiana, Indiana, Hawaii, South Dakota and Oklahoma, and just October 1, Maryland have enacted similar laws.

The first lawsuit brought under a state drug dealer liability law was brought by Wayne County Neighborhood Legal Services on behalf of a drug-addicted baby and its siblings. The suit resulted in a judgment of $1 million in favor of the baby. The City of Detroit joined in on the suit and received a judgment for more than $7 million to provide drug treatment for inmates in the city's jails.

This legislation, while not as comprehensive as those state laws—which incorporate a broad reaching liability—does provide a simple tool to empower victims. In fact, this legislation is perfectly suited to go after the "white collar" drug dealers who's clientele includes their professional "friends", and who are less likely to be the subject of a criminal investigation. As we all know, parents who abuse drugs are more likely to have children that abuse drugs as well.

It is my hope the prospect of substantial monetary loss made possible my legislation would also act as a deterrent to entering the narcotics market. Dealers pushing their poison on our children and other family members may think again when they consider that they could lose everything even without a criminal conviction. In addition, this legislation would establish an incentive for users to identify and seek payment for their own drug treatment from those dealers who have sold drugs to the user in the past. While this legislation is not meant to be a "silver bullet", it is another tool to combat and deter drug abuse and trafficking.

Current law allows for a producer of a product that injures a consumer to be held liable for injuries resulting from the use of that product. However, most states do not provide for compensation from persons who cause injury by intentionally distributing illegal drugs. The Latham Drug Dealer Liability Act fills the gap to make drug dealers liable—under civil law—for the injuries to the victims of drugs.

Finally, I hope that I will be able to work with Chairman MCCOLLUM and the ranking Member, Mr. CONYERS, on a more comprehensive liability measure in the future.

With that, Mr. Speaker, I urge my colleagues to support H.R. 1042, the Drug Dealer Liability Act, and give the victims of illegal drugs an opportunity to hold the dealers of this poison accountable under criminal and civil law.

THE LATHAM DRUG DEALER LIABILITY ACT

According to a joint study by the Center for Substance Abuse Treatment and the University of Maryland, drug abuse cost the United States $98 billion in 1992. The majority of the costs were due to drug-related illnesses, lost productivity, crime and premature death. It's time drug dealers started paying for these costs.

The Latham amendment would be most effective in instances where a dealer has gotten off in criminal court on a technicality. A plaintiff would only need to provide that there is a preponderance of evidence that a defendant was the dealer in a civil case, unlike the much stricter standard in criminal court. The success of this strategy is well demonstrated by the civil case brought against O.J. Simpson by the family of victim Ron Goldman.

The amendment could also prove effective against professionals dealing to their "friends" who they share a professional relationship with, such as lawyers, stockbrokers, and other high-income users. People who think our nation's drug problem exists only in the cities and among the poor are way off the mark. The problem is everywhere, as much in small towns in Iowa as it is in America's big cities.

The Latham amendment would even be useful in cases where the dealer has already been convicted. According to a U.S. Supreme Court ruling in June of 1999 (U.S. v. Bajakajian), certain seizures by the government may be ruled unconstitutionally disproportional under the Eight Amendment's excessive fines clause. This could mean that a convicted drug dealer or manufacturer may maintain a portion of their assets and/or property after a government seizure or forfeiture. As an excessive fine is defined in U.S. v. Bakajian, the case sets a Constitutional precedent in this area for the first time. It certainly opens up the excessive fines clause of the Eighth Amendment up for what could be construed as a stricter application.

Basically, the legislation provides a civil vehicle for punishment of drug dealers and for recovery of damages for those injured (directly or indirectly) as a result of an individual's use of a controlled substance.

The parameters of the legislation are intentionally broad to allow as many injured individuals to benefit while creating an increased window of liability for the drug dealer. Therefore, not only would the individual who used the drugs be able to bring about a suit, but so would their parents, employer (for losses resulting from the employee's drug use), health care providers, and even governmental entities. In fact, a suit could be filed on behalf of a drug baby (in utero liability) or by that child once they reach the age of 18.

STATES WHO HAVE PASSED SIMILAR LAWS

Hawaii, Indiana, Michigan, Utah, Illinois, California, Arkansas, Oklahoma, Georgia, Louisiana, Kansas, South Dakota, and Maryland.

EXAMPLES OF SETTLEMENTS IN STATE CASES

First lawsuit under the act (July 21, 1995) resulted in a judgment of $1 million in favor of a drug baby, as well as more than $7 million to the City of Detroit for drug treatment expenses for inmates in the city's jails. The suit was filed by attorneys from Wayne County Neighborhood Legal Services on behalf of the drug baby and its siblings.

A case was settled in Utah in which the wife of a drug abuser brought a case against her husband's dealer of six years under the Utah DDLA law.

MAKING IT A FEDERAL CASE

This legislation, intended to extend the drug dealer liability to the Federal level, would establish a vehicle for persons in the 38 states that have not enacted a similar law (and to those in the twelve states listed above if the Federal law is preferable). However, the amendment would only allow an individual who used drugs to recover damages if they worked with authorities to provide information on all of that individual's narcotics sources.

The Latham amendment is different from the Drug Dealer Liability Act laws in these states in that it only extends liability to persons who are found to have knowingly provided or manufactured the drugs that harmed the individual or party filing the suit. The state laws are based on a broad market liability standard that holds dealers liable based on the premise that a dealer is involved in the illegal drug trade in a particular area and so is directly or indirectly involved in the promotion of the illegal drugs that harmed the plaintiff.

The Latham amendment fills a void in two ways: (1) it provides compensation for the victims of crime, and (2) it holds the drug dealers accountable that escape criminal punishment—whether it be as a result of getting off on a technicality or because a person may deal to a "behind the scenes" white collar crowd as opposed to the more conspicuous street gangs. Those "high dollar" dealers are less likely to be apprehended by law enforcement—why should they get off scot-free? Like the wife in Utah, more family members may be willing to take matters into their own hands and go after those who deal this poison to our children and other loved ones.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 1042.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING INTERNET SAFETY AWARENESS

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 575) supporting Internet safety awareness, as amended.

The Clerk read as follows:

H. RES. 575

Whereas the Internet provides citizens of the United States with the technology for research, education, entertainment, and communication;

Whereas millions of Americans, many school libraries and classrooms, and many public libraries are connected to the Internet;

Whereas more than 1 out of 5 missing 15- to 17-year-old teenagers have disappeared because of someone they met while chatting on the Internet;

Whereas there are an estimated 10,000 Internet websites designed for or by individuals who have a sexual preference for children;

Whereas there are an estimated 200 million pages of pornography, hate, violence, and abuse on the Internet;

Whereas there are multitudes of strangers who use the Internet to enter homes, talk to and "groom" children, and will take indecent advantages of those children if given a chance;

Whereas children have been raped, assaulted, kidnapped, and deprived of their innocence by individuals they met on the Internet; and

Whereas September 2000 is Internet Safety Awareness Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the citizens of the United States to recognize and support educational programs that make surfing on the Internet safe and fun;

(2) supports initiatives to educate parents, children, educators, and community leaders about the enormous possibilities and the potential dangers of the Internet;

(3) urges all Americans to become informed about the Internet and to support proactive efforts that will provide Internet safety for children and for future generations to come; and

(4) expresses the sincere appreciation of the House of Representatives for the thousands of law enforcement officials who are aggressively working to protect America's children while they are online.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I rise in support of H. Res. 575, a resolution to promote Internet safety awareness. As more and more Americans are utilizing the Internet and many children in this country have access to the Internet, it is important that we raise awareness to the dangers that the Internet can pose, especially to children.

As this resolution reflects, the National Center for Missing and Exploited Children estimates that one out of five missing 15-, 16- and 17-year-olds in America are due to Internet activity. There are many predators that use the Internet to make contact and gain information on unsuspecting children. Children have been raped, assaulted and kidnapped by individuals they met on the Internet.

In Bedford County, Virginia, a county that I represent along with the gentleman from Virginia (Mr. GOODLATTE), we are proud of the diligent work that Sheriff Mike Brown and his office have done to combat Internet predators. Developing a nationally recognized program called Operation Blue Ridge Thunder, Sheriff Brown and his office have targeted pedophiles that use the Internet to reach children. While law enforcement officials in Bedford County, Virginia and elsewhere have been successful in apprehending on-line predators, there is no substitute for having parents and children that are aware and educated on the dangers that exist on the Internet and how to keep children safe from online predators. With the aid of grants from the U.S. Department of Justice, the Bedford County sheriff's office has also conducted Internet safety programs dubbed Safe Surfin' in the local schools. They hope to make children aware of the dangers and teach them how to surf the Internet safely.

I want to commend many of my colleagues who attended the demonstration here in the Capitol in September of 1999 on Operation Blue Ridge Thunder that was provided by the Bedford County sheriff's office. The demonstration showed the extensive presence of pedophiles and predators online and illustrated the importance and necessity of Internet safety awareness and education.

The Commonwealth of Virginia recognized September as Internet Child Safety Awareness Month and has run public service announcements on television and radio warning parents of the dangers that exist on the Internet. I commend the Commonwealth for its proactive role in promoting Internet safety, and I hope that my colleagues will join me in passing this resolution raising awareness to the dangers of the Internet and supporting efforts to educate parents and children on the safe use of the Internet.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to congratulate the authors of this very well thought out House resolution. As we move deeper and deeper into the Internet era, we reach the Dickensian conclusion that it is the best of wires and it is the worst of wires simultaneously, that it has the ability to enable and to ennoble but it also has the ability to degrade and to debase. It is this duality of personality that we are talking about here today.

This resolution is one that basically urges all citizens of the country, parents and educators, librarians, law enforcement officials, everyone in our society to take a more active role in supporting educational programs that help to make Internet surfing safe for young people in our country and to generally support all of the programs in our country that promote Internet safety.

It is a straightforward, common sense resolution. The gentleman from Texas (Mr. GREEN), a good Democratic Member, added language to this bill which also commends the law enforcement community for everything that they are doing to help to promote an environment in which children are not exploited online. We all know that we have a child online privacy act that protects children 12 and under in terms of their privacy as they use commercial online sites, but we do not have any laws protecting anyone over the age of 12. And we cannot really say honestly that a 13-, a 14-, a 15-, a 16-year-old is not in need of legal protection as well. I think that the next Congress is going to be addressing those issues.

But generally speaking, I think that since these children are in a situation with a new technology, in many instances with more knowledge than their parents have, then it is critical for us to continue to reemphasize how important it is that we increase these educational programs so that the children of the country derive all of the positive benefits from the new technology while minimizing this unfortunate side effect which all too often is insinuating itself into the homes of families all across the country. I commend the authors of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio (Mr. OXLEY) be permitted to control the remainder of my time for the consideration of this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), the coauthor of the legislation.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time and I thank him and the other members of the Committee on Commerce for shepherding this legislation through the committee, but I most especially want to thank the gentleman from Virginia (Mr. GOODE), the author of this legislation, who, as a member of the Congressional Internet Caucus, has been working very hard to combat this serious problem on the Internet and for identifying the need for this resolution and working to get it through the House this year.

The Internet Caucus has been very involved in the issue of Internet safety, both from a law enforcement and a prevention perspective. With the help of the gentleman from Virginia (Mr. GOODE), the Congress hosted a briefing last fall on online sexual predators to present to Members of Congress the nature of this problem. Bedford County Sheriff Mike Brown and Commonwealth Attorney Randy Krantz demonstrated Operation Blue Ridge Thunder, which works to apprehend and prosecute sexual predators and traffickers of child pornography on the Internet.

Child pornographers and sexual predators online are an enormous problem for law enforcement agencies. Pedophiles currently operate more than 10,000 Web sites and more than 300,000 children are now involved in the illegal sex trade. This event was held to assist Members of Congress in examining how law enforcement agencies are fighting child pornography and sexual predators and exploring ways to improve efforts to address this growing national problem.

Operation Blue Ridge Thunder is one of a handful of agencies nationwide to receive a Justice Department grant to surf online chat rooms for pedophiles. The success of these agencies has been significant, and, in response, over 125 Republican and Democratic Members joined together this year to request a significant increase to $10 million in funding from House appropriators to help local law enforcement programs like Operation Blue Ridge Thunder and other similar programs to continue their vital work at ridding our Nation of people who prey on our most innocent citizens, our children.

We were very pleased to see Operation Blue Ridge Thunder profiled on the CBS-TV program "48 Hours." In the 2 days after the broadcast, the Bedford sheriff's department logged more than 1,000 calls in support of what Operation Blue Ridge Thunder is doing. Only three calls criticized what is being done. This is vivid proof that the American public appreciates the work being done by the Federal Bureau of Investigation and local law enforcement programs like Operation Blue Ridge Thunder.

We cannot rest until each and every person who wishes to harm our children with deviant behavior is arrested and prosecuted. We intend on continuing to support the efforts of organizations like Operation Blue Ridge Thunder in this regard.

In addition to supporting law enforcement efforts, the Internet Caucus has also been very involved with prevention in the form of a program called GetNetWise. Last year, in response to a challenge from Congress, leading Internet companies, nonprofit organizations, and child safety experts created GetNetWise, an Internet resource to help parents and caregivers protect children online from unwanted contact and content.

GetNetWise, which can be found at www.getnetwise.org, is an innovative and easy-to-use resource that responds to the concerns of parents and caregivers. GetNetWise provides parents and caregivers with the online resources necessary to protect children. Thus, authority to control access to materials on the Internet remains with each family. In its first year, more than 1,800,000 unique Web users visited the GetNetWise user empowerment resources over 5 million times. Not only are we encouraging folks at home to check out GetNetWise, but Members of Congress are also being encouraged to link their websites to GetNetWise to help get the information to parents and children in their districts.

This legislation calling the importance of this problem to the attention of the American people is very valuable. I again commend the gentleman from Virginia (Mr. GOODE) for his leadership on this issue and urge my colleagues to support this resolution.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

There is unanimous agreement on the Democratic side that this is a very good resolution. It is something that does, in fact, capture the sense of the Congress and the American people that more has to be done in order to ensure that these kinds of predatory practices do not endanger the children of the country. My hope is that in the next Congress, we can actually begin to pass concrete legislation that can ensure that we do more to protect the privacy of all children within our country, especially those that are still left unprotected because they are over the age of 12. I thank all who were involved, the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Virginia (Mr. GOODE), and all on our side as well.

Mr. Speaker, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, H. Res. 575 is pretty straightforward. It is indeed a good resolution, introduced by the gentleman from Virginia (Mr. GOODE) and it is designed literally to improve Internet safety awareness.

As we have seen in the last few years, the Internet provides, of course, a great new array of opportunities for all of our citizens.

□ 1600

From buying gifts online to witnessing the miracles of telemedicine, to helping to educate children across our country, I think Americans are coming to know and understand the important value of the Internet. The popularity of the Internet is increasing. People are using it on a daily basis across this great country, and they are beginning to understand that it holds new and exciting possibilities for their children.

Unfortunately, it is also a technology that can be used by the wrong people sometimes, and criminals indeed are looking at it as a new place to take advantage of some Americans. Some people are using it, in fact, in harmful ways to spread destructive material or to aid in criminal activity. There is a spread of obscene material, child pornography, child exploitation as the use of the Internet has increased. Every day crimes in the analogue world are being diverted now to the Internet where the reach of such crimes is, like other things, greatly multiplied.

Over the years, the law enforcement communities have been called upon to improve their enforcement of the current law. They have also been asked to tell Congress where current law needs to change in order to reflect these new technologies. We acknowledge, indeed, the hard work of these agencies; but we know that much work needs to be done.

H. Res. 575 will not stop criminal activity. It will not protect our citizens from sinister behavior, but it does take this important step: it brings to light the relevant issues facing Internet usage, and hopefully it will help educate the American people of the need to be watchful of Internet activity, especially as it affects our Nation's children.

We have an obligation, indeed, to educate the American people about existing problems of Internet use. This resolution will help. It is an extremely important one, and I urge all Members to support it.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will just sum up briefly with our congratulations to the author of the legislation, the gentleman from Virginia (Mr. GOODLATTE). As the other speakers have said, the Internet provides a great upside opportunity for education, entertainment and the like, but it certainly has its dark side as well. Those of us who worked on the Child Online Protection Act understand how difficult some of these circumstances can be with children having access to some of this terrible material.

While the Child Online Protection Act, which passed virtually unanimously in the 105th Congress, is now undergoing judicial review, whether in fact we are successful or not ultimately in getting that legislation to be considered constitutional the real issue is how do we deal in the meantime with educating our children to the potential dangers of the Internet. That is why this legislation has such importance, has such broad-based support from both sides of the aisle.

So that is why it is important that we pass this legislation today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and agree to the resolution, H. Res. 575, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING A STANDARD TIME ZONE FOR GUAM AND THE MARIANA ISLANDS

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3756) to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

The Clerk read as follows:

H.R. 3756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TIME ZONE ESTABLISHED.

(a) IN GENERAL.—The first section of the Act of March 19, 1918 (15 U.S.C. 261; commonly known as the Calder Act) is amended—

(1) in the first sentence, by striking "eight zones" and inserting "nine zones"; and

(2) in the second sentence—

(A) by striking "; and that of the eighth" and inserting "; that of the eighth"; and

(B) by inserting before the period the following: "; and that of the ninth zone on the one hundred and fiftieth meridian of longitude east from Greenwich.".

(b) NAME OF ZONE.—Section 4 of the Act of March 19, 1918 (15 U.S.C. 263; commonly known as the Calder Act) is amended—

(1) by striking "and that of the eighth" and inserting "that of the eighth"; and

(2) by inserting before the period the following: "; and that of the ninth zone shall be known as Chamorro standard time".

(c) DAYLIGHT SAVINGS TIME.—Section 7 of the Uniform Time Act of 1966 (15 U.S.C. 267) is amended by inserting "Guam, the Commonwealth of the Northern Mariana Islands," after "Puerto Rico,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 3756.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this bill is simple and straightforward. The legislation establishes a separate time zone for Guam and the Northern Mariana Islands by increasing the number of standard time zones in the United States from 8 to 9. This new time zone will be known as the Chamorro time zone and will be required to observe daylight savings time.

The gentleman from Guam (Mr. UNDERWOOD) deserves praise for his tenacity on this issue. It is a simple measure without controversy, and I urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let me convey how pleased I am to support this legislation. The bill corrects current law by recognizing that there is a ninth time zone in the United States, namely the time zone followed by the people of Guam and the Northern Marianas.

My colleague, the gentleman from Guam (Mr. UNDERWOOD), I want to salute him today, has corrected this oversight with this bill and has also given the time zone a name, Chamorro standard time.

Chamorro refers to the indigenous people of the area, and I salute my colleague for his creativity by choosing the name Chamorro. The time zone will honor the historic unity of Guam and the Commonwealth of the Marianas and the people who live in the region.

I congratulate the gentleman from Guam (Mr. UNDERWOOD) for his work on this bill; and, of course, I congratulate his staff and all the staff members that have been involved in this.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from New York (Mr. TOWNS) for yielding me this time.

Mr. Speaker, I urge my colleagues to support H.R. 3756, a bill to name the ninth time zone under U.S. jurisdiction for Guam and the Commonwealth of the Northern Mariana Islands.

I would also like to take this time to thank my distinguished colleagues who have worked to get this bill to the floor: the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. OXLEY), the gentleman from New York (Mr. TOWNS), the gentleman from Michigan (Mr. CAMP), chairman of the Corrections Day Advisory Committee, and the gentleman from California (Mr. WAXMAN), ranking member of that same committee.

Wherever the U.S. flag flies, there is a title for each time zone in which it flies, whether it is in the Virgin Islands and Puerto Rico with its Atlantic time zone; this city, with its eastern time zone; Chicago, with central time; Denver, with mountain time; Los Angeles, with Pacific time; Honolulu, with Hawaii standard time; Anchorage, with Alaska standard time; and even American Samoa, with Samoa standard time. But there is a ninth time zone where Guam sits and the Commonwealth of the Northern Mariana Islands sits as well; and where there is no official title for this time zone. Not that there is no time there, obviously, but that there is no specific title for this time zone.

Perhaps this is an oversight. The fact that this ninth time zone is on the other side of the international dateline and could appropriately claim the title of being the first American time zone, could get the competitive spirits of those in the Atlantic time zone aroused. But when information is being sent out about changes in national time or announcements concerning time, this ninth time zone, in geography going west but first in terms of time, frequently gets ignored.

After all, the Calder Act, which provides for the designation of names of time zones under U.S. jurisdiction, only names eight time zones.

This bill fills the void of the ninth time zone under U.S. jurisdiction, corrects this oversight, and appropriately designates each and every American time zone.

The unique feature of this particular piece of legislation is that it is responsive to a quandary that does not quite exist in the other time zones. We have two jurisdictions with two distinct names. We could call it the Guam time zone, the Guam/Marianas time zone, but I think over time Marianas would be dropped, or we could call it the Marianas time zone, but that would put out of focus Guam.

Therefore, in honor of the historical unity of both Guam and the Northern Marianas and the people who were the original inhabitants of the entire island chain, I have named this new time zone as Chamorro standard time. The term "Chamorro" refers to the indigenous people of Guam and the Northern Mariana Islands and forms the basis of the underlying historical and cultural connection between the people of Guam and the people of Luta, Tinian, Saipan, Agrigan, and other islands in the Northern Marianas.

Mr. Speaker, the administration supports H.R. 3756, and I urge my colleagues to support this important legislation as well. Esta oran Chamorro.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me again congratulate my colleague for the outstanding work that he has done in terms of creating the ninth time zone. I urge my colleagues to support this.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3756.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPREME COURT SECURITY ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5136) to make permanent the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds.

The Clerk read as follows:

H.R. 5136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAKING PERMANENT CERTAIN POLICING AUTHORITY.

(a) ELIMINATION OF SUNSET PROVISION AND REPORTING REQUIREMENT.—Section 9 of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States", approved August 18, 1949 (40 U.S.C. 13n), is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) TECHNICAL AMENDMENT.—Section 9 of such Act is further amended in subsection (b) by striking "are hereby authorized" and inserting "is authorized".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5136.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5136, a bill to make permanent the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds. The gentleman from Florida (Mr. McCOLLUM), chairman of the Subcommittee on Crime, introduced H.R. 5136 at the request of the Chief Justice of the United States. It was reported by voice vote from the Committee on the Judiciary on September 20.

The Supreme Court Police is charged with enforcing the law at the Supreme Court building and its grounds, as well as protecting Justices and other Court employees off grounds. This authority rests in the United States Code.

Since 1982, Congress has provided statutory authority for the Supreme Court Police to provide security beyond the Court building and grounds for Justices, Court employees, and official visitors. This authority requires that the Supreme Court annually report to Congress on the cost of such security, and it also contains a sunset clause that would cause this authority to lapse if not renewed.

Since 1986, Congress has extended this off-grounds authority four times, but this authority will automatically terminate on December 29, 2000.

The current authority and jurisdiction of the Supreme Court Police are essential to the force's performance of everyday duties. Today the Supreme Court Police regularly provides security to Justices by transporting and accompanying them to official functions in the Washington, D.C. metropolitan area and occasionally outside it when they or official guests of the Court are traveling on court business.

Some Justices, because of threats to their personal safety, are driven by the police to and from their homes and the Court every day. Additionally, the police protect Court employees going to and from its parking lot, which is located one half block east of the Supreme Court building and off the ground of the Court.

The gentleman from Florida (Mr. McCOLLUM) and I believe that the Supreme Court Police should continue to provide off-ground security to protect the Justices and guests of the Court. Given the fact that the Court's police force is well trained and has an excellent performance record, I think it appropriate that we respond in the affirmative to the Chief Justice's request and make the authority to provide off-ground security permanent.

H.R. 5136 would also eliminate the Court's annual reporting requirement to Congress detailing the administrative cost associated with such protection. This cost has been very modest in the past and is fully detailed each year in the court's annual budget request to Congress.

Finally, H.R. 5136 would also repeal the ministerial requirement that the Chief Justice authorize in writing armed protection for official guests of the Supreme Court when they are traveling in the United States but outside of the Washington, D.C. metropolitan area.

Mr. Speaker, I urge all of my colleagues to support this important and very reasonable legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as indicated by my colleague, this bill will make permanent the authority of the United States Supreme Court Police to provide security for its Justices, Court employees and official visitors on and off the Supreme Court grounds. The U.S. Supreme Court Police department was first authorized by Congress to carry firearms and protect Court personnel outside the Supreme Court grounds in 1982, and the statutory authority was scheduled to terminate, but Congress has extended such authorization and has done so five additional times. The last extension occurred in October 1996. It is set to expire December 29, 2000.

□ 1615

It is clear that the security concerns that gave rise to the original authorization, including threats of violence against the Justices and the Court, will continue for the foreseeable future.

In addition, I am not aware of any suggestion that they have misused that authority, nor should they not be entitled to such authority on a permanent basis. In fact, the evidence suggests that the Department has discharged its responsibilities in an efficient and cost-effective manner.

For example, the cost of the program has been minimal. The Supreme Court police worked closely with the U.S. Marshal's office to provide security for Supreme Court Justices when they travel outside the Washington, D.C. area. Over the past 4 years, there were 74 requests for that kind of protection beyond the D.C. metropolitan area at a total cost of approximately $17,000, a little more than $4,000 per year.

In light of the continuing security concerns and the Supreme Court police's record of providing appropriate protection over the past 18 years for the Justices, court employees, and official visitors, I support making permanent the Supreme Court police's authority to provide security on and off Supreme Court grounds.

As a result, Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 5136.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VISA WAIVER PERMANENT PROGRAM ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3767) to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

The Clerk read as follows:

Senate amendments:

Page 5, line 12, strike out "2006" and insert "2007".

Page 7, line 11, strike out all after "(g)" down to and including "System" in line 13 and insert "Visa Application Sole Method To Dispute Denial of Waiver Based on a Ground of Inadmissibility

Page 7, line 13, strike out all after "alien" down to and including "use" in line 16 and insert" denied a waiver under the program by reason of a ground of inadmissibility described in section 212(a) that is discovered at the time of the alien's application for the waiver or through the use".

Page 7, strike out all after line 22 over to and including line 15 on page 8

Page 9, line 6, strike out "United States);" and insert "United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law);".

Page 9, line 11, strike out all after "Judiciary" down to and including "and" in line 12 and insert "and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations".

Page 10, line 7, strike out "United States);" and insert "United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law);".

Page 10, line 8, after "determine" insert ", based upon the evaluation in subclause (I),".

Page 10, line 14, strike out all after "ary" down to and including "and" in line 15 and insert "and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations".

Page 10, line 25, strike out all after "General," over to and including "Register" in line 3 on page 11 and insert "in consultation with the Secretary of State".

Page 11, strike out all after line 12 over to and including line 9 on page 12

Page 12, line 10, strike out "(C)" and insert "(B)".

Page 13, line 3, after "ity)" insert "on the territory of the program country".

Page 13, strike out all after line 3 down to and including line 6 and insert:

"(III) a severe breakdown in law and order affecting a significant portion of the program country's territory;

"(IV) a severe economic collapse in the program country; or".

Page 13, line 8, after "event" insert "in the program country".

Page 13, line 12, after "States)" insert "and where the country's participation in the program could contribute to that threat".

Page 13, line 17, after "General" insert ", in consultation with the Secretary of State,".

Page 14, line 7, strike out "(D)" and insert "(C)".

Page 14, line 12, strike out ", (B), or (C)" and insert "or (B)".

Page 14, line 18, strike out "a designation"

Page 15, line 11, after "arrives" insert "and departs".

Page 16, line 25, strike out all after "Record.—" over to and including "Senate" in line 6 on page 17 and insert "As part of the annual report required to be submitted under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the Attorney General shall include a section".

Page 17, line 8, after "year" insert ", together with an analysis of that information".

Page 17, line 10, strike out "October 1" and insert "December 31".

Page 18, after line 2 insert:

"The report required by this clause may be combined with the annual report required to be submitted on that date under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996."

Page 19, line 21, after "name" insert "or Service identification number".

Page 20, strike out all after line 21 over to and including line 4 on page 21 and insert:

"(6) Computation of visa refusal rates.—For purposes of determining the eligibility of a country to be designated as a program country, the calculation of visa refusal rates shall not include any visa refusals which incorporate any procedures based on, or are otherwise based on, race, sex, or disability, unless otherwise specifically authorized by law or regulation. No court shall have jurisdiction under this paragraph to review any visa refusal, the denial of admission to the United States of any alien by the Attorney General, the Secretary's computation of the visa refusal rate, or the designation or nondesignation of any country.".

Page 21, after line 4 insert:

"SEC. 207. VISA WAIVER INFORMATION.

"Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), as amended by sections 204(b) and 206 of this Act, is further amended by adding at the end the following:

"(7) Visa waiver information.—

"(A) In general.—In refusing the application of nationals of a program country for United States visas, or the applications of nationals of a country seeking entry into the visa waiver program, a consular officer shall not knowingly or intentionally classify the refusal of the visa under a category that is not included in the calculation of the visa refusal rate only so that the percentage of that country's visa refusals is less than the percentage limitation applicable to qualification for participation in the visa waiver program.

"(B) Reporting requirement.—On May 1 of each year, for each country under consideration for inclusion in the visa waiver program, the Secretary of State shall provide to the appropriate congressional committees—

"(i) the total number of nationals of that country that applied for United States visas in that country during the previous calendar year;

"(ii) the total number of such nationals who received United States visas during the previous calendar year;

"(iii) the total number of such nationals who were refused United States visas during the previous calendar year;

"(iv) the total number of such nationals who were refused United States visas during the previous calendar year under each provision of this Act under which the visas were refused; and

"(v) the number of such nationals that were refused under section 214(b) as a percentage of the visas that were issued to such nationals.

"(C) Certification.—Not later than May 1 of each year, the United States chief of mission, acting or permanent, to each country under consideration for inclusion in the visa waiver program shall certify to the appropriate congressional committees that the information described in subparagraph (B) is accurate and provide a copy of that certification to those committees.

"(D) Consideration of countries in the visa waiver program.—Upon notification to the Attorney General that a country is under consideration for inclusion in the visa waiver program, the Secretary of State shall provide all of the information described in subparagraph (B) to the Attorney General.

"(E) Definition.—In this paragraph, the term 'appropriate congressional committees' means the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on International Relations of the House of Representatives.".

"TITLE III—IMMIGRATION STATUS OF ALIEN EMPLOYEES OF INTELSAT AFTER PRIVATIZATION

"SEC. 301. MAINTENANCE OF NONIMMIGRANT AND SPECIAL IMMIGRANT STATUS NOTWITHSTANDING INTELSAT PRIVATIZATION.

"(a) Officers and Employees.—

"(1) After privatization.—In the case of an alien who, during the 6-month period ending on the day before the date of privatization, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but only during the period in which the alien is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

"(2) Precursory employment with successor before privatization completion.—In the case of an alien who commences service as an officer or employee of a successor or separated entity of INTELSAT before the date of privatization, but after the date of the enactment of the ORBIT Act (Public Law 106–180; 114 Stat. 48) and in anticipation of privatization, if the alien, during the 6-month period ending on the day before such commencement date, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the alien is an officer or employee of any successor or separated entity of INTELSAT.

"(b) Immediate Family Members.—

"(1) Aliens maintaining status.—

“(A) After privatization.—An alien who, on the day before the date of privatization, was a member of the immediate family of an alien described in subsection (a)(1), and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but, only during the period in which the alien described in subsection (a)(1) is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

“(B) After precursory employment.—An alien who, on the day before a commencement date described in subsection (a)(2), was a member of the immediate family of the commencing alien, and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the commencing alien is an officer or employee of any successor or separated entity of INTELSAT.

“(2) Aliens changing status.—In the case of an alien who is a member of the immediate family of an alien described in paragraph (1) or (2) of subsection (a), the alien may be granted and may maintain status as a nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on the same terms as an alien described in subparagraph (A) or (B), respectively, of paragraph (1).

“(c) Special Immigrants.—For purposes of section 101(a)(27)(I) (8 U.S.C. 1101(a)(27)(I)) of the Immigration and Nationality Act, the term “international organization” includes INTELSAT or any successor or separated entity of INTELSAT.

“SEC. 302. TREATMENT OF EMPLOYMENT FOR PURPOSES OF OBTAINING IMMIGRANT STATUS AS A MULTINATIONAL EXECUTIVE OR MANAGER.

“(a) In General.—Notwithstanding section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)), in the case of an alien described in subsection (b)—

“(1) any services performed by the alien in the United States as an officer or employee of INTELSAT or any successor or separated entity of INTELSAT, and in a capacity that is managerial or executive, shall be considered employment outside the United States by an employer described in section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)), if the alien has the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of such Act (8 U.S.C. 1101(a)(15)(G)(iv)) during such period of service; and

“(2) the alien shall be considered as seeking to enter the United States in order to continue to render services to the same employer.

“(b) Aliens Described.—An alien described in this subsection is an alien—

“(1) whose nonimmigrant status is maintained pursuant to section 301(a); and

“(2) who seeks adjustment of status after the date of privatization to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) based on section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)) during the period in which the alien is—

“(A) an officer or employee of INTELSAT or any successor or separated entity of INTELSAT; and

“(B) rendering services as such an officer or employee in a capacity that is managerial or executive.

“SEC. 303. DEFINITIONS.

“For purposes of this title—

“(1) the terms “INTELSAT”, “separated entity”, and “successor entity” shall have the meaning given such terms in the ORBIT Act (Public Law 106–180; 114 Stat. 48);

‘(2) the term “date of privatization” means the date on which all or substantially all of the then existing assets of INTELSAT are legally transferred to one or more stock corporations or other similar commercial entities; and

“(3) all other terms shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

“TITLE IV—MISCELLANEOUS PROVISIONS

“SEC. 401. AMENDMENT TO SECTION 214 OF THE IMMIGRATION AND NATIONALITY ACT.

“Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding the following new paragraph:

“(10) An amended H–1B petition shall not be required where the petitioning employer is involved in a corporate restructuring, including but not limited to a merger, acquisition, or consolidation, where a new corporate entity succeeds to the interests and obligations of the original petitioning employer and where the terms and conditions of employment remain the same but for the identity of the petitioner.”.

“SEC. 402. THE IMMIGRANT INVESTOR PILOT PROGRAM.

“(a) Extension of Program.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking “seven years” and inserting “ten years”.

“(b) Determinations of Job Creation.—Section 610(c) of such Act is amended by inserting “, improved regional productivity, job creation, or increased domestic capital investment” after “increased exports”.

“SEC. 403. PARTICIPATION OF BUSINESS AIRCRAFT IN THE VISA WAIVER PROGRAM.

“(a) Entry of Business Aircraft.—Section 217(a)(5) of the Immigration and Nationality Act (as redesignated by this Act) is amended by striking all after “carrier” and inserting the following: “, including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations which has entered into an agreement with the Attorney General pursuant to subsection (e). The Attorney General is authorized to require a carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a domestic corporation conducting operations under part 91 of that title, to give suitable and proper bond, in such reasonable amount and containing such conditions as the Attorney General may deem sufficient to ensure compliance with the indemnification requirements of this section, as a term of such an agreement.”.

“(b) Round-Trip Ticket.—Section 217(a)(8) of the Immigration and Nationality Act (as redesignated by this Act) is amended by inserting “or the alien is arriving at the port of entry on an aircraft operated under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations” after “regulations”.

“(c) Automated System Check.—Section 217(a) (8 U.S.C. 1187(a)) of the Immigration and Nationality Act is amended by adding at the end the following: “Operators of aircraft under part 135 of title 14, Code of Federal Regulations, or operators of noncommercial aircraft that are owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, carrying any alien passenger who will apply for admission under this section shall furnish such information as the Attorney General by regulation shall prescribe as necessary for the identification of any alien passenger being transported and for the enforcement of the immigration laws. Such information shall be electronically transmitted not less than one hour prior to arrival at the port of entry for purposes of checking for inadmissibility using the automated electronic database.”.

“(d) Carrier Agreement Requirements To Include Business Aircraft.—

“(1) In general.—Section 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended—

“(A) by striking “carrier” each place it appears and inserting “carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducting operations under part 91 of that title”; and

“(B) in paragraph (2), by striking “carrier's failure” and inserting “failure by a carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducting operations under part 91 of that title”.

“(2) Business aircraft requirements.—Section 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended by adding at the end the following new paragraph:

“(3) Business aircraft requirements.—

“(A) In general.—For purposes of this section, a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations that owns or operates a noncommercial aircraft is a corporation that is organized under the laws of any of the States of the United States or the District of Columbia and is accredited by or a member of a national organization that sets business aviation standards. The Attorney General shall prescribe by regulation the provision of such information as the Attorney General deems necessary to identify the domestic corporation, its officers, employees, shareholders, its place of business, and its business activities.

“(B) Collections.—In addition to any other fee authorized by law, the Attorney General is authorized to charge and collect, on a periodic basis, an amount from each domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, for nonimmigrant visa waiver admissions on noncommercial aircraft owned or operated by such domestic corporation equal to the total amount of fees assessed for issuance of nonimmigrant visa waiver arrival/departure forms at land border ports of entry. All fees collected under this paragraph shall be deposited into the Immigration User Fee Account established under section 286(h).”.

“(e) Report Required.—Not later than two years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate assessing the effectiveness of the program implemented under the amendments made by this section for simplifying the admission of business travelers from visa waiver program countries and compliance with the Immigration and Nationality Act by such travelers under that program.

SEC. 404. MORE EFFICIENT COLLECTION OF INFORMATION FEE.

"Section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended—

"(1) in paragraph (1)—

"(A) by striking "an approved institution of higher education and a designated exchange visitor program" and inserting "the Attorney General";

"(B) by striking "the time—" and inserting the following: "a time prior to the alien being classified under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act."; and

"(C) by striking subparagraphs (A) and (B);

"(2) by amending paragraph (2) to read as follows:

"(2) REMITTANCE.—The fees collected under paragraph (1) shall be remitted by the alien pursuant to a schedule established by the Attorney General for immediate deposit and availability as described under section 286(m) of the Immigration and Nationality Act.";

"(3) in paragraph (3)—

"(A) by striking "has" the first place it appears and inserting "seeks"; and

"(B) by striking "has" the second place it appears and inserting "seeks to";

"(4) in paragraph (4)—

"(A) by inserting before the period at the end of the second sentence of subparagraph (A) the following: ", except that, in the case of an alien admitted under section 101(a)(15)(J) of the Immigration and Nationality Act as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $40"; and

"(B) by adding at the end of subparagraph (B) the following new sentence: "Such expenses include, but are not necessarily limited to, those incurred by the Secretary of State in connection with the program under subsection (a)."; and

"(5) by adding at the end the following new paragraphs:

"(5) PROOF OF PAYMENT.—The alien shall present proof of payment of the fee before the granting of—

"(A) a visa under section 222 of the Immigration and Nationality Act or, in the case of an alien who is exempt from the visa requirement described in section 212(d)(4) of the Immigration and Nationality Act, admission to the United States; or

"(B) change of nonimmigrant classification under section 248 of the Immigration and Nationality Act to a classification described in paragraph (3).

"(6) IMPLEMENTATION.—The provisions of section 553 of title 5, United States Code (relating to rule-making) shall not apply to the extent the Attorney General determines necessary to ensure the expeditious, initial implementation of this section.".

"SEC. 405. NEW TIME-FRAME FOR IMPLEMENTATION OF DATA COLLECTION PROGRAM.

"Section 641(g)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended to read as follows:

"(1) EXPANSION OF PROGRAM.—Not later than 12 months after the submission of the report required by subsection (f), the Attorney General, in consultation with the Secretary of State and the Secretary of Education, shall commence expansion of the program to cover the nationals of all countries.".

"SEC. 406. TECHNICAL AMENDMENTS.

"Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended—

"(1) in subsection (h)(2)(A), by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

"(2) in subsection (d)(1), by inserting "institutions of higher education or exchange visitor programs" after "by".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the visa waiver pilot program allows aliens traveling from certain designated countries to come to the United States as temporary visitors for business or pleasure without having to obtain the nonimmigrant visa normally required to enter the United States. There are currently 29 countries participating in this program.

H.R. 3767 is a bipartisan bill. It was passed unanimously by the Subcommittee on Immigration and Claims in the Committee on the Judiciary. The Senate modifications to the House-passed language were worked out on a bipartisan basis with the Committee on the Judiciary.

Since its initial enactment as a temporary program in 1986, the Visa Waiver Pilot Program has been regularly extended by Congress. However, the latest extension expired on April 30.

Fourteen years is a long time for a pilot program. H.R. 3767, The Visa Waiver Permanent Program Act, makes the visa waiver program more secure and by ending the need to periodically reauthorize it, makes the program.

H.R. 3767 is a bipartisan bill. It was passed unanimously by the Subcommittee on Immigration and Claims and the Judiciary Committee. The Senate modifications to the House-passed language were worked out on a bipartisan basis with the Judiciary Committee.

The tourism and travel industry strongly supports this legislation. Visa-free travel under the program has stimulated tourism in the United States from participating countries. More than 17 million visitors enter the United States under the Visa Waiver Program each year. A permanent program will be a long term benefit to the tourism industry and remove the uncertainty caused by the periodic expiration of the program.

A permanent program should not be authorized if the program poses a threat to the safety and well-being of the United States or allows large numbers of aliens to use the program to circumvent immigration laws. Thus, H.R. 3767 contains several provisions that are needed to strengthen the program.

First, the current requirement that participating countries have a machine readable passport has been strengthened by establishing a date certain for all countries in the program to implement a machine readable passport.

Second, H.R. 3767 requires the INS to develop a fully automated system for tracking the entry and departure of visa waiver travelers entering by air and sea.

Third, H.R. 3767 establishes procedures for periodic reviews of countries already in the program and for suspending a country's participation in the program during emergency situations such as war, economic collapse, or a breakdown in law and order. Such procedures ensure that a permanent visa waiver program does not pose a threat to the law enforcement and security interests of the United States.

Finally, H.R. 3767 requires the INS and the Department of State to upgrade their automated lookout systems for screening visa waiver travelers.

H.R. 3767, as passed by the Senate, includes a number of new provisions that are agreeable to the Judiciary Committee. The first two modify the visa waiver program. The first would allow corporate aircraft to utilize the visa waiver program under the same conditions and with the same safeguards as may commercial air carriers. This provision will facilitate travel for those large number American businesses utilizing non-commercial air transport and will promote the economic health of the business aviation industry.

The second new measure requires the Secretary of State to provide Congress with information regarding countries under consideration for inclusion in the visa waiver program. It requires that visa refusal data not be manipulated by consular officers so as to favor a country's qualification for the visa waiver program.

The bill also includes new provisions not relating to the visa waiver program. The first deals with the immigration law consequences of the privatization of INTELSAT, the International Telecommunications Satellite Organization.

Prior to privatization, foreign INTELSAT employees in the United States received "G–4" nonimmigrant visas which are available to officers and employees (and their family members) of international organizations. Such employees (and their family members) are eligible for permanent residence upon retirement (and under certain other circumstances) pursuant to the special immigrant visa program.

Without legislative action, INTELSAT's foreign employees would be forced to leave the United States upon the entity's privatization.

The bill provides that foreign employees (and their family members) who worked for INTELSAT in the United States for at least 6 months prior to privatization can continue to use their G–4 visas for as long as they work for INTELSAT or a successor or separated entity. The bill further provides that these foreign employees (and their families) can continue to make use of the special immigrant visa program despite INTELSAT's privatization.

Finally, the bill provides that those qualifying foreign employees of INTELSAT who work in a managerial or executive capacity may seek permanent residence under the multinational executive and manager green card program.

The bill extends the length of the regional center pilot program of the employment creation immigrant visa program through October 1, 2003. This pilot program sets aside 3,000 visas a year for aliens investing in regional centers that promote economic growth. Under the pilot as amended by this bill, qualifying regional centers may create jobs indirectly through revenues generated from increased exports, improved regional productivity, job creation, or increased domestic capital investment.

The bill modifies the program set up under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to collect information on alien post-secondary students and exchange visitors. In 1995, the Immigration and Naturalization Service issued a report which found that "Americans have a fundamental, basic expectation that their Government is effectively monitoring and controlling foreign students. . . . Because there have been high profile instances where terrorists and criminal aliens have been linked to student visas, there is a growing degree of public concern about this issue."

Section 641 of IIRIRA required the implementation (first as a pilot program) of a system which would collect electronically information from schools on foreign students including identity and address, current academic status and any disciplinary action taken by a school against a student as a result of the commission of a crime. The system is soon to go into effect nationwide.

This bill clarifies that the fee funding this program shall be collected by the Attorney General prior to the issuance of a visa, and not by the institution of higher education or exchange visitor program when the alien registers or first commences activities.

In addition, the bill provides that aliens subject to the program who are admitted under "J" exchange visas as au pairs, camp counselors, or participants in summer work travel programs shall pay a fee of no more than $40.

Finally, the bill provides that employers utilizing the H–1B program do not have to file amended petitions for alien workers as a result of their being involved in corporate restructurings, including but not limited to mergers, acquisitions, or consolidations, where new corporate entities succeed to the interest and obligations of the original employers and where the terms and conditions of employment remain the same.

I urge my colleagues to vote for the Visa Waiver Permanent Program Act.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me add my appreciation to the chairman of the subcommittee, and, as well, to all of those who worked to move this legislation along.

Mr. Speaker, I support H.R. 3767. It is an important vehicle to improve the ability for tourism in the United States. Many entities worked to ensure that the visa waiver program became permanent.

This is, of course, to allow short-term visitors to travel to the United States without having to obtain a nonimmigrant visa, thereby encouraging and facilitating international tourism to the United States. This will help all of our States, and particularly my State of Texas, that ranks number four in the Nation in overall visitor spending and travel.

Mr. Speaker, let me conclude by simply saying that I would hope that we would have the opportunity to look at countries in the continent of Africa, particularly South Africa, to include in this program, and that this program will continue to grow in a positive way so we can continue to have the important exchange that is so very important in the United States of America to promote cooperation and exchange.

Mr. FARR of California. Mr. Speaker, as co-chair of the House Travel and Tourism Caucus, I express my strong support for passage of the Visa Waiver Permanent Program Act (H.R. 3767) to permanently reauthorize the Visa Waiver Pilot Program.

The Visa Waiver Program facilitates and streamlines international travel by allowing visitors from 29 low-risk countries to enter the U.S. visa-free for up to 90 days. A permanent program will encourage international travel to the United States at a time when we should be promoting the U.S. travel and tourism industry. As the fastest growing industry in the United States, the third-largest retail industry, and one of the Nation's largest employers, tourism is one of our most vibrant economic industries.

More than 46 million international visitors come to the United States each year, and the numbers keep on increasing. These tourists spend more than $90 billion in the United States, supporting directly and indirectly 16.9 million American jobs, and creating a tourism trade surplus of $14.2 billion. More than 94 percent of these jobs are created by small businesses located in communities in every corner of the United States. In fact, the travel industry provides jobs for more than 800,000 people in California and 20,000 in my district alone. As the second largest economic engine on the central coast, bringing in $1.5 billion a year, tourism is absolutely integral to my district's economic success story.

Nearly half of all overseas visitors currently arrive under the Visa Waiver Program. Without this program, the number of international tourists will decrease substantially—which will be felt on Main Street, USA nationwide.

This success of the Visa Waiver Program has been an integral component in our increased international tourism, which has in turn provided substantial economic benefits to the United States. Therefore, on behalf of bed and breakfasts, retail shop owners, taxi drivers and tour operators across the Nation, I urge your support for making the Visa Waiver Pilot Program permanent.

Mr. UNDERWOOD. Mr. Speaker, thank you for allowing me the opportunity to comment in support of H.R. 3767, a bill which will make permanent the Visa Waiver Program Act. The original program allowed visitors from certain foreign countries to enter the United States and the Territories without having to apply for a visa.

Since the program expired on April 30 of this year, visitors to Guam from Japan and other countries covered under the program, have entered the island under INS paroling rules. This has created a burden of additional paperwork for INS agents to process; and, as a consequence, visitors are enduring longer lines in immigration. The average waiting period for processing ballooned from 45 minutes to up to 4 hours. Imagine yourself as a visitor traveling from Japan for 3 hours then waiting in line for an additional 4 hours to process through immigration before your able to leave the airport and begin your vacation. This is a reality that some visitors to Guam have had to endure.

This program is crucial to the success of American communities that rely on tourism as their main source of revenue. For 14 years the program has soundly demonstrated its ability to expand our travel and tourism base and aid our country's economic growth. Indeed, Guam has itself reaped the benefits of this program, alleviating the process for applying for a visa to certain visitors traveling to the United States for business or pleasure.

Since 1988, travel to the United States from foreign countries has consistently risen each year. International travel has given our country a trade surplus within the tourism industry totaling as much as $26 billion in 1996. It is clear that with revenues like this, we should make the Visit Waiver Program permanent.

Mr. Speaker, I urge the passage today of H.R. 3767, the Visa Waiver Permanent Program Act, which is instrumental to continuing the prosperity of our nations' economy, including my home island of Guam.

Mr. CONYERS. Mr. Speaker, on April 11, 2000, the House passed H.R. 3767, the Visa Waiver Permanent Program Act, which included an amendment I offered during the Judiciary Committee markup. My amendment prohibits the use of visa refusal rates to disqualify countries from the visa waiver program when visa refusals are based on the discriminatory practices of the adjudicating Consulate. The amendment as passed by both the committee and the House ensures that Consulates and Embassies abroad adjudicate visa applications based on the merits of the applications, and not on the basis of "race, sex, sexual orientation, or disability." Unfortunately, this bill's Senate counterpart has been held up in large part because of opposition to my amendment by the senior Senator from North Carolina and others in the Senate majority.

In an effort to reach a compromise, the Senate bill retains my amendment, except for the prohibition of discrimination on the basis of sexual orientation. In addition, the Senate amendment provides that:

> No court shall have jurisdiction under [the Conyers' amendment] to review any visa refusal or the Secretary's computation of the visa refusal rate.

I would have preferred that these changes not have been made, but, given the lateness in the session and the importance of the visa waiver program being extended, I am willing to support the legislation before us.

The impetus for the amendment was U.S. District Court Judge Stanley Sporkin's decisive findings in the case of Olden versus Albright in December 1997 that the U.S. Consulate General in Sao Paulo, Brazil, based its nonimmigrant visa determinations in large part on the applicants' race, ethnicity or national origin. For example, Korean and Chinese nationals were rarely issued visas unless they were older and had previously received a visa. According to the Consular Section Head, "Filipinos and Nigerians have high fraud rates, and their applications should be viewed with extreme suspicion, while British and Japanese citizens rarely overstay, and generally require less scrutiny." Further, identifying cities "known for fraud" (most with predominantly black populations), the Consulate's manual stated that "anyone born in these locations is suspect unless older, well-traveled, etc."

Judge Sporkin correctly stated:

> The principle that government must not discriminate against particular individuals because of the color of their skin or the place of their birth means that the use of generalizations based on these factors is unfair and unjustified.

When, as in the Olsen case, that discriminatory profiling is occurring and where it occurs at the Federal level, it is particularly important that Congress act to prevent further discrimination.

Notwithstanding the Senate's revision to the bill, the final language makes it clear to the U.S. Consulates and Embassies abroad that it is a violation of U.S. law for visa refusals to occur based on generalizations that by their very nature are not applicable to the individual application. The revised language continues to ensure that Embassies and Consulates adjudicate visas based on the merits of the applications, and not on the basis of irrelevant and harmful discriminatory stereotypes. Further, the Olson decision continues to stand for the legal proposition that the use of generalizations based on race, sex, and disability (as well as sexual orientation, nationality, place of birth, and place of residence) is unfair, unjustified, and contrary to law.

The amendment added in the Senate will have no practical legal effect and I understand from my Senate colleagues that it is merely a symbolic gesture. Nonetheless, court stripping provisions, whether symbolic or not, is contrary to our democratic principles. I hesitate before supporting another bill out of this Congress that removes the ability of immigrants to have administrative determinations reviewed by a court. It seems to me ironic that our Republican friends demanded only a short while ago that Elian Gonzalez be afforded the right of judicial review. These demands must also have been only symbolic.

The bill passed by the Senate also includes a new title III to permit INTELSAT's foreign employees to maintain their nonimmigrant status notwithstanding the organization's privatization. At the present time, INTELSAT's foreign employees are in a visa status based on their employment by an international organization. After INTELSAT privatizes, its current employees will no longer be eligible to maintain their current visa status without this change in the law. the purpose of title III is not to give INTELSAT an unfair advantage with regard to its hiring practices as compared with its competitors. Let me just clarify my understanding of two references within Title III.

First, in sections 301(a)(1) and (a)(2), the phrase "separate entity of INTELSAT" is intended to address the situation in which, between passage of this bill and privatization, INTELSAT establishes a new separated entity as a shell company in anticipation of privatization. It is not our intent for an employee of INTELSAT who, post-privatization, becomes an employee of a separated entity that pre-dates this legislation (e.g., New Skies Satellites N.V.) to retain his or her nonimmigrant status.

Second, in sections 301(a)(1) and (a)(2), the phrase "the date of privatization" means either the date that INTELSAT privatizes or April 1, 2001, whichever is earlier. The ORBIT Act specifies April 1, 2001 as the date by which INTELSAT must privatize, without regard to whether INTELSAT is granted an extension, pursuant to Section 621(5) of the ORBIT Act, to conduct an initial public offering.

Finally, I would like to thank the Travel Industry Association, and in particular its president, Bill Norman, for their exemplary work on ensuring the final passage of this bill.

The Visa Waiver Permanent Program Act is too important to our business and tourism industries to delay it any longer. I therefore urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3767.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DISABLED IMMIGRANT NATURALIZATION OATH WAIVER

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4838) to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities, as amended.

The Clerk read as follows:

H.R. 4838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

(a) IN GENERAL.—Section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended by adding at the end the following:

"The Attorney General may waive the taking of the oath by a person if in the opinion of the Attorney General the person is unable to understand, or to communicate an understanding of, its meaning because of a physical or developmental disability or mental impairment. If the Attorney General waives the taking of the oath by a person under the preceding sentence, the person shall be considered to have met the requirements of section 316(a)(3) with respect to attachment to the principles of the Constitution and well disposition to the good order and happiness of the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons applying for naturalization before, on, or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing this bill, and I appreciate the effort she put into it to get to the point it is in today.

Mr. Speaker, H.R. 4838 permits the Attorney General to waive the taking of the oath of allegiance by a naturalization applicant if, in the opinion of the Attorney General, the applicant is unable to understand or to communicate an understanding of the oath's meaning because of a physical or developmental disability or mental impairment.

Mr. Speaker, some disabled, lawful permanent resident aliens have been unable to overcome obstructions at various stages in the naturalization process because of their disabilities. The Immigration and Nationality Act permits the Attorney General to waive the taking of the oath by a child if the child is unable to understand its meaning. Yet, some of those disabled individuals who were granted a medical waiver for the English, history and government exams due to their physical or developmental disability or mental impairment also cannot communicate an understanding of the oath of renunciation. This bill provides the necessary waiver.

Like the preexisting oath waiver for children, this bill permits disabled applicants who cannot understand the oath or cannot communicate an understanding of the oath to overcome this last obstruction to becoming a United States citizen.

This bill will apply to persons applying for naturalization before, on, or after the date of enactment of this act.

Disabled naturalization applicants who have in the past been denied naturalization because they could not understand or communicate an understanding of the meaning of the oath may reopen their naturalization applications and continue the process of becoming American citizens.

I appreciate the willingness of the gentlewoman from Florida (Ms. ROS-LEHTINEN) to agree to the technical corrections found in this suspension version of H.R. 4838. I also appreciate her dedication to this deserving group of aspiring citizens.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I begin my remarks, I would like to add a special note of tribute and sadness to the loss of the gentleman from Minnesota (Mr. VENTO).

In particular, I want to acknowledge the work that he did with our subcommittee on the Hmong Naturalization Act, which gave relief to Laotian veterans who fought during the Vietnam War. We have waived their citizenship requirements, and the bill passed in the House and Senate. The gentleman from Minnesota was a great leader on these issues, and we thank him very much for the service he gave. His loss will be very much experienced by all of us.

Mr. Speaker, I rise in support of the bill of the gentlewoman from Florida (Ms. ROS-LEHTINEN), H.R. 4838. This bill would provide a waiver of the oath of renunciation and allegiance for naturalization in the case of certain people who are incapable of understanding such an oath. The oath of allegiance is the last step in the naturalization process. I thank the chairman for seeing this bill through the process and working in a bipartisan manner.

Mr. Speaker, this bill signifies the fact that the person is renouncing allegiance to the country he or she is already a citizen of and declaring allegiance to the United States. It is a meaningless requirement in the case of a person who cannot understand such an oath, and it is causing great harm to many people.

Naturalization applicants are required to demonstrate their ability to take a meaningful oath of allegiance to the United States. Perhaps the potential unfairness of this requirement can be seen most clearly in the case of Alzheimer's victims. Remember, many of these individuals are elderly, and may have waited a long period of time to receive this precious right of citizenship in the United States.

As a country, we have decided to provide medical benefits to our citizens. Alzheimer's victims who have been lawful, permanent residents for decades are in desperate need of these benefits, and they would be entitled to them as U.S. citizens, but for the fact that the Alzheimer's disease is preventing them to take an oath of allegiance. This truly is a catch-22 situation. The very disease that creates the need for medical services is preventing them from receiving the services.

This does not just apply to victims of Alzheimer's disease, it applies to many elderly people in our society who have lived in the United States as lawful, productive members of our society for many years and now desperately need medical assistance.

I have three constituents I want to tell Members about, a man and a woman and their 17-year-old child who has a mental impairment. The man and woman have applied for naturalization, and we have every reason to expect their applications to be granted. The problem is that their child will age out of eligibility for derivative citizenship when she turns 18 at the end of the year. She would then have to apply for naturalization on her own, which would require an oath of allegiance.

The child will lose derivative citizenship because INS cannot process a naturalization application for her parents in a reasonable amount of time. The average processing time for a naturalization application is more than 20 months. Because she is not competent to take an oath of allegiance, she will not be able to pursue a naturalization application on her own when she is 18 years old and has aged out of eligibility for derivative status.

This is terribly unfair. This is dividing and destroying a family. I enthusiastically urge members to support H.R. 4838, and thank my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), enthusiastically for her work.

Mr. Speaker, I rise in support of Representative ROS-LEHTINEN's bill, H.R. 4838. This bill would provide a waiver of the oath of renunciation and allegiance for naturalization in the case of certain people who are incapable of understanding such an oath. The oath of allegiance is the last step in the naturalization process.

It signifies the fact that the person is renouncing allegiance to the country he or she is already a citizen of and declaring allegiance to the United States. It is a meaningless requirement in the case of a person who cannot understand such an oath, and it is causing great harm to many people.

Naturalization applications are required to demonstrate their ability to take a "meaningful oath" of allegiance to the United States. Perhaps the potential unfairness of this requirement can be seen most clearly in the case of Alzheimer's victims. As a country, we have decided to provide medical benefits to our citizens. Alzheimer victims who have been lawful permanent residents for decades are in desperate need of these medical benefits, and they would be entitled to them as U.S. citizens but for the fact that Alzheimer's disease is preventing them from taking an oath of allegiance. This is truly a "catch 22" situation. The very disease that creates the need for medical services is preventing them from receiving the services.

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I have three constituents I want to tell you about, a man and a woman and their 17-year-old child who has a mental impairment. The man and the woman have applied for naturalization, and we have every reason to expect their applications to be granted. The problem is that their child will age-out of eligibility for derivative citizenship when she turns 18 at the end of the year. She will then have to apply for naturalization on her own, which will require an oath of allegiance.

The child will lose derivative citizenship because INS cannot process the naturalization applications of her parents in a reasonable amount of time.

The average processing time for a naturalization application is more than 20 months. And, because she is not competent to take an oath of allegiance, she won't be able to pursue a naturalization application on her own when she is 18 years old and has aged out of eligibility for derivative status. This is terribly unfair.

I urge Members to support H.R. 4838.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the author of the bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, the United States is the world's greatest economic power. We sustain one of the world's highest standards of living that is more diversified than any other on Earth.

As a naturalized citizen, I know that the United States is the greatest country in the world, which is why it is not surprising that every year thousands of people from all over the world wish to be part of our great Nation.

But it is not necessarily the economic prosperity found here in our country that brings people here, because what naturalized Americans cherish most are the basic freedoms of life, liberty, and the pursuit of happiness.

As with many of my constituents, I know firsthand what it means and what it takes to become an American citizen. It is an emotional moment when one declares to the world that this is their new land and this is indeed where they belong. So many people struggle with distance, language, and culture to come to a moment where they pledge the oath of allegiance, that this is their new countries, the United States of America.

At each naturalization ceremony, new Americans amplify a commitment that they have made in their hearts. As I was, they are reminded not only of America's promise, but of the responsibilities that they will proudly bear.

The U.S. has historically offered opportunities to all people, regardless of race, ethnicity, or religion. However, immigration law has not yet considered a small group of individuals with cognitive disabilities. In fact, a small fraction, only .1 percent, of soon-to-be Americans cannot complete the naturalization process because of a handicap that renders them ineffective in communicating an understanding of the naturalization oath.

These individuals are not exempt from fulfilling requirements of naturalization such as being of good moral character and of residency here in the United States. They must still fulfill those responsibilities. But these severely disabled individuals pose no threat to American society. Yet, they should be entitled to the same responsibilities and opportunities that we as Americans all share.

My legislation will enable individuals suffering from advanced Alzheimer's, from Downs syndrome, and from autism to waive the oath of allegiance in order to become United States citizens.

The United States is the greatest success story of the modern world. So in a Nation such as ours, disability should not hinder a person from achieving one of the loftiest goals, that of becoming a United States citizen.

In our country, persons with disabilities who are given opportunities have never let us down. Waiving the oath for .1 percent of neurologically-impaired persons will help fulfill the American dream for many new American families.

□ 1630

It will affirm the generous nature of the American spirit, and it will boast of America's compassionate character. I urge my colleagues to vote for passage of my legislation. It will ensure that equality is meant for all persons regardless of their disabilities. And I thank the gentleman from Texas (Mr. SMITH) again for his time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX), the chairman of the Committee on House Policy.

Mr. COX. Mr. Speaker, I thank the gentleman from Texas (Chairman SMITH) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for their leadership on this legislation, which is so strongly needed in the interests of justice. Everyone is moved by stories of people who work hard and play by the rules. That is certainly the case for one of my constituents who, for 6 years, has been working hard to become legally a citizen of the United States.

Mr. Speaker, unfortunately, when the system of justice does not work, it is heartbreaking for those involved. In the case of Vijai Rajan, who is 25 years old, she has lived in this country her entire life, since she was 4 months old. Both of her parents are naturalized U.S. citizens. Her sister was born in Cincinnati. The Rajan family wanted Vijai also to become a citizen, but you see, Vijai is in a wheelchair. She requires 24-hour-a-day care. She has cerebral palsy, muscular dystrophy, Crohn's disease, and suffers from seizures.

She communicates by sounds and by signs that she understands, and the only expressions are those that she feels. Of course, Vijai could not raise her hand and take the oath of citizenship. But the INS, the Immigration and Naturalization Service, where her family applied for her some 6 years ago has run them through the bureaucratic mill for years.

They contacted my office after having twice filed for citizenship, after having had her in her wheelchair even down to the INS office. She had been working for 4 years with the INS at that point; and not until later, not until the very end, did the INS tell them, even though they had met the other requirements, that she could not become a citizen in any event, because she could not raise her hand and say the oath.

The INS regs already allow an exemption from the English language for people who wish to become citizens. They allow for people with disabilities an exemption from the American history requirement. And a recent court case recently held that a man with Down's Syndrome who could not recite the oath could still be granted citizenship.

But in the case of Vijai Rajan, the INS pressed on, litigated, tried to do everything possible to prevent this woman and her family from letting her become a citizen.

Today with the passage of H.R. 4838, Congress will clearly state that the Attorney General has the authority to waive the oath requirement for people with disabilities. This legislation also sends a strong signal that long delays in bureaucratic impediments are not the greeting that this great Nation will extend to its new citizens. I thank the Rajan family for never losing hope.

It sometimes takes an act of Congress to write a wrong. Vijai may not be able to comprehend the full extent of her legacy, but I know that passing this legislation will bring great comfort to all of her family and friends and all other immigrants who dream of becoming United States citizens. I thank my colleagues for their leadership in bringing this important legislation to the floor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA), my colleague and classmate.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Texas (Mr. SMITH), my classmate, for yielding the time to me, for his leadership on this committee and on this subcommittee.

I very much appreciate having this bill come on the floor. I want to certainly thank the author of the bill, the gentlewoman from Florida (Ms. ROS-LEHTINEN), because this is something that is so humane and does help so many people who are so deserving of citizenship.

It will allow the Attorney General to waive the oath requirements for nationalization, if the applicant is an individual with a physical or mental disability or mental impairment, who because of such disability is unable to understand or communicate an understanding of the meaning of the oath.

We all have examples. Let me just try one out. Gustavo Galvez-Letona, a 27-year-old native Guatemalan with Down's Syndrome, arrived in the United States when he was 10 years old. INS waived the English and civics tests for him but refused to waive the oath; thus he is the only member of his family who is not yet naturalized.

A Federal district court granted his petition for naturalization, recognizing that since INS has statutory authority to waive the oath for children, the oath is not an essential eligibility requirement. The court ordered INS to naturalize Mr. Galvez-Letona, stating that because of his severe mental disability, he is no different than a child who is unable to understand the oath and attachment requirements.

The Department of Justice has appealed the court's decision.

By passing this bill, which will waive the oath of renunciation and allegiance for naturalization for individuals with cognitive disabilities, or children who are unable to understand the meaning of the oath, we will enable thousands of families across our country who are living with autism, Down's Syndrome, Alzheimer's and other neurological disorders to realize American citizenship.

It is historically a part of our great country to be an inclusive Nation and provide opportunities for all, so I salute all who are involved in this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support this humanitarian bill.

Mr. Speaker, not knowing whether I will appear as a manager of a bill again, let me thank the Committee on the Judiciary staff for their leadership and outstanding service, and particularly those of the subcommittee that are here: George Fishman, Lora Reis, Kelly Dixon, Leon Buck, and Nolan Rappaport.

Mr. DIAZ-BALART. Mr. Speaker, I rise today in strong support for the critically-needed legislation introduced by my colleague, Ms. ROS-LEHTINEN (H.R. 4838).

This legislation would remove an onerous obstacle for those persons with disabilities who are legal permanent residents, but because of their disabilities, are foreclosed from obtaining citizenship because they cannot recite the naturalization oath.

This legislation gives the Attorney General the authority to waive the oath of renunciation and allegiance for naturalization for individuals with cognitive disabilities, or children who are unable to understand the meaning of the oath. Accordingly, this legislation will enable thousands of families in our nation who have loved ones with autism, down syndrome, Alzheimer's and other neurological disorders to realize American citizenship for their loved ones. It will also give them peace of mind in that their loved ones will be able to attain citizenship and thereby secure the benefits and security accorded to United States citizens. This legislation will also enable disabled people the opportunity, as citizens, to develop their abilities so that they can be the most productive citizens they possibly can be.

Mr. Speaker, I am proud to be a cosponsor of this worthwhile legislation and I applaud my colleagues ILEANA ROS-LEHTINEN and Subcommittee Chairman LAMAR SMITH for advancing it to the House suspension calendar for a vote today.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 4838, which would permit the Attorney General to waive the oath of renunciation and allegiance in instances when the applicant for naturalization is an individual with a severe disability who is unable to understand or communicate an understanding of the meaning of the oath. This legislation is important to families in Connecticut and across this country.

I want to thank Congresswoman ILEANA ROS-LEHTINEN for introducing this legislation and Chairman LAMAR SMITH for working with our offices to bring it to the floor. I also want to thank Connecticut's senior senator, CHRISTOPHER DODD, for his work on this legislation in the Senate.

Under current law, the Attorney General has the authority to waive for disabled applicants the English and civics tests required for naturalization. It makes little sense that the Attorney General has the discretion to waive these tests but is prohibited from waiving the oath of renunciation and allegiance required of these same disabled applicants.

The result is that despite the fulfillment of all other requirements for naturalization, certain disabled individuals are unable to ever become citizens. These instances are rare, but they have terrible implications for the affected families. For example, it is possible under current law for an entire family to be naturalized with the exception of one disabled family member—who then could face possible deportation.

The main purpose of the oath requirement is to prevent the naturalization of people who are hostile to the United States Government or the principles of the Constitution. Waiving this requirement for people with severe disabilities does nothing to defeat this purpose or threaten our national security because these individuals lack the capacity to understand the oath and, therefore, cannot form the intent to act against our government.

Furthermore, individuals with disabilities who receive a waiver would still have to fulfill other requirements of naturalization, including good moral character and residency.

The legislation we are considering today poses no danger and manifests our nation's compassion—a characteristic too often missing from our immigration policy. I urge my colleagues to support its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4838, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 2812) to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas (Mr. SMITH) for an explanation.

Mr. SMITH of Texas. Mr. Speaker, let me explain that the purpose of the request is to amend the companion Senate bill and send it back to the Senate with the text of H.R. 4838 which the House has just passed.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I thank the gentleman for his response.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

(a) IN GENERAL.—The last sentence of section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended to read as follows: "The Attorney General may waive the taking of the oath if in the opinion of the Attorney General the applicant for naturalization is an individual with a disability, or a child, who is unable to understand or communicate an understanding of the meaning of the oath. If the Attorney General waives the oath for such an individual, the individual shall be considered to have met the requirements of section 316(a)(3) as to attachment to the Constitution and well disposition to the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who applied for naturalization before, on, or after the date of enactment of this Act.

MOTION OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer a motion.

The Clerk read, as follows:

Mr. SMITH of Texas moves to strike out all after the enacting clause of S. 2812 and in lieu thereof insert the text of H.R. 4838 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4838) was laid on the table.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2438) to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

The Clerk read as follows:

S. 2438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) Short Title.—This Act may be cited as the “Pipeline Safety Improvement Act of 2000”.

(b) Amendment of Title 49, United States Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) In General.—Except as otherwise required by this Act, the Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT–2000–069).

(b) Reports by the Secretary.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(c) Reports by the Inspector General.—The Inspector General shall periodically transmit to the Committees referred to in subsection (b) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and identifying options for the Secretary to consider in accelerating recommendation implementation.

SEC. 3. NTSB SAFETY RECOMMENDATIONS.

(a) In General.—The Secretary of Transportation, the Administrator of Research and Special Program Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

(b) Public Availability.—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in sections 1135 (a) and (b) of title 49, United States Code, available to the public at reasonable cost.

(c) Reports to Congress.—The Secretary, Administrator, or Director, respectively, shall submit to the Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.

SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.

(a) Qualification Plan.—Each pipeline operator shall make available to the Secretary of Transportation, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, a plan that is designed to enhance the qualifications of pipeline personnel and to reduce the likelihood of accidents and injuries. The plan shall be made available not more than 6 months after the date of enactment of this Act, and the operator shall revise or update the plan as appropriate.

(b) Requirements.—The enhanced qualification plan shall include, at a minimum, criteria to demonstrate the ability of an individual to safely and properly perform tasks identified under section 60102 of title 49, United States Code. The plan shall also provide for training and periodic reexamination of pipeline personnel qualifications and provide for requalification as appropriate. The Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, may review and certify the plans to determine if they are sufficient to provide a safe operating environment and shall periodically review the plans to ensure the continuation of a safe operation. The Secretary may establish minimum standards for pipeline personnel training and evaluation, which may include written examination, oral examination, work performance history review, observation during performance on the job, on the job training, simulations, or other forms of assessment.

(c) Report to Congress.—

(1) In general.—The Secretary shall submit a report to the Congress evaluating the effectiveness of operator qualification and training efforts, including—

(A) actions taken by inspectors;

(B) recommendations made by inspectors for changes to operator qualification and training programs; and

(C) industry responses to those actions and recommendations.

(2) Criteria.—The Secretary may establish criteria for use in evaluating and reporting on operator qualification and training for purposes of this subsection.

(3) Due date.—The Secretary shall submit the report required by paragraph (1) to the Congress 3 years after the date of enactment of this Act.

SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.

Section 60109 is amended by adding at the end the following:

“(c) Integrity Management.—

“(1) General requirement.—The Secretary shall promulgate regulations requiring operators of hazardous liquid pipelines and natural gas transmission pipelines to evaluate the risks to the operator's pipeline facilities in areas identified pursuant to subsection (a)(1), and to adopt and implement a program for integrity management that reduces the risk of an incident in those areas. The regulations shall be issued no later than one year after the Secretary has issued standards pursuant to subsections (a) and (b) of this section or by December 31, 2001, whichever is sooner.

“(2) Standards for program.—In promulgating regulations under this section, the Secretary shall require an operator's integrity management plan to be based on risk analysis and each plan shall include, at a minimum—

“(A) periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods;

“(B) clearly defined criteria for evaluating the results of the periodic assessment methods carried out under subparagraph (A) and procedures to ensure identified problems are corrected in a timely manner; and

“(C) measures, as appropriate, that prevent and mitigate unintended releases, such as leak detection, integrity evaluation, restrictive flow devices, or other measures.

“(3) Criteria for program standards.—In deciding how frequently the integrity assessment methods carried out under paragraph (2)(A) must be conducted, an operator shall take into account the potential for new defects developing or previously identified structural defects caused by construction or installation, the operational characteristics of the pipeline, and leak history. In addition, the Secretary may establish a minimum testing requirement for operators of pipelines to conduct internal inspections.

“(4) State role.—A State authority that has an agreement in effect with the Secretary under section 60106 is authorized to review and assess an operator's risk analyses and integrity management plans required under this section for interstate pipelines located in that State. The reviewing State authority shall provide the Secretary with a written assessment of the plans, make recommendations, as appropriate, to address safety concerns not adequately addressed in the operator's plans, and submit documentation explaining the State-proposed plan revisions. The Secretary shall carefully consider the State's proposals and work in consultation with the States and operators to address safety concerns.

“(5) Monitoring implementation.—The Secretary of Transportation shall review the risk analysis and program for integrity management required under this section and provide for continued monitoring of such plans. Not later than 2 years after the implementation of integrity management plans under this section, the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas. The Secretary shall submit the assessment and evaluation to Congress along with any recommendations to improve and expand the utilization of integrity management plans.

“(6) Opportunity for local input on integrity management.—Within 18 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, the Secretary shall, by regulation, establish a process for raising and addressing local safety concerns about pipeline integrity and the operator's pipeline integrity plan. The process shall include—

“(A) a requirement that an operator of a hazardous liquid or natural gas transmission pipeline facility provide information about the risk analysis and integrity management plan required under this section to local officials in a State in which the facility is located;

“(B) a description of the local officials required to be informed, the information that is to be provided to them and the manner, which may include traditional or electronic means, in which it is provided;

“(C) the means for receiving input from the local officials that may include a public forum sponsored by the Secretary or by the State, or the submission of written comments through traditional or electronic means;

“(D) the extent to which an operator of a pipeline facility must participate in a public forum sponsored by the Secretary or in another means for receiving input from the local officials or in the evaluation of that input; and

"(E) the manner in which the Secretary will notify the local officials about how their concerns are being addressed.".

SEC. 6. ENFORCEMENT.

(a) IN GENERAL.—Section 60112 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL AUTHORITY.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides that—

"(1) operation of the facility is or would be hazardous to life, property, or the environment; or

"(2) the facility is, or would be, constructed or operated, or a component of the facility is, or would be, constructed or operated with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment."; and

(2) by striking "is hazardous," in subsection (d) and inserting "is, or would be, hazardous,".

SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS, AND COMMUNITY RIGHT TO KNOW.

(a) Section 60116 is amended to read as follows:

"§60116. Public education, emergency preparedness, and community right to know

"(a) PUBLIC EDUCATION PROGRAMS.—

"(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

"(2) Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

"(3) The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

"(b) EMERGENCY PREPAREDNESS.—

"(1) OPERATOR LIAISON.—Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates.

"(2) INFORMATION.—An operator shall, upon request, make available to the State emergency response commissions and local emergency planning committees, and shall make available to the Office of Pipeline Safety in a standardized form for the purpose of providing the information to the public, the information described in section 60102(d), the operator's program for integrity management, and information about implementation of that program. The information about the facility shall also include, at a minimum—

"(A) the business name, address, telephone number of the operator, including a 24-hour emergency contact number;

"(B) a description of the facility, including pipe diameter, the product or products carried, and the operating pressure;

"(C) with respect to transmission pipeline facilities, maps showing the location of the facility and, when available, any high consequence areas which the pipeline facility traverses or adjoins and abuts;

"(D) a summary description of the integrity measures the operator uses to assure safety and protection for the environment; and

"(E) a point of contact to respond to questions from emergency response representative.

"(3) SMALLER COMMUNITIES.—In a community without a local emergency planning committee, the operator shall maintain liaison with the local fire, police, and other emergency response agencies.

"(4) PUBLIC ACCESS.—The Secretary shall prescribe requirements for public access, as appropriate, to this information, including a requirement that the information be made available to the public by widely accessible computerized database.

"(c) COMMUNITY RIGHT TO KNOW.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, and annually thereafter, the owner or operator of each gas transmission or hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility. The map may be provided in electronic form. The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities to promote pipeline safety.

"(d) PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall—

"(1) make available to the public—

"(A) a safety-related condition report filed by an operator under section 60102(h);

"(B) a report of a pipeline incident filed by an operator;

"(C) the results of any inspection by the Office of Pipeline Safety or a State regulatory official; and

"(D) a description of any corrective action taken in response to a safety-related condition reported under subparagraph (A), (B), or (C); and

"(2) prescribe requirements for public access, as appropriate, to integrity management program information prepared under this chapter, including requirements that will ensure data accessibility to the greatest extent feasible.".

(b) SAFETY CONDITION REPORTS.—Section 60102(h)(2) is amended by striking "authorities." and inserting "officials, including the local emergency responders.".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

"60116. Public education, emergency preparedness, community right to know.".

SEC. 8. PENALTIES.

(a) CIVIL PENALTIES.—Section 60122 is amended—

(1) by striking "$25,000" in subsection (a)(1) and inserting "$500,000";

(2) by striking "$500,000" in subsection (a)(1) and inserting "$1,000,000";

(3) by adding at the end of subsection (a)(1) the following: "The preceding sentence does not apply to judicial enforcement action under section 60120 or 60121."; and

(4) by striking subsection (b) and inserting the following:

"(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section—

"(1) the Secretary shall consider—

"(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

"(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

"(C) good faith in attempting to comply; and

"(2) the Secretary may consider—

"(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

"(B) other matters that justice requires.".

(b) EXCAVATOR DAMAGE.—Section 60123(d) is amended—

(1) by striking "knowingly and willfully";

(2) by inserting "knowingly and willfully" before "engages" in paragraph (1); and

(3) striking paragraph (2)(B) and inserting the following:

"(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or".

(c) CIVIL ACTIONS.—Section 60120(a)(1) is amended to read as follows:

"(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.".

SEC. 9. STATE OVERSIGHT ROLE.

(a) STATE AGREEMENTS WITH CERTIFICATION.—Section 60106 is amended—

(1) by striking "GENERAL AUTHORITY.—" in subsection (a) and inserting "AGREEMENTS WITHOUT CERTIFICATION.—";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e); and

(3) by inserting after subsection (a) the following:

"(b) AGREEMENTS WITH CERTIFICATION.—

"(1) IN GENERAL.—If the Secretary accepts a certification under section 60105 of this title and makes the determination required under this subsection, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. Each such agreement shall include a plan for the

State authority to participate in special investigations involving incidents or new construction and allow the State authority to participate in other activities overseeing interstate pipeline transportation or to assume additional inspection or investigatory duties. Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards prescribed under this chapter to a State authority.

"(2) DETERMINATIONS REQUIRED.—The Secretary may not enter into an agreement under this subsection, unless the Secretary determines that—

"(A) the agreement allowing participation of the State authority is consistent with the Secretary's program for inspection and consistent with the safety policies and provisions provided under this chapter;

"(B) the interstate participation agreement would not adversely affect the oversight responsibilities of intrastate pipeline transportation by the State authority;

"(C) the State is carrying out a program demonstrated to promote preparedness and risk prevention activities that enable communities to live safely with pipelines;

"(D) the State meets the minimum standards for State one-call notification set forth in chapter 61; and

"(E) the actions planned under the agreement would not impede interstate commerce or jeopardize public safety.

"(3) EXISTING AGREEMENTS.—If requested by the State Authority, the Secretary shall authorize a State Authority which had an interstate agreement in effect after January, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2001, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Safety Improvement Act of 2000 if—

"(A) the State Authority fails to comply with the terms of the agreement;

"(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State Authority; or

"(C) continued participation by the State Authority in the oversight of interstate pipeline transportation has had an adverse impact on pipeline safety.".

(b) ENDING AGREEMENTS.—Subsection (e) of section 60106, as redesignated by subsection (a), is amended to read as follows:

"(e) ENDING AGREEMENTS.—

"(1) PERMISSIVE TERMINATION.—The Secretary may end an agreement under this section when the Secretary finds that the State authority has not complied with any provision of the agreement.

"(2) MANDATORY TERMINATION OF AGREEMENT.—The Secretary shall end an agreement for the oversight of interstate pipeline transportation if the Secretary finds that—

"(A) implementation of such agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority;

"(B) the State actions under the agreement have failed to meet the requirements under subsection (b); or

"(C) continued participation by the State authority in the oversight of interstate pipeline transportation would not promote pipeline safety.

"(3) PROCEDURAL REQUIREMENTS.—The Secretary shall give the notice and an opportunity for a hearing to a State authority before ending an agreement under this section. The Secretary may provide a State an opportunity to correct any deficiencies before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication unless the Secretary finds that continuation of an agreement poses an imminent hazard.".

SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Secretary shall develop and implement a comprehensive plan for the collection and use of gas and hazardous liquid pipeline data to revise the causal categories on the incident report forms to eliminate overlapping and confusing categories and include subcategories. The plan shall include components to provide the capability to perform sound incident trend analysis and evaluations of pipeline operator performance using normalized accident data.

(b) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 60117(b) is amended—

(1) by inserting "(1)" before "To";

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) inserting before the last sentence the following:

"(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, cause or causes of the release, extent of damage to property and the environment, and the response undertaken to clean up the release.

"(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation, available to the Secretary within the time limits prescribed in a written request."; and

(4) indenting the first word of the last sentence and inserting "(4)" before "The Secretary" in that sentence.

(c) PENALTY AUTHORITIES.—(1) Section 60122(a) is amended by striking "60114(c)" and inserting "60117(b)(3)".

(2) Section 60123(a) is amended by striking "60114(c)," and inserting "60117(b)(3),".

(d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—Section 60117 is amended by adding at the end the following:

"(l) NATIONAL DEPOSITORY.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary shall administer the program through the Bureau of Transportation Statistics, in cooperation with the Research and Special Programs Administration, and shall make such information available for use by State and local planning and emergency response authorities and the public.".

SEC. 11. RESEARCH AND DEVELOPMENT.

(a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

(1) IN GENERAL.—As part of the Department of Transportation's research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

(A) to expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(B) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(C) to develop innovative techniques measuring the structural integrity of pipelines;

(D) to improve the capability, reliability, and practicality of external leak detection devices; and

(E) to develop and improve alternative technologies to identify and monitor outside force damage to pipelines.

(2) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

(b) PIPELINE SAFETY AND RELIABILITY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program—

(A) shall include materials inspection techniques, risk assessment methodology, and information systems surety; and

(B) shall complement, and not replace, the research program of the Department of Energy addressing natural gas pipeline issues existing on the date of enactment of this Act.

(2) PURPOSE.—The purpose of the cooperative research program shall be to promote pipeline safety research and development to—

(A) ensure long-term safety, reliability and service life for existing pipelines;

(B) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(C) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(D) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(E) develop improved materials and coatings for use in pipelines;

(F) improve the capability, reliability, and practicality of external leak detection devices;

(G) identify underground environments that might lead to shortened service life;

(H) enhance safety in pipeline siting and land use;

(I) minimize the environmental impact of pipelines;

(J) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(K) provide risk assessment tools for optimizing risk mitigation strategies; and

(L) provide highly secure information systems for controlling the operation of pipelines.

(3) AREAS.—In carrying out this subsection, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil and petroleum product pipelines for—

(A) early crack, defect, and damage detection, including real-time damage monitoring;

(B) automated internal pipeline inspection sensor systems;

(C) land use guidance and set back management along pipeline rights-of-way for communities;

(D) internal corrosion control;

(E) corrosion-resistant coatings;

(F) improved cathodic protection;

(G) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(H) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(I) longer life, high strength, non-corrosive pipeline materials;

(J) assessing the remaining strength of existing pipes;

(K) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(L) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(M) any other areas necessary to ensuring the public safety and protecting the environment.

(4) Points of contact.—

(A) In general.—To coordinate and implement the research and development programs and activities authorized under this subsection—

(i) the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department of Transportation who has been appointed by the President and confirmed by the Senate; and

(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(B) Duties.—

(i) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraphs (5) and (6).

(ii) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities, and industry research organizations.

(5) Research and development program plan.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this subsection. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(6) Implementation.—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in paragraph (5) is implemented as intended. In carrying out the research, development, and demonstration activities under this paragraph, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(7) Reports to congress.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) Establishment.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan under section 11(b)(5). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under that section.

(b) Membership.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) Gas and Hazardous Liquids.—Section 60125(a) is amended to read as follows:

"(a) Gas and Hazardous Liquid.—To carry out this chapter and other pipeline-related damage prevention activities of this title (except for section 60107), there are authorized to be appropriated to the Department of Transportation—

"(1) $26,000,000 for fiscal year 2001, of which $20,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

"(2) $30,000,000 for each of the fiscal years 2002 and 2003 of which $23,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.".

(b) Grants to States.—Section 60125(c) is amended to read as follows:

"(c) State Grants.—Not more than the following amounts may be appropriated to the Secretary to carry out section 60107—

"(1) $17,000,000 for fiscal year 2001, of which $15,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

"(2) $20,000,000 for the fiscal years 2002 and 2003 of which $18,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.".

(c) Oil Spills.—Sections 60525 is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), (g) and inserting after subsection (c) the following:

"(d) Oil Spill Liability Trust Fund.—Of the amounts available in the Oil Spill Liability Trust Fund, $8,000,000 shall be transferred to carry out programs authorized in this Act for fiscal year 2001, fiscal year 2002, and fiscal year 2003.".

(d) Pipeline Integrity Program.—(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out sections 11(b) and 12 of this Act $3,000,000, to be derived from user fees under section 60125 of title 49, United States Code, for each of the fiscal years 2001 through 2005.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation to carry out programs for detection, prevention and mitigation of oil spills under sections 11(b) and 12 of this Act for each of the fiscal years 2001 through 2005.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out sections 11(b) and 12 of this Act such sums as may be necessary for each of the fiscal years 2001 through 2005.

SEC. 14. OPERATOR ASSISTANCE IN INVESTIGATIONS.

(a) In General.—If the Department of Transportation or the National Transportation Safety Board investigate an accident, the operator involved shall make available to the representative of the Department or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results), and shall afford all reasonable assistance in the investigation of the accident.

(b) Corrective Action Orders.—Section 60112(d) is amended—

(1) by inserting "(1)" after "Corrective Action Orders.—"; and

(2) by adding at the end the following:

"(2) If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee carrying out an activity regulated under this chapter, including duties under section 60102(a), may have contributed substantially to the cause of the accident, the Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until—

"(A) the Secretary determines that the employee's performance of duty in carrying out the activity did not contribute substantially to the cause of the accident; or

"(B) the Secretary determines the employee has been re-qualified or re-trained as provided for in section 4 of the Pipeline Safety Improvement Act of 2000 and can safely perform those activities.

"(3) Disciplinary action taken by an operator under paragraph (2) shall be in accordance with the terms and conditions of any applicable collective bargaining agreement to the extent it is not inconsistent with the requirements of this section.".

SEC. 15. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

(a) In General.—Chapter 601 is amended by adding at the end the following:

"§ 60129. Protection of employees providing pipeline safety information

"(a) Discrimination Against Pipeline Employees.—No pipeline operator or contractor or subcontractor of a pipeline may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Research and Special Programs Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

"(3) testified or is about to testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.

"(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

"(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Research and Special Programs Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2) INVESTIGATION; PRELIMINARY ORDER.—

"(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) REQUIREMENTS.—

"(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) FINAL ORDER.—

"(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

"(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

"(i) take affirmative action to abate the violation;

"(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

"(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

"(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

"(4) REVIEW.—

"(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

"(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

"(6) ENFORCEMENT OF ORDER BY PARTIES.—

"(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award costs is appropriate.

"(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a pipeline, contractor or subcontractor who, acting without direction from the pipeline contractor or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

"(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for a pipeline.".

(b) CIVIL PENALTY.—Section 60122(a) is amended by adding at the end the following:

"(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than $1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by adding at the end the following:

"60129. Protection of employees providing pipeline safety information.".

SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.

Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the Governor of any State, the

Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary's reasons for acting or not acting upon any of the recommendations.

SEC. 17. FINES AND PENALTIES.

The Inspector General of the Department of Transportation shall conduct an analysis of the Department's assessment of fines and penalties on gas transmission and hazardous liquid pipelines, including the cost of corrective actions required by the Department in lieu of fines, and, no later than 6 months after the date of enactment of this Act, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on any findings and recommendations for actions by the Secretary or Congress to ensure the fines assessed are an effective deterrent for reducing safety risks.

SEC. 18. STUDY OF RIGHTS-OF-WAY.

The Secretary of Transportation is authorized to conduct a study on how best to preserve environmental resources in conjunction with maintaining pipeline rights-of-way. The study shall recognize pipeline operators' regulatory obligations to maintain rights-of-way and to protect public safety.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering a bill to save lives. This legislation is tough new pipeline safety legislation that is going to significantly strengthen our Nation's pipeline safety laws. In the past year and a half, the Nation has suffered two tragic pipeline accidents.

This legislation reauthorizes our Nation's pipeline safety program for 3 years and makes a number of very important, substantive changes to the pipeline safety statute.

It reflects a year of intensive efforts by the Congress to bring a balanced measure to the floor. The legislation we have before us passed the United States Senate unanimously just a week or so ago by a vote of 99–0.

It was supported by the White House, the Secretary of Transportation, the National Governors Association, even the Mayor of Bellingham, Washington, the site of one of the tragic accidents.

Indeed, I would note this is very bipartisan. The Mayor of Bellingham happens to be a Democrat; many of the members of the Washington delegation are Republicans. This is not, and should not be, a political issue. It is a bipartisan issue attempting to deal with safety and save lives. It is a good bill, but it is not a perfect bill. It balances many competing concerns.

I know we are going to hear from my colleagues on the other side of the aisle, some of them at least, who feel that it does not go far enough. I happen to agree with them.

If I had my druthers, I would like to have worked out a House bill that we could bring to the floor, then pass it, then go to conference with the Senate, then negotiate a compromise, bring it back and bring back what I believe could be an even better bill.

The problem, however, is we are running out of time; that simply is not going to happen. The legislation that we have before us today does indeed address all of the major issues debated during the reauthorization effort on both sides of the Capitol. This legislation that we have before us today provides for mandatory inspections. It requires qualifications of pipeline personnel.

It requires certification so we know that people are competent in looking out for pipeline safety. It expands public access to information on pipeline operations, and it provides, very importantly, a greater role for the States in oversight of interstate pipelines.

It also provides for the ability to reassign employees involved in incidents during the investigation of those incidents. It significantly increases penalties and removes the penalty cap. It provides whistle-blower protection, and it significantly increases funding for the pipeline safety program.

It is a strong step in the direction of reducing risks and, indeed, reducing the awful possibility of losing lives. It improves the current pipeline safety program by several different movements, one of which is addressing criticisms which have been leveled by the NTSB, the IG and GAO, and not only by addressing those criticisms, but providing funding levels to effectively implement those tougher changes.

There are going to be those who say the bill does not go far enough. I happen to agree with that. I know the gentleman from Minnesota (Mr. OBERSTAR), my dear friend, would like the House to act. I agree with him. I would like the House to act also. The problem is we simply are running out of time. And if we do not move this good legislation, this safety legislation to save lives, there is not going to be any legislation, because we are not going to have the time to pass a House bill and go to conference and work out our differences.

□ 1645

There will not be any safety legislation, and I think that would be regrettable.

I think it is very important to note that Senator MURRAY from Washington strongly supports the bill, Senator BREAUX supports the bill, Senator MCCAIN supports the bill. This really should have been an easy matter for this body. The bill passed the Senate unanimously. It addresses a very serious pressing problem.

Unfortunately, some of my colleagues on the other side of the aisle apparently thought to politicize this issue and kill this legislation. I think that would be regrettable because if we kill the legislation, then we will not have improved pipeline safety. We will not have provided the opportunity to save lives.

So I say let us not let the perfect, which is unattainable, become the enemy of the good. This is a good bill. It is going to save lives. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, on Tuesday, July 8, 1986, a quiet neighborhood in Mounds View, Minnesota, at 4 a.m. was wrenched from its slumber by a shattering explosion. A wall of fire roared through the street, turning the night into an inextinguishable nightmare.

The explosion of a pipeline carrying unleaded gasoline killed a mother and her 7-year-old daughter, incinerated them, and severely injured another woman who emerged from her home.

Lawns were scorched, mailboxes melted, power lines were down, cars set afire, the road buckled, and trees wilted. A quarter of a million dollars of property damage was caused. The origin of it all: a ruptured hazardous liquid pipeline carrying gasoline between St. Paul and Duluth.

It focused the attention of the Congress and of the country and the review of the National Transportation Safety Board and the General Accounting Office on the need to improve the safety of the Nation's pipelines.

I was then chair of the Subcommittee on Investigations and Oversight and had been preparing for a hearing on pipeline safety when this tragedy occurred. We held those hearings.

Following the hearings, my then partner on that subcommittee, Mr. Clinger from Pennsylvania, and I made recommendations for safety improvements, including a substantial increase in pipeline inspections to detect problems before they lead to tragedy, better information on pipelines for persons who live near them, improvement in the data submitted by the Office of Pipeline Safety, improvements in cathodic protection, automatic shut-off valves to detect problems and prevent them from getting worse in suburbanized areas.

The NTSB agreed and issued recommendations that the Office of Pipeline Safety require operators to conduct periodic internal inspection of their lines. But nothing happened because the administration at the time did not want those recommendations to go into effect.

My two Senate Republican colleagues from Minnesota introduced legislation that required 3-year inspections, every 3 years. Tough inspections. Mandatory inspections. Established in legislation.

That was reflected in our hearings. So in 1992, Congress passed legislation requiring OPS to set requirements for operators to conduct internal inspections by 1995.

Today, 14 years after Mounds View, little progress has been made. The accident rate has not improved. In fact, it is increasing by 4 percent a year rate of accidents in pipelines. Twenty-four percent of the gas pipelines in this country are now more than 50 years old. The Office of Pipeline Safety has failed to step up to the plate and deal with the problem.

The Office of Pipeline Safety has failed to comply with 22 directives from Congress to adopt regulations and undertake the necessary studies and regulatory action. That office has the lowest rate of any in the Department of Transportation of accepting NTSB recommendations.

The bill before us is not as they, the industry, claim, a "tough" bill that will promote pipeline safety. The Senate bill mandates nothing beyond the current inadequate program of OPS. It leaves it to the discretion of OPS whether to adopt stronger programs. That approach has not worked.

This bill will be requirement 23 on the Office of Pipeline Safety to adopt regulations. They have not done it 22 other times, what makes anyone think they are going to do it now?

OPS has not issued a single final regulation requiring inspections. Just a short time ago, in the absence of inspection requirements, we had another tragedy. In Carlsbad, New Mexico, a 50-year-old pipeline exploded, killing 12 people, 5 children. Inspections showed that the pipeline had significant internal corrosion. It had never been properly inspected in 50 years. We cannot wait for OPS to do some more foot dragging in the face of this industry opposition to mandatory actions.

There is a whole group of people that do not want this legislation and want this legislation strengthened. We have been told right from the very outset, we were in the process, I say to the gentleman from Pennsylvania (Chairman SHUSTER), we had reached a staff agreement, we had moved forward with a bill, and then, the Senate, on September 7, passed their bill.

All of a sudden, we heard from the other body, you know the process over here in the Senate. There is not enough time left. That was a month ago. We could have had a bill on the floor. We could have been in conference with the Senate. We could even have some discussions with the Senate and do better, do better.

I resent the implication and the statements made on the floor of the other body down the hall from here that people in this body, with indirect reference to this Member, are objecting to this bill on political grounds. Bologna. Anyone who knows me knows I stand for principle and for safety, and that is what this debate is all about.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say that I agree with so very much of what the gentleman from Minnesota (Mr. OBERSTAR) has said about the serious problems that have existed. If I could, I would wave a magic wand and get a bill through the House here that we could go to the Senate with and negotiate a compromise, and I think we could have a better product. Time is not on our side.

So I believe we are faced with the reality of we take this bill, which did, indeed, pass the Senate unanimously, 99 to 0, or we simply will not get any safety bill. I regret that, but I believe that is the reality of where we are.

Mr. Speaker, I am pleased to yield 2 minutes to a distinguished gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, the gentleman from Pennsylvania (Chairman SHUSTER) has said it best, of course we could do a better bill in the House. Of course, if we have the time, we could perhaps resolve all the problems in pipeline safety. But this Senate bill, passed by unanimous consent, is what we have.

It is a strong and effective bill. It makes some very important steps in favor of pipeline safety. It improves and expands the public's right to know about pipeline hazards. It requires pipeline operators to test and inspect. It requires the operators to qualify and test their personnel. It requires spills as small as 5 gallons to be reported. It significantly raises the penalties for safety violations. It invests in new technologies to improve pipeline safety. It provides protections for whistle blowers, an important part of this process. It increases State oversight and local government input. Finally, it increases funding for safety efforts.

Mr. Speaker, if one looked at a map of my State, and my district in particular, the third district in Louisiana, a map of pipelines across my district and the State, it looks like spaghetti. We are just absolutely covered with pipelines that carry all sorts of hazardous and very important products for America, oil, gas, liquids of all kinds.

Pipeline safety is incredibly important to the people of my State. I will say again what the gentleman from Pennsylvania (Chairman SHUSTER) has said, I think if we had the occasion to sit down in this Chamber and write a better bill than this one, I think we could because this bill is not perfect and could be improved.

But what has been agreed upon by the Senate, it dramatically advances pipeline safety. It is an incredibly important step in the right direction. For us not to take this step this session would be a shame. It would be, I think, a disregard of our duty. This is the opportunity for us to improve pipeline safety across this country. We need to take that important step. We need to pass this bill.

We will be back here next year. We can provide the oversight over the DOT and the other agencies to make sure they carry out the intent of both this act and other acts. I urge my colleagues to pass this bill.

Mr. OBERSTAR. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I rise in opposition to this embarrassment that is called a piece of legislation, S. 2438. It does nothing to add to the safety of the American people or to ensure the safety of pipelines. There is little in this bill that cannot be done under existing law, and there is little in this bill that cannot be done by regulation at the Office of Pipeline Safety. It does little to correct the weakening that was done in the agreement which produced a bill which slipped through this House and through the Senate not long back and which resulted in significant weakening of the law with regard to pipeline safety.

It is time that we did something meaningful in the area of pipeline safety. The results of inaction by the Office of Pipeline Safety, a very weak agency, and by this Congress, are that there are more than 15 people dead in the last 18 months, including seven children under the age of 10.

The environment has suffered, too. In the first 9 months of this year, property and environmental damages from hazardous liquid pipeline accidents has already surpassed that of any other full year. Consumers have suffered from pipeline accidents on the Explorer pipeline in Texas and the Wolverine pipeline in my own State of Michigan. Those events helped drive the gasoline price to as high as $2.50 a gallon in parts of the Midwest this summer.

Inaction has hurt people. It has killed people. It has hurt the economy. It has raised gas and oil prices. There is no friend outside of this Chamber to the legislation except the pipeline industry. They are the only people that want this bill. They are the only people that do not know it is a sham, because they know there is something in it for them.

There is more inaction by OPS, there is more inaction by the Congress, and there is a weak law under which little, if anything, is going to be done to take care of the safety of the American people.

This legislation is opposed by organized labor. The AFL-CIO, the Teamsters, PACE, the transportation trades, the building and construction trades, the plumbers and the pipefitters all have sent letters urging Members to oppose this bill.

The bill is also opposed by environment and public safety groups, including the League of Conservation Voters, the Environmental Defense Fund, the Natural Resources Defense Council, Physicians for Social Responsibility, Clean Water Action, U.S. PIRG, and the National Pipeline Reform Coalition.

Finally, and most importantly, the families of the Bellingham, Washington pipeline disaster oppose this legislation. They sent a letter to the House of Representatives urging us to vote against this sham safety legislation. The bill, as initiated in the Senate, was named after the two 5-year-old boys in Bellingham who were killed last year. Those names were removed from the bill at the request of the parents of Wade King and Stephen Tsiorvas because, in their view, the legislation is so weak that it is unworthy of being named after their sons.

Who does support the bill? Pipeline companies and their trade organizations. They are the only ones supporting the bill. Why? Because it is a sweetheart deal, because it is not going to do anything.

My counsel to this House is based on years of experience with OPS and with pipeline safety and with the pipeline companies, and that is reject the bill. Nothing is going to happen other than the fact that we will save this House a little bit of time, and we will enable us to approach this bill in a more sensible way next year without the kind of, quite frankly, disgrace that we confront at this particular time.

☐ 1700

I would simply observe, no one is going to be hurt by rejecting a bill like this, which does so little. Everyone will be helped by passing a decent piece of legislation. We can do that next year. There is no need to make haste to pass this kind of an abomination.

Mr. Speaker, I urge my colleagues, let us pass good legislation, let us strengthen pipeline safety, let us see to it that people are no longer killed by indifference and by poor legislation and by sweetheart deals cut which result in bad legislation coming to this House, and by weak organizations like the Office of Pipeline Safety, which does not do the job it should do in protecting the American people.

I urge the legislation be rejected. We can do a better job next year. Certainly we cannot do a worse job next year.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when my good friend from Michigan, with whom I have stood shoulder to shoulder in fighting so many battles together, says that this legislation, if I heard him correctly, is only supported by the pipeline industry, I have to refer to numerous other important people, I think, and organizations which indeed have expressed their strong support for this legislation.

Senator PATTY MURRAY, Democrat of Washington, who is intimately familiar with the terrible problems, has come out strongly for this legislation; Senator SLADE GORTON, a Republican of Washington. So we have both the Republican and the Democratic Senators representing the whole State, a State which has been so badly hurt in the past, supporting the legislation. The Secretary of Transportation, Rodney Slater, who says this legislation is critical to much-needed improvements in pipeline safety program; Vice President AL GORE, and I might get in trouble with some of my colleagues over here for emphasizing this, but facts are facts. Vice President GORE said, "I commend the Senate for taking action today on this important issue of pipeline safety and I urge the House to take up this legislation soon."

The National Association of Regulatory Utility Commissioners. The National Governors' Association, which says, "On behalf of the national governors, we are writing to urge you to support this legislation adopted by the Senate to improve oil and gas pipeline safety and to support prompt passage of such legislation." The newspaper in Bellingham, where the terrible tragedy occurred, says "Given where we are now, the reforms provided by the Senate legislation are significant. We cannot wait. The time is now for pipeline safety legislation."

And indeed, Senator PATTY MURRAY, who has been in the forefront of supporting this on the floor of the Senate said, "Well, some critics say we'll start again next year; we'll do better next year. That means it will be at least a year. And how can we have so much faith that we will get anything stronger or anything at all under a new Congress and a new President?" And she says, "Let me ask a simple question. Will you take that bet, if your family's safety depended upon it? I wouldn't, and I don't think we can shirk our responsibility to protect the public this year."

I find myself in a bit of an incongruous position in defending, in the midst of this heated political campaign, the Clinton administration, defending a Democratic administration who says we should pass this because it is so critical. And again, I emphasize we could have done a better job here in the House if we had had the time. But that simply is not the reality that we face, and so we should settle for a good piece of legislation, one which we indeed could have made better, but given the time, it is either this or nothing. And, indeed, if we want to bring up something next year to improve it further, we can certainly do that; but let us not continue to jeopardize the lives of American people, and in many cases young children, by doing nothing this year.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time. He is noted for his generosity, and once again that is being exemplified here by his activities on the floor.

This is really a sad day when we are listening to Members of the House of Representatives tell every other Member that we should not have any judgment on a piece of legislation; we should just listen to the Senate.

Now, the gentleman from Pennsylvania would never, under any circumstances, have the Senate make every decision about every highway, every dam, every railroad in the United States. But he is out here today telling us that for pipeline safety, these pipes that go past homes and playgrounds all over the United States, that we should listen to the Senate. Since when did they become so wise?

The bill before us fails to repeal the cost-benefit provision put into the 1996 reauthorization bill. I opposed these provisions then and support their repeal now. Keeping that section on the book's allows for paralysis by analysis. The pipeline companies just squeeze these smaller communities and individual neighborhood groups to death because they cannot get over this huge procedural obstacle which is built into the existing piece of legislation.

Secondly, the bill does not meaningfully address the Department of Transportation's failure to enact many of the proposed safety recommendations issued by the National Transportation Safety Board. Here is what the National Transportation Safety Board, Chairman Jim Hall, said in the Boston Globe on March 5, 1999. He said that he would give the Office of Pipeline Safety a big fat F, F, on everything that it has done regarding the safety of pipelines in our country.

We are reauthorizing a bill with that kind of a grade being attached to it by the chairman of the National Transportation Safety Board? And moreover, the bill itself rejects the amendment which I tried to make in committee which would have held the Department's feet to the fire so they had deadlines that they had to meet in order to ensure there was public safety.

Who opposes this bill? I will tell my colleagues who opposes it. The Environmental Defense Fund, the National Resources Defense Council, and the League of Conservation Voters. In fact, the League of Conservation Voters is going to make this one of the votes for the year to get our grade. That is how important it is to them.

So, please, reject this and do the House of Representatives the honor of being allowed to deal with the subject itself and not allowing the Senate to do our thinking for us.

Mr. Speaker, submitted, as follows, for the RECORD, is a letter from the League of Conservation Voters regarding this matter:

LEAGUE OF CONSERVATION VOTERS,
Washington, October 6, 2000.

Re Oppose S. 2438, The Pipeline Safety Improvement Act of 2000

U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The League of Conservation Voters (LCV) is the bipartisan, political voice of the national environmental community. Each year, LCV publishes the National Environmental Scoreboard, which details the voting records of Members of Congress on environmental legislation. The Scoreboard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges you to oppose S. 2438, the "Pipeline Safety Improvement Act of 2000." S. 2438 does not contain any of the elements that are needed to significantly improve the safety of natural gas and oil pipelines.

According to the General Accounting Office, approximately four major pipeline accidents occur each week. The GAO also found that major accidents are increasing by approximately 4% annually at the same time that DOT's Office of Pipeline Safety's fines against the industry are declining: currently, only one in 25 violators receives a proposed fine. Oil pipelines spill over 6 million gallons annually, an amount equal to more than half of the Exxon Valdez release, and average spill size has been increasing since 1993 to over 44,000 gallons in 1999.

LCV believes that legislation to address pipeline safety issues must include the following three elements:

1. Strong regulatory standards (including pipeline testing type and frequency, leak detection requirements, etc.), and effective enforcement of those standards;
2. Expanded liability for releases; and,
3. Public accountability through right-to-know reporting and establishment and funding of regional advisory councils (similar to the councils in Alaska created by the Oil Pollution Act of 1990).

Several bills introduced in the House (H.R. 3558, 4792, and 5361) contain some or all of these critical pipeline safety provisions. In addition, LCV believes it is essential to remove the cost-benefit provisions put into section 60102(b) of the pipeline statute during its 1996 reauthorization, which are designed to prevent enactment of new safety and environmental protection regulations by requiring those regulations to meet economic and judicial tests that no other federal agency's standards must meet.

We urge you to vote no on S. 2438 and to pass a bill that is more protective of the environment and the public's health. LCV's Political Advisory Committee will consider including votes on these votes on these issues in compiling LCV's 2000 Scorecard: If you need more information, please call Betsy Loyless in my office at 202/785-8683.

Sincerely,

DEB CALLAHAN,
President.

Mr. SHUSTER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER), the distinguished chairman of the Committee on Transportation and Infrastructure, for yielding me this time.

Mr. Speaker, I am a little bit puzzled at some of the opposition from the other side on this issue. My subcommittee held hearings on this legislation last year. My subcommittee passed the bill, I think, by unanimous consent out of the subcommittee. We passed a piece of legislation on this issue either by unanimous consent or with very few no votes out of the full Committee on Commerce, over a year ago. That legislation has languished as the Senate has worked its will on this same issue.

And now, as we are in the waning weeks of this Congress, the Senate has reported a bill that, quite frankly, is much stronger than the bill that came out of the Committee on Commerce. Our bill was a straight reauthorization of the existing pipeline safety law with some modifications. At the time of our hearings and the time of the debate in the committee, the Committee on Commerce, there were some concerns raised. The gentleman from Massachusetts (Mr. MARKEY), who just spoke, raised some concerns; but basically, at that point in time last year, it was felt that straight reauthorization with some modification was acceptable.

Now, what the other body has done is to actually present a much tougher bill in terms of safety. In fact, I think I could say with a straight face on the floor that this is the toughest pipeline safety bill to ever come before the House of Representatives. It increases fines in some cases by a factor of 20. It reduces the reporting requirements for liquid spills to 5 gallons. It increases dramatically the rights of local officials, safety agencies, and community residents to have access to important safety information from pipelines. It provides for a much expanded R&D program to improve pipeline safety technology. It provides, for the first time, whistle-blower protection for pipeline employees who wish to come forward and report possible safety or other types of violations.

Mr. Speaker, I could go on and on. I might add in the political context that the Clinton-Gore administration supported passage of this bill when it came out of the other body. The Democrat Senators from some of the States that have pipeline accidents in New Mexico and Washington State supported this bill when it was on the other body's floor.

So it comes over to us. Now, in a perfect world, we would like to have the Committee on Transportation and Infrastructure pass a bill, then go to the Committee on Rules and merge the Committee on Commerce bill and the Committee on Transportation and Infrastructure bill, then come to the floor and have a debate with some amendments. But we are late in the session, so we have put the Senate bill on the floor under suspension of the rules, which means it will take a two-thirds vote to pass this legislation later this evening.

I think we should be able to get a two-thirds vote. And if there are those that, for whatever reason, think that the Senate bill is imperfect, we can obviously come back to this legislation in the next Congress and, depending on which political party is in control, obviously reopen it and make further improvements, if that is necessary. But the decision today is do we pass the Senate bill. My judgment as subcommittee chairman that has jurisdiction on this issue is that the Senate bill is an improvement over current law, that it needs to be passed.

We should get the two-thirds vote. I have gone through the summary of the Senate legislation. I have looked at all of the analysis of the Senate legislation. I could quote some of the support groups that are supporting it. In addition to the Clinton-Gore administration, the National Governors' Conference is supporting this legislation. So it is a good piece of legislation.

I would hope that our colleagues, when we come to the floor later this evening, do pass this by a two-thirds vote so that we can send it on its way. If for some reason that fails, I would recommend to the leadership that we go to the Committee on Rules, we get a rule, and we bring it out under regular order, have a debate and vote it where it only needs a majority. But we felt like this was a strong enough piece of legislation that it could be put on the suspension calendar.

And, quite frankly, I thought it was noncontroversial enough to be put on the suspension calendar. So I am a little bit surprised about some of the statements that have been made so far on this particular bill.

Mr. Speaker, I rise in support of S. 2438, the Pipeline Safety Improvement Act of 2000. This legislation greatly improves the safe operation of natural gas, oil, and hazardous liquid pipelines and goes far to prevent future accidents.

The bill requires higher safety standards, allows a greater role for State participation, provides for strict accountability by the Department of Transportation to Congress, and allows increased public education and participation. It provides long term solutions for public safety by appropriating funds for Research and Development for innovative technologies for improving the structural integrity of pipelines and preventing accidents. And, it backs up these higher safety standards by sharply raising penalties for safety violators.

The recent accidents in Bellingham, Washington and New Mexico have made us all aware that higher safety standards and additional oversight authority benefit all of us. This legislation answers the concerns raised by those accidents. It requires the Department of Transportation to issue rules and for pipeline operators to develop programs that provide for: increased inspection of pipelines; increased maintenance; public input into the development of these programs; strengthened training for pipeline employees; improved data collection about pipelines and about accidents; public education programs; availability of information to the public; greater emergency preparedness; an expanded State role in oversight, inspection, and investigation of interstate pipelines; and protection for employees that report safety violations. In addition, the legislation requires inspection reports, maps of pipeline facilities, and other data to be available to the public. It raises public awareness by requiring a public education program. Many of these programs have deadlines and require the Secretary of Transportation to report back to Congress on the progress of these programs within a certain period of time. And, as I stated earlier, penalties have been increased, in one instance from 25 thousand dollars to five hundred thousand dollars.

We know that it is essential to have public support for maintaining the safe operation of pipelines. That is why a "whistleblower" protection provision is included in this bill. Other bills do not have these protections for good citizens and employees. This legislation also brings in the experts—it provides for the National Academy of Sciences to advise the Secretary of Transportation on Research and Development for innovative technologies to improve the safety, reliability, and structural integrity of pipelines, and inspection and leak detection technology. Research and Development is also focused on minimizing the environmental impact of pipelines.

In sum, this legislation greatly advances the ultimate goal of preventing future accidents by requiring and enforcing stricter safety standards, and expanding the role of the States and the public to ensure the safe operation of pipelines. I strongly urge my colleagues to support S. 2438.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, this is an insult to our intelligence. Let us put our cards on the table; let us say it the way it is. This legislation that we have just received from the Senate requires no periodic inspections. It requires zilch.

Number two, the people who do the inspections do not even have to be trained. Now, who are we kidding? Who are we really kidding on this legislation? This is a disgrace.

There are 2.2 million miles of pipeline in this country. And if my colleagues think this is going to help us, other than helping the pipeline companies, they are dead wrong and others are dead in the past 10 years.

My colleagues have heard the statistics. This is an insult that my colleagues would think that this is pipeline safety. Who are my colleagues doing their bidding for?

I have always stood up here with congeniality, but if my colleagues think this is going to help pipeline safety when these pipelines go into people's houses and through dormitories, do my colleagues know what we are now leading to? We are leading to a moratorium on pipelines until we get our own act together, and I do not care who supports it. We should vote this down.

□ 1715

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise to urge a no vote.

And that is not out of disrespect to the work done by Senators MCCAIN and MURRAY in the other Chamber in an attempt to advance this cause. But, Mr. Speaker, the majority leadership has not brought one single House bill on this issue to the floor of this House this session despite multiple tragedies in multiple States of this country, not one single bill.

And why is that important? It is important because, unless we have a strong mandate that pipelines be inspected, a stronger mandate than is in the Senate bill, we will be committing the very same blunder, the very same blunder that Congress has made for 20 years running. They have deferred to OPS to pass rules 22 times, and 22 times that has been ignored. The House bills that we want to vote on a simple chance to vote plug that gigantic hole.

Now, there is one thing I know. I am not a scientist. I am not a meteorologist. I am not a hydrologist. But there is one thing I know, and that is that nobody has ever gotten a different result by doing the same thing.

We must break this chain of failure and statutorily mandate inspections or commit the same blunder that every Congress has made late in the session saying, it is the best we can do. It is not the best we can do, and it is not up to American standards.

I am not alone in this opinion. The people with moral authority on this subject, the three families who sent their young men out on a nice day in Bellingham in June last year whose sons never came home, want us to defeat this bill and move on to a stronger bill.

Now, the oil and gas industry desperately wants this legislation. They have sent armies of lobbyists up here to try to get this bill through. But I am not voting for them. I am not voting with them. I am voting for the families. I am voting for Redmond and Kirkland. I am voting for the environmental community. I am voting for my conviction of conscience that we must enact a strong bill now or forever lose our chance until another string of tragedies occur.

I will say one more thing. The oil and gas pipeline industry understands pressure. Do not let them use this for a relief valve. Keep the pressure on and pass a strong bill.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to point out once again, the Clinton-Gore administration supports passage of this bill. It passed the Senate by unanimous consent, which, if I understand correctly, there are 45 Democrat Senators in the other body. So this should not be a partisan issue.

I want to briefly read from the report that the gentleman from Michigan (Mr. DINGELL) asked the GAO to do on pipeline safety. On page 5, in the summary section, it says, "The office," meaning the office that is responsible for overseeing pipeline safety, "has historically had the lowest rate of implementation for these recommendations of any Transportation agency and has not implemented 22 statutory requirements, 12 of which date from 1992 or earlier."

Now, the law that is before us is stronger than the current law. And the Clinton-Gore administration has not implemented the current law.

For my friends on the other side of the aisle that have concerns, legitimate concerns, direct those to the present administration. Help us pass this bill and then get it implemented.

Mr. OBERSTAR. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, on October 3 the White House issued this statement: It is imperative that the House bring legislation to the floor as soon as possible so a new pipeline safety law that can be enacted before the end of the year.

The Secretary of Transportation said, referring to the bill Mr. DINGELL and I introduced, "I urge the House leadership and its members to act quickly to pass comprehensive pipeline safety legislation and move to a conference with the Senate."

There is no statement of administration support for this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. METCALF.)

Mr. METCALF. Mr. Speaker, I rise to oppose this bill because it is far, far too weak.

Pipeline safety has been one of my top priorities in this, my last term in the House. In a way, it is gratifying to see a bill debated on the floor today which addresses some of the most important safety issues facing our communities. The two Senators from my state, SLADE GORTON and PATTY MURRAY, fought tirelessly for pipeline safety in the other body and moved legislation forward which markedly improves current law in several key areas, including expanded right-to-know provisions, increased civil penalties for bad actors, and whistleblower protections. I am extremely grateful to them both for their sincere efforts.

Unfortunately, I cannot support the bill we will vote on today. At the end of the day, it still leaves far too much discretion in the hands of the Office of Pipeline Safety (OPS), an agency which has habitually ignored Congressional directives and National Transportation Safety Board recommendations. For example: as part of this bill, pipeline operators are required to submit Integrity Management Plans to OPS which include periodic testing of their pipelines. There is no maximum period for frequency of inspections. Similar vagueness exists in the section dealing with employee training. In 1996, I voted against the last pipeline reauthorization bill because it removed the requirement that pipeline operators be certified as qualified to do their jobs. This bill does not reinstate that requirement.

Further, the language allows the states to take a more active role in pipeline safety regulation is weak, and in no way resembles my legislation, which is based on the model of the Clean Water Act. I fear that much of this bill could end up meaning nothing at all. We need to enact a law that leaves very little wiggle room to Federal regulators who have proven that they cannot be trusted to protect the public.

Proponents of this legislation admit that it is far from perfect. In fact, the strongest argument they make for its passage is that time is too short to pass something better. It may well be true that defeat of this bill means the death of pipeline legislation in this Congress. I am retiring at the end of this year, and would love to see a strong bill passed before I leave office. However, I would rather see Congress go back to the drawing board next year than pass this watered-down bill. I will vote against it, and would urge my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, pipelines are certainly important in supplying our Nation's energy needs. But in Travis County, Texas, when gasoline is to be pumped through a 50-year-old line not designed for gasoline located within a few feet of 11 public schools and across a major source of drinking water, the term "pipeline safety" is a conflict. It is an oxymoron.

Despite over thousands of Central Texans asking that they place the pipeline somewhere else, the Office of Pipeline Safety has been totally useless.

Frank King, for whose son this bill has been named, came all the way from Washington State to Austin, Texas, to meet with us to describe the horror that can develop when pipeline safety is neglected and pipelines are mislocated. This bill does his family absolutely no justice. It has been so weakened that it has even been blessed by the giant oil companies that are trying to impose the Longhorn pipeline on Central Texas neighborhoods.

We need a real pipeline safety bill, not a legislative illusion that does more to appease special interests than protect America's families. Reject this illusion tonight.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the ranking member for yielding me the time.

This Senate bill that is being proposed here today under the suspension rules falls very far short of the necessary protections that we need. And while some have said that this is a step in the right direction and some have even told us that we should not let the perfect be the enemy of the good, when is it that this House started letting only the passably good be the enemy of the best that we can do?

I agree with the gentleman from Texas (Mr. BARTON), we can do better and we should do better. And if we need to bring it to committee and allow it to come out under a regular rule so that we can put amendments to it, let us do it. But this bill as it came out of the Senate is too inadequate. It needs to be amended. We need to have inspections. We need to have training for workers so that they can do the right job on that for their own good and for the good of the public.

This is a bill that needs sorely to be corrected and to be improved. I ask that we do that in the right process, that we not settle here. There is nothing going to be accomplished by letting this pass in its present form. We can do much better. We can do much for many more people if we do the right thing and bring it back, let us amend it, let us make it a strong bill. Let us have safety in the pipelines.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I just want to repeat the words of Marlene Robinson, mother of Liam Wood, whose life was lost in the Billingham pipeline tragedy.

He was 18 years old. He had just graduated from high school 5 days before. He did not go off on a party with his buddies. He went off fly fishing, the thing she said that made him happiest, 5 minutes from downtown. What he did not know was that a gas pipeline went through that area. A wall of fumes roared down that canyon and snuffed his life out, and then it exploded and incinerated two other children further on down.

That is what this is all about. Do not tell me this is about the good and the perfect. Do not tell me this is about the other body that will not give us time to consider the bill.

They passed their bill a month ago. We had a month to do something whether in committee or on this floor. We had a month to do something good for life.

And what Marlene Robinson said was that this bill does not do the job. If the Office of Pipeline Safety will not protect the health and safety of our children in the community, she said, then our lawmakers must.

She referred to this bill and said it is fatally weakened by effects of intense pressure from the pipeline industry. It is lives at stake. It is not political careers. It is not who is in charge. It is not who is the majority this year, who may be the majority next year. It is what we can do now.

We will be judged on whether we have made the pile higher and better and left a better legacy. We can do better than this bill. We can do something that we have been waiting 13 years to do, at least this gentleman has since the last hearings that I chaired on the subject and found in a Republican administration failure of this Office of Pipeline Safety to do its job, in a Democratic administration failure of the same office to do its job.

It is up to the Congress, as Mrs. Robinson said, it is up to us to draw the line, to protect communities, and to pass a bill that ensures safety for all of our children.

This is the hour of truth.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I would indeed point out that the complaints which my good friend has alluded to and which I agree with really are complaints about the Clinton-Gore administration for not enforcing the law and not being tough enough with their regulations. And indeed that is what we are trying to fix here.

In fact, I hear so much about the pipeline industry being for this, if we really wanted to help the pipeline industry, we would bottle up this legislation and not pass anything so there would be weaker than the weak current legislation on the books. Instead, we provide what is clearly stronger legislation.

Now, a year ago our good friends on the Committee on Commerce passed legislation on pipeline safety with virtually no substantive change in it and the very gentlemen, my good friends from the Committee on Commerce, who have taken the floor today to oppose this stronger legislation voted unanimously in favor of that weaker legislation which came out of their committee just a year ago.

So this indeed is stronger legislation, not as strong as I would like it to be. And if we had more time, my colleagues can bet we would be attempting to negotiate with the Senate an even better bill.

But the stark choice today is to live with the weak law we have or to accept the improvements passed by the Senate not overwhelmingly, that is not an adequate term, unanimously, 99–0, with 45 Democrats supporting the legislation.

So it clearly is bipartisan. It is a major step in the right direction. I would be happy to join with my friends next year if we are here to try to improve it further. But let us pass legislation which is going to save lives rather than defer that until another year.

And so, I strongly urge that this legislation be passed.

Mr. Speaker, I submit this Joint Explanatory Statement for the gentleman from Virginia (Chairman BLILEY) and myself.

S. 2438 requires the Secretary of Transportation to implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report. In addition, the legislation requires the Secretary of Transportation to submit reports on the implementation of those recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The Committee on Commerce of the House of Representatives also shares responsibility for pipeline safety legislation. Therefore, in addition to the abovementioned Committees, the Secretary of Transportation should also transmit such reports to the Committee on Commerce of the House of Representatives.

Mr. HOLT. Mr. Speaker, this nation has 157,000 miles of aging pipeline. The fact is that pipelines transport most of the natural gas and hazardous liquids in the United States.

In many places, pipelines go unnoticed. Sometimes people don't even know that there is a pipeline near their home.

However, in places like Lively, Texas; Mounds View, Minnesota; Bellingham, Washington; and Edison, New Jersey, just north of my district, pipelines are no longer taken for granted. Explosions have rocked these communities and taken innocent lives.

We need to ensure accidents like these will never happen again. We need stronger pipeline standards.

There must be statutorily required inspections at least once every five years.

There must be a national safety certification program for pipeline operators, like programs for railroad engineers or FAA mechanics.

And we need penalties for spills occurring on land to be made as stringent as existing penalties for spills occurring in water under the Clean Water Act.

S. 2438 does not ensure that these protections are provided.

I am proud to join my colleagues Representative INSLEE and Representative PASCRELL (PALLONE, BAIRD, SMITH, DICKS, MCDERMOTT are also sponsors) in sponsoring the "Comprehensive Pipeline Safety Improvement Act of 2000" (HR 4792) that will make these protections mandatory.

Time is running out in this Congress to provide these protections. We need to act now. For all these reasons, I will be opposing this bill today. I urge my colleagues to defeat S. 2438 so that we can bring up real, strong, pipeline safety legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in reluctant opposition to S. 2438, the Pipeline Safety Improvement Act of 2000.

All too often, Members of this body are faced with the unpleasant task of choosing between doing nothing at all or doing something that is inadequate. I will readily admit that S. 2438 is an improvement over the current pipeline safety regime. However, this Congress could have done so much more, and I believe that doing the inadequate would be a grave injustice to those who lost their lives in recent pipeline accidents and to the loved ones they left behind.

Proponents of S. 2438 tacitly admit that there bill does not do enough to improve pipeline safety standards and enforcement. They instead urge that we pass this bill because Congress simply does not have enough time to work on a stronger bill. The reality is that the House had plenty of time to consider how to improve on the Senate bill. Furthermore, even before we received the Senate bill, staff on the communities with jurisdiction over the bill were negotiating in good faith to reach a compromise to incorporate the key provisions of several bills introduced in the House. The failure of the House to act on true reform measures to improve pipeline safety merely epitomes this Congress' failure to enact a whole host of legislation to improve the health and safety of ordinary Americans.

It is still not too late to pass a strong pipeline safety bill before the 106th Congress adjourns. Representatives OBERSTAR and DINGELL recently introduced H.R. 5361, a bill that includes necessary provisions pertaining to accountability to the public, stronger safety standards, and more diligent enforcement. Now that the bill has failed to obtain the requisite two-thirds support to pass under suspension of the rules, I hope that S. 2438 will be reconsidered under regular order, thereby enabling the House to consider H.R. 5361 as an amendment in the nature of a substitute.

Mr. Speaker, it is still not too late to act on pipeline safety. I urge the House to pass H.R. 5361 or similar legislation.

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition to S. 2438, the Senate pipeline bill in its current form. Pipeline safety is an issue of great importance, and one that hits very close to home for those of us in the Pacific Northwest, a pipeline explosion in Bellingham, Washington on June 10, 1999 killed three children. This and other recent tragedies have highlighted the need for strengthening federal pipeline safety laws; that is why I cosponsored H.R. 5361. Unfortunately, the bill that provides the greatest protection for workers and their families did not make it to the floor of the House. Since the House Leadership has scheduled a vote on S. 2438 under suspension of the rules, and no amendments may be offered for its improvement, I must vote against it.

S. 2438 fails to adequately protect our communities because the federal Office of Pipeline Safety (OPS) would not be required to take action on such critical matters as pipeline inspection, leak detection, worker protection and training, and fines. This is in stark contrast to the mandatory requirements that are included in H.R. 5361. The pipeline industry has succeeded in circumventing meaningful regulation for decades because of weak legislation. Passing S. 2438 would send yet another message to OPS that the industry can continue to do so.

Critics of the stronger House legislation say it has no chance of passing during this Congress, therefore, we must support the weaker Senate version—something is better than nothing. I disagree, once pipeline safety legislation is passed, the urgency to revisit the issue will diminish. At least until another deadly explosion.

Mr. Speaker, I submit the following Seattle Times op-ed into the RECORD. It is written by the parents of the three children killed in the Bellingham, Washington pipeline explosion and calls for Congress to pass the stronger House legislation.

[From the Seattle Times, Editorials & Opinion, Fri., Oct. 06, 2000]

PIPELINE SAFETY: DON'T SACRIFICE THE GOOD FOR THE STATUS QUO

(By Marlene Robinson and Bruce Brabec, Frank and Mary King, Katherine Dalen and Edwin Williams Special to The Times)

We are the parents who lost children when the Olympic pipeline exploded on June 10, 1999. As we struggled with our own loss, we also have struggled to give meaning to that loss by trying to make pipelines safer in this country. To our sadness and despair, before we were able to see meaningful pipeline reform occur, tragedy struck again with a pipeline explosion that killed 12 family members in New Mexico.

The Washington state delegation to Congress, led by Reps. Jay Inslee and Jack Metcalf, and Sens. Slade Gorton and Patty Murray, have done a wonderful job of pushing pipeline safety into the consciousness of Washington, D.C. Without their efforts, there would not now be a debate regarding whether to pass the weak bill that the Senate approved, or to wait for a real, meaningful bill from the House. For their efforts, we thank them.

In her recent guest commentary, Sen. Murray said that our push for a meaningful pipeline safety bill from the House means that we are willing "to sacrifice the good for the perfect." We wish our choice was between good and perfect but, unfortunately, the bill that passed the Senate was so watered down by those who pay homage to the powerful oil and gas lobbyists, that in reality it would change very little.

The Senate pipeline bill leaves almost all decisions on critical matters, such as pipeline testing, pipeline leak detection, employee training, public involvement and fines, up to the discretion of the federal Office of Pipeline Safety (OPS). According to the General Accounting Office, OPS has failed to implement 22 legislative mandates Congress has passed since 1988. If you tell an agency to do something 22 times and they ignore you, by what logic do you think they will pay attention the 23rd time?

After a terrible pipeline explosion killed a mother and her daughter in Mounds View, Minn., in 1986, the industry and the OPS said they would develop new standards to ensure safety. They did not. After a huge pipeline explosion destroyed part of Edison, N.J., in 1994, the industry and OPS said they would develop new standards to ensure safety. They did not!

After three dead here in Bellingham, and now 12 more dead in New Mexico, guess what the industry and OPS are saying. Why should we trust them this time? Ask yourself why pipeline-safety organizations across the country are opposed to the Senate pipeline bill, while the pipeline industry is now trying to push for its passage.

For a pipeline bill to have real meaning, it has to take the discretion away from the industry-controlled Office of Pipeline Safety. It has to spell out clearly how often pipelines need to be tested, and how that testing is to be accomplished. It has to set strict penalties for companies that do not pay enough attention to their pipelines. It has to include strong local oversight of pipeline safety so those who have the most to lose it something goes wrong have a say in making sure that pipelines are safe. And it needs to ensure that the public can review a wide range of information regarding the pipeline that runs through their communities.

These requirements all made common sense, practical sense, and represent what a good pipeline safety bill would do. The Senate bill does not accomplish any of these, and we call on the members of the House to do what it takes to pass a stronger ball that secures the public true safety improvements.

Those who are advocating our acceptance of the inadequate Senate bill urge us not to "sacrifice the good for the perfect." But the reality is that the Senate bill is a long way from "good" and will result in business as usual in an industry that enjoyed a net profit of 40 percent in 1999, while communities across the nation will continue to experience horrific failures of aging pipelines.

How many more sons and daughters will be lost before meaningful pipeline-safety reform is passed? We do not want to wait until next year, but we will if we must.

Fortunately, good pipeline-safety bills have already been drafted and introduced in the House. The House needs to pass one promptly, and the Senate needs to follow the House's lead and not sacrifice the good for the status quo.

The authors are parents of the three young people killed in the Bellingham pipeline disaster.

Mr. SHOWS. Mr. Speaker, pipeline safety is of great importance to environmentally sensitive areas. Some of the most environmentally sensitive pipeline facilities are cable suspension bridges that convey pipelines above rivers and canyons.

As a former state highway commissioner, I strongly believe that it is critical to maintain the approximately 4,000 pipeline bridges in this country or we will face the prospect of having to bore underground to replace this essential part of our infrastructure. It is important to clarify that cable suspension pipeline bridges have unique qualifications in addition to other pipelines that must be addressed to ensure safety through regular maintenance and inspection.

Pipeline safety legislation under consideration today requires that the operators and inspectors be properly trained to inspect all pipeline facilities. It is imperative that the inspectors of these pipelines possess specialized knowledge to properly determine the structural integrity and soundness of the cable suspension bridge that supports the pipeline as well as the pipeline itself. Such knowledge should include an understanding of and training in: steel fabrication, structural engineering fundamentals, pipeline behavior under operating pressure, the characteristics of all cable types used in suspension bridges, and the characteristics of reinforced concrete foundation structures.

It will be required through this bill that the Office of Pipeline Safety's technical experts, in conjunction with the industry, develop specific plans to ensure the integrity and safety of all pipelines. These regulations will ensure that all pipelines, including cable suspension pipeline bridges, are properly maintained and inspected to ensure the highest safety standards possible.

Mr. GREEN of Texas. Mr. Speaker, I am pleased today to rise in support of S. 2438, the Pipeline Safety Improvement Act of 2000. This legislation will provide tough new financial penalties for safety violations and will lower the spill reporting threshold to five gallons as opposed to 50 barrels under existing law. In addition, the bill requires pipeline companies to implement stronger training and qualifications requirements for their personnel and strengthens the public "right to know" and "whistle-blower" protections for pipeline company employees.

Each of these changes is designed to rebuild confidence in what has been one of the safest industries in the country. Unfortunately, no industry is perfect and the need for this legislation was highlighted by two recent pipeline explosions in Washington State and New Mexico. These two events have galvanized my belief that S. 2438 will move towards improving the industry safety record.

Although I would still like to include other public safety protections, I understand the need for a pipeline safety bill this year is clear. I look forward to continuing working with my colleagues on the Committee on Commerce that I serve on but also in the Committee on Transportation and Infrastructure if necessary to move even stronger legislation next year. Pipelines have been shown to be a much safer way to transport products than trucks or other methods and the current bill increases that safety factor.

I also want to point out what I believe should be the model pipeline in terms of safety. I, along with several of my Texas colleagues, have been working to secure Federal approval of a project called the Longhorn Pipeline. The Longhorn Pipeline begins at Galena Park, Texas, in east Harris County in the district I represent and goes across Texas for approximately 700 miles to El Paso, Texas. The Longhorn Mitigation Plan protects the environment and all the people along the pipeline route and is of a scope and rigor unprecedented in the pipeline industry. It includes measures designed to reduce the probability of a spill as well as measures designed to provide greater protection to the more sensitive areas, including areas where communities and drinking water supplies could be affected.

Longhorn was willing to take extraordinary steps to protect the people living in close proximity to their pipeline and I believe they have set the industry standard.

Mr. Speaker, transporting hazardous materials by pipeline is the safest and most economical way to deliver these products to market. S. 2438 will raise the bar of safety on our pipeline companies and punish those bad actors who operate on the margins of the safety envelope. Human lives and environmental quality are too important for us not to take action immediately.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of S. 2438, the Pipeline Safety Improvement Act, a bill introduced by Senator JOHN MCCAIN which had bipartisan support in the Senate. My home state of Texas has more pipeline mileage than any other state, so maintaining the safe operation of these systems is important. In 1996, two teenagers were killed in my Congressional district while they were trying to warn their neighborhood about a leak from a pipeline carrying flammable butane. More can be done to improve pipeline safety, and this legislation represents the best—and for this Congress, the only—opportunity to make constructive changes.

Several of my colleagues have argued that we should kill this bill now, and work to pass another bill later, more along the lines of the bill introduced by my friends Mr. DINGELL and Mr. OBERSTAR. I respect the concerns of these gentlemen, but I would say to my friends that the bill before us today is a good bill. The question of which bill is tougher is relative—in some areas the McCain bill is tougher, and in other areas the Dingell/Oberstar bill is tougher. For example, the McCain bill has higher penalties for safety violations, protections for pipeline employee whistleblowers, more defined pipeline safety research and development goals, and temporary job assignment requirements for pipeline employees involved in an accident. But more importantly, it is worth noting that the McCain bill, and the bill introduced by Messrs. OBERSTAR and DINGELL, are much more alike than different. I think it's important that we not lose sight of this fact.

Mr. Speaker, the McCain bill has one other key advantage over any House legislation—it has already passed the Senate by a unanimous vote. Let's not drop the ball in the last few seconds of the game. Americans want safe pipelines. In this final week of the 106th Congress, we ought to join together to pass this laudable legislation, and work in the next Congress with Mr. DINGELL and Mr. OBERSTAR to ensure that the Act is implemented in a responsible manner.

Let's not let the perfect be the enemy of the good. I urge my colleagues to vote "yes" on S. 2438.

Mr. BLILEY. Mr. Speaker, I rise in support of S. 2438, the Pipeline Safety Improvement Act of 2000. This is a good bill which will improve the safety of our natural gas and hazardous liquid pipelines.

There are 325,000 miles of natural gas pipelines and almost 156,000 miles of hazardous liquid pipelines in the United States. These pipelines transport over 20 trillion cubic feet of natural gas and 616.5 billion ton-miles of oil and oil products each year. These pipelines are critical in moving the fuels necessary to heat and light our homes and businesses and power our cars. As we discovered last winter, when heating oil was in short supply in the Northeast, and this past summer, when certain types of gasoline had difficulty reaching cities in the Midwest, these pipelines are also an important part of our economy. Therefore, it is important that these pipelines are operated as safely as possible, not only to protect individuals living or working near these lines and the environment, but to also assure that these fuels get to where they are needed.

The natural gas and hazardous liquid pipeline safety programs are essential to preserving the safety of our communities from the risk posed by pipelines. Since 1968, the Natural Gas and Hazardous Liquid Pipeline Safety Acts have been the primary authorities through which the Department of Transportation has instituted regulations safeguarding our national pipeline system. This statute must be periodically reauthorized and the current authorization expires at the end of Fiscal Year 2000. The Commerce Committee shares jurisdiction over pipeline safety and has worked towards reauthorization of this important Act since early last year. We are including in the record today, a joint explanation with Chairman Shuster, indicating that reports required by S. 2438 should be provided to the Committee on Commerce, as well as the Committee on Transportation and Infrastructure, so that both Committees can continue to monitor the implementation of this Act.

With the recent accidents in Bellingham, Washington and New Mexico, the Department of Transportation's pipeline safety program has been placed under scrutiny by Congress and others. Unfortunately, that scrutiny has revealed some real shortcomings in the program. As analysis of the pipeline safety program conducted by the Inspector General of the Department of Transportation recommended six things that could be done to improve the pipeline safety program. For the most part, these are simple things: complete the actions Congress mandated in 1992 and 1996, expand the focus of its research and development programs, develop a program to better train its inspectors on the latest technologies, revise its system of collecting and processing accident date to allow for more detailed trend analysis, require revised accident reports when necessary, and respond to open National Transportation Safety Board safety recommendations. These simple actions can have big impacts on improved pipeline safety.

S. 2438 requires the Office of Pipeline Safety to comply with these recommendations. It also contains provisions requiring periodic testing of pipelines, improved training for pipeline operators, improved public information, increased reporting of spills. In addition, the bill increases State and local oversight and input, provides for more targeted research and development to improve pipeline safety, and provides increased funding for the Office of Pipeline Safety. Finally, the bill provides important protection for whistleblowers.

I know there are some who would like to put in place even more mandates. I don't think that is the answer. Greater accountability is key. Unfortunately, as long as we have an Office of Pipeline Safety that fails to act on the Congressional mandates already in place both new and old mandates will not be worth the paper they are written on. And one thing Washington doesn't need more of is paper.

I believe this bill strikes the right balance between new mandates targeted at specific problems and accountability for implementing old mandates. I urge my colleagues to support this legislation.

Mr. ROTHMAN. Mr. Speaker, I rise today in strong opposition to S. 2438.

I oppose this bill because it is weak and does next to nothing to ensure the safety of my constituents who live or work near a natural gas pipeline.

Sadly, thirteen years after the National Transportation Safety Board first recommended that pipeline operators inspect their pipelines to identify corrosion or other mechanical damage—nothing has been done.

The Department of Transportation has not moved on the NTSB's 1987 recommendation and no regulations exist today to force pipeline operators to regularly inspect their pipelines.

I am deeply concerned over the issue of pipeline safety because in New Jersey, the most densely populated state in the nation, tens of thousands of residents live and work near areas cris-crossed by pipelines.

As my colleagues from New Jersey will remember, it was only six years ago that a massive natural gas pipeline explosion occurred in Edison, New Jersey.

That pipeline explosion destroyed eight apartment buildings and disrupted what was once a stable neighborhood.

Mr. Speaker, there are plans to today to expand a natural gas pipeline in Bergen County, New Jersey, a pipeline that would run very near a residential neighborhood and a playground in North Arlington, New Jersey.

How can this Congress, in good conscience, pass a bill that simply extends the status quo—and does not require the Department of Transportation to issue any meaningful regulations designed to address pipeline safety issues?

What will we say when and if a pipeline problem harms innocent individuals in North Arlington, New Jersey or elsewhere in America?

I urge my colleagues to oppose this weak bill that fails and honor our obligation to protect the public's safety.

Mr. SANDLIN. Mr. Speaker, I rise in strong support of S. 2438, the King and Tsiorvas Pipeline Safety Improvement Act. In order to know why this legislation is so important, one only has to remember that seventeen U.S. citizens have died in pipeline accidents during this Congress.

By passing this legislation, the House will be taking an important step in avoiding future pipeline tragedies. We all recognize that natural gas, oil, gasoline, diesel fuel, and other industrial liquids play key roles in the nation's economy. Over 3,000 natural gas operators and 52,000 master meter and liquefied natural gas operators and over 200 hazardous liquid operators bring these products to market. Transporting both gaseous and liquid materials safely through an intricate network of over 1,750,000 miles of pipeline is a complex undertaking. Today, we have the opportunity to better protect the public from the dangers of pipeline operations.

Among other things, S. 2438 will improve current law by investing in new technology to improve pipeline safety, increasing civil penalties for safety violations, and requiring pipeline operators to conduct periodic inspections of their systems. In addition, in response to accusations that the Office of Pipeline Safety (OPS) has not always done its job in the past S. 2438 provides a significant increase in funds for the OPS to enable it to hire more personnel to handle the mandates that Congress has already required.

Some of our colleagues will argue that this bill is not strong enough. In fact, S. 2438 is the strongest pipeline safety reform ever adopted by either body of Congress. This bill represents meaningful reform. It was crafted by a bipartisan group of legislators who worked through months of meetings and negotiations to develop the best bill possible. The resulting legislation is so strong that both the Vice President and the Secretary of Transportation supported passage of S. 2438.

Let's not put process over results. Our nation needs strong pipeline safety legislation this year. The safety of millions of Americans is at stake, and S. 2438 is a strong, workable bill that will result in vast improvements over the current safeguards for pipeline operations. I urge all Members to support S. 2438. It is a good bipartisan bill that will take an effective first step towards improving pipeline safety.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2438.

The question was taken.

Mr. OBERSTAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1730

DISASTER MITIGATION ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

The Clerk read as follows:

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the House amendment, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Disaster Mitigation Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.

Sec. 103. Interagency task force.
Sec. 104. Mitigation planning; minimum standards for public and private structures.
TITLE II—STREAMLINING AND COST REDUCTION
Sec. 201. Technical amendments.
Sec. 202. Management costs.
Sec. 203. Public notice, comment, and consultation requirements.
Sec. 204. State administration of hazard mitigation grant program.
Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 206. Federal assistance to individuals and households.
Sec. 207. Community disaster loans.
Sec. 208. Report on State management of small disasters initiative.
Sec. 209. Study regarding cost reduction.
TITLE III—MISCELLANEOUS
Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Fire management assistance.
Sec. 304. Disaster grant closeout procedures.
Sec. 305. Public safety officer benefits for certain Federal and State employees.
Sec. 306. Buy American.
Sec. 307. Treatment of certain real property.
Sec. 308. Study of participation by Indian tribes in emergency management.

TITLE I—PREDISASTER HAZARD MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) PURPOSE.—The purpose of this title is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

"SEC. 203. PREDISASTER HAZARD MITIGATION.

"(a) DEFINITION OF SMALL IMPOVERISHED COMMUNITY.—In this section, the term 'small impoverished community' means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

"(b) ESTABLISHMENT OF PROGRAM.—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

"(c) APPROVAL BY PRESIDENT.—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the 'Fund'), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

"(d) STATE RECOMMENDATIONS.—

"(1) IN GENERAL.—

"(A) RECOMMENDATIONS.—The Governor of each State may recommend to the President not fewer than 5 local governments to receive assistance under this section.

"(B) DEADLINE FOR SUBMISSION.—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

"(C) CRITERIA.—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

"(2) USE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

"(B) EXTRAORDINARY CIRCUMSTANCES.—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

"(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

"(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—Technical and financial assistance provided under this section—

"(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

"(B) may be used—

"(i) to support effective public-private natural disaster hazard mitigation partnerships;

"(ii) to improve the assessment of a community's vulnerability to natural hazards; or

"(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

"(2) DISSEMINATION.—A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

"(f) ALLOCATION OF FUNDS.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

"(1) shall be not less than the lesser of—

"(A) $500,000; or

"(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

"(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

"(3) shall be subject to the criteria specified in subsection (g).

"(g) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account—

"(1) the extent and nature of the hazards to be mitigated;

"(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

"(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

"(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

"(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

"(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

"(7) if the State or local government has submitted a mitigation plan under section 322, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

"(8) the opportunity to fund activities that maximize net benefits to society;

"(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

"(10) such other criteria as the President establishes in consultation with State and local governments.

"(h) FEDERAL SHARE.—

"(1) IN GENERAL.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.

"(2) SMALL IMPOVERISHED COMMUNITIES.—Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

"(i) NATIONAL PREDISASTER MITIGATION FUND.—

"(1) ESTABLISHMENT.—The President may establish in the Treasury of the United States a

fund to be known as the 'National Predisaster Mitigation Fund', to be used in carrying out this section.

"(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

"(A) amounts appropriated to carry out this section, which shall remain available until expended; and

"(B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.

"(3) EXPENDITURES FROM FUND.—Upon, request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.

"(4) INVESTMENT OF AMOUNTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

"(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

"(i) on original issue at the issue price; or

"(ii) by purchase of outstanding obligations at the market price.

"(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

"(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(E) TRANSFERS OF AMOUNTS.—

"(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

"(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

"(k) MULTIHAZARD ADVISORY MAPS.—

"(1) DEFINITION OF MULTIHAZARD ADVISORY MAP.—In this subsection, the term 'multihazard advisory map' means a map on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.

"(2) DEVELOPMENT OF MAPS.—In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not fewer than 5 States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).

"(3) USE OF TECHNOLOGY.—In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.

"(4) USE OF MAPS.—

"(A) ADVISORY NATURE.—The multihazard advisory maps shall be considered to be advisory and shall not require the development of any new policy by, or impose any new policy on, any government or private entity.

"(B) AVAILABILITY OF MAPS.—The multihazard advisory maps shall be made available to the appropriate State and local governments for the purposes of—

"(i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);

"(ii) supporting the activities described in subsection (e); and

"(iii) other public uses.

"(l) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of enactment of this section, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States.

"(m) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.".

(b) CONFORMING AMENDMENT.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

"TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE".

SEC. 103. INTERAGENCY TASK FORCE.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102(a)) is amended by adding at the end the following:

"SEC. 204. INTERAGENCY TASK FORCE.

"(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

"(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

"(c) MEMBERSHIP.—The membership of the task force shall include representatives of—

"(1) relevant Federal agencies;

"(2) State and local government organizations (including Indian tribes); and

"(3) the American Red Cross.".

SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

"SEC. 322. MITIGATION PLANNING.

"(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

"(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

"(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

"(2) establish a strategy to implement those actions.

"(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

"(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

"(2) support development of local mitigation plans;

"(3) provide for technical assistance to local and tribal governments for mitigation planning; and

"(4) identify and prioritize mitigation actions that the State will support, as resources become available.

"(d) FUNDING.—

"(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

"(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

"(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

"(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

"(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

"(A) eligibility criteria for property acquisition and other types of mitigation measures;

"(B) requirements for cost effectiveness that are related to the eligibility criteria;

"(C) a system of priorities that is related to the eligibility criteria; and

"(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

"SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

"(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

"(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

"(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

"(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.".

(b) LOSSES FROM STRAIGHT LINE WINDS.—The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of enactment of this Act, except that additional assistance provided under this subsection shall not exceed $6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended—

(A) in the second sentence, by striking "section 409" and inserting "section 322"; and

(B) in the third sentence, by striking "The total" and inserting "Subject to section 322, the total".

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

TITLE II—STREAMLINING AND COST REDUCTION

SEC. 201. TECHNICAL AMENDMENTS.

Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.

5154) is amended in subsections (a)(1), (b), and (c) by striking "section 803 of the Public Works and Economic Development Act of 1965" each place it appears and inserting "section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2))".

SEC. 202. MANAGEMENT COSTS.

(a) In General.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 104(a)) is amended by adding at the end the following:

"SEC. 324. MANAGEMENT COSTS.

"(a) Definition of Management Cost.—In this section, the term 'management cost' includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

"(b) Establishment of Management Cost Rates.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

"(c) Review.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.".

(b) Applicability.—

(1) In general.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply to major disasters declared under that Act on or after the date of enactment of this Act.

(2) Interim authority.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of enactment of this Act) shall be used to establish management cost rates.

SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

"SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

"(a) Public Notice and Comment Concerning New or Modified Policies.—

"(1) In general.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

"(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

"(B) could result in a significant reduction of assistance under the program.

"(2) Application.—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

"(b) Consultation Concerning Interim Policies.—

"(1) In general.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

"(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

"(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

"(2) No legal right of action.—Nothing in this subsection confers a legal right of action on any party.

"(c) Public Access.—The President shall promote public access to policies governing the implementation of the public assistance program.".

SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

"(c) Program Administration by States.—

"(1) In general.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.

"(2) Criteria.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

"(A) the demonstrated ability of the State to manage the grant program under this section;

"(B) there being in effect an approved mitigation plan under section 322; and

"(C) a demonstrated commitment to mitigation activities.

"(3) Approval.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

"(4) Withdrawal of approval.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

"(5) Audits.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.".

SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) Contributions.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

"(a) Contributions.—

"(1) In general.—The President may make contributions—

"(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

"(B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

"(2) Associated expenses.—For the purposes of this section, associated expenses shall include—

"(A) the costs of mobilizing and employing the National Guard for performance of eligible work;

"(B) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging; and

"(C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

"(3) Conditions for assistance to private nonprofit facilities.—

"(A) In general.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

"(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

"(ii) the owner or operator of the facility—

"(I) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

"(II)(aa) has been determined to be ineligible for such a loan; or

"(bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

"(B) Definition of critical services.—In this paragraph, the term 'critical services' includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, and emergency medical care.

"(4) Notification to congress.—Before making any contribution under this section in an amount greater than $20,000,000, the President shall notify—

"(A) the Committee on Environment and Public Works of the Senate;

"(B) the Committee on Transportation and Infrastructure of the House of Representatives;

"(C) the Committee on Appropriations of the Senate; and

"(D) the Committee on Appropriations of the House of Representatives.".

(b) Federal Share.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

"(b) Federal Share.—

"(1) Minimum federal share.—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

"(2) Reduced federal share.—The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster—

"(A) that has been damaged, on more than 1 occasion within the preceding 10-year period, by the same type of event; and

"(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.".

(c) Large In-Lieu Contributions.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

"(c) Large In-Lieu Contributions.—

"(1) For public facilities.—

"(A) In general.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the

State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

"(B) AREAS WITH UNSTABLE SOIL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government because soil instability in the disaster area makes repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

"(C) USE OF FUNDS.—Funds contributed to a State or local government under this paragraph may be used—

"(i) to repair, restore, or expand other selected public facilities;

"(ii) to construct new facilities; or

"(iii) to fund hazard mitigation measures that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

"(D) LIMITATIONS.—Funds made available to a State or local government under this paragraph may not be used for—

"(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

"(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

"(2) FOR PRIVATE NONPROFIT FACILITIES.—

"(A) IN GENERAL.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

"(B) USE OF FUNDS.—Funds contributed to a person under this paragraph may be used—

"(i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;

"(ii) to construct new private nonprofit facilities to be owned or operated by the person; or

"(iii) to fund hazard mitigation measures that the person determines to be necessary to meet a need for the person's services and functions in the area affected by the major disaster.

"(C) LIMITATIONS.—Funds made available to a person under this paragraph may not be used for—

"(i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

"(ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).".

(d) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

"(e) ELIGIBLE COST.—

"(1) DETERMINATION.—

"(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

"(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

"(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

"(B) COST ESTIMATION PROCEDURES.—

"(i) IN GENERAL.—Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.

"(ii) APPLICABILITY.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

"(2) MODIFICATION OF ELIGIBLE COST.—

"(A) ACTUAL COST GREATER THAN CEILING PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

"(B) ACTUAL COST LESS THAN ESTIMATED COST.—

"(i) GREATER THAN OR EQUAL TO FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

"(ii) LESS THAN FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

"(C) NO EFFECT ON APPEALS PROCESS.—Nothing in this paragraph affects any right of appeal under section 423.

"(3) EXPERT PANEL.—

"(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

"(B) DUTIES.—The expert panel shall develop recommendations concerning—

"(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

"(ii) the ceiling and floor percentages referred to in paragraph (2).

"(C) REGULATIONS.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish—

"(i) cost estimation procedures described in subparagraph (B)(i); and

"(ii) the ceiling and floor percentages referred to in paragraph (2).

"(D) REVIEW BY PRESIDENT.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

"(E) REPORT TO CONGRESS.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

"(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date of enactment of this Act and applies to funds appropriated after the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) takes effect on the date on which the cost estimation procedures established under paragraph (3) of that section take effect.

(e) CONFORMING AMENDMENT.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

"SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

"(a) IN GENERAL.—

"(1) PROVISION OF ASSISTANCE.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

"(2) RELATIONSHIP TO OTHER ASSISTANCE.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

"(b) HOUSING ASSISTANCE.—

"(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

"(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—

"(A) IN GENERAL.—The President shall determine appropriate types of housing assistance to *be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.*

"(B) MULTIPLE TYPES OF ASSISTANCE.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

"(c) TYPES OF HOUSING ASSISTANCE.—

"(1) TEMPORARY HOUSING.—

"(A) FINANCIAL ASSISTANCE.—

"(i) IN GENERAL.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

"(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.

"(B) DIRECT ASSISTANCE.—

"(i) IN GENERAL.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

"(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

"(iii) COLLECTION OF RENTAL CHARGES.—After the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

"(2) REPAIRS.—

"(A) IN GENERAL.—The President may provide financial assistance for—

"(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

"(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

"(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

"(C) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(3) REPLACEMENT.—

"(A) IN GENERAL.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

"(B) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(C) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

"(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

"(A) no alternative housing resources are available; and

"(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.

"(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

"(1) SITES.—

"(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

"(i) is complete with utilities; and

"(ii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

"(B) SITES PROVIDED BY THE PRESIDENT.—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

"(2) DISPOSAL OF UNITS.—

"(A) SALE TO OCCUPANTS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

"(ii) SALE PRICE.—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

"(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

"(iv) HAZARD AND FLOOD INSURANCE.—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

"(v) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

"(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

"(i) may be sold to any person; or

"(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

"(I) to comply with the nondiscrimination provisions of section 308; and

"(II) to obtain and maintain hazard and flood insurance on the housing unit.

"(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

"(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

"(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

"(f) STATE ROLE.—

"(1) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

"(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).

"(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

"(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

"(g) COST SHARING.—

"(1) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

"(2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—In the case of financial assistance provided under subsection (e)—

"(A) the Federal share shall be 75 percent; and

"(B) the non-Federal share shall be paid from funds made available by the State.

"(h) MAXIMUM AMOUNT OF ASSISTANCE.—

"(1) IN GENERAL.—No individual or household shall receive financial assistance greater than $25,000 under this section with respect to a single major disaster.

"(2) ADJUSTMENT OF LIMIT.—The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(i) RULES AND REGULATIONS.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.".

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking "temporary housing".

(c) ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect 18 months after the date of enactment of this Act.

SEC. 207. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking "(a) The President" and inserting the following:

"(a) IN GENERAL.—The President";

(2) by striking "The amount" and inserting the following:

"(b) AMOUNT.—The amount";

(3) by striking "Repayment" and inserting the following:

"(c) REPAYMENT.—

"(1) CANCELLATION.—Repayment";

(4) by striking "(b) Any loans" and inserting the following:

"(d) Effect on Other Assistance.—Any loans";

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking "and shall" and inserting "shall"; and

(B) by inserting before the period at the end the following: ", and shall not exceed $5,000,000"; and

(6) in subsection (c) (as designated by paragraph (3)), by adding at the end the following:

"(2) Condition on continuing eligibility.—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.".

SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DISASTERS INITIATIVE.

Not later than 3 years after the date of enactment of this Act, the President shall submit to Congress a report describing the results of the State Management of Small Disasters Initiative, including—

(1) identification of any administrative or financial benefits of the initiative; and

(2) recommendations concerning the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 209. STUDY REGARDING COST REDUCTION.

Not later than 3 years after the date of enactment of this Act, the Director of the Congressional Budget Office shall complete a study estimating the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'.".

SEC. 302. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking "the Northern" and all that follows through "Pacific Islands" and inserting "and the Commonwealth of the Northern Mariana Islands";

(2) by striking paragraph (6) and inserting the following:

"(6) Local government.—The term 'local government' means—

"(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

"(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

"(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State."; and

(3) in paragraph (9), by inserting "irrigation," after "utility,".

SEC. 303. FIRE MANAGEMENT ASSISTANCE.

(a) In General.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

"SEC. 420. FIRE MANAGEMENT ASSISTANCE.

"(a) In General.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

"(b) Coordination With State and Tribal Departments of Forestry.—In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

"(c) Essential Assistance.—In providing assistance under this section, the President may use the authority provided under section 403.

"(d) Rules and Regulations.—The President shall prescribe such rules and regulations as are necessary to carry out this section.".

(b) Effective Date.—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

SEC. 304. DISASTER GRANT CLOSEOUT PROCEDURES.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

"SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

"(a) Statute of Limitations.—

"(1) In general.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

"(2) Fraud exception.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

"(b) Rebuttal of Presumption of Record Maintenance.—

"(1) In general.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

"(2) Affirmative evidence.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

"(3) Inability to produce documentation.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

"(4) Right of access.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

"(c) Binding Nature of Grant Requirements.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

"(1) the payment was authorized by an approved agreement specifying the costs;

"(2) the costs were reasonable; and

"(3) the purpose of the grant was accomplished.".

SEC. 305. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.

(a) In General.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

"(7) 'public safety officer' means—

"(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

"(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

"(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

"(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

"(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

"(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

"(ii) are determined by the head of the agency to be hazardous duties.".

(b) Effective Date.—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of enactment of this Act.

SEC. 306. BUY AMERICAN.

(a) Compliance With Buy American Act.—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) Debarment of Persons Convicted of Fraudulent Use of "Made in America" Labels.—

(1) In general.—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) Definition of debar.—In this subsection, the term "debar" has the meaning given the term in section 2393(c) of title 10, United States Code.

SEC. 307. TREATMENT OF CERTAIN REAL PROPERTY.

(a) In General.—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) REAL PROPERTY.—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the city of Sycamore, DeKalb County, Illinois, including—

(1) Maple Terrace Phase I;
(2) Maple Terrace Phase II;
(3) Maple Terrace Phase III Unit 1;
(4) Maple Terrace Phase III Unit 2;
(5) Maple Terrace Phase III Unit 3;
(6) Maple Terrace Phase IV Unit 1;
(7) Maple Terrace Phase IV Unit 2; and
(8) Maple Terrace Phase IV Unit 3.

(c) REVISION OF FLOOD INSURANCE RATE LOT MAPS.—As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

SEC. 308. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) STUDY.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) REQUIRED ELEMENTS.—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) CONSULTATION.—In conducting the study, the Director shall consult with Indian tribes.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN) who I am sure will be able to tie our interest in this legislation back to the pipeline safety bill that we have just passed.

Ms. DUNN. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. SHUSTER) for bringing Senate bill 2438 to the floor and I want to make a few comments on it. I appreciate his leadership and commitment to passing a very strong pipeline safety bill.

We are all aware of the tragedy of pipeline accidents. In Washington State, as I am sure Members have heard from the gentleman from Washington (Mr. METCALF), we have been dealing with this important issue ever since three young boys were tragically killed by a pipeline explosion in Bellingham on June 10, 1999, in our State of Washington. After consulting with the parents of the three youngsters and the mayors of the communities in the district I represent, I have supported stronger pipeline inspection requirements than this bill provides. But I truly believe that Senate bill 2438 is a meaningful step forward in strengthening our laws and protecting the people we represent. I believe, too, that a vote against this pipeline safety bill is a vote for the status quo. A status quo in which communities are unable to gather information about the pipelines that run under their schools and neighborhoods; a status quo that does not increase penalties for those who fail to comply with the law; and a status quo that says pipeline companies do not have to report a leak until 2,100 gallons have been spilled into our communities.

Mr. Speaker, the status quo is not enough. We cannot simply place our hopes on future legislation and fail to protect those who live near the pipelines today. It is time to pass a strong pipeline safety bill and demand that the Office of Pipeline Safety enforce it. Today, we have an opportunity to pass a substantive pipeline bill that will increase and improve safety in our communities. It requires pipeline companies to provide information to the public and emergency agencies. It increases fines for noncompliance and the caps on maximum enforcement penalties. It requires pipeline companies to report any spills over five gallons so that our communities will be well informed and ready to respond. And it provides local citizens a forum in which to make recommendations to the Federal Government about the pipelines in their own neighborhoods.

Pipeline safety does not end today. This is a beginning. And we can build upon this beginning by holding the Office of Pipeline Safety and pipeline companies accountable to Congress and to our communities. I strongly urge my colleagues to support this bill.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Returning now to H.R. 707, I would note that I have no further requests for time but simply would point out, I understand we have strong bipartisan support on this legislation which is the norm in our committee. What this legislation does, the Disaster Mitigation Act of 2000 marks the first major amendments to the Stafford Disaster Relief Act since 1988. I would urge strong support for it.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

I will resist the temptation to rebut the statements just made on pipeline safety, made out of order, out of regular time, except to say that we had time to get a better bill. We still could do it, there is plenty of time left in this session, we still can work things out, and we ought to.

This disaster mitigation legislation does represent the very best, however, of comity between the two parties in this House and the two sides of our committee. The benefit of this bill is that it establishes a predisaster mitigation program based on the very effective Project Impact initiative that emphasizes local community involvement critical to the success of implementing long-term strategies for disaster resistance.

This is the first time at the Federal level that we will be providing a mechanism and funding to address problems before they occur. If we can avoid losses, we can avoid future tragedies, we will save tens of millions of dollars, and that is the essential character of this legislation, the essential contribution that it makes.

I rise in support of H.R. 707, the Disaster Mitigation Act of 2000, the third and final time that we take up this legislation in this body. This legislation represents tireless work on the part of the gentlewoman from Florida who has given exhausting hours of her time to fashion a bill that will be effective and that will respond to the concerns that she has expressed so well, not only in Florida but elsewhere around this country. The cooperative work that she has undertaken with our ranking member, the gentleman from Ohio (Mr. TRAFICANT), has been exemplary. I appreciate the many visits that we have had about this and about the terrorism commission legislation which I will address in a moment.

The benefits of the disaster mitigation bill are that first of all it establishes a predisaster mitigation program based on the very effective Project Impact initiative. Project Impact emphasizes local community involvement that is critical to the success of implementing long-term strategies for disaster resistance.

This is the first time that we will be attempting at the Federal level to address problems before they occur. I think properly so, because if we address problems that we know cause increased losses, we can avoid those losses in the future disasters that we know are likely to occur. These initiatives, rather modest in this bill, will translate into millions of dollars of savings.

There are, however, a couple of concerns that I have about the legislation. Both House and Senate bills require non-profit entities to seek loans from the Small Business Administration as a precondition of assistance. But, certain non-profits are singled out not for what they do but for who they are. Libraries, museums and shelters should not be discriminated against in this fashion. It is not a fatal flaw in the bill, not one that would cause me to oppose it, but one that I hope can be revisited and fixed in the future.

Second, the bill authorizes funding only for the next three fiscal years. I believe that oversight of this program will demonstrate its value, and that there will be a continuing need to work with communities for many years. I look forward to working to extend this program.

The Senate has removed language requiring the establishment of a President's Council on Domestic Terrorism and Preparedness within the Executive Office of the President. The gentlewoman has again devoted tireless hours and very deep personal conviction to this legislation. This is not something that she has undertaken as a gesture, but as a matter of very deep conviction. I have been greatly persuaded by her activism, by her profound self-assurance based on case studies and careful analysis of the situation and the failure of the existing system to perform as intended.

I support the establishment of the President's council. I worked to mediate between the subcommittee and the Office of Management and Budget and White House staff. I think under the circumstances this is a sound, reasonable, responsible initiative. As the gentlewoman has said to me, in years to come after she enters retirement, she does not want to look back on a tragedy and say, "That could have been prevented. I could have done something while I was in Congress." She tried her hardest to do something, Mr. Speaker. But, the Senate has refused to acquiesce. That is unfortunate, but the unwillingness of the Senate causes us to accept the agreement on mitigation and address terrorism preparedness at a later date.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I would like to comment that I understand there has been some byplay among our staffs, perhaps, on an issue of whether or not we are going to move to the next bill which is strongly supported by the gentleman from West Virginia (Mr. RAHALL). It has been suggested to me that there might be some tactics on both our parts to delay this. That is not my style. I am quite prepared once we dispose of this to move ahead with the gentleman from West Virginia's legislation because it is the right thing to do. If we have anything else we need to fight out, we can do that later.

Mr. Speaker, I reserve the balance of my time.

Mrs. FOWLER. Mr. Speaker, I rise in strong support of this important legislation.

In 1992, Hurricane Andrew slammed into the coast of Florida resulting in total losses exceeding $30 billion. Andrew is the costliest major disaster in U.S. history.

Of course, Floridians are not the only ones at risk from natural disasters. In the past 10 years every State and territory in the Union has been adversely impacted by a natural disaster.

This Nation simply can't afford to keep exposing our people and their property to these disasters.

In the past, Congress has focused on assisting the victims of disasters after the damage is done: Since 1989, Congress has spent over $25 billion on disaster relief.

Our emphasis needs to change. H.R. 707 significantly increases Federal assistance for projects that prevent damage before hurricanes and other disasters strike.

This money can be used for such projects as strengthening schools, providing shelters for evacuees, and hurricane-proofing homes. If used in the right way, such spending should decrease overall Federal spending by reducing the disaster relief needed after a disaster hits.

With more emphasis on mitigation we will have less to fear from natural disasters and reduce the threat to our families and property.

I want to thank Mr. BOEHLERT for all his work on this bill as well as the ranking member of the subcommittee Mr. TRAFICANT.

I also want to thank Chairman SHUSTER and the ranking minority member of the full committee, Mr. OBERSTAR, for their support and encouragement.

While I am very pleased to support final passage of H.R. 707, I am disappointed that the Senate failed to retain a section of the bill establishing a President's council to coordinate domestic terrorism preparedness programs.

There is clearly more work that needs to be done to prepare and protect the public from man-caused disasters. I have no doubt that the next Congress will continue to grapple with this important issue.

Regardless of this omission, this is still an excellent bill and I urge my colleagues to support H.R. 707.

I want to thank my subcommittee staff: Marcus Peacock, Charlie Ziegler, Miki White, Denise Beshaw, and Dan Shulman for their dedication and hard work throughout the year in getting this legislation passed.

Mr. TRAFICANT. Mr. Speaker, I rise in strong support of H.R. 707, the Disaster Mitigation Amendments Act of 2000. The amendments establish a predisaster mitigation grant program, make it easier for states to administer the Federal program, and enhance state efforts to prepare for and respond to disasters.

Before I continue, I would like to thank Chairman SHUSTER and Ranking Democratic Member OBERSTAR for their assistance on this legislation. I also would like to commend and thank Chairman FOWLER for her leadership, her hard work and her willingness to listen to all the stakeholders, the Administration and Members, in an effort to make this the best legislation it could be. She indeed has done an admirable job.

The Disaster Mitigation Act of 2000 is about being prepared for natural disasters. By establishing and funding a pre-disaster mitigation program, we can lessen the human and financial losses associated with natural disasters such as hurricanes, floods, and earthquakes.

This bill also simplifies the Federal-State relationship in providing Federal disaster assistance. It encourages States to be more active in providing assistance, and to assume responsibility for administering benefits where the state chooses to do so. It also protects the taxpayer by encouraging those communities suffering from repetitive losses to undertake efforts to reduce those losses. But it also protects the local community by establishing a 3-year limitation on FEMA's ability to review an assistance grant for compliance with law and regulation.

It is my understanding that there were some Members of the other body that had some concerns about the part of the bill that contained the Council for Terrorism Preparedness. I am sorry that we were not able to work out those concerns. We missed a tremendous opportunity to help organize and prepare for any future terrorist attacks against our nation. I am disappointed about that. I hope we will have a chance in the future to pass a bill on terrorism preparedness.

Mr. Speaker, disaster mitigation is such an extremely important and urgent issue for our country. I support the Disaster Mitigation Act of 2000, and urge my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and concur in the Senate amendment to the House amendment to the Senate amendment to the bill, H.R. 707.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendment to the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 707, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTOR CARRIER FUEL COST EQUITY ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4441) to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motor Carrier Fuel Cost Equity Act of 2000".

SEC. 2. MANDATORY FUEL SURCHARGE.

(a) IN GENERAL.—Chapter 137 of title 49, United States Code, is amended by adding at the end the following:

"§ 13714. Fuel surcharge

"(a) MANDATORY FUEL SURCHARGE.—

"(1) ASSESSMENT OF SURCHARGE.—Any motor carrier, broker, or freight forwarder subject to

jurisdiction under chapter 135 regularly providing truck-load transportation service shall assess under each contract or agreement for such service the payor of transportation charges a surcharge under this section, or a surcharge or other fuel cost adjustment permitted under section 13715, for fuel used in the transportation provided to such payor commencing when an increase in the price of such fuel surpasses the benchmark in paragraph (2). A surcharge assessed under this section by the motor carrier, broker, or freight forwarder shall be calculated on the basis of mileage or percentage of revenue (whichever basis the motor carrier, broker, or freight forwarder elects) and shall be the amount necessary to compensate the motor carrier, broker, or freight forwarder or other person responsible for paying for fuel for the difference in the price of fuel between the Current Fuel Price and the Fuel Price Norm determined under paragraph (2).

"(2) BENCHMARK.—

"(A) IN GENERAL.—The benchmark referred to in paragraph (1) is the difference between the Current Fuel Price and the Fuel Price Norm, when such difference exceeds $0.05.

"(B) CURRENT FUEL PRICE.—The Current Fuel Price referred to in paragraph (1) and subparagraph (A) shall be determined from the latest weekly Energy Information Administration's Average Retail On-Highway Diesel Prices, National U.S. Average, as published by the Department of Energy.

"(C) FUEL PRICE NORM.—The Fuel Price Norm referred to in paragraph (1) and subparagraph (A) shall be determined by calculating the latest 52-week average of the Average Retail On-Highway Diesel Prices referred to in subparagraph (B).

"(b) IMPLEMENTATION.—The surcharge referred to in subsection (a)(1) shall be—

"(1) calculated on the date the shipment is tendered to the motor carrier, broker, or freight forwarder;

"(2) itemized separately on the motor carrier, broker, or freight forwarder's invoices; and

"(3) paid by the payor of the related transportation charges.

"(c) FACTORS.—For purposes of calculating a surcharge under this section—

"(1) average fuel economy is 5 miles per gallon for calendar year 2000 and shall be determined on January 1 of such year thereafter by the Secretary of Transportation; and

"(2) mileage means the number of paid miles driven as determined under the Department of Defense, Military Traffic Management Command's 'Defense Table of Official Distances'.

"(d) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of this part, any action to enforce this section under section 14704 may only be brought by the motor carrier, broker, or freight forwarder that provided the transportation services against the payor of the transportation charges or by the payor of the transportation charges against the motor carrier, broker, of freight forwarder that provided the transportation services. In such action, a court shall only have the authority to determine whether a fuel surcharge assessed under this section has been assessed or paid. A court shall not have the authority in such action to review any other charges imposed by the provider of the transportation services. Neither the Secretary of Transportation nor the Surface Transportation Board shall have regulatory or enforcement authority relating to provisions of this section.

"(e) EFFECTIVE PERIOD.—Subsections (a) through (d) and section 13715 shall be in effect beginning the 60th day following the date of enactment of this section and ending September 30, 2003.

"§ 13715. Negotiated fuel adjustments

"(a) IN GENERAL.—Nothing in section 13714 shall be construed to abrogate provisions relating to fuel cost adjustments in any transportation contract or agreement in effect on the date of enactment of the Motor Carrier Fuel Cost Equity Act of 2000 and any renewal of such a contract or agreement thereafter. Nothing in this section and sections 13714 and 14102 shall be construed to prohibit any motor carrier, broker, or freight forwarder from including any reasonable privately negotiated fuel cost adjustment provision in any contract or agreement to provide transportation.

"(b) CONTINUATION OF AUTHORITY.—Nothing in section 13714 shall impair the ability of any person to enter into any contract or agreement after the date of enactment of the Motor Carrier Fuel Cost Equity Act of 2000 that provides for a fuel adjustment under this section or section 13714 during any period in which no fuel surcharge is required under section 13714.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 137 of such title is amended by adding at the end the following:

"13714. Fuel surcharge.
"13715. Negotiated fuel adjustments.".

SEC. 3. CONFORMING AMENDMENT.

Section 14102 of title 49, United States Code, is amended by adding at the end the following:

"(c) MANDATORY PASS-THROUGH TO COST BEARER.—

"(1) IN GENERAL.—A motor carrier, broker, or freight forwarder providing transportation or service using motor vehicles not owned by it and using fuel not paid for by it—

"(A) shall pass through to the person responsible for paying for fuel any fuel surcharge required pursuant to section 13714, or fuel cost adjustment permitted under section 13715, or provided for in transportation contracts or agreements;

"(B) shall disclose in writing to the person responsible for paying for fuel the amount of all freight rates and charges and fuel surcharges under section 13714 and fuel cost adjustments permitted under section 13715 applicable to such transportation or service; and

"(C) is prohibited from—

"(i) intentionally reducing compensatory transportation costs (other than the fuel surcharge) to the person responsible for paying for fuel for the purpose of adjusting for or avoiding the pass through of the fuel surcharge; and

"(ii) intentionally imposing a fuel cost adjustment in accordance with section 13715 for the purpose of avoiding any payment under this section or section 13714.

"(2) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of this part, the person responsible for paying for fuel may only bring an action to enforce this section under section 14704 against the motor carrier, freight forwarder, or broker providing the transportation services with vehicles not owned by it. Neither the Secretary of Transportation nor the Surface Transportation Board shall have regulatory or enforcement authority relating to provisions of this subsection.

"(3) EFFECTIVE PERIOD.—Paragraphs (1) and (2) shall be in effect beginning the 60th day following the date of enactment of this section and ending September 30, 2003.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Today, the House is considering H.R. 4441, the Motor Carrier Fuel Cost Equity Act of 2000. Earlier this year, the Subcommittee on Ground Transportation held a hearing to examine the price spikes in gasoline and diesel markets. At this meeting, a number of options were discussed to bring relief to those hardest hit by those spikes, such as enabling truckers to negotiate rates that reflect their increased fuel costs. Three months later, the subcommittee convened a panel of truck drivers, shippers and representatives from motor carriers and other transportation intermediaries to hear testimony on the gentleman from West Virginia's (Mr. RAHALL) bill, H.R. 4441, to require a mandatory fuel surcharge.

The Committee on Transportation and Infrastructure then worked for several months to address the concerns raised and to craft a bill we could all support. The bill we are considering today includes numerous changes to the original bill.

In July, the Subcommittee on Ground Transportation approved a substitute amendment by voice vote and later that day the full committee approved the subcommittee's amendment unanimously, which is generally the way our committee works. H.R. 4441 helps trucking companies and particularly independent operators weather the diesel fuel price spikes in the same way that the large trucking companies have been able to do for years. By including a fuel surcharge as part of the total transportation bill, these small business truckers, these independent truckers, will not see their already slim margins disappear when the price of diesel fuel rises sharply and suddenly.

This bill, as amended in committee, has my support. I urge its passage here today.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to express my deep appreciation to the gentleman from Pennsylvania (Mr. SHUSTER) for bringing this piece of legislation to the floor. I commend the statesmanlike manner in which he has just conducted himself in the statement he made prior to consideration of this bill. I have known that to be true through our many years of work together on the Committee on Transportation and Infrastructure. We have worked in a very gentlemanly manner and in a bipartisan manner, I might add, as well. I commend the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for his support of this legislation and his help as well.

It is supported, as the chairman has said, by a bipartisan group of Members, including the assistant whip on the majority side the gentleman from Missouri (Mr. BLUNT). This bill seeks to address a real and pressing crisis facing an important segment of our trucking industry. That problem is twofold: First, owner-operators are being hit hard by high diesel fuel prices and simply do not have the market clout to negotiate the same sort of arrangement that the larger companies can to offset those costs. Unable to cope with high diesel prices, many owner-operators are simply unable to continue in business. In fact, fuel prices were the primary factor in the 1,365 trucking company bankruptcies which occurred during the first 6 months of this year. Second, coupled with a national driver shortage, just-in-time deliveries are being threatened, fewer transportation alternatives for shippers are available, and consumers could face a rise in the price of various goods and commodities.

As such, the pending legislation provides owner-operators, shippers and consumers with a safety net by ensuring that any fuel surcharges assessed are ultimately passed on to the entity which actually purchases the fuel. And just what is a fuel surcharge? It is a long established practice in the industry under which a shipper pays to the trucking companies the difference between what is deemed to be a baseline cost of diesel fuel and any sudden and dramatic increases in the cost of that fuel, such as what we are experiencing today. Independent owner-operators, however, are not in the position to negotiate fuel surcharges or, where they exist, be paid the fuel surcharge. And when you consider that two-thirds of the trucking operations in the country today operate six or fewer trucks, we are talking about a sizable segment of the industry.

The pending legislation, as originally introduced, would have imposed a mandatory fuel surcharge program. It has been modified to fully take into account privately negotiated fuel surcharge programs. No existing fuel surcharge arrangement would be abrogated and any future privately negotiated programs of this nature would not be precluded.

Let me repeat. Any current and future privately negotiated fuel surcharge agreements are fully respected by the pending legislation. And I repeat that a third time. Past, current or future privately negotiated fuel surcharge agreements are fully respected.

The essential feature of this bill is that it provides a private right of action as a means to ensure that the entity which actually pays for the fuel receives the surcharge. No Federal Government enforcement. No cost to the taxpayers. Just simply equity and fairness.

Mr. Speaker, America watched the economies of Britain and France thrown into chaos on the issue of diesel fuel prices. I have already noted the large number of industry bankruptcies taking place in this country.

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Coupled with a shortage of up to 80,000 truck drivers, we have a formula for disaster in the making.

I might add that high fuel prices have also had a devastating effect on the Nation's port drivers as well. Their poor working condition has come to the attention of the Teamsters Union, which is exploring ways to organize these truck drivers and is working to bring public attention to their plight.

In conclusion, Mr. Speaker, I say let us strike a blow for the little guy, the small businessman, and for the integrity of our economy by passing the pending legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. PETRI), the distinguished chairman of the Subcommittee on Ground Transportation.

Mr. PETRI. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding me this time.

Mr. Speaker, I rise to speak on H.R. 4441, the bill before us today. Before I do, I just think I would like to take a minute to point out that this may be the last piece of legislation that comes out of the subcommittee that I have had the privilege of chairing for the last 6 years. Under the rules that have been set in the House since 1994, we have term limits for chairmen and subcommittee chairmen, so I will not be chairing that subcommittee in the next Congress, should I be fortunate enough to be reelected.

During those 6 years I have had the opportunity to work with a remarkable ranking Democrat on that subcommittee, and that is my colleague from West Virginia (Mr. RAHALL). Our committee has been, I think, the most productive committee, as a whole, in the Congress of the United States over this period of time, and that is something that no one person could bring about. Only a group of people working cooperatively together were able to accomplish that.

That means that that is a bipartisan accomplishment, and I think that while we clearly do not agree on everything that this committee has to deal with or this Congress has to deal with, we all agree, regardless of party on our Committee on Transportation and Infrastructure, on the importance of transportation infrastructure and transportation investment and a need to keep up on the public side of the ledger with investment and needed infrastructure to keep our economy strong and growing; and we have worked together, industry, labor, the safety community, the environmental community, in this effort.

The door has always been open of our chairman, of the gentleman from West Virginia (Mr. RAHALL), and I hope I can say that of myself, to listen to different people with ideas on legislation and to do what we could to bring them together to a common productive result.

This legislation before us today is just one example of that spirit. Its prime author is a member of the minority party; but it is before us today, and I think it is going to receive bipartisan support. It came out of a hearing that our committee had, or perhaps a series of hearings on the fuel crisis; meeting with industry groups and the Teamsters Union and others to explore different ideas about what we could do as a Congress to react to this crisis to help the little guy, to help the person who does not have the power in the marketplace to impose pass-through clauses and provisions as some of the larger truckers do, so that they are not overwhelmed by swings in energy prices, but do have an opportunity to adjust and to continue in business; and that is the basic purpose of the act before us.

This reflects, I think, the sensitivity and the concern that my colleague, the gentleman from West Virginia (Mr. RAHALL), and that we all have to try to do something constructive in this area. I think that this crisis continues. I am sure, regardless of what happens in the upcoming election, our committee will be eager and responsive to deal with the problems that people in the transportation sector have.

The bill before us, H.R. 4441, as has been mentioned, seeks to ease the effect of sudden and dramatic increases in the cost of fuel on the trucking industry by ensuring that these added costs can be recovered. Under the provisions of the bill, the spike in the price of diesel fuel will trigger a mandatory surcharge to be assessed to the party paying for the transportation costs of the motor carrier transporting the goods. This automatic surcharge is imposed when there is a 5 cent disparity between the latest week's national average and the previous year's national average for diesel fuel. In this way, those businesses hit hardest by surges in the fuel market will be able to recoup additional costs by passing them along to the shipper as part of the total bill.

This past July, the Committee on Transportation and Infrastructure approved a substitute amendment that represents a bipartisan effort to perfect the original text of the bill. This substitute permits companies to include privately negotiated fuel adjustments; and, second, it clarifies the provision and provides the right to sue to collect the surcharge; and, third, it includes a sunset provision that terminates the mandatory surcharge at the end of budget year 2003. At that point, Congress will be able to review the effectiveness of the bill before us.

Mr. Speaker, our committee is the largest committee in the Congress; our subcommittee is the largest subcommittee in the Congress. The potential for chaos, or at least disorder and delay, was perhaps great; but in fact the cooperation and the achievement instead have been great. We hear a lot about the decline of civility and an increase of partisan bickering in this Congress; and I think the fact of the matter is, those who go about their business quietly achieving results sometimes are lost among the din but are, in truth, a growing number. This committee has prospered in this Congress. Members have sought to be on the committee. The fact that people seek to be on this committee shows that most Members of this House, when given the chance, want to be a part of a productive team.

So I just want to say that as we conclude the second session of this Congress with the passage of this important legislation, H.R. 4441, I appreciate the spirit that has enabled us to reach this point; and I commend it to some other committees in this Congress.

Mr. RAHALL. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I certainly want to commend the gentleman from Wisconsin (Mr. PETRI) for his excellent statement and say to him as well that it has been my pleasure to serve with him for the last 6 years under his chairmanship of the Subcommittee on Ground Transportation. It has truly been an enjoyable experience, not necessarily the position where my chair is; but certainly serving next to the gentleman from Wisconsin (Mr. PETRI) has been a delight. He has always held comprehensive and very timely hearings on not only this issue but other issues. He has spoken of the bipartisanship of our committee and the camaraderie, and I certainly salute him and wish him Godspeed.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of our committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from West Virginia (Mr. RAHALL) for yielding me this time.

Mr. Speaker, I, first of all, want to congratulate our full committee chairman, the gentleman from Pennsylvania (Mr. SHUSTER), on his superb leadership over these 6 years. This may not be the last bill we bring to the floor of the House. We certainly have plenty of time for another bill on pipeline safety. We could do that yet. But over the years of his chairmanship, he has done a superb job reconciling differences; bringing people together; building America; investing in the Nation's future; strengthening the Nation's infrastructure. It has been an extraordinary record of achievement, not only in our field of transportation and related issues but also I think, as the gentleman from Wisconsin (Mr. PETRI) alluded to, in a time when politics is rife and rancor is rampant both inside and outside this body, the Committee on Transportation and Infrastructure has proceeded in a cooperative, bipartisan spirit of understanding and keeping our eye on the objective and doing something good for America.

In addition, in the last Congress this committee handled more than 24 percent of all the bills enacted into law. So far in this Congress, at least in this session of the Congress, nearly a third of all the bills that moved through the House moved through this committee and about 25 percent of all of those were enacted into law. That is an extraordinary record. One does not get those just by being good scouts. It is done by working together, resolving differences, coming to the floor with a unified product that can win the respect and the majority vote in the House.

This bill before us today, the Motor Carrier Fuel Cost Equity Act of 2000, is an example. I commend the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI), the gentleman from West Virginia (Mr. RAHALL), the ranking member of the subcommittee, who initiated the legislation and whose sensitivity to the problems of this segment of the trucking industry has made it possible for us to be here today. He listened. He understood the problems. He told the small motor carriers who have less influence in transportation markets than the larger motor carriers that he would initiate legislation on their behalf; would take the action; would first get a hearing and then see if we could draft legislation, which he did. Now we are here on this floor today, and I hope this bill moves not only through our body but the other body and on to the President for signature into law.

Fuel costs represent a larger proportion of small carriers' operating budgets. Assuming that freight rates are based on true costs, it is obvious small carriers have greater difficulty passing along price increases that represent a larger portion of their operating costs than do the large carriers.

Data provided in 1998 by carriers with $3 million or more in annual revenue show that fuel costs represent only 5 to 6 percent of large carrier operating budgets. Those percentages may be one or two points higher today due to recent price increases. Owner-operators typically do not report cost information to the Department of Transportation. We understand, however, from our discussions with the industry that fuel costs really represent about 30 percent of an owner-operator's operating budget. Obviously, those conditions put the smaller carriers at a disadvantage in a fuel price inflationary era such as we are now experiencing. Seventy percent of owner-operators have lease arrangements with larger carriers, and they ought to be treated fairly by the carriers they lease to. This bill requires that the fuel surcharge paid by shippers be passed on through to whoever is paying for fuel under the lease arrangement. Most often, that is the independent owner-operator.

So the gentleman from West Virginia deserves high praise for recognizing the very real and personal hardships faced by independent truckers and their families, brought on by these higher fuel prices. The gentleman has been out in the highways and the byways and listened to those who drive the trucks, listened to those who face the financial cost price squeeze and recognize that independent truckers should be treated fairly when the Nation goes through the kind of fuel price spikes that we have been experiencing these last several months.

□ 1800

This bill goes a long way toward providing the kind of relief that those hard-pressed, hard-working men and women need in these difficult times. I urge the passage of this legislation.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the chairman for yielding time to me, and thank him and the ranking member for their support of this legislation. I certainly am appreciative that the gentleman from West Virginia (Mr. RAHALL) saw this problem and drafted legislation, and I was glad to join him as one of the early cosponsors of this bill, H.R. 4441.

This Motor Carrier Fuel Cost Equity Act is a bill that is really designed to bring temporary emergency relief to an industry that, maybe more than any other industry in the country, has been caught in a devastating situation by these rapid increases in fuel prices.

This is an industry where the cost of fuel is everything, and it is an industry where so many trucks are operated by the people who own those trucks. Their entire livelihood is dependent on what happens in that truck that month. Their entire livelihood is dependent on what the repair costs of the trucks are, what the fuel costs, what the tire costs are.

Many of these owner-operators, I see them in my district, are husband-and-wife driving teams, sometimes with a child that is not ready for school yet riding right along with them and seeing the country.

But their plans were made, their bids were offered, their arrangements were entered into anticipating a much lower cost in the price of fuel, so we have seen this huge increase in fuel in the last several months. Over 70 percent of motor carriers have six or fewer trucks. These are men and women who haul almost all of our produce, livestock, consumer goods, building materials, raw materials. They are the indispensable engine that drives this economy. They fill in the gaps where people need a load taken here or taken there, where people have not really adequately planned to have everything they needed done done, but there is an independent owner-operator there ready to do that job.

As they have seen these fuel prices go up 70 percent, reaching record high prices in just the last month, thousands of truckers have gone out of business. Fuel prices are only predicted to go even higher in the next few months, putting in peril the future of thousands of small businessmen and businesswomen.

Safety is an issue as they are more and more stressed to pay the bills with the bids that they have out there. They have many problems. This bill helps small businesses at no cost to taxpayers. There is no Federal enforcement. It helps truckers cope with the high cost of diesel by ensuring that any fuel charge assessed is paid to the person who actually purchased the fuel.

We need to end this series of bankruptcies among small truckers. We need to be sure that we keep competition in this marketplace. Competition is ultimately what keeps prices down and makes our economy work. I am wholeheartedly in support of this bill.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his opposition to H.R. 4441, the Motor Carrier Fuel Cost Equity Act. This legislation would require any motor carrier, broker or freight forwarder regularly providing truckload transportation service, to assess the payer of transportation a fuel surcharge whenever an increase in the price of fuel surpasses the benchmark difference between the current fuel price and the fuel price norm by five cents.

Most assuredly, this Member is very concerned about truckers, especially small and independent trucking firms, regarding the burden of high costs of fuel. However, H.R. 4441 is very ill-considered legislation because it decreases the pressure on the petroleum industry to keep prices down by placing the burden of higher prices on consumers across America. This tactic is clearly a mistake. Federal regulations requiring companies to forward increased prices to consumers will not decrease fuel prices. This Member is committed to helping the small and independent truckers who are hurting from higher gasoline prices by working to decrease the price of fuel.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4441, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 707 and H.R. 4441.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

S. 2438, de novo;

H.R. 208, by the yeas and nays;

H.R. 762, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2438.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2438.

The question was taken.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 158, not voting 42, as follows:

[Roll No. 519]

YEAS—232

Aderholt
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
King (NY)
Kingston
Kuykendall
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Millender-McDonald
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—158

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrett (WI)
Becerra
Bereuter
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Cardin
Chenoweth-Hage
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Dixon
Doggett
Engel
Evans
Filner
Forbes
Frank (MA)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gordon
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich

LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Moore
Morella
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Phelps
Porter
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Skelton
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—42

Archer
Barr
Blagojevich
Bliley
Bono
Brown (FL)
Campbell
Carson
Cook
Crane
Danner
Eshoo
Etheridge
Farr
Fattah
Ford
Franks (NJ)
Gutierrez
Hoekstra
Jefferson
Kasich
Klink
Knollenberg
Kolbe
Largent
Lazio
McCollum
McIntosh
Meeks (NY)
Miller (FL)
Miller, George
Mink
Pelosi
Pombo
Reyes
Riley
Stark
Talent
Weygand
Wilson
Wise
Wu

□ 1830

Messrs. RAHALL, OWENS, MEEHAN and NADLER changed their vote from "yea" to "nay".

Ms. MILLENDER-McDONALD and Mr. BARCIA changed their vote from "nay" to "yea".

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

FEDERAL THRIFT SAVINGS PLAN PARTICIPATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 208.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 208, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 50, as follows:

[Roll No. 520]

YEAS—382

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Evans
Everett
Ewing
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—50

Archer
Barr
Bartlett
Blagojevich
Bliley
Bono
Brown (FL)
Campbell
Carson
Cook
Crane
Danner
Davis (FL)
Eshoo
Etheridge
Farr
Fattah
Ford
Franks (NJ)
Gillmor
Gutierrez
Hoekstra
Jefferson
Kasich
Klink
Knollenberg
Kolbe
Largent
Lazio
Manzullo
McCollum
McIntosh
Meeks (NY)
Miller (FL)
Miller, George
Mink
Pelosi
Pombo
Rangel
Reyes
Riley
Salmon
Stark
Stearns
Talent
Weldon (FL)
Weygand
Wilson
Wise
Wu

□ 1837

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 520, I was unavoidably detained. Had I been present, I would have voted "yes."

LUPUS RESEARCH AND CARE AMENDMENTS OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 762, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 762, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 2, not voting 45, as follows:

[Roll No. 521]

YEAS—385

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Everett
Ewing
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—45

Archer
Barr
Blagojevich
Bliley
Bono
Brown (FL)
Campbell
Carson
Coburn
Cook
Crane
Danner
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Franks (NJ)
Gutierrez
Hoekstra
Jefferson
Kasich
Klink
Knollenberg
Kolbe
Largent
Lazio
McCollum
McIntosh
Meeks (NY)
Miller (FL)
Miller, George
Mink
Pombo
Reyes
Riley
Schakowsky
Spratt
Stark
Talent
Weygand
Wilson
Wise
Wu

□ 1846

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 184, H.R. 745, H.R. 1640, AND H.R. 3634

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the following bills: House Resolution 184, H.R. 745, H.R. 1640, and H.R. 3634.

I believe there may have been some confusion with the gentleman from Pennsylvania (Mr. BRADY).

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House of requested, a bill of the House of the following title:

H.R. 2389. An Act to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–951) on the resolution (H. Res. 615) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–952) on the resolution (H. Res. 616) waiving points of order against the conference report to accompany the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–953) on the resolution (H. Res. 617) waiving points of order against the conference report to accompany the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-299)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval, H.R. 4733, the "Energy and Water Development Appropriations Act, 2001." The bill contains an unacceptable rider regarding the Army Corps of Engineers' master operating manual for the Missouri River. In addition, it fails to provide funding for the California-Bay Delta initiative and includes nearly $700 million for over 300 unrequested projects.

Section 103 would prevent the Army Corps of Engineers from revising the operating manual for the Missouri River that is 20 years old and needs to be updated based on the most recent scientific information. In its current form, the manual simply does not provide an appropriate balance among the competing interests, both commercial and recreational, of the many people who seek to use this great American river. The bill would also undermine implementation of the Endangered Species Act by preventing the Corps of Engineers from funding reasonable and much-needed changes to the operating manual for the Missouri River. The Corps and the U.S. Fish and Wildlife Service are entering a critical phase in their Section 7 consultation on the effects of reservoir project operations. This provision could prevent the Corps from carrying out a necessary element of any reasonable and prudent alternative to avoid jeopardizing the continued existence of the endangered least tern and pallid sturgeon, and the threatened piping plover.

In addition to the objectionable restriction placed upon the Corps of Engineers, the bill fails to provide funding for the California-Bay Delta initiative. This decision could significantly hamper ongoing Federal and State efforts to restore this ecosystem, protect the drinking water of 22 million Californians, and enhance water supply and reliability for over 7 million acres of highly productive farmland and growing urban areas across California. The $60 million budget request, all of which would be used to support activities that can be carried out using existing authorities, is the minimum necessary to ensure adequate Federal participation in these initiatives, which are essential to reducing existing conflicts among water users in California. This funding should be provided without legislative restrictions undermining key environmental statutes or disrupting the balanced approach to meeting the needs of water users and the environment that has been carefully developed through almost 6 years of work with the State of California and interested stakeholders.

The bill also fails to provide sufficient funding necessary to restore endangered salmon in the Pacific Northwest, which would interfere with the Corps of Engineers' ability to comply with the Endangered Species Act, and provides no funds to start the new construction project requested for the Florida Everglades. The bill also fails to fund the Challenge 21 program for environmentally friendly flood damage reduction projects, the program to modernize Corps recreation facilities, and construction of an emergency outlet at Devil's Lake. In addition, it does not fully support efforts to research and develop nonpolluting, domestic sources of energy through solar and renewable technologies that are vital to America's energy security.

Finally, the bill provides nearly $700 million for over 300 unrequested projects, including: nearly 80 unrequested projects totaling more than $330 million for the Department of Energy; nearly 240 unrequested projects totaling over $300 million for the Corps of Engineers' and, more than 10 unrequested projects totaling in excess of $10 million for the Bureau of Reclamation. For example, more than 80 unrequested Corps of Engineers construction projects included in the bill would have a long-term cost of nearly $2.7 billion. These unrequested projects and earmarks come at the expense of other initiatives important to taxpaying Americans.

The American people deserve Government spending based upon a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expands health care coverage to more families, and funds critical investments for our future. I urge the Congress to work expeditiously to develop a bill that addresses the needs of the Nation.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 7, 2000*.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that further consideration of the veto message be postponed until Wednesday, October 11.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE BRUCE VENTO, MEMBER OF CONGRESS FROM THE STATE OF MINNESOTA

Mr. OBERSTAR. Mr. Speaker, I offer a privileged resolution (H. Res. 618) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 618

Resolved, That the House has heard with profound sorrow of the death of the Honorable Bruce F. Vento, a Representative from the State of Minnesota.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore (Mrs. FOWLER). The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 1 hour.

Mr. OBERSTAR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it was with great sadness, a sense of personal loss, and a loss to this body that at the opening of session today I took the well to announce that at 11:20 this morning our colleague, our dear friend, BRUCE VENTO, succumbed to mesothelioma, asbestos-induced cancer of the lung and peritoneal cavity.

Madam Speaker, I will reserve my comments for this great and distinguished legislator, friend, hard-working great American until later in this 1-hour.

Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Madam Speaker, I thank my colleague, the gentleman from Minnesota (Mr. OBERSTAR), for yielding me this time.

It is a sad day. BRUCE VENTO and I have been friends for 30 years. I remember him when he came to the Minnesota State legislature as a new member. We served 6 years together there, then he preceded me by 2 years in Congress. I watched this young man, who came to the State legislature as an eager young freshman legislator, grow into one of our great national leaders on so many issues.

I want to offer my condolences to his wife, Susan, to his sons, his grandchildren, and the rest of the Vento family. BRUCE was always very close to his family and so proud of them. That was part of his being, just as being from the east side of St. Paul was part of his being. He never forgot those roots. He represented the people of that district with a passion.

BRUCE was a person with passion for many, many things: to make sure that the recent immigrants, the Hmong from his district, who had served our country, could become citizens.

□ 1900

A broad array of housing legislation with little special emphasis on the homeless, but it really went to the totality of housing programs in this country because he felt people needed decent housing, to dealing with the complexity of how we deal with financial institutions in this country.

I always thought it was so fitting that BRUCE, the biology teacher in south Minneapolis, became chair of our Subcommittee on National Parks and Public Lands because this was another real passion for him. And he left a real legacy in terms of expanded public lands, expanded parks and a whole variety of other public facilities in this country that will be a legacy for many, many future generations to enjoy.

So it is a sad day. But I think, and most importantly, of simply a good friend.

Mr. OBERSTAR. Madam Speaker, I am now happy to yield to the gentleman from New York (Mr. GILMAN) the chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in support of the privileged resolution offered by the gentleman from Minnesota (Mr. OBERSTAR).

I want to express my deep sorrow regarding the passing of not only a good colleague who was an outstanding Member of this Chamber, but a dear friend.

I have known BRUCE VENTO since he first came to this Chamber back in 1976. He brought with him at that time an enthusiasm, a dedication and patriotism which caused him to become one of our most respected colleagues on both sides of the aisle.

Having enjoyed three successful terms in the State legislature of Minnesota, BRUCE brought with him to this Chamber a deep understanding of the legislative process and the knowledge of how to get things done.

In a testimonial just this past June, President Clinton credited BRUCE with steering into law more than 300 bills to protect our Nation's natural resources.

I had the opportunity to come to know BRUCE well when we had occasion to travel together overseas. He participated on several occasions in the U.S. delegation that meets with the European parliament where he made particularly significant contributions to discussions on areas such as transatlantic cooperation to protect the environment.

As chairman of the House Committee on International Relations, I worked closely with BRUCE in his commendable efforts to make American citizens of the Hmong, an ethnic Laotian group which fought with our own forces during the Vietnam conflict. These courageous people were indeed fortunate to have such a champion as BRUCE VENTO.

When Democrats controlled the House, BRUCE VENTO served as chairman of our Subcommittee on Natural Resources, and in that capacity he helped my own district preserve Sterling Forest as a virgin territory.

To his wife Susan and his three sons, my spouse Georgia and I and our colleagues unite in extending our deep condolences with the knowledge that BRUCE VENTO was a giant among us whose shoes will be difficult to fill.

Mr. OBERSTAR. Madam Speaker, I thank the gentleman for his remarks, and I yield to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, it is a tough day for all of us from Minnesota. BRUCE was not only a good friend of ours and a colleague, but he was someone that was, in the tradition of Minnesota, which has sent all kinds of outstanding elected leaders to Washington and St. Paul and throughout our elected offices in Minnesota, without a doubt, BRUCE VENTO was at the top of that list of great leaders that we have sent to Washington from Minnesota.

As many of you know, he spent a good part of his life teaching and then serving the interests of his people there in St. Paul, both in the legislature and in Congress. And he did that with so much compassion, so much dignity. I am sure that his constituents are the ones that are feeling the loss as much as anybody, because he really went to bat for them. No matter who they were, no matter what status in life they came from, BRUCE VENTO was always there fighting for his constituents.

I extend the deepest condolences to his wife Susan and his family, who BRUCE thought so much of.

BRUCE and I worked together on a lot of things. We agreed on a lot of things, and there were things that we did not agree on. But the thing that I really appreciated about BRUCE was that, even though we sometimes would be on opposite sides of the issue, we always were good friends and he always treated us with tremendous respect and dignity.

I just think that he is, without a doubt, one of the greatest Members of this House. He will be missed a lot by myself and I think all of our colleagues and especially by the people of Minnesota.

So I thank the gentleman very much for inviting me to speak.

Mr. OBERSTAR. Madam Speaker, I now yield to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Madam Speaker, I thank my friend for yielding and for organizing this resolution and tribute to our dear friend and colleague, the gentleman from Minnesota (Mr. VENTO).

This is, Madam Speaker, truly a sad day for all Minnesotans. We have lost a great public servant. Congress has lost its champion of the environment.

Our thoughts and prayers are certainly with BRUCE's family, with his wonderful wife, Susan Lynch Vento; with BRUCE's sons, Michael, Peter and John; and their families as well.

For 24 years, BRUCE VENTO served the people of Minnesota's Fourth Congressional District with great integrity and a strong commitment to helping people in need. His work to protect the environment, provide affordable housing, his work to help the homeless and open new doors for immigrants, his work has truly established a lasting legacy.

I was privileged over the last 10 years to work in this body closely with BRUCE VENTO on a number of legislative initiatives, and I deeply respected BRUCE as a colleague and a friend like all of us here in the House.

The people of Minnesota and the Nation will sorely miss BRUCE's vigilant protection of our environment. When it comes to protecting the environment, BRUCE VENTO was truly a global champion. Whether it was defending our precious Boundary Waters Canoe Area wilderness, helping the homeless, providing affordable housing, or aiding our newest immigrants in Minnesota, our Hmong community, BRUCE always made his case with great eloquence and great passion.

BRUCE VENTO, Madam Speaker, represented the best in public service. And his integrity, his work ethic, his strong commitment to the people of Minnesota will continue to inspire all of us.

May you rest in peace, dear friend.

Mr. OBERSTAR. Madam Speaker, I yield now to the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Madam Speaker, I thank very much the gentleman from Minnesota (Mr. OBERSTAR) for organizing this evening's effort, the leader of our delegation in Minnesota.

Madam Speaker, I think one of the most difficult things that any of us can do is to come to this floor to talk about the passing of a friend and a colleague. And I, like the others, want to extend my sympathies to Susan, a good friend as well, and to the entire Vento family. The family is just an outstanding Minnesota family, and I want to extend my sympathies to each and every member.

BRUCE was a dear friend and an extremely sincere, hard-working, dedicated person as a Member of this body. He touched all of us in so many ways.

The adjectives could go on and on when describing a person like BRUCE. I think most people will remember him for his tireless work on behalf of the environment, on behalf of the homeless. I will remember him for these efforts and a dimension that has already been touched on here but that is the dimension of always looking out for the interest of the common person.

No matter what the issue was, BRUCE just had this ability to see beyond the special interests and all the glamor of Washington and the influences in Washington and just look at how this would affect the common person and how he could best represent that common person.

I will also remember BRUCE as a legislator who was more concerned about rolling up his sleeves and getting the job done rather than issuing press releases and taking credit. And I think that really truly earned him the respect and friendship of so many people in this body. So that, even if he could have a battle over an issue with others in the body, he developed an incredible friendship and following here within this body.

I think that was pointed out so vividly at the time that he came to the well of the House and actually advised us of his particular illness. The outpouring of support that day just shows that a person that conducts himself the way he did, the kind of support and friendship that he can have in this body.

I think young people looking to get involved in public service in our country can look to BRUCE VENTO as a model of a public servant, the kind of person we learned about as young people that are the models for us. And I think young people today can look at his life.

Perhaps most vivid in my own personal memory will be the way in which he welcomed me to the House when I was first elected here after the 1994 election. I had served briefly with BRUCE in the Minnesota legislature for a couple of years before he came to Congress; and so, I knew BRUCE. But he had moved on to this body long before I had. He welcomed me with open arms. There simply is no one who spent more time making sure that I was adjusted, that I understood how this institution operated compared to the Minnesota legislature.

Afterwards I started thinking about that and I thought to myself, you know, he is not treating me any different than he would treat anyone else. Yes, I knew him from the Minnesota legislature. But it did not matter who you were, BRUCE VENTO would open his arms to you, he would welcome you in, he would take whatever time was necessary in order to make sure that you felt comfortable, that you were achieving what you wanted to achieve. That is the kind of person we are talking about here this evening. He was really just an outstanding Member of Congress and an outstanding individual. I have no doubt that his legacy will live on for many years.

In conclusion, I would simply say that, now that he has passed away, it is up to the rest of us to carry on the work and the commitment of BRUCE VENTO.

Mr. OBERSTAR. Madam Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Madam Speaker, I want to thank my colleague from Minnesota for offering this resolution tonight.

This hardly seems possible. It seems just a few months ago that BRUCE was strong and healthy and vigorous. I would see him in the House gym in the morning. He loved to go for a swim, and so did I. And he would be in the pool when I got there at 7 o'clock and he would still be in the pool when I left. He was probably in better condition than virtually any other Member here in the Congress. And to think that this terrible disease drained the life out of him in such a short period of time just really does not seem possible.

□ 1915

In many respects, BRUCE VENTO typified, I think, the best of public service. And I think those of us from Minnesota do have a special pride for the kind of public service that BRUCE VENTO believed in. In many respects, the way he died also symbolized the way he lived. He was prepared to fight for what he believed in, even against insurmountable odds, as he fought these last several months against a disease which would not surrender. But he was passionate about those things. And I have come to respect and admire him so much for the way that he would fight even on those issues on which we disagreed, and as a member of the Minnesota delegation, the institutional wisdom that he brought on all of the issues that affected our entire State and when we worked together on issues that were important to Minnesota, we all worked together and we all listened when he spoke and we all appreciated his wisdom. The contributions that he made on the environment and so many other issues will be remembered for many, many years to come.

There is an expression up above the Speaker's rostrum, a quote from Noah Webster and it closes with these words: "So that we in our day and generation may not perform something worthy to be remembered." Well, BRUCE VENTO will be remembered, because he performed many things in this body worthy to be remembered. BRUCE VENTO will be remembered and ultimately he will be succeeded. But he will never be replaced. We can only hope and pray, and I will say that as he approaches the next part of life's journey, that he will be greeted with these words, "Well done, o good and noble servant."

Mr. OBERSTAR. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Madam Speaker, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR) for arranging for this opportunity to pay our tributes to BRUCE VENTO. BRUCE had a distinguished and very vigorous career here in Congress. He was an advocate for the environment and for all Americans. His work set a high standard for public service. He raised the bar for all of us. We are and we will continue to be challenged to match his level of commitment and accomplishment.

I certainly learned from him of the ways to be more effective in this legislative process, in this body. I have been inspired as have many others by his commitment to opportunity, particularly in the areas of education, housing, financial services and citizenship. BRUCE clearly believed that all Americans, especially those of us from humble backgrounds and limited means, must have full opportunity to participate in our society and that this meant very vigorous and dedicated work on behalf of all of our constituents.

I would like to simply point out two things that BRUCE worked on that I deeply respected and certainly felt keenly his sense of accomplishment. The first is his work on behalf of Hmong residents of our country, a group of individuals from Laos that had come to the United States after the Vietnam War who were essentially people without a nation, without a home. He championed their cause here in Congress and spearheaded the effort in the House of Representatives to grant citizenship to Hmong.

In connection with conservation and the environment, he and I shared a keen interest in cleaning up and providing wildlife habitat in the river systems in the upper Midwest, and particularly the Minnesota and the Mississippi Rivers. What he did for the river front area of St. Paul is truly remarkable and is a lasting accomplishment for our State and our Nation. What he did in connection with the Boundary Waters Canoe Area is also outstanding. He was a tireless advocate. It was a controversial issue within our delegation, within our State. But BRUCE would not give up. He insisted on protecting this important resource. And in the end, he and the gentleman from Minnesota (Mr. OBERSTAR) reached an understanding or an accommodation, shook hands and moved forward shoulder to shoulder on behalf of an arrangement which he believed preserved the very best and the very essence of this important Boundary Waters Canoe Area. I and many others shared that commitment and that concern with him.

I have gotten to know BRUCE's wife, Susan Lynch, a remarkable person, and our sympathies go out to her and to BRUCE's sons, to his grandchildren and others in the Vento family in this great loss. It certainly is an occasion for all of us to examine our priorities, our commitments, our role and, as I said earlier, when it comes to our role and our work, BRUCE VENTO raised the bar and all of us are challenged to redouble our efforts to maintain the level of commitment and accomplishment that BRUCE has established.

Mr. OBERSTAR. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Iowa (Mr. LEACH), chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Madam Speaker, I thank the gentleman from Minnesota and his fellow Minnesotans for taking responsibility to introduce this resolution for our friend BRUCE. BRUCE and I came into Congress together and for 24 years we served on the same committee. Of all the Members I have ever dealt with and known, BRUCE combined an almost innate sense of idealism with a can-do practicality and how to apply it to the legislative process.

Ralph Waldo Emerson once wrote:

> To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty, to find the best in others; to leave the world a bit better, whether by healthy child, a garden patch or a redeemed social condition; to know even one life has breathed easier because you have lived. This is to have succeeded.

BRUCE succeeded in each and every way. He will be much missed.

Mr. OBERSTAR. Madam Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Speaker, it is a high privilege for me this evening to join in this resolution introduced by the dean of the Minnesota delegation and the Minnesota Members to participate in this remembrance of our beloved colleague, BRUCE VENTO. I can say that I have known BRUCE for 18 years now. As a new Member of Congress, he sat right behind me, that meant he had more seniority, on the Committee on Banking and Financial Services. He welcomed me just as other Members have indicated he welcomed them as they came. What was great for me, and I say this to his family as they are enduring this great, great loss, he was so friendly. In the days when he first came, there were only about two dozen women in the House, and I was not an attorney in a body with about 75 percent of the Members who were attorneys, and to discover he was a biologist who had been an educator made me feel right at home. As we would go through amendments in the committee, I found a real friend who would talk to me and who would bring me along, that made me feel that I was an equal Member. As I came to know his other committee work outside of banking where he championed the needs of the homeless before it became a popular expression in the country, or homes for people who had difficulty with affordability. I learned about his tremendous interest in the environment. He was quite a bicyclist. And I watched his work in literally every congressional district across this country, as a real successor to Johnny Appleseed and the great American tradition of love of the outdoors.

In my own district, for example, we have the Maumee Heritage Corridor now. The Maumee River is the largest river that empties into the Great Lakes. Without BRUCE VENTO, that designation would not be possible. And the discovery of the Fallen Timbers battle site which ranks with Yorktown and Gettysburg as one of the three most important battle sites in the founding of the republic would not be possible without the legislative efforts of BRUCE VENTO.

And so I just wanted to come down here to say that I shall always remember BRUCE VENTO. And as a representative of the people of my district, I will say that I remember his great ability, his great humor, his great service as an educator as well as a lawmaker. I will remember him talking to me throughout my career about the importance of housing as well as the needs of the underserved and America's greatest, greatest lawmaker in my era in terms of the environment and our open spaces and our needs to continue to conserve our beautiful land and our resources.

I just say again to his family and to his beloved Minnesota colleagues, we have lost a dear friend and a great lawmaker.

Mr. OBERSTAR. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Madam Speaker, I want to express my appreciation to the gentleman from Minnesota (Mr. OBERSTAR) for organizing this opportunity for us to pay tribute to a great representative of the American people. The men and women of this House have lost a warm and wonderful colleague. The people of St. Paul and Minnesota have lost a passionate and powerfully effective advocate. And the people of America have lost a very model of what a Member of this Congress should and ought to be. BRUCE VENTO was all of that and more. I had the privilege of serving with him for 6 years on both the Committee on Banking and Financial Services and the Committee on Resources. In that experience, I learned a great deal from him about the Nation's banking system and our need to protect and preserve soundness and security within that system, and although I thought I knew a great deal about the environment and America's natural places, I learned more than I ever thought was possible from listening to BRUCE and traveling with him.

My first term here in the Congress, he organized a trip as chairman of the Subcommittee on Parks of the Committee on Resources into the Bob Marshall which is the wildest area in the lower 48 States. After a day of traveling to a remote camp, we arose early the next morning and rode 10 miles on horseback and then later in the day another 10 miles on foot to a very remote lake on the edge of the Cascade Mountains. In that experience with BRUCE and members of the Forest Service, I learned a great deal about America's wild places and the need to protect and preserve them. And I learned them from someone who as a biologist was fortified with the knowledge that made his advocacy as a conservationist and a naturalist even more effective.

BRUCE VENTO was, yes, a great representative for the people that he served and for all of the people of this Nation, but I think fundamentally he was a teacher. In everything that he did, he sought the opportunity to expand knowledge, his own as well as those around him. Anyone who had the opportunity to spend any time with him whatsoever, engaged in conversation with him, learned a great deal about a myriad variety of subjects on which he was very, very knowledgeable. We have lost a dear friend, a good colleague, a strong advocate.

I would hope that at a time not far from this moment, this Congress would turn its attention toward designating some appropriate place in this country among the wild areas, among the natural areas of America, to name in honor of the service of BRUCE VENTO to the people of Minnesota and to the people of America.

□ 1930

Mr. OBERSTAR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman for his comments and for his suggestion of a naming, and I would say that we are working on one or two in Minnesota. Already an elementary school has been named for BRUCE VENTO. There are two other designations that we are working on that we hoped to have accomplished before the end of this session, but his death preceded our best efforts.

Madam Speaker, I yield such time as she may consume to the gentlewoman from Cleveland, Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Madam Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for organizing this hour.

Madam Speaker, as I sit here, I realize I am probably the person who is speaking who knew BRUCE VENTO the least amount of time. I just came to Congress in this 106th Congress and had the fortune of serving on the Committee on Banking and Financial Services with BRUCE VENTO, as well as the Subcommittee on Housing and Community Opportunity. Now, when one is a freshman, as the gentlewoman from Ohio (Ms. KAPTUR) said, one sits way down in the front and the more higher ranking members sit way in the back. So when we started, because this is such a large body, one does not get to know all of the Members; but one gets to know the people they serve on the committee with.

The thing I remember first about BRUCE VENTO was that deep voice. So when we went through the roll, they would say VENTO, here or yes, and I would turn around and try to figure out who it was.

Luckily on the Subcommittee on Housing and Community Opportunity, the room was much smaller, and so he sat right behind me. Many chances I got to say so and so and how are you doing and the like. All I can say is having only known him about 20 months or less, he was good at, as everyone said, instructing and teaching. Through the H.R. 10 financial modernization, I always looked to hear what he had to say as we went through our hearings. Through the housing situations, I agreed with him about the need for affordable housing.

Dr. Martin Luther King says these words: "God can do tremendous things through the person who does not care who gets the credit," and I think that most exemplifies BRUCE VENTO.

I am pleased to be here this evening. I did not know his wife. I did not know his family; but as just one little Member of Congress, I say to them that they have my condolences and my prayers, and I know where BRUCE VENTO is. He is up among the birds and the trees on a lake somewhere just laying back and enjoying it, and I pray that he enjoys the rest of his time.

Mr. OBERSTAR. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE), who sat side by side with Mr. VENTO for so many years on the Committee on Resources.

Mr. KILDEE. Madam Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

BRUCE VENTO and I came to Congress together in 1977, and for many years we were seat mates on the Committee on Resources. Like me, he was a schoolteacher and brought his ability to instruct others to this Congress. He understood and could explain the intricacies of banking legislation in very, very clear detail. His well-known love for the environment and its protection has enriched our country beyond measure. For several years, his family and my family would celebrate Thanksgiving together, with great joy and filled with wonderful animated conversation.

This country is clearly a better country because of BRUCE VENTO, and I know that I am a better person because of BRUCE VENTO. May the angels receive you into paradise, dear friend.

Mr. OBERSTAR. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS). He may be the gentleman from Georgia, but he is also the gentleman from all America.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank my friend and colleague, the gentleman from Minnesota (Mr. OBERSTAR), for holding this special order and paying tribute to our friend, our colleague, and our brother, BRUCE VENTO.

Madam Speaker, I came to the Congress in 1987 when I first met BRUCE VENTO. I was more than lucky but really truly blessed to serve on the old Interior Committee with BRUCE. BRUCE was our Chair, the Chair of the Subcommittee on National Parks and Public Lands; and it was a delight and wonderful to serve with this wonderful, gifted, talented human being.

He loved America. He loved open space, the land. He wanted to do as much as possible to preserve some of this beauty and leave it a little cleaner for future generations.

I had an opportunity to travel with BRUCE on one occasion, I will never forget, for a hearing we held in Minnesota at the State Capitol, dealing with protecting the Mississippi. While I was there, I am not sure whether it was on a Monday or a Tuesday, but it was a Taste of Minnesota Day. BRUCE took me out of the State Capitol, and the members of the subcommittee. We went out on the grounds and we tasted all of this wonderful food that BRUCE introduced me to.

He was very delightful in introducing a poor guy who grew up in Alabama, now living in Georgia, to this very special and wonderful food in Minnesota.

I had an opportunity to invite BRUCE to come to Atlanta, and he came to Georgia. We held a hearing on the Martin Luther King Historic Site, and I would say today if it had not been for our friend and colleague, BRUCE VENTO, neither the Martin Luther King Historic Site in Atlanta, nor the historic trail, Highway 80 from Selma to Montgomery, would be in existence.

BRUCE never gave up. He had a vision of making America better, saving the land, saving the forests; and I truly believe when historians pick up their pens and write about this period in our history they will have to say this man, our colleague, our friend, BRUCE VENTO, made a difference.

So on behalf of myself and my wife, Lillian, that BRUCE would ask me about from time to time, how is Lillian, I want to say to BRUCE's family, his wife and children, you have our sympathy. You will be kept in our prayers; and we will never, ever forget the likeness of this one giant among us. He will be deeply missed.

Mr. OBERSTAR. Madam Speaker, I thank the gentleman from Georgia (Mr. LEWIS) for those heartfelt, very touching words.

Madam Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Madam Speaker, I want to thank the gentleman from Minnesota (Mr. OBERSTAR), my good friend and colleague, for giving me time to say these things concerning this great American.

Madam Speaker, I too am truly saddened to learn of our colleague's passing today. Congressman BRUCE VENTO was truly a champion and one of the outstanding leaders of this institution whenever conservation and environmental issues were deliberated and debated in this Chamber. As a senior member of the House Committee on Resources, the gentleman from Minnesota (Mr. VENTO) let it be known to all the members of our committee and to all of our colleagues where the line is drawn whenever environmental issues are taken up by this body.

In the many years that he served as chairman of the Subcommittee on National Parks and Public Lands, I can attest to my colleagues and to our Nation that some 300 bills that have become law have VENTO's signature on them. I can honestly say that even the national park that is now established in my own district was due mainly to VENTO's leadership and legislative skills that Congress passed a law to have this national park in my district.

I want to express the sense of appreciation and gratitude from our traditional leaders and from the people of American Samoa to Mr. VENTO.

Madam Speaker, I am going to miss this gentle giant, and I say giant, from Minnesota. I have always valued his opinions and how much he has influenced my own thinking about life itself. I remember when he visited our national park in American Samoa, none of us were able to catch up with them when he was climbing one of the steep mountains, even on the roads and the trails that were so muddy that not even the four-wheel vehicles could make it.

Madam Speaker, I want to convey to Mrs. Vento and the family the condolences of the people of my district. Our people have a saying in a traditional sense, ia manuia lau faigamalaga lau afioga BRUCE VENTO. May you have a good and successful voyage, Your Honor, BRUCE VENTO.

Again, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me time to honor this great American.

Mr. OBERSTAR. Madam Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for those wonderful words from your native land that our colleague would so much appreciate.

Madam Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I thank my friend, the gentleman from Minnesota (Mr. OBERSTAR), for yielding me this time.

Madam Speaker, I commend him and the rest of the Minnesota delegation for organizing this special order to pay tribute to a dear friend, BRUCE VENTO.

BRUCE VENTO was a dear friend and a dear colleague of mine, who I greatly respected and admired. Even though I have had the privilege of serving with him for the past 4 years in the United States Congress, I knew of BRUCE VENTO as an admirer from afar, given his work on conservation and environmental measures and as a resident of western Wisconsin just across the river from his congressional district.

Since coming to Congress, I had the privilege of serving with him on the Committee on Resources and the Subcommittee on National Parks and Public Lands; and he was a natural leader on the Committee on Resources, unquestionably, given his profound interest and depth of knowledge and expertise on these issues of 24 years serving on the Committee on Resources; 10 of those years as Chair of the Subcommittee on National Parks and Public Lands, to which the Nation owes him a debt of gratitude.

His strong leadership on the Committee on Resources resulted in protecting hundreds of thousands of acreage and the enactment of over 300 laws preserving the environment, from the Boundary Waters Canoe Area Wilderness Area, a place that holds special meaning to me since I try to get up there for a week every summer with some brothers and friends to spend time in the Boundary Waters Area canoeing and camping; to the Minnesota National Wildlife Refuge; to the new parks and wilderness that were created in Alaska and even in American Samoa, as our good friend just stated earlier.

What especially impressed me about BRUCE VENTO was his concern about some of the most disenfranchised and politically powerless people that exist in our country, from the homeless to his concern for housing issues but especially his tireless advocacy for the Hmong population in this country. Both BRUCE VENTO and I share a sizable Hmong population in our respective congressional districts. That is why I was especially proud to be able to join forces with BRUCE on a number of issues that affected Hmong rights, but most particularly the Hmong Veterans Naturalization Act that BRUCE championed for quite a few years and which ultimately was passed into law this year, that recognizes the tremendous contribution that Hmong veterans and their families gave U.S. armed services personnel during the war in Southeast Asia.

These were people who fought side by side with our veterans of the Vietnam conflict. They were there building the landing strips for our air personnel. They were there rescuing downed pilots during the Vietnam War, and they were the ones who were most persecuted after the war, many of whom were able to seek refuge and safety in the United States. But these were not a very politically powerful or a large political constituency, and they were a group of people who were in search of a leader to represent their views and to bring fairness and decency to their cause, and that is what BRUCE VENTO provided them.

This was not a political issue for him, but it was an issue of doing right by our friends and allies and recognizing their contribution. Perhaps there are going to be many living legacies that BRUCE VENTO has given us in this Nation, but I could not think of one more important or more lasting than providing a home in a country for the Hmong population who live with us today.

The people in Minnesota and Wisconsin and the entire United States will sorely miss Congressman BRUCE VENTO. I am proud to have served with him and to have called him my friend, but I especially appreciated the moments we shared together on our numerous flights to and from the Twin Cities and out here to Washington.

□ 1945

He and I would oftentimes be sitting next to each other, which gave me a wonderful opportunity to pick his brain and talk about legislation and policy issues. I enjoyed listening to his stories of his recent bike trips that he enjoyed doing time and time again, but I especially liked listening to his stories about his family.

For a guy who was as busy and as committed as BRUCE VENTO was on the great public policy issues of our day and the work that he did in the United States Congress, he always kept family first. He was so proud of his children, but especially proud of his grandchildren. You could just see his face light up with joy and excitement talking about his latest discovery of a grandchild, or of seeing the world anew through his grandchildren.

That, for a young Member of Congress, that drove home a very important point and lesson that I have committed to my own service here. That was to not lose focus or proper perspective on the role and the importance of family life and spending enough time with our own children, and hopefully someday for myself, even my grandchildren.

He will be missed. He will never be replaced. But I can honestly say that this country is definitely a better place due to his efforts. I thank him for his advice and guidance, and may he rest in peace.

Mr. OBERSTAR. Madam Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I thank the gentleman for yielding time to me.

I am feeling very sad today and bad today because I had meant to write a note to BRUCE VENTO and did not do it in time. What I wanted to tell him, maybe I can pass on in some way to his family, was to thank him for his incredible generosity to a freshman Member of the United States Congress.

I served with him on the Committee on Banking and Financial Services and on the Subcommittee on Housing and Community Opportunity. At one point last year, early in my very first term, I had a press conference dealing with funding for low-income housing. While I had invited a lot of Members to come, one of the few that showed up was BRUCE VENTO, who is a very important member on that committee. I was really honored for him to be there.

Among the things he said were nice things about me, which was so greatly appreciated, and so unnecessary. When I presented my very first amendment on the floor of the House, rather clumsily, it would have been a whole lot worse if BRUCE VENTO had not been there, because he stood by my side and told me exactly what I should do. And then he spoke to the amendment, which was fairly noncontroversial, a big deal to me, and I think he knew that, because he came down not so much because he supported it, which he did, but I think he came down to the floor to support me, which, again, was greatly appreciated.

In a town where people say, "If you want a friend, get a dog," BRUCE VENTO was the kind of person who would really be a friend, no strings attached. He wanted to help people because he was a kind and a generous and a decent and a nice person.

So in addition to all the wonderful contributions that he has made to our country, I wanted to tell him that I really appreciated how kind he was to me. I want to express my deepest condolences to his family, and just to say that I will miss him very much.

Mr. OBERSTAR. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Madam Speaker, I thank the gentleman for yielding time to me.

I, too, rise to pay tribute to the passing of our friend and colleague, the gentleman from Minnesota, BRUCE VENTO. Much has been said already by a number of Members regarding how he dealt with freshman Members and how willing he was to devote his time and energy to explain things.

I would have to say that as a first-termer elected in the 103rd Congress, he was chairman of the Subcommittee on National Parks and Public Lands. He helped me pass my very first bill, which was a bill relating to the War in the Pacific Park in Guam, and how he took the time not only to help me shepherd that bill through, but there was a significant amount of time that he devoted committee resources to.

He was a marvelous teacher, and in many respects, coming from the field of education, I feel a very special kinship to him because I, too, am a teacher. He was able to evidence the best in teaching behavior, not only in how he carried himself here as a legislator, but how he interacted individually with Members.

He was a persistent, unrelenting friend of the environment, constantly on focus, sometimes much to the distraction of those who opposed him. Having observed him and participated with him in many discussions in the Committee on Resources, he was very unrelenting, but I think in an admirable way in and in a way that people honored and recognized his expertise and his commitment and his passion.

There will be or there should be no occasion for any American not to know the work of BRUCE VENTO when they go around and see the national parks in this country, and see his commitment to protecting the environment and making sure that, for generations yet unborn, they, too, will benefit and profit from green spaces and from understanding the connection that we all have to the environment and to each other.

In my capacity as chairman of the Congressional Asian Pacific caucus, I learned another dimension about BRUCE; that is, his passion and his work for the Hmong people, and again, in a way that I had not thought about. Again, he demonstrated what kind of a legislator he was; that he was wide-ranging, that he understood his responsibility to his constituents, and he understood the unique circumstances which the Hmong people in his district lived under, and he took steps to alleviate and to mediate, help mediate their experience here in the United States.

Of course, his work for the homeless is legendary.

So in many, many ways, we will all miss BRUCE. I wanted just to have the opportunity to express my personal gratitude for his efforts in helping me as a freshman Member shepherd my first piece of legislation through this body and through committees, and also to thank him for his efforts in that regard; to pay tribute to his unrelenting commitment and passion for the environment; and to express my sincerest condolences to his family.

We will miss him, and I am sure he is in a better place.

Mr. OBERSTAR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman for his comments. I would express my great appreciation to all the Members who have stayed long after the legislative business of the House to express their profound respect for the work of BRUCE VENTO in this body, for the friendship that he has meant to each of them.

BRUCE VENTO, like all of us, had great moments in this body, but none was greater than the moment that he took some months ago in the well of this House to address us all about the illness which had afflicted him and which he knew would take his life.

What stands out is that in a time of rancor, in a body where campaigns have moved from the hinterlands to the House floor and have so often spilled over into invective, that was a shining moment for this House, where he spoke of the politics of joy and of hope, of the meaning of public service, and his pride in serving the people of his district, of his State, and of his country.

It was a great moment for the House of Representatives, one that will be enshrined forever, not just in the RECORD, but in the hearts of all of us who were privileged to hear that beautiful outpouring of the meaning of this great deliberative body.

Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from West Virginia (Mr. RAHALL), who sat side by side with BRUCE VENTO throughout all these 12 terms.

Mr. RAHALL. Madam Speaker, I think my friend for yielding time to me.

Indeed, BRUCE VENTO was a dear colleague to me, as well. Having served with him, as well as the gentleman from Michigan (Mr. KILDEE), side by side, first on the Interior and Insular Affairs Committee, and now on the Committee on Resources for my 24 years in this body, to say that BRUCE VENTO knew what was in every piece of legislation that came before our committee is not an understatement.

As I said, having sat next to him, I could see him and would marvel at the way he would read every piece of bill upon which he were asked to vote, with that red highlight pen underlining the pertinent pieces of every piece of legislation that came before our committee.

Truly, he was a knowledgeable Member of this body. He was dedicated to our environment. He came with me to my district in southern West Virginia, rode on our whitewater rivers, and came back and helped me craft legislation to preserve those rivers for generations to come.

BRUCE was in my class. We came to this body in 1977. Throughout our years together, he was a man who truly lived the words "public servant" to their fullest.

To his wife, to his family, to his friends back in Minnesota who he so ably served, I do say, we shall all miss him. BRUCE VENTO was a dear friend to all of us.

Mr. OBERSTAR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in the few moments that remain, there was only one other person who in my memory stands out for having taken the well of the House to address his colleagues on the meaning of life and the meaning of legislative service. That was Senator Hubert Humphrey, who was invited by this body to address the House from the Clerk's desk.

Parenthetically, when he arrived there, he looked out over this assembled gathering of Members of the House and Members of the Senate and said, "Oh, you don't know how long I have waited to stand here and make this speech."

BRUCE and I were standing together and marvelled at this wonderful expose of the meaning of the legislative process and of service to humanity. Little did either of us realize years later he, too, would take the well to give a similar civics lesson, one from the heart, on the meaning of comity and of service.

At the fundraising event in BRUCE's honor where funds were raised for a scholarship program for science students, little red pine seedlings were handed out. I took three of those, one for each of his sons, because I had a sense then that we were witnessing a drama that would play itself out in the end of his life in some months.

I planted those seedlings in our backyard. They are thriving. They will get another place where they will get more light, more strength. They will be a symbol to all of us of this recurring resource that BRUCE fought so hard to preserve, to protect: the flora, the fauna, the water, the air, the land.

□ 2000

At the end of life, we will not be judged by how large a surplus we left, how large a nuclear arsenal, how great an Army we left behind us, or by how many bills had been enacted into law. We will be judged by, I was naked and you clothed me; I was hungry and you fed me; I was homeless and you took me in.

When we cloth our fellow human beings in dignity, when we take the homeless into our hearts, into our lives, and when we feed the hungry with the spirit that gives life, we are truly doing the Lord's work in this life. That was BRUCE VENTO. That was all that he committed himself to do in public service.

With Samuel Gompers, BRUCE can say I came into the labor movement with one purpose, to leave it a better place and a better movement than I found it in. BRUCE leaves this body, his city, his district, his constituents these resources of land and air and water and the creatures among them in better condition than he found them in.

Mrs. MALONEY of New York. Madam Speaker, it is with a heavy heart that I join my colleagues tonight in this tribute to Congressman BRUCE VENTO. We all knew that someday Members of Congress would stand in the well of the House in tribute to BRUCE VENTO's many accomplishments, it is truly sad that this day has come too soon. Since coming to Congress 8 years ago, I have had the pleasure of a close relationship with Congressman VENTO on the Banking Committee.

The Banking Committee deals with some of the most complex issues in all of Congress. Congressman VENTO put in the time, attended all the hearings, and mastered all these complex problems. As a teacher himself prior to coming to Congress, he became a resource to all Committee members, providing counsel on a host of from financial modernization to complex housing programs.

Congressman VENTO served as a tireless advocate for all consumers on the committee. He truly stood up for working people of all stripes time and time again. He made it a focus to make sure that individuals rights are protected by law as they interact with the most powerful financial companies in the world. His legacy on the committee and his impact on consumer banking law will live forward for decades to come.

From timeless issues such as housing for the poor, to newer issues like the protection of consumers' private banking information in the online world, Congressman VENTO was ahead of the curve, and on the people's side. I will truly miss Congressman VENTO, Congress is truly diminished by his absence. Let me convey to Congressman VENTO's family, his dedicated longtime staff here in Washington and Minnesota, and to the people of Congressman VENTO's 4th district my strongest, and heartfelt condolences.

Mr. OBERSTAR. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. FOWLER). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

SENSE OF CONGRESS REGARDING BURMA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 328) expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma, as amended.

The Clerk read as follows:

H. CON. RES. 328

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military regime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma estimates more than 1,300 people continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Strategy Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are "involved in the drug business or are paid to allow the drug business to be conducted by others", conditions which pose a direct threat to United States national security interests;

Whereas Daw Aung San Suu Kyi has been denied the basic rights to freedom of movement and assemble with members of the NLD by Burmese security authorities who, on August 24, 2000, forcibly blocked her and her party from traveling to NLD township offices near Rangoon;

Whereas after having been halted for nine days at a roadblock, Daw Aung San Suu Kyi and her party were forcibly returned to Rangoon by Burmese security authorities;

Whereas since their forcible return to Rangoon Daw Aung San Suu Kyi and other NLD leaders have been held incommunicado in their residences and diplomats and others have been denied access to them;

Whereas the refusal to allow Daw Aung San Suu Kyi to leave her compound or to allow others access to her has created grave concern for her safety and welfare;

Whereas the NLD party offices have been ransacked and documents seized by Burmese authorities and access to the party headquarters has been denied to NLD members;

Whereas the Burmese authorities have continued to refuse to engage in a substantive dialogue with the NLD and other elements of the democratic opposition; and

Whereas despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have continued to call for a peaceful political dialogue with the SPDC to achieve a democratic transition: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the Sense of the Congress that—

(1) United States policy should strongly support the restoration of democracy in Burma, including implementation of the results of the free and fair elections of 1990;

(2) United States policy should continue to call upon the military regime in Burma known as the State Peace and Development Council (SPDC)—

(A) to guarantee freedom of assembly, freedom of movement, freedom of speech, and freedom of the press for all Burmese citizens;

(B) to immediately accept a political dialogue with Daw Aung San Suu Kyi, the National League for Democracy (NLD), and ethnic leaders to advance peace and reconciliation in Burma;

(C) to immediately and unconditionally release all detained Members elected to the 1990 parliament and other political prisoners; and

(D) to promptly and fully uphold the terms and conditions of all human rights and related resolutions passed by the United Nations General Assembly, the Commission on Human Rights, the International Labor Organization, and the European Union; and

(3) United States policy should sustain current economic and political sanctions against Burma as the appropriate means—

(A) to secure the restoration of democracy, human rights, and civil liberties in Burma; and

(B) to support United States national security counternarcotics interests.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 328, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are on with the House business now after a very important and moving tribute to our late colleague, BRUCE VENTO. As I begin, I must reflect upon the service I had with him for almost 20 years on the Committee on Banking and Financial Services and earlier for 4 years on what was then the House Committee on Interior and Insular Affairs, where he really accomplished remarkable things in both jurisdictions, but I think he will be known so much for the kind of things that he assisted America to preserve and protect in our national environment.

I remember well how much assistance he gave to this Member on a very controversial measure related to a scenic river designation in my own State.

Today, Mr. Speaker, H. Con. Res. 328 is before us. It was introduced on May 16 by the distinguished gentleman from Illinois (Mr. PORTER) and was unanimously approved by the Subcommittee on Asia and the Pacific on September 13 and by the House Committee on International Relations on September 21.

For over 10 years, the Burmese military regime, now known as the State Peace and Development Council, the SPDC, has refused to implement the results of the 1990 elections which were won overwhelmingly by the National League for Democracy, the NLD. During this period, and indeed since 1962, when General Ne Win and the military seized control, the Burmese military has engaged in egregious systematic violence and abuse of the fundamental human rights of ethnic minorities and other people of the country.

The abuses of the junta in Rangoon again came under international scrutiny when, on August 24 of this year, Aung San Suu Kyi was denied the ability to visit NLD party offices outside the capital. For 9 days, she was detained at a roadblock and eventually was forcibly removed to her residence. She and other NLD party leaders were placed under virtual house arrest.

Despite the military's denials, no independent observer was allowed to visit her; and the British ambassador, for example, was roughed up when he attempted to force his way into her compound. In addition, party offices were ransacked and papers seized.

To justify their action, the junta has issued the ludicrous charge that the NLD had formed an alliance with rebels in the provinces.

On September 21, the day the committee passed this measure, Aung San Suu Kyi was again blocked from traveling outside Rangoon by the military regime.

She planned to travel by train to Mandalay in order to visit with NLD party members. Officials at the Rangoon's central train station, insisting that there were no train tickets available, refused to sell tickets to her and her accompanying party.

Eventually, after hours of stalemate, police removed her from the train station and forced her to return home. Since her September 21 attempt to travel to Mandalay, Aung San Suu Kyi and other NLD party leaders remain under de facto house arrest, and the regime has denied any contact with foreign diplomats.

NLD vice chairman Tin Oo is being detained by the military regime.

This week, the U.N. Secretary General special envoy, Malaysian diplomat, Ambassador Razali Ismail, has been in Rangoon meeting with senior leaders in the Burmese military regime, including Foreign Minister Win Aung and General Khin Nyunt. Despite his mandate to promote human rights and restore democracy in Burma, Ambassador Razali has yet to meet with Aung San Suu Kyi or any other NLD party leaders.

This is Razali's second visit to Burma as the U.N. Secretary General's special envoy. Clearly not meeting with Aung San Suu Kyi or any other NLD leaders brings the U.N.'s credibility into question.

Mr. Speaker, it is entirely proper, therefore, that the House of Representatives go on record condemning these human rights abuses. Since her electoral victory in 1990, Daw Aung San Suu Kyi has repeatedly been arrested, threatened, and harassed.

The illegal SDPC military regime has done everything possible to discredit NLD and its leaders. This is simply wrong, and this body should say so.

Mr. Speaker, at the subcommittee markup, an amendment was approved that had the concurrence of the resolution's distinguished author, the gentleman from Illinois (Mr. PORTER), and which was designed to update the situation in Burma.

The amendment updated the current standoff between Aung San Suu Kyi and the military by including six new whereas clauses. These clauses detailed the denial of right to movement and association, and the seizure of documents at NLD party offices.

The new language makes it clear that Aung San Suu Kyi was clearly within her rights in attempting to visit party offices and that there was no justification for the roadblock established by the SDPC.

Mr. Speaker, this Member urges the body to approve H. Con. Res. 328, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like my colleague, the gentleman from Nebraska (Mr. BEREUTER), the chairman of our Subcommittee on Asia and the Pacific and the Committee on International Relations, I, too, echo the same sentiments as I expressed earlier about the passing of our colleague, BRUCE VENTO, from the State of Minnesota, expressing the same sympathy and condolences to the members of his family.

Mr. Speaker, I want to certainly thank the gentleman from Illinois (Mr. PORTER) and the gentleman from California (Mr. LANTOS), the gentleman from New York (Mr. GILMAN), chairman of our Committee on International Relations, and also the gentleman from New Jersey (Mr. SMITH) as the chief cosponsors of this resolution.

Mr. Speaker, I rise in strong support of this resolution. I would first like to say introducing this resolution was very appropriate and the fact of the matter is that 12 years ago, thousands of Burmese citizens demonstrated in the streets calling for democratic change in Burma.

In May 1990, the National League for Democracy, led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliament seats in the elections.

Despite this, Mr. Speaker, instead of turning over the power to the winner of the elections, however, the Burmese military rejected the results of the election and, for the past 10 years, have continued their brutal crackdown on organized political opposition, free press, and freedom of assembly.

Daw Aung San Suu Kyi has remained under tight control since the elections, and Burma's dictators have even denied her ailing husband permission to visit his wife one last time before he passed away.

Mr. Speaker, the State Department's annual human rights report identifies more than 1,300 people who continue to suffer inhuman detention conditions as political prisoners in Burma. Furthermore, the State Department Narcotics Control Report for the year 2000 determined that Burma is the second largest worldwide source of illicit opium and heroin trafficking.

The United Nations General Assembly and the Commission on Human Rights have responded to this continuing crackdown on basic freedoms by condemning nine consecutive resolutions, the persecution of religious and ethnic minorities and the political opposition.

The resolutions have also criticized Burma's record of forced labor, exploitation and sexual violence against women. Both the Clinton administration and the European Union have similarly condemned conditions in Burma and have imposed travel restrictions and other sanctions against Burma's dictators.

Mr. Speaker, the resolution before the House today reiterates that it is U.S. policy to support the restoration of democracy in Burma, including the implementation of the 1990 elections.

The resolution also calls on Burma's leaders to guarantee the basic human rights of its citizens, to accept a dialogue with Daw Aung San Suu Kyi, to immediately release all political prisoners, and to promptly uphold the terms of international resolutions on Burma's situation.

Finally, Mr. Speaker, the resolution states that the U.S. should continue policies designed to secure the restoration of democracy, human rights and civil liberties in Burma and to support U.S. national security and counternarcotics interests.

This is a great piece of legislation, Mr. Speaker; and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), my colleague on the Committee on International Relations, the chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the gentleman from Nebraska (Mr. BEREUTER), for yielding me the time; and I thank him for his work on behalf of Burmese people, for the fine remarks of the gentleman from American Samoa (Mr. FALEOMAVAEGA), for the gentleman from Connecticut (Mr. GEJDENSON), and the gentleman from New York (Mr. GILMAN) for the work on this resolution and, above all, to the gentleman from Illinois (Mr. PORTER), the prime sponsor of it.

Mr. Speaker, just over 10 years ago, in the spring of 1990, the people of Burma courageously embraced democracy. In the face of intimidation by the Burmese military, they turned out in record numbers to participate in freedom and fair elections.

In those elections, the National League for Democracy, led so aptly by Daw Aung San Suu Kyi, won more than 60 percent of the popular vote; and as my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), reminded us 80 percent, 80 percent of the seats in parliament went to the National League for Democracy. The Burmese military responded by rejecting the election results, imprisoning hundreds of NLD Members, including Daw Aung San Suu Kyi and severely curtailing the civil liberties of the Burmese people.

Since that time, the ruling military thugs, who currently call themselves the State Peace and Development Council, have inflicted massive human rights violations and economic privations on the people in Burma. More than 1,300 political prisoners, including the woman elected to lead Burma, Aung San Suu Kyi, still suffer at the hands of their government captors.

Just last month, as we all know, she was forcibly detained when Aung San Suu Kyi attempted to travel outside the Burmese capital to Mandalay. The Burmese regime routinely uses forced labor, and it continues to wage a brutal war against ethnic minorities within its borders.

Mr. Speaker, in August of 1998, I traveled to that region in an effort to secure the release of one of my constituents, Michele Keegan, who had been seized by the Burmese authorities for passing out cards the size of our voting cards that said "We have not forgotten you. We support your hopes for human rights and democracy."

The SLORC repeatedly refused my requests for a visa to enter Burma, so I had to help negotiate her release from Bangkok, Thailand. After 5 days of detention, Michele and 17 other foreign activists were expelled from Burma, but not until they had been sentenced to 5 years imprisonment for sedition.

□ 2015

Let me remind Members, they handed out a card that said we have not forgotten you, we support your hopes for human rights and democracy, a little card just handed out on the streets in Rangoon; and for that, a 5-year sentence. That is just an indication of what they do to their own people.

Mr. Speaker, I am also proud to note that the State Department reauthorization bill, H.R. 3472, the Embassy Security Act, which I introduced last year that, thankfully, became law, retained a provision that helps ensure that the United Nations Development Program, UNDP, does not enrich the Burmese military regime. It reduces U.S. contributions to UNDP by the amount that that program spends in Burma unless UNDP's activities in Burma: One, are focused on eliminating human suffering; two, are carried out only through private voluntary organizations that are independent of the regime; three, do not benefit the regime; and four, are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

The resolution before us today, Mr. Speaker, H. Con. Res. 328, properly commemorates the 1990 elections, describes adequately and accurately the situation in Burma and expresses the sense of the Congress that the United States should strongly support the restoration of democracy in that country. It urges the military regime in Burma to guarantee basic freedoms for Burmese citizens, to undertake a political dialogue with the National League for Democracy and ethnic leaders, and to immediately release all political prisoners, and to fulfill the conditions of international human rights instruments.

It also recognizes the current sanctions in place against the government of Burma as appropriate means of pursuing democracy and civil liberties for the people of Burma.

Again, I want to thank all those involved, but especially the gentleman from Illinois (Mr. PORTER) for offering this resolution.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield such time as he may consume to the distinguished gentleman from Illinois (Mr. PORTER) who has offered this and many other resolutions important to human rights. He will be sorely missed when he retires at the end of this session.

Mr. PORTER. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for those kind words, for yielding me the time, and for the leadership that he has brought to bear on this and so many other issues in Asia and all around the world.

I also want to commend the gentleman from New York (Mr. GILMAN) as well as the gentleman from New Jersey (Mr. SMITH) for bringing the resolution together with the gentleman from Nebraska (Mr. BEREUTER) to the floor, and for their leadership on human rights in so many instances. For such a long time they have stood up and stood for those who were oppressed in foreign countries and for the expansion of their rights. I commend them again for doing so with respect to the people of this country, Burma.

Mr. Speaker, I have a written statement I will submit for the RECORD.

Mr. Speaker, Burma is a country of almost 50 million people. We talk today about the National League for Democracy. We talk about Daw Aung San Suu Kyi and her great leadership for the things that all human beings on this planet ought to be accorded, basic human dignity and basic rights as opposed to the rights of their governments. Yet, in Burma, it is not just the National League for Democracy or Daw Aung San Suu Kyi, it is all the people of Burma who suffer at the hands of this terrible military dictatorship.

There are no rights in Burma. There are no rights to speak freely. There are no rights to worship freely. There are no rights to assemble. There are no rights to stand up and be counted for the things that people believe ought to be done. There are no free elections.

The only free election that has been held in Burma in at least the last 50 years was the one held in 1990 that was won by the National League for Democracy, as has been detailed by each of the gentlemen today.

Unfortunately, that chance for a better life for the Burmese people was stolen away by the military who now run one of the worst regimes in the world in terms of abusing their population.

In August, as the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from New Jersey (Mr. SMITH) detailed, Daw Aung San Suu Kyi and her followers in the National League for Democracy were again particularly abused as they have been in the past.

But I want to say today, there is nothing this regime can do that will ever overcome this lady. She won the Nobel Prize for Peace. She has an indomitable spirit that cannot be crushed. She is a person of great integrity, great intelligence and great articulation. She is a person of beauty because she stands as an example to the Burmese people of what life could be, how beautiful it could be if only they could live in freedom.

Lately, the international community, thank God, has finally begun to see the regime in Burma for what it is. Most recently, Switzerland decided not only to condemn the conduct of the SPDC, but also to impose sanctions, not as strong as I would like to see, not as strong as those that the United States has imposed, but sanctions; and perhaps we are beginning to see some change in the international community to bring pressure to end the repression in Burma.

Gradually this world is changing. Gradually the world is coming together to stand up for basic human rights for all peoples. The fall of Slobodan Milosevic. The war crimes tribunal that brings people who violated the rights of others, even in times of war, before a tribunal for accountability. Maybe some day soon we will find a way to believe that the most important thing that we can do on this Earth is to care about one another and to care about establishing a rule of law that guarantees basic human rights.

It is unfortunate that in so many places in the world today that is not being observed, in China and Sudan and Turkey and Burma and many other places. But we are gradually moving in the right direction. The message today is that we must always, always stand and knock on the door day after day, week after week, month after month, year after year until the rights of every single human being on this planet are established and protected. Because the denial of the rights of any single person is the denial of the rights of every one of us.

I want to commend the committee and the subcommittee for bringing this resolution forward, for insisting that we recognize that it has been 10 years since the people of Burma chose a freely elected government and 10 years of ongoing repression by a military regime that wants to offer no rights.

Someday soon, Mr. Speaker, this is going to change. The United States of America must stand up and be counted day after day and year after year to make certain that this happens.

Mr. Speaker, I rise today in strong support of H. Con. Res. 328, commemorating the tenth anniversary of the free and fair elections in Burma. I would like to thank the gentleman from New York (Mr. GILMAN), the gentleman from Nebraska (Mr. BEREUTER), and the gentleman from New Jersey (Mr. SMITH) for their leadership in bringing this resolution to the floor.

Mr. Speaker, Burma is a country governed by a military junta. Burma is a country with no respect for human rights and no rule of law. On May 27th, 1990, the National League for Democracy (NLD), led by Daw Aung San Suu Kyi, won a majority of the parliamentary seats in the nationally held elections. This was a great victory for the champions of democracy and human rights in Burma.

However, the Burmese military regime, known as the State Peace and Development Council (SPDC), arbitrarily annulled the results and arrested Aung San Suu Kyi and hundreds of NLD members. Many were forced to flee the country, and ever since, freedoms of assembly, speech and the press have been severely restricted. Hundreds of NLD members are political prisoners and still hundreds more live in exile around the world.

Daw Aung San Suu Kyi has been forced to live under house arrest in Rangoon most of the time since 1989. The past two months have seen the outrageous treatment of the Nobel Peace Prize winner exacerbated. Twice in less than two months, Suu Kyi has been detained when she has tried to travel outside the capital. Soldiers have surrounded her car on the road side, removed her from the train station and surrounded her house, while she is forced to sit idly inside.

Since September 22nd when she was again placed under house arrest, her telephone lines have been cut, and she has been denied all communication. Presently, it is not only Suu Kyi being suppressed, other members of the NLD's central executive committee are either in detention or being kept incommunicado under virtual house arrest, with approximately one hundred NLD members, including members of the NLD women's group having been arrested by the military in recent days.

I commend the statements in recent days from the international community, condemning the SPDC. Switzerland announced last week that it would impose sanctions on Burma, similar to those imposed by the European Union, which include freezing assets, visa bans and an arms embargo. Although these sanctions are not as strong as current U.S. sanctions, slowly the international community is coming together to demonstrate that we will not do business or work with these egregious violators of human rights.

We must stand together as one, against those who, when they violate the rights of one of us, violate the rights of all.

The United States is seen as a beacon of light and of hope around the world. We must remember what our country stands for: democracy, the rule of law, freedom of speech and free and fair elections. The Burmese can not exercise any of these basic human rights.

I hope that all of my colleagues will join me in standing with our fellow duly-elected representatives in Burma and join their call to take their rightful places in parliament.

The SPEAKER pro tempore (Mr. PEASE). Does the gentleman from Nebraska (Mr. BEREUTER) yield to the gentleman from New York (Mr. GILMAN) to control the time?

Mr. BEREUTER. Mr. Speaker, I yield to the gentleman from New York (Mr. GILMAN) and ask unanimous consent that he be permitted to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. GILMAN. Mr. Speaker, I ask the Chair how much time we have remaining.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) has 4 minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this measure recognizes the 10th anniversary of the freedom and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma. Aung San Suu Kyi and members of the parliament who were elected in 1990 have not been able to establish a government inside of Burma. Many of her supporters have been and still are in prison. Thousands have been tortured and murdered.

The government relies heavily on slave and forced labor for construction projects. The International Labor Organization, the ILO, has even banned it from participating in any ILO meetings.

The government of Burma is indifferent to the illicit drug trade and was recently decertified for not fully cooperating to our Nation. It has provided a safe haven to notorious Burmese drug dealer Khun Saw. It was just reported that Secretary of Defense Cohen was in Thailand 2 days ago and that the Thai are now asking for 50 helicopters to fight against the drug traffickers.

The Thai military has estimated that some 600 million amphetamine pills flooded Thailand just last year from across the border with Burma. Thai community leaders have frequently accused Burma of destroying Thai youth, warning that drug addiction was reaching crisis proportions in Thailand with more than 600,000 young people reportedly hooked on amphetamines.

On September 19, Secretary Cohen said, "We understand now that there is a serious problem concerning Thailand by virtue of methamphetamine being produced and distributed from Burma. The drug problem will be high on the agenda of the commander of the U.S. forces in the Pacific, who is due to visit Thailand next week.

On September 21, Aung San Suu Kyi was prevented from boarding a train to leave Rangoon, and many of her supporters were arrested. Since that time, diplomats and friends have been prevented from seeing her, and no one knows the whereabouts of her arrested colleagues.

Just 2 days ago, Mr. Speaker, the government-run newspaper in Rangoon issued a statement by officials stating, "Anyone confronting the military government in Myanmar is committing what amounts to high treason."

Mr. Speaker, the only way for the drug production to end in Burma is for our Nation and for the world to take a stronger stand against the illegal Burmese government so that it steps down and hands over the reigns of power to the democratically elected government of Aung San Suu Kyi.

Accordingly, Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would truly be remiss, and it will probably be the last opportunity I have before we adjourn, if I did not express my personal sense of appreciation and gratitude to the gentleman from Illinois (Mr. PORTER), not only as cochairman of our Human Rights Caucus, but certainly for his outstanding leadership and service that he has rendered to our Nation.

I want the gentleman from Illinois (Mr. PORTER) to know how much I really appreciate his friendship over the years that I have got to know him.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 328, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CALLING FOR IMMEDIATE RELEASE OF MR. EDMOND POPE FROM PRISON IN RUSSIAN FEDERATION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 404) calling for the immediate release of Mr. Edmond Pope from prison in the Russian Federation for humanitarian reasons, and for other purposes.

The Clerk read as follows:

H. CON. RES. 404

Whereas Mr. Edmond Pope of State College, Pennsylvania, is a husband, father, grandfather, son, and United States businessman;

Whereas Edmond Pope has visited the Russian Federation 27 times in order to foster better business and university-based research relationships;

Whereas Edmond Pope traveled to the Russian Federation in late March 2000 in order to purchase commercially advertised underwater propulsion technology, as stated in his visa approved by the Government of the Russian Federation;

Whereas Edmond Pope was arrested on April 3, 2000, in Moscow, imprisoned in Lefortovo, and charged with espionage;

Whereas the Russian who allegedly committed an act of treason by aiding Edmond Pope was released and has been living with his family;

Whereas Edmond Pope has been treated for hemangiopericytoma, a rare form of cancer, that was in remission prior to his travel;

Whereas Edmond Pope's father is dying of multiple myeloma, a type of bone cancer that can be hereditary;

Whereas Edmond Pope should receive routine medical care by a qualified, trained professional in order to monitor the possibility of a recurrence of cancer due to his high-risk potential;

Whereas Edmond Pope has missed his annual monitoring visit resulting in a 14 month lapse since his last visit;

Whereas Edmond Pope's prison conditions have caused a dramatic loss in weight and his physical stature has deteriorated;

Whereas Edmond Pope has been denied the basic human right of proper medical attention deserving of an individual in his condition;

Whereas two Americans have died in the past few months within prisons in the Russian Federation and another individual has recently died in Lefortovo;

Whereas Edmond Pope has been unjustly arrested and detained for more than 5 months, preventing him from celebrating his 30th wedding anniversary and the marriage of his son, and during which time his mother-in-law passed away;

Whereas recent events have shown that trials in the Russian Federation involving alleged violations in the area of national security can take several years;

Whereas it is unlikely that Edmond Pope would survive a lengthy trial; and

Whereas United States business and academic interests with the Russian Federation are beginning to be detrimentally impacted by this event: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress calls on the Russian Federation, under the leadership of President Vladimir Putin, to immediately release Mr. Edmond Pope of State College, Pennsylvania, and to ensure that proper and qualified medical attention is provided to him in order to ensure that another loss of life does not occur in a prison in the Russian Federation;

(2) it is the sense of Congress that if Edmond Pope is not released immediately the President should continue all efforts afforded to the administration to secure his release, including the consideration of—

(A) terminating all assistance to the Government of the Russian Federation under the Foreign Assistance Act of 1961 and the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act for purposes of preparing the Russian Federation's entrance or accession to the World Trade Organization (WTO); and

(B) opposing any further debt relief of obligations owed to the United States Government from the Government of the Russian Federation; and

(3) the President should increase efforts to secure appropriate medical attention for Edmond Pope.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 404.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, House Concurrent Resolution 404, introduced by the gentleman from Pennsylvania (Mr. PETERSON), supports Mr. Edmond Pope, an American citizen who has been jailed by the Russian government for several months on the charge of espionage that, by all accounts, is based on extremely dubious evidence. I commend the gentleman from Pennsylvania (Mr. PETERSON) for his tireless work on behalf of one of his constituents, Mr. Pope.

This resolution calls on the Russian government to immediately release Mr. Pope and to ensure that he is provided proper medical attention for the rare form of cancer with which he is afflicted.

Let me point out to my colleagues that Mr. Pope is a businessman and that he has been to Russia many times over the past few years on business trips.

I simply do not believe that the Russian government has proved its case, particularly in light of the fact that a Russian citizen who supposedly worked with Mr. Pope in the alleged espionage case has already been released by the Russian government.

This resolution makes it abundantly clear that, if Mr. Pope is not released, the President of the United States should continue to seek his release and should consider terminating all assistance that our Nation provides to the Russian government under our Foreign Assistance Act for purposes of preparing Russia to enter the World Trade Organization.

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It also calls on our President to refuse further debt relief for the Russian Government if it does not release Mr. Pope.

My colleagues, the actions of the Russian Government in this case do not appear to be those of a country interested in proper treatment of businessmen and investors. I believe it is, therefore, appropriate to send this message in the form of a nonbinding resolution that we expect a nation that wants to be part of an international trade organization, that wants debt relief, and that wants more American investment to treat our American businessmen appropriately.

I would point out to my colleagues that over the past few years our government has reportedly arrested several Russian spies here in our Nation, some under diplomatic cover and others operating without it. I understand we have allowed those Russian spies in recent years to return home to Russia, even when our FBI believed them to be career members of the Russian intelligence agencies. Even when a Russian espionage device was found in our State Department headquarters itself, we sent the so-called diplomat back home.

We are all aware of the reports that Russian spying conducted here in our Nation and from espionage facilities, such as the one at Lourdes, Cuba, is today at record levels. It is ironic, Mr. Speaker, that Russia would arrest and imprison for months an American businessman who may very well be innocent, all the while conducting espionage against us at records that exceed those of the Cold War.

Mr. Speaker, I support this nonbinding resolution and I urge my colleagues to adopt it.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

Mr. Pope was arrested in Russia on April 3, 2000, while negotiating the purchase of an underwater propulsion technology which was advertised for commercial use. Mr. Speaker, I submit Mr. Pope is not a spy. His Russian visa states that the purpose of the trip to Russia was to acquire such technology.

It is outrageous, Mr. Speaker, that Mr. Pope has been languishing at the Lefortovo prison, the former KGB stronghold, for nearly 6 months now. Mr. Pope has been diagnosed with a rare form of bone cancer which requires annual screening and which he has missed this past August because of his arrest.

His health may be getting worse, but the Russians refuse access to him by a qualified Western oncologist. The Russian authorities have said that the Russian doctors are capable of examining Mr. Pope, and based on that examination, they supposedly say he is fit to stand trial.

Mr. Speaker, this case has been discussed at the highest levels of the American and Russian governments. Our own President, President Clinton, has raised this issue with President Putin several times now, most recently at the U.N. Millennium Summit in New York City. At every opportunity, the Russians have been told the charges against Mr. Pope are groundless and they must let him come home to his family.

I share some of the State Department concerns about the call in the resolution for cutting all foreign assistance to Russia, which includes denuclearization assistance and support for democratic institutions and independent media. I would hope that the administration could effectively utilize policy levers short of this drastic step to achieve Mr. Pope's release.

We should at least commend our good friend and colleague, the gentleman from Pennsylvania (Mr. PETERSON), for doing such a fantastic job supporting Mr. Pope's family in support of this resolution, and I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 6 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I want to thank the chairman for yielding me this time. I appreciate the very strong support we have had from the gentleman from New York (Mr. GILMAN); the ranking member, the gentleman from Connecticut (Mr. GEJDENSON); as well as the gentleman from American Samoa (Mr. FALEOMAVAEGA), who has been such a good friend; and I want to thank the staff who have worked so hard on this issue. I also want to thank the leadership and the majority leader, who have personally helped me at every turn.

Mr. Speaker, this has been one of the most difficult issues I have ever dealt with. Let us just think about it for a moment. For 11 days, Edmund Pope has been in a Russian prison. If my colleagues have not been in a Russian prison, I was there a few months ago. It is no place to be.

He went over there in March on his 27th trip to do business. He was arrested on April 3 and thrown in prison. For 13 weeks, his wife never received a note from him, a phone call from him or any word. He never received one of her letters that she sent daily. Between two countries that have normal relations in business, a prisoner never heard from his family or was allowed to communicate with his family for 13 weeks.

In June, Cheri Pope, his wife, and two of my staff went to Russia. They found out he did not have a competent lawyer, a 73-year-old lawyer that was not considered good; and so they were able to hire him a good lawyer who has been very helpful and who started to build a case. It was not long before he found out that there was no real case against Edmund Pope. In fact, the Russians had never even told us what the case was about; it was just that he had committed espionage.

On August 5, his son was married in State College without his father. Then a little later, in August, Cheri Pope, his wife, and I and two of my staff returned to Russia. We were able to elevate this issue to an international issue. Before that it had not been well covered by the press. It was obvious then. And after we arrived there and made it an issue, the Russians finally responded and said, well, he was purchasing this Squall technology, which had been advertised for sale in 1996 and had been sold to other countries, we are told.

The FSB, who finally gave these details, is like combining our FBI, our Secret Service, our CIA, and whatever else, and all combined into one. It is the most powerful agency in Russia, and they have been in control. This was Ed's 27th visit there. He had had many business partnerships there. He had brought many scientists from Russia to Pennsylvania, to Penn State. Had taken many groups of scientists to Russia to help them in their trying to build a free economic system. He loved the Russians, told all his neighbors and friends that I have talked to. He was very fond of the Russians and wanted them to have economic opportunity like we have here.

For 17 months, Ed Pope has not had adequate health screenings. Edmund Pope, a number of years ago, was diagnosed with bone cancer. It has been arrested. He should, from the cancer experts we have talked to, have MRI and CT scan screenings every 6 months. It has been 17 months now since he has had any screenings.

In August we had a hearing; and in September we had a hearing on a health-related release, and he was turned down. They had the appeal to the hearing and asked for him to be seen by an American doctor and have the appropriate test and again was turned down. It is now approaching mid-October and Edmund Pope has still not had the health screenings that he needs.

If we get Edmund Pope out tomorrow, he may have reactivated cancer and he will have a very shortened life. We are still asking every day for routine cancer screening. It is available 7 miles from his prison in a Russian facility with adequate doctors to read the scans, and we again ask for that.

We know that from talking to his attorney and others there, the FSB-appointed judge will find him guilty whenever this trial is held. They will be given a predetermined verdict. I do not think we in America realize how a jury trial and the chance to defend ourselves is so basic a fundamental to the rule of law. In Russia, we are told the FSB knows how to frame people, but they do not know how to convict people. If it was a jury trial, his lawyer says, he would be innocent in a moment. As soon as the trial was held, he would be declared innocent and proven that he is innocent. But Edmund Pope will not get that chance.

Mr. Speaker, I want to thank the Congress today for their support of this resolution and sending a strong message to this administration to continue every effort they can put forward. Edmund Pope needs to have health screenings so that we know his cancer is still in arrest. We need to know that he has not contracted TB, which is prevalent in Russian prisons. He has had a cough every time we have spoken to him. We are asking for health care first and then his timely release. It is time to get Ed Pope home.

I guess just in conclusion, Mr. Speaker, Edmund Pope is a good man, a great American, served his country valiantly, been a good businessman, and been good for the Russians; been good for economic relationships with them; helped them partner in many business deals and commercialize other kinds of technologies they had and helped do some partnerships that helped in health care and opticals. Russia should have a lot of Ed Popes helping them to build their economy and become part of the global economy.

They need to resolve this issue so we can become friends, work together, and not be enemies.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume to compliment again my colleague from Pennsylvania. I think it is a good example of a demonstration of what every Member should be doing for their constituents, and I want to commend him for that.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), our distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding me this time.

First of all, I rise in very strong support of the Peterson resolution, H. Con. Res. 404, calling for the immediate release of Edmund Pope from prison in the Russian Federation based on humanitarian reasons.

I think it is very important that the chairman of the House Committee on International Relations and the ranking member, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), have moved very quickly on this resolution to bring it to the floor and before our colleagues because this is a very, very important resolution of humanitarian concern.

This resolution calls for the immediate release of Mr. Pope, an American citizen arrested for allegedly spying in Russia and, as we know, in prison now in Moscow since early April of this year. Mr. Pope has been arrested for trying to purchase so-called secret technology that had already been advertised for commercial sale.

Mr. Speaker, I would be the first to agree that countries are entitled to protect sensitive information or state secrets; but the case against Mr. Pope is without merit. When we consider that the Russian Government has already released the alleged co-conspirator in this case, it is difficult to understand why Mr. Pope is considered such a danger.

As the gentleman from Pennsylvania (Mr. PETERSON) so passionately and eloquently pointed out, Mr. Pope is seriously ill and the Russian Government has not permitted an American physician to even visit him, which one might expect on simple humanitarian grounds.

Mr. Speaker, the Russian Government recently announced that the Pope case has been turned over to the court. This may look like progress, but experience tells us otherwise. When we look at the long drawn out case of Alexandr Nikitin, for whom it took 4½ years to prove his innocence on trumped-up charges of espionage, I believe it is unlikely Mr. Pope would survive a lengthy judicial process.

Mr. Speaker, the U.S. Government has repeatedly raised this case with the Russian Government. Why are they not listening? At a recent hearing of our Committee on International Relations, our Secretary of State, Madeleine Albright, reiterated her conviction this case should be resolved quickly in Mr. Pope's favor.

Finally, I would note that in connection with this case, a Moscow radio station stated that the Russian security service often considers principles of humanity in deciding whom to release. It seems no other person in Russia today fits that definition. This man is sick, he is innocent, and he needs to be released.

Again, I want to thank the gentleman from Pennsylvania (Mr. PETERSON) for his great leadership on this case.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), and I want to also thank the gentleman from New Jersey (Mr. SMITH) for his eloquent response to this important issue.

Mr. WALDEN of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank both the chairman and the subcommittee chairman for their work in bringing this measure forward; and to my colleague, the gentleman from Pennsylvania (Mr. PETERSON), I thank him for his tireless efforts in trying to seek Mr. Pope's release.

Mr. Speaker, I rise today to urge support for H. Con. Res. 404 and make clear our message to the Russian Government. Edmund Pope must be released from prison, and he must be released immediately. Mr. Pope's deteriorating health simply will not wait for the Russian Government to accept what we in this country have long known: that Ed does not deserve his imprisonment and that the Russian Government cannot justify holding him one day longer.

For 191 days, Ed Pope has been denied his freedom. For 191 days, he has been denied regular contact with his wife of 30 years and his children. And for 191 days, he has been denied access to basic medical care, despite grave threats to his health.

☐ 2045

In an age when the access to adequate shelter and medical care is correctly viewed as humanity at its most fundamental level, Ed has been forced to endure deprivations that are downright abysmal.

The prison where Mr. Pope is being held is a grim reminder of a system of government that for too long has subordinated human rights. Ed Pope's harsh imprisonment illustrates Russia's continued hostility to the West, despite its repeated assurances that Russia wants to join the ranks of the world's civilized nations.

I am dismayed by President Putin's squandering of an opportunity to demonstrate to the nations of the world that a new Russia has indeed risen from the ashes of the old Soviet Union, a nation that values human rights and the rule of international law. But until Mr. Pope is released and the judicial system in Russia improves, this transformation will be incomplete.

If the question of Mr. Pope's guilt or innocence is to be debated, it must only be after he is allowed access to the medical care his condition demands. With the release of Ed Pope, President Putin can demonstrate that he is serious about eliminating the distrust and hesitation that has characterized U.S. and Russian relations for decades. Or he can continue to prolong Ed's unjust captivity and reinforce the negative image of Russia, that of a secretive, enigmatic state whose journey to first world status remains long.

Mr. Speaker, I urge my colleagues to vote for H.Con.Res. 404 and declare in no uncertain terms that the United States does not tolerate the treatment of its citizens in this manner.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Pennsylvania (Mr. PETERSON) and the gentleman from Oregon (Mr. WALDEN) for their diligent efforts on behalf of Mr. Pope. We are pleased to join with them.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 404.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALLING FOR LASTING PEACE, JUSTICE, AND STABILITY IN KOSOVO

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 451) calling for lasting peace, justice, and stability in Kosovo, as amended.

The Clerk read as follows:

H. RES. 451

Whereas on June 10, 1999, the North Atlantic Treaty Organization (NATO) military air operation in the former Yugoslavia victoriously concluded with the withdrawal of all Serbian police, paramilitary, and military forces from Kosova;

Whereas after the NATO victory, the international community mobilized assistance that helped feed and house more than 1,000,000 Kosova refugees before the first post-war winter;

Whereas nearly 1,000,000 refugees and hundreds of thousands of internally displaced persons attempted to return to their homes in Kosova in the belief that a peaceful, stable, and just society would be created through their diligent efforts, supported by the international community;

Whereas United Nations Security Council Resolution 1244 (June 10, 1999) established the United Nations Mission in Kosovo (UNMIK) as the sole administration of the province until such time as its political status is decided;

Whereas some 2,000 citizens were illegally detained and kidnapped to Serbia by Serbian forces as they withdrew from Kosova in violation of the Geneva Conventions and international humanitarian law;

Whereas an additional 5,000 Kosova citizens are believed to be detained in Serbian prisons;

Whereas the international mission in Kosova successfully negotiated an agreement with the Kosovo Liberation Army (KLA) to disband and publicly hand over its weapons;

Whereas hundreds of Kosova Albanian citizens have been prevented from returning to their homes in the divided city of Mitrovice by Serb Kosova citizens who are believed to be assisted by Serb paramilitaries who have illegally re-entered Kosova;

Whereas although the initiation of the recent operation between the NATO-led peacekeeping force in Kosova (KFOR) and UNMIK to confirm international authority throughout northern Kosova is welcomed, KFOR and UNMIK must fully implement their plan and take appropriate action to ensure that all residents are able to return to their homes;

Whereas the United Nations and the Organization for Security and Cooperation in Europe (OSCE) have set the date for local municipal elections in Kosova for October 28, 2000;

Whereas the assertion of authority over the Trepca mining complex by UNMIK is welcomed and an assessment of its environmental hazards and financial viability should proceed as quickly as possible in order to maximize employment for Kosovar citizens;

Whereas although daily life in Kosova in the summer of 2000 is significantly improved in comparison to the violence, devastation, and chaos that plagued the region during armed conflict in 1999, more must be done to develop a self-sustaining economy that discourages the rise of criminal elements;

Whereas, in view of the disproportionate share of the military costs borne by the United States during the NATO operation, the European Union has agreed that it will undertake the major share of the costs for economic reconstruction in Kosova;

Whereas the European Commission and the World Bank have estimated the costs for the reconstruction of Kosova over the next 4 to 5 years at $2,300,000,000, with nearly half that amount available to be spent by the end of 2001; and

Whereas the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted by section 1000(a)(2) of Public Law 106–113) capped United States pledges of assistance for Kosova at the subsequent Kosova donors conference at 15 percent of the total resources pledged by all donors: Now, therefore, be it

Resolved, That—

(1) the European Union should continue to bear the primary responsibility and costs for the economic reconstruction of Kosova, and take all necessary steps to ensure that its future budgets provide the required resources in a timely fashion;

(2) the administration of all baseline services such as police, sanitation, water, telecommunications, and electrical supply should be put into the hands of the people of Kosova at the earliest possible date;

(3) the strategy for economic reconstruction in Kosova should be focused on utilizing private investment and empowerment of the people of Kosova to take charge of their livelihoods;

(4) the United States Government should make it a priority to promote noncorrupt government and business practices in Kosova by providing judicial training and technical advice and assistance to police, border police, and customs officers;

(5) the United Nations Security Council should demand the immediate and unconditional return of all Kosova prisoners from Serbia;

(6) the international peacekeeping force in Mitrovice should take immediate measures to ensure that all the residents are able to return in security to their homes;

(7) all the citizens of Kosova should avail themselves of the opportunity to democratically express their political preferences by participating in the elections on October 28, 2000;

(8) the resolve of the international community to work towards lasting peace, stability, and justice in Kosova will not be deterred by Slobodan Milosevic's provocations within the region; and

(9) all citizens of Kosova should adhere to the principles enunciated by community leaders at the Airlie House declaration of July 23, 2000, where all parties agreed to a rigorous Campaign Against Violence, representation of all citizens in municipal councils, surrendering of illegal weapons, a commitment to counter Slobodan Milosevic's influence in Kosova, and to dissolve any other illegitimate governing and security structures.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 451.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have brought this measure to the floor of the House in order to call attention to some continuing problems in the international community's efforts to bring about a stable, just, and a lasting peace to the people of Kosovo.

The Committee on International Relations approved this measure without dissent and it represents a bipartisan consensus on the part of our committee members on how to redress some of the difficulties in Kosovo. I ask all our House colleagues to join with us today in supporting H. Res. 451.

Our principal concern is that the international community, rather than fostering a self-reliant, prosperous Kosovar-run Kosovo, is creating a new international dependency hooked on assistance funds and the presence of numerous international aid workers.

What seems to have been overlooked in the current approach is the fact that prior to the move to strip away Kosovo's political autonomy in 1989, and even during the decade of oppression the Kosovars suffered under Milosevic, the Kosovar people demonstrated a remarkable amount of initiative and economic skill. These characteristics should be part of our strategy in restoring Kosovo's economy.

Another problem is the plight of thousands of Kosovars who are being illegally detained in Serbia. Some of these individuals were taken in the final hours of Serbia's sway over Kosovo last June as virtual hostages. They include some of the leading intellectual lights of Kosovar society: doctors, lawyers, journalists and teachers.

The fact that the international community has remained nearly mute in the face of their continued detention is disappointing, and the refusal of the U.N. Security Council to demand their immediate release is troubling and unacceptable.

Until the Kosovar detainees have been released and accounted for, no real peace will be able to come to Kosovo. I would hope that the new government in Serbia under President Kostunica will cooperate in remedying this tragic situation.

The important industrial town of Mitrovice remains a divided city where international peacekeepers have been unable to return hundreds of ethnic Albanian residents to their homes. Failure to resolve this issue leaves the shadow of possible partition hanging over Kosovo.

Another problem in the U.N.'s approach to the Kosovo mission is the issue of who should be able to control and operate important economic assets such as the Trepca mines. Although there have been recent steps to explore reopening this most important economic asset for many months, the U.N. did not take any action because of its fears that Serb ownership would be an obstacle.

Elections have been scheduled in 30 municipalities throughout Kosovo for October 28. This resolution calls upon all the citizens of Kosovo to avail themselves of the Democratic process and to peacefully express their political preferences. Let us hope that the adoption of this resolution and those upcoming elections will provide the beginning of the journey to a lasting and just peace in Kosovo.

Accordingly, Mr. Speaker, I urge my colleagues in the House to support H. Res. 451.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. ENGEL) one of the original cosponsors of this legislation.

Mr. ENGEL. Mr. Speaker, I thank my colleague from American Samoa for yielding me the time.

Mr. Speaker, I rise in strong support of H.Res. 451. I am an original cosponsor. I commend the chairman of our Committee on International Relations for sponsoring this resolution and for the work that he has done on Kosovo and on so many other wonderful things in the House Committee on International Relations, and I am honored to cosponsor this resolution with him.

This calls for lasting peace, justice, and stability in Kosovo. And it is something that is still illusive even after the successful American intervention there where we prevented lives from being lost, we prevented ethnic cleansing and genocide. I am very, very proud of the role that this country and this Congress have played in saving the Kosovar people, the people of Kosovo.

I rise in strong support of this resolution because although the international community talks a good game, the European Union has not met its pledges even though it has contributed the majority of the funding for Kosovo reconstruction. This resolution calls upon the EEU to do so.

As the resolution states, police, sanitation, telecommunications, electricity and water supply have not been adequately put forth for the people of Kosovo. It is too long. It must end.

This resolution also calls, as the chairman pointed out, for the immediate return of all Kosovar prisoners still being held in Serbia. There are still hundreds of Kosovars in Serb jails, perhaps thousands, including Flora Brovina and Albin Kurti. They should be freed immediately and returned to their families in Kosovo.

It is an outrage that when the Serbs were retreating from Kosovo they captured Kosovar Albanians and imprisoned them, dragged them to Belgrade, dragged them into Serbia, and imprisoned them where they remain today. These people should be freed immediately.

This resolution also gives Congress an opportunity to discuss broader issues. I and all Americans congratulate the Serbian people for the birth of democracy in their land and for finally running their murderous leader, Milosevic, out of office.

Yet, while the United States is certainly pleased of the changes in Serbia, there are significant issues which we must consider. The most important is the question of sanctions. We must be open to the new Democratically elected government in Serbia. President Kostunica needs the opportunity to succeed. Lifting some sanctions should be on the table, but lifting all should not.

I agree with the actions of the Clinton administration maintaining visa restrictions against Milosevic and his lieutenants, but I am also concerned about lowering the outer wall of sanctions. Those must remain on Serbia.

We have withheld international financial institution assistance because Belgrade was opposing the work of the International War Crimes Tribunal and denying Kosovars the right to self-determination. For the outer wall to crumble while President Kostunica rejects the tribunal, and he is rejecting it still, and Serbia is still acting as though nothing happened in Kosovo, is unwise.

The new government in Belgrade must recognize the new reality in Kosovo. After the thousands of deaths and tens of thousands of wounded, it remains extremely difficult to ever imagine Kosovo again as part of Serbia. Kosovo deserves the opportunity to be dependent and the outer wall of sanctions against Serbia should remain in place until Serbia is prepared to be part of a solution, not the problem, in Kosovo.

Independence for Kosovo is something that is right. And as the chairman pointed out, elections are being held later on this month and it will be the first opportunity for Kosovars to participate in democracy. And I would urge all of them do so. And that ought to be the first step in a free and independent and democratic Kosovo.

There are still, however, many problems. Mitrovice is a divided city. The Serbs have occupied the mines and have not allowed the Albanian Kosovars to be able to establish any kind of economic viability because of the occupation of these mines. Those mines are part of Kosovo and should not be occupied by the Serbs.

Mitrovice should not be a divided city. Albanians there are being prevented from returning to their homes. That must not stand.

Finally, Belgrade must finally recognize the independence of Bosnia. Until Belgrade gives up on controlling lands on both sides of the Drina River and establishes permanent diplomatic relations with Bosnia, the Yugoslav state succession question will still fester.

And by the way, while we are saying that the Kosovars have the right to self-determination and independence, and they must have that right, I believe the Montenegrins have as well.

Yugoslavia is a fallacy. Serbia continues to keep the Montenegrins as part of so-called Yugoslavia and continues the fallacy that Kosovo is part of Yugoslavia. The Kosovar Albanians and the Montenegrins should have the right to self-determination and should have the right to establish their own democratic nations if they so desire.

Therefore, while I rise in favor of this important resolution, I urge my colleagues to keep in mind the bigger picture in the form Yugoslavia. I urge all my colleagues to support H. Res. 451.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New Jersey (Mr. SMITH) the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend the gentleman from New York (Mr. GILMAN) for his leadership in bringing this very important resolution to the floor today and to my good friends on the minority side and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his leadership and the gentleman form Connecticut (Mr. GEJDENSON).

This is the time for us to make this statement, and I think we are doing it collectively as a Congress. Hopefully our voices will be heard in Serbia.

Mr. Speaker, I am an original cosponsor of H. Res. 451 and I strongly support its passage here today.

In a series of hearings that we held on the Helsinki Commission, which I chair, the atrocities committed in Kosovo by Yugoslav and Serbian forces have been very amply documented and the continued incarceration of Kosovar Albanians in Serbian prisons were detailed in very numbing detail.

The culpability of Milosevic for war crimes and crimes against humanity for which he has been indicted have also been made clear. It is also obvious that there is an unacceptable lack of security in Kosovo, evident in the frequent instances of violence and destruction in the period since the conflict ended.

Last week, Mr. Speaker, major change finally came to Yugoslavia. The people voted to throw Slobodan Milosevic out of office. And when he would not leave, they took to the streets to make clear that they had had enough.

While President Kostunica takes a nationalist point of view, he nevertheless appears willing to work towards democracy and the rule of law rather than create more problems.

I was pleased to hear that he has already indicated his willingness to look into the cases of Kosovar Albanians who right now, today, are languishing in Serbian prisons.

□ 2100

I believe he will, and every friend of democracy fully expects him to do the right thing. At one of our Helsinki Commission hearings, we heard terrible testimony, horrible conditions about these people who have been held in these terrible prisons, Kosovar Albanians who have committed no crimes. We ask, we demand that they be released now, immediately. Let the Albanians go.

Mr. Speaker, in closing, I think it is critical that we strongly condemn all of the violence which is occurring in Kosovo today regardless of the ethnicity of the victim, regardless of the ethnicity of the culprit. I have been a strong critic of Serbian repression in Kosovo in the past. As a matter of fact, when I met Milosevic the first time in Belgrade in the early 1990s, I raised the issue of his police, his thugs who are committing egregious abuses against the Kosovar Albanians and called on him and his thugs to stop it. But let me also say that none of us want to accept any wanton acts of violence whether it be revenge against Serbs or other members of minorities in Kosovo. Therefore, and I think this is important in the resolution, the Campaign Against Violence mentioned in this resolution is absolutely critical for all sides to accept and to implement. I would hope that the Albanians will criticize Albanians and Serbs will criticize Serbs when that Campaign Against Violence is transgressed. We need peaceful nonviolence in Kosovo and in Serbia. This resolution calls on all parties to stand down.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. SMITH) for his eloquent support of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Again my compliments and commendation to the gentleman from New York (Mr. GILMAN), the gentleman from California (Mr. LANTOS), the gentleman from New York (Mr. ENGEL) and certainly the chairman of our Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH) for their primary sponsorship of this legislation.

Mr. Speaker, I rise in strong support of this measure which enjoys strong bipartisan support. It is also supported by the administration. Congressional oversight of policy in Kosovo is remiss if it only looks at the inevitable problems that follow 40 years of communism, 10 years of apartheid and 1 year of brutal armed aggression. Responsible oversight must also recognize achievements as well as goals for future progress.

After the NATO victory, the international community mobilized assistance that helped feed and house more than one million Kosovo refugees before the first postwar winter. The international mission in Kosovo successfully negotiated an agreement with the Kosovo Liberation Army to disband and publicly hand over its weapons.

Although daily life in Kosovo has significantly improved compared to the violence, devastation and chaos that plagued the region during armed conflict a year ago, more must be done, Mr. Speaker, to develop a self-sustaining economy that discourages the rise of criminal elements.

The European Union must also continue to bear the primary responsibility and costs for the economic reconstruction of Kosovo and take all necessary steps to ensure that its future budgets provide the required resources in a timely fashion.

Mr. Speaker, the administration of all basic services such as police, sanitation, water, telecommunications and electrical supply should be put into the hands of the people of Kosovo at the earliest possible date. The international peacekeeping force in Mitrovica should take immediate measures to ensure that all the residents are able to return in security to their homes. And, most importantly, all citizens of Kosovo should follow the principles enunciated by community leaders at the Airlie House declaration of July 23 of this year which included antiviolence, representation of all citizens in local councils, surrendering illegal weapons, a commitment to counter Slobodan Milosevic's influence in Kosovo as well as dissolving any other illegitimate governing and security structures.

Mr. Speaker, the winds of democratic change have swept through the region in recent days and months, bringing in democratic reform in Croatia and toppling Slobodan Milosevic from controlling Serbia. In the wake of these dramatic events, the resolution before the House today supports greater progress towards reconciliation within Kosovo and between the member nations of southeast Europe to build a community of cooperating democracies and growing free market economies.

Again I urge my colleagues to support this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from American Samoa for his support of this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 451, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORING UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 577) to honor the United Nations High Commissioner for Refugees (UNHCR) for its role as a protector of the world's refugees, to celebrate UNHCR's 50th anniversary, and to praise the High Commissioner Sadako Ogata for her work with UNHCR for the past 10 years, as amended.

The Clerk read as follows:

H. RES. 577

Whereas since the founding of the United Nations High Commissioner for Refugees (UNHCR) in December 1950, it has become one of the world's principal humanitarian agencies with 244 offices in 118 countries and helps nearly 22,000,000 people in more than 140 countries;

Whereas on December 14, 2000, UNHCR marks a half-century of helping millions of the world's most vulnerable and courageous people;

Whereas UNHCR continues to fulfill its mandate, as adopted by the United Nations General Assembly on December 14, 1950, to provide international protection to refugees and persons seeking asylum and to seek durable solutions to their problems;

Whereas UNHCR has worked to ensure respect of refugees' basic human rights and adherence to the principle of nonrefoulement, which prohibits the expulsion and return of refugees to countries or territories where their lives or freedom would be threatened;

Whereas the United States and its citizens have long welcomed refugees to our shores;

Whereas, although UNHCR's responsibilities under its original mandate do not include internally displaced persons, it plays a critical role in assisting and protecting internally displaced populations in many situations, particularly where refugee and internally displaced populations are mixed;

Whereas the heart of UNHCR's mandate is protection, and UNHCR must continue to emphasize protection in choosing durable solutions for refugees, including voluntary return, local integration in countries of first asylum, and resettlement;

Whereas vulnerable refugees, particularly women, children, and the elderly, face special protection and assistance needs and UNHCR must continue to emphasize their needs in its policy and program efforts;

Whereas, in collaboration with other international agencies and nongovernmental organizations, UNHCR has shaped policies on which the international community can agree to move forward on peacefully resolving refugee situations;

Whereas under the leadership of High Commissioner Sadako Ogata and her predecessors, UNHCR has made invaluable contributions for humanity by helping to promote peace and respect for human rights for all uprooted peoples; and

Whereas UNHCR has twice been awarded the Nobel Peace Prize for its service to humanity: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes and honors the United Nations High Commissioner for Refugees (UNHCR) on the occasion of its 50th anniversary for its contributions on behalf of the world's refugees;

(2) expresses its support for the continued efforts of UNHCR;

(3) affirms its support for international protection for the victims of persecution and human rights violations and for the achievement of durable solutions for refugees; and

(4) calls on the international community to work together with UNHCR in efforts to ensure that host countries uphold humanitarian principles and the human rights of refugees, to lessen the impact of refugees on host countries, and to promote the safe voluntary repatriation, local integration, or resettlement of refugees.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 577, in observation of the 50th anniversary of the establishment of the United Nations High Commissioner for Refugees. This measure honors the excellent service that the UNHCR has provided the international community since 1950.

This comparatively small agency of the U.N., since its inception, has helped ameliorate and, in many instances, resolve the plight of millions of victims of persecution and abuse. I would like to commend our colleague the gentleman from Ohio (Mr. HALL) for his diligence in making certain that this Congress is able to record its immense respect for the UNHCR on the occasion of this important milestone.

We should also note that H. Res. 577 pays fitting tribute to our current High Commissioner, Dr. Sadako Ogata, who is stepping down after completing a meritorious 10-year tour of duty in this vital international post. During her tenure, Commissioner Ogata has seen the case load of refugees and persons of concern to her office rise to a total of some 22 million. These millions are indicative of the increase in wars, internal conflicts and natural disasters that have produced a tide of human suffering that has only been paralleled in the past by our most serious global conflicts.

The UNHCR has also had to exceed the terms of its own mandate as laid out in the statutes that created the office of high commissioner some 50 years ago by providing invaluable assistance to those vulnerable individuals who are internally displaced within the borders of their home nations but are also victims of persecution or human rights abuses.

As global events have become more complex, Mr. Speaker, the UNHCR has been able to adapt itself to meeting the new challenges these situations have presented. It is hoped, therefore, that this resolution, by calling attention to the good work performed by the UNHCR and by the staff of that office, will increase the support by American citizens and others around the world of the effort spearheaded by the UNHCR.

Accordingly, Mr. Speaker, I urge our colleagues to support H. Res. 577.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to compliment the chief sponsor of this bill the gentleman from Ohio (Mr. HALL) and our chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), and also the ranking member of our committee, the gentleman from Connecticut (Mr. GEJDENSON).

Mr. Speaker, I rise in strong support of this resolution. House Resolution 577 honors and recognizes the United Nations High Commissioner for Refugees on the occasion of its 50th anniversary for its contributions on behalf of the world's refugees. On December 14 of this year, the UNHCR will mark a half century of helping millions of the world's most vulnerable people.

As I said earlier, I want to commend the gentleman from Ohio for introducing this legislation on behalf of many of the hungry and homeless people around the world. The UNHCR, Mr. Speaker, has been mandated by the United Nations to lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee problems. It is one of the world's principal humanitarian organizations helping some 23 million people in more than 140 countries.

Mrs. Sadako Ogata has served as the United Nations High Commissioner for Refugees now for nearly 10 years. It is one of the toughest jobs and she has done a magnificent and superb job of bringing both professionalism and compassion to the organization over her decade of service not only to the United Nations but certainly to the people of the world.

This resolution also calls on the international community to bring together with UNHCR an effort to reassure that host countries uphold humanitarian and human rights principles for refugees, to lessen the impact of refugees on host countries, and to promote the safe and voluntary repatriation, local integration or resettlement of these refugees.

While the resolution before the House does not deal with the refugee situation in West Timor, Indonesia, it is important, however, to remember the recent killing of three UNHCR workers who were helping East Timorese refugees. These UNHCR employees, including one American, were trying to bring order to the refugee camps and create a situation where the East Timorese refugees could return home. Their killing by the militias was deplorable. We must always remember the dangerous conditions which these workers are exposed to.

I would be remiss, Mr. Speaker, if I did not also offer my compliments and commendation to Ms. Kathleen Mazed who is the staff consultant on this side of the aisle of our committee for the superb job that she has done not only to this piece of legislation but three other pieces of legislation. I want to thank her and recognize her services for doing this.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding me this time. I am very proud to be a cosponsor of this resolution introduced by my good friend, the gentleman from Ohio (Mr. HALL), whose commitment to human rights and humanitarian principles is well known.

The resolution celebrates the 50th anniversary of the office of the United Nations High Commissioner for Refugees, the UNHCR. It commends the UNHCR on its good work over the years and congratulates the present High Commissioner, Dr. Ogata, who will be retiring in December. The Subcommittee on International Operations and Human Rights made minor technical changes to the legislation and reported it favorably to the full committee which reported it out last week.

As the resolution rightly points out, it is important that the UNHCR never forget that the heart of its mandate is protection. Donor countries including a major donor, the United States, often forget this. Our own contribution to refugee protection around the world is about 20 percent lower than it was just 5 years ago and most other countries have done even worse. Moreover, countries of first asylum, to which refugees have fled from persecution or the fear of persecution, often wish they would go away. And sometimes the brutal regimes from which they fled are only all too happy to get them back. So there is always pressure on the UNHCR to pretend that mass repatriation would be safe when, in fact, it is dangerous or to pretend that repatriation is voluntary when, in fact, the refugees and asylum seekers are given no choice.

Mr. Speaker, we are the subcommittee of jurisdiction on refugee protection. We have had numerous hearings on many parts of the world, including Africa, the Great Lakes region, Rwanda, and I take a back seat to no one and my very good friend the ranking member, the gentlewoman from Georgia (Ms. McKINNEY), has likewise been there and the gentleman from California (Mr. LANTOS) who was the ranker 2 years ago in raising concerns about people being forced back when they had a real fear of persecution and many of those people when forced back have come to a very untimely and unfortunate fate. Occasionally, as in the so-called comprehensive plan of action, for example, asylum seekers from Indochina, the UNHCR in that case yielded to pressure. On these occasions, I and other Members as I have pointed out were among UNHCR's strongest critics. However, on many, many other occasions, the UNHCR has stood for the principle of protection, even at great risk to its own institutional interests. This resolution celebrates those instances of courage, those instances of compassion over the last 50 years and particularly during the stewardship of Dr. Ogata.

I support this resolution and urge my colleagues to support it.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. SMITH) for his strong advocacy of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I want to say, Mr. Speaker, if there is ever a champion and someone anywhere in the four corners of the world that I will travel as someone to attend with me when we talk about human rights is none other than the gentleman from New Jersey (Mr. SMITH). I want to commend him for that. I know that the situation in West Papua, New Guinea now is burning up to a situation given the fact that some 300,000 West Papains were murdered, tortured, and killed by the Indonesian military since 1963.

□ 2115

We can go on, but I want to thank the gentleman from New Jersey (Mr. SMITH); and I thank the gentleman from New York (Mr. GILMAN) also for his outstanding leadership when it comes to the issue of human rights.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his leadership on these measures we have had before us at this late hour, and I want to thank the gentleman from New Jersey (Mr. SMITH) for his advocacy.

Mr. HALL of Ohio. Mr. Speaker, I also want to thank Chairman GILMAN and SAM GEJDENSON and CHRIS SMITH for their leadership in moving this resolution through Committee and for their strong support of the bill.

I am proud to be the sponsor of H. Res. 577 which honors and recognizes the United Nations High Commissioner for Refugees (UNHCR) on the occasion of its 50th anniversary for its contributions on behalf of the world's refugees. On December 14, 2000, UNHCR will mark a half-century of helping millions of the world's most vulnerable people.

UNHCR has been mandated by the United Nations to lead and coordinate international action for the world-wide protection of refugees and the resolution of refugee problems. It is one of the world's principal humanitarian organizations helping 23 million people in more than 140 countries.

Madam Sadako Ogata has served as the United Nations High Commissioner for Refugees now for nearly ten years. it is a tough job, and Madam Ogata has performed superbly, bringing both professionalism and compassion to the organization over her decade of service.

This resolution also calls on the international community to work together with UNHCR in efforts to ensure that host countries uphold humanitarian and human rights principles for refugees, to lessen the impact of refugees on host countries, and to promote the safe voluntary repatriation, local integration, or resettlement of refugees.

I would urge my colleagues to support this legislation.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 577, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR VOTING IN MILITARY INSTALLATIONS

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5174) to amend titles 10 and 18, United States Code, and Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State and local elections for public office.

The Clerk read as follows:

H.R. 5174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

(1) by striking "Under" and inserting "(a) USE BY RED CROSS.—Under";

(2) by striking "this section" and inserting "this subsection"; and

(3) by adding at the end the following new subsection:

"(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use as a polling place in any Federal, State, or local election for public office.

"(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

"(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.".

(b) USE OF RESERVE COMPONENT FACILITIES.—(1) Section 18235 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.".

(2) Section 18236 of such title is amended by adding at the end the following new subsection:

"(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title).".

(c) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

"This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.".

(2) Section 593 of such title is amended by adding at the end the following:

"This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.".

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: "Making a military installation or reserve component facility available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b), 18235, or 18236 of title 10, United States Code, shall be deemed to be consistent with this section.".

(e) AVAILABILITY OF POLLING PLACES FOR 2000 FEDERAL ELECTIONS.—If a military installation or reserve component facility was made available as the site of a polling place with respect to an election for Federal office held during 1998, the same or a comparable site shall be made available for use as a polling place with respect to the general election for Federal office to be held in November 2000.

(f) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

"§2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections"

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

GENERAL LEAVE

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5174.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5174 clarifies the authority of the Secretary of the Defense to use DOD facilities as polling places in Federal, State and local elections for public office.

Mr. Speaker, H.R. 5174 brings a common sense approach to the issue of voting on military installations. There is no retrenchment from the prohibition against using military forces to influence voters. The Congress will remain vigilant against any potential that military forces could be used to intimidate voters. However, we must guard against the over reaction that voting must never be allowed on military facilities regardless of the benign circumstances in the absence of a threat of coercion by military forces.

The simple fact is that in some remote and rural locations in our Nation, military facilities are important community resources that have been used for polling for a number of years. The members of the local community that have used DOD facilities for voting are not threatened by the military forces that live and work in their communities.

It is important to note that this language does not require military commanders to open their facilities for voting. The bill only makes explicit that polling on military facilities is not illegal.

Mr. Speaker, H.R. 5174 does not force either local community leaders nor the military commanders to use military facilities for voting. However, if both sides agree that using military facilities for polling is in the best interest of the community and the military mission is not harmed as a result, then this bill authorizes the military commander to make the facilities available legally.

I commend the gentleman from California (Mr. THOMAS) for bringing this important matter to the attention of the House, and I urge my colleagues to vote yes on H.R. 5174.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise reluctantly in opposition to H.R. 5174.

One important component of U.S. foreign policy is the promotion of democracies worldwide. Each time the U.S. supports a fledgling democracy, we insist on a clear decoupling of the civilian leadership and a nation's military. We insist that the military subsume itself to civilian control by elected officials. This principle is as important today as it was to our Founders. Because of the strength of that principle I must stand in strong opposition to the measure before us today. Protection of this enduring principle requires adherence to established procedures.

There is a longstanding tradition of avoiding the politicization of military bases. Polling activity brings with it electioneering, and that activity on a military base is clearly inappropriate.

Military personnel vote at their home of record. For most, this means that they vote through absentee ballot. There is no indication that military personnel are currently disenfranchised, and that this measure would be necessary.

There may be legal considerations regarding the assignment of precincts and other state election laws. These may conflict with federal considerations.

The addition of new polling places may require that the states provide new balloting machines. There is no funding for this under this measure, and may therefore present the states with an unfunded mandate.

Many of our bases are open bases with free access to civilians. However, some bases are not for national security and/or force protection reasons. It is unclear how this bill would affect those concerns.

In addition, the Department of Defense is opposed to this provision. This provision deserves to be taken through the normal committee process, and not be considered under suspension of the rules.

Most Important: There have been no hearings on this measure. Many questions, such as those above, should be fully investigated through the committee hearing process before this bill is brought to the floor.

A citizen's right to vote is the linchpin of our democracy, therefore nothing should be held in higher regard nor given more deference. This bill should be afforded a full and comprehensive review by the entire Congress through established procedures. Anything short of that is irresponsible and borders on weakening the time-tested foundations of democracy.

Mr. Speaker, I include additional material for the RECORD.

The Department of Defense has a standing policy prohibiting the use of federal, active military and reserve facilities as polling or voting places. The Department believes that the military should not be involved in any way in the electoral process, in order to avoid the possibility or the perception of voter coercion or intimidation by military personnel or a military presence, or the perception that the military has authority over the election process. The principle that the military should remain separated from the electoral process is reflected in existing laws imposing criminal penalties on commanders who station troops or armed men at any place where a special or general election is held, and on members of the Armed Forces who impose regulations on the conduct of such elections or otherwise interfere in any manner with an election officer's discharge of his duties. See 18 U.S.C. 592, 593. Locating polling places on military installations, where a commander's authority is paramount, in inconsistent with DoD policy and runs the risk of exposing military personnel to criminal sanctions.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for yielding me this time, and also let me thank the gentleman from Maryland (Mr. BARTLETT) for bringing this bill up at this moment.

Mr. Speaker, I am troubled by this legislative proposal. This breaks a long-standing American tradition; and I frankly cannot, will not support this legislation.

Let me quote from the Department of Defense on this bill, and I think they are absolutely correct.

> The Department of Defense has a standing policy prohibiting the use of Federal, active military and reserve facilities as polling or voting places. The Department believes that the military should not be involved in any way in the electoral process, in order to avoid the possibility or the perception of voter coercion or intimidation by military personnel or a military presence, or the perception that the military has authority over the election process.

Further,

> The principle that the military shall remain separated from the electoral process is reflected in existing laws imposing criminal penalties on commanders who station troops or armed men at any place where a special or general election is held, and on members of the armed forces who impose regulations on the conduct of such elections or otherwise interfere in any manner with an election officer's discharge of his duties.

Let me give an example there if I may, Mr. Speaker. Polling places being held on a military installation such as Fort Leonard Wood in Missouri, military installations, bases or posts by their very nature have men and women under arms; and then, of course, near a polling place would consist of a criminal penalty, and I think that is asking too much of our military personnel to impose that type of restriction and threat on them of having violated a criminal statute.

Further, the Department of Defense states that locating a polling place in military installations where a commander's authority is paramount is inconsistent with the Department of Defense policy, and it runs the risk of exposing military personnel to criminal sanctions, as I just mentioned.

Now, let me point this out, Mr. Speaker: this is a controversial issue at best; and as such we have committees, we have a Committee on Armed Services that I am pleased to be the ranking member thereof and all of us on the committee take our jobs very seriously. I think that a measure such as this should have extensive hearings. Those in favor of it should appear before us and say why they feel as they do and those of us that oppose it will have the opportunity to ask questions and cross-examine the witnesses and hear witnesses who are opposed to it, including those from the Department of Defense. I think it is a violation at least of the process by which controversial legislation is handled in this wonderful body we call the House of Representatives. So consequently, I find that I must and do sincerely oppose this legislation.

Mr. Speaker, at this point in the RECORD I would add a letter from the Department of Defense which outlines in detail their reasons, and there are four of them spelled out.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, October 10, 2000.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Administration,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Defense on H.R. 5174, 106th Congress, a bill "To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office."

The Department of Defense opposes this legislation.

The Department has a longstanding policy prohibiting the use of military installations as polling sites for elections. This policy is based on sound public policy of maintaining strict separation between the military and the political process. The policy of separating the military and partisan politics is critically important to maintaining public support for and confidence in our Armed Forces, as well as maintaining good order and discipline within military ranks.

The principle of separating the military from the political process is also reflected in two federal criminal statutes. 18 U.S.C. §592 provides that:

> [W]hoever, being an officer of the Army or Navy, or other person in the civil, military or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined under this title or imprisoned not more than five years or both.

Similarly, 18 U.S.C. §593 subjects members of the Armed Forces to criminal penalties if they "impose or attempt to impose any regulations for conducting any general or special election in a State, different from those prescribed by law," or "interfere in any manner with an election officer's discharge of his duties." Placement of voting sites on military installations in which "troops or armed men" are likely to come into close contact with voters is fundamentally incompatible with the concept of maintaining separation between the military and politics.

If enacted, H.R. 5174 would reverse Department of Defense policy by authorizing the use of military installations as polling places. We strongly disagree that it is appropriate for the fundamental political activity of voting to take place at locations that the Department of Defense strives to make politically neutral and nonpartisan. The proposed legislation also would not effectively amend the criminal statutes reference above to relieve military personnel from potential criminal liability. Specifically, the amendments to the criminal statutes proposed in section 1(c) of H.R. 5174 would only clarify that it is not a crime for polling places to be placed on military installations. It would not address at all the placement of troops or armed men at polling places. It would not be practical simply to prohibit military personnel from approaching or entering a polling place on a military installation during voting hours. The commander of a military installation must at all times have complete control over the facilities within his or her authority. It is possible that circumstances could arise that would require a commander to order military personnel to enter a building designated as a polling site if that building is located on a military installation. We believe it is therefore prudent to retain the prohibition on the use of military buildings as polling places.

We recognize that some installations have overlooked the Department's policy on this issue in the past and that some military facilities have been used as polling places in some localities. In some cases, short-term waivers of the policy have been granted if an alternative location could not be identified in time to avoid disruption to an upcoming election. In such cases, local election officials have been advised to designate a new polling place as soon as possible. Furthermore, section 121 of the Military Construction Appropriation Act for Fiscal Year 2001 requires that military facilities that have been used as polling places over recent years must be permitted to be used as polling places for the November election. Enactment of H.R. 5174 is not necessary, therefore, to relieve any possible inconvenience to voters in the November election resulting from enforcement of the Department of Defense policy.

Finally, we want to point out that our policy does not apply to National Guard armories or other Guard facilities. These buildings are subject to the control of state Governors through their Adjutant Generals, not the Department of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for consideration of the Committee.

Sincerely,

DOUGLAS A. DWORKIN.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume, and I would ask the gentleman from Missouri (Mr. SKELTON) if he might engage in a colloquy with me.

It is my understanding that for a number of years now at certain limited number of our military facilities that there has been voting. If this has been going on, and I am assured that it has, then clearly this is in violation of current law. What this bill, as I understand it, intends to do is to make it possible to continue voting at some of these remote bases and a few reserve bases where this has appeared to be in the best interest of the community.

I would point out that this legislation is entirely permissive. The military can decide that they do not want voting in any of their facilities. I am reading from the bill itself now. It says: "The secretary of a military department may make a building located on a military installation available, and for the reserve component the language is essentially the same." The secretary may make a facility covered by subsection A available for use. They do not have to make it available at all.

My question to the gentleman from Missouri (Mr. SKELTON) is if this has been a practice, and if at some very remote locations where the military facility is just about the only show in town, because it was placed there because of the desire of the military to be very remote so that essentially all of the people in that community are associated with the military, it is my understanding that is predominately the locations where this has been going on, and my question is, if that has been going on and if it was deemed necessary to do that because of a shortage of other places in the community, then why would this totally permissive legislation be objectionable since in all other places the military could exercise its option to not permit voting at all?

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Maryland (Mr. BARTLETT) for his inquiry. Back home in Missouri we have the saying, two wrongs do not make a right. And the fact that they have been doing it, I think, because of the policy of the United States in the past, they have been violating that policy.

Now, this does not apply to National Guard armories, because National Guard armories are State property. There are many places that are available, whether it be schools or private places, sometimes private homes. There are many places and one does not need a military installation to fulfill the opportunity for folks to vote.

Let me say that there are four reasons that the Department of Defense opposes this legislation. There is a long-standing policy prohibiting the use of a military installation as polling sites for elections. This policy is based on sound public policy of maintaining strict separation between the military and the political process.

Similarly, the law, 18 U.S.C. 593, subjects members of the armed forces to criminal penalties if they impose or attempt to impose any regulations for conducting any general or special election in the State different from those prescribed by law.

I think that that is a situation where one may put someone in the armed forces in a very embarrassing and possibly a criminal violation.

Further, the Department of Defense policy, if this were enacted, would reverse the policy by authorizing the use of military installations, and the Department strongly disagrees that it is appropriate for the fundamental political activity of voting to take place on locations that the Department of Defense strives to make politically neutral and nonpartisan.

The proposed legislation would not effectively amend the criminal statutes. It leaves those alone and consequently would subject certain members of the armed forces to criminal violations.

Further, the Department recognizes some installations have overlooked the Department's policy, as the gentleman has pointed out, on this issue in the past and that some military facilities have been used. In some cases short-term waivers of the policy have been granted, and I think there is a short period that a waiver has been established. But I think quite honestly we should not allow this situation where there have been a few folks in violation of this policy, to enlarge itself and become the norm.

□ 2130

It bothers me a great deal. I just do not think that the military and the political process should get thrown together. Consequently, let us keep them separated. The military is far removed from the political ways of our country, as they should be.

That is why I just, in all good conscience, cannot support this. At best, we have to have a hearing on this. I would like to have the opportunity to cross-examine those who propose it.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I am grateful for the gentleman yielding, and for the opportunity, particularly since I have so much respect for his commitment to all questions that we have dealt with in the Committee on Armed Services.

The issue is an important one. There is a waiver in existence now with respect to the use of the facilities so perhaps we do not find anybody in violation, inadvertently or otherwise. Perhaps this is an issue, although I realize the gentleman is not in the position of advocating the bill this evening.

There should be an opportunity for us to discuss this, then, in committee. I am sure we could take up the pros and cons and maybe talk it out a little bit, and perhaps another solution could be arrived at.

But I have to stand, then, with my original reluctance and at the same time say that even after this colloquy I find myself still in opposition, not necessarily to doing it or finding some other solution, but at this particular time, pending hearings in the House Committee on Armed Services, I ask that it be defeated for the time being, at least.

Mr. BARTLETT of Maryland. Mr. Speaker, I understand the gentleman's concern. I would state that I do not believe it was the intention of this bill to enlarge this practice.

The gentleman mentioned that waivers have been granted. These were in very limited locations, and they were granted because it was felt that voting at the military facility was the only reasonable thing that could be done.

I think the reason for this bill is that we cannot, in a military base, waive law. That is what they were pretending to do. We cannot just waive law. The law now says we cannot do it there. I think what the intent of this bill is is simply for those rare occasions where this needs to be done, that this now puts the commander of the base not in violation of the law when he does a reasonable thing, and that is to permit the people to vote there.

That is my understanding of the bill, and I think that is all that was intended by the bill, was to solve a current problem where those commanders who have waived the law, and I do not think we can waive a Federal statute, they have waived the law and in effect they have been in violation of the law when they have permitted voting in their facility, this now would make them in compliance with the law, because this would say they have the option of doing that if it is appropriate.

The bill makes very clear that this is not appropriate when it violates any of the intent, any of the mission of that facility. It is totally permissive, it is not obligatory in any sense. I believe that I am clearly expressing the intent of the legislation and the desire of the gentleman from California (Mr. THOMAS).

Mr. SKELTON. Mr. Speaker, if the gentleman will continue to yield, I appreciate that statement.

I keep going back to my old Missouri comment: Two wrongs do not make a right. I am very concerned that should this bill become law it would be permissive, and it would enlarge a practice that really should not have begun to begin with.

So I do not think that we are doing anyone a service here. I think we are doing ourselves a disservice by mixing the military and the political process together. I thank the gentleman for yielding and for taking the bill up at this time.

Mr. BARTLETT of Maryland. Mr. Speaker, I would like to say in closing that Federal law prohibits political activity on any Federal land, including military land.

In Maryland, we can campaign within 100 feet of the polling place. If that polling place were on a military facility, it would be my understanding that we could not campaign within 100 feet of the polling place.

I do not see voting as a partisan political activity, I see it as a patriotic activity. Campaigning for a specific candidate I see as partisan political activity, which I would not think would be appropriate to go on on a military facility.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to comment on the last observation of the gentleman from Maryland (Mr. BARTLETT), which I agree with. Unfortunately, I come to a little bit different conclusion this evening. This is one of the reasons why I oppose it at this time, or oppose passage at this time.

I believe voting is a patriotic act. I believe it is an act, if you will, of self-preservation of a democracy, certainly our democracy. Because free speech is so important, I think the gentleman is quite correct in observing that it is unlikely that commanders would like to have political activity, sign-holding, et cetera, very near a polling place if it was in the middle of a base.

I expect different jurisdictions across the Nation have different rules with respect to how close to a voting booth one can actually politic, but nonetheless, it is unlikely that military bases would find themselves easily resolving those kinds of questions.

My point, in conclusion, Mr. Speaker, is that while this is an idea that certainly should receive full discussion and consideration, passing it at this time has not allowed for that. So therefore, again, I reluctantly state my opposition at this time.

Mr. LINDER. Mr. Speaker, I rise in support of the bill H.R. 5174, a bill to help families and communities that support military bases preserve their voting rights.

I have been very concerned with the decision earlier this year by the Department of Defense to not allow voting booths on military facilities, even though many of these facilities are isolated and in remote areas of our country. The Department refers to a law preventing the presence of troops at election sites, something we can all agree is a good law. Mr. Speaker, that law was never intended to prevent local election officials from asking to set up voting booths in order to let military personnel and people in the community vote. The purpose of that old law was to stop intimidation and abuse of the military in elections.

The men and women who support these bases, not only those in the service, have been used to voting at long established voting booths in some of these military owned buildings. Sometimes in these remote communities, the military owns all the buildings suitable to set up a voting booth. It is unfair that we would stop this from continuing since there are no known instances in which this posed a problem or voting infringement by anyone. Frankly, it is just overzealous lawyering at work in the Department. H.R. 5174 sets this straight.

I am especially pleased that H.R. 5174 does not attempt to force some new mission onto the military. It quietly allows voting booths to continue to be set up on these military facilities. It also gives the proper discretion to the military to continue or discontinue this practice. H.R. 5174 allows the military to keep the status quo of providing this service to our servicemen and their supporters while taking away any fear of breaking the law. I support H.R. 5174 because it helps service personnel, their families, and the people who support these isolated bases to continue to exercise their right to vote.

People in the military work hard enough and suffer hardships by living in isolation. We should not be making it harder for them to vote. We should make it easier.

Mr. THOMAS. Mr. Speaker, I rise in support of my bill H.R. 5174, which preserves the voting rights of people in communities who live on or around military bases in remote, rural areas.

Earlier this year the Department of Defense issued a directive that disrupts the traditional role of these bases whose commanders have for years allowed local election officials to set up election voting booths. Lawyers at the Department of Defense have said they are concerned that an old Civil War era law prohibiting troops at election polls could be used to impose criminal sanctions on military personnel who are simply allowing local election officials to set up voting booths. My interest is in protecting those military personnel while allowing the commanders of remote bases to continue to allow the setting up of voting booths. H.R. 5174 does this.

The need to act quickly is great. These bases are sometimes the only facility in a remove and isolated area; indeed, the remoteness is usually what attracted the military to locate the base there in the first place. It is entirely proper that the military should permit these election polls to continue at the commander's discretion. The people in communities that support our military bases sacrifice by living in isolated rural areas. They look to the military for shopping needs at commissaries, recreation needs at rec halls and theaters, and sometimes homes and schools on base. We should not be making it more difficult for them to vote. We should be making it easier.

At the same time, I am very aware that the military must have the final say as to whether an election poll can be permitted on a military base. The very nature of national defense is such that we must not tie the hands of those who are working to protect us. Obviously, many bases, if not most, are sensitive and should not be open to election operations. That is why I have written H.R. 5174 with great care to allow the presence of election polls on military sites, but the discretion to have them is entirely with the military. H.R. 5174 provides a safe harbor by expressly stating that the military may make a building located on a military installation available for use as a polling place in any Federal, State, or local election.

I hope my colleagues will join me in voting for this bill and preserving the tradition of the military in protecting the voting rights of people in communities that support our military facilities.

Mr. ABERCROMBIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARTLETT of Maryland. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 5174.

The question was taken.

Mr. BARTLETT of Maryland. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING APPRECIATION FOR U.S. SERVICE MEMBERS ABOARD HMT ROHNA WHEN IT SANK

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 408) expressing appreciation for the United States service members who were aboard the British transport HMT ROHNA when it sank, the families of these service members, and the rescuers of the HMT ROHNA's passengers and crew.

The Clerk read as follows:

H. CON. RES. 408

Whereas on November 26, 1943, a German bomber off the coast of North Africa sunk the British transport HMT ROHNA with a radio-controlled, rocket-boosted bomb;

Whereas 1,015 United States service members and more than 100 British and Allied officers and crewmen perished as a result of the attack;

Whereas hundreds died immediately when the bomb struck and hundreds more died when darkness and rough seas limited rescue efforts;

Whereas many families still do not know the circumstances of the deaths of loved ones who died as a result of the attack;

Whereas more than 900 United States service members survived the attack under extremely adverse circumstances;

Whereas United States, British, and French rescuers worked valiantly to save the passengers and crew who made it off the HMT ROHNA into the sea;

Whereas one United States ship, the USS PIONEER, picked up many of those who were saved;

Whereas because of inadequate record keeping, some survivors of the attack struggled for years to verify the details of the sinking of the HMT ROHNA;

Whereas the men who died as a result of the attack on the HMT ROHNA have been largely forgotten by the Nation; and

Whereas the Congress and the people of the United States have never recognized the bravery and sacrifice of the United States service members who died as a result of the sinking of the HMT ROHNA or the United States service members who survived the sinking and continued to serve the Nation valiantly abroad during the war: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress expresses appreciation for—

(1) the United States service members who died in the sinking of the HMT ROHNA, for the heroic sacrifice they made for freedom and the defense of the Nation;

(2) the United States service members who survived the sinking of the HMT ROHNA, for their bravery in the face of disaster and their

subsequent service during the war on behalf of the Nation;

(3) the families of all of these service members; and

(4) the United States, British, and French rescuers, especially the crew of the USS PIONEER, who endangered their lives to save the passengers and crew of the HMT ROHNA.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

GENERAL LEAVE

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House undertakes a solemn task. House Concurrent Resolution 408 remembers the loss of 1,015 American soldiers who died when the British troop transport ship HMT ROHNA was tragically sunk off the coast of North Africa on November 26, 1943, during World War II. This resolution recognizes that the sinking of the ROHNA was a major catastrophic event of World War II.

Mr. Speaker, this recognition is long overdue. We owe recognition to the men who gave their lives that day. We owe recognition to the men who survived the sinking and went on to fight bravely in the China-Burma-Indian theater and other combat theaters.

We owe recognition to the families of both groups of men. The high price paid by families is often made worse by the absence of information about their loss caused by the demands for secrecy during war. The sinking of the ROHNA was just such a case. Many of the families of those killed were not aware of the details of the sinking until recently. When they asked for more information, they found that there were very few records available.

Mr. Speaker, House Concurrent Resolution 408 puts the sinking of the ROHNA in proper perspective by outlining the details of the attack and rescue. The resolution then expresses the gratitude of the Congress and all Americans, recognizing the sacrifices of the men who died and the men who survived the horror of the sinking and went on to carry the fight to the enemy in other battles.

The resolution also thanks the family members of both groups of officers for the sacrifice of their loved ones in the defense of freedom.

Finally, the resolution thanks the crews of the U.S. French and British ships that endangered their lives to save the survivors of the ROHNA.

Mr. Speaker, the sinking of the ROHNA was a horrific event that America must not overlook any longer. We owe this recognition to the men, both living and dead, who suffered during this disaster. They and their families deserve better. I urge my colleagues to vote yes on House Concurrent Resolution 408.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to echo the comments of the gentleman from Maryland (Mr. BARTLETT) with respect to this resolution.

Mr. Speaker, I join in support of the resolution introduced by my colleague, Mr. METCALF, in expressing the appreciation of the United States to those who were aboard the British transport H.M.T. *Rohna* during World War II.

According to the limited data available, the H.M.T. *Rohna* was transporting American troops and Red Cross workers to Bombay, India, for the China-Burma-India Theater of war. On November 26, 1943, during an air attack, a German bomber launched a guided missile, which sunk the British transport. One thousand, one hundred and thirty eight individuals died as a result of the attack, including one thousand and fifteen American troops. The attack of the H.M.T. *Rohna* was one of the greatest losses of lives during World War II.

Much of the details surrounding the sinking of the H.M.T. *Rohna* are still unavailable. What is known is that more than nine hundred service members survived the attack, because of the brave and heroic actions of the U.S.S. *Pioneer* crew, who rescued many of the survivors. However, it was not until 1995, over fifty years later, a group of survivors, next-of-kin, and rescuers, came together to recognize this historical tragedy.

The resolution before the House today recognizes this devastating disaster and expresses the appreciation of the Congress to the service members who died in the sinking of the H.M.T. *Rohna* for their ultimate sacrifice in defense of our country, expresses admiration of the survivors and the families for their bravery and courage in brining attention to this catastrophe, and acknowledges the efforts of the United States, British and French rescuers, especially the crew of the U.S.S. *Pioneer*, to save the passengers and crew of the H.M.T. *Rohna*.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, it is a great pleasure for me to be on the floor with the gentleman from Washington (Mr. METCALF) this evening in recognition of his work in this area.

I want to express to him that it does not surprise me in the least, having gotten to know him over the past few years, that he is concentrating on making sure that those who had not been recognized are given the attention that they deserve.

I think it expresses the kind of person that the gentleman from Washington is, and I, for one, will miss the contributions that he has made, and I am sure will continue to make to this Nation and to his community.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to state my friendship for the gentleman from Washington, my respect for him, and I regret the fact that he has decided to retire and leave us. We will be diminished by the fact that he no longer serves his constituents and the country.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. METCALF), the author of this bill.

Mr. METCALF. Mr. Speaker, I thank the gentleman from Maryland for yielding time to me, and for his gracious words, and I thank the gentleman from Hawaii for his kind words.

Mr. Speaker, I would like to express my deep gratitude to the gentleman from South Carolina (Chairman SPENCE) and ranking member, the gentleman from Missouri (Mr. SKELTON), for working with me to move this resolution to the floor.

Michael Higgins, the Committee on Armed Services staff, was especially helpful, and I appreciate his efforts.

The greatest naval disaster for the United States during World War II was the sinking of the Arizona, when 1,077 were killed. The Arizona has properly been memorialized in the national consciousness.

On November 26, 1943, there was a loss of American military personnel of almost identical magnitude when the British troop transport ship HMT ROHNA was sunk by a radio-controlled rocket-boosted bomb launched from a German bomber off the coast of North Africa.

By the next day, 1,015 American troops and more than 100 British and allied officers and crewmen had perished, but the U.S. troops aboard the ROHNA have been largely forgotten by the country. It was not publicized at the time at all. Hundreds died immediately when the missile struck. The majority died from exposure and drowning when darkness and rough seas limited rescue efforts. Over 900 did survive.

British, American, and French rescuers worked valiantly to save those ROHNA passengers and crew who made it off the ship into the ocean, and of course a lot of them did not make it off the ship. One of them, the U.S.S. Pioneer, picked up two-thirds of all those who were saved, 606 GIs. Many of those in the water had to endure hours and hours of chilling temperature before being picked up. As the evening moved into the middle of the night and early morning hours, some men were speechless from the cold. Many died deaths of terrible agony.

The United States government had not properly acknowledged this event because inadequate records were kept. Some survivors had to fight for years to prove that the ROHNA even existed, let alone that survivors might be due some recognition.

At a 1996 memorial dedication honoring Americans who died on the ROHNA, survivor John Fievet spoke the following words:

> I dedicate this memorial to the memory of those who fell in the service of our country. I dedicate it in the names of those who offered their lives that justice, freedom, and democracy might survive to be the victorious ideals of the world. The lives of those who made the supreme sacrifice are glorious before us. Their deeds are an inspiration; as they served America in time of war . . . yielding their last full measure of devotion, may we serve America in time of peace. . . . I dedicate this monument to them, and with it, I dedicate this society to the faithful service of our country and to the preservation of the memory of those who died, that liberty might live.

□ 2145

The men who gave their lives for their country on board this ship were heroes who deserve to be recognized as such and not forgotten. The parents of virtually all of them died without ever learning how their sons had died. Their brothers, sisters and wives and children need to hear their story. All Americans need to learn of their bravery and sacrifice. Not only do the victims of the tragic sinking need to be honored, but also their comrades who survived to be sent to the Burma-China-India theater of the war and to serve valiantly there.

On November 11, 1993, Charles Osgood featured the Rohna's story on his widespread radio program. For the first time, a broad cross-section of America got to hear the story of some of its unknown warriors. Osgood revisited the subject 2 weeks later. According to Osgood, and I quote, "It is not that we forgot, it's just that we never knew."

Americans need to know about the Rohna. They need to know about the men who died when the Rohna was sunk, sacrificing their lives in the fight against tyranny. Americans need to know and not to forget. I did not know anything about this until a brother of one of the men who died on the Rohna came to me and told me about it and asked me to get involved.

Mr. ABERCROMBIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARTLETT of Maryland. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 408.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROMOTION OF ADOPTION OF MILITARY WORKING DOGS

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5314) to require the immediate termination of the Department of Defense practice of euthanizing military working dogs at the end of their useful working life and to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs, as amended.

The Clerk read as follows:

H.R. 5314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROMOTION OF ADOPTION OF MILITARY WORKING DOGS.

(a) ADOPTION OF MILITARY WORKING DOGS.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2582. Military working dogs: transfer and adoption at end of useful working life

"(a) AVAILABILITY FOR ADOPTION.—The Secretary of Defense shall make a military working dog of the Department of Defense available for adoption by a person or entity referred to in subsection (c) at the end of the dog's useful working life or when the dog is otherwise excess to the needs of the Department, unless the dog has been determined to be unsuitable for adoption under subsection (b).

"(b) SUITABILITY FOR ADOPTION.—The decision whether a particular military working dog is suitable or unsuitable for adoption under this section shall be made by the commander of the last unit to which the dog is assigned before being declared excess. The unit commander shall consider the recommendations of the unit's veterinarian in making the decision regarding a dog's adoptability.

"(c) AUTHORIZED RECIPIENTS.—Military working dogs may be adopted under this section by law enforcement agencies, former handlers of these dogs, and other persons capable of humanely caring for these dogs.

"(d) CONSIDERATION.—The Secretary may authorize the transfer a military working dog under this section without charge to the recipient.

"(e) LIMITATIONS ON LIABILITY FOR TRANSFERRED DOGS.—Notwithstanding any other provision of law, the United States shall not be subject to any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage that results from, or is in any manner predicated upon, the act or omission of a former military working dog transferred under this section, including any training provided to the dog while a military working dog.

"(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report specifying the number of military working dogs adopted under this section during the preceding year, the number of these dogs currently awaiting adoption, and the number of these dogs euthanized during the preceding year. With respect to each euthanized military working dog, the report shall contain an explanation of the reasons why the dog was euthanized rather than retained for adoption under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2582. Military working dogs: transfer and adoption at end of useful working life.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

GENERAL LEAVE

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5314, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a few weeks ago, an article was brought to my attention regarding the plight of one of our finest soldiers, the military working dog. The article delineated the Department of Defense policy regarding the fate of these valiant dogs after completion of service to their country.

I learned that military working dogs remain in their assigned unit until they are 8 to 10 years old. Unfortunately, as the situation currently stands, there is no easy solution for these loyal dogs after their body is no longer able to sustain the workload of their mission.

At this point, the future becomes bleak. In a best-case scenario, the dogs are sent back to Lackland Air Force base, their original training school, where they are used to instruct their human counterparts to become handlers after they have served this final duty, they are kenneled for an undetermined amount of time, and then put down.

In some instances, military working dogs are caged as long as a year until they meet their final outcome. Equally as sad, if no kennel space is available, the less fortunate are terminated directly upon arrival to Lackland.

After learning about the bleak future of military working dogs, not only did I become concerned for their final treatment, but I was also troubled by the fact that they were robbed of a quiet retirement. Why? Simply because the DOD policy prohibits the adoption of retired military dogs even by their handlers.

My colleagues may be familiar with the plight of Robby, a professional military working dog. As an 11-year-old Belgian Malinois, he is no longer deployable. Suffering from missing teeth and arthritis, his ability to work at full capacity has been hindered.

Common sense would say that Robby could now retreat to a quiet existence. On the contrary, Robby is to report to Lackland Air Force Base for one final deployment. Sadly, he will be caged and eventually euthanized.

Last week I had the opportunity to meet Robby. I was able to pet Robby through the cage when I initially arrived. As a 3-time Pentagon champion, his body is showing the wear of a full military career. It was obvious to me that Robby is a dog who has faithfully served his country; however, now his physical body is failing to the point that he is hardly able to perform minimal responsibility necessary for completing his mission.

It was also obvious to me that Robby has a special bond with his handler. Understandably so, as the two spent several years working side by side. The level of trust maintained between the two while in the line of duty is still present today.

Robby's handler would like to spare his life through an adoption by either himself or another handler; however, the DOD would not allow it. In light of seeing Robby and his handler together, I feel that DOD's prohibition on handler adoption is pointlessly tragic.

I feel, despite the dog's deteriorating health, he could still have the opportunity to experience the comforts and joys of normal companionship. Disallowing a handler the option to adopt their canine partner runs contrary to normal logic. Why should military working dogs be kept from a calm existence upon retirement when the only other alternative is more work before a final death?

Upon further research, I learned that the 1949 Federal Property and Administrative Services Act enacted after World War II reclassified military working dogs as equipment. According to the military mentality, any piece of equipment no longer operable becomes a hardship to the unit and must be disposed of.

In 1997, the Federal Property and Administrative Services Act was amended. At that time the act was altered to permit Federal dog handlers, such as those in the Drug Enforcement Administration, to adopt their aging canine partners. Oddly enough, the Department of Defense canine partners were the only Federal canine group not to be included in the modification.

Again, I ask the question, why? Are these worthy canines any less deserving than people of living out the remainder of their days than other Federal working dogs? Clearly not.

The bill I bring before the House today, H.R. 5314, makes the adoption of a retired military working dog a reality for the handler. I have labored hard to ensure that the language was constructed at the best vantage point for all parties involved. The decision to allow a handler to adopt their partner rests on the shoulders of those who know the dog best, the dog's last unit commander and the last unit veterinarian.

Made on a dog-by-dog basis, the commander and veterinarian are obligated to give their consent before the adoption process can move forward. Furthermore, H.R. 5314 provides an additional safeguard at the Federal level. Upon receipt of the dog, the adopt handler waives all liability against the Federal Government.

H.R. 5314 will effectively accomplish two goals. It offers the DOD a solution to their dilemma of maintaining aging canines and lifts the restriction that prohibits the adoption of military working dogs. Former dog handlers, individuals with comparable experience, or law enforcement agencies will be able to provide a loving home for such deserving animals.

Through the passage of this legislation, not only will the military working dog be taken from caged status, but also the dog will be given the opportunity for a positive home environment. I know my colleagues will agree that after a lifetime of service, there could be no better reward for both dog and handler.

In closing, H.R. 5314 has been endorsed by the Humane Society of the United States, the American Veterinary Medical Association, the Society for Animal Protective Legislation, the Doris Day Animal Rights League, and the American Society of the Prevention of Cruelty to Animals. Please join me in passing this positive measure which is a win-win solution for dog handler and the Department of Defense.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can hardly add to the compelling case that the gentleman from Maryland (Mr. BARTLETT) has made.

Mr. Speaker, I would like to say that, as was mentioned by the gentleman from Washington (Mr. METCALF), I wanted to make a statement that it does not surprise me that this legislation would be put forward by the gentleman from Maryland (Mr. BARTLETT).

If there is anyone in the Congress who carries through on his convictions, if there is anyone who is looking out for those who cannot speak for themselves, in this instance most assuredly so, it is the gentleman from Maryland (Mr. BARTLETT); and I am quite proud to be able to be here this evening and to be able to support his legislation.

I had no idea and I doubt if any other Member in the body had any idea that this was, in fact, the case, that working dogs in the military would be put down when they were no longer thought to be useful. And I must say in conclusion, that it just seemed perfectly natural to me when the gentleman from Maryland (Mr. BARTLETT) came up and asked for my support that he would be leading the charge on this particular piece of legislation.

It is a pleasure to be working with him and to have the opportunity to join with him in supporting this bill.

Mr. Speaker, I rise in support of H.R. 5314, introduced by my friend and Armed Services Committee colleague, Mr. ROSCOE BARTLETT. The bill before the House today would terminate the Department of Defense policy of putting down aging military working dogs and provide for their adoption

Currently, there is no policy to allow these elderly dogs to be retired and transferred to an individual or private entity that could provide appropriate care for these aging dogs.

H.R. 5314 would address this unfortunate situation and allow elderly military working dogs to be adopted by law enforcement agencies, former handlers, and other persons capable of humanely caring for these fine animals. The bill also includes a provision that limits the Federal Government's liability in cases where a former military working dog is transferred.

H.R. 5314 allows the commander of the individual dog's unit to decide whether a particular military working dog is suitable for adoption. This will afford military working dogs the same treatment given to those dogs who serve on our community police forces, and allow military working dogs to retire and enjoy the last few years of their life.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I yield back the balance of my time.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for his very kind remarks. I thank him very much for the comments.

Mr. Speaker, now I would like to thank Mr. Philip Grone of our Committee on Armed Services for his considerable help. We had to spend a number of hours working out the details of this language to make sure that it was satisfactory to DOD in assuring them that they had no liability as a result of adopting these dogs out.

This legislation would not have been possible without the considerable help of Mr. Philip Grone, and I am very appreciative of that help.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 5314, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs."

A motion to reconsider was laid on the table.

POSTHUMOUS PROMOTION OF WILLIAM CLARK TO GRADE OF CAPTAIN

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3621) to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

The Clerk read as follows:

H.R. 3621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POSTHUMOUS PROMOTION OF WILLIAM CLARK, CO-LEADER OF THE LEWIS AND CLARK EXPEDITION, TO THE GRADE OF CAPTAIN IN THE REGULAR ARMY.

(a) POSTHUMOUS PROMOTION.—William Clark, of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition of 1804–1806, shall be deemed for all purposes to have held the grade of captain, rather than lieutenant, in the Regular Army, effective as of March 26, 1804, and continuing until his separation from the Army on February 27, 1807.

(b) PROHIBITION OF BENEFITS.—No person is entitled to any bonus, gratuity, pay, or allowance because of the provisions of subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

GENERAL LEAVE

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3621.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House has a rare opportunity to correct a longstanding injustice and blemish in our Nation's history.

H.R. 3621 would authorize the posthumous promotion of William Clark, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

William Clark played a pivotal role in the expedition to explore the Missouri River chartered by President Thomas Jefferson. He shared command of the exploration party known as the Corps of Discovery with Captain Meriweather Lewis.

In fact, Captain Lewis had handpicked William Clark to jointly command the expedition team with him. Captain Lewis believed he was conveying the promise to the United States Government and the Army when he offered William Clark an appointment in the grade of captain. Unfortunately, the Army was unable to make a place for William Clark as a captain, and he was confirmed by the Senate as a lieutenant.

The fact that William Clark was not appointed a captain was the source of great embarrassment and disappointment to Captain Lewis. His response was to treat William Clark as a cocommander of the expedition, with equal authority.

In fact, the two agreed at Captain Lewis' insistence that the members of the Corps of Discovery and any others that came in contact with the expedition would only know William Clark as a captain and co-commander. As a result, all the documentation dealing with the expedition and the Corps Discovery refer to Captain William Clark.

For all practical purposes, William Clark deserved equal billing with Captain Lewis. He performed superbly as co-commander throughout the expedition and was a respected leader.

William Clark played a key role and contributed immeasurably to the history-making exploration of the Missouri River that paved the way for the expansion of the United States westward.

William Clark's place in history is secure. The only thing left to do is remove the cloud of uncertainty concerning his appointment as a captain.

Mr. Speaker, I commend the author of H.R. 3621, the gentleman from Nebraska (Mr. BEREUTER), for bringing this issue to the attention of the House. His commitment to this issue again proves that it is never too late to do the right thing.

Mr. Speaker, William Clark earned the privilege to be called captain and the records of our Nation should document that honor. I urge my colleagues to vote yes on H.R. 3621.

Mr. Speaker, I reserve the balance of my time.

□ 2200

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman from Maryland (Mr. BARTLETT) has provided the background, and I suspect there will be some further commentary by the introducer of the bill.

Mr. Speaker, I rise in support of H.R. 3621, introduced by Mr. DOUG BEREUTER, which would provide for the posthumous promotion of William Clark to the grade of captain in the Regular Army.

William Clark was the coleader with Meriwether Lewis of the "Corps of Discovery", a military and scientific expedition to the Pacific Northwest from 1804 to 1806. This expedition provided vast information on the resources of the West and encouraged further exploration and settlement.

In 1792, William Clark became an officer in the regular army and fought in the battle of Fallen Timbers. In 1803, Clark accepted an invitation to serve as coleader of the "Corps of Discovery". He spent several months studying astronomy and map-making, and traveled with Meriwether Lewis down the Ohio River to Wood River, Illinois, where they made the final preparations for their expedition across America.

Upon his return from the expedition, William Clark continued his outstanding service to this nation. In 1807, President Thomas Jefferson appointed him principal Indian Agent for the Louisiana Territory and brigadier general of its militia, which he held until 1813, when he became governor of the newly formed Missouri Territory.

As we begin celebrations recognizing the 200th anniversary of the Corps of Discovery, it is fitting that we acknowledge the contributions of William Clark and provide him with a posthumous promotion to Captain.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the author of the bill.

Mr. BEREUTER. Mr. Speaker, I am pleased to rise today in support of H.R. 3621, a legislation this Member introduced to correct a nearly 200-year-old error. I thank the gentleman for yielding me this time.

This Member would also like to thank the distinguished gentleman from South Carolina (Chairman SPENCE) for his assistance in moving this bill forward, and the distinguished gentleman from Indiana (Mr. BUYER), chairman of the Subcommittee on Military Personnel for his cooperation.

I also want to express my appreciation to the distinguished gentleman from Missouri (Mr. SKELTON), the ranking minority member of the committee, for his continuing support on this effort and for his cosponsorship of the resolution.

The gentleman from Maryland (Mr. BARTLETT) has given us an important part of the background on this issue. As we approach the bicentennial of the Lewis and Clark Expedition, it is important to formally recognize the role of William Clark by posthumously awarding him the rank of captain which he had been promised.

The legislation we are considering today, H.R. 3621, states that William Clark "shall be deemed for all purposes to have held the grade of captain, rather than lieutenant, in the Regular Army, effective as of March 26, 1804, and continuing until his separation from the Army on February 27, 1807." This Member urges my colleagues to support H.R. 3621 and help correct an error that has persisted for nearly two centuries.

Although most people consider Meriwether Lewis and William Clark to be of equal rank due to their shared command of the expedition, the fact is that Clark remained a lieutenant despite an earlier promise by President Jefferson that he would be commissioned as a captain. In fact, Captain Lewis treated William Clark as a coequal leader of the Corps of Discovery throughout the expedition; and in all probability, the men assumed that their leaders held the rank of captain, both of them.

Stephen Ambrose, in his outstanding book "Undaunted Courage," gives a detailed and well-documented description of the events that resulted in the diminished rank for Clark. Despite the clearly stated intentions by President Jefferson and Lewis, a number of actions denied Clark his rightful rank. Nevertheless, Clark served his country admirably and emerged, along with Lewis, a true American hero for all time.

The approaching bicentennial of this extraordinarily important expedition provides the United States of America an excellent opportunity to correct this oversight and elevate Clark to his rightful rank. This Member has fully investigated this issue with the U.S. Army and finds that introducing this legislation is the proper course to follow without setting inappropriate precedent. A similar legislative action was taken to promote George Washington in rank posthumously in 1978.

As a footnote, Members may be interested to know that there is no cost associated with H.R. 3621 as the legislation prohibits any person from collecting any bonus, gratuity, pay or allowance because of the posthumous promotion. This legislation simply gives Lieutenant William Clark the promotion to Captain promised by President Jefferson before the Lewis and Clark expedition began.

Retired General Gordon R. Sullivan on behalf of the Association of the United States Army applauded this legislation and pledged their support.

Mr. Speaker, in closing, I would say this, William Clark served our country admirably, with great courage and leadership skills, and emerged, along with Meriwether Lewis, as a true American hero for all times. As a cochairman of the House Lewis and Clark Caucus and a former Army officer, this Member believes that this legislation is a matter in which the Congress should act.

Therefore, I urge my colleagues to support H.R. 3621. It is the right thing to do, even now.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are no further requests for time on this side. I would like to close simply by observing that I have had the opportunity, the good fortune, I might say, through the auspices of the ranking minority member, to have conversations, with some other Members, with Mr. Ambrose, the author. I, just by way of observation, hope that, when this passes, as I am sure it will unanimously, that perhaps we could see to it that a copy of the resolution in some appropriate form be sent to him. I am sure he would find it interesting and a nice, not conclusion, certainly, but certainly an addition to the interest that Mr. Ambrose induced in the Nation with the publication of his book on the expedition.

Mr. Speaker, I yield back the balance of my time.

Mr. BARTLETT of Maryland. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 3621.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. BARRETT of Nebraska. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report to accompany the bill, H.R. 4392.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

GRAIN STANDARDS AND WAREHOUSE IMPROVEMENT ACT OF 2000

Mr. BARRETT of Nebraska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4788) to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act, as amended.

The Clerk read as follows:

H.R. 4788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Grain Standards and Warehouse Improvement Act of 2000".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GRAIN STANDARDS

Sec. 101. Sampling for export grain.
Sec. 102. Geographic boundaries for official agencies.
Sec. 103. Authorization to collect fees.
Sec. 104. Testing of equipment.
Sec. 105. Limitation on administrative and supervisory costs.
Sec. 106. Licenses and authorizations.
Sec. 107. Grain additives.
Sec. 108. Authorization of appropriations.
Sec. 109. Advisory committee.
Sec. 110. Conforming amendments.
Sec. 111. Special effective date for certain expired provisions.

TITLE II—WAREHOUSES

Sec. 201. Storage of agricultural products in warehouses.
Sec. 202. Regulations.

TITLE I—GRAIN STANDARDS

SEC. 101. SAMPLING FOR EXPORT GRAIN.

Section 5(a)(1) of the United States Grain Standards Act (7 U.S.C. 77(a)(1)) is amended by striking "(on the basis" and all that follows through "from the United States)".

SEC. 102. GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.

(a) Inspection Authority.—Section 7(f) of the United States Grain Standards Act (7 U.S.C. 79(f)) is amended by striking paragraph (2) and inserting the following:

"(2) Geographic boundaries for official agencies.—Not more than 1 official agency designated under paragraph (1) or State delegated authority under subsection (e)(2) to carry out the inspection provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary, except that, if the Secretary determines that the presence of more than 1 designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary may—

"(A) allow more than 1 designated official agency to carry out inspections within the same geographical area as part of a pilot program; and

"(B) allow a designated official agency to cross boundary lines to carry out inspections in another geographic area if the Secretary also determines that—

"(i) the current designated official agency for that geographic area is unable to provide inspection services in a timely manner;

"(ii) a person requesting inspection services in that geographic area has not been receiving official inspection services from the current designated official agency for that geographic area; or

"(iii) a person requesting inspection services in that geographic area requests a probe inspection on a barge-lot basis.".

(b) Weighing Authority.—Section 7A(i) of the United States Grain Standards Act (7 U.S.C. 79a(i)) is amended—

(1) by striking "(i) No" and inserting the following:

"(i) UNAUTHORIZED WEIGHING PROHIBITED.—

"(1) IN GENERAL.—No";

(2) by striking the second sentence; and

(3) by adding at the end the following:

"(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—Not more than 1 designated official agency referred to in paragraph (1) or State agency delegated authority pursuant to subsection (c)(2) to carry out the weighing provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary, except that, if the Secretary determines that the presence of more than 1 designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary may—

"(A) allow more than 1 designated official agency to carry out the weighing provisions within the same geographical area as part of a pilot program; and

"(B) allow a designated official agency to cross boundary lines to carry out the weighing provisions in another geographic area if the Secretary also determines that—

"(i) the current designated official agency for that geographic area is unable to provide the weighing services in a timely manner; or

"(ii) a person requesting weighing services in that geographic area has not been receiving official weighing services from the current designated official agency for that geographic area.".

SEC. 103. AUTHORIZATION TO COLLECT FEES.

(a) INSPECTION AND SUPERVISORY FEES.—Section 7(j)(4) of the United States Grain Standards Act (7 U.S.C. 79(j)(4)) is amended in the first sentence by striking "2000" and inserting "2005".

(b) WEIGHING AND SUPERVISORY FEES.—Section 7A(l)(3) of the United States Grain Standards Act (7 U.S.C. 79a(l)(3)) is amended in the first sentence by striking "2000" and inserting "2005".

SEC. 104. TESTING OF EQUIPMENT.

Section 7B(a) of the United States Grain Standards Act (7 U.S.C. 79b(a)) is amended in the first sentence by striking "but at least annually and".

SEC. 105. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking "2000" and inserting "2005"; and

(2) by striking "40 per centum" and inserting "30 percent".

SEC. 106. LICENSES AND AUTHORIZATIONS.

Section 8(a)(3) of the United States Grain Standards Act (7 U.S.C. 84(a)(3)) is amended by inserting "inspection, weighing," after "laboratory testing,".

SEC. 107. GRAIN ADDITIVES.

Section 13(e)(1) of the United States Grain Standards Act (7 U.S.C. 87b(e)(1)) is amended by inserting ", or prohibit disguising the quality of grain," after "sound and pure grain".

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking "2000" and inserting "2005".

SEC. 109. ADVISORY COMMITTEE.

Section 21(e) of the United States Grain Standards Act (7 U.S.C. 87j(e)) is amended by striking "2000" and inserting "2005".

SEC. 110. CONFORMING AMENDMENTS.

(a) OBSOLETE STUDIES AND REPORTS.—Section 8 of the United States Grain Standards Act of 1976 (7 U.S.C. 79 note; Public Law 94–582) is amended—

(1) by striking "(a)"; and

(2) by striking subsection (b).

(b) TEMPORARY AUTHORITIES AND STUDY.—Sections 23, 24, and 25 of the United States Grain Standards Act of 1976 (7 U.S.C. 87e–1, 7 U.S.C. 76 note; Public Law 94–582) are repealed.

(c) TRANSITIONAL PROVISION.—Section 27 of the United States Grain Standards Act of 1976 (7 U.S.C. 74 note; Public Law 94–582) is amended by striking "; and thereafter" and all that follows and inserting a period.

SEC. 111. SPECIAL EFFECTIVE DATE FOR CERTAIN EXPIRED PROVISIONS.

The amendments made by sections 103, 105, 108, and 109 shall take effect as if enacted on September 30, 2000.

TITLE II—WAREHOUSES

SEC. 201. STORAGE OF AGRICULTURAL PRODUCTS IN WAREHOUSES.

The United States Warehouse Act (7 U.S.C. 241 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'United States Warehouse Act'.

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) AGRICULTURAL PRODUCT.—The term 'agricultural product' means an agricultural commodity, as determined by the Secretary, including a processed product of an agricultural commodity.

"(2) APPROVAL.—The term 'approval' means the consent provided by the Secretary for a person to engage in an activity authorized by this Act.

"(3) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

"(4) ELECTRONIC DOCUMENT.—The term 'electronic document' means a document that is generated, sent, received, or stored by electronic, optical, or similar means, including electronic data interchange, electronic mail, telegram, telex, or telecopy.

"(5) ELECTRONIC RECEIPT.—The term 'electronic receipt' means a receipt that is authorized by the Secretary to be issued or transmitted under this Act in the form of an electronic document.

"(6) HOLDER.—The term 'holder' means a person that has possession in fact or by operation of law of a receipt or any electronic document.

"(7) PERSON.—The term 'person' means—

"(A) a person (as defined in section 1 of title 1, United States Code);

"(B) a State; and

"(C) a political subdivision of a State.

"(8) RECEIPT.—The term 'receipt' means a warehouse receipt issued in accordance with this Act, including an electronic receipt.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(10) WAREHOUSE.—The term 'warehouse' means a structure or other approved storage facility, as determined by the Secretary, in which any agricultural product may be stored or handled for the purposes of interstate or foreign commerce.

"(11) WAREHOUSE OPERATOR.—The term 'warehouse operator' means a person that is lawfully engaged in the business of storing or handling agricultural products.

"SEC. 3. POWERS OF SECRETARY.

"(a) IN GENERAL.—The Secretary shall have exclusive power, jurisdiction, and authority, to the extent that this Act applies, with respect to—

"(1) each warehouse operator licensed under this Act;

"(2) each person that has obtained an approval to engage in an activity under this Act; and

"(3) each person claiming an interest in an agricultural product by means of a document or receipt subject to this Act.

"(b) COVERED AGRICULTURAL PRODUCTS.—The Secretary shall specify, after an opportunity for notice and comment, those agricultural products for which a warehouse license may be issued under this Act.

"(c) INVESTIGATIONS.—The Secretary may investigate the storing, warehousing, classifying according to grade and otherwise, weighing, and certifying of agricultural products.

"(d) INSPECTIONS.—The Secretary may inspect or cause to be inspected any person or warehouse licensed under this Act and any warehouse for which a license is applied for under this Act.

"(e) SUITABILITY FOR STORAGE.—The Secretary may determine whether a licensed warehouse, or a warehouse for which a license is applied for under this Act, is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse.

"(f) CLASSIFICATION.—The Secretary may classify a licensed warehouse, or a warehouse for which a license is applied for under this Act, in accordance with the ownership, location, surroundings, capacity, conditions, and other qualities of the warehouse and as to the kinds of licenses issued or that may be issued for the warehouse under this Act.

"(g) WAREHOUSE OPERATOR'S DUTIES.—Subject to the other provisions of this Act, the Secretary may prescribe the duties of a warehouse operator operating a warehouse licensed under this Act with respect to the warehouse operator's care of and responsibility for agricultural products stored or handled by the warehouse operator.

"(h) SYSTEMS FOR ELECTRONIC CONVEYANCE.—

"(1) REGULATIONS GOVERNING ELECTRONIC SYSTEMS.—Except as provided in paragraph (2), the Secretary may promulgate regulations governing 1 or more electronic systems under which electronic receipts may be issued and transferred and other electronic documents relating to the shipment, payment, and financing of the sale of agricultural products may be issued or transferred.

"(2) LIMITATIONS.—The Secretary shall not have the authority under this Act to establish—

"(A) 1 or more central filing systems for the filing of financing statements or the filing of the notice of financing statements; or

"(B) rules to determine security interests of persons affected by this Act.

"(i) EXAMINATION AND AUDITS.—In addition to the authority provided under subsection (l), on request of the person, State agency, or commodity exchange, the Secretary may conduct an examination, audit, or similar activity with respect to—

"(1) any person that is engaged in the business of storing an agricultural product that is subject to this Act;

"(2) any State agency that regulates the storage of an agricultural product by such a person; or

"(3) any commodity exchange with regulatory authority over the storage of agricultural products that are subject to this Act.

"(j) LICENSES FOR OPERATION OF WAREHOUSES.—The Secretary may issue to any warehouse operator a license for the operation of a warehouse in accordance with this Act if—

"(1) the Secretary determines that the warehouse is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse; and

"(2) the warehouse operator agrees, as a condition of the license, to comply with this Act (including regulations promulgated under this Act).

"(k) LICENSING OF OTHER PERSONS.—

"(1) IN GENERAL.—On presentation of satisfactory proof of competency to carry out the activities described in this paragraph, the Secretary may issue to any person a Federal license—

"(A) to inspect any agricultural product stored or handled in a warehouse subject to this Act;

"(B) to sample such an agricultural product;

"(C) to classify such an agricultural product according to condition, grade, or other class and certify the condition, grade, or other class of the agricultural product; or

"(D) to weigh such an agricultural product and certify the weight of the agricultural product.

"(2) CONDITION.—As a condition of a license issued under paragraph (1), the licensee shall agree to comply with this Act (including regulations promulgated under this Act).

"(l) EXAMINATION OF BOOKS, RECORDS, PAPERS, AND ACCOUNTS.—The Secretary may examine and audit, using designated officers, employees, or agents of the Department, all books, records, papers, and accounts relating to activities subject to this Act of—

"(1) a warehouse operator operating a warehouse licensed under this Act;

"(2) a person operating a system for the electronic recording and transfer of receipts and other documents authorized by the Secretary; or

"(3) any other person issuing receipts or electronic documents authorized by the Secretary under this Act.

"(m) COOPERATION WITH STATES.—The Secretary may—

"(1) cooperate with officers and employees of a State who administer or enforce State laws relating to warehouses, warehouse operators, weighers, graders, inspectors, samplers, or classifiers; and

"(2) enter into cooperative agreements with States to perform activities authorized under this Act.

"SEC. 4. IMPOSITION AND COLLECTION OF FEES.

"(a) IN GENERAL.—The Secretary shall assess persons covered by this Act fees to cover the costs of administering this Act.

"(b) RATES.—The fees under this section shall be set at a rate determined by the Secretary.

"(c) TREATMENT OF FEES.—All fees collected under this section shall be credited to the account that incurs the costs of administering this Act and shall be available to the Secretary without further appropriation and without fiscal year limitation.

"(d) INTEREST.—Funds collected under this section may be deposited in an interest-bearing account with a financial institution, and any interest earned on the account shall be credited under subsection (c).

"(e) EFFICIENCIES AND COST EFFECTIVENESS.—

"(1) IN GENERAL.—The Secretary shall seek to minimize the fees established under this section by improving efficiencies and reducing costs, including the efficient use of personnel to the extent practicable and consistent with the effective implementation of this Act.

"(2) REPORT.—The Secretary shall publish an annual report on the actions taken by the Secretary to comply with paragraph (1).

"SEC. 5. QUALITY AND VALUE STANDARDS.

"If standards for the evaluation or determination of the quality or value of an agricultural product are not established under another Federal law, the Secretary may establish standards for the evaluation or determination of the quality or value of the agricultural product under this Act.

"SEC. 6. BONDING AND OTHER FINANCIAL ASSURANCE REQUIREMENTS.

"(a) IN GENERAL.—As a condition of receiving a license or approval under this Act (including regulations promulgated under this Act), the person applying for the license or approval shall execute and file with the Secretary a bond, or provide such other financial assurance as the Secretary determines appropriate, to secure the person's performance of the activities so licensed or approved.

"(b) SERVICE OF PROCESS.—To qualify as a suitable bond or other financial assurance under subsection (a), the surety, sureties, or financial institution shall be subject to service of process in suits on the bond or other financial assurance in the State, district, or territory in which the warehouse is located.

"(c) ADDITIONAL ASSURANCES.—If the Secretary determines that a previously approved bond or other financial assurance is insufficient, the Secretary may suspend or revoke the license or approval covered by the bond or other financial assurance if the person that filed the bond or other financial assurance does not provide such additional bond or other financial assurance as the Secretary determines appropriate.

"(d) THIRD PARTY ACTIONS.—Any person injured by the breach of any obligation arising under this Act for which a bond or other financial assurance has been obtained as required by this section may sue with respect to the bond or other financial assurance in a district court of the United States to recover the damages that the person sustained as a result of the breach.

"SEC. 7. MAINTENANCE OF RECORDS.

"To facilitate the administration of this Act, the following persons shall maintain such records and make such reports, as the Secretary may by regulation require:

"(1) A warehouse operator that is licensed under this Act.

"(2) A person operating a system for the electronic recording and transfer of receipts and other documents that are authorized under this Act.

"(3) Any other person engaged in the issuance of electronic receipts or the transfer of documents under this Act.

"SEC. 8. FAIR TREATMENT IN STORAGE OF AGRICULTURAL PRODUCTS.

"(a) IN GENERAL.—Subject to the capacity of a warehouse, a warehouse operator shall deal, in a fair and reasonable manner, with persons storing, or seeking to store, an agricultural product in the warehouse if the agricultural product—

"(1) is of the kind, type, and quality customarily stored or handled in the area in which the warehouse is located;

"(2) is tendered to the warehouse operator in a suitable condition for warehousing; and

"(3) is tendered in a manner that is consistent with the ordinary and usual course of business.

"(b) ALLOCATION.—Nothing in this section prohibits a warehouse operator from entering into an agreement with a depositor of an agricultural product to allocate available storage space.

"SEC. 9. COMMINGLING OF AGRICULTURAL PRODUCTS.

"(a) IN GENERAL.—A warehouse operator may commingle agricultural products in a manner approved by the Secretary.

"(b) LIABILITY.—A warehouse operator shall be severally liable to each depositor or holder for the care and redelivery of the share of the depositor and holder of the commingled agricultural product to the same extent and under the same circumstances as if the agricultural products had been stored separately.

"SEC. 10. TRANSFER OF STORED AGRICULTURAL PRODUCTS.

"(a) IN GENERAL.—In accordance with regulations promulgated under this Act, a warehouse operator may transfer a stored agricultural product from 1 warehouse to another warehouse for continued storage.

"(b) CONTINUED DUTY.—The warehouse operator from which agricultural products have been transferred under subsection (a) shall deliver to the rightful owner of such products, on request at the original warehouse, such products in the quantity and of the kind, quality, and grade called for by the receipt or other evidence of storage of the owner.

"SEC. 11. WAREHOUSE RECEIPTS.

"(a) IN GENERAL.—At the request of the depositor of an agricultural product stored or handled in a warehouse licensed under this Act, the warehouse operator shall issue a receipt to the depositor as prescribed by the Secretary.

"(b) ACTUAL STORAGE REQUIRED.—A receipt may not be issued under this section for an agricultural product unless the agricultural product is actually stored in the warehouse at the time of the issuance of the receipt.

"(c) CONTENTS.—Each receipt issued for an agricultural product stored or handled in a warehouse licensed under this Act shall contain such information, for each agricultural product covered by the receipt, as the Secretary may require by regulation.

"(d) PROHIBITION ON ADDITIONAL RECEIPTS OR OTHER DOCUMENTS.—

"(1) RECEIPTS.—While a receipt issued under this Act is outstanding and uncanceled by the warehouse operator, an additional receipt may not be issued for the same agricultural product (or any portion of the same agricultural product) represented by the outstanding receipt, except as authorized by the Secretary.

"(2) OTHER DOCUMENTS.—If a document is transferred under this section, no duplicate document in any form may be transferred by any person with respect to the same agricultural product represented by the document, except as authorized by the Secretary.

"(e) ELECTRONIC RECEIPTS AND ELECTRONIC DOCUMENTS.—Except as provided in section 3(h)(2), notwithstanding any other provision of Federal or State law:

"(1) IN GENERAL.—The Secretary may promulgate regulations that authorize the issuance, recording, and transfer of electronic receipts, and the transfer of other electronic documents, in accordance with this subsection.

"(2) ELECTRONIC RECEIPT OR ELECTRONIC DOCUMENT SYSTEMS.—Electronic receipts may be issued, recorded, and transferred, and electronic documents may be transferred, under this subsection with respect to an agricultural product under, a system or systems maintained in 1 or more locations and approved by the Secretary in accordance with regulations issued under this Act.

"(3) TREATMENT OF HOLDER.—Any person designated as the holder of an electronic receipt or other electronic document issued or transferred under this Act shall, for the purpose of perfecting the security interest of the person under Federal or State law and for all other purposes, be considered to be in possession of the receipt or other electronic document.

“(4) NONDISCRIMINATION.—An electronic receipt issued, or other electronic document transferred, in accordance with this Act shall not be denied legal effect, validity, or enforceability on the ground that the information is generated, sent, received, or stored by electronic or similar means.

“(5) SECURITY INTERESTS.—If more than 1 security interest exists in the agricultural product that is the subject of an electronic receipt or other electronic document under this Act, the priority of the security interest shall be determined by the applicable Federal or State law.

“(6) NO ELECTRONIC RECEIPT REQUIRED.—A person shall not be required to issue in electronic form a receipt or document with respect to an agricultural product.

“(7) OPTION FOR NON-FEDERALLY LICENSED WAREHOUSE OPERATORS.—Notwithstanding any other provision of this Act, a warehouse operator not licensed under this Act may, at the option of the warehouse operator and in accordance with regulations established by the Secretary, issue electronic receipts and transfer other electronic documents in accordance with this Act.

“(8) APPLICATION TO STATE-LICENSED WAREHOUSE OPERATORS.—This subsection shall not apply to a warehouse operator that is licensed under State law to store agricultural commodities in a warehouse in the State if the warehouse operator elects—

“(A) not to issue electronic receipts authorized under this subsection; or

“(B) to issue electronic receipts authorized under State law.

“SEC. 12. CONDITIONS FOR DELIVERY OF AGRICULTURAL PRODUCTS.

“(a) PROMPT DELIVERY.—In the absence of a lawful excuse, a warehouse operator shall, without unnecessary delay, deliver the agricultural product stored or handled in the warehouse on a demand made by—

“(1) the holder of the receipt for the agricultural product; or

“(2) the person that deposited the product, if no receipt has been issued.

“(b) PAYMENT TO ACCOMPANY DEMAND.—Prior to delivery of the agricultural product, payment of the accrued charges associated with the storage of the agricultural product, including satisfaction of the warehouseman's lien, shall be made if requested by the warehouse operator.

“(c) SURRENDER OF RECEIPT.—When the holder of a receipt requests delivery of an agricultural product covered by the receipt, the holder shall surrender the receipt to the warehouse operator, in the manner prescribed by the Secretary, to obtain the agricultural product.

“(d) CANCELLATION OF RECEIPT.—A warehouse operator shall cancel each receipt returned to the warehouse operator upon the delivery of the agricultural product for which the receipt was issued.

“SEC. 13. SUSPENSION OR REVOCATION OF LICENSES.

“(a) IN GENERAL.—After providing notice and an opportunity for a hearing in accordance with this section, the Secretary may suspend or revoke any license issued, or approval for an activity provided, under this Act—

“(1) for a material violation of, or failure to comply, with any provision of this Act (including regulations promulgated under this Act); or

“(2) on the ground that unreasonable or exorbitant charges have been imposed for services rendered.

“(b) TEMPORARY SUSPENSION.—The Secretary may temporarily suspend a license or approval for an activity under this Act prior to an opportunity for a hearing for any violation of, or failure to comply with, any provision of this Act (including regulations promulgated under this Act).

“(c) AUTHORITY TO CONDUCT HEARINGS.—The agency within the Department that is responsible for administering regulations promulgated under this Act shall have exclusive authority to conduct any hearing required under this section.

“(d) JUDICIAL REVIEW.—

“(1) JURISDICTION.—A final administrative determination issued subsequent to a hearing may be reviewable only in a district court of the United States.

“(2) PROCEDURE.—The review shall be conducted in accordance with the standards set forth in section 706(2) of title 5, United States Code.

“SEC. 14. PUBLIC INFORMATION.

“(a) IN GENERAL.—The Secretary may release to the public the names, addresses, and locations of all persons—

“(1) that have been licensed under this Act or that have been approved to engage in an activity under this Act; and

“(2) with respect to which a license or approval has been suspended or revoked under section 13, the results of any investigation made or hearing conducted under this Act, including the reasons for the suspension or revocation.

“(b) CONFIDENTIALITY.—Except as otherwise provided by law, an officer, employee, or agent of the Department shall not divulge confidential business information obtained during a warehouse examination or other function performed as part of the duties of the officer, employee, or agent under this Act.

“SEC. 15. PENALTIES FOR NONCOMPLIANCE.

“If a person fails to comply with any requirement of this Act (including regulations promulgated under this Act), the Secretary may assess, on the record after an opportunity for a hearing, a civil penalty—

“(1) of not more than $25,000 per violation, if an agricultural product is not involved in the violation; or

“(2) of not more than 100 percent of the value of the agricultural product, if an agricultural product is involved in the violation.

“SEC. 16. JURISDICTION AND ARBITRATION.

“(a) FEDERAL JURISDICTION.—A district court of the United States shall have exclusive jurisdiction over any action brought under this Act without regard to the amount in controversy or the citizenship of the parties.

“(b) ARBITRATION.—Nothing in this Act prevents the enforceability of an agreement to arbitrate that would otherwise be enforceable under chapter 1 of title 9, United States Code.

“SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this Act.”.

SEC. 202. REGULATIONS.

(a) PROPOSED REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register proposed regulations for carrying out the amendment made by section 201.

(b) FINAL REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate final regulations for carrying out the amendment made by section 201.

(c) EFFECTIVENESS OF EXISTING ACT.—The United States Warehouse Act (7 U.S.C. 241 et seq.) (as it existed before the amendment made by section 201) shall be effective until the earlier of—

(1) the date on which final regulations are promulgated under subsection (b); or

(2) August 1, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BARRETT) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise this evening in support of the bill, H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000, as amended.

The Subcommittee on General Farm Commodities, Resource Conservation and Credit, which I chair, reported the Grain Standards Act reauthorization bill out of subcommittee on July 25 of this year. I thank the gentleman from Minnesota (Mr. MINGE), the ranking member of the subcommittee, who was a cosponsor of the bill, for his contributions to this important legislation.

I also thank the gentleman from Texas (Mr. COMBEST), chairman of the full committee, and certainly the gentleman from Texas (Mr. STENHOLM), the ranking member of the committee, for their assistance in bringing this bill to the floor as well.

A special thanks to Mr. Jim Baker, who is the administrator of the Grain Inspection, Packers and Stockyards Administration, and his staff for their cooperation in working out the details of this reauthorization.

On September 30, the authorization for the collection of fees by the Grain Inspection, Packers and Stockyards Administration of the USDA expired. Since approximately 75 percent of the grain inspection budget is obtained through the collection of fees and only 25 percent through appropriations, this legislation is critical to assure the continued marketing of grain and oilseeds.

The grain standards provisions ensure confidence to our producers, grain elevators, and overseas buyers. The grain inspection and weighing procedure is very important to farmers and grain elevators. It is critical that the Department of Agriculture continue to thoroughly inspect grain for purity or, in the case of official agencies, USDA needs to provide vigilant oversight. This program provides official inspection so that customers are delivered certainly a quality product.

The bill also provides for a reasonable compromise on the issue of geographic boundaries. It will allow grain inspectors to cross boundary lines with approval from the Secretary of Agriculture. But it will also keep official agencies in place, within geographical areas.

H.R. 4788, now under consideration, also includes under Title II the important revisions to the U.S. Warehouse

Act. The main revision is to authorize the use of electronic receipts.

Mr. Speaker, I urge my colleagues to support this very timely and very important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise tonight in support of H.R. 4788, which reauthorizes the U.S. Grain Standards Act and also updates the U.S. Warehouse Act.

Given today's world market, it is important that our farmers and commodity merchants have the best technical support possible to help them compete in the marketplace. This legislation helps continue that tradition by reauthorizing the inspection and weighing activities of the Grain Inspection, Packers and Stockyards Administration as well as updating the U.S. Warehouse Act and providing for the use of electronic documentation under that act.

Due to the technical nature of many of the provisions included in this legislation, I would have much preferred to report this bill from the Committee on Agriculture. However, it is imperative that we provide the grain inspection service with the authority to collect fees to provide official weighing and inspection services for grain bound for export since their authority expired on September 30. Unfortunately, we simply cannot wait any longer at this point and take the time to go through the committee process.

I urge my colleagues to support this routine update of these two statutes and ask for their support of H.R. 4788.

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of Nebraska. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), a member of the full Committee on Agriculture.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this issue. I also commend the gentleman from Illinois (Mr. LAHOOD) for his contribution to this effort as well.

Mr. Speaker, I rise today in support of H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000. H.R. 4788 is a necessary and important piece of legislation in that it allows the Grain Inspection Packers and Stockyards Administration to continue to serve the essential purpose of guaranteeing a quality grain supply.

Through vigorous inspection, GIPSA has assisted in maintaining the integrity of the American grain, both at home and abroad. To fund this program, GIPSA has creatively relied on the collection of fees to recoup its costs for service. By reauthorizing its authority in the area of grain quality inspection, H.R. 4788 takes the necessary step to ensuring that the Grain Inspection, Packers and Stockyards Administration will continue to serve America's agriculture producers.

Mr. Speaker, I am particularly interested in H.R. 4788 because it also makes dramatic improvements to the Warehouse Act by providing the U.S. Department of Agriculture with a framework for efficient business practices most explicitly demonstrated by its language authorizing and standardizing electronic receipt documents.

Like any business today, farmers are using computers and the Internet for a variety of purposes, including financial management systems and market information. It is becoming increasingly important to ensure that all segments of our economy are technologically efficient. It is vital to empower producers and farmers by providing them with a technological tools to do business electronically in the information age. Electronic warehouse receipts and H.R. 4788 are a step in the right direction.

Mr. Speaker, I urge my colleagues to support this fine legislation.

Mr. BARRETT of Nebraska. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), a very valued member of the full Committee on Agriculture.

Mr. LAHOOD. Mr. Speaker, I wish to thank the gentleman from Nebraska (Mr. BARRETT) for yielding me this time. I also want to thank the staff of the Committee on Agriculture for the work they have done to develop this legislation.

To put it simply, this legislation reauthorizes the Grain Standards Act and revises the U.S. Warehouse Act to bring them into line with the 21st century. Of particular interest to me are the provisions that update the U.S. Warehouse Act by allowing for the use of electronic receipts and other documents.

I might add, parenthetically, that earlier this year, with the help of the gentleman from Virginia (Mr. GOODLATTE), the chairman of the subcommittee, we were able to pass an e-file bill that I think will bring the U.S. Department of Agriculture into the 21st century. We could not have done it without the chairman and the ranking member and their support of our e-file bill.

In this age of electronic commerce, I believe that there is a need for a Federal presence in electronic documents. But the U.S. Government should focus on establishing rules and regulations under which private operators of electronic document systems can compete.

This legislation envisions the Federal Government acting as an umpire over multiple private electronic document systems. This is the type of system currently in place for electronic cotton warehouse receipts, and it has proven to work in that arena.

Also, I realize there is a cost associated with administering this act, and that is why this legislation provides authority for the Department of Agriculture to charge fees to offset this cost.

I believe that such fees should be as low as possible and that there should be a correlation between whatever fees are ultimately charged under the Act and the specific services being rendered by the USDA.

In order to insure the viability of electronic receipts, I believe that fees should not be of such amount that they hinder the use of electronic warehouse receipts or any other electronic documents. Also, I do not believe that charging per transaction fees on electronic warehouse receipts is appropriate.

Having made these points, I believe this is a good bill which will improve the efficiency and profitability of American agriculture, and I urge all Members to support this very important legislation that, again, brings the USDA and agriculture into the 21st century electronically.

Mr. Speaker, I wish to thank the gentleman from Texas (Mr. COMBEST) for yielding time. I also want to thank the staff of the Agriculture Committee for the work they have done to develop this legislation.

To put it simply, this legislation reauthorizes the Grains Standards Act and revises the U.S. Warehouse Act to bring them in-line with the 21st century. Of particular interest to me are the provisions that update the U.S. Warehouse Act by allowing for the use of electronic receipts and other documents.

In this age of e-commerce, I believe that there is a need for a federal presence in electronic documents, but that the U.S. government should focus on establishing rules and regulations under which private operators of electronic document systems can compete. This legislation envisions the federal government acting as umpire over multiple private electronic document systems. This is the type of system currently in place for electronic cotton warehouse receipts, and it has proven to work in that arena.

Also, I realize that there is a cost associated with administering this act, and that is why this legislation provides authority for the Department of Agriculture to charge fees to offset this cost. I believe that such fees should be as low as possible and that there should be a correlation between whatever fees are ultimately charged under the Act and the specific services being rendered by USDA. In order to insure the viability of electronic receipts, I believe that fees should not be of such amount that they hinder the use of electronic warehouse receipts or other electronic documents. Also, I do not believe that charging per transaction fees on electronic warehouse receipts is appropriate.

Having made these points, I believe that this is a good bill, which will improve the efficiency and profitability of American agriculture. I urge my fellow members to support this legislation.

Mr. COMBEST. Mr. Speaker, I rise today to suspend the rules and pass the bill H.R. 4788, with an amendment, and urge my colleagues to support the Grain Standards and Warehouse Improvement Act of 2000. This reauthorization will provide the Grain Inspection Packers and Stockyards Administration with essential authority to continue the inspection of grain utilized in both domestic and international markets, and extends the authority of the Secretary of Agriculture to collect fees to cover the costs of services performed under the Act until the year 2005.

On September 30, 2000, the authorization for the collection of fees by the Grain Inspection Packers and Stockyards Administration expired. The latest figures show that approximately 75% of the grain inspection budget is funded through the collection of fees and only 25% through appropriations. Therefore, it is imperative that Congress act now to renew this expired authority.

H.R. 4788 also makes improvements to the Warehouse Act. This will provide the United States Department of Agriculture with a uniform regulatory system to govern the operation of federally licensed warehouses involved in storing agricultural products.

Currently, warehouse licenses may be issued for the storage of major commodities and cottonseed. According to the USDA, 45.5% of the U.S. off-farm grain and rice storage capacity and 49.5% of the total cotton storage capacity is licensed under the Warehouse Act.

The revisions to the Warehouse Act will make this program more relevant to today's agricultural marketing system. The legislation would do such things as (1) authorize and standardize electronic documents and allow their transfer from buyer to seller across state and international boundaries; (2) authorize warehouse operators to enter into contracts or agreements with depositors to allocate available storage space; and (3) protect the integrity of state warehouse laws and regulations from federal preemption.

In 1992, Congress directed the Secretary of Agriculture to establish electronic warehouse receipts for the cotton industry. Since then, participation in the electronic-based program has grown to more than 90% of the U.S. cotton crop. This legislation would extend the electronic warehouse receipts program to include all agriculture commodities covered by the U.S. Warehouse Act.

This legislation has been negotiated with the United States Department of Agriculture and the relevant industries. It provides for a consistent inspection of grains and the ability to utilize electronic receipts and documents for all major commodities, which will foster more reliable, competitive and efficient commerce within the agricultural sector.

In summary Mr. Speaker, this legislation will bring grain inspection and the use of warehouse facilities into the 21st century, all at no net cost to the taxpayer. I urge my colleagues to support this timely and important piece of legislation.

Mr. STENHOLM. Mr. Speaker I have no further requests for time. I encourage Members to support the bill, and I yield back the balance of my time.

Mr. BARRETT of Nebraska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BARRETT) that the House suspend the rules and pass the bill, H.R. 4788, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes.".

A motion to reconsider was laid on the table.

□ 2215

GENERAL LEAVE

Mr. BARRETT of Nebraska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4788, the bill just passed.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2389) to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Secure Rural Schools and Community Self-Determination Act of 2000".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Conforming amendment.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.
Sec. 102. Payments to States from National Forest Service lands for use by counties to benefit public education and transportation.
Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.
Sec. 202. General limitation on use of project funds.
Sec. 203. Submission of project proposals.
Sec. 204. Evaluation and approval of projects by Secretary concerned.
Sec. 205. Resource advisory committees.
Sec. 206. Use of project funds.
Sec. 207. Availability of project funds.
Sec. 208. Termination of authority.

TITLE III—COUNTY PROJECTS

Sec. 301. Definitions.
Sec. 302. Use of county funds.
Sec. 303. Termination of authority.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Treatment of funds and revenues.
Sec. 403. Regulations.
Sec. 404. Conforming amendments.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

Sec. 501. Short title.
Sec. 502. Findings.
Sec. 503. Amendment of the Mineral Leasing Act.

TITLE VI—COMMUNITY FOREST RESTORATION

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Purposes.
Sec. 604. Definitions.
Sec. 605. Establishment of program.
Sec. 606. Selection process.
Sec. 607. Monitoring and evaluation.
Sec. 608. Report.
Sec. 609. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of Federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To stabilize payments to counties to provide funding for schools and roads that supplements other available funds.

(2) To make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to—

(A) road, trail, and infrastructure maintenance or obliteration;

(B) soil productivity improvement;

(C) improvements in forest ecosystem health;

(D) watershed restoration and maintenance;

(E) restoration, maintenance and improvement of wildlife and fish habitat;

(F) control of noxious and exotic weeds; and

(G) reestablishment of native species.

(3) To improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LANDS.—The term "Federal lands" means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

(2) ELIGIBILITY PERIOD.—The term "eligibility period" means fiscal year 1986 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term "eligible county" means a county that received 50-percent payments for one or more fiscal years of the eligibility period or a county that received a portion of an eligible State's 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county established after the date of the enactment of this Act so long as the county includes all or a portion of a county described in the preceding sentence.

(4) ELIGIBLE STATE.—The term "eligible State" means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) FULL PAYMENT AMOUNT.—The term "full payment amount" means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-PERCENT PAYMENT.—The term "25-percent payment" means the payment to States required by the sixth paragraph under the heading of "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(7) 50-PERCENT PAYMENT.—The term "50-percent payment" means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

(8) SAFETY NET PAYMENTS.—The term "safety net payments" means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

SEC. 4. CONFORMING AMENDMENT.

Section 6903(a)(1)(C) of title 31, United States Code, is amended by inserting after "(16 U.S.C. 500)" the following: "or the Secure Rural Schools and Community Self-Determination Act of 2000".

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible State that received a 25-percent payment during the eligibility period an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for the fiscal years of the eligibility period.

(2) BUREAU OF LAND MANAGEMENT COUNTIES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for the fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect 50 percent of the changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) PAYMENT AMOUNTS.—The Secretary of the Treasury shall pay an eligible State the sum of the amounts elected under subsection (b) by each eligible county for either—

(1) the 25-percent payment under the Act of May 23, 1908 (16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (16 U.S.C. 500); or

(2) the full payment amount in place of the 25-percent payment.

(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

(1) ELECTION; SUBMISSION OF RESULTS.—The election to receive either the full payment amount or the 25-percent payment shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State.

(2) DURATION OF ELECTION.—A county election to receive the 25-percent payment shall be effective for two fiscal years. When a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years through fiscal year 2006.

(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State under this section for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in section 3(1)(A) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) shall distribute the payment among all eligible counties in the State in accordance with the Act of May 23, 1908 (16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to eligible counties shall be expended as required by the laws referred to in paragraph (1).

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) ALLOCATIONS.—

(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENTS.—If an eligible county elects to receive its share of the full payment amount, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended.

(B) ELECTION AS TO USE OF BALANCE.—An eligible county shall elect to do one or more of the

following with the balance of the funds not expended pursuant to subparagraph (A):

(i) Reserve the balance for projects in accordance with title II.

(ii) Reserve the balance for projects in accordance with title III.

(iii) Return the balance to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—

(A) TREATMENT OF TITLE II FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(B) TREATMENT OF TITLE III FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—

(A) IN GENERAL.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under this section in the same manner in which the 25-percent payments are required to be expended, and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(B) COUNTIES WITH MINOR DISTRIBUTIONS.—Notwithstanding any adjustment made pursuant to section 101(b) in the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to subsection (c)(1), the eligible county may elect to expend all such funds in accordance with subsection (c)(2).

(e) TIME FOR PAYMENT.—The payment to an eligible State under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) PAYMENT.—The Secretary of the Treasury shall pay an eligible county either—

(1) the 50-percent payment under the Act of August 28, 1937 (43 U.S.C. 1181f), or the Act of May 24, 1939 (43 U.S.C. 1181f–1) as appropriate; or

(2) the full payment amount in place of the 50-percent payment.

(b) ELECTION TO RECEIVE FULL PAYMENT AMOUNT.—

(1) ELECTION; DURATION.—The election to receive the full payment amount shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years through fiscal year 2006.

(2) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible county under this section for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management on the Federal lands described in section 3(1)(B) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) ALLOCATIONS.—

(A) USE OF PORTION IN SAME MANNER AS 50-PERCENT PAYMENTS.—Of the funds to be paid to an eligible county pursuant to subsection (a)(2), not less than 80 percent, but not more than 85 percent, of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended.

(B) ELECTION AS TO USE OF BALANCE.—An eligible county shall elect to do one or more of the following with the balance of the funds not expended pursuant to subparagraph (A):

(i) Reserve the balance for projects in accordance with title II.

(ii) Reserve the balance for projects in accordance with title III.

(iii) Return the balance to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—

(A) TREATMENT OF TITLE II FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(B) TREATMENT OF TITLE III FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds received under subsection (a)(2) in the same manner in which the 50-percent payments are required to be expended and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(d) TIME FOR PAYMENT.—The payment to an eligible county under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term "participating county" means an eligible county that elects under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to expend a portion of the Federal funds received under section 102 or 103 in accordance with this title.

(2) PROJECT FUNDS.—The term "project funds" means all funds an eligible county elects under sections 102(d)(1)(B)(i) and 103(c)(1)(B)(i) to reserve for expenditure in accordance with this title.

(3) RESOURCE ADVISORY COMMITTEE.—The term "resource advisory committee" means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term "resource management plan" means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal lands described in section 3(1)(A); and

(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal lands described in section 3(1)(B).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on Federal land and on non-Federal land where projects would benefit these resources on Federal land.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205..

(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2(b).

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(b) ENVIRONMENTAL REVIEWS.—

(1) PAYMENT OF REVIEW COSTS.—

(A) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal law and regulations.

(B) EFFECT OF REFUSAL TO PAY.—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) DECISIONS OF SECRETARY CONCERNED.—

(1) REJECTION OF PROJECTS.—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, it shall be deemed a Federal action for all purposes.

(e) IMPLEMENTATION OF APPROVED PROJECTS.—

(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) BEST VALUE CONTRACTING.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) MERCHANTABLE MATERIAL CONTRACTING PILOT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable material using separate contracts for—

(i) the harvesting or collection of merchantable material; and

(ii) the sale of such material.

(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable material are implemented using separate contracts:

(i) For fiscal year 2001, 15 percent.

(ii) For fiscal year 2002, 25 percent.

(iii) For fiscal year 2003, 25 percent.

(iv) For fiscal year 2004, 50 percent.

(v) For fiscal year 2005, 50 percent.

(vi) For fiscal year 2006, 50 percent.

(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable material shall be made by the Secretary concerned after the approval of the project under this title.

(D) ASSISTANCE.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal lands to assist in the administration of projects conducted under the pilot program. The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

(E) REVIEW AND REPORT.—Not later than September 30, 2003, the Comptroller General shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Resources of the House of Representatives a report assessing the pilot program. The Secretary concerned shall submit to such committees an annual report describing the results of the pilot program.

(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

(1) to road maintenance, decommissioning, or obliteration; or

(2) to restoration of streams and watersheds.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) PURPOSE.—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) EXISTING ADVISORY COMMITTEES.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of this title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) DUTIES.—A resource advisory committee shall—

(1) review projects proposed under this title by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title; and

(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title.

(c) APPOINTMENT BY THE SECRETARY.—

(1) APPOINTMENT AND TERM.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) INITIAL APPOINTMENT.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

(d) COMPOSITION OF ADVISORY COMMITTEE.—

(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following three categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archaeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold State elected office or their designee;

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) BALANCED REPRESENTATION.—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) APPROVAL PROCEDURES.—(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if it has been approved by a majority of members of the committee from each of the three categories in subsection (d)(2).

(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2006, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) EFFECT OF COURT ORDERS.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to that project to the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i), whichever applies to the funds involved.

SEC. 208. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any project funds not obligated by September 30, 2007, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY PROJECTS

SEC. 301. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term "participating county" means an eligible county that elects under section 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to expend a portion of the Federal funds received under section 102 or 103 in accordance with this title.

(2) COUNTY FUNDS.—The term "county funds" means all funds an eligible county elects under sections 102(d)(1)(B)(ii) and 103(c)(1)(B)(ii) to reserve for expenditure in accordance with this title.

SEC. 302. USE OF COUNTY FUNDS.

(a) LIMITATION ON COUNTY FUND USE.—County funds shall be expended solely on projects that meet the requirements of this title. A project under this title shall be approved by the participating county only following a 45-day public comment period, at the beginning of which the county shall—

(1) publish a description of the proposed project in the publications of local record; and

(2) send the proposed project to the appropriate resource advisory committee established under section 205, if one exists for the county.

(b) AUTHORIZED USES.—

(1) SEARCH, RESCUE, AND EMERGENCY SERVICES.—An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

(2) COMMUNITY SERVICE WORK CAMPS.—An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

(3) EASEMENT PURCHASES.—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for nonmotorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

(4) FOREST RELATED EDUCATIONAL OPPORTUNITIES.—A county may use these funds to establish and conduct forest-related after school programs.

(5) FIRE PREVENTION AND COUNTY PLANNING.—A county may use these funds for—

(A) efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and

(B) planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.

(6) COMMUNITY FORESTRY.—A county may use these funds towards non-Federal cost-share requirements of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).

SEC. 303. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any county funds not obligated by September 30, 2007 shall be available to be expended by the county for the uses identified in section 302(b).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 2001 through 2006.

SEC. 402. TREATMENT OF FUNDS AND REVENUES.

(a) RELATION TO OTHER APPROPRIATIONS.—Funds appropriated pursuant to the authorization of appropriations in section 401 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects

pursuant to title II, any funds remitted by counties pursuant to section 102(d)(1)(B)(iii) or section 103(c)(1)(B)(iii), and any interest accrued from such funds shall be deposited in the Treasury of the United States.

SEC. 403. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 404. CONFORMING AMENDMENTS.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) are repealed.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

SEC. 501. SHORT TITLE.

This title may be cited as the "Mineral Revenue Payments Clarification Act of 2000".

SEC. 502. FINDINGS.

The Congress finds the following:

(1) Section 10201 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 107 Stat. 407) amended section 35 of the Mineral Leasing Act (30 U.S.C. 191) to change the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues "50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws . . .".

(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November 1997, the Inspector General of the Department of the Interior found that "the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions".

(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 is justified.

SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.

Section 35(b) of the Mineral Leasing Act (30 U.S.C. 191(b)) is amended to read as follows:

"(b) In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States.".

TITLE VI—COMMUNITY FOREST RESTORATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Community Forest Restoration Act".

SEC. 602. FINDINGS.

The Congress finds the following:

(1) A century of fire suppression, logging, and livestock grazing has altered the ecological balance of New Mexico's forests.

(2) Some forest lands in New Mexico contain an unnaturally high number of small diameter trees that are subject to large, high intensity wildfires that can endanger human lives, livelihoods, and ecological stability.

(3) Forest lands that contain an unnaturally high number of small diameter trees have reduced biodiversity and provide fewer benefits to human communities, wildlife, and watersheds.

(4) Healthy and productive watersheds minimize the threat of large, high intensity wildfires, provide abundant and diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows.

(5) Restoration efforts are more successful when there is involvement from neighboring communities and better stewardship will evolve from more diverse involvement.

(6) Designing demonstration restoration projects through a collaborative approach may—

(A) lead to the development of cost effective restoration activities;

(B) empower diverse organizations to implement activities which value local and traditional knowledge;

(C) build ownership and civic pride; and

(D) ensure healthy, diverse, and productive forests and watersheds.

SEC. 603. PURPOSES.

The purposes of this title are—

(1) to promote healthy watersheds and reduce the threat of large, high intensity wildfires, insect infestation, and disease in the forests in New Mexico;

(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, Tribal, State, County, and Municipal forest lands;

(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to improve the use of, or add value to, small diameter trees;

(5) to encourage sustainable communities and sustainable forests through collaborative partnerships, whose objectives are forest restoration; and

(6) to develop, demonstrate, and evaluate ecologically sound forest restoration techniques.

SEC. 604. DEFINITIONS.

As used in this title—

(1) the term "Secretary" means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term "stakeholder" includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 605. ESTABLISHMENT OF PROGRAM.

(a) FOREST RESTORATION PROGRAM.—The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the "Collaborative Forest Restoration Program"). The projects may be entirely on, or on any combination of, Federal, Tribal, State, County, or Municipal forest lands. The Federal share of an individual project cost shall not exceed 80 percent of the total cost. The 20-percent matching may be in the form of cash or in-kind contribution.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this title, a project shall—

(1) address the following objectives—

(A) reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species populations;

(B) re-establish fire regimes approximating those that shaped forest ecosystems prior to fire suppression;

(C) preserve old and large trees;

(D) replant trees in deforested areas if they exist in the proposed project area; and

(E) improve the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental laws;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State, County, and Municipal government representatives in the design, implementation, and monitoring of the project;

(4) incorporate current scientific forest restoration information; and

(5) include a multiparty assessment to—

(A) identify both the existing ecological condition of the proposed project area and the desired future condition; and

(B) report, upon project completion, on the positive or negative impact and effectiveness of the project including improvements in local management skills and on the ground results;

(6) create local employment or training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this title, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;

(7) not exceed 4 years in length;

(8) not exceed a total annual cost of $150,000, with the Federal portion not exceeding $120,000 annually, nor exceed a total cost of $450,000 for the project, with the Federal portion of the total cost not exceeding $360,000;

(9) leverage Federal funding through in-kind or matching contributions; and

(10) include an agreement by each stakeholder to attend an annual workshop with other stakeholders for the purpose of discussing the cooperative forest restoration program and projects implemented under this title. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this title to pay for their travel and per diem expenses to attend the workshop.

SEC. 606. SELECTION PROCESS.

(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

(b) The Secretary shall convene a technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program. The technical advisory panel shall consider eligibility criteria established in section 605, the effect on long-term management, and seek to use a consensus-based decision-making process to develop such recommendations. The panel shall be composed of 12 to 15 members, to be appointed by the Secretary as follows:

(1) A State Natural Resource official from the State of New Mexico.

(2) At least two representatives from Federal land management agencies.

(3) At least one tribal or pueblo representative.

(4) At least two independent scientists with experience in forest ecosystem restoration.

(5) Equal representation from—

(A) conservation interests;

(B) local communities; and

(C) commodity interests.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2389, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2389, the Secure Rural Schools and Community Self-Determination Act of 2000. I want to particularly commend the gentleman from Florida (Mr. BOYD), the gentleman from Georgia (Mr. DEAL), the gentleman from Oregon (Mr. DEFAZIO), and the chairman of our committee, the gentleman from Texas (Mr. COMBEST), as well as the ranking member, the gentleman from Texas (Mr. STENHOLM), for their dedicated efforts on this legislation.

I would also like to particularly single out members of the staff of my subcommittee, Dave Tenny, of the full committee, and Brent Gattis of my subcommittee, and Kevin Kramp, formerly of my subcommittee, as well the staff on the Democratic side for very, very long, dedicated work to get this legislation to this point.

This bill is landmark policy on two important fronts. First, it provides critical funding for schoolchildren in hundreds of rural communities all over America who have been left behind by the policies of their own government. Second, it creates a new paradigm for local citizen participation in the management of our Federal forest lands.

In 1908, our government made a promise to the people who live in and around our Federal forests. The government promised to share the economic bounty of these lands with the local people to sustain their schools, their communities, and their way of life. This was a contract to compensate these communities for the economic opportunities lost because the Federal Government owned most of the land.

Now, 90 years later, the government has defaulted on this promise and rural communities all over America are suffering. Federal policies have eliminated the economic bounty from our Federal forest lands. As a result, schools have cut their services to the bone and, in some cases, closed their doors all together for lack of funding.

Families have been torn apart as parents are forced to work farther and farther from home. Local infrastructure has disintegrated; and, sadly, the primary victims of this tragedy have been schoolchildren, children who have been left behind by their government while the rest of America prospers.

The purpose of H.R. 2389 is to correct this wrong. By shoring up Federal payments to rural forest communities, this legislation restores our government's commitment to education in rural forest communities. Significantly, and this is a very important point in this time of intense debate on education in our country, the commitments made to education in this bill come without strings attached.

That means when a county in Oregon or Arkansas or Pennsylvania or Florida receives Federal support for education under this bill, the local community, not the Federal Government, will determine how that funding is best used. If local schools need books, they can buy books. If they need additional teachers, they can hire them. If they need to fix the roof on a school, they can do it. This philosophy of Federal support coupled with local decision-making should be a model for the Congress as we work to improve education in our country.

H.R. 2389 also changes the way we approach Federal forest management. For the first time, local communities will have a direct stake in the management of our national forests. This has been one of the worst wildfire seasons of the century, and the experts tell us that the worst may be yet to come. This bill provides critical funding that counties can leverage with private investments and Federal appropriations to address fire risk head on.

Counties can also use this funding to restore watersheds, improve fish and wildlife habitat, and enhance the overall health of our forests. It establishes a framework for local collaboration that, if successful, will replace the current centralized command and control policy with a new and effective way to resolve forest management issues at the local level using local expertise.

I urge the Members of this body to join me in taking this important step today by sending H.R. 2389 to the President's desk. We can renew the promise made to our rural forest communities back in 1908. We can raise the hopes of rural school children all over America and begin the process in earnest of helping them rebuild their homes and communities. Join me in declaring a strong commitment to rural schools and rural communities. Vote in favor of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2389, the Secure Rural Schools and Communities Self-Determination Act of 2000. H.R. 2389, when signed by the President, will set in motion significant improvements in the manner that the Federal Government fulfills its financial commitment to rural counties located within the boundaries of our national forest system.

The fulfillment of this commitment is even more critical today where the county payments have declined considerably as a result of major forest resource management policy changes. After 2 years of hard work, we have before us compromise legislation that maintains the core components of the Federal Government's payments system for forest counties.

Mr. Speaker, the manner in which this Congress continues these payments is critical to the future well-being of national forest health and the economic stability of rural communities. This compromise legislation is a step in the right direction. I urge all of my colleagues to support final passage.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN), who has also been a significant contributor to this effort.

Mr. WALDEN of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to commend the gentleman from Virginia and the gentleman from Texas, as well as my colleagues from Oregon, in putting together this very important legislation that will help our school children and our counties who have been hurt tremendously by changes in Federal policy.

Since 1908, rural counties adjacent to Forest Service and BLM forest lands have received Federal funds for schools and roads based on the revenue received from land management activities. Over the last decade, as a result of sharp declines in revenues from these Federal forest lands, many of these counties have been unable to fund essential programs for their kids and to take care of their road maintenance and infrastructure.

Mr. Speaker, this legislation goes a long way toward resolving that problem and toward making the Federal Government a better neighbor and certainly a better partner in the health of our communities in rural America. I urge passage of this legislation.

Mr. STENHOLM. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON.)

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Texas for yielding me this time and for his leadership, as well as the gentleman from Virginia (Mr. GOODLATTE) for his leadership.

Mr. Speaker, this is an opportunity to speak on a subject which is dear to my heart, H.R. 2389, the Secure Rural Schools and Community Self-Determination Act of 2000. We have spoken extensively about our priorities to make schools safer, with smaller class sizes, skilled teachers, the latest technology, excellent school facilities with the proper books, lunch programs, and extracurricular activities. Yet we have witnessed many schools lacking the funds needed to improve our schools.

I not only live in rural America, but I represent a district which is predominantly rural. I am aware of the great challenges counties face in providing adequate funding for their schools. We know that in addition to love and care from family members, schools are the foundation for developing successful young people and strong vibrant economies.

For decades now, counties received a 25 percent revenue from forest receipts. These funds were used to help make their schools successful. Unfortunately, these receipts have gradually dwindled. Federal forest receipts in some counties have dropped more than 90 percent. This decline has severely impacted the quality of education provided in the affected rural counties. Many schools have been forced to do just the opposite of what we were hoping to achieve: many teachers have been laid off, and bus drivers, nurses and other employees have also faced a similar fate.

We need to support H.R. 2389. A "yes" vote on H.R. 2389 will assist these communities in providing an equitable and stable source of funding in rural settings. By supporting this measure, we can be assured we are doing all we can to assist communities by providing an equitable and stable source of funding for schools in and near our forest areas.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I rise in strong support of this long-awaited vital legislation for our counties and schools.

I congratulate and thank all those who have been involved in this landmark legislation. I urge my colleagues to support this and send it to the President for his signature.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM), and also my partner, the gentleman from Virginia, the chairman of the subcommittee, for his skill in which he has managed this legislation.

Mr. Speaker, make no mistake that this is an education bill, a rural education bill that is very important to many, many communities around the country, including some communities in north Florida.

As we have heard described here today, a compact was made in 1908 with these communities when the forest lands were put into the ownership of the Federal Government, and that compact has been broken. This legislation will fix that compact again and make it work like it is supposed to.

I know in my particular area, the way that compact was broken was the fact that the Forest Service began to manage their timberlands in a different way because of the protection of the habitat for the endangered red cockaded woodpecker. The revenues to our local school districts in those forest communities declined by as much as 90 percent. So this, again, will go a long ways toward correcting that.

I want to give a word of thanks to our partners who have helped us here. Again, the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Georgia (Mr. DEAL), who was an original cosponsor of this legislation with myself, also the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Texas (Mr. TURNER), the gentleman from California (Mr. GEORGE MILLER), the gentlewoman from North Carolina (Mrs. CLAYTON), and the gentleman from Texas (Mr. STENHOLM).

Also, Mr. Speaker, I want to take this opportunity to thank the staff members who have done a wonderful job of negotiating some very difficult and complex negotiations with the Senate and the administration in the last 10 days. That is Dave Tenny, Brent Gattis, and Quinton Robinson, from the House Committee on Agriculture; Doug Crandall from the House Committee on Resources; Penny Dodge and Amelia Jenkins with the office of the gentleman from Oregon (Mr. DEFAZIO); Trent Ashby with the office of the gentleman from Texas (Mr. TURNER); Tom Pyle with the majority whip's office; and Chris Schloesser from my own staff.

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I also want to thank the chairman of the National Forest Counties and Schools Coalition, Mr. Bob Douglas, whose group certainly provided impetus for us to get to this point today. And I also want to thank my own superintendent of schools in Liberty County, Florida, who has been a leader for me in this, Mr. Hal Summers.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, it is an honor to rise in support of this legislation this evening. I join in the remarks of those who preceded me. I thank each Member on the floor who has worked so hard to bring this bill to fruition.

I particularly want to thank the National Forest Counties and Schools Coalition, that coalition of over 1,000 rural education, government, and business leaders, who worked hard to put this legislation together. That coalition included groups like the National Education Association, the U.S. Chamber of Commerce, the American Association of School Administrators, and the National Association of Counties.

Many representatives and community leaders from across the country have come to Washington to work on this bill over the last several months. Two of them are good examples from my district, my own county judge, Chris Vanderhof, and Trinity County Judge Mark Evans, who served on the National Coalition.

This is a good bill. It returns stability to the funds that flow to over 700 counties across this country that have national forest lands within their boundaries. It means a lot to the school districts in those counties. This will return some stability to their flow of funds, and it will provide a good source of funding for education for many rural school children across this country. I urge adoption of this legislation.

Mr. STENHOLM. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I too would like to thank my colleagues for all of their hard work on this piece of legislation. I rise in strong support of H.R. 2389.

The children in my district in Oregon and the children in over 800 counties across the rest of the United States are being shortchanged. People in Oregon and across the United States that live in rural areas with vast amounts of Federal land depend on payments from the Federal Government.

Unfortunately, these payments have decreased in recent years; and, as a consequence, education programs and county services have been subjected to massive budget cuts.

Over the last 10 years, I have seen class sizes grow while teachers, buses, music and art programs and many other services are reduced or eliminated. These cuts need to be restored.

The children in these counties deserve the same quality schools and educational opportunities as the rest of America.

In this election year, we have heard a lot about education and how it is a priority for everybody. Well, this is a chance for people in this House to show their commitment to education by voting yes on H.R. 2389.

I hope they will join me in voting yes on education and voting yes on H.R. 2389.

Mr. STENHOLM. Mr. Speaker, I have no further requests for time and encourage support of H.R. 2389.

Mr. Speaker, I yield back the balance of my time .

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I neglected to mention and thank the gentlewoman from North Carolina (Mrs. CLAYTON) for her contribution. We thank her very much. I, too, urge my colleagues to support this legislation.

Mr. COMBEST. Mr. Speaker, I rise today in support of H.R. 2389, the Secure Rural Schools and Community Self-determination Act of 1999. As I do so, I urge my colleagues to join me as a statement of our united commitment to education and economic stability in rural forest communities all over America.

Our rural forest communities are at a crossroads. Nearly a hundred year ago, the federal government made a commitment to share the revenues derived from federal lands to fund local schools and roads. The purpose of this commitment was to compensate these communities for the loss of local property taxes. Yet, during the last several years, the federal government has unilaterally defaulted on this commitment. The federal timber sale program has collapsed and federal policies now virtually prohibit the use of our national forests to sustain the communities and schools that are located in and around them. As a result rural forest communities and school districts all over America are in tatters—the victims of their own government.

The purpose of H.R. 2389 is to right this wrong. By providing stable and predictable funding for rural education, it will ensure that school children in forest-dependent communities are no longer punished by the policies of their own government. Passage of this bill will directly benefit 4 million schoolchildren in 700 counties nationwide, thereby opening the same doors of opportunity for them that children in other parts of the country enjoy.

H.R. 2389 also provides a framework for rural forest counties to rebuild their communities and their way of life by giving them a direct stake in the management of our federal forests. By giving local stakeholders both the opportunity and the funding resources to address local forest management issues, local experts can work together on solutions that are not only good for the forest, but also the local economies that sustain them.

H.R. 2389 is supported by a broad range of interests from all over the country. The bill has earned the endorsement of the National Association of Counties, the National Education Association, the U.S. Chamber of Commerce, the American Federation of State, County and Municipal Employees, and a grass roots coalition of over 1,000 local education, business and government organizations in 36 states.

I urge my colleagues to take a stand in support of our rural school children and the forest communities in which they live, Join me in voting aye on H.R. 2389.

Mr. GOODLATTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2389.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ALASKA NATIVE CLAIMS SETTLEMENT ACT TECHNICAL AMENDMENTS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4345) to amend the Alaska Native Claims Settlement Act to clarify the process of allotments to Alaskan Natives who are veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—TECHNICAL AMENDMENTS TO ALASKA NATIVE CLAIMS SETTLEMENT ACT

SEC. 101. ALASKA NATIVE VETERANS.

Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended as follows:

(1) Subsection (a)(3)(I)(4) is amended by striking "and Reindeer" and inserting "or".

(2) Subsection (a)(4)(B) is amended by striking "; and" and inserting "; or".

(3) Subsection (b)(1)(B)(i) is amended by striking "June 2, 1971" and inserting "December 31, 1971".

(4) Subsection (b)(2) is amended by striking the matter preceding subparagraph (A) and inserting the following:

"(2) The personal representative or special administrator, appointed in an Alaska State court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) may, for the benefit of the heirs, select an allotment if the decedent was a veteran who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—".

SEC. 102. LEVIES ON SETTLEMENT TRUST INTERESTS.

Section 39(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(c)) is amended by adding at the end the following new paragraph:

"(8) A beneficiary's interest in a settlement trust and the distributions thereon shall be subject to creditor action (including without limitation, levy attachment, pledge, lien, judgment execution, assignment, and the insolvency and bankruptcy laws) only to the extent that Settlement Common Stock and the distributions thereon are subject to such creditor action under section 7(h) of this Act.".

TITLE II—NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH

SEC. 201. ADMINISTRATION OF NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Education for the Washington Workshops Foundation $2,200,000 for administration of a national leadership symposium for American Indian, Alaskan Native, and Native Hawaiian youth on the traditions and values of American democracy.

(b) CONTENT OF SYMPOSIUM.—The symposium administered under subsection (a) shall—

(1) be comprised of youth seminar programs which study the workings and practices of American national government in Washington, DC, to be held in conjunction with the opening of the Smithsonian National Museum of the American Indian; and

(2) envision the participation and enhancement of American Indian, Alaskan Native, and Native Hawaiian youth in the American political process by interfacing in the first-hand operations of the United States Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4345 amends the Alaska Native Claims Settlement Act to clarify the process of allotments to Alaskan Natives who are veterans and makes a number of technical changes to the Alaskan Native Claims Settlement Act.

Title I of the bill outlines the qualifying dates and requirements of the Alaskan Native Vietnam veterans and their executors to apply for their native allotments under the Native Allotment Act.

Title II of the bill would allow American Indian or Alaska Native and Native Hawaii students to participate in a week-long national symposium on American democracy when the Smithsonian National Museum of the American Indians opens in 2002.

I urge an aye vote on this important bill for Alaska.

Mr. HANSEN. Mr. Speaker, I submit the following letter for the RECORD:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, October 10, 2000.

Re: H.R. 4345 and amendments to P.L. 105-276.

Hon. DON YOUNG,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On June 14, I testified before your Committee concerning H.R. 4345, the Alaska Native Claims Technical Amendments Act of 2000. During the hearing, I promised to work with Alaska Native groups in an effort to address their concerns raised at the hearing, particularly over section 3 of the bill regarding Alaska Native veteran allotments.

As you know, the Department reviewed H.R. 4345 as introduced and expressed its strong disagreement with most of that bill. We indicated in our official statement submitted to you at the hearing that if Sections 2, 3, 4, and 5 of that bill were passed, we would recommend a veto to the President. Section 6 was not unacceptable to us. As we discussed at the hearing, and in the spirit of cooperation with your Committee, I asked Marilyn Heiman, Special Assistant to the Secretary for Alaska, to take the lead in meeting with Alaska Native interests and discussing their concerns. Those meetings have taken place. Following those meetings, and further contact among the Committee, the Native groups, and the Department, the Committee has proposed to us informally for review a revised version of H.R. 4345. The provisions to which we objected have been removed and a set of technical changes to P.L. 105-276 have been added, including one change which directly reflects Native interest in expanding eligibility for allotment applications for heirs of deceased veterans.

The revised draft of H.R. 4345 contains two titles: Title I pertains to Alaska Native Veteran allotments, as well as levies on settlement trust interests (formerly section 6 of the original bill), and Title II contains wholly new provisions authorizing $2,200,000 to the Washington Workshops Foundation for administration of a national leadership symposium for Native American and Eskimo youth.

The Department does not object to the revised bill.

TITLE I

We had mentioned earlier in testimony that there are technical corrections which should be made to the language of the Vietnam Veteran Allotment legislation passed in 1998 in section 432 of P.L. 105–276, in order to correct three technical gaps and problems with that section. The new bill makes those corrections in section 101.

1. It amends Section 41(a)(3)(1)(4) concerning lands selected or claimed and unavailable for conveyance, to delete the words "and Reindeer" and insert the word "or". This language clarifies the intent of the provision to make unavailable for selection headquarters sites for various activities including reindeer herding. There are a number of different activities that can support a headquarters site unrelated to reindeer herding which would be unavailable for conveyance. The original wording was in error and could result in a taking which must be avoided.

2. It amends section 41(a)(4)(B), concerning categories of land available for selection, to delete after the semicolon the word "and" and insert the word "or". The current wording will cause difficulty in implementation. Three categories of land are listed, but the use of the word "and" requires that an individual apply for land that meets the criteria of all three categories. That is impossible because land cannot be simultaneously reserved and unreserved.

3. It amends section (41)(b)(1)(B)(i), pertaining to "Eligible Person," to change the date "June 2, 1971" to "December 31, 1971." The current wording causes veterans who began their service after December 3, 1970 and before June 2, 1971 to be ineligible, even though they may have served more than six months between 1969 and 1971.

4. Section 101 of the bill also amends section 41(b)(2), concerning eligible heirs of decedents, with two changes to obtain greater facility in administration and to broaden the eligibility of veterans' heirs who would benefit.

First, the bill contains critical language to make clear that the personal representative of an estate will be appointed by a judge of probates in a State Court of Alaska. The State Court judges advise us that they can perform this function quickly and at relatively low cost. This Department does not have the personnel or the procedures to resolve problems amongst heirs concerning who will be the personal representative and which tracts of land will be chosen for the allotment application. By letting the State probate courts resolve the choice of personal representative, a task which is performed every day, we can expedite the processing of the allotment application by heirs without BLM being flooded with separate applications by each heir claiming a different location.

Second, for the group of veterans who died as a direct result of the war, (killed in action, wounded in action and subsequently died as a result of those wounds, or died while a prisoner of war) the bill broadens the time for eligibility of heirs of such deceased veterans to include those who died from August 5, 1964 to December 31, 1971. All of these veterans could be considered to have missed their opportunity to file an allotment application by virtue of their military service. We believe it is important to keep eligibility limited to deaths caused by war, because otherwise there is no basis for distinction between Native veterans who lost their opportunity due to service and other Natives who served or who are not veterans.

The Department can accept these changes. However, this is the full extent of changes to P.L. 105–276 that we can accept. We are opposed to further changes or expansion of the law, which we believe fully and fairly addresses the problem of lost opportunity due to military service for Alaska Native veterans of the Vietnam war to apply for allotments. We have just issued regulations to implement the original law. Unfair, unacceptable restrictions regulations are not the same as original Native allottees of Native applicants to 1971. Need hearing on their unfair regulations for Vietnam Veterans. The above changes can be reasonably accommodated, and the program should now move forward unimpeded by further revisions to the program and the regulations.

The former section 6 of the bill becomes section 102. This section, unrelated to the other provisions of the bill, amends section 39(c) of ANCSA (43 U.S.C. 1629e(c)) to add a new paragraph on Levies on Settlement Trust Interests, placing limits on such actions against interests of shareholders. While we do not object to this section, we raised with the proponents of the section a clerical error in its original draft and the need for a further expansion of the language for protected interests in settlement trusts. The new paragraph corrects the erroneous cross reference contained in the current language of the section and adds the words "levy, attachment," to make clearer the types of creditor actions being limited.

TITLE II

Title II provides for a National Leadership Symposium for American Indian, Alaska Native, and Native Hawaiian youth to be comprised of youth seminar programs which study the workings and practice of American national government in Washington, D.C. We encourage the development of such a program. However, the bill as written is not clear as to the source of funds, the Federal agency designated to receive the funds, the basis for the amount for the project or the choice of organizations to lead it. Nor is it clear who, if anyone, on behalf of the Federal government would provide any financial oversight or program guidance for the program. We recommend that these issues be clarified.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN BERRY,
Assistant Secretary.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4345, this proposed piece of legislation sponsored by the gentleman from Alaska (Mr. YOUNG), my good friend and the chairman of the House Committee on Resources.

As introduced, H.R. 4345 contains a number of controversial provisions which were objectionable to the administration originally. However, I am pleased to say that the bill before us now has been significantly amended and is no longer opposed by the Department of the Interior.

Mr. Speaker, the most notable provision of this bill concerns the Native Alaskan veterans who served in the Vietnam conflict. This legislation is intended to benefit the families of Native Alaskans who served in Southeast Asia between 1964 and 1971 and who died as a direct result of their military service.

Under this bill, the descendants of these Native Alaskan veterans would be allowed a new opportunity to file under the Allotment Act of 1906 for up to 160 acres of parcels of land which the family traditionally used and occupied.

The Allotment Act of 1906 was repealed by the Alaska Native Claims Act in 1917, which was intended to resolve the Native land claims against the United States. That historic act conveyed over 40 million acres of land and approximately $1 billion dollars in compensation to be managed by over 200 Native Alaskan corporations, representing the villages and regions of the State of Alaska.

It is fair to say, Mr. Speaker, that the minority on the Committee on Resources on this side has not always shared the enthusiasm of our chairman for reopening the land claims and making significant amendments to the 1971 Alaska Native Claims Settlement Act. We tend to give greater emphasis to the word "settlement" in that act.

However, Mr. Speaker, in this instance, the allotment act language reflects a compromise struck after negotiations between the Department of the Interior and the Alaskan Federation of Natives.

A rider on the fiscal year 1999 VA-HUD appropriations bill reopened applications for Native veterans who served in the 3-year period prior to the repeal of the allotment act in 1971. Since the Department of the Interior has already opened that door, extending the same opportunity to the families of Native veterans who were killed in action is a matter of understandable equity. It is troublesome, however, that the Department cannot tell us how many new applications would be generated by this bill, nor can they give us any clear notion of the potential impacts on public land in Alaska.

However, by allowing this bill to proceed, it is our intent that this action is final and that there will be no further extensions of land claims under an act that was passed by Congress at the turn of the century and repealed 3 decades ago. It is my understanding that the Department of the Interior shares this view as well.

In summary, Mr. Speaker, let me take what may be one of our last opportunities in this Congress to give credit to the gentleman from Alaska (Mr. YOUNG), the chairman of our House Committee on Resources, who has served as chairman of the committee for the past 6 years. The chairman is a forceful advocate for his Alaska Native constituents, and it is due to his commitment that this bill is before us today.

Mr. Speaker, I want to commend the gentleman from Alaska, chairman of the committee, for his leadership and also his willingness to assist with issues affecting our insular areas. And above all, Mr. Speaker, this Member appreciates very much the genuine friendship of the gentleman from Alaska (Chairman YOUNG) with those of us who represent the territories.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers, so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4345, as amended.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

LAKE TAHOE BASIN LAND CONVEYANCE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site.

The Clerk read as follows:

H.R. 4656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF CERTAIN FOREST SERVICE LAND IN THE LAKE TAHOE BASIN.

(a) CONVEYANCE.—Upon application, the Secretary of Agriculture, acting through the Chief of the Forest Service, may convey to the Washoe County School District all right, title, and interest of the United States in the property described as a portion of the Northwest quarter of Section 15, Township 16 North, Range 18 East, M.D.B. & M., more particularly described as Parcel 1 of Parcel Map No. 426 for Boise Cascade, filed in the office of the Washoe County Recorder, State of Nevada, on May 19, 1977, as file No. 465601, Official Records.

(b) REVIEW OF APPLICATION.—When the Secretary receives an application to convey the property under subsection (a), the Secretary shall make a final determination whether or not to convey such property before the end of the 180-day period beginning on the date of the receipt of the application.

(c) USE; REVERSION.—The conveyance of the property under subsection (a) shall be for the sole purpose of the construction of an elementary school on the property. The property conveyed shall revert to the United States if the property is used for a purpose other than as an elementary school site.

(d) CONSIDERATION BASED ON REQUIREMENT TO USE FOR LIMITED PUBLIC PURPOSES.—The Secretary shall determine the amount of any consideration required for the conveyance of property under this section based on the fair market value of the property when it is subject to the restriction on use under subsection (c).

(e) PROCEEDS.—The proceeds from the conveyance of the property under subsection (a) shall be available to the Secretary without further appropriation and shall remain available until expended for the purpose of acquiring environmentally sensitive land in the Lake Tahoe Basin pursuant to section 3 of the Act entitled "An Act to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes", approved December 23, 1980 (94 Stat. 3381; commonly known as the "Santini-Burton Act").

(f) APPLICABLE LAW.—Except as otherwise provided in this section, any sale of National Forest System land under this section shall be subject to the laws (including regulations) applicable to the conveyance of National Forest System lands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4656 was introduced by my colleague, the gentleman from Nevada (Mr. GIBBONS). This legislation would convey a little over 8 small acres of Forest Service land to the Washoe County School District in Nevada located in the Lake Tahoe Basin for fair market value.

This bill passed full committee by voice vote on September 13 of this year. I would urge all Members to support passage of this excellent piece of legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to thank my good friend, the gentleman from Utah (Mr. HANSEN), chairman of our Subcommittee on National Parks and Public Lands, and the chief sponsor of this legislation, the gentleman from Nevada (Mr. GIBBONS).

However, this evening, Mr. Speaker, with tremendous reluctance and despite my respect for my good friend from Nevada, I have to rise in opposition to H.R. 4656.

This bill authorizes the Forest Service to convey for fair market value an approximately 8.7 acre parcel on the Tahoe National Forest in Washoe County School District for use as an elementary school site.

Although the parcel is valued between $2 million and $4 million, a deed restriction directing use as a school site and a reversionary clause reduces the value considerably.

The administration testified that the appraisal value would be reduced by approximately 75 percent. The parcel to be conveyed was originally acquired by the Forest Service in 1981 as an environmentally sensitive property under the Santini-Burton Act for approximately $500,000. This land, as other land around Lake Tahoe, has appreciated considerably in the last 20 years. Sound fiscal policy dictates that the public should receive full value for its public assets.

In this case, getting fair compensation is particularly critical because the taxpayers purchased the land under a Federal program to buy environmentally sensitive land around Lake Tahoe and because the proceeds of the sale would be used to purchase additional environmentally sensitive land in the Lake Tahoe area.

Hence to offset the fiscal and environmental loss of this sensitive property, the Federal Government should get its full value.

Mr. Speaker, this bill also undermines the intent of the Santini-Burton Act. While the act allows transfers of land in interest to State and local governments, the deed restrictions must protect the environmental quality and public recreational purposes of the land.

Legislation is needed in this instance because this conveyance does not fall within the parameters of the act. Unlike other sites conveyed for less than fair market value with reversionary clauses, this land was not public domain or surplus land. Rather, this land was specifically purchased for its environmental value and is integral to the land-use planning scheme surrounding Lake Tahoe. This bill deprives the public of what is owed as well as the ability to offset the loss of this environmentally sensitive property with the purchase of comparable property.

I urge my colleagues not to accept this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), the author of this legislation, .

Mr. GIBBONS. Mr. Speaker, I would like to thank my colleague and friend from Utah (Mr. HANSEN) for allowing me the time to speak here today.

□ 2245

Before, Mr. Speaker, I approach and answer the questions and issues of my colleague from American Samoa, I want to thank the gentleman from Alaska (Mr. YOUNG) for his leadership on this important bill which seeks to provide the children of Incline Village, Nevada with the sound footing for a quality education.

Mr. Speaker, H.R. 4656 authorizes the U.S. Forest Service to convey 8.7 acres of land in Washoe County, Nevada at fair market value for the limited use as an elementary school. It also requires the proceeds from the sale to be used to purchase environmentally sensitive land in the Lake Tahoe Basin in the future. H.R. 4656 is the product of a great deal of hard work, and I believe it strikes a balance that will benefit all parties involved.

The present Incline Village elementary school, constructed in 1964, can no longer meet the needs of an increasing student population. The overcrowding problems have become so severe that the school must now place up to 40 children in one classroom because there is simply not enough space to accommodate them all. The school district has considered every possible remedy to this problem, including looking at other land within the basin, and the best solution is H.R. 4656.

Expanding beyond the school's current design is physically impossible, as is rezoning the district to bus school children to another school district since the road to the next closest school is closed half the year due to snow. The only solution is a new school and the only suitable land to provide the students of Incline Village with a proper facility is the land to be conveyed in this bill.

Purchased by the U.S. Government under the Burton-Santini Act, this land currently has no market value since under Burton-Santini it cannot be developed without an act of Congress. Certainly the commercial use of the land would garner a much more attractive profit for the Federal Government, but the environmental sensitivity of the land would undoubtedly be threatened. However, under H.R. 4656, the intent of the Burton-Santini Act to protect the land's environmental sensitivity would be maintained. The school will not jeopardize the sensitivity of the seasonal stream that runs through the land. The school district will install water filtration systems and incorporate the sensitive elements of the site into existing education programs on water quality for the students.

Therefore, Mr. Speaker, the use restrictions of my bill will succeed in protecting the environment and ensuring that the Federal Government receives compensation for the land. The land will not be conveyed for free but at an affordable price for the school district. This bill is truly a win-win for everyone involved.

Finally, Mr. Speaker, this bill is not really about the land conveyance. This is about educating children. All children deserve safe and quality school facilities. The passage of H.R. 4656 will extend this opportunity to the students of Incline Village.

Mr. Speaker, let me also add that if this bill is not passed, there may actually be that child who has to stand up because there will not be room for his or her desk in the school district because there are 400 students now expected to be in this school. If you combine those students, most of which are ESL, more than 50 percent of the student population is ESL students, they will be pushed into an ever decreasing smaller and smaller environment.

This bill, if it is not passed, there will not be that new school for them and no place for these students to learn. We all realize, I hope, how important it is to the future of our children and to the future of our Nation to have well-educated children. It is my hope that no one in this Chamber will deny the young children of Incline Village, Nevada the opportunity to learn how to read, how to write or how to add and subtract in a suitable facility that can promote education, not inhibit it.

Mr. Speaker, we are asking only for 8.7 acres purchased at fair market value with a school restriction by the Washoe County school district for the purpose of an elementary school. The purpose of this bill is to provide the children in this area with an adequate, suitable place to get an education.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume. I was looking at the clock and looking at some 11 hours, that I had sincerely hoped that the staff members on the majority side and our side would at least have had this occasion for this whole day passing, if there is some way we can negotiate in good faith and some way to find a solution to prevent this kind of a deadlock. And now we bring ourselves here to the floor with this kind of a situation that I feel very, very bad about. I sincerely wish there could have been some other way of resolving this issue. Now that we are before the floor and reluctantly and with tremendous respect that I have for my good friend from Nevada, I had just hoped that we would have resolved this issue in some way or somehow, but somehow this matter has not been resolved.

As I said, with tremendous reluctance, I have to respectfully oppose this piece of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, to my great friend from American Samoa, I want to say that this land of 8.7 acres is squeezed in between condominium developments and a Safeway shopping center right in front of it. This is not the pristine type of ground that one normally envisions when we talk about environmentally sensitive lands with great vistas looking out over Lake Tahoe. The fact is that this land is going to be better off being utilized as a school because the environmental sensitivities will be taken into consideration by the school in its development plan. It will actually enhance the environmental sensitivity of the land as well.

Let me also say that the League to Save Lake Tahoe, the well-known, well-respected environmental group that looks after much of the Lake Tahoe area does not oppose this bill. This is a critical piece of legislation for the students of Nevada. There have been many attempts on the other side to have legislation passed which also sets a precedent. I know my friends on the other side of the aisle have oftentimes passed legislation which will convey land for free for educational purposes, such as the San Juan College Act passed, that is H.R. 695 of our good friend and colleague the gentleman from New Mexico (Mr. UDALL). It conveyed land for educational purposes with a restriction in it as well. We also have an opportunity to look at other pieces of legislation which the other side has passed which would convey for even free, without the cost to the United States, land for educational purposes for the Lewis and Clark National Historic Interpretive Center. That passed 355–0 and was signed into law last year.

Mr. Speaker, there are other opportunities. H.R. 2737 of the gentleman from Illinois (Mr. COSTELLO) that was going to convey 39 acres of government land for free to the State of Illinois. We talked about that one. As I am saying, even H.R. 2890 which many of my friends and colleagues on the other side of the aisle support, transfers the land of Vieques Island that is currently used as an artillery bombing range to Puerto Rico at no cost. Now, here is thousands upon thousands and thousands of acres that belong to the Federal Government that are supported in being transferred to a State agency for that matter without a cost to the Federal Government in giving up that. So it is not an issue here today. We are talking about 8.7 acres. It is not an issue of fair market value. We are talking about getting an education for 400 children.

Without this, Mr. Speaker, without this land, without being able to construct this new school, 400 children are going to be forced into classrooms or denied an education, and 400 children, I do not think, want to be subject of standing in their classroom without so much as room for their desk in order to get that education. We have to pass this bill. It is now, it is critical, and time is of the essence for this bill.

I once again thank my friends and colleagues for their support and hope everyone will support this piece of legislation.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

I congratulate my friend from Nevada for his excellent presentation. I would like to point out that in my 20 years on the Committee on Resources, we have done this many, many times. Education in this year is one of the big things we are all looking at. I hope it does not become a partisan issue. We are trying to educate some kids. I could give example after example of my many years on this committee where we have done exactly that, to give some acreage so we can expand a school, so we can help some children out. The backbone of this country is educating our children. I commend the gentleman from Nevada for his excellent presentation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4656.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 150, EDUCATION LAND GRANT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 621) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 150.

The Clerk read as follows:

H. RES. 621

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 150, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Education Land Grant Act".

SEC. 2. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon application, the Secretary of Agriculture may convey National Forest System lands for use for educational purposes if the Secretary determines that—

(1) the entity seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System; and

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral rights.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, without the consent of the Secretary, title to the lands shall revert to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

On June 8, 1999, the House passed H.R. 150, the Education Land Grant Act, by voice vote. Since that time, the bill was amended in the other body. However, the committee nor the author are agreeable to the amendments. Thus, this resolution strips the Senate amendments and inserts the original text as passed by the House.

Mr. Speaker, H.R. 150 is a good piece of legislation that will help school children in rural communities throughout the country. I commend the gentleman from Arizona (Mr. HAYWORTH) for his hard work on this bill.

The Education Land Grant Act was designed to alleviate a problem that many small western communities face. These towns are often hemmed in by government-owned lands such as BLM land, Indian reservations, national forests, State land and now all over the West national monuments, national parks, et cetera. Since so much of the land base in these areas is nontaxable government land, they often find it difficult to afford school facilities.

H.R. 150 was designed to help these towns and cities surrounded by or adjacent to Forest Service land. They would be able to buy parcels of land for school facilities from the Forest Service at nominal cost. We have the opportunity to provide communities across our great Nation with the ability to purchase public lands to facilitate the education of our youth. This is a good cause and a great idea. H.R. 150 is simply legislation that resolves an extremely difficult problem for rural school districts. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I certainly want to commend my good friend the gentleman from Arizona (Mr. HAYWORTH), the chief sponsor of this bill.

Mr. Speaker, H.R. 621 would have the effect of returning to the Senate the House-passed language in the bill H.R. 150, the Education Land Grant Act. The House originally passed this measure in June of last year and the Senate subsequently took up the bill and sent it back to the House in April of this year with an amendment.

The Senate amendment is a significant change in the purpose and scope of H.R. 150 as passed by this body. There are a number of serious problems with the Senate amendment in terms of policy and its application. Whereas the House bill was narrowly focusing on making land available for schools, the Senate amendment greatly expands the authorized purposes, includes new detailed language on the transfers and reverters as well as making a number of other changes in the bill. It is our understanding that the administration strongly opposes the language of the Senate amendment.

Given the problems with the Senate amendment, we do not object to disagreeing with the Senate language and returning the bill to the Senate with the original House-passed provisions.

Mr. Speaker, again I want to commend my friend from Arizona for this legislation. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH), the author of this bill.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Utah for yielding me this time. I would also ask the indulgence of those who join us this evening as I battle a bit of a cold.

□ 2300

Mr. Speaker, tonight before us is an important bipartisan bill that will help school districts around the country by allowing those districts to apply for conveyances of small tracts of Forest Service land at a nominal cost for the purposes of building, renovating or expanding school facilities.

Currently, only school districts near Bureau of Land Management lands can apply for conveyances under the Recreation and Public Purposes Act, and modeled after that act this legislation simply adds Forest Service lands to the equation.

It is worth noting, as my colleagues have before me, that H.R. 150 unanimously passed this House by a recorded vote with 420 of us in attendance voting yes; not a single voice, not a single vote, Mr. Speaker, in opposition in June of last year.

By unanimous consent, as was mentioned earlier, Mr. Speaker, the Senate passed an amendment in the nature of a substitute to H.R. 150 and while this was a bipartisan agreement, objections have been raised. They were enumerated by my good friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA). Therefore, by disagreeing to the Senate amendments to H.R. 150, we can send the House-passed bill back to the Senate in the form of H. Res. 621 and send it directly to the President after the other body passes the legislation.

To recount, this new Education Land Grant Act authorizes the Secretary of Agriculture to convey Forest Service lands for educational purposes if certain conditions are met. First, the entity seeking the conveyance must use the land for a public or publicly funded elementary or secondary school.

Second, the conveyance must serve the public interest.

Third, the land conveyed cannot be environmentally sensitive land and cannot be otherwise needed for purposes of the national forest system.

Finally, the total acreage to be conveyed cannot exceed the amount reasonably necessary for the proposed use.

Furthermore, our new Education Land Grant Act limits the amount of acreage to be conveyed to 80 acres. It also provides that conveyances under this legislation shall be for a nominal cost using the guidelines of the Recreation and Public Purposes Act, which allows for conveyances or transfers to be made at $10 per acre.

The bill would require expedited review of applications by requiring the Secretary of Agriculture to acknowledge receipt of an application within 14 days of receiving it. A final determination about whether to convey the land must be made within 120 days, unless the Secretary submits a written notice to the applicant explaining the delay.

Mr. Speaker, ofttimes rural school districts cannot afford the costs of buying land and building new school facilities. In fact, in the 104th Congress, I introduced legislation which was signed into law that helped one of these aforementioned financially strapped school districts, the Alpine School District in Eastern Arizona. This district desperately needed new facilities. However, they could not afford the cost of acreage which was estimated to be approximately one quarter of a million dollars, as well as the cost of new school facilities.

This legislation seeks to set up a national mechanism for school districts to apply to the Agriculture Secretary for Forest Service land without having to come to Congress every year to pass legislation for their particular school district. Indeed, Mr. Speaker, part and parcel of the exercise tonight is perhaps to an onlooker, Mr. Speaker, a crazy quilt of small applications or conveyances of land. The beauty of the new Education Land Grant Act is to offer a uniform mechanism that can be used.

Mr. Speaker, I would point out that although it is of special interest in the rural West, it is important to note that this legislation would help school districts in 44 of our 50 States.

The Constitution gives our Congress authority in article IV, section 3 when it states that Congress shall have the power to dispose of and make needful rules and regulations respecting the territory or other properties belonging to the United States. I mention the conditions unique to the West. It has been part and parcel of discussion on earlier legislation tonight. Private land in the West is extremely expensive, and while it is true most federally controlled land is located in the western States, we also confront a problem there: Rapidly growing populations. In fact, Arizona, Utah and Nevada have the three fastest growing States in the Nation. With less and less private land on which to build schools and other facilities, the West will increasingly need to find new solutions to growth problems. The Education Land Grant Act provides one of the ways we can alleviate some of these concerns and at the same time help our children receive the education they need and deserve.

Not only is there rapid growth in the West but nationwide. As has been part of the discussion on this floor and in other venues, many school districts find themselves financially strapped. We have the opportunity tonight, in the tradition of Justin Smith Morrill, who consulted with then candidate Abraham Lincoln, in the election campaign of 1860, for an Education Land Grant Act that allowed for conveyances of land for the construction and establishment of institutions of higher learning in the agricultural and mechanical arts, in that tradition that Lincoln made the centerpiece of his campaign for the presidency and, of course, a terrible war intervened and his assassination. Ultimately, the Morrill Land Grant Act was signed into law. Indeed, from the vantage of time we see how important that was to higher education in this country.

Mr. Speaker, tonight we again have the opportunity to stand and deliver, and though it is virtually ignored by the fourth estate, in retrospect, Mr. Speaker, this legislation is of great importance because it enables local districts to free up their precious resources to help teachers teach and help children learn.

Certainly despite our many differences, as we take a look at the political calendar we can agree on that basic mission. In the tradition of original passage last year, unanimous passage by this House, I would ask this House again to support this legislation now by calling for passage of H. Res. 621 so that this new Education Land Grant Act can become reality, so that we can streamline this process for the greater good of all America's children in our finest traditions.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and agree to the resolution, H. Res. 621.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PLACEMENT AT LINCOLN MEMORIAL OF PLAQUE COMMEMORATING SPEECH OF MARTIN LUTHER KING, JR., KNOWN AS "I HAVE A DREAM" SPEECH

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2879) to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have a Dream" speech.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. PLACEMENT OF PLAQUE AT LINCOLN MEMORIAL.

(a) PLACEMENT OF PLAQUE.—

(1) IN GENERAL.—The Secretary of the Interior shall install in the area of the Lincoln Memorial in the District of Columbia a suitable plaque to commemorate the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

(2) RELATION TO COMMEMORATIVE WORKS ACT.—The Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the design and placement of the plaque within the area of the Lincoln Memorial.

(b) ACCEPTANCE OF CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary of the Interior is authorized to accept and expand contributions toward the cost of preparing and installing the plaque, without further appropriation. Federal funds may be used to design, procure, or install the plaque.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2879, introduced by the gentlewoman from Kentucky (Mrs. NORTHUP). H.R. 2879 would provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have a Dream" speech. The plaque would be placed in an appropriate location in the vicinity of the Lincoln Memorial where Dr. King delivered his famous civil rights speech on August 28, 1963. This bill also directs the Secretary of the Interior to accept contributions to help offset any costs associated with the preparation and placement of the plaque.

Mr. Speaker, this is an important bill. It has bipartisan support. I urge all of my colleagues to support H.R. 2879, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2879 as passed by the House directs the Secretary of the Interior to insert on the steps of the Lincoln Memorial a plaque commemorating the speech of Dr. Martin Luther King, Jr., known as the "I Have a Dream" speech.

The bill originally passed the House by a voice vote on November 9 of last year. The Senate passed the bill last week and has returned the measure to the House with an amendment.

The Senate amendment makes a number of clarifying and technical changes to the bill. We support these changes. In fact, we believe these changes strengthen the bill by providing greater flexibility on the placement of a plaque and by making sure that this action is carried out in conformance with the Commemorative Works Act.

Mr. Speaker, I want to note that our colleague, the gentleman from Georgia (Mr. LEWIS) was present and was one of the speakers that day in the summer of 1963 on the steps of the Lincoln Memorial and was with Dr. King when rendering the "I Have a Dream" speech that occurred at the Lincoln Memorial, which certainly had a profound impact not only on the civil rights movement but I would say that this Member particularly was very touched by the speech that Dr. King gave on that day. I ask my colleagues to support this measure.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Kentucky (Mrs. NORTHUP), who has worked so diligently on this legislation, and I commend her for the good work she has done.

Mrs. NORTHUP. Mr. Speaker, this bill originated because one of my constituents, Thomas Williams, came to Washington, D.C. with his wife to see Washington, as so many Americans do. He wrote to me when he got home and talked about the moving moments he had as he went around Washington walking in the footsteps and being reminded of what a democracy this was and some of our important leaders.

He wrote to me about what he thought was missing, and I would like to share with you some of those words: I looked for the spot on which Martin Luther King stood when he spoke. I looked for a marker to remind me and others that for a single moment on a hot August day a descendant of a slave held the most prominent space in our Nation and delivered words that will always stay with that space. I could not find a marker or the words on those steps. And he goes on to say that markers such as this are reminders that an ordinary space we sometimes occupy can become forever changed by the deeds of a person that has stood there.

Looking even further, he said, into the future I saw a day when I could bring my yet unborn children to that spot where Martin Luther King spoke and I could show them that marker and read them the words of his dream.

□ 2310

"I could tell them that this is still a nation where a simple Kentucky farmer could rise to the heights of president, and that a son of a slave could inspire future generations with the power of his words and his compassion."

Mr. Speaker, this plaque gives us these memories. All of us see schoolchildren that come to Washington each year. I reminded them that they are not only visiting the past, walking in the footsteps of our history, but that they are being filled with inspiration for their futures and for their responsibilities as leaders to make this democracy even better, to not be afraid to tackle the challenges, and to be part of the goodness of this country.

These children look for the markers, look for the memories, that give them this inspiration, give them example, and give them a belief that they, too, can make a difference.

So it is important that as they walk on the steps of the Lincoln Monument, that they not forget that very important day and that very important leader that Dr. Martin Luther King was to this country.

I think it is also important to thank my constituent, Tom Williams, who wanted the events of 1963 to come alive to all who toured the Lincoln Monument. Today we honor his contribution as an interested citizen, a citizen that believed that he could make a suggestion, and that that suggestion might have a powerful result.

Finally, the movement of this legislation also honors another man, Senator Paul Coverdell from Georgia, who sponsored this legislation on the Senate side. Senator Coverdell's death was a great loss to all of us this year, and we will miss him, but like the man we are honoring here today, Senator Coverdell will also be fondly remembered in our hearts.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2879.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COASTAL BARRIER RESOURCES SYSTEM CORRECTIONS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 34) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

The Clerk read as follows:

Senate amendments:

Page 2, line 9, strike out all after "System"," down to and including "tives." in line 11 and insert "dated June 5, 2000".

Page 2, after line 18, insert:

"(c) AVAILABILITY.—The Secretary of the Interior shall keep the map descried in subsection (b) on file and available for public inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b))."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 34 passed the House by unanimous consent on November 18, 1999. The other body made some technical amendments to the bill which are acceptable to the sponsor of this bill.

The gentleman from Florida (Mr. GOSS) is to be commended for his determination in getting this bill through the process and to final passage.

This bill corrects coastal maps which labeled developed private property as part of a State park. H.R. 34 adopts a new map drawn by the Fish and Wildlife Service which correctly portrays the boundary of the Cayo Costa State Park in Florida.

This change is supported by the U.S. Fish and Wildlife Service. Adopting the Senate amendments will clear this bill for the President. I strongly urge passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to commend the gentleman from Florida (Mr. GOSS) for his introduction of this legislation.

The Coastal Barrier Resources Act established the sound policy that the best way to protect coastal barriers was not to prohibit private development, but instead, to remove Federal benefits and financial assistance that encourage or subsidize such developments.

In general, this policy has been very successful. And that said, Mr. Speaker, Congress has found the need from time to time to correct technical errors revealed in the original Coastal Barrier System maps.

As noted by the previous speaker, the House passed H.R. 34 last November without objection. At the request of the other body, the Fish and Wildlife Service completed a digital analysis of public land holdings on North Captiva Island that are presently included in the otherwise protected area labeled as P–19P.

The new map was developed by the Fish and Wildlife Service to depict more detailed analysis. This new map, dated June 5 of this year, was adopted by the other body when it passed H.R. 34 last week. It is our understanding that this new map has not changed in any way the corrected boundaries for Cayo Costa State Park.

Furthermore, we understand that these digital clarifications have not removed any area from either the otherwise protected area of P–19P or from the adjacent coastal barrier resources system unit, P–19.

Lastly, the Fish and Wildlife Service fully attests to the accuracy of this new map. As a result, we have no objections to this legislation as amended by the other body to adopt the map dated June 5 of this year.

This legislation falls within the realm of legitimate technical corrections, and the bill is not controversial. I urge my colleagues to support this measure.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to H.R. 34.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CAT ISLAND NATIONAL WILDLIFE REFUGE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3292) to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

The Clerk read as follows:

Senate amendments:

Page 4, line 7, after "animals;" insert: "and".

Page 4, strike out lines 8 through 11.

Page 4, line 12, strike out "(6)" and insert: "(5)".

Page 5, line 19, before "The" insert: "(a) IN GENERAL.—".

Page 6, after line 2, insert:

(b) PRIORITY USES.—In providing opportunities for compatible fish- and wildlife-oriented recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge.

Page 6, after line 11, insert:

SEC. 8. DESIGNATION OF HERBERT H. BATEMAN EDUCATION AND ADMINISTRATIVE CENTER.

(a) IN GENERAL.—A building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, on Assateague Island, Virginia, shall be known and designated as the "Herbert H. Bateman Education and Administrative Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Herbert H. Bateman Education and Administrative Center.

SEC. 9. TECHNICAL CORRECTIONS.

(a) Effective on the day after the date of enactment of the Act entitled, "An Act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994" (106th Congress), section 6 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 668dd note; Public Law 103–340), relating to an environmental education center and refuge, is redesignated as section 7.

(b) Effective on the day after the date of enactment of the Cahaba River National Wildlife Refuge Establishment Act (106th Congress), section 6 of that Act is amended—

(1) in paragraph (2), by striking "the Endangered Species Act of 1973 (16 U.S.C. 1331 et seq.)" and inserting "the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)"; and

(2) in paragraph (3), by striking "section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))" and inserting "paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))".

(c) Effective on the day after the date of enactment of the Red River National Wildlife Refuge Act (106th Congress), section 4(b)(2)(D) of that Act is amended by striking "section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))" and inserting "paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3292, which will establish the Cat Island National Wildlife Refuge near Baton Rouge, Louisiana, represented by our colleague, the gentleman from Louisiana (Mr. BAKER).

Under the terms of this legislation, the Secretary of the Interior is directed to acquire by purchase or donation up to 36,000 acres of land that will form the basis of this new exciting refuge.

☐ 2320

The House considered and approved this measure by voice vote. The other body adopted a few technical amendments which we concur in today. In addition, an additional amendment was added naming the visitors center at the Chincoteague National Wildlife Refuge in Virginia after our former colleague, the late Herb Bateman. Congressman Herb Bateman's tireless commitment to what he called America's First District was legendary. This is a fitting tribute to an outstanding man. I urge the adoption of H.R. 3292. I compliment the author, the gentleman from Louisiana (Mr. BAKER) for his superb leadership in shepherding this legislation through the legislative process.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3292, a bill sponsored by the gentleman from Louisiana (Mr. BAKER), a bill that would establish the Cat Island National Wildlife Refuge in the State of Louisiana. The biological diversity and ecological significance of these resources will be a valuable addition to our national wildlife refuge system.

We reviewed the amendments and technical corrections that were added to this legislation by the other body, and we find them helpful and noncontroversial. Consequently, we have no objections in passing this amended bill.

Mr. Speaker, it is my understanding that the administration fully supports the provisions of this bill, and I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3292.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SAINT HELENA ISLAND NATIONAL SCENIC AREA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area.

The Clerk read as follows:

Senate amendment:

Page 4, line 1, strike out all after "REQUIREMENTS.—" down to and including "Forest." in line 5 and insert "Within 3 years of the acquisition of 50 percent of the land authorized for acquisition under section 7, the Secretary shall develop an amendment to the land and resources management plan for the Hiawatha National Forest which will direct management of the scenic area."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 468, the Saint Helena Island National Scenic Area, was introduced by our colleague, the gentleman from Michigan (Mr. KILDEE). This legislation would establish the area known as Saint Helena Island in the State of Michigan as a National Scenic Area to be included in the Hiawatha National Forest.

H.R. 468 passed the House under suspension of the rules on September 21, 1999, by a recorded vote of 410–2.

The Senate has returned this bill to the House with a technical amendment that clarifies the plan amendment process for management of the area.

Mr. Speaker, I urge passage of Saint Helena National Scenic Area, as amended, by the Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

H.R. 468 authorizes the Secretary of Agriculture to acquire from willing sellers most of Saint Helena Island for management as a National Scenic Area. The nearly 270-acre island, which sits a couple of miles offshore from the Hiawatha National Forest shoreline in northern Lake Michigan, is rich in ecological and cultural resources.

The small bit of acreage that does not convey to the Forest Service is owned by the Great Lakes Lighthouse Keepers Association. This bill overwhelmingly was passed by the House in September of last year; and in October of this year, the Senate unanimously passed it with a minor amendment.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to note the particular good work of the gentleman from Michigan (Mr. KILDEE), my good friend and colleague, certainly for his leadership and for his sponsorship of this important piece of legislation.

Mr. KILDEE. Mr. Speaker, on February 25, 1999, I introduced H.R. 468, the St. Helena Island National Scenic Area Act, and I am pleased that several of my colleagues from Michigan joined me as cosponsors of this effort. As many of you know, the House originally passed the legislation in September of 1999. Our colleagues on the Senate side added an amendment at the request of the National Forest Service. I have no problem with this change, and I am pleased that we are approving the final version of the bill today, clearing the way for its passage into law.

First of all, I would like to thank Chairwoman CHENOWETH-HAGE and Chairman YOUNG for their help in bringing H.R. 468 to the floor of the House. I also appreciate the work of the Ranking Members, ADAM SMITH and GEORGE MILLER. Furthermore, I wish to thank the majority and minority staff for their work on this effort. During committee consideration, I was pleased to work with both the majority and minority to make technical and clarifying amendments, and I believe this resulted in a good piece of legislation, worthy of bipartisan support.

H.R. 468 is simple—it authorizes the purchases of St. Helena Island from the willing sellers of the Brown and Hammond families. The island would become part of the Hiawatha National Forest, which would manage the island as a national scenic area, and the island would be open to the public for recreational use.

I thank all of my colleagues for their support of this effort.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 468.

The question was taken.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXTENDING AUTHORITY OF LOS ANGELES UNIFIED SCHOOL DISTRICT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5083) to extend the authority of the Los Angeles Unified School District to use certain park lands in the city of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

The Clerk read as follows:

H.R. 5083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) In 1988, the Los Angeles Board of Education voted to close Tweedy Elementary School in the city of South Gate, California, due to concerns about health risks at the site of the school.

(2) The school was temporarily relocated to South Gate Park on park land that was originally acquired with amounts provided by the Secretary of the Interior from the land and water conservation fund.

(3) In March 1991, the lease with the city that allowed the Los Angeles Unified School District to operate the school on park land expired, and no progress had been made in constructing new facilities to relocate the school and its students.

(4) In 1992, Congress enacted Public Law 102–443 (106 Stat. 2244), which authorized an eight-year extension in the lease for the use of the park land pending the construction of the new school.

(5) This eight-year extension is due to expire on October 23, 2000, and little progress has been made on the part of the Los Angeles Unified School District to relocate Tweedy Elementary School.

(6) In addition to the long-delayed Tweedy Elementary School relocation, recent studies have identified the need for additional educational facilities in the city of South Gate, including a new high school, junior high, and three primary centers in the near future.

(7) The lack of commitment, oversight, and accountability in finding a new site for Tweedy Elementary School must be corrected in any further lease extension, and a similar situation also must be avoided in addressing the construction of other education facilities in the City of South Gate.

SEC. 2. CONTINUATION OF TEMPORARY USE OF PARK LANDS FOR ELEMENTARY SCHOOL PURPOSES, SOUTH GATE, CALIFORNIA.

Notwithstanding section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)), the city of South Gate, California, may extend until October 23, 2004, the lease between the city of South Gate and the Los Angeles Unified School District, dated June 8, 1988, and otherwise subject to expire on October 23, 2000, pursuant to Public Law 102–443 (106 Stat. 2244), regarding the use of approximately three acres of South Gate Park as the temporary site for Tweedy Elementary School.

SEC. 3. REPORT ON PROGRESS TO RELOCATE TWEEDY ELEMENTARY SCHOOL AND OTHER SCHOOL CONSTRUCTION.

(a) PERIODIC REPORTS REQUIRED.—As a condition on the extension of the lease referred to in section 1 beyond October 23, 2000, the President of the Board of Education for the Los Angeles Unified School District shall require the preparation of periodic reports describing—

(1) the progress being made to relocate Tweedy Elementary School from South Gate Park to a permanent location; and

(2) the School District's construction plans for a new high school, middle school, and 3 primary centers in the city of South Gate, California.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall describe—

(1) the progress being made in site selection and acquisition, facility design, and construction; and

(2) any factors hindering either the relocation of Tweedy Elementary School or progress on the School District's other construction plans for the city of South Gate.

(c) SUBMISSION.—The reports required by subsection (a) shall be submitted to the City Manager of the city of South Gate, the Congress, the Los Angeles Board of Education, and Padres Unidos Pro Nuevas Escuelas. The first report shall be submitted not later than May 1, 2001, and subsequent reports shall be submitted every six months thereafter during the term of the extended lease.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5083 extends the authority of the Los Angeles Unified School District to use certain park lands in the city of South Gate, California, for elementary school purposes.

Mr. Speaker, H.R. 5083 is a good piece of legislation that provides school children in South Gate, California, with temporary educational facilities. I commend the gentlewoman from California (Ms. ROYBAL-ALLARD), my colleague, for her hard work in bringing this legislation to the floor. I apologize for keeping her for so long on the floor.

In 1988, the Los Angeles Board of Education voted to close Tweedy Elementary School in the city of South Gate, California, due to concerns about health risks at the site of the school. The school was relocated to South Gate Park on park land that was originally acquired with amounts provided by the Secretary of the Interior from the Land and Water Conservation Fund.

On October 23, 2000, the lease with the city that allowed the Los Angeles Unified School District to operate the school on park land will expire. Little progress has been made on the part of the Los Angeles Unified School District to relocate Tweedy Elementary School.

H.R. 5083 would authorize the city of South Gate, California, to extend the lease between the city of South Gate and the Los Angeles Unified School District as the temporary site for the Tweedy Elementary School until October 23, 2004.

As a condition of the extension of the lease, the president of the Board of Education for the Los Angeles Unified School District shall require the preparation of periodic reports describing the progress made to relocate Tweedy Elementary School from South Gate Park to a permanent location.

It will also require the preparation of periodic reports describing the school district's construction plans for a new high school, middle school and three primary centers in the city of South Gate, California. These reports shall be submitted to the city manager of South Gate, to the Congress, and the Los Angeles Board of Education.

This is a worthy cause that will provide the students in South Gate, California, with essential educational facilities. H.R. 5083 is simple legislation that resolves a very difficult problem for these students. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to thank the gentleman from Utah (Mr. HANSEN), my good friend, for his management of these pieces of legislation. I want to also offer my apologies to the gentlewoman from California (Ms. ROYBAL-ALLARD), our colleague, who has been so patient in wanting to get this bill that she has worked so hard in her efforts to provide legislation for, H.R. 5083.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for yielding the time to me.

Mr. Speaker, I also want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. MILLER), the ranking member of the Committee on Resources, and the gentleman from Utah (Chairman HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the ranking member of the Subcommittee on National Parks and Public Lands, for bringing H.R. 5083 to the floor.

This legislation addresses an urgent need for hundreds of children who attend Tweedy Elementary School in my congressional district.

As the gentleman from Utah (Chairman HANSEN) mentioned, in 1988 the Los Angeles Board of Education closed Tweedy Elementary School in South Gate, California, due to health risks from environmental contamination at the school site.

Consequently, the school was moved to South Gate Park located on Federal land, until a new school could be built.

To enable Tweedy Elementary students to attend school in their community, Congress approved a lease, at fair market value, between the city of South Gate and the Los Angeles Unified School District.

The current lease, as was mentioned, is going to expire this fall.

Mr. Speaker, since L.A. Unified is still in the process of replacing Tweedy Elementary, this bill extends the current lease 4 years to allow L.A. Unified time to construct the new school.

□ 2330

As a condition of the extension, the bill requires a school district to provide progress reports twice a year to the City of South Gate, to Congress, and, most importantly, to the parents of Tweedy students.

With no available alternative site, passage of this measure is essential to ensure that the children of Tweedy are not evicted and their education is not disrupted while LAUSD constructs a permanent replacement site.

For the children of South Gate, I urge my colleagues to pass this critically needed legislation. I would like to thank the gentleman from Utah (Chairman HANSEN) for his support of this very important measure.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, H.R. 5083, as introduced by the gentlewoman from California (Ms. ROYBAL-ALLARD) would extend for a period of 4 years a lease that allows the Los Angeles Unified School District to operate an elementary school on the park land in the City of South Gate, California that was acquired with monies from the Federal Land and Water Conservation Fund.

Such an extension is necessary because the school district has thus far failed to relocate the elementary school to a permanent site. The elementary school was originally moved onto local park land in 1988 because of concern with health risks associated with the former school site.

In 1992, Public law 102–443 was enacted that allowed an 8-year extension of the lease of three acres of the local park for elementary school purposes. That lease extension is set to expire on October 23 of this year. Without that additional extension, the elementary school will be in a precarious situation.

Mr. Speaker, it is, indeed, unfortunate that the Los Angeles Unified School District has thus far failed to provide a new permanent facility for the elementary school. We support the extension provided in the provisions of this bill. I urge my colleagues to support the provisions of this bill.

Mr. Speaker, if I may not detract too far from the pieces of legislation that the gentleman from Utah (Chairman HANSEN) and I have tried earnestly to complete this evening, I really think I would be remiss if I did not share with my colleagues that, 2 days from now, that our colleagues will be going to the State of Minnesota to express our sense of condolences to the great gentleman, the Congressman from Minnesota, my good friend and former chairman of the Subcommittee on National Parks and Public Lands, the late Congressman BRUCE VENTO.

If ever my colleagues in this Chamber, when we talk about national parks, when we talk about public lands, when we talk about scenic trails, when we talk about wildlife refuge, when we talk about historic preservation, historic sites, perhaps two words come out more starkly, very, very clear in my mind when we think of this great American, the son of Minnesota, Congressman BRUCE VENTO.

When we talk about conservation and the environment, I think of the legacy that this gentleman has left us in this Chamber and the tremendous amount of energy and work that he has committed on behalf of our Nation.

When we talk about conservation environment, there is also another gentleman I want to recognize, the unsung heroes. I say a lot of times that when we do things as Members that we do not give credit which is due. This is my good friend Rick Healy, who, for many years, served as staff director to Congressman BRUCE VENTO and doing such a fantastic, tremendous job in passing some 300 pieces of legislation during Congressman VENTO's tenure as chairman of the Subcommittee on National Parks and Public Lands.

I want to let him know that certainly this Member and certainly my colleagues in the Chamber want to express our sense of appreciation to Rick for the outstanding job that he has done with the national parks and public land issues.

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. FALEOMAVAEGA. I am glad to yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, I would like to associate myself with the remarks made by the gentleman from American Samoa (Mr. FALEOMAVAEGA) concerning our late colleague, BRUCE VENTO. I also served with him for many years and was ranking member when he was chairman. We have lost a good friend and a very fine legislator.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman for his kind comments.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5083.

The question was taken.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2389, H.R. 4345, H.R. 4656, H. Res. 621, H.R. 150, H.R. 2879, H.R. 3292, H.R. 468 and H.R. 5083.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

□ 2355

TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY, AND DOCUMENTATION (TREAD) ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5164) to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act".

SEC. 2. PRESERVATION OF SECTION 30118.

The amendments made to section 30118 of title 49, United States Code, by section 364 of the Department of Transportation and Related Agencies Appropriations Act, 2001 are repealed and such section shall be effective as if such amending section had not been enacted.

SEC. 3. REPORTING REQUIREMENTS.

(a) DEFECTS IN FOREIGN COUNTRIES.—Section 30166 of title 49, United States Code, is amended by adding at the end the following:

"(l) REPORTING OF DEFECTS IN MOTOR VEHICLES AND PRODUCTS IN FOREIGN COUNTRIES.—

"(1) REPORTING OF DEFECTS, MANUFACTURER DETERMINATION.—Not later than 5 working days after determining to conduct a safety recall or other safety campaign in a foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer shall report the determination to the Secretary.

"(2) REPORTING OF DEFECTS, FOREIGN GOVERNMENT DETERMINATION.—Not later than 5 working days after receiving notification that the government of a foreign country has determined that a safety recall or other safety campaign must be conducted in the foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer of the motor vehicle or motor vehicle equipment shall report the determination to the Secretary.

"(3) REPORTING REQUIREMENTS.—The Secretary shall prescribe the contents of the notification required by this subsection.".

(b) EARLY WARNING REPORTING REQUIREMENTS.—Section 30166, of title 49, United States Code, is amended by adding at the end the following:

"(m) EARLY WARNING REPORTING REQUIREMENTS.—

"(1) RULEMAKING REQUIRED.—Not later than 120 days after the date of enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, the Secretary shall initiate a rulemaking proceeding to establish early warning reporting requirements for manufacturers of motor vehicles and motor vehicle equipment to enhance the Secretary's ability to carry out the provisions of this chapter.

"(2) DEADLINE.—The Secretary shall issue a final rule under paragraph (1) not later than June 30, 2002.

"(3) REPORTING ELEMENTS.—

"(A) WARRANTY AND CLAIMS DATA.—As part of the final rule promulgated under paragraph (1), the Secretary shall require manufacturers of motor vehicles and motor vehicle equipment to report, periodically or upon request by the Secretary, information which is received by the manufacturer derived from foreign and domestic sources to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States and which concerns—

"(i) data on claims submitted to the manufacturer for serious injuries (including death) and aggregate statistical data on property damage from alleged defects in a motor vehicle or in motor vehicle equipment; or

"(ii) customer satisfaction campaigns, consumer advisories, recalls, or other activity involving the repair or replacement of motor vehicles or items of motor vehicle equipment.

"(B) Other data.—As part of the final rule promulgated under paragraph (1), the Secretary may, to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States, require manufacturers of motor vehicles or motor vehicle equipment to report, periodically or upon request of the Secretary, such information as the Secretary may request.

"(C) Reporting of possible defects.—The manufacturer of a motor vehicle or motor vehicle equipment shall report to the Secretary, in such manner as the Secretary establishes by regulation, all incidents of which the manufacturer receives actual notice which involve fatalities or serious injuries which are alleged or proven to have been caused by a possible defect in such manufacturer's motor vehicle or motor vehicle equipment in the United States, or in a foreign country when the possible defect is in a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States.

"(4) Handling and utilization of reporting elements.—

"(A) Secretary's specifications.—In requiring the reporting of any information requested by the Secretary under this subsection, the Secretary shall specify in the final rule promulgated under paragraph (1)—

"(i) how such information will be reviewed and utilized to assist in the identification of defects related to motor vehicle safety;

"(ii) the systems and processes the Secretary will employ or establish to review and utilize such information; and

"(iii) the manner and form of reporting such information, including in electronic form.

"(B) Information in possession of manufacturer.—The regulations promulgated by the Secretary under paragraph (1) may not require a manufacturer of a motor vehicle or motor vehicle equipment to maintain or submit records respecting information not in the possession of the manufacturer.

"(C) Disclosure.—None of the information collected pursuant to the final rule promulgated under paragraph (1) shall be disclosed pursuant to section 30167(b) unless the Secretary determines the disclosure of such information will assist in carrying out sections 30117(b) and 30118 through 30121.

"(D) Burdensome requirements.—In promulgating the final rule under paragraph (1), the Secretary shall not impose requirements unduly burdensome to a manufacturer of a motor vehicle or motor vehicle equipment, taking into account the manufacturer's cost of complying with such requirements and the Secretary's ability to use the information sought in a meaningful manner to assist in the identification of defects related to motor vehicle safety.

"(5) Periodic review.—As part of the final rule promulgated pursuant to paragraph (1), the Secretary shall specify procedures for the periodic review and update of such rule.".

(c) Sale or Lease of Defective or Noncompliant Tire.—Section 30166 of title 49, United States Code, as amended by subsection (b), is amended by adding at the end the following:

"(n) Sale or Lease of Defective or Noncompliant Tire.—

"(1) In general.—The Secretary shall, within 90 days of the date of enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, issue a final rule requiring any person who knowingly and willfully sells or leases for use on a motor vehicle a defective tire or a tire which is not compliant with an applicable tire safety standard with actual knowledge that the manufacturer of such tire has notified its dealers of such defect or noncompliance as required under section 30118(c) or as required by an order under section 30118(b) to report such sale or lease to the Secretary.

"(2) Defect or Noncompliance Remedied or Order Not in Effect.—Regulations under paragraph (1) shall not require the reporting described in paragraph (1) where before delivery under a sale or lease of a tire—

"(A) the defect or noncompliance of the tire is remedied as required by section 30120; or

"(B) notification of the defect or noncompliance is required under section 30118(b) but enforcement of the order is restrained or the order is set aside in a civil action to which section 30121(d) applies.".

(d) Insurance Study.—The Secretary of Transportation shall conduct a study to determine the feasibility and utility of obtaining aggregate information on a regular and periodic basis regarding claims made for private passenger automobile accidents from persons in the business of providing private passenger automobile insurance or of adjusting insurance claims for such automobiles. Not later than 120 days after the date of enactment of this Act, the Secretary shall transmit the results of such study to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 4. REMEDIES WITHOUT CHARGE.

Section 30120(g)(1) of title 49, United States Code, is amended by—

(1) striking "8 calendar years" and inserting "10 calendar years"; and

(2) striking "3 calendar years" and inserting "5 calendar years".

SEC. 5. PENALTIES.

(a) Civil Penalties.—Section 30165(a) of title 49, United States Code, is amended to read as follow:

"(a) Civil Penalties.—

"(1) In general.—A person that violates any of sections 30112, 30115, 30117 through 30122, 30123(d), 30125(c), 30127, or 30141 through 30147, or a regulation prescribed thereunder, is liable to the United States Government for a civil penalty of not more than $5,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum penalty under this subsection for a related series of violations is $15,000,000.

"(2) Section 30166.—A person who violates section 30166 or a regulation prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that section or regulation. The maximum penalty under this paragraph is $5,000 per violation per day. The maximum penalty under this paragraph for a related series of daily violations is $15,000,000.".

(b) Criminal Penalties.—

(1) In General.—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30170. Criminal Penalties.

"(a) Criminal Liability for Falsifying or Withholding Information.—

"(1) General rule.—A person who violates section 1001 of title 18 with respect to the reporting requirements of section 30166, with the specific intention of misleading the Secretary with respect to motor vehicle or motor vehicle equipment safety related defects that have caused death or serious bodily injury to an individual, (as defined in section 1365(g)(3) of title 18), shall be subject to criminal penalties of a fine under title 18, or imprisoned for not more than 15 years, or both.

"(2) Safe harbor to encourage reporting and for whistle blowers.—

"(A) Correction.—A person described in paragraph (1) shall not be subject to criminal penalties under this subsection if (1) at the time of the violation, such person does not know that the violation would result in an accident causing death or serious bodily injury and (2) the person corrects any improper reports or failure to report within a reasonable time.

"(B) Reasonable time and sufficiency of correction.—The Secretary shall establish by regulation what constitutes a reasonable time for the purposes of subparagraph (A) and what manner of correction is sufficient for purposes of subparagraph (A). The Secretary shall issue a final rule under this subparagraph within 90 days of the date of enactment of this section.

"(C) Effective date.—Subsection (a) shall not take effect before the final rule under subparagraph (B) takes effect.

"(b) Coordination with Department of Justice.—The Attorney General may bring an action, or initiate grand jury proceedings, for a violation of subsection (a) only at the request of the Secretary of Transportation.".

(2) Clerical amendment.—The subchapter analysis for subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"30170. Criminal penalties.".

SEC. 6. ACCELERATION OF MANUFACTURER REMEDY PROGRAM.

Section 30120(c) of title 49, United States Code, is amended by inserting at the end thereof the following:

"(3) If the Secretary determines that a manufacturer's remedy program is not likely to be capable of completion within a reasonable time, the Secretary may require the manufacturer to accelerate the remedy program if the Secretary finds—

"(A) that there is a risk of serious injury or death if the remedy program is not accelerated; and

"(B) that acceleration of the remedy program can be reasonably achieved by expanding the sources of replacement parts, expanding the number of authorized repair facilities, or both.

The Secretary may prescribe regulations to carry out this paragraph.".

SEC. 7. SALES OF REPLACED TIRES.

Section 30120(d) of title 49, United States Code, is amended by adding at the end the following: "In the case of a remedy program involving the replacement of tires, the manufacturer shall include a plan addressing how to prevent, to the extent reasonably within the control of the manufacturer, replaced tires from being resold for installation on a motor vehicle, and how to limit, to the extent reasonably within the control of the manufacturer, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial non-vehicular uses. The manufacturer shall include information about the implementation of such plan with each quarterly report to the Secretary regarding the progress of any notification or remedy campaigns.".

SEC. 8. SALES OF REPLACED EQUIPMENT.

Section 30120 of title 49, United States Code, is amended by adding at the end the following:

"(j) PROHIBITION ON SALES OF REPLACED EQUIPMENT.—No person may sell or lease any motor vehicle equipment (including a tire), for installation on a motor vehicle, that is the subject of a decision under section 30118(b) or a notice required under section 30118(c) in a condition that it may be reasonably used for its original purpose unless—

"(1) the defect or noncompliance is remedied as required by this section before delivery under the sale or lease; or

"(2) notification of the defect or noncompliance is required under section 30118(b) but enforcement of the order is set aside in a civil action to which section 30121(d) applies.".

SEC. 9. CERTIFICATION LABEL.

Section 30115 of title 49, United States Code, is amended by inserting "(a) IN GENERAL.—" before "A manufacturer" and by adding at the end the following:

"(b) CERTIFICATION LABEL.—In the case of the certification label affixed by an intermediate or final stage manufacturer of a motor vehicle built in more than 1 stage, each intermediate or final stage manufacturer shall certify with respect to each applicable Federal motor vehicle safety standard—

"(1) that it has complied with the specifications set forth in the compliance documentation provided by the incomplete motor vehicle manufacturer in accordance with regulations prescribed by the Secretary; or

"(2) that it has elected to assume responsibility for compliance with that standard.

If the intermediate or final stage manufacturer elects to assume responsibility for compliance with the standard covered by the documentation provided by an incomplete motor vehicle manufacturer, the intermediate or final stage manufacturer shall notify the incomplete motor vehicle manufacturer in writing within a reasonable time of affixing the certification label. A violation of this subsection shall not be subject to a civil penalty under section 30165.".

SEC. 10. ENDURANCE AND RESISTANCE STANDARDS FOR TIRES.

The Secretary of Transportation shall conduct a rulemaking to revise and update the tire standards published at 49 C.F.R. 571.109 and 49 C.F.R. 571.119. The Secretary shall complete the rulemaking under this section not later than June 1, 2002.

SEC. 11. IMPROVED TIRE INFORMATION.

(a) TIRE LABELING.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking proceeding to improve the labeling of tires required by section 30123 of title 49, United States Code to assist consumers in identifying tires that may be the subject of a decision under section 30118(b) or a notice required under section 30118(c). The Secretary shall complete the rulemaking not later than June 1, 2002.

(b) INFLATION LEVELS AND LOAD LIMITS.—In the rulemaking initiated under subsection (a), the Secretary may take whatever additional action is appropriate to ensure that the public is aware of the importance of observing motor vehicle tire load limits and maintaining proper tire inflation levels for the safe operation of a motor vehicle. Such additional action may include a requirement that the manufacturer of motor vehicles provide the purchasers of the motor vehicles information on appropriate tire inflation levels and load limits if the Secretary determines that requiring such manufacturers to provide such information is the most appropriate way such information can be provided.

SEC. 12. ROLLOVER TESTS.

Section 30117 of title 49, United States Code, is amended by adding at the end the following:

"(c) ROLLOVER TESTS.—

"(1) DEVELOPMENT.—Not later than 2 years from the date of enactment of this subsection, the Secretary shall—

"(A) develop a dynamic test on rollovers by motor vehicles for the purposes of a consumer information program; and

"(B) carry out a program of conducting such tests.

"(2) TEST RESULTS.—As the Secretary develops a test under paragraph (1)(A), the Secretary shall conduct a rulemaking to determine how best to disseminate test results to the public.

"(3) MOTOR VEHICLES COVERED.—This subsection applies to motor vehicles, including passenger cars, multipurpose passenger vehicles, and trucks, with a gross vehicle weight rating of 10,000 pounds or less. A motor vehicle designed to provide temporary residential accommodations is not covered.".

SEC. 13. TIRE PRESSURE WARNING.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking for a regulation to require a warning system in new motor vehicles to indicate to the operator when a tire is significantly under inflated. Such requirement shall become effective not later than 2 years after the date of the completion of such rulemaking.

SEC. 14. IMPROVING THE SAFETY OF CHILD RESTRAINTS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking for the purpose of improving the safety of child restraints, including minimizing head injuries from side impact collisions.

(b) ELEMENTS FOR CONSIDERATION.—In the rulemaking required by subsection (a), the Secretary shall consider—

(1) whether to require more comprehensive tests for child restraints than the current Federal motor vehicle safety standards requires, including the use of dynamic tests that—

(A) replicate an array of crash conditions, such as side-impact crashes and rear-impact crashes; and

(B) reflect the designs of passenger motor vehicles as of the date of enactment of this Act;

(2) whether to require the use of anthropomorphic test devices that—

(A) represent a greater range of sizes of children including the need to require the use of an anthropomorphic test device that is representative of a ten-year-old child; and

(B) are Hybrid III anthropomorphic test devices;

(3) whether to require improved protection from head injuries in side-impact and rear-impact crashes;

(4) how to provide consumer information on the physical compatibility of child restraints and vehicle seats on a model-by-model basis;

(5) whether to prescribe clearer and simpler labels and instructions required to be placed on child restraints;

(6) whether to amend Federal Motor Vehicle Safety Standard No. 213 (49 C.F.R. 571.213) to cover restraints for children weighing up to 80 pounds;

(7) whether to establish booster seat performance and structural integrity requirements to be dynamically tested in 3-point lap and shoulder belts;

(8) whether to apply scaled injury criteria performance levels, including neck injury, developed for Federal Motor Vehicle Safety Standard No. 208 to child restraints and booster seats covered by in Federal Motor Vehicle Safety Standard No. 213; and

(9) whether to include child restraint in each vehicle crash tested under the New Car Assessment Program.

(c) REPORT TO CONGRESS.—If the Secretary does not incorporate any element described in subsection (b) in the final rule, the Secretary shall explain, in a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce submitted within 30 days after issuing the final rule, specifically why the Secretary did not incorporate any such element in the final rule.

(d) COMPLETION.—Notwithstanding any other provision of law, the Secretary shall complete the rulemaking required by subsection (a) not later than 24 months after the date of enactment of this Act.

(e) CHILD RESTRAINT DEFINED.—In this section, the term "child restraint" has the meaning given the term "Child restraint system" in section 571.213 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(f) FUNDING.—For each fiscal year, of the funds made available to the Secretary for activities relating to safety, not less than $750,000 shall be made available to carry out crash testing of child restraints.

(g) CHILD RESTRAINT SAFETY RATINGS PROGRAM.—No later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall issue a notice of proposed rulemaking to establish a child restraint safety rating consumer information program to provide practicable, readily understandable, and timely information to consumers for use in making informed decisions in the purchase of child restraints. No later than 24 months after the date of enactment of this Act the Secretary shall issue a final rule establishing a child restraint safety rating program and providing other consumer information which the Secretary determines would be useful consumers who purchase child restraint systems.

(h) BOOSTER SEAT STUDY.—In addition to consideration of booster seat performance and structural integrity contained in subsection (b)(7), not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall initiate and complete a study, taking into account the views of the public, on the use and effectiveness of automobile booster seats for children, compiling information on the advantages and disadvantages of using booster seats and determining the benefits, if any, to children from use of booster with lap and shoulder belts compared to children using lap and shoulder belts alone, and submit a report on the results of that study to the Congress.

(i) BOOSTER SEAT EDUCATION PROGRAM.—The Secretary of Transportation within 1 year after the date of enactment of this Act shall develop 5 year strategic plan to reduce deaths and injuries caused by failure to use the appropriate booster seat in the 4 to 8 year old age group by 25 percent.

SEC. 15. IMPROVING CRITERIA USED IN A RECALL.

(a) REVIEW OF STANDARDS AND CRITERIA USED IN OPENING A DEFECT OR NONCOMPLIANCE INVESTIGATION.—The Secretary shall, not later than 30 days after the date of enactment of this Act, undertake a comprehensive review of all standards, criteria, procedures, and methods, including data management and analysis used by the National Highway Traffic Safety Administration in determining whether to open a defect or noncompliance investigation pursuant to subchapter II or IV of chapter 301 of title 49, United States Code, and shall undertake such steps as may be necessary to update and improve such standards, criteria, procedures, or methods, including data management and analysis.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the Secretary's findings and actions under subsection (a).

SEC. 16. FOLLOW-UP REPORT.

One year after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the implementation of the amendments made by this Act and any recommendations for additional amendments for consumer safety.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

In addition to any sums authorized to be appropriated by sections 30104 or 32102 of title 49, United States Code, there is authorized to be appropriated to the Secretary of Transportation for the National Highway Traffic Safety Administration for fiscal year 2001 $9,100,000 to carry out this Act and the amendments made by this Act. Such funds shall not be available for the general administrative expenses of the Secretary or the Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5164.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I am proud to rise in support of this bill, H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation Act, or the TREAD act, introduced by my colleague the gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce of the House.

Together our two subcommittees have been working to uncover the facts surrounding the Firestone tire recall action focusing primarily on the action as it pertains to relevant Ford vehicles, in particular one of the Nation's most popular SUVs, the Ford Explorer.

I want to begin by thanking my dear friend the gentleman from Michigan (Mr. DINGELL) and the ranking minority member of our subcommittee, the gentleman from Massachusetts (Mr. MARKEY), again as well as the gentleman from Michigan (Mr. UPTON), the author of this legislation, for not only the success we have had in bringing this bill to the floor but more importantly for I think an extraordinary investigative series of hearings, an investigation that even now goes on.

Up here in Congress we always hear about how we must act on something because it is life or death. Well, in regard to this situation, no one has been exaggerating. This is about life and death.

As we are aware, Bridgestone/Firestone announced on August 9 a voluntary recall of 6.5 million of its 15-inch tires used on light trucks and sport utility vehicles. The recalled tires and other tires have been implicated in an increasing number of deaths and injuries in the United States, and the investigation is indeed far from complete.

Despite the ongoing investigation by NHTSA, the question of what is the precise cause of these tire tread separation accidents remains largely unanswered.

At our hearings we did not expect to find the smoking gun. Instead, the main purpose of our joint hearings was to find out what happened with the process, who knew what, and what they did with the information that was available to them.

We heard from the companies and from NHTSA on their progress in getting to the root cause of the tire failures on these Ford Explorers. We examined the testing done by Firestone and Ford on those tires, and we delved into what type of testing did the National Highway Traffic Safety Administration actually require and was that enough to protect the American public.

It was the hope of every member of the two subcommittees that we would work together in a bipartisan fashion to use these hearings and this horrible experience to learn how to correct the process and, more importantly, how to prevent something of this magnitude from ever happening again.

I would like to again express my sincere appreciation to Members on both sides of the aisle of the Committee on Commerce for working together in such a constructive fashion to craft what we believe is very reasonable and targeted legislation to ameliorate the shortfalls in our law that were uncovered in the hearings and in the ongoing investigation.

Given the extraordinary time constraints associated with the task, it was absolutely imperative that this legislation move through the committee process as quickly as possible.

In that regard, I wish to thank the staff and the chairman of the Committee on the Judiciary who were very helpful in working with the Committee on Commerce. We are often at odds in jurisdictional debates, but the Committee on the Judiciary was extremely helpful in crafting those sections of our bill that have to do with criminal sanctions.

H.R. 5164 is intended to address problems raised in the investigation and the accompanying hearings. The hearings highlighted the fact that the information available to NHTSA regarding motor vehicles and these tires was in fact inadequate.

It also became clear that NHTSA did not effectively use the data that was available to spot trends that were related to these tire failures.

I would like to touch on some of the important provisions contained in the bill.

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The bill, for example, requires that manufacturers report actual and potential defects in motor vehicles and products in foreign countries. This covers similar models, not just those models offered for sale in the United States.

The bill directs the Secretary to promulgate rules to require manufacturers to provide early warning reporting data, including warranty and claims data and such other data as may be requested by the Secretary. I am particularly thankful for our friend the gentleman from Massachusetts (Mr. MARKEY) for the language in this area. Importantly, the Secretary must make certain findings regarding the need and utilization of this data. We require NHTSA to harmonize the collection of this information in a manner that enables it to quickly and more efficiently identify problematic patterns in products and vehicles.

The bill lengthens the period in which a manufacturer of a motor vehicle or a tire must remedy the defect without charge, and directs the Secretary to conduct a rulemaking to upgrade the 30-year-old tire standard to bring it in line with modern tire technology.

The bill directs the Secretary to review procedures for opening a defect investigation and directs the Secretary to conduct a rulemaking to improve tire labeling so that we do not have to crawl under our cars to see what our tires are really made of and what size and what pressure they should be operated under.

The bill prohibits the resale of motor vehicle equipment removed and replaced as a part of a recall. It provides additional funding for NHTSA consistent with the appropriation already provided tied to carrying out the provisions of this act.

The bill increases civil penalties to $5,000 per violation per day and a maximum of $15 million and it provides enhanced criminal penalties for violations of existing law that requires filing honest and good information with the government and provides that a person who has specific intent of misleading the Secretary with respect to motor vehicle defects that have caused death or serious bodily injury would suffer more serious criminal penalties.

Importantly, the bill encourages the reporting of information and provides a safe harbor for those who do, but it makes that safe harbor only available to someone who did not actually have actual knowledge that false reporting or incorrect reporting would result in serious injury or death.

Mr. Speaker, I urge all of my colleagues to report this very reasonable bipartisan legislation that passed our committee on a 43–0 vote. I encourage literally the House to pass it on to the Senate and to do this important thing for this Nation to make sure this national tragedy does not happen again in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 5164, the Transportation Recall Enhancement, Accountability and Documentation Act. This is important legislation of which I was a cosponsor and it has bipartisan support. It was reported by the Committee on Commerce by a unanimous recorded vote of 42–0.

Firestone's recall of 14.4 million tires which it announced in August of this year is the second largest tire recall ever. It is surpassed only by Firestone's recall of 14.5 million tires in 1978. The recent recall came about only after Ford Motor Company whose vehicles were equipped with many of the recalled tires was given access to Firestone's claims data in late July and was able to link 46 deaths and a large number of claims to accidents involving two 15-inch models of Firestone tires, the ATX and the Wilderness AT.

Since August 9, the number of fatalities attributable to accidents involving the recall of Firestone tires has grown to 101 according to NHTSA, the National Highway Traffic Safety Administration.

Mr. Speaker, I would note that the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. UPTON), and the gentleman from Massachusetts (Mr. MARKEY) deserve a great deal of credit for what has transpired here as does the gentleman from Minnesota (Mr. LUTHER), the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Ohio (Mr. SAWYER). They have worked hard, as have a number of other Members too numerous to be mentioned at this time.

In any event, the legislation is necessary. It needs to be adopted at an early time.

Mr. Speaker, I rise in support of H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation Act. This important legislation, of which I am a cosponsor, has broad-based, bipartisan support. It was reported out of the Commerce Committee by a unanimous, recorded vote of 42 to 0.

Firestone's recall of 14.4 million tires, which it announced on August 9th of this year, is the second largest tire recall ever. It is surpassed only by Firestone's recall of 14.5 million tires in 1978.

The recent recall came about only after Ford Motor Company, whose vehicles were equipped with many of the recalled tires, was given access to Firestone's claims data in late July and was able to link 46 deaths and a large number of claims to accidents involving two 15-inch models of Firestone tires—the ATX and the Wilderness AT. Since August 9th, the number of fatalities attributable to accidents involving the recalled Firestone tires has grown to 101, according to the National Highway Traffic Safety Administration (NHTSA).

Even today, countless Americans are on the road—picking up their kids, driving to work—and the last thing that should worry them is the quality and soundness of their tires.

Mr. Speaker, time is of the essence. H.R. 5164 can and should be enacted into law this year. It directly responds to the problems that the committee's hearings uncovered in the Firestone tire recall case. The legislation directs the National Highway Traffic Safety Administration (NHTSA) to develop a plan for analyzing and using information it receives. This is important because the hearings showed that more than two years ago, NHTSA had information on 47 cases of tread separation involving the recalled tires, but failed to do anything with the information it already had.

In addition, this legislation requires manufacturers to give NHTSA claims data and other information that proved to be so important in the Firestone case. If this legislation becomes law, manufacturers will have to notify NHTSA about recalls or customer satisfaction actions taken in foreign countries. Furthermore, new enhanced criminal penalties will apply to manufacturers and others, if they knowingly and willfully withhold or falsify information with the specific intention of misleading the Secretary concerning safety related defects that have caused death or serious bodily injury.

Mr. Speaker, the criminal penalties provided in this legislation fit the requirements set out by Transportation Secretary Rodney Slater when he testified before the committee. At that time, Secretary Slater said the wrong kind of criminal penalties could slow down NHTSA's enforcement activities, and that he would only support criminal penalties for "egregious activity" and "serious matters". The criminal penalties provided in the legislation strike the proper balance between holding people accountable for their actions without discouraging voluntary reporting and cooperation with government agencies.

We have adopted an amendment on criminal penalties which will ensure that the safe harbor provisions cannot be used by an individual if that individual had actual knowledge at the time of the violation that the violation would result in accident causing death or serious bodily injury, as the gentleman from Louisiana, Mr. TAUZIN, stated in his explanation of the provision.

Mr. Speaker, I also call to my colleagues' attention the fact that this legislation authorizes $9.1 million for NHTSA, the full amount that the Agency requested to deal with matters related to the Firestone tire recall. While budget cuts in the past may have hindered NHTSA's activities in important areas, it is clear that, at this time, Republican, and Democratic members of the committee recognize the importance of NHTSA's work.

I would note, however, that we must move quickly, if we are to help NHTSA prevent a recurrence of the kind of problem that occurred in the Firestone case. Time is quickly running out for this Congress. While there is not enough time to solve every problem at NHTSA, we can, and we should, enact legislation to deal with the major problems uncovered in the committee's investigation of the recent Firestone tire recalls.

Mr. Speaker, public concern is great, and not just about the dangers of driving on the recalled tires: The public rightly perceives that both Firestone and NHTSA failed to respond early on to information and warnings that should have alerted them to the problems with the recalled Firestone tires. Those failures caused consumers to be exposed to risks of injury and death far longer than should have been the case. Both NHTSA and the companies involved need to take affirmative steps to restore public confidence.

Mr. Speaker, enactment of this legislation will help restore public confidence. I urge my colleagues to support H.R. 5164.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. UPTON), the author of this legislation, the chairman of the Subcommittee on Oversight and Investigations.

Mr. UPTON. Mr. Speaker, I would like to associate my remarks with those that have gone before me, both my good friend down the hall, my colleague from the great State of Michigan (Mr. DINGELL), and certainly the chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, the gentleman from Louisiana (Mr. TAUZIN).

This effort has been bipartisan from the very start, from the very get-go. There are a lot of people here to thank. Obviously the gentleman from Virginia (Mr. BLILEY) for getting this on the fast track through subcommittee and full committee last week, the hearings that the gentleman from Louisiana (Mr. TAUZIN) and I conducted last month, the many hours of hearings, and his leadership on this has been refreshing for the Congress to get this done. But particularly as we have reached across on both sides of the aisle, working with my good friend the gentleman from Michigan (Mr. DINGELL), the gentleman from Massachusetts (Mr. MARKEY) and others and the Committee on the Judiciary, we have in fact put together a bill that is solid, that is common sense. We identified major problems and we addressed them with this legislation.

I looked back at the record back in the 1970s. There was another big tire recall. It was the Firestone 500 tire. A lot of evidence came forth. A lot of problems were identified. Yet the Congress did not move, the House or Senate, to actually correct it and here we are 25, 30 years later and we are undergoing the same thing. But this is much more of a tragedy, for we have lost more than 100 lives because of these tires. We have seen hundreds and hundreds of accidents, many serious injuries. What this bill does is it corrects those problems.

As chairman of the Subcommittee on Oversight and Investigations, our investigative staff went out and, in fact, we did collect the evidence, we did identify the problems, and we worked very closely with the legislative subcommittee, and the gentleman from Louisiana (Mr. TAUZIN) did a wonderful job of laying that out in the many days and the many hours of hearings that we had the last 6 weeks. And we worked in a bipartisan fashion to get this thing done. And here we are early now in the morning, in the waning days of the Congress trying to complete this task.

The gentleman from Louisiana talked about the many positives about this bill so that in fact this cannot happen again. And now passing this tonight as we will do, or this morning I guess I should say, working with the Senate to make sure that this gets done, already talking with the White House to make sure that this bill lands on the President's desk and he is going to be able to sign it. Shame on us, shame on this Congress if we cannot get this bill done in the last couple of days.

I think it is a terrific credit to the staff, to the Members, to get this bill done tonight in this bipartisan way dealing with the information that we learned over the last 4 or 5 weeks, working with all those involved on this very important issue to in fact put together a bill that would pass in the full Committee on Commerce, 42–0, and again hopefully on the floor tonight without dissent.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Michigan very much for yielding me this time.

I too want to go down the litany of saints who have participated in the construction of this piece of legislation, the gentleman from Michigan (Mr. DINGELL), the gentleman from Minnesota (Mr. LUTHER) on our side along with many others, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. UPTON), the gentleman from Virginia (Mr. BLILEY) and many others on the other side.

This has been a piece of legislation which obviously has had to move very quickly. I thank the majority for their cooperation, including three amendments that I was particularly interested in: Dynamic testing so that we would be able to ensure that there is a better understanding of exactly what happens to these vehicles under road conditions rather than some static test that really does not test the full capabilities of vehicles; ensuring that there is a warning system in vehicles in the event that there is a problem with pressure of a tire that could cause a danger to those who are using the car or any vehicle; and an early warning system as well so that there is ample notification that there could be defects in any of these products.

What I would like to do right now is to rise to engage the gentleman from Louisiana in a colloquy in order to provide some clarification concerning two matters of particular concerns to the public.

□ 0010

First, under the section entitled "early warning requirements," we provide for the reporting of new information to NHTSA generally at an earlier stage than the stage when an actual recall takes place based on the finding of a defect. To protect the confidentiality of this new early stage information, the bill provides in Section 2(b) in the subsection titled "disclosure" that such information shall be treated as confidential unless the Secretary makes a finding that its disclosure would assist in ensuring public safety, but with respect to information that NHTSA currently requires be disclosed to the public it is my understanding of the committee's intention that we not provide manufacturers with the ability to hide from public disclosure information which under current law must be disclosed. Would the gentleman from Louisiana (Mr. TAUZIN) agree that this special disclosure provision for new early stage information is not intended to protect from disclosure that is currently disclosed under existing law such as information about actual defects or recalls?

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the gentleman is correct.

Mr. MARKEY. Mr. Speaker, I think my wife is calling me here. I will not answer it at this time.

Hon, I will be calling you back in just a second.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The gentleman will disable his telephone.

Mr. MARKEY. Mr. Speaker, I would like to engage the gentleman from Louisiana (Mr. TAUZIN) in this colloquy.

Second, in the same section in the subsection entitled "information in the possession of manufacturer," we provide that the Secretary may not require a manufacturer to maintain and submit records respecting information not in the possession of the manufacturer. Concern has been expressed that this provision not become a loophole for unscrupulous manufacturers who might be willing to destroy a record in order to demonstrate that it is no longer in its possession. Would the gentleman agree that it is in the Secretary's discretion to require a manufacturer to maintain records that are in fact in the manufacturer's possession and that it would be a violation of such a requirement to destroy such a record?

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. The gentleman is again correct.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for his responses.

Mr. Speaker, I note the gentleman from Illinois who is here and he deserves special praise for his work on child safety seats.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I simply again want to tell the gentleman again how much I deeply appreciate his contributions to the legislation and to the hearings.

Mr. MARKEY. Mr. Speaker, I hope that we can pass this TREAD bill this year so we do not have to come back.

I wanted to make sure that everyone understand how important it is that we move together to pass this legislation this year.

Mr. TAUZIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), a member of the Committee on Commerce.

Mr. SHIMKUS. Mr. Speaker, I rise in support of H.R. 5164, the TREAD Act, and I would like to thank the gentleman from Virginia (Mr. BLILEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. UPTON), the gentleman from Massachusetts (Mr. MARKEY) for his help and, of course, the ranking member, the gentleman from Michigan (Mr. DINGELL) for their support in this legislation.

We worked hard in the Committee on Commerce to find out why our safety organization cannot connect the dots, identify the problem and warn consumers about the Ford Firestone accidents. The TREAD Act is our response. I also want to thank the chairman for including provisions in my bill, the Child Passenger Safety Act of 2000. Each year more than 1,500 children below the age of 9 are killed and another 20,000 suffer incapacitating injuries in motor vehicle crashes. Parents put their trust in the government standards to assure them that they are purchasing a safe child restraint seat. Unfortunately, like current tire standards, Federal car seat standards are woefully outdated. Testing and manufacturing standards are based on tests performed on a sled not in a real car, and only measure frontal impacts. Car seats are not subject to dynamic testing in various crash modes such as side, rear and rollover impacts. These would measure the durability of each seat when subject to real crash scenarios.

In addition, Federal standards and regulations do not address the safety needs of children over the age of 4 who weigh more than 50 pounds. It is not well-known that over-the-shoulder seat belts are not always safe for children. Booster seats should be used as a transition safety device for toddlers and small children. However, Federal standards have not been developed for manufacturers of boosters.

As a parent of three young boys, I know firsthand that there is a lack of useful consumer information regarding child restraints to assist parents in making the best safety seat selections for their children. That is why I introduced the Child Passenger Safety Act. This legislation included in the TREAD Act will enhance the safety of children in motor vehicles by requiring the National Highway Traffic Safety Administration to improve child restraint safety performance testing and standards and provide parents with better consumer information and labeling for child restraints.

The National Highway Traffic Safety Administration should be about the job of highway traffic safety. In passing the TREAD Act with the inclusion of the Child Passenger Safety Act and signing it into law, they can be about their business.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Speaker, I certainly want to thank the same key players here that have already been thanked adequately, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL), the gentleman from Michigan (Mr. UPTON), the gentleman from Massachusetts (Mr. MARKEY) and the staffs, as well as my own staff, for the excellent work in developing this sensible bipartisan piece of legislation.

Mr. Speaker, I particularly want to highlight sections 7 and 8 of the bill. Those sections reflect an amendment that I authored that was added with the support of the gentleman from Louisiana (Mr. TAUZIN), with the support of other Members in the Committee on Commerce. The goal that we had in adopting that particular amendment was, quite frankly, to get these tires off the road just as quickly as possible.

I think there was general consensus that today there are still too many recalled tires in use. There are too many waiting lists at dealers in this country. That is an unacceptable situation and presents much too great of a risk to the consumers of America.

First, under Section 7, tire manufacturers are absolutely required to print tire ID numbers so that consumers can easily determine if their tire is subject to a recall. We heard information to the effect that mechanics even today are having a hard time determining if a particular tire is subject to a recall. This will require that those ID numbers be on the sidewalls so that consumers themselves can make this determination.

Secondly, Section 8 gives the government the flexibility and authority to require manufacturers to fully reimburse consumers for replacing defective parts with competitors' parts even if the manufacturer is unable to do so in a timely basis. The goal there being, let us get the problem taken care of and worry about the compensation later.

□ 0020

Moreover, manufacturers can be directed to fully reimburse consumers who replace the defective parts before the formal recall occurs.

At this very moment, Firestone is having difficulty replacing their defective parts with new, safer parts. This delay puts consumers, as I mentioned, at risk, at an unacceptable risk of serious injury or death to them or to their family members.

What this Section 8 will do is ensure that in the future, dangerous and defective parts will be off the road as quickly as possible.

Again, I want to commend my colleagues on the Committee on Commerce for bringing this bill to the floor, this pro-consumer bill, this year, and for their commitment to getting this passed into law this year. I think it is just outstanding the work that has been done in this regard.

I think what this act does show is that when we work together in a bipartisan manner like this, we can accomplish good things for the American consumer and attempt to ensure that tragedies like the one that we heard in this committee will never happen again.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me close very briefly. I do want to make a few comments.

First of all, I want to say a word to the investigators on the Committee on Commerce. I think the Nation owes them a debt of gratitude. The investigators on the Democratic and Republican side of the aisle who work for our Committee on Commerce have done incredible work.

Those who witnessed the hearings by which our Committee on Commerce and our two subcommittees delved into the causes of this problem, and hopefully the solutions that we bring to the House floor tonight, those hearings were in large measure determined by the great work of the investigative staff of our committee. I wanted to say a word of thanks to them. I think indeed our country is going to be better off because of their work.

Secondly, I thought we ought to think about tonight the victims of this tragedy, the victims and their families. There are people still being injured and still, unfortunately, suffering severe injury, even death on the highway, as this awful recall continues. It may be the worst recall I have seen in all my years in public service.

Until it is finished, until every family has safe tires to ride upon, our committee will continue its investigation and continue pressing the companies involved here to complete this recall in as quick a fashion as possible.

I also think we ought to think about the workers at these two companies. I know they have been terribly stressed by this awful position the two companies find themselves in, both Bridgestone/Firestone and also the Ford Motor Company.

Obviously, this has been a trying time for all the families of the workers who support these two great American companies. On the other hand, both companies obviously have a lot to answer to as this investigation continues.

I think the work we did is going to help victims recover in the courts of our land, recover damages for accidents and deaths. I hope that will be one of the good effects of our investigation, that the facts we uncovered will assist them in proper recovery.

I also want to make the point that what we have tried to do is not determine who was liable, either civilly or otherwise. What we have tried to do is find out what was wrong with the process.

In doing so, I wanted to first of all commend NHTSA for the many, many lives it has saved over the years and the good work that our national highway safety transportation agency does.

We believe, from the facts we have found, that someone dropped the ball in this case. That is regrettable. But I think that should not take away from the fact that NHTSA is still a great agency that protects safety on the highways, and has in fact saved many lives.

Finally, I wanted to point out that the legislation we will finally pass tonight is all about information. It is about getting the information in the proper hands so that, instead of an awful recall, instead of a body count accumulating before defective products are taken off the market, that in fact those products never make it to the marketplace in the first place, that we do not have to suffer the loss of American citizens to find out that something went wrong.

Again, I want to thank all of my colleagues and all the staffs for the great work on this bill. I hope that before we adjourn this session, the words of the gentleman from Michigan (Mr. UPTON) will ring in the ears of everyone who is left to consider that, that it would be an awful shame if we left this session without putting this bill for signature on the President's desk.

Mr. HYDE. Mr. Speaker, we all understand the importance of this legislation. It would have been difficult, if not impossible, to ignore the well publicized incidents involving motor vehicles and their tires which have been highlighted in excellent oversight hearings by the Committee on Commerce. The result of these hearings has been to call into question the sufficiency of the regulatory scheme governing the motor vehicle industry, and to ask whether further incentives are needed to ensure that safety information will be made available to the public in a timely fashion. It was the considered opinion of the Commerce Committee that changes were needed, as evidenced by this bipartisan legislation that we have before us.

The TREAD Act, as it is known, strengthens current reporting requirements about defects in motor vehicles, tires, or other motor vehicle equipment. It would also require reporting of defects in motor vehicles and products which occur in foreign countries, something that many believe would have saved lives had it been in place when safety incidents began occurring in places such as Venezuela and Saudi Arabia. As part of this intensified reporting scheme, H.R. 5164 would subject persons who intentionally violate these, as well as existing, reporting requirements to heightened criminal fines and penalties.

In my view, this new criminal penalty section strikes an eminently reasonable balance. It penalizes truly intentional acts of withholding or falsifying safety information while continuing to encourage the motor vehicle industry to provide full information to the National Highway Transportation Safety Administration about possible safety problems involving their products. I see no striking departure in this legislation from existing principles of criminal law. In fact, if anything, it builds on current law. Section 1001 of Title 18 makes it a crime to make a false statement to the government. The Attorney General currently may, and will continue to have the authority to, prosecute anyone who either makes false reports to the NHTSA, or who fails to disclose information that is required by statute. What this bill does in rightly recognize that withholding information that, if known, could be the difference between life or death should carry a higher penalty. What it means, in essence, is that a person who intends to mislead the government about safety related defects will be subject to a harsher penalty than one who, just through reckless indifference, submits a form that contains false information. Both of these acts currently carry a maximum jail sentence of five years. Under H.R. 5164, an intentional misstatement (or omission) of information about safety related defects would lead to a trebled maximum penalty of 15 years.

Under normal circumstances, the Committee on the Judiciary would have formally asserted and exercised its jurisdiction over the criminal penalties section of this legislation. However, at this late stage in the session it would have been difficult for us to do so without running the risk that it become delayed or bogged down by procedural roadblocks. Given the importance of this bill, we instead chose to work closely with the Commerce Committee and its staff to develop and perfect the criminal provisions. Included in our consultations with the Commerce Committee was a discussion of many of the issues that were identified to us by the Department of Justice. Where possible, we incorporated their constructive suggestions.

I have been assured, however, that by electing not to formally exercise the committee's jurisdiction over these important criminal sections, we have in no way waived or limited our right to be fully represented on any conference committee that might be appointed to resolve differences with the Senate.

It is my strong hope that this legislation will be enacted before the end of this legislative session, and that the new criminal provisions it contains will have the desired deterrent effect on the withholding of safety information, and a concurrent salutory effect on the safety of the motor vehicles available to American consumers. I congratulate its sponsors for their hard work in crafting a balanced measure which they were able to bring to the floor so expeditiously, and in such a bipartisan manner.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 5164, the TREAD Act. This bill, of which I am a cosponsor, was introduced by my friends on the Commerce Committee, Representatives TAUZIN and UPTON.

I would like especially to thank Representative TAUZIN, the Chairman of the Telecommunications Subcommittee, for his willingness to work with our office on the two amendments, which were accepted.

These amendments, which deal with keeping recalled and defective equipment out of the stream of commerce and the safety testing of vehicles, addressed key consumer safety issues and I am pleased they were included in this important legislation.

Overall, this legislation will require companies to report foreign recalls to the National Highway Traffic Safety Administration (NHTSA) within five days.

In addition, manufacturers will now be required to contact NHTSA immediately if they begin to notice a significant number of injuries associated with their product.

The legislation will also increase the civil penalties and add criminal penalties to better encourage those companies to err on the side of caution if there is a safety question.

Mr. Speaker, I believe that this bill will make our roads a safer place and it serves as a good starting point for when we take up the reauthorization of NHTSA next Congress.

Mr. WAXMAN. Mr. Speaker, I rise in support of this bill because we need legislation that will improve the flow of important safety information from motor vehicle and motor vehicle parts manufacturers to federal regulators and consumers. This bill does not do all it should, but it does represent a modest step forward. And even more importantly, further improvements are possible in discussions with the Senate as we craft final legislation.

There are several deficiencies in the bill that should be addressed by the conference committee in the event that Senator MCCAIN'S bill, S. 3059, passes the Senate. Foremost among these are provisions that have the appearance of criminal penalties but will, in all likelihood, have no meaningful impact.

The criminal provisions in this bill would only extend to a particularly exotic variety of false statements. It does nothing to punish a manufacturer's willful introduction of a deadly and defective product onto the market. Nor does it punish a manufacturer's knowing failure to act to prevent a deadly and defective product from reaching consumers. That is the type of conduct that the government needs to deter and needs to punish through the criminal law.

In fact, the criminal provisions in this bill are probably unenforceable. To obtain a conviction under this bill, a prosecutor would first have to prove up all of the elements of a criminal false statement with respect to an auto safety reporting requirement. That conduct is already punishable by imprisonment under existing law, 18 U.S.C. 1001. In addition, a prosecutor would need to prove that the accused made the false statement with (1) the specific intent, (2) to mislead the Secretary of Transportation, (3) with respect to safety related defects, (4) that caused death or grievous bodily harm to an individual. That's not all. On top of all that, a prosecutor must also prove that the accused failed to correct the error or omission within a reasonable time. How long a reasonable time is, and what exactly constitutes a correction is anyone's guess. The bill leaves it up to the Secretary of Transportation.

If those aren't enough obstacles to successful enforcement, there's more: The Justice Department may only prosecute a violation of this statute at the request of the Transportation Secretary. A prosecutor can not commence a prosecution if the Secretary fails or refuses to act.

There are so many obstacles to prosecution in this bill that it would probably never be used successfully, and it will probably do little to deter the egregious misconduct that we're all concerned about. We can and must do better than that.

The provisions Senator McCAIN has included in S. 3059, while not perfect, are at least a better approach. The Senate bill focuses, not on false statements to government regulators, but more appropriately on a manufacturer's intentional failure to act to prevent a serious accident. That bill would make it unlawful for a director, officer, or agent of a manufacturer to authorize, order, or ratify the introduction of a motor vehicle or motor vehicle equipment if he or she knew that the company had failed to comply with a safety standard or failed to report a defect; knew the condition of a vehicle created an "imminent serious danger of death or grievous bodily harm;" and knew that the condition actually caused grievous bodily harm or death. I believe this provision more directly addresses the problem and will more effectively deter a manufacturer from ignoring serious safety defects simply to pursue a profit.

If and when this bill reaches the conference committee, we should at least adopt the Senate provision. I intend to work with Senator McCAIN to further improve the criminal penalty provisions he has already included.

This legislation also fails to provide the National Highway Traffic Safety Administration with the civil enforcement provisions that they say they need. NHTSA has been hamstrung by its inability to assess civil penalties administratively. Almost every other regulatory agency has this authority, including the Environmental Protection Agency, the Food and Drug Administration, and agencies within the Department of Transportation. While NHTSA has requested this authority, the House Commerce Committee has denied it.

This creates the baffling situation where members of Congress are attacking NHTSA for not enforcing motor vehicle safety laws more aggressively, while denying NHTSA's request for adequate enforcement powers.

Finally, there are also lost opportunities in this legislation. In the early 1970's, NHTSA issued a roof crush resistance standard for passenger cars. This standard is outdated and fails to model what happens in real-world crashes.

This is a very serious matter. According to NHTSA, in 1998 there were almost 11 million vehicle crashes involving rollovers. Over 3.6 million of those accidents resulted in injury or death. Rollovers played a part in over 15 percent of the passenger car crashes that resulted in fatalities. Rollovers occurred in 36 percent of sport utility vehicle accidents that resulted in fatalities.

This legislation should require NHTSA to issue a new roof crush standard. Our cars have changed remarkably since the 1970's, and it's just commonsense that our safety standards ought to keep pace with these changes.

Mr. Speaker, this is the time to pass strong legislation that provides meaningful protection for the public. I urge my colleagues to pass this bill so that we can work with the Senate to craft legislation that families across our country deserve.

Mr. TAUZIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 5164, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. STARK (at the request of Mr. GEPHARDT) for today on account of health reasons.

Mr. POMBO (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LUTHER) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1756. An act to enhance the ability of the National Laboratories to meet Department of Energy missions, and for other purposes; to the Committee on Science; in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2686. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes; to the Committee on Government Reform.

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes; to the Committee on Government Reform.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 1509. An act to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the "James W. McCabe, Sr. Post Office Building."

H.R. 2496. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 2641. An act to make technical corrections to title X of the Energy Policy Act of 1992.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 2938. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office."

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office."

H.R. 3201. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

H.R. 3454. An act to designate the United States post office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office."

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 3817. An act to dedicate the Big South Trail in the Commanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.

H.R. 3909. An act to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the "Henry W. McGee Post Office Building."

H.R. 3985. An act to redesignate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar, Florida, as the "Vicki Coceano Post Office Building."

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building."

H.R. 4169. An act to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building."

H.R. 4286. An act to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unite NC–01 of the Central Barrier Resources System.

H.R. 4447. An act to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the "Samuel H. Lacy, Sr. Post Office Building."

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building."

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the "Dr. Flossie McClain Dedmond Post Office Building."

H.R. 4475. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4484. An act to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building."

H.R. 4517. An act to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the "Alan B. Shepard, Jr. Post Office Building."

H.R. 4534. An act to redesignate the facility of the United States Postal Service located at 114 Ridge Street, N.W. in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building."

H.R. 4554. An act to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the "Joseph F. Smith Post Office Building."

H.R. 4615. An act to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office."

H.R. 4658. An act to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the "J.L. Dawkins Post Office Building."

H.R. 4884. An act to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the "William S. Broomfield Post Office Building."

H.R. 4975. An act to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the "Frank R. Lautenberg Post Office and Courthouse."

H.R. 5036. An act to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2311. An act to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 5, 2000:

H.J. Res. 110. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.R. 1800. To amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

H.R. 2752. To direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 2773. To amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 4579. To provide for the exchange of certain lands within the State of Utah.

H.R. 4583. To extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

On October 6, 2000:

H.R. 1143. To establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

H.R. 1162. To designate the bridge on the United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge."

H.R. 4318. To establish the Red River National Wildlife Refuge.

H.R. 1605. To designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the "J. Smith Henley Federal Building and United States Courthouse."

H.R. 4642. To make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

H.R. 4806. To designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building."

H.R. 5284. To designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett United States Customhouse."

On October 7, 2000:

H.R. 4733. Making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4578. Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

On October 10, 2000:

H.R. 4444. To authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

ADJOURNMENT

Mr. TAUZIN. Mr. Speaker, pursuant to House Resolution 618, I move that the House do now adjourn in memory of the late Hon. BRUCE F. VENTO.

The motion was agreed to; accordingly (at 12 o'clock and 25 minutes a.m.), pursuant to House Resolution 618, the House adjourned in memory of the late Hon. BRUCE F. VENTO until today, October 11, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10514. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—FOOD STAMP PROGRAM, REGULATORY REVIEW: Electronic Benefit Transfer (EBT) Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [Amendment No. 390] (RIN: 0584–AC44) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10515. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Phosphorous Acid; Exemption from the Requirement of a Tolerance [OPP–301030; FRL–6599–1] (RIN: 2070–AB) received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10516. A letter from the Assistant Secretary, Occupational Safety and Health Administration, transmitting the Administration's final rule—Nationally Recognized Testing Laborities—Fees; Public Comment Period on Regulation Notices [Docket No. NRTL 95–F–1] (RIN: 1218–AB57) received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10517. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Labeling: Health Claims and Labeling Statements; Dietary Fiber and Cancer; Antioxidant Vitamins and Cancer; Omega-3 Fatty Acids and Coronary Heart Disease; Folate and Neural Tube Defects; Revocation [Docket Nos. 91N–0101, 91N–0098, 91N–0103, and 91N–100H] (RIN: 0910–AA19) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10518. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Regulations on Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body; Partial Stay or Compliance [Docket No. 98N–0044] (RIN: 0910–AB97) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10519. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives for Coloring Sutures; D&C Violet No. 2; Confirmation of Effective Date [Docket No. 99C–1455] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10520. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology and Urology Devices; Effective Date of Requirement for Premarket Approval of the Implanted Mechanical/Hydraulic Urinary Continence Device [Docket No. 94N–0380] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10521. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous

Waste; Chlorinated Aliphatics Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities [SWH-FRL-6882-6] (RIN: 2050-AD85) received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10522. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Promulgation of Extension of Attainment Date for the San Diego, California Serious Ozone Nonattainment Area [CA-029-EXTa; FRL-6872-8] received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10523. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting a Agency's final rule—Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or SUPERFUND, Section 104 "Announcement of Proposal Deadline for the Competition for the FY 2001 Brownfields Cleanup Revolving Loan Fund Pilots" [FRL-6884-1] received October 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10524. A letter from the Secretary, Federal Trade Commission, Bureau of Consumer Protection, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act—received October 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10525. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: HI-STAR 100 Revision (RIN: 3150-AG58) received October 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10526. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom, France, Italy, Sweden, Australia, Germany, Norway, Japan, Belgium, Bermuda, Canada [DTC 111-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10527. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to France and Germany [Transmittal No. DTC 66-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10528. A letter from the Director, U.S. Trade and Development Agency, transmitting a report on the Strategic Plan for FY 2001-2006; to the Committee on Government Reform.

10529. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2000-NM-43-AD; Amendment 39-11907; AD 2000-19-06] (RIN: 2120-AA64) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10530. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2000-NM-259-AD; Amendment 39-11909; AD 2000-19-08] (RIN: 2120-AA64) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10531. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and EMB-145 Series Airplanes [Docket No. 2000-NM-300-AD; Amendment 39-11903; AD 2000-19-02] (RIN: 2120-AA64) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10532. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and EMB-145 Series Airplanes [Docket No. 2000-NM-301-AD; Amendments 39-11904; AD 2000-19-03] (RIN: 2120-AA64) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10533. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No. 2000-SW-41-AD; Amendment 39-11898; AD 2000-17-52] (RIN: 2120-AA64) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10534. A letter from the General Counsel, National Aeronautics and Space Administration, transmitting the Administration's final rule—Code of Contact for International Space Station Crew (RIN: 2700-AC40) received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. House Resolution 575. Resolution supporting Internet safety awareness; with an amendment (Rept. 106-949). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 762. A bill to amend the Public Health Service Act to provide for research and services with respect to lupus; with an amendment (Rept. 106-950). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 615. Resolution providing for consideration of motions to suspend the rules (Rept. 106-951). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 616. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes (Rept. 106-952). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 617. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for fiscal year ending September 30, 2001, and for other purposes (Rept. 106-953). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 5164. A bill to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes; with an amendment (Rept. 106-954). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PORTMAN (for himself and Mr. LEVIN):

H.R. 5427. A bill to reauthorize the Drug-Free Communities Act, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 5428. A bill to direct the Secretary of the Interior to exercise authority under the Southern Nevada Public Land Management Act of 1998 to acquire by exchange certain environmentally sensitive lands for inclusion in the Red Rock Canyon National Conservation Area; to the Committee on Resources.

By Mr. CUNNINGHAM:

H.R. 5429. A bill to amend title 18, United States Code, to protect and promote the public safety and interstate commerce by establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate, or interfere with persons seeking to operate animal enterprises, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Texas:

H.R. 5430. A bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about individuals on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes; to the Committee on Commerce.

By Mr. GUTIERREZ:

H.R. 5431. A bill to redesignate the facility of the United States Postal Service located at 3319 North Cicero Avenue in Chicago, Illinois, as the "Roman Pucinski Post Office"; to the Committee on Government Reform.

By Mrs. MALONEY of New York (for herself and Mr. LANTOS):

H.R. 5432. A bill to amend the Nazi War Crimes Disclosure Act to extend and modify the functions of the Nazi War Criminal Records Interagency Working Group to cover records of the Japanese Imperial Government, for other purposes; to the Committee on Government Reform.

By Mr. RANGEL:

H.R. 5433. A bill to permit expungement of records of certain nonviolent criminal offenses; to the Committee on the Judiciary.

By Mrs. ROUKEMA:

H.R. 5434. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself and Mr. Saxton):

H.R. 5435. A bill to amend title 38, United States Code, to authorize the payment of dependency and indemnity compensation to the surviving spouses and children of certain veterans with a service-connected disability that was continuously rated totally disabling for a period of one or more years immediately preceding death; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey:

H.R. 5436. A bill to amend the Internal Revenue Code of 1986 to allow a credit against gross income for organ donation; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. Meehan, Mr. Neal of Massachusetts, Ms. Woolsey, Mr. George Miller of California, Mr. Capuano, Mr. Olver, Mr. Weiner, Ms. Millender-McDonald, Mr. Stark, Mr. McGovern, Mr. Frank of Massachusetts, Mr. Markey, Mr. Moakley, Mr. Nadler, Mr. Andrews, Mr. Pallone, Mr. Menendez, Mr. Delahunt, Ms. Lofgren, and Ms. Pelosi):

H.R. 5437. A bill to require a study by the Bureau of Labor Statistics to develop a methodology for measuring the cost of living in each State, and to require a study by the General Accounting Office to determine how Federal benefits would be increased in each State if the determination of such benefits were based on such methodology; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR (for herself and Mr. Obey):

H. Con. Res. 420. Concurrent resolution providing for corrections in the enrollment of the bill H.R. 4461; to the Committee on Commerce, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRYANT:

H. Con. Res. 421. Concurrent resolution expressing the sense of the Congress with respect to the accomplishments of the U.S.S. Tennessee (BB-43) during World War II; to the Committee on Armed Services.

By Mr. DAVIS of Illinois:

H. Con. Res. 422. Concurrent resolution authorizing the use of the Capitol Grounds for the Million Family March; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR:

H. Res. 618. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Bruce F. Vento, a Representative from the State of Minnesota; considered and agreed to.

By Mr. GREEN of Wisconsin:

H. Res. 619. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a postage stamp commemorating the Pulitzer Prize winning author Edna Ferber; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. Hoyer, Mr. Wolf, Mr. Gejdenson, Mr. Greenwood, Mr. Cardin, Mr. Pitts, Ms. Slaughter, and Mr. Forbes):

H. Res. 620. A resolution expressing the sense of the House of Representatives regarding recent elections in the Federal Republic of Yugoslavia, and for other purposes; to the Committee on International Relations.

By Mr. YOUNG of Alaska:

H. Res. 621. A resolution providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 150; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 842: Mr. Blagojevich.

H.R. 960: Mr. Lantos.

H.R. 1046: Mr. Rogan.

H.R. 1275: Mr. Brown of Ohio, Mr. Green of Wisconsin, Mrs. Capps, and Ms. Brown of Florida.

H.R. 1422: Mr. Condit.

H.R. 1621: Mr. Jones of North Carolina and Mr. Sisisky.

H.R. 1732: Mr. Cardin.

H.R. 1824: Mr. McKeon and Mr. Hobson.

H.R. 2351: Mr. Kanjorski.

H.R. 2562: Mrs. Lowey.

H.R. 2741: Mr. Delahunt.

H.R. 2870: Mr. Thompson of California.

H.R. 2900: Mr. Reyes and Mr. Thompson of California.

H.R. 3302: Mr. Spence.

H.R. 3377: Mr. Baldacci.

H.R. 3514: Mr. Payne and Mrs. Roukema.

H.R. 3580: Mr. John and Mr. Schaffer.

H.R. 3842: Ms. Lee, Mr. Roemer, Mr. Berry, Mr. Thune, Mr. Blagojevich, Mr. Lazio, Ms. Velázquez, Ms. Ros-Lehtinen, Mr. Levin, Mr. Manzullo, and Mr. Kucinich.

H.R. 3875: Mr. Bishop.

H.R. 4046: Mr. Blumenauer and Mr. Waxman.

H.R. 4219: Mrs. Roukema, Mr. Becerra, and Mr. Wamp.

H.R. 4239: Mr. Gutierrez.

H.R. 4277: Mr. Wynn.

H.R. 4334: Mr. Foley.

H.R. 4412: Ms. Millender-McDonald and Mr. Hilliard.

H.R. 4493: Mr. Weiner.

H.R. 4649: Ms. Baldwin.

H.R. 4669: Mr. Calvert.

H.R. 4672: Mr. Watts of Oklahoma.

H.R. 4707: Mr. McDermott, Mr. Franks of New Jersey, and Mr. Lazio.

H.R. 4728: Mr. Smith of Washington and Mr. Rogan.

H.R. 4740: Mrs. Thurman and Mr. Baird.

H.R. 4959: Mr. Cardin.

H.R. 4964: Mr. Strickland and Ms. Woolsey.

H.R. 4966: Ms. Velázquez.

H.R. 4976: Mr. Fletcher.

H.R. 5026: Mr. Wicker, Mr. McIntosh, Mr. Vitter, and Mr. Cox.

H.R. 5027: Mr. Lewis of Kentucky.

H.R. 5095: Ms. Baldwin.

H.R. 5096: Mrs. Morella, Mr. Frank of Massachusetts, Ms. Eshoo, Mrs. Mink of Hawaii, Mr. Capuano, Mr. Markey, Mr. Farr of California, Mr. Sandlin, Mr. Lantos, Mr. Baird, and Mr. Kucinich.

H.R. 5137: Mr. Filner, Mr. Hoeffel, and Mr. McHugh.

H.R. 5247: Mr. Baird.

H.R. 5259: Mr. Shaw, Mr. Hilleary, Mr. John, Mr. Foley, Mr. McCrery, Mr. Isakson, and Mr. Bishop.

H.R. 5261: Mr. Borski, Mr. Hilliard, and Mr. Lantos.

H.R. 5271: Mr. Rodriguez.

H.R. 5287: Mr. Deutsch.

H.R. 5324: Mr. LaFalce and Mr. Price of North Carolina.

H.R. 5337: Mr. Filner.

H.R. 5345: Mr. Evans.

H.R. 5365: Mr. Rohrabacher.

H.R. 5366: Mr. Young of Alaska, Mr. Knollenberg, Mr. John, and Mr. Schaffer.

H.R. 5373: Mr. Toomey and Mr. Aderholt.

H.R. 5385: Mr. Mica, Mr. Forbes, Mr. Gary Miller of California, and Mr. Thune.

H.R. 5397: Mr. Leach and Mrs. Thurman.

H.R. 5410: Mr. Davis of Florida.

H.R. 5417: Mr. McCollum, Mr. Bereuter, Mr. Bachus, Mr. King, Mr. Royce, Mr. Metcalf, Mr. Barr of Georgia, Mr. Ryun of Kansas, Mr. Cook, Mr. Riley, Mr. Manzullo, Mr. Ryan of Wisconsin, Mr. Ose, Mr. Sweeney, Mr. Terry, Mr. Cardin, Mr. Gejdenson, Mr. George Miller of California, Mr. Cummings, Mr. Scott, and Mr. Faleomavaega.

H. Con. Res. 174: Ms. Stabenow and Mr. Kucinich.

H. Con. Res. 363: Mr. Lantos.

H. Con. Res. 370: Ms. Millender-McDonald.

H. Con. Res. 377: Ms. Slaughter and Mr. Green of Texas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 745: Mr. Brady of Texas.

H.R. 1640: Mr. Brady of Texas.

H.R. 3634: Mr. Brady of Texas.

H. Res. 184: Mr. Brady of Texas.

EXTENSIONS OF REMARKS

TRIBUTE TO JAMES L. HARRISON, 16TH PUBLIC PRINTER OF THE UNITED STATES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. HOYER. Mr. Speaker, today I wish to pay tribute to an outstanding civil servant, Mr. James L. Harrison, of Bethesda, Maryland, who died October 5, 2000, at age 94. Mr. Harrison was the 16th Public Printer of the United States, serving during the Kennedy, Johnson, and Nixon administrations, and overseeing a fundamental and far-reaching transformation of the Government Printing Office during his tenure.

Mr. Harrison came to the Government during the Great Depression, working as a draftsman at the Bureau of the Census. He later transferred to the Office of Price Administration, rising to the position of liaison officer at the Capitol, a post he occupied until the OPA was disbanded in 1947. In 1949, he became Staff Director of the Congress' Joint Committee on Printing, where for 12 years he worked tirelessly to improve the speed and efficiency of the Government's printing operations. It was through the Joint Committee that Mr. Harrison began his long association with GPO, the organization through which he would make his greatest contributions to the Nation.

In March 1961, following his appointment as Public Printer by President John F. Kennedy, Mr. Harrison took direct control of the Government's printing and publications dissemination work. His successes at the GPO are summarized eloquently in this excerpt from "The Government Printing Office," written by Robert E. Kling, Jr., in 1970:

> Under Harrison, the Government Printing Office entered a period of growth and progress. Dollar volume leaped from less than $100 million in 1961 to more than $200 million in 1969. Documents sales jumped from about $9 million to $20 million over the same period. The far-reaching Harrison policy of sharing the government's printing requirements with industry led to a steady increase in work supplied by contract printers. In 1961, commercial printers provided 42 percent of the annual volume; in 1970, 57 percent, or $103 million worth of printing, was done by private industry.
>
> Harrison made strenuous efforts to improve working conditions and environment in the plant, and during his tenure took a keen interest in upgrading the equipment used in supplying the U.S. Government's printing needs. Under his direction, a major part of the Office's outmoded and obsolete equipment was replaced by modern, more efficient machinery. In keeping with nationwide trends in the industry, letterpress was supplanted by offset as the main production method . . . offset presses with high running rates and low plating and press preparation costs keep GPO prices competitive with those of the best commercial firms.

Mr. Kling could not have foreseen an even further-reaching modernization to the GPO that Mr. Harrison pioneered: the introduction of GPO's electronic typesetting system. This revolutionary change freed the Office of storing, melting, and molding tons of lead in its daily printing operations by converting to electronic database operations. By the time his term as Public Printer ended in March 1970, Mr. Harrison had laid the groundwork for today's online editions of the CONGRESSIONAL RECORD, U.S. Code, and other essential Government publications. As a result of the technological changes that Mr. Harrison initiated, the American public today retrieves an average of more than 25 million Government documents a month from the GPO's on-line service, GPO Access.

Mr. Speaker, it is fitting that we pay tribute to this man who brought so much insight and energy to the public's work. James Harrison's leadership at GPO produced results that not only saved public money, but also built a strong foundation for information technologies developed decades after his tenure ended and which today benefit all Americans. He was, moreover, a friend of the dedicated men and women of the Government Printing Office. He will be missed.

IN HONOR AND RECOGNITION OF THE LESBIAN/GAY COMMUNITY SERVICE CENTER OF CLEVELAND'S TWENTY-FIFTH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the twenty-fifth anniversary of Cleveland's Lesbian/Gay Community Service Center. For the past twenty-five years, the Center has served the community's gay, lesbian, bisexual and transgender people and their supporters in the Greater Cleveland area.

Driven by the belief that all people have a right to pursue life, liberty, and happiness in America, and because gay, lesbian, bisexual and transgender (GLBT) people have been denied these basic rights, the Center has distinguished itself as a respected educator, advocate, social services provider and community builder.

In 1975, the Center's founders, Ethan Ericsen, Michael Madigan, and Arthur MacDonald, opened the Gay Education and Awareness Resource Foundation, or GEAR. In 1988, GEAR's name was changed to the Lesbian/Gay Community Service Center and the "Living Room," a drop-in center for men with AIDS, was opened. The Living Room was the only center of its kind in the Midwest United States—establishing the Center's position as not only a preeminent advocate for the gay and lesbian community, but as a pioneer in GLBT services. The Center has served Cleveland in many capacities, including the encouragement of GLBT people to vote with "Promote the Vote" programs, the creation of a Speaker's Bureau to inform and educate the general public about the Center and its gay/lesbian issues, and the training of law enforcement agencies regarding GLBT issues. Recently, the Center was awarded the Human Rights Campaign's Equality award for outstanding service to the GLBT community in Greater Cleveland. Now, arriving at its twenty-fifth year celebration, the Center is still thriving with various activities and plans to serve Greater Cleveland Community.

Mr. Speaker, I ask that my fellow members join me in honoring the outstanding community service of the Lesbian and Gay Community Service Center of Greater Cleveland.

THE FOUNDATION OF FREEDOM

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. SPENCE. Mr. Speaker, I rise to bring to the attention of the House a sermon entitled, "The Foundation of Freedom," that was delivered by the Reverend Wendell R. Estep, pastor of the First Baptist Church of Columbia, South Carolina. I believe that the points that are made by Dr. Estep deserve the attention of each of us.

THE FOUNDATION OF FREEDOM—JULY 2, 2000

(By Dr. Wendell R. Estep)

> This week we celebrate the birth of our nation and I, like you, have an undying love for America. I love the American dream—the idea that a person can work hard, they can do their best and, perhaps, accomplish anything they can dream. I have been in some communist countries, I have looked into the eyes of their citizens, and I have not seen that glimmer of hope that is characteristic of Americans. I love the fact that we live in a nation that allows us to be what we can be and do what we can do. I love this land for its beauty. From the plains of West Texas to the forests of South Carolina . . . it is a beautiful land. I love the people of America—diverse, different—but American.
>
> Perhaps it is because of that love I have and you have, that I have such a growing burden for this land, such a concern for this land. Oh, I know when we look at it, the DOW is strong . . . but the heart is weak. And my fear for America is that we are losing the foundation on which this land was built. My concern for our country is that we are setting aside the principles that made this a great land.
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> Last week, the Supreme Court ruled concerning public prayer at football games. By a 6-3 vote Monday, the Court barred officials

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

from letting students lead stadium crowds in prayer before football games. The Court's sweeping language in that Texas case could extend far beyond the school's sports events and eventually affect graduation ceremonies, moments of silence, and more. Writing for the minority of three, [Chief Justice William H.] Rehnquist said he found the tone of the Court's opinion more disturbing than its substance. "It bristles with hostility to all things religious in public life," he said. That is not the rantings and ravings of a right-wing preacher. That is the concern expressed by the Chief Justice of the Supreme Court!

I'm concerned about the attitude. I'm concerned about the hostility that is directed toward all things religious in this land. Political correctness now calls for us to accept things we believe to be morally and scripturally wrong. Recently, there was a group of Christians in San Francisco who began buying ads to appeal to the homosexual community simply to say to them that Jesus loves you, that life can be different, that Christ can change life, etc. A Federal judge said that San Francisco had a duty to call the ads "hate speech." Brian Fahling with the American Family Association Center for Law and Policy and, "Nothing like this has ever happened in this country. This really is extraordinary and should give everybody great pause because now we have a court decision, a Federal court decision, that says government can take official action condemning religious belief."

My concern for our country is that those values on which this nation was built are being set aside. And, ladies and gentlemen, our unity as a nation is not in our geographic proximity to each other, but it is in the values that we have shared. That is what has united America. It is not that we occupy the same body of land, but it is that we have shared the same values. And today, with the push toward multiculturalism, those values are diminishing, and our unity is diminishing. I'm concerned about the loss of freedom that we are experiencing, and I am fearful about losses of freedom that we are likely to experience.

Today, I want to speak to you on Foundation for Freedom. One verse of Scripture to which I would call your attention is found in Galatians 5:1. Paul, writing to the church in Galatia, said, "It was for freedom that Christ set us free. Therefore, keep standing firm and do not be subject again to a yoke of slavery." Let me suggest to you three characteristics that provide a foundation for our freedom. Number one, commitment provides freedom. Ladies and gentlemen, freedom is usually won . . . it is seldom given. That is the reason it is so important that we are always committed to the freedom we have. You see, in this land we have understood in the past that freedom is a gift from God. It was God who gave freedom to man.

When God created Adam and Eve and placed them in the garden, He planted in their midst a tree of the knowledge of good and evil. He said to man, "Don't touch that tree." But, you see, when He put that tree there, He gave man the freedom to choose. So we have always understood that freedom came from God. Folks, He allows you to choose your master. God does not force us to choose to worship Him. Joshua stood before the people of Israel on an occasion and said, "Choose you this day whom you will serve, but as for me and my house, we will serve the Lord." You choose your master. God does not force worship of Himself. You and I choose the life that we will live, whether or not we will be obedient to God or disobedient to God, but we choose. You choose your own destiny. Jesus said there are two pathways before us. He said there is a broad path that leads to death. There is a narrow path that leads to life. And, He said, "You choose the path that you will walk." You see, we have always understood that freedom was something that came from God. It originated with God. God gave us freedom.

We have believed within this nation that our social and political freedoms came to us from God. God gave them to us. It is declared in our Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights." We have believed that freedom comes from God, but freedom is a fragile gift. Forty-two percent of the world today does not enjoy the freedom that you have. It is fragile and can be taken away by those nations that are stronger and more aggressive. We look at the nation of Israel and the number of times that the Israelites' freedom was taken away from them—by the Egyptians as the Israelites became their slaves. The Egyptians took their freedom. By the Babylonians, when the Babylonians took the Hebrew people captive and made slaves of them. The Babylonians took the Israelites' freedom. During the time of Jesus, the Israelites were in subjection to the Roman government. The Roman government took the Israelites' freedom.

You see, that is the reason we understand that we always have to be strong militarily, because there are always those who would take our freedom if they could. I don't like spending money on the military. You don't like spending money on the military. We could use it someplace else. But it is necessary. It is necessary to guard our freedom, to remain militarily strong, because our freedoms can be taken away.

There is a more insidious danger, and that is that our freedoms can be given away. In fact, it seems so strange to me—after Israel had been in Egyptian bondage where they suffered so greatly, they prayed asking God to send them a deliverer. Moses came to deliver them and to lead them to freedom. Shortly after they received their freedom, they began to desire to return to Egypt. Here they are recently set free, and now they are willing to give their freedoms away and return to the bondage of Egypt.

Why? Well, first, because they had an unrealistic focus. In Numbers 11:5, the Bible says, "We remember the fish which we used to eat free in Egypt . . . the cucumbers . . . the melons, and the leeks and the onions and the garlic." So here they are out in the wilderness and they began to reflect, "Oh, do you remember when we used to have those fish? Oh, what I would give for one of those now." Someone else said, "If I could just have a cucumber." Someone else, "Oh, those leeks were good, those onions were so good." And they began to focus on the food, and they forgot about the shackles that had bound them. You see, their focus was unrealistic. They began to focus in the wrong area, and they were no longer focusing on their freedom. They also had ungrateful hearts.

In Numbers 11:6, "But now our appetite is gone, there is nothing at all to look at except for this manna." They had asked the Lord to give them food, and God gave them angel's food. And now they said, "You know, I'm getting a little sick of these leftovers. I mean, everyday its manna. I mean, we even mix it with 'manna helper,' but everyday it is manna. I'm so sick of this manna!" Rather than focus on the goodness of God, they began to complain about what they didn't have. Their focus was in the wrong place, and their hearts were ungrateful.

I think the greatest danger we face as Americans is in giving our freedom away. If we will stay strong militarily, I think we will be all right from outside forces, but I am very concerned about what we will do to ourselves. We can give our freedom away to enemies for a false sense of peace. Somerset Maugham warned us, "Any nation that thinks more of its ease and comfort than its freedom will soon lose its freedom."

We can and are giving our freedoms away to the government for a false sense of security. John Leland, one of our Baptist forefathers, said, "Experience, the best teacher, has taught us that fondness of magistrates to foster Christianity has done it more harm than all the persecutions ever did." Folks, here's the danger we face. As Christians and as the church today, there is a growing cry and desire that the government subsidize our ministry . . . that we look to the government to subsidize us—our schools, our various ministries, and so forth.

Let me sound a warning that is an old Baptist warning: The more you depend on government, the more dependent you become on government. And anytime the government gives something, there are always strings attached. We can give our freedoms away. We can give them to government. Norman Vincent Peale said, "Once we roared like lions for liberty, now we bleat like sheep for security." Benjamin Franklin said, "Those who give us essential liberty to purchase a little temporary safety deserve neither liberty nor safety." There is a danger of sacrificing our liberty for governmental provisions. Commitment provides freedom. We must be committed to preserving our freedom.

Secondly, CONSISTENCY SECURES FREEDOM. Verse one again, "It was for freedom that Christ set us free, therefore, keep standing firm." Keep standing, persevere, for liberty is always unfinished business. There are some areas in which we must be consistent.

We must be consistently grateful for the freedom we enjoy because when you begin to take anything for granted, eventually you are going to lose it. If we begin to take our freedoms for granted, we will lose our freedom. Do you understand? I don't think any of us do. So,—rhetorical question: Do you understand how important, how precious is the freedom of worship? Freedom for us to gather in this sanctuary and sing praises to Jesus, to proclaim the word of God? Do you understand how precious that is—for the Methodists across the street . . . the Presbyterians across the street—to have the same freedom? Do you understand how important that is, how precious that is?

Folks, that is the freedom we take for granted. Over 50 percent of our nation's population is not darkening the door of a church this morning. Here is a freedom—we talk about freedom—a freedom that our forefathers died for . . . and we take it so much for granted.

We have the freedom to work and to make a living for our families. We spend most of our time complaining about what we are expected to do, rather than being grateful for the job that we have. We have to consistently be grateful for the freedoms that have been provided.

We must consistently be on guard, because freedom is not a right to be granted, it is a gift to be defended. We need to guard our religious freedom because there is an irresponsible bias against religion in this land today.

It amazes me. But there is an irresponsible bias today against religion within this land. Our history is being distorted to exclude the contributions that have been made to freedom by religions Christian people. Our culture is hostile to our beliefs . . . especially to evangelical Christians. You probably saw on one of the network's news magazines recently about a church outside Dallas, Texas, where the young people were trying to reach other young people for Jesus and how that became a major issue. And that is the attitude today: "Who in the world do you think you are, asserting that Jesus is the only way a person can know God?"

Dangerous legislation and rulings are attacking our beliefs today. The Supreme Court ruled last week concerning late term abortions, partial birth abortion. And, it was referred to as a fundamental right. And I ask the question, how in the world . . . when did it become a fundamental right to take the life of an unborn child that is partially born in the birth canal? Now, that is a fundamental right!

Another example is the Supreme Court's recent ruling concerning creation. In a Louisiana case, a school board had ordered teachers who teach evolution to offer a disclaimer to students. The disclaimer would emphasize that evolution is a theory and the teaching of it was not meant to contradict the biblical version of creation. The teachers were ordered to suggest that students form their own opinions or adopt those of their parents. The Supreme Court declared that innocuous policy unconstitutional. So, even the suggestion that there is another theory of creation is off limits in schools. We have to guard our freedoms—our religious and our civil freedoms—because they, too, are being eroded.

And we must be consistently faithful to our spiritual heritage. Friends, our heritage is spiritual. Our foundation is religious. America was founded on faith.

When Columbus sailed from Spain to come to this land, he prayed asking God for divine guidance. He believed that he was on a divine mission. He put a cross on the lead ship, and when he came to the shores of this land, he took the cross and planted it in the sand and dedicated this continent to God.

The pilgrims, when they came, stated their purpose was "for the glory of God and the advancement of the Christian faith." This country was born in faith, it was established in faith. George Washington at Valley Forge prayed for guidance. Abraham Lincoln and other presidents have called this nation to repentance, and throughout our history, we have been sustained by faith. I'm absolutely convinced there would be no America today if it were not for people of faith. If it were not for the prayers and the sacrifice and the commitment of the people of God, we would not be here this morning. Consistency secures freedom.

Thirdly, CAUTION THAT PROTECTS FREEDOM. Verse one again, "It was for freedom that Christ set us free, therefore, keep standing firm and do not be subject again to a yoke of slavery." What are our greatest enemies to freedom? Well, I suppose we could come up with a lot of ideas and suggestions, but I think one is selfishness. We have become a very selfish people far more motivated by what's in it for me rather than what's best for America. And, many of us have been surprised to learn, without any question at all during these past years, that if the economy is good in this nation, nothing else really matters. If the economy is good, it doesn't matter. Selfishness. Another enemy is indifference. We are indifferent and impotent as we see our freedoms being eroded. Another is comfort. Comfort is more important for us than freedom. We are not willing to make ourselves uncomfortable to secure the freedoms that we say we cherish.

Freedom always required sacrifice from those who would be free. I've gone back and read about Moses when he was willing to risk his own life for the freedom of the Hebrew people. As he stood before Pharaoh boldly declaring, "Let my people go," he was willing to sacrifice his life for freedom. In 1775, Patrick Henry delivered a speech to the Second Revolutionary Convention of Virginia. He concluded that speech with these words, "Is life so dear and peace so sweet as to be purchased at the price of chains and slavery?

Forbid it, almighty God. I know not what course others may take, but as for me, give me liberty or give me death." A sacrifice. Are we willing to sacrifice for freedom? George Washington said in his first inaugural address, "It is a strenuous thing, this living the life of a free people." Are we willing to make that kind of sacrifice? Probably most of you have been to Washington, D.C., and you have seen the statue that is atop the U.S. Capitol building. The statue is of a woman, and she is called "Freedom Lady." She came here from Rome. When she was being transported to America, there was a fierce storm that developed in the ocean. Soldiers thought the ship was going to capsize, that they were going to lose everything, including their lives. And so they began to throw the nonessentials overboard to lighten the ship. And, as the winds continued to blow, they asked the captain if they could throw the statue over. He replied, "No, never. We'll founder before we throw 'Freedom' away." "We'll founder before we through 'Freedom' away." Our freedom has been bought by those willing to make sacrifices, and our freedom is kept by those who are willing to make sacrifices. It was for freedom that Christ set us free. Therefore, keep standing firm and do not be subject again to the yoke of slavery.

Our gracious Father and God, this morning as we think about the sacrifices that have been made, and the freedom that we sometimes take for granted, Lord, please stir our hearts again. Lord, help us to understand how important these blessings are. Help us to be people who will stand up for righteousness, that our convictions will mean something to us, that we will not sacrifice them regardless of what others do, no matter what the cost might be. Lord, may we be salt in this world that is corrupting spiritually. May we be light in this world that is so spiritually dark. Help us to begin lighting a light that will shine throughout our homes, our neighborhoods, across our city, our state and this land.

As our heads are bowed and eyes are closed. . . . We talk about freedom. Freedom comes from a relationship with Jesus Christ. And, my friend, regardless as to what you have, if you do not have Jesus, you are not free. He gives us freedom. Today, if you are without Christ, would you give your heart to Him, would you invite Him into your life to be your Savior? There are some of you who need to get serious about your walk with the Lord. You have taken it for granted, God's goodness for granted. Let me encourage you today, if you need to rededicate your life to the Lord, you do so. If you need a church home, someone to join with, be a part of, our doors are open to you. We would love to have you as part of this family. What would God have you do today? As the Holy Spirit searches your heart and as you listen to Him reverently, I am going to ask that you stand with me, please. As we stand, the choir sings. As they sing, if you are willing to make a commitment to the Lord Jesus, join the church, rededicate your life, you come and I'll greet you.

NO VIABLE POLICY FOR AFRICA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. WOLF. Mr. Speaker, the President has spoken of the need for consistent and dedicated leadership in world affairs as the keystones to abiding and lasting peace in the world. I would observe that there certainly has been a consistency in the leadership from this administration in African affairs—a consistent lack of a viable policy to improve the lives of the persecuted peoples on the African continent.

I rise today to express my profound disappointment with the Clinton Administration's policies toward Sierra Leone, in particular, and Africa in general. To be sure, there are many good people who have tried to implement worthy and thoughtful policies regarding Africa during the tenure of this Administration. But the problem with this Administration's Africa policy is that more often than not, the voices that should have been heard, have not carried the day.

"'African Renaissance' Hailed by Clinton Now a Distant Memory" is the title of a recent article in the Los Angeles Times by Robin Wright. Ms. Wright says that just two years ago, President Clinton hailed what he called an "African renaissance." Now, despite several years of rhetoric on Africa by the Clinton administration, this article states that a recent national intelligence estimate says that "Africa faces a bleaker future than at any time in the past century."

President Clinton has traveled more than almost any other President. He has had first hand experiences throughout Africa, more experience and actual time in Africa than any other President. But all of his time there only amounted to photo opportunities and handshakes, amounting to substance-free public relations.

Because of his time in Africa, he should have and could have done so much more. The death, suffering, and destruction that has occurred over the past eight years needed more than a touch down by Air Force One. This Administration lost an opportunity to make a real difference in the lives of millions of Africans. As a result of its inaction and lack of vision, millions of people have died in Africa during the Clinton Administration's watch. The past eight years could have been different if energy, attention, and rectitude had been applied.

This Administration floundered, delayed, and refused to take timely action in the face of the genocide that occurred in Rwanda. Perhaps close to a million people died during the slaughter of Tutsis and this Administration did nothing as reports flowed into the U.S. about the potential for and outbreak of this genocide.

This Administration did nothing during the violence.

More recently, in Sierra Leone, thousands of people have been killed, maimed, and tortured and hundreds of thousands of people became refugees at the hands of brutal rebel forces. I have been to Sierra Leone and I have seen first-hand results of the Sierra Leonian rebels atrocities. In December of last year, Congressman HALL and I went to an amputee camp, a camp set up for the survivors of the rebels' machetes. At the amputee camp, we met thousands of people who are lucky to be alive. The people we met were the survivors—those who did not bleed to death as they struggled to flee the rebels who had just cut off their arms, legs, or ears.

No one was spared the brutal, grotesque, and evil actions of the rebels. infant babies had their arms and legs cut off. Young men in the prime of their life suddenly had half of a leg. Women were raped by rebels and then had their limbs amputated—only to give birth several months later as a result of the rape they suffered.

What motivated these rebels of Sierra Leone? What gave the rebels incentive to launch their horrible rampage? The answer is diamonds. They want to profit and control and trade in Sierra Leone's vast diamond wealth. And the rebels in Sierra Leone received weapons and support in exchange for their diamonds from Liberian President Charles Taylor.

I have repeatedly asked this Administration to name all those involved in the atrocities, Sierra Leonians and Liberians, as war criminals, and I have repeatedly asked the Administration to seriously address the issue of conflict diamonds. The control and trafficking of conflict diamonds in Sierra Leone and several other African countries has fueled and funded rebel movements that otherwise had little to no sources of income.

On March 16 in a letter to Secretary of State Albright I wrote:

> Congressman Hall has introduced legislation, H.R. 3188, to certify the country of origin of all diamonds. Thus a diamond buyer will know where a diamond has been mined and a purchaser can avoid buying conflict diamonds. Passage of Congressman Hall's bill will be a huge stride in ending this practice. Your support for this important legislation would be very helpful.
>
> Promised U.S. action if the rebels do not comply with the conditions for disarmament should be:
>
> They and their families will not be allowed entry into the U.S., Britain or any other country—no visas should be issued to rebels or their family members;
>
> If the rebels have bank accounts in the U.S. and in Europe, they should be frozen and they should be denied access to these accounts and to future commerce with the U.S., bank accounts of rebel family members should be included in this prohibition too;
>
> The rebel leaders should be declared war criminals by the U.S. and other Western countries and direct its intelligence and police agencies to actively pursue apprehending rebels who have not disarmed.
>
> These same conditions should also be applied to Liberian Charles Taylor and all Liberians who have assisted the rebels in Sierra Leone. It has come to my attention that Taylor escaped from a Massachusetts prison and fled to Liberia. Taylor and many Liberians have blood on their hands from their support of these rebels. By being the primary conduit for trading the conflict diamonds mined by the rebels, and by reportedly supplying the rebels with military assistance, Taylor and others have fueled the atrocities committed by the rebels upon the people of Sierra Leone. The U.S. should enact similar measures and conditions against Taylor and other Liberians as those I proposed for the rebels in Sierra Leone.
>
> If the rebels are not disarmed and if Taylor and other Liberians continue to traffic in conflict diamonds and to provide the rebels with military assistance, Taylor and others should be named as war criminals and they should not be allowed to travel outside of their country. You should fix a date that you think is reasonable and helpful.

In a letter dated July 12 I wrote to President Clinton, Secretary Albright, and National Security Advisor Samuel Berger asking for the Administration's support for an amendment submitted by Representative TONY HALL and myself that was included in the Treasury, Postal Service and General Government appropriations subcommittee that would have

> Yesterday the House Treasury, Postal Service and General Government appropriations subcommittee voted to include language submitted by Rep. Tony Hall and me in the FY 2001 Treasury spending bill that addresses the massive problems of conflict diamonds in Africa. I have heard reports that for some reason, your Administration opposes this provision.
>
> The problem of conflict diamonds is one of the major reasons for the instability, death, and gross human rights abuses that are occurring throughout Africa. Your Administration to date has not addressed the issue of conflict diamonds. The language approved by the subcommittee yesterday will help to prevent the types of atrocities against millions of people, like the young girl and the young men in the enclosed pictures, who have had their limbs cut off by rebels intent on controlling and trafficking in conflict diamonds.
>
> This is an opportunity for your Administration to take bold action to help the suffering people of Africa. Please support this effort. It is the right thing to do.

This language was never supported by the Administration. In fact, the Administration circulated a memo staying that they opposed the amendment, and this amendment was taken out of the Treasury, Postal Service, and General Government appropriations on the floor of the House, in part because of the Administration's opposition.

In a subsequent meeting with a staff member of the National Security Council, she declared to my staff and to Congressman TONY HALL that the Administration would work with us to draft and move legislation addressing conflict diamonds. Several months later, to my knowledge, this Administration has offered no legislative proposals to us, nor have they attended any subsequent legislative meetings or drafting sessions.

In a May 1, 2000 letter to President Clinton, I urged him to act quickly to prevent the continuing bloodshed and trafficking of conflict diamonds in Sierra Leone, saying:

An op-ed by Michael Kelly, from the July 19, 2000, Washington Post comments on an article published in the New Republic that describes how the verbosity of the Administration does not match their actions. Kelly observed how the Administration pushed the Government of Sierra Leone into accepting the Lome Peace Accords, an agreement that placed rebel leader Foday Sankoh as head of the diamond commission and that allowed the prosperous diamond regions to remain under rebel control:

> [U.S. Department of State spokesman Phillip Reeker said] 'The United States did not pressure anybody to sign this agreement . . . We neither brokered the Lome peace agreement nor leaned on President Kabbah to open talks with the insurgents . . . It was not an agreement of ours' This is, in a sense, true. The United States was not a signatory to the Lome agreement; so it is not an agreement of 'of ours' But in a large sense, the surrender of Sierra Leone to the murdering mob was very much our handiwork . . .
>
> And what did the U.S.-pushed agreement entail? Only that . . . "the democratic president of Sierra Leone . . . hand over much of his government and most of his country's wealth to one of the greatest monsters of the late 20th century." Sankoh was made vice president and given control of Sierra Leon's diamond mines; the RUF [Revolutionary United Front] was granted amnesty.

The bottom line is, like the rest of its Africa policy, this Administration is all talk and no action—they have had a touchdown policy where handshakes and smiles are exchanged, but where facts on the ground no unchanged and unaddressed.

INTRODUCTION OF THE RESEARCHERS AND FARMERS FREEDOM FROM TERRORISM ACT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. CUNNINGHAM. Mr. Speaker, today I introduce legislation that will strike at the heart of a campaign of terror. Few people are aware of the growing terrorist threat that is festering here in America. I am speaking of the growing threat of animal rights violence.

All across America, animal rights terrorists have declared war on our nation's researchers and farmers. These terrorists claim that they are fighting for a noble cause. However, their violent reign of terror is not a noble or just cause; it is a threat to all Americans security and liberty. This campaign of violent, threatening, obstructive, and destructive conduct is aimed at researchers working towards cures for AIDS and cancer and family farms. The extent and interstate nature of this conduct place it beyond the ability of any single state or local jurisdiction to control. Such conduct has included blockades and invasions of research and farming, arson and other destruction of property, assaults, death threats, attempted murder, and murder. This violence can and should be prohibited. The right of injured parties to seek redress in the courts can be established without abridging the exercise of any rights guaranteed under the First Amendment to the constitution or under any other law.

For these reasons, I am introducing legislation to protect our nation's researchers and farmers from terrorists campaigns in the name of animal rights who restore to violence, property destruction, attempted homicide, blockades, and other vigilante tactics. We must take federal action to deal with the ongoing wave of violence aimed at our researchers and farmers across the country.

This legislation is titled the "Researchers and Farmers Freedom From Terrorism Act of 2000." It is my hope that we as a Congress will take steps to protect the farmers which feed America's children and the researchers who may someday cure cancer, AIDS or any thousands of diseases. We must protect them from the terrorists who, through their extreme agenda, would deny America the fruits of the future. This legislation makes a strong three pronged attack on these terrorists.

First, the bill makes violations of the Animal Enterprise Terrorism statutes (18 U.S.C. Sec. 43) punishable as RICO (Racketeer Influenced and Corrupt Organization) crimes to expand the civil and criminal consequences of this terrorist activity.

Second, the bill increases penalties for Animal Terrorism by lowering the standard for prosecution by removing the requirement that prosecution prove the "intent" of the criminal; the bill increases the penalties for arson and property destruction from 1 year to 5 years, and the bill also includes similar penalties specifically directed at explosive or arson crimes against animal enterprises. This section also expands the definition of animal enterprises to include "the offices or headquarters of any" animal enterprise organizations.

Finally, the bill establishes the National Animal Terrorism and Ecoterrorism Clearinghouse at the Federal Bureau of Investigation to help law enforcement agencies gather and exchange information on animals and ecoterrorists nationwide.

I am introducing this legislation because groups such as the Animal Liberation Front and Earth Liberation Front are openly advocating the destruction of property through pipe-bombing, firebombing, sabotaging, and raiding of facilities that house both animals and medical research personnel. More dangerously, these groups advocate the harassment of people that have a prime goal of the betterment to mankind. These noble researchers are actively searching for the cures to the diseases such as AIDS, cancer, Multiple Sclerosis, heart disease, malaria, and tuberculosis.

The "harassment" of these researchers has included personal and physical violence. These threats of poisoning and personal harm which have now escalated to action. In October 1999, dozens of university scientists were mailed letters booby-trapped with razors. Had the razors gone undetected, they would have caused serious injury to the researchers or their college student assistants. On April 5, 1999, a University of Minnesota lab was destroyed, causing millions of dollars of physical damage from destroyed computers, microscopes, and medical equipment. This vandalism resulted in a 2-year setback to research on both Alzheimer's disease and cancer cells critical to developing a vaccine against cancer. The most tragic circumstance, however, was the fact that irreplaceable scientific information that was to be sent to the Food and Drug Administration to begin trials of a human cancer vaccine was destroyed.

Mr. Speaker, over 1,000 major acts of terrorism have occurred since 1980, causing $42.8 million in damages. Two-thirds of this amount has occurred in the last five years, demonstrating a sharp rise in terrorist attacks. Congress can and must act now to protect our nation's researchers and farmers. The right to peaceful protest is protected by the Constitution and nothing in this legislation undermines that basic right. Peaceful expression of animal rights importance will not be barred. But violent, intimidating, and destructive conduct has no such protection, and will be met with severe penalties under this legislation.

By stating that "extreme action" is the strategy of the animal rights activist, as opposed to "legitimate pressure," on their own website, www.animal-rights.com, these terrorists openly acknowledge that they are committing actions both unlawful and threatening. Moreover, Alex Pacheco, the Director of People for the Ethical Treatment of Animals, has deemed "arson, property destruction, burglary and theft as acceptable crimes (Associated Press, January 15, 1989)."

The "Researchers and Farmer's Freedom and Terrorism Act" bill deserves the support of all those who believe in the right to peaceful protest and abhor those who resort to violence. It will send a message that extremist actions will not be tolerated in our society, and that medical research personnel and research facilities deserve the full protection of the law against those who violate the safety of others.

Mr. Speaker, I urge all of my colleagues to join me in supporting this important legislation.

IN HONOR OF TAIWAN'S NATIONAL DAY

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. ENGLISH. Mr. Speaker, the Republic of China on Taiwan will celebrate its birthday on October 10, 2000. Taiwan has much to celebrate. It is a modern country led by newly elected President Chen Shui-bian, who believes that Taiwan's future lies in a strong democracy and a free enterprise system. Taiwan is highly admired as a successful example of democracy in much of the developing world. In March of this year, Taiwanese citizens freely chose Chen Shui-bian, the candidate representing the Democratic Progressive Party, as their president. Since his inauguration on May 20, President Chen has convincingly demonstrated his leadership in all areas.

In recent years, Taiwan has experienced unprecedented economic success. In addition to its well-known industrial prowess, Taiwan leads most Asian nations in its production of computers, computer chips, and telecommunications equipment and has contributed tremendously to the world wide high technology boom. Taiwan's citizens enjoy one of the highest living standards in the world.

On the occasion of the Republic of China's National Day, it is important to remember that Taiwan has a strong relationship with the United States and we hope that this relationship will continue to flourish in years to come. I look forward to working with President Chen and wish the people of Taiwan well on this special day.

CONGRATULATIONS TO THE REPUBLIC OF CHINA

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. KNOLLENBERG. Mr. Speaker, one of our largest trading partners, the Republic of China on Taiwan, is celebrating its National Day today, October 10, 2000. I wish to join my colleagues in Congress and others throughout the world in commending President Chen Shi-bian and Ambassador C.J. Chen of the Republic of China as they continue to lead Taiwan to greater economic prosperity and fuller participation in international activities abroad.

I am proud of Taiwan's economic and political accomplishments in recent years and am hopeful this success will continue for years to come. I join with my colleagues in Congress to wish President Chen Shui-bian and his people all the best as they prepare their National Day celebrations. Good luck and good cheer.

INTRODUCTION OF THE ABEL AND MARY NICHOLSON HOUSE NATIONAL HISTORIC SITE STUDY ACT OF 2000

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. LoBIONDO. Mr. Speaker, I am pleased to introduce H.R. 5399, the Abel and Mary Nicholson House Historic Site Study Act of 2000. This bill would require the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House, located in Elsinboro Township, Salem County, New Jersey, in my Congressional district, as a unit of the National Park System. As part of the study the Secretary would also be required to consider management alternatives to create an administrative association with the New Jersey Coastal Heritage Trail Route. This study is the required first step in designating the site as a national park.

The Abel and Mary Nicholson House was built in 1722 and is a rare surviving example of an unaltered early 18th Century patterned brick building. The original portion of the house has existed for 280 years with only routine maintenance. This house is a unique resource which can provide significant opportunities for studying our nation's history and development.

I was pleased to annoucne the designation of this house as a National Historic Landmark on March 1, 2000, which made it the first National Historic Landmark site in Salem or Gloucester Counties, in New Jersey. The U.S. Department of the Interior designated the Nicholson House as a National Historic Landmark because of it's historical importance to the entire nation and listed it in the National Register of Historic Places.

As one of the most significant "first period" houses surviving in the Delaware Valley, the Nicholson House represents a piece of history from both Southern New Jersey and early

American life, and should remain protected and preserved to continue as a valuable teaching tool for generations to come.

SUPPORT MORE AWARENESS TO DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. CAPUANO. Mr. Speaker, I am here today to remind Americans that domestic violence and other forms of violence against women are still widespread in the United States of America.

On Friday, October 6, 2000, the Boston Herald reported that the number of victims killed in domestic violence incidents in Massachusetts increased by more than 50 percent over last year's numbers. This is a frightening development, particularly when the state's average for other violent crimes decreased over the same period.

When women decide that they have had enough of their abusive relationships, they frequently turn to a local shelter that provides services to survivors of domestic violence. Often times, shelters that assist women and children are chronically short on resources. In fact, throughout the nation, for every six women that seek protection at a shelter, five are turned away because of lack of space or funds. In many of these unfortunate instances, women and children are forced to return to their abusive relationship because they lack a viable alternative.

Last Friday, the House passed the conference report on HR 3244, Sex Trafficking Victims Protection Act. Support of this bill is critical for several reasons. In particular, this conference report contains the reauthorization for the Violence Against Women Act (VAWA). VAWA is a grant program that was established under Title IV of the 1994 Violent Crime Control and Law Enforcement Act. Reauthorization of this bill will allow domestic violence assistance centers throughout the country to continue receiving grants to carry out programs that assist women who have been victims of domestic and sexual assault.

This legislation authorizes $3.4 billion worth of grants over 5 years. The grants will support programs to reduce violence against women by strenghtening law enforcement, services to victims of violence, and education and training to combat violence, as well as reducing the effects of violence on children. This law will also better protect battered immigrant women by reforming immigration laws that are currently being used to prevent a battered immigrant spouse from reporting abuse or leaving an abusive relationship.

Passage of the VAWA reauthorization is an important victory for women and is key in our nation's war against domestic violence. Until America completely eliminates domestic and sexual violence against women, we must provide these women a safe haven with adequate protection and services. VAWA reauthorization is a step in the right direction to provide assistance to the women and children victimized within their own homes.

I call upon my colleagues to join me in remaining vigilant about this problem.

A TRIBUTE TO DR. JAY GLAT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mrs. LOWEY. Mr. Speaker, I rise in tribute to Dr. Jay Glat upon the occasion of his retirement. A superb dentist and an outstanding member of our community, Dr. Glat served his patients with kindness and respect for almost 40 years, meeting the highest standards of professional conduct and personal responsibility. Dr. Glat served his profession outside of the office as well, donating his time and expertise to numerous committees and boards on a local, state, and national level. He served as President of both the New York and Bronx County Dental Societies, as Delegate to the American Dental Association, and as General Chairman of the Greater New York Dental Meeting. During his many years of practice, Dr. Glat also received numerous honorary fellowships and distinguished service awards in recognition of his many achievements.

Just as he faithfully provided care to his local community, Dr. Glat also served his country as a Lieutenant in the United States Dental Corp, exhibiting a tremendous degree of pride, commitment, and integrity in his work. The principles of service and sacrifice that have guided Dr. Glat's career have made him a tremendous credit not only to his family and our local community, but to the dental profession. While I am sorry to see Dr. Glat retire, I know that many have benefited from his care and dedication. I thank him and wish him the best in his well-deserved retirement years.

EXPRESSING SENSE OF CONGRESS REGARDING TAIWAN'S PARTICIPATION IN THE UNITED NATIONS

SPEECH OF

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of House Congressional Resolution 390, which acknowledges Taiwan's efforts to become an active member of United Nations. Taiwan's commitment to democratic domestic policies, efforts to engage international organizations, and desire to formalize its role in the international community should no longer be overlooked by the Administration.

Driven out of the UN in 1971, Taiwan has tried to gain readmission since 1993. Unfortunately, those efforts have been stymied because of obstruction by the People's Republic of China. The PRC, one of the five permanent Security Council members which determines new UN membership, has threatened to veto Taiwan's application for membership if it ever reaches the Security Council.

Taiwan's exclusion is contrary to the single most important purpose of the UN, namely the maintenance of international peace and security. For the past decade, Taiwan, now under President Chen Shui-bian, has denounced the past policy of recovering mainland China by force and striven for peaceful coexistence with the PRC. It is the PRC that has resorted to the use of force, as occurred in 1995 and 1996.

While Taiwan should be accepted in its own right into the UN, the efforts by China to isolate the country it deems a "renegade province" increase the urgency of moving to approve Taiwan's admission into that international body. Not only will that provide access to the UN Security Council and discourage future Chinese provocations, but it will shift the responsibility for Taiwan's security from a solely U.S. responsibility to that of the larger international community.

I hope that with the passage of House Resolution 390 that Taiwan's vigilance for independence, ardent trust in America as an ally and recognition by the international community will be realized. It is important that we make a place at the international table for all supporters of democracy.

Mr. Speaker, I encourage my colleagues to vote for House Resolution 390.

IN HONOR OF THE 85TH ANNIVERSARY OF THE PUBLICATION OF THE LITHUANIAN NEWSPAPER DIRVA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize and honor of the 85th anniversary of the publication of the Lithuanian newspaper DIRVA.

First published November 22, 1915, under the title SANTAIKA, the DIRVA has been a source of pride and strength for the Lithuanian-American community. The DIRVA compels its readers with the events of Lithuania and those that affect Lithuanian-Americans here in the United States. It serves simultaneously as a link to their history and as a vehicle for their advancement.

Through the tireless efforts of its editors and contributors the DIRVA, once one of many Lithuanian newspapers, has survived and flourished. It is now one of only two national Lithuanian language newspapers.

This also offers me a chance to formally recognize and commend the Lithuanian-American Community, Inc. Cleveland Chapter and Viltis Inc., the publisher of DIRVA, for aiding the community for years and planning a celebration of this monumental event.

My fellow colleagues, let us recognize and congratulate DIRVA for its years of dedication to the Lithuanian-American community.

CELEBRATING TAIWAN'S NATIONAL DAY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. LARSON. Mr. Speaker, I rise today to congratulate the Republic of China on Taiwan, which celebrates its birthday today. Taiwan has much to celebrate. It is a modern country led by a democratically-elected President, Mr. Chen Shui-bian. President Chen was elected on March 18, 2000, and this free and fair election resulted in the peaceful transfer of power from the ruling Kuomintang Party (KMT) to the more progressive Democratic Progressive Party (DPP). This election demonstrated to the world that Taiwan is democratic and is worthy of the respect it has received from democratic nations.

In addition to the freedom to select their government leaders, the people of Taiwan can also celebrate their other freedoms, such as the freedom of religion and the freedom of speech. I believe that the freedom and democracy in Taiwan set an example for other nations in the area to follow.

The people of Taiwan can also celebrate their stunning economic success. Taiwan is the nineteenth largest economy in the world and is the United State's eight largest trading partner. This economic achievement has given the people of Taiwan the twenty-fifth highest per capita gross national product (GDP) in the world and one of the highest living standards in Asia and the world. In recent years, Taiwan has led most Asian nations in its production of computers, chips, and telecom equipment and has contributed mightily to the worldwide high technology boom.

Mr. Speaker, let me say again that Taiwan has a lot to celebrate today. On the occasion of Republic of China's National Day, it is important to remember that the United States has a strong relationship with Taiwan and its people. We share a mutual respect for democracy and freedom, as well as a strong economic bond, and I hope that this relationship will continue to flourish in the year to come.

TRIBUTE TO RONALD BONKOWSKI

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. LEVIN. Mr. Speaker, last Friday, the former Mayor of Warren, Ronald Bonkowski, passed away. His sudden death stunned all of us who knew him and thousands of citizens in Warren and elsewhere in Macomb County who knew him through his service in public office.

Today, the date of the funeral for Ron Bonkowski, there appeared in the Macomb Daily a tribute to him, and I insert it into the CONGRESSIONAL RECORD as a testimonial to his life's work. I know that I express the feelings of my constituents in extending condolences to his wife, Christine, and their four children and his mother, Estelle Bonkowski.

BONKOWSKI WILL BE MISSED

Ron Bonkowski will be missed. By his family, friends and by the political types that take pride at being Warren residents.

In the years Bonkowski served the public, from his earliest days on what was then the county board of supervisors, to the Warren City Council and for three terms as mayor of Warren, he did not define his public service as work.

"Politics is an art. First you must love it, and secondly, know when to walk away from the turf of politics," he told editors of The Macomb Daily during a visit with the newspaper's editorial board.

When word spread through Warren that Bonkowski, 62, had fallen victim to an apparent aneurysm early Friday, the only way to describe the reaction was that across the city, county and state there was an expression of disbelief.

The towering Bonkowski had been troubled in recent years with severe back pain, a medical problem that triggered his decision to retire from elective politics. He had recently purchased a winter home in Arizona to escape our bleak winters in favor of the dry, warm climate of the Southwest.

Bonkowski's keen financial mind and accounting knowledge proved to be an asset while serving as Warren's full-time mayor, and through the years earned the respect of mayors across the state.

He won praise from mayors such as Dearborn Mayor Mike Guido, who while attending a Michigan Week function in Macomb County at the time Bonkowski was serving as mayor, said: "When I look at Warren's operating budget, and the services its population expects and is getting, you have to admire Bonkowski's financial wisdom at being able to get the best out of every tax dollar."

During visitation hours at the D.S. Temrowski Funeral Home for the public to pay respect to the former Warren mayor, many who came shared their thoughts openly: "He was a smart man. And always boasted about the positive image of Warren. We need more Ron Bonkowskis . . ."

Former city attorney Walter Jakubowski, now a 37th District Court judge, said of the many good character traits he learned from the former mayor was "to be true to yourself and be loyal, and no bull . . ."

And at today's services at St. Martin DePorres, the former mayor will be remembered as a good family man, proud of his Polish heritage, and thankful for having been given the opportunity to serve as the mayor of Warren.

We share the community's loss of its former mayor. He was taken from his family and friends at too young an age.

But in his length of public service, he accomplished what some politicians just dream of achieving. His booming voice was tempered with love and compassion for the people who called Warren their home.

Ron Bonkowski will be missed, but never forgotten for his contributions to the City of Warren.

TRIBUTE TO VALMY THOMAS, THE VIRGIN ISLANDS "FIRST MAJOR-LEAGUER"

HON. DONNA MC CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mrs. CHRISTENSEN. Mr. Speaker, I rise to congratulate and pay tribute to my constituent, fellow Virgin Islander, the father of one of my Washington staff members and my friend, Valmy Thomas, on the occasion of his induction into the Puerto Rico Baseball Hall of Fame.

Mr. Speaker, although Valmy Thomas was born in Santurce, Puerto Rico in 1925, he is a "Crucian" through and through. Valmy took to playing baseball as a youth even though the main sport of his father's generation was cricket. He remembers cutting his own bats in the brush and having to substitute a tennis ball for a baseball, because he wanted desperately to play ball.

Valmy spent over seven years with the Navy, stationed in Puerto Rico, where he played baseball with a number of local teams. In 1950–51, he was Rookie of the Year with Santurce. In 1951 Valmy became another of the black players who went to Canada's Provincial League under a working agreement with the Pittsburgh Pirates who owned his U.S. rights. He played one year for St. Jean, a Montreal suburb but even though he was doing well, he left the club for economic reasons, even though it held up his progress to the majors. He pretty much "voluntarily retired" to protect his eligibility but played summers in the Dominican Republic from 1952 through 1954.

Valmy's shot at the majors came courtesy of the friendly working relationship between New York Giants owner Horace Stonehman and Pedín Zorrilla. To make this happen, though, he had to go back and play the 1955 season in St. Jean. The Giants organization was able to draft him from the Pirates.

Valmy's first stop in the majors was in Minneapolis, where the frigid early-season weather disagreed with his Caribbean blood. When the Minneapolis GM told him he was jeopardizing his chances of going to the big leagues, he replied that he would be increasing his chance of catching pneumonia if he stayed. He wrangled an assignment to the desert climes of Albuquerque and on the strength of his .366 average there, the Giants wanted to call him up the fall of 1956. Because he didn't want to go up and sit on a cold bench, he waited until the next spring to go up to the majors.

Valmy's first season with the New York Giants was his best. He also saw good action for the San Francisco team and the '59 Phillies who had obtained him in a trade. He spent most of 1960 and 1961 in the minors, though he did some time with the Orioles and Indians. He became the first black to play in Las Vegas, which was partly segregated. He is the only major-leaguer to play five years, each in a different city. He was also an innovator, wearing a light flexible chest protector inside his uniform even when he was at bat.

Valmy won two more championships with the Cangrejeros in Puerto Rico in 1958–59 and again in 1961–62, brining his total to five before he wrapped up his Puerto Rican career in 1962–63. After his retirement from baseball, Valmy returned home to St. Croix where he served as a sports consultant with the Bureau of Recreation for six years, setting up many baseball events. These included a series between pro-am Virgin Islands teams and Puerto Rican Winter Leaguers, exhibition games between the Red Sox and Yankees in

Frederiksted, St. Croix and baseball clinic with the likes of Hank Aaron and Lou Brock.

Valmy also became Deputy Commissioner of the Virgin Islands Department of Conservation and Cultural Affairs on St. Croix where he oversaw all recreation programs on the island. For the past 41 years he has owned the United Sporting Goods Store in Christiansted, St. Croix.

Congratulations, Valmy on your much deserved recognition. You have been a teacher and inspiration to many Virgin Islands youth. Your friends and family in your beloved Virgin Islands salutes you.

CONGRATULATING THE REPUBLIC OF CHINA ON TAIWAN ON THE CELEBRATION OF ITS NATIONAL DAY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. WEINER. Mr. Speaker, the Republic of China on Taiwan will be celebrating its National Day on October 10, 2000. Taiwan has many notable achievements, both economic and political. Today, Taiwan is an economic powerhouse, ranking 25th in the world in terms of per capita income and 19th in terms of GNP, impressive economic statistics for an island with only 22 million people. Politically, Taiwan has evolved from a closed society to a full-fledged democracy in less than a decade. In March of this year, ROC citizens freely elected Chen Shui-bian as their President. For the first time in 89 years, the ROC had a non-Kuo Min Tang candidate as head of state.

Taiwan's accomplishments are due to the hard work of its leaders and its people. I am certain the leaders and people of Taiwan will reach even greater economic and political heights in the months and years ahead.

As Taiwan prepares to celebrate its National Day, let me also take this opportunity to express my best wishes to the Republic of China's new representative in Washington, Ambassador C.J. Chen. Ambassador Chen began his duties here in Washington just two months ago. I am hopeful he will further strengthen the already secure bonds of friendship between the United States Congress and the people of Taiwan.

REPUBLIC OF CHINA'S NATIONAL DAY

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. SOUDER. Mr. Speaker, the Republic of China on Taiwan will celebrate its 89th anniversary of its founding on October 10, 2000. As Taiwan's friend, I would like to extend my congratulations to the ROC President Chen Shui-bian and Ambassador C.J. Chen of the Taipei Economic and Cultural Representative Office in Washington, D.C.

In recent days, I have been apprised of Republic of China's campaign to return to the United Nations. I believe that Taiwan should have a place in the United Nations. With its huge financial resources, Taiwan is and has always been willing to contribute to UN causes. Unfortunately, Taiwan is barred from substantive involvement in many international organizations and affairs because of Taiwan's lack of UN membership.

The time has come for the world to recognize Taiwan's true potential as an active player in the international community. To admit Taiwan to the United Nations is the first step for the UN to honor its own principle of universal membership.

On the eve of the Republic of China's National Day, I wish that the Republic of China will one day, hopefully soon, return to all international organizations.

TRIBUTE TO CAPTAIN EDWARD J. WILLIAMS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. SPENCE. Mr. Speaker, I rise to recognize the service of an outstanding South Carolina, Captain Edward J. Williams. I submit the portion of an article, which appeared in the August 27, 2000 edition of the Times and Democrat, of Orangeburg, South Carolina, which outlines the military service of Captain Williams and the recognition that has been bestowed on him, as well as how his devoted family has coped with their loss.

CAPT. EDWARD J. WILLIAMS

Captain Williams' wife and daughters have carried his legacy and name with pride, like a banner, since Williams' plane disappeared over Korea.

Williams was drafted while studying engineering at Howard University. In the early 1940s, he was in the first class for pilots at Tuskegee Army Air Field in Alabama.

The Tuskegee Airmen were the elite group of black fighter pilots of the 99th Pursuit Squadron.

This squadron was later incorporated into the 332nd Fighter Group and fought during World War II. Approximately 1,000 Americans of African ancestry completed flight training at Tuskegee Army Air Field. Of these, 445 went overseas as combat pilots. They flew in bombing escorts and ground attacks.

The Tuskegee Airmen's record was impeccable. Not one plane escorted by these pilots was ever lost in enemy fire. Combat records indicate they destroyed 251 enemy aircraft, winning more than 850 medals.

Williams served under Benjamin O. Davis Jr. Davis later became a general and died only a few years ago.

Daniel "Chappie" James was Williams' flying partner and Edwina's godfather. James also became a general and now lives in Washington.

Williams flew in Europe during World War II and returned to Tuskegee as a training instructor. There he met wife-to-be, who worked on the base. Mrs. Williams recalls her husband as "caring, courteous, just a man of integrity."

Their first child Edwina was 4 months old and the second Cherryetta was on the way when Williams was called to Korea. Mrs. Williams relates. "They had not anticipated the Korean War. He had been given order to come home for the new baby. But they decided they needed him in the air."

While flying in formation over Seoul, his plane was shot down. The Red Cross brought the news in the form of a telegram to Mrs. Williams. It was March 1951 and he was officially listed as missing in action.

Mrs. Williams remembers the shock and said: "It was a time when we needed support from family, community and it came in various ways. We thank God every day for those who extended a hand and really cared."

Williams' eldest daughter Edwina, says of her father: "He gave the supreme sacrifice by fighting for his country. We miss him because he did not return. Our family has been in a state of flux because just receiving a telegram in the early '50s stating that he is missing in action, there is no closure to whether he is really gone or is a prisoner of war possibly."

Mrs. Williams was presented the Purple Heart Award at Shaw Air Force Base in Sumter. She had her two infant daughters by her side. They have remained a close-knit family unit since.

Mrs. Williams said, "I celebrate my husband by being involved and answering the call." She is president of the VFW Ladies Auxiliary, president of the Women's Club, and was voted Outstanding Woman of the Year by the Girl Scouts. She taught music at Claflin College for years. She is still employed at Claflin as chaplain.

Edwina and her sister Cherryetta have carried on the legacy of her father's pioneering spirit. They were among the first blacks to integrate the schools in Orangeburg and Columbia College. "We were following Daddy," Edwina proudly says. "Service is one of the things that my family had done through the years and is evidenced by the fact that my father is not with us because he gave his life in service for the country."

Mrs. Williams believes the Purple Heart medal is "something that he deserved and that he earned because of his commitment, his determination and his desire to make the world a better place to live."

She still considers herself married and the wife of Captain Williams. His memory lives on.

TRIBUTE TO MRS. CHRISTINA EVE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mrs. MEEK of Florida. Mr. Speaker, it is truly an honor to pay tribute to one of Miami-Dade County's unsung heroines, Mrs. Christina Eve. On Thursday, November 9, 2000, I will be joining countless friends and admirers, fellow educators and former students who will dedicate the new Christina M. Eve Elementary School to perpetuate her commitment to the thousands of boys and girls in my community.

I am privileged to represent this educator par excellence in the Congress. She symbolizes not only the dignity of a phenomenal lady, but all the virtues of a scholar whose mission in life is to enhance the future of our children. Mrs. Eve pursued her B.A. degree at Shaw University in Raleigh, North Carolina and obtained her Master's degree at New York University. She has also pursued advanced studies at Barry University and at Florida Atlantic

University, and has been listed prominently in Who's Who in Education in America, as well as in Who's Who in Black America. This is not to mention honors of distinction awarded by both Florida Governors BOB GRAHAM and the late Lawton Chiles, along with numerous accolades from local, state and national educational associations and community agencies.

Ever since I have known this indefatigable leader, Mrs. Eve has always been at the forefront of ensuring equality of opportunity for everyone in our community, be it in our schools or the various venues of employment. At the same time, her quiet but forceful advocacy in adhering to the tenets of equal treatment under the law not only in the halls of academia, but also in every segment of government agency has now become legendary.

Known for her sterling and resilient commitment to academic excellence and personal responsibility, she has served as the pioneering Black administrator of many public schools in my community. In fact, countless parents and their children have been genuinely touched by her virtual consecration to the success of their families.

The acumen of her intelligence and the guidance of her common sense, enlightened by a deep devotion to her Christian faith, has forged wonderful school programs and activities benefiting our children, many of whom have now turned out to be productive and responsible members of our community. What I admire most about this wonderful lady is her thorough understanding of and sensitivity to the various voices that represent the diverse ethnic and racial groups that together compose the virtual mosaic amalgamation that is known as Miami-Dade County.

Her undaunted efforts in her work in education and her zeal in religiously living her faith have shaped and formed her lifelong agenda. Mrs. Christina Eve truly exemplifies a unique leadership whose courageous vision and quiet wisdom on behalf of our children appeal to our noblest character as a nation.

Accordingly, Mr. Speaker, the dedication of the Christina Eve Elementary School in Miami-Dade County buttresses the noble legacy she now bequeaths to us as a superlative educator and community leader.

MONUMENT FOR POLISH ARMY OFFICERS MASSACRED IN 1940

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. CARDIN. Mr. Speaker, on Nov. 19, 2000 the National Katyn Memorial Committee will dedicate a monument in Baltimore, Maryland to the memory of more than 15,000 Polish Army officers who were massacred by Soviet soldiers in the spring of 1940.

In September, I was honored to accept an award on behalf of Congress presented by Father Zdislaw J. Peszkowski, a survivor of the massacre. The medal was presented on behalf of the Katyn families in recognition of U.S. congressional hearings conducted in 1951 and 1952 that focused world attention on this World War II massacre that occurred in the Katyn Forest.

While this massacre occurred more than 50 years ago, it is important that we remember what happened. In 1939, Nazi Germany invaded Poland from the west and the Soviet Union invaded from the east. In 1940, more than 15,000 Polish Army officers were placed in detention, then taken in small groups, told they would be freed and then were gunned down in the Soviet Union's Katyn Forest. In 1943, the Germany Army discovered the mass graves, which the Russians tried to blame on the Germans. It was long suspected that the massacre was the work of the Soviets. Final proof came in 1989, after the fall of the Soviet Union, when President Gorbachev released documents that clearly proved the Soviets, with the full knowledge of Stalin, had carried out the massacre.

For more than a decade, the Polish-American community has raised funds to construct a fitting memorial to honor the victims of the massacre. The 44-foot statue has been permanently installed near Baltimore's Inner Harbor at President and Aliceanna Streets. I want to commend the Polish-American community and Alfred Wisniewski, Chairman of the National Katyn Memorial Committee, and the entire committee, for their tireless efforts in making this memorial to the victims of this atrocity a reality.

I urge my colleagues to join me in paying tribute to the memory of these murdered Polish Army officers. The Katyn Memorial in Baltimore will be a lasting reminder to all of us that we must never tolerate evil and tyranny and that we must continue to speak out for justice and tolerance.

MEDICARE MENTAL ILLNESS NON-DISCRIMINATION ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mrs. ROUKEMA. Mr. Speaker, I am today introducing the Medicare Mental Illness Non-Discrimination Act, legislation to end the historic discrimination against Medicare beneficiaries seeking outpatient treatment for mental illness. Under the current Medicare statute, patients are required to pay a 20 percent copayment for Part B services. However, the 20 percent copayment is not the standard for outpatient psychotherapy services. For these services, Section 1833(c) of the Social Security Act requires patients to pay an effective discriminatory copayment of 50 percent.

Let me say this again: If a Medicare patient has an office visit to an endocrinologist for treatment for diabetes, or an oncologist for cancer treatment, or a cardiologist for heart disease, or an internist for the flu, the copayment is 20 percent. But if a Medicare patient has an office visit to a psychiatrist or other physician for treatment for major depression, bipolar disorder, schizophrenia, or any other illness diagnosed as a mental illness, the copayment for the outpatient visit for treatment of the mental illness is 50 percent. The same discriminatory copayment is applied to qualified services by a clinical psychologist or clinical social worker. This is quite simply discrimination. It is time for Congress to say "enough."

Last year, U.S. Surgeon General David Satcher, M.D., Ph.D. released a landmark study on mental illness in this country. The Surgeon General's report is an extraordinary document that details the depth and breadth of mental illness in this country. According to Dr. Satcher, "mental disorders collectively account for more than 15 percent of the overall burden of disease from all causes and slightly more than the burden associated with all forms of cancer." The burden of mental illness on patients and their families is considerable. The World Health Organization report that mental illness including suicide ranks second only to heart disease in the burden of disease measured by "disability adjusted life year."

The impact of mental illness on older adults is considerable. Prevalence in this population of mental disorders of all types is substantial. 8 to 20 percent of older adults in the community and up to 37 percent in primary care settings experience symptoms of depression, while as many as one in two new residents of nursing facilities are at risk of depression. Older people have the highest rate of suicide in the country, and the risk of suicide increases with age. Americans age 85 years and up have a suicide rate of 65 per 100,000. Older white males, for example, are six times more likely to commit suicide than the rest of the population. There is a clear correlation of major depression and suicide: 60 to 75 percent of suicides of patients 75 and older have diagnosable depression. Put another way, untreated depression among the elderly substantially increases the risk of death by suicide.

Mental disorders of the aging are not, of course, limited to major depression with risk of suicide. The elderly suffer from a wide range of disorders including declines in cognitive functioning, Alzheimer's disease (affecting 8 to 15 percent of those over 65) and other dementias, anxiety disorders (affecting 11.4 percent of adults over 55), schizophrenia, bipolar disorder, and alcohol and substance use disorders. Some 3 to 9 percent of older adults can be characterized as heavy drinkers (12 to 21 drinks per week). While illicit drug use among this population is relatively low, there is substantial increased risk of improper use of prescription medication and side effects of polypharmacy.

While we tend to think of Medicare as a "senior citizen's health insurance program," there are substantial numbers of disabled individuals who qualify for Medicare by virtue of their long-term disability. Of those, the National Alliance for the Mentally Ill reports that some 400,000 non-elderly disabled Medicare beneficiaries become eligible by virtue of mental disorders. These are typically individuals with the severe and persistent mental illnesses, such as schizophrenia.

Regadless of the age of the patient and the specific mental disorder diagnosed, it is absolutely clear that mental illness in the Medicare population causes substantial hardships, both economically and in terms of the consequences of the illness itself. As Dr. Satcher puts it, "mental illnesses exact a staggering toll on millions of individuals, as well as on their families and communities and our Nation as a whole."

Yet there is abundant good news in our ability to effectively and accurately diagnose and treat mental illnesses. The majority of people with mental illness can return to productive lives if their mental illness is treated. That is the good news: Mental illness treatment works. Unfortunately, today, a majority of those who need treatment for mental illness do not seek it. Much of this is due to stigma, rooted in fear and ignorance, and an outmoded view that mental illnesses are character flaws, or a sign of individual weakness, or the result of indulgent parenting. This is most emphatically not true. Left untreated, mental illnesses are as real and as substantial in their impact as any other illnesses we can now identify and treat.

Mr. Speaker, Medicare's elderly and disabled mentally ill population faces a double burden. Not only must they overcome stigma against their illness, but once they seek treatment the Federal Government via the Medicare program forces them to pay half the cost of their care out of their own pockets. Congress would be outraged and rightly so if we compelled a Medicare cancer patient to pay half the cost of his or her outpatient treatment, or a diabetic 50 cents of every dollar charged by his or her endocrinologist. So why is it reasonable to tell the 75-year-old that she must pay half the cost of treatment for major depression? Why should the chronic schizophrenic incur a 20 percent copayment for visiting his internist, but be forced to pay a 50 percent copayment for visiting a psychiatrist for the treatment of his schizophrenia?

It is most emphatically not reasonable. It is blatant discrimination, plain and simple, and we should not tolerate it any longer. That is why I am introducing the Medicare Mental Illness Non-Discrimination Act. It is time we acknowledged what Dr. Satcher and millions of patients and physicians and health professionals and researchers have been telling us: Mental illnesses are real, they can be accurately diagnosed, and they can be as effectively treated as any other illnesses affecting the Medicare population. We can best do that by eliminating the statutory 50 percent copayment discrimination against Medicare beneficiaries who, through no fault of their own, suffer from mental illness.

My legislation is extremely simple. It repeals Section 1833(c) of the Social Security Act, thereby eliminating the discriminatory 50 percent copayment requirement. Once enacted, patients seeking outpatient treatment for mental illness would pay the same 20 percent copayment we require of Medicare patients seeking treatment for any other illnesses. My bill is a straightforward solution to this last bastion of Federal health care discrimination. Via Executive Order we have at last initiated parity coverage of treatment for mental illness for our federal employees and their families. Can we now do any less for our Medicare beneficiaries? I urge my colleagues to join with me in righting this wrong.

LITHUANIA COMMEMORATES HOLOCAUST IN MEMORIAL CONCERT AT D.C. JEWISH COMMUNITY CENTER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. LANTOS. Mr. Speaker, a few days ago the Embassy of Lithuania here in Washington held a Memorial Concert honoring the victims of the Holocaust in Lithuania. The event here was held in connection with the government of Lithuania's designation of September 23 as a National Mourning Day for Holocaust Victims in Lithuania. That date was chosen, Mr. Speaker, because on September 23, 1943, all of the Jews remaining in the Vilnius ghetto were killed by the Nazi forces occupying Lithuania at that time.

Because of the press of Congressional business, I was not able to attend the Memorial Concert, but my wife Annette was there and made remarks in my behalf. I want to recognize Ambassador Stasys Sakalauskas for hosting this important event here in Washington to remember the Holocaust victims in Lithuania, and I want to acknowledge the effort of the Lithuanian government for establishing this national day of mourning for Holocaust victims. In Lithuania, 95% of the pre-war Jewish community of approximately 220,000 perished in the Holocaust. In fact, some say that no other nation lost a larger percentage of its Jewish population. Before World War II, Vilnius—"the Jerusalem of the North"—was an impressive cultural and intellectual center of Jewish life. After the war, almost all Jews were gone and everything was destroyed.

Mr. Speaker, my wife and I have been to Lithuania many times. Last January, we visited the beautiful forest at Panarai, where serenity and peace now stand in stark contrast to the unimaginable horrors that took place in that killing field during World War II. We also visited the KGB museum, where we laid a wreath at the memorial for the martyrs, not just as a protocol procedure or diplomatic gesture, but as a deeply felt tribute to the many men and women who gave their lives for freedom and independence. As Hungarian Holocaust survivors, we both have lived under Communist and Fascist governments, as well as democratic ones, so we both identify emotionally and personally with many of the triumphs and tragedies of Lithuania's national past.

Mr. Speaker, I am delighted to report to my colleagues that Lithuania has made significant progress since its independence a decade ago in remembering and making restitution for the horrors of the Holocaust. I welcome the many positive steps that the government of Lithuania has taken.

Mr. Speaker, at the Memorial Concert here in Washington D.C., just a few days ago, Ambassador Sakalauskas made particularly appropriate remarks. I ask that his statement be place in the RECORD, and I urge my colleagues to give thoughtful attention to his comments and to the progress that Lithuania has made.

REMARKS AT MEMORIAL CONCERT AT THE D.C. JEWISH COMMUNITY CENTER, SEPTEMBER 27, 2000

Ambassador Stasys Sakalauskas

Ladies and Gentlemen, first, I want to thank you all for joining us at this first joint event with the District of Columbia Jewish Community Center. I take this opportunity to express my deep appreciation to the leadership of the Jewish Community Center for co-sponsoring this event. We are gathered here today for a very special, meaningful and sad occasion—the 23rd of September 1943, when the Vilnius Ghetto was liquidated in Nazi-occupied Lithuania. In Lithuania, this day is a national day for mourning, and since 1993, the 23rd of September is marked as Lithuania's national day for the commemoration of victims of the Holocaust.

The absolute majority of the 220,000 strong pre-war Jewish community—colorful, flourishing, full of joy and sorrows—vanished in Nazi-occupied Lithuania. It is shameful that the hands of local collaborators were marked with the blood of innocent children, elderly women and men—people killed because they were Jews. No words are enough to express the pain of the immeasurable loss, and we understand that. At the same time we pay our highest respect to those citizens, who despite the threat of death to themselves and their families saved their Jewish neighbors.

Emerging 10 years ago from the Soviet and Nazi occupations, Lithuania has gone through an awakening of consciousness and conscience. We, individually, and as a people, made mistakes. But the fact we recognize our mistakes and try to do everything to correct them is encouraging and shows our resolve to do better. We are committed to continue the investigation and prosecution of persons suspected in collaboration with Nazi Germany and participation in the mass murders of innocent people.

One accused war criminal died yesterday. We did a lot to bring Aleksandras Lileikis to justice, even resorting to amending the Lithuanian criminal code. He was already on trial, but, unfortunately, we were late to give him a verdict. Today the Office of the Prosecutor General of Lithuania has expressed its regret that due to the defendant's death the course of justice was obstructed. At the same time the Prosecutor strongly pledged to continue the work of bringing to justice other alleged war criminals.

We in Lithuania are committed to examine our history. The Lithuanian historical commission has a mandate from His Excellency Valdas Adamkus, President of Lithuania, to investigate what happened in Lithuania almost 60 years ago and make it public no matter how painful it is. We have to come to terms with our past. We will continue the discussion that went on for the last 50 years in most European countries and in the United States, but was missing in Lithuania due to the Soviet occupation.

Our future depends on providing all our children the truth, and knowledge of the most horrible crimes committed in the 20th century. Therefore, we are committed to continue our efforts towards Holocaust education, remembrance and research and to implement to the fullest possible extent the National Holocaust Education program, as a vehicle of preventing injustice, discrimination and extremism.

We will stay alert and recognize early signs of extremism and we will continue to combat racism, xenophobia and anti-Semitism. We are committed to secure for the small remaining Lithuanian Jewish community all the possibilities to develop and cherish its ethnic culture, education, traditions.

Lithuania must once again be built as an open society and a mature democracy where the people of different cultures and traditions would be always united by mutual sympathy, respect and understanding.

Next week Vilnius will host a major International Forum on Holocaust-era looted cultural assets. We see the Vilnius Forum as another important step in paying tribute to the lost Jewish community. We cannot re-write our past. What we can do is to put forth every effort to make sure that horrors like those are never forgotten and never happen again on the Earth.

Now, I would like to ask everyone to stand up and honor those who perished with a minute of silence.

HONORING THE HONORABLE IGNACIO "BUCK" CRUZ, THE MAYOR OF MERIZO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to commend a municipal leader, a former marine, and a fellow educator. The Honorable Ignacio "Buck" Cruz, the mayor of Merizo, is a native son who has unselfishly contributed years of valuable service to his home village of Merizo and the island of Guam. Mayor Cruz has chosen to retire at the end of his term later this year.

The son of Ramon Padilla Cruz and Justa Santiago Cruz, Mayor Cruz was the youngest of six children. Born in the village of Merizo in 1927, Mayor Cruz had the experience of attending Japanese school during the island's occupation in World War II. He later attended the University of Guam where he majored in Psychology and Sociology. Prior to graduating with honors, Mayor Cruz was a model student who was listed in the Who's Who Among Students and Universities and Colleges in America.

Mayor Cruz worked as a teacher prior to enlisting in the United States Marine Corps in 1951. While in the Marine Corps, he enrolled in a number of professional military courses including the Staff Non-Commissioned Officer School and the Officers Basic Extension Course. Having been a Marine Corps Drill Instructor, Mayor Cruz also holds the distinction of attaining the rank of Master Gunnery Sergeant, the highest enlisted rank in the United States Marine Corps.

As mayor of the village of Merizo, he also served as Chairman of the Merizo Municipal Planning Council Foundation and as a Notary Public in and for the Territory of Guam. Mayor Cruz is a Knight of Columbus in the 4th Degree and, in the past, has served as a parochial school teacher. He has occupied leadership positions in a number of civic organizations. He served as president of the Guam Club of Hawaii, the Guam Society of Norfolk, and the Hafa Adai Club of Okinawa. In addition, he chaired the Board of Directors for the Guam Senior Citizens Division and the Guam Environmental Protection Agency as well as the Merizo Elementary School PTA, the Merizo Water Festival and the Boy Scouts Troop Committee of Merizo. Mayor Cruz has also represented the island of Guam in national and international conferences. In 1985, he was the Guam representative to the United Nations Conference in Bangkok for the 3rd Asian and Pacific Ministerial Conference on Social Welfare and Social Development. In 1986, he represented Guam in the American Society on Aging's 36th Anniversary Meeting in San Francisco and the Pacific Gerontological Society's Conference on Aging in Hawaii.

After years of distinguished and dedicated service, Mayor Cruz has chosen to step down and retire. His achievements and service to the community have resulted in great benefit to the island of Guam, more particularly, the people of Merizo. He is a role model, a leader and a great representative of his island home. I join his wife, Maria, their children, and their grandchildren in celebrating his accomplishments throughout his long and successful career. On behalf of the people of Guam, I commend his achievements and congratulate him on his well-earned retirement. Si Yu'os Ma'ase, Mayor Cruz.

CONGRATULATIONS TO THE REPUBLIC OF CHINA ON TAIWAN ON ITS NATIONAL DAY OF CELEBRATION

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. FALEOMAVAEGA. Mr. Speaker, on behalf of our colleagues in the United States Congress and our great Nation, I want to take this opportunity today to extend President Chen Shui-bian, Vice President Annette Lu, and the good people of Taiwan our deepest congratulations on their National Day of celebration.

Mr. Speaker, President Chen and Vice President Lu are to be commended for their capable and skilled leadership of Taiwan, which is reflected by Taiwan's continuing stability, robustly democratic government, and prosperous economy—all of which are the envy of the Asia-Pacific nations at the dawn of the 21st century.

Mr. Speaker, President Chen and Vice-President Lu are to be further commended for their efforts seeking greater international recognition of and substantive relations with the Taiwanese Government, including an increasing role and participation with the World Trading Organization and the United Nations. Quite simply, Mr. Speaker, Taiwan is too important an economic force and democratic ally to be relegated to the political backwaters of global isolation.

I am further encouraged, Mr. Speaker, with President Chen's statesmanship and vision, as exemplified by his critical work in pursuing positive relations with the People's Republic of China. In recognition of that vital goal, President Chen has sought to engage on all levels the leaders of the People's Republic of China. Support of the Cross-Strait Dialogue with the PRC is crucial for resolving misunderstandings between Beijing and Taipei and Washington, which, Mr. Speaker, is the foundation for peace and stability in the Taiwan Strait and, indeed, for all of Asia.

Mr. Speaker, the people of the United States and the good people of Taiwan share a deep, close and enduring friendship that has extended for over five decades. At this auspicious time of celebration for Taiwan's National Day, I join my colleagues in the United States Congress to salute and honor the 23 million citizens of Taiwan who have created and sustained one of the most vibrant, thriving and prosperous democracies in the Asia-Pacific region. Mr. Speaker, I join with all Americans who take pride in the tremendous accomplishments of our very close and dear friends in Taiwan.

A TRIBUTE TO THE PEOPLE OF TAIWAN

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. KING. Mr. Speaker, I rise today to acknowledge the enormous strides that Taiwan has made in becoming a full democracy. Mr. Chen Shui-bian was recently elected president through free and fair elections. With Mr. Chen's election, Taiwan continues to refine its democracy by improving safeguards for human rights and contributing to the international community.

Unfortunately, Taiwan's efforts to participate in international organizations have often been thwarted for political reasons beyond Taiwan's control. It is unreasonable for the people of Taiwan to be excluded from full participation in international institutions due to threats from mainland China. Denying Taiwan membership in the United Nations and other international organizations, such as the World Health Organization, obstructs access to important international resources.

The people of Taiwan have proven that freedom and democracy are not just American ideals; they are universal principles that apply to every individual, to every community and every nation.

TAIWAN CELEBRATES THE 89TH ANNIVERSARY OF THE REPUBLIC OF CHINA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. LANTOS. Mr. Speaker, today marks the 89th anniversary of the founding of the Republic of China on October 10, 1911, under the leadership of Dr. Sun Yat-sen. This is the day which the people of Taiwan celebrate as their national holiday. Mr. Speaker, I extend my sincerest congratulations and best wishes to the people of Taiwan on this special occasion.

Mr. Speaker, this is a unique celebration of this anniversary, and one that reflects the great progress which the people of Taiwan have made in institutionalizing democratic principles and democratic practices. I want to congratulate President Chen Shui-bian, the recently elected President of Taiwan. Today is especially significant because it marks the first national day under a President elected from the Democratic Progressive Party. Taiwan has done something that very few nations have been able to do successfully—complete the peaceful transition of power based on a free and democratic election.

Furthermore, Mr. Speaker, this transition did not come at an economic cost—quite the contrary, Taiwan is an economic powerhouse. In just the first six months of this year, Taiwan's exports exceeded $74 billion, an increase of 21 percent. I hope other countries facing political issues will look at Taiwan's success in both business and politics as a sign that democracy does work, that democracy does not have to come at an unacceptable economic price.

Mr. Speaker, I also want to take a moment to extend my congratulations and best wishes to the new Representative from the Republic of China on Taiwan, Ambassador C.J. Chen. While Ambassador Chen is no stranger to Washington, this is the first time he has come here as the head of the Taipei Economic and Cultural Representative Office. As the Ranking Member of the Subcommittee on Asia and the Pacific of the House International Relations Committee, I look forward to the opportunity to continue working with Ambassador Chen in building an ever-stronger relationship between the United States and Taiwan.

Mr. Speaker, on this very special holiday for the people of Taiwan, I invite my colleagues in the House to join me in extending our warmest congratulations and best wishes to the 22 million inhabitants of this remarkable island.

A SPECIAL TRIBUTE TO KENNETH L. AKINS, M.D. FOR HIS DEDICATED SERVICE TO OTTAWA COUNTY, OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding individual from the State of Ohio. Mr. Speaker, on August 31, 2000, Dr. Kenneth L. Akins retired as Coroner of Ottawa County, Ohio, after nearly two decades of distinguished service.

Early in life, First Lieutenant Ken Akins wore his country's uniform during the Korean conflict. Since that time, he has dedicated his life to serving the people in his community as a family physician. Dr. Akins has combined his sound medical skills with his compassionate, personal approach to the practice of medicine for thirty-four years. His medical career alone distinguishes him as a most valued citizen, but Dr. Akins has contributed so much more.

In addition to his service as Ottawa County Coroner, Dr. Akins has been active on the medical staff at H.B. Magruder Hospital in Port Clinton throughout his medical career. He has served as Magruder's Chief of Medical Staff and on the Infection Control Committee. He acted as a consulting physician in the early days of the Davis-Besse Nuclear Power Station operation in the Port Clinton area. He has provided many dedicated hours as a member of the Ottawa County Board of Health.

Dr. Akins' philanthropic activity includes participation with Volunteers in Missions, an organization that provides free medical care to persons in third world countries. He is active in his church, serving on the administrative board of the Faith United Methodist Church. Out of concern for his area's seniors, Dr. Akins serves on the Board of Directors of the Vineyard, the Presbyterian retirement community in Port Clinton.

Dr. Akins' dedication to his community is second only to his great love for his family. Along with Naomi, his loving wife of more than forty-one years, he is blessed with two children and two grandchildren.

Mr. Speaker, I have known Dr. Akins for many years and have the highest regard for his character and abilities as a physician. At this time, I would ask my colleagues of the 106th Congress to join me in paying special tribute to Kenneth L. Akins, M.D. His professionalism and service as Ottawa County Coroner are a credit to the local government service everywhere. We thank him, and wish him the very best in all of his future endeavors.

IN RECOGNITION OF HERB B. SIPERSTEIN, RECIPIENT OF THE HUMANITARIAN AWARD FROM THE NEW JERSEY DEPARTMENT OF JEWISH WAR VETERANS (JWV) OF THE U.S.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. MENENDEZ. Mr. Speaker, today I recognize Herb B. Siperstein, recipient of the Humanitarian Award from the New Jersey Department of Jewish War Veterans (JWV) of the U.S. This award is bestowed on those exceptional individuals, who have consistently demonstrated a deep commitment to the fight against bigotry and discrimination.

Herb Siperstein was born on October 6, 1923, in Jersey City, New Jersey. After high school graduation, he began fulltime-work for the family business, Siperstein's paint store. Siperstein's was founded by his parents, Nathan and Lottie.

From 1943 to 1945, Mr. Siperstein served in the 7th Infantry in World War II. As a Jewish American soldier, Mr. Siperstein served with exceptional courage and valor. In the process of defending his country and fighting against the worst aggression the world had ever seen, Mr. Siperstein received numerous accommodations: the Bronze Star Medal; the Good Conduct Medal; two Bronze Arrowheads; six Campaign Stars; the Presidential Unit Emblem; the European-African-Middle Eastern Campaign Medal; the Combat Infantry Badge; the Expert Infantry Badge; the Honorable Service Lapel Button WWII; and the French Fourragere.

After the Second World War, Mr. Siperstein returned to the family business, and as the president, he has seen Siperstein's Paint and Wallpaper grow and prosper. Today, there are seventeen stores in New Jersey and six new stores in Connecticut and Massachusetts.

Herb Siperstein has given back to the community in a profoundly caring fashion, including financial support for local churches, temples, and schools. In addition, the Sipersteins have made extremely generous donations to their community, resulting in an auditorium at B'nai Jacobs and a Library at St. Peter's Preparatory School. Mr. Siperstein has also received many awards from civic organizations, including the Anti-Defamation League's David H. Litter Humanitarian Award and the New Jersey Department of Jewish War Veterans' Humanitarian Award.

Last year, the Mayor of Jersey City, Bret Schundler, declared October 12th, Herb Siperstein Day in recognition of his contributions to the community.

Today, I ask my colleagues to join me in honoring Herb B. Siperstein for his unparalleled contributions and commitment to our community.

CONGRATULATING THE HONORABLE JESUS AGUON AQUININGOC ON HIS RETIREMENT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to congratulate one of Guam's municipal leaders on his well-earned retirement. The Honorable Jesus Aguon Aquiningoc, the mayor of the village of Umatac, will step down upon the completion of his term at the end of this year.

Mayor Aquiningoc was born in Umatac on October 10, 1932—the son of Juan Quinata Aquiningoc and Concepcion Aguon Aquiningoc. Having graduated from George Washington High School in 1952, he enlisted in the United States Navy in the following year. During his 26-year Navy career, Mayor Aquiningoc served aboard the U.S.S. *John R. Craig* (DD–885) and the U.S.S. *Galveston* (CLG–3). He was additionally given assignments in San Diego, California; North Island, California; Guam; Virginia Beach, Virginia; Thailand; and the Pentagon in Washington, DC.

Mayor Aquiningoc returned to Guam upon his retirement from the Navy in 1979. Upon his return he worked for the University of Guam as a personnel specialist. Later, he served as the administrative services officer for the Guam Department of Parks and Recreation, a position he held until his retirement from the Government of Guam in 1993.

All this time, Mayor Aquiningoc's was deeply dedicated to the Catholic faith and deeply involved in church related activities. He is the Charter Grand Knight of the San Dionicio Council 11630 of the Knights of Columbus. In addition, he serves as president of the San Dionicio Church Parish Council, as a Eucharistic minister, and as a teacher for the Confraternity of Christian Doctrine (CCD). Mayor Aquiningoc's involvement with civic and community activities has led him to serve terms as president of the F.Q. Sanchez Elementary School Parent Teacher Association, the Guam Beautification Association, and the Guam Society of Norfolk. He has also served as an advisor for the Umatac Youth Organization and as supervisor-coordinator of AHRD summer trainees.

The service dedicated by Mayor Aquiningoc to the nation, the church, the community and the island of Guam has truly earned him a place in our hearts. I join the mayor's wife, Maria, who, along with his children and their spouses, namely, Leslie and Lourdes, Ruby and Anthony, Mark and JoAnn, and Rodney and Theresa, and their grandchildren Roland, Lauren, Brittany, Nicolas, Daisy, Benny, Teresa, Paul, Marion, Anika, Desirae, Mariah and Camaria in proudly celebrating his career and his achievements. Si Yu'os Ma'ase, Mayor Aquiningoc.

IN HONOR OF MR. DIONICIO MORALES

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. BECERRA. Mr. Speaker, it is with utmost pleasure and privilege that I rise today to recognize a wonderful American, Mr. Dionicio Morales, for his pioneering efforts as a leader within the Mexican American community and his commitment to improving the lives of others.

As a first-generation American, Dionicio Morales has surpassed social and economic barriers throughout his life, and forever changed the opportunities available to Mexican Americans in this country. Mr. Morales' own life embodies the American dream. Having come from modest roots, as the son of farmworkers who spent many years of his childhood living in a tent, he has become a nationally respected community advocate for over three decades. Specifically, Mr. Morales has served as an advisor to the United States Secretary of Labor, was a Presidential appointee to the President's Committee on Community Relations, and the Advisory Committee of the North America Development Bank, and was a former member of the California State Apprenticeship Committee, the California Employment Development Advisory Committee, the Century Freeway Commission and the United States Senate Task Force on Hispanic Affairs.

The crowning professional achievement of Mr. Morales' life however, was the founding of the Mexican American Opportunity Foundation (MAOF) in 1962. On the eve of the civil rights movement, Mr. Morales was a trailblazer in establishing a structure to empower Mexican Americans to obtain professional training and employment. Mr. Morales has served as the President and CEO of MAOF since 1962, and has grown the organization into a full-service social service entity which currently provides not just job training but also child care, Head Start programs, English as a second language courses, citizenship classes, family services, and much more.

MAOF has played a pivotal role in the lives of many Mexican Americans and Mr. Morales' contributions have not gone unnoticed. In addition to the many honors and board memberships bestowed upon him, Los Angeles County showed its appreciation to Mr. Morales and MAOF be dedicating "Dionicio Morales Plaza" at Belvedere Park in Los Angeles.

Mr. Speaker, as Mr. Morales embarks upon the next chapter of his life in retirement, it gives me great honor to join those who are honoring him tonight at MAOF's 33rd Annual Aztec Awards Gala in Los Angeles. It is with great pride that I ask my colleagues to join me today in saluting this exceptional American.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. PASCRELL. Mr. Speaker, I was unfortunately absent for the rollcall vote on passage of H.R. 3244, the Victims of Trafficking and Violence Protection Act Conference Report. Had I been present, I would have voted "yea."

SENATE—*Wednesday, October 11, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:32 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The Chaplain will now deliver the opening prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The Psalmist gives us a timely word for this pressured week, "Cast your burden on the Lord, and He will sustain you."—Psalm 55:22.

Let us pray.

Gracious God, we come to You with our burdens. You know that we all carry both personal and professional burdens. Beneath the surface of studied composure, we all have loved ones for whom we are concerned, friends who are troubled, and unresolved problems about which we find it difficult to stop worrying.

At many different levels, we feel the tension of finishing the work of the 106th Congress. The election approaches with additional burdens for Senators running for reelection. Challenges here do not let up, and the problems in the state mount up. Meanwhile, peace of mind is up for grabs as we struggle with differing agendas for the legislation before the Senate.

Lord, could it be that if we all—Republicans and Democrats, Senators and staff—stopped in our tracks and really asked for Your help, You would intervene and help this Senate achieve unity with both excellence and efficiency? In our heart of hearts we know You would, and will, if we ask You with a united voice of earnestness. Dear God, bless this Senate. We relinquish our control and ask You to take charge. It's hard to be willing, but we are willing to allow You to make us willing. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Kansas is recognized.

SCHEDULE

Mr. BROWNBACK. Mr. President, today the Senate will begin debate on the conference report to accompany H.R. 3244, the sex trafficking victims legislation. I want to start this discussion and debate off with thanking my good friend and colleague, Senator PAUL WELLSTONE. He and I have worked together on this bill the entire year. We have come at this from different points of view. I think we have worked together and come up with an excellent proposal and package. I hope for unanimous support from the Senate.

We got near that in the House, with a vote of 377–1. I have spoken with that one person who deeply regrets voting against us on this bill. It was actually for another provision that was in the bill. This is an important piece of legislation.

The sex trafficking victims legislation is here under a previous order, and there will be up to 7 hours of debate on the conference report we are going to discuss. Senator THOMPSON will raise a point of order against the report and is expected to appeal the ruling of the Chair. Therefore, a vote on the appeal, as well as a vote on adoption of the conference report, is expected to occur during this afternoon's session. The Senate will also consider the VA–HUD appropriations bill and the conference report to accompany the Agriculture appropriations bill, with votes on both expected to occur prior to today's adjournment.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will now proceed to the conference report accompanying H.R. 3244.

The clerk will report the conference report.

The legislative clerk read as follows:

> The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill, H.R. 3244, an act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 5, 2000.)

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I believe under the uniform unanimous consent agreement that we have, time has been allocated to several different Members of the Senate to speak on this conference report; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BROWNBACK. Mr. President, let me start this debate and discussion with the story of Irina. Irina's story appeared in the New York Times not that long ago, and it is similar to the story of a number of women with whom I have met and who have been caught in this situation of sex trafficking—young ladies I met with in Nepal, and several testified in committee. I think Irina's story tells in graphic detail why this is a problem and why the Senate needs to act.

> Irina always assumed that her beauty would somehow rescue her from the poverty and hopelessness of village life. A few months ago, after answering a vague ad in a small Ukrainian newspaper, she slipped off a tour boat when it put in at Haifa, hoping to make a bundle dancing naked on the tops of tables.
>
> She was 21, self-assured and glad to be out of Ukraine. Israel offered a new world, and for a week or two everything seemed possible. Then, one morning, she was driven to a brothel, where her boss burned her passport before her eyes.
>
> "I own you," she recalled his saying. "You are my property and you will work until you earn your way out. Don't try to leave. You have no papers and you don't speak Hebrew. You will be arrested and deported. Then we will get you and bring you back."

That was her master. The article goes on.

> It happens every single day. Not just in Israel, which has deported nearly 1,500 Russian and Ukrainian women like Irina in the past three years. But throughout the world, where selling naive and desperate young women into sexual bondage has become one of the fastest-growing criminal enterprises in the robust global economy.
>
> . . . Many end up like Irina. Stunned and outraged by the sudden order to prostitute

> herself, she simply refused. She was beaten and raped before she succumbed. Finally she got a break. The brothel was raided and she was brought here [to another place], the only women's prison in Israel. Now, like hundreds of Ukrainian and Russian women with no documents or obvious forgeries, she is waiting to be sent home.

This is a quote from Irina:

> "I don't think the man who ruined my life will even be fined," she said softly, slow tears filling her enormous green eyes. "You can call me a fool for coming here. That's my crime. I am stupid. A stupid girl from a little village. But can people really buy and sell women and get away with it? Sometimes I sit here and ask myself if that really happened to me, if it can really happen at all."
>
> Then, waving her arm toward a muddy prison yard, where Russian is spoken more commonly than Hebrew, she whispered one last thought: "I am not the only one, you know. They have ruined us all."

I ask unanimous consent to have printed in the RECORD the full text of this article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRAFFICKERS' NEW CARGO: NAÏVE SLAVIC WOMEN

(By Michael Specter)

RAMLE, ISRAEL.—Irina always assumed that her beauty would somehow rescue her from the poverty and hopelessness of village life. A few months ago, after answering a vague ad in a small Ukrainian newspaper, she slipped off a tour boat when it put in at Haifa, hoping to make a bundle dancing naked on the tops of tables.

She was 21, self-assured and glad to be out of Ukraine. Israel offered a new world, and for a week or two everything seemed possible. Then, one morning, she was driven to a brothel, where her boss burned her passport before her eyes.

"I own you," she recalled his saying. "You are my property and you will work until you earn your way out. Don't try to leave. You have no papers and you don't speak Hebrew. You will be arrested and deported. Then we will get you and bring you back."

It happens every single day. Not just in Israel, which has deported nearly 1,500 Russian and Ukrainian women like Irina in the past three years. But throughout the world, where selling naïve and desperate young women into sexual bondage has become one of the fastest-growing criminal enterprises in the robust global economy.

The international bazaar for women is hardly new, of course. Asians have been its basic commodity for decades. But economic hopelessness in the Slavic world has opened what experts call the most lucrative market of all to criminal gangs that have flourished since the fall of Communism: white women with little to sustain them but their dreams. Pimps, law enforcement officials and relief groups all agree that Ukrainian and Russian women are now the most valuable in the trade.

Because their immigration is often illegal—and because some percentage of the women choose to work as prostitutes—statistics are difficult to assess. But the United Nations estimates that four million people throughout the world are trafficked each year—forced through lies and coercion to work against their will in many types of servitude. The International Organization for Migration has said that as many as 500,000 women are annually trafficked into Western Europe alone.

Many end up like Irina. Stunned and outraged by the sudden order to prostitute herself, she simply refused. She was beaten and raped before she succumbed. Finally she got a break. The brothel was raided and she was brought here to Neve Tirtsa in Ramle, the only women's prison in Israel. Now, like hundreds of Ukrainian and Russian women with no documents or obvious forgeries, she is waiting to be sent home.

"I don't think the man who ruined my life will even be fined," she said softly, slow tears filling her enormous green eyes. "You can call me a fool for coming here. That's my crime. I am stupid. A stupid girl from a little village. But can people really buy and sell women and get away with it? Sometimes I sit here and ask myself if that really happened to me, if it can really happen at all."

Then, waving her arm toward the muddy prison yard, where Russian is spoken more commonly than Hebrew, she whispered one last thought: "I'm not the only one, you know. They have ruined us all."

TRAFFIC PATTERNS: RUSSIA AND UKRAINE SUPPLY THE FLESH

Centered in Moscow and the Ukrainian capital, Kiev, the networks trafficking women run east to Japan and Thailand, where thousands of young Slavic women now work against their will as prostitutes, and west to the Adriatic Coast and beyond. The routes are controlled by Russian crime gangs based in Moscow. Even when they do not specifically move the women overseas, they provide security, logistical support, liaison with brothel owners in many countries and, usually, false documents.

Women often start their hellish journey by choice. Seeking a better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home.

In Ukraine alone, the number of women who leave is staggering. As many as 400,000 women under 30 have gone in the past decade, according to their country's Interior Ministry. The Thai Embassy in Moscow, which processes visa applications from Russia and Ukraine, says it receives nearly 1,000 visa applications a day, most of these from women.

Israel is a fairly typical destination. Prostitution is not illegal here, although brothels are, and with 250,000 foreign male workers—most of whom are single or here without their wives—the demand is great. Police officials estimate that there are 25,000 paid sexual transactions every day. Brothels are ubiquitous.

None of the women seem to realize the risks they run until it is too late. Once they cross the border their passports will be confiscated, their freedoms curtailed and what little money they have taken from them at once.

"You want to tell these kids that if something seems too good to be true it usually is," said Lyudmilla Biryuk, a Ukrainian psychologist who has counseled women who have escaped or been released from bondage. "But you can't imagine what fear and real ignorance can do to a person."

The women are smuggled by car, bus, boat and plane. Handed off in the dead of night, many are told they will pick oranges, work as dancers or as waitresses. Others have decided to try their luck at prostitution, usually for what they assume will be a few lucrative months. They have no idea of the violence that awaits them.

The efficient, economically brutal routine—whether here in Israel, or in one of a dozen other countries—rarely varies. Women are held in apartments, bars and makeshift brothels; there they service, by their own count, as many as 15 clients a day. Often they sleep in shifts, four to a bed. The best that most hope for is to be deported after the police finally catch up with their captors.

Few ever testify. Those who do risk death. Last year in Istanbul, Turkey, according to Ukrainian police investigators, two women were thrown to their deaths from a balcony while six of their Russian friends watched.

In Serbia, also last year, said a young Ukrainian woman who escaped in October, a woman who refused to work as a prostitute was beheaded in public.

In Milan a week before Christmas, the police broke up a ring that was holding auctions in which women abducted from the countries of the former Soviet Union were put on blocks, partially naked, and sold at an average price of just under $1,000.

"This is happening wherever you look now," said Michael Platzer, the Vienna-based head of operations for the United Nations' Center for International Crime Prevention. "The mafia is not stupid. There is less law enforcement since the Soviet Union fell apart and more freedom of movement. The earnings are incredible. The overhead is low—you don't have to buy cars and guns. Drugs you sell once and they are gone. Women can earn money for a long time."

"Also," he added, "the laws help the gangsters. Prostitution is semilegal in many places and that makes enforcement tricky. In most cases punishment is very light."

In some countries, Israel among them, there is not even a specific law against the sale of human beings.

Mr. Platzer said that although certainly "tens of thousands" of women were sold into prostitution each year, he was uncomfortable with statistics since nobody involved has any reason to tell the truth.

"But if you want to use numbers," he said, "think about this. Two hundred million people are victims of contemporary forms of slavery. Most aren't prostitutes, of course, but children in sweatshops, domestic workers, migrants. During four centuries, 12 million people were believed to be involved in the slave trade between Africa and the New World. The 200 million—and many of course are women who are trafficked for sex—is a current figure. It's happening now. Today."

DISTRESS CALLS: FAR-FLUNG VICTIMS PROVIDE FEW CLUES

The distress call came from Donetsk, the bleak center of coal production in southern Ukraine. A woman was screaming on the telephone line. Her sister and a friend were prisoners in a bar somewhere near Rome. They spoke no Italian and had no way out, but had managed, briefly, to get hold of a man's cell phone.

"Do you have any idea where they are, exactly?" asked Olga Shved, who runs La Strada in Kiev, Ukraine's new center dedicated to fighting the trafficking of women in Eastern Europe and the countries of the former Soviet Union.

The woman's answer was no. Ms. Shved began searching for files and telephone numbers of the local consul, the police, anybody who could help.

"Do they know how far from Rome they are?" she asked, her voice tightening with each word. "What about the name of the street or bar? Anything will help," she said, jotting notes furiously as she spoke. "We can get the police on this, but we need something. If they call back, tell them to give us a clue. The street number. The number of a bus that runs past. One thing is all we need."

Ms. Shved hung up and called officials at Ukraine's Interior Ministry and the Foreign Ministry. Her conversations were short, direct and obviously a routine part of her job.

That is because Ukraine—and to a lesser degree its Slavic neighbors Russia and Belarus—has replaced Thailand and the Philippines as the epicenter of the global business in trafficking women. The Ukrainian problem has been worsened by a ravaged economy, an atrophied system of law enforcement, and criminal gangs that grow more brazen each year. Young European women are in demand, and Ukraine, a country of 51 million people, has a seemingly endless supply. It is not that hard to see why.

Neither Russia nor Ukraine reports accurate unemployment statistics. But even partial numbers present a clear story of chaos and economic dislocation. Federal employment statistics in Ukraine indicate that more than two-thirds of the unemployed are women. The Government also keeps another statistic: employed but not working. Those are people who technically have jobs, and can use company amenities like day-care centers and hospitals. But they do not work or get paid. Three-quarters are women. And of those who have lost their jobs since the Soviet Union dissolved in 1991, more than 80 percent are women.

The average salary in Ukraine today is slightly less than $30 a month, but it is half that in the small towns that criminal gangs favor for recruiting women to work abroad. On average, there are 30 applicants for every job in most Ukrainian cities. There is no real hope; but there is freedom.

In that climate, looking for work in foreign countries has increasingly become a matter of survival.

"It's no secret that the highest prices now go for the white women," said Marco Buffo, executive director of On the Road, an anti-trafficking organization in northern Italy. "They are the novelty item now. It used to be Nigerians and Asians at the top of the market. Now it's the Ukrainians."

Economics is not the only factor causing women to flee their homelands. There is also social reality. For the first time, young women in Ukraine and Russia have the right, the ability and the willpower to walk away from their parents and their hometowns. Village life is disintegrating throughout much of the former Soviet world, and youngsters are grabbing any chance they can find to save themselves.

"After the wall fell down, the Ukrainian people tried to live in the new circumstances," said Ms. Shved. "It was very hard, and it gets no easier. Girls now have few and opportunities yet great freedom. They see 'Pretty Woman,' or a thousand movies and ads with the same point, that somebody who is rich can save them. The glory and ease of wealth is almost the basic point of the Western advertising that we see. Here the towns are dying. What jobs there are go to men. So they leave."

First, however, they answer ads from employment agencies promising to find them work in a foreign country. Here again, Russian crime gangs play a central role. They often recruit people through seemingly innocuous "mail order bride" meetings. Even when they do not, few such organizations can operate without paying off one gang or another. Sometimes want ads are almost honest, suggesting that the women earn up to $1,000 a month as "escorts" abroad. Often they are vague or blatantly untrue.

RECRUITING METHODS: ADS MAKE OFFERS TOO GOOD TO BE TRUE

One typical ad used by traffickers in Kiev last year read: "Girls: Must be single and very pretty. Young and tall. We invite you for work as models, secretaries, dancers, choreographers, gymnasts. Housing is supplied. Foreign posts available. Must apply in person."

One young woman who did, and made it back alive, described a harrowing journey. "I met these guys and they asked if I would work at a strip bar," she said. "Why not, I thought. They said we would have to leave at once. We went by car to the Slovak Republic where they grabbed my passport. I think they got me new papers there, but threatened me if I spoke out. We made it to Vienna, then to Turkey. I was kept in a bar and I was told I owed $5,000 for my travel. I worked for three days, and on the fourth I was arrested."

Lately, the ads have started to disappear from the main cities—where the realities of such offers are known now. These days the appeals are made in the provinces, where their success is undiminished.

Most of the thousands of Ukrainian women who go abroad each year are illegal immigrants who do not work in the sex business. Often they apply for a legal visa—to dance, or work in a bar—and then stay after it expires.

Many go to Turkey and Germany, where Russian crime groups are particularly powerful. Israeli leaders say that Russian women—they tend to refer to all women from the former Soviet Union as Russian—disappear off tour boats every day. Officials in Italy estimate that at least 30,000 Ukrainian women are employed illegally there now.

Most are domestic workers, but a growing number are prostitutes, some of them having been promised work as domestics only to find out their jobs were a lie. Part of the problem became clear in a two-year study recently concluded by the Washington-based nonprofit group Global Survival Network: police officials in many countries just don't care.

The network, after undercover interviews with gangsters, pimps and corrupt officials, found that local police forces—often those best able to prevent trafficking—are least interested in helping.

Gillian Caldwell of Global Survival Network has been deeply involved in the study. "In Tokyo," she said, "a sympathetic senator arranged a meeting for us with senior police officials to discuss the growing prevalence of trafficking from Russia into Japan. The police insisted it wasn't a problem, and they didn't even want the concrete information we could have provided. That didn't surprise local relief agencies, who cited instances in which police had actually sold trafficked women back to the criminal networks which had enslaved them."

OFFICIAL REACTIONS: BEST-PLACED TO HELP, BUT LEAST INCLINED

Complacency among police agencies is not uncommon.

"Women's groups want to blow this all out of proportion," said Gennadi V. Lepenko, chief of Kiev's branch of Interpol, the international police agency. "Perhaps this was a problem a few years ago. But it's under control now."

That is not the view at Ukraine's Parliament—which is trying to pass new laws to protect young women—or at the Interior Ministry.

"We have a very serious problem here and we are simply not equipped to solve it by ourselves," said Mikhail Lebed, chief of criminal investigations for the Ukrainian Interior Ministry. "It is a human tragedy, but also, frankly, a national crisis. Gangsters make more from these women in a week than we have in our law enforcement budget for the whole year. To be honest, unless we get some help we are not going to stop it."

But solutions will not be simple. Criminal gangs risk little by ferrying women out of the country; indeed, many of the women go voluntarily. Laws are vague, cooperation between countries rare and punishment of traffickers almost nonexistent. Without work or much hope of a future at home, an eager teenager will find it hard to believe that the promise of a job in Italy, Turkey or Israel is almost certain to be worthless.

"I answered an ad to be a waitress," said Tamara, 19, a Ukrainian prostitute in a massage parlor near Tel Aviv's old Central Bus Station, a Russian-language ghetto for the cheapest brothels. "I'm not sure I would go back now if I could. What would I do there, stand on a bread line or work in a factory for no wages?"

Tamara, like all other such women interviewed for this article, asked that her full name not be published. She has classic Slavic features, with long blond hair and deep green eyes. She turned several potential customers away so she could speak at length with a reporter. She was willing to talk as along as her boss was out. She said she was not watched closely while she remained within the garish confines of the "health club."

"I didn't plan to do this," she said, looking sourly at the rich red walls and leopard prints around her. "They took my passport, so I don't have much choice. But they do give me money. And believe me, it's better than anything I could ever get at home."

* * * * *

Mr. **BROWNBACK**. Mr. President, Irina's story is told all too often and is reenacted all too often around the world today. Our Government estimates that between 600,000 and 2 million women are trafficked each year beyond international borders. They are trafficked for the purpose of sexual prostitution by organized crime units and groups that are aggressively out making money off the trafficking of human flesh. It is wrong. This bill seeks to deal with that wrong and that tragedy that has occurred and is occurring around the world today.

This is significant human rights legislation that this body is going to pass. I hope, predict, and pray that it will pass today. It is significant human rights legislation for those poor young victims who are trafficked and who are caught sometimes with the view that, "I am just stupid, I got caught in this," but who live this horrible, hellish life they have been put into and trafficked into and can't find their way out.

The conference report is entitled "The Victims of Trafficking and Violence Protection Act of 2000." As I mentioned previously, it passed the House of Representatives on Friday, October 6, by a vote of 371–1.

The Senate will vote on this conference report today, with the lead underlying bill being the Brownback-Wellstone anti-trafficking legislation. Senator WELLSTONE and I have been working for the last year on this legislation, which is a companion to the

Smith-Gejdenson bill in the House known as the Trafficking Victims Protection Act of 2000.

I want to thank and recognize my staff, Sharon Payt and Karen Knutson, two people who have worked tirelessly and endlessly to deal with this particular issue.

Our anti-trafficking bill is the first complete legislation to address the growing practice of international "trafficking" worldwide. This is one of the largest manifestations of modern-day slavery internationally. Notably, this legislation is the most significant human rights bill of the 106th Congress, if passed today, as hoped for. This is also the largest anti-slavery bill that the United States has adopted since 1865 and the demise of slavery at the end of the Civil War. Therefore, I greatly anticipate this vote today in the Senate on this legislation.

Senator WELLSTONE's and my trafficking bill, which passed in the Senate on July 27 of this year, was conferenced to reconcile the differences with the House bill, and the conference report was filed on October 5, Thursday, of last week. The final conference package contains four additional pieces of legislation which are substantially appropriate to our bill. Most significant among those bill amendments is the Violence Against Women Act, known as VAWA, which provides relief and assistance to those who suffer domestic violence in America. Thus, the additional four bills included in this conference report include the Violence Against Women Act. This is a reauthorization of the initial bill which was passed in 1994 as part of the Omnibus Crime Control Act; this legislation renews several grant programs to assist law enforcement officers, social service providers, and others dealing with sexual crime and domestic violence.

Also in this package is Aimee's law, which provides for interstate compensation for the costs of incarceration of early-release sex offenders who commit another sex crime in a second State. It is based on the circumstances of what happened in a Pennsylvania case where a murderer was released early out of a Nevada prison, went to Pennsylvania, and kidnapped and brutally raped and murdered a young girl there who was in the very flower of life and coming forth. This law is built upon that terrible crime that took place in Pennsylvania.

Also in this package is the 21st Amendment Enforcement Act, which allows for State attorneys general to enforce their State alcohol control laws in Federal court, including laws prohibiting sales to minors, which strengthens the grant of authority to States under the 21st amendment to the Constitution; and the Justice for Victims of Terrorism Act, which authorizes the payment of foreign seized assets to American victims of international terrorism.

The last step to adopting this legislative package in Congress rests with the Senate today.

Before I continue describing this urgently needed legislation, I would like to take a few moments to thank some key people who have brought us to this point today. Some of them are in the Galleries as I speak. They are people of heart, courage, and intelligence whose advocacy made a way for this bill—whose dedication pried open the doors and let the light shine into this darkness. Among them is Senator WELLSTONE who started this work long before I came on board. He and his wife, most notably, 3 years ago started advocating on this particular issue. I know he stands firmly and strongly today as one of the principal advocates to set this aside, and he brought this forward and seeks to go forward from here to help those who are victims of these crimes.

I also thank Congressmen CHRIS SMITH and SAM GEJDENSON. I would also like to thank Gary Haugen of the International Justice Mission and Dr. Laura Lederter of the Protect Project at Johns Hopkins University. Dr. Laura Lederter of the Protect Project at Johns Hopkins University is the foremost authority in the country on tracking from where and to where these victims are trafficked.

I have up here one of the maps she introduced of women who have been trafficked out of Russia and Ukraine with the fall of the Soviet Union. With the increased travel out of there to freedom, we have seen a huge amount of trafficking also taking place. These are the routes out of Russia and Ukraine and where they go—to Canada, to the United States, to Mexico, to Europe, to Africa and Asia, to Australia and New Zealand. This is the work of her project.

I also want to thank Michael Horowitz of the Hudson Institute, and Gloria Steinem, whom I am not noted to thank, is part of this coalition; Chuck Colson, Jessica Neuworth, William Bennett, the National Association of Evangelicals, the Southern Baptist Convention, among others I'm sure I'm forgetting. I would also like to thank the staff for both the Senate and House, including Joseph Rees, David Abramowitz, Charlotte Oldham-Moore, Jill Hickson, Mark Lagon, and my staff Karen Knutson and Sharon Payt. Thank you all. We are here today at final passage because of all your efforts.

This legislation is our best opportunity to challenge the largest manifestation of slavery worldwide, known as "trafficking." This practice of trafficking involves the coercive transportation of persons into slavery-like conditions, primarily involving forced prostitution, among other forms of slavery-like conditions.

Trafficking is the new slavery of the world. These victims are routinely forced against their will into the sex trade, transported across international borders, and left defenseless in a foreign country. This bill also addresses the insidious practice known as "debt bondage," wherein a person can be enslaved to the money lender for an entire lifetime because of a $50 debt taken by the family for an emergency. This is a common practice in countries throughout the South Asian region.

People of conscience have fought against the different manifestations of slavery for centuries. This anti-slavery legislation is in the tradition of William Wilberforce and Amy Carmichael of England, who were ardent abolitionists against different forms of slavery. Amy Carmichael was a British missionary to India at the turn of last century, in the early 1900's. Upon arrival, she was mortified to discover the routine practice of forced temple prostitution. This was and continues to be a practice wherein young girls, from age six onward, are dedicated to the local temple, and are then forced into prostitution against their will to generate income. Upon this morbid discovery, Amy Carmichael began to physically steal the young girls away from this incredibly degrading form of slavery, hiding the girls to escape the inevitable backlash of violence. Eventually, the government outlawed this practice of forced temple prostitution, as a result of her efforts. However, it bears noting that this terrible practice continues today, in a lesser degree, in rural villages throughout South Asia, including India.

This bill challenges the myriad forms of slavery including sex trafficking, temple prostitution, and debt bondage, among other forms.

This new phenomenon of sex trafficking is growing exponentially. Some report that it is, at least, $7 billion per year illicit trade, exceeded only by the international drug and arms trade. Its victims are enslaved into a devastating brutality against their will, with no hope for release or justice, while its perpetrators build criminal empires on this suffering with impunity. Our legislation will begin to challenge these injustices.

This is the new slavery of the world. Dr. Kevin Bales of the University of Surrey in England recently testified for us before the Senate Foreign Relations Committee. He astutely observed that the new slavery has a peculiar quality which does not look like the old forms associated with lifetime bondage as a chattel slave, but it is slavery nonetheless.

Sex trafficking is among the most common forms of the new slavery and typically entails shorter periods of bondage, usually asking for 5 to 6 years, or whenever something like AIDS or tuberculosis is contracted, after which the victim is thrown out on the street, broken, without community or resources, left to die. I have met with people caught in that condition.

Women and children are routinely forced against their will. Sex traffickers favor girls aging in the range of 10 to 13.

I have a number of other things I could say, but my time is limited. I know a number of people want to speak on this bill. I ask to reserve the remainder of my time. I will turn the floor over to Senator WELLSTONE.

I ask unanimous consent on any quorum calls that might be called during the discussion of this conference report, that time be allotted and assessed against all allocated time to speak under the bill, including myself and Senator WELLSTONE, along with Senator BIDEN, Senator HATCH, and Senator LEAHY, who have all been allocated time. I ask the quorum calls be equally divided between those who have time under the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I finally note to others who seek to speak on this bill, I invite Members to come to the floor to make comments. At the conclusion of our presentation, a vote will occur on this conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Chair.

I thank my colleague, Senator BROWNBACK, for his very gracious remarks. It has been an honor to work with him on this legislation. I think a very strong friendship has come out of this effort. There are some times when we can work and reach out and have the most interesting and I hope important coalition. Working with Senator BROWNBACK, Sharon Payt, and Karen Knutson has been the best legislative work. At the end of the day, I believe today we will pass this legislation. Members can feel they have done something really good. They can make a positive difference. I thank Senator BROWNBACK for his great leadership and his great work for each step along the way. In all the negotiations, all the work that has been done, the Senator has been there. I thank the Senator.

I want to talk about Charlotte Oldham-Moore and Jill Hickson, who have worked with me and our staff, who have done a great job. There are other people who will be on the floor who put this together—especially the Violence Against Women Act—Senator LEAHY, Senator BIDEN, Senator HATCH, and others, and SAM GEJDENSON and CHRIS SMITH have been phenomenal. I thank them for their yeoman work on the House side. I also thank Frank Loy and Harold Koh at the State Department for their work.

The trafficking of human beings for forced prostitution and sweatshop labor is a rapidly growing human rights abuse. It is one of the greatest aspects of the globalization of the world economy. The Victims of Trafficking and Violence Protection Act of 2000 is the first piece of legislation to address the widespread practice of the trafficking of men, women, and children into sweatshop labor and sexual bondage.

My wife Sheila urged me to do something about this problem several years ago. Consequently, she and I spent time with women trafficked from the Ukraine to work in brothels in Western Europe and the United States. They told us after the breakup of the Soviet Union and the ascendancy of the mob, trafficking in women and girls became a booming industry that destroyed the lives of the youngest and most vulnerable in their home countries.

We began work on the bill then, and 3 years later, after extraordinary bipartisan effort, tremendous leadership from Senators BROWNBACK and LEAHY, and SAM GEJDENSON and CHRIS SMITH, and others, it passed the House with a vote of 371–1. Now it is poised to pass the Senate.

Our Government estimates that 2 million people are trafficked each year. Of those, 700,000 women and children, primarily young girls, are trafficked from poor countries to rich countries and sold into slavery, raped, locked up, physically and psychologically abused, with food and health care withheld. Of those, as many as 50,000 immigrants are brought into the United States each year, and they wind up trapped in brothels, sweatshops, and other types of forced labor, abused and too fearful to seek help.

Traffickers exploit the unequal status of women and girls, including harmful stereotypes of women as property and sexual objects to be bought and sold. Traffickers have also taken advantage of the demand in our country and others for cheap, unprotected labor. For the traffickers, the sale of human beings is a highly profitable, low-risk enterprise as these women are viewed as expendable and reusable commodities.

Overall, profit in the trade can be staggering. It is estimated that the size of this business is $7 billion annually, only surpassed by that of the illegal arms trade. Trafficking has become a major source of new income for criminal rings. It is coldly observed that drugs are sold once while a woman or a child can be sold 10 or 20 times a day.

In the United States, Thai traffickers who incarcerated Thai women and men in sweatshops in El Monte, CA, are estimated to have made $8 million in 6 years. Further, Thai traffickers who enslaved Thai women in a New York brothel made about $1.5 million over 1 year and 3 months.

Last year, Albanian women were kidnapped from Kosovo refugee camps and trafficked to work in brothels in Turkey and Europe. Closer to home, organized crime has trafficked Russian and Ukranian women into sexually exploitive work in dozens of cities in the United States of America. Just next door, law enforcement authorities suspected mafia involvement in the gruesome murder of a Russian woman trafficked to Maryland.

All of these cases reflect a new condition: Women whose lives have been disrupted by civil wars or fundamental changes in political geography, such as the disintegration of the Soviet Union or the violence in the Balkans, have fallen prey to traffickers.

Seeking financial security, many innocent persons are lured by traffickers' false promises of a better life and lucrative jobs abroad. Seeking this better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home. However, when they arrive, these victims are often stripped of their passports, held against their will, some in slave-like conditions, in the year 2000.

Rape, intimidation, and violence are commonly employed by traffickers to control their victims and to prevent them from seeking help. Through physical isolation and psychological trauma, traffickers and brothel owners imprison women in a world of economic and sexual exploitation that imposes a constant threat of arrest and deportation, as well as violent reprisals by the traffickers themselves to whom the women must pay off ever-growing debts. That is the way this works.

Many brothel owners actually prefer foreign women, women who are far from help and from home, who do not speak the language, precisely because of the ease of controlling them. Most of these women never imagined they would enter such a hellish world, having traveled abroad to find better jobs or to see the world.

Many in their naivete believe nothing bad can happen to them in the rich and comfortable countries such as Switzerland or Germany or the United States. Others are less naive, but they are desperate for money and opportunity. But they are no less hurt by the trafficker's brutal grip.

Trafficking rings are often run by criminals operating through nominally reputable agencies. In some cases overseas, police and immigration officials of other nations participate and benefit from the trafficking. Lack of awareness or complacency among government officials such as border control and consular offices contributes to the problem. Furthermore, traffickers are rarely punished, as official policies often inhibit victims from testifying against their traffickers, making trafficking a highly profitable, low-risk business venture for some.

Trafficking abuses are occurring not just in far-off lands but here at home in

America as well. The INS has discovered 250 brothels in 26 different cities which involve trafficking victims. This is from a CIA report. This is the whole problem of no punishment—being able to do this with virtual impunity.

In a 1996 trafficking case involving Russian and Ukrainian women who answered ads to be au pairs, sales clerks and waitresses, and were forced to provide sexual services and live in a massage parlor in Bethesda, MD, the Russian-American massage parlor owner was fined. He entered a plea bargain and charges were dropped with the restriction that he would not operate a business again in Montgomery County. The women, who had not been paid any salary and were charged $150 for their housing, were deported or left the United States voluntarily. There was no charge at all.

Teenage Mexican girls were held in slavery in Florida and the Carolinas, and they were forced to submit to prostitution.

Russian and Latvian women were forced to work in nightclubs in the Midwest. According to charges filed against the traffickers, the traffickers picked the women up upon their arrival at the airport, seized their documents and return tickets, locked them in hotels and beat them. This is in our country. The women were told that if they refused to work in sexually exploitive conditions, the Russian Mafia would kill their families. Furthermore, over a 3-year period, hundreds of women from the Czech Republic who answered advertisements in Czech newspapers for modeling were ensnared in an illegal prostitution ring.

Trafficking in persons for labor is an enormous problem as well. The INS has also worked on cases involving South Asian children smuggled into the United States to work in slavery-like conditions. In one case, about 100 Indian children, some of them as young as 9 or 10, were brought into New York and shuffled around the country to work in construction and restaurants—ages 9 and 10, in the United States; today, in the United States—2000.

Some of the children appear to have been sold by their parents to the traffickers. In Woodbine, MD, a pastor bought Estonian children, ages 14 to 17, promising them they would attend Calvery Chapel Christian Academy, but then forcing them to clean roach-invested apartments and to do construction. The children worked 15 hours a day. The children were threatened and punishments included denial of food and being forced to stand in one spot for prolonged periods.

The bitter irony is that quite often victims are punished more harshly than the traffickers because of their illegal immigration status, their serving as prostitutes, or their lack of documents, which the traffickers have confiscated in order to control the victims.

A review of the trafficking cases showed that the penalties were light and did not reflect the multitude of human rights abuses perpetrated against these women.

In a Los Angeles case, traffickers kidnapped a Chinese woman, raped her, forced her into prostitution, posted guards to control her movements, and burned her with cigarettes. Nevertheless, the lead defendants received 4 years and the other defendants received 2 and 3 years. That is what they received.

In a tragic case involving over 70 Thai laborers who had been held against their will, systematically abused, and made to work 20-hour shifts in a sweatshop, the seven defendants received sentences ranging from 4 to 7 years with one defendant receiving 7 months.

In another case where Asian women were kept physically confined for years with metal bars on the windows, guards, and an electronic monitoring system, and were forced to submit to sex with as many as 400 customers to repay their smuggling debt, the traffickers received 4 years and 9 years—in the United States of America, in the year 2000.

I thank Senator BROWNBACK for his work. It is important.

A review of the trafficking cases showed that the penalties were light and they did not reflect the multitude of the human rights abuses perpetrated against these women. The statutory minimum for sale into involuntary servitude is only 10 years, whereas the maximum for dealing in small quantities of certain drugs is life.

Let me repeat that. The statutory minimum for sale into involuntary servitude is only 10 years, whereas the maximum for dealing in small quantities of certain drugs is life.

Few State and Federal laws are aimed directly at people who deliver or control women for the purpose of involuntary servitude or slavery in sweatshops or brothels. Consequently, prosecutors are forced to assemble cases using a hodgepodge of laws, such as document fraud and interstate commerce, and accept penalties that they believe are too light for the offense. Up until this legislation, there was no way for the prosecutors to go after these traffickers.

The Victims of Violence and Trafficking Protection Act of 2000 establishes, for the first time, a bright line between the victim and the perpetrator. It punishes the perpetrator and provides a comprehensive approach to solving the root problems that create millions of trafficking victims each year.

This legislation aims to prevent trafficking in persons, provide protection and assistance to those who have been trafficked, and strengthen prosecution and punishment for those who are responsible for the trafficking. It is designed to help Federal law enforcement officials expand antitrafficking efforts here and abroad, to expand domestic antitrafficking and victim assistance efforts, and to assist nongovernment organizations, governments and others worldwide, who are providing critical assistance to victims of trafficking. It addresses the underlying problems which fuel the trafficking industry by promoting public antitrafficking awareness campaigns and initiatives in other countries to enhance economic opportunity, such as microcredit lending programs and skills training, for those who are most susceptible to trafficking, and have an outreach so women and girls as young as 10 and 11 know what they might be getting into.

It also increases protections and services for trafficking victims by establishing programs designed to assist in the safe reintegration of victims into their communities and ensure that such programs address both the physical and mental health needs of trafficking victims.

Imagine what it would be like to be age 12 or 13, a young girl, to go through this. We have, in Minnesota, the Center for the Treatment of Torture Victims. It is a holy place. I have had an opportunity to meet with staff and meet with many men and women who have been helped by this center. These girls, these women, have gone through the same living hell.

This legislation also increases protections and services for trafficking victims by providing community support. Furthermore, the bill seeks to stop the practice—and this is so important. I am sitting next to Senator KENNEDY who has done so much with the immigration work. This bill seeks to stop the practice of immediately deporting the victims back to potentially dangerous situations by providing them with some interim immigration relief. Victims of "severe forms of trafficking," defined as people who were held against their will—"for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery"—would be eligible for a special visa letting them stay in the country at least through the duration of their captors' prosecution, and perhaps permanently.*****-*****- -Name: -Payroll No. -Folios: -Date: -Subformat:

Right now, if you are a Ukrainian girl or woman in a massage parlor in Bethesda, and you step forward to get some help, you are deported. The trafficker is hardly prosecuted. The victim is automatically deported. This provides temporary visa protection.

I will give an example. In a 1996 trafficking case involving Russian and Ukrainian women who had answered ads to be au pairs, sales clerks, and waitresses but were forced to provide sexual services and live in a massage parlor in Bethesda, MD, 2 miles from here, the Russian American massage parlor owner was fined. He entered a plea bargain and charges were dropped with the restriction that he would not operate his business again in Montgomery County. The women, who had not been paid any salary, were forced into prostitution, and were charged for their housing, were deported.

This legislation toughens current Federal trafficking penalties, criminalizing all forms of trafficking in persons and establishing punishment commensurate with the heinous nature of this crime. The bill establishes specific laws against trafficking. Violators can be sentenced to prison for 20 years to life, depending on the severity of the crime. Yes, if you are trafficking a young girl and forcing her into prostitution, you can face a life sentence. They can also be forced to make full restitution to their victims, paying them the salary that would have been due for their months or years of involuntary service.

This bill requires expanded reporting on trafficking, including a separate list of countries which are not meeting minimum standards for the elimination of trafficking.

It requires the President to suspend "nonhumanitarian and nontrade" assistance to only the worst violators on the list of countries which do not meet these minimum standards and who actively condone this human rights abuse. This is a major piece of human rights legislation. This is a major human rights bill.

These are the rare governments which are openly complicit in trafficking people across their borders. It allows the Congress to monitor closely the progress of countries in their fight against trafficking, and it gives the administration flexibility to couple its diplomatic efforts to combat trafficking with targeted enforcement action. Finally, the bill provides three generous waivers.

By passing the Victims of Violence and Trafficking Act today, this Chamber will take a historic step toward the elimination of trafficking in persons.

Thanks to the partnership of Jewish and Evangelical groups, women and human rights organizations, and others, we will take a historic and effective step against organized crime rings and corrupt public officials who each year traffic more than 2 million people into desperate, broken lives of bondage and servitude.

Something important is in the air when such a broad coalition of people, including Bill Bennett, Gloria Steinem, Rabbi David Sapperstein, Ann Jordan, and Chuck Colson work together for the passage of this legislation. I am thankful for their support, I am thankful for the support of the administration, and I am thankful for your support today in seeking to end this horrible, widespread, and growing human rights abuse.

By way of conclusion, I say to my colleagues, starting with Senator BROWNBACK, I believe with passage of this legislation—I believe it will pass today and the President will sign it—we are lighting a candle. We are lighting a candle for these women and girls and sometime men forced into forced labor. I also think because of the work of so many in the House and the Senate, this can be a piece of legislation that other governments in other parts of the world can pass as well. This is the beginning of an international effort to go after this trafficking, to go after this major, god-awful human rights abuse, this horrible exploitation of women, sometimes men, and of girls.

I am very proud of this legislation. I thank my colleague from Kansas. I thank other colleagues as well.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. HAGEL). The Senator has 36 minutes remaining.

Mr. WELLSTONE. Mr. President, I reserve the remainder of my time. The other part of this legislation that is so significant, and I know colleagues are here to speak about it, is the reauthorization of the Violence Against Women Act. I want to reserve time to speak about that very important piece of legislation. For me, to see both of these bills pass and to see it happen today is one of the best days I can have in the Senate. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, if the Senator from Massachusetts will withhold for a moment, is my understanding correct that the Senator from Vermont has 3 hours?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, for the information of colleagues, I do not intend to use all that time. At some point, I am going to yield back a considerable amount of time. I know there are Senators on both sides of the aisle who have commitments tonight, some connected with the debates of the two parties' Presidential nominees. It is my hope we will be voting fairly early this afternoon—a vote on the Thompson point of order and final passage.

I yield such time as the Senator from Massachusetts needs, and I ask unanimous consent that I then be able to yield to the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I greatly appreciate the absolutely splendid presentation by my friend and colleague, Senator WELLSTONE. I agree with him on so many issues. His statement today was one of his very best. We can certainly understand the extraordinary work he has done, along with Senator BROWNBACK and others, to make sure this legislation is considered. All of us will forever be grateful to him for his leadership in this extremely important area. I certainly am. I thank him for an absolutely splendid presentation.

Mr. President, I'm pleased that the Senate is finally about to pass the reauthorization of the Violence Against Women Act. The current authorization for the Act expired on September 30, and it has taken far too long to bring this important extension to the Senate floor.

A woman is beaten every 15 seconds as a result of domestic violence. Every year, one-third of the women who are murdered are killed by their husbands or partners, and approximately one million women are stalked. Conservative estimates indicate that 60 percent of disabled women, up to 25 percent of pregnant women, and 1 out of 25 elderly people have suffered domestic violence.

This isn't a problem that only affects adults. Each year, 3.3 million children are exposed to domestic violence. In homes where abuse of women occurs, children are 1,500 times more likely to be abused as well. Whether they witness the violence or are actually assaulted by the abuser, many children learn shocking behavior from adults. 12 percent of high school dating couples have suffered abuse in their relationships, and often these teenagers are themselves victims of abuse at home.

Eighteen-year-old Tanyaliz Torres and her mother were stabbed to death by her father in Springfield, Massachusetts. Fifty-eight-year-old Mabel Greineder of Wellesley, Massachusetts was stabbed and bludgeoned to death by her husband. From October 1999 through September 2000, 24 Massachusetts women and children were killed as a result of domestic violence. It is a national epidemic that touches every community in the country.

The Violence Against Women Act was enacted in 1994 to address this problem and provide greater safety and peace of mind for millions of women and their families. The act creates a partnership between the public sector and the private sector at every level—Federal, State, and local. Its goal is to establish a safety net of new programs and policies, including community-based services for victims, a National Domestic Violence Hotline, needed technological assistance, and larger numbers of well-trained law enforcement officers and prosecutors.

The national Hotline gives women across the country immediate access to the help they need. Since its initiation in 1996, it has received over 500,000 calls. When a Spanish-speaking woman in Arizona needed shelter for herself and her three children, the Hotline called a shelter in Phoenix, found a

Spanish-speaking counselor, and gave the caller the counselor's name and directions to the shelter. In the countless cases, the Hotline is an invaluable resource, and we must do all we can to support it.

In Massachusetts, $20 million under the Violence Against Women Act has been awarded to advocacy organizations, law enforcement personnel, and State and local governments. The Wampanoag Tribe of Gay Head received funding to develop and strengthen tribal justice strategies to remedy violent crimes against Indian women and to develop and strengthen services for victims.

The act also supports HarborCOV—Harbor Communities Overcoming Violence—a Massachusetts program serving Chelsea and Greater Boston. In addition to its core services, HarborCOV has an economic development component which helps survivors move from welfare to work. Employment training and employment referrals are also provided to help domestic violence victims find jobs.

The reauthorization will ensure that support for these programs and others will continue. It also includes important new measures, such as transitional housing assistance and a $175 million authorization for shelters, which will be significant additional tools in the battle against domestic violence.

One of the most important provisions in the bill is the Battered Immigrant Protection Act. This provision helps battered immigrants by restoring access to a variety of legal protections undermined by the 1996 immigration laws. The Violence Against Women Act passed in 1994 included provisions that allowed battered immigrants to apply for legal status without the cooperation of their abusers, and enabled victims to seek protective orders and cooperate with law enforcement officials to prosecute crimes of domestic violence.

Unfortunately, the subsequent changes in immigration laws have reduced access to those protections. Thousands of battered immigrants are again being forced to remain in abusive relationships, out of fear of being deported or losing their children. The pending bill removes obstacles currently hindering the ability of battered immigrants to escape domestic violence safely and prosecute their abusers.

It restores and expands vital legal protections like 245(i) relief. This provision will assist battered immigrants, like Donna, who have been in legal limbo since the passage of the 1996 immigration laws. Donna, a national of Ethiopia, fled to the U.S. in 1992 after her father, a member of a prominent political party, was murdered. In 1994, Donna met Saul, a lawful permanent resident and native of Ethiopia. They married and moved to Saul's home in Massachusetts. Two years later, Saul began drinking heavily and gradually became physically and verbally abusive. The abuse escalated and Donna was forced to flee from their home. She moved in with close family friends who helped her seek counseling. She also filed a petition for permanent residence under the provisions of the Violence Against Women Act.

Unfortunately, with the elimination of 245(i), the only way for Donna to obtain her green card is to return to Ethiopia, the country where her father was murdered. The possibility of returning there terrifies her. This legislation will enable her to obtain her green card here, where she has the support and protection of family and access to the domestic violence counseling she needs.

Under this act, battered immigrants will also have up to one year from the entry of an order of removal to file motions to reopen prior deportation orders. The Attorney General may waive the one year deadline on the basis of extraordinary circumstances or hardship to the battered immigrant's child.

This Act will also expand remedies for battered immigrants living abroad with spouses and parents serving in the United States military or other federal positions. Current law only allows battered immigrants residing in the United States to request this relief. This bill will make it easier for these immigrants and their children to escape abusive relationships and obtain the help they deserve.

The legislation also grants the Attorney General the discretion to waive certain bars to immigration relief for qualified applicants. For example, battered immigrant women acting in self-defense are often convicted of domestic violence crimes. Under the 1996 immigration law, they became deportable and are denied relief under the Violence Against Women Act. The Attorney General will be able to use the waiver authority to help battered immigrants who otherwise qualify for relief.

Also, recently divorced battered immigrants will be able to file self-petitions. Current law allows only battered immigrant women currently married to their abusive spouses to qualify for relief. As a result, many abusers have successfully rushed to the court house to obtain divorces, in order to deny relief to their immigrant spouse. This provision will prevent this unfair result and ensure that victims are not wrongly deprived of the legal protection they need.

These and other important measures will do a great deal to protect battered immigrants and their children from domestic violence and free them from the fear that often prevents them from prosecuting these crimes. Congress enacted the Violence Against Women Act in 1994 to help all victims of domestic violence, regardless of their citizenship. It is long past time to restore and expand these protections.

I am also pleased that the legislation includes authorization for increased funds for the National Domestic Violence Hotline. Consistent with last year's funding, the bill authorizes $2 million a year for the hotline and ensures that the Hotline will be an effective source of assistance, providing vital services to women, children, and their families.

A second, equally important part of the bill we are considering today is the Trafficking Victims Protection Act, which condemns and combats the trafficking of persons into forced prostitution or forced labor, a practice that is tantamount to modern day slavery.

Enactment of this legislation will strengthen laws that punish traffickers and ensure protection for their victims—most of whom are women and children.

One of the most important of these provisions expands assistance and protection to victims of severe forms of trafficking, ensuring that they receive appropriate shelter and care, and are able to remain in the United States to assist in the prosecution of traffickers. Relief from deportation is also critical for victims who could face retribution or other hardship if removed from the United States.

Sara, a native of Sri Lanka, was promised a lucrative job as a housekeeper. Upon arrival in the U.S., Sara was virtually imprisoned in her employer's Massachusetts home, and subjected to physical and sexual assault. She bore three children as a result of rape. After 5 years of living in captivity and isolation, she was finally able to escape. This legislation will provide persons like Sara with the protection and rights they need to assist in the prosecution of these despicable crimes.

Finally, this legislation also includes an important provision to provide compensatory damages to Frank Reed and other American citizens who were victims of Iranian terrorism.

In 1986, Frank Reed, of Malden, MA, was kidnapped in Lebanon. At the time, he was a private citizen and president of the Lebanese International School. During his 44-month captivity, he was blindfolded, chained, tortured, and held in solitary confinement for 2 years. His captors periodically fed him arsenic, from which his health still suffers.

In 1990, he was released to Syrian Army intelligence officers in Beirut, who took him to the U.S. Embassy in Damascus. I met him when he returned to the United States after his tragic and traumatic ordeal.

A U.S. judge ordered the Iranian Government to provide Frank Reed and his wife with $26 million in compensatory damages, but the Government has refused to comply.

Under the legislation we are approving today, the U.S. Government will provide the funding. The amount will be recovered in turn by the U.S. Government from the Iranian Government through a Foreign Military Sales Account that holds $400 million.

Frank Reed suffered immensely at the hands of his brutal captors, and so did his family, and he deserves this compensation.

I strongly support the Violence Against Women Act of 2000, the Trafficking Victims Protection Act, and the Justice for Victims of Terrorism Act. This legislation will ensure that we are doing much more to protect women from violence and abuse, and it deserves to be enacted as soon as possible.

ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. President, I want to also address the Senate for just a few moments on another matter of importance to families all across this country which is central to their concerns, and that is, what has happened to this Senate's commitment to passing and reauthorizing the Elementary and Secondary Education Act? That legislation is the backbone of Federal participation in helping local communities strengthen academic achievement and accomplishment. We are now going into the final days of this Congress and we still have not reauthorized that central piece of legislation even though we have had strong commitment by the majority party that this was a priority and that we were going to have consideration of this legislation.

We heard a great deal during the recent debates of our two candidates for President and our two candidates for Vice President about education. But our American families are wondering, whatever happened to the Senate of the United States on this issue? The fact is, we are basically AWOL, we are A-W-O-L on this issue. It is the first time in 35 years that we have failed to reauthorize this legislation.

I understand, as we remain here for these final days, that we will have a conference report for agriculture, that we will have a series of appropriations conference reports, but there is no reason in the world we can't go back and complete this legislation in the time that we are in here waiting for the various appropriations bills.

We continue to challenge the Republican leadership to bring this back. There is still unfinished business in education and in the area of minimum wage. There is unfinished business on the Patients' Bill of Rights and on the prescription drug issue.

I want to reemphasize exactly where we are on the issue of the Elementary and Secondary Education Act. These are statements that have been made by the Republican leader, Senator LOTT's promise on education, going back to January 6, 1999. He said:

> Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

Remarks to U.S. Conference of Mayors, January 29, 1999:

> But Education is going to have a lot of attention, and it's not going to be just words. . . .

Press conference, June 1999:

> Education is number one on the agenda for Republicans in the Congress this year. . . .

Remarks to the U.S. Chamber of Commerce in February of 2000:

> We're going to work very hard on education. I have emphasized that every year I've been Majority Leader. . . . And Republicans are committed to doing that.

A speech to the National Conference of State Legislatures, February 3, 2000:

> We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

On the Senate floor, May 1, 2000:

> This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

Press stakeout, May 2, 2000:

> Question: Senator, on ESEA, have you scheduled a cloture vote on that?
>
> Senator LOTT: No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every State, including my own State. For us to have a good, healthy, and even a protracted debate and amendments on education, I think is the way to go.

We agree with that statement. We still have some time, while we are waiting for the appropriators to conclude their work, where we ought to be bringing this back and having a full debate. We are prepared to do that. We think it can be done.

Senate floor, July 10, 2000:

> I, too, would very much like to see us complete the Elementary and Secondary Education Act. . . . I feel very strongly about getting it done. . . . We can work day and night for the next 3 weeks.

Senate floor, July 25, 2000:

> We will keep trying to find a way to go back to this legislation this year and get it completed.

That was on July 25, and we are still waiting.

The fact is, we are failing to meet this central challenge. Our Presidential candidates are talking about the issue of education, but they are talking about it in a vacuum because the Senate of the United States is failing to take up this particular issue which makes such a difference to families, and that is strengthening academic achievement and accomplishment. The fact is that we are in a new world of technology and it is demanding. We have to refocus and re-prioritize the whole issue of education to make sure that it addresses the needs of today's economy and society. This is going to be central in terms of our national debate and discussion. That is what this debate is all about.

What is going to be our involvement in terms of helping families? The fact is that we are absent in this debate because we are refusing to conclude action.

This is what is happening in America. More students are now taking the SATs. 83 percent of four-year colleges use SAT scores as a factor in admission. Increasing numbers of students are recognizing that a college education is the key to success in America. Families understand the importance of taking those tests; children understand it. We want to make sure we are helping those families who have children taking the SATs and those who would like their children to take the SATs.

As depicted on this chart, this is what has happened. From 1995, 42 percent of the children were taking SATs, and it is up to 44 percent in 2000.

More students are also taking advanced math and science classes because they understand that in a highly technological world, with new kinds of demands in terms of technology, they are going to have to do more in terms of math and science courses. We see increases in the number of students taking advanced classes in pre-calculus, calculus, and physics. Young people are doing their share. The real question is whether we in the Congress are going to do ours. The answer comes back that, no, we are not. Look at what has been happening with the SAT math scores. They are higher now than in the last 30 years, and they are continuously moving up. The indicators are all positive. You would not know that listening to Governor Bush last week. We know we are facing challenges across the country, but look at the SAT math scores; they are the highest in 30 years. More kids are taking the SAT, and still the scores are moving up. I think we ought to understand what is happening out there. Some progress is being made.

Now, this doesn't mean that progress is being made in all of the States. That is very important, indeed. Looking at the State SAT averages and progress made since 1997, some States have done much better than others. I am glad my own State of Massachusetts has moved up some 8 points, from an average total SAT score of 1,016 in 1997 to 1,024 in 2000. We have had major educational reforms. We have done many things in our State in terms of smaller class sizes, better trained teachers, and afterschool programs. We are not doing all the things we need to be doing, but we have done a lot. We have also taken advantage of Net Day to try, in a voluntary way, to get good computers in classrooms with well-trained teachers.

We also have found out in this discussion and debate that not all the

States—including the State of Texas—have made progress. It is interesting that actually the State of Texas has declined some 2 points in their average total SAT score since 1997. They dropped from an average score of 995 in 1997 to 993 in 2000. They are also below the national SAT total score average. The national average has gone up 3 points from 1997 to 2000, but the State of Texas has gone down 2 points. That is a 5-point spread. So I think when we listen to these debates about what ought to be done, we ought to try to take with a grain of salt what has been happening in Texas over the period of these last 3 years.

In addition, looking back at the trend over the last 10 years, as I understand it, in SAT verbal scores since 1990, Texas has been 10 points below the national average. By 2000, the gap had grown to 12 points. In math, Texas has been 12 points below the national average. By 2000, the gap has grown to 14 points.

I think we want to have leadership at the national level that is going to bring continued improvement. We know we have challenges. We know we have challenges in urban areas and we have challenges in rural areas. But we also know some of the things that work. The STARS Program, as we have seen in Tennessee, has been very important in terms of enhancing children's academic achievement and accomplishment.

We know what has happened when we focus on getting better teachers in schools, such as in the State of Connecticut. Much of the progress there has been under Republican as well as Democratic Governors. We want to try to find out what has worked in these States and then have an opportunity to try to give general national application to it. But we are effectively being closed out by the Republican leadership from having this debate. That is what families ought to understand across this country.

We are basically being told we can't have a debate here in the Senate on the issue of education. We had 6 days when the measure was before the Senate, and 2 days were for debate only. We had eight votes and one was a voice vote. So that meant seven rollcalls and three of them were virtually unanimous. So we really didn't have much debate and discussion. We had 16 days of debate on the bankruptcy legislation and 55 different amendments on it. So it is a matter of prioritizing.

I dare say we are failing to meet the responsibilities to families across this country who want to have investment in the kinds of educational programs that are going to work and who understand their children are living in a new age of technological challenges. They want to see their children move ahead academically. We have seen that children are prepared to do that. We have seen them taking more difficult courses. They are taking the challenges of SATs. They are prepared to move ahead.

Some of the States are moving ahead boldly, such as North Carolina, in terms of their efforts. But we have to ask ourselves: Where in the world are the Congress and Senate in terms of helping and assisting families in this area? The fact of the matter is that we are AWOL. We have failed to do our homework. If we were students with this behavior, we would be in the principal's office for several hours in discipline.

We are going to continue to talk about this. I see that we now are going to have a continuing resolution that will go into next week. We may go even further. There is no reason in the world we can't use these interludes to take on one of the really important issues for families; that is, the reauthorization of the Elementary and Secondary Education Act.

I thank the Senator from Vermont for yielding time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I believe under the unanimous consent agreement that I can now yield to the distinguished Senator from California. I ask the Senator from California how much time she would like.

Mrs. BOXER. Between 10 and 15 minutes.

Mr. LEAHY. I yield 15 minutes to the distinguished Senator from California.

So many have worked so hard on this. The distinguished Senators from Massachusetts and Minnesota have spoken already, but especially Senators BOXER, MIKULSKI, LINCOLN, LANDRIEU, MURRAY, and FEINSTEIN have worked so hard.

I yield 15 minutes to the Senator from California.

I ask the Chair how much time is remaining for the Senator from Vermont.

The PRESIDING OFFICER. The Senator has 2 hours 35 minutes remaining.

Mr. LEAHY. I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much. I thank my friend from Vermont for all his hard work. I thank my friend, Senator WELLSTONE. I thank Senator BROWNBACK. I thank Senator BIDEN and Senator HATCH.

We have a very important bill before us. I think the Trafficking Victims Protection Act sort of stands on its own. I would love to have seen that come on its own because it is a landmark piece of legislation. I felt the same way about the Violence Against Women Act.

That is a landmark piece of legislation. Unfortunately, I think we have issues and pieces of legislation that shouldn't be in here. But that is the way it goes. How you would ever get to the point where you would put an issue that deals with sales of wine on the Internet is beyond me. I don't think people really get what we do here when we take these issues and blend them together. But let's call it the way it is.

The Trafficking Victims Protection Act and the Violence Against Women Act are so important that Members are willing to say, even if they didn't agree with all the appendages, they are willing to go along with them. I am going to make some comments about each piece that is in this legislation.

The Violence Against Women Act is very near and dear to my heart because in 1990 I was over in the House, where I served very proudly for about 10 years, and Senator BIDEN came to me and said: Would you be willing to offer the Violence Against Women Act in the House? He had authored it in the Senate. I was extremely pleased to agree.

The whole issue of domestic violence in our country up until that time was never discussed. It was swept under the rug. Even though we knew it was brutalizing women and children, we didn't have the courage to act. In those early years, it was very hard to get attention paid to violence against women.

I was able in the House to get through just a couple of pieces of that legislation. But it wasn't until I came to the Senate with Senator BIDEN that we really orchestrated tremendous support for the bill. In 1994, we got it through as part of the Crime Act. It has proven itself.

In this particular reauthorization, we will provide $3.3 billion in funding over the next 5 years to protect victims of domestic abuse and violence. We have made tremendous progress. We have seen a reduction of about 21 percent in domestic violence. But still to this day, we have a national crisis that shatters the lives of millions of women across the country and tears at the very fabric of our society.

Reauthorizing these programs sends a much needed message to those who even think about lifting a hand to a spouse or think about lifting a hand to an innocent child that we will not stand silently by and that we in fact will protect those victims of domestic violence.

We know that nationwide nearly one in every three adult women experiences at least one physical assault by an intimate partner. We know for a fact that domestic violence is the leading cause of injury to women age 15 to 44, with nearly one-third of women who are murdered being murdered by a husband or a boyfriend.

Although domestic violence affects both men and women, the overwhelming majority of domestic violence victims happen to be women. That is why a majority of the services authorized under the Violence Against Women Act focus on the unique circumstances of women in abusive relationships.

Again, we have made progress. Since 1994, when the bill passed and President Clinton signed it into law, there has been a 21-percent decrease in intimate partner violence and we have increased battered women's shelters by 60 percent.

I remember in those years when we were battling for this bill, we originally pointed out that there were more shelters for animals than there were for battered women. I am proud to say today we have seen an increase in the number of shelters so we can in fact address the critical needs of victimized women and their children, many of whom have absolutely no place to go and therefore sometimes they are forced to stay in these abusive relationships. Where are they going to go? They will go out on the street if they don't have a loving family to go home to. It is a tragic situation indeed.

The bill ensures that we will be funding a continued increase in these shelters. But we also want to stop the violence before it gets to that. We have STOP grants that provide moneys for rape prevention, and education grants, and a 24-hour national domestic violence hotline which is so important. Women in these circumstances need to have a reassuring voice. They believe sometimes that no one cares about them; they are all alone. If they can dial that hotline and get professional help, it makes all the difference in the world.

This bill will strengthen law enforcement efforts to reduce domestic violence by requiring the enforcement of other States' protection orders as a condition of funding for some of the grants. In other words, if you have a batterer who tries to escape prosecution by going across State lines, we address this issue.

This is very important. I want to talk about the children. We talk about battered women, but we know—this is an incredible fact as we look at the causes of violence in society, and we are right to look everywhere in the society—we need to understand if a young boy sees his father beat his mother, that child is twice as likely to abuse his own wife than the son of a nonviolent parent. If a child, particularly a young boy, sees a father beat a mother, he is twice as likely to abuse his own spouse.

We know 10 million children every year are exposed to domestic violence. More alarming even than that is the fact that 50 percent to 70 percent of those men who abuse their female partners also abuse their children. It becomes a way of life and a way of communicating for which we should have zero tolerance. These abused children are at high risk for violent, delinquent behavior. The National Institute for Justice reports that being abused as a child increases a child's likelihood of arrest as a juvenile by 53 percent. We know even when they are young they are more apt to be arrested and get in trouble. We know when they are adult and they marry they are more likely to abuse a spouse.

When we talk about the Violence Against Women Act, we are not talking only about women. We are also talking about the children. If there is anything we can do in this hallowed hall of the Senate, it is to protect children. We have the Safe Havens for Children Pilot Program; we have victims of child abuse programs funded; we have rural domestic violence and child abuse enforcement grants. This package also includes training for judges and court personnel. We also, for the first time, look at battered immigrants, which is a very important issue, because we sometimes have people coming here who don't understand their rights. They need to understand their rights, that their bodies don't belong to anyone else, and they have a right to cry out if they are abused.

There are many other programs reauthorized by the Violence Against Women Act, such as those to combat sexual assault and rape, transitional housing, and civil, legal assistance. Again, a lot of these folks don't understand their legal rights. We provide grants to counsel them. We include protection for older and disabled women.

It is hard to even imagine an older woman in our society or a disabled person being victimized. Is there no rule that would say to every human being that there has to be respect? Unfortunately, in some cases, these rules don't penetrate. So we have to get tough and make sure that we prevent this. However, if it happens, we will crack down.

Again, I thank Senator JOE BIDEN for his work. It is very important.

Also, a judgeship that is being held up is the nomination of Bonnie Campbell to the U.S. Court of Appeals for the Eighth Circuit. One might ask what it has to do with the Violence Against Women Act. The fact is, Bonnie Campbell has been the first and only Director of the Violence Against Women Office in the Department of Justice, and her nomination is being held up because of partisan politics in the Senate. Here is a woman who paved the way for the Violence Against Women Act, ensuring it was successful, and she is a perfect person to be a judge. She was the attorney general in Iowa for many years. Her achievements and qualifications are obvious. If we really care about the Violence Against Women Act, and I believe we do, then I believe we will have an overwhelming vote, hopefully a unanimous vote. Then we ought to look at one of the people who has made this act such a success. What a wonderful tribute it would be to the women of America to make Bonnie Campbell a judge.

I join with Senator HARKIN on this because I know he has been quite distressed that such an excellent nominee has had a hearing, but her nomination has not come out of committee. We know of no one who is opposed to Bonnie Campbell. I think it would be a fitting tribute to the women of America to bring her nomination quickly to the floor.

I appreciate the work of Senator WELLSTONE and Senator BROWNBACK on the Trafficking Victims Protection Act. We know that some of these victims have been subjected to the most horrific lives, including rape, sexual abuse, torture, starvation, and imprisonment. The selling of naive and desperate women into sexual bondage has become one of the fastest growing criminal enterprises in the global economy. It is hard to understand how this could happen. But when people are in a strange land and are frightened, they look to others to protect them when they really want to hurt and harm them. This legislation authorizes $94 million over 2 years to stop this abhorrent practice.

At the beginning of my remarks, I talked about sometimes attaching bills to other bills that make no sense. I am sad to say this has the alcoholic beverage sales attached to it. I am very sorry for the small wineries in my State. I tried to protect them. I will have some kind of a colloquy with Senator HATCH on this. Half of our 900 wineries in California are run by families. They don't have big, elaborate distributors; they don't have a big distribution. Because of this they will need to sell their product on the Internet. I have nothing against the way wine is distributed, but the new technologies will make it possible for our many wine sellers to sell directly to consumers without the need to go through a middleman or middle person. I think it is sad that we have attached this because these very small family-owned wineries may well suffer.

I am going to be working with my colleagues. I know Senator LEAHY is quite sympathetic to this. We want to make sure there are no negative impacts from this legislation. We think there will be. But we are going to follow this very closely.

The excuse given is, we will stop kids from buying on the Internet. That is a legitimate point. But we recommended a solution dealing directly with preventing underage drinking, and it was not accepted. In my heart of hearts, I believe this is a special interest piece of legislation to protect the distributors. It doesn't do anything to protect young people from buying liquor. I think it is a sad day for our small wineries that are trying hard to survive in California.

In conclusion, I again thank Senator LEAHY for this time. It is a wonderful day. We finally got this Violence Against Women Act reauthorized. We are going to put an end, hopefully, to the sex trafficking. It is a good day for the Senate.

I only hope we will heed the words of Senator KENNEDY now and get on with education, get on with prescription drugs, and get on with the real Patients' Bill of Rights. Let's do our work. We can do our work. The American people want us to do it. The way the procedure is going now, we have no chance to offer amendments on education or health care. It is a shame.

I yield my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I agree with the distinguished Senator from California on Bonnie Campbell. As the one who has brought life into the Violence Against Women Act, it is remarkable that she cannot even get a vote in this Chamber on her judicial nomination.

I have said on the floor, although we are different parties, I have agreed with Gov. George Bush, who has said that in the Senate a nominee ought to get a vote, up or down, within 60 days. I urge in the time remaining in this session that he, as the head of his party, as their Presidential nominee, call the Republican leader of the Senate and say that all of these women, all of these minorities, in fact, all of the people who have been sitting here for well over 60 days waiting for a vote on their nomination, let them have a vote. Vote for them or vote against them. Bonnie Campbell deserves a vote. My guess is the reason she has not been brought for a vote is they know at least 80 of the 100 Senators would vote for her. It would be impossible to justify a vote against her because of her extraordinary qualifications.

Again, if Governor Bush is serious when he says have a vote within 60 days, pick up the phone, call the Senate majority leader, reach him at the switchboard, 202-224-3121, and ask him to bring her to a vote. It is a very easy thing to do.

I agree with the Senator on the Internet alcohol bill. That was included over my objection. It is unnecessary. It is dangerous to e-commerce. Adding Internet sales on alcohol demeans the issue of violence against women and sex trafficking that this bill is all about. It is demeaning to what is a good bill.

Mrs. BOXER. I thank my friend for his comments on all fronts. Regarding his last comment, he is so right. When I first learned there was a move to attach this bill to the Violence Against Women Act, I was absolutely stunned. People have to watch what we do here. They understand, unfortunately, that the special interests still have a lot of influence. This is one case where they had too much influence. As my friend knows, we tried to work this so we could address the issue of juveniles buying liquor from the Internet, which everyone agrees is a terrible thing. This hurts our small wineries—let's call it the way it is—in favor of the big distributors.

But on the Bonnie Campbell point, I particularly want to say to my friend how much I have appreciated his leadership on these judicial nominations. I say today we would not have had even the meager number that we have had without his leadership and his pointing out, over and over again, that women and minorities are getting second-class treatment here.

I ask my friend if he would recount, briefly, the study he had quoted many times, showing that women and minorities take about 3 months longer, on average, to get through; just his comments on how it always seems we are here fighting for women or a minority. It does not seem as if we have to fight that hard for the white male.

Mr. LEAHY. If the Senator will yield, the study was done by the non-partisan Citizens for Independent Courts. In fact, the former Republican Congressman from Oklahoma, Mickey Edwards, co-chaired that study. They found, without taking sides and without taking political stands, that women and minorities took longer to be confirmed by the Senate. Unfortunately, a lot of those women and minorities are not even getting a vote.

Again I say if Governor Bush means it, pick up the phone and call 202-224-3121; ask the Senate switchboard to connect him to the Republican leader and say: You know, I have made it a tenet of my campaign that the Senate should vote on a nomination within 60 days. You can bring every one of these people to the floor for a vote, up or down, today. Let's do so. Who knows. We will find out how the Senate feels about them. Are they for them or are they against them? Right now, instead of voting yes or no, we vote "maybe," by having one or two Senators in the dark of night put holds on these people.

I see the distinguished Senator from Washington State, who has been one of the great leaders on the issue of violence against women, on sex trafficking, and on these other issues. I ask her, how much time does the Senator from Washington require?

Mrs. MURRAY. Ten minutes.

Mr. LEAHY. We yield 10 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Vermont for his comments. I am looking forward, hopefully, to him chairing the Judiciary Committee next year; so that women such as Bonnie Campbell are not held up for months on end and we actually have a chance to put good, qualified women and minorities into judiciary positions in this country.

I also thank the Senator from Vermont for his tremendous work on the Violence Against Women Act, bringing us to a point today where we are finally going to have a vote on this bill, despite the fact there are other parts of this bill that I do not believe should be attached to it. I appreciate his efforts because this is an extremely important bill.

I have come to the floor to express my strong support for reauthorizing the Violence Against Women Act and to endorse the pending conference report. In communities across America, the Violence Against Women Act has been an overwhelming success. It has empowered women and children to escape violent relationships, and it has helped to put abusers behind bars. On every account, the Violence Against Women Act deserves to be reauthorized. I urge my colleagues to support this vital legislation.

It is unfortunate that reauthorization was allowed to lapse this past month, but I am pleased the Republican leadership has finally agreed that reauthorization must be a priority. I wish we had reached the conclusion earlier in this session.

This subject deserves a much more open and extended debate than has been allowed, but I want to take full advantage of the opportunity before us, the chance to reauthorize and strengthen the Violence Against Women Act. VAWA has been nothing short of historic.

Not long ago, domestic violence was considered a private family matter. That perception made it very difficult for women to get help and for communities to confront domestic violence. But all of that changed in 1994. I am very proud to have worked to pass the Violence Against Women Act because, for the first time, our Nation recognized domestic violence for what it is—a violent crime and a public health threat.

Through the Violence Against Women Act, we created a national strategy for dealing with violence against women. Today, looking back, it is very clear just how revolutionary the act was. For the first time, it established a community-wide response, bringing together cops and prosecutors, shelters and advocates and others on the front lines of domestic violence. It authorized programs to give financial and technical support to police departments to focus on domestic violence and to encourage arrests. It recognized and supported the essential role of the courts in ensuring justice. It provided funding for battered women's shelters and for programs that address the public health impact of domestic violence.

VAWA authorized funding for the Centers for Disease Control and Prevention, for Rape Prevention and Education, and it helped establish a national toll-free hotline for victims of domestic violence. Today, 1-800-799-SAFE offers battered women immediate help. In fact, every month, that hotline receives more than 13,000 calls. Back in 1994, some people wondered whether this unprecedented national strategy would work. Today, 6 years later, the facts are in and it is clear that the Violence Against Women Act has been a success. Arrests and convictions are up. We have more than doubled funding for battered women's shelters. Since 1994, we have appropriated close to $2 billion for VAWA-related programs.

As a member of the Senate Appropriations Committee, one of my highest priorities has always been increasing funding for the Violence Against Women Act programs. In communities throughout my State and others, the need is overwhelming, and funding makes a dramatic difference. Working with the chairman of the Subcommittee on Labor, HHS, and Education of the Senate Appropriations Committee, I have seen funding for shelters climb from $10 million to more than $100 million. I know Senator SPECTER has been a strong advocate for the Violence Against Women Act programs. I am pleased that VAWA has always been a bipartisan issue in appropriations.

While we have much to be proud of today, we cannot forget that abuse is still too common. In Washington State, my home State, the toll-free domestic violence hotline received more than 37,000 calls between July 1998 and July 1999. We cannot forget that there are still too few resources for women in need. In my State during that same period, 23,806 women and children were turned away from shelters—turned away as they sought help because the resources were not there.

We cannot forget that not all communities offer a full range of services, and not all police departments are equipped to handle a life-threatening domestic violence call.

The truth is, while the Violence Against Women Act was a historic first step, it was just that, a first step. The time has come for us to build on the foundation created by that act. VAWA offered an immediate response to the threat of violence. Now it is time to address the long-term issues. It is time to confront the long-range economic barriers that trap women and children in violent relationships.

I have worked with Senators WELLSTONE and SCHUMER to write and introduce the Battered Women's Economic Security Act. This legislation tears down economic barriers and breaks the cycle of violence. Our bill deals with employment discrimination, insurance discrimination, housing assistance, legal help, and child care. It addresses the punitive elements of the welfare system that can penalize women who are fleeing dangerous situations. It provides additional help to shelters and providers to meet the overwhelming needs of battered women and children.

I had hoped we would have been able to reauthorize the Violence Against Women Act in a timely manner and move to addressing those economic issues that I have outlined. Unfortunately, we cannot have that debate today or in this session of Congress. But let me assure my colleagues we will be back in the 107th Congress to fight to put these powerful tools in the hands of victims and their advocates.

Before I conclude, I want to say a special word of thanks to the many people who have helped us reach this point today.

I thank, again, Senator LEAHY and Senator BIDEN for their leadership. They worked very hard to bring a bipartisan bill to the floor today.

I also thank all of the advocates who fought so hard to ensure the success of the Violence Against Women Act and who have been aggressive in urging this Congress to act. Without their support in our communities, VAWA would never have been a success.

I thank the Washington State Coalition Against Domestic Violence for its dedicated work.

I thank all of the advocates, police officers, and community leaders with whom I have worked since 1994 to implement VAWA and to strengthen this important act.

I thank the many shelters and organizations that have opened their facilities to me during this session of Congress, including the Tacoma-Pierce County YWCA, Kitsap Special Assault Victims Investigative Services in Bremerton, the Bellingham YWCA, the Vancouver YWCA Domestic Violence Day Care Shelter, the Spokane Domestic Violence Consortium, the Spokane Women's Drop-In Center, and the people at Vashon Island Domestic Violence Outreach Services.

As I have visited with them, I have seen firsthand the services they offer and the challenges they face. I have spoken personally with women who have had their lives changed because of the services offered, and I have been impressed by the progress they are making day in and day out. Those experiences have strengthened my determination to support their work in the Senate.

In closing, it is clear the Violence Against Women Act has been a remarkable success. We cannot delay authorization any longer, and I urge my colleagues to vote for this measure. I look forward to working with those in the Senate and those in my State to help build on the progress of the Violence Against Women Act in the next session of Congress.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is remaining for the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 55 minutes 35 seconds.

Mr. LEAHY. Out of the 3 hours? We have not been in session 3 hours, Mr. President. The Senator from Vermont had a total of 3 hours. We went into session less than 3 hours ago.

The PRESIDING OFFICER. If the Senator will indulge, we will recalculate.

Mr. LEAHY. I thought there might be more. You have to watch out for that fuzzy math.

The PRESIDING OFFICER. The Senator from Vermont has 1 hour 55 minutes remaining.

Mr. LEAHY. That sounds a little closer to it. I am going to be reserving time for my own speech, but I have been withholding giving a speech because other Members on our side want to speak. I see the distinguished Senator from Maryland. I yield 5 minutes to the distinguished Senator from Maryland, my good friend.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I hope today the Senate will pass legislation to improve the lives of women in America and around the world and protect them from predators.

Make no mistake, when people commit crimes, they never commit crimes against people who are bigger, stronger, or have more power than they. They always go after the weak, the vulnerable. One can be weak either in physical strength or weak because one does not have the same size weapon.

Today we have two pieces of legislation pending: One, the reauthorization of the Violence Against Women Act, and the other will break new ground to protect women and children who are bought and sold around the world as if they were commodities. They are victims of predatory behavior.

By passing this legislation, we are going to protect them. Women in their own homes are often victims of violence. Mr. President, 900,000 women last year were battered in their own homes.

The Violence Against Women Act says we will not tolerate violence, whether it is in the home, in the neighborhood, or on a street corner.

I thank Senator LEAHY and Senator BROWNBACK who have been working on this legislation, along with Senator JOE BIDEN. We appreciate the support and leadership of the good men here.

We want to be sure that through this legislation, we are going to not only prevent violence but help women rebuild their lives. The Violence Against Women Act works through domestic violence programs at the State level, works with law enforcement, and works in treatment programs for those who were the abusers. I hope we pass this legislation.

The second part is legislation that will also be a hallmark. It is the Sexual Trafficking Victims Protection Act. Girls as young as 10 years old are kidnapped from their villages and taken to brothels or sweatshops where they are imprisoned, forced to work as prostitutes, beaten, threatened, and even drugged into submissiveness. They prey upon women in the poorest regions of the world.

In addition, in central and southern Europe, with the collapse of the old economy, women from very poor villages are lured by fraudulent scam predators into thinking they are going to work in the West and are going to work in the hospitality industry. You bet it's hospitality. It is called turning them into whores.

I say to my colleagues, that is not what the free world and free economy should be about. We want to make the trafficking in women and children as criminal as the trafficking in illegal drugs. Guess what. Often the same scum who traffic in women are also the ones who traffic in drugs and traffic in illegal weapons of mass destruction.

I support and applaud the efforts of the Senator from Kansas who has taken the leadership in this area. He has visited Asia and has seen the recruitment and despicable circumstances under which young girls and children are forced to work. From briefings here, we know this is going on in the Balkans, out of Ukraine, and out of Poland. Many are brought into this country under false pretenses with phony visas. We have to stop the trafficking of women around the world.

This is very good legislation.

It will improve the lives of women in America and around the world. By passing the Violence Against Women Act, we are helping the victims of domestic violence to rebuild their lives. By passing the Trafficking Victims Protection Act, we are protecting women and children who are bought and sold, and forced into slavery.

Again every year, more than 900,000 women are victims of violence in their own homes. Every second, 20 women are battered. The Violence Against Women Act says we will not let violence threaten women, families, or communities.

Violence against women is not just a threat to the health and safety of women. It is a threat to the health and safety of families and our communities.

No woman in this country should live in fear. No woman should fear walking home at night. No woman should fear leaving a campus library. No woman should fear that her husband or boyfriend will hurt her or her children.

We will not tolerate it—not in Maryland, where 41 women were killed by domestic violence last year; not anywhere in America, where 4 women a day are killed by domestic violence.

The Violence Against Women Act supports programs that help women to rebuild their lives. It strengthens law enforcement's response to domestic violence. It gives legal assistance to victims of domestic violence, and it creates safe havens for women and children who are victims of domestic violence.

The Violence Against Women Act will protect thousands of woman throughout the country. Today we are also taking steps to protect women throughout the world—by passing the Sex Trafficking Victims Act.

The truly repugnant practice of trafficking in human beings affects between one and two million women and girls each year. As I have stated, girls as young as ten years old are kidnaped from their villages. Or unsuspecting families allow their daughters to leave—with promises of good jobs and better lives. These women are taken to brothels or sweatshops—where they are imprisoned. They are forced to work as prostitutes. They are beaten, they are threatened—and many are killed. Even if a woman escapes, she is often so afraid of retaliation that she will not testify against her abductors.

Organized, international criminals are responsible for the increase in trafficking. They prey on young women in the poorest regions of the world. They take advantage of the most vulnerable—who live in developing countries with poor economic and uneven law enforcement.

Most countries have no way of dealing with this sophisticated form of international crime. Many countries where trafficking is most prevalent lack the laws and law enforcement authority to handle the problem. To often, when local authorities catch traffickers, the women get the brunt of the punishment for prostitution—while traffickers face minor penalties.

That is why this legislation is so important. It focuses on prevention, protection, and support for victims, and prosecution of traffickers. It recognizes that trafficking is a global problem that requires an international solution.

To prevent trafficking this legislation raises the awareness of the problem in villages and countries. It educates potential victims by promoting anti-trafficking awareness campaigns and by authorizing educational and training assistance to international organizations and foreign governments. It also requires the Secretary of State to report on the severe forms of trafficking in persons in the annual country reports.

To strengthen prosecution, this legislation provides local authorities with the tools to crack down on traffickers.

To support the victims of trafficking, this legislation directs funds for international organizations that help these women to rebuild their lives. They are given a safe haven where they can recover. They are provided with education, training, and microloans.

This legislation also recognizes that trafficking is not just a foreign problem. Approximately 50,000 women are brought to the United States each year where they are forced into prostitution or other servitude. This bill toughens current Federal trafficking penalties by doubling the current maximum penalties for traffickers to 20 years imprisonment with the possibility of life imprisonment. It also changes immigration law to help victims of trafficking. This will stop the practice of deporting victims back to potentially dangerous situations.

We want this century to be one of democracy and human rights. We will not achieve this unless everyone, including the worlds' poorest women, is able to control their own lives. This means education, economic development, family planning and civic institutions that protect the rights of women. The legislation we are passing today will take us closer to achieving these goals. I urge my colleagues to join me in strongly supporting the Violence Against Women Act and the Sex Trafficking Victims Act.

In conclusion, 4 years ago, I was a victim of violence. I was coming home from dinner with a wonderful professor who was an economic adviser to me and was here for a conference. I got her to her hotel. As I stepped out of my car, zam, I was mugged. I lost my handbag. I had a severe injury to my hand. I tried to fight him off, but he was over 6 feet, and I am under 5 feet. Fortunately, I escaped with my life. All I had was a broken memory and shattered security in my own neighborhood.

Thanks to the success of the Baltimore Police Department and the pressing of charges and the willingness not to plea bargain, that man is doing time while I hope I am out here doing good. I want to be sure the streets of America are safe. I have an entire Baltimore community on my side, including the informants. Not every woman has that. Let's try to get them the resources they need to be safe in their homes and communities. I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I recall very well the incident of which the Senator from Maryland speaks. I am pleased this is a case where the perpetrator was arrested and prosecuted.

One of the things I learned in my years as a prosecutor is that too often nobody wanted to pursue those cases. All that meant, of course, was that somebody else would be a victim. In this case, it was the Senator from Maryland. But from my experience, had the person not been apprehended, not been convicted, then someday it would be somebody else. So I commend the people of Baltimore who rallied to her. At least out of that sorry thing there was adequate prosecution. But we have so much violence against women that we never see.

I recall so many times police officers seeing a badly battered woman, and where we would bring prosecution, but as I talked to her, I would find this had happened several times before in a domestic situation and that they had gone to law enforcement, and others, and had been turned back where nothing had been followed up on. We had a very aggressive program in my office where we would follow up on it. I have to think there are a number of deaths, though, that have occurred and do occur in places where it is not followed up on.

This is something you do not see in the sunny ads and the perfect homes and domestic situations that we see on our television. The fact is, there are a lot of places in this country where there is enormous violence against women.

I would add to the comments of my colleague, it goes across every economic strata, it goes across all social strata. This is not one thing that is just in poor neighborhoods or just in one ethnic group or another. This goes across the economic strata. It goes across good neighborhoods and bad neighborhoods, large families and small families. But, unfortunately, many times it never comes to the attention of law enforcement. Regrettably, sometimes when it does, it is not followed up on. This act, itself, will help focus the attention of law enforcement on this.

Mr. President, the Senator from New Jersey had asked to speak, and I know the Senator from Louisiana wishes to speak.

Mr. BROWNBACK. Mr. President, if I could say before my colleague from Maryland leaves the floor, I thank her for her leadership on this Violence Against Women Act and for her statements on the sex trafficking bill. I look forward to working with her on both issues as we move forward. Hopefully, this will be cleared through the Senate and signed into law and we can take more actions and steps down the road to see that people are cared for in these terrible situations. I do appreciate her comments and her support. I thank the Senator.

I apologize for the interruption.

Mr. LEAHY. The Senator from Kansas does not have to make any apologies with all the work he has done on this. I appreciate him being here.

I yield 5 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I join with the others in thanking our colleague from Vermont, Senator LEAHY, for his leadership in this area and, of course, Senator BIDEN and other Senators who have spoken this morning on this important subject.

I want to follow up with what Senator LEAHY just said by sharing with him, and with all here, an unfortunate story that appeared recently in a newspaper out of Maryland where a 44-year-old man was convicted of raping an 18-year-old girl who was unconscious from drinking.

Unfortunately, this judge is one of many judges, or at least too many—the number is too high—who are ignorant and uninformed. He said on the record in this particular case: "Finding an unconscious woman is a dream come true to a lot of men."

Finding an unconscious woman is a dream come true to a lot of men.

I will submit this judge's name for the RECORD and will be writing him a personal letter, asking him, if he did make this statement which was reported, that he resign his seat immediately.

That is part of the problem we have in this Nation. The Senator from Vermont, as a former prosecutor, understands this well, that this problem is pervasive. It is a real shame in America—this country of freedom and order and democracy—that we still have a severe and serious problem of domestic violence.

Sometimes our Nation takes that extra step and goes that extra mile to stop violence on the street and to continue to support our police officers. Yet when it comes to stopping violence in our own homes, our Government falls short in terms of funding, in terms of research, in terms of education.

That is the hope that this act brings. It is to help move judges such as this off the bench; so when he is up for reelection, there is some education in the community that would force his either resignation or moving him off the bench through the election cycle.

There are prosecutors around the Nation, some of whom are more enlightened than others. But I will tell you of two in my State who are doing an outstanding job on this subject: DA Paul Connick from Jefferson Parish and DA Walter Reed from St. Tammany Parish.

We have many excellent DAs. But in the last few years, many of these DAs—99 percent of whom, I would imagine, in the Nation are male and who perhaps do not come to the subject from a very personal point of view—have been really educated because of the good work that has been done in this Congress and with groups all around this Nation.

These two particular DAs have instituted a very progressive policy which is basically a no-drop policy, which means that if a battered woman comes in to file a charge, the DA takes it upon himself, and basically the State and the county and the parish, even if she begins to back down because her self-esteem is not as strong as it should be, or she is understandably frightened, or she has been threatened if she does not drop the charges, to simply tell the abuser, when he comes in for his interview: I am sorry, we refuse to drop the charges. This is against you and me, buddy, basically, and we are going to see this to the end, where you can get the punishment coming to you.

They are really being very aggressive. I hope if other district attorneys or other staffers or folks and other elected officials are tuning in today, they will encourage district attorneys all over this Nation to take up the no-drop policy, because getting abusers convicted, getting them punished, and then getting them the right treatment for this is the only way we are going to stop this terrible tragedy from occurring.

There are so many things I could say about this subject, but I do think our leaders realize it is about education; it is about district attorneys; it is about judges, it is about the court system; it is not just about shelters and counseling and aid, which is so important. This is the first step, giving women a safe place to go, giving children a safe place to go. Our justice system must work for them. That is why this bill is so important.

My colleague from New Jersey is waiting to speak on the same subject. I thank Senator LAUTENBERG for his great leadership in this area. But let me just for the record read some recent headlines.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. LEAHY. Mr. President, I yield the Senator 2 more minutes.

Ms. LANDRIEU. I thank the Senator.

Mr. President, let me read some recent headlines from our national newspapers because the Senator was making an earlier point that I agree with, that this isn't just in poor neighborhoods; this isn't just in neighborhoods of people who have recently come to this Nation; this isn't about people who have not had a good education; this affects everyone in all walks of life.

"Popular Romance Novelist Shot and Killed by Estranged Husband," an AP story from June 1999.

"Tommy Lee goes to jail for Wife Abuse," from USA Today, in May 1998.

"Colorado Rockies Pitcher Arrested on Suspicion of Punching Pregnant Wife in Face," from the Washington Post, August 1999.

"Number of Women Dying from Domestic Violence Holding Steady Despite Drastic Drop in Overall Homicide Rates," San Francisco, February 1998.

Mr. President, we have to do a better job. We have to continue on this track. Violence has no place in our society—on our streets, on our playgrounds, or in back alleys. But it most certainly has no place in our homes where children grow up. If a home can't be safe, if a home can't provide peace for a child or a woman, as a person, where can they find peace, Mr. President? That is what this bill is about.

I think it is appropriate that the Violence Against Women Act will be passed with the Trafficking Victims Protection Act. It says that we understand that violence against women is a world wide problem.

In passing the Violence Against Women Act in 1994 we seized the opportunity to be a world leader—to take the stand that in the greatest democracy in the world it is unacceptable that such violence occurs.

We have spent $16 billion on programs on education, assistance and prosecution. We must continue.

Every 5 minutes a woman is raped. Every day four women die as a result of domestic violence.

More women are injured by domestic violence than by automobile accidents and cancer deaths combined.

We have made progress but there is more to be done.

Here are some of the other statistics from that Tulane study:

More than eight of ten knew someone who had been murdered;

More than half had witnessed a shooting;

43% said they had seen a dead body in their neighborhood; and

37% of them were themselves victims of physical violence.

If we think that violence is something that only affects other countries we must think again. If we think that a bill like the violence against women's act only affects women we are wrong.

Studies show that a child's exposure to the father abusing the mother is the strongest risk factor for transmitting violent behavior from one generation to the next.

A significant number of young males in the juvenile justice system were from homes where violence was the order of the day.

Family violence costs the nation from $5 to $10 billion annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism, and non-productivity.

Last week I told you about a woman from my State, Jacqulene Gersfeld, who was gunned down by her husband outside a courthouse just moments after she filed for divorce.

The VAWA reauthorization includes a provision to expand the investigation and prosecution of crimes of violence against women.

The need for this is great 85% of all reported rapes end up with no conviction. Almost 90% result in no jail time.

In Baltimore, MD, a 44 year old man was convicted of raping an 18 year old girl who was unconscious from drinking. The judge in the case said the following on the record: "Finding an unconscious woman is a dream come true for a lot of men." And so he sentenced him only to probation.

Mr. LEAHY. Mr. President, I yield 10 minutes to the distinguished senior Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, first, I thank my colleague, Senator LEAHY, for helping us get an addition to this legislation that we think is critically important. I also extend my thanks to Senator BROWNBACK of Kansas for his assistance in enabling us to get our particular section of this bill into place.

Mr. President, a light comes as a result of the fact that we have our female colleagues with us in this Senate. How hard they work to get things done on both sides of the aisle. What a difference it has made in the way we operate. Many of us were here before there was a reasonable presence of women—and it is not yet "reasonable"; I will strike that word. But that will change in time. We are getting there. They have helped to bring to the consciousness of all America the kinds of abuses that are perpetrated against women and young children who are female—disgusting practices that shock us all; trafficking in young women, forcing them into virtual slavery and being sexually exploited, and losing their identity in the process. It is a humiliation few can imagine. I commend the authors of this bill. Also, I commend them for including the section on violence against women.

Mr. President, 3 years ago, when we were hard at work trying to reduce gun violence in our society, I offered a piece of legislation to prohibit those who had even as little as a misdemeanor charge proven against them from getting guns. It was a tough battle, and we were on the losing side a couple of times, with the old song about it which is "the camel's nose under the tent, and you will be controlling guns," and so forth, instead of thinking about how many lives we would save. We know that about 150 times a year a woman has a gun pointed at her head—and I guess the reverse is also true occasionally—and is told, "I will blow your head off" in front of children. What kind of wounds does that leave even if the trigger isn't pulled? It is a terrible memory for all of those who are either victims or witnesses.

With the help of President Clinton, we were finally able to get a piece of legislation in a budget bill that had to be done—it is almost 4 years now, and it had to be done and it passed and was signed into law—to prevent spousal and children abusers from getting permits to own a gun. The result is that almost 35,000 gun permits have been denied to these people—35,000 potential opportunities for a man to put a gun against a woman's head and threaten to take her life. So I support this bill with these two sections. I have added a section—myself and Senator MACK of Florida—that talks about helping those who have been victims of terrorism, whether on our shores or away from America. American citizens are deserving of protection. I am pleased the Senate is going to pass this package of worthy legislation.

The underlying Trafficking Victims Protection Act addresses a very serious human rights issue in Europe and elsewhere, where people are trafficking particularly for sexual exploitation. Finally, we are taking action to combat trafficking and to help these victims. I am pleased that this conference report will also reauthorize the Violence Against Women Act and expand coverage to include new programs for immigrant women, elderly women, and women in the military service.

Throughout my career, I have worked to help prevent domestic violence. I strongly supported the original Violence Against Women Act, which Congress passed in 1994. I am so pleased that we are going to take care of those aberrations of behavior that leave women and families devastated. But we are getting onto another subject, as well, which I think is critical, and that is to provide justice for victims of terrorism as part of the trafficking victims protection conference report.

Mr. President, we all talk about our objections and abhorrence of terrorist attacks against American citizens, whether abroad or at home, and I had an experience that was almost in front of my eyes which shocked me and caused me to think about how we might prevent terrorism against our citizens at any time, at any place.

One of those victims was a young woman named Alisa Flatow. She was a junior at Brandeis University and she was studying in Israel for a time. In 1995, on April 9, she boarded a bus that took her from a place called Ashkelon to another destination. She never arrived. Shortly after noon, when the bus was in the Gaza Strip, a suicide bomber drove a van loaded with explosives into the bus. Seven passengers were killed. Alisa Flatow was among those injured. An Israeli Defense Forces helicopter rushed her to a hospital in a community nearby. It was the same day I arrived in Israel from a trip in the Middle East. When I arrived there, our U.S. Ambassador informed me of the terrible tragedy that had occurred and that one of them was a constituent from New Jersey and that she had been severely injured in that attack. I immediately reached her home in West Orange, NJ, an area very familiar to me because I lived near that neighborhood.

I spoke to her mother, Rosalyn, and was informed that Alisa's father, Steve, was already on his way to Israel. By the time he arrived, the emergency surgery had failed to save his daughter's life. She died on April 10. She was 20 years old.

For any of those who have children, they know that 20 years of age is almost the beginning of life.

I have three daughters and a son. Those were marvelous years as they approached the end of their college terms and prepared for life beyond.

But that didn't prevent a faction of the Palestinian Islamic Jihad from claiming responsibility and being proud of what they did with that suicide bombing. What good was it going to do their cause to have one mission of terrorists to frighten people and prevent them from conducting their lives as they would like to without any specific gain to be had?

There was a sponsor who paid something to somebody to have these young people assassinated. It was Iran. That is one of the reasons that country is still on the State Department's list of terrorist countries.

I want to tell you, Mr. President, that I am befuddled by some of the policy decisions we make.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. LAUTENBERG. I ask if I can have 5 more minutes.

Mr. LEAHY. I yield 5 more minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank Senator LEAHY.

There is no stronger advocate for the protection and safety of our citizens than President Clinton. But I don't understand why we take a country such as Iran and start to deal with them in trade of insignificant items. Would you believe—I am almost embarrassed to say it—that caviar, pistachio, Persian rugs are vital items for the well-being of our society? It is outrageous.

But there are differences in point of view. I am not a professional diplomat. Maybe I fail to understand the longer term value of something that looks trivial to me as I express myself.

For the past five years, I have been proud to stand with Steve Flatow in his effort to achieve some measure of justice for the killing of his daughter. He and I both want to hold Iran accountable.

But Alisa Flatow was not Iran's only victim. Matt Eisenfeld of Connecticut and Sarah Duker of New Jersey, a young American couple in Israel, also were killed in 1996 when a suicide bomb from an Iran-sponsored group ripped through a bus they had boarded.

One cannot comprehend what these missions are supposed to accomplish.

I don't want to bring the situation in Israel and the Middle East up to a full-scale debate at this moment. But there can be nothing gained by assaults against people or their property.

I made a speech yesterday in which I pleaded with Mr. Arafat to stop the hatred of his people; to stop the inflammation; to stop the propaganda that induces this kind of hatred and action; to stop ugly cartoons about people who inhabit Israel, the Jewish community; and to stop the anti-Semitic diatribes that still occur in Palestine. Stop it; stop it.

Well-known journalist Terry Anderson and others were held hostage in Lebanon in the late 1980s by captors funded by Iran.

They and their families also deserve justice, as do the families of those killed when the Cuban government in 1996 deliberately shot down two planes used by Brothers to the Rescue.

Mr. President, The Antiterrorism Act of 1996 gave American victims of state-sponsored terrorism the right to sue the responsible state.

The law carved out a deliberately narrow exception to the sovereign immunity protections our laws afford other countries.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. LAUTENBERG. Mr. President, I ask the Senator from Vermont if I may have 5 more minutes.

Mr. LEAHY. Mr. President, I yield an extra 5 minutes to the Senator from New Jersey, especially because of the tremendous work he has done along with the Senator from Florida, Mr. MACK, on this subject. I think they have had to overcome so many obstacles and so many mysterious holds on their legislation. I, of course, yield 5 more minutes to the Senator.

Mr. LAUTENBERG. I thank the Senator from Vermont not only for his graciousness in extending to me additional time but for the help and guidance that he gave as we tried to put this piece of legislation into law.

Our goal then, and our goal now, is to allow American victims to receive some measure of justice in U.S. courts and to make state sponsors of terrorism pay for the death and devastation they have wrought.

Victims of terrorism have put the 1996 law to good use. The Flatow family won a U.S. court judgment against Iran in 1998. Other victims of terrorism won similar cases.

The Justice for Victims of Terrorism Act helps the victims collect compensatory damages they've won fair and square in our nation's courts.

Foreign countries that sponsor terrorism should have to pay for the awful toll that terrorist attacks take on families like the Flatows. And we hope that making terrorist states pay that price will deter them from sponsoring terrorism in the future.

Let me close, by thanking the many cosponsors and Senators who have helped advance this legislation. I particularly would like to thank Senator MACK, who has been with me every step of the way, and Gary Shiffman on his staff.

I also want to thank Frederic Baron of my staff who worked so hard on this bill.

I think this bill is a good example of bipartisan cooperation for a worthy cause—helping provide justice for American victims of terrorism abroad.

I am sure this legislation will pass overwhelmingly, but I want this message to go out across this globe: that if you sponsor terrorism against American citizens, you will pay a price. We ought to be unrelenting in that. I was proud of our country when we moved against Afghanistan to pay for the perpetrators of dastardly acts against American citizens and their interests.

We can never step aside and argue whether or not it is appropriate. We have to find out by testing the waters, by making sure that the legislation is there. If there is a challenge, so be it. But we have to indicate we will not stand by and let this happen without repercussions to those who sponsor terrorism.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from New Jersey and the Senator from Florida for their excellent work. I want to take a moment to engage in a colloquy with Senator BROWNBACK to clarify a phrase in division A of the bill. In order to be eligible for the visa provided, the traffic victim would be required to prove she would face "extreme hardship involving unusual and severe harm."

This is a new standard under the Immigration and Nationality Act. Can the Senator explain why this new standard was created?

Mr. BROWNBACK. I am happy to respond to the Senator from Minnesota.

This was raised in conference committee under thorough discussion about this new standard of "extreme hardship involving unusual and severe harm." There was a fear on the part of some conferees that some judicial interpretations over the term "extreme hardship" might be too expansive; specifically, the conferees objected to an interpretation that the applicant could prove "extreme hardship" by showing he or she would miss American baseball after being deported from the United States. So this language should be interpreted as a higher standard than some of these expansive interpretations of "extreme hardship."

At the same time, however, this language should not exclude bona fide victims who would suffer genuine and serious harm if they were deported. There is no requirement that the harm be physical harm. I repeat, there is no requirement that the harm be physical harm or that it be caused by the trafficking itself. The harm or the hardship does not have to be caused by the trafficking itself. The purpose of inserting the phrase "unusual and severe" is to require a showing that something more than the inconvenience and dislocation that any alien would suffer upon removal might occur.

I wish to make it clear in future interpretations of this act, while this is higher than extreme hardship, it doesn't require physical harm; it doesn't require the harm be associated with the trafficking, to be able to allow an American to qualify under this new definition within the act.

I thank my colleague from Minnesota for allowing me the opportunity to clarify this particular issue.

Mr. WELLSTONE. I thank the Senator for his clarification.

We have been talking about the trafficking legislation. Before a final vote, I want to get back to that legislation. I think it is such an important human rights effort.

I will talk about the reauthorization of the Violence Against Women Act and make a couple of points. Again, to have a vote on legislation that goes after this egregious practice of trafficking of women and girls for the purposes of forced prostitution and forced labor is important to our country and to the world. Then to have reauthorization of the Violence Against Women Act also makes this a doubly important bill. I am so pleased to be on the conference committee and to be able to be a part of helping to make this happen.

I thank Senator BIDEN, I thank Senator HATCH, and I thank Senator LEAHY and others, for including in this bill authorization for what we call safe havens or safety visitation centers. Let me explain by way of example from Minnesota. I need to honor these children, and I need to honor their mother. Anyone from Minnesota will remember the case of Alex and Brandon, seen in this picture; two beautiful boys. It was these two boys and what happened to them that made me understand the importance of safety visitation centers more than anything else that could ever have happened.

On July 3, 1996, Brandon, who was 5, and Alex, who was 4, were murdered by their father during an unsupervised visit. Their mother, Angela, was separated from Kurt Frank, the children's father. During the marriage, she was physically and emotionally abused. Angela had an order of protection against Kurt Frank, but during the custody hearing she requested her husband not be allowed to see the children in unsupervised settings. The request he see the children only in supervised settings was rejected by the judge. Kirk Frank was able to see his sons with no supervision. When he did, and God knows why, he killed them. We have a center now, that the community supports, which is a safety visitation center.

The point is this: There are two different examples. Say a woman has been battered. And please remember, every 13 seconds a woman is battered in the country. Say she has had the courage to get away, to end this marriage. There is a separation going on and a divorce; you are still not necessarily going to say the father can't see the child, but if the father comes to the home to pick up the child, he steps inside the home and then battering can start again. There is no protection. If you can do it at the safe havens, supervision centers, you can protect the woman and you can protect the children.

Or it might be the case where you are worried about the threat of a father to the children, but you cannot say a father can't see the child; with a supervised visitation center the father can see the children there.

This is really important. We are working very hard right now with Senator HOLLINGS to get some funding. I am pleased this is a part of this legislation.

I say to colleagues, this was the work of Jill Morningstar on my staff, who, with my wife Sheila, made a lot of progress. It is so important to reauthorize. The hotline is important; the training for police is important; the support for law enforcement is important; the support for battered women shelters is so important for the people who are there in the trenches. All of this matters. The focus on rural communities and support in rural communities is important, as well. It has made a difference, a big difference.

In my State of Minnesota, this year already 33 women have been murdered. Each case is an example of "domestic violence." Last year, in the whole year, it was only 28. The year is only half over and we have already had 33 women who have been murdered. Clearly, we are going to have to do a lot more. To reauthorize this bill today is a huge victory.

Mr. President, I think it should whet our appetite to do much, much more. I am absolutely committed to making sure we do more to provide some support for children who witness this violence in their homes. These kids run into difficulty in school. These kids, quite often, run into trouble. These children are falling between the cracks and there is no real support for them.

There is another piece of legislation—and I hope to get it in the bill—I am very excited about Day One in Minnesota where we want to make sure all of the shelters are electronically wired so with one call to the hotline, a woman will know where she and her children can go. Rather than calling, being told there is no space, and then not knowing where to go, it should only take one call. That is very important.

Then, there is a whole set of initiatives that would enable women to be more independent, to get more support to be more independent—whether it be affordable housing, whether it be family and medical applied to women in this situation, whether it be more job training—you name it. This will enable women to be put in a position where they are not unable or unwilling to leave a very dangerous situation for themselves and their children.

I say to colleagues, I am so pleased we are going to pass this conference report with an overwhelming vote. I am pleased to be a part of helping to work out this agreement. But I also think clearly, more than anything else, this ought to make us more determined to do much more. Again, about every 13 seconds a woman is battered in her home today in our country.

I will take a little more time to talk about the trafficking bill, since both these bills are linked together, to again make the point for all my colleagues, Democrats and Republicans alike, it is critically important to vote for this conference report, to keep this conference report intact.

I will keep thanking Senator BROWNBACK. It has been great to work with him. I thank him for his fine work.

We are talking about 50,000 women, girls, trafficked to our country. We are talking about 2 million worldwide. We are talking about women, sometimes girls as young as 10 or 11, coming from countries where there is economic disintegration. They are trying to figure out a way they could go somewhere and they are told they could become waitresses. They are told there is a job.

When they arrive, their visas are taken away from them; they are beaten; they don't know the language; they don't know their rights; and they are forced into prostitution. We had a massage parlor 2 miles from here in Bethesda which was staffed mainly by Russian-Ukraine women. That is one example. This is one of the grimmest aspects of the new global economy. It is, in many ways, more profitable than drugs because these women and girls are recyclable. It is that God-awful. In the year 2000, this legislation is the first of its kind in this country. It is a model for many other governments around the world.

We put a focus on three "P's": No. 1, prevention, getting the outreach work done to other nations so these young girls and women will know what they are getting into and have some understanding what these traffickers are about. No. 2, protection, so when a girl steps forward, then she is not the one who pays the price. Right now there is no temporary visa protection so if you were to try to get out of this you are the one who is deported. In the meantime, these traffickers go without any punishment, which is something I want to get to in a moment. So you want to provide that protection. You also want to provide services for these young women to be able to rebuild their lives after they have been through this torture. It is torture. And finally, No. 3, prosecution. Right now our law enforcement community tells us they want to go after them but they do not have the laws. What we are saying is, if you are involved in this trafficking, you are going to face stiff sentences. If you are involved in the trafficking of a girl under the age of 14, you can face a life sentence. So there is a very strong part of the provision dealing with punishment.

We also have a listing of countries where this is happening, with a special focus on governments that are complicit in it. The President can take action against those governments, but there are also security waivers and other waivers. It is a balanced piece of legislation. I am proud of it. I think it will make a difference.

I think it is terribly important. I read some of these examples before. Let me give a couple of examples right now of what is happening in the year 2000.

In Los Angeles, where traffickers kidnapped a Chinese woman, raped her, forced her into prostitution, posted guards to control her movements, and burned her with cigarettes, the lead defendant received 4 years and the other defendants received 2 to 3 years for this offense.

In another case where Asian women were kept physically confined for years, with metal bars on the windows, guards and an electronic monitoring system, and were forced to submit to sex with as many as 400 customers to repay their smuggling debt, the traffickers received between 4 and 9 years. This is the year 2000 we are talking about.

Then I gave the example of a 1996 trafficking case involving Russian and Ukrainian women who would answer ads to be au pairs, sales clerks, and waitresses but were forced to provide sexual services and live in a massage parlor in Bethesda, MD. The Russian-American massage parlor owner was fined. He entered a plea bargain, the charges were dropped, with the restriction he would not operate a business again in Montgomery County. The women, who had not been paid any salary and were charged $150 for their housing, were deported or left the country.

This is what we are dealing with right now. There was a case involving 70 deaf Mexicans that my colleagues may remember, who were held under lock and key, forced to peddle trinkets, who were beaten and in some cases tortured. The leader received 14 years and the other traffickers from 1 to 8 years.

We intend to take this more seriously. Let me give one other example. The United States v. Hou, several Mexican nationals, all illegally in the United States, were required to live in one of the chicken sheds at an egg ranch. The shed was open to the elements. The defendants, man and wife, did not give the men any shelter, but encouraged them to build a small room out of cardboard and styrofoam egg cartons.

The men lived less than 15 feet from the chickens they tended. The men had to spread powerful pesticides in and around the chicken sheds, and the chemicals and various fuel oils were stored immediately next to their cardboard room. Faulty wiring in the rickety building resulted in a fire. One of the workers was killed as he tried to escape the shed and another suffered horrible burns. Despite the atrocious conditions, there was no evidence that the men had been kept in the defendants' service through threats of force or violence; the men stayed in the shed because Ms. Hou preyed upon their lack of English-speaking ability and lack of immigration status, deliberately misleading the victims and convincing them there was nowhere else to go.

Because the labor of the workers was maintained through a scheme of nonviolent and psychological coercion, the case did not fall under the involuntary servitude statutes—which could have resulted in life sentences given the death of one of the victims. Our legislation changes that. That is why this legislation is so important. No longer in the United States of America are we going to turn our gaze away from this kind of exploitation, to this kind of murder of innocent people.

This is a real commitment by the Senate and the Congress to defend human rights. This is a good piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Kansas.

Mr. BROWNBACK. Mr. President, I wish to speak on a couple of other provisions in this bill to clarify those for Members. We will be voting on it later today. If others of my colleagues desire to speak on this bill, I urge them to come to the floor and speak now or forever hold their peace on this particular piece of legislation.

The item I wish to speak on now is Aimee's law. This is a part of this overall conference report that has passed the House, as I mentioned, by 371–1. Aimee's law was prompted by the tragic death of a college senior, Aimee Willard, who was from Brookhaven, PA, near Philadelphia. Arthur Bomar is a convicted murderer who was earlier paroled from a Nevada prison. Even after he had assaulted a woman in prison, Nevada released him early. Bomar traveled to Pennsylvania where he found Aimee. He kidnapped, brutally raped, and murdered Aimee. He was prosecuted a second time for murder for this terrible crime in Delaware County, PA.

Aimee's mother, Gail Willard, has become a tireless advocate for victims' rights and serves as an inspiration on this particular piece of legislation.

This important legislation would use Federal crime-fighting funds to create an incentive for States to adopt stricter sentencing laws by holding States financially accountable for the tragic consequences of an early release which results in a violent crime being perpetrated on the citizens of another State. Specifically, Aimee's law will redirect Federal crime-fighting dollars from a State which has released early a murderer, rapist, child molester, to pay the prosecutorial and incarceration costs incurred by a State which has had to reconvict this released felon for a similar type of crime.

More than 14,000 murders, rapes, and sexual assaults on children are committed each year by felons who have been released after serving a sentence for one of these very same crimes.

Convicted murderers, rapists, and child molesters who are released from prisons and cross State lines are responsible for sexual assaults on more than 1,200 people annually, including 935 children, including Aimee Willard.

The reason I point this out is because Aimee's law previously passed this body by a vote of 81–17. As I mentioned, it redirects Federal crime funds from a State that has released early a murderer, rapist, or child molester, to pay the prosecutorial and incarceration costs incurred by a State which has had to reconvict this felon for a similar crime.

The formula for early release is if the criminal served less than 85 percent of his original sentence, and if a State kept a criminal in prison less time than the national average for a sentence of the same crime.

To counter concerns raised by the National Governors' Association, this does not federalize any crimes. I emphasize that, it does not federalize any crimes. It simply upholds State standards regarding murder, rape, and child molestation.

Sex offenders have one of the highest recidivism rates of any crime, thus, requiring more stringent standards in amount of the sentence served.

This only affects Federal crime funds which are transferred from State 1 to State 2 where a crime has been committed of a similar type by the criminal who was released early from State 1.

The reason I go through this at some length is because some of my colleagues have a concern about this. I understand there will be a point of order raised against this as being part of the overall package. There will be a vote on that point of order.

If people want to get this bill dealing with sex trafficking, the Violence Against Women Act, the international terrorism aspect of this bill, the Internet alcohol enforcement of this bill through, they need to vote against those who seek to strip this particular provision out of the bill because if they strip this provision out, the bill has to go back to the House for it to be voted on, and it will have to be voted on again in the Senate.

We do not have the time to do it. It will kill the bill. If people vote to strip this provision out of this particular bill and send it back to the House, and it has to come back here, it will kill the bill. We do not have time to do that.

While some raise federalism arguments, most of our colleagues have already voted in favor of Aimee's law; 81 have voted in favor of it already. There are some arguable federalism principles involved. I think most of those have been worked out with the National Governors' Association. There is a strong advocacy group that has worked to get these standards where, if a person has been convicted in one State, they should serve their time rather than being released to commit a similar crime in another State. That is the direction of this.

I plead with my colleagues: Do not remove this provision. Do not support the point of order because, if you do, it is going to kill everything. It will kill the sex trafficking bill. It will kill the Violence Against Women Act. Do not do it. Most people have already supported this particular provision, Aimee's law.

I wish to say a couple of things on other issues before we break for the policy luncheons. I particularly appreciate my colleagues, Senator LAUTENBERG and Senator MACK, for their provisions on the Justice for Victims of Terrorism Act. I understand Senator HATCH will speak later about the 21st Amendment Enforcement Act on VAWA. We have had an excellent discussion this morning on the importance of this legislation protecting women who are subject to domestic violence. This is reauthorization of important language and important legislation and strengthening of it as well. That is an important feature.

I appreciate Senate majority leader TRENT LOTT bringing this issue to the floor. It is a good package of protection for both domestic and international women and children subject to violence. That is the theme that runs through this set of acts. It is protection for women, protection for children, protection domestically, and protection internationally.

I am very pleased with this legislation. It is a key piece of legislation to pass during this session of Congress to provide that level of protection. I am glad it has been done on a bipartisan basis. Mostly my colleagues from the other side of the aisle have spoken this morning supporting this legislation. Support is similarly strong on our side of the aisle. It is good to have that support back and forth.

Rather than using up the rest of my time, I simply say to my colleagues who want to speak, please come to the floor. I anticipate we will be voting on this legislation by the middle of the afternoon. We will be recessing for policy luncheons from 12:30 p.m. until I believe 2:15 p.m., which is the normal recess time.

This will be a good time for people to comment on this important legislation. I plead with them: Do not strike this particular provision, Aimee's law, because it will sink the entire bill. It is a good bill. It is good legislation. It previously passed both Houses overwhelmingly. Let's get it done.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I yield the distinguished Senator from New Mexico time off my time. I yield to him for another purpose, and once he speaks, I am sure the Chair will understand the reason. I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank my colleague for his courtesy in yielding me some time. I ask unanimous consent that I be allowed to speak as in morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I reiterate something the Senator from Kansas and the Republican floor leader on this bill have said, and that is that we hope, because of the request of a number of Senators on both sides of the aisle, to get these votes on both the Thompson point of order and final passage sometime midafternoon today. As one who holds the largest bulk of the individual time, I alert my colleagues that after the distinguished Senator from Utah and the distinguished Senator from Delaware, I will yield back the remaining part of that time which will move up somewhat the time of the vote.

The reason, incidentally, I have reserved the bulk of my time is to protect a number of Senators who wished to speak. I think virtually all of them have spoken. At least one of the Senators who would have wished to speak, the Senator from California, Mrs. FEINSTEIN, has just undergone surgery for an accident to her leg and is not going to be here, although, of course, any statement by her will be printed in the RECORD. But the others have spoken.

Mr. President, I am glad that the Senate is finally taking up this conference report. Unlike the conference on the Hatch-Leahy juvenile justice bill that passed the Senate in May 1999 with a bipartisan majority of 73 votes, and so many other matters that are still left undone by this Congress, we have an opportunity through this conference report to come to conclusion on three items that I have supported and tried to pass for many months. Unfortunately, there are two additional, extraneous items that were added over my opposition and that should not have been added to this conference report at all. I will speak on each of these matters.

At the outset, I want to acknowledge the important work of Representative CONYERS in the House, who has been a stalwart and consistent supporter of the Violence Against Women Act of 2000. Without his cooperation and support and the hard work of his staff, we would not be standing here today. I also want to pay tribute to the efforts of Senators BOXER, MIKULSKI, LINCOLN, LANDRIEU, MURRAY and FEINSTEIN. Their efforts throughout this Congress, including in the last several days, have made the difference in our ability to move forward to begin this debate today.

With Senators KENNEDY, BIDEN, SPECTER, SMITH and so many others, I have been urging the Republican leadership to take up and pass the Violence Against Women Act of 2000 for some time. I had to urge action by the Judiciary Committee for several weeks before we were finally able to have it added to the agenda on June 15, 2000. It was reported unanimously the same month. Over the last several months since this legislation was reported, I have worked and prodded and pushed along with our Democratic Leader Senator DASCHLE, Senator REID, Senator DURBIN, Senator ROBB, Senator BINGAMAN and others on both sides of the aisle to try to get this matter taken up and passed without further delay.

The President of the United States wrote the Majority Leader back on September 27, 2000 urging passage. The First Lady and the Vice President had previously called for passage back in June at the time of the Judiciary Committee markup. The Violence Against Women Act of 2000 is a matter upon which we need to act.

I addressed this matter twice on the Senate floor in late September when an effort was being made by some on the Republican side of the aisle to try to use VAWA as a vehicle to force consideration of a flawed bankruptcy bill or to override Oregon state law. I said that playing political games with this important legislation was the wrong thing to do and that VAWA should not be used as leverage to enact less worthy provisions. Unfortunately, the Republican leadership in the Senate has been adamant in its refusal to take up and consider VAWA as a stand alone matter, even after the House passed its bill by a 415 to 3 vote. While we have been successful in preventing VAWA from being used as a vehicle for some measures, thanks in part to the President pro tempore Senator THURMOND and Senator BROWNBACK honoring commitments they made to me in order to go to conference, we have not been wholly successful and two additional and unfortunate riders are included over my objection in this conference report.

Due to their dilatory tactics, VAWA was allowed by the Republican leadership to lapse on Saturday, September 30, despite the fact that it has served the women of this country well and the measure had passed the House by a vote of 415 to 3. Such inaction by the current Senate majority is not limited to reauthorization of VAWA. Congressional leaders have continued to drag their feet on enacting comprehensive juvenile crime prevention and enforcement legislation and reasonable gun safety measures, which have been stalled in conference for over a year. Judicial vacancies around the country and most acutely in our federal courts of appeals remain vacant month after month, year after year, while qualified women and men cannot get a hearing or a vote. Legislation to extend the Campbell-Leahy program to help provide bulletproof vests for local law enforcement officers was the victim of a secret hold in the Republican Senate cloakroom. Important intellectual property legislation is stalled without explanation by a similar anonymous hold on the other side of the aisle. And hate crime legislation, the Local Law Enforcement Enhancement Act of 2000, has been dropped in conference in spite of the votes in both the Senate and House approving it.

I am pleased that we will finally be able to reestablish the Violence Against Women Act, a law that makes such a profound difference in the lives of women and families who fall victim to domestic violence. I would not normally support efforts to add extraneous items in a conference report. In this case, in light of the unwillingness of the Senate Republican leadership to allow the Senate to act on the Violence Against Women Act of 2000 and the lapse of its authorization, I joined with Senator BIDEN and Senator HATCH to add it to the sex trafficking conference report we now consider.

I agreed with Senator BIDEN's assessment that in light of its importance and the resistance we have seen from the Senate Republican leadership to proceed to the VAWA bill for a straight up or down vote, this was the only way we would ever be able to get it considered by the Senate this year. I commend Senator BIDEN for making clear at the second and last meeting of the conferees on September 28th that he intended to insist on the conference reauthorizing the Violence Against Women Act. Indeed, I had raised it at our initial meeting of conferees as the one thing we should consider adding to this bill, if anything extraneous was to be considered.

Unfortunately, when we voted on adding VAWA to the conference report, only three Senate conferees voted to support it—Senators BIDEN, HATCH and me—and the other four Senate conferees all voted against. I am glad that over the ensuing days, the other four Senate conferees and the House conferees, whose votes initially seemed to doom this effort, have reversed position and joined with us to add VAWA into this conference report. I am glad that others agree with us that while we need to address the tragic plight of women who are brought to the United States, we need to pass reauthorization of VAWA to help battered women in this country, as well.

Although a conferee, I did not sign the conference report that we consider today. It may come as a surprise to some who have served in this body and remember how conferences are supposed to proceed, that I was not given an opportunity to consider the final report or to sign before it was filed. Indeed, after a second short meeting of conferees, the final meeting, which had been promised so that we could finalize our action, never occurred. Side deals were struck and broken and revised and implemented without resuming the conference. Legislating around here has come to resemble the television program "Survivor" more than the process intended by the Constitution or our Senate rules. We have all become increasingly accustomed to shortcuts in the legislative process, but we are now getting to the point that once sufficient numbers of signatures are obtained on a conference report, once an alliance has formed, conferees from the minority may not even be accorded an opportunity to view the final package let alone asked for their views. In this matter, after I had worked to ensure that VAWA was included in the conference report, I was treated like a member of the ill-fated Pagong tribe.

Had I been consulted we might have avoided the extended debate and point of order that Senator THOMPSON is bringing today. I was able to intervene just before the filing of the conference report when I obtained a draft that showed the elimination of the small state minimum funding level in certain grant programs. These eliminations would have been such a disaster for Vermont, New Hampshire, Delaware, Utah, Alaska and so many small and rural states that I had raise a strong objection and the small state minimum of $600,000 for shelters was restored by a last-minute handwritten change to the final conference report.

Unfortunately, while this conference report contains provisions that enjoy broad bipartisan support and will make a positive contribution to the well-being of many people, the Republican majority could not resist loading this conference report with other legislative proposals that are so problematic they could not have passed as stand-alone measures in this or any other Congress.

Let me begin by reviewing the positive parts of this conference report. These are the reasons that, last Friday, our colleagues in the House passed the Conference Report on Victims of Trafficking and Violence Protection Act 371 to 1.

The trafficking of people for the illicit sex trade or slave labor is plainly abhorrent. This conference report partially addresses that problem by providing additional authority to law enforcement and offering visas to victims of severe trafficking, among other measures. Those who have experienced the horror of trafficking and are willing to assist law enforcement in prosecuting trafficking should receive the option of staying in the United States. The law enforcement and immigration measures in this report are the result of compromises reached between both Houses and both sides. In some cases, especially in the immigration area, these provisions are not as generous as I and many other members of this conference would prefer.

This bill will also insist that information about severe forms of trafficking in persons be provided in the annual State Department Country Report for each foreign country, an important step forward in our attempts to raise consciousness about this issue. It also provides for the establishment of an Inter-Agency Task Force to monitor and combat trafficking, with annual and interim reports on countries whose governments do not comply with the minimum standards. The bill calls upon the President to establish initiatives to enhance economic opportunity for potential trafficking victims, such as microcredit lending programs, training, and education.

As someone who has been a strong supporter of human rights, both in the United States and abroad, I am pleased to be associated with this attempt to reduce trafficking and protect its victims. I hope that the Senate can also turn its attention to human rights issues that affect immigrants who arrive in the United States willingly. In particular, I request that the Senate consider S. 1940, the Refugee Protection Act, a bill I have introduced with Senator BROWNBACK that would restrict the use of expedited removal to times of immigration emergencies. Under expedited removal, those who flee persecution in their home countries face automatic removal from our country if they are traveling without documents, or even with documents that are facially valid but that an INS officer suspects are invalid. The limited protections that were built into this process when it was adopted in 1996 have proven insufficient, and we are receiving continuing reports of people in real danger being forced to leave the United States without even a hearing. This is simply inappropriate, and does an injustice to our nation's reputation as a haven for the oppressed.

As I already noted, reauthorization of the Violence Against Women Act, or

VAWA II, was also added to this report with strong bipartisan support. This is a particularly appropriate bill to add to this conference report. As the conference report states, "[t]raffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunity in countries of origin." VAWA II contains a number of important programs to protect women and children in this country, and would complement the goals of this legislation.

I witnessed the devastating effects of domestic violence early in my career as the Vermont State's Attorney for Chittenden County. In those days, long before the passage of the VAWA, Vermont lacked the support programs and services to assist victims of domestic violence. Today, because of the effort and dedication of people in Vermont and across the country who work on these problems every day, an increasing number of women and children are receiving help through domestic violence programs and shelters around the nation.

Six years ago, VAWA passed Congress as part of the Violent Crime Control and Law Enforcement Act. That Act combined tough law enforcement strategies with safeguards and services for victims of domestic violence and sexual assault. I am proud to say that Vermont was the first State in the country to apply for and receive funding under VAWA. Since VAWA was enacted, Vermont has received almost $14 million in VAWA funds. Since the passage of VAWA in 1994, I have been privileged to work with groups such as the Vermont Network Against Domestic Violence and Sexual Assault and the Vermont Center for Crime Victim Services and countless advocates who work to stop to violence against women and who provide assistance to victims.

This funding has enabled Vermont to develop specialized prosecution units and child advocacy centers throughout the state. Lori Hayes, Executive Director of the Vermont Center for Crime Victim Services and Marty Levin of the Vermont Network Against Domestic Violence and Sexual Abuse have been especially instrumental in coordinating VAWA grants in Vermont. Their hard work has brought grant funding to Vermont for encouraging the development and establishment of arrest policies for combating rural domestic violence and child abuse. These grants have made a real difference in the lives of those who suffer from violence and abuse. Reauthorization of these vital programs in VAWA II will continue to build on these successes.

VAWA II continues to move us toward reducing violence against women by strengthening law enforcement through the extension of STOP grants, which encourage a multi-disciplinary approach to improving the criminal justice system's response to violence against women. With support from STOP grants, law enforcement, prosecutors, courts, victim advocates and service providers work together to ensure victim safety and offender accountability.

The benefits of STOP grants are evident throughout Vermont. With STOP grants the Windham County Domestic Violence Unit, the Rutland County Women's Network and Shelter and others like them have enhanced victim advocacy services, improved safety for women and children, and ensured that perpetrators are held accountable. The Northwest Unit for Special Investigations in St. Albans, Vermont, established a multi-disciplinary approach to the investigation of adult sexual assault and domestic violence cases with the help of STOP funds. By linking victims with advocacy programs at the time of the initial report, the Unit finds that more victims get needed services and support and thus find it easier to participate in the investigation and subsequent prosecution. The State's Attorney's Office, which has designated a prosecutor to participate in the Unit, has implemented a new protocol for the prosecution of domestic violence cases. The protocol and multi-disciplinary approach are credited with an 80 percent conviction rate in domestic violence and sexual assault cases.

Passing VAWA II will continue grants that strengthen pro-arrest policies and enforcement of protection orders. In a rural state like Vermont, law enforcement agencies greatly benefit from cooperative, inter-agency efforts to combat and solve significant problems. Last year, approximately $850,000 of this funding supported Vermont efforts to encourage arrest policies.

Vermont will also benefit from the extension of Rural Domestic Violence and Child Victimization Enforcement Grants under VAWA II. These grants are designed to make victim services more accessible to women and children living in rural areas. I worked hard to see these provisions included in the original VAWA in 1994, and I am proud that its success has merited an increased authorization for funding in VAWA II. Rural Domestic Violence and Child Victimization Enforcement Grants have been utilized by the Vermont Network Against Domestic Violence and Sexual Assault, the Vermont Attorney General's Office, and the Vermont Department of Social and Rehabilitation Services to increase community awareness, develop cooperative relationships between state child protection agencies and domestic violence programs, expand existing multi disciplinary task forces to include allied professional groups, and create local multi-use supervised visitation centers.

VAWA II also reauthorizes the National Stalker and Domestic Violence Reduction Grant. This important grant program assists in the improvement of local, state and national crime databases for tracking stalking and domestic violence. As we work to prevent violence against women, we must not forget those who have already fallen victim to it. VAWA II recognizes that combating violence against women extends beyond providing assistance to victims, it includes preventing women from becoming victims at all.

The National Domestic Violence Hotline, which has assisted over 180,000 callers, will continue its crucial operation through the reauthorization of VAWA. Much like the state hotline that the Vermont Network Against Domestic Violence and Sexual Assault helped establish in Vermont, the National Hotline reaches victims who may feel they have nowhere to turn.

I am especially pleased to see that VAWA II will authorize a new grant program for civil legal assistance. In the past, funding for legal services for victims of domestic violence was dependent on a set-aside in the STOP grant appropriation. This separate grant authorization will allow victims of violence, stalking and sexual assault, who would otherwise be unable to afford professional legal representation, to obtain access to trained attorneys and advocacy services. In my State, Vermont Legal Aid, the Vermont Network to End Domestic Violence and the South Royalton Legal Clinic of Vermont Law School are currently involved in a collaborative project to expand civil legal assistance services to domestic violence victims across the state. These three organizations are partnering to create Intensive Service Teams that will provide coordinated civil legal assistance and victim advocacy in Rutland County and the Northeast Kingdom. Grants such as this one that support training, technical assistance and support for cooperative efforts between victim advocacy groups and legal assistance providers will continue to prosper under VAWA II.

I remain concerned, however, over a highly objectionable provision that prohibits any expenditure of the civil legal assistant grant funds to support litigation with respect to abortion. Currently, the Legal Services Corporation (LSC) operates under two abortion-related restriction provisions: The 1974 LSC statute bans the use of federally appropriated Corporation funds for legal assistance for any abortion-related proceeding or litigation. Additionally, an appropriations rider to the Commerce-Justice-State appropriations bill restricts LSC funds from use by any person or entity that participates in abortion-related litigation.

The language in VAWA II bill reaches further, in the sense that it would ban more organizations than just LSC from spending funds on abortion-related litigation. Under the Senate language, grants can be made to private, nonprofit entities, Indian tribal governments, and publicly funded organizations such as law schools. These grantees are certainly worthy and appropriate to provide these services generally; the objection is solely that they should not be gagged from providing abortion related legal assistance. I am concerned about the precedent this provision would set in expanding the restriction on abortion-related litigation to other programs and organizations. I think this kind of language should give us pause as we consider the effect it would have on victims who, in the face of domestic violence, sexual assault in family relationships, incest or rape, must run a gauntlet of congressionally imposed barriers in order simply to obtain full and complete information about their comprehensive health-care options.

The original VAWA authorized funding for programs that provide shelter to battered women and children. I am pleased to see that VAWA II expands this funding so that facilities such as the Women Helping Battered Women Shelter in Burlington, Vermont, and the Rutland County Women's Shelter in Rutland, Vermont will continue to serve victims in their most vulnerable time of need. As I have noted, at one point I obtained a draft conference report that had dropped the $600,000 small state minimum funding these grants. I am relieved that my objection was heard and the minimum restored.

As glad as I am that we are finally reauthorizing VAWA, this is not the version of VAWA that I cosponsored and supported in the Judiciary Committee and urged the Senate to enact. In fact, this is not the VAWA II bill that was negotiated among staff at a bipartisan, bicameral meeting earlier in this process. The version of VAWA II in this conference report was negotiated behind closed doors in the last minutes before the conference report was filed. Unfortunately, this approach saw additional provisions added and struck that have diminished the final product. One provision of particular concern to me is that on transitional housing.

The previous Senate version of the Violence Against Women Act of 2000, S. 2787, had over 70 co-sponsors. I am one of them. That version included better provisions on transitional housing assistance. It would have been a significant improvement over the original VAWA. This new grant program for short-term housing assistance and support services for homeless families who have fled from domestic violence environments was a priority for me and Vermont, where availability of affordable housing is at an all-time low. Unfortunately, this authorization was reduced to one year without my consent. Those involved in the discussions attribute the change to "jurisdictional concerns" of the Health, Labor and Pensions Committee. I look forward to working with Senators JEFFORDS, GREGG and KENNEDY next year during reauthorization of the Child Abuse Prevention and Treatment Act to extend the authorization of this important program. We should all be concerned with providing victims of domestic violence with a safe place to recover from their traumatic experiences. In addition, I would like to see more support for groups that address the need for funding for under-served populations.

There are positive things to come out of the revised version of VAWA II. I am pleased that we were able to cover "dating violence" in most of the provisions and grant programs. The Bureau of Justice Statistics report indicates that more than four in every 10 incidents of domestic violence involves non-married persons, and further, that the highest rate of domestic violence occurs among young people aged 16–24. It is crucial that we authorize prosecution of their offenders. We cannot ignore this increasingly at risk segment of the population. The House-passed version of VAWA II had contained such provisions and I support them as they have been incorporated into the conference report.

In 1994, we designed VAWA to prevent abusive husbands from using control over their wives' immigration status to control them. Over the ensuing six years we have discovered additional areas that need to be addressed to protect immigrant women from abuse, and have attempted to do so in this legislation. VAWA II will ensure that the immigration status of battered women will not be affected by changes in the status of their abusers. It will also make it easier for abused women and their children to become lawful permanent residents and obtain cancellation of removal. With this legislation, battered immigrant women should not have to choose to stay with their abusers in order to stay in the United States.

I am pleased that we have taken these additional steps to protect immigrant women facing domestic abuse in the United States. I would also like to point out the difficult situation of immigrant women who face domestic violence if they are returned to their home country.

Numerous cases have arisen recently in which women who fear being killed by abusive spouses in their native lands were denied claims for asylum, despite the fact that the police in those countries do not enforce what limited laws apply to domestic violence. There are additional cases in which women who fear for their lives due to ingrained social practices—such as "honor killings" in Jordan, in which families have female relatives killed for "dishonoring" them—have lost asylum claims. The Attorney General is currently reviewing the Board of Immigration Appeals decision Matter of R-A-, which is the precedent on which these later decisions have been based. I have written, along with Senator LANDRIEU and many other of my colleagues, urging the Attorney General to reverse this decision and protect women who face persecution. I renew that request today, and hope that the passage of this legislation will prompt action on this issue as well.

The conference report includes a provision that would require dissemination of sex registry information to colleges and universities. Currently, the Family Educational Rights and Privacy Act (FERPA) applies strict restrictions on the dissemination of information in "education records," but these restrictions are specifically defined to exclude "records maintained by a law enforcement unit" of the school and were created for a law enforcement purpose. Thus, to the extent that campus police get information about registered sex offenders under State law, they are able to use it as they wish. Apparently not satisfied to leave this issue to the States, the conference report would mandate that States provide sex registry information concerning students to colleges and universities where the students are registered.

I see no need to impose a federal disclosure requirement when the States are now free to regulate as they see fit the dissemination of sex registry information to schools and campus police, who may use it to protect the safety of those on campus. No one is opposed to taking adequate safety measures regarding sex offenders on campus. My concern has to do with unnecessary federal mandates when the States are perfectly capable of addressing the issue.

VAWA II includes a provision to enhance protections for older women from domestic violence and sexual assault. Last year I introduced the Seniors Safety Act, S. 751, which would enhance penalties for crimes against seniors. This provision in VAWA II is an important complement to that legislation and I am pleased this provision has been able to generate wide support.

VAWA II would also help young victims of crime through funding for the establishment of safe and supervised visitation centers for children in order to reduce the opportunity for domestic violence. Grants will also be extended to continue funding agencies serving homeless youth who have been or who are at risk of abuse and to continue funding for victims of child abuse, including money for advocates, training for judicial personnel and televised testimony.

Many of the most successful services for victims start at the local level, such as Vermont's model hotline on domestic violence and sexual assault. VAWA II recognizes these local successes and continues grant funding of community demonstration projects for the intervention and prevention of domestic violence.

The original VAWA was an important and comprehensive Federal effort to combat violence against women and to assist the victims of such violence. Passage of VAWA II gives us the opportunity to continue funding these successful programs, to improve victim services, and to strengthen these laws so that violence against women is eliminated. I am pleased that we were able to find a way to get this considered and passed. I deeply regret that we have not been able to do so in standalone legislation or before VAWA expired last month.

The conference report also includes the Justice for Victims of Terrorism Act. I commend Senators LAUTENBERG and MACK for working with the Administration on this consensus legislation which addresses serious policy concerns raised by prior versions of the bill. This measure has been cleared for action and passage by unanimous consent for some time by all Democratic Senators. In my view, it should have been passed in its own right a long time ago.

The Justice for Victims of Terrorism Act addresses an issue that should deeply concern all of us: the enforcement of court-ordered judgments that compensate the victims of state-sponsored terrorism. This legislation has the strong support of American families who have lost loved ones due to the callous indifference to life of international terrorist organizations and their client states, and it deserves our support as well.

One such family is the family of Alisa Flatow, an American student killed in Gaza in a 1995 bus bombing. The Flatow family obtained a $247 million judgment in Federal court against the Iranian-sponsored Islamic Jihad, which proudly claimed responsibility for the bombing that took her life. But the family has been unable to enforce this judgment because Iranian assets in the United States remain frozen.

The conference report that the Senate passes today will provide an avenue for the Flatow family and others in their position to recover some of the damages due them under American law. It will permit these plaintiffs to attach certain foreign assets to satisfy the compensatory damages portion of their judgments against foreign states for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act. It will also permit these plaintiffs to recover postjudgment interest and, in the case of claims against Cuba, certain amounts that have been awarded as sanctions by judicial order.

I am also pleased that this measure also includes a Leahy-Feinstein amendment dealing with support for victims of international terrorism. This amendment will enable the Office for Victims of Crime to provide more immediate and effective assistance to Americans who are victims of terrorism abroad—Americans like those killed or injured in the embassy bombings in Kenya and Tanzania, and in the Pan Am 103 bombing over Lockerbie, Scotland. These victims deserve help, but according to OVC, existing programs are failing to meet their needs. Working with OVC, we have crafted legislation to correct this problem.

The Leahy-Feinstein part of this measure will permit the Office for Victims of Crime to serve these victims better by expanding the types of assistance for which the VOCA emergency reserve fund may be used, and the range of organizations to which assistance may be provided. These changes will not require new or appropriated funds: They simply allow OVC greater flexibility in using existing reserve funds to assist victims of terrorism abroad, including the victims of the Lockerbie and embassy bombings.

This provision will also authorize OVC to raise the cap on the VOCA emergency reserve fund from $50 million to $100 million, so that the fund is large enough to cover the extraordinary costs that would be incurred if a terrorist act caused massive casualties, and to replenish the reserve fund with unobligated funds from its other grant programs.

At the same time, the provision will simplify the presently-authorized system of using VOCA funds to provide victim compensation to American victims of terrorism abroad, by permitting OVC to establish and operate an international crime victim compensation program. This program will, in addition, cover foreign nationals who are employees of any American government institution targeted for terrorist attack. The source of funding is the VOCA emergency reserve fund, which we authorized in an amendment I offered to the 1996 Antiterrorism and Effective Death Penalty Act.

Finally, the provision clarifies that deposits into the Crime Victims Fund remain available for intended uses under VOCA when not expended immediately. This should quell concerns raised regarding the effect of spending caps included in appropriations bills last year and this. I understand the appropriations' actions to have deferred spending but not to have removed deposits from the Fund. This provision makes that explicit.

I want to thank Senator FEINSTEIN for her support and assistance on this initiative. Senator FEINSTEIN cares deeply about the rights of victims, and I am pleased that we could work together on some practical, pragmatic improvements to our federal crime victims' laws. We would have liked to do more. In particular, we would have liked to allow OVC to deliver timely and critically needed emergency assistance to all victims of terrorism and mass violence occurring outside the United States and targeted at the United States or United States nationals.

Unfortunately, to achieve bipartisan consensus on this provision, we were compelled to restrict OVC's authority, so that it may provide emergency assistance only to United States nationals and employees. It seems more than a little bizarre to me that the richest country in the world would reserve emergency aid for victims of terrorism who can produce a passport or W-2. I will continue to work with OVC and victims' organization to remedy this anomaly.

I regret that we have not done more for victims this year, or during the last few years. I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered. I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively assist victims and provide them the greater voice and rights that they deserve.

This is the third good part of the package that comes before the Senate today. The sex trafficking bill, VAWA II and the Justice for Victims of Terrorism legislation could each have passed in its own right. The are being bundled together because the Republican leadership refused to proceed to consideration of VAWA II or the victims legislation and this session is drawing to a close. We are already passed the sine die adjournment date that had been set by the Majority Leader. We are already into the second or third or fourth continuing resolution needed to keep the government operating while Congress completes appropriations bills that should have been enacted in July and September.

While the conference report contains many provisions which I support, it also has been used as a vehicle for some pet Republican legislative projects that I do not endorse. I refer specifically to "Aimee's law" and the "Twenty-First Amendment Enforcement Act."

The conference report contains a legislative proposal called "Aimee's law," which, though well intended, will not serve this country well. We all shudder when a violent offender is incarcerated for an insufficient length of time only to be released and claim another victim. Let us be clear: everyone agrees that serious violent offenders should serve appropriate and sufficient incarceration. Yet, Aimee's law is not the way to pursue this goal. Neither Aimee's law or Congress can accurately assess with one hundred percent accuracy which offender will be a recidivist and which offender will not. This proposal has myriad practical implementation problems that will make this law a headache to administer for the States and the Department of Justice, without living up to its promise of stopping future tragedies.

Ironically, Aimee's law will adversely affect the States' ability to fight crime. By taking law enforcement funds away from the states, the legislation will in effect reduce the states' capacity to fight crime. The Pennsylvania Secretary of Corrections has advised that "Pennsylvania, along with many other states, plans for the use of federal law enforcement money years in advance. Excessive penalties have a high potential to interfere with states' abilities to keep violent offenders—including those who have committed Aimee's law crimes—incarcerated for longer periods of time."

Specifically, this proposal would allow a state to apply to the Attorney General for reimbursement of the costs for investigation, prosecution and incarceration of prisoners who were previously convicted in another state for murder, rape or a dangerous sexual offense. The source of the reimbursement funds will be from Federal law enforcement assistance funds that would otherwise be paid out to the state that convicted the individual of the prior offense and released that offender.

Last year, this proposal was adopted as an amendment to S. 254, the Juvenile Justice bill. Even then I expressed grave reservations with the language and complications contained in the legislation. Specifically, I noted that the proposal was "extremely complicated and can create a great deal of problems with some States" and offered "to work more on the language to see if there are areas of unnecessary complication that could be removed." (RECORD, May 19, 2000, p. S5526). Unfortunately, the juvenile justice conference, in which the language of this proposal could have been refined, has failed to meet for over a year. Apparently, the Republican leadership intends to end the Congress without ever completing work on the juvenile crime bill.

By any stretch of the imagination, the costs of Aimee's law outweigh its promised benefits:

First, Aimee's law penalizes states' law enforcement not for their own actions, but for the actions taken by judicial and corrections officers resulting in the release of a defendant who has not served the incarceration period required under Aimee's law. Indeed, defendants who escape from jail without serving their full term and commit subsequent crimes could subject the state in which they committed their initial crimes to decreased federal funds otherwise used to help law enforcement.

Second, Aimee's law requires the annual collection, maintenance and reporting of criminal history for violent offenders and covers not just those offenders currently in the system but any such offender no matter how long ago that offender was convicted, served time and was released. This provision alone demands an enormous investment of time and money, neither of which the legislation provides, to build the criminal history database necessary to implement the new law. As the Department of Justice has pointed out, "[s]ince no time limit is imposed between the prior and subsequent convictions, the system would require electronic criminal records that do not now exist and would be very expensive to accumulate." This "would require the establishment of a major national data center to collect and match state records" and constitutes an "unfunded mandate."

During a colloquy in the House on October 6th, Congressman CONYERS asked a House sponsor of Aimee's law whether it was the drafters' intent that Aimee's law shall apply prospectively, that is only to offenders whose first sentence for a covered offense occurs on or after the effective date of this law, January 1, 2002, and the sponsor responded affirmatively. Yet, the law remains murky on this point since the effective date may be construed to apply only to the time when states may make applications for reimbursement, not to when the offenses occurred. We have two years before the effective date to clarify this point, and others, in this problematic law.

Third, while Aimee's law would exempt certain States from application of the law, those exemptions are predicated, in part, upon "the average term of imprisonment imposed for that offense in all States." The Pennsylvania Director of Corrections has pointed out that "[t]here is no record of what the national 'average. . .' is for crimes covered in this language. Further, if such an average existed, it would continually fluctuate, guaranteeing that there would always be some states out of compliance."

Fourth, Aimee's law adopts offense definitions that are unclear and fail to conform to the offense definitions found in the federal criminal code or to the standard legal terms used in state codes making it difficult to enforce Aimee's law across state lines.

The National Governors' Association has repeatedly registered its disapproval of Aimee's law as "onerous, impractical and unworkable." Consequently, States may simply agree among themselves not to file the applications with the Attorney General required to obtain reimbursement. Indeed, such an application might trigger a retaliatory review of the applicant's own record of released defendants and result in reduction of important federal funds. As a consequence, states may view invocation of Aimee's law reimbursement provisions as a risky proposition.

In short, Aimee's law is an empty promise that may make good fodder for 60-second campaign spots but will do nothing to continue the progress we have made over the last eight years to reduce the violent crime rate or to truly help crime victims.

Senator HATCH has insisted that the "Twenty-First Amendment Enforcement Act" be included in the conference report, despite the fact that the conference met September 28th, and expressly rejected inclusion of this proposal in the conference report. It was rejected by the Senate conferees and the House conferees went so far as to adopt the position that no extraneous legislation would be added to the sex trafficking provisions. Nevertheless, the conference report contains Senator HATCH's bill, which amounts to a double whammy—it is unnecessary and dangerous to e-commerce. The purported goal of this legislation is to enforce state liquor laws. The approach of this legislation sets a dangerous precedent by erecting barriers to interstate and electronic commerce.

Specifically, the bill would permit the enforcement of state liquor laws in Federal court. This expansion of the jurisdiction of the Federal courts is not warranted. State attorneys general are already enforcing their state liquor laws in state courts—whether the alcohol was brought over the Internet or over the counter at the corner store. The Internet has not changed the enforcement of state liquor laws.

This year, for instance, the Utah Attorney General successfully enforced that state's liquor laws against an out-of-state direct sales shipper of alcoholic beverages. That case resulted in fines of more than $25,000 and guilty pleads by an out-of-state direct shipper to state law counts of unlawfully importing alcohol and selling it to a minor.

Indeed, the Utah Attorney General, Jan Graham, declared: "This case represents a significant win for Utah. No longer can retailers claim that we have no authority over illegal transactions that occur outside of the state. If you're shipping to a Utah resident, we can and will prosecute you."

This legislation is using the Internet as an excuse to impose a Federal fix for a problem that is already being solved at the state level. Whatever happened to Federalism? In fact, the National Conference of State Legislatures opposes this legislation, calling the bill "an overreaction to a situation which can be reconciled among the states and not in a federal court."

Skeptics rightly are concerned that some may be using the Internet as an excuse to protect the decades-old distribution system for wine and other alcoholic beverages. Although the Internet has not changed state liquor law enforcement, it has opened up the wine and beer market to new consumer choices and competition.

With the power of electronic commerce, adult consumers now have the freedom to choose from a rich assortment of different wine and beer products—from small wineries to nationwide brewers in America or any other country in the world.

We should be embracing this free market and open competition. Competition in the free market is the American way. But instead some wine and beer wholesalers want to use this legislation as a protectionist ploy to keep their present distribution system, which effectively locks out small wineries and micro-breweries from ever getting their products on a store shelf. Mothers Against Drunk Driving and the National Conference of State Legislatures have noted that this Federal legislation is nothing more than an attempt to use the Federal courts in a disagreement between wholesalers and small independent wineries and breweries.

On August 12, 1999, The Wall Street Journal wrote about this legislation: "This is a bad bill, with dangerous consequences not only for alcohol but for the future of e-commerce and other cross-state transactions." I wholeheartedly agree.

The Department of Justice has warned Congress in relation to legislation affecting the Internet that: "[A]ny prohibitions that are designed to prohibit criminal activity on the Internet must be carefully drafted to accomplish the legislation's objectives without stifling the growth of the Internet or chilling its use." This bill fails that test. It is not carefully crafted. In fact, it is not even needed. It also could chill the use of the Internet as a means of promoting interstate commerce.

I will vote in support of this conference report because the provisions on sex trafficking, VAWA and justice for victims are proposals I endorse. I do so with profound regret with the process and that the majority insisted on including Aimee's law and the internet alcohol bill that are not well considered. They are the price that we pay for making progress here today. I will work to see if we can limit their damage.

In closing, I wish to thank the conferees and their staffs who showed courtesy to me and mine. In particular, I thank Karen Knutsen of Senator BROWNBACK's staff and Mark Lagon and Brian McKee of the staff of the Foreign Relations Committee. I thank Nancy Zirkin of the American Association of University Women and Pat Reuss of the NOW Legal Defense and Education Fund for their efforts on behalf of VAWA II. This has been a difficult matter at a difficult time that is being concluded as best we can under these circumstances in order to enact the sex trafficking legislation, VAWA II and the victims bill for all the good they can mean.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the distinguished Senator from Kansas be recognized to make a unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the votes occurring relative to the Thompson appeal as provided in the consent agreement this body agreed to on October 6, 2000, occur at 4:30 p.m. today, with adoption of the conference report to occur immediately following that vote as provided in the consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, for the information of Members, in light of this agreement, the next two votes will occur at approximately 4:30 p.m. with the Thompson appeal vote occurring at 4:30 and the conference report vote occurring immediately thereafter.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. COLLINS).

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDER OF PROCEDURE

Mr. HATCH. Without losing my own time, I yield 5 minutes to the distinguished Senator from Vermont off the leader's time, 2 minutes from the distinguished Senator from Minnesota off the leader's time, and I understand the distinguished Senator from New York desires 5 minutes off the minority leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

(The remarks of Mr. JEFFORDS are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Under the previous order, the Senator from New York is now recognized.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000—CONFERENCE REPORT—Continued

Mr. SCHUMER. Madam President, I thank you as well as the chairman of our committee, Mr. HATCH, and the ranking member, Mr. LEAHY, for yielding me a brief amount of time to talk on the Violence Against Women Act.

I commend our leader on Judiciary, Senator LEAHY, for his diligent work on so many of the issues contained here. I know there are some differences on a few. I commend Senator BIDEN, who has worked long and hard on this issue for many years. We all owe him a debt of gratitude for his strenuous efforts. I also thank the Senator from California, Mrs. BOXER. When Senator BIDEN first introduced the bill in the Senate, Senator BOXER, then Congress Member BOXER, was the House sponsor; I was the cosponsor. When she moved on to the Senate, I became the lead House sponsor and managed the bill as it was signed into law.

When it was first enacted in 1994, the Violence Against Women Act signaled a sea change in our approach to the epidemic of violence directed at women. Until the law, by and large it had been a dirty little secret that every night hundreds of women showed up at police precincts, battered and bruised, because they were beaten by their spouse or their boyfriend or whatever. All too often they were told by that law enforcement officer, who really had no education, no training, or no place to send the battered woman: Well, this is a domestic matter. Go home and straighten it out with your husband.

So deep were the traditions ingrained that it was very hard to remove them. In fact, the expression "rule of thumb" comes from the medieval law that said a husband could beat his wife with a stick provided that stick was no wider than his thumb.

The Violence Against Women Act took giant strides to take this terrible, dirty secret, bring it above ground, and begin really to cleanse it. The new law acknowledged that the ancient bias showed itself not just in the virulence of the perpetrators of violence but in the failure of the system and the community to respond with sufficient care and understanding. Shelters grew, police departments were educated, the VAWA hotline—which we added to the law as an afterthought, I remember, in the conference—got huge numbers of calls every week, far more than anybody ever expected. The increased penalties for repeat sex offenders did a great deal of good.

In my State alone, for instance, the act provided $92 million for purposes such as shelter, such as education, such as rape crisis centers, and such as prevention education for high school and college students, and victims' services. But, as impressive as the advances were under the original VAWA, we still have a long way to go; this horrible activity is ingrained deeply in our society. Building on the success of VAWA I, VAWA II—the Violence Against Women Act II—is now before us. It is still the case that a third of all murdered women die at the hands of spouses and partners and a quarter of all violent crimes against women are committed by spouses and partners. Indeed, the latest figures from the Bureau of Justice Statistics actually show an increase of 13 percent in rape and sexual assault.

So we have a long way to go. The battle continues. It is why the Violence Against Women Act is so important and will make such a difference in the lives of women across America. I will not catalog its provisions. That has been done by my colleagues before me. I urge my colleagues to vote for this legislation.

In conclusion, let us hope this law will hasten the time when violence against women is not a unique and rampant problem requiring the attention of this body. Let us pray for the time when women no longer need to live in fear of being beaten.

I yield my time and thank my colleagues.

Mr. LEAHY. Madam President, I see my good friend, the Senator from Iowa, on the floor. I yield him 10 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I thank my good friend from Vermont for yielding me this time to voice my support for the reauthorization of the Violence Against Women Act. It is an important act that should be passed forthwith.

I was a proud cosponsor of this bill when it passed in 1994, and I am an original cosponsor of the reauthorization bill. This is a law that has helped hundreds of thousands of women and children in my State of Iowa and across the Nation. Iowa has received more than $8 million through grants of VAWA. These grants fund the domestic violence hotline and keep the doors open at domestic violence shelters, such as the Family Violence Center in Des Moines.

VAWA grants to Iowa have provided services to more than 2,000 sexual assault victims just this year, and more than 20,559 Iowa students this year have received information about rape prevention through this Federal funding.

The numbers show that VAWA is working. A recent Justice report found that intimate partner violence against women decreased by 21 percent from 1993 to 1998. This is strong evidence that State and community efforts are indeed working. But this fight is far from over. The reauthorization of this important legislation will allow these efforts to continue without having to worry that this funding will be lost from year to year. I commend the Democratic and Republican leadership for working to get this bill done before we adjourn.

I believe my friends on the Republican side of the aisle are suffering from a split personality. They are willing to reauthorize the Violence Against Women Act, but they are not willing to put a judge on the Federal bench who knows more about this law, has done more to implement this law than any other person in this country, and that is Bonnie J. Campbell, who right now heads the Office of Violence Against Women that was set up by this law in 1994. In fact, Bonnie Campbell has been the head of this office since its inception, and the figures bear out the fact that this office is working, and it is working well.

Bonnie Campbell's name was submitted to the Senate in March. She had her hearing in May. All the paperwork is done. Yet she is bottled up in the Senate Judiciary Committee.

Yesterday, the Senator from Alabama appeared on the CNN news show "Burden of Proof" to discuss the status of judicial nominations. I want to address some of the statements he made on that show.

Senator SESSIONS said Bonnie Campbell has no courtroom experience. The truth: Bonnie Campbell's qualifications are exemplary. The American Bar Association has given her their stamp of approval. She has had a long history in law starting in 1984 with her private practice in Des Moines where she worked on cases involving medical malpractice, employment discrimination, personal injury, real estate, and family law.

She was then elected attorney general of Iowa, the first woman to ever hold that office. In that position, she gained high marks from all ends of the political spectrum as someone who was strongly committed to enforcing the law to reducing crime and protecting consumers.

As I said, in 1995, she led the implementation of the Violence Against Women Act as head of that office under the Justice Department. Her strong performance in this role is reflected in last month's House vote to reauthorize VAWA—415-3.

Senator SESSIONS from Alabama says she has no courtroom experience. I will mention a few of the judicial nominees who have been confirmed who were criticized for having little or no courtroom experience.

Randall Rader—my friend from Utah might recognize that name—was appointed to the U.S. Claims Court in 1988 and then to the Federal circuit in 1990. Before 1988, Mr. Rader had never practiced law, had only been out of law school for 11 years, and his only post-law-school employment had been with Congress as counsel to Senator HATCH from Utah. Yet today, he sits on a Federal bench. But Senator SESSIONS from Alabama says Bonnie Campbell has no courtroom experience; that is why she does not deserve to be on the Federal court.

Pasco Bowman serves on the Eighth Circuit. He was confirmed in 1983. Before his nomination——

Mr. HATCH. Will the Senator yield?

Mr. HARKIN. He was criticized for his lack of experience because he had been in private practice for 5 years out of law school, and the rest of that time he was a law professor. Now he is on the Eighth Circuit.

Mr. HATCH. Will the Senator yield? I want to agree with that.

Mr. HARKIN. Yes.

Mr. HATCH. I agree with the Senator. I do not think it is critical that a person have prior trial experience to be nominated to the Federal bench.

Mr. HARKIN. I appreciate that.

Mr. HATCH. There are many academics who have not had 1 day of trial experience. There have been a number of Supreme Court Justices who have not had 1 day of trial experience. I do criticize the Senator in one regard, and that is for bringing up the name of Randall Rader because Randy happened to be one of the best members of our Senate Judiciary Committee. He is now one of the leading lights in all intellectual property issues as a Federal Circuit Court of Appeals judge. The fact is, he has a great deal of ability in that area. I agree with that.

Mr. HARKIN. Will the Senator yield on that point? I am not criticizing Randall Rader.

Mr. HATCH. I didn't think you were.

Mr. HARKIN. I am saying here is a guy on the court, probably doing a great job for all I know, but he didn't have any courtroom experience either.

Mr. HATCH. I agree with the Senator.

Let me just say this. I am in agreement with my friend and colleague from Iowa. I believe it is helpful to have trial experience, especially when you are going to be a trial judge. I do not think it is absolutely essential, however. I also believe some of the greatest judges we have had, on the trial bench, the appellate bench, and on the Supreme Court, never stepped a day into a courtroom other than to be sworn into law to practice.

Mr. HARKIN. I agree with that.

Mr. HATCH. That isn't the situation.

Now, I have to say, I appreciate my two colleagues from Iowa in their very earnest defense, and really offense, in favor of Bonnie Campbell. She is a very nice woman and a very good person. Personally, I wish I could have gotten her through. But it isn't all this side's fault. As the Senator knows, things exploded here at the end because of continual filibusters on motions to proceed and misuse of the appointments clause, holds by Democrats, by the Democrat leader, on their own judges, and other problems that have arisen that always seem to arise in the last days.

So I apologize to the distinguished Senator I couldn't do a better job in getting her through. But I agree with him, and I felt obligated to stand and tell him I agreed with him, that some of our greatest judges who have ever served have never had a day in court. I might add, some of the worst who have ever served have never had a day in court also. I think it is only fair to make that clear. But there are also some pretty poor judges who have been trial lawyers, as well. So it isn't necessarily any particular experience.

Mr. LEAHY. If the Senator would yield?

Mr. HARKIN. I am just pointing out what the Senator from Alabama, who is a member of the Judiciary Committee, said.

Mr. HATCH. I understand.

Mr. HARKIN. I was not saying anything about the Senator from Utah. I was just pointing out, as he just did, some good judges on the appellate level never had trial experience.

Mr. HATCH. If the Senator would yield again, if we made that the criterion, that you have to have a lot of trial experience, I am afraid we would hurt the Federal Judiciary in many respects because there are some great people——

Mr. HARKIN. I agree.

Mr. HATCH. Who have served in very distinguished manners who have not had trial experience. I think it is helpful, but it does not necessarily mean you are going to be a great judge.

I thank my colleague for yielding.

Mr. LEAHY. Madam President, if the Senator will yield, I will note the big difference between Judge Rader and Bonnie Campbell. I think Judge Rader is a very good judge. I supported him. Judge Rader got an opportunity to have a vote on his nomination, and he was confirmed. Bonnie Campbell, who was nominated way back in March, has never been given a vote. There is a big difference.

Mr. HARKIN. Yes.

Mr. LEAHY. It is not trial experience. There is a big difference. She deserved a vote just as much as anybody else. She never got the vote. Had she gotten the vote, then I think she would have been confirmed. It is not a question of Judge Rader, whom I happen to like, who is a close personal friend of mine, and whom I supported; it is a question of who gets a vote around here.

The PRESIDING OFFICER. The time yielded to the Senator from Iowa has expired.

Mr. LEAHY. I assumed the time of the Senator from Utah was coming from his side.

Mr. HARKIN. I yielded to him.

Mr. LEAHY. Madam President, I yield the Senator 2 more minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 more minutes.

Mr. HARKIN. I just point out, J. Harvie Wilkinson is another judge in the Fourth Circuit. Again, he never had any courtroom experience either.

I am just pointing out, the Senator from Alabama yesterday, on the same TV show, said Bonnie Campbell was nominated too late. Nonsense. Gobbledy-gook.

Bonnie Campbell was nominated on March 2 of this year. The four judicial nominees who were confirmed just last week were nominated after Bonnie Campbell. Why didn't Senator SESSIONS from Alabama stop them from going out of committee? They were nominated after Bonnie Campbell. Three of them were nominated, received their hearings, and were reported out of the committee during the same week in July. Bonnie Campbell had her hearing in May, and she has since been bottled up in committee.

I keep pointing out, in 1992 President Bush nominated 14 circuit court judges. Nine had their hearing, nine were referred, and nine were confirmed—all in 1992. I guess it was not too late when the Republicans had the Presidency, but it is too late if there is a Democrat President.

Here is the year: 2000. Seven circuit court judges have been nominated; two have had their hearing, one has been referred, and one has been confirmed—one out of seven.

So who is playing politics around this place?

The Senator from Alabama said the Judiciary Committee is holding hearings, just as they did in the past.

In 1992, there were 15 judicial hearings; this year, there have been 8.

The Senator from Alabama also said some Republican Senators claim Bonnie Campbell is too liberal.

But Bonnie Campbell has bipartisan support. Senator GRASSLEY, law enforcement people, and victims services groups also all support her. Is that the test?

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. HARKIN. May I have 2 more minutes?

Mr. LEAHY. Madam President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 9 minutes remaining.

Mr. LEAHY. I yield 1 more minute to the Senator.

Mr. HARKIN. Thirty seconds.

The PRESIDING OFFICER. The Senator is recognized for 30 seconds.

UNANIMOUS CONSENT REQUEST—NOMINATION OF BONNIE J. CAMPBELL

Mr. HARKIN. Since this may be my only opportunity today, I will do it, as I will every day we are in session.

Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of the nomination of Bonnie J. Campbell, that after the two rollcall votes at 4:30——

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. I will wait until the Senator finishes.

Mr. HARKIN. I wanted to finish—that the Senate proceed to this nomination, with debate limited to 2 hours equally divided and, further, that the Senate vote on this nomination at the conclusion of the yielding back of time.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I get a little tired of some of these comments about judges when we put through 377 Clinton-Gore judges, only 5 fewer than Ronald Reagan, the all-time high. I get a little tired of the anguishing.

There has never been, to my recollection, in my 24 years here, a time where we have not had problems at the end of a Presidential year. Whether the Democrats are in power or we are in power, there is always somebody, and others—quite a few people—who foul up the process. But that is where we are. And to further foul it up is just not in the cards.

Senator HARKIN has spoken at length about one nominee: Bonnie J. Campbell. Let me respond.

It always is the case that some nominations "die" at the end of the Congress. In 1992, when Democrats controlled the Senate, Congress adjourned without having acted on 53 Bush nominations. I have a list here of the 53 Bush nominees whose nominations expired when the Senate adjourned in 1992, at the end of the 102nd Congress. By comparison, there are only 40 Clinton nominations that will expire when this Congress adjourns. My Democratic colleagues have discussed at length some of the current nominees whose nominations will expire at the adjournment of this Congress, including Bonnie Campbell. I ask unanimous consent that this list of 53 Bush nominations that Senate Democrats permitted to expire in 1992 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

53 BUSH NOMINATIONS RETURNED BY THE DEMOCRAT-CONTROLLED SENATE IN 1992 AT THE CLOSE OF THE 102D CONGRESS

Nominee	Court
Sidney A. Fitzwater of Texas	Fifth Circuit.
John G. Roberts, Jr. of Maryland	D.C. Circuit.
John A. Smietanka of Michigan	Sixth Circuit.
Frederico A. Moreno of Florida	Eleventh Circuit.
Justin P. Wilson of Tennessee	Sixth Circuit.
Franklin Van Antwerpen of Penn.	Third Circuit.
Francis A. Keating of Oklahoma	Tenth Circuit.
Jay C. Waldman of Pennsylvania	Third Circuit.
Terrance W. Boyle of North Carolina	Fourth Circuit.
Lillian R. BeVier of Virginia	Fourth Circuit
James R. McGregor	Western District of Pennsylvania.
Edmund Arthur Kavanaugh	Northern District of New York.
Thomas E. Sholts	Southern District of Florida.
Andrew P. O'Rourke	Southern District of New York.
Tony Michael Graham	Northern District of Oklahoma.
Carlos Bea	Northern District of California.
James B. Franklin	Southern District of Georgia.
David G. Trager	Eastern District of New York.
Kenneth R. Carr	Western District of Texas.
James W. Jackson	Northern District of Ohio.
Terral R. Smith	Western District of Texas.
Paul L. Schechtman	Southern District of New York.
Percy Anderson	Central District of California.
Lawrence O. Davis	Eastern District of Missouri.
Andrew S. Hanen	Southern District of Texas.
Russell T. Lloyd	Southern District of Texas.
John F. Walter	Central District of California.
Gene E. Voigts	Western District of Missouri.
Manual H. Quintana	Southern District of New York.
Charles A. Banks	Eastern District of Arizona.
Robert D. Hunter	Northern District of Alabama.
Maureen E. Mahoney	Eastern District of Virginia.
James S. Mitchell	Nebraska.
Ronald B. Leighton	Western District of Washington.
William D. Quarles	Maryland.
James A. McIntyre	Southern District of California.
Leonard E. Davis	Eastern District of Texas.
J. Douglas Drushal	Northern District of Ohio.
C. Christopher Hagy	Northern District of Georgia.
Louis J. Leonatti	Eastern District of Missouri.
James J. McMonagle	Northern District of Ohio.
Katharine J. Armentrout	Maryland.
Larry R. Hicks	Nevada.
Richard Conway Casey	Southern District of New York.
R. Edgar Campbell	Middle District of Georgia.
Joanna Seybert	Eastern District of New York.
Robert W. Kostelka	Western District of Louisiana.
Richard E. Dorr	Western District of Missouri.
James H. Payne	Oklahoma.
Walter B. Prince	Massachusetts.
George A. O'Toole, Jr	Massachusetts.
William P. Dimitrouleas	Southern District of Florida.
Henry W. Saad	Eastern District of Michigan.

Mr. HATCH. I would note that the Reagan and Bush nominations that Senate Democrats allowed to expire Congresses included the nominations of minorities and women, such as Lillian BeVier, Frederic Moreno, and Judy Hope.

I do not have any personal objection to the judicial nominees who my Democratic colleagues have spoken about over the last few weeks. I am sure that they are all fine people. Similarly, I do not think that my Democratic colleagues had any personal objections to the 53 judicial nominees whose nominations expired in 1992, a the end of the Bush presidency.

Many of the Republican nominees whose confirmations were blocked by the Democrats have gone on to great careers both in public service and the private sector. Senator JEFF SESSIONS, Governor Frank Keating, and Washington attorney John Roberts are just a few examples that come to mind.

I know that it is small comfort to the individuals whose nominations are pending, but the fact of the matter is that inevitably some nominations will expire when the Congress adjourns. I happens every two years. I personally believe that Senate Republicans should get some credit for keeping the number of vacancies that will die at the end of this Congress relatively low. As things now stand, 13 fewer nominations will expire at the end this year than expired at the end of the Bush Presidency.

Madam President, I rise today to express my pride and gratitude that the Violence Against Women Act of 2000 will pass the Senate today and soon become law. This important legislation provides tools that will help women in Utah and around the country who are victims of domestic violence break away from dangerous and destructive relationships and begin living their lives absent of fear.

I commend all of my fellow Senators and colleagues in the House of Representatives with whom I worked to ensure the Violence Against Women Act is reauthorized through the year 2005. The Republican and Democratic Senators and Representatives who worked to make sure that this legislation passed understood and understand that violence knows no boundaries and it can affect the lives of everyone.

This has been a truly bipartisan effort of which everyone can be extremely proud. Specifically, I thank Senator JOSEPH BIDEN for his unyielding commitment to this bill. His leadership and dedication has ensured VAWA's passage. I must say, though, that all along I remained more optimistic than he that we would pass this bill I promised him we would.

I want to take a moment to briefly summarize some of the important provisions in this legislation. First, the bill reauthorizes through fiscal year 2005 the key programs included in the original Violence Against Women Act, such as the STOP and Pro-Arrest grant programs. The STOP grant program has succeeded in bringing police and prosecutors, working in close collaboration with victim services providers, into the fight to end violence against women. The STOP grants were revised to engage State courts in fighting violence against women by targeting funds to be used by these courts for the training and education of court personnel, technical assistance, and technological improvements.

The Pro-Arrest grants have helped to develop and strengthen programs and policies that mandate and encourage police officers to arrest abusers who commit acts of violence or violate protection orders. These grants have been expanded to include expressly the enforcement of protection orders as a focus for the grant program funds. The changes also make the development and enhancement of data collection and sharing systems to promote enforcement of protection orders a funding priority. Another improvement requires recipients of STOP and Pro-Arrest grant funds, as a condition of funding, to facilitate the filing and service of protection orders without cost to the victim in both civil and criminal cases.

Additionally, the legislation reauthorizes the National Domestic Violence Hotline and rape prevention and education grant programs. It also contains three victims of child abuse programs, including the court-appointed special advocate program. The Rural Domestic Violence and Child Abuse Enforcement Grants are reauthorized through 2005. This direct grant program, which focuses on problems particular to rural areas, will specifically help Utah and other states and local governments with large populations living in rural areas.

Second, the legislation includes targeted improvements that our experience with the original Act has shown to be necessary. For example, VAWA authorizes grants for legal assistance for victims of domestic violence, stalking, and sexual assault. It provides funding for transitional housing assistance, an extremely crucial complement to the shelter program, which was suggested early on by persons in my home state of Utah. It also improves full faith and credit enforcement and computerized tracking of protection orders by prohibiting notification of a batterer without the victim's consent when an out-of-state order is registered in a new jurisdiction. Another important addition to the legislation expands several key grant programs to cover violence that arises in dating relationships. Finally, it makes important revisions to the immigration laws to protect battered immigrant women.

There is no doubt that women and children in my home state of Utah will benefit from the improvements made in this legislation. Mr. President, this is the type of legislation that can effect positive changes in the lives of all Americans. It provides assistance to battered women and their children when they need it the most. It provides hope to those whose lives have been shattered by domestic violence.

I am proud to have worked with the women's groups in Utah and elsewhere in seeing that VAWA is reauthorized. With their help, we have been able to make targeted improvements to the original legislation that will make crucial services better and more available to women and children who are trapped in relationships of terror. I am proud of this achievement and what it will do to save the lives of victims of domestic violence.

In closing, I again want to thank Senators BIDEN and ABRAHAM, Congressman BILL MCCOLLUM, and Congresswoman CONNIE MORELLA for their leadership on and dedication to the issue of domestic violence. Legislators from both sides of the aisle in both

Houses of Congress have been committed to ensuring that this legislation becomes law. I am proud to have worked with my fellow legislators to achieve this goal, which will bring much needed assistance to the victims of domestic violence.

Madam President, I am not just talking about violence against women legislation and the work that Senator BIDEN and I have done through the years to make it a reality. I actually worked very hard in my home State to make sure we have women-in-jeopardy programs, battered women shelters, psychiatric children programs, and other programs of counseling, so that they can be taken care of in conjunction with the Violence Against Women Act and the moneys we put up here. In fact, we hold an annual charitable golf tournament that raises between $500,000 and $700,000 a year, most of which goes for seed money to help these women-in-jeopardy programs, children's psychiatric, and other programs in ways that will help our society and families.

I believe in this bill. I believe it is something we should do. I think everybody ought to vote for it, and I hope, no matter what happens today, we pass this bill, get it into law, and do what is right for our women and children—and sometimes even men who are also covered by this bill because it is neutral. But I hope we all know that it is mostly women who suffer. I hope we can get this done and do it in a way that really shows the world what a great country we live in and how much we are concerned about women, children, families, and doing something about some of the ills and problems that beset us.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 15 seconds remaining.

Mr. HATCH. Madam President, let me use 1 more minute, and I will make a couple more comments. I want to express my strong support for the underlying bill in this conference report dealing with victims of sex trafficking. I am proud to have worked with my colleagues on the Foreign Relations Committee, led by Senators BROWNBACK and WELLSTONE for much of this past summer, on the significant criminal and immigration provisions in this legislation. This is an important measure that will strengthen the ability of law enforcement to combat international sex trafficking and provide needed assistance to the victims of such trafficking. I think we can all be very proud of this effort.

Before I conclude, Mr. President, I want to thank all of the committed staff members on both sides of the aisle and on several committees for their talented efforts to get this legislation done.

First, on Senator BIDEN'S staff, I thank Alan Hoffman, chief of Staff for his tireless commitment, as well as current counsel Bonnie Robin-Vergeer and former counsel Sheryl Walters. They are truly professionals.

On Senator ABRAHAM'S staff, I'd like to thank Lee Otis, and her counterpart on Senator KENNEDY'S staff, Esther Olavarria.

On the Foreign Relations Committee, I'd like to express my thanks to staff Director Biegun and the committed staffs of Senator BROWNBACK and WELLSTONE, including Sharon Payt and Karen Knutson.

And finally, Mr. President, there are many dedicated people on my own staff who deserve special recognition. I thank my chief counsel and staff director, Manus Cooney, as well as Sharon Prost, Maken Delrahim, and Leah Belaire.

I ask unanimous consent that a joint managers' statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. President, we are very pleased that the Senate has taken up and passed the Biden-Hatch Violence Against Women Act of 2000 today. We have worked hard together over the past year to produce a bipartisan, streamlined bill that has gained the support of Senators from Both sides of the aisle.

The enactment of the Violence Against Women Act in 1994 signaled the beginning of a national and historic commitment to the women and children in this country victimized by family violence and sexual assault. Today we renew that national commitment.

The original Act changed our laws, strengthened criminal penalties, facilitated enforcement of protection orders from state to state, and committed federal dollars to police, prosecutors, battered women shelters, a national domestic violence hotline, and other measures designed to crack down on batterers and offer the support and services that victims need in order to leave their abusers.

These programs are not only popular, but more importantly, the Violence Against Women Act is working. The latest Department of Justice statistics show that overall, violence against women by intimate partners is down, falling 21 percent from 1993 (just prior to the enactment of the original Act) to 1998.

States, counties, cities, and towns across the country are creating a seamless network of services for victims of violence against women—from law enforcement to legal services, from medical care and crisis counseling, to shelters and support groups. The Violence Against Women Act has made, and is making, a real difference in the lives of millions of women and children.

Not surprisingly, the support for the bill is overwhelming. The National Association of Attorneys General has sent a letter calling for the bill's enactment signed by every state Attorney General in the country. The National Governors' Association support the bill. The American Medical Association. Police chiefs in every state Sheriffs. District Attorneys. Women's groups. Nurses, Battered women's shelters. The list goes on and on.

For far too long, law enforcement, prosecutors, the courts, and the community at large treated domestic abuse as a "private family matter," looking the other way when women suffered abuse at the hands of their supposed loved ones. Thanks in part to the original Act, violence against women is no longer a private matter, and the time when a woman has to suffer in silence because the criminal who is victimizing her happens to be her husband or boyfriend has past. Together—at the federal, state, and local levels—we have been steadily moving forward, step by step, along the road to ending this violence once and for all. But there is more that we can do, and more that we must do.

The Biden-Hatch Violence Against Women Act of 2000 accomplishes two basic things:

First, the bill reauthorizes through Fiscal Year 2005 the key programs included in the original Violence Against Women Act, such as the STOP, Pro-Arrest, Rural Domestic Violence and Child Abuse Enforcement, and campus grants programs; battered women's shelters; the National Domestic Violence Hotline; rape prevention and education grant programs; and three victims of child abuse programs, including the court-appointed special advocate program (CASA).

Second, the Violence Against Women Act of 2000 makes some targeted improvements that our experience with the original Act has shown to be necessary, such as—

(1) Authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) Providing funding for transitional housing assistance;

(3) Improving full faith and credit enforcement and computerized tracking of protection orders;

(4) Strengthening and refining the protections for battered immigrant women;

(5) Authorizing grants for supervised visitation and safe visitation exchange of children between parents in situations involving domestic violence, child abuse, sexual assault, or stalking; and

(6) Expanding several of the key grant programs to cover violence that arises in dating relationships.

Although this Act does not extend the Violent Crime Reduction Trust Fund, it is the managers' expectation that if the Trust Fund is extended beyond Fiscal Year 2000, funds for the programs authorized or reauthorized in the Violence Against Women Act of 2000 would be appropriated from this dedicated funding source.

Several points regarding the provisions of Title V, the Battered Immigrant Women Protection Act of 2000, bear special mention. Title V continues the work of the Violence Against Women Act of 1994 ("VAWA") in removing obstacles inadvertently interposed by our immigration laws that many hinder or prevent battered immigrants from fleeing domestic violence safely and prosecuting their abusers by allowing an abusive citizen or lawful permanent resident to blackmail the abused spouse through threats related to the abused spouse's immigration status. We would like to elaborate on the rationale for several of these new provisions and how that rationale should inform their proper interpretation and administration.

First, section 1503 of this legislation allows battered immigrants who unknowingly marry bigamists to avail themselves of VAWA's self-petition procedures. This provision is also intended to facilitate the filing of a self-petition by a battered immigrant married to a citizen or lawful permanent resident with whom the battered immigrant believes he or she had contracted a valid marriage and who represented himself or herself to be divorced. To qualify, a marriage ceremony, either in the United States or abroad, must actually have been performed. We would anticipate that evidence of such a battered immigrant's legal marriage to the abuser through a marriage certificate or marriage license would ordinarily suffice as proof that the immigrant is eligible to petition for classification as a spouse without the submission of divorce decrees from each of the abusive citizen's or lawful permanent resident's former marriages. For an abused spouse to obtain sufficient detailed information about the date and the place of each of the abuser's former marriages and the date and place of each divorce, as INS currently requires, can be a daunting, difficult and dangerous task, as this information is under the control of the abuser and the abuser's family members. Section 1503 should relieve the battered immigrant of that burden in the ordinary case.

Second, section 1503 also makes VAWA relief available to abused spouses and children living abroad of citizens and lawful permanent residents who are members of the uniformed services or government employees living abroad, as well as to abused spouses and children living abroad who were abused by a citizen or lawful permanent resident spouse or parent in the United States. We would expect that INS will take advantage of the expertise the Vermont Service Center has developing in deciding self-petitions and assign it responsibility for adjudicating these petitions even though they may be filed at U.S. embassies abroad.

Third, while VAWA self-petitioners can include their children in their applications, VAWA cancellations of removal applicants cannot. Because there is a backlog for applications for minor children of lawful permanent residents, the grant of permanent residency to the applicant parent and the theoretical available of derivative status to the child at that time does not solve this problem. Although in the ordinary cancellation case the INS would not seek to deport such a child, an abusive spouse may try to bring about that result in order to exert power and control over the abused spouse. Section 1504 directs the Attorney General to parole such children, thereby enabling them to remain with the victim and out of the abuser's control. This directive should be understood to include a battered immigrant's children whether or not they currently reside in the United States, and therefore to include the use of his or her parole power to admit them if necessary. The protection offered by section 1504 to children abused by their U.S. citizen or lawful permanent resident parents is available to the abused child even though the courts may have terminated the parental rights of the abuser.

Fourth, in an effort to strengthen the hand of victims of domestic abuse, in 1996 Congress added crimes of domestic violence and stalking to the list of crimes that render an individual deportable. This change in law has had unintended negative consequences for abuse victims because despite recommended procedures to the contrary, in domestic violence cases many officers still makes dual arrests instead of determining the primary perpetrator of abuse. A battered immigrant may well not be in sufficient control of his or her life to seek sufficient counsel before accepting a plea agreement that carries little or no jail time without understanding its immigration consequences. The abusive spouse, on the other hand, may understand those consequences well and may proceed to turn the abuse victim in to the INS.

To resolve this problem, section 1505(b) of this legislation provides the Attorney General with discretion to grant a waiver of deportability to a person with a conviction for a crime of domestic violence or stalking that did not result in serious bodily injury and that was connected to abuse suffered by a battered immigrant who was not the primary perpetrator of abuse in a relationship. In determining whether such a waiver is warranted, the Attorney General is to consider the full history of domestic violence in the case, the effect of the domestic violence on any children, and the crimes that are being committed against the battered immigrant. Similarly, the Attorney General is to take the same types of evidence into account in determining under sections 1503(d) and 1504(a) whether a battered immigrant has proven that he or she is a person of good moral character and whether otherwise disqualifying conduct should not operate as a bar to that finding because it is connected to the domestic violence, including the need to escape an abusive relationship. This legislation also clarifies that the VAWA evidentiary standard under which battered immigrants in self-petition and cancellation proceedings may use any credible evidence to prove abuse continues to apply to all aspects of self-petitions and VAWA cancellation as well as to the various domestic violence discretionary waivers in this legislation and to determinations concerning U visas.

Fifth, section 1505 makes section 212(i) waivers available to battered immigrants on a showing of extreme hardship to, among others, a "qualified alien" parent or child. The reference intended here is to the current definition of a qualified alien from the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, found at 8 U.S.C. 1641.

Sixth, section 1506 of this legislation extends the deadline for a battered immigrant to file a motion to reopen removal proceedings, now set at 90 days after the entry of an order of removal, to one year after final adjudication of such an order. It also allows the Attorney General to waive the one year deadline on the basis of extraordinary circumstances or hardship to the alien's child. Such extraordinary circumstances may include but would not be limited to an atmosphere of deception, violence, and fear that make it difficult for a victim of domestic violence to learn of or take steps to defend against or reopen an order of removal in the first instance. They also include failure to defend against removal or file a motion to reopen within the deadline on account of a child's lack of capacity due to age. Extraordinary circumstances may also include violence or cruelty of such a nature that, when the circumstances surrounding the domestic violence and the consequences of the abuse are considered, not allowing the battered immigrant to reopen the deportation or removal proceeding would thwart justice or be contrary to the humanitarian purpose of this legislation. Finally, they include the battered immigrant's being made eligible by this legislation for relief from removal not available to the immigrant before that time.

Seventh, section 1507 helps battered immigrants more successfully protect themselves from ongoing domestic violence by allowing battered immigrants with approved self-petitions to remarry. Such remarriage cannot serve as the basis for revocation of an approved self-petition or rescission of adjustment of status.

There is one final issue that has been raised, recently, which we would like to take this opportunity to address, and that is the eligibility of men to receive benefits and services under the original Violence Against Women Act and under this reauthorizing legislation. The original Act was enacted in 1994 to respond to the serious and escalating problem of violence against women. A voluminous legislative record compiled after four years of congressional hearings demonstrated convincingly that certain violent crimes, such as domestic violence and sexual assault, disproportionally affect women, both in terms of the sheer number of assaults and the seriousness of the injuries inflicted. Accordingly, the Act, through several complementary grant programs, made it a priority to address domestic violence and sexual assault targeted at women, even though women, of course, are not alone in experiencing this type of violence.

Recent statistics justify a continued focus on violence targeted against women. For example, a report by the U.S. Department of Justice, Bureau of Justice Statistics issued in May 2000 on Intimate Partner Violence confirms that crimes committed against persons by current or former spouses, boyfriends or girlfriends—termed intimate partner violence—is "committed primarily against women." Of the approximately 1 million violent crimes committed by intimate partners in 1998, 876,340, or about 85 percent, were committed against women. Women were victims of intimate partner violence at a rate about 5 times that of men. That same year, women represented nearly 3 out of 4 victims of the 1,830 murders attributed to intimate partners. Indeed, while there has been a sharp decrease over the years in the rate of murder of men by intimates, the percentage of female murder victims killed by intimates has remained stubbornly at about 30 percent since 1976.

Despite the need to direct federal funds toward the most pressing problem, it was not, and is not, the intent of Congress categorically to exclude men who have suffered domestic abuse or sexual assaults from receiving benefits and services under the Violence Against Women Act. The Act defines such key terms as "domestic violence" and "sexual assault," which are used to determine eligibility under several of the grant programs, including the largest, the STOP grant program, in gender-neutral language. Men who have suffered these types of violent attacks are eligible under current law to apply for services and benefits that are funded under the original Act—and they will remain eligible under the Violence Against Women Act of 2000—whether it be for shelter space under the Family Violence Protection and Services Act, or counseling by the National Domestic Violence Hotline, or legal assistance in obtaining a protection order under the Legal Assistance for Victims program.

We anticipate that the executive branch agencies responsible for making grants under the Act, as amended, will continue to administer these programs so as to ensure that men who have been victimized by domestic violence and sexual assault will receive benefits and services under the Act, as appropriate.

We append to this joint statement a section by section analysis of the bill and a more detailed section by section analysis of the provisions contained in Title V.

Thank you.

Mr. HATCH. Madam President, I ask unanimous consent that two section-by-section summaries of the Violence Against Women Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIVISION B, THE VIOLENCE AGAINST WOMEN ACT OF 2000—SECTION-BY-SECTION SUMMARY

Sec. 1001. Short Title

Names this division the Violence Against Women Act of 2000.

Sec. 1002. Definitions

Restates the definitions "domestic violence" and "sexual assault" as currently defined in the STOP grant program.

Sec. 1003. Accountability and Oversight

Requires the Attorney General or Secretary of Health and Human Services, as applicable, to require grantees under any program authorized or reauthorized by this division to report on the effectiveness of the activities carried out. Requires the Attorney General or Secretary, as applicable, to report biennially to the Senate and House Judiciary Committees on these grant programs.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

Sec. 1101. Improving Full Faith and Credit Enforcement of Protection Orders

Helps states and tribal courts improve interstate enforcement of protection orders as required by the original Violence Against Women Act of 1994. Renames Pro-Arrest Grants to expressly include enforcement of protection orders as a focus for grant program funds, adds as a grant purpose technical assistance and use of computer and other equipment for enforcing orders; instructs the Department of Justice to identify and make available information on promising order enforcement practices; adds as a funding priority the development and enhancement of data collection and sharing systems to promote enforcement or protection orders.

Amends the full faith and credit provision in the original Act to prohibit requiring registration as a prerequisite to enforcement of out-of-state orders and to prohibit notification of a batterer without the victim's consent when an out-of-state order is registered in a new jurisdiction. Requires recipients of STOP and Pro-Arrest grant funds, as a condition of funding, to facilitate filing and service of protection orders without cost to the victim in both civil and criminal cases.

Clarifies that tribal courts have full civil jurisdiction to enforce protection orders in matters arising within the authority of the tribe.

Sec. 1102. Enhancing the Role of Courts in Combating Violence Against Women

Engages state courts in fighting violence against women by targeting funds to be used by the courts for the training and education of court personnel, technical assistance, and technological improvements. Amends STOP and Pro-Arrest grants to make state and local courts expressly eligible for funding and dedicates 5 percent of states' STOP grants for courts.

Sec. 1103. STOP Grants Reauthorization

Reauthorizes through 2005 this vital state formula grant program that has succeeded in bringing police and prosecutors in close collaboration with victim services providers into the fight to end violence against women. ("STOP" means "Services and Training for Officers and Prosecutors"). Preserves the original Act's allocations of states' STOP grant funds of 25 percent to police and 25 percent to prosecutors, but increases grants to victim services to 30 percent (from 25 percent), in addition to the 5 percent allocated to state, tribal, and local courts.

Sets aside five percent of total funds available for State and tribal domestic violence and sexual assault coalitions and increases the allocation for Indian tribes to 5 percent (up from 4 percent in the original Act).

Amends the definition of "underserved populations" and adds additional purpose areas for which grants may be used.

Authorization level is $185 million/year (FY 2000 appropriation was $206.75 million (including a $28 million earmark for civil legal assistance)).

Sec. 1104. Pro-Arrest Grants Reauthorization

Extends this discretionary grant program through 2005 to develop and strengthen programs and policies that mandate and encourage police officers to arrest abusers who commit acts of violence or violate protection orders.

Sets aside 5 percent of total amounts available for grants to Indian tribal governments.

Authorization level is $65 million/year (FY 2000 appropriation was $34 million).

Sec. 1105. Rural Domestic Violence and Child Abuse Enforcement Grants Reauthorization

Extends through 2005 these direct grant programs that help states and local governments focus on problems particular to rural areas.

Sets aside 5 percent of total amounts available for grants to Indian tribal governments.

Authorization level is $40 million/year (FY 2000 appropriation was $25 million).

Sec. 1106. National Stalker and Domestic Violence Reduction Grants Reauthorization

Extends through 2005 this grant program to assist states and local governments in improving databases for stalking and domestic violence.

Authorization level is $3 million/year (FY 1998 appropriation was $2.75 million).

Sec. 1107. Clarify Enforcement to End Interstate Battery/Stalking

Clarifies federal jurisdiction to ensure reach to persons crossing United States borders as well as crossing state lines by use of "interstate or foreign commerce language." Clarifies federal jurisdiction to ensure reach to battery or violation of specified portions of protection order before travel to facilitate the interstate movement of the victim. Makes the nature of the "harm required for domestic violence, stalking, and interstate travel offenses consistent by removing the requirement that the victim suffer actual physical harm from those offenses that previously had required such injury.

Resolves several inconsistencies between the protection order offense involving interstate travel of the offender, and the protection order offense involving interstate travel of the victim.

Revises the definition of "protection order" to clarify that support or child custody orders are entitled to full faith and credit to the extent provided under other Federal law—namely, the Parental Kidnaping Prevention Act of 1980, as amended.

Extends the interstate stalking prohibition to cover interstate "cyber-stalking" that occurs by use of the mail or any facility of interstate or foreign commerce, such as by telephone or by computer connected to the Internet.

Sec. 1108. School and Campus Security

Extends the authorization through 2005 for the grant program established in the Higher Education Amendments of 1998 and administered by the Justice Department for grants for on-campus security, education, training, and victim services to combat violence against women on college campuses. Incorporates "dating violence" into purpose areas for which grants may be used. Amends the definition of "victim services" to include public, nonprofit organizations acting in a nongovernmental capacity, such as victim services organizations at public universities.

Authorization level is $10 million/year (FY 2000 STOP grant appropriation included a $10 million earmark for this use).

Authorizes the Attorney General to make grants through 2003 to states, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

Authorization level is $30 million/year.

Sec. 1109. Dating Violence

Incorporates "dating violence" into certain purposes areas for which grants may be used under the STOP, Pro-Arrest, and Rural Domestic Violence and Child Abuse Enforcement grant programs. Defines "dating violence" as violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

Sec. 1201. Legal Assistance to Victims of Domestic Violence and Sexual Assault

Building on set-asides in past STOP grant appropriations since fiscal year 1998 for civil legal assistance, this section authorizes a separate grant program for those purposes through 2005. Helps victims of domestic violence, stalking, and sexual assault who need legal assistance as a consequence of that violence to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services. Grants support training, technical assistance, data collection, and support for cooperative efforts between victim advocacy groups and legal assistance providers.

Defines the term "legal assistance" to include assistance to victims of domestic violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters. For purposes of this section, "administrative agency" refers to a federal, state, or local governmental agency that provides financial benefits.

Sets aside 5 percent of the amounts made available for programs assisting victims of domestic violence, stalking, and sexual assault in Indian country; sets aside 25 percent of the funds used for direct services, training, and technical assistance for the use of victims of sexual assault.

Appropriation is $40 million/year (FY 2000 STOP grant appropriation included a $28 million earmark for this use).

Sec. 1202. Expanded Shelter for Battered Women and Their Children

Reauthorizes through 2005 current programs administered by the Department of Health and Human Services to help communities provide shelter to battered women and their children, with increased funding to provide more shelter space to assist the tens of thousands who are being turned away.

Authorization level is $175 million/year (FY 2000 appropriation was $101.5 million).

Sec. 1203. Transitional Housing Assistance for Victims of Domestic Violence

Authorizes the Department of Health and Human Services to make grants to provide short-term housing assistance and support services to individuals and their dependents who are homeless or in need of transitional housing or other housing assistance as a result of fleeing a situation of domestic violence, and for whom emergency shelter services are unavailable or insufficient.

Authorization level is $25 million for FY 2001.

Sec. 1204. National Domestic Violence Hotline

Extends through 2005 this grant to meet the growing demands on the National Domestic Violence Hotline established under the original Violence Against Women Act due to increased call volume since its inception.

Authorization level is $2 million/year (FY 2000 appropriation was $2 million).

Sec. 1205. Federal Victims Counselors Grants Reauthorization

Extends through 2005 this program under which U.S. Attorney offices can hire counselors to assist victims and witnesses in prosecution of sex crimes and domestic violence crimes.

Authorization level is $1 million/year (FY 1998 appropriation was $1 million).

Sec. 1206. Study of State Laws Regarding Insurance Discrimination Against Victims of Violence Against Women.

Requires the Attorney General to conduct a national study to identify state laws that address insurance discrimination against victims of domestic violence and submit recommendations based on that study to Congress.

Sec. 1207. Study of Workplace Effects from Violence Against Women

Requires the Attorney General to conduct a national survey of programs to assist employers on appropriate responses in the workplace to victims of domestic violence or sexual assault and submit recommendations based on that study to Congress.

Sec. 1208. Study of Unemployment Compensation For Victims of Violence Against Women

Requires the Attorney General to conduct a national study to identify the impact of state unemployment compensation laws on victims of domestic violence when the victim's separation from employment is a direct result of the domestic violence, and to submit recommendations based on that study to Congress.

Sec. 1209. Enhancing Protections for Older and Disabled Women from Domestic Violence and Sexual Assault.

Adds as new purposes areas to STOP grants and Pro-Arrest grants the development of policies and initiatives that help in identifying and addressing the needs of older and disabled women who are victims of domestic violence or sexual assault.

Authorizes the Attorney General to make grants for training programs through 2005 to assist law enforcement officers, prosecutors, and relevant court officers in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals.

Authorization is $5 million/year.

Title III—Limiting the Effects of Violence on Children

Sec. 1301. Safe Havens for Children Pilot Program

Establishes through 2002 a pilot Justice Department grant program aimed at reducing the opportunity for domestic violence to occur during the transfer of children for visitation purposes by expanding the availability of supervised visitation and safe visitation exchange for the children of victims of domestic violence, child abuse, sexual assault, or stalking.

Authorization level is $15 million for each year.

Sec. 1302. Reauthorization of Victims of Child Abuse Act Grants

Extends through 2005 three grant programs geared to assist children who are victims of abuse. These are the court-appointed special advocate program, child abuse training for judicial personnel and practitioners, and grants for televised testimony of children.

Authorization levels are $12 million/year for the special advocate programs, $2.3 million/year for the judicial personnel training program, and $1 million/year for televised testimony (FY 2000 appropriations were $10 million, $2.3 million, and $1 million respectively).

Sec. 1303. Report on Parental Kidnapping Laws

Requires the Attorney General to study and submit recommendations on federal and state child custody laws, including custody provisions in protection orders, the Parental Kidnapping Prevention Act of 1980, and the Uniform Child Custody Jurisdiction and Enforcement Act adopted by the National Conference of Commissioners on Uniform State Laws in July 1997, and the effect of those laws on child custody cases in which domestic violence is a factor. Amends emergency jurisdiction to cover domestic violence.

Authorization level is $200,000.

Title IV—Strengthening Education & Training To Combat Violence Against Women

Sec. 1401. Rape Prevention and Education Program Reauthorization

Extends through 2005 this Sexual Assault Education and Prevention Grant program; includes education for college students; provides funding to continue the National Resource Center on Sexual Assault at the Centers for Disease Control and Prevention.

Authorization level is $80 million/year (FY 2000 appropriation was $45 million).

Sec. 1402. Education and Training to End Violence Against and Abuse of Women with Disabilities

Establishes a new Justice Department grant program through 2005 to educate and provide technical assistance to providers on effective ways to meet the needs of disabled women who are victims of domestic violence, sexual assault, and stalking.

Authorization level is $7.5 million/year.

Sec. 1403. Reauthorization of Community Initiatives to Prevent Domestic Violence

Reauthorizes through 2005 this grant program to fund collaborative community projects targeted for the intervention and prevention of domestic violence.

Authorization level is $6 million/year (FY 2000 appropriation was $6 million).

Sec. 1404. Development of Research Agenda Identified under the Violence Against Women Act.

Requires the Attorney General to direct the National Institute of Justice, in consultation with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a plan to implement a research agenda based on the recommendations in the National Academy of Sciences report "Understanding Violence Against Women," which was produced under a grant awarded under the original Violence Against Women Act. Authorization is for such sums as may be necessary to carry out this section.

Sec. 1405. Standards, Practice, and Training for Sexual Assault Forensic Examinations

Requires the Attorney General to evaluate existing standards of training and practice for licensed health care professions performing sexual assault forensic examinations and develop a national recommended standard for training; to recommend sexual assault forensic examination training for all health care students; and to review existing protocols on sexual assault forensic examinations and, based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

Authorization level is $200,000 for FY 2001.

Sec. 1406. Education and Training for Judges and Court Personnel.

Amends the Equal Justice for Women in the Courts Act of 1994, authorizing $1,500,000 each year through 2005 for grants for education and training for judges and court personnel instate courts, and $500,000 each year through 2005 for grants for education and training for judges and court personnel in federal courts. Adds three areas of training eligible for grant use.

Sec. 1407. Domestic Violence Task Force

Requires the Attorney General to establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts among the federal agencies that address domestic violence.

Authorization level is $500,000.

Title V—Battered Immigrant Women

Strengthens and refines the protections for battered immigrant women in the original Violence Against Women Act. Eliminates a number of "catch-22" policies and unintended consequences of subsequent changes in immigration law to ensure that domestic abusers with immigrant victims are brought to justice and that the battered immigrants Congress sought to help in the original Act are able to escape the abuse.

Title VI—Miscellaneous

Sec. 1601. Notice Requirements for Sexually Violent Offenders

Amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act to require sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. Requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate State records or data systems. These changes take effect 2 years after enactment.

Amends the Higher Education Act of 1965 to require institutions of higher education to issue a statement, in addition to other disclosures required under the Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. This change takes effect 2 years after enactment.

Amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders; requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

Sec. 1602. Teen Suicide Prevention Study

Authorizes a study by the Secretary of Health and Human Services of predictors of suicide among at-risk and other youth, and barriers that prevent the youth from receiving treatment, to facilitate the development of model treatment programs and public education and awareness efforts.

Authorization is for such sums as may be necessary.

Sec. 1603. Decade of Pain Control and Research

Designates the calendar decade beginning January 1, 2001, as the "Decade of Pain Control and Research."

TITLE V, THE BATTERED IMMIGRANT WOMEN PROTECTION ACT OF 2000—SECTION-BY-SECTION SUMMARY

Title V is designed to improve on efforts made in VAWA 1994 to prevent immigration law from being used by an abusive citizen or lawful permanent resident spouse as a tool to prevent an abused immigrant spouse form reporting abuse or living the abusive relationship. This could happen because generally speaking, U.S. immigration law gives citizens and lawful permanent residents the right to petition for their spouses to be granted a permanent resident visa, which is the necessary prerequisite for immigrating to the United States. In the vast majority of cases, granting the right to seek the visa to the citizen or lawful permanent resident spouse makes sense, since the purpose of family immigration visas is to allow U.S. citizens or lawful permanent residents to live here with their spouses and children. But in the unusual case of the abusive relationship, an abusive citizen or lawful permanent resident can use control over his or her spouse's visa as a means to blackmail and control the spouse. The abusive spouse would do this by withholding a promised visa petition and then threatening to turn the abused spouse in to the immigration authorities if the abused spouse sought to leave the abuser or report the abuse.

VAWA 1994 changed this by allowing immigrants who demonstrate that they have been battered or subjected to extreme cruelty by their U.S. citizen or lawful permanent resident spouses to file their own petitions for visas without the cooperation of their abusive spouse. VAWA 1994 also allowed abused spouses placed in removal proceedings to seek "cancellation of removal," a form of discretionary relief from removal available to individuals in unlawful immigration status with strong equities, after three years rather than the seven ordinarily required. Finally, VAWA 1994 granted similar rights to minor children abused by their citizen or lawful permanent resident parent, whose immigration status, like that of the abused spouse, would otherwise be dependent on the abusive parent. VAWA 2000 addresses residual immigration law obstacles standing in the path of battered immigrant spouses and children seeking to free themselves from abusive relationships that either had not come to the attention of the drafters of VAWA 1994 or have arisen since as a result of 1996 changes to immigration law.

Sec. 1501. Short Title.

Names this title the Battered Immigrant Women Protection Act of 2000.

Sec. 1502. Findings and Purposes

Lays out as the purpose of the title building on VAWA 1994's efforts to enable battered immigrant spouses and children to free themselves of abusive relationships and report abuse without fear of immigration law consequences controlled by their abusive citizen or lawful permanent resident spouse or parent.

Sec. 1503. Improved Access to Immigration Protections of the Violence Against Women Act of 1994 for Battered Immigrant Women.

Allows abused spouses and children who have already demonstrated to the INS that they have been the victims of battery or extreme cruelty by their spouse or parent to file their own petition for a lawful permanent resident visa without also having to show they will suffer "extreme hardship" if forced to leave the U.S., a showing that is not required if their citizen or lawful permanent resident spouse or parent files the visa petition on their behalf. Eliminates U.S. residency as a prerequisite for a spouse or child of a citizen or lawful permanent resident who has been battered in the U.S. or whose spouse is a member of the uniformed services or a U.S. government employee to file for his or her own visa, since there is no U.S. residency prerequisite for non-battered spouses' or children's visas. Retains current law's special requirement that abused spouses and children filing their own petitions (unlike spouses and children for whom their citizen or lawful permanent resident spouse or parent petitions) demonstrate good moral character, but modifies it to give the Attorney General authority to find good moral character despite certain otherwise disqualifying acts if those acts were connected to the abuse.

Allows a victim of battery or extreme cruelty who believed himself or herself to be a citizen's or lawful permanent resident's spouse and went through a marriage ceremony to file a visa petition as a battered spouse if the marriage was not valid solely on account of the citizen's or lawful permanent resident's bigamy. Allows a battered spouse whose citizen spouse died, whose spouse lost citizenship, whose spouse lost lawful permanent residency, or from whom the battered spouse was divorced to file a visa petition as an abused spouse within two years of the death, loss of citizenship or lawful permanent residency, or divorce, provided that the loss of citizenship, status or divorce was connected to the abuse suffered by the spouse. Allows a battered spouse to naturalize after three years residency as other spouses may do, but without requiring the battered spouse to live in marital union with the abusive spouse during that period.

Allows abused children or children of abused spouses whose petitions were filed when they were minors to maintain their petitions after they attain age 21, as their citizen or lawful permanent resident parent would be entitled to do on their behalf had the original petition been filed during the child's minority, treating the petition as filed on the date of the filing of the original petition for purposes of determining its priority date.

Sec. 1504. Improved Access to Cancellation of Removal and Suspension of Deportation under the Violence Against Women Act of 1994.

Clarifies that with respect to battered immigrants, IIRIRA's rule, enacted in 1996, that provides that with respect to any applicant for cancellation of removal, any absence that exceeds 90 days, or any series of absences that exceed 180 days, interrupts continuous physical presence, does not apply to any absence or portion of an absence connected to the abuse. Makes this change retroactive to date of enactment of IIRIRA. Directs Attorney General to parole children of battered immigrants granted cancellation until their adjustment of status application has been acted on, provided the battered immigrant exercises due diligence in filing such an application.

Sec. 1505. Offering Equal Access to Immigration Protections of the Violence Against Women Act of 1994 for All Qualified Battered Immigrant Self-Petitioners

Grants the Attorney General the authority to waive certain bars to admissibility or grounds of deportability with respect to battered spouses and children. New Attorney General waiver authority granted (1) for crimes of domestic violence or stalking where the spouse or child was not the primary perpetrator of violence in the relationship, the crime did not result in serious bodily injury, and there was a connection between the crime and the abuse suffered by the spouse or child; (2) for misrepresentations connected with seeking an immigration benefit in cases of extreme hardship to the alien (paralleling the AG's waiver authority for spouses and children petitioned for by their citizen or lawful permanent resident spouse or parent in cases of extreme hardship to the spouse or parent); (3) for crimes of moral turpitude not constituting aggravated felonies where the crime was connected to the abuse (similarly paralleling the AG's waiver authority for spouses and children petitioned for by their spouse or parents); (4) for health related grounds of inadmissibility (also paralleling the AG's waiver authority for spouses and children petitioned for by their spouse or parent); and (5) for unlawful presence after a prior immigration violation, if there is a connection between the abuse and the alien's removal, departure, reentry, or attempted reentry. Clarifies that a battered immigrant's use of public benefits specifically made available to battered immigrants in PRWORA does not make the immigrant inadmissible on public charge ground.

Sec. 1506. Restoring Immigration Protections under the Violence Against Women Act of 1994

Establishes mechanism paralleling mechanism available to spouses and children petitioned for by their spouse or parent to enable VAWA-qualified battered spouse or child to obtain status as lawful permanent resident in the United States rather than having to go abroad to get a visa.

Addresses problem created in 1996 for battered immigrants' access to cancellation of removal by IIRIRA's new stop-time rule. That rule was aimed at individuals gaming the system to gain access to cancellation of removal. To prevent this, IIRIRA stopped the clock on accruing any time toward continuous physical presence at the time INS initiates removal proceedings against an individual. This section eliminates application of this rule to battered immigrant spouses and children, who, if they are sophisticated enough about immigration law and has sufficient freedom of movement to "game the system", presumably would have filed self-petitions, and more likely do not even know that INS has initiated proceedings against them because their abusive spouse or parent has withheld their mail. To implement this change, allows a battered immigrant spouse or child to file a motion to reopen removal proceedings within 1 year of the entry of an order of removal (which deadline may be waived in the Attorney General's discretion if the Attorney General finds extraordinary circumstances or extreme hardship to the alien's child) provided the alien files a complete application to be classified as VAWA-eligible at the time the alien files the reopening motion.

Sec. 1507. Remedying Problems with Implementation of the Immigration Provisions of the Violence Against Women Act of 1994

Clarifies that negative changes of immigration status of abuser or divorce after abused spouse and child file petition under VAWA have no effect on status of abused spouse or child. Reclassifies abused spouse or child as spouse or child of citizen if abuser becomes citizen notwithstanding divorce or termination of parental rights (so as not to create incentive for abuse victim to delay leaving abusive situation on account of potential future improved immigration status of abuser). Clarifies that remarriage has no effect on pending VAWA immigration petition.

Sec. 1508. Technical Correction to Qualified Alien Definition for Battered Immigrants

Makes technical change of description of battered aliens allowed to access certain public benefits so as to use correct pre-IIRIRA name for equitable relief from deportation/removal ("suspension of deportation" rather than "cancellation of removal") for pre-IIRIRA cases.

Sec. 1509. Access to Cuban Adjustment Act for Battered Immigrant Spouses and Children

Allows battered spouses and children to access special immigration benefits available under Cuban Adjustment Act to other spouses and children of Cubans on the basis of the same showing of battery or extreme cruelty they would have to make as VAWA self-petitioners; relatives them of Cuban Adjustment Act showing that they are residing with their spouse/parent.

Sec. 1510. Access to the Nicaraguan Adjustment and Central American Relief Act for Battered Spouses and Children

Provides access to special immigration benefits under NACARA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.

Sec. 1511. Access to the Haitian Refugee Fairness Act of 1998 for Battered Spouses and Children

Provides access to special immigration benefits under HRIFA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.

Sec. 1512. Access to Services and Legal Representation for Battered Immigrants

Clarifies that Stop grants, Grants to Encourage Arrest, Rural VAWA grants, Civil Legal Assistance grants, and Campus grants can be used to provide assistance to battered immigrants. Allows local battered women's advocacy organizations, law enforcement or other eligible Stop grants applicants to apply for Stop funding to train INS officers and immigration judges as well as other law enforcement officers on the special needs of battered immigrants.

Sec. 1513. Protection for Certain Crime Victims Including Victims of Crimes Against Women

Creates new nonimmigrant visa for victims of certain serious crimes that tend to target vulnerable foreign individuals without immigration status if the victim has suffered substantial physical or mental abuse as a result of the crime, the victim has information about the crime, and a law enforcement official or a judge certifies that the victim has been helpful, is being helpful, or is likely to be helpful in investigating or prosecuting the crime. The crime must involve rape, torture, trafficking, incest, sexual assault, domestic violence, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, attempt or conspiracy to commit any of the above, or other similar conduct in violation of Federal, State, or local criminal law. Caps visas at 10,000 per fiscal year. Allows Attorney General to adjust these individuals to lawful permanent resident status if the alien has been present for 3 years and the Attorney General determines this is justified on humanitarian grounds, to promote family unity, or is otherwise in the public interest.

Mr. HATCH. The sex trafficking conference report also contains legislation known as "Aimee's law." The purpose of Aimee's law is to encourage States to keep murderers, rapists, and child molesters incarcerated for long prison terms. Last year, a similar version of Aimee's law passed the Senate 81 to 17, and Aimee's law passed the House of Representatives 412 to 15.

This legislation withholds Federal funds from certain States that fail to incarcerate criminals convicted of murder, rape, and dangerous sexual offenses for adequate prison terms. Aimee's law operates as follows: In cases in which a State convicts a person of murder, rape, or a dangerous sexual offense, and that person has a prior conviction for any one of those offenses in a designated State, the designated State must pay, from Federal law enforcement assistance funds, the incarceration and prosecution cost of the other State. In such cases, the Attorney General would transfer the Federal law enforcement funds from the designated State to the subsequent State.

A State is a designated State and is subject to penalty under Aimee's law if (1) the average term of imprisonment imposed by the State on persons convicted of the offense for which that person was convicted is less than the average term of imprisonment imposed for that offense in all States; or (2) that person had served less than 85 percent of the prison term to which he was sentenced for the prior offense. In determining the latter factor, if the State has an indeterminate sentencing system, the lower range of the sentence shall be considered the prison term. For example, if a person is sentenced to 10-to-12 years in prison, then the calculation is whether the person served 85 percent of 10 years.

The purpose of Aimee's law is simple: to increase the term of imprisonment for murderers, rapists, and child molesters. In this respect, Aimee's law is similar to the Violent-Offender-and-Truth-in-Sentencing Program and the Sentencing Reform Act of 1984. Since 1995, the Truth-in-Sentencing Program has provided approximately $600 million per year to States for prison construction. In order to receive these funds, States had to adopt truth-in-sentencing laws that require violent criminals to serve at least 85 percent of their sentences. As a result of such sentencing reforms, the average time served by violent criminals in State prisons increased more than 12 percent since 1993. Similarly, the Sentencing Reform Act of 1984 created the Federal sentencing guidelines and increased sentences for Federal inmates. I am proud to have supported both of these initiatives to increase prison terms for violent and repeat offenders.

Some will say that Aimee's law violates the principles of federalism, and in many respects, I am sympathetic to these arguments. However, I would note that Aimee's law does not create any new Federal crimes, nor does it expand Federal jurisdiction into State and local matters. Instead, this law uses Federal law enforcement assistance funds to encourage States to incarcerate criminals convicted of murder, rape, and dangerous sexual offenses for adequate prison terms.

In conclusion, I would like to acknowledge the efforts of Senator SANTORUM. He has been a tireless champion of Aimee's law. Without his leadership, Aimee's law would not have been included in the sex trafficking conference report. The State of Pennsylvania should be proud to have such an able and energetic Senator.

My friend and colleague, the distinguished ranking member of the Judiciary Committee, has expressed frustration with certain legislative items being added to the sex trafficking conference report. I respect him for voicing his concerns. I too would have preferred to have each of the measures that were included in this sex trafficking conference report considered on their own. But we have witnessed, during this session of Congress, dilatory procedural maneuvering of the like I have never witnessed before in the Senate.

Several bills which have passed both the House and the Senate are being held up with threats to filibuster the appointment of conferees. Motions to proceed to legislation are routinely objected to. As chairman of the Judiciary Committee, I was not even given the courtesy of being told that there was a Democratic hold on my interstate alcohol bill until after I sought to include it in the sex trafficking conference report. The public even witnessed the spectacle of the minority joining with the majority to limit debate on, and the amendments to, the Hatch H-1B bill and then turning around to repeatedly try to add non-relevant amendments to the bill in clear violation of the Senate rules.

Just so the record is clear, there has been—and continues to be—an effort on the part of the minority to tie the Senate up in procedural knots and then accuse the majority of being unable to govern. That is their right under the rules. I do not recall engaging in similar tactics when Republicans were in the minority but I am confident there are instances where one could accuse of having engaged in similar dilatory tactics. But, I believe we eventually reached the point where our fidelity to the institution and our oaths of office transcended the short-term interests of ballot box legislating.

The Senate has previously passed the interstate alcohol bill and the Aimee's law legislation by overwhelming votes. Ironically, the one piece of legislation included in this bill which my colleagues on the other side of the aisle do not object to having been added is the Violence Against Women Act. This legislation has not been considered by the Senate, although I am confident had it been, it would have passed overwhelmingly.

In short, no one respects the rules of the Senate more than me, In the end, I hope the minority will rethink its tired and belabored efforts to prevent the Senate from doing the public's work. Then we can adjourn and return to our respective states where the intervening adjournment can be spent with the real people of America—the workers, the teachers, and students—instead of the pollsters and spin doctors which seem to be of paramount attention to too many of my colleagues.

Mr. President, today I am pleased by the likely passage tonight of S. 577, the Twenty-First Amendment Enforcement Act. Originally introduced on March 10, 1999, this legislation provides a mechanism that will finally enable states to effectively enforce their laws prohibiting the illegal interstate shipment of beverage alcohol.

At the outset, I should note that S. 577 has enjoyed overwhelming support on both sides of the aisle and in both the Senate and the House of Representatives.

Originally passed by the Senate as an amendment by Senator BYRD to the Juvenile Justice bill, S. 254, on a lopsided vote of 80–17 on May 18, 1999, a revised version of S. 577 bill passed out of the Judiciary Committee on a 17–1 vote on March 2, 2000. As of the time of final passage, there were 23 cosponsors of the bill in the Senate—12 Republicans and 11 Democrats.

In the House, the companion legislation to S. 577, H.R. 2031, sponsored by my friend from Florida, Representative JOE SCARBOROUGH, passed the House initially by a vote of 310–112 on August 3, 1999. H.R. 2031 was backed by a coalition of 45 cosponsors in the House.

What is included in the conference report is the version of S. 577 as passed by the Judiciary Committee in March. It is important to note that the legislation, as revised with some amendments in the Committee to address both the Wine Institute's and the American Vintners Association's concerns, even got the support of Senators FEINSTEIN and SCHUMER, the two most vocal early opponents of the legislation. We worked hard with representatives of the wineries on language to further clarify that this bill does not, even unintentionally, somehow change the balancing test employed by the Courts in reviewing State liquor laws. We were able to reach agreement and incorporated those changes in the bill. The Wine Institute and the Vintners Association both have written us that they are no longer oppose the legislation.

Let me get to the substance of the legislation, the purpose behind it and the history of this issue—both legislative and constitutional. I think it is important to fully understand this history to appreciate this legislation.

The simple purpose of this bill is to provide a mechanism to enable States to effectively enforce their laws against the illegal interstate shipment of alcoholic beverages. Interstate shipments of alcohol directly to consumers have been increasing exponentially—and, while I certainly believe that interstate commerce should be encouraged, and while I do not want small businesses stifled by unnecessary or overly burdensome and complex regulations, I do not subscribe to the notion that purveyors of alcohol are free to avoid State laws which are consistent with the power bestowed upon them by the Constitution. Unfortunately, that is exactly want is happening, and that is what this legislation will address.

All States, including the State of Utah, need to be able to address the sale and shipment of liquor into their State consistent with the Constitution. As my colleagues know, the Twenty First Amendment ceded to the States the right to regulate the importation and transportation of alcoholic beverages across their borders. States need to protect their citizens from consumer fraud and have a claim to the tax revenue generated by the sale of such goods. And of the utmost importance, States need to ensure that minors are not provided with unfettered access to alcohol. Unfortunately, indiscriminate direct sales of alcohol circumvent this State right.

Let me emphasize that there are many companies engaged in the direct interstate shipment of alcohol who do not violate State laws. In fact, many of these concerns look beyond their own interests and make diligent efforts to disseminate information to others to ensure that State laws are understood and complied with by all within the interstate industry. This legislation only reaches those that violate the law.

Now, I would like to say a few words on the history of this issue. As many of my colleagues know, debate over the control of the distribution of beverage alcohol has been raging for as long as this country has existed. Prior to 1933, every time individuals or legislative bodies engaged in efforts to control the flow and consumption of alcohol, whether by moral persuasion, legislation or "Prohibition," others were equally determined to repeal, circumvent or ignore those barriers. The passage of state empowering federal legislation such as the Webb-Kenyon Act and the Wilson Act were not sufficient, in and of themselves, to provide states with the power they needed to control the distribution of alcohol in the face of commerce clause challenges. It took the passage of a constitutional amendment—and the re-enactment of the Webb-Kenyon Act in 1935—to give states the power they needed to control the importation of alcohol across their borders.

The Twenty-First Amendment was ratified in 1933. That amendment ceded to the States the right to regulate the importation and transportation of alcoholic beverages across their borders. By virtue of that grant of authority, each State created its own unique regulatory scheme to control the flow of alcohol. Some set up "State stores" to effectuate control of the shipment into, and dissemination of alcohol within, their State. Others refrained from direct control of the product, but set up other systems designed to monitor the shipments and ensure compliance with its laws. But whatever the type of State system enacted, the purpose was much the same: to protect its citizens and ensure that its laws were obeyed.

With passage of the "Twenty-First Amendment Enforcement Act," the States will be empowered to fight illegal sales of alcohol—let me emphasize illegal. This legislation is particularly well-timed in that it comes on the heels of a powerful opinion uphold state rights under the 21st Amendment in the case of Bridenbaugh v. Freeman-Wilson, by respected jurist Frank Easterbrook and the Seventh Circuit Court of Appeals. In an opinion upholding a state's right to regulate the importation of alcohol and prohibit illegal sales, Judge Easterbrook cogently articulated the role of the 21st Amendment in the Constitutional framework:

> . . . the twenty-first amendment did not return the Constitution to its pre-1919 form. Section 2 . . . closes the loophole left by the dormant commerce clause, . . . No longer may the dormant commerce clause be read to protect interstate shipments of liquor from regulation; sec. 2 speaks directly to these shipments . . . No decision of the Supreme Court holds or implies that laws limited to the importation of liquor are problematic under the dormant commerce clause.

Some who would seek to avoid state and federal laws have erroneously complained that S. 577 will allow states to enforce discriminatory state laws. These complaints are without merit. In actuality, failure to pass this bill would have had the effect of discriminating against in-state distributors by effectively giving out-of-state distributors de facto immunity from state regulation. Congress and the Constitution have recognized that States have a legitimate interest in being able to control the interstate distribution of alcohol on the same terms and conditions as they are able to control in-state distribution. As Judge Easterbrook pointed out:

> Indeed, all "importation" involves shipments from another state or nation. Every use of sec. 2 could be called "discriminatory" in the sense that plaintiffs use that term, because every statute limiting importation leaves intrastate commerce unaffected. If that were the sort of discrimination that lies outside state power, then sec. 2 would be a dead letter. . . . Congress adopted the Webb-Kenyon Act, and later proposed sec. 2 of the twenty-first amendment, precisely to remedy this reverse discrimination and make alcohol from every source equally amenable to state regulation.

That is exactly what S. 577 accomplishes. It simply ensures that all businesses, both in-state and out-of-state, are held accountable to the same valid laws of the state of delivery.

It is important to note that the Webb-Kenyon Act already prohibited the interstate shipment of alcohol in violation of state law. Unfortunately, that general prohibition lacked an appropriate enforcement mechanism, thus thwarting the states' ability to enforce their laws—those same laws they enacted pursuant to valid Constitutional authority under the Twenty-First Amendment—in state court proceedings through jurisdictional roadblocks. The legislation passed today removes that impediment to state enforcement by simply providing the Attorney General of a State, who has reasonable cause to believe that his or her State laws regulating the importation and transportation of alcohol are being violated, with the ability to file an action in federal court for an injunction to stop those illegal shipments.

This bill is balanced to ensure due process and fairness to both the State bringing the action and the company or individual alleged to have violated the State's laws. The bill:

1. Assures defendants of due process by requiring that no injunctions may be granted without notice to the defendants or an opportunity to be heard;
2. Assures defendants of due process by requiring that no preliminary injunction may be issued without proving: (a) irreparable injury, and (b) a probability of success on the merits;
3. Clarifies that injunctive relief only may be obtained—no damages, attorneys fees or other costs—may be awarded;
4. Assures that cases brought are truly interstate/federal in character by clarifying that in-state licensees and other authorized in-state purveyors, readily amenable to state proceedings, may not be subjected to federal injunctive actions;
5. Allows actions only against those who have violated or are currently violating state laws regulating the importation or transportation of intoxicating;
6. Notes that evidence from an earlier hearing on a request for a preliminary injunction—but from no other state or federal proceedings, may be used in subsequent hearings seeking a permanent injunction—conserving court resources but protecting a defendant's right to confront the evidence against him;
7. Ensures that S. 577 may not be construed to interfere with or otherwise modify the Internet Tax Freedom Act;
8. Provides for venue where the violation actually occurs—in the state into which the alcohol is illegally shipped.
9. Protects innocent interactive computer services (ICS's) and electronic communications services (ECS's) from the threat of injunctive actions as a result of the use of those services by others to illegally sell alcohol;
10. Prohibits injunctive actions involving the advertising or marketing (but not the sale, transportation or importation) of alcohol where such advertising or marketing would be lawful in the jurisdiction from which the advertising originates;
11. Requires that laws sought to be enforced by the states under S. 577 be valid exercises of authority conferred upon the states by the 21st Amendment and the Webb-Kenyon Act.

Madam President, contrary to some of the erroneous claims of some in the narrow opposition, I want to reemphasize that S. 577 is intended to assist the states in the enforcement of constitutionally-valid state liquor laws by providing them with a federal court forum. We are not stopping Internet or for that matter, any, legal sales of alcohol. Indeed, there is no objection to this legislation by a host of companies who sell wine over the Internet, such as Vineyards. The sole remedy available under the bill is injunctive relief—that is, no damages, no civil fines, and no criminal penalties may be imposed solely as a result of this legislation.

We specifically included rules of construction language in subsection 2(e) stating that this legislation "shall be construed only to extend the jurisdiction of Federal courts in connection with State law that is a valid exercise of power invested in the States" under the Twenty-First Amendment as that Amendment has been interpreted by the U.S. Supreme Court "including interpretations in conjunction with other provisions of the Constitution." This bill is not to be construed as granting the States any additional power beyond that.

Consequently, the state power vested under the Twenty-First Amendment, as I have discussed above, is appropriately interpreted with and against other rights and privileges protected by the Constitution, as the Supreme Court does in every case. It should also be made clear that by enacting S. 577, we are not passing on the advisability or legal validity of the various state laws regulating alcoholic beverages, which continue to be litigated in the courts, and should appropriately be a matter for the courts to decide.

COLLOQUY ON 21ST AMENDMENT ENFORCEMENT ACT

Mrs. BOXER. Madam President, I have strong misgivings about one part of the conference report we are about to consider. The provisions relating to interstate sales of alcoholic beverages, known as the 21st Amendment Enforcement Act, would dramatically reduce the ability of small wineries in my state to market their products across the country.

These wineries are small, independent, often family-owned, operations. They are the "little guys" in the winemaking industry. They need to sell their products directly to consumers around the country, and the Internet, especially, holds great promise for their future economic success.

Already, some of them have been hurt by state laws banning interstate sales of wine. The Matanzas Greek Winery in Sonoma County estimates that it is turning away around $8,000 a month in direct sales from consumers who had visited the winery and hoped to place orders from their homes in other states.

I am very concerned that the 21st Amendment Enforcement Act will make it even more difficult for these "little guys" to compete in the wine business.

I would like to ask the distinguished chairman of the Judiciary Committee, Senator HATCH, whether he would consider the impact of this legislation on my small wineries. Would the senator be willing, after the legislation has been on the books for a year or so, the review its impact on small wineries and to work with me to make such amendments as are necessary to take care of them?

Mr. HATCH. Madam President, I would be happy to consider this issue after next year and examine the legislation's impact on small wineries. I respect my colleagues from California's commitment to their constituents. I must reemphasize, however, that this legislation does nothing to hurt the so-called small wineries in competing or marketing their products in the wine business. I worked hard for over a year with the wine industry to ensure that the legislation does not have any unintended consequences, and want to reassure my colleague from California that the version of the legislation that is included in the conference report incorporates revisions made in the committee to address both the Wine Institute's and the American Vintners Association's concerns. We also included language to further clarify that this bill does not, even unintentionally, somehow change the balancing test employed by the courts in reviewing state liquor laws. I should also not that the Wine Institute and the Vintners Association, as well as numerous Internet commerce companies, have written us that they no longer oppose the legislation.

The simple purpose of this bill is to provide a mechanism to enable States to effectively enforce their laws against the illegal interstate shipment of alcoholic beverages. I hope the distinguished Senator from California knows that while I certainly believe that interstate commerce should be encouraged, and while I do not want small businesses stifled by unnecessary or overly burdensome and complex regulations, I do not subscribe to the notion that purveyors of alcohol are free to avoid State laws which are consistent with the power bestowed upon them by the Constitution—and I should add that I don't think that Senator BOXER subscribes to that notion either.

Let me emphasize that there are many companies engaged in the direct interstate shipment of alcohol who do not violate State laws. In fact, many of these concerns look beyond their own interests and make diligent efforts to disseminate information to others to ensure that State laws are understood and complied with by all within the interstate industry. This legislation only reaches those that violate the law, and only allows the attorney general of a state to go to Federal court to enforce its laws. It is just a jurisdictional legislation and does not allow or prohibit any sales or marketing by any winery, large or small.

Having said that, I do hear the concerns by Senator BOXER and am willing to consider the impact of this legislation after the law has been on the books for a year or so, as my colleague has asked. I look forward to working with her to insure that this legislation does not harm small wineries which comply with the law.

Mrs. BOXER. I thank the Senator for his interest and concern, and for his commitment to review the impact of the 21st Amendment Enforcement Act on small wineries in the future.

Mr. HATCH. Madam President, I yield the remainder of my time to the Senator from Pennsylvania.

AIMEE'S LAW

Mr. SANTORUM. Madam President, I rise in strong support of the Trafficking Victims Protection Act conference report, H.R. 3244, which in addition to seeking to end the trafficking of women and children into the international sex trade, slavery and force labor also includes major provisions reauthorizing the Violence Against Women Act, providing justice for victims of terrorism, and Aimee's law.

One of the most disturbing human rights violations of our time is trafficking of human beings, particularly that of women and children, for purposes of sexual exploitation and forced labor. Every year, the trafficking of human beings for the sex trade affects hundreds of thousands of women throughout the world. Women and children whose lives have been disrupted by economic collapse, civil wars, or fundamental changes in political geography have fallen prey to traffickers. According to the Department of State, approximately 1-2 million women and girls are trafficked annually around the world.

I commend Senator SAM BROWNBACK and Senator PAUL WELLSTONE for their bipartisan leadership on the International Trafficking of Women and Children Victim Protection Act. The bill specifically defines "trafficking" as the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport, purchase, sell, or harbor a person for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude or slavery-like conditions. Using this definition, the legislation establishes within the Department of State an Interagency Task Force to Monitor and Combat Trafficking. The Task Force would assist the Secretary of State in reporting to Congress the efforts of the United States government to fight trafficking and assist victims of this human rights abuse. In addition, the bill would amend the Immigration and Nationality Act to provide for a non-immigrant classification for trafficking victims in order to better assist the victims of this crime.

Senator ORRIN HATCH and Senator JOE BIDEN introduced S. 2787, the Violence Against Women Act. This bipartisan bill would reauthorize federal programs which have recently expired for another five years to prevent violence against women. It seeks to strengthen law enforcement to reduce these acts of violence, provide services to victims, strengthen education and training to combat violence against women and limit the effects of violence on children. I am an original cosponsor of this important legislation which has been endorsed by the National Association of Attorneys General, the National Governor's Association, and the American Medical Society. On September 26, the House of Representatives passed its version of the Violence Against Women Act, H.R. 1248, by a vote of 415 to 3. I am pleased that this important legislation is included in the Sex Trafficking conference report which passed the House of Representatives on October 6 by a 371–1 vote margin.

The reauthorization legislation also creates new initiatives including transitional housing for victims of violence, a pilot program aimed at protecting children during visits with parents accused of domestic violence, and protections for elderly, disabled, and immigrant women. The bill also would provide grants to reduce violent crimes against women on campus and extend the Violent Crime Reduction Trust Fund. It authorizes over $3 billion over five years for the grant programs. As a Member of the House of Representatives in the 103rd Congress, I supported H.R. 1133, the original Violence Against Women Act, offered by Representative Pat Schroeder of Colorado. Since FY1995, VAWA has been a major source of funding for programs to reduce rape, stalking, and domestic violence. I am also very pleased that my own legislation to strengthen incentives for violent criminals, including rapists and child molesters, to remain in prison and hold states accountable is included in the conference report.

Aimee's law was prompted by the tragic death of a college senior Aimee Willard who was from Brookhaven, Pennsylvania near Philadelphia. Arthur Bomar, a convicted murderer was early paroled from a Nevada prison. Even after he had assaulted a woman in prison, Nevada released him early. Bomar traveled to Pennsylvania where he found Aimee. He kidnapped, brutally raped, and murdered Aimee. He was prosecuted a second time for murder for this heinous crime in Delaware County, PA. Aimee's mother, Gail Willard, has become a tireless advocate for victims' rights and serves as an inspiration to me and countless others.

This important legislation would use federal crime fighting funds to create an incentive for states to adopt stricter sentencing and truth-in-sentencing laws by holding states financially accountable for the tragic consequences of an early release which results in a violent crime being perpetrated on the citizens of another state. Specifically, Aimee's law will redirect enough federal crime fighting dollars from a state that has released early a murderer, rapist, or child molester to pay the prosecutorial and incarceration costs incurred by a state which has had to reconvict this released felon for a similar heinous crime. More than 14,000 murders, rapes, and sexual assaults on children are committed each year by felons who have been released after serving a sentence for one of those very same crimes. Convicted murderers, rapists, and child molesters who are released from prisons and cross state lines are responsible for sexual assaults on more than 1,200 people annually, including 935 children.

Recidivism rates for sexual predators are the highest of any category of violent crime. Despite this, the average time served for rape is only five and one half years, and the average time served for sexual assault is under four years. Also troubling is the fact that thirteen percent of convicted rapists receive no jail time at all. We have more than 130,000 convicted sex offenders right now living in our communities because of the leniency of these systems. The average time served for homicide is just eight years. Under Aimee's law, federal crime fighting funds are used to create an incentive for states to adopt stricter sentencing and truth-in-sentencing laws.

This legislation is endorsed by Gail Willard, Aimee's mother, Marc Klass, Fred Goldman, and numerous organizations such the National Fraternal Order of Police, the National Rifle Association, and the Law Enforcement Alliance of America. 39 victims' rights organizations also support Aimee's law including Justice For All, the National Association of Crime Victims' Rights, the Women's Coalition, and Kids Safe. These groups consider Aimee's law one of their highest priority bills. It sends a message that if a state has very lenient sentencing it impacts other states and crime victims in those states as well.

I first offered Aimee's law as an amendment to the juvenile justice bill on May 19, 1999, which passed the Senate by a 81–17 vote margin. Congressman MATT SALMON also offered the legislation as an amendment in the House of Representatives on June 16, 1999, which passed by a 412–15 vote. Due to a lack of progress on the conference report it became necessary to move the legislation separately. On May 11, I joined Aimee's mother Gail at a hearing of the U.S. House Subcommittee on Crime, to urge the House to approve legislation separately to keep sexual predators behind bars. The House of Representatives subsequently passed the legislation again by a unanimous voice vote.

Aimee's law is an appropriate way to protect the citizens of one state from inappropriate early releases of another state. One of the forty plus national organizations supporting Aimee's law, the National Fraternal Order of Police, said the following.

> One of the most frustrating aspects of law enforcement is seeing the guilty go free and, once free, commit another heinous crime. Lives can be saved and tragedies averted if we have the will to keep these predators locked up. Aimee's Law addresses this issue smartly, with Federalizing crimes and without infringing on the State and local responsibilities of local law enforcement by providing accountability and responsibility to States who release their murders, rapists, and child molesters to prey again on the innocent.

We have made several modest changes to address implementation concerns by the states in the effort to achieve the best protection possible for our citizens. These include (1) Definitions: utilizing the definitions for murder and rape of part I of the Uniform Crime Reports of the FBI and for dangerous sexual offenses utilizing the definitions of chapter 109A of title 18- to provide for uniform comparisons across the states; (2) Sentencing Comparisons: Eliminating the additional 10 percent requirement and utilizing a national average for sentencing only as a benchmark; (3) Study: Also building into the process a study evaluating the implementation and effect of Aimee's Law in 2006; (4) Source of Funds: Provides states the flexibility to choose the source of federal law enforcement assistance funds (except for crime victim assistance funds); (5) Implementation: Delays the implementation of Aimee's Law to January 1, 2002 to allow states the opportunity to make any modifications that they would choose to do; and (6) Indeterminate Sentencing States: Safe harbor for states with sentencing ranges allows for the use of the lower number in the calculation (e.g. if sentencing guideline is 10–15 years, 10 years will be utilized.)

We are sending a clear message with Aimee's law. We want tougher sentences and we want truth in sentencing. A child molester who receives four years in prison, when you consider the recidivism rate, is an abomination. Murders, rapists, and child molesters do not deserve early release; our citizens deserve to be protected. In this legislation we are protecting one state's citizens from the complacency of another state, and appropriate role for the federal government. I want to thank my colleagues for their support and urge the passage of this legislation.

Madam President, I ask unanimous consent that the statement of Gail Willard be printed in the RECORD, along with the list of endorsements.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GAIL WILLARD BEFORE THE CRIME SUBCOMMITTEE

It has been one thousand four hundred twenty one days since Aimee's murder. This nightmare began on June 20, 1996. At 4:45 AM, I was awakened by a phone call—something every parent dreads and hopes will never happen to them. I was told that the police had found my car on the ramp of a major highway. The car engine was running; the driver's side door was open; the headlights were on; the radio was playing loudly; and there was blood in front of and next to the car. Who was the driver? Where was the driver? That night, my beautiful twenty-two year old daughter, Aimee, had my car. She had gone to a reunion with high school friends, and now she was missing. Late that afternoon Aimee's body was found in a trash-strewn lot in the "badlands" of North Philadelphia. She had been raped and beaten to death.

Aimee was a wonder, a delight, a brilliant light in my life. With dancing blue eyes and a bright, beautiful smile, she drew everyone who knew her into the web of her life. She would light up a room just by walking into it. She could run like the wind, and she enjoyed the game—every game. She had friends and talents and dreams for a spectacular future, so it seemed only natural and right to believe that she would live well into old age. Never one to complain when things didn't go her way, Aimee always worked and played to the best of her ability, happy with her successes, taking her failure in stride. Aimee lived and loved well. She never harmed anyone; in fact, Aimee rarely ever spoke ill of anyone. She was almost too good to be true. On June 20, 1996, at age twenty-two years and twelve days. Aimee was robbed of her life, and our family was robbed of the joy and love and innocent simplicity that were Aimee's special gift to us. We will never be the same. There is an ache deep within each one of us—and ache that cries out, "Why God? Why?"

"Just Do It" was Aimee's motto. She never worried about what she could not do well; she put her energy into doing what she could do well. In athletics, Aimee took her God-given talents and worked them to perfection. For college Aimee accepted a scholarship to play soccer for George Mason University in Fairfax, Virginia. In her sophomore year, she joined the lacrosse team. A two sport Division 1 athlete, Aimee was on her way to becoming a legend at George Mason University. In the spring of 1996, the spring before she was murdered, Aimee led her lacrosse conference, scoring fifty goals with twenty-nine assists. In fact, 1995–96 was a banner year for Aimee. She was named to the Colonial Athletic Association All-Conference Team in both soccer and lacrosse, and to the All-American team for the Southeast region in lacrosse.

Aimee's athletic success is only part of her glory. Her friends describe her as a quiet presence, a fun-loving kid, a good listener, a loyal friend. They used words like shy, modest, kind, strong, focused, intense, caring, sharing and loving when they speak about Aimee. They tell of Aimee's magic with people. So that you will understand the impact her murder had on them, I want to share an excerpt from a letter one of her friends wrote to me.

"For the past few weeks my heart has been breaking for all of us in our devastating loss, but more recently I think my heart has been hurting a bit more for those who will never get the chance to know the woman who played two Division 1 sports, making the all-conference teams in both, and All-American in one. They will never meet the girl who was always being named 'Athlete of the Week' and had no idea that she was half the time. These people will never get the chance to argue with her over things like Nike vs. Adidas, Bubblicious vs. Bubble Yum, Coke vs. Cherry Coke, or whether certain professional athletes were over-rated. I am one of the fortunate ones. I have volumes of Aimee's memories. I know the beauty of those big blue eyes under a low brim of a Nike hat. I know the carefree serenity that gave birth to the goofy laugh. I witnessed her grace with grit, her passion with patience, her pride without arrogance, her speed without exhaustion, and her sweat that was enough to start an ocean. If I was given the opportunity to trade in all my present pain in exchange for never being able to say, 'Aimee was my teammate; Aimee was my friend,' I'd stick with the pain. The memory of her is so wonderful."

It is impossible to adequately describe the impact of Aimee's murder on the countless people who knew her and loved her. We are all trying to survive the pain and emptiness of this great loss. How often I turn to tell Aimee something silly or dumb when I'm watching one of our favorite television shows, or a basketball or football game, but she isn't there. I'm out shopping and I say, "Aimee would look great in that outfit. I'll buy if for her." But Aimee will never wear a new outfit again. I will never have the joy of holding Aimee in my arms again, or of seeing her sparkling blue eyes, freckled nose and bright smile. I will never know the children Aimee dreamed of having, or the children Aimee dreamed of coaching.

I do have wonderful memories of Aimee. Her life was wrapped in my love, and mine was wrapped in her love. Because of evil incarnate in Arthur Bomar, I now also have horrible nightmares of the fear, the absolute terror, Aimee must have known, and of the dreadful pain she was forced to endure. I who had been with Aimee in every facet of her life, every event big and small, was not there to protect her from the fear and the pain. I never had the chance to say good-bye. This despicable individual had condemned me, my other two children, the rest of our family and all of Aimee's friends who live with an ache deep in our hearts. The void can never be filled. The pain of the loss of Aimee is forever.

Aimee's life was ended on June 20, 1996, a night of total madness. She was kidnaped from her own car, raped, and then beaten to death—beaten so badly around the head and face that she was identified by the Nike swoosh tattoo on her ankle—beaten so badly that she had an empty heart when she was found. Every pint of blood had spilled from her body. The person who did this to Aimee is a convicted felon who was on parole.

Arthur Bomar was released from Nevada's prison system after serving only twelve years of a life sentence for murdering a man. While he was awaiting trial for the murder charge, he shot a woman. While he was in prison serving time for both these crimes, he assaulted a woman who was visiting him there. Despite all these violent crimes, and sentences even beyond the life sentence, Nevada released him after only twelve years. Did they think he was reformed? All they had to do was read his record to know that he wasn't. A reformed, contrite prisoner sentenced to life doesn't beat up a woman visitor. But he was released by Nevada, and he came to Pennsylvania and murdered my Aimee.

On October 1, 1998, Arthur Bomar was convicted of first degree murder, kidnaping, rape and abuse of a corpse. After the jury announced their decision for the death penalty, this reformed felon from Nevada raised his hand with his middle finger extended and shouted, "F - - - you, Mrs. Willard, her brother and her sister."

This kidnapper, rapist and murderer should never have been on the street in June of 1996. And Aimee Willard should be teaching and coaching, living and loving, spreading her joy among us. But she isn't. Her legacy will live on, however, in scholarship funds, aid to those in need, and a beautiful memorial garden on that lot in the "badlands" of North Philadelphia. Her legacy will live on because of Aimee's Law, the "No Second Chances" law proposed by Matt Salmon from Arizona and co-sponsored by Curt Weldon from Pennsylvania and many other Congressmen and Senators.

Our entire justice system, as I see it, cries out for reform. Our system lacks real truth in sentencing. Life in prison does not mean life. Murderers are returned to the streets to murder again. Willful murderers do not deserve a second chance. If "Aimee's Law" is passed in 2000, the States will have strong incentive to reform their parole systems and to keep predators in prison actually for life. If not, they will risk a reduction of federal funds if their paroled murderers cross state lines and commit another violent crime.

I am asking you, the members of the Sub-Committee on Crime, to support the passage of "Aimee's Law" if you want to stop the nightmare or convicted murderers continuing to murder. If this law is passed, our streets will be a little safer, some families will be spared the heartache we have suffered, and Aimee Willard's name, not the name of her killer, will be remembered forever. Please remember that Aimee has no second chance at life.

Thank you.

AIMEE'S LAW

Protects Americans from convicted murders, rapists, and child molesters by requiring states to pay the costs of prosecution and incarceration for a previously convicted criminal who travels to another state and commits a similar violent crime. The payment would come from federal law enforcement assistance funds chosen by the state. The legislation is designed to keep violent criminals with high recidivism rates in prison for most of their sentences consistent with the principles of truth in sentencing. The federal government needs to be involved to protect the citizens of one state from inappropriate early releases of another state such as occurred with Aimee Willard from the Philadelphia area, a college senior, who was kidnapped and brutally raped and murdered by a man who was released early from prison in Nevada. Passed the Senate last year 81–17; passed the House of Representative 412–15.

PARTIAL LIST OF ENDORSEMENTS

The National Fraternal Order of Police, Washington, DC.

Law Enforcement Alliance of America, Falls Church, Virginia.

KlaasKids Foundation, Sausalito, California.

Childhelp USA, Scottsdale, Arizona.

Kids Safe, Granada Hills, California.

Concerned Women for America, Washington, PC.

California Correctional Peace Officers Association (CCPOA), Sacramento, California.

National Rifle Association (N.R.A.), Falls Church, Virginia.

Doris Tate Crime Victims Bureau, Sacramento, California.

Mothers Outraged at Molesters Organization (M.O.M.s), Independence, Missouri.

Southern States Police Benevolent Association, Virginia.

Garland, Texas Police Department, Garland, Texas.

Action Americans—Murder Must End Now (A.A.M.M.E.N.), Marietta, Georgia.

Arizona Professional Police Officers, Association, Phoenix, Arizona.

Arizona Voice for Crime Victims, Phoenix, Arizona.

Association of Highway Patrolmen of Arizona, Tucson, Arizona.

California Protective Parents Association, Sacramento, California.

Christy Ann Fornoff Foundation, Mesa, Arizona.

Citizens and Victims for Justice Reform, Louisville, Kentucky.

Concerns of Police Survivors (C.O.P.S.), Missouri.

International Children's Rights Resource Center, Washington.

Justice for All, New York, New York.

Justice for Murder Victims, San Francisco, California.

Kids In Danger of Sexploitation (K.I.D.S.), Orlando, Florida.

McDowell County Sheriff's Department, Marion, North Carolina.

Memory of Victims Everywhere (M.O.V.E.), San Juan Capistrano, California.

National Association of Crime Victims' Rights, Portland, Oregon.

New Mexico Survivors of Homicide, Inc., Albuquerque, New Mexico.

Parents Legal Exchange Alliance, San Francisco, California.

Parents of Murdered Children, Cincinnati, Ohio.

Parole Watch, New York, New York.

Phoenix Law Enforcement Association, Phoenix, Arizona.

Protect Our Children, Cocoa, Florida.

Security On Campus, Inc., King of Prussia, Pennsylvania.

Speak Out for Stephanie (S.O.S.), Overland Park, Kansas.

Survivor Connections, Inc., Cranston, Rhode Island.

Survivors and Victims Empowered (S.A.V.E.), Lancaster, Pennsylvania.

Survivors of Homicide, Inc., Albuquerque, New Mexico.

Victims of Crime and Leniency (V.O.C.A.L.), Montgomery, Alabama.

The Women's Coalition, Pasadena, California.

ENDORSEMENTS FROM INDIVIDUALS: (*INTERSTATE CASES)

Ms. Gail Willard (PA; mother of Aimee Willard, a college student raped and murdered by a released killer*)

Ms. Mary Vincent (WA; survivor of rape/attempted murder in CA; her attacker, released from prison, later killed a mother of three in Florida*)

Mr. Fred Goldman (CA; father of Ron Goldman, who was killed in CA along with Nicole Simpson)

Mr. Marc Klass (CA; father of Polly, who was molested and murdered in Nevada by a released sex offender)

Ms. Dianne Bauer (AK; daughter of Dr. Lester Bauer, who was murdered in Nevada by a released murderer*)

Ms. Jeremy Brown (NY; survivor of rape; her attacker had served time for murder*)

Ms. Trina Easterling (LA; mother of Lorin, an 11 year-old girl abducted, raped, and murdered, allegedly by Ralph Stogner, who had served time for raping a pregnant woman*)

Mr. Louis Gonzalez (NJ; brother of Ippolito "Lee" Gonzalez, a policeman murdered by a released killer*)

Ms. Dianne Marzan (TX; mother of daughters molested by an HIV-positive, released sex offender*)

The Pruckmayr family (PA; parents of Bettina, brutally stabbed 38 times in our nation's Capital by a paroled murderer)

Ms. Beckie Walker (TX; wife of TX Police Officer Gerald Walker, who was murdered by a released double-killer*)

Mr. Ray Wilson (CO; father of Brooklyn Ricks, who was raped and murdered by a released rapist*)

Mr. SANTORUM. In conclusion, Madam President, I thank Senator BROWNBACK for his great work and perseverance in bringing this crime-fighting package to the Senate to pass it and turn it into law quickly. Aimee's law was debated and considered here in the Senate during this session of Congress. It passed 81–17. It has passed the

House with over 400 votes. It is a provision that has very broad support. It is one of the No. 1 legislative provisions that the victims rights organizations in America would like to see done.

This is a piece of legislation that targets three types of offenders—murderers, rapists, and sex offenders, child molesters in particular. What this does is focus on those three because, obviously, they are three of the most heinous crimes on the books, but they are also crimes that have the highest incidence of repeat offenders, particularly the sexual crimes.

Aimee's law is given that name for Aimee Willard. She was a college student outside of Philadelphia who was raped and murdered by Arthur Bomar. Arthur Bomar was released from a Nevada prison after serving only a small fraction of his sentence for a similar crime. He was released, and within a few months he found his way to Philadelphia, where Aimee was out one evening. She was attacked, raped, and murdered. It was a case that sent shockwaves through southeastern Pennsylvania and the whole Delaware Valley. Aimee's mother, Gail, has been on a crusade since then to do something to make sure convicted rapists and murderers and other sex offenders serve their full sentences.

If you look at the sentences that are meted out for these crimes, it is somewhat chilling to realize that if you look at the sentences that are served for murder, for example, the average sentence for murder is 8 years. The average sentence for rape is 5½ years. This is the actual time they serve, and the actual time served for a sex or child molestation offense is 4 years.

We believe that you have a high incidence of recidivism in these crimes, and people need to serve longer sentences so they are not a threat to our communities. In fact, more than 14,000 murders, rapes, and sexual assaults on children are committed each year by felons who had been released after serving a sentence on one of those very same crimes. So 14,000 of these crimes are committed by people who have committed these crimes in the past, who were let go to commit a crime again.

What we believe and what we have suggested is, frankly, very modest. It is modest in the sense that it is, I argue, even for those 81 Senators who voted for this legislation the last time around—and some expressed concern that this was going to be too tough on the States—not as tough as it was before. We have changed it in ways that have made it a little less onerous on States to have to keep up with these provisions. We tightened the definitions more. We created flexibility for the States for them to choose which funds they would use.

This is basically what this proposal does. It says if you release someone from prison who has not served 85 percent of their sentence, or has served a sentence below the national average for the crimes that we enumerate, and that person goes out and commits a crime in another State, then the State in which the person has committed the second crime—the released felon commits a second crime—then it has a right to go to the original State who let this person out early and seek compensation for all the costs associated with the prosecution, conviction, and incarceration of that criminal.

That hardly seems like the overbearing Federal Government dictating to States how to run their criminal justice system. These are Federal funds. States can choose which Federal funds they can allocate for this purpose. But what it says is we need to get tougher in having tougher sentences and making sure that those sentences, when given, are served.

I don't believe that is too much to ask for this Congress, and I very strongly urge my colleagues to support this measure, and recognize that if this measure is not supported this bill will be dead and will have to start over again in the House of Representatives.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I yield myself 3 minutes. I want to recognize the leadership of my colleague from Pennsylvania, Senator SANTORUM, in this provision. This is something he fought for to put in this overall package, to keep in this overall package, and it was something when we started down this road, frankly, I was saying I want a little, clean, simple bill to deal with sex trafficking. And several Members on the House side, and Senator SANTORUM on this side, fought to put this in.

The more I studied this, the consistency of the flow was there with this. This is dealing with trying to protect people who have been subject to domestic crimes, domestic violence, to protect people who have been subject to trafficking and protect people who have been subject to, frankly, early release and high recidivism offenders in other States, such as what happened, unfortunately, in his State in the case of Aimee Willard.

I applaud my colleague's work. I note one other thing. Other colleagues look at this and raise questions about does this really fit within the overall package, and one can make their decision one way or the other. But the point is, if this is pulled out, the bill has to go back to the House. We don't have time, so it effectively kills the bill. The House has already voted 371–1 for this package. It is a package and if this gets pulled out, it has to go back to the House. The House is going out on Friday for a funeral of one of its Members. Tomorrow, it has its calendar set up. It kills the bill, so everything else gets killed as well, regardless of what the arguments are. I plead with colleagues and say let's look at this and go ahead and support the entire package and not support the motion to strike the Aimee's law provision.

Mr. BROWNBACK. Thank you, Madam President.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Madam President, off whose time is the quorum call charged?

The PRESIDING OFFICER. It is the understanding of the Chair that, under the previous order, all quorum calls are being charged today to both sides equally.

Mr. BROWNBACK. I note for the record, as we put it in, it was charged against all sides equally because there are four people who have separate allotted time. It should be allocated equally to all of those.

The PRESIDING OFFICER. The Senator's understanding is correct. It will be so allocated.

Mr. BROWNBACK. Madam President, I note that we are planning on a vote at 4:30. Senator THOMPSON has the time reserved from 3:30 to 4:30. I note for my colleagues that if anybody wishes to speak on this particular bill, Senator THOMPSON has an entire hour reserved. Under the unanimous consent order, we immediately go to both votes—the vote on the appeal of the ruling of the Chair for Senator THOMPSON, and immediately we will go to a vote on final passage of the conference report.

If anybody seeks to speak on this bill, they should do so at the present time because otherwise it will be allocated to Senator THOMPSON.

I will use a couple of minutes of my time at this point. I note that within the bill there is the Justice for Victims of Terrorism Act that has been spoken of by Senator LAUTENBERG and Senator MACK, which seeks justice for victims of terrorism that is taking place. That is in the bill. I think it is an important part of the legislation. I hope we will have some discussion taking place on that as well.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, parliamentary inquiry: How much time, if any, is under the control of the Senator from Delaware?

The PRESIDING OFFICER. Seven minutes 48 seconds.

Mr. BIDEN. I ask the ranking member whether or not he is willing to yield additional time if I need it?

Mr. LEAHY. How much time do I have?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. LEAHY. I yield the 6 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, what a difference a year makes. Last year, I came to the floor and indicated I thought in light of the resistance taking place regarding the Violence Against Women Act and its reauthorization and the Violence Against Women II Act, it would be a tough fight to renew and strengthen the Violence Against Women Act. Thanks to the help and support of a number of folks in and out of this Senate—from attorneys general in the various States, to police, to victims advocates, doctors, nurses, Governors, women's groups—I am proud to say we finally arrived at a point where the Violence Against Women Act 2000 is on the verge of passing the Senate as part of the sex trafficking conference report.

I thank particularly my good friend from Minnesota. Since he has arrived in the Senate, he has been the single strongest supporter I have had. Along with his wife, who is incredible, she has been the single most significant outside advocate for the Violence Against Women Act in everything that surrounds and involves it.

I dealt him a bit of advice. When I went to a conference on a bill he was working very mightily for, along with our friend and Republican colleague, the sex trafficking bill, which is a very important bill in and of itself—by itself it is important—if we were doing nothing else but passing that legislation that he and Senator BROWNBACK have worked so hard on, it would be a worthy day, a worthy endeavor for the Senate and the U.S. Government.

I realize people watching this on C-SPAN get confused when we use the "Senate speak." We talk of conferences and conference reports and various types of legislation. The bottom line is, I was part of that agreement where we sat down with House Members and Senate Members to talk about the sex trafficking legislation. I didn't surprise him—I told him ahead of time, but I am sure I created some concern—by attempting to add the Violence Against Women Act to that legislation. We ultimately did.

It is the first time in the 28 years I have been in the Senate that I have gone to a conference and added a major piece of legislation in that conference, knowing that it might very well jeopardize the passage of the legislation we were discussing. And it is worthy legislation. I am a cosponsor. I can think of nothing—obviously, you would expect me to say that, being the author of this legislation—I can think of nothing of more consequence to the women of America and the children of America than our continuing the fight—and I am sure my friend from Minnesota agrees with me—regarding violence against women.

I thank Senator HATCH for working so hard with me to pass this legislation. This legislation was not a very popular idea on the other side of the aisle 8 years ago when we wrote this, and 6 years ago when we got close to passing it, and 5 years ago when we passed it. Senator HATCH stood up and led the way on the Republican side. And I thank my Republican colleagues, about 25 of whom—maybe more now—cosponsored it. I attribute that to Senator HATCH's leadership, and I thank him for that.

This legislation is very important. I will try as briefly as I can to state why it is important.

First of all, it reauthorizes the Violence Against Women Act of 1994, referred to as landmark legislation. I believe it is landmark legislation. It is the beginning of the end of the attitude in America that a woman is the possession of a man, that a woman is, in fact, subject to a man's control even if that requires "physical force." This clearly states, and we stated it for the first time on record in 1994, that no man has a right under any circumstance other than self-defense to raise his hand to or to use any physical force against a woman for any reason at all other than self-defense.

One might think: Big deal; we all knew that. No, we didn't all know that. It has begun to shape societal attitudes. What has happened is that we have seen a decline of 21 percent in the violent acts committed by significant others against their spouses and/or girlfriends and/or mate. That is a big deal. What happens if we don't pass this today? The Violence Against Women Act goes out of existence. It is no longer authorized. So this is a big deal, a big, big deal.

No. 2, I promised when I wrote this legislation in 1994 that, after seeing it in operation, I would not be wedded to its continuation if it wasn't working, and that I would propose, along with others, things that would enhance the legislation. That is, places where there were deficiencies we would change the law and places where the law in place was useless or counterproductive, we would eliminate that provision of the law. We have kept that promise.

This legislation does a number of things. It makes improvements in what we call full faith and credit of enforcement orders. Simply stated, that means if a woman in the State of Maryland goes to court and says, "This man is harassing me," or "He has beaten me," or "He has hurt me," and the court says that man must stay away from that woman and cannot get within a quarter mile—or whatever the restriction is—and if he does, he will go to jail, that is a protection order, a stay away order.

What happens in many cases when that woman crosses the line into the State of Delaware or into the State of Pennsylvania or into the District of Columbia and that man follows her, the court in that district does not enforce the stay away order from the other State for a number of reasons: One, they don't have computers that they can access and find out whether there is such an order; two, they are blase about it; or three, they will not give full faith and credit to it.

This creates a development and enhancement of data collection and sharing system to promote tracking and enforcement of these orders. Big deal.

Second, transition housing. This is a change. We have found that we have provided housing for thousands and thousands and thousands of women who have gotten themselves into a dilemma where they are victimized but have no place to go. So we, all of us in the Congress, have provided moneys for building credible and decent and clean shelters, homes for women where they can bring their children.

I might note parenthetically the majority of children who are homeless, on the street, are there because their mothers are the victim of abuse and have no place to go. So they end up on the street. We are rectifying that.

We found out there is a problem. There is a problem because there are more people trying to get into this emergency housing and there is no place for some of these women to go between the emergency housing—and they can't go back to their homes—and having decent housing. So we provide for a transition, some money for transition housing. In the interest of time, I will not go into detail about it.

Third, we change what we call incorporating dating violence into the purposes that this act covers, where there is a pro-arrest policy, where there are child abuse enforcement grants, et cetera. The way the law was written the first time, an unintended consequence of what I did when I wrote the law is, a woman ended up having to have an extended relationship with the man who was victimizing her in order to qualify for these services. That is an oversimplification, but that is the essence. If a woman was a victim of date rape, the first or second time she went out with a man of whom she was a victim, she did not qualify under the law for those purposes. Now that person would qualify.

We also provide legal assistance for victims of domestic violence and sexual harassment. We set aside some of the money in the Violence Against Women Act, hopefully through the trust fund which, hopefully, the Presiding Officer will insist on being part of this. We provide for women getting help through that system. We provide for safe havens for children, pilot programs.

As my friend from Minnesota knows, most of the time when a woman gets shot or killed in a domestic exchange, it is when she is literally dropping off a child at the end of the weekend. That is when the violence occurs. So we provide the ability for the child to be dropped off in a safe place, under supervised care—the father leaves, and then the mother comes and picks the child up and regains custody—because we find simple, little things make big, giant differences in safety for women. This also provides pilot programs relating to visitation and exchange.

We put in protective orders for the protection of disabled women from domestic violence. Also, the role of the court in combating violence against women engages State courts in fighting violence by setting aside funds in one of the grant programs.

And we provided a domestic violence task force. We also provide standards, practices, and training for sexual forensic examinations which we have been doing in my State, and other States have done, but nationwide they are not being done. So much loss of potential evidence is found when the woman comes back into court because they did not collect the necessary evidence at the time the abuse took place.

Also, maybe the single most important provision we add to the Violence Against Women Act is the battered immigrant women provision. This strengthens and refines the protections for battered immigrant women in the original act and eliminates the unintended consequence of subsequent charges in immigration law to ensure that abused women living in the United States with immigrant victims are brought to justice and the battered immigrants also escape abuse without being subject to other penalties.

There is much more to say.

We have worked hard together over the past year to produce a strong, bipartisan bill that has gained the overwhelming support of the Senate—with a total of 74 cosponsors. All of my Democratic colleagues are cosponsors, along with 28 of my Republican friends.

Passage of this bill today would not have been possible without the effort and commitment of the chairman of the Judiciary Committee, my friend ORRIN HATCH, who has dedicated years to addressing the scourge of violence against women.

I also want to take this opportunity to thank our committee's ranking member, Senator LEAHY, for his constant support of my efforts to bring this bill to a vote, and my friends in the House, Representatives JOHN CONYERS, ranking member of the House Judiciary Committee, and CONNIE MORELLA, for their leadership on this important legislation.

The need for this law is as clear today as it was more than a decade ago when I first focused on the problem of domestic violence and sexual assault.

Consider this: In my state of Delaware, I regret to report that more than 30 women and children have been killed in domestic violence-related homicides in the past three years.

No area or income-bracket has escaped this violence. To stop domestic violence beatings from escalating into violent deaths, more than one thousand police officers throughout Delaware—in large cities and small, rural towns alike—have received specialized training to deal with such cases.

Every State in this country now has similar police training, and the Violence Against Women Act is providing the necessary funding.

To ensure these officers collect evidence that will stand up in court, they are being armed with state-of-the-art instant cameras and video cameras.

The Violence Against Women Act is providing the necessary funding for these cameras—nationwide.

The National Domestic Violence Hotline handles 13,000 calls from victims per month and has fielded over half a million calls since its inception. The Violence Against Women Act is providing the necessary funding.

We are also working hard to create an army of attorneys nationwide who have volunteered to provide free legal services to victims—from filing a protection order, to divorce and custody matters. But many, many more women need legal assistance. The Violence Against Women Act of 2000, which is before us today, authorizes and provides the necessary funding to help victims of domestic violence, stalking, and sexual assault obtain legal assistance at little to no cost.

Don't take my word for the need for this legislation. You have heard from folks in your states. Listen to their stories and the programs they've put into place over the past five years since we passed the Violence Against Women Act in 1994—with overwhelming bipartisan support.

Unless we act now—and renew our commitment to stopping violence against women and children—our efforts and successes over the past five years will come to a screeching halt. The Violence Against Women Act expired September 30.

If the funding dries up—make no mistake—the number of domestic violence cases and the number of women killed by their husbands or boyfriends who profess to "love" them—will increase.

Domestic violence has been on a steady decline in recent years. U.S. Department of Justice statistics show a 21 percent drop since 1993.

Why?

From Alabama to Alaska—New Hampshire to New Mexico—Michigan to Maine—California to Kentucky—Delaware to Utah—police, prosecutors, judges, victims' advocates, hospitals, corporations, and attorneys are providing a seamless network of "coordinated response teams" to provide victims and their children the services they need to escape the violence—and stay alive.

In National City, California, family violence response team counselors go directly to the scenes of domestic violence cases with police.

Violence Against Women Act funds have facilitated changes from simple, common sense reforms—such as standardized police reporting forms to document the abuse . . . to more innovative programs, such as the Tri-State Domestic Violence Project involving North Dakota, Montana, and Wyoming. This project includes getting the word out to everyone from clergy to hairdressers to teachers—anyone who is likely to come into contact with a domestic violence victims—so that they can direct victims to needed housing, legal, and medical services. And the services and protections are offered across State lines.

Such coordinated projects have different names in different States—in Oregon, they have domestic violence intervention teams.

In Vermont they have "PAVE." The Project Against Violent Encounters.

Washington State has developed "Project SAFER"—which links attorneys with victims at battered women shelters to "Stop Abuse and Fear by Exercising Rights."

In Washington, D.C. they formed Women Empowered Against Violence—known as WEAVE—which provides a total package for victims, from legal assistance to counseling to case management through the courts.

Utah has developed the "CAUSE" project, or the Coalition of Advocates for Utah Survivors' Empowerment. It is a statewide, nonprofit organization that has created a system of community support for sexual assault survivors.

In Kansas, they've funded a program called "Circuit Riders," who are advocates and attorneys who travel to rural parts of the State to fill the gaps in service.

Different names for these programs but the same funding source and inspiration—the Violence Against Women Act.

Experience with the act has also shown us that we need to strengthen enforcement of protection from abuse orders across state lines.

Candidly, a protection from abuse order is just one part of the solution. A piece of paper will not stop a determined abuser with a fist, knife, or gun.

But look at what states like New York and Georgia are doing to make it easier—and less intimidating—for women to file for a protection from abuse order.

They have implemented a completely confidential system for a victim to file for a protection from abuse order without ever having to walk into a courtroom.

It is all on-line over the internet. After the victim answers a series of questions and describes the abuse, the information is deleted once transmitted to the court—with no information stored electronically.

This project is part of specialized domestic violence courts established in many states—where one judge handles the entire case—from protection orders, to divorce, custody, and probation issues.

The Center for Court Innovation is working with the New York courts to develop customized computer technology that will link the courts, police, probation officers, and social service agencies—so that everyone is on the same page, and knows exactly what's happening with a domestic violence case.

We need to take this technology nationwide. And the Violence Against Women Act of 2000 before us today will provide funding to states for such technology. and not all our solutions are high-tech.

To help victims enforce protection orders, states and cities across this country have teamed up with the cellular phone industry to arm victims with cell phones.

In my state of Delaware, I spearheaded a drive to collect two thousand used cell phones, so that every person with a protection from abuse order can get a cell phone programmed to automatically dial 9-1-1 if the abuser shows up at her house, place of work, at the school yard when she picks up her child, the bus stop or the grocery store.

Commonsense solutions—all sparked by the Violence Against Women Act this body passed overwhelmingly in 1994.

Again, listen to the voices of victims we have helped.

Phyllis Lee from Tennessee says she is alive today thanks to the battered women shelter in Dayton. Without it, she is certain her abusive husband would have killed her with his violent beatings. After enduring 17 years of torturous abuse, including severe beatings to her head and body, rape, and the withholding of needed medical care, Phyllis finally escaped.

After a particularly severe beating, she hid in the woods for 20 hours, paralyzed with fear that her husband would find her. She crawled to a nearby farmhouse and asked for help.

With the help of the woman who lived there, she contacted Battered Women, Inc.—an organization that assists victims of domestic violence. This program, which includes a hotline, counselors, and a shelter, is heavily funded by the Violence Against Women Act. It provided a way out for Phyllis and her children, whose lives were in grave danger.

Battered Women, Inc. also helped Phyllis get her GED and she is now working as an advocate for other battered women. She says that without this program, she never would have known that the option to live without abuse existed.

States with large Indian reservations—such as California and Nevada—have formed Inter-Tribal Councils so that Native American women no longer have to suffer in silence at the hands of their violent abusers. One victim in California writes:

> If it were not for the Inter-Tribal Council's efforts, I would be dead, homeless or living in my car, with my children hungry.

In California, the Inter-Tribal Council has reached out to Native American communities to establish the "Stop and Take Responsibility" program.

First, and foremost, this program is about education—educating Native American men that hitting your spouse is a serious crime, and educating mothers, wives, sisters, and daughters—that no man has a right to lay a hand on them.

This past May, the shooting of Barry Grunnow, an English teacher in Lake Worth, Florida—by a seventh grade honor roll student named Nathaniel Brazil—shocked the nation.

Recently, Lake Worth police released reports showing a history of domestic violence in the Brazil home.

As the Palm Beach Post wrote recently in an editorial—

> While violence in the home can hardly be directly blamed for the tragic shooting . . . this case does demonstrate the way in which domestic violence affects society at large, how violence in the home increased the likelihood for violence in the surrounding community. It is about time that we push for bipartisan Violence Against Women Act Reauthorization in Congress to combat domestic violence and its horrible consequences.

And if any of you doubt the link between children growing up in a home watching their mother get the living hell beat out of her—and that child growing up to be violent as well, consider this recent case two months ago in San Diego.

A prosecutor was in her office, interviewing a mother who was pressing charges against her husband after suffering years of abuse. As the questioning stretched on, the woman's 8-year-old son grew restless.

Just as little kids do—the boy tugged at his mother's sleeve, saying, "Let's go. I'm hungry . . . can we leave yet."

He became even more agitated and said: "Come on, Mom, I want to go."

Finally, the 8-year-old boy shouted: "I'm talking to you?" Then, he curled up his fist and punched her.

Now, where did he learn that?

That prosecutor not only had a victim in her office. She had a future domestic violence abuser.

But states are not giving up on these kids. For example, in Pasco County, Florida the Sheriff's Office has developed a special program just to focus on the children in homes with domestic violence.

It's called KIDS, which stands for Kids in Domestic Situations. The sheriff hired four new detectives, a supervisor, and a clerk. They review every domestic violence call to see if a child lives in the home. They are specially trained to interview that child and get him or her the needed counseling—to break the cycle of violence.

Unfortunately, the abuse does not stop for women once they are divorced—particularly when the father uses the children to continue the harassment. All too often, Kids caught in the crossfire of a divorce and custody battle need safe havens.

One woman in Colorado had to confront her former husband and abuser at her son's soccer games—to exchange custody for the weekend. She had to endure continued mental and emotional abuse, putting herself in physical harms-way. Finally a visitation center opened. Now she drops off her son into the hands of trained staff in a secure environment.

In Hawaii, Violence Against Women Act funding has allowed officials to open three new visitation centers in the island's most rural counties.

The Violence Against Women Act of 2000 adds new funding for safe havens for children to provide supervised visitation and safe visitation exchange in situations involving domestic violence, child abuse, sexual assault, or stalking.

Of course, there are also the battered women's shelters. Over the past five years, every State in this country has received funding to open new and expand existing shelters. Two thousand shelters in this country now benefit from this funding.

In my State of Delaware we have increased the number of shelters from two to five, including one solely for Hispanic women. .

For as much as we've done, so much more is needed. Our bipartisan Biden-Hatch bill increases funding for tens of thousands of more shelter beds. It also establishes transitional housing services to help victims move from shelters back into the community.

And let's not forget the plight of battered immigrant women, caught between their desperate desire to flee their abusers and their desperate desire to remain in the United States. A young Mexican woman who married her husband at the age of 16 and moved to the United States suffered years of physical abuse and rape—she was literally locked in her own home like a prisoner. Her husband threatened deportation if she ever told police or left the house. When she finally escaped to the Houston Area Women's Center in Texas, she was near death.

That shelter gave her a safe place to live, and provided her the legal services she needed to become a citizens and get a divorce.

Our bipartisan bill expands upon the protections for battered immigrant women.

Thanks to nurses and emergency room doctors across this country—we have made great strides in helping victims who show up at the emergency room, claiming they ran into a door or fell down the stairs.

The Kentucky General Assembly has made it mandatory for health professionals in emergency rooms to receive three hours of domestic violence training.

The National Hospital Accreditation Board is encouraging all hospitals to follow Kentucky's lead.

The SANE program, sexual assault nurse examiners, are truly angels to victims. They are specially trained to work with police to collect needed evidence in a way that is sensitive and comforting to victims.

The Violence Against Women Act of 2000 facilitates these efforts by ensuring that STOP grants can be used for training on how to conduct rape exams and how to collect, preserve, and analyze the evidence for trial.

Finally, I am very pleased to report, this legislation expands grants under the Violence Against Women Act to states, local governments, tribal governments, and universities to cover violence that arises in dating relationships. Hopefully, this important change will help prevent tragedies like the death of Cassie Diehl, a 17-year-old high school senior from Idaho, killed by a boyfriend who left her for dead after the truck he was driving plunged 400 feet of a mountain road.

What is especially tragic about this story is the great lengths to which Cassie's parents went, before her death, to seek help from local law enforcement agencies and local prosecutors in putting an end to the boyfriend's constant abuse of their child, even seeking a protection order from a judge. All of these efforts failed because Cassie was a teenager involved in an abusive dating relationship. Law enforcement officials believed that because Cassie was a 17-year-old high school student living at home she could not be abused by a boyfriend, that she was not entitled to protection under the law.

The legislation we will vote on today will help avoid future horror stories like Cassie's by providing training for law enforcement officers and prosecutors to better identify and respond to violence that arises in dating relationships and by expanding victim services programs to reach these frequently young victims.

Thanks in part to the landmark law we passed in 1994, violence against women is no longer regarded as a private misfortune, but is recognized as the serious crime and public disgrace that it is. We have made great strides to putting an end to the days when victims are victimized twice—first by their abuser, then by the emergency response and criminal justice systems. We are making headway.

I have given you plenty of examples, but there are hundreds more.

In addition to the battered women's shelters, the STOP grants, the National Domestic Violence Hotline, and other grant programs I have mentioned, the Biden-Hatch Violence Against Women Act of 2000 reauthorizes for five years the Pro-Arrest grants, Rural Domestic Violence and Child Abuse Enforcement grants, campus grants, the rape prevention and education grant program, and three victims of child abuse programs, including the court-appointed special advocate program (CASA).

So, let us act now to pass the Biden-Hatch bill.

There is one thing missing, I must point out, from this legislation. Unfortunately, the conference report does not extend the Violent Crime Reduction Trust Fund that would guarantee the funding for another five years—so that these innovative, effective projects can continue.

I believe that extending the trust fund is critical. Remember, none of this costs a single dime in new taxes. It's all paid for by reducing the federal government by some 300,000 employees. The paycheck that was going to a bureaucrat is now going into the trust fund. So I will continue to work to extend the trust fund to ensure that these programs actually receive the funding we have authorized.

Let me just close by saying that it has been a tough fight over the past 22 months to get my colleagues on both sides of the aisle to focus on the need to reauthorize the Violence Against Women Act. But we have finally done it.

I greatly appreciate the support, daily phone calls, letters, and e-mails of so many groups—who are the real reason we have been able to get this done this year. The National Association of Attorneys General, every law enforcement organization, all the many women's groups, the National and 50 individual State Coalitions Against Domestic Violence, the American Medical Association, the National Governors Association, nurses, the list goes on and on—more than 150 groups total.

If you'll allow me one more point of personal privilege, this act—the Violence Against Women Act—is my single greatest legislative accomplishment in my nearly 28 years in the United States Senate.

Why? Because just from the few examples provided above—it's having a real impact in the lives of tens of thousands of women and children. You see it and hear the stories when you're back home.

So let us today pass the bipartisan Biden-Hatch Violence Against Women Act now, and renew our national commitment to end domestic violence.

Mr. President, I am happy now to yield the floor.

Mr. LEAHY. May I have 30 seconds of the time I yielded to the Senator?

Mr. BIDEN. Yes.

Mr. LEAHY. I will speak more on this in another venue, but I think it is safe to say VAWA would not be voted on today had it not been for the persistence of the Senator from Delaware. That persistence is something the public has not seen as much as those of us who have been in private meetings with him, where his muscle really counted. We would not have this vote today, and I suspect it will be an overwhelmingly supportive vote—that vote would not have been today were it not for the total and complete persistence of the Senator from Delaware, just as the vote on sex trafficking is to the credit of the Senators from Kansas and Minnesota.

Mr. BIDEN. Mr. President, I thank my colleague for that. The beginning of my comments was a polite way of apologizing for my being so persistent. I have been here 28 years. I have never threatened a filibuster. I have never threatened to hold up legislation. I have never once stopped the business on the floor—not that that is not every Senator's right. I have never done that. I care so much about this legislation that I was prepared to do whatever it would take. I apologize for being so pushy about it. But there is nothing I have done in 28 years that I feel more strongly about than this. I apologize to my friends for my being so persistent.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I know my colleague, Senator BROWNBACK, wants to speak as well. Let me thank Senator BIDEN for his great leadership as well. We are very proud we were able to work this out and do trafficking and the reauthorization for the Violence Against Women Act together. Let me thank him for safe visas. He was kind enough to mention my wife Sheila. That was really an initiative on which she has been working. I was so pleased to see that in this bill.

Let me also say to my colleague, as much as I appreciate the work of the Senator from Tennessee, I want to make the point that this is not about the rule 28 scope of conference. I think the Chair will rule against my colleague from Tennessee. I think the Chair will rule against him with justification.

Most importantly, I want colleagues to know the majority of you voted for Aimee's law. I voted against it. But if the Senator from Tennessee should succeed—I know this is not his intention—that is the end of this conference report, that is the end of this legislation on trafficking, that is the end of reauthorization of VAWA, and it would be a tragic, terrible mistake.

I hope colleagues will continue to support it. I yield.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I note the hour of 3:30 approaches. Senator THOMPSON has a lot of time.

If we are able to pass this legislation today, we still have a hurdle left to go. This is a major victory for women and children subject to violence here and abroad. This is a major piece of legislation for us to be able to pass through this body. It is late in the session. We are already past the time scheduled for adjournment. To be able to get this legislation passed at this time is a significant accomplishment. The Senator from Delaware pushed aggressively and hard on VAWA, as a number of people did on other items.

This is a good day, a great day for the Senate to stand up and do some of the best work we can to protect those who are the least protected in our society, to speak out for those who are the least protected here and around the world.

This is a great day for this country, and it is a great day for this body.

I am pleased we are wrapping up this portion of the debate. I think we have had a good discussion. We will have the vote on the appealing of the point of order by the Chair. I plead with my colleagues, with all due respect to my colleague from Tennessee, to vote against my colleague from Tennessee so we can proceed to pass this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, if I have 20 seconds, with the indulgence of my colleague from Tennessee, I thank Senator BROWNBACK again. I also thank a whole lot of people, a whole lot of human rights organizations, women's organizations, grassroots organizations, religious organizations, who have been there for the bill, organizations of others who have really worked hard for reauthorization of the Violence Against Women Act. Thank you for your grassroots work.

I yield the floor and thank my colleague from Tennessee.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized to make a point of order against the conference report. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I make a point of order that the conferees included matters not in the jurisdiction of the Foreign Relations Committee. I am referring specifically to Aimee's law.

The PRESIDING OFFICER. The Senator's point of order is not well taken.

Mr. THOMPSON. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator controls 1 hour of debate. The Senator from Tennessee is recognized for 1 hour.

Mr. THOMPSON. I thank the Chair.

Mr. President, I thank my colleagues for the manner in which this has been handled and the opportunity this affords me to make the statement I am going to make today.

This is an objection to the conference report. There are many good things in this conference report. Unfortunately, Aimee's law is a part of it. I prefer to have the consideration of that independently, separate and apart from the conference report, but that is not to be.

Historically, of course, Aimee's law did pass as a part of a much larger bill, the juvenile justice bill, some time ago but was never signed into law. When I voiced my objection to it at that point, it was put into this conference report. I cannot let it go without raising my objection to something that I think has to do with an important principle.

It is very unfortunate, when we have tragic circumstances that happen in this country, such as young people being killed, all the violence and abuse that goes on in this country, we take that and use the emotionalism from it to make bad law.

I do not think anybody within the sound of my voice can accuse me of being soft on crime. I ran in 1994 on that issue. I ran again in 1996 on that issue. My position is clear. But my position is also clear that we are continuing the trend toward the centralization of decisionmaking in this country. In other words, if we do not like what a State is doing with regard to its criminal laws, we tend to find a way around it.

I do not like the idea that some States let prisoners out sooner than they should, but if we really do not like that and we really do not have any concerns about taking over the criminal jurisdiction in this country, things that have been under the purview of States for 200 years, why don't we just pass a Federal law using the commerce clause and state that it affects interstate commerce?

Perhaps the Supreme Court will allow it; maybe they will not. Why don't we just pass a Federal law on murder? Why don't we just have a Federal law that says anyone convicted of murder has to serve so much time and just get on with it? Even the people pushing things such as Aimee's law apparently recognize there is a principle that causes us problems, and that is, we are set up with a Federal system.

Every kid learns in school that we have a system of checks and balances, one branch against another, also Federal versus State and local law. It is a diffusion of power. It is time honored. It is in the Constitution. It is in the 10th amendment. Some things the States do and some things the Federal Government does.

If we do not believe in that anymore, if we are going to say every time there is some tragic circumstance, such as the drive-by shootings in 1992—we federalized the crime of drive-by shootings. In 1997, there was not one Federal prosecution for drive-by shootings, but yet it was in the headlines, and we could not help ourselves because we wanted to express our outrage at this crime that was being taken care of at the State level.

No one has ever accused these States with high-profile crimes of not jumping in and taking care of the situation, sometimes imposing the death penalty. You cannot do much more than that. Yet we feel the necessity to pass Federal laws that will ultimately create a Federal police force to do things we have left to the purview of the States for 200 years. That is a serious matter.

Nobody wants to vote against something called Aimee's law as a result of a tragedy of some young woman getting killed, for goodness' sake. Unfortunately, it happens all across this country all the time. But we have greater responsibilities when we take the oath of the office we hold. We are supposed to uphold the Constitution. Is the relationship between the State and Federal Government the one we studied in school, the one the courts tell us is still in effect, and, more fundamentally, do we need States anymore? States do not behave the way we want them to sometimes. States do not do what the Federal Government wants them to do. States do different things.

People in Tennessee might not look at something exactly the same way people in New York might look at it. People in New York might not look at something the same way people in California do. We have certain basic things on which we agree in our Federal Constitution, but the Founding Fathers gave us leeway to experiment.

Nobody I know of inside Washington, DC, has the answers to all these problems. We all have the same motivation: No one wants crime, no one wants these terrible tragedies, but we certainly do not have a monopoly on what to do about it. That is why we have States to experiment, to do different things.

Too often, under the glare of the headlines, we want one solution; we want one answer; we want one Federal answer with our name on the legislation so we "did something" about some tragic murder that happened in one of the States, which is prosecuted by the State and the person has long been sent to the penitentiary or death row.

We need to concentrate on the fact that we do not seem to think we need the States anymore. We had this fundamental disagreement at the founding of our country between Jefferson and Hamilton. Hamilton wanted a strong Federal Government, we all remember from our schooldays. Jefferson said: No, that is too much centralization of power; remember what happened to us earlier in our history. We need to diffuse that power, and the States need certain rights, so we need to balance that out.

One of my House colleagues said: The problem with Congress is we are Jeffersonians on Mondays, Wednesdays, and Fridays and Hamiltonians on Tuesdays, Thursdays, and Saturdays. We give lipservice to the proposition of limited Government, decentralization, giving more power back to the States, getting things out of Washington. We all run on that platform, and as soon as we get here, we can't wait to pass some sweeping Federal law that, in many cases, supersedes State law and the different ways States have chosen to handle a different problem.

We preempt State law. We pass Federal laws all the time. The Constitution allows us, under the supremacy clause, to do that. We will not even say when we are preempting. The courts have to decide that. We pass laws all the time, and the courts have to take a look at them later on to decide to what extent we are preempting State laws, and so we strike down those State laws.

We continue to criminalize State law. Five percent of the criminal prosecutions in this country are Federal. Yet last year there were over 1,000 pieces of legislation introduced in this Congress having to do with criminal law. It clogs the courts. Justice Rehnquist on a regular basis comes over here and pleads with us to stop this: You are not doing anything for law enforcement—he tells us—by trying to criminalize everything at the Federal level that is already covered at the State level; you are clogging the courts.

The Judicial Conference reports to us from time to time: You are clogging the courts with all this stuff that should not be in Federal court; the States are already taking care of that. Nobody is claiming they are not. So for the same offense, we have this array of State laws and this array of criminal laws, and the prosecutor can use that against a defendant however he might choose. It is not something that will enhance our system of justice but something that only enhances our own stature when we believe we are able to say we passed some tough criminal law. We are doing more to harm criminal justice by doing this than we are doing to help it.

My favorite last year was the legislation that was considered in Congress to prohibit videos of animal abuse using stiletto heels. That is not a joke. Unfortunately, we have bills such as that introduced in Congress all the time.

We, from time to time, try to get around the commerce clause. We want to federalize things, such as guns in schools. Every State in the Union has a tough law they deal with in their own way as to what to do about a terrible problem—guns in schools. We get no headlines out of that, so we had a Federal law to which the Supreme Court said: No, that does not affect interstate commerce. Then we just try to basically directly force States to enforce Federal laws and regulations that we make—background checks for guns, when judges should retire, Federal regulations. Finally, the Supreme Court said: No, we cannot do that. The 10th amendment prohibits us from doing that. So we have a steady array of our attempting to figure out ways in and around the Constitution in order to impose our will because "we know best."

The latest, of course, now is the use of the spending clause. The courts have said, basically, if Congress sends the money, they have the right to attach strings. States blithely go along many times—not all the time, but many times. Oftentimes they accept that free Federal money and learn that they are getting 7 percent of their money for their problem and 75 percent of the regulations and redtape, the requirements that go along with it.

So this is the context in which we find ourselves when we consider Aimee's law. This is all just a little bit of history we have been dealing with to which not many people pay much attention. But it has to do with our basic constitutional structure. It has to do with the fundamental question in this country and, I think, our fundamental job; that is, What should the Federal Government do, or what should Government do, and at what level should Government do it? What is more fundamental than that? What is more important than that, as we hastily pass out and introduce these thousands of bills up here? If they sound good, do it—all the while eroding a basic constitutional principle that we all claim we believe in.

So this Aimee's law came about because of another tragic set of circumstances. We have seen them: The dragging death in Texas, the drive-by shooting case in 1992, the situation that produced Aimee's law. There is always something in the headlines of a tragic nature in criminal law.

Under Aimee's law, if Tennessee, for example, tries somebody—let's say for murder or rape—and convicts them, and that person serves their sentence under State law, under Tennessee law, and then they are released, and that person goes to Kentucky and commits another similar criminal offense, here is where the Federal Government comes into play. The Attorney General does this calculation and says, basically, that unless Tennessee's law under which this guy was convicted provides for the average term of imprisonment of all the States—you look at all the States and say: What is the average term of imprisonment for murder?—if Tennessee has a little less than the average of all the other States, and he goes to Kentucky and kills somebody else, then Tennessee has to pay Kentucky to apprehend the guy, to try the guy, and to incarcerate him for however long Kentucky wants to incarcerate him.

That is basically what Aimee's law is. So this is moving the ball a little bit farther down the road for those who want Washington to decide all the criminal laws in this country.

Here we have a standard not that Congress has set. A lot of times we will say: We want everybody on the highways to be driving under the old .08 rule because we believe that ought to be the intoxication limit. We are going to withhold funds if you don't. It is a Federal standard. You can argue with it or you can agree with it.

But that is not what we have here. This is not a standard that Congress has had hearings on and has determined that Tennessee has to live up to. It is a standard that is based upon a calculation of what the average is among all the other States.

What if Tennessee looks at it a little differently? They ought to have the right to have a little more stringent laws or a little more lenient laws. They have the people of Tennessee to answer to. They have their own legislature. They have their own Governor. These are things that Tennessee has been deciding for 200 years. If they do not do what the average of other States do, when it is totally within their prerogative, should they be penalized?

There are several problems with this law. Some of them are constitutional because it has ex post facto concerns. I do not know, for example, in reading this law, whether it intends to apply to people who have already been sentenced or whether it applies to people who will be sentenced after this law comes into effect.

I wish one or any of the sponsors of this bill would come to the floor and tell us whether or not the intent of this law is to have this law apply to people who have already been sentenced maybe 5 years ago, maybe 10 years ago. If so, then what can a State do about that to avoid being penalized the way I just described?

Secondly, if a person is still serving time, and the State knows it is going to be penalized if he is released under the State law because other States might have a little more stringent law, what is going to happen next time that person comes up to the parole board? Are they going to be looking at it objectively?

Or, better still, the question is, to the sponsors of this legislation: What about people who have already been convicted and already served their time and have been out of jail now for 15, 20 years, and they go to Kentucky and kill somebody else? Does this apply to them? If that is the case, there are thousands and thousands and thousands of people in every State who have been convicted of crimes and are now out of jail and going to other States. Are we going to go back and calculate what the average law provided for incarceration for all of those people? I think it is silent.

If the intent is, in fact, to catch all of those people and, if they do something else, have this law apply, it has ex post facto ramifications with regard to the State. You are not doing anything to the individual, but you are forcing the State to either lose money or to try to extend the time these people stay in jail.

Can you imagine the litigation you are going to have with regard to these parole board hearings, when a person apparently looks as though he is eligible for parole, but the parole board has discretion, and they know if they release this person, he is going to be one of these people caught under the law? Can you imagine the litigation that is going to come about as a result?

If, on the other hand, it is not meant to be ex post facto, if, in fact, this law only applies to those who are convicted of crimes after the effective date of this law, then this law is going to be a nullity for the most part, I imagine, for many years, if people serve out terms in prison for horrendous crimes.

I would like to know, seriously, what the intention of the law is because it is not clear from the legislation itself. As Fred Ansell has said:

If it applies retroactively, then the law could apply retroactively in different ways. It could mean that the law applies only if an offender is released from a State after 2002 after having served a less than average sentence, and then commits a crime. Or it could even mean that a person commits a crime as early as January 1, 2002, who was released from prison many years ago.

If the State is liable for what an already-released offender does in the future, and it accepts the Federal funds with these conditions, then the State has agreed to accept an unlimited future liability. It will be liable for the crimes that thousands of offenders might commit, as measured by the costs of apprehension, prosecution, and incarceration. This is not losing 5 percent of transportation funds for not enacting a 21-year-old drinking age, as was upheld in South Dakota v. Dole. This is where Federal "pressure turns into compulsion." Moreover, the funds are not attached to a new program. The conditions are attached to funds that States have already satisfied conditions to receive now and are being used for law enforcement purposes now. Prisons under construction now might have to be abandoned if the States can no longer receive Federal funds for prisons unless they lengthen their sentences. Drug task forces, police assistance, prosecutorial assistance, all of which are currently functional, would be jeopardized, causing possible loss of life and limb to the citizenry, if States did not adopt Washington's sentencing policy in order to be sure to continue receiving the money. That is coercion, not inducement.

If the measure is retroactive only with respect to people who are released after 2002 for earlier committed crimes, the compulsion is not as great, but is still very strong, as the State still faces unlimited liability for any prisoners for future crimes committed over many years. To avoid that, a State seeking to retain Federal funding might essentially, in the Supreme Court's words, be "induced . . . to engage in activities which would themselves be unconstitutional," such as lengthening the sentences of those who would otherwise be released, violating the ex post facto clause.

This wouldn't be a direct lengthening, but it would certainly have a potential effect with regard to, for example, parole board activities. So not only do you have an ex post facto problem, you have a spending loss problem. The Supreme Court has held that Congress can withhold money, unless the States engage in the behavior that Congress wants them to as they receive the money. They don't have to take the money, but if they do, they have to take the strings attached to it. The Supreme Court has basically upheld that. The Supreme Court also said the conditions that the Federal Government places on the use of the money must be unambiguous. The States must know what they have to do in order to get this money.

I submit that under the present case, Aimee's law, the States could not tell what they have to do in order to get this money because they are always dealing with a moving target. If you remember what I said a while ago, the name of the game is for the States to keep ratcheting up their incarceration time so they are within the national average. If they fall below that for their own good purposes, whatever the reasons and circumstances—they want to devote more money to prevention, or they want to devote more to rehabilitation instead of prisons, whatever their decisions might be—if they fall a little below, they are going to lose their money. If they want to keep their money, how high are they supposed to raise their incarceration rates? Because by the time they change their law and raise their incarceration rates for these various offenses, other States, presumably, could be doing the same thing. You are always going toward a moving target. Each State is trying to outstrip each other, and each State, if it wants to keep its money and not have to pay for 40 or 50 years for somebody in another State—their incarceration expense—the safe thing for it to do is ratchet up the time. The safest thing for it to do would be to give life sentences without parole.

For some people, I think that is a good idea anyway. But is that something we ought to be forcing States to do with regard to any and all prisoners who come before them who are charged with this particular list of crimes? It is a list that this Congress has decided is the protected list—not anything else, just this protected list. If the States don't comply, then they lose their Federal money. So the States can't tell what they are supposed to do in order to keep their money. It is a very ambiguous, bad piece of legislation.

There are policy reasons in addition to what I have described and in addition to the constitutional problems. It pits one State against another. We are supposed to be doing things to unify this country—I thought. The Supreme Court and this Congress spends a lot of time and attention on implementing the commerce clause, designed to make sure there is the free flow of goods and people and information one State to another.

The Supreme Court strikes down laws that States might want which might say another State can't come in, or where they are trying to impose their will on another State outside their boundary. The commerce clause promotes a free flow of commerce, but under this particular law you are pitting one State against another, calculating to see if they can get some money from another State because they have a different criminal law than this other State had, and the Attorney General of the Federal Government is the referee and she keeps the books on all of that. That is a terrible idea.

Another policy reason is that Aimee's law defeats the very purpose that it is trying to carry out. Much of the money that will be withheld, if a State doesn't comply with this Federal mandate, will go for prisons. One of the reasons, presumably, why some States have to turn people out before we would like is because of a lack of prison space. They are getting this Federal money in order to help them with more prisons.

This is a very circular kind of situation the Federal Government is creating. We are cutting them off from money to do the very thing that is the reason we are cutting them off because they didn't do it in the first place. It makes no sense whatsoever. There is no additional inducement—is the next policy reason—under Aimee's law for the States—other than to keep their Federal money—for the States to comply with this Federal rule.

We are concerned about people getting out of jail and committing other crimes. We are all concerned about that. But seven out of eight crimes that are committed by people who have gotten out of jail happen in the States in which they were confined. So the State of Tennessee has every reason in the world to want to have laws that are reasonable for the protection of its own citizens and to keep people confined for a reasonable period of time for these crimes for the protection of their own citizens. Do they need any inducement because one out of eight might go somewhere else and commit a crime and that State might come back on them?

You have a situation here of particular crimes. Murder, as defined under Federal law, could mean anything from vehicular homicide on up. So, presumably, someone could be convicted of vehicular homicide in Tennessee and go to California and be convicted of first-degree murder; they are both murder under the meaning of this law. California could get Tennessee's Federal money to incarcerate this guy for the next however many years for murder when he was only convicted of vehicular homicide in Tennessee.

This has not been thought through.

The Federal Government simply should not be setting the standards for State crimes. They ought to set the standards for Federal crimes. States ought to have the flexibility to choose with their limited resources.

We tax the citizens of the States at a rate unprecedented since World War II. We put mandates on States with which we have been struggling, and we are trying to back off that a little bit. We have all of these regulations we put on the States. They have limited resources most years. They are doing a little better these days. They ought to have the right to decide for themselves—the people who elect their officials—how they use those resources.

If they want to spend more money for education, if they want to spend more money for health care, if in the criminal area they want to spend more money for prevention, if they want to spend more for rehabilitation, those are different things that different States are doing all across the country. We can see who has been successful and who has not been successful.

That is the reason we have States. That is the reason our Founding Fathers set up States. If we don't allow them to do that, what is the use of having them? Why do we have them? Why don't we just go ahead and pass a Federal law for everything and abrogate the States, if we don't need that kind of diversity and if we don't need that kind of experimentation?

The Federal Government would have States keep people—let's say the elderly—and have to make the tradeoff of using limited resources to keep people in jail who are, say, elderly and long past the time when you would think they would be dangerous to people, but keep them there on the off chance that they might get out and commit a crime in another State, and so forth. It doesn't make any sense.

This is simply an indirect attempt by the Federal Government—by us, by the Congress—to get States in a bidding war as to who can pass the most stringent laws in all of these areas. That is OK in and of itself. But it shouldn't be done because we are threatening them to do it. We think we have the answers to these problems, and we don't.

I served on the Judiciary Committee a while back, and I was chairman of the Juvenile Justice Subcommittee for a while. For anybody who deals in criminal law, the first thing they have to come away with, if they are being fair about it, is a sense of great humility.

There is so much we do not know about what causes crime—why young people commit crimes, what the best solution is, and so forth. My own view is that we should spend a lot more time, money, and research, and we should spend a lot more time, money, and effort in finding out what is going on in these various communities around the country with the various approaches communities and States have had and the various kinds of problems. It is very complex and very controversial. But that doesn't stop us. Last time I checked, we had 132 programs on juvenile crime alone at the Federal level without a clue as to whether or not any of them are working or doing any good. My guess is that some of them are probably counterproductive.

A lot of people want to pass, as a part of a bill, to have youthful offenders sentenced as adults. In some cases, if States want to do that, that is fine with me. But we were going to impose a requirement that all States sentence youthful offenders as adults within certain categories until we found out that the way it plays out in some cases is they would get less time as an adult than they would in a juvenile facility.

There is just an awful lot we don't know

Why should we be forcing States to adhere to some kind of a national standard as to how long a person ought to serve for a list of crimes? If we really believe we ought to do that, why don't we just go ahead and do it directly?

We have seen the benefit of a system our Founding Fathers established over and over and over again. This is not just textbook stuff. It has to do with power, and the use of power, and who is going to use power, and how concentrated you want it. It has to do with innovation. It has to do with experimentation. It has to do with good competition among the States. We have seen welfare reform, education choice, competitive tax policies, and public-private partnerships all thrive at the State level. Good things are happening.

This law is another step away from all of that, another step toward Federal centralization and the monopolizing of criminal policy in this country. I could not let this go and could not let this pass without making that abundantly clear once again.

I yield the remainder of my time.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank Senator THOMPSON for his consistency and for the remarks he just made. I don't know that it will sway the vote, but it is certainly worth contemplating what he just said.

UNANIMOUS CONSENT AGREEMENT—H.R. 4635

Mr. LOTT. Mr. President, after extensive collaboration with Senator DASCHLE, we have come to this consensus which we believe is in the best interests of all concerned.

I ask unanimous consent that the Senate proceed to Calendar No. 801, H.R. 4635, the HUD-VA appropriations bill, on Thursday at 9:30 a.m., the committee substitute be agreed to, one amendment which will be offered by Senator BOND and Senator MIKULSKI be immediately agreed to, and the bill time be limited to the following:

Fifteen minutes under the control of Senator MCCAIN;

Five minutes under the control of Senator KYL;

Ten minutes equally divided between the subcommittee chairman and ranking minority member;

Ten minutes equally divided between the chairman and ranking minority member of the full committee.

I further ask unanimous consent that there be one amendment in order by Senator DASCHLE, or his designee, regarding the Treasury-Postal appropriations bill, and following the offering of that amendment there be 10 minutes for debate to be equally divided in the usual form, and no amendments be in order to the amendment.

I further ask unanimous consent that following the vote relative to the Byrd amendment, Senator BOXER be recognized to offer up to two first-degree amendments relative to environmental dredging, drinking water regulations, and Clean Air Act area designation, and there be up to 30 minutes of debate on each amendment to be equally divided in the usual form, with no other amendments in order, and the amendments not be divisible.

I further ask unanimous consent that following disposition of the amendments just described, the bill be advanced to third reading and passage occur, all without any intervening action or debate.

I further ask unanimous consent that the votes just described occur beginning at 12:30 p.m. on Thursday and there be 2 minutes before each vote for explanation.

I further ask unanimous consent that following the vote, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, those conferees being the entire subcommittee, including Senators STEVENS and BYRD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 4516

Mr. LOTT. Mr. President, I ask unanimous consent that immediately following the vote on the adoption of the HUD-VA bill on Thursday, the motion to proceed to the motion to reconsider the vote by which the conference report to accompany H.R. 4516 was not agreed to be immediately agreed to, and the vote occur on the conference report immediately, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 4733 VETO MESSAGE

Mr. LOTT. Mr. President, I ask unanimous consent that the veto message with respect to the conference report accompanying H.R. 4733 be considered as having been read, printed in the RECORD and spread in full upon the Journal, and the message then be referred to the Appropriations Committee.

Before the Chair grants this request, I would like to say to my colleagues that, unfortunately, the Senate does not have the votes to override this veto. I still believe strongly that the energy and water appropriations conference report should not have been vetoed and that there is a real threat of danger as a result of the provisions that are in controversy. The vote in the Senate was 57-37, which is a very strong vote. But at this point it appears there certainly would not be sufficient votes to override the President's veto.

I regret the veto. The Senate needs to proceed now to complete these appropriations bills, and therefore we have had to go through the process as just be outlined in these previous unanimous consent requests. Therefore, this consent addresses the immediate concern of the veto message entering the Senate Chamber.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, while Senator DASCHLE is here, he may want to make comments. I thank him again for working to help get this agreement worked out, as Senator REID certainly has been helpful, and Senator BOND, chairman of the committee, and Senator MIKULSKI, ranking member of the HUD-VA appropriations subcommittee; they have done good work.

As a result of these agreements, we will be able to act tomorrow on the HUD-VA appropriations bill, the energy and water appropriations bill, as will be modified to put in the agreed-to language with regard to section 103, and we also will then have the Treasury-Postal appropriations bill included in this process.

We will continue to work after this vote at 4:30 to get an agreement with regard to the time and a vote on the Defense authorization bill. We are working through the difficulties which are probably on this side; maybe on both sides. We will try to work that out, and also a time when a vote will occur on the Agriculture appropriations conference report.

I will have to communicate some more. I thought it important to go ahead and get these agreements lined up.

I remind Members, we have two votes scheduled at 4:30.

Mr. DASCHLE. I commend the majority leader for his work in reaching this agreement and compliment and thank Members on both sides of the aisle.

We have to be realists as we try to finish our work at the end of this session. Being realists means we don't get it exactly the way we want it. Obviously, many Members have serious problems about the way we are proceeding. We, nonetheless, realize we have to get the work done. While it may not be pretty, it will get the work done. That is ultimately what we are here to do.

To clarify what this agreement does with regard to some of the concerns that some Members have raised, first and foremost, this allows for the completion of the Treasury-Postal bill because we address the IRS concern raised by the administration. We are very pleased that issue has been resolved and we are now able to go forth at least from the point of view of the administration. Senator BYRD had the same concern I did about procedure. This allows us technically to have taken up TPO on the floor, as Senator BYRD has strongly suggested we do and as some Members proposed be done. This allows us to do that, and we will do it in concert with the consideration of HUD-VA.

Obviously, as I think everyone now knows, section 103 of the energy and water bill is very problematic for the administration and for some of us. This understanding takes out section 103.

We have accommodated a lot of the concerns in reaching this agreement. We will have a couple of amendments offered by Senator BOXER who has concerns about the HUD-VA bill. This reaches the level of understanding we have with regard to her concerns, as well.

Clearly, this is a compromise taking into account both the procedural as well as the substantive concerns many Senators have had on both sides of the aisle, and it accommodates those concerns as best we can under these circumstances.

Again, I end where I began by complimenting the majority leader, by expressing my appreciation for his work in trying to reach an accommodation of some of these issues. I hope we can do more on other bills that are yet to be considered.

I yield the floor.

Mr. REID. While the two leaders are on the floor, there is so much acrimony on the Senate floor, and there will be more in the future. At a time when we have accomplished a great deal procedurally, you two should be commended. It has been difficult to arrive at this point. This is one of the times where we worked with some cooperation. There will be more difficulties before the session ends, but the two leaders are to be commended for the work done today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000—CONFERENCE REPORT—Continued

Mr. BROWNBACK. Mr. President, I know under the unanimous consent agreement Senator THOMPSON would have the time until 4:30 when it was agreed the vote would be set. I ask unanimous consent to speak on the sex trafficking bill for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, rather than not using the time, I thought it wise to go ahead and use this time to visit about this important vote that will be taking place. There may be some people who are just now focusing on what is happening.

We have a base bill with sex trafficking. The Violence Against Women Act is the base of the bill, and it is put together in an overall piece of legislation with the Trafficking Victims Protection Act of 2000, Aimee's law, Justice for Victims of Terrorism Act, and the 21st Amendment Enforcement Act. This is the combined bill soon to be voted on.

A point of order has been raised and ruled against by the Chair, and we will be voting on appealing the ruling of the Chair. I hope my colleagues will vote in favor of the Chair and we will go to the final bill for a vote. To vote against the Chair and subtract Aimee's law, sends the bill back to the House, and we don't have time to get this done.

This is an important day for women and children subject to violence, both domestically and abroad. It is an important day that this body is going to follow the House and put in place needed protections for people, women and children, subject to this violence, both domestically and abroad.

It is an important day for those who have worked as advocacy groups and defenders of the defenseless, including people trafficked across international borders, with their papers burned and told: You owe.

This is important also for women in abusive relationships, physically abusive, who need help.

This addresses both of those issues. I think it is important this body, in the waning days of this session, go out with a strong statement that we are there with you; we are supporting those who are victimized in these situations, domestically and abroad. We are speaking out for those who, in many cases, have no voice.

I can still see the girls I met in Nepal who were trafficked at 11 and 12 years of age, coming back to their home country and to their villages, 16, 17 years of age, in terrible condition, having been subjected to sex trafficking, beaten by brothel owners, in some cases locked up at night, raped repeatedly, and told, "You have to work this off; I own you," and then released to go home when they contract horrible diseases. In not all cases that works that way, but in too many cases it does work that way.

This body is speaking today. We are speaking on behalf of those who are so defenseless in these particular types of situations.

I want to recognize some people who have been particularly helpful on this. Senator LEAHY has worked very hard with us on this, through many of the issues he has had on this. Senator WELLSTONE and I have worked on the trafficking. Senator BIDEN and Senator HATCH have worked on the Violence Against Women Act. This has been a true bipartisan and bicameral effort. CHRIS SMITH and SAM GEJDENSON in the House, Republican and Democrat, have worked with us to get this through. Chairman HYDE of the Judiciary Committee in the House has worked to get this on through. My staff, Karen Knudsen and Sharon Payt, have worked very hard. The outside advocacy groups range from Gloria Steinem to Chuck Colson in support of this legislation, saying this is something we need to speak out about; this is something we need to do.

I want to recognize the leader, TRENT LOTT. In these waning hours of the session, there are about 150 different bills that want to get to the floor. Senator LOTT has said this one is coming to the floor. Not only did he say it is coming to the floor, he gave us all day on October 11 to be able to carry this on through and get this through. This is precious time. It could have been spent and was being pushed to be spent on a number of different issues. Instead, Senator LOTT said, no; we will go ahead and let this issue come forward. We will take the whole day debating it. People can be heard on this particular issue. Then we will have two votes at the end of the day.

That is a great statement on his part in support of women and children who are subject to these horrifying conditions, both domestically and abroad. I applaud his effort and his leadership and his work getting this done.

I just came from a press conference with Senator SANTORUM on Aimee's law, an important piece of legislation concerning what happened to Aimee Willard, an act perpetrated by a person was released early from prison in Nevada and went to Pennsylvania. She was an all-American lacrosse player at George Mason University. She was traveling, her car was taken over by this guy who had been previously convicted and released early out of a Nevada prison, then he takes her, kidnaps her, rapes her, and murders her.

This is legislation that does not federalize crimes, but it encourages States to step up and say: If a person is convicted of one of these crimes, keep him in for at least 85 percent of what he was sentenced for; or if they go to another State and commit this recidivism crime, then the State that has to prosecute and incarcerate this person, the criminal who did this, they can get part of the Federal moneys from the State that let the person go free early.

I think it is a sensible approach to try pushing this on forward. It is a good piece of legislation. It is something that deserves passage. Here in these waning hours of this session, I would just say I am very pleased to be a part of this body that would stand up and speak out and step forward on important legislation like this for the defenseless, for the voiceless, for those who are in harm's way. I applaud that. I hope my colleagues will vote as the House did, overwhelmingly, for this legislation. It passed in the House 371–1.

If I can encourage you any more, I say pull out a picture from your billfold, pull out a picture of a child or grandchild. Those are the ages, somewhere between 9 and 15, who are the most frequently trafficked victims. Young ages. Aimee Willard was a young age—not quite that young. But you get young ages of people who are subjected to this. We are stepping up and doing something on their behalf.

Mr. President, I thank my colleagues for the time I have been able to use for this. I urge the President to sign this legislation when it gets to his desk. I am hopeful he will. I do not know of any reason he would not sign this legislation. This will be a major accomplishment of this Congress that is going to be completed at this time.

I yield the floor.

Mr. LEAHY. Mr. President, there is an interesting precedent being set as the Senate considers adopting Aimee's law as part of the conference report on the Sex Trafficking Act. The supporters of Aimee's law argue that states have a financial responsibility regarding the protection, or lack of protection, offered by state law.

I have expressed my concerns about Aimee's law and I want to put my colleagues on notice. If Congress and the President determine that this Act will become law, there are important ramifications that should be reflected in future legislation on many issues.

For example, the application of the Aimee's law standard to state responsibility should also be applied to pollution and waste that also crosses state borders. I think it will be interesting to see in the future whether supporters of Aimee's law will also support efforts to make states responsible for air pollution that is generated in their states but falls downwind on other states to damage the environment and endanger the health of children and individuals who suffer from asthma.

My colleagues in the Northeast will all recognize this issue—we are collectively suffering from the damage inflicted on our forests, waterways, and public health every day by the tons of uncontrolled pollution emitted from power plants in the midwest. In 1997, out of the 12,000,000 tons of acid-rain causing sulfur dioxide emitted by the United States, Vermont was the source of only ten—or 0.00008%. Yet my state suffers disproportionately from the ecological and financial damage of acid rain, from stricken sugar maple trees to fishless lakes and streams. Vermont, like many other New England states, spends significant funds to test fish for mercury and issue fish advisories when levels are too high—mercury that also has its source at uncontrolled midwestern plants. All of our hospitals also spend money for tests for respiratory problems for children exposed to ozone-thick air, air that drifts into Vermont from the urban centers to the south and west.

I would like to put the Senate on notice that when the Senate considers any amendments to the Clean Air Act, I will consider offering an amendment that will hold states responsible for the cost of the pollution they generate and which falls downwind. It will be interesting to see whether the supporters of the logic behind Aimee's law will support a Federal Government mandate that Vermont be paid by midwestern states for every ton of uncontrolled pollution that crosses into our state and results in costs to our environment and our citizens.

I provide this background to highlight the underlying problems with Aimee's law. While done with the best of intentions, the solution achieved with this provision is on questionable constitutional ground and has the potential to set a precedent that will have far reaching implications for many issues Congress will address in the future.

• Mr. HELMS. Mr. President, this conference report is a splendid example of Congress reasserting its moral underpinning in U.S. foreign policy. It will effectively combat the disgrace of women and children being smuggled, bought and sold as pathetic commodities—most often for the human beasts who thrive on prostitution.

The conference report deals with all aspects of sex trafficking, from helping victims to punishing perpetrators.

Significantly, the legislation calls on the executive branch to identify clearly the nations where trafficking is the most prevalent. For regimes that know there is a problem within their borders, but refuse to do anything about it, there will be consequences.

No country has a right to foreign aid. The worst trafficking nations must have such U.S. aid cut off. And if they don't receive U.S. bilateral aid, then their officials will be barred from coming onto American soil. Our principles demand these significant and important symbolic steps.

Some may complain that this is another "sanction" in the alleged proliferation of sanctions Congress passes. But denying taxpayer-supported foreign aid is not a "sanction." Foreign aid is not an entitlement.

I commend Senator BROWNBACK for his unyielding efforts to help the victims of sex trafficking, which is nothing less than modern-day slavery. The inevitable controversies over differences between House and Senate bills were ironed out because of Senator BROWNBACK's leadership.

Time and again, Senator BROWNBACK personally intervened with conferees, with our colleagues on the Judiciary Committee, and with the House and Senate leadership in order to obtain agreement on this important legislation.

SAM BROWNBACK is devoted to helping less fortunate citizens, whether they are farmers struggling to keep their farms in Kansas or the helpless women and children caught up in the trafficking of human beings. I salute Senator BROWNBACK for his remarkable efforts.

Also of particular significance is a provision authored by Congressman BILL MCCOLLUM of Florida, which will assist victims of terrorism. Senator MACK and others who have had a longstanding interest in this issue were instrumental in helping this provision find a place in the conference report. The provision helps families struck by the horrors such as the attack on Pan Am 103 get fair restitution, coming in part from the frozen assets of terrorist states.

The conference report is a solid and effective measure to help the victims of violence and abuse, the kind of abuse which is nothing short of evil. Those victims are most often women and children, and this legislation goes a long way to protect them.•

• Mrs. FEINSTEIN. Mr. President, I rise to support the Victims of Trafficking and Violence Protection Act of 2000 conference report. While I have some reservations of some parts of the conference report, I am pleased that a number of important provisions have been included.

I would like to focus my comments today on three specific provisions of this report: the Violence Against Women Act of 2000, the Justice for Victims of Terrorism Act, and the Twenty-First Amendment Enforcement Act.

I strongly supported the Violence Against Women Act when we passed it 6 years ago. VAWA was the most comprehensive bill ever passed by Congress to deal with the corrosive problem of domestic violence. I believed then and believe now that this legislation was long overdue.

For far too long, there has been an attitude that violence against women is a "private matter." If a woman was mugged by a stranger, people would be outraged and demand action. However, if the same woman was bruised and battered by her husband or boyfriend, they would simply turn away.

Attitudes are hard to change. But I believe that VAWA has helped.

In the last 5 years, VAWA has enhanced criminal penalties on those who attack women, eased enforcement of protection orders from State to State, and provided over $1.6 billion over 6 years to police, prosecutors, battered women's shelters, a national domestic violence hotline, and other provisions designed to catch and punish batterers and offer victims the support they need to leave their abusers.

The Violence Against Women Act works. A Department of Justice study recently found that, during the 6-year period that VAWA has been in effect, violence against women by intimate partners fell 21 percent.

However, the same study found that much more work remains to be done. For example:

Since 1976, about one-third of all murdered women each year have been killed by their partners;

Moreover, women are still much more likely than men to be attacked by their intimate partners. During 1993–1998, women victims of violence were more than seven times more likely to have been attacked by an intimate partner than male victims of violence.

VAWA 2000 will help us complete that work. This legislation would do three things.

First, the bill would reauthorize through fiscal year 2005 the key programs in the original Violence Against Women Act. These include STOP grants, pro-arrest grants, rural domestic violence and child abuse enforcement grants, the national domestic violence hotline, and rape prevention and education programs. The bill also reauthorizes the court-appointed and special advocate program, CASA, and other programs in the Victims of Child Abuse Act.

Second, the bill makes some improvements to VAWA. These include:

Funding for grants to help victims of domestic violence, stalking, and sexual assault who need legal assistance because of that violence;

Assistance to states and tribal courts to improve interstate enforcement of civil protection orders, as required by the original Violence Against Women Act;

Funding for grants to provide short-term housing assistance and short-term support services to individuals and their dependents fleeing domestic violence who are unable to find quickly secure alternative housing;

A provision providing supervised visitation of children for victims of domestic violence, sexual assault, and child abuse to reduce the opportunity for additional domestic violence during visitations;

A provision strengthening and refining protections for battered immigrant women; and

An expansion of several of the primary grant programs to cover violence that arises in dating relationships.

I was disappointed that the conference did not agree to extend the recently expired Violent Crime Reduction Fund. The money for the trust fund comes from savings generated by reducing the Federal workforce by more than 300,000 employees, and it was the primary source of money for VAWA programs. This will mean that VAWA will likely be funded directly by tax revenues.

However, I am pleased that the conference agreed to restore language that would allow grant money to be used to deal with dating violence. Without this language, women could not benefit from VAWA unless they cohabited with their abusers. That makes no sense. In fact, the Department of Justice study on intimate partner violence found that women between the ages of 16 and 24—prime dating ages—are the most likely to experience violence within their relationships.

VAWA has been particularly important to my own state of California. VAWA funds have trained hundreds of California police officers, prosecutors, and judges. They have provided California law enforcement with better evidence gathering and information sharing equipment.

VAWA funds have also hired victims' advocates and counselors in scores of California cities. They have provided an array of services to California women and children—from 24-hour hotlines to emergency transportation to medical services.

I have heard numerous stories from women in California who have benefitted from VAWA. For instance, one woman wrote to me to how she fled from an abusive relationship but was able to get food, clothing, and shelter for her and her four children from a VAWA-supported center. If it was not for VAWA, she wrote, "I would have lost my four children because I didn't have anywhere to go. I was homeless with my children."

And the head of the Valley Trauma Center in Southern California wrote me about another tragic case. Four men kidnaped a woman as she walked to her car and raped her repeatedly for many hours. Incredibly, because the men accused the victim of having sex with them voluntarily and one of the men was underage, the woman herself was charged with having sex with a minor. As a result, the woman lost her job. Fortunately, the center, using VAWA funds, was able to intervene. They helped get the charges against the victim dismissed and assisted the woman through her trauma.

There is no question that VAWA has made a real difference in the lives of tens of thousands of women and children in California. Let me give you some more examples:

Through VAWA funding, California has 23 sexual assault response teams, 13 violence response teams, and scores of domestic violence advocates in law enforcement agencies throughout the state. These teams have responded to hundreds of incidents of domestic violence, saving lives and helping protect California women and children from abuse.

Since 1997, eight counties in California have developed stalking and threat assessment teams, STATs. Since VAWA was enacted, there has been a 200-percent increase in the number of felony stalking cases filed by the Los Angeles District Attorney.

Within 2 weeks of launching an antistalking educational campaign using VAWA money, the Los Angeles Commission on Assaults Against Women, LACAAW, received about 40 calls to its crisis hotline. These calls resulted in numerous investigations by the local STAT.

Since LACAAW receive VAWA money in 1997, it has seen a 64 percent increase in the number of victims served. Moreover, its rape prevention education program services have doubled in this period.

In the last 5 years, Women Escaping a Violent Environment, WEAVE, a victim service provider in Sacramento, has doubled its legal advocacy efforts and crisis and referral services. It responds to over 20,000 domestic violence and sexual assault calls to its crisis line annually and 35 requests for legal services daily.

In Alameda County, the district attorney's office has used VAWA funds to institute comprehensive training regarding the investigation and prosecution of domestic violence and stalking cases. Two hundred sixty prosecutors in Alameda and Contra Costa county and 350 police officers in Alameda country have been trained. The result: 30 new stalking cases and numerous new domestic violence cases being investigated and prosecuted just in 3 months.

Lideres Campasinas has used VAWA money to establish itself in 12 communities in California and has trained 25,000 immigrant and migrant women. Before it received this money, Lideres Campasinas did not address the problem of domestic violence among farmworker women. Now, three tribal organizations and 4 States have contacted it about setting up similar programs in their jurisdictions.

The California Coalition Against Sexual Assault's Rape Prevention Resource Center has, using VAWA money, assembled over 4,000 items focused exclusively on issues related to violence against women in the U.S. Over 4,000 items are currently available in its lending library.

In short, VAWA 2000 renews our commitment to fighting violence against women and children. I am delighted to support its passage today.

Let me also say a few words about the Justice for Victims of Terrorism Act, which is also in the conference report.

I strongly support this bill, which will help American victims of terrorism abroad collect court-awarded compensation and ensures that the responsible State sponsors of terrorism pay a price for their crimes.

Just let me talk about one example of why this new law is necessary.

In 1985, David Jacobsen was residing in Beirut, Lebanon, and was the chief executive officer of the American University of Beirut Medical Center. His life would soon take a dramatic and irreversible change for the worse, and he would never again be the same.

Shortly before 8:00 a.m. on May 28, 1985, Jacobsen was crossing an intersection with a companion when he was assaulted, subdued and forced into a van by several terrorist assailants. He was pistol-whipped, bound and gagged, and pushed into a hidden compartment under the floor in the back of the van.

Jacobsen was held by these men, members of the Iranian-backed Hizballah, for 532 days—nearly a year and a half. He was held in darkness and blindfolded during most of that time, chained by his ankles and wrists and wearing nothing but undershorts and a t-shirt. He has said in the past that he was allowed to see sunlight just twice in those 17 months.

The food during his captivity was meager—sometimes the guards would even spit in his food before handing it over.

Jacobsen was subjected to regular beatings, and often threatened with immediate death. He was forced to listen as fellow captives were killed.

As a result of this physical and mental torture, Jacobsen has been under continuous treatment for posttraumatic stress disorder since his release in November of 1986—nearly 13 years ago.

In August of 1998, David Jacobsen was awarded $9 million by a U.S. Federal Court. The judgement was against the Government of Iran, and pursuant to a bill that Congress signed in 1996 allowing victims of foreign terrorism to recover against terrorist nations.

But David Jacobsen has collected nothing. He cannot go to Iran to ask for the verdict. And our own Government has essentially turned its back. Some have estimated the United States Government has frozen more than a billion dollars of Iranian assets. Yet not one cent has been paid to David Jacobsen. The administration has invoked waiver after waiver—even as Congress has modified the 1996 bill to clarify our intent.

The same has been true for others victimized by agents of designated terrorist-sponsoring nations, including Alisa Flatow, Terry Anderson, Joseph Cicippio, Frank Reed, Matthew Eisenfeld, Sarah Duker, Armando Alejandre, Carlos A. Costa, and Mario de la Pena.

The legislation included in this conference report replaces the waiver authority in current law to make it both more clear, and more narrow. It is my hope that once Congress has again spoken on this issue, money frozen from terrorist nations will finally begin to flow to the victims of those terrorist acts.

The Justice for Victims of Terrorism Act also contains an amendment authored by Senator LEAHY and myself that will offer more immediate and effective assistance to victims of terrorism abroad, such as those Americans killed or injured in the embassy bombings in Kenya and Tanzania and in the Pam Am 103 bombing over Lockerbie, Scotland. This amendment does not involve any new funding; all the money for victims would come out of the existing emergency reserve fund for the Department of Justice's Office for Victims of Crime, OVC.

The Leahy-Feinstein amendment aims to provide faster and better assistance to victims of terrorism abroad. Under current Federal law, if there is a terrorist attack against Americans abroad, the victims and their families must generally go to the victims' services agencies in their home States to receive assistance and compensation. However, victims' services vary widely from State to State, and some overseas victims receive no relief at all because they cannot establish residency in a particular State.

Let me give you a couple of real-life examples created by current law:

Two American victims, standing literally yards apart, were injured in the bombing at the U.S. Embassy in Kenya. Each received severe injuries, was permanently disabled, and spent 7 months recovering at the same hospital. However, because the two were residents of different States, they received very different victims' assistance: one received $15,000 in compensation and one $100,000. And one waited a week for a decision on the money and the other 5 months.

Another American was also severely injured in the embassy bombings. Because he was not able to establish residency in a particular State, he could not receive any victims' assistance or compensation at all. In fact, because he lacked health insurance, he had to pay his medical bills himself.

The Office for Victims of Crime has been able to get around the problem in certain cases by transferring money to the FBI or U.S. attorney's offices, which then transfer the money to victims. However, this cannot be done in some situations. Moreover, even where such transfers can be done, OVC and the victims have run into a lot of redtape and delays. An example:

Because of current law, OVC was not able to respond directly to the needs of victims of the embassy bombings. So they transferred money to the Executive Office of the U.S. attorneys, which then transferred the money to the State Department, which then transferred the money to the victims. This triple transfer took 8 months. In the meantime, the victims and their families had to pay medical bills, transportation costs, funeral expenses, and other expenses themselves.

The Leahy-Feinstein amendment will immediately benefit terrorist victims. For example, the amendment ensures that the OVC can assist victims directly with regard to the upcoming trial in New York City of the individuals who allegedly bombed our embassies in Kenya and Tanzania.

The Leahy-Feinstein amendment fixes the problem in three ways.

First, it creates a single, centralized agency to help victims of terrorism abroad. This agency—OVC—has more expertise and resources to help overseas terrorism victims than a typical State victims' services agency. For example, OVC can much more easily get information from U.S. and foreign government agencies to process victims' claims than, say, the Wyoming Victim Services Division.

Second, it eliminates the gaps and inconsistencies in Federal and State victims' services statutes that result in disparate treatment of similarly situated victims of terrorism. The amendment provides OVC with much more flexibility to assist victims of terrorism directly, avoiding unfair results.

Third, it cuts redtape that has unnecessarily delayed services to victims of terrorism.

Specifically, the Leahy-Feinstein amendment:

Authorizes OVC to establish a terrorism compensation fund and to make direct payments to American citizens and noncitizen U.S. Government employees for emergency expenses related to terrorist victimization. The money would be used to pay emergency travel expenses, medical bills, and the cost of transporting bodies.

Allows OVC to pay for direct services to victims, regardless of where a terrorist attack occurs. This includes counseling services, a victims' website, and closed-circuit TV so victims and their families can monitor trial proceedings.

Raises the cap on OVC's emergency reserve fund from $50 million to $100 million. This would enable OVC to access additional funds in the event of a terrorist attack involving massive casualties.

Makes it easier for OVC to replenish its emergency reserve fund with money that it de-obligates from its other grant programs.

Expands the range of organizations that OVC may fund to include the Department of State, Red Cross, and others.

I would like to thank Senator LEAHY for his leadership on this issue. While he and I have sometimes disagreed on how to address the lack of victims' rights in this Nation, I am glad that we were able to work together to pass this important amendment.

Finally, I would like to discuss one last provision of this conference report. Specifically, I want to address the so-called Twenty-First Amendment Enforcement Act, S. 577, now included as part of this conference report. I want it to be perfectly clear that this provision is simply a jurisdictional statute with a very narrow and specific purpose. The bill is not intended to allow the enforcement of invalid or unconstitutional State liquor laws in the Federal courts, and is certainly not intended to allow States to unfairly discriminate against out-of-State sellers for the purposes of economic protectionism.

The Twenty-First Amendment Enforcement Act would add a new section (section 2) to the Webb-Kenyon Act, granting Federal court jurisdiction to injunctive relief actions brought by State attorneys general seeking to enforce State laws dealing with the importation or transportation of alcoholic beverages. It is important to emphasize that Congress is not passing on the advisability or legal validity of the many State laws dealing with alcoholic beverages. Whether a particular State law on this subject is a valid exercise of State power is, and will continue to be, a matter for the courts to decide.

As you know, the powers granted to the States under section 2 of the 21st amendment are not absolute. As the Supreme Court has made clear since 1964, State power under the 21st amendment cannot be read in isolation from other provisions in the Constitution. In Hostetter v. Idlewild Bon Voyage Liquor Corporation, 377 U.S. 324 (1964), the Court began to use a "balancing test" or "accommodation test" to determine whether a state liquor law was enacted to implement a "core power" of the 21st amendment or was essentially an effort to unfairly regulate or burden interstate commerce with an inadequate connection to the temperance goals of the second section of the 21st amendment.

The Court said in Hostetter that "[B]oth the 21st amendment and the commerce clause are parts of the same Constitution. Like other provisions of the Constitution, each must be considered in the light of the other, and in the context of the issues and interests at stake in any concrete case." The Court in that case also emphasized that to draw the conclusion that the 21st amendment has repealed the commerce clause, would be "patently bizarre" and "demonstrably incorrect."

Subsequently, in a series of other decisions over the last 35 years, the Supreme Court has held that the 21st amendment does not diminish the force of the supremacy clause, the establishment clause, the export-import clause, the equal protection clause, and, again, the commerce clause; nor does it abridge rights protected by the first amendment.

In case after case (Capital Cities Cable, Inc. v. Crisp, 467 U.S. 691, 712 (1984) (supremacy clause); Larkin v. Grendel's Den, Inc., 459 U.S. 116, 122 (1982) (establishment clause); Department of Revenue v. James Beam Co., 377 U.S. 341 (1964) (export-import clause); Craig v. Boren, 429 U.S. 190, 209 (1976) (equal protection); Bacchus Imports, Ltd. v. Dias, 468 U.S. 263, 275 (1984) (commerce clause); 44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484, 516 (1996) (first amendment)), the Court has made it clear that the powers granted to the States under the 21st amendment must be read in conjunction with other provisions in the Constitution.

In Bacchus Imports, the Court stated that the 21st amendment was not designed "to empower States to favor local liquor industries by erecting barriers to competition." Nor are State laws that constitute "mere economic protectionism . . . entitled to the same deference as laws enacted to combat the perceived evils of an unrestricted traffic in liquor." The Bacchus decision stands for the legal principle that the 21st amendment cannot be used by the States to justify liquor laws which, by favoring instate businesses, discriminate against out-of-state sellers or otherwise burden interstate commerce. Economic discrimination is not a core purpose of the 21st amendment.

Earlier this year, when the Senate Judiciary Committee considered S. 577, I offered an amendment to the "Rules of Construction" section of Senator HATCH's substitute to S. 577. The amendment was intended to clarify that Congress recognizes the important line of cases I have described today and does not intend to tip or alter the critical balance between the 21st amendment and other provisions in the Constitution, such as the commerce clause. I also thought it was important that we make it clear that, in passing this jurisdictional statute, we are neither endorsing any existing State liquor laws nor prejudging the validity of any State liquor laws. In making a decision as to whether to issue an injunction, the Federal judge will look at the underlying State statute and determine whether or not it has been violated and whether it is a constitutionally permissible exercise of State authority.

The committee adopted my amendment by a unanimous voice vote and the language of subsection 2(e) now reflects the committee's intent. It states that this legislation is to be construed only to extend the jurisdiction of the Federal courts in connection with a State law that is a valid exercise of State power: (1) under the 21st amendment of the U.S. Constitution as such an amendment is interpreted by the Supreme Court of the United States, including interpretations in conjunction with other provisions of the U.S. Constitution; and (2) under the first section of the Webb-Kenyon Act as interpreted by the Supreme Court of the United States. Further, S. 577 is not to be construed as granting the States any additional power.

The legislative history of both the Webb-Kenyon Act and the second section of the 21st amendment reflect the fact that Congress intended to protect the right of the individual States to enact laws to encourage temperance within their borders. So both before the establishment of nationwide prohibition and after its repeal, the States have been free to enact statewide prohibition laws, and to enact laws allowing the local governments (i.e. counties, cities, townships, etcetera) within their borders to exercise "local option" restrictions on the availability of alcoholic beverages. Further, the States are also free to enact laws limiting the access of minors to alcoholic beverages under their police powers.

The language in subsection 2(e) reinforces the Supreme Court decisions holding that the 21st amendment is not to be read in isolation from other provisions contained in the U.S. Constitution. These cases have recognized that State power under section 2 of the 21st amendment is not unlimited and must be balanced with the other constitutional rights protected by commerce clause, the supremacy clause, the export-import clause, the equal protection clause, the establishment clause and the first amendment.

The substitute to S. 577 offered in the Judiciary Committee by Senator HATCH also made a number of other positive changes in this legislation.

Federal court jurisdiction is granted only for injunctive relief actions by State attorneys general against alleged violators of State liquor laws. However, actions in Federal court are not permitted against persons licensed by that State, nor are they permitted against persons authorized to produce, sell, or store intoxicating liquor in that State.

The Hatch substitute also made other changes ensuring that the bill tracks the due process requirements of rule 65 of the Federal Rules of Civil Procedure concerning suits for injunctive relief in Federal court. Under subsection 2(b), a State attorney general must have "reasonable cause" to believe that a violation of that State's law regulating the importation or transportation of intoxicating liquor has taken place. Further, under subsection 2(d)(1) the burden of proof is on the State to show by a preponderance of the evidence that a violation of State law has occurred. Similarly, subsection 2(d)(2) makes it clear that no preliminary injunction may be granted except upon evidence: (A) demonstrating the probability of irreparable injury; and (B) supporting the probability of success on the merits. Also, under subsection 2(d)(3) no preliminary or permanent injunction may be issued without notice to the adverse party and an opportunity for a hearing on the merits. While the legislation makes it clear that an action for injunctive relief under this act is to be tried before the Court without a jury, at the same time a defendant's rights to a jury trial in any separate or subsequent State criminal proceeding are intended to be preserved.

The amendments adopted in the Judiciary Committee bring both balance and fairness to this legislation. As amended, the Twenty-First Amendment Enforcement Act will assist in the enforcement of legitimate State liquor laws that are genuinely about encouraging temperance or prohibiting the sale of alcohol to minors. At the same time, the amended bill reflects a recognition on the part of the Judiciary Committee, the Senate, and the Congress that S. 577 is solely a jurisdictional statute and is not intended to allow the enforcement of invalid or unconstitutional State liquor laws in the Federal courts.●

Mrs. LINCOLN. Mr. President, I rise today to express my support for two very important pieces of legislation to the women of this country: the Violence Against Women Act and the National Breast and Cervical Cancer Treatment Act.

Combating domestic violence and child abuse has been a top priority for me. I am an early cosponsor of the Violence Against Women Act of 2000 . . . And I joined with my colleagues in 1994 to pass the Violence Against Women Act, making it clear that violence against women is unacceptable.

Changing our laws and committing $1.6 billion over six years to police, prosecutors, and battered women shelters has helped America crack down on abusers and extend support to victims.

My home state of Arkansas has received almost $16 million in resources to help women who have been or are being abused. This money has made a tremendous difference to women and their families in Arkansas.

According to the Department of Justice, fewer women were killed by their husbands or boyfriends in the first two years after the Act's passage than in any year since 1976. We cannot stop this progress now.

By voting to continue the Violence Against Women Act, we send a signal to women across the country that they and their children will have options to chose from and a support network to rely on when they leave an abusive relationship. It also reinforces the message to abusers that their actions will not be tolerated or ignored.

I am also glad to see the Act expanded to include funding for transitional housing for women and children who are victims of violence, as well as resources for specific populations such as Native Americans and the elderly . . . Mr. President, I'd also like to take a minute to recognize National Breast Cancer Awareness Month and to call on the House to pass the National Breast and Cervical Cancer Treatment Act.

This bill will provide treatment to low-income women screened and diagnosed through the CDC National Breast and Cervical Cancer Early Detection Program.

Since 1990, the Centers for Disease Control's National Breast and Cervical Cancer Early Detection Program screens and diagnoses low-income women for breast and cervical cancer, but does not guarantee them treatment once diagnosed.

Nationwide, thousands of women are caught in a horrible federal loophole—

they are told they have a deadly disease with no financial hope for treatment.

The American Cancer Society estimates that in the year 2000, 400 women in Arkansas will die of breast cancer, and 1,900 women will be diagnosed with it.

Luckily, my home state is currently administering an effective breast cancer screening program for uninsured women. This program has helped improve the rate of early diagnosis and also provides financial assistance for treatment.

However, right now, the CDC program reaches only 15 percent of eligible women . . .

Through the Breast and Cervical Cancer Treatment Act, Arkansas would benefit from being able to free up resources for education and outreach, to help more women across the state.

Unfortunately, Mr. President, the fight to enact this legislation is not over.

After a 421–1 passage in the House in May, this critical bill passed the Senate on Wednesday, October 4, 2000 by unanimous consent. It now must go back to the House of Representatives for a vote on the Senate-passed version and then be sent to the President for his signature. I urge my colleagues in the House to move on this legislation, so that the President can sign it into law.

And I also urge all of the women in my state to get screened this month. Every three minutes a woman is diagnosed with breast cancer, and every 12 minutes a woman dies from breast cancer. Early detection is key.

I hope the women of Arkansas, especially if they have a family history of the disease, will take time during National Breast Cancer Awareness Month to take a step that could save their lives.

Mr. KYL. Mr. President, I would like to briefly describe one item I was very pleased to see included in this legislation. The item to which I refer is a proposal of mine, the Campus Sex Crimes Prevention Act. I would like to thank Chairman HATCH and Senator BIDEN for their cooperation in getting this proposal included in the Violence Against Women Act, which has now been incorporated into the Trafficking Victims Protection Act.

The purpose of this provision is to guarantee that, when a convicted sex offender enrolls or begins employment at a college or university, members of the campus community will have the information they need to protect themselves. Put another way, my legislation ensures the availability to students and parents of the information they would already receive—under Megan's Law and related statutes—if a registered sex offender were to move into their own neighborhood.

Current law requires that those convicted of crimes against minors or sexually violent offenses to register with law enforcement agencies upon their release from prison and that communities receive notification when a sex offender takes up residence. The Campus Sex Crimes Prevention Act provides that offenders must register the name of any higher education institution where they enroll as a student or commence employment. It also requires that this information be promptly made available to law enforcement agencies in the jurisdictions where the institutions of higher education are located.

Here is how this should work. Once information about an offender's enrollment at, or employment by, an institution of higher education has been provided to a state's sex offender registration program, that information should be shared with that school's law enforcement unit as soon as possible.

The reason for this is simple. An institution's law enforcement unit will have the most direct responsibility for protecting that school's community and daily contact with those that should be informed about the presence of the convicted offender.

If an institution does not have a campus police department, or other form of state recognized law enforcement agency, the sex offender information could then be shared with a local law enforcement agency having primary jurisdiction for the campus.

In order to ensure that the information is readily accessible to the campus community, the Campus Sex Crimes Prevention Act requires colleges and universities to provide the campus community with clear guidance as to where this information can be found, and clarifies that federal laws governing the privacy of education records do not prevent campus security agencies or other administrators from disclosing such information.

The need for such a clarification was illustrated by an incident that occurred last year at Arizona State University when a convicted child molester secured a work furlough to pursue research on campus. University officials believed that the federal privacy law barred any disclosure of that fact.

Without a clear statement that schools are free to make this information available, questions will remain about the legality of releasing sex offender information. The security unit at Arizona State and its counterparts at a number of other colleges asked for this authority, and we should give it to them.

The House of Representatives passed a similar provision—authored by Congressman MATT SALMON—earlier this year. Since then, I—along with Congressman SALMON—have worked to address the concerns that some in the higher education community had about possible unintended consequences of this legislation. I am pleased to report that, in the course of those negotiations, we were able to reach agreement on language that achieved our vital objectives without exposing colleges to excessive legal risks.

For the helpful role they played in those discussions, I must thank not only Senator HATCH, Senator BIDEN, and Congressman SALMON, but Senators JEFFORDS and KENNEDY, the Chairman and Ranking Member of the Senate Committee on Health, Education, Labor and Pensions.

I appreciate the opportunity briefly to describe what I have tried to accomplish with this amendment.

Mr. JOHNSON. Mr. President, I am pleased the Senate today will vote on legislation to reauthorize the landmark Violence Against Women Act. The legislation is part of a larger bill that also helps end the trafficking of women and children into international sex trades, slavery, and forced labor. This bill passed the House of Representatives last week, and I am confident the President will sign it into law.

I have been involved in the campaign to end domestic violence in our communities dating back to 1983 when I introduced legislation in the South Dakota State Legislature to use marriage license fees to help fund domestic abuse shelters. At that time, thousands of South Dakota women and children were in need of shelters and programs to help them. However, few people wanted to acknowledge that domestic abuse occurred in their communities, or even their own homes.

In 1994, as a member of the U.S. House of Representatives, I helped get the original Violence Against Women Act passed into law. Since the passage of this important bill, South Dakota has received over $8 million in funding for battered women's shelters and family violence prevention and services. Nationwide, the Violence Against Women Act has provided over $1.9 billion toward domestic abuse prevention and victims' services.

In South Dakota alone, approximately 15,000 victims of domestic violence were provided assistance last year, and over 40 domestic violence shelters and outreach centers in the state received funding through the Violence Against Women Act. Shelters, victims' service providers, and counseling centers in South Dakota rely heavily on these funds to provide assistance to these women and children. Some of these examples include:

The Mitchell Area Safehouse started the first Family Visitation Center in the state with these funds. The center ensures that children receive safe and monitored visits with their parents when violence has been a factor in their home environment. Now there are 9 such centers in the state.

The Winner Resource Center for Families received funding to provide emergency shelter, counseling services, rent assistance, and clothing to women and children in south-central South Dakota.

Violence Against Women Act funding has also allowed Minnehaha County and Pennington County to hire domestic court liaisons to assist with the Protection Order process.

In Rapid City, Violence Against Women Act funding also allowed Working Against Violence Inc. (WAVI) to develop a Sexual Assault Program and provide specialized crisis intervention and follow-up for child and adult survivors of rape.

On the Crow Creek reservation, Violence Against Women Act funding helped the tribal justice system to develop stalking, sexual assault, and sexual harassment tribal codes. Similar efforts have been realized on the Rosebud and Sisseton-Wahpeton reservations through this program.

The original Violence Against Women Act expired last Saturday, October 1, and I once again led the fight in the Senate this year to reauthorize this legislation. The bill that the Senate will vote on today authorizes over $3 billion for domestic abuse prevention programs. I am especially pleased that the bill includes a provision I supported that targets $40 million a year in funding for rural areas.

The National Domestic Violence Hotline is also reauthorized in this legislation. As you know, this hotline has received 500,000 calls from women and children in danger from abuse since its creation in 1994. The hotline's number is 1-800-799-SAFE, and I encourage any woman or child who is in an abusive environment to call for help.

The original Violence Against Women Act increased penalties for repeat sex offenders, established mandatory restitution to victims of domestic violence, codified much of our existing laws on rape, and strengthened interstate enforcement of violent crimes against women. I am pleased to support efforts this year that strengthen these laws, expand them to include stalking on the internet and via the mail, and extend them to our schools and college campuses.

Passage of the Violence Against Women Act reauthorization bill is another important step in the campaign against domestic violence. While I am pleased that this historic legislation will soon be on its way to the President for his signature, the fact remains that domestic violence remains a reality for too many women and children in our country and in South Dakota. I will continue to do all that I can, as a member of the United States Senate and a concerned citizen of South Dakota, to help victims of domestic violence and work to prevent abuse in the first place.

Mr. HUTCHINSON. Mr. President, I rise in support of the Trafficking Victims Protection Act and I want to commend my colleagues Senator BROWNBACK and Senator WELLSTONE for their hard work on this legislation.

Inge had hoped for a better life when she left her home in Veracruz, Mexico—for legitimate work that would pay her well. She was hoping to earn money in a restaurant or a store and earn money to bring back to her family.

She never expected a smuggling debt of $2,200. She never expected to be beaten and raped until she agreed to have sex with 30 men a day. She never expected to be a slave—especially not in the United States—not in Florida.

So she got drunk before the men arrived. And when her shift was done, she drank some more. Inge would soak herself in a bathtub filled with hot water—drinking, crying, smoking one cigarette after another—trying any way she could to dull the pain. And she would go to sleep drunk or pass out—until the next day when she had to do it all again.

Unfortunately, Inge's case is not unique. It is a horrific story played out every day in countries all over the world. In fact, at least 50,000 women and children are trafficked into the U.S. each year and at least 700,000 women and children are trafficked worldwide. These women and children are forced into the sex industry or forced into harsh labor, often by well organized criminal networks. Traffickers disproportionately target the poor, preying on people in desperate economic situations. They disproportionately target women and girls—all of this for money.

Trafficking of women and children is more than a crime—it is an assault on freedom. It is an assault on that founding principle of our nation, ". . . that all men are created equal, that they are endowed by their Creator with certain unalienable rights. . ." It is an assault on the very dignity of humanity.

Yet the protections we have against trafficking are inadequate. That is why the Trafficking Victims Protection Act is so vital.

This legislation takes several approaches to address this human rights abuse. It requires expanded reporting by the State Department in its annual human rights report on trafficking, including an assessment and analysis of international trafficking patterns and the steps foreign governments have taken to combat trafficking. It also requires the President to establish an interagency task force to monitor and combat trafficking.

As a means of deterring trafficking, the President, through the Agency for International Development (AID) must establish initiatives, such as microlending programs to enhance economic opportunities for people who might be deceived by traffickers' promises of lucrative jobs. In addition, this legislation establishes certain minimum standards for combating trafficking and authorizes funding through AID and other sources to assist countries to meet these standards. The President can take other punitive measures against countries that fail to meet these standards.

The bill also creates protections and assistance for victims of trafficking, including a new nonimmigrant "T" visa. At the same time, punishments for traffickers are increased through asset seizure and greater criminal penalties.

All of these provisions are important for strengthening U.S. and foreign law and for combating trafficking. I strongly support them.

It is a sad consequence of globalization that crime has become more international in its scope and reach. These seedy sex industries know no boundaries. Traffickers use international borders to trap their victims in a foreign land without passports, without the ability to communicate in the local language, and without hope.

But just as trafficking has become global, so must our efforts to fight trafficking. That is why I also support an appropriation in the Commerce-Justice-State Appropriations bill for $1.35 million earmarked for the Protection Project. This legal research institute at the Johns Hopkins School of Advanced International Studies is a comprehensive analysis of the problem of international trafficking of women and children. Led by Laura Lederer, a dozen researchers have been documenting the laws of 190 independent states and 63 dependencies on trafficking, forced prostitution, slavery, debt bondage, extradition, and other relevant issues. When it is complete, the Protection Project will produce a worldwide legal database on trafficking, along with model legislation for strengthening protections and recommendations for policy makers.

At the moment, the Protection Project is at a critical phase of research and funding is crucial. For the last few years, the State Department's Bureau of International Narcotics and Law Enforcement Affairs has been funding the project, along with private donations made to Harvard University, where the project was formerly housed. However, with its transition to Washington and Johns Hopkins, the project has lost private funding and has suffered a nine-month delay in its research.

I urge my colleagues on the CJS conference to retain the Senate earmark for this project. The research that the project is producing is critical to understanding, fighting, and ultimately winning the war against international trafficking of women and children.

Mr. TORRICELLI. Mr. President, I rise in support of the adoption of the conference report to H.R. 3244, the Sexual Trafficking Victims Protection

Act. This conference report contains two pieces of legislation that are critically important for ensuring the safety of women and their children in our Nation as well as around the world, the Reauthorization of the Violence Against Women Act of 1994 and the Sexual Trafficking Victims Protection Act. I am extraordinarily pleased that the Senate is finally poised to join our colleagues in the House and pass both of these legislative proposals. Although it is unfortunate that Congress allowed the Violence Against Women Act to expire at the end of the fiscal year on September 30, 2000, today's action on this legislation goes a long way towards sending a message to battered women and their children that domestic violence is a national concern deserving the most serious consideration.

An important component of the Reauthorization of the Violence Against Women Act that is contained in the conference report today is the provision of resources for transitional housing. Due to the fact that domestic violence victims often have no safe place to go, these resources are needed to help support a continuum between emergency shelter and independent living. Many individuals and families fleeing domestic violence are forced to return to their abusers because of inadequate shelter or lack of money. Half of all homeless women and children are fleeing domestic violence. Even if battered women leave their abusers to go to a shelter, they often return home because the isolation from familiar surroundings, friends, and neighborhood resources makes them feel even more vulnerable. Shelters and transitional facilities are often located far from a victim's neighborhood. And, if emergency shelter is available, a supply of affordable housing and services are needed to keep women from having to return to a violent home.

Due to the importance of ensuring that battered women may access transitional housing, I remain concerned that the conference report provides only a one-year authorization for the transitional housing programs. Consequently, I intend to work closely with my colleagues throughout next year to ensure the continued authorization and funding of these critical programs. I look forward to working with my colleagues to strengthen transitional housing programs for battered women and their children and I hope they will lend their strong support to this effort.

Mr. ABRAHAM. I rise to express my strong support for this conference report. It contains two very important measures: the Trafficking Victims Protection Act, aimed at combating the scourge of sex trafficking, and the Violence Against Women Act of 2000, aimed at reauthorizing and improving on federal programs and other measures designed to assist in the fight against domestic violence.

I would first of all like to extend my compliments to Senator BROWNBACK, Congressman SMITH, Senator WELLSTONE, Senator HELMS, Senator HATCH, and others, including their staff, who worked so hard on the trafficking portion of this legislation. The problem of international sex trafficking that they have tackled is a particularly ugly one, and I commend them for all the work they have invested in devising effective means to address it.

I would like to concentrate my own remarks on the second half of this legislation, the Violence Against Women Act of 2000. I was proud to be an original cosponsor of the Senate version of this bill, and I am very pleased to see that the efforts of everyone involved are about to become law.

The 1994 Violence Against Women Act has been crucial in reducing violence perpetrated against women and families across America. VAWA 1994 increased resources for training and law enforcement, and bolstered prosecution of child abuse, sexual assault, and domestic violence cases. States have changed the way they treat crimes of violence against women; 24 States and the District of Columbia now mandate arrest for most domestic violence offenses.

States have also relieved women of some of the costs associated with violence against them. For example, as a result of VAWA, all have some provision for covering the cost of a forensic rape exam. Most notably, VAWA 1994 provided much-needed support for shelters and crisis centers, funded rape prevention and education, and created a National Domestic Violence Hotline.

Nevertheless, much remains to be done. In Michigan alone, in 1998 we had more than 47,000 incidents of domestic violence, including 46 homicides. About 85 percent of the victims of those incidents were women. We must continue to do what we can to deter and prevent this kind of violence, and to make services available to its victims.

The legislation before us today continues the important work begun in 1994 by reauthorizing these important programs. And make no mistake about it, we must do so if we are to continue with the progress we have made.

In Michigan, for example, despite our much heightened awareness of the devastating impact of sexual abuse, in many communities VAWA grants are the only source of funding for services for rape victims. I am told that this is true nationally as well. Forty-five shelters serving 83 counties receive funding from VAWA grants. Reauthorizing VAWA is critical so as to provide the assurance of continued congressional commitment needed to ensure that these services do not dry up.

That is why I am so delighted that this conference report is about to be enacted into law. I would especially like to note how pleased I am with the results the conference reached on a couple of particular provisions.

First, I would like to discuss the funding the bill provides for rape education, services to victims, and prevention. This critical funding is used for, among other things, helping survivors of rape and sexual assault come to terms with what has happened to them so that they are able to get on with their lives and also assist in the prosecution of the perpetrators of these crimes. It is also used to educate investigators and medical personnel on the best protocols to use to collect evidence in these cases.

I would like to give a few examples of instances of how this is working in Michigan. A 21-year-old single woman was raped. She became pregnant as a result of the rape. She decided that she wanted to carry the baby to term. She had to deal with her own very complex emotions about her pregnancy, her changed relationship with her boyfriend, and the enormous difficulties of raising a child as a single parent. The VAWA money for rape services funded the counseling to help her with this overwhelmingly difficult set of decisions and circumstances.

VAWA rape money also funded services for a 63-year-old woman who was sexually assaulted. With that help, she was able to come to terms with what had happened, and testify against the rapist.

To give just one more example: VAWA rape money is being used right now to fund a new sexual assault nurse examining program. This program provides a sympathetic and expert place for survivors to go after they have been assaulted where they will be treated with respect and understanding and where the evidence will be collected correctly.

The reason I have come to know so much about this particular aspect of VAWA is that when my wife Jane met with the Michigan Coalition Against Domestic and Sexual Violence in Oakland County on June 30 of this year, its director, Mary Keefe, indicated to her that while she was generally very pleased with the reauthorization legislation we were working on here in the Senate, the $50 million we were proposing for this particular aspect of VAWA, the rape education and prevention component, just wasn't enough. She indicated her hope that we would be able to raise that to the $80 million figure in the House bill. Jane passed that along to me, and once I understood how this money was used and was able to explain how important it was, with Senator HATCH's and Senator BIDEN's assistance, the Senate proposal was increased to $60 million.

I continued to follow this matter as the bill was progressing through conference. Yesterday I was delighted to be able to tell my staff to let Ms. Keefe know that the conference bill accommodates her request fully, and authorizes $80 million in funding for these grants for the next 5 years. One important purpose for which I am sure some of these funds will be used is educating our kids about relatively less well known drugs like GHB, the date rape drug that claimed the life of one of my constituents and was the subject of legislation I worked on earlier this Congress.

Second, I am pleased that the conference report contains the new Federal law against cyberstalking that I introduced a few months ago. As the Internet, with all its positives, has fast become an integral part of our personal and professional lives, it is regrettable but unsurprising that criminals are becoming adept at using the Internet as well.

Hence the relatively new crime of "cyberstalking," in which a person uses the Internet to engage in a course of conduct designed to terrorize another. Stalking someone in this way can be more attractive to the perpetrator than doing it in person, since cyberstalkers can take advantage of the ease of the Internet and their relative anonymity online to be even more brazen in their threatening behavior than they might be in person.

Some jurisdictions are doing an outstanding job in cracking down on this kind of conduct. For example, in my own State, Oakland County Sheriff Michael J. Bouchard and Oakland County Prosecutor Dave Gorcyca have developed very impressive knowledge and expertise about how to pursue cyberstalkers.

This legislation will not supplant their efforts. It will, however, address cases that it is difficult for a single State to pursue on its own, those where the criminal is stalking a victim in another State. In such cases, where the criminal is deliberately using the means of interstate commerce to place his or her victim in reasonable fear of serious bodily injury, my bill will allow the Federal Government to prosecute that person.

The existence of a Federal law in this area should also help encourage local authorities who do not know where to start when confronted with a cyberstalking allegation to turn to Federal authorities for advice and assistance. There is little worse than the feeling of helplessness a person can get if he or she is being terrorized and just cannot get help from the police. Much of VAWA 2000 is aimed at helping the authorities that person turns to respond more effectively. That is a central function of the cyberstalking provisions as well.

Finally, I am very pleased that the conference report includes the core provisions from the Senate bill that I developed along with Senator KENNEDY, Senator HATCH, and Senator BIDEN to address ways in which our immigration laws remain susceptible of misuse by abusive spouses as a tool to blackmail and control the abuse victim.

This potential arises out of the derivative nature of the immigration status of a noncitizen or lawful permanent resident spouse's immigration status. Generally speaking, that spouse's right to be in the U.S. derives from the citizen or lawful permanent resident spouse's right to file immigration papers seeking to have the immigration member of the couple be granted lawful permanent residency.

In the vast majority of cases, granting that right to the citizen or lawful permanent resident spouse makes sense. After all, the purpose of family immigration is to allow U.S. citizens or lawful permanent residents to live here with their spouses and children. But in the unusual case of the abusive relationship, an abusive citizen or lawful permanent resident can use control over his or her spouse's visa as a means to blackmail and control the spouse. The abusive spouse can do this by withholding a promised visa petition and then threatening to turn the abused spouse in to the immigration authorities if the abused spouse sought to leave the abuser or report the abuse.

VAWA 1994 changed this by allowing immigrants who demonstrate that they have been battered or subject to extreme cruelty by their U.S. citizen or lawful permanent resident spouses to file their own petitions for visas without the cooperation of their abusive spouse.

VAWA 1994 also allowed abused spouses placed in removal proceedings to seek "cancellation of removal," a form of discretionary relief from removal available to individuals in unlawful immigration status with strong equities, after three years rather than the seven ordinarily required. Finally, VAWA 1994 granted similar rights to minor children abused by their citizen or lawful permanent resident parent, whose immigration status, like that of the abused spouse, would otherwise be dependent on the abusive parent.

The conference report follows the Senate VAWA reauthorization bill in building on the important work of VAWA 1994 in these areas. I will not describe all of the provisions of title V of division B of this bill, but I will discuss one of them, which I believe is the most important one.

In this bill, we establish procedures under which a battered immigrant can take all the steps he or she needs to take to become a lawful permanent resident without leaving this country. Right now, no such mechanism is available to a battered immigrant, who can begin the process here but must return to his or her home country to complete it.

VAWA 1994 created a mechanism for the immigrant to take the first step, the filing of an application to be classified as a battered immigrant spouse or child. But it did not create a mechanism for him or her to obtain the necessary papers to get lawful permanent residency while staying in the U.S. That is because at the time it was enacted, there was a general mechanism available to many to adjust here, which has since been eliminated. As a result, under current law, the battered immigrant has to go back to his or her home country, get a visa, and return here in order to adjust status.

That is not true of spouses whose citizens or lawful permanent resident husband or wife is filing immigration papers for them. They do have a mechanism for completing the whole process here. Section 1503 of this bill gives the abused spouse that same right.

The importance of such a provision is demonstrated, for example, by the case of a battered immigrant whose real name I will not use, but whom I will instead call Yaa. I use her as an example because her case arose in my own State of Michigan.

Yaa is a 38-year-old mother of two from Nigeria. She met her husband, whom I will call Martin, while he was visiting family members in Nigeria. After a long courtship, Martin persuaded Yaa to marry him and join him in the United States. He told her he would help her further her education and file the necessary papers to enable her to become a lawful permanent resident.

Following their marriage, Martin assisted Yaa in obtaining a visitor's visa. When she arrived in the United States, however, he did not follow through on any of his promises. He refused to support her going to school, and indeed would not let her leave the house for fear that other men might find her attractive and steal her away. He also refused to file immigration papers for her and threatened her with deportation if she ever disobeyed his orders.

After the birth of their first child, Martin began physically abusing Yaa. He slapped her if she questioned his authority or asked about her immigration status. He spat on her if she refused to have sex with him. He used a hidden recording device to tape all of her phone conversations. As a result, she came to feel that she was a prisoner in her own home.

On one occasion, Martin beat Yaa with his fists and a bottle of alcohol. Yaa suffered severe facial injuries and had to be rushed to a hospital by ambulance for treatment. This incident resulted in Martin's arrest and prosecution for domestic violence. Martin retaliated by refusing to pay the mortgage, buy food, or other necessities. At that point, with the help of her best friend, Yaa moved out, found a job, and filed a self-petition under VAWA. INS approved her self-petition, and Yaa has obtained a restraining order against Martin.

Unfortunately, she still has to go to Nigeria to obtain a visa in order to complete the process of becoming a lawful permanent resident. And this is a major problem. Martin's family in Nigeria blames her for Martin's conviction. They have called her from there and threatened to have her deported because she "brought shame" to the family. They also know where she lives in Nigeria and they have threatened to hurt her and kidnap the children if she comes back. She has no one in the U.S. to leave the children with if she were to return alone. She is also frightened of what Martin's family will do to her if she sets foot in Nigeria.

Yaa should be allowed to complete the process of becoming a lawful permanent resident here in the United States, without facing these risks. Our legislation will give her the means to do so.

Of all the victims of domestic abuse, the immigrant dependent on an abusive spouse for her right to be in this country faces some of the most severe problems. In addition to the ordinary difficulties that confront anyone trying to deal with an abusive relationship, the battered immigrant also is afraid that if she goes to the authorities, she risks deportation at the instance of her abusive spouse, and either having her children deported too or being separated from them and unable to protect them.

We in Congress who write the immigration laws have a responsibility to do what we can to make sure they are not misused in this fashion. That is why I am so pleased that the final version of this legislation includes this and other important provisions.

I would like to extend special thanks to Senator KENNEDY and his staff, especially Esther Olavarria, who has worked tirelessly on this portion of the bill; to Senator HATCH and his staff, especially Sharon Prost, whose assistance in crafting these provisions and willingness to invest time, effort and capital in making the case for them has been indispensable; to Senator BIDEN and his staff, especially Bonnie Robin-Vergeer, whose commitment to these provisions has likewise been vital; to House Judiciary Committee Chairman HYDE and House Crime Subcommittee Chairman BILL MCCOLLUM, for their support at key moments; to the indefatigable Leslye Orloff of the NOW Legal Defense Fund, whose ability to come up with the "one more thing" desperately needed by battered immigrants is matched only by her good humor and professionalism in recognizing that the time for compromise has come; and to the sponsors of H.R. 3244 and S. 2449, for allowing their bill to become the vehicle for this important legislation.

I would also like to thank all of the organizations in Michigan that have been working so hard to help in the fight against domestic and sexual violence. I would like to extend particular thanks to a couple of the people there who have been particularly helpful to me, to my wife Jane, and to members of my office as we have been learning about these issues: to Mary Keefe of the Michigan Coalition Against Domestic and Sexual Violence, whom I mentioned earlier; to Hedy Nuriel and Deborah Danton of Haven; to Shirley Pascale of the Council Against Domestic Assault; to Deborah Patterson of Turning Point, and to Valerie Hoffman of the Underground Railroad.

I yield the floor.

Mr. DURBIN. Mr. President, with the passage of the Violence Against Women Act in 1994, the Federal Government for the first time adopted a comprehensive approach to combating violence against women. This bill included tough new criminal penalties and also created new grant programs to help both women and children who are victims of family violence.

Since that time, violence against women has significantly decreased. But in spite of these improvements, far more needs to be done.

Every 20 seconds a woman is raped and/or physically assaulted by an intimate partner and nearly one-third of women murdered each year are killed by a husband or boyfriend.

Domestic violence still remains the leading cause of injury to women ages 15 to 44 and sadly, there are children under the age of twelve in approximately four out of ten houses that experience domestic violence.

Many victims of domestic violence are not recognized and therefore do not get the help that they need.

I am happy to report that the conference report includes several provisions that I authored with Senator COLLINS to assist both older and disabled women who are the victims of domestic violence. Those provisions were part of S. 1987, the Older and Disabled Women's Protection from Violence Act.

Unfortunately for some, domestic violence is a life long experience. Those who perpetrate violence against their family members do not stop because the family member grows older. Neither do they stop because the family member is disabled. To the contrary, several studies show that the disabled suffer prolonged abuse compared to non-disabled domestic violence victims. Violence is too often perpetrated on those who are most vulnerable.

In some cases, the abuse may become severe as the victim ages or as disability increases and the victim becomes more isolated from the community with their removal from the workforce. Other age-related factors such as increased frailty may increase a victim's vulnerability.

It also is true that older and disabled victims' ability to report abuse is frequently confounded by their reliance on their abuser for care or housing.

Every 7 minutes in Illinois, there is an incidence of elder abuse.

Several research studies have shown that elder abuse is the most under reported familial crime. It is even more under reported than child abuse with only between one in eight and one in fourteen incidents estimated to be reported.

National and State specific statistics are not available for domestic abuse against disabled individuals. However, several studies of specific areas indicate that abuse is of longer duration for women with disabilities compared to women without a disability. Canadian studies over the last decade indicate that the incidence in that country at least of battery for women with disabilities was 1.5 times higher than for women without a disability. 3 other independent studies indicated that "Regardless of age, race, ethnicity, sexual orientation or class, women with disabilities are assaulted, raped and abused at a rate of more than two times greater than non-disabled women" Sobsey 1994, Cusitar 1994, DisAbled Women's Network 1988.

Older and disabled individuals who experience abuse worry they will be banished to a nursing home or institutions if they report abuse.

Many older women were raised to believe that family business is a private matter. Problems within families were not to be discussed with anyone, especially strangers or counselors.

They also must struggle with the ethical dilemma of reporting abuse by their children to the authorities and thus increasing their child's likelihood of going to jail. Shame and fear gag them so that they remain "silent victims."

Disabled women also wrestle with the fear that they may lose their children in a custody case if they report abuse.

This bill includes modifications of the STOP law enforcement state grants program and the ProArrest grants program to increase their sensitivity to the needs of older and disabled women. These programs provide funding for services and training for officers and prosecutors for dealing with domestic violence. This training needs to be sensitive to the needs of all victims, young and old, disabled and non-disabled. The images portrayed in the media of the victims of domestic violence generally depict a young woman, with small children. Consequently, many people including law enforcement officers may not readily identify older or disabled victims as suffering domestic abuse.

Only a handful of domestic abuse programs throughout the country are reaching out to older and disabled women and law enforcement rarely receive training in identifying victims who are either older or disabled.

The bill also sets up a new training program for law enforcement, prosecutors and others to appropriately identify, screen and refer older and disabled women who are the victims of domestic violence.

Improvement in this program can be made with respect to identifying abuse among all age groups especially seniors who are often overlooked. When the abuser is old, there may be a reticence on the part of law enforcement to deal with this person in the same way that they might deal with a younger person. Who wants to send an "old guy" to jail? However, lack of action jeopardizes the victim further because then the abuser has every reason to believe that there are no consequences for their actions. Another common problem is differentiating between injuries related to abuse and injuries arising from aging, frailty or illness. Too many older or disabled women's broken bones have been attributed to disorientation, osteoporosis, or other age-related vulnerabilities without any questions being asked to make sure that they are not the result of abuse.

With the graying of America, the problems of elder domestic abuse in all its many ugly manifestations, is likely to grow. I believe that we need to take a comprehensive look at our existing family violence programs and ensure that these programs serve seniors and are sensitive and knowledgeable of elder domestic abuse.

In addition, the disabled's injuries may be falsely attributed to their disability and the bill authorizes a new program for education and training for the needs of disabled victims of domestic violence.

I thank Chairman **HATCH** and Senator **BIDEN** for working with me to include these provisions that should help to ensure that Federal Anti-Family Violence Programs are indeed available for all victims whether young or old, or whether able-bodied or a woman with a disability.

In just the past year, the Supreme Court offered an important ruling on the Violence Against Women Act. The decision was certainly not one that I would have hoped for.

In the case of U.S. v. Morrison, the Supreme Court struck down a provision of the Violence Against Women Act that gave victims of rape and domestic violence the right to sue their attackers in federal court. Congress passed this law to give women an additional means of pursuing justice when they are the victims of assault. We passed this law because the States themselves did not always adequately pursue rapists and assailants. And the States acknowledged this.

Thirty-six States had entered this suit on behalf of the woman who had been victimized. They wanted victims of violence against women to retain the right to bring their attackers to court. But the Supreme Court, in a narrow vote, decided otherwise. The vote: five to four.

This action by the Senate reauthorizing the Violence Against Women Act will overcome that court decision.

Mr. ASHCROFT. Mr. President, I would like to offer my strong support for the conference report on H.R. 3244, a bill that will strengthen our laws in order to protect women, children and all victims of domestic violence. The conference report that we will vote on today includes several sections, each of which provides additional protections for vulnerable members of society.

First, the bill contains the Trafficking Victims Protection Act, legislation that has been the passion of the Senator from Kansas, Mr. **BROWNBACK**, and the Senator from Minnesota, Mr. **WELLSTONE**. This legislation will combat sexual trafficking of women and children—the deepest violation of human dignity and an unspeakable tragedy. Second, the conference report contains a bill that we have heard a lot about in the last several weeks—the reauthorization of the Violence Against Women Act—to provide funding for programs to combat domestic violence and assist victims of domestic violence—both male and female. The original Violence Against Women Act authorization expired on October 1, 2000, and I am pleased to be a cosponsor of the reauthorization bill sponsored by Senators **HATCH** and **BIDEN** (S. 2787). The third main section of the bill contains anti-crime measures including provisions to encourage States to incarcerate, for long prison terms, individuals convicted of murder, rape, and dangerous sexual offenses. Together, these provisions form a comprehensive approach to fighting abuse against the most vulnerable members of society.

It is tragic that as we stand on the brink of the 21st Century the world is still haunted by the practice of international trafficking of women and children for sex, forced labor and for other purposes that violate basic human rights. The frequency of these practices is frightening. For example, an estimated 10,000 women from the former Soviet Union have been forced into prostitution in Israel; two million children are forced into prostitution every year, half of them in Asia; and more than 50,000 women are trafficked into the United States every year. Unfortunately, existing laws in the United States and other countries are inadequate to deter trafficking, primarily because they do not reflect the gravity of the offenses involved. Where countries do have laws against sexual trafficking, there is too often no enforcement. For example, in 1995, the Netherlands prosecuted 155 cases of forced prostitution, and only four resulted in the conviction of the traffickers. In some countries, enforcement against traffickers is hindered by indifference, corruption, and even official participation.

The conference report before us seeks to improve the lives of women and children around the world by providing severe punishment for persons convicted of operating trafficking enterprises within the United States and the possibility of severe economic penalties against traffickers located in other countries. In addition, it provides assistance and protection for victims, including authorization of grants to shelters and rehabilitation programs, and a limited provision for relief from deportation for victims who would face retribution or other hardships if deported. The bill also creates an Interagency Task Force to monitor and combat trafficking, in order to facilitate and evaluate progress in trafficking prevention, victim assistance, and the prosecution of traffickers. I would like to thank the Senator from Kansas for his tireless work on this issue, and am pleased to support this legislation.

The second main section of this conference report, the Violence Against Women Act (VAWA) of 2000, reauthorizes the Violence Against Women Act through Fiscal Year 2005. VAWA contains a number of grant programs, including the STOP grants, Pro-Arrest grants, Rural Domestic Violence and Child Abuse Enforcement grants, the National Domestic Violence Hotline, and three programs for victims of child abuse, including the court-appointed special advocate program (CASA). In addition, there are targeted improvements to the original language that have been made, such as providing funding for transitional housing assistance, expanding several of the key grant programs to cover violence that arises in dating relationships, and authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault.

There is another issue that has been raised recently and that is the eligibility of men to receive benefits and services under the original Violence Against Women Act and under this bill. It was the original intent of this legislation to direct federal funds toward the most pressing problem—that of domestic violence against women, and violence against women in particular, since the statistics show that the majority of domestic violence is perpetrated against women. But although women are more often victims of such violence than men, it does not mean that men are never victims, or that the problems of domestic violence when men are victims should be ignored. It was not, and is not, the intent of Congress to exclude men who have suffered domestic abuse or sexual assaults from receiving benefits and services under the Violence Against Women Act. Maybe the bill should be renamed the "Stop Domestic Violence Act" in order to more accurately reflect the purposes of this bill. The Act defines such key terms as "domestic violence" and "sexual assault," which are used to determine eligibility under several of the grant programs, in gender-neutral language. Men who have suffered these types of violent attacks are eligible under current law to apply for services and benefits that are funded under the original Act—and they will remain eligible under the Violence Against Women Act of 2000—whether it be for shelter space under the Family Violence Protection and Services Act, or counseling by the National Domestic Violence Hotline, or legal assistance in obtaining a protection order under the Legal Assistance for Victims program. I am pleased that this clarification was added to this bill.

I am committed to confronting domestic violence because I believe that all forms of violence and crime destroy lives, hopes, and opportunities. All citizens should be safe from violence at home, in their neighborhoods and at schools. Protecting public safety is a fundamental duty of government, and we must make it clear to criminals that if they commit crime and violence, they will be punished swiftly and severely.

Domestic violence has been a problem in the State of Missouri. In 1999, according to data from the Highway Patrol Criminal Records Division, there were 754 incidents for every 100,000 Missourians. This number is too high, despite the fact that it has been falling from a high of 815/100,000 in 1997. The early nineties saw a disturbing rise in domestic violence reports, from 657 per 100,000 Missourians in 1993 to the high in 1997.

I have worked aggressively in the past, while in service to the state of Missouri, to confront domestic violence. As Governor, I established a special Task Force on Domestic Violence. This task force conducted a comprehensive review of domestic violence in Missouri and researched the efficiency of various programs and services for victims of abuse. Additionally, I supported the Adult Abuse Act of 1989, which provided new protection against domestic violence as well as new services for victims.

October is National Domestic Violence Awareness Month. I would like to enter into the RECORD an article by Doctor Hank Clever, a well-known pediatrician in St. Charles, Missouri. This article appeared in The St. Charles County Post, on October 2, 2000. Dr. Clever outlines the severity of the problem of domestic violence and provides a checklist of behaviors that may help one distinguish if you or someone you know is being abused.

The conference report we are voting on today provides real tools to combat violence against women and children, here in the United States and around the world, as well as new resources to curb domestic violence of all types. I support this conference report and thank Senator BROWNBACK for his leadership in the fight against sex-trafficking, Senators HATCH and BIDEN for their work in the reauthorization of the Violence Against Women Act, and the other members of the Conference Committee for their success in fashioning such strong legislation.

There being no objections, this article was ordered to be printed in the RECORD, as follows.

[From the St. Charles County (MO) Post, Oct. 2, 2000]

DOMESTIC VIOLENCE, IN ALL FORMS, IS THE LEADING CAUSE OF INJURY FOR WOMEN AGES 15–44

(By Dr. Hank Clever)

Hank Clever is a well-known pediatrician in St. Charles. Since retiring from private practice in 1998, Dr. Clever has continued to speak to community groups and organizations about a variety of health-related topics. The Doctor Is In column runs each Monday in the St. Charles County Post. Send questions for Dr. Clever to the Doctor Is In, c/o Public Relations Department, St. Joseph Health Center, 300 First Capitol Drive, St. Charles, Mo. 63301.

October is National Domestic Violence Awareness Month. Before you think, "Oh, that doesn't affect me," think again. Domestic violence affects everyone in the community—abuser, victim, children, family, employers, co-workers and friends. The U.S. surgeon general says domestic violence is the leading cause of injury to women ages 15–44. Domestic violence is more common than rapes, muggings and auto accidents combined.

Domestic violence isn't limited by socioeconomic status, race, ethnicity, age, education, employment status, physical ability or marital status. And, although some men are abused by women, the majority of domestic violence victims are female, making domestic violence one of the most serious public health issues facing women today.

Cathy Blair is with the AWARE program. AWARE stands for Assisting Women with Advocacy, Resources and Education. She is working with the staff at SSM St. Joseph Health Center, SSM St. Joseph Hospital West and the Catholic Community Services of St. Charles County to present a program called "Strengthening Our Response: The Role of Health Care Provider in Ending Domestic Violence" on Thursday, Oct. 12, at St. Joseph Health Center.

"Health care providers are often on the front lines to recognize abuse. Their response to the victim and the abuser can be crucial to proper treatment not only of the immediate trauma, but also long-term problem of abuse," Blair told me.

When most people think of domestic violence, they think of battered women. However, domestic violence can take many forms, including psychological abuse, emotional abuse, economic abuse, sexual abuse and even legal abuse when a women tries to leave an unhealthy relationship.

"Recognizing what behaviors are part of domestic violence is not always easy, even for victims themselves," Blair said. "This is in part because domestic violence is much more than physical abuse."

Blair offers the following checklist of behaviors that may help you distinguish if you or someone you know is being abused:

Does your partner use emotional and psychological control—call you names, yell, put you down, constantly criticize or undermine you and your abilities, behave in an overprotective way, become extremely jealous, make it difficult for you to see family or friends, bad-mouth you to family and friends, prevent you from going where you want to, or humiliate and embarrass you in front of other people?

Does your partner use economic control—deny you access to family assets such as bank accounts, credit cards or car, control all the finances, make you account for what you spend, or take your money, prevent you from getting or keeping a job or from going to school, limit your access to health, prescription or dental insurance?

Does your partner make threats—make you afraid by using looks, actions or gestures, threaten to report you to the authorities for something you didn't do, threaten to harm or kidnap the children, display weapons as a way of making you afraid, use his anger as a threat to get what he wants?

Does your partner commit acts of physical violence—carry out threats to you, your children, pets, family members, friends, or himself, destroy personal property or throw things around, grab, push, hit, punch, slap, kick, choke, or bite you, force you to have sex when you don't want to, engage in sexual acts that you don't want to do, prevent you from taking medications or getting medical care, deny you access to foods, fluids or sleep?

If any of these things are happening in your relationship, Blair wants you to know that you are not alone and you have a right to be safe. "Millions of women are abused by their partners every year," she said. "For free, safe and confidential services, call AWARE at 314–362–9273."

In addition to AWARE, many other domestic violence resources, including shelters, support services and legal services are available. The AWARE staff will be happy to give you that information.

Physicians, nurses, social workers, risk managers, students and Allied Health professionals who would like to learn more about domestic violence and the important role they can play in identifying and stopping it, should plan to attend the program. The conference is free and includes complimentary parking and lunch, but registration in required. Call 636–947–5621 for more information and to register.

Mr. BINGAMAN. Mr. President, today I rise to support the passage of H.R. 3244, a bill to reauthorize the Violence Against Women Act, VAWA. In 1994, when I voted in favor of the Violence Against Women Act I supported the purposes of the legislation and I believed the grants authorized in VAWA would provide the resources needed by New Mexico organizations, local governments and tribal governments to tackle the growing problem of domestic violence. Now it is six years later and I am pleased to report that I have witnessed first-hand the many benefits of VAWA to New Mexico. I now realize how important VAWA was to New Mexico and I fully appreciate the strides New Mexico was able to make as a result of this legislation. Women and families in New Mexico have benefitted tremendously from VAWA and I rise today to lend my support to passage of VAWA II.

In New Mexico, we now have several organizations that are devoted to stopping violence against women. One example is the PeaceKeepers Domestic Violence Program based at San Juan Pueblo, New Mexico. PeaceKeepers is a domestic violence program that serves individuals that reside within the Eight Northern Pueblos which include the pueblos of Nambe, Picuris, Pojoaque, San Ildefonso, San Juan, Santa Clara, Tesuque and Taos. Peacekeepers is a consortium of individuals and is comprised of social workers, counselors, victims advocates, a civil attorney and a prosecutor. Because of VAWA grants, PeaceKeepers has been able to implement a comprehensive approach to address domestic violence in Indian Country.

The social workers and counselors provide counseling to victims, batterers and children of victims. Approximately twenty men have completed the 24 week batterers therapy program and are working to improve their lives and the lives of their families. The victims advocates provide support in court, assist with obtaining and enforcing protection orders and aid victims with legal matters and basic housing needs. The prosecutor on the Peacekeepers panel is made possible because of a VAWA Rural Victimization grant.

PeaceKeepers also provides training for tribal courts, law enforcement and tribal government personnel on domestic violence issues. The civil attorney also assists victims with legal assistance on matters such as child support, custody issues and protection orders. Safety for victims and accountability for offenders is the primary goal of PeaceKeepers. In the end, PeaceKeepers is about providing information, options and advocacy to victims of domestic violence.

When VAWA passed in 1994, the States and local organizations were finally provided with the resources they needed to implement programs to respond to the problem of violence against women. I am told repeatedly by sheriffs in counties throughout New Mexico that their urgent calls are usually the result of a domestic violence situation occurring. While VAWA has not stopped domestic violence from occuring, it has provided law enforcement agencies and courts with the training and resources they need to respond to domestic violence cases. Most importantly, VAWA has provided States and local organizations with the resources to begin tackling the underlying problems of domestic violence and given them resources to develop innovative methods to start breaking the cycle of violence in our communities.

Another organization in New Mexico that I am proud to support is the Esperanza Domestic Violence Shelter in northern New Mexico. I became acquainted with Esperanza a few years ago when they approached me because they were having trouble meeting the needs of their community. Esperanza operates in four counties and in 1998, Esperanza helped more than 2,000 people, including 1,100 victims of domestic violence, 510 children and teens and 424 abusers. As the name indicates, Esperanza offers women and families hope. Hope that they can live in a safe home, hope that they can survive outside of an abusive relationship and hope that they can offer a better life for their children. Esperanza has provided the supportive services needed for victims that reside in the extensive rural areas of New Mexico—victims who were often overlooked before VAWA.

I am very disappointed that it has taken so long for the Senate to take up and reauthorize VAWA. Last year when the reauthorization bill was introduced by Senator BIDEN, I agreed to cosponsor the legislation because I understand the importance of VAWA to New Mexico. Since 1994, New Mexico agencies have received over $17 million in VAWA grants. These VAWA grants have reached all four corners of my state and they have impacted the lives of thousands of New Mexicans.

One of the benefits of VAWA is that it authorized grants to address a variety of problems associated with violence against women. In 1999, Northern New Mexico Legal Services, Inc. received $318,500 under the Civil Legal Assistance grant program. In 1998, the City of Albuquerque received $482,168 under the Grants to Encourage Arrest Policies grant program. And between 1996 and this year, 20 New Mexico organizations received grants under the Rural Domestic Violence and Child Abuse grant program—20 grants totaling over $6.5 million.

In addition, Indian tribes in New Mexico have benefitted significantly from the passage of VAWA. So far, nine tribal governments and tribal-related organizations received nearly $2 million in grants under the Violence Against Women Discretionary Grants for Indian Programs. I am pleased to see that the pueblos of Acoma, Jemez, Laguna, San Felipe, Santa Ana and Zuni have been proactive and sought out these VAWA grants to make their pueblos a safer place for women and a better place for families. The State of New Mexico has also benefitted enormously from VAWA. Since 1995, the New Mexico Crime Victims Reparations Commission has been awarded over $6 million in VAWA funds.

Unless VAWA is reauthorized, domestic violence shelters in New Mexico will be closed, rape crisis centers will be shut down and thousands of victims of violence will be left without the options they have been provided under VAWA. This isn't speculation. I have received calls from police chiefs, shelter directors, church leaders, and other citizens who have told me that they will have to shut down their programs unless VAWA is reauthorized. Moreover, many prosecutors in New Mexico will lose the resources they have utilized to prosecute crimes against women. Because of the objections to bringing up VAWA for debate in the Senate, the original VAWA was allowed to expire on September 30th. That should not have happened. The House of Representatives voted overwhelmingly in favor of reauthorizing VAWA by a vote of 415–3 before VAWA expired. We need to reauthorize the Violence Against Women Act and we need to do it now.

While violence in the United States has fallen dramatically over the past 6 years, the Bureau of Justice Statistics reports that almost one-third of women murdered each year are killed by a husband or boyfriend. I believe the drop in crime we have experienced over the past 6 years is partly attributable to the passage of VAWA and the resources it made available to combat violence against women. We should not turn back the clock and go back to the level of violence we experienced in 1993. We should not go back to the days when people did not discuss domestic violence and women in abusive relationships lacked options for them and their children.

I commend Senator LEAHY and Senator BIDEN for their work on VAWA and their commitment to stopping domestic violence in this country. The amendments to VAWA will take the program further and expand the number of people benefitting from VAWA grants. I am pleased that the amount available for use by Indian tribal governments under the STOP grants was increased from 4 percent to 5 percent. In addition, 5 percent of the $40 million Rural Domestic Violence and Child Abuse Enforcement grants will be set aside for use by Indian tribal governments in the new bill.

I am also pleased to see that institutions of higher education will be provided with resources to address violence on college campuses. Schools will now be able to utilize $30 million in VAWA grants to install lighting and other deterrent measures to enhance the security of their campuses.

I also support the addition of transitional housing assistance to the VAWA. Many individuals who stay in abusive relationships often do so because they are financially dependent on their abuser. Transitional housing assistance will provide these victims and their families with temporary housing while they regain their financial independence.

The battered immigrant women provision is also important to many New Mexico residents. No longer will battered immigrant women and children be faced with deportation for reporting an abuser on whom they may be dependent on for an immigration benefit.

No person residing in the United States should be immune from prosecution for committing a violent crime because of a loophole in an immigration law.

Mr. President, VAWA is worthy legislation that is good for New Mexico and women and families across the country. VAWA should be reauthorized and passed in the form proposed today.

Mr. JEFFORDS. Mr. President, I rise today to enthusiastically support this conference report which contains the important reauthorization of the Violence Against Women Act (VAWA).

Over five years ago, Congress recognized the need for the Federal Government to take action and help combat domestic violence by passing VAWA. I was proud to be a cosponsor of that important legislation and have been pleased with the positive impact it has had in Vermont and around the United States.

The Vermont Network Against Domestic Violence and Sexual Assault has been a leader in creating innovative and effective programs toward our goal of eliminating domestic violence. Vermont has used funding under VAWA to provide shelter to battered women and their children and "wrap-around" services for these victimized families. Through VAWA, Vermont has also been able to help victims access legal assistance in the form of trained attorneys and advocacy services. In addition to fully utilizing funding available to train and educate law enforcement and court personnel, I am proud to say that Vermont is a national leader in the education and training of health care, welfare and family service workers who are likely to come in contact with victims of domestic violence.

While we have made advances in combating domestic violence in Vermont and all around the United States by programs funded through VAWA, there is still more work to be done. Every nine seconds across the country an individual falls victim to domestic violence. Recently, this statistic was brought home when churches and town halls in Vermont rang their bells in recognition and to raise awareness of this tragic violence that impacts so many lives. We must continue and strengthen our focus on this important issue.

I was proud to be an original cosponsor of this reauthorization when it was introduced this June, and feel that this legislation made many important improvements and additions to the programs and funding of VAWA while ensuring the maintenance of its core focus of combating domestic violence. Some important provisions of this legislation to Vermont include:

Reauthorization of current domestic violence programs through the Department of Health and Human Services and increasing funding for these programs so they can provide more shelter space to accommodate more people in need;

Extension of the discretionary grant program which mandates and encourages police officers to arrest abusers;

Creation of a five percent set aside towards State domestic violence coalitions;

Extension of state programs that deal with domestic violence in rural areas; and

Establishment of a new grant program to educate and train providers to better meet the needs of disabled victims of domestic violence.

In addition, I want to thank Senator HATCH and Senator BIDEN for including a reauthorization of the Family Violence Prevention and Services Act in the Violence Against Women Act. As the primary source of funding for local shelters, the Family Violence Prevention and Services Act is a vital cornerstone in the Federal response to domestic violence. This reauthorization ensures that this program can continue to grow with an increased authorization level. The Family Violence Prevention and Services Act is normally part of the Child Abuse Prevention and Treatment Act reauthorization process which is scheduled to be completed next year. As Chairman of the Committee on Health, Education, Labor and Pensions, I will be working with domestic violence organizations to see what, if any, changes need to be made in the Family Violence Prevention and Treatment Act to increase its capacity to serve the victims of family violence.

I am pleased with the fine work of Senators BIDEN and HATCH in crafting the original VAWA, and that these two Senators were able to further formulate a bipartisan, compromise version of this reauthorization which I was happy to cosponsor.

Since July, I have both written and talked to the Majority Leader calling for Senate consideration of this important legislation. While it was somewhat delayed, I am grateful that the Senate will be endorsing the reauthorization of VAWA today. While the reauthorization of VAWA is an important step, I remain committed to continuing to enact legislation to eliminate domestic violence in Vermont and all around the United States.

Mr. LEVIN. Mr. President, today the Senate is taking up and voting on the Trafficking Victims Protection Act Conference Report, which includes the reauthorization of the Violence Against Women Act. I commend the sponsors of the Trafficking Victims Protection Act. It is estimated that approximately 50,000 women and children are trafficked in the United States every year, many of whom are sexually exploited and forced into involuntary servitude. This bill will provide a comprehensive approach to prevent trafficking as well as ensure vigorous prosecution of those involved in this deplorable practice.

I am also pleased that this bill includes the Violence Against Women Act, VAWA, which has provided an unparalleled level of support for programs to end domestic and sexual violence. VAWA grants have made it possible for communities across the nation to provide shelter and counseling for hundreds of thousands of women and their children. Since 1995, more than $1.5 billion has been appropriated under VAWA's grant programs. Michigan has been awarded about $50 million in Federal grants under VAWA. Those grants provided invaluable resources to survivors of domestic and sexual violence in Michigan. For example, Rural grants have permitted 12 rural counties in Michigan to hire full time advocates for providing services to victims through outreach programs. VAWA Civil Legal Assistance Grants have allowed more than 5 Michigan communities to develop Civil Legal Assistance Programs, which provide quality legal assistance to hundreds of women and children. In addition, 35 Sexual Assault Services Programs and more than 20 Sexual Assault Prevention Programs have been created or strengthened in our state as a direct result of VAWA.

Furthermore, VAWA has been tremendously successful in the training of judges, court personnel, prosecutors, police and victims' advocates. Mary Keefe, Executive Director of the Michigan Coalition Against Domestic and Sexual Violence, explained in a letter to me that "with the heightened training of police, prosecutors, and other in the criminal justice field, many of these systems are now routinely referring the victims they encounter to domestic violence and rape crisis programs."

VAWA programs have been especially important to women in rural communities, where support networks had been limited due to distance. Here is just one case of such a victim—forwarded to me from the Michigan Coalition Against Domestic and Sexual Violence—whose life was possibly saved by a VAWA grant.

> "Jamie" (not her real name) was referred to the Domestic Violence Program by the Prosecutor. Jamie had shared with the prosecutor that she was "afraid for life," and that she was afraid to participate in prosecution because of repercussions she may have to bear from her assailant. She soon fell out of contact with the prosecutor and the case against her assailant was on shaky ground.
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> The county prosecutor referred Jamie to the VAWA funded advocate. She came to the program in January, reluctant and fearful, but open to talking to the advocate. The advocate was able to provide two full days of intensive interaction with this survivor. Counseling her, preparing a safety plan for her and her children, telling her how the legal system works and preparing her for what she could expect each step of the way.
>
> The advocate was actually able to pick Jamie up, drive her to court each time, sit by her, reassure her throughout the process, listen to her when she was angry and fearful, explain what was going on, and nurture her through the process of being a witness to this case.

> The perpetrator was eventually convicted on several counts, and is serving time in the County jail.
>
> Jamie has begun picking up the pieces of her life and is hopefully on the road to safety.

Despite the successes of VAWA, almost 900,0000 women continue to be victims of domestic violence each year, making it the number one health risk for women between the ages of 15 and 44. This Violence Against Women Act Reauthorization will build on the successes of VAWA by more than doubling the amount available for programs to support women and children subject to domestic abuse.

Although I support the underlying Trafficking Victims Protection Act, I am concerned about a provision in this bill referred to as Aimee's Law. When the Senator from Pennsylvania introduced this provision as an amendment to he juvenile justice bill, I was one of the few who voted against it. I understand the positive motive of those who support this provision and I agree that we should act to limit the number of tragedies that occur when persons convicted of serious offenses are paroled and then subsequently commit the same offense, but I do not support this unworkable procedure.

I remain concerned that this bill will federalize state criminal court systems. Currently, the crimes covered in this bill are defined differently in different states, which is appropriate since the 50 state court systems handle 95 percent of all criminal cases in this country. It is inappropriate to apply federal definitions and federal sentencing guidelines to criminal cases tried in state courts. I also remain concerned about how the penalties will be imposed since the average terms of imprisonment imposed by states are different than actual lengths of imprisonment and the cost of incarceration can not be known unless one can predict life expectancy.

On balance, I will vote for this Conference Report because I strongly support the Trafficking Victims Protection Act and Violence Against Women Act.

Ms. SNOWE. Mr. President, I rise today in support of the Violence Against Women Act of 2000, which is included in the conference report for the Trafficking Victims Protection Act (H.R. 3244). Current authorization for these programs expired at the end of September, and I believe that we must take immediate action to ensure that these programs are reauthorized before we go home. This bill has broad support on both sides of the aisle, with 73 cosponsors.

Domestic violence, no matter who commits it, is an extremely serious and tragically common crime that devastates families and takes a great toll on our society. Moreover, domestic violence often goes unreported, in large part because the incident is seen as a private and personal issue or because of the fear of a repeated attack by the assailant.

In my view, Congress must continue to address domestic violence in a comprehensive manner by providing resources for states and communities to disseminate education about domestic violence; provide counseling to the victim, the aggressor, and any children in the family; and ensure shelter to every person and child who needs to leave their home due to domestic violence. It is also important that health professionals are trained to identify and treat the medical conditions arising from domestic violence. This is a crime that we must put an end to and we must let those people who are suffering know there is help on the way.

Violence knows no gender barriers, but we must not turn a blind eye to the fact that women are especially likely to be vulnerable to danger and crime. The Violence Against Women Act is a critical tool in our fight to combat domestic violence across America. It is an absolutely essential bill for our mothers, our daughters, our sisters, relatives, friends, and co-workers.

One of the most important issues facing women today is the threat of violence. Three to four million American women are battered by their husbands or partners every single year. At least a third of all female emergency room patients are battered women. A third of all homeless women and children in the U.S. are fleeing domestic violence. At least 5,000 women are beaten to death each year. A woman in the United States is more likely to be assaulted, injured, raped, or killed by a male partner than by any other assailant. And women are six times more likely than men to be the victims of a violent crime.

This is more than just a nightmare for women. It is an America that millions of women and girls must wake up to each day. It is a grim reality millions of women and girls must enter each day of their lives just to go to work or attend school. It is real life America for millions of women and girls. And it is an unspeakable tragedy.

How many of us were shocked in June to read that women were attacked in New York City's Central Park in broad daylight following a parade? For days afterward we read headlines entitled "Defenseless in the Park" . . . "Six More Arrested in Sex Attacks in Park" . . . "Police Study Central Park Mob's 35-Minute Binge of Sexual Assault." The litany of tragedy and violence against the women assaulted that day in Central Park paints a full, stark and disheartening picture of a nation unable to protect a woman's safety.

One of the victims, Emma Sussman Starr, wrote the New York Times about her attack and about the prevalence of violence against women in America. She said: "Women learn early which streets are safe to walk on, when it's safe to be there and even how to walk (hands wrapped around keys, eyes straight ahead). We accept that we must pay for our safety in the form of cabs and doorman buildings in more expensive neighborhoods." What a sad statement.

The threat of violence is pervasive, and as Ms. Starr writes, it influences every decision a woman makes. Every time a woman changes her pattern of behavior—for example, when she walks home from work a different way—in order to avoid potential violence such as rape, stalking, domestic assault, she is ultimately making a decision about how to live her life.

The original Violence Against Women Act, enacted in 1994, was a landmark piece of legislation. For the first time, Congress took a comprehensive look at the problem of violence against women, created the programs, and funded the shelters to help women out of these violent situations. Since then, thousands of women across the country have been given the opportunity to free themselves from violence.

But the problem of violence against women has not been solved in these six years since the original bill was signed into law. We must continue to talk about ways in which we can guarantee women's safety, further secure women's rights, and strengthen our ability as a nation to protect those inalienable rights as guaranteed under the Constitution.

After all, how can we defend a woman's right to "life, liberty, and the pursuit of happiness" when we cannot as a nation protect women from "Rape, battery, and the onslaught of violence?"

The Violence Against Women Act of 2000 reauthorizes these fundamental programs. The bill provides funding for grants to prevent campus crimes against women; extends programs to prevent violence in rural areas; builds on the progress we have made in constructing shelters for women who are victims of violent crimes; and strengthens protections for older women from violence.

I believe that no matter whatever else Congress does for women—from enacting public policies and designing specific programs aimed to promote women's health, education, economic security, or safety, we must also ensure that women have equal protection under our country's law and in our constitution. Reauthorizing the Violence Against Women Act programs is an important step in this direction.

It isn't often that Congress can claim to enact a law that literally may mean life or death for a person. The Violence Against Women Act is such a law, and I urge my colleagues to join me in supporting this bill.

Mr. BIDEN. Mr. President, we will not have the opportunity to vote today on the merits of Aimee's Law, but instead, on a jurisdictional issue regarding whether the bill was properly included in the Sex Trafficking Conference Report. Because I believe the jurisdictional objection is unfounded and I am unwilling to jeopardize the passage of the other significant pieces of legislation included in the Conference Report—most importantly, the Biden-Hatch Violence Against Women Act of 2000—I will vote against Senator THOMPSON's point of order.

I supported a similar version of Aimee's Law in the form of an amendment to the Juvenile Justice bill last year. Upon reflection, however, I believe that my support was misplaced. I am troubled by this legislation from both a practical and a constitutional perspective.

Aimee's Law requires the Attorney General, in any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, when that individual has a prior conviction for any one or more of those offenses in another State, to transfer federal law enforcement assistance funds that have been allocated to the first State in an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, to the second State. The bill contains a "safe harbor" exempting from this substantial penalty those States in which No. 1 the individual offender at issue has served 85 percent or more of his term of imprisonment, and No. 2 the average term of imprisonment imposed by the State for the prior offense at issue is at or above the average term of imprisonment imposed for that offense in all States.

As a practical matter, this bill can only promote a "race to the top," as States feel compelled to ratchet up their sentences—not necessarily because they view such a shift as desirable public policy—but in order to avoid losing crucial federal law enforcement funds. Ironically, those States that are apt to benefit most from federal law enforcement assistance may well be those with the poorest record of keeping dangerous offenders behind bars, the same States likely to lose these valuable crime-fighting funds. Nor can States readily assess where they stand relative to other States since they are always striving to hit a moving target and maintain sentences at or above an elusive average of all state sentences for various qualifying offenses.

The law also will spawn an administrative nightmare for the Attorney General, who is charged under the legislation with the responsibility of constantly tabulating and retabulating the average sentences across the nation for a host of different serious offenses, as well as with the responsibility of keeping track of which State's federal funds should be reallocated to which other States every time a released offender commits another qualifying crime. The law even requires the Attorney General to consult with the governors of those States with federal funds at risk to establish a payment schedule. It's no wonder that the nation's governors so strongly oppose this law.

As a constitutional matter, I have grave concerns about Aimee's Law's seeming disregard of basic principles of federalism. Congress's spending authority is undeniably broad. But I have serious reservations about the wisdom and constitutionality of a law that, instead of clearly conditioning a federal grant upon a State's performance of a specific and clearly stated task, penalizes a State for conduct that occurs after the fact and that is not entirely within the State's control—the offender's commission of another serious crime in another State. In this sense, Aimee's Law is far more onerous and far less respectful of fundamental principles of federal-state comity than a straightforward law conditioning federal spending upon the States' adoption of more stringent sentencing laws—the likely result of this legislation. In a climate in which the U.S. Supreme Court is quick to strike down Acts of Congress that, in the Court's view, infringe upon the States' prerogatives, Aimee's Law, I fear, presents an all too inviting target and needlessly risks creating bad precedent regarding the scope of Congress's spending authority.

It is my hope that Congress and the President will monitor the operation of this law and revisit it if necessary.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to thank the Senator from Tennessee for having the courage to speak out against this ill-advised legislation known as Aimee's law. I say he has courage because there is a lot of emotion involved in any debate concerning serious violent crime such as murder, rape, or other sexual offenses. Some have said it is dangerous to vote against, much less speak against, any crime bill that is named after a real person. That is certainly the case here in this incredibly tragic case that underlies this legislation.

I also know that anything goes in a conference, including adding provisions for political reasons that do not withstand even the most basic scrutiny of whether they will work or can even be understood by the people or the entities that are supposed to abide by them.

I am sorry to say that Aimee's law is bad law—perhaps well intentioned—but bad law. I will support the Thompson point of order in order to state my objection to this provision.

The young woman who inspired this bill was tragically raped and murdered in Pennsylvania. A shocking crime was committed against her, against her family, and, indeed against all of us. All of us in this body feel horrible about that crime and its consequences.

But that does not absolve us of the duty to analyze legislation that comes before us, even if it bears the name of a child who was tragically killed. This legislation violates important principles of federalism. It will handcuff our states in their fights against violent crime. And most important, it just won't work. It won't accomplish what its sponsor and supporters say they want to accomplish. So I support Senator THOMPSON's point of order and hope my colleagues will as well.

Before turning to the bill itself, let me again compliment the Senator from Tennessee. He has shown time and time again that his commitment to federalism is principled and real. He does not oppose federal intrusion into state affairs as a political tactic, as I fear so many of my colleagues do. He truly believes that our states deserve autonomy and is willing to stand up for them, even when it is politically unpopular, as it no doubt is here.

I want the Senator from Tennessee to know that I respect his principles as well as support them. We miss his judgment and restraint, I must say, in the Judiciary Committee on which he served until the beginning of this Congress.

Here, of course, we are not preparing to pass a new federal murder, rape, or sexual offense statute. But we might as well do that because in Aimee's Law we are forcing the states through the use of federal law enforcement assistance funds to increase their penalties for these offenses. Since when is it the province of the federal government to determine the sentences for state crimes? That is what we are doing here.

Mr. President, in addition to furthering the federalization of the criminal law, this provision is very poorly thought out. As the National Governors Association, the National Conference of State Legislatures, the Council of State Governments and the Department of Justice have told us, it won't work. Even if states wish to comply with this law they won't be able to do.

Here's why: Under this bill, if a person who has been convicted of a murder, rape or dangerous sexual offense is released from prison and commits a serious crime in another state, the original state becomes liable to the second state for all the costs of investigation, prosecution, and incarceration of the second crime. To avoid that liability, which the Attorney General must enforce through reallocation of the second states' federal law enforcement assistance funds, the second state must comply with two conditions.

First, it must make sure that persons convicted of these serious offenses serve at least 85 percent of their sentences. So far, so good. States can comply with that federal sentencing requirement if they want to avoid risking their federal money. But the federal coercion doesn't stop there. The state must make sure that the average sentence for the original crime is greater than the average sentence for such crimes in all the states. This is a remarkable condition, Mr. President, that actually makes it impossible for all 50 states to be in compliance at any one time.

Now Mr. President, think about this. Suppose a state determines that its average sentence for rape is 20 years, but the average for all states for that crime is 25 years. So the state raises its sentence to 26 years. That act will itself change the average sentence for all the states, possibly putting other states under the average and encouraging them to raise their sentences. The average sentence for all the states will therefore almost never be constant or predictable. Every time a state changes its sentencing guidelines to try to get above the average, the average will change and other states will be forced to revise their own sentences. We will have rolling averages and no certainty in sentencing or in the availability of federal money for important state law enforcement purposes.

And that does not even take into account that the average sentence for an individual state will even sometimes change as different criminals are convicted and sentenced to slightly different terms. So the averages that states are supposed to keep track of in order to keep their law enforcement assistance funds will literally change day by day. This bill is an administrative nightmare for our states, even if they want to comply.

I ask unanimous consent that a letter from the Secretary of the Wisconsin Department of Corrections in opposition to this bill be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. FEINGOLD. After setting out a number of the difficulties of complying with this bill, Secretary Jon Litscher concludes the following:

> Given the complexity of administering this bill and pitting one state against another, I don't believe this legislation will enhance the criminal justice system.

I believe that Mr. Litscher's view is shared by criminal justice professionals all over the country, along with Governors and other elected officials, all of whom are working just as hard to reduce violent crime as the sponsors of this bill.

I cannot leave this topic of how this provision creates a "race to the top" in sentencing without commenting on how it will effect the death penalty. Currently, 38 states have the death penalty for some crimes. That is more than half the states. Now I am not sure how you calculate an average sentence when some jurisdictions use the death penalty. But there would certainly be a strong argument that the states that do not use the death penalty will risk losing federal law enforcement assistance funds if a convicted murderer is let out on parole and commits another serious crime. Basically, this policy could force states to either enact the death penalty or never release a person convicted of murder on parole.

Now maybe that is what some people want. But I believe that whether to impose the ultimate penalty of death should be up to the states and their citizens. Federal coercion has no place in this question of conscience. A number of states, including my own, have long and proud histories of opposition to the death penalty. We should not use federal funds to force them to change their positions.

If this bill had gone through the Judiciary Committee, some of the difficulties in interpreting and applying it might have been worked out. Here all the negotiating has gone on behind closed doors. This is what happens when the normal legislative process is circumvented as it has been so often this year. It's now the norm for the majority to look for conference reports as vehicles for bills that they want to enact without going through the legislative process.

We used to have a rule, as my colleagues know, that prevented items from being added to a conference report that were beyond the scope of the conference. Last year, the minority leader offered an amendment to restore the rule, but it was voted down on a near party line vote.

So now, anything goes in a conference, including adding provisions for purely political reasons that don't withstand even the most basic scrutiny of whether they will work, or can even be understood by the people or entities that are supposed to abide by them. I am sorry to say that Aimee's law is bad law. Perhaps well-intentioned, but bad law. I will support the Thompson point of order in order to state my objection to this provision.

I yield the floor.

EXHIBIT 1

STATE OF WISCONSIN,
DEPARTMENT OF CORRECTIONS,
Madison, WI, October 10, 2000.

Hon. RUSSELL D. FEINGOLD,
U.S. Senator,
Washington, DC.

DEAR SENATOR FEINGOLD: It has come to my attention that the provisions of H.R. 894 (Aimee's Law) have been attached to other legislation that may be considered by the United States Senate on Wednesday, October 11th. I am very concerned about the negative fiscal/policy ramifications on the Department of Corrections and the State of Wisconsin.

Aimee's law provides that in any case in which a person is convicted of a dangerous sexual offense, murder or rape, and that person has been previously convicted of that offense in another state, the state of the prior conviction will incur fiscal liabilities. It will have deducted from its federal criminal justice funds the cost of apprehension, prosecution and incarceration of the offender. These funds will then be transferred to the state where the subsequent offense occurred.

This legislation has a very confusing array of provisions. For example:

1. Retroactivity—While this bill has an effective date of January 1, 2002, it doesn't appear to have an applicability section that is normally drafted into bills introduced in the Wisconsin legislature. Many states have passed truth-in-sentencing laws that make them eligible for federal grant money. However, a state cannot change the sentencing structure for persons sentenced under a prior law. Wisconsin's truth-in-sentencing law (TIS) applies to persons who commit a felon on or after December 31, 1999 and inmates must serve 100% of the term of imprisonment imposed by the court.

2. Section (3)(a), "the average term of imprisonment imposed by State . . ." does not specify the term nor time period in which the averaging figure applies—does it apply at the time of sentencing for a similar crime across all states? Is the average for a specific time frame? Does the sentencing average only apply to cases sentenced to prison, or does it include persons sentenced to a jail term and probation? We don't know what the nationwide average is now and this figure will constantly be changing.

3. Determination of Comparable State Statutes—There is no uniform criminal code for all states. It will be very difficult to determine comparable state statutes to "Dangerous Sexual Offense," "Murder," and "Rape." This will be subject to significant variation across the nation.

This bill pits each state against the others. The costs associated with administration of the law, and the resulting "loss" of funds may be greater than the grant funds to which the state would otherwise be entitled. States may opt to not administer the law (not "charge" another state) so that another state will not charge them. Enforcement of this law will be dependent upon each state agreeing to fully implement its provisions.

If the intent of the bill is to insure that each state has implemented TIS, retroactive application is unnecessary. You only need to apply the bill to states that haven't passed TIS and exempt those that have enacted laws that require at least 85% of a term of imprisonment to be served.

Given the complexity of administering this bill and the pitting of one state against another, I don't believe this legislation will enhance the criminal justice system.

Thank you for taking the time to consider my comments.

Sincerely,

JON E. LITSCHER,
Secretary.

The PRESIDING OFFICER. The hour of 4:30 p.m. having arrived, under the previous order the Senate will now proceed to a vote in relation to the appeal of the Senator from Tennessee. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—90

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, Lincoln
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—5

Bond
Feingold
Hagel
Thompson
Voinovich

NOT VOTING—5

Feinstein
Helms
Inhofe
Kerry
Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 90; the nays are 5. The decision of the Chair stands as the judgment of the Senate.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BROWNBACK. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—5

Feinstein
Helms
Inhofe
Kerry
Lieberman

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT OF 2001—VETO

The PRESIDING OFFICER. The Senate having received a veto message on H.R. 4733, under the previous order, the message is considered as having been read, the message will be printed in the RECORD and spread in full upon the Journal, and referred to the Committee on Appropriations.

The veto message ordered to be printed in the RECORD is as follows:

To the House of Representatives:

I am returning herewith without my approval, H.R. 4733, the "Energy and Water Development Appropriations Act, 2001." The bill contains an unacceptable rider regarding the Army Corps of Engineers' master operating manual for the Missouri River. In addition, it fails to provide funding for the California-Bay Delta Initiative and includes nearly $700 million for over 300 unrequested projects.

Section 103 would prevent the Army Corps of Engineers from revising the operating manual for the Missouri River that is 40 years old and needs to be updated based on the most recent scientific information. In its current form, the manual simply does not provide an appropriate balance among the competing interests, both commercial and recreational, of the many people who seek to use this great American river. The bill would also undermine implementation of the Endangered Species Act by preventing the Corps of Engineers from funding reasonable and much-needed changes to the operating manual for the Missouri River. The Corps and the U.S. Fish and Wildlife Service are entering a critical phase in their Section 7 consultation on the effects of reservoir project operations. This provision could prevent the Corps from carrying out a necessary element of any reasonable and prudent alternative to avoid jeopardizing the continued existence of the endangered least tern and pallid sturgeon, and the threatened piping plover.

In addition to the objectionable restriction placed upon the Corps of Engineers, the bill fails to provide funding for the California-Bay Delta initiative. This decision could significantly hamper ongoing Federal and State efforts to restore this ecosystem, protect the drinking water of 22 million Californians, and enhance water supply and reliability for over 7 million acres of highly productive farmland and growing urban areas across California. The $60 million budget request, all of which would be used to support activities that can be carried out using existing authorities, is the minimum necessary to ensure adequate Federal participation in these initiatives, which are essential to reducing existing conflicts among water users in California. This funding should be provided without legislative restrictions undermining key environmental statutes or disrupting the balanced approach to meeting the needs of water users and the environment that has been carefully developed through almost 6 years of work with the State of California and interested stakeholders.

The bill also fails to provide sufficient funding necessary to restore endangered salmon in the Pacific Northwest, which would interfere with the Corps of Engineers' ability to comply with the Endangered Species Act, and provides no funds to start the new construction project requested for the Florida Everglades. The bill also fails to fund the Challenge 21 program for environmentally friendly flood damage reduction projects, the program to modernize Corps recreation facilities, and construction of an emergency outlet at Devil's Lake. In addition, it does not fully support efforts to research and develop nonpolluting, domestic sources of energy through solar and renewable technologies that are vital to American's energy security.

Finally, the bill provides nearly $700 million for over 300 unrequested projects, including: nearly 80 unrequested projects totaling more than $330 million for the Department of Energy; nearly 240 unrequested projects totaling over $300 million for the Corps of Engineers; and, more than 10 unrequested projects totaling in excess of $10 million for the Bureau of Reclamation. For example, more than 80 unrequested Corps of Engineers construction projects included in the bill would have a long-term cost of nearly $2.7 billion. These unrequested projects and earmarks come at the expense of other initiatives important to taxpaying Americans.

The American people deserve government spending based upon a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expends health care coverage to more families, and funds critical investments for our future. I urge the Congress to work expeditiously to develop a bill that addresses the needs of the Nation.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 7, 2000.*

The PRESIDING OFFICER (Mr. VOINOVICH). The majority leader.

Mr. LOTT. Mr. President, we do have some additional consent requests we have been working on. I have a couple here and Senator MCCAIN has agreed to allow us to do these. Then he has a couple of unanimous consents he wants to ask. The first has to do with the Defense Department authorization bill for the next fiscal year.

UNANIMOUS CONSENT AGREEMENT—H.R. 4516

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the DOD authorization conference report following the reconsideration vote on H.R. 4516 on Thursday, and the conference report be considered as having been read and debated under the following time agreement: 2 hours under the control of the chairman of the Armed Services Committee, 1 hour under the control of Senator GRAMM, 2½ hours under the control of Senator LEVIN, 30 minutes under the control of Senator WELLSTONE; That following the debate just outlined, Senator KERREY be recognized to make a point of order and that the motion to waive the Budget Act be limited to 2 hours equally divided in the usual form.

I further ask consent that following the use or yielding back of time on the motion to waive, the Senate proceed to vote on the motion and, if waived, a vote occur immediately on adoption of the conference report, without any intervening action, motion, or debate.

Mr. REID. Reserving the right to object, I say to the majority leader we have no problem going to the bill. We have a problem with the time right now. There is one Senator over here trying to work something out with both majority and minority staff. We feel confident that can be done. But I think it would be to everyone's best interest if we stop the unanimous consent agreement after the word "read" on the first paragraph.

Mr. LOTT. Mr. President, I am sure there is a good faith effort being made here. So I will revise my unanimous consent request.

But let me emphasize to all the Members that this is a very important bill. Some people think: We have passed the Defense appropriations bill, the military construction appropriations bill; what do we need an authorization bill for? This is the bill that makes the law that authorizes things for our military men and women, including an increase in pay, including the very important, laboriously worked out provisions with regard to health benefits for our active duty men and women and their families and our retirees. It also has the Department of Energy language in which the Presiding Officer has had so much interest. This is really a big bill and an important bill. So I hope we can get agreement. I believe we will.

Also, I emphasize that by spending 6 hours on this bill, you know that is time we could be spending on the Agriculture appropriations conference report or other conference reports that may be ready by tomorrow afternoon. So I hope we can get this locked up soon.

But, in view of the legitimate request that was made by the Senator, I modify my unanimous consent request and end it after the words "considered as having been read" in the first paragraph.

Mr. REID. Mr. President, reserving the right to object, I say to the majority leader, I think the work done by Senator WARNER and Senator LEVIN on this bill has been exemplary. They worked well together. This is a very important bill. We on this side, the minority, understand the importance of this legislation. As we speak, we are working with one of our Members to get this worked out.

Maybe before the evening is over we can get back and put in the time agreement. We just are not able to do that right now. But we want to make sure we underscore what the leader has said. This is an important bill. I really hope we can complete it before the end of the session.

Mr. WARNER. Mr. President, I, first, thank the distinguished leader and distinguished Democratic whip, all of us who made this possible. We are within 1 millimeter of resolving this problem. It has just been addressed to me. This is the first time I heard it. I know the Senator very well and we are going to see what we can do to work this thing out. So I think the Senate can assume that what the leadership has presented here, this unanimous consent request, can be accepted in the course of the day.

Mr. LOTT. OK.

Mr. WARNER. This will be the 39th consecutive authorization bill for the Armed Forces of the United States by the Senate. And it is an absolute must piece of legislation, as our distinguished leader and the distinguished Democratic whip said.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 4461

Mr. LOTT. Mr. President, I ask consent that at 10 a.m. on Friday the Senate turn to the conference report to accompany H.R. 4461, the Agriculture appropriations conference report, and it be considered under the following agreement, with the time equally divided in the usual form.

I ask consent that debate continue beginning at 9:30 a.m. on Tuesday and proceed through the day.

I ask consent the vote occur on adoption of the Agriculture conference report at 9:30 a.m. on Wednesday and paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we have no objection if we would move to this by a vote. We would agree to a voice vote. We do not believe we can do this by consent.

Mr. LOTT. Mr. President, if I could ask the Senator to yield and make sure I understand what he is saying, did you say we could do this by voice vote?

Mr. REID. We would be willing for you to move to proceed and we would voice vote that.

Mr. McCAIN. I object.

Mr. LOTT. Mr. President, again, we will keep working to try to get agreements accepted. I do not quite understand why the Agriculture appropriations bill cannot be debated tonight, now, and voted on tomorrow. And I do not understand why we cannot get an agreement to have debate on it on Friday and Tuesday, and a vote on Wednesday. I know there are Senators who want to talk on it. That is their right in the Senate. But if we are ever going to get this process completed, we need to get the Agriculture appropriations conference report done.

I am still holding out some hope that maybe the Commerce-State-Justice conference report and even the Labor-HHS conference report could be agreed to and could be dealt with tomorrow in such a way we could have a vote on them on Thursday or Friday. But we do not have that yet.

Is there objection?

Mr. REID. Mr. Leader, if I could just say before you withdraw the consent request, we would be willing, tonight, to have you move to proceed to this measure.

As I said, we would be agreeable to move to proceed to this bill by a voice vote and start the debate tonight. We are not in any way trying to delay the consideration of this very important bill.

Mr. LOTT. I think the Senator knows there is a great difference between moving to proceed and asking unanimous consent. For now, obviously, we cannot get the unanimous consent agreement, so we will not be able to proceed.

In light of the discussions we have just had, and since we cannot get an agreement on taking up Agriculture now, the next votes will occur at 12:30 p.m. tomorrow regarding HUD-VA and related issues, and additional votes will occur late tomorrow afternoon regarding the DOD authorization conference report if we can get this time agreement worked out, and I assume we will be able to. With that, I yield the floor.

TRANSPORTATION RECALL ENHANCEMENT ACCOUNTABILITY AND DOCUMENTATION ACT

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, in just a few minutes I will propound a unanimous consent request concerning the Transportation Recall Enhancement, Accountability, and Documentation Act. First, I ask unanimous consent that a letter I just received from the Secretary of Transportation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 11, 2000.
Hon. JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the House acted early today to pass H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act. This is another important step toward resolving issues raised by the National Highway Traffic Safety Administration's (NHTSA) ongoing Firestone tire investigation.

We strongly support enactment of H.R. 5164. The bill provides increased penalties for safety defects and noncompliances in motor vehicles and motor vehicle equipment; lengthens the period for free remedy of defects and noncompliances; enhances the ability of NHTSA to obtain information from foreign as well as domestic sources; and authorizes increased appropriations to enable NHTSA to carry out its additional responsibilities. These provisions were sought by the Administration in its proposed legislation. H.R. 5164 also directs NHTSA to review and report on its procedures for opening defect investigations, a review which the agency has already begun, and directs NHTSA to conduct rulemaking to amend the safety standards on tires, an action which is consistent with the agency's rulemaking plans.

The early warning section in H.R. 5164 enables NHTSA to obtain information about potential defects earlier than under current law. The agency will use the information in deciding whether to open an investigation and will be able to release information in the context of its investigation, as it does today. Information that is not made a part of an investigation could be released if NHTSA determines it would assist in carrying out the agency's investigative responsibilities. The bill contains a new section 30170 that augments the penalties under section 1001 of title 18, United States Code, if a person intentionally misleads the Secretary concerning a safety defect that results in death or serious injury. A "Safe Harbor" provision would excuse the person from the augmented penalties, but would not excuse the person from other penalties under section 1001. The Department of Justice will communicate separately its views on the criminal provisions.

The focus now turns to the Senate, where you have been working diligently on passage of similar legislation, S. 3059, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act. Both of the bills contain several key provisions proposed by the Clinton-Gore Administration. We are committed to ensuring that NHTSA has the authority to seek and receive information on potential defects; receives sufficient funding to carry out its expanded responsibilities; and has the authority to impose stiffer penalties to ensure compliance with U.S. motor vehicle safety laws.

Also, Senate confirmation of the President's nominee for Administrator of NHTSA would help implementation of this legislation immeasurably.

In the final days of the 106th Congress, we must not lose the opportunity to save lives and prevent injuries. I urge the full Senate to pass H.R. 5164 before the end of this session. It is critically needed legislation.

Sincerely,

RODNEY E. SLATER.

Mr. McCAIN. Mr. President, I will quote parts of the letter from Secretary Slater:

DEAR MR. CHAIRMAN: As you know, the House acted early today to pass H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation Act. This is another important step toward resolving issues raised by the National Highway Traffic Safety Administration's ongoing Firestone tire investigation.

We strongly support enactment of H.R. 5164. The bill provides increased penalties for safety defects and noncompliances in motor vehicles and motor vehicle equipment; lengthens the period for free remedy of defects and noncompliances; enhances the ability of NHTSA to obtain information from foreign as well as domestic sources; and authorizes increased appropriations to enable NHTSA to carry out its additional responsibilities. These provisions were sought by the Administration in its proposed legislation. H.R. 5164 also directs NHTSA to review and report on its procedures for opening defect investigations, a review which the agency has already begun, and directs NHTSA to conduct rulemaking to amend the safety standards on tires, an action which is consistent with the agency's rulemaking plans.

I will not read the whole letter, except the last paragraph:

In the final days of the 106th Congress, we must not lose the opportunity to save lives and prevent injuries. I urge the full Senate to pass H.R. 5164 before the end of this session. It is critically needed legislation.

Save lives and prevent injuries.

I ask unanimous consent to print in the RECORD a letter that was sent from Ms. Claybrook, president of Public Citizen, and others to the House of Representatives on October 9.

That letter says:

DEAR REPRESENTATIVE: We are writing to urge the passage of H.R. 5164, despite its serious deficiencies.

It ends up in the last part of the letter:

We urge you to vote to send this bill forward, to encourage the House managers to work with the Senate managers to improve the legislation, and to make sure the authority of NHTSA to protect the public safety is not degraded.

Even though there may be objections from Ms. Claybrook and some of her colleagues, the fact is she wrote to the House urging a vote for this legislation at this time. I think it should be an important part of the RECORD.

Finally, I do not view this as a panacea. The Presiding Officer has significant concerns. We had entered into a colloquy concerning his concerns. Those concerns are legitimate. I assure the Senator from Ohio that the Senator from South Carolina and I will continue to work on this issue next year. I will tell the Senator from Ohio why: Because there is going to be more people dying before this issue is resolved. Just this last weekend in Louisiana, a young boy, who was in a rollover accident from a tire that shredded, went into a coma.

I am pleased and gratified that the Senator from South Carolina, who has some differing views, as I do, on this bill, wants to see it perfected, as does the Senator from Ohio. But I also agree with the Secretary of Transportation who says that this is an enormously important step forward to take.

I take this opportunity to thank Senator HOLLINGS for his efforts and the way we worked in a bipartisan fashion to report a bill by a vote of 20–0 out of the Commerce Committee.

I will propound two unanimous consent requests, if the first one is objected to. If the first one is objected to, then I will try another unanimous consent request.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. McCAIN. I will be glad to yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished chairman of the committee has led the way on this tire safety measure on the Senate side. I just had an opportunity to look at the House provision. There is no question that there are two or three things in there that should be cleared up. One, it has certain reporting requirements, but then the National Highway Traffic Safety Administration is supposed to keep them top secret. I want that explained to me. We do not operate like the CIA. There is no reason to keep it from public knowledge. In fact, that is exactly why we have this entity—to collect reported defects that come to the attention of the consumers in America.

Secondly, there is another provision with respect to criminal penalties. I have tire manufacturers in my State, and I wanted to be absolutely clear that we did not unduly threaten fine, good businessmen who are working to produce a safe product. Or make it so that they would be faced with some kind of criminal charge by way of a mistake that did not come to their knowledge. That was not the intent of the Senator from Arizona and the Senator from South Carolina as we worked through this.

Obviously, that was taken out of the Senate bill. Otherwise we would never have had a unanimous vote in reporting this bill 20–0. But there is a provision in that House bill whereby if there has been a willful and malicious reporting to this agency—such as we saw in the tobacco case where they all raised their hands and you knew they were lying at the time—then there should be a criminal penalty. That ought to be cleared up in the House bill.

We are only asking that the Senate bill be considered so we can amend the House bill and work this measure out under the leadership of Senator MCCAIN.

The other provision with respect to the reporting of claims—after all that is the only way we found out about these recent deaths that now approximate 100 killed on the highways. As they brought these claims down to a conclusion, the judge put them under what we call a gag order where they were not allowed to consider or consult or even talk about the final settlement. It was more or less kept top secret from the press and media, and nobody knew it was going on.

Of course, NHTSA has been practically dormant. They have not operated the tire safety requirements since the year 1973, and this reflects on us in the committee. They have not had or ordered a single recall on tires in the last 5 years.

There have been 99 million overall safety vehicle recalls, but they have all been voluntary on account of the threats of lawsuits. We know that. It was only because of the word getting out about these lawsuits that we finally have gotten to pay attention to this, bringing out a bill, unanimously reported under the leadership of the distinguished chairman of the Commerce Committee, which is totally bipartisan.

I join in the Senator's request, which I am confident he will make, that we be able to bring the Senate bill up, amend the House bill, work this out in the next few days—it could be worked out by tomorrow—and have a good measure that would save lives in America.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from South Carolina. I understand his concerns.

Let me quote from a letter from the Secretary of Transportation:

> The early warning section of H.R. 5164, enables NHTSA to obtain information about potential defects earlier than under current law. The agency will use the information in deciding whether to open an investigation and will be able to release information in the context of its investigation, as it does today. Information that is not made a part of an investigation could be released if NHTSA determines it would assist in carrying out the agency's investigative responsibilities. The bill contains a new section 30170 that augments the penalties under section 1001 of title 18, United States Code, if a person intentionally misleads the Secretary concerning a safety defect that results in death or serious injury. A "Safe Harbor" provision would excuse the person from the augmented penalties, but would not excuse the person from other penalties under section 1001. The Department of Justice will communicate separately its views on the criminal provisions.

I point out again, this is not a perfect bill. I want exactly what came out of the Senate. The House passed, unanimously, by a voice vote, H.R. 5164.

The Secretary of Transportation says: "We strongly support enactment." He finishes up by saying—and I hope my colleagues understand this—

> In the final days of the 106th Congress, we must not lose the opportunity to save lives and prevent injuries.

This is not a perfect piece of legislation but an awesome responsibility, at least in the view of the Secretary of Transportation. An opportunity to save lives and prevent injuries is occurring here. I do not think we can let that pass by.

If there is objection, I will, again, ask that the Senator who objects appear on the floor to object. We are not talking about a policy decision here; we are talking about the fact that over 100 lives have been taken on America's highways over a defect that, in the view of every expert, we are making significant progress in addressing.

So, Mr. President, I will begin with my first unanimous consent request, and I will follow it with a second unanimous consent request if it is objected to.

Mr. President, I ask unanimous consent that when the Senate receives H.R. 5164 from the House, it be held at the desk. I ask further that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to consideration of the bill, and that only relevant amendments be in order to the bill, and that the bill then, as amended, if amended, be advanced to third reading and passed.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend from Arizona, I do not have a copy of the request, but it is my understanding, from hearing what the Senator read, it is a bill to come before the Senate with relevant amendments.

Mr. MCCAIN. Yes, that is correct.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to consideration of H.R. 5164 and that it be immediately advanced to third reading and passed, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, would the Senator read that unanimous consent request again, please?

Mr. MCCAIN. I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to consideration of H.R. 5164 and that it be immediately advanced to third reading and passed, with no intervening action or debate.

Mr. REID. Reserving the right to object, I say to my friend from Arizona, this has been signed off on by the ranking member of the committee and signed off on by the leadership over here. But we still have two Senators who want to offer relevant amendments. We will work on that and see what we can do. But at this stage, because of that, I am going to have to object unless the agreement allows for relevant amendments. We would agree to time limits. We would agree to a very short time limit on the relevant amendments, but we do have two Senators who wish to offer relevant amendments.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, as I said on Friday, this is not an ordinary piece of legislation. It is a piece of legislation that, in the view of the Secretary of Transportation, has to do with saving lives and preventing injuries. Over 100 Americans have died on the highways of America already.

After the completion of Senator ROBERTS' remarks, I will insist that the two Senators come down and object in person. This is too serious a business, I tell the Senator from Nevada, for them to assume a cloak of anonymity. If they want amendments, then I will be more than happy to hear their objections and see what their amendments are. But this is not acceptable. It is not acceptable, when lives are at stake, for Senators—at least the Senator from Oklahoma objects and comes down and takes the responsibility for the objection. It is not acceptable for Members on the other side of the aisle to hide behind the Senator from Nevada in their objections.

Mr. NICKLES. Will the Senator yield for a question?

Mr. McCAIN. I am glad to yield to the Senator from Oklahoma for a question.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I am asking the Senator from Arizona a question.

The unanimous consent request that you are now making is to take up and pass the bill that passed last night, without objection. It passed by a voice vote late last night, unanimously, through the House of Representatives, and is the bill that the Secretary of Transportation, Mr. Slater, urged that the Senate and the Congress pass?

Mr. McCAIN. I might add, it has to do with saving lives and preventing injuries.

Mr. NICKLES. I compliment my friend from Arizona because, one, you are showing flexibility. I compliment you because you have stated what your preference is. You have your preference in the bill that passed out of the Commerce Committee, of which you are the Chair and Senator HOLLINGS is the ranking member. But you are also saying, if I cannot get that, realizing that we are on overtime right now and we are running out of days, you are willing to say, let's take the House-passed bill. The House-passed bill passed unanimously. That does not happen all that often around here for legislation that is this significant.

The Senator from Arizona is saying he is willing to take it and pass it. It is the same bill that the administration says they want. And it will become law if we can get this consent agreed to.

So I compliment my colleague from Arizona. I hope our colleagues would possibly even reconsider and let us pass this bill tonight or tomorrow.

Mr. REID. Mr. President, under my reservation, I remind the Senator from Arizona and the Senator from Oklahoma that on Friday of last week we agreed on this side to have the Senate bill brought before the Senate at that time, pursuant to the unanimous consent request of the Senator from Arizona, to have relevant amendments. We have no objection to that coming before the Senate and working on it that way.

This matter which has just passed the House, we just got it a matter of minutes ago—not hours ago; minutes ago—and we have two Senators who want to look at this legislation. They have some idea that they want to offer relevant amendments. We know that, come the light of day, they may not want to offer those relevant amendments, but now they do.

So I say to my friend from Arizona that he can come back after Senator ROBERTS speaks, but the same objection will be there unless we hear in the interim that the Senators, for some unknown reason, withdraw their objections.

On that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona retains the floor.

Mr. McCAIN. Let me just say that I will be here on the floor. If the two Senators who object from the other side of the aisle would like to come down, I would be glad to discuss their concerns. I would be glad to commit to holding hearings, along with Senator HOLLINGS, next year to try to perfect this bill.

I know my friend from South Carolina has serious concerns about the safe harbor aspect of this bill. I intend to work with him to tighten it up. I much would have preferred the bill pass through the Senate, let me tell you.

We inaugurated a little phrase called "straight talk" back when I was seeking another office. I will tell you, in straight talk, what this is all about. This is the trial lawyers against the automotive interests. Trial lawyers do not want it because they do not like the provisions. They want to be able to sue anybody for anything under any circumstances. And the automotive industry wants this thing killed, figuring that the publicity surrounding these accidents and these tragedies that are taking place will die out and they will be able to kill off this legislation next year.

Straight talk, Mr. President, that is really what it is all about. It is another compelling argument for campaign finance reform because neither the trial lawyers who want to make this bill untenable for the manufacturers, nor the manufacturers who want to water down this bill so dramatically that it will have no effect, should be the ones who are driving this problem.

This legislation is all about saving lives and preventing injuries. So what we are seeing here is that special interests are winning again. I think it is wrong. I don't know how you go back to the American people and say we didn't enact legislation—we could not get together after a unanimous vote in the House—to resolve some concerns over an issue that "would save lives and prevent injuries."

Mr. REID. If the Senator will yield, I say to my friend, he and I came to Washington at the same time 18 years ago. I know he has more patience than I, but we have to have a little bit of patience. In this instance, I don't think it is going to require a great deal of patience. We are going to be in session tomorrow, and I think there is a very good possibility, as I see it, that the persuasive arguments Senators have made today and last week will prevail and this legislation will pass.

As things now stand, we have people who haven't been able to read the bill. They may have some problems with it. The ranking member, the Senator from South Carolina, and some of our people over here—and, of course, the Senator from South Carolina works well with the Senator from Arizona, and we will see what we can do to get this wrapped up.

Mr. McCAIN. Mr. President, in closing, I appreciate the efforts on the part of the Senator from Nevada. As he said, he and I came to Congress together many years ago, and we are good friends. I want to also, again, pay great praise to Senator HOLLINGS, who has really had to go a long way in compromising in order to see that this legislation is passed. I will be seeking unanimous consent tomorrow morning. I am not exactly sure when, but it will be sometime in the morning when it fits in with the parliamentary procedures. I hope the unanimous consent request can be agreed to. I thank my friend from South Carolina and the Senator from Nevada. I know we will be working assiduously to try to get these objections solved.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I don't want the Senator to take back his praise, but let me clear the record relative to trial lawyers. Trial lawyers got us where we are. If it hadn't been for trial lawyers bringing the cases and filing some of the reports made on the recoveries thereof, we would not have awakened, literally, and awakened our own Commerce Committee to have the hearings to put us on the floor this evening.

I am intimate with the trial lawyer movement in this country. I can tell you that they have become a whipping boy for Tom Donahue and his blooming Chamber of Commerce, and any time you want to pass some measure like the Y2K bill, the trial lawyers had no objection whatsoever.

I have to correct the record because the chairman said that is the contest that is going on, about the right to sue and everything else. They have the right. The right is there and neither the Senate bill nor the House bill denies that right. We strengthen it with the reporting and then make the reports public so they can be attained, and they can avoid going to court on cases and avoid trial lawyers. So this particular bill is agreed to by this particular trial lawyer—either the Senate or the House version this evening, right now. I would vote for either one of them. But I think we can get a much better bill with the Senate bill. I wanted to correct the comments made about the trial lawyers because they have been there bringing peace and justice and safety to America's consumers. They got us this far, and I am proud to commend the trial lawyers for doing their work and saving lives.

I yield the floor.

Mr. McCAIN. Mr. President, I have one comment in response to my friend. I knew any comment about trial lawyers would not go unnoticed by him. As always, I am very appreciative of his comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I want to join the Democratic whip in propounding the identical unanimous consent request with regard to the bringing up of the DOD conference report as stated to the Senate by the distinguished majority leader just moments ago.

Mr. REID. Mr. President, we have no objection. The staffs of Senator LEVIN and Senator WARNER have worked out the problem.

Just a minute, Mr. President.

Reserving the right to object, Mr. President, we are not going to be able to do the agreement. There is a procedural problem with the Agriculture authorization, which goes first. We will work on that later.

Mr. WARNER. Mr. President, I handed the Senator a colloquy which Senator LEVIN signed. The Senator raising the objection signed the colloquy.

Mr. REID. Why don't we have the Senator from Kansas speak, and we will see if anything can be done.

Mr. WARNER. I withdraw the request.

MORNING BUSINESS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now be in a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

TRIBUTE TO BRUCE VENTO

Mr. GRAMS. Mr. President, today I come to the floor to offer a tribute to a humble man.

Yesterday, while I was in Minnesota, I received word that one of my former colleagues from the House of Representatives, Congressman Bruce Vento, had passed away after a battle with cancer.

My tribute cannot adequately communicate his successful career, because to Bruce, words always paled in comparison to acts.

Bruce was a tireless advocate for the residents of St. Paul, first in the State Legislature and, for the past 24 years, in the U.S. Congress.

He was a man of his word and a man of principle.

He was a man committed to doing the right thing for the right reason, no matter how long it took.

Take for example his work on behalf of Hmong veterans—a large number of whom reside in his Congressional district.

He worked on it for over a decade: educating his colleagues about the need to help their constituents and offering the compromises needed to get the job done.

I was pleased that after his tireless work Congress after Congress, year after year, Bruce's effort paid off.

Earlier this year, Congress passed and the President signed into law his legislation to facilitate citizenship to Hmong veterans who served with us in the Vietnam War.

Bruce was an effective Congressman for the St. Paul area.

We worked together on a number of fronts to support Minnesota and the people of St. Paul such as improving senior and low-income housing in St. Paul, supporting St. Paul's effort in becoming a Brownfields Showcase Community, and pursuing projects to improve the St. Paul Community.

Bruce is best known for his efforts to protect the environment and to improve our national parks and wilderness areas.

All Minnesotans will benefit from his work to ensure the outdoor activities we all enjoy will be there for our children and grandchildren.

That is his legacy, and we are all proud and grateful for his achievements.

Minnesotans were represented well by Bruce Vento, and he will be missed.

To his family and friends, I extend my deepest sympathy.

Mr. LEAHY. Mr. President, we all in the Senate and the House have been saddened by the death of Bruce Vento. Congressman Vento came to the Congress 2 years after I did. We served together and worked together on many issues. He belonged, proudly, to a sort of informal Italian-American caucus. We would talk about from which parts of Italy our families had come, and we became close friends.

I remember talking with Bruce when he was first diagnosed with cancer. I told him he was in my prayers, my wife's prayers, our family's prayers. He was a good man.

I was sad when I heard him announce he would not run for reelection because of his illness. Of course, we have been notified of his death.

There are Senators and House Members who come here who, under the old saying, some are show horses and some are workhorses. He was a workhorse. One of his priorities during his last year in Congress was the plight of the Hmong people, many of whom settled in Minnesota. They are people from Laos who had fought with the United States and its allies in the Vietnam war and came to the United States afterwards. They very much wanted to become citizens here but had great difficulty learning English because they come from a culture that does not have a written language.

Bruce Vento was the primary House sponsor of the Hmong Veterans' Naturalization Act, a bill that passed the House and Senate earlier this year and became law. This bill waives the English language requirement for naturalization, and provides special consideration for the civics requirement for Hmong veterans and their spouses and widows. It has been a small concession on our part in return for the great sacrifices these men made in fighting for the American cause in Southeast Asia. I am pleased that with the help of Senators WELLSTONE, FEINGOLD, HAGEL, MCCAIN, and others the bill became law before the Congressman's untimely death earlier this week.

There is another bill that addresses an outstanding issue in the Hmong Veterans' Naturalization Act. H.R. 5234, cosponsored by Congressman Vento, will extend the benefits of the new law to widows of Hmong veterans who died in Laos, Thailand, or Vietnam. The bill was passed by voice vote in the House on September 25. The Senate companion bill is strongly bipartisan with seven Democrats and five Republicans joining Senator WELLSTONE as sponsors. I urge my friends on the other side of the aisle to lift the hold they have on this bill and allow it to pass so we can complete our work on this important issue. We can do this in Bruce Vento's memory, but we can also rectify an injustice that has been done to the Hmong people who have come to this country.

Mr. FEINGOLD. Mr. President, it is with great sadness that I join my colleague from Minnesota, Senator WELLSTONE, in paying tribute to the life of our colleague, Congressman Bruce Vento. I learned of the Congressman's passing upon my return to Washington. I send my condolences to his wife Sue and his family, along with all of the people from the great state of Minnesota who mourn and who thank him for his many years of service in the House of Representatives. He is deserving of special praise in recognition of his tremendous efforts to use his status as a federal legislator to bring a voice to the voiceless and to defend such interests as environmental protection, human rights, working families and community building.

Congressman Vento's career was a truly a remarkable one. He and I shared a profound affection for the Boundary Waters Canoe Area Wilderness, a place special to so many Wisconsinites and Minnesotans. Congressman Vento bravely agreed to chair the Ely field hearings on the creation of the Boundary Waters wilderness in 1977, a courageous decision for someone who was a Freshman member of the House at the time, and was a vocal champion of that wilderness throughout his career. As I work on wilderness issues, I am often reminded of Congressman Vento's comments on the House floor during consideration of the Boundary Waters bill. He said, "there ought to be an opportunity where someone can go and have some solitude, where someone can go and have an experience that is different."

Congressman Vento used his career to work to protect that "different" opportunity for all Americans in the Boundary Waters, the Arctic Refuge, Southern Utah and many other special wilderness areas. These places and the people who cherish them, myself included, owe him a great debt.

I also had the privilege of working closely with Congressman Vento in this session of Congress on the Hmong Veterans' Naturalization Act which is now federal law. Congressman Vento was actively involved in getting that legislation through the House.

I join with the Senate in letting Congressman Vento's family know how grateful we are for having known him, and how committed we are to ensuring that the causes to which he gave his heart and his career remain protected.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$602,307	$593,714
Highways		26,920
Mass transit		4,639
Mandatory	327,787	310,215
Total	930,094	935,488
Adjustments:		
General purpose discretionary	+4,367	+3,384
Highways		
Mass transit		
Mandatory		
Total	+4,367	+3,384
Revised Allocation:		
General purpose discretionary	606,674	597,098
Highways		26,920
Mass transit		4,639
Mandatory	327,787	310,215
Total	934,461	938,872

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,528,412	$1,492,435	$10,765
Adjustments: Emergencies	+4,367	+3,384	−3,384
Revised Allocation: Budget Resolution	1,532,779	1,495,819	7,381

HISPANIC HERITAGE MONTH 2000

Mr. DURBIN. Mr. President, I rise to offer some remarks on a timely and important topic—our national celebration of Hispanic Heritage Month.

Hundreds of years after the decline of the Spanish Empire, a new Hispanic presence is making itself felt on the world stage. Democracy is taking deep root throughout much of Latin America. Mexico just celebrated the selection of a new President in an election that is widely viewed as the freest and fairest election in that country's history. Central America is largely at peace. Free trade has spread south of our border, and will continue to spread further south.

And Hispanic Americans are taking their rightful place in this country as an important part of our thriving economy, as a wonderful contributor to the diversity of American culture, and as a powerful political force that deserves attention.

It is fitting, then—as National Hispanic Heritage Month is upon us—to recognize the Hispanic-American population for its many important contributions to the traditions and history of this nation. Started 32 years ago, this festive month acknowledges the great history of the Hispanic people, celebrate their past achievements, and recognizes that the Hispanic-American community is an essential component in the future of the United States.

Hispanics have immigrated to the United States for many different personal reasons. They have taken the journey to America in hope of a better life for themselves and their families. They have persevered throughout their struggle to maintain their own identity while learning to assimilate into American ways.

Today, the Hispanic population in the United States has expanded and become more diverse. It is now our fastest growing ethnic group, its population increasing almost four times as fast as the rest of the population. The Hispanic population is projected to account for 44 percent of the growth in the nation's population between 1995 and 2025. Hispanics are literally changing the face of this nation.

The label "Hispanic-American" encompasses an enormous diversity of individuals. Hispanics are not a single ethnic group but are comprised of people from Puerto Rico, Cuba, Mexico, and the countries of Central and South America. This diversity has brought a tradition of resilience and excellence to the United States, a country that derives its strength from the diversity of its people.

There is an emerging awareness of the contributions and achievements Hispanics have made. Hispanic individuals are prominent in every aspect of American life. In the business world, such names as Adolfo Marzol, executive vice-president of Fannie Mae and George Munoz, CEO of the Overseas Private Investment Corporation, are being recognized. Oscar Hijuelos, the first American-born Hispanic to win the Pulitzer Prize for fiction, is known as one of literature's award-winning authors. Maria Hinojosa, a CNN correspondent, was named one of the most influential Hispanic Americans by Hispanic Business magazine, and has received many awards for her reporting. These are just some of the extraordinary individuals who contribute to Hispanic-American culture in our country.

A few of the names of Hispanic-Americans from my home state of Illinois will resonate in history, like Luis Alvarez, the Nobel Price-winning physicist, who studied at the University of Chicago before going on to become a central figure in the Manhattan project during World War II. Others are heroes on a quieter scale, like Raymond Orozco who, until his retirement a few years back, headed the Chicago Fire Department with distinction, or Sandra Cisneros whose beautiful stories of women's courage in the midst of poverty have won her international acclaim. But most of all we benefit as a state and as a nation from the thousands of ordinary folks whose lives and dreams and everyday actions make this a richer, stronger, more interesting place to live.

The emergence of a sizable Hispanic-American population has been particularly notable in Illinois, to the great benefit of the state. More than a million Illinoisans are of Hispanic heritage. They own 20,000 businesses in the state and generate more than $2 billion in commerce. More than a quarter of a million Hispanic-Americans are registered to vote here, and the state can boast over 1,000 elected officials—from school board members to members of Congress—of Hispanic heritage.

While celebrating Hispanic Heritage Month, we shouldn't blind ourselves to the problems that still beset the Hispanic-American community. The poverty rate among Hispanics is still unacceptably high, and Hispanic youth are graduating from high school at rates significantly lower than the general population. Thankfully, many of these problems have abated in the last decade—unemployment among Hispanics is at historically low levels, for example—but there's still plenty of work to be done.

That's why I support the "2010 Alliance" crafted by Hispanic-American leaders and key policymakers, and announced by President Clinton this June. The Alliance sets educational goals for Hispanic-Americans in five key areas, such as increasing the rate of high school completion and increasing English language proficiency for students. The President's budget for 2001 contains more than $800 million for programs to enhance educational opportunities for Hispanic-Americans.

I am also hoping to see passage this session of the Latino and Immigrant Fairness Act. This important piece of legislation will insure that all immigrants from Latin America are treated equally in the eyes of the law. The current system that treats immigrants from one country differently from those from another country is cumbersome, confusing and inherently unfair. This Act will also restore some important rights that have historically been offered to the immigrant population, but that are now denied to them due to the highly restrictive policies adopted in the past few years. The Latino and Immigrant Fairness Act as the support of virtually every Democratic Senator as well as strong support from President Clinton and Vice President GORE. I am working hard to overcome Republican resistance to the bill so that it can become law.

The Hispanic population has become an integral part of the American mosaic. We have become united by the aspiration to make a better life for ourselves and our children. We know that America and what it stands for—freedom, prosperity, and hope—should extend to everyone the opportunity to achieve their dreams.

Through the celebration of Hispanic Heritage Month we can deepen our understanding and appreciation for a culture that has been so influential in creating the America of today and that will help shape the America of tomorrow.

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, during the last several weeks I have listened as some of my Democratic colleagues have taken the Senate floor to complain about the Senate's work on judicial nominations. Some have complained that there is a vacancy crisis in the federal courts. Some have complained that the Republican Senate has not confirmed enough of President Clinton's judicial nominees. Some have complained that the confirmation record of the Republican Senate compares unfavorably to the Democrats' record when they controlled this body. Some have accused the Republican Senate of being biased against female and minority judicial nominees. These complaints and accusations are wholly false and completely without merit.

First, there is and has been no judicial vacancy crisis. In 1994, when Senate Democrats processed the nominations of President Clinton, there were 63 vacancies and a 7.4 percent vacancy rate. Today, when Republicans control the Senate and process the nominations of President Clinton, there are 63 vacancies and a 7.4 percent vacancy rate—exactly the same as in 1994. Of the current vacancies, the President has failed to make a nomination for 25 of them—strong evidence that, in fact, there is no vacancy crisis. Nevertheless, despite the fact that there are the same number of vacancies and the same vacancy rate now as in 1994, Democrats continue to claim that there is a vacancy crisis.

Second, the Republican Senate has been fair with President Clinton in confirming his nominees. In fact, the Senate has confirmed President Clinton's nominees at almost an identical rate as it confirmed those of Presidents Reagan and Bush. President Reagan appointed 382 Article III judges. By comparison, President Clinton has appointed 377 Article III judges—only five fewer than were appointed by President Reagan. During the Reagan presidency, the Senate confirmed an average of 191 judges per term. During the one-term Bush presidency, the Senate confirmed 193 judges. During the Clinton presidency, the Senate has confirmed an average of 189 judges per term.

Third, the confirmation record of the Republican Senate compares favorably to the Democrats' record when they controlled this body. Comparing like to like, this year should be compared to prior election years during times of divided government. In 1988, the Democrat-controlled Senate confirmed 41 Reagan judicial nominees. The Republican Senate this year has confirmed 39 of President Clinton's nominees—a nearly identical number.

The 1992 election year requires a bit more analysis. The Democrat-controlled Senate did confirm 64 Bush nominees that year, but this high number was due to the fact that Congress had recently created 85 new judgeships. Examining the percentage of nominees confirmed shows that compared to 1992, there is no slowdown this year. In 1992, the Democrat-controlled Senate confirmed 33 of 73 individuals nominated that year—or 45 percent. This year, the Senate has confirmed 25 of 46 individuals nominated in 2000—or 54 percent, almost 10 percent higher than in 1992. Those who cite the 1992 high of 64 confirmations as evidence of an election-year slowdown do not mention these details. Nor do they mention that despite those 64 confirmations, the Democrat-controlled Senate left vacant 97 judgeships when President Bush left office—far more than the current 63 vacancies.

Senate Democrats often cite Chief Justice Rehnquist's 1997 remarks as evidence of a Republican slowdown. Referring to the 82 vacancies then existing, the Chief Justice said: "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal Judiciary." Senators who cite this statement, however, do not also cite the Chief Justice's similar statement in 1993, when the Democrats controlled both the White House and the Senate: "There is perhaps no issue more important to the judiciary right now than this serious judicial vacancy problem." As the head of the Judicial Branch, the Chief Justice has continued to maintain pressure on the President and Senate to speedily confirm judges. He has not singled out the Republican Senate, however.

The Chief Justice made additional comments in 1997, which also undermine the claim of a vacancy crisis. After calling attention to the existing vacancies, he wrote: "Fortunately for the Judiciary, a dependable corps of senior judges has contributed significantly to easing the impact of unfilled judgeships." The 63 current vacancies, in other words, are not truly vacant. There are 363 senior judges presently serving in the federal judiciary. Although judges' seats are technically counted as vacant, they continue to hear cases at reduced workload. Assuming that they maintain a 25 percent workload—the minimum required by law—the true number of vacancies is less than zero.

Last week, Senator HARKIN said that this year the Senate has confirmed only one circuit court nominee nominated this year, and Senator LEAHY said that this year the Judiciary Committee has reported only three circuit court nominees nominated this year. The fact is, however, the Senate has confirmed eight circuit judges this year. By comparison, the Democrat-controlled Senate confirmed seven of President Reagan's circuit court nominees in 1988 and 11 of President Bush's circuit court nominees in 1992.

It is true that of the eight circuit court nominees confirmed this year, some were nominated during the first session and some were nominated during the second session of this Congress—just as the seven Reagan circuit court nominees confirmed in 1988 and the 11 Bush circuit court nominees confirmed in 1992 were nominated in both the first and second sessions of those Congresses.

The fact that the Senate has confirmed eight circuit court nominees in this election year shows that we have been at least as fair to President Clinton with regard to appeals court nominees, as Democrats were to Presidents Reagan and Bush. The Senate has confirmed one more circuit court nominee in this last year of President Clinton's Presidency than Democrats confirmed in the last year of President Reagan's presidency, and only three circuit judges fewer than Democrats confirmed in the last year of President Bush's presidency—when judicial vacancies were at an all time high.

Fourth, allegations of race or sex bias in the confirmation process are absolutely false and are offensive. Over the last several months, I have listened with dismay as some have, with escalating invective, implied that Senate Republicans are biased against minority or female judicial nominees.

Just this month, President Clinton issued a statement alleging bias by the Senate. He said: "The quality of justice suffers when highly qualified women and minority candidates are denied an opportunity to serve in the judiciary." The White House, though, also issued a statement boasting of the high number of women and minorities that Clinton has appointed to the federal courts: "The President's record of appointing women and minority judges is unmatched by any President in history. Almost half of President Clinton's judicial appointees have been women or minorities."

The Senate, obviously, confirmed this record number of women and minorities. That is hardly evidence of systemic bias. Indeed, it cannot credibly be argued that President Clinton has appointed a diverse federal bench and that Republicans simultaneously have prevented him from appointing a diverse federal bench.

Last November, Senator JOSEPH BIDEN, former Chairman of the Judiciary Committee, stated:

> There has been argumentation occasionally made . . . that [the Judiciary] Committee . . . has been reluctant to move on certain people based upon gender or ethnicity or race. . . . [T]here is absolutely no distinction made [on these grounds] . . . [W]hether or not [a nominee moves] has not a single thing to do with gender or race. . . . I realize I will get political heat for saying that, but it happens to be true.

Why then have Democrats insisted on repeating the insidious mantra that the Republican Senate is discriminating against women and minorities in the confirmation process? Why did John Podesta, the President's Chief of Staff appear on CNN yesterday to complain that "women and minority candidates for U.S. Court of Appeals are sitting, stuck in the Senate Judiciary Committee"? Why did Senator ROBB take the Senate floor to accuse Senate Republicans, in inflammatory language, of "standing in the courthouse door" and refusing to "desegregate the Fourth Circuit"? Why did Senator LEAHY take the Senate floor and list all the female nominees currently pending?

Why? Because Democrats have made the crass political decision to attempt to energize women and minority voters by claiming that Senate Republicans are biased against women and minorities nominated for federal judgeships. This coordinated overture to female and minority voters by the White House, the Gore campaign and Senate Democrats is unseemly.

The President's determination to play politics with judicial nominations appears as if it will only intensify. Just last Friday, the President nominated African-American Andre Davis to a seat on the U.S. Court of Appeals for the Fourth Circuit, and it is my understanding that he will nominate a woman, Elizabeth Gibson, to that Court today.

The President has persisted in making these nominations, even though I have made clear to him that the Judiciary Committee will not hold any additional nominations hearing this year. The President nominated Mr. Davis and Ms. Gibson, knowing full well that they have no chance of being confirmed. Mr. Davis and Ms. Gibson are being used for political purposes, so the President and Democrats can argue that Senate Republicans are biased against women and minorities.

Senate Republicans, however, are not biased against women and minority nominees. Data comparing the median time required for Senate action on male vs. female and minority vs. nonminority nominees shows only minor differences. During President Bush's final two years in office, the Democrat-controlled Senate took 16 days longer to confirm female nominees compared with males. This differential decrease to only 4 days when Republicans gained control of the Senate in 1994. During the subsequent 105th and 106th Congresses, it increased.

The data concerning minority nominees likewise shows no clear trend. When Republicans gained control in 1994, it took 28 days longer to confirm minority nominees as compared to non-minority nominees. This difference decreased markedly during the 105th Congress so that minorities were confirmed 10 days faster than non-minorities. The present 106th Congress is taking only 11 days longer to confirm minority nominees than it is to confirm non-minority nominees.

These minor differences are a matter of happenstance. They show no clear trend. Senator BIDEN is right when he says that "whether or not [a nominee moves] has not a single thing to do with gender or race." And even if there were actual differences, a differential of a week or two is insignificant compared to the average time that it takes to select and confirm a nominee. On average, the Clinton White House spends an average of 315 days to select a nominee while the Senate requires an average of 144 days to confirm.

Under my stewardship, the Judiciary Committee has considered President Clinton's judicial nominees more carefully than the Democratic Senate did in 1993 and 1994. Some individuals confirmed by the Senate then likely would not clear the committee today. The Senate's power of advice and consent, after all, is not a rubber stamp.

There is no evidence, however, of bias or of a confirmation slowdown. There is no evidence of bias because, in fact, the Senate is not biased against female and minority nominees—indeed, the Senate has confirmed a record number of such nominees for judicial office. Furthermore, there is no evidence of a confirmation slowdown because, in fact, the confirmation process has been conducted in the normal fashion and at the normal speed.

In conclusion, it always is the case that some nominations "die" at the end of the Congress. In 1992, when Democrats controlled the Senate, Congress adjourned without having acted on 53 Bush nominations. I have a list here of the 53 Bush nominees whose nominations expired when the Senate adjourned in 1992, at the end of the 102nd Congress. By comparison, there are only 40 Clinton nominations that will expire when this Congress adjourns. My Democratic colleagues have discussed at length some of the current nominees whose nominations will expire at the adjournment of this Congress. Madam President, I ask unanimous consent that this list of 53 Bush nominations that Senate Democrats permitted to expire in 1992 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUSH NOMINATIONS RETURNED BY THE DEMOCRAT-CONTROLLED SENATE IN 1992 AT THE CLOSE OF THE 102D CONGRESS

Nominee	Court
Sidney A. Fitzwater of Texas	Fifth Circuit.
John G. Roberts, Jr. of Maryland	D.C. Circuit.
John A. Smietanka of Michigan	Sixth Circuit.
Frederico A. Moreno of Florida	Eleventh Circuit.
Justin P. Wilson of Tennessee	Sixth Circuit.
Franklin Van Antwerpen of Penn.	Third Circuit.
Francis A. Keating of Oklahoma	Tenth Circuit.
Jay C. Waldman of Pennsylvania	Third Circuit.
Terrence W. Boyle of North Carolina	Fourth Circuit.
Lillian R. BeVier of Virginia	Fourth Circuit.
James R. McGregor	Western District of Pennsylvania.
Edmund Arthur Kavanaugh	Northern District of New York.
Thomas E. Sholts	Southern District of Florida.
Andrew P. O'Rourke	Southern District of New York.
Tony Michael Graham	Northern District of Oklahoma.
Carlos Bea	Northern District of California.
James B. Franklin	Southern District of Georgia.
David G. Trager	Eastern District of New York.
Kenneth R. Carr	Western District of Texas.
James W. Jackson	Northern District of Ohio.
Terral R. Smith	Western District of Texas.

BUSH NOMINATIONS RETURNED BY THE DEMOCRAT-CONTROLLED SENATE IN 1992 AT THE CLOSE OF THE 102D CONGRESS—Continued

Nominee	Court
Paul L. Schechtman	Southern District of New York.
Percy Anderson	Central District of California.
Lawrence O. Davis	Eastern District of Missouri.
Andrew S. Hanen	Southern District of Texas.
Russell T. Lloyd	Southern District of Texas.
John F. Walter	Central District of California.
Gene E. Voigts	Western District of Missouri.
Manual H. Quintana	Southern District of New York.
Chales A. Banks	Eastern District of Arizona.
Robert D. Hunter	Northern District of Alabama.
Maureen E.Mahoney	Eastern District of Virginia.
James S. Mitchell	Nebraska.
Ronald B. Leighton	Western District of Washington.
William D. Quarles	Maryland.
James A. McIntyre	Southern District of California.
Leonard E. Davis	Eastern District of Texas.
J. Douglas Drushal	Northern District of Ohio.
C. Christopher Hagy	Northern District of Georgia.
Louis J. Leonatti	Eastern District of Missouri.
James J. McMonagle	Northern District of Ohio.
Katharine J. Armentrout	Maryland.
Larry R. Hicks	Nevada.
Richard Conway Casey	Southern District of New York.
R. Edgar Campbell	Middle District of Georgia.
Joanna Seybert	Eastern District of New York.
Robert W. Kostelka	Western District of Louisiana.
Richard E. Dorr	Western District of Missouri.
James H. Payne	Oklahoma.
Walter B. Prince	Massachusetts.
George A. O'Toole, Jr.	Massachusetts.
William P. Dimitrouleas	Southern District of Florida.
Henry W. Saad	Eastern District of Michigan.

Mr. HATCH. I would note that the Reagan and Bush nominations that Senate Democrats allowed to expire included the nominations of minorities and women, such as Lillian BeVier, Frederico Moreno and Judy Hope.

I do not have any personal objection to the judicial nominees who my Democratic colleagues have spoken about over the last few weeks. I am sure that they are all fine people. Similarly, I do not think that my Democratic colleagues had any personal objections to the 53 judicial nominees whose nominations expired in 1992, at the end of the Bush presidency.

Many of the Republican nominees whose confirmations were blocked by the Democrats have gone on to great careers both in public service and the private sector. Senator JEFF SESSIONS, Governor Frank Keating and Washington attorney John Roberts are just a few examples that come to mind.

I know that it is small comfort to the individuals whose nominations are pending, but the fact of the matter is that inevitably some nominations will expire when the Congress adjourns. It happens every two years. I personally believe that Senate Republicans should get some credit for keeping the number of vacancies that will die at the end of this Congress relatively low. As things now stand, 13 fewer nominations will expire at the end of this year than expired at the end of the Bush Presidency.

HAWAII'S PREPAREDNESS FOR A WEAPON OF MASS DESTRUCTION TERRORIST INCIDENT

Mr. AKAKA. Mr. President, I rise to commend the joint efforts of the federal Department of Health and Human Services, HHS, the Honolulu Emergency Services Department, and Hawaii's Department of Health, and National Guard for establishing one of the Nation's premier weapons of mass destruction, WMD, containment, mitigation and response capabilities. As the ranking member of the Governmental Affairs Committee, Subcommittee on International Security, Proliferation, and Federal Services, I follow Federal terrorism defense programs closely, especially those that affect Hawaii.

Terrorism, particularly the threat of domestic terrorism, remains at the forefront of concern for all of us. Although it has been 7 years since the terrorist bombing of the World Trade Center and 5 years since the destruction of the Oklahoma City Federal Building, these unspeakable atrocities left an indelible mark in the hearts of all Americans. In the intervening years, the threat of terrorism has become more pronounced. The National Commission on Terrorism recently concluded that ". . . international terrorism poses an increasingly dangerous and difficult threat to America—today's terrorists seek to inflict mass casualties, and they are attempting to do so both overseas and on American soil. This was underscored by the December 1999 arrests in Jordan and at the U.S./Canadian border of foreign nationals who were allegedly planning to attack crowded millennium celebrations." Fortunately, we have made significant strides in enhancing our defense against and reducing our vulnerabilities to terrorism.

The Defense Against Weapons of Mass Destruction Act of 1996, Public Law 104-201, Nunn-Lugar-Domenici amendment, authorized a coordinated Federal response to train, equip, and otherwise enhance the capability of Federal, State, and local emergency "first responders," e.g., primarily police, fire, and emergency medical officers, for terrorist incidents involving mass casualties, or nuclear, biological, and chemical weapons. Most of our current antiterrorism programs are outgrowths of this landmark legislation.

More than 40 Federal departments, agencies, and bureaus have some role in combating terrorism. The Justice Department, through the FBI, is the lead Federal agency for domestic terrorism and provides on-site emergency law enforcement response to all incidents. However, State and local governments and emergency responders bear the primary responsibility for responding to terrorist incidents, augmented by Federal resources. Therefore, Federal, State, and local coordination and cooperation is critical to ensuring that our population centers are properly safeguarded. I am particularly pleased with terrorism preparedness efforts in Hawaii, which have been hailed by HHS as "exemplary" and "national models."

Two little known, but essential components of the national antiterrorism program and support to local communities are Civil Support Teams, CSTs, and Metropolitan Medical Response Systems, MMRS.

Hawaii's Civil Support Team is one of 27 Army and Air National Guard CSTs that will be deployed in 26 States by the spring of 2001. Each team consists of 22 members who undergo 15 months of specialized training. Each team is equipped with a mobile analytical lab and a communications facility. Teams would be deployed to assist first responders in the event of a WMD incident. The teams, under the command of a State's governor, provide support to civilian agencies to assess the nature of an attack, provide medical and technical advice, and help coordinate subsequent State and Federal responses. Hawaii's Weapons of Mass Destruction Civil Support Team, the 93rd WMD-CST, is a composite Army/Air National Guard Unit, and component of the Hawaii Army National Guard, Headquarters, State Area Command. The team is currently undergoing training at Fort Leonard Wood, MO, and is expected to be fully trained and deployed by May 2001.

In 1997, Honolulu was selected as one of the first 25 cities in the Nation to contract with HHS to develop a Metropolitan Medical Response System and procure essential prophylactic pharmaceuticals and specialized equipment. MMRS are multi-disciplinary medical teams consisting of physicians, nurses, paramedics, emergency medical technicians, and law enforcement officers, who provide initial on-site response and care, provide for safe patient transportation to hospital emergency rooms, provide definitive medical and mental health care to victims of various types of attack, and can prepare patients for onward movement to other regions, should this be required In August 2000, the HHS expanded Hawaii's MMRS program by directing and funding an assessment of the unique needs of geographically isolated jurisdictions and an evaluation of long-term sustainment of the MMRS. Both studies will serve as national models. This is a further testament of the quality of Hawaii's MMRS program and highly complimentary of the personnel involved in its development.

Fortunately, terrorism involving the use of weapons of mass destruction is likely to remain rare. Nevertheless, as in the case of other low probability/high consequence risks, it remains a very serious and highly complex national concern. The precautionary safeguards we have taken thus far are essential and prudent, but offer no guarantees. We need to remain vigilant and ensure that our antiterrorism and counter terrorism programs continue to be properly funded, adequately maintained, and adjusted to meet the ever evolving threat. The American public demands no less.

PIPELINE SAFETY

Mr. McCAIN. Mr. President, I deeply regret that the House of Representatives failed yesterday to favorably approve S. 2438, the Pipeline Safety Improvement Act of 2000. That measure was taken up under suspension of the rules in the House, and therefore, needed two-thirds of the members present and voting to support its passage. The final vote was 232 to 158.

As my colleagues know, the Senate has worked long and hard to produce comprehensive pipeline safety legislation. As a result of our bipartisan efforts, we unanimously approved S. 2438 nearly four weeks ago. That measure includes the best provisions from four separate proposals pending in the Senate, including legislation introduced by Senators MURRAY and GORTON, the measure introduced by Senator HOLLINGS on behalf of the Administration, the bill introduced by Senator BINGAMAN, and the bill I introduced along with Senators MURRAY and GORTON. While the final bill may not be the preference of every member, it is a fair and balanced compromise piece of legislation and, to quote Secretary Slater, "is critical to make much-needed improvements to the pipeline safety program. It provides for stronger enforcement, mandatory testing of all pipelines, community right-to-know information, and additional resources."

There is one and only one reason the Senate bill fell 28 votes short, preventing it from being on its way to the President at this moment: Partisan Politics.

I can understand the hesitation on the part of some to approve a measure that doesn't include every single provision they envision as necessary to address pipeline safety improvements. But the Senate-passed bill is a good bill and would go a long way in promoting safety improvements. Senator MURRAY said it best on the floor of the Senate just two weeks ago: "Don't let the perfect be the enemy of the good." But instead of heeding that advise, the House has neither approved its own version of a pipeline safety bill nor has it approved the Senate's unanimously-passed bill. And now time is simply running out.

I do not relish voicing criticism toward the House opponents of S. 2438. But because of their actions, we will most likely fail to make any advancement in pipeline safety this year. And if we are ultimately prevented from enacting pipeline safety legislation in these remaining few days of the session, these and the other members working with them will be even less pleased by the criticisms I will be directing their way if even one more life is lost because of our inaction. Be assured, I will be back on this floor reminding everyone of our missed opportunity to address identified pipeline safety shortcomings due to the actions of these few members. They will be held accountable.

Mr. INSLEE from the State of Washington testified before the Senate Commerce Committee in May on the need to pass comprehensive legislation, noting that the "opportunity to pass comprehensive, meaningful legislation may not come again until there is another tragedy". Sadly, since the time Mr. INSLEE made those comments, two other accidents have occurred—claiming a total of 13 more lives. How many more lives are going to be lost before Congress finally passes pipeline safety legislation?

It is my understanding Mr. INSLEE has urged the Administration, members of his House delegation, and leadership on the House side, not to support the Senate bill. It is also my understanding that he has ignored advice from his own Senate colleague, Senator MURRAY, on this matter. In doing so, he is dooming the months of effort that a member of his own party, a Senator from his own home state, has put into crafting a bill that will undoubtably improve pipeline safety. His actions may have killed the only chance that pipeline safety legislation will pass this year. And in doing so, he is ensuring that even more lives may be lost—and that the unacceptable status quo will remain.

I support passage of the strongest safety bill possible, and I know the House members I have mentioned are fully aware of this fact. The strongest bill possible at this time is the bill we approved in the Senate three weeks ago. Mr. INSLEE's and others' claims that their efforts are driven by a desire for a stronger bill sound well and good. But the reality is those efforts only preclude any advancement in pipeline safety from occurring. The actions of these members not only ignore the substantial steps we've made to reach a fair, balanced pro-safety bill, but also could jeopardize the likelihood we'll make any progress on pipeline safety for many years to come.

I urge those members obstructing action on pipeline safety legislation to think carefully about the consequences of their obstructionist actions. Each day that passes without enactment of comprehensive pipeline safety legislation places public safety at risk.

SITUATION IN THE IVORY COAST

Mr. FEINGOLD. Mr. President, I rise to comment on the alarming situation in the Ivory Coast.

When General Robert Guei seized power in a coup last December, he indicated that he intended to hand over power to a civilian government quickly. Instead, and despite the urging of distinguished African heads of state from South Africa, Nigeria, and Senegal, Guei has chosen to run for President from his position of illegitimate authority, in which he can manipulate his own chances of electoral success.

Last Friday, the Ivory Coast's Supreme Court issued a ruling barring all but five of twenty candidates seeking to run in Presidential elections slated for later this month. The ruling disqualified popular opposition leaders, most notably Former Prime Minister Alassane Ouattara, and the former ruling party's candidate, Emile Constant Bombey. Notably, Guei's former legal advisor is now serving as the court's chief. The upcoming elections are looking more and more like political farce, and General Guei's credibility is in tatters.

Leading up to the Court's ruling, the General Guei's government took actions clearly intended to intimidate the opposition, instituting a state of emergency, banning opposition politicians from international travel, and executing sweeps to round up immigrants who have consistently supported elements of the opposition. The junta that claimed it stepped into power to save the country now appears committed to a course of destruction. One of Africa's most stable and important economies is threatened by the instability exacerbated by the junta's political machinations, and General Guei's attempts to rally popular support have been characterized by misguided, xenophobic rhetoric aimed at threatening foreigners in a country that depends upon an immigrant workforce.

The people of the Ivory Coast deserve far better than this. At its core, democratic government is about trusting citizens to choose their own destiny, not about manipulating and restricting the choices available to them. The West African region, currently engaged in a struggle between the forces of democracy and those of thuggery, certainly does not need another thinly disguised dictatorship in its ranks. The only interests served by the junta's behavior are their own.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN, CO-CHAIR OF THE NORTHEAST-MIDWEST SENATE COALITION

Mr. JEFFORDS. Mr. President, I rise today to commend the excellent service of Senator DANIEL PATRICK MOYNIHAN as co-chair of the bipartisan Northeast-Midwest Senate Coalition. Senator MOYNIHAN, as we all know and regret, will be retiring from the United States Senate at the end of this year. Many people have commented on his excellent service to the nation and to New York State. I want to pay tribute to his leadership on regional issues.

Senator MOYNIHAN was elected cochair of the Northeast-Midwest Senate Coalition in April 1987. A bipartisan group of senators had formed the Coalition in 1978 with the goal of promoting regional economic and environmental interests. Senator MOYNIHAN replaced Senator Alan Dixon, and served for several years with Senator John Heinz. Upon his election as co-chair, Senator MOYNIHAN said, "States in the frost belt have of late shared a burden of heavy losses in manufacturing jobs, military installations and contracts. Environmental concerns, from the rising waters of the Great Lakes to acid rain, occupy us all."

Over the past seven Congresses, Senator MOYNIHAN persistently has advanced investments in our region's infrastructure, job-training and education programs, and basic industries. A stickler for accurate and timely data in order to judge our challenges and progress, he has documented the flow of federal funds from the Northeast and Midwest. Working with both Republicans and Democrats, he also has been a champion of the Great Lakes and the region's other great environmental assets.

Now, Lake Champlain may not be a great Lake to the rest of you, but in our part of the world, it is revered in the same way. And it is the reason behind my earliest work with Senator MOYNIHAN.

In the summer of 1989, when I was a freshman Member of the minority party and Senator MOYNIHAN was Chair of the Environment Subcommittee on Water Resources, he scheduled a field hearing to gather information on the water quality status of Lake Champlain. The hearing was split into two sessions, one on each side of the lake. We heard from Vermonters in Burlington, then enjoyed a boat ride across the lake to hear from upstate New Yorkers in Plattsburgh.

As his first act after commencing the hearing in Burlington, Chairman MOYNIHAN graciously handed the gavel to me so that I might preside over the Vermont portion of the hearing. That marked the first time I ever chaired a Senate hearing, and was made ever more memorable by the fact that DANIEL PATRICK MOYNIHAN had bestowed the honor.

We had an enjoyable, productive day, during the course of which Chairman MOYNIHAN entertained and enlightened the participants with his intimate knowledge of the history of Lake Champlain, one our nation's most historic water bodies. Moreover, he demonstrated a keen knowledge of the science, hydrology and ecology of Lake Champlain. Senator MOYNIHAN was bestowed a hero's welcome by his constituents upon disembarking on the Adirondack coast of Lake Champlain that day. He earned an everlasting respect among all who participated in the hearing.

We returned to Washington to draft the Lake Champlain Special Designation Act, in concert with Senators LEAHY and D'Amato, and promptly moved the bill through the scrutiny of the Water Resources Subcommittee, then the full Environment Committee and on to the Senate floor. Before the year had ended, that bill had become law. And it has proven to be a great success for the benefit of Lake Champlain, as well as a model for cooperation between different states, distinct federal regional jurisdictions and separate nations.

Senator MOYNIHAN, I commend you for your leadership on this important law. And I thank you for the latitude you gave me, in my first year in this United States Senate, to put my mark upon this legislation which continues to have a profound and positive influence on the ecology of Lake Champlain and the quality of life for the hundreds of thousands of people who live, work and recreate.

Aside from this example, there are many others. Senator MOYNIHAN took his assignment as co-chair of the Northeast-Midwest Senate Coalition during a time when our region was being less than affectionately referred to as the "rust belt." Manufacturing plants were closing, unemployment was high, and many workers needed to be retrained for new challenges. Senator MOYNIHAN led the Coalition in trying to identify and promote public policies that would take advantage of the region's common assets—its plentiful natural resources, distinguished university and research centers, significant financial centers, and a history of entrepreneurship.

Although he would be the first to admit that challenges remain, this region's progress over the past decade and a half results, in part, from Senator MOYNIHAN's consistent leadership.

With Senator MOYNIHAN's leadership, the Coalition has advanced numerous policy initiatives. It authored the nation's first pollution prevention law and promoted the National Invasive Species Act to block the proliferation of biological pollution. The Coalition has protected the Low Income Home Energy Assistance Program, and achieved increased appropriations for several energy efficiency programs. It held the first hearings and developed legislation on brownfield redevelopments, as well as on leaking gasoline storage tanks. The Coalition advanced increased trade with Canada, our nation's largest trading partner, and it spearheaded a range of initiatives to enhance the region's and the nation's economic competitiveness.

Mr. President, allow me to highlight a few other of Senator MOYNIHAN's specific efforts to advance economic vitality and environmental quality in the Northeast-Midwest region. In recent days, for instance, Senator MOYNIHAN has helped lead the Coalition's efforts to prepare for this winter's pending fuel crisis. Noting the rise in prices for heating oil and natural gas, he argued effectively for an emergency allocation of Low Income Home Energy Assistance Program funding. And he has been a consistent champion of Weatherization and energy conservation programs that help our region and nation to use energy more efficiently.

In order to block the introduction of invasive species in ballast water, Senator MOYNIHAN helped lead the charge for the National Invasive Species Act. He continues to work to expand that legislation beyond aquatic nuisance species to address the array of foreign plants and animals that cause biological pollution and economic loss throughout this country.

Senator MOYNIHAN and the Northeast-Midwest groups have highlighted the economic and environmental benefits of cleaning and redeveloping the contaminated industrial sites that plague our communities. He has sponsored Capitol Hill conferences on brownfield reuse, and distributed scores of Northeast-Midwest publications, including case studies of successful redevelopment projects. Senator MOYNIHAN also has helped push several bills that would provide financial, regulatory, and technical assistance for brownfield reuse.

To help provide financing and technical assistance to manufacturers, which remain critical to our region's economy, Senator MOYNIHAN and the Northeast-Midwest Coalitions have advanced the Manufacturing Extension Partnership, trade adjustment assistance, and industrial technology programs. He has sponsored an array of Capitol Hill briefings on robotics, optoelectronics, machine tools, electronics, and other industrial sectors.

In an effort to protect the Northeast and Midwest, Senator MOYNIHAN has been willing to face the criticism that comes from highlighting egregious subsidies going to other regions. He has noted, for instance, that taxpayers in the Northeast and Midwest subsidize the electricity bills of consumers in other regions, only to have those regions try to lure away our businesses and jobs with the promise of cheap electricity.

Senator MOYNIHAN has paid particular attention to the flow of federal funds to the states, tracking both federal expenditures as well as taxes paid to Washington. In his own annual reports and those by the Coalition, he documented the long-standing federal disinvestment in New York State and throughout the Northeast and Midwest. The Northeast-Midwest groups, for instance, found that our region's taxpayers received only 88 cents in federal spending for every dollar in taxes that they sent to the federal Treasury. In comparison, states of the South received a $1.17 rate of return, while western states obtained a $1.02 return. In fiscal 1998, the Northeast-Midwest region's subsidy to the rest of the nation totaled some $76 billion. Senator

MOYNIHAN has led the effort to reverse this trend.

It has been a pleasure to work in a bipartisan coalition with Senator DANIEL PATRICK MOYNIHAN. He has demonstrated that good public policy results from cooperation among Democrats and Republicans. His intellectual rigor and his demand for quality data have elevated policy discussions within both the Northeast-Midwest Coalition and throughout the entire United States Senate.

My colleagues from northeastern and midwestern states join me in thanking Senator MOYNIHAN for his consistent leadership and effective advocacy.

TIME TO STRENGTHEN HARDROCK MINING REGULATIONS

Mr. DURBIN. Mr. President, I have strongly advocated strengthening so-called 3809 regulations, which governs hardrock mining on public lands. However, attempts to update these regulations have been subject to much debate.

I am pleased to see that the Interior conference report included a compromise provision related to the regulations, which should allow the BLM to move forward with their efforts to better protect taxpayers and the environment from the impacts of the hardrock mining industry.

However, I am concerned about recent statements made by my colleagues, Senators REID and GORTON, which I feel distort the intent of the provision and would weaken the 3809 regulations. I would like to take this opportunity to clarify my understanding of the meaning of this provision.

To paraphrase the language of the bill text included in the conference report, the mining provision permits the BLM to prevent undue degradation of public lands with a new and stronger rule governing hardrock mining on public lands. The only requirement is that the rule be "not inconsistent with" the recommendations contained in a study completed by the National Research Council, or NRC.

I agree with the Department of the Interior's interpretation that the key phrase "not inconsistent with" means that so long as the final mining rule does not contradict the recommendations of the NRC report, the rule can address whatever subject areas the BLM finds necessary to improve environmental oversight of the hardrock mining industry.

For example, one of the recommendations made in the NRC report would clarify the BLM's authority to protect valuable natural resources not protected by other laws. Given that recommendation, it would be "not inconsistent with" the report to issue a rule that would allow the disapproval of a mine proposal if it would cause undue degradation of public lands, even if the proposal complied with all other statutes and regulations. The final mining provision included in the report would permit such a rule.

However, during earlier negotiations of the hardrock mining provision, mining proponents attempted to include language that would have effectively undermined the ability of the BLM to strengthen the 3809 regulations. This original language would have bound any final rule published by the BLM to the recommendations of the NRC report. This means that a final rule could only address those recommendations made by the report and nothing else, regardless of what actions the BLM identified as necessary. The original language is as follows:

BILL TEXT

None of the funds in this Act or any other Act shall be used by the Secretary of the Interior to promulgate final rules to revise 43 CFR subpart 3809, except that the Secretary, following the public comment period required by section 3002 of Public Law 106–31, may issue final rules to amend 43 CFR Subpart 3809 which are not inconsistent with the recommendations contained in the National Research Council report entitled "Hardrock Mining on Federal Lands" so long as these regulations are also not inconsistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

REPORT LANGUAGE

Section xxx allows the Bureau of Land Management to promulgate new hardrock mining regulations that are not inconsistent with the National Research Council Report entitled "Hardrock Mining on Federal Lands." This provision reinstates a requirement that was included in Public Law 106–113. In that Act, Congress authorized changes to the hardrock mining regulations that are "not inconsistent with" the Report. The statutory requirement was based on a consensus reached among Committee Members and the Administration. On December 8, 1999, the Interior Solicitor wrote an opinion concluding that this requirement applies only to a few lines of the Report, and that it imposes no significant restrictions on the Bureau's final rulemaking authority. This opinion is contrary to the intentions of the Committee and to the understanding reached among the parties in FY2000. The Committee clearly intended Interior to be guided and bound by the findings and recommendations of the Report. Accordingly, the statutory language is included again in this Report and this action should not be interpreted as a ratification of the Solicitor's opinion. The Committee emphasizes that it intends for the Bureau to adopt changes to its rules at 43 CFR part 3809 only if those changes are called for in the NRC report.

Fortunately, this original language did not stand because it was so limiting. In fact, President Clinton threatened to veto the entire Interior Appropriations bill if the mining provision unduly restricted the ability of the BLM to update the regulations. The improved, final language indicates that the intent is not to limit the BLM's authority to strengthen the hardrock mining regulations.

The Interior Department has been working for years to update the 3809 regulations after numerous review and comments from BLM task forces, congressional committee hearings, public meetings, consultation with the states and interest groups, and public review of drafts of the proposed regulations. There is no longer any reason to delay improving these regulations.

JUSTICE FOR VICTIMS OF TERRORISM ACT

Mr. MACK. Mr. President, as an original sponsor of the Justice for Victims of Terrorism Act, I wish to make clear that the reference to June 7, 1999 in the anti-terrorism section of H.R. 3244 is intended to refer to the case of Thomas M. Sutherland.

LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. MCCAIN. Mr. President, on September 19, I submitted for the RECORD, a list of objectionable provisions in the FY 2001 Legislative Branch Appropriations bill. Mr. President, these line items do not violate any of the five objective criteria I use for identifying spending that was not reviewed in the appropriate merit-based prioritization process, and I regret they were included on my list. They are as follows:

$472,176,000 for construction projects at the following locations:

California, Los Angeles, U.S. Courthouse;

District of Columbia, Bureau of Alcohol, Tobacco and Firearms Headquarters;

Florida, Saint Petersburg, Combined Law Enforcement Facility;

Maryland, Montgomery County, Food and Drug;

Administration Consolidation;

Michigan, Sault St. Marie, Border Station;

Mississippi, Biloxi-Gulfport, U.S. Courthouse;

Montana, Eureka/Roosville, Border Station;

Virginia, Richmond, U.S. Courthouse;

Washington, Seattle, U.S. Courthouse.

Repairs and alterations:

Arizona: Phoenix, Federal Building Courthouse, $26,962,000;

California: Santa Ána, Federal Building, $27,864,000;

District of Columbia: Internal Revenue Service Headquarters;

(Phase 1), $31,780,000, Main State Building (Phase 3), $28,775,000;

Maryland: Woodlawn, SSA National Computer Center, $4,285,000;

Michigan: Detroit, McNamara Federal Building, $26,999,000;

Missouri: Kansas City, Richard Bolling Federal Building, $25,882,000;

Kansas City, Federal Building, 8930 Ward Parkway, $8,964,000;

Nebraska: Omaha, Zorinsky Federal Building, $45,960,000;

New York: New York City, 40 Foley Square, $5,037,000;

Ohio: Cincinnati, Potter Stewart U.S. Courthouse, $18,434,000;

Pennsylvania: Pittsburgh, U.S. Post Office-Courthouse, $54,144,000;

Utah: Salt Lake City, Bennett Federal Building, $21,199,000;
Virginia: Reston, J.W. Powell Federal Building (Phase 2), $22,993,000.
Nationwide:
Design Program, $21,915,000;
Energy Program, $5,000,000;
Glass Fragment Retention Program, $5,000,000.
$276,400,000 for the following construction projects:
District of Columbia, U.S. Courthouse Annex;
Florida, Miami, U.S. Courthouse;
Massachusetts, Springfield, U.S. Courthouse;
New York, Buffalo, U.S. Courthouse.

Mr. President, the criteria I use when reviewing our annual appropriations bills are not intended to reflect a judgment on the merits of an item. They are designed to identify projects that have not been properly reviewed. Unfortunately, on occasion, items are inadvertently included that should not be.

JUSTICE FOR VICTIMS OF TERRORISM

Mr. LAUTENBERG. Mr. President, as we adopt this valuable legislation, I consider it important to clarify the history and intent of subsection 1(f) of this bill, as amended, in the context of the bill as a whole.

This is a key issue for American victims of state-sponsored terrorism who have sued or who will in the future sue the responsible terrorism-list state, as they are entitled to do under the Anti-Terrorism Act of 1996. Victims who already hold U.S. court judgments, and a few whose related cases will soon be decided, will receive their compensatory damages as a direct result of this legislation. It is my hope and objective that this legislation will similarly help other pending and future Anti-Terrorism Act plaintiffs when U.S. courts issue judgments against the foreign state sponsors of specific terrorist acts. I am particularly determined that the families of the victims of Pan Am flight 103 should be able to collect damages promptly if they can demonstrate to the satisfaction of a U.S. court that Libya is indeed responsible for that heinous bombing.

More than 2 years ago, I joined with Senator CONNIE MACK to amend the fiscal year 1999 Treasury-Postal Appropriations bill to help victims of terrorism who successfully sued foreign states under the Anti-Terrorism Act. That amendment, which became section 117 of the Treasury and General Government Appropriations Act for fiscal year 1999, made the assets of foreign terrorist states blocked by the Treasury Department under our sanctions laws explicitly available for attachment by U.S. courts for the very limited purpose of satisfying Anti-Terrorism Act judgments.

Unfortunately, when that provision came before the House-Senate Conference Committee, I understand the administration insisted upon adding a national security interest waiver. The waiver, however, was unclear and confusing. The President exercised that waiver within minutes of signing the bill into law.

The scope of that waiver authority added in the Appropriations Conference Committee in 1998 remains in dispute. Presidential Determination 99–1 asserted broad authority to waive the entirety of the provision. But the District Court of the Southern District of Florida rejected the administration's view and held, instead, that the President's authority applied only to section 117's requirement that the Secretaries of State and Treasury assist a judgment creditor in identifying, locating, and executing against non-blocked property of a foreign terrorist state.

The bill now before us, in its amended form, would replace the disputed waiver in section 117 of the fiscal year 1999 Treasury Appropriations Act with a clearer but narrower waiver of 28 U.S.C. section 1610(f)(1). In replacing the waiver, we are accepting that the President should have the authority to waive the court's authority to attach blocked assets. But to understand how we intend this waiver to be used, it must be read within the context of other provisions of the legislation.

A waiver of the attachment provision would seem appropriate for final and pending Anti-Terrorism Act cases identified in subsection (a)(2) of this bill. In these cases, judicial attachment is not necessary because the executive branch will appropriately pay compensatory damages to the victims from blocked assets or use blocked assets to collect the funds from terrorist states.

This legislation also reaffirms the President's statutory authority to vest foreign assets located in the United States for the purposes of assisting and making payments to victims of terrorism. This provision restates the President's authority to assist victims with pending and future cases. Our intent is that the President will review each case when the court issues a final judgment to determine whether to use the national security waiver, whether to help the plaintiffs collect from a foreign state's non-blocked assets in the U.S., whether to allow the courts to attach and execute against blocked assets, or whether to use existing authorities to vest and pay those assets as damages to the victims of terrorism.

Let me say that again: It is our intention that the President will consider each case on its own merits; this waiver should not be applied in a routine or blanket manner.

I hope future Presidents will use the waiver provision only as President Clinton will use other provisions of the current bill: to aid victims of terrorism and make its state sponsors pay for their crimes.

Mr. MACK. I thank Senator LAUTENBERG for making a point with which I strongly agree: the waiver authority in this legislation is intended to be used on each case or for each asset, but not to be used as a de-facto veto.

In drafting this language and negotiating with the administration over the past several months, we believe firmly that using blocked assets of terrorist states to satisfy judgments is completely consistent with the intent of the Anti-Terrorism Act of 1996, and more significantly, is consistent with our national security interest. Simply stated, making the terrorists who harm or kill Americans in acts of international terrorism pay for their acts makes for good policy. It should deter future acts of terrorism, as well as provide some small measure of justice to current victims.

Mr. KYL. I thank Senators MACK and LAUTENBERG for their leadership on this issue. I would like to add that from the beginning of my involvement on this issue in 1998, I have sought to help Senator MACK provide a mechanism which would not only help current victims, but also set in place a procedure to ensure future victims will be able to attain justice, provided blocked assets are held in the U.S. I would therefore first like to associate myself with the interpretation of the waiver as expressed by Senators LAUTENBERG and MACK. I do not appreciate seeing laws in effect vetoed through a waiver authority interpreted overly broadly. Indeed, the waiver used in this language should be exercised on a case-by-case basis only.

Second, I would also like to point out the precedent being set and the reaffirmation of authority. The administration assures us via a private letter that the judgment creditors already holding final judgment will be paid their compensatory awards within 60 days of the enactment of this act. The administration will do so using executive authority to vest and pay from blocked assets. In addition, the Congress statutorily reaffirms the President's authority to vest and pay from blocked assets in the future to help future victims of terrorism. Let me state very clearly that there is no way, based upon the procedure now in place, that future victims will be forced to suffer the prolonged battle with their government that these first victims were forced to bear. I am pleased with the justice being delivered today; but I am especially pleased by the process in place to help any future victims. Hopefully, with this process, the deterrent capability of this law will become more powerful.

Mrs. FEINSTEIN. I am pleased have worked with Senators LAUTENBERG, MACK, and KYL in getting this legislation to this point. The national security interest waiver should be used only when there is a specific national security interest greater than the interest in taking effective action to combat terrorism against American citizens; and it should be exercised on a case-by-case basis. The judiciary Committee never intended to divide victims, helping some and not others. We must ensure that all American victims of terrorism able to successfully hold foreign states responsible to the satisfaction of U.S. courts are treated fairly and aided by this and future administrations to collect their damages.

Mr. HELMS. I congratulate Senators MACK, KYL, LAUTENBERG, and FEINSTEIN, for their fine work on getting this anti-terrorism legislation through the Congress and passed. I would like to point out the conferees agree with the comments mentioned by my colleagues and this has been so stated in the conference report to accompany this bill.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 11, 1999:

Clifton Aaron, 21, Kansas City, MO; Daniel Bennett, 23, Washington, DC; Larry Clark, 51, Atlanta, GA; Mico Curtis, 28, Atlanta, GA; Thomas Spivey, 22, Nashville, TN; Arthur Strickland, 28, Gary, IN; Kristian Sullivan, 25, Detroit, MI; Lloyd Whitfield, 28, Detroit, MI; and Arshon Young, 19, Miami-Dade County, FL.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

RESTORING THE EVERGLADES, AN AMERICAN LEGACY ACT

Mr. L. CHAFEE. Mr. President, when the Senate passed the Water Resources Development Act of 2000 (WRDA) on September 25th, a landmark piece of legislation was attached to the bill. This legislation—S. 2797, Restoring the Everglades, an American Legacy Act—was introduced by Senators SMITH, BAUCUS, VOINOVICH, GRAHAM and MACK earlier this summer to restore the natural ecosystem of the Florida Everglades.

Historically, the Florida Everglades system consisted of a natural flow of 1.7 billion gallons of fresh water draining into the Gulf of Mexico and the Atlantic Ocean on a daily basis. Beginning in 1948, the system has been adversely impacted by a series of Federal flood control projects authorized by Congress to redirect water flows throughout the Everglades. Over a half-century of Army Corps of Engineers' water infrastructure projects, consisting of a series of levees and canals, have severely damaged the Everglades system. This substantial diversion of water resulting from the infrastructure construction, coupled with increased development in the area, threaten the overall environmental health and sustainability of the Everglades National Park. In 1992 and 1996, Congress directed the Army Corps of Engineers to conduct a "Restudy" of the existing system and recommend changes to improve the current state of the Everglades. The results of the restudy and recommendations for restoring the system are incorporated into the "Comprehensive Everglades Restoration Plan".

S. 2797 implements the Everglades Restoration Plan. The bill was approved by a bi-partisan majority of members of the Senate Committee on Environment and Public Works and is strongly supported by the Administration and the State of Florida. Restoring the Everglades, an American Legacy Act is a $7.8 billion dollar package that includes a broad framework for repairing the system's fragile ecosystem. Additionally, the bill creates a new and significant partnership between the Federal Government and the State of Florida. S. 2797 includes cost share provisions establishing a 50:50 Federal to non-Federal cost share requirement and providing that operation and maintenance costs will also be split in half between the Federal and non-Federal sponsors. Most importantly, the bill balances the benefits to the natural system, while providing for water supply and flood protection needs.

I thank the Committee for moving forward with this important legislation. I would particularly like to thank Chairman BOB SMITH for his leadership on restoring the Everglades and for crafting legislation that will ensure the future preservation of this national treasure.

COUNTY PAYMENTS BILL, H.R. 2389

Mrs. BOXER. Mr. President, on Friday the Senate passed H.R. 2389, the "Secure Rural Schools and Community Self-Determination Act of 1999." I have paid close attention to the bill because it has significant implications for the State of California. H.R. 2389 is important to my State because it provides substantial and desperately-needed revenue to rural counties to be used for schools, roads, and other beneficial purposes. The bill also, however, creates unprecedented opportunities for local stakeholders to play a role in decision-making on Federal lands. It is this latter feature of the bill that has the potential to have a negative impact on the health of our forests.

I am deeply disappointed at the version of the bill that was just passed. For months I worked closely with my Senate colleagues to negotiate a compromise proposal that included safeguards to help ensure that the bill would not lead to increased exploitation of our federal timber resources. This earlier version of the bill (S. 1608), which passed the Senate by unanimous consent, benefitted greatly from changes that clarified the appropriate role of local communities in Federal land management decisions and directed local projects funded under this bill towards environmentally beneficial activities rather than commodity production. Unfortunately, many improvements that I fought for in the Senate-passed bill have either been discarded or weakened in H.R. 2389.

I pledge to monitor closely implementation of this Act to see if it results in local projects that involve unsustainable logging, salvage, and other types of environmentally damaging activities. I hope this does not materialize, but if it does, I will seek to make improvements to the Act.

DEATH OF E.S. JOHNNY WALKER

Mr. BINGAMAN. Mr. President, I rise to advise Members of the Senate that New Mexico lost a very distinguished citizen and a good friend with the death of E.S. Johnny Walker on Sunday at the age of 89. His life of public service began with 4 years in the Army in World War II. Subsequently, it included two terms in our State legislature in the House of Representatives in Santa Fe, followed by service as commissioner of our public lands in New Mexico and commissioner of the bureau of revenue. He was elected to the U.S. House of Representatives in 1964 and served two terms here in Washington representing New Mexico in the House of Representatives.

Johnny is survived by his wife Polly, to whom he was married for 63 years; also by their two children, Mike Walker and Janet Walker Steele; also by grandchildren and great-grandchildren, colleagues, and, of course, many friends. I am proud to say that his friends included my family and, of course, me. We have known the Walkers for decades.

I fondly recall his friendship with my parents and with my uncle, John Bingaman, during the time when I was growing up in Silver City. He was a "man of the people" in the very best sense of that phrase. He worked very hard for the interest of the people of

New Mexico, and he will be remembered warmly in our State for his humanity and for his great service.

RURAL TELECOMMUNICATIONS POLICY

Mr. GRAMS. Mr. President, I rise today to express my views toward Federal implementation of the 1996 Telecommunications Act and my support for a strong national rural telecommunications policy.

One of the most important responsibilities of a United States Senator is to exercise appropriate oversight of Federal regulatory agencies to ensure sound policy and the wisest use of taxpayers dollars. Toward this end, I have carefully monitored the Federal Communications Commission's implementation of the 1996 Telecommunications Act in an attempt to ensure that this agency follows the intent of Congress in developing a strong national rural telecommunications policy.

I am proud to have supported the historic 1996 Telecommunications Act which deregulated the telecommunications industry for the first time in 62 years. I believe this Act has begun to reach its promise of a competitive marketplace, lower prices, and greater consumer choice in services for every American. Since its passage, the telecommunications industry has grown dramatically, creating 230,000 more jobs nationwide, generating an additional $57 billion in revenues, and fostering an environment in which billions of dollars has been invested in telecommunications infrastructure. Despite this promising news, I am very concerned that the FCC's implementation of the Act has stifled the expansion of some of these benefits into rural parts of Minnesota.

As a former small businessman, I often hear about the regulatory burdens experienced by my state's entrepreneurs and businesses. As someone who spent 23 years in the broadcasting industry, I also understand their frustration with the far-reaching regulatory authority of the Federal Communications Commission. It has become very clear to me that the administrative and regulatory burdens imposed upon small telecommunications providers reflect the Commission's neglect for the unique needs of rural telecommunications companies and their need for fairer regulatory treatment.

The concerns of rural telecommunications companies are underscored in a letter sent to me by Farmers Mutual Telephone Company General Manager Robert Hoffman, who wrote, "My concern with the FCC is all the additional filings and requirements they are placing on small telephone companies. A couple of years ago we didn't have any filings with the FCC. Now we have about ten annual filings which are confusing and labor intensive, and thus expensive for companies of our size. The FCC has no sympathy for small rural telecommunications companies."

As my colleagues know, this de-regulatory law has been the subject of litigation from the moment it was enacted due to what many perceive to be the FCC's over-regulatory approach to its implementation. Far too often, the Commission's rules have gone beyond Congressional intent. In particular, I am disappointed by the Commission's implementation of sections of the Act which are intended to preserve universal service assistance and the deployment of advanced telecommunications services. I am sure that my colleagues would agree that universal service assistance is the cornerstone of an effective rural telecommunications policy.

In implementing the 1996 Act, the Commission has thus far failed to adhere to the important universal service principles established by Congress under this law. The Act specifically required the joint board on universal service and the FCC to base their universal service policies upon the following principles: the ability of quality services to be provided at just, reasonable and affordable rates; that all regions of the country should have access to advanced telecommunications services; that telecommunications services should be comparable to services in urban areas; and that universal service should be supported by specific and predictable funding mechanisms. Congress should clearly do more to hold the Commission's feet to the fire to ensure that there is proper implementation of universal service support.

I have worked hard in Congress to ensure that the decades-long policy of universal service is preserved and advanced and that there are adequate revenues to maintain rural networks. Earlier this Congress, I wrote to FCC Chairman Kennard to express my opposition to any proposal which would transfer authority over the Universal Service Fund to the Department of Treasury. I believe that such an approach would undermine universal service policy and could have an adverse impact upon small telephone carriers and the communities they serve. More importantly, this plan would place the Universal Service Fund at great risk of manipulation by the federal government and the excessive spending habits of Members of Congress. I am pleased that the Administration has finally agreed that is not "public money" and has withdrawn this ill-advised plan.

I also believe that the Rural Utilities Service telephone loan program is vital to the development of a strong rural telecommunications infrastructure, and an essential component of our national commitment to universal service. I have repeatedly written the Senate Appropriations Committee to urge funding for the Rural Utilities Service telephone loan program. I firmly believe that RUS telephone loans have helped to improve telephone service in rural and high cost areas. Through RUS financing, telephone borrowers have made significant improvements to telecommunications services throughout rural Minnesota.

My oversight of the FCC has also included efforts to make it easier for rural telecommunications carriers to meet the requirements of the Communications Assistance for Law Enforcement Act, or CALEA. In meeting with small telephone carriers from Minnesota earlier this year, I learned about the difficulty many carriers face in meeting the June 30, 2000 CALEA compliance date. I agree that the FCC should grant a blanket extension of the compliance date so that rural carriers will not face a $10,000 penalty for each day that they were not in compliance with CALEA.

For these reasons, I was pleased to join this past April with twenty-five of my Senate colleagues in a writing the Commission to urge that it extend the June 30, 2000 CALEA compliance date for software upgrades by small carriers by one year. I regret that the Commission has a different interpretation of the needs of rural carriers in meeting this compliance date. I expect that the Commission's new process by which individual carriers could petition for and receive extensions to comply with CALEA has been time consuming and burdensome for small telephone carriers. I would be supportive of legislative action to address problems with CALEA compliance.

During this Congress, I have also worked with the Minnesota Association for Rural Telecommunications and the Minnesota Telephone Association to encourage local phone competition in Minnesota by urging the Commission to address the petition filed by the State of Minnesota in 1997 on whether its "Connecting Minnesota" proposal between the state and a private company was consistent with the rights-of-way criteria established through Section 253 of the Act. Not surprisingly, it took the Commission nearly two years to analyze and rule upon the State of Minnesota petition. Rural consumers may witness additional entrants into local television markets following the Federal Communications Commission's decision to deny the petition.

Bringing technology to rural areas has always been a top priority for me. As a member of the Congressional Internet Caucus, I have supported policies to address the growing concern in Minnesota about the "digital divide" and access to the Internet. High-speed Internet access is a key to improved economic development in rural communities and important to Minnesota's farmers, schools, small businesses, and hospitals. For these reasons, I strongly disagree with the Commission's interpretation of section 706 of the Act which requires the agency to encourage the deployment of high-speed Internet access and other advanced communications services to rural Minnesota. In my view, inaction by the FCC in removing barriers to the deployment of advanced telecommunications services can be overcome through the enactment of incremental proposals that complement marketplace solutions.

More specifically, I am proud to be a cosponsor of the "Universal Service Support Act" introduced by Senator CONRAD BURNS and endorsed by the National Telephone Cooperative Association. This legislation will lift the regulatory caps imposed upon the Universal Service Fund that limit the amount of support that can be directed to rural telephone companies that serve high-cost areas of our state. These regulatory caps are inconsistent with the de-regulatory framework established by the 1996 Act and an unnecessary barrier to allowing further the further deployment of advanced telecommunications services in rural communities.

I believe that we can also prevent rural communities from becoming technology "have nots" through repeal of the federal telephone excise tax. The 3 percent telephone excise tax was first established to fund the Spanish-American War of 1898 but has since become an obstacle to community investment in technology. I am proud to be a cosponsor of legislation to repeal this "Tax on Talking" and save taxpayers billions annually.

There is no single solution to closing the digital divide and I also support S. 2572, the "Facilitating Access to Speedy Transmission for Networks, E-commerce and Telecommunications Act," also known as the "FASTNET Act." This legislation will relieve mid-size telephone companies of excessive reporting requirements that are a barrier to additional company investment in Internet services that would serve rural communities. This legislation was passed unanimously by the House of Representatives and I hope that it will be considered by the Senate soon. Congress should also consider proposals that will authorize the Rural Utilities Service to provide low-interest loans to companies that are deploying broadband technology, as well as legislation that will analyze the feasibility of allowing low power television stations to provide data services to rural areas.

As we embark on the 21st Century, it is vital that Minnesota's high-tech businesses serving rural areas are not left behind in our new e-commerce economy. During this session of Congress, I was an early and strong supporter of the enactment of "E-SIGN," electronic signature legislation that will facilitate the growth of electronic commerce into rural Minnesota. This new law grants legal effect to electronic online electronic signatures that will enhance the ability of rural companies to complete business transactions and compete in our emerging digital economy. Rather than spend precious time and resources completing paper transactions, the E-SIGN Act will also allow consumers to pay bills, trade securities, and shop online for a home mortgage and complete the deal by striking a few keys on their computer.

Finally, I am proud to have worked with my colleagues on the Senate Banking Committee to pass the "Launching Our Communities Access to Local Television Act of 2000." The LOCAL TV Act would establish a $1.25 billion loan guarantee program to facilitate access to local television programming in rural Minnesota communities. I am very pleased that the Senate unanimously passed my amendment that will ensure that the National Cooperative Finance Cooperation is considered an eligible lender under the proposed loan guarantee program. The CFC is among several private sector lenders which have substantial experience providing multi-million loans in a cooperative environment and which have a track record of projects of this size in rural areas. I am confident that this legislation will be signed into law later this month.

I am proud to have worked with consumers and Minnesota's rural telecommunications companies on these issues and other initiatives that will help our state and country to develop a strong rural telecommunications policy.

THE YUGOSLAVIAN ELECTIONS

Ms. LANDRIEU. Mr. President, ten years ago this October, a wall came down in Eastern Europe which marked a renaissance for democracy in that region of the world. I believe we all remember the dramatic pictures from Berlin, with crowds in celebration, and Beethoven's "Ode to Joy" booming in the background. On the 10th Anniversary of that celebration, I believe we have seen that promise of democracy spread to one of the last tyrannies in Europe. Last Thursday, we bore witness to similarly dramatic images of the Serbian people united in the cause of freedom.

Earlier in the week, I think we all realized something dramatic had happened in Serbia. I joined with my friend and colleague, the junior Senator from Ohio to introduce a resolution commending the People of Yugoslavia for the brave step they took in their elections. It showed the kind of courage that a people must demonstrate if they are truly determined to establish the rule of law and the rule of the people.

We woke up to the wonderful news that the whole world acknowledges the new Yugoslav President, Vojislav Kostunica. As in the Phillipines, Indonesia, Romania and even our nation, the will of an aroused people, determined to secure their freedom, proved irresistible. We will not soon forget the sight of ordinary men and women storming the Yugoslav parliament—the people's house—to restore that symbol of democracy to its rightful owners.

While we congratulate and appreciate these dramatic developments in Serbia, it is important to reflect a little on our own democracy. This Presidential election marks the 54th time in our nation's history that executive power will change hands peacefully, and according to the will of the people. In many respects, the amazing success of our industry, our science and even our military might all rests on this simple fact. Without a foundation of freedom, Americans could never have achieved the boundless success we have known. We owe a great debt to men and women who founded our nation for their foresight and their sacrifice.

The Balkans are a land of tragic history. It provided the spark for the First World War, and has been in turmoil ever since. I am reminded that on the eve of the start of World War I, the British Foreign Minister looked out his window upon a worker putting out the street lights, and remarked:

> The lamps are going out all over Europe; we shall not see them lit again in our lifetime.

For the first time in a very long time, the lamps of European freedom are lit across the entire continent. It is a vindication of the sacrifice of two generations of Americans who risked their lives in war. It is a vindication of this nation's principles, and most of all, it is a vindication of the aspirations of the Yugoslavian people. I hope that this body, when we return next year, will act quickly and generously to welcome Serbia back to the community of nations. I also hope that we will take all necessary steps to secure a lasting peace in the Balkans. I believe it is important that we place a particular focus on the children of this region. Like so many other conflicts, the wounds of the Balkans will take time to heal. Our best hope for that healing comes from the children. I look forward to working with my colleagues so that our best hopes might be realized.

AMERICAN CANCER SOCIETY'S POSITION ON THE PAIN RELIEF PROMOTION ACT

Mr. WYDEN. Mr. President, on October 4, 2000, I did not correctly state the American Cancer Society's position on S. 1272, when I stated that they ". . . strongly opposed . . . the Pain Relief Promotion Act." Their actual position, taken directly from their recent statement on the legislation, is as follows:

> . . . The American Cancer Society appreciates the commitment shown by the sponsors of the legislation to address these issues, but unfortunately is unable to support this legislation as written . . . Careful analysis of the House-passed measure and a substitute version of the Senate bill . . . have serious potential to exacerbate the current problem of under treatment of pain. While there are provisions to proactively address pain and symptom management, the Society maintains that any benefit from such provisions would not outweigh the potential threat posed by the changes to CSA. Furthermore, neither section of the bill comprehensively addresses the needs of providers, patients, and families for ongoing support and education to counter the current problem of under-treatment of pain—a problem that often leads to requests for physician-assisted suicide . . . Under the Act, all physicians and particularly physicians who care for those with terminal illnesses will be made especially vulnerable to having their pain and symptom management treatment decisions questioned by law enforcement officials not qualified to judge medical decision-making. This can result in unnecessary investigation, and further disincentives to aggressively treat pain.
>
> Unfortunately, 'intent' cannot be easily determined, particularly in the area of medicine where effective dosage levels for patients may deviate significantly from the norm. The question of deciding intent should remain in the hands of those properly trained to make such decisions—the medical community and state medical boards. The Pain Relief Promotion Act seeks to hold harmless any physician who treats a patient's pain even if death occurs, and the measure attempts to create a 'safe harbor' provision in an effort to shield physicians whose use of federally-controlled drugs unintentionally hasten or cause death. However, this provision does not change the fact that the DEA would now explicitly be charged with overseeing the medical use of controlled substances, resulting in a negative impact on cancer pain treatment. . .

The American Cancer Society statement concluded with the following observation:

> The American Cancer Society has engaged in a deliberative process to evaluate the impact of the Pain Relief Promotion Act on our Quality of Life goals for all people living with cancer. Its analysis included a review of existing Society policies on pain and symptom management and opposition to physician assisted suicide. We have concluded that as written, the Pain Relief Promotion Act would ban the use of federally controlled substances for physician-assisted suicide at the expense of controlling pain and advancing symptom management. These issues are both critically important, but are separate issues. While the Society strongly opposes all patient deaths stemming from assisted suicides, we must give heavier weight to the more than 1500 individuals who die of cancer every day in this country—more than half of whom die in pain unnecessarily. Moreover, the American Cancer Society believes that the best approach to help cancer patients and reduce and prevent assisted suicide is through the adoption of proactive policies and the provision of resources to prevent and ameliorate pain and suffering in people with cancer, especially for those at the end-of-life.

I appreciate this opportunity to clarify the position of the American Cancer Society on S. 1272.

THE WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000.

Mr. CRAIG. Mr. President, I rise today in support of the Environment and Public Works Committee's substitute to H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000.

Chairman YOUNG and others did a tremendous amount of investigative and legislative work to get us to this point, and I want to thank them for all of their efforts. Their original bill passed the House with tremendous bipartisan approval, garnering just two "no" votes.

Senator CRAPO and I took the House bill and strengthened it by providing a sensible level for grants for projects that affect more than one state and strengthening the provision to ensure states use a reasonable portion of the Pittman-Robertson money to provide hunter education programs. It was introduced as S. 2609 and garnered 14 cosponsors.

Senators SMITH, CRAPO, BAUCUS, and BOXER worked hard on Senate legislation that everyone can agree on. I appreciate their dedication to that work, and we have produced an excellent product that will bring accountability to a program that represents one-third of the U.S. Fish and Wildlife Service's budget, ensure the hunting and fishing community that the money they pay in excise taxes is being used for its intended purpose, and that the Pittman-Robertson and Dingell-Johnson programs will continue to be this nation's premier wildlife and fisheries conservation programs.

I encourage all of my colleagues to support this substitute, and I encourage the President of the United States to sign this important piece of legislation.

ADDITIONAL STATEMENTS

KANSAN OLYMPIANS

• Mr. BROWNBACK. Mr. President, I rise today to recognize the athletes from Kansas who participated in the 2000 Olympic Games in Sydney, Australia. Each of these athletes contributed in his or her own way to the success of the American Team. It is my pleasure to recognize the following athletes from Kansas for their efforts in the Olympic Games: Maurice Greene, Nathan Leeper, Passion Richardson, Christie Ambrosi, Sarah Noriega, Tara Nott, and Melvin Douglas.

Each of these athletes deserves to be commended on their perseverance and dedication to their respective sports. The devotion of these athletes has been rewarded with the opportunity to represent the United States as Olympic Athletes. Not only have these athletes represented America, but they have also made the citizens of their home State of Kansas proud.

The spirit of these athletes is encouraging and is to be applauded. America's team could not have finished on top without the help of these special Kansans. Every four years the world comes together in this ultimate show of athleticism. These Kansan athletes will be forever a part of this honorable tradition. It gives me great pleasure to recognize the accomplishments of these athletes.

Maurice Greene maintained his role as the fastest man on Earth by winning the Men's 100 meter race. He also helped the 4x100 relay team run their way to another gold medal for the American Team.

Nathan Leeper rose to high aspirations in the high jump competition. After leaving the sport for a short time, Nathan made the ultimate comeback as a member of this Olympic Team.

Passion Richardson helped the women's 4x100m Relay team run their way out of the rounds into the finals. this competition was Passion's Olympic debut and her participation in this event is the epitome of teamwork and dedication.

Christie Ambrosi helped the women's softball team grab the gold medal for America. Her hard work as an outfielder and strong hitting skills brought the team home with gold medals along with their gloves.

As a member of the Women's volleyball team, Sarah Noriega rose beyond the expectations. Sarah helped launch the team into the medal round, proving that the team has a great future ahead.

Tara Nott made Olympic history as the first woman to go home with gold from a Women's Olympic Weightlifting competition. Christie had no problem carrying her gold medal home to Kansas.

Melvin Douglas is no stranger to the Olympic games, as the Sydney competition as his second Olympic appearance. His perseverance in the sport has proven that great athletes can come at any age.

Again, Mr. President, I congratulate these Kansas Athletes on their outstanding accomplishments. All of these athletes have made Kansas and United States of America very proud.•

RECOGNITION OF CLIFFORD PIERCE MIDDLE SCHOOL IN MERRILLVILLE, INDIANA, WINNER OF THE PRESTIGIOUS BLUE RIBBON SCHOOLS AWARD

• Mr. BAYH. Mr. President, I rise proudly today to congratulate Clifford Pierce Middle School in Merrillville, Indiana for its selection by the U.S. Secretary of Education as one of the nation's outstanding Blue Ribbon Schools. Clifford Pierce Middle School is one of only two Indiana schools, and one of only 198 schools across the country, to be awarded this prestigious recognition.

In order to be recognized as a Blue Ribbon School, Clifford Pierce Middle School met rigorous criteria for overall excellence. The teachers and administration officials demonstrated to the Secretary of Education the qualities necessary to prepare successfully our young people for the challenges of the new century, and proved that the students at Clifford Pierce Middle School effectively met local, state and national goals.

Hoosiers can be very proud of our Blue Ribbon schools. The students and faculty of Clifford Pierce Middle School have shown a consistent commitment to academic excellence and community leadership. Clifford Pierce Middle School has raised the bar for educating our children and for nurturing strong values. This Hoosier school provides a clear example as we work to improve the quality of education in Indiana and across the Nation.●

HONORING A COLUMBINE HERO, BOY SCOUT EVAN TODD

● Mr. ALLARD. Mr. President, I rise today to share with my colleagues a pair of statements I recently received from an exceptional young man in Colorado, Mr. Evan Todd of Littleton. Evan was one of the many unfortunate victims of the horrific shooting that took place at Columbine High School on April 20, 1999. Evan was the first student shot in the library at Columbine High School, and despite his injuries he assisted other students and administered first aid to a seriously wounded peer until emergency services could arrive. Evan, an active Boy Scout, was awarded the prestigious Boy Scouts of America Honor Medal for his inspiring actions. Still a Columbine student, Evan has dedicated a tremendous amount of time to speaking to other students and adults around the nation concerning the problems of youth violence and the cultural influences on American youth. I am honored that Evan took the time to write to me and I ask that a copy of Evan Todd's letter to his fellow Scouts and a copy of a speech he delivered at "The Gathering," a meeting of victims of school violence, be printed in the RECORD.

LITTLETON, CO.

DEAR FELLOW SCOUTS: I have been told that into each life some rain must fall. Some get rained on more than others. The rain that came down on us at Columbine High School was a cloudburst of epic proportions. This act was senseless, tragic and without justification, whatsoever. 13 murdered 25 wounded and 1,951 students youth destroyed. As a student who was shot and wounded in the library, it has changed my life, forever.

I believe that the children of a society are nothing more than the reflection of the society that they are brought into. The event here at Columbine in Littleton Colorado, and the events at Moses Lake Washington, Pearl Mississippi, Jonesboro Arkansas, Edinboro Pennsylvania, Fayetteville Tennessee, Springfield Oregon, Richmond Virginia, Conyers Georgia, Los Angeles California and elsewhere indicate to me that our nation has a serious character flaw. Since the Columbine tragedy, I have tried to stay abreast of the "adult society" debate as to the "why" and "how" of these terrible incidents. The adults debate and argue over what constitutes good and what constitutes evil; what is right and what is wrong. At the time of the Columbine tragedy, our national leader, the President, stated the youth of this nation need to learn to resolve our differences with words, not weapons. At the time this statement was made, we as a nation, were bombing Yugoslavia. They tell us that the youth of this nation need to be more tolerant, kinder, gentler, more understanding. Yet our entertainment, music, TV, movies, games (and actions of) the adult world provides for our consumption are all too often filled with violence, sex, death and destruction. If we were to take into our lives what is provided to us by our society, our actions would also violate the Scout Oath & Law. Other solutions to school violence have been nametags to be carried around our neck as millstones, metal detectors, increased video surveillance, etc. Our nation has always had guns. Our nation has always had children. What our nation hasn't always had is children murdering children and their parents, and parents murdering their children. The ingregient that has made America different is the last couple of 'adult generations', and their changes towards what is right & wrong, good & evil. It appears to me that our society is confused. The adult world seems as a ship with no rudder being cast around by the wind and storms of our times, with no control or understanding as to why. Many of these storms appear to have been caused by their own accord. It's as if our adult society has no compass, no bearing, no standards for our society. I have found them confused. Even at our age, we can discern the difference between what you say and what you do . . .

In regard to the solution of watching what comes out of us by monitoring closely our world with surveillance cameras, what we say, how we look, etc., our society needs to watch carefully what goes into us. In my room is a picture of the Grand Teton mountain range in Wyoming. Below the picture is the following:

THE ESSENCE OF DESTINY

"Watch your thoughts, for they become words. Choose your words, for they become actions. Understand your actions, for they become habits. Study your habits, for they will become your character. Develop your character, for it becomes your destiny."

The good news for those of us that are Scouts is that we are privileged to be a part of an organization that provides us the tools and instructions to put into us that which builds a better person, a better nation. Those tools are called the Scout Oath and Scout Law. Robert Gates, former Director of the U.S. Central Intelligence Agency (CIA) and our current President of the National Eagle Scout Association (NESA) recently stated that there is a war going on for the souls of our boys and young men in this nation. He sees clearly. If you are to be a scout, don't be a scout in word only. Learn and practice the Oath & Law in everything you think, say and do. I understand well how hard that can be, but "Do Your Best." To the Boy Scouts of America, thank you for defending our 90-year record and not allowing the Oath & Law to be redefined. As you say, it has stood the test of time. The generation that wants to change the Oath & Law has not stood the test of time. To all the scouts across America that sent me & my troop cards, letters, posters, your thoughts and prayers, thank you from the bottom of my heart. To you here tonight, I bid you vaya con Dios mi amigos, God Bless you and God Bless the work you do.

Thank You.

EVAN TODD,
Eagle Scout Troop 989.●

REMARKS BY EVAN TODD AT "THE GATHERING"

I have been told that into each life some rain must fall. Some get rained on more than others. The rain that came down on us at Columbine and at Moses Lake Washington, Pearl Mississippi, Jonesboro Arkansas, Edinboro Pennsylvania, Fayetteville Tennessee, Springfield Oregon, Richmond Virginia, Conyers Georgia, Los Angeles California and elsewhere were cloudbursts of epic proportions. All of these acts were senseless, tragic and without justification, whatsoever. As a student who was shot and wounded in the library at Columbine, who was literally trapped while 10 of my classmates were murdered, 4 of them my friends and 16 more of us were wounded, crippled, disfigured and paralyzed, it has changed my life, forever.

I believe that the children of a society are nothing more than the reflection of the society that they are brought into. These events indicate to me that America has a serious character flaw. Since the Columbine tragedy, I have tried to stay abreast of the "adult society" debate as to the "why" of these terrible incidents. The adults debate and argue over what constitutes good, . . . and what constitutes evil; what is right and what is wrong. Our nation has always had guns. Our nation has always had children. I believe what our nation hasn't had—is children murdering children—and their parents, . . . and parents murdering their children. The ingredient that has made American different is the last couple of "adult generations" of Americans, and their changes towards what is right & wrong, good & evil. Is God now sending forth demons to America in the form of its children, or have the demons occupied our adult society, by invitation? How are we as kids treated differently than the kids before us? As a generation, we are unique. We have been slaughtered on our way into this world, we are murdered as we live and try to grow in this world, and we are molested, assaulted, sexualized and drugged. The adult society has responded by creating entire new industries and professions to repair their damage to us. Even as I speak to you our adult society is setting the stage to murder us when we become old. We are even taught that we evolved from slime. (An interesting item that the public is not fully aware of is that the two cold-blooded murderers in Littleton used the theory of evolution as their foundation, "Survival Of The Fittest." You've all heard of their uniforms, the black trenchcoats, but the real uniform that day was the T-shirt Eric Harris had on that said "NATURAL SELECTION" Has our adult society banned that?) It appears to me that we have willingly become a culture of death and violence. Some adults blame the jocks like me, the cheerleaders and others, . . . even the trenchcoats, . . . and some even say if our country only offered 9 round ammo clips instead of 10 or more, things would be better.

At the time of the Columbine tragedy, our national leader, the President, stated the youth of this nation need to learn to resolve our differences with words, not weapons. At the time this statement was made, we as a nation, were bombing Yugoslavia. They tell us that the youth of this nation need to be more tolerant, kinder, gentler, more understanding. Yet our entertainment, music, TV, movies, games (and actions of) the adult world provides for our consumption are all too often filled with violence, sex, death and destruction. If I were to take into my life what is provided to me by society, my actions too would violate the Heavenly & Moral Laws my family have taught me. Other solutions to school violence have been nametags to be carried around our neck as millstones, metal detectors, increased video surveillance, etc. It appears to me that our society is confused. The adult world seems as a ship with no rudder being cast around by the wind and storms of our times, with no control or understanding as to why. Many of these storms appear to have been caused by their own accord. It's as if our adult society has no compass, no bearing, no standards for our society. Even at our age, we can discern the difference between what you say and what you do. . . .

In regard to the solution of watching what comes out of us by monitoring closely our world with surveillance cameras, what we say, how we look, etc., our society needs to watch carefully what goes into us. In my bedroom is a picture of the Grand Teton mountain range in Wyoming. Below the picture is the following:

The Essence of Destiny

"Watch your thoughts, for they become words. Choose your words, for they become actions. Understand your actions, for they become habits. Study your habits, for they will become your character. Develop your character, for it becomes your destiny."

Even before Columbine, my father told me that when a society opens the gates of hell for the pursuit of its' happiness, for its' pleasures and for its' economy, the devil will come out and have his dance with us. We here today were the unfortunate ones who had to dance.

I believe I have found the problem within America. Each and every citizen can too. All they have to do is look into the mirror every day to find the demon. They can also find the solution in that same mirror. Ask yourself daily, "what am I thinking, saying and doing in my life to call out the demons on the youth of my nation?" In the final analysis, a nation is judged on how it treats its' young and its' old. Until we return to respecting life as sacred, prepare yourself for more dances, more heartbreak, more death, and more destruction. It also would be wise to look into the future of America. It's not that hard. The character a nation instills into its youth today, will be the destiny of our nation tomorrow.●

TRIBUTE TO TIM JOHNSON

● Mr. LEAHY. Mr. President, today I rise to tell you about a man I have known for many years now who is a credit to his profession and to his community. He is a consummate professional and an even finer human being. Tim Johnson has been bringing the news to Brattleboro, VT and beyond for more than 20 years now. It is clear that Vermonters know a good thing when they hear it.

Tim, now the news director at WTSA, is a Brattleboro institution. In these times of huge media conglomerates and syndicated radio programs, Tim Johnson knows Brattleboro—he is a graduate of Brattleboro Union High School—and residents have come to rely on him for the news they care about. Time, on a typical day, will report on everything from lost pets, to school closings and national affairs. As Vermont's Senator for more than 20 years, I have had the pleasure of working with Tim throughout the years and I have come to appreciate his keen insights and his dogged pursuit of the facts. Tim has demonstrated an unflagging commitment to keeping his community informed and Brattleboro has been the better for it. While we hear so much about what is wrong with the media today, Tim Johnson is a shining example of what is right.

I ask to have printed in the RECORD a profile of Tim Johnson from The Times Argus, dated October 1, 2000.

The article follows:

[From the Sunday Rutland Herald, Oct. 1, 2000]

TIM JOHNSON: RADIO JOURNALIST KEEPS AN EAR ON BRATTLEBORO

(By Susan Smallheer)

BRATTLEBORO.—The studios of WTSA in Brattleboro are on the second floor of an old Victorian home on Western Avenue. It's Tim Johnson's home away from home, sometimes for as long as 18 hours a day. He's even slept on a pull-out futon at the station.

When he's home, though, he's in bed by 10 p.m.—unless there's a close Red Sox game—and up by 4 a.m., and at the station before 5 to prepare for the morning newscast.

Johnson is the news director of Brattleboro's dominant radio station, WTSA-AM and FM. He works exhausting hours, both locked in the studio and then out on the streets getting the news.

This is a radio newsman who gets a tan. (Well, a little tan.)

Johnson, 43, has been on the air since he was a teenager at Brattleboro Union High School, working at WTSA's cross-town competition, WKVT. He was 17 and making $1.60 an hour when he started working weekend shifts at the station, and gradually left behind disc jockey chores for the newsroom.

Johnson is a self-taught radio expert who never went to college, whose first broadcast challenge was to overcome a stutter. Friends say he overcame it by simple determination. "The first word I stumbled over was Episcopal," he said. "I mispronounced it three times."

His own name, Arsenault, and the problems he has pronouncing it, helped persuade him to choose something simpler for on-air.

Johnson has been chasing the news in southern Vermont for more than 20 years. No Rolodex for him. He has a memory for telephone numbers, perhaps a 1,000 or more. He goes to house fires, car accidents, board meetings, governor's appearances and homecoming football games.

"It's the personal pride of putting a good product out there," said Johnson, who puts the emphasis on community.

"We're one of the few radio stations that still do lost dog announcements," said Johnson, who fields telephone calls on such topics "Is there softball tonight?" and "Is there school?" and "Is Brattleboro Bowl open tonight?"

He is also the technical wizard at the station, and the 'scanner head.' He taught himself as the station switched to cyber. There is no such thing as a piece of tape in radio now; it's all digital.

The high and mighty came calling at Western Avenue, or rendezvous on the road. His "Live Mike" van allows him to get news on the spot and broadcast it first. In the competitive Brattleboro news market, WTSA rules.

"You don't know how many people call me Mike," laughs Johnson over soup and salad at the Jolly Butcher, a popular see-and-be-seen restaurant a mile from the station.

With his distinctive deep voice, people instantly recognize Johnson, and his relaxed personality invites conversation, "You can't brush anybody off; they might think you're a snob and word gets around fast in a town like Brattleboro," said Johnson, who seems to enjoy the attention.

At The Jolly Butcher, the jolly chef teases Johnson about the station's recent lobster-eating contest, which raised money for the Winston Prouty Center, a school and day care center for handicapped children. As he leaves, Johnson is hugged by Windham County Side Judge Trish Hain, who once worked for him as an assistant news editor at WKVT. Everybody, it seems, knows him.

He's chairman of the board of directors of BCTV, Brattleboro's heavily watched community television station. He's moderator for his hometown, serving Vernon as a steady hand during marathon town meetings. He's also the Windham County director of the emergency alert system, which accounts for the second of two beepers on his belt. And he recently became the moderator for the Brattleboro Union High School district.

He's also a justice of the peace and Vernon's representative to the Windham Regional Commission.

Johnson relishes the pace, but health problems have forced him to scale back to 55–60 hour work weeks. He's devoting more time now to his wife, family, and three grandchildren, not to mention their dog Loretta. Both he and Sue, the activities programmer at the special needs unit at the Vernon Green Nursing Home, were married before, he said, and family means a great deal to both of them.

Johnson divorced in his 20s, and his only child, 3-year-old son Jeremiah, was murdered 18 years ago in Texas by his ex-wife's drunken half-brother. Johnson says his grief almost destroyed him.

But his renewed interest in his Christian religion has made him forgive his former brother-in-law, who is out of prison after serving most of a 10-year sentence. "I forgive him. In God's eyes he's forgiven. But do I think he's a nice person? No.

"I don't believe in the death penalty. I'm a death penalty opponent," he says.

Religion helps him, he says, deal with his personal tragedy and job stress. And he uses his voice—"I sing tenor"—in the choir of the South Vernon Advent Christian Church, where both his grandfathers were pastors.

Back after lunch, Johnson makes a few calls to get the proverbial sound bite to flesh out a story from the AP about an issue in the governor's race relating to homosexuality and public education.

This afternoon, he will even do double duty, cueing up CDs for a missing DJ,

> expertly flipping through the playlist, selecting a song to fit the time slot and sliding it into the stacked CD players, all with seconds to go.
>
> He dashes between music and news, cueing up disks and editing the sound bites he garnered from Vernon NEA President Angelo Dorta, all at amazing speed.
>
> He's in his element.•

SUGAR BEETS

• Mr. BURNS. Mr. President, I rise today to bring attention to a disaster facing many Eastern Montanans. As you are aware, Montana has faced wildfires and drought this summer. Another type of disaster has struck the upper Yellowstone Valley. This region grows and processes about one million tons of sugar beets a year. Sugar beets must be harvested before the ground freezes to ensure the quality of the product. On October 4, 2000, temperatures dropped very low and a heavy frost impacted the area. The growers who are under contract to Holly Sugar are now left without a viable crop that, under normal conditions, would bring $40 million to the area. This is the major cash crop for this part of Montana. Without this revenue, futures, jobs, and businesses will be in jeopardy. I bring this important matter to your attention today, so that you will be prepared to assist me in getting the necessary financial help to these producers whose very future may hinge on the help we can provide.•

TO COMMEMORATE THE 150TH ANNIVERSARY OF THE CHAMBER OF COMMERCE OF HAWAII

• Mr. INOUYE. Mr. President, the year 2000 marks an occasion that is worthy of recognition by the Senate. The Chamber of Commerce of Hawaii celebrates its sesquicentennial, marking the 150th anniversary of its first meeting, on October 15, 1850, of a group of Honolulu businessmen at the behest of Hawaii's King Kamehameha III. They founded the Hawaiian Chamber of Commerce, an organization that would lead the Hawaiian Islands' growth in trade, commerce, economic and social development through the years. The Chamber of Commerce of Hawaii is the second-oldest chamber of commerce west of the Rockies, and the only American chamber founded under a monarchy.

The history of The Chamber of Commerce of Hawaii includes many, many accomplishments. I wish to provide a glimpse of their more notable achievements which I believe merit recognition.

In 1867, The Chamber of Commerce of Hawaii initiated negotiations for the first treaty of reciprocity in trade between the United States of America and the Kingdom of Hawaii.

The Chamber of Commerce of Hawaii authored the Hawaiian National Banking Act of 1884, allowing the establishment of the banking system that has evolved into Hawaii's current system.

In 1898, The Chamber of Commerce of Hawaii began its successful advocacy for a Hawaii-San Francisco Trans-Pacific cable.

The Hawaii Visitors Bureau, today known as the Hawaii Visitors and Conventions Bureau, was founded by the Chamber of Commerce of Hawaii in 1903. This agency has led the development of Hawaii's visitor industry, which today is the largest sector of Hawaii's economy.

In 1907, The Chamber of Commerce of Hawaii conducted a survey of the Pearl River to facilitate the construction of a harbor and dry dock that is now Pearl Harbor. The United States Pacific Command today provides a strong, forward based U.S. defense in the Asia-Pacific region from this great harbor.

In 1919, The Chamber of Commerce of Hawaii founded Aloha United Way, Hawaii's leading charitable organization which annually collects millions of dollars for the needy in Hawaii.

The Chamber of Commerce of Hawaii became the trustee of Hawaii's Public Health Fund in 1923. The Public Health Fund provides seed money for approximately 20 public health projects each year.

In 1928, The Chamber of Commerce of Hawaii's aviation committee sought out airlines to provide the first inter-island air service.

In 1929, The Chamber of Commerce of Hawaii drafted a plan to increase the depth of Honolulu Harbor to accommodate modern ships and facilitate international trade. Today, Honolulu Harbor is our primary port of entry for the vast majority of all goods to Hawaii.

In 1941. The Chamber of Commerce of Hawaii founded the Blood Bank of Hawaii. Later that year, the services of the Blood Bank helped to save many lives when Pearl Harbor was attacked on December 7th, 1941.

The Chamber of Commerce of Hawaii was an active and vocal advocate for statehood for Hawaii. In 1959, The Chamber joined other local advocates in celebrating Hawaii's statehood.

In 1978, The Chamber of Commerce of Hawaii played a leading role in Hawaii's State Constitutional Convention.

Throughout its 150-year history, and continuing today, The Chamber of Commerce of Hawaii has helped to support a strong U.S. economic and military presence in the Asia-Pacific region. As the economies of the region grow, The Chamber's continued support for a strong, forward based military presence that provides the stability prerequisite to prosperity will be important. The Chamber's continued work to promote economic development in the region will play a vital role in aiding the goals and interests of Hawaii and the United States in the Asia-Pacific region.

Congratulations to The Chamber of Commerce of Hawaii on its 150th anniversary, and best wishes for continued success in the years ahead.•

TRIBUTE TO EDMUND F. BALL

• Mr. LUGAR. Mr. President, Hoosiers have been remembering and celebrating the remarkable life and achievements of one of our greatest citizens, Edmund F. Ball. I want to share with the nation a most appropriate tribute published in the Muncie Star Press of October 3, 2000 by Phil Ball.

The article follows:

> Ed Ball took his last flight Sept. 30. This was an unscheduled flight but with a good pilot who probably let Ed handle the controls for some of the trip.
>
> This was a flight into history—a flight into legend.
>
> Ed died in Ball Memorial Hospital. Just across the street is the Edmund F. Ball Medical Education Center. And a half-mile away stands the Edmund F. Ball Building on the Ball State campus. A mile and a half away in Community Civic Center (once the Masonic Temple) is an assembly room named the Edmund Ball Auditorium. Those are just a few of the monuments to this most important citizen who has ever lived in our hometown of Muncie.
>
> But Ed's life and times and image and achievements and generosities were his most important monuments.
>
> Ed wasn't one to brag. Those who knew him knew his modesty and his tendency toward self-deprecating humor. One of Ed's witticisms was to say that after his life was over, all he had done was "to cross the street." To explain this, he pointed out that he was born on East Washington Street and when he died he would be laid out and prepared for burial at Meeks Mortuary across the other side of East Washington Street.
>
> But in almost 96 years between those two events, Ed accomplished more than any 10 people and became a legend in his own time, although he would be the first to deny any such words of grandiloquence. This hometown of his and mine and yours has been the beneficiary of countless works of his mind and his generosity.
>
> The last time I saw Ed was when he was hospitalized in June 1999 with a minor problem—heart trouble. I am glad that at that time I did something to boost his morale and help erase one of his lifelong regrets. I made him an honorary member of my Old and Original and Valid Muncie Ball family.
>
> Many people in the past have thought that Ed might be somehow related to me—it isn't really so. Ed's family were frost-bitten immigrants from Buffalo in 1887, whereas my family were already here and cultivating the soil in Delaware County by 1830.
>
> Ed wrote me on June 12, 1999, and said he was pleased that he at long last had finally achieved good genealogic status—even though it was just honorary.
>
> His type of man will not be seen again anytime soon, if ever. He was Muncie's man of the millennium.
>
> Shakespeare said it best when he wrote the last words of Hamlet, the Prince of Denmark, who lay dying. This is what Hamlet said: "The rest is silence."•

OPERATION IVORY SOAP

• Mr. SESSIONS. Mr. President, I rise today in tribute to the men and women who participated in a little known covert operation in World War II—Operation Ivory Soap. During World War II, "island hopping" was a critical element in the U.S. Pacific strategy. The idea was to capture Japanese held islands of tactical or strategic importance and by-pass any far-flung or inconsequential bases. Once an island was taken it was used as a forward airfield for aircraft returning from long-range missions where they were repaired, rearmed, and made ready for the next vital mission.

General Henry H. "Hap" Arnold, Commander of the Army Air Forces, recognized the need for forward-based, mobile air depots to support American bombers and fighters in the Pacific war. General Arnold and a panel of military officers determined the need for converting naval repair ships into hybrid aircraft depot ships. Eventually, six 440-foot-long Liberty ships and 18 smaller 180-foot-long auxiliary vessels would be modified into Aircraft Repair Units, carrying 344 men, and Aircraft Maintenance Units, manned by 48 troops. Everything from the smallest aircraft parts to complete fighter wings were carried on these ships. The repair and maintenance facilities were manned 24-hours a day and the Liberty ships included platforms to land the "new" helicopter for quick ship-to-shore repair transport.

The Army Air Force crews that manned these ships had to be trained to understand the nautical aspect of life at sea. Colonel Matthew Thompson of the Army Air Force was given the mission to turn airmen into seamen. Called back from Anzio in Italy, the Colonel had less than two weeks to organize the training program.

The Grand Hotel in Point Clear, AL, was the focal point for "Operation Ivory Soap" training. Colonel Thompson contacted the then owner, Mr. Strat White-Spunner, regarding the use of the hotel as his base of operations where he intended to instill basic seamanship, marine and aquatic training in the Army officers and men of the aircraft repair and maintenance units. As a donation to the war effort, Mr. Roberts turned the Grand Hotel and its facilities over to the US Army Air Force to be used as its Maritime Training School. Operation Ivory Soap training began on July 10, 1944.

Using the Grand Hotel, officers and men moved in and began living in "Navy style." All personnel referred to the floors as decks, kept time by a ship's bell and indulged in the use of tobacco only when the "smoking lamp" was lit. The courses included swimming, special calisthenics, marching, drill, navigation, ship identification, signaling, cargo handling, ship orientation, sail making, amphibious operations, and more. Two men from each ship were also trained to be underwater divers. During a five month period, the school turned out 5,000 highly-trained Air Force seamen. When they and their ships went to war, so did Colonel Thompson. The men of the operation participated in the landings in the Philippines, Guam, Tinian, Saipan, Iwo Jima, and Okinawa. Fighter aircraft and B–29s taking off from these bases flew continuous missions over Japan. Many lives, as well as aircraft, were saved because of the men of the aircraft repair and maintenance units.

Perhaps the greatest tribute I can make to the exploits of these sea-going airmen is to paraphrase the Merchant Marines who worked with them and who praised them as "equal to any sea-going combatants they had ever served with." This is a testament to their skill and professionalism and the ability of this nation to adjust its resources to defeat the enemy. The Grand Hotel still stands elegantly on the banks of the Mobile Bay. A hotel whose rich southern history embodies the best traditions of this country.•

JUDGE ROMAN S. GRIBBS, JUDGE FOR THE MICHIGAN COURT OF APPEALS

• Mr. LEVIN. Mr. President, I am delighted to rise today to acknowledge a distinguished public servant, from my home state of Michigan, Judge Roman S. Gribbs, who will be retiring from the bench of the Michigan Court of Appeals, at the close of this year. In November, hundreds of his colleagues, friends and family will celebrate the career of this gentleman of the bench who played a distinct role in shaping Michigan's history.

Judge Gribbs dedicated his academic and professional life to studying, teaching, enforcing, practicing and interpreting the laws that govern the citizens of Michigan. He excelled in his studies at the University of Detroit where he received his Juris Doctorate in 1954, graduating Magna Cum Laude. He taught at his alma mater from 1954 through 1956 and served as an Adjunct Professor and Faculty member at the University of Michigan and the Thomas M. Cooley Law School. He implemented the law as an Assistant Wayne County Prosecutor from 1956 through 1964 and in his service to the City of Detroit as presiding Traffic Court Referee.

In 1968, Roman Gribbs' career in the law took a new turn when he was appointed, then elected, Sheriff of Wayne County. His commitment to strong and fair enforcement of the law earned him respect far beyond the boundaries of Michigan's most populous county.

In 1969, Sheriff Gribbs was elected mayor of the city of Detroit, just 2 years after the city had endured one of the most destructive civil disturbances in the Nation's history. Under his leadership, the people of Detroit began to heal the city's wounds, to bridge their differences and to build their common future. As a newly elected member of Detroit's City Council in those years, I can testify with first hand knowledge to the debt this great American city owes to the calm, determined leadership of Mayor Roman Gribbs.

After stepping down as mayor, Roman Gribbs followed his love for the law and won a seat on the bench of the Third Judicial Circuit and then on the Michigan Court of Appeals where he has served the people of Michigan with a high standard of ethics and courage.

In addition to being a dedicated man of the bench, Judge Gribbs also finds solace in his involvement in the arts. His interest in the humanities and the cultural arts is evidenced through his service as a member of the Founders Society of the Detroit Institute of Art, the Detroit Historical Society and the Michigan Opera Theater.

Despite all that Judge Gribbs has accomplished in a life of service to others those of us fortunate enough to have enjoyed his friendship may admire him most for the quiet qualities we have seen in him over many years—his unyielding integrity, his uncommon decency and perhaps most amazingly, given the tumultuous times he has lived in, his gentleness.

Judge Gribbs can take pride in his long career of service and dedication to the law and to the people of Michigan. I know my colleagues will join me in saluting this man from Michigan, and in wishing him well in the years ahead.•

TRIBUTE TO COMMANDER CATHERINE A. WILSON

• Mr. INOUYE. Mr. President, as the 106th Congress draws to a close, I stand to pay tribute to a distinguished Navy officer who served as a Congressional Science Detail on my staff during this Congress. Commander Catherine Wilson, United States Navy, was selected for this highly coveted position as a result of her outstanding training, experience, and accomplishments. Her superb performance and impeccable credentials earned her the respect and admiration of the Senate staff. She distinguished herself rapidly as a professional who possessed a pleasant demeanor, tremendous integrity, decisive leadership style, political savvy, and unending energy. The ultimate Naval officer, Commander Wilson is a visionary thinker who has the innate ability to implement these visions. Commander Wilson is the consummate professional and nursing has never had a better ambassador nor patients a more devoted advocate.

Commander Wilson forged strong alliances and affiliations with staff from a myriad of Congressional offices, committees, and federal and civilian agencies that fostered a cohesive approach to legislative proposals. She worked closely with staff members on the Appropriations Subcommittees on Defense and Labor, Health and Human Services and Education in support of military health issues and national nursing and health care agendas.

As an advocate of Tri-Service nursing and military health issues, Commander Wilson championed independent practice for nurse anesthetists, the continuation of the Bachelor of Science degree as the minimum level of education for entry into military nursing practice, continued funding for a graduate school of nursing at the Uniformed Services University of the Health Sciences, and the Tri-Service Nursing Research Program. She was instrumental in securing appropriations language for a wide variety of health care initiatives including telemedicine, advanced medical technologies, and distance learning.

More than fifty years ago, as I was recovering in a military hospital, I began a unique relationship with military nurses. Commander Wilson embodies what I know military nurses to be—strong, dedicated professional leaders stepping to the forefront to serve our country and committed to caring for our Sailors, Marines, Airmen, Soldiers, and their family members during peacetime and at war.

Commander Wilson is an officer of whom the military and our nation can and should be justifiably proud: a unique combination of talent and devotion to duty. I want to personally acknowledge my sincere appreciation to Commander Wilson for her exemplary months of service, and to bid her a fond aloha and heartfelt mahalo.●

REPORT OF THE VETO MESSAGE ON (H.R. 4733), "ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001"—MESSAGE FROM THE PRESIDENT—PM 132

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Appropriations.

To the House of Representatives:

I am returning herewith without my approval, H.R. 4733, the "Energy and Water Development Appropriations Act, 2001." The bill contains an unacceptable rider regarding the Army Corps of Engineers' master operating manual for the Missouri River. In addition, it fails to provide funding for the California-Bay Delta initiative and includes nearly $700 million for over 300 unrequested projects.

Section 103 would prevent the Army Corps of Engineers from revising the operating manual for the Missouri River that is 40 years old and needs to be updated based on the most recent scientific information. In its current form, the manual simply does not provide an appropriate balance among the competing interests, both commercial and recreational, of the many people who seek to use this great American river. The bill would also undermine implementation of the Endangered Species Act by preventing the Corps of Engineers from funding reasonable and much-needed changes to the operating manual for the Missouri River. The Corps and the U.S. Fish and Wildlife Service are entering a critical phase in their Section 7 consultation on the effects of reservoir project operations. This provision could prevent the Corps form carrying out a necessary element of any reasonable and prudent alternative to avoid jeopardizing the continued existence of the endangered least tern and pallid sturgeon, and the threatened piping plover.

In addition to the objectionable restriction placed upon the Corps of Engineers, the bill fails to provide funding for the California-Bay Delta initiative. This decision could significantly hamper ongoing Federal and State efforts to restore this ecosystem, protect the drinking water of 22 million Californians, and enhance water supply and reliability for over 7 million acres of highly productive farmland and growing urban areas across California. The $60 million budget request, all of which would be used to support activities that can be carried out using existing authorities, is the minimum necessary to ensure adequate Federal participation in these initiatives, which are essential to reducing existing conflicts among water users in California. This funding should be provided without legislative restrictions undermining key environmental statutes or disrupting the balanced approach to meeting the needs of water users and the environment that has been carefully developed through almost 6 years of work with the State of California and interested stakeholders.

The bill also fails to provide sufficient funding necessary to restore endangered salmon in the Pacific Northwest, which would interfere with the Corps of Engineers' ability to comply with the Endangered Species Act, and provides no funds to start the new construction project requested for the Florida Everglades. The bill also fails to fund the Challenge 21 program for environmentally friendly flood damage reduction projects, the program to modernize Corps recreation facilities, and construction of an emergency outlet at Devil's Lake. In addition, it does not fully support efforts to research and develop nonpolluting, domestic sources of energy through solar and renewable technologies that are vital to America's energy security.

Finally, the bill provides nearly $700 million for over 300 unrequested projects, including: nearly 80 unrequested projects totaling more than $330 million for the Department of Energy; nearly 240 unrequested projects totaling over $300 million for the Corps of Engineers; and, more than 10 unrequested projects totaling in excess of 10 million for the Bureau of Reclamation. For example, more than 80 unrequested Corps of Engineers construction projects included in the bill would have a long-term cost of nearly $2.7 billion. These unrequested projects and earmarks come at the expense of other initiatives important to taxpaying Americans.

The American people deserve Government spending based upon a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expands health care coverage to more families, and funds critical investments for our future. I urge the Congress to work expeditiously to develop a bill that addresses the needs of the Nation.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 7, 2000.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:07 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2311. An act to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.

H.R. 1509. An act to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the "James W. McCabe. Sr. Post Office Building."

H.R. 2496. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 2641. An act to make technical corrections to title X of the Energy Policy Act of 1992.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 2938. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office."

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office."

H.R. 3201. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the

Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

H.R. 3454. An act to designate the United States post office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office."

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 3817. An act to dedicate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.

H.R. 3909. An act to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the "Henry W. McGee Post Office Building."

H.R. 3985. An act to redesignate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the "Vicki Coceano Post Office Building."

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building."

H.R. 4169. An act to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building."

H.R. 4286. An act to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unit NC–01 of the Coastal Barrier Resources System.

H.R. 4447. An act to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the "Samuel H. Lacy, Sr. Post Office Building."

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building."

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the "Dr. Flossie McClain Dedmond Post Office Building."

H.R. 4475. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4484. An act to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building."

H.R. 4517. An act to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the "Alan B. Shepard, Jr. Post Office Building."

H.R. 4534. An act to redesignate the facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building."

H.R. 4554. An act to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the "Joseph F. Smith Post Office Building."

H.R. 4615. An act to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office."

H.R. 4658. An act to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the "J.L. Dawkins Post Office Building."

H.R. 4884. An act to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the "William S. Broomfield Post Office Building."

H.R. 4975. An act to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the "Frank R. Lautenberg Post Office and Courthouse."

H.R. 5036. An act to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

At 2:15 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 762. An act to amend the Public Health Service Act to provide for research and services with respect to lupus.

H.R. 1042. An act to amend the Controlled Substances Act to provide civil liability for illegal manufacturers and distributors of controlled substances for the harm caused by the use of those controlled substances.

H.R. 3621. An act to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

H.R. 3756. An act to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 4441. An act to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes.

H.R. 4788. An act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products or handled in licensed warehouses, and for other purposes.

H.R. 4831. An act to redesignate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the "Roberto Clemente Post Office."

H.R. 5136. An act to make permanent the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds.

H.R. 5164. An act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

H.R. 5229. An act to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the "Ruth Harris Coleman Post Office Building."

H.R. 5314. An act to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

H. Con. Res. 376. Concurrent resolution expressing the sense of the Congress regarding support for the recognition of a Liberty Day.

H. Con. Res. 404. Concurrent resolution calling for the immediate release of Mr. Edmund Pope from prison in the Russian Federation for humanitarian reasons, and for other purposes.

H. Con. Res. 408. Concurrent resolution expressing appreciation for the United States service members who were aboard the British transport HMT *Rohna* when it sank, the families of these service members, and the rescuers of the HMT *Rohna*'s passengers and crew.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 150) to amend the Act popularly known as the Recreation and Public Purposes Act to authorize disposal of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes, with an amendment.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 208) to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

The message further announced that the House has passed the bill (S. 2812) to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities, with an amendment.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2389) to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2879) to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I have A Dream" speech.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 3767) to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

The message further announced that the House has agreed to the resolution (H. Res. 618) expressing the condolences of the House of Representatives on the death of the Honorable Bruce F. Vento, a Representative from the State of Minnesota.

At 4:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 4733) making appropriations for energy and water development for fiscal year ending September 30, 2001, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated resolved that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 11, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House insists on its amendment to the amendment of the Senate to the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, disagreed to by the Senate, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

That Mr. TALENT, Mr. ARMEY, and Ms. VELÁZQUEZ, be the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

That Mr. HYDE, Mr. GEKAS, Mr. ARMEY, Mr. CONYERS, and Mr. NADLER, be the managers of the conference on the part of the House.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 11, 2000, he had presented to the President of the United States the following enrolled bill:

S. 2311. An act to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11078. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation; Administrative Amendments" (FRL #6878–9) received on September 28, 2000; to the Committee on Environment and Public Works.

EC–11079. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Consolidated Federal Air Rule (CAR): Synthetic Organic Chemical Manufacturing Industry" (FRL #6576–9) received on September 28, 2000; to the Committee on Environment and Public Works.

EC–11080. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Grant Conditions for Indian Tribes and Insular Area Recipients" received on September 28, 2000; to the Committee on Environment and Public Works.

EC–11081. A communication from the Chief Operating Officer, Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, a report relative to the strategic plan for fiscal year 2001 through 2005; to the Committee on Environment and Public Works.

EC–11082. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: HI–STAR 100 Revision" (RIN3150–AG61) received on October 6, 2000; to the Committee on Environment and Public Works.

EC–11083. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethomorph, (E,Z) -[3-(4-Chlorophenyl) -3-(3 ,4-dimethoxyphenyl) -1-oxo-2-propenyl] morpholine; Pesticide Tolerance" (FRL #6747–9) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11084. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flucarbazone-sodium; Time-Limited Pesticide Tolerances" (FRL #6745–9) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11085. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indoxacarb; Pesticide Tolerance" (FRL #6747–8) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11086. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propamacarb hydrochloride; Pesticide Tolerance" (FRL #6745–8) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11087. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triallate, (S–2, 3, 3-trichloroally diisopropylthiocarbamate); Pesticide Tolerance" (FRL #6744–8) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11088. A communication from the Chair, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the updated strategic plan for fiscal years 2000 through 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11089. A communication from the Acting Executive Director, Profile Documents for Commodity Pools, transmitting, pursuant to law, the report of a rule entitled "Profile Documents for Commodity Pools" (RIN3038–AB60) received on October 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11090. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Motor Vehicle Safety" and "Odometers"; to the Committee on Commerce, Science, and Transportation.

EC–11091. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Eastern Regulatory Area of the Gulf of Alaska" received on October 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11092. A communication from the Deputy Assistant Administrator for Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; 2000 Quota and Associated Management Measures for Yellowfin Tuna in the Eastern Pacific Ocean" (RIN0648-AN73) received on October 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11093. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2001 through 2006; to the Committee on Commerce, Science, and Transportation.

EC–11094. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report entitled "A New FCC for the 21st Century"; to the Committee on Commerce, Science, and Transportation.

EC–11095. A communication from the Associate Administrator for Equal Opportunity Programs, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN1190-AA28) received on October 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11096. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2000 through 2005; to the Committee on Commerce, Science, and Transportation.

EC–11097. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, a notice of the Technology Opportunities Program grants for fiscal year 2000; to the Committee on Commerce, Science, and Transportation.

EC–11098. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, a notice of the Public Telecommunications Facilities Program grants for fiscal year 2000; to the Committee on Commerce, Science, and Transportation.

EC–11099. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report relative to the audit of the Telecommunications Development Fund; to the Committee on Commerce, Science, and Transportation.

EC–11100. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled "Agency Compliance with the Unfunded Mandates Reform Act of 1995"; to the Committee on Governmental Affairs.

EC–11101. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Cost-of-Living Allowances (Nonforeign Areas); Hawaii County, Kauai County, Maui County, Guam (Commissary/Exchange), Puerto Rico, and the U.S. Virgin Islands" (RIN3206-AJ26) received on October 10, 2000; to the Committee on Governmental Affairs.

EC–11102. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation entitled "Federal Employees; Overtime Pay Limitation Amendments Act of 2000"; to the Committee on Governmental Affairs.

EC–11103. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report entitled "Federal Human Resources Management for the 21st Century"; to the Committee on Governmental Affairs.

EC–11104. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report relative to the commercial activities inventory; to the Committee on Governmental Affairs.

EC–11105. A communication from the Chief Operating Officer, Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, a report relative to the annual inventory of agency activities; to the Committee on Governmental Affairs.

EC–11106. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Certification of the Fiscal Year 2000 Revised Revenue Estimate of $3,225,180,000 in Support of the District's $189 Million Multimodal General Obligation Bonds"; to the Committee on Governmental Affairs.

EC–11107. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the report relative to the annual management and commercial activities inventory; to the Committee on Governmental Affairs.

EC–11108. A communication from the Executive Director of the Federal Reserve Employee Benefits System, transmitting, pursuant to law, a report relative to the retirement plan for employees of the Federal Reserve System prepared as of December 31, 1999; to the Committee on Governmental Affairs.

EC–11109. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to the strategic plan; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1495: A bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness (Rept. No. 106–496).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2580: A bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes (Rept. No. 106–497).

S. 2920: A bill to amend the Indian Gaming Regulatory Act, and for other purposes (Rept. No. 106–498).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 3183. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN:

S. 3184. A bill to amend the Federal Food, Drug, and Cosmetic Act to require premarket consultation and approval with respect to genetically engineered foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN:

S. 3185. A bill to end taxpayer support of Federal Government contractors against whom repeated civil judgments or criminal convictions for certain offenses have been entered; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. TORRICELLI, Mr. HATCH, and Mr. BIDEN):

S. 3186. A bill to amend title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH:

S. 3187. A bill to require the Secretary of Health and Human Services to apply aggregate upper payment limits to non-State publicly owned or operated facilities under the medicaid program; read the first time.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3188. A bill to facilitate the protection of the critical infrastructure of the United States, to enhance the investigation and prosecution of computer-related crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. BAYH, Mr. KOHL, Mr. L. CHAFEE, Mr. MOYNIHAN, and Mr. BREAUX):

S. 3189. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH:

S. Con. Res. 147. A concurrent resolution to make a technical correction in the enrollment of the bill H.R. 4868; to the Committee on Finance.

By Mr. McCONNELL (for himself, Mr. DODD, and Mr. LOTT):

S. Con. Res. 148. A concurrent resolution to provide for the disposition and archiving of the records, files, documents, and other materials of joint congressional committees on inaugural ceremonies; considered and agreed to.

By Mr. MACK:

S. Con. Res. 149. A concurrent resolution to correct the enrollment of H.R. 3244; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Ms. LANDRIEU:

S. 3183. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

MARTIN LUTHER KING, JR. COMMEMORATIVE COIN ACT OF 2000

Ms. LANDRIEU. Mr. President, today I introduce a bill which is long overdue but now appropriate as our Nation prepares to face the challenges of a new century.

During the 1960s, a young and gifted preacher from Georgia gave a voice to the voiceless by bringing the struggle for freedom and civil rights into the living rooms of all Americans. Dr. Martin Luther King, Jr. raised his voice rather than his fists as he helped lead our Nation into a new era of tolerance and understanding. He ultimately gave his life for this cause, but in the process brought America closer to his dream of a nation without racial divisions.

It has been said that, "Those who do not understand history are condemned to repeat it." America's history includes dark chapters—chapters in which slavery was accepted and discrimination against African-Americans, women and other minorities was commonplace. It is in acknowledgment of that history, and in honor of Dr. King's bright beacon of hope which has lead us to a more enlightened era of civil justice, that I introduce the Martin Luther King Commemorative Coin Act of 2000.

This bill would instruct the Secretary of the Treasury to mint coins in commemoration of Dr. King's contributions to the United States. Revenues from the surcharge of the coin would be used by the Library of Congress to purchase and maintain historical documents and other materials associated with the life and legacy of Dr. Martin Luther King, Jr.

As we start the 21st Century, I cannot think of better way to honor the civil and human rights legacy of Dr. Martin Luther King, Jr.

Today, Dr. King's message goes beyond any one group, embracing all who have been denied civil or human rights because of their race, religion, gender, sexual orientation or creed. This Congress, as well as previous Congresses, has taken important steps to put these beliefs into civil code.

However, upholding Dr. King's dream is a continuing struggle. Just last month, the House of Representatives passed hate crimes legislation making crimes based on race, religion, gender, and sexual orientation federal offenses. Champions of hate crimes legislation in the Senate and our colleagues in the House of Representatives gave powerful examples of the hatred that exists in our nation even today. As a society, we must always remember Dr. King's message, "that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal.'"

Dr. King's majestic and inspiring voice as he made this speech will remain in our collective memory forever. His writings and papers compliment the visual history of his legacy. Keeping Dr. King's papers available for public access will serve to remind us of what our country once was, and how a solitary voice changed the path of a nation. It also would be a constant reminder of the vigilance needed to ensure we never return to such a time.

This legislation has been developed in consultation with the King family, the Library of Congress, the Citizens Commemorative Coin Advisory Committee, and the U.S. Mint. Similar legislation has been introduced in the House of Representatives by the Chairman of the House Banking and Financial Services Committee, Congressman JIM LEACH of Iowa.

Although African-Americans have played a vital role in our Nation's history, African-Americans were included on only four out of 157 commemorative coins:

Jackie Robinson, who broke baseball's color barrier and brought about a cultural revolution with the courage and dignity in which he played the great American pass time, and the way he lived his life.

Booker T. Washington, who founded Tuskegee Institute in Alabama and served as a role model for millions of African-Americans who thought a formal education would forever be outside of their grasp.

George Washington Carver, whose scientific experiments began as a way to improve the lot in life of sharecroppers, but ended up revolutionizing agriculture throughout the South.

And the Black Revolutionary War Patriots, a commemorative half-dollar which recognized the 275th anniversary of the birth of Crispus Attucks, who was the first revolutionary killed in the Boston Massacre.

The Martin Luther King, Jr. Commemorative Coin will give us the opportunity to recognize the valuable contributions of all Americans who stood and were counted during our Nation's civil rights struggle.

Americans like the late Reverend Avery C. Alexander, who was a patriarch of the New Orleans' civil rights movement. He championed anti-discrimination, voter registration, labor rights, and environmental regulations as a six-term state legislator and as an adviser to Governor Morrison of Louisiana in the 1950s.

Heroes like Dr. C.O. Simpkins from Shreveport, LA, whose home was bombed simply because he dared to stand by Dr. King and demand that the buses in Shreveport be integrated, and Reverend T. J. Jemison of Baton Rouge, a front-line soldier and good friend of Dr. King who helped coordinate one of the earliest boycotts of the civil rights movement.

Louisiana also was fortunate enough to have elected leaders such as my father Moon Landrieu and Dutch Morial, both former mayors of New Orleans during those turbulent times. They led the way when the personal and political stakes were very high.

These are just a few of the great civil rights leaders from my State. However, throughout Louisiana and all across America thousands of citizens—black and white, young and old, rich and poor—listened to Dr. King, followed his voice and dreamed his dreams. It is in memory of all of our struggles that I introduce this bill.

The great Dutch philosopher Baruch Spinoza said, "If you want the present to be different from the past, study the past." This legislation not only ensures we are able to preserve and study our past, but also honors Dr. King, who played such an integral role in shaping both our present and our future.

Mr. DURBIN:

S. 3184. A bill to amend the Federal Food, Drug, and Cosmetic Act to require premarket consultation and approval with respect to genetically engineered foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

GENETICALLY ENGINEERED FOODS ACT OF 2000

Mr. DURBIN. Mr. President, today I am introducing the Genetically Engineered Foods Act. This legislation would strengthen consumer confidence in the safety of genetically engineered foods, and in the ability of the federal government to exercise effective oversight of this important technology. This bill requires an FDA pre-market review of all genetically engineered foods, and grants FDA important authorities to conduct oversight. In addition, the Genetically Engineered Foods Act creates a transparent process that will better inform and involve the public as decisions are made regarding the safety of genetically engineered foods.

In the past five years, genetically engineered foods have become a major part of the American food supply. Many foods on the grocery store shelves now contain genetically engineered ingredients such as corn, soy, and potatoes. These foods have been enhanced with important qualities that help farmers grow crops more efficiently. But they have also raised significant concerns as to the safety of these new foods, and the adequacy of government oversight. These concerns were heightened by the recent recall of taco shells that contained a variety of genetically engineered corn that was not approved for human use.

Up until now, genetically engineered foods have been screened by the federal Food and Drug Administration under a voluntary program. The Genetically Engineered Foods Act will make this pre-market review program mandatory, and strengthen government oversight in several important ways.

Mandatory Review: Companies developing genetically engineered foods will receive approval from FDA before new foods could be marketed. FDA will scientifically ensure that genetically engineered foods are just as safe as conventional foods before allowing them on the market.

Clear-cut Authority: FDA will be given authority to review all genetically engineered foods, whether produced domestically or imported, including authority over genetically engineered food supplements (such as ginseng extract, for example). Genetically engineered foods not approved for market will be considered "adulterated" and subject to FDA recall.

Public Involvement: Scientific studies and other materials submitted to FDA in their review of genetically engineered foods will be available for public review and comment. Members of the public can submit any new information on genetically engineered foods not previously considered by FDA and request a new review of a genetically engineered food, even after the food is on the market.

Testing: FDA, in conjunction with other federal agencies, will be given the authority to conduct scientifically-sound food testing to determine whether genetically engineered foods are inappropriately entering the food supply (for instance, whether a food cleared for use only as an animal feed is showing up in food for humans).

Communication: FDA and other federal agencies will establish a registry of genetically engineered foods for easy, one-stop access to information on which foods have been cleared for market, and what restrictions are in place on their use. Federal agencies will report regularly to Congress on the status of genetically engineered foods in use. The genetically engineered food review process will be fully transparent so that the public has access to all non-confidential information.

Research: An existing genetically engineered foods research program will be expanded to focus research on possible risks from genetically engineered foods, with a specific emphasis on potential allergens. Research is also directed at understanding impacts, to farmers and to the overall economy, of the growing use of genetically engineered foods.

Mr. President, I urge my colleagues to join me in cosponsoring this important legislation. The American people should be assured that the food they feed their families is the safest in the world. The Genetically Engineered Foods Act can help provide that assurance. I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Genetically Engineered Foods Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) genetically engineered food is rapidly becoming an integral part of the United States and international food supplies;

(2) the potential positive effects of genetically engineered foods are enormous;

(3) the potential for negative effects, both anticipated and unexpected, exists with genetic engineering of foods;

(4) evidence suggests that unapproved genetically engineered foods are entering the food supply;

(5) it is essential to maintain public confidence in the safety of the food supplies and in the ability of the Federal government to exercise adequate oversight of genetically engineered foods;

(6) public confidence can best be maintained through careful review of new genetically engineered foods, and monitoring of the positive and negative effects of genetically engineered foods as the foods become integrated into the food supplies, through a review and monitoring process that is scientifically sound, open, and transparent, and that fully involves the general public; and

(7) since genetically engineered foods are developed worldwide and imported into the United States, it is also imperative to ensure that imported genetically engineered foods are subject to the same level of oversight as domestic genetically engineered foods.

SEC. 3. PREMARKET REVIEW OF GENETICALLY ENGINEERED FOODS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

"SEC. 414. GENETICALLY ENGINEERED FOODS.

"(a) DEFINITIONS.—In this section:

"(1) GENETIC ENGINEERING.—The term 'genetic engineering' means the application of a recombinant DNA technique or a related technology to modify genetic material with a degree of specificity or precision that is not usually available with a conventional breeding technique or another form of genetic modification.

"(2) GENETICALLY ENGINEERED FOOD.—The term 'genetically engineered food' means a food or dietary supplement that—

"(A)(i) is produced in a State; or

"(ii) is offered for import into the United States; and

"(B) is created by genetic engineering.

"(3) PRODUCER.—The term 'producer', used with respect to a genetically engineered food means a person, company, or other entity that develops, manufactures, imports, or takes other action to introduce into interstate commerce, a genetically engineered food.

"(4) SAFE.—The term 'safe', used with respect to a genetically engineered food, means that the food is considered to be as safe as the appropriate comparable food that is not created by genetic engineering.

"(b) REGULATIONS FOR GENETICALLY ENGINEERED FOODS.—

"(1) PREMARKET CONSULTATION AND APPROVAL.—

"(A) IN GENERAL.—The Secretary shall issue regulations that require a producer of a genetically engineered food, in order to obtain the approval described in subparagraph (B), to use a premarket consultation and approval process described in subparagraph (C).

"(B) APPROVAL.—The regulations shall require the producer to use the process in order to obtain approval to introduce the food into interstate commerce, except in cases where the producer has previously successfully completed the process described in subparagraph (C) or the voluntary premarket consultation process described in paragraph (2).

"(C) PROCESS.—The regulations shall require the producer to use a premarket consultation and approval process that—

"(i) includes the procedures of the voluntary premarket consultation process described in paragraph (2); and

"(ii) meets the requirements of this subsection.

"(2) VOLUNTARY PREMARKET CONSULTATION PROCESS.—The process referred to in paragraph (1)(C)(i) is the voluntary premarket consultation process described in—

"(A) the guidance document entitled 'Guidance on Consultation Procedures: Foods Derived From New Plant Varieties', issued in October 1997, by the Office of Premarket Approval of the Center for Food Safety and Applied Nutrition, and the Office of Surveillance and Compliance of the Center for Veterinary Medicine, of the Food and Drug Administration (or any corresponding similar guidance document);

"(B) the statement of policy entitled 'Foods Derived From New Plant Varieties', published in the Federal Register on May 29, 1992, 57 Fed. Reg. 22984 (or any corresponding similar statement of policy); and

"(C) such other documents issued by the Commissioner relating to such process as the Secretary may determine to be appropriate.

"(3) SUBMISSION AND DISSEMINATION OF MATERIALS.—

"(A) SUBMISSION.—The regulations shall require that, as part of the consultation and approval process, each producer of a genetically engineered food submit to the Secretary—

"(i) each summary of research, test results, and other materials that the producer is required to submit under the process described in paragraph (2); and

"(ii) a copy of the research, test results, and other materials.

"(B) DISSEMINATION.—On receipt of a request for the initiation of a consultation and approval process, or on receipt of such summary, research, results, or other materials for a food, the Secretary shall provide public notice regarding the initiation of the process, including making the notice available on the Internet. The Secretary shall make the summaries, research, results, and other materials relating to the food publicly available, including, to the extent practicable, available on the Internet, prior to making any determination under paragraph (4).

"(C) PROTECTION OF TRADE SECRETS.—The regulations shall ensure that laws in effect on the date of enactment of the Genetically Engineered Foods Act that protect trade secrets apply with respect to the information submitted to the Secretary under subparagraph (A). Such regulations may provide for the submission of sanitized information in appropriate cases, and the dissemination of such sanitized information.

"(4) DETERMINATIONS.—The regulations shall require that, as part of the consultation and approval process for a genetically engineered food, the Secretary shall—

"(A) determine whether the producer of the food has submitted, during the consultation, materials and information that are adequate to enable the Secretary to fully assess the safety of the food, and make a description of the determination publicly available; and

"(B) if the Secretary determines that the producer has submitted adequate materials and information, conduct a review of the materials and information, and, in conducting the review—

“(i) prepare a response that—

“(I) summarizes the materials and information;

“(II) explains the determination; and

“(III) contains a finding by the Secretary that the genetically engineered food—

“(aa) is considered to be safe and may be introduced into interstate commerce;

“(bb) is considered to be conditionally safe and may be so introduced if certain stated conditions are met; or

“(cc) is not considered to be safe and may not be so introduced;

“(ii) make the response publicly available; and

“(iii) provide an opportunity for the submission of additional views or data by interested persons on the response.

“(5) REVIEW FOR CAUSE.—

“(A) REQUEST FOR ADDITIONAL REVIEW.—The regulations shall provide that any person may request that the Secretary conduct an additional review, of the type described in paragraph (4)(B), for a food on the basis of materials and information that were not available during an earlier review described in paragraph (4)(B) or that were not considered during the review.

“(B) FINDING FOR ADDITIONAL REVIEW.—The Secretary shall conduct the additional review, on the basis of the materials and information described in subparagraph (A) if the Secretary finds that the materials and information—

“(i) are scientifically credible;

“(ii) represent significant materials and information that was not available or considered during the earlier review; and

“(iii) suggest potential negative impacts relating to the food that were not considered in the earlier review or demonstrate that the materials and information considered during the earlier review were inadequate for the Secretary to make a safety finding.

“(C) ADDITIONAL MATERIALS AND INFORMATION.—In conducting the additional review, the Secretary may require the producer of the genetically engineered food to provide additional materials and information, as needed to facilitate the review.

“(D) FINDING.—In conducting the review, the Secretary shall—

“(i) issue a response described in paragraph (4)(B) that revises the finding made in the earlier review with respect to the safety of the food; or

“(ii) make a determination, and issue an explanation stating, that no revision to the finding is needed.

“(E) ACTION OF SECRETARY.—If, based on a review under this paragraph, the Secretary determines that the food involved is not safe, the Secretary may withdraw the approval of the food for introduction into interstate commerce or take other action under this Act as the Secretary determines to be appropriate.

“(6) EXEMPTIONS.—

“(A) CATEGORIES OF GENETICALLY ENGINEERED FOODS.—

“(i) PROPOSED RULE.—The Secretary may issue a proposed rule that exempts a category of genetically engineered foods from the regulations described in paragraph (1) if—

“(I) the rule contains a narrowly specified definition of the category;

“(II) the rule specifies the particular foods included in the category;

“(III) the rule specifies the particular genes, proteins, and adjunct technologies (such as use of markers or promoters) that are involved in the genetic engineering for the foods included in the category; and

“(IV) not less than 10 foods in the category have been reviewed under paragraph (4)(B) and found to be safe.

“(ii) PUBLIC COMMENT PERIOD.—The Secretary shall provide an opportunity, for not less than 90 days, for the submission of comments by interested persons on the proposed rule.

“(iii) FINAL RULE.—At the end of the comment period described in clause (ii), the Secretary shall issue a final rule described in clause (i).

“(B) REGULATED GENETICALLY ENGINEERED FOODS.—

“(i) PROPOSED RULE.—The Secretary may issue a proposed rule that exempts from the regulations described in paragraph (1) genetically engineered foods that the Secretary determines are subject to regulation under Federal law other than this section, such as foods from pharmaceutical-producing plants.

“(ii) PUBLIC COMMENT PERIOD.—The Secretary shall provide an opportunity, for not less than 90 days, for the submission of comments by interested persons on the proposed rule.

“(iii) FINAL RULE.—At the end of the comment period described in clause (ii), the Secretary shall issue a final rule described in clause (i).

“(7) ISSUANCE DATES.—The Secretary shall issue proposed regulations described in paragraph (1) not later than 6 months after the date of enactment of the Genetically Engineered Foods Act, and final regulations described in paragraph (1) not later than 18 months after such date of enactment.

“SEC. 415. REPORTS ON GENETICALLY ENGINEERED FOODS.

“(a) DEFINITIONS.—In this section, the terms ‘genetic engineering’ and ‘genetically engineered food’ have the meanings given the terms in section 414.’

“(b) GENERAL AUTHORITY.—The Secretary, the Administrator, and the Secretary of Agriculture (referred to in this section as the ‘covered officers’), after consultation with the Secretary of Commerce, the Secretary of the Interior, the Council on Environmental Quality, and the heads of such other agencies as the covered officers may determine to be appropriate, shall jointly prepare and submit to the appropriate committees of Congress reports on genetically engineered foods and related concerns.

“(c) CONTENTS.—The reports shall contain—

“(1) information on the types and quantities of genetically engineered foods being offered for sale or being developed, domestically and internationally;

“(2) information on current and emerging issues of concern relating to genetic engineering, including issues relating to—

“(A) the ecological impacts of, antibiotic markers for, insect resistance to, nongerminating or terminator seeds for, or cross-species gene transfer for, genetically engineered foods;

“(B) foods from animals created by genetic engineering;

“(C) non-food crops, such as cotton, created by genetic engineering; and

“(D) socioeconomic concerns (such as the impact of genetically engineered foods on small farms), and liability issues;

“(3) information on options for labeling genetically engineered foods, the benefits and drawbacks of each option, and an assessment of the authorities under which such labeling might be required;

“(4) a response to and information on the status of implementation of the recommendations contained in a report entitled ‘Genetically Modified Pest Protected Plants’, issued in April 2000, by the National Academy of Sciences;

“(5) an assessment of data needs relating to genetically engineered foods;

“(6) a projection of the number of genetically engineered foods that will require regulatory review in the next 5 years, and the adequacy of the resources of the Food and Drug Administration, Environmental Protection Agency, and Department of Agriculture to conduct the review; and

“(7) an evaluation of the national capacity to test foods for the presence of genetically engineered ingredients.

“(d) SUBMISSION OF REPORTS.—The covered officers shall submit reports described in this section not later than 2 years, 4 years, and 6 years after the date of enactment of the Genetically Engineered Foods Act.

“SEC. 416. MARKETPLACE TESTING.

“(a) IN GENERAL.—The Secretary, in conjunction with the Secretary of Agriculture and the Administer of the Environmental Protection Agency, shall establish a program to conduct testing, as determined necessary by the Secretary, to identify genetically engineered foods at all stages of production (from the farm to the retail store).

“(b) PERMISSIBLE TESTING.—Under the program under subsection (a), the Secretary may conduct tests on foods —

“(1) to identify genetically engineered ingredients that have not been approved for use pursuant to this Act, including foods that are developed in foreign countries that have not been approved for marketing in the United States under this Act; and

“(2) to identify the presence of genetically engineered ingredients the use of which is restricted under this Act (including approval for animal feed only, approval only if properly labeled, approval for growing or marketing only in selected regions).

“SEC. 417. GENETICALLY ENGINEERED FOOD REGISTRY.

“(a) ESTABLISHMENT.—The Secretary, in conjunction with the Secretary of Agriculture and the Administer of the Environmental Protection Agency, shall establish a registry for genetically engineered foods that contains a description of the regulatory status of all such foods that have been submitted to the Secretary for premarket approval and that meets the requirements of subsection (b).

“(b) REQUIREMENT.—The registry established under subsection (a) shall—

“(1) identify all genetically engineered food that have been submitted to the Secretary for premarket approval;

“(2) contain the technical and common names of each of the foods identified under paragraph (1)

“(3) contain a description of the regulatory status under this Act of each of the foods identified under paragraph (1);

“(4) contain a technical and non-technical summary of the types of genetic changes made to each of the foods identified under paragraph (1) and the reasons for such changes;

“(5) identify an appropriate public contact official at each entity that has created each of the foods identified in paragraph (1);

“(6) identify an appropriate public contact official at each Federal agency with oversight responsibility over each of the foods identified in paragraph (1); and

“(7) be accessible by the public.”.

SEC. 4. PROHIBITED ACTS.

Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(h) If it is a food containing a genetically engineered food as an ingredient, or is a genetically engineered food (as defined in section 414(a)) that is subject to section 414(b) that—

"(1) does not meet the requirements of section 414(b); and

"(2)(A) is produced in the United States and introduced into interstate commerce by a producer (as defined in section 414(a)); or

"(B) is introduced into interstate commerce by an importer.".

SEC. 5. GRANTS FOR RESEARCH ON ECONOMIC AND ENVIRONMENTAL RISKS AND BENEFITS OF USING BIOTECHNOLOGY IN FOOD PRODUCTION.

(a) IN GENERAL.—Section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921) is amended by striking subsections (a) and (b) and inserting the following:

"(a) PURPOSES.—The purposes of this section are—

"(1) to authorize and support research intended to identify and analyze technological developments in the area of biotechnology for the purpose of evaluating the potential positive and adverse effects of the developments on the United States farm economy and the environment, and addressing public concerns about potential adverse environmental effects, of using biotechnology in food production; and

"(2) to authorize research to help regulatory agencies develop policies, as soon as practicable, concerning the introduction and use of biotechnology.

"(b) GRANT PROGRAM.—The Secretary of Agriculture, acting through the Cooperative State Research, Education, and Extension Service and the Agricultural Research Service, shall establish a competitive grant program to conduct research to promote the purposes described in subsection (a).".

(b) TYPES OF RESEARCH.—Section 1668(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) Research designed to evaluate—

"(A) the potential effect of biotechnology developments on the United States farm economy;

"(B) the competitive status of United States agricultural commodities and foods in foreign markets; and

"(C) consumer confidence in the healthfulness and safety of agricultural commodities and foods.".

(c) PRIORITY.—Section 1668(d)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(d)(1)) is amended by inserting before the semicolon the following: ", but giving priority to projects designed to develop improved methods for identifying potential allergens in pest-protected plants, with particular emphasis on the development of tests with human immune-system endpoints and of more reliable animal models".

(d) CONFORMING AMENDMENTS.—

(1) Section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921) is amended by striking the section heading and inserting the following:

"SEC. 1668. GRANTS FOR RESEARCH ON ECONOMIC AND ENVIRONMENTAL RISKS AND BENEFITS OF USING BIOTECHNOLOGY IN FOOD PRODUCTION.".

(2) Section 1668(g)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(g)(2)) is amended by striking "for research on biotechnology risk assessment".

Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3188. A bill to facilitate the protection of the critical infrastructure of the United States, to enhance the investigation and prosecution of computer-related crimes, and for other purposes; to the Committee on the Judiciary.

CYBER SECURITY ENHANCEMENT ACT OF 2000

Mr. KYL. Mr. President, today I rise to introduce the Cyber Security Enhancement Act of 2000. This legislation is designed to enhance America's ability to protect our critical infrastructures from attack by hackers, terrorists, or hostile nations. It is a result of many meetings and hearings I have held as the Chairman of the Judiciary Subcommittee on Technology, Terrorism, and Government Information that focused on cyber security and critical infrastructure protection.

As we all know, the Information Revolution has transformed virtually every aspect of our daily lives. However, advancements in technology have not been accompanied by adequate security. Today, our nation's critical infrastructures have all become interdependent, with vulnerable computer networks as the backbone. These networks, and the vital services they support like transportation, electric power, air traffic control, and telecommunications, are vulnerable to disruption or destruction by anyone with a computer and a modem. And an attack on one sector can cascade to others, causing significant loss of revenue, disruption of services, or loss of life.

The Cyber Security Enhancement Act seeks to remove some of the impediments to effective cooperation between the private sector and the government that prevent effective cyber security. Over the past three years, Senator FEINSTEIN and I have held seven hearings in our subcommittee on cyber security issues. Although we received many recommendations from experts at these hearings and from Executive Branch commissions, I have only included those ideas in this bill that I thought would clearly improve cyber security efforts.

In particular, this bill would allow companies to voluntarily submit information on cyber vulnerabilities, threats, and attacks to the federal government, without this information being subject to Freedom of Information Act disclosure. The bill would also clarify anti-trust law to permit companies to share information with each other on these cyber security issues. In addition, the bill would authorize the Attorney General to issue administrative subpoenas in order to swiftly trace the source of a cyber attack. It then requires the Attorney General to report to Congress on a plan to standardize requests from law enforcement agencies to private companies for electronic information and records used during a cyber investigation. Finally, it requires the Attorney General and the Secretary of Commerce to report on efforts to encourage the utilization of technologies that prevent the use of false Internet addresses.

I would like to provide a brief background some of the actions by the government that have helped to highlight the impediments addressed by the Cyber Security Enhancement Act:

Because of my concern for America's new "Achilles heel", I authored an amendment to the 1996 Defense Authorization Act, directing the President to submit a report to Congress "setting forth the results of a review of the national policy on protecting the national information infrastructure against strategic attacks."

In July 1996, the President's Commission on Critical Infrastructure Protection, PCCIP, was established. It was required to report to the President on the scope and nature of the vulnerabilities and threats to the nations critical infrastructures. It was also charged to recommend a comprehensive national policy and implementation plan for critical infrastructure protection and determine legal and policy issues raised by their proposals. The Cyber Security Enhancement Act implements some of their legal recommendations.

The Commission released its report in October of 1997. It called for an unprecedented partnership between the public and private sector to better secure our information infrastructure. This partnership is essential because approximately 90 percent of the critical infrastructures are owned and operated by private industry.

In May 1998, the President issued Presidential Decision Directive 63, PDD 63, as a response to the Commissions recommendations. This directive set 2003 as the goal for protecting our critical infrastructures from attack. Among other provisions, PDD-63 created Information Sharing and Analysis Centers, ISACs, for the private sector to share information on cyber vulnerabilities and attacks.

Finally, on January 7th, 2000, President Clinton released the first edition of the national plan to protect our critical infrastructures. The plan was a modest first step towards addressing the cyber security challenges before the nation. Like the PCCIP, its key element was the call for a public-private partnership. In February of 2000, I chaired a hearing in my Judiciary Subcommittee on Technology, Terrorism, and Government Information on the national plan and its privacy implications. I plan to hold additional oversight hearings on the plan in the future.

Overall protection from cyber attack necessitates that information about cyber vulnerabilities, threats, and attacks be communicated among companies, and with government agencies. Two major legal obstacles towards accomplishing this goal have been repeatedly identified.

A company which voluntarily submits cyber vulnerability and attack information to the federal government in order to help raise overall security must be assured that this information is protected from disclosure or they will not voluntarily submit such information. My legislation provides a narrowly defined exemption from the Freedom of Information Act for this purpose.

In its report, the PCCIP specifically addressed the legal impediments to information sharing. In that section, the Commission stated:

> We envision the creation of a trusted environment that would allow the government and private sector to share sensitive information openly and voluntarily. Success will depend upon the ability to protect as well as disseminate needed information. We propose altering several legal provisions that appear to inhibit protection and thus discourage participation.
>
> The Freedom of Information Act, FOIA, makes information in the possession of the federal government available to the public upon request. Potential participants in an information sharing mechanism may require assurances that their sensitive information will remain confidential if shared with the federal government.
>
> We recommend: The proposed Office of National Infrastructure Assurance (now the Critical Infrastructure Assurance Office) require appropriate protection of specific private sector information. This might require, for example, inclusion of a b(3) FOIA exemption in enabling legislation.

Currently, there are over 100 exemptions to FOIA that have been created by other laws. My legislation creates another so called "(b)(3)" exemption that would ensure that Federal entities, agencies, and authorities that receive information submitted under the statute can offer the strongest possible assurances that information received will be protected from FOIA disclosure.

Our legislation would not allow submitters to hide information from the public. If current reporting obligations require that certain information be submitted to a particular agency, this non-disclosure provision would not alter that requirement. The legislation would only protect voluntarily submitted information that the government would otherwise not have.

There is tremendous support for this FOIA exemption. My subcommittee held a hearing in March to address the impediments to information sharing. At that hearing, I asked Harris Miller, President of the Information Technology Association of America (the largest and oldest association of its kind in the nation): "With respect to FOIA, is it fair to say that we won't have adequate information sharing until we offer an exemption to FOIA for critical information infrastructure protection?" Mr. Miller responded: "Absolutely. As long as companies believe that by cooperating with the government they're facing the risk of very sensitive and confidential information about proprietary secrets or about customer records, however well intentioned, ending up in the public record, that is going to be, to use your phrase, a show stopper."

FBI Director Louis Freeh testified at the same hearing. He was asked if he supported a FOIA exemption and said: "I would certainly tend to favor it in the limited area of trade secrets, proprietary information, intellectual property, much like my comments about the Economic Espionage Act, where that is carved out as an area that protects things that are critical to conduct an investigation, but would be devastating economically and otherwise to the owner of that property, if it was disclosed or made publicly available."

The Critical Infrastructure Assurance Office has sponsored the "Partnership for Critical Infrastructure Security", which is a collaborative effort of industry and government to address risks to national critical infrastructures and assure delivery of essential services. It has representation from all sectors of private industry. During their meeting in February, five working groups were formed, one of which addressed legal impediments to information sharing. FOIA was raised as a primary impediment.

Former Senator Sam Nunn and Frank Cilluffo, of the Center for Strategic and International Studies, wrote an op-ed on cyber security in the Atlanta Journal-Constitution last month. In the article, they stated: "We need to review and revise the Freedom of Information Act, which now constitutes an obstacle to the sharing of information between the public and private sectors."

We clearly need to assure private companies that information they share with the government in order to improve cyber security and protect our critical infrastructures will be protected from public disclosure. This legislation provides that assurance.

Information-sharing activities between companies in the private sector is inhibited by concern over anti-trust violations. According to the PCCIP, "Potential contributors from the private sector are reluctant to share specific threat and vulnerability information because of impediments they perceive to arise from antitrust and unfair business practice laws."

The Cyber Security Enhancement Act includes an assurance that companies who share information with each other on the narrow issues of cyber threats, vulnerabilities, and attacks will not be subject to anti-trust penalties. This protection was similarly provided to companies during the preparation for Y2K. There is also a great deal of support for this provision.

David Aucsmith, Intel's chief security officer, testified at a Scottsdale, AZ field hearing of my subcommittee on cyber security on April 22. In reference to information sharing between companies, he stated, "However, there are problems with that cooperation. We are now having a collection of industry competitors coming together to share information. This brings up anti-trust issues."

In the op-ed by Nunn and Cilluffo, they stated, "Likewise, we need to address legislatively the multitude of issues related to liability, including anti-trust exposure that may arise in sector-to-sector cooperation in cyberspace."

Harris Miller, President of the ITAA, wrote an op-ed on cyber security for the Washington Post in May. In his section on information sharing, he commented, "Part of the answer will require new approaches to the Freedom of Information Act and the anti-trust laws so that sensitive information can be protected."

Companies need assurance that their participation in information sharing activities about cyber vulnerabilities, threats, and attacks will not result in punishment. The Cyber Security Enhancement Act provides the assurance that such narrow areas of cooperation will not result in unwarranted anti-trust prosecution.

Cyber attacks often leave no witnesses. When an attack does occur, its origin, scope, and objective are usually not obvious at first. Time is a critical factor in the pursuit of a cyber attacker, and new tools are needed to fight this problem. At the March hearing of my subcommittee, FBI Director Louis Freeh testified about the need for law enforcement to have administrative subpoena authority in order to swiftly trace the source of a cyber attack. The Cyber Security Enhancement Act will permit law enforcement to use administrative subpoenas to gain source information of an attack. Under current law, the authority to issue administrative subpoenas is limited to cases involving violations of Title 21 (i.e. drug controlled substances' cases), investigations concerning a federal health care offenses, or cases involving child sexual exploitation or abuse.

The "Love Bug" virus investigation is an excellent example of where speed is of the essence in catching a cyber criminal. Philippine authorities investigating the "Love Bug" computer virus wanted to search the suspects' apartment sooner, but were unable to find a judge over the weekend. The delay apparently gave the apartment's residents time to dispose of the personal computer and key evidence.

The administrative subpoena provision in my legislation is very narrowly limited to cybercrime investigations involving violations of nine federal statues that address computer crimes. This provision is only concerned with obtaining information about the source of the electronic communication. It specifically protects privacy rights by prohibiting the disclosure of the contents of an electronic message. Administrative subpoenas will provide law enforcement with the speed and the means to enhance the protection of our critical infrastructures from attack in cyberspace.

The Cyber Security Enhancement Act will remove roadblocks to information sharing and investigation of cyber attacks. It will foster greater cooperation among the private sector and with the government on cyber security issues by providing limited protection from FOIA and anti-trust laws. It will take away the current ability of cyber criminals to evade law enforcement's efforts to catch them by authorizing administrative subpoenas. It will encourage standardization in requests for information by law enforcement to the private sector. It will encourage the use of technologies that inhibit a cyber attacker from utilizing a false Internet address.

Ultimately, this legislation enhances the protection of our nation's critical infrastructures from cyber attack by hackers, terrorists, or hostile nations. I am committed to doing what I can to secure our nation's way of life in the Information Age. This legislation is a critical first step.

By Ms. SNOWE (for herself, Mr. BAYH, Mr. KOHL, Mr. L. CHAFEE, Mr. MOYNIHAN, and Mr. BREAUX):

S. 3189. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Finance.

CHILD SUPPORT DISTRIBUTION ACT OF 2000

Ms. SNOWE. Mr. President, I rise today to introduce the Child Support Distribution Act. This is companion legislation to Congresswoman NANCY JOHNSON's bill in the House, which passed the House overwhelmingly on September 7, 2000. I want to begin by thanking Senator KOHL for his leadership on child support issues; I am delighted to have been able to team up with him again in this important area. The child support provisions of this bill closely resemble his original legislation—the Children First Child Support Reform Act—of which I am a proud cosponsor. I also want to thank Senator BAYH for his leadership on new fatherhood initiatives. I am pleased that we could work together and incorporate their ideas into this vital legislation. I am pleased to have Senators CHAFEE, MOYNIHAN, and BREAUX as original cosponsors on this bill.

There is no question that children are the very future of our country and I believe fundamentally that every child has the right to grow up healthy, happy, and safe. Throughout my career, promoting children's well-being and keeping our children safe is a mission that has been close to my heart. While we cannot expect the government to ensure that every child receives parental love and attention, we can ensure that parents pay court-ordered child support, and we can ensure that the custodial parent—not the government—receives this vital financial support.

Ending poverty and promoting self-sufficiency is an on-going national commitment. Four years ago Congress restored welfare to a temporary assistance program, rather than a program that entangles and traps generation after generation. Today, the welfare caseload has fallen by six million recipients from 12.6 million in 1996 to 6.6 million in September 1999. This reflects a drop of 49 percent in just three years. We also have the lowest percentage (2.4) of the American population on welfare since 1967.

Unfortunately, while we are succeeding in promoting self-sufficiency and self-reliance through welfare reform, we are sending out a double-edged message on the need to pay child support. Current law regarding the assignment and distribution of child support for families on welfare is extremely complicated—depending on when families applied for welfare, when the child support was paid, whether that child support was for current or past-due payments, and depending on how the child support was collected, in other words, through direct payments, through garnishing wages or other government assistance programs, or the federal income tax return intercept program.

The "Child Support Distribution Act of 2000" would provide more child support money to families leaving welfare; would simplify the rules governing the assignment and distribution of child support collected by States; would improve the collection of child support; would authorize demonstration programs encouraging public agencies to help collect child support; and would implement a fatherhood grant program to promote marriage, encourage successful parenting, and help fathers find jobs and increase their earnings.

Under current law, when child support is collected for families receiving Temporary Assistance for Needy Families, TANF, the money is divided between the state and federal governments as payment for the welfare the family has received. The 1996 Welfare Reform Act gave states the option to decide how much, if any, of the state share of child support payments collected on behalf of TANF families to send to the family.

The 1996 Welfare Reform law also required that in order to qualify for TANF benefits, beneficiaries must "assign"—or give—their child support rights to the state for periods before and while the family is on welfare. This means that the State is allowed to keep (and divide with the federal government) child support arrearages that were owed even before the family went on TANF if they are collected while the family is receiving welfare benefits.

The original intent of these assignment and distribution strategies was to reimburse the state and federal governments for their outlays to the welfare family. But how much sense does it make to tell a family that is on welfare or trying to get off welfare that the State is entitled to the first cut of any child support payment, even if the absent parent begins to pay back the child support that was owed before the family went on welfare?

This means that the state gets the support before a parent can buy new shoes for her child, before she can buy her child a new coat for the approaching winter, before she can buy groceries for her family, or pay the rent for the next month. So in the real world, not just a policy-oriented world, our current law regarding child support payments provides a disincentive for struggling parents to leave welfare, and it certainly provides no incentive for the absent parent to pay, much less catch up with, their child support bills. I wonder how we can realistically expect to foster a positive relationship between a custodial parent, and the parent paying child support, when the State is entitled to all of the support money.

The key provisions of the bill I am introducing today will allow states to pass through the entire child support collected on their behalf while a person is on welfare; will change how and when child support is "owed" to the states for reimbursement for welfare benefits; and will expand the child support collection provisions such as revoking passports for past-due child support.

We must ensure both non-custodial and custodial parents that child support payments are directly benefitting their children. This bill will enable families to keep more of the past-due child support owed to them and it will further the goals of the 1996 Welfare Reform Act by helping families to remain self-sufficient. This bill will give mothers leaving welfare an additional $4 billion child support collections over the first five years of full implementation. It will also lead to the voluntary payment by states of about $900 million over five years in child support to families while they are still on welfare.

Children are the leaders of tomorrow; they are the very future of our great nation. We owe them nothing less than the sum of our energies, our talents, and our efforts in providing them a foundation on which to build happy, healthy and productive lives. And, when appropriate, we need to help parents financially support and provide for their children. Because it simply makes little sense to ask people to be self-sufficient, to pay their child-support bills, and then to allow the State to collect all of that child-support.

I encourage my colleagues to take a serious look at this bill and pass it before we adjourn.

Mr. BAYH. Mr. President, I rise today with the hope that this important legislation will be addressed prior to the adjournment of this Congress. As an original cosponsor of the "Child Support Distribution Act of 2000," I strongly support the promotion of responsible fatherhood and putting more money in the hands of families for their children. The House of Representatives has done their part by passing a similar bill 405 to 18. It is time for the Senate to act.

This bill incorporates provisions from a bill I authored, S. 1364, the "Promoting Responsible Fatherhood Act," a bipartisan bill to help fathers and noncustodial parents provide emotional and financial support for their children. The provision in this bill to provide states with grants for fatherhood programs is essential to ensure smaller more localized programs receive funding and to provide each state with seed money to expand upon current fatherhood initiatives.

With the inclusion of fatherhood and media grants, this bill strikes an appropriate balance to address "deadbroke" fathers and "deadbeat" fathers. In order to help dead-broke fathers act responsibly, this bill authorizes grants to fatherhood programs to provide employment training and build upon parenting skills. Last year, I visited the Father Resource Program, run by Dr. Wallace McLaughlin in Indianapolis, Indiana. This program is a wonderful example of a local, private/public partnership that delivers results. It has served more than 500 fathers, primarily young men between the ages of 15 and 25, by providing father peer support meetings, premarital counseling, family development forums and family support services, as well as co-parenting, employment, job training, education, and life skills classes.

The fathers there were eager to tell me when I asked about the difference these programs have made in their lives and the lives of their children.

One said to me, "After the six-week fatherhood training program, the support doesn't stop . . . I was wild before. The program taught me self-discipline, parenting skills, responsibility."

Another said, "As fathers, we would like to interact with our kids. When they grow into something, we want to feel proud and say that we were a part of that."

And yet another, "The program showed me how to have a better relationship with my child's mother, and a better relationship with my child. Before those relationships were just financial."

While the program's emotional benefits to families are difficult to measure, we do know it is helping fathers enter the workforce. Over 80 percent of the men who have graduated from the program are currently employed.

In addition, to grant programs that provide parenting skills, employment related training, and encourage healthy child-parent relationships there needs to be a cultural shift. This shift will only take place when society deems it unacceptable to evade one's responsibility as a father. This shift is necessary to motivate the "deadbeat" fathers to take responsibility for their children. In an effort to achieve this cultural shift, the "Child Support Distribution Act of 2000" includes $25 million for a media grant program that will allow each state to air television ads that convey the importance of fatherhood.

In addition, this bill expands upon the provision in S. 1364 to encourage states to pass-through child support funds directly to families that are currently on government assistance. This provision would provide an additional $6.2 billion in the hands of families and children over the next ten years. In addition, it will increase the likelihood that noncustodial parents will pay child support and allow children to benefit from their noncustodial parents' financial contributions. Making families self sufficient through the participation of both parents in their children's lives is the next step in welfare reform.

Society has been aware of the connection between fatherlessness and children experiencing social ills such as poverty, crime, and teen pregnancy for sometime now. However, the Federal Government continues to spend billions of dollars to address these social ills and very little to address the root causes of such social ills. In order to break the cycle of poverty, government dependance, and crime Congress needs to address fatherlessness and the breakdown of the family structure.

The investment called for in this legislation is fiscally responsible—it helps deal with the root causes, not just the symptoms, of many of the social problems that cost our society a great deal of money.

The cost to society of drug and alcohol abuse is more than $110 billion per year.

The federal government spends $8 billion a year on dropout prevention programs.

Last year we spent more than $105 billion on poverty relief programs for families and children.

The social and economic costs of teenage pregnancy, abortion and sexually transmitted diseases have been estimated at more than $21 billion per year.

All this adds up to a staggering price we pay for the consequences of our fraying social fabric, broken families and too many men not being involved with their kids.

The number of kids living in households without fathers has tripled over the last forty years, from just over 5 million in 1960 to more than 17 million today. Children need positive role models.

The House overwhelmingly declared their support for child support and fatherhood measures. I urge the Senate to declare their support for these measures and pass this legislation this year. I yield the remaining time to the floor.

Mr. KOHL. Mr. President, I rise today as an original co-sponsor of this important legislation, the "Child Support Distribution Act of 2000," and am pleased to join with Senators SNOWE, BAYH, CHAFEE, MOYNIHAN and BREAUX in this effort to help build stronger families and improve our public child support system.

I want to thank and commend Senator SNOWE and the other co-sponsors for working with me to present this combined child support/fatherhood legislative package, containing child support provisions that are similar to my legislation, S. 1036, the "Children First Child Support Reform Act." Both my bill and the legislation we are introducing today take significant steps to increase child support collections and to increase the support dollars that are delivered directly—or passed-through—to families involved in the public system.

In Fiscal Year 1998, the public child support system collected child support payments for only 23 percent of its caseload. This means that our nation's children are owed roughly $47 billion in over-due child support. Though every year we collect more, it is clear that our child support system is still not working as it should and that too many children still lack the support they need and deserve.

In 1997, I worked with my State of Wisconsin to institute an innovative program of passing through child support payments directly to families—and they have with great success. Wisconsin has found that when child support payments are delivered to families, non-custodial parents are more apt to pay, and to pay more. In addition, Wisconsin has found that, overall, this policy does not increase government costs. That makes sense because "passing through" support payments to families means they have more of their own resources, and are less apt to depend on public help to meet other needs such as food, transportation or child care.

And since 1997, I have worked to promote expansion of this policy to the other states. I contributed to the Administration's child support financing reform consultation process and urged the President to make pass-through expansion part of his budget for fiscal year 2001, which he agreed to do. I also worked to reach consensus on pass-through expansion with the states, children's advocates and fatherhood groups. These efforts led to my introducing bipartisan legislation last year on child support financing reform, S. 1036, that advanced many of the policies and principles incorporated into this legislation. I also testified on child support pass-through policy at a hearing before the Senate Finance Committee on July 25, 2000.

Though we've come a long way since the 1997 beginning of an expanded pass-through program in Wisconsin, we now have a key opportunity to encourage other states to follow Wisconsin's example. A House version of this child support/fatherhood legislation passed the House on September 7th by an overwhelming bipartisan vote of 405 to 18. On September 25th, I sent a letter to the Senate leadership, a letter co-signed by 21 of my Senate colleagues, urging the leadership to take action on child support and fatherhood policy reforms before the end of this legislative session. And it is our goal and my sincere hope that this bipartisan "Child Support Distribution Act," which so closely resembles the House bill, will be approved by the Senate unanimously. This legislation will deliver over $6 billion in increased child support payments to families over the next ten years. And as my 21 Senate colleagues and I emphasized in our letter, we can and should move this legislation this year because our nation's children need and deserve nothing less.

While we all agree that the level of over-due child support is unacceptable, we also know that poor collection rates don't tell a simple story. There are many reasons why non-custodial parents may not be paying support for their children. Some are not able to pay because they don't have jobs or have fallen on hard times. Others may not pay because they are unfairly prevented from spending time with their children.

But other fathers don't pay because the public system actually discourages them from paying. As my colleagues may know, under the current system, nearly $2 billion in child support is retained every year as repayment for public assistance, rather than delivered to the children to whom it is owed. This policy has existed since 1975 when we designed the public child support system to recover the costs of welfare assistance. Once collected, those support dollars are split between the state and federal governments as reimbursement for welfare costs.

Since the money doesn't benefit their kids, fathers are either discouraged from paying support altogether or at least discouraged from paying through the formal system. And on the other side of the equation, mothers have no incentive to push for payment since the support doesn't go to them.

Our "Child Support Distribution Act," just like my "Children First Child Support Reform Act," attempts to address this problem. The legislation reforms child support policy so that families working their way off—or just off—public assistance, keep more of their own child support payments. With this bill, the federal-state child support partnership will embark upon a new policy era with a mission focused both on promoting self-sufficiency, rather than cost recovery, and on making child support payments truly meaningful for families.

We know that creating the right incentives for non-custodial parents to pay support and increasing collections has long-term benefits. People who can count on child support are more likely to stay in jobs and stay off public assistance.

Delivering or passing through child support directly to families would simplify the job for states as well. The states currently devote six to eight percent of what they spend to run the entire child support program—$250 million per year—on distributing collections. This has created an administrative nightmare. Right now, the states divvy up child support dollars into as many as nine pots. Under my proposal, states would have greater freedom to adopt a straightforward policy of collecting child support and delivering it to families, without costly and burdensome regulations.

Moving towards a simpler child support system that puts greater emphasis on getting funds to families is the right and most fair approach —for fathers, mothers, and children, and for all of us interested in making the child support program work. I urge my Senate colleagues to support this legislation this year, and I look forward to our working to deliver more child support resources to the children to whom they are owed so that all our communities benefit from healthier, happier children and stronger, more stable families.

Mr. BREAUX. Mr. President, I would like to express my strong support for the Child Support Distribution Act of 2000 introduced today in the Senate. I would also like to commend my colleagues on their efforts to reconcile the House-passed Child Support Distribution Act, H.R. 4678, with similar bills introduced in the Senate. I agree that it is imperative for the Senate to join the House in passing strong bipartisan legislation to strengthen the child support system and assist low income families by allowing them to retain child support payments. I also believe that it is important to encourage noncustodial fathers to take responsibility for their children's well-being and I am pleased that this legislation includes funding to states to develop programs promoting responsible parenthood.

I feel so strongly about this legislation because of the significance of child poverty in the United States, and particularly in my own State of Louisiana. According to the Children's Defense Fund, there are almost 366,000 children living in poverty in the State of Louisiana, almost 30 percent of the state's children. Over 33 percent of families in Louisiana have no father in the home and 40 percent of babies are born out-of-wedlock. Studies show that children who are raised with no father are five times more likely to live in poverty and twice as likely to commit a crime or commit suicide, as well as more likely to use drugs and alcohol or to become pregnant. It is time to break this cycle of child poverty. Strengthening the child support system, ensuring that money gets into the hands of the families that need it, and supporting programs that encourage responsible parenthood are important steps in addressing child poverty. I am pleased to cosponsor the Child Support Distribution Act and encourage the Senate to act on it this Congress. Thank you for this opportunity to voice my support for this important legislation.

ADDITIONAL COSPONSORS

S. 206

At the request of Mr. ASHCROFT, his name was added as a cosponsor of S. 206, a bill to amend title XXI of the Social Security Act to provide for improved data collection and evaluations of State Children's Health Insurance Programs, and for other purposes.

S. 768

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 768, a bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of

S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1969

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1969, a bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

S. 2773

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2773, a bill to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3050

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 3050, a bill to amend title XVIII of the Social Security Act to make improvements to the prospective payment system for skilled nursing facility services.

S. 3101

At the request of Mr. ASHCROFT, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3101, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States.

S. 3119

At the request of Mr. WYDEN, the names of the Senator from Washington (Mr. GORTON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3119, a bill to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes."

S. 3131

At the request of Mr. MURKOWSKI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 3131, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the medicare program and to ensure that the Secretary targets truly fraudulent activity for enforcement of medicare billing regulations, rather than inadvertent billing errors.

S. 3147

At the request of Mr. ROBB, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3152

At the request of Mr. ROTH, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Ohio (Mr. DEWINE), the Senator from Indiana (Mr. BAYH), the Senator from New York (Mr. SCHUMER), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3178

At the request of Mrs. FEINSTEIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3178, a bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same age that applies with respect to Federal law enforcement officers.

S.J. RES. 30

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

AMENDMENT NO. 4303

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of Amendment No. 4303 intended to be proposed to S. 2508, a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

SENATE CONCURRENT RESOLUTION 147—TO MAKE A TECHNICAL CORRECTION IN THE ENROLLMENT OF THE BILL H.R. 4868

Mr. ROTH submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 147

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

On page 160, line 8, strike ": and" and all that follows through line 10, and insert a period.

SENATE CONCURRENT RESOLUTION 148—TO PROVIDE FOR THE DISPOSITION AND ARCHIVING OF THE RECORDS, FILES, DOCUMENTS, AND OTHER MATERIALS OF JOINT CONGRESSIONAL COMMITTEES ON INAUGURAL CEREMONIES

Mr. MCCONNELL (for himself Mr. DODD, and Mr. LOTT) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 148

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. RECORDS OF EACH JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES.

(a) IN GENERAL.—Upon the conclusion of the business of a joint congressional committee on Presidential inaugural ceremonies and the closing out of its affairs, all records, files, documents, and other materials in the possession, custody, or control of the joint committee shall be transferred subject to—

(1) such terms and conditions relating to access and use of such materials as the Committee on Rules and Administration of the Senate shall prescribe; and

(2) the provisions of Senate Resolution 474 (96th Congress, 2d Session).

(b) PRIOR RECORDS.—The records, files, documents, and other materials of any joint congressional committee on Presidential inaugural ceremonies in the custody of the Senate on the date of adoption of this resolution shall be shall be transferred subject to—

(1) such terms and conditions relating to access and use of such materials as the Committee on Rules and Administration of the Senate shall prescribe; and

(2) the provisions of Senate Resolution 474 (96th Congress, 2d Session).

SENATE CONCURRENT RESOLUTION 149—TO CORRECT THE ENROLLMENT OF H.R. 3244

Mr. MACK submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 149

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, shall make the following correction:

(1) In section 2002(a)(2)(A)(ii), strike "June 7, 1999," and insert "December 13, 1999,".

AMENDMENTS SUBMITTED

EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

GRAMM (AND ENZI) AMENDMENT NO. 4305

Mr. WARNER (for Mr. GRAMM (for himself and Mr. ENZI)) proposed an amendment to the bill (H.R. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

"Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking "August 20, 1994" and inserting in lieu thereof "August 20, 2001".".

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Joseph Reese be allowed floor privileges during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE LATE CONGRESSMAN HERB BATEMAN

Mr. ROBERTS. Mr. President, I rise on the Senate floor today to pay tribute and to really eulogize one of our colleagues from the House of Representatives and a personal friend. I am speaking of Herb Bateman, the late Congressman from America's First District, the First District of Virginia.

As most of my colleagues know, Herb passed away last month following a rich life of public service, family commitment, and 18 years of distinguished service in the House of Representatives. Herb had announced his retirement last January, and in doing so, he had received well-deserved accolades and awards and letters of appreciation. They were from virtually everyone whose life he touched—and he touched many from all walks of life. I might add, the letters of appreciation and thanks are still being sent to newspapers in his district.

From September 12 through 14, Members of the House paid a very deserved tribute to Herb, and in doing so, really captured the essence of the man. The essence, simply put, is that Herb epitomized integrity in public service. I commend these moving and very accurate portrayals of Herb Bateman to the attention of my Senate colleagues.

Let me also say that the comments by our colleagues in the House also represented a most appropriate segue to the services that were held for Herb in his hometown of Newport News. I am compelled to say that I have never attended services more appropriate, more moving, and more fitting in celebrating the life of someone so respected and so loved. I was privileged to join many of Herb's colleagues and my former colleagues in the House; Senator BUNNING; the distinguished senior Senators from Virginia, Senator WARNER and Senator ROBB; and hundreds of friends and relatives who were in attendance.

There simply wasn't enough room in Our Lady of Carmel Catholic Church in Newport News last September 15 to hold all of Herb Bateman's friends and constituents who joined his wife Laura and their family, yes, to mourn his loss, but also to pay tribute and celebrate his life.

The remarks by Monsignor Michael D. McCarron were not only appropriate and especially uplifting in their religious context, providing Herb and Laura's family and all of us in attendance the strength and faith that we needed, but they also captured with humor and grace the perspective of one's life devoted to public service.

Herbert H. Bateman Jr., "Bert" Bateman, eulogized his Dad in moving remarks that only a loving son could give. Bert's eulogy was a gift of solace and comfort to his mother, his family, his sister Laura and her family, to all of the relatives present—and with regard to that special father-son relationship we all would hope for—it was a gift to us all.

The last speaker during the service for Herb Bateman, was his long time Chief of Staff, Dan Scandling. And, it is Dan's eulogy that I am going to ask to be put in the RECORD today.

I do so for a special reason. Dan Scandling's remarks are not only a fitting tribute to his boss, Congressman Herb Bateman, they also speak for all of the Bateman staff members during 18 years of Herb's distinguished service. They speak for Dan, and they speak for his long-time and valued executive assistant, Peggy Haar, and for all of the staffers who served Herb so well during his 18 years in the House of Representatives. After hearing Dan speak, I believe his comments also represent that special relationship that most congressional staff members have with their congressman or their senator.

My appreciation for Dan Scandling's remarks, like others who are privileged to serve in this body, are because I am a former staffer—or as we say in Kansas, a bucket toter, if you will, in my case working for both a Senator and my predecessor in the House of Representatives. In each case, my boss was the Senator or the Congressman. So it was and is for Dan and all of the Bateman staff. They admired and loved him and their work demonstrated that and in turn their work earned the respect and gratitude of the people of America's First District.

I am fond of saying that there are no self-made men or women in public office; that it is your friends who make you what you are. In this respect Herb was indeed a self-made man but also made better by his friends, more particularly his staff. I am also fond of saying you are only as good—in terms of accomplishment and making a difference—as your staff. Herb accomplished much and made a difference.

Dan Scandling captured those thoughts and much more in his moving tribute to his boss, Congressman Herb Bateman. His personal tribute to Laura Bateman, a great lady, was especially appropriate and captured Herb's commitment and love for his wife.

Dan summed up the life of Herb Bateman and his public service attributes as only a trusted aid could do—Herb's credibility, integrity, his hard work and commitment to his fellow man. He also reflects on their personal relationship with honor and affection.

Mr. President, I ask unanimous consent that the eulogy given by Dan Scandling on behalf of his friend, mentor and boss, Congressman Herb Bateman be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

So many things come to mind when you think of Herb Bateman.

Congressman. State Senator. Colleague.

Statesman. Virginia Gentleman. Devoted Public Servant.

Boss. Golfing Partner. Friend.

And lest no one forget: "America's First District."

There also is the much more private side of Herb Bateman.

Husband. Father. Grandfather.

One of the first things that struck me about Mr. Bateman when I came to work for him 10 years ago was his unwavering devotion to Laura.

I can still vividly remember one of the first times she came into the office. We were just wrapping up one of those marathon meetings that all you Members so deeply cherish when Laura walked in.

Herb got up from behind his desk, walked over to her, reached for her hand, gave her a kiss on her cheek and then asked how her day was.

I quickly learned this wasn't just a one-time thing.

Nothing was as important as making sure Laura had had a good day.

I only wish I was half as attentive to the needs of my wife.

Laura was the most important thing in Herb's life. The two were inseparable. Wherever Herb went, Laura went. Whether it was travel overseas, a trip to the Eastern Shore or back and forth to Washington, the two of them were always together.

Laura was very important to Herb's political career—particularly when it came to keeping names and faces straight.

Herb was terrible with names. He always insisted on name tags at every event he hosted.

Laura, on the other hand, is the master of remembering names and faces. No matter where they were, or who they ran into, it is like instant recall. She can always place a name with a face. You politicians in the audience today should be jealous.

I know one certain Chief of Staff who owes his congressional career to Laura because she remembered his name and face.

Bert and Laura, you have no idea how proud your father was of you. Not a day went by that he wasn't telling me about how one of you had gotten a better job, or a promotion, or had landed a big, new account.

Bert, he was particularly proud of your desire—and commitment—to make Newport News a better place to live and work. He was proud that you were willing to give so much of yourself to your community.

And he also was proud of how good a husband—and father—you are.

Laura, nothing brought a bigger smile to your father's face than for him to run into one of his former colleagues from the Virginia Senate and have them tell him how great a job you do in Richmond and beyond.

He was so proud of how successful you have become.

Then there is "Poppy." Herb loved his grandchildren. Emmy, Hank and Sam—you were the apples of his eye.

Just last week he was boasting how Emmy had won a tennis tournament at the club and was so pleased that Hank had taken up running cross country. Every summer I would get the updates on all the ribbons the two of you would win at swim meets.

Hank, I think your grandfather has high expectations from you on the athletic field. I know you won't let him down.

Emmy, I know your "Poppy" wishes for you the same success that his daughter has had.

Sam, your "Poppy" was so excited about your first day at school. He was looking forward to getting home last weekend to hear all about it first-hand.

I know this week has not been easy. It wasn't supposed to happen this way. I know you feel somewhat cheated because "Poppy" was finally going to be able to spend more than just the weekends in Newport News. There would be no more of this nomadic life of leaving for Washington every Monday morning only to return home sometime Friday—then do it all over again two days later.

But look around this church. Look how many people are here. Everyone here loved your "Poppy."

It's like one huge "thank you" for sharing him with us.

Thank you for all those times he left you—his family—to go work an 80-hour week in Washington;

To go to a parade somewhere at the other end of the District on a Saturday morning;

To go to some god-awful chicken dinner fund raiser;

To go shake hands at the shipyard gates at 6 a.m. on some rain-soaked morning in the dead of winter.

Thank you for sharing him with us. Thank you for the sacrifices you made.

I worked for Herb Bateman for 10 years. Over that time we grew to be pretty close. I think it would probably be fair to say he considered me part of the family.

There aren't too many places in America's First District that he and I haven't been to together, and there aren't too many things we haven't discussed.

Of all the things that have been ingrained in my head over the last 10 years, it's that credibility is everything.

Once you lose your credibility, you lose everything. If people cannot take you at your word, then your word is nothing.

Perhaps that explains why he was such an effective legislator, and why when he announced his retirement last January, letters, faxes and e-mails poured into his office thanking him for his dedicated service.

He got letters from Admirals, Generals, captains of industry and politicians on both sides of the aisle. He got letters from longtime friends and associates. And most significantly, he got letters from hundreds of his constituents. All them were effusive in their praise.

Credibility meant everything to Herb Bateman. I know that first hand. I know it guided each of his decisions, whether it was on a controversial issue before Congress or a contentious political issue.

He would have been pleased to hear how his colleagues described him during Tuesday evening's tribute on the floor of the House.

I couldn't help but smile as I saw Member after Member get up and talk about his integrity.

Perhaps Congressman Burton said it best:

"Herb was a man, who if he gave his word on anything, you could take it to the bank. Herb was not one of those guys that played both sides of the fence. He was a man of integrity—impeccable integrity—and one that all of us respected."

More than anything else—any aircraft carrier, any submarine, any bridge, any Corps of Engineers' project—Herb would want to be known for his integrity.

Obviously, he has.

Herb had two vices in life. A good steak, and golf.

Man, did he love a good steak. New York Strip. Medium rare.

He always ordered french fries with his steak—extra crisp, please or potato sticks if you have them.

If I was invited over to Shoe Lane for dinner it usually meant a good steak on the grill—and potato sticks!

If I was invited out for a steak in Washington, it usually meant someone in the office was in trouble.

I used to cringe when he would come up behind me, put his hand on my shoulder and say, "Dan, let's go have a steak."

He always enjoyed his meal. I can't say the same.

The there was golf. Next to Laura, golf was his passion.

Like most us, he wasn't very good, but that didn't matter. He just loved to play. He loved being outdoors. He loved meeting new playing partners.

And he loved mulligans!

Herb played golf to relax. He didn't talk about work on the golf course. He didn't take a cell phone. He never carried a pager. Golf was for fun. If you were on the golf course, you were there to enjoy yourself.

If Herb were ever elected President, I bet one of the first things he would do would be to issue an Executive Order prohibiting cell phones on the golf course.

For all those golfers here today, I have one special request. The next time you play golf, as tribute to Herb, leave your cell phones and pagers in the car.

Take the time to relax and enjoy the people you are playing with. I have made a promise to myself never to take a cell phone with me on the golf course again. I hope I can live up to it.

Oh, and take a couple of mulligans too.

I want to close by touching on some of the things that Herb did that no one knew about, that never made any headlines, that never got him a vote.

Herb liked helping people. He always stressed to his staff that constituent service was the most important part of his job—and their job.

He always reminded us that he worked for the people of America's First District and it was his job to help them when they had a problem.

I could recount hundreds—if not thousands—of cases where Herb got personally involved. One that always comes to mind involved a woman from Williamsburg whose husband had died and was buried in Arlington Cemetery. The woman's husband had been an Air Force pilot and she asked that he be buried in the section in Arlington where you could have different types of tombstones.

Soon after his funeral she went about designing a tombstone that she thought would be a fitting tribute. The cemetery approved the design and she had the stone carved. When the store arrived at the cemetery several weeks later, cemetery officials did a complete 180 and told her she couldn't use the stone.

Somehow, a columnist at the Washington Post caught wind of the situation and a story appeared in the paper. Herb saw it and asked me what I knew about it. After a few quick calls, it was evident the woman hadn't contacted us. But to Herb, that didn't matter.

Within a matter of minutes, Herb, me and another staffer were in a car headed over to Arlington. We drove through the cemetery where the woman's husband was buried, got out looked at some of the other tombstones then headed back across the river.

Upon returning to the office, Herb immediately called the Superintendent at Arlington and presto, the issue was resolved.

When I called the woman to tell her the cemetery officials had relented, I asked why she didn't call us. She said she didn't want to burden the Congressman with her problem.

To Herb, it wasn't a bother; it was a pleasure. It was all about helping the people he represented.

The Congress has lost more than an outstanding Member, it has lost a warm, caring individual who served his nation with great honor and distinction.

God bless Herb, his family, and America's First District.

Mr. ROBERTS. Mr. President, I commend his remarks to all Senators and more especially all staff in both the House and Senate. It captures that special relationship—the analogy might be—my boss, right or wrong—my boss. In the case of Herb Bateman and Dave Scandling the rightness of their work was 100 percent—there was no wrong.

In closing, I would like to quote Helen Steiner Rice to Laura Bateman, to the family, to the staff, and to the friends and constituents of Herb Bateman, my friend.

When I must leave you for a little while,
Please go on bravely with a gallant smile
And for my sake and in my name,
Live on and do all things the same—
Spend not your life in empty days,
But fill each waking hour in useful ways—
Reach out your hand in comfort and in cheer,
And I in turn will comfort you and hold you near.

I would be happy to yield to the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, I simply want to say to my very dear friend, I ask that I be associated with his remarks. It was a privilege to be on the floor at the time the Senator from Kansas delivered his remarks. In my 22 years in this great institution, the Senate, I have never known a Member of

Congress who tried harder to work on personal relationships than my good friend from Kansas.

He is so respected in this institution, as he was in the House. To have him stand in tribute to one of our mutual friends of long standing for all of these years I have been in the Senate—I think maybe Herb's 20 years versus my 22 years. Whatever it is, it is inconsequential. I worked with him.

I was so pleased to go down to visit his lovely wife and his children. I have seen his children grow, as the Senator from Kansas has, and I was privileged to be at the service with the Senator and some others from the Congress of the United States. What a fine, fine person he was, and most deserving of the outpouring of heartfelt expressions at that memorial service. I spoke to his widow not too long ago. She is a woman of great strength, as are the children, and it will carry on.

I would like to work with my colleague and other Members of the House and the Senate at the appropriate time—which I think will have to be next year—to name something related to defense in honor of our most recently departed colleague and friend.

I thank the Senator.

Mr. ROBERTS. Mr. President, I thank the distinguished chairman, my friend and colleague, for his comments.

I wasn't planning on doing this. But I might just provide the chairman with a reflection. As he knows, we were in conference on the Defense authorization bill—the bill we are trying to get finished here. It is so essential to our Nation and our national security. There was not anybody in Congress who worked harder or who was more effective in regard to national security than our dear friend, Herb Bateman.

The Subcommittee on Emerging Threats on the Senate side, of which I am accorded the privilege of being the chairman, was meeting with several other subcommittee chairmen because the House does not follow suit in terms of our organization or duties and we think the Emerging Threats Subcommittee, which was largely formed out of the leadership of the distinguished chairman, encompasses so many different things that are so important to our national security. We were meeting in conference. The distinguished gentleman from the First District of Virginia came in, and he was a tad late. The only amendment we had that was still outstanding was the Bateman amendment. I asked Herb if it was a little late for his tee time. He laughed and said: No, not today but tomorrow.

I informed all those present that the Senate had strong feelings about Mr. Bateman's amendment—very strong feelings—and, despite that, we would accept the amendment under one reservation. Herb was a little concerned because it was a very fine amendment. He looked at me and said: Well, Mr. Chairman, PAT, friends and colleagues from the House, what would that reservation be? I said: Only if we call your amendment the "Herb Bateman Common Sense Amendment." Obviously, it was agreed to and passed.

That was on a Thursday. We lost Herb over that weekend—something I could not believe as I came to work on Monday. But as I reflect back on that, it was probably his last amendment, and it was "common sense," as he always stood for.

So from that standpoint, I think the distinguished chairman's suggestion about what we do in the next Congress is most appropriate. I appreciate his contribution.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, if I might say to my good friend, Herb and I played a game of golf, which he dearly loved. He had his priorities—his family, his church, and work in Congress. He was the only man I played with, as others have, and whom I ever knew of, who could miss a 2-foot putt and still walk off the green with a smile on his face. He always said, well, tomorrow, or the next putt on the green, it will be a better day. But that was the sort of wonderful, even-tempered, absolutely beautiful man he was in terms of his character.

I thank my colleague. I have enjoyed these few moments. He loved the Navy. He loved everything connected with the sea and maritime. How many times we heard him give the speech: And I'm the Congressman from the First Congressional District.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEBT REDUCTION AND SPENDING CUTS

Mr. VOINOVICH. Mr. President, in a few short weeks, it will have been two years since the people of Ohio elected me to represent them in the United States Senate. One of the main reasons I wanted to serve in this body was to have an opportunity to bring fiscal responsibility to the nation's capital and eliminate the gigantic debt burden that we have put on the backs of our children and grandchildren.

As my colleagues know, for decades, successive Congresses and Presidents spent money on things that, while important, they were unwilling to pay for, or, in the alternative, do without. In the process, Washington ran up staggering debt, and mortgaged our future.

Today, we have a $5.7 trillion national debt that is costing us $224 billion in interest payments a year, and that translates into $600 million per day just to pay the interest.

Out of every federal dollar that is spent, 13 cents will go to pay the interest on the national debt. Think of that. In comparison, 16 cents will go for national defense; 18 cents will go for nondefense discretionary spending; and 53 cents will go for entitlement spending. Right now, we spend more federal tax dollars on debt interest than we do on the entire Medicare program.

As the end of the 106th Congress draws near, I look back with mixed feelings at the actions that this Congress has made towards bringing our financial house in order. While we have made some strides in paying down the national debt, there is a lot more that we could have done. For example, we could have done a much better job of reining-in federal spending. Regretfully, we have done the opposite.

What many Americans don't realize is the fact that Congress increased overall non-defense domestic discretionary spending in fiscal year 2000 to $328 billion. That's a 9.3 percent boost over the previous fiscal year, and the largest single-year increase in non-defense discretionary spending since 1980.

In an effort to bring spending under control, my friend, Senator ALLARD, and I offered an amendment this past June to direct $12 billion of the FY 2000 on-budget surplus dollars toward debt reduction. While that amendment passed by a vote of 95–3, the victory did not last long—all but $4 billion of that $12 billion was used for other spending in the Military Construction Appropriations Conference Report.

Nevertheless, we have had reason to celebrate some good news. Just last year, many of us fought to "lock box" Social Security. In spite of the fact that many of my colleagues on the other side of the aisle defeated the bill, Congress did, though, for the first time in three decades, not spend a dime of the Social Security surplus.

I have to say that I take great offense at the fact that the Vice President is out there taking credit for "lock boxing" Social Security and Medicare. My colleagues—and indeed the American people—should be aware that, in fact, it was this administration—the Clinton-Gore administration—that sent a veto threat to the Senate regarding the Abraham/Domenici Social Security "lock box" amendment that we considered in April of 1999.

Here is the direct quote from that veto threat: ". . . If the Abraham/Domenici amendment or similar legislation is passed by the Congress, the

President's Senior Advisors will recommend to the President that he veto the bill." I would presume that the term "Senior Advisors" would include the Vice President.

Although Congress has agreed by consensus not to use the Social Security surplus for more spending, Congress, still has not been able to pass "lock box" legislation. And because Congress has not passed a "lock box" bill, I am fearful that if things get tight in the future, Congress will revert to its old ways.

Probably the best news from fiscal year 2000 is that despite spending roughly $20 billion of the on-budget surplus this past summer, Congress did not touch the additional $60 billion on-budget surplus that CBO announced in July. In other words, when fiscal year 2000 came to an end on September 30th, that $60 billion on-budget surplus had not been spent nor used for tax cuts. Instead, it will go towards reducing the national debt.

When on-budget surplus funds are used to lower the debt, it sends a positive signal to Wall Street and to Main Street that the federal government is serious about fiscal discipline. It encourages more savings and investment which, in turn, fuels productivity and continued economic growth.

All the experts say that paying down the debt is the best thing we could do with our budget surpluses. Indeed, CBO Director Dan Crippen said earlier this year: "most economists agree that saving the surpluses and paying down the debt held by the public is probably the best thing that we can do relative to the economy."

I would like to say Mr. President, in the last month or so, I have had the opportunity to meet with director Crippen in my office a couple of times, including, most recently, this morning. He said that the only way we were going to be able to deal with the wave of Social Security and Medicare benefits that we will have to pay when the "baby boomers" start to retire, is to reform Social Security and Medicare, and most important, we should undertake policies that encourage a robust, growing economy. And as far as I'm concerned, paying down the national debt is the best way that we can foster a robust growing economy.

Mr. President, in today's Washington Post, columnist David Broder, touched on this same theme in reporting about the need to exhibit fiscal responsibility. In case my colleagues have not read the article, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1)

Mr. VOINOVICH. In addition, just yesterday, the Congressional Budget Office released its report, entitled "The Long-Term Budget Outlook."

That report states that, "projected growth in spending on the federal government's big health and retirement programs—Medicare, Medicaid and Social Security—dominates the long-run budget outlook. If current policies continue, spending is likely to grow significantly faster than the economy as a whole over the next few decades. By 2040, CBO projects those outlays will rise to about 17 percent of gross domestic product—more than double their current share."

The report goes on to say, "'saving' most or all of the budget surpluses that CBO projects over the next 10 years—using them to pay down debt—would have a positive impact on the projections and substantially delay the emergence of a serious fiscal imbalance."

I believe that each of my colleagues should read this report because it might make them consider the consequences of all the spending that's going on in this body and help make the argument for more fiscal restraint in these last days of the 106th Congress. Therefore, Mr. President, I encourage my colleagues to look up the CBO report, "The Long-Term Budget Outlook," at the CBO website, www.cbo.gov.

Mr. President, I am a firm believer in the phrase, "prepare for tomorrow, today," and I believe that anytime we have an opportunity to enhance our future economic position, we cannot squander that opportunity. That is why I am deeply disappointed that the Senate is not going to consider the Debt Relief Lock-Box Reconciliation Act for Fiscal Year 2001, H.R. 5173. This is a bill that passed in the House of Representatives by a vote of 381-3, and which would have taken 90 percent of the fiscal year 2001 surplus and used it strictly for debt reduction.

As my colleagues know, the Congressional Budget Office has projected that in fiscal year 2001, the United States will have a surplus of $268 billion, including an on-budget surplus of $102 billion.

Under H.R. 5173—or the "90-10" bill as it has been called—$240 billion of the $268 billion projected surplus would go toward paying down the national debt. By using such a substantial amount of the surplus for debt reduction, Congress would be officially "lock boxing" not only the Social Security surplus, but the Medicare surplus as well. Thus, some $198 billion—the amount CBO predicts—will be in surplus for those two funds.

In addition to "lock-boxing" Social Security and Medicare, the legislation would appropriate $42 billion of the fiscal year 2001 on-budget surplus projection toward debt reduction.

The remaining 10 percent—or $28 billion—would be divided and used to cover whatever tax cuts or necessary and reasonable spending increases that needed to be made.

Even though it is not perfect legislation, I support H.R. 5173, because in my view, it is the best chance for Congress this year to make another significant payment on the national debt while keeping a tight lid on spending. Unfortunately, the "90-10" bill has never achieved the same kind of support here in the Senate as it did in the House, and therefore, the types of controls the bill would have put on spending will not be enacted in the Senate.

Instead, I fear that with the end of session "rush to get out of town," Congress and the President are engaged in a spending spree the likes of which we haven't seen since LBJ's Great Society. While I am concerned that the President wants additional spending, I am particularly alarmed at the fact that many of my colleagues are trying their hardest to outspend the President. Under this scenario, it's no wonder H.R. 5173 never had a chance.

Although we have not yet passed all of the fiscal year 2001 appropriations bills, the amount that spending has increased in the bills that have been passed is quite disturbing: particularly when compared to the Consumer Price Index, which is 2.7 percent.

For instance, the fiscal year 2001 Energy and Water appropriations bill that was just vetoed spends 12 percent more than its FY 2000 counterpart; the FY 2001 Interior appropriations bill represents a 26 percent increase; and the FY 2001 Transportation appropriations bill that we passed last Friday increased its discretionary spending by about 25 percent. So far, Congressional spending in fiscal year 2001 is on-track to make the 9.3 percent fiscal year 2000 non-defense discretionary spending increase look like "chump change."

I would like to say to the citizens of Ohio that there are many good things in those bills that I would have liked to support, but spending increases of this kind are just outrageous.

What we should have been doing with these appropriations bills is prioritizing our spending and living within the budget resolution that we passed in the beginning of the year. Maybe I should ask my colleagues, if we are not going to live within the parameters of the budget resolution, then why did we spend to much time on it?

If, when I was Governor, I had ever gone to the Ohio legislature and told them I wanted to increase the budget by 25 or 26 percent, they would have impeached me. The editorial writers would have said I had gone crazy, especially when my mantra when I came into office was, "gone are the days when public officials are measured by how much they spend on a problem. The new realities dictate that public officials are now judged on whether they can work harder and smarter and do more with less."

And Mr. President I hate to think what the voters would have done to me.

Many of my colleagues do not seem to consider that each separate appropriations bill adds-up. There is no sense of concern that one particular appropriations bill increases its spending from FY 2000 by 20 percent, because it's only $2 billion to $3 billion more than last year. Or, some may say we need to spend an extra billion dollars or so on this or that program because we have a huge surplus and we can afford it.

In a $1.7 trillion overall budget, I can see how someone may got caught up in that logic.

However, in the words of Everett Dirksen:

> A billion here, and a billion there, and pretty soon you're talking about real money.

It is all real money—real taxpayer's money. Congress and the President have got to admit that we cannot fund everything that we want. We have got to make hard choices with respect to spending if we are ever going to bring our debt under control.

The American people know that the spending Congress is engaged in right now must be accounted for somewhere, because they know there is no such thing as a free lunch. They know that ultimately they are the ones paying for what I like to refer to as a Congressional "feeding frenzy."

They want us to make the hard decisions and most of all, they want us to pay down the national debt. When I go home to Ohio my constituents say to me: Senator, we want you to pay down the national debt.

On one other last note, Mr. President—if you take the 9.3 percent increase in non-defense discretionary spending from fiscal year 1999 to fiscal year 2000, and the rate of increase projected in the fiscal year 2001 budget, we are blowing a big hole in the CBO 10 year projected budget surplus.

The 10 year CBO budget surplus is predicated on a 2.7 percent increase in Federal spending over 10 years.

We must remember that the on-budget surplus also includes the Medicare surplus, and if we are ever successful at passing Medicare "lock box" legislation, those funds will be off the table for spending. Consider also the Medicare giveback which we must have to stabilize this country's healthcare system which will also take part of the 10 year budget surplus; a prescription drug benefit that everyone agrees we must implement which will also take part of the 10 year budget surplus; we must spend more money to stabilize and improve our national defense which will also take part of the 10 year budget surplus.

If you add up all of the numbers, including appropriations bills that have passed and those that are anticipated to pass and include the projected $200 billion worth of tax reductions for the next 10 years, as well as the additional interest costs generated by Congress' spending and reducing taxes, then Congress will have reduced the 10 year projected budget surplus by some $750 billion. Let's not let that happen.

If Congress intends to spend money on implementing programs, we need to tighten our belts on our current spending and not squander our on-budget surplus on the kinds of wasteful spending included in the various fiscal year 2001 appropriations bills. We cannot forget that we are facing a Social Security and Medicare funding crisis in the near future, and if we can't prioritize our spending now, we will not be able to keep these programs solvent at their current level of benefits. The young people here who are pages will have that burden right on their backs.

That's why I believe the best course of action we can take is to use whatever on-budget surplus we achieve to pay down the national debt.

For three decades, we borrowed from our children, mortgaging their future for our present. And now, when times are good and we have the most ideal situation to set things right, we cannot continue down the same flawed path as before. Have we learned nothing?

Our current economic situation is our second chance to pay our children what we owe and ensure fiscal solvency for future generations. We have an obligation to our children—indeed, a moral obligation—to pay down the national debt and rein-in our spending in order to give them back their competitive edge. If we do not act now, I fear we will not get another chance to do the right thing.

Exhibit 1

[From the Washington Post, Oct. 11, 2000]

Heedless of the Deficits Ahead

(By David S. Broder)

On the morning after last week's vice presidential debate, Charles O. Jones, the University of Wisconsin political scientist and scholar of the presidency, remarked that the nation had witnessed "a great civic event," a civil, substantive discussion of serious policy matters between two highly competent public officials, Joe Lieberman and Dick Cheney.

In fact, Jones said, "we are having a good election, something you don't often get in good times." Contrast the contest being waged by Al Gore and George W. Bush, he went on, with the last race conducted in a healthy economy and at a time when no incumbent president was on the ballot.

That would be 1988, when the father of the current Republican nominee squared off, as vice president, against Massachusetts Gov. Michael Dukakis. If the winning campaign of 1988 is remembered at all, the enduring images are the flag factories the elder George Bush visited in an implicit challenge to Dukakis's patriotism and the Willie Horton ads his supporters aired. And the hapless Democratic effort was symbolized by Dukakis's tank ride and his lame, emotionless answer to Bernard Shaw's question about how he would respond if someone raped and murdered Kitty Dukakis.

We've come a long way from that, with the four nominees for president and vice president arguing about such genuinely important topics as defense, education, Social Security and health care.

But before we get too giddy in celebrating our good fortune, let it be noted that historians are almost certain to remark on the purposeful myopia of the candidates in this first election of the new millennium, their deliberate refusal to acknowledge and discuss one of the biggest realities of our national life: The glorious federal budget surpluses they are happily parceling out for their favorite programs and tax cuts are a short-term phenomenon, soon to be followed by crippling deficits, unless we make some hard choices in the next few years.

In this respect, the 2000 campaign is reminiscent of 1988—but worse. In that year, Dukakis and the elder Bush avoided discussing the savings and that year, Dukakis and the elder Bush avoided discussing the savings and loan crisis both of them knew was around the corner. The reason: There were no easy answers, just bad news and an expensive bailout in store.

What we now confront is much, much bigger than the savings and loan bailout. Its dimensions were outlined last week in a report from the nonpartisan Congressional Budget Office (CBO)—a report that did not make the front page of any of the papers I read and that was ignored by most of the TV news shows.

Here's what it said: Assuming that the new president uses the expected surplus in Social Security of $2.4 trillion over the next 10 years to pay down the national debt, as Gore and Bush say they will do, the government may be able to balance its books until about 2020.

But then the retirement and health care costs of the huge baby boom generation and the shrinkage in the number of Americans working and paying taxes will once again create a serious imbalance—and push us back into debt.

In the estimate of the CBO, "If the nation's leaders do not change current policies to eliminate that imbalance, federal deficits are likely to reappear and eventually drive federal debt to unsustainable levels." A chart accompanying the report shows the public debt in 2040 rising to 60 percent of the estimated size of that year's economy—creating a burden on the next generation of Americans half again as large as the accumulated debt of the past is on us.

As The Post's Glenn Kessler noted in his news story, "The report underscores how campaign rhetoric has become increasingly separated from the budget reality that will face the next president." While Bush pushes his trillion-dollar tax cut and tries to keep up with Gore's promises of new prescription drug benefits, 100,000 teachers and 50,000 cops, neither one is preparing the public for the steps that are needed to rein in runaway health care costs—the largest single force driving us back into deficits.

By 2040, according to the best available data, the percentage of Americans over 65 will rise from 13 percent to almost 21 percent. The share of working-age Americans, between 20 and 64, will decline by 3 points of slightly over 55 percent. The ratio of workers to retirees will drop from almost 5 to 1 down to less than 3 to 1. Unless we begin now to reorganize our dysfunctional health care system and take steps to rationalize provisions for retirement income, the demographic wave will sink us.

Someone has to force the candidates to confront that reality.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Berlin, Germany, November 17–22, 2000: The Senator from Iowa, Mr. GRASSLEY; the Senator from Arkansas, Mr. HUTCHINSON; the Senator from Maryland, Mr. SARBANES, and the Senator from Maryland, Ms. MIKULSKI.

NATIONAL MUSEUM OF THE AMERICAN INDIAN COMMEMORATIVE COIN ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4259, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4259) to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4259) was read the third time and passed.

EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5239 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4305

Mr. WARNER. Mr. President, Senators GRAMM and ENZI have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRAMM, for himself and Mr. ENZI, proposes an amendment numbered 4305.

The amendment is as follows:

(Purpose: To provide for a simple one-year extension of the Export Administration Act of 1979)

Strike all after the enacting clause and insert in lieu thereof the following:

Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking "August 20, 1994" and inserting in lieu thereof "August 20, 2001".

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4305) was agreed to.

The bill (H.R. 5239), as amended, was read the third time and passed.

PROVIDING FOR DISPOSITION AND ARCHIVING OF RECORDS OF JOINT CONGRESSIONAL COMMITTEES ON INAUGURAL CEREMONIES

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 148, submitted earlier today by Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 148) to provide for the disposition and archiving of the records, files, documents, and other materials of Joint Congressional Committees on inaugural ceremonies.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, earlier this year the Joint Congressional Committee on Inaugural Ceremonies held an organizational meeting to officially begin preparations for the next Presidential Inauguration hosted by Congress to be held on Saturday, January 20, 2001.

Next year marks more historic milestones as it will be the 200th anniversary of the first Presidential Inauguration in our Nation's Capital, the first Presidential Inauguration of the 21st Century, and, not least of all, the first inauguration of the new millennium. 2001 also marks the 100th birthday of the Joint Congressional Committee on Inaugural Ceremonies, an entity which I am greatly honored to serve as Chairman.

As we approach adjournment for this Congress, let us look forward with great anticipation and excitement to our Nation's 54th Presidential Inauguration and celebrate this remarkable American tradition in which the peaceful transference of power takes place with all our citizens as witnesses.

In 1789, our Nation's Father and first President, George Washington, recited the oath of office on the Balcony of Federal Hall in New York City. By 1801, the seat of the U.S. Government had moved from New York City, to Philadelphia, and finally to Washington, D.C.

On March 4, 1801, Thomas Jefferson became the first President to be inaugurated at the U.S. Capitol in Washington, D.C., in a room now known as the "Old Supreme Court Chamber." In 1829, Andrew Jackson became the first President to be inaugurated on the East Front of the Capitol, where the majority of swearing-in ceremonies continued to take place until the late twentieth century. It was not until President Ronald Reagan's inauguration on January 20, 1981, that the swearing-in ceremony moved to the West Front of the Capitol where larger crowds could be accommodated. Though below-freezing temperatures in 1985 forced the second Reagan inaugural ceremony inside to the Capitol Rotunda, the West Front set the standard for the next three Congressionally hosted ceremonies. The 2001 Presidential inaugural ceremonies will continue that tradition.

It is interesting to note that until 1901 the Presidential inaugural ceremonies were planned and conducted solely by the Senate. A century later, the Joint Congressional Committee on Inaugural Ceremonies brings together the Senate and the House of Representatives in welcoming America's President-elect to the Capitol for the public swearing-in ceremony.

Upon undertaking this endeavor, it became apparent that steps needed to be taken to direct that the important historic materials generated by the JCCIC were preserved. For a committee reconstituted every four years, these documents are critical tools for conducting this massive quadrennial event. To ensure these materials are preserved in an appropriate manner, I am introducing a resolution to establish the procedures for archiving the records of the Joint Congressional Committee on Inaugural Ceremonies.

Mr. President, I ask unanimous consent that a press release which documents the May 24 organizational meeting of the Joint Congressional Committee on Inaugural Ceremonies and the text of Senate Concurrent Resolutions 89 and 90 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATOR MITCH MCCONNELL NAMED CHAIRMAN OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

WASHINGTON, DC.—U.S. Senator Mitch McConnell (R–KY), Chairman of the Senate Committee on Rules and Administration, today was appointed Chairman of the Joint Congressional Committee on Inaugural Ceremonies.

Joining McConnell on the committee are Majority Leader Trent Lott (R–MS), Senator Christopher Dodd (D–CT), Speaker of the House J. Dennis Hastert (R–IL), House Majority Leader Richard Armey (R–TX) and House Minority Leader Richard Gephardt (D–MO).

The members met today and appointed McConnell as the Chairman of the Joint Congressional Committee, approved the committee's budget and selected the West Front of the Capitol for the location of the ceremony. McConnell is the third Kentuckian to Chair the Congressional Committee since it was formed in 1901.

"I am truly honored to have been selected as Chairman of this Congressional Inaugural Committee," said McConnell. "I look forward to the extraordinary privilege of planning the first Presidential Inauguration of the 21st century."

The JCCIC is charged with the planning and execution of the Inaugural activities at the Capitol: the swearing-in ceremony and the traditional luncheon which follows.

The Presidential Inauguration will be held Saturday, January 20, 2001.

S. CON. RES. 89

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the "joint committee") consisting of 3 Senators and 3 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of those departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

S. CON. RES. 90

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL.

The rotunda of the United states Capitol is authorized to be used on January 20, 2001, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

Mr. WARNER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 148) was agreed to, as follows:

S. CON. RES. 148

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. RECORDS OF EACH JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES.

(a) IN GENERAL.—Upon the conclusion of the business of a joint congressional committee on Presidential inaugural ceremonies and the closing out of its affairs, all records, files, documents, and other materials in the possession, custody, or control of the joint committee shall be transferred subject to—

(1) such terms and conditions relating to access and use of such materials as the Committee on Rules and Administration of the Senate shall prescribe; and

(2) the provisions of Senate Resolution 474 (96th Congress, 2d Session).

(b) PRIOR RECORDS.—The records, files, documents, and other materials of any joint congressional committee on Presidential inaugural ceremonies in the custody of the Senate on the date of adoption of this resolution shall be shall be transferred subject to—

(1) such terms and conditions relating to access and use of such materials as the Committee on Rules and Administration of the Senate shall prescribe; and

(2) the provisions of Senate Resolution 474 (96th Congress, 2d Session).

COMMEMORATING THE 20TH ANNIVERSARY OF THE WORKERS' STRIKES IN POLAND

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 727, S. Con. Res. 131.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A bill (S. Con. Res. 131) commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosc, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with an amendment, amendments to the preamble, and an amendment to the title.

(Omit the part in bold face brackets and insert the part printed in italic.)

S. CON. RES. 131

Whereas, in July and August of 1980, Polish workers went on strike to protest communist oppression and demand greater political freedom;

Whereas, in the shipyards of Gdansk and Szczecin, workers' committees coordinated these strikes and ensured that the strikes were peaceful and orderly and did not promote acts of violence;

Whereas workers' protests against the communist authorities in Poland were supported by the Polish people and the international community of democracies;

Whereas, on August 30 and 31 of 1980, the communist government of the People's Republic of Poland yielded to the 21 demands of the striking workers, including the release of all political prisoners, including Jacek Kuron and Adam Michnik, the broadcasting of religious services on television and radio, and the right to establish independent trade unions;

Whereas from these agreements emerged Solidarność, the first independent trade union in the communist bloc, led by Lech Walesa, an electrician from Gdansk;

Whereas Solidarność and its 10,000,000 members became a great social movement in Poland that was committed to promoting fundamental human rights, democracy, and Polish independence;

Whereas, during its first congress in 1981, Solidarność issued a proclamation urging workers in Soviet-bloc countries to resist their communist governments and to struggle for freedom and democracy;

Whereas the communist government of Poland introduced martial law in December 1981 in an attempt to block the growing political and social influence of the Solidarność movement;

Whereas Solidarność remained a powerful and political force that resisted the efforts of Poland's communist government to suppress the desire of the Polish people for freedom, democracy, and independence from the Soviet Union;

Whereas, in February **[1999]** *1989*, the communist government of Poland agreed to conduct roundtable talks with Solidarność that led to elections to the National Assembly in June of that year, in which nearly all open seats were won by candidates supported by Solidarność;

Whereas, on August 19, **[1999]** *1989*, Solidarity leader Tadeusz Mazowiecki was asked to serve as Prime Minister of Poland and on September 12, **[1999]** *1989*, the Polish Sejm voted to approve Prime Minister Mazowiecki and his cabinet, Poland's first noncommunist government in 4 decades;

Whereas, on December 9, 1990, Lech Walesa was elected President of Poland;

Whereas the Solidarność movement, by its courage and example, initiated political transformations in other countries in Central and Eastern Europe and thereby initiated the collapse of the Soviet Bloc in 1989; and

Whereas, since the time Poland freed itself from communist domination, Polish-American relations have transformed from partnership to alliance, a transition marked by Poland's historic accession to the North Atlantic Treaty Organization in March 1999: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 20th anniversary of the workers' strikes in Poland that **[lead]** *led* to the creation of the independent trade union Solidarność; and

(2) honors the leaders of Poland who risked and lost their lives in attempting to restore democracy in their country and to return Poland to the democratic community of nations.

Amend the title to read as follows: "Concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarność, and for other purposes.".

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment to the resolution be agreed to, and the resolution, as amended, be agreed to, the amendments to the preamble be agreed to, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment to the resolution was agreed to.

The resolution (S. Con. Res. 131), as amended, was agreed to.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 131

Whereas, in July and August of 1980, Polish workers went on strike to protest communist oppression and demand greater political freedom;

Whereas, in the shipyards of Gdansk and Szczecin, workers' committees coordinated these strikes and ensured that the strikes were peaceful and orderly and did not promote acts of violence;

Whereas workers' protests against the communist authorities in Poland were supported by the Polish people and the international community of democracies;

Whereas, on August 30 and 31 of 1980, the communist government of the People's Republic of Poland yielded to the 21 demands of the striking workers, including the release of all political prisoners, including Jacek Kuron and Adam Michnik, the broadcasting of religious services on television and radio, and the right to establish independent trade unions;

Whereas from these agreements emerged Solidarność, the first independent trade union in the communist bloc, led by Lech Walesa, an electrician from Gdansk;

Whereas Solidarność and its 10,000,000 members became a great social movement in Poland that was committed to promoting fundamental human rights, democracy, and Polish independence;

Whereas, during its first congress in 1981, Solidarność issued a proclamation urging workers in Soviet-bloc countries to resist their communist governments and to struggle for freedom and democracy;

Whereas the communist government of Poland introduced martial law in December 1981 in an attempt to block the growing political and social influence of the Solidarność movement;

Whereas Solidarność remained a powerful and political force that resisted the efforts of Poland's communist government to suppress the desire of the Polish people for freedom, democracy, and independence from the Soviet Union;

Whereas, in February 1989, the communist government of Poland agreed to conduct roundtable talks with Solidarność that led to elections to the National Assembly in June of that year, in which nearly all open seats were won by candidates supported by Solidarność;

Whereas, on August 19, 1989, Solidarity leader Tadeusz Mazowiecki was asked to serve as Prime Minister of Poland and on September 12, 1989, the Polish Sejm voted to approve Prime Minister Mazowiecki and his cabinet, Poland's first noncommunist government in 4 decades;

Whereas, on December 9, 1990, Lech Walesa was elected President of Poland;

Whereas the Solidarność movement, by its courage and example, initiated political transformations in other countries in Central and Eastern Europe and thereby initiated the collapse of the Soviet Bloc in 1989; and

Whereas, since the time Poland freed itself from communist domination, Polish-American relations have transformed from partnership to alliance, a transition marked by Poland's historic accession to the North Atlantic Treaty Organization in March 1999: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarność; and

(2) honors the leaders of Poland who risked and lost their lives in attempting to restore democracy in their country and to return Poland to the democratic community of nations.

The title was amended so as to read: "Concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosc, and for other purposes."

SANTO DOMINGO PUEBLO CLAIMS SETTLEMENT ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 2917, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2917) to settle the land claims of the Pueblo of Santo Domingo.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2917) was read the third time and passed, as follows:

S. 2917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Santo Domingo Pueblo Claims Settlement Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) For many years the Pueblo of Santo Domingo has been asserting claims to lands within its aboriginal use area in north central New Mexico. These claims have been the subject of many lawsuits, and a number of these claims remain unresolved.

(2) In December 1927, the Pueblo Lands Board, acting pursuant to the Pueblo Lands Act of 1924 (43 Stat. 636) confirmed a survey of the boundaries of the Pueblo of Santo Domingo Grant. However, at the same time the Board purported to extinguish Indian title to approximately 27,000 acres of lands within those grant boundaries which lay within 3 other overlapping Spanish land grants. The United States Court of Appeals in United States v. Thompson (941 F.2d 1074 (10th Cir. 1991), cert. denied 503 U.S. 984 (1992)), held that the Board "ignored an express congressional directive" in section 14 of the Pueblo Lands Act, which "contemplated that the Pueblo would retain title to and possession of all overlap land".

(3) The Pueblo of Santo Domingo has asserted a claim to another 25,000 acres of land based on the Pueblo's purchase in 1748 of the Diego Gallegos Grant. The Pueblo possesses the original deed reflecting the purchase under Spanish law but, after the United States assumed sovereignty over New Mexico, no action was taken to confirm the Pueblo's title to these lands. Later, many of these lands were treated as public domain, and are held today by Federal agencies, the State Land Commission, other Indian tribes, and private parties. The Pueblo's lawsuit asserting this claim, Pueblo of Santo Domingo v. Rael (Civil No. 83-1888 (D.N.M.)), is still pending.

(4) The Pueblo of Santo Domingo's claims against the United States in docket No. 355 under the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act) have been pending since 1951. These claims include allegations of the Federal misappropriation and mismanagement of the Pueblo's aboriginal and Spanish grant lands.

(5) Litigation to resolve the land and trespass claims of the Pueblo of Santo Domingo would take many years, and the outcome of such litigation is unclear. The pendency of these claims has clouded private land titles and has created difficulties in the management of public lands within the claim area.

(6) The United States and the Pueblo of Santo Domingo have negotiated a settlement to resolve all existing land claims, including the claims described in paragraphs (2) through (4).

(b) PURPOSE.—It is the purpose of this Act—

(1) to remove the cloud on titles to land in the State of New Mexico resulting from the claims of the Pueblo of Santo Domingo, and to settle all of the Pueblo's claims against the United States and third parties, and the land, boundary, and trespass claims of the Pueblo in a fair, equitable, and final manner;

(2) to provide for the restoration of certain lands to the Pueblo of Santo Domingo and to confirm the Pueblo's boundaries;

(3) to clarify governmental jurisdiction over the lands within the Pueblo's land claim area; and

(4) to ratify a Settlement Agreement between the United States and the Pueblo which includes—

(A) the Pueblo's agreement to relinquish and compromise its land and trespass claims;

(B) the provision of $8,000,000 to compensate the Pueblo for the claims it has pursued pursuant to the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act);

(C) the transfer of approximately 4,577 acres of public land to the Pueblo;

(D) the sale of approximately 7,355 acres of national forest lands to the Pueblo; and

(E) the authorization of the appropriation of $15,000,000 over 3 consecutive years which would be deposited in a Santo Domingo Lands Claims Settlement Fund for expenditure by the Pueblo for land acquisition and other enumerated tribal purposes.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to effectuate an extinguishment of, or to otherwise impair, the Pueblo's title to or interest in lands or water rights as described in section 5(a)(2).

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERALLY ADMINISTERED LANDS.—The term "federally administered lands" means lands, waters, or interests therein, administered by Federal agencies, except for the lands, waters, or interests therein that are owned by, or for the benefit of, Indian tribes or individual Indians.

(2) FUND.—The term "Fund" means the Pueblo of Santo Domingo Land Claims Settlement Fund established under section 5(b)(1).

(3) PUEBLO.—The term "Pueblo" means the Pueblo of Santo Domingo.

(4) SANTO DOMINGO PUEBLO GRANT.—The term "Santo Domingo Pueblo Grant" means all of the lands within the 1907 Hall-Joy Survey, as confirmed by the Pueblo Lands Board in 1927.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior unless expressly stated otherwise.

(6) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Settlement Agreement dated May 26, 2000, between the Departments of the Interior, Agriculture, and Justice and the Pueblo of Santo Domingo to Resolve All of the Pueblo's Land Title and Trespass Claims.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The Settlement Agreement is hereby approved and ratified.

SEC. 5. RESOLUTION OF DISPUTES AND CLAIMS.

(a) RELINQUISHMENT, EXTINGUISHMENT, AND COMPROMISE OF SANTO DOMINGO CLAIMS.—

(1) EXTINGUISHMENT.—

(A) IN GENERAL.—Subject to paragraph (2), in consideration of the benefits provided under this Act, and in accordance with the Settlement Agreement pursuant to which the Pueblo has agreed to relinquish and compromise certain claims, the Pueblo's land and trespass claims described in subparagraph (B) are hereby extinguished, effective as of the date specified in paragraph (5).

(B) CLAIMS.—The claims described in this subparagraph are the following:

(i) With respect to the Pueblo's claims against the United States, its agencies, officers, and instrumentalities, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary, trespass, and mismanagement claims, including any claim related to—

(I) any federally administered lands, including National Forest System lands designated in the Settlement Agreement for possible sale or exchange to the Pueblo;

(II) any lands owned or held for the benefit of any Indian tribe other than the Pueblo; and

(III) all claims which were, or could have been brought against the United States in docket No. 355, pending in the United States Court of Federal Claims.

(ii) With respect to the Pueblo's claims against persons, the State of New Mexico and its subdivisions, and Indian tribes other than the Pueblo, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary and trespass claims.

(iii) All claims listed on pages 13894–13895 of volume 48 of the Federal Register, published on March 31, 1983, except for claims numbered 002 and 004.

(2) RULE OF CONSTRUCTION.—Nothing in this Act (including paragraph (1)) shall be construed—

(A) to in any way effectuate an extinguishment of or otherwise impair—

(i) the Pueblo's title to lands acquired by or for the benefit of the Pueblo since December 28, 1927, or in a tract of land of approximately 150.14 acres known as the "sliver area" and described on a plat which is appendix H to the Settlement Agreement;

(ii) the Pueblo's title to land within the Santo Domingo Pueblo Grant which the Pueblo Lands Board found not to have been extinguished; or

(iii) the Pueblo's water rights appurtenant to the lands described in clauses (i) and (ii); and

(B) to expand, reduce, or otherwise impair any rights which the Pueblo or its members may have under existing Federal statutes concerning religious and cultural access to and uses of the public lands.

(3) CONFIRMATION OF DETERMINATION.—The Pueblo Lands Board's determination on page 1 of its Report of December 28, 1927, that Santo Domingo Pueblo title, derived from the Santo Domingo Pueblo Grant to the lands overlapped by the La Majada, Sitio de Juana Lopez and Mesita de Juana Lopez Grants has been extinguished is hereby confirmed as of the date of that Report.

(4) TRANSFERS PRIOR TO ENACTMENT.—

(A) IN GENERAL.—In accordance with the Settlement Agreement, any transfer of land or natural resources, prior to the date of enactment of this Act, located anywhere within the United States from, by, or on behalf of the Pueblo, or any of the Pueblo's members, shall be deemed to have been made in accordance with the Act of June 30, 1834 (4 Stat. 729; commonly referred to as the Trade and Intercourse Act), section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act), and any other provision of Federal law that specifically applies to transfers of land or natural resources from, by, or on behalf of an Indian tribe, and such transfers shall be deemed to be ratified effective as of the date of the transfer.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to affect or eliminate the personal claim of any individual Indian which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(5) EFFECTIVE DATE.—The provisions of paragraphs (1), (3), and (4) shall take effect upon the entry of a compromise final judgment, in a form and manner acceptable to the Attorney General, in the amount of $8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355). The judgment so entered shall be paid from funds appropriated pursuant to section 1304 of title 31, United States Code.

(b) TRUST FUNDS; AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTABLISHMENT.—There is hereby established in the Treasury a trust fund to be known as the "Pueblo of Santo Domingo Land Claims Settlement Fund". Funds deposited in the Fund shall be subject to the following conditions:

(A) The Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(B) Subject to the provisions of paragraph (3), monies deposited into the Fund may be expended by the Pueblo to acquire lands within the exterior boundaries of the exclusive aboriginal occupancy area of the Pueblo, as described in the Findings of Fact of the Indian Claims Commission, dated May 9, 1973, and for use for education, economic development, youth and elderly programs, or for other tribal purposes in accordance with plans and budgets developed and approved by the Tribal Council of the Pueblo and approved by the Secretary.

(C) If the Pueblo withdraws monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of such withdrawn monies.

(D) No portion of the monies described in subparagraph (C) may be paid to Pueblo members on a per capita basis.

(E) The acquisition of lands with monies from the Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring lands for the benefit of the Pueblo pursuant to this Act.

(F) The provisions of Public Law 93–134, governing the distribution of Indian claims judgment funds, and the plan approval requirements of section 203 of Public Law 103–412 shall not be applicable to the Fund.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for deposit into the Fund, in accordance with the following schedule:

(A) $5,000,000 to be deposited in the fiscal year which commences on October 1, 2001.

(B) $5,000,000 to be deposited in the next fiscal year.

(C) The balance of the funds to be deposited in the third consecutive fiscal year.

(3) LIMITATION ON DISBURSAL.—Amounts authorized to be appropriated to the Fund under paragraph (2) shall not be disbursed until the following conditions are met:

(A) The case of Pueblo of Santo Domingo v. Rael (No. CIV–83–1888) in the United States District Court for the District of New Mexico, has been dismissed with prejudice.

(B) A compromise final judgment in the amount of $8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in a form and manner acceptable to the Attorney General, has been entered in the United States Court of Federal Claims in accordance with subsection (a)(5).

(4) DEPOSITS.—Funds awarded to the Pueblo consistent with subsection (c)(2) in docket No. 355 of the Indian Claims Commission shall be deposited into the Fund.

(c) ACTIVITIES UPON COMPROMISE.—On the date of the entry of the final compromise judgment in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in the United States Court of Federal Claims, and the dismissal with prejudice of the case of Pueblo of Santo Domingo v. Rael (No. CIV–83–1888) in the United States District Court for the District of New Mexico, whichever occurs later—

(1) the public lands administered by the Bureau of Land Management and described in section 6 of the Settlement Agreement, and consisting of approximately 4,577.10 acres of land, shall thereafter be held by the United States in trust for the benefit of the Pueblo, subject to valid existing rights and rights of public and private access, as provided for in the Settlement Agreement;

(2) the Secretary of Agriculture is authorized to sell and convey National Forest System lands and the Pueblo shall have the exclusive right to acquire these lands as provided for in section 7 of the Settlement Agreement, and the funds received by the Secretary of Agriculture for such sales shall be deposited in the fund established under the Act of December 4, 1967 (16 U.S.C. 484a) and shall be available to purchase non-Federal lands within or adjacent to the National Forests in the State of New Mexico;

(3) lands conveyed by the Secretary of Agriculture pursuant to this section shall no longer be considered part of the National Forest System and upon any conveyance of National Forest lands, the boundaries of the Santa Fe National Forest shall be deemed modified to exclude such lands;

(4) until the National Forest lands are conveyed to the Pueblo pursuant to this section, or until the Pueblo's right to purchase such lands expires pursuant to section 7 of the Settlement Agreement, such lands are withdrawn, subject to valid existing rights, from any new public use or entry under any Federal land law, except for permits not to exceed 1 year, and shall not be identified for any disposition by or for any agency, and no mineral production or harvest of forest products shall be permitted, except that nothing in this subsection shall preclude forest management practices on such lands, including the harvest of timber in the event of fire, disease, or insect infestation; and

(5) once the Pueblo has acquired title to the former National Forest System lands, these lands may be conveyed by the Pueblo to the Secretary of the Interior who shall accept and hold such lands in the name of the United States in trust for the benefit of the Pueblo.

SEC. 6. AFFIRMATION OF ACCURATE BOUNDARIES OF SANTO DOMINGO PUEBLO GRANT.

(a) IN GENERAL.—The boundaries of the Santo Domingo Pueblo Grant, as determined by the 1907 Hall-Joy Survey, confirmed in the Report of the Pueblo Lands Board, dated December 28, 1927, are hereby declared to be the current boundaries of the Grant and any lands currently owned by or on behalf of the Pueblo within such boundaries, or any lands hereinafter acquired by the Pueblo within the Grant in fee simple absolute, shall be considered to be Indian country within the meaning of section 1151 of title 18, United States Code.

(b) LIMITATION.—Any lands or interests in lands within the Santo Domingo Pueblo Grant, that are not owned or acquired by the Pueblo, shall not be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(c) ACQUISITION OF FEDERAL LANDS.—Any Federal lands acquired by the Pueblo pursuant to section 5(c)(1) shall be held in trust by the Secretary for the benefit of the Pueblo, and shall be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(d) LAND SUBJECT TO PROVISIONS.—Any lands acquired by the Pueblo pursuant to section 5(c), or with funds subject to section 5(b), shall be subject to the provisions of section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act).

(e) RULE OF CONSTRUCTION.—Nothing in this Act or in the Settlement Agreement shall be construed to—

(1) cloud title to federally administered lands or non-Indian or other Indian lands, with regard to claims of title which are extinguished pursuant to section 5; or

(2) affect actions taken prior to the date of enactment of this Act to manage federally administered lands within the boundaries of the Santo Domingo Pueblo Grant.

MEASURE READ THE FIRST TIME—S. 3187

Mr. WARNER. Mr. President, I understand that S. 3187 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3187) to require the Secretary of Health and Human Services to apply aggregate upper payment limits to non-State publicly owned or operated facilities under the medicaid program.

Mr. WARNER. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. ROTH. Mr. President, over the past several months, the Finance Committee has been focusing its oversight attention on an urgent problem in the Medicaid program related to the use of upper payment limits to exploit federal Medicaid spending. The Health Care Financing Administration, HCFA, had assured me that it would solve the problem. It has not.

Instead, last week HCFA released a notice of proposed rulemaking that sanctions the de facto abuse of this vitally important program—a program that provides health care coverage to 40 million low-income pregnant women, children, individuals with disabilities, and senior citizens. This Administration has failed to live up to its responsibility to protect the financial integrity of the Medicaid program. Accordingly, I am introducing legislation today to do the right thing and stop the draining of potentially tens of billions of dollars from this program for our most vulnerable citizens.

The problem confronting the program is a complicated one. Through the inappropriate use of aggregated upper payment limits, some states have been using the Medicaid program inappropriately, including for purposes such as filling in holes in state budgets. This has turned a program intended to provide health insurance coverage to vulnerable populations into a bank account for state projects having nothing to do with health care.

In fact, as I examine the current situation I am vividly reminded of the Medicaid spending scandals we confronted 10 years ago when disproportionate share hospital program dollars were used to build roads, bridges and highways. Let me be very clear—this cannot be permitted to continue without endangering the program.

The use of this complicated accounting mechanism may seem dry and technical—but let me assure you that the consequences are enormous. If unchecked, both the General Accounting Office and the Office of Inspector General at the Department of Health and Human Services agree that we face a situation that fundamentally undermines the fiscal integrity of the Medicaid program and circumvents the traditional partnership of financial responsibility shared between the federal and state governments.

I have been advised that what states are doing through upper payment limits is technically not illegal. The states are taking advantage of a loophole in HCFA regulations. It is time to close that loophole fully.

We must act because nearly 40 million of the neediest Americans rely on Medicaid for needed health care services. It is nothing short of a safety net. The program must not be undermined and weakened by clever consultants and state budgeters. What looks like loopholes to some are holes in Medicaid safety net for 40 million Americans.

Several months ago, I began working with the Administration to respond to this scandal. We must stop it in its tracks—while of course at the same time working thoughtfully and carefully with those states that have become dependent on the revenues generated through the use of upper payment limits to help them transition to a more sustainable payment relationship between the state and federal government.

Finally, last week, after repeated delays, this Administration released its notice of proposed rulemaking—in a form much weaker than it originally intended when I first started working with HCFA on this problem last spring. The proposed regulation is inadequate. Instead of stopping a burgeoning Medicaid spending scandal, the proposed regulation looks the other way and tolerates the abuse of the program.

The proposed regulation permits facilities to be reimbursed for providing services at a rate one and a half times that Medicare would have paid for a given service. Then states are free to pocket the difference between the payment level and the often much lower Medicaid payment rates through intergovernmental transfers. Not only does the regulation allow those who are exploiting the program to continue to do so, it also invites all others to come in and help themselves. The regulation permits the scam to continue while only modestly attempting to contain its magnitude.

Simply containing wasteful spending is not sufficient. The American taxpayer who pays the bills should not stand for it, nor should the beneficiaries who depend on the program. In fact, the Center on Budget and Policy Priorities, whose advocacy on social policy issues is well-known, agrees that the scam must be shut down or the long-term health of the program will be jeopardized.

Not only does the proposed regulation fail to protect the financial integrity of the Medicaid program, it also has a very low probability of ever being implemented. There is virtually no chance this Administration will be able to finalize the proposed regulation before it leaves office in January. Until the regulation is finalized, nothing changes. No abuser state has to modify its behavior one bit, and more and more states will be under pressure to take advantage of the windfall their neighbor states are enjoying. If anything, the White House action may spur greater abuse in the Medicaid program.

The Congressional Budget Office estimates that truly solving the problem will save taxpayers $127 billion over the next decade. the stakes are high and we owe it to the 40 million Medicaid beneficiaries to protect the program so it remains strong and viable for the years to come.

Accordingly, today I am introducing legislation that does what HCFA should have done but failed to do. My bill does not sanction abuse—it stops it. It closes the loophole, and treats non-state governmental facilities the same way state facilities are already treated. For those states with upper payment limits approved by HCFA already in place, it gives them two years to fully transition into compliance with the law. But no longer will schemes to exploit federal funding be tolerated. Even if HCFA is willing to look the other way, I am not. We must think about the long-term interests of the program and act now to stop the abuse. We should save the safety net for those that depend on it and save $127 billion over the next decade for he American taxpayer at the same time.

CORRECTING THE ENROLLMENT OF H.R. 3244

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 149, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 149) to correct the enrollment of H.R. 3244.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 149) was agreed to, as follows:

S. CON. RES. 149

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, shall make the following correction.

(1) In section 2002(a)(2)(A)(ii), strike "June 7, 1999," and insert "December 13, 1999.".

SOUTHEAST FEDERAL CENTER PUBLIC-PRIVATE DEVELOPMENT ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 905, H.R. 3069.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3069) to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with amendments, as follows:

(Omit the part in boldface brackets and insert the part printed in italic.)

H.R. 3069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southeast Federal Center Public-Private Development Act of 2000".

SEC. 2. SOUTHEAST FEDERAL CENTER DEFINED.

In this Act, the term "Southeast Federal Center" means the site in the southeast quadrant of the District of Columbia that is under the control and jurisdiction of the General Services Administration and extends from Issac Hull Avenue on the east to 1st Street on the west, and from M Street on the north to the Anacostia River on the south, excluding an area on the river at 1st Street owned by the District of Columbia and a building west of Issac Hull Avenue and south of Tingey Street under the control and jurisdiction of the Department of the Navy.

SEC. 3. SOUTHEAST FEDERAL CENTER DEVELOPMENT AUTHORITY.

(a) IN GENERAL.—The Administrator of General Services may enter into agreements (including leases, contracts, cooperative agreements, limited partnerships, joint ventures, trusts, and limited liability company agreements) with a private entity to provide for the acquisition, construction, rehabilitation, operation, maintenance, or use of the Southeast Federal Center, including improvements thereon, or such other activities related to the Southeast Federal Center as the Administrator considers appropriate.

(b) TERMS AND CONDITIONS.—An agreement entered into under this section—

(1) shall have as its primary purpose enhancing the value of the Southeast Federal Center to the United States;

(2) shall be negotiated pursuant to such procedures as the Administrator considers necessary to ensure the integrity of the selection process and to protect the interests of the United States;

(3) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general purpose office space in a facility covered under the agreement;

(4) shall not require, unless specifically determined otherwise by the Administrator, Federal ownership of a facility covered under the agreement after the expiration of any lease of the facility to the United States;

(5) shall describe the consideration, duties, and responsibilities for which the United States and the private entity are responsible;

(6) shall provide—

(A) that the United States will not be liable for any action, debt, or liability of any entity created by the agreement; and

(B) that such entity may not execute any instrument or document creating or evidencing any indebtedness unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

(7) shall include such other terms and conditions as the Administrator considers appropriate.

(c) CONSIDERATION.—An agreement entered into under this section shall be for fair consideration, as determined by the Administrator. Consideration under such an agreement may be provided in whole or in part through in-kind consideration. In-kind consideration may include provision of space, goods, or services of benefit to the United States, including construction, repair, remodeling, or other physical improvements of Federal property, maintenance of Federal property, or the provision of office, storage, or other usable space.

(d) AUTHORITY TO CONVEY.—In carrying out an agreement entered into under this section, the Administrator is authorized to convey interests in real property, by lease, sale, or exchange, to a private entity.

(e) OBLIGATIONS TO MAKE PAYMENTS.—Any obligation to make payments by the Administrator for the use of space, goods, or services by the General Services Administration on property that is subject to an agreement under this section may only be made to the extent that necessary funds have been made available, in advance, in an annual appropriations Act, to the Administrator from the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(f) NATIONAL **[**CAPITOL**]** *CAPITAL* PLANNING COMMISSION.—

(1) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit or otherwise affect the authority of the National Capital Planning Commission with respect to the Southeast Federal Center.

(2) VISION PLAN.—An agreement entered into under this section shall ensure that redevelopment of the Southeast Federal Center is consistent, to the extent practicable (as determined by the Administrator, *in consultation with the National Capital Planning Commission*), with the objectives of the National Capital Planning Commission's vision plan entitled "Extending the Legacy: Planning America's Capital in the 21st Century", adopted by the Commission in November 1997.

(g) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—The authority of the Administrator under this section shall not be subject to—

(A) section 321 of the Act of June 30, 1932 (40 U.S.C. 303b);

(B) sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484);

(C) section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)); or

(D) any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section.

(2) UNUTILIZED OR UNDERUTILIZED PROPERTY.—Any facility covered under an agreement entered into under this section may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

SEC. 4. REPORTING REQUIREMENT.

(a) IN GENERAL.—Before entering into an agreement under section 3, the Administrator of General Services shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on **[**Environment and Public Works**]** *Governmental Affairs* of the Senate a report on the proposed agreement.

(b) CONTENTS.—A report transmitted under this section shall include a summary of a cost-benefit analysis of the proposed agreement and a description of the provisions of the proposed agreement.

(c) REVIEW BY CONGRESS.—A proposed agreement under section 3 may not become effective until the end of a 30-day period of continuous session of Congress following the date of the transmittal of a report on the agreement under this section. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 30-day period any day during which either House of Congress is not in session during an adjournment of more than 3 days to a day certain.

SEC. 5. USE OF PROCEEDS.

(a) IN GENERAL.—Net proceeds from an agreement entered into under section 3 shall be deposited into, administered, and expended, subject to appropriations Acts, as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). In this subsection, the term "net proceeds from an agreement entered into under section 3" means the proceeds from the agreement minus the expenses incurred by the Administrator with respect to the agreement.

(b) RECOVERY OF EXPENSES.—The Administrator may retain from the proceeds of an agreement entered into under section 3 amounts necessary to recover the expenses incurred by the Administrator with respect to the agreement. Such amounts shall be deposited in the account in the Treasury from which the Administrator incurs expenses related to disposals of real property.

Mr. WARNER. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (H.R. 3069), as amended, was read the third time and passed.

CERTIFICATION OF MEXICO

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 366 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 366) expressing the Sense of the Senate on the certification of Mexico.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 366) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 366

Whereas Mexico will inaugurate a new government on 1 December 2000 that will be the first change of authority from one party to another;

Whereas the 2nd July election of Vincente Fox Quesada of the Alliance for Change marks an historic transition of power in open and fair elections;

Whereas Mexico and the United States share a 2,000-mile border, Mexico is the United States' second largest trading partner, and the two countries share historic and cultural ties;

Whereas drug production and trafficking are a threat to the national interests and the well-being of the citizens of both countries; and

Whereas United States-Mexican cooperation on drugs is a cornerstone for policy for both countries in developing effective programs to stop drug use, drug production, and drug trafficking: Now, therefore, be it

Resolved, That (a) the Senate, on behalf of the people of the United States—

(1) welcomes the constitutional transition of power in Mexico;

(2) congratulates the people of Mexico and their elected representatives for this historic change; and

(3) expresses its intent to continue to work cooperatively with Mexican authorities to promote broad and effective efforts for the health and welfare of United States and Mexican citizens endangered by international drug trafficking, use, and production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the incoming new governments in both Mexico and the United States must develop and implement a counterdrug program that more effectively addresses the official corruption, the increase in drug traffic, and the lawlessness that has resulted from illegal drug trafficking, and that a one-year waiver of the requirement that the President certify Mexico is warranted to permit both new governments time to do so.

Mr. WARNER. Mr. President, before entering the closing statement, I yield to the distinguished Democratic assistant leader.

Mr. REID. Mr. President, I was off the floor. I appreciate very much the patience of my friend, the Senator from Virginia. I know he wanted to vacate the premises more than an hour ago. I am confident early in the morning we will be able to enter into an agreement relating to his bill.

Mr. WARNER. That would be the DOD conference on authorization.

Mr. REID. We are getting close to that. I apologize for not being able to do that tonight.

Mr. WARNER. No apology is needed. This bill has had a unique course through the Senate. I know of no one who has tried harder on a procedural basis to see that this bill has forward momentum than our distinguished colleague from Nevada. I hereby express my profound respect and thanks to him.

Mr. REID. I already bragged earlier in the day about my colleague and Senator LEVIN, and I would like that spread across the RECORD again.

Mr. President, Senator McCAIN is on his way. We have a unanimous consent agreement that he asked for earlier in the day. We are now able to clear it.

Mr. WARNER. Mr. President, given that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING TITLE 49, U.S. CODE, TO REQUIRE REPORTS CONCERNING DEFECTS IN MOTOR VEHICLES

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5164, which is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5164) to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements regarding the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Reserving the right to object, what was the request?

Mr. McCAIN. That the Senate proceed to H.R. 5164.

Mr. REID. Is this the same request the Senator entered earlier today?

Mr. McCAIN. Yes.

Mr. REID. Reserving the right to object, as I said to my friend—and he was so persuasive—I indicated that we have to be patient and I thought his patience would require more than an hour or so. But as a result of our work on this side, we were able to get the agreement cleared, and we have no objection to this matter proceeding tonight, as indicated in the earlier consent agreement.

Mr. McCAIN. I thank my friend from Nevada.

May I just say that one thing I have learned about my friend from Nevada is that when he gives his word on an issue, he pursues that in a sincere and dedicated fashion. When he gives his word that he is going to oppose, as he has on several occasions, he is a formidable opponent. I thank the Senator from Nevada for working on this. He could have easily held this over until tomorrow and we could have gotten caught up, perhaps, in other issues. Instead, the Senator from Nevada said he would be working on this issue. He did that, and we have it resolved. I express my deep and sincere thanks to him.

I look forward to next year when we again have our differences on the issue of college gambling being ventilated and work together on that issue as well.

Mr. REID. Also, we can work together to do more on boxing. If there were ever a requirement that we have spread before us, it would be to do something about the abysmal state of boxing in the world, which is controlled by the United States.

Also, the work the Senator from Arizona and the Senator from Wisconsin have done on campaign finance reform—when the history books are written about what has happened in Government during the past hundred years, there is no question in my mind that one of the main chapters will be the work that has been done on campaign finance reform. It will happen, and it was instigated and initiated by the Senator from Arizona and the Senator from Wisconsin. It is only a question of when; it will happen.

Mr. McCAIN. I thank my friend from Nevada.

I should not be speaking off the top of my head, but perhaps a hearing out in the city of Las Vegas, where really 90 percent of the major boxing is conducted in America, might be something he and I could do together in the next couple of months to get the ball rolling. I thank my friend from Nevada.

Mr. REID. I thank my friend from Arizona.

Mr. McCAIN. Mr. President, last week I was blocked in my efforts to gain unanimous consent for the Senate to schedule a time for consideration of S. 3059, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Act. As you know, the Act is in response to the recent Ford/Firestone recall of 6.5 million tires and the more than 100 deaths associated with these tires.

Today, we are in the midst of what may likely be the last week of this legislative session. The remaining days to enact legislation to remedy indisputable flaws in the Federal Motor Vehicle Safety Act are dwindling to a precious few.

When we began this process more than six weeks ago, I made a commitment to seek the enactment of legislation this year to remedy this problem. I also stated that we would not make the perfect the enemy of the good. Last night, the House passed by voice vote H.R. 5164, the Transportation Recall Enhancement Accountability and Documentation (TREAD) Act. The legislation is similar to S. 3059 and has the support of both Republicans and Democrats in the House.

While the House bill does not go as far as the Senate bill in some respects, it will nevertheless advance the cause of safety. It will ensure that the Department of Transportation will receive the information it needs to detect defects, including information about foreign recalls. It will increase penalties for manufacturers that fail to comply with the statute and its regulations. The maximum civil penalty under the current statute is $980,000. The House bill will increase that amount to $15 million. It will also direct the Secretary to develop a program to conduct dynamic rollover tests of motor vehicles and make that information available to consumers. It will direct NHTSA to upgrade the current tire standard for the first time in 30 years. Finally, the House bill incorporates a measure sponsored by Senator FITZGERALD and recently reported by the Senate Commerce Committee, which will improve the design of child safety seats.

Many of the provisions in the House bill are an improvement upon current law. The House bill is supported by the Secretary of Transportation. Nevertheless, let me be clear, I would prefer to have the Senate complete action on the bill reported by the Senate Commerce Committee with unanimous support. But holds and stalling tactics used by some members of this body will prevent us from even considering the Senate measure. The reality we face in the remaining days of Congress because of these tactics is that we pass the House bill or we pass nothing. Left with that decision, I would prefer we move forward with the House bill.

Some people have raised concerns that the House bill would weaken current law in several respects and it would be better to do nothing. Specifically, concerns have been raised that the bill would inhibit the release of information collected by Department of Transportation to the public, that manufacturers could destroy information to avoid the reporting requirements, and that the safe harbor provisions for the enhanced penalties could apply to existing penalties. I strongly disagree with these assertions. More importantly, the supporters of the House bill both Democratic and Republicans disagree with those assertions as does the Department of Transportation which will be charged with carrying out the provisions of the Act.

House supporters of the bill such as Congressmen MARKEY and TAUZIN addressed some of these concerns in a colloquy upon final passage of the House bill last night. I ask unanimous consent that the entire colloquy from the House bill be included in the RECORD following my remarks. Two portions of the colloquy refute these assertions. First, Mr. MARKEY asks if the "special disclosure provision for new early stage information is not intended to protect from disclosure [information] that is currently disclosed under existing law such as information about actual defects or recalls?" Congressman TAUZIN responds by saying, "the gentleman is correct." Second, Congressman MARKEY asks if it is in the "Secretary's discretion to require a manufacturer to maintain records that are in fact in the manufacturer's possession and that it would be a violation of such a requirement to destroy such a record?" Again, Congressman TAUZIN responds "the gentleman is correct."

Congressman TAUZIN wrote to me today to further clarify that this provision would not enable manufacturers to destroy or conceal information.

In explaining the safe harbor provision under the enhanced penalty section, the intent of the House sponsors is not necessary because it is clear on the face of the language that it would not apply to an underlying violation of existing criminal law. The language of Section 4(b)(2) clearly states that the safe harbor only applies to criminal penalties "under this subsection." I am not a supporter of the safe harbor provisions under this bill. I believe that they create a loophole rendering the enhanced penalties meaningless, but it is clear that they do not weaken existing law.

As I said earlier, NHTSA has linked more than 100 deaths to the failure of Bridgestone/Firestone tires that are subject to the current recall. Each day it becomes more apparent that these deaths may have been avoided had the Department of Transportation possessed vital safety-related information that the law does not currently require manufacturers to report.

The House bill falls short of the Senate bill, but it will improve the Department of Transportation's ability to detect defects earlier. As Chairman of the Senate Commerce Committee, I commit to revisiting this issue next Congress and resolve the issues left in the House bill. But it would be a serious mistake to prevent even this modest reform to go forward. I ask my colleagues to support the passage of H.R. 5164.

The bill (H.R. 5164) was passed.

Mr. McCAIN. Mr. President, we went through a great deal of work in order to have the legislation passed concerning Bridgestone/Firestone. I thank the administration and Secretary Slater for all of his efforts.

I thank Senator HOLLINGS, who had strongly held views on this issue and yet came together with me and others.

I thank the Consumers Union for what they did. They are an advocacy group that, again, didn't see a perfect piece of legislation but supported this legislation. Mr. Kimmelman is a man of remarkable talents. I thank him.

I also want to thank Congressman UPTON and Congressman TAUZIN, who were able to get that legislation through the House of Representatives in this late period by a voice vote and thereby made it possible for this legislation to be passed. They are both remarkable legislators. I appreciate very much all they did.

I say to my colleagues again that this issue isn't over. Tragically, I am in fear that there will be more deaths and injuries on America's highways before we finally make it much safer for Americans to be on America's highways. I think we have taken a major step forward, and one that hopefully will save lives and prevent injuries. If that is the case, as I think most experts view this legislation, then I think we will have done something good today.

I thank you, Mr. President, for your patience.

ORDERS FOR THURSDAY, OCTOBER 12, 2000

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Thursday, October 12. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to H.R. 4635, the HUD-VA appropriations bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from Arizona, Mr. McCAIN, be allowed 10 minutes before the HUD-VA appropriations bill is voted on.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCAIN. Mr. President, for the information of all Senators, the Senate will begin consideration of the HUD-VA appropriations bill at 9:30 a.m. There are three amendments in order and up to three stacked rollcall votes will occur at approximately 12:30 p.m. Following the final vote on the HUD-VA bill, the Senate is expected to begin consideration of the conference report to accompany the Department of Defense authorization bill. There are approximately 6 hours of debate requested on the conference report. Therefore, Senators should expect votes later in the afternoon in reference to the DOD authorization conference report.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. McCAIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:50 p.m., recessed until Thursday, October 12, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, October 11, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. COOKSEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 11, 2000.

I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of heaven and earth, both Judaic and Christian scriptures speak to us about end time. You teach us how to prepare for the approaching day of judgment and salvation.

Freed of anxiety and fear we are exhorted once again to place all our trust in You, O God.

You guide us through all difficulties to lead an ordered and sober life given to you in prayer.

Above all, we are committed to love this Nation and serve its people to the best of our abilities.

Help us to keep love and respect for one another at full strength, because You have told us,

In the end, love cancels innumerable sins, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. EWING) come forward and lead the House in the Pledge of Allegiance.

Mr. EWING led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 369

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Bruce F. Vento, late a Representative from the State of Minnesota.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5362. An act to increase the amount of fees charged to employers who are petitioners for the employment of H–1B non-immigrant workers, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1687. An act to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

S. 2413. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2417. An act to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2528. An act to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2688. An act to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes from each side.

HEY BIG SPENDER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last month the General Accounting Office study reported that a dozen of the largest Federal agencies squandered nearly $21 billion in 1999; $21 billion, Mr. Speaker.

If the Federal government was a corporation, the CEO would have been fired by now.

But instead, our colleagues on the other side of the aisle, some of the Democrats, continue to fight for bigger government and increased spending plans of the Clinton-Gore administration, an administration which has never reprimanded its own bureaucratic agencies for their sloppy bookkeeping.

It is obvious that the bookkeeping of our Federal agencies is in complete disarray. The Department of Education could not even complete its last audit. They ought to learn some basic third-grade math skills.

Mr. Speaker, this irresponsible and wasteful government spending must come to a stop. It is time that the Clinton-Gore administration stop the sloppy math and join this Republican-led Congress to devote 90 percent of the surplus for debt reductions to protect social security and Medicare.

That way, at least our budget surplus will not be squandered, too.

AMERICA MUST PRESSURE HAGUE CONVENTION SIGNATORIES TO COMPLY WITH CHILD ABDUCTION PROVISIONS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, today my story is about Mitchell Goldstein and his daughter, Kelly, age 8. Kelly was abducted from Atlanta, Georgia, to Switzerland when she was 4 years old by her mother, Sandra Gyr Pfisterer, during a court-ordered visitation in 1996.

Since this time, Mr. Goldstein has been trying to have Kelly returned from Switzerland via the Hague Convention on the Civil Aspects of International Child Abduction. Despite numerous court orders from the Swiss court, including from the Supreme Court, officials in Switzerland have refused to enforce the court orders and Kelly remains abroad without any contact from her father.

Switzerland is our ally. Mr. Goldstein has full custody of Kelly. He has numerous court orders from Switzerland and the United States ordering Kelly's return home. Switzerland and the U.S. are parties to the Hague Convention, yet Kelly remains separated from her father.

Mr. Speaker, children like Kelly deserve to have a relationship with both their parents, and parents deserve a relationship with their children. The

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

House should make sure that the most sacred of bonds, that between a parent and child, is preserved. We must pressure signatory countries to comply with the Hague Convention, especially in cases such as these, where their own courts have ordered a return.

SALUTING SOUTH FLORIDIANS WHO PARTICIPATED IN SYDNEY 2000 OLYMPICS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pleasure that I congratulate all the individuals from South Florida who participated in the Sidney 2000 Olympics.

I am proud to know that there were athletes from our area representing the United States. These individuals honored our community and our country:

Juan Miguel Moreno in Tai Kwon Do;

Angel Perez in kayak;

Magnus Liljedahl in star sailing, he won the Gold Medal;

Alonzo Mourning and Tim Hardaway in basketball, also Gold Medalists;

Seilala Sua in discus;

Michele Davison, Jenny Keim, and David Pichler in diving;

Margie Goldstein-Engle in equestrian;

Lauren Meece and Lauren Moreno in judo;

Vince Spadea in tennis;

Mickisha Hurley and George Roumain in volleyball;

And Doug Meintkiewicz in baseball, a Gold Medalist.

There were other residents from South Florida who, although they did not represent the United States, did an outstanding job in representing other countries, and this demonstrated the cultural diversity and excellence that makes our area such a unique place and a wonderful area in which to live.

These athletes stand as examples of perfection, excellence, and diligence, and of what can be achieved through many years of hard work and dedication. I am proud to know that they are from South Florida, and I ask my congressional colleagues to join me in congratulating not only these Olympians, but all the athletes who showed the rest of the world the best that our country has to offer.

AN AMERICA WITHOUT GOD IS AN AMERICA THE FOUNDERS NEVER INTENDED

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the United States Army in Europe has denied Catholic soldiers the right to hold mass in the base chapel. A spokesman said, and I quote, "The Army will not pay for the cost of a priest." He further said, "If we allow the Catholics in, we must allow all religions in."

Now, if that is not enough to shred the Bible, the Army does allow and permits witchcraft and pagan ceremonies at the base. The spokesman said, and I quote, "The witchcraft groups pay for their own pagan ministers."

Unbelievable. It is time to call in the dogs, throw the coffee grinds on the fire, the hunting is over. When the U.S. Army allows satan in one door and will not allow God in the other door, America is so screwed up we do not know where we are going.

Beam me up, here. I yield back the fact that an America without God is an America that the Founders never planned.

WHO DO YOU TRUST?

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, George Bush wants our children to learn more in school. He wants those who work to keep more of their hard-earned dollars, and he wants those who are retired to have a secure future.

George Bush trusts the people. His opponent wants more government. George Bush trusts parents with school choices. He trusts taxpayers to spend their dollars better than the government. He trusts retirees to invest their savings.

On the other hand, his opponent has a trust problem. Under the Clinton-Gore administration, numerous officials have been indicted or convicted, 83 witnesses refused to testify in court about campaign contribution violations, and another 21 fled the country.

To restore integrity to the White House, the American people deserve a president they can trust. George Bush wants a government worthy of so great a people, a government that is honest, nonpartisan, and scandal-free. Only one presidential candidate can lead America to that shining goal: George Bush.

THE REPUBLICANS' FIG LEAF PRESCRIPTION DRUG BILL

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, today is Republican fig leaf bill on the cost of medications. The agriculture bill allows the reimportation of medications that have been shipped abroad to be brought back into the country, presumably to be sold at lower prices.

What the Republicans want the American people to believe is that the pharmaceutical companies will send medications out of the country that they charge $1 in this country for but only 30 cents in Canada, and they will allow them to come back in and be sold for 30 cents.

Mr. Speaker, this provision is a fraud. It allows the pharmaceutical companies to relabel the drugs so people will be confused about whether it is the same medication. It also allows them a 5-year sunset, and it also restricts the contracts when they sell them abroad. They will write a contract that says to the Canadians, "We are selling this to you, and you agree that you will not reimport."

This bill is filled with fraudulent information, but it is going to be the basis of 100 to 218 press releases today: "The Republicans have dealt with the problem of the cost of medications."

TEN THOUSAND CHICKENS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, reputations are earned. They take a long time to acquire, as one develops and improves his abilities.

Like those in centuries past who told tall tales about Paul Bunyan or Pecos Bill, it takes a certain talent to stretch the truth.

Well, there is another tall tale reported in the papers this morning that was spun some 20 years ago. It is a tale told by a Washington politician who liked to fancy himself a farmer.

He told his friends that he was once a chicken farmer. He said, "I have raised chickens myself, 10,000 at one time, 5,000 in each of two houses." The politician who told this tale was also the son of a politician so he grew up in Washington, not on a farm.

True, he would go back home to Tennessee once in a while to visit, but all those chickens, they were on another farm that he did not visit. He certainly did not raise 10,000 chickens.

This candidate has earned a place among the best spinners of yarns in America. He tells some of the best tall tales today. The tale of the 10,000 chickens is just one more tall tale from Tennessee. AL GORE spins a good yarn.

SENIORS WANT AN AFFORDABLE PRESCRIPTION DRUG PLAN THROUGH MEDICARE, NOT EMPTY RHETORIC

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. DELAURO. Mr. Speaker, our seniors face skyrocketing prices of prescription drugs. Many are forced to choose between purchasing their medication and buying groceries. For those skipping meals or missing rent payments, a prescription drug benefit is vital to returning dignity to their lives.

In July, this House passed an amendment to allow U.S. pharmacists to buy medications at the same low prices paid for in other countries, 20 to 50 percent less for the same drugs, and then we could pass those savings on to our seniors. It makes sense.

But last week in the dead of night the Republican leadership twisted this amendment into a deal full of loopholes so big that they could drive a truck through them.

The deal does nothing for seniors. It only protects the pharmaceutical industry profits. This compromise artificially restricts access to safe and affordable drugs abroad. It gives the drug industry a veto over all imports.

Our seniors deserve better. They deserve the same medications at the same prices that people are paying for overseas. It is time for the Republican leadership to stop using empty rhetoric. We should have a pharmaceutical plan that works. We ought to have a prescription drug benefit through Medicare.

If there must be reimportation, then in fact let us be able to reimport those drugs at a price our seniors can pay for.

WELCOME TO NEWBORN JACK CHRISTOPHER LINDGREN

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, I want to take a moment this morning to welcome into this world Jack Christopher Lindgren, who was born just a couple of weeks ago, on September 21.

I want to congratulate his proud parents, Gary Lindgren, chief of staff in my office, and his lovely wife, Susan. I know they are delighted with their handsome baby boy.

There is some good news for little Jack. Thanks to a Republican Congress, his parents will enjoy a $500 tax credit for their new child. That will help buy diapers and baby food and some of the clothing that babies seem to grow out of in a couple of weeks.

But here is a dose of reality for young Jack. Because of the steadfast opposition of the Clinton-Gore administration, Jack's parents will be paying a penalty again this year to the Internal Revenue Service.

□ 1015

Their offense? They chose to be married. When Congress tried to correct that inequity in the Tax Code this year, President Clinton said no. There is hope for all of those American families who work hard every day to pay their taxes and support their families. They will have a chance to reduce their tax burden by saying good-bye to the Clinton-Gore team.

Mr. Speaker, American working families deserve a break. Let us give it to them.

DRUG IMPORT PROVISIONS OF AGRICULTURE APPROPRIATIONS BILL

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, sometimes I wonder whether the Republican leadership of this Congress reports to the public or to the prescription drug industry. The public sends a clear message that they are sick of unjustifiably high and blatantly discriminatory prescription drug prices.

Seniors are particularly vulnerable to overwhelming prescription drug expenses. Democrats offer a proposal featuring an optional Medicare drug benefit, drug prices discounted to reflect a collective bargaining power of 39 million Medicare beneficiaries, and a strategy for undercutting international price discrimination, the ability to reimport prescription drugs.

Republicans refuse to even consider price discounts for seniors, they emasculate the reimportation proposal, and then they sunset those weak provisions before they even have a chance to kick in.

A phony watered-down drug reimportation bill is marginally better than no bill at all, but I do not want a single American to be fooled into thinking that Republican leadership has been responsive to the prescription drug crisis. The only constituency they have been responsive to is the prescription drug industry.

DATABASE PROTECTION LEGISLATION

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, this will now be the third Congress in which legislation protecting databases has failed to become law. Over the past years, the opponents of such legislation have done all they can to prevent legislation from moving forward and maintain the status quo so they may pirate the work of others due to the current gap in protection. They first claimed there was no need for legislation. Then subsequently, they admitted there was, in fact, a need as long as they could get a carve-out for themselves.

How selfishly convenient. This issue will not go away. Now, more than ever, America's database producers need sufficient protection to ensure the continued investment in developing these information products. Their vulnerability remains as the pirates still sail without fear.

Rest assured, Mr. Speaker, I will do everything I can next session to finally pass legislation which benefits database producers and, therefore, benefits American consumers. Finally, Mr. Speaker, I want to express thanks to the many people who worked tirelessly to promote this legislation.

VOTING MAKES A DIFFERENCE

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, Monday evening I spoke to a college government class in my community, and a young woman commented during the question period. She asked, I just turned 18, I will be voting for the first time, can you tell me why I should vote? What difference does the government make in my life?

I gave her two quick examples, and I thought everyone listening to this might be interested in these examples. I said, first of all that, when I was elected in 1994, we had deficits of $300 billion per year. The Republicans took over. We now have a surplus of over $100 billion per year. That is a $400 billion per year difference, and that computes to $2,200 for every single taxpayer in this Nation. That does make a difference to you. You should vote this year.

The second example I gave is that the interest on the debt is going to cost her $185,000 during her lifetime, even if we do not add another cent to the debt. This is equivalent to the cost of a nice house in my district. It does make a difference who is in control; we have started to pay off the debt. It does make a difference, and people should vote accordingly. I am very proud of what we have accomplished, and how we have put money back in the hands of the people, including this young 18-year-old lady. I hope that she does vote, and I hope that she does vote for the good of this country.

URGING OSHA TO STOP CORRUPT ERGONOMICS RULE-MAKING

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, just when we thought the Clinton-Gore administration could not sink any lower, they always figure out another way. I recently learned that OSHA paid for 35 posthearing comments for the record on its proposed ergonomics rule. In effect, OSHA bureaucrats paid for what they wanted the public to hear and did not allow real public comments to stand. To make matters worse, OSHA paid for these comments with taxpayers dollars.

This disregard for the mandated public comment period tells a story of the Clinton-Gore-AFL-CIO Labor Department. Mr. Speaker, this outrage bears repeating. Instead of independent reaction from the public at large, OSHA filled the ergonomics public records with comments from its own paid witnesses. If you can believe it, the story gets worse.

When the public comment period was closed, OSHA allowed the ever-biased National Institute for Occupational Safety and Health, NIOSH, to submit over 3 years of scientific literature more than 6 weeks after the deadline. This, again, shows OSHA is hearing what it wants to hear, not what small businesses and the average American wants it to say. I strongly urge OSHA to stop this corrupt ergonomics rulemaking and start over with a clean, fair, and objective rule-making process.

CONGRATULATING JACK ST. CLAIR KILBY

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is Nobel Peace Prize time again, and I rise today to congratulate another Dallas resident, Jack St. Clair Kilby.

Mr. Kilby was awarded the Nobel Prize in physics. While you might not know him personally, his invention revolutionized the world. Shortly after joining Texas Instruments way back in 1958, Mr. Kilby conceived and built the first electronic circuit, microcircuit.

Without question, his development revolutionized the electronics industry, gave us such things as the cell phone and satellite communications. His invention allowed us to explore space, fly to the Moon, and develop sophisticated medical tools.

Mr. Speaker, I extend my heartfelt thanks and appreciation and congratulations to Mr. Kilby for his Nobel Prize award. He helped make America great.

ONE MORE TALL TALE FROM TENNESSEE

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, a few minutes ago, we heard from the gentleman from Pennsylvania (Mr. PITTS) telling us the tall tales of AL GORE, and the gentleman is right. There is a news article today about how AL GORE was a chicken farmer of over 10,000 chickens. This is a very versatile man.

He is also the inventor of the Internet, the man who brought us the dog pill story, the man who says he was the reason for "Love Story"; that was the first one to investigate Love Canal; that he was there when the Strategic Petroleum Reserve was invented, which he was not.

He has fought against big oil, and yet his family owes its fortune to Occidental Petroleum. He fought against Big Tobacco. In fact, in 1992, he said that on his sister's death that he swore he would fight the scourge of Big Tobacco for the rest of his life. Well, 2 years later he was telling tobacco farmers that he was one of them.

This is a man who at one time is a chicken farmer, the next he is a tobacco farmer, the next he is an enemy of Big Oil, the next he is a big protector of Big Oil. He is a very versatile man. I wish he would make up his mind and tell the American people exactly who he is.

ASKING ADMINISTRATION TO AGREE TO DEBT REDUCTION PROPOSAL

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, 29 days ago, this Congress sent President Clinton and Vice President AL GORE a proposal to lock away 100 percent of the Social Security and Medicare surpluses and dedicate at least 90 percent of the total budget surplus for debt reduction.

Mr. Speaker, 29 days and still no word from the Clinton-Gore administration. There will be an estimated $268 billion surplus this fiscal year.

Our question is simple: Should it be used to pay off our national public debt and protect Social Security and Medicare, or should it be spent on more government spending? Republicans are for using the surplus to pay off the public national debt and protecting Social Security.

Mr. Speaker, I urge the President and the Vice President GORE to join us and put debt reduction and our seniors ahead of spending and agree to our 90-10 debt reduction proposal.

EULOGY TO THE HONORABLE OSCAR H. MAUZY

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, yesterday was a sad day for Democrats across the country, not only did our former colleague, Bruce Vento, die; but one of the finest Democrats in the State of Texas, Oscar Mauzy, passed away yesterday. Oscar served in the State Senate for 2 decades representing a district in Dallas. He served on the Texas Supreme Court, and he stood for everything that was good and decent in politics.

He stood for civil rights at a time when it was not popular in Texas. He stood for the rights of the consumer, and he blazed a trail that made it possible for progressive Democrats to be elected in Dallas County. First Jim Mattox, then I joined Jim in Congress, John Bryant after that, and EDDIE BERNICE JOHNSON following that. Oscar Mauzy will be truly missed by the people of the State of Texas.

TODAY'S MILITARY SMALLER, LESS CAPABLE, OVERWORKED AND LESS READY THAN 8 YEARS AGO

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, last week Vice President GORE mislead every American again. I am not talking about raising chickens. AL GORE claimed that our military is the strongest in history. Our military is the best in the world today, but it is simply not true that our military today is the strongest in history, not even by recent history.

One only has to look back to the 1980s to find a military force 40 percent larger, with a much more robust capacity that could easily have engaged two major threats on two separate fronts at once. Today, the Joint Chiefs tell us that fighting two fronts could only be accomplished with high risk and significant loss of life.

Looking back at World War II, the United States fielded an Army of over 8 million soldiers and airmen. The United States was fighting on three separate fronts in three separate geographical areas of the world, and we were winning all three.

It is laughable to consider today's force equal. If AL GORE believes today's military is the best in history, he obviously has not talked to thousands of soldiers, airman and Marines who are leaving in total frustration.

By any measure, today's military is smaller, less capable, overworked and less ready than it was 8 years ago. Anyone aspiring to be Commander in Chief should know that.

CONFERENCE REPORT ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 616 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 616

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. COOKSEY). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, only yesterday the Committee on Rules met and granted a normal conference report rule for H.R. 4205, the Fiscal Year 2001 Department of Defense Authorization Act.

The rule waives all points of order against the conference report and against its consideration.

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In addition, the rule provides that the conference report shall be considered as read.

This should not be a controversial rule. It is the type of rule that we grant for every conference report that we consider in the House.

But more importantly, Mr. Speaker, this should not be a controversial bill. Once and for all, we are taking care of military retirees by giving them TRICARE for life and by improving their prescription drug benefit. Our military retirees were promised lifetime health care coverage when they enlisted, and so it is about time that we fulfilled our promise to them.

Also, at long last, we are taking care of our men and women in uniform. We are getting them off of food stamps and out of substandard housing.

Finally, we are providing for our Nation's general welfare by giving our military the tools they need to win on the battlefield.

I urge my colleagues to support this rule and to support the underlying bill. Now more than ever we must provide for our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I rise in support of this rule and in support of the conference report. Mr. Speaker, this conference report provides the authorization for the Department of Defense in fiscal year 2001 and, in doing so, it provides for the defense of the United States and for the defense of freedom and democracy around the world.

This conference report ensures that our military forces continue to be second to none, and it ensures that now and in the future our forces will be able to meet the demands of every mission they are assigned.

Mr. Speaker, this conference report addresses the real needs and the real priorities of our Nation's armed services and is, therefore, a conference agreement that every Member of this body should support. But at the same time, every Member should be aware that meeting these needs and priorities comes at a price. I happen to be one who believes the price of defending our Nation and ensuring peace around the world is one worth paying.

This conference report authorizes $310 billion in spending for the Department of Defense and its programs, addressing shortfalls in readiness, funding in modernization programs, and improving the quality of life for our military personnel and their families.

Mr. Speaker, no one can argue the fact that our military stands second to none in the world. No campaign rhetoric can truthfully say that our Armed Forces are not up to the job. But there is no denying the fact that improvement of readiness capabilities and continuing modernization are constant requirements to ensure that we do not fall into a condition that would find us shorthanded in an emergency.

All that requires money, money that must come from a Federal budget with hundreds of competing interests. We must remember that education for our children is also a national priority, that protecting Social Security and Medicare and providing a Medicare prescription drug benefit for senior citizens is a national priority, and that reducing the national debt should continue to be a national priority.

Americans understand this, and they know full well the folly of cutting taxes while increasing spending. I would remind my colleagues in this House that we have gone down that road before. I am committed to ensuring that our Armed Forces are the best trained, best equipped, and the most ready in all the world. But we cannot lose sight of the fact that those forces are protecting a Nation that has other pressing needs. Let us not shortchange our military, our children, or our senior citizens.

Mr. Speaker, this conference report contains many important provisions, but chief among them is one that keeps a promise made to the men and women who have chosen the military as a career and have served faithfully and well for 20 years or more.

When I am back home in my district in Texas, I often have the opportunity to meet with some of the many military retirees who live in the Dallas-Fort Worth area and, more often than not, they raise the issue of the lifetime health care they were promised when they chose to make the military a career.

Cuts in the military budget and base closings have decreased the number of facilities where military retirees can go to receive health care. Even if those facilities are available, they must often wait far too long to see a doctor.

At the beginning of this Congress, the gentleman from Mississippi (Mr. SHOWS) and the gentleman from Mississippi (Mr. TAYLOR), two Democratic Members, offered comprehensive plans to address these inequities in the military health care system for those men and women who have dedicated their careers to defending our country.

Mr. Speaker, while what is in this conference agreement falls short of the original proposals made by the gentleman from Mississippi (Mr. SHOWS) and the gentleman from Mississippi (Mr. TAYLOR), I am gratified that this conference report restores to military retirees benefits they were promised and in doing so begins to make good on the commitment made to all of them as they embarked on their careers.

This conference report provides permanent lifetime TRICARE eligibility for Medicare-eligible military retirees and their families beginning in fiscal year 2002 and restores the prescription drug benefit by allowing those retirees who cannot access a military treatment facility to participate in the Department of Defense mail order and network retail pharmacy program.

While this benefit is not extended to retirees before they reach Medicare eligibility, the provisions in this conference report represent an important start and one that I say is long overdue.

I encourage the Committee on Armed Services to continue to work on this issue and to especially strive toward ensuring these benefits can be used by retirees who live in rural areas, to ensure that reimbursement rates are adequate, and to provide a benefit for military retirees before they reach the age 65.

We made a promise to those men and women who were willing to put their lives on the line for their country. Now, we have an obligation to live up to it. I am extremely gratified that this provision will become law, and I want to thank the chairman and ranking member for their willingness to see this through.

Mr. Speaker, retention of a trained and ready fighting force is one of the greatest difficulties facing the military today. Long deployments and better offers in the civilian world have taken a toll on the number of military men and women who are willing to stay in and continue to serve.

While retention is improving, this conference report makes significant improvements in the military standard of living which should further assist in reducing the number of service personnel who leave.

The conference report provides a 3.7 percent increase in basic pay, establishes a targeted subsistence payment for those personnel who struggle hardest to make ends meet and provide for their families, provides housing allowances which will assist junior military personnel to find suitable housing for themselves and their families, and provides active duty special pay and bonuses.

These are all important components in the ongoing efforts of the Congress and the administration to recruit and retain the men and women we need for our military forces.

This conference report also increases readiness accounts and importantly includes $222.8 million for spare parts for aircraft squadrons in an effort to stop the cannibalization of aircraft that has occurred in the past.

The conference report provides an increase in funding for live-fire training ammunition for the Army, Navy, and Marine Corps and significantly increases the funding for improvements for training facilities for the National Guard and reserves.

The conference report also funds the weapons programs that are so critical to our military, and I am especially gratified that the conference has included $305.5 million for F-16 modifications and improvements for the Air National Guard.

Looking forward to the future, the conference has provided $2.5 billion for procurement of 10 F-22 fighters, the next-generation Air Force fighter which will ensure our air superiority over any force we might encounter.

Also included is $1.4 billion in research and development funding for the F-22 program. The conference includes $1.2 billion for the acquisition of 16 MV-22 Osprey and $358.4 million for four CV-Osprey.

In addition, the conference includes $154.2 million to accelerate the radar development for the CV-22 Special Operations Variant.

These are all valuable investments in the fighting capabilities of our Armed Forces, and I am pleased that they are included in this agreement.

Mr. Speaker, I should note this conference does contain a significant new compensation plan for those Energy Department employees who are exposed to dangerous levels of radiation, beryllium, and other toxic substances while they work on the Nation's nuclear weapons program.

The agreement calls on the Congress to enact a compensation program by next July 31. I would hope that these workers can count on the Congress to act quickly in the 107th Congress to enact a legislative compensation program to assist them.

Mr. Speaker, this is a very good conference agreement. It was signed by all conferees, making it a truly bipartisan agreement. I encourage all Members to support this rule and to support the conference agreement which provides so much to every American.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I rise in strong support of this rule and conference report. Since I came to Congress almost 6 years ago, the Congress has made rebuilding our military a top priority. Each year we have been able to make great strides towards this goal, and this bill is another critical example of our efforts.

This defense bill is a great credit to the outstanding leadership of the gentleman from South Carolina (Chairman SPENCE) and also the strong leadership of the gentleman from Missouri (Mr. SKELTON), our ranking member.

More importantly, it is a fitting tribute to those who serve our Nation in uniform and to those who have served.

This legislation takes concrete steps toward providing the proper resources to equip and train the military of today, as well as making the investments needed to support the military of tomorrow.

It provides the proper financial support for our military personnel by providing a 3.7 percent pay raise for those in uniform and by reforming the pay tables for those critical mid-career, noncommissioned and petty officers.

This legislation invests heavily in the important quality of life and health care accounts to ensure that we are not only able to recruit the best and brightest men and women in the military but also to keep them. That is extremely important to the defense of this Nation.

Finally, by expanding access to TRICARE and by providing a pharmacy benefit to our Medicare-eligible retirees, this Congress is ensuring that a promise made is a promise kept.

Despite these great accomplishments, we must also recognize that we still have much work to do. We must continue to address modernization and readiness accounts. We must eliminate the inequity caused by the prohibition against receiving retiree pay and disability pay. We must continue to invest in the most important aspect of our military, our people.

I thank the chairman and ranking member. I urge my colleagues to pass this important legislation for our men and women in uniform, past present and the future.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in support of the rule and the conference report. I commend the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON), ranking member, for their hard work in putting together this legislation.

This conference report contains a prescription drug benefit for seniors on Medicare, but only those seniors on Medicare that are military retirees. Like the Democratic Medicare prescription drug plan, on which the majority refused to allow a vote, this bipartisan prescription drug benefit is guaranteed and administered by a Federal agency.

Unlike the Republican prescription drug plan, this bipartisan drug benefit does not throw military retirees to the whims of the private insurance companies that say they will not offer such insurance anyway.

Like my bill, H.R. 664, the Prescription Drug Fairness for Seniors Act, this bipartisan drug benefit gives seniors who are military retirees access to the best prices negotiated by the Federal Government: the Federal supply schedule price, the VA price, or an even lower price.

Now, some in this body call H.R. 664 a price control bill. It is not since it does not set prices. It allows the government to negotiate lower prices on drugs. But if one believes H.R. 664 involves price controls, then surely this Department of Defense drug benefit involves price controls. Both bills use the same mechanism.

When this bill with the prescription drug benefit passed the House in May, 353 Members voted for it, including 208 Republicans. I ask those Members the following questions: If Congress can provide a government-run prescription drug benefit to one segment of the Medicare eligible population, military retirees, why cannot it offer the same kind of benefit to the rest of our Nation's seniors?

If Congress offers some seniors on Medicare discount drug prices negotiated by the Federal Government, why cannot it offer the rest of our seniors on Medicare the same discount prices?

The answer is we can. The reason we do not is the undue hold the pharmaceutical industry has over the majority of this Congress.

Military retirees need and deserve this bill's prescription drug benefit. I support it with enthusiasm. The tragedy is that Republicans will not do the same for all other seniors on Medicare.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I would like to salute everybody that made this authorization bill work. It is a bill to be proud of.

The gentleman from South Carolina (Mr. SPENCE), the committee staff, members of the conference committee all came together and made a big difference on an issue that I have been hearing about, not only since I first got elected in 1994, but heard about from my grandfather who fought in World War II, who gave his entire life to the military, and yet, when he died, he was upset because his military and also his government did not keep the promises that they made to him about military health care.

Well, this bill makes a big difference and moves us in that direction where a promise made to our brave fighting men and women when they first enlisted is now being kept.

Again, everybody involved in this process should be saluted: certainly the gentleman from South Carolina (Mr. SPENCE); his tireless committee staff; members of the conference committee; the gentleman from Indiana (Chairman BUYER) on the House side that made a big difference. On the Senate side, of course, so many Senators helped out; but also people like the gentleman from Mississippi (Mr. PICKERING), who, along with me and some others, have been fighting and talking with the leadership about how important this is; the gentleman from Georgia (Mr. NORWOOD), who has been fighting on military health care for so long; the gentleman from North Carolina (Mr. JONES); and so many others who understand we need a health care fix for our military retirees, and this does it.

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It does several things. First of all, it is permanent. So it tells our military retirees that they can give up their supplemental health care insurance, that they are going to be taken care of. It also gives continuity to those who are going to enlist in this TRICARE plan by allowing them to stay with their physicians that they are with right now. How important that is.

I will tell my colleagues that when I first held TRICARE hearings across my district back in 1997, I heard so many military retirees and their families telling me that they cannot afford to get into any TRICARE plan because they do not know how long it is going to last. Because of the fight of the House conferees who said we must make this benefit permanent, we must set up a trust fund and keep it in mandatory spending, because of that, this program will not be doomed to failure. This program will work, and it will keep the promise that was broken to my grandfather and millions of military men and women and their families and dependents who counted on the promise being kept.

Today is a great day, and I am proud that I am going to have an opportunity to vote for this bill, a bill that I believe my grandfather would be proud of, were he still alive.

I am also proud of another provision in here regarding a school project started by Hunter Scott. He was an eighth grader in my district when he started this fight, and now the crew of the U.S.S. Indianapolis is going to be recognized for their bravery and their work in the closing days of World War II, and also it will be an honor to Captain McVay, too.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. SHOWS), who has helped lead the way on this issue of health benefits for our retirees.

Mr. SHOWS. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate his comments very much.

Mr. Speaker, I rise today to support the defense authorization conference report. This bill will help promote a first-class military. When we pass this bill today, a great victory will be won for our military retirees.

The problem is that the military retirees health care system fails to care for many of its people. This defense bill takes a giant step in correcting this injustice for our military retirees. They devoted their lives to defend this democracy. Many of them served in World War II, Korea, and Vietnam. And when they joined the service, they were promised lifetime health care, just like the gentleman from Florida (Mr. SCARBOROUGH) was talking about awhile ago, and they were hopefully getting it at military bases.

In the old days, this system worked pretty well. But changes in the law made it very difficult to get and base closures eliminated care for many retirees and their families. Civilian retirees can join the Federal Employees Health Benefit Plan, which offers lots of health care options. At 65, FEHBP supplements Medicare and provides a very nice health care package when they need it the most. But TRICARE, the military health plan, ends at age 65. Military retirees get Medicare but nothing else if they cannot afford supplemental insurance.

To correct this sad situation, and I want to mention my colleague on the other side of the aisle, the gentleman from Georgia (Mr. NORWOOD), and Senators TIM JOHNSON, JOHN MCCAIN, and our esteemed colleague, Paul Coverdell, introduced the Keep Our Promise to America's Military Retirees Act, H.R. 3573. The Keep Our Promise Act has united military retirees and families across the country. Their billboards, bumper stickers, e-mails, phone calls, and letters to newspapers and Congress have educated us to their plight. Their persistence has gained the Promise Act 306 cosponsors in the House and 36 in the Senate.

Mr. Speaker, we would not be here today debating this issue today without the grass roots support for the Shows-Norwood Keep Our Promise Act. The defense bill accomplishes part of what the Keep Our Promise Act would do by extending TRICARE to military retirees beyond age 65 as a supplement to Medicare. This is a great step in the right direction, but the defense bill does not do everything the Promise Act would do. The Promise Act would offer military retirees the option to participate in the FEHBP, because many retirees are not well served by TRICARE.

So while we congratulate ourselves on a job well done, we must remember that this defense bill only begins to make good on the commitment we made to our military retirees. We need to pass the rest of the Keep Our Promise Act. It is the right thing to do. And I promise my colleagues that military retirees across the country will keep fighting for the benefits they were promised, earned and richly deserve.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the rule and in strong support of the underlying legislation that will authorize spending for our Nation's military and spending for the Department of Energy's nuclear sites.

This legislation represents a great leap forward in our Nation's military, and I would like to especially congratulate the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) for their great effort over the past 6 years to ensure that our Nation's military is the best prepared in the world. It is only appropriate that this legislation before us today bears the name of our colleague, the gentleman from South Carolina (Mr. SPENCE).

Mr. Speaker, I would like to focus specifically on one provision that I am especially pleased was included in the final conference report. In the 1999 National Defense Authorization Act, the Congress created the Office of River Protection to manage the Nation's largest environmental cleanup project, which is in my district. The River Protection project is charged with the safe cleanup and vitrification of 54 million gallons of highly radioactive liquid waste that is stored in 177 underground storage tanks at the Hanford Nuclear Reservation in central Washington. Over one-third of these tanks have leaked over a million gallons to the ground, which could potentially endanger the Columbia River and the salmon populations within the Hanford Reach.

The Office of River Protection was established to provide a streamlined management structure that would manage the program primarily at the site to allow for quick decisions and to cut through the DOE bureaucracy that too often impedes cleanup projects. Specifically, the head of the Office of River Protection was charged with managing all aspects of the River Protection project and was to report directly to the Assistant Secretary of Energy for Environmental Management.

Unfortunately, DOE headquarters has not followed the intent of this 1999 legislation and continues to micromanage the Office of River Protection. This micromanagement has contributed to unprecedented frustration among the stakeholders, the State of Washington, other Federal agencies, Congress, and certainly the Tri-Cities communities that I represent.

This year's defense authorization bill contains an amendment I offered in conference to clarify the role of the head of the Office of River Protection. The amendment clearly states that the Assistant Secretary of Energy for Environmental Management shall delegate in writing responsibility for the Office of River Protection to the head of that office. Such delegation shall, at a minimum, include authorities from contracting, financial management, safety, and general program management equivalent to the authorities of other operations offices of the Department of Energy. This delegation must be completed and submitted to Congress within 30 days.

I want to make it very clear, Mr. Speaker, to the Department of Energy that Congress has taken this step because of our continuing concerns with the micromanagement of the office. It is time to put an end to this. I expect the Department to immediately provide the necessary authority to the head of the office for budgeting, contracting, and staffing.

Further, I believe the Department must transfer the regulatory unit, now under the management of the Richland Operation Office, to the head of the Office of River Protection, to comply with this legislation. Now is the time for the Department to recognize the unique mission that Congress has provided to the Office of River Protection and to assist, not hinder, the office to its completion of this vital project.

Mr. Speaker, this amendment would not have been possible without the support of the gentleman from South Carolina (Mr. SPENCE) and the gentleman from California (Mr. HUNTER) and others that were on the conference. I also want to thank specifically the staff, Pete Berry and Steve Thompson, for assisting my office in working through this legislation.

Accordingly, Mr. Speaker, I urge my colleagues to support this rule and the underlying bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me this time.

We have heard several reasons for supporting this bill, including the pay raise for our armed forces and the health care for our retirees. I want to add one more reason to vote for this bill, and that is because of the provisions which enact an important agreement to save the drinking water for 25 million citizens in the Southwest United States.

These provisions would move the largest uranium mine tailings pile that has ever threatened a drinking water supply in the U.S. The dangerous radioactive waste currently sits only 750 feet away from the Colorado River near Moab, Utah, where it threatens the drinking water of one-seventh of the United States, including people who live in Las Vegas, Arizona, and the Southern California urban areas of Los Angeles and, of course, the city I represent, San Diego.

I want to thank my colleagues, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Utah (Mr. CANNON), for their leadership in moving this pile, which is as big as 118 football fields, rather than what was previously suggested, which was capping it in place. We have all fought for 3 years to prevent the Nuclear Regulatory Commission from doing just that, capping the pile, because that would ensure that the poisonous waste would continue to leach into the Colorado River for almost 300 years.

This bill gives jurisdiction to move the pile to the Department of Energy, which has the expertise and experience to relocate it to a secure, permanent, location, safely away from the Colorado River. I want to congratulate all those who have worked so hard to cement this agreement into law instead of allowing the capping of this huge pile of nuclear radioactive waste where it would nearly forever pollute the Southwest's drinking water. I urge the passage of this bill.

Mrs. MYRICK. Mr. Speaker, I yield 2½ minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the Floyd D. Spence Authorization Act and encourage the adoption of this rule.

This legislation contains many provisions that are important to the defense of this great Nation and to our veterans. However, I want to speak briefly on title 36 of the bill, which establishes the Energy Employees Occupational Illness Compensation Program to provide timely, uniform, and adequate compensation to employees or their survivors for illnesses incurred during the performance of their duties for the Department of Energy's nuclear weapons program.

The legislation requires the President to submit to Congress by March 15 of next year a legislative proposal that identifies the types and amendments of compensation for individuals whose health was adversely affected by their work at DOE facilities, and the procedures for providing those benefits and compensation. If Congress does not act by July 31, 2001, to enact a compensation program, eligible employees exposed to beryllium, radiation, and those working in gaseous diffusion plants will be entitled to a lump sum payment of $150,000 and medical care for their disease.

I want to thank Senator FRED THOMPSON of Tennessee and Senator GEORGE VOINOVICH of Ohio for their leadership and dedicated efforts on behalf of these workers. Without their efforts, we would not have this legislation today nor any other compensation legislation.

Additionally, the bicameral bipartisan compromise that was reached on this program could not have been realized without the tireless efforts of the gentleman from South Carolina (Mr. SPENCE), the gentleman from Illinois (Mr. HYDE), the gentleman from Tennessee (Mr. WAMP), the gentleman from Texas (Mr. THORNBERRY), the gentleman from Kentucky (Mr. WHITFIELD), and their dedicated staffs, as well as Mr. Aleix Jarvis of my staff, who I want to thank for his efforts.

I represent the Savannah River site. The workers there and at DOE facilities across the Nation dedicated their lives to winning the Cold War. They did what their country asked of them. Unfortunately, the Government was not always aware or up front about what they were being exposed to and the dangers it presented to their health. Today we acknowledge our mistakes, and I think it is only right that we correct this wrong.

□ 1100

This is a good bill. I think it is only fitting that this legislation that does so much for so many years by so many bears the name of my friend and colleague, fellow South Carolinian (Chairman SPENCE) who has fought tirelessly for both the men and women in uniform and for those who once wore the uniform.

I encourage adoption of this rule and passage of the bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the rule, H. Res. 616, which will allow the House to consider H.R. 4205, the Floyd D. Spence National Defense Authorization Act for 2001.

I am pleased that the Committee on Rules crafted a rule that will waive all points of order against the conference report. A blanket waiver is efficient and would be consistent with the actions of this committee in the 106th Congress.

I also want to commend the members of the House and Senate Committee on Armed Services and applaud the conferees for their deliberation and consideration of important measures included in the legislation.

I am pleased that the conferees retained language from the Senate bill that establishes new and important resources for our Nation's firefighters. The provisions in my legislation, H.R. 1168, the FIRE Act, are included in the DOD authorization bill. The level of authorization may not be what we wanted it to be, but this is a beginning for our firefighters.

We have dedicated our efforts, Mr. Speaker, to the six heroes who died in Worchester, Massachusetts, the firefighters. The $100 million that is authorized for this year and the $300 million that is authorized for 2002 are significant attempts to help the 32,000 fire departments and the million firefighters throughout America.

Paid, combination, volunteer departments and emergency medical technicians will be eligible to apply for these grants.

When appropriated, fire departments can hire personnel, purchase new and modernized equipment, provide fire prevention education programs and wellness programs for our firefighters to modify outdated fire stations. It sends the dollars directly to the departments to the communities in need through competitive grants without going through the State red tape.

I want to thank all 284 cosponsors in this House, Mr. Speaker, for this important legislation and for their support and interest. I especially would like to thank the gentleman from Maryland (Mr. HOYER). This is a victory for our firefighters. I am honored to have been part of it. And again, I want to thank the committee, Mr. Speaker.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in strong support of this conference report and the rule that brings this bill to the floor. I want to thank my good friend the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time.

There are many important functions of our Federal Government, Mr. Speaker, but probably no more important or more legitimate function than providing for our national defense. And I think it is very, very appropriate that this very strong pro-defense bill is named after our good friend, the gentleman from South Carolina (Chairman FLOYD SPENCE) who has been such a leader in this area for so many years.

But I particularly want to thank the conferees and everyone who has worked so hard on the provisions for the sick nuclear workers that the gentleman from South Carolina (Mr. GRAHAM) just detailed.

While Oak Ridge is in the district of my friend, the gentleman from Tennessee (Mr. WAMP), about half the people who work there live in my district. Over the years, several Oak Ridge nuclear workers suffering from beryllium disease and other health problems related to their work with radioactive material have come to me for assistance, and we have always tried to get them the help we could. But more needed to be done.

I especially want to congratulate my constituent Ann Orick who really led the fight to call attention to the plight and the problems of these sick workers. And I want to commend the gentleman from Tennessee (Mr. WAMP) and Senator THOMPSON who really led the battle in this Congress to see that appropriate action was taken. I was pleased to assist them in their heroic efforts.

Now, hopefully, these workers will receive compensation and, much more importantly, medical treatment for their illnesses. They served our country well and they deserve no less.

I want to urge adoption of this rule and adoption of this conference report.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, 3 years ago a bipartisan majority here in Congress passed the Defense budget that substantially increased funding for the Armed Forces, launching a rebuilding process that is gradually addressing the deficiencies in readiness and quality of life in military service that had developed over many years of post-Cold War downsizing.

Rebuilding has not been as fast as I would like and certainly not as fast as the men and women at the bases located in the part of Georgia that I have the privilege of representing would like. But, on a bipartisan basis, we are moving in the right direction.

For one thing, this bill authorizes a reorganization plan prepared by Army Secretary Caldera to shut down the School of the Americas at Fort Benning, Georgia, and to open a new program with a restructured curriculum and with a strong independent oversight that includes congressional representation on the school's board of visitors.

This program, which teaches professionalism and the principles of democracy to Latin American military and government personnel, is an important instrument of U.S. policy in our hemisphere; and I commend Congress for its farsighted action on this issue.

The bill also is commendable for stepping up the process of raising the quality of life for all Americans who are serving in our military and for those who faithfully served in the past. This includes the health care benefits for our veterans. And for active duty personnel, it includes a pay raise, new housing facilities and allowances, new reenlistment incentives, new child care centers, new educational assistance and establishment of a thrift savings plan, not to mention the funding for new equipment and weaponry that will greatly improve working conditions and our readiness.

Mr. Speaker, this bill keeps our country moving in the right direction, and I urge all of our colleagues to give it their full support by voting for this rule and voting for the bill.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentlewoman (Mrs. MYRICK) for yielding me the time.

Mr. Speaker, I rise in strong support of the rule for the Fiscal Year 2001 Floyd D. Spence Defense Authorization Act.

Mr. Speaker, as a member of the conference, I am proud of the bipartisan bill the House and Senate agreed upon. Over the last 8 years, the Clinton-Gore administration has cut defense spending to historic lows. In fact, the Service Chiefs have testified that there is still a mismatch between resources and requirements. The services are migrating funds from modernization accounts to operations and support accounts to maintain current readiness.

This bill tries to lessen the current Clinton-Gore impact on long-term readiness by increasing procurement accounts by $2.6 billion and increasing research and development accounts by $1 billion.

The bill includes $688.6 million for the Joint Strike Fighter. Boeing recently flew their concept demonstrator at Edwards Air Force Base, and their competitor, Lockheed Martin, is scheduled to fly their version later this month.

We have included language in the bill which will require the Department of Defense to perform a cost study of final assembly and checkout alternatives for the Joint Strike Fighter program. Studies have been done that show that $2.2 billion can be saved by building the Joint Strike Fighter in California. The Joint Strike Fighter may be the last manned fighter ever built and is expected to be the fighter of choice by all three services and our allies, as well. The Joint Strike Fighter is important to our defense and to our economy.

Also included is $115.3 million for research and development to modify the B-2 fleet. The B-2 Spirit of America is the Air Force's only all-weather, stealth, long-range bomber. The funds will be used to enhance the B-2 capabilities making it far more capable even than it was in Allied Force.

A Link 16 and Center instrument display will give connectivity for in-flight re-planning. New bomb racks to carry state-of-the-art weapons will increase its lethality, and maintainability upgrades will increase its survivability.

These are just a few examples of modernization efforts we have funded this year. Others have spoken of other things we have done to improve our readiness and enhance the quality of life for our troops. This is a good bill and a good rule, and I urge all my colleagues to support it.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I support this rule. I also will support the conference report.

The conference report does include some things that I do not like. It omits some things also that I think should been included, especially the hate-crimes provisions that were in the Senate bill and that the House instructed the conferees to accept.

But I will support it because it includes vital legislation to set up a system of compensation and care for current and former nuclear weapons workers made sick by on-the-job exposure to radiation, beryllium, and other dangers.

This has been a priority for me. For over a year, I have been working with colleagues from both sides of the aisle to achieve its enactment, and I am very pleased that the House today will be voting on it.

This is a very important matter for our country. It is particularly important for many Coloradans because our State is home to the Rocky Flats site, which for decades was a key part of the nuclear weapons complex.

Now that that site's military mission has ended and we are working hard to have Rocky Flats cleaned up and closed, we need to work just as hard to take care of the people who worked there.

The people who worked at Rocky Flats and the other nuclear weapons sites were part of our country's defense just as much as those who wore the uniform of an armed service. They may not have been exposed to hostile fire, but they were exposed to radiation and beryllium and many other hazardous substances. And because of that, many have developed very serious illnesses while others will develop such illnesses in the future.

Unfortunately, they have not been eligible for veterans' benefits and they will be excluded from other programs because they technically worked for DOE contractors and for far too long the Government was not on their side.

To explain what I mean, let me summarize part of a recent statement by Dr. Lee Newman as it affects nuclear weapons workers. Dr. Newman says these workers were "failed by the Federal Government in at least eight ways."

The Federal Government failed to adequately warn them. The Government failed to adequately protect them. The Government failed to institute medical monitoring. The Government failed to support investigation of a beryllium disease epidemic affecting them. The Government failed to support compensation claims they filed. The Government failed to do enough to reduce exposure, provide education, and detect early disease. The Government failed to support adequate research on treatment. And the Government failed to study and act on other occupation illnesses, including ones now covered by the conference report now before us.

Now, the good news is that things have changed. Secretary Richardson and the administration have reversed a decades-old policy of opposing workers' claims. Now we in the Congress need to finish the job. Today, by approving the conference report, we can start to do just that.

I am not saying this is perfect legislation. In fact, I think it can be further refined to include wages that workers lost because of these illnesses. But we are nearing the end of this Congress and time is of the essence, so we should adopt this rule and pass the conference report in order to take this essential first step.

Mr. Speaker, we must pass this conference report today.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, I, like others, rise in strong support of this Fiscal Year 2001 Department of Defense conference report.

I support this bill because we must reverse the downward spiral in defense spending that we have seen for more than a decade. That spiral has seriously undermined our readiness, modernization, recruitment, and retention efforts.

It has been my honor to represent the men and women serving in the military at Ft. Campbell, Kentucky. This legislation is important to them because it provides those soldiers a 3.7 percent pay raise and provides up to $500 a month to assist soldiers and families who are forced to live on food stamps.

For our military retirees, this bill finally fulfills the promise made when they joined the service years ago. It guarantees a lifetime health care benefit for all retirees and their eligible family members. For Department of Energy contract and vendor employees, this bill establishes the first Federal program to compensate workers who have or will contract beryllium disease or certain cancers resulting from radiation exposure.

At a minimum, workers will be entitled to a $150,000 lump sum payment plus medical expenses. For the employees that I represent at that Paducah Gaseous Diffusion Plant who have been unknowingly exposed to contaminated uranium, plutonium, neptunium, and other hazardous substances while producing the materials needed to sustain our nuclear weapons arsenal throughout the Cold War, approval of this compensation package was a hard-fought and long-overdue victory.

□ 1115

I want to thank the gentleman from South Carolina (Mr. SPENCE), the gentleman from California (Mr. HUNTER), and all of those on both sides of the aisle who worked on this important compensation package, the gentleman from Tennessee (Mr. WAMP), the gentleman from South Carolina (Mr. GRAHAM) on our side, the gentleman from Colorado (Mr. UDALL), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Pennsylvania (Mr. KANJORSKI) and others. This is an important piece of legislation. It corrects some long overdue inequities.

I urge all of my colleagues to support this Department of Defense conference report.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. I thank the gentleman from Texas (Mr. FROST) for yielding me this time.

Mr. Speaker, as a member of the Committee on Armed Services, I rise in strong support of the National Defense Authorization Conference Report, H.R. 4205. I would like to thank the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), subcommittee chairs, ranking members and all committee staff who have worked so hard to get this bill ready.

This year's bill makes great strides towards improving modernization, quality of life and military readiness. First, military health care is getting on the right track, but there is still a lot we need to do. Second, recruiting and retention are showing signs of improvement, but it will be a constant challenge during strong economies and changing demographics.

One area that I have been working on is to better inform our service members about the true value of the total compensation that they get in the military. If younger service members fully understand the value of all their benefits, then they may opt to stay in military service more often.

Third, I would like to commend the committee on their work in improving the research and development accounts, specifically science and technology. R&D is the future of this Nation's defense. We should not shortchange our future to fund today. Research and development is critical because it maintains our technological edge and helps our service people with the growing and changing needs of our national security.

Finally, I would like to commend the committee for looking at California as a potential production site for the Joint Strike Fighter. Building the Joint Strike Fighter in California would save taxpayers billions of dollars through State-sponsored economic incentives and by using existing production facilities. If we are asking taxpayers to support the best manned, equipped, and trained fighting force in the world, actually in the history of the world, then we must ensure that it is as cost effective as possible for taxpayers.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I note with dismay but unfortunately not with surprise that the hate crimes bill which got a majority vote in both houses is absent from this bill.

Let me say we have seen this scenario before, Mr. Speaker. A majority vote, according to the rules, for a certain result and the people in power blatantly ignore the wishes of the majority. Now, that describes two recent situations: the Serbian presidential election and the conference committee on the defense bill. In the case of the Serbian election, when the Milosevic regime refused to pay attention to majority rule, the people found a way to remedy it. Here, a majority in both houses voted, a significant majority, for the hate crimes bill. Yet the people in power, emulating Milosevic, have decided to repudiate the results of the election. I hope a similar result will ensue.

Ms. PRYCE of Ohio. Mr. Speaker, I rise in strong support of both the rule and the conference report for the Floyd Spence National Defense Authorization for Fiscal Year 2001.

First let me congratulate Chairman SPENCE, Ranking Member IKE SKELTON, and all the conferees for their hard work and dedication to the men and women who serve in our armed forces.

I know that this was a difficult conference, with many hard issues to resolve, however the end product before us today has certainly been worth the wait.

Mr. Speaker, I am specially grateful to the conferees for including important provisions, which address the needs of thousands of workers, including workers in my home state of Ohio, who were exposed to dangerous levels of radiation, beryllium, and other toxic substances while working on our nation's nuclear weapons programs.

While these workers never served in our military, they nevertheless helped us to win the Cold War.

Sadly, many of these workers today are suffering from debilitating diseases directly related to plant conditions.

The compensation package, included in this conference report represents a major step in recognizing their service and will provide needed help and assistance to these individuals and their families, who are suffering from illness due to exposure.

Mr. Speaker, I would also like to commend the conferees for helping to keep our promise to our military retirees, their families, and their survivors by: Restoring military healthcare as a benefit for life; Providing comprehensive pharmacy benefits; Extending the Tricare Senior Prime Program; and, Reducing the healthcare "out of pocket" expenses for all our military retirees from $7,500 to just $3,000.

We can never fully repay the debt of gratitude we own the men and women who freely choose to serve in our armed forces.

However, these needed provisions maintain our commitment, improve their quality of life, and will truly make a difference in the lives of those who served and sacrificed for our nation with honor and distinction.

I urge all my colleagues to support this rule and this very important conference report.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, adoption of the conference report, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, pursuant to House Resolution 616, I call up the conference report on the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The SPEAKER pro tempore (Mr. COOKSEY). Pursuant to House Resolution 616, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 6, 2000 at page H9053.)

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fiscal year 2001 defense authorization bill has been a bipartisan effort from start to finish. In May, the bill was reported out of the Committee on Armed Services on a vote of 56–1. Later in May, the bill passed the House on a vote of 353–63. Now, I am pleased to report that all Armed Services Committee conferees in both the House and the Senate have chosen to sign this conference report in the latest reflection of the broad bipartisan support for this legislation.

This is not to mean that this has been an easy process. We faced having to reach agreement on over 800 legislative provisions, dealing with a broad range of topics, many having little or nothing to do with defense. However, with the strong cooperation of all Members on both sides of the aisle and a determination to once again complete our work prior to adjournment, we are able to present to the House a strong agreement that furthers the national security of this Nation.

Mr. Speaker, this legislation represents 6 years in a row that Congress has increased the level of defense spending requested by the President. Consistent with the budget resolution, this bill authorizes $4.5 billion above the budget request in order to address urgent shortfalls in key readiness problems, modernization and personnel accounts. The four military service chiefs, in testimony before the Armed Services Committees, have repeatedly itemized these shortfalls in great detail. While this bill will not eliminate these shortfalls, it will go a significant way toward addressing the most urgent of these requirements.

I have said many a time that we are facing a military crisis in this country. Notwithstanding the efforts of Congress, the readiness and combat effectiveness of our Armed Forces continue to decline. Irrespective of who wins the election in November, America faces a fundamental national security choice next year. Either we accept our role as the sole global superpower and step up and provide our military with the associated necessary resources, or we decline this difficult responsibility and start to walk away. I believe the choice should be clear, but continuing to attempt to fulfill our superpower responsibilities on the cheap is simply no longer an option. We are running our military into the ground, continuing to lose our most valuable national resource, our men and women in uniform, and falling further behind the urgent need to recapitalize the force.

With that admonition, Mr. Speaker, I want to briefly cover two aspects of the conference report that deserve particular attention. Others will highlight the other important provisions in the conference report.

First, this bill continues the work started by Congress last year in addressing the serious problem facing our military retiree programs. Last year, we successfully reformed the military retirement system and restored confidence in a program that had lost its appeal in attracting and retaining our best and brightest Americans into military service. This year, we continued this support by tackling an even thornier problem, the military health care system, and, in particular, access to adequate health care by the oldest portion of our military retirees, those who currently lose access to military care when they become eligible for Medicare.

This conference report allows Congress to finally fulfill the pledge given to millions of military retirees that they would receive lifetime medical coverage in exchange for their selfless military service to the Nation. The conference agreement would establish a permanent program for all Medicare eligible military retirees and dependents to receive lifetime coverage under the TRICARE health care program. The bill would also provide a much-needed expansion of prescription drug coverage to ensure that all retirees have full access to this critical military benefit.

Finally, the conference agreement recognizes the need to continue to aggressively improve the TRICARE system program as it takes on an expanded beneficiary population.

Mr. Speaker, the second area I wanted to briefly cover involves the difficult question of how best to compensate Department of Energy and contractor employees suffering from the ill effects of exposure to radiation and other hazardous substances. This becomes one of the most difficult issues in conference and it raises a series of very complex and difficult policy questions. However, I am pleased to note that the conference agreement includes landmark legislation establishing a new energy employees occupational illness compensation program. This program establishes statutory eligibility for workers exposed to radiation, beryllium and silica in the course of carrying out their work in the United States nuclear weapons complex. I believe this is a just and fitting response by Congress to the tragic situation facing these courageous Americans who played an important but often unrecognized role in helping us win the Cold War.

Mr. Speaker, this conference report is a result of hundreds of compromises with the Senate. In this regard, the outcomes are not all what we would like them to be. However, it remains a sound and balanced proposal that deserves the full support of my colleagues. That is what conferences are all about, compromise. We are able to bring this legislation today before us as a result of the hard work and commitment to success by all conferees in both parties on both sides of the aisle, from both houses. In particular, the critical roles played by the Committee on Armed Services subcommittee and panel chairmen and ranking members deserve mention. We unfortunately lost our good friend and Readiness Subcommittee chairman Herb Bateman before we began the final work on our bill. But Herb's characteristic imprints are all over this bill and its many provisions to shore up sagging military readiness. I also want to thank my friend, the gentleman from Missouri (Mr. SKELTON), for another very productive effort in guiding this bill through the process in an open and bipartisan fashion. In our committee, bipartisanship is not merely talk. It is the only way to approach the very difficult national security issues we must address.

I also want to thank Chairman WARNER and his colleagues on the Senate Armed Services Committee for sharing our mutual commitment to complete the conference report in spite of overwhelming odds. It is this continued bipartisan and bicameral commitment that allows Congress to provide this critical legislation every year.

Finally, I want to single out the extraordinary efforts of my friend and colleague the gentlewoman from Jacksonville, FL (Mrs. FOWLER) who as a senior member of the committee and of the House leadership team has been an indispensable ally in helping us arrive at the best possible outcomes on so many issues.

Mr. Speaker, this legislation is important to our troops, to our military families, to our military retirees, and to the continued protection of our national security. It deserves a strong vote of confidence in this body. I would ask my colleagues to vote accordingly.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

□ 1130

It is appropriate that this bill has been named in honor of our distinguished chairman, the gentleman from South Carolina (Mr. SPENCE). I want to commend him for his leadership throughout the long and sometimes difficult deliberations on this legislation. We produced an excellent bill for national defense, and this conference report deserves the support of all the Members in the House.

This conference report builds upon the President's budget proposal for defense and makes important improvements in military quality of life, readiness, and modernization programs. Moreover, this bill will keep the promise of lifetime health care for all military retirees. We have been working to make this the year of military health care, and I am proud of those Members of our committee on both sides of the aisle who worked so diligently to improve health care for our military retirees, as well as for the active duty service members and their families.

I want to especially recognize the efforts of the gentleman from Indiana (Mr. BUYER) and the gentleman from Hawaii (Mr. ABERCROMBIE), the chairman and ranking member of our Subcommittee on Military Personnel, and the gentleman from Mississippi (Mr. TAYLOR), who has been a leader in this effort from the beginning.

For military retirees, the conference report provides permanent medical coverage under TRICARE for military retirees over age 65; expands and makes permanent TRICARE Senior Prime, also known as Medicare Subvention, provided Congress approves a new agreement; establishes a permanent pharmacy benefit with access to the national mail order program and retail pharmacies; and reduces catastrophic expenses from $7,500 to $3,000 for retired TRICARE beneficiaries.

Mr. Speaker, for active duty service members and their families, the conference report provides TRICARE Prime Remote to active duty family members; eliminates copayments for active duty family members in TRICARE Prime and TRICARE Prime Remote; phases in chiropractic care to active duty personnel; reimburses certain travel expenses for military families who must travel to a referred specialist; eliminates certain referral requirements for specialty care; and improves TRICARE claims processing and reduces costs.

In addition to these health care improvements, I am pleased that the conference report includes increases in funding for the procurement of weapons, ammunition and equipment, for research and development, and for operations and maintenance.

The conference report supports the important Army transformation initiative, recognizing the need for the Army to build a medium weight force that is capable of quickly deploying to a full spectrum of contingencies.

Mr. Speaker, I am pleased that this conference report includes authorization for the Energy Employees' Occupational Illness Compensation Program. This program will help compensate those thousands of workers who become ill from exposure to dangerous levels of radiation, beryllium, and other toxic substances while they worked in our Nation's nuclear weapons programs. These workers are the unsung heroes of our victory in the Cold War, and it is only appropriate that we acknowledge their sacrifice and compensate them for their illnesses.

Mr. Speaker, this conference report is the result of cooperation and compromise between the House and the Senate and between Members of both sides of the aisle. It deserves strong bipartisan support, and I urge all Members to vote for the approval of this conference report, which is named appropriately so for our chairman, the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the chairman of our Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Speaker, I thank the chairman, the gentleman from South Carolina (Mr. SPENCE), for yielding me this time.

Mr. Speaker, I want to congratulate the gentleman from South Carolina (Mr. SPENCE) also for his great leadership in maneuvering this bill through some pretty tough waters here in the last several weeks, and the gentleman from Missouri (Mr. SKELTON) for his leadership; and also for my ranking member, the gentleman from Virginia (Mr. SISISKY), who worked as my partner to help put together the procurement package that is manifest in this bill.

Mr. Speaker, let me just run over a few things that we did for the services. The Army General Shinseki needed a light armored force that could be quickly moved around the world to react to emergencies. We do not have that capability right now. We have heavy armor, and we have soft bodies in the airborne groups. We do not have that ability to move a light armor around; and he is working to develop that transformed Army, and we rewarded his initiative with some money to put these first several brigades of new Army units together.

He is moving out on that program. With respect to the Navy, we preserved the option to keep some 688 submarines that otherwise would be junked or retired because of refueling costs. We put in money to refuel them so we can get that attack submarine force up from the 56 or so boats that we have now up to around 65 or 70.

With respect to the Air Force, we reinstated the caps for the F–22; but we gave a little breathing room, a percent and a half of breathing room, for EMD so they can have a robust testing and manufacturing program for the F–22. We think that is important for the Air Force.

Now we still have major problems with procurement, and we are spending $30 billion too little annually to upgrade the force structure that we have now to keep modern equipment in the force structure that we have now.

The Joint Chiefs testified the other day, General Shinseki, that we are $3 billion short on critical ammunition supplies for the Army. The CNO testified that we have about a 50 percent shortage of Tomahawk missiles and the Air Force said we are 50 percent short of munitions. We have a lot of ground to make up. We are going to try to do that in the next year or so, but this was a good bipartisan bill and a good start.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Speaker, my colleague and friend, the gentleman from California (Mr. HUNTER), did not tell the whole story; but this conference report includes over $63 billion for procurement. That is a lot of money, but I believe it gets America more than the number might indicate. In fact, I would call this America's first true post-Cold War defense budget.

The reduction in the size of our military forces begun in 1990 is largely complete. Troop numbers are stable, and this year's authorization uses the power of technology to equip those forces to do a more effective job and with less risk to our troops. It begins to outfit those troops to meet the missions they are likely to face today and tomorrow. We authorize and fully fund the Army's bold effort to become faster and more mobile without losing its punch. The Air Force will move into the 21st century with the immensely capable F–22 fighter; and the Navy gets new technology, ships and creative ways to buy them that will defend the taxpayers' wallets.

The procurement program in this bill does not provide all the answers, but it should eliminate a lot of questions about whether America's military is ready for today's challenges.

Finally, let me commend my friend and subcommittee chairman, the gentleman from California (Mr. HUNTER), for the cooperation he and the staff showed in putting our title together. I commend to the attention of other Members the fact that the staff of the Committee on Armed Services is bipartisan in intent and in effect. In large part, this is why this bill turned out so well for the country and for Members interested in national defense.

The bottom line is, we must never forget why we are here and what this bill is really for. This bill supports the great young military men and women who protect our freedom. It provides equipment and training, keeps commitments for health care and supports their families. I ask all my colleagues to support this conference report.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON), for the purpose of a colloquy.

Mr. BARTON of Texas. Mr. Speaker, this will be very brief also. I want to clarify an aspect of section 3303 of the conference report which provides in part for the cleanup of uranium mill tailings from the former Atlas uranium mine.

The bill language directs the Secretary of Energy to prepare a remediation plan with the help of the National Academy of Sciences to determine the right way to remediate this site. Elsewhere in this provision is other bill language which appears to define remediation as being relocation of the tailings pile. I am concerned that someone might view this language as authorizing removal of the tailings pile regardless of the findings of the NAS or the remediation plan developed by the Secretary.

My understanding is that we are authorizing an objective threshold determination by the Secretary of Energy, with the advice of the National Academy of Sciences, on whether or not the Atlas pile needs to be moved, and that only if a determination to move the pile is made would the condition apply that the pile must be moved out of the Colorado floodplain to another location in the State of Utah.

Is this the understanding of the gentleman of how this provision will operate?

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, I want to thank the gentleman from Texas (Mr. BARTON) for his inquiry.

Mr. Speaker, the gentleman is correct. We expect the Secretary will develop a remediation plan that fully considers the recommendation of the National Academy of Sciences in order to reach an objective determination by the Secretary on whether the pile should be relocated or simply treated in place.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished chairman of the Committee on Armed Services for his response.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding me this time.

Mr. Speaker, I want to say I adopt the remarks made by the ranking member and the chairman as well as my friend, the gentleman from Virginia (Mr. SISISKY), with respect to this bill. I am a strong supporter of its provisions as it deals with readiness and as it deals with quality of life for our members of the armed services.

I want to talk about really an extraneous provision on this bill which I am very pleased with. The National Commission on Fire Prevention and Control issued a report in 1973 called America Burning. For the Fire Service, this was a turning point in its 350-year history. This is another turning point. The fire package attached to this conference report is a scaled-back version of legislation offered by my good friend, the gentleman from New Jersey (Mr. PASCRELL). The gentleman from New Jersey (Mr. PASCRELL) has championed his fire act tirelessly for the past 2 years. Some told the gentleman from New Jersey (Mr. PASCRELL) that it would not happen.

I note that on the floor today, as well, is my good friend, the gentleman from Pennsylvania (Mr. WELDON), who cochairs the Fire Service Caucus with me. He and I are still working on getting an additional $100 million in emergency funds available for our fire fighters.

To the credit of the gentleman from New Jersey (Mr. PASCRELL), he never lost faith. He pushed and working together with all of us in the Fire Service Caucus, and I note the gentleman from New Jersey (Mr. ANDREWS) is also on the floor with me. We have one of the finest pieces of legislation for fire fighters this Congress has ever passed, and I thank the chairman. I thank the ranking member, the gentleman from Missouri (Mr. SKELTON), and Senator WARNER as well, for their leadership and help on this, and congratulate the gentleman from Pennsylvania (Mr. WELDON) for his work on this as well.

To his credit, he never lost faith. He pushed, cajoled, and lobbied tirelessly to move his legislation forward. As a cochair of the Fire Caucus I would like to thank him, the Fire Service organizations and literally thousands of fire fighters from across the Nation for all their hard work.

I would also like to thank my fellow cochairs ROB ANDREWS, CURT WELDON, and SHERRY BOEHLERT for all their leadership on this issue.

Mr. Speaker, as I said before this is a watershed moment for the Fire Service and I urge all my colleagues to support the conference report.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the chairman of our Subcommittee on Military Research and Development.

Mr. WELDON of Pennsylvania. Mr. Speaker, first of all, I want to thank our distinguished chairman, the gentleman from South Carolina (Mr. SPENCE), for this conference report. No one has done more in this Congress over the past 6 years and beyond on behalf of America's national security than the gentleman from South Carolina (Mr. SPENCE). He has been a tireless advocate for our military, and it is appropriate that we name this bill in his honor. It has been my pleasure and honor to serve with him and under him.

Equally, I am proud to serve with the gentleman from Missouri (Mr. SKELTON), a real gentleman and someone who is always doing what is best for our service personnel. I want to pay special attention to those Members who will not be coming back with us. We lost Herb Bateman this year, one of our real giants in the Congress. We all miss him because of his leadership on defense issues.

I want to add our thanks to the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from Ohio (Mr. KASICH) for their service on the committee, but I want to especially single out my good friend, the gentleman from Virginia (Mr. PICKETT). He has been my ranking member on the subcommittee for 6 years. I am proud of the fact that we have never had a split vote on any issue in 6 years. Now, that speaks to how we can work together with almost 30 members of the committee on issues that are important to America's security.

I thank the gentleman from Virginia (Mr. PICKETT) for being an outstanding American. I appreciate his work.

In terms of the overall bill and R&D, we made the best of a bad situation. In my opinion, this bill is not adequate to meet the defense needs when we couple the decreasing defense spending with massively increasing use of our troops and a total disregard for proliferation. Therefore, our rogue state enemies have technologies that we did not expect them to have for 15 or 20 years because arms control agreements have not been enforced. In the R&D area, the administration cut R&D spending by 25 percent over the last 8 years. We have gradually tried to reverse that. This year's bill adds a billion dollars under the R&D account lines.

□ 1145

We focus on the three newest threats that we see emerging in the 21st century:

One, the threat of missile proliferation. We increase funding for both theater missile defense and national missile defense;

Two, the threat from the use of weapons of mass destruction, and we increase funding significantly in that area;

Finally, the threat from information warfare or cyberterrorism. We increase funding in that area. We created a special core of young people to deal with the issue of information dominance and cyberterrorism.

We also deal with the issue of establishing a Federal-wide national data fusion center.

Several Members have talked about an add-on to the bill. Contrary to what has been said, it was an entirely new initiative for our domestic defenders. It has not just one part, but seven key parts.

First of all, it takes technology from the military and establishes a deliberate mechanism with the fire service groups to transfer that technology to our domestic defenders.

Number two, it elevates our fire and EMS community to get first access to surplus equipment that the military no longer has a need of.

Number three, it includes the bill authored by the gentleman from Texas (Mr. BRADY), our good friend, which I cosponsored with him, to deal with a $10 million authorization for Hepatitis C demonstration projects in both our cities and within the military emergency response community.

Number four, it has the military look at the whole access of frequency spectrum, and to deal with that.

It also includes a provision for funding.

These are all new initiatives. It is the domestic defender package. I am proud that this Congress for the first time in 40 years did something besides talk about the fire service in America.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I rise in strong support of H.R. 4205, the Chairman Floyd Spence National Defense Authorization Act for fiscal year 2001.

I would like to thank my good friend, the gentleman from Missouri (Mr. SKELTON), the ranking member, for a good, good job, and of course the other Members and the staff.

I would be remiss if I did not acknowledge the significant contributions of our recently deceased subcommittee chairman and colleague, Herb Bateman. He contributed immeasurably to the committee, the Congress, and the Nation. Few have been willing to take the extra steps and extraordinary measures he took while serving this great Nation. We will sorely miss him.

We will also miss the active participation and support of my good friend, the gentleman from Virginia (Mr. PICKETT), the gentlewoman from Florida (Mrs. FOWLER), and the gentleman from Missouri (Mr. TALENT), who have chosen not to return to this body next session. We wish them well.

Mr. Speaker, on balance, I believe the readiness portion of the bill is a significant and prudent step in the right direction. It is not all that I would like to see, but we could definitely not satisfy all the different requests that we had.

This year, just over $1 billion have been added to the readiness accounts. Members will find increases for those activities that contribute directly to increased readiness. Funding has been included for flying hours for the Air Force and Naval Reserve units, depot maintenance for active and reserve components, real property maintenance, the Marine Corps' corrosion control program, army range modernization, impact aid funding, cold weather equipment for personnel, and other items too numerous to mention here.

Many of the programs we were able to fund in the bill address the Services's unfunded requirements.

There are also a number of policies that will have a direct impact on readiness. For example, we tasked the Department to provide the Congress information on requirements to reduce the backlog in maintenance.

I ask my friends and colleagues to support this nonpartisan bill. It is a good bill. We request their vote.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Indiana (Mr. BUYER), chairman of the Subcommittee on Military Personnel.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding time to me.

I do not believe I could take 3 minutes to describe all of the work that has been done in the personnel section of this bill, so I want to take a moment and pay some tribute and thanks.

I want to thank in particular the chairman, the gentleman from South Carolina (Mr. SPENCE), and the gentleman from Missouri (Mr. SKELTON), because when the Buyer proposal to extend health care for life to the military retirees came up, they said yes. They backed it up.

Then they went to the leadership, and the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, said yes, and put the pressure then on the Senate; not that the Senate did not particularly want to go in that direction. They have their own problems in the Senate. But in fact, the conference committee came together, and we are keeping faith with America's veterans.

Let us talk about motive for a moment. I am going to make an appeal to the country. Why should we be doing this? I think it is very simple. The motivation behind my efforts is this: When I think of the World War II and the Korean War veterans, who are now over 65, they fought for freedom.

They were truly crusaders. They fought for no bounty of their own. They protected the borders and the interests of our Nation, as they also sought freedom for people around the world. Yet, when they came home and then they retired, and now they are over 65, they are not free. How ironic that those who fought for freedom are not free.

People say, "What do you mean, Steve, they are not free?" They do not have freedom of movement. They retired next to a medical treatment facility. Then we go through a base closure, and then all of a sudden they lose that retirement benefit.

This bill gives freedom, freedom to those who fought for it. They now do not have to live next to a military medical treatment facility. They can live anywhere they choose around the country. If they want to go now to be with their children so they can spend out the years with their grandchildren, they can do it.

We also included in here a pharmacy benefit that is an earned benefit. What we sought to do is to give that over 65 military retiree the greatest arena of choice. So now they can go to the medical treatment facility for their drugs if they like, they can utilize the mail order pharmacy. We have a retail network. Then if they do not like the formulary, the list of those drugs, they can even go to an out-of-retail network.

I am going to throw a caveat out here on all the good things we have done on health care. I am going to speak directly now to the seniors who are about to use this program. There are no co-pays and there are no deductibles. If the utilization rates get out of whack, we are going to come back here and impose co-pays and deductibles. They have been extended by this Congress as an earned yet generous benefit. Do not abuse it.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. PICKETT), who has chosen to leave this body, but leaves a tremendous record of service to our Nation.

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding time to me. I appreciate the kind remarks from the gentleman from Missouri (Mr. SKELTON). I also want to thank the gentleman from South Carolina (Chairman SPENCE) for his leadership on the Committee on Armed Services, and particularly I want to thank the gentleman from Pennsylvania (Mr. WELDON), chairman of the Subcommittee on Military Research and Development, for being such a pleasure to work with on this subcommittee.

The conferees are to be commended for this conference report, and in particular, for the military research and development program. The level of authorization for R&D provided over and above the administration's request, some $1 billion more, provides an impressive total of $38.8 billion for research, development, tests, and evaluation. The report strikes an excellent balance between mature R&D programs and investment for additional leap-ahead technologies.

Major programs, such as the F-22 Raptor, Comanche, and Army Transformation Plan, will continue as programmed. In addition, the report deals responsibly with the Joint Strike Fighter program, given recent program slippage, and also robustly funds anti-submarine warfare initiatives.

The outcome for the DD-21 program should give the Department ample room to make successful adjustments in this program. Investments for leap-ahead technologies included in this conference report represent an even greater commitment to confront the evolving asymmetrical threats of the future.

The conferees agreed to provide additional assistance for combatting terrorism, for overhead reconnaissance capabilities, and for enhancing the security measures for information systems.

Other provisions also provided additional investments for an assortment of promising battle management systems, next-generation night vision capabilities, radars, lasers, and sensors.

This is a conference report that strikes a constructive balance between short-term and long-term investments. I urge its adoption.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Jacksonville, Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I rise to express my strong support for the conference report on the fiscal year 2001 defense authorization bill. This will be my last time to come to the well to support a defense authorization bill. This is the eighth one in my eighth year, and this is one of the best we have had.

I want to thank the generous and kind remarks that were made by my chairman and some of the members of the Committee.

I first want to pay tribute, again, to a really dear departed colleague, Herb Bateman, who worked so hard on the readiness portion of this bill. Herb's contributions to this legislation were critical, and this bill may be the best evidence ever of his unyielding commitment to our Nation's military readiness and our men and women in uniform.

Mr. Speaker, make no mistake about it, we do have a readiness crisis in our military today. Last year, during a visit to Naval Air Station Jacksonville, I learned that only four of 21 P-3 aircraft based there could even get off the ground due to spare parts shortages and other maintenance shortfalls.

I checked back on the status of the wing just last month, a year later, to see how many of those aircraft now were rated mission capable. The number had risen. Now seven out of the 21 could fly, but of those seven, only two were fully mission capable.

Meanwhile, this administration's own Defense Science Board Task Force on Quality of Life has found that the majority of our military and family housing is unsuitable. The current Navy building replacement rate is roughly 175 years. In the Air Force alone today, we have a real property maintenance backlog of some $4.3 billion. Our most recent readiness reports indicate that over half of the Army's combat training centers scored the lowest possible rating, a C-4.

I want to just quote a General commanding one of those elite training schools: "This mode of operation cannot be sustained another year without incurring unacceptable safety risks and severe training quality degradation."

These are not the exceptions, these are the rule. They should remain troubling to every Member of this body. This outstanding bill goes to correct some of these troubling readiness issues.

Among other things, this bill would authorize a $1 billion increase in funding for critical readiness accounts, including an additional $335 million for Depot Maintenance; $223 million for spare parts; and $428 million for real property maintenance. These budget adjustments reflect badly needed increases to deal with serious readiness problems facing our military today.

Aside from authorizing key programs, this bill contains many important policy measures aimed at improving our ability to track military readiness. Moreover, the bill includes a modified version of H.R. 3616, the Impact Aid Reauthorization Act of 2000, including provisions to speed payments to heavily impacted school districts, authorize the Secretary of Education to provide grants to school districts unable to raise funds through local bond efforts to renovate and repair schools, and other key steps.

This outstanding bill strongly merits the House's support. It contains landmark legislation to provide health care and pharmacy benefits to our military retirees, addresses the health care needs of our nation's nuclear workers, and achieves significant savings through multiyear procurement authorities. It is a fitting tribute to the man for whom it is named, Armed Services Committee chairman FLOYD D. SPENCE, who has labored tirelessly for months to produce the excellent bill before us today. I also would take a moment to express my deepest appreciation to the committee staff for their hard work. I urge adoption of this outstanding legislation.

Mr. Speaker, this bill merits the House support.

I want to thank the chairman, who has worked tirelessly to bring this bill to the floor and for whom it is named, the gentleman from South Carolina (Mr. SPENCE). He has spent many hours on this.

I thank the ranking member, the gentleman from Missouri (Mr. SKELTON), for all his hard work.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR), who did so very much to further the health care issue along that is reflected in this legislation.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to remind the previous speaker and every speaker, every person who serves in this body, that Article 1, Section 8 of the Constitution says it is Congress' job to provide for the national defense. It goes on to say in Article 1, Section 9 of the Constitution that no money may be drawn from the Treasury except by consequence of an appropriation by Congress.

If there are too few ships, if there are too few planes, if the people are underpaid, living in poor housing, it is because Congress has failed its job. It is that simple.

Mr. Speaker, the day the Republican majority took over Congress, there were 392 ships. At this date, it is 318. In the last 6 years the Democrats ran the House, there were 56 ships put in the budget. In the past 6 years, the Republican Congress has put in 33.

□ 1200

We have done some great things on health care. We have done some great things on other things, but there is a heck of a lot of work to be done. Tonight there will be a presidential debate. Both candidates will unfortunately spend all their time talking about tax breaks of a nonexistent surplus.

Mr. Speaker, I would remind them that until we get kids out of 30-year-old helicopters, till we get those young Americans who are serving our country out of 30-year-old airplanes, until we get to a point where we are going to have more than a 200-ship Navy, because at the present procurement rates, that is where we are going to be at no time at all, then there is no money for tax breaks, because the highest priority for this Nation, the highest priority for this Congress should and must always be to provide for the common defense.

Mr. Speaker, I am going to vote for this bill because it does a lot of good things, but before one of my colleagues comes to this floor and says we have plenty of money for tax breaks, let me remind them of all the work that still remains to be done.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER), the chairman of our Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this legislation, which is very aptly named for the distinguished gentleman from South Carolina (Mr. SPENCE), chairman of the Committee on Armed Services, and I want to congratulate the gentleman for the hard work he has put into this.

This is, as has just been pointed out by statements that have been made here, a measure that enjoys bipartisan support. We are extremely proud over the past several years we have been able to take on this issue of rebuilding our national defense. It has been a very high priority. It was stated here very clearly by the gentleman from Illinois (Speaker HASTERT) at the beginning of the 106th Congress that as we looked at the four issues with which we were going to deal, improving public education, providing tax relief to working families, saving Social Security and Medicare, clearly, as has been pointed out, rebuilding our Nation's capability has been a top priority. That is exactly what this legislation and the conference report which we are considering will be doing.

Mr. Speaker, I would like to especially express my appreciation for a very important provision in this measure which deals with the issue of exportation of the export of computers. I believe that we have come to a very important compromise on this, which does reduce the time level, but at the same time, underscores our commitment to our national defense. I appreciate my colleagues for doing that, and I thank the gentleman from Missouri (Mr. SKELTON) for joining with me in that effort.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), who is in the forefront of the military retiree effort, the ranking member of the Subcommittee on Military Personnel.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of the conference report for the Floyd D. Spence National Defense Authorization Act. I say to the gentleman from South Carolina (Mr. SPENCE), I like the sound of that title. I urge my colleagues to support this important measure.

I want to recognize the gentleman from South Carolina (Chairman SPENCE) for his leadership and stewardship of the past several years. While he will step down as chairman next year, I know that he will continue to contribute to the committee's efforts to improve the quality of life for our service members and their families and provide for a strong national defense.

I would also like to acknowledge the gentleman from Missouri (Mr. SKELTON), the ranking member, for his guidance and leadership. Both individuals have placed the security of our country above partisan struggle and have continued the committee's tradition of bipartisanship and cooperation.

As the ranking member of the Subcommittee on Military Personnel, I am proud to say that the conference agreement before us includes quite a list of accomplishments in the personnel arena. We are sending a strong signal to the men and women in uniform that we have listened to their concerns about their need to provide for a quality of life for themselves and their families, and we have taken the steps to address those concerns.

I also am particularly pleased that a number of health care provisions that I proposed have been adopted. I want to recognize the efforts of the Subcommittee on Military Personnel chairman, the gentleman from Indiana (Mr. BUYER), for his dedication and commitment to improving the lives of our service members.

Working together, and I want to emphasize that point, Mr. Speaker, working together, we have made major strides in providing for our service members, retirees, and their families.

Finally, I would like to thank the full committee staff and, in particular, the Subcommittee on Military Personnel staff, including Debra Wada, Nancy Warner, John Chapla, Mike Higgins and Ed Eyatt. It is a terrific team, Mr. Speaker, one that this body can be proud of; and it exemplifies the kind of staff work that the entire community of people throughout the United States can be proud of. The scope of their assistance is immeasurable.

Let me conclude, Mr. Speaker, by referring to one of the most important aspects of the bill, which is the promise that we keep our Medicare-eligible military retirees to restore access to lifetime military health care. The gentleman from Indiana (Mr. BUYER) has gone into this in some detail.

The conference agreement allows the Medicare-eligible retirees who are currently forced out of the system when they turn 65 to continue their coverage under TRICARE. Mr. Speaker, I realize I am at the end of my remarks, but I would like to emphasize as I close that the bipartisanship that we have enjoyed I hope will continue regardless of what happens in November, and I for one am pledged to it.

Mr. SPENCE. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I feel it is necessary to remind our colleagues that it was the administration that cut the defense budget and this Congress has added back $60 billion over the past 5 years, and we still need to do more.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY), who is the chairman of our DOE panel.

Mr. THORNBERRY. Mr. Speaker, I rise in support of this conference report, but I also rise in appreciation of the work of the gentleman from South Carolina (Chairman SPENCE) as he has guided this committee over the last 6 years. I think it is fitting to honor him in the title of this bill, which helps make our country stronger and safer, because that is exactly what he has done as well.

Mr. Speaker, as we have heard, this bill takes a big step forward towards keeping our commitment to military retirees. I think it is the most significant progress we have made towards keeping that commitment. The bill also does right by those who have served our country in the nuclear weapons complex, and I would like to particularly thank two of my constituents, Mr. Pete Lopez, who came to Washington from Amarillo, Texas, to help testify about that proposal, and also Frank George, who has helped guide us to make sure that we did something that really helped.

This bill also includes some refinements of the National Nuclear Security Administration, which this Congress passed last year. And I particularly would like to thank the gentlewoman from California (Mrs. TAUSCHER) and the other members of the panel who have worked over the past year to try to make sure that the law was followed and that the country's best interests were also advanced.

The panel will have a report released this week which gives full detail of our recommendations for the future; but in this bill, we prohibit dual hatting of employees by the Department of Energy and the NNSA exactly as Congress voted earlier this year.

Mr. Speaker, we also included that the NNSA administrator will be removed from political pressure and he has a specific term of years to help make sure that he can do what is right, regardless of who wins the election. We require specific budget and planning to help put some stability into the nuclear weapons complex, including in that crucial area of infrastructure.

Mr. Speaker, just within the past week or two, there has been a report released that shows our infrastructure in the nuclear weapons complex is deteriorating. This will help make sure that we do not take money out of this pile to put over here and allow our infrastructure to continue to deteriorate.

There is a lot of work left to make sure our nuclear deterrent is strong and effective, but this bill takes a step forward. I recommend it to my colleagues.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), who is a member of our committee, the Committee on Armed Services, and also ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding the time to me.

Mr. Speaker, I rise to support the conference report on H.R. 4205, and I commend my colleague from South Carolina (Chairman SPENCE) for his weeks of labor on this bill and on 29 other bills, I believe, over the 30 years that the gentleman has been here.

This bill bears his name in recognition of his years of patriotic, diligent, effective service as chairman of the Committee on Armed Services; and it is a bill worthy of his name.

Mr. Speaker, I am pleased in particular with the provisions of this bill that deal with retiree health care. I want to commend on our side, the gentleman from Missouri (Mr. SKELTON), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from Mississippi (Mr. TAYLOR) for taking up this issue, pushing it, persevering and also the conferees for bringing it to fruition with a generous package of improvements to the health care we offer to our military retirees.

Mr. Speaker, I am concerned, I am concerned that these provisions by shifting so much spending from discretionary to mandatory will not leave the Pentagon with any cost-containment incentives. I think that will bear our watching and oversight in the future. But on balance, we owe it to our military retirees to continue medical coverage after the age 65.

It is an outrage that we have terminated it, and I strongly support these provisions to right that wrong.

Mr. Speaker, I rise to support the conference report on H.R. 4205. I commend my colleague from South Carolina, Chairman SPENCE, for his work on the bill. Indeed, it bears his name in recognition of his years of diligent service as Chairman of the Armed Services Committee, and it is a bill worthy of his name.

I am pleased in particular with the bill's provisions on military retiree health care. I want to commend Representatives SKELTON, ABERCROMBIE, and TAYLOR for pushing this issue early on, and the conferees for working out a generous package of improvements to the health care offered our military retirees, particularly Medicare-eligible retirees.

With passage of this bill, retirees 65 and older will no longer have to abandon doctors they have grown to know, and or be forced into HMOs or under-served Tricare networks. Instead, for the cost of their Medicare Part B premium, retirees can stay with their own doctor, and Tricare will serve as a Medigap policy, paying their co-payments and deductibles for costs Medicare does not cover.

I am concerned that these provisions do not provide the Pentagon with any cost containment incentives. But on balance, we owe it to our military retirees to continue medical coverage after they reach age 65, and I support these provisions.

While I support the provisions for military retirees and the bill overall, as Ranking Member of the Budget Committee, I must point out that this bill exceeds the budget resolution. I do not blame the Armed Services Committee for this departure. To the contrary, this bill illustrates the dangers of adopting budget resolutions that are not realistic. Just as the appropriations targets will be exceeded this year by tens of billions of dollars, this bill alone will exceed the budget resolution's mandatory allocations by $20 billion over five years. In the future, if we want our budget process to have meaning, we must be more realistic, as we were in the Democratic budget resolution I brought to the floor last March when we provided an increase of $16.3 billion for retiree health care.

The conference report also contains language recommending that the President advance Admiral Husband Kimmel and General Walter Short posthumously to their highest wartime ranks of four-star admiral and three-general. Kimmel and Short were the Hawaiian commanders scapegoated for the success of the attack on Pearl Harbor on December 7, 1941. Official investigations have exonerated them from dereliction of duty charges. Nevertheless, Kimmel and Short were singled out for exclusion from the benefits of the Officer Personnel Act of 1947, which allowed World War II flag-level and general officers the privilege of retiring at the highest rank attained during the war. This sole exclusion only perpetuates the myth of their responsibility for the disaster at Pearl Harbor.

I have worked for this issue for years. The Senate actually approved this provision last year, but it did not make the conference report. I am grateful now that we have reached a just conclusion. I want to thank Chairman SPENCE for his support, and also thanks to those in the other body who helped ensure passage of this amendment, especially Senators KENNEDY and ROTH.

In addition, the conference report includes reauthorization of an important "Buy American" provision for equipment components the Defense Logistic Agency has determined to be mission-critical: ball bearings. This standing provision of the law stood to expire this year, and I appreciate the support of Procurement Subcommittee Chairman HUNTER on this reauthorization.

These are just a few examples of the important provisions of the conference report. This conference report moves us in the right direction in regard to military personnel, readiness, modernization, and military construction. I urge my colleagues to approve it.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of the conference report on H.R. 4205, and I would like to especially thank the gentleman from South Carolina (Mr. SPENCE), the chairman, and the gentleman from Missouri (Mr. SKELTON), the ranking member, for their leadership in providing our hard-working men and women in uniform the tools and resources necessary to protect our national security and in providing for an intelligent, bipartisan plan for our armed forces which meets our security needs.

This agreement provides $309 billion, $4.5 billion more than requested. It provides for a 3.7 percent pay increase for military personnel in 2001 equal to the administration's request; and most significantly, it provides for lifetime health care for military retirees and their eligible family members and restores much-needed pharmacy access to all Medicare-eligible military retirees.

These new medical benefits are an entitlement finally delivering a promise made to our military retirees and frees them, as mentioned by the leadership of the Subcommittee on Military Personnel, both the gentleman from Indiana (Mr. BUYER) and the gentleman from Hawaii (Mr. ABERCROMBIE). Finally, it frees them to move around anywhere in the country so that they can be with their families as they plan.

It also adds over $1 billion to various readiness accounts. This measure also endorses essentially the agreement between President Clinton, the Secretary of Defense, and the Puerto Rican Government regarding Vieques, including $40 million in economic assistance, an additional $50 million if the residents vote to resume live-fire training in a required referendum.

Importantly, for my people, for Guam, this provision establishes a memorial on the Federal lands near the Fena Caves in order to honor those Guamanian civilians massacred by the occupying military forces of Japan in July 1944, and it also makes a commitment to include the territories in missile defense plans, so that strategically valuable places like Guam will not be left defenseless.

Overall, H.R. 4205 is a step in the right direction for our military forces. It meets our challenges in a post-Cold War world. I encourage all Members to support this important measure.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. TAUSCHER), a member of our Committee on Armed Services.

Mrs. TAUSCHER. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding the time to me.

Mr. Speaker, I rise in strong support of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. And I also want to thank the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON), the ranking member, for their leadership.

I would like to offer my best wishes to all the retiring colleagues from this committee, especially the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from Virginia (Mr. PICKETT), my friend.

I want to specifically address the provisions of the act relating to the Department of Energy's National Nuclear Security Administration.

Mr. Speaker, the establishment of the Committee on Armed Services' NNSA oversight panel is a clear message of Congress' intent to more aggressively exercise its oversight responsibility in an area that is crucial to our national security.

This resurgence of meaningful interest in the DOE defense nuclear activities will have a lasting impact on an activity that has been entangled in bureaucratic kudzu since its inception.

Starting with the establishment of a 3-year term of office for the NNSA's first administrator, General Gordon, the provisions of this bill represent an important step towards building an agency that runs efficiently and that effectively protects our Nation's nuclear secrets. Within the resources available, this bill redresses issues relating to funding shortfalls in the production facilities and the laboratories.

Mr. Speaker, I am pleased that the bill includes a significant increase over the budget requests for the National Ignition Facility at Lawrence Livermore. In fact, it also provides some limited relief for the significant infrastructure improvement backlog.

Unfortunately, this bill does not provide relief for all the challenges the administration faces. I look forward to the study and enactment of specific legislation that will ease the difficulties of recruiting and retaining the world-class scientific minds that the laboratories need and this Nation deserves.

Mr. Speaker, I also want to note for the full House that the panel's accomplishments would not have been possible without the strong leadership of the panel chairman, the gentleman from Texas (Mr. THORNBERRY), and the cooperation and support of our colleagues on the panel.

Mr. Speaker, I urge my colleagues to strongly support H.R. 4205.

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Mr. SPENCE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Augusta, Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman from South Carolina (Chairman SPENCE) for a job well done over the last 6 years. I thank him for fighting every day to keep our military from deteriorating and particularly thank him for this bipartisan conference report. I thank the gentleman from Missouri (Mr. SKELTON). It is enlightening to us all to see this bipartisan conference report. That may be why it is good.

There are many good reasons to vote for this particular conference report, but let me just isolate one. I do not think it is any surprise to any Member of this Congress that there has been a great deterioration in the health care benefits of our retirees.

I thank the gentleman from South Carolina (Chairman SPENCE), the gentleman from Indiana (Mr. BUYER), the gentlewoman from Florida (Mrs. FOWLER), and the gentleman from California (Mr. HUNTER) finally for helping us right some wrongs.

Today they have given us the opportunity to change direction and take the first step in fulfilling our promises we made to our Nation's retirees.

George Washington, addressing the Continental Army before a battle during the Revolution, perhaps sums up best what we owe those who serve. "The fate of unborn millions will now depend upon God, on the courage and the conduct of the Army," so says George Washington.

When I think about these words and return to these words after seeing the volatile events of the 20th century, I realize they could not be more appropriate. Around the world, the courageous sacrifices of the American soldiers have lit the flame of liberty where once there was darkness and preserved this same flame within our borders so that generations to come will be able to walk free under its light. These are truly remarkable achievements for which we are today showing we are grateful.

Our retirees bravely answered the call to duty when our country needed them, and we should and we must be there for them when they need us. I urge us all to vote for this conference report, bipartisan as it is.

However, I must speak quickly to the gentleman from Mississippi (Mr. TAYLOR). It is no secret to anyone that, under the leadership over the last 6 years of the Republicans and of the gentleman from South Carolina (Mr. SPENCE), we have tried to stop the deterioration of the military. The problem has been a Presidential budget and the fact that we could not override with a veto.

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, for the gentleman from Georgia (Mr. NORWOOD), the good doctor, I would remind him that, again, article 1, section 8 calls upon the Congress to defend the Nation. Article 1, section 9 says that no money may be drawn from the Treasury except by appropriation by law. If there is not enough money in the defense budget, it is Congress' job.

The President may not have asked for enough, and I will agree with that, but the bottom line is this Congress has passed over $900 billion worth of tax breaks the President did not ask for. We do lots of things the President did not ask for. The bills the President vetoed on defense were over social issues, never underspending.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in support of the legislation, and I commend and thank the gentleman from South Carolina (Mr. SPENCE) for legislation that bears his name and the gentleman from Missouri (Mr. SKELTON). It is an honor to serve with each of these gentlemen and the other subcommittee chairs and ranking members as well.

I am particularly gratified that this bill which reflects the finest bipartisan tradition of this House graciously includes three items in which I have expressed an interest and devoted energy.

The first is legislation I authored with respect to preventing cyberterrorists. I believe that one of the most lethal threats to this country's security is one of the most silent. It is the work of those with laptops instead of missiles who would threaten our air traffic control system, our banking system, our other critical infrastructure.

Because of the bipartisan cooperation, we were able to include legislation that I wrote that creates for the first time a loan guaranteed program that will help those in the private sector that maintain that critical infrastructure to upgrade it so that we are less vulnerable to attack.

Second, the legislation very graciously includes legislation I worked on to create a center for the conversion of domestic and civilian networking and telecommunications technology for the use of the military. That center will be located in my district in Camden, New Jersey, and I believe it will benefit our country for generations to come as a result of the leaps forward that will occur.

Finally, I am pleased to join with the gentleman from Pennsylvania (Mr. WELDON), our long-time mentor on this subject; the gentleman from Maryland (Mr. HOYER); the gentleman from New Jersey (Mr. PASCRELL); and others in achieving a first step toward a sufficient level of funding for America's first responders in the fire and emergency services community. The work that we have done on this bill is very gratifying, and I am pleased to see it also has gone forward in a bipartisan way.

I want to especially thank Terry Gillum in my office for his work on this legislation. I urge its adoption.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, the conference report contains a provision on an issue that I have been working on for over 15 years, the concurrent receipt of military retired pay and VA disability compensation.

A law enacted in 1891 requires a disabled career military veteran to waive the amount of his retired pay equal to his VA disability compensation. Military retirees are the only group, only group of Federal retirees who must waive retirement pay in order to receive VA disability compensation.

My legislation, H.R. 303, which has 321 cosponsors, would eliminate the offset entirely. The Senate provision drafted by Senator HARRY REID would do the same.

Some Members are concerned that complete elimination is too expensive. But in my opinion, Mr. Speaker, no amount of money can equal the sacrifice our military men and women have made in service to their country.

Last year's authorization act included a provision to authorize a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans Affairs at 70 percent or greater. Only individuals retired for longevity qualify for monthly benefit.

This conference report expands the eligibility for these special payments to those individuals retired for disability by their service. This is not enough, but it is some progress.

I want to thank my colleagues, the gentleman from South Carolina (Chairman SPENCE), the gentleman from Indiana (Mr. BUYER), especially the gentleman from Indiana (Mr. BUYER), the gentleman from Missouri (Mr. SKELTON), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from California (Mr. HUNTER) for their assistance in including this provision in the conference report. We must all work together towards complete elimination of the offset in the next Congress.

The original law, Mr. Speaker, is 109 years old and discriminates against service members who decide to make the military their careers. We must encourage personnel to remain on active duty. The old offset statute discourages them from doing so, and it is time to change it.

I urge my colleagues to support the conference report for H.R. 4205.

The SPEAKER pro tempore (Mr. COOKSEY). The gentleman from South Carolina (Mr. SPENCE) has 2½ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 6½ minutes remaining.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, as chairman of the Science subcommittee that oversees the fire administration, I rise in support of this legislation, particularly because of the important provisions included that will assist our Nation's first defenders, our firefighters and emergency service personnel. It incorporates provisions of a bill I introduced earlier this year called the Hero Act, H.R. 4146.

Look, this Nation is well served by the 1.2 million men and women who work as fire and emergency service personnel in over 32,000 fire departments. Local firefighters, 80 percent who are volunteers, put their lives on the line every day for their communities and area residents. This legislation marks a new beginning. Our firefighting volunteers contribute billions of dollars worth of time and they need our help now.

It is important that local, State, and the Federal Government step up to the line and give more support and help to our firefighters.

They play a crucial role protecting and preserving our lives and our property . . . a dangerous role—an average of nearly 100 firefighters a year lose their lives in the line of duty. 80 percent of those who serve do so as volunteers.

And so I'm pleased that this legislation demonstrates our commitment to our first responders by establishing a competitive grant program at the Federal Emergency Management Agency to assist volunteer and paid fire departments across this country purchase equipment, improve training, hire firefighters, fund emergency medical services, and establish fire prevention and safety programs.

In this bill, we're also increasing the authorization for the USDA's Volunteer Fire Assistance Program and establishing a grant program to help fund burn research and burn recovery. These are two very important steps and are two elements of my bipartisan Helping Emergency Responders Operate, or HERO, legislation I introduced earlier this year.

Mr. Speaker, we see our firefighters and EMS personnel responding to emergencies every day, more than 18 million calls a year. From car accidents, to brush fires, to large scale disasters, emergency responders are first on scene, first to react, first to provide the assistance we've come to take for granted. I'm pleased to support this legislation that brings some much needed assistance to those who literally put their lives on the line for us each day.

Today's passage of several fire-related measures is a milestone victory for local firefighters. These projects constitute the largest and most comprehensive package of legislation to aid the fire service in the history of the country.

Local firefighters, 80% of whom are volunteers, put their lives on the line every day for area residents. Increasingly, fire departments are having trouble making ends meet—with many departments forced to raise money through chicken dinners and other fundraising efforts.

This legislation marks a new—and well-earned—commitment from the federal government to our nation's firefighters. Never before has the federal government taken steps even approaching this magnitude to aid the fire service. It is about time that America's heroes receive the assistance they so desperately need.

Headlining the package is an unprecedented $460 million authorization which would create a grant program to send much needed funds directly to local fire departments. This language, dubbed the Domestic Defenders Initiative, is attached to the Defense Authorization bill, scheduled to be voted on today. Besides the new grant program, the bill also includes authorized funding for the Volunteer Fire Assistance Program, burn research programs, a study of Hepatitis C occurrences in firefighters, and a study of Department of Defense spectrum potentially available for sharing with local fire and EMS agencies. Additionally, there is language that improves the opportunities for fire departments to obtain excess Department of Defense property. Finally, a task force is created to identify defense technologies that can be put to civilian use by local emergency response.

The House of Representatives is also committed to approving a $100 million appropriation for fire departments in one of the upcoming appropriations bills, most likely VA/HUD. While the authorization mentioned above would still be subject to future appropriations, this $100 million legislation would constitute immediate relief for needy fire departments. It is a similar package to that passed by the House on the Emergency Supplemental Appropriations bill in March.

Finally, the House and Senate both recently passed the conference report to the Interior Appropriations bill. This legislation includes $2.9 billion in funding for wildfire related activities. This year has undoubtedly been one of the worst wildfire seasons in recent years, and this funding is critical to helping local fire companies respond.

In addition, legislation has recently been introduced in Congress that would make volunteer firefighters eligible for funding under the AmeriCorps program. Congressman CURT WELDON (R–PA), the sponsor of the bill, has spoken with Harris Wofford, president of the Corporation for National Service, who has indicated his support for the legislation and his intention to work to include volunteer fire companies in AmeriCorps.

Individually, these initiatives represent steps forward for America's fire service. Together, they demonstrate that the Republican leadership in Congress is committed to reversing the years of neglect endured by America's first responders for so long.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no additional requests for time. However, let me take this opportunity to, again, compliment the gentleman from South Carolina (Chairman SPENCE). This legislation is properly named for him. Thanks to all of those on the committee, those who have worked so hard in the bipartisan manner that we have.

I just have to say, Mr. Speaker, that we have a marvelous staff. The long hours, the weekends, the days that they put in have helped glue together this outstanding piece of legislation. I take this opportunity to thank them.

Mr. Speaker, I yield back the balance of my time.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say in closing that I appreciate the work of everyone on both sides of the aisle, especially the gentleman from Missouri (Mr. SKELTON), we have talked about earlier, and also the staff. People do not realize how important the staffs are. They do the work while we are doing other things. They are involved in details, working these things out for us. There is no way one can tell how much work they do in this respect.

Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, I rise in support of the Department of Defense authorization bill. Let me first commend the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), the ranking member. They are examples of what Members of Congress should be.

This legislation is an example of what legislation should be. It goes a long ways in helping restore the promise made to our retirees to provide permanent health care benefits for our military retirees with no deductibles, no copays. We are moving to keep the promise.

We are taking a very important step of providing a prescription drug benefit for all Medicare-eligible military retirees. We are increasing the pay by 3.7 percent. We are trying to target economic assistance to those young enlisted men and women, our soldiers and sailors who, many times, are still on food stamps. We are trying to help keep that from happening. It is a travesty that some of our men and women serving have to be on food stamps.

But we are also doing important things in our firefighter legislation that will save lives and save properties in our rural communities, our small towns and our cities; the expansion of the G.V. Sonny Montgomery G.I. bill for educational opportunities; in my State expanding the authorization for the T-45s, the new trainer jets that will be at the Merridian Naval Air Station; the expansion of the National Guard Challenge Program to help troubled youth; the expansion of the Counterdrug Initiative, which is an important part of my State's contribution.

This is good legislation. It is a good step. We are doing the right thing. I want to commend the committee for their good work.

Ms. BALDWIN. Mr. Speaker, I rise today to oppose the FY 2001 National Defense Authorization Act, and wish to clarify the rationale for my position. I feel it is very important to make my position clear; because, while I oppose this legislation, there are a number of important provisions within the larger bill that I strongly support. In its totality though, I could not support a bill that emphasizes procurement disproportionately over the long-term needs of our servicemen, women, and military retirees. While I understand why many support this bill, because it includes several provisions that are the result of hard-fought efforts to improve the living standards of our military personnel; I cannot support the indisputable fact that this bill continues a trend of prioritizing weapons systems and keeping this nation's defense policy on an unwise course.

I strongly support Military Retiree Health care benefits, which would grant lifetime health care for retirees and their families. At a time in our country when 44 million people are uninsured, it is our responsibility to assure that the men and women who have served our country are guaranteed health care benefits. I also support pharmacy access to all Medicare-eligible military retirees that was included in this legislation. Additionally, I am an ardent supporter of a pay raise for our service members who work extremely hard and demonstrate their dedication to our nation through their work in deployments throughout the world.

Unfortunately, the FY2001 National Defense Authorization Act includes excessive spending on military hardware and has led me to oppose the overall bill. This measure includes $4.8 billion for ballistic missile defense programs. The continuation and expansion of this program not only threatens our treaty obligations with other nations, it has the potential of sinking billions of more dollars into untested and unreliable technology. Neither this legislative body, nor the nation, has had the type of extensive debate demanded by such a major shift in defense policy. How can we continue to go down a path that will lead to a radical shift in our defense posture without a clear debate?

Moreover, this bill continues a disturbing trend of spending huge sums of money on defense programs, while ignoring the needs of families in the U.S. This measure, totaling $309.9 billion, represents about one-half of total discretionary spending. At a time when no one is presenting a significant military threat against our shores, is this the time to invest in massive new weapons systems? This bill includes $2.5 billion for the F–22 fighter; $689 million for the Joint Strike Fighter; and $2.9 billion for the next generation F–18 E/F. I ask my colleagues, is this justified given the current or future climate in international affairs?

Mr. Speaker, I am delighted that the House is recognizing the important service of the men and women in uniform, as well as veterans, and providing them the benefits they need and deserve. I am heartened that we have finally shifted at least some of our attention to the people who serve our country. It is my hope that in future years, we will continue to recognize the value of the service men and women, while also recognizing that we should not pour unlimited amounts of money into military hardware that we do not need.

Mr. MARKEY. Mr. Speaker, I would like to express some concerns about the Conference Report on the FY2001 National Defense Authorization Act, H.R. 4205.

This bill would do many positive things for our nation's veterans and defense workers. It would provide a 3.7% pay increase for military personnel. It would provide lifetime health care for military retirees and their eligible family members beginning in FY2002. It also authorizes a compensation plan for personnel made ill by exposure to toxic or radioactive materials when working on nuclear weapons programs. I fully support these efforts to help the men and women who have served our nation.

There is, however, one provision in this Defense Authorization Act that I find extremely troubling. The bill requires the Secretary of Defense in conjunction with the Secretary of Energy to conduct a study relating to the destruction of hardened and deeply buried targets possibly using a low-yield nuclear weapon. This report could be the first step in a program to develop a new nuclear weapon, likely requiring a new round of nuclear weapon testing.

I am troubled by the inclusion of this provision for two reasons: (1) current law prohibits the research and development of such devices and (2) this report could be the precursor to renewed testing of nuclear weapons, undermining the United States efforts to halt the spread of nuclear weapons. I am not alone in my concerns about this provision. Twenty-seven Representatives and myself signed a letter to House Armed Services Ranking Member Skelton saying that he should not consider a nuclear option because it has far greater implications that would undermine our national security.

The precedent on this issue is clear: the National Defense Authorization Act for FY1994 (Section 3136 of Public Law 103–160) prohibits the Secretary of Energy from conducting research on and development for the production of new low-yield warheads. The new report language represents the first step toward ending that ban on research and development and could ultimately lead to efforts to renew nuclear testing. As a hint of the events to come, the new provision would authorize "limited research and development that may be necessary to perform those assessments."

Furthermore, this language undermines United States' international nuclear arms control and nonproliferation efforts. The United States is seeking to end nuclear weapons programs in the Democratic People's Republic of North Korea, Iran and Iraq, and to restrain Indian and Pakistan from further testing and development of nuclear weapons. Restricting the ability to test new weapons is an important tool in preventing these nations from actually completing work on a new weapon. Enforcing this moratorium requires considerable international cooperation and pressure spearheaded by the United States government.

This provision on low-yield nuclear weapons sends a troubling signal that not only is the United States unwilling to ratify the Comprehensive Test Ban Treaty, but the U.S. may consider a resumption in testing. This will give the green light to nations with fledgling nuclear weapons programs to begin openly testing. The implications for our national security are far more threatening from this action than from the failure to develop such a low-yield nuclear weapon.

If existing weapons do not provide the United States with the ability to deal with hardened targets, conventional, not nuclear munitions should be considered. To put it simply: the Secretary of Energy—and the nuclear weapons research at his disposal—should not take part in this process. Unfortunately, this conference report does not eliminate that involvement, but rather requires the Secretary to participate in this study. Such an important decision should be made openly and not in the guise of a reporting requirement that also happens to authorize limited research necessary to conduct the required assessment. This is nothing more than a nonproliferation wolf in report's clothing.

I urge Members to consider carefully the implications of such a proposal. Because of this provision and the authorization for continued testing of a failed National Missile Defense program, I must oppose this conference report.

Ms. SCHAKOWSKY. Mr. Speaker, the Defense Authorization Conference report contains provisions that I along with a majority of my colleagues and the American people strongly support. Those provisions would greatly benefit our nation's military personnel and veterans. I strongly support measures in the bill that will provide lifetime healthcare for military retirees and their families and restore pharmacy benefits to Medicare-eligible military retirees. I am also pleased that our fighting men and women will receive a well-deserved pay raise of 3.7%. In addition, providing our active service personnel with additional economic assistance and lowering their out-of-pocket housing expenses are critical measures that were included in this bill.

Unfortunately, the conference report includes billions of dollars for costly weapons systems that will not improve our security or military readiness. In addition, it includes billions of dollars for a national missile defense program that has never been proven effective, and I believe would lead to Cold War II. These funds would be better spent to heighten our commitment to our military personnel and veterans and to better meet their needs, among other things. Extra funding for our veterans would guarantee that valuable resources would be available to enhance their quality of life and fulfill our obligation to our service men and women. It is the least we can do.

For those reasons, I did not support this year's Department of Defense Authorization Conference Report. However, I will continue to support our military personnel and veterans and a strong national defense based on sound policy.

Mr. CROWLEY. Mr. Speaker, I rise in support of the National Defense Authorization Act, but I do so with mixed emotions.

This legislation contains a number of very important programs that deserve the full support of this Chamber.

I am pleased that this package contains a new—and long overdue—entitlement of lifetime health care coverage to our nation's military retirees. For decades our recruits to the Armed Forces have been promised this benefit, only to have our Federal Government not live up to its promise.

The brave men and women who have dedicated their lives to the defense of our nation, who represent our first line of defense, who stared communism down and introduced hundreds of millions of people of the world to a concept we often take for granted in the United States—democracy—deserve this important benefit.

It is also my hope that this Congress will now use this new health care entitlement program as a basis to provide a prescription drug program for all Americans.

This Congress has continually refused to provide a drug benefit to millions of other Americans who work just as hard as our military personnel. Our retired policemen, laborers, secretaries and seamstresses should also have the guarantee of a prescription drug benefit under Medicare.

This Conference Report provides a much needed 3.7% increase in pay to our nation's Armed Services. This increase will help boost the standard of living for our military personnel and their families.

Similarly, to address the concerns of the people of Puerto Rico, I am pleased that this legislation encapsulates the basic agreement worked out between the Navy, the People of Puerto Rico and the President.

I have worked diligently over the past year to see a fair and just solution to the live fire testing at Vieques in Puerto Rico. President Clinton, Governor Rossello and the U.S. Navy have worked together in good faith to resolve this situation.

I am pleased that the Congress is not trying to stop this progress.

On the global front, this legislation also lifts any restrictions on the United States when protecting our nation's vital interests internationally and protecting against genocide in places like Kosovo.

Our Constitution defines the roles of both the Commander-in-Chief and the Congress with respect to our nation's military involvement. It is not the role of Congress, in an effort to embarrass this President and weaken our nation's resolve in facing down dictators, to try to change this Constitutionally defined role in this legislation.

Our military is the strongest and best trained in the world, and this legislation will continue to build on our past successes and ensure even greater successes in the future.

But I must also register my strong disillusionment at the actions of the Republican Conferees on this legislation.

Although strong, bi-partisan majorities in both the Senate and House acted to attach language to this bill to expand the definition of hate crimes, this Republican Leadership again showed their true colors and stripped it from the bill.

This Congress had the opportunity to make it easier for Federal law enforcement officials to investigate and prosecute cases of racial and religious violence, and would permit Federal prosecution of violence motivated by prejudice against the victim's sexual orientation, gender, or disability.

But again the Republicans ignored the will of Congress and the will of the American people and again kowtowed to the most extreme elements in American politics—people like Jerry Falwell and Pat Robertson.

A few weeks ago, 41 Republicans marched to the floor and voted to include Hate Crimes language in this bill. Then they all heralded this vote in press releases to their local media outlets, hailing their celebration of diversity and tolerance.

Now comes the true test of tolerance and political moderation. Will these same members again demonstrate their self-touted moderation and stand up to their Republican Leadership and demand a vote on the Hate Crimes bill.

We must continue to pressure the Republican Congressional Leadership to understand that bigotry is not acceptable.

Mr. HOLT. Mr. Speaker, I rise in support today of the Fiscal Year 2001 Defense Authorization bill.

I am proud to support this legislation because of the long awaited health benefits for military retirees that in includes.

Mr. Speaker, I have heard from many military retirees in my district of Central New Jersey who were promised lifetime military health benefits when they entered the service. For many years, this promise has not been kept. Military retirees were only allowed to keep their military health care until they turned age 65, after which time the only coverage they had was Medicare.

Now, Mr. Speaker, Medicare is a great program. It has helped to keep millions of beneficiaries out of poverty. But we know, Mr. Speaker, that many seniors have additional coverage during retirement through coverage provided by their employers. For military retirees, who sacrificed their lives and careers for military service, their employer is the federal government.

Like many other Members of this chamber, I believe we owe our military retirees the lifetime health coverage they were promised, and access to the best and broadest health care coverage available.

This year's defense authorization is an important first step towards keeping that promise and providing that coverage.

For this reason, I am proud to support this legislation, and I urge my colleagues to do the same.

By taking this action today, Mr. Speaker, we are letting all our military personnel—past, present, and future—know that their government will keep its promise and provide the health care protection they and their families need—for life.

Ms. DEGETTE. Mr. Speaker, I rise in opposition to this conference report. I support several important provisions of the bill, including a Department of Energy (DOE) defense worker compensation program and a pay raise and expanded health care choices for our men and women in uniform. However, the legislation is so laden with special interest pork projects that I fear it will undermine our ability to be fiscally responsible and pay down our national debt while, at the same time, adequately funding the Nation's highest priorities.

Where are our priorities in this Congress? The 106th Congress is drawing rapidly to a close, yet our Nation's schools are crumbling and overcrowded, there are 11 million uninsured children in America, and our seniors lack comprehensive prescription drug benefits. We are not addressing these today, nor are we authorizing $310 billion—or anywhere close to that amount—to address these critical issues facing every American family. Instead, Congress will pass a Defense Authorization Conference Report that includes $4.5 billion more funding than the administration requested and $21.1 billion more than last year's funding level. Over half of the additional $4.5 billion tacked on in this conference report—$2.6 billion—goes toward procurement. I would venture to guess that many of the Members who supported this bill today will be surprised as the special interest projects are revealed in coming days. Unfortunately, I fear this conference report is a reflection of the skewed priorities of the leadership in this House. We have failed to address the real issues facing the American people.

There are good provisions in this conference report. I strongly support the establishment of a program that finally recognizes the vital contributions of Department of Energy contract workers who risked their personal health to help protect our Nation. For too many years, the government has denied that these workers were suffering from catastrophic and chronic illnesses that resulted from their work at defense facilities such as Rocky Flats. Earlier this year, Secretary of Energy Bill Richardson announced the Department's intention to belatedly remedy this problem and seek to implement a compensation program to aid sick workers. Also, a number of my colleagues and I have supported legislation required to authorize a compensation program. I am a proud cosponsor of Representative ED WHITFIELD's (R-KY) bipartisan legislation H.R. 4398. I regret that Congress failed to fully consider and pass H.R. 4398, which I believe would have been the proper approach to address this important issue. I regret that Congress has failed to act and to bring this important legislation before us for proper consideration and action.

I am pleased that this conference report includes a 3.7 percent pay raise for military personnel. I believe our military forces deserve fair compensation for the job they do and for the risks they take on behalf of our country. This is why I am a cosponsor of legislation that would provide for a 4.8 percent pay increase to members of the Armed Forces and open the Federal Employees Health Benefits Program to active-duty personnel. It is vital that when our armed forces are called to duty they can be assured that their families are secure and able to pay the bills back home.

As a cosponsor of the Hate Crimes Prevention Act of 1999, I was very pleased that this legislation was included in the Senate version of this H.R. 4205. I would like to note that the House also passed a motion to instruct the conferees to include this provision as part of the final conference agreement. However, the leadership blatantly ignored the will of the House and stripped the Hate Crimes language out of the bill. It is well past time for legislation that makes hate crimes against gays and lesbians, women, and people with disabilities a Federal crime. Every hate crime that occurs in this country is an attack on American values, and it is a disgrace that this language was stripped out of the bill.

I hope that, in the final days of the 106th Congress, we can address some of the critical issues facing our Nation today, rather than continuing on the current path which has resulted in a rudderless, haphazard attempt to legislate for a few special interests.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.R. 4205, the Defense Authorization Act for Fiscal Year 2001 Conference Report. While Federal constitutional authority clearly exists to provide for the national defense, global militarism was never contemplated by the founders. Misnamed like most everything else in Washington, the "Defense" Authorization Act thus funds U.N.-directed peacekeeping in Kosovo and Bosnia to the tune of $3.1 billion dollars, $443 million in aid to the former Soviet Union, $172 million for NATO infrastructure (the formerly defensive alliance which recently initiated force against Kosovo), and $869 million for drug interdiction efforts by the U.S. military in an attempt to take our failed 1920's prohibition experiment worldwide.

Certainly a bill authorizing use of resources for the national defense which also properly compensates those military personnel necessary to maintain it would be not only constitutional but most appropriate. Contrarily, a bill which continues our elitist and failed policy of policing the world all the while creating additional enemies of the United States is neither constitutional, justifiable, supportable, nor prudent. By avoiding such a police-the-world approach, which destroys troop morale by isolating them from their families and spreading them dangerously thin, considerably less money could be authorized with seriously improved security results.

Meanwhile, H.R. 3769, my bill to prohibit the destruction during fiscal year 2001 of missile silos in the United States, fails to even receive so much as a hearing. While I understand that to comply with questionable, but ratified, disarmament treaties, certain missiles may need to be deactivated, it seems ill-advised to spend money to also destroy the missile silos which may be strategically vital to our national defense at some date in the not-so-distant future.

I encourage my colleagues to rethink the United States' 20th century role of global policeman and restore instead, a policy of true national defense which will better protect their constituents, keep their constituent's children safer and out of endless global conflicts, and reassume for taxpayers some semblance of fiscal sanity.

Mr. BLUMENAUER. Mr. Speaker, the priorities represented in this bill are misplaced. It spends $310 billion, over half of our discretionary budget. This is $4.5 billion more than the President requested and $21 billion above the amount appropriated for fiscal year 2000.

We are spending too much in this bill on too many unproven technologies, duplicative systems, and, in some cases, congressional addons that our military leaders don't want. We are spending enough on things like environmental remediation of past actions. For example, the estimated pricetag for clean-up of the unexploded ordnance that contaminates millions of acres of land and internal waterways is over $100 billion. The funding in this bill for environmental restoration is a mere $1.3 billion, less than half a percent of the total.

We don't need three brand-new advanced fighter jets. We will have military air superiority over all potential adversaries for years to come with our current planes. We will spend over $300 billion over the next 10 to 20 years on the Air Force's F–22, the Navy's F–18 E/F, and the Joint Strike Fighter. We are doing this rather than made the hard decisions we need to in order to make proving for our national defense more cost-effective.

It is also troubling that the hate crimes provision was not included in this bill. The Senate added it to its defense authorization and we in the House voted in a bipartisan fashion in favor of a motion to instruct conferees to include it in the conference report. This does not reflect the will of the Congress.

For years we made commitments to military retirees that they and their families were entitled to lifetime health care. I am pleased that we have made good on that promise in this bill by providing lifetime health care for military retirees and their eligible family members, as well as pharmacy access to all Medicare-eligible military retires. But this could have been accomplished within the context of a better bill.

Because of the many failures of the bill, I was forced to vote against it. America has the best-trained, best equipped and best-prepared military forces in the world. Our forces are ready to defend America's interests wherever they are threatened. That will continue only if we're careful about the investments we make.

We need to seek peace from all the threats of the new century. This bill spends too much on the wrong things and not enough on cleaning up from out past activities and preparing to transition to fight tomorrow's wars. This is the key not only to security abroad, but to livability at home—to make our men and women in uniform and all our families safe, healthy and economically secure.

Mr. PORTMAN. Mr. Speaker, I rise in support of H.R. 4205, the FY 01 Defense Authorization bill. Of particular interest to my constituents in southwest Ohio—particularly those in western Hamilton County—is the provision based on legislation that I have cosponsored that establishes a new Energy Employees Occupational Illness Compensation Program.

This program will assist workers exposed to radiation, beryllium and other toxic substances in the course of carrying out their work in the U.S. nuclear weapons complex. Many of these workers have become sick from illnesses that can be traced to that exposure. The former Fernald Feed Materials Production Center, which is located in my district, was part of our nuclear weapons production complex for nearly 40 years from 1951 to 1988. Too often, these workers were not even aware of the hazards they faced in their jobs—hazards that have frequently had serious health effects.

What we are considering today will provide covered workers and their survivors at Fernald and around the Nation with the compensation they deserve that guarantees a specific minimum benefit and medical expenses. I urge my colleagues to support this important and long overdue program.

Mr. WEYGAND. Mr. Speaker, I will be unable to vote on rollcall vote 522 today. Were I present, I would vote "yea" on the Defense Authorization Conference Report because it provides much needed resources to our active duty personnel.

This bill does many positive things, and I commend the chairman and ranking member for their leadership. As my voting record indicates, I strongly support the efforts being made to improve the quality of life for our active duty military and retirees. I have also supported efforts to continue to provide our men and women in the armed services with the resources they need to continue to defend our interests with the most technologically advanced weapons available.

Providing a 3.7 percent pay raise, expanding the housing allowance, allowing active duty personnel to participate in the Thrift Savings Plan (TSP), providing increased subsistence funding, and several additional bonuses and benefits, will help in our efforts to recruit and retain the most capable military in the world.

Additionally, this bill provides several important provisions for our military retirees. Expanding TRICARE to Medicare eligible retirees, expanding the TRICARE Senior Pharmacy Program, and expanding the TRICARE subvention pilot will go a long way in providing relief to our veterans and military retirees.

However, I am greatly concerned about the inadequate provisions regarding the issue of "concurrent receipt." I am one of 321 cosponsors of H.R. 313 which calls for the complete repeal of this unfair provision. Many veterans in my state are affected by this unjust law and it ought to be repealed. I understand the constraints that the Congress is operating under. However, I urge this Congress to do the right thing and pass H.R. 313 as stand alone bill and give our veterans what is owed to them.

Mr. BASS. Mr. Speaker, I rise today to express my support for all that this important legislation achieves. It represents a far-reaching effort to honor some of the promises made to retired servicemen and women, it begins to provide our active and reserve personnel with world-class compensation and training, and it continues to keep our commitment to providing the equipment and materiel necessary to protect the interests of this country. For all these reasons and more, this legislation ought to pass with the support of members on both sides of the aisle.

But Mr. Speaker, I do want to mention how disappointed I am that the conferees could not negotiate a settlement on the so-called concurrent receipt issue, under which military retirees have their monthly retirement pay reduced by the amount of any disability payment they may have the misfortune to have earned.

Military retirement pay is earned for length of service, while a veteran's disability payment compensation ought to be regarded as a payment to a veteran in response to injuries or diseases that happened or were aggravated while on active duty. These are not the same thing and should not be offset against each other.

Moreover, a service member who incurs an injury and then goes on to work for a private company is not precluded from receiving that company's full pension benefit and the full disability payment. In essence, the message we send is that servicemen and women are far better off going to work for someone other than the United States if they receive an injury while performing their duty. It seems to me that these people, the very people who have demonstrated their willingness to place themselves in danger, ought to be encouraged to continue with the military—if their disability allows—not discouraged.

Mr. Speaker, as I said earlier, I support this legislation because it does address several critical aspects of veterans health care and because I believe the provisions addressing other critical defense needs are too important to reject. Fittingly, I want to note that the very veterans, support organizations, and associations that are most penalized by the failure to address the dual compensation issue all support this legislation because of the security it will provide for the current men and women who provide our shield. Hopefully, that support—more than my own—will impress my colleagues and will be remembered when the next Congress takes up the dual compensation issue.

Ms. PELOSI. Mr. Speaker, I support the Defense Authorization bill because it includes many important provisions including measures to improve health care for our nation's military retirees. However, I rise today to criticize the Republican leadership for their removal of hate crimes provisions from the conference report. Majorities in both the House and the Senate voted to include this language which would have added needed protections against hate crimes based on sexual orientation, gender, or disability to federal law.

Tragic murders that grab the nation's attention such as the dragging death of James Byrd in Texas and the brutal beating death of Matthew Shepard in Wyoming are, unfortunately, not isolated incidents. According to statistics kept by the National Coalition of Anti-Violence programs, 29 Americans were murdered in 1999 because they were gay or lesbian and there were more than 1,960 reports of anti-gay or lesbian incidents in the United States, including 704 assaults. And according to the Federal Bureau of Investigation, in 1996 there were over 8,700 reported incidents of hate crimes based on race, religion, national origin, or sexual orientation. Crimes based on hate are an assault on all of us, and we must enact stronger measures to prevent and punish these offenses.

Opponents of this measure have argued that this is an issue that should be left to the states. However, Congress has passed over 3,000 criminal statutes addressing harmful behaviors that affect the nation's interests, including organized crime, terrorism, and civil rights violations. Thirty-five of these laws have been passed since the Republicans took control of Congress in 1995.

Others have argued that there is no need for federal Hate Crimes legislation because assault and murder are already crimes. However, the brutality of these crimes speaks to the reality that when a person is targeted for violence because of their sexual orientation, race, or other group membership, the assailant intends to send a message to all members of that community. That message is you are not welcome.

This effort to create an atmosphere of fear and intimidation is a different type of crime, and it demands a different kind of response. All Americans have a right to feel safe in their community.

The hate crimes provisions that were stripped from this conference report by the Republican leadership would have countered this message of intimidation with a strong statement that our society does not condone and will not tolerate hate-based violence.

In addition to a bipartisan group of 192 House cosponsors, these provisions are supported by 175 civil rights, religious, civil and law enforcement organizations, including the National Sheriff's Association, the Federal Law Enforcement Officers Association, the Hispanic National Law Enforcement Association, the National Center for Women and Policing, and the National Organization of Black Law Enforcement Executives.

Passage of this bill would not have ended all violence against those communities who are targets of hate violence. But it would have allowed the federal government to respond and take action by investigating and punishing the perpetrators of crimes motivated by hate. The Republican leadership has missed an important opportunity. I urge them to reconsider their opposition to these protections and pass the Local Law Enforcement Enhancement Act of 2000 before the end of the session.

Mr. WATTS of Oklahoma. Mr. Speaker, I come here today in support of the Floyd D. Spence National Defense Authorization Act for FY 2001. This legislation is named for a great American who is second to none in supporting our soldiers, sailors, Marines and airmen. Under FLOYD SPENCE's leadership this is the fifth year out of the last six in which Congress has added to the Administration's budget request. FLOYD SPENCE—as far as I am concerned—is Mr. National Security. I look forward to serving with him for many more years.

The defense bill before us seeks to address many problems. Serious training deficiencies and equipment modernization shortfalls, made worse by longer and more frequent deployments away from home, have placed increasing strains on our armed forces. Also, the increasing use of America's military on missions where vital U.S. national security interests are not at stake has reduced readiness, affected recruiting and retention, and lowered morale. This bill will not completely fix these problems, but it will help.

Included in this bill is a 3.7% pay raise for our military personnel. The bill increases the military procurement accounts by $2.6 billion, and the research and development accounts by $1 billion. In critical readiness accounts, the Congress has increased authorization funding for the sixth consecutive year. There are increases in funding for National Missile Defense research and for improving the training and readiness of the National Guard and the Reserves. Also, this legislation includes—something particularly important to me—authorization funding for the Crusader program at over $355 million.

And last, but certainly not least—there is TRICARE health insurance for military retirees over 65, including a drug benefit. This revised TRICARE program will take effect beginning in FY 2002 and is open to military retirees and their eligible family members. Under the plan, beneficiaries could keep their current Medicare provider, and use TRICARE as their Medicare supplement to pay any costs not covered by Medicare. Beneficiaries would pay no co-payments or deductibles. The plan also includes no enrollment fees or premiums for all Medicare-eligible beneficiaries. This Congress continues to work to meet the promise that was made for health care as an earned benefit for 20 or more years of honorable military service.

The bottom line is—this defense authorization bill will fund the Department of Defense at approximately $310 billion—$4.5 billion more than requested by the Administration. Again, I want to thank Chairman SPENCE for his leadership of the House Armed Services Committee, and the kindness and courtesy he has shown not only to me, but everyone associated with this committee including members, staff and those appearing before his committee.

Mr. DEFAZIO. Mr. Speaker, I am extremely pleased that the Department of Defense (DOD) authorization act we have before us today makes a number of long awaited, critical improvements to the health care system for our nation's military retirees.

These individuals selflessly sacrificed and served our country in order to protect the freedoms we all enjoy. This legislation marks an important step toward providing military retirees with the health care they earned and were promised.

However, I am voting against the bill because, as good as the health care provisions are, they don't go far enough. In addition, I am concerned about the astronomical level of overall spending authorized by the bill a decade after we won the Cold War.

Let me briefly return to the health care provisions I support. I am pleased the conference report extends TRICARE to Medicare eligible retirees with no co-pays or deductibles. There will also be no enrollment fees or premiums for Medicare eligible beneficiaries. This is one of the provisions in an important bill I cosponsored, the Keep Our Promise to Military Retirees Act.

The conference repon also expands the mail order pharmacy benefit to all beneficiaries, including those over 64 years of age. This too is similar to legislation I cosponsored, the Retired Military Pharmacy Benefits Act. Expanding the mail order pharmacy program will allow retirees in Oregon, who don't live close to a military base, easier access to necessary prescription drugs.

I was also pleased the conference report included a number of other quality of life improvements such as a 3.7 percent pay raise, an accelerated reduction in out-of-pocket housing costs, and targeted supplemental food allowances for the most needy personnel.

However, the conference report left out two improvements I have advocated. First, the conference report dropped a provision that was included in the Senate version of the bill to repeal the VA disability compensation offset. I am cosponsor of legislation, H.R. 303, to repeal this offset and contacted members of the conference committee encouraging them to retain the Senate provision. Veterans deserve to keep all of the benefits they earned. I was disappointed this provision was not included in the final version of the bill.

I was also disappointed that the key component of the Keep Our Promise to Military Retirees Act, opening up the Federal Employees Health Benefit Plan (FEHBP) to military retirees, was not included in the conference report. I have heard from many residents of Oregon who are having difficulty finding providers who accept TRICARE due to low reimbursements rates and burdensome regulations. That may be why TRICARE is sometimes derided by retirees in my district as "try to get care." Therefore, expanding TRICARE as this bill does, may not benefit a number of Oregonians. A more complete option would be offering our military retirees the same health care that Members of Congress and our staffs have access to, the FEHBP. The FEHBP works well in Oregon and would ensure military retirees have the health care security they've earned and deserve. I will continue to fight to make this option available.

I am concerned with the overall level of spending authorized by this bill. The bill authorizes $309.9 billion for fiscal year 2001, or more than half of all federal discretionary spending. This is $4.5 billion more than the President requested and $21.1 billion more than last year. We are still funding the Pentagon at 90 percent of Cold War levels a decade after we won.

U.S. military spending must also be viewed in the context of what our allies and adversaries spend. The U.S. is spending more than all our adversaries or potential adversaries combined and more than we spend at the end of such Cold War presidents as Eisenhower, Nixon, Ford, and Carter.

Further, as former Secretary of Defense under President Reagan, Larry Korb, points out, "The U.S. share of the world's military spending today stands at about 35 percent, substantially higher than during the Cold War. In 1985, at the height of the Reagan build-up, the U.S. and the Soviet Union spent equal amounts on defense. Today, Russia spends only one-sixth of what the U.S. spends on defense. If one adds in the spending of U.S. allies, the picture becomes even more favorable to the United States." In fact, the U.S. and its allies account for 65 percent of the world's military expenditures.

Russia today spends 85 percent less on its military than the Soviet Union. The combined expenditures of our potential adversaries, as identified by U.S. intelligence agencies, is $13.8 billion, or about four percent of the U.S. budget.

In just two days, the Pentagon spends more money than the Iraqi military does in an entire year. In just 16 days, the Pentagon spends more money combined than Iraq, Iran, North Korea, Libya, Syria, Sudan, and Cuba. In 108 days, the Pentagon spends more than all of these countries plus Russia and China.

The U.S. military must remain the highest trained, best skilled, and most technology sophisticated military in the world. However, this can be done with a smaller budget. To do so requires better management, not more money.

The Pentagon budget needs to be reevaluated in light of our current national security threats. Cold War weapons systems that serve no national security purpose but merely serve to justify increased budgets should be eliminated. Defense experts of all political stripes both inside and outside government have suggested eliminating or reforming a number of programs like the F–22, the Crusader Artillery system, the Comanche helicopter, and others in order to reduce costs and have a more efficient and deadly military force.

Also, as Senator MCCAIN has repeatedly pointed out, the defense authorization and appropriations bills often include billions of dollars in pork projects that are unrelated to national security requirements. This bill is no exception. In this bill, Congress provided the Pentagon billions in unrequested funding such as $150 million for two F–15 aircraft, $125 million for 12 additional Blackhawk helicopters, $51 million for two additional F–16s, and $90 million in additional funding for the DDG–51 Destroyer program.

Finally, rather than showering the Pentagon with tens of billions of additional dollars for weapons systems of dubious value and quality, it would be useful to make a serious commitment to eliminating the tens of billions of dollars of waste at the Pentagon. As Representative KASICH, Republican Chairman of the House Budget Committee, noted in a February 2000 report titled Reviving the Reform Agenda, the General Accounting Office annually uncovers billions of dollars going to waste at the Pentagon. It weakens our national defense to have this waste and hurts the morale of our men and women in uniform since it steals funds that could otherwise be spent to boost their quality of life.

Mr. Larry Korb, who, as I mentioned was an Assistant Secretary of Defense under President Reagan, has developed an alternative defense budget that would be sufficient to meet our national security needs while not strangling and starving the rest of the federal budget. His proposal makes prudent reductions in spending by targeting unneeded weapons, unnecessary deployments, and a downsizing of our forces in recognition of our victory in the Cold War. Mr. Korb's proposal is a serious one that deserves intelligent discussion and consideration in Congress.

Again, I congratulate the conferees for the improvements they made on access to health care for military retirees, but I cannot support a bill with the unjustifiable level of spending on weapons systems of questionable value and quality.

The Pentagon budget should be based on a realistic assessment of our national security needs, not the wishes of powerful defense contractors or Pentagon brass. I bet the Secretary of Education and the Secretary of Health and Human Services have a funding "wish list" too. But, Congress scrutinizes their every request and forces them to prioritize. The Pentagon should be no different.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 4205 and I would like to thank my good friends, Chairman FLOYD SPENCE and Senate Chairman JOHN WARNER. Section 813 of this bill includes legislation that I introduced, H.R. 3582, the Federal Flexibility Act of 2000. H.R. 3582 passed the House on May 2 of this year and my good friend, Senator WARNER attached to the Defense Authorization bill in the Senate. H.R. 3582, now Section 813, will provide northern Virginia with important relief for its continued information technology worker shortage and continue the important procurement reforms this Congress began in 1995.

H.R. 3582, the Federal Flexibility Act of 2000, will address an ongoing problem in federal IT contracts. Section 813 of this bill is necessary because federal contracting officers frequently write into IT contracts minimum personnel requirements that hamper the ability of contractors to find qualified personnel to perform the contract. Oftentimes this means government contractors can not hire personnel who they believe could successfully perform the work but instead search for qualified resumes. This is a burden on the IT industry and contributes to the chronic worker shortage faced by the technology industry because the Federal Government is the largest purchaser of IT products in the world—spending about $32 billion on goods and services each year.

The Fed-Flex Act requires Federal agencies to justify the minimum personnel requirements frequently written into government contracts. Federal agencies have been experiencing "credential creep" in the way they write contracts. The problem has become so significant that the Virginia Secretary of Technology, Don Upson, found in a report issued by his office this past September that these minimum personnel requirements are the second largest contributor to the IT worker shortage in my home state. This report, titled "A Study of Virginia's Information Technology Workforce," strongly recommended that both the government and private sector companies objectively evaluate alternative forms of training, and focus on investments in training rather than degrees or resumes. The nationwide shortage of IT workers is estimated at 364,000, and it is estimated at over 24,000 for the Northern Virginia region alone.

What these minimum personnel requirements mean for the government is that Bill Gates or Michael Dell cannot contract with the federal government. Since neither one of them holds a college degree, many federal agencies would not allow them to perform IT work for the government. When federal agencies write credential creep into contracts, they hinder the ability of federal contractors to hire qualified personnel who get the job done, and increase the total cost of the contract to the government.

In this era of serious labor shortages in nearly every sector of our economy, this practice drives up prices and limits the flexibility of offers. The government will get better results if it issues performance-based statements of work and leaves it up to the offeror to propose how they will satisfy the requirement. The government should hold the winning offeror accountable for the quality of the cake, not dictate the ingredients that go into the recipe.

Another recent workforce study released by the Information Technology Association of America (ITAA) found that US companies anticipate a demand for 1.6 million IT workers in the next year. According to that study, about 50% of applicants for those jobs will not have the skills required to perform the jobs meaning that up to 850,000 of those slots could go unfilled. The private sector knows it must adapt to address this shortage and invest in training that will allow them to get the job done—let's make sure the federal government is not the stumbling block. The Fed Flex Act requires agencies to realize that key skills are what matters most to mission accomplishment within agencies not how those skills are acquired.

Recently, there has been ongoing debate about solving the labor shortage in the United States and lifting the cap on H1–B visas. I am a strong supporter of lifting the visa cap and an original cosponsor of my colleague, Representative DREIER's H.R. 3982, the HI–TECH Act, which raises the cap to 200,000 for H1–Bs. But we all know this is a short-term solution. We need to recognize the new types of training employees receive and encourage American businesses to hire employees who have received less traditional methods of training. We also need to encourage our federal government to be a leader in solving the worker shortage and not remain behind the curve as is so often the case.

The Fed-Flex bill I authored recognizes the investment that firms make in their employees today. Many IT firms spend a significant amount of time and dollars training their employees to be up to speed on the latest products and services. The Fed-Flex Act would require agencies to justify the use of such minimum mandatory personnel requirements before imposing such requirements in a particular solicitation for IT services. Where the contracting officer determines that the agency's need cannot be met without such requirements, the legislation would not preclude such requirements. Moreover, the legislation would not preclude agencies from evaluating the advantages that may be associated with a particular employee's experience or education, including participation in an in-house training and certification program. This bill continues the many successes of recent procurement reforms and redirects government to focus on products, not process.

Earlier this year, a study released by the American Association of Community Colleges indicated that twenty percent of Community College attendees are pursuing degrees to work on technology issues. With the worker shortage we face across the nation, it is of great concern to me that the federal government could prevent these highly-motivated young people from pursuing a technology career. Credential creep is a federal government-wide problem. We have fallen behind in recruiting IT workers for the federal workforce and training federal workers to take part in the information technology revolution. Yet, the government often demands college degrees for entry level positions that might be filled by individuals who have received another form of job training. I believe that Fed-Flex bill is important to address an immediate need within the government but I am also committed to working closely with my friends in the federal workforce community to look at their credential creep problems.

Mr. Speaker, I would also like to point out the many organizations that have supported the inclusion of FED–FLEX in section 813 of H.R. 4205. It is supported by ITAA, AEA, the Contract Services Association, the Professional Services Council, and CapNet. I would like to quote from a letter sent over by Harris Miller, the President of ITAA, "The Federal Contractor Flexibility Act is a homerun for practical, efficient, and effective government contracting." I would also like to submit a copy of the ITAA letter for the RECORD.

Section 813 of this bill will ensure that contracts are performance-based rather than process-driven. In my conversations with local Chambers of Commerce in northern Virginia, and national procurement organizations, I have heard many instances where these personnel requirements have hampered companies' ability to work with government. I have also been presented with evidence that these minimum personnel requirements have been used at various government agencies to favor incumbent contractors rather than promote open competition. I have even heard of an instance where the contract employees who unpack computers at some agencies are required to hold a college degree.

Mr. Speaker, I have also received contract examples from the Departments of Defense and Treasury, and the General Services Administration that include minimum personnel requirements. The Defense Department includes these cumbersome requirements for entry-level IT positions that include such basic tasks as data-entry, and they do not give contractors any opportunity to apply for a waiver. The Treasury contract includes these requirements but then says a company may apply for a waiver after contract award although the waiver requires a significant amount of paperwork to get approved. The GSA requirement is on an IDIQ contract that would effect several companies that the same time and drive-up costs of all of the competing kids.

Mr. Speaker, again I urge my colleagues to support this important legislation. The inclusion of H.R. 3582 in this conference report will provide important relief to Virginia and government contractors across the nation. It will also provide a tremendous cost-savings to the government.

Mr. Speaker, in addition, the conference report for H.R. 4205 authorizes $309.9 billion for the nation's defense activities for FY2001, $4.6 billion more than the President's request. The conference report provides significant improvements to the quality of life of military personnel, retirees, and their families, military readiness, and modernization programs. In particular, the conference report provides a much needed 3.7% military pay raise and other important bonuses, as well as retention and quality-of-life programs for our soldiers, sailors, airmen, and Marines. In addition, the conference report establishes a targeted subsistence payment, up to $500 per month, to assist the most economically challenged personnel. I believe this report includes provisions that are critical to maintaining and sustaining our military readiness by focusing on the most important feature of our military; the men and women in uniform.

More importantly, the conference report includes substantial improvements in TRICARE benefits for all beneficiaries of the military health care system. The conference report authorizes a restructuring of the military health care program and provides permanent lifetime TRICARE eligibility to Medicare-eligible military retirees and their family members beginning in FY2002. The report also provides a comprehensive pharmacy benefit to Medicare-eligible beneficiaries, reduces the maximum annual out-of-pocket expenses for all retirees form $7,500 to $3,000, eliminates co-payments and deductibles for active duty families and their beneficiaries, and eliminates TRICARE enrollment fees or premiums for Medicare-eligible beneficiaries. Additionally, the report authorizes an expansion of the Department of Defense's (DOD mail order and network retail pharmacy programs, the "TRICARE Senior Pharmacy Program" to allow all beneficiaries to participate, including those over the age of 64, without enrollment fees. Military retirees over the age of 64 will be able to choose out-of-network pharmacies, and pay a deductible of $150 per year.

In addition to these important provisions, the conference report also authorizes the development of the United States Marine Corps Heritage Center at Marine Corps Base in Quantico, Virginia. This report permits the Department of the Navy to accept, without compensation, a land transfer from the Park Authority of Prince William County. The Marine Corps Heritage Center will be developed by a joint venture between the Department of the Navy and the Marine Corps Heritage Foundation. It is my strong belief that the Heritage Center represents the kind of partnership between federal and local government and the private sector which should be encouraged more often.

The Marine Corps Heritage Center will be situated on 135 acres in Locus Shade Park, presently a county-owned site adjacent to the Marine Corps Base in Quantico, Virginia. The 460,000-square-foot Heritage Center will be used for historical displays for public viewing, curation and storage of artifacts, research facilities, classrooms, offices, and associated activities consistent with the Marine Corps University. In addition, the main building will include a museum, visitor center, gift shop, restaurant, exhibits, and possibly a movie theater. Funding for the Heritage Center will be provided almost entirely by private sources.

I believe the Heritage Center will provide visitors with valuable information and insight about the Marine Corps and its long tradition of service to America. Given Virginia's rich history and the Marine Corps' legacy, it is only fitting that Virginia will be host to the U.S. Marine Corps Heritage Center.

I urge all of my colleagues to support the conference report to H.R. 4205, as this important legislation will fulfill America's vital military needs for FY2001. In addition, I would also like to commend the conferees and their staffs, whose hard work and diligence brought this conference report to the floor.

Mr. HILLEARY. Mr. Speaker, I rise in support of this conference report. I want to commend the efforts of Chairman Spence for accomplishing many important goals in this bill that should have been done long ago.

Since last spring, I have been visited several times by workers who got sick working at Oak Ridge. Mack and Ann Orick, Harry Williams, Jan Michelle and Janine Voner are representative of thousands of people who worked on our nation's nuclear weapons programs at facilities like Oak Ridge. They have played a central role in defending the United States over the past fifty-plus years. They have rightly been called "Cold War heroes."

Like the Oricks, Harry Williams, Jan Michelle and Janine Voner, many of these heroes have paid a tragic price for their role in defending their country. Thousands have been afflicted with debilitating and sometimes deadly diseases due to exposure to hazardous waste and radiation.

These sick workers, and the families left behind by workers who contracted terminal illnesses, should be compensated for their sacrifice. In fact, compensation is long overdue.

I was pleased to be appointed to this conference committee to find a way to compensate sick workers. The agreement that was worked-out is a reasonable start, but is only that—a start.

The plan that finally emerged is based on legislation written by Senator FRED THOMPSON that passed the Senate. It requires the President to send Congress by March 15, 2001 a specific proposal detailing the level of compensation and benefits that should be paid. If Congress does not act on the proposal by July 31, 2000, a default benefit level of $150,000 plus medical benefits will take effect.

Those who worked for the Department of Energy (DOE) and civilian companies with which it contracted suffering from chronic beryllium disease, chronic silicosis or a radiogenic cancer which could be linked to their service at the DOE site will qualify for compensation.

I believe this solution is a sound first step and probably the best we can get at this time. However, we may be able to do better in the next session of Congress. These workers, heroes of the Cold War, deserve to be compensated. They provided an invaluable service to their country, unaware that their bodies were being exposed to agents that would have a devastating impact on their lives.

With the leadership of Senator FRED THOMPSON, and along with my colleagues in the House like Representatives ZACH WAMP, LINDSEY GRAHAM and ED WHITFIELD, progress is finally being made on the tremendous debt that is owed to people who worked in our nuclear weapons industry.

Further, this bill also moves us forward in keeping our promise to provide permanent lifetime health care to America's military retirees and their eligible family members.

The program will take effect beginning in fiscal year 2002 and is open to military retirees and their eligible family members. Under the plan, beneficiaries could keep their current Medicare provider and use TRICARE as their Medicare supplement paying any costs not covered by Medicare. Beneficiaries would pay no co-pays or deductibles.

The plan also includes no enrollment fees or premiums for all Medicare eligible beneficiaries. The agreement also reduces the maximum out of pocket expenses for all military retirees by sixty percent, from $7,500 to $3,000.

In addition to the permanent TRICARE for Life initiative, the conference committee also approved and strengthened several military health care proposals adopted by the House and Senate earlier this year.

Other benefit improvements include expansion of DOD's mail order and retail pharmacy programs to allow participation by all beneficiaries and one year extension of the demonstration program "TRICARE Senior Prime," which is also known as Medicare subvention.

Mr. Speaker, this conference will protect our national security and take care of those that ensured our protection. I encourage all my colleagues to support this conference report.

Mr. MALONEY of Connecticut. Mr. Speaker, I am proud to support H.R. 4205, the Defense Authorization bill for 2001. This bill includes many important provisions that advance this Nation's national security interests. The measure properly addresses our Armed Forces' modernization efforts, safeguards the military's combat readiness and does right by our men and women in uniform and their families.

The measure authorizes $309.9 billion for defense programs, nearly equal to the amount provided in the House and Senate versions of the bill. This is $4.5 billion above the Administration's request and $21.1 billion above the amount appropriated for FY 2000. Specifically, the bill authorizes $63.2 billion for weapons procurement, $38.9 billion for research and development, $111.0 billion for operations and maintenance, $8.8 billion for military construction and family housing, and $13.1 billion for defense-related activities of the Department of Energy.

This bill will also allow us to keep the promise of lifetime health care to America's veterans and their families. As an original cosponsor of the health care provisions of the Defense Authorization Conference Report, and as a member of the Defense Conference Committee, I am particularly pleased with this legislation. Specifically, the bill provides permanent lifetime TRICARE eligibility to Medicare-eligible military retirees and their family members; restores pharmacy access for all Medicare-eligible military retirees; and authorizes the Department of Defense to begin a Thrift Savings Plan. Moreover, the bill provides a 3.7 percent pay increase to continue to close the gap between civilian and military pay. Indeed, this legislation is a victory for the 1.4 million Medicare-eligible military retirees and their families. They will not receive what they earned and deserve: lifetime medical care, as promised to them when they enlisted in the U.S. Armed Services. It has been the intent of many of us to make this year the Year of Military Health Care, and through this legislation, we have done just that.

In addition, the bill establishes a compensation plan for personnel made ill by exposure to toxic or radioactive materials while working on U.S. government nuclear weapons programs, including those who developed chronic silicosis and uranium mine workers who are currently covered under a less generous compensation program. This is a critical effort that I support. The bill also requires the Defense Department to report on the progress being made toward developing and implementing a comprehensive strategy in the Balkans, and to detail the commitments and contributions of European nations and the United Nations to peacekeeping operations in Kosovo. This is a proper approach. Finally, the bill endorses the thrust of the agreement reached between the U.S. Navy and the Commonwealth of Puerto Rico earlier this year to address the Navy's live-fire training on Vieques Island. I believe that agreement is the best way of addressing both the Navy's readiness requirements as well as the interests of the Puerto Rican population.

Lastly, I am very pleased that this bill provides fire departments nationwide the resources necessary to hire and train more firefighters, purchase and update equipment, and sponsor fire safety education programs. I am particularly proud of this legislation because it was incorporated from the Firefighter Investment and Response Enhancement (F.I.R.E.) Act, which I sponsored last year. This legislation for which I worked hard to include in the Defense Authorization Conference Report as a House Armed Services Committee conferee strengthens public safety through enhanced emergency services by authorizing $400 million over two years in grants to local fire departments. With one out of every three firefighters and over 24,000 civilians injured each year, and with about 100 firefighters and over 4,000 civilians killed annually in fire related emergencies, this legislation will pay significant public safety dividends for both firefighters and the families they serve.

Under provisions of the legislation to assist firefighters, grant funds will be used to hire and train new recruits and to buy new equipment. The legislation will help career departments hire additional personnel to meet coverage needs, while saving local taxpayers the added financial burden. Both career and volunteer departments will be able to acquire badly needed, but expensive, equipment such as thermal imaging cameras. Such cameras can locate people trapped in a smoke filled building who might otherwise be killed. Many departments and companies have not purchased such equipment because of the unit and training costs.

Firefighter grant funds will pay up to 90% of all project costs for local volunteer fire departments that serve 50,000 people or less and up to 70% of the costs for local career fire departments as well as volunteer departments that serve more than 50,000. Matching funds can be provided by either state or local governments. At least 5% of the funds will be set aside for grants to local programs dedicated to prevention and public safety education. Fires cost the nation an estimated $100 billion annually. Only $32 million in federal resources are available for fire prevention and training, compared to $11 billion on law enforcement. We have clearly seen the positive benefits of putting more money into law enforcement with the crime rates falling in most every category and in most all communities. We will now do the same for fire prevention and fire safety by providing the necessary resources to help our local fire departments battle their share of the nearly 100,000 fires in the United States annually.

Mr. REYES. Mr. Speaker, I rise in support of the conference report to the Floyd D. Spence National Defense Authorization. This conference report is important because it focuses on providing our soldiers, sailors, airmen and Marines the equipment and other resources necessary to accomplish the vital mission of protecting this Nation's vital interests.

There has been considerable debate during this election year about the status of our military's readiness. This discussion often focuses on a range of topics including pay, facilities, new equipment, size of the force and procurement. Well, I'm proud to stand before you and tell you that this report does more than debate, pontificate or raise additional discussion items. This report funds and places resources where the service chiefs feel they are needed. And, in a number of cases, provides additional funding to address the service chief's unfunded requirements for their procurement, readiness and modernization efforts.

It is also important to acknowledge that this conference report also addresses a number of quality of life issues for our military personnel. There are a number of important initiatives included in this report. Some may see these initiatives as an increase in benefits. However, things like increased minimum housing allowances for young families, and a 3.7% pay raise and a comprehensive set of improvements to the military health care system are not perks or increased benefits. They are simply the least we can do for those service members and their families who sacrifice every day.

Beyond all of the campaign rhetoric and posturing, this report demonstrates Congress' commitment, our commitment to our Nation's military and the men and women who serve in that military. I urge all of my colleagues to support this conference report.

Mrs. TAUSCHER. Mr. Speaker, I rise today to make clear my opposition to a provision originally in the Senate's version of the Defense Authorization bill. This provision authorizes a study on a new type of weapon, one that many have started to call "mini-nukes."

The purpose of this study is for the government to consider a new weapon capable of destroying underground bunkers. Proponents of the provision say that the bunkers in question are used by States of Concern to protect their leaders in times of crisis, or to store stockpiles of biological or chemical weapons. They also say the weapons are an improvement over prior systems since the release they cause of chemical or biological agents into the environment is negligible. Therefore, proponents argue, we must have these weapons.

The problem is that we don't need new nuclear weapons; the Defense Department has not even identified a requirement for this type of weapon. What is more, I know from top-secret discussions with the Pentagon that we have other, non-nuclear ways of destroying and disabling the underground bunkers.

Studying a new weapon only takes us one step closer to manufacturing it. And this is one weapon we do not need to manufacture. One of the major concerns I have with this study is that it focuses on making a "usable" nuclear weapon, or one that does not harm civilians. But that is ridiculous—no nuclear weapon can side-step mass destruction and the harming of civilians. By today's nuclear standards, the bomb we used on Hiroshima was tiny. But look at the destruction those bombs caused—even though the city has been rebuilt, the area still has a disproportionate number of children with mental deficiencies.

Finally, as a supporter of the Comprehensive Test Ban Treaty, I want to point out that provisions like this one only take us closer to the resumption of tests. Those who "study" any new weapon not already in our stockpile will naturally want to test that particular weapon.

The fact is, this provision is a bad one. It we are truly interested in nuclear nonproliferation and in downsizing our own nuclear stockpile, the last thing we should be doing is laying the plans for a new weapon.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

As Chairman of the Subcommittee on Military Installations and Facilities, I am please to inform the House that this conference report authorizes $8.8 billion for the military construction and military family housing programs of the Department of Defense, an increase to the President's request of $787 million. These funds will be used to meet critical shortfalls affecting the qualify of life of military personnel and their families and to improve facilities supporting the training and readiness of the armed forces. This conference agreement is consistent with the bipartisan agreement reached earlier this year on the military construction appropriations bill.

This conference agreement also provides for an extension of the military housing privatization initiative that is beginning to show some significant successes. Properly implemented, this program will go a long way toward resolving the housing crisis confronting military families.

Beyond military construction, Mr. Speaker, this is landmark, legislation. I have long been concerned about the quality and availability of health care for both retirees and active duty personnel. The health care reforms provided in this bill will meet the promises made to earlier generations of servicemen and women and will guarantee that those promises will be kept to those in uniform now and those volunteers who will come after them.

I urge all members to join me in support of this important bill.

Mr. GOODLING. Mr. Speaker, I rise in support of the conference report on H.R. 4205, the Floyd D. Spence National Defense Authorization Act for fiscal year 2001.

Several of the provisions included in this agreement are under the jurisdiction of the Committee on Education and the Workforce and I am pleased that we were able to come to an agreement.

First, I am pleased that the Department of Defense authorization bill includes a provision that further amends the Women, Infants and Children's (WIC) program for military personnel stationed overseas. In last year's Department of Defense bill, the conference committee adopted provisions of a bill I introduced, H.R. 1779, requiring the Secretary of Defense to fund and operate a nutritional assistance program for families of military personnel overseas. That law also included a provision that required the housing allowance received by military personnel to be taken into consideration when calculating eligibility for the overseas WIC program.

Consistent with my original bill, H.R. 1779, this year's conference agreement eliminates that requirement and allows more overseas military personnel to benefit from the program.

Second, I would especially like to thank the conferees for agreeing to include the Impact Aid program as a part of the conference agreement. Impact Aid is one of our Elementary and Secondary Education Act programs. It provides important financial assistance to schools impacted by a federal presence such as military installations and Indian lands. Earlier this year the House passed H.R. 3616, which continued the authorization of the Impact Aid program. However, no further action has taken place and given the lateness of this session it is most important that we get these changes enacted into law this year. We have worked with House and Senate members in coming up with compromise language and I am pleased that the conferees have agreed to include this language in the conference agreement.

Some of the specific provisions included in the Impact Aid part of the conference report would: change the formula for heavily impacted school districts to speed up the distribution of funds; protect against any large decreases in payments for children due to Department of Defense housing and transfer privitization efforts; address the needs of school districts impacted by housing units built under the "Build to Lease" program; continue to provide schools with a higher level of payments for children who move off base for a period of time when their homes are being rebuilt; and modify the current construction program in order to provide for a competitive grant program for school districts highly impacted by a military presence.

Mr. Speaker, the Impact Aid program has been a valuable source of assistance to heavily impacted schools and school districts over the years. Without this program, many school districts would be without the full complement of resources they need for providing a high quality education to their students. I greatly appreciate the willingness of House and Senate conferees to include this important legislation in the Department of Defense conference report.

A third issue of interest to the Committee on Education and the Workforce deals with military recruiters on high school campuses. In some parts of our nation, military recruiters are denied access to recruit on secondary school campuses, even though the same schools give access to prospective employers and colleges and universities. The conferees have included language that will give recruiters the same access that prospective employers and higher education institutions enjoy.

The conferees have also included protections for those that do not wish to allow military recruiters on campus. If a school board, by majority vote, indicates that it does not want military recruiters on campus, then that decision would be respected under the legislation. In addition, the conferees have included a provision that makes clear that private secondary schools with religious objections to military service do not have to provide access to recruiters. Finally, I wish to thank the conferees for making several technical changes in this section and for adding the Education and Workforce Committee as one of the committees to which reports on recruiting access will be provided.

The legislation also contains a provision establishing a pilot program to reengineer the equal employment opportunity complaint process for Department of Defense civilian employees. This will allow the continuation of a successful alternative dispute resolution (ADR) program already begun by the Navy—which has reduced the average wait for a determination on the merits from 781 to just 111 days. The bill permits the expansion of this model to other defense agencies. This complements our committee's successful efforts to have the Equal Employment Opportunity Commission expand use of ADR to expedite the processing of charges of discrimination in the private sector.

Finally, this legislation establishes the Energy Employees Occupational Illness Compensation Program. This provision will establish a compensation program for those workers who helped build the nation's nuclear program and who have suffered illness and disease because of their work. I worked to ensure that this provision will require some further assessment and enacting legislation before full implementation. As a cautionary note, I point out that as we have certainly learned from our committee's experience with other similar programs, it is especially important that Congress keep a watchful eye on what happens down the road. Congress should work to ensure that the program remains targeted to help only Department of Energy employees with specific occupational illnesses, rather than evolving into a bloated, over-broad and open-ended entitlement program. I recognize this has been a difficult provision to work through, but I commend the conferees on giving this provision the Congressional review necessary.

Mr. Speaker, on balance, I believe the conferees have done an excellent job of reaching agreement on some very difficult issues. I once again want to thank them for working with the Committee on Education and the Workforce to resolve issues under our jurisdiction. –I would urge my colleagues to support the conference agreement.

Mr. BOEHNER. Mr. Speaker, I support and urge my colleagues to support the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2002 (H.R. 4205) which contains an important provision to the friends, relatives, and military colleagues of William H. Pitsenbarger. The provision permits the Medal of Honor to be awarded posthumously to Airman First Class William H. Pitsenbarger, a pararescue crew member from Piqua, a town in my district. He was killed in a military operation assisting in the rescue of Army personnel who were severely out numbered and surrounded by Vietcong troops near Cam My, Republic of Vietnam on April 11, 1966.

I have included a short article describing his heroic action from the Air Force Association magazine, Valor, published in October 1983.

'THAT OTHERS MAY LIVE'

(By John L. Frisbee)

A1C Bill Pitsenbarger knew the risks involved when he volunteered to drop into the midst of a jungle firefight.

By April 1966, 21-year-old A1C William H. Pitsenbarger, then in the final months of his enlistment, had seen more action than many a 30-year veteran. Young Pitsenbarger had gone through long and arduous training for duty as a pararescue medic with the Aerospace Rescue and Recovery Service and had completed more than 300 rescue missions in Vietnam, many of them under heavy enemy fire. He wore the Air Medal with five oak leaf clusters; recommendations for four more were pending. A few days earlier, he had ridden a chopper winch line into a minefield to save a wounded ARVN soldier.

His service with ARRS convinced Pitsenbarger that he wanted a career as a medical technician. He had applied to Arizona State University for admission in the fall. But that was months away. He had a job to do in Vietnam and, as rescue pilot Capt. Dale Potter said, Pitsenbarger "was always willing to get into the thick of the action where he could be the most help."

On April 11 at 3 p.m., while Pitsenbarger was off duty, a call for help came into his unit, Detachment 6, 38th ARR Squadron at Bien Hoa. Elements of the Army's 1st Infantry Division were surrounded by enemy of forces near Cam My, a few miles east of Saigon, in thick jungle with the tree canopies reaching up to 150 feet. The only way to get the wounded out was with hoist-quipped helicopters. Pitsenbarger asked to go with one of the two HH–43 Huskies scrambled on this hazardous mission.

Half an hour later, both choppers found an area where they could hover and lower a winch line to the surrounded troops. Pitsenbarger volunteered to go down the line, administer emergency treatment to the most seriously wounded, and explain how to use the Stokes litter that would hoist casualties up to the chopper.

It was standard procedure for a pararescue medic to stay down only long enough to organize the rescue effort. Pitsenbarger decided, on his own, to remain with the wounded. In the next hour and a half, the HH-43s came in five times, evacuating nine wounded soldiers. On the sixth attempt, Pitsenbarger's Huskie was hit hard, forced to cut the hoist line, and pull out for an emergency landing at the nearest strip. Intense enemy fire and friendly artillery called in by the Army made it impossible for the second chopper to return.

Heavy automatic weapons and mortar fire was coming in on the Army defenders from all sides while Pitsenbarger continued to care for the wounded. In case one of the Huskies made it in again, he climbed a tree to recover the Stokes litter that his pilot had jettisoned. When the C Company commander, the unit Pitsenbarger was with, decided to move to another area, Pitsenbarger cut saplings to make stretchers for the wounded. As they started to move out, the company was attacked and overrun by a large enemy formation.

By this time, the few Army troops able to return fire were running out of ammunition. Pitsenbarger gave his pistol to a soldier who was unable to hold a rifle. With complete disregard for his own safety, he scrambled around the defended area, collecting rifles and ammunition from the dead and distributing them to the men still able to fight.

It had been about two hours since the HH-43s were driven off. Pitsenbarger had done all he could to treat the wounded, prepare for a retreat to safer ground, and rearm his Army comrades. He then gathered several magazines of ammunition, lay down beside wounded Army Sgt. Fred Navarro, one of the C Company survivors who later described Pitsenbarger's heroic actions, and begin firing at the enemy. Fifteen minutes later, as an eerie darkness fell beneath the triple-canopy jungle, Pitsenbarger was hit and mortally wounded. The next morning, when Army reinforcements reached the C Company survivors, a helicopter crew brought Pitsenbarger's body out of the jungle. Of the 180 men with whom he fought his last battle, only 14 were uninjured.

William H. Pitsenbarger was the first airman to be awarded the Air Force Cross posthumously. The Air Force Sergeants Association presents an annual award for valor in his honor.

The Aerospace Rescue and Recovery Service is legendary for heroism in peace and war. No one better exemplifies its motto. "That Others May Live." tan Bill Pitsenbarger. He descended voluntarily into the hell of a jungle firefight with valor as his only shield—and valor was his epitaph.

Bill Pitsenbarger showed honor in a time of tremendous pressure. He put other lives before his own. He put his country before his self-interest and he proved that America would remain the land of the free and fight for the freedom of others by showing it was still the land of the brave.

The town of Piqua still holds enormous pride for Bill Pitsenbarger and the community as well as Pitsenbarger's colleagues and friends wholeheartedly join me in supporting the award of the Medical of Honor. Pitsenbarger's heroism is well known in the Air Force. In fact, the Air Force Sergeants Association has named its award for heroism after him. More than a dozen other military and civilian buildings, organizations and monuments around the world that have been named in his honor.

I have worked with numerous organizations and individuals in researching and investigating the Pitsenbarger record. On behalf of these supporters, I submitted to Air Force Secretary Whitten Peters in March 1999 a package of materials to upgrade Pitsenbarger's award to the Medal of Honor. In the past 18 months. Pitsenbarger's file has been reviewed by Pentagon officials including the Secretary of the Air Force, the Joint Chiefs of Staff, The Deputy Secretary of Defense and the Secretary of Defense. They have recommended posthumously awarding him the Medal of Honor.

I believe this Medal of Honor is long overdue. My fellow Ohioans, Pitsenbarger's colleagues and Air Force enlisted personnel join me in the belief that this finally corrects the injustice and gives Mr. Pitsenbarger the recognition that he so deeply deserves.

Mr. MALONEY of Connecticut. Mr. Speaker, my colleague from California, Mrs. TAUSCHER, and I are proud to support H.R. 4205, the Defense Authorization bill for 2001. Among its many important provisions with regard to both people and equipment, the bill addresses several especially notable policy issues: the bill provides permanent lifetime TRICARE eligibility to Medicare-eligible military retirees and their family members; restores pharmacy access for all Medicare-eligible military retirees; and authorizes the Department of Defense to begin a Thrift Savings Plan. Moreover, the bill provides a 3.7 percent pay increase to continue to close the gap between civilian and military pay.

However, as members of the Conference Committee that negotiated the final details for this bill, we cannot overlook the fact that one important provision has been left out. Recent acts of hate violence have opened many people's eyes to the brutal reality of bias motivated violence and the urgent need to do something to prevent it.

Because hate violence affects where people live and travel and terrorizes entire communities, the federal government has a unique obligation to prevent hate violence against any group. Current federal law only covers race, religion, national origin and color. The Hate Crimes Prevention Act would give federal agencies the authority to investigate and prosecute hate crimes based on a victim's real or perceived sexual orientation, gender, or disability.

Mr. Speaker, the Senate and the House each voted separately to include language in the bill addressing hate crimes. We are disappointed that the leadership in Congress has seen fit to ignore the will of both bodies by removing this provision from the Fiscal Year 2001 Defense Authorization bill. For the will of the powerful leadership in Congress to prevail over the will of the majority in both Houses is not only an affront to us, but also to the democratic principles that govern us.

Mr. LARSON. Mr. Speaker, I rise today to express my dismay this afternoon that the Conference Report for the National Defense Authorization Act for Fiscal Year 2001, H.R. 4205, does not contain language which would have expanded federal hate crimes laws. Despite this disappointment, as a member of the House Committee on Armed Services, I have no choice but to support the Conference Report and will vote for it.

As we all know, Mr. Speaker, a majority of members in both the House and the Senate voted to include the hate crimes provisions in this bill. The Senate voted in favor of an amendment adding the hate crimes provisions to the Senate version of the bill on June 20th by a vote of 57 to 42. On September 13th, I was eager to join the majority of my colleagues in the House in voting in favor of the Conyers motion to instruct conferees to include these provisions in the final version of this bill. It is truly shameful, however, that the Republican Leadership in Congress was able to prevent the inclusion of these provisions in the conference report despite the fact that majorities in both Chambers voted in favor of them.

The Hate Crimes Prevention Act, H.R. 1082, was one of the first bills I co-sponsored upon becoming a Member of Congress. I believe that this legislation is a common sense effort to combat the heinous crimes that are being committed against members of our society simply because they are a member of a specific group. Some have argued that hate crimes laws are not needed because all crimes are hate crimes. Of course all crimes are wrong and should be punished. What makes this legislation so important, however, is that hate crimes are intended to intimidate and punish a whole class of people. Whether it is a lynching in Texas, a crucifixion in Wyoming, or spraying bullets in a bar in Virginia, these horrific acts are intended to terrorize entire groups of people and should be punished accordingly. It is a centuries old part of our common law system to weigh the element of intent in evaluating the severity of a crime and the hate crime law do just that.

It is tragic that the Republic Leadership in Congress has been able to disregard the clear majority of both Chambers and prevent the hate crimes provisions from being included in this bill. I will join the President in his fight to include them in another piece of "must pass" legislation so that we can do our part before adjournment to combat these horrific crimes.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SPENCE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 382, nays 31, not voting 19, as follows:

[Roll No. 522]

YEAS—382

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—31

Baldwin
Blumenauer
Conyers
Coyne
Davis (IL)
DeFazio
DeGette
Ehlers
Frank (MA)
Gutierrez
Jackson (IL)
Kucinich
Lee
Lewis (GA)
Lofgren
Markey
McDermott
McKinney
Miller, George
Nadler
Owens
Paul
Payne
Sanders
Schakowsky
Sensenbrenner
Shays
Stark
Velázquez
Waters
Woolsey

NOT VOTING—19

Campbell
Cannon
Danner
Eshoo
Franks (NJ)
Hutchinson
Klink
Largent
Lazio
McCollum
McIntosh
Meehan
Miller (FL)
Neal
Shuster
Talent
Waxman
Weygand
Wise

☐ 1252

Mr. MARKEY changed his vote from "yea" to "nay."

Messrs. BARRETT of Wisconsin, DELAHUNT and TIERNEY changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CANNON. Mr. Speaker, I was unfortunately delayed away from the Capitol during the vote on the Defense Authorization legislation, H.R. 4205. However, had I been here, I would have voted "yea."

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4265.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

ENERGY AND WATER REDEVELOPMENT APPROPRIATIONS ACT, 2001—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of October 10, 2000, at page H9575).

The SPEAKER pro tempore. The gentleman from California (Mr. PACKARD) is recognized for 1 hour.

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on the veto message of the President of the United States to the bill, H.R. 4733.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PACKARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield the customary 30 minutes to the gentleman from Indiana (Mr. VISCLOSKY) for purposes of debate only.

Mr. Speaker, I rise to urge my colleagues in the strongest possible terms to override the President's unfortunate veto of the Fiscal Year 2001 Energy and Water Development Appropriations Act.

Of all the appropriations bills, this is one of the most bipartisan. The conference agreement that we presented to the House 2 weeks ago is fair and balanced.

Through the programs of the Corps of Engineers and the Bureau of Reclamation, we have provided funds to maintain and rebuild our critical water resources infrastructure and protect millions of citizens who are currently vulnerable to the devastating effects of floods.

Funds that we have provided through this bill for the Department of Energy will help to strengthen our national defense, increase our scientific knowledge, and help us to become more energy independent.

In spite of all the good things in this bill, the President has legislated to veto it over a single provision included by the Senate. The administration asserts that this provision would undermine implementation of the Endangered Species Act. That is simply incorrect.

Under the provisions of section 103, all alternatives for protecting endangered species on the Missouri River, including a spring rise in river levels, can continue to be studied and only a revision in the Master Water Control Manual that results from spring rise is prevented from being implemented in fiscal year 2001.

I wish to significantly note that the Corps of Engineers has confirmed that it will not be prepared to implement a revised Water Control Manual for the Missouri River until the spring of 2003 due to the time it will take to comply with the provisions of the National Environmental Policy. Therefore, this issue really is not an issue. It cannot be implemented before the bill would address in terms of the time limits.

On October 2, the President issued a statement in which he said that this provision would "establish a dangerous precedent aimed at barring a Federal agency from obeying one of our Nation's landmark environmental statutes."

If the President truly believes that today, then why did he not believe it four other times when he signed this very provision into law?

We have done our very best on this bill to accommodate the priorities of all Members of Congress, including the Democrats and Republicans equally and the administration, as well.

Almost 2 weeks ago, we approved a conference agreement by a vote of 301-118. I was disappointed at that time that a number of Members who had come to us for assistance and whose wishes we did accommodate in the bill voted against passage of the conference report. Some who voted against the conference report may have had their concerns addressed in other bills.

Specifically, the Interior Appropriations Conference Report, which now sits on the President's desk and he will likely sign it I am told, included $8 million for the Northeast Home Heating Reserve Issue.

□ 1300

I am sure that that was part of the reason that some voted against the conference report on this bill. I expect that all the Members who voted in favor of the bill two weeks ago will do so again today and encourage all those Members who voted no last week to reconsider that decision. I sincerely hope that we do not have to reopen this bill at this point and possibly reconsider items that have already been agreed to.

I truly believe that a wise use of the taxpayers money is rebuilding America's infrastructure. It is spending their tax dollars to improve their quality of life. It is a very good expenditure of funds. And so our conservative Members who feel that we have spent too much in this bill I hope will recognize that this is spending money in their districts, improving the quality of life of their citizens. It is not in the best interest of our Nation to hold up this important piece of legislation over a single provision. Therefore, I ask all Members to vote to override the President's unfortunate veto of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Speaker, I yield myself such time as I may consume.

I join my colleague, the gentleman from California, in asking all of my colleagues on both sides of the aisle to vote to override the President's veto of H.R. 4733, the Energy and Water Appropriation Act for the year 2001. The chairman eloquently addressed the primary controversy that is engaged in this legislation and that is the Army Corps manual and regulations dealing with water flow on the Missouri River. I would join in his observations.

First of all, that the President in 4 previous years has signed legislation with similar language. Secondly, as far as the issue that is of complaint to the President, it will not come to fruition for another 2 fiscal years, so I do not think it would be appropriate to veto this legislation based on that one provision, given the good work the chairman and the committee has done on the bill.

The President also mentioned, however, three other items in his veto message, and I would like for a moment to address each of his concerns. The President indicated he is upset that we had not set aside enough funds for renewable and solar energy. I would point out to the Members that for the current fiscal year 2000, we appropriated and the administration will spend $362 million for these programs. The conference report that was approved by the House and Senate and sent to the President approved for this coming fiscal year $422 million for these programs, a $60 million increase.

The President also had concerns relative to expenditures for the Florida Everglades. The fact is that this legislation contains $20 million in construction funds for the Everglades, the exact dollar figure in the President's budget. What the President wanted to do is to add additional expenditures that had not yet been authorized, and we have been very diligent in ensuring that unauthorized programs not enter into the legislation.

Finally, the President has complained that $20 million was not set aside for the so-called Bay-Delta CAL-FED program. In past years, we have appropriated up to $60 million for this important program; and the chairman, during the debate and discussion we had on the floor on the conference report, indicated it was his desire to set aside those $20 million if again we had authorization to do so. A compromise to date has not yet been struck. We lack the authorization and, therefore, the chairman, I think wisely, although I know it was a very tough and painful decision for him, decided not to include those moneys in the bill, and I think it is an eminently justifiable position.

Mr. Speaker, I would suggest for these reasons and those propounded by the chairman of the subcommittee that all of the Members of this institution vote to override the President's veto.

Mr. Speaker, I reserve the balance of my time.

Mr. PACKARD. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a member of the subcommittee on appropriations.

Mr. LATHAM. I thank the gentleman very much for yielding me this time.

Mr. Speaker, I would just first of all like to say this is extraordinarily unfortunate for the people in Iowa, Nebraska, Missouri, everyone in the lower Mississippi delta that the President vetoed this bill over the use of the Missouri River. This is an extraordinarily important issue. It goes to saving lives of people who live along the Missouri River, to saving their property. It goes to how much energy, how much electric power is available during the peak season in the summer coming out of the dams upstream. It has to do with usage on the river as far as navigation which they want to dry up the river basically in the summertime. We have a very important issue with recreation in Sioux City, Iowa, using the marina.

Mr. Speaker, I will submit a letter from the bipartisan city council of Sioux City in opposition to the President's position. I think this is an issue which is not a partisan issue. This is simply wrong. The President has signed four previous bills that had this provision in it that today he says he vetoes the bill for, and you wonder why. It has to go, I believe, to an extreme environmental position. I think with the Presidential election coming up and the Vice President taking an extreme position here, I think Iowans and people in Nebraska and Missouri should really take a look at who is favoring a radical group over the lives and property of people who live along the river and the very well-being of those people.

Mr. Speaker, I think it is very unfortunate if we have to reopen this bill to find other moneys for some of the priorities the President looked at that we are going to have to look in the bill. We are not going to have new money. We have to look in the bill to find out people, projects, things like that if we are going to fund the new initiatives, also.

Mr. Speaker, I rise in support of the override of this very unfortunate and misguided veto.

Mr. Speaker, I include the following letter for the RECORD:

OFFICE OF THE CITY COUNCIL,
Sioux City, IA, October 3, 2000.
U.S. Representative TOM LATHAM,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE LATHAM: One of the issues that we understand you are addressing is the management of the Missouri River. First, we would like to thank you for your previous votes on this issue on behalf of Sioux City and Iowa. We appreciate very much your support and understanding in this issue. What still needs consideration and study is how those changes to the current management may affect Iowans and the downstream states affected by those changes. We thank you for the time and attention you are giving to this matter.

There should be a broader perspective on the issue at stake than just recreation versus navigation. Policies developed with much deliberation for over four decades such as this should be approached very carefully. there are industries such as downstream recreation, hydropower generation, agriculture, transportation, and navigation that would be dramatically affected by the plan to implement a spring rise in the spring with correlating low flows during late summer and early fall. There are also issues such as flood control for cities, counties, and farmland along the Missouri River that have not yet been sufficiently studied to assess potential damage and economic impact.

Downstream Recreation.—The Sioux City Riverfront Master Plan calls for $8 million in improvements to the City's Marina and riverfront area. The City of Sioux City cannot proceed with economic plans until the full effects of changes to the management of the Missouri River are known. The pulse and character of Sioux City revolves around the river, boating, and water sports. There are also riverboat gambling operations on the Missouri River that generate $80 million to Iowa's state taxes—specifically to fund the recently passed Vision Iowa legislation. Iowa State statute compels riverboats that gamble to sail at least 100 days per year and it is unknown how this will affect their ability to comply with state statute and how that potential loss of revenue would affect Iowa's future.

Hydropower Generation.—Under the spring rise plan we would only be able to use approximately 58% of full capacity during the peak energy usage period. All public energy utilities receive a percentage of their energy as hydropower, very inexpensive energy. When there is excess hydropower energy, that power can be marketed to an eager marketplace looking for this lower-cost energy. When the hydropower supply is lower, as is would be in times of low flow, higher cost energy must be used and that extra cost is passed on to consumers. The effect of decreasing hydroelectric supply in a peak usage period with dramatically increased rates needs further study.

Flood Control.—While spring rise flows will likely not flood Sioux City at current estimates, the effects of high flows from tributaries will need to be studied before either the City of Sioux City or Woodbury County could endorse the spring rise option.

Transportation Costs to Agriculture Industry.—The farm economy is extremely weak, experiencing low prices, increased interest rates than previous years, and high fuel prices. The agriculture industry will take another hit if they lose the ability to haul and store grain and fertilizer, especially at peak harvest periods. The busiest time for agriculture shipments is the exact time that the low flow period in a split navigation scenario would decrease the ability to use the river for transportation and would leave farmers with fewer transportation and storage options. Data taken on corn bid prices from November 10, 1999 shows that corn bid prices range from 13–51 cents more per bushel for sites located near a river when compared with those sites that are landlocked and dependent solely on rail and truck transportation. Navigation on the Missouri River assists farmers with an additional avenue to market and transport their commodities at competitive rates.

Industrial Commodities.—It has been proven that there is an economic advantage in industry to have access to both rail and barge transportation. Rail companies charge less, irrespective of distances traveled, if either the initial or final location is near a barge facility, due to the desire to remain competitive with barge rates. These water-compelled rates enable our companies to remain competitive with comparatively much larger operations. These companies would see 50% increase in transportation costs without access to barge transportation and would be ultimately passed on to consumers.

Degradation Through High Rises.—The impact on riverbed degradation must be determined before the artificially high flows are implemented as already serious degradation problems will only get worse with the spring rise approach. The high-rise period in 1969–1972 degraded the riverbed by four feet and high rises in 1993–1996 degraded the riverbed by an additional two feet. Further degradation will threaten the under-river utility crossing, continue the current loss of wetland and oxbow lake areas due to drainage into the river, will eventually threaten bank stabilization structures, piers, and abutments, as well as increase the maintenance cost for marinas and boat ramp basins. The City of Sioux City's collector well and possibly two of the radials of that well would be impacted if additional significant erosion or degradation were to occur.

Sincerely,

MARTIN J. DOUGHERTY,
Mayor.
CRAIG S. BERENSTEIN,
Council Member.
TODD A. MOSS,
Mayor Pro-Tem.
TONY DRAKE,
Council Member.
THOMAS R. PADGETT,
Council Member.

Mr. PACKARD. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF).

(Mr. HULSHOF asked and was given permission to revise and extend his remarks.)

Mr. HULSHOF. I thank the gentleman for yielding me this time.

Mr. Speaker, I urge this body to override the President's veto. I am fortunate enough to represent 216 miles of river which includes the Mississippi but 86 miles of the Missouri River that forms the boundary in my district.

I would ask, Mr. Speaker, that Members of this body really would give some deference to this bipartisan coalition of Members in Missouri that do not support the Fish and Wildlife's position, that would urge an override of the President's veto, that is, this proposed spring rise. The section at issue is section 103 that simply says that none of the funds available in this energy and water bill would be available to revise the master manual to provide for an increase in the springtime water release during heavy spring rainfall and snow melt in States that have rivers that drain into the Missouri. As the chairman pointed out, this has been in the previous four out of the five spending bills that Congress has passed, the President has signed. It allows a range of different options but only prevents one specific harmful alternative and that is a controlled flood.

I hope those that support the President's veto do not try to create this false choice between picking between the environment and picking between commerce. Clearly, commerce is affected. As the gentleman from Iowa mentioned before, navigation is extremely important. This affects the lower Mississippi River Valley as well. In fact, if this split navigation season had been in effect a year ago, it would have meant three feet of draft water difference in Memphis, Tennessee, which really does affect navigation along the lower Mississippi. But even on the environmental point of view, we have scientists in our State, our Missouri Department of Natural Resources, that opposes a spring rise. They say they are convinced that off-channel and nonflow-related mitigation and restoration efforts are the best ways to enhance habitat. They say that the Missouri River already has a natural spring rise hydrograph, yet we have not seen how certain species are flourishing and so they look at other options.

Mr. Speaker, we can be environmentally friendly and still support this veto override. That is why our own State Department of Natural Resources believes that improvement projects can be done with the cooperation of adjacent landowners, that that will provide the best success.

Let me just say that the Missouri River, we are very blessed as it is a natural resource that supports 60 species of mammals, 301 species of birds, 52 species of reptiles or amphibians, 156 species of fish. The President vetoed this bill because of two birds and one fish that are on the endangered species list. I would ask, Mr. Speaker, that we would consider the habitat of the 22,500 homeowners that are located within the identifiable flood control area, flood plain area.

I urge this body to override the President's veto.

Mr. PACKARD. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. I thank the gentleman for yielding me this time.

Mr. Speaker, my State has been trying to revise the master manual for a long time. Unfortunately, this issue has become political and it should not. It has become more about endangered species than it has about people. The State of South Dakota has a lot at stake in this debate. We have a huge recreational industry in our State. In fact, the recreational industry in South Dakota and surrounding States is about $80 million a year, whereas navigation is about $7 million a year. The master manual needs to be revised to reflect modern uses. The Corps of Engineers is working with the U.S. Fish and Wildlife Service and with the eight Missouri Basin States in an association, the Missouri River Basin Association, to do just that. There is a schedule in place. The environmental impact statement is due out in June of next year. The final decision is due in 2002.

My point very simply, Mr. Speaker, is that this is an independent process. It is a process that is working to build consensus among the States of the Missouri River Basin. It should not become bogged down and involved in politics and unfortunately it has. I supported the energy and water bill when it left the House because it had water funding that is important to my State of South Dakota and the chairman worked closely with us to secure that. This issue became bogged down and the President vetoed it over an independent provision, a provision which, as I said earlier, has no immediate consequence because the process that is in place to revise the master manual moves forward independent of this rider. It is important in my view that we get a master manual fix, a revision that is reflective of modern uses on the reservoir.

The spring rise/split season approach frankly, Mr. Speaker, is not in the best interests of South Dakota. It hurts hydropower generation. We would lose about $50 million a year in hydropower generation if that becomes the change. It also hurts, I think, a lot of the downstream areas south of Gavins Point in the area of bank erosion. There are environmental problems associated with this. And what has happened is all these things have become hostage to the piping plover, the least tern, and the pallid sturgeon.

I support those things, Mr. Speaker. We want to make sure that we protect endangered species but not at the expense of people, not at the expense of a process that is moving forward on an independent track and which will address the master manual in a consensus way.

Mr. PACKARD. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, I urge Members on both sides of the aisle to vote in a bipartisan way to override the President's veto. The Democratic mayor of Council Bluffs, Iowa stood recently with the Republican mayor of Omaha saying we do not like the idea of controlled floods. We have Republicans and Democrats from South Dakota, Iowa, Nebraska, Missouri. The gentleman from Missouri (Mr. GEPHARDT) is not in favor of the new flood plan.

We should vote to override the President's veto on this, and we should look at a better plan.

Mr. PACKARD. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a valued member of the subcommittee and also one that has worked on this bill considerably.

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Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman from California (Mr. PACKARD) for yielding me this time.

Mr. Speaker, I rise in strong support of overriding the President's veto of the 2001 Energy and Water Appropriations bill, and I urge each and every Member who voted in favor of the conference report 2 weeks ago to maintain their support for this legislation today.

The administration appears to show a callousness toward the rural people who will be flooded. This callousness smells of the comments that the gentleman from Rhode Island (Mr. KENNEDY) made earlier this year to the effect that the Democrats were writing off the rural areas, and I am quoting, "to hell with the rural people," unquote, attitude.

Well, the flooding of Missouri and several other States has in several recent years put Missourians and others through a sort of hell. I ask for some compassion and common sense here for these people.

My other concern is about the trustworthiness of the administration. This very provision has been signed in the previous 4 years.

PARLIAMENTARY INQUIRY

Mr. VISCLOSKY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his parliamentary inquiry.

Mr. VISCLOSKY. Mr. Speaker, a certain four-letter word has been mentioned several times here on the House floor, and I am wondering if it is appropriate given the decorum of the House.

The SPEAKER pro tempore. In response to the inquiry of the gentleman from Indiana (Mr. VISCLOSKY), it is not in order to use profanity during debate, even if uttered and quoted from a printed source.

The gentleman from Michigan (Mr. KNOLLENBERG) is recognized.

Mr. KNOLLENBERG. Mr. Speaker, I accept that.

Mr. Speaker, as I said a few short weeks ago, this is a good bill, and a good conference report. It is balanced and responsible. At a time when energy costs are hitting record levels and when water projects vital to the lives of American citizens are needed, we cannot sit idly by as the President would have us do.

So I would just simply say that this bill is worthy of becoming law, and I believe that we have every reason in the world, as a Congress acting in this fashion, to override this veto because, frankly, it does not speak to the needs of the people. So I would just join in with those who have already spoken on behalf of overriding this veto by the President. I think it is a just bill, and I think it is proper that we do override this veto.

Mr. VISCLOSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply end my remarks by again asking my colleagues to vote to override the President's veto.

Mr. Speaker, I yield back the balance of my time.

Mr. PACKARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply like to reaffirm the fact that, and I think it is well known in this body, we have tried to write this conference report as a very bipartisan piece of legislation. I have gone as far as I know how to go to really reach out to the other side, and I hope that they will recognize that this is a good bill and, therefore, we need to override the President's veto.

Mr. POMEROY. Mr. Speaker, when the House considered the Energy and Water Appropriations Conference Report nearly two weeks ago, I voiced my strong opposition to the legislative rider that would prevent the Corps of Engineers from moving forward to revise the Missouri River Master Manual. At the time I indicated that I would vote to sustain the President's veto if the conference report came back to the House and I intend to do that today.

Today, the Missouri River is managed by the Corps of Engineers on the basis of a manual that was adopted over 40 years ago. Under the manual, the Corps manages the river by trying to maintain steady water levels through the spring and summer to ensure there is always enough water to support barge traffic downstream. Unfortunately, under this management system, navigation has been emphasized on the Missouri River to the detriment of upstream interests, including recreation, which is much more important now than it was in 1960. The projections on barge traffic used to justify the manual have never materialized and have actually declined since its peak in the late 1970s.

The manual used today does not provide an appropriate balance among the competing interests. The time has come for the management of the Missouri River to reflect the current economic realities of a $90 million annual recreation impact upstream, versus a $7 million annual navigation impact downstream. The Corps should not be stopped in their efforts to revise and update the manual and achieve a balance between all parties who use and rely on the Missouri River.

Mr. PACKARD. Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 315, nays 98, not voting 19, as follows:

[Roll No. 523]

YEAS—315

Abercrombie
Aderholt
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—98

Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Brown (OH)
Castle
Chabot
Coburn
Conyers
Cook
Cubin
Davis (IL)
DeFazio
DeLauro
DeMint
Deutsch
Dingell
Doggett
Engel
Fattah
Filner
Forbes
Frank (MA)
Gejdenson
Gibbons
Green (WI)
Gutierrez
Gutknecht
Hilliard
Hinchey
Holden
Holt
Hostettler
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Johnson, Sam
Kind (WI)
Kleczka
Kucinich
Largent
Lewis (GA)
Lowey
Luther
Maloney (CT)
Markey
McCarthy (MO)
McDermott
McKinney
McNulty
Meeks (NY)
Minge
Moran (KS)
Myrick
Nadler
Napolitano
Oberstar
Obey
Owens
Pallone
Paul
Payne
Petri
Pomeroy
Portman
Ramstad
Rangel
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sanford
Sensenbrenner
Shays
Sherman
Slaughter
Stearns
Stenholm
Sununu
Tancredo
Toomey
Towns
Velázquez
Waters
Watt (NC)
Wexler
Weygand
Wynn

NOT VOTING—19

Archer
Barton
Campbell
Coble
Danner
Eshoo
Franks (NJ)
Klink
Lazio
McCollum
McIntosh
Meehan
Miller (FL)
Moran (VA)
Neal
Schaffer
Shuster
Waxman
Wise

☐ 1340

Mr. BERMAN changed his vote from "yea" to "nay."

Messrs. HASTINGS of Florida, DELAHUNT, GONZALEZ, and SCOTT, Ms. KILPATRICK, Mr. RODRIGUEZ, Mrs. JONES of Ohio, and Ms. CARSON changed their vote from "nay" to "yea."

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

Stated against:

Mr. MORAN of Virginia. Mr. Speaker, on rollcall No. 523, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The Clerk will notify the Senate of the action of the House.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 617 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 617

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 617 is a rule providing for the consideration of the conference report to accompany H.R. 4461, the agriculture appropriations bill for fiscal year 2001.

The rule waives all points of order against the conference report and its consideration. The rule provides that the conference report shall be considered as read.

I am pleased, Mr. Speaker, to support this rule, which provides for the consideration of the conference report to accompany H.R. 4461, the agriculture appropriations bill. I believe the conference report represents a good overall package. It provides important funds desperately needed by America's farmers.

For instance, the bill includes $3.5 billion in emergency disaster relief funds for farmers. Just last week, I was able to tour severely flooded areas in my district with FEMA Director Witt and saw the extent of the over $200 million worth of crop losses just in agricultural South Florida due to the heavy rains.

□ 1345

The devastation underscored to me how critically important disaster assistance can be to our farmers. The main bill is a good product from an agricultural perspective. It provides $80 billion in mandatory and discretionary spending while setting aside $5 billion to reduce the public debt.

Mr. Speaker, I am pleased that portions of the Hunger Relief Act are included. As an original cosponsor of that important legislation to help poor families, children and the elderly have adequate access to hunger assistance programs, I believe that the legislation takes an important step in the right direction by including it in the conference report.

Mr. Speaker, I would like to thank several of my colleagues for their tireless efforts in helping negotiate a carefully crafted compromise on the issue of sanctions: the gentleman from New Mexico (Mr. SKEEN), the gentleman from Florida (Chairman YOUNG), the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from Washington (Mr. NETHERCUTT), and the gentleman from Missouri (Mr. BLUNT) worked throughout the process with me, and the gentlewoman from Florida (Ms. ROS-LEHTINEN), my dear friend, to achieve a fair compromise.

Mr. Speaker, I am deeply grateful to the gentleman from Illinois (Speaker HASTERT), the gentleman from Texas (Mr. ARMEY), the majority leader, and the gentleman from Texas (Mr. DELAY), the majority whip, for their support, as well as the Senate majority leader and Senator MACK.

I would also like to take this opportunity to thank some of the staff who contributed to these successful negotiations, especially Scott Palmer, Julianne Carter, Nancy Dorn, Steve Vermillion, Ylem Poblette, and Steve Rademaker.

The compromise authorizes sales of United States agricultural commodities to the Cuban regime; but without American financing, it also makes clear that the President cannot expand travel categories and accompanying revenues to totalitarian Cuba beyond the existing ones.

In other words, the primary objective of the Cuban dictatorship that the United States taxpayers subsidize the regime, in effect taking the place of the former Soviet Union, is not permitted. Nor can the Cuban dictatorship dump its agricultural products on the United States market, to the serious detriment of American farmers. That dumping, by the way, Mr. Speaker, is another fundamental goal of the Cuban regime.

At the same time, the Cuban dictatorship after this legislation will no longer have the excuse with regard to the great food shortages that it has created for the Cuban people while foreign tourists and the regime's hierarchy have access to all the luxuries that dollars can buy. It will no longer have the excuse of a legal inability to purchase American agricultural products.

Mr. Speaker, so while United States farmers look at new markets under this legislation, especially in other countries dealt with by the agreement, key pressure and leverage are maintained for a democratic transition in Cuba.

The agreement takes note of the floor votes regarding Cuba policy by the House and Senate in the recent past: the votes regarding agricultural sales to Cuba; the differing votes in the House and Senate with regard to travel, the Senate having voted against U.S. unrestricted travel to Communist Cuba, and the strong vote against totally dismantling the U.S. embargo on the Cuban dictatorship by this House on July 20 of this year.

The essential framework of the United States policy toward Cuba that sanctions will be maintained until the political prisoners are freed, labor unions and the press are legalized, and free elections are agreed to, is left in place in this legislation.

Mr. Speaker, we need not even look to the myriad lessons of history, though we certainly could, for proof of the wisdom of that policy. As we speak today, sanctions are being lifted against Yugoslavia, including travel restrictions, because, and only after, the dictatorship there held elections and agreed to recognize the winner of those elections.

Sooner or later, but mark my words, inevitably, freedom will come to the long-suffering island of Cuba as well, and the free men and women of the free and democratic republic of Cuba will wish to do business with those who choose to stand alongside them for freedom and did not collaborate with the totalitarian dictatorship.

I hope the House and Senate will pass this legislation to help our farmers. All eyes will then be on the Clinton-Gore administration. Will the President sign this conference report to help American farmers despite the opposition of the Castro dictatorship? I certainly hope that he does.

Mr. Speaker, I will let the appropriators speak to the other issues included in the conference report, but I do wish to strongly urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. DIAZ-BALART), for yielding me the customary time.

Mr. Speaker, once upon a time, not too very long ago, this House passed two very forward-thinking amendments. One would have lifted the American embargo on food and medicine going to Cuba. It passed the House by a vote of 301-116. The other would have allowed American citizens to travel to Cuba. Mr. Speaker, that passed the House 232-186.

Mr. Speaker, nobody has heard about them since. I have been to Cuba. I have seen the pain of the Cuban people. I have seen the children in Cuba suffer for lack of simple medical devices. Senior citizens in Cuba grow frail far sooner than they should for lack of modern medicine. Meanwhile, we in the United States have the world's best doctors, best hospitals, best researchers.

We should be sharing those discoveries with our Cuban neighbors because it is the right thing to do, not denying them because we oppose Fidel Castro's policies.

But this conference report will not let us do that. Mr. Speaker, this conference report subverts the will of the vast majority of the House, because the Republican leadership disapproves. The Republican leadership also apparently disapproves of allowing American citizens the right to travel freely.

Mr. Speaker the way it stands now, American citizens are allowed to travel to Iran. American citizens can go to North Korea, but they are not allowed to travel just 90 miles away from this country to a country that is no threat to us in any way.

I believe that this is an unjustified denial of Americans' liberty. I believe American citizens are the best kind of diplomats in the world, and our government should get out of the travel agency business and let them go where they want.

But, Mr. Speaker, the Republican leadership disagrees. This conference report codifies travel restrictions on Cuba which will make it harder for future administrations to allow Americans to travel to that island. This, too, despite a vote to the contrary.

So despite the overwhelming votes in the House, the Republican leadership has made sure we continue that effective ban on food and medicine to Cuba and prevent Americans from traveling there.

Mr. Speaker, once again, they put politics before people, and not only in Cuba. Despite the high costs of prescription drugs and the great opportunity before us, this bill will do virtually nothing, nothing to lower drug prices for the people right here in the United States. It is riddled with so many loopholes. Mr. Speaker, I am surprised that there is anything left of it at all.

Today's New York Times directly quotes a drug lobbyist saying, and I quote, "I doubt anyone will realize a penny of savings from this legislation."

In fact, this conference report enables drug companies to choke off the supply of low-price foreign drugs to

American consumers who are out there looking for that break.

Mr. Speaker, American seniors pay about $1,100 a year for their medicine. In order to pay the bills, some of them have to choose between paying rent, heating their homes, buying food or actually getting their medicine; and that is why I am urging my colleagues to oppose the previous question.

If the previous question is defeated, I will offer an amendment to make in order the Democratic plan to allow access to the supply of lowest-cost medications that meet American safety standards.

Mr. Speaker, drug prices are far too high in the United States, and we need to do something about it. Now is our chance, so I urge my colleagues to oppose the previous question and oppose the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentlewoman from south Florida (Ms. Ros-Lehtinen), my very good friend and distinguished colleague.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Florida (Mr. Diaz-Balart), my colleague, for yielding me the time.

Mr. Speaker, I rise in support of the rule for the agricultural appropriations conference report. The sanctions language in this bill is the result of a long and painstaking process, one which would not have been possible without the participation and support of those in leadership who, from the onset, committed themselves to a final product which would meet the expectations of both sides of this very hot debate.

While the language in this conference report makes changes to existing law, it does so without undermining U.S. foreign policy or national security priorities regarding the Castro regime, nor America's commitment to freedom and democracy for the enslaved Cuban people. By maintaining the licensing requirements and the review process, the provision acknowledges the Cuban dictatorship's support for global terrorism and guerrilla insurgents who seek to overthrow the legitimate, democratically elected governments in the Western Hemisphere.

Mr. Speaker, it underscores the Castro regime's espionage activities against the United States; its coordination of and direct involvement in drug trafficking into the U.S.; and its murder of U.S. citizens.

By prohibiting U.S. financing, credits, guarantees and bartering, the sanctions provisions in this bill acknowledge the lawlessness and the corruption that pervades the Communist system implemented by Fidel Castro and the totalitarian nature of a regime which controls all sectors of the Cuban economy, the government, and society as a whole.

These prohibitions underscore the dictatorship's inability to pay its debt. For example, the regime owes over $11 billion of debt to Western governments and $300 million in back payments owed to oil suppliers. This is just the microcosm of a much larger endemic problem.

As a result, the financing prohibitions in this bill protect the American taxpayers from bailing out Castro. It allows for agricultural trade with the regime, but on a cash-only basis, thereby saving our constituents from loan defaults and failed investments.

Mr. Speaker, by prohibiting imports from Cuba, it protects America's farmers from dumping, from other illegal trading practices, from contamination and infestation, from a regime which repeatedly ignores its commitments under global trade pacts which it has already signed.

More importantly, the sanctions provisions in this bill reiterate the historic and long-standing commitment of the United States Congress in support of freedom and democracy for the long-suffering Cuban people. By denying the Castro regime access to hard currency and U.S. financial institutions, it helps ensure that the U.S. does not become an accomplice to the continued subjugation and enslavement of the Cuban people; that the U.S. does not directly contribute to the coffers of this totalitarian regime.

As a result, the sanctions provision acknowledges that the Castro regime has been repeatedly cited by our own State Department as one of the worst violators of human rights in the world and condemned by both the United Nations Commission on Human Rights and the Inter-American Commission on Human Rights for its systematic, ongoing violations of the basic rights of its citizens.

This is a regime which persecutes and imprisons its citizens. It tortures them. It denies them food and medical attention. It forces them to rot in squalid jail cells, because these people have the courage to demand that their rights be heard, that their rights as human citizens be respected, to demand that their civil liberties be respected and upheld, to demand freedom, to call for free and democratic multiparty elections where they will be able to participate in determining Cuba's future.

□ 1400

This is a dictatorship which has been condemned by the OAS Special Rapporteur for Freedom of Expression precisely for its blatant disregard for the rights of the Cuban people.

For those of us who have experienced firsthand what it means to live under the brutal Castro regime, the debate about whether to allow agricultural sales to Cuba was a gut-wrenching one.

However, the legislative process is founded upon men and women of principles reaching an agreement on issues, a compromise that will promote American interests here and abroad. This bill, Mr. Speaker, accomplishes this goal.

Mr. Speaker, I urge my colleagues to support the rule, to support the conference report; and reiterating the words of the gentleman from Florida (Mr. Diaz-Balart), I would also like to thank the people on our side of the aisle who helped in fashioning this agreement: The gentleman from New Mexico (Mr. Skeen), the gentleman from Florida (Mr. Young), the gentlewoman from Missouri (Mrs. Emerson), the gentleman from Missouri (Mr. Blunt) and the gentleman from Washington (Mr. Nethercutt).

Mr. Speaker, I hope this bill sends a strong message to the Cuban people that we in the United States Congress stand by their side and not by their regime.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. McGovern).

Mr. McGOVERN. Mr. Speaker, I rise to oppose this rule. Mr. Speaker, today is a very sorry day for the American people. It is a sorry day because a small group opposed to the will of this House and the will of the other body have struck a deal among themselves depriving the American people access to Cuba.

This bill will loosen restrictions on the commercial sale of food and medicines to the governments of North Korea, Libya, Sudan and Iran, but Cuba is treated differently. When it comes to Cuba, our farmers and medical companies will have to find financing, not through American banks, but through third country financial institutions.

This makes it far more likely that Cuba will continue to be forced to purchase food, other agricultural products, medicines and medical devices from other countries. It all but guarantees that small and medium-sized American farmers will not be competitive in a Cuban market.

The Cuba provision in this bill hurts American farmers, it hurts American bankers, and it is an insult to the American people. This bill also codifies current restrictions on travel to Cuba.

Should this President or the next President want to extend travel licenses for universities to set up exchange programs from the current 2-year license to 3 years, he will have to ask Congress.

Should this President or the next one want to allow Cuban-American families to travel to Cuba three times a year instead of the current once-a-year permit, he will have to ask Congress.

Should this President or the next one decide all Americans should have the freedom to travel wherever they choose, he will have to ask Congress.

But wait a minute. Congress has already spoken on these issues. Three hundred one Members of this House voted to lift the restrictions on the sale of food and medicine to Cuba. Two hundred thirty-two Members of this House voted to end the sanctions on travel to Cuba.

So who needs to be asked? Not Congress. Just a handful of Members who still cling to the 40-year-old failed Cold War policy of the past.

Mr. Speaker, the Cuba provision in this bill ensures that the American people, the very best ambassadors of American values and ideals, will be banned by their own Congress from traveling just 90 miles off our shore. That is a disgrace.

I urge my colleagues to oppose this rule and demand that this bill reflect the true will of this House and the will of the American people.

Mr. DIAZ-BALART. Mr. Speaker, I ask the gentleman from Massachusetts (Mr. MOAKLEY) how many speakers he has on his side that wish to speak.

Mr. MOAKLEY. Mr. Speaker, I would like to inform the gentleman from Florida (Mr. DIAZ-BALART) that we have many speakers. We have very many speakers. In fact, all our time is given out.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reality of the matter is that, first of all, as I stated in my statement previously, there is a difference of opinion with regard to the travel issue. By the way, the travel issue was brought to the floor here on a limitation amendment, not a substantive amendment, a limitation amendment.

Yet even assuming that that was an amendment wherein or whereby the House spoke, there was not a limitation amendment, but a substantive amendment before the Senate, a different result. So it is important that it be brought out that there is a difference of opinion with regard to that issue in recent votes between the House and Senate.

With regard to the examples brought out about academics and others being able to travel, that is under the current restrictions, under the current regulations permitted. So what is not permitted under this legislation is an expansion of further travel and initiative with the purpose of the most immediate, what would constitute the most immediate generator of hard currency for the regime.

It is estimated that massive American tourism would produce up to $5 billion a year for the Cuban regime. Right now we are in a situation where, if my distinguished colleagues would read the wires, for example, with regard to the very little coverage that there is of the internal situation of Cuba, there is a crackdown as we speak against dissidents and other peaceful pro-democracy activists in Cuba. There are sentences being handed out of 15 years or 10 years as we speak. So is this the moment, then, to expand accepted gestures towards the regime.

Now, we are saying to the farmers, you can go and sell if Castro pays, but the U.S. taxpayer is not going to. The U.S. taxpayer is not going to finance Castro. No, no, no. For that, there is no consensus. There is no majority here, I can assure my colleagues. Mr. Speaker, the U.S. taxpayer financing substituting for the Soviet Union, no. That is not something that American farmers want. They want to be able to go and compete, but they do not want Castro and his regime of thugs to be subsidized by the U.S. taxpayer. No. That is not the issue.

Now, some in this Congress would like that. Some in this Congress would like the U.S. taxpayer to become the new Soviet Union and subsidize Castro, but that is not what the American people want.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today to speak against the rule to consider the Agriculture conference report. My specific concern is with the reimportation language. As it stands, it is nothing more than a Trojan horse.

Seniors in my congressional district have asked me time and time again to do something about the skyrocketing prices of prescription drugs. This has certainly been a priority for me, and it has definitely been a priority for Democrats.

Sadly, there are some for whom this is not a priority such as those who replace the bipartisan reimportation compromise with a watered down version. These people are going to leave seniors to pay the price for their indifference.

The Democratic pharmaceutical reimportation plan is safe, effective, and keeps savings in the pockets of our seniors and out of the pockets of the pharmaceutical industry. The current version does not.

Our plan allows broad access to supply the lowest cost medications that meet U.S. safety standards. The current version does not.

Our plan is designed for a lifetime. The current version is not. I urge my colleagues in the House vote no on the rule to consider the Agriculture conference report. Because of the prescription drug reimportation language is just that, language.

The SPEAKER pro tempore (Mr. NUSSLE). The gentleman from Massachusetts (Mr. MOAKLEY) has 23 minutes remaining. The gentleman from Florida (Mr. DIAZ-BALART) has 16½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, the drug reimportation provision in this bill is a sham. The provision the Republicans are now proposing is riddled with loopholes that will render its passage virtually meaningless.

First of all, it includes a sunset clause. After 5 years, the proposal is phased out. Second, under this sham proposal, if manufacturers use foreign language labels or any labels that fail to meet FDA specifications, the drugs will not be eligible for reimportation.

The Republican leadership also included a third loophole for the pharmaceutical industry's protections that allows drug companies to enter into restrictive contracts with foreign distributors that prevent such distributors from reselling pharmaceuticals to American pharmacies and wholesalers.

This is business as usual for our seniors, which means price gouging and price discrimination.

Under the Democratic proposal, every Medicare beneficiary will have the option of enrolling in the prescription drug benefit plan that, not only is affordable, but will guarantee access to all medically necessary drugs and provide coverage for catastrophic drug costs. These are the types of measures that we should be considering today.

Stop this fraud from being perpetrated on our seniors. Vote no on this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the gentleman from Florida for yielding me time on this well-constructed rule. I rise in strong support of the rule and of the bill.

The work that the Subcommittee on Agriculture of the Committee on Appropriations has done under the leadership of the gentleman from New Mexico (Chairman SKEEN) I think is a strong work product, and they are to be commended.

This was a very difficult bill, loaded up with a lot of extraneous issues that really are not specifically appropriations issues. But, nonetheless, the committee took on the challenge.

I am very proud, Mr. Speaker, of the fact that we provided $3.5 billion in emergency relief to our farmers, including the farmers in the dairy industry that have suffered for so long with such low prices. This will provide them with some stability in the marketplace and enable them to continue on a very difficult course of producing milk and making profit.

The same goes to our apple producers who have never had the benefit of this sort of support before from the Congress. I think it is landmark legislation in that we have provided these emergency funds. Many of the apple State legislators, the gentleman from New York (Mr. REYNOLDS), the gentleman from Washington (Mr. HASTINGS), and others worked very, very hard to include this hundred million dollars plus funding.

We have also, Mr. Speaker, changed the rules on the Hunger Relief Act, the food stamp requirements. I think this is a very important minor fix to some of the reforms that an earlier Congress had endeavored to pass. To reduce the overall cost of public assistance and food stamps in the country was an absolute success.

Well, welfare reform has been an absolute success, including the fact that we have raised over 2 million young people in this country out of poverty through that Welfare Reform Act.

However, two of the things that needed to be changed on food stamp regulations were the value of an automobile. If one had an automobile worth more than $4,600, one did not qualify for food stamps. We changed that. The States now can set their own value.

Also, we changed the shelter allowance. With oil prices rising and energy costs rising, rental, apartment rents that are attached to those will also rise. We change that to increase the shelter allowance from $280 to $340 which will allow more people to move from welfare to work and yet still have the benefit of food stamps. So I think it is an important reform.

Mr. Speaker, there are many important issues in here. The last that I will mention is the reimportation of drugs. We have done a lot of demagoguery on the other side. Quite frankly, Mr. Speaker, the next President of the United States will determine with this Congress what the prescription drug plan is. We think we have a good one that gives people choices instead of letting HCFA, an agency that everybody despises on all sides of the issue have no use for HCFA, but yet they want to hand this decision over to HCFA. We prefer to let the seniors make those decisions themselves.

But what we have done is given the opportunity for individuals to buy drugs reimported into the United States at reduced prices to try to bring everybody's costs down.

Let the consumers help the consumers to pay for drugs until there is a prescription drug plan in place. I think it is a strong bill. It is a good rule. I urge its adoption.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I rise in opposition to this rule. For the last 2 years, Democrats have been fighting to provide America's seniors with a universal, affordable, and guaranteed prescription drug benefit under Medicare. Republicans have fought tooth and nail to resist these attempts.

Now, 1 month before the election, Republicans have agreed to let pharmacies buy drugs from Canada for sale to U.S. citizens. Unfortunately, what started as a bipartisan compromise has been scrapped.

This legislation allows drug manufacturers to discriminate in pricing against U.S. importers. It allows manufacturers to deny U.S. importers access to FDA approved labels. It allows purchasers to force Canadian wholesalers to sell products at the inflated American price. Reimportation is rendered nearly impossible by this bill.

It is not surprising that a drug industry lobbyist was quoted this morning in The New York Times saying, "I doubt anyone will realize a penny of savings from this legislation."

This legislation will not help our seniors. The American people will see through this empty Republican promise.

Mr. MOAKLEY. Mr. Speaker I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I want to follow what the gentleman from Maine (Mr. ALLEN) just had to say. This drug reimportation section is really a sham. It is a partisan ploy by the Republicans to pretend like they are doing something by allowing consumers to bring in lower price drugs sold in Canada and elsewhere into the United States.

But I have a good example. I have two pharmaceutical products. They are the exact same brought. One is Prilosec. It is the number one drug in the United States. The other one is the same drug, it is also made by the same company, but the Canadian version goes by a different name called Losec.

This bill allows the pharmaceutical companies to get the Canadians to agree that they will not allow Losec to come into the United States under the name Prilosec. Under the rules, the consumer would pay the higher price still in the United States because they would not be able to purchase that drug that sold in Canada for a cheaper amount.

□ 1415

I would urge that we defeat the previous question so we can get a rule to make this drug reimportation section really work for consumers.

Mr. Speaker, I rise to express my opposition to the rule on the Agriculture appropriations bill. This rule does not allow language to close the loopholes in the drug reimportation provisions reported by the conference. I ask my colleagues to defeat the previous question on this rule so that we will have an opportunity to amend the drug provisions.

The legislation we are considering today only pays lip service to a very real problem facing millions of Americans across this country—the high costs of prescription drugs.

The legislation before us today is a sham. Instead of actually solving the problem, it gives America's seniors a placebo and hopes that they won't notice until after the elections.

The reimportation provision is riddled with loopholes. One loophole allows drug manufacturers and their intermediaries to price discriminate against U.S. pharmacies and importers. Under the bill, it would be legal for drug companies to require their foreign distributors to charge U.S. importers more than foreign purchasers.

A second loophole allows drug makers to block importation by denying U.S. importers access to FDA-approved labels.

I have two packages of pills here. One is from the U.S. and one is from Canada. They are the same drug—an ulcer medication made by Merck and called Prilosec in the U.S. Prilosec was No. 1 selling drug in the United States in 1999.

The U.S. version costs much more than the Canadian version. The whole purpose of the bill is to allow the import of the cheaper Canadian version.

But under this bill, the Canadian version of Prilosec can't come in. You see, the label is different. The drug is called Losec in Canada and the label has an entire section of information written in French. So the label isn't FDA-approved.

There's nothing that the U.S. importer can do to fix this. The importer will be barred from using the correct label by U.S. copyright and trademark law.

This isn't an isolated case. My staff has analyzed Canadian labels and found that virtually none of the Canadian labels would meet FDA labeling requirements. I ask unanimous consent that this staff report be printed in the RECORD.

Our seniors deserve better than this. They deserve better than false promises of cheap drugs. They deserve more than false hopes that they will be able to buy the drugs they need.

PRESCRIPTION DRUGS WITH FOREIGN LABELS

The drug importation provisions in the Agriculture Appropriations bill contain several significant loopholes. One major loophole is created by the fact that foreign drug labels generally differ from the FDA-approved labels that must be used in the United States. In effect, the bill creates a labeling "Catch-22" for would-be U.S. importers.

As the bill is currently drafted, U.S. importers cannot import foreign drugs with labels that differ from the FDA-approved label. But U.S. importers cannot relabel the drugs with FDA-approved labels because doing so would violate the copyright and trademark protections held by the drug manufacturers. An amendment offered by Rep. DeLauro to give U.S. importers the right to use the FDA-approved labels was voted down on a party line vote (9–6) during the conference.

The following discussion provides more information about this labeling "Catch 22," along with examples of foreign drugs with labels that differ from the FDA-approved labels.

Selling drugs without the FDA-approved label is misbranding. Prescription drug labels provide basic information on the drug, its formulation, the manufacturer and distributor, and how it is used. Every country has different labeling requirements. In the United States, when a company files an application for approval of a new drug, the company submits the label to FDA. Any deviation from the label submitted by the manufacturer without prior FDA approval constitutes misbranding of the drug. The penalties for misbranding under the Federal Food, Drug, and Cosmetic Act include fines and imprisonment.

Some drugs are sold under different names in the different countries. Prilosec, an ulcer medication made by Merck, was the number one selling drug in the United States in 1999. It is much more expensive in the United States ($120.45 for thirty 20 mg pills) than in Canada ($51.60) or Mexico ($34.50). However, in Canada and Mexico, the drug is sold under a different brand name: Losec. Because of this difference in names, the Canadian or Mexican labels are not the FDA-approved label. Bringing Prilosec into the United States with the Canadian or Mexican label is misbranding.

Drug labels can be in different languages. In the United States, approved drug labels are in English (sometimes FDA also approves labels with some information in Spanish). In Mexico, labels are in Spanish; in Italy, labels are in Italian. Canadian drug labels are bilingual, in French and English. Labels that are not in English, or that are bilingual English-French labels, differ from the FDA-approved label. Distributing drugs with these labels is misbranding.

Drug labels can have different identification numbers. In the United States, all approved drugs receive an FDA identification number, known as a National Drug Code number. This number appears on virtually all U.S. labels. In Canada, however, approved drugs have a different number, a Drug Information Number (DIN). The DIN appears on all Canadian labels. Because the U.S. NDC code and the Canadian DIN are different, Canadian labels differ from the FDA-approved label, and selling a drug with a Canadian DIN in the United States constitutes misbranding.

Drugs are often distributed by different entities in different countries. When a manufacturer submits an application for approval of a new drug, the manufacturer must identify all the distributors of the drug. In many cases, the distributors of the drugs in the Unites States are different from the distributors in many countries. For example, the popular diabetes drug Glucophage is distributed in the United States by Bristol-Myers Squibb. However, when sold in Canada, the drug is distributed by Nordic Laboratories. If the Canadian distributor is not approved by FDA, drugs with labels listing this distributor differ from the FDA-approved label and cannot be sold in the United States.

Drugs can have different indications. For some drugs, the indication information provided on labels from other countries is not the same as the U.S. information. For example, Dilantin, an anticonvulsant manufactured by Parke-Davis, contains the following information on the Canadian label: Adults, initially 1 capsule 3 times daily with subsequent doses individualized to a maximum of six doses daily. Usual maintenance dose is 3 to 4 capsules daily. Children over 6 years of age, 1 capsule three times daily or as directed by physician.

The U.S. label contains slightly different information for adults and no dosage information for children. The U.S. label states: "Adults, 1 capsule three or four times daily or as directed." Because the United States and Canadian versions of the drug label contain different dosage information, the drug cannot be sold in the United States with the Canadian label.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I urge a "no" vote on this rule. I strongly support the concept of reimportation, and helped to introduce the initial legislation with the gentleman from Arkansas (Mr. BERRY) and the gentlewoman from Missouri (Mrs. EMERSON). I support that concept because it is an outrage that the people of this country pay two times, five times, ten times more for the same exact drugs manufactured in the United States and sold in Canada, sold in Mexico, and sold in Europe.

We are the suckers of the world, paying far more to an industry which is the most profitable industry in this country, earning $27 billion in profits, while the pharmaceutical industry fought us from the beginning on this bipartisan effort. They spent $40 million against us. They have 300 paid lobbyists in Washington, D.C. fighting against us; yet we moved forward in a bipartisan way.

Unfortunately, at the very end of the stage, at the end of the process, a nonpartisan effort became partisan. The Republican leadership introduced legislation with significant loopholes which would go a long way to nullify what we tried to do. Let me quote The New York Times today. A lobbyist for one of the Nation's biggest drug companies, which have worked against the measure, said, "I doubt that anyone will realize a penny of savings from this legislation."

The existing legislation allows the following loopholes: it allows drug companies and their intermediaries to price discriminate against U.S. pharmacies and importers. In other words, yes, we can import product into this country, but it cannot be sold for a lower price than the existing price. It allows drug manufacturers to block the importation of drugs through labeling. Yes, we can bring drugs in from Italy, but we cannot use labels that the American people can understand that will get FDA approval. It does not guarantee American consumers access to the best world market prices. For a reason that no one can understand, Mexico and other countries are not part of the process.

Let us vote "no" on this rule and let us create a strong loophole-free reimportation bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time, and I would like to rise and congratulate my fellow Committee on Rules member for the very important role he has played in bringing about a very balanced compromise.

It is no secret that I have for years stood in the well here and talked about the importance of globalization and global trade and expanding our Western values into repressive societies. I happen to believe that it has had a great deal of success, and I know that there are many here in this House who actually voted to broadly open up Cuba. But we were working on this compromise with the gentleman from Florida (Mr. DIAZ-BALART) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) and several others here. So that is why I believe we have a carefully crafted compromise, and we hope very much the President is going to agree to sign this bill.

I also want to say that I believe when it comes to the issue of prescription drugs, we are pursuing a reasonably balanced approach on that. We all want to make sure that affordable drugs are available to our senior citizens, and a prescription drug plan happens to be a very high priority for this Republican Congress. The fact of the matter is our colleagues on the other side of the aisle are attempting to go to what is clearly a failed policy. It was a failed policy when it was applied here in the United States by a Republican administration, President Nixon, who imposed wage and price controls. It is a failed policy when we look at repressive societies all around the world.

Cost controls do not work. And when we look at the issue which is of prime concern to every single one of us, and that is finding a cure for diseases like Parkinson's, Alzheimer's, cancer, heart disease, it seems to me that we need to do everything that we possibly can to try to encourage and provide incentives for those individuals and those companies which are attempting to find cures for those so that we can, in fact, have an improved quality of life and we can have an extension of life, which is something that is very near and dear to all of us.

So that is why this bill deserves our strong support. I urge my colleagues to support this rule. Vote against the previous question, or whatever it is they might try to offer, and let us proceed and get a measure to the President's desk which he can sign.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, I rise to oppose this rule and to ask our Members to vote "no" on the previous question on the rule. Now, why do I do that, as ranking member of the subcommittee? The base bill is good; however, we want to defeat the previous question in order to offer an amendment that would allow us to have a real prescription drug benefit provision for the American people. And the only way we can get that amendment is by voting no. In fact, this will be the only measure in this Congress where we will be able to help lower prices in prescription drugs for the American public.

In this bill there is a so-called provision for prescription drugs, but I ask my colleagues to read it. What does it do? First of all, it expires after 5 years. So what importer or wholesaler is going to want to get in the business of bringing in drugs from Canada, at Canadian prices, which are lower than U.S. prices, when you know it would not be continuing down the road?

In addition to that, the underlying measure has a provision that would permit the big drug companies to insert contracting provisions that if any drugs are brought back into our country, for example, from Canada, they could only be sold at the higher U.S. prices rather than at Canadian prices. Our amendment says they cannot do that. They cannot have those kinds of restrictive contracts.

In addition, in the base bill, there is a provision that would deny the ability of the importers in our country to use the FDA-approved label so that we have the same name of the drug and we know that it is scientifically approved by FDA. They actually deny that in the underlying amendment. They would not allow us to amend the bill when we were in the conference committee.

So I would urge the membership to please give us our only opportunity in this Congress to vote for a real prescription drug benefit for the American people. Vote "no" on the previous question, this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I urge the defeat of this rule, not because the underlying bill is poor. It is not. But because this rule does not give us an opportunity to insert within the bill language which would allow for a meaningful reduction in the price of pharmaceuticals for American citizens.

The bill pretends to allow the reimportation of pharmaceuticals from Canada, where they are available at one-half the price or less than that which they are available for here in the United States. It pretends to do that, but it does not really carry out that objective. It makes an omission, knowingly and wittingly, in that it does not provide for the means by which that importation will take place.

For example, the language in the bill leaves open the ability of the pharmaceutical companies in their contracts with the Canadian Government and Canadian distributors to insert contract provisions which will require that the drugs from Canada can only be reimported back into the United States at the highly inflated American price. For example, there is a very popular cholesterol inhibitor which is manufactured by Merck. It is available in Canada for $39. The same amount of exactly the same formulary, from the same company, costs $117 here in the United States.

If we are going to do anything to prevent the continued exploitation of American consumers in the price of pharmaceuticals, we have to defeat this rule. This is the only opportunity we have to deal with this issue in this Congress because the majority party has only given us this one opportunity, and it is a sham opportunity. It is a shell. It is empty. It does not accomplish the objective.

If we want to do something to reduce the price of pharmaceuticals, the only opportunity we will have to do that is by defeating this rule. The rule must be defeated.

Mr. MOAKLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to the rule. It is riddled with loopholes and will do little to lower drug costs here in the United States.

I rise in support of this legislation which includes funding for a number of important initiatives to fight invasive species in the United States. I am specifically pleased that this bill includes $540 million for the Animal and Plant Health Inspection Service and $973 million for the Agricultural Research Service.

Both of these programs are essential to ensure that we win our battle against harmful invasive species that are killing our forests and farmlands.

The threat of invasive species outbreaks as a result of recent wildfires across the country have made many Members aware of the incredible threat that invasive species can pose to our natural resources, and I would like to thank the appropriators for including additional funding for APHIS and ARS, two programs which specifically help to control invasive species.

In New York, we are fighting the Asian Longhorned Beetle, which has already destroyed more than 2600 trees. Earlier this year, these beetles were found in several new locations across New York City. Experience has taught us that the only way we can destroy these incredibly destructive pests is to respond immediately and decisively.

The additional resources provided for APHIS and ARS will guarantee that we can accomplish this goal and protect New York City's greenspaces and forests across the country.

I strongly urge my colleagues to support this critically important legislation today.

I would also like to comment on the inclusion of provisions designed to deal with prescription drug imports. Although this bill will allow pharmacies and wholesalers to buy American-made prescription drugs and reimport them into the United States, this bill will do nothing to lower drug costs for people in the United States. It is riddled with loopholes.

In my home State of New York, breast cancer medications can cost over $100 per prescription while they are available in Canada and Mexico to their residents for a tenth of that price. Many women in my home State and, indeed, across the country are forced to dilute their prescriptions that fight breast cancer, to cut their pills in half because they cannot afford their prescription drugs in order to get by financially. And many in my home State get on the bus every weekend to go to Canada to purchase American manufactured drugs because it is cheaper than in their own country.

This situation is completely unacceptable. Sadly, the reimportation provisions included in this bill will likely have little effect on these seniors and many others around the Nation. We need to take stronger action to protect seniors forced to travel abroad to obtain medicines they desperately need. This language fails to achieve this goal.

Finally, this Congress needs to act now to pass real prescription drug legislation to solve this problem once and for all. I strongly support the bill put forward by the gentleman from Maine (Mr. ALLEN) which would make seniors the same preferred customers as HMO's and also the President's plan to expand Medicare to cover prescription drugs.

I urge this Congress to take real action on this issue today and make a difference for America's seniors.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the Republican reimportation bill is a scheme that is so full of loopholes you can drive a truck through it. It denies seniors a chance at relief from the skyrocketing costs of prescription drugs. Seniors are being choked to death with the cost of prescription drugs. What we need to do, and what our goal should be, is to provide a prescription drug benefit through Medicare that is voluntary and covers all of our seniors.

Today, we have this sham pharmaceutical reimportation bill that was made in the dead of night by a very few Members of the Republican leadership behind closed doors. Today, prescription drug manufacturers can import prescription drugs. They are the only ones who can import prescription drugs into the United States. They have unfairly used this to control the distribution of the drugs at the expense of seniors.

Seniors know, and we all know, that people in other countries pay 20 to 50 percent less for the same medications. Zantac, made by Glaxo-Wellcome in the U.K., is marked up by 58 percent in the United States. Our seniors deserve better; they deserve the same medication at the same price.

This reimportation scheme really restricts access to safe, affordable prescription drugs from abroad. It gives drug manufacturers a veto over the imports, and it is set to die just 5 years after the FDA regulations are in place.

Currently, U.S. reimporters cannot bring foreign drugs with labels that are different than the American labels into this country. The Republican leadership scheme traps U.S. reimporters by refusing to let them relabel the drugs, forcing them to violate copyright and trademark laws if they want to bring those affordable drugs to our seniors. Example: Dilantin. Made in Canada with one label; U.S., different label. We cannot bring the Canadian Dilantin into the United States without the same label. The pharmaceutical companies do not want to give permission to relabel Dilantin.

That is what this is about. This is one more attempt by the Republican leadership of this House to work with the pharmaceutical companies to thwart every single opportunity to bring in prescription drugs that seniors need to keep them healthy and to keep them alive. They do not want to, in fact, bring the cost of those drugs down, to bring the prices down so that people can get the medications that they need.

It is wrong and it is unconscionable and it is immoral for us to engage in this kind of trickery here today. Vote against this rule.

Mr. MOAKLEY. Mr. Speaker, may I inquire as to the time remaining for myself and my colleague.

The SPEAKER pro tempore (Mr. NUSSLE). The gentleman from Massachusetts (Mr. MOAKLEY) has 11½ minutes remaining, and the gentleman from Florida has 11 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time.

I must say, in listening to the rhetoric here and the passion of my colleagues across the aisle, I am a little confused, because they know that the language that is in the House bill is stronger and goes further than the original language offered by the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from New York (Mr. CROWLEY), the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from Oklahoma (Mr. COBURN), the gentleman from Vermont (Mr. SANDERS), and all the stuff that we passed on the floor.

What we did in the House was we split the difference between the Jeffords language in the Senate and some of our House amendments. But as somebody who has worked for this language, I think this is good, and here is why.

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It brings down the cost of drugs by putting a needed element of competition into it. We, under this bill, say that individuals can buy their drugs on the Internet or go over to Canada or Mexico and buy American-manufactured drugs at a less expensive price and drug stores can reimport this. There are safety concerns, $23 million for the FDA. There are certain kinds of drugs that we cannot reimport.

As far as the sunset provision goes, does anybody believe that in 5 years we are going to retract from this? This just gives time after the FDA works out the safety concerns for the thing to work and for Congress to come back at it.

Now, we were not able to get into some of the contractual issues that the Democrats wanted to, Mr. Speaker, because that overturns a profound, I guess, precedent of case laws that have to do with contractual law in America.

What we did was as close as we could get. Let me add, the Senate Democrats unanimously voted for these provisions because they know for people like Myrlene Free's sister in El Paso, Texas, who takes Zocor that she has to pay $97 for it in El Paso. She knows that, under this legislation, she can go to Juarez, Mexico, and buy that same American-made Zocor for $29; and it is the same dosage, the same amount, and everything.

This is going to help not just seniors but Americans, women with children, families. It is going to help everybody by putting much needed competition. The drug companies are totally against this. They have been running ads in my district against me because I think this is good legislation and I support it, and I urge my colleagues to pass this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I rise to oppose the rule.

Mr. Speaker, sometimes I wonder whether the Republican leadership in this Congress reports to the Congress or reports to the prescription drug industry.

The public is sending a clear message that they are sick of unjustifiably high and blatantly discriminatory prescription drug prices.

Democrats offer a proposal featuring an optional Medicare drug benefit. The Democrats offer a proposal to discount drug prices using the collective bargaining power of 39 million Medicare beneficiaries. The Democrats offer a strategy for undercutting international price discrimination with the ability to reimport prescription drugs.

Republicans refuse to even consider price discounts for seniors. They emasculate the reimportation proposal. Then they sunset this phoney bill before the provisions even have a chance to kick in.

A watered down drug reimportation bill is marginally better than no bill at all; But, Mr. Speaker, I do not want a single American to be fooled into thinking the Republican leadership has been responsive to the prescription drug crisis. The only constituency that they have been responsive to is the prescription drug industry.

Vote no on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, when we passed my amendment here in the House, I have to tell my colleagues it has nothing to do in any way, shape, or form with the language that is before the House today. When my amendment passed this House over the Agriculture appropriations bill, millions of dollars were spent in advertisements against that measure to see that it would not pass in the Senate.

I have not seen one advertisement in opposition to the Republican language here before us today, not one piece of advertisement for the pharmaceutical industry.

Does that not say it all? We try to work in a bipartisan fashion, but, unfortunately, the Republican leadership here killed that because it was too tough. Our compromise was too tough on the drug companies.

The GOP has offered their own plan and it is filled with loopholes. The plan is ineffective. It bans reimportation from a number of countries. It does not require drug companies to provide importers their FDA-approved labeling standards. It sunsets reimportation in 5 years. Who wants to invest in that type of a process?

The GOP has opposed drug coverage under Medicare. They have opposed price fairness legislation. And now they oppose real language that will reduce the cost of prescription drugs between 30 and 50 percent without costing the taxpayers one single cent.

The facts are that seniors in my congressional district pay twice as much for their prescription drugs as their counterparts in Canada and Mexico. And under the language before us under this rule, they will continue to do so even when this legislation is passed.

Just like their prescription drug bill, this legislation, this language is a scam.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT) the leader of the Democratic party.

Mr. GEPHARDT. Mr. Speaker, I rise today because once again this Congress has failed the American people and handed the special interests a victory. I am deeply disappointed with this reimportation provision in this bill.

There is now widespread agreement that this measure will do next to nothing for the American people.

A lobbyist for a major drug company told The New York Times that he doubted "that anyone will realize a penny of savings from this legislation."

Last month, Democrats and Republicans were working hard to craft effective importation legislation that contains strong safety standards. Reimportation was on its way to becoming a real achievement for the American consumer.

To be sure, reimportation was never a substitute for a Medicare prescription benefit that offered a guaranteed benefit and lower medicine prices for all seniors. But it was a step in the right direction, a rare example of what we as a Congress could do when we set aside our differences and come together to help the people of this country.

But a few days ago, just as we were about to move forward, the bipartisan dynamic ran into a brick wall, a brick wall of a leadership unbending to compromise, unwilling to detach itself from special interests to pursue a larger agenda.

Operating behind closed doors, after a bipartisan agreement had almost been reached, the Republican leadership torpedoed a sound reimportation measure that could have resulted in lower prices for millions of consumers.

Looking for political cover after repeatedly blocking a Medicare prescription benefit, the Republican leadership put out a sham reimportation measure that is not worth the government paper that it is printed on. Riddled with loopholes, this measure allows pharmaceutical companies to circumvent the new law and it sunsets in 5 years. So whatever benefits come from the bill the American people can be sure that they will disappear soon. And we are told that the people in the industry that would do this will not even set it up if there is a 5-year sunset provision.

The measure as it now stands is nothing more than a capitulation to the special interests at whose bidding the Republican leadership works.

Listen to what people are saying about the watered down measure. The New York Times today reported that "doubts are growing about legislation to allow imports of low-priced prescription drugs, and no one in the government or the drug industry can say how it will work or even whether it will work."

The health policy coordinator at the White House said this measure is now "unworkable."

What happened to the bipartisan, sensible measure that we should be voting on today? Why did the leadership torpedo that bill and replace it with a meaningless measure that does nothing for real people?

The answer lies in a leadership that is so tied to special interests that it blocks major initiatives at the expense of the American people.

Congress has wasted 2 years now trying to accomplish something meaningful for the American consumer. But this leadership has been more devoted to the powerful lobbies than to working families.

The leadership blocked campaign finance reform, a Patients' Bill of Rights, a Medicare prescription benefit, gun safety legislation, and a modest increase in the minimum wage as favors to HMOs, insurance companies, pharmaceutical companies, big business, and the NRA.

I and many of my colleagues will support this measure because it contains disaster relief and hunger relief for many in our country. But time is running out on this Congress. We have only a few days to do something meaningful for the American people.

Reimportation is dead. But I believe with all my heart there is time to do something with the people's agenda. We can still pass the bipartisan bills that majorities in Congress have already supported, that the President says he will sign, and that the American people want.

I urge the leadership to stop blocking America's agenda. Let us do what the American people sent us here to do and let us do it in a bipartisan way.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. NETHERCUTT) a tough negotiator and a tough advocate, but a friend.

Mr. NETHERCUTT. Mr. Speaker, I thank my dear friend, Mr. DIAZ-BALART for yielding me the time.

Mr. Speaker, too often in this place each of us in our respective positions on an issue seek perfection. We want it only our way. And I think this bill, this measure, this appropriations conference report is a picture of bipartisanship, of compromise, of not everybody getting everything they wanted in particular in the context of this bill.

But, overall, it is a good package. It provides prescription drug assistance. It provides tremendous agriculture research. It gives us a chance to lift sanctions on food and medicine for countries that we have previously sanctioned unilaterally for all these years.

Is it perfect? No, it is not perfect. I wish I had it a different way in some respects for my purposes, but that is not the nature of this legislative system. So I would say to my friends on the other side respectfully, certainly they did not get it all 100 percent the way they want, but it is a great step forward.

This rule should be adopted. Anyone who supported the position that I have taken on limiting sanctions on food and medicine, I urge them on both sides of the aisle to support this rule, support this conference report, and let us get this to the President and get it signed so we can move agriculture forward.

This bill has $100 million in food bank assistance. Try voting against that. That is not advisable. It has prescription drug assistance in it. It has in it agriculture research that will help our farmers compete in a world market.

I urge my colleagues to support this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. BISHOP).

Mr. MOAKLEY. Mr. Speaker, I also yield 1 minute to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I rise today in support of the 2001 conference report on the Agriculture appropriations bill that provide critically needed funding to meet both the short-term and long-term needs of the country's farming community, which is struggling valiantly to survive during this period of increasingly high production costs and persistently low commodity prices.

The bill includes $3.5 billion in new emergency relief that many deserving farmers must have to get through the hard times; funding for crucial research projects that are needed to ensure the future competitiveness and prosperity of U.S. farming; and a wide range of programs to promote land and water conservation, health and nutrition, and the economic well-being of our rural areas.

I fought for these programs, both as a member of the Committee on Agriculture and as a Representative in Congress of an area in Georgia that is deeply rooted in the farming tradition.

In many respects, this is a good bill. In the area of research, for example, it appropriates more than a million dollars for work at the Peanut Research Laboratory in Dawson, thanks to an agreement I secured on this floor with my colleague from Georgia who serves on the Agriculture Appropriations subcommittee; $300,000 for the University of Georgia's National Center of Peanut Competitiveness; $500,000 for addressing peanut food allergy risks; $250,000 for research in Tifton, Georgia, on crop yield losses caused by nematodes; and $78 million for boll weevil eradication projects, which can ensure a more secure future for our farmers and for our economy in general.

□ 1445

At the same time, Mr. Speaker, I remain concerned about the level of funding appropriated for emergency relief. The bill authorizes the Secretary of Agriculture to determine the crop loss threshold to qualify for emergency help. I have called on Secretary Glickman to set aside a threshold that is well below 35 percent. With sharply increased fuel costs, many farmers in

Georgia and in other areas of the country as well face a crisis even with crop losses that may fall below 35 percent.

One of the challenges confronting the Secretary under this bill is where to set the threshold and still have sufficient funds to provide meaningful levels of relief. I pray that will be enough. While the $3.5 billion is less than I advocated, I would add that this is substantially more than we had.

There are many positive features in this bill. I urge Members to support the bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SANFORD), a friend with whom I have strong disagreement on this issue but he is a friend.

Mr. SANFORD. Mr. Speaker, the debate on the rule has become a debate on reimportation. Therefore, I will be supporting the rule. But the underlying bill I do have objection with both because of the level of cost but predominantly because of the Cuba deal. I think that this Cuba deal is fatally flawed in that it perpetuates basically the dark ages when it comes to Cuba. I know of no business after 40 years of failed policy that would say, "Let's keep doing the same"; but that is fundamentally what this bill does, and in fact it does more than that.

It threatens democratic rule. I came to the House believing in one man, one vote. If you won it fair and square on the floor, that is the way it stood. We had a vote that would allow Americans to travel to Cuba that is reversed in this Cuba deal. It threatens the idea of engagement. The Republican Party has consistently stood for the idea of engaging with other people. This deal reverses that.

It threatens the power of ideas. I believe if my ideas beat your ideas, I should be able to stand there and debate that. This deal threatens that. Finally, it makes a mockery of the Constitution, which guarantees that all Americans should be allowed the right to travel.

For this reason, I have very strong objections to the Cuba deal that was worked out as a part of the ag bill.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank the ranking member for yielding me this time.

I come from the State of Michigan, which borders Canada. We know the difference and we know the differentials in prices, and I think it is unfortunate that this conference report puts another sham before the seniors.

Seniors need relief, 39 million seniors and over 20 million Medicaid patients who use prescription drugs on a daily basis. Why can we not address their concern? This reimportation clause, many of my constituents who go to Canada, who get the drugs for anywhere from one-third to two-thirds less than they have to pay in America, why is that? Could we not have come in this bill, as good as the bill is and as poor as it is on the prescription question, done better for our seniors, over 50 million who use, seniors, prescriptions on an annual basis every day? I think it is unfortunate.

Vote against the rule. Let them go back and if we are going to have a reimportation clause, make it work for the over 50 million people who need a reduction in their prices for their medicines.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the gentlewoman from Missouri (Mrs. EMERSON), a distinguished colleague, a tremendous negotiator and advocate.

Mrs. EMERSON. Mr. Speaker, I am going to address specifically the issue of drug reimportation. Let me say from the outset that I do not think that there is any colleague of mine who believes that reimportation is the only way that we bring lower-cost prescription medicine to our senior citizens. As a matter of fact, it is the first of two things that we must do in order to ensure that our seniors have access to lower-cost prices. This deals specifically with the price issue.

Let me say that I am kind of surprised to hear some of my colleagues from the other side use the pharmaceutical industry's own words and agree with them because it was my understanding, it has been my understanding, that most of us did not agree with them at least with regard to the issue of reimportation. And so let me just say that this is something that we have to allow to work.

I want to address specifically the issues that all of my colleagues on the other side raised, issues that we worked long and hard over for hundreds of hours, our staffs and us did, in a very bipartisan way. First of all, the issue of labeling specifically as the gentleman from California (Mr. WAXMAN), the gentleman from Vermont (Mr. SANDERS) and others mentioned it. I will say at the beginning, the Senate passed the Jeffords bill by a wide majority in the Senate. The President said, "Send me the Jeffords language." The labeling language in the Jeffords bill is identical word for word to that which is in our bill today. The President says, "I urge you to send me the Senate legislation with full funding to let wholesalers and pharmacists bring affordable prescription drugs to neighborhoods where our seniors live."

In addition to that, let me add that we included language in our conference report that allowed the Secretary to promulgate regulations that would serve as a means to facilitate the importation of such products, so this would allow the Secretary to head off any labeling concerns that would prevent the importation of drugs. Even yesterday, the Supreme Court refused to hear a case that SmithKline Beecham was bringing against a generic drug maker on the whole issue of labeling, and the lower court, the Second Circuit Court's language holds on that and says that the Food and Drug Administration has the discretion to make labeling possible and necessary. So that is a nonissue.

I would like to then turn to the issue of contracts where my colleagues on the other side are saying that there is some sort of a loophole. Our language says that no manufacturer of a covered product may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products imported pursuant to subsection whatever. When you look at the language that the gentleman from California (Mr. WAXMAN) provided, which we did have, I admit, in the original bill, there is nothing in his language, either, that actually deals with the issue of price. So by limiting the language to the definition that we had in the Waxman language, quite frankly the industry could find other ways around that language, and so this then becomes, too, a nonissue. For anybody to say that the pharmaceutical companies wrote this language, they know as well as I do that that simply is not true, specifically when we are dealing with the issue of contracting and other things.

I also want to address the issue of sunsetting. All of the bipartisan, bicameral negotiators on this bill agreed to a 5-year sunset with the exception of one person. So to raise this as an issue to me is just simply demagoguery and it will not work. This bill will sunset 5 years after the regulations are put into place.

And so I would just simply urge my colleagues to vote yes on the rule, pass this bill, remembering this is only the first step in giving our senior citizens low-cost prescription drugs.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I rise in support of this legislation, in support of my colleague that has worked across party lines to come up with something that, while not perfect, does move ahead and also is very important for Maine agriculture. These issues are important both for agricultural research and also to be able to help out the disasters in apples and dairy.

Friday's CONGRESSIONAL RECORD listed the Ag conference report. Here's what the reimportation language now contains:

Based on the Senate language;

Allows reimportation by individuals, pharmacists, and wholesalers;

Limited to reimportation from EU, Canada, Japan, Australia, Israel, New Zealand and South Africa. Expansion of list upon FDA approval;

Requires that the process maintains safety and saves consumers money;

Secretary of HHS must work with USTR and Patents and Trademarks;

Importers must give FDA documentation of batch testing;

Requirements stricter when not reimported by original receiver of goods first purchased from U.S.;

Testing in a qualified, FDA-approved laboratory;

Drugs that cannot be reimported: Schedule I, II, and III drugs and any that are supplied for free or donated;

Study by HHS will be conducted to evaluate compliance and effect of reimportation on patent rights;

Individuals can order drugs, but FDA may send notices if the drugs being reimported appear to be misbranded, is restricted for sale in this country, or otherwise is in violation of the law;

Appropriates up to $23 million for the enhanced FDA-authority/responsibility; and

Prohibits manufacturers from entering into a contract to prevent reimportation.

Points that opponents will use against this bill:

The provisions sunset in 5 years—the original compromise contained a 3 year sunset;

Labeling—products meet U.S. labeling requirements. Opponents point out that the U.S. manufacturers control the labels, and all they would have to do to stop reimportation is to not make the FDA-required labels available for those wanting to reimport;

Some countries left out of reimportation—including Mexico; and

HHS Secretary has to certify Americans will save money.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. FARR), a member of the committee.

Mr. FARR of California. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise on the issue of drug reimportation. I am on the committee. I support the agricultural bill, I think it is a good bill, but I think there is a part of it that we have got to wake up. The question is, when is drug reimportation not an importation? I hope that the Members of this Congress and particularly the press will take a look at the small print in this bill, specifically, the technical amendments to the underlying bill. Take a look at page 41, for example. That bill is the one that talks about reimportation of drugs. On page 41 we see a subsection entitled F which says "Country Limitation." If you go to the language, it reads, "Drugs may be imported only, only from the countries that are listed in subparagraph A of section 802(b)(1)." That is not in this bill, so you have got to go someplace else and look it up. Here is the sham.

If you turn to that section in existing law, one finds that it only lists those countries where American drug companies can send unapproved products. That is the title of that section, "Unapproved Products." Here is the trap. American companies can send out but cannot reimport, because we do not allow unapproved products to come back into the United States. I hope the American press can do what the congressional staff has failed to do and that is to tell the truth about this section. The drug provisions are a sham. There is no reimportation. I ask for a no vote on the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 30 seconds to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I would just like to respond to what my dear friend from California said. Following the section that he read, there is then language that gives the Secretary very broad discretion in adding countries as she, or he in the future, whatever, may desire, subject to safety standards.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

I urge my colleagues to oppose the previous question. If the previous question is defeated, I will offer an amendment to make in order the Democratic plan to allow access to the supply of lowest-cost medications that meet American safety standards.

I urge my colleagues to oppose the previous question and the rule.

Mr. Speaker, I include for the RECORD the text of the amendment that I would offer along with extraneous material, as follows:

Previous Question Amendment—Conference Report on Agriculture Appropriations Act, FY 2001

Strike out all after the resolving clause, and insert the following:

"That upon adoption of this resolution, the House shall be considered to have adopted House Concurrent Resolution 420.

SEC. 2. Upon receipt of a message from the Senate informing the House of the adoption of the concurrent resolution, it shall be in order to consider the conference report on the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, and all points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration."

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a role resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

"Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendments."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2). Section 21.3 continues:

"Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

I urge my colleagues to support the rule and the underlying legislation. It is very important work. It is needed help for America's farmers. It is the product of many, many hours of hard work by multiple Members of this House. I thanked previously my colleagues; I thank them at this point. I do not have enough time to mention them again. It is very important that this legislation be passed.

With regard to the sanctions, it is a compromise. No one is 100 percent happy, but there is no financing for the dictatorship in Cuba, and there is no bartering and there is no financing, whether it is private or public. In addition to that, there is no expansion of travel dollars for that thug fascist dictatorship.

I urge my colleagues to pass this rule and to pass the underlying legislation.

Mr. LARSON. Mr. Speaker, I rise today in opposition to the Prescription Drug Import plan contained in the Agriculture Appropriations bill for fiscal year 2001 and the rule providing for its consideration. While I applaud any effort to reduce the cost of prescription drugs for seniors. I can say with confidence and sincerity that the plan in this bill is not a solution to the problem. Due to the immense loopholes contained in the legislation and its watered-down content, it will not in any way affect the cost of prescription drugs for seniors in the United States. If the prescription drug import provisions in this legislation were an honest attempt to address this issue, it is possible that they would be effective in reducing the cost of prescription drugs for our citizens. However, they have been written in such a way as to allow the drug companies a way out of having to offer American seniors what they need: quality medications at reduced costs.

Since the provisions are contained in the larger agriculture appropriation bill, I must vote in favor of the overall bill. However, I wish to register my opposition on the content of the reimportation provisions. These provisions are a sham piece of legislation designed to allow drug companies to continue to make outrageous profits off of senior citizens in America. This is why money must be removed from the political process, because as long as drug company money floats freely into it—this is the kind of trickery that will continue to rule the day. The greatest generation of Americans; the same generation that persevered through the Second World War; the same generation that lived through the Great Depression, is now being sold down the river in exchange for advancing the interests of the pharmaceutical companies. This is a campaign year, smoke and mirrors tactic that nearly every credible source has dismissed as useless and not credible. This is a sad day for this Congress, but an even sadder day for the elderly people who thought they might get some relief this year.

I am sorry to say that this plan has been fashioned to appear as if it is part of the answer to the high cost of prescription medicines, but appearances to not solve problems, only legislation that is comprehensive and complete can effectively deal with the financial burden that rests on our seniors. In order to truly keep our promises to the American people, and reduce these costs, we must establish a prescription drug benefit under the Medicare program.

I urge my colleges to vote against the rule so that we can be allowed to offer a real solution to the problem of the high cost of prescription drugs instead of allowing the leadership to attempt to fool our seniors into thinking we are doing something for them.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. NUSSLE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 201, not voting 17, as follows:

[Roll No. 524]

YEAS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—17

Burr
Campbell
Coble
Danner
Eshoo
Frank (MA)
Franks (NJ)
Klink
McCollum
McIntosh
Meehan
Miller (FL)
Myrick
Neal
Shuster
Spratt
Wise

□ 1516

Messrs. FORD, INSLEE, and OWENS changed their vote from "yea" to "nay."

Mr. KASICH and Mr. FRELINGHUYSEN changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. NUSSLE). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1824

Mr. THOMPSON of California. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 1824.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 4461, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

CONFERENCE REPORT ON H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SKEEN. Mr. Speaker, pursuant to House Resolution 617, I call up the conference report to accompany the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 617, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Friday, October 6, 2000 at page H9461.)

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to bring before the House the conference report on the fiscal year 2001 appropriations bill for Agriculture, Rural Development, the Food and Drug Administration, and Related Agencies.

Mr. Speaker, this bill has two main parts. The first titles, Title I through VII, comprises the regular fiscal year 2001 appropriations bill, which has a total budget authority of slightly less than $15.3 billion.

The second part, which is Title VIII, is the emergency title, and that totals just over $3.6 billion. The administration advised us that it would not submit a formal request for disaster assistance, so as we have done in the past, we worked informally with program managers at USDA and with House and Senate colleagues to address as many concerns as possible.

I believe that we have a good conference report that deserves the support of this body. We were able to make significant increases over the fiscal year 2000 level in research, food safety, domestic feeding, and conservation programs.

This bill also contains compromise language in two critical issues: prescription drug importation, and sanctions of agricultural exports. I believe the language that we are offering will make it easier for our senior citizens to have access to safer, less costly drugs, and make it easier for our farmers and ranchers to export their products to certain countries.

I would like to point out a few highlights of the conference report which I think are important to us all. In the two main research accounts, we have about $120 million over the current fiscal year level, in direct response to Members' concerns for critical research priorities.

APHIS regular programs have been increased by $38 million over fiscal year 2000, in response to many Members' concerns about invasive plants, pests, and diseases. There is additional money in the APHIS account to assist in the boll weevil program. The Agricultural Marketing Service has increased by $15 million, and GIPSA by $4.5 million.

Meat and poultry inspection has been increased by $47.5 million, which is actually higher than the official budget request. This represents our efforts to respond to problems that occurred after both bodies had passed their respective bills.

Our FSA loan programs are increased slightly over the current year, and we have met the administration's requests for salaries and expenses.

Conservation programs on the discretionary side are increased by about $70 million, which is just under the administration's request. On the mandatory side, there is an additional $35 million for technical assistance for the Wetlands Reserve and the Conservation Reserve programs. There is also $117 million to enroll an additional 100,000 acres in the Wetlands Reserve Program, since so many Members have requested us to lift the authorized enrollment cap.

In rural development, we have met the administration's request for the Rural Community Advancement Program, and in spite of sharply higher subsidy rates, we have increased housing and rural utility loan levels by half a billion dollars each.

In domestic food programs, WIC has been increased by $20 million, commodity assistance by $7 million, and elderly feeding by $10 million over fiscal year 2000.

In P.L. 480, I know there was a lot of concern about the low House number. I am happy to report that Title II is now $837 million, so all of the food aid programs are at the administration's request.

The Food and Drug Administration's salaries and expenses are increased by almost $31 million, and we will be able to go ahead with the badly needed new building in Los Angeles.

Finally, I think all of us hear on a near weekly basis from the land grant schools about the Initiative for Future Agriculture and Food Systems. In past years, we have had to put a limitation on this program to pay for other important accounts, but this conference report allows the Initiative as well as the Fund for Rural America to go forward in fiscal year 2001, using money saved from the 2000 budget.

Mr. Speaker, this is a bill that will generate benefits in every congressional district in the country. We are providing strong protection for the health and safety of our citizens, nutrition and feeding programs for the most vulnerable, and agricultural research which makes us the greatest producer of food and fiber the world has ever known, and funding for a strong and productive rural America.

Mr. Speaker, we have tried our best to put together a good, solid bipartisan bill which works for all America. Much of it is compromise, to be sure, but I believe it is good compromise and good policy.

In closing, I would like to thank all of my colleagues on the subcommittee for their help and hard work since we began this process earlier this year. In particular, I would like to thank the staff for all their hard work: Hank Moore, the subcommittee clerk; Martin Delgado; Joanne Orndorff; John Z.; Ann Dubey; Maureen Holohan; David Reich, of the staff of the gentleman from Wisconsin (Mr. OBEY); and Jim Richards, from my personal office. Without them, we would not have a bill here today.

Mr. Speaker, I urge all my colleagues to support this conference agreement.

Mr. Speaker, I include for the RECORD the following material related to H.R. 4461:

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461)

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	15,435	2,914	2,836	27,914	2,914	-12,521
Executive Operations:						
Chief Economist	6,408	8,612	6,408	7,462	7,462	+1,054
National Appeals Division	11,707	12,610	11,718	12,421	12,421	+714
Office of Budget and Program Analysis	6,581	6,765	6,581	6,765	6,765	+184
Office of the Chief Information Officer	6,046	14,680	10,051	10,046	10,051	+4,005
Common computing environment		75,000	25,000		40,000	+40,000
Office of the Chief Financial Officer	4,783	6,465	4,783	5,171	5,171	+388
Total, Executive Operations	35,525	124,132	64,541	41,865	81,870	+46,345
Office of the Assistant Secretary for Administration	613	629	613	629	629	+16
Agriculture buildings and facilities and rental payments	140,343	182,747	150,343	182,747	182,747	+42,404
Payments to GSA	(115,542)	(125,542)	(125,542)	(125,542)	(125,542)	(+10,000)
Building operations and maintenance	(24,801)	(31,205)	(24,801)	(31,205)	(31,205)	(+6,404)
Repairs, renovations, and construction		(26,000)		(26,000)	(26,000)	(+26,000)
Hazardous materials management	15,700	30,073	15,700	15,700	15,700	
Departmental administration	34,708	40,740	34,708	36,840	36,010	+1,302
Outreach for socially disadvantaged farmers	3,000	10,000	3,000	3,000	3,000	
Office of the Assistant Secretary for Congressional Relations	3,568	3,778	3,568	3,568	3,568	
Office of Communications	8,138	9,031	8,138	8,673	8,623	+485
Office of the Inspector General	65,097	70,214	65,097	68,867	68,867	+3,770
Office of the General Counsel	29,194	32,881	29,194	31,080	31,080	+1,886
Office of the Under Secretary for Research, Education and Economics	540	1,356	540	556	556	+16
Economic Research Service	65,363	55,424	66,419	67,038	67,038	+1,675
National Agricultural Statistics Service	99,333	100,615	100,851	100,615	100,772	+1,439
Census of Agriculture	(16,490)	(15,000)	(15,000)	(15,000)	(15,000)	(-1,490)
Agricultural Research Service	830,384	894,258	843,584	871,593	898,812	+68,428
Buildings and facilities	52,500	39,300	39,300	56,330	74,200	+21,700
Total, Agricultural Research Service	882,884	933,558	882,884	927,923	973,012	+90,128
Cooperative State Research, Education, and Extension Service:						
Research and education activities	481,881	460,865	481,551	494,044	506,193	+24,312
Native American Institutions Endowment Fund	(4,600)	(7,100)	(7,100)	(7,100)	(7,100)	(+2,500)
Extension activities	424,174	428,236	431,540	427,380	433,429	+9,255
Integrated activities	39,541	76,194	39,541	43,365	41,941	+2,400
Total, Cooperative State Research, Education, and Extension Service	945,596	965,295	952,632	964,789	981,563	+35,967
Office of the Under Secretary for Marketing and Regulatory Programs	618	635	618	635	635	+17
Animal and Plant Health Inspection Service:						
Salaries and expenses	437,768	512,444	469,985	458,149	530,564	+92,796
AQI user fees	(87,000)	(87,000)	(87,000)	(87,000)	(85,000)	(-2,000)
Buildings and facilities	5,200	5,200	5,200	9,870	9,870	+4,670
Total, Animal and Plant Health Inspection Service	442,968	517,644	475,185	468,019	540,434	+97,466
Agricultural Marketing Service:						
Marketing Services	51,497	66,572	56,326	64,696	65,335	+13,838
Standardization user fees	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	
(Limitation on administrative expenses, from fees collected)	(60,730)	(60,730)	(60,730)	(60,730)	(60,730)	
Funds for strengthening markets, income, and supply (transfer from section 32)	12,428	13,438	13,438	13,438	13,438	+1,010
Payments to states and possessions	1,200	1,500	1,500	1,200	1,350	+150
Total, Agricultural Marketing Service	65,125	81,510	71,264	79,334	80,123	+14,998
Grain Inspection, Packers and Stockyards Administration:						
Salaries and expenses	26,433	33,549	27,801	27,269	31,420	+4,987
Limitation on inspection and weighing services	(42,557)	(42,557)	(42,557)	(42,557)	(42,557)	
Office of the Under Secretary for Food Safety	446	560	446	460	460	+14
Food Safety and Inspection Service	649,119	688,204	673,790	678,011	696,704	+47,585
Lab accreditation fees 1/	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	
Total, Food Safety and Inspection Service	649,119	688,204	673,790	678,011	696,704	+47,585
Total, Production, Processing, and Marketing	3,529,746	3,885,489	3,630,168	3,733,732	3,907,725	+377,979
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	572	589	572	589	589	+17

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Farm Service Agency:						
Salaries and expenses	794,394	828,385	828,385	828,385	828,385	+33,991
(Transfer from export loans)	(589)	(589)	(589)	(589)	(589)	
(Transfer from P.L. 480)	(815)	(815)	(815)	(815)	(815)	
(Transfer from ACIF)	(209,861)	(265,315)	(265,315)	(265,315)	(265,315)	(+55,454)
Subtotal, Transfers from program accounts	(211,265)	(266,719)	(266,719)	(266,719)	(266,719)	(+55,454)
Total, salaries and expenses	(1,005,659)	(1,095,104)	(1,095,104)	(1,095,104)	(1,095,104)	(+89,445)
State mediation grants	3,000	4,000	3,000	3,000	3,000	
Dairy indemnity program	450	450	450	450	450	
Subtotal, Farm Service Agency	797,844	832,835	831,835	831,835	831,835	+33,991
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(128,049)	(128,000)	(128,000)	(128,000)	(128,000)	(-49)
Guaranteed	(431,373)	(1,000,000)	(1,000,000)	(431,373)	(870,000)	(+438,627)
Subtotal	(559,422)	(1,128,000)	(1,128,000)	(559,373)	(998,000)	(+438,578)
Farm operating loans:						
Direct	(500,000)	(700,000)	(700,000)	(500,000)	(525,000)	(+25,000)
Guaranteed unsubsidized	(1,697,842)	(2,000,000)	(2,000,000)	(1,697,842)	(1,077,839)	(-620,003)
Guaranteed subsidized	(200,000)	(477,868)	(477,868)	(200,000)	(369,902)	(+169,902)
Subtotal	(2,397,842)	(3,177,868)	(3,177,868)	(2,397,842)	(1,972,741)	(-425,101)
Indian tribe land acquisition loans	(1,028)	(2,006)	(2,006)	(1,028)	(2,006)	(+978)
Emergency disaster loans	(25,000)	(150,064)	(150,064)	(25,000)	(25,000)	
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	
Total, Loan authorizations	(3,083,292)	(4,557,938)	(4,557,938)	(3,083,243)	(3,097,747)	(+14,455)
Loan subsidies:						
Farm ownership loans:						
Direct	4,827	13,786	13,786	13,786	13,786	+8,959
Guaranteed	2,416	5,100	5,100	2,200	4,437	+2,021
Subtotal	7,243	18,886	18,886	15,986	18,223	+10,980
Farm operating loans:						
Direct	29,300	63,140	63,140	45,100	47,355	+18,055
Guaranteed unsubsidized	23,940	27,400	27,400	23,260	14,770	-9,170
Guaranteed subsidized	17,620	38,994	38,994	16,320	30,185	+12,565
Subtotal	70,860	129,534	129,534	84,680	92,310	+21,450
Indian tribe land acquisition	21	323	323	166	323	+302
Emergency disaster loans	3,882	36,811	36,811	6,133	6,133	+2,251
Total, Loan subsidies	82,006	185,554	185,554	106,965	116,989	+34,983
ACIF expenses:						
Salaries and expense (transfer to FSA)	209,861	265,315	265,315	265,315	265,315	+55,454
Administrative expenses	4,300	4,139	4,139	4,139	4,139	-161
Total, ACIF expenses	214,161	269,454	269,454	269,454	269,454	+55,293
Total, Agricultural Credit Insurance Fund	296,167	455,008	455,008	376,419	386,443	+90,276
(Loan authorization)	(3,083,292)	(4,557,938)	(4,557,938)	(3,083,243)	(3,097,747)	(+14,455)
Total, Farm Service Agency	1,094,011	1,287,843	1,286,843	1,208,254	1,218,278	+124,267
Risk Management Agency	63,983	67,700	67,700	65,597	65,597	+1,614
Total, Farm Assistance Programs	1,158,566	1,356,132	1,355,115	1,274,440	1,284,464	+125,898
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	710,857	1,727,671	1,727,671	1,727,671	1,727,671	+1,016,814
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses	30,037,136	27,771,007	27,771,007	27,771,007	27,771,007	-2,266,129
Operations and maintenance for hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	
Total, Corporations	30,747,993	29,498,678	29,498,678	29,498,678	29,498,678	-1,249,315

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Total, title I, Agricultural Programs	35,436,305	34,740,299	34,483,961	34,506,850	34,690,867	-745,438
(By transfer)	(211,265)	(266,719)	(266,719)	(266,719)	(266,719)	(+55,454)
(Loan authorization)	(3,083,292)	(4,557,938)	(4,557,936)	(3,083,243)	(3,097,747)	(+14,455)
(Limitation on administrative expenses)	(108,287)	(108,287)	(108,287)	(108,287)	(108,287)	
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	693	711		711	711	+18
Natural Resources Conservation Service:						
Conservation operations	660,812	747,243	676,812	714,116	714,116	+53,304
Watershed surveys and planning	10,368	10,368	10,868	10,705	10,868	+500
Watershed and flood prevention operations	91,643	83,423	83,423	98,443	99,443	+7,800
Resource conservation and development	35,265	36,265	41,708	38,265	42,015	+6,750
Forestry incentives program	5,377			6,325	6,325	+948
Total, Natural Resources Conservation Service	803,465	877,299	812,811	868,854	872,767	+69,302
Total, title II, Conservation Programs	804,158	878,010	812,811	867,565	873,478	+69,320
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development	588	605	588	605	605	+17
Rural Development:						
Rural community advancement program	693,637	762,542	775,837	759,284	762,542	+68,905
RD expenses:						
Salaries and expenses		130,371	120,270	130,371	130,371	+130,371
(Transfer from RHIF)		(409,233)	(375,879)	(409,233)	(409,233)	(+409,233)
(Transfer from RDLFP)		(3,640)	(3,337)	(3,640)	(3,640)	(+3,640)
(Transfer from RETLP)		(34,716)	(31,046)	(34,716)	(34,716)	(+34,716)
(Transfer from RTP)		(3,000)	(3,000)	(3,000)	(3,000)	(+3,000)
Total, RD expenses		(580,960)	(533,532)	(580,960)	(580,960)	(+580,960)
Total, Rural Development	693,637	892,913	896,107	889,655	892,913	+199,276
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family (sec. 502)	(1,100,000)	(1,300,000)	(1,100,000)	(1,100,000)	(1,100,000)	
Unsubsidized guaranteed	(3,200,000)	(3,700,000)	(3,700,000)	(3,200,000)	(3,700,000)	(+500,000)
Housing repair (sec. 504)	(32,396)	(40,000)	(32,396)	(32,396)	(32,396)	
Farm labor (sec. 514)	(25,001)					(-25,001)
Rental housing (sec. 515)	(114,321)	(120,000)	(114,321)	(114,321)	(114,321)	
Multifamily housing guarantees (sec. 538)	(100,000)	(200,000)	(100,000)	(100,000)	(100,000)	
Site loans (sec. 524)	(5,152)	(5,000)	(5,000)	(5,152)	(5,152)	
Multifamily housing credit sales	(1,250)	(5,000)	(1,780)	(1,250)	(1,780)	(+530)
Single family housing credit sales	(6,253)	(10,000)	(15,000)	(6,253)	(10,000)	(+3,747)
Self-help housing land development fund	(5,000)	(5,009)	(5,000)	(5,000)	(5,000)	
Total, Loan authorizations	(4,589,373)	(5,385,009)	(5,073,497)	(4,564,372)	(5,068,649)	(+479,276)
Loan subsidies:						
Single family (sec. 502)	93,830	208,780	176,760	176,660	176,760	+82,930
Unsubsidized guaranteed	19,520	44,400	7,400	38,400	7,400	-12,120
Housing repair (sec. 504)	9,900	14,176	11,481	11,481	11,481	+1,581
Farm labor (sec. 514)	11,308					-11,308
Rental housing (sec. 515)	45,363	59,124	56,326	56,326	56,326	+10,963
Multifamily housing guarantees (sec. 538)	480	3,040	1,520	1,520	1,520	+1,040
Site loans (sec. 524)	4					-4
Multifamily housing credit sales	494	2,452	874	613	874	+380
Single family housing credit sales	380					-380
Self-help housing land development fund	281	279	279	279	279	-2
Total, Loan subsidies	181,560	332,251	254,640	285,279	254,640	+73,080
RHIF administrative expenses (transfer to RHS)	375,879					-375,879
RHIF administrative expenses (transfer to RD)		409,233	375,879	409,233	409,233	+409,233
Rental assistance program:						
(Sec. 521)	634,100	674,100	650,000	674,100	674,100	+40,000
(Sec. 502(c)(5)(D))	5,900	5,900	5,900	5,900	5,900	
Total, Rental assistance program	640,000	680,000	655,900	680,000	680,000	+40,000
Total, Rural Housing Insurance Fund	1,197,439	1,421,484	1,286,419	1,374,512	1,343,873	+146,434
(Loan authorization)	(4,589,373)	(5,385,009)	(5,073,497)	(4,564,372)	(5,068,649)	(+479,276)
Mutual and self-help housing grants	28,000	40,000	28,000	34,000	34,000	+6,000
Rural housing assistance grants	45,000	39,000	39,000	44,000	44,000	-1,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Farm labor program account	....	35,777	30,000	28,750	30,000	+30,000
Subtotal, grants and payments	73,000	114,777	97,000	106,750	108,000	+35,000
RHS expenses:						
Salaries and expenses	61,551	....	....	....	....	-61,551
(Transfer from RHIF)	(375,879)	....	....	....	....	(-375,879)
Total, RHS expenses	(437,430)	....	....	....	....	(-437,430)
Total, Rural Housing Service	1,331,990	1,536,261	1,383,419	1,481,262	1,451,873	+119,883
(Loan authorization)	(4,589,373)	(5,385,009)	(5,073,497)	(4,564,372)	(5,068,649)	(+479,276)
Rural Business-Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization)	(38,256)	(64,495)	(38,256)	(38,256)	(38,256)	....
Loan subsidy	16,615	32,834	19,476	19,476	19,476	+2,861
Administrative expenses (transfer to RBCS)	3,337	....	....	....	....	-3,337
Administrative expenses (transfer to RD)	....	3,640	3,337	3,640	3,640	+3,640
Total, Rural Development Loan Fund	19,952	36,474	22,813	23,116	23,116	+3,164
Rural Economic Development Loans Program Account:						
(Loan authorization)	(15,000;	(15,000)	(15,000)	(15,000)	(15,000)	....
Direct subsidy	3,453	3,911	3,911	3,911	3,911	+458
Rural cooperative development grants	6,000	11,500	6,500	6,000	6,500	+500
National sheep industry improvement center revolving fund	....	5,000	5,000	....	....	....
RBCS expenses:						
Salaries and expenses	24,612	....	....	....	....	-24,612
(Transfer from RDLFP)	(3,337)	....	....	....	....	(-3,337)
Total, RBCS expenses	(27,949)	....	....	....	....	(-27,949)
Total, Rural Business-Cooperative Service	54,017	56,885	38,224	33,027	33,527	-20,490
(By transfer)	(3,337)	....	....	....	....	(-3,337)
(Loan authorization)	(53,256)	(79,495)	(53,256)	(53,256)	(53,256)	....
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Electric:						
Direct, 5%	(121,500)	(50,000)	(50,000)	(121,500)	(121,500)	....
Direct, Municipal rate	(295,000)	(300,000)	(295,000)	(295,000)	(295,000)	....
Direct, FFB	(1,700,000)	(800,000)	(800,000)	(1,700,000)	(1,700,000)	....
Direct, Treasury rate	....	....	....	(500,000)	(500,000)	(+500,000)
Guaranteed	....	(400,000)	(400,000)	....	....	....
Subtotal	(2,116,500)	(1,550,000)	(1,545,000)	(2,616,500)	(2,616,500)	(+500,000)
Telecommunications:						
Direct, 5%	(75,000)	(75,000)	(75,000)	(75,000)	(75,000)	....
Direct, Treasury rate	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	....
Direct, FFB	(120,000)	(120,000)	(120,000)	(120,000)	(120,000)	....
Subtotal	(495,000)	(495,000)	(495,000)	(495,000)	(495,000)	....
Total, Loan authorizations	(2,611,500)	(2,045,000)	(2,040,000)	(3,111,500)	(3,111,500)	(+500,000)
Loan subsidies:						
Electric:						
Direct, 5%	1,095	4,980	4,980	12,101	12,101	+11,006
Direct, Municipal rate	10,827	20,850	20,480	20,503	20,503	+9,676
Direct, FFB	....	....	....	....	....	....
Direct, Treasury rate	....	....	....	....	....	....
Guaranteed	....	40	40	....	....	....
Subtotal	11,922	25,870	25,500	32,604	32,604	+20,682
Telecommunications:						
Direct, 5%	840	7,770	7,770	7,770	7,770	+6,930
Direct, Treasury rate	2,370	....	....	....	....	-2,370
Direct, FFB	....	....	....	....	....	....
Subtotal	3,210	7,770	7,770	7,770	7,770	+4,560
Total, Loan subsidies	15,132	33,640	33,270	40,374	40,374	+25,242

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
RETLP administrative expenses (transfer to RUS)	31,046					-31,046
RETLP administrative expenses (transfer to RD)		34,716	31,046	34,716	34,716	+34,716
Total, Rural Electrification and Telecommunications Loans Program Account	46,178	68,356	64,316	75,090	75,090	+28,912
(Loan authorization)	(2,611,500)	(2,045,000)	(2,040,000)	(3,111,500)	(3,111,500)	(+500,000)
Rural Telephone Bank Program Account:						
(Loan authorization)	(175,000)	(175,000)	(175,000)	(175,000)	(175,000)	
Direct loan subsidy	3,290	2,590	2,590	2,590	2,590	-700
RTP administrative expenses (transfer to RUS)	3,000					-3,000
RTP administrative expenses (transfer to RD)		3,000	3,000	3,000	3,000	+3,000
Total	6,290	5,590	5,590	5,590	5,590	-700
Distance learning and telemedicine program:						
(Loan authorization)	(200,000)	(400,000)	(400,000)	(400,000)	(400,000)	(+200,000)
Direct loan subsidy	700					-700
Grants	20,000	27,000	19,500	27,000	27,000	+7,000
Total	20,700	27,000	19,500	27,000	27,000	+6,300
RUS expenses:						
Salaries and expenses	34,107					-34,107
(Transfer from RETLP)	(31,046)					(-31,046)
(Transfer from RTP)	(3,000)					(-3,000)
Total, RUS expenses	(68,153)					(-68,153)
Total, Rural Utilities Service	107,275	100,946	89,406	107,680	107,680	+405
(By transfer)	(34,046)					(-34,046)
(Loan authorization)	(2,986,500)	(2,620,000)	(2,615,000)	(3,686,500)	(3,686,500)	(+700,000)
Total, title III, Rural Economic and Community Development Programs	2,187,507	2,587,610	2,407,744	2,512,229	2,486,598	+299,091
(By transfer)	(413,262)	(450,589)	(413,262)	(450,589)	(450,589)	(+37,327)
(Loan authorization)	(7,629,129)	(8,084,504)	(7,741,753)	(8,304,128)	(8,808,405)	(+1,179,276)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services	554	570	554	570	570	+16
Food and Nutrition Service:						
Child nutrition programs	4,611,829	4,570,465	4,407,460	4,407,460	4,407,460	-204,369
Transfer from section 32	4,935,199	4,967,574	5,127,579	5,127,579	5,127,579	+192,380
Discretionary spending	7,000	8,017		6,500	6,500	-500
Total, Child nutrition programs	9,554,028	9,546,056	9,535,039	9,541,539	9,541,539	-12,489
Special supplemental nutrition program for women, infants, and children (WIC)	4,032,000	4,089,100	4,067,000	4,052,000	4,052,000	+20,000
Food stamp program:						
Expenses	19,605,751	19,730,993	19,730,993	19,720,293	18,613,293	-992,458
Reserve	100,000	1,000,000	100,000	100,000	100,000	
Nutrition assistance for Puerto Rico	1,268,000	1,301,000	1,301,000	1,301,000	1,301,000	+33,000
The emergency food assistance program	98,000	100,000	100,000	100,000	100,000	+2,000
Total, Food stamp program	21,071,751	22,131,993	21,231,993	21,221,293	20,114,293	-957,458
Commodity assistance program	133,300	158,300	136,300	140,300	140,300	+7,000
Food donations programs:						
Needy family program	1,081	1,081	1,081	1,081	1,081	
Elderly feeding program	140,000	150,000	160,000	140,000	150,000	+10,000
Total, Food donations programs	141,081	151,081	161,081	141,081	151,081	+10,000
Food program administration	111,392	128,558	118,392	116,807	116,807	+5,415
Total, Food and Nutrition Service	35,043,552	36,205,088	35,249,805	35,213,020	34,116,020	-927,532
Total, title IV, Domestic Food Programs	35,044,106	36,205,658	35,250,359	35,213,590	34,116,590	-927,516

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service:						
Direct appropriation	109,186	113,587	109,186	113,424	115,424	+6,238
(Transfer from export loans)	(3,231)	(3,231)	(3,231)	(3,231)	(3,231)	
(Transfer from P.L. 480)	(1,035)	(1,035)	(1,035)	(1,035)	(1,035)	
Total, Program level	(113,452)	(117,853)	(113,452)	(117,690)	(119,690)	(+6,238)
Public Law 480 Program and Grant Accounts:						
Title I - Credit sales:						
Program level	(176,000)	(180,000)	(180,000)	(180,000)	(180,000)	(+4,000)
Direct loans	(145,298)	(159,678)	(159,678)	(159,678)	(159,678)	(+14,380)
Ocean freight differential	21,000	20,322	20,322	20,322	20,322	-678
Title II - Commodities for disposition abroad:						
Program level	(800,000)	(837,000)	(770,000)	(837,000)	(837,000)	(+37,000)
Appropriation	800,000	837,000	770,000	837,000	837,000	+37,000
Loan subsidies	119,813	114,186	114,186	114,186	114,186	-5,627
Salaries and expenses:						
General Sales Manager (transfer to FAS)	1,035	1,035	1,035	1,035	1,035	
Farm Service Agency (transfer to FSA)	815	815	815	815	815	
Subtotal	1,850	1,850	1,850	1,850	1,850	
Total, Public Law 480:						
Program level	(976,000)	(1,017,000)	(950,000)	(1,017,000)	(1,017,000)	(+41,000)
Appropriation	942,663	973,358	906,358	973,358	973,358	+30,695
CCC Export Loans Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS)	3,231	3,231	3,231	3,231	3,231	
Farm Service Agency (transfer to FSA)	589	589	589	589	589	
Total, CCC Export Loans Program Account	3,820	3,820	3,820	3,820	3,820	
Total, title V, Foreign Assistance and Related Programs	1,055,669	1,090,765	1,019,364	1,090,602	1,092,602	+36,933
(By transfer)	(4,266)	(4,266)	(4,266)	(4,266)	(4,266)	
TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation	1,037,661	1,158,905	1,117,905	1,067,523	1,068,524	+30,863
Prescription drug user fee act	(145,434)	(149,273)	(149,273)	(149,273)	(149,273)	(+3,839)
Subtotal	(1,183,095)	(1,308,178)	(1,267,178)	(1,216,796)	(1,217,797)	(+34,702)
Rescission			-27,000			
Total, Salaries and expenses (net)	(1,183,095)	(1,308,178)	(1,240,178)	(1,216,796)	(1,217,797)	(+34,702)
Export and certification	(4,907)	(5,992)	(5,992)	(5,992)	(5,992)	(+1,085)
Limitation on payments to GSA	(99,954)	(104,954)	(104,954)	(104,954)	(104,954)	(+5,000)
Buildings and facilities	11,350	31,350	11,350	31,350	31,350	+20,000
Advance appropriations, FY 2002		23,000				
Total, Food and Drug Administration	1,049,011	1,211,255	1,102,255	1,098,873	1,099,874	+50,863
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	63,000	72,000	69,000	67,100	68,000	+5,000
Farm Credit Administration (limitation on administrative expenses)	(35,800)		(36,800)	(36,800)	(36,800)	(+1,000)
Total, title VI, Related Agencies and Food and Drug Administration	1,112,011	1,283,255	1,171,255	1,165,973	1,167,874	+55,863
TITLE VII - GENERAL PROVISIONS						
Hunger fellowships	2,000		4,000		2,000	
Loss assistance for apples and potatoes (contingent emergency appropriations)			115,000			
Sec. 388 Fair Act - NH	250					-250
National Sheep Industry Improvement Center revolving fund					5,000	+5,000
FDA Drug reimportation (sec. 745)					23,000	+23,000
Total, title VII, General provisions	2,250		119,000		30,000	+27,750

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE VIII - FY 2000						
DEPARTMENT OF AGRICULTURE						
Commodity Credit Corporation						
Crop loss (contingent emergency appropriations)	1,200,000					-1,200,000
Market loss (contingent emergency appropriations)	5,520,351					-5,520,351
Specialty Crops:						
Peanuts (contingent emergency appropriations)	42,000					-42,000
Suspend sugar assessments (contingent emergency appropriations)	42,000					-42,000
Tobacco (contingent emergency appropriations)	326,601					-326,601
Subtotal, Specialty crops	410,601					-410,601
Oilseeds (contingent emergency appropriations)	467,974					-467,974
Livestock and dairy (contingent emergency appropriations)	320,614					-320,614
Upland cotton competitiveness (contingent emergency appropriations)	201,000					-201,000
Extend milk price supports (contingent emergency appropriations)	-102,000					+102,000
Crop insurance (contingent emergency appropriations)	400,000					-400,000
Crop insurance discount associated costs (contingent emergency appropriations)	250,000					-250,000
Water and waste loan forgiveness (contingent emergency appropriations)	2,000					-2,000
Trade sanctions reform and export enhancement						
Total, title VIII, FY 2000	8,870,540					-8,870,540
TITLE VIII - FY 2001						
NATURAL DISASTER ASSISTANCE AND OTHER EMERGENCY APPROPRIATIONS						
CHAPTER 1						
DEPARTMENT OF AGRICULTURE						
Office of the Chief Information Officer:						
Common computing environment (contingent emergency appropriations)					19,500	+19,500
Departmental administration (contingent emergency appropriations)					200	+200
Farm Service Agency						
Salaries and expenses (contingent emergency appropriations)					50,000	+50,000
Emergency conservation program (contingent emergency appropriations)					80,000	+80,000
Federal Crop Insurance Corporation						
Federal crop insurance corporation fund (emergency appropriations)					13,000	+13,000
Natural Resources Conservation Service						
Watershed and flood prevention operations (contingent emergency appropriations)					110,000	+110,000
Rural Development						
Rural community advancement program (contingent emergency appropriations)					200,000	+200,000
Total, Department of Agriculture					472,700	+472,700
General Provisions						
Conservation technical assistance (contingent emergency appropriations)					35,000	+35,000
CCC Disease loss compensation (contingent emergency appropriations)					19,000	+19,000
Dairy assistance (contingent emergency appropriations)					473,000	+473,000
CCC Livestock assistance program (contingent emergency appropriations)					490,000	+490,000
WRP Additional acreage enrollments (contingent emergency appropriations)					117,000	+117,000
CCC Sheep loss assistance (contingent emergency appropriations)					2,400	+2,400
CCC Citrus canker compensation (contingent emergency appropriations)					58,000	+58,000
CCC Apple/potatoes market loss and quality (contingent emergency appropriations)					138,000	+138,000
CCC Honey assistance (contingent emergency appropriations)					20,000	+20,000
CCC Livestock indemnity program (contingent emergency appropriations)					10,000	+10,000
CCC Wool/mohair assistance (contingent emergency appropriations)					20,000	+20,000
CCC Crop loss disaster assistance (contingent emergency appropriations)					1,627,000	+1,627,000
CCC Cranberry assistance (contingent emergency appropriations)					20,000	+20,000
Shared appreciation loan arrangements (contingent emergency appropriations)					2,000	+2,000
SC grain dealer's guarantee fund (contingent emergency appropriations)					2,500	+2,500
Puerto Rico food stamp block grant					-5,000	-5,000
Hawaii sugar transportation cost assistance (contingent emergency appropriations)					7,200	+7,200
Business and industry grants (contingent emergency appropriations)					10,000	+10,000
Business and industry guaranteed loans (contingent emergency appropriations)					10,000	+10,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
CCC Tobacco quota compensation (contingent emergency appropriations).					3,000	+3,000
CCC Cooperative assistance (contingent emergency appropriations)					20,000	+20,000
CCC Burley tobacco (contingent emergency appropriations)					50,000	+50,000
CCC LDP delinquent borrower (contingent emergency appropriations)					5,000	+5,000
Food stamp excess shelter allowance (contingent emergency appropriations)					15,000	+15,000
Food stamp vehicle allowance (contingent emergency appropriations)					25,000	+25,000
Total, General Provisions					3,174,100	+3,174,100
Total, title VIII, FY 2001					3,646,800	+3,646,800
TITLE X - ANTI-DUMPING						
Anti-dumping					40,000	+40,000
Grand total:						
New budget (obligational) authority	84,312,546	76,785,597	75,264,494	75,356,809	78,144,809	-6,167,737
Appropriations	(75,642,006)	(76,762,597)	(75,176,494)	(75,356,809)	(74,493,009)	(-1,148,997)
Rescission			(-27,000)			
Emergency appropriations					(13,000)	(+13,000)
Contingent emergency appropriations	(8,670,540)		(115,000)		(3,638,800)	(-5,031,740)
Advance appropriations		(23,000)				
(By transfer)	(628,793)	(721,574)	(684,247)	(721,574)	(721,574)	(+92,781)
(Loan authorization)	(10,712,421)	(12,642,442)	(12,299,691)	(11,387,371)	(11,906,152)	(+1,193,731)
(Limitation on administrative expenses)	(144,087)	(108,287)	(145,087)	(145,087)	(145,087)	(+1,000)

1/ In addition to appropriation.

Mr. Speaker, I reserve the balance of my time.

□ 1530

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this conference report as a significant improvement over the measure that originally moved through this body. Before I get into the details, let me just say that I particularly this afternoon rise with great respect and true admiration for the gentleman from New Mexico (Mr. SKEEN), our chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, who under current Republican caucus rules is serving his last year as a fair, caring and truly outstanding chairman.

I will say that I know that as a regular committee member, the gentleman will continue to be exemplary in his service, but I will miss him in his current position.

Mr. Speaker, I wish to express genuine support and thanks to our subcommittee staff, Hank Moore, Martin Delgado, John Ziolkowski, Joanne Orndorff and our detailees Anne DuBey and Maureen Holohan, and also our minority staff, David Reich, and on my own staff, Roger Szemraj for doing such a tremendous job in sheperding this major legislation through the Congress.

I also want to say to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, he kept his word on both sides of the aisle, so that our conferees could meet and fully engage in debate as we did in every single line item of this bill. I say thanks to the gentleman from Wisconsin (Mr. OBEY), who is our ranking member on the full committee who participated in every single meeting. I actually do not know how he does it, so tirelessly, and I want to thank the people of Wisconsin for sending him here for service to the Nation.

I want to thank the Members on our side of the aisle, the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from New York (Mr. HINCHEY), the gentleman from California (Mr. FARR), and the gentleman from Florida (Mr. BOYD). We thank them for yeoman's service in the construction of this very important measure.

Mr. Speaker, overall the conference report spends over $78.5 billion. A little over three-quarters of that is in what we call mandatory spending for programs, especially our food programs, breakfast programs, lunch programs, elderly feeding programs, surplus commodity programs, that are used from coast to coast. $28 billion dollars, nearly half of that, goes to the Commodity Credit Corporation for net realized losses as we move product around the world and here at home.

Mr. Speaker, another $1.7 billion goes for crop insurance. The base bill in addition to this has $15 billion in discretionary spending in important areas, such as new research for fuels of the future, the extension service to bring the latest in research right down to the farm and the ranch, conservation programs—so much a part of America's rich natural heritage and essential to sustainability of the future, food safety programs, rural housing and development, all of our feeding programs, international assistance and certainly the Food and Drug Administration.

In this bill, also, and this is of critical interest to those who tie their livelihoods to the rural countryside, we have more than $3.6 billion for disaster, farm assistance, and rural development programs.

I will say more about that in a moment, but we were also able to incorporate into this measure portions of the Hunger Relief Act. We know as welfare reform really kicks in in every State across this country, thousands of people go to work for minimum wage without health benefits.

In this bill, we have provided housing and vehicle allowances and the right to food for those workers and their children to help them transition to the marketplace off of welfare. We are very, very pleased to be able to do that on this particular committee.

Mr. Speaker, I also have to say, of course, we were not able to defeat the rule and bring a real prescription drug reimportation provision before the Congress. That is truly sad, and every one of us will have to account for that before the voters this fall. In addition to that, the sanctions language in this bill is absolutely unworkable; even the Cuban Government has said that the provisions may be worse than the status quo, and we really will not be able to sell product in Cuba because of the restrictions in this measure.

However, the needs of the country outweigh any one of those provisions, and we have to vote on the overall bill based on its merits.

I will quickly tick off key provisions of the bill: we do provide additional funds for market concentration investigation in our Grain Inspectors, Packers and Stockyards Administration; food safety, full funding in that program; additional funds for our Farm Service Agency operations, including extra funds to administer the disaster program so essential across this country this year; for our conservation programs, a decent level of support; research, which is key to the future; in APHIS, while the Animal Plant Health and Inspection Service, it has been funded in a manner that dedicates an inordinate amount of funds to the boll weevil program. We have so many other invasive species such as Asian longhorn beetle and others where we do not have equal levels of support. That is unfortunate. We were not able to work out fair apportionment of these funds completely.

In rural development, we do provide an increase over last year; in food donations, in the PL480 provisions and in title 2, an increase there to help move surplus product into the international market so as to help farm prices here at home; and then in the Food and Drug Administration, some additional assistance there, but certainly not what the agency was looking for.

I wanted to spend my final few minutes here talking about the emergency funding provisions in more detail, because this is so important across the country. For crop losses due to disasters, during the 2000 crop year, including those losses due to quality losses, we have funded what is necessary. We estimate across America that will require over $1.6 billion in funding.

There is funding in this bill for dairy producers to compensate for their low prices. There is livestock assistance. We had many questions on that from people representing ranching communities. Also there is targeted assistance for our apple and potato producers, cranberry producers, honey producers as well as wool and mohair. There is no reason just because you are not a row crop producer that you should not have some type of assistance if you are going to lose your operations.

There is authority in this bill to enroll an additional 100,000 acres in the Wetlands Reserve Program, and $35 million for the Natural Resource and Conservation Service for technical assistance in relation to that program, as well as the Conservation Reserve Program.

There is an additional $20 million in this program for cooperative development, for new co-ops to help farmers and ranchers reposition to meet the market in this very difficult period for them. Also there are additional funds for water and sewer across our country. We just cannot meet the entire need; the line of applicants is much longer than we are able to accommodate. We have done the very best we could in this bill.

Mr. Speaker, I would just ask the Members, in spite of the loopholes—and they are significant in the prescription drug provision and the sanctions portions of the bill—to vote for this bill. Overall the other provisions require our support.

Mr. Speaker, I reserve the balance of my time.

Mr. SKEEN. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. KAPTUR) for her kind remarks.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I also want to commend the gentleman from New Mexico (Mr. SKEEN), chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, and join with the gentlewoman from Ohio (Ms. KAPTUR) in her praise for the chairman's activity on this subcommittee.

He has been a great chairman and a great friend and has really worked hard to balance the interests and needs of all the Members. I rise in support of this conference report, because it may be that this subcommittee has produced maybe one of the most valuable appropriations bills that would come before the House of Representatives, because it meets the needs of human beings, their hunger needs, their food needs, and their medicine needs.

It all comes under the jurisdiction of this subcommittee. I especially appreciate that this is a further implementation of the Freedom to Farm Act that we passed back in 1996, which the President signed, and all of the Members of the House and Senate who cared deeply about agriculture have needed to have this next step taken in the area of lifting sanctions on food and medicine.

In that respect, I have been proud to work with the chairman and some of my colleagues on the subcommittee on both sides of the aisle, most importantly, the gentlewoman from Missouri (Mrs. EMERSON), certainly the gentleman from Arkansas (Mr. DICKEY), the gentleman from Iowa (Mr. LATHAM), the gentleman from New York (Mr. WALSH), the gentleman from Georgia (Mr. KINGSTON), the gentleman from Texas (Mr. BONILLA), and on the other side of the aisle, the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from California (Mr. FARR), the gentleman from New York (Mr. HINCHEY), the gentleman from Michigan (Mr. OBEY), and the gentlewoman from Connecticut (Ms. DELAURO). We have all worked hard.

We do not have a product that satisfies each of us and all of us, but it is a great step forward as we lift sanctions on food and medicine and establish a new policy for our country as it relates to the imposition of sanctions unilaterally.

The President in the future, assuming he signs this bill, and I hope that he will, will have the Congress as a partner in decisions that are made about whether or not to impose sanctions on food and medicine unilaterally by our country.

Helping in this effort have been other Members of the House of Representatives on both sides of the aisle. The gentleman from South Dakota (Mr. THUNE) has been a great supporter; the gentleman from Kansas (Mr. MORAN); the gentleman from Washington (Mr. HASTINGS) has been a leader in this effort.

Mr. Speaker, I just want my colleagues to know that this is a new day for trade sanctions. It is a new day for agriculture and trade policy that says food and medicine should not be used as weapons of foreign policy. This is workable, notwithstanding the people who might say nay about it. This is going to work to benefit American agriculture. It is going to work for Iran, Libya, Sudan, North Korea, and Cuba.

I certainly respect my friends on the other side of this issue relating to Cuba, the gentleman from Florida (Mr. DIAZ-BALART) and the gentlewoman from Florida (Ms. ROS-LEHTINEN). They are very patriotic, good Americans who care deeply about the current sanctions policy in our country.

I happen to disagree with their policy position; but they fervently believe in it, and I respect that. We have tried to craft a measure that would work for their needs and their particular positions and policy decisions and those of us who care about the free trade side of American agriculture. Mostly, I would say to my colleagues that I have had a great staff that has helped get through this process, Rob Neal and Jack Silzel, and as imperfect as the legislative process might be, this is a good package. I hope it passes this House.

Ms. KAPTUR. Mr. Speaker, I yield 2⅓ minutes to the gentleman from Texas (Mr. STENHOLM), the very distinguished ranking member of the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. Kaptur) for yielding the time to me.

Mr. Speaker, I rise in support of the conference report. I want to begin by complimenting the work of the gentleman from New Mexico (Chairman SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR), the ranking minority member, as well as the full committee chairman, the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY), the ranking minority member. They have done a tremendous job. In addition to facing the obstacle of unrealistic budget restraints, they have once again had to struggle against a leadership that is bent on subverting the expressed will of this House.

It is my fond hope that some day soon we will have an honest conference on an agricultural bill with input from the administration and from this side of the aisle in a true bipartisan result, but not today.

As a direct result of the leadership's involvement, we have lost key opportunities to move our country forward in both its trade relations and with regard to the availability of affordable prescription drugs.

Mr. Speaker, the agriculture embargo on U.S. sales to Cuba has done little to change the behavior of this island nation. In fact, U.S. sanctions have given Cuba an excuse for the failed policies of a communist regime. With complete normalization of trade relations, Cuba could become a $1 billion market for U.S. agriculture producers within 5 years, making it our second largest market in Latin America after Mexico.

On July 20 of this year, the House by a vote of 301–116 overwhelmingly expressed its will to end our unilateral trade embargo, and yet the provision inserted by the House leadership includes a travel ban and restrictions on finance that will continue to undercut the ability of U.S. farmers and ranchers to take full advantage of Cuba's market potential.

The compromise in this bill gets us 5 percent of where we need to be. Mr. Speaker, I am also concerned about the implications of the provision included in the conference report regarding trade sanctions. While I am sympathetic to the goal of this provision, it should have been withheld until we had a thorough analysis of all of its trade effects and, particularly, its effect on agriculture.

Mr. Speaker, despite these inadequacies, this conference report includes many good and important provisions, including funding, conservation, research, rural development. It provides much-needed assistance to agriculture producers affected by natural disasters. It addresses the drinking water emergencies in rural areas brought about by drought, and it will enact portions of the Hunger Relief Act that will be crucial to ensuring that our neediest citizens are adequately nourished.

Mr. Speaker, I support the conference report; and I thank my friend, the gentlewoman from Ohio (Ms. KAPTUR), for yielding the time.

Mr. Speaker, I am pleased that this conference report includes two important provisions from the bipartisan Hunger Relief Act, of which I am a proud co-sponsor. One of these would increase and then index the cap on the excess shelter deduction. This arbitrary cap can result in families with children having money they spend on their rent, mortgage, and utilities being counted as if it was available to buy food. I hope that in reauthorization, we can eliminate this cap altogether so that families with children are treated in the same manner as elderly and disabled households are now.

The other provision would give states broad flexibility to increase or eliminate limits on the value of vehicles they may own and still receive food stamps. For many low-income families, having a dependable car is essential to their ability to find and keep employment. Denying food assistance to a household based on the value of a vehicle makes no sense: if the household sold the vehicle, it would become eligible for food stamps but then would have a much harder time becoming more self-sufficient. This provision allows states to adopt rules from any program that receives TANF or TANF maintenance of effort funds as long as that program provides benefits that could meet the definition of "assistance" in the TANF rules. This could include, for example, any child care program since child care can count as assistance under certain circumstances. States would not be required to determine whether any particular individual received assistance from the TANF- or MOE-funded program since that would impose administrative burdens and whatever standards the state adopted would apply statewide. Where a household has more than one vehicle, a state electing the option would evaluate each under whichever rules would result in the lower attribution of resources, whether the regular food stamp rules or the rules borrowed from the other state program. Of course, if the state TANF- or MOE-funded program excluded cars completely, or did not apply resources rules, those rules would prevail.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH).

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Mr. WALSH. Mr. Speaker, I thank the gentleman from New Mexico (Mr. SKEEN), chairman of the subcommittee, for the excellent work that he did in working through these very difficult issues.

It has been said that politics is the art of the possible. What we accomplished on this bill, especially as it relates to our trade policies, is exactly what is possible, no more, no less. But what we have done, Mr. Speaker, is we made a historic change in our foreign policy.

Hopefully never again will the United States use food and drug as a weapon. Our farmers need all the markets that they can get. We should never be putting ourselves in a position where we are cutting off markets, because American farmers are the best in the world, the most productive in the world, and we need to help them to get to the markets.

The issue of reimportation of drugs, there has been an awful lot of demagoguery about this on the other side. The fact of the matter is we address it. For the first time, it is being addressed. I suppose if we had not addressed it, we would have heard about that, too.

We have improved on the food stamps regulations for poor Americans. Welfare reform did more for this country and its people than maybe any other reform that has been passed in the last 25 years. More Americans are productive. Fewer kids are in poverty. More Americans are healthy because of that reform. But we had some minor changes to make in the Hunger Relief Act, that will help States to address the issues of moving people from welfare to work.

Disaster relief, disaster assistance for farmers, apple farmers, dairy farmers, crop farmers, I think the Congress did a good job in a bipartisan way of addressing disaster relief issues.

We have made major strides in improving the environment through the Agriculture bill, primarily in the CRP program and also in agriculture research. This is a broad bill, it is an expansive bill, it is an important bill, and we need not focus on the warts and the scabs within the overall legislation. We need to focus on what is good about this bill and the commitment that we have made to the American farmer.

Ms. KAPTUR. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from California (Mr. BERMAN), a Member of the Committee on the Judiciary.

Mr. BERMAN. Mr. Speaker, I regretfully have to rise in opposition to the conference report, with great respect to the gentleman from New Mexico (Chairman SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the subcommittee, who I know have done their best to put together an attractive proposal. But I believe we pay too high a price in this legislation.

Several months ago, the House passed the Sanford amendment to the Treasury-Postal appropriations bill by a vote of 232 to 186, prohibiting the use of any funds to enforce the travel restrictions on Cuba, now we see, as the price paid to allow our farmers to export the codification of restrictions which work against the very goals that the proponents of those restrictions constantly proclaim they want.

The whole history of the downfall of tyranny comes from contact with people from democracies, with human rights crusaders, with people who want to establish people-to-people programs. Instead of allowing the flexibility to move ahead and advance these kinds of programs and other kinds of useful contacts, we codify a policy that, for 40 years, has failed to achieve its primary goal.

That is a terrible mistake. It is a violation of the civil liberties of the Americans and Americans right to travel. It undermines the very goal we seek in our Cuba policy. For the life of me, I would love to hear the explanation which prohibits export financing to Cuba but gives waiver authority and discretion to the executive branch when we talk about export financing of our exports to both Libya and to Iran.

Mr. Speaker, I would love to hear the gentleman from Washington or someone else defend that distinction.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Mr. Speaker, I would like to speak in favor of this bill from several different standpoints: the standpoint of what the Nation is benefiting and how my State of Arkansas is benefiting.

First of all, we have the importation of drugs that is going to be a significant event in our Nation's battle against high drug prices. We have got in this bill a $3 million appropriation that will help in the construction for the National Center of Toxilogical Research in my district that will handle the imports and examinations. The FDA will be in charge of this, and they will handle the inspections on the drugs as well as inspections on all other imports. It is a very significant thing, and that bill is coming along and is going to be in place soon.

There is some education initiatives concerning timber. In our Forest Service areas, we have a serious problem of how to manage that. We will have a study of that in our University of Arkansas at Monticello.

We also have a seven-State program called Delta Teachers Academy that will have a learning center in the UAPB campus in Pine Bluff, Arkansas that will teach teachers how to teach. It will help them in doing that in the Delta.

We have net catfish initiatives. The National Aquaculture Research Center in Stuttgart, which is not in my district, but serves the Nation in studying catfish yields, improving yields, food quality, disease control and stress tolerance. We also have a specific appropriation for an Aquaculture/Fisheries Center at UAPB, again, in Pine Bluff, Arkansas that concerns itself with the control of the commorants as they are attacking the fish industry.

We have several different provisions also that will help catfish farmers in that the Secretary of Agriculture is prohibited from denying loans for catfish farmers in Arkansas for being in the floodplain.

All of these things plus others are the reasons why I am for this bill.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON), a member of the Agriculture authorizing committee.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time.

Mr. Speaker, like many conference agreements, this one has a provision that I am pleased with, and it has provisions that are not in it that I am not pleased with.

Nonetheless, I intend to vote for the conference report because it has many national priorities and local priorities that are important to the Nation's constituents and my constituents.

Among the provisions that are in this agreement is funding for modular housing for elderly North Carolinans who are flood victims, funding for a critically needed drainage project in flood-ravaged Princeville, North Carolina, and funding for the innovative agrimedicine project designed to combat farm injuries and illness in East Carolina University.

I am pleased to say that this agreement also includes very important language to combat hunger. Important food stamp modifications are made on the shelter cap and to the automobile cap.

While the WIC program did not receive all the funding it should have or that was requested, nevertheless, $4.1 billion is vitally needed and certainly will be used in this highly successful program.

This agreement includes significant funding for the emergency disaster relief for farmers, for crop losses, restoration projects. The agreement continues funding for agricultural research, education extension, service activity.

I am, however, disappointed that the agreement only includes $3 million of the $6.8 million approved by the House funding going for research to the Historically Black Colleges and Universities. Nonetheless, this agreement does offer some limited hope through this limited increase. Hopefully, we would do better the next time.

The overall agreement is comprehensive and does include important national priorities that deserve our support, and I urge its passage.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I rise in strong support of this agriculture appropriations bill. I think we all have to be reminded constantly that this is a bill that helps agriculture first and foremost.

But before I mention a couple of specifics, Mr. Speaker, I think for the record this Member at least has considered it a tremendous honor to work under the leadership of the gentleman from New Mexico (Chairman SKEEN) in this process. He is a person who sets the highest standard of integrity and brings to work every day the highest commitment. The character and the determination that he brings every day to work for the betterment of agriculture in America is something that I will always, always remember.

He is not going anywhere. But I think I speak for many of us on the subcommittee who just cherished the time that we have had working under his leadership on this subcommittee.

I want to specifically mention that this bill, again, does deal with a lot of important aspects of agriculture assistance and relief, drought, other natural disasters. Commodity prices over the years have dealt a bad hand to many of our producers in this country. There is a lot of assistance in this bill for that; $3.5 billion in economic assistance that does not need to be held up in Washington any longer.

I know that there are Members who do not like that certain commodities have received assistance in this bill as well. We have attempted to do the right thing and address all commodities that have suffered. We should not sit here and pick and choose who we help and who we do not based on whether or not we like what we grow or the farm programs that they operate under. They did not set the programs. Congress did. Now we must help all areas of rural communities survive in this very difficult time.

The bill also goes the extra mile to support farmers and ranchers. Agriculture credit programs are increased by $14 million over fiscal year 2000, and agriculture research has increased by $86 million. The boll weevil eradication program is funded at $79 million. These are just a few examples of how this bill will help our farmers and ranchers and all of us who have large rural agriculture communities.

The word ought to get out that there is a true commitment in a bipartisan way to help these folks who were really the salt of the Earth, the producers of this country who were trying to compete in international markets with other countries sometimes that subsidize their producers in unfair ways.

There is a tremendous commitment by many of us, again, in a bipartisan way to do what is right in this Agriculture appropriations bill. I stand in strong support and would urge all of my colleagues to do the same.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Michigan (Mr. DINGELL), the incredibly hard working ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I thank the gentlewoman from Ohio for her kindness, amongst many others, to me.

Mr. Speaker, an otherwise acceptable bill has been very much hurt in the conference report by the drug reimportation provisions. In a word, they protect users of reimported pharmaceuticals very poorly if at all. They put them at severe risk and hazard.

So I am going to tell my colleagues some of the things that are going to happen as a result of these provisions so poorly studied by the Congress and so ill attended to in committee.

Soon, Americans will be taking substandard, adulterated or counterfeited imported drugs because of these provisions. These provisions will do nothing to help lower the price of prescription medicines and are no substitute for prescription pharmaceuticals to senior citizens under Medicare.

Because FDA is already overwhelmed with inspecting foreign manufacturers, it will not be able to handle the vast new responsibilities being imposed upon it, and consumers will suffer and be at risk.

In the coming years, FDA is going to be pilloried by politicians for failing to protect Americans from bad prescription drugs which are reimported under these provisions, when in fact the blame should fall squarely upon the politicians in the 106th Congress.

Make no mistake. This reckless legislation never went through the committees with expertise or experience in these matters. It is going to lead to needless injuries and deaths.

The world pharmaceutical market is a dangerous place, far more so than my colleagues understand. Congressional investigations showed this in the 1980s, and I know because I conducted those investigations. They will show it now. My written statement will elaborate on this point.

My opposition to the drug reimportation provisions requires me to vote against an otherwise acceptable bill.

I would note the American people want a decent prescription, not a placebo, and they want one that is safe and one which will help their health. This particular proposal will not. It puts Americans at risk. I warn my colleagues what they are doing. I hope they will listen.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I am glad to yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding to me. I do want to associate myself with his remarks. This is far more complicated than most people believe, as the gentleman from Michigan said. I am very familiar with his historical involvement in this area.

All of us want to relieve this problem, but I want to underscore the comments the gentleman from Michigan made, and I do want to associate myself with his remarks.

Mr. DINGELL. Mr. Speaker, I thank the gentleman from California. I hope my colleagues will listen to what the gentleman just said because we are putting the Nation and the senior citizens and others at risk. Reimporting drugs is a dangerous and risky prospect. Doing so without adequate protections and controls for the protection of consumers is a still greater risk. I ask my colleagues to listen to what I say. There is danger here they are not observing.

Mr. Speaker, I must oppose this bill. Although there are many very good provisions addressing major agricultural needs, there is also a very dangerous provision that would allow for the reimportation of prescription drugs from foreign sources. That is something I cannot support.

During the 1980's, the House Energy and Commerce Committee conducted a lengthy investigation into the foreign drug market that ultimately led to enactment of the Prescription Drug Marketing Act (PDMA). That investigation discovered a potentially dangerous diversion market that prevented effective control over the true sources of drug products in a significant number of cases. The distribution system was vulnerable to the introduction and eventual retail sale of substandard, ineffective, or even counterfeit pharmaceuticals. As the resulting Committee report stated, "pharmaceuticals which have been mislabeled, misbranded, improperly stored or shipped, have exceeded their expiration dates, or are bald counterfeits are injected into the national distribution system for ultimate sale to consumers."

The PDMA was designed to restore needed integrity and control over the pharmaceutical market, eliminating actual and potential health and safety problems before injury to the consumer could occur. Again, the Committee report was clear on why the PDMA was needed:

> [R]eimported pharmaceuticals threaten the public health in two ways. First, foreign counterfeits, falsely described as reimported U.S. produced drugs, have entered the distribution system. Second, proper storage and handling of legitimate pharmaceuticals cannot be guaranteed by U.S. law once the drugs have left the boundaries of the United States.

I find nothing today that suggests that the problem with misbranded, adulterated, or even counterfeit foreign drugs has been solved, and if anything, the problem may be getting worse. I am thus concerned that in our haste to find a way to bring cheaper drugs to seniors and other needy Americans—a clearly important and laudable goal—we risk making changes to key health and safety laws we may later regret.

On October 3, 2000, the Subcommittee on Oversight and Investigations held a hearing that underscored that the Food and Drug Administration (FDA) is already overwhelmed and underfunded, and thus unable to consistently undertake the many tasks now required to protect the U.S. drug supply. At that hearing, FDA Commissioner Jane Henney testified that FDA has insufficient post-market surveillance resources to keep pace with its current mandate. Consequently, the agency is lagging in conducting inspections of firms that ship drug products to the U.S., and this burden is only going to worsen in the future.

The legislation in question today only exacerbates this already-serious problem. As envisioned by this proposal, FDA will newly be responsible for inspecting the entire custody chain between all parties and processes involved in the shipment of drugs back to the U.S. market. This could include repackaging and relabeling facilities, as well as the many storage firms that might be used in this process. This proposal would also ultimately require FDA to oversee the formation of new testing facilities, and develop regulations to address numerous safety concerns ignored by this proposal. In short, the reimport legislation will inundate an already overburdened FDA with new responsibilities. Worse, it will do so without any assurances that the agency will ever see the approximately $92 million it claims it needs to fully implement this plan. Instead, the bill only gives $23 million for a single year, or one-fourth of what the plan will ultimately require. Given the fact that the agency is already significantly underfunded, I see almost no chance it will see this money.

But even if Congress were to provide the additional resources, I remain skeptical that FDA could even construct a global regulatory framework as safe as what is now in place. FDA was unsuccessful in preventing counterfeit and substandard drugs from entering the U.S. before the Prescription Drug Marketing Act (PDMA) went into effect, and so I doubt it will be successful once many of its protections are undermined by this legislation.

Moreover, it is particularly troubling that drug prices may not even be significantly lowered as a result of this proposal. There is nothing that guarantees that in this process of undermining our current regulatory system, lower priced drugs will become available to needy Americans. Wholesalers may not pass on any accrued savings to the public, nor is it clear that they will necessarily be able to access a steady supply for resale. In fact, this bill is riddled with numerous loopholes that will allow manufacturers to label or produce their products in a form that makes them either impossible or cost-prohibitive to reimport. The notion that this bill will create an abundance of cheap, properly labeled, and properly repackaged drugs, easily available to reimporters, is simply false.

Finally, Mr. Speaker, this bill makes long-term changes to the Food, Drug and Cosmetic Act, without the benefit of even a single legislative hearing. During the 1980's, the Energy and Commerce Committee conducted a lengthy multi-year investigation resulting in numerous hearings before any related legislation was drafted. There have been no public hearings regarding this legislation, as most of this process has involved closed-door proceedings. With the many implications this legislation will have on public health and safety, this process has ill-served the public and is indefensible.

In conclusion, this provision represents the flawed implementation of a risky concept. Many of the Members supporting this legislation believe they are doing the right thing by helping Americans get access to cheaper medicine, and assume that medicine will, in fact, be safe. I agree that medicine needs to be cheaper, but disagree that reimported medicine will be as safe. We know too much about the kinds of drug manufacturing and distribution shenanigans that take place in other parts of the world to allow our system to be jeopardized by the legislation contained in this spending bill. It is flawed legislation that will, if passed in its present form, result in significant harm to the very persons we are trying to help. Thus, I cannot support this bill.

□ 1600

Mr. SKEEN. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. First of all, Mr. Speaker, I just want to publicly say how much I appreciate the great work of our chairman. This will be his last bill as chairman of the subcommittee. It has been just an absolute pleasure and an honor to work with the gentleman from New Mexico (Mr. SKEEN).

I know the gentleman is staying here next year and everything; but because of the rules, he will no longer be chairman of this subcommittee; and I just want to tell him on a personal level how much I appreciate all his hard work and what a great job he has done for New Mexico and for the rest of the country.

And to the ranking member, Mr. Speaker, the gentlewoman from Ohio (Ms. KAPTUR), it is a real pleasure and it is fun to work with her with the interest we all have in agriculture.

Mr. Speaker, this, I think, is an excellent appropriations bill. We have been through a very long process throughout the entire year with hearings, listening to the concerns of the people and the agencies, their proposals, expressing concerns at the way management in some of the agencies has taken place and trying to do the best job possible in this bill to address those concerns. The one major concern we have, as far as delivering services in Iowa, and I think throughout the country, is with the FSA offices. This bill increases funding for those people who are at the ground level doing the work out there, actually in contact with the farmers themselves; and these people are working their hearts out in the countryside.

There is increased funding in the bill to the tune of $34 million in addition to the $50 million additional to take care of the emergency disaster programs that are also stated in this bill. Mr. Speaker, there is an increase as far as our credit programs so that we can continue to use that tool for exports and to make sure that we do try and have opportunities for our farmers to sell their products overseas.

Conservation is a huge issue as far as we are concerned in Iowa and throughout the country, and those activities are increased by $53 million in the bill. Food safety is increased by $47.5 million. Funding for the Food and Drug Administration is almost $35 million more than what it was last year, and $89 million basically, with some savings with the President.

We are continuing our commitment as far as food and nutrition for our people here, increasing funding for WIC. A very, very important issue for Iowa is the lifting of sanctions in the bill with Cuba, Iran, Libya, North Korea, and the Sudan. With the Cuban issue, it is a major breakthrough for us to finally have that door at least cracked open so that we have an opportunity to sell into that market, and to also look to these other new markets that we have and be able to use credit here in the U.S. to go into highly populated countries, like North Korea, Iran, and these other countries that offer so much potential for us.

I am not totally comfortable with all the provisions in here. I would like to see opening of travel and things like that, but we at least have a breakthrough as far as this issue is concerned. I think we can advance the idea that through openness, through trade, we can change countries and have them come into the democracy, which we all very, very much want.

Again, I congratulate the chairman and the ranking member.

Ms. KAPTUR. Mr. Speaker, I would like to inquire as to the remaining time on both sides.

The SPEAKER pro tempore (Mr. NUSSLE). The gentlewoman from Ohio (Ms. KAPTUR) has 13 minutes remaining, and the gentleman from New Mexico (Mr. SKEEN) has 10 minutes remaining.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE), the very able member of the Committee on International Relations.

Ms. LEE. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise today in strong opposition to H.R. 4461 in its current form, but in strong support of ending the embargo on the sale of food and medicine to Cuba. Our current policy toward Cuba was created in the early 1960s, at the height of the Cold War. The Berlin Wall has now crumbled, the Soviet Union has vanished, but this archaic policy is still here.

For 40 years, 40 years, we have maintained a blockade on trade and food and medicine with Cuba, and we have put severe restrictions on travel by American citizens. We must lift that blockade without imposing new barriers. However, this bill codifies current restrictions on Americans travel to Cuba. What, I must ask, is our country afraid of? How can it be against our interests for our citizens, our most effective ambassadors, to travel to Cuba?

How can we live in the greatest democracy in the world and restrict the travel of our own citizens? Americans should have the right to see Cuba for themselves. They should have the right to form their own judgments about this Afro-Hispanic island 90 miles away from our shores.

I have led and participated in many delegations to Cuba in an effort to promote education, understanding and cultural exchange between our countries. I have seen a child with kidney disease in grave danger because the embargo prevented the importation of a U.S.-made part for a dialysis machine at this hospital. And I have seen Cuba's health care system, which guarantees its own citizens universal health care, which we still cannot figure out how to do.

We should allow anyone and everyone who wants to travel to Cuba to do so without fear of breaking the law and going to jail. I urge my colleagues to oppose restrictions on travel to Cuba in this bill and vote "no" on H.R. 4461.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, first of all, I want to say that I rise in support of this legislation, and I want to thank the gentleman from New Mexico (Mr. SKEEN) for the tremendous leadership he has given all of us over the last several years, fighting hard for our producers, helping us deliver emergency and disaster aid. I do not know anyone who has worked as forthrightly and on a consensus basis as the gentleman from New Mexico has, and I want to thank him. We will miss him tremendously as our leader next year, but I do thank him.

I also want to thank the gentlewoman from Ohio (Ms. KAPTUR) for the excellent work she does and for her dedication to supporting American agriculture as well.

I want to say that this is a great bill. I wish in a couple of instances we could have done more, particularly on the issue of agriculture embargoes, which the gentleman from Washington (Mr. NETHERCUTT) has championed so well. But even though it does not go quite as far with regard to Cuba, let us not forget that we are also dealing with four other countries against whom we have had sanctions on food and medicine, and this represents a $6 billion market potential for our producers.

We are all so caught up in the emotion of Cuba that we forget, quite frankly, that it is the other countries that present the biggest opportunity for our producers, and I did not want to let that go without mentioning it.

I also am very pleased that we have included in the emergency assistance package a piece that is very similar to the stand-alone legislation that the gentleman from Arkansas (Mr. BERRY) and I introduced, doubling the loan deficiency payment, particularly when our farmers and ranchers are in such dire straits for the third year in a row.

But let me end by addressing the entire issue of reimportation once again, and say that all of the loopholes that have been recognized on the part of my colleagues on the other side are loopholes that really will not exist if in fact we are determined to work closely with the Food and Drug Administration to make this legislation work.

Number one, dealing with the issue of labeling. Let me reiterate again that the President said he liked the language in the Jeffords bill that passed the Senate. This is the exact language on labeling which is in the Jeffords bill. The President urged the Senate to send him the legislation so he could sign it, as long as the appropriate money was there to implement it. We have, in fact, included $23 million that the FDA requested for this year to do just that.

On the issue of contracts. Let me say once again that while we have not included the exact language that the gentleman from California (Mr. WAXMAN) wanted, we have in fact included language that does prevent a manufacturer from limiting or entering into any kind of contractor or agreement that prevents the sale or distribution of covered products for reimportation purposes.

So all in all I think this is an excellent bill and I urge a "yes" vote, and I again thank the chairman for the great job that he has done.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume in order to place in the RECORD language from the New York Times this morning refuting what my very dear colleague, the gentlewoman from Missouri (Mrs. EMERSON), has indicated.

It says Dr. Jane Henney, the Commissioner of Food and Drug, said, "Nothing in the bill requires a manufacturer to give the approved label to an importer or to allow use of the label by an importer, which means that it is not enforceable."

And then today we receive from the Office of the President, the Office of Management and Budget, the following. And I enter the direct language in the RECORD because in the future we will have to repair the damage that is going to be done when this bill is passed today. It says, "The administration is disappointed that the prescription drug reimportation provision in this bill will fail to achieve its goal of providing needed relief from the high costs of prescription drugs. The majority leadership chose to end bipartisan negotiations and, instead, produced a provision in the conference report that leaves numerous loopholes that will render this provision meaningless. Specifically, it allows drug manufacturers to deny importers access to FDA-approved labeling required for reimportation so that any and all drug companies could, and probably would, block reimportation of their medications. Second, a sunset was added that ends the importation system 5 years after it goes into effect. This will limit private and public sector interest in investing in this system."

And I would just depart from that to say to my colleague that sunset was not in the Jeffords bill, as the gentlewoman indicated earlier today.

And, finally, third, this letter says, "The conference language permits the drug industry to use contracts or agreements to provide financial disincentives for foreign distributors to reimport to U.S. importers. It is wrong that U.S. citizens pay the highest prices in the world for medications, leaving many with no option than to go abroad to obtain affordable prescription drugs. But it is also wrong to provide false hope that this provision will work to address the problem. Moreover, Congress has thus far failed to pass a meaningful Medicare prescription drug benefit that will not only provide price discounts but will ensure seniors and people with disabilities against the catastrophic costs of medications."

That is a direct quote from the Executive Office of the President. And, Mr. Speaker, the full content of the statement is as follows:

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 4461—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL FY 2001

(Sponsors: Skeen (R), New Mexico; Cochran (R), Mississippi)

This Statement of Administration Policy provides the Administration's views on the conference version of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 2001.

The conference report includes support for a number of important priorities for the Nation. In particular, the bill includes full funding for the President's Food Safety Initiative, significant increases in rural development programs to help rural communities and residents take part in the national economic expansion, provisions that will enable food stamp recipients to own dependable cars and have better shelter without losing their eligibility, and relief to farmers and ranchers who suffered losses from natural disasters. While the Administration continues to support a range of conservation efforts, such as the Farmland Protection Wetlands Reserve, and Environmental Quality Incentives Programs, and is disappointed that this bill did not provide full funding for these efforts, we do appreciate the increases that were provided including funds for conservation technical assistance. However, while the Administration supports this conference report, it has concerns with several provisions in the bill.

The Administration is disappointed that the prescription drug reimportation provision in this bill will fail to achieve its goal of providing needed relief from the high costs of prescription drugs. The majority leadership chose to end bipartisan negotiations and instead produced a provision in the conference report that leaves numerous loopholes that will render this provision meaningless. Specifically, it allows drug manufacturers to deny importers access to the Food and Drug Administration (FDA)-approved labeling required for reimportation so that any and all drug companies could—and probably would—block reimportation of their medications. Second, a "sunset" was added that ends the importation system five years after it goes into effect. This will limit private and public sector interest in investing in this system. Third, the conference language permits the drug industry to use contracts or agreements to provide financial disincentives for foreign distributors to reimport to U.S. importers. Finally, despite the Administration's repeated requests, the conference requires FDA to pay for the costs associated with this provision from within resources needed to perform its other important public health activities. It is wrong that U.S. citizens pay the highest prices in the world for medications, leaving many with no other option than to go abroad to obtain affordable prescription drugs. But it is also wrong to provide false hope that this provision will work to address this problem. Moreover, Congress has thus far failed to pass a meaningful Medicare prescription drug benefit that will not only provide price discounts but will insure seniors and people with disabilities against the catastrophic costs of medications.

On the "Trade Sanctions Reform and Export Enhancement Act of 2000," which is included in the conference report, there are two major concerns to the Administration. First, the restrictions on the ability of the President to initiate new sanctions and maintain old ones are overly stringent. This effectively disarms the President's ability to conduct foreign policy while providing potential targets of U.S. actions with the time to take countermeasures. Second, the provisions of the bill affecting travel to Cuba would significantly set back our people-to-people exchanges that are in the interest of opening up Cuban society. They also would preclude travel by technicians and others needed to conduct normal business by the U.S. Interests Section in Havana, as well as travel for humanitarian purposes.

With respect to the provision, "Continued Dumping and Subsidy Offset Act of 2000," the Administration agrees with the findings that state that unfair trade laws have as their purpose the restoration of conditions of fair trade. However, that is the purpose of the anti-dumping and counter-vailing duties themselves, which accomplish that purpose. By raising the price of imports they shield domestic producers from import competition and allow domestic manufacturers to raise prices, increase production, and improve revenues. Consequently, distribution of the tariffs themselves to producers is not necessary to the restoration of conditions of fair trade. In addition, there are significant concerns regarding administrative feasibility and consistency with our trade policy objectives, including the potential for trading partners to adopt similar mechanisms. Such concerns were raised and examined with regard to a similar proposal considered during passage of the Uruguay Round Agreements Act. That proposal was ultimately rejected.

In addition, the Administration believes the provision removing the authority of USDA's Undersecretary for Natural Resources and the Environment has no justification, will interfere with the agency's ability to manage itself effectively, and sets a highly undesirable precedent.

The Administration is also disappointed that the bill prohibits the Secretary of Agriculture from designating any part of a USDA research lab in Ft. Reno, Oklahoma, as surplus land, thereby preventing any consideration of returning land to the Cheyenne-Arapaho tribe. The Secretary should retain his authority to effectively manage USDA property and consider its alternative uses.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), the ranking member of the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services, who is so very passionate and committed and intelligent.

Ms. WATERS. Mr. Speaker, I rise to oppose this conference report because it includes language that is against the will of this body.

Mr. Speaker, there is a United States embargo against Cuba. The blockade serves no real purpose but to satisfy the Florida anti-Fidel Castro Cubans who wish to direct the will of this House.

The people of Cuba need food and medicine. The children are in desperate need of these supplies that we could easily sell to Cuba.

□ 1615

The United States Chamber of Commerce has been to Cuba, the Farm Bureau has been to Cuba, and many members of the agriculture caucus of this body have been down to Cuba, and they are all desirous of lifting this embargo, at least to be able to sell food and medicine.

However, some Members of this House are captives of those Cubans in Florida who have not only tried everything that they can to keep this embargo intact but they have also influenced certain Members of this body to get involved with placing further travel restrictions in this bill.

We have done very well with travel to Cuba. Many Americans go there. We have academic exchange. We have cultural exchange. And it is working very well.

If people are desirous of seeing Cuba, the Cuba that they think it should be, it is only because there is people-to-people contact. But having codified these travel restrictions, we have now placed this in jeopardy.

Well, this meager, little attempt to sell to Cuba without having any financial infrastructure to do so, no credit from the United States financial institutions or government, is not going to work. We are undermining the very efforts of those who would like to sell agricultural products and food and medicine to Cuba.

I would ask for a no vote. This is a wrong-headed policy.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I want to address the issue that the gentlewoman from Ohio (Ms. KAPTUR) spoke about and say I brought this up earlier.

Yesterday the Supreme Court refused to grant certiorari to Smith Kline Beecham on an appeal because they were concerned that FDA was allowing a generic drug company to copy their labels. The Supreme Court would not take the issue.

Basically, I will read the judge's ruling. It says, "We hold that Hatch-Waxman amendments to the existing Food, Drug and Cosmetic Act require generic drug sellers to use labeling that may infringe the copyright in the label of the pioneer drug. We further hold that, as a result, copyright liability cannot attach to Watson's use of Smith Kline's label."

Therefore, allowing the copying of the label. And in the language that we have in the legislation, there is broad enough language giving the Secretary and the FDA the discretion to require this.

Mr. GUTKNECHT. Mr. Speaker, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I have been listening to some of this debate today about importation and reimportation. I would like to talk for a minute about how I got involved in this debate. It was because our own Food and Drug Administration has been and even to this day is sending out threatening letters to senior citizens who try to save a few bucks on prescription drugs. That is how I got into this debate.

Now, some people are saying, well, it does not go far enough; and some people are saying it goes too far. I am reminded of what Winston Churchill said the day after the invasion at Normandy. He said, "This is not the end. This is not even the beginning of the end. This is simply the end of the beginning."

This debate on opening up the market and creating more competition for prescription drugs is not over. This is the beginning.

But, at least, for the first time in 8 years, the Congress is sending a clear message that the threatening letters to seniors for trying to save a few bucks on prescription drugs is going to end. And if it does not end, by the grace of the voters in my district, I will be back and I will be working with people from all sides of the aisle.

I do not like some of the restrictions that were put on in the conference committee. But I know this, we have made more progress in the last 3 weeks on this issue than this administration has made in 8 years. And I think it is good progress, and I think we are going to see prescription drug prices coming down.

Let me just show my colleagues this chart again. Look at what people pay in the United States compared to the rest of the world.

Why are we sending threatening letters to seniors?

This bill may not be perfect, but it is a giant step in the right direction. I congratulate the gentlewoman from Missouri and those of my colleagues who had the courage to stand by and fight for this issue because I think, in the years to come, we are going to see prescription drug prices in the United States come down dramatically.

I would hope we will do this on a bipartisan basis. I do not think saving money for seniors is a partisan issue.

Ms. KAPTUR. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentlewoman for yielding me the time.

First of all, let me just say there is a lot of good things in this bill for agriculture. I commend the gentleman from New Mexico (Chairman SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) for their hard work in the committee.

Second of all, I would like to say that the reimportation issue that we have worked on is not a long-term solution to the problem but it certainly moves forward. It is not perfect but it certainly is going to enhance the ability of Americans and Maineards to be accessing low-cost, affordable prescription medicine.

Now, maybe there is a better way to do it. Maybe there is an easier way to do it. And that probably is by being able to amend Medicare to be able to have this part of the program universally offered. But that is not the issue we have before us. Our seniors need relief.

I want to commend the gentlewoman for working together on this issue, recognizing that there have been differences and it is not a perfect piece of legislation. But I do think it is going to go a long way. We have 325,000 seniors in Maine that do not have access to low-cost, affordable prescription medicine or insurance. This will afford the State an opportunity to negotiate to be able to have access to this pricing so we can do better for its seniors, and that is something that we should be supporting.

Ms. KAPTUR. Mr. Speaker, I yield myself 15 seconds only to say that the reason, I say to the gentleman from Minnesota (Mr. GUTKNECHT) that we do not have prescription drug legislation is because this Congress did not pass it. And this is our only chance, and, unfortunately, a flawed bill is being presented as the only option that a few people here negotiated on their own, not in a bipartisan way.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, I am going to vote for this bill. But I think before we be too self-congratulatory, we should be modest, particularly in regards to the provisions on the Cuba agricultural trade issue and on the reimportation issue. There are many areas in both of those provisions that we should strengthen. And we will be back next year I predict and we are going to strengthen those.

I consider this a small step forward on both of those. And so, I am going to vote for the bill. But just one of the provisions on the reimportation says that first an importer must get the drug tested and then get the manufacturer to supply the paperwork to the pharmacist.

What will happen then? The manufacturers will know every pharmacist that is reimporting drugs. Maybe the next time that pharmacist needs to have a drug from that pharmaceutical company they will find that the pharmaceutical company does not have enough drugs to provide them.

These are the types of things that we should have debated more fully and had some amendments on. But I do think the bill should move forward and I will vote for it, and I encourage a yes vote from all of our colleagues.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) a very outspoken Member and a very able Member.

Ms. JACKSON-LEE of Texas. Mr. Speaker, first let me thank the gentlewoman from Ohio (Ms. KAPTUR) for her persistence and consistent work dealing with agriculture in the United States. And I thank the chairman of the committee.

I am from Texas. And there is a lot of agricultural business and work in Texas. There are also a lot of issues dealing with the needs of hungry people in the agriculture bill.

But it disturbs me greatly and I have expressed my consternation and opposition in voting against the previous question how we would ignore the thousands of seniors in my congressional district who are already aware that they cannot finance food and rent and prescription drugs, and then to ignore a bipartisan effort on the question of drug reimportation seems to be the height of hypocrisy.

This bill claims to have a drug reimportation provision, but it allows drug companies and their intermediaries to price discriminate against U.S. pharmacies and importers. It sunsets the legislation so we cannot even put in a reasonable infrastructure to encourage our pharmaceuticals and others to engage in this program. It allows drug manufacturers to block the importation of drugs through labeling because it does not allow the use of FDA-approved labeling. And we have gotten our consumers very label conscious.

And so, this is a death knell for the legislation. And it does not guarantee American consumers access to the best world market price because it restricts the countries eligible for importation even though the FDA agrees that safety standards for imported drugs are high enough to allow access to the entire world market.

Our neighbor in Texas, of which many of my constituents go to, Mexico, has been excluded, one of the largest countries in the southern hemisphere where thousands of seniors are already busing themselves to get cheaper drugs.

This is a poor statement on a crisis in America. It is a tragedy that we be so hypocritical. I am sorry we have used the agricultural vehicle for such a legislative initiative. I hope, Mr. Speaker, we can fix this problem.

Mr. Speaker, I rise to offer mixed sentiments regarding the consideration of the conference report for our Nation's Agriculture appropriations. First and foremost this legislative effort represents our plans for our Nation's food source for the next year, but this bill is much more because it touches prescription drug reimportation into the United States.

The measure appropriates $78.5 billion—$3.0 billion (4 percent more than the House bill, 4 percent more than the Senate measure and 2 percent more than requested by the administration. The agreement includes $3.6 billion in emergency funding to aid farmers hurt by disasters and low commodity prices; the House bill had provided only $115 million in emergency aid to apple and potato growers, while the Senate measure had $2 billion in disaster relief.

Over 75 percent ($59.8 billion) of the total budget authority provided by the agreement in FY 2001 is mandatory spending for entitlement programs, including $20.1 billion for the food stamp program. The remainder ($18.7 billion) is for discretionary programs. The discretionary spending in the bill is $4.7 billion more than the FY 2000 appropriation and $3.2 billion more than the administration's request.

As has been the case with the last couple of agriculture appropriations bills, this year's measure broke with a tradition of easy passage and has been complicated by various issues. At the top of the list of things stalling the measure has been a proposal to relax trade sanctions against food and medicine sales to Cuba and other so-called rogue nations. In addition, proposals to ease Food and Drug Administration (FDA) rules for importing drugs and address rising prescription drug prices slowed the measure's progress dramatically. Finally, settling on emergency funding levels to aid farmers recovering from disasters and struggling with low commodity prices also proved difficult. Negotiators developed compromise language on each of these contentious issues during conference action.

This bill also makes an historic step toward removing the last vestiges of the cold-war era by instituting conditions for trade with Cuba. The agreement lifts current economic sanctions to allow shipments of food and medicine to Cuba among other nations. In the case of Cuba, the measure bars public and private United States financing of Cuban agricultural purchases. It also codifies restrictions (currently implemented by executive order) on Americans traveling to Cuba. This is an unfortunate result and this Congress should work to change this stifling action that will impair efforts to help the Cuban people.

The agreement purports to allow pharmacies and wholesalers to buy American-made prescription drugs abroad and reimport them into the United States. Unfortunately there is a loophole in this legislation, which may allow drug manufacturers to continue charging higher prices for medicine to our Nation's elderly who so desperately need relief. Under this legislation the drug companies will be allowed to continue to market the same drugs that Americans have to pay higher prices for under different names in Mexico and Canada. Further, there is language in this bill, which will allow drug companies to restrict the marketing of these drugs under their cheaper names back here in the United States. Once again the American public is being told that Congress is responding to the problem of the high cost of prescription drugs in this country, but yet again there is a loophole for the consumer to fall through. This Congress should not abdicate its responsibility to offer financial relief to the millions of elderly Americans who have to choose each month between paying their bills, purchasing food, paying rent, or buying vital medicine.

I would like to acknowledge that this conference does include as much as $3.4 million of the $6.8 million I requested be set aside for the 1890 Land Grant Colleges, which also includes many of our Nation's Historically Black Colleges and Universities, for research activity. Historically these institutions of higher learning received marginal increases and have been level funded for the last 5 years. The amendment will increase research activities by $4 million and extension activities by $2.8 million for the 1890's land grant institutions. This $6.8 million increase will be deducted from the Agricultural Research Service (ARS) funding included in the bill.

I had hoped that the conference committee members would have deemed it more than reasonable to fund this area to the full $6.8 million that was requested. Given the fact that the minority 1890 Land Grant Colleges did not receive any land-grant funding from the United States, unlike other land grant colleges, prior to 1967 with formulary funding not beginning until 1972. Since 1988 Federal funding for agriculture programs has declined by 8 percent and the base funding that supports agricultural scientists and extension educators has eroded by 16 percent. This has obviously had a devastating negative impact on the 1890's. Federal support for basic research in the decades since the 1950's has decreased from an annual growth rate of 22.9 percent in the 1950's to 2 percent in the current decade. Flat support for food and agricultural sciences compounded by the lack of adequate state matching funds have created an alarming erosion in the conduct of 1890 research and extension services. Although the Congress encouraged States to provide a 30-percent match for 1890 landgrant programs in FY2000, several 1890's are facing nearly insurmountable barriers in getting states to comply.

I hope that the actions taken in this bill to provide additional dollars to 1890 Land Grant Colleges will mark a new era of Federal support to these Historically Black Colleges and Universities.

Within the measure's $34.1 billion for domestic food programs is $4.1 billion ($37 million less than requested) for the women, infants and children (WIC) program. The bill appropriates $873 million ($5 million less than requested) for conservation programs; $973 million ($39 million more than requested) for the Agricultural Research Service; and $1.5 billion ($84 million less than requested) for the Rural Housing Service. It also provides the administration's request of $973 million for the PL–480 Food for Peace Program.

In addition, the measure modifies the eligibility rules regarding automobile ownership and monthly housing costs for food stamp recipients. Current law prohibits food stamp recipients from owning a car worth more than $4,650 or paying monthly housing costs of more than $275. Under the agreement, States could set their own caps for the vehicle allowance and gradually raise the housing cap over 5 years to $340 per month.

I would like to thank the conferees that worked on this conference report. However, I will vote "no" on the rule because of several failings in the bill and I will reluctantly vote "yes" on the legislation.

Mr. SKEEN. Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. HINCHEY) the sponsor of the key amendment that would have prevented drug companies from discriminating against U.S. importers and would have ensured that U.S. importers could purchase drugs on the same terms and conditions as foreign purchasers.

Mr. HINCHEY. Mr. Speaker, first of all, I want to express my profound appreciation to the gentleman from New Mexico (Mr. SKEEN), the chairman of the subcommittee, for the work that he has done and the leadership that he has provided on this initiative, along with the gentlewoman from Ohio (Ms. KAPTUR), the ranking minority member. It has been a profound pleasure to serve on the subcommittee with both of these Members.

Mr. Speaker, this is a good bill in many respects. The agriculture bill here contains increases in farm conservation and rural development programs. It contains important increases in rural housing, business, and utilities programs that are critical to small communities across the country.

In addition, it contains important recognition for the Rural Economic Area Partnership Zone Program. It also includes funding for important agricultural research initiatives.

In addition, it contains a little more than $3 billion in critical emergency assistance for farmers and ranchers who have suffered through another year of bad weather and low prices.

There is also $138 million for apple farmers struggling to overcome loss of markets and devastating weather that have occurred over the last 3 years.

I want to make it clear, that particular provision for specialty crops was originated in this House in the Subcommittee on Agriculture Appropriations and nowhere else. So, for the first time, apple farmers and other growers of specialty crops are going to get recognition for the difficult circumstances under which they operate.

This bill is a good bill. It provides assistance for dairy farmers, $1.6 billion in crop losses for all farms all across the country. All farmers are going to benefit from it.

So if my colleagues are going to vote for this bill, as I am, vote for it for the agriculture and the rural development provisions in the bill, all of which are exemplary and good. Do not vote for it for the provision on prescription drugs. Because the prescription drug provision in this bill is a shell, it is a fake, it is a sham. It will not provide prescription drugs at reduced prices for any American anywhere. It is designed precisely in that way, to prevent any consideration to reduce prices of pharmaceuticals imported from Canada or anywhere else because the bill fails to recognize the ability of the pharmaceutical companies to insert language that will prevent that from happening.

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This is a good bill in many respects. However, it leaves to the next Congress the necessity to deal with the issue of the high cost of prescription drugs in America.

Ms. KAPTUR. Mr. Speaker, I yield myself the balance of my time.

I just wanted to end by pointing out an important clarification here. The gentlewoman from Missouri indicated there was a Supreme Court case or an appeals court case and inferred that it supported her point of view.

Let me say that the Supreme Court declined to review the SmithKline case so the appeals court stands. If the law requires you to use labels, you must. And that is exactly what the Democratic amendment required, exactly what the Waxman amendment required, exactly what the DeLauro amendment required in the subcommittee markup.

Mr. SKEEN. Mr. Speaker, I yield 30 seconds to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, the judge said that they hold that the Hatch-Waxman amendments that already exist to the Food, Drug and Cosmetic Act require the labeling be used, be given by the drug manufacturer to the generic which means then, or to the reimporter in our particular case, and that it is not an infringement of copyright liability and, therefore, the drug company will have to provide the labeling under the discretion of the FDA. The FDA has broad discretion in this area and, therefore, all of that is covered in the language that exists in the bill that we are about to vote to pass.

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard a good deal about what the bill does do and does not do in terms of two provisions, prescription drug reimportation and trade sanctions. I would like to remind my colleagues that both of these issues more properly belong in an authorization bill, not appropriations. But they are here in our bill and represent some progress in helping our senior citizens get affordable medicines and helping our farmers and ranchers sell more of their products. That is a great marriage.

If Members want to criticize this bill for what is not there, then I would remind them that this bill also does not have campaign finance reform, it does not have managed health care reform, and it does not guarantee peace in the Middle East. What this bill does, among other things, is improve our environmental and water resources, provide food and nutrition for the vulnerable in our society, protect our food and medical supplies, and keep our system of agriculture the best and the strongest in the world.

Oddly enough, that is what this appropriations bill is supposed to do. That is why every Member of this body should recognize the good that this bill will do for their constituents and vote "aye."

Mr. GILMAN. Mr. Speaker, while I am troubled by the failure of this measure to include funding for the disaster that befell our onion farmers in 1999, I will support this measure because it provides vitally important assistance to many farmers, growers of speciality crops and dairy farmers as well as the agricultural communities in my district.

I would also like to express my concerns over provisions in this bill in the Trade Sanctions Reform and Export Enhancement Title relating to Iran and other nations on the list of terrorist nations. We should, in my view, not be modifying our present policies toward Iran and Libya where we have in place a de facto prohibition against government credit for our exports to those countries.

The waiver on the prohibition on financing for commercial exports to Iran, Libya, North Korea or Sudan for national security purposes is, in my view, overly broad. Next year, we need to revisit this issue so we can ensure that the U.S. Taxpayer is not supporting commercial exports to terrorist countries, unless there are urgent humanitarian reasons to do so.

We also need to clarify that in providing licenses for the export of goods or services to countries promoting international terrorism under the current guidelines of the Department of the Treasury, we should keep the procedures in place for the denial of each and every license for any export to a person or group found to be promoting acts of international terrorism.

Mr. KOLBE. Mr. Speaker, I believe overall that the Agriculture Appropriations Conference report is a very good bill. It contains many admirable provisions including language that would allow the reimportation of prescription drugs. Data shows that a single does of a drug that costs a senior citizen $1 in the United States only cost 64 cents in Canada, while in Italy the same drug costs only 51 cents. I support drug reimportation—I am convinced this is one way to reduce the cost of prescription drug prices without imposing price controls or burdensome regulations on drug manufacturers. Indeed, I voted in favor of these provisions when the Agriculture Appropriations bill first passed the House and I am a cosponsor of H.R. 1885, the International Prescription Drug Parity Act, which contains many similar provisions.

Also included is funding for a number of initiatives which I strongly favor, including $1.5 million for pink bollworm control programs, $500,000 for aflatoxin research in Arizona. $5 million for the Water conservation and Western Cotton Laboratory move from Phoenix to the University of Arizona's Maricopa Agriculture Center (MAC), $495,000 for the International Arid Lands Consortium (administered by UA), $369,000 for the Southwest Consortium for Plant Genetics and Water Resources, $200,000 for hesperaloe and other natural products from desert plants research (conducted by UA), and $4,177,000 for shrimp aquaculture research. And I voted for a bill which contains these provisions when it passed the House on July 11, 2000.

However, during conference deliberations on the Agriculture Appropriations bill, an amendment was inserted into the bill that was not considered by an committee in either the House or Senate. This provision has serious repercussions for U.S. industry. Because of my strong opposition to this provision, I will reluctantly vote against this bill today.

Under the amendment adopted in the Agriculture Appropriations conference report, antidumping and countervailing duties which are currently paid by the importing industry would be transferred from the U.S. Treasury Department directly in the petitioning company. This is a major change in our current antidumping and countervailing duty laws with potentially disastrous consequences. Under current law, antidumping or countervailing duties are assessed to offset the dumping or subsidy and paid to the U.S. Treasury. Payment of the duties readjusts the market to replicate conditions as if dumping or subsidization had not occurred. The theory behind this law is to level the playing field between U.S. producers and foreign importers so that each may compete fairly for access to U.S. consumers. The provision inserted into the Agriculture Appropriations bill does much more—it double compensates the petitioner by no only offsetting the alleged injury, but also providing a windfall subsidy to the petitioner.

This provision will encourage other countries to adopt a similar industry subsidy. U.S. exporters facing dumping duties will end up directly subsidizing their competitors instead of paying duties to a foreign government. Because U.S. companies are the biggest targets of AD/CVD actions, this threatens our exports.

Subsidization of industry by any government which is a member of the World Trade Organization violates the WTO Agreement on Subsidies on Countervailing Measures. The U.S. Government supported this Agreement because we sought to eliminate foreign subsidies which undercut the ability of U.S. industry to compete abroad. Payment of AD/CVD duties violates the Agreement which could lead to retaliatory tariffs against innocent U.S. exporters.

The lure of a potential monetary windfall could spur additional litigation under our AD/CVD laws. In order to be eligible for the potential windfall, U.S. industry would be encouraged to join in the filing of AD/CVD petitions. Otherwise, they would not be eligible for any payments which might be made under this new provision. Furthermore, the promise of monetary compensation would take away any incentive to enter into "suspension agreements" or settlements whereby a foreign producer agrees not to sell below an agreed price in an antidumping case. More cases means more duties, on the backs of this U.S. industries which depend on steady supplies of products which may subject to AD/CVD.

Because of the serious implications of this ill-considered provision, I am reluctantly voting against the Agriculture Appropriations conference report.

Mr. BLUMENAUER. Mr. Speaker, I reluctantly voted against this bill though there is much in it that merits support. However, the benefits accorded to farmers in this bill are disproportionately skewed to large operations, not to smaller-scale, family farms. If people want to step back and provide benefits for small farms, I will be the first to look at ways that we can do that in a cooperative fashion. But this bill is not targeted. We continue to pour unprecedented sums to agriculture without addressing the apparent failure of the so-called "Freedom to Farm" bill.

Several provisions illustrate the lost opportunities. We missed an opportunity with Cuba in this bill. We successfully trade with China. Why can't we pursue a rational trade policy with Cuba? Cuba trade will hasten the departure of Fidel Castro, leader of one of the last remaining bastions of communism.

There is a rider for the sugar industry buried in this conference report that subverts the reform the 1996 Freedom to Farm bill was supposed to usher in. It will do nothing to change the $352 million in loan defaults taxpayers are paying this year, no GAO's estimated $1.9 billion cost of the sugar program to consumers.

As pointed out in an October 1 editorial in the Washington Post, the drug reimportation language in this bill is unlikely to do much to address the problem of affordability of prescription drugs. The five-year time limit on the bill will significantly minimize the effectiveness of this token effort to address the skyrocketing cost of pharmaceuticals. These narrow provisions won't have the impact for our seniors that real solutions to the prescription drug crisis world have.

This bill does not do enough to address the serious problem of hunger in the United States. Even in this time of unprecedented prosperity, many families are hungry. Oregon has one of the highest rates of hunger in the nation. Yet, the conference report provides less funding to food stamp programs, less funding to school breakfast and lunch programs, and less funding to the WIC programs than what was originally allocated in the House and Senate versions of this bill.

We can do better.

Mrs. KELLY. Mr. Speaker, I rise to being attention to one of the concerns I have with this bill. To be specific, I was very troubled to find that the conference report being considered today includes language which restricts funding for the American Heritage Rivers Initiative (AHRI).

When this bill first came to the floor in June, it included language which prohibited funding for the Natural Resources Conservation service (NRCS) from being used for the American Heritage Rivers Initiative. I offered an amendment to strike this language out, and it was adopted with unanimous support from this body.

In light of this body's support for my amendment—and the fact that no such similar language was in the bill passed by the other body—it is difficult to understand why the conferees found it appropriate to include the restrictive language in the conference report. As I have noted on the floor in the past, I understand that some enmity exists for the American Heritage Rivers Initiative by those who feel that the initiative represents an intrusion of the federal government into local affairs. Though I'm confident that an examination of AHRI's record will show that their concerns are entirely unfounded, I will not attempt to dissuade my colleagues from their opinion.

These Members had the opportunity to protect their communities from this phantom threat when the initiative was implemented, having been given the power to veto the involvement of their districts in AHRI. I would like to remind my colleagues that the only communities which remain in the initiative are the ones which have actively chosen to participate, including communities in my district, and so I resent these actions undertaken by Members—behind closed doors—which certainly will have a negative effect only on communities other than their own.

I will support this bill only because so many important programs stand to benefit from its enactment, but I regret the failure of the conferees to abide by the will voted by this body in June. In the future, I hope they will be more respectful of the decisions made by communities in other Member's districts.

Mr. SANFORD. Mr. Speaker, today, I rise in opposition to H.R. 4461, to FY 2001 Agriculture Appropriations Conference Report. I oppose this bill for a few different reasons, but right now I would like to talk about just one. Interestingly, this reason has nothing to do with farming, but rather the issue of an American citizens ability to travel to Cuba.

Mr. Speaker, I opposed today's bill because of the agreement regarding the sales of food and medicine to Cuba, Libya, North Korea, Iran, and Sudan. The agreement permits the sale of food and medicine, but also codifies the current restrictions regarding the American citizens ability to travel to Cuba.

I oppose this agreement for three reasons. Number one is procedure. On July 20th of this year, I offered an amendment that would have prohibited funding for the enforcement of travel restrictions. Essentially, lifting the travel restrictions. The amendment passed the House by a vote of 232 to 186, but unfortunately the amendment was stripped out of the Treasury-Postal Appropriations bill. This agreement would do just the opposite of what the majority of the House supported. By codifying the present travel restrictions, it prohibits this President or any future President from making changes to the current travel regulations. Therefore making it more difficult for Americans to travel to Cuba in the future.

This point is significant, Mr. Speaker, because it has not historically been our nations policy to restrict travel. Actually, our policy has been just the opposite. Whether it was South Africa during apartheid, the Soviet Union under Communism or the People's Republic of China today, our nation has consistently encouraged the notion that person to person diplomacy was in our national interest.

Number two, the Fifth Amendment of the Constitution protects an American citizen's right to travel. In 1956, the Supreme Court first affirmed this right in Kent v. Dulles. The court stated, "An American who has crossed the ocean is not obliged to form his opinion about our foreign policy merely from what he is told by officials of our government or by a few correspondents of American newspapers. Moreover, his views domestic questions are enriched by seeing how foreigners are trying to solve similar problems. In many different ways direct contract with other countries contributes to sounder decisions at home."

In 1965, the Supreme Court heard the case of Zemel v. Rusk. The case specifically addressed the question of travel to Cuba. In Zemel v. Rusk, the Court again ruled that the right to travel is guaranteed in the fifth amendment. But the Court went on to find that the restriction on travel to Cuba was constitutional because it was supported by the "weightiest consideration of national security." However, according to a U.S. Defense Intelligence Agency report issued on May 5, 1998, Cuba is no longer a military threat to the United States."

Number three, I believe we should look the issues of fairness and severity. Let me say that I do support the idea of permitting sales of U.S. foods and medicines to these nations. But, if you weight the pros and cons of the sales versus travel, I don't think this agreement passes the common sense test. Let's look at the four other nations this agreement permits sales to, North Korea, Iran, Sudan, and Libya.

American citizens are permitted to travel to North Korea and Sudan. North Korea is developing missiles believed to be capable of delivering nuclear warheads. After North Korea test fired a three stage rocket in 1998, U.S. intelligence estimates reported that such a missile would have the range to reach Alaska and Guam.

The State Department has reported that Sudan "continued to serve as a refuge, nexus, and training hub for a number of international terrorist organizations." Additionally, the Sudanese government continues to force its own citizens into slavery for opposing the government's "holy war."

Presently, State Department regulations prohibit U.S. citizens from traveling to Iran and Libya, but these two countries were still given perferentional treatment compared to Cuba. Iran and Libya will be given access to U.S. credit programs, whereas Cuba will not.

Even though the Administration proliferation reports released this August assert that Iran is "one of the most active countries seeking to acquire weapons of mass destruction and advanced conventional weapons," assisted primarily by Russia, China, and North Korea. And Libya was early this year accused by the United Kingdom of smuggling Chinese Scud missile parts through Gatwick airport, and who the U.S. Department of Defense accused of receiving missile technology training from China.

After reviewing these facts, I have to ask does it make sense for this Congress to support doing business with these nations at the cost of infringing on the rights of American citizens to travel? I don't think it does. Therefore, Mr. Speaker I will be voting against today's bill.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of H.R. 4461, the FY2001 Agriculture Appropriations Act. I would like to thank Chairman SKEEN and the members of the Subcommittee for their leadership in drafting this legislation and I rise in strong support of its passage.

Included in this bill is significant funding for the boll weevil eradication program. Boll weevil eradication has been a federally sponsored initiative for the last twenty-five years which has successfully eradicated the cotton pest from many states. The remaining states with on-going eradication programs include New Mexico, Oklahoma, Texas, Louisiana, Arkansas, Mississippi and Tennessee. While all these states do receive some direct federal grants, it is nowhere near the percentage received by those states where the eradication program has already been completed. Instead, our states are required to call upon cotton growers in the State to self-finance the cost of most of the eradication program. The federal government's percentage of support for these programs has steadily declined over the last few years and today, the federal contribution is only a few percentage points of the cost of the overall program. In lieu of direct federal grants, the Congress has provided these remaining states with access to low interest USDA loans, some grant money, and "in-kind" federal assistance. In most instances, the state governments have been required to "step up to the plate" and provide significant financial support to replace the lost federal aid.

In Oklahoma, our state legislature created the Oklahoma Boll Weevil Eradication Organization, or OBWEO, as a state agency in 1993 to coordinate the state-wide effort. In 1995, the legislature amended the powers of the OBWEO to enhance its financial capabilities so that OBWEO could apply for and receive USDA low-interest loans, as well as issuing state bonds, the interest from which would be exempt from federal income tax. Shortly thereafter, OBWEO organized the State's growers and began its eradication efforts.

Unfortunately, neither of the two financial tools with which OBWEO was equipped proved to be useful. Due to quirks in USDA loan regulations, OBWEO has never been eligible for USDA loans. Moreover, OBWEO has not been able to issue federal tax-exempt bonds because of a restriction in the Internal Revenue Code regarding "private activity bonds". The inability of OBWEO to use the tax-exempt feature has resulted in additional interest costs as well. All told, OBWEO has seen its financing costs increase by almost $2 million, which is a tremendous amount in light of a total program cost of just under $17 million. In other words, OBWEO is experiencing a more than 15% program cost over-run because it cannot get access to loan programs available to other states.

This bill takes the necessary steps to get the eradication program in Oklahoma back on track with that in other states. Furthermore, it provides the necessary resources for the cotton producers nationwide to implement aggressive, successful eradication programs to rid their crops of these destructive pests. Other benefits for the cotton producers across the country include an increase in the limitation on Loan Deficiency Payments (LDPs) and Market Loan Gains (MLGs) to $150,000 for 2000 crops of cotton, grains and oilseeds, $78 million for the federal cost share contribution to boll weevil eradication, and $100 million in lending authority for the eradication program.

Also included in this bill is funding for the Retired Educators for Agricultural Programs, or REAP. REAP is an organization which was established in 1994 to address the diminishing numbers of African American agricultural education teachers in Oklahoma and the scarcity of African American youth enrolled in vocational agriculture and programs such as the Future Farmers of America. Initially, REAP was operating in five counties in Oklahoma. It has since begun to operate in other areas throughout the State.

The mission of REAP is to build a foundation that promotes personal and economic opportunities in agriculture for African American youth through project development and partnerships with educational and other community resources. One of the primary goals of REAP is to emphasize citizenship, economic development, leadership and scholarship to the African American youth involved in the program.

REAP extends its outreach to the parents and community members by means of programs, forums and opportunities to chaperone student activities. The program encourages this participation in the hope that the adults will become better informed, more involved and more supportive of the reasonable and achievable aspirations of their young people.

REAP exemplifies a model that can be easily replicated. It is a program of vision, partnerships and commitment that is timeless in focus and limited only by the parameters of the imagination. Field trips to areas in my district in Southwest Oklahoma have ignited great interest in expanding the program into this area of our state. Parents and teachers in Lawton, Altus, Frederick and Tipton, assure me that there is a great need for REAP in our area of the State where limited financial resources have precluded service.

Mr. Speaker, REAP is an important program which could be used as a model for similar programs in other states. This program is vital to the further development of rural America. I am honored to have the opportunity to play a role in furthering the efforts of this very important program.

The bill also includes $3.5 billion for emergency assistance to farmers and ranchers who have suffered economic losses associated with weather-related yield and/or quality losses. This alone will not address all the disaster assistance needs of our producers. For instance, in Oklahoma alone, the damage from the summer drought and wildfires is estimated at over $1 billion. However, this is a step in the right direction to providing much-needed assistance for our farmers and ranchers.

Mr. Speaker, I rise today in strong support of this bill and ask my colleagues to join me in supporting our nation's farmers and ranchers by casting their vote in favor of H.R. 4461.

Mr. BURR of North Carolina. Mr. Speaker, I am pleased that many of the agriculture needs of the U.S. are covered in this legislation, yet I need to express my concerns with the reimportation provision.

It is important to remember why the Prescription Drug Marketing Act of 1988 (PDMA) was enacted in the first place. At the time, there was considerable evidence that counterfeit and otherwise adulterated drugs were entering U.S. commerce from abroad. After a lengthy investigation, the Commerce Committee concluded that greater restrictions on pharmaceutical imports into the U.S. were essential to protect the safety of American patients and the integrity of the U.S. drug supply. In response, a bipartisan Congress enacted PDMA.

PDMA was designed to (1) prevent the introduction of prescription drugs that may have been improperly stored, handled, and shipped overseas, and (2) reduce the opportunities for importation of counterfeit and unapproved prescription drugs.

As Vice Chairman of the Commerce Oversight and Investigations (O&I) Subcommittee, I have participated in two hearings on the importation of counterfeit bulk drugs. Currently, even with PDMA, the Food and Drug Administration (FDA), Department of Justice, and U.S. Customs Service are having a very difficult time inspecting overseas drug manufacturing facilities and confiscating counterfeit bulk drugs that enter the U.S. According to a DEA agent, 25% of the drugs coming across the U.S./Mexico border are counterfeit and a majority of the remaining 75% are not from FDA approved sources. If those agencies are having a difficult time with PDMA in place, I dread to see what will happen after Congress destroys PDMA with this reimportation language.

The bottom line in this issue is consumer safety. When my constituents in the 5th District of North Carolina go to their neighborhood pharmacy to pick up their prescriptions, they should not have to think about the quality of the drugs they are purchasing. I did not spend two years modernizing the Food and Drug Administration to sit back and allow my constituents to worry about counterfeit drugs entering the U.S.

There is also an issue of cost within this reimportation debate. Members of Congress who support reimportation believe that this change in law will provide Americans with cheaper pharmaceutical drugs. Unfortunately, there is no guarantee that reimportation will save Americans money.

First of all, the FDA is asking for at least $23 million to start implementing the reimportation provision. Most likely that $23 million will grow to $60 or $90 million very quickly. A witness from the U.S. Customs Service testified at the most recent Commerce O&I Subcommittee hearing that the Customs Service would also need additional money to patrol the reimported drug shipments.

Second, there is no mandate in this legislation that wholesalers and pharmacists have to pass the savings from reimported drugs onto U.S. consumers. Various middlemen, both in the U.S. and abroad, will take in the profits, while consumers will bear the risk. Today, Internet sales remove the middlemen, but not the risk.

The Energy and Commerce Committee lead by Chairman DINGELL pointed out that reimportation may not always translate into lower priced drugs for consumers. On July 10, 1985, Chairman DINGELL said, "To those of you who would have us believe that prescription drug diversion is just another way to give the consumer a price break, I say, look about you. These are not counterfeit tee shirts or counterfeit Gucci handbags. No consumer can possibly weigh the risk involved in the purchase of medicine which has not been properly stored, or which has been shipped outside channels of commerce where it is properly protected with law."

Americans' trust of Congress will quickly erode when cost savings are not found through reimportation and people become ill and possibly die due to imported and reimported drugs that are counterfeit or adulterated.

The reimportation language contained in this legislation not only affects the quality of drugs entering the U.S. but it also poses a large threat to international commerce. At the last minute, several members of Congress pushed for language that interferes with contracts between American manufacturers and foreign countries/wholesalers. That language is unconstitutional based on the Fifth Amendment to the U.S. Constitution: "nor shall private property be taken for public use without just compensation." There have been several court decisions that uphold the rights of patent owners and manufacturers to decide to whom they sell their products. The contract language contained in this legislation clearly contradicts those court decisions.

On June 28, 2000, the House passed H.R. 4680, legislation that would provide Medicare beneficiaries with comprehensive, high quality, and affordable drug coverage. I am pleased to be an author of that legislation. I agree that American consumers should have access to low priced pharmaceuticals, but the best way to that access is through drug coverage, not reimportation.

Dr. Jere Goyan, former FDA Commissioner under Jimmy Carter, summarized this issue well: "I respect the motivation of the members of Congress who support this [reimportation] legislation. They are reading, as am I, stories about high prescription drug prices and people who are unable to pay for the drugs they need. But the solution to this problem lies in better insurance coverage for people who need prescription drugs, not in threatening the quality of medicines for all of us."

I am pleased that adherence to the FDA's gold standard, Section 505 of the Food, Drug, and Cosmetic Act, has been placed into the reimportation language. Initially, some members of Congress wanted to create a second, less-restrictive standard for pharmaceuticals entering the U.S. By specifically mandating that all drugs imported and reimported into the U.S. must pass Section 505 standards, Congress is establishing an important hurdle for wholesalers and pharmacists to overcome.

Unfortunately, I do not think that the FDA and Customs will be able to check all of the paperwork to ensure that the drugs have been tested and that they passed Section 505 standards. Counterfeit paperwork is easier to produce than counterfeit drugs.

Although I have used the term "reimportation" throughout this statement, please understand that Congress is not just talking about reimporting drugs. We are also talking about importing drugs. "Reimported drugs" are manufactured in U.S. quality controlled facilities, shipped for sale overseas, and imported back into the U.S. "Imported drugs" are made overseas in manufacturing plants that may never be inspected by the FDA, shipped to a foreign county with pill colors, shapes, and labeling for that country, and then imported into the U.S. by U.S. wholesalers and pharmacists. This language will allow imported drugs into the U.S.

I hope that both national and internatonal AIDS groups realize that this language will stop pharmaceutical companies from selling AIDS medications to foreign countries at greatly reduced prices because the bill does not prevent those medications from re-entering the stream of commerce with great financial gian to foreign countries and huge financial losses to pharmaceutical companies.

The last section of the reimportation language is a bill by Representative GUTKNECHT. The FDA reviewed this legislation and, in a letter to Representative DINGELL, expressed opposition to the vagueness of the bill's language. Because the term "warning notice" is so poorly defined, the bill will cripple the FDA's ability to contact any importer that has suspicious drugs at a U.S. port of entry. In the letter, the FDA reassures Congress that they could internally address the issu eof personal use letters to seniors. There is no good reason why Representative GUTKNECHT's bill is attached to this legislation.

In conclusion, I am deeply concerned about the safety and efficacy of the drugs that will fill Americans' medicine cabinets if this legislation passes. For decades, the U.S. has set the highest standard in the world for quality prescription drugs. Becasue of this high standard, the U.S. is home to the discovery and manufacturing of the most innovative new therapies in this world. If Congress passes this legislation, we will be destroying the safety and efficacy of drugs consumed by our constituents. We will also be giving pharmaceutical companies every reason to pull their headquarters and manufacturing plants out of the U.S. and into countries with lower labor and manufacturing costs. Why some members of Congress want to both expose Americans to counterfeit and adulterated drugs and drive industry out of the U.S. is truly beyond me. It is for these reasons that I would vote against the Agriculture Appropriations Conference Report.

I submit the following items to be entered into the RECORD.

1. Letters opposing reimportation from the Chamber of Commerce, National Association of Manufacturers, National Mental Health Association, National Multiple Sclerosis Society, ALS Association, Cystic Fibrosis Foundation, Kidney Cancer Association, Log Cabin AIDS Policy Institute, National Prostrate Cancer Coalition, Pancreatic Cancer Action Network, Pulmonary Hypertension Association, Society for Women's Health Research, Allergy and Asthma Network Mothers of Asthmatics, and

2. A Sept. 20, 2000 letter from Representative BURR, Representative TAUZIN, Representative GREENWOOD, Representative OXLEY, REPRESENTATIVE PICKERING, and Representative EHRLICH to Members of the House and Senate Agriculture Appropriations Subcommittees.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, October 4, 2000.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. MAJORITY LEADER: The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector and region, strongly opposes legislation that would require American manufacturers to sell unlimited quantities of prescription drug products to any foreign wholesaler. I urge your personal intervention in this very serious matter.

I urge you to reject these so-called "non-discrimination" provisions proposed by Congressman HENRY WAXMAN which have been slightly modified for inclusion in the agricultural appropriations conference report as they would set a harmful precedent for all U.S. businesses and industries.

These modified "non-discrimination" provisions would pose a significant threat to current commerce and international business practices by attacking manufacturers' ability to freely contract. Furthermore, there has not been a single hearing to study the total impact of these provisions on business operations including the creation of jobs, as well as the U.S. economy.

Finally, permitting the importation to the U.S. of products sold abroad where prices are not determined by market forces sets a terrible precedent. Again, I urge your timely intervention and I urge you and your colleagues to reject the drug reimportation provisions generally and the modified Waxman proposal particularly.

Sincerely,

TOM.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
October 4, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I write to urgently draw your attention to a pending amendment offered by Rep. Henry Waxman to the prescription drug reimportation language contained in the Agriculture Appropriations bill (H.R. 4461) currently in conference. The NAM strenuously opposes this amendment, which should be promptly rejected.

The NAM has been greatly concerned by the drug reimportation provisions that previously passed the House and Senate—seeing a great threat to consumer safety. These provisions have been improved by their emphasis on the Senate-passed provisions and with the addition of greater consumer safeguards. The resulting language—though still more than the NAM can support—is a more reasonable approach to this popular issue.

The Waxman "non-discrimination" amendment is wholly inconsistent with the revised reimportation language and far more dangerous in its own right. What precedent would Congress set for other industries by requiring American pharmaceutical manufacturers to sell to any foreign wholesaler? Patient safety would be compromised by the diminution of domestic supplies and endangered by the prospect of sales to unscrupulous or fly-by-night foreign wholesalers.

We are also troubled that the Waxman language would criminalize manufacturers' failure to sell to any foreign wholesaler. The criminal provisions in the reimportation language are appropriately intended to deter counterfeiting and were never intended to address the business decision of a manufacturer determining where to sell its products.

Again, the NAM urgently requests your assistance in defeating the Waxman amendment.

Sincerely,

MICHAEL E. BAROODY.

NATIONAL MENTAL HEALTH
ASSOCIATION,
Alexandria, VA, August 31, 2000.

Hon. THAD COCHRAN,
Chairman, Senate Agriculture, Rural Development, and Related Agencies Subcommittee, Washington, DC.

DEAR CHAIRMAN COCHRAN: As head of the nation's largest and oldest advocacy organization representing millions of individuals with mental illness across the country, I am writing to you regarding the need to maintain meaningful safety standards for pharmaceutical products. This past session of Congress has witnessed unprecedented interest in prescription medicines. I wish to express my concern regarding a couple of the measures that have been advanced in the House and Senate Agriculture Appropriations Bills.

In the House, the Crowley and the Coburn amendments, restricting funds for use in enforcement of the importation and re-importation provisions of the Prescription Drug

Marketing Act (PDMA), section 801(d)(1), could substantially increase risks to Americans who rely on prescription medicines. Similarly, the Jeffords amendment, permanently restricting the Food and Drug Administration's ability to regulate pharmaceutical importation, could also place American consumers at risk. While our organization is supportive of affordable pharmaceuticals for all Americans, we are troubled by the potential risks that come with the assumed savings, especially since there are no guarantees provided in these amendments that the savings would even be passed on to the consumers.

In its statement regarding the impact of these amendments on prescription drug safety, the Food and Drug Administration issued this caution:

"These amendments will likely encourage the very sources of adulterated, misbranded and unapproved drugs that were cut off by section 801(d)(1), to begin shipping again. FDA, with its limited resources, would be extremely hard-pressed to do the investigative work necessary to discover and stop these new sources of potential harmful products."

As the Conference Committee proceeds with its final deliberations on the Agriculture Appropriations Bill, I ask that you carefully weigh these risks that the American public might be incurring compared to the real dollar savings that might be realized. On behalf of our 340 affiliates nationwide, I want to thank you for addressing the delicate issues of prescription drug pricing and safety regulation. I look forward to working with you in the future as Congress continues this debate.

Sincerely,

MICHAEL M. FAENZA, M.S.S.W.,
President & CEO.

NATIONAL MULTIPLE
SCLEROSIS SOCIETY,
New York, NY, September 27, 2000.

Hon. JOE SKEEN,
U.S. House of Representatives,
Washington, DC.

DEAR CHAIRMAN SKEEN: I am writing to express the National Multiple Sclerosis Society's concern about legislation that could lead to the importation of unsafe drugs into our country. Earlier this year the House and Senate approved provisions that would weaken the Food and Drug Administration's (FDA) ability to ensure the safety and reliability of drugs entering the United States from foreign countries. For instance, the FY2001 Agriculture Appropriations bill included the Crowley and Coburn amendments that would prohibit the FDA from spending money on any enforcement actions, including testing for safety, that restrict the importation of drugs approved for sale in the United States. We believe the authors of these amendments are genuinely committed to helping reduce the high cost of prescription drugs. However, their approach could jeopardize the health of countless Americans by making them rely upon potentially mislabeled, adulterated, counterfeit, expired or improperly stored medication to treat their conditions. Please ensure that the final Agriculture Appropriations bill does not include any provisions that would hamper the FDA in its commitments to consumer safety.

Eleven former FDA commissioners have said that allowing the importation of drugs would weaken the Prescription Drug Marketing Act (PDMA), which for the past 12 years has helped the FDA protect American consumers from unsafe drugs. The Clinton Administration has called these amendments "unacceptably flawed" and said they would "severely restrict the (FDA's) authority to enforce the law that allows only manufacturers to re-import drugs." When asked to comment on the effect of these amendments, the FDA replied:

"These amendments will likely encourage the very sources of adulterated, misbranded and unapproved drugs that were cut off by section 801(d)(1) (of PDMA), to begin shipping again. FDA, with its limited resources, would be extremely hard-pressed to do the investigative work necessary to discover and stop these new sources of potentially harmful products."

People with multiple sclerosis, as well as people with other chronic diseases, rely heavily upon pharmaceutical products, including highly complex biological medications, to fight their diseases and continue to lead active lives. These products must be carefully monitored for safety and consistency throughout their production, storage and delivery to the patient to ensure safety and full efficacy.

The National Multiple Sclerosis Society, established in 1946, is dedicated to ending the devastating effects of multiple sclerosis. Multiple sclerosis is an often progressive, degenerative disease of the central nervous system that affects one-third of a million Americans. Multiple sclerosis is unpredictable in its course, and can have a devastating medical, personal and financial impact on the people it affects. With over 600,000 members, National Multiple Sclerosis Society is the world's largest voluntary health agency devoted tot he concerns of those affected by multiple sclerosis.

If you have any questions regarding this matter, please contact our Public Policy Office at (202) 408-1500.

Sincerely,

MIKE DUGAN,
General, USAF, Ret., President and CEO.

SEPTEMBER 5, 2000.

To: Members of the House-Senate Conference Committee on the Agriculture Appropriations Bill:

We, the undersigned patient and survivor organizations, are writing to urge you to oppose any drug importation or reimportation proposals, such as the Crowley Amendment and the Coburn Amendment (in the House-passed bill) and the Jeffords Amendment (in the Senate-passed bill).

While we appreciate the concerns of Congress to make prescription drugs more accessible, we are deeply concerned that overturning the Prescription Drug Marketing Act, landmark bipartisan legislation intended to protect consumers from counterfeit, adulterated or impotent medicines, or lowering standards under the Federal Food Drug and Cosmetic Act for imported drugs, will put all people in danger.

We believe these amendments will have a significant impact on FDA's ability to protect the public health and are not an appropriate or acceptable solution to prescription drug access concerns. Access to medication which poses a risk to the individual is worse than no access at all.

Our groups, representing millions of Americans with diseases such as cancer, cardiovascular disease and AIDS, believe that full and open hearings involving all stakeholders must be held prior to adoption of any policy which puts the integrity of medications taken by the American people at risk. Let us not forget that you and your families, as well as we and ours, will all be faced with this risk. It is not worth the price.

Respectfully submitted,

Stevan Gibson, The ALS Association; Suzanne Pattee, JD, Cystic Fibrosis Foundation; Carl. F. Dixon, Kidney Cancer Association; James Driscoll, Log Cabin AIDS Policy Institute; Richard N. Atkins, MD, National Prostate Cancer Coalition; Julie Fleshman, Pancreatic Cancer Action Network; Rino Aldrighett, Pulmonary Hypertension Association; and Phyllis Greenberger, Society for Women's Health Research.

ALLERGY AND ASTHMA NETWORK,
MOTHERS OF ASTHMATICS INC.,
Fairfax, VA, September 20, 2000.

Hon. THAD COCHRAN,
Chairman, Senate Agriculture, Rural Development and Related Agencies Subcommittee, Washington, DC.

DEAR CHAIRMAN COCHRAN: I am writing to you to advise you of our opposition to drug importation schemes, such as those commonly known as "The Coburn Amendment" and "The Crowley Amendment" (both in the U.S. House of Representatives) and "The Jeffords Amendment" (in the U.S. Senate).

We fear that these amendments will undermine FDA safety protections which could greatly increase risks to American patients who will be exposed to counterfeit, mismeasured or adulterated pharmaceuticals.

Allergy and Asthma Network—Mothers of Asthmatics, Inc. believe that full and open public hearings involving all the stakeholders, must be held prior to adoption of any scheme which puts the integrity of the U.S. pharmaceutical supply at risk.

I respectfully request that any action on these proposals be deferred until full and complete hearings are held.

Sincerely,

NANCY SANDER,
President.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 20, 2000.

DEAR MEMBERS OF THE HOUSE AND SENATE AGRICULTURE APPROPRIATIONS SUBCOMMITTEES: As Members of the House Commerce Committee, we are writing to express our concern over the amendments relating to pharmaceutical imports that were attached to the Agriculture Appropriations legislation on the House floor. While we share Congress' deep desire to increase patients' access to reasonably priced pharmaceuticals, we believe such a fundamental change in current U.S. law should not be enacted without more thorough consideration of its full potential impact on public health and safety.

In floor debate, the Crowley and Coburn amendments were characterized as simply providing for the personal importation of pharmaceuticals for personal use, primarily from Canada and Mexico. Many thought that the amendments were identical in concept to Representative Gutknecht's legislation that passed the House on June 29, 2000. In reality, the statutory language of the amendments will result in a complete reversal of current U.S. law and policy, as set forth, in part, by the Prescription Drug Marketing Act (PDMA) of 1987, a statute clearly within the jurisdiction of the Commerce Committee.

It is important to remember why PDMA was enacted in the first place. At the time, there was considerable evidence that counterfeit and otherwise adulterated drugs were entering U.S. commerce from abroad. After a lengthy investigation, the Commerce Committee concluded that greater restrictions on pharmaceutical imports into the U.S. were essential to protect the safety of American patients and the integrity of the U.S. drug supply. In response, a bipartisan Congress enacted PDMA.

PDMA and related restrictions in the Food Drug & Cosmetic Act have served their purpose well. While estimates of counterfeit or substandard drugs approach 10 or even 20 percent abroad, the incidence in the U.S. is negligible. Any change in current U.S. law that goes beyond a very narrowly drawn personal use exemption will likely expose Americans to the rates of pharmaceutical counterfeiting found abroad.

The drug importation amendments raise far more complex issues than were properly discussed when the Crowley and Coburn amendments were adopted on the House floor. After closer examination of the amendments and despite our strong desire to address the pharmaceutical access and coverage issue, we do not believe such changes to PDMA represent sound policy or process. Instead of taking such ill-advised legislative action, it is our hope that we can work together on real and workable solutions to the problem at hand without exposing Americans to unnecessary risk.

To strengthen our argument, we have enclosed (1) a booklet that contains letters from 11 FDA commissioners who agree that reimportation is dangerous for U.S. patients and, (2) a list of counterfeit pharmaceuticals recently confiscated in the U.S. Please read these items for a better understanding of the danger U.S. patients will face if the amendments are included in the conference report as passed by the House.

Sincerely,

Richard Burr.
W.J. "Billy" Tauzin.
James Greenwood.
Michael Oxley.
Charles Pickering.
Robert Ehrlich.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of the conference report for H.R. 4461, the Agriculture Appropriations bill for Fiscal Year 2001. This bill provides $78.5 billion for agriculture programs, including $3.6 billion for emergency spending to help farmers hurt by disasters and low commodity prices. In the state of Texas, farmers have been enduring drought conditions which make farming more difficult. This legislation will provide the assistance that these farmers need to continue to produce our nation's food supply.

I am also pleased that this legislation includes vital funding for nutritional health research through the human nutrition research service program which is part of the Agriculture Research Service at the United States Department of Agriculture. This bill provides an additional $750,000 to provide a total of $12.9 million for the Children's Nutrition Research Center (CNRC) at Baylor College of Medicine in cooperation with Texas Children's Hospital, located in Houston, Texas. The CNRC is dedicated to defining the nutrient needs of mothers and their children in a controlled environment.

Since its inception in November 1978, the CNRC has focused on critical questions relating to pregnant women and their infants. More than 8,500 volunteers have participated in studies to determine optimal prenatal development, including which nutrients positively impact infant health and human development. These studies have also helped to identify the regulatory controls of body weight and body composition during infancy and childhood. Studies have also shown how dietary habits can contribute to long-term health and the diet-related chronic diseases such as osteoporosis, obesity, hypertension, diabetes, cardiovascular disease, and cancer.

I would like to highlight two recent discoveries made at the CNRC that will help children live healthier, longer lives. A recent study by Dr. Theresa Nicklas at the CNRC demonstrates that few teens have eating habits that mirror the U.S. dietary recommendations for fat and fiber. This study found that only one-third of the 319 teens whose diets were analyzed had a low-fat-high fiber diet. Clearly, parents need to know more about this study so they can provide healthier food for their children. Another CNRC study found how much calcium is needed to help children to grow. This calcium reference data is used by many health care professionals to make recommendations to parents about the appropriate calcium intake for their children. With more information, parents will have the knowledge they need to provide a healthy diet for their children.

With this additional funding, the CRNC can continue its vital work to improve our children's health. I am committed to providing maximum funding for agriculture research programs and am pleased that the Appropriations Committee has increased funding for the human nutrition research. Under the guidance of Baylor College of Medicine, I am certain CNRC will continue to lead the way in the field on nutritional research.

I also want to highlight that I am concerned about one provision in this bill related to reimportation of Food and Drug Administration (FDA) approved prescription drugs for America's consumers. This conference report allows pharmacies and wholesalers to buy American-made prescription drugs abroad and reimport them into the United States. Since many American-made drugs are sold at lower prices abroad, I strongly support this effort to reduce prescription drug costs for all Americans. However, I am disappointed to learn this bill also includes a provision that allows drug manufacturers to restrict access to their American-made products for those wholesalers and pharmacies which import their drugs. As a result, I am concerned that there will be no reimportation of prescription drugs and consumers will continue to pay high prices for the prescription drugs that they need.

I urge my colleagues to support this legislation that provides funding for important agriculture programs.

Mr. BEREUTER. Mr. Speaker, this Member support's the conference report for H.R. 4461, the FY2001 Agriculture Appropriations bill. In particular, this Member commends the distinguished gentleman from New Mexico (Mr. Skeen), Chairman of the Agriculture Appropriations Subcommittee and the distinguished gentlelady from Ohio (Ms. Kaptur), Ranking Member of the Subcommittee for their hard work on this critically important bill.

This conference report contains $3.5 billion in critical emergency disaster relief for agriculture producers. This, of course, is in addition to the $7.1 billion in economic assistance for agriculture producers including $5.5 billion in higher Agricultural Market Transition Act (AMTA) payments as part of the crop insurance reform legislation signed into law earlier this year on June 22, 2000.

The emergency funds in the conference report we are considering today are particularly important to Nebraska farmers, because drought conditions in the Great Plains have substantially lowered production at a time when we have low commodity prices. Included in the $3.5 billion funding amount is $1.6 billion for crop loss disaster assistance, $490 million for livestock assistance, $473 million for dairy assistance and $80 million for the Emergency Conservation Program. Also, the crop loss disaster assistance includes the following three areas: general crop assistance, quality loss assistance, and a category for severe economic disaster assistance. These funds should provide much needed additional help for Nebraska producers.

This Member is pleased that the conference report for H.R. 4461 provides $462,000 for the Midwest Advanced Food Manufacturing Alliance (MAFMA). The Alliance is an association of twelve leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The MAFMA awards grants for research projects on a peer review basis. These awards must be supported by an industry partner willing to provide matching funds. In the first six years of funding, MAFMA has directed $2,142,317 toward a research competition at the 12 universities. Projects must receive matching funds. Over the first six years, matching funds of $2,666,129 plus in-kind contributions of $625,407 were received for MAFMA funded projects from 105 companies or organizations. These figures convincingly demonstrate how successful the Alliance has been in leveraging support from the food manufacturing and processing industries.

Mr. Speaker, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that the conference report includes $200,000 to fund the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln. This project is in its fourth year and has assisted numerous states and cities in developing drought plans and developing drought response teams. Given the nearly unprecedented levels of drought in several parts of our country, this effort is obviously important.

As the drought continues, the NDMC will play an increasingly important role in helping people and institutions develop and implement measures to reduce societal vulnerability to this danger. Most of the NDMC's services are increasing world-wide demands for U.S. exports of intermediate and consumer good exports. In order to meet these changing world-wide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities before marketing. The Midwest Advanced Food Manufacturing Alliance can provide the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that the conference report includes $200,000 to fund the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln. This project is in its fourth year and has assisted numerous states and cities in developing drought plans and developing drought response teams. Given the nearly unprecedented levels of drought in several parts of our country, this effort is obviously important.

As the drought continues, the NDMC will play an increasingly important role in helping people and institutions develop and implement measures to reduce societal vulnerability to this danger. Most of the NDMC's services are directed to state, Federal, regional and tribal governments that are involved in drought and water supply planning.

In addition, the conference report provides funds for the following ongoing Cooperative State Research, Education, and Extension Service (CSREES) projects at the University of Nebraska-Lincoln:

Food Processing Center	$24,000
Non-food agricultural products ...	64,000
Sustainable agricultural systems	59,000
Rural Policy Research Institute (RUPRI) (a joint effort with Iowa State University and the University of Missouri)	822,000

Also, this Member is pleased that the conference report for H.R. 4461 includes $100 million to cover any defaults for the Section 538, a rural rental multi-family housing loan guarantee program initiated by legislation written by this Member. The program provides a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring ten percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100 percent Federal guarantee on the loans they make. Unlike the current Section 515 Direct Loan Program, where the full costs are borne by the Federal Government, the only costs to the Federal Government under the Section 538 Guarantee Program will be for administrative costs and potential defaults.

Mr. Speaker, this Member especially appreciates the Conference Committee's support for the Department of Agriculture's 502 very successful and rapidly expanding Unsubsidized Loan Guarantee Program with a $3.7 billion loan authorization support. The program, also initiated by legislation authored by this Member, has been very effective in rural communities by guaranteeing loans made by approved lenders to eligible income households in small communities of up to 20,000 residents in non-metropolitan areas and in rural areas. The program provides guarantees for 30 year fixed-rate mortgages for the purchase of an existing home or the construction of a new home.

Additionally, this Member supports the provision allowing for the reimportation of prescription drugs. I have long been a supporter of legislation that would inject competition into the prescription drug market and believe that this language is an important first step in providing my constituents with the relief they seek in their prescription drug prices. There has been massive international cost-shifting by pharmaceutical companies onto the backs of the American consumer. It is not reasonable that the same Federal Drug Administration (FDA)-approved drug, produced by the same drug company, should cost 30 percent, 40 percent, 60 percent or even 80 percent less in foreign countries than it costs American consumers. This legislative initiative, with consumer safety an important consideration, undoubtedly will need refinement before the lengthy FDA regulatory process is completed to implement these provisions, but this is an important and necessary change.

In closing, Mr. Speaker, this Member urges his colleagues to support the Agriculture appropriations conference report.

Mr. NETHERCUTT. Mr. Speaker, I am proud of the progress we have made this year in our effort to lift unilateral food and medicine sanctions. Title IX of the Fiscal Year 2001 Agriculture Appropriations Conference Report, the Trade Sanctions Reform and Export Enhancement Act, will open up significant new export markets for American farmers. This provision is the result of hard work by many Members and the unfailing support of a broad coalition that refused to let this issue fade into obscurity in the waning days of this session.

The overall purpose of this title is unmistakable—unilateral food and medicine sanctions are eliminated and new procedures are established for the future consideration of such sanctions. As the author of this provision, I would like to briefly outline Congressional intent, to ensure that agencies charged with implementing this legislation fully appreciate the expectations of the Agriculture Appropriations conferees.

In drafting this provision, it was not our intention to derogate from current law or the flexibility provided for in present regulations which do permit limited exports to some unilaterally sanctioned states. Similarly, the intent of conferees is to expand export opportunities for food and medicine beyond that currently provided for in law or regulations. We expect that regulations implementing this provision will liberalize the current administrative procedures for the export of food and medicine.

A section by section explanation follows:

Section 901—Title

This section contains the title of the Act.

Section 902—Definitions

Definitions in the section are broadly drawn to allow maximum benefit to exporters of agricultural commodities and medicine and medical products. Non-food commodities are included in the definition of "agricultural commodities" and as Section 775 further clarifies, for purposes of administering Title IX of this Act, the term "agricultural commodity" shall also include fertilizer and organic fertilizer. "Medical device" and "medicine" should be interpreted reasonably to mean all products commonly understood to be within these categories, as explicitly recognized by the Federal Food, Drug and Cosmetic Act, and including products such as crutches, bandages and other medical supplies.

Section 903—Restriction

This section prohibits the President from imposing unilateral agricultural or medical sanctions without the concurrence of Congress in the form of a joint resolution. The President shall terminate any unilateral agricultural and medical sanction that is in effect as of the date of enactment, though Section 911 provides a 120 day waiting period to allow the implementation of appropriate regulations.

Section 904—Exceptions

This section provides a number of exceptions to Section 903 to ensure that the Administration has sufficient flexibility to impose or continue to impose sanctions in unusual instances. While seven particular exceptions are provided, they are narrowly drawn, in recognition of the conferees' expectation that food and medicine sanctions should only be used in extraordinary circumstances. Further, these exceptions should not be used to impose sanctions permanently, consistent with Section 905. Conferees expect that the President will abide by the spirit of the language and submit for Congressional review all sanctions to be imposed under this section, unless extraordinary circumstances require extremely timely action.

Section 905—Termination of Sanctions

This section provides for a sunset of any food or medicine sanctions imposed under Section 903, not later than 2 years after the date the sanction become effective. Sanctions may be maintained only if the President recommends to Congress a continuation of not more than 2 years, and a joint resolution is enacted in support of this recommendation.

Section 906—State Sponsors of International Terrorism

This section requires licenses for the export of agricultural commodities, medicine or medical devices to Cuba or to the government of a country that has been determined to be a state sponsor of international terrorism, or any other entity in such country. These licenses shall be provided for a period of not less than 12 months and shall be no more restrictive than license exceptions administered by the Department of Commerce or general licenses administered by the Department of Treasury. While this section provides the Administration with flexibility to determine licensing requirements, it is the expectation of conferees that presumption in favor of sales will fall on the side of exporters, consistent with the title of the act, to support enhanced exports. Consistent with this expectation, it is the understanding of the author that the Department of Commerce would be the lead agency for all exports and related transactions under this title, all of which would be subject to a general licensing arrangement. In the case of exports to Cuba, it is the understanding of author that current restrictions on shipping to Cuba will continue to be waived for licensed exports. Exports to the Government of Syria and the Government of North Korea are expected from the licensing requirements of this section, and to the extent a private sector emerges in either country, these entities should receive the same treatment.

The section also requires that procedures be in place to deny exports to any entity within such country promoting international terrorism. This language is only intended to give the Administration narrow discretion in the granting of licenses for exports to specific sub-entities that are directly involved in the promotion of terrorism.

Finally, the section requires quarterly and biennial reports on licensing activities to determine the effectiveness of licensing arrangements.

Section 907—Congressional Procedures

This section requires that a report submitted by the President under Section 903 or 905 shall be submitted to the appropriate committee or committees of the House of Representatives and the Senate. A joint resolution in support of this report may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

Section 908—Prohibition on United States Assistance and Financing

Section 908(a)(1) prohibits the use of United States government assistance and financing for exports to Cuba. However, consistent with the overall intent of the measure, this prohibition is not intended to modify any provision of law relating to assistance to Cuba. The provision also restricts the use of government assistance for commercial exports to Iran, Libya, North Korea, and Sudan, unless the President waives the restrictions for national security or humanitarian reasons. In recent months, the Administration has taken several steps to liberalize these and other restrictions on agricultural trade with Iran, Libya, North Korea, and Sudan. As such, it will be in the best interest of U.S. agricultural producers and our balance of trade if the President uses the waiver authority in subsection (a)(3) to promptly waive these restrictions before the current sanctions are lifted 120 days after enactment of this bill. If the President's waiver authority is not so promptly exercised, the restrictions in subsection (a)(1) could act to restrict exports of agricultural commodities, medicines, and medical devices to these countries more than under current law. This is certainly not the intent of this legislation.

Specifically with regard to Cuba, subsection (b) of section 908 prohibits the financing of U.S. agricultural exports to Cuba by any United States person. However, in order to accommodate sales of agricultural commodities to Cuba, subsection (b) specifically authorizes Cuban buyers to pay U.S. sellers by cash in advance, or by utilizing financing through third country financial institutions.

While they cannot extend financing to Cuban buyers, U.S. financial institutions are specifically authorized to confirm or advise letters of credit related to the sale that are issued by third country financial institutions. Under this procedure, third country financial institutions can assume the Cuban risk associated with these transactions and issue letters of credit free of Cuban risk to be confirmed by U.S. banks. The provision of such a "firewall" against sanctioned country risk is consistent with the role played by third country banks in transactions with other countries subject to U.S. sanctions.

U.S. financial institutions may act as exporters' collection and payment agents, confirm the third country letters of credit, and guarantee payment to the U.S. exporter. The provision of such export-related financial services by U.S. financial institutions (commercial banks, cooperatives, and others) will allow U.S. farmers, their cooperatives, and exporters to be assured that they will be paid for exported commodities.

Subsection (b)(3) of section 908 requires the President to issue such regulations as are necessary to carry out this section. In addition to waiving the restrictions on assistance as appropriate under subsection (a)(3), these regulations need to facilitate the export of agricultural commodities, medicine, and medical devices. In particular, the regulations need to accommodate these specifically authorized exports by waiving the restrictions with respect to vessels engaged in trade with Cuba found at 31 C.F.R. 515.207.

Section 909—Prohibition on Additional Imports from Cuba

Section 909 reiterates 31 C.F.R. 515.204 prohibiting from entry into the United States any merchandise that is of Cuban origin, has been transported through Cuba, or is derived from any article produced in Cuba.

Section 910—Requirements Relating to Certain Travel-Related Transactions With Cuba

This section requires the Secretary of Treasury to promulgate regulations to authorize travel to, from, or within Cuba for the commercial export sale of agricultural commodities. Aside from this expansion in permissible travel transactions, tourist activities in Cuba are not authorized.

Section 911—Effective Date

This title shall take effect on the date of enactment and apply thereafter in any fiscal year. Unilateral agricultural or medical sanctions in effect as of the date of enactment shall be lifted 120 days after enactment.

Mr. CANNON. Mr. Speaker, I am pleased to support the FY 01 Department of Defense bill. Passage of this legislation is vital to our military readiness and security. I want to extend my utmost appreciation to our Chairman for his work on this legislation and to the staff that contributed countless hours to ensure its completion. In addition to the crucial ongoing military operations included in this bill, there is a provision that will significantly aid the Moab, Utah community in my district of southeastern Utah.

We have our colleagues speak on this provision and I just want to add my support to its inclusion. For years, the Grand County Council and the people of Moab, Utah have been working to get the federal government to clean up the ten and a half million ton pile of uranium mill tailings that was the byproduct of our extensive military buildup during the Cold War.

With the help of many of our colleagues from downstream states, including members of this Committee such as JIM HANSEN, DUNCAN HUNTER, and BOB STUMP, we were able to include language to ensure that clean up and removal of this pile will begin and be completed in a timely, safe and scientific manner. This committee has done an excellent job in addressing concerns of the many stakeholders and I know that my constituents are anxious to see the long awaited clean up begin.

Again, I want to thank Mr. SPENCE for his work and I wish I had the opportunity to personally thank Mr. Bateman. Utah shall forever be indebted to the gentleman from Virginia for his commitment to help preserve, protect and clean up one of our most beautiful areas of the country.

Mr. FRELINGHUYSEN. Mr. Speaker, I want to discuss for a moment the provisions in the Conference Report on the Agriculture Appropriations Act for Fiscal Year 2001 that deal with "drug reimportation."

First and foremost, I want the record to reflect that I, like my colleagues on both sides of the aisle, support a comprehensive plan to provide prescription medicines at more affordable prices to our senior citizens under Medicare. When Medicare was first created in 1965, prescription medicines were not a major part of our health care delivery system. Thanks to all the incredible medical breakthroughs over the past decades since the inception of the Medicare program, we now have medicines that can successfully treat thousands of the most serious illnesses and provide relief to millions of citizens suffering from illness. It is time to modernize Medicare to reflect the fact that prescription medicines are a major part of health care for all of our citizens, especially older men and women.

This hastily written legislation that will open our borders to imported drugs, however well intentioned, cannot be considered an adequate substitute for a comprehensive prescription drug coverage for our seniors under Medicare. These reimportation provisions are bad public policy: potentially endangering U.S. citizens by exposing them to "reimported" medicines that may be bogus or fake, outdated and untested. Secondly, it should be clear that nothing in these provisions change existing patent laws. In fact, the United States led the negotiations of the WTO Agreement on Trade-Related Intellectual Property Rights (TRIPs), which gives a patent owner of a product exclusive rights to make, use or import a patented product. No one else can do so without permission for the term of the patent and nothing in this bill should be construed otherwise.

Most important, I remain particularly concerned that this legislation might very well undermine our nation's Food and Drug Administration "gold standard" for ensuring the quality and safety of all medicines used by U.S. citizens and other consumers around the world.

In that respect, I am pleased by the fact that the FDA must overcome necessary safety hurdles before this legislation is implemented. For instance, the drug reimportation provisions of this conference report, specifically section 745, will not go into effect until two important actions are taken. First, the Secretary of Health and Human Services must demonstrate to the Congress that loosening current regulation of reimportation of prescription drugs will not place American consumers at risk. I want to emphasize that the demonstration of safety by the Secretary should be no "pro forma" paper exercise, but a real showing, with facts and figures, in the form of a report to Congress, that the kind of importation envisioned by these provisions is safe for consumers. If the Secretary cannot make this demonstration, these provisions cannot be implemented. Second, the Secretary must also demonstrate that individual consumers will realize a significant cost reduction from this legislation, making their drug purchases significantly more affordable for them, before it can be implemented.

Now that Congress has acted, it is up to the FDA and the next Administration to ensure this policy can save consumers money, without threatening the world's highest standard of safety of America's medicines for our consumers.

Mr. HALL of Ohio. Mr. Speaker, I rise to add my voice to those who will be speaking about this rule and the Agriculture Appropriations bill. But unfortunately there will be many voices that are not heard today—the voices of the 31 million Americans who are threatened by hunger even in the midst of our unprecedented prosperity.

I wish I did not have to bother my colleagues by talking about hunger again. I wish that I could be here announcing that we had mustered the political and spiritual will and finally eradicated hunger. I wish that we could turn our collective attention to other pressing problems. Unfortunately, Mr. Speaker, I have to stand on this floor yet again to urge this body to do better on issues of hunger.

That said, I want to thank my colleagues, Representatives YOUNG, SKEEN, OBEY, WALSH, DELAURO and HINCHEY for their work in the conference committee to make sure that the hungry were not forgotten. Specifically, they worked to include provisions of the Hunger Relief Act in this bill. I especially want to thank Ranking Member KAPTUR and Representative EMERSON for their efforts on behalf of the hungry.

It is a triumph that food stamp recipients will now be able to own a reliable car and pay high shelter costs. I want to particularly commend the coalition of anti-hunger groups that came together in gathering support for this bill—Bread For the World, RESULTS, FRAC, America's Second Harvest, the Food Policy Working Group, the National Immigration Law Center and the other 1,400 groups that endorsed the Hunger Relief Act. I especially want to thank Lynette Engelhardt Stott and Barbara Howell of Bread For the World, Ellen Teller and Ellen Vollinger of FRAC and Derek Miller of RESULTS for their tireless efforts in bringing us to this point.

While I am happy that these provisions are included, I am disappointed that we did not include the other titles of the bill that would have restored food stamp eligibility to legal immigrants and provided additional resources for our country's food banks through the TEFAP program. TEFAP provides the network of feeding programs around the nation with a reliable supply of nutritious commodities. It also directly benefits our farmers and food processors by providing them with an additional market for their products. I am still hopeful that those items will be included in our final omnibus bill.

This bill also provides $34.1 billion for domestic nutrition programs including food stamps, the school lunch and breakfast programs, WIC, Meals on Wheels and other commodity assistance programs. This is $2 billion less than the president requested and almost $1 billion less than what we provided last year. While most of that savings is due to a drop in food stamp participation, that does not mean that there has been a corresponding drop in hunger and food insecurity.

Additionally, the underlying bill provides almost $1 billion in humanitarian food aid for those in need overseas. While this equals the request and exceeds last year's total, it is still woefully inadequate in meeting the needs of the hungry around the world. I am proud that the United States, through the Food for Peace Program, was able to help avert famine in Ethiopia. I just visited the Horn of Africa last month and was glad I did not see as many children starving as would have without our timely assistance. I am also pleased to report that our food aid has prevented more people from dying of famine in North Korea and that Japan and South Korea are finally acting to assist their neighbor in need.

As we all know, this measure also provides for the sale of food and medicine to Cuba and other rogue nations. I am thrilled that Congress is reaffirming the belief that food should never be used as a weapon. President Reagan said it best, "a hungry child knows no politics." We should continue to uphold that principle and this provision moves us closer to that goal.

The other controversial measure in this bill involves the reimportation of prescription drugs. Many of my colleagues will address our sides' specific concerns with this provision. But allow me to conclude with a couple of stories that I have shared before but that illustrate the importance of this issue and all that I have said today.

A few months ago, I met Darryl and Martha Wagner in Appalachian Ohio. They depend on Social Security and retirement for their meager $1,000 per month. She has cancer and her treatment and medication consume much of their income. Her doctor was concerned about whether she was getting enough to eat. By the time a food pantry outreach worker reached them, neither had eaten anything for three days. They had tried to do everything by the book and they were still hungry.

Another woman from southeastern Ohio, Priscilla Stevens, has lupus and MS and is required to take 26 medications every day. She receives only $258 each month and relies on Medicaid for her very life. I never got a chance to meet Tom Nelson in West Virginia. He died from a heart attack last year. You see, he had high blood pressure and needed medication to keep it under control. He had to choose between filling his refrigerator and filling his prescription. Sadly, he made the wrong choice when he decided to skip his drugs and eat instead.

Mr. Speaker, I am sorry that I have to keep talking about issues of hunger. This bill makes some strides toward fighting hunger. But we could do so much more, especially now. I look forward to the day when Congress makes ending hunger a top priority.

Mr. STARK. Mr. Speaker, I rise to address the reimportation provisions of the FY 2001 agriculture appropriations legislation that is before the House today. In recent weeks, these provisions have been the subject of considerable controversy: Some Members have asserted that allowing wholesalers to reimport FDA-approved pharmaceuticals will essentially solve the problem of overpricing, while others say the practice will expose U.S. consumers to unsafe products. Some argue that the legislation is so riddled with loopholes as to be useless, while others believe the final compromise is workable.

The bill is an attempt to address obscenely high drug prices. But it is far too limited in its approach, because it assumes that wholesalers reimporting prescription drugs will do so at prices that are affordable for the 15 million seniors and disabled Americans who do not have any form of insurance to cover the cost of their medications.

This is a flawed assumption. There is no guarantee that the "middlemen" in this bill will actually pass along substantial drug discounts to consumers who need them. And the bill's loopholes will allow pharmaceutical companies to keep drug prices inflated through restrictive contracts and control of FDA-required labels.

What seniors clearly need above all else is a Medicare drug benefit. Democrats support legislation, H.R. 4770, to guarantee comprehensive drug coverage to any senior who wants to sign up. It guarantees that all prescriptions written by any qualified physician can be filled at any pharmacy of the beneficiary's choice at a price that is affordable. We can pass such a bill this year. It is a travesty that the Republican leadership refuses to do so.

In fact, Republicans have gone to enormous lengths to block efforts to enact a Medicare drug benefit. Instead, they push a temporary state program that would help only the poorest, and private "drug-only" plans that insurers say they will never sell to seniors.

Meanwhile, the pharmaceutical industry and its phony front groups are spending millions to try to ensure that no legislation providing affordable prescription drugs to seniors is seriously considered. Regrettably, these efforts have served to seriously weaken the reimportation provisions in H.R. 4461 that we are voting on today.

If all we're going to accomplish is a relaxation of reimportation restrictions, there is still a better solution than the one before us today. I introduced last month, the Medicare Prescription Drug Internet Access Act of 2000 (H.R. 5142). It would allow beneficiaries to purchase safe, FDA-approved medications from U.S. and international suppliers at the lowest possible prices through an Internet site administered by Medicare. This means that Medicare beneficiaries would have guaranteed access to lower drug prices from a safe, certified-reliable source.

Here's how it works: All a beneficiary, doctor, or a pharmacy serving a beneficiary would need to do is click on Medicare's home page and type in a prescription. The result would be a display of the five lowest prices for the medicine in question and its availability from domestic and international suppliers. Beneficiaries would choose one and submit their prescription to the Internet pharmacy, receiving their medicine at the price selected through the mail, by express delivery, or at their local retail pharmacy.

The only medicine that Internet pharmacies contracting with Medicare would be able to sell is FDA-approved medicine manufactured in FDA-approved facilities. Internet pharmacies, under this bill, would only be able to import prescription medicine from approved companies that have been inspected by the FDA.

As an added precaution, Internet pharmacies would be required to display a Medicare Seal of Approval, which serves to authenticate the website. The seal would directly link to a secure webpage operated by the Medicare contractor to verify the Internet pharmacy's legitimacy.

These precautions would address problems that exist today with phony websites pawning counterfeit medicine to unsuspecting people. This bill addresses the issue of so-called "rogue" websites. It establishes a uniform set of criteria to which contracting Internet pharmacies must adhere or face criminal and financial consequences. Among other criteria, Internet pharmacies would have to be licensed in all 50 states as a pharmacy, fully comply with State and Federal laws, and only dispense medicine with a valid prescription through a licensed practitioner.

The bill I have just described will not be enacted this year. Nor is it a full-blown solution for the problems created by eroding insurance coverage for prescription drugs and accelerating drug price increases. Again, revising reimportation rules is one way to make prescription drugs more widely available at affordable prices. But today's bill falls far short of what is necessary to attain that goal. And, it ignores the real need of America's seniors—a Medicare drug benefit that is available and affordable for all.

Mr. GREENWOOD. Mr. Speaker, I rise today in support of the Agriculture Appropriations bill, but want to specifically address the provisions regarding reimportation of prescription drugs, section 745 and 746. As a Member of the Commerce Committee, which has jurisdiction over this issue, I am glad two provisions were included to ensure the safety of consumers, and that savings are passed along to customers.

First, we must be sure that nothing in these provisions compromises the health or safety or the American public in any way. Section 745 requires the Secretary of Health and Human Services to demonstrate in a written report to Congress that implementation of the amendment will pose no risk to the public, before the legislation can become effective. This demonstration requirement is no paper tiger. We expect the Secretary to make detailed factual findings and to submit a report supporting the demonstration, if indeed the Secretary can make it at all. The demonstration must be based on a detailed explanation that the Food and Drug Administration has the resources to enforce all of the requirements of the Federal Food, Drug, and Cosmetic Act against each and every one of these drug products as they arrive at our borders. If FDA cannot do this, the demonstration cannot be made, and these provisions cannot be implemented.

Through the hard work of the House Commerce Committee in previous Congresses, we have established a precedent for ensuring that Americans have access to safe and effective prescription drugs. Any attempt to under-mine this system by lowering these standards is not acceptable.

Second, this legislation sets a condition that before it is implemented, the Secretary must demonstrate that it will result in a cost reduction to American consumers. If the result of reimportation profits only middlemen, and not individual consumers, we will have done little to extend affordable prescriptions to our constituents.

In my view, these two determinations are bare minimum essentials that must be in place before this legislation is implemented. We must be vigilant in ensuring that American consumers are not threatened or put at risk in any way by the prescription drugs that come into this country under these provisions.

Mr. STUPAK. Mr. Speaker, I rise in support of the Conference Report on the Agriculture Appropriations bill for Fiscal Year 2001. I would like to commend the conferees and all the appropriators for their hard work on this bill, and to thank them for funding several important projects in my district.

This legislation recognizes the threat bovine tuberculosis poses to Michigan and provides funds to begin eradicating the disease in Michigan and throughout the country. Bovine tuberculosis is wreaking havoc on dairy and beef cattle in my state. Already, 10 Michigan herds have tested positive for the disease as have several deer and other animals. To complicate matters, USDA responded by downgrading Michigan's bovine TB status. Because of this downgrade, Michigan's economy is expected to lose $156 million during the next ten years.

While much work remains to be done, I am encouraged by the funding provided in this legislation to combat bovine TB in Michigan. It is my hope that this effort will begin the process of restoring Michigan to bovine TB-free status. I am committed to helping the farmers of my district and I hope that this research and reimbursement funding will bring them much-needed relief.

Secondly, I support this legislation because it provides funding for the Forestry Incentives Program. While this earmark is small, equaling the spending for Fiscal Year 2000, the Administration had not requested funds in its Fiscal Year 2001 budget nor had the House appropriated funds in its Agriculture spending bill. The Forestry Incentives Program provides cost-share funds to private landowners for tree planting and timber stand improvement. Through these efforts, we are able to keep our forests healthy and sustainable.

Finally, I am pleased that the conferees retained a portion of the important increase in funding to the USDA senior meal reimbursements that had been added by the Stupak-Boehlert amendment to the House Agriculture appropriations bill. Our amendment provided $160 million for USDA's Nutrition Program for the Elderly, a $20 million increase over the amount provided in the bill. Senior meal providers and the countless seniors that depend on senior meals will be greatly benefitted by the $10 million increase that the conferees retained. This increase will halt the steady decline of the USDA meal reimbursements that have gone down to their current rate of $.54 per meal for fiscal year 2000, a drop of eight cents since 1993.

The increase in USDA reimbursements is essential, and will benefit every senior meal provider in every town, city and state in the form of more money for each meal provided. I urge the House to continue in the future the effort to increase this crucial aid to senior meal providers. I am also submitting for the record letters in support of the increase in funding from the National Association of Nutrition and Aging Services Programs, the Meals on Wheels Association of America, and the Senior Citizens League. These organizations were invaluable in moving this issue forward. I would also like to thank National Council of Senior Citizens and the National Association of State Units on Aging for their work on promoting our amendment.

I submit the following letters into the RECORD.

MEALS ON WHEELS
ASSOCIATION OF AMERICA,
Alexandria, VA, October 11, 2000.

Hon. BART STUPAK,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE STUPAK: On behalf of the Meals On Wheels Association of America's (MOWAA) nearly 900 member programs nationwide and the hundreds of thousands of older Americans whom they serve, I want to thank and commend you and Representative Sherwood Boehlert for sponsoring an amendment to H.R. 4461, the Department of Agriculture Appropriations bill, to provide an additional $20 million in funding for the Nutrition Program for the Elderly (NPE). We were delighted when the House passed your amendment, and we are pleased that the Conferees agreed to include $10 million of that increase in the final Conference bill.

As you are aware, Congress appropriated $150 million for the program in fiscal year 1996, but the appropriation was reduced by $10 million to $140 million in FY 1997, and it has remained at that level for several fiscal years. The Conferees' actions, when approved by both chambers, will bring funding for the program back to the FY 1996 level.

Few programs can boast the importance to the elderly, as well as the overwhelming success, that the Elderly Nutrition Program can. Senior nutrition programs have become the lifeline for millions of older Americans. There are few communities within the country where a senior nutrition program does not exist. These meal programs are as diverse as the communities in which they are located and the individuals they serve. At the same time, they share a common commitment to serving the nutritional needs of a growing number of older Americans. They also share a common problem—extremely limited resources. The funds and commodities furnished through the Department of Agriculture's NPE are vital to these programs. The $10 million increase over current levels is critically important in enabling these programs to continue serving the needs of our frailest and neediest citizens.

As you are aware, USDA Nutrition Program for the Elderly funds are provided to meal programs according to a per meal reimbursement rate. The rate has dropped over the past years from $.6206 in FY 1993 to $.5404 in the current fiscal year. Without a substantial increase in the appropriation level, the rate can be expected to continue to drop.

To put the issue in perspective, let me furnish an example from one rural meal program. A rural program that served 225,000 meals annually, and which received 20 percent of its budget from USDA funds, lost funding for 2,000 meals as a result of the per meal reimbursement reduction of a mere $.0007 in one fiscal year (from $.5864 in FY 1996 to $.5857 in FY 1997). Those 2,000 meals, of course, represent critical and life-sustaining nutrition for at-risk seniors. And the experience of that one meal program was multiplied thousands of times over across the nation. You can imagine the impact that the $.0802 reduction from FY 1993 to FY 2000 has had on meal programs—and needy, hungry seniors—throughout the country.

Because America's elderly population continues to be fastest growing segment of the population, demands on nutrition programs for the elderly are increasing. The most comprehensive national study to be conducted in recent years found that 41 percent of home-delivered meal programs had waiting lists. The relatively small investment of an additional $10 million that your amendment made possible will pay substantial dividends in helping target malnutrition and isolation in the elderly, improving their nutritional and health status and enabling many seniors to stay in their homes.

The Meals On Wheels Association of America urges the full House to approve conference bill, which will increase funding for the USDA Nutrition Program for the Elderly by $10 million over the FY 2000 level. We thank you again on behalf of all our member programs and the many needy seniors for whom this increase will mean a hot, nutritious meal, perhaps the only food of the day.

Sincerely,

MARGOT L. CLARK,
President.

SENIOR CITIZENS LEAGUE,
Alexandria, VA, October 11, 2000.

Hon. BART STUPAK,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE STUPAK: On behalf of the 1.5 million members and supporters of The Senior Citizens League (TSCL), many whom are dependent on various senior meal programs for their livelihood, are grateful to you and Rep. SHERWOOD BOEHLERT for your efforts to increase the per-meal reimbursement rate. This action was absolutely necessary to insure the continued availability of nutritional and health programs for older Americans who desperately need them for survival.

Your actions have sent a strong message to America's elderly that Congress recognizes and reacts to their needs. TSCL doubts that without your persistence on the topic, the situation being faced by senior meal providers would have been recognized, much less acted upon. Many thanks from TSCL and, in particular, the 4,690 TSCL members who reside in Michigan's 1st Congressional District, for your personal efforts and the contributions of your outstanding staff.

Sincerely,

MICHAEL F. OUELLETTE,
Director of Legislative Affairs.

NATIONAL ASSOCIATION OF NUTRITION AND AGING SERVICES PROGRAMS,
Washington, DC, October 11, 2000.

Hon. BART STUPAK,
House of Representatives, RHOB, Washington, DC.

DEAR CONGRESSMAN STUPAK: The National Association of Nutrition and Aging Services Programs (NANASP), representing the interests of congregate and home delivered meal programs for the elderly in your state and across the nation, supports the Conference Report to accompany H.R. 4461.

We wish, in particular, to commend the Conference Committee for maintaining the provision to increase funding for the USDA's Elderly Feeding Program (NPE) by $10 million. By increasing the funding for the program, you prevent disruption to meal programs that prove so vital to seniors and provide a little stability on the local level, which is important to the meal providers.

NANASP also commends you, Congressman Stupak, for taking leadership on this issue. We would have preferred the $20 million increase offered by your amendment and hope we can work with you next year to revisit this matter. We know that you recognize this as a strong investment in maintaining the good health of this nation's seniors. Nutrition is a preventive service that keeps seniors in their homes and communities rather than facing more costly institutionalization.

We thank you and Conference Committee for recognizing the value and effectiveness of this program and hope it will be provided this modest increase for FY 2001.

Sincerely,

JAN BONINE,
President.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I support this conference agreement and its Continued Dumping Offset provision. The language in the amendment is the same as that in H.R. 842, a bill introduced by my distinguished colleague from Ohio, Mr. REGULA, and to which I and 63 other members of the House are currently cosponsors.

The rationale behind the amendment is simple: Where internationally recognized unfair trade practices cause harm to our producers and workers, effective relief is promised. The amendment included in the conference package would reduce the adverse effect of continued dumping or subsidization by distributing the monies finally assessed to the injured industry. It is hoped that the knowledge that continued unfair trade practices will result in monies going to the injured and encourage those engaging in the continued unfair trade practices to trade fairly.

In my district and my state, I have witnessed first-hand what can happen to companies and jobs when unfair trade practices distort the market conditions. In one important industry, bearings, continued dumping has gone on uninterrupted for more than a decade. Companies who operate under constant conditions of depressed prices are not able to maintain investments, employment levels or compensation levels even if they are highly competitive at the beginning of the process. Similar experiences exist for many other industries where continued dumping or subsidization has gone on.

I urge my Republican and Democratic colleagues to support this conference agreement and the Continued Dumping Offset provision.

Mr. SKEEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. NUSSLE). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 340, nays 75, not voting 18, as follows:

[Roll No. 525]

YEAS—340

Abercrombie
Aderholt
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Sessions
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—75

Ackerman
Andrews
Berkley
Berman
Blumenauer
Boehner
Carson
Chabot
Chenoweth-Hage
Clyburn
Coburn
Conyers
Cox
Crane
Crowley
Davis (IL)
Davis (VA)
DeMint

Dingell
Doggett
Filner
Frelinghuysen
Gejdenson
Goss
Hefley
Hoekstra
Hostettler
Istook
Jackson (IL)
Johnson, Sam
Kasich
Kleczka
Kolbe
Lantos
Largent
Lee
Lofgren
Markey
McCrery
McDermott
McKinney
Metcalf
Miller, George
Moran (VA)
Nadler
Napolitano
Olver
Owens
Paul
Payne
Pelosi
Rangel
Rohrabacher
Roukema
Royce
Salmon
Sanford
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Shadegg
Shays
Sherman
Stark
Sununu
Tancredo
Tierney
Toomey
Towns
Upton
Waters
Waxman
Weiner
Weldon (FL)

NOT VOTING—18

Archer
Burr
Campbell
Coble
Eshoo
Frank (MA)
Franks (NJ)
Hunter
Klink
McCollum
McIntosh
Meehan
Miller (FL)
Myrick
Neal
Pastor
Spratt
Wise

☐ 1652

Messrs. McDERMOTT, RANGEL, OLVER, CROWLEY and TIERNEY changed their vote from "yea" to "nay."

Mrs. JONES of Ohio and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1700

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1999

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that the Committee on Commerce and the Committee on Education and the Workforce be discharged from further consideration of the Senate bill (S. 1809) to improve service systems for individuals with developmental disabilities, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Subtitle A—General Provisions

Sec. 101. Findings, purposes, and policy.
Sec. 102. Definitions.
Sec. 103. Records and audits.
Sec. 104. Responsibilities of the Secretary.
Sec. 105. Reports of the Secretary.
Sec. 106. State control of operations.
Sec. 107. Employment of individuals with disabilities.
Sec. 108. Construction.
Sec. 109. Rights of individuals with developmental disabilities.

Subtitle B—Federal Assistance to State Councils on Developmental Disabilities

Sec. 121. Purpose.
Sec. 122. State allotments.
Sec. 123. Payments to the States for planning, administration, and services.
Sec. 124. State plan.
Sec. 125. State Councils on Developmental Disabilities and designated State agencies.
Sec. 126. Federal and non-Federal share.
Sec. 127. Withholding of payments for planning, administration, and services.
Sec. 128. Appeals by States.
Sec. 129. Authorization of appropriations.

Subtitle C—Protection and Advocacy of Individual Rights

Sec. 141. Purpose.
Sec. 142. Allotments and payments.
Sec. 143. System required.
Sec. 144. Administration.
Sec. 145. Authorization of appropriations.

Subtitle D—National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

Sec. 151. Grant authority.
Sec. 152. Grant awards.
Sec. 153. Purpose and scope of activities.
Sec. 154. Applications.
Sec. 155. Definition.
Sec. 156. Authorization of appropriations.

Subtitle E—Projects of National Significance

Sec. 161. Purpose.
Sec. 162. Grant authority.
Sec. 163. Authorization of appropriations.

TITLE II—FAMILY SUPPORT

Sec. 201. Short title.
Sec. 202. Findings, purposes, and policy.
Sec. 203. Definitions and special rule.
Sec. 204. Grants to States.
Sec. 205. Application.
Sec. 206. Designation of the lead entity.
Sec. 207. Authorized activities.
Sec. 208. Reporting.
Sec. 209. Technical assistance.
Sec. 210. Evaluation.
Sec. 211. Projects of national significance.
Sec. 212. Authorization of appropriations.

TITLE III—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Sec. 301. Findings.
Sec. 302. Definitions.
Sec. 303. Reaching up scholarship program.
Sec. 304. Staff development curriculum authorization.
Sec. 305. Authorization of appropriations.

TITLE IV—REPEAL

Sec. 401. Repeal.

TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Subtitle A—General Provisions

SEC. 101. FINDINGS, PURPOSES, AND POLICY.

(a) Findings.—Congress finds that—

(1) disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political social, cultural, and educational mainstream of United States society;

(2) in 1999, there are between 3,200,000 and 4,500,000 individuals with developmental disabilities in the United States, and recent studies indicate that individuals with developmental disabilities comprise between 1.2 and 1.65 percent of the United States population;

(3) individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;

(4) individuals with developmental disabilities often encounter discrimination in the provision of critical services, such as services in the areas of emphasis (as defined in section 102);

(5) individuals with developmental disabilities are at greater risk than the general population of abuse, neglect, financial and sexual exploitation, and the violation of their legal and human rights;

(6) a substantial portion of individuals with developmental disabilities and their families do not have access to appropriate support and services, including access to assistive technology, from generic and specialized service systems, and remain unserved or underserved;

(7) individuals with developmental disabilities often require lifelong community services, individualized supports, and other forms of assistance, that are most effective when provided in a coordinated manner;

(8) there is a need to ensure that services, supports, and other assistance are provided in a culturally competent manner, that ensures that individuals from racial and ethnic minority backgrounds are fully included in all activities provided under this title;

(9) family members, friends, and members of the community can play an important role in enhancing the lives of individuals with developmental disabilities, especially when the family members, friends, and community members are provided with the necessary community services, individualized supports, and other forms of assistance;

(10) current research indicates that 88 percent of individuals with developmental disabilities live with their families or in their own households;

(11) many service delivery systems and communities are not prepared to meet the impending needs of the 479,862 adults with developmental disabilities who are living at home with parents who are 60 years old or older and who serve as the primary caregivers of the adults;

(12) in almost every State, individuals with developmental disabilities are waiting for appropriate services in their communities, in the areas of emphasis;

(13) the public needs to be made more aware of the capabilities and competencies of individuals with developmental disabilities, particularly in cases in which the individuals are provided with necessary services, supports, and other assistance;

(14) as increasing numbers of individuals with developmental disabilities are living, learning, working, and participating in all aspects of community life, there is an increasing need for a well trained workforce that is able to provide the services, supports, and other forms of direct assistance required to enable the individuals to carry out those activities;

(15) there needs to be greater effort to recruit individuals from minority backgrounds into professions serving individuals with developmental disabilities and their families;

(16) the goals of the Nation properly include a goal of providing individuals with developmental disabilities with the information, skills, opportunities, and support to—

(A) make informed choices and decisions about their lives;

(B) live in homes and communities in which such individuals can exercise their full rights and responsibilities as citizens;

(C) pursue meaningful and productive lives;

(D) contribute to their families, communities, and States, and the Nation;

(E) have interdependent friendships and relationships with other persons;

(F) live free of abuse, neglect, financial and sexual exploitation, and violations of their legal and human rights; and

(G) achieve full integration and inclusion in society, in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual; and

(17) as the Nation, States, and communities maintain and expand community living options for individuals with developmental disabilities, there is a need to evaluate the access to those options by individuals with developmental disabilities and the effects of those options on individuals with developmental disabilities.

(b) PURPOSE.—The purpose of this title is to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent programs authorized under this title, including specifically—

(1) State Councils on Developmental Disabilities in each State to engage in advocacy, capacity building, and systemic change activities that—

(A) are consistent with the purpose described in this subsection and the policy described in subsection (c); and

(B) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system that includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families;

(2) protection and advocacy systems in each State to protect the legal and human rights of individuals with developmental disabilities;

(3) University Centers for Excellence in Developmental Disabilities Education, Research, and Service—

(A) to provide interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title;

(B) to provide community services—

(i) that provide training and technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and

(ii) that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities;

(C) to conduct research, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively or negatively, individuals with developmental disabilities and their families; and

(D) to disseminate information related to activities undertaken to address the purpose of this title, especially dissemination of information that demonstrates that the network authorized under this subtitle is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances; and

(4) funding for—

(A) national initiatives to collect necessary data on issues that are directly or indirectly relevant to the lives of individuals with developmental disabilities;

(B) technical assistance to entities who engage in or intend to engage in activities consistent with the purpose described in this subsection or the policy described in subsection (c); and

(C) other nationally significant activities.

(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this title shall be carried out in a manner consistent with the principles that—

(1) individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of self-determination, independence, productivity, and integration and inclusion in all facets of community life, but often require the provision of community services, individualized supports, and other forms of assistance;

(2) individuals with developmental disabilities and their families have competencies, capabilities, and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individuals;

(3) individuals with developmental disabilities and their families are the primary decisionmakers regarding the services and supports such individuals and their families receive, including regarding choosing where the individuals live from available options, and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families;

(4) services, supports, and other assistance should be provided in a manner that demonstrates respect for individual dignity, personal preferences, and cultural differences;

(5) specific efforts must be made to ensure that individuals with developmental disabilities from racial and ethnic minority backgrounds and their families enjoy increased and meaningful opportunities to access and use community services, individualized supports, and other forms of assistance available to other individuals with developmental disabilities and their families;

(6) recruitment efforts in disciplines related to developmental disabilities relating to pre-service training, community training, practice, administration, and policymaking must focus on bringing larger numbers of racial and ethnic minorities into the disciplines in order to provide appropriate skills, knowledge, role models, and sufficient personnel to address the growing needs of an increasingly diverse population;

(7) with education and support, communities can be accessible to and responsive to the needs of individuals with developmental disabilities and their families and are enriched by full and active participation in community activities, and contributions, by individuals with developmental disabilities and their families;

(8) individuals with developmental disabilities have access to opportunities and the necessary support to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families, communities, and States, and the Nation;

(9) efforts undertaken to maintain or expand community-based living options for individuals with disabilities should be monitored in order to determine and report to appropriate individuals and entities the extent of access by individuals with developmental disabilities to those options and the extent of compliance by entities providing those options with quality assurance standards;

(10) families of children with developmental disabilities need to have access to and use of safe and appropriate child care and before-school and after-school programs, in the most integrated settings, in order to enrich the participation of the children in community life;

(11) individuals with developmental disabilities need to have access to and use of public transportation, in order to be independent and directly contribute to and participate in all facets of community life; and

(12) individuals with developmental disabilities need to have access to and use of recreational, leisure, and social opportunities in the most integrated settings, in order to enrich their participation in community life.

SEC. 102. DEFINITIONS.

In this title:

(1) AMERICAN INDIAN CONSORTIUM.—The term "American Indian Consortium" means any confederation of 2 or more recognized American Indian tribes, created through the official action of each participating tribe, that has a combined total resident population of 150,000 enrolled tribal members and a contiguous territory of Indian lands in 2 or more States.

(2) AREAS OF EMPHASIS.—The term "areas of emphasis" means the areas related to quality assurance activities, education activities and early intervention activities, child care-related activities, health-related activities, employment-related activities, housing-related activities, transportation-related activities, recreation-related activities, and other services available or offered to individuals in a community, including formal and informal community supports, that affect their quality of life.

(3) ASSISTIVE TECHNOLOGY DEVICE.—The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, modified or customized, that is used to increase, maintain, or improve functional capabilities of individuals with developmental disabilities.

(4) ASSISTIVE TECHNOLOGY SERVICE.—The term "assistive technology service" means any service that directly assists an individual with a developmental disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) conducting an evaluation of the needs of an individual with a developmental disability, including a functional evaluation of the individual in the individual's customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of an assistive technology device by an individual with a developmental disability;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing an assistive technology device;

(D) coordinating and using another therapy, intervention, or service with an assistive technology device, such as a therapy, intervention, or service associated with an education or rehabilitation plan or program;

(E) providing training or technical assistance for an individual with a developmental disability, or, where appropriate, a family member, guardian, advocate, or authorized representative of an individual with a developmental disability; and

(F) providing training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of, an individual with developmental disabilities.

(5) CENTER.—The term "Center" means a University Center for Excellence in Developmental Disabilities Education, Research, and Service established under subtitle D.

(6) CHILD CARE-RELATED ACTIVITIES.—The term "child care-related activities" means advocacy, capacity building, and systemic change activities that result in families of children with developmental disabilities having access to and use of child care services, including before-school, after-school, and out-of-school services, in their communities.

(7) CULTURALLY COMPETENT.—The term "culturally competent", used with respect to services, supports, or other assistance, means services, supports, or other assistance that is conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of individuals who are receiving the services, supports, or other assistance, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program involved.

(8) DEVELOPMENTAL DISABILITY.—

(A) IN GENERAL.—The term "developmental disability" means a severe, chronic disability of an individual that—

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age 22;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:

(I) Self-care.

(II) Receptive and expressive language.

(III) Learning.

(IV) Mobility.

(V) Self-direction.

(VI) Capacity for independent living.

(VII) Economic self-sufficiency; and

(v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) INFANTS AND YOUNG CHILDREN.—An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

(9) EARLY INTERVENTION ACTIVITIES.—The term "early intervention activities" means advocacy, capacity building, and systemic change activities provided to individuals described in paragraph (8)(B) and their families to enhance—

(A) the development of the individuals to maximize their potential; and

(B) the capacity of families to meet the special needs of the individuals.

(10) EDUCATION ACTIVITIES.—The term "education activities" means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities being able to access appropriate supports and modifications when necessary, to maximize their educational potential, to benefit from lifelong educational activities, and to be integrated and included in all facets of student life.

(11) EMPLOYMENT-RELATED ACTIVITIES.—The term "employment-related activities" means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities acquiring, retaining, or advancing in paid employment, including supported employment or self-employment, in integrated settings in a community.

(12) FAMILY SUPPORT SERVICES.—

(A) IN GENERAL.—The term "family support services" means services, supports, and other assistance, provided to families with members who have developmental disabilities, that are designed to—

(i) strengthen the family's role as primary caregiver;

(ii) prevent inappropriate out-of-the-home placement of the members and maintain family unity; and

(iii) reunite families with members who have been placed out of the home whenever possible.

(B) SPECIFIC SERVICES.—Such term includes respite care, provision of rehabilitation technology and assistive technology, personal assistance services, parent training and counseling, support for families headed by aging caregivers, vehicular and home modifications, and assistance with extraordinary expenses, associated with the needs of individuals with developmental disabilities.

(13) HEALTH-RELATED ACTIVITIES.—The term "health-related activities" means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of coordinated health, dental, mental health, and other human and social services, including prevention activities, in their communities.

(14) HOUSING-RELATED ACTIVITIES.—The term "housing-related activities" means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of housing and housing supports and services in their communities, including assistance related to renting, owning, or modifying an apartment or home.

(15) INCLUSION.—The term "inclusion", used with respect to individuals with developmental disabilities, means the acceptance and encouragement of the presence and participation of individuals with developmental disabilities, by individuals without disabilities, in social, educational, work, and community activities, that enables individuals with developmental disabilities to—

(A) have friendships and relationships with individuals and families of their own choice;

(B) live in homes close to community resources, with regular contact with individuals without disabilities in their communities;

(C) enjoy full access to and active participation in the same community activities and types of employment as individuals without disabilities; and

(D) take full advantage of their integration into the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities.

(16) INDIVIDUALIZED SUPPORTS.—The term "individualized supports" means supports that—

(A) enable an individual with a developmental disability to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life;

(B) are designed to—

(i) enable such individual to control such individual's environment, permitting the most independent life possible;

(ii) prevent placement into a more restrictive living arrangement than is necessary; and

(iii) enable such individual to live, learn, work, and enjoy life in the community; and

(C) include—

(i) early intervention services;

(ii) respite care;

(iii) personal assistance services;

(iv) family support services;

(v) supported employment services;

(vi) support services for families headed by aging caregivers of individuals with developmental disabilities; and

(vii) provision of rehabilitation technology and assistive technology, and assistive technology services.

(17) INTEGRATION.—The term "integration", used with respect to individuals with developmental disabilities, means exercising the equal right of individuals with developmental disabilities to access and use the same community resources as are used by and available to other individuals.

(18) NOT-FOR-PROFIT.—The term "not-for-profit", used with respect to an agency, institution, or organization, means an agency, institution, or organization that is owned or operated by 1 or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(19) PERSONAL ASSISTANCE SERVICES.—The term "personal assistance services" means a range of services, provided by 1 or more individuals, designed to assist an individual with a disability to perform daily activities, including activities on or off a job that such individual would typically perform if such individual did not have a disability. Such services shall be designed to increase such individual's control in life and ability to perform everyday activities, including activities on or off a job.

(20) PREVENTION ACTIVITIES.—The term "prevention activities" means activities that address the causes of developmental disabilities and the exacerbation of functional limitation, such as activities that—

(A) eliminate or reduce the factors that cause or predispose individuals to developmental disabilities or that increase the prevalence of developmental disabilities;

(B) increase the early identification of problems to eliminate circumstances that create or increase functional limitations; and

(C) mitigate against the effects of developmental disabilities throughout the lifespan of an individual.

(21) Productivity.—The term "productivity" means—

(A) engagement in income-producing work that is measured by increased income, improved employment status, or job advancement; or

(B) engagement in work that contributes to a household or community.

(22) Protection and advocacy system.—The term "protection and advocacy system" means a protection and advocacy system established in accordance with section 143.

(23) Quality assurance activities.—The term "quality assurance activities" means advocacy, capacity building, and systemic change activities that result in improved consumer- and family-centered quality assurance and that result in systems of quality assurance and consumer protection that—

(A) include monitoring of services, supports, and assistance provided to an individual with developmental disabilities that ensures that the individual—

(i) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and

(ii) will not be subject to the inappropriate use of restraints or seclusion;

(B) include training in leadership, self-advocacy, and self-determination for individuals with developmental disabilities, their families, and their guardians to ensure that those individuals—

(i) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and

(ii) will not be subject to the inappropriate use of restraints or seclusion; or

(C) include activities related to interagency coordination and systems integration that result in improved and enhanced services, supports, and other assistance that contribute to and protect the self-determination, independence, productivity, and integration and inclusion in all facets of community life, of individuals with developmental disabilities.

(24) Recreation-related activities.—The term "recreation-related activities" means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of recreational, leisure, and social activities, in their communities.

(25) Rehabilitation technology.—The term "rehabilitation technology" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with developmental disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Such term includes rehabilitation engineering, and the provision of assistive technology devices and assistive technology services.

(26) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(27) Self-determination activities.—The term "self-determination activities" means activities that result in individuals with developmental disabilities, with appropriate assistance, having—

(A) the ability and opportunity to communicate and make personal decisions;

(B) the ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports, and other assistance the individuals receive;

(C) the authority to control resources to obtain needed services, supports, and other assistance;

(D) opportunities to participate in, and contribute to, their communities; and

(E) support, including financial support, to advocate for themselves and others, to develop leadership skills, through training in self-advocacy, to participate in coalitions, to educate policymakers, and to play a role in the development of public policies that affect individuals with developmental disabilities.

(28) State.—The term "State", except as otherwise provided, includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(29) State council on developmental disabilities.—The term "State Council on Developmental Disabilities" means a Council established under section 125.

(30) Supported employment services.—The term "supported employment services" means services that enable individuals with developmental disabilities to perform competitive work in integrated work settings, in the case of individuals with developmental disabilities—

(A)(i) for whom competitive employment has not traditionally occurred; or

(ii) for whom competitive employment has been interrupted or intermittent as a result of significant disabilities; and

(B) who, because of the nature and severity of their disabilities, need intensive supported employment services or extended services in order to perform such work.

(31) Transportation-related activities.—The term "transportation-related activities" means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of transportation.

(32) Unserved and underserved.—The term "unserved and underserved" includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with developmental disabilities, including individuals who require assistive technology in order to participate in and contribute to community life.

SEC. 103. RECORDS AND AUDITS.

(a) Records.—Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including—

(1) records that fully disclose—

(A) the amount and disposition by such recipient of the assistance;

(B) the total cost of the project or undertaking in connection with which such assistance is given or used; and

(C) the amount of that portion of the cost of the project or undertaking that is supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(b) Access.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

SEC. 104. RESPONSIBILITIES OF THE SECRETARY.

(a) Program Accountability.—

(1) In general.—In order to monitor entities that received funds under this Act to carry out activities under subtitles B, C, and D and determine the extent to which the entities have been responsive to the purpose of this title and have taken actions consistent with the policy described in section 101(c), the Secretary shall develop and implement an accountability process as described in this subsection, with respect to activities conducted after October 1, 2000.

(2) Areas of emphasis.—The Secretary shall develop a process for identifying and reporting (pursuant to section 105) on progress achieved through advocacy, capacity building, and systemic change activities, undertaken by the entities described in paragraph (1), that resulted in individuals with developmental disabilities and their families participating in the design of and having access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life. Specifically, the Secretary shall develop a process for identifying and reporting on progress achieved, through advocacy, capacity building, and systemic change activities, by the entities in the areas of emphasis.

(3) Indicators of progress.—

(A) In general.—In identifying progress made by the entities described in paragraph (1) in the areas of emphasis, the Secretary, in consultation with the Commissioner of the Administration on Developmental Disabilities and the entities, shall develop indicators for each area of emphasis.

(B) Proposed indicators.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop and publish in the Federal Register for public comment proposed indicators of progress for monitoring how entities described in paragraph (1) have addressed the areas of emphasis described in paragraph (2) in a manner that is responsive to the purpose of this title and consistent with the policy described in section 101(c).

(C) Final indicators.—Not later than October 1, 2000, the Secretary shall revise the proposed indicators of progress, to the extent necessary based on public comment, and publish final indicators of progress in the Federal Register.

(D) Specific measures.—At a minimum, the indicators of progress shall be used to describe and measure—

(i) the satisfaction of individuals with developmental disabilities with the advocacy, capacity building, and systemic change activities provided under subtitles B, C, and D;

(ii) the extent to which the advocacy, capacity building, and systemic change activities provided through subtitles B, C, and D result in improvements in—

(I) the ability of individuals with developmental disabilities to make choices and exert control over the type, intensity, and timing of services, supports, and assistance that the individuals have used;

(II) the ability of individuals with developmental disabilities to participate in the full range of community life with persons of the individuals' choice; and

(III) the ability of individuals with developmental disabilities to access services, supports, and assistance in a manner that ensures that such an individual is free from abuse, neglect, sexual and financial exploitation, violation of legal and human rights, and the inappropriate use of restraints and seclusion; and

(iii) the extent to which the entities described in paragraph (1) collaborate with each other to achieve the purpose of this title and the policy described in section 101(c).

(4) TIME LINE FOR COMPLIANCE WITH INDICATORS OF PROGRESS.—The Secretary shall require entities described in paragraph (1) to meet the indicators of progress described in paragraph (3). For fiscal year 2001 and each year thereafter, the Secretary shall apply the indicators in monitoring entities described in paragraph (1), with respect to activities conducted after October 1, 2000.

(b) TIME LINE FOR REGULATIONS.—Except as otherwise expressly provided in this title, the Secretary, not later than 1 year after the date of enactment of this Act, shall promulgate such regulations as may be required for the implementation of this title.

(c) INTERAGENCY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall maintain the interagency committee authorized in section 108 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6007) as in effect on the day before the date of enactment of this Act, except as otherwise provided in this subsection.

(2) COMPOSITION.—The interagency committee shall be composed of representatives of—

(A) the Administration on Developmental Disabilities, the Administration on Children, Youth, and Families, the Administration on Aging, and the Health Resources and Services Administration, of the Department of Health and Human Services; and

(B) such other Federal departments and agencies as the Secretary of Health and Human Services considers to be appropriate.

(3) DUTIES.—Such interagency committee shall meet regularly to coordinate and plan activities conducted by Federal departments and agencies for individuals with developmental disabilities.

(4) MEETINGS.—Each meeting of the interagency committee (except for any meetings of any subcommittees of the committee) shall be open to the public. Notice of each meeting, and a statement of the agenda for the meeting, shall be published in the Federal Register not later than 14 days before the date on which the meeting is to occur.

SEC. 105. REPORTS OF THE SECRETARY.

At least once every 2 years, the Secretary, using information submitted in the reports and information required under subtitles B, C, D, and E, shall prepare and submit to the President, Congress, and the National Council on Disability, a report that describes the goals and outcomes of programs supported under subtitles B, C, D, and E. In preparing the report, the Secretary shall provide—

(1) meaningful examples of how the councils, protection and advocacy systems, centers, and entities funded under subtitles B, C, D, and E, respectively—

(A) have undertaken coordinated activities with each other;

(B) have enhanced the ability of individuals with developmental disabilities and their families to participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life;

(C) have brought about advocacy, capacity building, and systemic change activities (including policy reform), and other actions on behalf of individuals with developmental disabilities and their families, including individuals who are traditionally unserved or underserved, particularly individuals who are members of ethnic and racial minority groups and individuals from underserved geographic areas; and

(D) have brought about advocacy, capacity building, and systemic change activities that affect individuals with disabilities other than individuals with developmental disabilities;

(2) information on the extent to which programs authorized under this title have addressed—

(A) protecting individuals with developmental disabilities from abuse, neglect, sexual and financial exploitation, and violations of legal and human rights, so that those individuals are at no greater risk of harm than other persons in the general population; and

(B) reports of deaths of and serious injuries to individuals with developmental disabilities; and

(3) a summary of any incidents of noncompliance of the programs authorized under this title with the provisions of this title, and corrections made or actions taken to obtain compliance.

SEC. 106. STATE CONTROL OF OPERATIONS.

Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any programs, services, and supports for individuals with developmental disabilities with respect to which any funds have been or may be expended under this title.

SEC. 107. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

As a condition of providing assistance under this title, the Secretary shall require that each recipient of such assistance take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of such individuals under the provisions of title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), that govern employment.

SEC. 108. CONSTRUCTION.

Nothing in this title shall be construed to preclude an entity funded under this title from engaging in advocacy, capacity building, and systemic change activities for individuals with developmental disabilities that may also have a positive impact on individuals with other disabilities.

SEC. 109. RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

(a) IN GENERAL.—Congress makes the following findings respecting the rights of individuals with developmental disabilities:

(1) Individuals with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities, consistent with section 101(c).

(2) The treatment, services, and habitation for an individual with developmental disabilities should be designed to maximize the potential of the individual and should be provided in the setting that is least restrictive of the individual's personal liberty.

(3) The Federal Government and the States both have an obligation to ensure that public funds are provided only to institutional programs, residential programs, and other community programs, including educational programs in which individuals with developmental disabilities participate, that—

(A) provide treatment, services, and habilitation that are appropriate to the needs of such individuals; and

(B) meet minimum standards relating to—

(i) provision of care that is free of abuse, neglect, sexual and financial exploitation, and violations of legal and human rights and that subjects individuals with developmental disabilities to no greater risk of harm than others in the general population;

(ii) provision to such individuals of appropriate and sufficient medical and dental services;

(iii) prohibition of the use of physical restraint and seclusion for such an individual unless absolutely necessary to ensure the immediate physical safety of the individual or others, and prohibition of the use of such restraint and seclusion as a punishment or as a substitute for a habilitation program;

(iv) prohibition of the excessive use of chemical restraints on such individuals and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment, or habilitation for such individuals; and

(v) provision for close relatives or guardians of such individuals to visit the individuals without prior notice.

(4) All programs for individuals with developmental disabilities should meet standards—

(A) that are designed to assure the most favorable possible outcome for those served; and

(B)(i) in the case of residential programs serving individuals in need of comprehensive health-related, habilitative, assistive technology or rehabilitative services, that are at least equivalent to those standards applicable to intermediate care facilities for the mentally retarded, promulgated in regulations of the Secretary on June 3, 1988, as appropriate, taking into account the size of the institutions and the service delivery arrangements of the facilities of the programs;

(ii) in the case of other residential programs for individuals with developmental disabilities, that assure that—

(I) care is appropriate to the needs of the individuals being served by such programs;

(II) the individuals admitted to facilities of such programs are individuals whose needs can be met through services provided by such facilities; and

(III) the facilities of such programs provide for the humane care of the residents of the facilities, are sanitary, and protect their rights; and

(iii) in the case of nonresidential programs, that assure that the care provided by such programs is appropriate to the individuals served by the programs.

(b) CLARIFICATION.—The rights of individuals with developmental disabilities described in findings made in this section shall be considered to be in addition to any constitutional or other rights otherwise afforded to all individuals.

Subtitle B—Federal Assistance to State Councils on Developmental Disabilities

SEC. 121. PURPOSE.

The purpose of this subtitle is to provide for allotments to support State Councils on Developmental Disabilities (referred to individually in this subtitle as a "Council") in each State to—

(1) engage in advocacy, capacity building, and systemic change activities that are consistent with the purpose described in section 101(b) and the policy described in section 101(c); and

(2) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life.

SEC. 122. STATE ALLOTMENTS.

(a) ALLOTMENTS.—

(1) IN GENERAL.—

(A) AUTHORITY.—For each fiscal year, the Secretary shall, in accordance with regulations and this paragraph, allot the sums appropriated for such year under section 129 among the States on the basis of—

(i) the population;

(ii) the extent of need for services for individuals with developmental disabilities; and

(iii) the financial need,

of the respective States.

(B) USE OF FUNDS.—Sums allotted to the States under this section shall be used to pay for the Federal share of the cost of carrying out projects in accordance with State plans approved under section 124 for the provision under such plans of services for individuals with developmental disabilities.

(2) ADJUSTMENTS.—The Secretary may make adjustments in the amounts of State allotments based on clauses (i), (ii), and (iii) of paragraph (1)(A) not more often than annually. The Secretary shall notify each State of any adjustment made under this paragraph and the percentage of the total sums appropriated under section 129 that the adjusted allotment represents not later than 6 months before the beginning of the fiscal year in which such adjustment is to take effect.

(3) MINIMUM ALLOTMENT FOR APPROPRIATIONS LESS THAN OR EQUAL TO $70,000,000.—

(A) IN GENERAL.—Except as provided in paragraph (4), for any fiscal year the allotment under this section—

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than $210,000; and

(ii) to any State not described in clause (i) may not be less than $400,000.

(B) REDUCTION OF ALLOTMENT.—Notwithstanding subparagraph (A), if the aggregate of the amounts to be allotted to the States pursuant to subparagraph (A) for any fiscal year exceeds the total amount appropriated under section 129 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

(4) MINIMUM ALLOTMENT FOR APPROPRIATIONS IN EXCESS OF $70,000,000.—

(A) IN GENERAL.—In any case in which the total amount appropriated under section 129 for a fiscal year is more than $70,000,000, the allotment under this section for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than $220,000; and

(ii) to any State not described in clause (i) may not be less than $450,000.

(B) REDUCTION OF ALLOTMENT.—The requirements of paragraph (3)(B) shall apply with respect to amounts to be allotted to States under subparagraph (A), in the same manner and to the same extent as such requirements apply with respect to amounts to be allotted to States under paragraph (3)(A).

(5) STATE SUPPORTS, SERVICES, AND OTHER ACTIVITIES.—In determining, for purposes of paragraph (1)(A)(ii), the extent of need in any State for services for individuals with developmental disabilities, the Secretary shall take into account the scope and extent of the services, supports, and assistance described, pursuant to section 124(c)(3)(A), in the State plan of the State.

(6) INCREASE IN ALLOTMENTS.—In any year in which the total amount appropriated under section 129 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in paragraphs (3) and (4). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 129 for the fiscal year for which the increase in the minimum allotment is being made; minus

(B) the total amount appropriated under section 129 (or a corresponding provision) for the immediately preceding fiscal year,

bears to the total amount appropriated under section 129 (or a corresponding provision) for such preceding fiscal year.

(b) UNOBLIGATED FUNDS.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which such amount was paid.

(c) OBLIGATION OF FUNDS.—For the purposes of this subtitle, State Interagency Agreements are considered valid obligations for the purpose of obligating Federal funds allotted to the State under this subtitle.

(d) COOPERATIVE EFFORTS BETWEEN STATES.—If a State plan approved in accordance with section 124 provides for cooperative or joint effort between or among States or agencies, public or private, in more than 1 State, portions of funds allotted to 1 or more States described in this subsection may be combined in accordance with the agreements between the States or agencies involved.

(e) REALLOTMENTS.—

(1) IN GENERAL.—If the Secretary determines that an amount of an allotment to a State for a period (of a fiscal year or longer) will not be required by the State during the period for the purpose for which the allotment was made, the Secretary may reallot the amount.

(2) TIMING.—The Secretary may make such a reallotment from time to time, on such date as the Secretary may fix, but not earlier than 30 days after the Secretary has published notice of the intention of the Secretary to make the reallotment in the Federal Register.

(3) AMOUNTS.—The Secretary shall reallot the amount to other States with respect to which the Secretary has not made that determination. The Secretary shall reallot the amount in proportion to the original allotments of the other States for such fiscal year, but shall reduce such proportionate amount for any of the other States to the extent the proportionate amount exceeds the sum that the Secretary estimates the State needs and will be able to use during such period.

(4) REALLOTMENT OF REDUCTIONS.—The Secretary shall similarly reallot the total of the reductions among the States whose proportionate amounts were not so reduced.

(5) TREATMENT.—Any amount reallotted to a State under this subsection for a fiscal year shall be deemed to be a part of the allotment of the State under subsection (a) for such fiscal year.

SEC. 123. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.

(a) STATE PLAN EXPENDITURES.—From each State's allotments for a fiscal year under section 122, the Secretary shall pay to the State the Federal share of the cost, other than the cost for construction, incurred during such year for activities carried out under the State plan approved under section 124. The Secretary shall make such payments from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend for the cost under the State plan. The Secretary shall make such adjustments as may be necessary to the payments on account of previously made underpayments or overpayments under this section.

(b) DESIGNATED STATE AGENCY EXPENDITURES.—The Secretary may make payments to a State for the portion described in section 124(c)(5)(B)(vi) in advance or by way of reimbursement, and in such installments as the Secretary may determine.

SEC. 124. STATE PLAN.

(a) IN GENERAL.—Any State desiring to receive assistance under this subtitle shall submit to the Secretary, and obtain approval of, a 5-year strategic State plan under this section.

(b) PLANNING CYCLE.—The plan described in subsection (a) shall be updated as appropriate during the 5-year period.

(c) STATE PLAN REQUIREMENTS.—In order to be approved by the Secretary under this section, a State plan shall meet each of the following requirements:

(1) STATE COUNCIL.—The plan shall provide for the establishment and maintenance of a Council in accordance with section 125 and describe the membership of such Council.

(2) DESIGNATED STATE AGENCY.—The plan shall identify the agency or office within the State designated to support the Council in accordance with this section and section 125(d) (referred to in this subtitle as a "designated State agency").

(3) COMPREHENSIVE REVIEW AND ANALYSIS.—The plan shall describe the results of a comprehensive review and analysis of the extent to which services, supports, and other assistance are available to individuals with developmental disabilities and their families, and the extent of unmet needs for services, supports, and other assistance for those individuals and their families, in the State. The results of the comprehensive review and analysis shall include—

(A) a description of the services, supports, and other assistance being provided to individuals with developmental disabilities and their families under other federally assisted State programs, plans, and policies under which the State operates and in which individuals with developmental disabilities are or may be eligible to participate, including particularly programs relating to the areas of emphasis, including—

(i) medical assistance, maternal and child health care, services for children with special health care needs, children's mental health services, comprehensive health and mental health services, and institutional care options;

(ii) job training, job placement, worksite accommodation, and vocational rehabilitation, and other work assistance programs; and

(iii) social, child welfare, aging, independent living, and rehabilitation and assistive technology services, and such other services as the Secretary may specify;

(B) a description of the extent to which agencies operating such other federally assisted State programs, including activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), pursue interagency initiatives to improve and enhance community services, individualized supports, and other forms of assistance for individuals with developmental disabilities;

(C) an analysis of the extent to which community services and opportunities related to the areas of emphasis directly benefit individuals with developmental disabilities, especially with regard to their ability to access and use services provided in their communities, to participate in opportunities, activities, and events offered in their communities, and to contribute to community life, identifying particularly—

(i) the degree of support for individuals with developmental disabilities that are attributable to either physical impairment, mental impairment, or a combination of physical and mental impairments;

(ii) criteria for eligibility for services, including specialized services and special adaptation of generic services provided by agencies within the State, that may exclude individuals with developmental disabilities from receiving services described in this clause;

(iii) the barriers that impede full participation of members of unserved and underserved groups of individuals with developmental disabilities and their families;

(iv) the availability of assistive technology, assistive technology services, or rehabilitation technology, or information about assistive technology, assistive technology services, or rehabilitation technology to individuals with developmental disabilities;

(v) the numbers of individuals with developmental disabilities on waiting lists for services described in this subparagraph;

(vi) a description of the adequacy of current resources and projected availability of future resources to fund services described in this subparagraph;

(vii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are in facilities receive (based in part on each independent review (pursuant to section 1902(a)(30)(C) of the Social Security Act (42 U.S.C. 1396a(a)(30)(C))) of an Intermediate Care Facility (Mental Retardation) within the State, which the State shall provide to the Council not later than 30 days after the availability of the review); and

(viii) to the extent that information is available, a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive;

(D) a description of how entities funded under subtitles C and D, through interagency agreements or other mechanisms, collaborated with the entity funded under this subtitle in the State, each other, and other entities to contribute to the achievement of the purpose of this subtitle; and

(E) the rationale for the goals related to advocacy, capacity building, and systemic change to be undertaken by the Council to contribute to the achievement of the purpose of this subtitle.

(4) Plan goals.—The plan shall focus on Council efforts to bring about the purpose of this subtitle, by—

(A) specifying 5-year goals, as developed through data driven strategic planning, for advocacy, capacity building, and systemic change related to the areas of emphasis, to be undertaken by the Council, that—

(i) are derived from the unmet needs of individuals with developmental disabilities and their families identified under paragraph (3); and

(ii) include a goal, for each year of the grant, to—

(I) establish or strengthen a program for the direct funding of a State self-advocacy organization led by individuals with developmental disabilities;

(II) support opportunities for individuals with developmental disabilities who are considered leaders to provide leadership training to individuals with developmental disabilities who may become leaders; and

(III) support and expand participation of individuals with developmental disabilities in cross-disability and culturally diverse leadership coalitions; and

(B) for each year of the grant, describing—

(i) the goals to be achieved through the grant, which, beginning in fiscal year 2001, shall be consistent with applicable indicators of progress described in section 104(a)(3);

(ii) the strategies to be used in achieving each goal; and

(iii) the method to be used to determine if each goal has been achieved.

(5) Assurances.—

(A) In general.—The plan shall contain or be supported by assurances and information described in subparagraphs (B) through (N) that are satisfactory to the Secretary.

(B) Use of funds.—With respect to the funds paid to the State under section 122, the plan shall provide assurances that—

(i) not less than 70 percent of such funds will be expended for activities related to the goals described in paragraph (4);

(ii) such funds will contribute to the achievement of the purpose of this subtitle in various political subdivisions of the State;

(iii) such funds will be used to supplement, and not supplant, the non-Federal funds that would otherwise be made available for the purposes for which the funds paid under section 122 are provided;

(iv) such funds will be used to complement and augment rather than duplicate or replace services for individuals with developmental disabilities and their families who are eligible for Federal assistance under other State programs;

(v) part of such funds will be made available by the State to public or private entities;

(vi) at the request of any State, a portion of such funds provided to such State under this subtitle for any fiscal year shall be available to pay up to ½ (or the entire amount if the Council is the designated State agency) of the expenditures found to be necessary by the Secretary for the proper and efficient exercise of the functions of the designated State agency, except that not more than 5 percent of such funds provided to such State for any fiscal year, or $50,000, whichever is less, shall be made available for total expenditures for such purpose by the designated State agency; and

(vii) not more than 20 percent of such funds will be allocated to the designated State agency for service demonstrations by such agency that—

(I) contribute to the achievement of the purpose of this subtitle; and

(II) are explicitly authorized by the Council.

(C) State financial participation.—The plan shall provide assurances that there will be reasonable State financial participation in the cost of carrying out the plan.

(D) Conflict of interest.—The plan shall provide an assurance that no member of such Council will cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.

(E) Urban and rural poverty areas.—The plan shall provide assurances that special financial and technical assistance will be given to organizations that provide community services, individualized supports, and other forms of assistance to individuals with developmental disabilities who live in areas designated as urban or rural poverty areas.

(F) Program accessibility standards.—The plan shall provide assurances that programs, projects, and activities funded under the plan, and the buildings in which such programs, projects, and activities are operated, will meet standards prescribed by the Secretary in regulations and all applicable Federal and State accessibility standards, including accessibility requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), and the Fair Housing Act (42 U.S.C. 3601 et seq.).

(G) Individualized services.—The plan shall provide assurances that any direct services provided to individuals with developmental disabilities and funded under the plan will be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individual.

(H) Human rights.—The plan shall provide assurances that the human rights of the individuals with developmental disabilities (especially individuals without familial protection) who are receiving services under programs assisted under this subtitle will be protected consistent with section 109 (relating to rights of individuals with developmental disabilities).

(I) Minority participation.—The plan shall provide assurances that the State has taken affirmative steps to assure that participation in programs funded under this subtitle is geographically representative of the State, and reflects the diversity of the State with respect to race and ethnicity.

(J) Employee protections.—The plan shall provide assurances that fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) will be provided to protect the interests of employees affected by actions taken under the plan to provide community living activities, including arrangements designed to preserve employee rights and benefits and provide training and retraining of such employees where necessary, and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

(K) Staff assignments.—The plan shall provide assurances that the staff and other personnel of the Council, while working for the Council, will be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and will not be assigned duties by the designated State agency, or any other agency, office, or entity of the State.

(L) Noninterference.—The plan shall provide assurances that the designated State agency, and any other agency, office, or entity of the State, will not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, State plan development, or plan implementation of the Council, except that the designated

State agency shall have the authority necessary to carry out the responsibilities described in section 125(d)(3).

(M) STATE QUALITY ASSURANCE.—The plan shall provide assurances that the Council will participate in the planning, design or redesign, and monitoring of State quality assurance systems that affect individuals with developmental disabilities.

(N) OTHER ASSURANCES.—The plan shall contain such additional information and assurances as the Secretary may find necessary to carry out the provisions (including the purpose) of this subtitle.

(d) PUBLIC INPUT AND REVIEW, SUBMISSION, AND APPROVAL.—

(1) PUBLIC INPUT AND REVIEW.—The plan shall be based on public input. The Council shall make the plan available for public review and comment, after providing appropriate and sufficient notice in accessible formats of the opportunity for such review and comment. The Council shall revise the plan to take into account and respond to significant comments.

(2) CONSULTATION WITH THE DESIGNATED STATE AGENCY.—Before the plan is submitted to the Secretary, the Council shall consult with the designated State agency to ensure that the State plan is consistent with State law and to obtain appropriate State plan assurances.

(3) PLAN APPROVAL.—The Secretary shall approve any State plan and, as appropriate, amendments of such plan that comply with the provisions of subsections (a), (b), and (c) and this subsection. The Secretary may take final action to disapprove a State plan after providing reasonable notice and an opportunity for a hearing to the State.

SEC. 125. STATE COUNCILS ON DEVELOPMENTAL DISABILITIES AND DESIGNATED STATE AGENCIES.

(a) IN GENERAL.—Each State that receives assistance under this subtitle shall establish and maintain a Council to undertake advocacy, capacity building, and systemic change activities (consistent with subsections (b) and (c) of section 101) that contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this subtitle. The Council shall have the authority to fulfill the responsibilities described in subsection (c).

(b) COUNCIL MEMBERSHIP.—

(1) COUNCIL APPOINTMENTS.—

(A) IN GENERAL.—The members of the Council of a State shall be appointed by the Governor of the State from among the residents of that State.

(B) RECOMMENDATIONS.—The Governor shall select members of the Council, at the discretion of the Governor, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in individuals with developmental disabilities, including the non-State agency members of the Council. The Council may, at the initiative of the Council, or on the request of the Governor, coordinate Council and public input to the Governor regarding all recommendations.

(C) REPRESENTATION.—The membership of the Council shall be geographically representative of the State and reflect the diversity of the State with respect to race and ethnicity.

(2) MEMBERSHIP ROTATION.—The Governor shall make appropriate provisions to rotate the membership of the Council. Such provisions shall allow members to continue to serve on the Council until such members' successors are appointed. The Council shall notify the Governor regarding membership requirements of the Council, and shall notify the Governor when vacancies on the Council remain unfilled for a significant period of time.

(3) REPRESENTATION OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.—Not less than 60 percent of the membership of each Council shall consist of individuals who are—

(A)(i) individuals with developmental disabilities;

(ii) parents or guardians of children with developmental disabilities; or

(iii) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves; and

(B) not employees of a State agency that receives funds or provides services under this subtitle, and who are not managing employees (as defined in section 1126(b) of the Social Security Act (42 U.S.C. 1320a–5(b)) of any other entity that receives funds or provides services under this subtitle.

(4) REPRESENTATION OF AGENCIES AND ORGANIZATIONS.—

(A) IN GENERAL.—Each Council shall include—

(i) representatives of relevant State entities, including—

(I) State entities that administer funds provided under Federal laws related to individuals with disabilities, including the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and titles V and XIX of the Social Security Act (42 U.S.C. 701 et seq. and 1396 et seq.);

(II) Centers in the State; and

(III) the State protection and advocacy system; and

(ii) representatives, at all times, of local and nongovernmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located.

(B) AUTHORITY AND LIMITATIONS.—The representatives described in subparagraph (A) shall—

(i) have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program such representatives represent; and

(ii) recuse themselves from any discussion of grants or contracts for which such representatives' departments, agencies, or programs are grantees, contractors, or applicants and comply with the conflict of interest assurance requirement under section 124(c)(5)(D).

(5) COMPOSITION OF MEMBERSHIP WITH DEVELOPMENTAL DISABILITIES.—Of the members of the Council described in paragraph (3)—

(A) ⅓ shall be individuals with developmental disabilities described in paragraph (3)(A)(i);

(B) ⅓ shall be parents or guardians of children with developmental disabilities described in paragraph (3)(A)(ii), or immediate relatives or guardians of adults with developmental disabilities described in paragraph (3)(A)(iii); and

(C) ⅓ shall be a combination of individuals described in paragraph (3)(A).

(6) INSTITUTIONALIZED INDIVIDUALS.—

(A) IN GENERAL.—Of the members of the Council described in paragraph (5), at least 1 shall be an immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution.

(B) LIMITATION.—Subparagraph (A) shall not apply with respect to a State if such an individual does not reside in that State.

(c) COUNCIL RESPONSIBILITIES.—

(1) IN GENERAL.—A Council, through Council members, staff, consultants, contractors, or subgrantees, shall have the responsibilities described in paragraphs (2) through (10).

(2) ADVOCACY, CAPACITY BUILDING, AND SYSTEMIC CHANGE ACTIVITIES.—The Council shall serve as an advocate for individuals with developmental disabilities and conduct or support programs, projects, and activities that carry out the purpose of this subtitle.

(3) EXAMINATION OF GOALS.—At the end of each grant year, each Council shall—

(A) determine the extent to which each goal of the Council was achieved for that year;

(B) determine to the extent that each goal was not achieved, the factors that impeded the achievement;

(C) determine needs that require amendment of the 5-year strategic State plan required under section 124;

(D) separately determine the information on the self-advocacy goal described in section 124(c)(4)(A)(ii); and

(E) determine customer satisfaction with Council supported or conducted activities.

(4) STATE PLAN DEVELOPMENT.—The Council shall develop the State plan and submit the State plan to the Secretary after consultation with the designated State agency under the State plan. Such consultation shall be solely for the purposes of obtaining State assurances and ensuring consistency of the plan with State law.

(5) STATE PLAN IMPLEMENTATION.—

(A) IN GENERAL.—The Council shall implement the State plan by conducting and supporting advocacy, capacity building, and systemic change activities such as those described in subparagraphs (B) through (L).

(B) OUTREACH.—The Council may support and conduct outreach activities to identify individuals with developmental disabilities and their families who otherwise might not come to the attention of the Council and assist and enable the individuals and families to obtain services, individualized supports, and other forms of assistance, including access to special adaptation of generic community services or specialized services.

(C) TRAINING.—The Council may support and conduct training for persons who are individuals with developmental disabilities, their families, and personnel (including professionals, paraprofessionals, students, volunteers, and other community members) to enable such persons to obtain access to, or to provide, community services, individualized supports, and other forms of assistance, including special adaptation of generic community services or specialized services for individuals with developmental disabilities and their families. To the extent that the Council supports or conducts training activities under this subparagraph, such activities shall contribute to the achievement of the purpose of this subtitle.

(D) TECHNICAL ASSISTANCE.—The Council may support and conduct technical assistance activities to assist public and private entities to contribute to the achievement of the purpose of this subtitle.

(E) SUPPORTING AND EDUCATING COMMUNITIES.—The Council may support and conduct activities to assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families—

(i) by encouraging local networks to provide informal and formal supports;

(ii) through education; and

(iii) by enabling neighborhoods and communities to offer such individuals and their families access to and use of services, resources, and opportunities.

(F) INTERAGENCY COLLABORATION AND COORDINATION.—The Council may support and conduct activities to promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.

(G) COORDINATION WITH RELATED COUNCILS, COMMITTEES, AND PROGRAMS.—The Council may support and conduct activities to enhance coordination of services with—

(i) other councils, entities, or committees, authorized by Federal or State law, concerning individuals with disabilities (such as the State interagency coordinating council established under subtitle C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), the State Rehabilitation Council and the Statewide Independent Living Council established under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the State mental health planning council established under subtitle B of title XIX of the Public Health Service Act (42 U.S.C. 300x–1 et seq.), and the activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), and entities carrying out other similar councils, entities, or committees);

(ii) parent training and information centers under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) and other entities carrying out federally funded projects that assist parents of children with disabilities; and

(iii) other groups interested in advocacy, capacity building, and systemic change activities to benefit individuals with disabilities.

(H) BARRIER ELIMINATION, SYSTEMS DESIGN AND REDESIGN.—The Council may support and conduct activities to eliminate barriers to assess and use of community services by individuals with developmental disabilities, enhance systems design and redesign, and enhance citizen participation to address issues identified in the State plan.

(I) COALITION DEVELOPMENT AND CITIZEN PARTICIPATION.—The Council may support and conduct activities to educate the public about the capabilities, preferences, and needs of individuals with developmental disabilities and their families and to develop and support coalitions that support the policy agenda of the Council, including training in self-advocacy, education of policymakers, and citizen leadership skills.

(J) INFORMING POLICYMAKERS.—The Council may support and conduct activities to provide information to policymakers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations. The Council may provide the information directly to Federal, State, and local policymakers, including Congress, the Federal executive branch, the Governors, State legislatures, and State agencies, in order to increase the ability of such policymakers to offer opportunities and to enhance or adapt generic services to meet the needs of, or provide specialized services to, individuals with developmental disabilities and their families.

(K) DEMONSTRATION OF NEW APPROACHES TO SERVICES AND SUPPORTS.—

(i) IN GENERAL.—The Council may support and conduct, on a time-limited basis, activities to demonstrate new approaches to serving individuals with developmental disabilities that are a part of an overall strategy for systemic change. The strategy may involve the education of policymakers and the public about how to deliver effectively, to individuals with developmental disabilities and their families, services, supports, and assistance that contribute to the achievement of the purpose of this subtitle.

(ii) SOURCES OF FUNDING.—The Council may carry out this subparagraph by supporting and conducting demonstration activities through sources of funding other than funding provided under this subtitle, and by assisting entities conducting demonstration activities to develop strategies for securing funding from other sources.

(L) OTHER ACTIVITIES.—The Council may support and conduct other advocacy, capacity building, and systemic change activities to promote the development of a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this subtitle.

(6) REVIEW OF DESIGNATED STATE AGENCY.—The Council shall periodically review the designated State agency and activities carried out under this subtitle by the designated State agency and make any recommendations for change to the Governor.

(7) REPORTS.—Beginning in fiscal year 2001, the Council shall annually prepare and transmit to the Secretary a report. Each report shall be in a form prescribed by the Secretary by regulation under section 104(b). Each report shall contain information about the progress made by the Council in achieving the goals of the Council (as specified in section 124(c)(4)), including—

(A) a description of the extent to which the goals were achieved;

(B) a description of the strategies that contributed to achieving the goals;

(C) to the extent to which the goals were not achieved, a description of factors that impeded the achievement;

(D) separate information on the self-advocacy goal described in section 124(c)(4)(A)(ii);

(E)(i) as appropriate, an update on the results of the comprehensive review and analysis described in section 124(c)(3); and

(ii) information on consumer satisfaction with Council supported or conducted activities;

(F)(i) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities in Intermediate Care Facilities (Mental Retardation) receive; and

(ii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)) receive;

(G) an accounting of the manner in which funds paid to the State under this subtitle for a fiscal year were expended;

(H) a description of—

(i) resources made available to carry out activities to assist individuals with developmental disabilities that are directly attributable to Council actions; and

(ii) resources made available for such activities that are undertaken by the Council in collaboration with other entities; and

(I) a description of the method by which the Council will widely disseminate the annual report to affected constituencies and the general public and will assure that the report is available in accessible formats.

(8) BUDGET.—Each Council shall prepare, approve, and implement a budget using amounts paid to the State under this subtitle to fund and implement all programs, projects, and activities carried out under this subtitle, including—

(A)(i) conducting such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council; and

(ii) as determined in Council policy—

(I) reimbursing members of the Council for reasonable and necessary expenses (including expenses for child care and personal assistance services) for attending Council meetings and performing Council duties;

(II) paying a stipend to a member of the Council, if such member is not employed or must forfeit wages from other employment, to attend Council meetings and perform other Council duties;

(III) supporting Council member and staff travel to authorized training and technical assistance activities including in-service training and leadership development activities; and

(IV) carrying out appropriate subcontracting activities;

(B) hiring and maintaining such numbers and types of staff (qualified by training and experience) and obtaining the services of such professional, consulting, technical, and clerical staff (qualified by training and experience), consistent with State law, as the Council determines to be necessary to carry out the functions of the Council under this subtitle, except that such State shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the Council, to the extent that such policies would impact the staff or functions funded with Federal funds, or would prevent the Council from carrying out the functions of the Council under this subtitle; and

(C) directing the expenditure of funds for grants, contracts, interagency agreements that are binding contracts, and other activities authorized by the State plan approved under section 124.

(9) STAFF HIRING AND SUPERVISION.—The Council shall, consistent with State law, recruit and hire a Director of the Council, should the position of Director become vacant, and supervise and annually evaluate the Director. The Director shall hire, supervise, and annually evaluate the staff of the Council. Council recruitment, hiring, and dismissal of staff shall be conducted in a manner consistent with Federal and State nondiscrimination laws. Dismissal of personnel shall be conducted in a manner consistent with State law and personnel policies.

(10) STAFF ASSIGNMENTS.—The staff of the Council, while working for the Council, shall be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and shall not be assigned duties by the designated State agency or any other agency or entity of the State.

(11) CONSTRUCTION.—Nothing in this title shall be construed to authorize a Council to direct, control, or exercise any policymaking authority or administrative authority over any program assisted under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the

Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) Designated State Agency.—

(1) In general.—Each State that receives assistance under this subtitle shall designate a State agency that shall, on behalf of the State, provide support to the Council. After the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994 (Public Law 103–230), any designation of a State agency under this paragraph shall be made in accordance with the requirements of this subsection.

(2) Designation.—

(A) Type of agency.—Except as provided in this subsection, the designated State agency shall be—

(i) the Council if such Council may be the designated State agency under the laws of the State;

(ii) a State agency that does not provide or pay for services for individuals with developmental disabilities; or

(iii) a State office, including the immediate office of the Governor of the State or a State planning office.

(B) Conditions for continuation of state service agency designation.—

(i) Designation before enactment.—If a State agency that provides or pays for services for individuals with developmental disabilities was a designated State agency for purposes of part B of the Developmental Disabilities Assistance and Bill of Rights Act on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, and the Governor of the State (or the legislature, where appropriate and in accordance with State law) determines prior to June 30, 1994, not to change the designation of such agency, such agency may continue to be a designated State agency for purposes of this subtitle.

(ii) Criteria for continued designation.—The determination, at the discretion of the Governor (or the legislature, as the case may be), shall be made after—

(I) the Governor has considered the comments and recommendations of the general public and a majority of the non-State agency members of the Council with respect to the designation of such State agency; and

(II) the Governor (or the legislature, as the case may be) has made an independent assessment that the designation of such agency will not interfere with the budget, personnel, priorities, or other action of the Council, and the ability of the Council to serve as an independent advocate for individuals with developmental disabilities.

(C) Review of designation.—The Council may request a review of and change in the designation of the designated State agency by the Governor (or the legislature, as the case may be). The Council shall provide documentation concerning the reason the Council desires a change to be made and make a recommendation to the Governor (or the legislature, as the case may be) regarding a preferred designated State agency.

(D) Appeal of designation.—After the review is completed under subparagraph (C), a majority of the non-State agency members of the Council may appeal to the Secretary for a review of and change in the designation of the designated State agency if the ability of the Council to serve as an independent advocate is not assured because of the actions or inactions of the designated State agency.

(3) Responsibilities.—

(A) In general.—The designated State agency shall, on behalf of the State, have the responsibilities described in subparagraphs (B) through (G).

(B) Support services.—The designated State agency shall provide required assurances and support services as requested by and negotiated with the Council.

(C) Fiscal responsibilities.—The designated State agency shall—

(i) receive, account for, and disburse funds under this subtitle based on the State plan required in section 124; and

(ii) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds paid to the State under this subtitle.

(D) Records, access, and financial reports.—The designated State agency shall keep and provide access to such records as the Secretary and the Council may determine to be necessary. The designated State agency, if other than the Council, shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, and liquidation by the agency or the Council, and the use of the Federal and non-Federal shares described in section 126, by the agency or the Council.

(E) Non-federal share.—The designated State agency, if other than the Council, shall provide the required non-Federal share described in section 126(c).

(F) Assurances.—The designated State agency shall assist the Council in obtaining the appropriate State plan assurances and in ensuring that the plan is consistent with State law.

(G) Memorandum of understanding.—On the request of the Council, the designated State agency shall enter into a memorandum of understanding with the Council delineating the roles and responsibilities of the designated State agency.

(4) Use of funds for designated state agency responsibilities.—

(A) Condition for federal funding.—

(i) In general.—The Secretary shall provide amounts to a State under section 124(c)(5)(B)(vi) for a fiscal year only if the State expends an amount from State sources for carrying out the responsibilities of the designated State agency under paragraph (3) for the fiscal year that is not less than the total amount the State expended from such sources for carrying out similar responsibilities for the previous fiscal year.

(ii) Exception.—Clause (i) shall not apply in a year in which the Council is the designated State agency.

(B) Support services provided by other agencies.—With the agreement of the designated State agency, the Council may use or contract with agencies other than the designated State agency to perform the functions of the designated State agency.

SEC. 126. FEDERAL AND NON-FEDERAL SHARE.

(a) Aggregate Cost.—

(1) In general.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of all projects in a State supported by an allotment to the State under this subtitle may not be more than 75 percent of the aggregate necessary cost of such projects, as determined by the Secretary.

(2) Urban or rural poverty areas.—In the case of projects whose activities or products target individuals with developmental disabilities who live in urban or rural poverty areas, as determined by the Secretary, the Federal share of the cost of all such projects may not be more than 90 percent of the aggregate necessary cost of such projects, as determined by the Secretary.

(3) State plan activities.—In the case of projects undertaken by the Council or Council staff to implement State plan activities, the Federal share of the cost of all such projects may be not more than 100 percent of the aggregate necessary cost of such activities.

(b) Nonduplication.—In determining the amount of any State's Federal share of the cost of such projects incurred by such State under a State plan approved under section 124, the Secretary shall not consider—

(1) any portion of such cost that is financed by Federal funds provided under any provision of law other than section 122; and

(2) the amount of any non-Federal funds required to be expended as a condition of receipt of the Federal funds described in paragraph (1).

(c) Non-Federal Share.—

(1) In-kind contributions.—The non-Federal share of the cost of any project supported by an allotment under this subtitle may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

(2) Contributions of political subdivisions and public or private entities.—

(A) In general.—Contributions to projects by a political subdivision of a State or by a public or private entity under an agreement with the State shall, subject to such limitations and conditions as the Secretary may by regulation prescribe under section 104(b), be considered to be contributions by such State, in the case of a project supported under this subtitle.

(B) State contributions.—State contributions, including contributions by the designated State agency to provide support services to the Council pursuant to section 125(d)(4), may be counted as part of such State's non-Federal share of the cost of projects supported under this subtitle.

(3) Variations of the non-federal share.—The non-Federal share required of each recipient of a grant from a Council under this subtitle may vary.

SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES.

Whenever the Secretary, after providing reasonable notice and an opportunity for a hearing to the Council and the designated State agency, finds that—

(1) the Council or agency has failed to comply substantially with any of the provisions required by section 124 to be included in the State plan, particularly provisions required by paragraphs (4)(A) and (5)(B)(vii) of section 124(c), or with any of the provisions required by section 125(b)(3); or

(2) the Council or agency has failed to comply substantially with any regulations of the Secretary that are applicable to this subtitle,

the Secretary shall notify such Council and agency that the Secretary will not make further payments to the State under section 122 (or, in the discretion of the Secretary, that further payments to the State under section 122 for activities for which there is such failure), until the Secretary is satisfied that there will no longer be such failure. Until the Secretary is so satisfied, the Secretary shall make no further payments to the State under section 122, or shall limit further payments under section 122 to such State to activities for which there is no such failure.

SEC. 128. APPEALS BY STATES.

(a) Appeal.—If any State is dissatisfied with the Secretary's action under section 124(d)(3) or 127, such State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court not later than 60 days after such action.

(b) Filing.—The clerk of the court shall transmit promptly a copy of the petition to the Secretary, or any officer designated by the Secretary for that purpose. The Secretary shall file promptly with the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

(c) Jurisdiction.—Upon the filing of the petition, the court shall have jurisdiction to affirm the action of the Secretary or to set the action aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside the order of the Secretary relating to the action.

(d) Findings and Remand.—The findings of the Secretary about the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case involved to the Secretary for further proceedings to take further evidence. On remand, the Secretary may make new or modified findings of fact and may modify the previous action of the Secretary, and shall file with the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(e) Finality.—The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(f) Effect.—The commencement of proceedings under this section shall not, unless so specifically ordered by a court, operate as a stay of the Secretary's action.

SEC. 129. AUTHORIZATION OF APPROPRIATIONS.

(a) Funding for State Allotments.—Except as described in subsection (b), there are authorized to be appropriated for allotments under section 122 $76,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2006.

(b) Reservation for Technical Assistance.—

(1) Lower appropriation years.—For any fiscal year for which the amount appropriated under subsection (a) is less than $76,000,000, the Secretary shall reserve funds in accordance with section 163(c) to provide technical assistance to entities funded under this subtitle.

(2) Higher appropriation years.—For any fiscal year for which the amount appropriated under subsection (a) is not less than $76,000,000, the Secretary shall reserve not less than $300,000 and not more than 1 percent of the amount appropriated under subsection (a) to provide technical assistance to entities funded under this subtitle.

Subtitle C—Protection and Advocacy of Individual Rights

SEC. 141. PURPOSE.

The purpose of this subtitle is to provide for allotments to support a protection and advocacy system (referred to in this subtitle as a "system") in each State to protect the legal and human rights of individuals with developmental disabilities in accordance with this subtitle.

SEC. 142. ALLOTMENTS AND PAYMENTS.

(a) Allotments.—

(1) In general.—To assist States in meeting the requirements of section 143(a), the Secretary shall allot to the States the amounts appropriated under section 145 and not reserved under paragraph (6). Allotments and reallotments of such sums shall be made on the same basis as the allotments and reallotments are made under subsections (a)(1)(A) and (e) of section 122, except as provided in paragraph (2).

(2) Minimum allotments.—In any case in which—

(A) the total amount appropriated under section 145 for a fiscal year is not less than $20,000,000, the allotment under paragraph (1) for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than $107,000; and

(ii) to any State not described in clause (i) may not be less than $200,000; or

(B) the total amount appropriated under section 145 for a fiscal year is less than $20,000,000, the allotment under paragraph (1) for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than $80,000; and

(ii) to any State not described in clause (i) may not be less than $150,000.

(3) Reduction of allotment.—Notwithstanding paragraphs (1) and (2), if the aggregate of the amounts to be allotted to the States pursuant to such paragraphs for any fiscal year exceeds the total amount appropriated for such allotments under section 145 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

(4) Increase in allotments.—In any year in which the total amount appropriated under section 145 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in subparagraphs (A) and (B) of paragraph (2). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 145 for the fiscal year for which the increase in the minimum allotment is being made; minus

(B) the total amount appropriated under section 145 (or a corresponding provision) for the immediately preceding fiscal year,

bears to the total amount appropriated under section 145 (or a corresponding provision) for such preceding fiscal year.

(5) Monitoring the administration of the system.—In a State in which the system is housed in a State agency, the State may use not more than 5 percent of any allotment under this subsection for the costs of monitoring the administration of the system required under section 143(a).

(6) Technical assistance and American Indian consortium.—In any case in which the total amount appropriated under section 145 for a fiscal year is more than $24,500,000, the Secretary shall—

(A) use not more than 2 percent of the amount appropriated to provide technical assistance to eligible systems with respect to activities carried out under this subtitle (consistent with requests by such systems for such assistance for the year); and

(B) provide a grant in accordance with section 143(b), and in an amount described in paragraph (2)(A)(i), to an American Indian consortium to provide protection and advocacy services.

(b) Payment to Systems.—Notwithstanding any other provision of law, the Secretary shall pay directly to any system in a State that complies with the provisions of this subtitle the amount of the allotment made for the State under this section, unless the system specifies otherwise.

(c) Unobligated Funds.—Any amount paid to a system under this subtitle for a fiscal year and remaining unobligated at the end of such year shall remain available to such system for the next fiscal year, for the purposes for which such amount was paid.

SEC. 143. SYSTEM REQUIRED.

(a) System Required.—In order for a State to receive an allotment under subtitle B or this subtitle—

(1) the State shall have in effect a system to protect and advocate the rights of individuals with developmental disabilities;

(2) such system shall—

(A) have the authority to—

(i) pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to members of ethnic and racial minority groups; and

(ii) provide information on and referral to programs and services addressing the needs of individuals with developmental disabilities;

(B) have the authority to investigate incidents of abuse and neglect of individuals with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

(C) on an annual basis, develop, submit to the Secretary, and take action with regard to goals (each of which is related to 1 or more areas of emphasis) and priorities, developed through data driven strategic planning, for the system's activities;

(D) on an annual basis, provide to the public, including individuals with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical and mental impairment, and their representatives, and as appropriate, non-State agency representatives of the State Councils on Developmental Disabilities, and Centers, in the State, an opportunity to comment on—

(i) the goals and priorities established by the system and the rationale for the establishment of such goals; and

(ii) the activities of the system, including the coordination of services with the entities carrying out advocacy programs under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), and with entities carrying out other related programs, including the parent training and information centers funded under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012);

(E) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with developmental disabilities have full access to services of the system;

(F) not be administered by the State Council on Developmental Disabilities;

(G) be independent of any agency that provides treatment, services, or habilitation to individuals with developmental disabilities;

(H) have access at reasonable times to any individual with a developmental disability in a location in which services, supports, and other assistance are provided to such an individual, in order to carry out the purpose of this subtitle;

(I) have access to all records of—

(i) any individual with a developmental disability who is a client of the system if such individual, or the legal guardian, conservator, or other legal representative of such individual, has authorized the system to have such access;

(ii) any individual with a developmental disability, in a situation in which—

(I) the individual, by reason of such individual's mental or physical condition, is unable to authorize the system to have such access;

(II) the individual does not have a legal guardian, conservator, or other legal representative, or the legal guardian of the individual is the State; and

(III) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect; and

(iii) any individual with a developmental disability, in a situation in which—

(I) the individual has a legal guardian, conservator, or other legal representative;

(II) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect;

(III) such representative has been contacted by such system, upon receipt of the name and address of such representative;

(IV) such system has offered assistance to such representative to resolve the situation; and

(V) such representative has failed or refused to act on behalf of the individual;

(J)(i) have access to the records of individuals described in subparagraphs (B) and (I), and other records that are relevant to conducting an investigation, under the circumstances described in those subparagraphs, not later than 3 business days after the system makes a written request for the records involved; and

(ii) have immediate access, not later than 24 hours after the system makes such a request, to the records without consent from another party, in a situation in which services, supports, and other assistance are provided to an individual with a developmental disability—

(I) if the system determines there is probable cause to believe that the health or safety of the individual is in serious and immediate jeopardy; or

(II) in any case of death of an individual with a developmental disability;

(K) hire and maintain sufficient numbers and types of staff (qualified by training and experience) to carry out such system's functions, except that the State involved shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the system, to the extent that such policies would impact the staff or functions of the system funded with Federal funds or would prevent the system from carrying out the functions of the system under this subtitle;

(L) have the authority to educate policymakers; and

(M) provide assurances to the Secretary that funds allotted to the State under section 142 will be used to supplement, and not supplant, the non-Federal funds that would otherwise be made available for the purposes for which the allotted funds are provided;

(3) to the extent that information is available, the State shall provide to the system—

(A) a copy of each independent review, pursuant to section 1902(a)(30)(C) of the Social Security Act (42 U.S.C. 1396a(a)(30)(C)), of an Intermediate Care Facility (Mental Retardation) within the State, not later than 30 days after the availability of such a review; and

(B) information about the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive; and

(4) the agency implementing the system shall not be redesignated unless—

(A) there is good cause for the redesignation;

(B) the State has given the agency notice of the intention to make such redesignation, including notice regarding the good cause for such redesignation, and given the agency an opportunity to respond to the assertion that good cause has been shown;

(C) the State has given timely notice and an opportunity for public comment in an accessible format to individuals with developmental disabilities or their representatives; and

(D) the system has an opportunity to appeal the redesignation to the Secretary, on the basis that the redesignation was not for good cause.

(b) AMERICAN INDIAN CONSORTIUM.—Upon application to the Secretary, an American Indian consortium established to provide protection and advocacy services under this subtitle, shall receive funding pursuant to section 142(a)(6) to provide the services. Such consortium shall be considered to be a system for purposes of this subtitle and shall coordinate the services with other systems serving the same geographic area. The tribal council that designates the consortium shall carry out the responsibilities and exercise the authorities specified for a State in this subtitle, with regard to the consortium.

(c) RECORD.—In this section, the term "record" includes—

(1) a report prepared or received by any staff at any location at which services, supports, or other assistance is provided to individuals with developmental disabilities;

(2) a report prepared by an agency or staff person charged with investigating reports of incidents of abuse or neglect, injury, or death occurring at such location, that describes such incidents and the steps taken to investigate such incidents; and

(3) a discharge planning record.

SEC. 144. ADMINISTRATION.

(a) GOVERNING BOARD.—In a State in which the system described in section 143 is organized as a private nonprofit entity with a multimember governing board, or a public system with a multimember governing board, such governing board shall be selected according to the policies and procedures of the system, except that—

(1)(A) the governing board shall be composed of members who broadly represent or are knowledgeable about the needs of the individuals served by the system;

(B) a majority of the members of the board shall be—

(i) individuals with disabilities, including individuals with developmental disabilities, who are eligible for services, or have received or are receiving services through the system; or

(ii) parents, family members, guardians, advocates, or authorized representatives of individuals referred to in clause (i); and

(C) the board may include a representative of the State Council on Developmental Disabilities, the Centers in the State, and the self-advocacy organization described in section 124(c)(4)(A)(ii)(I);

(2) not more than ⅓ of the members of the governing board may be appointed by the chief executive officer of the State involved, in the case of any State in which such officer has the authority to appoint members of the board;

(3) the membership of the governing board shall be subject to term limits set by the system to ensure rotating membership;

(4) any vacancy in the board shall be filled not later than 60 days after the date on which the vacancy occurs; and

(5) in a State in which the system is organized as a public system without a multimember governing or advisory board, the system shall establish an advisory council—

(A) that shall advise the system on policies and priorities to be carried out in protecting and advocating the rights of individuals with developmental disabilities; and

(B) on which a majority of the members shall be—

(i) individuals with developmental disabilities who are eligible for services, or have received or are receiving services, through the system; or

(ii) parents, family members, guardians, advocates, or authorized representatives of individuals referred to in clause (i).

(b) LEGAL ACTION.—

(1) IN GENERAL.—Nothing in this title shall preclude a system from bringing a suit on behalf of individuals with developmental disabilities against a State, or an agency or instrumentality of a State.

(2) USE OF AMOUNTS FROM JUDGMENT.—An amount received pursuant to a suit described in paragraph (1) through a court judgment may only be used by the system to further the purpose of this subtitle and shall not be used to augment payments to legal contractors or to award personal bonuses.

(3) LIMITATION.—The system shall use assistance provided under this subtitle in a manner consistent with section 5 of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14404).

(c) DISCLOSURE OF INFORMATION.—For purposes of any periodic audit, report, or evaluation required under this subtitle, the Secretary shall not require an entity carrying out a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

(d) PUBLIC NOTICE OF FEDERAL ONSITE REVIEW.—The Secretary shall provide advance public notice of any Federal programmatic or administrative onsite review of a system conducted under this subtitle and solicit public comment on the system through such notice. The Secretary shall prepare an onsite visit report containing the results of such review, which shall be distributed to the Governor of the State and to other interested public and private parties. The comments received in response to the public comment solicitation notice shall be included in the onsite visit report.

(e) REPORTS.—Beginning in fiscal year 2001, each system established in a State pursuant to this subtitle shall annually prepare and transmit to the Secretary a report that describes the activities, accomplishments, and expenditures of the system during the preceding fiscal year, including a description of the system's goals, the extent to which the goals were achieved, barriers to their achievement, the process used to obtain public input, the nature of such input, and how such input was used.

SEC. 145. AUTHORIZATION OF APPROPRIATIONS.

For allotments under section 142, there are authorized to be appropriated $32,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2006.

Subtitle D—National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

SEC. 151. GRANT AUTHORITY.

(a) NATIONAL NETWORK.—From appropriations authorized under section 156(a)(1), the Secretary shall make 5-year grants to entities in each State designated as University Centers for Excellence in Developmental Disabilities Education, Research, and Service to carry out activities described in section 153(a).

(b) NATIONAL TRAINING INITIATIVES.—From appropriations authorized under section 156(a)(1) and reserved under section 156(a)(2), the Secretary shall make grants to Centers to carry out activities described in section 153(b).

(c) TECHNICAL ASSISTANCE.—From appropriations authorized under section 156(a)(1) and reserved under section 156(a)(3) (or from funds reserved under section 163, as appropriate), the Secretary shall enter into 1 or more cooperative agreements or contracts for the purpose of providing technical assistance described in section 153(c).

SEC. 152. GRANT AWARDS.

(a) EXISTING CENTERS.—

(1) IN GENERAL.—In awarding and distributing grant funds under section 151(a) for a fiscal year, the Secretary, subject to the availability of appropriations and the condition specified in subsection (d), shall award and distribute grant funds in equal amounts of $500,000 (adjusted in accordance with subsection (b)), to each Center that existed during the preceding fiscal year and that meets the requirements of this subtitle, prior to making grants under subsection (c) or (d).

(2) REDUCTION OF AWARD.—Notwithstanding paragraph (1), if the aggregate of the funds to be awarded to the Centers pursuant to paragraph (1) for any fiscal year exceeds the total amount appropriated under section 156 for such fiscal year, the amount to be awarded to each Center for such fiscal year shall be proportionately reduced.

(b) ADJUSTMENTS.—Subject to the availability of appropriations, for any fiscal year following a year in which each Center described in subsection (a) received a grant award of not less than $500,000 under subsection (a) (adjusted in accordance with this subsection), the Secretary shall adjust the awards to take into account the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), prior to making grants under subsection (c) or (d).

(c) NATIONAL TRAINING INITIATIVES ON CRITICAL AND EMERGING NEEDS.—Subject to the availability of appropriations, for any fiscal year in which each Center described in subsection (a) receives a grant award of not less than $500,000, under subsection (a) (adjusted in accordance with subsection (b)), after making the grant awards, the Secretary shall make grants under section 151(b) to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families, as described in section 153(b).

(d) ADDITIONAL GRANTS.—For any fiscal year in which each Center described in subsection (a) receives a grant award of not less than $500,000 under subsection (a) (adjusted in accordance with subsection (b)), after making the grant awards, the Secretary may make grants under section 151(a) for activities described in section 153(a) to additional Centers, or additional grants to Centers, for States or populations that are unserved or underserved by Centers due to such factors as—

(1) population;

(2) a high concentration of rural or urban areas; or

(3) a high concentration of unserved or underserved populations.

SEC. 153. PURPOSE AND SCOPE OF ACTIVITIES.

(a) NATIONAL NETWORK OF UNIVERSITY CENTERS FOR EXCELLENCE IN DEVELOPMENTAL DISABILITIES EDUCATION, RESEARCH, AND SERVICE.—

(1) IN GENERAL.—In order to provide leadership in, advise Federal, State, and community policymakers about, and promote opportunities for individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life, the Secretary shall award grants to eligible entities designated as Centers in each State to pay for the Federal share of the cost of the administration and operation of the Centers. The Centers shall be interdisciplinary education, research, and public service units of universities (as defined by the Secretary) or public or not-for-profit entities associated with universities that engage in core functions, described in paragraph (2), addressing, directly or indirectly, 1 or more of the areas of emphasis.

(2) CORE FUNCTIONS.—The core functions referred to in paragraph (1) shall include the following:

(A) Provision of interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title.

(B) Provision of community services—

(i) that provide training or technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and

(ii) that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities.

(C) Conduct of research, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively or negatively, individuals with developmental disabilities and their families.

(D) Dissemination of information related to activities undertaken to address the purpose of this title, especially dissemination of information that demonstrates that the network authorized under this subtitle is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances.

(b) NATIONAL TRAINING INITIATIVES ON CRITICAL AND EMERGING NEEDS.—

(1) SUPPLEMENTAL GRANTS.—After consultation with relevant, informed sources, including individuals with developmental disabilities and their families, the Secretary shall award, under section 151(b), supplemental grants to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families. The Secretary shall make the grants on a competitive basis, and for periods of not more than 5 years.

(2) ESTABLISHMENT OF CONSULTATION PROCESS BY THE SECRETARY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a consultation process that, on an ongoing basis, allows the Secretary to identify and address, through supplemental grants authorized under paragraph (1), training initiatives related to the unmet needs of individuals with developmental disabilities and their families.

(c) TECHNICAL ASSISTANCE.—In order to strengthen and support the national network of Centers, the Secretary may enter into 1 or more cooperative agreements or contracts to—

(1) assist in national and international dissemination of specific information from multiple Centers and, in appropriate cases, other entities whose work affects the lives of individuals with developmental disabilities;

(2) compile, analyze, and disseminate state-of-the-art training, research, and demonstration results policies, and practices from multiple Centers and, in appropriate cases, other entities whose work affects the lives of persons with developmental disabilities;

(3) convene experts from multiple Centers to discuss and make recommendations with regard to national emerging needs of individuals with developmental disabilities;

(4)(A) develop portals that link users with every Center's website; and

(B) facilitate electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio/video broadcasts, on emerging topics that impact individuals with disabilities and their families;

(5) serve as a research-based resource for Federal and State policymakers on information concerning and issues impacting individuals with developmental disabilities and entities that assist or serve those individuals; or

(6) undertake any other functions that the Secretary determines to be appropriate;

to promote the viability and use of the resources and expertise of the Centers nationally and internationally.

SEC. 154. APPLICATIONS.

(a) APPLICATIONS FOR CORE CENTER GRANTS.—

(1) IN GENERAL.—To be eligible to receive a grant under section 151(a) for a Center, an entity shall submit to the Secretary, and obtain approval of, an application at such time, in such manner, and containing such information, as the Secretary may require.

(2) APPLICATION CONTENTS.—Each application described in paragraph (1) shall describe a 5-year plan, including a projected goal related to 1 or more areas of emphasis for each

of the core functions described in section 153(a).

(3) Assurances.—The application shall be approved by the Secretary only if the application contains or is supported by reasonable assurances that the entity designated as the Center will—

(A) meet regulatory standards as established by the Secretary for Centers;

(B) address the projected goals, and carry out goal-related activities, based on data driven strategic planning and in a manner consistent with the objectives of this subtitle, that—

(i) are developed in collaboration with the consumer advisory committee established pursuant to subparagraph (E);

(ii) are consistent with, and to the extent feasible complement and further, the Council goals contained in the State plan submitted under section 124 and the system goals established under section 143; and

(iii) will be reviewed and revised annually as necessary to address emerging trends and needs;

(C) use the funds made available through the grant to supplement, and not supplant, the funds that would otherwise be made available for activities described in section 153(a);

(D) protect, consistent with the policy specified in section 101(c) (relating to rights of individuals with developmental disabilities), the legal and human rights of all individuals with developmental disabilities (especially those individuals under State guardianship) who are involved in activities carried out under programs assisted under this subtitle;

(E) establish a consumer advisory committee—

(i) of which a majority of the members shall be individuals with developmental disabilities and family members of such individuals;

(ii) that is comprised of—

(I) individuals with developmental disabilities and related disabilities;

(II) family members of individuals with developmental disabilities;

(III) a representative of the State protection and advocacy system;

(IV) a representative of the State Council on Developmental Disabilities;

(V) a representative of a self-advocacy organization described in section 124(c)(4)(A)(ii)(I); and

(VI) representatives of organizations that may include parent training and information centers assisted under section 682 or 683 of the Individuals with Disabilities Education Act (20 U.S.C. 1482, 1483), entities carrying out activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), relevant State agencies, and other community groups concerned with the welfare of individuals with developmental disabilities and their families;

(iii) that reflects the racial and ethnic diversity of the State; and

(iv) that shall—

(I) consult with the Director of the Center regarding the development of the 5-year plan, and shall participate in an annual review of, and comment on, the progress of the Center in meeting the projected goals contained in the plan, and shall make recommendations to the Director of the Center regarding any proposed revisions of the plan that might be necessary; and

(II) meet as often as necessary to carry out the role of the committee, but at a minimum twice during each grant year;

(F) to the extent possible, utilize the infrastructure and resources obtained through funds made available under the grant to leverage additional public and private funds to successfully achieve the projected goals developed in the 5-year plan;

(G)(i) have a director with appropriate academic credentials, demonstrated leadership, expertise regarding developmental disabilities, significant experience in managing grants and contracts, and the ability to leverage public and private funds; and

(ii) allocate adequate staff time to carry out activities related to each of the core functions described in section 153(a); and

(H) educate, and disseminate information related to the purpose of this title to, the legislature of the State in which the Center is located, and to Members of Congress from such State.

(b) Supplemental Grant Applications Pertaining to National Training Initiatives in Critical and Emerging Needs.—To be eligible to receive a supplemental grant under section 151(b), a Center may submit a supplemental application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, pursuant to the terms and conditions set by the Secretary consistent with section 153(b).

(c) Peer Review.—

(1) In general.—The Secretary shall require that all applications submitted under this subtitle be subject to technical and qualitative review by peer review groups established under paragraph (2). The Secretary may approve an application under this subtitle only if such application has been recommended by a peer review group that has conducted the peer review required under this paragraph. In conducting the review, the group may conduct onsite visits or inspections of related activities as necessary.

(2) Establishment of peer review groups.—

(A) In general.—The Secretary, acting through the Commissioner of the Administration on Developmental Disabilities, may, notwithstanding—

(i) the provisions of title 5, United States Code, concerning appointments to the competitive service; and

(ii) the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, concerning classification and General Schedule pay rates;

establish such peer review groups and appoint and set the rates of pay of members of such groups.

(B) Composition.—Each peer review group shall include such individuals with disabilities and parents, guardians, or advocates of or for individuals with developmental disabilities, as are necessary to carry out this subsection.

(3) Waivers of approval.—The Secretary may waive the provisions of paragraph (1) with respect to review and approval of an application if the Secretary determines that exceptional circumstances warrant such a waiver.

(d) Federal Share.—

(1) In general.—The Federal share of the cost of administration or operation of a Center, or the cost of carrying out a training initiative, supported by a grant made under this subtitle may not be more than 75 percent of the necessary cost of such project, as determined by the Secretary.

(2) Urban or rural poverty areas.—In the case of a project whose activities or products target individuals with developmental disabilities who live in an urban or rural poverty area, as determined by the Secretary, the Federal share of the cost of the project may not be more than 90 percent of the necessary costs of the project, as determined by the Secretary.

(3) Grant expenditures.—For the purpose of determining the Federal share with respect to the project, expenditures on that project by a political subdivision of a State or by a public or private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe under section 104(b), be considered to be expenditures made by a Center under this subtitle.

(e) Annual Report.—Each Center shall annually prepare and transmit to the Secretary a report containing—

(1) information on progress made in achieving the projected goals of the Center for the previous year, including—

(A) the extent to which the goals were achieved;

(B) a description of the strategies that contributed to achieving the goals;

(C) to the extent to which the goals were not achieved, a description of factors that impeded the achievement; and

(D) an accounting of the manner in which funds paid to the Center under this subtitle for a fiscal year were expended;

(2) information on proposed revisions to the goals; and

(3) a description of successful efforts to leverage funds, other than funds made available under this subtitle, to pursue goals consistent with this subtitle.

SEC. 155. DEFINITION.

In this subtitle, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.

SEC. 156. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization and Reservations.—

(1) Authorization.—There are authorized to be appropriated to carry out this subtitle (other than section 153(c)(4)) $30,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2006.

(2) Reservation for training initiatives.—From any amount appropriated for a fiscal year under paragraph (1) and remaining after each Center described in section 152(a) has received a grant award of not less than $500,000, as described in section 152, the Secretary shall reserve funds for the training initiatives authorized under section 153(b).

(3) Reservation for technical assistance.—

(A) Years before appropriation trigger.—For any covered year, the Secretary shall reserve funds in accordance with section 163(c) to fund technical assistance activities under section 153(c) (other than section 153(c)(4)).

(B) Years after appropriation trigger.—For any fiscal year that is not a covered year, the Secretary shall reserve not less than $300,000 and not more than 2 percent of the amount appropriated under paragraph (1) to fund technical assistance activities under section 153(c) (other than section 153(c)(4)).

(C) Covered year.—In this paragraph, the term "covered year" means a fiscal year prior to the first fiscal year for which the amount appropriated under paragraph (1) is not less than $20,000,000.

(b) Limitation.—The Secretary may not use, for peer review or other activities directly related to peer review conducted under this subtitle—

(1) for fiscal year 2000, more than $300,000 of the funds made available under subsection (a); and

(2) for any succeeding fiscal year, more than the amount of funds used for the peer

review and related activities in fiscal year 2000, adjusted to take into account the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase).

Subtitle E—Projects of National Significance

SEC. 161. PURPOSE.

The purpose of this subtitle is to provide grants, contracts, or cooperative agreements for projects of national significance that—

(1) create opportunities for individuals with developmental disabilities to directly and fully contribute to, and participate in, all facets of community life; and

(2) support the development of national and State policies that reinforce and promote, with the support of families, guardians, advocates, and communities, of individuals with developmental disabilities, the self-determination, independence, productivity, and integration and inclusion in all facets of community life of such individuals through—

(A) family support activities;

(B) data collection and analysis;

(C) technical assistance to entities funded under subtitles B and D, subject to the limitations described in sections 129(b), 156(a)(3), and 163(c); and

(D) other projects of sufficient size and scope that hold promise to expand or improve opportunities for such individuals, including—

(i) projects that provide technical assistance for the development of information and referral systems;

(ii) projects that provide technical assistance to self-advocacy organizations of individuals with developmental disabilities;

(iii) projects that provide education for policymakers;

(iv) Federal interagency initiatives;

(v) projects that enhance the participation of racial and ethnic minorities in public and private sector initiatives in developmental disabilities;

(vi) projects that provide aid to transition youth with developmental disabilities from school to adult life, especially in finding employment and postsecondary education opportunities and in upgrading and changing any assistive technology devices that may be needed as a youth matures;

(vii) initiatives that address the development of community quality assurance systems and the training related to the development, implementation, and evaluation of such systems, including training of individuals with developmental disabilities and their families;

(viii) initiatives that address the needs of aging individuals with developmental disabilities and aging caregivers of adults with developmental disabilities in the community;

(ix) initiatives that create greater access to and use of generic services systems, community organizations, and associations, and initiatives that assist in community economic development;

(x) initiatives that create access to increased living options;

(xi) initiatives that address the challenging behaviors of individuals with developmental disabilities, including initiatives that promote positive alternatives to the use of restraints and seclusion; and

(xii) initiatives that address other areas of emerging need.

SEC. 162. GRANT AUTHORITY.

(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public or private nonprofit entities for projects of national significance relating to individuals with developmental disabilities to carry out activities described in section 161(2).

(b) FEDERAL INTERAGENCY INITIATIVES.—

(1) IN GENERAL.—

(A) AUTHORITY.—The Secretary may—

(i) enter into agreements with Federal agencies to jointly carry out activities described in section 161(2) or to jointly carry out activities of common interest related to the objectives of such section; and

(ii) transfer to such agencies for such purposes funds appropriated under this subtitle, and receive and use funds from such agencies for such purposes.

(B) RELATION TO PROGRAM PURPOSES.—Funds transferred or received pursuant to this paragraph shall be used only in accordance with statutes authorizing the appropriation of such funds. Such funds shall be made available through grants, contracts, or cooperative agreements only to recipients eligible to receive such funds under such statutes.

(C) PROCEDURES AND CRITERIA.—If the Secretary enters into an agreement under this subsection for the administration of a jointly funded project—

(i) the agreement shall specify which agency's procedures shall be used to award grants, contracts, or cooperative agreements and to administer such awards;

(ii) the participating agencies may develop a single set of criteria for the jointly funded project, and may require applicants to submit a single application for joint review by such agencies; and

(iii) unless the heads of the participating agencies develop joint eligibility requirements, an applicant for an award for the project shall meet the eligibility requirements of each program involved.

(2) LIMITATION.—The Secretary may not construe the provisions of this subsection to take precedence over a limitation on joint funding contained in an applicable statute.

SEC. 163. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the projects specified in this section $16,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2006.

(b) USE OF FUNDS.—

(1) GRANTS, CONTRACTS, AND AGREEMENTS.—Except as provided in paragraph (2), the amount appropriated under subsection (a) for each fiscal year shall be used to award grants, or enter into contracts, cooperative agreements, or other agreements, under section 162.

(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of the amount appropriated under subsection (a) for each fiscal year may be used to provide for the administrative costs (other than compensation of Federal employees) of the Administration on Developmental Disabilities for administering this subtitle and subtitles B, C, and D, including monitoring the performance of and providing technical assistance to, entities that receive funds under this title.

(c) TECHNICAL ASSISTANCE FOR COUNCILS AND CENTERS.—

(1) IN GENERAL.—For each covered year, the Secretary shall expend, to provide technical assistance for entities funded under subtitle B or D, an amount from funds appropriated under subsection (a) that is not less than the amount the Secretary expended on technical assistance for entities funded under that subtitle (or a corresponding provision) in the previous fiscal year.

(2) COVERED YEAR.—In this subsection, the term "covered year" means—

(A) in the case of an expenditure for entities funded under subtitle B, a fiscal year for which the amount appropriated under section 129(a) is less than $76,000,000; and

(B) in the case of an expenditure for entities funded under subtitle D, a fiscal year prior to the first fiscal year for which the amount appropriated under section 156(a)(1) is not less than $20,000,000.

(3) REFERENCES.—References in this subsection to subtitle D shall not be considered to include section 153(c)(4).

(d) TECHNICAL ASSISTANCE ON ELECTRONIC INFORMATION SHARING.—In addition to any funds reserved under subsection (c), the Secretary shall reserve $100,000 from the amount appropriated under subsection (a) for each fiscal year to carry out section 153(c)(4).

(e) LIMITATION.—For any fiscal year for which the amount appropriated under subsection (a) is not less than $10,000,000, not more than 50 percent of such amount shall be used for activities carried out under section 161(2)(A).

TITLE II—FAMILY SUPPORT

SEC. 201. SHORT TITLE.

This title may be cited as the "Families of Children With Disabilities Support Act of 1999".

SEC. 202. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) It is in the best interest of our Nation to preserve, strengthen, and maintain the family.

(2) Families of children with disabilities provide support, care, and training to their children that can save States millions of dollars. Without the efforts of family caregivers, many persons with disabilities would receive care through State-supported out-of-home placements.

(3) Most families of children with disabilities, especially families in unserved and underserved populations, do not have access to family-centered and family-directed services to support such families in their efforts to care for such children at home.

(4) Medical advances and improved health care have increased the life span of many people with disabilities, and the combination of the longer life spans and the aging of family caregivers places a continually increasing demand on the finite service delivery systems of the States.

(5) In 1996, 49 States provided family support initiatives in response to the needs of families of children with disabilities. Such initiatives included the provision of cash subsidies, respite care, and other forms of support. There is a need in each State, however, to strengthen, expand, and coordinate the activities of a system of family support services for families of children with disabilities that is easily accessible, avoids duplication, uses resources efficiently, and prevents gaps in services to families in all areas of the State.

(6) The goals of the Nation properly include the goal of providing to families of children with disabilities the family support services necessary—

(A) to support the family;

(B) to enable families of children with disabilities to nurture and enjoy their children at home;

(C) to enable families of children with disabilities to make informed choices and decisions regarding the nature of supports, resources, services, and other assistance made available to such families; and

(D) to support family caregivers of adults with disabilities.

(b) Purposes.—The purposes of this title are—

(1) to promote and strengthen the implementation of comprehensive State systems of family support services, for families with children with disabilities, that are family-centered and family-directed, and that provide families with the greatest possible decisionmaking authority and control regarding the nature and use of services and support;

(2) to promote leadership by families in planning, policy development, implementation, and evaluation of family support services for families of children with disabilities;

(3) to promote and develop interagency coordination and collaboration between agencies responsible for providing the services; and

(4) to increase the availability of, funding for, access to, and provision of family support services for families of children with disabilities.

(c) Policy.—It is the policy of the United States that all programs, projects, and activities funded under this title shall be family-centered and family-directed, and shall be provided in a manner consistent with the goal of providing families of children with disabilities with the support the families need to raise their children at home.

SEC. 203. DEFINITIONS AND SPECIAL RULE.

(a) Definitions.—In this title:

(1) Child with a disability.—The term "child with a disability" means an individual who—

(A) has a significant physical or mental impairment, as defined pursuant to State policy to the extent that such policy is established without regard to type of disability; or

(B) is an infant or a young child from birth through age 8 and has a substantial developmental delay or specific congenital or acquired condition that presents a high probability of resulting in a disability if services are not provided to the infant or child.

(2) Family.—

(A) In general.—Subject to subparagraph (B), for purposes of the application of this title in a State, the term "family" has the meaning given the term by the State.

(B) Exclusion of employees.—The term does not include an employee who, acting in a paid employment capacity, provides services to a child with a disability in an out-of-home setting such as a hospital, nursing home, personal care home, board and care home, group home, or other facility.

(3) Family support for families of children with disabilities.—The term "family support for families of children with disabilities" means supports, resources, services, and other assistance provided to families of children with disabilities pursuant to State policy that are designed to—

(A) support families in the efforts of such families to raise their children with disabilities in the home;

(B) strengthen the role of the family as primary caregiver for such children;

(C) prevent involuntary out-of-the-home placement of such children and maintain family unity; and

(D) reunite families with children with disabilities who have been placed out of the home, whenever possible.

(4) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(5) State.—The term "State" means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) Systems change activities.—The term "systems change activities" means efforts that result in laws, regulations, policies, practices, or organizational structures—

(A) that are family-centered and family-directed;

(B) that facilitate and increase access to, provision of, and funding for, family support services for families of children with disabilities; and

(C) that otherwise accomplish the purposes of this title.

(b) Special Rule.—References in this title to a child with a disability shall be considered to include references to an individual who is not younger than age 18 who—

(1) has a significant impairment described in subsection (a)(1)(A); and

(2) is residing with and receiving assistance from a family member.

SEC. 204. GRANTS TO STATES.

(a) In General.—The Secretary shall make grants to States on a competitive basis, in accordance with the provisions of this title, to support systems change activities designed to assist States to develop and implement, or expand and enhance, a statewide system of family support services for families of children with disabilities that accomplishes the purposes of this title.

(b) Award Period and Grant Limitation.—No grant shall be awarded under this section for a period of more than 3 years. No State shall be eligible for more than 1 grant under this section.

(c) Amount of Grants.—

(1) Grants to states.—

(A) Federal matching share.—From amounts appropriated under section 212(a), the Secretary shall pay to each State that has an application approved under section 205, for each year of the grant period, an amount that is—

(i) equal to not more than 75 percent of the cost of the systems change activities to be carried out by the State; and

(ii) not less than $100,000 and not more than $500,000.

(B) Non-federal share.—The non-Federal share of the cost of the systems change activities may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(2) Calculation of amounts.—The Secretary shall calculate a grant amount described in paragraph (1) on the basis of—

(A) the amounts available for making grants under this section; and

(B) the child population of the State concerned.

(d) Priority for Previously Participating States.—For the second and third fiscal years for which amounts are appropriated to carry out this section, the Secretary, in providing payments under this section, shall give priority to States that received payments under this section during the preceding fiscal year.

(e) Priorities for Distribution.—To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

(1) is geographically equitable;

(2) distributes the grants among States that have differing levels of development of statewide systems of family support services for families of children with disabilities; and

(3) distributes the grants among States that attempt to meet the needs of unserved and underserved populations, such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, and individuals from underserved geographic areas (rural or urban).

SEC. 205. APPLICATION.

To be eligible to receive a grant under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including information about the designation of a lead entity, a description of available State resources, and assurances that systems change activities will be family-centered and family-directed.

SEC. 206. DESIGNATION OF THE LEAD ENTITY.

(a) Designation.—The Chief Executive Officer of a State that desires to receive a grant under section 204, shall designate the office or entity (referred to in this title as the "lead entity") responsible for—

(1) submitting the application described in section 205 on behalf of the State;

(2) administering and supervising the use of the amounts made available under the grant;

(3) coordinating efforts related to and supervising the preparation of the application;

(4) coordinating the planning, development, implementation (or expansion and enhancement), and evaluation of a statewide system of family support services for families of children with disabilities among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements;

(5) coordinating efforts related to the participation by families of children with disabilities in activities carried out under a grant made under this title; and

(6) submitting the report described in section 208 on behalf of the State.

(b) Qualifications.—In designating the lead entity, the Chief Executive Officer may designate—

(1) an office of the Chief Executive Officer;

(2) a commission appointed by the Chief Executive Officer;

(3) a public agency;

(4) a council established under Federal or State law; or

(5) another appropriate office, agency, or entity.

SEC. 207. AUTHORIZED ACTIVITIES.

(a) In General.—A State that receives a grant under section 204 shall use the funds made available through the grant to carry out systems change activities that accomplish the purposes of this title.

(b) Special Rule.—In carrying out activities authorized under this title, a State shall ensure that such activities address the needs of families of children with disabilities from unserved or underserved populations.

SEC. 208. REPORTING.

A State that receives a grant under this title shall prepare and submit to the Secretary, at the end of the grant period, a report containing the results of State efforts to develop and implement, or expand and enhance, a statewide system of family support services for families of children with disabilities.

SEC. 209. TECHNICAL ASSISTANCE.

(a) In General.—The Secretary shall enter into contracts or cooperative agreements with appropriate public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity, for the purpose of providing technical assistance and information with respect to the development and implementation, or expansion and enhancement, of a statewide system of family support services for families of children with disabilities.

(b) PURPOSE.—An agency or organization that provides technical assistance and information under this section in a State that receives a grant under this title shall provide the technical assistance and information to the lead entity of the State, family members of children with disabilities, organizations, service providers, and policymakers involved with children with disabilities and their families. Such an agency or organization may also provide technical assistance and information to a State that does not receive a grant under this title.

(c) REPORTS TO THE SECRETARY.—An entity providing technical assistance and information under this section shall prepare and submit to the Secretary periodic reports regarding Federal policies and procedures identified within the States that facilitate or impede the delivery of family support services to families of children with disabilities. The report shall include recommendations to the Secretary regarding the delivery of services, coordination with other programs, and integration of the policies described in section 202 in Federal law, other than this title.

SEC. 210. EVALUATION.

(a) IN GENERAL.—The Secretary shall conduct a national evaluation of the program of grants to States authorized by this title.

(b) PURPOSE.—

(1) IN GENERAL.—The Secretary shall conduct the evaluation under subsection (a) to assess the status and effects of State efforts to develop and implement, or expand and enhance, statewide systems of family support services for families of children with disabilities in a manner consistent with the provisions of this title. In particular, the Secretary shall assess the impact of such efforts on families of children with disabilities, and recommend amendments to this title that are necessary to assist States to accomplish fully the purposes of this title.

(2) INFORMATION SYSTEMS.—The Secretary shall work with the States to develop an information system designed to compile and report, from information provided by the States, qualitative and quantitative descriptions of the impact of the program of grants to States authorized by this title on—

(A) families of children with disabilities, including families from unserved and underserved populations;

(B) access to and funding for family support services for families of children with disabilities;

(C) interagency coordination and collaboration between agencies responsible for providing the services; and

(D) the involvement of families of children with disabilities at all levels of the statewide systems.

(c) REPORT TO CONGRESS.—Not later than 2½ years after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under this section.

SEC. 211. PROJECTS OF NATIONAL SIGNIFICANCE.

(a) STUDY BY THE SECRETARY.—The Secretary shall review Federal programs to determine the extent to which such programs facilitate or impede access to, provision of, and funding for family support services for families of children with disabilities, consistent with the policies described in section 202.

(b) PROJECTS OF NATIONAL SIGNIFICANCE.—The Secretary shall make grants or enter into contracts for projects of national significance to support the development of national and State policies and practices related to the development and implementation, or expansion and enhancement, of family-centered and family-directed systems of family support services for families of children with disabilities.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2000 through 2006.

(b) RESERVATION.—

(1) IN GENERAL.—The Secretary shall reserve for each fiscal year 10 percent, or $400,000 (whichever is greater), of the amount appropriated pursuant to subsection (a) to carry out—

(A) section 209 (relating to the provision of technical assistance and information to States); and

(B) section 210 (relating to the conduct of evaluations).

(2) SPECIAL RULE.—For each year that the amount appropriated pursuant to subsection (a) is $10,000,000 or greater, the Secretary may reserve 5 percent of such amount to carry out section 211.

TITLE III—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

SEC. 301. FINDINGS.

Congress finds that—

(1) direct support workers, especially young adults, have played essential roles in providing the support needed by individuals with developmental disabilities and expanding community options for those individuals;

(2) 4 factors have contributed to a decrease in the available pool of direct support workers, specifically—

(A) the small population of individuals who are age 18 through 25, an age group that has been attracted to direct support work in the past;

(B) the rapid expansion of the service sector, which attracts individuals who previously would have elected to pursue employment as direct support workers;

(C) the failure of wages in the human services sector to keep pace with wages in other service sectors; and

(D) the lack of quality training and career advancement opportunities available to direct support workers; and

(3) individuals with developmental disabilities benefit from assistance from direct support workers who are well trained, and benefit from receiving services from professionals who have spent time as direct support workers.

SEC. 302. DEFINITIONS.

In this title:

(1) DEVELOPMENTAL DISABILITY.—The term "developmental disability" has the meaning given the term in section 102.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 303. REACHING UP SCHOLARSHIP PROGRAM.

(a) PROGRAM AUTHORIZATION.—The Secretary may award grants to eligible entities, on a competitive basis, to enable the entities to carry out scholarship programs by providing vouchers for postsecondary education to direct support workers who assist individuals with developmental disabilities residing in diverse settings. The Secretary shall award the grants to pay for the Federal share of the cost of providing the vouchers.

(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall be—

(1) an institution of higher education;

(2) a State agency; or

(3) a consortium of such institutions or agencies.

(c) APPLICATION REQUIREMENTS.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of—

(1) the basis for awarding the vouchers;

(2) the number of individuals to receive the vouchers; and

(3) the amount of funds that will be made available by the eligible entity to pay for the non-Federal share of the cost of providing the vouchers.

(d) SELECTION CRITERIA.—In awarding a grant under this section for a scholarship program, the Secretary shall give priority to an entity submitting an application that—

(1) specifies that individuals who receive vouchers through the program will be individuals—

(A) who are direct support workers who assist individuals with developmental disabilities residing in diverse settings, while pursuing postsecondary education; and

(B) each of whom verifies, prior to receiving the voucher, that the worker has completed 250 hours as a direct support worker in the past 90 days;

(2) states that the vouchers that will be provided through the program will be in amounts of not more than $2,000 per year;

(3) provides an assurance that the eligible entity (or another specified entity that is not a voucher recipient) will contribute the non-Federal share of the cost of providing the vouchers; and

(4) meets such other conditions as the Secretary may specify.

(e) FEDERAL SHARE.—The Federal share of the cost of providing the vouchers shall be not more than 80 percent.

SEC. 304. STAFF DEVELOPMENT CURRICULUM AUTHORIZATION.

(a) FUNDING.—

(1) IN GENERAL.—The Secretary shall award funding, on a competitive basis, through a grant, cooperative agreement, or contract, to a public or private entity or a combination of such entities, for the development, evaluation, and dissemination of a staff development curriculum, and related guidelines, for computer-assisted, competency-based, multimedia, interactive instruction, relating to service as a direct support worker.

(2) PARTICIPANTS.—The curriculum shall be developed for individuals who—

(A) seek to become direct support workers who assist individuals with developmental disabilities or are such direct support workers; and

(B) seek to upgrade their skills and competencies related to being a direct support worker.

(b) APPLICATION REQUIREMENTS.—To be eligible to receive an award under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a comprehensive analysis of the content of direct support roles;

(2) information identifying an advisory group that—

(A) is comprised of individuals with experience and expertise with regard to the support provided by direct support workers, and effective ways to provide the support, for individuals with developmental disabilities in diverse settings; and

(B) will advise the entity throughout the development, evaluation, and dissemination of the staff development curriculum and guidelines;

(3) information describing how the entity will—

(A) develop, field test, and validate a staff development curriculum that—

(i) relates to the appropriate reading level for direct service workers who assist individuals with disabilities;

(ii) allows for multiple levels of instruction;

(iii) provides instruction appropriate for direct support workers who work in diverse settings; and

(iv) is consistent with subsections (b) and (c) of section 101 and section 109;

(B) develop, field test, and validate guidelines for the organizations that use the curriculum that provide for—

(i) providing necessary technical and instructional support to trainers and mentors for the participants;

(ii) ensuring easy access to and use of such curriculum by workers that choose to participate in using, and agencies that choose to use, the curriculum;

(iii) evaluating the proficiency of the participants with respect to the content of the curriculum;

(iv) providing necessary support to the participants to assure that the participants have access to, and proficiency in using, a computer in order to participate in the development, testing, and validation process;

(v) providing necessary technical and instructional support to trainers and mentors for the participants in conjunction with the development, testing, and validation process;

(vi) addressing the satisfaction of participants, individuals with developmental disabilities and their families, providers of services for such individuals and families, and other relevant entities with the curriculum; and

(vii) developing methods to maintain a record of the instruction completed, and the content mastered, by each participant under the curriculum; and

(C) nationally disseminate the curriculum and guidelines, including dissemination through—

(i) parent training and information centers funded under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.);

(ii) community-based organizations of and for individuals with developmental disabilities and their families;

(iii) entities funded under title I;

(iv) centers for independent living;

(v) State educational agencies and local educational agencies;

(vi) entities operating appropriate medical facilities;

(vii) postsecondary education entities; and

(viii) other appropriate entities; and

(4) such other information as the Secretary may require.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

(a) SCHOLARSHIPS.—There are authorized to be appropriated to carry out section 303 $800,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2006.

(b) STAFF DEVELOPMENT CURRICULUM.—There are authorized to be appropriated to carry out section 304 $800,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 and 2002.

TITLE IV—REPEAL

SEC. 401. REPEAL.

(a) IN GENERAL.—The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Sections 644(b)(4) and 685(b)(4) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)(4), 1484a(b)(4)) are amended by striking "the Developmental Disabilities Assistance and Bill of Rights Act" and inserting "the Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(2) NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.—Section 4(17)(C) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(17)(C)) is amended by striking "as defined in" and all that follows and inserting "as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.".

(3) REHABILITATION ACT OF 1973.—

(A) Section 105(c)(6) of the Rehabilitation Act of 1973 (29 U.S.C. 725(c)(6)) is amended by striking "the State Developmental Disabilities Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)" and inserting "the State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(B) Sections 202(h)(2)(D)(iii) and 401(a)(5)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 762(h)(2)(D)(iii), 781(a)(5)(A)) are amended by striking "Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)" and inserting "Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(C) Subsections (a)(1)(B)(i), (f)(2), and (m)(1) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) are amended by striking "part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)" and inserting "subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(D) Section 509(f)(5)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(f)(5)(B)) is amended by striking "Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)" and inserting "Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(4) ASSISTIVE TECHNOLOGY ACT OF 1998.—

(A) Section 3(a)(11)(A) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(a)(11)(A)) is amended by striking "part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)" and inserting "subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(B) Paragraphs (1) and (2) of section 102(a) of the Assistive Technology Act of 1998 (29 U.S.C. 3012(a)) are amended by striking "Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)" and inserting "Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(5) HEALTH PROGRAMS EXTENSION ACT OF 1973.—Section 401(e) of the Health Programs Extension Act of 1973 (42 U.S.C. 300a–7(e)) is amended by striking "or the" and all that follows through "may deny" and inserting "or the Developmental Disabilities Assistance and Bill of Rights Act of 1999 may deny".

(6) SOCIAL SECURITY ACT.—

(A) Section 1919(c)(2)(B)(iii)(III) of the Social Security Act (42 U.S.C. 1396r(c)(2)(B)(iii)(III)) is amended by striking "part C of the Developmental Disabilities Assistance and Bill of Rights Act" and inserting "subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(B) Section 1930(d)(7) of the Social Security Act (42 U.S.C. 1396u(d)(7)) is amended by striking "State Planning Council established under section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, and the Protection and Advocacy System established under section 142 of such Act" and inserting "State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999 and the protection and advocacy system established under subtitle C of that Act".

(7) UNITED STATES HOUSING ACT OF 1937.—Section 3(b)(3)(E)(iii) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)(iii)) is amended by striking "developmental disability" and all that follows and inserting "developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.".

(8) HOUSING ACT OF 1949.—The third sentence of section 501(b)(3) of the Housing Act of 1949 (42 U.S.C. 1471(b)(3)) is amended by striking "developmental disability" and all that follows and inserting "developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.".

(9) OLDER AMERICANS ACT OF 1965.—

(A) Section 203(b)(17) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)(17)) is amended by striking "Developmental Disabilities and Bill of Rights Act" and inserting "Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(B) Section 427(a) of the Older Americans Act of 1965 (42 U.S.C. 3035f(a)) is amended by striking "part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.)" and inserting "subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(C) Section 429F(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3035n(a)(1)) is amended by striking "section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5))" and inserting "section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(D) Section 712(h)(6)(A) of the Older Americans Act of 1965 (42 U.S.C. 3058g(h)(6)(A)) is amended by striking "part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.)" and inserting "subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(10) CRIME VICTIMS WITH DISABILITIES AWARENESS ACT.—Section 3 of the Crime Victims With Disabilities Awareness Act (42 U.S.C. 3732 note) is amended by striking "term" and all that follows and inserting the following "term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.".

(11) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—The third sentence of section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C.

8013(k)(2)) is amended by striking "as defined" and all that follows and inserting "as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.".

(12) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G(3) of the State Dependent Care Development Grants Act (42 U.S.C. 9877(3)) is amended by striking "section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act" and inserting "section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(13) PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986.—

(A) Section 102(2) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(2)) is amended by striking "part C of the Developmental Disabilities Assistance and Bill of Rights Act" and inserting "subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(B) Section 114 of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10824) is amended by striking "section 107(c) of the Developmental Disabilities Assistance and Bill of Rights Act" and inserting "section 105 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(14) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 422(2)(C) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11382(2)(C)) is amended by striking "as defined" and all that follows and inserting "as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999, or".

(15) ASSISTED SUICIDE FUNDING RESTRICTION ACT OF 1997.—

(A) Section 4 of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14403) is amended—

(i) by striking the section heading and inserting the following:

"SEC. 4. RESTRICTION ON USE OF FEDERAL FUNDS UNDER CERTAIN GRANT PROGRAMS.";

and

(ii) by striking "part B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act" and inserting "subtitle B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act of 1999".

(B) Section 5(b)(1) of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14404(b)(1)) is amended by striking subparagraph (A) and inserting the following:

"(A) PROTECTION AND ADVOCACY SYSTEMS UNDER THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1999.—Subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.".

Mr. LAZIO. Mr. Speaker, I'd like to begin by thanking Senator JEFFORDS for his help in passing this bill In the Senate.

Mr. Speaker, this year is the 10th anniversary of a landmark piece of civil rights legislation—the Americans with Disabilities Act.

And, it is in that spirit that I rise in support of the re-authorization of the Developmental Disabilities Assistance and Bill of Rights Act.

Mr. Speaker, this is good bi-partisan legislation.

It is legislation that reflects The spirit of enterprise and ingenuity that made America great.

It is legislation that promotes self-sufficiency, Productivity and community integration for those who suffer from developmental disabilities.

This program provides basic state funding for local developmental disability councils.

It provides state grants for advocacy and protection.

It funds university affiliated programs and programs of national significance, all of which are vital to the services needed for the disabled.

This legislation will bring over $6 million each year to provide these programs to needy New Yorkers.

Mr. Speaker, The over 2 million New Yorkers who suffer from disabilities are no different from the rest of us.

They have ambitions, goals and desires, just like you or me.

They are people like Fred Klemm, from Hauppauge, Long Island, in my district, who has a wife and 2 children.

He was a dietary assistant looking forward to going back to school when disaster struck.

Fred was found in the Atlantic Ocean at Smith Point County Park, LI, after an accident on his jet ski.

After 4½ months in the hospital, Fred was transported to a rehab center to begin his recovery.

Fred now lives in an assisted-living apartment and is being helped to re-learn skills he will need to one day be able to live independently.

Mr. Speaker, Fred's rehabilitation is being conducted by the Long Island Head Injury Association (LIHA).

LIHA is a independent, not-for-profit group that receives Disability Act funding through one of the four programs re-authorized by the Act—the basic state grants for developmental disability councils. And, since 1963, Mr. Speaker, The Developmental Disabilities Assistance Act has helped America's most vulnerable citizens to attain the productivity that benefits both them and us.

And, it does so in a way that is consistent with principles of responsibility and restraint that are at the core of our world view.

This bill provides flexibility for States to fashion programs that respond to local problems.

It is pro-family. By supporting the ability of families to rear and nurture their developmentally disabled children in the home.

It is fiscally responsible. Because most activities are implemented at the State level, with only an extremely small Federal agency to provide general oversight of the program.

It promotes accountability for measurable results in programs serving the disabled.

Mr. Speaker, we more fortunate Americans will be judged on how we care for the less fortunate among us.

Let's offer a hand up to some of those who need it the most. Let's authorize this program, let's pass this bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1809, and to include extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CORRECTING ENROLLMENT OF S. 1809, DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1999

Mr. LAZIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 133) to correct the enrollment of S. 1809, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HOYER. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from New York (Mr. LAZIO) so he might explain the unanimous consent request.

Mr. LAZIO. Mr. Speaker, I want to thank the gentleman from Maryland for his leadership on this particular bill, as he is a leader on many bills of interest to Americans who are concerned about empowering those among us who are disabled.

This takes up, which we just passed, actually, S. 1809, which is the Senate-passed Developmental Disabilities Act reauthorization, with a correcting enrollment, which we are doing right now.

It maintains the language that the gentleman and I have worked through in the House-passed version, basic reauthorization.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman for his explanation, and I thank him for his work on this. I certainly want to say to our friends in the Senate, Senator JEFFORDS and Senator HARKIN and others who have worked on this legislation, that we are very pleased that it is here. We are pleased that, with the gentleman from New York, we were able to get agreement on the unanimous consent. I rise in very strong support of the passage of this legislation.

Mr. Speaker, I am pleased to be here to discuss a landmark piece of legislation that will improve the lives of over four million individuals with developmental disabilities—The Reauthorization of the Developmental Disabilities Act.

The road to passing The Reauthorization of the Developmental Disabilities Act has been long and tortuous.

The Reauthorization of the Developmental Disabilities Act was passed originally by the Senate around the same time this month, last year. We had some problems moving it here in the House, but were finally successful in passing a House version in July during the 10th anniversary celebration of The Americans With Disabilities Act (ADA).

As the lead sponsor of the ADA 10 years ago, I was especially pleased to be able to work on another important piece of disability legislation while celebrating the passage of civil rights for people with disabilities.

Today we are here to pass a joint resolution that incorporates technical changes we made here in the House and re-pass the Senate's version.

This bill originated in the Senate, and out of respect for the hard work of Senators JEFFORDS, KENNEDY and HARKIN, we would like to send the original Senate bill to the President to sign.

The DD Act has not been substantially reauthorized since 1994, and is in need of some updating. Just as our technology and science evolves every day, so do the strategies for reaching, engaging, and assisting individuals with developmental disabilities.

Individuals with developmental disabilities often have multiple, evolving, life long needs that require interaction with agencies and organizations that offer specialized assistance as well as interaction with generic services in their communities.

The DD Act seeks to provide a voice for those with developmental disabilities, those with mental retardation, autism, cerebral palsy and epilepsy, as they navigate through the complicated system of public services, policies and organizations that we currently have in place.

The DD Act seeks to provide families with the knowledge and tools they need to help individuals with developmental disabilities become integrated and included in their communities, to foster true independence of those with developmental disabilities and protect themselves from abuse and neglect.

Mr. Chairman, as we stand here today, ready to pass the final version of the Developmental Disabilities Act, I think it is appropriate to acknowledge and remind all of my colleagues of the battle that people with disabilities have fought in order to obtain basic civil rights.

It is appropriate that the House passed the first version of this bill on the 10th anniversary of the ADA, and today as we pass this final version of the Developmental Disabilities Act, the Supreme Court is hearing a case that may significantly alter the civil rights protections granted in the ADA.

Today the court is hearing oral arguments to review whether Congress had the authority to abrogate State immunity and enforce the ADA's antidiscrimination protections against State governments.

A negative ruling from the Supreme Court could call into question altogether the constitutionality of title II of the ADA, as well as other disability rights statutes.

As someone who was there during the debates on the ADA, these questions aren't hard to answer. There was a great deal of discrimination going on at the State level—people with disabilities were segregated into institutions; children were discriminated against in public school; public transportation didn't accommodate wheelchairs; and there was a history of section 504 litigation that proved discrimination was happening at the State level. The Bush administration's own national council on disability documented the discrimination in its report to Congress.

We can't let the court turn back the clock on disability rights in the same year that we are celebrating the anniversary of these important protections.

The ADA allowed us to tear down the wall of exclusion and pour a strong foundation for the house of equality. But that house—in which Americans are judged by their ability and not their disability—is still being built.

The promise remains unfulfilled, but still is within reach.

I urge my colleagues to support the reauthorization of the Developmental Disabilities Act.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 133

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 1809) to improve service systems for individuals with developmental disabilities, and for other purposes, shall make the following corrections:

(1) Strike “1999” each place it appears (other than in section 101(a)(2)) and insert “2000”.

(2) In section 101(a)(2), strike “are” and insert “were”.

(3) In section 104(a)—

(A) in paragraphs (1), (3)(C), and (4), strike “2000” each place it appears and insert “2001”; and

(B) in paragraph (4), strike “fiscal year 2001” and insert “fiscal year 2002”.

(4) In section 124(c)(4)(B)(i), strike “2001” and insert “2002”.

(5) In section 125(c)—

(A) in paragraph (5)(H), strike “assess” and insert “access”; and

(B) in paragraph (7), strike “2001” and insert “2002”.

(6) In section 129(a)—

(A) strike “fiscal year 2000” and insert “fiscal year 2001”; and

(B) strike “fiscal years 2001 through 2006” and insert “fiscal years 2002 through 2007”.

(7) Is section 144(e), strike “2001” and insert “2002”.

(8) In section 145—

(A) strike “fiscal year 2000” and insert “fiscal year 2001”; and

(B) strike “fiscal years 2001 through 2006” and insert “fiscal years 2002 through 2007”.

(9) In section 156—

(A) in subsection (a)(1)—

(i) strike “fiscal year 2000” and insert “fiscal year 2001”; and

(ii) strike “fiscal years 2001 through 2006” and insert “fiscal years 2002 through 2007”; and

(B) in subsection (b), strike “2000” each place it appears and insert “2001”.

(10) In section 163—

(A) strike “fiscal year 2000” and insert “fiscal year 2001”; and

(B) strike “fiscal years 2001 through 2006” and insert “fiscal years 2002 through 2007”.

(11) In section 212, strike “2000 through 2006” and insert “2001 through 2007”.

(12) In section 305—

(A) in subsection (a)—

(i) strike “fiscal year 2000” and insert “fiscal year 2001”; and

(ii) strike “fiscal years 2001 through 2006” and insert “fiscal years 2002 through 2007”; and

(B) in subsection (b)—

(i) strike “fiscal year 2000” and insert “fiscal year 2001”; and

(ii) strike “fiscal years 2001 and 2002” and insert “fiscal years 2002 and 2003”.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Concurrent Resolution 133, and to include extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE.

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 616.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2415, AMERICAN EMBASSY SECURITY ACT OF 1999

Mr. CHABOT. Mr. Speaker, by direction of the Committee on International Relations and pursuant to clause 1 of rule XXII, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CHABOT moves that the House disagree to the amendment of the Senate to the Bill H.R. 2415 and agree to the conference requested by the Senate.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. CHABOT) is recognized for 1 hour.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose is to go to conference on H.R. 2415.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

PARLIAMENTARY INQUIRIES

Mr. CONYERS. Parliamentary inquiry, Mr. Speaker. Is it not traditional that at least the other side of the aisle would get half the time, 30 minutes? Is that not traditional here?

The SPEAKER pro tempore. The time for debate on this motion is 1 hour. It is at the discretion of the gentleman from Ohio (Mr. CHABOT).

Mr. NADLER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) will state his parliamentary inquiry.

Mr. NADLER. Mr. Speaker, do I understand the Chair to be saying that the majority party has decided that the minority has zero time for debate on this bill because it is embarrassed by this bill, or because of some other reason?

The SPEAKER pro tempore. The gentleman from Ohio has moved the previous question on the motion.

Mr. NADLER. Continuing parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. NADLER. Mr. Speaker, am I to understand from what the gentleman has said and from what the Speaker is saying that the minority is to be denied its customary time to debate this bill; that there is no time to debate this bill at all? Is that what we are to understand?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. NADLER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York will state his inquiry.

Mr. NADLER. Under the rules of this House, how much time will the minority get to debate this bill, this motion?

The SPEAKER pro tempore. If there is a motion to instruct the conferees, the hour of debate on that motion is equally divided.

Mr. NADLER. I cannot hear you, sir.

The SPEAKER pro tempore. Any motion to instruct conferees to follow will be debatable for one hour, equally divided.

Mr. GEJDENSON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. GEJDENSON) will state his parliamentary inquiry.

Mr. GEJDENSON. Mr. Speaker, is the Speaker aware of other precedents where the minority was not given half the time to discuss the motion to go to conference?

The SPEAKER pro tempore. The gentleman has simply moved the previous question.

Mr. GEJDENSON. Excuse me, again, Mr. Speaker. Is it not the tradition of the House that the minority have an opportunity to discuss the motion, and not be silenced by this parliamentary maneuver?

The SPEAKER pro tempore. The Chair cannot be the historian of the House under the guise of a parliamentary inquiry.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The gentleman from Ohio (Mr. CHABOT) has moved the previous question.

Mr. GEKAS. Mr. Speaker, may I try to untangle this?

The SPEAKER pro tempore. Are there further parliamentary inquiries?

Mr. GEJDENSON. Continuing parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Connecticut will state his parliamentary inquiry.

Mr. GEJDENSON. Would it be appropriate at this point, Mr. Speaker, for the gentleman from Ohio to ask unanimous consent to remove his motion, and then we can have a discussion?

Mr. CHABOT. Mr. Speaker, I withdraw my request for the previous question.

Mr. Speaker, I yield 10 minutes to the other side and 10 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Pennsylvania (Mr. GEKAS) each will control 10 minutes.

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we came to the floor for this august parliamentary debate, we came with the understanding that an agreement had been reached that on the motion to go to conference, that there would be no debate and that it would be routinely accorded a voice vote, and then we would move to what the minority has planned to do; namely, to move on a motion to instruct the conference. That was the understanding under which we came to the floor.

If Members want to begin the debate on the content of their motion to instruct during the motion to go to conference, they are just duplicating effort. Why do we not all agree that the motion for conference, to go to conference, will be accorded a voice vote, and then go into the debate on the motion to instruct? That is the gentlemanly way to approach this.

I ask the minority to allow the vote to go to conference to take place, and then we can proceed to the motion to instruct, and we will debate the merits of that motion.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to my friend, the gentleman from Pennsylvania; they are there are two different questions involved. We cannot roll one into the other and say, let us go on. We want to talk about what is happening procedurally on this bill.

We are dealing with a bill that has already been passed into law in which there is an attempt now to patently misuse the legislative process. Enough time on that.

Mr. Speaker, it is my understanding that the State Department authorization has already been enacted. Is this bill, therefore, merely being used as a vehicle to enact bankruptcy, the bankruptcy provisions?

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS), the ranking member of the subcommittee; the chair of the subcommittee.

Mr. GEKAS. Mr. Speaker, we should at least get that right.

Mr. Speaker, I am willing to answer. Let us go back to something I said. How can the gentleman from Michigan say that?

Mr. CONYERS. Mr. Speaker, yes or no, please.

Mr. GEKAS. Mr. Speaker, is the gentleman yielding to me or not?

Mr. CONYERS. I am, for an answer.

Mr. GEKAS. What is the question? What is the answer?

Mr. CONYERS. I could give the gentleman the answer as well, but the question is, is this bill before us merely a vehicle to enact the bankruptcy provisions?

Mr. GEKAS. No, not merely.

Mr. CONYERS. Not merely. What else?

Mr. GEKAS. It depends on what the word "else" means and what "is" means. But at this point, it is not merely to put in the bankruptcy.

Mr. CONYERS. Yes. That is very good.

Mr. Speaker, this is a very poor process, as everybody on the floor has already noted. This is totally against tradition, to attempt to move this measure of bankruptcy into a measure that has already been passed into law. This is incredible.

Mr. Speaker, as a matter of fact, I will ask for the assistance of the gentleman from Virginia (Mr. BOUCHER), and will need, at the appropriate time, to be asking the Speaker for an exercise of discretion to substitute him for me as a conferee on the following issues with regard to enhanced consumer protection, priority child support provisions, general and small business bankruptcy provisions, municipal bankruptcy provisions, data bankruptcy, and several other items.

Mr. Speaker, I would ask the Speaker to keep that in mind at the appropriate time.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some day before this session is over or before our careers are over, I say to the gentleman from Michigan, I want him to explain to me on a one-to-one basis why we came to this floor on a gentleman's agreement that we were going to proceed on the motion to conference and then reserve the debate for the motion to instruct?

If there was no such agreement, then I say to the gentleman, we will stay here for 3½ hours, if the gentleman wants to, to debate the motion to instruct, or any phase of what the gentleman wants to try to get across.

All I am saying to the gentleman is, are we not prepared now to go to a motion to instruct?

□ 1715

Let us just proceed with the debate.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, let me start from the beginning and say I was aware of no gentleman's agreement. In order to purchase the right to speak on this bill, we just gave up the right to vote on this bill because of the coercion by the Republican majority.

We had to purchase the right to speak on this bill for 10 minutes on our side instead of 30 minutes, because my colleagues are trampling on the rules and the customs and the procedures of the House, because my colleagues do not want any debate on this bill, because it will not stand the light of day, especially what my colleagues are doing here.

This is a State Department reauthorization bill, but who is managing it? Do we see the foreign affairs committee people here on either side of the aisle? No, everybody knows that is a fiction. This is a bankruptcy bill, and therefore the Committee on Judiciary people are here, the gentleman from Pennsylvania (Mr. GEKAS), the gentleman from Connecticut (Mr. CONYERS), myself in order to deal with this bankruptcy bill in the guise of the State Department authorization bill, a motion to go to conference on the State Department authorization bill, a bill that was signed into law last year, number one.

Number two, why? Why are we trampling upon the normal procedures and rules of the House? Because $40 million has been spent on lobbying and campaign contributions by the big banks and they must be repaid. They must get their way. People in the margins of society, those who have had their jobs sent overseas, who have suffered serious illnesses, who have had to face the economic consequences of divorce or the death of a breadwinner, these Americans have very small voices in this Congress, and they are drowned out by the millions spent by the big banks, by the shopping centers, the credit card companies.

This dominates and will have their way on this, even if the majority just trampled the rules and the procedures and customs of the House.

Mr. Speaker, we are not getting prescription drug relief. We are not getting campaign finance reform. Farmers have been without chapter 12 relief for months while family farms are still being held hostage to the banks' wish list. We have not even done our basic business and passed the appropriations bills to fund the Federal Government.

But today we have before us in the guise of a motion to go to conference on a State Department bill, a 400-page list of favors for the large special interests. We should pay our debt to the American people, first. No one knows what is in the bill that is going to be proposed in this conference. Nobody here will get to review it.

This will be another secret shame on the House and on the voters. This is a perfect illustration of the depths to which our failure to pass serious campaign finance reform a few years ago has brought us. I am sorry that we do not have a full hour to debate this bill, that we have only 20 minutes because of the wish of the majority to trample on the rules of this House, because they do not want to see this bill really debated, to see the light of day, because if the American people really knew what was in it, they would be outraged.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from New York (Mr. NADLER) really wants to debate the bill. If we do debate it for another 2 hours or 4 hours, it will be a cumulation, a cumulative period of about 50 hours that we have spent debating the very same items that are in this bill that were in when we first debated it and which gained in the House of Representatives 315 votes.

This was a bigger vote on the same provisions, almost the same wording, a bigger vote than the previous time when the House voted 300-something-plus on the same provisions to which we are addressing these remarks.

It has been debated in committee, in subcommittee, off the floor, in informal conference, in the newspapers, in the forums of the news media, and we are prepared to do the will of the Congress, to do the will of the House. That is why we had to use this extraordinary measure to make sure that the will of the people in the country and the will of the Members of the House and of the Senate be accorded a vote finally on bankruptcy reform.

What has happened is, even though we tried valiantly through our chairman, the gentleman from Illinois (Mr. HYDE), to try to convene a conference as far back as June, recalcitrant Members of the minority in the other body saw fit to try to wreck this reform measure, just as others even on the floor here today are trying to do, and because of that, we had to move along, plug along in trying to get a vehicle or a methodology by which we can return back to this floor with the bill which had handsomely passed this membership. And even though the gentlemen who are now speaking on the minority were eloquent in lambasting the unfairness of the bill and all the concoctions that they wrought for the purpose of trying to defeat the bill, despite all of that, I repeat with pride, that 315 Members voted in favor of it.

Only the members of the Committee on the Judiciary on the minority were in any kind of gathering of force to try to oppose it, and they failed miserably.

What we are trying to do, Mr. Speaker, is to allow this body to again voice its approval of a much-needed reform. Our country needs bankruptcy reform. The people by a handsome majority favor the reform measure. If we want to argue it some more, we will keep bringing up the 315 votes, we will keep bringing up those people who support it, all the groups around the country that are in favor of bankruptcy reform, and do whatever it takes to re-convince the 315 that we are prepared to bring reform in bankruptcy to the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. OSE). The gentleman from Pennsylvania (Mr. GEKAS) has 5 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 4 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas, (Ms. JACKSON-LEE).

Ms. JAÇKSON-LEE of Texas. Mr. Speaker, it is interesting that we come again with the same representation of 315 votes. This is the people's House, but we voted on this bankruptcy legislation that is now being tagged on to a State Department authorization for no reason in 1997, 1998, and 1999. There is no swell in this for this bill to be brought forward with all of the ills that it has. It is a bad bill. There is no need in this economy for a bankruptcy reform.

The bankruptcy judges have said there is no need. The trustees have said there is no need, but there is need to help those who suffer from catastrophic illnesses or senior citizens who cannot afford to do what they need to do because of catastrophic illnesses or because people are divorced, or because there is a question about child support and alimony. These need to be fixed.

There is a homestead exemption that needs to be balanced with other States; but, yet, we are coming to the floor with the bankruptcy bill in the dark of night almost with no understanding as to why this bill has to be pushed through in this session, when, in fact, Mr. Speaker, it has problems.

I know we are going to go to conference. I hope we can try and fix these problems in conference.

Mr. GEKAS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 5 minutes remaining.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the record should reflect the fact that every single issue that the gentlewoman from Texas (Ms. JACKSON-LEE) articulated here in her remarks has been debated, redebated, discussed, rediscussed, overdiscussed, continuously discussed; and hearings were held on them. Then I repeat, because it is an important fact for everybody to remember, after all of that and all of the debate, including the gentlewoman's concerns which she just expressed, 315 Members of the House and whatever it was in the other body overwhelmingly approved bankruptcy reform.

The time has come for us to resolve the issue. Should we or should we not bring bankruptcy reform to the American people? We are facilitating that through this mechanism of the conference which we are about to convene.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on Commercial and Administrative Law.

Mr. NADLER. Mr. Speaker, I simply want to ask the gentleman from Pennsylvania (Mr. GEKAS), chairman of the subcommittee, since he assured us a moment ago that this House has voted on this bill, can he assure us that the bill that we are going to see is the same bill the House voted on, or is it a different bill? How do we know?

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, it will be different, but the basic core values of the bankruptcy reform bill which will make sure——

Mr. NADLER. Reclaiming my time, Mr. Speaker.

Mr. GEKAS. Does the gentleman want to reclaim his time?

Mr. NADLER. Yes, Mr. Speaker, it is my time.

Mr. Speaker, I thank the gentleman for answering the question. The gentleman said it will be different, so we have not debated that bill. We may have debated a bill with similar core values. I am not going to say I concede that, I assume that, but it is not the same bill.

Mr. Speaker, I would ask one other if the gentleman wants to answer. What on earth does this have to do with the State Department authorization? What on earth does this have to do with reauthorization of the State Department?

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, it has to do with the search for better government within the Congress of the United States, in the realm of the State Department and in the realm of bankruptcy reform, and for the good of our people who demand action on the State Department and on bankruptcy reform.

Mr. NADLER. Reclaiming my time, I thank the gentleman, Mr. Speaker. In other words, we are using the State Department bill for something that has nothing to do with the State Department, because we cannot find an honest way under the rules of the House to do this.

Mr. CONYERS. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 1½ minutes remaining, the gentleman from Pennsylvania (Mr. GEKAS) has 4 minutes remaining, and the gentleman from Ohio (Mr. CHABOT) has 40 minutes remaining.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I reserve the balance of my time. Is there a tie now?

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I urge that we vote against this misguided effort to include provisions of so-called reform of the Bankruptcy Act that would impose an indiscriminate means test that will be injurious to women, to the payment of childcare; and not only is this process disappointing, the substance of the bill before us falls far short of what this body should do for the hard-working and poor people of this country, more than half of whom file for bankruptcy because of health care costs.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is yet another blatant example of the misuse of the legislative process by the Republican majority. Last week, it was used in the Violence Against Women Act as an excuse to pass special interests legislation benefiting the alcohol wholesalers.

Today, we are attempting to use the State Department bill as a ruse to pass special interests bankruptcy provisions. Now what is wrong with the bill? The proposal attempts to oppose an indiscriminate means test to determine eligibility for bankruptcy relief. It is highly damaging to a single mother's access to the bankruptcy system.

The business provisions of the proposal will impose harsh time deadlines and massive new legal and paperwork requirements. And so I want to say to my colleagues that the bankruptcy referees who have tried to consult with us are shocked that we would move such legislation forward.

Mr. Speaker, I urge my colleagues not to give it their support.

□ 1730

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, I rise in support of the motion to go to conference on H.R. 2415. I also rise in support of the inclusion of the bankruptcy reform legislation as a part of this measure. Inclusion of the legislation as part of this act will enable us to move forward with a much-needed reform of the bankruptcy laws.

That reform was approved in this House in May by the overwhelming vote of 315 to 108, and I would suggest that that strong vote underscores the broad agreement among Members of the House on both sides of the aisle that we need a bankruptcy reform that restores an element of personal responsibility to the bankruptcy process.

In February of this year, the Senate approved a similar measure by the vote of 83 to 14. Unfortunately, due to procedural hurdles in the Senate, it has been difficult to reach an agreement between the two bodies so that uniform legislation may be considered by both Chambers.

The hurdles encountered in the other body have created the need to utilize the procedure that we are considering today. The legislation takes a balanced approach to bankruptcy reform.

Our main goal in passing the legislation was to encourage those individuals who can repay a substantial part of what they owe to use the reorganization procedures of Chapter 13 rather than the complete liquidation procedures of Chapter 7.

That is a modest and needed reform endorsed broadly in this House, endorsed broadly in the other House. All that we are asking now is the opportunity to have a conference to bring final agreement to this much-needed measure.

So, Mr. Speaker, I urge that this House approve the motion to go to conference.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask the gentleman from Michigan (Mr. CONYERS) if he is prepared to go to a vote to go to conference. If so, I will yield back the balance of my time, and we can vote on the conference and go to the next portion of this.

Mr. CONYERS. Mr. Speaker, if the gentleman will yield, the answer is yes.

Mr. GEKAS. Yes.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. NADLER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill (H.R. 2415) be instructed to insist that—
>
> (1) A meeting of the committee of conference be held and that all such meetings
>
> (A) be open to the public and to the print and electronic media; and
>
> (B) be held in venues selected to maximize the capacity for attendance by the public and the media.
>
> (2) the committee of conference allow sufficient opportunity for members of the committee on conference to offer and to debate amendments to the matters in conference at all meetings of the committee of conference.

Mr. GEKAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read, and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Under rule XXII, the gentleman from New York (Mr. NADLER) and the gentleman from Pennsylvania (Mr. GEKAS) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, if it is in deference to the wish of the majority to move expeditiously, I ask unanimous consent that we limit debate to 15 minutes on each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. GEKAS. Mr. Speaker, I will think about it for about 3 seconds and say proceed. We will agree to restrict it to 15 minutes on each side.

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct simply instructs the managers on several points: one, that all meetings of the conference committee be open to the public and to the print and electronic media and be held in venues selected to maximize the capacity for attendance by the public and the media; that is, that it be held in a large room and that it be open and public.

Secondly, that the committee of conference allow sufficient opportunity for members of the committee on conference to offer and to debate amendments to the matters in conference at all meetings of the committee of conference.

In other words, Mr. Speaker, if we are sending this bill to a conference committee, it should be a real conference committee, not the sham, shadow conference where only people who basically approved of the bill were consulted, and not the sham conference we had 2 years ago where, after a ceremonial opening where no one was allowed to offer amendments, everything else was done in camera and the members of the minority were presented only with a written report to sign or not to sign. There were no further meetings.

If the spirit of democratic procedure, with a small "d," in this House is to be upheld, then the conference committee ought to be a real committee. There ought to be meetings. The meetings ought to be held in a room with chairs and seats and space for the media to report on it as is generally the case with, as in fact is uniformly the case with the rules of the House for committee meetings. That is all this says.

I find it difficult to imagine how anyone can vote against this because all it says is the meetings of the conference committee should be in conformance with the normal practices, open meetings, and the bill should be a result of open deals openly arrived at, to paraphrase Woodrow Wilson.

It is a very simple motion. I expect everyone will support this obviously uncontroversial and constructive motion so that the bill and the changes that will be made in it can be done in the light of day, and everyone can be responsible for what they do. The media, whoever is interested can be there, and there will be seats in the room so people who are interested can watch it. It is hard for me to imagine any grounds for opposing this.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am willing to and will yield back the balance of my time and say to the movers of the motion that we agree to the content of the motion and we can go directly to a vote.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume, and I will yield to the gentleman from Pennsylvania for a question.

Mr. GEKAS. Mr. Speaker, if the gentleman will yield, I will answer if I can.

Mr. NADLER. Mr. Speaker, do we have a commitment from the gentleman from Pennsylvania (Mr. GEKAS), a personal commitment, that the terms of this motion to instruct will, in fact, be adhered to, because we have a record here of motions to instruct being ignored. So in other words, do we have a commitment that, in fact, the meetings will be open to the public as it says here and members of the conference committee will have opportunity to offer amendments and so forth?

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, the procedure is implicit in the rules of the House as to how a conference and to what proportions Members will be able to participate and to what degree access to the public will be made, and so I do confirm the rules of the House in that regard.

Mr. NADLER. Mr. Speaker, reclaiming my time, frankly, no one has to confirm the rules of the House. The rules of the House are what they are. But despite the rules of the House, past conferences on this bill and conferences on other bills have not been done this way. Some have. Many have not been.

So I ask if we have the gentleman's personal commitment as a member of the majority, perhaps the chairman of the conference, that the conference will be done in accordance with the urgings of this motion that we are apparently about to pass. Because the rules of the House have no enforcement mechanism. That is why I am asking for his personal commitment as the enforcement mechanism on this situation.

Mr. Speaker, since the gentleman from Pennsylvania (Mr. GEKAS) is looking at me with a quizzical look on his face——

Mr. GEKAS. Mr. Speaker, I always do.

Mr. NADLER. Well, sometimes, I deserve that.

Mr. GEKAS. Yes.

Mr. NADLER. And sometimes not. But in any event, the rules of the House are often waived. So that is why I am simply asking for the gentleman's word, his commitment that, in this case, the rules of the House, as expressed in this motion to instruct, namely, that the meetings will be open to the public and to the print and electronic media, that they will be held in rooms large enough so people can attend, and that members of the conference committee will have the opportunity to offer and debate amendments, that that in fact will be done.

Do I have the gentleman's commitment and assurance that that, in fact, will be done?

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I think we have to divide the gentleman's question. It has so many facets to it.

Let me put it this way. If I become chairman of the conference, I will have some power to determine the parameters of how it would be run. I am the lowly chairman of the subcommittee which happened to author this wonderful and needed bankruptcy reform measure. To the extent that we can expedite this matter, I have tried to cooperate on the floor, as I have in all stages of these procedures. I want this thing to move on; and whatever the conference requires of its members, I will accede in doing.

Mr. NADLER. Mr. Speaker, with all due deference, that is not an answer.

Mr. GEKAS. Mr. Speaker, the question is——

Mr. NADLER. Mr. Speaker, excuse me, it is my time now.

Mr. Speaker, with all due deference, the best way, I do not know if it is the best way, but the easiest way to expedite the process of the bill is to walk out with a bill, have the majority members of the conference committee sign it, and come back and say this is the conference report with no meetings.

So I will ask again, do I have a commitment that there will, in fact, be meetings in a room with the members of the conference committee present at the same time and with members of the conference committee able to offer and debate amendments? Simple request. Do I have that commitment, yes or no?

Mr. GEKAS. Mr. Speaker, if the gentleman will yield, I will offer all the recommendations of the gentleman from New York (Mr. NADLER) to the committee when it is fully formed, and I will have a copy of the CONGRESSIONAL RECORD with all his recommendations in it. We will hope that the conference, for his sake, will accommodate as many of his requests in that multirequest statement he just made, Mr. Speaker.

So there is no need to prolong this. Let us go to conference.

Mr. NADLER. Mr. Speaker, with all due respect, we did not get any commitment that this will be adhered to. I will predict right now, and I will say it on the floor, and, in fact, let me pose a challenge to the Republican leadership. I do not believe they are going to adhere to this. I do not believe there will be a meeting. I do not believe members will have the opportunity to offer amendments. I do not believe there will be votes on those amendments. I do not believe anyone will be able to sit at that meeting.

I challenge them to show me I am wrong. I predict that I am right. I challenge them to show me I am wrong. I challenge them to show me they can, in fact, proceed on this bill in an honorable way under the rules of the House. I bet they do not.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 15 minutes remaining. The gentleman from New York (Mr. NADLER) has 7½ minutes remaining.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I still wanted to go to a vote here. That is why I agreed to the motion.

Mr. Speaker, I will challenge the gentleman from New York (Mr. NADLER) to meet me here in this body next January when we reconvene and review what happened here today to see whether he was satisfied at the procedure that completed the work on bankruptcy reform. I challenge him to do that. Because the conference is a life all of its own. I cannot predict what it will do. I will not chair that conference.

I want to do the best I can to bring before the American people much-needed bankruptcy reform. Where have my colleagues heard that before, Mr. Speaker? They heard that from me, because it is the logical answer to all the contentions made by the people who oppose bankruptcy reform.

We are using a proved mechanism within the rules of the House and the Senate to bring a measure to the floor which has been debated, redebated, discussed, rediscussed, returned to the House, returned to the Senate, one term to the next. There is nothing more to be said except shall I vote yes or no on bankruptcy reform?

Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we do not have to wait till next January, because I predict that we will have a bill on the floor, a completed conference report on the floor tomorrow. I also predict there will not have been a meeting, there will not have been votes or amendments.

Now, I am not talking now about the merits of the bill. I am talking about honest, open and democratic procedure so that people can see what is being done in the open light of day in accordance with the normal rules of the House, which hopefully would not be waived in this case.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the honorable ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I see the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the full Committee on the Judiciary here. Could I ask if he would kindly join with us in pledging to affirm and carry out the details of the motion to instruct.

Mr. Speaker, I yield to the gentleman from Illinois (Chairman HYDE) for some closure on this matter.

Okay. The gentleman from Illinois (Chairman HYDE) does not care to comment on this matter.

□ 1745

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman made some interesting points. One, I think the gentleman's inquiry is whether or not the bankruptcy bill is the same bill that saw one or two votes on the floor of the House. The response was that it is not.

Mr. Speaker, I think that is an important point. I rise to support this motion to instruct because in the last session of Congress I was part of the conference on bankruptcy. I recall that conference being the opening of a door to a room, the seating at a table, the gaveling of the opening of that conference and the gaveling of the conclusion of that conference; all probably occurring within a 20-minute time frame, to my recollection. But there was no time for amendments or public view.

I think the misnomer that we have here, Mr. Speaker, is the terminology being used here: bankruptcy reform. There is no reform if we do not take into account people's catastrophic illnesses, divorce, the need for alimony protection, or child support protection. And there is no reform, Mr. Speaker, if the statistics will show that bankruptcy filings are going down.

The reason why this legislation has even come to the forefront and took so long is because there was some crisis that the proponents of this bill viewed that they were having. There is no crisis and the leaders in the industry, the bankruptcy judges, the bankruptcy trustees, say there is no need for reform. The bankruptcy commission never settled on a response or an answer that is incorporated in this bill. The bankruptcy commission never came forward on the means test, and that is what is in this bill.

This motion to instruct should be passed, Mr. Speaker, and I support it.

Mr. Speaker, I come before you today to oppose this motion. It includes the highly controversial bankruptcy bill that was introduced by Senator LOTT during September. This bill, has not improved the very harsh provisions in the bill.

The motion simply eliminates essential provisions for minimum wage and tax break provisions that were agreed upon after a hard fight by Democrats.

This drastic move, by the Republican leadership flies in the face of the months of negotiations by both parties to put forth legislation that would provide adequate protection to the American people. In the time it took to slip this new bill in to the Senate Bill Clerk's Office, one member of the United States Senate cast aside and buried all the time we spent ensuring that certain protections were in place to assist hard working class and lower income people. This is regrettable.

I oppose this motion and introduction of this bill which has made a farce of the political process.

The greatest challenge before us in the bankruptcy reform efforts here in Congress is solving the widely recognized inadequacies of the law in the area of consumer bankruptcy. As it has always been in Congress, the key to this process, is, of course, successfully balancing the priorities of creditors, who desire to general reduction in the amount of debtor filing fraud, and debtors, who desire fair and simple access to bankruptcy protections when they need them.

We must come to a point of consensus on how to approach the problems of consumer-debtor abuse. The main problems in this area are, (1) inaccurate debtor statements of their assets in official filings, (2) multiple bankruptcy petitions in a short span of time in order to gain an automatic stay or immediate protection from indebtedness, (3) too few Chapter 13 participants, and (4) too few Chapter 13 plans are completed, particularly in regard to debtor obligations to unsecured creditors.

Mr. Speaker, imagine a debtor sitting at desk, money in one hand and financial obligations in the other. On the other side of this desk is a line of individuals waiting for payment. In this line there are creditors standing along side their attorneys, mothers holding the hands of their small children and students with books. The debtor begins to pay his creditors pursuant to law. As he begins to make payments he realizes that his available financial resources are limited—secured creditors are paid first. As he turns to make payment for his familiar obligations, the unsecured creditors move forward with their counsel and request payment or a lawsuit. Who will advocate for our children, America's largest indigent group? Who will speak for the recipients of alimony and support payments?

Let me start by stating that I am for bankruptcy reform that is equitable and fair to all interested parties. I am for bankruptcy reform that recognizes the financial interest at stake for the debtor, his family and his creditors. Reform that will give a debtor a fresh start—the new start bankruptcy has historically given to an individual that is financially unable to pay his debts.

The United States Constitution Article I, Section 8, grants Congress the power to establish uniform laws on the subject of bankruptcies throughout the United States. In January 1999 I took the Congressional Oath of Office to support and defend the Constitution of the United States against all enemies, foreign and domestic. It was an obligation that I took freely and without any reservation. As a Member of Congress, I am bound to uphold the Constitution.

My duty to uphold the Constitution is not a theoretical duty but a real duty; it is a duty that compels me to voice my opposition to attempt by Republicans to usurp the process. It is a duty that compels me to protect children, women and honest debtors. It is a duty that obligates me to oppose any legislation that will upset the delicate balance that has evolved over the years between creditors and honest debtors.

Regrettably this bill—will not give an honest debtor—a fresh start. In fact, it will create a modern day debtors' prison. Through the use of reaffirmation agreements and the shackling mandatory provisions of this bill—innocent women and children will be hurt. Alimony and support payments will be subordinated to the interest of creditors.

Children do not have the financial resources to hire an advocate to collect their support payments. Most women do not have the financial resources to hire an attorney to collect alimony payments. Who will advocate for our children—Who will speak for the recipients of alimony payments?

I am concerned about the potential adverse impact that this bill will have on America's families. This bill is not the product of a deliberative process, it is the off-spring of a rubber stamp bankruptcy reform factory—manufactured to curb financial abuse yet its provisions have not been tested. It may give rise to financial over-reaching by dishonest, unscrupulous creditors.

Debtors with the financial ability to pay their obligations should be required to satisfy these debts. Certainly, I am not suggesting that the bankruptcy code should provide a shield for individuals interested in defrauding creditors. Financial responsibility and integrity is a noble cause; however, a debtor's familiar obligations should not be held hostage in an effort to obtain these goals.

This bill redirects a significant portion of a debtor's income to banks and credit card companies without providing a mechanism to protect alimony and child support payments. Who will advocate for our children—Who will speak for the recipients of alimony payments?

This bill creates broader categories of non-dischargeable debt. These new non-dischargeable debt obligations will lower the potential for women and children to receive necessary support payments for their existence. Women and children will be in direct competition for the limited resources of the discharged debtor. Who will advocate for our children—Who will speak for the recipients of alimony payments?

This bill is a catastrophic threat to our families who rely on support payments. Needs based bankruptcy utilizes an artificial mathematical formula, the "means test," that has its genesis in a discretionary equation as determined by the Internal Revenue Service collection standards.

More importantly, this bill, mandates that the bankruptcy court presume abuse exists if the debtor's current monthly income is not less than 25 percent of the debtor's nonpriority unsecured claims. A debtor can rebut this presumption of abuse by demonstrating and establishing "extraordinary circumstances" that require additional expenses or adjustment of income.

This problematic formula will ignore or understate the real day to day expenses and financial circumstances of an honest debtor. Bankruptcy legislation must take into account the specific needs of the debtor, his financial obligations and that individual's ability to pay creditors. This bill unacceptable because it authorizes and compels the bankruptcy court to convert a properly filed Chapter 7 bankruptcy into a Chapter 13 pursuant to an arbitrary and capricious procedure that is harsh and extreme.

Our bankruptcy system may be irreparably damaged as a result of attempting to promote financial responsibility through a "means test." The National Bankruptcy Review Commission rejected the means test formula because it will not accomplish its goal—curbing abuse of the bankruptcy system. The "means test" is a mean test because it penalizes honest debtors and their families. The "means test" promotes a cookie-cutter mentality to an individualized problem. Who will advocate for our children—Who will speak for the recipients of alimony payments?

Bankruptcy reform must provide assurances for honest debtors that their decision to file Chapter 7 will be respected and thoroughly reviewed before applying a bright-line artificial mathematical test that will thrust the petition into Chapter 13.

This bill severely restricts the availability of debtors to seek protection utilizing State exemption laws. Since 1939, the Texas Constitution, Article 16, section 50, subsection (a), has provided debtors with a homestead exemption against creditors' claims. It states, "[T]he homestead of a family, or of a single adult person, shall be, and is hereby protected from forced sale, for the payment of all debts."

Without application to bankruptcy law—this constitutional provision would have little utility for honest debtors. Whatever happened to the concept that a man's home is his castle? In Texas, we believe in this principle and we are opposed to any legislation that threatens the viability of this protection.

Mr. Speaker, the entire Texas Delegation has signed a letter expressing concern over the proposed monetary protection limit on the amount of an individual's homestead. At this time, I would like to introduce a copy of this letter into the RECORD.

Additionally, this bill will create exemptions that are inconsistent with the overall intent and spirit of bankruptcy. Furthermore, honest debtors will be reluctant to file for financial protection because of fear.

We must protect women and children. Over sixty percent of bankruptcy petitioners have been unemployed within a two-year span prior to seeking assistance from the bankruptcy court. Approximately two out of every three petitioners are recently divorced. According to the Consumer Bankruptcy Project, an estimated 300,000 bankruptcy cases involved child support and alimony orders.

Under the existence bankruptcy structure, particularly in Chapter 7, alimony and child support payments survive. Consequently, alimony and child support recipients are almost guaranteed payment because the debtor can discharge other non-secured financial obligations in order to make familiar payments.

We must protect women and children. If we deny access to Chapter 7 to individuals who need this form of protection—debtors who fail to complete the required repayment plan will return to Chapter 7 with a diminished capacity to repay their non-dischargeable debt—including child support and alimony payments. The 1970 Bankruptcy Commission concluded "forced participation by a debtor in a plan requiring contributions out of future income has little prospect for success. Hence it should not be adopted as a feature of the bankruptcy system."

We must protect America's families. Most individuals who file petitions in the bankruptcy courts are usually experiencing turbulent times. Financial hardship is a serious matter that deserves legislative reform that is the product of a deliberative process.

We must protect America's families! This bill, is an extreme bill undertaken at the direction of special interest groups. We must protect working-class families. We must work to find a viable solution that deters abuse of the bankruptcy system while preserving the fresh start for discharged debtors.

We must protect America's families! It is ironic that the consumer lending industry actively solicits unsuspecting consumers through the mail with terms of easy credit, buy now—pay later rhetoric. After addicting debtors to this "financial crack" lenders are advocating for reform. Of course debtors are responsible for financial obligations that they incur; however, lenders must assume responsibility for their actions in creating the precarious financial crisis we are discussing.

In the 105th Congress, I served as a member of the Subcommittee on Commercial and Administrative law and as a conferee on H.R. 3150, the precursor to the bill being unconsidered under the motion today. Last year, I signed onto the dissenting views of the accompanied report from the committee. The dissents' conclusion is appropriate in this context:

For nearly 100 years, Congress has carefully considered the bankruptcy laws and legislated on a deliberate and bipartisan basis. In the past, Congress has elected also to carefully preserve an insolvency system, that provides for a fresh start for honest, hard-working debtors, protects ongoing businesses and jobs, and balances the rights of and between debtors and creditors.

Because this motion departs from these historical principles, I will vote in opposition to this legislation.

Another problem that deserves attention by Congress is the area of creditor abuse. The lending mechanisms that currently affords credit to consumers with low to moderate incomes have been faulty and have been marked for restructuring, but no improvement has come. We can not risk the creation of a "two-tier" credit system in this country that generally ignores the interests of individuals at lower income levels.

I am disappointed that the Republican Leadership has chosen to take two steps backwards for every step forward, however, we, in the Democratic party will press forward and work together to find the best way to accomplish these goals for the greater benefit of all of the parties involved in this process.

Finally, I oppose the motion to go to conference however, if the motion passes I support the Nadler motion to instruct to insure an open conference meeting that complies with the rules of the House.

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the other side for allowing me to speak briefly.

I want to put this debate in the context I think we are missing. We are talking about process, and what I would like to achieve, along with, I think, most Members of this body, is results. The process we have chosen is legal, it is legitimate, and it follows the rules of this body. I would like to focus Members' attention on the fact that the bankruptcy reform bill passed 313 to 108, and in the Senate it was 83 to 14.

The reason we are here in the last hours of Congress having to use the process that we have chosen is because a handful of people who want to defeat the will of both bodies have chosen to make it difficult if not impossible without this route. I would associate myself with the comments of the gentleman from Virginia (Mr. BOUCHER). I think the will of the Congress is being expressed in the vehicle we have chosen.

Bankruptcy reform is long overdue in this country to protect people, women and children, to make sure their obligations owed to them are there. This bankruptcy bill protects those who are in need to make sure their payments come before anybody else gets their payments. The bill seeks to reform a system that has been outdated and needs to be brought up to the 21st century standards to make sure that people avail themselves of bankruptcy protection in a fair way and that the business community gets a fair shake.

So I would just say to my colleagues on the other side who are talking about process, we are here in the last hours of this Congress to do as much good for the American people as we can. This bill was passed 313 to 108 in the House, 83 to 14 in the Senate. The vehicle chosen here was chosen because a few people made us do this.

What we have chosen to do here, Mr. Speaker, is legal and follows the rules of the body, and I would ask all of my colleagues who support bankruptcy reform to come to our aid here in the last hours of the Congress and let us do something good for the American consumer and the American business community.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York has 5 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I would like to engage the subcommittee chairman in a colloquy, if I might.

The previous speaker just mentioned that the House passed the bill 313, or whatever, by a wide margin. The House also adopted language that allowed States to opt out of the cap on the exemption of homestead. This is something that the Federal Government has allowed the States to determine since the founding of the country.

What I would ask the distinguished chairman is whether or not the conference report, which we do not know, have not seen, that someone has written somewhere, overrides the will of the House that overwhelmingly passed the manager's amendment that included this opt out? Does this conference report override State law and State constitution with respect to homestead?

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I cannot predict what the final language will be in the conference by reason of the deliberations of the conference that has yet to take place. It is my intent to press for the States' rights on homestead exemption to remain.

Mr. NADLER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again I urge my colleagues to vote for this motion to instruct and remind them that all it says is that we instruct the conferees that meetings of the conference committee be open to the public and to the media; to be held in rooms selected to maximize the capacity for attendance, that is, in big rooms; and that members of the conference committee be allowed to offer and debate amendments.

Mr. Speaker, I trust that that is a noncontroversial motion to instruct; and if in fact I recall correctly, the chairman of the subcommittee, the gentleman from Pennsylvania, said he agreed with this motion.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time, and my comments will go to the underlying bill.

Let me just make the observation that we have had three votes on this measure, and it has passed with overwhelming bipartisan support. I think the time for reform really is now.

The fact this bill will stop abusers while protecting those who need it most is important. I think for too many wealthy Americans bankruptcy is becoming the first stop rather than the last resort, and more and more higher-income people are choosing bankruptcy as a financial planning tool, sheltering substantial wealth, while sticking the consumers and responsible borrowers with the tab. That is part of what this is about. They wipe out billions of dollars worth of wealth by doing this. Even one case of bankruptcy fraud or abuse is too many. It takes 33 Americans to pay for one bankruptcy of convenience.

My point is we must restore personal responsibility to our bankruptcy code. We have a trend here that is continuing. Despite economic growth, despite low unemployment, despite rising disposable personal income an exorbitant number of personal bankruptcies are filed every year, many by individuals who have the ability to pay down some or all of their debt. In fact, over the past decade, the number of personal bankruptcies have doubled, and this year more people are projected to declare bankruptcy than will graduate from college.

Now, this reform helps women and children. Under provisions in the bankruptcy reform conference report, child support and alimony take priority, take priority over all other debts, making it now easier for single mothers to collect child support payments from fathers who would rather walk away from their responsibilities by filing for bankruptcy. Fixing the bankruptcy code and strengthening child support and alimony enforcement go hand in hand in reinforcing personal responsibility.

Let me say that the enormous enhancements to support in terms of this collection remedy make this worthy of support. And those words come from the National Districts Attorney's Association in their support for this measure. Bankruptcy reform enjoys strong bipartisan support.

I will just remind my colleagues of the fact that this legislation was agreed to by both Chambers and would help prevent those who can afford to repay some of their debt from pushing it off on to other hard-working Americans. Once again, I remind my colleagues that the House passed this reform by a margin of 313 to 108 here and by a margin of 83 to 14 in the Senate.

The time for reform is now. Let us move the measure.

Mr. GEKAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 398, nays 1, not voting 33, as follows:

[Roll No. 526]

YEAS—398

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
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Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
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Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
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Kucinich
Kuykendall
LaFalce
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Lampson
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Latham
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Lewis (CA)
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Lewis (KY)
Linder
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LoBiondo
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Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
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McCarthy (MO)
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McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
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Napolitano
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Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
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Petri
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Pickering
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Pitts
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Portman
Price (NC)
Pryce (OH)
Quinn
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Ramstad
Rangel
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Ros-Lehtinen
Rothman
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Roybal-Allard
Royce
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Ryan (WI)
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Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
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Towns
Traficant
Turner
Udall (CO)
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Upton
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Watts (OK)
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Weldon (FL)
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Weller
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Wilson
Wolf
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Young (AK)

NAYS—1

Souder

NOT VOTING—33

Burr
Campbell
Clay
Clayton
Clyburn
Coble
Danner
DeLauro
Eshoo
Ford
Fossella
Frank (MA)
Franks (NJ)
Goodlatte
Hayes
Holden
Holt
Hooley
Klink
McCollum
McIntosh
McIntyre
Meehan
Miller (FL)
Myrick
Neal
Pastor
Spratt
Stark
Talent
Watt (NC)
Wise
Young (FL)

□ 1820

Mr. SOUDER changed his vote from "yea" to "nay."

Messrs. COBURN, DOOLEY of California and CONDIT changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. Ose). Without objection, the Chair appoints the following conferees:

Messrs. HYDE, GEKAS, ARMEY, CONYERS and NADLER.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4035

Mr. EVANS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4035.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 1999

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, with a House amendment to the Senate amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York? The Chair hears none and, without objection, appoints the following conferees: Mr. TALENT, Mr. ARMEY, and Ms. VELÁZQUEZ.

There was no objection.

McKINNEY-VENTO HOMELESS ASSISTANCE ACT

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be discharged from further consideration of the bill (H.R. 5417) to rename the Stewart B. McKinney Homeless Assistance Act as the "McKinney-Vento Homeless Assistance Act," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

Section 1 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 note; Public Law 100-77) is amended by striking subsection (a) and inserting the following new subsection:

"(a) SHORT TITLE.—This Act may be cited as the 'McKinney-Vento Homeless Assistance Act'.".

SEC. 2. REFERENCES.

Any reference in any law, regulation, document, paper, or other record of the United States to the Stewart B. McKinney Homeless Assistance Act shall be deemed to be a reference to the McKinney-Vento Homeless Assistance Act.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. LEACH) is recognized for 1 hour.

Mr. LEACH. Mr. Speaker, I ask unanimous consent to yield 30 minutes to the gentleman from New York (Mr. LAFALCE) for the purpose of controlling the minority's time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, changing the title of a major piece of legislation may seem like a small step for Congress to take, but it has symbolic meaning to the congressional family.

Changing the name Stewart B. McKinney Homeless Act to the McKinney-Vento Act implies putting the names of two of our most esteemed colleagues together, two colleagues who have passed away, the one most recently. Like Mr. McKinney, Bruce Vento devoted his life to the problems of the disadvantaged. He symbolized much as a friend, he symbolized much as a colleague, he symbolized much as a constructive legislator.

I think, though, it is important to note that this particular bill was suggested by our good friend the gentleman from New York (Mr. LAFALCE). I certainly strongly supported him and am appreciative that our leadership concurred.

Mr. Speaker, I think at this point I would like to turn to the gentleman from New York (Mr. LAFALCE) to outline the causes and background of this bill and certainly to express my strongest support for his initiative.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to thank the gentleman from Iowa. I remember the very first day that the gentleman from Iowa and I discovered that Bruce Vento had incurred cancer. And we talked and we said that Bruce Vento is a very, very special person and we ought to do something very special for him. This is the least we can do.

I love Bruce Vento. I sat next to him for almost 24 years. There are so many things that I could say about him, but maybe more than anything else, Bruce Vento cared. He was a caring, loving human being. He cared about our poor. He cared about our underprivileged. He cared about equal justice. He cared about preserving the beauty of our natural resources. He cared about the rights of consumers. He cared about the future of our Nation's youth. And it is difficult to say what he cared about most. But very possibly he might have cared most about our homeless. And each of these issues, each of these causes has lost a great friend.

Bruce Vento was a great leader, a tireless champion of the poor and the homeless; and he brought such tremendous compassion, intellect, vision, dedication, persistence, tenacity to the work of writing our Nation's laws. It has also been written that all of this to be genius must be accompanied by good sense. And Bruce Vento had good sense which made him a genius of both a person and a legislator.

The bill before us today, cosponsored by each and every member of the Committee on Banking and Financial Services, both Democrat and Republican and countless other Members of this House, would rename the Stewart B. McKinney Homeless Assistance Act the McKinney-Vento Homeless Assistance Act. It is fitting to Congressman Bruce Vento's tireless commitment to the homeless. We will pass this today. I hope it will become law in this Congress.

For 24 years, Bruce was a tireless champion and advocate on behalf of homeless people. And he wrote many if not every law that brings compassion and comfort to our homeless, to our poor and destitute.

□ 1830

Traces of his tireless commitment can be found on any forgotten street in urban America. His commitment can be found in a shelter where families go for a hot meal. His commitment can be found in a vacant building that has been converted into a place where the homeless can find a bed and a roof over their heads.

There is so much more I would like to say, but so many others wish to speak on this bill and on Bruce's behalf, too. I just want to say one thing. He was blessed, too, with a great staff; and I came to know two of them in particular, Larry Romans and Kirsten Johnson-Obey, and so much of Bruce's legislative record was only possible because of their great ability and work, too. They represent the best of what congressional staff can be, and I know that Bruce looking down on us would feel it very important that we make that statement, too.

I urge everyone to support this bill and honor Bruce.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman from Iowa (Mr. LEACH) for yielding me this time.

Mr. Speaker, I rise with a very heavy heart tonight. I worked a long time with Mr. Vento on the Committee on Banking and Financial Services. We traded back and forth. When the Democrats were in the majority, he was the chairman and I was the ranking; and alternately when the Republicans took charge, but we always tried best to work together for whatever was good for the American people.

This is very little to-do today but much, much necessary to the visible recognition of Mr. Vento's tireless efforts here in this Congress and certainly in improving the lot of the Nation's homeless. So it is very appropriate, even if it is not enough, but it is very appropriate for us to name this the McKinney-Vento bill in recognition of his tireless work.

I will not go into the full explanation. The gentleman from New York (Mr. LAFALCE) has very nicely outlined the work that Mr. Vento has done, but let me give a few other personal observations. He certainly was a major force behind the 1987 law that established the emergency shelter grant program for traditional housing, as the gentleman from New York (Mr. LAFALCE) has outlined; and, of course, his activities on the Committee on Resources are outstanding. I was privileged to work with him closely on the Committee on Banking and Financial Services, and I remember as a relatively new member of the committee when he gave leadership with the Resolution Trust Corporation and the task force.

As I remember it, it was a task force that oversaw the cleanup of the savings and loan debacle of the 1980s. I will say, it was a good example of how Mr. Vento always maintained his standards on behalf of the people; financial integrity and intellectual integrity and personal integrity, and it was a good example of that. But I guess there was never an action that we took on the Committee on Banking and Financial Services, whether it be on homelessness or whether it was on financial modernization or on savings and loan cleanup, his contributions always displayed that he was an advocate for the people to improve their lives. Knowing him as I did, I can say that he had a heart and a soul, and we recognize him today for that.

I guess I also want to say that we did not agree on every issue. There were issues on which we agreed to disagree, but I will say it was a symbol of his stature of integrity and honesty and professionalism that we could always agree to disagree, but there was never any personal bickering or animosity; and there was always the respect of a gentleman and a scholar.

We are going to miss him desperately. I know I am and others in this Congress are going to miss him desperately, but I have to say in addition to what we are doing tonight, I for one am speaking now only for myself, nevertheless recognize the health issues and concerns that are integral to his passing; and I believe that whatever else there is that needs to be done, and there is some unfinished business out there with respect to the asbestos questions with relationship to housing and other uses of asbestos in our communities, but I think we also have to recognize that there has to be renewed effort and research and expanded research, as much as we have done this year on cancer research. But we will have to redirect efforts next year, or rather expand efforts not redirect them, expand them next year, with the recognition of the loss of our beloved and honorable colleague, Bruce Vento.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I would like to join with our chairman of the Committee on Banking and Financial Services and ranking member in paying tribute to Bruce Vento. Bruce was the sort of fellow that was a real legislator, a quiet, gentle man.

I came to the Congress a number of terms after Bruce, but I was always impressed with the fact that he would willingly offer his insights as to how the Congress operated and how we could best serve our constituents. Speaking of constituents, Bruce really had two: that excellent district he represented in Minnesota but also all the needy and homeless people of America. Their benefits over these last many years, although they probably have no awareness of the fact, are to a great deal due to his ever-present desire to see that the American government recognized that there are needs in this country that must be served, and he was their best ambassador and representative to serve those needs. I think it is most fitting that we tie Bruce Vento to the McKinney Act, because in a way Stew McKinney had some of the same characteristics of gentleness that Bruce had; an able legislator, not a partisan but a person that worked with real integrity. I suspect Bruce and Stew will be in conversation now; and we in the Congress, we in America, are poorer for their passing but inevitably as life makes its cycle we all come to pass.

I am very pleased and honored to join the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) in supporting this resolution, and I hope that we have the full support of the entire Congress.

Mr. LEACH. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman from Iowa (Mr. LEACH) for yielding and this opportunity to speak.

Mr. Speaker, I rise as a cosponsor and strong supporter of H.R. 5417, legislation to rename the Stewart McKinney Homeless Assistance Act as the McKinney-Vento Homeless Assistance Act. To borrow a line from our 16th President, arguably our greatest President, Abraham Lincoln of Illinois, it is altogether fitting and proper that we honor our recently departed colleague, Representative Bruce Vento of Minnesota, in this way. After all, if it were not for Representative Vento and his determined efforts, the Stewart B. McKinney Assistance Act would never have been created.

Bruce Vento was one of the earliest and strongest proponents of enacting a major Federal legislative response to homelessness. His tireless efforts were rewarded with the enactment in 1987 of the McKinney Homeless Assistance Act, but his dedication to homelessness did not stop there. Up until the very end of his life, Representative Vento remained a vocal and true champion of homeless assistance programs. The success of the McKinney Act in helping hundreds of thousands of Americans regain the stability in their life is testament to the foresight, hard work and character of the man who helped to shape this law. In celebration of this success and of the gentleman's distinguished congressional career, it is only fitting that the act on which Bruce Vento worked with such passion is renamed in his honor, and I am very honored to be on this bill.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, it is with a heavy heart that I join my colleagues in adding our colleague, Congressman Bruce Vento's, name to this important legislation. We all knew that some day Members of Congress would stand here in the well of the House to praise Bruce's many accomplishments. It is truly sad that this day has come so soon.

In my years in Congress, I have enjoyed a close working relationship with Congressman Vento as colleagues on the Committee on Banking and Financial Services. The Committee on Banking and Financial Services deals with some of the most complex issues in all of Congress. Bruce put in the time and mastered the range of complex issues. As a teacher himself, prior to coming to Congress, he became a resource to all committee members, providing counsel on a host of complex issues from financial modernization to intricate housing programs.

All along the way, Bruce served as a tireless advocate for all consumers. He truly stood up for the working people time and time again. He made it his focus to ensure that individual's rights are protected when they do business with the most powerful banks and financial companies in the world. His legacy on the committee and his impact on consumer banking law will live for decades to come. It is truly appropriate that we add his name to this legislation, the aim of which is to aid the homeless. Providing housing for the less fortunate was part of Congressman Vento's daily work. President Clinton said it best yesterday at a White House event saying, and I quote, "that Congressman Vento was a great teacher, a great representative and a wonderful human being."

Let me convey to Congressman Vento's family, his friends, his dedicated long-time staff here in Washington and Minnesota, and to the people of Congressman Vento's fourth district my strongest and heartfelt condolences.

Mr. LEACH. Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I want to rise in strong support of this bill, and I commend the chairman and the ranking member for their work on this. The people of Minnesota clearly have suffered a loss in the passing of Bruce Vento, but so have the American people; and also, I think all of his colleagues on the Committee on Banking and Financial Services and his colleagues on the Committee on Resources as well.

I had the opportunity to serve with Bruce for the last 6 years, and I found him as one who could be a mentor, who could be an ally, occasionally he was an adversary but he was always an honorable one in any role that he played.

Having sat through numerous hearings with him, having traveled with him, it is hard to understand the level of institutional knowledge that has been lost in his passing.

I dare say that Bruce Vento's fingerprints are probably on every major piece of financial legislation that has passed this Congress in the last quarter century and every major piece of environmental legislation, national parks legislation, that has come through this Congress.

We, as American citizens, owe him a great debt of gratitude. Bruce was one who was willing and steadfast in his support of the American consumers, of the average working men and women of this country; of ensuring that their rights were protected; ensuring that our environment was protected, but Bruce was also one that at the end of the day felt it was his role, I believe, as a Member of this House to get something done.

He was willing to reach across the aisle, to reach that bridge across issues that divided members on the committees and in the House, between this body and the other body, to get legislation passed that in the end would do good for the American people.

☐ 1845

I just want to say that I think it is extremely fitting that his name be added with McKinney's name to the homeless act, and I commend the chairman and the ranking member for doing that.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to echo the sentiments that have already been expressed by so many on this floor, but also so many throughout America.

I first knew of Bruce Vento through one of his fellow Minnesotans who moved to the community where I live in Chicago, Al Arcello, who was actively involved in prevention programs.

He said to me when I came, you ought to get to know Bruce Vento, and get to know him I did. I got to know him through his work, through observation of his sensitivity and his ability to reach out, especially to those who are sometimes called the least ones in our society, those who are untouchable, unreachable; the homeless, those that we do not always see.

I serve on the board of directors of a homeless newspaper, Streetwise. I can tell the Members, from all of those who sell Streetwise, all of those who have benefited from assistance to the homeless, I say on their behalf, we thank Bruce Vento for reaching out and representing those who oftentimes are left behind and not represented.

Mr. LAFALCE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise this evening in support of H.R. 5417, to rename the Stewart B. McKinney Homeless Assistance Act the McKinney-Vento Homeless Assistance Act.

I am very proud to join with my colleagues in doing this and paying tribute to a very, very great human being, a great legislator, a great and important and respected Member of the United States Congress, now deceased.

I am very proud that I have had the opportunity to serve on the Committee on Banking and Financial Services with Mr. Vento. I am very proud and pleased that I came to this Congress at a time when many of the great minds still held forth in this Congress.

Mr. Vento was one of those Members who was an expert in the field of banking and housing and the wilderness. He exemplified the best in what a legislator could and should be all about.

This that we do today is but a small tribute to him, because when we review the tremendous contributions that he has made to this country and to this Nation, one could understand why we would readily want to in some way show our appreciation for all that he has done for all of us.

Mr. Speaker, it was said today when I had a discussion with one of my former staff members that he remembered Bruce Vento because he always concerned himself with these questions: How will this measure impact the environment, and how will this measure impact low- and moderate-income communities?

Mr. Speaker, this is very important to me and to members of my staff. We work for the least of these. We do our best to represent poor people and to represent working people, and to represent folks who do not oftentimes have any way of connecting to the great policy-making bodies, either at the local, State, or Federal level.

So when we see legislators who do not have to necessarily spend all of their time trying to represent working people or poor people, we are extremely appreciative for that. Mr. Vento was such a legislator. The work that he has done, both for the wilderness and the homeless, is appreciated in so many ways.

In 1994, the Wilderness Society honored Bruce Vento with its prestigious Ansel Adams conservation award. That is just, again, a small token for the work that he has done to ensure the continued viability of millions of acres of wilderness lands, forests, and precious national parks from Alaska to American Samoa to the Boundary Waters Canoe Area in Minnesota.

With the preservation of these lands, the Earth itself has prospered from the passion of Bruce Vento. Again, the work that he did for the wilderness and the preservation of our precious national parks was matched by the work that he did defending the rights and humanity of the homeless. He saw his work for the homeless as a defense of human rights.

I am hopeful that what we do here today not only inspires us, but many others yet to come who will some day serve in this body so that they can understand that they, too, can have an impact on the direction of this Nation and of this world; that they, too, can come here with a vision for what is good for this country, what is good for human beings, and work in ways that will help to better this society.

I join my colleagues here today to say to our friend, our colleague, Mr. Vento, we are going to miss him. We are going to miss all that he has taught us and the ways that he led us, but we are going to remember him in this small way, by the renaming of this legislation. With the renaming of this legislation, the work that he has done will live on and will never be forgotten.

Again, I am very appreciative for the opportunity to have served with Mr. Vento.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to just stress a couple of things about the life of Bruce Vento. He was a wonderfully committed legislator who combined compassion with practicality; who had populist concerns, but not a populist hate.

The committee that I served with Bruce on, the Committee on Banking and Financial Services, has jurisdiction over banks and housing and over the economy, in some ways. It is interesting to me that in Bruce's work, he was not against any individuals or institutions.

In fact, he was a liberal Democrat who rather liked banks, especially smaller banks, and especially community banks. He just understood that it was important, if you have a banking system, that that system serves all Americans. So his emphasis as someone in the banking community was never to be against anything, but to be for better ways for banks to serve. That is one reason that he developed such an interest in ensuring that competition was maintained and that investment was maintained in various aspects of our communities.

Part of this relates to the American dream. All of us have various feelings about what the American dream is. One is that it includes a home. Well, issues of the homeless concern people that by definition have been deprived aspects of the American dream. We have all come to understand to some degree, and none of us as deeply as we should, that homelessness is not simply an aspect of someone without a structure. It usually involves a whole group of societal problems. Some of them might be psychiatric, some might be elements that relate to addictions, and sometimes disease itself.

Mr. Speaker, the problems of the homeless came to the attention of Congress rather late. In fact, it is astonishing how little attention public bodies paid to this problem. But because of Bruce, we started to.

About 13 years ago, finally the law was enacted. When that law was enacted, and a number of people had roles in ensuring that it came about, Bruce led the way. Then, as it was about to be enacted, it was revealed that one of our Members, this one on the Republican side, who was a man of some substance but had an ailment, in this case an ailment sometimes identified with the homeless, he got pneumonia related to a social disease called AIDS.

This Republican stood up for people that had problems sometimes analogous to his own, sometimes much more serious. Bruce Vento suggested that the bill be named for him; that is, it was Bruce Vento's idea and his argument that this initiative that came largely from the majority party, the then the majority party, the Democratic Party, would be named for a Republican, Stewart McKinney.

I think nothing could be more appropriate, as we look at the life of Bruce Vento, a man who had a disease related to a different kind of social problem, one that relates to industrialization, asbestos, that he should have his name associated with the McKinney bill, which was actually from the beginning more a Vento bill. So this became the Vento-McKinney bill.

I would also like to comment as someone who, from a more distant perspective, followed the career of Bruce in his advocacy of our national park system.

Bruce basically picked up the cudgels of the Udall family and has become the greatest congressional champion of our national park system. Part of this which is interesting to me is not only the issue of parks and their role in society, but parks stand in the American dream not only with the notion of the West and the great body of forest and mountains that is our country, but they are basically second homes available to all Americans, whether those Americans actually earned them or not at a particular moment in time. They are refuges for everybody.

In a way, the national park system that Bruce was such a champion of was a home circumstance. So Bruce Vento leaves as his mark on this body not only the notion of standing up for concerns for the homeless, but also for ensuring that all Americans have a second home at any point in time within our national parks.

Finally, let me just conclude with a couple of observations of a very personal level. Bruce was a very committed individual with an absolutely infectious laugh. He also had a very sardonic wit, particularly to those he opposed. Sometimes my party was more the beneficiary of the second than the first.

But interestingly, in this era in which we talk about nonpartisanship and bipartisanship, Bruce gave a very good name to the word "partisan." Bruce was a partisan Democrat, but he was always with decency and always with humor, always with a sense of perspective. This is one of the things so many of us loved very much about Bruce.

□ 1900

Finally, I would like to echo a comment that my good friend, the gentleman from New York (Mr. LAFALCE), made about a staff member, because I think it symbolizes a great deal. The congressional family is a wide family and Larry Romans who worked with Bruce was as much an alter ego as anyone could be. On legislation, he certainly played a larger role than most Members of Congress. I think that is something that only Members of Congress truly understand.

So our heart goes out to Bruce's family, his three kids, his wife, and also his staff.

Mr. Speaker, I yield back the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we have heard just a few of the sentiments that the Members of Congress have, feel, share about our beloved brother Bruce. The words of the gentleman from Iowa (Mr. LEACH) were especially eloquent. I thank the gentleman for making them so eloquently, and I know Bruce appreciates them.

When I think of the accomplishments of the past two Congresses when I have had the pleasure of serving as either the de facto or de jure ranking member, none of them would have been possible without Bruce. When we think of credit union reform, I did not attend a meeting in my office without Bruce Vento by my side.

When I think of the meetings that we had on what some have said is the preeminent legislative enactment to this Congress, the financial services modernization, the Graham-Leach-Bliley bill, it would not have happened without Bruce, the ranking member of the Subcommittee on Financial Services and Consumer Credit, because it required understanding and it required compromise and it required tenacity and goodwill, balance, perseverance; and it was essential that Bruce be there. It would not have happened if Bruce had opposed it.

It would not have been shaped the way it was without Bruce helping to shape it; that is the business side of the job. That is extremely important, but there are so many other things that go into this Congress, the intangibles, when we get to know an individual. I probably knew Bruce as well as I knew anybody in this body.

I have been on a few trips in my tenure in Congress. I never went on a trip when I did not ask Bruce to come with me. He came with me most of the time. One of the great values of the trips is not just learning about other countries and other people, but coming to know your colleagues, too; and we came to know each other so very well.

We shared so many things together: shared values, shared meals, shared wine. We shared a common heritage not just as Americans, but as Italian-Americans, and Bruce was so proud of that heritage. He knew how to live and he knew how to die, and he lived right.

He worked hard and he played hard. He worked by the rules. He played by the rules. He knew how to be ferocious. He knew how to laugh. Traveling with him was always a great pleasure because we knew he worked and worked hard, so we could be proud of the trip; but we knew that he would love it and make it an enjoyable trip the entire way, too.

Bruce started out his career as a teacher and then he came to Congress, but throughout his entire congressional career, he taught us a great many things. For most of his 24 years, he taught us how to live, and for the last 6 months or so he taught us how to die. We honor ourselves when we honor Bruce by naming this homeless bill the McKinney-Vento homeless bill.

Mr. Speaker, I insert the following article for the RECORD:

BRUCE VENTO: JUST ANOTHER GUY FROM THE EAST SIDE WHO WENT ON TO DO GREAT THINGS

(By Garrison Keillor)

There was a dinner in Washington, D.C., Tuesday night to honor a guy from St. Paul's East Side.

The president dropped by and dozens of U.S. representatives, Republicans and Democrats. And at the end, when the guy from the East Side stood up to say his piece, he got a long, long standing ovation. You could have gone around the room and stolen everyone's dessert, they were so busy applauding him.

Congressman Bruce Vento, a modest man and a hard worker, is stepping down after 24 years representing the 4th Congressional District, and I must admit I voted for him all these years because I'm a yellow-dog Democrat and he's a Democrat. So now I'm a little taken aback to see what a good man he is who I unthinkingly supported all these years.

This isn't how our civics teachers taught us to exercise the franchise, but a person doesn't have oceans of time to study up on candidates. I sure don't. I heard Mr. Vento speak once years ago, speak very movingly about the problem of homelessness and about the importance of wilderness, and that was good enough for me. But if he had stood on his hind legs and barked, I still would have voted for him.

Wilderness preservation and the plight of the homeless are not issues that pay a big political bonus. You become a wilderness advocate and you're going to be hung in effigy and yelled at by large men in plaid shirts. Homeless people tend not to turn out in numbers at the polls.

But Mr. Vento applied himself to the issues he cared about, did his homework, made the rounds of his colleagues, carried the water, dug the ditches, fought the good fight, made the compromises, and wrote the landmark legislation that became law and that made a real difference in the world. And I'm not sure how many of us in St. Paul are aware of this.

There have been only three congressmen from St. Paul in my memory, and that covers 50 years. Gene McCarthy, Joe Karth, Bruce Vento—all DFLers, all good men and all of them got to Congress on the strength of yellow-dog Democrats like me. They got re-elected simply by doing their job, representing working people, speaking the conscience of the Democratic Party, and applying themselves to the nuts and bolts of Congress.

A political party serves a big function that TV or newspapers can't. It pulls in idealistic young people, puts them to work in the cause, trains them, seasons them, and gives the talented and the diligent a chance to rise. If it can produce a Bruce Vento, then a party has reason to exist, and if it can't, then it doesn't. Simple as that. Then it fades, as the DFL has.

People say it's inevitable for political parties to fade, part of the loss of the sense of community, blah blah blah, that people are cynical about politics and more interested in lifestyle and media and so forth, but we are poorer for the loss of parties and the devaluation of endorsement.

Bruce Vento never could've gotten elected in a media-driven campaign, the sort in which high-priced consultants and media buyers spend 15 million bucks to make the candidate into a beautiful illusion.

Mr. Vento is the wrong man for that kind of politics. His eyebrows are too big; he isn't cool enough. He is a modest and principled and hard-working guy, but you couldn't put this over in a 30-second commercial. He managed to get to Congress because there was a strong DFL party that endorsed him, and so voters like me pulled the lever and gave Mr. Vento the wherewithal to be a great congressman. Which he, being a true East Sider, never told us he was. But which I now think he was.

Unknowingly, we did something great in sending him there. And our partisan loyalty gave him the freedom to take on thankless tasks, like protecting wilderness and dealing with the homeless.

I sat in the back at Mr. Vento's dinner and thought what a shock it is when you realize that the country is in the hands of people your own age. You go along for years thinking it's being run by jowly old guys in baggy suits and then you see that the jowly old guys are people you went to school with.

Mr. Vento is about my age, and I feel for him. He is fighting lung cancer and it has taken its toll on him. He looks haggard but game.

His three boys were at the dinner in Washington, and their wives, and the event felt like a real valedictory. If Mr. Vento had wanted to make us all cry into our pudding, it wouldn't have taken much.

But he was upbeat and talking about the future and about national parks and the decoding of the human genome and saying, "All we need to do is take this new knowledge and apply it to public policy," and thanking everybody and grinning, and you had to admire him for his command of the occasion.

A man who is desperately ill and on his way out of public life stages a dinner that raises money for a scholarship fund for teachers. Bruce Vento is a man of great bravery and devotion and foresight who represented us nobly in Congress, whether we knew it or not.

Mr. GEPHARDT. Mr. Speaker, today, we say goodbye to a good friend and colleague, Bruce Vento.

Bruce was a humanitarian in every sense of the word.

He called environmental issues his one "true passion" and he pursued that passion in a way that lifted up all Americans.

He was a strong leader in the Committee on Resources with a keen understanding of environmental issues.

He worked to protect and strengthen America's national treasures—our urban parks, our public lands, and other public resources, and he fought for tropical rain forests and the Arctic National Wildlife Refuge.

He believed in making our country not just a wealthy country but a beautiful country, marked by forests, rivers, mountains and streams that all American could visit and enjoy.

Bruce was "a hero" who had "done more for parks than anyone I know," one of his fans said of him.

Bruce was also special because he cared so very deeply about all people and the sanctity of the places in which they lived.

He earned a reputation as a strong advocate for the homeless, and it was well-deserved. He tried to lift people up through better housing and emergency shelter, a powerful reminder that this country should not leave behind anyone.

Bruce spend the last decade working for the Hmong people who fought on the side of the United States in the war in Vietnam, and who were trying to become citizens of our country.

He was also a tireless advocate for consumer protections as a senior member of the Banking and Financial Services Committee.

A strong voice for his constituents, a beloved son of the state of Minnesota, Bruce represented that state's 4th district with dedication and commitment to his party and to the people he represented.

Bruce and I entered Congress in the same year and my journey through this institution is bound with Bruce's journey. I am proud to say that I had a wonderful colleague, a good friend, and a man who will be sorely missed not just by me, but by a nation that prides itself on a commitment to democratic values, a safe environment and humane treatment for every American.

We will miss you Bruce.

Mr. LAZIO. Mr. Speaker, I rise today with a heavy heart as the House pays tribute to the distinguished work or our friend and colleague, Bruce Vento.

It is appropriate that we recognize his lifelong work as a champion of the homeless by renaming the "Stewart B. McKinney Act" the "McKinney-Vento Homeless Assistance Act." In 1987, it was Bruce who led the efforts to enact a comprehensive homeless assistance program, named after his late colleague and friend, Stewart McKinney, then the Ranking Republican on the Housing Subcommittee.

I am privileged to have worked closely with Bruce over the last several years, in particular, on homeless reform legislation designed to focus efforts on permanent housing and the hope of ending homelessness forever. As the Chairman of the Subcommittee on Housing and Community Opportunity, I have known no other that has been more sincerely dedicated to the problems associated with homelessness and families in need of affordable housing. He will be missed.

Life is fleeting, for us all. But what we do while we are here can affect so many and have such a lasting impact. Bruce's tireless work has made and will continue to make a real difference in countless lives of those less fortunate.

Mr. LAFALCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TANCREDO). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, passed, and the motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5417.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MODIFYING RATES RELATING TO REDUCED RATE MAIL MATTER

Mr. McHUGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2686) to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. DAVIS of Illinois. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York (Mr. McHUGH) to explain his request.

Mr. McHUGH. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I will try to be very brief, but I do think it is important to put out for the RECORD a few comments about this bill. It is a privilege. The Senate passed this legislation on October 6, and it was sponsored in the other body by the chairman of the Subcommittee on International Security Proliferation and Federal Services, the gentleman from Mississippi (Mr. COCHRAN), and cosponsored by all members of that subcommittee.

I would also note, Mr. Speaker, that an exact similar provision was introduced in this body, in the House, by the gentleman from Pennsylvania (Mr. FATTAH), the ranking member on the Subcommittee on Postal Service, a cosponsorship of which was also entered by many Members of this body. So although we are proposing tonight to adopt under unanimous consent the Senate bill, I want it very clearly noted that it in no way represents a lack of interest or activity in this House. Simply put, this is an extremely important piece of legislation to ensure the financial viability and survivability of nonprofit mailers, the kinds of nonprofit mailers that all of us have and enjoy in our communities, churches, charitable organizations, educational publications, and so many others.

This is based on a very technical concern that arises out of a recent rate case for the United States Postal Service. Simply put, through the evolution of rates-setting for not-for-profit mailers who have historically enjoyed a somewhat lesser rate for mailings, for very good reasons, in my judgment, than, say, commercial mailers, this rate case produced some aberrations and some unusual circumstances that, if enacted and if allowed to go forward, would have had a very serious impact on the profitability of not-for-profits, also on the ability of those very important organizations to reach out to their membership to disseminate important information with respect to their activities, and, of course, to engage in fund-raising that is vital to their continued existence.

This bill, the Senate bill, S. 2686, provides relief to the category of mail that provides for these kinds of materials, also for educational magazines, for students in kindergarten through high school.

I think they are the type of publications even someone of my rather advanced years remembers from my days in grammar school and through high school and continue today in their importance in education purposes in our schools.

This legislation provides that both nonprofit mailers and classroom publications receive the same treatment and thereby ensuring that future rate increases for both of these important mailers are predictable.

I want to note that I certainly strongly support the recommendation in the report language attendant to the Senate bill that the rates coming out of this step would be monitored to evaluate the impact postal rates have on the general economic capability of these mailers to determine if there might not be some future and more fundamental resolution to the concerns of particularly classroom publishers.

The postal service, in my view, and in the view of the language attendant thereto, must certainly work to help examine alternatives to ensure that those postal rates for the invaluable classroom periodicals and teachers' guides remain at a price that ensure their availability and affordability to all classrooms.

It is also important to note, lastly, Mr. Speaker, that this bill contains a provision that would alleviate the potential impact deriving from the changes herein on regular rate payers, the folks that use the mails each and every day for their important business, for their correspondence in rate cases before the postal rate commission.

Simply put, the provisions in the bill provide that the estimated reduction in postal revenue from nonprofit categories caused by this legislation on the new rate-making rules is to be treated as reasonably assignable costs of the postal service, and that simply means that those costs should be apportioned among all of the various classes of mail and types of postal services in accordance with the existing provisions as they are contained in the United States Code title 39.

It is a very technical way of saying, Mr. Speaker, that this cost in providing assistance for not-for-profit and educational materials will not be exclusively borne by the folks out there buying the 33 cent stamp into the future. If we did not do this and if we did not take this step, Mr. Speaker, we would simply find that rates for nonprofits would have of necessity and under the pending rate case soar up to 35 percent and more in some cases. Obviously, as I mentioned earlier, that kind of increase would make the essential viability, the primary existence of these invaluable services, really bring it into question.

Mr. Speaker, I think the Senate has done good work here. As I mentioned, because of the hard work of the gentleman from Pennsylvania (Mr. FATTAH) and so many others in the House, we have an exact similar provision, and I think it is wholly appropriate that we through this process of unanimous consent accept the Senate language tonight. I thank the gentleman from Illinois (Mr. DAVIS), a very valuable Member of the House Subcommittee on the Postal Service, for yielding to me.

Mr. Speaker, it is my privilege to speak in support of S. 2686. The Senate passed this legislation on October 6. It is sponsored by the chairman of the Subcommittee on International Security, Proliferation, and Federal Services, and cosponsored by all members of that subcommittee.

This is legislation is extremely important for the financial viability and survival of nonprofit mailers, such as churches, charitable organizations, education publications and others. It addresses technical problems in the setting orates for nonprofit mailers. Essentially, it locks in the current rate relationship between nonprofit and commercial rate mail.

The history of special rates for nonprofit mail rates dates back prior to the Postal Reorganization Act of 1970. They were known as "preferred" categories and included Nonprofit and Classroom Periodicals; Nonprofit Standard (A) Mail; Library and Educational Matter; and In-county Publications. These categories were entitled to reduced rates of postage under those postal laws, and the Postal Reorganization Act continued the preferred rates for these categories. After a certain period of time, these categories of mail were required to cover their attributable costs, but they were not required to cover any institutional costs, as required of other categories of mail. Congress made annual appropriations to reimburse the Postal Service for the "revenue forgone" reimbursement which was the difference between the revenue received from preferred mailers and the revenue that would have been received if the reduced rate provisions had not been enacted. However, in 1993, Congress enacted the Revenue Forgone Reform Act as a deficit reduction measure, ending the annual federal (taxpayer) subsidy for preferred rates of postage and providing for a more equitable apportionment of institutional cost among regular- and reduced-rate mailers. It was designed to gradually phase in the increases for reduced-rate mailers, ending in 1998. At the end of the process, the institutional cost for preferred rate was to equal half of the institutional cost of the comparable commercial rate, thereby ensuring that reduced-rate mailers continued to contribute to institutional costs.

The application of this new formula had some problematic effects and there were significant rate swings because of underlying costs. The "one-half mark up rule" as it was known, made it difficult for the Postal Service and the Postal Rate Commission to alleviate the price effects of cost changes for reduced-rate mailers. If costs for a nonprofit subclass changed significantly, the rates also followed suit because the mark up could not be reduced to lessen the impact of the cost, as it available to prevent rate changes in commercial subclasses. Therefore, cost changes translated into rate changes.

An aberration occurred for Nonprofit and Classroom Periodicals because the complexity of the rate structure and the low markup for commercial subclass could yield rates that were lower for a commercial publication than for a similar nonprofit publication. The provision enacted to help nonprofit mailers, the one-half mark up rule, made it difficult to create a remedy.

S. 2686 provides relief to the category of mail that provides educational magazines for students in kindergarten though high school. Undoubtedly this type of publication is essential and important in classrooms. The legislation provides that nonprofit periodicals and classroom publications receive the same treatment. Therefore, it would ensure that future rate increases for both categories are predictable. I support the strong recommendation in the report language, which accompanied S.

2686, that the rates be monitored to evaluate the impact postal rates have on the economic capability of these mailers and to determine if there is a need for more fundamental resolution to the rate concerns of classroom publishers. Additionally, I agree that the Postal Service must examine alternatives to help ensure those postal rates for classroom periodicals and teacher guides remain at that price that ensures their availability and affordability to all classrooms.

Discrepancies were found for Standard (B) publications. The classification for Library and Educational Matter overlaps with the classification known as Special Standard Mail. Both classifications contain books and sound recordings but Special Standard Mail does not require either the mailer or the recipient to be a library, educational institution, museum, herbarium, or nonprofit institution. The relatively small volumes in the Library and Educational matter category make it difficult to collect adequate ratemaking data.

These problems are addressed in S. 2686 by locking in the current rate relationship between nonprofit and commercial rate mail. This is accomplished by setting Nonprofit Standard (A) rates to equal, as nearly as possible, 60% of the estimated average revenue per piece from the corresponding regular-rate subclass. Nonprofit and Classroom Periodicals would be set so that postage on each mailing would be, as nearly as practicable, 5% lower than the postage for a corresponding regular-rate mailing. But, this discount would not be available to the advertising portion of a mailing if it exceeded 10% of the publication. Library and Educational Material rates would be set so that the postage on each mailing would be, as nearly as possible 5% lower than the postage for a corresponding regular-rate mailing.

Additionally, this legislation contains a provision to alleviate the impact of the changes on regular-rate payers in the postal rate case before the Postal Rate Commission. Under this provision, the estimated reduction in postal revenue from Nonprofit Standard (A) mail caused by the enactment of the new ratemaking rules is to be treated as a reasonably assignable cost of the Postal Service to be apportioned among the various classes of mail and types of postal service in accordance with existing provisions in title 39 of the United States Code.

Should this legislation not be enacted we would find that rates for nonprofit mail would of necessity, under current law and under the pending R–2000–1 case before the Postal Rate Commission, soar up to 35% and more in some cases. These recommendations would cause some nonprofit rates to be higher than commercial rates in that category. The passing of S. 2686 would affect positively all those nonprofit and educational organizations that we all care about so deeply. It would bring relief to nonprofit mailers and would protect them from double-digit increases in postal rates. I urge all our colleagues to support this very important legislation.

Mr. DAVIS of Illinois. Mr. Speaker, further reserving the right to object, I join in this unanimous consent request and would like to thank the gentleman from New York (Chairman McHUGH) and his staff, Robert Taub and Heea Vazirani-Fales, for their hard work in ensuring the compromise on this matter, also Ed Gleiman for his efforts to keep Congress focused on fixing the problem, Neil Denton of the alliance for keeping the coalition together and on track. And even in the face of last minute challenges, the postal service for being proactive, and Nanci Langley, deputy minority staff director for the Senate Subcommittee on International Security Proliferation and Federal Services for all of her help and support.

Mr. Speaker, I also commend and thank the gentleman from Illinois (Mr. BURTON), chairman of the Committee on Government Reform, for keeping all of the parties together for the good of the nonprofit community.

As was indicated, this legislation was approved by the Senate on October 6. It is identical to H.R. 4636, of which I am also pleased to be an original cosponsor.

Of course, this legislation would change the way that postal rates are set for nonprofit periodicals, Standard A and library rates. Essentially, it would lock in the current rate relationship between nonprofit rates and their commercial rate counterparts.

For nonprofit periodicals, this would mean a 5 percent discount off the nonadvertising portion of the commercial rate. For nonprofit Standard A, rates would be calculated to reflect the roughly 40 percent discount. Library rates would enjoy a set 5 percent discount off the special standard rates.

☐ 1915

The bill is obviously good. It is necessary, because the formula passed in 1993 has become ineffective. In fact, the U.S. Postal Service has difficulty measuring the costs attributed directly to nonprofit mail, so the costs have been steadily rising.

This year, the U.S. Postal Service admitted that its data did not adequately represent certain categories of nonprofit mail's real costs. The legislation would positively change the approach to setting nonprofit rates. If passed, nonprofit rates would be a percentage of the commercial rates, therefore ending the reliance of inaccurate costing figures.

Nonprofit and noncommercial mail costs would always be compiled and counted together, greatly improving the accuracy and reliability of the Postal Service data and stabilizing nonprofit rates.

As was indicated, the legislation is supported by the U.S. Postal Service, the Alliance of Nonprofit Mailers, the Magazine Publishers of America, the Direct Marketing Association, the Association for Postal Commerce and numerous other organizations.

I am pleased and delighted that we have been able to work together in such a nonpartisan way under the leadership of the gentleman from New York (Mr. McHUGH) and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member. I thank both of them for the leadership that they have provided to the Subcommittee on Postal Service this past session and certainly wish them well as we get ready to close and look forward to working with them again next year.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TANCREDO). Is there objection to the request of the gentleman from New York.

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RATEMAKING PROVISIONS.

(a) ESTABLISHMENT OF REGULAR RATES FOR MAIL CLASSES WITH CERTAIN PREFERRED SUBCLASSES.—Section 3622 of title 39, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) Regular rates for each class or subclass of mail that includes 1 or more special rate categories for mail under former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title shall be established by applying the policies of this title, including the factors of section 3622(b) of this title, to the costs attributable to the regular rate mail in each class or subclass combined with the mail in the corresponding special rate categories authorized by former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title.".

(b) RESIDUAL RULE FOR PREFERRED PERIODICAL MAIL.—Section 3626(a)(3)(A) of title 39, United States Code, is amended to read as follows:

"(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358 of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

"(i) the estimated costs attributable to such class of mail or kind of mailer; and

"(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).".

(c) SPECIAL RULE FOR NONPROFIT AND CLASSROOM PERIODICALS.—Section 3626(a)(4) of title 39, United States Code, is amended to read as follows:

"(4)(A) Except as specified in subparagraph (B), rates of postage for a class of mail or kind of mailer under former section 4358 (d) or (e) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate category mailing.

"(B) With respect to the postage for the advertising pound portion of any mail matter under former section 4358 (d) or (e) of this title, the 5-percent discount specified in subparagraph (A) shall not apply if the advertising portion exceeds 10 percent of the publication involved.".

(d) SPECIAL RULE FOR NONPROFIT STANDARD (A) MAIL.—Section 3626(a) of title 39, United

States Code, is amended by adding at the end the following:

"(6) The rates for mail matter under former sections 4452 (b) and (c) of this title shall be established as follows:

"(A) The estimated average revenue per piece to be received by the Postal Service from each subclass of mail under former sections 4452 (b) and (c) of this title shall be equal, as nearly as practicable, to 60 percent of the estimated average revenue per piece to be received from the most closely corresponding regular-rate subclass of mail.

"(B) For purposes of subparagraph (A), the estimated average revenue per piece of each regular-rate subclass shall be calculated on the basis of expected volumes and mix of mail for such subclass at current rates in the test year of the proceeding.

"(C) Rate differentials within each subclass of mail matter under former sections 4452 (b) and (c) shall reflect the policies of this title, including the factors set forth in section 3622(b) of this title.".

(e) SPECIAL RULE FOR LIBRARY AND EDUCATIONAL MATTER.—Section 3626(a) of title 39, United States Code, as amended by subsection (d) of this section, is amended by adding at the end the following:

"(7) The rates for mail matter under former sections 4554 (b) and (c) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate mailing.".

SEC. 2. TRANSITIONAL AND TECHNICAL PROVISIONS.

(a) TRANSITIONAL PROVISION FOR NONPROFIT STANDARD (A) MAIL.—In any proceeding in which rates are to be established under chapter 36 of title 39, United States Code, for mail matter under former sections 4452 (b) and (c) of that title, pending as of the date of enactment of section 1 of this Act, the estimated reduction in postal revenue from such mail matter caused by the enactment of section 3626(a)(6)(A) of that title, if any, shall be treated as a reasonably assignable cost of the Postal Service under section 3622(b)(3) of that title.

(b) TECHNICAL AMENDMENT.—Section 3626(a)(1) of title 39, United States Code, is amended by striking "4454(b), or 4454(c)" and inserting "4554(b), or 4554(c)".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2686.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair redesignates tomorrow, Thursday, October 12, as the time for further proceedings on the seven motions to suspend the rules that were debated on Tuesday, October 10, on which further proceedings were postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

UNIVERSITY OF CALIFORNIA SANTA BARBARA SCIENTISTS RECEIVE NOBEL PRIZES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise today to pay tribute to excellence on the campus of the University of California at Santa Barbara.

As Members of the House may know, the Nobel Prizes for chemistry and physics were awarded this week to two brilliant members of this wonderful university in my congressional district. I want to take this opportunity to congratulate Professors Alan Heeger and Herbert Kroemer for their outstanding work.

Herbert Kroemer, an engineering professor, was awarded the Nobel Prize for Physics for helping to develop cutting edge laser technology. This technology is widely used today in the Internet's fiberoptics network and consumer goods like CD players, bar code readers and laser pointers. His work has given us the communication tools that are powering our new economy and helping America to dominate the world in technology.

Professor Kroemer has been at UCSB since 1976. Prior to that, he worked in research labs in the United States, in Germany, and at the University of Colorado.

Arriving at UCSB, he persuaded his department to focus its research efforts on emerging compound semiconductor technology and helped the University to become a leader in this field. We are grateful for his foresight and dedication.

Physics Professor Alan Heeger won the Nobel Prize for Chemistry. Many people believe that his work on electrically conducting plastics will revolutionize computing. It is expected that this new field of chemistry will provide ways to produce flat-screen TVs, plastic roll-up computer screens, and molecular computers smaller than watches.

Professor Heeger has been at UC Santa Barbara since 1982. He has also taught at universities in Pennsylvania, Utah, and in Geneva. He has won numerous awards, including an Alfred P. Sloan Fellowship and a John Simon Guggenheim Foundation Fellowship. His lifetime dedication and work has developed a new field of study, and enormous new opportunities, at the intersection of physics and chemistry.

A member of the Royal Swedish Academy of Sciences noted that these two prizes are about the electronics of today and the electronics of the future. I certainly agree.

Mr. Speaker, these two gentlemen reflect the high quality of research and instruction found throughout the University of California system and especially in my heart at the University at Santa Barbara.

UC Santa Barbara Chancellor Henry Yang noted yesterday that Professors Heeger's and Kroemer's work are examples of the kind of interdisciplinary research that are a hallmark at this campus, UC Santa Barbara. I know that the central coast of California reaps the benefits of this wonderful institution on a daily basis.

I have a long history with UC Santa Barbara. My husband was a religious studies professor there for more than 30 years, and that was before he came here to Congress. I received my master's in education there a few years back, and our son is also a graduate of UC Santa Barbara. Many of my staff were students there as well. It is a wonderful institution which has opened the doors of opportunity to millions of people, both young and old.

Mr. Speaker, I congratulate Professor Kroemer, Professor Heeger for this tremendous recognition and for the extremely wonderful contributions they have made to the University of California at Santa Barbara and to our society. The entire central coast is proud of their achievements and proud that they call UCSB home.

TRIBUTE TO THE HONORABLE RALPH REGULA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I rise to pay tribute to the gentleman from Ohio (Mr. REGULA), my good friend and colleague.

The gentleman from Ohio has served with distinction for the past 6 years as the chairman of the Subcommittee on Interior of the Committee on Appropriations. During that time, he has worked tirelessly to make Federal programs work better for the American public. From day one, the gentleman from Ohio (Chairman REGULA) rolled up his sleeves and got to work identifying critical issues that needed to be addressed, has, throughout his chairmanship, asked tough questions on how the taxpayers' money is being used and how effectively the Federal bureaucracy is working.

The Subcommittee on Interior of the Committee on Appropriations funds all the National Parks, the National Forests, Wildlife Refuges, and public lands in this country. Those lands comprise more than one-third of the land base in this country.

The subcommittee also has funding responsibility for American Indian and Alaskan Native programs, critical energy research, and many cultural programs such as the Smithsonian Institution.

When the gentleman from Ohio (Mr. REGULA) took over as chairman of the subcommittee in 1995, he immediately focused on targeting critical core programs for funding and eliminating programs that had outlived their usefulness or were duplicative of other efforts. As a result, five agencies were eliminated, and over 50 other programs were terminated.

The gentleman from Ohio has stood by his philosophy that some programs must be done, others are important to do, and still others may be worthy for consideration to the extent that funds are available.

The gentleman from Ohio's trademark "must do," "need to do" and "nice to do" categorization has continued throughout his tenure as chairman and has made the Interior appropriations bill a balanced and admirable product each year.

The gentleman from Ohio (Mr. REGULA) recognized 6 years ago that the agencies funded by the Interior bill were accumulating large maintenance backlogs and that efforts to start new programs and expand existing ones were exacerbating a $15 billion maintenance backlog program. New programs are politically very popular, and the gentleman from Ohio took a brave stand in holding the line on new programs in order to, in his words, "take care of what we have."

In addition to the annual appropriations process, the gentleman from Ohio (Mr. REGULA) has held an unprecedented 26 oversight hearings to identify long-standing critical program problems and needs and has taken action to fix those problems and those needs.

The gentleman from Ohio (Chairman REGULA) has never shied away from controversy. He highlighted major problems with the National Park Service construction program, including a $1 million rest room construction and a bloated centralized construction bureaucracy that discouraged cost containment and the use of local expertise. He put a stop to the excessive spending and dramatically pared back the Denver Service Center that controlled the construction program.

He held two hearings on the South Florida Restoration Initiative, which deals with restoration of the Everglades, and identified major cost overruns. His efforts uncovered the lack of a strategic plan for this 20-year multibillion dollar program.

As a direct result of the gentleman from Ohio's scrutiny, this program is being managed more cost effectively, and individual projects are being integrated into a focused long-term strategy.

To address the maintenance backlog on our public lands and in our Federal museums, art galleries and Indian lands, he instituted an aggressive maintenance funding effort and minimized new land acquisitions and new programs in order to pay for this long overdue maintenance initiative.

One of the highlights of his tenure as chairman is his creation of a national recreation fee demonstration program for our parks, forests, wildlife refuges and other public lands. Under that program, the fees that are collected go right back into on-the-ground improvements to provide for visitor safety and enjoyment on our public lands.

To date, over $500 million in fees have been collected to supplement the increased funding provided through appropriations. These fees have been used for services to benefit visitors to our public lands and to preserve the taxpayers' investment in these lands for generations to come.

Other tough issues the gentleman from Ohio (Chairman REGULA) has addressed include critical financial management reform in the Forest Service to correct financial mismanagement in the Forest Service; trust management reform in the Bureau of Indian Affairs; and the need for a coherent and responsive National Energy Strategy that includes cooperation among the Federal Government, industry and the States.

He was ahead of his time on the energy issue. The need for a national energy strategy has been highlighted over the past year as fuel oil and natural gas prices have risen dramatically and certain parts of the country are experiencing electric power shortages.

The staff members of the Subcommittee on Interior have asked me to convey their respect and heartfelt admiration for the gentleman from Ohio (Chairman REGULA). They include Debbie Weatherly, Loretta Beaumont, Joel Kaplan, Chris Topik, Angie Perry, Andria Oliver and Steve Glomb. They join me in our beliefs that the gentleman from Ohio (Chairman REGULA) is a truly great man who stands by his beliefs and has the courage to do the right thing.

As the gentleman from Ohio concludes his 6th year as chairman, the people of this country have much to be grateful for as a direct result of his leadership and tireless efforts on their behalf. I join everyone in this Chamber in giving our great expression of support and admiration for the gentleman from Ohio (Chairman REGULA).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

OPPOSING THE SALE OF ATTACK HELICOPTERS TO TURKEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today to voice my fierce opposition to the sale of 145 Bell-Textron attack helicopters to Turkey, as planned by the administration.

First and foremost, there is simply no need to proceed with this sale. Turkey is already the most militarized state in that region, and it has the second largest army in NATO after the United States. Despite these facts, Turkey plans to spend $150 billion over the next 25 to 30 years on military weapons; and it plans to implement the first $31 billion phase in the next 10 years. This money could be better used to build schools, hospitals, or housing for the victims of last year's destructive earthquake. Mr. Speaker, the list is endless.

Previous experience leaves no room for any optimism regarding legitimate use of such weaponry by Turkey. Quite the contrary, the record shows that the Turkish military has consistently failed to distinguish between civilian and military targets. For the last 16 years, the Turkish military has been using American weaponry, most notably attack helicopters, to kill more than 30,000 civilians, destroy over 2,000 ethnic Kurdish villages and displace more than 2½ million ethnic Kurds.

□ 1930

The Turkish military has misused its equipment even though its government has signed numerous international agreements guaranteeing freedom of religion and human rights. Recently, Turkey used an American COBRA attack helicopter in its campaign against the Kurds in southeast Turkey, in direct violation of the Arms Export Control Act and the Foreign Military Sales Agreement which Turkey signed with the United States.

Despite its repeated pledges and promises to make improvements, Turkey's record of human rights violations remains dismal. In a December 1997 meeting with U.S. officials, Turkish diplomats pledged to meet certain benchmarks for improving human rights in Turkey. In subsequent meetings, U.S. officials pledged to oppose the sale of U.S. attack helicopters or other military equipment to Turkey unless the Turkish government met these standards.

And to what degree did Turkey honor its promises? According to the State Department's 1999 Country Report on Human Rights, Turkey has failed to meet any of the benchmarks set forth by the administration. How can we allow this sale to proceed when Turkey has repeatedly failed to live up to its promises? Our Nation risks a loss of credibility in permitting this sale while repeatedly proclaiming our commitment to respect and promote human rights and our opposition to Turkey's violations.

Other countries have refused to sell Turkey weapons because of its human rights records. According to a report by Reuters on September 8, 2000, Germany's ruling Social Democrats said their government would veto a $7.1 billion order to supply Turkey with 1,000 tanks because of Turkey's human rights violations. If Germany is willing to forego a lucrative arms deal based on these concerns, why should we feel any differently? Is our Nation any less committed to protecting human rights? Are our principles more "flexible" when a significant dollar amount is involved? I would hope not.

Mr. Speaker, some values transcend geopolitical barriers, and respect for human rights is one of them. People around the world look to the United States for leadership and guidance precisely because of our strict adherence to such principles. The proposed arms sale to Turkey, viewed in the light of its past record on human rights, is contrary to the values we espouse, harmful to our imagine abroad, and threatens the security of a strategically important region.

For these reasons, Mr. Speaker, I urge Members to join me in opposing this arms deal and in calling for its immediate cancellation.

Mr. MCGOVERN. Mr. Speaker, I have long been concerned about the level of U.S. military aid and arms sales to Turkey. On average, the U.S. provides Turkey with more than $1 billion each year in direct military assistance and training and commercial arms exports. There are more particular reasons, however, for why I am opposed to the recently announced agreement for Turkey to purchase 145 attack helicopters worth $4.5 billion from U.S. arms manufacturers. Nothing could be more destructive to the efforts by the U.S. and the international community to bring peace and stability to the eastern Mediterranean region that this major arms purchase by Turkey.

Human rights organizations inside and outside of Turkey have documented that Turkey has used American Cobra attack helicopters in its campaign against the Kurdish people in southeast Turkey. The Turkish military consistently fail to distinguish between civilian and military targets. For the past 16 years, the Turkish military has used American weaponry and especially attack helicopters to kill over 30,000 civilian non-combatants, destroy over 2,000 ethnic Kurdish villages, and displace over 2.5 million ethnic Kurds. In its "Report 2000," Amnesty International states that the practice of torture has actually increased in the past year.

At a time when the world hopes for a breakthrough in negotiations on Cyprus, the U.S. approves a massive military sale to Turkey. At a time when the world is attempting to lessen the attacks and repressive actions taken against the Kurdish minority by the Turkish government, the U.S. approves a massive military sale to Turkey.

Why is the Administration allowing this commercial sale to go forward? Turkey is already the most militarized state in the Mediterranean. It possesses vast military superiority over all its neighbors. There is no need to increase its military arsenal.

Rather than spending $4.5 billion on the purchase of attack helicopters, the Government of Turkey might better target those funds toward rebuilding the communities ravaged by earthquakes, building more schools and health clinics, and addressing other basic economic needs of its people.

I urge the Administration to revoke this export license and move away from the long-standing policy of militarizing Turkey—a policy supported by Republican and Democratic Administrations alike. What might have once made sense during the Cold War is now counter-productive to efforts to demilitarize the region.

The pursuit of regional peace and stability and respect for basic human rights are not helped by arms sales.

RECOGNIZING WHITNEY M. YOUNG AS OUTSTANDING PUBLIC HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as the debate continues around the issues of vouchers, charter schools, and what some call alternatives to traditional public education, I take this opportunity to pay tribute to the Whitney M. Young Public High School in Chicago, Illinois, which has the distinction of being hailed number one in the Nation in college preparatory education.

For 15 years, the Whitney M. Young magnet school has been number one in the State of Illinois. This year, the year 2000, it leads the United States in the numbers of its students who qualified as semi-finalists in the National Merit Scholarship Competition for outstanding black students. Twenty seniors put Whitney M. Young on the top of the list as a result of their ranking in the top 2 percent of youngsters in competition.

Graduates of Young go on to college at the astronomical rate of 96 percent, with the University of Illinois enrolling more than any other college or university. Princeton, Harvard, Stanford, Yale and the Massachusetts Institute of Technology lead other schools in enrollment of Whitney Young alumni.

Mr. Speaker, Principal Joyce Kenner, her staff, local school council, parents, the Chicago Board of Education, and the students themselves are to be commended for proving, and for proving conclusively, that a student does not have to have a voucher or go to a private or charter school to achieve, and indeed to excel academically.

So, Mr. Speaker, a school located in the inner city of Chicago, with a diverse student population, 50 percent of whom are black, leads the Nation in the number of its students who qualified as semi-finalists in the National Merit Scholarship Competition for outstanding students. So just as Whitney Young practiced excellence in his life and work, the Whitney M. Young High School has built and continues to develop a legacy of excellence in preparation of its students for college, for life, and for service to humanity.

Again, Mr. Speaker, I commend all of those who have been a part of the development of this outstanding institution: the parents of the community where the school is located, the parents who serve on the local school advisory council, the principal, members of the faculty, and the Chicago Board of Education itself, who continue to prove that public education can in fact thrive; that it can flourish; that it has worked and continues to work when we put the resources where the need exists.

REPUBLICAN CONGRESS HAS MADE HIGHER EDUCATION MORE AFFORDABLE FOR AVERAGE FAMILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, I thank my colleagues for the tremendous progress we have made in funding students who want a higher education.

As a former university president, I understand the importance of the grants, loans and work study programs which are funded by the Federal Government. I also understand the financial difficulties that are faced by most families in America. That is why I am so pleased that the Republican Congress has taken significant steps in removing the financial barriers to higher education.

One accomplishment that this Congress can be particularly proud of is the increased funding for the Pell Grant program to provide access to college for students from low-income homes. Since the Republicans took control of Congress, we have increased the maximum award by an average annual rate of over 7 percent. During the 40 years our friends across the aisle were in the majority, the maximum Pell Grant award was only increased by the average of 1.4 percent. Think of it. Think how many students were denied access.

This academic year, students can gain up to a $3,300 Pell Grant for higher education expenses. This award can make the difference in whether a student stays in school or has to drop out because he or she cannot afford it. More than 84 percent of the students receiving this award come from families who make less than $30,000 a year. Without this program, college would be just a dream for most of them. I am delighted that my colleagues have been able to increase funding for Pell Grants and make college available to many more low-income students who are in need.

We also have taken steps to have more students able to afford college. When I was president at California State University in Long Beach, during those 1970s and 1980s, there were 35,000 students; but 5,000 who were eligible for Pell Grants were not able to have the Federal funds. Even with financial aid, many students were forced to take out student loans to meet the rising tuition costs of higher education.

In fact, the demand for loans has increased by 35 percent over the past 5 years. Until recently, many of these loans came with high interest rates. When one has to borrow thousands of dollars, the interest can be fairly substantial. It is bad enough that graduating students start out in life thousands of dollars in debt; they should not be saddled with high interest in addition.

The Higher Education Act amendments, which we passed in 1998, changed the formula for determining the interest rates on variable rate student loans. Once this bill was enacted, interest rates dropped 1.3 percent to under 7 percent. This is only the third time that this has ever happened in the history of the student loan program. Lower interest rates mean less expensive loans that more students and families can take out. It also means that students can pay off their loans in less time and put the money toward other expenses.

Mr. Speaker, a college education is no longer a luxury; it is a necessity. In today's high-tech, highly competitive economy, a college-educated workforce is crucial to our Nation's success. But there is more than that at stake here. For many people, a college education is part of the American Dream. Republicans are working hard to make this dream a reality. These accomplishments bring us closer to the goal of ensuring that every qualified American who wants a college education will be able to afford one.

I want to congratulate my colleagues who have worked so hard on these issues, and I am very proud that the Republican Congress has made it such a priority to open the doors of higher education even further.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, for the past six months, I have been reading letters on the floor of the House of Representatives from senior citizens from all over the state of Michigan. These seniors have shared their stories with me about the high cost of prescription drugs. They all have one thing in common: these seniors rely solely on Medicare for their health insurance, so they do not have any prescription drug benefit. They must pay for their prescription drugs themselves, and with the high prices, they often are forced to make decision between buying the prescription drugs they need or buying food or heating their homes. We must enact a voluntary, Medicare prescription drug benefit that will provide real help for these seniors.

This week, I will read a letter from Mary Hudson from Fenton, Michigan.

I understand that Mary currently does not fill most of her prescriptions because she cannot afford them.

Sometimes, her son buys her medication for her and sometimes she goes without.

If Mary did purchase all of the prescription medication she needs, her bills would be approximately $1715.40 per year.

I will now read Mary's letter. "Dear Debbie, Last summer, I went to a doctor with bladder problems and high cholesterol and was given prescriptions cost $44—which I got filled—but the other was $90—which I would not. Who can afford those prices and pay other bills too?

Thanks for your interest in seniors, Debbie, and for anything you can do to help us. Love, Mary."

Mary deserves a genuine Medicare prescription drug benefit. Time is running out to do something in this Congress. We must enact real prescription drug reform before we adjourn.

CONGRESS IGNORES ITS CONSTITUTIONAL RESPONSIBILITY REGARDING MONETARY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, at a frantic pace we anxiously rush to close down this Congress with excessive legislation while totally ignoring the all-important issue of monetary policy.

Congress has certainly reneged on its responsibility in this area. We continue to grant authority to a central bank that designs monetary policy in complete secrecy, inflating the currency at will, thus stealing value from the already existing currency through a dilution effect.

The Federal Reserve clings to the silly notion that economic growth causes inflation, thus trying to avoid the blame it deserves. The Federal Reserve then concludes that an economic slowdown is the solution to the problem it created. Those who argue to continue the inflationary process are equally in error. As if the economy were an airplane, the monetary authorities talk about a soft landing with the false hope of painlessly paying for the excesses enjoyed for a decade.

It should surprise no one that our financial markets are getting more volatile every day. Inflating a currency and causing artificially low interest rates always leads to malinvestment, overcapacity, excessive debt, speculation, and dangerous trade imbalances. We now live in a world awash in a sea of fiat currencies, with the dollar, the yen, and the Euro leading the way. The inevitable unwinding of the wild speculation, as reflected in the derivatives market, is now beginning.

And what do we do here in the Congress? We continue to ignore our constitutional responsibility to maintain a sound dollar. Our monetary policy of the last 10 years has produced the largest financial bubble in all of history, with the good times paid for by borrowing and an illusion of wealth created in a speculative stock market. Our current account deficit, now running over $400 billion per year, and our $1.5 trillion foreign debt, has been instrumental in financing our extravagance. Be assured, the piper will be paid. The markets are clearly reflecting the excesses of the 1990s.

Already we hear the pundits arguing over who is to be blamed if the markets crash or a recession hits. Some have given the current President credit for the good times we have enjoyed. If the crash comes, some will place the blame on him as well. If problems hit later, the next President will get the blame. But the truth is our Presidents deserve neither the credit for the good times nor the blame for the bad times.

The Federal Reserve, which maintains a monopoly control over the money supply, credit and interest rates, is indeed the culprit and should be held accountable. But the real responsibility falls on the Congress, for it is Congress' neglect that permits the central bank to debase the dollar at will.

□ 1945

Destroying the value of a currency is immoral and remains unconstitutional. It should be illegal. And only a responsible Congress can accomplish that.

In preparation for the time when we are forced to reform the monetary system, we must immediately begin to consider the problems that befall a nation that permits systematic currency depreciation as a tool to gain short-term economic benefits while ignoring the very dangerous long-term consequences to our liberty and prosperity.

PENDING SALE OF ATTACK HELICOPTERS IN TURKEY

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I rise today to urge the Department of State not to issue an export license for the sale of attack helicopters to Turkey.

As my colleagues are aware, in July of this year, the Turkish government announced that it had awarded a $4 billion contract for attack helicopters to the American company Bell-Textron.

However, before the sale can take place, the Department of State must issue an export license and its decision must take into account both foreign policy and human rights considerations.

As I look at these considerations, it is clear to me that sending 145 attack helicopters to Turkey runs directly counter to American interests and values in the region. The United States has a national interest in fostering peace and stability in the Eastern Mediterranean region.

Recent developments in this regard have been encouraging, in particular the thaw in relations between Greece and Turkey. Yet, the sale of attack helicopters threatens to reverse this positive trend and unleash a regional arms race.

This is not in our interest. It is also not in our interest to see these helicopters used not for legitimate self-defense or NATO purposes but instead to terrorize and threaten.

Turkey has had a long record of using U.S.-supplied military equipment in direct violation of U.S. law. In 1974, Turkey employed U.S.-supplied aircraft and tanks in its invasion of the northern part of Cyprus, an area that Turkish forces continue to occupy today with the use of U.S.-supplied military equipment.

For the past 16 years, Turkey has been illegally using American weaponry, especially attack helicopters, in a scorched-Earth campaign against its Kurdish minority and has threatened to use them against Greece and Cyprus as well.

To date, according to reports from various human rights organizations, the Turkish military has killed over 30,000 civilian Kurds, destroyed over 2,000 Kurdish villages, and created perhaps as many as 2.5 million Kurdish refugees.

Amnesty International, Human Rights Watch, and even our State Department have reported that Turkey has illegally used American attack helicopters in these horrendous crimes against humanity.

The administration appears ready to grant an export license despite statements by the State Department in 1998 that it would condition approval of an export license on Turkey's meeting a series of eight human rights benchmarks.

A review of the State Department's annual human rights report issued earlier this year can lead to only one conclusion, that Turkey has not met the criteria laid down in 1998.

In light of its own report, the State Department should follow the principled example of our NATO ally Germany.

Just a few weeks ago, Peter Struck, the parliamentary leader of Germany's ruling SPD party, announced that a pending multi-billion-dollar sale of Leopard II tanks to Turkey would be blocked on human rights grounds.

Mr. Struck added that he did not expect this decision to change in light of the fact that no progress was being made in Turkey's human rights performance.

The overall impact of going through with this helicopter sale would be to damage America's credibility as a champion of human rights and endanger regional stability in an area of considerable strategic significance to the United States.

The argument that Turkey needs these additional attack helicopters to defend itself against possible attack by Syrian, Iraqi, or Iranian tanks is suspicious. The existing Turkish military inventory already provides an overwhelming deterrent against these alleged threats.

This arms deal is also not in Turkey's best interest. Turkey recently became a candidate for accession to the European Union. For this purpose, it needs to undertake massive restructuring and modernization of its economy. It also needs to reduce the military's role in government, make dramatic improvements in human rights, resolve territorial issues with Greece, and help to solve the Cyprus problem.

By moving to expand its fleet of attack helicopters, Turkey sends a signal of misplaced priorities and undercuts its quest to join Europe.

In short, I call upon the administration to take a principled stand against this pending sale of 145 attack helicopters to Turkey and deny the export license.

EDUCATION IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise tonight to talk about education. We will hear later tonight from the two presidential candidates a lot about education. We will have two very differing messages.

George W. Bush, the Republican candidate, will talk about getting money to the classrooms, getting money to the school districts and requiring accountability, accountability that young people can read, that young people understand math, that young people understand science and English and reach certain levels of excellence.

Then we will have the Gore plan that talks about, if you do what we want you to do, we will furnish some money. If you hire teachers, we will help you. If you do new school construction, and I would say also and if you are urban, we may help you. But it certainly will not be to the most of the hundreds of thousands of school districts in this country, only a few privileged few.

Now, it is interesting as we listen to this debate that we keep it in perspective. The Federal Government claims that they provide seven percent of the basic education money from K-12, seven percent.

Now I am going to give my colleagues the actual figures to Pennsylvania, the fifth largest State in the country, a sophisticated State, 3.3 percent of the money in school districts. Of the 530 school districts in Pennsylvania, 3.3 percent of their budget comes from the Federal Government.

So the question I ask is, that is 47 percent of seven percent, so what happens to the 53 percent? Is it all chewed up in Federal and State and regional bureaucracies that we know are often funded by the Federal Government? If that is the case, then if we are going to impact education from Washington, we have to figure out how to get the money into the classroom.

Last year and the year before, we had a program called Dollars to the Classroom that took a lot of programs and made it much easier for school districts to use them and get the money out to the school districts without all the bureaucratic work that is needed, without the grantsmen, without the consultants that you need to get Federal money.

It is interesting for the American public to realize, Mr. Speaker, that one of my most suburban school districts gets just a little over one percent of its money from the Federal Government. Are we going to fix education in that community? I have dozens of school districts that get between one and two percent of their money from the Federal Government.

Are we going to fix education there? We can help a little bit. We can guide a little bit. But if we are going to have Washington-based programs that they have to apply for that they have to meet all the requirements of, most smaller school districts will not even apply.

I think it is important as we listen to this presidential debate that we talk about getting dollars to the classroom, that we require accountability, but not Federal bureaucracies in charge of our school districts.

My colleagues, we cannot improve education by more Federal programs, more Federal bureaucrats, more Federal rules and with only 47 percent of the Federal dollars reaching the classroom if Pennsylvania is like most States. And I believe that is probably the case in most States.

So it is important that if we are going to really help education from Washington that we allow the local leaders, we make it easy to get the Federal dollars there. If they need maintenance, they can do maintenance. If they need teachers, they can hire teachers. If they need books, they can buy books. If they need computers, they can buy computers. Not Washington telling them, we will help you if you do what we think you should do.

So I think it is very important as we listen to this Presidential debate that we realize that Washington cannot make our school districts better. We can only be a small player if we get the money to the school districts and we allow them to make the decisions that teachers and the administrators and the parents involved in their young people's education, that Washington does not have the answers, Washington will not make it better, it will make it more complicated, few dollars will reach the classroom.

All these bureaucracies that are funded with that 53 percent do not teach a student, do not make a classroom better, do not make a school better, and does not help the role of education.

So as I conclude my comments this evening, it is important that we get the money to the classroom, that we require accountability that students can read, they can do math, they can do science, and they know English. That will give them the basis for their life and will give them a good education.

ENERGY DEREGULATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BILBRAY) is recognized for 5 minutes.

Mr. BILBRAY. Mr. Speaker, as things are cooling off here in Washington and the temperature of the city is dropping, to the relief of the local communities, back in San Diego things are heating up. And sadly, they are heating up not because of the weather but because of the inappropriate action of Government and the inaction of those who should be taking care of their constituents.

A few years ago, the State legislature of the State of California tried an experiment called energy deregulation, at the same time that those of us in the Congress were working on deregulation of telecommunications. But unlike what we did successfully here in Washington, the State did not assure competition, access, and infrastructure for the energy consumers of San Diego County, and soon to be the entire State of California.

Now, it may seem like a political comment to say that, when politicians make mistakes, terrible things happen. But I think too often some of our elected officials do not consider the impact on the real people in the community who are out there doing the great things that we take for granted.

Mr. Speaker, I am in a sad position tonight to announce that an institution in my district in Pacific Beach, a landmark that has been there for 54 years, is going to close because the State legislature of the State of California passed a so-called energy deregulation bill that is now causing electric power rates to rise to such astronomical levels that small businesses are going bankrupt.

The small business I am speaking of is DeVaney's Bakery in Pacific Beach. It has been a bakery that has been around since 1946. It has been a family-owned business that has served not only the local community but the entire sub-region of the coastal area that we call San Diego.

It is sad to see that Sacramento adjourned, Mr. Speaker, this year before they addressed this absolutely critical economic and social crisis in San Diego, which is soon to spread throughout the State of California. I would hope that the speaker and every Member of this Congress would join with me in asking that we try to work together here to do what we can to save the constituency and the citizens of San Diego County, and soon to be California, from this horrendous mistake by the State legislature.

Mr. Speaker, it took a bipartisan effort in Sacramento to create this disaster that is closing down this landmark in Pacific Beach.

□ 2000

I would ask us here in Washington to step forward and make a bipartisan effort to save businesses throughout San Diego County and California from the devastating effect of this legislative mistake in Sacramento. So I ask us to learn from this tragedy of DeVaney's Bakery and let us work together at trying to see what we can do to protect the constituents from Sacramento's mistake. I hope we do not find excuses to walk away before we can address this issue. It is sad that Sacramento did that. I would ask us, both Democrats and Republicans, to work together. I hope I am not here next week announcing the next business that had to go under.

I would remind Mr. Speaker that this is not just a San Diego problem. San Diego and California has been a driving force at generating revenue for this Federal Government that has constituted what we call the surplus. If we do not address this power crisis in San Diego, it will not only spread throughout California, it could severely hurt the entire Nation's ability to continue the economic prosperity that so many of us in elective office want to point to and take credit.

Now the challenge is, will we rise to protect this economic recovery by addressing this government problem that was created in Sacramento and may only be corrected now by working together to protect the consumers, the taxpayers, the citizens and, yes, even small businesses like DeVaney's Bakery that has been around so long and will not be around tomorrow because of mistakes that have been made by others, but that we must address.

END-OF-SESSION ISSUES

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 60 minutes as the designee of the majority leader.

BANKRUPTCY REFORM

Mr. GEKAS. Mr. Speaker, we are nearing the end of the current session as everyone knows and it is very apparent that nerves are frayed and that tempers are short but that is to be expected. That is an occupational disease of being a Member of Congress or of being the member of any parliamentary body anywhere in the world. But we have a special affliction here in Washington because we indulge in this almost every single year with every single year's budget, with every single year's end incessant haggling over minutia and some grand themes in this end-of-the-session battle in which we find ourselves once again.

Bankruptcy reform, which began some 3½ years ago in this very Chamber, is one of those grand items to which I refer as being includable in the end package of legislation which we will be considering in the next few days, perhaps after the new CR is passed even into next week. But there is a distinct difference in taking the bankruptcy reform measure and putting it at the end process for the purpose of yet one final vote on it. It is one that has been thoroughly debated. It is not like at the last minute some appropriator jams something into the omnibus bill at the end about which we know nothing and we are surprised months later to learn that there is a swimming pool now in the middle of the desert where never there was one before. Those kinds of special favor types of items continue to appear in the end product. We acknowledge that. Sometimes we wonder whether there is anything we can do about it except to adopt the proposal that I have proposed for 18 years, no, no, for many, many years now, that is, to have an automatic continuing resolution if we have not reached a budget by the end of the budget year.

In any event, the bankruptcy reform bill is not like that swimming pool in the desert. Rather, it is a measure that has been well received by Members of the House, by Members of the other body, by the business community, by the credit unions of our Nation, by taxpayers groups, by taxing authorities like States and local governments, all manner of working entities in our country have testified before us, giving us ample evidence upon which to base this movement to make sure that everyone gets a new start, a fresh new start who deserves one but who, by the same token, will guarantee in that process that those who can repay some of their debt should be compelled to do so in a fair, proportionate way in which we have fashioned the mechanism for doing just that.

So when we bring this massive bankruptcy reform bill to the end game, we are not shoving it into some omnibus bill hoping that nobody sees it. No, we are bringing it to the floor after I would say one of the most thorough continuing debates that any subject has received for many, many years. I know, because I and my staff have been involved in it from the very beginning, through many, many hearings, hundreds of documents, many private discussions and consultations with bankruptcy experts and with credit institutions and with bankrupts themselves, people who have filed for bankruptcy, women who are left in a home without a husband, without a provider, providers, people who deal in State government with the complex problems of support and support collection. You name it, we have heard from that kind of individual in our regular hearing process. That is what is so bountiful in the outcome of the bankruptcy reform movement, that indeed it is the product of every coloration in our society of people who have to do business with each other in order for this economy to continue to work as well as it has.

By the way, in almost every set of remarks that I make back in my district about bankruptcy reform, I pride myself in reasserting that within the hearing process, it was not just a cameo appearance by people where we knew what their testimony was going to be and we ho-hummed our way through those hearings, I have to maintain and I will to my dying day that the final product of bankruptcy reform reflected actual testimony recommendations and clarifications made by the witnesses from out there in the world of commerce and in the world of the bankruptcy courts themselves. So it was not as if we were prompted by a pre-prepared agenda with cooked legislation that we were just going through the motions in these hearings but, rather, an intense investigation into the entire process. We learned from it.

I remember after the first hearing that someone testified on behalf of, I think, women, or single mothers or people who were devoid of support in their own household, but I was so struck by it that I instructed my staff to make sure that the next time there will be language in our next version of the bankruptcy reform that will cure the problem brought to us by that witness. As I say, this was legislative magic at its best, witnesses testifying, developing solutions to problems, and we who were charged with the responsibility of packaging all that in a reform measure succeeded in doing so.

Mr. Speaker, I yield to the gentleman from Colorado.

EDUCATION

Mr. SCHAFFER. I thank the gentleman for yielding. I want to talk about education. Tonight there will be a debate between the two Presidential candidates and we of course all across the country are looking forward to that. Education is likely to be one of the issues raised. I say this because, politics being as it is, candidates tend to look to opinion polls to help identify those issues that are the most important to the people in the country. When they are inclined to do that in America today, they will find that education is the number one issue on the minds of most Americans. My point tonight is twofold, one, I want to talk about some of the work we have done here in the United States Congress as a Republican majority and as Republicans across the country to try to elevate the importance and prominence of education and to push forward a plan that is designed to improve the quality of education in America, and secondly I want to talk about what has been done over the last 8 years, because, without a doubt, the Clinton-Gore regime that has held the White House for the last 8 years has defined itself as an administration that has missed many opportunities and has failed to lead with respect to education.

I will start out by quoting the Vice President. He published a report called Report of the National Performance Review. It was published in 1993. In that report back in 1993, here is what the Vice President said, and I quote:

> The Department of Education has suffered from mistrust and management neglect almost from the beginning. To overcome this legacy and to lead the way in national education reform, the Department of Education must refashion and revitalize its programs, management and systems.

My point being, Mr. Speaker, is that going all the way back to 1993, the Vice President of the United States fully understood the nature of the U.S. Department of Education, an agency that hemorrhages cash on virtually a day-by-day basis. This is an agency that we look to to try to get dollars to the classroom, to utilize the education expenditures of the American people in a way that will help children learn but, to our disappointment and even to the disappointment of the Vice President and others over at the White House, this Department of Education has failed in its noble mission.

One does not have to look too far to find examples of that. Here is the reality of what has occurred since 1993. Just a few month ago, the General Accounting Office in reporting to the Committee on Education and Workforce of the House said the following, and I quote again:

> The Department is riddled with continued weaknesses in information systems controls which increase the risk of unauthorized access or disruption in services and make Education's sensitive grant and loan data vulnerable to inadvertent or deliberate misuse, fraudulent use, improper disclosure or destruction which could occur without being detected.

That was in testimony to the Subcommittee on Oversight and Investigations going back to March of this year.

We have seen similar other kinds of characterizations of the Department of Education as we in our efforts to try and be frugal with the taxpayers' money have asked hard questions about where does the money go. It is frustrating as a parent myself of five children, three of them in public schools today, to learn that of every dollar that we spend on education through our Federal budget, only about 60 percent of those dollars is actually spent in the classroom. In other words, there is upwards of 40 percent, and that is probably a generous estimate, that is wasted, squandered, lost, lost through fraud, lost through abuse, sometimes lost through crime. I will go through some of those examples here today because it underscores our Republican effort around the country to try to get dollars to the classroom.

There is a difference of opinion here in Washington and a difference of opinion that will be expressed later on tonight by the two candidates for President of the United States.

□ 2015

Democrats have always been in favor of spending more money. Whether it comes to the Department of Education or any agency, spend and spend and spend has been their philosophy. While we are not necessarily always opposed to spending if it is for a good and just cause, our Republican philosophy is very different. It is one that says spend wisely, be accountable for how money is allocated and budgeted and spent. So we are the party, the Republican Party, that asks the tough questions about where do these dollars go? How is the money allocated? Has it actually reached children in classrooms? Has it been effective? As parents we are just kind of normal people who ask these questions as most normal people would when they come to Washington, D.C. We work hard as all taxpayers do to earn various livings and come from various professional and employment backgrounds. We pay taxes to the Federal Government. We do not like paying taxes, but we are willing to do that when it is right and when the cause is just; but we expect people here in Washington will follow the money and make sure that when we say we are going to spend a dollar on education we actually do it.

It was not until the Republican Party took the majority of the Congress that these difficult questions were even asked in the first place. Here is what we found out: the U.S. Department of Education in 1998 could not even audit its books. We set up a very rigorous evaluation process. We required every Federal agency to come up with a new standard of accountability to hire outside auditors to come in and examine their books, give an outside professional unbiased opinion of the finances of various Federal agencies, and the U.S. Department of Education came to us in the 1998 audit and the independent auditors actually said the books were so bad over there, so poorly managed, that they could not even audit the books, let alone tell us how the dollars were spent.

In 1999, Mr. Speaker, things did not get much better. The Department was able to finally balance its books but it, of course, failed that audit. So we find these reports coming back to us from independent auditors, from government auditors, painting a very bleak picture when it comes to the accountability of the funds that are spent down the street at the United States Department of Education.

Now we still want to have a powerful role and an important role in improving schools across the country, but we point these examples out to show that there really are two different approaches to how we improve schools in America. There is the Democrat approach, the Al Gore approach, that says just spend the money, never ask the tough questions, never mind whether the dollars really get in the classrooms; whether these dollars spent really improve student performance; whether they really improve our standing among international peers. Just spend the money and that is the right thing to do because, after all, we care about education, we care about kids; and if we just spend the money, things will sort of correct themselves.

That is in stark contrast to what we will hear the governor of Texas speak about tonight and what Republicans stand for and have stood for here in Washington, which again says there is money to be spent; and we believe that the Federal Government has some role to play in trying to help local administrators, school board members, superintendents, and teachers teach children; but we really are about accountability. We want to make sure that we squeeze every ounce of efficiency out of every dollar that is spent, and we start by being honest about what is wasted, what has been abused, where fraud, where theft has occurred over in the Department, and we raise those important issues, not to embarrass anyone. We do want to cause a certain amount of alarm, I suppose, because these issues need to be addressed; they need to be fixed.

That ultimately is our goal to fix these problems and create a Department of Education that actually is on the mark; that actually helps children learn; that really gets dollars to the classroom and creates, through a system of assistance with the various 50 States, a support system that allows those States to define their educational priorities and to ultimately meet them and help children, because that is what really matters in the end.

It does not matter how much money we spend. It does not matter how many new programs we create. What matters more than anything else is results and what we can do here in Washington that helps children learn.

Now we have a great record where this is concerned as a Republican majority. We have passed legislation over the last few years that is intended and designed to shrink the size of the U.S. Department of Education, to consolidate programs. There are some 760 education programs spread out throughout several different agencies. We want to consolidate those programs.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I noticed that at the exact moment when the gentleman from Colorado (Mr. SCHAFFER) was talking about the fact that the Federal dollars that are being spent could be better spent at the local level, in walked the gentleman from Pennsylvania (Mr. GOODLING), who for years has been determined to make certain that we know that the best way to spend those dollars is at the local school board level.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for those comments.

Mr. Speaker, I was waiting for the gentleman from Pennsylvania (Mr. GOODLING) to grab a microphone there so I could recognize him and yield some time to him as well, because it has been the Republican leadership on the House Committee on Education and the Workforce, under the direction of the gentleman from Pennsylvania (Mr. GOODLING), and also the efforts being led by Republican governors throughout the country, that have shown a new way to reach out to children and to manage government programs in a way that helps kids far better than what we have seen come out of the White House over the last 8 years.

We have focused on some key principles that I know the chairman cares deeply about, and principles that he has made the basis for the work that we have done and undertaken in the House Committee on Education and the Workforce, and those principles are all about recognizing the strengths of local communities, of States, of recognizing the autonomy of parents to play the primary role in helping drive the education of a child and local communities. And ultimately this message of accountability is something that we talk about every day.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding, and I want to echo some of the things that he has already said. For the first 20 years in the Congress of the United States all I ever heard was that if we just had another 100 programs from the Federal level, one-size-fits-all, if we just had a few more billion dollars, if we just could participate more from the Federal level, that somehow or another we would close the achievement gap with the disadvantaged youngsters because that is our major role from the Federal level.

Well, obviously it did not work, and every study showed that it did not work. One-size-fits-all from Washington does not work. So we wasted a lot of money, but worse than that a lot of time because what happened is we cheated children, pre-school children particularly in Head Start, for the first 10 years because nobody ever talked about quality. The only thing we talked about was if we could just cover more children that somehow or another that would work. What they forgot was that it was supposed to be a reading readiness program and a school readiness program; but what it turned out to be was, as a matter of fact, a poverty jobs program and a baby-sitting program.

We finally got it turned around.

So when we became the majority, we said, gee, we have to change. The taxpayer is not getting very much for the money but, more importantly, the children who are to benefit from all of these wonderful programs, one-size-fits-all from Washington, were not getting any help. So the achievement gap, of course, never closed.

We said we are going to have, first of all, seven key principles that Republicans are going to push every time we talk about any legislation from Washington, D.C. Number one, if it is not a quality program, then do not bother with the program. Get rid of the program. We need to have better teaching. We need to have local control. We need to have accountability. We need to make sure that we get the dollars to the classroom, where they can really help the children. We need to make sure that we return to basic academics and parent involvement but not only parent involvement, parent responsibility. The reason public charter schools work, one of the major reasons, is because of the parent responsibility. They are responsible to enforce the dress code. They are responsible to enforce the homework code. They are responsible to get the children to school and get them home from school. They assume that responsibility. Now what does that do? That attracts the best teachers. That attracts the best administrators, the best supervisors, because they want to teach. They want to be in an environment where they can teach. So one of the very first things we talked about, even before we became the majority, was we need to give flexibility to the local school districts to design these programs rather than say here is one-size-fits-all, take it or like it, even though you do not benefit from it.

So we got a token before we became the majority. We said here we will give you six States for flexibility and they said we will give you 12 now the next time. Two of those States that did very, very well with the flexibility they got were Maryland and, above all, Texas. Governor Bush reached across the aisle, working with a Democrat majority in the House and the Democrat majority in the Senate, and said we have to do something about improving education for all children in this State. So they got about 4,000 waivers from the Federal Government. They could commingle money. They could make programs work. They could design them the way they believed they will benefit their children. The result is that their Black and Hispanic students are achieving above the overall average of all of their students. Now, that is giving you flexibility with accountability, and accountability is the big word.

Mr. SCHAFFER. Mr. Speaker, the gentleman from Pennsylvania (Mr. GOODLING) has been on the front line in the negotiations and in the real fight that has taken place here in Washington between the Republican-oriented solutions with respect to education and the Democrat-oriented approaches to education that come out of the White House. This key philosophy of flexibility is so important. There are many of our colleagues and many people around the country who think these are just nebulous terms and some kind of nebulous debate on the point of flexibility; but those of us who are in the well on a day-to-day basis fighting over the concept of flexibility see the real difference that takes place based on who the leadership is down at the White House.

So I am wondering if the gentleman from Pennsylvania (Mr. GOODLING) would perhaps take a little more time and maybe describe for our colleagues what takes place at some of these meetings when there is a Republican philosophy of flexibility sitting across the table from the Democrat philosophy as proposed by AL GORE of a centralized, Washington-knows-best attitude. It is a real clash but one that I believe we need to win on the side of flexibility. I think it is critical and important for our children, and I was hoping the gentleman would elaborate a little further on that point.

Mr. GOODLING. I think that it has been a slow learning process for the minority, because I think they are at the point now where they realize these programs did not work. Well intended, no question well intended, but they now begin to realize, and we hear the word flexibility mentioned now on the other side of the aisle. We hear different things mentioned that we never would have heard for years because the programs did not work. So now they are saying, hey, it looks like Texas, for instance, was very, very successful with that flexibility.

What does it mean to a State? Well, first of all, before we allowed any kind of flexibility, the only purpose for the Federal auditor to go out into that school district was to see whether the money was spent on the right student.

□ 2030

They were not sent out to see whether the students were benefiting from what is being spent. They were just sent out to see, is the money going to the right children?

Obviously, it was going to the right children, but it was not helping those children. So this is the battle we go through every time, the philosophical battle of another Federal program, one-size-fits-all from Washington, D.C. will solve these problems; another $1 billion will solve these problems. It has not worked.

So we have now taken a different approach. As I indicated, we have these seven key principles, but beyond those seven key principles, of course, is what is happening with the flexibility that is going back.

Governors, local school boards, are so far ahead of us on the Federal level when it comes to reforming schools. They are on the front line all the time. They understand it. So that is why 50 Governors said, Hey, 12 States have flexibility; how about all 50 States? When we get 50 Governors on our side of the aisle say, hey, it is working, we all want it, and obviously the President then had to agree. We sent him legislation and he signed it.

The important thing is that as we brought the legislation then to the floor, every piece of legislation was based on these seven key principles. So when we did the Individuals with Disabilities Education Act, we said, let us talk about the seven principles here when we redesign that program, and we did it.

IDEA full funding, again, in those first 20 years I kept saying over and over again, if we really want to help the local school district, I will say the best way we can do that is to step up to the plate with the 40 percent that we coaxed them into this program, guaranteeing them 25 years ago. When we became the majority, we were only up to 6 percent. We are now up to about 15 percent.

What that means is every low-income school district has to take their local funds to support the IDEA mandates from Washington, D.C., which means they must take it away from every other program. That is why I would tell them, if we want to reduce class size, send them the money. They will reduce class size. If we want them to repair a building, send the IDEA money, they will repair buildings.

But no, we need a new program from Washington. That is what we have heard the last couple of years, with our battle over 1,200,000 teachers; our battles over school construction.

We passed the Reading Excellence Act, again saying, on the local level, they know how to do that. But above that we say, use the scientific knowledge that we have on how to teach reading. Do not get into the fad businesses that so many districts unfortunately fell into.

Our charter school expansion, in my estimation, probably the only hope for many center city children is the charter school program, again because the parents are very much involved. The parents are demanding excellence from their children, excellence from their schools, and the best teachers went there. It may be their only hope of getting a piece of the American dream.

As I mentioned, Head Start, how did it take us so long when every study told us we were failing? How did it take us so long to really do something to make it an effective preschool program?

Promulgating the new Federal tests, we were going to spend $100 hundred million. First of all, the Department of Education was going to design the tests. That would be the last group that I would want to design some tests. But unless we know what the new higher standards are, unless we prepared the teacher to teach the new higher standard, unless we then test the teacher to say they are ready to teach the new higher standard, why would we spend $100 hundred million to design some national test to tell 50 percent of the children one more time they are not doing very well?

The Dollars to the Classroom Act, again, that is where the money counts, down where that teacher is, down where that building principal is. The Vocational Technical Education Act, again the whole thing was based on those seven principles. The Teacher Empowerment Act, we say if they are not getting the proper in-service program, they could take a voucher and get their own in-service program. They know where they can get the best inservice program.

The Students Results Act, again, all we have to do out there in the State and in the local district is show that all of the students improve academically, and then they have the freedom to do what they believe is necessary to bring that about.

We are moving in the right direction. We have to keep moving in that direction. We cannot stop now, or what we will get back to again is, okay, if we just have a new 100 programs that will do the job; if we just spend another $100 billion, that certainly will do the job. Yet, we will repeat the same failures over and over again because Washington does not have the answers. The local area has the answers.

So I thank the gentleman for taking this hour this evening to again remind the American people what our approach is and why it is different, and why it is taking hold and why it is working, and why the Governor was successful in Texas after we gave them the opportunity for the flexibility.

So I appreciate the gentleman's taking this opportunity to remind the American people once again the direction we are trying to move this whole education issue in.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for joining me here on the floor.

I want to go back to the top of the chart here in a moment, but there really is a remarkable difference between the two individuals who the American people will watch later on tonight, and will choose among in deciding who our next president will be in just a few weeks.

The Texas example is almost miraculous on how far students improved in academic achievement in the State of Texas under Governor Bush's leadership versus what we have seen here in Washington for the last 8 years of a White House where President Clinton and Vice President GORE have fully understood, and they even wrote books about the poor management in the Department and the reality that there was not enough flexibility, where we are not getting enough dollars to the classroom. Yet, they have done nothing.

This is an administration that for 8 years has squandered their opportunity to help improve schools, and to look to the real examples and the real bright spots around the country where Republican Governors like George Bush have led the way in academic success and achievement for students.

This Individuals with Disabilities in Education Act is I think one of the most important things we can focus on here in Washington. Just by way of background for our colleagues and those who are monitoring tonight's proceedings here on the floor, the Individuals with Disabilities in Education Act was really initiated by the Supreme Court under civil rights legislation.

Congress took the ball from there, but it was the Supreme Court that drove the legislation underlying the Individuals with Disabilities in Education Act, thereby making it one of the few really legitimate roles that the Federal government plays in reaching out to some of the neediest children and trying to equalize the playing field so those children can have an opportunity to learn.

What Congress has done over the years is created this huge program which has become a mandate on local States. In other words, the Federal government created the rules, and we have told 50 States they must implement this IDEA program the way the Federal government says they will.

In exchange for that, the Federal government initially promised to pay 40 percent of the expenses associated with implementing that mandate. Many people around the country really rely and children with disabilities really rely on this program and this mandate, and they are counting not only on the program to be implemented accurately and effectively, but they are also counting on the program to be funded.

So we have actually had to fight with the White House, Republicans had to fight with the White House, to try to get us to a point where we are increasing appropriations for the Individuals with Disabilities in Education Act. We do not get a lot of help from AL GORE and President Clinton down there at the other end of Pennsylvania Avenue.

Mr. GOODLING. As a matter of fact, Mr. Speaker, two budgets submitted by the White House in a row had a decrease in funding for special education, 2 years in a row.

Mr. SCHAFFER. It just defies logic, but again it points out my point that these folks have had 8 years to try to help, to try to help local schools. They have really blown the opportunity. Even when they have Republicans, and we are conservatives and we like to spend less when we can, but here is a program where we believe we ought to pay for what the government promised, and we have no assistance from the White House. AL GORE, Bill Clinton, had other things they wanted to spend money on, not children with disabilities in education.

It is important not only for those children, but it is important because even when Congress does not fund the program to the extent that it promised, the responsibility for carrying out the program still exists.

Every principal of every school in this country has to continue to unfold and provide these services under the Individuals with Disabilities in Education Act, just as the law says, and it does not matter whether we provide the money.

That is the real hardship, because what a principal has to do is steal funds from other places in his or her budget. They have to take money from the pay raises for teachers. They have to take money from the staffing budget, providing perhaps more teachers for classrooms. They might have to take the money from the transportation budget, or maybe the technology budget.

Mr. GOODLING. The maintenance.

Mr. SCHAFFER. Maybe fixing the leaky roof is something that has to wait a couple of years because the Vice President has not been willing to help us in our effort to fully fund IDEA.

That I think is probably the most graphic and dramatic statement of how this philosophy of ours towards flexibility has very real implications on every single classroom in America. That is precisely what we heard as we have traveled around the country.

The gentleman from Pennsylvania has helped today unveil his Crossroads 2000 Report, called "Education at a Crossroads." This is really a report that one of the gentleman's subcommittees, the Subcommittee on Oversight and Investigations, had put together as a result of traveling all across America visiting with education professionals, students, parents, teachers, and all the rest.

What they tell us more often than not is this. They tell us, and we can read it right in the report, and for our colleagues, I would urge them to get hold of the Committee on Education and the Workforce for a copy of this report, or my office or the chairman's office, and we will make the report available to anyone who wants it.

But what we are told as we travel around the country is this: Do not create new programs. In fact, do not spend a dime on creating more government, more Department of Education bureaucracy. Do the basics first: Fully fund the Individuals with Disabilities in Education Act, and that frees up local schools to pay for the priorities that are truly important in various locations, because the priorities in New York are not the same as they are in Pennsylvania or as they are in Colorado or California. They vary from State to State.

Mr. GOODLING. New York City would get an extra $190 million if we were fully funding the 40 percent, and Los Angeles would get another $90 million.

When we talk about class size reduction, when we talk about school maintenance, think what they could do with that kind of money if they did not have to spend it on our mandate.

Mr. SCHAFFER. Perhaps we can talk about that for a moment, because we have been to New York, to California, and around the country. Even in a big city like Los Angeles, $90 million is not pocket change. That is real money.

Mr. GOODLING. Over 25 years, $90 million a year for 25 years, that sounds like big money to me.

Mr. SCHAFFER. We have heard through the course of the presidential campaign that Congress and that the Federal government should do something other than fully fund the Individuals with Disabilities in Education Act.

We have heard the Vice President talk about his goals for trying to manage local schools from here in Washington. Our answer is very different. Ours says, let us fully fund the mandates that are there first.

Let us give Los Angeles, for example, the $90 million a year to spend on whatever they want. If they want to fix the roof, that would be their prerogative. If they want to buy new computers, they could do that. California just had a class size reduction program that the voters voted for.

It makes no sense for the Vice President, in the case of California, to now say, no, I am going to invent a new program for class size reduction, and the fact that you have already accomplished this goal is irrelevant. We are going to give you more money to do things you do not need.

Mr. GOODLING. Mr. Speaker, in that area, of course, last year when I was negotiating this 100,000 teacher business, at the end of the year I made it very, very clear, the gentleman mentioned that the administration, the President and the Vice President have had a great opportunity in the 8 years.

I pleaded with the President, and I said, he can talk about class size reduction, but if he does not have a quality teacher to put in that new classroom, I will guarantee it does not matter whether the teacher-to-pupil ratio is 12 to 1, 20 to 1, 30 to 1, it is not going to make a difference.

Of course, what was the first 33 percent we allowed him to have? More than 30 percent of those had no qualifications whatsoever.

Mr. SCHAFFER. It comes right back to the rallying cry that the gentleman has espoused over and over again, focus on quality, not quantity. We see that not only with this effort toward hiring more employees in schools, but we hear it when it comes to even school construction, that it is just that the White House is intent on just spending the money, and really has no plans to focus on the quality. They never have. In the 8 years they have held the White House, their own reports verify they have never ever focused on quality.

Mr. GOODLING. When we were doing that negotiating last year, it was a perfect time. The New York News newspaper had total front page coverage which said, Parents, do you recognize in New York City, 50 percent of your teachers are not qualified? And I would hold that up every time they would talk, and remind them again, if we cannot put a quality teacher in the classroom, we are not going to help the child.

Mr. SCHAFFER. I am wondering if the gentleman would also be able to tell us about his experiences with the vast numbers of education leaders we have met with from throughout the country who have testified before the Committee on Education and the Workforce, reiterated the kinds of things we have heard in the Crossroads Report that fully funding the Individuals with Disabilities in Education Act really represents the ultimate in flexibility. We hear this routinely. I know the gentleman has, as well.

□ 2045

I am wondering if the gentleman could share some of his experiences.

I might also point out, Mr. Speaker, as many of our colleagues know, the gentleman from Pennsylvania (Mr. GOODLING) prior to coming to Congress was a school superintendent and one who understands full well how fully funding Federal mandates frees up local leaders to focus on the real priorities, which is ultimately helping kids far better than anybody here in Washington can do.

Mr. GOODLING. Mr. Speaker, in IDEA, as we indicated, for instance, they were promised 40 percent of the average expenditure for students all over this country. Now, 2 years ago, that average expenditure per pupil was about $6300. If they were getting their 40 percent, we can see they would be getting $2500, $2600 for each child. Instead, when we started, they were getting about $400. We are now up to about $600 or $700. We will get to about $800. That is a long way from that $2600 that we promised.

If they have that extra money, as I indicated before, they then can take care of pupil-teacher ratios. Again, this is why we negotiated for 100,000 teachers. If we need money to improve the teachers that we presently have, use it for that purpose. That is very, very important. We need to make sure they have the best quality programs they can have to become better teachers, and that is so important.

Mr. SCHAFFER. The White House has also fought us on this notion of expanding Ed-Flex to all of the 50 States. There were 12 States that piloted this flexibility act where some achieved great things.

The State of Texas as we mentioned as raised dramatically achievement for minority students, for black students and Hispanic students. In fact, the rate of improvement for school children in those categories was far higher than anywhere else around the country. And that is dramatic testimony to the power of flexibility and choice by governors.

We wanted to expand that same kind of liberty to all 50 States. We have received opposition from the White House from the moment we started talking about flexibility for all.

Mr. Speaker, I am wondering if the gentleman might spend a little bit of time talking about that experience.

Mr. GOODLING. No question about. The minority and the former majority and the President were very much opposed to flexibility. As I indicated, when it became that successful for those who undertook that opportunity or took advantage of that opportunity, the President then, of course, got all sorts of heat from 50 governors, and then we were able to move that.

What we also said from our side is not that we even want to do that, but we want to also give them the Student Results Act so they have no trouble commingling money to make programs work. When we have a thousand programs, in this case, 700 and some programs, the amount of money each program gets is so small that we cannot do anything worthwhile with it, but if we try to commingle any of it, as I said earlier, we are in trouble with the auditors.

So we say in the Straight As, we can commingle those dollars, all you have to do is prove to us that you can make sure every child improves academically.

Now, I have been told by some States, well, we have enough flexibility. We know what they are saying. They are basically saying we are just happy to take your money. You do not ask us for anything in return. We just take your money, and we do the same thing over and over again.

We do not have a new idea or a creative idea in our heads, so we will just go on taking the money from the taxpayers, from the Federal Government, because we do not require quality. We do not require anything.

It is catching on, because as I said, Texas is a great success story. Maryland has done well. So my hope is that as I retire, we do not forget what the gentleman said what he hears in his sleep every night, quality not quantity, results not process.

Let us get them to stop spending hours and hours and hours of paperwork. In IDEA alone, we use teacher after teacher after teacher in IDEA, because they spend so much time on paperwork that they cannot do what they are trained to do, which is to teach children, which is what they want to do.

Mr. SCHAFFER. That is the real hardship, I might add, that we see with all of these Federal programs is the paperwork, the red tape, the rules that go along with what amounts to pretty small amount of funds.

The gentleman is right that with so many Federal programs, we spend a lot of money in Washington, about $40 billion a year just on the program costs for the U.S. Department of Education, and that is not even mentioning the other $80 billion that is managed through student loans by the U.S. Department.

We just need to focus on the $40 billion that we budgeted and allocated towards education, each dollar is sent out from Washington to various States and school districts with all kinds of requirements attached to it, much of which has nothing to do with the quality of education. Some governors frankly do not understand that.

This is an easy process for some of them. As the gentleman said, they just get the money from Washington, and they turn around and spend it, and it appears to their constituents that they are accomplishing something with nothing.

Again, where the real hardship is realized is at the street level, at the schoolroom level, the classroom level, where these principals, administrators, secretaries, teachers have to deal with these monotonous rules and these monotonous regulations.

Only about 6 percent to 7 percent, maybe sometimes 8 percent of a classroom budget is Federal funds. The rest comes from your State or it comes from local property taxes. So a tiny portion is all we are talking about when we are talking the amount of dollars that goes into a classroom.

The tragedy is for the 6 percent, 7 percent or 8 percent of Federal funds that makes it into a classroom, probably 50 percent to 60 percent of the paperwork requirements are attached to that small amount of Federal dollars. That is what we want to eliminate.

We want to allow flexibility so that we can actually increase the power of the money that is already spent. We do not need to really spend more, if we just spend it more wisely. We can be more effective.

Mr. GOODLING. When we were negotiating the 100,000 teachers last year, the first thing the administration said is we have to take about 10 percent off the top, I think they wanted 15 percent, to keep on the Federal level. I said, wait a minute, you are not hiring the teachers. The local school board is hiring the teachers. Then they called back and said we certainly need 10 percent for the States off the top.

I said, wait a minute. The State is not hiring the teachers. The local school districts are hiring the teachers; that is where the money should go. Of course, we won that argument because it makes sense.

Mr. SCHAFFER. That is the educational empire which the gentleman just described, which is so hard to understand. There is such momentum, and all of these people that are employed, and not only at the U.S. Department of Education, but the State Departments of Education, they make careers out of this paperwork and these rules. Somebody reads all of this stuff.

Somebody actually opens up the mail when the superintendent fills out the paperwork and sends it to Washington. There is a person here in Washington whose job it is to open up all of these forms and compile them and collate them and make reports on them.

When we start talking about getting rid of the rules and regulations, consolidating programs and increasing flexibility, our goal is to help children. Unfortunately, some people in Washington feel threatened by our objective to help kids.

There is a huge bureaucratic empire that is sustained through all of the monotony, and that is the objective of the Vice President and President. They have worked tirelessly to preserve this large bureaucracy to preserve all of these rules, to preserve these regulations, and make decisions here in Washington D.C.

Our message, our Republican message, is very different, one that the Governor of Texas tonight and every time he speaks articulates for us so well; that is, we should not be trusting of the bureaucrats in Washington. We should be trusting of the teachers who actually know the name of the children.

We should be trusting of the principals who knows the name of the teachers. We should be trusting of the superintendents who can name all of the principals and many of the players in a school district. We should also be trusting the school board members who make the policy decisions who are elected by local communities, by our friends and our neighbors.

The farther away we get from the classroom in terms of decision-making, accountability, the poorer the decisions are made, and the greater the opportunity for mismanagement. My goodness, the President and the President's own agencies have documented this repeatedly, they have written books on the matter of waste, fraud and abuse in their own agency, which are replete with examples and there are real opportunities to fix these problems and get the money to the classroom.

After 8 years, the Vice President has done nothing. He has not lifted a finger to help us in our efforts to streamline this bureaucracy and get the money, get the flexibility, get the decision-making to the people who deserve it.

Mr. GOODLING. I am reminded each time that we were negotiating that both the President and the Secretaries were governors. Think in terms of being a governor, rather than being a Washington bureaucrat, and you will be offering far better solutions to problems, than being a bureaucrat in Washington, D.C.

Mr. SCHAFFER. Of course, Governor Bush understands the perspective of being a governor. He has worked in partnership, not always Republicans; this has not been solely a Republican success, although, it is a Republican philosophy. He has had to work with Democrats here in Congress as well, Democrats of the Texas delegation, Democrats in the Texas State House and the State Senate.

He understands working across the aisle, and that is a real sign of leadership when somebody can, as Governor Bush has done, raise the priority of children over and above everything else, over and above the bureaucracy, over and above the politics and state as a public goal, the number 1 objective for education is to raise the achievement of all children. We are going to start with the ones who are suffering the most.

We have seen the Governor of Texas accomplish that in his State. It has just been remarkable how that kind of leadership has brought all of us together toward that goal. What I am afraid of is that many Americans may not realize the conflict in vision between these two men running for President of the United States.

We have the Bush model from the perspective of a governor that we support that says children should be the number 1 objective of our education reform efforts; that is in stark contrast to the 8-year record of the Vice President, which has been to preserve bureaucracy, to preserve waste, fraud, abuse and mismanagement, to write books on how bad it is, and spend 8 years doing nothing about it. That is a huge conflict in vision and an important choice that I think we all need to think about very seriously.

After this election, the gentleman and I and all of our colleagues here in Washington are going to have to deal with the attitude of the White House.

Mr. Speaker, I am hoping the Bush attitude of putting children first is something that we all will be celebrating and rallying around. I know many people around the country will learn more about that tonight.

I am fearful that not enough share our enthusiasm for putting children ahead of bureaucracy and may be persuaded by this simple, unimaginable message that we hear coming out of the White House and from the Vice President that just says spend more, spend more, spend more. There is nothing else to say, just spend more.

Mr. GOODLING. Again, there is no question that we are moving in the right direction as a new majority, because we are putting children first. Everybody should be thinking about putting children first. They are our future. The tragedy is that 50 percent of our children today are not going to be ready to get a piece of the American dream in the 21st Century, the high-tech century. What a tragedy.

We are going to vote again to bring another 200,000 people from other countries to do our high-tech jobs, our $40,000, $50,000, $60,000 a year jobs because we do not have our own ready to take those jobs.

We cannot survive as a great society if we continue to do that. We must tackle the problem.

Mr. SCHAFFER. The contrast again could not be clearer. The Texas record is one of improving test scores. This is a graph of the Texas 4th graders when it comes to reading skills. Back in 1994, when Governor Bush took over the governorship in Texas, only 75 percent of Texas 4th graders could read at grade level, and that has increased to almost 90 percent in 1999.

That is a remarkable improvement. This is a huge contrast to what has been created by the Clinton-Gore administration. If we take, for example, the third international math study, math-science study comparison, which ranked American students Nationwide against their peers with 21 other industrial countries, we come in 19th.

This is something we have known about for 8 years that the Clinton and Gore regime have occupied the White House, and our test scores have not improved. They have gotten worse. So I guess the question that Americans need to decide in the next few days is whether we want to see the Texas style rates of improvement of dramatic increases in academic performance or whether we want to see the Clinton-Gore kinds of trends, which is declining performance when compared to international peers in the case of math and science.

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I love Colorado. It is a great State. But nobody from Colorado is running for President of the United States. Of the two models, the bad Washington, D.C. model versus the good Texas model, I will choose the Texas model every time. I prefer that for my kids. I know most of my friends and neighborhoods around my district would far prefer to see improving test scores for their children, not declining test course. All of this is critically important to maintaining strength and solvency of our Republic.

It is going to be an interesting evening tonight as that debate gets under way in just a minute. I am really hopeful that Americans will remember the difference in opportunity, the opportunity that the White House has had, that AL GORE has had as Vice President of the United States, which he has squandered, he has done nothing about some of the problems that he has known to exist through the Department of Education, versus dramatic improvements that real leadership in Texas have achieved for real children with real parents in real communities in a State that has enjoyed great leadership. Now, that kind of leadership is something that we can have for the whole country.

Mr. GOODLING. Mr. Speaker, the Governor Bush model, of course, is the model I have tried to follow for 26 years, and that is to put people before politics but put children before politics. That is what he has done in Texas. That is why we have seen the kind of improvement that we see in Texas. Those children most in need in Texas are receiving the benefits that all of these programs that were created in Washington wanted to see happen, but it did not happen. It has happened with his leadership and leading a Democrat House and a Democrat Senate.

Mr. SCHAFFER. Mr. Speaker, I am grateful for the opportunity to be recognized tonight.

Mr. PAUL. Mr. Speaker, I thank the gentleman from Michigan and the gentleman from Colorado for allowing me the opportunity to express my thoughts on the education reform debate that is sure to consume much of our time in the remaining days of the 106th Congress. For all the sound and fury generated by the argument over education, the truth is that the differences between the congressional leadership and the administration are not significant; both wish to strengthen the unconstitutional system of centralized education. I trust I need not go into the flaws with President Clinton's command-and-control approach to education. However, this Congress has failed to present a true, constitutional alternative to President Clinton's proposal to further nationalize education.

It is becoming increasingly clear that the experiment in centralized control of education has failed, and that the best means of improving education is to put parents back in charge. According to a recent Manhattan Institute study of the effects of state policies promoting parental control over education, a minimal increase in parental control boosts students' average SAT verbal score by 21 points and students' SAT math score by 22 points! The Manhattan Institute study also found that increasing parental control of education is the best way to improve student performance on the National Assessment of Education Progress (NAEP) tests. Clearly, the drafters of the Constitution knew what they were doing when they forbade the Federal Government from meddling in education.

American children deserve nothing less than the best educational opportunities, not warmed-over versions of the disastrous educational policies of the past. That is why I introduced H.R. 935, the Family Education Freedom Act. This bill would give parents an inflation-adjusted $3,000 per annum tax credit, per child for educational expenses. The credit applies to those in public, private, parochial, or home schooling.

This bill creates the largest tax credit for K–12 education in the history of our great Republic and it returns the fundamental principle of a truly free economy to America's education system: what the great economist Ludwig von Mises called "consumer sovereignty." Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education "market." Funding decisions are increasingly controlled by the federal government. Because "he who pays the piper calls the tune," public, and even private schools, are paying greater attention to the dictates of federal "educrats" while ignoring the wishes of the parents to an ever-greater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with state control. Restoring parental control is the key to improving education.

Of course, I applaud all efforts which move in the right direction such as the Education Savings Accounts legislation (H.R. 7). President Clinton's college tax credits are also good first steps in the right direction. However, Congress must act boldly—we can ill afford to waste another year without a revolutionary change in our policy. I believe my bill sparks this revolution and I am disappointed that the leadership of this Congress chose to ignore this fundamental reform and instead focused on reauthorizing great society programs and promoting the pseudo-federalism of block grants.

One area where this Congress has so far been successful in fighting for a constitutional education policy was in resisting President Clinton's drive for national testing. I do wish to express my support for the provisions banning the development of national testing contained in the Education Appropriations bill, and thank Mr. GOODLING for his leadership in this struggle.

Certain of my colleagues champion proposals to relieve schools of certain mandates so long as states and localities agree to be held "accountable" to the federal government for the quality of their schools. I have supported certain of these proposals because they do provide states and localities the option of escaping certain federal mandates.

However, there are a number of both practical and philosophical concerns regarding these proposals. The primary objection to this approach, from a constitutional viewpoint, is embedded in the very mantra of "accountability" stressed by the plans' proponents. Talk of accountability begs the question: accountable to whom? Under these type of plans, schools remain accountable to federal bureaucrats and those who develop the state tests upon which a schools' performance is judged. Should the schools not live up to their bureaucratically-determined "performance goals," they will lose their limited freedom from federal mandates. So federal and state bureaucrats will determine if the schools are to be allowed to participate in these programs and bureaucrats will judge whether the states are living up to the standards set in the state's education plan—yet this is supposed to debureaucratize and decentralize education!

Even absent the "accountability" provisions spending billions of taxpayer dollars on block grants is a poor way of restoring control over education to local educators and parents. Some members claim that the expenditure levels for not matter, it is the way the money is spent which is important. Contrary to the view of the well-meaning but misguided members who promote block grants, the amount of taxpayer dollars spent on federal education does matter.

First of all, the federal government lacks constitutional authority to redistribute monies between states and taxpayers for the purpose of education, regardless of whether the monies are redistributed through federal programs or through grants. There is no "block grant exception" to the principles of federalism embodied in the U.S. Constitution.

Furthermore, the federal government's power to treat state governments as their administrative subordinates stems from an abuse of Congress' taxing-and-spending power. Submitting to federal control is the only way state and local officials can recapture any part of the monies of the federal government has illegitimately taken from a state's citizens. Of course, this is also the only way state officials can tax citizens of other states to support their education programs. It is the rare official who can afford not to bow to federal dictates in exchange for federal funding!

As long as the federal government controls education dollars, states and local schools will obey Federal mandates; the core program is not that federal monies are given with the inevitable strings attached, the real problem is the existence of federal taxation and funding.

Since federal spending is the root of federal control, by increasing federal spending this Congress is laying the groundwork for future Congresses to fasten more and more mandates on the states. Because state and even local officials, not federal bureaucrats, will be carrying out these mandates, this system could complete the transformation of the state governments into mere agents of the federal government.

While it is true that lower levels of intervention are not as bad as micro-management at the federal level, Congress' constitutional and moral responsibility is not to make the federal education bureaucracy "less bad." Rather, we must act now to put parents back in charge of education and thus make American education once again the envy of the world.

Hopefully the next Congress will be more reverent toward their duty to the U.S. Constitution and America's children. The price of Congress's failure to return to the Constitution in the area of education will be paid by the next generation of American children. In short, we cannot afford to continue on the policy read we have been going down. The cost of inaction to our future generations is simply too great.

REPORT ON RESOLUTION

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2415, AMERICAN EMBASSY SECURITY ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–971) on the resolution (H. Res. 624) waiving points of order against the conference report to accompany the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.RES. 596, AFFIRMATION OF THE UNITED STATES RECORD ON ARMENIAN GENOCIDE

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–972) on the resolution (H. Res. 625) providing for consideration of the resolution (H.Res. 596) calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–973) on the resolution (H. Res. 626) waiving points of order against the conference report to accompany the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J.RES. 111, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–974) on the resolution (H. Res. 627) providing for consideration of the joint resolution (H.J. Res. 111) making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A MOTION TO CONCUR IN THE SENATE AMENDMENT WITH AN AMENDMENT TO H.R. 4386, BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–975) on the resolution (H. Res. 628) providing for consideration of the Senate amendment to the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screen program, to amend the Public Health Service Act and the federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PASTOR (at the request of Mr. GEPHARDT) for today after 4:00 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mrs. CAPPS, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today and October 12 and 13.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today and October 12.

Mr. TANCREDO, for 5 minutes, today.

Mr. HORN, for 5 minutes, today and October 12 and 13.

Mr. WAMP, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. PORTER, for 5 minutes, today and October 12.

Mr. PETERSON of Pennsylvania, for 5 minutes, today and October 12.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. BILBRAY, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2417. An act to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes; to the Committee on Transportation and Infrastructure.

S. 2528. An act to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support; to the Committee on Commerce.

CONFERENCE REPORT ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS submitted the following conference report and statement on the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–969)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4392), to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the community Management Account and the Central Intelligence Agency Retirement and disability System, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community management account.
Sec. 105. Transfer authority of the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Sense of the Congress on intelligence community contracting.
Sec. 304. Prohibition on unauthorized disclosure of classified information.
Sec. 305. Authorization for travel on any common carrier for certain intelligence collection personnel.
Sec. 306. Update of report on effects of foreign espionage on United States trade secrets.
Sec. 307. POW/MIA analytic capability within the intelligence community.
Sec. 308. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
Sec. 309. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
Sec. 310. Designation of Daniel Patrick Moynihan Place.
Sec. 311. National Security Agency voluntary separation.

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS-PO)

Sec. 321. Reorganization of Diplomatic Telecommunications Service Program Office.
Sec. 322. Personnel.
Sec. 323. Diplomatic Telecommunications Service Oversight Board.
Sec. 324. General provisions.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Modifications to Central Intelligence Agency's central services program.
Sec. 402. Technical corrections.
Sec. 403. Expansion of Inspector General actions requiring a report to Congress.
Sec. 404. Detail of employees to the National Reconnaissance Office.
Sec. 405. Transfers of funds to other agencies for acquisition of land.
Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Contracting authority for the National Reconnaissance Office.
Sec. 502. Role of Director of Central Intelligence in experimental personnel program for certain scientific and technical personnel.
Sec. 503. Measurement and signature intelligence.

TITLE VI—COUNTERINTELLIGENCE MATTERS

Sec. 601. Short title.
Sec. 602. Orders for electronic surveillance under the Foreign Intelligence Surveillance Act of 1978.
Sec. 603. Orders for physical searches under the Foreign Intelligence Surveillance Act of 1978.
Sec. 604. Disclosure of information acquired under the Foreign Intelligence Surveillance Act of 1978 for law enforcement purposes.
Sec. 605. Coordination of counterintelligence with the Federal Bureau of Investigation.
Sec. 606. Enhancing protection of national security at the Department of Justice.
Sec. 607. Coordination requirements relating to the prosecution of cases involving classified information.
Sec. 608. Severability.

TITLE VII—DECLASSIFICATION OF INFORMATION

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Public Interest Declassification Board.
Sec. 704. Identification, collection, and review for declassification of information of archival value or extraordinary public interest.
Sec. 705. Protection of national security information and other information.
Sec. 706. Standards and procedures.
Sec. 707. Judicial review.
Sec. 708. Funding.
Sec. 709. Definitions.
Sec. 710. Sunset.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

Sec. 801. Short title.
Sec. 802. Designation.
Sec. 803. Requirement of disclosure of records.
Sec. 804. Expedited processing of requests for Japanese Imperial Government records.
Sec. 805. Effective date.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The National Reconnaissance Office.

(11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 4392 of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the

number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of $163,231,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2002.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized 313 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2001 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2002.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2001, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than 1 year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $34,100,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. TRANSFER AUTHORITY OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) LIMITATION ON DELEGATION OF AUTHORITY OF DEPARTMENTS TO OBJECT TO TRANSFERS.—Section 104(d)(2) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(3) in clause (v), as so redesignated, by striking "the Secretary or head" and inserting "subject to subparagraph (B), the Secretary or head"; and

(4) by adding at the end the following new subparagraph:

"(B)(i) Except as provided in clause (ii), the authority to object to a transfer under subparagraph (A)(v) may not be delegated by the Secretary or head of the department involved.

"(ii) With respect to the Department of Defense, the authority to object to such a transfer may be delegated by the Secretary of Defense, but only to the Deputy Secretary of Defense.

"(iii) An objection to a transfer under subparagraph (A)(v) shall have no effect unless submitted to the Director of Central Intelligence in writing.".

(b) LIMITATION ON DELEGATION OF DUTIES OF DIRECTOR OF CENTRAL INTELLIGENCE.—Section 104(d)(1) of such Act (50 U.S.C. 403–4(d)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Director may only delegate any duty or authority given the Director under this subsection to the Deputy Director of Central Intelligence for Community Management.".

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of $216,000,000.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of the Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

SEC. 304. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) IN GENERAL.—Chapter 37 of title 18, United States Code, is amended—

(1) by redesignating section 798A as section 798B; and

(2) by inserting after section 798 the following new section 798A:

"§ 798A. Unauthorized disclosure of classified information

"(a) PROHIBITION.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information acquired as a result of such person's authorized access to classified information to a person (other than an officer or employee of the United States) who is not authorized access to such classified information, knowing that the person is not authorized access to such classified information, shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

"(1) Any justice or judge of a court of the United States established pursuant to article III of the Constitution of the United States.

"(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any Member of Congress.

"(3) A person or persons acting on behalf of a foreign power (including an international organization) if the disclosure—

"(A) is made by an officer or employee of the United States who has been authorized to make the disclosure; and

"(B) is within the scope of such officer's or employee's duties.

"(4) Any other person authorized to receive the classified information.

"(c) DEFINITIONS.—In this section:

"(1) The term 'authorized', in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by such House of Congress.

"(2) The term 'classified information' means information or material properly classified and clearly marked or represented, or that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive order, as requiring protection against unauthorized disclosure for reasons of national security.

"(3) The term 'officer or employee of the United States' means the following:

"(A) An officer or employee (as those terms are defined in sections 2104 and 2105 of title 5).

"(B) An officer or enlisted member of the Armed Forces (as those terms are defined in section 101(b) of title 10).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by striking the item relating to section 798A and inserting the following new items:

"798A. Unauthorized disclosure of classified information.

"798B. Temporary extension of section 794.".

SEC. 305. AUTHORIZATION FOR TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

"TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL

"SEC. 116. (a) IN GENERAL.—Notwithstanding any other provision of law, the Director of Central Intelligence may authorize travel on any common carrier when such travel, in the discretion of the Director—

"(1) is consistent with intelligence community mission requirements, or

"(2) is required for cover purposes, operational needs, or other exceptional circumstances necessary for the successful performance of an intelligence community mission.

"(b) AUTHORIZED DELEGATION OF DUTY.—The Director may only delegate the authority granted by this section to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency the Director may delegate such authority to the Deputy Director for Operations.".

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting after the item relating to section 115 the following new item:

"Sec. 116. Travel on any common carrier for certain intelligence collection personnel.".

SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.

Not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report that updates and revises, as necessary, the report prepared by the Director pursuant to section 310 of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120; 113 Stat. 1606).

SEC. 307. POW/MIA ANALYTIC CAPABILITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 305(a), is further amended by adding at the end the following:

"POW/MIA ANALYTIC CAPABILITY

"SEC. 117. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to individuals who, after December 31, 1990, are unaccounted for United States personnel.

"(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

"(b) UNACCOUNTED FOR UNITED STATES PERSONNEL.—In this section, the term 'unaccounted for United States personnel' means the following:

"(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

"(2) Any United States national who was killed while engaged in activities on behalf of the United States and whose remains have not been repatriated to the United States.".

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947, as amended by section 305(b), is further amended by inserting after the item relating to section 116 the following new item:

"Sec. 117. POW/MIA analytic capability.".

SEC. 308. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new title:

"TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

"APPLICABILITY TO UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

"SEC. 1001. (a) IN GENERAL.—No Federal law enacted on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2001 that implements a treaty or other international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government or its employees, or any other person to the extent such other person is carrying out such activity on behalf of, and at the direction of, the United States, unless such Federal law specifically addresses such intelligence activity.

"(b) AUTHORIZED INTELLIGENCE ACTIVITIES.—An intelligence activity shall be treated as authorized for purposes of subsection (a) if the intelligence activity is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive.".

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting at the end the following new items:

"TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

"Sec. 1001. Applicability to United States intelligence activities of Federal laws implementing international treaties and agreements.".

SEC. 309. LIMITATION ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE.

(a) CERTIFICATION REGARDING FULL COMPLIANCE WITH REQUIREMENTS.—The Director of Central Intelligence shall certify to the appropriate committees of Congress whether or not each covered element of the Department of State is in full compliance with all applicable directives of the Director of Central Intelligence relating to the handling, retention, or storage of covered classified material.

(b) LIMITATION ON CERTIFICATION.—The Director of Central Intelligence may not certify a covered element of the Department of State as being in full compliance with the directives referred to in subsection (a) if the covered element is currently subject to a waiver of compliance with respect to any such directive.

(c) REPORT ON NONCOMPLIANCE.—Whenever the Director of Central Intelligence determines that a covered element of the Department of State is not in full compliance with any directive referred to in subsection (a), the Director shall promptly notify the appropriate committees of Congress of such determination.

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State may not retain or store covered classified material unless the Director has certified under subsection (a) as of such date that the covered element is in full compliance with the directives referred to in subsection (a).

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that the covered element involved is in full compliance with the directives referred to in that subsection.

(e) WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.—(1) The Director of Central Intelligence may waive the applicability of the prohibition in subsection (d) to an element of the Department of State otherwise covered by such prohibition if the Director determines that the waiver is in the national security interests of the United States.

(2) The Director shall submit to appropriate committees of Congress a report on each exercise of the waiver authority in paragraph (1).

(3) Each report under paragraph (2) with respect to the exercise of authority under paragraph (1) shall set forth the following:

(A) The covered element of the Department of State addressed by the waiver.

(B) The reasons for the waiver.

(C) The actions that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

(D) The actions taken by the Director to protect any covered classified material to be handled, retained, or stored by such element pending achievement of full compliance of such element with such directives.

(f) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means the following:

(A) The Select Committee on Intelligence and the Committee on Foreign Relations of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives.

(2) The term "covered classified material" means any material classified at the Sensitive Compartmented Information (SCI) level.

(3) The term "covered element of the Department of State" means each element of the Department of State that handles, retains, or stores covered classified material.

(4) The term "material" means any data, regardless of physical form or characteristic, including written or printed matter, automated information systems storage media, maps, charts, paintings, drawings, films, photographs, engravings, sketches, working notes, papers, reproductions of any such things by any means or process, and sound, voice, magnetic, or electronic recordings.

(5) The term "Sensitive Compartmented Information (SCI) level", in the case of classified material, means a level of classification for information in such material concerning or derived from intelligence sources, methods, or analytical processes that requires such information to be handled within formal access control systems established by the Director of Central Intelligence.

SEC. 310. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.

(a) FINDINGS.—Congress finds that—

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the "Avenue");

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the "grand axis" of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961–1962), as a member of the President's Council on Pennsylvania Avenue (1962–1964), and as vice-chairman of the President's Temporary Commission on

Pennsylvania Avenue (1965–1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a "solid phalanx of public and private office buildings which close down completely at night and on weekends," but that it be "lively, friendly, and inviting, as well as dignified and impressive";

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the "Guiding Principles for Federal Architecture," that recommends a choice of designs that are "efficient and economical" and that provide "visual testimony to the dignity, enterprise, vigor, and stability" of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the "development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.";

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) DESIGNATION.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as "Daniel Patrick Moynihan Place".

(c) BOUNDARIES.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103–284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that extends west to the facade of the Ronald Reagan Building and International Trade Center, from the point where the west facade of the Ariel Rios Building intersects the north end of the west hemicycle of that building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

(e) MARKERS.—The Administrator of General Services shall erect appropriate gateways or other markers in Daniel Patrick Moynihan Place so denoting that place.

SEC. 311. NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION ACT.

(a) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 405 et seq.) is amended by inserting at the beginning the following new section 301:

"NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION

"SEC. 301. (a) SHORT TITLE.—This section may be cited as the 'National Security Agency Voluntary Separation Act'.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'Director' means the Director of the National Security Agency; and

"(2) the term 'employee' means an employee of the National Security Agency, serving under an appointment without time limitation, who has been currently employed by the National Security Agency for a continuous period of at least 12 months prior to the effective date of the program established under subsection (c), except that such term does not include—

"(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

"(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

"(c) ESTABLISHMENT OF PROGRAM.—Notwithstanding any other provision of law, the Director, in his sole discretion, may establish a program under which employees may, after October 1, 2000, be eligible for early retirement, offered separation pay to separate from service voluntarily, or both.

"(d) EARLY RETIREMENT.—An employee who—

"(1) is at least 50 years of age and has completed 20 years of service; or

"(2) has at least 25 years of service,

may, pursuant to regulations promulgated under this section, apply and be retired from the National Security Agency and receive benefits in accordance with chapter 83 or 84 of title 5, United States Code, if the employee has not less than 10 years of service with the National Security Agency.

"(e) AMOUNT OF SEPARATION PAY AND TREATMENT FOR OTHER PURPOSES.—

"(1) AMOUNT.—Separation pay shall be paid in a lump sum and shall be equal to the lesser of—

"(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

"(B) $25,000.

"(2) TREATMENT.—Separation pay shall not—

"(A) be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

"(B) be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation.

"(f) REEMPLOYMENT RESTRICTIONS.—An employee who receives separation pay under such program may not be reemployed by the National Security Agency for the 12-month period beginning on the effective date of the employee's separation. An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1994 (Public Law 103–236; 108 Stat. 111) and accepts employment with the Government of the United States within 5 years after the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the National Security Agency. If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

"(g) BAR ON CERTAIN EMPLOYMENT.—

"(1) BAR.—An employee may not be separated from service under this section unless the employee agrees that the employee will not—

"(A) act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to the National Security Agency; or

"(B) participate in any manner in the award, modification, or extension of any contract for property or services with the National Security Agency,

during the 12-month period beginning on the effective date of the employee's separation from service.

"(2) PENALTY.—An employee who violates an agreement under this subsection shall be liable to the United States in the amount of the separation pay paid to the employee pursuant to this section multiplied by the proportion of the 12-month period during which the employee was in violation of the agreement.

"(h) LIMITATIONS.—Under this program, early retirement and separation pay may be offered only—

"(1) with the prior approval of the Director;

"(2) for the period specified by the Director; and

"(3) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Director may require.

"(i) REGULATIONS.—Before an employee may be eligible for early retirement, separation pay, or both, under this section, the Director shall prescribe such regulations as may be necessary to carry out this section.

"(j) REPORTING REQUIREMENTS.—

"(1) NOTIFICATION.—The Director may not make an offer of early retirement, separation pay, or both, pursuant to this section until 15 days after submitting to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the occupational groups or geographic locations, or other similar limitations or conditions, required by the Director under subsection (h), and includes the proposed regulations issued pursuant to subsection (i).

"(2) ANNUAL REPORT.—The Director shall submit to the President and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate an annual report on the effectiveness and costs of carrying out this section.

"(k) REMITTANCE OF FUNDS.—In addition to any other payment that is required to be made under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the National Security Agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, an amount equal to 15 percent of the final basic pay of each employee to whom a voluntary separation payment has been or is to be paid under this section. The remittance required by this subsection shall be in lieu of any remittance required by section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).".

(b) CLERICAL AMENDMENT.—The table of contents for title III of the National Security Act of 1947 is amended by inserting at the beginning the following new item:

"Sec. 301. National Security Agency voluntary separation.".

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS-PO)

SEC. 321. REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) REORGANIZATION.—Effective 60 days after the date of the enactment of this Act, the Diplomatic Telecommunications Service Program Office (DTS-PO) established pursuant to title V of Public Law 102–140 shall be reorganized in accordance with this subtitle.

(b) PURPOSE AND DUTIES OF DTS-PO.—The purpose and duties of DTS-PO shall be to carry out a program for the establishment and maintenance of a diplomatic telecommunications system and communications network (hereinafter in this subtitle referred to as "DTS") capable of providing multiple levels of service to meet the wide ranging needs of all United States Government agencies and departments at diplomatic facilities abroad, including national security needs for secure, reliable, and robust communications capabilities.

SEC. 322. PERSONNEL.

(a) ESTABLISHMENT OF POSITION OF CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Effective 60 days after the date of the enactment of this Act, there is established the position of Chief Executive Officer of the Diplomatic Telecommunications Service Program Office (hereinafter in this subtitle referred to as the "CEO").

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The CEO shall be an individual who—

(i) is a communications professional;

(ii) has served in the commercial telecommunications industry for at least 7 years;

(iii) has an extensive background in communications system design, maintenance, and support and a background in organizational management; and

(iv) submits to a background investigation and possesses the necessary qualifications to obtain a security clearance required to meet the highest United States Government security standards.

(B) LIMITATIONS.—The CEO may not be an individual who was an officer or employee of DTS-PO prior to the date of the enactment of this Act.

(3) APPOINTMENT AUTHORITY.—The CEO of DTS-PO shall be appointed by the Director of the Office of Management and Budget.

(4) FIRST APPOINTMENT.—

(i) DEADLINE.—The first appointment under this subsection shall be made not later than May 1, 2001.

(ii) LIMITATION ON USE OF FUNDS.—Of the funds available for DTS-PO on the date of the enactment of this Act, not more than 75 percent of such funds may be obligated or expended until a CEO is appointed under this subsection and assumes such position.

(iii) MAY NOT BE AN OFFICER OR EMPLOYEE OF FEDERAL GOVERNMENT.—The individual first appointed as CEO under this subtitle may not have been an officer or employee of the Federal government during the 1 year period immediately preceding such appointment.

(5) VACANCY.—In the event of a vacancy in the position of CEO or during the absence or disability of the CEO, the Director of the Office of Management and Budget may designate an officer or employee of DTS-PO to perform the duties of the position as the acting CEO.

(6) AUTHORITIES AND DUTIES.—

(A) IN GENERAL.—The CEO shall have responsibility for day-to-day management and operations of DTS, subject to the supervision of the Diplomatic Telecommunication Service Oversight Board established under this subtitle.

(B) SPECIFIC AUTHORITIES.—In carrying out the responsibility for day-to-day management and operations of DTS, the CEO shall, at a minimum, have—

(i) final decision-making authority for implementing DTS policy; and

(ii) final decision-making authority for managing all communications technology and security upgrades to satisfy DTS user requirements.

(C) CERTIFICATION REGARDING SECURITY.—The CEO shall certify to the appropriate congressional committees that the operational and communications security requirements and practices of DTS conform to the highest security requirements and practices required by any agency utilizing the DTS.

(D) REPORTS TO CONGRESS.—

(i) SEMIANNUAL REPORTS.—Beginning on August 1, 2001, and every 6 months thereafter, the CEO shall submit to the appropriate congressional committees of jurisdiction a report regarding the activities of DTS-PO during the preceding 6 months, the current capabilities of DTS-PO, and the priorities of DTS-PO for the subsequent 6 month period. Each report shall include a discussion about any administrative, budgetary, or management issues that hinder the ability of DTS-PO to fulfill its mandate.

(ii) OTHER REPORTS.—In addition to the report required by clause (i), the CEO shall keep the appropriate congressional committees of jurisdiction fully and currently informed with regard to DTS-PO activities, particularly with regard to any significant security infractions or major outages in the DTS.

(b) ESTABLISHMENT OF POSITIONS OF DEPUTY EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be 2 Deputy Executive Officers of the Diplomatic Telecommunications Service Program Office, each to be appointed by the President.

(2) DUTIES.—The Deputy Executive Officers shall perform such duties as the CEO may require.

(c) TERMINATION OF POSITIONS OF DIRECTOR AND DEPUTY DIRECTOR.—Effective upon the first appointment of a CEO pursuant to subsection (a), the positions of Director and Deputy Director of DTS-PO shall terminate.

(d) EMPLOYEES OF DTS-PO.—

(1) IN GENERAL.—DTS-PO is authorized to have the following employees: a CEO established under subsection (a), 2 Deputy Executive Officers established under subsection (b), and not more than 4 other employees.

(2) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The CEO and other officers and employees of DTS-PO may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) AUTHORITY OF DIRECTOR OF OMB TO PRESCRIBE PAY OF EMPLOYEES.—The Director of the Office of Management and Budget shall prescribe the rates of basic pay for positions to which employees are appointed under this section on the basis of their unique qualifications.

(e) STAFF OF FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the CEO, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to DTS-PO to assist it in carrying out its duties under this subtitle.

(2) CONTINUATION OF SERVICE.—An employee of a Federal department or agency who was performing services on behalf of DTS-PO prior to the effective date of the reorganization under this subtitle shall continue to be detailed to DTS-PO after that date, upon request.

SEC. 323. DIPLOMATIC TELECOMMUNICATIONS SERVICE OVERSIGHT BOARD.

(a) OVERSIGHT BOARD ESTABLISHED.—

(1) IN GENERAL.—There is hereby established the Diplomatic Telecommunications Service Oversight Board (hereinafter in this subtitle referred to as the "Board") as an instrumentality of the United States with the powers and authorities herein provided.

(2) STATUS.—The Board shall oversee and monitor the operations of DTS-PO and shall be accountable for the duties assigned to DTS-PO under this subtitle.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Board shall consist of 3 members as follows:

(i) The Deputy Director of the Office of Management and Budget.

(ii) 2 members to be appointed by the President.

(B) CHAIRPERSON.—The chairperson of the Board shall be the Deputy Director of the Office of Management and Budget.

(C) TERMS.—Members of the Board appointed by the President shall serve at the pleasure of the President.

(D) QUORUM REQUIRED.—A quorum shall consist of all members of the Board and all decisions of the Board shall require a majority vote.

(4) PROHIBITION ON COMPENSATION.—Members of the Board may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(5) DUTIES AND AUTHORITIES.—The Board shall have the following duties and authorities with respect to DTS-PO:

(A) To review and approve overall strategies, policies, and goals established by DTS-PO for its activities.

(B) To review and approve financial plans, budgets, and periodic financing requests developed by DTS-PO.

(C) To review the overall performance of DTS-PO on a periodic basis, including its work, management activities, and internal controls, and the performance of DTS-PO relative to approved budget plans.

(D) To require from DTS-PO any reports, documents, and records the Board considers necessary to carry out its oversight responsibilities.

(E) To evaluate audits of DTS-PO.

(6) LIMITATION ON AUTHORITY.—The CEO shall have the authority, without any prior review or approval by the Board, to make such determinations as the CEO considers appropriate and take such actions as the CEO considers appropriate with respect to the day-to-day management and operation of DTS-PO and to carry out the reforms of DTS-PO authorized by section 305 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 305 of appendix G of Public Law 106–113).

SEC. 324. GENERAL PROVISIONS.

(a) REPORT TO CONGRESS.—Not later than March 1, 2001, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees of jurisdiction a report which includes the following elements with respect to DTS-PO:

(1) Clarification of the process for the CEO to report to the Board.

(2) Details of the CEO's duties and responsibilities.

(3) Details of the compensation package for the CEO and other employees of DTS-PO.

(4) Recommendations to the Overseas Security Policy Board (OSPB) for updates.

(5) Security standards for information technology.

(6) The upgrade precedence plan for overseas posts with national security interests.

(7) A spending plan for the additional funds provided for the operation and improvement of DTS for fiscal year 2001.

(b) NOTIFICATION REQUIREMENTS.—The notification requirements of sections 502 and 505 of the National Security Act of 1947 shall apply to DTS-PO and the Board.

(c) Procurement Authority of DTS-PO.—The procurement authorities of any of the users of DTS shall be available to the DTS-PO.

(d) Definition of Appropriate Congressional Committees of Jurisdiction.—As used in this subtitle, the term "appropriate congressional committees of jurisdiction" means the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) Statutory Construction.—Nothing in this subtitle shall be construed to negate or to reduce the statutory obligations of any United States department or agency head.

(f) Authorization of Appropriations for DTS-PO.—For each of the fiscal years 2002 through 2006, there are authorized to be appropriated directly to DTS-PO such sums as may be necessary to carry out the management, oversight, and security requirements of this subtitle.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE AGENCY'S CENTRAL SERVICES PROGRAM.

(a) Deposits in Central Services Working Capital Fund.—Subsection (c)(2) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u(c)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (H); and

(2) by inserting after subparagraph (E) the following new subparagraphs:

"(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

"(G) Receipts from individuals for the rental of property and equipment under the program.".

(b) Clarification of Costs Recoverable Under Program.—Subsection (e)(1) of that section is amended in the second sentence by inserting "other than structures owned by the Agency" after "depreciation of plant and equipment".

(c) Financial Statements of Program.—Subsection (g)(2) of that section is amended in the first sentence by striking "annual audits under paragraph (1)" and inserting the following: "financial statements to be prepared with respect to the program. Office of Management and Budget guidance shall also determine the procedures for conducting annual audits under paragraph (1).".

SEC. 402. TECHNICAL CORRECTIONS.

(a) Clarification Regarding Reports on Exercise of Authority.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (d)(1), by striking subparagraph (E) and inserting the following new subparagraph (E):

"(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and"; and

(2) in subsection (e)(5), by striking subparagraph (E).

(b) Terminology With Respect to Government Agencies.—Section 17(e)(8) of such Act (50 U.S.C. 403q(e)(8)) is amended by striking "Federal" each place it appears and inserting "Government".

SEC. 403. EXPANSION OF INSPECTOR GENERAL ACTIONS REQUIRING A REPORT TO CONGRESS.

Section 17(d)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)) is amended by striking all that follows after subparagraph (A) and inserting the following:

"(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

"(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advise and consent of the Senate, including such a position held on an acting basis; or

"(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

"(I) Executive Director;

"(II) Deputy Director for Operations;

"(III) Deputy Director for Intelligence;

"(IV) Deputy Director for Administration; or

"(V) Deputy Director for Science and Technology;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

"(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any of the officials described in subparagraph (B); or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the intelligence committees.".

SEC. 404. DETAIL OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

"DETAIL OF EMPLOYEES

"Sec. 22. The Director may—

"(1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal Government personnel; and

"(2) hire personnel for the purpose of any detail under paragraph (1).".

SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR ACQUISITION OF LAND.

(a) In General.—Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended by adding at the end the following new subsection:

"(c) Transfers for Acquisition of Land.—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

"(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on the transfers of sums described in paragraph (1).".

(b) Conforming Stylistic Amendments.—That section is further amended—

(1) in subsection (a), by inserting "In General.—" after "(a)"; and

(2) in subsection (b), by inserting "Scope of Authority for Expenditure.—" after "(b)".

(c) Applicability.—Subsection (c) of section 5 of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section, shall apply with respect to amounts appropriated or otherwise made available for the Central Intelligence Agency for fiscal years after fiscal year 2000.

SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE.

(a) In General.—Notwithstanding any provision of title VI, section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note), the Director of Central Intelligence may—

(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

(2) use appropriated funds available to the Director to reimburse employees within categories so designated for one-half of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

(b) Reports.—The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. CONTRACTING AUTHORITY FOR THE NATIONAL RECONNAISSANCE OFFICE.

(a) In General.—The National Reconnaissance Office ("NRO") shall negotiate, write, execute, and manage contracts for launch vehicle acquisition or launch that affect or bind the NRO and to which the United States is a party.

(b) Effective Date.—This section shall apply to any contract described in subsection (a) that is entered into after the date of the enactment of this Act.

(c) Retroactivity.—This section shall not apply to any contract described in subsection (a) in effect as of the date of the enactment of this Act.

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

SEC. 503. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) Study of Options.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) Report.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE VI—COUNTERINTELLIGENCE MATTERS

SEC. 601. SHORT TITLE.

This title may be cited as the "Counterintelligence Reform Act of 2000".

SEC. 602. ORDERS FOR ELECTRONIC SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

"(e)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

"(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

"(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

"(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

"(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

"(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.".

(b) PROBABLE CAUSE.—Section 105 of that Act (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

"(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target."; and

(3) in subsection (d), as redesignated by paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (c)(1)".

SEC. 603. ORDERS FOR PHYSICAL SEARCHES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended by adding at the end the following new subsection:

"(d)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

"(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

"(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

"(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

"(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

"(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.".

(b) PROBABLE CAUSE.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.".

SEC. 604. DISCLOSURE OF INFORMATION ACQUIRED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 FOR LAW ENFORCEMENT PURPOSES.

(a) INCLUSION OF INFORMATION ON DISCLOSURE IN SEMIANNUAL OVERSIGHT REPORT.—Section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) Each report under the first sentence of paragraph (1) shall include a description of—

"(A) each criminal case in which information acquired under this Act has been passed for law enforcement purposes during the period covered by such report; and

"(B) each criminal case in which information acquired under this Act has been authorized for use at trial during such reporting period.".

(b) REPORT ON MECHANISMS FOR DETERMINATIONS OF DISCLOSURE OF INFORMATION FOR LAW ENFORCEMENT PURPOSES.—(1) The Attorney General shall submit to the appropriate committees of Congress a report on the authorities and procedures utilized by the Department of Justice for determining whether or not to disclose information acquired under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for law enforcement purposes.

(2) In this subsection, the term "appropriate committees of Congress" means the following:

(A) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

SEC. 605. COORDINATION OF COUNTERINTELLIGENCE WITH THE FEDERAL BUREAU OF INVESTIGATION.

(a) TREATMENT OF CERTAIN SUBJECTS OF INVESTIGATION.—Subsection (c) of section 811 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 402a) is amended—

(1) in paragraphs (1) and (2), by striking "paragraph (3)" and inserting "paragraph (5)";

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

"(B) The head of the department or agency concerned shall—

"(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and

"(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.

"(C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph, and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes."; and

(4) in paragraph (5), as so redesignated, by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (3)".

(b) TIMELY PROVISION OF INFORMATION AND CONSULTATION ON ESPIONAGE INVESTIGATIONS.—Paragraph (2) of that subsection is further amended—

(1) by inserting "in a timely manner" after "through appropriate channels"; and

(2) by inserting "in a timely manner" after "are consulted".

(c) INTERFERENCE WITH FULL FIELD ESPIONAGE INVESTIGATIONS.—That subsection is further amended by inserting after paragraph (3), as amended by subsection (a) of this section, the following new paragraph (4):

"(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

"(B) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination and consultation with the Federal Bureau of Investigation.".

SEC. 606. ENHANCING PROTECTION OF NATIONAL SECURITY AT THE DEPARTMENT OF JUSTICE.

(a) AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.—There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counter-espionage investigations, provide policy analysis on national security issues, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal year 2001;

(2) $7,500,000 for fiscal year 2002; and

(3) $8,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—(1) No funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review for fiscal years 2002 and 2003 may be obligated or expended until the date on which the Attorney General submits the report required by paragraph (2) for the year involved.

(2)(A) The Attorney General shall submit to the committees of Congress specified in subparagraph (B) an annual report on the manner in which the funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review will be used by that Office—

(i) to improve and strengthen its oversight of Federal Bureau of Investigation field offices in the implementation of orders under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(ii) to streamline and increase the efficiency of the application process under that Act.

(B) The committees of Congress referred to in this subparagraph are the following:

(i) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(ii) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(3) In addition to the report required by paragraph (2), the Attorney General shall also submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report that addresses the issues identified in the semiannual report of the Attorney General to such committees under section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) that was submitted in April 2000, including any corrective actions with regard to such issues. The report under this paragraph shall be submitted in classified form.

(4) Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

(c) REPORT ON COORDINATING NATIONAL SECURITY AND INTELLIGENCE FUNCTIONS WITHIN THE DEPARTMENT OF JUSTICE.—The Attorney General shall report to the committees of Congress specified in subsection (b)(2)(B) within 120 days on actions that have been or will be taken by the Department to—

(1) promote quick and efficient responses to national security issues;

(2) centralize a point-of-contact within the Department on national security matters for external entities and agencies; and

(3) coordinate the dissemination of intelligence information within the appropriate components of the Department and the formulation of policy on national security issues.

SEC. 607. COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.

The Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting after section 9 the following new section:

"COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION

"SEC. 9A. (a) BRIEFINGS REQUIRED.—The Assistant Attorney General for the Criminal Division and the appropriate United States attorney, or the designees of such officials, shall provide briefings to the senior agency official, or the designee of such official, with respect to any case involving classified information that originated in the agency of such senior agency official.

"(b) TIMING OF BRIEFINGS.—Briefings under subsection (a) with respect to a case shall occur—

"(1) as soon as practicable after the Department of Justice and the United States attorney concerned determine that a prosecution or potential prosecution could result; and

"(2) at such other times thereafter as are necessary to keep the senior agency official concerned fully and currently informed of the status of the prosecution.

"(c) SENIOR AGENCY OFFICIAL DEFINED.—In this section, the term 'senior agency official' has the meaning given that term in section 1.1 of Executive Order No. 12958.".

SEC. 608. SEVERABILITY.

If any provision of this title (including an amendment made by this title), or the application thereof, to any person or circumstance, is held invalid, the remainder of this title (including the amendments made by this title), and the application thereof, to other persons or circumstances shall not be affected thereby.

TITLE VII—DECLASSIFICATION OF INFORMATION

SEC. 701. SHORT TITLE.

This title may be cited as the "Public Interest Declassification Act of 2000".

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policymakers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

SEC. 703. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) ESTABLISHMENT.—There is established within the executive branch of the United States a board to be known as the "Public Interest Declassification Board" (in this title referred to as the "Board").

(b) PURPOSES.—The purposes of the Board are as follows:

(1) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials (including donated historical materials) that are of archival value, including records and materials of extraordinary public interest.

(2) To promote the fullest possible public access to a thorough, accurate, and reliable documentary record of significant United States national security decisions and significant United States national security activities in order to—

(A) support the oversight and legislative functions of Congress;

(B) support the policymaking role of the executive branch;

(C) respond to the interest of the public in national security matters; and

(D) promote reliable historical analysis and new avenues of historical study in national security matters.

(3) To provide recommendations to the President for the identification, collection, and review for declassification of information of extraordinary public interest that does not undermine the national security of the United States, to be undertaken in accordance with a declassification program that has been established or may be established by the President by Executive order.

(4) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on policies deriving from the issuance by the President of Executive orders regarding the classification and declassification of national security information.

(c) MEMBERSHIP.—(1) The Board shall be composed of nine individuals appointed from among citizens of the United States who are preeminent in the fields of history, national security, foreign policy, intelligence policy, social science, law, or archives, including individuals who have served in Congress or otherwise in the Federal Government or have otherwise engaged in research, scholarship, or publication in such fields on matters relating to the national security of the United States, of whom—

(A) five shall be appointed by the President;

(B) one shall be appointed by the Speaker of the House of Representatives;

(C) one shall be appointed by the majority leader of the Senate;

(D) one shall be appointed by the minority leader of the Senate; and

(E) one shall be appointed by the minority leader of the House of Representatives.

(2)(A) Of the members initially appointed to the Board by the President—

(i) three shall be appointed for a term of four years;

(ii) one shall be appointed for a term of three years; and

(iii) one shall be appointed for a term of two years.

(B) The members initially appointed to the Board by the Speaker of the House of Representatives or by the majority leader of the Senate shall be appointed for a term of three years.

(C) The members initially appointed to the Board by the minority leader of the House of Representatives or the Senate shall be appointed for a term of two years.

(D) Any subsequent appointment to the Board shall be for a term of three years.

(3) A vacancy in the Board shall be filled in the same manner as the original appointment. A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.

(4) A member of the Board may be appointed to a new term on the Board upon the expiration of the member's term on the Board, except that no member may serve more than three full terms on the Board.

(d) CHAIRPERSON; EXECUTIVE SECRETARY.—(1)(A) The President shall designate one of the members of the Board as the Chairperson of the Board.

(B) The term of service as Chairperson of the Board shall be two years.

(C) A member serving as Chairperson of the Board may be redesignated as Chairperson of the Board upon the expiration of the member's term as Chairperson of the Board, except that no member shall serve as Chairperson of the Board for more than six years.

(2) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Board.

(e) MEETINGS.—The Board shall meet as needed to accomplish its mission, consistent with the availability of funds. A majority of the members of the Board shall constitute a quorum.

(f) STAFF.—Any employee of the Federal Government may be detailed to the Board, with the agreement of and without reimbursement to the detailing agency, and such detail shall be without interruption or loss of civil, military, or foreign service status or privilege.

(g) SECURITY.—(1) The members and staff of the Board shall, as a condition of appointment to or employment with the Board, hold appropriate security clearances for access to the classified records and materials to be reviewed by the Board or its staff, and shall follow the guidance and practices on security under applicable Executive orders and Presidential or agency directives.

(2) The head of an agency shall, as a condition of granting access to a member of the Board, the Executive Secretary of the Board, or a member of the staff of the Board to classified records or materials of the agency under this title, require the member, the Executive Secretary, or the member of the staff, as the case may be, to—

(A) execute an agreement regarding the security of such records or materials that is approved by the head of the agency; and

(B) hold an appropriate security clearance granted or recognized under the standard procedures and eligibility criteria of the agency, including any special access approval required for access to such records or materials.

(3) The members of the Board, the Executive Secretary of the Board, and the members of the staff of the Board may not use any information acquired in the course of their official activities on the Board for nonofficial purposes.

(4) For purposes of any law or regulation governing access to classified information that pertains to the national security of the United States, and subject to any limitations on access arising under section 706(b), and to facilitate the advisory functions of the Board under this title, a member of the Board seeking access to a record or material under this title shall be deemed for purposes of this subsection to have a need to know the contents of the record or material.

(h) COMPENSATION.—(1) Each member of the Board shall receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for positions at ES–1 of the Senior Executive Service under section 5382 of title 5, United States Code, for each day such member is engaged in the actual performance of duties of the Board.

(2) Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the duties of the Board.

(i) GUIDANCE; ANNUAL BUDGET.—(1) On behalf of the President, the Assistant to the President for National Security Affairs shall provide guidance on policy to the Board.

(2) The Executive Secretary of the Board, under the direction of the Chairperson of the Board and the Board, and acting in consultation with the Archivist of the United States, the Assistant to the President for National Security Affairs, and the Director of the Office of Management and Budget, shall prepare the annual budget of the Board.

(j) SUPPORT.—The Information Security Oversight Office may support the activities of the Board under this title. Such support shall be provided on a reimbursable basis.

(k) PUBLIC AVAILABILITY OF RECORDS AND REPORTS.—(1) The Board shall make available for public inspection records of its proceedings and reports prepared in the course of its activities under this title to the extent such records and reports are not classified and would not be exempt from release under the provisions of section 552 of title 5, United States Code.

(2) In making records and reports available under paragraph (1), the Board shall coordinate the release of such records and reports with appropriate officials from agencies with expertise in classified information in order to ensure that such records and reports do not inadvertently contain classified information.

(l) APPLICABILITY OF CERTAIN ADMINISTRATIVE LAWS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this title. However, the records of the Board shall be governed by the provisions of the Federal Records Act of 1950.

SEC. 704. IDENTIFICATION, COLLECTION, AND REVIEW FOR DECLASSIFICATION OF INFORMATION OF ARCHIVAL VALUE OR EXTRAORDINARY PUBLIC INTEREST.

(a) BRIEFINGS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) As requested by the Board, or by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, the head of any agency with the authority under an Executive order to classify information shall provide to the Board, the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, on an annual basis, a summary briefing and report on such agency's progress and plans in the declassification of national security information. Such briefing shall cover the declassification goals set by statute, regulation, or policy, the agency's progress with respect to such goals, and the agency's planned goals and priorities for its declassification activities over the next two fiscal years. Agency briefings and reports shall give particular attention to progress on the declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States.

(2)(A) The annual briefing and report under paragraph (1) for agencies within the Department of Defense, including the military departments and the elements of the intelligence community, shall be provided on a consolidated basis.

(B) In this paragraph, the term "elements of the intelligence community" means the elements of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(b) RECOMMENDATIONS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) Upon reviewing and discussing declassification plans and progress with an agency, the Board shall provide to the head of the agency the written recommendations of the Board as to how the agency's declassification program could be improved. A copy of each recommendation shall also be submitted to the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget.

(2) Consistent with the provisions of section 703(k), the Board's recommendations to the head of an agency under paragraph (1) shall become public 60 days after such recommendations are sent to the head of the agency under that paragraph.

(c) RECOMMENDATIONS ON SPECIAL SEARCHES FOR RECORDS OF EXTRAORDINARY PUBLIC INTEREST.—(1) The Board shall also make recommendations to the President regarding proposed initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest.

(2) In making recommendations under paragraph (1), the Board shall consider the following:

(A) The opinions and requests of Members of Congress, including opinions and requests expressed or embodied in letters or legislative proposals.

(B) The opinions and requests of the National Security Council, the Director of Central Intelligence, and the heads of other agencies.

(C) The opinions of United States citizens.

(D) The opinions of members of the Board.

(E) The impact of special searches on systematic and all other on-going declassification programs.

(F) The costs (including budgetary costs) and the impact that complying with the recommendations would have on agency budgets, programs, and operations.

(G) The benefits of the recommendations.

(H) The impact of compliance with the recommendations on the national security of the United States.

(d) PRESIDENT'S DECLASSIFICATION PRIORITIES.—(1) Concurrent with the submission to Congress of the budget of the President each fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall publish a description of the President's declassification program and priorities, together with a listing of the funds requested to implement that program.

(2) Nothing in this title shall be construed to substitute or supersede, or establish a funding process for, any declassification program that has been established or may be established by the President by Executive order.

SEC. 705. PROTECTION OF NATIONAL SECURITY INFORMATION AND OTHER INFORMATION.

(a) In General.—Nothing in this title shall be construed to limit the authority of the head of an agency to classify information or to continue the classification of information previously classified by that agency.

(b) Special Access Programs.—Nothing in this title shall be construed to limit the authority of the head of an agency to grant or deny access to a special access program.

(c) Authorities of Director of Central Intelligence.—Nothing in this title shall be construed to limit the authorities of the Director of Central Intelligence as the head of the intelligence community, including the Director's responsibility to protect intelligence sources and methods from unauthorized disclosure as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6)).

(d) Exemptions to Release of Information.—Nothing in this title shall be construed to limit any exemption or exception to the release to the public under this title of information that is protected under subsection (b) of section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), or section 552a of title 5, United States Code (commonly referred to as the "Privacy Act").

(e) Withholding Information From Congress.—Nothing in this title shall be construed to authorize the withholding of information from Congress.

SEC. 706. STANDARDS AND PROCEDURES.

(a) Liaison.—(1) The head of each agency with the authority under an Executive order to classify information and the head of each Federal Presidential library shall designate an employee of such agency or library to act as liaison to the Board for purposes of this title.

(2) The Board may establish liaison and otherwise consult with such other historical and advisory committees as the Board considers appropriate for purposes of this title.

(b) Limitations on Access.—(1)(A) Except as provided in paragraph (2), if the head of an agency or the head of a Federal Presidential library determines it necessary to deny or restrict access of the Board, or of the agency or library liaison to the Board, to information contained in a record or material, in whole or in part, the head of the agency or the head of the library shall promptly notify the Board in writing of such determination.

(B) Each notice to the Board under subparagraph (A) shall include a description of the nature of the records or materials, and a justification for the determination, covered by such notice.

(2) In the case of a determination referred to in paragraph (1) with respect to a special access program created by the Secretary of Defense, the Director of Central Intelligence, or the head of any other agency, the notification of denial of access under paragraph (1), including a description of the nature of the Board's request for access, shall be submitted to the Assistant to the President for National Security Affairs rather than to the Board.

(c) Discretion To Disclose.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the public's interest in the disclosure of records or materials of the agency covered by such review, and still properly classified, outweighs the Government's need to protect such records or materials, and may release such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(d) Discretion To Protect.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the interest of the agency in the protection of records or materials of the agency covered by such review, and still properly classified, outweighs the public's need for access to such records or materials, and may deny release of such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(e) Reports.—(1)(A) Except as provided in paragraph (2), the Board shall annually submit to the appropriate congressional committees a report on the activities of the Board under this title, including summary information regarding any denials to the Board by the head of an agency or the head of a Federal Presidential library of access to records or materials under this title.

(B) In this paragraph, the term "appropriate congressional committees" means the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform of the House of Representatives.

(2) Notwithstanding paragraph (1), notice that the Board has been denied access to records and materials, and a justification for the determination in support of the denial, shall be submitted by the agency denying the access as follows:

(A) In the case of the denial of access to a special access program created by the Secretary of Defense, to the Committees on Armed Services and Appropriations of the Senate and to the Committees on Armed Services and Appropriations of the House of Representatives.

(B) In the case of the denial of access to a special access program created by the Director of Central Intelligence, or by the head of any other agency (including the Department of Defense) if the special access program pertains to intelligence activities, or of access to any information and materials relating to intelligence sources and methods, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) In the case of the denial of access to a special access program created by the Secretary of Energy or the Administrator for Nuclear Security, to the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate and to the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 707. JUDICIAL REVIEW.

Nothing in this title limits the protection afforded to any information under any other provision of law. This title is not intended and may not be construed to create any right or benefit, substantive or procedural, enforceable against the United States, its agencies, its officers, or its employees. This title does not modify in any way the substantive criteria or procedures for the classification of information, nor does this title create any right or benefit subject to judicial review.

SEC. 708. FUNDING.

(a) Authorization of Appropriations.—There is hereby authorized to be appropriated to carry out the provisions of this title amounts as follows:

(1) For fiscal year 2001, $650,000.

(2) For each fiscal year after fiscal year 2001, such sums as may be necessary for such fiscal year.

(b) Funding Requests.—The President shall include in the budget submitted to Congress for each fiscal year under section 1105 of title 31, United States Code, a request for amounts for the activities of the Board under this title during such fiscal year.

SEC. 709. DEFINITIONS.

In this title:

(1) Agency.—(A) Except as provided in subparagraph (B), the term "agency" means the following:

(i) An Executive agency, as that term is defined in section 105 of title 5, United States Code.

(ii) A military department, as that term is defined in section 102 of such title.

(iii) Any other entity in the executive branch that comes into the possession of classified information.

(B) The term does not include the Board.

(2) Classified Material or Record.—The terms "classified material" and "classified record" include any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, regardless of physical form or characteristics, that has been determined pursuant to Executive order to require protection against unauthorized disclosure in the interests of the national security of the United States.

(3) Declassification.—The term "declassification" means the process by which records or materials that have been classified are determined no longer to require protection from unauthorized disclosure to protect the national security of the United States.

(4) Donated Historical Material.—The term "donated historical material" means collections of personal papers donated or given to a Federal Presidential library or other archival repository under a deed of gift or otherwise.

(5) Federal Presidential Library.—The term "Federal Presidential library" means a library operated and maintained by the United States Government through the National Archives and Records Administration under the applicable provisions of the Federal Records Act of 1950.

(6) National Security.—The term "national security" means the national defense or foreign relations of the United States.

(7) Records or Materials of Extraordinary Public Interest.—The term "records or materials of extraordinary public interest" means records or materials that—

(A) demonstrate and record the national security policies, actions, and decisions of the United States, including—

(i) policies, events, actions, and decisions which led to significant national security outcomes; and

(ii) the development and evolution of significant United States national security policies, actions, and decisions;

(B) will provide a significantly different perspective in general from records and materials publicly available in other historical sources; and

(C) would need to be addressed through ad hoc record searches outside any systematic declassification program established under Executive order.

(8) Records of Archival Value.—The term "records of archival value" means records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government.

SEC. 710. EFFECTIVE DATE; SUNSET.

(a) Effective Date.—This title shall take effect on the date that is 120 days after the date of the enactment of this Act.

(b) Sunset.—The provisions of this title shall expire four years after the date of the enactment of this Act, unless reauthorized by statute.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "Japanese Imperial Government Disclosure Act of 2000".

SEC. 802. DESIGNATION.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" has the meaning given such term under section 551 of title 5, United States Code.

(2) INTERAGENCY GROUP.—The term "Interagency Group" means the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group established under subsection (b).

(3) JAPANESE IMPERIAL GOVERNMENT RECORDS.—The term "Japanese Imperial Government records" means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation on, and persecution of, any person because of race, religion, national origin, or political opinion, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Government;

(B) any government in any area occupied by the military forces of the Japanese Imperial Government;

(C) any government established with the assistance or cooperation of the Japanese Imperial Government; or

(D) any government which was an ally of the Japanese Imperial Government.

(4) RECORD.—The term "record" means a Japanese Imperial Government record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall designate the Working Group established under the Nazi War Crimes Disclosure Act (Public Law 105–246; 5 U.S.C. 552 note) to also carry out the purposes of this title with respect to Japanese Imperial Government records, and that Working Group shall remain in existence for 3 years after the date on which this title takes effect. Such Working Group is redesignated as the "Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group".

(2) MEMBERSHIP.—Section 2(b)(2) of such Act is amended by striking "3 other persons" and inserting "4 other persons who shall be members of the public, of whom 3 shall be persons appointed under the provisions of this Act in effect on October 8, 1998.".

(c) FUNCTIONS.—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 803—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Government records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) FUNDING.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SEC. 803. REQUIREMENT OF DISCLOSURE OF RECORDS.

(a) RELEASE OF RECORDS.—Subject to subsections (b), (c), and (d), the Japanese Imperial Government Records Interagency Working Group shall release in their entirety Japanese Imperial Government records.

(b) EXEMPTIONS.—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute an unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about an intelligence source or method when the unauthorized disclosure of that source or method would damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal United States military war plans that remain in effect;

(7) reveal information that would impair relations between the United States and a foreign government, or undermine ongoing diplomatic activities of the United States;

(8) reveal information that would impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) APPLICATIONS OF EXEMPTIONS.—

(1) IN GENERAL.—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Government. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) APPLICATION OF TITLE 5.—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) RECORDS RELATED TO INVESTIGATIONS OR PROSECUTIONS.—This section shall not apply to records—

(1) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(2) solely in the possession, custody, or control of the Office of Special Investigations.

SEC. 804. EXPEDITED PROCESSING OF REQUESTS FOR JAPANESE IMPERIAL GOVERNMENT RECORDS.

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 802(a)(3) and who requests a Japanese Imperial Government record shall be deemed to have a compelling need for such record.

SEC. 805. EFFECTIVE DATE.

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

PORTER J. GOSS,
JERRY LEWIS,
BILL MCCOLLUM,
MICHAEL N. CASTLE,
SHERWOOD L. BOEHLERT,
C.F. BASS,
JIM GIBBONS,
RAY LAHOOD,
HEATHER WILSON,
JULIAN C. DIXON,
SANFORD D. BISHOP, Jr.,
NORMAN SISISKY,
GARY A. CONDIT,
TIM ROEMER,
ALCEE L. HASTINGS,

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

FLOYD SPENCE,
BOB STUMP,
IKE SKELTON,

Managers on the Part of the House.

RICHARD C. SHELBY,
RICHARD G. LUGAR,
JON KYL,
JAMES INHOFE,
ORRIN G. HATCH,
PAT ROBERTS,
CONNIE MACK,

From the Committee on Armed Services:

JOHN WARNER,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
CHUCK ROBB,
FRANK R. LAUTENBERG,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and the intelligence-related activities of the United States government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The managers agree that the congressionally directed actions described in the House bill, the Senate amendment, the respective committee reports, and classified annexes accompanying H.R. 4392 and S. 2507, should be undertaken to the extent that such congressionally directed actions are not amended, altered, or otherwise specifically addressed in either this Joint Explanatory Statement or in the classified annex to the conference report on the bill H.R. 4392.

REPORT OF THE NATIONAL COMMISSION ON TERRORISM

Pursuant to Public Law 105–277, the National Commission on Terrorism, chaired by former Ambassador L. Paul Bremer III, submitted its report to Congress in June 2000. The managers commend the Commission for its effort and contribution on this critical issue.

Many of the Commission's findings strongly support positions Congress has taken. The Commission report reinforces the assessment by Congress of the scope and evolving nature of the international terrorist threat. The Commission further highlights the managers' view that good intelligence is one of the best tools against international terrorism, and that there is an urgent need to rebuild the NSA.

The Commission determined that some policies and other restrictions are hindering efforts to counter terrorism. For example, the Commission highlighted—with concern—the complex manner in which the Justice Department implements the Foreign Intelligence Surveillance Act (FISA). It noted, however, that the Attorney General managed to streamline the Department's processes for considering FISA warrants-still in a manner fully consistent with the law-in order to address the myriad terrorist threats during the millennium period. The Commission noted that the United States government was much more effective in pursuing terrorists during that period. The managers appreciate the Commission's support for the efforts of all involved in countering the millennium threats.

The Commission recommended the elimination of the 1995 DCI guidelines requiring approvals from CIA headquarters before terrorist informants who have human rights violations in their background can be recruited. The rationale stated by the Commissioners was that it should be understood by all in the Intelligence Community that aggressive recruitment of human intelligence sources is one of the highest priorities. The managers share this priority, and will continue to examine the implementation of these important guidelines. The managers are concerned, however, that there may be intangible impediments to recruitment of such terrorist informants. For instance, there may be some in CIA headquarters who believe that Congress and the American public will not support a CIA relationship with a "terrorist organization insider," or close associates of terrorists, even though such persons may often be in the best or only position to provide valuable counterterrorism intelligence. The managers applaud the determined effort of the CIA to ensure that all case officers understand the commitment of the Agency to the recruitment of persons with access to information on terrorist organizations or access to the organizations themselves. The managers also insist that appropriate recruitment of such sources receives the continued and necessary support from CIA management at all levels.

Unquestionably, a robust and effective intelligence effort will, from time to time, require U.S. interaction with extremely dangerous and truly unsavory characters. After all, it is an unfortunate matter of fact that individuals with reputable backgrounds rarely yield the key intelligence leads that are critical to the counterterrorist efforts of the United States.

The managers strongly support an aggressive counterterrorism program, and urge all intelligence officers to continue their heroic efforts to deter terrorist activities against U.S. citizens and interests at home and around the world

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION FOR APPROPRIATIONS

Section 101 of the conference report lists the departments, agencies, and other elements of the United States government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 2001. Section 101 is identical to section 101 of the House bill and section 101 of the Senate amendment.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Section 102 of the conference report makes clear that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and applicable personnel ceilings covered under this title for fiscal year 2001 are contained in a classified Schedule of Authorizations. The classified Schedule of Authorizations is incorporated into the Act by this section. The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The classified annex provides the details of the Schedule. Section 102 is identical to section 102 of the House bill and section 102 of the Senate amendment.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS

Section 103 of the conference report authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, in fiscal year 2001 to authorize employment of civilian personnel in excess of the personnel ceilings applicable to the components of the Intelligence Community under section 102 by an amount not to exceed two percent of the total of the ceilings applicable under section 102. The Director of Central Intelligence may exercise this authority only if necessary to the performance of important intelligence functions. Any exercise of this authority must be reported to the intelligence committees of the Congress.

The managers emphasize that the authority conferred by section 103 is not intended to permit wholesale increases in personnel strength in any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees. The managers do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs that are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this bill. Section 103 is identical to section 103 of the House bill and section 103 of the Senate amendment.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT

Section 104 of the conference report authorizes appropriations for the Community Management Account (CMA) of the Director of Central Intelligence (DCI) and sets the personnel end-strength for the Intelligence Community management staff for fiscal year 2001.

Subsection (a) authorizes appropriations of $163, 231,000 for fiscal year 2001 for the activities of the CMA of the DCI. This amount includes funds identified for the Advanced Research and Development Committee and the Advanced Technology Group, which shall remain available until September 30, 2002.

Subsection (b) authorizes 313 full-time personnel for the Community Management Staff for fiscal year 2001 and provides that such personnel may be permanent employees of the Staff or detailed from various elements of the United States government.

Subsection (c) authorizes additional appropriations and personnel for the CMA as specified in the classified Schedule of Authorizations and permits these additional amounts to remain available through September 30, 2002.

Subsection (d) requires that, except as provided in Section 113 of the National Security Act of 1947, or for temporary situations of less than one year, personnel from another element of the United States government be detailed to an element of the CMA on a reimbursable basis.

Subsection (e) authorizes $34,100,000 of the amount authorized in subsection (a) to be made available for the National Drug Intelligence Center (NDIC). Subsection (e) requires the DCI to transfer these funds to the Department of Justice to be used for NDIC activities under the authority of the Attorney General and subject to section 103(d)(1) of the National Security Act. Subsection (e) is similar to subsection (e) of the House bill and subsection (e) of the Senate amendment.

The managers note that since Fiscal Year 1997 the Community Management Account has included authorization for appropriations for the National Drug Intelligence Center (NDIC). Over that time, the funding level for the NDIC has remained unchanged. The committees periodically have expressed concern about the effectiveness of NDIC and its ability to fulfill the role for which it was created. The managers are encouraged, however, by the NDIC's recent improved performance and by the refocused role for the organization, which was outlined in the Administration's General Counterdrug Intelligence Plan earlier this year. The managers agree to provide $7.1 million over the requested amount for the NDIC and instruct the Director of the NDIC to provide a spending plan to the intelligence committees and to the appropriations committees within 90 days of enactment of this Act.

SEC. 105. TRANSFER AUTHORITY OF THE DIRECTOR OF CENTRAL INTELLIGENCE

Section 105 is identical to Section 105 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

Section 201 is identical to Section 201 of the Senate amendment and section 201 of the House bill.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW

Section 301 is identical to section 301 of the Senate amendment and section 301 of the House bill.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

Section 302 is identical to section 302 of the Senate amendment and section 302 of the House bill.

SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING

Section 303 is identical to section 303 of the House bill. The Senate amendment had no similar provision. The Senate recedes to the House provision.

SEC. 304. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION

Section 304 is identical to section 303 of the Senate amendment. The House bill had no similar provision. The House recedes.

Unauthorized disclosures of sensitive intelligence information are of great concern. Such disclosures, regardless of whether they involve an intelligence "success" or "failure," can compromise irreplaceable sources and methods, and in some cases, can directly endanger lives.

The managers note that the current Executive Order governing classified national security information (E.O. 12958) requires that, in order to classify information, the original classifying authority must determine that unauthorized disclosure of the information reasonably could be expected to result in damage to the national security and the original classification authority must be able to identify or describe the damage. The managers further note that the current Executive Order specifically prohibits the classification of information in order to conceal violations of law, inefficiency, or administrative error or to prevent embarrassment to the government.

It is the intent of the managers that the government may meet its burden of proof under this statute by proving that the information was classified under the applicable statute or Executive Order. The government should not be required to prove that damage to the national security actually has or will result from the unauthorized disclosure. Subsection (c)(2) is not intended by the managers to create a defense based on a technical error in the classification markings, or the lack thereof, or to create a right of the defendant to dispute the propriety of the President's classification decision. The managers believe that requiring the government to prove that the classified information is or has been properly classified under an applicable statute or Executive Order strikes the appropriate balance between protecting only that information that would damage the national security if disclosed and not creating a burden of proof that is so great that the government could never meet its burden without having to disclose unnecessarily additional classified information.

SEC. 305. AUTHORIZATION FOR TRAVEL ON ANY COMMON CARRIER

Section 305 is similar to Section 304 of the House bill. The Senate amendment had no similar provision. The Senate recedes, with amendment.

Section 4(b)(3) of the CIA Act of 1949, as amended, provides the DCI with authority to promulgate regulations governing travel requirements for CIA officers and other federal government employees or members of the Armed Services detailed to the CIA.

Subject to regulation, CIA employees and detailees to the CIA may be permitted to use non-American-flag airlines when it is determined to be essential to satisfy mission requirements. The managers believe that this type of flexibility is necessary for other personnel of the Intelligence Community carrying out intelligence community mission requirements, given the nature of the work of the Intelligence Community. This provision is not intended to supersede the CIA's current regulation relating to this matter. Rather, it is a complementary provision meant to ensure an appropriate level of latitude to the Intelligence Community to carry out the critically important activities in pursuit and defense of the national security.

SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON U.S.

Section 306 is similar to Section 306 of the House bill. The Senate amendment had no similar provision. The Senate recedes, with technical amendment.

SEC. 307 POW/MIA ANALYTIC CAPABILITY IN THE INTELLIGENCE COMMUNITY

Section 307 is similar to Section 304 of the Senate amendment. The House bill had no similar provision. The House recedes, with technical modifications.

SEC. 308. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

Section 308 is identical to Sec. 305 of the Senate amendment. The House had no similar provision. The House recedes.

The managers note that section 308 applies only to intelligence activities of the United States. By its clear terms, this provision deals solely with the application of U.S. law to U.S. intelligence activities. Unquestionably, it does not address the issue of the lawfulness of such activities under the laws of foreign countries. It is also not meant to suggest that a person violating the laws of the United States may claim any authorization from a foreign government as justification for a violation of a U.S. law, or as a defense in a prosecution for such violation.

SEC. 309. LIMITS ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE

Section 309 is identical to Section 306 of the Senate amendment. The House addressed this issue in the classified annex to the report accompanying the bill H.R. 4392, but had no similar statutory proposal. The House recedes.

SEC. 310. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE

Section 310 is nearly identical to Section 309 of the Senate amendment. The House had no similar provision. The House recedes, with technical amendments. The managers agreed to technical modifications pertaining to the exact description and location of the parcel of land in Washington, D.C., to be designated in honor of the retiring senior Senator from the State of New York.

SEC. 311. NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION PAY ACT

Neither the House bill nor the Senate amendment contained similar provisions.

Section 311 establishes the "National Security Agency Voluntary Separation Act." This provision grants to the Director of the National Security Agency (NSA) the authority to establish a program for early retirement and voluntary separation pay for NSA employees. The provision allows the Director to either offer early retirement for employees who are at least 50 years of age and have 20 years of service, or who have at least 25 years of service, regardless of age. The Director is also permitted to offer $25,000 in separation pay to eligible applicants. The Director is empowered to deny an employee's application for benefit under this section.

The NSA is in a unique period of transition, the success of which will affect the overall capabilities of the Intelligence Community for the next several decades. The Director of Central Intelligence has claimed that the modernization of NSA is his number one priority. There are several aspects to the NSA modernization effort that range from overhauling technical collection, to restructuring acquisition, to new personnel programs, including major outsourcing initiatives. The Director needs the flexibility to institute whatever personnel changes he deems necessary if NSA modernization is to be successful. This provision will give him that needed flexibility. This section is modeled after the CIA Voluntary Separation Pay Act (Public Law 103-36).

The managers understand that such authority could be seen as setting a precedent, and that other agencies may wish to have such authorities as well. In the managers' view, the situation at NSA is unique, not only in the enormity of the task of modernization, but also in the direct impact on national security should NSA modernization fail. Therefore, the managers believe that this is a necessary step to take for the specific circumstance confronting the NSA.

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS-PO)

SEC. 321. REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

Section 321 reorganizes the Diplomatic Telecommunications Service Program Office (DTS-PO). The managers agree that the current DTS-PO management and Diplomatic Telecommunication Service (DTS) operations structure is fundamentally flawed and believe that a new construct for managing the DTS is necessary. They further agree that retaining the current DTS-PO organization, but with a new management approach, is the best means for improving DTS support to all U.S. government users. Funding has been authorized in this legislation for the purposes of overhauling the DTS-PO management and correcting communications and security deficiencies within the DTS.

The current organizational structure requires that both the DTS-PO Director and Deputy Director concur on technical, funding, and operational issues before actions can be taken. This management-by-consensus approach abrogates the authority of the Director to make final decisions. It is clear to the managers that this management approach is not working, and that the parent organizations inherently lack the ability, and the will, to work together to resolve their mutual DTS issues of concern. Further, it is clear to the managers that the Office of Management and Budget has been frustrated in its obligations to ensure that executive branch organizations work together. Of significant concern is that, as currently operated, DTS-PO has exhibited substantial interruptions in service and presents serious security concerns for the protection of sensitive government communications. Because of these concerns, the managers, and the Chairmen and Ranking Minority Members of the other committees of jurisdiction, believe that a new management structure for DTS-PO is required and decidedly overdue. Similarly, they are of the view that a transition to a more modern and effective telecommunications system, based on commercial best-business practices, is warranted.

SEC. 322. CHIEF EXECUTIVE OFFICER AND OTHER DTS-PO PERSONNEL

Section 322 establishes the position of Chief Executive Officer (CEO) and a DTS board of directors. The CEO is to be ultimately responsible for the management of the DTS-PO and operation of the DTS. The managers direct the OMB to recruit and hire a communications professional from outside the DTS-PO and the U.S. government for appointment as the CEO. This appointment is to be made no later than May 1, 2001. The CEO is granted the authorities necessary for managing, ensuring funding for, and operating the DTS, the DTS-PO, and their personnel. It is the managers' intent that the

CEO will be the final decision authority for implementing necessary changes to the DTS, and for managing all communications, technology, and security upgrades to satisfy DTS United States user requirements. The managers further direct the CEO to certify that the operational and security requirements and practices of DTS conform to the highest security requirements and practices required by any U.S. government agency utilizing the DTS.

Consistent with Section 305 of the "Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001" (section 305 of appendix G of Public Law 106–113), the CEO shall: (1) ensure that those enhancements of, and the provision of service for, telecommunications capabilities that involve the national security interests of the United States receive the highest prioritization; (2) confirm the termination of all leases for satellite systems located at posts in criteria countries, unless all maintenance and servicing of the satellite system is undertaken by United States citizens who have received appropriate security clearances; and (3) implement a system of charges for utilization of bandwidth by all participating agencies, and institute a comprehensive charge-back system to recover all, or substantially all, of the other costs of telecommunications services provided through the DTS to each agency.

Beginning August 1, 2001, and every six months thereafter, the CEO shall submit a report to the oversight committees regarding the activities of DTS–PO during the preceding six months, the current capabilities of DTS–PO, and the priorities of DTS–PO for the subsequent six month period. The semiannual report shall include a discussion of any administrative, budgetary, legislative, or management issues that hinder the ability of DTS–PO to fulfill its mandate.

Upon the appointment of a CEO on May 1, 2001, the current positions of Director and Deputy Director of DTS–PO shall be eliminated. To assist the CEO, and to perform such duties as the CEO may require, there shall be two Deputy Executive Officers. The DTS–PO management staff will consist of not more than four other employees. The Director of the Office of Management and Budget (OMB) shall prescribe the rates of basic pay for the CEO, the two Deputy Executive Officers, and any other DTS–PO employees.

SEC. 323. DIPLOMATIC TELECOMMUNICATIONS SERVICE OVERSIGHT BOARD

Section 323 establishes a Diplomatic Telecommunications Service Oversight Board ("the Board"). The Board shall perform an oversight function with respect to DTS, DTS–PO, and the CEO. Specifically, the Board shall be empowered to review and approve: overall strategies, policies and goals established by DTS–PO; financial plans, budgets and periodic financing requests developed by DTS–PO; overall performance relative to approved budget plans; any DTS–PO reports, documents, and records; and audits of DTS–PO. The CEO will be responsible to this three-member board, which will be chaired by the Deputy Director of OMB. The two other board members shall be appointed by the President, as indicated in the classified annex to this bill. Decisions and directives of the Board shall require a majority vote of the Board. Although the Board will exercise oversight of, and provide management direction to, the CEO, the managers have authorized the CEO to control the day-to-day management and operations of DTS–PO and the DTS.

SEC. 324. REPORTING REQUIREMENTS AND GENERAL PROVISIONS

Section 324 requires that the Director of the OMB submit a report to the oversight committees not later than March 1, 2001. This report shall provide details on steps taken by the executive branch to restructure DTS–PO's management, to enhance the security practices of agencies participating in the DTS, and to develop a spending plan for the additional funds provided for the operation and improvement of DTS for fiscal year 2001.

The managers have determined that the most flexible procurement authority available to DTS–PO users shall be available to the DTS–PO. The notification requirements of sections 502, 504, and 505 of the National Security Act of 1947, as amended (50 U.S.C. 413a, 414, and 415, respectively) shall apply to DTS–PO, the CEO, and the Board.

It is the intent of Congress that the CEO shall have total and immediate insight into the complete operations of current and future DTS–PO and DTS operations. The managers expect the Secretary of State and the head of the other agency users to ensure this access. Likewise, Congress intends that the CEO can request the assistance of the Inspectors General of any agency user of the DTS and DTS–PO. The CEO should receive all reports from the IGs that relate to security of applicable overseas facilities and the DTS.

It is the intent of Congress that the Secretary of State, and the head of any other agency user of DTS, shall support the decisions and recommendations of the CEO in keeping with the current operation and transition of the DTS system. The CEO is expected to report any difficulties or obstacles presented by the agency users of the DTS in the implementation of these provisions.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE AGENCY'S CENTRAL SERVICE PROGRAM

Section 401 is similar to Section 401 of the House bill and Section 403 of the Senate Amendment. The Senate recedes, with a technical modification.

There is concern among the managers relating to the costs levied by the Central Services Program upon the Langley Children's Center. These costs, for various and miscellaneous items or services provided by the Central Services Program to the nonprofit Center, seem overly burdensome. The Center is of great utility to the dedicated and hard-working parents employed by the CIA. It is the expectation of the managers that the Central Services Program, in an effort to recoup costs, would not impose costs that would have an adverse impact on the continuity of the services provided by the Langley Children's Center.

SEC. 402. TECHNICAL CORRECTIONS

The House bill and the Senate amendment contained similar provisions. The Senate recedes to the House, with technical modifications.

SEC. 403. EXPANSION OF INSPECTOR GENERAL ACTIONS REQUIRING A REPORT TO CONGRESS

Section 403 is similar to Section 401 of the Senate amendment. The House had no similar provision. The House recedes, with technical modifications.

The conferees intend that this additional reporting requirement identified in the new Section 17(d)(3)(B) will arise when an investigation, inspection, or audit carried out by the Inspector General focuses upon the official identified in (i) or (ii), specifically, as opposed to an investigation, inspection, or audit of the office that the official heads, with only incidental references to the official.

SEC. 404. DETAIL OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE

Section 404 is identical to Section 404 of the Senate amendment. The House had no similar provision. The House recedes. The managers request that the DCI supply the intelligence committees with a report to be submitted annually, beginning October 1, 2001, that includes the number of detailees assigned pursuant to this provision and a description of the positions filled by the detailees.

SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR ACQUISITION OF LAND

Section 405 is similar to Section 405 of the Senate amendment. The House had no similar provision. The House recedes, with a technical amendment.

SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE

Section 406 is identical to Section 406 of the Senate amendment. The House had no similar provision. The House recedes.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. CONTRACTING AUTHORITY FOR THE NATIONAL RECONNAISSANCE OFFICE

Section 501 is similar to Section 502 of the House bill. The Senate amendment had no similar provision. The Senate recedes, with a technical amendment.

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL

Section 502 is identical to Section 502 of the Senate amendment. The House had no similar provision. The House recedes.

SEC. 503. MEASUREMENT AND SIGNATURE INTELLIGENCE

Section 503 is identical to Section 506 of the Senate amendment. The House had no similar provision. The House recedes.

TITLE VI—COUNTERINTELLIGENCE MATTERS

THE "COUNTERINTELLIGENCE REFORM ACT OF 2000"

Title VI includes Title VI of the Senate amendment. This language is similar to S. 2089, introduced on February 24, 2000. The bill was reported by the Senate Select Committee on Intelligence on July 20, 2000 (S. Report No. 106–352). The Senate Judiciary Committee had previously acted favorably upon the bill. The House had no similar provision. The House recedes, with minor modifications.

Title VI, as passed by the Senate on October 2, 2000, included a limitation on the obligation and expenditure of funds authorized to be appropriated for fiscal year 2001 for the Office of Intelligence Policy and Review (OIPR) within the Department of Justice until two reports were submitted to the appropriate committees. These reports were to describe the use to which the funds would be put in order to improve the efficiency of the FBI and the OIPR in the application and implementation process under the Foreign Intelligence Surveillance Act. In anticipation of passage of the Senate amendment, the Department of Justice submitted a draft version of the required reports to the congressional committees. Given the prompt response, the limitation for the obligation and expenditure of fiscal year 2001 funds is removed. The managers have left in place, however, the similar limitation on funds for fiscal years 2002 and 2003, pending the receipt of the recurring annual report required by section 606(b)(2).

TITLE VII—DECLASSIFICATION OF INFORMATION

"THE PUBLIC INTEREST DECLASSIFICATION ACT"

Title VII includes Title VIII of the Senate amendment. This title was based on the bills H.R. 3152 and S. 1801, introduced in the House and Senate in the 106th Congress, respectively. The House had no similar provision. The House recedes, with technical amendments.

Section 701 states that the title may be cited as the "Public Interest Declassification Act of 2000." Section 702 makes findings concerning the importance of public access to information that does not require continued protection to maintain the national security interests of the United States. Section 703 establishes a nine-person board to advise the President and other senior executive branch officials on classification and declassification policies, particularly on policies concerning the systematic, thorough, coordinated, and comprehensive review for declassification of records and materials that are of archival value, including records and materials of extraordinary public interest. The Board is also charged with promoting the fullest possible public access to a thorough, accurate, and reliable documentary record of significant US national security decisions and significant US national security activities.

Section 704 sets forth the requirement that heads of agencies with the authority to classify information must brief the Board on an annual basis, at the request of the Board or the intelligence oversight committees, on such agency's declassification policies and practices. The Board is to provide the agency with its recommendations on how the agency's declassification program could be improved. The Board is also responsible for making recommendations to the President on initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest. The section also requires the Director of the Office of Management and Budget to publish a description of the President's declassification program and priorities, together with a listing of funds requested to implement that program, concurrent with the submission to Congress of the President's budget each fiscal year.

Sections 705, 706, and 707 set forth the standards governing access to and protection of national security information and other information covered under this title. Section 708 provides an authorization of appropriations for the Board. Section 709 sets forth definitions of the terms used in Title VII. The effective date of Title VII is 120 days after the date of enactment of the Act. The provisions of the title expire four years after the date of enactment of the Act.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

THE "NAZI WAR CRIMES AND JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT OF 2000"

Title VIII is similar to title VII of the Senate amendment, which was identical to the language of H.R. 3561 and S. 1902. The House had no similar provision. The House recedes, with modifications.

The modifications require that the interagency working group established pursuant to the Nazi War Crimes Disclosure Act of 1999 (P.L. 105-246) be expanded and assigned the responsibility of also carrying out the requirements of this title. The managers decided this was the most cost-effective approach, rather than establishing a new interagency working group.

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

PORTER J. GOSS,
JERRY LEWIS,
BILL MCCOLLUM,
MICHAEL N. CASTLE,
SHERWOOD L. BOEHLERT,
C.F. BASS,
JIM GIBBONS,
RAY LAHOOD,
HEATHER WILSON,
JULIAN C. DIXON,
SANFORD D. BISHOP, Jr.,
NORMAN SISISKY,
GARY A. CONDIT,
TIM ROEMER,
ALCEE L. HASTINGS,

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

FLOYD SPENCE,
BOB STUMP,
IKE SKELTON,
Managers on the Part of the House.

RICHARD C. SHELBY,
RICHARD G. LUGAR,
JON KYL,
JAMES INHOFE,
ORRIN G. HATCH,
PAT ROBERTS,
CONNIE MACK,

From the Committee on Armed Services:

JOHN WARNER,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
CHUCK ROBB,
FRANK R. LAUTENBERG,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 2415, BANKRUPTCY REFORM ACT OF 2000

Mr. GEKAS (during the Special Order of Mr. SCHAFFER) submitted the following conference report and statement on the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106-970)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2415), an Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. ENACTMENT OF BANKRUPTCY REFORM ACT OF 2000.

The provisions of S. 3186 of the 106th Congress, as introduced on October 11, 2000, are hereby enacted into law.

SEC. 2. PUBLICATION OF ACT.

In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval an appendix setting forth the provisions referred to in section 1.

And the Senate agree to the same.

HENRY HYDE,
GEORGE W. GEKAS,
DICK ARMEY,
Managers on the Part of the House.

JESSE HELMS,
RICHARD G. LUGAR,
ROD GRAMS,
JOE BIDEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2415) an Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment.

The conference agreement would enact the provision of S. 3186 of the 106th Congress, as introduced on October 11, 2000. The text of that bill follows:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bankruptcy Reform Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 100. Short title; references; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Sense of Congress and study.
Sec. 104. Notice of alternatives.
Sec. 105. Debtor financial management training test program.
Sec. 106. Credit counseling.
Sec. 107. Schedules of reasonable and necessary expenses.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

Sec. 201. Promotion of alternative dispute resolution.
Sec. 202. Effect of discharge.
Sec. 203. Discouraging abuse of reaffirmation practices.

Subtitle B—Priority Child Support

Sec. 211. Definition of domestic support obligation.
Sec. 212. Priorities for claims for domestic support obligations.
Sec. 213. Requirements to obtain confirmation and discharge in cases involving domestic support obligations.
Sec. 214. Exceptions to automatic stay in domestic support obligation proceedings.

Sec. 215. Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. 216. Continued liability of property.
Sec. 217. Protection of domestic support claims against preferential transfer motions.
Sec. 218. Disposable income defined.
Sec. 219. Collection of child support.
Sec. 220. Nondischargeability of certain educational benefits and loans.

Subtitle C—Other Consumer Protections

Sec. 221. Amendments to discourage abusive bankruptcy filings.
Sec. 222. Sense of Congress.
Sec. 223. Additional amendments to title 11, United States Code.
Sec. 224. Protection of retirement savings in bankruptcy.
Sec. 225. Protection of education savings in bankruptcy.
Sec. 226. Definitions.
Sec. 227. Restrictions on debt relief agencies.
Sec. 228. Disclosures.
Sec. 229. Requirements for debt relief agencies.
Sec. 230. GAO study.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Sec. 301. Reinforcement of the fresh start.
Sec. 302. Discouraging bad faith repeat filings.
Sec. 303. Curbing abusive filings.
Sec. 304. Debtor retention of personal property security.
Sec. 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 306. Giving secured creditors fair treatment in chapter 13.
Sec. 307. Domiciliary requirements for exemptions.
Sec. 308. Residency requirement for homestead exemption.
Sec. 309. Protecting secured creditors in chapter 13 cases.
Sec. 310. Limitation on luxury goods.
Sec. 311. Automatic stay.
Sec. 312. Extension of period between bankruptcy discharges.
Sec. 313. Definition of household goods and antiques.
Sec. 314. Debt incurred to pay nondischargeable debts.
Sec. 315. Giving creditors fair notice in chapters 7 and 13 cases.
Sec. 316. Dismissal for failure to timely file schedules or provide required information.
Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.
Sec. 318. Chapter 13 plans to have a 5-year duration in certain cases.
Sec. 319. Sense of Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure.
Sec. 320. Prompt relief from stay in individual cases.
Sec. 321. Chapter 11 cases filed by individuals.
Sec. 322. Limitation.
Sec. 323. Excluding employee benefit plan participant contributions and other property from the estate.
Sec. 324. Exclusive jurisdiction in matters involving bankruptcy professionals.
Sec. 325. United States trustee program filing fee increase.
Sec. 326. Sharing of compensation.
Sec. 327. Fair valuation of collateral.
Sec. 328. Defaults based on nonmonetary obligations.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

Sec. 401. Adequate protection for investors.
Sec. 402. Meetings of creditors and equity security holders.
Sec. 403. Protection of refinance of security interest.
Sec. 404. Executory contracts and unexpired leases.
Sec. 405. Creditors and equity security holders committees.
Sec. 406. Amendment to section 546 of title 11, United States Code.
Sec. 407. Amendments to section 330(a) of title 11, United States Code.
Sec. 408. Postpetition disclosure and solicitation.
Sec. 409. Preferences.
Sec. 410. Venue of certain proceedings.
Sec. 411. Period for filing plan under chapter 11.
Sec. 412. Fees arising from certain ownership interests.
Sec. 413. Creditor representation at first meeting of creditors.
Sec. 414. Definition of disinterested person.
Sec. 415. Factors for compensation of professional persons.
Sec. 416. Appointment of elected trustee.
Sec. 417. Utility service.
Sec. 418. Bankruptcy fees.
Sec. 419. More complete information regarding assets of the estate.

Subtitle B—Small Business Bankruptcy Provisions

Sec. 431. Flexible rules for disclosure statement and plan.
Sec. 432. Definitions.
Sec. 433. Standard form disclosure statement and plan.
Sec. 434. Uniform national reporting requirements.
Sec. 435. Uniform reporting rules and forms for small business cases.
Sec. 436. Duties in small business cases.
Sec. 437. Plan filing and confirmation deadlines.
Sec. 438. Plan confirmation deadline.
Sec. 439. Duties of the United States trustee.
Sec. 440. Scheduling conferences.
Sec. 441. Serial filer provisions.
Sec. 442. Expanded grounds for dismissal or conversion and appointment of trustee.
Sec. 443. Study of operation of title 11, United States Code, with respect to small businesses.
Sec. 444. Payment of interest.
Sec. 445. Priority for administrative expenses.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

Sec. 501. Petition and proceedings related to petition.
Sec. 502. Applicability of other sections to chapter 9.

TITLE VI—BANKRUPTCY DATA

Sec. 601. Improved bankruptcy statistics.
Sec. 602. Uniform rules for the collection of bankruptcy data.
Sec. 603. Audit procedures.
Sec. 604. Sense of Congress regarding availability of bankruptcy data.

TITLE VII—BANKRUPTCY TAX PROVISIONS

Sec. 701. Treatment of certain liens.
Sec. 702. Treatment of fuel tax claims.
Sec. 703. Notice of request for a determination of taxes.
Sec. 704. Rate of interest on tax claims.
Sec. 705. Priority of tax claims.
Sec. 706. Priority property taxes incurred.
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TITLE XIV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

Sec. 1401. Effective date; application of amendments.

TITLE I—NEEDS—BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting "or consents to" after "requests".

SEC. 102. DISMISSAL OR CONVERSION.

(a) In General.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 707. Dismissal of a case or conversion to a case under chapter 11 or 13";

and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking "but not at the request or suggestion of" and inserting "trustee, bankruptcy administrator, or";

(II) by inserting ", or, with the debtor's consent, convert such a case to a case under chapter 11 or 13 of this title," after "consumer debts"; and

(III) by striking "a substantial abuse" and inserting "an abuse"; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

"(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

"(I) 25 percent of the debtor's nonpriority unsecured claims in the case, or $6,000, whichever is greater; or

"(II) $10,000.

"(ii)(I) The debtor's monthly expenses shall be the debtor's applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor's actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the entry of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent. Notwithstanding any other provision of this clause, the monthly expenses of the debtor shall not include any payments for debts. In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as identified under section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408), or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court. In addition, if it is demonstrated that it is reasonable and necessary, the debtor's monthly expenses may also include an additional allowance for food and clothing of up to 5 percent of the food and clothing categories as specified by the National Standards issued by the Internal Revenue Service.

"(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor that are reasonable and necessary for care and support of an elderly, chronically ill, or disabled household member or member of the debtor's immediate family (including parents, grandparents, and siblings of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case) who is not a dependent and who is unable to pay for such reasonable and necessary expenses.

"(III) In addition, for a debtor eligible for chapter 13, the debtor's monthly expenses may include the actual administrative expenses of administering a chapter 13 plan for the district in which the debtor resides, up to an amount of 10 percent of the projected plan payments, as determined under schedules issued by the Executive Office for United States Trustees.

"(IV) In addition, the debtor's monthly expenses may include the actual expenses for each dependent child under the age of 18 years up to $1,500 per year per child to attend a private elementary or secondary school, if the debtor provides documentation of such expenses and a detailed explanation of why such expenses are reasonable and necessary.

"(iii) The debtor's average monthly payments on account of secured debts shall be calculated as—

"(I) the sum of—

"(aa) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; and

"(bb) any additional payments to secured creditors necessary for the debtor, in filing a plan under chapter 13 of this title, to maintain possession of the debtor's primary residence, motor vehicle, or other property necessary for the support of the debtor and the debtor's dependents, that serves as collateral for secured debts; divided by

"(II) 60.

"(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as—

"(I) the total amount of debts entitled to priority; divided by

"(II) 60.

"(B)(i) In any proceeding brought under this subsection, the presumption of abuse may only be rebutted by demonstrating special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative.

"(ii) In order to establish special circumstances, the debtor shall be required to—

"(I) itemize each additional expense or adjustment of income; and

"(II) provide—

"(aa) documentation for such expense or adjustment to income; and

"(bb) a detailed explanation of the special circumstances that make such expenses or adjustment to income necessary and reasonable.

"(iii) The debtor shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

"(iv) The presumption of abuse may only be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) when multiplied by 60 to be less than the lesser of—

"(I) 25 percent of the debtor's nonpriority unsecured claims, or $6,000, whichever is greater; or

"(II) $10,000.

"(C) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that shows how each such amount is calculated.

"(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not apply or has been rebutted, the court shall consider—

"(A) whether the debtor filed the petition in bad faith; or

"(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.

"(4)(A) The court shall order the counsel for the debtor to reimburse the trustee for all reasonable costs in prosecuting a motion brought under section 707(b), including reasonable attorneys' fees, if—

"(i) a trustee appointed under section 586(a)(1) of title 28 or from a panel of private trustees maintained by the bankruptcy administrator brings a motion for dismissal or conversion under this subsection; and

"(ii) the court—

"(I) grants that motion; and

"(II) finds that the action of the counsel for the debtor in filing under this chapter violated rule 9011 of the Federal Rules of Bankruptcy Procedure.

"(B) If the court finds that the attorney for the debtor violated rule 9011 of the Federal Rules of Bankruptcy Procedure, at a minimum, the court shall order—

"(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

"(ii) the payment of the civil penalty to the trustee, the United States trustee, or the bankruptcy administrator.

"(C) In the case of a petition, pleading, or written motion, the signature of an attorney shall constitute a certification that the attorney has—

"(i) performed a reasonable investigation into the circumstances that gave rise to the petition, pleading, or written motion; and

"(ii) determined that the petition, pleading, or written motion—

"(I) is well grounded in fact; and

"(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

"(D) The signature of an attorney on the petition shall constitute a certification that the attorney has no knowledge after an inquiry that the information in the schedules filed with such petition is incorrect.

"(5)(A) Except as provided in subparagraph (B) and subject to paragraph (6), the court may award a debtor all reasonable costs (including reasonable attorneys' fees) in contesting a motion brought by a party in interest (other than a trustee, United States trustee, or bankruptcy administrator) under this subsection if—

"(i) the court does not grant the motion; and

"(ii) the court finds that—

"(I) the position of the party that brought the motion violated rule 9011 of the Federal Rules of Bankruptcy Procedure; or

"(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

"(B) A small business that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A)(ii)(I).

"(C) For purposes of this paragraph—

"(i) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

"(I) has less than 25 full-time employees as determined on the date the motion is filed; and

"(II) is engaged in commercial or business activity; and

"(ii) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

"(I) a parent corporation; and

"(II) any other subsidiary corporation of the parent corporation.

"(6) Only the judge, United States trustee, or bankruptcy administrator may bring a motion under section 707(b), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the date of the order for relief, when multiplied by 12, is equal to or less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4.

"(7) No judge, United States trustee, panel trustee, bankruptcy administrator or other party in interest may bring a motion under paragraph (2), if the current monthly income of the debtor and the debtor's spouse combined, as of the date of the order for relief when multiplied by 12, is equal to or less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4.".

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (10) the following:

"(10A) 'current monthly income'—

"(A) means the average monthly income from all sources which the debtor, or in a joint case, the debtor and the debtor's spouse, receive without regard to whether the income is taxable income, derived during the 6-month period preceding the date of determination; and

"(B) includes any amount paid by any entity other than the debtor (or, in a joint case, the debtor and the debtor's spouse), on a regular basis to the household expenses of the debtor or the debtor's dependents (and, in a joint case, the debtor's spouse if not otherwise a dependent), but excludes benefits received under the Social Security Act and payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes;".

(c) UNITED STATES TRUSTEE AND BANKRUPTCY ADMINISTRATOR DUTIES.—Section 704 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The trustee shall—"; and

(2) by adding at the end the following:

"(b)(1) With respect to an individual debtor under this chapter—

"(A) the United States trustee or bankruptcy administrator shall review all materials filed by the debtor and, not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

"(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

"(2) The United States trustee or bankruptcy administrator shall, not later than 30 days after the date of filing a statement under paragraph (1), either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States trustee or bankruptcy administrator does not believe that such a motion would be appropriate, if the United States trustee or bankruptcy administrator determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census; or

"(B) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census.

"(3) In any case in which a motion to dismiss or convert, or a statement is required to be filed by this subsection, the United States trustee or bankruptcy administrator may decline to file a motion to dismiss or convert pursuant to section 704(b)(2) if the product of the debtor's current monthly income multiplied by 12 exceeds 100 percent, but does not exceed 150 percent of—

"(A)(i) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census; or

"(ii) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; and

"(B) the product of the debtor's current monthly income, reduced by the amounts determined under section 707(b)(2)(A)(ii) (except for the amount calculated under the other necessary expenses standard issued by the Internal Revenue Service) and clauses (iii) and (iv) of section 707(b)(2)(A), multiplied by 60 is less than the lesser of—

"(i) 25 percent of the debtor's nonpriority unsecured claims in the case or $6,000, whichever is greater; or

"(ii) $10,000.".

(d) NOTICE.—Section 342 of title 11, United States Code, is amended by adding at the end the following:

"(d) In an individual case under chapter 7 in which the presumption of abuse is triggered under section 707(b), the clerk shall give written notice to all creditors not later than 10 days after the date of the filing of the petition that the presumption of abuse has been triggered.".

(e) NONLIMITATION OF INFORMATION.—Nothing in this title shall limit the ability of a creditor to provide information to a judge (except for information communicated ex parte, unless otherwise permitted by applicable law), United States trustee, bankruptcy administrator or trustee.

(f) DISMISSAL FOR CERTAIN CRIMES.—Section 707 of title 11, United States Code, as amended by this section, is amended by adding at the end the following:

"(c)(1) In this subsection—

"(A) the term 'crime of violence' has the meaning given that term in section 16 of title 18; and

"(B) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18.

"(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, may when it is in the best interest of the victims dismiss a voluntary case filed by an individual debtor under this chapter if that individual was convicted of that crime.

"(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.".

(g) CONFIRMATION OF PLAN.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(7) the action of the debtor in filing the petition was in good faith;".

(h) APPLICABILITY OF MEANS TEST TO CHAPTER 13.—Section 1325(b) of title 11, United States Code, is amended—

(1) in paragraph (1)(B), by inserting "to unsecured creditors" after "to make payments"; and

(2) by striking paragraph (2) and inserting the following:

"(2) For purposes of this subsection, the term 'disposable income' means current monthly income received by the debtor (other than child

support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child) less amounts reasonably necessary to be expended—

"(A) for the maintenance or support of the debtor or a dependent of the debtor or for a domestic support obligation that first becomes payable after the date the petition is filed and for charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3) to a qualified religious or charitable entity or organization (as that term is defined in section 548(d)(4)) in an amount not to exceed 15 percent of gross income of the debtor for the year in which the contributions are made; and

"(B) if the debtor is engaged in business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business.

"(3) Amounts reasonably necessary to be expended under paragraph (2) shall be determined in accordance with subparagraphs (A) and (B) of section 707(b)(2), if the debtor has current monthly income, when multiplied by 12, greater than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4.".

(i) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

"707. Dismissal of a case or conversion to a case under chapter 11 or 13.".

SEC. 103. SENSE OF CONGRESS AND STUDY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury has the authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Director regarding the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of such standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Director under paragraph (1).

SEC. 104. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

"(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give to such individual written notice containing—

"(1) a brief description of—

"(A) chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters; and

"(B) the types of services available from credit counseling agencies; and

"(2) statements specifying that—

"(A) a person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a bankruptcy case shall be subject to fine, imprisonment, or both; and

"(B) all information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General.".

SEC. 105. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) DEVELOPMENT OF FINANCIAL MANAGEMENT AND TRAINING CURRICULUM AND MATERIALS.—The Director of the Executive Office for United States Trustees (in this section referred to as the "Director") shall consult with a wide range of individuals who are experts in the field of debtor education, including trustees who are appointed under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors, and shall develop a financial management training curriculum and materials that can be used to educate individual debtors on how to better manage their finances.

(b) TEST.—

(1) SELECTION OF DISTRICTS.—The Director shall select 6 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) USE.—For an 18-month period beginning not later than 270 days after the date of enactment of this Act, such curriculum and materials shall be, for the 6 judicial districts selected under paragraph (1), used as the instructional course concerning personal financial management for purposes of section 111 of title 11, United States Code.

(c) EVALUATION.—

(1) IN GENERAL.—During the 18-month period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the Report of the National Bankruptcy Review Commission (October 20, 1997) that are representative of consumer education programs carried out by the credit industry, by trustees serving under chapter 13 of title 11, United States Code, and by consumer counseling groups.

(2) REPORT.—Not later than 3 months after concluding such evaluation, the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of the Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs and their costs.

SEC. 106. CREDIT COUNSELING.

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

"(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the 180-day period preceding the date of filing of the petition of that individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted that individual in performing a related budget analysis.

"(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved nonprofit budget and credit counseling agencies for that district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from that agency by reason of the requirements of paragraph (1).

"(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter. Notwithstanding the preceding sentence, a nonprofit budget and credit counseling service may be disapproved by the United States trustee or bankruptcy administrator at any time.

"(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

"(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

"(ii) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

"(iii) is satisfactory to the court.

"(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition, except that the court, for cause, may order an additional 15 days.".

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking "or" at the end;

(2) in paragraph (10), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111.

"(12)(A) Paragraph (11) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of that district determines that the approved instructional courses are not adequate to service the additional individuals required to complete such instructional courses under this section.

"(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.".

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

"(g) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

"(h) Subsection (g) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved instructional courses are not adequate to service the

additional individuals who would be required to complete the instructional course by reason of the requirements of this section.

"(i) Each United States trustee or bankruptcy administrator that makes a determination described in subsection (h) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.".

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The debtor shall—"; and

(2) by adding at the end the following:

"(b) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

"(1) a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under section 109(h) describing the services provided to the debtor; and

"(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).".

(e) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"§111. Credit counseling services; financial management instructional courses

"(a) The clerk of each district shall maintain a publicly available list of—

"(1) credit counseling agencies that provide 1 or more programs described in section 109(h) currently approved by the United States trustee or the bankruptcy administrator for the district, as applicable; and

"(2) instructional courses concerning personal financial management currently approved by the United States trustee or the bankruptcy administrator for the district, as applicable.

"(b) The United States trustee or bankruptcy administrator shall only approve a credit counseling agency or instructional course concerning personal financial management as follows:

"(1) The United States trustee or bankruptcy administrator shall have thoroughly reviewed the qualifications of the credit counseling agency or of the provider of the instructional course under the standards set forth in this section, and the programs or instructional courses which will be offered by such agency or provider, and may require an agency or provider of an instructional course which has sought approval to provide information with respect to such review.

"(2) The United States trustee or bankruptcy administrator shall have determined that the credit counseling agency or course of instruction fully satisfies the applicable standards set forth in this section.

"(3) When an agency or course of instruction is initially approved, such approval shall be for a probationary period not to exceed 6 months. An agency or course of instruction is initially approved if it did not appear on the approved list for the district under subsection (a) immediately prior to approval.

"(4) At the conclusion of the probationary period under paragraph (3), the United States trustee or bankruptcy administrator may only approve for an additional 1-year period, and for successive 1-year periods thereafter, any agency or course of instruction which has demonstrated during the probationary or subsequent period that such agency or course of instruction—

"(A) has met the standards set forth under this section during such period; and

"(B) can satisfy such standards in the future.

"(5) Not later than 30 days after any final decision under paragraph (4), that occurs either after the expiration of the initial probationary period, or after any 2-year period thereafter, an interested person may seek judicial review of such decision in the appropriate United States District Court.

"(c)(1) The United States trustee or bankruptcy administrator shall only approve a credit counseling agency that demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters as relate to the quality, effectiveness, and financial security of such programs.

"(2) To be approved by the United States trustee or bankruptcy administrator, a credit counseling agency shall, at a minimum—

"(A) be a nonprofit budget and credit counseling agency, the majority of the board of directors of which—

"(i) are not employed by the agency; and

"(ii) will not directly or indirectly benefit financially from the outcome of a credit counseling session;

"(B) if a fee is charged for counseling services, charge a reasonable fee, and provide services without regard to ability to pay the fee;

"(C) provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

"(D) provide full disclosures to clients, including funding sources, counselor qualifications, possible impact on credit reports, and any costs of such program that will be paid by the debtor and how such costs will be paid;

"(E) provide adequate counseling with respect to client credit problems that includes an analysis of their current situation, what brought them to that financial status, and how they can develop a plan to handle the problem without incurring negative amortization of their debts;

"(F) provide trained counselors who receive no commissions or bonuses based on the counseling session outcome, and who have adequate experience, and have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (E);

"(G) demonstrate adequate experience and background in providing credit counseling; and

"(H) have adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan.

"(d) The United States trustee or bankruptcy administrator shall only approve an instructional course concerning personal financial management—

"(1) for an initial probationary period under subsection (b)(3) if the course will provide at a minimum—

"(A) trained personnel with adequate experience and training in providing effective instruction and services;

"(B) learning materials and teaching methodologies designed to assist debtors in understanding personal financial management and that are consistent with stated objectives directly related to the goals of such course of instruction;

"(C) adequate facilities situated in reasonably convenient locations at which such course of instruction is offered, except that such facilities may include the provision of such course of instruction or program by telephone or through the Internet, if the course of instruction or program is effective; and

"(D) the preparation and retention of reasonable records (which shall include the debtor's bankruptcy case number) to permit evaluation of the effectiveness of such course of instruction or program, including any evaluation of satisfaction of course of instruction or program requirements for each debtor attending such course of instruction or program, which shall be available for inspection and evaluation by the Executive Office for United States Trustees, the United States trustee, bankruptcy administrator, or chief bankruptcy judge for the district in which such course of instruction or program is offered; and

"(2) for any 1-year period if the provider thereof has demonstrated that the course meets the standards of paragraph (1) and, in addition—

"(A) has been effective in assisting a substantial number of debtors to understand personal financial management; and

"(B) is otherwise likely to increase substantially debtor understanding of personal financial management.

"(e) The District Court may, at any time, investigate the qualifications of a credit counseling agency referred to in subsection (a), and request production of documents to ensure the integrity and effectiveness of such credit counseling agencies. The District Court may, at any time, remove from the approved list under subsection (a) a credit counseling agency upon finding such agency does not meet the qualifications of subsection (b).

"(f) The United States trustee or bankruptcy administrator shall notify the clerk that a credit counseling agency or an instructional course is no longer approved, in which case the clerk shall remove it from the list maintained under subsection (a).

"(g)(1) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

"(2) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

"(A) any actual damages sustained by the debtor as a result of the violation; and

"(B) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"111. Credit counseling services; financial management instructional courses.".

(f) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

"(i) If a case commenced under chapter 7, 11, or 13 is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.

"(j) On request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated.".

SEC. 107. SCHEDULES OF REASONABLE AND NECESSARY EXPENSES.

For purposes of section 707(b) of title 11, United States Code, as amended by this Act, the Director of the Executive Office for United States Trustees shall, not later than 180 days after the date of enactment of this Act, issue schedules of reasonable and necessary administrative expenses of administering a chapter 13 plan for each judicial district of the United States.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.

(a) REDUCTION OF CLAIM.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

"(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on unsecured consumer debts by not more than 20 percent of the claim, if—

"(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed by an approved credit counseling agency described in section 111 acting on behalf of the debtor;

"(B) the offer of the debtor under subparagraph (A)—

"(i) was made at least 60 days before the filing of the petition; and

"(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

"(C) no part of the debt under the alternative repayment schedule is nondischargeable.

"(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

"(A) the creditor unreasonably refused to consider the debtor's proposal; and

"(B) the proposed alternative repayment schedule was made prior to expiration of the 60-day period specified in paragraph (1)(B)(i).".

(b) LIMITATION ON AVOIDABILITY.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment plan between the debtor and any creditor of the debtor created by an approved credit counseling agency.".

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title), unless the plan is dismissed, in default, or the creditor has not received payments required to be made under the plan in the manner required by the plan (including crediting the amounts required under the plan), shall constitute a violation of an injunction under subsection (a)(2) if the act of the creditor to collect and failure to credit payments in the manner required by the plan caused material injury to the debtor.

"(j) Subsection (a)(2) does not operate as an injunction against an act by a creditor that is the holder of a secured claim, if—

"(1) such creditor retains a security interest in real property that is the principal residence of the debtor;

"(2) such act is in the ordinary course of business between the creditor and the debtor; and

"(3) such act is limited to seeking or obtaining periodic payments associated with a valid security interest in lieu of pursuit of in rem relief to enforce the lien.".

SEC. 203. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.

(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) the debtor received the disclosures described in subsection (k) at or before the time at which the debtor signed the agreement;";

(2) by adding at the end the following:

"(k)(1) The disclosures required under subsection (c)(2) shall consist of the disclosure statement described in paragraph (3), completed as required in that paragraph, together with the agreement, statement, declaration, motion and order described, respectively, in paragraphs (4) through (8), and shall be the only disclosures required in connection with the reaffirmation.

"(2) Disclosures made under paragraph (1) shall be made clearly and conspicuously and in writing. The terms 'Amount Reaffirmed' and 'Annual Percentage Rate' shall be disclosed more conspicuously than other terms, data or information provided in connection with this disclosure, except that the phrases 'Before agreeing to reaffirm a debt, review these important disclosures' and 'Summary of Reaffirmation Agreement' may be equally conspicuous. Disclosures may be made in a different order and may use terminology different from that set forth in paragraphs (2) through (8), except that the terms 'Amount Reaffirmed' and 'Annual Percentage Rate' must be used where indicated.

"(3) The disclosure statement required under this paragraph shall consist of the following:

"(A) The statement: 'Part A: Before agreeing to reaffirm a debt, review these important disclosures:';

"(B) Under the heading 'Summary of Reaffirmation Agreement', the statement: 'This Summary is made pursuant to the requirements of the Bankruptcy Code';

"(C) The 'Amount Reaffirmed', using that term, which shall be—

"(i) the total amount which the debtor agrees to reaffirm, and

"(ii) the total of any other fees or cost accrued as of the date of the disclosure statement.

"(D) In conjunction with the disclosure of the 'Amount Reaffirmed', the statements—

"(i) 'The amount of debt you have agreed to reaffirm'; and

"(ii) 'Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.'.

"(E) The 'Annual Percentage Rate', using that term, which shall be disclosed as—

"(i) if, at the time the petition is filed, the debt is open end credit as defined under the Truth in Lending Act (15 U.S.C. 1601 et seq.), then—

"(I) the annual percentage rate determined under paragraphs (5) and (6) of section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)(5) and (6)), as applicable, as disclosed to the debtor in the most recent periodic statement prior to the agreement or, if no such periodic statement has been provided the debtor during the prior 6 months, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

"(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of each such balance included in the amount reaffirmed, or

"(III) if the entity making the disclosure elects, to disclose the annual percentage rate under subclause (I) and the simple interest rate under subclause (II);

"(ii) if, at the time the petition is filed, the debt is closed end credit as defined under the Truth in Lending Act (15 U.S.C. 1601 et seq.), then—

"(I) the annual percentage rate under section 128(a)(4) of the Truth in Lending Act (15 U.S.C. 1638(a)(4)), as disclosed to the debtor in the most recent disclosure statement given the debtor prior to the reaffirmation agreement with respect to the debt, or, if no such disclosure statement was provided the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

"(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount reaffirmed, or

"(III) if the entity making the disclosure elects, to disclose the annual percentage rate under (I) and the simple interest rate under (II).

"(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act (15 U.S.C. 1601 et seq.), by stating 'The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.'.

"(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the obligations you are reaffirming and listing the items and their original purchase price that are subject to the asserted security interest, or if not a purchase-money security interest then listing by items or types and the original amount of the loan.

"(H) At the election of the creditor, a statement of the repayment schedule using 1 or a combination of the following—

"(i) by making the statement: 'Your first payment in the amount of $_____ is due on _____ but the future payment amount may be different. Consult your reaffirmation or credit agreement, as applicable.', and stating the amount of the first payment and the due date of that payment in the places provided;

"(ii) by making the statement: 'Your payment schedule will be:', and describing the repayment schedule with the number, amount and due dates or period of payments scheduled to repay the obligations reaffirmed to the extent then known by the disclosing party; or

"(iii) by describing the debtor's repayment obligations with reasonable specificity to the extent then known by the disclosing party.

"(I) The following statement: 'Note: When this disclosure refers to what a creditor 'may' do, it does not use the word 'may' to give the creditor specific permission. The word 'may' is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirmation or what the law requires, talk to the attorney who helped you negotiate this agreement. If you don't have an attorney helping you, the judge will explain the effect of your reaffirmation when the reaffirmation hearing is held.'.

"(J)(i) The following additional statements:

" 'Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

" '1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

" '2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

"'3. If you were represented by an attorney during the negotiation of the reaffirmation agreement, the attorney must have signed the certification in Part C.

"'4. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, you must have completed and signed Part E.

"'5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

"'6. If you were represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D.

"'7. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your agreement. The bankruptcy court must approve the agreement as consistent with your best interests, except that no court approval is required if the agreement is for a consumer debt secured by a mortgage, deed of trust, security deed or other lien on your real property, like your home.

"'Your right to rescind a reaffirmation. You may rescind (cancel) your reaffirmation at any time before the bankruptcy court enters a discharge order or within 60 days after the agreement is filed with the court, whichever is longer. To rescind or cancel, you must notify the creditor that the agreement is canceled.

"'What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy. That means that if you default on your reaffirmed debt after your bankruptcy is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of the agreement in the future under certain conditions.

"'Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

"'What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A "lien" is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.'.

"(ii) In the case of a reaffirmation under subsection (m)(2), numbered paragraph 6 in the disclosures required by clause (i) of this subparagraph shall read as follows:

"'6. If you were represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court.'.

"(4) The form of reaffirmation agreement required under this paragraph shall consist of the following:

"'Part B: Reaffirmation Agreement. I/we agree to reaffirm the obligations arising under the credit agreement described below.

"'Brief description of credit agreement:

"'Description of any changes to the credit agreement made as part of this reaffirmation agreement:

"'Signature: Date:

"'Borrower:

"'Co-borrower, if also reaffirming:

"'Accepted by creditor:

"'Date of creditor acceptance:'.

"(5)(A) The declaration shall consist of the following:

"'Part C: Certification by Debtor's Attorney (If Any).

"'I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor(s); (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

"'Signature of Debtor's Attorney: Date:'.

"(B) In the case of reaffirmations in which a presumption of undue hardship has been established, the certification shall state that in the opinion of the attorney, the debtor is able to make the payment.

"(C) In the case of a reaffirmation agreement under subsection (m)(2), subparagraph (B) is not applicable.

"(6)(A) The statement in support of reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

"'Part D: Debtor's Statement in Support of Reaffirmation Agreement.

"'1. I believe this agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $, leaving $ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here: .

"'2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

"(B) Where the debtor is represented by counsel and is reaffirming a debt owed to a creditor defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)(iv)), the statement of support of the reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

"'I believe this agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'

"(7) The motion, which may be used if approval of the agreement by the court is required in order for it to be effective and shall be signed and dated by the moving party, shall consist of the following:

"'Part E: Motion for Court Approval (To be completed only where debtor is not represented by an attorney.). I (we), the debtor, affirm the following to be true and correct:

"'I am not represented by an attorney in connection with this reaffirmation agreement.

"'I believe this agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement above, and because (provide any additional relevant reasons the court should consider):

"'Therefore, I ask the court for an order approving this reaffirmation agreement.'.

"(8) The court order, which may be used to approve a reaffirmation, shall consist of the following:

"'Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.'.

"(9) Subsection (a)(2) does not operate as an injunction against an act by a creditor that is the holder of a secured claim, if—

"(A) such creditor retains a security interest in real property that is the debtor's principal residence;

"(B) such act is in the ordinary course of business between the creditor and the debtor; and

"(C) such act is limited to seeking or obtaining periodic payments associated with a valid security interest in lieu of pursuit of in rem relief to enforce the lien.

"(l) Notwithstanding any other provision of this title:

"(1) A creditor may accept payments from a debtor before and after the filing of a reaffirmation agreement with the court.

"(2) A creditor may accept payments from a debtor under a reaffirmation agreement which the creditor believes in good faith to be effective.

"(3) The requirements of subsections (c)(2) and (k) shall be satisfied if disclosures required under those subsections are given in good faith.

"(m)(1) Until 60 days after a reaffirmation agreement is filed with the court (or such additional period as the court, after notice and hearing and for cause, orders before the expiration of such period), it shall be presumed that the reaffirmation agreement is an undue hardship on the debtor if the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of the reaffirmation agreement required under subsection (k)(6)(A) is less than the scheduled payments on the reaffirmed debt. This presumption shall be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation which identifies additional sources of funds to make the payments as agreed upon under the terms of the reaffirmation agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove the agreement. No agreement shall be disapproved without notice and hearing to the debtor and creditor and such hearing shall be concluded before the entry of the debtor's discharge.

"(2) This subsection does not apply to reaffirmation agreements where the creditor is a credit union, as defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)(iv)).".

(b) LAW ENFORCEMENT.—

(1) IN GENERAL.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"§158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules

"(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157

relating to abusive reaffirmations of debt. In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.

"(b) United States District Attorneys and Agents of the Federal Bureau of Investigation—The individuals referred to in subsection (a) are—

"(1) a United States attorney for each judicial district of the United States; and

"(2) an agent of the Federal Bureau of Investigation (within the meaning of section 3107) for each field office of the Federal Bureau of Investigation.

"(c) Bankruptcy Investigations.—Each United States attorney designated under this section shall, in addition to any other responsibilities, have primary responsibility for carrying out the duties of a United States attorney under section 3057.

"(d) Bankruptcy Procedures.—The bankruptcy courts shall establish procedures for referring any case which may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.".

(2) Clerical amendment.—The analysis for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.".

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

"(14A) 'domestic support obligation' means a debt that accrues before or after the entry of an order for relief under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is—

"(A) owed to or recoverable by—

"(i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or

"(ii) a governmental unit;

"(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly so designated;

"(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

"(i) a separation agreement, divorce decree, or property settlement agreement;

"(ii) an order of a court of record; or

"(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

"(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt;".

SEC. 212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as redesignated, by striking "First" and inserting "Second";

(4) in paragraph (3), as redesignated, by striking "Second" and inserting "Third";

(5) in paragraph (4), as redesignated—

(A) by striking "Third" and inserting "Fourth"; and

(B) by striking the semicolon at the end and inserting a period;

(6) in paragraph (5), as redesignated, by striking "Fourth" and inserting "Fifth";

(7) in paragraph (6), as redesignated, by striking "Fifth" and inserting "Sixth";

(8) in paragraph (7), as redesignated, by striking "Sixth" and inserting "Seventh"; and

(9) by inserting before paragraph (2), as redesignated, the following:

"(1) First:

"(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

"(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a government unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.".

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

"(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.";

(2) in section 1208(c)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(3) in section 1222(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.";

(4) in section 1222(b)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following:

"(11) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;";

(5) in section 1225(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.";

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan";

(7) in section 1307(c)—

(A) in paragraph (9), by striking "or" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(8) in section 1322(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding in the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.";

(9) in section 1322(b)—

(A) in paragraph (9), by striking "; and" and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

"(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and";

(10) in section 1325(a) (as amended by this Act), by adding at the end the following:

"(8) the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first becomes payable after the date on which the petition is filed; and";

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting ", and in the case of

a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan".

SEC. 214. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) under subsection (a)—

"(A) of the commencement or continuation of a civil action or proceeding—

"(i) for the establishment of paternity;

"(ii) for the establishment or modification of an order for domestic support obligations;

"(iii) concerning child custody or visitation;

"(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

"(v) regarding domestic violence;

"(B) the collection of a domestic support obligation from property that is not property of the estate;

"(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation under a judicial or administrative order;

"(D) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

"(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

"(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

"(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.);".

SEC. 215. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

"(5) for a domestic support obligation;";

(B) in paragraph (15)—

(i) by inserting "to a spouse, former spouse, or child of the debtor and" before "not of the kind";

(ii) by inserting "or" after "court of record,"; and

(iii) by striking "unless—" and all that follows through the end of the paragraph and inserting a semicolon; and

(C) by striking paragraph (18); and

(2) in subsection (c), by striking "(6), or (15)" each place it appears and inserting "or (6)".

SEC. 216. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));";

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting "of a kind that is specified in section 523(a)(5); or"; and

(3) in subsection (g)(2), by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 217. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

"(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation;".

SEC. 218. DISPOSABLE INCOME DEFINED.

(a) Confirmation of Plan Under Chapter 12.—Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

(b) Confirmation of Plan Under Chapter 13.—Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) Duties of Trustee Under Chapter 7.—Section 704 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking "and" at the end;

(B) in paragraph (9), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(10) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c); and"; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (a)(10), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides for assistance in collecting child support during and after the bankruptcy procedures;

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(iii) include in the notice an explanation of the rights of the holder of the claim to payment of the claim under this chapter; and

"(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 727, notify the holder of that claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(b) Duties of Trustee Under Chapter 11.—Section 1106 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (a)(7), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1141, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (3), or (14) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(c) Duties of Trustee Under Chapter 12.—Section 1202 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (b)(6), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1228, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (4), or (14) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(d) DUTIES OF TRUSTEE UNDER CHAPTER 13.—Section 1302 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d)."; and

(2) by adding at the end the following:

"(d)(1) In any case described in subsection (b)(6), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1328, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (4), or (14) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

"(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents, for—

"(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

"(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

"(B) any other educational loan that is a qualified education loan, as that term is defined in section 221(e)(1) of the Internal Revenue Code of 1986, incurred by an individual debtor;".

Subtitle C—Other Consumer Protections

SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

Section 110 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by striking "a person, other than an attorney or an employee of an attorney" and inserting "the attorney for the debtor or an employee of such attorney under the direct supervision of such attorney";

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: "If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the preparer shall be required to—

"(A) sign the document for filing; and

"(B) print on the document the name and address of that officer, principal, responsible person or partner."; and

(B) by striking paragraph (2) and inserting the following:

"(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice to debtors concerning bankruptcy petition preparers, which shall be on an official form issued by the Judicial Conference of the United States.

"(B) The notice under subparagraph (A)—

"(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

"(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

"(iii) shall—

"(I) be signed by—

"(aa) the debtor; and

"(bb) the bankruptcy petition preparer, under penalty of perjury; and

"(II) be filed with any document for filing.";

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) For purposes" and inserting "(2)(A) Subject to subparagraph (B), for purposes"; and

(ii) by adding at the end the following:

"(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the preparer."; and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) by striking "(d)(1)" and inserting "(d)"; and

(B) by striking paragraph (2);

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

"(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

"(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

"(i) whether—

"(I) to file a petition under this title; or

"(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

"(ii) whether the debtor's debts will be eliminated or discharged in a case under this title;

"(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

"(iv) concerning—

"(I) the tax consequences of a case brought under this title; or

"(II) the dischargeability of tax claims;

"(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

"(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

"(vii) concerning bankruptcy procedures and rights.";

(6) in subsection (f)—

(A) by striking "(f)(1)" and inserting "(f)"; and

(B) by striking paragraph (2);

(7) in subsection (g)—

(A) by striking "(g)(1)" and inserting "(g)"; and

(B) by striking paragraph (2);

(8) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

"(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.";

(C) in paragraph (2), as redesignated—

(i) by striking "Within 10 days after the date of filing a petition, a bankruptcy petition preparer shall file a" and inserting "A";

(ii) by inserting "by the bankruptcy petition preparer shall be filed together with the petition," after "perjury"; and

(iii) by adding at the end the following: "If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).";

(D) by striking paragraph (3), as redesignated, and inserting the following:

"(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

"(i) rendered by the preparer during the 12-month period immediately preceding the date of filing of the petition; or

"(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

"(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in

which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

"(C) An individual may exempt any funds recovered under this paragraph under section 522(b)."; and

(E) in paragraph (4), as redesignated, by striking "or the United States trustee" and inserting "the United States trustee, the bankruptcy administrator, or the court, on the initiative of the court,";

(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

"(i)(1) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on motion of the debtor, trustee, United States trustee, or bankruptcy administrator, and after the court holds a hearing with respect to that violation or act, the court shall order the bankruptcy petition preparer to pay to the debtor—";

(10) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking "a violation of which subjects a person to criminal penalty";

(ii) in subparagraph (B)—

(I) by striking "or has not paid a penalty" and inserting "has not paid a penalty"; and

(II) by inserting "or failed to disgorge all fees ordered by the court" after "a penalty imposed under this section,";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued upon motion of the court, the trustee, the United States trustee, or the bankruptcy administrator."; and

(11) by adding at the end the following:

"(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

"(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

"(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

"(B) advised the debtor to use a false Social Security account number;

"(C) failed to inform the debtor that the debtor was filing for relief under this title; or

"(D) prepared a document for filing in a manner that failed to disclose the identity of the preparer.

"(3) The debtor, the trustee, a creditor, the United States trustee, or the bankruptcy administrator may file a motion for an order imposing a fine on the bankruptcy petition preparer for each violation of this section.

"(4)(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this subparagraph shall be available to fund the enforcement of this section on a national basis.

"(B) Fines imposed under this subsection in judicial districts served by bankruptcy administrators shall be deposited as offsetting receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and maintenance of the courts of the United States.".

SEC. 222. SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. 223. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

Section 507(a) of title 11, United States Code, is amended by inserting after paragraph (9) the following:

"(10) Tenth, allowed claims for death or personal injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.".

SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) In General.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and";

(iii) by adding at the end the following:

"(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986."; and

(iv) by striking "(2)(A) any property" and inserting:

"(3) Property listed in this paragraph is—

"(A) any property";

(B) by striking paragraph (1) and inserting:

"(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.";

(C) by striking "(b) Notwithstanding" and inserting "(b)(1) Notwithstanding";

(D) by striking "paragraph (2)" each place it appears and inserting "paragraph (3)";

(E) by striking "paragraph (1)" each place it appears and inserting "paragraph (2)";

(F) by striking "Such property is—"; and

(G) by adding at the end the following:

"(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

"(A) If the retirement funds are in a retirement fund that has received a favorable determination under section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303 of this title, those funds shall be presumed to be exempt from the estate.

"(B) If the retirement funds are in a retirement fund that has not received a favorable determination under such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

"(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

"(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

"(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.

"(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, under section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that direct transfer.

"(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that distribution.

"(ii) A distribution described in this clause is an amount that—

"(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

"(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount."; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (b)(2)"; and

(B) by adding at the end the following:

"(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.".

(b) Automatic Stay.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (18) the following:

"(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, under the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

"(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or

"(B) in the case of a loan from a thrift savings plan described in subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;"; and

(4) by adding at the end of the flush material at the end of the subsection, the following: "Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(c) Exceptions To Discharge.—Section 523(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(18) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, under—

"(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or

"(B) a loan from the thrift savings plan described in subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title.

Nothing in paragraph (18) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract *or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".*

(d) Plan Contents.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

"(f) A plan may not materially alter the terms of a loan described in section 362(b)(19) and any amounts required to repay such loan shall not constitute 'disposable income' under section 1325.".

(e) Asset Limitation.—Section 522 of title 11, United States Code, is amended by adding at the end the following:

"(n) For assets in individual retirement accounts described in section 408 or 408A of the Internal Revenue Code of 1986, other than a simplified employee pension under section 408(k) of that Code or a simple retirement account under section 408(p) of that Code, the aggregate value of such assets exempted under this section, without regard to amounts attributable to rollover contributions under section 402(c), 402(e)(6), 403(a)(4), 403(a)(5), and 403(b)(8) of the Internal Revenue Code of 1986, and earnings thereon, shall not exceed $1,000,000 (which amount shall be adjusted as provided in section 104 of this title) in a case filed by an individual debtor, except that such amount may be increased if the interests of justice so require.".

SEC. 225. PROTECTION OF EDUCATION SAVINGS IN BANKRUPTCY.

(a) Exclusions.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or" at the end;

(B) by redesignating paragraph (5) as paragraph (10); and

(C) by inserting after paragraph (4) the following:

"(5) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of filing of the petition, but—

"(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

"(B) only to the extent that such funds—

"(i) are not pledged or promised to any entity in connection with any extension of credit; and

"(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

"(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

"(6) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

"(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

"(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

"(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;"; and

(2) by adding at the end the following:

"(e) In determining whether any of the relationships specified in paragraph (5)(A) or (6)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.".

(b) Debtor's Duties.—Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(c) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).".

SEC. 226. DEFINITIONS.

(a) Definitions.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (2) the following:

"(3) 'assisted person' means any person whose debts consist primarily of consumer debts and whose non-exempt assets are less than $150,000;";

(2) by inserting after paragraph (4) the following:

"(4A) 'bankruptcy assistance' means any goods or services sold or otherwise provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation, or filing, or attendance at a creditors' meeting or appearing in a proceeding on behalf of another or providing legal representation with respect to a case or proceeding under this title;"; and

(3) by inserting after paragraph (12) the following:

"(12A) 'debt relief agency' means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include—

"(A) any person that is an officer, director, employee or agent of that person;

"(B) a nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(C) a creditor of the person, to the extent that the creditor is assisting the person to restructure any debt owed by the person to the creditor;

"(D) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such a depository institution or credit union; or

"(E) an author, publisher, distributor, or seller of works subject to copyright protection under title 17, when acting in such capacity.".

(b) Conforming Amendment.—Section 104(b)(1) of title 11, United States Code, is amended by inserting "101(3)," after "sections".

SEC. 227. RESTRICTIONS ON DEBT RELIEF AGENCIES.

(a) Enforcement.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§526. Restrictions on debt relief agencies

"(a) A debt relief agency shall not—

"(1) fail to perform any service that such agency informed an assisted person or prospective assisted person it would provide in connection with a case or proceeding under this title;

"(2) make any statement, or counsel or advise any assisted person or prospective assisted person to make a statement in a document filed in a case or proceeding under this title, that is untrue and misleading, or that upon the exercise of reasonable care, should have been known by such agency to be untrue or misleading;

"(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, with respect to—

"(i) the services that such agency will provide to such person; or

"(ii) the benefits and risks that may result if such person becomes a debtor in a case under this title; or

"(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title.

"(b) Any waiver by any assisted person of any protection or right provided under this section shall not be enforceable against the debtor by any Federal or State court or any other person, but may be enforced against a debt relief agency.

"(c)(1) Any contract for bankruptcy assistance between a debt relief agency and an assisted person that does not comply with the material requirements of this section, section 527, or section 528 shall be void and may not be enforced by any Federal or State court or by any other person, other than such assisted person.

"(2) Any debt relief agency shall be liable to an assisted person in the amount of any fees or charges in connection with providing bankruptcy assistance to such person that such debt relief agency has received, for actual damages, and for reasonable attorneys' fees and costs if such agency is found, after notice and hearing, to have—

"(A) intentionally or negligently failed to comply with any provision of this section, section 527, or section 528 with respect to a case or proceeding under this title for such assisted person;

"(B) provided bankruptcy assistance to an assisted person in a case or proceeding under this title that is dismissed or converted to a case under another chapter of this title because of such agency's intentional or negligent failure to file any required document including those specified in section 521; or

"(C) intentionally or negligently disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such agency.

"(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this section, the State—

"(A) may bring an action to enjoin such violation;

"(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(4) The United States District Court for any district located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

"(5) Notwithstanding any other provision of Federal law and in addition to any other remedy provided under Federal or State law, if the court, on its own motion or on motion of the United States trustee or the debtor, finds that a person intentionally violated this section, or engaged in a clear and consistent pattern or practice of violating this section, the court may—

"(A) enjoin the violation of such section; or

"(B) impose an appropriate civil penalty against such person.".

"(d) No provision of this section, section 527, or section 528 shall—

"(1) annul, alter, affect, or exempt any person subject to such sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency; or

"(2) be deemed to limit or curtail the authority or ability—

"(A) of a State or subdivision or instrumentality thereof, to determine and enforce qualifications for the practice of law under the laws of that State; or

"(B) of a Federal court to determine and enforce the qualifications for the practice of law before that court.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting before the item relating to section 527, the following:

"526. Debt relief enforcement.".

SEC. 228. DISCLOSURES.

(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"§ 527. Disclosures

"(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide—

"(1) the written notice required under section 342(b)(1) of this title; and

"(2) to the extent not covered in the written notice described in paragraph (1), and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

"(A) all information that the assisted person is required to provide with a petition and thereafter during a case under this title is required to be complete, accurate, and truthful;

"(B) all assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined in section 506 of this title must be stated in those documents where requested after reasonable inquiry to establish such value;

"(C) current monthly income, the amounts specified in section 707(b)(2), and, in a case under chapter 13, disposable income (determined in accordance with section 707(b)(2)), are required to be stated after reasonable inquiry; and

"(D) information that an assisted person provides during their case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the proceeding under this title or other sanction including, in some instances, criminal sanctions.

"(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) with the following statement, to the extent applicable, or one substantially similar. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

"'IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.

"'If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

"'The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

"'Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief made available by the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a 'trustee' and by creditors.

"'If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so and a creditor is not permitted to coerce you into reaffirming your debts.

"'If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

"'If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what needs to be done from someone familiar with that type of relief.

"'Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.'.

"(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which shall be provided in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

"(1) how to value assets at replacement value, determine current monthly income, the amounts specified in section 707(b)(2)) and, in a chapter 13 case, how to determine disposable income in accordance with section 707(b)(2) and related calculations;

"(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

"(3) how to determine what property is exempt and how to value exempt property at replacement value as defined in section 506 of this title.

"(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for 2 years after the date on which the notice is given the assisted person.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by this Act, is amended by inserting after the item relating to section 526 the following:

"527. Disclosures.".

SEC. 229. REQUIREMENTS FOR DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"§ 528. Requirements for debt relief agencies

"(a) A debt relief agency shall—

"(1) not later than 5 business days after the first date such agency provides any bankruptcy assistance services to an assisted person, but prior to such assisted person's petition under this title being filed, execute a written contract with such assisted person that explains clearly and conspicuously—

"(A) the services such agency will provide to such assisted person; and

"(B) the fees or charges for such services for such services, and the terms of payment;

"(2) provide the assisted person with a copy of the fully executed and completed contract;

"(3) clearly and conspicuously disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to bankruptcy relief under this title; and

"(4) clearly and conspicuously using the following statement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.

"(b)(1) An advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public includes—

"(A) descriptions of bankruptcy assistance in connection with a chapter 13 plan whether or not chapter 13 is specifically mentioned in such advertisement; and

"(B) statements such as 'federally supervised repayment plan' or 'Federal debt restructuring help' or other similar statements that could lead a reasonable consumer to believe that debt counseling was being offered when in fact the services were directed to providing bankruptcy assistance with a chapter 13 plan or other form of bankruptcy relief under this title.

"(2) An advertisement, directed to the general public, indicating that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt shall—

"(A) disclose clearly and conspicuously in such advertisement that the assistance may involve bankruptcy relief under this title; and

"(B) include the following statement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by this Act, is amended by inserting after the item relating to section 527, the following:

"528. Debtor's bill of rights.".

SEC. 230. GAO STUDY.

(a) STUDY.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the feasibility, effectiveness, and cost of requiring trustees appointed under title 11, United States Code, or the bankruptcy courts, to provide to the Office of Child Support Enforcement promptly after the commencement of cases by individual debtors under such title, the names and social security numbers of such debtors for the purposes of allowing such Office to determine whether such debtors have outstanding obligations for child support (as determined on the basis of information in the Federal Case Registry or other national database).

(b) REPORT.—Not later than 300 days after the date of enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report containing the results of the study required by subsection (a).

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. REINFORCEMENT OF THE FRESH START.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking "by a court" and inserting "on a prisoner by any court",

(2) by striking "section 1915(b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915", and

(3) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears.

SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(3) if a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

"(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

"(B) upon motion by a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

"(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors, if—

"(I) more than 1 previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was pending within the preceding 1-year period;

"(II) a previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

"(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

"(bb) provide adequate protection as ordered by the court; or

"(cc) perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case will be concluded—

"(aa) if a case under chapter 7, with a discharge; or

"(bb) if a case under chapter 11 or 13, with a confirmed plan which will be fully performed; and

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

"(4)(A)(i) if a single or joint case is filed by or against an individual debtor under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

"(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

"(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

"(C) a stay imposed under subparagraph (B) shall be effective on the date of entry of the order allowing the stay to go into effect; and

"(D) for purposes of subparagraph (B), a case is presumptively not filed in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors if—

"(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

"(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to pay adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to action of such creditor.".

SEC. 303. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

"(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

"(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after the date of entry of such order by the court, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (19), as added by this Act, the following:

"(20) under subsection (a), of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order, except that the debtor, in a subsequent case, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing;

"(21) under subsection (a), of any act to enforce any lien against or security interest in real property—

"(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

"(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case;".

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 521(a) (as so designated by this Act)—

(A) in paragraph (4), by striking ", and" at the end and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) in an individual case under chapter 7 of this title, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in that personal property unless, in the case of an individual debtor, the debtor, not later than 45 days after the first meeting of creditors under section 341(a), either—

"(A) enters into an agreement with the creditor pursuant to section 524(c) of this title with respect to the claim secured by such property; or

"(B) redeems such property from the security interest pursuant to section 722 of this title.

If the debtor fails to so act within the 45-day period referred to in paragraph (6), the stay under section 362(a) of this title is terminated with respect to the personal property of the estate or of the debtor which is affected, such property shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee brought before the expiration of such 45-day period, and after notice and a hearing, that such property is of consequential value or benefit to the estate, orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee."; and

(2) in section 722, by inserting "in full at the time of redemption" before the period at the end.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11, United States Code, is amended—

(1) in section 362—

(A) in subsection (c), by striking "(e), and (f)" inserting "(e), (f), and (h)";

(B) by redesignating subsection (h) as subsection (k); and

(C) by inserting after subsection (g) the following:

"(h)(1) In an individual case under chapter 7, 11, or 13, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2) of this title—

"(A) to file timely any statement of intention required under section 521(a)(2) of this title with respect to that property or to indicate in that statement that the debtor will either surrender the property or retain it and, if retaining it, either redeem the property pursuant to section 722 of this title, reaffirm the debt it secures pursuant to section 524(c) of this title, or assume the unexpired lease pursuant to section 365(p) of this title if the trustee does not do so, as applicable; and

"(B) to take timely the action specified in that statement of intention, as it may be amended before expiration of the period for taking action, unless the statement of intention specifies reaffirmation and the creditor refuses to reaffirm on the original contract terms.

"(2) Paragraph (1) does not apply if the court determines, on the motion of the trustee filed before the expiration of the applicable time set by section 521(a)(2), after notice and a hearing, that such property is of consequential value or benefit to the estate, and orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee. If the court does not so determine, the stay provided by subsection (a) shall terminate upon the conclusion of the proceeding on the motion."; and

(2) in section 521—

(A) in subsection (a)(2), as so designated by this Act, by striking "consumer";

(B) in subsection (a)(2)(B), as so designated by this Act—

(i) by striking "forty-five days after the filing of a notice of intent under this section" and inserting "30 days after the first date set for the meeting of creditors under section 341(a) of this title"; and

(ii) by striking "forty-five day" and inserting "30-day";

(C) in subsection (a)(2)(C), as so designated by this Act, by inserting ", except as provided in section 362(h) of this title" before the semicolon; and

(D) by adding at the end the following:

"(d) If the debtor fails timely to take the action specified in subsection (a)(6) of this section, or in paragraphs (1) and (2) of section 362(h) of this title, with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549 of this title, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement which has the effect of placing the debtor in default under such lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.".

SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(a) In General.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

"(i) the plan provides that—

"(I) the holder of such claim retain the lien securing such claim until the earlier of—

"(aa) the payment of the underlying debt determined under nonbankruptcy law; or

"(bb) discharge under section 1328; and

"(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and".

(b) Restoring the Foundation for Secured Credit.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following flush sentence:

"For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the creditor has a purchase money security interest securing the debt that is the subject of the claim, the debt was incurred within the 5-year period preceding the filing of the petition, and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 1-year period preceding that filing.".

(c) Definitions.—Section 101 of title 11, United States Code, as amended by this Act, is amended—

(1) by inserting after paragraph (13) the following:

"(13A) 'debtor's principal residence'—

"(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

"(B) includes an individual condominium or cooperative unit, a mobile or manufactured home, or trailer;"; and

(2) by inserting after paragraph (27), the following:

"(27A) 'incidental property' means, with respect to a debtor's principal residence—

"(A) property commonly conveyed with a principal residence in the area where the real estate is located;

"(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

"(C) all replacements or additions;".

SEC. 307. DOMICILIARY REQUIREMENTS FOR EXEMPTIONS.

Section 522(b)(3)(A) of title 11, United States Code, as so designated by this Act, is amended—

(1) by striking "180 days" and inserting "730 days"; and

(2) by striking ", or for a longer portion of such 180-day period than in any other place" and inserting "or if the debtor's domicile has not been located at a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place".

SEC. 308. RESIDENCY REQUIREMENT FOR HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(3)(A), as so designated by this Act, by inserting "subject to subsections (o) and (p)," before "any property"; and

(2) by adding at the end the following:

"(o) For purposes of subsection (b)(3)(A), and notwithstanding subsection (a), the value of an interest in—

"(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(3) a burial plot for the debtor or a dependent of the debtor;

shall be reduced to the extent that such value is attributable to any portion of any property that the debtor disposed of in the 7-year period ending on the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b), if on such date the debtor had held the property so disposed of.".

SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.

(a) Stopping Abusive Conversions From Chapter 13.—Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B)—

(A) by striking "in the converted case, with allowed secured claims" and inserting "only in a case converted to a case under chapter 11 or 12, but not in a case converted to a case under chapter 7, with allowed secured claims in cases under chapters 11 and 12"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) with respect to cases converted from chapter 13—

"(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding; and

"(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.".

(b) Giving Debtors the Ability To Keep Leased Personal Property by Assumption.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

"(2)(A) In the case of an individual under chapter 7, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may,

at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

"(B) If, not later than 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

"(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

"(3) In a case under chapter 11 in which the debtor is an individual and in a case under chapter 13, if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.".

(c) Adequate Protection of Lessors and Purchase Money Secured Creditors.—

(1) Confirmation of plan.—Section 1325(a)(5)(B) of title 11, United States Code, is amended—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking "or" at the end and inserting "and"; and

(C) by adding at the end the following:

"(iii) if—

"(I) property to be distributed pursuant to this subsection is in the form of periodic payments, such payments shall be in equal monthly amounts; and

"(II) the holder of the claim is secured by personal property, the amount of such payments shall not be less than an amount sufficient to provide to the holder of such claim adequate protection during the period of the plan; or".

(2) Payments.—Section 1326(a) of title 11, United States Code, is amended to read as follows:

"(a)(1) Unless the court orders otherwise, the debtor shall commence making payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, in the amount—

"(A) proposed by the plan to the trustee;

"(B) scheduled in a lease of personal property directly to the lessor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment; and

"(C) that provides adequate protection directly to a creditor holding an allowed claim secured by personal property to the extent the claim is attributable to the purchase of such property by the debtor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment.

"(2) A payment made under paragraph (1)(A) shall be retained by the trustee until confirmation or denial of confirmation. If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan as soon as is practicable. If a plan is not confirmed, the trustee shall return any such payments not previously paid and not yet due and owing to creditors pursuant to paragraph (3) to the debtor, after deducting any unpaid claim allowed under section 503(b).

"(3) Subject to section 363, the court may, upon notice and a hearing, modify, increase, or reduce the payments required under this subsection pending confirmation of a plan.

"(4) Not later than 60 days after the date of filing of a case under this chapter, a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide the lessor or secured creditor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property.".

SEC. 310. LIMITATION ON LUXURY GOODS.

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

"(C)(i) for purposes of subparagraph (A)—

"(I) consumer debts owed to a single creditor and aggregating more than $250 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

"(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

"(ii) for purposes of this subparagraph—

"(I) the term 'extension of credit under an open end credit plan' means an extension of credit under an open end credit plan, within the meaning of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.);

"(II) the term 'open end credit plan' has the meaning given that term under section 103 of Consumer Credit Protection Act (15 U.S.C. 1602); and

"(III) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.".

SEC. 311. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (21), as added by this Act, the following:

"(22) under subsection (a)(3), of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement;

"(23) under subsection (a)(3), of the commencement of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated under the lease agreement or applicable State law;

"(24) under subsection (a)(3), of eviction actions based on endangerment to property or person or the use of illegal drugs;

"(25) under subsection (a) of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;".

SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking "six" and inserting "8"; and

(2) in section 1328, by inserting after subsection (e) the following:

"(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for by the plan or disallowed under section 502 if the debtor has received a discharge in any case filed under this title within 5 years before the order for relief under this chapter.".

SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

(a) Definition.—Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

"(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term 'household goods' means—

"(i) clothing;

"(ii) furniture;

"(iii) appliances;

"(iv) 1 radio;

"(v) 1 television;

"(vi) 1 VCR;

"(vii) linens;

"(viii) china;

"(ix) crockery;

"(x) kitchenware;

"(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor, but only 1 personal computer only if used primarily for the education or entertainment of such minor children;

"(xii) medical equipment and supplies;

"(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor; and

"(xiv) personal effects (including the toys and hobby equipment of minor dependent children and wedding rings) of the debtor and the dependents of the debtor.

"(B) The term 'household goods' does not include—

"(i) works of art (unless by or of the debtor or the dependents of the debtor);

"(ii) electronic entertainment equipment (except 1 television, 1 radio, and 1 VCR);

"(iii) items acquired as antiques;

"(iv) jewelry (except wedding rings); and

"(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.".

(b) Study.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing its findings regarding utilization of the definition of household goods, as defined in section 522(f)(4) of title 11, United States Code, as added by this section, with respect to the avoidance of nonpossessory, nonpurchase money security interests in household goods under section 522(f)(1)(B) of title 11, United States Code, and the impact that section 522(f)(4) of that title, as added by this section, has had on debtors and on the bankruptcy courts. Such report may include recommendations for amendments to section 522(f)(4) of title 11, United States Code, consistent with the Director's findings.

SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.

(a) In General.—Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

"(14A) incurred to pay a tax to a governmental unit, other than the United States, that would be nondischargeable under paragraph (1);".

(b) Discharge Under Chapter 13.—Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) provided for under section 1322(b)(5);

"(2) of the kind specified in paragraph (2), (3), (4), (5), (8), or (9) of section 523(a);

"(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

"(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.".

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) Notice.—Section 342 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by striking ", but the failure of such notice to contain such information shall not invalidate the legal effect of such notice"; and

(C) by adding at the end the following:

"(2) If, within the 90 days prior to the date of the filing of a petition in a voluntary case, the creditor supplied the debtor in at least 2 communications sent to the debtor with the current account number of the debtor and the address at which the creditor wishes to receive correspondence, then the debtor shall send any notice required under this title to the address provided by the creditor and such notice shall include the account number. In the event the creditor would be in violation of applicable nonbankruptcy law by sending any such communication within such 90-day period and if the creditor supplied the debtor in the last 2 communications with the current account number of the debtor and the address at which the creditor wishes to receive correspondence, then the debtor shall send any notice required under this title to the address provided by the creditor and such notice shall include the account number."; and

(2) by adding at the end the following:

"(e) At any time, a creditor, in a case of an individual debtor under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case. Five days after receipt of such notice, if the court or the debtor is required to give the creditor notice, such notice shall be given at that address.

"(f) An entity may file with the court a notice stating its address for notice in cases under chapters 7 and 13. After 30 days following the filing of such notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (e) with respect to a particular case.

"(g)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor. If the creditor designates a person or department to be responsible for receiving notices concerning bankruptcy cases and establishes reasonable procedures so that bankruptcy notices received by the creditor are to be delivered to such department or person, notice shall not be considered to have been brought to the attention of the creditor until received by such person or department.

"(2) No sanction under section 362(k) or any other sanction that a court may impose on account of violations of the stay under section 362(a) or failure to comply with section 542 or 543 may be imposed on any action of the creditor unless the action takes place after the creditor has received notice of the commencement of the case effective under this section.".

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (a), as so designated by this Act, by striking paragraph (1) and inserting the following:

"(1) file—

"(A) a list of creditors; and

"(B) unless the court orders otherwise—

"(i) a schedule of assets and liabilities;

"(ii) a schedule of current income and current expenditures;

"(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

"(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition under section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

"(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

"(iv) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days before the filing of the petition;

"(v) a statement of the amount of monthly net income, itemized to show how the amount is calculated; and

"(vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;"; and

(2) by adding at the end the following:

"(e)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case, and the court shall make those documents available to the creditor who requests those documents.

"(2)(A) The debtor shall provide either a tax return or transcript at the election of the debtor, for the latest taxable period prior to filing for which a tax return has been or should have been filed, to the trustee, not later than 7 days before the date first set for the first meeting of creditors, or the case shall be dismissed, unless the debtor demonstrates that the failure to file a return as required is due to circumstances beyond the control of the debtor.

"(B) If a creditor has requested a tax return or transcript referred to in subparagraph (A), the debtor shall provide such tax return or transcript to the requesting creditor at the time the debtor provides the tax return or transcript to the trustee, or the case shall be dismissed, unless the debtor demonstrates that the debtor is unable to provide such information due to circumstances beyond the control of the debtor.

"(3)(A) At any time, a creditor in a case under chapter 13 may file with the court notice that the creditor requests the plan filed by the debtor in the case.

"(B) The court shall make such plan available to the creditor who request such plan—

"(i) at a reasonable cost; and

"(ii) not later than 5 days after such request.

"(f) An individual debtor in a case under chapter 7, 11, or 13 shall file with the court at the request of any party in interest—

"(1) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

"(2) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order of relief;

"(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

"(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

"(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

"(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

"(g)(1) A statement referred to in subsection (f)(4) shall disclose—

"(A) the amount and sources of income of the debtor;

"(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

"(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

"(2) The tax returns, amendments, and statement of income and expenditures described in subsection (e)(2)(A) and subsection (f) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection (h).

"(h)(1) Not later than 180 days after the date of enactment of the Bankruptcy Reform Act of 2000, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

"(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

"(3) Not later than 1 year and 180 days after the date of enactment of the Bankruptcy Reform Act of 2000, the Director of the Administrative Office of the United States Courts shall prepare and submit to Congress a report that—

"(A) assesses the effectiveness of the procedures under paragraph (1); and

"(B) if appropriate, includes proposed legislation to—

"(i) further protect the confidentiality of tax information; and

"(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

"(i) If requested by the United States trustee or a trustee serving in the case, the debtor shall provide—

"(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; and

"(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.".

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(j)(1) Notwithstanding section 707(a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

"(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

"(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.".

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, is amended—

(1) by striking "After" and inserting the following:

"(a) Except as provided in subsection (b) and after"; and

(2) by adding at the end the following:

"(b) The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a).".

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.

Title 11, United States Code, is amended—

(1) by amending section 1322(d) to read as follows:

"(d)(1) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 5 years.

"(2) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 3 years, unless the court, for cause, approves a longer period, but the court may not approve a period that is longer than 5 years.";

(2) in section 1325(b)(1)(B), by striking "three-year period" and inserting "applicable commitment period"; and

(3) in section 1325(b), as amended by this Act, by adding at the end the following:

"(4) For purposes of this subsection, the 'applicable commitment period'—

"(A) subject to subparagraph (B), shall be—

"(i) 3 years; or

"(ii) not less than 5 years, if the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

"(I) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(II) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(III) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4; and

"(B) may be less than 3 or 5 years, whichever is applicable under subparagraph (A), but only if the plan provides for payment in full of all allowed unsecured claims over a shorter period.";
and

(4) in section 1329(c), by striking "three years" and inserting "the applicable commitment period under section 1325(b)(1)(B)".

SEC. 319. SENSE OF CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.

It is the sense of Congress that rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted only after the debtor or the debtor's attorney has made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

"(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

"(B) that 60-day period is extended—

"(i) by agreement of all parties in interest; or

"(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.".

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

"§ 1115. Property of the estate

"(a) In a case concerning an individual debtor, property of the estate includes, in addition to the property specified in section 541—

"(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

"(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.".

"(b) Except as provided in section 1104 or a confirmed plan or order confirming a plan, the debtor shall remain in possession of all property of the estate.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1115. Property of the estate.".

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.".

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(15) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

"(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

"(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 5-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer.".

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: ", except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)".

(d) EFFECT OF CONFIRMATION—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "The confirmation of a plan does not discharge an individual debtor" and inserting "A discharge under this chapter does not discharge a debtor"; and

(2) by adding at the end the following:

"(5) In a case concerning an individual—

"(A) except as otherwise ordered for cause shown, the discharge is not effective until completion of all.payments under the plan; and

"(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

"(i) for each allowed unsecured claim, the value, as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

"(ii) modification of the plan under 1127 of this title is not practicable.".

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

"(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

"(2) extend or reduce the time period for such payments; or

"(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.

"(f)(1) Sections 1121 through 1128 of this title and the requirements of section 1129 of this title apply to any modification under subsection (a).

"(2) The plan, as modified, shall become the plan only after there has been disclosure under *section 1125, as the court may direct, notice and a hearing, and such modification is approved.".*

SEC. 322. LIMITATION.

(a) EXEMPTIONS.—Section 522 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(p)(1) Except as provided in paragraph (2) of this subsection and sections 544 and 548 of this title, as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that was acquired by the debtor during the 2-year period preceding the filing of the petition which exceeds in the aggregate $100,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(C) a burial plot for the debtor or a dependent of the debtor.

"(2)(A) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer.

"(B) For purposes of paragraph (1), any amount of such interest does not include any interest transferred from a debtor's previous principal residence (which was acquired prior to the beginning of the 2-year period) into the debtor's current principal residence, where the debtor's previous and current residences are located in the same State.".

(b) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "522(d)," and inserting "522(d), 522(n), 522(p),"; and

(2) in paragraph (3), by striking "522(d)," and inserting "522(d), 522(n), 522(p),".

SEC. 323. EXCLUDING EMPLOYEE BENEFIT PLAN PARTICIPANT CONTRIBUTIONS AND OTHER PROPERTY FROM THE ESTATE.

(a) IN GENERAL.—Section 541(b) of title 11, United States Code, is amended by inserting after paragraph (6), as added by this Act, the following:

"(7) any amount—

"(A) withheld by an employer from the wages of employees for payment as contributions to—

"(i) an employee benefit plan subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986, a deferred compensation plan under section 457 of the Internal Revenue Code of 1986, or a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986, except that amount shall not constitute disposable income, as defined in section 1325(b)(2) of this title; or

"(ii) a health insurance plan regulated by State law whether or not subject to such title; or

"(B) received by the employer from employees for payment as contributions to—

"(i) an employee benefit plan subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986, a deferred compensation plan under section 457 of the Internal Revenue Code of 1986, or a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986, except that amount shall not constitute disposable income, as defined in section 1325(b)(2) of this title; or

"(ii) a health insurance plan regulated by State law whether or not subject to such title;".

(b) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to cases commenced under title 11, United States Code, before the expiration of the 180-day period beginning on the date of enactment of this Act.

SEC. 324. EXCLUSIVE JURISDICTION IN MATTERS INVOLVING BANKRUPTCY PROFESSIONALS.

(a) IN GENERAL.—Section 1334 of title 28, United States Code, is amended—

(1) in subsection (b), by striking "Notwithstanding" and inserting "Except as provided in subsection (e)(2), and notwithstanding"; and

(2) by striking subsection (e) and inserting the following:

"(e) The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction—

"(1) of all the property, wherever located, of the debtor as of the date of commencement of such case, and of property of the estate; and

"(2) over all claims or causes of action that involve construction of section 327 of title 11, United States Code, or rules relating to disclosure requirements under section 327.".

(b) APPLICABILITY.—This section shall only apply to cases filed after the date of enactment of this Act.

SEC. 325. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) For a case commenced—

"(A) under chapter 7 of title 11, $160; or

"(B) under chapter 13 of title 11, $150.".

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) 40.63 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

"(B) 70.00 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;";

(2) in paragraph (2), by striking "one-half" and inserting "three-fourths"; and

(3) in paragraph (4), by striking "one-half" and inserting "100 percent".

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking "pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931" and inserting "under section 1930(b) of title 28, United States Code, and 31.25 percent of the fees collected under section 1930(a)(1)(A) of that title, 30.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title".

SEC. 326. SHARING OF COMPENSATION.

Section 504 of title 11, United States Code, is amended by adding at the end the following:

"(c) This section shall not apply with respect to sharing, or agreeing to share, compensation with a bona fide public service attorney referral program that operates in accordance with non-Federal law regulating attorney referral services and with rules of professional responsibility applicable to attorney acceptance of referrals.".

SEC. 327. FAIR VALUATION OF COLLATERAL.

Section 506(a) of title 11, United States Code, is amended by—

(1) inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) In the case of an individual debtor under chapters 7 and 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of filing the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purpose, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.".

SEC. 328. DEFAULTS BASED ON NONMONETARY OBLIGATIONS.

(a) EXECUTORY CONTRACTS AND UNEXPIRED LEASES.—Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking the semicolon at the end and inserting the following: "other than a default that is a breach of a provision relating to the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption, except that if such default arises from a failure to operate in accordance with a nonresidential real property lease, then such default shall be cured by performance at and after the time of assumption in accordance with such lease, and pecuniary losses resulting from such default shall be compensated in accordance with the provisions of paragraph (b)(l);"; and

(B) in paragraph (2)(D), by striking "penalty rate or provision" and inserting "penalty rate or penalty provision";

(2) in subsection (c)—

(A) in paragraph (2), by inserting "or" at the end;

(B) in paragraph (3), by striking "; or" at the end and inserting a period; and

(C) by striking paragraph (4);

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9); and

(B) by redesignating paragraph (10) as paragraph (5); and

(4) in subsection (f)(1) by striking "; except that" and all that follows through the end of the paragraph and inserting a period.

(b) IMPAIRMENT OF CLAIMS OR INTERESTS.—Section 1124(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by inserting "or of a kind that section 365(b)(2) of this title expressly does not require to be cured" before the semicolon at the end;

(2) in subparagraph (C), by striking "and" at the end;

(3) by redesignating subparagraph (D) as subparagraph (E); and

(4) by inserting after subparagraph (C) the following:

"(D) if such claim or such interest arises from any failure to perform a nonmonetary obligation, other than a default arising from failure to operate a non-residential real property lease subject to section 365(b)(1)(A), compensates the holder of such claim or such interest (other than the debtor or an insider) for any actual pecuniary loss incurred by such holder as a result of such failure; and".

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, as amended by this Act, is amended by inserting after paragraph (48) the following:

"(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (25), as added by this Act, the following:

"(26) under subsection (a), of—

"(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

"(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by the securities self regulatory organization to enforce such organization's regulatory power; or

"(C) any act taken by the securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements;".

SEC. 402. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.".

SEC. 403. PROTECTION OF REFINANCE OF SECURITY INTEREST.

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking "10" each place it appears and inserting "30".

SEC. 404. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

(a) IN GENERAL.—Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

"(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of—

"(i) the date that is 120 days after the date of the order for relief; or

"(ii) the date of the entry of an order confirming a plan.

"(B)(i) The court may extend the period determined under subparagraph (A), prior to the expiration of the 120-day period, for 90 days upon motion of the trustee or lessor for cause.

"(ii) If the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance.".

(b) EXCEPTION.—Section 365(f)(1) of title 11, United States Code, is amended by striking "subsection" the first place it appears and inserting "subsections (b) and".

SEC. 405. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a) of title 11, United States Code, is amended by adding at the end the following:

"(4) On request of a party in interest and after notice and a hearing, the court may order the United States trustee to change the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may order the United States trustee to increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.".

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

"(3) A committee appointed under subsection (a) shall—

"(A) provide access to information for creditors who—

"(i) hold claims of the kind represented by that committee; and

"(ii) are not appointed to the committee;

"(B) solicit and receive comments from the creditors described in subparagraph (A); and

"(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).".

SEC. 406. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection designated as subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (i); and

(2) by adding at the end the following:

"(j)(1) Notwithstanding paragraphs (2) and (3) of section 545, the trustee may not avoid a warehouseman's lien for storage, transportation, or other costs incidental to the storage and handling of goods.

"(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any applicable State statute that is similar to section 7–209 of the Uniform Commercial Code, as in effect on the date of enactment of the Bankruptcy Reform Act of 2000, or any successor thereto.".

SEC. 407. AMENDMENTS TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking "(A) In" and inserting "In"; and

(B) by inserting "to an examiner, trustee under chapter 11, or professional person" after "awarded"; and

(2) by adding at the end the following:

"(7) In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a commission, based on section 326 of this title.".

SEC. 408. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

"(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.".

SEC. 409. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

"(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

"(B) made according to ordinary business terms;";

(2) in paragraph (8), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.".

SEC. 410. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting ", or a nonconsumer debt against a noninsider of less than $10,000," after "$5,000".

SEC. 411. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking "On" and inserting "(1) Subject to paragraph (2), on"; and

(2) by adding at the end the following:

"(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

"(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.".

SEC. 412. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking "dwelling" the first place it appears;

(2) by striking "ownership or" and inserting "ownership,";

(3) by striking "housing" the first place it appears; and

(4) by striking "but only" and all that follows through "such period" and inserting "or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,".

SEC. 413. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting at the end the following: "Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.".

SEC. 414. DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

"(14) 'disinterested person' means a person that—

"(A) is not a creditor, an equity security holder, or an insider;

"(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

"(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;".

SEC. 415. FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3) of title 11, United States Code, as amended by this Act, is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

"(E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and".

SEC. 416. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

"(B) Upon the filing of a report under subparagraph (A)—

"(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

"(ii) the service of any trustee appointed under subsection (d) shall terminate.

"(C) In the case of any dispute arising out of an election described in subparagraph (A), the court shall resolve the dispute.".

SEC. 417. UTILITY SERVICE.

Section 366 of title 11, United States Code, is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by adding at the end the following:

"(c)(1)(A) For purposes of this subsection, the term 'assurance of payment' means—

"(i) a cash deposit;

"(ii) a letter of credit;

"(iii) a certificate of deposit;

"(iv) a surety bond;

"(v) a prepayment of utility consumption; or

"(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.

"(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.

"(2) Subject to paragraphs (3) through (5), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.

"(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

"(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—

"(i) the absence of security before the date of filing of the petition;

"(ii) the payment by the debtor of charges for utility service in a timely manner before the date of filing of the petition; or

"(iii) the availability of an administrative expense priority.

"(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of filing of the petition without notice or order of the court.".

SEC. 418. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the" and inserting "The"; and

(2) by adding at the end the following:

"(f)(1) Under the procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such debtor has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and is unable to pay that fee in installments. For purposes of this paragraph, the term "filing fee" means the filing required by subsection (a), or any other fee prescribed by the Judicial Conference under subsections (b) and (c) that is payable to the clerk upon the commencement of a case under chapter 7.

"(2) The district court or the bankruptcy court may waive for such debtors other fees prescribed under subsections (b) and (c).

"(3) This subsection does not restrict the district court or the bankruptcy court from waiving, in accordance with Judicial Conference policy, fees prescribed under this section for other debtors and creditors.".

SEC. 419. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

Subtitle B—Small Business Bankruptcy Provisions

SEC. 431. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon "and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information"; and

(2) by striking subsection (f), and inserting the following:

"(f) Notwithstanding subsection (b), in a small business case—

"(1) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

"(2) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

"(3)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

"(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 20 days before the date of the hearing on confirmation of the plan; and

"(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.".

SEC. 432. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by this Act, is amended by striking paragraph (51C) and inserting the following:

"(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

"(51D) 'small business debtor'—

"(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning or operating real property or activities incidental thereto) that has aggregate noncontingent, liquidated secured and unsecured debts as of the date of the petition or the order for relief in an amount not more than $3,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has not appointed under section 1102(a)(1) a committee of unsecured creditors or where the court has determined that the committee of unsecured creditors is not sufficiently active and representative to provide effective oversight of the debtor; and

"(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $3,000,000 (excluding debt owed to 1 or more affiliates or insiders);".

(b) CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting "debtor" after "small business".

SEC. 433. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 434. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) REPORTING REQUIRED.—

(1) IN GENERAL.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

"§ 308. Debtor reporting requirements

"(a) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

"(b) A small business debtor shall file periodic financial and other reports containing information including—

"(1) the debtor's profitability;

"(2) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

"(3) comparisons of actual cash receipts and disbursements with projections in prior reports;

"(4)(A) whether the debtor is—

"(i) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

"(ii) timely filing tax returns and other required government filings and paying taxes and other administrative claims when due;

"(B) if the debtor is not in compliance with the requirements referred to in subparagraph (A)(i) or filing tax returns and other required government filings and making the payments referred to in subparagraph (A)(ii), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

"(C) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

"308. Debtor reporting requirements.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 435. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms to be used by small business debtors to file periodic financial and other reports containing information, including information relating to –

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative claims when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) the small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help the small business debtor to understand the small business debtor's financial condition and plan the small business debtor's future.

SEC. 436. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"§ 1116. Duties of trustee or debtor in possession in small business cases

"In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

"(1) append to the voluntary petition or, in an involuntary case, file not later than 7 days after the date of the order for relief—

"(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

"(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

"(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances;

"(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

"(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

"(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

"(6)(A) timely file tax returns and other required government filings; and

"(B) subject to section 363(c)(2), timely pay all administrative expense tax claims, except those being contested by appropriate proceedings being diligently prosecuted; and

"(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1116. Duties of trustee or debtor in possession in small business cases.".

SEC. 437. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) In a small business case—

"(1) only the debtor may file a plan until after 180 days after the date of the order for relief, unless that period is—

"(A) extended as provided by this subsection, after notice and hearing; or

"(B) the court, for cause, orders otherwise;

"(2) the plan, and any necessary disclosure statement, shall be filed not later than 300 days after the date of the order for relief; and

"(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e), within which the plan shall be confirmed, may be extended only if—

"(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

"(B) a new deadline is imposed at the time the extension is granted; and

"(C) the order extending time is signed before the existing deadline has expired.".

SEC. 438. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a small business case, the plan shall be confirmed not later than 175 days after the date of the order for relief, unless such 175-day period is extended as provided in section 1121(e)(3).".

SEC. 439. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases; and";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(7) in each of such small business cases—

"(A) conduct an initial debtor interview as soon as practicable after the entry of order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

"(i) begin to investigate the debtor's viability;

"(ii) inquire about the debtor's business plan;

"(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

"(iv) attempt to develop an agreed scheduling order; and

"(v) inform the debtor of other obligations;

"(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor and ascertain the state of the debtor's books and records and verify that the debtor has filed its tax returns; and

"(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

"(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.".

SEC. 440. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ", may"; and

(2) by striking paragraph (1) and inserting the following:

"(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and".

SEC. 441. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, as amended by this Act is amended—

(1) in subsection (k), as redesignated by this Act—

(A) by striking "An" and inserting "(1) Except as provided in paragraph (2), an"; and

(B) by adding at the end the following:

"(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) of this subsection against such entity shall be limited to actual damages."; and

(2) by adding at the end the following:

"(l)(1) Except as provided in paragraph (2) of this subsection, the provisions of subsection (a) do not apply in a case in which the debtor—

"(A) is a debtor in a small business case pending at the time the petition is filed;

"(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

"(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

"(D) is an entity that has succeeded to substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C).

"(2) This subsection does not apply—

"(A) to an involuntary case involving no collusion by the debtor with creditors; or

"(B) to the filing of a petition if—

"(i) the debtor proves by a preponderance of the evidence that the filing of that petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

"(ii) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.".

SEC. 442. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Except as provided in paragraph (2) of this subsection, subsection (c) of this section, and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interest of creditors and the estate, if the movant establishes cause.

"(2) The relief provided in paragraph (1) shall not be granted if the debtor or another party in interest objects and establishes by a preponderance of the evidence that—

"(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

"(B) the grounds include an act or omission of the debtor—

"(i) for which there exists a reasonable justification for the act or omission; and

"(ii) that will be cured within a reasonable period of time fixed by the court.

"(3) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

"(4) For purposes of this subsection, the term 'cause' includes—

"(A) substantial or continuing loss to or diminution of the estate;

"(B) gross mismanagement of the estate;

"(C) failure to maintain appropriate insurance that poses a risk to the estate or to the public;

"(D) unauthorized use of cash collateral harmful to 1 or more creditors;

"(E) failure to comply with an order of the court;

"(F) repeated failure timely to satisfy any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

"(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under rule 2004 of the Federal Rules of Bankruptcy Procedure;

"(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee or the bankruptcy administrator;

"(I) failure timely to pay taxes due after the date of the order for relief or to file tax returns due after the order for relief;

"(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

"(K) failure to pay any fees or charges required under chapter 123 of title 28;

"(L) revocation of an order of confirmation under section 1144;

"(M) inability to effectuate substantial consummation of a confirmed plan;

"(N) material default by the debtor with respect to a confirmed plan;

"(O) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and

"(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

"(5) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.".

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee or an examiner is in the best interests of creditors and the estate.".

SEC. 443. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Administrative Office of United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 444. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting "or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later" after "90-day period)"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) the debtor has commenced monthly payments that—

"(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before or after the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

"(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or".

SEC. 445. PRIORITY FOR ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(7) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or relating to a failure to operate or penalty provisions, for the period of 2 years following the later of the rejection date or the date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from a nondebtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6);".

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting "notwithstanding section 301(b)" before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "A voluntary"; and

(2) by striking the last sentence and inserting the following:

"(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.".

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section 901(a) of title 11, United States Code, is amended—

(1) by inserting "555, 556," after "553,"; and

(2) by inserting "559, 560, 561, 562" after "557,".

TITLE VI—BANKRUPTCY DATA

SEC. 601. IMPROVED BANKRUPTCY STATISTICS.

(a) IN GENERAL.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"§ 159. Bankruptcy statistics

"(a) The clerk of each district shall collect statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be on a standardized form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Director').

"(b) The Director shall—

"(1) compile the statistics referred to in subsection (a);

"(2) make the statistics available to the public; and

"(3) not later than October 31, 2002, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

"(c) The compilation required under subsection (b) shall—

"(1) be itemized, by chapter, with respect to title 11;

"(2) be presented in the aggregate and for each district; and

"(3) include information concerning—

"(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by those debtors;

"(B) the current monthly income, average income, and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 521 and 1322 of title 11;

"(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

"(D) the average period of time between the filing of the petition and the closing of the case;

"(E) for the reporting period—

"(i) the number of cases in which a reaffirmation was filed; and

"(ii)(I) the total number of reaffirmations filed;

"(II) of those cases in which a reaffirmation was filed, the number of cases in which the debtor was not represented by an attorney; and

"(III) of those cases in which a reaffirmation was filed, the number of cases in which the reaffirmation was approved by the court;

"(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

"(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

"(II) the number of final orders determining the value of property securing a claim issued;

"(ii) the number of cases dismissed, the number of cases dismissed for failure to make payments under the plan, the number of cases refiled after dismissal, and the number of cases in which the plan was completed, separately itemized with respect to the number of modifications made before completion of the plan, if any; and

"(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the filing;

"(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

"(H) the number of cases in which sanctions under rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's counsel or damages awarded under such Rule.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"159. Bankruptcy statistics.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"§ 589b. Bankruptcy data

"(a) RULES.—The Attorney General shall, within a reasonable time after the effective date of this section, issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

"(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

"(2) periodic reports by debtors in possession or trustees, as the case may be, in cases under chapter 11 of title 11.

"(b) REPORTS.—Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum possible access of the public, both by physical inspection at one or more central filing locations, and by electronic access through the Internet or other appropriate media.

"(c) REQUIRED INFORMATION.—The information required to be filed in the reports referred to in subsection (b) shall be that which is in the best interests of debtors and creditors, and in the public interest in reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system. In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

"(1) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system;

"(2) economy, simplicity, and lack of undue burden on persons with a duty to file reports; and

"(3) appropriate privacy concerns and safeguards.

"(d) FINAL REPORTS.—Final reports proposed for adoption by trustees under chapters 7, 12, and 13 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General, shall propose, include with respect to a case under such title—

"(1) information about the length of time the case was pending;

"(2) assets abandoned;

"(3) assets exempted;

"(4) receipts and disbursements of the estate;

"(5) expenses of administration, including for use under section 707(b), actual costs of administering cases under chapter 13 of title 11;

"(6) claims asserted;

"(7) claims allowed; and

"(8) distributions to claimants and claims discharged without payment,

in each case by appropriate category and, in cases under chapters 12 and 13 of title 11, date of confirmation of the plan, each modification thereto, and defaults by the debtor in performance under the plan.

"(e) PERIODIC REPORTS.—Periodic reports proposed for adoption by trustees or debtors in possession under chapter 11 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General, in the discretion of the Attorney General, shall propose, include—

"(1) information about the standard industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

"(2) length of time the case has been pending;

"(3) number of full-time employees as of the date of the order for relief and at the end of each reporting period since the case was filed;

"(4) cash receipts, cash disbursements and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

"(5) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

"(6) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those not); and

"(7) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"589b. Bankruptcy data.".

SEC. 603. AUDIT PROCEDURES.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROCEDURES.—The Attorney General (in judicial districts served by United States trustees) and the Judicial Conference of the United States (in judicial districts served by bankruptcy administrators) shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title. Such audits shall be in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants, provided that the Attorney General and the Judicial Conference, as appropriate, may develop alternative auditing standards not later than 2 years after the date of enactment of this Act.

(2) PROCEDURES.—Those procedures required by paragraph (1) shall—

(A) establish a method of selecting appropriate qualified persons to contract to perform those audits;

(B) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

(C) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the district in which the schedules were filed; and

(D) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

(b) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under section 603(a) of the Bankruptcy Reform Act of 2000; and"; and

(2) by adding at the end the following:

"(f)(1) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee, in accordance with the procedures established under section 603(a) of the Bankruptcy Reform Act of 2000.

"(2)(A) The report of each audit referred to in paragraph (1) shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case in which a material misstatement of income or expenditures or of assets has been reported, the clerk of the bankruptcy court shall give notice of the misstatement to the creditors in the case.

"(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

"(i) report the material misstatement, if appropriate, to the United States Attorney pursuant to section 3057 of title 18; and

"(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge pursuant to section 727(d) of title 11.".

(c) AMENDMENTS TO SECTION 521 OF TITLE 11, U.S.C.—Section 521(a) of title 11, United States Code, as so designated by this Act, is amended in each of paragraphs (3) and (4) by inserting "or an auditor appointed under section 586(f) of title 28" after "serving in the case".

(d) AMENDMENTS TO SECTION 727 OF TITLE 11, U.S.C.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) the debtor has failed to explain satisfactorily—

"(A) a material misstatement in an audit referred to in section 586(f) of title 28; or

"(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and all other papers, things, or property belonging to the debtor that are requested for an audit referred to in section 586(f) of title 28.".

(e) Effective Date.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) the national policy of the United States should be that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public, subject to such appropriate privacy concerns and safeguards as Congress and the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) Treatment of Certain Liens.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting "(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)" after "under this title";

(2) in subsection (b)(2), by inserting "(except that such expenses, other than claims for wages, salaries, or commissions which arise after the filing of a petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)" after "507(a)(1)"; and

(3) by adding at the end the following:

"(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

"(1) exhaust the unencumbered assets of the estate; and

"(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of that property.

"(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

"(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(4).

"(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(5).".

(b) Determination of Tax Liability.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.".

SEC. 702. TREATMENT OF FUEL TAX CLAIMS.

Section 501 of title 11, United States Code, is amended by adding at the end the following:

"(e) A claim arising from the liability of a debtor for fuel use tax assessed consistent with the requirements of section 31705 of title 49 may be filed by the base jurisdiction designated pursuant to the International Fuel Tax Agreement and, if so filed, shall be allowed as a single claim.".

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

Section 505(b) of title 11, United States Code, is amended—

(1) in the first sentence, by inserting "at the address and in the manner designated in paragraph (1)" after "determination of such tax";

(2) by striking "(1) upon payment" and inserting "(A) upon payment";

(3) by striking "(A) such governmental unit" and inserting "(i) such governmental unit";

(4) by striking "(B) such governmental unit" and inserting "(ii) such governmental unit";

(5) by striking "(2) upon payment" and inserting "(B) upon payment";

(6) by striking "(3) upon payment" and inserting "(C) upon payment";

(7) by striking "(b)" and inserting "(2)"; and

(8) by inserting before paragraph (2), as so designated, the following:

"(b)(1)(A) The clerk of each district shall maintain a listing under which a Federal, State, or local governmental unit responsible for the collection of taxes within the district may—

"(i) designate an address for service of requests under this subsection; and

"(ii) describe where further information concerning additional requirements for filing such requests may be found.

"(B) If a governmental unit referred to in subparagraph (A) does not designate an address and provide that address to the clerk under that subparagraph, any request made under this subsection may be served at the address for the filing of a tax return or protest with the appropriate taxing authority of that governmental unit.".

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) In General.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§ 511. Rate of interest on tax claims

"(a) If any provision of this title requires the payment of interest on a tax claim or on an administrative expense tax, or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be the rate determined under applicable nonbankruptcy law.

"(b) In the case of taxes paid under a confirmed plan under this title, the rate of interest shall be determined as of the calendar month in which the plan is confirmed.".

(b) Clerical Amendment.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 510 the following:

"511. Rate of interest on tax claims.".

SEC. 705. PRIORITY OF TAX CLAIMS.

Section 507(a)(8) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting "for a taxable year ending on or before the date of filing of the petition" after "gross receipts";

(B) in clause (i), by striking "for a taxable year ending on or before the date of filing of the petition"; and

(C) by striking clause (ii) and inserting the following:

"(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

"(I) any time during which an offer in compromise with respect to that tax was pending or in effect during that 240-day period, plus 30 days; and

"(II) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period; plus 90 days."; and

(2) by adding at the end the following:

"An otherwise applicable time period specified in this paragraph shall be suspended for (i) any period during which a governmental unit is prohibited under applicable nonbankruptcy law from collecting a tax as a result of a request by the debtor for a hearing and an appeal of any collection action taken or proposed against the debtor, plus 90 days; plus (ii) any time during which the stay of proceedings was in effect in a prior case under this title or during which collection was precluded by the existence of 1 or more confirmed plans under this title, plus 90 days.".

SEC. 706. PRIORITY PROPERTY TAXES INCURRED.

Section 507(a)(8)(B) of title 11, United States Code, is amended by striking "assessed" and inserting "incurred".

SEC. 707. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 13.

Section 1328(a)(2) of title 11, United States Code, as amended by section 314 of this Act, is amended by striking "paragraph" and inserting "section 507(a)(8)(C) or in paragraph (1)(B), (1)(C),".

SEC. 708. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 11.

Section 1141(d) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(6) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt described in section 523(a)(2) or for a tax or customs duty with respect to which the debtor—

"(A) made a fraudulent return; or

"(B) willfully attempted in any manner to evade or defeat that tax or duty.".

SEC. 709. STAY OF TAX PROCEEDINGS LIMITED TO PREPETITION TAXES.

Section 362(a)(8) of title 11, United States Code, is amended by striking "the debtor" and inserting "a corporate debtor's tax liability for a taxable period the bankruptcy court may determine or concerning an individual debtor's tax liability for a taxable period ending before the order for relief under this title".

SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.

Section 1129(a)(9) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking "deferred cash payments," and all that follows through the end of the subparagraph, and inserting "regular installment payments in cash—

"(i) of a total value, as of the effective date of the plan, equal to the allowed amount of such claim;

"(ii) over a period ending not later than 5 years after the date of the entry of the order for relief under section 301, 302, or 303; and

"(iii) in a manner not less favorable than the most favored nonpriority unsecured claim provided for in the plan (other than cash payments made to a class of creditors under section 1122(b)); and"; and

(3) by adding at the end the following:

"(D) with respect to a secured claim which would otherwise meet the description of an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).".

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.

Section 545(2) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: ", except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law".

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.

(a) PAYMENT OF TAXES REQUIRED.—Section 960 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Any"; and

(2) by adding at the end the following:

"(b) A tax under subsection (a) shall be paid on or before the due date of the tax under applicable nonbankruptcy law, unless—

"(1) the tax is a property tax secured by a lien against property that is abandoned within a reasonable period of time after the lien attaches by the trustee of a bankruptcy estate under section 554 of title 11; or

"(2) payment of the tax is excused under a specific provision of title 11.

"(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

"(1) the tax was not incurred by a trustee duly appointed under chapter 7 of title 11; or

"(2) before the due date of the tax, an order of the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.".

(b) PAYMENT OF AD VALOREM TAXES REQUIRED.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting "whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both," before "except".

(c) REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE TAXES ELIMINATED.—Section 503(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding at the end the following:

"(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of an expense described in subparagraph (B) or (C), as a condition of its being an allowed administrative expense;".

(d) PAYMENT OF TAXES AND FEES AS SECURED CLAIMS.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting "or State statute" after "agreement"; and

(2) in subsection (c), by inserting ", including the payment of all ad valorem property taxes with respect to the property" before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.

Section 726(a)(1) of title 11, United States Code, is amended by striking "before the date on which the trustee commences distribution under this section;" and inserting the following: "on or before the earlier of—

"(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

"(B) the date on which the trustee commences final distribution under this section;".

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.

Section 523(a) of title 11, United States Code, as amended by this Act, is amended—

(1) in paragraph (1)(B)—

(A) in the matter preceding clause (i), by inserting "or equivalent report or notice," after "a return,";

(B) in clause (i), by inserting "or given" after "filed"; and

(C) in clause (ii)—

(i) by inserting "or given" after "filed"; and

(ii) by inserting ", report, or notice" after "return"; and

(2) by adding at the end the following:

"For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.".

SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.

Section 505(b)(2) of title 11, United States Code, as amended by this Act, is amended by inserting "the estate," after "misrepresentation,".

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.

(a) FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.—Section 1325(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(9) the debtor has filed all applicable Federal, State, and local tax returns as required by section 1308.".

(b) ADDITIONAL TIME PERMITTED FOR FILING TAX RETURNS.—

(1) IN GENERAL.—Subchapter I of chapter 13 of title 11, United States Code, is amended by adding at the end the following:

"§ 1308. Filing of prepetition tax returns

"(a) Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a), if the debtor was required to file a tax return under applicable nonbankruptcy law, the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.

"(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the meeting of creditors is first scheduled to be held under section 341(a), the trustee may hold open that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

"(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that meeting; or

"(B) for any return that is not past due as of the date of the filing of the petition, the later of—

"(i) the date that is 120 days after the date of that meeting; or

"(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request is timely made, in accordance with applicable nonbankruptcy law.

"(2) Upon notice and hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by a preponderance of the evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

"(A) a period of not more than 30 days for returns described in paragraph (1); and

"(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

"(c) For purposes of this section, the term 'return' includes a return prepared pursuant to subsection (a) or (b) of section 6020 of the Internal Revenue Code of 1986, or a similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1307 the following:

"1308. Filing of prepetition tax returns.".

(c) DISMISSAL OR CONVERSION ON FAILURE TO COMPLY.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

"(e) Upon the failure of the debtor to file a tax return under section 1308, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss a case or convert a case under this chapter to a case under chapter 7 of this title, whichever is in the best interest of the creditors and the estate.".

(d) TIMELY FILED CLAIMS.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following ", and except that in a case under chapter 13, a claim of a governmental unit for a tax with respect to a return filed under section 1308 shall be timely if the claim is filed on or before the date that is 60 days after the date on which such return was filed as required".

(e) RULES FOR OBJECTIONS TO CLAIMS AND TO CONFIRMATION.—It is the sense of Congress that the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States should, as soon as practicable after the date of enactment of this Act, propose for adoption amended Federal Rules of Bankruptcy Procedure which provide that—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, an objection to the confirmation of a plan filed by a governmental unit on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1308 and 1325(a)(7) of title 11, United States Code, shall be treated for all purposes as if such objection had been timely filed before such confirmation; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, no objection to a tax with respect to which a return is required to be filed under section 1308 of title 11, United States Code, shall be filed until such return has been filed as required.

SEC. 717. STANDARDS FOR TAX DISCLOSURE.

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting "including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case," after "records"; and

(2) by striking "a hypothetical reasonable investor typical of holders of claims or interests" and inserting "such a hypothetical investor".

SEC. 718. SETOFF OF TAX REFUNDS.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (26), as added by this Act, the following:

"(27) under subsection (a), of the setoff under applicable nonbankruptcy law of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the order for relief against an income tax liability for a taxable period that also ended before the order for relief, except that in any case in which the setoff of an income tax refund is not permitted under applicable nonbankruptcy law because of a pending action to determine the amount or legality of a tax liability, the governmental unit may hold the refund pending the resolution of the action, unless the court, upon motion of the trustee and after notice and hearing, grants the taxing authority adequate protection (within the meaning of section 361) for the secured claim of that authority in the setoff under section 506(a);".

SEC. 719. SPECIAL PROVISIONS RELATED TO THE TREATMENT OF STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 346 of title 11, United States Code, is amended to read as follows:

"§ 346. Special provisions related to the treatment of state and local taxes

"(a) Whenever the Internal Revenue Code of 1986 provides that a separate taxable estate or entity is created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of such estate shall be taxed to or claimed by the estate, a separate taxable estate is also created for purposes of any State and local law imposing a tax on or measured by income and such income, gain, loss, deductions, and credits shall be taxed to or claimed by the estate and may not be taxed to or claimed by the debtor. The preceding sentence shall not apply if the case is dismissed. The trustee shall make tax returns of income required under any such State or local law.

"(b) Whenever the Internal Revenue Code of 1986 provides that no separate taxable estate shall be created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of an estate shall be taxed to or claimed by the debtor, such income, gain, loss, deductions, and credits shall be taxed to or claimed by the debtor under a State or local law imposing a tax on or measured by income and may not be taxed to or claimed by the estate. The trustee shall make such tax returns of income of corporations and of partnerships as are required under any State or local law, but with respect to partnerships, shall make said returns only to the extent such returns are also required to be made under such Code. The estate shall be liable for any tax imposed on such corporation or partnership, but not for any tax imposed on partners or members.

"(c) With respect to a partnership or any entity treated as a partnership under a State or local law imposing a tax on or measured by income that is a debtor in a case under this title, any gain or loss resulting from a distribution of property from such partnership, or any distributive share of any income, gain, loss, deduction, or credit of a partner or member that is distributed, or considered distributed, from such partnership, after the commencement of the case, is gain, loss, income, deduction, or credit, as the case may be, of the partner or member, and if such partner or member is a debtor in a case under this title, shall be subject to tax in accordance with subsection (a) or (b).

"(d) For purposes of any State or local law imposing a tax on or measured by income, the taxable period of a debtor in a case under this title shall terminate only if and to the extent that the taxable period of such debtor terminates under the Internal Revenue Code of 1986.

"(e) The estate in any case described in subsection (a) shall use the same accounting method as the debtor used immediately before the commencement of the case, if such method of accounting complies with applicable nonbankruptcy tax law.

"(f) For purposes of any State or local law imposing a tax on or measured by income, a transfer of property from the debtor to the estate or from the estate to the debtor shall not be treated as a disposition for purposes of any provision assigning tax consequences to a disposition, except to the extent that such transfer is treated as a disposition under the Internal Revenue Code of 1986.

"(g) Whenever a tax is imposed pursuant to a State or local law imposing a tax on or measured by income pursuant to subsection (a) or (b), such tax shall be imposed at rates generally applicable to the same types of entities under such State or local law.

"(h) The trustee shall withhold from any payment of claims for wages, salaries, commissions, dividends, interest, or other payments, or collect, any amount required to be withheld or collected under applicable State or local tax law, and shall pay such withheld or collected amount to the appropriate governmental unit at the time and in the manner required by such tax law, and with the same priority as the claim from which such amount was withheld or collected was paid.

"(i)(1) To the extent that any State or local law imposing a tax on or measured by income provides for the carryover of any tax attribute from one taxable period to a subsequent taxable period, the estate shall succeed to such tax attribute in any case in which such estate is subject to tax under subsection (a).

"(2) After such a case is closed or dismissed, the debtor shall succeed to any tax attribute to which the estate succeeded under paragraph (1) to the extent consistent with the Internal Revenue Code of 1986.

"(3) The estate may carry back any loss or tax attribute to a taxable period of the debtor that ended before the order for relief under this title to the extent that—

"(A) applicable State or local tax law provides for a carryback in the case of the debtor; and

"(B) the same or a similar tax attribute may be carried back by the estate to such a taxable period of the debtor under the Internal Revenue Code of 1986.

"(j)(1) For purposes of any State or local law imposing a tax on or measured by income, income is not realized by the estate, the debtor, or a successor to the debtor by reason of discharge of indebtedness in a case under this title, except to the extent, if any, that such income is subject to tax under the Internal Revenue Code of 1986.

"(2) Whenever the Internal Revenue Code of 1986 provides that the amount excluded from gross income in respect of the discharge of indebtedness in a case under this title shall be applied to reduce the tax attributes of the debtor or the estate, a similar reduction shall be made under any State or local law imposing a tax on or measured by income to the extent such State or local law recognizes such attributes. Such State or local law may also provide for the reduction of other attributes to the extent that the full amount of income from the discharge of indebtedness has not been applied.

"(k)(1) Except as provided in this section and section 505, the time and manner of filing tax returns and the items of income, gain, loss, deduction, and credit of any taxpayer shall be determined under applicable nonbankruptcy law.

"(2) For Federal tax purposes, the provisions of this section are subject to the Internal Revenue Code of 1986 and other applicable Federal nonbankruptcy law.".

(b) CONFORMING AMENDMENTS.—

(1) Section 728 of title 11, United States Code, is repealed.

(2) Section 1146 of title 11, United States Code, is amended—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

(3) Section 1231 of title 11, United States Code, is amended—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

SEC. 720. DISMISSAL FOR FAILURE TO TIMELY FILE TAX RETURNS.

Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(k)(1) Notwithstanding any other provision of this title, if the debtor fails to file a tax return that becomes due after the commencement of the case or to properly obtain an extension of the due date for filing such return, the taxing authority may request that the court enter an order converting or dismissing the case.

"(2) If the debtor does not file the required return or obtain the extension referred to in paragraph (1) within 90 days after a request is filed by the taxing authority under that paragraph, the court shall convert or dismiss the case, whichever is in the best interests of creditors and the estate.".

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

"CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

"Sec.
"1501. Purpose and scope of application.

"SUBCHAPTER I—GENERAL PROVISIONS

"1502. Definitions.
"1503. International obligations of the United States.
"1504. Commencement of ancillary case.
"1505. Authorization to act in a foreign country.
"1506. Public policy exception.
"1507. Additional assistance.
"1508. Interpretation.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"1509. Right of direct access.
"1510. Limited jurisdiction.
"1511. Commencement of case under section 301 or 303.
"1512. Participation of a foreign representative in a case under this title.
"1513. Access of foreign creditors to a case under this title.
"1514. Notification to foreign creditors concerning a case under this title.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"1515. Application for recognition.
"1516. Presumptions concerning recognition.
"1517. Order granting recognition.
"1518. Subsequent information.
"1519. Relief that may be granted upon filing petition for recognition.
"1520. Effects of recognition of a foreign main proceeding.
"1521. Relief that may be granted upon recognition.
"1522. Protection of creditors and other interested persons.
"1523. Actions to avoid acts detrimental to creditors.
"1524. Intervention by a foreign representative.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.
"1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
"1527. Forms of cooperation.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"1528. Commencement of a case under this title after recognition of a foreign main proceeding.
"1529. Coordination of a case under this title and a foreign proceeding.
"1530. Coordination of more than 1 foreign proceeding.
"1531. Presumption of insolvency based on recognition of a foreign main proceeding.
"1532. Rule of payment in concurrent proceedings.

"§1501. Purpose and scope of application

"(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

"(1) cooperation between—

"(A) United States courts, United States trustees, trustees, examiners, debtors, and debtors in possession; and

"(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

"(2) greater legal certainty for trade and investment;

"(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

"(4) protection and maximization of the value of the debtor's assets; and

"(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

"(b) This chapter applies where—

"(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

"(2) assistance is sought in a foreign country in connection with a case under this title;

"(3) a foreign proceeding and a case under this title with respect to the same debtor are taking place concurrently; or

"(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

"(c) This chapter does not apply to—

"(1) a proceeding concerning an entity, other than a foreign insurance company, identified by exclusion in section 109(b);

"(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

"(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970, a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

"(d) The court may not grant relief under this chapter with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.

"SUBCHAPTER I—GENERAL PROVISIONS

"§1502. Definitions

"For the purposes of this chapter, the term—

"(1) 'debtor' means an entity that is the subject of a foreign proceeding;

"(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

"(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

"(4) 'foreign main proceeding' means a foreign proceeding taking place in the country where the debtor has the center of its main interests;

"(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, taking place in a country where the debtor has an establishment;

"(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title;

"(7) 'recognition' means the entry of an order granting recognition of a foreign main proceeding or foreign nonmain proceeding under this chapter; and

"(8) 'within the territorial jurisdiction of the United States', when used with reference to property of a debtor, refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

"§1503. International obligations of the United States

"To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with one or more other countries, the requirements of the treaty or agreement prevail.

"§1504. Commencement of ancillary case

"A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

"§1505. Authorization to act in a foreign country

"A trustee or another entity (including an examiner) may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

"§1506. Public policy exception

"Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

"§1507. Additional assistance

"(a) Subject to the specific limitations stated elsewhere in this chapter the court, if recognition is granted, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

"(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

"(1) just treatment of all holders of claims against or interests in the debtor's property;

"(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

"(3) prevention of preferential or fraudulent dispositions of property of the debtor;

"(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

"(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

"§1508. Interpretation

"In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"§1509. Right of direct access

"(a) A foreign representative may commence a case under section 1504 by filing directly with the court a petition for recognition of a foreign proceeding under section 1515.

"(b) If the court grants recognition under section 1515, and subject to any limitations that the court may impose consistent with the policy of this chapter—

"(1) the foreign representative has the capacity to sue and be sued in a court in the United States;

"(2) the foreign representative may apply directly to a court in the United States for appropriate relief in that court; and

"(3) a court in the United States shall grant comity or cooperation to the foreign representative.

"(c) A request for comity or cooperation by a foreign representative in a court in the United States other than the court which granted recognition shall be accompanied by a certified copy of an order granting recognition under section 1517.

"(d) If the court denies recognition under this chapter, the court may issue any appropriate order necessary to prevent the foreign representative from obtaining comity or cooperation from courts in the United States.

"(e) Whether or not the court grants recognition, and subject to sections 306 and 1510, a foreign representative is subject to applicable nonbankruptcy law.

"(f) Notwithstanding any other provision of this section, the failure of a foreign representative to commence a case or to obtain recognition under this chapter does not affect any right the foreign representative may have to sue in a court in the United States to collect or recover a claim which is the property of the debtor.

"§1510. Limited jurisdiction

"The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

"§1511. Commencement of case under section 301 or 303

"(a) Upon recognition, a foreign representative may commence—

"(1) an involuntary case under section 303; or

"(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

"(b) The petition commencing a case under subsection (a) must be accompanied by a certified copy of an order granting recognition. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

"§1512. Participation of a foreign representative in a case under this title

"Upon recognition of a foreign proceeding, the foreign representative in the recognized proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

"§1513. Access of foreign creditors to a case under this title

"(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

“(b)(1) Subsection (a) does not change or codify present law as to the priority of claims under section 507 or 726 of this title, except that the claim of a foreign creditor under those sections shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

“(2)(A) Subsection (a) and paragraph (1) do not change or codify present law as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

“(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

“§ 1514. Notification to foreign creditors concerning a case under this title

“(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

“(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letter or other formality is required.

“(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

“(1) indicate the time period for filing proofs of claim and specify the place for their filing;

“(2) indicate whether secured creditors need to file their proofs of claim; and

“(3) contain any other information required to be included in such a notification to creditors under this title and the orders of the court.

“(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

“SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

“§ 1515. Application for recognition

“(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

“(b) A petition for recognition shall be accompanied by—

“(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

“(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

“(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

“(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

“(d) The documents referred to in paragraphs (1) and (2) of subsection (b) shall be translated into English. The court may require a translation into English of additional documents.

“§ 1516. Presumptions concerning recognition

“(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding (as defined in section 101) and that the person or body is a foreign representative (as defined in section 101), the court is entitled to so presume.

“(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

“(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

“§ 1517. Order granting recognition

“(a) Subject to section 1506, after notice and a hearing, an order recognizing a foreign proceeding shall be entered if—

“(1) the foreign proceeding for which recognition is sought is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

“(2) the foreign representative applying for recognition is a person or body as defined in section 101; and

“(3) the petition meets the requirements of section 1515.

“(b) The foreign proceeding shall be recognized—

“(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

“(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

“(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding constitutes recognition under this chapter.

“(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the order granting recognition. The case under this chapter may be closed in the manner prescribed under section 350.

“§ 1518. Subsequent information

“From the time of filing the petition for recognition of the foreign proceeding, the foreign representative shall file with the court promptly a notice of change of status concerning—

“(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative's appointment; and

“(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

“§ 1519. Relief that may be granted upon filing petition for recognition

“(a) From the time of filing a petition for recognition until the court rules on the petition, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

“(1) staying execution against the debtor's assets;

“(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and

“(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

“(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is granted.

“(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

“(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

“(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

“(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (28) of section 362(b) or pursuant to section 362(l) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

“§ 1520. Effects of recognition of a foreign main proceeding

“(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

“(1) sections 361 and 362 apply with respect to the debtor and that property of the debtor that is within the territorial jurisdiction of the United States;

“(2) sections 363, 549, and 552 of this title apply to a transfer of an interest of the debtor in property that is within the territorial jurisdiction of the United States to the same extent that the sections would apply to property of an estate;

“(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the rights and powers of a trustee under and to the extent provided by sections 363 and 552; and

“(4) section 552 applies to property of the debtor that is within the territorial jurisdiction of the United States.

“(b) Subsection (a) does not affect the right to commence an individual action or proceeding in a foreign country to the extent necessary to preserve a claim against the debtor.

“(c) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

“§ 1521. Relief that may be granted upon recognition

“(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

“(1) staying the commencement or continuation of an individual action or proceeding concerning the debtor's assets, rights, obligations or liabilities to the extent they have not been stayed under section 1520(a);

“(2) staying execution against the debtor's assets to the extent it has not been stayed under section 1520(a);

“(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent this right has not been suspended under section 1520(a);

“(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

“(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

“(6) extending relief granted under section 1519(a); and

“(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

"(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, provided that the court is satisfied that the interests of creditors in the United States are sufficiently protected.

"(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

"(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

"(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (28) of section 362(b) or pursuant to section 362(l) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

"§ 1522. Protection of creditors and other interested persons

"(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

"(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(3) of this title, to conditions it considers appropriate, including the giving of security or the filing of a bond.

"(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate such relief.

"(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

"§ 1523. Actions to avoid acts detrimental to creditors

"(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, 553, and 724(a).

"(b) When the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

"§ 1524. Intervention by a foreign representative

"Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"§ 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

"(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

"(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

"§ 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

"(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

"(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

"§ 1527. Forms of cooperation

"Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

"(1) appointment of a person or body, including an examiner, to act at the direction of the court;

"(2) communication of information by any means considered appropriate by the court;

"(3) coordination of the administration and supervision of the debtor's assets and affairs;

"(4) approval or implementation of agreements concerning the coordination of proceedings; and

"(5) coordination of concurrent proceedings regarding the same debtor.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"§ 1528. Commencement of a case under this title after recognition of a foreign main proceeding

"After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) of this title, and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

"§ 1529. Coordination of a case under this title and a foreign proceeding

"If a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) If the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

"(A) any relief granted under sections 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

"(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 1520 does not apply.

"(2) If a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

"(A) any relief in effect under sections 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

"(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

"(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the laws of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

"§ 1530. Coordination of more than 1 foreign proceeding

"In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

"(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

"(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§ 1531. Presumption of insolvency based on recognition of a foreign main proceeding

"In the absence of evidence to the contrary, recognition of a foreign main proceeding is, for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

"§ 1532. Rule of payment in concurrent proceedings

"Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.".

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

"15. Ancillary and Other Cross-Border Cases .... 1501".

SEC. 802. OTHER AMENDMENTS TO TITLES 11 AND 28, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: ", and this chapter, sections 307, 362(l), 555 through 557, and 559 through 562 apply in a case under chapter 15"; and

(2) by adding at the end the following:

"(j) Chapter 15 applies only in a case under such chapter, except that—

"(1) sections 1505, 1513, and 1514 apply in all cases under this title; and

"(2) section 1509 applies whether or not a case under this title is pending.".

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (23) and (24) and inserting the following:

"(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, under a law relating to insolvency or adjustment of debt in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

"(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;".

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking "and" at the end;

(B) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.".

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c) of title 28, United States Code, is amended by striking "Nothing in" and inserting "Except with respect to a case under chapter 15 of title 11, nothing in".

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by striking "or 13" and inserting "13, or 15,".

(4) VENUE OF CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Section 1410 of title 28, United States Code, is amended to read as follows:

"§ 1410. Venue of cases ancillary to foreign proceedings

"A case under chapter 15 of title 11 may be commenced in the district court for the district—

"(1) in which the debtor has its principal place of business or principal assets in the United States;

"(2) if the debtor does not have a place of business or assets in the United States, in which there is pending against the debtor an action or proceeding in a Federal or State court; or

"(3) in a case other than those specified in paragraph (1) or (2), in which venue will be consistent with the interests of justice and the convenience of the parties, having regard to the relief sought by the foreign representative.".

(d) OTHER SECTIONS OF TITLE 11.—

(1) Section 109(b)(3) of title 11, United States Code, is amended to read as follows:

"(3)(A) a foreign insurance company, engaged in such business in the United States; or

"(B) a foreign bank, savings bank, cooperative bank, savings and loan association, building and loan association, or credit union, that has a branch or agency (as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101) in the United States.".

(2) Section 303(k) of title 11, United States Code, is repealed.

(3)(A) Section 304 of title 11, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 3 of title 11, United States Code, is amended by striking the item relating to section 304.

(C) Section 306 of title 11, United States Code, is amended by striking ", 304," each place it appears.

(4) Section 305(a)(2) of title 11, United States Code, is amended to read as follows:

"(2)(A) a petition under section 1515 of this title for recognition of a foreign proceeding has been granted; and

"(B) the purposes of chapter 15 of this title would be best served by such dismissal or suspension.".

(5) Section 508 of title 11, United States Code, is amended—

(A) by striking subsection (a); and

(B) in subsection (b), by striking "(b)".

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—Section 11(e)(8)(D)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(i)) is amended by inserting ", resolution, or order" after "any similar agreement that the Corporation determines by regulation".

(b) DEFINITION OF SECURITIES CONTRACT.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended to read as follows:

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause.".

(c) DEFINITION OF COMMODITY CONTRACT.—Section 11(e)(8)(D)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iii)) is amended to read as follows:

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause.".

(d) DEFINITION OF FORWARD CONTRACT.—Section 11(e)(8)(D)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)) is amended to read as follows:

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV).".

(e) DEFINITION OF REPURCHASE AGREEMENT.—Section 11(e)(3)(D)(v) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(v)) is amended to read as follows:

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V).

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Co-operation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).".

(f) DEFINITION OF SWAP AGREEMENT.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended to read as follows:

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction similar to any other agreement or transaction referred to in this clause that is presently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subparagraph (I), (II), (III), (IV), or (V).

Such term is applicable for purposes of this title only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations promulgated by the Securities and Exchange Commission or the Commodity Futures Trading Commission.".

(g) DEFINITION OF TRANSFER.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institutions's equity of redemption.".

(h) TREATMENT OF QUALIFIED FINANCIAL CONTRACTS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (A)—

(A) by striking "paragraph (10)" and inserting "paragraphs (9) and (10)";

(B) in clause (i), by striking "to cause the termination or liquidation" and inserting "such person has to cause the termination, liquidation, or acceleration"; and

(C) by striking clause (ii) and inserting the following:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);"; and

(2) in subparagraph (E), by striking clause (ii) and inserting the following:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);".

(i) AVOIDANCE OF TRANSFERS.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting "section 5242 of the Revised Statutes of the United States (12 U.S.C. 91) or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers," before "the Corporation".

SEC. 902. AUTHORITY OF THE CORPORATION WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) IN GENERAL.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (E), by striking "other than paragraph (12) of this subsection, subsection (d)(9)" and inserting "other than subsections (d)(9) and (e)(10)"; and

(2) by adding at the end the following new subparagraphs:

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (e)(1) of this section.

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by inserting "or the exercise of rights or powers by" after "the appointment of".

SEC. 903. AMENDMENTS RELATING TO TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.

(a) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 11(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(9)) is amended to read as follows:

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

"(A) IN GENERAL.—In making any transfer of assets or liabilities of a depository institution in default which includes any qualified financial contract, the conservator or receiver for such depository institution shall either—

"(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

"(I) all qualified financial contracts between any person or any affiliate of such person and the depository institution in default;

"(II) all claims of such person or any affiliate of such person against such depository institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such institution);

"(III) all claims of such depository institution against such person or any affiliate of such person under any such contract; and

"(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

"(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect

to such person and any affiliate of such person).

"(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contract and related claims and property under subparagraph (A)(i), the conservator or receiver for the depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

"(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or receiver transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

"(D) DEFINITION.—For purposes of this paragraph, the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, or any other institution, as determined by the Corporation by regulation to be a financial institution.".

(b) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended in the material immediately following clause (ii) by striking "the conservator" and all that follows through the period and inserting the following: "the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.".

(c) RIGHTS AGAINST RECEIVER AND TREATMENT OF BRIDGE BANKS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following new subparagraphs:

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the depository institution (or the insolvency or financial condition of the depository institution for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or sections 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depository institution (or the insolvency or financial condition of the depository institution for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the Corporation as receiver or conservator of an insured depository institution shall be deemed to have notified a person who is a party to a qualified financial contract with such depository institution if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

"(i) A bridge bank.

"(ii) A depository institution organized by the Corporation, for which a conservator is appointed either—

"(I) immediately upon the organization of the institution; or

"(II) at the time of a purchase and assumption transaction between the depository institution and the Corporation as receiver for a depository institution in default.".

SEC. 904. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(2) by inserting after paragraph (10) the following new paragraph:

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the depository institution in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).".

SEC. 905. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.".

SEC. 906. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) DEFINITIONS.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by inserting before the semicolon ", or is exempt from such registration by order of the Securities and Exchange Commission"; and

(B) in subparagraph (B), by inserting before the period "or that has been granted an exemption under section 4(c)(1) of the Commodity Exchange Act";

(2) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System, if the national bank or State member bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;"; and

(C) by amending subparagraph (C) (as redesignated) to read as follows:

"(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank, or the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;";

(3) in paragraph (11), by inserting before the period "and any other clearing organization with which such clearing organization has a netting contract";

(4) by amending paragraph (14)(A)(i) to read as follows:

"(i) means a contract or agreement between 2 or more financial institutions, clearing organizations, or members that provides for netting present or future payment obligations or payment entitlements (including liquidation or closeout values relating to such obligations or entitlements) among the parties to the agreement; and"; and

(5) by adding at the end the following new paragraph:

"(15) PAYMENT.—The term 'payment' means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.".

(b) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act or any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements between any 2 financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code)."; and

(2) by adding at the end the following new subsection:

"(f) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 financial institutions shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, *United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).".*

(c) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements of a member of a clearing organization to and from all other members of a clearing organization shall be netted in accordance with and subject to the conditions of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code)."; and

(2) by adding at the end the following new subsection:

"(h) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 members of a clearing organization shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).".

(d) ENFORCEABILITY OF CONTRACTS WITH UNINSURED NATIONAL BANKS AND UNINSURED FEDERAL BRANCHES AND AGENCIES.—The Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended—

(1) by redesignating section 407 as section 408; and

(2) by inserting after section 406 the following new section:

"SEC. 407. TREATMENT OF CONTRACTS WITH UNINSURED NATIONAL BANKS AND UNINSURED FEDERAL BRANCHES AND AGENCIES.

"(a) IN GENERAL.—Notwithstanding any other provision of law, paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act shall apply to an uninsured national bank or uninsured Federal branch or Federal agency, except that for such purpose—

"(1) any reference to the 'Corporation as receiver' or 'the receiver or the Corporation' shall refer to the receiver of an uninsured national bank or uninsured Federal branch or Federal agency appointed by the Comptroller of the Currency;

"(2) any reference to the 'Corporation' (other than in section 11(e)(8)(D) of such Act), the 'Corporation, whether acting as such or as conservator or receiver', a 'receiver', or a 'conservator' shall refer to the receiver or conservator of an uninsured national bank or uninsured Federal branch or Federal agency appointed by the Comptroller of the Currency; and

"(3) any reference to an 'insured depository institution' or 'depository institution' shall refer to an uninsured national bank or an uninsured Federal branch or Federal agency.

"(b) LIABILITY.—The liability of a receiver or conservator of an uninsured national bank or uninsured Federal branch or agency shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

"(c) REGULATORY AUTHORITY.—

"(1) IN GENERAL.—The Comptroller of the Currency, in consultation with the Federal Deposit Insurance Corporation, may promulgate regulations to implement this section.

"(2) SPECIFIC REQUIREMENT.—In promulgating regulations to implement this section, the Comptroller of the Currency shall ensure that the regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act.

"(d) DEFINITIONS.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'foreign bank' have the same meanings as in section 1(b) of the International Banking Act of 1978.".

SEC. 907. BANKRUPTCY CODE AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking "means a contract" and inserting "means—

"(A) a contract";

(ii) by striking ", or any combination thereof or option thereon;" and inserting ", or any other similar agreement;"; and

(iii) by adding at the end the following:

"(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

"(C) any option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

"(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in subparagraph (A), (B), or (C); or

"(E) any security agreement or arrangement, or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C), or (D), but not to exceed the actual value of such contract on the date of the filing of the petition;";

(B) in paragraph (46), by striking "on any day during the period beginning 90 days before the date of" and inserting "at any time before";

(C) by amending paragraph (47) to read as follows:

"(47) 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(A) means—

"(i) an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage related securities (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans, or interests, with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptance, securities, loans, or interests of the kind described in this clause, at a date certain not later than 1 year after such transfer or on demand, against the transfer of funds;

"(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

"(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

"(iv) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a repurchase agreement under this paragraph, except that such master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), or (iii); or

"(v) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i), (ii), (iii), or (iv), but not to exceed the actual value of such contract on the date of the filing of the petition; and

"(B) does not include a repurchase obligation under a participation in a commercial mortgage loan;";

(D) in paragraph (48), by inserting ", or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission," after "1934"; and

(E) by amending paragraph (53B) to read as follows:

"(53B) 'swap agreement'—

"(A) means—

"(i) any agreement, including the terms and conditions incorporated by reference in such agreement, which is an interest rate swap, option, future, or forward agreement, including—

"(I) a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

"(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

"(III) a currency swap, option, future, or forward agreement;

"(IV) an equity index or an equity swap, option, future, or forward agreement;

"(V) a debt index or a debt swap, option, future, or forward agreement;

"(VI) a credit spread or a credit swap, option, future, or forward agreement;

"(VII) a commodity index or a commodity swap, option, future, or forward agreement; or

"(VIII) a weather swap, weather derivative, or weather option;

"(ii) any agreement or transaction similar to any other agreement or transaction referred to in this paragraph that—

"(I) is presently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference therein); and

"(II) is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities, or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

"(iii) any combination of agreements or transactions referred to in this subparagraph;

"(iv) any option to enter into an agreement or transaction referred to in this subparagraph;

"(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, and without regard to whether the master agreement contains an agreement or transaction that is not

a swap agreement under this paragraph, except that the master agreement shall be considered to be a swap agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

"(vi) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in clause (i) through (v), but do not to exceed the actual value of such contract on the date of the filing of the petition; and

"(B) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.";

(2) in section 741(7), by striking paragraph (7) and inserting the following:

"(7) 'securities contract'—

"(A) means—

"(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

"(ii) any option entered into on a national securities exchange relating to foreign currencies;

"(iii) the guarantee by or to any securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

"(iv) any margin loan;

"(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

"(vi) any combination of the agreements or transactions referred to in this subparagraph;

"(vii) any option to enter into any agreement or transaction referred to in this subparagraph;

"(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

"(ix) any security agreement or arrangement or other credit enhancement, related to any agreement or transaction referred to in this subparagraph, but not to exceed the actual value of such contract on the date of the filing of the petition; and

"(B) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan."; and

(3) in section 761(4)—

(A) by striking "or" at the end of subparagraph (D); and

(B) by adding at the end the following:

"(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

"(G) any combination of the agreements or transactions referred to in this paragraph;

"(H) any option to enter into an agreement or transaction referred to in this paragraph;

"(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

"(J) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph, but not to exceed the actual value of such contract on the date of the filing of the petition;".

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following:

"(22) 'financial institution' means—

"(A) a Federal reserve bank, or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity and, when any such Federal reserve bank, receiver, conservator or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer; or

"(B) in connection with a securities contract, as defined in section 741, an investment company registered under the Investment Company Act of 1940;";

(2) by inserting after paragraph (22) the following:

"(22A) 'financial participant' means an entity that, at the time it enters into a securities contract, commodity contract, or forward contract, or at the time of the filing of the petition, has one or more agreements or transactions described in paragraph (1), (2), (3), (4), (5), or (6) of section 561(a) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in one or more such agreements or transactions with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period;"; and

(3) by striking paragraph (26) and inserting the following:

"(26) 'forward contract merchant' means a Federal reserve bank, or an entity, the business of which consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761 or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade;".

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

"(38A) 'master netting agreement'—

"(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with one or more contracts that are described in any one or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to one or more of the foregoing; and

"(B) if the agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any one or more of paragraphs (1) through (5) of section 561(a);

"(38B) 'master netting agreement participant' means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;".

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC-STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by this Act, is amended—

(A) in paragraph (6), by inserting ", pledged to, and under the control of," after "held by";

(B) in paragraph (7), by inserting ", pledged to, and under the control of," after "held by";

(C) by striking paragraph (17) and inserting the following:

"(17) under subsection (a), of the setoff by a swap participant of a mutual debt and claim under or in connection with one or more swap agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant under or in connection with any swap agreement or against cash, securities, or other property held by, pledged to, and under the control of, or due from such swap participant to margin, guarantee, secure, or settle any swap agreement;"; and

(D) by inserting after paragraph (27), as added by this Act, the following new paragraph:

"(28) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with one or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged to, and under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent that such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; or".

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(l) LIMITATION.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), (17), or (28) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.".

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311)—

(A) by striking "under a swap agreement"; and

(B) by striking "in connection with a swap agreement" and inserting "under or in connection with any swap agreement"; and

(2) by adding at the end the following:

"(k) Notwithstanding sections 544, 545, 547, 548(a)(1)(B), and 548(b) the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, except under section 548(a)(1)(A) and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement.".

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except that, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.".

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§555. Contractual right to liquidate, terminate, or accelerate a securities contract";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§560. Contractual right to liquidate, terminate, or accelerate a swap agreement";

(2) in the first sentence, by striking "termination of a swap agreement" and inserting "liquidation, termination, or acceleration of one or more swap agreements"; and

(3) by striking "in connection with any swap agreement" and inserting "in connection with the termination, liquidation, or acceleration of one or more swap agreements".

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—

(1) IN GENERAL.—Title 11, United States Code, is amended by inserting after section 560 the following:

"§561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

"(a) IN GENERAL.—Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more (or the termination, liquidation, or acceleration of one or more)—

"(1) securities contracts, as defined in section 741(7);

"(2) commodity contracts, as defined in section 761(4);

"(3) forward contracts;

"(4) repurchase agreements;

"(5) swap agreements; or

"(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

"(b) EXCEPTION.—

"(1) IN GENERAL.—A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

"(2) COMMODITY BROKERS.—If a debtor is a commodity broker subject to subchapter IV of chapter 7—

"(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a) except to the extent that the party has positive net equity in the commodity accounts at the debtor, as calculated under that subchapter IV; and

"(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a).

"(3) CONSTRUCTION.—No provision of subparagraph (A) or (B) of paragraph (2) shall prohibit the offset of claims and obligations that arise under—

"(A) a cross-margining agreement that has been approved by the Commodity Futures Trading Commission or submitted to the Commodity Futures Trading Commission under section 5(a)(12)(A) of the Commodity Exchange Act and has been approved; or

"(B) any other netting agreement between a clearing organization, as defined in section 761, and another entity that has been approved by the Commodity Futures Trading Commission.

"(c) DEFINITION.—As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.

"(d) CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case under chapter 15 of this title, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any case under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 of this title (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 560 the following:

"561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts.

(l) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

"§767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(m) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

"§753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, financial participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(n) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting before the period the following: "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(28), 555, 556, 559, 560, or 561 of this title)"; and

(2) in subsection (b)(1), by striking "362(b)(14)," and inserting "362(b)(17), 362(b)(28), 555, 556, 559, 560, 561".

(o) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking "financial institutions," each place such term appears and

inserting "financial institution, financial participant,";

(2) in section 546(e), by inserting "financial participant," after "financial institution,";

(3) in section 548(d)(2)(B), by inserting "financial participant," after "financial institution,";

(4) in section 555—

(A) by inserting "financial participant," after "financial institution,"; and

(B) by inserting before the period at the end ", a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice"; and

(5) in section 556, by inserting ", financial participant," after "commodity broker".

(p) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections for chapter 5—

(A) by amending the items relating to sections 555 and 556 to read as follows:

"555. Contractual right to liquidate, terminate, or accelerate a securities contract.
"556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.";

and

(B) by amending the items relating to sections 559 and 560 to read as follows:

"559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.
"560. Contractual right to liquidate, terminate, or accelerate a swap agreement.";

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.";

and

(B) by inserting after the item relating to section 752 the following:

"753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.".

SEC. 908. RECORDKEEPING REQUIREMENTS.

Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

"(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping with respect to qualified financial contracts (including market valuations) by insured depository institutions.".

SEC. 909. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.

Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)(2)) is amended to read as follows:

"(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide for the lawful collateralization of—

"(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), including an agreement to provide collateral in lieu of a surety bond;

"(B) bankruptcy estate funds pursuant to section 345(b)(2) of title 11, United States Code;

"(C) extensions of credit, including any overdraft, from a Federal reserve bank or Federal home loan bank; or

"(D) one or more qualified financial contracts, as defined in section 11(e)(8)(D),

shall not be deemed invalid pursuant to paragraph (1)(B) solely because such agreement was not executed contemporaneously with the acquisition of the collateral or because of pledges, delivery, or substitution of the collateral made in accordance with such agreement.".

SEC. 910. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561, as added by this Act, the following:

"§562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

"If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761), repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

"(1) the date of such rejection; or

"(2) the date of such liquidation, termination, or acceleration."; and

(2) in the table of sections for chapter 5, by inserting after the item relating to section 561 (as added by this Act) the following:

"562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.".

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) A claim for damages calculated in accordance with section 562 of this title shall be allowed under subsection (a), (b), or (c), or disallowed under subsection (d) or (e), as if such claim had arisen before the date of the filing of the petition.".

SEC. 911. SIPC STAY.

Section 5(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FROM STAY.—

"(i) Notwithstanding section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(3) nor any order or decree obtained by SIPC from the court shall operate as a stay of any contractual rights of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, as those terms are defined in sections 101 and 741 of title 11, United States Code, to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more of such contracts or agreements, or to foreclose on any cash collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements.

"(ii) Notwithstanding clause (i), such application, order, or decree may operate as a stay of the foreclosure on, or disposition of, securities collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements, securities sold by the debtor under a repurchase agreement, or securities lent under a securities lending agreement.

"(iii) As used in this subparagraph, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.".

SEC. 912. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting after paragraph (7), as added by this Act, the following:

"(8) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a);"; and

(2) by adding at the end the following new subsection:

"(f) For purposes of this section—

"(1) the term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, including, without limitation, all securities issued by governmental units, at least one class or tranche of which was rated investment grade by one or more nationally recognized securities rating organizations, when the securities were initially issued by an issuer;

"(2) the term 'eligible asset' means—

"(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, whether or not the same are in existence as of the date of the transfer, including residential and commercial mortgage loans, consumer receivables, trade receivables, assets of governmental units, including payment obligations relating to taxes, receipts, fines, tickets, and other sources of revenue, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any residual interest in property subject to receivables included in such financial assets plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

"(B) cash; and

"(C) securities, including without limitation, all securities issued by governmental units;

"(3) the term 'eligible entity' means—

"(A) an issuer; or

"(B) a trust, corporation, partnership, governmental unit, limited liability company (including a single member limited liability company), or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto;

"(4) the term 'issuer' means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto; and

"(5) the term 'transferred' means the debtor, under a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(8) (whether or not reference is made to this title or any section hereof), irrespective and without limitation of—

"(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

"(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

"(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.".

SEC. 913. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—This title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of enactment of this Act.

TITLE X—PROTECTION OF FAMILY FARMERS

SEC. 1001. PERMANENT REENACTMENT OF CHAPTER 12.

(a) REENACTMENT.—

(1) IN GENERAL.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), and amended by this Act, is reenacted.

(2) EFFECTIVE DATE.—Subsection (a) shall take effect on July 1, 2000.

(b) CONFORMING AMENDMENT.—Section 302 of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 1002. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, is amended by adding at the end the following:

"(4) The dollar amount in section 101(18) shall be adjusted at the same times and in the same manner as the dollar amounts in paragraph (1) of this subsection, beginning with the adjustment to be made on April 1, 2001.".

SEC. 1003. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) CONTENTS OF PLAN.—Section 1222(a)(2) of title 11, United States Code, is amended to read as follows:

"(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

"(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

"(B) the holder of a particular claim agrees to a different treatment of that claim;".

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(b) of title 11, United States Code, as so designated by this Act, is amended by striking "a State or local governmental unit" and inserting "any governmental unit".

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraph (27A), as added by this Act, as paragraph (27B); and

(2) by inserting after paragraph (27) the following:

"(27A) 'health care business'—

"(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

"(i) the diagnosis or treatment of injury, deformity, or disease; and

"(ii) surgical, drug treatment, psychiatric, or obstetric care; and

"(B) includes—

"(i) any—

"(I) general or specialized hospital;

"(II) ancillary ambulatory, emergency, or surgical treatment facility;

"(III) hospice;

"(IV) home health agency; and

"(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

"(ii) any long-term care facility, including any—

"(I) skilled nursing facility;

"(II) intermediate care facility;

"(III) assisted living facility;

"(IV) home for the aged;

"(V) domiciliary care facility; and

"(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;".

(b) PATIENT AND PATIENT RECORDS DEFINED.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (40) the following:

"(40A) 'patient' means any person who obtains or receives services from a health care business;

"(40B) 'patient records' means any written document relating to a patient or a record recorded in a magnetic, optical, or other form of electronic medium;".

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

"§ 351. Disposal of patient records

"If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

"(1) The trustee shall—

"(A) promptly publish notice, in 1 or more appropriate newspapers, that if patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 365 days after the date of that notification, the trustee will destroy the patient records; and

"(B) during the first 180 days of the 365-day period described in subparagraph (A), promptly attempt to notify directly each patient that is the subject of the patient records and appropriate insurance carrier concerning the patient records by mailing to the last known address of that patient, or a family member or contact person for that patient, and to the appropriate insurance carrier an appropriate notice regarding the claiming or disposing of patient records.

"(2) If, after providing the notification under paragraph (1), patient records are not claimed during the 365-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 365-day period a written request to each appropriate Federal agency to request permission from that agency to deposit the patient records with that agency, except that no Federal agency is required to accept patient records under this paragraph.

"(3) If, following the 365-day period described in paragraph (2) and after providing the notification under paragraph (1), patient records are not claimed by a patient or insurance provider, or request is not granted by a Federal agency to deposit such records with that agency, the trustee shall destroy those records by—

"(A) if the records are written, shredding or burning the records; or

"(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

"351. Disposal of patient records.".

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS AND OTHER ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(8) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as that term is defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

"(A) in disposing of patient records in accordance with section 351; or

"(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business;

"(9) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or related to a failure to operate or penalty provisions, for the period of 2 years following the later of the rejection date or date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from a nondebtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6); and".

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) IN GENERAL.—

(1) APPOINTMENT OF OMBUDSMAN.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

"§ 332. Appointment of ombudsman

"(a) IN GENERAL.—

"(1) AUTHORITY TO APPOINT.—Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall order the appointment of an ombudsman to monitor the quality of patient care to represent the interests of the patients of the health care business, unless the court finds that the appointment of the ombudsman is not necessary for the protection of patients under the specific facts of the case.

"(2) QUALIFICATIONS.—If the court orders the appointment of an ombudsman, the United States trustee shall appoint 1 disinterested person, other than the United States trustee, to serve as an ombudsman, including a person who is serving as a State Long-Term Care Ombudsman appointed under title III or VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq., 3058 et seq.).

"(b) DUTIES.—An ombudsman appointed under subsection (a) shall—

"(1) monitor the quality of patient care, to the extent necessary under the circumstances, including interviewing patients and physicians;

“(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

“(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

“(c) CONFIDENTIALITY.—An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information. The ombudsman may not review confidential patient records, unless the court provides prior approval, with restrictions on the ombudsman to protect the confidentiality of patient records.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

“332. Appointment of ombudsman.”.

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter proceeding subparagraph (A), by inserting “an ombudsman appointed under section 331, or” before “a professional person”; and

(2) in subparagraph (A), by inserting “ombudsman,” before “professional person”.

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

“(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

“(A) is in the vicinity of the health care business that is closing;

“(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

“(C) maintains a reasonable quality of care.”.

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended by striking “sections 704(2), 704(5), 704(7), 704(8), and 704(9)” and inserting “paragraphs (2), (5), (7), (8), (9), and (11) of section 704(a)”.

SEC. 1106. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (28), as added by this Act, the following:

“(29) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)) pursuant to title XI of such Act (42 U.S.C. 1301 et seq.) or title XVIII of such Act (42 U.S.C. 1395 et seq.).”.

TITLE XII—TECHNICAL AMENDMENTS

SEC. 1201. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by this Act, is amended—

(1) by striking “In this title—” and inserting “In this title the following definitions shall apply:”;

(2) in each paragraph, by inserting “The term” after the paragraph designation;

(3) in paragraph (35)(B), by striking “paragraphs (21B) and (33)(A)” and inserting “paragraphs (23) and (35)”;

(4) in each of paragraphs (35A) and (38), by striking “; and” at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting “who is not a family farmer” after “debtor” the first place it appears; and

(B) by striking “thereto having aggregate” and all that follows through the end of the paragraph;

(6) by striking paragraph (54) and inserting the following:

“(54) The term ‘transfer’ means—

“(A) the creation of a lien;

“(B) the retention of title as a security interest;

“(C) the foreclosure of a debtor's equity of redemption; or

“(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

“(i) property; or

“(ii) an interest in property.”; and

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (55), by striking the semicolon at the end and inserting a period.

SEC. 1202. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, as amended by section 322 of this Act, is amended by inserting “522(f)(3),” after “522(d),” each place it appears.

SEC. 1203. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking “922” and all that follows through “or”, and inserting “922, 1201, or”.

SEC. 1204. TECHNICAL AMENDMENTS.

Title 11, United States Code, is amended—

(1) in section 109(b)(2), by striking “subsection (c) or (d) of”; and

(2) in section 552(b)(1), by striking “product” each place it appears and inserting “products”.

SEC. 1205. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(4) of title 11, United States Code, as so designated by this Act, is amended by striking “attorney's” and inserting “attorneys'”.

SEC. 1206. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting “on a fixed or percentage fee basis,” after “hourly basis,”.

SEC. 1207. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting “of the estate” after “property” the first place it appears.

SEC. 1208. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting “subparagraph (A), (B), (C), (D), or (E) of” before “paragraph (3)”.

SEC. 1209. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by this Act, is amended—

(1) by transferring paragraph (15), as added by section 304(e) of Public Law 103–394 (108 Stat. 4133), so as to insert such paragraph after subsection (a)(14);

(2) in subsection (a)(9), by striking “motor vehicle” and inserting “motor vehicle, vessel, or aircraft”; and

(3) in subsection (e), by striking “a insured” and inserting “an insured”.

SEC. 1210. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking “section 523” and all that follows through “or that” and inserting “section 523, 1228(a)(1), or 1328(a)(1), or that”.

SEC. 1211. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting “student” before “grant” the second place it appears; and

(2) in paragraph (2), by striking “the program operated under part B, D, or E of” and inserting “any program operated under”.

SEC. 1212. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11 United States Code, is amended by inserting “365 or” before “542”.

SEC. 1213. PREFERENCES.

(a) IN GENERAL.—Section 547 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (b), by striking “subsection (c)” and inserting “subsections (c) and (i)”; and

(2) by adding at the end the following:

“(i) If the trustee avoids under subsection (b) a transfer made between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such transfer shall be considered to be avoided under this section only with respect to the creditor that is an insider.”.

(b) APPLICABILITY.—The amendments made by this section shall apply to any case that is pending or commenced on or after the date of enactment of this Act.

SEC. 1214. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting “an interest in” after “transfer of” each place it appears;

(2) by striking “such property” and inserting “such real property”; and

(3) by striking “the interest” and inserting “such interest”.

SEC. 1215. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking “1009,”.

SEC. 1216. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, as amended by this Act, is amended by inserting “1123(d),” after “1123(b),”.

SEC. 1217. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking “section 11347” and inserting “section 11326(a)”.

SEC. 1218. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking “section 11347” and inserting “section 11326(a)”.

SEC. 1219. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking “1222(b)(10)” each place it appears and inserting “1222(b)(9)”.

SEC. 1220. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking “made under this subsection” and inserting “made under subsection (c)”; and

(2) by striking “This subsection” and inserting “Subsection (c) and this subsection”.

SEC. 1221. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting “(1) the term” before “‘bankruptcy”; and

(B) by striking the period at the end and inserting “; and”; and

(2) in the second undesignated paragraph—

(A) by inserting “(2) the term” before “‘document”; and

(B) by striking “this title” and inserting “title 11”.

SEC. 1222. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended by striking "only" and all that follows through the end of the subsection and inserting "only—

"(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

"(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.".

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(16) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.".

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(g) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.".

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, or filed under that title on or after that date of enactment, except that the court shall not confirm a plan under chapter 11 of title 11, United States Code, without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the court in which a case under chapter 11 of title 11, United States Code, is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. 1223. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking "20" and inserting "30".

SEC. 1224. EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking "or October 1, 2002, whichever occurs first"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "or October 1, 2002, whichever occurs first"; and

(ii) in the matter following subclause (II), by striking "October 1, 2003, or"; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking "before October 1, 2003, or"; and

(ii) by striking ", whichever occurs first".

SEC. 1225. BANKRUPTCY JUDGESHIPS.

(a) SHORT TITLE.—This section may be cited as the "Bankruptcy Judgeship Act of 2000".

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the district of Delaware.

(D) Two additional bankruptcy judgeships for the southern district of Florida.

(E) One additional bankruptcy judgeship for the southern district of Georgia.

(F) Two additional bankruptcy judgeships for the district of Maryland.

(G) One additional bankruptcy judgeship for the eastern district of Michigan.

(H) One additional bankruptcy judgeship for the southern district of Mississippi.

(I) One additional bankruptcy judgeship for the district of New Jersey.

(J) One additional bankruptcy judgeship for the eastern district of New York.

(K) One additional bankruptcy judgeship for the northern district of New York.

(L) One additional bankruptcy judgeship for the southern district of New York.

(M) One additional bankruptcy judgeship for the eastern district of North Carolina.

(N) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(O) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(P) One additional bankruptcy judgeship for the district of Puerto Rico.

(Q) One additional bankruptcy judgeship for the western district of Tennessee.

(R) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) shall not be filled if the vacancy—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1).

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under paragraphs (1), (3), (7), (8), and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to temporary judgeship positions referred to in this subsection.

(d) TECHNICAL AMENDMENTS.—Section 152(a) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: "Each bankruptcy judge to be appointed for a judicial district, as provided in paragraph (2), shall be appointed by the United States court of appeals for the circuit in which such district is located."; and

(2) in paragraph (2)—

(A) in the item relating to the middle district of Georgia, by striking "2" and inserting "3"; and

(B) in the collective item relating to the middle and southern districts of Georgia, by striking "Middle and Southern . . . . . . 1".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 1226. COMPENSATING TRUSTEES.

Section 1326 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) if a chapter 7 trustee has been allowed compensation due to the conversion or dismissal of the debtor's prior case pursuant to section 707(b), and some portion of that compensation remains unpaid in a case converted to this chapter or in the case dismissed under section 707(b) and refiled under this chapter, the amount of any such unpaid compensation, which shall be paid monthly—

"(A) by prorating such amount over the remaining duration of the plan; and

"(B) by monthly payments not to exceed the greater of—

"(i) $25; or

"(ii) the amount payable to unsecured nonpriority creditors, as provided by the plan, multiplied by 5 percent, and the result divided by the number of months in the plan."; and

(2) by adding at the end the following:

"(d) Notwithstanding any other provision of this title—

"(1) compensation referred to in subsection (b)(3) is payable and may be collected by the trustee under that paragraph, even if such amount has been discharged in a prior proceeding under this title; and

"(2) such compensation is payable in a case under this chapter only to the extent permitted by subsection (b)(3).".

SEC. 1227. AMENDMENT TO SECTION 362 OF TITLE 11, UNITED STATES CODE.

Section 362(b)(18) of title 11, United States Code, is amended to read as follows:

"(18) under subsection (a) of the creation or perfection of a statutory lien for an ad valorem property tax, or a special tax or special assessment on real property whether or not ad valorem, imposed by a governmental unit, if such tax or assessment comes due after the filing of the petition;".

SEC. 1228. JUDICIAL EDUCATION.

The Director of the Federal Judicial Center, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing this Act and the amendments made by this Act, including the requirements relating to the means test and reaffirmations under section 707(b) of title 11, United States Code, as amended by this Act.

SEC. 1229. RECLAMATION.

(a) RIGHTS AND POWERS OF THE TRUSTEE.—Section 546(c) of title 11, United States Code, is amended to read as follows:

"(c)(1) Except as provided in subsection (d) of this section and subsection (c) of section 507, and subject to the prior rights of holders of security interests in such goods or the proceeds thereof, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 are subject to the right of a seller of goods that has sold goods to the debtor, in the ordinary course of such seller's business, to reclaim such goods if the debtor has received such goods while insolvent, not later than 45 days after the date of the commencement of a case under this title, but *such seller may not reclaim such goods unless such seller demands in writing reclamation of such goods—*

"(A) not later than 45 days after the date of receipt of such goods by the debtor; or

"(B) not later than 20 days after the date of commencement of the case, if the 45-day period expires after the commencement of the case.

"(2) If a seller of goods fails to provide notice in the manner described in paragraph (1), the seller still may assert the rights contained in section 503(b)(7).".

(b) Administrative Expenses.—Section 503(b) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(10) the value of any goods received by the debtor not later than 20 days after the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.".

SEC. 1230. PROVIDING REQUESTED TAX DOCUMENTS TO THE COURT.

(a) Chapter 7 Cases.—The court shall not grant a discharge in the case of an individual seeking bankruptcy under chapter 7 of title 11, United States Code, unless requested tax documents have been provided to the court.

(b) Chapter 11 and Chapter 13 Cases.—The court shall not confirm a plan of reorganization in the case of an individual under chapter 11 or 13 of title 11, United States Code, unless requested tax documents have been filed with the court.

(c) Document Retention.—The court shall destroy documents submitted in support of a bankruptcy claim not sooner than 3 years after the date of the conclusion of a bankruptcy case filed by an individual under chapter 7, 11, or 13 of title 11, United States Code. In the event of a pending audit or enforcement action, the court may extend the time for destruction of such requested tax documents.

SEC. 1231. ENCOURAGING CREDITWORTHINESS.

(a) Sense of the Congress.—It is the sense of the Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) Study Required.—The Board of Governors of the Federal Reserve System (hereafter in this section referred to as the "Board") shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) Report and Regulations.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

SEC. 1232. PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11, United States Code, is amended by inserting after paragraph (8), as added by this Act, the following:

"(9) subject to subchapter III of chapter 5, any interest of the debtor in property where the debtor pledged or sold tangible personal property (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money given by a person licensed under law to make such loans or advances, where—

"(A) the tangible personal property is in the possession of the pledgee or transferee;

"(B) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price; and

"(C) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or State law, in a timely manner as provided under State law and section 108(b) of this title; or".

SEC. 1233. TRUSTEES.

(a) Suspension and Termination of Panel Trustees and Standing Trustees.—Section 586(d) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) A trustee whose appointment under subsection (a)(1) or under subsection (b) is terminated or who ceases to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the United States district court for the district for which the panel to which the trustee is appointed under subsection (a)(1), or in the United States district court for the district in which the trustee is appointed under subsection (b) resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this paragraph if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based on the administrative record before the agency.".

(b) Expenses of Standing Trustees.—Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

"(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this subsection by commencing an action in the United States district court in the district where the individual resides. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based upon the administrative record before the agency.

"(4) The Attorney General shall prescribe procedures to implement this subsection.".

SEC. 1234. BANKRUPTCY FORMS.

Section 2075 of title 28, United States Code, is amended by adding at the end the following: "The bankruptcy rules promulgated under this section shall prescribe a form for the statement required under section 707(b)(2)(C) of title 11 and may provide general rules on the content of such statement.".

SEC. 1235. EXPEDITED APPEALS OF BANKRUPTCY CASES TO COURTS OF APPEALS.

(a) In General.—Section 158 of title 28, United States Code, is amended—

(1) by striking subsection (d) and inserting the following:

"(d)(1) In a case in which the appeal is heard by the district court, the judgment, decision, order, or decree of the bankruptcy judge shall be deemed a judgment, decision, order, or decree of the district court entered 31 days after such appeal is filed with the district court, unless not later than 30 days after such appeal is filed with the district court—

"(A) the district court—

"(i) files a decision on the appeal from the judgment, decision, order, or decree of the bankruptcy judge; or

"(ii) enters an order extending such 30-day period for cause upon motion of a party or upon the court's own motion; or

"(B) all parties to the appeal file written consent that the district court may retain such appeal until it enters a decision.

"(2) For the purpose of this subsection, an appeal shall be considered filed with the district court on the date on which the notice of appeal is filed, except that in a case in which the appeal is heard by the district court because a party has made an election under subsection (c)(1)(B), the appeal shall be considered filed with the district court on the date on which such election is made.

"(e) The courts of appeals shall have jurisdiction of appeals from—

"(1) all final judgments, decisions, orders, and decrees of district courts entered under subsection (a);

"(2) all final judgments, decisions, orders, and decrees of bankruptcy appellate panels entered under subsection (b); and

"(3) all judgments, decisions, orders, and decrees of district courts entered under subsection (d) to the extent that such judgments, decisions, orders, and decrees would be reviewable by a district court under subsection (a).

"(f) In accordance with rules prescribed by the Supreme Court of the United States under sections 2072 through 2077, the court of appeals may, in its discretion, exercise jurisdiction over an appeal from an interlocutory judgment, decision, order, or decree under subsection (e)(3).".

(b) Technical and Conforming Amendments.—

(1) Section 305(c) of title 11, United States Code, is amended by striking "section 158(d)" and inserting "subsection (e) or (f) of section 158".

(2) Section 1334(d) of title 28, United States Code, is amended by striking "section 158(d)" and inserting "subsection (e) or (f) of section 158".

(3) Section 1452(b) of title 28, United States Code, is amended by striking "section 158(d)" and inserting "subsection (e) or (f) of section 158".

SEC. 1236. EXEMPTIONS.

Section 522(g)(2) of title 11, United States Code, is amended by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

TITLE XIII—CONSUMER CREDIT DISCLOSURE

SEC. 1301. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) Minimum Payment Disclosures.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the

typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: __________.' (the blank space to be filled in by the creditor).

"(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: __________.' (the blank space to be filled in by the creditor).

"(C) Notwithstanding subparagraphs (A) and (B), in the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: __________.' (the blank space to be filled in by the creditor). A creditor who is subject to this subparagraph shall not be subject to subparagraph (A) or (B).

"(D) Notwithstanding subparagraph (A), (B), or (C), in complying with any such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent. Any creditor that is subject to subparagraph (B) may elect to provide the disclosure required under subparagraph (A) in lieu of the disclosure required under subparagraph (B).

"(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

"(F)(i) The toll-free telephone number disclosed by a creditor or the Federal Trade Commission under subparagraph (A), (B), or (G), as appropriate, may be a toll-free telephone number established and maintained by the creditor or the Federal Trade Commission, as appropriate, or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors or the Federal Trade Commission, as appropriate. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A), (B), or (C), by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A), (B), or (C), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A), (B), or (C) from an obligor through the toll-free telephone number disclosed under subparagraph (A), (B), or (C), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

"(ii)(I) The Board shall establish and maintain for a period not to exceed 24 months following the effective date of the Bankruptcy Reform Act of 2000, a toll-free telephone number, or provide a toll-free telephone number established and maintained by a third party, for use by creditors that are depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), including a Federal credit union or State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)), with total assets not exceeding $250,000,000. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B), as applicable, by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A) or (B) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i). The dollar amount contained in this subclause shall be adjusted according to an indexing mechanism established by the Board.

"(II) Not later than 6 months prior to the expiration of the 24-month period referenced in subclause (I), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives a report on the program described in subclause (I).

"(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

"(H) The Board shall—

"(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance if a consumer pays only the required minimum monthly payments and if no other advances are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

"(ii) establish the table required under clause (i) by assuming—

"(I) a significant number of different annual percentage rates;

"(II) a significant number of different account balances;

"(III) a significant number of different minimum payment amounts; and

"(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

"(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).

"(I) The disclosure requirements of this paragraph do not apply to any charge card account, the primary purpose of which is to require payment of charges in full each month.

"(J) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay the customer's outstanding balance is not subject to the requirements of subparagraph (A) or (B).

"(K) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay an outstanding balance shall include the following statement on each billing statement: 'Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: __________.' (the blank space to be filled in by the creditor).".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the "Board") shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section.

(2) EFFECTIVE DATE.—Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 18 months after the date of enactment of this Act; or

(B) 12 months after the publication of such final regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board may conduct a study to determine the types of information available to potential borrowers from consumer credit lending institutions regarding factors qualifying potential borrowers for credit, repayment requirements, and the consequences of default.

(2) FACTORS FOR CONSIDERATION.—In conducting a study under paragraph (1), the Board should, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the required minimum payment under open end credit plans;

(D) consumers are aware that making only required minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Findings of the Board in connection with any study conducted under this subsection shall be submitted to Congress. Such report shall also include recommendations for legislative initiatives, if any, of the Board, based on its findings.

SEC. 1302. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking "CONSULTATION OF TAX ADVISER.—A statement that the" and inserting the following: "TAX DEDUCTIBILITY.—A statement that—

"(A) the"; and

(B) by striking the period at the end and inserting the following: "; and

"(B) in any case in which the extension of credit exceeds the fair market value (as defined under the Internal Revenue Code of 1986) of the dwelling, the interest on the portion of the credit extension that is greater than the fair market

value of the dwelling is not tax deductible for Federal income tax purposes.".

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking "If any" and inserting the following:

"(1) IN GENERAL.—If any"; and

(B) by adding at the end the following:

"(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall include a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.".

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

"(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges."; and

(B) in subsection (b), by adding at the end the following:

"(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.".

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

"(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall clearly and conspicuously state that—

"(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(2) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.".

(c) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the amendments made by this section.

(2) EFFECTIVE DATE.—Regulations issued under paragraph (1) shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1303. DISCLOSURES RELATED TO "INTRODUCTORY RATES".

(a) INTRODUCTORY RATE DISCLOSURES.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(6) ADDITIONAL NOTICE CONCERNING 'INTRODUCTORY RATES'.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

"(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear clearly and conspicuously;

"(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)), the time period in which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

"(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)), the time period in which the introductory period will end and the rate that will apply after that, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

"(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

"(i) a general description of the circumstances that may result in the revocation of the temporary annual percentage rate; and

"(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

"(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

"(II) will vary in accordance with an index, the rate that will apply after the temporary rate, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(D) DEFINITIONS.—In this paragraph—

"(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation; and

"(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

"(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede subsection (a) of section 122, or any disclosure required by paragraph (1) or any other provision of this subsection.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(6) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—Section 127(c)(6) of the Truth in Lending Act, as added by this section, and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1304. INTERNET-BASED CREDIT CARD SOLICITATIONS.

(a) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(7) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—

"(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

"(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the information described in paragraph (6).

"(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

"(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

"(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

"(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(7) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1305. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

(a) DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(12) If a late payment fee is to be imposed due to the failure of the obligor to make payment on or before a required payment due date, the following shall be stated clearly and conspicuously on the billing statement:

"(A) The date on which that payment is due or, if different, the earliest date on which a late payment fee may be charged.

"(B) The amount of the late payment fee to be imposed if payment is made after such date.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(b)(12) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1306. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

(a) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(h) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1307. DUAL USE DEBIT CARD.

(a) REPORT.—The Board may conduct a study of, and present to Congress a report containing its analysis of, consumer protections under existing law to limit the liability of consumers for unauthorized use of a debit card or similar access device. Such report, if submitted, shall include recommendations for legislative initiatives, if any, of the Board, based on its findings.

(b) CONSIDERATIONS.—In preparing a report under subsection (a), the Board may include—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the report, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced or may enhance the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to further address adequate protection for consumers concerning unauthorized use liability.

SEC. 1308. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Board shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of bankruptcy cases filed under title 11, United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit described in this paragraph is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled within 1 year of successfully completing all required secondary education requirements and on a full-time basis, in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Board shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. 1309. CLARIFICATION OF CLEAR AND CONSPICUOUS.

(a) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Board, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration Board, and the Federal Trade Commission, shall promulgate regulations to provide guidance regarding the meaning of the term "clear and conspicuous", as used in subparagraphs (A), (B), and (C) of section 127(b)(11) and clauses (ii) and (iii) of section 127(c)(6)(A) of the Truth in Lending Act.

(b) EXAMPLES.—Regulations promulgated under subsection (a) shall include examples of clear and conspicuous model disclosures for the purposes of disclosures required by the provisions of the Truth in Lending Act referred to in subsection (a).

(c) STANDARDS.—In promulgating regulations under this section, the Board shall ensure that the clear and conspicuous standard required for disclosures made under the provisions of the Truth in Lending Act referred to in subsection (a) can be implemented in a manner which results in disclosures which are reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

SEC. 1310. ENFORCEMENT OF CERTAIN FOREIGN JUDGMENTS BARRED.

(a) IN GENERAL.—Notwithstanding any other provision of law or contract, a court within the United States shall not recognize or enforce any judgment rendered in a foreign court if, by clear and convincing evidence, the court in which recognition or enforcement of the judgment is sought determines that the judgment gives effect to any purported right or interest derived, directly or indirectly, from any fraudulent misrepresentation or fraudulent omission that occurred in the United States during the period beginning on January 1, 1975, and ending on December 31, 1993.

(b) EXCEPTION.—Subsection (a) shall not prevent recognition or enforcement of a judgment rendered in a foreign court if the foreign tribunal rendering judgment giving effect to the right or interest concerned determines that no fraudulent misrepresentation or fraudulent omission described in subsection (a) occurred.

TITLE XIV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 1401. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—Except as otherwise provided in this Act, the amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

HENRY HYDE,
GEORGE W. GEKAS,
DICK ARMEY,
Managers on the Part of the House.

JESSE HELMS,
RICHARD G. LUGAR,
ROD GRAMS,
JOE BIDEN,
Managers on the Part of the Senate.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Thursday, October 12, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10535. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General Randall L. Rigby, United States Army; to the Committee on Armed Services.

10536. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Disposition of HUD-Acquired Single Family Property; Officer Next Door Sales Program [Docket No. FR-4277-F-03] (RIN: 2502-AH37) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10537. A letter from the Assistant General Counsel for Regulations, Office of the Assistant Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Single Family Mortgage Insurance; Electronic Underwriting [Docket No. FR-4311-F-02] (RIN: 2502-AH15) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10538. A letter from the Secretary of Health and Human Services, transmitting The Community Services Block Grant Statistical Report FY 1997 Executive Summary; to the Committee on Education and the Workforce.

10539. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt From Certification; Phaffia Yeast; Confirmation of Effective Date [Docket No. 97C-0466] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10540. A letter from the Director, Regulations and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt From Certification; Haematococcus Algae Meal; Confirmation of Effective Date [Docket No. 98C-0212] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10541. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt From Certification; Luminescent Zinc Sulfide; Confirmation of Effective Date [Docket No. 97C-0415] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10542. A letter from the Deputy Associate Administrator, Environmental Protection

Agency, transmitting the Agency's final rule—South Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6879–3] received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10543. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cooperative Agreement: Seven Principals of Environmental Stewardship for U.S./Mexico Business and Trade Community—received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10544. A letter from the Assistant Secretary for Export Administration, Department of Congress, transmitting the Department's final rule—Revisions to License Exception CTP [Docket No. 000204027–0266–02] (RIN: 0694–AC14) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10545. A letter from the Executive Director, Committee for Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10546. A letter from the Attorney-Advisor, Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule—Fiscal Service (RIN: 1510–AA38) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10547. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 000211–39–0039–01; I.D. 092900A] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10548. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries; Pacific Tuna Fishery on the Eastern Pacific Ocean [Docket No. 000908255–0255–01; I.D. 0800C] (RIN: 0648–AN73) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10549. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Rules of Practice for Hearings [Docket No. R–1083] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10550. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Prohibition of Ex Parte Communications Between Appeals Officers and Other Internal Revenue Service Employees [Rev. Proc. 2000–43] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10551. A letter from the Chairperson, Commission on Civil Rights, transmitting a report entitled, "Overcoming the Past, Focusing on the Future: An Assessment of the U.S. Equal Employment Opportunity Commission's Enforcement Efforts"; jointly to the Committees on the Judiciary and Education and the Workforce.

10552. A letter from the Chairperson, Commission On Civil Rights, transmitting a report entitled, "Equal Educational Opportunity and Nondiscrimination for Girls in Advanced Mathematics, Science, and Technology Education: Federal Enforcement of Title IX July 2000"; jointly to the Committees on the Judiciary and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1441. A bill to amend section 8(a) of the National Labor Relations Act (Rept. 106–967). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2434. A bill to require labor organizations to secure prior, voluntary, written authorization as a condition of using any portion of dues or fees for activities not necessary to performing duties relating to the representation of employees in dealing with the employer of labor-management issues, and for other purposes (Rept. 106–968). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee of Conference. Conference report on H.R. 4392. A bill to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 106–969). Ordered to be printed.

Mr. HYDE: Committee of Conference. Conference report on H.R. 2415. A bill to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes (Rept. 106–970). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 624. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes (Rept. 106–971). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 625. Resolution providing for consideration of the resolution (H. Res. 596) calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes (Rept. 106–972). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 626. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 106–973). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 627. Providing for consideration of the joint resolution (H.J. Res. 111) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106–974). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 628. Resolution providing for consideration of the Senate amendment to the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes (Rept. 106–975). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. S. 11. An act for the relief of Wei Jingsheng (Rept. 106–955). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 150. An act for the relief of Marina Khalina and her son, Albert Mifakhov (Rept. 106–956). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 199. an act for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko (Rept. 106–957). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 276. An act for the relief of Sergio Lozano, Faurico Lozano and Ana Lozano (Rept. 106–958). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 785. An act for the relief of Frances Schochenmaier (Rept. 106–959). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 869. An act for the relief of Mina Vahedi Notash (Rept. 106–960). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 1078. An act for the relief of Mrs. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jacob Paul Bassey, and Mary Idongesit Paul Bassey (Rept. 106–961). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 1513. An act for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas (Rept. 106–962). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 2000. An act for the relief of Guy Taylor (Rept. 106–963). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 2002. An act for the relief of Tony Lara (Rept. 106–964). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 2019. An act for the relief of Malia Miller (Rept. 106–965). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 2289. An act for the relief of Jose Guadalupe Tellez Pinales (Rept. 106–966). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. MASCARA, and Mr. GUTIERREZ):

H.R. 5438. A bill to amend title 38, United States Code, to add Diabetes Mellitus (Type 2) to the list of diseases presumed to be service-connected for veterans exposed to certain herbicide agents; to the Committee on Veterans' Affairs.

By Mr. DEFAZIO:

H.R. 5439. A bill to end taxpayer support of Federal Government contractors against whom repeated civil judgements or criminal convictions for certain offenses have been entered; to the Committee on Government Reform.

By Mr. ARMEY:

H.R. 5440. A bill to require large employers to notify their employees of the amount paid by the employer for employee health coverage; to the Committee on Education and the Workforce.

By Mr. CHAMBLISS:

H.R. 5441. A bill to transfer management of the Banks Lake Unit of the Okefenokee National Wildlife Refuge; to the Committee on Resources.

By Mr. HEFLEY (for himself and Mr. MCINNIS):

H.R. 5442. A bill to provide for a pilot program to enhance military recruiting through the use of recently retired enlisted personnel as recruiters; to the Committee on Armed Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. EDWARDS, and Ms. STABENOW):

H.R. 5443. A bill to waive the time limitation specified by law for the award of certain military decorations in order to allow the posthumous award of the congressional medal of honor to Doris Miller for actions while a member of the Navy during World War II; to the Committee on Armed Services.

By Mr. SAM JOHNSON of Texas:

H.R. 5444. A bill to amend the Internal Revenue Code of 1986 to provide for capital gains treatment for certain termination payments received by former insurance salesmen; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. DEFAZIO, and Mr. COSTELLO):

H.R. 5445. A bill to amend title 49, United States Code, to increase the amount of civil penalties and criminal fines for violations of requirements prohibiting the transportation of chemical oxygen generators on passenger-carrying aircraft in air commerce; to the Committee on Transportation and Infrastructure.

By Mr. OLVER (for himself, Mr. MEEHAN, Mr. TIERNEY, Mr. MCGOVERN, Mr. BASS, and Mr. MARKEY):

H.R. 5446. A bill to establish the Freedom's Way National Heritage Area in the Commonwealth of Massachusetts and in the State of New Hampshire, and for other purposes; to the Committee on Resources.

By Mr. SHAW (for himself and Mr. CARDIN):

H.R. 5447. A bill to amend the Social Security Act to prepare the Social Security Administration for the needs of the 21st century, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas:

H.R. 5448. A bill to amend the Immigration and Nationality Act to give priority for certain family-sponsored immigrants based upon educational attainment and to require diversity immigrants to have a bachelor's degree; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 5449. A bill to amend title XVIII of the Social Security Act to combat fraud and abuse under the Medicare Program with respect to partial hospitalization services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER:

H.R. 5450. A bill to amend section 13031 of the Consolidated Ominubus Budget Reconciliation Act of 1985 to provide for a user fee to cover the cost of customs inspections at express courier facilities; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.J. Res. 111. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. CASTLE (for himself, Mr. WELDON of Pennsylvania, and Mr. WISE):

H.J. Res. 112. A joint resolution memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H. Con. Res. 423. Concurrent resolution authorizing the use of the Capitol Grounds for the Million Family March; to the Committee on Transportation and Infrastructure.

By Mr. LAZIO:

H. Con. Res. 424. Concurrent resolution providing for corrections in the enrollment of the bill H.R. 4461; to the Committee on International Relations, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H. Res. 622. A resolution expressing the sense of the House of Representatives that the Government of Argentina should provide an immediate and final resolution to the Buenos Aires Yoga School case; to the Committee on International Relations.

By Mr. FRANKS of New Jersey (for himself, Mr. OSE, Mr. WEINER, Mr. SAXTON, Mr. BRADY of Texas, Mr. SWEENEY, Mr. SALMON, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, Mrs. ROUKEMA, and Mr. LOBIONDO):

H. Res. 623. A resolution regarding the adoption of Resolution 1322 by the Security Council of the United Nations on October 7, 2000; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LANTOS:

H.R. 5451. A bill for the relief of Marleen R. Delay; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 5452. A bill for the relief of Andrea Patricia Burton; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 5453. A bill for the relief of Laurence Wallace; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 5454. A bill for the relief of Louise Ingrid Wallace; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 488: Mr. COYNE.
H.R. 792: Mrs. BIGGERT.
H.R. 797: Mr. ROHRABACHER.
H.R. 827: Mr. ORTIZ.
H.R. 908: Mr. BLUMENAUER and Ms. NORTON.
H.R. 1144: Mr. STRICKLAND.
H.R. 1337: Mr. SHERWOOD.
H.R. 1494: Ms. PRYCE of Ohio.
H.R. 1515: Mr. INSLEE.
H.R. 2166: Ms. BROWN of Florida, Mr. PAYNE, Mr. LUTHER, and Mr. INSLEE.
H.R. 2335: Mr. COBLE, Mr. SPRATT, and Mr. INSLEE.
H.R. 2382: Ms. HOOLEY of Oregon.
H.R. 2594: Mr. MCGOVERN.
H.R. 2790: Ms. DANNER.
H.R. 3263: Mr. BARR of Georgia.
H.R. 3453: Mr. SHAYS.
H.R. 3514: Mr. COYNE.
H.R. 3901: Mr. EWING.
H.R. 3996: Mr. MINGE.
H.R. 4274: Mr. LIPINSKI, Mr. HALL of Ohio, Mr. SANDLIN, and Mrs. JONES of Ohio.
H.R. 4289: Mr. KENNEDY of Rhode Island and Mr. DAVIS of Florida.
H.R. 4497: Mr. MINGE.
H.R. 4594: Mr. DEAL of Georgia.
H.R. 4669: Mr. NORWOOD.
H.R. 4715: Mr. BECERRA.
H.R. 4728: Mr. LAFALCE, Mr. BALDACCI, Mrs. MALONEY of New York, Mr. MOORE, Mr. HUTCHINSON, Mr. HINCHEY, and Ms. GRANGER.
H.R. 4740: Mr. CRAMER, Mrs. TAUSCHER, and Mr. FORD.
H.R. 4751: Mr. GOODLATTE, Mr. KENNEDY of Rhode Island, Mr. NEY, Mr. WEYGAND, and Mr. NADLER.
H.R. 4825: Mr. MINGE, Mr. MOAKLEY, Mr. ROTHMAN, Mr. COYNE, and Mr. NORWOOD.
H.R. 4857: Ms. DEGETTE.
H.R. 4894: Mr. CASTLE.
H.R. 4926: Mr. MCGOVERN and Ms. MCKINNEY.
H.R. 5037: Mr. PAUL.
H.R. 5038: Mr. PAUL.
H.R. 5091: Mr. PAYNE and Mr. BAIRD.
H.R. 5101: Mr. EVANS and Mr. KUCINICH.
H.R. 5147: Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. GEORGE MILLER of California, Mr. DELAHUNT, and Mr. COOK.
H.R. 5179: Ms. WOOLSEY.
H.R. 5208: Mr. EVANS, Ms. CARSON, Mr. PAYNE, and Mr. NADLER.
H.R. 5220: Mr. DEAL of Georgia and Mr. WICKER.
H.R. 5265: Mr. HALL of Texas.
H.R. 5277: Mr. UDALL of Colorado, Mr. HINCHEY, Mr. LAMPSON, and Mr. REYES.
H.R. 5306: Mr. SMITH of Texas, Mr. BRADY of Texas, and Mr. MANZULLO.
H.R. 5311: Mr. RANGEL, Mr. GORDON, and Mr. CONYERS.
H.R. 5324: Mr. UNDERWOOD and Mr. NADLER.
H.R. 5361: Mr. HOLT, Mr. DEFAZIO, and Mr. MCDERMOTT.
H.R. 5397: Mr. BACA and Mr. BALDACCI.

H.R. 5401: Mr. TANNER.

H.R. 5417: Mr. WELDON of Florida, Mr. HILL of Montana, Mr. JONES of North Carolina, Mr. GREEN of Wisconsin, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 337: Mr. DOYLE.

H. Con. Res. 363: Mr. CUMMINGS and Mrs. MORELLA.

H. Con. Res. 416: Mr. GEKAS, Mr. STARK, Ms. DANNER, Ms. ROS-LEHTINEN, Mr. MENENDEZ, and Mr. KING.

H. Con. Res. 419: Mr. YOUNG of Alaska, Mr. CALLAHAN, Mr. EVERETT, Mr. HALL of Texas, and Ms. KAPTUR.

H. Res. 537: Mr. COYNE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1824: Mr. THOMPSON of California.

H.R. 4035: Mr. EVANS.

EXTENSIONS OF REMARKS

HONORING JIM ROBB

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. McINNIS. Mr. Speaker, it is a privilege and an honor to have this opportunity to pay tribute to Jim Robb as he steps down as United States Magistrate for Western Colorado. Jim is a personal friend of mine whom I served with in the Colorado State House of Representatives. Jim has been the embodiment of service, success and sacrifice during his time as Magistrate and he clearly deserves the praise and recognition of this body.

Selected as a Magistrate in 1990, Jim was one of six United States Magistrates for the State of Colorado. The only magistrate outside the City of Denver, his duties included hearing preliminary and detention cases and holding misdemeanor hearings for crimes on federal lands. He was also responsible for hearing pretrial conferences for civil cases that involved the Southern Ute Indian Tribe.

During his time as Magistrate, Jim had the reputation of a fair and approachable judge. He would always take time to hear both sides of the story and had the ability to approach each case with an open mind. Perhaps his fairness is the product of his life as a "true Renaissance man". Jim embarked on a 12,000 mile road trip around the United States before he was to attend college. During this trip, he fell in love with the wonderful State of Colorado where he would eventually earn his bachelor's degree and law degree. Some of his other accomplishments include working for the FBI as a special agent, working as an administrative assistant for a United States Senator in Washington DC serving two terms in the Colorado State Legislature, and serving on the Colorado State Parks Board for 10 years.

Jim's future plans include spending time with his family and continuing to practice law in the private sector.

It is with this, Mr. Speaker, that I congratulate Jim for his career as a United States Magistrate and thank him for his dedication and commitment to public service. It is a real pleasure to honor people of Jim's character and integrity. His formidable efforts deserve the praise and admiration of us all.

Good Luck, your honor.

HONORING LUTHER POSEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. McINNIS. Mr. Speaker, it makes me very proud to honor a remarkable human being, Luther Posey. Through hard work and determination, Luther recently helped the Glenwood Springs Police Department earn the Silver Buckle Award. This award is presented by the Colorado Department of Transportation for a department's "outstanding contribution to the safety belt program". Luther's contribution has been credited with being a fundamental part of the department receiving this high award.

For the past few years, Luther has been the primary individual in charge of gathering safety belt data in the Glenwood Springs area. His data is compiled every few months and then is used to enforce compliance with the state safety belt law. In a recent article by Heather McGregor in the Glenwood Independent, the following was said: "Police Chief Terry Wilson made it clear that without Posey's help the award wouldn't have been possible: 'he does the sitting and counting of people using or not using belts.'"

Luther has worked very hard to collect data that has helped ensure that the seat belt laws are enforced and has in turn made the community of Glenwood Springs a safer place for all. Mr. Speaker, on behalf of the State of Colorado and the U.S. Congress, I would like to thank Luther for his efforts that helped the Glenwood Springs Police Department earn this prestigious award.

Luther, it makes me proud to know that individuals such as yourself are taking it upon themselves to ensure that our communities are safe and secure. Congratulations and thank you for your service!

HONORING MARY ANN ANDERSEN LEE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor a very remarkable person, Mary Ann Andersen Lee. Mary Ann has been a part of the nursing community for over four decades and recently retired from San Luis Valley Regional Medical Center. Mary Ann's leadership and expertise in nursing have benefited the San Luis Valley in immeasurable ways. Her retirement will not last long, as she has already planned to move on and donate her superb nursing abilities to the American Red Cross Disaster Relief.

Mary Ann began her illustrious nursing career with a group of friends that answered a want-ad in the American Journal of Nursing. After graduating from Bryan Memorial School of Nursing in Lincoln, Nebraska, they headed west to take a job in western Colorado. The rest, as they say, is history.

The moment she joined the medical center, then called Alamosa Community Hospital, she demonstrated her outstanding leadership by becoming the supervisor of the emergency room. She led in this capacity for nearly fifteen years. She then moved on to become the director of nursing where she served for just over two decades. Her leadership has benefited not only the medical center, but the entire community as well.

Mary Ann has led by example and become a role model of what it takes to succeed in the medical field. Throughout her tenure at San Luis Valley Regional Medical Center, she has helped literally thousands of citizens. Mr. Speaker, Mary Ann has earned respect and admiration of this body. On behalf of the State of Colorado and the U.S. Congress I thank her for her incredible service to the San Luis Valley and wish her the best in her future endeavors.

Good Luck!

IN SUPPORT OF H.R. 3621—A BILL TO PROMOTE WILLIAM CLARK TO THE GRADE OF CAPTAIN

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. HILL of Indiana. Mr. Speaker, I rise today as a cosponsor of H.R. 3621 to urge its passage.

Granting William Clark the grade of captain is well-deserved and long overdue. Clark acted as a co-commander with Meriwether Lewis during their expedition and Lewis felt Clark deserved a rank equal to his. So with this bill, today, we can both recognize Clark's role in the expedition and carry out Meriwether Lewis's wish that Clark be given the rank of captain.

This issue is of more than passing interest to the people of southern Indiana. These historic partners began their expedition at the Falls of the Ohio, near Clarksville, Indiana.

On September 1, 1803, Meriwether Lewis began his journey down the Ohio River toward Clarksville, Indiana, where he eventually met his partner on the expedition, William Clark. By October 14, Lewis had reached the Falls of the Ohio, a set of dangerous rapids created by a drop in the river over a two-mile series of limestone ledges. The following day, Lewis and his crew safely crossed the falls on the north side of the river. They then set out to meet William Clark, who was living in Clarksville with his brother, Revolutionary War hero George Rogers Clark.

The noted historian Stephen Ambrose wrote this about Lewis and Clark's meeting in Clarksville in his best-selling book Undaunted Courage: "When they shook hands, the Lewis and Clark expedition began." During the two weeks following the meeting, Lewis and Clark selected the first official members of the expedition, a group referred to as the "Corps of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Discovery." Lewis and Clark chose nine men in Clarksville to join them on the journey, and as Ambrose notes in Undaunted Courage, there "the Corps of Discovery was born."

The crew departed on October 26, 1803, thus marking Clarksville, Indiana as the actual point of origin for the Lewis and Clark Expedition.

Mr. Speaker, local officials and interested citizens in the Falls of the Ohio area are now planning an event of national significance to commemorate the bicentennial of the expedition's beginning. In 2003, Clarksville and the surrounding area will play an important role in commemorating the expedition and reminding our nation of its importance.

I encourage all Americans wishing to retrace the steps of the explorers to visit the Falls of the Ohio and its surrounding area. And I urge my colleagues to support H.R. 3621 so William Clark will receive the rank he was promised and so richly deserves.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. BERKLEY. Mr. Speaker, due to business at the White House, I was unable to vote during House consideration of S. 2311, the Ryan White CARE Act Amendments on Thursday, October 5, 2000. I would like the RECORD to note that, had I been present, I would have voted in support of this legislation.

CONFERENCE REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. WOLF. Mr. Speaker, I submit for the RECORD the following charts relating to the debate on the Conference Report to H.R. 4475, the Department of Transportation and Related Agencies, 2001 Appropriations bill.

H.R. 4475 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2001

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	(60,852)	69,186	(62,109)	(57,469)	63,245	+2,393
Immediate Office of the Secretary	1,867	(2,031)	1,756	1,800	(1,827)	(-40)
Immediate Office of the Deputy Secretary	600	(587)	587	500	(587)	(-13)
Office of the General Counsel	9,000	(11,172)	9,760	9,000	(9,972)	(+972)
Office of the Assistant Secretary for Policy	2,824	(3,132)	3,132	2,500	(3,011)	(+187)
Office of the Assistant Secretary for Aviation and International Affairs	7,650	(7,702)	7,182	7,000	(7,289)	(-361)
Office of the Assistant Secretary for Budget and Programs	6,870	(7,241)	7,241	6,500	(7,362)	(+492)
Office of the Assistant Secretary for Governmental Affairs	2,039	(2,176)	2,000	2,000	(2,150)	(+111)
Office of the Assistant Secretary for Administration	17,767	(20,139)	18,359	17,800	(19,020)	(+1,253)
Office of Public Affairs	1,800	(1,714)	1,454	1,500	(1,674)	(-126)
Executive Secretariat	1,102	(1,181)	1,181	1,181	(1,181)	(+79)
Board of Contract Appeals	520	(496)	496	496	(496)	(-24)
Office of Small and Disadvantaged Business Utilization	1,222	(1,192)	1,192	1,192	(1,192)	(-30)
Office of Intelligence and Security	1,454	(3,494)	1,490	....	(1,262)	(-192)
Office of the Chief Information Officer	5,075	(6,929)	6,279	6,000	(6,222)	(+1,147)
Office of Intermodalism	1,062	....	....	....	....	(-1,062)
Subtotal	(60,852)	(69,186)	(62,109)	(57,469)	(63,245)	(+2,393)
Office of civil rights	7,200	8,726	8,140	8,000	8,140	+940
Transportation planning, research, and development	3,300	5,258	3,300	5,300	11,000	+7,700
Across the board (0.38%) rescission	-10	....	....	....	....	+10
Net subtotal	3,290	5,258	3,300	5,300	11,000	+7,710
Transportation Administrative Service Center	(148,673)	(163,811)	(119,387)	(173,278)	(126,887)	(-21,786)
Minority business resource center program	1,900	1,900	1,900	1,900	1,900	....
(Limitation on direct loans)	(13,775)	....	....	(13,775)	....	(-13,775)
(Limitation on guaranteed loans)	....	(13,775)	(13,775)	....	(13,775)	(+13,775)
Minority business outreach	2,900	3,000	3,000	3,000	3,000	+100
Across the board (0.38%) rescission	-18	....	....	....	....	+18
Net subtotal	2,882	3,000	3,000	3,000	3,000	+118
Total, Office of the Secretary	76,152	88,070	78,449	75,669	87,285	+11,133
ATB rescissions	-28	....	....	....	....	+28
Net total	76,124	88,070	78,449	75,669	87,285	+11,161
Coast Guard						
Operating expenses	2,481,000	2,858,000	2,851,000	2,398,460	2,851,000	+370,000
Defense function	300,000	341,000	341,000	641,000	341,000	+41,000
Subtotal	2,781,000	3,199,000	3,192,000	3,039,460	3,192,000	+411,000
Contingent emergency	77,000	....	....	....	....	-77,000
Acquisition, construction, and improvements:						
Vessels	134,560	257,180	252,640	145,937	156,450	+21,890
Across the board (0.38%) rescission	-1,478	....	....	....	....	+1,478
Net subtotal	133,082	257,180	252,640	145,937	156,450	+23,368
Aircraft	44,210	43,650	43,650	41,650	37,650	-6,560
Other equipment	51,626	60,313	60,113	54,304	60,113	+8,487
Shore facilities & aids to navigation facilities	63,800	61,606	61,606	68,406	63,336	-464
Personnel and related support	50,930	55,151	54,691	55,151	55,151	+4,221
Integrated Deepwater Systems	44,200	42,300	42,300	42,300	42,300	-1,900
Subtotal, A C & I (excluding rescission)	389,326	520,200	515,000	407,748	415,000	+25,674
Contingent emergency	578,000	....	....	....	....	-578,000
Environmental compliance and restoration	17,000	16,700	16,700	16,700	16,700	-300
Across the board (0.38%) rescission	-65	....	....	....	....	+65
Net subtotal	16,935	16,700	16,700	16,700	16,700	-235
Alteration of bridges	15,000	....	14,740	15,500	15,500	+500
Across the board (0.38%) rescission	-57	....	....	....	....	+57
Net subtotal	14,943	....	14,740	15,500	15,500	+557

NOTE: FY00 rescissions included in Net total lines.

H.R. 4475 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Retired pay	730,327	778,000	778,000	778,000	778,000	+47,673
Reserve training	72,000	73,371	80,375	80,371	80,375	+8,375
Research, development, test, and evaluation	19,000	21,320	19,691	21,320	21,320	+2,320
Total, Coast Guard	4,023,653	4,608,591	4,616,506	4,359,099	4,518,895	+495,242
Contingent emergency	655,000					-655,000
ATB rescissions	-1,600					+1,600
Net total	4,677,053	4,608,591	4,616,506	4,359,099	4,518,895	-158,158
Federal Aviation Administration						
Operations	5,900,000	6,592,235	6,544,235	(6,350,250)	(6,544,235)	(+644,235)
Air traffic services	(4,648,907)	(5,210,434)		5,039,391	5,200,274	+551,367
Aviation regulation and certification	(640,162)	(691,979)		691,979	694,979	+54,817
Civil aviation security	(131,474)	(144,328)		138,462	139,301	+7,827
Research and acquisitions	(174,083)	(196,497)		182,401	189,988	+15,905
Commercial space transportation	(6,560)	(12,607)		10,000	12,000	+5,440
Financial services	(38,981)			43,000	48,444	+9,463
Human resources	(52,809)			49,906	54,864	+2,055
Regional coordination	(95,321)			99,347	99,347	+4,026
Staff offices	(73,093)	(336,390)		95,764	105,038	+31,945
Essential air service	(32,000)					-32,000
TASC	(6,610)					-6,610
Subtotal	(5,900,000)	(6,592,235)		(6,350,250)	(6,544,235)	(+644,235)
Facilities & equipment (Airport & Airway Trust Fund)	2,075,000	2,495,000	2,656,765	2,656,765	2,656,765	+581,765
Rescission	(-30,000)					(+30,000)
Research, engineering, and development (Airport and Airway Trust Fund)	156,495	184,366	184,366	183,343	187,000	+30,505
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,750,000)	(1,960,000)	(3,200,000)	(3,200,000)	(3,200,000)	(+1,450,000)
(Limitation on obligations)	(1,950,000)	(1,950,000)	(3,200,000)	(3,200,000)	(3,200,000)	(+1,250,000)
Across the board (0.38%) rescission	(-54,362)					(+54,362)
Rescission of contract authority			-579,000	-579,000	-579,000	-579,000
Net subtotal	(1,895,638)	(1,950,000)	(2,621,000)	(2,621,000)	(2,621,000)	(+725,362)
Total, Federal Aviation Administration	8,131,495	9,271,601	9,385,366	9,190,358	9,388,000	+1,256,505
(Limitations on obligations)	(1,950,000)	(1,950,000)	(3,200,000)	(3,200,000)	(3,200,000)	(+1,250,000)
Total budgetary resources	(10,081,495)	(11,221,601)	(12,585,366)	(12,390,358)	(12,588,000)	(+2,506,505)
ATB rescissions	(-54,362)					(+54,362)
Rescission	-30,000		-579,000	-579,000	-579,000	-549,000
Net total	(9,997,133)	(11,221,601)	(12,006,366)	(11,811,358)	(12,009,000)	(+2,011,867)
Federal Highway Administration						
Limitation on administrative expenses 1/	(376,072)	(315,834)	(290,115)	(386,658)	(295,119)	(-80,953)
Limitation on transportation research			(437,250)			
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(26,245,000)	(26,603,806)	(26,603,806)	(26,603,806)	(26,603,806)	(+358,806)
Across the board (0.38%) rescission	(-105,260)					(+105,260)
Net subtotal	(26,139,740)	(26,603,806)	(26,603,806)	(26,603,806)	(26,603,806)	(+464,066)
(Revenue aligned budget authority) (RABA)	(1,456,350)	(3,058,000)	(3,058,000)	(3,058,000)	(3,058,000)	(+1,601,650)
(RABA transfer under Title III)		(-598,000)				
(Adjustment)		(255,000)				
Subtotal, limitation on obligations	(27,701,350)	(29,318,806)	(29,661,806)	(29,661,806)	(29,661,806)	(+1,960,456)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
(Liquidation of contract authorization)	(26,000,000)	(28,000,000)	(28,000,000)	(28,000,000)	(28,000,000)	(+2,000,000)
Emergency Relief Program (Highway Trust Fund) (contingent emergency appropriation)					720,000	+720,000
Total, Federal Highway Administration						
Contingent emergency					720,000	+720,000
(Limitations on obligations)	(27,701,350)	(29,318,806)	(29,661,806)	(29,661,806)	(29,661,806)	(+1,960,456)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
Total budgetary resources	(28,908,052)	(30,358,382)	(30,701,382)	(30,700,954)	(31,421,382)	(+2,513,330)
ATB rescissions	(-105,260)					(+105,260)
Net total	(28,802,792)	(30,358,382)	(30,701,382)	(30,700,954)	(31,421,382)	(+2,618,590)

1/ FY 2000 enacted includes $76,058 for motor carrier safety, limitation on administrative expenses.

H.R. 4475 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Federal Motor Carrier Safety Administration						
Motor carrier safety (limitation on administrative expenses) 1/		(92,194)	(92,194)	(92,194)	(92,194)	(+92,194)
National motor carrier safety program (Highway Trust Fund):						
(Liquidation of contract authorization)	(105,000)	(187,000)	(177,000)	(177,000)	(177,000)	(+72,000)
(Limitation on obligations)	(105,000)	(177,000)	(177,000)	(177,000)	(177,000)	(+72,000)
(RABA transfer under Title III)		(10,000)				
Subtotal, limitation on obligations	(105,000)	(187,000)	(177,000)	(177,000)	(177,000)	(+72,000)
Total, Federal Motor Carrier Safety Administration						
(Limitations on obligations)	(105,000)	(279,194)	(269,194)	(269,194)	(269,194)	(+164,194)
Total budgetary resources	(105,000)	(279,194)	(269,194)	(269,194)	(269,194)	(+164,194)
National Highway Traffic Safety Administration						
Operations and research	87,400	142,475	107,876	107,876	116,876	+29,476
Operations and research (Highway trust fund):						
(Limitation on obligations)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	
(RABA transfer under Title III)		(70,000)				
(Liquidation of contract authorization)	(72,000)	(142,000)	(72,000)	(72,000)	(72,000)	
National Driver Register (Highway trust fund)	2,000	2,000	2,000	2,000	2,000	
Subtotal, Operations and research	(161,400)	(286,475)	(181,876)	(181,876)	(190,876)	(+29,476)
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(206,800)	(213,000)	(213,000)	(213,000)	(213,000)	(+6,200)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(152,800)	(155,000)	(155,000)	(155,000)	(155,000)	(+2,200)
Occupant protection incentive grants (Sec. 405)	(10,000)	(13,000)	(13,000)	(13,000)	(13,000)	(+3,000)
Alcohol-impaired driving countermeasures grants (Sec. 410)	(36,000)	(36,000)	(36,000)	(36,000)	(36,000)	
State Highway safety data grants (Sec. 411)	(8,000)	(9,000)	(9,000)	(9,000)	(9,000)	(+1,000)
Total, National Highway Traffic Safety Administration	89,400	144,475	109,876	109,876	118,876	+29,476
(Limitations on obligations)	(278,800)	(355,000)	(285,000)	(285,000)	(285,000)	(+6,200)
Total budgetary resources	(368,200)	(499,475)	(394,876)	(394,876)	(403,876)	(+35,676)
Federal Railroad Administration						
Safety and operations	94,288	103,211	102,487	99,390	101,717	+7,429
Offsetting collections (user fees)		-77,300				
Railroad research and development	22,464	26,800	26,300	24,725	25,325	+2,861
Offsetting collections (user fees)		-25,500				
Rhode Island Rail Development	10,000	17,000	17,000		17,000	+7,000
Across the board (0.38%) rescission	-38					+38
Net subtotal	9,962	17,000	17,000		17,000	+7,038
Pennsylvania Station Redevelopment project (advance appropriation, FY 2001, 2002, 2003) 2/	(60,000)					(-60,000)
Next generation high-speed rail	27,200	22,000	22,000	24,900	25,100	-2,100
Across the board (0.38%) rescission	-103					+103
Net subtotal	27,097	22,000	22,000	24,900	25,100	-1,997
Alaska Railroad rehabilitation	10,000			20,000	20,000	+10,000
Across the board (0.38%) rescission	-38					+38
Net subtotal	9,962			20,000	20,000	+10,038
West Virginia Rail development				15,000	15,000	+15,000
Capital grants to the National Railroad Passenger Corporation	571,000	521,476	521,476	521,000	521,476	-49,524
Expended intercity rail passenger service fund (RABA transfer under Title III):						
(Liquidation of contract authorization)		(468,000)				
(Limitation on obligations)		(468,000)				
Total, Federal Railroad Administration	734,952	587,687	689,263	705,015	725,618	-9,334
(Limitations on obligations)		(468,000)				
Total budgetary resources	(734,952)	(1,055,687)	(689,263)	(705,015)	(725,618)	(-9,334)
ATB rescissions	-179					+179
Net total	(734,773)	(1,055,687)	(689,263)	(705,015)	(725,618)	(-9,155)

1/ Provided under FHWA limitation on administrative expenses in FY 2000.

2/ Provided in Title II - Other Appropriations Matters in P.L. 106-113.

H.R. 4475 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Federal Transit Administration						
Administrative expenses	12,000	12,800	12,800	12,800	12,800	+800
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(48,000)	(51,200)	(51,200)	(51,200)	(51,200)	(+3,200)
Subtotal, Administrative expenses	(60,000)	(64,000)	(64,000)	(64,000)	(64,000)	(+4,000)
Formula grants	619,600	669,000	669,000	669,000	669,000	+49,400
Formula grants (Highway Trust Fund): (Limitation on obligations)	(2,478,400)	(2,676,000)	(2,676,000)	(2,676,000)	(2,676,000)	(+197,600)
Subtotal, Formula grants	(3,098,000)	(3,345,000)	(3,345,000)	(3,345,000)	(3,345,000)	(+247,000)
University transportation research	1,200	1,200	1,200	1,200	1,200	
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(4,800)	(4,800)	(4,800)	(4,800)	(4,800)	
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	
Transit planning and research	21,000	22,200	22,200	22,200	22,200	+1,200
Transit planning and research (Highway Trust Fund, Mass Transit Account): (Limitation on obligations)	(86,000)	(87,800)	(87,800)	(87,800)	(87,800)	(+1,800)
Subtotal, Transit planning and research	(107,000)	(110,000)	(110,000)	(110,000)	(110,000)	(+3,000)
Rural transportation assistance	(5,250)	(5,250)	(5,250)	(5,250)	(5,250)	
National transit institute	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	
Transit cooperative research	(8,250)	(8,250)	(8,250)	(8,250)	(8,250)	
Metropolitan planning	(49,632)	(52,114)	(52,114)	(52,114)	(52,114)	(+2,482)
State planning	(10,368)	(10,886)	(10,886)	(10,886)	(10,886)	(+518)
National planning and research	(29,500)	(29,500)	(29,500)	(29,500)	(29,500)	
Subtotal	(107,000)	(110,000)	(110,000)	(110,000)	(110,000)	(+3,000)
Across the board (0.38%) rescission	(-243)					(+243)
Net subtotal	(106,757)	(110,000)	(110,000)	(110,000)	(110,000)	(+3,243)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(4,929,270)	(5,016,600)	(5,016,600)	(5,016,600)	(5,016,600)	(+87,330)
Capital investment grants	490,200	529,200	529,200	529,200	529,200	+39,000
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations) 1/	(1,966,800)	(2,116,800)	(2,116,800)	(2,116,800)	(2,116,800)	(+150,000)
Subtotal, Capital investment grants	(2,457,000)	(2,646,000)	(2,646,000)	(2,646,000)	(2,646,000)	(+189,000)
Fixed guideway modernization	(980,400)	(1,058,400)	(1,058,400)	(1,058,400)	(1,058,400)	(+78,000)
Buses and bus-related facilities 1/	(496,200)	(529,200)	(529,200)	(529,200)	(529,200)	(+33,000)
New starts	(980,400)	(1,058,400)	(1,058,400)	(1,058,400)	(1,058,400)	(+78,000)
Subtotal	(2,457,000)	(2,646,000)	(2,646,000)	(2,646,000)	(2,646,000)	(+189,000)
Across the board (0.38%) rescission	(-17,404)					(+17,404)
Net subtotal	(2,439,596)	(2,646,000)	(2,646,000)	(2,646,000)	(2,646,000)	(+206,404)
Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization)	(1,500,000)	(350,000)	(350,000)	(350,000)	(350,000)	(-1,150,000)
Job access and reverse commute grants (general fund)	15,000	20,000	20,000	20,000	20,000	+5,000
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(60,000)	(80,000)	(80,000)	(80,000)	(80,000)	(+20,000)
(RABA transfer under Title III)		(50,000)				
Subtotal, Job access and reverse commute grants	(75,000)	(150,000)	(100,000)	(100,000)	(100,000)	(+25,000)
Total, Federal Transit Administration	1,159,000	1,254,400	1,254,400	1,254,400	1,254,400	+95,400
(Limitations on obligations)	(4,644,000)	(5,066,600)	(5,016,600)	(5,016,600)	(5,016,600)	(+372,600)
Total budgetary resources	(5,803,000)	(6,321,000)	(6,271,000)	(6,271,000)	(6,271,000)	(+468,000)
ATB rescissions	(-17,647)					(+17,647)
Net total	(5,785,353)	(6,321,000)	(6,271,000)	(6,271,000)	(6,271,000)	(+485,647)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	12,042		13,004	12,400	13,004	+962
Across the board (0.38%) rescission	-46					+46
Mandatory proposal		(13,004)				
Net total	11,996	13,004	13,004	12,400	13,004	+1,008

1/ $8 million provided in Title II - Other Appropriations Matters in P.L. 106-113.

H.R. 4475 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Research and Special Programs Administration						
Research and special programs:						
Hazardous materials safety	17,710	18,773	18,773	18,620	18,750	+1,040
Emergency transportation	1,378	2,375	1,866	1,801	1,831	+453
Research and technology	3,397	9,416	4,516	3,740	4,816	+1,419
Program and administrative support	9,576	11,967	11,297	10,209	10,976	+1,400
Subtotal, research and special programs	32,061	42,531	36,452	34,370	36,373	+4,312
Offsetting collections (user fees)		-4,722				
Pipeline safety:						
Pipeline Safety Fund	30,000	42,874	35,874	31,894	36,556	+6,556
Oil Spill Liability Trust Fund	5,479	4,263	4,263	8,750	7,488	+2,009
Pipeline safety reserve	(1,400)			(2,500)	(3,000)	(+1,600)
Subtotal, Pipeline safety program (including reserve)	(36,879)	(47,137)	(40,137)	(43,144)	(47,044)	(+10,165)
Emergency preparedness grants:						
Emergency preparedness fund	200	200	200	200	200	
Limitation on obligations (emergency preparedness fund) (non-add)				(13,227)	(14,300)	(+14,300)
Total, Research and Special Programs Administration	67,740	85,146	76,789	75,214	80,617	+12,877
Office of Inspector General						
Salaries and expenses	44,840	48,050	48,050	10,500	48,450	+3,610
Across the board (0.38%) rescission	-170					+170
Net total	44,670	48,050	48,050	10,500	48,450	+3,780
(By transfer)				(38,500)		
Total, program funding	(44,670)	(48,050)	(48,050)	(49,000)	(48,450)	(+3,780)
Surface Transportation Board						
Salaries and expenses	17,000	17,954	17,954	17,000	17,954	+954
Offsetting collections	-1,600	-17,954	-900	-954	-900	+700
Across the board (0.38%) rescission	-58					+58
Net total	15,342		17,054	16,046	17,054	+1,712
General Provisions						
Transportation Administrative Service Center reduction	-15,000		-4,000	-53,530		+15,000
Federal aid to highways (Sec. 326)				54,963	54,963	+54,963
Amtrak Reform Council (Sec. 329)	750	980	450	495	750	
Muscle Shoals, Tuscumbia, and Sheffield (Sec. 375)					5,000	+5,000
Valley trains and tours (Sec. 376)					1,000	+1,000
Miscellaneous highways (Sec. 378)					1,370,000	+1,370,000
Woodrow Wilson Memorial Bridge (Sec. 379)					600,000	+600,000
Net total, title I, Department of Transportation	15,023,343	16,089,000	15,706,207	15,231,505	18,424,912	+3,401,569
Current year, FY 2001	(14,963,343)	(16,089,000)	(15,706,207)	(15,231,505)	(18,424,569)	(+3,461,569)
Appropriations	(14,995,424)	(16,089,000)	(16,285,207)	(15,810,505)	(18,263,912)	(+3,943,488)
Rescissions	(-32,081)		(-579,000)	(-579,000)	(-579,000)	(-546,919)
Contignent emergency	(655,000)				(720,000)	(+65,000)
Advance appropriations	(60,000)					(-60,000)
(By transfer)				(38,500)		
(Limitations on obligations)	(34,679,150)	(37,437,600)	(38,432,600)	(38,432,600)	(38,432,600)	(+3,753,450)
(Rescissions of limitations on obligations)	(-177,269)					(+177,269)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
Net total budgetary resources	(50,731,926)	(54,566,176)	(55,178,383)	(54,703,253)	(57,897,088)	(+7,165,162)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	4,633	4,795	4,795	4,795	4,795	+162
National Transportation Safety Board						
Salaries and expenses	57,000	62,942	62,942	59,000	62,942	+5,942
Offsetting collections		-10,000				
Total, title II, Related Agencies	61,633	57,737	67,737	63,795	67,737	+6,104

H.R. 4475 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Grand total	15,084,976	16,146,737	15,773,944	15,295,300	18,492,649	+3,407,673
Current year, FY 2001	(15,024,976)	(16,146,737)	(15,773,944)	(15,295,300)	(18,492,649)	(+3,467,673)
Appropriations	(15,057,057)	(16,146,737)	(16,352,944)	(15,874,300)	(18,351,649)	(+3,949,592)
Rescissions	(-32,081)		(-579,000)	(-579,000)	(-579,000)	(-546,919)
Contingent emergency	(655,000)				(720,000)	(+65,000)
Advance appropriations	(60,000)					(-60,000)
(By transfer)				(38,500)		
(Limitation on obligations)	(34,679,150)	(37,437,600)	(38,432,600)	(38,432,600)	(38,432,600)	(+3,753,450)
(Rescissions of limitation on obligations)	(-177,269)					(+177,269)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
Net total budgetary resources	(50,793,559)	(54,623,913)	(55,246,120)	(54,767,048)	(57,964,825)	(+7,171,266)
Scorekeeping adjustments:						
Pipeline safety (OSLTF)	-3,000	-13,000	-7,000	-2,000	-7,000	-4,000
Advance appropriations	-60,000	20,000	20,000	20,000	20,000	+80,000
Rescission of advance			-20,000			
FTA: Capital invest grants (Title II PL 106-113)	6,000					-6,000
FTA: Capital investment grants (limitations on obligations)	(-6,000)					(+6,000)
Across the board cut (0.38%)	-50,000					+50,000
CBO/OMB adjustment	2,081					-2,081
National Academy of Sciences				1,000		
Total, adjustments	-104,919	7,000	-7,000	19,000	13,000	+117,919
Net grand total (including scorekeeping)	14,980,057	16,153,737	15,766,944	15,314,300	18,505,649	+3,525,592
Current year, FY 2001	(14,980,057)	(16,133,737)	(15,746,944)	(15,294,300)	(18,485,649)	(+3,505,592)
Appropriations	(14,357,138)	(16,133,737)	(16,345,944)	(15,873,300)	(18,344,649)	(+3,987,511)
Rescissions	(-32,081)		(-599,000)	(-579,000)	(-599,000)	(-566,919)
Contingent emergency	(655,000)				(720,000)	(+65,000)
Advance appropriations		(20,000)	(20,000)	(20,000)	(20,000)	(+20,000)
(By transfer)				(38,500)		
(Limitations on obligations)	(34,673,150)	(37,437,600)	(38,432,600)	(38,432,600)	(38,432,600)	(+3,759,450)
(Rescissions of limitations on obligations)	(-177,269)					(+177,269)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
Net grand total budgetary resources	(50,682,640)	(54,630,913)	(55,239,120)	(54,786,048)	(57,977,825)	(+7,295,185)
RECAP BY FUNCTION						
Mandatory	730,327	778,000	778,000	778,000	778,000	+47,673
Discretionary:						
Highway category: (Limitation on obligations)	(28,085,150)	(29,953,000)	(30,216,000)	(30,216,000)	(30,216,000)	(+2,130,850)
Mass Transit category	1,159,000	1,254,400	1,254,400	1,254,400	1,254,400	+95,400
(Limitation on obligations)	(4,638,000)	(5,066,600)	(5,016,600)	(5,016,600)	(5,016,600)	(+378,600)
General purpose discretionary:						
Defense discretionary	300,000	341,000	341,000	641,000	341,000	+41,000
Nondefense discretionary	12,790,730	13,780,337	13,393,544	12,640,900	16,132,249	+3,341,519
Total, General purpose discretionary	13,090,730	14,121,337	13,734,544	13,281,900	16,473,249	+3,382,519
Total, Discretionary	14,249,730	15,375,737	14,988,944	14,536,300	17,727,649	+3,477,919

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 12, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 13

10 a.m.
Judiciary
Criminal Justice Oversight Subcommittee
To hold oversight hearings to examine the United States Sentencing Commission, focusing on whether guidelines are being followed.
SD–226

HOUSE OF REPRESENTATIVES—*Thursday, October 12, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Ever present Lord God in our midst, You have exhorted us: "Be hospitable to one another without complaining." Make this House a place of hospitality. Be with our guides, our guards, and all who create an environment here.

Throughout our days, Lord, there is a movement within, from hostility to hospitality. You help us determine our relationship to other people.

Life today is very complex. Yet when we reflect on the kindness we have enjoyed from others and we can face the stranger within ourselves, we begin to see in Your creation a free and friendly space that always welcomes the newborn, the estranged, the sick and the immigrant.

Let this place and all the institutions of this Nation, especially our schools and hospitals, be caring places and careful to meet people on their own terms.

For You, our God, hear us and welcome us as we are today and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. SKELTON) come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 4259. An act to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

H.R. 5164. An act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

H.R. 5239. An act to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244) "An Act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking."

The message also announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2917. An act to settle the land claims of the Pueblo of Santo Domingo.

S. Con. Res. 131. Concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarność, and for other purposes.

S. Con. Res. 148. Concurrent resolution to provide for the disposition and archiving of the records, files, documents, and other materials of joint congressional committees on inaugural ceremonies.

S. Con. Res. 149. Concurrent resolution to correct the enrollment of H.R. 3244.

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the Second Session of the One Hundred Sixth Congress, to be held in Berlin, Germany, November 17–22, 2000—

the Senator from Iowa (Mr. GRASSLEY);

the Senator from Arkansas (Mr. HUTCHINSON);

the Senator from Maryland (Mr. SARBANES); and

the Senator from Maryland (Ms. MIKULSKI).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minutes on each side.

SECURING AMERICA'S FUTURE FOR OUR CHILDREN

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, our economy is good, interest rates are low and we have a record budget surplus. Due to the sound fiscal policies of Republicans, we have been able to pay off $354 billion in public debt and will completely eliminate it by 2012.

That is why Republicans are committed to using 90 percent of the next year's Federal budget surplus to pay off the national debt while protecting the Social Security and Medicare trust funds. That leaves us with 10 percent of the surplus to boost our already substantial $600 billion commitment to our national priorities such as education, defense and health research.

Specifically, we will use half the money to strengthen education with the flexibility, funding and support to give our children the world's best schools. In addition, we will provide a prescription drug benefit to seniors in need now, not 5 or 10 years from now.

Republicans have made education funding a top priority, providing more money than ever before. And most importantly, we have cut the checks with fewer strings being attached. Currently, Washington provides 7 percent of the Nation's education funding but provides 40 percent of the regulations. We have made a real dent in removing some of these onerous, bureaucratic regulations. By eliminating our national debt, we will secure America's future for our children and grandchildren.

TERRORIST ATTACK ON THE U.S.S. "COLE"

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, earlier today the U.S.S. *Cole*, an Aegis destroyer, while being refueled in the enemy port of Aden was attacked by suicide terrorists. There were five sailors who lost their lives. One is missing. Approximately 30 have been injured.

This is the latest crime to be added to the list of deadly terrorist attacks against our fellow countrymen. It is terrible that anyone would sink so low.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I have great admiration for the professionalism of the crew of the U.S.S. *Cole*, tending to the wounded and taking care of their ship.

We deplore the loss of American lives and my deepest sympathies and prayers go to the families and friends of the victims of this cowardly attack. Serving in the military is a dangerous profession. I want to recognize the selfless dedication of the American military personnel who risk personal safety in the service of our country.

I want to be clear. The U.S. Government should seek retribution against those who are responsible for this attack against U.S. military personnel. We should do all that we can to ensure that our service members and citizens are protected in the future.

It is impossible to predict with certainty where or when terrorists will strike. Today's events, however, are a terrible reminder that we must take the threat of terrorism seriously.

THE VICE PRESIDENT'S MISSTATEMENTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, our prayers and condolences go out to our military personnel as well.

Mr. Speaker, the Vice President promised us last night that he was going to try to do better at telling the truth from now on. But his performance said otherwise.

He told the moderator that he never called George Bush a bumbler, but he is running commercials right now that say exactly that. He said he was not in favor of big tax hikes on gas and oil but he was Washington's number one supporter of a Btu tax on fuel. He even wrote a book calling for hiking the price of gas to $2.50 a gallon.

But here is the real whopper. He criticized former President Bush for not removing Saddam Hussein from power during the Gulf War. But on January 30, 1991, Senator GORE said he opposed invading Iraq to take out Saddam Hussein. He said the war should stop as soon as Iraq was out of Kuwait.

He said that he wants more effective gun prosecutions, but Justice Department gun prosecutions have dropped 46 percent during the Clinton-Gore administration.

Vice President GORE promised he was going to try to do better. Well, he is going to have to try a lot harder than last night.

INTERNATIONAL CHILD ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, on April 30, 2000, Maya and Omar Murad, ages 3 and 5, were forcibly abducted by their father, Ruwayn Murad, who had resided in the United States for nearly 20 years but retained dual citizenship in Lebanon. The children, who had spent only 2 weeks of their lives on Lebanese soil, were spirited to Lebanon where they have now been held for nearly 6 months. Their exact whereabouts are presently unknown.

Prior to the abduction, the children's mother, Elizabeth Henry Murad, had been informed by a colleague of her husband that Mr. Murad was planning the abduction. After a judge in New York family court failed to take emergency action, a divorce action had been commenced by Mr. Murad, who ultimately abducted the children after having been granted an adjournment in the case. In advance of his flight, Mr. Murad also wired all the family's liquid assets from their accounts in the U.S. to Lebanon.

Elizabeth Henry Murad, the custodial parent of Maya and Omar, is now waging a desperate battle for the return of her children to New York, the only home they have ever known.

Mr. Speaker, it is time now to assist Mrs. Murad and others like her to bring our children home.

FRANKLIN ON EDUCATION

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the key to the American dream is a quality education. As Benjamin Franklin told us, "Tell me and I forget. Teach me and I remember. Involve me and I learn."

The hands-on education Franklin was talking about can only be found in our Nation's classrooms. This underscores the necessity of putting decision-making power in the hands of those closest to the children. Those are the local school teachers, the administrators, and, most importantly, the parents. The Republican education vision does just that, returning control to these local jurisdictions which are uniquely equipped to make the decisions on how to best involve our students.

Since 1995 under the steady hand of the gentleman from Pennsylvania (Mr. GOODLING), the Republican majority has repeatedly passed legislation to shift power and resources from the Washington bureaucracy into the hands of those closest to our students.

Mr. Speaker, while education is at the forefront of public debate over the next few weeks, Republicans have a vision and a record that America can be proud of.

NAVY CONCENTRATES ON GENDER NEUTRALITY IN WAKE OF CHINA NUCLEAR THREAT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. The CIA said China is buying nuclear attack submarines with missiles that experts say can destroy our entire Navy fleet. Knowing this, the Navy has decided to, and I quote, replace all aircraft carrier urinals with gender-neutral water closets, end quote.

Unbelievable. We have a dragon breathing down our necks and the Navy is constipating over urinals. What is next, bidets in powder rooms? How about some ballroom dancing lessons, folks?

Beam me up. I yield back the fact that this gender-neutral business is getting ridiculous.

GILMAN CONDEMNS ONGOING PALESTINIAN VIOLENCE

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, the past 2 weeks, tension in the Middle East has spiraled out of control as PLO Chairman Mr. Arafat attempts to dictate Israeli concessions at the negotiating table through the unbridled use of violence and, most appallingly, through the manipulation of young children as "martyrs in training."

This massive, fundamental violation of the Oslo Accords is intentional, as underscored when the leader of the Tanzim paramilitary forces in the West Bank said yesterday that his organization would escalate the confrontations with Israel and not try to calm the situation. Marwan Barghuti said, and I quote, "This blessed Intifada is looking ahead and mass activity is moving forward."

Mr. Speaker, in today's latest outrage, a Palestinian mob killed two Israeli soldiers and dumped their bloody bodies in the streets after the pair were captured with two other servicemen earlier today in the Palestinian city of Ramallah. That is why I am appalled that the administration abstained during the recent U.N. Security Council condemnation of Israel. The administration must understand, as must the Palestinians, that you cannot have it both ways.

Today, I will be introducing a resolution along with the gentleman from Connecticut (Mr. GEJDENSON) of the Committee on International Relations condemning the Palestinian violence. I invite our colleagues to join us in cosponsorship.

OIL PIPELINE SAFETY

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I would urge the House to see the failure of passage of the oil pipeline safety bill the other night, not to be seen as an end of our efforts on oil pipeline safety this year but, rather, I believe we should look at it as a very strong statement by this House that there is a bipartisan sentiment for a strong pipeline safety bill.

We have the ability this year, particularly with the extension of time, to pass a strong pipeline safety bill from this Chamber this year. We hope that that bill would have two elements: One, a very strong inspection criteria to assure Americans that the pipelines they live hundreds of feet from in fact will be inspected, and, number two, an assurance that the Office of Pipeline Safety can have supervisory authority over the training plans by operators.

Mr. Speaker, I think it is time for us to reach across the aisle and across the Chambers to fashion a consensus bipartisan bill. I believe that is possible. I am open to do so. I urge my colleagues to join me in pursuit of that strong bill.

TRIBUTE TO THE HONORABLE TILLIE FOWLER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor a wonderful friend, Tillie Fowler, who has dedicated a lifetime not only to national public service but to her local community as well.

Before beginning her fulfilling tenure as a Member of Congress, Tillie devoted much of her time to helping those in need. She served as the president of the Junior League of Jacksonville, chaired the Florida Humanities Council, and was active with the American Red Cross, among many other charitable endeavors.

In 1992, Tillie was elected to Congress and immediately began to make her mark as a strong advocate of our national defense. She has worked with great success on behalf of our military personnel around the world. She always sought to ensure that our men and women in uniform were well equipped and prepared when placed in harm's way.

While protecting U.S. national security was her first priority, she also played a vital role in the passage of domestic bills, such as the 6-year Federal transportation bill which will alleviate some of the serious transportation challenges that we in Florida face.

□ 1015

TILLIE has served her constituents, her State and our country well and with distinction. Her intellect and domain of critical issues, combined with her personal commitment and Southern grace and charm, made her an efficient Member, a leader and a role model for young women everywhere. TILLIE FOWLER will be sorely missed. I ask my colleagues to join me in this tribute to our retiring Member.

U.S.S. "COLE" RAMMED, AT LEAST FOUR KILLED

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, earlier today in the Arabian Peninsula the U.S.S. *Cole* was rammed by a small boat in an apparent suicide terrorist attack. Our prayers go out to the families of the sailors, especially the families of those sailors who were killed, injured, or are missing.

Mr. Speaker, at this time we do not know who was responsible, and it is important that we not jump to conclusions; but when we find out, those responsible will be held accountable.

Finally, we should congratulate our courageous sailors who responded to this tragedy. Because of their expertise, the damage and casualties were kept to a minimum.

Again, Mr. Speaker, our prayers go out to the sailors and the families.

TENNESSEANS THE MOST CHARITABLE IN THE NATION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the Christian Science Monitor reported a few days ago that Tennesseans had given more charitable contributions on average than citizens from any other State. This report was based on a generosity index published by the Urban Institute in Washington and came from charitable deductions listed on 1998 tax returns.

Tennesseans gave an average of $4,572. Mississippi gave the most in proportion to income with an average of $4,070. The top five most generous States, according to the Urban Institute, were Mississippi, Arkansas, South Dakota, Louisiana, and Tennessee. Tennessee gave the most per person at over $4,500 each. Rhode Island gave the least per person at $2,059.

The least generous States, according to the Urban Institute, in proportion to income given to charity were Massachusetts, New Hampshire, New Jersey, Minnesota, and Rhode Island. It seems that the highest taxed, most politically liberal States were the least generous in giving to charitable causes, according to this report from the Urban Institute.

I want to commend my fellow Tennesseans for their generosity in giving to charitable organizations.

WE STILL LIVE IN A DANGEROUS WORLD

(Mr. SISISKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISISKY. Mr. Speaker, we have already heard about the tragic accident that happened to the USS Cole. I am sorry the gentlewoman from Florida (Mrs. FOWLER) is leaving, but I would also like to pay tribute to her, and I do it in the vein that both she and I and many members of the Committee on Armed Services spent a good deal of our time trying to tell people what a dangerous world we live in, and sometimes it is pretty hard to explain to them that we still live in a dangerous world.

I was advised early this morning by the Chief of Naval Operations and by the commander in chief of the Atlantic Fleet, both of them, of what happened as well as they know. The ship is just sitting there. They are trying to repair it as best they can. Four lives were lost. There were 12 missing and 36 were already hospitalized. Certainly our prayers, the prayers of the Members of Congress, go out to the families of the deceased and, of course, the injured.

What is more important is that we always remember that these people are serving us and this Nation and we should always pay tribute to them.

PLANNED PARENTHOOD REVEALS LARGE PROFITS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, as the appropriation process continues here in Congress, I want to bring attention to Planned Parenthood's 1998/1999 annual report. The report shows the inordinate amount of profits made from their operation. In 13 years, their profits have totaled $356 million and not once, not once in that time, did they report a loss. In fact, their annual report stated they currently have net assets totaling $536 million.

This is an increase of $131 million in just one year. Even dot-com companies would be envious of such profits. These numbers might be wonderful if Planned Parenthood was just a normal business, but the organization claims to be a charity. They are subsidized by the United States Government through grants; and they also want special deals, including reduced rates of advertising in the media.

It is time, Mr. Speaker, that the American public saw Planned Parenthood for what it is, a business intent on making profits at taxpayers' expense.

ATTACK ON THE U.S.S. "COLE"

(Mr. PICKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, as has been reported, the Norfolk-based destroyer *Cole* suffered a terrorist attack earlier today while in the process of refueling at the Port of Aden in Yemen. This cowardly sneak attack has left four brave American sailors dead, 36 injured, and 12 missing. The survivors courageously and successfully sought to save and stabilize their ship.

Once again, we are reminded of the terrible price that some of our military members pay in defense of our country. We extend our profound sympathy and condolences to the families and friends of those honored defenders of our country who suffered in this tragic attack. May God give them the peace, strength, and understanding to sustain their grief and suffering of this terrible loss.

TOP DOLLAR SHOULD NOT BE DEMANDED TO BUILD NEW SCHOOLS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to urge my colleagues to vote for H.R. 4656, which will sell 8.7 acres of land at fair market value for the use as an elementary school in Incline Village, Nevada. This bill which was debated Tuesday night will be voted on today and will give every Member on both sides of the aisle an opportunity to keep their promises to support education and school construction for our children.

The present elementary school there has more than 40 students in each classroom because there is simply nowhere else for them to go. But H.R. 4656 will solve this education problem. The land will be sold, and I say sold, not given away, to the school district for construction of a school to provide over 400 students with a quality education.

Mr. Speaker, this administration is demanding 800 percent, that is more than 8 times, the limited-use value as a school site. This administration's greed is an unconscionable effort to deny these children an education. Obtaining top dollar for the land seems to be more important to them than the education of our children.

I urge everyone to vote for H.R. 4656.

BREAST CANCER

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, in Marin County, California, just north of the Golden Gate Bridge, the district that I represent, 150 women out of every 100,000 were diagnosed with breast cancer between 1991 and 1996. A 1994 Northern California Cancer Center study showed that Marin County has the highest breast cancer rate in the country. An alarming number of women are dying in Marin and across this country. We need to know why, and we need to make sure that all women have the care they need to survive this disease.

The Breast and Cervical Cancer Treatment Act would help protect women and save lives. This bill should not be encumbered by the words that the gentleman from Oklahoma (Mr. COBURN) will try to add to the debate this morning or this afternoon. This bill has 270 cosponsors. It should be passed as it was presented.

DEBT REDUCTION

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, 30 days have passed and there still has been no response or commitment from the Clinton-Gore administration to lock away 100 percent of the Social Security and Medicare surpluses and to dedicate at least 90 percent of next year's surplus to paying off the debt.

We now have a real chance to do just that and President Clinton has failed to embrace it. Worse, almost every day the administration introduces a new last-minute spending request, further complicating debt reduction. The truth of the matter is that President Clinton is not part of the spending problem. He is the spending problem. It is time the President recognized that the surplus is not the Government's money; it is the people's money.

Mr. Speaker, we have paid off approximately $354 billion in debt since taking majority control in Congress. The Republican Congress made tough choices necessary to get our Nation's book on track. The winners are the hard-working American people. Interest rates are low and the economy is booming. With continued discipline, things will only get better.

It is time President Clinton stops playing politics by accusing Republicans of engaging in a spending spree and sign our letter calling on him to dedicate at least 90 percent of next year's surplus to paying off the debt while locking away 100 percent of the Social Security and Medicare surpluses.

HATE CRIMES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is very important that what we do in this Congress is understandable, and it is important to clarify the information that goes out to the American people. Might I set the record straight on hate crimes, a legislative initiative that is very close to my heart, and one that many of us have worked very hard on. We will leave this Congress without passing a real hate crimes bill because the Republican majority will not allow us to vote on a hate crimes bill; not hate crimes for one ethnic or religious group in America but hate crimes for Americans, so that if one is disabled or if they come from a different background or live in a different way and someone attacks them because of their difference, we have a law that says we abhor hate.

Mr. Speaker, let me set the record straight. It is clear that the hate crimes bill in Texas is not the bill that the family of James Byrd begged for; that bill the governor of Texas did not sign, did not support, even though there was massive support for it. We do not have a real hate crimes bill in Texas. Let us set the record straight.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 111, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 627 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 627

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 111) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 627 is a closed rule providing for consideration of House Joint Resolution 111, a resolution making further continuing appropriations for fiscal year 2001.

H. Res. 627 provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides one motion to recommit, as is the right of the minority.

Mr. Speaker, the current continuing resolution expires at the end of the day on Saturday, and a further continuing resolution is necessary to keep the government operating while Congress completes its consideration of the remaining appropriations bills.

☐ 1030

Mr. Speaker, House Joint Resolution 111 is a clean continuing resolution which simply extends the provisions included in House Joint Resolution 109 through October 20.

Mr. Speaker, as my colleagues know, we have been working hard to pass remaining appropriations bills as soon as possible. Honest disagreements remain on both sides of the aisle.

However, the House has made progress at resolving these differences over the past 2 weeks, passing the interior, agriculture, energy, and transportation conference reports. We are now very close to completing the appropriations process.

I share the disappointment of many of my colleagues that the negotiations have stretched on this long. However, we have a responsibility to stay the course and pass sensible and fiscally responsible appropriations bills. So, because we refuse to bend our principles, we will stay here in Washington for another week, away from our families, our districts, and our homes.

This fair, clean, continuing resolution will give us the time we need to fulfill our obligations to the American people and finish the appropriations process in an even-handed and conscientious manner.

The rule was unanimously approved by the Committee on Rules yesterday. I urge my colleagues to support it so we may proceed with the general debate and consideration of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the third concurrent resolution we have done this year. It will push back the appropriations deadline once again for my Republican colleagues, and this time it will push it back to October 20.

The 1974 Budget Act requires that the 13 appropriation bills be signed into law by October 1. The beginning of the fiscal year. But despite repeated promises to the contrary by the Republican leadership, very little appropriation work is finished, even as we speak. Today only two out of 13 appropriation bills have been signed into law, Military Construction and Defense. Three more are on the way to the President, Transportation, Interior, and Agriculture. The others are in various stages of incubation.

Part of the reason for the lack of progress, Mr. Speaker, is my Republican colleagues' budget, which did great things for the very rich and failed to set aside enough money for middle-class tax cuts or social security preservation or medical prescription drug benefits, or any of the other issues that are so important to the working American families.

My Republican colleagues should have passed a minimum wage increase. They should have passed a bill to help us repair our schools, or passed a bill to hire new teachers. They should have passed the Patients' Bill of Rights, Medicare prescription drug benefits, gun controls, gun safety legislation.

But Mr. Speaker, my Republican colleagues have had plenty of time to finish these appropriation bills and a lot more, but they did not. Now, in order to keep the Federal government open, we must pass this third continuing resolution.

The administration asked for a shorter continuing resolution in order to get more things done. I believe they were right to do so. But nonetheless, I will support this longer continuing resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 111, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 627, I call up the joint resolution (H.J. Res. 111) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 111 is as follows:

H.J. Res. 111

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking "October 13, 2000" in section 106(c) and inserting in lieu thereof "October 20, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 627, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the continuing resolution before us is the third one for this fiscal year. It would continue the original CR until October 20.

I might say and remind my colleagues that the House has passed all of the appropriations bills earlier this year, but because of conference meetings that needed to be taken care of and meetings with the White House, we have not concluded that business.

However, I am also happy to report that there is considerable movement, I believe, in the other body that we will see today, and hopefully we will be able to conclude this appropriations business next week in the House and in the other body.

So I merely ask the support of the Members to conclude this CR today so we can pass it on to the Senate and then get about our business.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 13½ minutes.

Mr. Speaker, what I say is meant in no way to criticize the gentleman from Florida, because he has been one of the few realistic voices on the other side of the aisle trying to point out what the realities are.

But the fact is, this is, what, the third continuing resolution that we have had. The budget is supposed to be done on October 1. We are now getting much closer to November 1 than we are to October 1. What have we seen? We have seen bill after bill emerge from conference which have wound up spending much more money than is in the President's budget.

Those bills have virtually no relationship whatsoever to the budget resolution which was laid out at the beginning of the year. Yet, we have no real progress in meeting the needs that we feel on this side of the aisle with respect to the most crucial issue remaining in the budget, which is education.

We also have seen, although one of the appropriation bills tries to provide a fig leaf on this issue, we have seen this Congress take no action on prescription drugs. We have seen this Congress take no action on the Patients' Bill of Rights. Both of those issues are still pending in one form or another in various appropriation bills. Yet, none of them have any real prospect of being dealt with by this Congress before we adjourn.

Now we are being asked to support another week's extension of the deadline for finishing our business. Frankly, I have about had it. I think the White House has, too. I do not expect to stand on this floor and support any further continuing resolutions for more than one or two days at a time. I do not believe it makes sense for us to continue to drift along in this fashion.

What I sense is happening is that there is apparently a slow but nonetheless stealthy plan to avoid our ever facing the hard votes on education or on the Patients' Bill of Rights or on meaningful reform of Medicare to include a prescription drug benefit. I do not believe that this Congress should leave this city until we have dealt with all three.

I do not say that because these happen to just be pet issues of mine. I say that because America has always been, to me, defined by two things. We have been defined by our passion for individual liberty, and we have also been defined by our determination to see to it that the experiences that we have in this country are shared experiences, and that whether we are in good times or in troubled times, we are all in it together.

That is why we have had traditionally such strong support for American institutions and for the American democratic process by each and every one of our citizens.

Mr. Speaker, the reason that education is important and the reason prescription drugs are important and the reason the Patients' Bill of Rights are important is because without actions like that, large segments of our population feel that they have been and are being left out of the blessings and benefits of this society.

There is no society in the world more blessed than is the society of the United States. We have been given more riches, more natural beauty, more geographic insulation from the trouble spots of the world than any other Nation in the history of the globe.

Yet, in my view, this Congress is failing to live up to the traditions of some of the great Congresses in the past in seeing to it that we take these benefits and make certain that everyone has a decent share.

The problem that we have, and it is why I voted against the energy bill, for instance, is because that bill spent a lot of money, but it spent it in no context. There are no rules that describe at this point what will be spent or how far we can go in spending. But we wind up, we wind up still refusing to act on the administration's education priorities.

Now, the majority party has decided that in two areas of education, they are going to put a significant amount of money. One is special education, and the other is Pell grants.

I applaud those two actions. I am fully willing to embrace those priorities. I just wish that the other side would be willing to embrace our priorities.

I would call the attention of Mr. Bush to the actions of this Congress. Mr. Bush in debates the past 2 weeks has talked a lot about education, and he has talked about the bipartisan leadership that he would like to extend to this place. I think bipartisan leadership starts by having effective control of one's own party.

It seems to me that right now we could use some help from Mr. Bush, because this Congress, while it is providing large amounts of money across-the-board in many areas, is continuing to resist the necessary actions to really make progress in reducing class size, to really make progress in training our teachers, to really make progress in providing a significant number of additional after-school centers so that our young children, if they are in a family where they have two parents working outside the home, so they have someplace to go after 2:30 or 3 in the afternoon where they can be under adult supervision and be in an atmosphere where they can learn.

□ 1045

All of these things ought to be embraced by both parties, but we are not seeing them embraced by the majority party in this House.

And so I stand here this morning frustrated because we have a lot of rhetoric that tries to place everyone on the side of education, but this Congress, having a record, under the majority party's leadership, having a record the last 6 years of trying to cut billions of dollars out of previous years' expenditures for education. They are now building on that record by trying to block a further expansion of education initiatives that reflect needed national priorities which the administration has taken as its own. To me, that is the major problem with this continuing resolution today.

I do not see any purpose in kicking the can further down the road on these continuing resolutions if we are not going to get the two or three major things that we need to get out of this Congress in order to call this a successful Congress; one being education, another being a real, rather than a fictional, attack on the problems of our seniors who need prescription drugs, and the third being the passage of a real patients' bill of rights rather than the passage of a bill of goods that masquerades as a patients' bill of rights.

So I will support this continuing resolution, but I do not expect to stand here supporting any further long-term continuing resolutions because, at this point, they do not seem to be doing any good in terms of moving this place forward to recognizing our health care, our Medicare and our education priorities that, above all, this Congress ought to be addressing.

Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Wisconsin has 19½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 6 minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, here we are again on another continuing resolution some 11, 12, or 13 days into the fiscal year; and we have not begun to finish our work. I am very disappointed that we come to the floor again to debate another continuing resolution simply to keep the government going. We should have had all of the appropriation bills done 12 days ago.

This Republican Congress has been so busy throwing money at things, helping candidates, and our time and our energy have been so taken up by the contrived 90–10 scheme put out by the other side, that we have been unable to do our most basic work. My biggest fear is that in all of this, education, which is the most important challenge and issue facing our country, is being shortchanged. We should not be taking another full week in which we drift aimlessly and squander, as Republicans would have us do, key opportunities on education.

So we are going to vote for this resolution, but we are putting the Republican leadership on notice. Until we have an opportunity to deal with education, this is the end of the line on comfortable stop-gap measures that keep the government open week by week. Democrats believe that education is priority number one, two and three.

I know that many of my colleagues believe that we are talking about the bare minimum on education; much more important an agenda than we have had on any other issue. We need to give every child the time and attention they need from adults and the life opportunities they deserve. The three items that Democrats believe are the keys to education are the following: tax cuts for school construction, hiring new teachers and reducing class size, and funding key programs like after-school and Pell Grants.

This is the bare minimum of what we need to do. And, unfortunately, while Republicans have been on their spending spree, coming up with false budgets to reduce the debt, education has been shoved to the side by this Congress with a set of priorities that are skewed, to say the least. We want a reasonable, bipartisan tax credit for school construction, and we want funding for emergency repairs. But Republicans are starving that priority because, while they talk about their commitment to education, they do very little to back up that commitment with the proper resources and the proper commitment to those resources.

We want in Labor-HHS funding that is dedicated to hiring new qualified teachers and reducing class size. But our friends on the other side have created loopholes in the bill so big that the money could be spent for anything.

Finally, as part of this first step this year, we support funding for afterschool programs so that our children can get the time and attention they need to become productive, functional law-abiding citizens. Listen to this. We have over 2 million people in jail in this country. They do not pay taxes, they do not vote, they do not raise their families, they do not give to charity. They are not functional citizens. They cost us about $40,000 per person per year to hold them.

At the same time, we have 2 million jobs in this country that we cannot fill. We are about to pass an H-1B law that would let more foreign immigrants come into the country to fill these high-tech jobs, and all of us support the legislation because we need to fill the jobs.

The answer to those two stark contradictory facts is that we are not doing a good enough job with educating and raising our children so we prevent them from going to jail, so we get them to take these jobs and give them the education and the mental ability that they need to do it. We have to do better and we cannot wait until next year to do better. The opportunity is in front of us now, by giving our public schools and our families the resources and the incentives that they need to lift up every child.

So let us stop squandering our opportunities and let us work together in a bipartisan fashion in these next few days on the most important priority for the American people. Let us get our work done, but let us do it in a bipartisan way. Let us stop spending our time on naming post offices and passing resolutions that have little import or meaning. Let us stop spending our time buying another week of time so that we can do work that we should have done 3 months ago. Let us get to work in a bipartisan way and serve the needs of the education of our children in this bill.

Democrats will no longer support continuing resolutions to keep the government running for weeks on end. We will support a bipartisan education bill that finally helps the children of this country.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me follow up on what our Democratic leader just said. I have to say, as one Member, that I am tired of coming down here and passing these continuing resolutions, in this case for another week, without getting our work done.

The fiscal year began for 2001 on October 1. We do not have a budget. We have the majority of the appropriation bills out there, somewhere, certainly not on the President's desk, that have not been resolved. This Congress, under the Republican leadership, is simply not doing the job.

There is time left. There is no reason why we have to go home or we have to sit here and dilly dally over naming post offices, for example, as the leader said. There are a number of important issues that need to be addressed and that my constituents and the average American care about: health care needs, a patients' bill of rights.

The Republican leadership keeps talking about how they want to deal with the HMO abuses, but we do not see any legislation coming forward that would solve the problem and get something done so that those people who are being denied care or who are being denied a particular operation or are having problems with access to health care have their problems addressed.

We see the Republican presidential candidate talk about prescription drugs, but there is nothing happening here in this Republican Congress to address the problem of prescription drugs. The Democrats have put forward a Medicare prescription drug proposal that would guarantee that every senior citizen, every disabled person would get their prescription drugs under Medicare; but we do not see any action here. The Republicans are in charge. They do not bring this legislation up. They do not sit down in a conference and try to resolve it so that we can actually accomplish something so that our seniors have access to prescription drugs.

Certainly on the education issue, I think the most important for many Americans who are worried about their children and their children's ability to get a quality education in the public schools, the Democrats have put forward proposals saying that we want to spend some money for school modernization, to reduce class size by hiring more teachers, but the Republicans do not respond. Let us get our work done.

We have proposals out there on education. We know that the public schools need help. We know that our local towns need some extra funding in order to upgrade their schools; or if they are having overcrowded classes, to build new schools. We know that by reducing class size kids get a better education and they are functioning in a more disciplined environment; yet the Republicans refuse to bring this up.

I am telling my colleagues again, as just one Democratic Member, I will not vote for these continuing resolutions for a week any more unless the Republican leadership is willing to come down here, get the work done, and pass these appropriations bills and bring up the health care and education initiatives that the people want. We should simply stand here as Democrats, and any Member, saying that we want action. It is not enough to just talk. We want action, and there is still time to do it and work it out in a bipartisan way.

Mr. OBEY. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, as I said several times before, the problem with these continuing resolutions is not necessarily the time that is being taken. There have been other Congresses that have not finished their work on time either. But the question is will we do the really important things that we need to do with that additional time, important things that we should have done a long time ago.

It is true that over the next week we will pass a few additional appropriation bills. After long delay, we have now reached agreement on some of those bills, so a lot of the controversy has been leached out of them. But in the end, we still face a couple of facts. We face the likelihood that if the House proceeds in accordance with the majority's plans, we will wind up having passed appropriation bills about $45 billion above the level provided in the original budget resolution which the majority party adopted and which has governed virtually all of the turmoil that we have had over the past 9 months on budget issues in this House.

□ 1100

It appears that we will also wind up approaching some $18 billion to $20 billion in spending above that requested by the President, much of it for congressional priorities and congressional projects; and yet, as I said earlier, we will not have responded to the major needs still before us in the area of education, we will not see a real prescription drug benefit passed for the American people, and we will not see a meaningful Patients' Bill of Rights passed.

We do not want to see this Congress take action on those issues just because they are individually important. We want them all to be dealt with seriously and positively because they are all a necessary part of strengthening the fabric of American society and making this a society that we can all be just a little bit more proud of.

We hear talk about the "end game" for this session. Reporters ask me every day, what is going to happen with the end game? What is the end game?

I would point out that, for the people we are supposed to be helping, this is no game. It is no game for parents who send their children to falling down schools, overcrowded classrooms, in some cases teachers inadequately prepared for the subjects that they are supposed to be teaching and with no place where the kids can safely go at the end of the school day because the school day does not coincide with parents' workdays.

That is no game. That for those parents is a serious, serious problem that deserves addressing by this Congress.

It is also no game when you run into the senior citizens who I have run into, single women for instance, widows, who may be making about $20,000 a year in retirement on a fixed income but shelling out 12 to 14 thousand dollars of that for prescription drug costs. Those are real cases. And to them this issue also is no game. And they would, I think, like to think that, with this extra time, we would be producing meaningful action on those items. But I do not see the prospect of that happening given the agenda of the majority party, and that is the real futility in continuing to pass these continuing resolutions.

So, as I said, in order to keep the Government open, we will support this, but no more resolutions of more than 1 or 2 days. If I had my way, we would not pass anything more than a 1-day continuing resolution for the rest of the year if the work is not done by the time this resolution expires. And I do not expect it to be.

So I want to put the majority on notice that we are going to have to operate on a very different set of rules around here if we are going to get things done and get the right things done so we can go home with a straight face and say we have done some really important things for the American people.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield the balance of the time to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the distinguished ranking member for yielding me time. I regret that I was late getting here to speak.

I reiterate my respect, affection and empathy for the chairman of the Appropriations Committee, who has tried to get this process going. During debate of the last two CR's, I talked about that and made similar comments. I am not going to spend so much time on the appropriations bills. We are late. We have been late in the past, as I am sure the chairman has observed earlier.

I rise today at the occasion of the passage of this CR to lament the fact that not only have we not completed the appropriations bills, which I know that the ranking member has spoken eloquently about already, but we have some outstanding critical agenda items that have been discussed in the two Presidential debates and the Vice Presidential debate. There has been a lot of talk about how we are going to work together and how we are going to have bipartisanship so that we can have action.

There has been a lot of talk about the fact that we have not accomplished certain objectives over the past few years. I lament the fact that we have not accomplished those objectives, as well. In my opinion, we have not accomplished them because we had leadership and a majority in this House that did not want to accomplish them.

The Patients' Bill of Rights. We passed a bipartisan Patients' Bill of Rights. Not only has the appropriations process been languishing, but Patients' Bill of Rights has been languishing, unpassed, unsigned and, as a result, unhelpful to the American public.

Prescription drugs. The debaters say they are for prescription drugs. Some debaters say, well, why have you not gotten it done? Well, for the same reason we have not gotten the appropriations bills done and we need a CR, because the majority party has not moved them forward.

We want prescription drugs under Medicare for every senior guaranteed them. And by the way, no government HMO, as some ads and the statement of the chairman seem to reflect. We have not passed a prescription drug bill, just as we have not passed the overwhelming majority of the appropriations bills. Why? Because the majority has not sent them to the President for signature.

Education, on everybody's radar screen, is the number one issue in America because the public knows that educating our children is critical to the future of our Nation.

The President stood, Mr. Speaker, on the dias in front of us and said, we need to provide more classrooms, we need to provide more teachers, and we need to provide smaller classes, particularly for our young children in kindergarten to third grade. Why? So they can compete in a world-class economy and be world-class citizens.

Both candidates talk about that. But the Labor-Health bill still languishes with those provisions. Why? Because the majority has not come to grips with passing legislation to ensure there is school construction funding for more classrooms, safer classrooms.

We have not provided for the additional teachers that the President asked for in January. Here we are 9 months later. Why? For the same reason the appropriation bills languish and have not been signed by the President of the United States.

Yes, the President has vetoed one appropriation bill. He sent it back to Congress. That bill is now pending passage in the Senate. But most of these bills have never gotten to the President, not because of the chairman, but because the other side has not come to grips with exercising its majority to pass the needed legislation.

So whether it is Patients', whether it is prescription drugs, whether it is more classrooms for our children and more teachers so that to ensure a quality education, those bills have not been passed. Yes, I will vote for this CR. And, like the ranking member, I will implore our majority to make sure that the next CR is for 1 day only so that we get our work done. We must press forward not only with these appropriation bills but with the critical agenda put before us by the President of the United States 9 months ago.

Mr. Speaker, let's hope that the third time is a charm. Let's hope that this third continuing resolution gives us the time we need to finally complete our work on the fiscal year 2001 appropriations bills.

Let's hope the majority leader, Mr. ARMEY, is correct when he says that we are within "an inch or two from closure" of the appropriations process.

Because from where I'm standing—and I think the vast majority of members might agree with me on this—we've still got a mile to go, it's an uphill hike, and we've got legislative riders dragging us back down.

The President has signed only three appropriations bills into law.

He is expected to sign two others—agriculture and transportation. But that leaves eight bills undone, including energy and water, which was vetoed.

Now, I appreciate the Majority Leader's optimism. You might call it irrational exuberance. However, I think most Members of this body tend to agree with my friend from South Carolina, Mr. SANFORD.

He is quoted in Rollcall this morning as saying: "Anarchy reigns at the moment. Nobody is quite sure what comes next."

Over on the other side of Capitol Hill, Senator MCCAIN didn't mince words either. He commented: "It's just what I predicted—the biggest train wreck in history."

Mr. Speaker, as I've said repeatedly, the blame for this budget debacle does not lie at the feet of the Chairman of the Appropriations Committee, my friend Mr. YOUNG. I empathize with the Chairman. He has done a very good job under trying circumstances.

But his hands have been tied in this process, specifically by the GOP's unrealistic budget resolution that made a mockery of our appropriations process this year.

And today, we're living with the fallout.

As my friend, Mr. SPRATT, the ranking Member of the Budget Committee, noted earlier this week, this Republican Congress—which pretends to be fiscally disciplined—has already appropriated $10.6 billion more in budget authority in five bills sent to the President than the President requested for those bills.

Our sticking point continues to be the substantive riders, which are a staple of GOP budget strategy:

Barring the EPA from issuing stricter limits on arsenic levels in drinking water;

Preventing the EPA from requiring polluters to clean up the contaminated sediments that they have deposited on river bottoms; and

Blocking the Interior Department from imposing new environmental controls on the hard-rock mining industry.

I completely agree with Chairman YOUNG, who was quoted on the hill yesterday as saying: "The thing that is holding us up are the non-appropriations issues that should have been taken care of in authorizing committees. If we only dealt with appropriations issues, we would have been finished."

Yes, we would.

But instead we are in a situation where the majority whip, Mr. DELAY, says he doesn't "have a clue" when we will adjourn. This morning, he is quoted as saying that this budget fight could "go to the end of October. It could go up to November 6."

Mr. Speaker, the Republican majority has shown time and again that it would rather block than lead. On a patients' bill of rights. On a Medicare prescription drug benefit. On a minimum wage increase.

The American people have a right to demand more than the bare minimum.

And, with yet another continuing resolution, this Republican majority proves that it can't even give them that.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I am really interested in this lengthy debate about all kinds of things other than the CR. I appreciate the support that has been indicated for passage of the CR because we need to do this. It will give us the additional time that we need to complete the work.

But I want to remind my colleagues, who are my friends, Mr. Speaker, the House did its job. Three months ago we completed our work on the appropriations bills. But that is only part of the process. The other part of the process is reconciling the differences between the House and the Senate. That is the constitutional system. And then we have to reconcile the differences between the Congress and the President.

Now, we have seen the President sign some of our appropriations bills and we have seen him veto an appropriations bill, and we worked with the administration closely to try to repair that bill to the point that he would be willing to sign it. And I think in a matter of several days that will happen and we will have the opportunity to pass that legislative package back to the President.

The minority party and the majority party at the Member level and the staff level have worked together. They have been at the table at the staff level and Member level on all of these issues between our body and the other body and including the White House. We had representatives from the Clinton-Gore administration sitting with us to try to work out the differences. And, Mr. Speaker, there have been many differences. But slow but sure, we are resolving those differences.

But I am not going to take the time to respond to all of the political statements that we have heard today because I listened to the very distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT), stand there in the well and appeal for a bipartisan, work-together attitude.

Well, I am all for that. And I think that the gentleman who just spoke would admit that my entire effort here as chairman is to work together with both parties to get the best product that we can get. So I want to stick with the gentleman from Missouri (Mr. GEPHARDT).

I am not going to become partisan. I am not going to be political. I am just going to say we need to pass this CR today and we need to get serious about resolving these differences that exist between the Congress and the President.

And then I would like to close on this thought, Mr. Speaker: It is not that I do not enjoy a good political debate, because I do. I really like politics. And outside of the House, where we are here to do the people's business, people above politics, back in the campaigns I really enjoy the political debate and the political exchanges. But I am in a different mood today. Because early today, America came under attack from terrorists.

An American naval ship was attacked by a suicide mission that blew a gaping hole in the side of the USS *Cole*, an *Arleigh Burke* class destroyer. It flooded the main engine room. At least four American sailors lost their lives. There are 12 additional sailors missing or unaccounted for, and there are more than 30 wounded. Some of them are critically wounded.

America came under attack from terrorists. It is time that we try to put aside as much of the partisan politics as we can and come together recognizing that America, Republicans and Democrats and Independents and whatever the parties might be, America came under attack today and we cannot stand for that. We have got to make it known to the world that we are not going to allow our country, our military, our sailors who are on board those ships to come under attack and not respond.

And so, that is my mood today, Mr. Speaker. I want to get this CR out of here so that we can get to the people's business.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to associate myself with the remarks of the chairman, who is one of the real leaders in our House and in this Nation on defense policy.

We lament the loss of those four brave sailors. We pray for the injured, the missing, and for their families. And we reiterate what the chairman's sentiment that there will be no division, there will be no partisanship, there will be no disagreement on standing together in defense of our forces around the world to maintain freedom and peace.

I thank the gentleman for his comments and join with him in that sentiment.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments. And I know what is in his heart. The gentleman and I have been friends for a long time and have had some differences but a lot of agreements. I appreciate the comments that he just made. Because when America comes under attack, it is time for all of us to come together to recognize that attack and do what has to be done.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 627, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 407, nays 2, not voting 23, as follows:

[Roll No. 527]

YEAS—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)

Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Baird
DeFazio

NOT VOTING—23

Baca
Boucher
Campbell
Eshoo
Forbes
Franks (NJ)
Green (TX)
Horn
Kaptur
Klink
Lazio
Maloney (CT)
Martinez
McCollum
McIntosh
Meehan
Mica
Nadler
Oxley
Reynolds
Stark
Talent
Wise

□ 1135

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 527. Had I been present I would have voted "yea."

Mr. HORN. Mr. Speaker, on rollcall No. 527, Further Continuing Appropriations for FY 2001, I was on legislative business and was not able to make the rollcall. Had I been present, I would have voted "aye."

Mr. MICA. Mr. Speaker, on rollcall No. 528, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. DANNER. Mr. Speaker, I was absent for rollcall votes 522, 523, and 524. The reason is somewhat obvious, I think. I spent that time in the emergency room.

Had I been present, I would have voted in favor of rollcall votes 522, 523, and 524.

CONFERENCE REPORT ON H.R. 2415, BANKRUPTCY REFORM ACT OF 2000

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 624 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 624

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution before us provides for the consideration of H.R. 2415, legislation that will reform our Nation's bankruptcy laws. This rule waives all points of order against the conference report and against its consideration. The rule provides that the conference report may be considered as read.

The underlying legislation is important legislation that fundamentally reforms the existing bankruptcy system into a needs-based system. I am very proud of the tireless efforts of the Members of both the House and the Senate who have worked to reach this bipartisan agreement to ensure that our bankruptcy laws operate fairly, efficiently and free of abuse.

There is a strong support for bankruptcy reform. The House version of this bill passed with more than 300 votes earlier this year. The Senate passed their version with 88 votes. There is a great need for this legislation. A record 1.42 million personal bankruptcy filings were recorded in 1998. This is a stunning increase of 500 percent since 1980. Despite an unprecedented time of economic prosperity, low unemployment and rising disposable income, personal bankruptcies are rising, costing over $40 billion in the past year.

Without serious reform of our bankruptcy law, these trends promise to grow each year costing business and consumers even more in the form of losses and higher costs of credit.

Mr. Speaker, the bankruptcy reform that we will consider is based upon two important tenets: number one, the bankruptcy system should provide the amount of debt relief that an individual needs, no more and no less; and, point two, bankruptcies should be the last resort and financial crisis, not the first resort using it as a financial planning tool.

A record 1.4 million personal bankruptcies were filed in 1998. That is one out of every 75 households in America. The debts that remained unpaid as a result of those bankruptcies cost each American family that did pay their bills over $500 a year in the form of higher costs for credit, goods, and services. Unfortunately, the debt was eventually passed on to consumers last year and the cost to consumers is what bankruptcy filers have added on to the system.

□ 1145

That is why it is so important that we pass real bankruptcy reform.

Opponents of this bill have tried to divert the discussion away from the merits of the bill, and to claim that it would make it more difficult for divorced women to obtain child support and alimony payments. However, nothing could be further from the truth. This bankruptcy reform bill protects the financial security of women and children by giving them a higher priority than under the current law.

The legislation closes loopholes that allowed some debtors to use the current system to delay or evade child support and alimony payments. The bill recognizes that no obligation is more important than that of a parent to his or her children.

Currently, child support payments are the seventh priority, behind such things as attorney's fees. Make no mistake, this bankruptcy bill puts women and children first, well ahead and at the top of that list. We should provide greater protection to families who are owed child support, and this bill will do just that.

One important part of this legislation is known as the homestead provision. Protection of one's home is something that is very important to myself and my constituents in Texas. The homestead provision in this legislation maintains the long-held standard that allows the States to decide if homesteads should be protected, yet stops these purchases or purchase of a home before filing bankruptcy as a means to evade creditors.

The bill also addresses other problems, including needs-based bankruptcy. The heart of this legislation is a needs-based formula that separates filers in Chapter 7 or Chapter 13 based upon their ability to pay.

While many families may face job losses, divorce, or medical bills and therefore legitimately need the protection provided by the bankruptcy code, research has shown that some Chapter 7 filers actually have the capacity to repay some of what they owe.

The formula directs into Chapter 13 those filers who earn more than the national median income, which is roughly $51,000 for a family of four, if they can pay all secured debt and at least 20 percent of the unsecured non-priority debt.

This bill recognizes the need for customer education and protection. It includes education provisions that will ensure that debtors are made aware of their options before they file for bankruptcy, including alternatives to bankruptcy such as credit counseling, and the bill cracks down on bankruptcy mills, which are law firms and other entities that push debtors into bankruptcy without fully explaining the consequences.

The bill also imposes new restrictions and responsibilities upon creditors with the goal of preventing borrowers from getting in over their heads. For example, the bill requires creditors to disclose more about the effect of paying only the minimum payment, and establishes new creditor penalties designed to encourage good-faith pre-bankruptcy settlement with debtors.

I believe Congress has a special responsibility to address this issue and to ensure that our bankruptcy laws operate fairly, efficiently, and free of abuse.

Mr. Speaker, this conference report meets those two tenets I mentioned earlier. It allows those who truly need a fresh start, and compels those who can pay back part of their debt to do so.

I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support passage of bankruptcy reform, and so, in order for it to pass before the adjournment of the 106th Congress, I will vote for this rule and for the conference report.

But the reason the Republican leadership has been forced to resort to this kind of parliamentary game is because the Republican majority in this Congress has left unfinished the agenda that matters most to the people of this country.

It is October 12, Mr. Speaker, and there is not an end in sight to this Congress, and there is little hope left that the real American agenda will be finished. Thus, in order to pass legislation which has overwhelming bipartisan support, the Republican leadership has resorted to using tricks and games, rather than regular order.

Were this situation not so sad, Mr. Speaker, it would be laughable. Mr. Speaker, for 2 years Democrats in this body have asked the Republican leadership for the opportunity to address the issues that matter most to Americans: real Medicare prescription drug coverage, real help for America's schools, a real and meaningful Patients' Bill of Rights, an increase in the minimum wage, campaign finance reform, saving social security and Medicare, paying down the national debt.

These are real issues that matter to real people. But in those 2 years, what have my Republican colleagues done? They have brought forward legislation that does everything but what the American people want. When the Republican leadership's position has been soundly defeated on a bipartisan basis, they have simply shelved the wishes of the bipartisan majority in this House.

For example, in August of 1999, the House passed a real Patients' Bill of Rights, a bipartisan Patients' Bill of Rights, passed it by a vote of 275 to 151. It took the Speaker until November 3 of 1999 to appoint conferees. When he did, he failed to appoint a single Republican conferee who supported the bill that passed the House, not a single one.

Today that conference has still not reported back to either the House or Senate. The Patients' Bill of Rights sits on a shelf.

In September of last year, the House passed a bipartisan campaign finance reform bill by a bipartisan vote of 252 to 177. That bill has also disappeared into the legislative dustbin of the 106th Congress.

The Democrats in this body, as well as in the Senate, have repeatedly asked for further consideration of that legislation. But our requests have gone unanswered.

Mr. Speaker, yet another meaningful bill sits on the shelf in the Republican leadership's closet. We asked that the House consider legislation that would give seniors a real Medicare prescription drug benefit, but we were prevented from getting a vote on the Democratic version of the bill.

We have asked that the Congress consider legislation which would provide more well-trained teachers for schools across the country in order to reduce class size. We have been ignored. We have asked for a clean vote on increasing the minimum wage, and our Republican colleagues loaded up the bill with tax cuts that would benefit the wealthiest while begrudgingly offering a $1 an hour over 2 years wage increase for Americans who are at the very low end of the income scale.

We have asked repeatedly for this Congress to consider issues that really matter to real Americans, the people who pay mortgages, who pay rent, who make car payments, who send their children to school, that they want to be safe.

But we have been ignored, Mr. Speaker, so we find ourselves in this situation today. While the House has rules which regulate how and when legislation and amendments can come to the floor, the other body does not. As a consequence, the refusal of the congressional Republican leadership to consider real legislation that would mean something to real Americans, the refusal of the congressional Republican leadership to sit down and work on a bipartisan basis with the Democrats in the House and Senate and with the President of the United States, has resulted in the need to play these kinds of legislative games we are engaged in today.

Mr. Speaker, I have long supported reform of our bankruptcy laws. I support this conference report. It will allow Americans who need a fresh financial start to get one, but it will also prevent those who have indebted themselves and who are able to pay those debts from just walking away from their obligations.

This bill affords new protections for consumers by requiring that credit statements include more detailed disclosures. It protects the homes of individuals who live in States with homestead exemptions, but not those who move there simply to claim the exemption in a bankruptcy.

It gives permanent Chapter 12 relief to farmers.

Mr. Speaker, many Members are concerned about the process. Quite frankly, I share their views. It is not proper that the House should be considering this important legislative reform within a shell of a bill that has already been passed and signed into law.

But given the hour, given the inability of the Republican leadership to manage the business of this House and the Congress any better than it has in the past 6 years, I will reluctantly vote for this rule so we may at least pass some meaningful legislation before the end of this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, would like to have this House not only consider important pieces of legislation, as we are doing today, but also, as the gentleman from Texas has outlined, that there are a good number of things that we have yet to do that have not been done, just as we have not seen the ability to take social security to a lockbox that is being held up in the Congress of the United States because of the Democrat party.

There are frustrating things that are occurring every day. The fact of the matter is, and I would remind my colleague, we are working together. We are going to continue until we have resolved the differences that we have. This is part of the bipartisan approach, but the fact of the matter is that rather than us sitting here and bickering, we need to get our job done on this important piece of legislation that has been passed numerous times.

Mr. Speaker, I will once again remind my colleagues, this bankruptcy reform passed with more than 300 votes from this body. I am proud of the work that we are doing. We have not gone home, we are working together feverishly, not only among our House colleagues but also with the other body and our colleagues there, as well as the White House, on things that are of great importance not only to America but to families and to Members of Congress.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding time to me, and for his help in bringing this very important piece of legislation to the floor. I rise in strong support of the legislation and the rule on this conference report.

Mr. Speaker, I want to particularly commend the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary where this legislation originated, because he has been working on this legislation for years now trying to break the gridlock that has kept this very, very important reform of our bankruptcy laws from being signed into law.

I think we are now getting very close to accomplishing that if we can get this conference report passed today, as I am confident we will, with the same kind of overwhelming support, bipartisan support, that we have already had.

Our bankruptcy laws are in grave need of reform. We are at very, very high levels of bankruptcy filings in this country, and part of this problem is that all of the incentives exist for people to file bankruptcy and none of the responsibilities for people to consider the consequences of their actions and to pay something when they indeed have the ability to pay a part of those debts.

The reason for that is that today a debtor has a complete opportunity to choose whether they have a Chapter 7 bankruptcy, where they can file all of their debts and discharge them and walk away, or a Chapter 13 bankruptcy, where they are required to make payments.

This legislation reforms that in a very, very important way by allowing people who are responsible consumers to not have to bear this debt themselves. That is what happens today. Every time a bankruptcy is filed, all of those consumers who are responsible, who pay their payments on a monthly basis, who keep good credit ratings, are picking up, in the increased costs of goods and services, in the increased costs of consumer and other types of loans, the difference in the cost of all of those people who file bankruptcies who could make some payments.

This bill is reasonable in its approach. People who make less than $50,000 a year will not be required to participate in what are called mandatory Chapter 13s, but people with significant income but who do not have a lot of other assets and therefore are not worried about filing a Chapter 7 because they are not worried about those assets being taken by a bankruptcy creditor or the trustee to sell and distribute to the creditors right now have the ability to do that and walk away. They should not be able to do that if they are able to pay a portion of those obligations. This will be a significant reform in the law to do just that.

Mr. Speaker, I just want to make the point that this legislation helps protect people who are receiving child support payments by increasing the priority level of protection for those folks.

This is important legislation. I thank the gentleman from Pennsylvania for his leadership and his perseverance on this issue. I thank the gentleman from Texas for bringing forward this excellent rule, and I hope that people will support both the rule and final passage of this conference report.

□ 1200

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the rule, and I am going to try to shield as best I can my absolute disappointment, indeed outrage, at the process by which this bill has come to the floor and at the rule under which it is coming to the floor. And if the Members would just kind of put themselves in my position, perhaps they will understand the outrage that I feel about the process.

I am a member of the subcommittee of the Committee on the Judiciary that considered the House bill for bankruptcy. I sat through almost all of the hearings, discussions, the markups in the subcommittee. The bill then went to the full committee, and I sat there and dealt with the bill.

Then the bill came to the floor, and it passed the House. Then all of a sudden, yesterday afternoon conferees were appointed who never met and out of the shadows of the back room, a bill emerges and gets substituted in the place of a State Department authorization, so that a bill where we thought we were going to debate American embassy security and State Department matters ends up being a bankruptcy bill, and then the Committee on Rules then turns around and waives all points of order against the bill.

What are we as members of the committee supposed to think under those circumstances? Notwithstanding the substance of the bill, we cannot even get to the substance of the bill when the House is being operated in such a sinister and backhanded way, when the authorizing committee and the committee that is supposed to consider the substance of the bill gets cut out of the process.

The conferees never get an opportunity to meet to discuss what is going to be brought to the floor. How should we as members of the committee feel other than disappointment and outrage? And I think we ought to send a resounding message to the leadership here that this process is unacceptable.

We ought to vote this rule down, and then we can talk about the substance of the bill, which I have some reservations about, too. But right now, we are talking about the process by which this bill got to the floor, and we should all be outraged.

We should not be here considering a bill that brings itself here as an embassy security matter, as a State Department authorization bill and ends up being a bankruptcy bill which has nothing to do with the title of the bill that we are considering. We should be outraged by this, and we should not conduct this body like this.

Mr. Speaker, I ask my colleagues to oppose the rule and let us at least send this bill through the regular process and get some regular order in this House.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to forthrightly address the issues that have been talked about, the outrage from my colleagues on the left. The process that we are going through was done in the light of day. It was a bipartisan agreement. It was initiated on behalf of the Senate.

I have the signature of one of the most distinguished Members of the United States Senate who happens to be a Democrat, who fully supported, not only this process, but agreed that this should be a way that we should get this done.

Bankruptcy reform is important for us to do, and I am proud that Members from the other body forthrightly approached the issue.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his explanation. I think the one difference or the one response to the gentleman's point is that yesterday, I believe, the House voted enthusiastically for there to be an open conference with full opportunity for presentation or viewing by the public and media present. I do not believe in the last 18 hours, I do not even think it has been 24 hours, that we have had that to occur, that a conference opportunity has happened. Now the bill is on the floor, for a vote.

Mr. SESSIONS. Mr. Speaker, reclaiming my time, I have great respect for what the gentlewoman from Texas (Ms. JACKSON-LEE) talks about. It would be untruthful to suggest this was not a bipartisan agreement. It is a bipartisan agreement on a very important piece of legislation, and I believe that the truth should not be held hostage on this issue.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Commercial and Administrative Law.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I was intrigued by the opening statement of the gentleman from Texas (Mr. FROST), who with my gratitude, asserts that he is going to support the rule and the bill to bring to fruition our efforts on bankruptcy reform.

But then he went on to, in a sense, modify his own position by saying that, implying that it is not important to the American people like the matters which the minority have obstructed, like patients' bill of rights, like they have obstructed versions of Medicare reform, like they have obstructed other things. Those things are more important to him, implying that this is not important to the American people.

Let me tell my colleagues this, everyone should recognize that the consumers of our country, the private citizens, the families of our country are affected by bankruptcy. When someone files bankruptcy, the price paid for goods at the supermarket, for the cereals and the oranges and the beefsteak, all of those are subject to price rises because someone has failed to pay a debt, and that has to be made up by the general consuming public.

Mr. Speaker, not only that, but when someone goes bankrupt and a consumer, an average citizen, wants to buy an automobile and contracts to pay over a period of time, the interest rate that he pays, or she, for that automobile is impacted by a bankruptcy, which potentially makes that interest rate rise in cost.

So the consumers are hurt in just two ways that I mentioned: one, prices at the supermarket; and, two, interest rates for goods that the family requires, like an automobile or a refrigerator.

Are not those bankruptcies harmful to the consumer, to the people of our country? That is why we were able to get 313 votes in the House, because the people who represent the consumers back home voted in favor of bankruptcy reform, to make it possible for some of this debt to be recovered, where it can be recovered.

Furthermore, what about the consumer who is also a taxpayer, the taxpayer-consumer, and they are inextricably intertwined in most cases in our country, suffers when someone files bankruptcy, because the taxing authorities, like the State or a school board or a township or some municipality in their inability to recover monies from someone who is declared bankrupt, that means that that uncollected tax from an individual has to be spread among everybody else?

All of a sudden, we have the consumer-taxpayer having to pay additional taxes. We have the consumer paying extra for the cereal, extra for interest rates to purchase an automobile, and extra monies to make up for losses by a taxing authority from someone who has gone bankrupt and has put into that pot, under today's law, the taxes that he owes to a particular entity.

What happens if there is a shortfall of the school district's taxes by $10,000, shall we say, that someone has failed to pay and gone bankrupt to try to avoid? Where do they make up that $10,000? That is correct, from the pockets of the consumer taxpayer.

So I say to the gentleman from Texas (Mr. FROST) that he is correct in voting for the rule. He is correct in voting for the conference report, and he will have to understand and perhaps acknowledge that the people of our Nation will also be benefited from the bankruptcy reform at our hands here this afternoon.

Mr. Speaker, I ask every Member to keep in mind the two themes of bankruptcy reform, each one of which is supremely important: the first is that every single soul who files bankruptcy who needs a fresh start so overwhelmed by debt, so burdened by the obligations that there is no way out but bankruptcy, that person is guaranteed a fresh start under this bankruptcy reform bill. That is extremely important.

Then the other balancing feature is that those individuals who file bankruptcy who have an ability to repay some of the debt over a period of time will be compelled to do so with the mechanism that we place in the bankruptcy reform bill.

With those two balancing features, there is no reason why we cannot match the 313 votes by which this legislation passed the last time it was presented to the Members of the House.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, might I take the opportunity to correct the gentleman from Pennsylvania (Mr. GEKAS), my good friend and colleague, the chairman of the Subcommittee of Commercial and Administrative Law, and offer to say to him that this is a travesty. It is hypocrisy. Let us call it what it is.

We hope that those of us who disagree will have the opportunity to represent our constituents, represent Americans in this debate. Yesterday we were on the floor of the House, and we asked simply to have a conference committee that would be open and that would have a meeting and that would have the opportunity for the public to be present, so we can see whether this is really reform or a sham.

We did this at 6:22; the House voted almost unanimously. At 8:20 p.m., this conference report was sealed, signed, and delivered. I might say it might not have been signed. I have lived with this issue for almost 4 years, and I am gratified to say that because of the economy, bankruptcies have gone down. There is not the crisis that we thought there was some years ago.

In addition, the bankruptcy judges and trustees oppose this legislation. It is not reform. Interestingly enough, as we look at what this legislation says, even the bankruptcy commission did not agree for means testing. What does that mean? That means before you can file bankruptcy, good hard-working citizens, senior citizens who have catastrophic illnesses, divorced individuals who have fallen upon hard times, you must submit data to be determined whether you can even go into court. It is called a means test, and those hardworking Americans who may have missed the standardized formula, by the way, designed by the IRS, will be kicked out and cannot even go to reconstruct their lives.

Mr. Speaker, $40 million was utilized to lobby for this law; but yet in States like Texas, where our home is our life and our land, they did not even allow language that states who had their own provisions on homestead could opt out States rights. That is not even in the legislation. So if your parents have lived in a home that has increased in value, but they have fallen upon hard times because of bad health, they cannot even utilize the homestead exemption if, in fact, it is more than $100,000 under this bankruptcy bill.

In this economy we know that has occurred if families have lived in homes for over 40 years. Our divorcees that need child support, in Chapter 13, the child support payments are put in along with credit cards. Can you imagine that? Who is going to be able to be the winner, the child needing child support, the parent who cannot get a lawyer, or the credit card company that says you better pay my credit card debt before you pay child support or alimony?

In Chapter 7, for example, there are no assets, and mostly you pay administrative costs. How will someone pay alimony or child support unless it is isolated?

Let me share with my colleagues what the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, said, "to say that substituting a reasonably necessary standard, providing some flexibility in determining what a debtor can live on, because what this bill does, it tells you while you are in bankruptcy, you have to be governed by the Internal Revenue Service expenses." Can you imagine that?

□ 1215

The chairman says, why are we using the IRS standards? This is the only place in town, this bankruptcy bill, where the IRS is popular.

When he got to the floor of the House and he was arguing about this bill, in the CONGRESSIONAL RECORD on May 5, 1999, the gentleman from Illinois (Chairman HYDE) said, "Lastly, let me pay my respects to the creditor lobby. They are awesome."

I only ask that we respect the American people. We know that the American people believe in responsibility. That is what this Nation was founded on. We work every day. We pay our bills. We pay our mortgages.

But I tell my colleagues if one had a catastrophic illness, a tragic accident, which some of my constituents have had, devastating car accident, one cannot work and one falls upon hard times, does one need the IRS telling one what one can live on? Does one need one's house being taken away from one. Does one need the credit card people telling one they are more important than one?

I am voting against this rule, against the bill, and I ask my colleagues to stand up for the American people.

Mr. SESSIONS. Mr. Speaker, may I ask how much time is remaining on both sides, please.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. SESSIONS) has 10 minutes remaining. The gentleman from Texas (Mr. FROST) has 17½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I appreciate the dialogue from the gentlewoman from Texas (Ms. JACKSON-LEE). I would like to, once again, ask the gentleman from Pennsylvania (Mr. GEKAS) to respond.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is peculiar to hear the argument against our provisions on homestead exemption and the modification we made to it. If we do nothing, if we pass no bankruptcy reform at all, the opponents of the current bankruptcy reform say we like the present system, well, the present system is the one against which the President has railed as being one where the rich can go to these homestead exemption States and escape their obligations. He is opposed to that kind of an exemption for the rich.

So now we offer a compromise which preserves the homestead exemption status of the States that employ it and then put into place a reform measure that discourages the rich from shopping to go to a homestead just for the purpose of avoiding bankruptcy.

But now we hear the gentlewoman from Texas (Ms. JACKSON-LEE) criticizing the homestead exemption. Does she want us to stay where we are, to benefit the rich, as the President of the United States has said? That is a salient question.

On the homestead exemption, I think I am going to engage in a colloquy later with people who are interested in the specifics of that, and I will be glad to engage in that. But the other point that the gentlewoman from Texas attempted to make about the stand up for the American people, that is what we did; 313 of us stood up for the American consumer, the people who suffer at the hands of people who go bankrupt and have to pay higher costs at the supermarket and interest rates and the taxes and all of that.

The priorities that we set for women and children are very important and high priorities. The gentlewoman from Texas would say that she is not satisfied with those priorities. She wants what is the current law to prevail here. If that is the case, then she should recognize and we should be truthful about the fact that the current law gives no priorities to that.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Texas for yielding time to me, and I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE. Mr. Speaker, I will not take all of the gentleman's time. I thank the ranking member very much, and I thank him for working on this issue.

Let me just say to the gentleman from Pennsylvania (Mr. GEKAS) I appreciate his work on this bill. But he is inaccurate.

What happens in the discharge of alimony and child support? They are lumped in with credit card debt. It is a big lump of prioritization. What those of us who oppose this bill are asking for is to put credit card debt below that of alimony and child support, which represents real life or death issues in the lives of children and families.

All this bill does is give the single parent, man or woman, with limited resources an opportunity to fight to get child support and alimony. We know who is going to be the victor in that fight against the big credit card companies.

The other thing is, just on the homestead issue, let me be very clear, the language in the conference report does not have the opt-out language that protects State rights to allow them to opt out if they have other homestead exemptions. That is hurting senior citizens who have lived in their home for 50 years and the value of their homes are assessed at more than $100,000 because the value has increased. That is what I am crying out against. This is not reform. This bill is punitive to many Americans.

Mr. CONYERS. Mr. Speaker, as more and more Members begin to examine this, I think the awesome power of the credit lobby is becoming very, very clear. We are making a bill that makes bankruptcy worse. So for the chairman of the subcommittee to be telling us that, because we oppose this bill, we want to go back to the existing circumstance is inaccurate at least for my part. What we want is a better set of provisions than the ones that exist now, and this bill does not contain them.

Mr. SESSIONS. Mr. Speaker, the gentleman from Texas (Mr. FROST), my colleague on the Committee on Rules, indicates he does not have further speakers. I have indicated back that I do have two additional speakers. I am well aware there is an imbalance on time on both sides. I will proceed with that understanding. I will proceed with two additional speakers, then I will offer the gentleman from Texas (Mr. FROST) the opportunity to close, and then I will do the same.

Mr. Speaker, I yield 4 minutes to the gentleman from Del Mar, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I was not even going to speak on this issue until I heard the Democrat leadership's partisan attacks which has flowed through these Chambers over the last year.

When one takes a look at the Democrat leadership and their interest to recapture the majority and gridlock this House and fight against every single thing that we try and do, campaign finance reform was mentioned. The other night when the Presidential debate went forward and Vice President GORE looked at Governor Bush and said, "would you sign the McCain-Feingold," I wanted to jump in the television and ask Governor Bush to ask Vice-President GORE would he sign the Paycheck Protection Act to control the unions. GORE would say no of course.

I went in 18 different congressional districts over the last few weeks. The minimum amount that the union goons had spent against our vulnerable candidates was a million dollars each. But yet my colleagues on the other side, because their campaign coffers are filled by the union bosses, will they do that? Absolutely not.

So when my colleagues talk about campaign finance reform and their extreme rhetoric, no, we will not support those kinds of things.

The Patients' Bill of Rights was mentioned that the Democrats push. It would be so easy for this House to come together. Instead, in an election year, they choose to try to make it a partisan issue. The Patients' Bill of Rights not only has unlimited lawsuits, but unlimited amounts with the intention of killing HMOs. If one kills an HMO, what is left, only a Hillary Clinton government type of health care plan. If one demonizes insurance companies, what is left for prescription drugs? A government-controlled health care system. They say, well, it is under Medicare, but yet the cost would be driven up instead of having insurance.

I had pneumonia last year. My wife is a teacher. I used her insurance. I went down and needed augmentin, and I went to the prescription place, and I got augmentin for a much reduced price. That is an insurance company, but which my colleagues tend to demonize and talk about their patients' bill of rights.

The second aspect of that, they then, the liberal trial lawyers who also fill their campaign coffers, then go down and sue the small businesses with unlimited lawsuits, the people that hire in good faith those HMOs or those organizations to provide health care for their workers. Absolutely not, we are not going to go along with the liberal Democrat leadership agenda.

One takes a look in NFIB and the Chamber of Commerce who produce the jobs in this country they fight it.

Talk about education. Talk about school construction. Why do my colleagues think they want school construction to come out of the Federal Government instead of local, because all Federal monies go down and have to go at the prevailing Davis-Bacon union wage. Again, quote the union boss wage which costs 35 percent more money to build our schools.

Does one think that my colleagues, if we had a bill that said, hey, we will support your construction bill, waive Davis Bacon and the Union wage, and let us put 35 percent more in building schools, but does one think they would do that, no, because it upsets the unions and the money going to their campaign coffers.

It makes me sick on this house floor. Like I said, I had not planned on even speaking on this. In 1993, did you have a minimum wage increase? You had the White House, House and the Senate. Absolutely not.

What did you do? You tried to government control health care, you increased the tax on Social Security, you stole every dime, your leadership took every dime out of the Social Security Trust Fund. AL GORE was the deciding vote on that.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from California taking time to discuss this with us.

Mr. Speaker, I yield 3 minutes to the gentleman from Addison, Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, I think this legislation is very important and it is so important that we move ahead and send it to the President. I became interested and concerned with bankruptcy laws when I became chairman of the Michigan Senate Agricultural Committee back in the early 1980s.

Farmers came to me with their frustrations and I note those were tough times for farmers. Farmers came to me with their frustration that they were not allowed to reorganize. They were forced to sell their equipment and then told, well, if you can find a way to pay your way out of this, fine. With out their equipment it didn't work.

I met with my congressman, wrote many others and it was in 1986 that we first came up with chapter 12 to allow special considerations for farmers. In 1992 and 1993, when my son Brad Smith became a law clerk with Judge Edith Jones in Houston, Texas with the Fifth Circuit Federal Court of Appeals. I become more aware of problems with the federal law, talking to my son Brad and Judge Jones. If bankruptcy is to easy lenders raise interest rates for everybody else. Because thru bankruptcy it was too easy for many to get out of paying what they owed somebody else other borrowers are charged more to cover the unpaid bills.

So there must be a balance. One wants to be fair, but on the other hand, one does not want to punish everybody to make it too easy so a few people can declare bankruptcy and not pay what they owe.

I have two bills that I introduced that are now incorporated in this bankruptcy law. One is the child support payments that are owed to local units of government. They have been dischargeable. Now, under my amendment and this legislation they are not.

The other, of course, is making section 12 of the bankruptcy law permanent. In tailoring chapter 12 to meet the economic realities of family farming, this bill has eliminated many of the barriers that family farmers have faced when seeking to reorganize successfully under either chapter 11 or chapter 13 of the Bankruptcy Code.

For example, chapter 12 is more streamlined. It is less complicated. It is directed towards family farmers, not the giants, not the corporation, but family farmers. It provides that they can reorganize in such a way that they do not have to sell their tractors, their plows and their corn planter. It gives them a chance to get back on their feet. Chapter 12 provisions no longer exist in current law. Farmers are not allowed to use these provisions, because they have expired.

This bill, this legislation makes chapter 12 permanent. I hope we move ahead and support this rule and the bill.

Mr. SESSIONS. Mr. Speaker, I have indicated this would be the remaining speakers that we have in line with the agreement that the gentleman from Texas (Mr. FROST) and I had, and I would like to let him know we have now finished our speakers.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the ranking member on the committee, and then we are prepared to close.

Mr. CONYERS. Mr. Speaker, I would like to ask the gentleman from Michigan (Mr. SMITH), would he join me in pushing legislation to pass a freestanding bill to make chapter 12 permanent should this bill not succeed in the Senate as most expect? Right now, chapter 12 is being held hostage to this bill.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I ask the gentleman from Michigan (Mr. CONYERS) to repeat the question.

Mr. CONYERS. Mr. Speaker, would the gentleman from Michigan join me in supporting legislation in a free-standing bill to make chapter 12 permanent should this bill not succeed in the Senate as most expect that it will?

Mr. SMITH of Michigan. Yes, Mr. Speaker. But I certainly hope the other provisions that are so important, such as the discharge of those debts owed in child support, et cetera, somehow need to be corrected. But, yes, I have introduced such a bill. It is very important to farmers. I would hope we would pass the provisions in this bill.

□ 1230

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume to simply state once again, as I indicated in my opening statement, that I intend to vote for this rule and I intend to vote for the bill. We would have preferred that it come up under a regular procedure; and obviously, we would prefer that other matters obviously be voted on by this House, but I will vote in favor of the rule.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume to tell my colleague, the gentleman from Texas (Mr. FROST), that I appreciate his support. I too would ask Members to vote for this rule.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GEKAS. Mr. Speaker, pursuant to House Resolution 624, I call up the conference report on the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 624, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 11, 2000 at page H 9723.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

It is important, for the purpose of the CONGRESSIONAL RECORD and for the purpose of reenlightening the Members of the House as to the purpose of the mammoth effort that we expended over the last 3 years and more to bring about needed, necessary and cogent bankruptcy reform, to outline the two main theses that apply and on which we banked our experience and our intent to bring about bankruptcy reform. They are worthy of repetition and rerepetition. And every ounce of prevention that we can add to this debate about all those who oppose the concepts that we are employing we repeat and will repeat time and time again.

Everyone and anyone who becomes so flooded with and burdened with and overextended by reason of obligations for a variety of reasons, whether it be divorce or drinking or gambling or overextension of credit in its many different forms, whatever the reason might be that someone became hopelessly indebted and found no reason to do anything except to file bankruptcy, that person, who is so overburdened will find at the hands of the bankruptcy system a fresh start. We guarantee that. That is one of the purposes of bankruptcy from its first usage back in colonial days. The fresh start will be available to every American who needs it.

But by the same token, we cannot permit people to use the bankruptcy system as a mechanism for financial planning for themselves. If we take an objective look at someone's resources, their status in society, their earning power, their status in the financial system of which our economy is a part, if we, upon examination, determine, through the bankruptcy system that we put in place, that there is an ability on the part of this individual to repay some of the debt, albeit not all of it, and not immediately, but over a period of years, then we should compel that individual, through a sympathetic system of transferring that obligation or set of obligations from Chapter 7 to Chapter 13, we should allow that individual to work his way out of that debt. We do not demand that he pay every penny back, but that he return some of the money to the general wheel that keeps our economy going.

It is unfair for such an individual, who could repay, to be absolved of any obligation and then lay his burden at the footstep of every other consumer and taxpayer in the country. Because our country is so wealthy, it is difficult to portray how one bankruptcy that loses in a stream of commerce just $10,000 truly matters. One might say, well, what is that? But that $10,000 of debt unpaid has to be made up somehow in the general economy. And who makes it up? The consumer, the seeker of credit, the purchaser of large items, like automobiles, homes, et cetera.

So this is not an issue that is out there in the ether someplace, that has no connection with everyday living in our communities and the struggles of every family. This touches the heart of the pocketbook of every family. To dismiss it as being a giveaway to somebody or other, or that benefits only one segment of society, one must take a look at individual cases of bankruptcy.

I defy anyone to comment or to assert that our bankruptcy reform crashes down on the poor or the low-income people, when the very threshold upon which the bankruptcy system begins under our reform measure exceeds the median income. Therefore, people under the median income, in whatever quarter in our country, if it is below that standard, there is almost an automatic fresh start accorded that individual when he or she files bankruptcy.

That is a magnanimous view of the low-income stratum of our society. And we say that when that individual from that stratum does find himself or herself overburdened, we are going to help. That fresh start will be available. So I reject contentions that this is a bill biased towards any segment of our society. Rather it is biased, if it is biased at all, towards rectitude, towards balancing the equation in the economy in which we find ourselves.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this measure imposes indiscriminate means tests to determine the eligibility for bankruptcy relief and the amount a bankruptcy filer is required to pay a creditor. This test does not account for such items as child care payments, most health care costs, and the costs of caring for individuals unable to care for themselves. Further, families will be required to go through a series of means tests to justify their medical bills and other expenses. These standards are so extreme that they have been rejected by the Internal Revenue Service.

So when the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. GEKAS), says that the two themes of this bill is to give people a fresh start and then to have, number two, some accountability for those who can and should pay, this bill flunks the test right from the beginning on both counts. It does not allow for a fresh start, and the accountability is so extreme that we are using standards that even the Internal Revenue Service rejected.

The proposal is highly damaging to a single mother's access to the bankruptcy system. It would treat an individual's credit card debt on the same level of obligation as there is to paying child support or alimony. So, therefore, I would argue that it does not make accountability an important consideration because, as again we see the awesome power of the creditor lobby, they have now elevated credit card obligations to the same level as those for child support or alimony. Now, how that meets theme two is beyond my understanding.

So, therefore, a mother who relies on payments to feed or clothe her children would be competing from the same pool of money as a major credit card company. Thanks a lot, I say to the gentleman from Pennsylvania. That really makes accountability a strong theme in this so-called reform measure.

Next, the business provisions of the proposal will impose harsh time deadlines, massive new legal and paperwork burdens on businesses, real estate concerns and, by design, will lead to premature liquidation and job loss. So much for theme one of the so-called reform and fresh start of the gentleman from Pennsylvania. Thanks a lot. By leading to premature bankruptcy or liquidation and job loss, we are giving folks a fresh start. Well, my colleagues, there is the awesome power of the creditor lobby working again.

Instead of giving businesses a fresh start and a chance to reorganize, this would cripple an organization and defeat the true purpose of a bankruptcy process, even the one that we have now. At the same time, the conference report addresses the alleged rampant bankruptcy abuse by debtors. It gives next to no attention to the lending industry.

By the way, are bankruptcy filings going up or down? Is there any Member in this body that does not know that they are going down? We have tables to show that the decrease in bankruptcy filings, personal bankruptcy, in the period ending June 30 of this year, ran 8.29 percent below the year earlier levels, and per capita personal bankruptcy rates ran 9.15 percent below the year earlier levels.

So as the bankruptcy courts themselves tell us, the bankruptcy filings are down, not up, according to their figures. So what are we doing here? Well, I think we are genuflecting to the awesome power, as the chairman of the Committee on the Judiciary says, the awesome power of the creditor lobby. So what we have, due to deregulation of credit cards and the resulting deluge of credit card solicitations, is that customer debt has skyrocketed to more than $1.3 trillion.

But what attention do we give to the lending lobby, the lending industry, which has encouraged this? Is there anyone that does not get one or two a week or a month of credit cards that say this card is operative, it is for you; if you need it, use it? They send them to students in colleges in their dorms. They are being flooded with them. So our response to this irresponsible activity of the creditor industry is to say that we are going to make it tough by making it harder to get started again, and then hold at the same level the family's need for their support of children. We are going to elevate the credit card obligation to the same as the ones of people who have families in need.

□ 1245

And so the conference report fails in yet another respect. It fails to require credit card companies to fully disclose the total amount of time it takes an individual to complete payment on a credit card balance if only the minimum is paid.

The conference report also omits an important Senate provision that would prevent protesters found guilty of violence and of harassment at abortion clinics from declaring bankruptcy to avoid paying court judgments.

And so, without such a provision, I say to the subcommittee chairman, we are allowing the abortion bombers to intimidate, maim and kill women without suffering any adverse financial consequence. And so, Mr. Speaker, I obviously oppose the conference reports before us.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. BRYANT) a former member of our Committee on the Judiciary who, notwithstanding the fact that he abandoned us, I am still willing to yield to him to talk about bankruptcy reform.

Mr. BRYANT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I do want to thank the gentleman and commend him and other Members and especially the staff who have worked so closely with us over the last 4 years to make this bankruptcy reform a reality. I know a lot of hard work and compromise went into this legislation, and I am confident that the consumers and the creditors will be better off because of it.

In recent years, bankruptcy has truly become a first stop rather than a last resort. In 1998, approximately 1.4 million people filed for bankruptcy, which is the equivalent of more than one in 100 households across this country. This increase in the bankruptcy filings costs the American families, those of us who do not file bankruptcy, on average $400 a year because of these higher prices for their credit and consumer needs that have to be made up because of these filings.

The reform agreement before us today will protect responsible consumers while cracking down on abusive bankruptcy practices.

Now, the object of this bill is to reduce repeat filings and to prevent the gaming of the bankruptcy system, that is running up credit card bills right before they file bankruptcy or filing and dismissing a bankruptcy case and refiling as a stalling tactic. Also, this bill hopes to improve the administration of bankruptcy cases in providing debtors with information about alternatives to bankruptcy such as credit counseling services.

This bill also maintains a needs-based test, a means test so to speak, and it provides safeguards for women and for children and it assists farmers who may be forced into Chapter 7 bankruptcies by extending that particular Chapter 7.

Now, I do want to mention something about this means testing. I sat through a lot of debate this morning on this particular rule and on the general debate and I hear from the other side the opponents, the people who oppose this reform, saying that it is means testing, it is harmful to people who are poor. But then I hear other people from that same side oppose it because it fails to protect the homestead exemption on houses, $250,000 is not enough.

It strikes me kind of strange that we are talking about bankruptcy here and a concern about people who live in houses that have equity of more than $250,000. I think that is an inaccurate figure, too, I might add. Because it is not right that people who file bankruptcy ought to be able to keep houses regardless of how much they have in it or have a value of $250,000.

We have reduced that, in a compromise spirit, down to a $100,000 where it is obvious that they bought the house with the intention of trying to protect their equity and mess over all those creditors out there.

But let me go on to say, too, that I am also pleased to point out that this bill, H.R. 2415, offers my State of Tennessee specific relief by providing additional bankruptcy judges, one in the Western District of Tennessee that is a permanent judge, and a temporary judge in the eastern part of the State.

For example, in the Western District, talking about the tremendous number of bankruptcies cases, we have four judges and it is the highest filing district in the Nation. And we believe these four judges have worked too hard for too long. In fact, when we caseweight the numbers in the Western District based on filings through June of 1999, each judge has had 2,380 cases. And I would point out that 1,500 cases per judge is the level that they should be working at according to their own Judicial Conference.

So by providing this additional judgeship, we can at least reduce their caseloads down to 1,904 cases, still well above the recommended level.

Mr. Speaker, this bill does provide common sense reform and I urge its adoption.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the ranking member very much for yielding me the time. I think he knows how fond I am of him personally and how much I respect his intellect and his heart. But I rise today in support of H.R. 2415 and the much needed bankruptcy reform measures contained in this legislation.

The American people find it unacceptable and inherently unfair that those who do pay their bills have to foot the bill for those who in many instances have the ability to pay but choose not to. It has been conservatively estimated that personal bankruptcies cost every American family $400 per household per year and it takes 15 responsible borrowers to cover the cost of one bankruptcy of convenience.

The system will continue to be unjust if debtors persist in using it as a tool of first resort rather than a tool of last resort when all other financial options have been exhausted.

Clearly, this Nation's bankruptcy system is broken when it enables individuals to avoid paying their debts despite their ability to do so. What this Congress must do is to undertake genuine needs-based bankruptcy reform to require those who have the ability to repay a portion of their debts to enter a Chapter 13 repayment plan while also preserving the historic fresh start in Chapter 7 for those people who have truly fallen on hard economic times.

The goal of our bankruptcy system should be to protect those who need protecting, to provide those who experience genuine and serious financial hardship the opportunity to wipe the slate clean. What we must do is return our system back to its original fair and compassionate mission through a simple legislative fix.

Bankruptcy reform is not a Republican or a Democratic issue. It is a consumer issue. According to a recent National Consumer League survey, 76 percent of Americans believe that individuals should not be allowed to erase all of their debts in bankruptcy if they are able to repay a portion of what they owe. This survey merely reflects the American public's belief that individuals should be responsible for their own action.

This bill would help to remedy the glaring problems of today's bankruptcy system by creating a needs-based system, subject to judicial oversight, which would similarly continue to protect the rights of those citizens who need a fresh start, while at the same time requiring those who do not to meet their personal responsibilities.

H.R. 2415 represents a true compromise product between the House and Senate-passed bankruptcy reform bills. Both Chambers passed bankruptcy reform by strong bipartisan margins. The House passed their version last June by a vote of 314–108 with the support of 96 Democrats. The Senate passed theirs by 83–14.

This bill contains a number of pro-consumer items, including a host of new disclosure requirements for credit card companies. Specifically, it requires credit card statements to disclose late payment fees. It also mandates that statements must include a toll free number for consumers to receive estimates on how long it would take to repay their existing balancing by making only the minimum monthly payments.

The legislation also requires improved disclosures on introductory rates and prohibits creditors from closing an account solely if the customer does not incur finance charges.

We need to pass this legislation, and I urge my colleagues to support it.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2415.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, it gives me pleasure to yield 5 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me the time, and I want to congratulate him on his fine work in bringing this measure to the floor today.

Mr. Speaker, I am pleased to rise in support of the conference agreement and to urge its approval by the House. With this measure, we bring to conclusion a process that we launched 3 years ago to bring a much needed reform to the Nation's bankruptcy laws.

In an era in which disposable incomes are growing, unemployment rates are low, and the economy is strong, consumer bankruptcy filings should be rare. Contrary, however, to this expectation, there are now more than 1.4 million annual bankruptcy filings, a 40 percent increase from 1996 and a 95 percent increase over the number of filings 1 decade ago.

Bankruptcies of convenience are driving this increase. Bankruptcy was never meant to be used as a financial planning tool, but it is increasingly becoming a first stop rather than a last resort, as many filers who could repay a substantial part of what they owe are using the complete liquidation provisions of Chapter 7 of the Bankruptcy Code rather than the court supervised repayment plans that are provided for in Chapter 13.

The legislation that we bring to the floor today would direct more filers to use Chapter 13 plans. Those who can afford to make a substantial repayment of what they owe would be required to do so.

This is a consumer protection measure. As the gentleman from Virginia (Mr. MORAN) just indicated, the typical American family is paying a hidden tax of at least $400 every year arising from the increased cost of credit and the increases in the prices for goods and services occasioned by the discharge of more than $50 billion annually in consumer bankruptcy filings. By requiring that people who can repay a substantial part of their debt do so in Chapter 13 plans, we will lessen substantially that hidden tax.

Another key point should be made about the provisions of this conference report. The alimony or the child support recipient is clearly better off under this conference agreement than she is under current law. At the present time, she stands number seven in the rank of priority for payment of claims in bankruptcy proceedings. This conference report places her number one. Her priority is elevated from number seven in current law to number one in this conference agreement. Her claim will be first in line for payment, and other provisions of the conference agreement make it easier for her to execute against the assets of the estate of the bankrupt person than under current law.

In May of last year, this reform passed the House by the overwhelming vote of 315–108. A similar reform was approved in the other body by the vote of 83–14. The consensus in support of this reform is broad and it is bipartisan.

I would note that the conference agreement we consider today actually moves in the direction of the bankruptcy filer. It contains a means-testing threshold for the use of Chapter 7 that is more generous to bankruptcy filers than the provision in the House bill. It provides that the filer can still use Chapter 7 if he cannot repay at least 25 percent of his unsecured debt over a 5-year period, and that is after accounting for his normal and necessary living expenses. The House provision was a somewhat less generous 20 percent.

The conference agreement also provides that the filer can still use Chapter 7 unless he can repay at least $6,000 of what he owes over a 5-year period, and that also is after necessary living expenses. And that $6,000 figure over 5 years is compared to the less generous $50 per month over that same period in the House bill.

The conference agreement also contains the credit card consumer disclosure guarantees that were in the Senate bill and assure that consumers have a better understanding of the consequences of only paying the minimum amount on their credit card statement.

□ 1300

I want to commend the gentleman from Pennsylvania (Mr. GEKAS) for his leadership on this and the gentleman from Florida (Mr. MCCOLLUM), who I was pleased to join as the original cosponsor of the first bankruptcy reform that we introduced. I want to commend the gentleman from Virginia (Mr. MORAN) for his excellent work in support of this effort and say that this is a balanced bipartisan measure which will provide a substantial reform and deserves the support of this House.

I am pleased to urge approval of the conference report.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes, because my dear friend the gentleman from Virginia (Mr. BOUCHER) whom I tried to get on the conference as a conferee has made a case that on the surface sounds pretty good. But those who are concerned about the payment of alimony and child support have expressed strong opposition to this bill.

Now, why? The proposed legislation does not live up to its billing. It fails to protect women and children adequately. And I think we ought to have a thorough discussion on that part of the report. The child support provisions of the bill fail to ensure that the increased rights the bill would give to commercial creditors do not come at the expense of families owed support. And so what we are saying is that this is a bill that does not improve the status of women and children in bankruptcy proceedings. Absolutely not. That is also why the National Organization for Women is strongly opposed to the measure. The National Partnership for Women and Families is unalterably against this bill. The National Women's Law Center is opposed to the bill. The National Conference of Bankruptcy Institute is opposed to the bill. And one of the main reasons they are opposed to the bill is that contrary to the assertion that it allows a fresh start and a better fresh start than the existing legislation is that it does not. It would raise up the credit card creditor to the same status as those who are seeking alimony and child support payments, and that is precisely why the women's organizations are seriously opposed to this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, it pleases me to yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. I thank the gentleman for yielding me this time.

Mr. Speaker. I, too, would like to echo my congratulations to the gentleman from Pennsylvania (Mr. GEKAS) and all those who have worked so hard to bring this bill to the floor. We are in the last hours of the Congress and I believe we are on the verge of doing something good for the American consumer and business community. This bill is the reaction to a problem. Under the old bankruptcy code, there were people throughout the land running up hundreds of thousands of dollars of debts, making incomes of $100,000, being able to file bankruptcy and walk away from their obligations, leaving a lot of the American business community holding the bag.

This bill has a balance to it. It is going to change the culture of our country. It is going to allow people to start over in a very fair fashion but it is going to ask people, if you can pay, to pay your debts the best that you can. Chapter 7 if you get under that provision, you discharge all of your debts and you basically walk away. This bill is saying, Wait a minute. If your income is such after you take your food, your clothing, private school expenses, necessary living expenses in a liberal fashion and compute it, that if you can afford to pay $100 a month over a 5-year period to your creditors, pay it. Because that is good for the American business community. It is good for the economy. I think it is good for America, to try to get people who owe something to someone else back on their feet without leaving anybody hanging.

I disagree with my friend the gentleman from Michigan (Mr. CONYERS). Child support payments are elevated in this bill. That is the balance that we need. From being seventh you are now first. And you cannot get discharged from Chapter 13 if you file under that chapter if you do not keep your child support payments current. We tell the credit card community, you are just not going to be able to inundate people with free credit. You have to inform them better. There is a debtor's bill of rights that tells people options to bankruptcy and ways to make your payments and try to get people together so you do not have to file bankruptcy.

This is long overdue. This is not only good for our business community, good for consumers, it is going to change our culture. I am proud to have been a part of it. I urge its passage.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I would like to enter into a colloquy with the gentleman from Pennsylvania if I might to understand the homestead provisions in this. The House had adopted my amendment earlier in the proceedings that would have allowed the States to opt out. Now, as I understand it there is a 2-year residency requirement under section 322 of the conference report. So a homeowner who purchased their home and files a petition for bankruptcy within 2 years would be subject to a Federal cap but after that 2 years, would not be subject to a Federal cap?

Mr. GEKAS. If the gentleman will yield, that is exactly correct. The purpose is to say to someone who would move into Texas, if you move into Texas, purchase a property and within 2 years file bankruptcy, you would still preserve a $100,000 exemption but you would not have a total exemption.

Mr. BENTSEN. But after that 2 years you would be under State law?

Mr. GEKAS. After that he is a true Texan and does not have to worry about anything except the State law.

Mr. BENTSEN. The other question is after you have exceeded the 2-year period and you increase the value of your home through addition or property values rise, are you under a new 2-year period?

Mr. GEKAS. No. After 2 years, the person under our provisions and under the intent and under the law generally, after 2 years that individual is a true Texan for all purposes of residency and lives under the homestead exemption laws of your State.

Mr. BENTSEN. And to the extent that one after the 2 years changes residence within the State, the equity they roll over, as I understand it, would be an exempt item under the State homestead law. Would it be additional equity rolled into the new purchase that would be under the $100,000 cap for 2 years or not?

Mr. GEKAS. It would not.

Mr. BENTSEN. I thank the gentleman.

Mr. GEKAS. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I rise in support of this very pro-consumer bankruptcy reform conference report. This vital legislation protects individuals and businesses from having to pick up the tab for irresponsible debtors, debtors who are capable of paying off a significant portion of their debts.

This bankruptcy reform bill establishes a clear causal link between a debtor's ability to pay and the availability of Chapter 7 bankruptcy superdischarge. It requires those who can afford to pay their debts to honor their commitments.

Let me emphasize at the outset that individuals who make below the median income will not be forced into Chapter 13 under this bill, although they may still voluntarily choose to file there. What this bill does do is require individuals who make above the median income and are determined to have significant repayment capabilities to file in Chapter 13.

Mr. Speaker, there are people who truly have a legitimate need to declare bankruptcy. No one is denying this. At times hardworking people come up against special circumstances that are beyond their control. Family illness, disability, or the loss of a spouse may necessitate the need to seek relief. This legislation effectively protects these individuals. Too frequently, however, people who have the financial ability or earnings potential to repay their debts are simply seeking an easy way out of repaying debts. While this may prove convenient for the debtor, it is not fair to their friends and neighbors who are ultimately stuck with the bill.

Estimates show that the average American pays as much as $550 per year as a bad debt tax in the form of higher prices and increased consumer credit interest rates to cover the economic costs associated with the excessive bankruptcy filings of others. Nationally, consumer bankruptcies reached a record 1.4 million in 1997 and those numbers have remained high. What makes these statistics particularly alarming is the fact that this trend began in 1994 during a time of solid economic growth, low inflation and low unemployment, during an unprecedented peacetime boom in our economy.

The primary culprit of this dramatic increase in bankruptcy filings is a system that allows consumers to evade personal responsibility for their debts. Under this legislation, individuals who can pay their debts will be moved to Chapter 13 where they will be given a generous 5 years to establish a fair repayment plan and get their financial houses in order.

I would like to take this opportunity to thank the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Florida (Mr. MCCOLLUM) for their leadership in this area, and I urge its passage.

Mr. CONYERS. Mr. Speaker, I am happy to yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding time and for his leadership.

Mr. Speaker, it is with great regret that I come to the floor in opposition to this bill. I supported this bill when the House first voted on it. Unfortunately, the majority has taken a bill in which I thought we had made good progress and chosen to railroad it through the House without really holding a conference and by tying it to a totally unrelated embassy bill.

Furthermore, I appreciate the comments and would like to be associated with the gentleman from Michigan's comments about the many leading women's organizations that oppose the bill. Also, the majority has deleted a critical provision that Senator SCHUMER added to the bill. This provision prevents those who commit acts of violence at reproductive health clinics from escaping paying penalties for these actions. Clinic bombers should not be allowed to excuse penalties assessed on them by the courts through bankruptcy. This bill would allow them to excuse these debts and to walk away from these penalties.

Mr. Speaker, bankruptcy reform is important to the American people, but so is protecting women's safety and reproductive freedom. This is a growing problem that the majority is ignoring. Between 1993 and 2000, three doctors, two clinic employees, one clinic escort and one security guard have been murdered in acts of violence at clinics. There have been 16 attempted murders since 1991. More than 2,400 acts of violence have been reported at clinics since 1997. These included bombings, arsons, death threats, kidnappings, and other acts of harassment. The Senate approved this amendment by a vote of 80–17. Why has the majority now excluded it? Why should clinic bombers be allowed to excuse their penalties by declaring bankruptcy?

I urge all Members who care about women's safety to vote against this bill for this reason and also because of the abusive procedure under which it has been brought to the floor.

Mr. Speaker, I include for the RECORD a letter from John Podesta, chief of staff to the President, in which he writes that the President will veto the bill because, and I quote, it gets the balance wrong.

THE WHITE HOUSE,
Washington, DC, October 12, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER. I understand that the House will take up today the conference report on H.R. 2412, which apparently incorporates the text of S. 3186, a recently filed version of bankruptcy legislation. If this bankruptcy legislation is sent to the President, he will veto it.

Over the last few months, this Administration has engaged in a good faith effort to reach agreement on a number of outstanding issues in the bankruptcy legislation. The President firmly believes that Americans would benefit from reform legislation that would stem abuse of the bankruptcy system by, and encourage responsibility of, debtors and creditors alike. With this goal in mind, we have pursued negotiations with bill proponents on a few key issues, notwithstanding the President's deep concern that the bill fails to address some creditor abuses and disadvantages all debtors to an extent unnecessary to stem abuses by a few.

An agreement was reached in those negotiations on an essential issue—limiting homestead exemptions—with compromises made on both sides. Unfortunately, H.R. 2412 fails to incorporate that agreement, instead reverting to a provision that the Administration has repeatedly said was fundamentally flawed. The central premise of this legislation is that we must ask debtors, who truly have the capacity to repay a portion of their debts, to do so. This would benefit not only their creditors but also all other debtors through lower credit costs. Unlimited homestead exemptions allow debtors who own lavish homes to shield their mansions from their creditors, while moderate-income debtors, especially those who rent, must live frugally under a rigid repayment plan for five to seven years. This loophole for the wealthy is fundamentally unfair and must be closed. The inclusion of a provision limiting to some degree a wealthy debtor's capacity to shift assets before bankruptcy into a home in a state with an unlimited homestead exemption does not ameliorate the glaring omission of a real homestead cap.

Moreover, the President has made clear that bankruptcy legislation must require accountability and responsibility from those who unlawfully bar access to legal health services. Yet the conference report fails to address this concern. Far too often, we have seen doctors, health professionals and their patients victimized by those who espouse and practice violence. Congress and the States have established remedies for those who suffer as a result of these tactics. However, we are increasingly seeing the use of the bankruptcy system as a strategic tool by those who seek to promote clinic violence while shielding themselves from personal liability and responsibility. It is critical that we shut down this abusive use of our bankruptcy system and prevent endless litigation that threatens the court-ordered remedies due to victims of clinic violence. The U.S. Senate was right in voting 80–17 to adopt an amendment that would effectively close down any potential for this abuse of the Bankruptcy Code. We fail to understand why the bill's proponents refuse to include this provision and shut down the use of bankruptcy to avoid responsibility for clinic violence.

I repeat President Clinton's desire to see balanced bankruptcy reform legislation enacted this year. The President wants to sign legislation that addresses these known abuses, without tilting the playing field against those debtors who turn to bankruptcy genuinely in need of a fresh start. He will veto H.R. 2412 because it gets the balance wrong.

Sincerely,

JOHN PODESTA,
Chief of Staff to the President.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas Mr. BENTSEN for the purpose of wrapping up a colloquy.

Mr. BENTSEN. I thank the gentleman for yielding me this time.

Mr. Speaker, to follow up where we were, a question that I think is extremely important is the question of homeowners today in Texas and other States which have a broader homestead exemption.

□ 1315

Are these provisions prospective in nature in that if one has resided in their home for 2 or more years today, or of the date of enactment, if this bill is to become enacted into law, would they thus be exempted from the Federal cap provided for in this bill? Would they be under State law at that time and any subsequent purchase they make using the equity from the home they own today be exempted from that cap?

Mr. GEKAS. In the hypotheticals that the gentleman pronounced, it would come under State law. The only time that there is a look-back is the initial 2 years of residency in a homestead-exemption State.

So 2 years, and thereafter the State laws would apply.

Mr. BENTSEN. Including today. So one who has resided today in their home for at least 2 years is under State law and would not be under this cap?

Mr. GEKAS. That is exactly correct.

Mr. BENTSEN. The other is on section 308, the 7-year look-back provision which is designed, as I understand it, to prevent the diversion of nonexempt assets into exempt property, is the burden of proof on the debtor or the creditor?

Mr. GEKAS. It is on the creditor, and that really conforms to the general state of the law in such cases. There has to be affirmative evidence of fraud having been committed so that the creditor must come forth.

Mr. BENTSEN. The question is raised on the roll-over period and the prospective nature talks about interest acquired. The bill reads the homestead as interest acquired by the debtor, and this is getting somewhat technical or minute, I guess, during that 2-year period, would interest be assumed to include such things as routine principal payments or rise in property value?

Mr. GEKAS. Does the gentleman mean during the 2 years for a look-back in the 2 years?

Mr. BENTSEN. Right, during the 2-year look-back.

Mr. GEKAS. I would have to say yes, that in the look-back it would generally be determined what the value was of the claimed exemption and the $100,000 would apply.

Mr. BENTSEN. To close, for general purposes after 2 years of residency and so long as one is a resident of a State, regardless of where they live or how many places they live, the first 2 years exempts them from the Federal cap for the equity that they gain?

Mr. GEKAS. That is correct. The State laws apply.

Mr. BENTSEN. Any appreciation that applies in equity?

Mr. GEKAS. Yes, on anything that occurs after 2 years.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time, and I thank him for his leadership on this issue.

Mr. Speaker, I rise in opposition reluctantly to this conference report because I am shocked, frankly, and outraged about the way in which this bill was brought to the floor of the House. After months of negotiations on this bill, we have been given a day's notice to consider a measure that does not represent a true compromise and is still in the process of being worked out. I support efforts to ensure that those who are able to pay their debts are required to do so and to ensure that creditors extend and manage credit in a responsible manner; and I would like to see balanced, fair legislation that protects Americans from predatory lending practices and protects the assets of creditors from those who would abuse bankruptcy to avoid their debts; but this bill is lacking in a number of areas, and I would like to focus on one in particular.

The Senate version of the bankruptcy bill included a provision requiring accountability from those who terrorize reproductive health clinics, their employees and the women who need their services. This provision, which received 80 votes, eight zero votes, in the Senate, would prevent those who are convicted of a crime from hiding behind the bankruptcy system in order to shield themselves from paying the consequences of their actions.

Now, despite the fact that the President has said, again, that the clinic violence language must be included in final bankruptcy legislation for it to win his support, the provision was dropped. The proponents of the bill claim it will stop people from abusing the bankruptcy system; but by excluding the Schumer amendment individuals and organizations found to violate FACE, the Freedom of Access to Clinic Entrances law, will have carte blanche to abuse the system. This is wrong. It does not make sense.

Mr. Speaker, let us agree on a simple principle: violence and harassment have no place in our democratic system and using the bankruptcy code to evade the law, any law, is wrong and should not be tolerated.

FACE passed with a broad bipartisan consensus. It has dramatically reduced violent incidents at health clinics, but we need the tools to fully enforce it, and any bankruptcy bill that does not hold these criminals accountable for their actions is a disgrace. So I urge my colleagues to oppose this conference report.

Mr. GEKAS. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will have a motion to recommit the entire conference report to the committee of conference to insist that according to the motion to instruct conferees that we have at least one meeting of the conference committee as required by House rule XXVIII, clause 6. I intend to do that.

What we have found in the course of the study of this bankruptcy anti-reform measure are three myths. One is that it is a pro-consumer bill. It clearly is not.

Two, that it will permit a fresh start for people that are brought into bankruptcy. It actually precludes a start as efficacious as the one that already exists in the existing bankruptcy law. It is a move backwards from fresh start.

The myth of a fair accountability has been destroyed completely in the course of this discussion.

In other words, this is a one-sided measure that is guaranteed to empower the creditors' lobby in a fine new way. Of course, the reality of where this bill is going is known to many of the Members on the Committee on the Judiciary, perhaps not a lot of other Members in the body. That is to say that it is going to again be subject to some delaying tactics in the Senate and that the President has promised to veto on this measure.

So I think that that would be an appropriate conclusion to this measure and give us a chance in the next Congress to begin again.

The bill fails to address the unlimited homestead cap, which is currently enjoyed by Texas and Florida, even though there is a 2-year wait before it kicks in. It imposes a nominal cap on homestead exemptions, but it is so filled with loopholes as to be next to meaningless.

Anyone who lives in a State for more than 2 years will be able to thumb their noses at their creditors and remain in their multimillion dollar mansions, and this goes contrary to a provision that we had that would have cured this.

So this measure before us in the form of a conference report, shot through with all kinds of process defects, is mean-spirited, will have a negative impact on the most vulnerable elements of our society and so is appropriately opposed by the United Automobile Workers, the AFL–CIO, AFCSME, a raft of consumer organizations, women and family organizations. I think it is very clear that we should now vote against this measure, and I hope that many of the Members who supported the bill in an earlier vote will reconsider and vote no when this conference report comes for a vote.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS), which that is a reward that I am granting him on the basis that he has been tremendously helpful to this chairman on many separate issues in this bankruptcy reform bill, primarily what we have discussed thoroughly, the homestead exemption. We owe a great deal to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I appreciate the chairman, the gentleman from Pennsylvania (Mr. GEKAS), for his thoughtfulness in allowing me an opportunity to stand up to respond to my colleague, the gentleman from Michigan (Mr. CONYERS).

Mr. Speaker, I have been a student of this process. Perhaps I could be accused of changing what was the Democrat option on this bankruptcy. I appeared before the Committee on the Judiciary. The prior amount was $100,000. It is very clear that the Democrat Party wanted to take people's homes from them for as little as $100,000 of a home. The Democrat Party, as exemplified by the chairman, wants to make it easier for the middle class of this country to lose their homes if they are engaged in a bankruptcy. I stood up before the Committee on the Judiciary, and I said millionaires and billionaires are talked about taking advantage of this circumstance and it is blamed on people that have a home worth $100,000. I understand the gentleman from Michigan (Mr. CONYERS) disagrees with me. I understand the Democrat Party disagrees with me. The fact of the matter is, is that that figure has been moved to $250,000. The gentleman from Massachusetts (Mr. DELAHUNT) agreed with me that day as a result of testimony back in the Committee on the Judiciary. That is why we are at $250,000. $100,000 is a wrong amount, and I believe that we should be forthright in understanding that a figure of $100,000 would mean that the middle class of this country, if faced with a bankruptcy, could then be thrown out of their own home. That is the reason why we have made the changes. That is the reason why it is what is in the best interest of people not only in Texas but all across this country.

It preserves the States' rights, but the most important thing is that we aim at the problem. The problem is not the middle class of this country attempting to get out of paying their bills. It is about a problem of someone hiding their money in an asset or a resource like a home and trying to hide from their creditors. The problem, I believe, has been amply addressed.

I disagree with the gentleman's assessment and would ask that we support this because it is the right thing for America.

□ 1330

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the three myths that have been the basis of this bill's long life have now been exposed. There is no fresh start. The accountability is very severe. This is a very definitely an anti-consumer bill.

People of all incomes are subject to new coercive creditor motions, including being able to challenge the discharge of even small cash advances. In this bill, it defines current monthly income as the previous 6 months' income, even if they have lost their job.

I say, thanks a lot. I just sort of thank the generous, thoughtful, sympathetic people that wrote that into the bill. I will repeat it for the subcommittee chairman's benefit. It defines current monthly income as the previous 6 months' income, even if they lost that job and will not have the income in the future, thereby skewing the whole means test.

If the expenses exceed what the IRS says they should, they have to go to court and litigate it. Thanks a lot. That was a very thoughtful and sympathetic and moving provision, because they are telling an honest bankrupt to go in and litigate in another court any questions about expenses that exceed the IRS limit.

It is just the idea, it is just an indication of the great concern and touching sympathy that the other side has for the people of limited means that go into bankruptcy court.

"Disclosure of how deep you are getting into debt, and how long it would take you to pay the balance at the minimum payment." There is just an 800 number. And then, 80 percent of all the banks would be exempted from even that requirement.

Mr. Speaker, this is a mean-spirited bill. This is a measure that does not meet the tests of anybody.

Finally, I would like to just reiterate the comment made by my good friend, the member of the Committee on the Judiciary, the gentleman from Virginia (Mr. BOUCHER), about moving child support from the seventh to the first priority. That is meaningless. It does it, but the order of priorities apply only in Chapter 7 among unsecured creditors during the bankruptcy proceeding.

Ninety-six percent of all the consumer debtors do not have any assets to distribute to prior unsecured creditors, so that has no meaning. It is a fig leaf. It is phony. It does not improve child support, for those who need the child support at all, because it moves the credit card debtors to the same priority as those who need child support.

Sorry to have to tell everyone about this at the end of this discussion, but I am afraid that those are the sad and sorry consequences of a bill that has the earmarks of the creditor lobby, that awesome creditor lobby that has had such an undue influence on the measure before us.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do this for one small purpose, to reiterate for the record, for the Members of the House, that every contention made by the gentleman from Michigan (Mr. CONYERS), every action taken by those who oppose bankruptcy reform, every debate that they offered over the course, every one of them has been thoroughly discussed, thoroughly debated, and each one of them considered in the overwhelming vote granted bankruptcy reform by the Members of the House.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for the Conference Report of H.R. 2415, which is amended with the Bankruptcy Reform Act. It is important to note that this Member is an original cosponsor of H.R. 833, the Bankruptcy Reform Act, which passed the House on May 5, 1999, by a vote of 313–108.

First, this Member would thank the distinguished gentleman from Pennsylvania (Mr. GEKAS), Chairman of the Judiciary Subcommittee on Commercial and Administrative Law, for introducing the House bankruptcy legislation (H.R. 833). This Member would also like to express his appreciation to the distinguished gentleman from Illinois (Mr. HYDE), the Chairman of the Judiciary Committee, for his efforts in getting this measure to the House Floor for consideration.

This Member supports the Bankruptcy Reform Act for numerous reasons; however, the most important reasons include the following:

First, and of preeminent importance to the nation's agriculture sector, this Member supports the provision in H.R. 2415 which permanently extends Chapter 12 of the Bankruptcy Code for family farmers. Chapter 12 bankruptcy allows family farmers to reorganize their debts as compared to liquidating their assets. Chapter 12 bankruptcy has been a viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer.

If Chapter 12 bankruptcy provisions are not permanently extended for family farmers, this will have a drastic impact on an agricultural sector already reeling from low commodity prices. Not only will many family farmers have to end their operations, but also land values will likely plunge downward. Such a decrease in land values will affect both the ability of family farmers to earn a living and the manner in which banks, making agricultural loans, conduct their lending activities. This Member has received many contacts from his constituents regarding the extension of Chapter 12 bankruptcy because of the situation now being faced by our nation's farm families—although the U.S. economy is generally healthy, it is clear the agricultural sector is hurting.

Second, this Member supports the provision in H.R. 2415 which provides for a means testing (needs-based) formula when determining whether an individual should file for Chapter 7 or Chapter 13 bankruptcy. Chapter 7 bankruptcy allows a debtor to be discharged of his or her personal liability for many unsecured debts. In addition, there is no requirement that a Chapter 7 filer repay many of his or her debts. However, Chapter 13 bankruptcy filers, on the other hand, commit to repay some portion of his or her debts under a repayment plan.

Some Chapter 7 filers actually have the capacity to repay some of what they owe, but they choose Chapter 7 bankruptcy and are able to walk away from these debts. For example, the stories in which an individual filed for Chapter 7 bankruptcy and then goes out takes a nice vacation and/or buys a new car are too common. Moreover, the status quo is costing the average American individual and family in increased costs for consumer goods and credit because of the amount of debt which is never repaid to creditors.

As a response to these concerns, the needs-based test of H.R. 2415 will help ensure that high income filers, who could repay some of what they owe, are required to file Chapter 13 bankruptcy as compared to Chapter 7. This needs-based system takes a debtor's income, expenses, obligations and any special circumstances into account when determining whether he or she has the capacity to repay a portion of their debts.

Third, this Member supports the additional monthly expenses that are not considered as a factor under the needs-based test of H.R. 2415 which determines whether a person can file Chapter 7 or 13 bankruptcy. These expenses include the following: reasonable expenses incurred to maintain the safety of the debtor and debtor's family from domestic violence, an additional food and clothing allowance if demonstrated to be reasonable and necessary; and reasonable and necessary expenses for the care and support of an elderly, chronically ill, or disabled member of the debtor's household or immediate family.

In closing, for these aforementioned reasons and others, this Member would encourage his colleagues to support the Conference report of H.R. 2415.

Ms. DELAURO. Mr. Speaker, I regret I was absent from the floor of the House on October 12. Had I been present, I would have voted for the motion to instruct conferees to have an open conference on bankruptcy reform.

I look forward to this conference. An issue as crucial as this deserves a full and fair debate. Bankruptcy reform should expect responsible efforts from both debtors and creditors that extend credit far beyond what individuals are capable of paying back.

Mr. CONYERS. Mr. Speaker, the following is a letter which clarifies what will happen to child support obligations if this bill passes. It answers the myth that this bill will not harm children.

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, June 7, 2000.
Hon. ROBERT MENENDEZ,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MENENDEZ: The undersigned organizations are long-time advocates for women and children, including economically vulnerable single parents and their families. We are writing in response to your May 24 letter to your colleagues which criticizes the recent TIME magazine article on bankruptcy and asserts that the pending bankruptcy bill would help children obtain child support. We must respectfully, but emphatically, disagree. The bill would give many creditors, including credit card companies, finance companies, auto lenders and others, greater claims to a debtor's limited resources than they have under current law. This would intensify the competition for scarce resources between children owed child support and sophisticated commercial creditors both during and after bankruptcy.

Your letter characterizes as a "myth" the statement in the TIME Magazine article that: "The proposed legislation would treat a bankrupt man's credit card debt the same as his obligation to pay child support." However, the effect of several provisions of the bill, taken together, would indeed have this result. As the National Association of Attorneys General, commenting on a similar, earlier version of the bankruptcy bill warned, it:

> Would encourage credit card companies to treat all debts as secured even though the resale value of the personal property charged on such cards would rarely approach the amount of the debt and even though the interest rates charged for such debt are set in recognition of the fact that such debts are essentially unsecured; and
>
> As a consequence, could allow credit card debt to be elevated to the same or a higher level than domestic support claims and make it far more difficult to ensure that debtors will be able to satisfy their obligations to their spouses and children. (Emphasis added) (Resolution of the National Association of Attorneys General, March, 1999)

Your letter states the following "fact":

> Bankruptcy reform moves child support to the number one priority position in bankruptcy proceedings. Currently it is priority number seven, behind things like attorney fees! Just as important, the reform bill ends the "automatic stay" provision, which currently allows bankruptcy filers to avoid paying child support while their cases are pending—and which gives filers and their attorneys an incentive to drag out the process. Finally, the bill prevents a debtor from discharging their debt under Chapter 13 until all child support payments are made.

Unfortunately, the child support provisions that you mention in your letter would not solve the serious problems the rest of the bill would create for children in need of support.

Moving child support from seventh to first priority sounds good, but is virtually meaningless. This order of priorities only applies in Chapter 7, among unsecured creditors, during the bankruptcy proceeding. Even today, fewer than five percent of consumer debtors in Chapter 7 have any assets to distribute to priority unsecured creditors after secured debtors receive the value of their collateral. Under the bill, there would be even less for priority unsecured creditors in Chapter 7 cases. Only the poorest debtors will have access to Chapter 7 under the means test, and the claims of secured creditors, who are paid before even "priority" unsecured creditors, will be increased. Thus, in effect, children owed support will have "first priority" to nothing. And, once the Chapter 7 proceeding is over, these priorities have no effect. Under current law, child support and alimony obligations are among the few debts that cannot be discharged in bankruptcy. However, under the bill, many more debts, including credit card debts, will survive bankruptcy and compete for the debtor's resources.

In Chapter 13, current law already requires child support owed to families to be paid in full. (The major change in this section of the bill would be an increase in the rights of States to be paid in Chapter 13 for child support that was assigned to them as reimbursement for public assistance.) However, other provisions of the bill would make it less likely that children would actually receive all the child support they are due in Chapter 13. For example, the bill would require debtors in Chapter 13 to pay many other creditors in full—including credit card companies claiming security interests in property of little or no value. The bill may say that debtors must pay all these debts in full; but if there is not enough money to go around, it simply will make it less likely that children will get the support they need during the Chapter 13 proceeding, much less afterward.

Under current law, the "automatic stay" does not allow bankruptcy filers to avoid paying child support while their cases are pending; relief from automatic stay for child support enforcement is routinely granted, and some jurisdictions do not even require the filing of a motion. The elimination of the automatic stay would simplify the process of collecting child support during bankruptcy in some cases. However, the potential benefit of this provision is outweighed by the hundreds of pages of other provisions that increase the rights of commercial creditors, during and after bankruptcy, at the expense of children.

Our organizations are committed to making sure that children get the support they need and deserve. We have opposed this Bankruptcy Reform Act because it will reduce the ability of parents to pay their most important debt—their debt to their children.

Sincerely,

ACES (Association for Children for Enforcement of Support)
American Association of University Women
Business & Professional Women/USA (BPW/USA)
International Women's Insolvency & Restructuring Confederation (IWIRC)
National Association of Commissions for Women
National Center for Youth Law
National Organization for Women
National Partnership for Women & Families
National Women's Law Center
NOW Legal Defense and Education Fund
The Woman Activist Fund, Inc.
Women Employed
Women's Institute for Freedom of the Press

Mr. HOBSON. Mr. Speaker, I support the long-awaited bankruptcy reform legislation included in H.R. 2415. As a small businessman, I know the importance of improving the bankruptcy system for Americans.

While the bankruptcy process should continue to be a life preserver for those who have debt that is insurmountable, this bill makes the needed for reforms to prevent abuse of the system. Not reforming the system amounts to a hidden tax on American consumers, who currently subsidize individuals who walk away from mountains of debt, yet can afford to pay back a portion of their debts.

The number of bankruptcies has trended upwards, despite the economy's overall good health. In 1997, the figure climbed to 1.35 million, more than triple the number recorded in the early 1980s. The rise in bankruptcy filings is often attributed to a rise in household debt burdens. Since 1980, household debt has risen from about 61 percent to 85 percent of total disposable personal income.

This bill provides for the increased use of Chapter 13 bankruptcy, which allows for the repayment of some debts. This is an appropriate step to ensure that our bankruptcy laws ensure that individuals who can repay a portion of their debts, pay their fair share. I commend my colleagues for their hard work and years of effort to reduce the "abuse" of the bankruptcy system while continuing to protect low-income consumers.

Ms. PRYCE of Ohio. Mr. Speaker, I am in strong support of this conference report. We have before us a fair and even-handed conference report that will allow us to consider this important legislation to reform the nation's bankruptcy system.

Procedure in the House is not always all that we might want it to be, but when we are presented with legislation that is so needed and so desired by the American people, we must take hold of it and champion it to see that it becomes law.

This bankruptcy reform legislation will remedy weaknesses in existing law that allow higher income taxpayers to escape their responsibilities even when they are able to repay a portion of what they owe. This bill will take steps to eliminate the "bankruptcy of convenience."

At the same time, this legislation will protect those who truly need a second chance and maintain their ability to obtain a fresh start. Further, this legislation contains important protections for children and spouses who are owed child support or alimony.

By equipping state child support collection agencies with the necessary tools and codifying the importance of child support and alimony obligations, this legislation will increase our commitment to children and families, and will hold parents, husbands, and wives to their responsibilities.

Over 70 percent of Americans have indicated their desire for bankruptcy reform. We can do no less than what the American people have overwhelmingly asked of us.

I urge your support of this important legislation, and yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of the bankruptcy reform conference report.

This legislation has been a long time coming. Since 1980, bankruptcies have risen 400 percent, imposing a heavy burden on American families. Some estimate that bankruptcies cost each household $400 a year in the form of higher interest rates on their credit cards, car loans, school loans, and mortgages.

The means testing approach championed by my colleague, GEORGE GEKAS, will make bankruptcy abuse much harder in the future. Wealthy individuals who can hire savvy lawyers will no longer be able to game the bankruptcy system at the expense of the American consumer.

What this bill says is that if you file bankruptcy, you will not be able to walk away from your debt if after all your reasonable monthly expenses are taken into account, you still have $166 in your pocket. If you are one of these people, then you will have to enter into an agreement to repay at least part of your debt in a 5 year plan, unless you can prove special circumstances to the judge. That is taking responsibility for your debt instead of imposing the cost on other consumers.

I also want to thank Chairman GEKAS for his support in helping my home State of Delaware receive an additional bankruptcy judgeship. As I testified before a joint House-Senate Judiciary Committee hearing earlier this year, Delaware's bankruptcy judges have the highest average bankruptcy caseloads in the Nation according to the U.S. judicial conference. The need for relief has reached critical levels and Chairman GEKAS has been quick to recognize this.

Recognition also must go to Speaker HASTERT and Majority Leader ARMEY, who fulfilled their commitment to finding an appropriate vehicle that would allow the will of the House and the will of the Senate to proceed on this legislation. They did the honorable thing by taking our unrelated riders from both sides of the aisle and presenting this body with a clean bill for us to vote on. I thank them for their leadership.

Finally, I want to thank Chairman GEKAS for his support in removing a provision in the bill that would have eliminated a business' place of incorporation as an acceptable venue for filing a bankruptcy. Delaware's bankruptcy judges and the Delaware bar are among the finest in the Nation in resolving bankruptcies quickly, fairly and efficiently. We need to keep the courtroom doors open in Delaware.

Therefore, I urge my colleagues to support this clean, balanced bankruptcy reform conference report.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. CONYERS. Yes, sir, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the conference report on the bill (H.R. 2415) to the committee of conference with instructions to the managers on the part of the House to insist on conducting at least one meeting of conferees as required by House Rule XXII, cl. 12, and in accordance with the motion to instruct conferees approved by the House of Representatives yesterday by a vote of 398 to 1, before making any report on the bill.

Mr. GEKAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DIRECTING SECRETARY OF THE SENATE TO CORRECT ENROLLMENT OF S. 3186, BANKRUPTCY REFORM ACT OF 2000

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 427) directing the Secretary of the Senate to correct the enrollment of the bill S. 3186.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. CONYERS. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas (Mr. SESSIONS) for the purpose of explaining what we have before us at this time.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Commercial and Administrative Law and the Senator from Iowa, Mr. GRASSLEY, the subcommittee chairman of the Subcommittee on Administrative Oversight and the Courts, for all their hard work over the past few years in getting this legislation to the point where it is today.

Both men have demonstrated tremendous leadership and fairness in practice in creating this agreement that just passed this body, and I want to thank them for their efforts in the motion to rename this bankruptcy bill.

Mr. CONYERS. Mr. Speaker, continuing to reserve my right to object, did I understand the gentleman from Texas to say that he wanted to rename the bankruptcy bill in honor of the gentleman from Pennsylvania (Mr. GEKAS) and someone else, Senator GRASSLEY?

Mr. SESSIONS. In fact, the gentleman from Texas is seeking to rename the bill the Gekas-Grassley Act.

Mr. CONYERS. Mr. Speaker, I would say to the gentleman, this is something that he thinks would help the bill, or help American history, or help those who are concerned with bankruptcy law? What are we doing?

Mr. SESSIONS. I thank the gentleman for his question. It is simply to rename the bankruptcy bill in honor of both the gentlemen who have worked diligently on its passage.

Mr. CONYERS. Mr. Speaker, continuing to reserve my reservation of objection, I have a number of questions that I will forego, but I want to say this. I think this is an appropriate disposition of this measure. I will not recall the way I have described this bill.

Mr. Speaker, if any of that is accurate and my friend, the gentleman from Pennsylvania, still wants to have the bill named in his honor, I withdraw my reservation of objection.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman for not only his consideration, but his collegiality in this effort.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 427

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 3186), A bill to amend title 11, United States Code, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) Amend section 1(a) of the bill to read as follows:

"(a) SHORT TITLE.—This Act may be cited as the 'The Gekas-Grassley Bankruptcy Reform Act of 2000.' ".

(2) Strike "Bankruptcy Reform Act of 2000" each place it appears throughout the bill and insert "Gekas-Grassley Bankruptcy Reform Act of 2000".

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SESSIONS:

Page 1, line 2, strike out "S. 3186", and insert "H.R. 2415"; and

Page 1, line 4, strike out "Secretary of the Senate" and insert "Clerk of the House".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Directing the Clerk of the House to correct the enrollment of the bill H.R. 2415.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, October 10, 2000, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 5174, by the yeas and nays;

H.R. 4345, de novo;

H.R. 4656, by the yeas and nays;

H.R. 34, de novo;

H.R. 3292, de novo;

H.R. 468, de novo;

H.R. 5083, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PROVIDING FOR VOTING IN MILITARY INSTALLATIONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5174.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 5174, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 297, nays 113, not voting 22, as follows:

[Roll No. 528]

YEAS—297

Aderholt
Allen
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
DeMint
Diaz-Balart
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fattah
Fletcher
Foley
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Oberstar
Ortiz
Ose
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—113

Abercrombie
Ackerman
Andrews
Baldwin
Barrett (WI)
Bentsen
Berman
Berry
Bonior
Boucher
Boyd
Brown (FL)
Capuano
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
Deutsch
Dicks
Dingell
Dixon
Engel
Evans
Farr
Filner
Ford
Frank (MA)
Gephardt
Gordon
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Holt
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kleczka
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Lucas (KY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Murtha
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rangel
Rothman
Rush
Sabo
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Snyder
Stenholm
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Weiner
Wexler
Weygand
Woolsey

NOT VOTING—22

Baca
Campbell
Cook
Danner
Dickey
Eshoo
Forbes
Fossella
Franks (NJ)
Green (TX)
Klink
Lazio
McCollum
McIntosh
Meehan
Nadler
Norwood
Oxley
Reynolds
Stark
Talent
Wise

□ 1404

Messrs. FORD, OWENS and MOLLOHAN changed their vote from "yea" to "nay".

Messrs. COSTELLO, SANDERS, LIPINSKI, GONZALEZ, ETHERIDGE, PHELPS, FATTAH, GEJDENSON, TURNER, MALONEY of Connecticut, BORSKI, ALLEN, WAXMAN, BECERRA and LAMPSON and Ms. SANCHEZ, Mrs. MALONEY of New York and Ms. DELAURO changed their vote from "nay" to "yea".

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 528, I was unable to be present. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

ALASKA NATIVE CLAIMS SETTLEMENT ACT TECHNICAL AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4345, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4345, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LAKE TAHOE BASIN LAND CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4656.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4656, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 160, not voting 24, as follows:

[Roll No. 529]

YEAS—248

Aderholt
Archer
Armey
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Oberstar
Ose
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—160

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Becerra
Bentsen
Berman
Berry
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Phelps
Price (NC)
Rangel
Reyes
Rodriguez
Roemer
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey

NOT VOTING—24

Baca
Bachus
Bonilla
Campbell
Cook
Danner
Dickey
Eshoo
Forbes
Fossella
Franks (NJ)
Green (TX)
Klink
Lazio
McCollum
McIntosh
Meehan
Nadler
Norwood
Oxley
Reynolds
Stark
Talent
Wise

□ 1415

Mr. BLUMENAUER changed his vote from "nay" to "yea."

Mr. ACKERMAN and Ms. CARSON changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 529, I was unable to be present. Had I been present, I would have voted "yes."

COASTAL BARRIER RESOURCES SYSTEM CORRECTIONS

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 34.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 34.

The question was taken; and (two-thirds not having voted in favor thereof) the motion was rejected.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Without objection, the Chair will put the question again.

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 34.

The question was taken; and (two-thirds not having voted in favor thereof) the motion was rejected.

RECORDED VOTE

Mr. HANSEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 1, not voting 24, as follows:

[Roll No. 530]

AYES—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley

Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—1

Blumenauer

NOT VOTING—24

Baca
Bonilla
Campbell
Cook
Danner
Dickey
Dunn
Eshoo
Forbes
Franks (NJ)
Green (TX)
Klink
Lazio
McCollum
McInnis
McIntosh
Meehan
Nadler
Norwood
Oxley
Reynolds
Stark
Talent
Wise

□ 1427

Messrs. ISTOOK, CONYERS and METCALF changed their vote from "no" to "aye."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CAT ISLAND NATIONAL WILDLIFE REFUGE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 3292.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3292.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SAINT HELENA ISLAND NATIONAL SCENIC AREA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 468.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 468.

The question was taken; and (two-thirds not having voted in favor thereof) the motion was rejected.

EXTENDING AUTHORITY OF LOS ANGELES UNIFIED SCHOOL DISTRICT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5083.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5083.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1430

AUTHORIZING USE OF CAPITOL GROUNDS FOR MILLION FAMILY MARCH

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 423) authorizing the use of the Capitol Grounds for the Million Family March, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 423

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF MILLION FAMILY MARCH ON CAPITOL GROUNDS.

Million Family March, Incorporated (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, the Million Family March, on the Capitol Grounds on October 16, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, beginning on the day preceding the event authorized by section 1, the sponsor may erect or place and keep on the Capitol Grounds, until not later than 8:00 p.m. of the day succeeding the event, such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertising, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

(a) IN GENERAL.—No person may represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of any person or any product or service.

(b) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in the event authorized by section 1 as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which such persons shall agree to comply with the requirements of subsection (a). The agreement shall specifically prohibit the use of any photograph taken at the event for a commercial purpose and shall provide for the imposition of financial penalties if any violations of the agreement occur.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LaTOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 423.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4392) "An Act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes."

CONCURRING IN SENATE AMENDMENT TO H.R. 4386, BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 628 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 628

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Commerce or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this rule, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a rule waiving all points of order against a motion to concur in the Senate amendment to H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act of 2000 with an amendment.

Mr. Speaker, the rule provides for 1 hour of debate in the House on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce.

The rule also waives all points of order against the amendment printed in the Committee on Rules report.

Mr. Speaker, this rule allows us to finally pass a very, very important bill. The Breast Cancer Treatment Act will allow low-income, uninsured women to get treatment for their breast and cervical cancer.

Right now, uninsured women can receive free Federal mammograms and pap smears; but if they find out they have cancer, they are on their own.

There is nothing worse than being diagnosed with breast cancer or cervical cancer and then being told, sorry, there is nothing we can do to help. That is ridiculous. It is very, very expensive to get chemotherapy and radiation, which are the treatment options we have available today. I know this because I just finished that treatment through my own battle with cancer.

It is also a very emotional battle when one is told they have this disease and just diagnosed with it and somebody should not have to worry that they are not going to be able to get the treatment they need. Because they naturally would think, I am going to die. What is going to happen to me?

I was very lucky because I was able to afford health insurance. This bill is for working women who have no insurance, and it is crucial that we do our part to help them with the tough time in their lives.

In my own State of North Carolina, 20,000 women have been screened for breast cancer through the government's free mammogram program. And up until now, many of these women have been left out in the cold.

Now, as soon as we get this bill to the President, these women will have health. And there is another issue in this bill which we are going to be addressing and we both have speakers on both sides of the aisle, and that is the human papilloma virus. We are going to be talking about that. And then, as we go through the process, I am going to move at the end of the rule to make an amendment to the bill. And I want to make that clear.

So we need to pass this rule and, more importantly, let us get this bill to the President.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from North Carolina for yielding me the customary half hour.

Mr. Speaker, first and foremost, I want to express my very strong support for the underlying bill. I am proud to be an original cosponsor of H.R. 1070, on which the legislation is based.

Our consideration of this measure is long overdue. I want to commend the gentlewoman from California (Ms. ESHOO), the gentlewoman from North Carolina (Mrs. MYRICK) and the gentlewoman from Missouri (Ms. DANNER) as well as all the members of the Women's Caucus for persevering and advancing the issue and bringing it before the House today.

Now, according to our colleagues in the other body, the other body will not, I repeat, will not consider the measure in the final days of Congress if we allow the Coburn amendment to go forward. And with this in mind, my colleague the gentlewoman from North Carolina (Mrs. MYRICK) has secured a mechanism to remove the additional language to provide for consideration of a clean bill. She has my strong support in this effort. I urge the support of my colleagues, as well.

I would like to say a word about the serious nature of the human papilloma virus to both men and women as one of the leading causes of both cervical and prostate cancer, and I would also like to have some more work done on the importance of surveillance and research on that virus. I think it is an important step, and I look forward to seeing the provision that the gentleman from Oklahoma (Mr. COBURN) has in his amendment included on a bill this year, but just not this one. We cannot afford to let this year about to go by while women wait.

The Breast and Cervical Cancer Treatment Act is much too important to be caught up in the procedural confusion. This bill provides an opportunity to extend care and treatment to low-income women diagnosed with cancer under the CDC breast and cervical cancer screening program. For many of these women, such a bill will ensure that they have access to affordable care.

Low-income women screened and diagnosed with breast cancer through the Centers for Disease Control and Prevention of Breast and Cervical Cancer Control Program should not have to hold bake sales to obtain treatment for breast cancer. The underlying bill will give States the option of providing Medicaid coverage for the treatment of these women.

Mr. Speaker, the bill has the strong support of the National Breast Cancer Coalition, a 500 member organization representing hundreds of thousands of individual members. And we also have letters of support from numerous health care organizations urging that the Senate version of the bill be considered so that we can pass this and send it to the President this year.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 6 minutes to the gentleman from Oklahoma (Mr. COBURN) my friend.

Mr. COBURN. Mr. Speaker, I want to thank the gentlewoman from North Carolina, who is a very dear friend of mine, and want to say this: There is no question I have lost the battle on this bill to have women have the knowledge about what the risks are from this virus. And that has been my goal all along.

Every Friday and every Monday that we are not here, I treat women. I hate this virus. I hate it worse than HIV. Because what it does is it takes the self-esteem away from a woman. A woman feels dirty when she finds out that she has got this virus.

Unfortunately, we as a body have condoned the message in this country that says to our young children and young adults that they can have safe sex. That is a lie.

A condom offers no protection from this virus. The NIH has stated so. As a matter of fact, NIH Dr. Richard Cosner has stated that no additional research should be done on the efficacy of condoms as related to this virus because the studies are irrefutable that a condom will not protect them.

I understand the concerns of the gentlewoman from New York and the Women's Caucus in this. I want a breast and cervical cancer bill. I have three close family members with breast cancer. I want this. I want this for the women in my practice who have trouble getting treatment when they are working and do not have health insurance. I do not mean to be an impediment. But if we take the same track on cervical cancer, on prostate cancer, and now 20 percent of the gay men in this country have rectal dysplasia, which means they are going to have rectal cancer if we take the same track we did initially on HIV and offer treatment only, without education and information for prevention, what we have done is a very great disservice to the country.

□ 1445

We have abrogated our responsibility. The fact is that we can prevent cervical cancer. Yes, we have set up a great screening system to find this. That is why we find it early. That is why we have such wonderful cure rates on cervical cancer. But we should not have as many women with cervical cancer as we do in this country: 3,800 women will die this year from cervical cancer; 30,000 will be diagnosed with cervical cancer in this country. Those are preventable diseases.

As we discuss the health care dollars and the health care crisis in this country, to be spending money on treatments when we could have prevented it is very, very foolish. I would like to engage the gentlewoman from New York in a colloquy, if I might. I would like to just ask again, I heard her opening statement and I am very appreciative of it. Can I have a commitment from the Women's Caucus that before this session of Congress is over, that we in fact will have in some language somewhere a study and a prevention message for the young people in this country as relating to human papilloma virus?

Ms. SLAUGHTER. If the gentleman will yield, if I could give him that assurance, I would. Unfortunately, I do not determine what goes on what bills. However, I made it as clear as I could in my statement that we recognize that what he is doing is important, that we want to see it this year. However, there is no mistaking the fact that if his amendment is on this bill, the Senate will not take it up this year. That means that another year, maybe two, would pass before the poor women in the United States would have access to treatment. We would be more than happy, and I will give the gentleman my commitment that we would vote for that, be happy to do it; but certainly I am not the person he wants to talk to about putting that on another bill.

Mr. COBURN. I have the assurance of our leadership. What I want is the assurance of the Women's Caucus that they want women in this country to be informed about this risk.

Ms. SLAUGHTER. I think we have made that very clear. I do not know anything I could say to make it clearer. We want all the information we can get. We do not believe there is any such thing as too much. But we want to save this bill because women are waiting.

Mr. COBURN. I thank the gentlewoman, and I reclaim my time.

I would just say the following thing: information is powerful. Women in our country are smart. They make good medical decisions. They can and must be informed of the risk of this virus. Seven million women this year will become infected with this virus. Not all of them will develop cervical cancer. But if one does, we have not done our job.

Mrs. MALONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. COBURN. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Speaker, I just first of all want to commend the gentleman from Oklahoma for his efforts, his really sincere and hard efforts to alert the public on the danger of HPV, which is a very widespread sexually transmitted disease. As cochair of the Women's Caucus along with my dear friend and colleague from the great State of New York (Mrs. KELLY), he has my absolute commitment to work this year to find some vehicle to have this study and the important work that he is supporting in a package this year. But as the gentlewoman from New York (Ms. SLAUGHTER) pointed out, the Senate has said they want a clean bill. That is what we want to give them. But we applaud his efforts, his work and we want to work with him.

Mr. COBURN. I thank the gentlewoman for that assurance.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague from New York for yielding me this time.

Mr. Speaker, I have spent many months working with my colleagues in the Committee on Commerce on helping to support the Breast and Cervical Treatment Act. I want to pay particular tribute to the gentlewoman from California (Ms. ESHOO), who is not able to be here today for her leadership in that effort in the committee and throughout the House.

I want to pay a special tribute today to the gentlewoman from North Carolina (Mrs. MYRICK) for her leadership to move this legislation along. As a nurse, I fully understand the importance of human papilloma virus as a public health issue. I commend the gentleman from Oklahoma (Mr. COBURN) for his interest in this topic, and I hope that the House will address this issue very soon.

But today we must be voting on a clean bill so that we can ensure that low-income women who have been screened positive for breast and cervical cancer can get the treatment that they so desperately need. As the gentlewoman from North Carolina said, early diagnosis is meaningless without the opportunity for treatment. That is what this bill, the Breast and Cervical Cancer Treatment Act, addresses. Adding the HPV provision to this bill which is extraneous to its underlying purpose of treatment jeopardizes its passage. Think of the disservice this does, the critical lifesaving treatment that could be denied to millions of women in this country today if this happens.

Today, instead, we have the chance to pass this strongly bipartisan bill out of the House and send it directly to the President's desk for a signature. We cannot let that opportunity pass by.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise today in support of the rule for H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act. Back in May, the House passed this legislation under the suspension of the rules. Today, we have the opportunity to again support this important legislation which would provide treatment for low-income women with breast and cervical cancer by closing the gap in an existing Federal program that screens low-income women for breast and cervical cancer but does not provide treatment once diagnosed.

The rule we are now considering will allow the House to consider the same bill which the Senate passed this week, and by the end of today we will have a bill to send to the President to close this gap and provide treatment for the hundreds of thousands of women across this country who need this treatment.

The rule removes the amendment offered by the gentleman from Oklahoma (Mr. COBURN). His amendment addresses a serious disease, the human papilloma virus. But unfortunately this language may have slowed this bill's passage in the other body. I support the efforts of my colleague, and I look forward to joining him in the future to have these concerns considered. I join my colleague, the gentlewoman from New York (Mrs. MALONEY), the cochair of the House Women's Caucus, in committing to work within the Women's Caucus for the inclusion of his bill in any vehicle possible this year so we can address this dangerous virus.

Presently, I urge all of my colleagues to support this rule, however, and the underlying bill. This legislation is a critical step in ensuring women have access to the treatment that they need for these terrible diseases. I thank the gentlewoman from California (Ms. ESHOO) and the gentleman from New York (Mr. LAZIO) for their work on this issue.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I came to the floor originally to speak against the rule, but now I understand that the rule will be amended and the language that was added to the Senate bill will not be included so that this legislation will go directly from the House to the President. We hear he is anxiously awaiting the opportunity to sign it.

I was the author of the legislation originally to provide the breast and cervical cancer screening. That was during the Bush-Quayle administration. We had their support for that legislation, but we could not get them to agree to help fund the treatment for women if they found that they had cancer. It is now 8 years later and in a bipartisan and maybe unanimous move we are finally going to allow low- and moderate-income women who are screened for breast and cervical cancer under the existing program to have assured treatment under this legislation.

This bill would provide them the hope by allowing States to cover them under Medicaid to get the care that they need. It makes sense. It is in fact a cruel hoax to say to a woman, "Go get screened but if it turns out you have cancer, if you don't have insurance, you're on your own."

Unfortunately, in these last 8 years, the number of people who are uninsured has grown 1 million each year. So we have more and more people uninsured. At least for those women who have breast and cervical cancer, once they are screened under the existing program, we will now provide medical services, lifesaving medical services for them. It would be a travesty to do otherwise.

I am pleased now to support the rule when it is amended and to support the legislation. It is long overdue. I look forward to having the President sign this legislation into law.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, this should be a guy thing, and I want to tell my colleagues why. I joined the Labor-HHS committee because it focuses primarily on two issues: one is education, the other is medical research. This century is going to be, I think, not for technology but the most important century for medical research in the history of mankind, from the genome program to cell division where we can take pancreatic cells and inject into maybe a child that has juvenile diabetes.

I would like my colleagues to remember that we lost Herb Bateman this year. Congressman Vento, we go to his funeral tomorrow. Cancer is a brutal thing. I know many of our colleagues on this floor have contracted it. I have talked to the gentlewoman from Connecticut (Ms. DELAURO). She is a cancer survivor. My mom is a cancer survivor. There is no better woman in this country than my little mom. But can you imagine, and I know when the doctor looked me in the face and said, "Duke, you've got cancer," that is pretty tough. And I try and put myself in the position that what if I did not have care for my medical retirement from my military retirement, what if someone says, "Duke, you've got prostate cancer, but you've got no hope. You're going to die." How terrible is that in a country as powerful as ours? I look at the things in my own personal life. I am pro-life. My colleagues know that. And I disagree with areas like Planned Parenthood on their abortion issue. But I went to Planned Parenthood, and I saw many women receive mammograms, pap smears, care that indigent women would not have received. At least we need to come together in those areas to make sure that many of our unfortunate that do not have health care can come together and get that. That is why I think this is so important, and I rise in strong support. I want to thank my colleagues on both sides of the aisle for this legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to support this measure and to pay tribute to the gentlewoman from California (Ms. ESHOO) and the gentlewoman from North Carolina (Mrs. MYRICK) for taking the lead and for the rest of the women in the bipartisan Women's Caucus. Many taxpayers' dollars went into the discovery and the security of having diagnostic and treatment modalities for cervical and breast cancer. Yet we have seen a number of working women, low-income women without health insurance coverage not be able to get treatment simply because they cannot afford it. Yet some of their tax dollars went into the real arrival of these answers that we have today.

I stand here as a cancer survivor because of these diagnostic and treatment modalities.

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My grandmother was a victim. So I do know what it is like to be told not only of a family member but be told myself that I have cancer, and to have access to getting treatment.

I would hope that the gentleman from Oklahoma (Mr. COBURN) would understand that we do not want to delay this measure any longer in going to get the President's signature so that women can have access to this treatment. I do not believe that he would want to do that.

I understand the seriousness of that virus. I too am a health professional. I am a registered nurse and understand the real importance of early diagnosis and treatment. Far too long we have waited for this to become law, and I hope we will wait no longer.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend, the gentlewoman from North Carolina (Mrs. MYRICK), for yielding me this time.

Mr. Speaker, breast and cervical cancers have continued to increase in exponential numbers. Just today approximately 480 women across our Nation will be diagnosed with breast cancer and approximately 120 will die from this affliction. Women's cancers are sweeping the families of our Nation at high speeds, and while researchers continue to look for cures and effective treatments, many women will never be able to see the benefits of such research because they simply will not be able to afford it.

Today, by passing this legislation, we will be on our way to ensuring that low-income women without health insurance have access to lifesaving treatment.

Cancer eats away at the spirits of women battling with this disease. These women should not have to waste their energy scrambling for an ad hoc patchwork of providers, volunteers and charity care programs that will only result in unpredictable, delayed, or incomplete treatment. For the women and families fighting cancer, every minute counts. They simply cannot and should not have to wait any longer for this treatment. Their lives may depend on the outcome of today's vote. I urge my colleagues to vote for the passage of this bill so that low-income women can have a fighting chance at beating breast or cervical cancer.

I would like to thank my dear constituent, Jane Torres, president of the Florida Breast Cancer Coalition, for her selfless devotion to this very worthy cause; and to Fran Visco, president of the National Breast Cancer Coalition, for her tireless efforts to eradicate breast cancer; and to my dear colleague, the gentleman from New York (Mr. LAZIO), the leader of this legislation, who continues to show through his actions that the welfare and the health of women and families remain his priorities; and lastly, to my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), a breast cancer survivor and a fighter to whom this legislation is dedicated and a fearless advocate for all women living with breast cancer.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time, and for her leadership.

Mr. Speaker, I rise in strong support of this rule and the underlying bill. This is an extremely important bill, and it will literally save thousands of women's lives. Mr. Speaker, I ask everyone to stop for a moment and think about what they might do if they were diagnosed with cancer but were told that no treatment options were available under their insurance and that they could not afford treatment because they could barely afford to feed their family and pay their rent.

Mr. Speaker, for thousands of women in this country, this is an unfortunate reality. There is an outstanding program under the CDC called the National Breast and Cervical Cancer Early Detection program. It provides screening for low-income women who have little or no health insurance, but for women who find that they have cancer from this important screening program there is no guarantee of any treatment. It is clear that this situation must change. This bill will do that.

The Women's Caucus has made it a top priority. I want to thank the gentlewoman from California (Ms. ESHOO) and the gentlewoman from California (Mrs. CAPPS), the gentlewoman from North Carolina (Mrs. MYRICK), the gentlewoman from Missouri (Ms. DANNER), and my Women's Caucus cochair, the gentlewoman from New York (Mrs. KELLY), for their tireless work to get this bill passed. I also want to thank all the members of the Women's Caucus who signed a letter to Speaker HASTERT this week urging swift passage of the bill.

This bill gives States the option to provide Medicaid coverage to uninsured or underinsured women who have been diagnosed through the CDC's screening program. It passed overwhelmingly in the House and Senate, and every day this bill is delayed we have women dying from treatable breast and cervical cancer. Today is a great and important day for women facing breast and cervical cancer. I commend the leadership for bringing it to the floor today, and I also want to commend the gentleman from Oklahoma (Mr. COBURN) for his efforts and pledge my support to continue working with him on the dangers of HPV.

I urge total support and passage and to the President's desk.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise simply to thank all of those who have been engaged in this battle both personally and as well publicly. I do acknowledge the importance of this legislation and particularly the fight against this virus HPV. I think it is very important to acknowledge the number of women who have died suffering from both breast and cervical cancer. Just a week ago, many of us, or this past month, saw the Susan B. Coleman Race for the Cure all over the Nation. Thousands of women stood up to be counted for a cure for breast cancer. In my own community 20,000 walked, and I am particularly proud of the Sisters Network, a group of African American women who have gone into the community to fight against the stigma of acknowledging the importance of getting a mammogram or the importance of early detection.

This legislation, however, comports with the mission of many women in the United States Congress and that is there can be no real research if we do not use clinics and reach out to women to be tested and further research in the National Institutes of Health. I am glad that this legislation will help low-income women, inner city women, rural women, Asian, Hispanic, African American women, white women, all women who face these devastating diseases; and we will learn more by this legislation. I hope that my colleagues will support this legislation enthusiastically, but I also ask that we continue to fetter out some of the perceived uncurable diseases that have plagued American citizens, and particularly in this instance women. I also want to salute the very brave women who are survivors and ask that there be many more as we seek a cure for these diseases.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I stated earlier, the amendment of the gentleman from Oklahoma (Mr. COBURN) is not going to be included on this bill, just for clarity; but I do want to say that I will do everything in my power to make sure that the very important issue is included in a bill this year. I want to thank the Women's Caucus for coming forward and saying that they are willing to work on this as well because we all understand how important it is to women that we get this done, and men, too, relative to prostate cancer.

I also want to thank everyone on both sides of the aisle for their cooperation on this and making it possible to see this bill come to fruition this year, and also thank the Breast Cancer Coalition for their support and other groups on the outside, and especially the gentleman from New York (Mr. LAZIO), who has been a real champion of this and spent a lot of hard work on this issue over the past year.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. MYRICK

Mrs. MYRICK. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Clerk will report the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mrs. MYRICK:

Strike all after the resolved clause and insert:

That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Commerce or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

Mrs. MYRICK. Mr. Speaker, I do want to reiterate that this means this bill will go straight to the President for signature.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the amendment in the nature of a substitute and on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentlewoman from North Carolina (Mrs. MYRICK).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

Mr. BILIRAKIS. Mr. Speaker, pursuant to House Resolution 628, I call up the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus, and for other purposes.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BILIRAKIS of Florida moves that the House concur in the Senate amendment to H.R. 4386.

The text of the Senate amendment is as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Prevention and Treatment Act of 2000".

SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVI), by striking "or" at the end;

(B) in subclause (XVII), by adding "or" at the end; and

(C) by adding at the end the following:

"(XVIII) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);".

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

"(aa) Individuals described in this subsection are individuals who—

"(1) are not described in subsection (a)(10)(A)(i);

"(2) have not attained age 65;

"(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

"(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (42 U.S.C. 300gg(c)).".

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking "and (XIII)" and inserting "(XIII)"; and

(B) by inserting ", and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(10)(ii)(XVIII) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer" before the semicolon.

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xi), by striking "or" at the end;

(B) in clause (xii), by adding "or" at the end; and

(C) by inserting after clause (xii) the following:

"(xiii) individuals described in section 1902(aa),".

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

"PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

"SEC. 1920B. (a) STATE OPTION.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

"(b) DEFINITIONS.—For purposes of this section:

"(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

"(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

"(2) QUALIFIED ENTITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

"(i) is eligible for payments under a State plan approved under this title; and

"(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(B) REGULATIONS.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

"(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—The State agency shall provide qualified entities with—

"(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

"(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

"(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

"(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

"(1) is furnished to an individual described in subsection (a)—

"(A) during a presumptive eligibility period;

"(B) by a entity that is eligible for payments under the State plan; and

"(2) is included in the care and services covered by the State plan,

shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).".

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: "and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section".

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking "or for" and inserting ", for"; and

(ii) by inserting before the period the following: ", or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section".

(c) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking "and" before "(3)"; and

(2) by inserting before the period at the end the following: ", and (4) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided to individuals who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XVIII)".

(d) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 2000, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

The SPEAKER pro tempore. Pursuant to House Resolution 628, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 4386.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act of 2000. I commend the gentlewoman from North Carolina (Mrs. MYRICK) for her personal courage in the face of breast cancer and for her work in persuading the House leadership to bring this important bill to the floor today.

I also wish to recognize one of the original cosponsors of H.R. 4386, the gentleman from New York (Mr. LAZIO), for his many months of hard work on the Committee on Commerce persuading Members and forging alliances with the American Cancer Society, the National Women's Health Network, the National Cervical Cancer Coalition, the National Breast Cancer Coalition, the Cancer Research Foundation of America, and so many others, to make this day possible. His diligent work on H.R. 1070 laid the groundwork for this legislation. Mr. Speaker, I was joined on our Committee on Commerce by the gentlewoman from California (Ms. ESHOO), who persistently fought for progress on this bill.

Like so many women I have met over the last few years advocating for this legislation, I understand the fears that families face when they first hear that word. I have worked in Congress to help find ways to help more women from falling victim to cancer. In the closing days of the last session, the Committee on Commerce reported out H.R. 1070, the Lazio-Eshoo Breast and Cervical Cancer Prevention and Treatment Act of 1999. I am very pleased that we are now on the floor debating a bill based on the committee's work, which addresses both breast cancer, the leading cause of cancer deaths among women, and cervical cancer, cancer caused by the HPV viral infection that kills more women in America than HIV, the cause of AIDS.

I am deeply disappointed, as has been stated by others, that the other body stripped the House-passed amendments that would do so much to prevent cervical cancer. Perhaps this is a consequence of the outside lobbying groups that have been formed around breast cancer, leaving in the dust their sister organizations concerned about cervical cancer, and that is a shame.

Mr. Speaker, we need to do more about cervical cancer than pass resolutions increasing awareness about it. We need to take positive steps to prevent its occurrence in the first place through our public health agencies. Cervical cancer is 100 percent preventable, and I fear that if the House is not successful in addressing prevention, the families of the 5,000 women who will die of this disease this year will judge us for not taking action when we had the opportunity.

So, Mr. Speaker, while I am disappointed that the bill we consider today does not address prevention of cervical cancer, and I am not really sure why in the world we have refused to do that, but in any case I do believe that we should move forward on the underlying bill and address cervical cancer prevention in another piece of legislation.

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H.R. 4386 will close a gap left open when the screening program was first created, and it represents an important step forward in the battle against breast and cervical cancer.

I urge my colleagues to support passage of this critical measure, which will give new hope to breast and cervical cancer patients in need as we continue the fight to find a cure for these terrible diseases.

Again, I thank the gentlewoman from North Carolina (Mrs. MYRICK), the gentlewoman from Missouri (Ms. DANNER), the gentleman from New York (Mr. LAZIO), the gentlewoman from California (Ms. ESHOO), my Committee on Commerce colleagues, and many others who have contributed to bring this legislation to the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentlewoman from California (Ms. ESHOO) and the gentlewoman from North Carolina (Mrs. MYRICK) for their hard work on behalf of women screened under the CDC Breast and Cervical Cancer Screening Program.

H.R. 4386 has garnered tremendous support with some 318 cosponsors. In 1990, Congress passed the Breast and Cervical Cancer Mortality Prevention Act. That bill authorized funding for a national breast and cervical cancer screening program focusing on uninsured and underinsured women.

The program is federally-funded and locally operated. Simply put, it works.

My home State of Ohio set up 12 local screening sites, providing coverage for all of Ohio's 88 counties. Since the Ohio program's inception, 16,000 women have been screened for breast and cervical cancer. Cancer has been detected in more than 200 women.

Early detection alters the odds of successful treatment dramatically, restoring precious years otherwise lost to these devastating cancers. But, unfortunately, there is there is a catch. Early detection is a futile and ultimately cruel exercise if a cancer diagnosis does not trigger appropriate treatment. The two obviously go hand-in-hand.

The 1990 bill authorized funding for screening, but not for treatment. Instead, it calls on States to secure treatment for women diagnosed with cancer under the Federal screening program.

As it turns out, the onus of responsibility has fallen on the local screening programs. Staff at the screening programs and at the screening sites typically do two jobs. They arrange screenings. Then, when tragically necessary, they try to convince hospitals and doctors to provide free cancer care to patients, cobbling together any program, any services, any assistance, any help they can.

This is a labor-intensive hit or miss effort that places an immense burden on the screening programs, with no guarantee that women will receive care on a timely or a consistent basis. In a health care system shaped all too often now by the managed care industry, providers inevitably have less flexibility to offer their time and their services for free.

The Federal government invested $158 million to the breast and cervical cancer screening program in fiscal year 1999, yet we are only reaching 12 to 15 percent of the target population. When the women we have invested in are diagnosed with cancer, our commitment to them, unbelievably, ends.

CDC cancer screening resources should be used to provide cancer screening. Health care resources should be used for health care. That is where Medicaid comes in.

The title of the original authorization is the Breast and Cervical Cancer Mortality Prevention Act, but mortality prevention requires not just screening, but also treatment. H.R. 4386 fills that gap. It establishes a modest optional Medicaid benefit enabling the Federal government to contribute to the costs of providing proper care for these women.

By freeing up screening program resources, by eliminating the uncertainty around treatment for women screened under the CDC program, H.R. 4386 permits our Nation to achieve the full health potential promised in the Breast and Cervical Cancer Screening Program.

We need to fight breast and cervical cancer with every weapon available. Early detection, proper health care, are the strongest weapons we have. Because the Republicans changed a bad rule to a good rule, this bill will go straight to the President, not back to the Senate.

On this side of the aisle, we enthusiastically support this bill, as the gentlewoman from California (Ms. ESHOO) when she began the process did, and as all of us have joined her.

I urge my colleagues to support this very good legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding time to me, and I want to thank the gentleman for his great work on this, and also commend the gentlewoman from North Carolina (Mrs. MYRICK) for her sponsorship of H.R. 4386, the Breast Cancer Prevention and Treatment Act.

Passage of H.R. 4386 would guarantee low-income uninsured women in this country treatment if they are diagnosed with breast or cervical cancer in the Federal screening program. Currently, as we know, many low-income and uninsured women are not receiving the treatment and medication they urgently need because they simply cannot afford it.

It is crucial that we pass this legislation and that we pass it today so that women across the country receive the lifesaving treatment that they so desperately deserve and need. Mr. Speaker, breast cancer is the most common cancer among women, other than skin cancer. It is the second leading cause of cancer death in women after lung cancer.

I would point out to my colleagues that my own cousin Sue, who was very, very close to me, fell victim to this disease several years ago. She was misdiagnosed. She went to her own doctor, who missed the signs. It was a matter of providential help that she walked into one of those mobile screening clinics and found out that that lump that she was so concerned about turned out to be cancer. Because of that, she got several years because she was able to at least get it treated. Had she known about it sooner, I do believe that my cousin Sue would be here today.

In like manner, my wife's mother died of breast cancer. That was more than 25 years ago. But she, too, went to a doctor, and had it missed because he missed the signs of what was taking place in her body. She passed prematurely while my wife was still in high school.

We all have cases. Every single one of us have a loved one who has been lost to this devastating disease. Hopefully, this kind of initiative will at least spare some the agony of this terrible cancer.

As my colleagues know, the American Cancer Society reports that there will be approximately 182,000 new cases of invasive breast cancer in the year 2000 among women in this country, resulting in about 40,800 deaths from this horrible disease.

It is imperative, Mr. Speaker, that Congress continues to expand research opportunities focusing on finding a cure, increasing early detection, and speeding access to treatment for breast cancer.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), who played a role in 1990 in writing the original Breast and Cervical Cancer Treatment Act.

Mr. DINGELL. Mr. Speaker, I support this legislation. I want to commend my colleagues who have had a part in bringing this legislation to the floor today.

I want to pay tribute to my friend, the gentleman from Oklahoma (Mr. COBURN) for having withdrawn his amendment. That is going to make it possible for us to send it to the President for signature.

I want to commend my colleagues on the other side of the aisle. I commend the chairman of the subcommittee, the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Ohio (Mr. BROWN), the gentlewoman from California (Ms. ESHOO), the gentlewoman from North Carolina (Mrs. MYRICK), and the gentleman from New York (Mr. LAZIO), for their leadership on it. We owe them a great debt.

More importantly, the people in the country owe gratitude to these Members and all of the others, some 318 of them, who worked to bring this legislation to the floor.

This is good legislation. Hardly a Member of this body, or indeed, a citizen walking down the street in this country, has not had his or her life touched by cancer, and hardly a citizen has not had a loved one who has had to confront this terrible disease.

Like most other, I can tell stories of people in my family that I have lost to this disease. It has left permanent scars on the family. It has left permanent scars on me and on a lot of others.

Having said that, this legislation is not only good, humane, important, but it is needed. Some years ago I was at a hospital in Michigan, a major hospital. And they say, Mr. DINGELL, "There is good news." I said, "I am glad to hear it. What is it?" They said, "We now are able to examine women under Medicaid to find out if they are at risk from cancer of the breast and of other parts of the body." They said, "But there is bad news." I said, "What is that?" They said, "We can screen them for cancer, but we cannot provide the necessary treatment under Medicaid to remove the cancer."

I said "That is like telling a woman that she has cancer, that is the good news, and the bad news is, she is going to die." I think that was intolerable then, and I am happy to note that the legislation before us addresses that problem. Women are now able to know when this bill is signed by the President, as it will be, that there will be treatment for those women who are in the low- and moderate-income groups so that they will not know that when they get a government analysis of their health and are tested for cancer, they are going to know they have cancer, but they also will know they are going to die.

The wonderful thing about this legislation is it is going to give lots of hope to Americans who have no other hope in the time when they have the greatest need, when they have cancer.

I applaud the legislation. It meets a tremendous need in our society. These women will now know that they can expect to have at least a fighting chance to have decent treatment, and know that they have a chance to live for themselves and for their families and for those who love them.

It is a humane, a necessary, a good piece of legislation. Mr. Speaker, I rejoice that the House is considering this legislation today. I support it, and I am delighted that the matter will now go to the President for signature, because it is an important and needed piece of legislation, and should go so as speedily and as rapidly and as efficiently as we can possibly get it there for the signature of the President, so the money can begin to be spent on a terrible need of women who have no other hope for surviving a terrible disease.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from

Maryland (Mrs. MORELLA), who is probably the largest proponent of women's issues in this House.

Mrs. MORELLA. Mr. Speaker, I thank the distinguished chairman of the subcommittee, who has been a great advocate for issues that affect women, children, and families, and this is certainly a case in point.

Mr. Speaker, October is Breast Cancer Awareness Month. Congress has an opportunity to do something now to help turn awareness into action by passing H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act.

One out of every nine women will be diagnosed for having breast cancer. Just last Saturday I was in Boston, where the eldest child of my late brother was buried, having had breast cancer.

So we know that awareness is important as well as treatment being important, diagnosis, mammograms, personal checking by oneself, and certainly through the Centers for Disease Control and the prevention and early detection program.

The Senate passed the bill we are considering today unanimously last week. Women and their families across the country are really looking forward to this legislation finally being signed into law. Indeed, I want to applaud the many groups that have diligently worked very hard for this bill.

I also want to applaud the gentlewoman from North Carolina (Mrs. MYRICK), the gentlewoman from California (Ms. ESHOO), the gentleman from New York (Mr. LAZIO). I want to applaud the chairman, the gentleman from Florida (Mr. BILIRAKIS), the ranking member, and the gentleman from Ohio (Mr. BROWN) for the hard work they have put into this legislation.

The legislation is lifesaving. It has strong bipartisan support, a groundswell of support from the grass roots level. With passage of the Senate version of the bill, we will take the final step in a long process to guarantee low-income, uninsured women in this country the treatment they need when they are diagnosed with breast or cervical cancer through the Centers for Disease Control and Prevention's early detection program.

I cannot imagine diagnosing and then not treating. This bill will do that. It will allow us treatment. Many of us have worked hard to get this bill passed. Let today be the day. We are going to pass this bill through the House, with the gentleman's leadership.

□ 1530

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time and for his hard work on this bill.

This is a great bipartisan moment in the House. The gentleman from Oklahoma (Mr. COBURN) and the bipartisan Women's Caucus have worked together to make sure that this bill gets done this year.

Mr. Speaker, it is harder to get low-income women to take preventive steps. We know resources is one of the reasons; but the fact is we have to fight against advice, for example, on whether or not mammograms are harmful. We have to fight against the lack of education that middle-income women do not suffer from. But there is no greater deterrent than knowing that the information I find may be information I have to not only live with, but ultimately die with, because there is no treatment, no matter what we learn.

Mr. Speaker, this really raises moral and ethical issues, because if we detect but do not treat, what are we as a society doing and saying? We have made real progress on early detection in recent years. It is quite amazing progress.

For example, the majority of women in the District of Columbia probably now get a mammogram. D.C. offers free screening at 26 different sites, a program called WISH, Women Interested in Staying Healthy, that is pennywise and healthwise, because it saves money and saves lives, but not if there is no treatment. We are then defeating our own purpose.

Let me give you a painful example. The incidence of breast cancer among black women is significantly less than among white women, but the mortality rate among black women is much greater: 19.8 per 100,000 for white women, 26.5 for black women. Why? Of course, it is a combination of early diagnosis and no treatment, no early diagnosis and no treatment.

It is almost cruel to offer one without the other. If we continue to do this, it will throw us back on early detection, because we would be sending the message, don't come forward and scare yourself to death because we cannot do anything for you afterwards.

Mr. Speaker, we have made enormous progress on early diagnosis of cervical cancer and breast cancer. Now we are making great progress on curing them.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN), who has been very, very involved in this issue in his 6 years in the House.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding the time to me.

Mr. Speaker, I want to commend the gentleman from Florida (Mr. BILIRAKIS), the chairman, and the gentleman from Ohio (Mr. BROWN), the ranking member of the Subcommittee on Health and Environment, for getting this bill brought to the floor, and, in particular, in moving to concur in the action by the other body so this bill can be sent directly to the President and be enacted this month, which is in fact Breast Cancer Awareness Month.

Mr. Speaker, this measure would provide critical Medicare for low- and moderate-income working women who have been diagnosed with breast and cervical cancer.

Under a 1990 law, low- and moderate-income women are eligible for screening for both breast cancer and cervical cancer through the Centers for Disease Control and Early Prevention early detection program. This has served more than a million women and diagnosed more than 30,000 women with cancer or precancerous conditions. However, it is unconscionable that we would help these women get the screenings they need to discover these cancers, but not provide any ability for follow-up care.

The diagnosis of breast or cervical cancer should not be a notice of a death sentence to a working woman who has no insurance.

Mr. Speaker, under current law, treatment is available only for a small percentage of these diagnosed women, those who are eligible under the TANF programs or under the supplemental security income program for disability. As a result, many of these 30,000 low- and moderate-income women who have been diagnosed simply delay treatment because they cannot afford it or because they make too much money to qualify for Medicaid.

This bill would correct this inequity by giving States the option to expand Medicaid coverage for these women who have no health insurance.

Mr. Speaker, I am also pleased that the bill is structured to encourage the States to immediately expand their Medicaid coverage program for women. Under the bill, States would receive an average of 68 percent of the cost share by the Federal Government and they would be responsible for 32 percent. This is much higher than the basic Medicaid rate for many States, including my State of Texas, where the average rate of the Federal Government is 61 percent. And I hope it would encourage the State to move quickly.

Earlier this year, I met a young women, Ms. Barbara Marsh, who is receiving treatment in a clinic, the Rose, which is located in my district and who would benefit from this program. Ms. Marsh of Humble, Texas, was diagnosed with breast cancer and is a self-employed dance instructor. At the age of 32, Barbara discovered a lump in her breast and was treated for breast cancer through the public health system. However, because she owns her own dance studio, which is considered to be an asset, she was required to pay the $26,000 for her medical treatments.

Mr. Speaker, unable to afford these high bills, Ms. Marsh did not seek any additional follow-up treatment until

August of 1999 when her breast cancer had advanced to Stage 3. If Barbara had health insurance, she would have had access to follow-up care and treatment and may have discovered this disease in a much earlier stage. But because she is self-employed and does not have any health insurance, she suffered.

This legislation would ensure that Ms. Marsh and thousands of women like her across America will have access to cutting-edge treatments that can save their lives. In a Nation with the greatest health and research assets and facilities in the world, no one should suffer the risk of death due to cancer for lack of access to such assets.

I congratulate the sponsors of this bill. I am proud to be a cosponsor of the initial House bill, and I look forward to its passage and its enactment into law.

Mrs. FOWLER. Mr. Speaker, I rise today in strong support of the Breast and Cervical Cancer Treatment Act.

Nearly 40,000 low-income women have been diagnosed with breast or cervical cancer or pre-cancerous lesions since the National Breast and Cervical Cancer Early Detection Program was established one decade ago. For many of them, the pain of learning they have a devastating illness is exacerbated by the fact that they cannot afford the treatment they know they need.

I do not want this Congress to have to tell another woman that yes, you have this disease, but no, there is nothing we can do to help you fight it.

This bill allows us to help these women by providing coverage for the treatment they need. It is common-sense legislation, and the overwhelming consensus with which it passed in the House and in the Senate is proof of that fact. Today, we have an opportunity to again show our overwhelming support for the Breast and Cervical Cancer Treatment Act.

I would like to take a moment to thank the Speaker of the House for his commitment to moving this bill through all the procedural hurdles it has faced. He promised women that the House would pass this bill before Mother's Day, and he did. He promised them we would take it up again before adjourning, and we are.

Mr. Speaker, I am hopeful that this bill will move swiftly from our halls to the President's desk and become law. The women who will be diagnosed through this program deserve nothing less than prompt action by the President. I urge my colleagues to vote yes on this critical bill.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 4386 and urge my colleagues to pass this important legislation.

I am grateful for the strong bipartisan support this legislation has received and I am proud to support this bill again so it can be forwarded to the President for signing and passage.

Mr. Speaker, passing this bill is critical for all Americans, but it is especially critical for families in my home State of New Jersey where breast cancer death rates are the highest in the nation. The program served women with incomes that are low but above the eligibility of Medicaid.

Ten years ago this Congress established a screening program to prevent and detect breast and cervical cancer to be administered under the auspices of the Centers for Disease Control (CDC).

In my home State of New Jersey, 20,000 women have been screened for breast cancer under the CDC program since 1996, and 16,000 have been screened for cervical cancer. Nationwide, over 200,000 women received mammograms under the CDC program in 1997 alone.

But until now, the program has not assured those women unfortunate enough to be diagnosed with either of these diseases that they would receive coverage and treatment, because, while they were uninsured, they had income above the limit set by State Medicaid programs. Too many of these women were left without hope. This was a great travesty.

Mr. Speaker, we must do more than just diagnose the problem. We must take the next step to ensure treatment for those without health insurance and pass this important legislation.

Thanks to this bill these women will now be eligible for Medicaid coverage should they be diagnosed with either of these diseases. This bill will save lives.

I know that many here in this Congress have been working hard to see this discrepancy addressed. I applaud their efforts and I am glad that we are finally having a chance to pass this much-needed legislation this year.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the Breast and Cervical Cancer Prevention and Treatment Act. I first want to commend my colleague Representative ANNA ESHOO for her hard work on this important bill. She has been a great leader in this effort for many years. In addition, I also commend Representative SLAUGHTER and my colleagues in the women's caucus for their work to ensure that we have the opportunity to vote on a clean bill that will make it to the President's desk.

We all agree that Americans should be educated and informed about HPV, and all other sexually transmitted diseases. However, passage of this important legislation to help uninsured women beat back the ravages of breast and cervical cancer is vital, and it would have been a tragedy to jeopardize its success by including language unacceptable to the Senate.

Every year, Cervical cancer kills 4,400 women and breast cancer, the leading cause of death among women between 40 and 45, kills over 46,000 women. This bill builds on the CDC's National Breast and Cervical Cancer Early Detection Program which covers screening services, but does not cover treatment for women who are detected with cancer. The Breast and Cervical Cancer Protection and Treatment Act takes the vital next step to offer lifesaving treatment to cancer victims.

Early detection of breast and cervical cancer saves lives. According to the CDC, approximately 15 to 30 percent of all deaths from breast cancer among women over the age of 40 and virtually all deaths from cervical cancer could have been prevented with early screening and treatment.

Unfortunately, many of the women diagnosed through the CDC screening program do not receive the care they need because they lack adequate health insurance. Uninsured women with breast and cervical cancer face significant barriers to receiving lifesaving treatment. Women who are uninsured are 40 percent more likely to die from breast cancer than those with insurance. Not only are these women likely to be screened, but the scope of treatment they receive is often limited by their ability to pay.

The Breast and Cervical Cancer Treatment and Prevention Act would provide states with the option to provide the full Medicaid benefit package without delay to uninsured women diagnosed with breast or cervical cancer through the CDC screening program. As a result, thousands of low-income women would have access to consistent, reliable treatment.

I urge my colleagues to vote yes on this bill.

Mr. CROWLEY. Mr. Speaker, I am honored today to join my colleagues in support of H.R. 4386, The Breast and Cervical Cancer Treatment Act. I am pleased that the Republican leadership has withdrawn the Coburn Amendment, which will allow this bill to pass the house today.

This year, more than 200,000 American women will be diagnosed with breast and cervical cancer. These women are our mothers, our grandmothers, our sisters, our colleagues and our friends.

In 1990, Congress took the first step toward the fight against breast and cervical cancer by passing the Breast and Cervical Cancer Mortality Prevention Act. This law authorized a breast and cervical cancer-screening program for low income, uninsured or underinsured women through the Center for Disease Control (CDC). Since its inception, the program has screened more than 500,000 women. Unfortunately, that is not enough. This program fails to provide any federal resources to pay for treatment once women are diagnosed with breast or cervical cancer.

H.R. 4386, The Breast and Cervical Treatment Act is a bipartisan piece of legislation which would provide Medicaid assistance to treat low-income, uninsured or underinsured women diagnosed breast or cervical cancer. Under this bill, the low income, uninsured or underinsured women diagnosed under the CDC Program will now receive the necessary treatment they need and deserve.

In the last decade we have made great strides in fighting against breast and cervical cancers. I am pleased to support this bill because the passage of this legislation today will give many women who were once hopeless a fighting chance to survive this terrible disease.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I urge a yes vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebreska). All time for debate has expired.

Pursuant to House Resolution 628, the previous question is ordered.

The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS).

The motion was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CORRECTIONS IN ENROLLMENT OF H.R. 5164, TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY, AND DOCUMENTATION (TREAD) ACT

Mr. UPTON. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 428), providing for corrections in the enrollment of the bill (H.R. 5164) amending title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 428

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill, H.R. 5164, entitled "An Act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes", the Clerk of the House of Representatives shall make the following corrections in section 6:

(1) insert before "Section 30120(c)" the following: "(a) REMEDY PROGRAM.—"; and

(2) insert at the end of section 6 the following:

"(b) REIMBURSEMENT PRIOR TO RECALL.—Section 30120(d) of title 49, United States Code, is amended by inserting at the end thereof the following: "A manufacturer's remedy program shall include a plan for reimbursing an owner or purchaser who incurred the cost of the remedy within a reasonable time in advance of the manufacturer's notification under subsection (b) or (c) of section 30118. The Secretary may prescribe regulations establishing what constitutes a reasonable time for purposes of the preceding sentence and other reasonable conditions for the reimbursement plan.".

Mr. UPTON. Mr. Speaker, This concurrent resolution authorizes the Clerk of the House to correct the enrollment of the bill, H.R. 5164, the TREAD Act. This legislation passed both the House and Senate without opposition yesterday.

Due to an inadvertent drafting error, a paragraph of the amendment offered by Mr. LUTHER in committee was deleted from the bill reported to the House, and left out of the bill subsequently passed by both the House and Senate. This provision, which addressed the reimbursement for repairs made prior to a recall, enjoyed broad bipartisan support and was always assumed to be part of the package passed by the House.

This concurrent resolution simply corrects this error, and I urge my colleagues to support it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H. Con. Res. 428.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 626, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 626

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rules provides for the consideration of the conference report on H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001. The rule waives all points of order against the conference report and against its consideration.

Further, the rule provides that the conference report shall be considered as read. This is the standard approach for conference reports, and this is a noncontroversial rule.

I urge all of my colleagues to support it. In addition, I strongly encourage my colleagues to support the conference report itself. While we will discuss the substance of the conference report during the general debate, this bill is extremely critical in terms of making sure our intelligence agencies have the capabilities needed to protect the United States and the lives of American citizens at home and abroad.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule allows for the consideration of the fiscal year 2001 intelligence conference report. This conference agreement is, in the main, not controversial. There is, however, concern about title VII of the conference agreement, which creates a new Public Interest Disclosure Act.

Mr. Speaker, as Members know, detailed information about the provisions contained in authorizations for the intelligence activities are for the most part classified. It is my understanding that there is little disagreement on the part of the House managers on the provisions of the conference agreement contained either in the statement of managers or in the classified annex. However, title VII, the new Public Interest Declassification Act, sets forth standards governing access to and protection of national security information and creates a new set of penalties relating to disclosure of classified information.

Both the gentleman from Illinois (Chairman HYDE) and the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, have expressed their grave reservations about these provisions and their implications on first amendment rights. Both the gentleman from Illinois (Chairman HYDE) and the gentleman from Michigan (Mr. CONYERS) have said that they should not become law without full public hearings. However, since the Senate has already acted on this conference agreement, a motion to recommit the agreement to the conference has been precluded.

I would hope in the next Congress, the Committee on the Judiciary, in cooperation with the Select Committee on Intelligence will thoroughly examine these issues and, if necessary, make remedial changes to the provisions now found in title VII of the conference agreement.

Mr. Speaker, in the meantime, I urge Members to support this rule so that the House may proceed to the consideration of the conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider is laid on the table.

□ 1545

Mr. GOSS. Mr. Speaker, pursuant to House Resolution 626, I call up the conference report on the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States

Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 626, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 11, 2000 at page H9709.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to present the conference report on the Fiscal Year 2001 Intelligence Authorization bill. I believe that hard work and careful deliberation has produced a first-rate bill that funds the critically important work of our intelligence community, and we are all reminded today just how critical that work is.

As has been the long-standing custom of the Permanent Select Committee on Intelligence, this conference report is a bipartisan product which reflects credit on our committee's members and its very highly professional staff, and I want to thank all involved.

This conference report authorizes funds for fiscal year 2001 intelligence-related activities, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. I just wanted to take a moment to highlight several provisions of the conference report for the consideration of Members.

First, this conference report, I am happy to announce, includes Senator MOYNIHAN's "Public Interest Declassification Act of 2000." This legislation is an important first step in regaining control and putting some order to the government's declassification process, a subject of great interest to many Members. I want to commend Senator MOYNIHAN for his tireless work to encourage the appropriate and timely declassification of appropriate U.S. Government records.

Another initiative of note is language addressing the serious problem of leaks of classified information by U.S. Government officials. Mr. Speaker, leaking classified government information is not a right or a privilege of U.S. officials or employees who have access to that information. Too often over the past few years, we have significantly risked, and sometimes lost, fragile intelligence resources because those employed by the government and who have access to classified information have chosen to leak that information and, thus, have ignored their commitments to national security. Damage has been done.

The provision in this conference report simply states that, if one is a current or former government employee who had access to classified material that one has promised to protect, that one must live up to those obligations. If one does not, then one is going to be held accountable.

The provision is narrowly crafted to protect the rights that all Americans hold dear. It is not, as some will say, an affront to the first amendment. In fact, the Justice Department has reviewed the provision and finds no constitutional infirmity. They even support the provision. The committee has looked carefully at this provision. As George Tenet, the Director of Central Intelligence, has stated, "the administration leaks like a sieve." This must stop.

Mr. Speaker, although I expect some discussion about the provision I just mentioned, I do not want Members to lose sight of a key and important fact. Today's activities in the Middle East speak volumes, sad volumes, I am afraid to say, to the type of world that we now live in. The apparent attack on the U.S.S. *Cole* and the violence in Israel and Palestine are terrible reminders of how fragile our national security can be.

The only way to be ready to face the threats to our security, and that is the security of all Americans at home and abroad, is by having a vibrant first line of defense that provides indications and warning, and that is our intelligence community. This conference report directly helps to rebuild resources that were cut after the Cold War and ensures the protection of our rights and liberties now and in the future. It is carefully crafted.

Before I close, I want to mention one other important point. With the conclusion of this Congress, the committee will lose the talents of several valued Members who have either served out their terms on the committee or who have chosen to seek other opportunities.

The gentleman from California (Mr. LEWIS), our esteemed vice chairman, who also serves this body as the Chairman of the Subcommittee on Defense of the Committee on appropriations will rotate off the committee.

The gentleman from California (Mr. LEWIS) has been a tireless supporter of the committee and of the intelligence community. His insights and his opinions have been invaluable to me and to the committee. He has also been instrumental in ensuring that his subcommittee and the Permanent Select Committee on Intelligence work very closely together, which has benefitted this House in many ways. I thank the gentleman from California (Mr. LEWIS), and all Americans thank him for the work he has done.

In addition, I would like to recognize two other Members who will not be with the committee next year: the gentleman from Florida (Mr. MCCOLLUM) and the gentlewoman from California (Ms. PELOSI). They have each contributed in an important way to the committee's work, and we on the committee shall certainly miss them.

Also, I would be remiss if I did not mention the excellent work by staff on both sides of the aisle, and I say that from my heart. Their efforts have allowed for us to be here today with a good bipartisan product on a critical subject.

Mr. Speaker, this is a good and important piece of legislation. I urge my colleagues to support its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. DIXON. Mr. Speaker, I rise in support of this conference report, and because of a scheduling problem, I yield 4 minutes to the gentleman from Georgia (Mr. BISHOP), a very valuable Member of our committee.

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the gentleman from Georgia (Mr. DIXON), the ranking member, and the gentleman from Florida (Mr. GOSS), the chairman, for the outstanding work that they have done and also the work of the staff which is so invaluable in helping us to come up with this work product.

Mr. Speaker, months ago, during the debate on the House Permanent Select Committee on Intelligence's reported authorization bill, I highlighted several very positive features of the bill and applauded the bipartisanship and the excellent cooperation in the work of the committee under the leadership of the chairman and the ranking member.

I am pleased to note that this conference report sustains the important initiatives and actions recommended in the House bill. This outcome, too, is testament to the sound judgment and hard work of the committee leadership and, indeed, of all my colleagues on the committee.

During our meetings with the Senate, and our discussions with the administration, concern arose over a House proposal to require the National Reconnaissance Office to contract separately from the Air Force for the large rockets that carry our reconnaissance satellites into orbit.

The House Permanent Select Committee on Intelligence adopted this proposal after substantial investigations and hearings following the disturbing and costly string of launch failures and after several years of unjustified volatility in the NRO's launch budget.

The Subcommittee on Tactical and Technical Intelligence, on which I serve as ranking member, concluded that there would be greater accountability and sounder fiscal management if the NRO were assigned clearer responsibility for this aspect of its overall mission.

At the same time, I appreciate the concerns that this step could contribute to deterioration of the partnership between the Air Force and the NRO in managing U.S. national security space launch programs.

In this regard, I would cite the clear guidance in the statement of managers that we expect the NRO and the Air Force to continue working closely together, including negotiating contracts with industry together to ensure favorable prices.

I would add also that I expect the NRO's contract awards to provide appropriate support to DoD's policy of maintaining a competitive space launch industrial base. The NRO and the Air Force are of course subject to higher management authority, and the NRO director himself an Assistant Secretary of the Air Force. I would expect that DoD management could check any harmful centrifugal forces in the NRO-Air Force relationship.

Mr. Speaker, I will conclude by applauding the vigorous steps contained in the conference report to overcome serious management and resource problems at the National Security Agency and to improve the ability of the National Imagery and Mapping Agency to exploit and distribute imagery collected by satellites and aircraft. These agencies and their respective missions remain absolutely critical to diplomacy and military preparedness.

I think it is a great conference report. I think we are moving forward. I urge my colleagues and the House to adopt it. I think the committee has done a good job, and we have served our colleagues and the country well.

Mr. DIXON. Mr. Speaker, I yield myself such time as I may consume.

Let me begin by complimenting the gentleman from Florida (Mr. GOSS), our chairman, for his hard work and his dedication, as reflected in this conference report, to meeting the needs of the men and women who produce the intelligence on which policy makers and military commanders rely.

As adopted by the House, the intelligence authorization was one-tenth of one percent above the President's request. This conference report is below the House bill and two-tenths of one percent below the request. The primary reason for the reduction is that some of the items authorized in the House bill were funded several months ago in a supplemental appropriations measure.

The conference report, as did the supplemental appropriation bill, supports the transformation initiative that the Director of the National Security Agency, General Michael Hayden, has begun to implement. It is critical to the security of the United States that NSA be modernized.

General Hayden has developed a plan, which the committee generally supports. The modernization of NSA will not succeed, however, without the sustained, visible support of the most senior leaders of the Department of Defense and the intelligence community. To date, in terms of resource allocation, I have not seen evidence that the rebuilding of NSA is a top priority of the executive branch. I hope that this changes next year.

One of the shortcomings in the intelligence community, in my view, is that there is too much emphasis on collection and not enough on making sure that which is collected can be used. If it were possible to collect only important information, this imbalance would be inconsequential.

Our national technical means, however, collect volumes of information that must be analyzed to identify what is important, put in a usable form, and sent to those who need it.

Last year, Congress made clear its expectation that the new Future Imagery Architecture (FIA) would be an adequate balance between collection activities and TPED or tasking, processing, exploitation and dissemination activities. Congress was clear in the description of the consequences that would flow from an executive branch decision not to make TPED investments sufficient to utilize fully the collection capabilities of FIA. As the classified annex to this conference report makes clear, the resolve of Congress on this issue has not changed.

The conference agreement amends the Foreign Intelligence Surveillance Act (FISA) and the criminal code in ways that deserve some comment.

☐ 1600

Among other things, the FISA amendments make clear that, in making a probable cause determination that a target was an agent of a foreign power, the court may consider past activities of the target. I am advised that the target's past activities have regularly been part of a probable cause determination. In this respect, the amendment represents a codification of current practice.

There have been suggestions that the amendment is needed to ensure that information once excluded from the probable cause determination merely because it was dated will now be considered. I believe that this is an incorrect interpretation of both the current practice and the effect of the amendment. Those facts which are relevant to determining the probability that a target is currently an agent of a foreign power should be considered. Those facts that are irrelevant, regardless of whether they are fresh or stale, should not be considered.

Section 304 makes the unauthorized disclosure of properly classified information acquired by a person who has, or had, authorized access to the information a felony, subject to 3 years imprisonment, when the disclosure is made willingly and knowingly to a person known not to have authorized access. I disapprove of the practice by which some individuals entrusted with access to classified information leak that information to unauthorized recipients, including members of the media. I share the frustration of those who open their daily newspapers only to see in print some of the most sensitive information in our government's possession. I have, however, grave concerns about the reach and the scope of section 304.

There are currently a variety of statutory and administrative prohibitions on the authorized disclosure of classified information. The fact that more leakers are not punished is not, and I stress is not, the result of too few prohibitions, it is the result of the great difficulty inherent in identifying the leakers. Section 304 adds another prohibition, unwisely in my judgment. It will not make it easier to identify the source of a leak.

Before our conference began, the gentleman from Florida (Mr. GOSS) and I received a letter from the chairman and ranking member of the Committee on the Judiciary urging the rejection of this provision. In their letter the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) noted that by making all leaks subject to criminal penalties the provision "has profound First Amendment implications and goes to the very heart of the ability of the public to remain informed about matters of critical public interest which often relate to governmental misdeeds."

In conference, I offered an amendment to narrow the definition of classified information under section 304 to make sure that only leaks of information of substantial sensitivity would be punished under this provision. Other leaks would continue to be punishable under other statutes or administrative procedures. Although my amendment was approved by the House conferees, the Senate rejected it. I hope that in the next Congress the Committee on the Judiciary, in whose jurisdiction the issues raised by section 304 properly reside, will carefully examine the provision.

Last year's intelligence authorization act established a commission to examine the judicial review questions raised by the Foreign Narcotics Kingpin Designation Act. The commission was given one year from the date of enactment to review the current judicial, regulatory, and administrative authorities under which the United States blocks assets of foreign persons, and to provide a detailed constitutional examination and evaluation of remedies available to United States persons affected by the blocking of assets of foreign persons.

I had hoped that the commission might have completed its work in less than a year because of the great importance I attach to the resolution of the due process concerns raised by the drug kingpin legislation. Although it now appears the commission will need all of the time allocated, I look forward to its report and hope that it is dispositive of these concerns.

In closing, Mr. Speaker, I want to advise the House that two of our very constructive and important Members have served their eight year terms on the House Permanent Select Committee on Intelligence. The gentlewoman from California (Ms. PELOSI) and the gentleman from California (Mr. LEWIS), conclude their terms of service this year. I want to thank them for their many contributions to the committee's work over the past eight years. Their enthusiasm, insight, and perspective will be sorely missed.

I urge the adoption of the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of our Subcommittee on Technical and Tactical Intelligence.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the conference report for the Intelligence Authorization Act for fiscal year 2001.

Mr. Speaker, the gentleman from Florida (Mr. GOSS) and the ranking member, the gentleman from California (Mr. DIXON), are to be commended for the outstanding leadership they have provided to the intelligence community during these difficult times.

I would also like to recognize the efforts of our distinguished vice chairman, the gentleman from California (Mr. LEWIS), who will be rotating off our committee under our rules. His insights into the technical and distinctly military programs within the intelligence community have been very helpful for me in understanding our future needs. Likewise, as the chairman of the Subcommittee on Defense of the Committee on Appropriations, his explanations of the resource challenges facing the community are invaluable. I thank him for his service to our Nation's security.

As chairman of the Subcommittee on Technical and Tactical Intelligence, I understand the critical need to invest in and modernize our technical intelligence systems. Although the investment in our intelligence community's infrastructure had declined over the years, and the strains were clearly showing through, we have responded in the past 6 years by making some very difficult but sound choices to ensure there are adequate future technical resources. This year's conference report continues to address some very substantial problems, but this is still only a beginning. We understand that providing the country with the capabilities it deserves and needs will take years and will require continued support from Congress.

Mr. Speaker, this conference report also provides our senior policymakers with sufficient capabilities and tools to advance our foreign policy, to enable strong leadership and proactive diplomacy, and to improve our military's advantage over its adversaries, if and when needed.

I am also pleased that we have incorporated a provision into this year's conference report to address a concern related to the National Reconnaissance Office and its launch program. This was the outcome of a series of meetings, briefings, and hearings for which I personally devoted a great deal of time. This provision has many benefits. One, it will improve the NROs and our ability to have insight and perform oversight into contracting launch services; two, it will allow us to hold the NROs more accountable for their activities; and, three, it could lead to significant savings for the government and American people.

I want to address an issue that has been raised regarding this important provision, and I want to make something very clear. There is nothing in this provision that precludes the Air Force and the NRO from continuing to work in a very close partnership. This includes continuing cooperation on the wide range of launch service activities and facilities that they share, as well as continuing potential block purchases for launch vehicles if the NRO believes this is in the best interest of the government.

Now, however, with this provision, the NRO will have insight into and better control of launch contracts that have not been there before. We expect that this added responsibility will ultimately result in a stronger partnership between these two organizations. It will certainly provide better budgeting of scarce intelligence resources.

Mr. Speaker, the conference report for the Intelligence Authorization Act for fiscal year 2001 is a responsible, reasonable, and appropriate request to fund our Nation's national security needs. The President, our policymakers, our military, and the people of the United States deserve nothing less. I ask the Members of the House to give it their full support.

Mr. DIXON. Mr. Speaker, I yield 5½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise as a member of the committee whose 8-year term is coming to an end there. At this time I would like to commend our distinguished chairman, the gentleman from Florida (Mr. GOSS), for his leadership, his fairness, and his willingness to listen to another point of view on the committee over these years. I thank him.

And to our ranking member, the gentleman from California (Mr. DIXON), we are also very proud of his service. As a Californian, I am particularly proud of his service as ranking member on the committee, and I hope to see him serve as chair in a very short time on this very important committee.

I would also like to commend the staff, I would say on both sides, but I really view it as a unified staff of the committee, who have served the Members so well and, in doing so, the community that we have oversight over.

Mr. Speaker, I have been impressed with the dedication and hard work of the men and women who work in the Nation's intelligence agencies and the amazing feats they can accomplish. They often provide our policymakers a decisive advantage in accomplishing our Nation's policy goals and national defense goals.

While I have been a member of the committee, I have been especially concerned about the issue of proliferation and how well the United States tracks and then prevents weapons proliferation, particularly weapons of mass destruction. I have often been dismayed how clear our evidence on proliferation can be and how slow our diplomatic response has been. We need to maintain a robust intelligence effort on proliferation, and the issue needs continued attention and oversight in the future.

I have also been deeply concerned over how counterintelligence investigations have been handled. I reject the notion that one American citizen is more likely to engage in espionage than another because of his or her particular ethnic background. We are a proud Nation strengthened by our immigration, and the rights of all our citizens must be respected.

Mr. Speaker, secrecy is, of course, one necessary element in the conduct of intelligence. Information that is necessary for us to counter proliferation, terrorism, and espionage often must be obtained secretly; and thus our sensitive sources and methods must be protected. Let us stipulate to that. We all want to protect our sources and methods. Yet I am concerned that the public interest is too often thwarted by too much classification of information and by maintaining classification for too long.

Last year, there were over 8 million classification actions; 10 percent more than the year before. Clearly, the system is not perfect; but even so, we were all troubled by leaks and by the damage they can cause. Nevertheless, I am strongly opposed to the section of this legislation that would for the first time in our history enact an official secrets law.

We have to remember that those who violate the rules on handling classified information should be and are punished administratively. It is already a felony to disclose national defense information to foreign nations or their agents in order to injure the United States. Other felony laws protect specifically defined, especially sensitive categories of information. The Intelligence Authorization Act, on the other hand, the bill before us today, would make it a felony for officers or employees of the government to knowingly disclose classified information broadly defined without the government even having to prove any damage to national security.

In our briefing, I was convinced by the presentation that this "officers or employees of the government" includes Members of Congress. By the actions taken in this bill, Members of Congress will be subject to criminal charges if this category of properly classified information is revealed by them. Make no mistake, this provision marks the first time that Congress has placed the full force of criminal law behind the executive branch's classification system. The current Executive Order on classification of information at least has the virtue of specifically prohibiting classification of information in order to conceal violations of law, inefficiency or administrative error, or to prevent embarrassment to the government.

□ 1615

But the next President of the United States could change this prohibition and this leaks law would still be on the books. The Congress is foolish in my view, and that is a word I have never used here on the floor, to give a blank check to the executive branch for prosecutions in this important area.

I understand that the authors of the provision intend for it not to be used to target the President, but I see nothing to prevent reporters from being hauled in before grand juries and being forced to reveal their sources.

Furthermore, we do not each know how this leaks law would interact with criminal laws on conspiracy aiding and abetting solicitation and the like.

The Committee on the Judiciary should examine issues such as these and the impact on the first amendment issues before the Congress adopts such important legislation. We should remember how difficult it has been in our Nation's history to challenge official versions of the facts when it comes to national security matters, even for Members of Congress.

We all know that those outside powers are running a greater risk of prosecution under this statute than those on the inside. I do not think that this provision in the bill is in our national interest, and that is why I was not able to sign the conference report on this important legislation.

Again, I commend the distinguished chairman of the committee, the distinguished ranking member, and the marvelous staff for their service to the committee.

Mr. GOSS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), a senior member of the committee.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, the conference report builds on the substantial work done in last year's authorization bill to institutionalize the use of competitive alternative analytical techniques by the Central Intelligence Agency. This action is intended to further guard against intelligence surprises and analytic complacency or "group think," while better preparing policy-making intelligence consumers to deal with the complexities of the post-Cold War international security environment.

Furthermore, the conference report provides the means to modernize the production mechanisms used by the CIA's Director of Intelligence to produce and disseminate its invaluable finished intelligence products in a more timely and secure manner. By promoting greater analytical interaction and timeliness, the conference report helps to ensure that intelligence consumers have the full range of tools necessary to make informed policy before the swiftest of events force them into a defensive crisis management posture, as too often has occurred in recent years.

I would like to mention that the committee has worked through this conference report, as we did in last year's report, to address the problem of the chronic shortage of trained expert linguists available to the intelligence. community to exploit what is being clandestinely corrected.

Moreover, we have taken steps to promote greater interoperability between intelligence analysts of different agencies to further create synergies that will improve the quality of intelligence reporting.

Finally, I am pleased to note that this conference report will help the intelligence community to standardize and automate self-evaluative tools for promoting greater interaction between those who collect intelligence and those who determine its meaning and significance. In this way, collectors will be able to determine the value of what they are acquiring, and in instances where it is not so valuable, they can adjust their collection focus accordingly.

Mr. Speaker, I thank the gentleman from Florida (Chairman GOSS) and the gentleman from California (Mr. DIXON), the ranking member, for their leadership.

I urge adoption of this conference report.

Mr. DIXON. Mr. Speaker, I yield 3½ minutes to the gentleman from Indiana (Mr. ROEMER), a distinguished member of our committee.

Mr. ROEMER. Mr. Speaker, I thank my good friend from the State of California (Mr. DIXON), the ranking member, for yielding me the time.

Mr. Speaker, I want to associate myself with the gentleman from Florida (Chairman GOSS) and again our ranking member for the hard work they put in on this bill all year long, not just on the conference report.

I also want to say that they really strive hard to create an atmosphere of bipartisanship on that committee, and I salute them for their hard work with that, and also for the excellent professionalism we have on our staff.

Mr. Speaker, I rise in support of the Fiscal Year 2001 Intelligence Authorization Act. Although this conference report represents a funding level slightly below the President's request, I believe that it nevertheless sets about the right level of overall funding for intelligence activities next year.

I am pleased that the conferees have adopted language that urges the administration to submit requests to Congress for reallocation of funds to important initiatives, including language training and counterterrorism efforts.

During my travels in various Permanent Select Committee on Intelligence hearings, administration officials have expressed concern about the state of language capabilities of intelligence community personnel. I have found that all too often there are not enough people speaking the language native to the country in which they serve and too many of those who are not sufficiently proficient in that language.

I firmly believe that language proficiency is critical to the core mission of the intelligence community. Collectors, processors, and analyzers must have sufficient linguistic skills to meet the challenges posed by global targets.

I have, therefore, advocated relentlessly for the sufficient funding of language related initiatives. I am pleased that our actions will allow those men and women on the intelligence front line to have the language training and related resources needed to effectively do their jobs. We must continue on this mission.

Finally, the conference report sends a message that defeating terrorism is important to this Congress. Earlier this year, I met with the deputy director of Central Intelligence and discussed the challenges posed by international terrorists. One thing was clear from that meeting, as well as from oversight and legislative hearings. The United States must have a robust counterterrorism program.

I am pleased that the conferees have chosen to fully fund the President's request for counterterrorism activities. We would welcome proposals for the reallocation of funds to efforts in this critical area.

I again thank the chairman and the ranking member.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New Hampshire (Mr. BASS), a man who keeps our budget check working carefully for the committee.

Mr. BASS. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I rise in support of the conference report for the Intelligence Authorization Act for Fiscal Year 2001.

There are many important aspects of this report, but I thought I would use my time to address a concern to all of us, especially today, the scourge of terrorism.

The bombings of our embassies in Kenya and Tanzania brought the Usama Bin Laden organization to the forefront of terrorist threats to U.S. interests, although numerous other terrorist groups continue to plague us and put American citizens at risk.

Now, just this morning, we learned of what appears to have been a very tragic attack on an American destroyer, the U.S.S. *Cole*, off Yemen that has resulted in the loss of American lives. The committee, together with its counterpart in the other body, understands the critical need to be able to fight back. The *Cole* incident yet again, Mr. Speaker, reminds us of the importance of good intelligence in preventing these kinds of crises and, as in the case of this one, bringing the perpetrators to justice.

The Intelligence Oversight committees are charged, among other things, with overseeing the budgets, programs, and activities of the various counterterrorism elements of the intelligence committee. And I submit, Mr. Speaker, that our ability to fight back and, more importantly, to prevent terrorist attacks from occurring at all is robust and growing. But these capabilities, especially those involving the prevention mission, need constant attention, as the *Cole* incident reminds us.

The millennium celebrations around the world, which are a time of great risk for us all, proved that our counterterrorism professionals were ready and able to protect and defend. I am proud to say, Mr. Speaker, that the intelligence community has time and time again saved lives and secured the interests of Americans and their allies. This arduous task consumes a significant amount of limited resources, but I would find it hard to believe that any responsible person could deny that this is money well spent.

We on the Permanent Select Committee on Intelligence are dedicated to ensuring that the intelligence community has adequate resources and is well prepared to phase down the Usama Bin Ladens of this world.

While we are satisfied that the Permanent Select Committee on Intelligence has generally performed well against the terrorist target, we have learned through the course of our normal oversight work that much more can and needs to be done, especially as terrorists attempt to acquire chemical and biological weapons to pursue their shameful war against society. This conference report will enhance our ability to defend ourselves against terrorists through a variety of means.

I just want to say that our chairman and ranking minority member have done a wonderful job leading this committee in a bipartisan fashion and I want to thank them for their efforts. I urge adoption of this conference committee report.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Nevada (Mr. GIBBONS), our connection to the Committee on Armed Services.

Mr. GIBBONS. Mr. Speaker, I rise in strong support of this conference report.

I would first like to commend the gentleman from Florida (Chairman GOSS) for his stewardship through the process. I would also like to recognize the gentleman from California (Mr. DIXON), the ranking member, for his contributions to the committee's efforts as well.

Mr. Speaker, this conference report provides very important investments for the intelligence community, including enhancements in many areas that are of specific interest to the military. I wish we could do more, especially given the ever-increasing requirements that are being placed on intelligence to protect our troops who have been sent all over the world for every sort of mission.

One of the most important issues facing the intelligence community is the modernization of the National Security Agency. This agency, which supplies signal intelligence to all levels of government, from the most senior policymaker to the pilot in the cockpit, is in many ways the linchpin of our warning capability. But today, this agency is about to be overtaken by technology and by potential adversaries who are increasingly sophisticated.

The NSA, in response, is undergoing a unique transition, the success of which will affect the overall capabilities of the intelligence community for the next several decades. The Director of Central Intelligence has made the modernization of NSA his number one priority.

The good news is that the NSA director, Lieutenant General Mike Hayden, is committed to leading his agency to overcome the modernization challenge. Those challenges are great. They involve overhauling every aspect of the NSA, from technical collection capabilities, to acquisition programs and personnel structure.

General Hayden must be successful. But in order to make the needed changes, he needs certain tools. Perhaps the most critical tool is the ability to move the right people into key positions in the Agency to affect change. Because of the unique and serious situation at NSA, I am pleased that this conference report gives the NSA director that ability through the NSA Voluntary Separation Act. This provision permits the establishment of an early retirement and voluntary separation program for all NSA employees, including the most senior levels of management. With this authority, it is anticipated that the director will be able to accomplish the personnel changes and management changes necessary to see the process of NSA modernization through to completion. General Hayden has our support in these efforts.

I urge all my colleagues to support this conference report.

Mr. DIXON. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the House Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the ranking member of the committee (Mr. DIXON) for yielding me the time.

Mr. Speaker, I am delighted to be here to find out if anybody ever got the letter that me and the gentleman from Illinois (Mr. HYDE) sent to the gentleman from Florida (Chairman GOSS) about the fact that criminal matters fall under title 18 of the U.S. Code and is within the total jurisdiction of the Committee on the Judiciary. Did anybody ever find out about that letter?

Well, we were trying to get some jurisdiction for this part of the bill that deals with making it a felony for a Government employee to disclose any and all information that the Government says is classified.

The history of this provision, I say to members of the committee, is that it was dropped quietly into a Senate version and has never had hearings in the House or the Senate, no hearings on a provision that has the exclusive jurisdiction of the Committee on the Judiciary. And we did not even get a response from the letter that the chairman of the Committee on the Judiciary sent the gentleman from Florida (Chairman GOSS).

And so, why are we doing this?

□ 1630

There are a number of theories about this. Members may find out by examining what would have happened had this been the law for the last 30 years:

One, the scope of the government's activities in Vietnam through the Pentagon papers would have resulted in prosecutions.

Two, the CIA's complicity in the overthrow of Salvador Allende in Chile.

Three, the Nixon administration's support of Pakistan in its 1971 war with India.

Four, the revelations about spying at U.S. laboratories.

Five, China's alleged military involvement with Pakistan and North Korea.

Six, basic information regarding the size of the CIA's annual budget.

See, the reason that we are doing it this sneaky way is because it will scare the bejesus out of whistle blowers and they will be able to be criminally punished by not sending this through the Committee on the Judiciary. I am not saying that Judiciary might not have passed this out. We do our share of things that I do not agree with, either. But this super sneaky way of trying to do it does not reflect any credit on the Permanent Select Committee on Intelligence.

I resent this very much the way you have dismissed the Committee on the Judiciary. I think this is a travesty. And, by the way, The New York Times, The Washington Times, the Los Angeles Times, the San Francisco Chronicle, The Austin American Statesman and other papers have all exposed this for what it is. I am shocked that this radical departure of the way we legislate would be applauded on the floor, tremendous congratulations for a bipartisan effort. Well, everything bipartisan is not always right, and here is a perfect example of it.

Mr. GOSS. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. LaHood).

Mr. LaHOOD. Mr. Speaker, notwithstanding what the gentleman from Michigan just said, I am standing on this side of the well so I can say to all the Members of the House, this is one of the most bipartisan committees I have ever served on, and I serve on the Committee on Agriculture which is a bipartisan committee. This is one of the best, thanks to the leadership of the gentleman from Florida (Mr. Goss) and the gentleman from California (Mr. Dixon). The staff people work together, and we work closely with the people from the CIA and the defense intelligence community and all the intelligence community because we care about the people who are out there around the world putting their lives on the line, in dark corners of the world.

This is a bipartisan effort. People should be supporting this bill, notwithstanding what the gentleman from Michigan said. And I have a great deal of respect for him. This is a bipartisan bill. Every Member should support it. I know we are going to hear opposition to it.

I want to dedicate just a couple of minutes to the human side, the human program of intelligence. It is often portrayed in books and movies. It is the spy versus spy story, the world's second oldest profession. I am glad to say that America has some excellent spies, and I am proud of what the conference report does to make them more productive and effective. And I am sorry, this is not a laughing matter, this is an important matter. After what has happened in the world today, I hope Members will think twice about supporting this bill. This is not a humorous matter. We are talking about people around the world who are offering up their lives in public service for all of us so that we can have a safe world.

Anyone who reads the newspapers and watches the television, if anybody flips over to CNN right now will see reports on there about what happened. Five Americans were killed today and some people believe it was a terrorist attack. So this is important legislation. Criminal organizations use ever more sophistication to infiltrate our financial institutions and expand markets for illegal narcotics. The proliferation of nuclear, chemical and biological weapons remains a top-priority concern of all civilized countries. The cyberthreat becomes more and more real and ominous to Americans as our economy and our well-being become ever more dependent on computers and communication networks.

What these threats have in common is the human factor. What this conference report does for our spies, the anonymous defenders of the United States, for one it will provide more funding for their overseas operations. And it does so in two ways. It provides continued but overdue increases in the budget for human operations; and, number two, it ensures that the funds that we allocate for these operations arrive in tact to those operating overseas.

I encourage and advise all Members to vote for this bill today to send a strong message to the intelligence community all over the world and to public servants who offer up their lives on behalf of all of us that we stand behind them and with them on their important work.

Mr. DIXON. Mr. Speaker, I yield 3½ minutes to the gentlewoman from New York (Mrs. Maloney).

Mrs. MALONEY of New York. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to commend the conferees, especially the gentleman from Florida (Mr. Goss) and the gentleman from California (Mr. Dixon), for working together to include in this conference report the Nazi War Crimes and Japanese Imperial Government Disclosure Act which I authored along with the gentleman from California (Mr. Horn) and Senator DeWine. This provision will extend the original Nazi War Crimes Disclosure Act for 3 additional years while also adding responsibilities to the Interagency Working Group's work as it pertains to war crimes committed by the Japanese Imperial Government during World War II.

In 1998, President Clinton signed into law the original Nazi War Crimes Disclosure Act that established a process for the declassification of documents maintained by government agencies about Nazi war criminals and its allies. To date, the Interagency Working Group has reviewed more than 6 million pages of material and has released over 1.5 million pages of previously classified documents to the public regarding World War II. Already, significant new information about World War II war crimes has been revealed in the more than 400,000 Office of Strategic Services records released this past June by the Interagency Working Group at the National Archives. However, even with the diligent work the Interagency Working Group has accomplished, there is an overwhelming amount of material that still needs to be reviewed and declassified.

This success has also been achieved even though the Congress has not appropriated funds for the support of the Interagency Working Group or for the activities carried out by the various agencies that hold the records. Without the resources to review the materials being released, it will be years before we truly understand the significance of what is contained in the declassified materials.

This conference report is a step forward in providing the Interagency Working Group the authority and support it needs to complete the tremendous tasks before them. I still have some concerns regarding the language concerning the cooperation of U.S. Government agencies with the Interagency Working Group and the ability of the Interagency Working Group to review the more than 18 million pages of Japanese Imperial Government information that the U.S. returned to Japan after World War II. However, I support this conference report before us and hope that the chairman and ranking member will work with me next year to clarify this language and intent of this legislation so as to further the success of the Interagency Working Group.

Mr. Speaker, I would like to clarify one point concerning title 8 of this bill. Is it the gentleman's understanding that this section in no way affects the authority of the Interagency Working Group established under Public Law 105–246, the Nazi War Crimes Disclosure Act of 1998, with regard to the ability of the Interagency Working Group to retrieve documents from U.S. Government agencies?

Mr. GOSS. Mr. Speaker, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Florida.

Mr. GOSS. Yes, it is.

Mrs. MALONEY of New York. Further, is it the gentleman's understanding that the exceptions enumerated in that act are in no way affected by the bill before us today?

Mr. GOSS. That is correct.

Mrs. MALONEY of New York. I thank the gentleman.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from New Mexico (Mrs. WILSON), a very valued member of our committee, given all the events in that part of the world.

Mrs. WILSON. Mr. Speaker, I want to thank the chairman and the ranking member for their work on this bill. I am the junior member of the Permanent Select Committee on Intelligence, and I have found it to be a pleasure to work there because of the workmanlike and bipartisan and professional approach to oversight in the intelligence community. We have a wonderful staff and a focus on what this country needs in a quiet way.

Intelligence is the eyes and ears of our national security. Events like those we have seen today bring that home more closely than we usually see in the day-to-day events of intelligence. It is an important part of keeping our Nation strong and free. And it is more and more difficult because of the diversity of threats that we face as a Nation. We have more data from which to derive information and that creates a tremendous challenge for our intelligence agencies.

I wanted to particularly thank the chairman and the ranking member for what this bill does for counterintelligence. It strengthens counterintelligence in a number of ways, particularly giving more tools to the agencies that need them in order to counter threats from other intelligence agencies.

I also want to commend them on their oversight of our counterintelligence program in this country. The committee played a quiet role in the creation of the NNSA which John Gordon is now the capable head of. And this committee, I think, brought some common sense and some balance to what we needed to do to protect our Nation's secrets while not damaging that which we were trying to protect. I appreciate the committee's point of view, its common sense approach, its balance and its competence in this area.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Georgia (Mr. BARR)

Mr. BARR of Georgia. Mr. Speaker, I thank the chairman and the ranking member and all members of the committee for their service.

It pains me greatly as a former member of the CIA, as a former United States attorney, as a Member of this body, though, to rise today in opposition to this bill. It pains me greatly not only on the substance of what is contained in this bill, which is by and large very good, solid legislation, properly reflecting the tremendous work that our intelligence officials in this country and all over the world perform, giving them additional tools with which to perform those duties, but it also pains me because of the process whereby I feel compelled to come before this body and oppose this important piece of legislation.

This legislation contains a provision that will create, make no mistake about it, with not one day of hearings, without one moment of public debate, without one witness, an official secrets act. For those who do not know what an official secrets act is, it is something that we have never had in this country. It has been broached many times, particularly in the Cold War era. But our regard for constitutional civil liberties, our regard for the first amendment, and our belief that before the government can put somebody in jail for following their conscience and disclosing information showing government wrongdoing, the government must shoulder a heavy burden, has in every case in which an effort has been made to enact an official secrets act beaten back those efforts.

Yet today we stand here with such a provision amending title 18, the criminal code, that would create an official secrets act. That would mean that any individual who discloses information that is classified by the executive branch can be thrown in jail for up to 3 years for every disclosure.

Currently, if an individual discloses certain categories of important national security information, he can and should be prosecuted. It is not as if these people who harm our Nation's security are not going unprosecuted. They are.

□ 1645

This provision, though, would silence whistleblowers in a way that has never before come before this body and which has never before been enacted. This is about to be done without the Committee on the Judiciary even having been given the courtesy to look at this legislation, to assess its first amendment problems; without one hearing, without one witness, without one moment of debate.

This is very similar, Mr. Speaker, to what happened 2 years ago on this same bill. The government was granted extensive expansion of wiretapping authority without one witness, without one debate, without one day of hearing. It was slipped into this bill 2 years ago.

I urge my colleagues to vote against this bill so that it can go back to the drawing board and these particular provisions that have no business being in this bill without having gone through the Committee on the Judiciary can be properly assessed and their full constitutional ramifications properly studied.

One can only pick up the paper almost every day and see examples, whether it is Bill Gertz or Gary Aldrich or others, of people who have let the public know important information who would be thrown in jail under a provision that is about to pass without one day of hearing, without one witness, without even the Committee on the Judiciary having been given the courtesy to assess it.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Armed Services.

Mr. CUNNINGHAM. Mr. Speaker, I serve on the Subcommittee on Defense of the Committee on Appropriations, and it is one of the most bipartisan committees that I serve on. I appreciate the bipartisanship of the gentleman from California (Mr. DIXON) and the gentleman from Florida (Mr. GOSS) as well. I think the Members on both sides of the aisle will agree that I think we have a long way to go and a lot of work to do. I think this is a good bill. I think hard work has been done on it, but I think there is also agreement in areas that make up intelligence and the agencies, a strong military.

While we may have the strongest military in the world, our national readiness rates are very, very low in many cases. That hurts our intelligence capability. Where our military is strung out for nation-building quite often, according to George Tenet, those assets were spread so very thin that it made it almost impossible to track Osama bin Laden because we were engaged in those events. Our State Department, both under Republicans and Democrats, I think all that needs to be done is take a look at what happened to Enrique Camarena in the drug wars and the lack of support for our agents under the State Department, to Rambouillet, to hitting the Chinese Embassy. I also think it is wrong that we had technology that we were developing to defeat a Soviet missile. I cannot say what that missile is; but when we gained access to that particular missile, we found out our defensive system would not work.

We spent nearly a billion dollars to build that defensive system that would not work. And the reengineering of that, we now have a system at very low cost that will defeat that Soviet system, and that is why I think many of us got so concerned when Loral with Bernie Schwartz gave up second and tertiary missile boots to China, they gave up MRVing capability which we, Intelligence, knew that the W-88 warhead had already been stolen by the Chinese, and then the targeting device. The CIA briefed many of us that North Korea was many years away from striking the United States with a nuclear weapon. They can now hit the United States with a Taepo Dong-2 missile. That should concern all of us, and I think we have a long way to go to secure the national security and intelligence forces of our country.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Speaker, I rise in support of the conference report, and I wanted to respond to my good friend, the gentleman from Georgia (Mr. BARR), and the gentleman from Michigan (Mr. CONYERS) as well, on a couple of issues.

First of all, this provision simply says that we are going to take some action to prohibit the unauthorized disclosure of classified information by government officials. Now, a complaint has been made that, well, it should have gone through the Committee on the Judiciary. I am a member of the Committee on the Judiciary, and I guard our jurisdiction very carefully; but, in fact, this was attached by the Senate, who held hearings on this, who heard witnesses and who debated this, and this is a normal process. Whenever they attach a provision, we in the House have to consider it. We have to look at this, and from the standpoint of the Committee on the Judiciary, I believe that this is carefully crafted.

Now, the argument is made that this is going to silence whistle-blowers. Well, I do not think that is true at all. First of all, whistle-blowers are protected under the current law. Secondly, whistle-blowers who have a concern about whether information is properly classified or there is a concern about the agency that they are working for, can come to Congress. That is our job. The oversight committee would hold hearings on it, would deal with that issue, would protect the whistle-blower. They are protected under law and under the interests of Congress, and so I do not think that should be a concern.

The gentleman from Georgia (Mr. BARR) raised the question that we are going to criminalize conduct that historically has not been criminalized and, in fact, what we are doing is to say that if an employee of the United States, this does not pertain to the news media, but if an employee of the United States has possession of classified material and then discloses it to someone who is not authorized to receive that material, then they can be prosecuted.

But there is something more in there that was left out of the presentation of the gentleman from Georgia (Mr. BARR), and that is they must have done it knowingly and willfully, and that is the intent portion of the burden of proof that will be on the government. So it does not prosecute mistakes, someone who accidentally or inadvertently discloses information. They have to intentionally have done that, knowingly have done that.

So I think it is well drafted, and I urge my colleagues to support this well-drafted protection of classified information.

Mr. DIXON. Mr. Speaker, I yield 2 minutes to my distinguished friend, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I am glad that the bill contains my amendment to investigate the effects of espionage on American business and industry and jobs. I am also glad at least we got some report language on China. It should have been in the bill.

There is not enough anatomy in either of these bodies. Mr. Speaker, we have had independent counsels on Henry Cisneros and Monica Lewinsky. Now, look, Monica may be a threat to fidelity. She is not a threat to liberty.

We had a Chinese Red Army general who funneled cash to the Democrat National Committee, and we will not even include the Traficant language as binding that says what is the extent on the national security. A Chinese missile, as we laugh, will not have exemption for one party or the other. A Chinese missile will hit all America. God Almighty. Last month's 1-month trade deficit was $31 billion. At 1,000 jobs per billion, we lost 31,000 high-paying manufacturing jobs. If that were just put into highways, we would have created over a million jobs for 2 years.

What is wrong with us? Are we afraid of the politics of China? The American people are watching. The greatest threat to our national security is China, and they bought and spied and posed that great threat.

I am disappointed. The intelligence committee is our number one charge to secure America, secure that American peace. We are not doing that. I think we are gutless, and I yield back the fact that that should not have been in the report language as a wish; that should have been a commitment and a mandate by Congress to investigate this Chinese business.

Mr. DIXON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on balance this is a good conference report that has been brought together in a bipartisan way. I understand the ranking member of the Committee on the Judiciary. I raised in the conference his letter. I attempted to modify the language to make it more narrow. The fact is that the Senate would not yield on this issue. I disagree with that part of the bill because, one, it is the identification of leakers before they can ever be penalized. Increasing the penalty, to me, does not work. I certainly think that the House Committee on the Judiciary should look at this, and I will pledge my support to support legislation that in some way may either modify or mitigate the damage, if any, that has been done.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to again publicly thank the gentleman from California (Mr. DIXON) for being an extraordinary ranking member, reaching across so many times on complicated and sensitive matters and carrying a huge proportion of the load of the committee. I have a plan that would like to keep him there as ranking member. I realize that may not go entirely across the aisle.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. LEWIS), the vice chairman and critical link to the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague, the gentleman from Florida (Mr. GOSS), for yielding me this time.

Mr. Speaker, I have a magnificent speech that has been prepared carefully for this discussion today. I am not going to refer to the speech, but rather submit it.

In the meantime, Mr. Speaker, I want to express my deep appreciation to my colleague, the gentleman from California (Mr. DIXON), with whom it has been my privilege to work for many, many years in the State legislature as well as here. He has done a fantastic job, in my view, providing the kind of balance that we need that makes the work of this committee such a nonpartisan piece of work.

In turn, before coming to the committee, it had not been my privilege to know well the gentleman from Florida (Mr. GOSS). The gentleman from Florida (Mr. GOSS) is a person of fabulous background, but very unique experience in this subject area. He comes to our committee at a most important time in our history. The leadership he has provided for us is very important to the security interests of this country, at home and abroad, but especially of significance to those who care about freedom in the world.

The men and women who make up the personnel base of our intelligence community overall are fabulous people. They do wonderful work on our behalf. Most of it gets very, very little attention. From time to time, we have a problem where someone crosses the line, usually stupidly, sometimes overtly, and the work of the agency does come to public view. It ofttimes is of great disservice to this country. It is important, very important, that we secure those personnel who want to make sure that the work of the agencies take place as reflected in the direction of the law passed by the Congress.

I very much wanted to focus upon the comments of my colleague, the gentleman from Georgia (Mr. BARR). Let me say that whistle-blowers are protected within this bill and within the law. So long as they come forward with matters that are security matters about which they are concerned and they disclose them to people who are cleared to receive such information, they can carry forward their conscience and their responsibility as they would see fit.

☐ 1700

There is no restriction there, and the law is very careful about that. I understand that lawyers, about presuming that only lawyers have these answers, but the committee has worked very carefully with the work done by the Senate, and I am comfortable with that work, as of that moment.

The work of this bill is very, very critical work. Because of some of these questions that are being raised, the votes today may be very important. I urge the Members of the body to realize how significant the work of this committee is and how important it is that they give it their full support, as well as their attention.

Mr. Speaker, I rise today to testify that this is a very fine piece of work done by both bodies, carried forward in a most positive way by the leadership of both the ranking member and the chairman.

Mr. Speaker, this is my last year on the committee, and I want to express to our Chairman and to Mr. DIXON my sincerest thanks for their dedication in ensuring this nation has the intelligence capabilities critical to protecting our freedoms. It's not often thought of in these terms, but intelligence truly is our first line of defense, and the close, personal, working relationship Chairman GOSS and Mr. DIXON have, has made our jobs all the easier. I want to thank you both, and I believe this entire body owes you a great deal of gratitude.

Mr. Speaker, every year those of us who serve on the Intelligence Committee stand before this body to discuss the Intelligence Authorization bill. Because of very real national security issues, we cannot discuss the sensitive details of the bill. We simply have to ask our colleagues to "trust us" as we vote on the classified aspects of our intelligence agencies and activities. Mr. Speaker, let me assure you, and, most importantly, the American people, that each member of the committee takes that responsibility very seriously. The issues and debates we take up in committee about our intelligence programs are based solely on national security interests.

Partisian politics is not a function in the conduct of committee business. This has earned the Intelligence Committee the trust that is required. Mr. Speaker, while the Members deserve much for their efforts to oversee our Nation's intelligence organizations, I would be remiss in not making mention of the superb committee staff. The staff deals with some of the most difficult issues facing our country. They do tough work, in a tough environment, and we ask much of them. I thank each member of the Intelligence Committee staff for the support they provide, and more importantly, for what they do for America.

Mr. Speaker, a quick word about our magnificent intelligence community. It is a community of professionals who work in the background and who don't get much credit, if any, for successfully accomplishing the difficult tasks they are asked to carry out. The men and women of the intelligence community often bear the full brunt of public criticism for the rare, but inevitable intelligence shortfall—after all "perfect knowledge" is a noble, but usually unobtainable, goal. So it is important that we, who know the details of the good work of this community, take every opportunity to thank them for their heroism publically.

We can't, for example, publically acknowledge the Central Intelligence Agency for an operation that might stop a planned terrorist attack, or the National Security Agency for providing the piece of information that might allow military commanders to locate critical targets, the National Imagery and Mapping Agency for providing the proof that a foreign nation is developing weapons of mass destruction, or the FBI for locating and removing a Russian listening device in the State Department conference room. These and the other intelligence organizations and the analysts who make sense of the myriad information stand watch for all Americans day in and day out. I thank them for the jobs they do, for the professionals that they are, and for the sacrifices they make every single day.

Finally, Mr. Speaker, I urge support for this conference report. Indeed it provides the intelligence community with the resources it needs to carry out its mission, and it ensures that the American military forces deployed around the world have the best information resources we can provide them.

That is not to say that I think we have done enough. The world is not a safe place. There are truly bad actors in the world and, in fact, we may be living in a more dangerous and unstable world today than we faced during the cold war: This past week's events in the former Yugoslavia are example; the increase in terrorism—as, tragically, we saw again this morning in the Persian Gulf; the proliferation of inexpensive weapons of mass destruction that puts unbelievable destructive power in the hands of small nations and non-nation groups; the number of countries with nuclear weapons and the means to deliver them is increasing. These threats present tough information challenges for our intelligence community; challenges that must be met. We have to make sure our intelligence organizations are given the proper resources to successful operate in this dangerous world.

This conference report provides adequate resources that should be seen as a down payment on keeping our intelligence community capable and viable in this dangerous world. But to protect our national security, we must resolve to invest more in our "intelligence first line of defense." I urge my colleagues to vote with me in support of this conference report.

Mr. GILMAN. Mr. Speaker, I am pleased to say I support subtitle B of this conference report regarding the Diplomatic Telecommunications Service. Along with the ranking democratic member of the International Relations Committee I wanted to clarify that section 322(a)(6)(C) does not include personnel requirements. It is our understanding that this provision does not require State Department personnel detailed or assigned to the DTS or DTSPO to be polygraphed.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the conference report.

The question was taken; the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BARR of Georgia. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. The Chair will count. An insufficient number of Members have risen, a recorded vote is not ordered.

A recorded vote was refused.

So, the conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4392, and the conference report just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF MEMBERS TO COMMITTEE TO ATTEND FUNERAL OF THE LATE HON. BRUCE F. VENTO

The SPEAKER pro tempore. Pursuant to House Resolution 618, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Bruce F. Vento:

Mr. OBERSTAR, Minnesota.
Mr. HASTERT, Illinois.
Mr. GEPHARDT, Missouri.
Mr. BONIOR, Michigan.
Mr. SABO, Minnesota.
Mr. PETERSON, Minnesota.
Mr. RAMSTAD, Minnesota.
Mr. MINGE, Minnesota.
Mr. GUTKNECHT, Minnesota.
Mr. LUTHER, Minnesota.
Mr. OBEY, Wisconsin.
Mr. LAFALCE, New York.
Mr. MARKEY, Massachusetts.
Mr. KILDEE, Michigan.
Mr. RAHALL, West Virginia.
Mr. FROST, Texas.
Mr. COYNE, Pennsylvania.
Mr. HOYER, Maryland.
Mr. KLECZKA, Wisconsin.
Mr. KANJORSKI, Pennsylvania.
Mr. LEWIS, Georgia.
Mr. SAWYER, Ohio.
Mr. MCDERMOTT, Washington.
Mr. BARRETT, Wisconsin.
Mr. HINCHEY, New York.
Ms. EDDIE BERNICE JOHNSON, Texas.
Mr. POMEROY, North Dakota.
Mr. WATT, North Carolina.
Ms. WOOLSEY, California.

Mr. FARR, California.
Mr. UNDERWOOD, Guam.
Mr. BENTSEN, Texas.
Ms. JACKSON-LEE, Texas.
Mr. CUMMINGS, Maryland.
Mr. KIND, Wisconsin.
Ms. LEE, California.
Mr. GONZALEZ, Texas.
Mr. GARY MILLER, California.
Mr. THOMPSON, California.
Mr. UDALL, Colorado.
Mr. UDALL, New Mexico.

LEGISLATIVE PROGRAM

(Mr. FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, I ask for this time to inquire about next week's schedule, and I yield to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding to me.

I am very pleased to announce that the House has completed its legislative business for the week. The House will not be in session tomorrow.

The House will meet next week for legislative business on Tuesday, October 17, at 10:30 a.m. for morning hour, and at 12 noon for legislative business.

The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Wednesday, October 18, and the balance of the week the House will consider the following measures: H.R. 4635, the Department of Veterans Affairs and Housing and Urban Development Appropriations Act conference report; H.R. 4577, the Departments of Labor, Health and Human Services, and Education appropriations conference report; and H.R. 4942, the District of Columbia appropriations conference report.

Mr. Speaker, the House will also consider any other conference reports that may become available throughout the week.

Mr. FROST. Mr. Speaker, I have several questions, if I may, to the gentleman from Florida.

The first question is, does the gentleman expect any other business on Tuesday besides suspension bills?

Mr. GOSS. If the gentleman will continue to yield, Mr. Speaker, on Tuesday there is possibly a motion to go to conference on the VA–HUD bill. That is a possibility.

Mr. FROST. Another question. The gentleman has said on Wednesday and the balance of the week, and the gentleman listed several bills. Could the gentleman be more specific as to what day the gentleman expects the Labor-HHS appropriations to be on the floor?

Mr. GOSS. It is clear that we can say the conferees are working hard. We hope to know sooner rather than later exactly which bills are going to come up on which days, but I do not think I can give any specific certainty on that. I would not want to preclude the hard work that is going on.

Mr. FROST. The final question, which is, of course, the $64,000 question, on which day does the gentleman expect us to adjourn for the year?

Mr. GOSS. If the gentleman will continue to yield, I think the gentleman undervalues the question.

Mr. FROST. A little inflation.

Mr. GOSS. I am sorry to say that I do not have the answer to that question.

Mr. FROST. I thank the gentleman very much.

ADJOURNMENT TO MONDAY, OCTOBER 16, 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HOUR OF MEETING ON TUESDAY, OCTOBER 17, 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent when the House adjourns on Monday, October 16, 2000, it adjourn to meet at 10:30 a.m. on Tuesday, October 17, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ARNOLD C. D'AMICO STATION

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 4853) to redesignate the facility of the United States Postal Service located at 1568 South Glen Road in South Euclid, Ohio, as the "Arnold C. D'Amico Station," and ask for its immediate consideration by the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BLUMENAUER. Reserving the right to object, Mr. Speaker, I will not object, and I rise in support of H.R. 4853.

Mr. McHUGH. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from New York.

Mr. McHUGH. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I will try to be very brief for an explanation to the House.

The bill before us was introduced by our colleague, the gentlewoman from Ohio (Mrs. JONES) on July 13 of this year, and was amended by the Committee on Government Reform on October 5.

The amendment very simply changes the word "Glen" to "Green", as determined after review by the United States Postal Service. As the Clerk has read, it does redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, now known as the South Euclid Station, to afterwards be designated as the Arnold C. D'Amico station.

As is the practice of the Committee on Government Reform, the entire delegation in this House from the State of Ohio has cosponsored this legislation.

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Mr. Speaker, I thank my colleague for yielding to me and giving me the opportunity to speak.

I briefly thank my colleagues for their support to designate a post office in the city of South Euclid on behalf of the mayor, Arnold C. D'Amico.

Mr. Speaker, Arnold D'Amico was born in Warren, Ohio on September 3, 1923 and received his early education from Notre Dame Sisters at Saint Mary's Catholic School. After graduating from Warren Harding School he enrolled at Kent State University. However, World War II interrupted his college education and Mr. D'Amico served with distinction for three years in the United States Army, and was assigned to the Aleutian Islands and the China-Burma-India theaters. Following his distinguished military service he returned to Kent State University, earning a Bachelor of Science degree in business Administration.

After graduation, Mr. D'Amico was very active politically in the Greater Cleveland business community with a career spanning over 20 years. During this time he was elected councilman for Ward 2 in South Euclid, Ohio. While on City Council, Mr. D'Amico served on the Planning Commission, and he was the chairman of the Council of Government of the Tri-City Consortium on Aging Commission. Subsequently, he was elected Mayor of South Euclid, Ohio.

In 1976, Arnold D'Amico became South Euclid's first full time Mayor. He was not only committed to the city of South Euclid, but he was also instrumental in moving the city forward. Under his leadership South Euclid prospered and established itself as a model city of efficiency.

Mayor D'Amico was a wonderful man and I am happy to support this designation.

Mr. McHUGH. Mr. Speaker, if the gentleman from Oregon will continue to yield, I want to thank the gentlewoman from Ohio for bringing this designation to our attention.

We have had the opportunity on this House floor to name facilities on behalf of many distinguished Americans, and clearly, this particular individual meets that high standard.

I think it is important to note that Mr. D'Amico spent a lifetime in service to his community, a lifetime in service to his country, beginning in his service in World War II in the United States Army, moving on as a diligent worker in the Office of Price Stabilization, and later as an auditor for the Air Force.

But clearly through all of his years, he most distinguished himself during his distinguished service in the South Euclid City Council, and as I am told, later became not just the mayor of South Euclid in 1972, but indeed, the first full full-time mayor in 1976.

Reading the materials presented by the gentlewoman on his behalf, I can say without fear of qualification that he accomplished much during his tenure there. He established an office on the aging, a paramedic program, established the 911 emergency program, and pushed for a community center. He later served as president of the county Mayors' Association, chairman and treasurer of the regional income tax authority, and so much more.

Clearly, Mr. Speaker, we have in this individual someone who understood the sense and the value of community, and did not just recognize it in his own heart but went out and gave of himself to contribute back.

It is with a great deal of pleasure that I, as the chairman of the subcommittee, give my full endorsement to this. I am pleased that we are able to take it up this afternoon in this fashion.

I commend the gentlewoman for her actions.

Mrs. JONES of Ohio. If the gentleman from Oregon will yield further, briefly, Mr. Speaker, I thank the gentleman for his support of this designation.

The reason I was so brief in my commentary, I did not think I had a chance to lay upon the record all the things that the gentleman said about Mayor D'Amico of South Euclid.

He was truly a genuine supporter of mine in every office that I have run for previously, and a leader and a light in the community of Cuyahoga County.

I would just like to associate myself with the comments of the chairman and thank him for his support, and thank the gentleman from Oregon (Mr. BLUMENAUER) for his support.

Mr. BLUMENAUER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARNOLD C. D'AMICO STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1568 South Glen Road in South Euclid, Ohio, and known as the South Euclid Station, shall be known and designated as the "Arnold C. D'Amico Station".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Arnold C. D'Amico Station".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCHUGH

Mr. McHUGH. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute offered by Mr. McHUGH:

Strike all after the enacting clause and insert the following:

SECTION 1. ARNOLD C. D'AMICO STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, and known as the South Euclid Station, shall be known and designated as the "Arnold C. D'Amico Station".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Arnold C. D'Amico Station.

Mr. McHUGH (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. McHUGH).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the 'Arnold C. D'Amico Station'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4853.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FAMINE PREVENTION AND FREEDOM FROM HUNGER ACT OF 2000

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4002) to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Famine Prevention and Freedom From Hunger Improvement Act of 2000".

SEC. 2. GENERAL PROVISIONS.

(a) DECLARATIONS OF POLICY.—(1) The first sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended to read as follows: "The Congress declares that, in order to achieve the mutual goals among nations of ensuring food security, human health, agricultural growth, trade expansion, and the wise and sustainable use of natural resources, the United States should mobilize the capacities of the United States land-grant universities, other eligible universities, and public and private partners of universities in the United States and other countries, consistent with sections 103 and 103A of this Act, for: (1) global research on problems affecting food, agriculture, forestry, and fisheries; (2) improved human capacity and institutional resource development for the global application of agricultural and related environmental sciences; (3) agricultural development and trade research and extension services in the United States and other countries to support the entry of rural industries into world markets; and (4) providing for the application of agricultural sciences to solving food, health, nutrition, rural income, and environmental problems, especially such problems in low-income, food deficit countries.".

(2) The second sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) in subparagraph (A) (as redesignated), by striking "in this country" and inserting "with and through the private sector in this country and to understanding processes of economic development";

(C) in subparagraph (B) (as redesignated), to read as follows:

"(B) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with international agencies, educational and research institutions in other countries, the private sector, and nongovernmental organizations worldwide, in expanding global agricultural production, processing, business and trade, to the benefit of aid recipient countries and of the United States;";

(D) in subparagraph (C) (as redesignated), to read as follows:

"(C) that, in a world of growing populations with rising expectations, increased food production and improved distribution, storage, and

marketing in the developing countries is necessary not only to prevent hunger and ensure human health and child survival, but to build the basis for economic growth and trade, and the social security in which democracy and a market economy can thrive, and moreover, that the greatest potential for increasing world food supplies and incomes to purchase food is in the developing countries where the gap between food need and food supply is the greatest and current incomes are lowest;'';

(E) by striking subparagraphs (E) and (G) (as redesignated);

(F) by striking ''and'' at the end of subparagraph (F) (as redesignated);

(G) by redesignating subparagraph (F) as subparagraph (G); and

(H) by inserting after subparagraph (D) the following:

''(E) that, with expanding global markets and increasing imports into many countries, including the United States, food safety and quality, as well as secure supply, have emerged as mutual concerns of all countries;

''(F) that research, teaching, and extension activities, and appropriate institutional and policy development therefore are prime factors in improving agricultural production, food distribution, processing, storage, and marketing abroad (as well as in the United States);'';

(I) in subparagraph (G) (as redesignated), by striking ''in the United States'' and inserting ''and the broader economy of the United States''; and

(J) by adding at the end the following:

''(H) that there is a need to responsibly manage the world's agricultural and natural resources for sustained productivity, health and resilience to climate variability; and

''(I) that universities and public and private partners of universities need a dependable source of funding in order to increase the impact of their own investments and those of their State governments and constituencies, in order to continue and expand their efforts to advance agricultural development in cooperating countries, to translate development into economic growth and trade for the United States and cooperating countries, and to prepare future teachers, researchers, extension specialists, entrepreneurs, managers, and decisionmakers for the world economy.''.

(b) ADDITIONAL DECLARATIONS OF POLICY.—Section 296(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(b)) is amended to read as follows:

''(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, the following components must be brought together in a coordinated program to increase world food and fiber production, agricultural trade, and responsible management of natural resources, including—

''(1) continued efforts by the international agricultural research centers and other international research entities to provide a global network, including United States universities, for international scientific collaboration on crops, livestock, forests, fisheries, farming resources, and food systems of worldwide importance;

''(2) contract research and the implementation of collaborative research support programs and other research collaboration led by United States universities, and involving research systems in other countries focused on crops, livestock, forests, fisheries, farming resources, and food systems, with benefits to the United States and partner countries;

''(3) broadly disseminating the benefits of global agricultural research and development including increased benefits for United States agriculturally related industries through establishment of development and trade information and service centers, for rural as well as urban communities, through extension, cooperatively with, and supportive of, existing public and private trade and development related organizations;

''(4) facilitation of participation by universities and public and private partners of universities in programs of multilateral banks and agencies which receive United States funds;

''(5) expanding learning opportunities about global agriculture for students, teachers, community leaders, entrepreneurs, and the general public through international internships and exchanges; graduate assistantships, faculty positions, and other means of education and extension through long-term recurring Federal funds matched by State funds; and

''(6) competitive grants through universities to United States agriculturalists and public and private partners of universities from other countries for research, institution and policy development, extension, training, and other programs for global agricultural development, trade, and responsible management of natural resources.''.

(c) SENSE OF THE CONGRESS.—Section 296(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(c)) is amended—

(1) in paragraph (1), by striking ''each component'' and inserting ''each of the program components described in paragraphs (1) through (6) of subsection (b)'';

(2) in paragraph (2)—

(A) by inserting ''and public and private partners of universities'' after ''for the universities''; and

(B) by striking ''and'' at the end;

(3) in paragraph (3)—

(A) by inserting ''and public and private partners of universities'' after ''such universities'';

(B) in subparagraph (A), by striking '', and'' and inserting a semicolon;

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) by striking the matter following subparagraph (B); and

(E) by adding at the end the following:

''(C) multilateral banks and agencies receiving United States funds;

''(D) development agencies of other countries; and

''(E) United States Government foreign assistance and economic cooperation programs;''; and

(4) by adding at the end the following:

''(4) generally engage the United States university community more extensively in the agricultural research, trade, and development initiatives undertaken outside the United States, with the objectives of strengthening its capacity to carry out research, teaching, and extension activities for solving problems in food production, processing, marketing, and consumption in agriculturally developing nations, and for transforming progress in global agricultural research and development into economic growth, trade, and trade benefits for aid recipient countries and United States communities and industries, and for the wise use of natural resources; and

''(5) ensure that all federally funded support to universities and public and private partners of universities relating to the goals of this title is periodically reviewed for its performance.''.

(d) DEFINITION OF UNIVERSITIES.—Section 296(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(d)) is amended—

(1) by inserting after ''sea-grant colleges;'' the following: ''Native American land-grant colleges as authorized under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note);''; and

(2) in paragraph (1), by striking ''extension'' and inserting ''extension (including outreach)''.

(e) DEFINITION OF ADMINISTRATOR.—Section 296(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(e)) is amended by inserting ''United States'' before ''Agency''.

(f) DEFINITION OF PUBLIC AND PRIVATE PARTNERS OF UNIVERSITIES.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

''(f) As used in this title, the term 'public and private partners of universities' includes entities that have cooperative or contractual agreements with universities, which may include formal or informal associations of universities, other education institutions, United States Government and State agencies, private voluntary organizations, nongovernmental organizations, firms operated for profit, nonprofit organizations, multinational banks, and, as designated by the Administrator, any organization, institution, or agency incorporated in other countries.''.

(g) DEFINITION OF AGRICULTURE.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

''(g) As used in this title, the term 'agriculture' includes the science and practice of activity related to food, feed, and fiber production, processing, marketing, distribution, utilization, and trade, and also includes family and consumer sciences, nutrition, food science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquaculture, floraculture, veterinary medicine, and other environmental and natural resources sciences.''.

(h) DEFINITION OF AGRICULTURISTS.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

''(h) As used in this title, the term 'agriculturists' includes farmers, herders, and livestock producers, individuals who fish and others employed in cultivating and harvesting food resources from salt and fresh waters, individuals who cultivate trees and shrubs and harvest nontimber forest products, as well as the processors, managers, teachers, extension specialists, researchers, policymakers, and others who are engaged in the food, feed, and fiber system and its relationships to natural resources.''.

SEC. 3. GENERAL AUTHORITY.

(a) AUTHORIZATION OF ASSISTANCE.—Section 297(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(a)) is amended—

(1) in paragraph (1), to read as follows:

''(1) to implement program components through United States universities as authorized by paragraphs (2) through (5) of this subsection;'';

(2) in paragraph (3), to read as follows:

''(3) to provide long-term program support for United States university global agricultural and related environmental collaborative research and learning opportunities for students, teachers, extension specialists, researchers, and the general public;''; and

(3) in paragraph (4)—

(A) by inserting ''United States'' before ''universities'';

(B) by inserting ''agricultural'' before ''research centers''; and

(C) by striking ''and the institutions of agriculturally developing nations'' and inserting ''multilateral banks, the institutions of agriculturally developing nations, and United States and foreign nongovernmental organizations supporting extension and other productivity-enhancing programs''.

(b) REQUIREMENTS.—Section 297(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''universities'' and inserting ''United States universities with public and private partners of universities''; and

(B) in subparagraph (C)—

(i) by inserting ", environment," before "and related"; and

(ii) by striking "farmers and farm families" and inserting "agriculturalists";

(2) in paragraph (2), by inserting ", including resources of the private sector," after "Federal or State resources"; and

(3) in paragraph (3), by striking "and the United States Department of Agriculture" and all that follows and inserting ", the Department of Agriculture, State agricultural agencies, the Department of Commerce, the Department of the Interior, the Environmental Protection Agency, the Office of the United States Trade Representative, the Food and Drug Administration, other appropriate Federal agencies, and appropriate nongovernmental and business organizations.".

(c) FURTHER REQUIREMENTS.—Section 297(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(c)) is amended—

(1) in paragraph (2), to read as follows:

"(2) focus primarily on the needs of agricultural producers, rural families, processors, traders, consumers, and natural resources managers;"; and

(2) in paragraph (4), to read as follows:

"(4) be carried out within the developing countries and transition countries comprising newly emerging democracies and newly liberalized economies; and".

(d) SPECIAL PROGRAMS.—Section 297 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b) is amended by adding at the end the following new subsection:

"(e) The Administrator shall establish and carry out special programs under this title as part of ongoing programs for child survival, democratization, development of free enterprise, environmental and natural resource management, and other related programs.".

SEC. 4. BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT.

(a) ESTABLISHMENT.—Section 298(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(a)) is amended in the third sentence, by inserting at the end before the period the following: "on a case-by-case basis".

(b) GENERAL AREAS OF RESPONSIBILITY OF THE BOARD.—Section 298(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(b)) is amended to read as follows:

"(b) The Board's general areas of responsibility shall include participating in the planning, development, and implementation of, initiating recommendations for, and monitoring, the activities described in section 297 of this title.".

(c) DUTIES OF THE BOARD.—Section 298(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "increase food production" and all that follows and inserting the following: "improve agricultural production, trade, and natural resource management in developing countries, and with private organizations seeking to increase agricultural production and trade, natural resources management, and household food security in developing and transition countries;"; and

(B) in subparagraph (B), by inserting before "sciences" the following: ", environmental, and related social";

(2) in paragraph (4), after "Administrator and universities" insert "and their partners";

(3) in paragraph (5), after "universities" insert "and public and private partners of universities";

(4) in paragraph (6), by striking "and" at the end;

(5) in paragraph (7), by striking "in the developing nations." and inserting "and natural resource issues in the developing nations, assuring efficiency in use of Federal resources, including in accordance with the Governmental Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), and the amendments made by that Act;"; and

(6) by adding at the end the following:

"(8) developing information exchanges and consulting regularly with nongovernmental organizations, consumer groups, producers, agribusinesses and associations, agricultural cooperatives and commodity groups, State departments of agriculture, State agricultural research and extension agencies, and academic institutions;

"(9) investigating and resolving issues concerning implementation of this title as requested by universities; and

"(10) advising the Administrator on any and all issues as requested.".

(d) SUBORDINATE UNITS.—Section 298(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(d)) is amended—

(1) in paragraph (1)—

(A) by striking "Research" and insert "Policy";

(B) by striking "administration" and inserting "design"; and

(C) by striking "section 297(a)(3) of this title" and inserting "section 297"; and

(2) in paragraph (2)—

(A) by striking "Joint Committee on Country Programs" and inserting "Joint Operations Committee"; and

(B) by striking "which shall assist" and all that follows and inserting "which shall assist in and advise on the mechanisms and processes for implementation of activities described in section 297.".

SEC. 5. ANNUAL REPORT.

Section 300 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220e) is amended by striking "April 1" and inserting "September 1".

Mr. BRADY of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BEREUTER. Mr. Speaker, as an original cosponsor of H.R. 4002, the Famine Prevention and Freedom From Hunger Act of 2000, this Member certainly wants to commend the distinguished gentleman from Texas [Mr. BRADY] for taking the lead on this important issue and introducing this bill which updates the context of agricultural development in Title 12 of the Foreign Assistance Act and expands the role of America's land-grant universities in these efforts. Indeed, it was a pleasure to work with him on this effort.

H.R. 4002 was first passed by the House under suspension of the rules on July 24, 2000. On October 4, 2000, the other body passed a slightly amended version of H.R. 4002 by unanimous consent. This Member supports the expeditious final passage of H.R. 4002 in the House so that it can be enrolled and sent to the President to be signed into law.

Since the Foreign Assistance Act was enacted in 1961, the scope of U.S. food aid and agricultural assistance has expanded to include: forestry, fisheries, family and consumer sciences, horticulture, agribusiness, agricultural processing, marketing, distribution, trade, food safety, nutrition, agricultural policy, environmental protection, food science and engineering, veterinary medicine, agricultural economics and other social sciences, and other science and practice related to food, feed and fiber. Indeed, H.R. 4002 updates current law and U.S. foreign assistance policy to reflect these changes.

This bill also ensures the transformation of development abroad into benefits to the U.S. University research and extension services, especially those associated with America's land-grant colleges, along with their public and private partners are supported to help transform agricultural progress abroad into benefits to U.S. communities and businesses through trade. The pending legislation expands the definition of eligible universities to include those institutions engaged in agricultural teaching, research and "outreach" as well as "extension." This certainly is an effective and responsible approach which utilizes America's land-grant university expertise to help famine prevention and freedom from hunger abroad.

Mr. Speaker, the Famine Prevention and Freedom from Hunger Prevention Act of 2000 would, for the first time, create a direct link between development abroad and the interests of U.S. rural communities. Clearly, it deserves our strong support and this Member urges its adoption. Again, this Member commends Mr. BRADY for his leadership on this issue.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

□ 1715

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4002.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Texas?

There was no objection.

CORRECTING ENROLLMENT OF H.R. 3244, VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000

Mr. BRADY of TEXAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 149) to correct the enrollment of H.R. 3244, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 149

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, shall make the following correction:

In section 2002(a)(2)(A)(ii), strike "June 7, 1999," and insert "December 13, 1999,".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO ATTEND THE FUNERAL OF THE LATE HONORABLE BRUCE F. VENTO

The SPEAKER pro tempore. Pursuant to House Resolution 618, the Chair announces the Speaker's appointment of the following Member of the House to the Committee to attend the funeral of the late Bruce F. Vento:

Ms. PELOSI, California.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SPECIAL RECOGNITION OF SAMOAN HEAVYWEIGHT BOXER DAVID TUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, what is it that Olympian gold-medalist volleyballer Eric Fonoimoana, Junior Seau of the San Diego Chargers, Joe Salave'a of the Tennessee Titans, Edwin Mulitalo of the Baltimore Ravens, Naomi Mulitauaopele of the Utah Starzz, Marcus Tuiasosopo of the Washington Huskies, All-American UCLA discus thrower Seilala Su'a, Yokozuma Sumo Grand Champion Musashimaru, Ozeki Sumo Champion Konishiki, WWF Wrestling Champion Tuifeai, "The Rock," and heavyweight boxer David Tua all have in common?

Mr. Speaker, they are Samoan Polynesians who share the same cultural heritage like the Maoris of New Zealand, the Hawaiians or Kanaka Maoli, Tongans, and Tahitians.

After the elections, Mr. Speaker, I suggest to my colleagues and to the millions of boxing fans throughout America, to kick back and turn their TV sets on to HBO and witness one of the most historic events that will transpire the evening of November 11 in Las Vegas, the world heavyweight boxing championship fight between Lennox Lewis and Samoan heavyweight boxer David Tua.

Mr. Speaker, it is against Samoan tradition to be boastful and arrogant, but as a totally neutral observer, and with all due respect, Lennox Lewis is going to painfully wake up the next morning and count how many ribs he has left, and then he will wonder if he was hit by either a dump truck or a D-9 caterpillar tractor, after fighting against David Tua.

You see, Mr. Speaker, this guy, David Tua, he has the heart and soul of a pure Polynesian warrior. He has got a nasty left hook and a deadly right hand knockout punch. He only weighs about 250 pounds. He has no neck, and his legs and calves are like tree trunks, which is typical of Samoan men who wear what we call here in America skirts, but they are actually lavalavas.

I want to express my personal thanks and appreciation to the good people of New Zealand, all the pakehas and our Polynesian cousins, the Tangata Maohi, for looking after David Tua and his family, and for their acceptance of David Tua, and I say to my Maori cousins (the gentleman spoke Samoan).

Mr. Speaker, I do not know if David Tua is listening to this presentation; but, Mr. Speaker, I do know that David Tua is a humble man, never speaks ill of his opponents, and I believe the American people and boxing fans around the world are going to remember him well for his talents and, above all, his sportsmanship-like conduct.

Mr. Speaker, I call upon the Prime Minister of the Independent and Sovereign State of Samoa and the Governor of the U.S. territory of American Samoa to declare November 11 as National David Tua Day. It will be a day that will be remembered by the Samoans throughout the world, the Samoan David going up against the Goliath Lennox Lewis; and, of course, we all know the results of that famous encounter.

Mr. Speaker, in describing David Tua's physical presence, I am reminded of a poem that a Hawaiian comedian, Frank Delima, once wrote about Samoans. By the way, Mr. Speaker, David Tua's favorite pasttime is writing poetry.

Anyway, the poem, in part, is entitled "Abdullah Fata'ai," and it goes like this:

I am 9 feet tall and 6 feet wide.
I got a neck made of elephant hide.
I scrape da haoles off the soles of my feet.
I drove my Volkswagon from the back seat.
I eat green bananas, tree and all.
My favorite game is tackle football.
I wear a skirt, but you better not laugh, cause it won't be funny when I break you in half.
I'm as gentle and sweet as a grizzly bear.
Only difference is he got more hair.
I got the nicest smile in all the Pacific.
I got an island home that's superterrific.
But I don't like fight and you don't like die.
So when I say (the gentleman spoke in Samoan), you better say "Hi."

Mr. Speaker, as we say in the Samoan language (the gentleman spoke in Samoan) David Tua, which means, Mr. Speaker, may your body be as invisible as the air and may your eyes be as bright as the sun. May you be victorious in battle. All our hopes and aspirations are with you, David Tua.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PAUL. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

WARNING ABOUT FOREIGN POLICY AND MONETARY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, over the last 3 years to 4 years, I have come to the floor on numerous occasions trying to sound a warning about both our foreign policy and our monetary policy. Today our monetary policy and our foreign policy have clashed. We see now that we face serious problems, not only in the Middle East, but on our financial markets.

Yesterday, I talked a bit about what I see as a financial bubble that has developed over the past decade and made the point that a financial bubble can be financed through borrowing money, as well as inflation. A financial bubble is essentially a consequence of inflation. A lot of people talk about inflation being the mere rising of some prices, but that is not the case.

Most good economists recognize that inflation is a consequence of monetary policy; as one increases the supply of money, it inflates the currency. This distorts interest rates, and it distorts the markets. Sometimes this goes into goods and services, and other times these excessive funds will go into marketplaces and distort the value of stocks and bonds.

I believe this is what has happened for the past 10 years. Mr. Speaker, so in spite of the grand prosperity that we have had for this past decade, I believe it is an illusion in many ways, because we have not paid for it. In a true capitalist society, true wealth comes from hard work and savings.

Today, the American people have a negative savings rate, which means that we get our so-called capital from a printing press, because there are no savings and no funds to invest. The Federal Reserve creates these funds to be invested. On a short-term, this seems to benefit everyone.

The poor like it because they seem to get welfare benefits from it; and certainly the rich like it, because it motivates and stimulates their businesses; and politicians like it, because it takes care of deficits and it stimulates the economy.

The only problem with this is it always ends, and it always ends badly. And this is the reason that we have to meet up with a policy that seems ridiculous. The economy seems to be doing quite well, but the Federal Reserve comes along and says there is a problem with economic growth. Economic growth might cause prices to go up; so, therefore, what we have to do is cut off the economic growth. If you have slower growth, the prices will not go up any longer.

They are talking about a symptom and not the cause. The cause is the Federal Reserve. The problem is that the Federal Reserve has been granted authority that is unconstitutional to go and counterfeit money, and until we recognize that and deal with that, we will continue to have financial problems.

We have heard that the 1990s was a different decade, it was a new era, economy, exactly what we heard throughout the decade prior to the collapse of the markets in Japan. The markets have now been down more than 50 percent in Japan for more than 10 years, and there is no sign of significant recovery there.

Also there were other times in our history when they talked about a new era economy.

Let me read a quote: "With growing optimism, they gave birth to a foolish idea called the New Economic Era. That notion spread over the whole country. We were assured that we were in a new period where the old laws of economics no longer applied." Herbert Hoover in his memoirs.

It is an illusion to believe that the new paradigm exists. Actually, the computer industry involves 5 percent of the economy; 95 percent is what they called the old economy. I ascribe to old economic laws, because the truth is, we cannot change economic laws. And if inflating a currency distorts the market and the boom leads to the bust, that cannot be repelled.

If we are looking towards bad times, it is not because of current policy, it is because of previous policy, the previous policy of the 10 years, the time when we live beyond our means. We say how did we live beyond our means? Where did the money come from? Are we not spending less than Washington? No, we are not spending less in Washington. Are not the deficits a lot less? They are less, but they are not gone.

Where did we borrow from? We borrowed from overseas. We have a current account deficit that requires over a billion dollars a day that we borrow from foreigners just to finance our current account deficit. We are now the greatest debtor in the world, and that is a problem. This is why the markets are shaky, and this is why the markets have been going down for 6 months, and this is why in a foreign policy crisis such as we are facing in the Middle East, we will accentuate these problems. Therefore, the foreign policy of military interventionism overseas is something that we should seriously question.

TERRORISM AND VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, the news in the Middle East today is unfortunately not very good news. The attack on the U.S.S. *Cole* reminds us as Americans once again how terrorism can rear its ugly head at any time at any place. The events during the past several days in the Middle East and in Israel and the West Bank show us again that terrorism and violence is just right around the corner.

Only a few months ago, Mr. Speaker, the Israeli government demonstrated the willingness to make sweeping concessions at Camp David. Unfortunately, Mr. Arafat rejected it. When we talk about the peace process and we talk about partners for peace, we have to understand that it takes two to tango. We cannot have peace if only one side is making concessions and the other side continues to hang on to its strident demands.

In fact, during the entire process at Camp David, which lasted many, many days, Mr. Barak, the prime minister of Israel, made concessions that no one would have dreamed that any Israeli government or prime minister could have made even a year ago, 6 months ago. He made those concessions; but Mr. Arafat, particularly with Jerusalem but other things as well, stuck to his hard demands.

□ 1730

The Palestinian leadership rejected compromise. They showed that they are only interested in peace on their terms. Again, a peace can only be achieved if both parties are willing to negotiate and both parties are willing to compromise.

The violent Palestinian riots we are witnessing today and for the past several days, in my opinion, result directly from the fact that Yasir Arafat did not prepare his people for peace. In fact, Arafat tries to skillfully use the pale of terrorism as a negotiating tool, playing the classic good guy-bad guy routine.

As Mr. Barak was restraining the expectations of his people, preparing the Israeli people for compromise, Arafat was pumping up the Palestinian demands and preparing them for conflict. If one does not prepare one's people by telling them that they will have to compromise to get a peace, then expectations are raised and a compromise is not able to be gotten. So today, unfortunately, we must say that Yasir Arafat has not been and is not a partner for peace.

Mr. Speaker, I just watched Prime Minister Barak speak live on CNN. Once again, he declared his willingness to make peace, but he rightfully said that his nation, Israel, will do everything in its power to protect its people. Israel needs a partner for peace, a partner that does not engage and incite into violence; one that does not look the other way when there are people that are destroying ancient religious shrines in Nablus; one that does not allow their people to beat innocent Israelis to death, as happened this morning in Ramallah; and one that does everything in its power to set the conditions for peace.

The underlying basis for negotiations was the recognition of the PLO by Israel in exchange for the renunciation of violence by the PLO and Chairman Arafat.

In his September 9, 1993 letter for the late Prime Minister Rabin, Chairman Arafat "renounced the use of terrorism and other acts of violence" and pledged to "prevent violence and discipline violators." Unfortunately, 7 years later, this has not happened.

Unless the Palestinian leader calls on his people to halt their fanatical, hostile public violence and directs the security services to maintain order, as he promised, the Palestinians will be in violation of, not only the text of the peace agreements, but the basic understanding which underlay the process.

Furthermore, as the Palestinian rock and molotov cocktail throwers and gunmen continue to rage, Israel will be within its rights as a sovereign nation to take whatever actions it needs to protect its people and frontiers.

Now, there is a moral imperative to stand our ground. Israel is not only our closest friend and ally in the Middle East, they are in the right. Israel has demonstrated its willingness to make peace and is now under attack by thousands of violent rioters. It is time for Congress to express its solidarity with the people of Israel and stand with them at this crucial time.

We must condemn the Palestinian leadership for its cowardly encouragement of mass riots and for doing so little to halt the hysterical rampagers.

We must demand that Arafat and his lieutenants use their security services to restrain unnecessary acts of violence, show respect for our holy sites, and settle grievances only through negotiations.

In the days to come, I expect new challenges to our U.S. policy; and I suspect we will arise to the occasion.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4516) "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes."

H.R. 4541, THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. BLILEY) is recognized for 5 minutes.

Mr. BLILEY. Mr. Speaker, the estimate of private sector mandates prepared by the Congressional Budget Office for H.R. 4541, the Commodity Futures Modernization Act of 2000, was not available when the Committee on Commerce filed its report on the bill. Pursuant to section 423(f)(1) of the Congressional Budget Act of 1974, as amended, I am submitting that statement for publication in the CONGRESSIONAL RECORD.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 11, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed estimate of private-sector effects of H.R. 4541, the Commodity Futures Modernization Act of 2000. CBO completed a federal cost estimate and an assessment of the bill's effects on state, local, and tribal governments on September 6.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Judy Ruud and Tim VandenBerg.

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COSTS OF PRIVATE-SECTOR MANDATES

H.R. 4541—Commodity Futures Modernization Act of 2000

Summary

H.R. 4541 would impose several new private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA) on persons or entities subject to the jurisdiction of the Commodity Futures Trading Commission (CFTC), registered futures associations, and electronic trading facilities. CBO cannot determine whether the direct cost of those mandates would exceed the threshold set by URMA for private-sector mandates ($109 million in 2000, adjusted annually for inflation).

Private-sector mandates contained in the bill

H.R. 4541 would impose three sets of private-sector mandates. First, it would impose Title V of the Gramm-Leach-Bliley Act, the privacy provisions of that act, on all persons or entities subject to the jurisdiction of the CFTC. Second, under certain circumstances it would require registered futures associations to also become registered national securities associations, and hence subject them to the Securities and Exchange Commission as well as the CFTC. Third, it would authorize the CFTC to require certain electronic trading facilities to disseminate trading data.

Privacy Provisions

H.R. 4541 would extend the privacy protection provisions contained in Title V of the Gramm-Leach-Bliley Act to persons or entities whose financial activities are subject to the jurisdiction of the Commodity Futures Trading Commission. CBO cannot estimate the costs of complying with the privacy provisions primarily because of uncertainties about how consumer privacy protections would apply to the broad categories of entities subject to the jurisdiction of the CFTC and because of the unavailability of information about the privacy protection procedures that those entities now have in place.

In accordance with CFTC implementing regulations, the bill would require affected entities to:

Develop administrative, technical, and physical safeguards of the nonpublic information they possess concerning their customers;

Disclose their policies and practices regarding the disclosure of customers' nonpublic personal information to nonaffiliated third parties when customer relationships are initiated and annually thereafter, and give the consumer the option to stop such disclosure to nonaffiliated third parties.

Safeguards. Providing adequate safeguards for customer information could impose several costs on affected entities. The largest of these, perhaps, is ensuring the technical security of customer information. Establishing such safeguards could be quite costly for some entities, particularly the measures needed to protect computer databases. However, the cost may be minimal to entities that already have adequate safeguards in place and would face few additional costs to comply with the requirements. Due to lack of information regarding the existing level of consumer information safeguards, the safeguards that might be required under the legislation and the costs involved in upgrading these safeguards, CBO cannot estimate the cost of those requirements.

Privacy Policy and Disclosure. Developing and disseminating privacy policies, establishing procedures to notify customers of possible information disclosures, and allowing customers to disallow such disclosure would involve a variety of costs. Developing privacy policies may require entities to incur legal costs. After the privacy policy has been adopted, relevant personnel may need training on new procedures. Notifying existing and new customers of the firm's privacy policy would entail printing and mailing costs. And the requirement to notify customers of information disclosures and allow them to opt out might require the development of new databases to track customers' opt-out elections. Furthermore, to the extent that the affected entities have been profiting from the disclosure of consumers' nonpublic personal information, entities may lose revenue if many of their customers opt out of such disclosure.

The total cost of complying with the bill's privacy policy and disclosure requirements is uncertain. Several factors could mitigate the costs of complying with the privacy policy and disclosure requirements. For example, some of the affected entities may only have institutional customers. Entities with no consumer accounts may not incur the costs associated with developing a privacy policy, notifying customers of the privacy policy, and tracking customers' responses allowing or disallowing disclosure of their information. The cost of complying with the privacy requirements would also be reduced to the extent that the affected entities do not disclose personal information to nonaffiliated third parties—in that case, the privacy policy would be relatively simple, and they would not need to track customers' responses to the policy. Moreover, if the CFTC or industry associations furnish model privacy policies, the cost of developing privacy policies might also be reduced. CBO was unable to obtain data on the extent to which the affected entities disclose customer information to nonaffiliated third parties, or obtain data concerning the possible cost of implementing systems to track delivery of privacy notices and customer opt-out elections.

Dual Registration of Registered Futures Associations

H.R. 4541 would require futures associations registered with the CFTC to register with the Securities and Exchange Commission (SEC) as a national securities associated, if any of its members effect trades in the newly authorized security future products. This provision would mandate that the National Futures Association, a self-regulatory organization for the U.S. futures industry, be registered with, and fall under the regulatory scrutiny of the SEC. The National Futures Association and the SEC do not expect this requirement to impose many additional costs since this new regulatory oversight would largely parallel existing supervision by the CFTC.

Dissemination of Trading Data by Certain Electronic Trading Facilities

H.R. 4541 would authorize the CFTC to prescribe rules and regulations to ensure timely dissemination of price, trading volume, and other trading data by electronic trading facilities dealing with transactions in exempt commodities or swaps, should the CFTC determine that the electronic trading facility performs a significant price discovery function for transactions in the cash market for the commodity underlying the contracts being traded on the electronic trading facility. Based on information provided by the CFTC, it is quite possible that the CFTC would not use this authority. If, after a period of time, the CFTC did require such an electronic trading facility to disseminate trading data, the cost to the electronic trading facility would depend upon the specific information to be released, and the type of dissemination that the CFTC required. The costs of disseminating trading data may be small if simply daily dissemination to a public source were required, but would be higher if continuous, real-time dissemination were required.

Estimate prepared by: Judy Ruud and Tim VandenBerg (226-2940).

Estimate approved by: Roger Hitchner, Assistant Director for Microeconomics and Financial Studies Division.

URGING ENVIRONMENTAL DEBATE BETWEEN PRESIDENTIAL CANDIDATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, I want to spend this time this evening dealing with an issue that I hope will get the attention that it deserves yet in this election. We just had the second Presidential debate last night. I still hold out hope for an environmental debate between the candidates for President as well as leaders in both parties up and down the ticket.

The significance of the environment to the American public is not just a matter of public opinion polls, although I note with interest recently a publication of the Clean Air Trust where they had conducted a survey of voters that indicated that 4 in 10 suggested that they would shun a Presidential candidate who opposed tougher new clean air standards, according to their national poll by the nonprofit Clean Air Trust. They were conducting this survey to determine the impact of just this one key environmental issue, clean air.

At the same time, nearly 6 in 10 voters say they would reward a Presidential candidate who fought to support clean air standards. These are entirely consistent with results of a separate Clean Air Trust survey of likely voters in the battleground State of Michigan. But we do not have to just look at public opinion polls.

I note with interest that, when we open up the newspapers in our communities from coast to coast, border to border, they are filled with issues of environmental concern to our citizens. A lot of the work that I do in Congress focuses on livable communities and what the Federal Government can do to be a better partner in promoting an environment where our families are safe, healthy, and economically secure.

I am pleased that the Vice President has been a champion of the Federal partnership in promoting livable communities. His activity on behalf of the President's Council for Sustainable Development, indeed, he has been pushing and probing across the board in the Federal Government for each and every agency to have their program of sustainable development, of livable communities, of ways to promote environmental enhancement.

The contrast with Governor Bush I think could not be more stark. There is no comprehensive State program in the State of Texas dealing with environmental quality and livability. Indeed, there is no indication that Governor Bush has chosen this as an area that he wants to promote Federal involvement and partnership.

When we look at the response to local communities in the State of Texas to try and deal with those problems, it appears that he does not really look with favor at initiatives at the local level.

I would quote from a recent column by Neal Peirce, one of the national journalistic experts in this arena who has been following livability environment and what happens in our metropolitan areas for several decades. He had indicated that the question about Governor Bush is why he seems oh so indifferent to America's growth quandaries. He constantly stresses local control.

But The Austin American-Statesman reports that, when the growth-deluged city of Austin, the capital, moved to regulate development and water quality, Governor Bush approved State legislation to negate all its efforts.

So it appears that he does not have a comprehensive program in the State of Texas. He does not support a comprehensive approach on the part of the Federal Government. He is willing to cut active local governments like the capital city of Austin off at the knees.

This, I think, speaks volumes to the American public about the most important challenge that we are going to be facing in terms of enhancing and maintaining our quality of life.

I think a further elaboration of the difference between the record of the Vice President and the Governor of Texas is enlightening.

The State of Texas ranks near the bottom in spending on the environment, 44th out of the 50 States in per capita spending on environmental programs, according to The Los Angeles Times last April. Texas is the third worst in the country for toxic water pollution last year. It was ranked third worst in terms of dumping chemicals into the water supply. It also ranked second worst for omitting known and suspected carcinogens to water in the country.

In 1998, Texas also had the record with the third most pollution in the country and ranked third in omitting reproductive toxins into the waterways, and second worst in dumping nitrate compounds into that State's waterways.

Governor Bush selected as his Vice Presidential nominee Dick Cheney, a gentleman, a former colleague of many in this Chamber where he served for some dozen years in the 1980s and 1990s. Secretary Cheney, as a Member of this body, voted seven times against authorizing clean water programs, often as one of a small minority of Members who voted against the authorization.

In 1986, Secretary Cheney was one of only 21 Members to vote against the appropriations to carry out the Safe Drinking Water Act. In 1987, he was one of only 26 Members who voted against overriding President Reagan's veto of the reauthorization of the Clean Water Act.

The contrast here with Vice President GORE is stark. As a Senator, GORE fought for cleaner water. He was an original cosponsor of the Water Quality Act of 1987. He has been part of an administration that has set aside more lands for Federal protection than any administration since the man who got the ball rolling, Republican President Teddy Roosevelt almost a century ago.

He has been an active promoter of critical partnerships to protect habitat. As my colleagues know, 70 percent of the continental United States is in private hands, and any successful effort to maintain and restore the Nation's wildlife must include these private landowners.

One of the most valuable tools that has evolved is the habitat conservation plan, which is a long-term agreement between government and land owners that helps ensure the survival of threatened wildlife, while still allowing productive use of the land.

Prior to 1993, only 14 such plans existed. This administration, with the Vice President as the point person on the environment, has since forged another 250 plans, protecting more than 20 million acres and 200 threatened species, voluntary programs with private landowners to protect wildlife.

I think it is also clear that the Vice President would continue to protect and perhaps even expand national parks and monuments. This has been an item of some modest concern on the floor of this House, and we have had an opportunity to discuss it. I think the Vice President is clear that he would be supportive of those efforts, and he would seek full funding of the land legacy initiative that the administration, Mr. GORE, proposed.

They have supported full and permanent funding for the Land and Water Conservation Fund. As part of the 2001 budget proposal, the President and Vice President requested $1.4 billion for the Land Legacy Initiative. I have every confidence that, as President, AL GORE would continue to insist that the Land and Water Conservation Fund be fully funded.

□ 1745

The Vice President is also on record to support reform of the antiquated mining law to help pay for conservation. Currently, the Mining Act of 1872 remains on the books exactly as it was signed by President Ulysses S. Grant more than a century and a quarter ago. It grants, effective today, allowing patents for hard rock minerals on public lands to be mined for $2.50 or $5 per acre.

Since taking office in 1993, just in the course of the last two administrations, the 1872 Mining Law has required the Department of the Interior to sign 40 mining patents that deeded away publicly owned resources valued in the billions of dollars, one estimate is more than $15 billion, to individuals and private mining companies. No guarantee that those private mining companies are even American companies. In return, the taxpayers have received a little more than $24,000.

The Vice President supports modernization of this law to take advantage of changed circumstances. We are no longer needing to bribe people to exploit the wilderness and settle the West. We can use the money from any mining royalties that we ought to grant to help pay for incentives to protect open space and help communities support local parks.

Again, as I look back and reflect on the difference that there would have between the Vice President and Governor Bush, I think this record is stark. If one reviews the record of Governor Bush, who cites his stewardship, now in his second term as governor of our country's second largest State, and look at what he has done for parks or public land in the State of Texas, I think any objective review of that record would find that it is indeed sparse.

Texas ranks number 49 out of all the States in the amount of money it spends on State parks. That is number 49, I might add, from the top to the bottom. It is next to the last. A 1998 State audit found that Texas had a funding backlog of $186 million just for maintenance of its existing parks. In 1999, the Texas Parks Commission tried to remove a cap on the sporting goods tax to increase its revenues so it could do something to help this desperate situation in the State of Texas. The governor, sadly, did not support the proposal and the measure died.

There was at least some lip service that was given by the administration of Governor Bush when he appointed a task force to find solutions to these problems. He created a task force on conservation which he "charged with finding ways to ensure that Texas leaves a legacy for our children and grandchildren, a legacy of unwavering commitment to protect and preserve our treasured lands." Sounded good. But when he had an opportunity to translate this into action, the governor ignored the request for additional funding from the Texas Parks Commission.

One of the most exciting proposals that has developed in this Congress, and something that has excited the attention of Americans across the country, has been fully funding the Land and Water Conservation Act, the CARA legislation, which passed this Chamber with an overwhelming bipartisan vote under the leadership of the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, and the ranking member, the gentleman from California (Mr. GEORGE MILLER). That was really an artful piece of legislation that would have the opportunity of really transforming the use of our public land. It had resources for urban parks, for nature areas, for habitat restoration, conservation, purchase and maintenance, and historic activities. There was something here that excited, I think, the attention of environmentalists, conservationists, and citizens all across the country.

According to the San Antonio Express News last year, when asked if he would support the legislation, the governor did not know. I quote: "I do not know how to answer your question." And to the best of my knowledge, I have not seen him adding his voice to try and pry this legislation out of the death grip that it has with the Senate leadership where it has not been permitted to move.

It is clear that Governor Bush would increase logging on public lands, but it is less clear what that environmental impact would be. He would reverse the roadless area protections that are encountered in the administration's roadless areas initiative, and this came out of his visit to Seattle, as quoted in the Seattle Post-Intelligencer on June 26 of this year.

The vice presidential nominee of the Republican Party has been clear that a Bush-Cheney administration would be very interested in reopening the issue of the lands that have been protected from development by this administration.

Another issue of great concern to those of us in the Pacific Northwest, where we are struggling with how to balance the variety of interests dealing with the problems of the Columbia River System, with the issue of endangered species, with salmon, treaty rights to Native Americans, where there are conflicts in terms of barge traffic on the rivers, recreational users, and power, this is not an easy issue; and one of the things that has been clear is that this administration is willing to explore all options, and even some that are going to be very difficult. Vice President GORE has reiterated the fact that he feels that until we have a plan in place, that we need to keep all these options on the table.

Unfortunately, Governor Bush has stepped into a difficult situation, one that does not have an obvious solution, and is willing publicly, I think sadly for political purposes, to rule out some options without having anything in the alternative. For him, evidently, not complying with the Endangered Species Act, not dealing with our commitments under treaty obligations to Native Americans, the extinction of salmon runs is, in fact, an option.

The area of clean air is another one that is of great concern, I think, to all Americans; but I want to pause at this point because I have been joined by the gentleman from New York (Mr. HINCHEY). I am going to begin a somewhat lengthy piece, but the gentleman from New York, who is a member of the Committee on Appropriations and a tireless champion for environmental interests in his district, in his State of New York, and throughout the country, I know has been deeply involved in a number of these issues. He is a member of the Subcommittee on Interior of the Committee on Appropriations as well, and I would yield to him if he has some observations or thoughts at this point as we have been discussing these issues as it relates to the Vice President, Governor Bush and the choices before us.

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for yielding to me, and I particularly thank the gentleman for taking this time to discuss an important issue, which has not gotten the attention that I think it deserves in the context of this particular Congress.

In fact, as a member of this Congress, I have often felt that we are fighting a defensive action here, where we are taking actions that are designed to prevent harm from being done rather than moving forward in a positive direction on a number of environmental issues that really need to be addressed. The Endangered Species Act is one, and I know that the gentleman just referenced it, that deserves a great deal of attention.

The issue of CARA, a piece of legislation which is designed to protect public lands and open space, and provide also recreational opportunities both in rural and urban settings, is a critically important piece of legislation. A good portion of that was advanced in the context of the interior bill, which we passed here just recently and which was signed by the President just the other day.

Now, the reason that that provision advanced in the interior bill was in large measure a result of the leadership provided by the administration, both the President and Vice President GORE. That interior bill contained a landmark preservation, if I am not mistaken the amount was $12 billion, over a period of time for open space protection, preservation, and also for recreational activities, again in rural but also in urban settings in association with urban parks and things of that nature.

One of the issues that I think that we really need to address, and which has not gotten enough attention, is the issue of water resources, particularly fresh water resources. It is true, and many people have observed fairly recently, that fresh water resources around the world, including those fresh water resources here in the United States, are being depleted, particularly those resources that lie in aquifers underground. We know that, for example, in the great Midwestern section of our country there is a huge underground reservoir known as the Ogallala, which runs from northern Texas up to the Dakotas, and covers a huge vast area, or at least underlies a huge vast area of the central plains.

That water resource contained in that Ogallala underground reservoir is being depleted at a rather alarming rate. This is fossil water. In other words, it is water that has lain underground for centuries and there is no visible source of rejuvenation for this aquifer. The fact that we are depleting it at such a rapid rate is something that ought to be of increasing concern.

Now, the depletion is primarily for agricultural purposes, for applications of an agricultural nature throughout that area, and, of course, good purpose. But the idea that we can continue to drain a resource in the belief that that resource is always going to be there and will not be depleted is a false notion. It is a basic fallacy, and it is one with which we have to come to grips.

So I think that this issue of fresh water resources is an issue that is going to require a great deal of attention from this Congress in the future and from the next administration. And that, of course, raises the question of what kind of administration do we want to have in place here to succeed the Clinton administration which will husband these resources in a reasonable way; in a logical and rational and intelligent way. I think the answer to that question becomes quite apparent when we look at the choices that we have before us.

We have on the one hand Governor Bush, who has a record of depletion and deterioration of resources in the State in which he is the executive; and, on the other hand, we have Vice President GORE, who has a very deep and long record of environmental protection and husbanding of resources going back to the time when he served in this House, and then later in the Senate, and all of which he brought to his position as Vice President of the United States.

So I think as people make decisions with regard to this upcoming election, and I think it is easy to lose track of time around here, but I think it is somewhere in the neighborhood of 3 weeks now until November 7, as people begin to think more closely about the decision they are going to make with regard to who is going to be the leader of our country for the next 4 years, I think one of the issues that they ought to factor into their decision-making is the issue of the environment and who among those who are holding themselves out for this office for President of the United States is best equipped and has the knowledge and the sensitivity and the ability to care about this issue. Who is best equipped, then, in that regard, to assume the responsibility of President of the United States.

□ 1800

So this is one of the issues that is of concern to me as I think about the upcoming election and I think about the kind of leadership that we are going to need to carry us forward into the 21st century at a time when environmental resources are going to be increasingly under adverse pressure and forced into adverse circumstances.

So that is a question which I hope people will be thinking closely about as they make their decision about the President and Members of the Congress and Members of the Senate as they cast their vote on November 7.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I would like if I could, with the indulgence of the gentleman from New York (Mr. HINCHEY), yield to our colleague, the gentleman from the State of Maryland (Mr. CARDIN), who has a long and distinguished record as a State legislator, as a private citizen, and as a Member of this Congress for focusing in on many of these concerns that I know my colleague shares.

Mr. CARDIN. Mr. Speaker, let me thank my friend for yielding to me and thank him for bringing this issue before this body.

As he pointed out, in last night's debate, we had a little bit of a discussion about the environment, not enough of a discussion on the environment. There is a clear difference between the Vice President and the Governor on the environmental issues.

The Vice President, as the gentleman from New York (Mr. HINCHEY) has pointed out, throughout his entire career has been one of the real leaders on sensible environmental policies, policies that not only help preserve our environment but also deal with economic expansion but not at the cost of destroying our woods or our airs. He understands the importance of smart growth. He understands the issues of being sensitive to our environment.

I particularly appreciate the gentleman from Oregon (Mr. BLUMENAUER) taking this time. Because when we contrast that to the record of Governor Bush and the State of Texas, which has one of the worst environmental records of any State in this Nation, and the Vice President mentioned some statistics yesterday as related to health care, it is very clear that the State of Texas has been at the bottom of our Nation in providing health benefits for its citizens, but it is also at the bottom of our Nation on its record on environment.

They have literally destroyed much of their environment at the cost of trying to do certain types of growth when it was not necessary to do that. It is certainly not the model of leadership that we need in this nation.

This issue is particularly important to the people of Maryland, important to all the States. But the quality of life in Maryland is very much dependent upon the quality of our environment. We pride ourselves on the Chesapeake Bay, the most important natural resource in our State.

I must tell my colleagues, when I was speaker of our State legislature, we took on the challenge to try to reclaim the Chesapeake Bay. Because it was becoming unsafe in many areas for people to swim or for people to use for recreational purposes. If they fell into our harbor, they did not have to worry about drowning, they would worry about whether they could survive the pollution that was coming in from all sectors, from the industrial use, from the farming use, from just not paying attention to our environment.

We made a commitment 25 years ago to do something about it. And we have. We have done a pretty good job in helping to clean up the Chesapeake Bay. But I must tell my colleagues, we need a clean air policy because that affects the quality of the Bay and acid rain. We need a smart growth policy because that affects the quality of the waters leading into the Chesapeake Bay. We need a national policy on environment. We need leadership in the executive branch that will be sensitive to these environmental issues.

Mr. Speaker, there is such a contrast between the two candidates for President on this issue. And I hope that in the remaining 3-plus weeks, less than 4 weeks, before the election that we will focus as a Nation on the environmental issues.

Look at the record of the Vice President and the Governor on the issues that we have been talking about this evening. They are very much related to the quality of life in our community, very much related to our commitment to try to improve the quality of life in each of the districts that we represent.

So I hope that we will take the time to compare the candidates who want to be President of this great Nation as to where do they stand on smart growth, that is placing people near where they work and where they live so that we can put less stress on the commute times in this country, less time on our energy dependency.

We are too dependent upon imported oil. We all know that. Part of the solution, as the Vice President has said, is less use of fossil fuels in our community, more smart growth in our community. That will help the quality of life for people who live in my district and every district in the Nation, and it will also help preserve the Chesapeake Bay and the other great bodies of water in our Nation and our air that we breathe.

I have been disappointed by what we have done in this session not because of the administration but because we have been spending more time trying to beat down some bad action by our colleagues, particularly on the other side of the aisle, when we should be looking at building a record that we can look back at with pride.

I very much hope that as we get into the last weeks of this campaign that we will challenge the leadership of our candidates running for President as to how they stand on these issues. I think there is no comparison here between the Vice President, who in his entire career in Government has shown leadership and sensitivity to the interrelationship between all the environmental issues, and the Governor, who has a record that none of us want to emulate from the State of Texas.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Two observations. One, I appreciate his reference to growing smarter in terms of wiser use of our resources and avoiding unplanned growth and sprawl.

The State of Maryland has recently been cited as another national model for experimenting with this. And I think it is important that, unlike what some of the people who are attempting to be critical of this, there is no effort with smart growth to deny choices to the American public. The notion here is to give them more opportunities in terms of where they live, how they move.

If the only way somebody can get their children to a soccer game or to school is to drive them, if they cannot walk, if they cannot cycle, if they cannot get there on their own, if they have no access to transit, it narrows their choices. If there are neighborhoods that are disposable, hollowed out, it narrows the choices.

One of the things that I am, I guess, most appreciative of for the Vice President is taking the risk that some people will try and turn these concepts on their head and suggest that somehow this is a war on the suburbs or it is trying to deny choices, when nothing could be further from the truth than trying to promote more opportunity.

I am prepared to talk a little further on clean air, but I notice we have been joined by my colleague the gentleman from Southern California (Mr. SHERMAN).

Mr. Speaker, I yield to the gentleman.

Mr. SHERMAN. Mr. Speaker, I just want to associate myself with the comments of my colleagues. I could speak a minute on this issue, but I think I would simply repeat what the rest of them have said. I have some comments about some of the fiscal issues and if the gentleman has time at the end and wants to yield time to me to discuss that point, I will. Otherwise, I thank the gentleman on the other side for agreeing to allow me to have 5 minutes at the end of his remarks.

Mr. BLUMENAUER. Mr. Speaker, I continue to yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, let me make an observation, if I may, in connection with the comments that were made just a moment ago by the gentleman from Maryland (Mr. CARDIN).

I think that occasionally, if we look at these issues superficially, we fail to recognize the co-relationship between issues that sometimes are taken separately and distinctly and not joined together.

The gentleman mentioned the relationship, for example, between the environment and energy. And there is a clear nexus there, obviously, that needs to be dealt with. And in that regard, it gives another opportunity to talk a little bit about the initiatives of Vice President GORE and his leadership on both environmental and energy issues in a way that addresses the complexities of both.

For example, we know that we are increasingly dependent upon foreign oil. I think we are importing now something in the neighborhood of 56 percent of the oil that we consume here in the United States from outside of our borders. This becomes, at that level, an issue even of national security. We are far too dependent upon outside sources for the fossil fuel that we depend upon for transportation, for heating, and for a variety of other uses.

Now, that is something that we have to deal with. We have to gain energy independence to a greater degree. We have to reduce our reliance on foreign oil. How do we do that? One of the ways in which we do it is to develop alternative sources of energy. And this is an issue on which Vice President GORE has taken a leadership position that in fact was far ahead of its time. He was talking about these things when it was not apparent to most people that it would be necessary to take any action in this area.

For example, he was talking about the need to develop photovoltaic cells, for example, and direct solar energy for the creation of less electricity and, by the way, in so doing, creating a vast new industry for America which will enable us to address other issues, such as our balance of trade, balance of trade deficit.

If we are developing new sources of energy for a world that is going to be crying out for new sources of energy, that enables us to deal with our own energy situation more intelligently, reduce our dependence upon fossil fuel, create energy alternatively, and at the same time produce a product that will be desired by virtually every other country in the world.

We have an opportunity, in other words, to take a leadership position here in a new industrial venture that will enable us to accomplish a variety of objectives in a very concise and particular way. And for that I think Vice President GORE deserves a great deal of credit for stepping out in front on this issue and directing the way toward its solutions.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding. I say to the gentleman from New York (Mr. HINCHEY) that I could not agree with him more.

It is rather tragic at a time now when we see the great peril that the Middle East is again embroiled in as the peace negotiations falter and the acts of violence are currently playing themselves out, and we think that if at the end of the Iraqi war if we had made a commitment that we would not ever again put ourselves in a position where we had to send American soldiers in the pursuit of oil or to protect the Kuwaiti fields or to protect the Saudi Arabia fields, or what have you, that we would have pursued this vast array of alternatives that the Vice President has been talking about almost his entire public life, that we could have, in fact, pursued alternatives in energy consumption, in conservation, in technologies that would have, in fact, really made us independent and insulated us in these kinds of situations.

But, in fact, we chose to go another route. And that was massive increases in consumption, the failure to go for the efficiencies, the failure to recognize what was readily available on the market and use that here domestically or to sell it overseas. And yet, even now we continue to see the other side of the aisle and Governor Bush suggesting, if we just had one more drilling of oil.

The fact is we have increased the production of oil in America over the last 10 years rather dramatically. The hottest oil play in the world is the Gulf of Mexico. Oil companies have spent tens of billions of dollars to be able to go in and to drill there, and it has obviously been worth their while. It is a fantastic find because of new technologies in that field. But it has not made us any more independent. It has not made us any more independent. It has continued the addiction that we have had to foreign oil.

And so, rather than get our house in shape here and get our country in shape as the gentleman has suggested and as the Vice President has suggested over the last decade, we have done just the opposite, we have made ourselves more dependent. And like any other addiction, it is very difficult to break. But we ought to stop it at this point and recognize the peril it places us in internationally, the peril it places our economy in, and the unneeded expenditures by Americans for energy that is not necessarily simply because of the waste that is involved.

□ 1815

That was clearly one of the choices that was presented in the debate last night about whether or not we embrace this in terms of the future and in terms of the knowledge that we now have about energy efficiencies, conservations and technologies or whether we just say, "Let's go back to what we were doing in Pennsylvania at the turn of the century and just put another hole in the ground." It is wonderful to get the oil, but it does not relieve the dependence and there is no indication that it ever will relieve the dependence unless, in fact, we go to these new technologies. I just want to thank the gentleman for making that point.

Mr. BLUMENAUER. Reclaiming my time briefly, I could not agree more with my distinguished colleague from California. He points out that we are, in fact, extracting more energy from more sources. But if we as a Nation that represents 5 or 6 percent of the world's population continue to use 25, 30 percent of the energy supply and if our primary bets are on fossil fuels that are, in fact, finite no matter what some would hope, we are on a downward path that can only lead to disaster.

Mr. GEORGE MILLER of California. When 70 percent of the import is for transportation, we deny the fact that readily available today at these market prices, with no compromise in safety, speed or technology, a car is available, you can get 35 miles to the gallon. Not a big push from where we are today, but a dramatic change in our consumption pattern and our independence, if you will. That could just be done today with essentially no sacrifice being made. Not a dramatic runup in the price of an automobile, not a dramatic compromise in the safety for you or your families and your comfort or anything else. It is available today.

Mr. BLUMENAUER. Could those vehicles, energy-efficient vehicles be made here in the United States by American workers?

Mr. GEORGE MILLER of California. Those vehicles could be made here with no change. The difference is that all the advances that we have made on engine efficiency, the dramatic increases that we have made in efficiencies of the internal combustion engine have been loaded up with weight so that you can drive a bigger and a heavier car rather than returning the benefit to the economy, to the consumer and to the environment. We just decided we would take all the improvement and we would negate it by putting 9,000 pounds on top of it. So here we get what the industry said they could do, what many of us in the Congress wanted them to do, what the environment needs them to do, and then we just larded it up. So rather than driving an ordinary car, we took all those benefits and just put them in, if you will, to style. That is costing the American consumer a huge amount of money, a huge amount of money for no real benefit at all.

Mr. BLUMENAUER. Is it possible that if we had at least studied the CAFE standards, that if we would have applied the CAFE standards across all of today's fleet, not having massive exemptions, that we could have actually had the best of both worlds?

Mr. GEORGE MILLER of California. It is all there. It is there. But obviously when we suggest to them that they can do this voluntarily, just like when George Bush suggested to all those old polluters in Texas to just do it voluntarily, they chose to do it another way. They chose to do it to maximize profit and forget the public interest, forget the needs to clean up the environment, forget the air quality, forget the economy of people who are reaching into their pocket to pay $2 for gasoline in a car that is getting them 20 miles to the gallon when, in fact, they could be getting 35 with none of these trade-offs.

It could be done here, it could be done with American labor. They are the best autoworkers in the world. That is not even a contest. But it is not being done because huge, huge cars now are cash cows for the automobile companies and that is more important to them than the public safety, the environment, household incomes, expenses or our dependency on foreign oil.

Mr. BLUMENAUER. Reclaiming my time, I was struck by your comment about the voluntary emission reduction plan in Texas. This is one of the innovations that has been cited by Governor Bush under his leadership. There was legislation that was introduced, he supported, Texas Senate bill 766 that took effect more than a year ago. It has been touted as an approach to voluntarily clean up these 760 old plants that were grandfathered in. I find it fascinating that as a result of this effort, there have been 73 so-called pioneer companies out of the 760 that have taken part, that the majority of these plants, even of the 73 that took part, there are only 28 that even applied for permits, only 19 received them and only five of these volunteers with permits that actually required reductions. So there are actually only five out of 760 plants that are actually producing any result and it is something like 0.3 percent.

Mr. GEORGE MILLER of California. That is the exact point. When you say to these companies, there is going to be voluntary compliance, if you can do it, do it, we would all appreciate it. You are also sending the same signal that says, "And if by the way you continue to pollute, that's okay, too. If you choose to clean up, that would be nice, but if you choose not to clean up, it's the same."

Before we had the Clean Air Act and I know the gentleman is very interested in the Clean Water Act, before we had the Clean Air and the Clean Water Act, I do not remember companies walking in and saying, "I'm going to voluntarily clean up the arsenic in the water," or "I'm going to voluntarily clean up the benzene in the air, the lead in the air or the pollution in the Hudson River." I do not remember that happening. It was only because of the Clean Air Act, the Clean Water Act that these companies stepped forward. They did it because it was the law of the land. What we have seen for 6 years in this Congress under a Republican majority and what we have seen in the State of Texas is continued efforts by corporate entities to lean on the political system so it is not the law of the land. And if it is not the law of the land, you will not clean up the Hudson River, you will not clean up the Sacramento River, you will not clean up the Mississippi River, you will not clean up these areas that America holds as treasures.

And so as the gentleman points out, when Governor Bush got all done with his volunteer stepping forward, this is like a bad film of the Army: I need these volunteers, now everybody take one step forward and everybody steps back and one guy is left there as the volunteer. This is like a bad movie. If we work at this rate on cleaning up pollution in America that they are in Texas, we will all be choking to death. It is not happening. The figures point it out. The Governor could sit there last night and say, "We have a plan and it's working." Well, if this is his definition of "working," there is a horror story in store for the American public, because that does not address the needs of the cities and others who have air pollution problems and toxic problems. That is just unacceptable.

We have struggled in this Congress to try to get entities to step forward and be responsible for Superfund sites, for water pollution and air pollution. I think the gentleman makes a very important point about the so-called voluntary program in Texas. You voluntarily get not to obey the law is what you do. That is what you get to volunteer to do.

Mr. HINCHEY. The gentleman from California, I think, makes very important points about it as well. It is even true that after you require it in the law, if you do not have proper enforcement of the law, even then you will find some of these corporations that were responsible for the pollution in the first instance resisting taking the appropriate and responsible action to clean up the mess that they made.

The gentleman mentioned the Hudson River. That is one clear example where you have had PCB contamination now for decades and the responsible parties have not done anything to address that pollution. In fact, what they have done is they have come here to the Congress, they have gotten Members of the Congress to introduce amendments to pieces of legislation which will, in fact, delay any act of responsibility on their part. So not only do voluntary actions not work but in addition to the law we have found in our experience that you also have to have effective enforcement. No, absolutely not, they are not going to do any of these things voluntarily because it costs them money, and it should cost them money because they made enormous profits in creating that pollution in the first place in most instances. But in addition to having good, decent, powerful laws, you also have to have consistent and effective and honest enforcement.

Mr. BLUMENAUER. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MARKEY) who has been a leader on a whole host of environmental and energy issues.

Mr. MARKEY. I thank the gentleman very much, and I thank him for holding this very important special order.

Mr. Speaker, on September 29 of this year, Governor Bush of Texas, attempting to reassure the public that there was no choice to make between oil production and preserving wilderness waxed eloquent on the subject of the Arctic Refuge.

"We should open up a small fraction of the Arctic National Wildlife Refuge for responsible oil and gas exploration. The Vice President says he would rather protect this refuge than gain the energy. But this is a false choice. We can do both," said Mr. Bush, "taking out the energy and leaving only footprints." Leaving only footprints. A wonderful image, is it not, leaving only footprints in the Arctic Refuge? Like Robert Frost and his little cat's feet or Robinson Crusoe discovering he was not alone when he spied the telltale footprints of Friday on the shore of sand before the high tide washed them away.

An image of footprints in the Arctic Refuge that the petroleum industry would leave and would love to have linger in our minds, these footprints of Friday or cat's paws in the sand, children walking along the beach. Footprints.

It is against the law, of course, as we know, to drill for oil in the Arctic Refuge and the only way that will ever change is if the industry manages to get Congress to change the law. They are very resourceful, this industry. They have put together a dream ticket in the person of an oilman for President and an oilman for Vice President. And now they are engaging in industrial strength poetry as they try to win a license to destroy the wilderness of one of the last places on God-created Earth that man has yet to try to improve.

So Governor Bush says his plans would only impact about 8 percent of the refuge. Well, it turns out that what they want to drill is in the biological heart of the refuge, where polar bears den and caribou give birth. Imagine your doctor telling you, "This won't hurt. We're only going to drill in a small fraction of your body, only about 8 percent, only around the region of your heart, only that 8 percent of your body. That is the only place we're going to operate. Don't worry, we won't touch the rest of you. Only that 8 percent. The heart." The heart of this refuge.

Now, let us take a look at the industrial footprints that have already been left on the North Slope by environmentally sensitive oil companies which want to drill in the heart of the refuge. These pictures are from Dead Horse and from Prudhoe Bay. They are part of a vast industrial complex that generates on average one toxic spill a day of oil or chemicals or industrial waste of some kind. It seeps into the tundra and becomes part of a new and improved North Slope as it is viewed by the oil industry. This energy sacrifice zone already spews more nitrogen oxide pollution into the Arctic each year than the city of Washington, D.C.

□ 1830

That is all of the pollution created in Washington, D.C. is not as great as the pollution created by these sites already in this Arctic North Slope area. As we can see, the drilling for oil takes a huge amount of equipment for roads, for pipes, for wells, for pumping. All the trappings of a massive industrial undertaking have been hauled or flown or barged to the North Slope around Deadhorse and Prudhoe Bay. The companies have been able to afford to bring everything in to such a remote location because today they are making money. But guess what? Tomorrow it will still be there, and tomorrow and tomorrow and tomorrow. All this stuff never leaves. The roads, the pipes, the dry holes, the bulldozers, the spent wells, the gravel pits, it all stays. And together, it makes up a footprint that can only be described as a world-class mess, and it is going to stay that way because once the industry starts making money up there, the last thing they are going to do is to go into debt in order to clean it up.

The industrial footprint extends for miles. When it is overlayed on the refuge, we can see that it would end any notion of this treasured corner of God Almighty's earth remaining wild, untrammeled, and untouched.

Let me finish by noting that this is Federal land that has been set aside for all of the people of the United States. It does not belong to the oil companies. It does not belong to just one State. It is a public wilderness treasure. We are all the trustees. As far as I am concerned, we are going to have to work as hard as we can in order to make sure that this incomparable wilderness is not touched. There are plenty of other places that can be explored in Alaska; and as Joe LIEBERMAN said in his debate, if we just increase fuel efficiency of an automobile three miles a gallon, it would produce more oil than all of this Arctic wilderness.

Let me conclude and compliment the gentleman from Oregon (Mr. BLUMENAUER) for holding this important special order. I think all of these issues have to be discussed.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman from Colorado (Mr. UDALL) joining us, and I yield 2 minutes to the gentleman from Colorado (Mr. UDALL), who has been active in these issues since long before he came to this Chamber.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for yielding.

Mr. Speaker, I wanted to associate myself with the comments of my colleagues and in particular acknowledge the articulate and eloquent comments from the gentleman from Massachusetts (Mr. MARKEY) about the Arctic National Wildlife Refuge. As I think he pointed out, the geologists tell us we have probably something along the order of 6 months' supply in this area, and to me it would be a big mistake for that short-term supply of oil to trample an area that was described in such fashion. It is a trade-off that is not really acceptable, I think.

What is acceptable? Well, if we look at what Vice President Gore has been talking about, what is acceptable is to throw ourselves into all of these opportunities that we have to develop different types of energy production methods that are really exciting technologies out there. One hundred years ago, when petroleum was discovered, there were only two or three obvious uses for it. What did we do as a country? What did we do as a society? We said let us invest in research and development.

The Federal Government stepped in, and now we have almost countless uses for petroleum. In fact, some historians, I think, will tell us that we wasted it in our automobiles in the latter half of the 20th century.

We have very promising technologies in solar, as demonstrated by phototechnologies. We have wind technologies where the price of kilowatts is coming down dramatically. Biogas. We ought to be throwing all of those kinds of technologies into the mix at this time. I think we are going to see some enormously exciting things happen.

It is a false choice: it is going to hurt our economy, or it is going to hurt our environment. It is truly a false choice and the Vice President is saying, look, we have incredible opportunities in the developing world to take these technologies to places like China and Indonesia and India, and in the process do right by our economy, do right by the economic development opportunities. So the Vice President looking ahead, oil is going to be a thing of the past; the geologists tell us that those supplies are limited, that in the next 100 years oil as we know it will not be available to us. Let us look ahead, follow the leadership and the vision of the Vice President.

The SPEAKER pro tempore (Mr. HANSEN). The time of the gentleman has expired.

Mr. BLUMENAUER. I am sorry, Mr. Speaker?

The SPEAKER pro tempore. All time has expired.

Mr. BLUMENAUER. Mr. Speaker, I had yielded the gentleman 2 of 3 of my minutes.

The SPEAKER pro tempore. Apparently he used more than the 2 minutes. I am sorry if there is a misunderstanding, but the hour is up.

Mr. BLUMENAUER. Mr. Speaker, I would ask unanimous consent for 30 seconds.

The SPEAKER pro tempore. I would advise the gentleman that a unanimous consent is not acceptable under a special order for additional time.

TAXATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the courtesy of the gentleman from California (Mr. SHERMAN). I am sorry, but I thought the Chair would notify me when the time had expired. I apologize.

Mr. Speaker, the Vice President has sometimes been accused of being sort of robotic and wooden. In fact, he has joked about it himself. But there is one thing that that man is passionate about. It is the environment. When I look at the dismal record in the State of Texas with the air quality deteriorating, I look for the passion and the commitment from the governor of that State, but I do not see it. I think there is a huge difference between the two, and I hope that the American public will have the opportunity in the remaining 3½ weeks to focus on this.

Mr. SHERMAN. Mr. Speaker, I would like to address yesterday's debate and focus on taxation. Why such a dry topic as taxation? After all, one of the candidates seems like a much nicer, more likeable guy. Why do we not just make him President by acclamation? Well, it seems that running the Federal Government is a little bit more complicated than just being a nice and congenial individual.

First, let us talk about the cause for our prosperity. We have the longest expansion in this country's history. It has lasted so long some people take it for granted, but we should not because it arises from the combination of two very important causes; one of which is the ingenuity, the hard work and the inventiveness of the American people working in the private sector. But let us remember, Americans worked hard in the early 1980s, the late 1980s, and the early 1990s; but not until the mid-1990s did our prosperity begin to bear fruit.

Why is that? Because only then was it combined with the other essential element: Federal fiscal responsibility. Responsibility at the Federal level is something this administration achieved when most of us thought it was impossible, and in doing so they have given us lower interest rates, available capital for the private sector, and a lower inflation rate.

The governor of Texas would have us put this all at risk for $1.5 trillion of tax cuts, nearly half of which goes to the richest 1 percent of Americans; plus another $1 trillion in unstated costs as the cost of shifting from our present Social Security system to this new Social Security system he promises with individual accounts funded by a trillion dollars that no one mentions.

Let us talk about taxes. There are basically three taxes that support the Federal Government: the estate tax, which falls chiefly on the richest 1.5 percent of Americans; the income tax which is paid by everyone except the poor; and the FICA tax, the payroll tax that is borne by the poor and the middle class and has only a tiny effect on the rich.

The governor said last night, I believe everyone who pays taxes ought to get relief; but what he did not mention was that there are over 15 million Americans who pay that FICA tax, that payroll tax, and do not pay an income tax and do not get a penny of relief under his program. There are, in fact, 30 million Americans who pay a FICA tax with no net income tax liability, and over half of them, 15 million Americans, pay a net FICA tax even adjusted for the earned income tax credit which they receive; 15 million Americans that the governor from Texas cannot see apparently because they are poor. They are the janitors; they are the men and women who pick up at restaurants; they are people working hard every day to support families on incomes of $10,000 or $15,000 and they do not get a penny. But 43 percent of George Bush's tax benefits go to the top 1 percent of Americans; and that is more than he spends on health, Medicare, education and the military.

Last night, Governor Bush told us that only $223 billion goes to the richest 1 percent. He is right, if we only look at the income tax. But if we look at the estate tax, we see another $500 billion going to the wealthiest 1 to 1½ percent of Americans. So we look at the estate tax and the income tax combined and we see roughly $700 billion going to the wealthiest Americans.

But Mr. Bush cannot see half a trillion dollars in tax reduction, cannot notice it and denies that it exists because, after all, it is estate tax relief for the very wealthiest Americans. He cannot see 15 million poor Americans. He cannot see half a trillion dollars going to the wealthy. I think we could only describe this as fuzzy fiscal facts; and we need instead, as our President, someone who will provide tax relief to working Americans and preserve our fiscal responsibility.

TRIBUTE TO CONGRESSMAN TOM BLILEY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Missouri (Mr. BLUNT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BLUNT. Mr. Speaker, before I get on with the business at hand, I would like to make some comments about the hour or so that we have just heard of facts that just simply do not bear up under the reality of what has happened in Texas in the last few years.

Since 1995, Texas has led the country in reducing the release of disposal of toxic pollution and has led it by 43 million pounds of reduction.

Since 1994, industrial air emissions in Texas have fallen by 11 percent. The EPA says that that is the fact. Under legislation signed by Governor Bush, Texas became the third State in the Nation to require pollution reductions and permits from grandfathered utilities, utilities that would not have had to meet these new standards. Governor Bush said they would have to meet these new standards. Under that plan, they will reduce nitrogen oxide pollution by 50 percent and sulfur dioxide emissions by 25 percent by 2003. Governor Bush has been praised for his leadership in requiring air pollution reductions from these utilities, and the record is clear on that.

The Wall Street Journal in September of this year said that no one in the Clinton administration has been willing to face this issue separately.

I think what we see happening on the floor is a willingness to distort the facts. We see a willingness to talk about an America that Americans would not want to see happen in our country in terms of the kinds of solutions that have been proposed, but even those solutions, the gentleman from California talking to the gentleman from Oregon a minute ago, talking about electric cars, said that all this could be done today. Well, if it could have been done today, why has it not been done for the last 8 years? That was maybe the greatest condemnation of the point they were trying to make that was made on the floor today, but that is not the purpose of our order here tonight.

The purpose of the order tonight is to talk about the 5 decades of service of the chairman of the Committee on Commerce, the oldest committee in the House, a committee that has such jurisdiction that approximately half of all the legislation that comes to the

House comes through the Committee on Commerce, a committee for the last 6 years that has been chaired by the gentleman from Virginia (TOM BLILEY).

□ 1845

The gentleman from Virginia (Mr. BLILEY) began his political career, as others will talk about in a few minutes, when he was elected to the city council in Richmond, Virginia. He served as vice mayor, he served as mayor, and then in 1980, 20 years ago, he was elected to the Congress. He was elected in 1980.

He had steered Richmond through some of its greatest challenges as the schools were desegregated, despite the unpopularity of the measures that were taken at the time. The gentleman from Virginia (Mr. BLILEY) as the mayor said that "This job will be done," and stepped forward and carried the load of seeing that that happened in his city.

As chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY) led the drive to enact mammography quality standards, assuring the safety, accuracy, and overall quality of mammogram services for women.

As chairman, he led the passage of the 1996 Telecommunications Act, which has unleashed many of the innovative forces and gains in efficiency that are driving our economy forward today. He spearheaded enactment of securities litigation reform, and a host of other reforms that my colleagues will talk about.

They will also talk about their pride in being able to serve with him, a person who served 3 years in the Navy and left the Navy as a lieutenant; a person who the National Journal in a front page feature called "Mr. Smooth" because of the way he gets his job done.

We will talk about his family: his wonderful wife, Mary Virginia, his two children, his grandchildren; about his commitment in his whole political career to always be sure that Sunday was reserved for family, a commitment that my wife has pointed out to me is something that I should emulate, and the absolute dedication of the gentleman from Virginia (Mr. BLILEY) to preserving that time for church and family.

He has done a great job. He has made many friends. His leadership will be missed on our committee. I do not know how his teammate on the tennis court will deal with that, or whether they have made plans about their continued competition. But I am glad to yield to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Missouri for yielding to me.

Before I talk about the gentleman from Virginia (Mr. BLILEY), I want to commend the gentleman from Missouri (Mr. BLUNT) for his comments regarding the previous hour. Much of that rhetoric was reckless, and it was obviously designed to trash George Bush of Texas, and I thank the gentleman for responding to that.

Mr. Speaker, I met the gentleman from Virginia (Mr. BLILEY) primarily through tennis. Mr. Speaker, as we know, many Members of Congress or most Members of Congress who are involved in recreation do so in golf. Hunting and fishing would come next. My friend, the gentleman from Massachusetts (Mr. MARKEY), is a good basketball player in his own right.

I see my friends, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. UPTON), and we enjoy tennis. I met the gentleman from Virginia (Mr. BLILEY) on the tennis court. What struck me initially was his James River-Virginia dialect. My staffers will say to me when I leave work in the evening, "Take Cah," meaning to take care. That is the way the gentleman from Virginia says it. They emulate him almost precisely accurately.

As Members may know, before he came to the Congress, the gentleman from Virginia (Mr. BLILEY) was an embalmer, a funeral home operator. When I first came to the Congress, my mayor back home is an embalmer, a funeral home operator, and the gentleman from Virginia knew him as mayor.

He came to me one day and in his James River dialect, he says, "How do you get along with your mayuh?" I said, "I get along fine with my mayor." He said, "Well, if you have any trouble with him, I will talk to him mayor to mayor, gravedigger to gravedigger."

I did not have to call him in because my mayor and I did get along very well.

I would be remiss if I did not mention the turf battles that go on up here between the prestigious Committee on Commerce members here who have flanked me on either end here and the Committee on the Judiciary here on which I served. We have had turf battles when the gentleman from Michigan (Mr. DINGELL) was chairman, and when the Republicans became the majority party in 1994, I said, "Finally we will get rid of these turf battles."

Mr. Speaker, it must be the water they drink over there in the Committee on Commerce, because the turf battles would continue. Someone said to me, how I would respond to the turf battles. I said, "Have the Committee on Commerce people keep their grubby paws off the Committee on the Judiciary issues and it will be resolved." But we will hear more about that later.

Mr. Speaker, finally, in closing, I want to say that the gentleman from Virginia (Mr. BLILEY), and the gentleman from Missouri has already said it very accurately, the gentleman from Virginia (Mr. BLILEY), a former Democrat converted to Republican; the gentleman from Virginia, mayor; the gentleman from Virginia, Congressman; the gentleman from Virginia, Mr. Chairman, and has served very well, following the gentleman from Michigan (Mr. DINGELL), who also served as a very able chairman; the gentleman from Virginia (Mr. BLILEY), tennis player; the gentleman from Virginia (Mr. BLILEY), a sailor, and in fact, maybe sailor par excellence. I am told his sailing skills have been refined to almost a sophisticated element now.

My staffers refer to him as the distinguished Virginia gentleman. I say to him tonight, to the distinguished Virginia gentleman, we will miss him here. Best wishes to him and Mary Virginia, the two children, and the grandchildren.

I want to commend my friend, the gentleman from Missouri (Mr. BLUNT) for having taken out this special order in honor of his chairman and our friend, the gentleman from Virginia (Mr. BLILEY).

Mr. BLUNT. Mr. Speaker, I am certainly grateful to be joined by the gentleman from North Carolina (Mr. COBLE).

In spite of his totally erroneous perception of what happens in our conflict between the two committees, we all know who is truly at fault. The gentleman is outnumbered here today in a significant way, Mr. Chairman. He is a great friend of our chairman and he appreciates us.

Mr. COBURN. Mr. Speaker, if the gentleman will continue to yield, I see the gentleman from Louisiana (Mr. TAUZIN) has already gotten into the gentleman's head, when the gentleman from Missouri calls my charges erroneous.

Mr. BLUNT. Mr. Speaker, in spite of the great accent that the gentleman from North Carolina (Mr. COBLE) after all those years on the tennis court has managed to be able to emulate from our great chairman, the gentleman from Virginia, I saw a video the other night. I do not know that I ever saw a more accurate performance of the chairman than that of the great member of our committee, the gentleman from Massachusetts (Mr. MARKEY). It was an odd combination of a Bostonian reserve and southern charm when he had that bow tie on and was talking about our chairman.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I over the last 20 years have come to know the gentleman from Virginia (Mr. BLILEY) very well. Yes, we do share several things in common. He is Irish Catholic, as am I. Mary Virginia, his wife, is Irish Catholic. What are the odds of two Irish Catholics being in Richmond? I think it is pretty slight.

So his good fortune on this planet has obviously been marked by that greatest of all achievements in his life, his marriage to Mary Virginia, and the family which they created.

I know that he in his public life is animated by the values that his mother and father instilled in him. I know that he tries every day in our committee to ensure that those principles are in fact fulfilled. I know that those values are animated by the Jesuit education which he was able to obtain at Georgetown University, the same Jesuit education which I have.

As we know, the Jesuits can educate in a way in which liberal Democrats and conservative Republicans can both be proud. That is the greatness of the Jesuit tradition. I appreciate that.

If there were two incidents that come to mind when I think of the gentleman from Virginia (Mr. BLILEY), they are these.

When Richmond was under a desegregation order in the 1970s, it would be almost impossible to find a more difficult situation in a more difficult State to effectuate the desegregation of a school system.

If I was going to pick one person who could preside over the delicate job of implementing a desegregation order in a southern city, I would pick the gentleman from Virginia (Mr. BLILEY), because I am sure that then, as we all know now, he is the one person who, with fairness and honesty, can deal with all sides in a deliberation. We know that the Richmond story turned out to be a success, a model.

In my own career, I think that while less sensitive, from the perspective of the 1990s in this Congress, when history looks back, they will say that the most important piece of legislation which passed was the 1996 Telecommunications Act. It was not just one piece of legislation, it was 20 pieces of legislation in one. It dealt with every aspect of telecommunications, computer, Internet, satellite, cable, in our country. It rewrote all the laws.

The gentleman from Virginia (Mr. BLILEY) presided over that in the Committee on Commerce on this House floor and in the conference committee with the Senate. The bill is not perfect, we all know that. Nothing is. But a lot of times when people are doing comparisons, they let the perfect be the enemy of the very good. This is a very good bill.

By the year 2000, we have something which stands in testament to the success of that bill. We call it today the NASDAQ. The NASDAQ is nothing more now than the compilation of all the companies that have been the product of that 1996 Telecommunications Act, and the gentleman from Virginia (Mr. BLILEY) stand at the front of the line of those who deserve the credit for that becoming a new blueprint for our country.

The rest of the world has not caught up. It is difficult to change laws in a way that creates a competitive climate that allows for any entrepreneur or any company to believe that if they can raise the money and they have a good idea, that they can successfully compete in a modern telecommunications environment.

That is why we right now are number one looking over our shoulder at number two, three, and four in the world in all of these areas. It is not that we are number one necessarily in every area, but in totality we clearly are the world leader.

The gentleman from Virginia (Mr. BLILEY) was the principal author of that piece of legislation. I stand in admiration for his great contribution to the only on that issue. I mention it because it stands first among all, but it does not mean that there were not dozens of others that we could go down the litany and talk about here this evening.

It is only to serve as an example of the type of historic leadership which he has given in his hometown and here in Washington throughout his lifetime, and again, as I say, always animated by the values of his parents, his wife, Mary Virginia, and the Jesuits.

As he leaves, this place, having been enriched by his presence, will be able to I think congratulate him on a successful career of historic proportions, and know that we will not see his like again.

I thank the gentleman for holding this special order.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for taking the time to come tonight. I also mention that we have a number of members of our committee and Members of Congress, Members from Virginia, who have left for the RECORD the comments they want to insert in the RECORD tonight from both sides of the aisle, and certainly I am grateful for the gentleman from Massachusetts (Mr. MARKEY) taking his time to be here.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce.

Mr. UPTON. Mr. Speaker, I thank the gentleman from Missouri for reserving this special order.

I rise to pay special tribute to my friend and colleague and leader of our committee, the gentleman from Virginia (Mr. BLILEY), our chairman.

There is not a finer committee in the Congress than the Committee on Commerce. I wish my colleague, the gentleman from North Carolina (Mr. COBLE), was still here for me to rib him, because he knows in fact that it is the best committee in the Congress for a lot of reasons: the jurisdiction, whether it be health care, trade, commerce, telecommunications, you name it, it comes under the authority of our committee.

If we look at the legislation that passes through here in the House on a weekly basis, really about one-third to 40 percent of the major bills that pass through this Congress originate in the Committee on Commerce.

It is a terrific committee to serve on. We have wonderful Members. We have terrific staff, hard-working. We have had a wonderful leader in the gentleman from Virginia (Mr. BLILEY) the last 6 years.

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Mr. Speaker, I was fortunate when I was first placed on the Committee on Commerce to serve under then ranking member of the Subcommittee on Oversight and Investigations, the gentleman from Virginia (Mr. BLILEY). He was always fair, and he has always been fair, certainly in his 6 years as he led this committee in so many ways that will impact all of America for many years to come.

The gentleman from Virginia (Mr. BLILEY) is a straight shooter. Yes, we knew when we were in his doghouse, but there was always a way to get out. He wanted an answer, he usually had the votes, and if you were straight up with him, your reputation stayed honest and strong, and he was able and willing to help you on a whole host of issues as legislation moved through the Congress.

I am only sorry tonight that the hour is late. We are all trying to get home, back to our districts. Congress will not be in session tomorrow. I have had the wonderful opportunity of serving with him also on the tennis court, opponent, as well as partner. He plays on the court just as hard as he plays in committee. This Congress would be far better off to have more gentlemen like the gentleman from Virginia (Mr. BLILEY).

There is not a day that he has not been able to go home or he has not been able to have his head high in the issues that he helped lead knowing he has done the right thing. His impact will be felt not only on this body, but across the country for generations to come.

Mr. Speaker, I thank the gentleman from Missouri (Mr. BLUNT) for reserving this special hour for a really very special guy, a real gentleman in every respect of the word. I thank the gentleman from Virginia (Mr. BLILEY).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Michigan (Mr. UPTON) for all he has done for us taking the time and also for the great leadership he has shown on the Subcommittee on Oversight and Investigations and congratulate him on the legislation that was passed this week to deal with a significant problem of public safety that we have seen develop over the issues of tires and automobile safety in the last few months. I appreciate the gentleman's great leadership on this, bringing this bill to the floor and having it overwhelmingly adopted here on the floor.

Mr. Speaker, I yield now to the gentleman from Louisiana (Mr. TAUZIN), my good friend, the chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, a person who is knowledgeable in the intricacies of the many things we deal with in the Committee on Commerce.

Mr. TAUZIN. Mr. Speaker, I thank my friend, the gentleman from Missouri (Mr. BLUNT), for yielding to me. Let me thank the gentleman for leading us in this special order.

Before I begin my contribution to it, I wanted to thank the gentleman also for taking a few minutes to respond to the hour that preceded it, because America was treated with some incredible, I think, manipulations of the truth. The truth of the matter is that in the States of Texas and Louisiana, men and women are working every day, not only to produce the energy that America needs, but to process it in the plants that are required to refine it, make fuel oil for the homes of the Northeast, for Massachusetts and for Michigan and for other States across the colder regions of our country, to make the gasoline that powers our cars and the diesel that powers the trucks that deliver the products across this country even in this dot-com age, and to make the jet fuel that powers the jets, not only across our country but around the world.

It is States like Texas and Louisiana that are making the contributions. I am not sure Americans are aware of it, but the last refinery in America was built in my home district in Louisiana 20 years ago. We have not had a refinery built since then. In fact, 36 refineries closed during that period, and America is dependent not only on oil and gas more and more from places that are very unstable like the Middle East, but more and more on refined products produced in other countries.

When the price goes up in the Northeast and the Members who appeared on this floor complain about Texas and Governor Bush and our policy on promoting independence in production and supplies for this country, I hope they remember that the prices are not set in Texas any more. They are being set somewhere in the Middle East and somewhere in councils that we do not control.

Then when short supplies arrive in the wintertime, it could well be that we have had an anti-energy policy in this country for the last years of this administration that has not, in fact, licensed a new refinery for America, and that has shut down areas to production and development.

It ought to be opened up, if we are going to be an independent and free and stable economy and if our people are going to be warm in the winter and if our cars are going to be powered and our jet planes are going to continue to fly. There is another story. I hope one day we get to tell it all about why this administration has put this country into such jeopardy now as we face another energy crisis; 58 percent dependent on foreigners to supply us with the fuel we need.

And when the Strategic Petroleum Reserve was started in 1975, we were a mere 36 percent dependent. Think how much more vulnerable we are today with fewer refineries and more foreign oil dependence. That has been the story of this administration and why I hope the next administration under George Bush will change it.

But I came tonight to honor the gentleman from Virginia (Mr. BLILEY). I came tonight to join my colleagues on the Committee on Commerce, and the gentleman from North Carolina (Mr. COBLE), my friend from the Committee on the Judiciary, to remind this House what a contribution the gentleman from Virginia (Mr. BLILEY) has made to this institution and what an incredible personal contribution he has made to this body in the person, the man that he is.

The gentleman from Virginia (Chairman BLILEY), as my colleagues know, has chaired what I consider to be the most important committee in this Congress, the Committee on Commerce, formerly the Committee on Energy and Commerce, and hopefully Committee on Energy and Commerce again next year is the oldest committee of this House. As my colleagues know commerce and interstate commerce was one of the first assignments given to the national government when this country was started, and the Committee on Commerce represents jurisdiction over the commerce of the country, and that includes an incredible array of items, including telecommunications, indeed, and transportation and environmental issues and health care issues, and issues dealing with such complex combinations as to how to make sure our health care system stays solvent and how to make sure Medicaid is available to the poor and needy of our society, how to make sure that prescription drugs hopefully will be available to our seniors.

It is an incredible mix of jurisdictions as we debate matters as complicated as this awful tire recall. And I want to commend the gentleman from Missouri (Mr. UPTON), my friend who just appeared, for his incredible work in finding out what went wrong over these years with that horrible mess in auto safety and how expeditiously our committee produced a bill for this floor to consider and for the Senate to consider, and it is now on the way to the President for his signature.

Mr. Speaker, I think that effort alone tells a story about the gentleman from Virginia (Mr. BLILEY). The gentleman from Virginia (Mr. BLILEY) chairs this incredible important committee, and he literally is the leader under whom we have worked for these past years to develop, not only hearings like we produced on the Firestone tire recall, but the legislation that followed it.

I do not know if my colleagues remember, but there was another recall in 1978 with Firestone 500 tires. Following that, there were hearings; but there was no legislation. This year, in 3 short weeks, the Congress and under the leadership of the gentleman from Virginia (Mr. BLILEY) and the Committee on Commerce produced the most significant reform of tire and auto safety in 30 years.

And that has been the history of his leadership: telecommunications reform, the first rewrite of the Telecommunications Act since 1934; financial securities modernization, the first real modernization of our Securities Act in years and decades; the Food and Drug Modernization Act, to make sure that Americans have safe and quality drugs and pharmaceuticals in our country.

The work he has done in safe drinking water to make sure that Americans have good safe water to drink. The last hearing he chaired today was on safe water, not only here in America, but the global concerns of safe water and the pollution of global water supplies that are critical as nations and ethnic groups are fighting now around the world over water supplies, and people are dying because of the lack of good potable water and clean and healthy sanitary conditions.

The gentleman from Virginia (Mr. BLILEY) has led those efforts for the last 6 years, and he has produced remarkable legislation from our committee that has literally broken up the monopolies in this country in telecommunications and transportation. He has been a huge, literally a "trustbuster" in this Nation. He has done more to back off unnecessary Federal regulations in many areas of our economy and to open it up to consumer choice and competition. That has been the history of his tenure as chairman of our Committee on Commerce.

I want to tell my colleagues something about him personally that my colleagues may not know. He spent his 20 years here in Congress also dedicated to women and children's issues. The gentleman from Virginia (Mr. BLILEY) has been a leader in adoptive services and making sure that adoption was a real and viable option for children in America, and to make sure not only here in this country but around the world that adoption was available to kids and to parents who wanted to love them.

He has been a stalwart defender of adoptive services all of these years and a promoter of that as a means of protecting and preserving young life in

America and around the world. And he has been a real champion for mammography services to make sure, in fact, that mammograms were available to poor people, and that women could, in fact, get the benefits of health care and early warnings of breast cancer and other diseases. He has been a champion of women health issues. I am not sure if Members really know of his extraordinary service in this area.

Lest we forget, for 20 years he has served on NATO's parliamentary assembly, the assembly of NATO countries, the parliamentarians who try to keep the strength and the unity and the bonds that have held NATO together and been important not only in winning but preserving world peace. The gentleman from Virginia (Mr. BLILEY) now serves as president of that body and will serve through the month of November until his retirement from the Congress. But he leaves us as we end this session to go back to Richmond, Virginia, a place where his career started, where he began serving the people of America on the city council and later on as mayor.

The gentleman from Massachusetts (Mr. MARKEY) talked about his incredible service to our Nation and to Richmond during those awful days when our Nation was coming to grips with the horror and the history of segregation and bigotry in our country. He came to grips with it and dealt with it in a humane and positive and effective way that was a model for other country communities across America. I hope we remember him and his service for that great effort.

Finally, I want to talk about the gentleman from Virginia (Mr. BLILEY) the man, the father, the grandfather, the husband, the man who has always been the gentle man from Virginia.

We get into some awful fights around here. We get into some bitter arguments sometime, and we forget to remind ourselves that all of us come here representing people back home, and all of us come here with a mandate to speak for those people back home. We sometimes forget our own humanity. We forget to remember to treat each other as human beings and as gentlemen and ladies in this body; and incivility sometimes reigns, but it never reigns under the leadership of the gentleman from Virginia (Mr. BLILEY) on the Committee on Commerce.

The gentleman reminded us all to be gentlemen and ladies. He reminded us all to differ and to argue and disagree but to do so agreeably, and to remember we all have indeed a special honor to be in this body representing this great Nation, and that honor means that we ought to respect one another as much as we respect this institution.

The gentleman from Virginia (Mr. BLILEY) was truly a man of the House, a man this Nation can be proud of, a man our Committee on Commerce is certainly proud of and a leader and a chairman we are going to miss a great deal. The gentleman from Virginia (Mr. BLILEY), on behalf of all the Members of the Committee on Commerce we miss you, bon voyage, happy sailing, great tennis games. And remember the gentleman from North Carolina (Mr. COBLE) still can be beat. There is a way to do it. Come around and we will have some great games together and some great times.

To the gentleman and your family, we want to wish the gentleman the best in retirement and the best that our Nation has to offer, a true servant of the American people, the gentleman from Virginia (Chairman BLILEY).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for joining this special order and all he does to make our committee work, the way it works under the leadership of the gentleman from Virginia (Mr. BLILEY). Mr. Speaker, three Virginians decided to leave the Congress this year, the gentleman from Virginia (Mr. BLILEY), his good friend, the gentleman from Virginia (Mr. Bateman), who last month we stood here on the floor in memorial remarks about the gentleman, we remembered his life and his great service, and the gentleman from Virginia (Mr. PICKETT), who left a statement today, planned to be here today, but because of what appears to be the cowardly attack on our ship, the U.S.S. *Cole*, went back to his district, where that ship is based, to be with the families of the sailors who were on that destroyer as it was attacked in a terrorist manner today.

And my colleagues know, the gentleman from Virginia (Mr. BLILEY), the gentleman from Virginia (Mr. Bateman), and the gentleman from Virginia (Mr. PICKETT) all have served with the NATO parliament. And as the gentleman from Louisiana (Mr. TAUZIN) just mentioned, a group that the gentleman from Virginia (Mr. BLILEY) was chosen to be the president of this year, the president of the parliament organization of all of the NATO countries, maybe that in and of itself should suggest the esteem that the gentleman from Virginia (Mr. BLILEY) has held not only here on the floor of the Congress, not only here in the halls of the Congress, not only here in the Nation's capital, but in the capitals of our allies, in Europe, as he is now leading that organization, and will continue to lead it until the November meeting of parliamentarians from the NATO countries, and has brought honor to the United States in the way that he has led that group of parliamentarians.

Here are just a few of the accomplishments during the watch of the gentleman from Virginia (Mr. BLILEY) while on the Committee on Commerce, if I can mention them: the telecommunications reform, financial services modernization, FDA reform, modernizing securities law, securities litigation reform, the Safe Drinking Water Act, Internet tax freedom, Satellite Home Viewer Improvement Act, the Child On-line Protection Act, Digital Millennium Copyright Act, Improving the Food Quality Act, the Open Market Reorganization for the Betterment of International Telecommunications Act, also known as ORBIT, the Balanced Budget Act, Medicare part B and Medicaid and Kids Care were refined and improved through the work of the Committee on Commerce, the necessary improvements on our efforts to balance the budget and the effects that it had on Medicare.

□ 1915

Legislation that, maybe, made a difference for availability of mammography. Biomaterials Access Assurance Act, the Health Insurance Act, the Health Insurance Portability Act, the Assistive Suicide Restriction Act, the Nursing Home Resident Protection Amendments, the Year 2000 Readiness and Responsibility Act, the list goes on, the Wireless Communication and Public Safety Act, the Wireless Privacy Enhancement Act, the Chemical Safety Information Act, the Clean Air Act and its amendments, the Animal Drug Availability Act, the Electronic Signature Act.

The breadth of what the Committee on Commerce deals with as well as the accomplishments in these many areas I think create a sense of just how big a job the job of the chairman of the Committee on Commerce is, and the accomplishments suggest how well that job has been done.

Another area I want to mention as we draw to conclusion here is the chairman's efforts on behalf of adoption. The Blileys' children, Tom and Mary Virginia's children were adopted. He is a leader on adoption issues in the House of Representatives. He testifies before other committees. He testified just this year before the Committee on Ways and Means and in favor of adoption legislation.

The gentleman from Virginia (Mr. BLILEY) said "I have been blessed", and when he gave his testimony, "I have been blessed by my experiences with adoption. So now I am doing what I can to help thousands of innocent children find a mom and a dad." He added that mom and dad are the greatest titles in the world.

He led efforts to increase adoption counseling and to make the adoption tax credit permanent, and increased the cap for that tax credit from $5,000 to $10,000.

The gentleman from Virginia (Mr. BLILEY) is a man who has cared about the issues we deal with. He has cared about the jurisdiction of his committee, the efforts that that committee needed to make to see that the United States was at the forefront in commerce, the efforts that we need to see that Medicare works properly, the efforts that we need to make to see that we have safety in transportation and in commerce, that we have security over the Internet and in the changes in telecommunications.

The gentleman from Virginia (Chairman BLILEY) has done a tremendous job, a job that people in this Congress will remember and talk about for a long time. While people all over America may not talk about the legislation that has been passed for a long time, they will benefit from the legislation that has been passed and the leadership that has been shown for years to come, for decades to come, as we enter this new century, a century with limitless opportunity and a century that really defies the old definition of what was possible.

The Committee on Commerce under the gentleman from Virginia (Mr. BLILEY) has been at the forefront of making it possible for us to be the incredibly competitive society that we are in America today.

Mr. Speaker, it would be easy to overlook many of the accomplishments in this life and career. I am glad we had a chance to share some of those tonight. Others will be shared in the official RECORD of the proceedings today. But I am glad that we were able to be here, Members of the Committee on Commerce, the gentleman from North Carolina (Chairman COBLE), and others who have submitted their remarks from many committees and from both parties, both parties here on the floor tonight, remembering the great work, the great leadership of the gentleman from Virginia (Mr. BLILEY).

Mr. BLUNT. Mr. Speaker, It would be easy to overlook many of the accomplishments of his life and career—I'd like to share some of the highlights of a lifetime of accomplishment. TOM BLILEY represents the Seventh Congressional District of the Commonwealth of Virginia in the United States House of Representatives. The Seventh District includes the western part of the City of Richmond as well as sections of Albemarle, Chesterfield, and Henrico Counties; it includes all of Culpeper, Goochland, Greene, Hanover, Louisa, Madison, Orange, and Powhatan Counties.

TOM BLILEY began his political career in 1968 when he was first elected to the City Council of Richmond, Virginia. He served as Vice-Mayor from 1968 to 1970, and then as Mayor from 1970 to 1977. He was first elected to Congress in 1980 and has been elected to each succeeding Congress. As a former President of Joseph W. Bliley Funeral Homes, he gained important business experience that has shaped his attitude towards problems facing small business owners.

In Washington, Mr. BLILEY is serving his third term as Chairman of the House Committee on Commerce, the oldest committee in the House. As Chairman, he is an ex officio member of the five Commerce Committee subcommittees: Telecommunications, Trade, and Consumer Protection; Finance and Hazardous Materials; Health and Environment; Energy and Power; and Oversight and Investigation.

As Mr. BLILEY plans the committee agenda and schedule hearings and legislation for the 106th Congress, he follows the same, time-tested principles that have made his committee one of the most constructive and successful in Congress: Promoting free and fair markets, standing up for consumer choice and common sense safeguards for our health and the environment, keeping an eye on the federal bureaucracy.

In the 105th Congress, Mr. BLILEY was instrumental in the enactment of the Food and Drug Administration and Modernization Act. New treatments will be available sooner for the seriously ill while expanding access to safe and effective drugs, devices, and food because of Mr. BLILEY's efforts. Electronic commerce is the newest, fastest growing form of interstate and foreign commerce. Mr. BLILEY was a leader in the enactment of a new law setting a three-year moratorium on certain taxes for Internet access or consumer purchases made via the Internet.

Mr. BLILEY also led the drive to enact the Mammography Quality Standards Act of 1998. This legislation will assure the safety, accuracy, and overall quality of mammography services for women. This bill will help save lives by ensuring for the first time that all patients are directly notified of their mammogram results in terms they can understand.

In the 104th Congress, Mr. BLILEY broke up bigger monopolies than President Theodore Roosevelt. He tore up more federal regulations over American businesses than President Reagan. Mr. BLILEY led passage of the Telecommunications Act and opened a trillion-dollar a year industry to fair, free, and open trade. He gave Americans peace-of-mind about the chemicals in the foods we eat, and about the purity of the water we drink when he successfully led bipartisan efforts to enact Food Safety and Safe Drinking Water legislation into law.

Mr. BLILEY also spearheaded enactment of Securities Litigation Reform, part of the "Contract with America." When President Clinton vetoed that measure, Mr. BLILEY led the House in the first—and only—successful veto override of the Clinton Presidency. Under Mr. BLILEY's leadership, the most comprehensive overhaul of the nation's securities laws in more than 60 years was achieved upon enactment of the Capital Markets legislation.

Since his first election to Congress, Mr. BLILEY has been recognized by many organizations for his work. He has served in various roles with the NATO Parliamentary Assembly—from November 1994–October 1998, he was Chairman of the Economic Committee, in November 1998, he became one of the four Vice Presidents; and, with the resignation of its President in May 2000, Mr. BLILEY became the Acting President and will serve in this capacity until November 2000. His commitment to balancing the federal budget has earned him the National Watchdog of the Treasury's "Golden Bulldog Award" every year since 1981. He has been named a "Guardian of Small Business" by the National Federation of Independent Business. The Louisville Courier Journal called him "the most powerful Virginian since Harry Byrd" and the National Journal, in a front page feature, called him "Mr. Smooth."

Mr. BLILEY has served on a number of boards and commissions including: National League of Cities; Children's Hospital; and, Metropolitan Richmond Chamber of Commerce. Mr. BLILEY is a member of the Richmond Rotary Club and he currently serves on the Virginia Biotechnology Research Park Authority. In 1996, Mr. BLILEY was named to the Board of Governors of the Virginia Home for Boys.

Born in Chesterfield County, Virginia, Mr. BLILEY is a lifelong resident of the Richmond area. He earned his B.A. in History from Georgetown University and immediately following served three years in the United States Navy rising to the rank of Lieutenant. He has recently received honorary doctorate degrees from Georgetown University, Virginia Commonwealth University, Christopher Newport College, Belmont Abbey College and University of Richmond. Mr. BLILEY received the Beta Gamma Sigma Leadership Award from the University of Richmond's Robins School of Business.

Mr. BLILEY is married to the former Mary Virginia Kelley and is the father of two, Thomas J. Bliley III and Mary Vaughan (Bliley) Davies. The Blileys have two granddaughters, Jenny and Kathy Davies and two grandsons, Thomas J. Bliley IV and Shawn Bliley.

Mr. PICKETT. Mr. Speaker, we come together today to honor my distinguished colleague and friend, Chairman TOM BLILEY. I have had the pleasure of working with TOM during my entire career in the U.S. House of Representatives. As dean of the Virginia delegation, I have come to know him as a gentleman and a tireless servant to the people of the seventh district of Virginia and the nation as a whole.

As Chairman of the House Committee on Commerce, TOM oversaw the passage of the landmark Telecommunications Act, which opened up the industry to free and open competition. During his tenure, he has striven to support common sense safety standards, to reduce the regulatory burden on our nation's small businesses, and to overhaul the nation's securities laws.

I have traveled with TOM many times over the years to attend NATO Parliamentary Assembly sessions. TOM has served a number of roles in the Assembly since 1994; currently, he is serving as the Acting President. His dedication to maintaining a strong trans-Atlantic relationship and strong support for the NATO alliance will leave its mark for years to come.

With his retirement, the Commonwealth of Virginia and the nation will lose one of its most dedicated and conscientious servants. As a fellow "rag boater," I want to wish TOM and his wife, Mary Virginia, the best for the years to come.

Mr. SISISKY. Mr. Speaker, what can I say about TOM BLILEY that has not already been said?

He has been an effective Member of Congress, looking out for our national interests as chairman of the House Commerce Committee.

He has effectively represented his constituents in Virginia's seventh district—as well as the rest of the commonwealth.

But he's been around longer than that—serving as mayor, vice-mayor, and as a member of the city council of Richmond.

Prior to that, TOM's business background and experience gave him special insight about the problems and challenges faced by small business.

Obviously, that background and experience is similar to mine.

But that is not the only thing that endears TOM BLILEY to me.

I can truly say, "I knew him when."

He has been a friend for so many years that I'm not sure I even like to think about how long it's been.

As I look back on all the things he's done, I realized I first knew him when he was mayor of Richmond.

That was 30 years ago. Then he was elected to Congress in 1980.

I was elected just a couple of years later.

And I can assure you: One of the most rewarding parts of this job has been serving and working with TOM.

We've worked on issues ranging from those that impacted Virginia to those that impacted NATO.

For a couple of young men from Richmond, I'd say we've come a long way.

But TOM's greatest strength, and I hope one I share, is he never forgot where he came from.

Serving the people at home was his strong point, equaled only by being such a great Virginia gentleman.

I am honored that he is my friend.

INVESTIGATION AND TREATMENT OF WEN HO LEE

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 60 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I take this time to express my deep concerns about the overall unfortunate circumstances that have revolved around Wen Ho Lee.

On March 6 of 1999, the New York Times reported that government investigators believed that China had accelerated its nuclear weapons program with the aid of stolen American secrets. This report, along with other reports that came subsequently, led to a frenzy of activity. In fact, 2 days after the March 6, 1999 New York Times report, Wen Ho Lee, who was identified, was then fired from the laboratory; and soon after that, he was charged with the various offenses.

In September of this year, September 26, 2000, the New York Times took the very exceptional opportunity to explain the backup of their reporting, going back to March 6, 1999. Although they really made no overt apologies for the conclusions that they drew in their March 6, 1999 article, it is interesting to note that they made various observations.

First, they said looking back, and I quote from this article of New York Times Tuesday September 26: "But looking back, we also found some things that we wish we had done differently in the course of the coverage to give Dr. Lee the full benefit of the doubt. In those months, we could have pushed harder to uncover weaknesses in the FBI case against Dr. Lee. Our coverage would have been strengthened had we moved faster to assess the scientific, technical and investigative assumptions that led the FBI and the Department of Energy to connect Dr. Lee to what is still widely acknowledged to have been a major security breach."

The Times neither imagined the security breach, as they go on to say, nor did they initiate the case against Dr. Wen Ho Lee. But, however, it was the March 6 article that set the tone for the coverage against this individual in the ensuing months.

The New York Times editorial of September 26, 2000 goes on to say, "The article, however, had flaws that are more apparent now that the weaknesses of the FBI case against Dr. Lee have surfaced. It did not pay enough attention to the possibility that there had been a major intelligence loss in which the Los Alamos scientist was a minor player," and perhaps maybe even uninvolved.

"The Times should have moved more quickly", it said in this article, "to open a second line of reporting, particularly among scientists inside and outside the government."

This article is a very unique and interesting attempt on the part of the New York Times to respond to severe criticism that other journalists had leveled against the New York Times for its March 6, 1999 article.

But in any event, the ensuing events that evolved around Dr. Wen Ho Lee is what prompts me to come to the floor tonight to speak about this incident. It is very strange that, if there was such an egregious breach of national security presumably organized and conducted by Dr. Wen Ho Lee, that it took 9 months to obtain an indictment against him, during which time he was completely free.

At that time, 9 months later, they charged him with 59 separate felony offenses. Thirty-nine counts alleged that Dr. Lee violated the Atomic Energy Act because he mishandled material containing restricted data with the intent to injure the United States and with the intent to secure an advantage to a foreign Nation. Ten counts alleged that Dr. Lee unlawfully obtained defense information in violation of the law, ten counts of willfully retaining national defense information in violation of the law.

What safeguards did the government take to make sure that Dr. Wen Ho Lee did not flee or transfer the tapes to some individual during those 9 months? Nothing that I am aware of. He was certainly a security risk from the time that he was fired from the Los Alamos laboratory until he was finally charged on December 10, 1999.

Now suddenly we read in the newspapers in September of the year 2000 that 58 charges leveled against Dr. Wen Ho Lee were dropped under a plea bargain involving the plea of guilty on one count only and a pledge to cooperate with the government to disclose why he did it and how he disposed of the tapes that he has pled guilty to having taken. It is very strange.

The reason I take this floor to raise this issue is not to discuss the innocence or guilt of this man. He has already pleaded guilty. But the one thing that has concerned the Asian American community tremendously is the way that he was treated after he was finally charged with these various 59 crimes and incarcerated.

Suddenly, after he was picked up, he became a huge national security risk. Yet, for 9 months, he was allowed to come and go as a free citizen. Only upon his indictment in December of 1999 did he become a security risk.

In his plea for bail, release on bail and other things that came up at that hearing, it was pointed out by the prosecutors that he constituted a real risk and that he might transfer the tapes to unauthorized individuals. The whole matter lay in a situation in which, as one reporter said, that, short of the charges of espionage and naming him a spy, that he was incarcerated under arraignment under very, very serious conditions.

It is that level of concern that the Asian community has raised many, many questions. They have met with the Attorney General to discuss it and other officials that will listen to him.

My reason for rising here tonight is that we believe that there was a serious mistake made by the government in the way that they dealt with Dr. Wen Ho Lee. There is absolutely no justification that he was allowed to be a free person for 9 months if, in fact, the government had suspicion for at least 3 or 4 years that something was awry, that the tapes had been missing and he was under surveillance.

In fact, they had gone to the Justice Department asking for permission to look at his computer and to make determinations as to whether something was done that violated the security restrictions of the laboratory, and the Justice Department denied the request of the investigators.

Yet, here on December 10, he was denied bail. Out of that denial came this extraordinary disclosure through the family and through his lawyers and through others who became acquainted with the nature of his confinement, that he was kept in a cell, completely enclosed, maybe 4 feet by 16 feet in dimension. The entrance to his cell was not the regular bars, but it was a door with a little window. He was kept in there virtually, except for meals, the complete time that he was incarcerated, from December 10 until he was released on September 20.

The other egregious thing, besides being kept in such solitary confinement for this length of time, because he constituted a serious security risk to this Nation, he was kept in chains whenever he was allowed to go out to exercise, which was only 1 hour a day. He was required to be in chains. His ankles were chained. His wrists were chained. His wrists were chained, They were connected to his waist chains. He was expected to go out into the open air and exercise under those circumstances.

It is an absolutely inexplicable situation that they had leveled upon him. Many of the people who have looked at this situation, and, indeed, those who testified over on the Senate side indicated that this was probably done to him in an effort to try to force him to disclose information that led him to make the tapes and to disclose where these tapes were in fact placed. So it was all a matter of trying to intimidate this individual prior to going to trial, prior to any particular finding of specific guilt.

Probably most of the Asians were reluctant to speak up, including myself, during this whole tragic event, because we did not quite know exactly the extent to which this individual was actually guilty of the 59 charges.

Then out of the clear blue, we find that a judge has, not only condemned the Justice Department and the Attorney General for the mishandling of his incarceration, but by a plea bargain with the Justice Department, he is totally exonerated of 58 of the charges, pleads guilty to one, and he is a free person, no longer a security threat to the United States, and they still do not know where the tapes are as far as I know.

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This is an incredible situation that we find ourselves in, with one person being put under such severe personal jeopardy before trial, before an absolute finding of guilt, and to know that in the end he was allowed to be a free person.

So the questions have to be raised, I think. And many of the people from the Asian community are asking these questions: Was his apprehension in the first place triggered because he was an Asian? Many people are suggesting that others at the Los Alamos laboratory committed even more serious violations with respect to secret, classified documents, and with respect to the procedures that had been in place as to how individuals were supposed to deal with security items; yet these people were not investigated, were not put through the same extent of inquiry as Dr. Lee was. So we are troubled with his selective prosecution.

Many people are alleging that this was a racial profiling situation, and they are raising all sorts of questions with respect to why Dr. Lee and not all the other individuals. We know about some very, very difficult cases that are involving high-ranking officials, with extremely important information, and who took classified information, put that on tapes, and are still, for all that I know, not under any particular arrest warrants or incarcerated or charged for their conduct.

So the people are very, very concerned. They want to know why his bail was denied. Was there really an intent here to pressure this particular person to come forward with information? Was there a deliberate intent to make his detention so severe that he would be forced to cooperate?

The reason why this case really came to its final conclusion, with Wen Ho Lee being released, was that the judge had been told at the final bail hearing that came up in August that the information that the FBI had presented to the judge back in December was not all true. As a matter of fact, it came out in the testimony to the judge in August that Wen Ho Lee had been told by the FBI agents that he had flunked the polygraph test when in fact he had passed it. This was another incident of the government's deliberate attempt to try to force a confession from someone who was constantly saying that he had not breached the national security of the United States. What he had done was probably wrong and contrary to the rules, but certainly not anything that constituted a breach of national security.

Nowhere in the investigation was the FBI able to show in any context whatsoever that he had passed any information on to fellow scientists or to foreign scientists, or that in his travels to China he had breached the security requirements of his occupation. They charged him for failure to report contacts that he had made in his trips, which were all authorized trips that he made to China. He was accused of not having filed reports; yet in the August hearing, before the judge, it came out that he had indeed filed the reports and that all of those arguments that had been made in December were simply not true.

The judge had gone along in December with this harsh treatment of solitary confinement because he believed that there was here a defendant who was deliberately trying to obfuscate his actions, had failed to file the necessary reports that he was required to file as an employee of Los Alamos laboratory. And when all of this exploded in the face of the truth at the August hearing, even the judge made the statement in his final recommendation for release of Dr. Lee that he was astounded that this sort of situation could be tolerated, and he was absolutely shocked at what had happened to this individual. So he ordered the release.

The release was appealed by the government. The other courts simply dismissed the appeal and shortly thereafter Dr. Lee was released a free man. The only requirement is that he not leave the country for a year, I believe, and that he cooperate in a debriefing type of contact with the Justice Department in an effort to try to find out where the tapes are located and what has happened to them.

So we have to look back on this situation and say, okay, the FBI agents erred in their anxiety to find this person guilty of egregious violations against the government and to show that this individual was a deliberate liar and trying to withhold information from the government. But what happens to the FBI agents who perpetrated this misstatement to the courts? I hate to say that these were specific deliberate lies. They claimed that they were simply mistakes. But what happens to these agents that misled the court and caused this grievous harm against this individual insofar as how he was treated? He was shackled as an animal. Even when he was allowed to go to see his lawyers, he was still shackled. It is an incredible, unbelievable story of inhumane treatment of an individual under these circumstances.

Mr. Speaker, I have letters that have been sent to the U.S. Attorney in New Mexico, Norman C. Bay, making an inquiry about the conditions of his confinement and the responses that were received. Many, many individuals wrote to the Justice Department: the American Association for the Advancement of Science sent a letter; the New York Academy of Science wrote to the Attorney General protesting the harsh treatment of Wen Ho Lee; the Human Rights Committee of Scientists; the Episcopal Church of the United States wrote in protest of his harsh treatment; the National Academy of Sciences; the National Academy of Engineering and the Institute of Medicine sent a joint letter on June 26 to the Attorney General protesting the severity of his confinement; and the Amnesty International on August 16 also sent a letter. On August 31, the National Academies protested that in all the letters they had written, they had failed to get any responses from the Justice Department.

Mr. Speaker, I will be submitting the letters that I have just mentioned for inclusion in the RECORD. I also will put in the RECORD letters that are dated way back in January of this year from the National Asian Pacific American Legal Consortium, writing to the Attorney General and expressing their concerns about his detention; as well as the Organization of Chinese Americans and their letters; the National

Asian Pacific American Bar Association, also writing to the Attorney General about his treatment; and the comments of Robert S. Vrooman, the former chief of counterintelligence at Los Alamos regarding specifically his being targeted for confinement.

Mr. Speaker, I note that my colleague from California is here with me, and I yield to him at this time.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the gentlewoman for yielding to me, and thank her very much for taking this time and this special order to raise the concerns that she has. I have been watching the special order, and I want to tell her how much I appreciate it, because I think that the treatment and the prosecution of Wen Ho Lee and the manner in which it was handled raises serious concerns for every American.

Once again we see that when the incredible power of the government comes down on a single individual, all too often that individual's rights are crushed under the full force. And in this case we saw almost a hysteria that ran through the government, through committees of Congress, within the Department of Energy and Justice and Defense, in a frenzy to try to prove something that they may, in fact, not have had the evidence to prove. And in doing so, they focused on this individual, Wen Ho Lee, and then proceeded over the next 9 months to treat him in a manner that no American would want to be treated or have a member of their family treated.

The gentlewoman has recited the litany of harsh treatments to this elderly man during his time in solitary confinement, when in fact at the same time the evidence was starting to suggest that maybe he was not guilty of all that he was charged. This is not to suggest that perhaps that Wen Ho Lee did not violate rules of protocol and perhaps even security rules. But the jump from that to that he was one of the most dangerous men in the United States; that he had transferred the crown jewels, we now find that what this was was a lot of prosecutorial hyperbole. They were trying to make their case. They were trying to push the public to focus in on this individual because they felt it would solve a problem.

We know that one of the major mistakes that law enforcement can make is to focus on a single individual too early in an investigation. So now we find out 9 months later that not only have they dropped all of the charges with respect to Wen Ho Lee, except for one out of 79 counts, but we are no further along in knowing what happened to this information and how it got into the hands of the person who walked into our embassy and dropped it on to a table. So in fact not only were his rights compromised, but in fact maybe the very investigation has been compromised because so much energy and effort was put on to the focus of Wen Ho Lee.

I just want to again thank the gentlewoman for taking this time. People should not look at this case as a case against a Chinese American or an Asian or a person who is a threat to the United States. They ought to think of this in terms of every American. We understand that this Congress has taken action against prosecutors who have exceeded their authority way beyond what can be justified, or the Internal Revenue Service. And what we really ought to have, and what I have asked for and written the President and spoken out on this floor for, is somehow we need a truly independent investigation.

I am afraid that investigation will have to come from outside of the government, because the government is so compromised in the manner in which the investigation was handled by the various agencies and by the committees of this Congress in their rush to judgment, in their frenzy and their hysteria over this issue. But I would hope that this administration would in fact appoint an outside panel of experts who can have that security clearance, who can determine what in fact happened here, because the damage runs to our civil liberties. The damage runs to Wen Ho Lee and his family, his reputation; and it also runs to the integrity of this body, to our agencies that participated in that. The American public needs to know what happened there.

Unfortunately, I think the damage also runs to the labs and to our ability to recruit. The gentlewoman is aware, as I am aware, of what has happened in the Asian community with scientists and others who wonder now if they go to work for these labs whether they will be profiled; whether they will be treated differently; are they suspect because of their travels, because of their family, because of their heritage, because of their culture?

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And when you see the treatment of this individual, you would be asking the same question of yourself if you wanted to determine. And yet, because of this action, we may be denying this country some of the very best scientists, mathematicians, engineers and others that are available in the world today who would love to come to work for the United States and in fact are not any of those suspected things.

So I think it has been a real cost to us, to the labs and to our resources available to work on the kinds of scientific endeavors that so many at the lab do on a day-to-day basis. So people ought to understand, this is not just about Wen Ho Lee. This is the ripples of this case, and how it has been handled go far beyond far beyond this individual and his treatment.

But we ought to make sure that we do not forget nor can an agency simply not answer for their actions. That is what has to be done. But I do not think that they can investigate themselves because in fact they were part of the frenzy that took place around the arrest and prosecution and detainment of Wen Ho Lee.

So we owe the gentlewoman a debt of gratitude for taking this time for putting these documents in the RECORD so that the broader public will have access to them. I want to thank the gentlewoman very much for doing so.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for giving a larger perspective on this. I came to the floor because so many Asians have expressed a dismay that a situation like this could happen in America and many of them expressed the belief that it could only happen to an Asian. That to me is a very damaging aspect to have this country, so great and so wonderful in terms of its definition of democracy, to have a segment of our community believe that this occurred to this one gentleman because he was Asian and that the outcry did not come until after he was more or less exonerated.

The outcry should have been there, as many of the organizations did, but it was sort of scuffled. Nobody really paid much attention to it. I agree absolutely that we have to call for an investigation, and it cannot be the one that the Attorney General has told the community that she would do. It is simply not adequate. It has to be taken to a different level and a situation where this whole matter can be reviewed.

But it is a terrible thing. The Asian community feels burdened with this suspicion, and the wreckage of this whole incident has sort of fallen on all Asians, not just the Chinese-Americans, but all Asians. And so, I truly believe that the Congress has to take some responsibility in this matter and look at it.

The Senate has investigated it, has called several hearings. And I applaud them for it. I hope that when we return here next year that we will take the time to make sure that this kind of treatment of a human being can never again occur to anyone under our judicial system. I plead with the Members of this House to look at this situation carefully and dispassionately. And if they do, I believe they will come to the same conclusion that the gentleman from California (Mr. GEORGE MILLER) and I have come to.

Mr. Speaker, on March 6, 1999 New York Times reported that Government investigators believes China had accelerated its nuclear weapons program with the aid of stolen American secrets.

Two days later, Wen Ho Lee was identified and fired.

[From the New York Times, Sept. 26, 2000]

THE TIMES AND WEN HO LEE

On March 6, 1999, The New York Times reported that Government investigators believed China had accelerated its nuclear weapons program with the aid of stolen American secrets. The article said the Federal Bureau of Investigation had focused its suspicions on a Chinese-American scientist at the Los Alamos National Laboratory. Two days later, the government announced that it had fired a Los Alamos scientist for "serious security violations." Officials identified the man as Wen Ho Lee.

Dr. Lee was indicted nine months later on charges that he had transferred huge amounts of restricted information to an easily accessible computer. Justice Department prosecutors persuaded a judge to hold him in solitary confinement without bail, saying his release would pose a grave threat to the nuclear balance.

This month the Justice Department settled for a guilty plea to a single count of mishandling secret information. The judge accused prosecutors of having misled him on the national security threat and having provided inaccurate testimony. Dr. Lee was released on the condition that he cooperate with the authorities to explain why he downloaded the weapons data and what he did with it.

The Times's coverage of this case, especially the articles published in the first few months, attracted criticism from competing journalists and media critics and from defenders of Dr. Lee, who contended that our reporting had stimulated a political frenzy amounting to a witch hunt. After Dr. Lee's release, the White House, too, blamed the pressure of coverage in the media, and specifically The Times, for having propelled an overzealous prosecution by the administration's own Justice Department.

As a rule, we prefer to let out reporting speak for itself. In this extraordinary case, the outcome of the prosecution and the accusations leveled at this newspaper may have left many readers with questions about our coverage. That confusion—and the stakes involved, a man's liberty and reputation—convince us that a public accounting is warranted.

In the days since the prosecution ended, the paper has looked back at the coverage. On the whole, we remain proud of work that brought into the open a major national security problem of which officials had been aware for months, even years. Our review found careful reporting that included extensive cross-checking and vetting of multiple sources, despite enormous obstacles of official secrecy and government efforts to identify The Times's sources. We found articles that accurately portrayed a debate behind the scenes on the extent and importance of Chinese espionage—a debate that now, a year and a half later, is still going on. We found clear, precise explanations of complex science.

But looking back, we also found some things we wish we had done differently in the course of the coverage to give Dr. Lee the full benefit of the doubt. In those months, we could have pushed harder to uncover weaknesses in the F.B.I. case against Dr. Lee. Our coverage would have been strengthened had we moved faster to assess the scientific, technical and investigative assumptions that led the F.B.I. and the Department of Energy to connect Dr. Lee to what is still widely acknowledged to have been a major security breach.

The Times neither imagined the security breach nor initiated the case against Wen Ho Lee. By the time our March 6 article appeared, F.B.I. agents had been looking closely into Dr. Lee's activities for more than three years. A bipartisan congressional committee had already conducted closed hearings and written a secret report unanimously concluding that Chinese nuclear espionage had harmed American national security, and questioning the administration's vigilance. The White House had been briefed repeatedly on these issues, and the secretary of energy had begun prodding the F.B.I. Dr. Lee had already taken a lie detector test; F.B.I. investigators believed that it showed deception when he was asked whether he had leaked secrets.

The Times's stories—echoed and often oversimplified by politicians and other news organizations—touched off a fierce public debate. At a time when the Clinton administration was defending a policy of increased engagement with China, any suggestion that the White House had not moved swiftly against a major Chinese espionage operation was politically explosive.

But the investigative and political forces were converging on Dr. Lee long before The Times began looking into this story.

The assertion in our March 6 article that the Chinese made a surprising leap in the miniaturization of nuclear weapons remains unchallenged. That concern had previously been reported in The Wall Street Journal, but without the details provided by The Times in a painstaking narrative that showed how various agencies and the White House itself had responded to the reported security breach.

The prevailing view within the government is still that China made its gains with access to valuable information about American nuclear weaponry, although the extent to which this espionage helped China is disputed. And while the circle of suspicion has widened greatly, Los Alamos has not been ruled out as the source of the leak.

The article, however, had flaws that are more apparent now that the weaknesses of the F.B.I. case against Dr. Lee have surfaced. It did not pay enough attention to the possibility that there had been a major intelligence loss in which the Los Alamos scientist was a minor player, or completely uninvolved.

The Times should have moved more quickly to open a second line of reporting, particularly among scientists inside and outside the government. The paper did this in the early summer, and published a comprehensive article on Sept. 7, 1999. The article laid out even more extensively the evidence that Chinese espionage had secured the key design elements of an American warhead called the W–88 while showing at the same time that this secret material was available not only at Los Alamos but "to hundreds and perhaps thousands of individuals scattered throughout the nation's arms complex."

That article, which helped put the charges against Dr. Lee in a new perspective, appeared a full three months before the scientist was indicted.

Early on, our reporting turned up cautions that might have led us to that perspective sooner. For example, the March 6 article noted, deep in the text, that the Justice Department prosecutors did not think they had enough evidence against the Los Alamos scientist to justify a wiretap on his telephone. At the time, the Justice Department refused to discuss its decision, but the fact that the evidence available to the F.B.I. could not overcome the relatively permissive standards for a wiretap in a case of such potential gravity should have been more prominent in the article and in our thinking.

Passages of some articles also posed a problem of tone. In place of a tone of journalistic detachment from our sources, we occasionally used language that adopted the sense of alarm that was contained in official reports that was being voiced to us by investigators, members of Congress and administration officials with knowledge of the case.

This happened even in an otherwise far-seeing article on June 14, 1999, that laid out—a half year before the indictment—the reasons the Justice Department might never be able to prove that Dr. Lee had spied for China. The article said Dr. Lee "may be responsible for the most damaging espionage of the post-cold war era." Though it accurately attributed this characterization to "officials and lawmakers, primarily Republicans," such remarks should have been, at a minimum, balanced with the more skeptical views of those who had doubts about the charges against Dr. Lee.

Nevertheless, far from stimulating a witch hunt, The Times had clearly shown before Dr. Lee was even charged that the case against him was circumstantial and therefore weak, and that there were numerous other potential sources for the design of the warhead.

There are articles we should have assigned but did not. We never prepared a full-scale profile of Dr. Lee, which might have humanized him and provided some balance.

Some other stories we wish we had assigned in those early months include a more thorough look at the political context of the Chinese weapons debate, in which Republicans were eager to score points against the White House on China; an examination of how Dr. Lee's handling of classified information compared with the usual practices in the laboratories; a closer look at Notra Trulock, the intelligence official at the Department of Energy who sounded some of the loudest alarms about Chinese espionage; and an exploration of the various suspects and leads that federal investigators passed up in favor of Dr. Lee.

In those instances where we fell short of our standards in our coverage of this story, the blame lies principally with those who directed the coverage, for not raising questions that occurred to us only later. Nothing in this experience undermines our faith in any of our reporters, who remained persistent and fair-minded in their newsgathering in the face of some fierce attacks.

An enormous amount remains unknown or disputed about the case of Dr. Lee and the larger issue of Chinese espionage, including why the scientist transferred classified computer code to an easily accessible computer and then tried to hide the fact (a development first reported in The Times), and how the government case evolved. Even the best investigative reporting is performed under deadline pressure, with the best assessment of information available at the time. We have dispatched a team of reporters, including the reporters who broke our first stories, to go back to the beginning of these controversies and do more reporting, drawing on sources and documents that were not previously available. Our coverage of this case is not over.

It took 9 months later to obtain an indictment against Wen Ho Lee. It charged him with 59 separate felony offenses; 39 counts allege that Dr. Lee violated the Atomic Energy Act because he purportedly mishandled material containing restricted data, with the intent to injure the United States, and with the intent to secure an advantage to a foreign nation; ten counts allege that Dr. Lee unlawfully obtained defense information in violation of 18 U.S.C. & 793(c); and ten counts of willfully retaining national defense information in violation of 18 U.S.C. & 793(e).

What safeguards did the Government take to make sure Wen Ho Lee didn't flee or transfer the tapes?

Why wasn't he a security risk prior to December 10, 1999?

Why now in September 2000, 58 charges are dropped for a plea bargain involving only one plea of guilty and a pledge to cooperate.

Suddenly Wen Ho Lee is no longer a risk. Today Wen Ho Lee is a free man. The tapes are still missing.

I rise tonight to express my great concern that hysteria and cover-up were the real reasons for Wen Ho Lee's indictment.

The managers of our national nuclear labs had mismanaged the security of these institutions. Access to these secrets was not monitored and vast numbers of people could easily obtain access without signing in or out.

Wen Ho Lee was queried about this contacts in the People's Republic of China.

In 1993–94—Wen Ho Lee was under investigation—for knowingly assembling 19 collections of files, called tape archive (TAR) files, containing secret and confidential restricted data relating to atomic weapons research, design, construction, and testing.

The FBI had Wen Ho Lee under investigation for 3 years.

In 1997, the FBI asked for authority to search Wen Ho Lee's computer. The Attorney General Janet Reno denied this request as not justified based on the facts.

The issue is not the prosecution.

The issue is why was Wen Ho Lee singled out for this witch hunt.

After he was indicted, why was he treated as though he was already convicted?

Why was his request for bail denied?

Why was his detention so severe?

Was it designed to coerce his cooperation?

Why did the FBI lie to Wen Ho Lee "telling him" he had failed the polygraph test when in fact he had passed? A polygraph test was administered on December 23, 1998, by the Department of Energy in New Mexico. DOE said he unequivocally passed, FBI said failed. The FBI then did its own testing of Dr. Lee, and again claimed he failed, but didn't tell him that he failed. CBS News Correspondent Sharyl Attkisson for CBSNews.com.

WEN HO LEE'S PROBLEMATIC POLYGRAPH

Three Experts Gave The Nuclear Scientist Passing Scores

But The FBI Later Reversed The Findings

CBS Investigation Fuels Argument That He Was A Scapegoat

(CBS) Wen Ho Lee either passed—or failed—his first spy-related polygraph, depending upon who was interpreting the results.

As CBS News Correspondent Sharyl Attkisson reports for CBSNews.com, the test was given December 23, 1998 by a Department of Energy (DOE) polygrapher in Albuquerque, N.M., where Wen Ho Lee worked as a top secret nuclear scientist. Because Lee, a Taiwanese-American, had recently been to Taiwan, had visited China in the past, and purportedly had access to America's top nuclear secrets, the FBI focused on him as the prime suspect in the emerging case of alleged Chinese espionage.

The FBI still wasn't close to making an arrest or even beginning an interrogation, but the DOE's head of counterintelligence, Ed Curran, was reluctant to leave Lee in his highly sensitive job in the lab's X-Division, so he ordered the polygraph test. FBI agents were standing by during the DOE test, ready to interrogate Lee if his polygraph answers proved to be deceptive.

Lee was asked four espionage-related questions:

"Have you ever committed espionage against the United States?"

Lee's response: "No."

"Have you ever provided any classified weapons data to any unauthorized person?

Lee's response: "No."

"Here you had any contact with anyone to commit espionage against the United States?"

Lee's response: "No."

"Have you ever had personal contact with anyone you know who has committed espionage against the United States?"

Lee's response: "No."

The polygrapher concluded that Lee was not deceptive. Two other polygraphers in the DOE's Albuquerque test center, including the manager, reviewed the charts and concurred: Lee wasn't lying.

The polygraph results were so convincing and unequivocal, that sources say the deputy director of the Los Alamos lab issued an apology to Lee, and work began to get him reinstated in the X-Division. Furthermore, sources confirm to CBS News that the local Albuquerque FBI office sent a memo to headquarters in Washington saying it appeared that Lee was not their spy.

But key decision-makers in Washington remained unconvinced.

Several weeks after the polygraph, the DOE decided to assign it the unusual designation of "incomplete." Officials in Washington also ordered a halt to Lee's reinstatement of the X-Division.

When FBI headquarters in Washington finally obtained the DOE polygraph results yet another interpretation was offered: that Lee had failed the polygraph.

The FBI then did its own testing of Lee, and again claimed that he failed. Yet sources say the FBI didn't interrogate Lee at this time, or even tell him he had failed the polygraph—an odd deviation from procedure for agents who are taught to immediately question anyone who is deceptive in a polygraph.

In early March 1999, the FBI did interrogate Lee. It was the day CBS News broke the story of a soon-to-be-released congressional report on alleged Chinese espionage at the labs, and the day before The New York Times printed an article that described Lee as a suspect, without using his name. One investigative source tells CBS News that after this particular day of questioning, the lead FBI agent verbalized that she thought Lee was not the right man.

But others still remained unconvinced.

So on March 7, 1999, the day after the New York Times article, the FBI ordered another interrogation of Lee, this time a "confrontational" style interview.

One special agent doing the questioning told Lee no fewer than 30 times that he had failed his polygraphs, and repeatedly demanded to know why. Here are some selected excerpts:

FBI special agent: "You're never going to pass a polygraph. And you're never going to have a clearance. And you're not going to have a job. And if you get arrested you're not going to have a retirement . . . If I don't have something that I can tell Washington as to why you're failing those polygraphs, I can't do a thing."

Lee: "Well I don't understand."

FBI special agent: "I can't get you your job. I can't do anything for you, Wen Ho. I can't stop the newspapers from knocking on your door. I can't stop the newspapers from calling your son. I can't stop the people from polygraphing your wife. I can't stop somebody from coming and knocking on your door and putting handcuffs on you."

Lee: "I don't know how to handle this case, I'm an honest person and I'm telling you all the truth and you don't believe it. I, that's it."

FBI special agent: "Do you want to go down in history whether you're professing your innocence like the Rosenbergs to the day that they take you to the electric chair?"

Lee: "I believe eventually, and I think God, God will make it his judgement."

During this time period, Washington officials began leaking to the media that Lee had failed his polygraphs, and that he was "the one" who had given to China information on America's most advanced thermo-nuclear warhead, the W-88. A stunning charge that, in the end, investigators were unable to back up.

One question at hand is how could the exact same polygraph charts be legitimately interpreted as "passing" and also "failing?" CBS News spoke to Richard Keifer, the current chairman of the American Polygraph Association, who's a former FBI agent and used to run the FBI's polygraph program.

Keifer says, "There are never enough variables to cause one person to say (a polygraph subject is) deceptive, and one to say he's non-deceptive . . . there should never be that kind of discrepancy of the evaluation of the same chart."

As to how it happened in the Wen Ho Lee case, Keifer thinks, "then somebody is making an error."

We asked Keifer to look at Lee's polygraph scores. He said the scores are "crystal clear." In fact, Keifer says, in all his years as a polygrapher, he had never been able to score anyone so high on the non-deceptive scale. He was at a loss to find any explanation for how the FBI could deem the polygraph scores as "failing."

The FBI has not explained how or why it interpreted Lee's polygraph as deceptive. When asked for an interview, the FBI simply said it would be "bad" to talk about Lee's polygraph, and that the case will be handled in the courts. The prosecution has not turned over the charts and many other polygraph documents to Lee's defense team. And so far, the prosecution has withheld other key documents, including the actual charts from the DOE polygraph.

Since Lee was never charged with espionage (only computer security violations), the content of the polygraph may be unimportant to his case. But the fact that his scores apparently morphed from passing to failing fuels the argument of those who claim the government was looking for a scapegoat—someone to blame for the alleged theft of masses of American top secret nuclear weapons information by China—and that Lee conveniently filled that role.

Why did FBI Agent Robert A. Messemer lie? What penalty has he been given? Was his lie perjured testimony? Is he still working for the FBI? Was this a conspiracy within the FBI?

Why didn't the court give Wen Ho Lee the benefit of the doubt?

Why was he locked in a secure enclosed cell? Why was he required to wear ankle and wrist shackles when allowed out for his daily one hour exercise?

Whose idea of "exercise" includes the words "while shackled"? I am told that at the court house while meeting with his lawyers, even when escorted to the toilet, he was shackled.

We are told that the Justice Department approved this severe treatment—that the Department of Energy requested it—

Attorney General Reno testified on September 28 in the Senate that she was unaware that Wen Ho Lee was shackled and was not in receipt of any complaints. A petition dated January 4, 2000 was signed by 3,000 people and forwarded to the Attorney General on March 8, and again on June 8, 2000.

LOS ALAMOS, NM, *March 8, 2000.*

Re: Petition for Independent Polygraph Test for Dr. Wen Ho Lee and for Improved Conditions of Imprisonment for Dr. Lee

NORMAN C. BAY,
Interim United States Attorney for the District of New Mexico, Albuquerque, NM.

DEAR MR. BAY: Copies are enclosed of petition signatures of over 2000 people seeking your agreement to an independent, qualified polygraph test for Dr. Wen Ho Lee to confirm that the tapes at issue in the bail proceeding were destroyed and not copied.

It is unconscionable that your office has refused to agree to an independent polygraph, which was offered by Dr. Lee and his counsel. The federal Judge who presided at the bail hearing indicated the Court welcomes such a polygraph to address the alleged concern of your office that the tapes which Dr. Lee swore he destroyed were indeed destroyed and not copied. The Tenth Circuit Court of Appeals recently upheld the Judge's reasoning. Confirmation that the tapes do not exist would verify that concern over transfer of the tapes is not a roadblock to the pre-trial release of Dr. Lee. An independent polygraph on the status of the tapes presents a straightforward means to allay the government's alleged fear about Dr. Lee's release on reasonable bail pending trial. The right to reasonable bail is guaranteed by Amendment VIII of the United States Constitution to all American citizens, including Dr. Lee.

It is not acceptable for the United States Attorney's office to deny any American the opportunity of reasonable bail due to the possibility that the outcome of the independent polygraph would weaken the government's case. Every prosecutor's first duty is to achieve justice and fairness, not to convict at all cost.

The Petitioners also seek improved conditions for Dr. Lee, who continues to be shackled in prison awaiting trial to clear his name. The conditions under which Dr. Lee is imprisoned are shameful. No person should be subject to such arbitrary and harsh conditions, especially one who, like Dr. Lee, is presumed to be innocent.

Your immediate response to the request of the Petitioners is anticipated. All original petition signatures are available for inspection by you or your representative at my office, by appointment.

Sincerely,

PHYLLIS I. HEDGES.

FIGHT UNJUST TREATMENT OF DR. WEN HO LEE!

Dr. Wen Ho Lee continues to be shackled as a prisoner in a Sante Fe jail although his trial is months away. Excessive, punitive restraints have been imposed on Dr. Lee while he waits for the opportunity to clear his name which was smeared by government leaks accusing him of being a spy. When the FBI, DOE, and United States Attorney found no evidence of spying by Dr. Lee they rationalized their botched investigation, laced with racism, by bringing criminal charges against Lee for placing classified information on non-classified computer tapes.

The U.S. Attorney swayed the Albuquerque judge to deny bail by conjuring fear that Lee might somehow spirit the destroyed tapes and himself abroad. The judge indicated Lee should be released pending trial and suggested the U.S. Attorney agree to a polygraph examination offered by Lee's attorneys to verify the tapes were destroyed. The U.S. Attorney insists that Lee must agree to a polygraph administered by the FBI as well as FBI interrogations before and after the polygraph.

You can do something to fight this injustice. Below is a petition to the U.S. Attorney for New Mexico to agree to an independent polygraph as well as more humane conditions for Dr. Wen Ho Lee during his incarceration.

Please clip, sign, and return the petition to me at P.O. Box 1288, Los Alamos, NM. I will send the petition to the U.S. Attorney for New Mexico, listing your name with many others who have signed. Or, call me at 662–7400, to obtain a copy of the petition. For further information see www.wenholee.org.

PETITION

Petitioners request that the United States Attorney for the District of New Mexico agree to an independent polygraph examination of Dr. Wen Ho Lee, to be administered by a reputable organization not associated with the defense or the prosecution in the proceeding by the United States against Dr. Lee, to confirm the status of the seven "missing" tapes at issue in that proceeding.

Pending resolution of Dr. Lee's pre-trial release, Petitioners request that the United States Attorney for New Mexico institute improved conditions for Dr. Lee during his confinement, including increased recreation and visiting opportunities.

(your name)

Another letter from Cecilia Chang signed by thousands of others were sent to the Attorney General in April 2000.

WENHOLEE.ORG,
Fremont, CA, April 10, 2000.

Re: Review of Special Restrictions Imposed on Dr. Wen Ho Lee

Hon. JANET RENO,
U.S. Attorney General,
U.S. Department of Justice, Washington DC.

DEAR MS. RENO: The enclosed petition was signed on behalf of Dr. Wen Ho Lee by 1,288 of Dr. Lee's fellow American citizens, urging that you exercise your authority to release Dr. Lee from the harsh detention conditions imposed at your direction under 28 CFR Sec. 501.2. This petition, sponsored by WenHoLee.Org, also has been endorsed by organizations with combined membership of over 100,000, 106-faculty members from 64 colleges and universities, and many community leaders, scientists and elected officials.

Dr. Lee has spent the past 120 days shackled in jail in Santa Fe, New Mexico, awaiting trial to clear his name. The conditions under which Dr. Lee is imprisoned are shameful. Such arbitrary and harsh detention conditions are unjustified and should not be extended. there is no factual basis to infer any threat of disclosure by Dr. Lee, and his treatment is not regular, particularly in contrast with the treatment of others for classified information lapses.

In national security cases the guide for implementing special detention restrictions under Sec. 501.2 is the prevention of disclosure of classified information. The restrictions must serve that goal.

Dr. Lee is charged with transferring classified information to non-classified tapes at his workplace, with the illegal intent to harm the United States or to secure an advantage to a foreign country. He is not charged with any espionage or spy activity and there exists no allegation that Dr. Lee transferred or ever attempted to transfer any sensitive information to any unauthorized recipient. The only "evidence" of the alleged criminal intent to harm the U.S. or assist another country is his transferring classified information to a non-classified system at his workplace.

Although there are several possible innocent explanations for such a transfer, your prosecutors chose to assume mal intent from Dr. Lee's transfer of work files that included some classified material. Their assumption is not well founded. Los Alamos National Laboratory has thrived as an exemplary scientific institution because of its university atmosphere, including its long history of tacitly disregarding security restrictions that impede efforts to achieve scientific and work-related goals.

It is imperative to seek accuracy in the national security justifications for causing Dr. Lee to suffer the demeaning and cruel conditions imposed on him. The original harsh detention conditions were imposed on the basis of conjecture rather than any reality of threats to national security. At the bail hearing for Dr. Lee, government witnesses and prosecutors engaged in preposterous rhetoric that distorted the nature of the classified information involved and its value to foreign entities. You have previously received letters sent by premiere scientific organizations, such as the American Physical Society, American Association for the Advancement of Science, Federation of American Scientists, New York Academy of Sciences, The Committee of Concerned Scientists, American Chemical Society, Overseas Chinese Physical Society, and others, protesting Dr. Lee's treatment and the voodoo science used to alarm the public. We ask that you consider these letters in arriving at your decision about Dr. Lee's detention.

Of particular note is the contrast of Dr. Lee's treatment with that of former CIA Director John Deutch. Handling of the Deutch and Lee cases reveals the irregular treatment of Dr. Lee. Mr. Deutch's security violations, which went uninvestigated for years, exposed the United States to far greater harm than the security lapses by Dr. Lee. Mr. Deutch made accessible at his home, current and top secret information significantly more important to national security than the information transferred by Dr. Lee, which was not top secret and in fact can be found in the open or developed by other countries such as China on their own. The actions of Mr. Deutch posed a clear and present threat to national security whereas Dr. Lee's actions did not.

Nevertheless the only consequence to Mr. Deutch was loss of a no longer required security clearance. Last year Dr. Lee lost his security clearance and with it the ability to continue his work at LANL to which he had dedicated the past 20 years. Then in March 1999 Dr. Lee lost his job and his retirement, consequences unheard of for any security violation at the national laboratories. Whereas mishandling of classified information should have been an internal matter for DOE and LANL, on December 10, 1999, the United States Attorney brought federal criminal charges that threaten him with life in prison, made a media display of having him arrested at home, and worked relentlessly to deny bail and any conditions of release. Since December 10, 1999, under your authority, Dr. Lee has been subjected to inhumane conditions during his pre-trial imprisonment.

The conclusion is inescapable that this overblown federal case emerged from the false accusations that Dr. Lee was engaged in espionage. The FBI has publicly stated the ensuing investigation of Dr. Lee was based on racial profiling. The FBI used intimidation, threats of execution, and lying, to try to force a confession during their interrogation of Dr. Lee. It can only be inferred that Dr. Lee's cruel treatment reflects bias against Dr. Lee, which should not have any place in the prosecutorial duty to achieve justice and fairness.

Yours is a critical responsibility to stem the improper treatment of Dr. Lee, who is presumed to be innocent of criminal wrongdoing. Continuing the cruel conditions of his detention would afflict all American citizens by diminishing the rights and freedoms we cherish.

Sincerely,

WENHOLEE, ORG

(By: Cecilia Chang, Executive Director, Chair, Steering Committee Wen Ho Lee Defense Fund.)

FREE WEN HO LEE!

Petition Recipients: Janet Reno, U.S. Attorney General; Bill Richardson, U.S. Energy Secretary; Vice President Al Gore.

Petition Sponsored by: Wenholee.org, 3785 Armour Court, Freemont, CA 94536.

TO THE HONORABLE JANET RENO: We, the signers of this petition, urge you to take advantage of the opportunity afforded you under Title 28 of the Code of Federal Regulations to free Dr. Wen Ho Lee from his harsh and unjust confinement in the New Mexico jail.

Section 501.2 of Title 28 requires you to periodically reauthorize Dr. Lee's confinement. Under this law, you have the power to have Dr. Lee be confined to his home, with all necessary security precautions imposed at your discretion. Although Dr. Lee's movement will remain restricted under this arrangement, he will at lest be at home in humane conditions.

If you do not free Dr. Lee from jail, then you must at least order that his conditions of confinement, which have been more fit for a mass murderer, be significantly improved. The use of shackles on Dr. Lee under any circumstances is ridiculous.

As we make these requests of you, we would like to remind you that the government authorities already have conceded that the targeting of Dr. Lee has been entirely racially motivated and that there is no evidence of espionage by Dr. Lee. Yet, the government authorities continue to persecute Dr. Lee, singling him out on the basis of his race. The authorities' behavior and action have angered not just Chinese Americans across the country—but all Americans who believe that no one should be treated on the basis of his or her race or ethnicity, and that discrimination, especially by the government, is simply not acceptable!

Furthermore, the discriminatory persecution of Dr. Lee not only shames the United States of America and its citizens, it also impedes our nation's efforts to improve human rights conditions to the victims of government oppression everywhere else around the world.

Therefore, we, the people of America, ask you to do the right thing and free Dr. Lee!

The views expressed here are those of the petition sponsor, not of One Democracy.com

On February 29, 2000 the American Association for the Advancement of Science sent the Attorney General a letter protesting Wen Ho Lee's inhumane treatment in prison at the Sante Fe County Detention Center.

AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE, DIRECTORATE FOR SCIENCE AND POLICY PROGRAMS,
Washington, DC, February 29, 2000.

Hon. JANET RENO,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MADAME ATTORNEY GENERAL: I write on behalf of the Committee on Scientific Freedom and Responsibility of the American Association for the Advancement of Science concerning the matter of the continued denial of bail and the conditions of pre-trial incarceration of Dr. Wen Ho Lee. The AAAS is the world's largest multi-disciplinary scientific organization. The Committee on Scientific Freedom and Responsibility is charged by the Association to, among other things, address issues related to the human rights of scientists.

Our purpose is to inquire into the reasons for the extraordinarily restrictive conditions to which Dr. Lee has been subjected. Our disquiet with the government's treatment of Dr. Lee does not extend to the issue of his guilt or innocence, which will be decided by our courts on the basis of the evidence. Our concern stems from the possibility that Dr. Lee is being maltreated and may have been the target of special scrutiny because of his ethnic background.

This case has had an adverse impact on many of our colleagues and could damage our national labs as a result of the hemorrhaging of skilled scientists through resignation or attrition, falling recruitment and a decline in the international collaboration that are so vital to the success of DoE programs. There is some evidence that such losses are already occurring.

Our concerns relate to the following:

We have been informed that the original conditions of detention were—and remain—harsh in the extreme. He is confined to his cell 23 hours each day and was, until recently, kept completely indoors. When moved about within the confines of the prison, his arms and legs are shackled. His weekly meetings with family members are curtailed and monitored and, early on, he was required to speak English. He has no access to TV and, at first, was denied newspapers. While we understand that these conditions are now slightly modified, we are concerned that continuing restrictions not only serve as intimidation, but may inhibit his ability to prepare his defense and place an enormous emotional and physical burden on him, his family and his attorneys. From our perspective, Dr. Lee's pretrial treatment appears to be exceedingly cruel. Court records and prosecution documents give the distinct impression that many measures were imposed simply because he has Chinese associates and speaks Chinese. AAAS believes very strongly that place of birth or ethnic background should never be used to impugn the loyalty of scientists.

The justification for continued incarceration is that Dr. Lee, if released, is likely to pose a grave threat to our national security. In judging the merits of such a serious contention, we hope that you will consult with a few of the many informed independent weapons specialists and national security experts who no longer serve in government, and who therefore may provide an objective assessment of the risk. Should the Justice Department wish to seek such expert counsel, an appropriate source would be the National Academy of Sciences.

In sum, we believe it important that the scientific community be given some assurances on these issues. Otherwise, we worry that serious damage could be done to the U.S. scientific enterprise and to this nation's future prosperity and security if the government is perceived by scientists as treating Dr. Lee unfairly and relying on unfounded claims regarding threats to national security.

Sincerely,

IRVING A. LERCH,
Chair, AAAS Committee on Scientific Freedom and Responsibility.

On March 14, 2000 the New York Academy of Science wrote to the Attorney General protesting the harsh treatment of Wen Ho Lee.

MARCH 14, 2000.

DEAR ATTORNEY GENERAL RENO: I am writing on behalf of the Committee on Human Rights of Scientists of the New York Academy of Sciences. In this we are joining other prominent scientific organizations such as the American Physical Society, the American Association for the Advancement of Science, and the Committee of Concerned Scientists regarding the condition of detention and the denial of bail for Dr. Wen Ho Lee accused of mishandling classified information at the Los Alamos National Laboratories. At the outset we emphasize that we do not take a position on Dr. Lee's guilt or innocence which must be determined at trial.

For more than 20 years, this Committee has been deeply concerned about governmental treatment and repression of scientists throughout the world. Among the cases in which we have intervened were those of Professors Andrei Sakharov, Fang Li Zhe, Benjamin Levich, and recently Alexandr Nikitin, to name just a few. Often the scientists named in these cases were accused by their governments of violation of secrecy, treason, and other high crimes. Our Committee has always paid close attention to the conditions under which these and other individuals were held during their detention, as well as related matters such as denial of bail, access to counsel, and openness and fairness of trial.

It has been reported to us that the conditions of Dr. Lee's detention have been harsh. He has been shackled in prison, restricted to his cell in isolation, had his meetings with immediate family curtailed, and been restricted about outside information such as TV and newspapers. These conditions remind us of the abuses that occurred under Communist rule in the former Soviet Union and occur to this day in other totalitarian states such as in China, Iran, and others.

The impression given to the world by the Government's treatment of Dr. Lee is that he has already been found guilty of charges against him. Witness, for example, the statement repeated by CIA Director George Tenet that Lee's actions were taken "with intent to harm the United States." We earnestly call to your attention that Dr. Lee's treatment during his detention has had a seriously chilling effect on the scientific community, especially because of the suspicion that his ethnic background has played some role in this treatment and in the unproven public allegations made about his possible motives for the acts of which he is accused.

In addition, reliable reports reach us that the recruiting and retention of top scientific staff at our major national laboratories, including weapon laboratories, have been damaged by this affair. We urge that you look into the treatment of Dr. Lee and see to it that the physical and psychological conditions of Dr. Lee's detention conform to the highest international standards for the humane treatment of people in detention awaiting trial. Continuation of the harsh treatment of Dr. Lee will expose us to ridicule when we criticize such treatment in other countries around the world.

The New York Academy of Sciences is an independent, non-profit, global membership organization committed to advancing science, technology, and society worldwide. Established in 1817, the Academy is the oldest scientific organization in New York and the third oldest in the nation. It is an international organization with nearly 40,000 members in more than 150 countries.

We respectfully await your response in this matter of importance to this Committee and to the international scientific community.

Sincerely,

JOSEPH L. BIRMAN,
Chairman of the Committee on Human Rights of Scientists.

April 27, 2000 a Resolution passed by the Episcopal Church USA was sent to the Attorney General protesting the harsh treatment of Wen Ho Lee.

To: Executive Council, Episcopal Church, USA.

From: International and National Concerns Committee.

Date: April 27, 2000.

Subject: Incarceration of Dr. Wen Ho Lee (Resolution proposed by Ms. Carole Jan Lee, Member of Executive Council from San Francisco, California).

Resolved, That the Executive Council meeting in the Diocese of Washington, DC, April 27–30, 2000, calls for the humane treatment of Dr. Wen Ho Lee, a U.S. citizen, who has been under arrest without bail in solitary confinement with limited family visits, and that these conditions have created grave concern, particularly among the Asian American community, of being unduly harsh treatment along racial lines, a perception for which the Council has concern given the number of disturbing complex factors in this case, and be it Further

Resolved, That this case moves forward in a manner that assures that Dr. Lee receives due process, and be it Further

Resolved, That this resolution is not intended to speak of the veracity of the very serious charges that have been filed against Dr. Lee.

(Resolution passed, thirty-five members present; six abstentions.)

Note: Copies of this resolution will be sent to Attorney General Janet Reno, and to our Washington Office.

(Our Public Policy Network has a mailing list of over nine thousand names.)

On June 26, 2000 the National Academy of Sciences, National Academy of Engineering and Institute of Medicine wrote to the Attorney General protesting the severity of Wen Ho Lee's confinement.

JUNE 26, 2000.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: We write with regard to our original March 10 inquiry to you about the case of Dr. Wen Ho Lee (#99-1417) and to express our appreciation for the May 24 response that we received from Mr. John J. Dion.

The information that Mr. Dion provided about Dr. Lee's case was, of course, of interest to us. However, because Mr. Dion did not address many of the questions that we posed in our initial letter of inquiry, we are taking the liberty of requesting, once again, information on the conditions and circumstances under which Dr. Lee is being held. Surely, the answers we seek cannot in any way impinge upon the just prosecution of a pending case.

It is our understanding that Dr. Lee has been held in solitary confinement since his arrest on December 10, 1999, that he has been denied bail, and that he will not be brought to trial until November 6. We would like your personal assurances that his conditions of confinement have been in full accordance with all U.S. and international standards. We have inquired as to what and how much contact Dr. Lee is permitted to have with his family, defense counsel, and lawyers. Although Mr. Dion said in his letter that arrangements have been made to allow Dr. Lee's family to meet with him "for more than one hour per week," he did not say what the new arrangements for Dr. Lee allow nor did he report with whom he is now allowed to meet.

We would also like to know whether, as has been alleged by Dr. Lee's family, instruments of restraint are being applied to him. If so, what instruments are used, when and for how long are they applied, why, and under what circumstances?

With regard to the need for a fair and timely trial, we seek your personal assurances that Dr. Lee's rights not to be coerced into giving a confession and not to be held in a coercive environment are being fully respected. We would also like to know what access Dr. Lee's lawyers are being given to information needed to adequately prepare his defense.

You should know that the above questions are identical to those that our Academies regularly pose to foreign governments when we desire assurances that the rights of our imprisoned colleagues in other countries are being fully respected. Surely, we cannot expect less from our own government.

We are grateful for your attention and look forward to your reply.

Very truly yours,

BRUCE ALBERTS,
President, National Academy of Sciences.
WILLIAM WULF,
President, National Academy of Engineering.
KENNETH SHINE,
President, Institute of Medicine.

Finally by mid-July 2000 his conditions of confinement were eased. By the last week in July he finally was allowed to exercise without ankle shackles. This, his friends conclude, came about because there was another bill hearing scheduled on August 16, 2000. Remember Judge Parker had asked that the confinement restrictions be eased. August 16, 2000 Amnesty International protested to the Justice Department that Wen Ho Lee's confinement was in violation of international law.

AMNESTY INTERNATIONAL PROTESTS SOLITARY CONFINEMENT, SHACKLING OF DR. WEN HO LEE

WASHINGTON, DC, AUG. 16, 2000.—Amnesty International, the world's largest human rights organization, has written to Attorney General Janet Reno to protest the conditions under which Dr. Wen Ho Lee has been held in pre-trial federal detention since December 1999.

In the Aug. 4 letter, released as Judge James A. Parker hears a renewed application for Dr. Lee's release on bail, Amnesty International expressed concern at reports that Dr. Lee has been held in particularly harsh conditions of solitary confinement, and has been confined to his cell for 23 hours each day. According to reports, Dr. Lee has also been shackled at the wrists, waist, and ankles while taking exercise once or twice a week in a federal enclosure. Amnesty International is insisting that the use of shackles be immediately discontinued.

These conditions are unnecessarily punitive and contravene international human rights standards, said Curt Goering, Senior Deputy Executive Director of Amnesty International USA. The use of shackles is extremely disturbing and is grossly inappropriate in the circumstances.

Rule 33 of the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners provides that restraints should be used only when strictly as a precaution against escape during transfer, on medical grounds on the direction of the medical officer or to prevent damage or injury. The rules also state that restraints should never be applied as punishment and that chains or irons shall not be used as restraints. The rules also provide that every prisoner (including pre-trial detainees) should have at least one hour of suitable exercise in the open air daily.

Amnesty International believes that the overall conditions under which Dr. Lee is detained contravene international standards, which require that all persons deprived of their liberty be treated humanely and with respect for their inherent dignity. Amnesty International is urging the Justice Department to urgently review Dr. Lee's conditions of confinement and ensure that he is being treated in accordance with international standards. Such steps should include provision for adequate exercise and out-of-cell time and reasonable contact with the outside world.

August 31, 2000 the National Academies that had previously written (3 letters) to the Attorney General again regarding her failure to respond to their earlier letters.

AUGUST 31, 2000.

An Open Letter to the U.S. Attorney General

Hon. JANET RENO, Attorney General,
U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: We, the presidents of the National Academies, along with our Committee on Human Rights and many of our members, are distressed by several matters which have arisen regarding the case of Dr. Wen Ho Lee and his incarceration during the past eight months. Although we make no claim as to his innocence or guilt, he appears to be a victim of unjust treatment.

We are writing to you, as the chief law officer and legal counsel of our nation, to urge you to rectify any wrongs to which Dr. Lee has been subjected, and to ensure that he receives fair and just treatment from now on. We also urge that those responsible for any injustice that he has suffered be held accountable. Even more importantly, perhaps, we urge that safeguards be put in place to ensure that, in future, others do not suffer the same plight.

We write publicly because our private letters of March 10, April 14, and June 26 of this year with regard to Dr. Lee's plight have been responded to only by a form letter signed by your Acting Chief of the Internal Security Section. (His letter was not a satisfactory response to the questions that we had posed, as we indicated in our follow-up letter of June 26.)

We should perhaps explain that, for more than a century, the National Academy of Sciences has provided independent, objective scientific advice to our nation. By extension of its original congressional charter, it established the National Academy of Engineering, the Institute of Medicine, and the National Research Council. Some 4,800 of our nation's most distinguished leaders in science, engineering, medicine, and related fields have been selected by their peers to be members of the Academies and the Institute.

We are concerned that inaccurate and detrimental testimony by government officials resulted in Dr. Lee needlessly spending eight months in prison under harsh and questionable conditions of confinement. Our assessment appears to have been confirmed by the recent ruling of Judge James Parker in granting bail to Dr. Lee.

The three institutions of which we are presidents have an active Committee on Human Rights. During the last 25 years this committee has intervened in the name of our institutions on behalf of hundreds of scientific colleagues, around the world, who are unjustly detained or imprisoned for nonviolently expressing their opinions. The committee writes inquiries and appeals to offending governments and holds them accountable for their actions. Although Dr. Lee has not been detained for expressing his opinions, the handling of his case reflects poorly on the U.S. justice system. The concerns that we have expressed and the questions that we have posed in our letters are identical to those that our Committee on Human Rights regularly poses to foreign governments, some of which have had the courtesy to respond. Surely, we cannot expect less from our own government.

Very truly yours,

BRUCE ALBERTS,
President, National Academy of Sciences.
WM. A. WULF,
President, National Academy of Engineering.
KENNETH I. SHINE,
President, Institute of Medicine.

TEXT OF THE FIRST LETTER FROM THE PRESIDENTS OF THE 3 NATIONAL ACADEMIES TO JANET RENO

MARCH 10, 2000.

Hon. JANET RENO,
Attorney General,
U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: We write to inquire about the status of the case (#99-1417) of a physicist, former Los Alamos National Laboratory employee Wen Ho Lee. It is our understanding that Mr. Lee is charged with 59 felony counts under statutes 42 USC 2275, 2276 and 18 USC 793 (c&e). He is currently being held without bail in Albuquerque, New Mexico, pending trial.

The purpose of this letter is to inquire about several matters related to Mr. Lees case, as well as to request your assurances that his rights are being full respected.

In view of recent allegations in the press with regard to Mr. Lees treatment, we would appreciate being informed as to the conditions and circumstances under which Mr. Lee is being held. Are his conditions of confinement in accordance with all U.S. and international standards? We would also like to know whether, as has been alleged by Mr. Lee's family, instruments of restraint have been applied to him. If so, what instruments were used, when and for how long were they applied, why, and under what circumstances?

With regard to the need for a fair trial, we would value your assurances that Mr. Lee's rights not to be coerced into giving a confession and not to be held in a coercive environment are being fully respected. What and how much contact is Mr. Lee permitted to have with his family, defense counsel, and lawyers? We would also like to know what access Mr. Lee's lawyers are being given to information needed to adequately prepare his defense.

We very much appreciate your attention to our inquiry and look forward to receiving information that will help to assure us that all reasonable measures are being taken to protect Mr. Lee's rights, in full accordance with U.S. and international law.

Very truly yours,

BRUCE ALBERTS,
President, National Academy of Sciences.
WILLIAM WULF,
President, National Academy of Engineering.
KENNETH SHINE,
President, Institute of Medicine.

January 30, 2000, the National Asian Pacific American Legal Consortium wrote to the Attorney General expressing concerns about overzealous prosecution and detention.

On April 13, 2000, the Organization of Chinese Americans wrote to Norman Bay, the U.S. Attorney based in Albuquerque, raising questions about his detention.

On August 18, 1999, the National Asian Pacific American Bar Association wrote to the Attorney General noting the fact that the FBI had not investigated the other prime suspects. It noted the comments of Robert S. Vrooman, former Chief of Counter-Intelligence at Los Alamos who said Wen Ho Lee was targeted because he was Chinese.

JANUARY 30, 2000.

Re: Dr. Wen Ho Lee

Hon. JANET RENO,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL RENO: Per our meeting January 12, 2000, I am enclosing a memorandum discussing the Asian Pacific American community's concerns that we raised with you and Deputy Attorney General Eric Holder concerning the prosecution of Dr. Wen Ho Lee. We don't seek to argue about Dr. Lee's guilt or innocence, but instead to focus on his treatment. It appears to the Asian American community, indeed to many concerned about issues of civil liberties and due process, that some of the prosecution's decisions have been overzealous—perhaps out of embarrassment because of the many media reports about how the investigation was handled.

We are concerned that the intense media scrutiny and high political stakes involved in his case may be compromising Dr. Lee's due process rights and civil liberties as an American citizen and bringing the loyalties of the nation's Asian Pacific Americans under a cloud of suspicion. Our analysis takes into careful consideration of U.S. District Judge James Parker's Memorandum Opinion and Order and the voluminous bail hearing transcripts.

I thank you for taking the time to meet with us, and for the sensitive manner in which you handled and continue to give attention to our concerns. I look forward to your reply.

Sincerely,

KAREN K. NARASAKI,
Executive Director.
The Honorable ERIC HOLDER,
Deputy Attorney General.
YVONNE LEE,
U.S. Commission on Civil Rights.
DAPHNE KWOK,
Organization of Chinese Americans.
NANCY CHOY,
National Asian Pacific American Bar Association.
Dr. JOHN YOUNG,
Committee of 100.

MEMORANDUM

To: Attorney General Janet Reno.
From: Karen Narasaki, Executive Director, NAPALC; Aryani Ong, Staff Attorney.
Date: January 30, 2000.
Re: Dr. Wen Ho Lee's Pretrial Detention.

Currently, Dr. Lee is being held in prison pending trial, having been denied pretrial release. He has been charged with 59 separate counts involving 19 computer files—29 counts of removing and tampering with restricted data, 10 counts of receiving restricted data, 10 counts of gathering national defense information and 10 counts of retaining national defense information. We understand that he is being held in custody under solitary confinement. He cannot see his family except for four hours per month nor receive any mail. We've also heard reports that he is not being allowed to speak Chinese to his visitors.

I. DR. LEE HAS FACED HARSH TREATMENT THAT IS DISPROPORTIONATE TO THE EVIDENCE OF WRONGDOING

Many in the Asian American community believe that the prosecution has been overzealous in their treatment of Dr. Lee, given the evidence presented at the detention hearing and what has been reported in the news. They are convinced that federal investigators used racial profiling in the initial targeting of Dr. Lee. They also believe that the Department of Energy and others involved are acting so harshly due to embarrassment from the congressional attacks, the reported bungling of the initial investigation and the failure to find evidence of espionage after the investigation was leaked.

Many community leaders believe that prosecutors have been overstating the security risk to create a hostile public environment so that he will be tried based on the perception of espionage, despite the fact that there is insufficient evidence to even bring such a charge. He is being treated as though there is overwhelming evidence of espionage even though the detention hearing revealed no such evidence. Without such evidence, the community believes that pretrial detention in solitary confinement is not warranted. Solitary confinement seems to have no basis except to impose psychological stress on the defendant so that he will not be able to pursue the vigorous defense to which he is entitled.

A. DENIAL OF PRE-TRIAL RELEASE

Where the statutory scheme 18 U.S.C. §3142 generally favors the defendant, Dr. Lee nonetheless was denied bail. While we respect the judge's decision, we are concerned that he was provided with characterizations of Dr. Lee as a Chinese spy that are not substantiated by the evidence and that influenced his decision not to consider alternative conditions for release. For many in the Asian community, it bears a potential resemblance to the Supreme Court's decision to uphold the internment of Japanese Americans because the threat to national security was overstated by government attorneys who destroyed evidence that undercut the argument. While we are certainly not charging the Department of Justice with such misconduct here, we do believe that *Korematsu* v. *U.S.*, 323 U.S. 214 (1944), *Hirabayashi* v. *U.S.*, 320 U.S. 81 (1943), and *Yasui* v. *U.S.*, 320 U.S. 115 (1943) are cases instructive of how much more careful we must be when national security threats are being claimed as a basis for unfair and harsh treatment.

Under §3142(b), the judge "shall order the pretrial release" of a defendant to "subject to the least restrictive further condition." According to Judge Parker, no alternative conditions would save against the "danger" posed by Dr. Lee's "ability to communicate with unauthorized persons while under house arrest."

We are concerned with the suggestive nature of this assertion because there is no evidence that shows that Dr. Lee transferred any classified information to an unauthorized third party nor ever attempted to commit such act. Moreover, the Government has not provided any direct evidence of Dr. Lee's intent to use classified information to injure the United States nor procure unfair advantage to a foreign nature. Yet, the charges brought against Dr. Lee make this assertion, and while espionage is not expressly among them, the specter of espionage is raised throughout the detention hearing and prominently figures into the judge's rationale for denying a pretrial release.

What the evidence does show is that Dr. Lee has been the target of an investigation since 1995 for the possible theft of W-88 data theft, which he has been cleared for over a year. In March 1999, he was placed under 24-hour secret surveillance for nine months, yet during that time, the FBI acquired no evidence showing that Dr. Lee attempted to transfer or transferred classified information to any unauthorized third party. Instead, they found six tapes in his office, and received an offer from Dr. Lee to take a polygraph test to determine the truthfulness of his statement to the FBI regarding the seven missing tapes. The Government rejected the offer, but used his inability to produce the missing tapes as the rationale for holding him without bail. This places Dr. Lee in the untenable position of producing tapes that he says has been destroyed or proving they no longer exist. How can he be expected to prove they no longer exist?

Furthermore, even though Dr. Lee is not charged with espionage, the Govenrment strongly inferred the allegation during the detention hearings. We are concerned that Dr. Lee's contacts with Chinese scientists and government officials are depicted as bad acts in and of themselves when the evidence shows otherwise. Dr. Lee's trips to China were authorized by the Los Alamos National Laboratories and his scientific collaborations with the Chinese were encouraged by the Secretary of the Department of Energy.

The Government successfully argued that Dr. Lee is a national security risk based on the fact that the seven portable tapes are missing and that Dr. Lee has the cognitive ability to potentially assist a third party in using the codes. Based on a single witness, they persuaded the Court to view Dr. Lee's actions in the most damaging light possible, using words such as "devious," "nefarious," and "secretive and deceptive."

Without doubt, we too find Dr. Lee's actions very grave. We do not condone any employee who breaches security rules, especially when sensitive defense information such as nuclear weapons designs is involved. However, we also are guided by the evidence presented and the presumption of innocence until proven guilty in our justice system.

Dr. Lee faces very serious criminal charges, but he has not had his day in court. Meanwhile, he is being held in custody as if he posed a threat of heinous violence to the community. We particularly are concerned that despite many alternatives that have been in practice by other courts, i.e., house arrest, electronic monitoring, supervision by a third-party custodian, visitation by court-approved persons and consent to unannounced searches, the Government chose the harshest alternative for a nonviolent offense.

The Court uses a four-part test to determine whether there are conditions of release that will reasonably assure a defendant's appearance and the safety of the community. We find that the evidence shows the following: (1) Dr. Lee was not charged with committing a violent act or dealing with drugs; (2) no direct evidence exists to prove that Dr. Lee had the intent to injure the United States or procure an unfair advantage to a foreign nation; (3) Dr. Lee has strong community ties and no past criminal record; and, (4) he has not acted in a manner to suggest that he poses a danger to society; there is no evidence that he attempted to transfer or transferred classified information to an unauthorized third party nor that he assisted any person with the use of the classified information. Yet, despite the evidence, Dr. Lee been denied one of the most sacred guarantees by our Constitution—his freedom.

Judge James Parker indicated that he would be willing to revisit the issue of pretrial release if Dr. Lee could satisfactorily account for the missing seven tapes. We encourage the Government to work with Dr. Lee's attorneys on Dr. Lee's offer to take a polygraph test as to the disposition of the tapes so that they can move forward on discussing alternative conditions of release.

B. IMPOSITION OF THE HARSHEST RESTRICTIONS DURING DETAINMENT

Dr. Lee has been placed under solitary confinement and restricted from family visits except for four hours per month. While the prison warden may have the discretionary authority regarding at least visitation, we believe that the Government can weigh on the conditions imposed on Dr. Lee's confinement.

We are concerned about reports from the media and the detention hearing transcripts that the FBI have been employing psychological tactics to pressure Dr. Lee to "confess" to wrongdoings or to break down his will to go through a trial. The Asian American community does not understand the national interest in placing harsh restrictions on a defendant who has been been proven guilty. In fact, Dr. Lee's treatment in jail only has strengthened the majority view of the Asian Pacific American community that the Government has selectively and unfairly investigated and prosecuted Dr. Lee.

Judge Parker urged the Government to consider loosening what he himself described as severe restrictions imposed on Dr. Lee. We also urge the Government to carefully consider the offer by Dr. Lee's attorneys to have Dr. Lee undergo a polygraph test so that Court may reevaluate any changed circumstances that warrant his pretrial release.

II. THE DEPARTMENT OF JUSTICE SHOULD BE PARTICULARLY CIRCUMSPECT GIVEN THE POLITICAL NATURE OF THE CIRCUMSTANCES SURROUNDING DR. LEE'S PROSECUTION

The Asian American community has been carefully monitoring the developments of Dr. Lee's situation because they are concerned that political forces may be playing an inappropriately significant role in the investigation and prosecution of Dr. Lee. The media, initially led by The New York Times recklessly portrayed Dr. Lee as a Chinese spy. The Cox House Committee Report, later criticized for serious inaccuracies by the Rudman Report and esteemed Stanford University researchers, took advantage of the opportunity to embarrass the Administration by fanning fears about Communist China.

Given Dr. Lee's ethnic background, the community was concerned that he was investigated on the basis of his ethnic background. Former FBI counterintelligence officers reporting to the media that they believed racial profiling occurred in Dr. Lee's case validated their concerns. Further reports that in fact the Chinese government could have gained the information from other sources and that Dr. Lee's laboratory probably could not have been the source for the design information have added to the community's alarm.

While the community does not condone Dr. Lee's egregious mishandling of classified information, they fear that Dr. Lee is vulnerable to being used as a scapegoat to take attention from the embarrassing wealth of security lapses that the Energy Department has allowed to occur. In its efforts to overcome the series of embarrassing disclosures and to look tough on security, the Department of Energy may not be acting fairly or providing prosecutors with full disclosure.

The Asian American community is concerned that Dr. Lee's due process rights may fall victim to political scapegoating and that negative repercussions for other Asian Americans working in science and technology may follow if a pattern of disregard for civil liberties is established in this case.

NATIONAL ASIAN PACIFIC
AMERICAN BAR ASSOCIATION,
Washington, DC, August 18, 1999.

Hon. JANET RENO,
Attorney General, U.S. Department of Justice,
Washington, DC.

DEAR MS. RENO: We are writing to express our deep concern about recent accounts that race may have played a significant factor in pursuing the investigation of Dr. Wen Ho Lee for alleged espionage. While we do not condone acts of espionage or any other illegal activity by any individual, we ask that you ensure that race is not now a factor as you make decisions regarding this and other investigations and prosecutions involving security violations at Los Alamos and other national laboratories.

According to Senators Fred Thompson and Joseph Lieberman in a statement issued on August 5, 1999, the Department of Energy and the Federal Bureau of Investigation had multiple suspects for leaks of nuclear warhead information and yet only two—Dr. Lee and his wife—were investigated. Because the DOE and FBI investigators failed to look into the other suspects "—that is, to assess whether these others were not for some reason equally suspicious—meant that it was impossible to be sure that the Lees really did stand out as the prime suspects." (Thompson/Lieberman Report p. 18.) This account is further buttressed by recent statements made by Robert S. Vrooman, former chief of Counter-Intelligence at the Los Alamos National Laboratory. Mr. Vrooman stated that Dr. Lee was targeted for investigation mainly because of his ethnicity, and that there is no evidence that Dr. Lee leaked secrets to China. Mr. Vrooman noted that at least 13 Caucasian scientists from Los Alamos "who went to the same [physics] institute and visited the same people" as Dr. Lee were left out of the investigation.

Furthermore, both the Thompson/Lieberman Statement and Mr. Vrooman noted that key technical information concerning certain weapons, whose acquisition by the Chinese government initiated the investigation of Mr. Lee, was available to numerous government and military entities that could have been the source of the leaked information.

While we recognize that Mr. Vrooman's statements will be subject to debate, we believe that it is important that you verify that no "racial profiling" occurred in this investigation. Additionally, we would like to request a meeting with you to discuss these issues. In the meantime, we ask that as you continue your investigation of security leaks at our national laboratories, you do so with a heightened consideration for fairness.

Sincerely,

NANCY CHOY,
Executive Director, National Asian Pacific American Bar Association.
DAPHNE KWOK,
Executive Director, Organization of Chinese Americans.
JIN SOOK LEE,
Executive Director, Asian Pacific American Labor Alliance, AFL–CIO.
JON MELEGRITO,
Executive Director, National Federation of Filipino American Associations.
DEBASISH MISHRA,
Executive Director, India Abroad Center for Political Awareness.
KAREN NARASAKI,
Executive Director, National Asian Pacific American Legal Consortium.

ORGANIZATION OF
CHINESE AMERICANS, INC.,
Washington, DC, April 13, 2000.

Mr. NORMAN BAY,
U.S. Attorney, Albuquerque, NM.

DEAR MR. BAY: Thank you very much for meeting with us last week. The Asian Pacific American community nationwide has been monitoring the Wen Ho Lee case for over a year. The community has been concerned with the public discourse and media stereotypes arising from the case that insinuate all Asian Pacific Americans as disloyal foreigners. With regard to Dr. Lee, the community is wondering whether he has been accorded his due process rights as an American citizen during the investigation and decision making to prosecute him.

Since Dr. Lee's incarceration in December of 1999, the community has been very concerned about the fact that he has not been granted bail until his trial. One of the questions we have is what are the conditions, if any, must Dr. Lee meet in order for him to be released on bail?

As a follow up to our conversation, we wanted to ask specific questions about Dr. Lee's incarceration.

We understand that Dr. Lee has been charged with mishandling classified data. A concern of the community is that since Dr. Lee has not been charged with espionage then why is he being treated as if he has been charged with espionage? As someone charged with a nonviolent act, the community believes Dr. Lee should be treated like those charged with other nonviolent "white collar" offenses.

We have heard the following:

Dr. Lee is in "solitary confinement."

Dr. Lee is "shackled" all day.

Dr. Lee's ankles and wrists are shackled when he is moved within the jail facility, even during his one hour of exercise, and unremoved during weekly meetings with his family.

No collect calls to any outside party are allowed except to his counsel.

Kept separate from other prisoners during one hour long exercise.

Dr. Lee is only allowed one hour outside of his jail cell for exercise per day, but not always outside under the sunlight.

Dr. Lee is not allowed to read newspapers, magazines, books.

Dr. Lee is not allowed to watch TV.

We would greatly appreciate your response to these points as soon as possible so that we may accurately respond to the inquiries from our community about Dr. Lee's confinement. Thank you very much.

Sincerely,

DAPHNE KWOK,
Executive Director, Organization of Chinese Americans.
NANCY CHOY,
Executive Director, National Asian Pacific, American Bar Association.
ARYANI ONG,
Staff Attorney, National Asian Pacific American, Legal Consortium.
JIN SOOK LEE,
Executive Director, Asian Pacific American, Labor Alliance, AFL–CIO.
KRISTINE MINAMI,
Washington, D.C. Representative, Japanese American Citizens League.

DECLARATION OF ROBERT VROOMAN

I, Robert Vrooman, do hereby declare and state:

1. I have reviewed the government's response to Wen Ho Lee's Motion for Discovery of Materials Related to Selective Prosecution, including the attached Declaration of Special Agent Robert Messemer. As set out below, Agent Messsemer's declaration contains numerous false statements. Based on my experiences with Agent Messemer and the information I have received from other FBI agents, I believe that the regularly distorts information.

2. I did not tell Agent Messemer that Lee probably assisted the Chinese by helping fix Chinese hydrocodes during his travel in 1986 and 1988. His allegation that I did so is false. Our April 28, 1999 meeting focused on [approx, one line deleted] and Agent Messemer's theory that there was something inappropriate going on [words deleted]. I attended that interview solely as a favor to John Browne, the director of Los Alamos National Laboratory. When it was over, I told Browne that I considered the interview strange, because it had nothing to do with the Lee case. I later learned from officials at the CIA that Agent Messemer was falsely informing CIA officials that I had been critical [word(s) deleted]. At the time, Agent Messemer was attempting to shift blame to the CIA for possible fallout [words deleted]. I sought to obtain a copy of Agency Messemer's memoranda of my interview and to have it corrected. See *Attachment one.* The FBI refused to provide me a copy of this memorandum, which I expect contains false information.

3. Agent Messemer's statement that the individuals selected for investigation was chosen because they fit "matrix" based on access to W–88 information and travel to the PRC is false. Dozens of individuals who share those characteristics were not chosen for investigation. As I explained in my prior declaration, it is my firm belief that the actual reason Dr. Lee was selected for investigation was because he made a call to another person who was under investigation in spite of the fact that he assisted the FBI in this case. It is my opinion that the failure to look at the rest of the population is because Lee is ethnic Chinese.

4. Mr. Moore's contention that the Chinese target ethnically Chinese individuals to the exclusion of others, therefore making it rational to focus investigations on such individuals was not borne out by our experience at Los Alamos, which was the critical context for this investigation. It was our experience that Chinese intelligence officials contacted everyone from the laboratories with a nuclear weapons background who visited China for information, regardless of their ethnicity. I am unaware of any empirical data that would support any inference that an American citizen born in Taiwan would be more likely than any other American citizen [deletion].

5. Of the twelve people ultimately chosen for the short list on which the investigation focused, some had no access at all to W–88 information, and one did not have a security clearance, but this individuals is ethnically Chinese. I do not believe this was a coincidence. Further, this ethnically Chinese individual did not fall within the "matrix" which Agent Messemer claims was used by the DOE and FBI. In addition, although there were other names on the HI list, Mr. Trulock made clear that Dr. Lee was his primary suspect.

6. Agent Messemer deliberately mischaracterizes the nature of my comments to him regarding my concerns about Dr. Lee's travel to the PRC. I did consider it unusual that Dr. Lee had not reported any contact by Chinese agents when I debriefed him following his return from the PRC. I did not believe then and I do not believe now that Dr. Lee engaged in espionage, and I made no such intimation to Agent Messemer. Dr. Lee and his wife Sylvia were both cooperating with FBI investigations, and I considered them loyal Americans. Nonetheless, I considered Dr. Lee naive, and therefore a potential security risk. It was to keep Dr. Lee out of harm's way, not because I had any fear that he might knowingly engage in improper conduct, that I recommended against further

unescorted trips out of the country for Dr. Lee.

7. My concerns about the real motivation behind the investigation were exacerbated when I received a classified intelligence briefing from Dr. Thomas Cook, an intelligence analysis at LANL, in September 1999. This briefing put to rest any concerns that I may have had that Dr. Lee helped the Chinese in any substantial manner.

8. In my capacity as a counterintelligence investigator at LANL, I was brief on the existence of an investigation code-named "Buffalo Slaughter" some time in the late 1980s involving a non-Chinese individual working at DOE laboratory who transferred classified information to a foreign country. That individual was granted full immunity in return for agreeing to a full debriefing on the information that he passed. [Approx. six lines deleted].

9. The statements contained in my Declaration dated June 22, 2000 are true and correct and I so attest.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed August 10, 2000, at Gallatin Gateway, Montana.

[signed]

ROBERT VROOMAN.

[Attachment one]

SEPTEMBER 17, 1999.

ROBERT S. VROOMAN,
P.O. Box 348, Gallatin Gateway, MT.
DAVID V. KITCHEN,
Special Agent in Charge, FBI 415 Silver SW, Albuquerque, NM.

DEAR MR. KITCHEN: I would like to have a copy of the 302 prepared by S.A. Robert Messemer as a result of his interview with me on April 28, 1999. Several members of the CIA's IG office have read me portions [of] Messemer's report, and it is clear to me that SA Messemer attributed his opinions to me. During the interview, I told SA Messemer that I did not know [deletion] well enough to have an opinion [deletion]. He then provided me with the details and asked me to speculate on the implications. I find this interview technique objectionable.

On the other hand, SA Messemer did provide me with a lot of details regarding Dr. Lee that I did not know. This helped to solidify my opinions on the case and to have the confidence to go public. I learned during the meeting with SA Messemer that Dr. Lee [Approx. one line deleted]. SA Messemer was particularly helpful to us when he provided us a copy of Mr. Bruno's April 15, 1997 memorandum to Notra Trulock thus allowing us to defend our decision to keep Dr. Lee in his job. For this I am grateful to SA Messemer, but I still object to his using me to promote his opinions.

I am planning to write a book on my experiences and would like to have the 302 as soon as possible.

Sincerely yours,

ROBERT S. VROOMAN.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, March 29, 2000.

MR. PHYLLIS HEDGES,
P.O. Box 1288, Los Alamos, NM.

DEAR MR. HEDGES: This is in response to your letter to the Department of Justice concerning the prosecution of Wen Ho Lee. Although I am not able to comment in detail about a pending case, I hope you will find the following information useful.

This prosecution is based solely on the facts and the law. Dr. Lee's Chinese heritage and ancestry played no role whatsoever in the decision to prosecute him. Like you, I am very disturbed by news accounts suggesting that Dr. Lee has been singled out for investigation and prosecution because of his ethnicity. Let me assure you that this is not the way the Department of Justice or the Criminal Division operates. To render a decision on a potential prosecution on the basis of race or ethnicity, even in part, would violate the Department's ethical canons, as well as my own personal beliefs.

As you may know, Dr. Lee was ordered to be detained pending trial by United States Magistrate Judge Svet and, thereafter, by United States District Judge Parker, who heard extensive testimony and legal argument. On February 29, 2000, a three-judge panel of the United States Court of Appeals for the Tenth Circuit unanimously affirmed Judge Parker's decision.

With regard to the conditions of Dr. Lee's incarceration, I am advised that the limitations on visits by his family are the same as those for other similarly-situated prisoners at the facility where Dr. Lee is being held. We have, however, been able to accommodate the Lee family recently by arranging for a Mandarin language interpreter to be present for several meetings so that Dr. Lee's family can speak with him in his native language. We will continue to make the interpreter available as often as possible. Furthermore, we have arranged with the prison facility to allow Dr. Lee's family to meet with Dr. Lee for more than one hour per week.

Thank you for taking the time to write to express your views.

Sincerely,

JOHN J. DION,
Acting Chief, Internal Security Section.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, April 21, 2000.

MR. PHYLLIS HEDGES,
P.O. Box 1288, Los Alamos, NM.

DEAR MR. HEDGES: This is in response to your letter to the Department of Justice concerning the prosecution of Wen Ho Lee. Although I am not able to comment in detail about a pending case, I hope you will find the following information useful.

This prosecution is based solely on the facts and the law. Dr. Lee's Chinese heritage and ancestry played no role whatsoever in the decision to prosecute him. Like you, I am very disturbed by news accounts suggesting that Dr. Lee has been singled out for investigation and prosecution because of his ethnicity. Let me assure you that this is not the way the Department of Justice or the Criminal Division operates. To render a decision on a potential prosecution on the basis of race or ethnicity, even in part, would violate the Department's ethical canons, as well as my own personal beliefs.

As you may know, Dr. Lee was ordered to be detained pending trial by United States Magistrate Judge Svet and, thereafter, by United States District Judge Parker, who heard extensive testimony and legal argument. On February 29, 2000, a three-judge panel of the United States Court of Appeals for the Tenth Circuit unanimously affirmed Judge Parker's decision.

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Thank you for taking the time to write to express your views.

Sincerely,

JOHN J. DION,
Acting Chief, Internal Security Section.

At the request of the members of its Social Concerns Committee, the Congregation of the Unitarian Church of Los Alamos met in a Congressional Meeting on Friday, August 4, 2000 and, after a more than two-hour debate, passed the following resolution concerning the pretrial treatment of Dr. Wen Ho Lee. The resolution was passed by an affirmative vote of 97% of those voting.

RICHARD K. COOPER,
President, Unitarian Church of Los Alamos.

RESOLUTION IN SUPPORT OF CIVIL RIGHTS FOR DR. WEN HO LEE

August 4, 2000

WHEREAS, Dr. Wen Ho Lee, an American citizen, was arrested in December 1999 and charged in a 59-count indictment with transferring nuclear weapons data to an unsecured computer and portable storage systems in violation of federal laws;

WHEREAS, Dr. Lee is not charged with espionage;

WHEREAS, as documented in the transcript of the FBI interrogation, FBI agents lied to Dr. Lee about the results of a polygraph test which he passed, and threatened his life and his family in an effort to force Dr. Lee to confess to espionage;

WHEREAS, while awaiting trial set for November, 2000, and presumed innocent, Dr. Lee has been denied bail, jailed in solitary confinement, and subjected to harsh and cruel conditions which include the following:

Dr. Lee is in chains, shackled hands and feet whenever he is taken from his solitary cell; he is chained during his one hour per week visit with immediate family so that he must shuffle and awkwardly lean to activate the intercom with manacled hands in order to speak through glass (however, during a mid-July visit his handcuffs were removed) while two FBI agents monitor and censor each word; Dr. Lee remains in ankle chains when working with his lawyers behind triple locked doors in a windowless room in a secured facility;

Dr. Lee is not allowed any exercise, fresh air, or showers on weekends; the one hour of exercise weekdays he spends alone, and until recently in shackles, and he must forego any exercise or fresh air on days he meets his attorneys to prepare for trial; Dr. Lee's telephone calls are extremely limited, censored and transcribed; he is allowed no television and limited reading material; his mail is delayed by months;

AND WHEREAS, in protest of the treatment of Dr. Wen Ho Lee, is far more severe than needed to assure security, numerous organizations and individuals have adopted resolutions or written in protest to Attorney General Janet Reno and other government officials;

NOW, THEREFORE, it is resolved that the Unitarian Church of Los Alamos, New Mexico, while taking no position on the guilt or innocence of Dr. Lee with respect to the charges against him, concurs in the protest of the conditions of detention of Dr. Wen Ho Lee as cruel and overly harsh and is alarmed by the denial of Dr. Lee's civil libraries and rights to due process;

FURTHER, the Unitarian Church of Los Alamos, New Mexico, calls upon the government of the United States of America immediately to institute humane treatment of Dr. Lee and to seek from the Court pre-trial release of Dr. Lee under conditions that respect his human dignity;

And it is FURTHER RESOLVED that this Resolution shall be printed in publications of the Unitarian Church of Los Alamos, distributed to other appropriate Unitarian Universalist Association offices and congregations, and shall be delivered to U.S. Attorney General Janet Reno and to the congressional delegation from the State of New Mexico.

By September 7, 1999, the New York Times wrote a long article on Chinese espionage and noted that secret information regarding nuclear design was available not only at Los Alamos but "to hundreds and perhaps thousands of individuals scattered throughout the nation."

Citing a CIA official, the New York Times stated that this Wen Ho Lee case was going to be as "bad as the Rosenbergs."

All of this hysteria, I believe was deliberately programmed as a cover-up of the lack of security at the labs.

Wen Ho Lee being Taiwanese was an easy target.

Creating a climate of suspicion upon all Chinese is the terrible wreckage heaped by the storm on these loyal Americans.

If all that the New York Times alleged were true, why wasn't Wen Ho Lee charged with espionage?

The answer is obvious. There was never any evidence of espionage.

This case began in 1995 when a U.S. agent in Asia was approached by a Chinese defector with a 74-page document which purported to be a blueprint for a nuclear weapons program. It was 7 years old.

U.S. experts concluded it came from Los Alamos. Energy Department intelligence chief Notra Turlock took over the investigation. By May 1996 he had identified 12 suspects. Newsweek, September 25, 2000.

By late 1998 the FBI became convinced Lee was probably not their target. Newsweek.—By 1999 the political climate however changed and people were hot after finding a spy.

Newsweek states in its article of September 25, 2000, that Energy Secretary Bill Richardson called FBI Director Freeh and urged they accelerate Wen Ho Lee's investigation.

Wen Ho Lee had engaged in a pattern of deceit.

Dr. Robert A. Messemer, an FBI agent, admitted on August 17, 2000, at a December 1999 bail hearing for Wen Ho Lee, that he had misstated the testimony of a co-worker, Kuok-Mee Ling, suggesting that Wen Ho Lee had misled him in getting permission to use his computer. In fact, there was no deception.

Dr. Messemer also testified in August 2000 that he failed to tell the Judge in December 1999, that Dr. Lee had disclosed contracts with Chinese scientists in his 1986 trip to China.

Dr. Messemer had failed to tell the court in December 1999, that Wen Ho Lee had told the FBI in March 5, 1999, that he received various correspondence from Chinese scientists.

Nor did Dr. Messemer tell the court that the letters the FBI found in Dr. Lee's home did not prove he had sent them seeking a job. The letters were written to Australia, France, Singapore, and Switzerland.

Initially the felony charge against Wen Ho Lee was based on intent to harm the U.S. and to aid a foreign power.

Later, the prosecutor's case was based on showing Lee's motive was to impress prospective employers rather than to help China's nuclear program. Washington Post, September 24, 2000.

Mr. Richard Krajcik, Deputy Director of the Los Alamos top-secret X Division, testified on August 17, 2000, and conceded the information that Wen Ho Lee downloaded was not classified secret at the time he took it. AP New Mexico, August 18, 2000. He said it had not been reviewed for classification.

Judge James A. Parker in the final court hearing in which Wen Ho Lee was released of all 59 charges except one, said the government action against Wen Ho Lee had embarrassed the entire nation. Judge Parker said that the government had led him astray. Judge Parker apologized to Dr. Lee for the unfair manner in which he was held.

The question that lies unanswered with Wen Ho Lee's release is whether he in fact downloaded the "crown jewels" of our nation's nuclear weapons program so sensitive that it could change the global strategic balance if obtained by a foreign adversary.

INTO THE SUNSHINE

(By Michael Isikoff)

Every Saturday morning Sylvia Lee and her children would pass through the metal detector and take their seats by the glass partition in the bleak room where maximum-security prisoners meet visitors. A door would open and Wen Ho Lee, diminutive and soft-spoken at 60, would shuffle in flanked by two FBI agents. Lee's legs were shackled, his hands manacled and the handcuffs chained to his waist. "It was just so horrible," his daughter, Alberta, says now. "They were treating him like an animal." The Lee family time began—an hour of stilted togetherness with the FBI taking notes on every word. Seeing her father in chains, and knowing he was being held in complete isolation, frequently reduced Alberta to tears. Reading was one of his only escapes, and every week she brought him something new. His favorite was the novel by Gabriel García Márquez: "One Hundred Years of Solitude."

Wen Ho Lee's term of solitude ended last week in the collapse of the most highly publicized espionage case since the arrest of Aldrich Ames—a negotiated guilty plea on one count of mishandling classified information. The plea bargain stripped any remaining credibility from the hopelessly botched federal investigation of alleged Chinese spying at the Los Alamos National Laboratory, and it humiliated the FBI. It also infuriated U.S. district Judge James A. Parker, who said he had been "misled" into treating Wen Ho Lee as a dangerous spy. Calling Lee's imprisonment "draconian" and "unfair" Parker excoriated "top decision makers" at the Department of Justice and the Energy Department who, according to Parker, had "embarrassed our nation." Lee and his lawyers claimed he had been targeted for investigation because he is Chinese, and critics charged that the FBI and the Energy Department had engaged in a new form of racial profiling. The Clinton administration, it seemed, had a bad case of cold-war paranoia.

The recriminations have only just begun. Stung by the judge's criticism and by a rebuke from Bill Clinton, Attorney General Janet Reno is likely to order an internal inquiry into what went wrong—a probe that could prove distinctly uncomfortable to Reno herself, FBI Director Louis Freeh and other senior officials. But even as they acknowledged a badly flawed case, senior law-enforcement officials insisted they were right to go after Lee in the first place. They say his actions raise troubling questions that are still unanswered.

As late as last Monday, Newsweek has learned, Reno and other top Justice officials nearly torpedoed the deal after Lee admitted for the first time that he made copies of the computer tapes containing nuclear secrets he downloaded from Los Alamos's classified computers. Lee insisted he had destroyed all the copies along with seven original tapes the FBI never recovered and that he never compromised U.S. security. But his new admission triggered a series of tense discussions among top national-security officials. "People were really angry and upset," said one source. For a time Reno and other top officials were strongly leaning toward taking the troubled case to trial anyway.

In the end, Justice officials modified the deal with Lee. They gave themselves greater latitude to bring new charges against the scientist if they catch him lying during the intense debriefings he must now undergo. "When the full story comes out," said one unrepentant law-enforcement official, "people are going to see that he's not the poor little innocent he's being made out to be."

Maybe so, but suspicions are not what federal prosecutions are supposed to be about. What drove the Lee case was legitimate national-security concerns—warped by politics. The case began in 1995 when a U.S. agent in Asia was approached by a Chinese "walk-in" defector with a sensational intelligence coup—a 74-page document that purported to be the blueprint for modernizing China's nuclear-weapons program. Although it was seven years old, the document included numerous pieces of information, and some key phrases, that suggested a massive security leak at Los Alamos. It also included a design virtually identical to the W88, a state-of-the-art thermonuclear warhead built for U.S. missile subs. While skeptics suggested the document may have been a plant by Chinese intelligence, some U.S. experts were convinced that much of the information had indeed been stolen from Los Alamos. One of them was Energy Department counter-intelligence chief Notra Trulock, who took over the W88 probe, code-named Kindred Spirit. By May 1996 his team of spy-hunters, working with the FBI, had identified 12 suspects—with Wen Ho Lee at the top of the list.

Born in Taiwan and educated at Texas A&M, where he got his doctorate in mechanical engineering, Lee joined the staff at Los Alamos in 1978. He worked in the X Division, which designs U.S. bombs and warheads, as a midlevel scientist specializing in the computer simulation of shock waves generated by nuclear blasts. Crucially, he was on the team that designed the trigger for the W88 warhead. Still, there was no hard evidence that Lee had engaged in any form of espionage. By late 1998 the FBI's Albuquerque, N.M., field office became convinced that Lee was probably not their target and noted that hundreds of other people, including outside contractors, needed to be examined.

By then the political climate had changed. Trulock had testified in secret before a congressional committee investigating technology transfers to China headed by GOP

Rep. Chris Cox. Republicans had already pummeled the Clinton White House over Asian campaign contributions, and top administration officials feared a new China scandal. In December 1998, Newsweek has learned, Energy Secretary Bill Richardson called FBI Director Freeh and urged him to accelerate the Lee investigation.

In March 1999 The New York Times ran a front-page story pointing to an unnamed "computer scientist" at Los Alamos as a key figure in a probe of Chinese espionage. The next day the FBI interrogated Lee and tried to extract a confession. Waving the newspaper story, agents warned Lee he faced the loss of his job and pension and that he was "failing" lie-detector tests—a statement that was at least somewhat misleading. "I tell the truth," Lee insisted. "Do you know who the Rosenbergs are?" an agent asked. "You know what happened to them? They electrocuted them, Wen Ho." No lawyer was present.

Ironically, neither the FBI nor the Energy Department was aware at that point that Wen Ho Lee had been secretly downloading massive amounts of X Division weapons data for years. To do it, Lee asked to use the computer of a colleague outside the X Division. Then he typed CL=U (classified equals unclassified) on the restricted files, allowing access from the other computer. Starting in 1993 Lee downloaded 806 megabytes of classified information—about 400,000 pages.

But damning as the evidence looked to national-security officials in Washington, the case against Lee turned out to be filled with holes, and prosecutors began to take hits left and right. At a bail hearing in August, FBI agent Robert Messemer admitted that he had earlier given false testimony, portraying Lee as more devious than the scientist actually was when he asked to use his colleague's computer. Messemer called his testimony "an honest mistake." Other government scientists stated that many of the nuclear secrets Lee downloaded were publicly available—and many had a relatively low classification: "protect as restricted data," or PARD.

In late August a meeting was convened at the Justice Department command center to review where matters stood. "The case was falling apart," said one official. Chief prosecutor George Stamboulidis was convinced he could still win at trial. But national-security officials feared that Judge Parker would allow defense lawyers to introduce some of the secret documents that Lee had downloaded. "We would have had to parade these documents in front of the jury and the world," said Stamboulidis. Even FBI Director Freeh—who had aggressively pushed the case to begin with—was now arguing that the government should take a plea.

Senior law-enforcement officials say the biggest mistake may have been the harsh conditions under which Lee was held—the solitary cell, the leg irons, the 24-hour watch. Top Justice officials now say they had some concerns about this from the beginning but didn't convey them strongly enough to the original prosecution team. "If there was a failure, the higher-ups at Justice weren't really forceful enough in speaking up," said one official. "That's a legitimate criticism." When Stamboulidis came in to take over the case in June, he eased the treatment of Lee and ordered the leg irons taken off. But by then it was too late. The image of Lee, a gentle scientist being mistreated by the government, had made its way into the public mind. As a symbol of overzealous prosecution, it could well stay there for some time to come.

FBI AGENT RECANTS TESTIMONY AGAINST LOS ALAMOS SCIENTIST LEE

(August 18, 2000; Albuquerque, New Mexico)

An FBI agent has recanted testimony that was key to a judge's decision to deny bail last December to a fired nuclear weapons scientist accused of downloading restricted files.

The testimony last year from Agent Robert Messemer had portrayed Wen Ho Lee as guileful when the jailed Los Alamos lab physicist supposedly told a colleague he wanted to use that scientist's computer to print a resume.

At a bail review hearing Thursday, Messemer acknowledge that Lee had told the other scientist he wished to download files.

"My testimony was incorrect," Messemer told U.S. District Judge James Parker.

The judge had cited Lee's "deeply troubling" deceptions in denying him bail in December.

The FBI agent said Thursday he did not intentionally attempt to mislead the judge and said he did not believe it was a serious error.

The hearing, the defense's third effort to get Lee released on bail, was scheduled to continue Friday with more questioning of Messemer.

Lee, 60, is charged with 59 counts involving downloading files from Los Alamos National Laboratory to unsecured computers and tape. The Taiwan-born American citizen could face life in prison if convicted at trial, scheduled to begin Nov. 6.

During Messemer's testimony Thursday, the FBI agent also acknowledged Lee disclosed contacts with scientists from the People's Republic of China in a report to the lab about a 1986 conference he attended.

Messemer insisted, however, that under questioning by authorities Lee did not disclose the full scope of those contacts.

Messemer testified last year Lee initially told authorities only about a Christmas card he had gotten from one Chinese scientist. He acknowledged that Parker could have inferred from that testimony Lee was lying.

He also said he wanted to correct a "minor point" in which he said Lee sent letters seeking an overseas job. Messemer said Thursday the FBI had no evidence one way or the other whether the letters were sent.

Los Alamos scientist Richard Krajcik, deputy director of a top-secret nuclear weapons division at the lab, testified that he stood by earlier statements about the seriousness of the downloaded documents.

"It represents the crown jewels of nuclear design assessment capability of the United States," Krajcik said.

Krajcik conceded the information was not classified as secret when Lee allegedly took it, but said only scientists with security clearances could access it.

At the time, the information had not been reviewed for classification. The information has since been classified as confidential restricted data and secret restricted data, but not top secret.

Defense attorney John Cline read descriptions of classification levels, which define top-secret information as vital to national security and whose dissemination would cause "exceptionally great damage." Secret information does not reveal critical features.

Ms. PELOSI. Mr. Speaker, I want to thank Congresswoman MINK for organizing this important Special Order and commend Congressman UNDERWOOD, Chair of the Congressional Asian Pacific American Caucus, and the other Members of the Caucus for their leadership and hard work to focus attention on these important civil rights issues.

The treatment of Dr. Wen Ho Lee remains a cause for concern. Asian-Americans, members of racial and ethnic minority groups, civil libertarians, and other Americans have correctly questioned his treatment and continue to question the underlying racial stereotyping and racial profiling that plagued this case. Why did this happen? What were the objective and neutral criteria used to bring these charges? Why was he held in solitary confinement, unable to exercise, prohibited from speaking Chinese to his family, and subjected to extraordinary conditions of confinement?

The implications of this case go well beyond the Chinese and Asian-American community. It concerns other minority communities, racial profiling in law enforcement, and stereotyping all across the country. America's law enforcement agencies and the FBI should not be targeting individuals based solely on their race or ethnicity. Several years ago, after the bombing at the Oklahoma City Federal Building, too many people were quick to blame foreigners and Arab terrorists. That tragedy reminded us of the important lesson of not jumping to conclusions. Evidently, that lesson has been forgotten.

Rep. ROBERT UNDERWOOD, Chair of the Congressional Asian Pacific American Caucus, has written to President Clinton to urge the establishment of an independent, bi-partisan commission to investigate the handling of the case of Dr. Wen Ho Lee. This important step would help reveal the truth and help depoliticize the issue. A formal Commission of national stature to review these issues would be an important step forward. This independent Commission should have subpoena power. I would like to see the release of documents that the defense would have used during discovery in order to determine whether there were appropriate criteria used to target Dr. Wen Ho Lee. The Organization of Chinese Americans [OCA] has also called for an independent inquiry into how this case was investigated and prosecuted by Federal agencies.

It is important to remind government officials, law enforcement agencies, and the media that our nation's underlying guarantee of equal and fair treatment before the law applies to all Americans, including Chinese and Asian Pacific Americans. Many think Dr. Lee's case was influenced by biased media coverage, political partisanship, attempts to scapegoat someone for the Department of Energy's lax security procedures. Bail hearing testimony by government investigators admitting erroneous statements about Dr. Lee's actions are particularly troubling. As a nation, we can and must do better.

I look forward to the establishment of an independent Commission and the results of the Commission's fact finding mission. Regardless of these findings, we must keep in mind the lessons of the Oklahoma bombing and recognize that racial profiling and stereotyping are unfair and may violate our civil rights. We must work to ensure that the principles of innocent until proven guilty and due process are more than mere rhetoric. We must ensure they remain core American values protecting all Americans.

In closing, I want to thank Congresswoman MINK for organizing this Special Order and highlighting these important issues.

Ms. WATERS. Mr. Speaker, I rise today to express my concerns about the unjust treatment and confinement of Dr. Wen Ho Lee, a former Los Alamos scientist.

Dr. Wen Ho Lee was arrested by the FBI on December 10, 1999, when a grand jury issued a 59-count indictment charging him with stealing nuclear secrets from a classified Los Alamos computer. U.S. District Judge James Parker denied bail for Dr. Lee, citing seven missing computer tapes of nuclear secrets and the possibility that his release could harm U.S. national security. Dr. Lee was held in solitary confinement for the following nine months and shackled whenever he was outside of his cell.

Dr. Lee's confinement was clearly unnecessary. He had not been convicted of any crime and was considered innocent under the law throughout his confinement. On August 17, 2000, FBI agent Robert Messemer admitted that he gave false testimony against Dr. Lee at his bail hearing the previous December. Furthermore, on September 10, 2000, the Department of Justice announced that Dr. Lee would go free after pleading guilty to just one of the original 59 felony counts against him. All other counts against him were dropped. When the Executive Branch agreed to release him without any conditions, it became apparent that it had never been necessary to confine him.

We will never know the reasons why the Federal Government confined Dr. Lee and treated him so harshly. The plea agreement reached by Dr. Lee and the Department of Justice shields the Executive Branch from disclosing information that might have provided an explanation.

Dr. Lee's unjust confinement and the cruelty of the conditions under which he was confined are a disgrace to the FBI, the Department of Justice and the entire nation. No American citizen should ever be unnecessarily confined by the U.S. Government. I am deeply sorry about the unjust treatment Dr. Lee received, and I urge my colleagues to work diligently to ensure that no other citizen will ever be forced to endure this type of treatment.

GENERAL LEAVE

Mrs. MINK of Hawaii. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on my special order tonight.

The SPEAKER pro tempore (Mr. MICA). Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

SOCIAL SECURITY SOLVENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, to whoever might be looking at this session, this is going to be sort of a briefing on Social Security.

Social Security has come to the forefront of one of the very important issues in this Presidential debate, certainly with every senior, certainly also with every worker in this country as they now pay more into the Social Security tax than they do in the income tax, and certainly for our kids, our grandkids, those kids that are not born yet, is Social Security going to be there for them.

Let me start with my first chart. I would like to thank Senator ROD GRAMS from Minnesota. He has introduced legislation to keep Social Security solvent, as I have. I have been chairing the bipartisan Social Security Task Force of the Committee on the Budget and, so, we have been working on Social Security for the last 5 years trying to get public attention to the fact that Social Security is insolvent and eventually there is going to be less money coming in than is required for benefits and the challenge facing this country if we are going to make a commitment not to reduce benefits, and we should do that, not to increase taxes even further on workers in this country, and we should do that.

When Franklin Delano Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand-in-hand with personal savings and private pension plans.

In fact, it is interesting, looking up and researching in the archives in 1935, the Senate on two occasions voted that private personal investments should be an option to the Government handling the system. When it finally went to the conference committee between the House and the Senate, it turned around strictly to a Government-run program, a pay-as-you-go program where current workers pay in their taxes and immediately it goes out to current retirees.

This is Barry Pump, an intern that is going to be helping me, from Iowa. So our intern program is an excellent opportunity for juniors in high school. So, Barry, thank you very much.

The system really is now stretched to its limits. Seventy-eight million baby boomers begin retiring in 2008. That means they go out of the, if you will, paying in mode, paying their Social Security taxes, to the taking out mode. And these baby boomers are at the high end of the income scale, so they pay a much higher tax since our tax now is 12.4 percent on the first $76,000. Social Security expending exceeds tax revenues in 2015, and so the problem is where do we start getting the extra money starting in 2015.

The bottom blip is Social Security trust funds go broke in 2037, although the crisis could arrive much sooner. And the crisis is trying to come up with that money. The danger historically as we look at what has happened through history, politicians in Washington and the President, for example, in 1997 and again in 1983, when money was short to pay out benefits, legislation was passed to reduce benefits and increase taxes. And that is why it is so very important that we deal with this problem now, we do not delay, we do not put it off. The longer we put off this problem, the more drastic the changes are going to have to be. So I think it is very important that we deal with this very important program as soon as we can.

Some have said, well, these are just people's estimates of the future. Not so. Insolvency is an absolute. Insolvency is certain. We know how many people there are and we know when they are going to retire. We count the people. We know what their ages are. We know what their earning is, how much they are paying in. We know that people will live longer in retirement.

When Social Security started in 1935, the average age of death was 62 years. For this pay-as-you-go program, that meant most people paid in all their lives but never took anything out. It worked very well. But now the life span of individuals has been increasing substantially. We know how much these individuals will pay in, how much they will take out. The payroll taxes will not cover benefits starting in 2015. And the shortfalls will add up to $120 trillion between 2015 and 2075.

So, in tomorrow's dollars, in those inflated dollars, it is going to take $120 trillion more than the tax revenue coming in from the Social Security tax to pay benefits.

I suspect most of us do not know how much really a trillion dollars is. I certainly do not. But you can compare it maybe with our annual budget, which now is approximately $1.8 trillion annual budget. It is a huge challenge. And that is why it has been so easy for this Chamber and the Senate and the President not to take action on it. It is too easy to demagogue. And with this Chamber running for election every 2 years, it is easy to put it off. We cannot do that any more. It is not fair to our kids. It is not fair to our grand kids. Our pay-as-you-go retirement system will not meet the challenge of demographic change.

This is an example of workers per Social Security beneficiary. Back in 1940, there were 38 workers in this country paying in their Social Security tax for every one retiree. Now there are three workers paying in their increased Social Security tax for every one retiree. And by 2025 there is going to be two workers paying in their Social Security tax for every one retiree.

This was developed because of demographic changes. One is the falling birth rate after the baby boomers after World War II. So the number of workers has not increased at the rate it was in the past. And secondly, the life span is tremendously increased. So if you reach retirement age, 65, then on average you are going to live another 18 to 20 years. So life span is going up, the number of workers' birth rate is going down, and that leaves us with a huge problem of insolvency.

The little blue blip on the top left, maybe it should be green, is the period between now and someplace around 2015 when there are more revenues coming in from Social Security taxes than is used to pay benefits. The reason there is a surplus now in the Social Security tax is because we raised the Social Security tax, Congress and the President raised the Social Security tax substantially in 1983. And we will be looking at that chart in a moment.

What happens after 2015 is the shortfall. The red represents how much money we are going to need above and beyond the Social Security taxes that will be coming in from American workers.

Barry will help us with the next five.

Some have suggested we really do not need to do anything now because economic growth is great, we are going along smoothly. The fact is economic growth will not solve the Social Security problem. Let me tell you why. Social Security benefits are indexed to wage growth. In other words, the more wages you earn, the more taxes you pay in earlier. But when you retire, the more benefits you will get out because the benefits are directly related to the wages you earn.

When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire.

☐ 2000

Growth makes the numbers look better now but leaves a larger hole to fill later. That is what has happened. Three years ago, we were going to run out of money by 2012; but with the economy expanding, now the projection is that we are going to have less money than needed 3 years later, in 2015. But when these people retire, then they are going to take out more. So over the long run, it does not offer a solution to Social Security.

The administration has used these short-term advantages as an excuse to do nothing. Politicians have used this as an excuse to do nothing. I think the fact is clear that many people have called this the third rail of politics. They have suggested if you come up with a fix for Social Security, you are going to be criticized so aggressively by one of the most powerful groups in this Nation, the AARP is going to say, "Don't mess around with our Social Security."

Working as chairman of the bipartisan Social Security task force, it was interesting to find out that the people from AARP understand the problems with Social Security and so they are no longer criticizing individuals or the Presidential candidates that come up with potential solutions for Social Security because they know it is a huge problem in the future.

There is no Social Security account with your name on it. A couple of footnotes on this issue. The Supreme Court on two occasions now has ruled that there is no entitlement, no connection, between the Social Security taxes that you pay in and your rights to have any benefits. These trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense. They are claims on the Treasury that when redeemed will have to be financed by raising taxes, borrowing from the public, reducing benefits or somehow reducing other expenditures. This is from the Office of Management and Budget.

Some have compared the trust fund, that it is somehow a magical safeguard, that the money will be there. I like to use the comparison, what would happen with or without a trust fund, if we had no trust fund, coming up with the money to meet our promises, and I think we are going to do that. I think we have got to do that. If there was no trust fund, you would come up with the money in one of three ways: You would either reduce other spending, increase borrowing or increase taxes or reduce benefits.

If there is a trust fund and you start calling on the trust fund but it is a bunch of IOUs in a box, government still has to come up with those same alternatives to pay back the money that has been borrowed from the trust fund and, that is, you increase borrowing, you increase taxes, you reduce benefits or you cut other expenditures. I do not think this body or the President is going to cut other expenditures of the Federal Government to the extent that is needed to cover the Social Security shortfall. I think the greater danger is in a continuing decision to say, "Well, it's easier just to raise taxes a little bit or cut benefits a little bit."

Some have suggested that if we just pay down the debt held by the public and use that interest savings, that will help take care of the problem of Social Security and keep it solvent until 2057. In fact, Vice President GORE's plan, in effect, says, Let us add another giant IOU to the Social Security trust fund. But in trying to look at the problem of coming up with the finances necessary, and it is going to take $46.6 trillion to come up with the money to pay off Social Security until 2057. You cannot do that.

This is the total debt held by the public. This is the total debt that everybody is talking about, bragging about, being able to pay down maybe in the next 10 to 12 years. The interest savings from that $3.4 trillion can never solve a $46.6 trillion problem. So adding another IOU to the trust fund will not work.

I have demonstrated this same problem in another graph. If you will, paying off the trust fund over this same period of time, we start with about a $180 billion a year savings in interest charges if we are going to pay off the $3.4 trillion of debt held by the public. That grows around to 2018 to be about $260 billion a year, and so the blue line represents, assuming that this $260 billion a year is now going to be dedicated every year to Social Security, it still only represents that bottom two inches of an 18-inch problem. And so the shortfall still remains $35 trillion. So to simply say we are going to add an IOU and somehow government is going to come up with the money and add this extra interest charge, interest savings to the Social Security trust fund is not going to solve the problem even if all the money was there.

But again the problem is, where do you come up with the dollars? You come up with it by increasing taxes, cutting benefits, increasing borrowing. Just for the next 57 years, if we were to borrow that extra $35 trillion, the economists suggest that that would so disrupt the market and the economy in this country that it is not feasible. Remember, I said for 75 years it is going to take $120 trillion. There has got to be program changes. They can be made. ROD GRAMS and I and several others have introduced legislation that do not reduce a current or near-term retiree's benefits, that end up trying to accommodate by having a greater return on some of that investment that the worker is sending in in taxes. The average worker now is only getting less than a 2 percent return on those Social Security taxes they send in and we can do much better than that.

. The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $20 trillion. Let me sort of go over these numbers. Over the next 75 years in today's dollars, it would be $20 trillion. If we could come up with the $20 trillion now and start earning interest on it, we could solve the problem. If we wait year by year, then it is $120 trillion over the next 75 years and it is the 46, $47 trillion until 2057 when Vice President GORE says that it is going to keep the trust fund solvent. The Social Security trust fund contains nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. I say that not to scare people but just to try to send the message that the longer we delay, the more drastic the solution. Something has got to be done now, because I think it would be unconscionable to increase taxes even further.

The Social Security lock box. A little gimmicky maybe. I introduced a bill so that we would not spend any of the Social Security surplus. But this Congress has been spending the Social Security surplus for the last 40 years. So any extra money that comes into the

Social Security trust fund has been spent for other government programs. The bad part of that is that it becomes almost an entitlement. Any program spending that we spend for 2 or 3 years, there is such a lobbying group, an infrastructure built up to insist that we continue spending that money that government has continued to grow. So increasing discretionary domestic social spending is very dangerous in terms of the obligations to our kids and our grandkids on future generations.

The Social Security lockbox is what Republicans made. The decision was a good way to put that Social Security surplus aside, not spend it on other government programs, and it sort of ended up reducing the amount that we spend on government. That means that it has helped give us the kind of huge surplus that we are now experiencing this calendar year and again next year. It is interesting. The Vice President has said the lockbox is a good idea but I would remind everyone, Mr. Speaker, that we passed the lockbox legislation in this Chamber, we sent it to the Senate, and now the Senate Democrats are filibustering the lockbox law that we sent them. If the Vice President would ask the Democrats in the Senate to pass that bill, there is no doubt in my mind that it would be passed and sent to the President for signature.

I am going to get in a little bit to talking about the diminishing returns on your Social Security investment. The real return of Social Security is less than 2 percent. It is about 1.9 percent on average for all workers. But it shows a negative return for some workers compared to the over 7 percent real return that you can get on average over the last 120 years in the stock market.

As you look at this chart, and I hope the cameras can show it closely enough, minorities on average are going to have a negative return on the money they send in for Social Security. A young black male working today on average will die at age 62½. That means that they will pay in Social Security taxes all their life and not be entitled to anything except a $240 death tax for burial. So they are really getting gypped. The average again is 1.9 percent. Compare that to the market of real return of 7 percent. So if you can get a better return on some of that money being sent in for Social Security, that has got to be part of the solution.

Then part of the problem is the transition cost. How do we make this transition from wanting to start some of those retirement accounts that are going to get some of the higher interest rate returns and the challenge, of course, is using some of the surplus coming in to government today, some of the Social Security surplus, some of the general fund surplus to start some real investments that are going to give Americans an average income worker the opportunity to be a rich retiree.

With this chart, I have attempted to demonstrate in another way what a bad investment Social Security is. This does not include the disability insurance. So the disability insurance is an absolute. No plan touches the disability insurance. So that part is insurance. You take your chances. Some people need the disability insurance and some do not. What I am talking about is the retirement, the rest of, I think it is approximately 10.4 percent of the 12.4 percent that is used for retirement purposes. And so that is what we are talking about. To get that portion back, if you retired in 1940, then that was pretty good. Taxes were not very high in those early years and you received everything you and your employer put into Social Security taxes and you received that back in 2 months. In 1960, it took 2 years to get it back. In 1980, it took 4 years to get it back. In 1995, if you retired in 1995, you have got to live 16 years after you retire to get your Social Security benefits back that you paid in, to break even for what you and your employer put into Social Security taxes. And you see 2015, 26 years; 2025, 26 years. The reason this goes down a skosh is because of the fact that in 1983 when they passed that law, they actually increased the retirement age gradually, so now it goes gradually up from 65 to 67 over the next 20 years.

This is a picture of Bonnie's and my grandkids. I have the picture on the wall of my office. When I come to vote in this Chamber on legislation, I look at that picture and think how is it going to affect my grandkids, 10, 20, 30, 40, 50 years from now. Our youngest here is Frances and our oldest in this picture is Nick, but both of them are going to have real challenges if they are ever going to get Social Security back.

□ 2015

It is interesting that young people today do not believe that Social Security is going to be there yet they are saving less than the previous generations of young people. How do we encourage more savings? The challenge is to fix this program now, because if we simply add IOUs to the trust fund, if we simply say that look, we are going to pass a law and put $20 trillion in the trust fund, then the actuaries would score Social Security as solvent for the next 75 years. The problem is still when there is less money coming in in taxes in 2015 than what is needed for benefits, where do you come up with the money?

I am afraid what is going to happen if we continue to put off solving this problem is my grandkids, your kids and grandkids and their kids, are going to end up paying huge taxes. Right now the estimate is that if we do nothing to cover medicaid, Medicare and Social Security, you would have to go to a 47 percent tax on payroll. Our economy in this country was built on encouraging those people that work and that save, that try and invest, and if we were to put that kind of taxes on our workers I think there would be a generational rebellion. If we simply say, look, we are going to live how we want to live today and somehow make our kids and our grandkids pay for it later, we cannot do that.

This is Salina; this is James; this is Henry; this is George, he is a real tiger; Emily; and I have actually two more grandkids I will have in the next couple of months. Maybe it is a situation where if all of us were grandfathers and we were in this chamber and we were concerned about the obligations that we are putting on our kids and grandkids as we make decisions to pass laws to make our lives easier now but put the debt on them, we have a $5.6 trillion debt that needs to be paid down.

This is a chart on taxes. So just briefly in 1940 the Social Security tax was 2 percent on the first $3,000, or a maximum of $60. By 1960 it was 6 percent on the first $4,800, or a maximum of $288. By 1980 it was 10.16 percent of the first $25,900, for a total of $2,630. Today it is 12.4 percent on the first $76,200, for a total of $9,448.

If we continue to add benefits to Social Security, not correct the problems with Social Security, then it is going to be my grandkids and your grandkids that are going to be facing the kind of increased tax that is going to be intolerable.

Seventy-eight percent of families, working families in the United States, now pay more in the payroll tax than they do in the income tax. So we continue to raise this payroll tax. It is a tax that hurts low-income people much more than high income people. It is the kind of tax that we should not be increasing. So let us not do it.

The 6 principles that I agree with that Senator ROD GRAMS has agreed with, that Governor George W. Bush has agreed with, are we protect current and future beneficiaries. We allow freedom of choice. We preserve the safety net. We make Americans better off, not worse off. We create a fully funded system and no tax increases, and no reductions in benefits for those retirees, or near-term retirees.

Personal retirement accounts, they do not come out of Social Security; they help Social Security earn more money to assure that those benefits are going to be there. They become part of your Social Security retirement benefits and a worker will own his or her own retirement account. That means if an individual might die before they are eligible for retirement, the money goes into their estate. Unlike today, if you die before your retirement then there is nothing there and it simply is added to the pot for other future retirees and beneficiaries and disability individuals; limited to safe investments that will earn more than the 1.9 percent paid by Social Security. So nobody is suggesting that we simply give this money to individuals and they be allowed to invest it however they want. All of the plans that I have seen say that it has to be a structured, limited type investment, something like maybe a 401(k), something like the Federal Thrift Savings Plan, where you choose from several safe investments; you have some options but they are all safe investments. In my bill that I introduced, I limit it to four safe investments with a potential expansion of additional safe investments that is decided by the treasurer of the United States.

So the point is can we get a better return on our investment than 1.9 percent? The answer is, yes.

I borrowed this from Senator GRAMS because I think it is so important that we have to make sure we do this with the prerequisite that we do not increase taxes and that we do not reduce benefits for retirees or near-term retirees. Term retirement accounts offer more retirement security. If John Doe makes an average of $36,000 a year, he can expect monthly payments of $1,280 from Social Security. If he puts 10 percent of the 12.4 percent into a savings account, he can get $6,000 a month from his personal retirement savings account.

Remember the picture of Nicholas, my oldest grandson, he painted my fence last year and I said, look, you have $180. I would like you to put it in a Roth IRA, and he said, gosh, grandpa, I sure wanted to put that in the bank and maybe buy a car when I was 16. So I went step through step trying to explain the magic of compound interest and what it would do every year if it was drawing the kind of interest that the equity stock markets have averaged over the last 20 years, the ups and downs. So I went through this and I said, look, by the time you are 68, that $180 will have grown to almost $64,000, and if you wait another 6 years and 8 months, it will be almost $140,000.

He seemed impressed but he said, well, grandpa, can I just maybe put a little bit of it in that Roth IRA and then put the rest in the bank for a car? And I think it demonstrates sort of part of the problem today to encourage people to save. It is so important that everyone, Mr. Speaker, everyone, young, medium age, older age, discipline themselves to put more money in a savings account. The savings account in the United States of America is one of the lowest out of the industrialized world. We have to do better in encouraging savings. This Chamber has come a long ways, developing the regular IRA, the Roth IRA. Now in a bill that we have sent to the Senate, we expand how much you are allowed to save in those IRAs; educational savings accounts. It is important that we encourage that extra savings, but it is even more important that we deal with Social Security and not put it off.

In the law of 1935, we left it operational for State and local governments whether they wanted to get in the Social Security program or have their own retirement program. Galveston County, Texas, was a county that decided it wanted to do its own investments so their employees do not have the payroll deduction. They have a deduction that goes into their personal retirement savings accounts.

Let me just compare Galveston with Social Security. Death benefits now in Galveston are $75,000 with a Social Security burial benefit of $253. The disability benefit per month under the Galveston plan is $2,749. With Social Security it would be $1,280. The retirement benefits per month in Galveston, this is disability, the retirement benefits are $4,790 compared to $1,280. It is an example of how real investments can make a much greater difference than what is happening in the pay-as-you-go Social Security program. Social Security is sort of like, I saw a cartoon I think was interesting that represented the pay-as-you-go program. It had this person coming in to Uncle Sam with a hat on in the cartoon saying, well, now just how does Social Security work? And Uncle Sam was saying, well, see this list here. Now, you send money to the name on the top of this list and you add your name to the bottom of this list, and then when you retire you will get all this money.

A chain letter is sort of like the Social Security program. You depend on somebody else later on that might send you that money when you retire, and that is dangerous.

Spouses and survivors benefits under the Galveston County plan, and I quote this young lady that gave this quote, she said, thank God that some wise man privatized Social Security here. If I had regular Social Security, I would be broke.

After her husband died, Winnie Colehill used her death benefit check of $126,000 to pay for his funeral and she also entered college herself. Under Social Security, she would have gotten $255.

San Diego has a similar plan. San Diego enjoys PRAs, personal retirement accounts. A 30-year-old employee who earns a salary of $30,000 for 35 years and contributes 6 percent to his PRA would receive $3,000 per month in retirement benefits. Under the current system, he would contribute twice as much to Social Security but receive only $1,077; $1,077 in Social Security compared to $3,000 per month in their retirement plan.

The difference between San Diego's system of PRAs and Social Security is more than the difference in a check. It is also the difference between ownership and dependence. It is you owning that amount of money; not leaving it up to politicians to mess around with that money or your potential future benefits.

I thought this was very interesting. Even those who oppose PRAs agree they offer more retirement security, and I am quoting from a letter from Senator BARBARA BOXER and Senator DIANE FEINSTEIN and Senator TED KENNEDY to President Clinton on April 22, 1999, in support of allowing San Diego to keep continuing with their private retirement system. They said in this letter, millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security, and that is the truth. So why do not we do it?

□ 2030

The U.S. trails other countries in saving its retirement system. As advanced as we are and as smart as we are, other countries are moving ahead of us with their retirement systems that they are starting to get real investment returns from.

In the 18 years since Chile offered the PRAs, 95 percent of Chilean workers have created accounts. Their average rate of return has been 11.3 percent for years. Among others, Australia, Britain, Switzerland, they offer their workers PRA. It becomes an option to own their own savings account where they can get their own returns on that money.

British workers choose PRAs. With the 10 percent returns, we cannot blame them. Two out of three British workers, and this is a socialist country, enrolled in the second-tier social security system chose to enroll in PRAs. British workers have enjoyed a 10 percent return on their pension investments over the past few years. The pool of these personal retirement accounts in Britain now exceeds nearly $1.4 trillion, larger than the entire economy of Great Britain.

Based on a family income of $58,475, the return on a PRA is even better. Over a 20-year period, if you put in 10 percent of your payroll, you would end up having $274,000. The bottom blue mark is 2 percent of your payroll. At 2 percent of your payroll, it is $55,000. If we left it in for 30 years, and here again is the magic of compound interest, these investments held over that 30 or 40 years is so significant, and can again make an average income worker a rich retiree.

If one leaves it in for 40 years, and we are allowed to put in 10 percent of the payroll, and social security now takes 12.4 percent, we would have $1,389,000. If one was to get a 5 percent return on that money, it would still be about $70,000 a year without even going into the principal.

Again, let me conclude by saying 78 percent of families pay more in payroll taxes than income taxes. Several of us, bipartisan, when I chaired the social security bipartisan task force, it was interesting that the demographics, the current demographics of how long people are expected to live and therefore how much it is going to cost future taxpayers to pay their benefits. With our medical technology, some medical futurists are now estimating that within 25 years a person will be able to live to be 100 years old if they want to. Within 35 to 40 years, an individual can live to be 110 years old .

Are we doing what we need to do as individuals in putting aside savings to accommodate the kind of living standard that the future kind of medical technology is going to allow? Of course, if that happens to social security, then the tremendous extra pressures on social security in future generations that are going to have to pay the increased tax will occur.

Right now we are talking about adding prescription drugs to Medicare. Medicare could go broke with the legislation that has passed as early as 2004 or 2005. If we add prescription drugs to it, then my guess is a couple of things will happen. We end up with a government-run program that if it starts costing too much, it is going to look at rationing. That rationing is going to hold true whether it is Medicare and the government running that program, or whether it is social security.

So my bottom line, Mr. Speaker, is, let us not delay. Let us not neglect this promise any longer. We have lost the last 8 years. Let us make sure that we move ahead with this next administration and come up with a program that will keep social security solvent.

THE PROBLEM OF ILLEGAL NARCOTICS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, usually I come on Tuesday nights to address the House on the problem of illegal narcotics in our society, and what the Congress can do working together to try to resolve the problem of drugs.

Tonight I will only have a few minutes to sort of summarize, because our time is limited.

We have watched on television, a front line report about illegal narcotics. It has gotten the attention of many Americans and Members of Congress.

I came to the floor about a week or two ago and held up this chart. I chair the Subcommittee on Criminal Justice, Drug Policy, and Human Resources. It is one of the most shocking statistics or report that I have ever received as a Member of Congress or chairing a committee responsible for drug policy.

For the first time in the history of recordkeeping of the United States, drug-induced deaths in 1998 exceeded murder, homicides, in this country. That means we had more people dying from drug overdoses and drug-induced deaths than murders or homicides across our land. That, unfortunately, has been repeated in my community in Central Florida, and it is a very serious problem.

One of the things we have heard is that the war on drugs is a failure. It is very important that the American people and the Congress understand that the war on drugs basically was closed down at the beginning of the Clinton administration.

If we look at long-term trends and lifetime prevalence of drug use, we see that during the Reagan administration and Bush administration there was a 50 percent drop in drug abuse. If one in fact looks at that Frontline report that has been published and viewed across the country lately, we hear of all the things that were instituted: the Andean strategy, the stopping drugs at their source, the Vice President's task force, even going after Noriega for drug trafficking and money laundering of drugs in the Bush administration in 1989. Then we see a dramatic decrease in drug use in the country, a 50 percent reduction.

In the Clinton administration, where we have the "just say maybe" policy, where we appoint a chief health officer like Joycelyn Elders as a Surgeon General who says, just say maybe, to our kids, where we abolish the international programs to stop drugs at their source, we have a flood and a huge supply of narcotics. Treatment can never keep up with what we see here and the failure of this administration, and certainly the deaths that we see and the destruction, the devastation.

The other thing is that we do not spend enough money on treatment. That is the line that the Clinton administration used when they took over. Here, we will see the treatment money was being expended and increased under the Bush administration and under the Reagan administration. They also had dramatic programs to deal with the supply, and they cut down the supply.

Here we see treatment spending during the Democrat control, even the Republican control, almost a doubling in treatment over these years. Yet, we see an incredible plague upon our cities.

So we cannot just treat ourselves out of this problem, we have to have a combination of eradication, interdiction, enforcement, education, and also prevention programs that work. Finding the prevention and treatment programs that work is so important. We are spending a lot of money on treatment. We have doubled the amount of money on treatment.

The Clinton administration closed down any semblance of a war on drugs. In hearings that we have held, even today, we found that the $300 million that this Congress appropriated for Colombia some 2 years ago, getting the resources to Colombia, were in fact bungled. We find even in a $1 billion education program we are paying 179 percent over industry standards for placement of ads, and instead of paying a 3½ percent industry average commission, we are paying 14 percent plus, so ads are not going on the public education and information media. An antinarcotics campaign is not what the Congress intended.

Getting the resources from Colombia, which is the source of 70 percent of the heroin and some 80 percent of the cocaine, has not been done. The project as administered by the administration has been bungled. This is the result we see. We are back to a dramatic increase in the number of drug-induced deaths, some 16,926, exceeding for the first time in the recorded history of the United States the homicides or murders in this country.

So when people tell us that the war on drugs is a failure, the Clinton-Gore close-down of the war on drugs indeed led to failure, led to death and destruction. The statistics are very clear.

But a successful program such as the Reagan-Bush administration, even though it was a tough one, even though it was a zero tolerance, had a 50 percent reduction in illegal narcotics use in this country, and dramatically gave us a different picture than what we see here today.

Finally, in conclusion, Mr. Speaker, I was pleased that last Friday was the first time I have heard anyone who assumes to national leadership take the forefront and mention the problem of illegal narcotics. That was Governor Bush from the State of Texas, who I believe was in Iowa and talked about illegal narcotics, brought it up as part of his campaign.

I hope that we have a leader and someone who is willing to provide the direction to provide successful programs, and also to bring this to the attention and provide the national leadership that we so badly need in this area, because for so long it has been swept under the table. For too long it has been ignored by this Congress.

Again, we see the results of this and the tragedy, death, and destruction to our families and our children.

Mr. Speaker, I would mention that we leave with a saddened heart in the loss of our dearly beloved colleague, Mr. Bruce Vento, the distinguished gentleman from Minnesota, and with our deepest sympathy to his family as we now adjourn for the evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Mr. GEPHARDT) for today on account of family illness.

Ms. ESHOO (at the request of Mr. GEPHARDT) for September 28 through October 12 on account of family illness.

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today on account of medical reasons.

Mr. NADLER (at the request of Mr. GEPHARDT) for today before 3:30 p.m. on account of official business.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today after 3:45 p.m. on account of personal business.

Mr. STARK (at the request of Mr. GEPHARDT) for today on account of personal medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ENGEL) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. BLILEY, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

2. 2917. An act to settle the land claims of the Pueblo of Santo Domingo; to the Committee on Resources.

S. Con. Res. 131. Concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarność, and for other purposes; to the Committee on International Relations.

S. Con. Res. 148. Concurrent resolution to provide for the disposition and archiving of the records, files, documents, and other materials of joint congressional committees on inaugural ceremonies; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2833. An act to establish the Yuma Crossing National Heritage Area.

H.R. 3676. An act to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

H.R. 4063. An act to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes.

H.R. 4226. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4275. An act to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

H.R. 4285. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historical lighthouse preservation program.

H.R. 5362. An act to increase the amount of fees charged to employers who are petitioners for the employment of H-1B non-immigrant workers, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1236. An act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.

S. 1849. An act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday, October 16, 2000, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10553. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report entitled, "Report on the Performance of Department of Defense Commercial Activities," pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

10554. A letter from the Secretary of Health and Human Services, transmitting the Native Hawaiian Revolving Loan Fund For Fiscal Years 1998-1999; to the Committee on Education and the Workforce.

10555. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Nuclear Safety Management (RIN: 1901-AA34) received October 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10556. A letter from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule—Energy Code for New Federal Commercial and Multi-Family High Rise Residential Buildings [Docket No. EE-RM-79-112-C] (RIN: 1904-AA69) received October 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10557. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 20-00 which constitutes a Request for Final Approval for the Amendment to the Project Arrangement (PA) on Space Based Surveillance System Concept Studies, Experiments and Trials, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10558. A letter from the Administrator, General Services Administration, transmitting the Strategic Plan in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

10559. A letter from the Acting Chairman, U.S. Merit Systems Protection Board, transmitting the Commercial Activities Inventory Report Year 2000; to the Committee on Government Reform.

10560. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in North-Central South Dakota (RIN: 1018-AG26) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10561. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting [Docket No. 99122347-9347-01; I.D. 090700A] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10562. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic MACKerel, Squid, and Butterfish Fisheries; 2000 Specifications Adjustment [Docket No. 991228354-0078-02; I.D. 100300A] (RIN: 0648-AM49) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10563. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeasten United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey [Docket No. 000119014-0137-02; I.D. 100200C] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10564. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Checklist for Section 1503(d) Closing Agreement Request [Rev. Proc. 2000-42] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEKAS: Committee on the Judiciary. H.R. 1924. A bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescene in, and relitigation of, precedents established in the Federal judicial courts; with an amendment (Rept. 106–976). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. The Vaccine Injury Compensation Program: Addressing Needs and Improving Practices (Rept. 106–977). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3011. A bill to amend the Communications Act of 1934 to improve the disclosure of information concerning telephone charges, and for other purposes; with an amendment (Rept. 106–978). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GREENWOOD:

H.R. 5455. A bill to amend the Internal Revenue Code of 1986 to encourage investment in small companies; to the Committee on Ways and Means.

By Mr. LAMPSON (for himself, Mr. Ose, Mr. Shimkus, Mrs. Maloney of New York, Mr. Barrett of Wisconsin, Mr. Pascrell, Mr. Brady of Pennsylvania, Mr. Bentsen, Mr. Strickland, Mr. Hinchey, Ms. Millender-McDonald, Ms. Woolsey, Mr. Reyes, Ms. DeLauro, Mr. Borski, Mr. Holden, Ms. Jackson-Lee of Texas, Mr. Mascara, Ms. Hooley of Oregon, Mr. Wu, Mr. Phelps, Mr. Foley, Mr. Pomeroy, Mr. Sandlin, Mr. Ackerman, Mr. Luther, Mr. Brown of Ohio, Mr. Cramer, Mr. Fattah, Mr. George Miller of California, Ms. Lee, Mr. Rothman, Mr. Larson, Mr. Frost, Mr. Green of Texas, Mr. Gejdenson, Mr. Rodriguez, Mr. Crowley, Mr. Spratt, Ms. Berkley, Mr. Engel, Mrs. Clayton, Mr. Conyers, Mr. Thompson of California, Mr. Gilman, Ms. Granger, Mr. Ortiz, Mr. Hinojosa, Ms. Sanchez, Mrs. McCarthy of New York, Ms. Baldwin, Mr. Chabot, Ms. Eddie Bernice Johnson of Texas, Mr. Rush, Mr. Hoeffel, Mr. Kildee, Mrs. Lowey, Mr. Hastings of Florida, Mr. Wexler, Mr. Tierney, Mr. Kind, Mr. Baldacci, Mr. Wynn, Mr. Dooley of California, Mr. Evans, Ms. Velázquez, Mr. Boswell, Mr. Berry, Mrs. Napolitano, Mr. Costello, Ms. Dunn, Mr. Sawyer, Mr. Ford, Ms. McKinney, Mr. Waxman, Mr. Pitts, Mr. Menendez, Mr. Castle, Mr. Clement, Mrs. Thurman, Mr. Sherman, Mr. Weiner, Mr. Pallone, Mrs. Morella, Mr. McInnis, Mr. Udall of Colorado, Ms. Schakowsky, Ms. Pelosi, Mr. Traficant, Mr. Pease, Mr. Scott, Mrs. Fowler, Mrs. Meek of Florida, Mr. Gutknecht, Mr. Dickey, Mr. Blunt, Mr. Upton, Mr. McCrery, Mr. Bonior, Mr. Berman, Mrs. Emerson, Mr. Weldon of Florida, Mr. McIntyre, and Mr. Doggett):

H.R. 5456. A bill to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mrs. Wilson, and Mr. Hunter):

H.R. 5457. A bill to provide for the interconnection of distributed generation facilities with local electric distribution systems, and for other purposes; to the Committee on Commerce.

By Mr. BILBRAY:

H.R. 5458. A bill to authorize the investor-owned electric utilities in California to purchase electric power directly from the Bonneville Power Administration at specified rates, and for other purposes; to the Committee on Commerce.

By Mr. SANFORD (for himself, Mr. Lewis of Georgia, Mr. Tancredo, and Ms. McKinney):

H.R. 5459. A bill to direct the Secretary of the Army to recommend a water resources development and conservation project for authorization by Congress only if the project has projected benefits that are at least 1.5 times as great as the project's estimated total cost, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BIGGERT:

H.R. 5460. A bill to amend the Inspector General Act of 1978 to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes; to the Committee on Government Reform.

By Mr. CUNNINGHAM:

H.R. 5461. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning; to the Committee on Resources.

By Mr. GREEN of Wisconsin:

H.R. 5462. A bill to amend title 18, United States Code, to punish the placing of sexual explicit photographs on the Internet without the permission of the persons photographed; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. Sam Johnson of Texas, and Mr. Levin):

H.R. 5463. A bill to amend the Internal Revenue Code of 1986 to affirm the confidentiality of closing and similar agreements and agreements with foreign governments; to the Committee on Ways and Means.

By Mr. INSLEE:

H.R. 5464. A bill to amend the Public Health Service Act to authorize grants to carry out programs to improve recovery rates for organs in eligible hospitals; to the Committee on Commerce.

By Mr. INSLEE:

H.R. 5465. A bill to amend the Public Health Service Act to provide for a National Living Organ Donor Registry; to the Committee on Commerce.

By Mr. MATSUI:

H.R. 5466. A bill to amend the Internal Revenue Code of 1986 to provide for the payment of fellowship benefits to pension plan participants; to the Committee on Ways and Means.

By Mrs. McCARTHY of New York:

H.R. 5467. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries and for women diagnosed with breast cancer; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 5468. A bill to establish the United States Commission on Security in an Open Society; to the Committee on Transportation and Infrastructure.

By Mr. NORWOOD (for himself, Mr. Chambliss, Mr. Goode, Mr. Bishop, Mr. Wicker, Ms. Velázquez, Mr. Pickering, Mr. Coble, and Mr. Graham):

H.R. 5469. A bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 5470. A bill to provide for the opposition of the United States to the provision of any resources or assistance by the International Monetary Fund to the Palestinian Authority until the Secretary of State certifies that Israel and the Palestinian Authority have signed an agreement on borders and security arrangements for Israel and a Palestinian state; to the Committee on Banking and Financial Services.

By Mr. SAXTON:

H.R. 5471. A bill to amend the Internal Revenue Code of 1986 to allow individuals an exclusion from gross income for certain amounts of capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Mrs. TAUSCHER (for herself, Mrs. McCarthy of New York, Mr. Blagojevich, Mr. Blumenauer, Ms. Carson, Mr. Crowley, Ms. Jackson-Lee of Texas, Ms. Lee, Mrs. Maloney of New York, Mr. McGovern, Ms. Millender-McDonald, Mr. Moran of Virginia, Mr. Nadler, Mrs. Napolitano, Ms. Norton, Ms. Pelosi, Ms. Schakowsky, Mrs. Jones of Ohio, Ms. Velázquez, Ms. Woolsey, Mr. Lipinski, Mr. Rangel, Mr. Matsui, Mr. Hastings of Florida, Mr. Engel, Ms. McCarthy of Missouri, Mr. Kennedy of Rhode Island, and Mr. Weiner):

H.R. 5472. A bill to provide grants for the purchase of firearms to States and units of local government that enforce certain rules designed to protect the public from the misuse of handguns; to the Committee on the Judiciary.

By Mr. LEACH:

H.J. Res. 113. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. Gilman, Mr. Smith of New Jersey, and Mr. Berman):

H. Con. Res. 425. Concurrent resolution expressing the sense of the Congress that the continued participation of the Russian Federation in the Group of Eight must be conditioned on Russia's own voluntary acceptance of and adherence to the norms and standards of democracy; to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. Gejdenson, Mr. Armey, Mr. Gephardt, Mr. Brady of Texas, Mr. Ackerman, Mr. Burton of Indiana, Mr. Bereuter, Ms. Berkley, Mr. Cannon, Mr. Chabot, Mr. Berman, Mr. Diaz-Balart, Mr. Cooksey, Mr. Cardin, Mr. Cunningham, Mr. Crowley, Mr. Ehlers,, Ms. DeLauro, Mr. Franks of New Jersey, Mr. Frank of Massachusetts, Mr. Deutsch, Mr. Engel, Mr. Gekas, Mr. Gillmor, Mr. Gallegly, Mr. Frost, Mrs. Kelly, Mr. Hobson, Mr. Hastings of Florida, Mr. Hoeffel, Mr. Kingston, Mr. Lazio, Mr. Lantos, Mr. Leach, Mrs. Lowey, Mrs. Morella, Mr. McCollum, Mrs. McCarthy of New York, Mr. Menendez, Mr. Mica, Mr. Maloney of Connecticut, Mr. Nadler, Mr. Ose, Mr. Rothman, Ms. Schakowsky, Mr. Rohrabacher, Mr. Salmon, Mr. Sherman, Ms. Ros-Lehtinen, Mr. Sisisky, Mrs. Roukema, Mr. Waxman, Mr. Shaw, Mr. Weiner, Mr. Smith of New Jersey, Mr. Wexler, Mr. Smith of Michigan, Mr. Stearns, Mr. Weldon of Pennsylvania, Mr. Weller, Mr. Weygand, Mr. Wynn, and Mr. Holt):

H. Con. Res. 426. Concurrent resolution concerning the violence in the Middle East; to the Committee on International Relations.

By Mr. SESSIONS:

H. Con. Res. 427. Concurrent resolution directing the Secretary of the Senate to correct the enrollment of the bill S. 3186; considered and agreed to.

By Mr. UPTON:

H. Con. Res. 428. Concurrent resolution providing for corrections in the enrollment of the bill (H.R. 5164) amending title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes; considered and agree to.

By Mr. BILBRAY:

H. Con. Res. 429. Concurrent resolution expressing the sense of Congress regarding the electricity crisis in San Diego and Orange Counties in California; to the Committee on Commerce.

By Mr. BILBRAY (for himself, Mr. Hunter, Mr. Packard, and Mr. Cunningham):

H. Res. 629. A resolution expressing the sense of the House of Representatives that the basic allowance for housing for members of the Armed Forces stationed in San Diego and Orange Counties, California, should be increased to compensate for increased energy costs there; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 450: Mr. Walden of Oregon.

H.R. 531: Ms. McCarthy of Missouri.

H.R. 632: Mr. Franks of New Jersey.

H.R. 842: Mr. Thompson of California and Mr. Mascara.

H.R. 1071: Mr. Menendez.

H.R. 1092: Mr. Goodlatte.

H.R. 1187: Mr. Moran of Kansas.

H.R. 1285: Ms. Woolsey.

H.R. 1303: Mr. McNulty and Mr. Cox.

H.R. 1388: Mr. Goode and Mr. Goodling.

H.R. 1965: Ms. Pelosi.

H.R. 2457: Mr. Doggett.

H.R. 2467: Mr. Toomey.

H.R. 2702: Mr. Udall of Colorado.

H.R. 2720: Mrs. Emerson.

H.R. 2953: Mr. Norwood, Mr. Weiner and Mr. Walsh.

H.R. 3003: Mr. Spence.

H.R. 3214: Ms. Granger, Ms. Velázquez, and Mr. Nadler.

H.R. 3565: Mr. Foley.

H.R. 3677: Mr. Reynolds.

H.R. 3700: Mr. Baldacci, Mrs. Maloney of New York, and Mr. Allen.

H.R. 3872: Mr. Evans and Mr. Clement.

H.R. 3915: Mr. Sandlin and Mr. Quinn.

H.R. 4025: Mr. Gillmor and Mr. Ney.

H.R. 4213: Mr. Walden of Oregon.

H.R. 4277: Mr. Minge.

H.R. 4360: Mr. Dicks and Mr. Kind.

H.R. 4390: Mr. LaFalce.

H.R. 4393: Mr. Franks of New Jersey.

H.R. 4543: Mr. Strickland, Mrs. Jones of Ohio, and Mr. Sawyer.

H.R. 4728: Mr. Reynolds, Mr. Inslee, and Mr. Pickett.

H.R. 4848: Mr. Udall of New Mexico and Mr. Ford.

H.R. 4874: Mr. Clyburn and Mr. Spratt.

H.R. 4949: Mrs. Capps.

H.R. 5055: Mr. Hilliard.

H.R. 5121: Mr. Diaz-Balart and Mr. Hastings of Florida.

H.R. 5132: Mr. McDermott, Mr. Nadler, and Mr. Hall of Ohio.

H.R. 5152: Mr. McCollum, Mrs. Jones of Ohio, and Mr. McHugh.

H.R. 5174: Mr. Frelinghuysen, Mr. Frost, and Mr. Brady of Texas.

H.R. 5185: Mr. Wexler.

H.R. 5258: Mr. Graham, Mr. Reyes, Mr. Deutsch, Mr. Ehrlich, Mr. Gutierrez, Ms. Rivers, Ms. Lofgren, Mr. Turner, Mr. Condit, Ms. Schakowsky, Mr. Filner, Mr. Udall of Colorado, Mr. Bentsen, Mr. Edwards, Mr. Gonzalez, Mr. Green of Wisconsin, Mr. Lampson, Mr. Ortiz, Mr. Rodriguez, and Mr. Stenholm.

H.R. 5306: Mr. Norwood, Mr. Tiahrt, and Mr. Cannon.

H.R. 5308: Mr. Coburn.

H.R. 5339: Mr. Sanders, Mr. Serrano, Mr. Sweeney, Mr. Blumenauer, Mr. Abercrombie, and Mr. Kucinich.

H.R. 5342: Mr. Kucinich, Mr. Stenholm, Mr. Doyle, Mr. Phelps, and Mr. Kennedy of Rhode Island.

H.R. 5345: Mr. Hinchey, Ms. DeGette, and Mr. Kucinich.

H.R. 5350: Mr. Gillmor.

H.R. 5367: Mr. Leach, Mr. Manzullo, and Mr. Minge.

H.R. 5381: Mr. Rogers.

H.R. 5382: Mr. Rogers and Mr. Jenkins.

H.R. 5397: Mr. Allen, Mr. Wexler, Mr. Pickett, and Mr. Ford.

H.R. 5409: Mr. Kingston.

H.R. 5418: Mr. Doyle.

H.R. 5438: Mr. Filner.

H.J. Res. 107: Mr. Lantos.

H. Con. Res. 337: Mr. Norwood and Mrs. Maloney of New York.

H. Con. Res. 340: Ms. Millender-McDonald and Ms. Waters.

H. Con. Res. 341: Mr. Canady of Florida, Mr. Cannon, and Mr. Duncan.

H. Con. Res. 370: Ms. Waters.

H. Con. Res. 392: Mr. Walsh.

H. Con. Res. 401: Mr. Hilliard, Mr. Ehrlich, Mr. Hoeffel, and Mr. King.

H. Con. Res. 415: Mr. McIntosh.

H. Con. Res. 421: Mr. Clement and Mr. Hilleary.

H. Res. 51: Mr. Spence.

H. Res. 430: Mr. McGovern and Mr. Sisisky.

SENATE—*Thursday, October 12, 2000*

(Legislative day of Friay, September 22, 2000)

The Senate met at 9:36 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, we praise You for Your faithfulness. We say with Jeremiah, "The Lord's mercies are new every morning; great is Your faithfulness."—Lamentations 3:23.

We are profoundly moved by Your merciful kindness to us. You never give up on us. When we forget You, You infuse our lives with reminders of Your consistent love; when we resist Your guidance, You find new ways to get through to us; when hubris becomes a habit, You break the bond of self-sufficiency by showing us what we could accomplish with Your supernatural strength.

Lord we confess our need for humility. It is a combination of gratitude, honesty, and courage. We admit that all that we have and are is Your gift; we honestly face the distance between what we are and what we could be in our relationships and responsibilities; we need courage to blow the cap off of our reservations and live the full potential according to Your expectations.

Here we are at the beginning of a crucial day in the life of this Senate. As we rush into the schedule, we meet You at the pass. We don't need to spin to win with You. You know all about us. And so we simply ask You to take our minds and focus our intelligence on what is best for America, to take our wills and guide us to choose what is righteous and just, and to take our voices and speak Your truth through them. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The able acting majority leader is recognized.

SCHEDULE

Mr. BOND. On behalf of the leader, permit me to explain that today the Senate will begin debate on the HUD–VA appropriations bill. Senators BYRD and BOXER have amendments in order. Those amendments will be offered and debated prior to 12:30 p.m. today. At 12:30, there will be up to four stacked rollcall votes on amendments to the VA-HUD bill, final passage of the bill, and final passage of the conference report to accompany the legislative branch/Treasury-Postal appropriations bill. Following the votes, the Senate is expected to begin consideration of the conference report to accompany the Department of Defense authorization bill. There are approximately 6 hours of debate requested on the conference report. Therefore, Senators should expect votes into the evening regarding the DOD authorization conference report.

I thank my colleagues for their attention.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS

Mr. CRAPO. The clerk will report the pending bill.

The legislative clerk read as follows:

> A bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike out all after the enacting clause and insert the part printed in italic.

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $22,766,276,000, to remain available until expended: Provided, That not to exceed $17,419,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,634,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to the account: Provided further, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2001, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $162,000,000, which may be transferred to and merged with the appropriation for "General operating expenses".

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $220,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $52,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $432,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $532,000, which may be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $20,281,587,000, plus reimbursements: Provided, That of the funds made available under this heading, $900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $500,000,000 shall be available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $27,907,000 may be transferred to and merged with the appropriation for "General operating expenses": Provided further, That the department shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2001, $331,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $62,000,000 plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2001.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,050,000,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $45,000,000 shall be available until September 30, 2002: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $109,889,000: Provided, That of the amount made available under this heading, not to exceed $117,000 may be transferred to and merged with the appropriation for "General operating expenses".

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $46,464,000: Provided, That of the amount made available under this heading, not to exceed $30,000 may be transferred to and merged with the appropriation for "General operating expenses".

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $48,540,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2001, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2001; and (2) by the awarding of a construction contract by September 30, 2002: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $162,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2001 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2000.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2001 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2001, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2001, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2001, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for Medical Care appropriations of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN 12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

SEC. 109. Notwithstanding any other provision of law, collections authorized by the Veterans Millennium Health Care and Benefits Act (Public Law 106–117) and credited to the appropriate Department of Veterans Affairs accounts in fiscal year 2001, shall not be available for obligation or expenditure unless appropriation language making such funds available is enacted.

SEC. 110. Not to exceed $1,200,000 may be transferred from the "Medical care" appropriation to the "General operating expenses" appropriation to fund contracts and services in support of the Veterans Benefits Administration's Benefits Delivery Center, Systems Development Center, and Finance Center, located at the Department of Veterans Affairs Medical Center, Hines, Illinois.

SEC. 111. Not to exceed $4,500,000 from the "Construction, minor projects" appropriation and not to exceed $2,000,000 from the "Medical care" appropriation may be transferred and merged with the Parking Revolving Fund for surface parking lot projects.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $13,171,000,000 and amounts that are recaptured in this account to remain available until expended: Provided, That of the total amount provided under this heading, $13,131,000,000, of which $8,931,000,000 shall be available on October 1, 2000 and $4,200,000,000 shall be available on October 1, 2001, shall be for assistance under the United States Housing Act of 1937 ("the Act" herein) (42 U.S.C. 1437): Provided further, That the foregoing amounts be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937 (47 U.S.C. 1437f(t)), and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That amounts available under the first proviso under this heading may be available for section 8 rental assistance under the Act: (1) pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That of the total amount provided under this heading, $40,000 000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of such Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That any section 8 funds determined by the Secretary to be in excess of amounts needed to maintain the normal operation and level of assistance of a section 8 program, including reasonable reserves, shall be recaptured and used to fund title I of the Housing Needs Act of 2000: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: Provided further, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That of the balances remaining from funds appropriated under this heading or the heading "Annual

Contributions for Assisted Housing" during fiscal year 2001 and prior years, $275,000,000 is rescinded.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,955,000,000, to remain available until expended, of which up to $50,000,000 shall be for carrying out activities under section 9(h) of such Act, and for lease adjustments to section 23 projects: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: Provided further, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2001.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFERS OF FUNDS)

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,192,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $5,000,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight training and improved management of this program, and $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, $20,000,000 shall be available for a program named the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $575,000,000 to remain available until expended of which the Secretary may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $650,000,000, to remain available until expended, of which $4,000,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA and $2,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided, That none of the $2,000,000 for technical assistance and other activities shall be made available to the Secretary until all funds allocated to the National American Indian Housing Council for fiscal years 2000 and 2001 are made available to such organization: Provided further, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $232,000,000, to remain available until expended: Provided, That the Secretary shall renew all expiring contracts that meet all program requirements before awarding funds for new contracts and activities authorized under this heading: Provided further, That the Secretary may use up to 0.75 percent of the funds under this heading for technical assistance.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $27,000,000, which amount shall be awarded by June 1, 2001 to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided further, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, to carry out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301), $4,800,000,000, to remain available until September 30, 2002: Provided, That $67,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $2,200,000 shall be available as a grant to the National American Indian Housing Council, and $41,500,000 shall be for grants pursuant to section 107 of the Act including $3,000,000 to support Alaska Native serving institutions and native Hawaiian serving institutions, as defined under the Higher Education Act, as amended: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the department.

Of the amount made available under this heading, $25,000,000 shall be made available for capacity building, of which $20,000,000 shall be made available for "Capacity Building for Community Development and Affordable Housing", for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing: Provided further, That *amounts made available for congregate services and service coordinators for the elderly and disabled under this heading and in prior fiscal years may be used by grantees to reimburse themselves for costs incurred in connection with providing service coordinators previously advanced by grantees out of other funds due to delays in the granting by or receipt of funds from the Secretary, and the funds so made available to grantees for congregate services or service coordinators under this heading or in prior years shall be considered as expended by the grantees upon such reimbursement. The Secretary shall not condition the availability of funding made available under this heading or in prior years for congregate services or service coordinators upon any grantee's obligation or expenditure of any prior funding.*

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $4,000,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amounts made available under this heading, $2,000,000 shall be available to the Utah Housing Finance Agency for the temporary use of relocatable housing during the 2002 Winter Olympic Games provided such housing is targeted to the housing needs of low-income families after the Games.

Of the amounts made available under this heading, $3,000,000 shall be awarded to Tribal Colleges and Universities to build, expand, renovate, and equip their facilities.

Of the amount made available under this heading, $130,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of economic development efforts, including $123,000,000 for making individual grants for targeted economic investments in accordance with the terms and conditions specified for such grants in Senate Report 106–410.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,600,000,000, to remain available until expended: Provided, That up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968.

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); and the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act, $1,020,000,000 to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That up to 1 percent appropriated under this heading shall be used for technical assistance for management information systems and to develop an automated, client-level Annual Performance Report System: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE

For the Shelter Plus Care program, as authorized under subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, $105,000,000 to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall award funds under this heading on a nationwide competitive basis with any renewals funded on an annual basis: Provided further, That each Shelter Plus Care applicant shall coordinate its application in conjunction with the applicable Continuum of Care.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $996,000,000, to remain available until expended: Provided, That $783,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing of which amount $50,000,000 shall be for service coordinators and continuation of existing congregate services grants for residents of assisted housing projects, of which amount $50,000,000 shall be for grants for the new construction or substantial rehabilitation of assisted living facilities, and of which amount $50,000,000 shall be for grants for conversion of existing section 202 projects, or portions thereof, to assisted living or related use: Provided further, That of the amount under this heading, $213,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2000, and any collections made during fiscal year 2001, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2001, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2001, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for "Salaries and expenses"; not to exceed $4,022,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses, $160,000,000: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2001, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $101,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000, of which $193,134,000, shall be transferred to the appropriation for "Salaries and expenses"; and of which $18,321,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2001, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2002.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for departmental "Salaries and expenses".

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $45,000,000, to remain available until September 30, 2001: Provided, That of the amount provided under this heading, $10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $44,000,000, to remain available until September 30, 2001, of which $22,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

(INCLUDING TRANSFER OF FUNDS)

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $100,000,000 to remain available until expended, of which $5,000,000 shall be for a Healthy Homes Initiative, which shall be a program pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards: Provided, That all balances for the Lead Hazard Reduction Programs previously funded in the Annual Contributions for Assisted Housing and Community Development Block Grant accounts shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,002,233,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the "Community development block grants program" account, $150,000 shall be provided by transfer from the "Title VI Indian federal guarantees program" account, and $200,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 9,100 employees: Provided further, That the average cost per FTE cannot exceed $78,000 by December 31, 2000, including the cost of all contractors: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs or in any position in the Department where the employee reports to an employee of the Office of Public Affairs.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $86,843,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for "Drug elimination grants for low-income housing": Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $22,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2001 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. (a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2001 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2001 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2000 do not have the number of cases of acquired immunodeficiency syndrome required under such clause.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section

845(c)(1)(A) in fiscal year 2000, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) ENVIRONMENTAL REVIEW.—Section 856 of the Act is amended by adding the following new subsection at the end:

"(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.".

DUE PROCESS FOR HOMELESS ASSISTANCE

SEC. 204. None of the funds appropriated under this or any other Act may be used by the Secretary of Housing and Urban Development to prohibit or debar or in any way diminish the responsibilities of any entity (and the individuals comprising that entity) that is responsible for convening and managing a continuum of care process (convenor) in a community for purposes of the Stewart B. McKinney Homeless Assistance Act from participating in that capacity unless the Secretary has published in the Federal Register a description of all circumstances that would be grounds for prohibiting or debarring a convenor from administering a continuum of care process and the procedures for a prohibition or debarment: Provided, That these procedures shall include a requirement that a convenor shall be provided with timely notice of a proposed prohibition or debarment, an identification of the circumstances that could result in the prohibition or debarment, an opportunity to respond to or remedy these circumstances, and the right for judicial review of any decision of the Secretary that results in a prohibition or debarment.

HUD REFORM ACT COMPLIANCE

SEC. 205. Except as explicitly provided in legislation, any grant or assistance made pursuant to Title II of this Act shall be made in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 on a competitive basis.

EXPANSION OF ENVIRONMENTAL ASSUMPTION AUTHORITY FOR HOMELESS ASSISTANCE PROGRAMS

SEC. 206. Section 443 of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

"SEC. 443. ENVIRONMENTAL REVIEW.

"For purposes of environmental review, assistance and projects under this title shall be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.".

TECHNICAL AMENDMENTS AND CORRECTIONS TO THE NATIONAL HOUSING ACT

SEC. 207. (a) SECTION 203 SUBSECTION DESIGNATIONS.—Section 203 of the National Housing Act is amended by—

(1) redesignating subsection (t) as subsection (u);

(2) redesignating subsection (s), as added by section 329 of the Cranston-Gonzalez National Affordable Housing Act, as subsection (t); and

(3) redesignating subsection (v), as added by section 504 of the Housing and Community Development Act of 1992, as subsection (w).

(b) MORTGAGE AUCTIONS.—The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by inserting after "December 31, 2002" the following: ", except that this subparagraph shall continue to apply if the Secretary receives a mortgagee's written notice of intent to assign its mortgage to the Secretary on or before such date".

(c) MORTGAGEE REVIEW BOARD.—Section 202(c)(2) of the National Housing Act is amended—

(1) in subparagraph (E), by striking "and";

(2) in subparagraph (F), by striking "or their designees." and inserting "and";

(3) by adding the following new subparagraph at the end:

"(G) the Director of the Enforcement Center; or their designees.".

INDIAN HOUSING BLOCK GRANT PROGRAM

SEC. 208. DEFINES CERTAIN LAW ENFORCEMENT OFFICERS AS ELIGIBLE FAMILIES FOR HOUSING ASSISTANCE UNDER THE INDIAN HOUSING BLOCK GRANT PROGRAM. Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) LAW ENFORCEMENT OFFICERS.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act to a law enforcement officer on the reservation or other Indian area, who is employed full-time by a Federal, state, county or tribal government, and in implementing such full-time employment is sworn to uphold, and make arrests for violations of Federal, state, county or tribal law, if the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.".

PROHIBITION ON THE USE OF FEDERAL ASSISTANCE IN SUPPORT OF THE SALE OF TOBACCO PRODUCTS

SEC. 209. None of the funds appropriated in Public Law 106–74 or any other Act may be used by the Secretary of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a facility, or facility with a designated portion of that facility, which sells, or intends to sell, predominantly cigarettes or other tobacco products. For the purposes of this provision, predominant sale of cigarettes or other tobacco products means cigarette or tobacco sales representing more than 35 percent of the annual total in-store, non-fuel, sales.

PROHIBITION ON IMPLEMENTATION OF PUERTO RICO PUBLIC HOUSING ADMINISTRATION SETTLEMENT AGREEMENT

SEC. 210. No funds may be used to implement the agreement between the Commonwealth of Puerto Rico, the Puerto Rico Public Housing Administration, and the Department of Housing and Urban Development, dated June 7, 2000, related to the allocation of operating subsidies for the Puerto Rico Public Housing Administration until the Puerto Rico Public Housing Administration and the Department of Housing and Urban Development submits a schedule of benchmarks and measurable goals to the Committee on Appropriations designed to address issues of mismanagement and safeguard against fraud and abuse.

HOPE VI GRANT FOR HOLLANDER RIDGE

SEC. 211. The Housing Authority of Baltimore City may use the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading "Public Housing Demolition, Site Revitalization, and Replacement Housing Grants" for use, as approved by the Secretary of Housing and Urban Development—

(1) for the revitalization of other severely distressed public housing within its jurisdiction; and

(2) in accordance with section 24 of the United States Housing Act of 1937.

REDUCED DOWNPAYMENT REQUIREMENTS FOR LOANS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES

SEC. 212. (a) IN GENERAL.—Section 203(b) of the National Housing Act is amended by adding at the end the following new paragraph:

"(11) REDUCED DOWNPAYMENT REQUIREMENTS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES—

"(A) IN GENERAL.—Notwithstanding the downpayment requirements contained in paragraph (2), in the case of a mortgage described in subparagraph (B)—

"(i) the mortgage shall involve a principal obligation in an amount that does not exceed the sum of 99 percent of the appraised value of the property and the total amount of initial service charges, appraisal, inspection, and other fees (as the Secretary shall approve) paid in connection with the mortgage;

"(ii) no other provision of this subsection limiting the principal obligation of the mortgage based upon a percentage of the appraised value of the property subject to the mortgage shall apply; and

"(iii) the matter in paragraph (9) that precedes the first proviso shall not apply and the mortgage shall be executed by a mortgagor who shall have paid on account of the property at least 1 percent of the cost of acquisition (as determined by the Secretary) in cash or its equivalent.

"(B) MORTGAGES COVERED.—A mortgage described in this subparagraph is a mortgage—

"(i) under which the mortgagor is an individual who—

"(I) is employed on a full-time basis as: (aa) a teacher or administrator in a public or private school that provides elementary or secondary education, as determined under State law, except that elementary education shall include pre-Kindergarten education, and except that secondary education shall not include any education beyond grade 12; or (bb) a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968, except that such term shall not include any officer serving a public agency of the Federal Government); and

"(II) has not, during the 12-month period ending upon the insurance of the mortgage, had any present ownership interest in a principal residence located in the jurisdiction described in clause (ii); and

"(ii) made for a property that is located within the jurisdiction of—

"(I) in the case of a mortgage of a mortgagor described in clause (i)(I)(aa), the local educational agency (as such term is defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) for the school in which the mortgagor is employed (or, in the case of a mortgagor employed in a private school, the local educational agency having jurisdiction for the area in which the private school is located); or

"(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction served by the public law enforcement agency, firefighting agency, or rescue or ambulance agency that employs the mortgagor.".

(b) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—Section 203(c) of the National Housing Act is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking "Notwithstanding" and inserting "Except as provided in paragraph (3) and notwithstanding"; and

(2) by adding at the end the following new paragraph:

"(3) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—In the case of any mortgage described in subsection (b)(10)(B):

"(A) Paragraph (2)(A) of this subsection (relating to collection of up-front premium payments) shall not apply.

"(B) If, at any time during the 5-year period beginning on the date of the insurance of the mortgage, the mortgagor ceases to be employed as described in subsection (b)(10)(B)(i)(I) or pays the principal obligation of the mortgage in full, the Secretary shall at such time collect a single premium payment in an amount equal to the amount of the single premium payment that, but for this paragraph, would have been required under paragraph (2)(A) of this subsection with respect to the mortgage, as reduced by 20 percent of such amount for each successive 12-month period completed during such 5-year period before such cessation or prepayment occurs.".

COMPUTER ACCESS FOR PUBLIC HOUSING RESIDENTS

SEC. 213. (a) USE OF PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.—Section 9 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(E), by inserting before the semicolon the following: ", including the establishment and initial operation of computer centers in and around public housing through a Neighborhood Networks initiative, for the purpose of enhancing the self-sufficiency, employability, and economic self-reliance of public housing residents by providing them with onsite computer access and training resources";

(2) in subsection (e)(1)—

(A) in subparagraph (I), by striking the word "and" at the end;

(B) in subparagraph (J), by striking the period and inserting "; and"; and

(C) by adding after subparagraph (J) the following:

"(K) the costs of operating computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E), and of activities related to that initiative."; and

(3) in subsection (h)—

(A) in paragraph (6), by striking the word "and" at the end;

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (7) the following:

"(8) assistance in connection with the establishment and operation of computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E).".

(b) DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR PROJECTS.—Section 24 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(G), by inserting before the semicolon the following: ", including a Neighborhood Networks initiative for the establishment and operation of computer centers in public housing for the purpose of enhancing the self-sufficiency, employability, an economic self-reliance of public housing residents by providing them with onsite computer access and training resources"; and

(2) in subsection (m)(2), in the first sentence, by inserting before the period the following ", including assistance in connection with the establishment and operation of computer centers in public housing through the Neighborhoods Networks initiative described in subsection (d)(1)(G)".

MARK-TO-MARKET REFORM

SEC. 214. Notwithstanding any other provision of law, the properties known as the Hawthornes in Independence, Missouri shall be considered eligible multifamily housing projects for purposes of participating in the multifamily housing restructuring program pursuant to title V of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65).

SECTION 236 EXCESS INCOME

SEC. 215. Section 236(g)(3)(A) of the National Housing Act is amended by striking out "2000" and inserting in lieu thereof "2001".

CDBG ELIGIBILITY

SEC. 216. Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended by adding at the end the following subparagraph:

"(F) Notwithstanding any other provision of this paragraph, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, at the option of the county, may hereafter remain classified as an urban county for purposes of this Act.".

LOW-INCOME MULTIFAMILY RISK-SHARING MORTGAGE INSURANCE PROGRAM

SEC. 217. (a) The Secretary shall carry out a mortgage insurance program through the Federal Housing Administration in conjunction with State housing finance agencies to insure multifamily mortgages for housing that qualifies under this Title. This program shall be consistent with the requirements established under section 542 of the Housing and Community Development Act of 1992, except that housing that meet the requirements of this Title shall be eligible for mortgage insurance.

(b) Housing shall qualify for insurance under this section only if the housing—

(1) has not less than 25 percent of the units assisted under this title occupied by very low-income families who pay as a contribution towards rent (not including any Federal or State rental subsidy provided on behalf of the family) not more than 20 percent of the adjusted income of a family whose income equals 50 percent of the median income for the area, as determined by the Secretary, with adjustments for the number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 50 percent of the median income for the area on the basis of the Secretary's findings that variations are necessary because of the prevailing levels of construction costs or fair market rents, or unusually high or low family incomes; and

(2) will remain affordable under the requirements provided in paragraphs (1) and (2), according to legally binding commitments satisfactory to the Secretary, for not less than 40 years, without regard to the term of the mortgage or to the transfer of ownership, or for such period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this Act, including foreclosure where the responsibility for maintaining the low-income character of the property will be the responsibility of the State housing finance agency.

(c) Not less than $50,000,000 of the funds made available under the cost of loan guarantee modifications under the heading "FHA—General and special risk program account" shall be used to support the cost of mortgages insured under this section.

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD OF PHA

SEC. 218. Public housing agencies in the State of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2001.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $26,196,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,000,000: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $95,000,000, to remain available until September 30, 2002, of which $5,000,000 shall be for grants, loans, and technical assistance to qualifying community development lenders, organizations that have experience and expertise in banking and lending in Indian country, and other appropriate organizations to benefit Native American Communities, of which up to $8,000,000 may be used for administrative expenses, up to $16,500,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,000,000: Provided further, That not more than $30,000,000 of the funds made available under this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $52,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), $433,500,000, to remain available until September 30, 2002: Provided, That not more than $29,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $75,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $207,500,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $45,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); and not more than $25,000,000 may be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations Acts, $50,000,000 shall be rescinded: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc. to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Parents as Teachers National Center, Inc. to support childhood parent education and family support activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Boys and Girls Clubs of America to establish an innovative outreach program designed to meet the special needs of youth in public and Native American housing communities.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, which shall be available for obligation through September 30, 2002.

ADMINISTRATIVE PROVISION

The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74) is amended under the heading "Corporation for National and Community Service, National and Community Service Programs Operating Expenses" in title III by reducing to $229,000,000 the amount available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (with a corresponding reduction to $40,000,000 in the amount that may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of the Act), and by increasing to $33,500,000 the amount available for quality and innovation activities authorized under subtitle H of title I of the Act, with the increase in subtitle H funds made available to provide a grant covering a period of three years to support the "P.A.V.E. the Way" project described in House Report 106–379.

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $12,445,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $15,949,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $670,000,000, which shall remain available until September 30, 2002.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,000,000,000, which shall remain available until September 30, 2002: Provided, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,094,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $23,000,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,400,000,000 (of which $100,000,000 shall not become available until September 1, 2001), to remain available until expended, consisting of $700,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $700,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended by Public Law 101–508: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That $11,000,000 of the funds appropriated under this heading shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2001: Provided further, That $38,000,000 of the funds appropriated under this heading shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2001: Provided further, That notwithstanding section 111(m) of CERCLA or any other provision of law, $75,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry (ATSDR) to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of SARA: Provided further, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A): Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2000.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,096,000, to remain available until expended.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,320,000,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $820,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $35,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $110,000,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the Senate Report (106–410) accompanying this Act (H.R. 4635); and $955,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2001 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2001 and thereafter, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That beginning in fiscal year 2001 and thereafter, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, as amended, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under Title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS

For fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

Beginning in fiscal year 2001 and thereafter, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to directly implement Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 176(c) of the Clean Air Act is amended by adding at the end the following new paragraph:

"(6) Notwithstanding paragraph 5, this subsection shall not apply with respect to an area designated nonattainment under section 107(d)(1) until one year after that area is first designated nonattainment for a specific national ambient air quality standard. This paragraph only applies with respect to the national ambient air quality standard for which an area is newly designated nonattainment and does not affect the area's requirements with respect to all other national ambient air quality standards for which the area is designated nonattainment or has been redesignated from nonattainment to attainment with a maintenance plan pursuant to section 175(A) (including any pre-existing national ambient air quality standard for a pollutant for which a new or revised standard has been issued).".

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,201,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,900,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to "Emergency management planning and assistance" for the consolidated emergency management performance grant program; and *up to $15,000,000 may be obligated for flood map modernization activities following disaster declarations.*

For an additional amount for "Disaster relief", $2,609,220,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,678,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $427,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $215,000,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,000,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $269,652,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2001, as authorized by Public Law 106–74, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $110,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $25,736,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,307,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $455,627,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations. For fiscal year 2001, flood insurance rates shall not exceed the level authorized by the National Flood Insurance Reform Act of 1994.

Section 1309(a)(2) of the National Flood Insurance Act (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking "2000" and inserting "2001".

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking "September 30, 2000" and inserting "September 30, 2001".

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000 to remain available until September 30, 2002, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,122,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 2001 in excess of $12,000,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,400,000,000, to remain available until September 30, 2002.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,837,000,000, to remain available until September 30, 2002.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $40,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,584,000,000, to remain available until September 30, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations

Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2000 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

Unless otherwise provided for in this Act or in the joint explanatory statement of the committee of conference accompanying this Act, no part of the funds appropriated for "Human space flight" may be used for the development of the International Space Station in excess of the amounts set forth in the budget estimates submitted as part of the budget request for fiscal year 2001.

Notwithstanding any other provision of law, all amounts made available for missions, programs and individual activities and research under "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act shall be funded in accordance with the terms and conditions specified in Senate Report 106–410, with any changes subject to the approval of the Committees on Appropriations pursuant to a reprogramming request by the National Aeronautics and Space Administration.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2001, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795), shall not exceed $600,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2001 shall not exceed $296,303.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,245,562,000, of which not to exceed $285,410,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2002: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $65,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crop: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $109,100,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $765,352,000, to remain available until September 30, 2002: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $10,000,000 shall be available for the Office of Innovation Partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $170,890,000: Provided, That contracts may be entered into under "Salaries and expenses" in fiscal year 2001 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,280,000, to remain available until September 30, 2002.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $80,000,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $24,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, *with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.*

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2001 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. None of the funds made available in this Act may be used to carry out Executive Order No. 13083.

SEC. 423. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted for the appropriations.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. NASA FULL COST ACCOUNTING. Title III of the National Aeronautics and Space Act of 1958, Public Law 85–568, is amended by adding the following new section at the end:

"SEC. 312. (a) Appropriations for the Administration for fiscal year 2002 and thereafter shall be made in accounts, "Human space flight", "International space station", "Science, aeronautics and technology", and an account for amounts appropriated for the necessary expenses of the Office of Inspector General. Appropriations shall remain available for two fiscal years. Each account shall include the planned full costs of the Administration's related activities.

"(b) The Administrator shall notify the Committees on Appropriations whenever any program or activity exceeds fifteen percent of the annual or total budget of such program or activity.".

DIVISION B

HOUSING NEEDS ACT OF 2000

SECTION 1. SHORT TITLE.—This Act may be cited as the "Housing Needs Act of 2000".

SEC. 2. TABLE OF CONTENTS.—The table of Contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of Contents.
Sec. 3. Findings and Purpose.
Sec. 4. Definitions.

TITLE I—PRODUCTION OF NEW HOUSING FOR LOW AND VERY LOW-INCOME FAMILIES

Sec. 101. Authority.
Sec. 102. Allocation of Resources.
Sec. 103. Affordable Housing Expansion Plan.
Sec. 104. Eligible Use of Funds.
Sec. 105. Matching Requirements.
Sec. 106. Distribution of Assistance.
Sec. 107. Eligible Affordable Housing.
Sec. 108. Tenant Selection.
Sec. 109. Prohibition on Use of Funds for Service Coordinators or Supportive Services.
Sec. 110. Penalties for Misuse of Funds.
Sec. 111. Subsidy Layering Requirements.
Sec. 112. Multifamily Risk-sharing Mortgage Insurance Program.
Sec. 113. Regulations.
Sec. 114. Sunset.

TITLE II—SECTION 8 VOUCHER SUCCESS DEMONSTRATION

Sec. 201. Authority.
Sec. 202. Eligibility.
Sec. 203. Limitation on Funding.

TITLE III—PRESERVATION OF LOW-INCOME HOUSING AND MISCELLANEOUS PROVISIONS

Sec. 301. Section 8 Project-based Flexibility.
Sec. 302. Disposition of HUD-held and HUD-owned Multifamily Projects.
Sec. 303. Family Unification Program.
Sec. 304. Permanent Extension of FHA Multifamily Mortgage Credit Demonstrations.

SEC. 3. FINDINGS AND PURPOSE.—

(a) FINDINGS.—The Congress finds that—

(1) the Nation has not made adequate progress in maintaining and expanding the inventory of affordable housing for low and very low-income families, including persons with disabilities and seniors;

(2) despite continued economic expansion, worst case housing needs have reached an all-time high of 5.4 million families, increasing by 4 percent between 1995 and 1997;

(3) the number of rental units which are affordable to extremely low-income families .has decreased by 5 percent since 1991, a loss of over 37,000 units;

(4) the Administration and the Department of Housing and Urban Development has proposed increased funding for incremental rental vouchers as the primary solution to making additional housing available for low-income and very low-income families;

(5) while section 8 vouchers represent housing choice as a matter of philosophy, in many cases families using vouchers have difficult time finding housing, especially in low vacancy market areas;

(6) in many cases, where section 8 vouchers are used, the result is de facto redlining where low-income families are relegated to the poorest and most distressed neighborhoods with limited opportunities for transportation, employment and quality schools;

(7) section 8 vouchers do not produce additional new units of affordable low-income housing since banks will not finance new construction with one year termed portable assistance;

(8) the Department of Housing and Urban Development has not provided the necessary leadership to assist in the development of needed affordable housing;

(9) a large number of States and local government have been successful in developing new tools and opportunities for the development of additional affordable housing for low-income families, including the development of affordable mixed income housing as part of State and local redevelopment strategies for distressed communities; and

(10) State housing finance agencies have the local experience and knowledge to maximize the development of additional units of affordable low-income housing and to preserve the existing stock of low-income affordable housing.

(b) The purpose of this Act is to redirect the primary responsibility for the preservation of existing affordable low-income housing and the expansion of the inventory of affordable rental housing for very low-income and low-income families from the Federal Government to State and local governments through State housing finance agencies.

SEC. 4. DEFINITIONS.—For purposes of this Act, the following definitions shall apply:

(1) The term "low-income families" shall have the same meaning as provided under section 3(b)(2) of the United States Housing Act of 1937.

(2) The term "project-based assistance" shall have the meaning given such term in section 16(c)(6) of the United States Housing Act of 1937, except that such term includes assistance under any successor programs to the programs referred to in such section.

(3) The term "public housing agency" shall have the meaning given such term in section 3(b) of the United States Housing Act of 1937.

(4) The term "Secretary" shall mean the Secretary of Housing and Urban Development.

(5) The term "section 8 assistance" or "voucher" shall have the meaning given such term in section 8(f) of the United States Housing Act of 1937.

(6) The term "State" shall mean the United States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, America Samoa, and any other territory of possession of the United States.

(7) The term "State housing finance agency" shall mean any State or local housing finance agency that has been designated by a State to administer this program.

(8) The term "very low-income families" shall have the same meaning as provided under section 3(b) of the United States Housing Act of 1937.

TITLE I—PRODUCTION OF NEW HOUSING FOR LOW AND VERY LOW-INCOME FAMILIES

SEC. 101. The Secretary of Housing and Urban Development shall make funds available to State housing finance agencies as provided under section 102 for the rehabilitation of existing low-income housing, for the development of new affordable low-income housing units, and for the preservation of existing low-income housing units that are at risk of becoming unavailable for low-income families.

SEC. 102. ALLOCATION OF RESOURCES.—

(a) IN GENERAL.—The Secretary shall allocate funds approved in appropriations Acts to State housing finance agencies to carry out this Title. Subject to the requirements of subsection (b) and as otherwise provided in this subsection, each State housing finance agency shall be eligible to receive an amount of funds equal to the proportion of the per capita population of the State in relation to the population of the United States which shall be determined on the basis of the most recent decennial census for which data are available. For each fiscal year, the Secretary shall reserve for grants to Indian tribes 1 percent of the amount appropriated under the applicable appropriations Act. The Secretary shall provide for distribution of amounts under this subsection to Indian tribes on the basis of a competition conducted pursuant to specific criteria developed after notice and public comment.

(b) MINIMUM STATE ALLOCATION.—If the allocation under subsection (a), when applied to the funds approved under this section in appropriations Acts for a fiscal year, would result in funding of less than $10,000,000 to any State housing finance agency, the allocation for such State housing finance agency shall be $10,000,000 and the increase shall be deducted pro rata from the allocation of all other State housing finance agencies.

(c) CRITERIA FOR REALLOCATION.—The Secretary shall reallocate any funds previously allocated to a State housing finance agency for any fiscal year in which the State housing finance agency fails to provide its match requirements or fails to submit an affordable housing expansion plan that is approved by the Secretary. All such funds shall be reallocated pursuant to the formula provided under subsection (a).

SEC. 103. AFFORDABLE HOUSING EXPANSION PLAN.—

(a) SUBMISSION OF AFFORDABLE HOUSING EXPANSION PLAN.—The Secretary shall allocate funds under section 102 to a State housing finance agency only if the State housing finance agency has submitted an affordable housing expansion plan, with annual updates, approved by the Secretary and designed to meet the overall very low- and low-income housing needs of both the rural and urban areas of the State in which the State housing finance agency is located. This plan shall be developed in conjunction with the housing strategies developed for the applicable States and localities under section 105 of Cranston-Gonzalez National Affordable Housing Act.

(b) CITIZEN PARTICIPATION.—Before submitting an affordable housing expansion plan to the Secretary, a State housing finance agency shall—

(1) make available to citizens of the State, public agencies and other interested parties information regarding the amount of assistance expected to be made available under this Title and the range of investment or other uses of such assistance that the State housing finance agency may undertake;

(2) publish the proposed plan in a manner that, in the determination of the Secretary, affords affected citizens, public agencies, and other interested parties a reasonable opportunity to review its contents and to submit comments on the proposed plan;

(3) hold one or more public hearings to obtain the views of citizens, public agencies, and other interested parties on the housing needs of the State; and

(4) provide citizens, public agencies, and other interested parties with reasonable access to records regarding the uses of any assistance that the State housing finance agency may have received under this Title during the preceding 5 years.

SEC. 104. ELIGIBLE USE OF FUNDS.—Funds made available under this title shall be used for—

(1) the acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing for mixed income rental housing where the assistance provided under section 102 shall be used to assist units targeted to low and very low-income families, including the elderly and persons with disabilities;

(2) the moderate and substantial rehabilitation of rental housing units that are currently assisted under State or Federal low-income housing programs;

(3) the preservation of Federal and State low-income housing units that are at risk of being no longer affordable to low-income families;

(4) the purchase and creation of land trusts to allow low- and moderate-income families an opportunity to rent homes in areas of low-vacancy;

(5) conversion of public housing to assisted living facilities for the elderly;

(6) conversion of section 202 elderly housing to assisted living facilities for the elderly;

'(7) conversion of HUD-owned or HUD-held multifamily properties upon disposition to housing for the elderly, housing for persons with disabilities and to assisted living facilities for the elderly;

(8) creation of sinking funds to maintain reserves held by State housing finance agencies to preserve the low-income character of the housing; and

(9) the creation of public/private partnerships in which corporations and nonprofits are encouraged to develop partnerships for the creation of affordable low-income housing.

SEC. 105. MATCHING REQUIREMENTS.—

(a) IN GENERAL.—Each State housing finance agency shall make contributions for activities under this title that total, throughout a fiscal year, not less than 75 percent of the funds made available under this title.

(b) ALLOWABLE AMOUNTS.—

(1) APPLICATION TO HOUSING.—A contribution shall be recognized for purposes of a match under subsection (a) only if—

(A) is made with respect to housing that qualifies as affordable housing under section 107; or

(B) is made with respect to any portion of a project for which not less than 50 percent of the units qualify as affordable housing under section 107.

(2) FORM.—A contribution may be in the form of—

(A) cash contributions from non-Federal sources, which may not include funds from a grant under section 106(b) or section 106(d) of

the Housing and Community Development Act of 1974 or from the value of low income tax credits allocated pursuant to the Internal Revenue Code;

(B) the value of taxes, fees or other charges that are normally and customarily imposed but are waived, forgone, or deferred in a manner that achieves affordability of housing assisted under this title;

(C) the value of land or other real property as appraised according to procedures acceptable to the Secretary;

(D) the value of investment in on-site and off-site infrastructure directly required for affordable housing assisted under this title;

(E) the reasonable value of any site-preparation and construction materials and any donated or voluntary labor in connection with the site-preparation for, construction or rehabilitation of affordable housing; and

(F) such other contributions to affordable housing as the Secretary considers appropriate.

(3) Administrative expenses.—Contributions for administrative expenses may not be recognized for purposes of this section.

Sec. 106. Distribution of Assistance.—Each State housing finance agency shall ensure that the development of new housing under this section is designed to meet both urban and rural needs, and prioritize funding, to the extent practicable, in conjunction with the economic redevelopment of an area.

Sec. 107. Eligible Affordable Housing.—

(a) Production of affordable housing.—In the case of new construction, housing shall qualify for assistance under this title only if the housing—

(1) has not less than 30 percent of the units assisted under this title occupied by very low-income families who pay as a contribution towards rent (not including any Federal or State rental subsidy provided on behalf of the family) not more than 20 percent of the adjusted income of a family whose income equals 50 percent of the median income for the area, as determined by the Secretary, with adjustments for the number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 50 percent of the median income for the area on the basis of the Secretary's findings that variations are necessary because of the prevailing levels of construction costs or fair market rents, or unusually high or low family incomes;

(2) except as provided under paragraph (1), requires all units assisted under this title to be occupied by households that are low-income families and who pay no more than 30 percent of 100 percent of the median income for an area; and

(3) will remain affordable under the requirements provided in paragraphs (1) and (2), according to legally binding commitments satisfactory to the Secretary, for not less than 40 years, without regard to the term of the mortgage or to the transfer of ownership, or for such period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this Act, including foreclosure where the responsibility for maintaining the low-income character of the property will be the responsibility of the State housing finance agency.

Sec. 108. Tenant Selection.—An owner of any housing assisted under this Title shall establish tenant selection procedures consistent with the affordable housing expansion plan of the State housing finance agency.

Sec. 109. Prohibition on Use of Funds for Service Coordinators or Supportive Services.—No funds under this Act may be used for service coordinators or supportive services.

Sec. 110. Penalties for Misuse of Funds.—The Secretary shall recapture any assistance awarded under this Title to the extent the assistance has been used for impermissible purposes. To the extent the Secretary identifies a pattern and practice regarding the misuse of funds awarded under this Title, the Secretary shall deny assistance to that State for up to 5 years, subject to notice and an opportunity for judicial review.

Sec. 111. Subsidy Layering Requirements.—The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 may be satisfied in connection with assistance, including a commitment to insure a mortgage, provided under this Title by a certification of a State housing finance agency to the Secretary that the combination of assistance within the jurisdiction of the Secretary and other government assistance provided in connection with a property assisted under this Title shall not be any greater than is necessary to provide affordable housing.

Sec. 112. Multifamily Risk-sharing Mortgage Insurance Program.—The Secretary shall carry out a mortgage insurance program through the Federal Housing Administration in conjunction with State housing finance agencies to insure multifamily mortgages for housing that qualifies under this Title. This program shall be consistent with the requirements established under section 542 of the Housing and Community Development Act of 1992, except that housing that meet the requirements of this Title shall be eligible for mortgage insurance.

Sec. 113. Regulations.—The Secretary shall issue notice and comment rulemaking with final regulations issued no later than 6 months after the date of enactment of this Act.

Sec. 114. Sunset.—Title I shall expire on October 1, 2001, except that all funds shall remain available until expended.

TITLE II—SECTION 8 VOUCHER SUCCESS DEMONSTRATION

Sec. 201. Authority.—The Secretary shall establish a voucher success demonstration to permit public housing agencies to increase the payment standard for section 8 vouchers for an area in excess of the payment standard established under section 8(o)(B) of the United States Housing Act of 1937 to assist in helping low-income and very low-income families obtain housing in tight rental markets. Except as otherwise provided herein, all assistance provided under this Title shall be subject to the requirements of the United States Housing Act of 1937.

Sec. 202. Eligibility.—

(a) Voucher success plan.—Not less than annually, each public housing agency that seeks to participate in the voucher success demonstration under section 201 shall submit to the Secretary a voucher success plan that—

(1) demonstrates that the market area for which the public housing agency is responsible is an area, based on housing market indicators, such as low vacancy rates or high absorption rates, where there is not adequate available and affordable housing or where families with vouchers will not be able to locate suitable units or use tenant-based assistance successfully;

(2) identifies a payment standard in excess of the payment standard established under section 8(o)(B) that will ensure that not less than 97 percent of families with vouchers will be able to obtain suitable housing in that market area within 120 days;

(3) describes actions that the public housing agency will take that will assist families with vouchers, including seniors and persons with disabilities, to identify and obtain suitable and available affordable housing that is close to transportation, employment opportunities, quality schools and appropriate services; and

(4) shall include such other information and commitments as deemed appropriate by the Secretary.

(b) Increased payment standard.—The Secretary shall approve a payment standard for a market area under this demonstration to no more than 150 percent of the payment standard established under section 8(o)(B) of the United States Housing Act of 1937. This payment standard shall be published annually in the Federal Register and adjusted annually to reflect changes in each market area.

(c) Procedures.—The Secretary shall establish requirements and procedures for the submission and review of voucher success plans, including requirements for timing and form of submission, and for the contents and approval of such plans.

(d) Regulations.—The Secretary shall issue interim regulations no later than 3 months after the date of enactment of this Act with final notice and public comment regulations issued no later than 12 months after the date of enactment of this Act.

(e) Savings clause.—A family using a voucher approved as part of a demonstration under this Title shall be eligible for an approved payment standard in excess of the payment standard established under section 8(o)(d) of the United States Housing Act of 1937 to the extent the assisted family continues to reside in the same housing in which the family was residing on the date in which the housing was determined eligible for the increased payment standard under this Title.

Sec. 203. Limitation on Funding.—Except to the extent additional incremental vouchers are provided in appropriations Acts, for purposes of this section, each public housing agency shall be limited to the section 8 funds allocated to that public housing agency as of October 1, 2000, including appropriate amounts for reserves, for purposes of implementing the voucher success plan.

TITLE III—PRESERVATION OF LOW-INCOME HOUSING AND MISCELLANEOUS PROVISIONS

Sec. 301. Section 8 Project-based Flexibility.—Section 8(o)(13) of the United States Housing Act of 1937 is amended by—

(1) in paragraph (A)(ii), striking "15 percent" and inserting in lieu thereof "25 percent"; and

(2) adding the following new paragraph (E) to the end:

"(E) The Secretary shall establish expedited procedures to allow public housing agencies to enter into housing assistance payment contracts with respect to existing structures.".

Sec. 302. Disposition of HUD-held and HUD-owned Multifamily Projects.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall maintain any rental assistance payments attached to any dwelling units under section 8 of the United States Housing Act of 1937 for all multifamily properties owned by the Secretary and multifamily properties held by the Secretary for purposes of management and disposition of such properties. To the extent, the Secretary determines that a multifamily property owned by the Secretary or held by the Secretary is not feasible for continued rental assistance payments under section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties.

Sec. 303. Family Unification Program.—Section 8(x)(2) of the United States Housing Act of 1937 is amended by—

(a) striking "any family (A) who is otherwise eligible for such assistance, and (B)" and inserting in lieu thereof: "(A) any family (i) who is otherwise eligible for such assistance, and (ii)"; and

(b) inserting before the period at the end: "(B) for a period not to exceed 18 months, youths

who have attained at least 18 years of age and not more than 21 years of age and who have left foster care at age 16 or older''.

SEC. 304. PERMANENT EXTENSION OF FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS.—Section 542 of the Housing and Community Development Act of 1992 is amended—

(1) by revising subsection (b)(5) to read as follows:

''(5) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(2) by revising subsection (c)(4) to read as follows:

''(4) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(3) in the heading, by striking ''Demonstrations'' and inserting ''Programs'';

(4) in the first sentence of subsection (a), by striking ''demonstrate the effectiveness of providing'' and inserting ''provide'';

(5) in the second sentence of subsection (a), by striking ''demonstration'';

(6) in subsection (b)(1), by striking ''determine the effectiveness of'' and inserting ''provide'';

(7) in subsection (c)(1), by striking ''test the effectiveness of'' and inserting ''provide'';

(8) by striking subsection (d); and

(9) by striking ''pilot'' and ''PILOT'' each place it appears.

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001''.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The committee substitute is agreed to. The Bond-Mikulski amendment is agreed to.

The committee amendment in the nature of a substitute was agreed to.

The amendment (No. 4306) was agreed to, as follows: (The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, as comanager, I am pleased to present to the Senate, H.R. 4635, the VA-HUD appropriations bill for fiscal year 2001, as reported from the Committee on Appropriations.

This is an unusual year. We have offered, and it has been accepted, a managers' amendment that I have offered with my distinguished colleague, Senator MIKULSKI, which will replace the Senate committee-reported text of H.R. 4635.

This compromise amendment was worked out in agreement with Senator MIKULSKI, Congressman WALSH, Congressman MOLLOHAN, and me in consultation with the administration. This is an unusual and far from perfect situation. It is not the way I would normally prefer to proceed with the passage of the VA-HUD appropriations bill. Nevertheless, we have worked hard to develop a comprehensive package that considers the concerns of all colleagues in both the House and Senate. It also met the test for approval by the administration. I strongly believe that the proposed compromise language strikes the right balance in funding the programs under the jurisdiction of the VA/HUD Appropriations Subcommittee.

The managers amendment/compromise agreement totals some $105.8 billion, including some $24.6 billion in mandatory veterans benefits. This represents some $1.1 billion over the Senate committee-reported bill and almost $1 billion less than the budget request. Outlays are funded at some $110.7 billion for fiscal year 2001, $540 million over the Senate committee-reported bill of $110.2 billion. The bill meets our current funding allocation, per the Budget Committee.

We also did our best to satisfy priorities of Senators who made special requests for such items as economic development grants, water infrastructure improvements and the like. Such requests numbered several thousand, illustrating the level of interest and demand for assistance provided in this bill.

We also attempted to address the administration's top concerns, including funding for 79,000 new housing vouchers, as well as record funding for EPA at $7.8 billion.

Before going into the details of the compromise agreement, I would like to commend my ranking members, Senator MIKULSKI, and her staff for their cooperation and support throughout this process. We would not have reached agreement as quickly, nor attained as good a result, without her active help. She is a vitally important part of this operation. I am deeply grateful for her help, guidance, and counsel.

To turn to the elements of the bill: For Veterans Affairs, the proposed compromise language to VA/HUD FY 2001 appropriations bill includes funding for VA that totals $47 billion, including $22.4 billion in discretionary spending. Veterans needs remain the highest priority for this bill, and compared to the President's request, this bill has an additional $54.7 million.

The compromise includes $20.28 billion for VA medical care, $1.4 billion more than the current level, and $351 million for research, an increase of $30 million above the budget request level for this key program which helps ensure the best quality of care to our veterans and keeps the best doctors in the VA system.

The VA/HUD fiscal year 2001 appropriations compromise also includes about $180 million more than the President's request for VA medical care by including a provision that will ensure VA will not be penalized from collecting less in new receipts authorized under the 1999 Millennium Act.

In addition, the compromise includes a new Title V, Filipino Veterans Benefits Improvements, which provides benefits to Filipino veterans who fought alongside American soldiers in World War II and who live in the United States, equal to those benefits provided to U.S. veterans of World War II. This is a long overdue remedy of inequitable treatment of Filipino veterans. We thank our colleagues on the Veterans' Affairs Committee for their agreement and assistance in including this provision.

For HUD, the VA/HUD fiscal year 2001 appropriations compromise appropriates some $30.6 billion, approximately the same as the budget request. This includes a section 8 rescission of some $1.8 billion in excess section 8 funds. This funding includes all the funding needed to renew all expiring section 8 contracts and also provides funds for 79,000 incremental vouchers, an administration priority.

The public housing capital funding is increased by $45 million above the budget request in fiscal year 2001 to $3 billion. Similarly, the public housing operating funding has been increased by $50 million above the budget request in fiscal year 2001 to $3.242 billion.

In addition, CDBG and HOME funds have been increased by $150 million each in fiscal year 2001 with CDBG at $5.057 billion and HOME at $1.8 billion, respectively. These are important block grant programs which rely on decisionmaking guided by local choice and need. I also hope these funds are used as an investment in housing production to meet the increasing affordable housing needs of low-income families. Staff work in this subcommittee has shown one of the serious problems facing us is lack of affordable housing.

In addition, the VA/HUD appropriations bill for fiscal year 2001 funds section 202 elderly housing at $779 million, the budget request, and section 811 housing for disabled persons at $217 million, $7 million over the budget request. A separate account has been created at $100 million for the renewal of expiring shelter plus care contracts.

This bill includes a number of noncontroversial HUD administrative provisions, whereas we have dropped, at the request of the Senate Banking Committee, a new housing production program for extremely low-income families and a provision that would have provided favorable treatment under FHA for municipal workers such as teachers, firemen, and police.

We also have maintained a provision that would increase the amount of section 8 assistance available to PHAs for project-based assistance from 15 percent to 20 percent with a limitation that no more than 25 percent of the units in a building can be project-based, except in the case of seniors, disabled persons and scattered site housing as well as a provision that would require HUD to maintain section 8 projected-based assistance on a HUD-held or HUD-owned multifamily housing projects where the project is elderly or disabled housing unless that housing is not viable. These are important provisions that focus on local decision-making and local housing needs.

For EPA, the VA/HUD fiscal year 2001 appropriations compromise includes a record $7.8 billion for EPA, plus an additional $138 million for the Agency for Toxic Substances and Disease Registry, and the National Institute of Environmental Health Sciences which traditionally have been funded under EPA's appropriation and are funded separately in this bill. Thus, compared to the budget request, the compromise will provide an additional $686 million more than the President and about $400 million more than fiscal year 2000.

Additional funds of $550 million above the budget request have been provided for clean water state revolving funds as well as additional funds of $12 million for section 106 water quality grants—$57 million above the fiscal year 2000 level to help states meet future total maximum daily load requirements.

Compared to last year, the compromise increases operating programs by $246 million including an additional $20 million for the climate change technology initiative voluntary programs and protection of all core programs.

The compromise does not fund new, unauthorized programs such as clean air partnerships or Great Lakes grants which would detract from EPA core responsibilities.

With respect to legislative issues, the compromise bill includes the fiscal year 1999 bill with report language relative to the Kyoto Protocol. The proposed report would provide up to an additional 6 months for finalizing the arsenic-in-drinking water rule, and the bill modifies the so-called Collins-Linder provision on ozone nonattainment designations which would allow EPA to make designations once the Supreme Court decides this case but not later than June 2001.

These so-called EPA riders are primarily report language which we believe are fair and reasonable compromises on issues where there are broad questions and we need to bring some resolution. While everyone may not agree with these decisions, we have worked hard to balance the decisions associated with this account to the overall benefit of EPA policy and funding needs in consultation with and agreement with the administration.

For FEMA, the Federal Emergency Management Agency, the VA-HUD appropriations bill for 2001 appropriates a total of $936.8 million for FEMA and includes an additional $1.3 billion in disaster relief contingency funds. With the disaster relief funds provided here, coupled with contingency funds already on hand, funding will be sufficient to meet fiscal year 2001 disaster relief operations.

Most notable in FEMA funding is the addition of $30 million above the Senate- or House-appropriated levels for emergency food and shelter, for a total of $140 million. This popular program results in temporary housing and food assistance to thousands of needy individuals with very little overhead costs.

For the National Aeronautics and Space Administration, the VA-HUD appropriations compromise funds NASA at $14.285 billion instead of $14.035 billion, for an increase of $250 million. This account includes $5.46 billion for human space flight, which is $37 million below the administration request for fiscal year 2001. This reduction reflects a NASA request for a reduction in this account in order to provide full funding for the Mars 2003 lander program.

The funding includes $6.19 billion in fiscal year 2001 for science, aeronautics, and technology, instead of $5.93 billion as requested by the administration, an increase of $261 million above the budget request. Included in this is $20 million for Living with a Star and $290 million for the space launch initiative, including $40 million for alternative access to the space station initiative. In addition, mission support is funded for fiscal year 2001 at $2.6 billion, instead of $2.58 billion, an increase of $24.7 million over the budget request.

For the National Science Foundation—and this is a very important area for the ranking member and me—the VA-HUD compromise funds NSF at $4.43 billion, a $529 million increase over the fiscal year 2000 enacted level and $146 million below the President's request. Funding highlights include $215 million for information technology research, $150 million for nanotechnology, and $65 million for plant genome research. Lastly, to assist smaller research institutions, $75 million was included for EPSCoR, a $20 million increase over last year's level, and $10 million for the Office of Innovation Partnerships.

We believe very strongly the scientific exploration in space needs to be spread broadly throughout the land to ensure we achieve inclusion of knowledgeable and dedicated scientists at institutions which may not traditionally have received funding in the past.

I consider NSF a priority account that needs additional funding in order to pace U.S. leadership in science and technology. Senator MIKULSKI and I have heard from leading scientists in this country who say that we are falling behind because we are not providing enough funding for the National Science Foundation. Medical doctors who depend directly upon the research work done at the National Institutes of Health have come to us and said that we must bring NSF funding up to NIH funding because so many of the health breakthroughs on which NIH is working depend upon the support the National Science Foundation provides.

Senator MIKULSKI and I have launched an effort to double the NSF budget. We have circulated a letter and have a significant number of colleagues who have joined with us. We will be back. We will be asking the full Senate to recognize a priority in the National Science Foundation and help get us on that path for the next year.

Finally, for the National Service Corporation, the VA-HUD fiscal year 2001 appropriations compromise appropriates $458 million, a $25 million increase over last year's level and $75 million below the budget request. Further, $30 million will be rescinded from excess funds in the National Service Trust.

The compromise also funds the Community Development Financial Institutions Fund at $118 million, a $23 million increase over last year's level and $7 million below the request.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I begin by thanking my colleague, Senator BOND, as well as our colleagues Senator BYRD and Senator STEVENS, for enabling us to move our bill forward. I particularly express my appreciation to Senator BOND for his collegial and civil way of including me in all discussions related to both the funding and policy that we developed in this bill. His courtesy and collegiality are very much appreciated.

I believe today the bill we present takes care of national needs and national interests. I am also confident that it will be signed by President Bill Clinton because it takes care of the day-to-day needs of the American people and at the same time looks forward to helping with the long-range needs of our country to remain competitive and on the cutting edge of science.

This bill has always been to me about five things: meeting our obligations to our veterans—promises made, promises kept; investing in our neighborhoods and our communities promoting self-help; creating real opportunities for people to move from welfare to work, to make sure that public housing is not a way of life but a way to a better life; and, of course, advancing science and technology, the new ideas that lead to the new jobs and the new products. It is also about protecting consumers from fraud and scams and communities from floods and disasters.

I believe we meet the goals in this bill, and we have done it in a fiscally prudent way. While I support the bill, the process has left much to be desired; again no fault of Chairman BOND but really the Senate has placed us in a very awkward situation.

The bill before the Senate today is a managers' substitute for the Senate bill. This is effectively our conference report. We did not have a conference report, though we met. We had kind of a chatroom where we would meet and try to iron out our differences. We did. It also involved OMB and the White House for consultation. We wanted to be sure both sides of the aisle would support the bill. We also wanted to be sure that the President would sign the bill. I believe we achieved this.

I say to my colleagues, it will be absolutely crucial, in order to move this bill with this unique parliamentary situation, to have no amendments to this legislation. My colleague from California, Senator BOXER, will offer two amendments. I am going to oppose them. I am going to oppose them both on procedural and substantive grounds. On procedure, if the Boxer amendments prevail, we will have enormous difficulty reconvening and working with the House to pass this bill. I just put that out.

Though we had an unofficial conference, I do believe we were able to move forward. Senator BOND has outlined in detail what we were able to do financially. I am so glad we worked together on a bipartisan basis, particularly in the area of veterans health care, joining hands, scrutinizing the budget and then the appropriations to make sure that veterans health care will be funded $1.4 billion over last year's level.

We also want to look ahead to be sure, while we are taking care of the men and women who bear the permanent wounds of war, we do the medical research, to find the cures for those things affecting our veterans population. This legislation provides $350 million for medical and prosthetic research, $30 million over last year. I have seen the work at my own University of Maryland and know that people will live longer, live better, and recover more quickly because of the funding for veterans health care research which also goes into the civilian population.

Also, we have added more money, $100 million, for State veterans homes. This is to provide long-term care and rehabilitation, which is very crucial. It means the Federal Government does not bear the sole burden, the State governments do not bear the sole burden, and, most of all, our veterans do not bear the sole burden. This unique Federal-State partnership will meet the long term and rehab needs of our veterans.

In addition, we have paid attention to the day-to-day needs of our constituents in Housing and Urban Development.

We want to make sure the people of the United States of America, who are out there working every day but who are also part of the working poor, have help with housing. We have been able to create 79,000 new vouchers to help working families find affordable housing. Unfortunately, we do not have enough housing to meet their needs.

Senator BOND led a very vigorous effort, which I supported, as did the authorizers on my side, to start a production program. We were derailed from that, but we did not want to be detoured from the bill, so we put that aside for another year. But we really call out to our authorizers, please, pass a production bill that will generate jobs in construction and meet the needs of our citizens.

Where I think we also worked very closely together is in helping the elderly and disabled. We have provided $780 million for housing for the elderly. It is more than last year. It also helps with assisted living and service coordinators to be able to help people keep as independent as long as they can, and to even develop new models of care.

At the same time, we looked out for those who are disabled and the special AIDS population. But we wanted to also remember not only the "H," which is housing, we wanted the part called urban development. But we also know so many of our constituents live in rural areas. So we looked to see how we could increase the ability for local decisionmaking. That is why we funded community development block grant money and a program called HOME at much more than last year, because it goes right to cities, communities, and neighborhoods. Whether you are in a small rural town in Missouri or a big city such as Baltimore, community development block grant money and HOME will be of great help to you.

But we are about promoting self-help. That is why we continued to stay the course in providing funds for empowerment zones, again recognizing rural needs and also promoting home ownership. That is why we help the homeowners by extending the FHA downpayment simplification program for another 25 months. So we looked at how we could create opportunities at the local level.

Another area where we have strong bipartisan support within the committee and by its chairman and ranking member is to make sure that America continues to lead the way in science and technology. Therefore, I am so pleased that we are funding the National Space Agency at $14.3 billion, $250 million above the President's request. Quite frankly, I think NASA needs a lot more because they have been severely cut over the years, but fiscal prudence won. At the same time, we wanted to make sure that we were fiscally prudent, that our shuttle will be safe, our space station will be ready, and that we will move ahead on a vigorous space science program, such as the Living With A Star Program that will be done at Goddard Space Flight Center in my own community.

The National Science Foundation is also a very important, crucial program. The national science program, as Senator BOND has said, really does promote the basic research that goes into our country. It has been a star. It has been almost flat-lined for several years while we tried to balance the budget. This is why this year they will receive a $520 million increase over last year's enacted level.

One of the areas which we will be also advocating is a field called nanotechnology. You have heard of a nanosecond. It is because it is small. But let me tell you, the nanotechnology is the next generation past this infotechnology. You have seen the biotech revolution and the infotech revolution, but wait until the nanotech research gets underway. We are going to have new products, new materials. We are going to be able to have a supercomputer the size of my ring.

We will be able to take little pills, that will literally have diagnostic equipment, that will be able to go through our bodies, giving immediate responses to our physicians. This is going to be extraordinary. I am so pleased to be part of what we are doing.

At the same time, we want to call forth young people to continue the call for service. That is why I am so pleased we continued to stay the course on national service, with a modest increase.

One of the things we have done in national service is add something called E-Corps. As many of my colleagues know, I have been a strong proponent to make sure we do not have a digital divide in this country, meaning that young people have access to technology and access to know how to use technology. What we are creating in this legislation is having E-Corps volunteers to train and mentor not only the children but community leaders and librarians and others who will be teaching our children.

Last, but not at all least, we joined hands to protect the environment. We have increased funds for the environment, whether it is the clean water revolving fund, small watershed programs to restore rivers and streams, or having full funding of the Chesapeake Bay program. I believe the environment will be stronger and better protected by the resources that we have put in this bill.

Now, yes, there are riders. I don't go for riders. None of us go for riders. But we were in a very difficult situation with the bill. We took the language that was being proposed by the House, working with the office of OMB—the President's own—and the Council on Environmental Quality that advises the President on the environment. They were in the room to help us really identify the appropriate language that could meet the policy objectives of those who advocated it without shackling EPA or hurting communities.

I will say more about that during the debate. But I will tell you, regardless of how you feel about the riders, they were acceptable to the President's Council on Environmental Quality.

To be more specific, Mr. President, I am especially pleased that we were able to provide a significant increase in funding for veterans health care. We met the President's request of $20.2 billion and are $1.4 billion above last year's level. This will help us ensure that promises made to our veterans are promises kept, and that our veterans get the health care to which they are entitled.

We were also able to provide $351 million for medical and prosthetic research. This is $30 million above the budget request and last year's level.

The VA plays a major role in medical research for the special needs of our veterans, such as: geriatrics, Alzheimers, Parkinson's, and orthopedic research. Our veterans are not the only ones who benefit from this research—our entire nation does, especially as America's population continues to age.

We are also providing $100 million in funding for state veterans homes. This is $40 million above the budget request and $10 million above last year's level. The state homes serve as long-term care and rehabilitation facilities for our veterans.

We were also able to provide over $1.6 billion for the Veterans Benefits Administration, which will help them administer benefits to our veterans more quickly.

I am also very pleased that we were able to include a new title in our bill that will provide benefits to Filipino veterans who fought alongside Americans in World War II and who live in the United States.

Finally, our Filipino-American veterans will receive equal benefits for equal valor.

We were able to take care of America's working families in this bill as well, by funding housing programs that millions of Americans depend upon.

Our bill provides almost $13 billion to review all expiring section 8 housing vouchers. And we have included $453 million in funding to issue 79,000 new vouchers, to help working families find affordable housing. This is 19,000 more than we were able to fund last year.

We included provisions to make it easier for public housing authorities to provide more project-based assistance to increase the stock of affordable housing, instead of just vouchers.

As many of my colleagues were aware, a production bill was under serious consideration during the conference. It was a modified version of Senator BOND's housing production bill that was included in the original Senate bill. Unfortunately, we were forced to drop this provision due to objections from the authorizing committee, but I hope we will re-visit the issue next year. We were also able to maintain level funding for other critical core HUD programs.

We provided $779 million for housing for the elderly, which meets the President's request and is $69 million more than last year. This includes funds for assisted living and service coordinators. We also provided $217 million in funding for housing for disabled Americans, which is $7 million above the President's request and $23 million over last year's level.

Homeless assistance grants received a $5 million increase and are funded at $1.025 billion.

We were able to provide both the Community Development Block Grant Program and the HOME Program with $150 million increases. CDBG is funded at more than $5 billion, and HOME is funded at $1.8 billion. The CDBG Program is one of the most important programs for rebuilding our cities and neighborhoods.

We also provided increased funding to help our neighborhoods and communities through the HOPE VI Program, which helps demolish and then revitalize distressed public housing sites. This year, we provided $575 million for HOPE VI, the same as last year's level.

I am pleased that we were able to provide funding for other programs that help America's communities. We increased funding for empowerment zones by providing $90 million in this bill and increased funding for CDFI—Community Development Financial Institutions Fund.

Funding for empowerment zones will help designated areas with economic development and social services. Community involvement in the empowerment zone initiative will prove especially beneficial.

We also help homeowners by extending the FHA downpayment simplification program for 25 months.

As I said, I am extremely pleased that our bill fully funds NASA at $14.3 billion, an increase of $250 million. This funding exceeds the President's request for NASA. All of NASA's core programs are fully funded and all of our centers are fully funded, including the Goddard Space Flight Center in my home State of Maryland.

The VA–HUD bill includes $1.5 billion for Earth science, more than $2.5 billion for space science, including funding for the Mars polar lander, and $20 million to start an exciting new program called "Living With A Star," which will study the relationship between the sun and the Earth and its impact on our environment and our climate. It will help us predict and protect against solar storms that can disrupt our energy and communications systems.

I am especially proud that this program will be headquartered at the Goddard Space Flight Center.

NASA science programs are critical not just for science, but for technology. With NASA technology, we can create new jobs and literally save lives, while developing a greater understanding of how our universe works.

I fought hard to make sure that this funding was included in this manager's amendment.

And, of course, in the area of human space flight, we fully fund the space shuttle upgrades, space station construction, and fully fund the new "Space Launch Initiative" to find new, low-cost launch vehicles that will reduce the cost of getting to space.

The VA–HUD manager's amendment also increases funding for the Corporation for National Service.

The House bill cut funding for the Corporation for National Service, but I made it a priority to restore it in the Senate bill and in conference.

The corporation is funded at $458 million, a $25 million increase over last year's level.

The Corporation for National Service has enrolled over 100,000 members and participants across the country, in a wide array of community service programs, including: AmeriCorps, a national service program that helps communities, learn and serve America, which supports service-learning programs across the country by providing funding and training, and the National Senior Service Corps, which helps seniors get involved in their communities.

As many of my colleagues know, I have been very concerned about the digital divide in this country.

I introduced legislation called the Digital Empowerment Act to provide a one-stop shop and increased funds to local communities trying to cross the digital divide.

I am pleased that this bill contains $25 million within the national service budget to create an "E-Corps" of volunteers who will bring technology skills to people who have been left out or left behind in the digital economy, by training and mentoring children, teachers, and non-profit and community center staff on how to use computers and information technology.

With regard to the EPA, our bill provides $7.8 billion in funding, plus an additional $138 million for the Agency for Toxic Substances and Disease Registry, ATSDR, and the National Institute of Environmental Health Sciences, NIEHS.

All together, this is an increase of $400 million over last year's level, and $686 million more than the President's request.

We increased funding by $246 million for EPA's core environmental programs, including a $38 million increase for nonpoint source pollution control grants, and a $20 million increase for the climate change technology initiative.

We also provided an additional $550 million for the clean water state revolving fund. Taking care of the infrastructure needs of local communities has always been a priority for the VA-HUD Subcommittee.

We have fully funded the Chesapeake Bay, Great Lakes, and Long Island Sound Programs, and provided $1.25 million for the Chesapeake by small watershed grants program, a $500,000 increase over last year's level, that will help our small communities around the Bay watershed prevent runoff and pollution.

Legislatively, the bill includes the FY 1999 bill and report language regarding the Kyoto Protocol, provides up to an additional 6 months for finalizing the arsenic-in-drinking-water rule, and includes a weaker version of the Collins-Linder provision on ozone.

There is no language on the diesel sulfur rule. However modified report language has been included regarding dredging and invasive remediation.

I am a strong supporter of FEMA, and am proud that we have provided $937 million in funding for FEMA, plus an additional $1.3 billion in emergency disaster relief funding.

The National Science Foundation is funded at $4.43 billion, a $529 million increase over last year's enacted level, and one of the largest increases in NSF's history.

This funding level will keep America at the forefront of science and technology into the next century in infotech and bio-tech, and is an important step towards holding onto America's science and technology base.

This is a downpayment toward our goal of doubling the NSF budget over the next five years.

I am especially pleased that we were able to provide $150 million for the new nanotechnology initiative. We were also able to provide $215 million for information technology, and well-deserved increases for several of NSF's education and human resources accounts. These include a $10 million increase over the budget request for informal science education, nearly $20 million for graduate fellowships in K–12 education, and over $55 million for graduate research fellowships.

Mr. President, I once again appreciate the cooperation of my colleagues throughout this process. While I regret that this year's process was highly irregular, I am pleased that we worked together to bring a conference agreement to the Senate floor. I believe this year's VA/HUD bill is good for our country, our veterans, and our communities.

Mr. President, before I conclude my statement, I really want to thank Senator BOND and his staff, Jon Kamarck, Cheh Kim, and Carolyn Apostolou, for all the work they did, and also my own staff, Paul Carliner, Sean Smith, and Alexa Mitrakos, for helping us really move this bill, and, most of all, to move America forward.

Mr. President, I yield the floor.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4307

Ms. MIKULSKI. Mr. President, on behalf of the Democratic leader, I call up amendment No. 4307 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. DASCHLE, proposes an amendment numbered 4307.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. MIKULSKI. Mr. President, I yield back all time on the amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I heard the number, but what is the bill? What does it do?

The PRESIDING OFFICER. It is the language of S. 2900 as reported.

Mr. BYRD. Is this the language of the Senate, of the bill that was reported from the committee?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. So it is the Senate-reported bill and carries the Senate title?

The PRESIDING OFFICER. It is the language, but it doesn't carry the title.

Mr. BYRD. It carries the Senate number.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Ms. MIKULSKI. Mr. President, if the Senator will withhold, I just asked unanimous consent that this amendment be called up and yielded back time.

The PRESIDING OFFICER. The Senator is correct. The Senator from Arizona does have the time. He also has time on the bill.

Ms. MIKULSKI. I know the Senator has time.

Mr. MCCAIN. I am glad to yield to the Senator from Maryland until she completes this business.

Ms. MIKULSKI. I thank the Senator from Arizona.

Does Senator BYRD intend to speak?

Mr. BYRD. Mr. President, I do not intend to take the time of the Senate at this point.

I thank the distinguished Senator from Arizona.

Ms. MIKULSKI. I thank the Senator from Arizona.

Mr. President, I urge that the amendment be adopted.

The PRESIDING OFFICER. Does the Senator from Arizona wish to speak before the amendment is adopted?

Mr. MCCAIN. Since the Senator from Maryland had already embarked on this parliamentary movement, I will yield until that is completed and then speak after that.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4307.

The amendment (No. 4307) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment.

Mr. BYRD. Mr. President, I ask for a division.

The PRESIDING OFFICER. The Senator from West Virginia asks for a division. As many as are in favor of the amendment will rise and remain standing until they are counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, the amendment was rejected.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I yield to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank both Senator BOND and Senator MIKULSKI for their hard work on this important legislation which provides federal funding for the Departments of Veterans Affairs (VA) and Housing and Urban Development (HUD), and Independent Agencies. Once again, though, I find myself in the unpleasant position of commenting on the process of bringing these spending bills to the Senate floor and on the spending items that have not been appropriately reviewed.

This task is even more necessary for this bill because of the truly unique process by which it arrived on the Senate floor—a process that increasingly empowers appropriators while disenfranchising many of my colleagues.

Let me comment on the process that has brought us to the point in time where we are about to vote on final passage of this bill. First, let me explain how the appropriations process is supposed to work. In the normal process of passing appropriations bills, an appropriations bill is first passed in the House of Representatives, then the Senate passes its own version. A conference committee is formed to iron out the differences between the two different bills, resulting in a conference report. Then the conference report is passed by both the House and the Senate, and sent to the President for his signature in order to become law. That sounds fairly straightforward.

In the case of this bill, we have decided to substitute the normal process of considering appropriations bills for a highly questionable approach to passing legislation.

The process we have decided to undertake avoids substantive debate on the merits of this bill and to the larger question of whether we are spending taxpayers' hard-earned money wisely and responsibly. Just because it is late in the game does not give us the right to avoid the normal process of appropriations. The Senate is being asked to pass the bill despite the fact that there was only one copy made available to each side and many Senators did not have adequate time to review its contents. How can we make sound policy and budget decisions with this type of budget steam-rolling?

Let me be clear about what is occurring today. This VA-HUD bill that we are voting on is a so-called "composite compromise," cloaking the reality that we would normally be calling a VA-HUD conference report. The Appropriations leadership intends to take up the House-passed version of this year's VA-HUD Appropriations bill, substitute a Senate managers' amendment written by the House and Senate Appropriations Committees which for all practical purposes is a conference agreement—a conference agreement, not open to public inspection, not done through the normal legislative process, such as appointing conferees or allowing full disclosure of the issues being discussed. This process will allow the Appropriators to simply insert a "Committee Statement" into the record outlining certain questionable spending priorities that will ultimately be paid for by the American taxpayer. This "composite compromise" will then go to the House so that they can quickly pass the amended bill and then send it to the President for his signature.

Is that the way to pass legislation? As legislators, we have been entrusted by the American taxpayers to represent the fiscal interests of them and their nation. The American taxpayer is counting on us to use their hard-earned money wisely and here we are, manipulating the budget process so that we can say we did something and go back home to campaign.

Unfortunately, Mr. President, the budget process games began long before this bill.

When the conference report on Legislative Branch Appropriations bill first came to the floor for debate and a vote last month, the appropriators decided to insert the Treasury and General Government appropriations bill into it. Rather than having the Treasury and General Government Appropriations bill considered separately as it is usually done, to be debated on its own merits, the appropriators' actions decided to circumvent the normal budget process. This so-called "minibus" was soundly defeated and rightly so.

When the conference report on the Transportation Appropriations bill was brought to the Senate floor for a vote, the appropriators did not even provide a copy of the report for others to read and examine before voting on the nearly $60 billion bill. The transportation bill itself was only two pages long with the barest of detail—with actual text of the report to come later.

And yet, the appropriators were expecting Senators to vote yes on legislation that could not even be read, deciphered, and debated intelligently? How is this type of action accountable to all the hard-working Americans who demand that all their tax dollars are wisely spent? I worry that these budget games we play serve to reinforce their cynicism about politics.

Mr. President, the budget process can be summed up simply: no debate, no deliberation, and very few votes. Mr. President, this is no way to run the United States Senate.

To date, only two of the thirteen appropriations bills have become law. Of those remaining, three bills—Labor, HHS, Education, VA-HUD, and Treasury-Postal—were never brought to the Senate floor for debate as part of a deliberate strategy to prevent votes on any controversial amendments that my colleagues may have offered. Extraordinary measures are being employed to drive these spending bills through Congress. The only winners in such an arrangement are the appropriators. The rest of us, including our constituents, are, for all intents and purposes, shut-out of the process.

Mr. President, by adopting this budget strategy, we do a disservice to our constituents by not squarely facing tough issues, whether it's school choice, gun control, campaign finance, minimum wage, gambling, or HMO reform, and engaging in debate—even in the heat of an election season where both sides of the aisle are maneuvering for maximum political advantage. These are important issues. They deserve to be debated and each deserves an up or down vote.

Moreover, we have an obligation to ensure that Congress spends the taxpayer's hard-earned dollars prudently to protect the projected budget surpluses. The American public cannot understand why we engage in a process that continues to spend huge amounts of money without adequately balancing this spending against our nation's most urgent present and future needs. Spending from this budget process has been on automatic pilot. We have already exceeded the budget caps by over $30 billion, consuming, so far, about one-third of the on-budget surplus for FY2001—and we have yet to pass all of the appropriations bills. This byzantine budget process precludes serious discussion about how our projected budget surpluses should be devoted to national priorities such as saving Social Security, providing much needed tax relief, paying down the national debt, or addressing other major priorities.

But more is lost beyond the throttling of debate, the profligate spending of taxpayers' dollars, and the broken budget process.

Since 1960, the percentage of voters participating in the general presidential election has dropped nearly 15 percent, reaching below the 50 percent mark four years ago. Today, voter apathy, especially among the youth of America, is widespread. Even more disheartening is the fact that too many Americans, when asked to rank the people in the different fields from highest regard to lowest, consistently rank our profession near the bottom. Poll after poll continues to show an undercurrent of cynicism toward our governmental institution. As I previously mentioned, budget games like the one we have witnessed in the last few weeks contribute to this cynicism.

We can still seize the reform mantle and learn from this budget morass when the doors of the new Congress open in January. We need new reforms in the way we address the budget process. Perhaps we should even consider the radical step of abolishing the Appropriations Committees. Too many programs are without authorization. We also should study whether the authorizers should also be the appropriators, to build more accountability into the process.

There are many other reforms we should consider next Congress if we are to spare Congress' reputation from further damage and begin to repair the people's respect for this Government.

The Washington Post yesterday had an article by Dan Morgan, "As Last Bills Leave Station, Lobbyists Grab Tickets."

> With only a handful of bills remaining to be signed into law before Congress adjourns, well tailored business lobbyists for elite corporations have descended on Capitol Hill to plead for dozens of special provisions in a Washington ritual with billions of dollars at stake.

Mr. President, on October 6, the Senate passed the conference report on the bill H.R. 4475, which funds the Department of Transportation and related agencies. At the time, I included for the RECORD a list of examples of pork barrel spending contained in the Transportation conference report. But because the list of pork barrel was so long and so extensive I was unable to publish the full list in the CONGRESSIONAL RECORD. For those who wish to view the list in its entirety, please visit my website: http://mccain.senate.gov and click the "pork barreling" logo at the bottom.

We are also legislating on these appropriations bills. Huge and vital interests are being legislated in smoke-filled rooms in the darkest corners of this Capitol. These lobbyists are out there and they are doing damage to the national interest by getting their special interests represented in appropriations bills which have never been debated or discussed on the floor of either House.

That is wrong, Mr. President. Nobody knows how much overspending there will be. Some say as much as $45 or $60 billion.

There is an article today, I believe in the USA Today, that shows we are spending the surplus. We are all talking about how we will use the surplus. Yet we are spending it now. We are spending the surplus. We are putting into law entitlement programs that will spend even more.

There are some very interesting CBO studies and others by outside watchdog organizations that indicate this much ballyhooed and very optimistic view of our budget surplus is being eroded as we speak by this appropriations process.

I urge my colleagues to look at these bills, to look at the spending in it, to look at the legislation that is going on. We are abrogating our responsibilities to the taxpayers by voting on bills that we have neither seen nor read.

I hope we can make some sense out of this. The train wreck that is about to occur is the worst that I have seen in all the years I have been in the Congress. I don't think it helps us in the eyes of the American citizens, to say the least.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, with respect to this bill, it is a very frustrating exercise, as Senator McCAIN said. One of the problems is we have a practice around here of combining bills in such a way that while you want to vote for part of it, you want to oppose the other part. It makes it very difficult to make your decision about whether you will vote yes or no.

I wrote to the Appropriations Committee chairman when I first came to the Senate and asked to "de-attach" some of the bills. The bill before the Senate is the VA-HUD bill. Everybody wants to vote for the veterans programs, and because of the way those programs are structured this year, I support those programs. I want to be able to vote for those programs.

As usual, when it is combined with the runaway spending in the HUD part of the bill, it makes it impossible to do so. It is exacerbated this year as a result of the tactics of the minority. We have not been able to bring bills to the floor, and we have not been able to send them to the President. The result is we have had to combine a bunch of bills at the end of the session, and we find we have to combine the energy and water appropriations bill with the VA-HUD appropriations bill.

The problem, as bad as it is in the first instance, is exacerbated. I voted for the energy and water appropriations bill. While there are programs in that bill that I don't support overall, it was an important and good bill. I supported what Senator DOMENICI was trying to do in that legislation, by and large, so I voted for it.

The question is what to do now in a bill, the VA-HUD bill, which is increasing at a huge rate, and which now has the energy and water bill attached to it. I can't pick and choose. I can't take the veterans part out and say I support that, but I don't support the rest of it. I can't take the energy and water part out and say, I support it but I don't support the rest of it. It is not a good way to legislate, as Senator McCAIN said.

I point out, there are good things in the bill. Veterans health care is increased by 6.5 percent, from $19 billion to $20.3 billion. The account for prosthetic and medical research, a relatively small account but very important, will receive a modest increase. There are some important projects in the NASA account that will receive necessary funding. I support that part of the bill.

How can I support a bill which has exploded funding in the HUD part of it? The VA part of this bill increases spending by 7 percent. Now, that is an important and significant increase. But the social programs under the HUD part of this bill have increased by 18 percent.

I have heard it said when we add up all the spending bills this year, it will be more than any other year in modern history, including the Great Society. We are increasing these social programs in the HUD part of the bill by 18 percent. The earmarking has exploded. We have not seen the final list, but we know it is up to at least $292 million, up from $123 million in the committee-passed bill, and $240 million from last year. That is too much. We have funding in here for everything from renovating theaters to restoring carousels. This is not something the Federal Government needs to be doing.

Finally, there is language in the Senate report that suggests that some of my colleagues are wavering from a commitment that has been made by the Senate and the House to ensure that the allocation of veterans health care funds reflects the reality of where veterans live.

Four years ago, under the leadership of Senator McCAIN, Congress implemented the Veterans Equitable Resource Allocation System. This was done at the request of the Veterans' Administration. Up until then, the formula that VA used did not take into account shifts in population that are relevant in assessing where resources are needed. In particular, we found in Arizona a lot of so-called snow birds, those great folks who live in the cold States and come down to visit Arizona in the wintertime because it is warmer in Arizona. We didn't have the facilities to take care of all of those people because the dollars associated with their care were allocated to the Northeast primarily, or to the North.

The Senate, therefore, voted overwhelmingly to implement this new system that let the dollars follow the patients, so to speak. That vote was 79–18. Yet some who benefited from the earlier faulty formula complained, and as a result we find language in here that will require a study. The money for this study is going to have to come from the health care that otherwise would be provided to veterans.

I don't believe the way the language in the report is written the investigators are going to have a fair approach to this because of the one-sided list of items they are to explore.

I want to be able to support the veterans part of this bill. I want to support the energy and water component of this legislation, but it will be very difficult considering the explosive growth in the HUD part of the bill.

I commend the chairman of the committee, Senator BOND, and Senator MIKULSKI. They have an impossible task. Everybody comes to them with requests. The bottom line is we have to draw the line at some point. It seems to me this is the point at which the American taxpayers deserve to be represented.

The PRESIDING OFFICER. The Senator from California is recognized to offer an amendment.

Mrs. BOXER. Mr. President, I ask unanimous consent I be allowed 2 minutes of additional time to talk about the situation in the Middle East.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank Senators MIKULSKI and BOND for their graciousness. I know they are anxious to move their bill forward. I also thank them and Senator DASCHLE and Senator LOTT for receiving an agreement with me, whereby I could offer these very important amendments to this appropriations bill.

(The remarks of Mrs. BOXER are located in today's RECORD under "Morning Business.")

AMENDMENT NO. 4308

Mrs. BOXER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mrs. BOXER), for herself and Mr. BAUCUS, proposes an amendment numbered 4308.

(Purpose: To strike the riders that delay the Environmental Protection Agency's new standard on arsenic in drinking water and that prohibit the designation of nonattainment areas under the Clear Air Act)

On page 103, strike the first three lines.

On page 138, strike section 427.

Mr. BOND. Mr. President, may I ask if we can have a copy of the amendment?

Mrs. BOXER. Certainly. I say to my friend that it is a very simple amendment. It strikes two riders. We will send it over to the Senator at this time. It doesn't have any language. It simply strikes two of the riders.

Mr. President, will you please tell me when I have 5 minutes remaining of my time?

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair.

Mr. President, my amendment strikes two egregious anti-environment riders that have been attached to this appropriations bill. These riders are opposed by 21 environmental groups.

There is a letter on everyone's desk from the League of Conservation Voters. They consider this to be extremely important.

We also have another letter that came in this morning signed by the most respected environmental groups in the country supporting both of my amendments.

We will try to put these on the desks. I will go through the groups in a moment.

Twenty-one environmental groups oppose these riders. They say they believe these riders would "jeopardize public health or the environment."

The first rider deals with arsenic in drinking water. Let me take a moment to explain why I think this rider should be stricken. In the Safe Drinking Water Act Amendment of 1996, which the Senate approved unanimously, we told the EPA to update its drinking water standard for arsenic by January 1, 2001. We included this provision in the law because we learned from public health experts that the current standard for arsenic is severely dangerous and outdated. The standard was set in 1975, but it was based on public health data from 1942.

What do scientists and health experts say about the dangers of arsenic? According to a National Academy of Sciences report, arsenic in water is known to cause cancer of the lungs, skin, and bladder. The National Academy of Sciences study and other studies also found that arsenic in drinking water may cause kidney and liver cancer. Arsenic is also known to cause other severe problems, including toxicity to the central and peripheral nervous system, hypertension, cardiovascular disease, skin lesions, and could cause birth defects and reproductive problems.

Here is the national shocker. The National Academy of Sciences estimates that 1 in every 100 people who drink water containing arsenic at the current standard may well develop cancer caused by arsenic. This is a cancer risk that is 10,000 times higher than the cancer risk EPA allows in food.

The National Resources Defense Council analyzed EPA's base data, and they looked at 25 States serving approximately 100 million Americans. They found that approximately half of those Americans are drinking water with arsenic levels that could cause 1 in 100 of them to develop cancer.

The arsenic levels in those systems meet the EPA's outdated 50 parts per billion standard. As the NAS has said, the outdated standard "does not achieve EPA's goal for public health protection and requires revision as promptly as possible."

Let me repeat that. This is science. They base these rules on science. The sciences say set the standard at a lower level as soon as possible.

In this rider we push the date back. It is a delay. I think it is a dangerous delay.

The EPA has been working on this new standard for a long time. They have held numerous public hearings. Actually, they have been working on updating the standard since the early 1980s.

It is time to do this. The EPA was told by Congress to move forward by January 1, and now this rider was slipped into this bill.

I know my friends believed at the time that these riders were not that much of a problem. Whoever told them that—and I was not in the room—I believe was wrong. They are proven wrong by science. They have been proven wrong.

Call me old fashioned, but I think when you play around with the arsenic levels in drinking water, it deserves to have the light of day. It should not be attached to some rider. I am the ranking member on the subcommittee on the Environment. My chairman of the full committee is here, Senator BAUCUS. We are working hard to make sure that drinking water is safe. Yet we push back the date. That is not the right thing to do.

I appreciate my friends giving me 15 minutes of time, and I am going to give Senator BAUCUS about 5 minutes of that time when he is ready. I have saved 5 minutes.

This is no way to legislate on an issue such as arsenic.

In closing, before I yield my time to my friend, I want to talk about the other part of this amendment which deals with another egregious rider that has to do with clean air. The clean air rider is very important. It essentially would prohibit EPA from designating new regions of the country as being in violation of smog standards. In other words, it is a gag order on EPA, telling them they cannot, in fact, tell communities their air is dirty. This is a fact.

I do not understand, again, why we would be doing this. There is a court case pending on the power of the EPA. It specifically says in that court case that EPA has the right to designate these areas and to tell people in these areas they are not meeting the smog standard. Administrator Browner made a very strong comment about this rider in the past.

I ask how much time I have remaining.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mrs. BOXER. What I would like to do at this time is yield 3 minutes to my friend, Senator BAUCUS, and 2 minutes following to my friend, Senator LAUTENBERG. Then I would have 3 minutes remaining, which I would retain.

The PRESIDING OFFICER. The Senator would have 3 minutes.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my good friend from Maryland, Senator MIKULSKI—I worked with her on this bill—and also Senator BOXER for offering these amendments.

I strongly support Senator BOXER in her efforts to delete these provisions. Not only do they intrude upon the jurisdiction of the Environment and Public Works Committee, they are clearly legislation. Our committee was not consulted. The Appropriations Committee is now writing legislative language in an appropriations bill. It also is very unsound public policy.

One of these riders, the so-called Linder-Collins provision, is really an attack on the public's right to know. The provision prohibits the Environmental Protection Agency from identifying those areas which do not the meet the 8-hour standard ozone pollution provision until next June. In other words, even if the EPA knew an area had unhealthy air, it could not tell citizens or their government.

Since my time is so limited, I will not speak more on that issue. Senator BOXER will, and I believe other Senators will, too.

I also want to speak a bit on the other one, and that is the arsenic provision. The other rider postpones EPA's final rules on arsenic standards for drinking water for 6 months. This is very important. This is yet another unhealthy delay that could expose Americans to unnecessary danger. Why do I say that? First, arsenic is a poison. We now know it is also a carcinogen. So it is an especially serious contaminant in drinking water.

Get this. The current standard for arsenic was written in 1942, before we knew that arsenic causes cancer. Then, in 1996, Congress completed a comprehensive rewrite of the Safe Drinking Water Act. We put some common sense into the act, some risk assessment, some additional funding for the States. We also put in place a plan to resolve the remaining scientific issues.

As a result of the scientific study done by the National Academy of Sciences, we learned that arsenic is even more deadly than previously thought. NAS found:

> There is sufficient evidence from human epidemiological studies . . . that chronic ingestion of inorganic arsenic causes bladder and lung cancer as well as skin cancer.

The study also said the current standard should be revised downward "as promptly as possible."

Furthermore, when the Environment and Public Works Committee had a hearing on the matter, in response to a question, Dr. Michael Cossett, a member of the NAS group who studied the arsenic issue, said:

> Our committee specifically in its conclusions felt that the standards should be lowered as promptly as possible.

He went on to say that the current standard certainly was not protective of public health.

Yet we have this anti-environmental rider. It is further delay in protecting the American public from better arsenic standards. I cannot understand it. I think it is very bad public policy, and I strongly urge Congress to delete these provisions which, if not deleted, are going to cause serious harm to the American public.

Mr. President, earlier today we had a discussion about the arsenic rider. I want to assure Mr. BOND and Ms. MIKULSKI that although the minority committee staff was notified about the intention to pursue this rider, they objected to its inclusion. I just want to be sure the RECORD accurately reflects what occurred.

I yield the remainder of my time to my friend from California.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, time is short. I will try to get to the point very quickly.

I support Senator BOXER's amendments to this VA-HUD appropriations bill. I want to point out one thing. Under the leadership of Senators BOND and MIKULSKI, the bill our subcommittee reported last month was far better than the one before us today.

What we see today with these riders that have come over from the House side of the Capitol is delayed corporate responsibility. That is what these amendments ought to be called: Just take care of the corporations and forget about our obligation to our people to protect us from contaminated, polluted environments.

One of these amendments is there because it is strongly supported by General Electric, an extremely powerful corporation. I like General Electric. I know a lot of the people who run that company. But they have, according to the League of Conservation Voters, polluted 200 miles of New York and Connecticut coastline with a million pounds of PCBs. Their slogan is: "Bring Good Things To Life." We have heard it. I would rather have them say: "Bring Good Life To Things," like fish and birds and people. That is where they ought to be.

I commend Senator BOXER for bringing up this amendment. I hope our colleagues are going to support it.

This is a good bill, other than this part. Again, I commend Senators BOND and MIKULSKI for a very tough job well done. But we ought not let the corporations escape getting on with their responsibilities.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I would like to retain my 3 minutes if I might, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri now has 15 minutes.

Mr. BOND. Mr. President, I yield myself 2 minutes.

Very briefly, this bill includes the provision that provides up to an additional 6 months for EPA to finalize the arsenic in drinking water rule. They can finalize it before June 2001 but will not be held to the statutory deadline. And EPA does not anticipate finalizing the rule until April or May, despite the act's requirements. The practical effect of knocking this out would be to force EPA to spend its resources fighting in court to do what it cannot otherwise do, and that is take the time necessary to do the job right.

The Safe Drinking Water Act called for a full year of comment. The full year would be up June 2001. The most conservative estimates of compliance, including EPA's, for the smallest communities show water rates increasing by hundreds of dollars per family.

The State of Utah Department of Environmental Quality says the rate increase to remove arsenic from the Heartland Mobile Home Park would be $230 per month per customer. Even the EPA said it would be $70 per month per customer.

Do you know what is going to happen? No system. They are going to be off the system. There will be no water. They will get it from sources that are not protected at all.

This is a very important rule that needs to be worked out scientifically. EPA has not identified the specific level in drinking water below which there is not a significant risk to public health.

On the ozone nonattainment designation, it seems to me completely unreasonable that EPA should be making designations when that standard is before the U.S. Supreme Court. Why do the EPA and the State expend resources giving communities a black eye by designating them nonattainment areas when the entire ability to designate may be repealed by the Supreme Court? The EPA would be allowed, under this legislation, to move forward when the Supreme Court acts but no later than June 2001.

Do not blacklist communities before there is a statutory authorization. The National Association of Counties has said this process will brand hundreds of new counties across the country clean air violators resulting in lost jobs and lost economic opportunity.

The PRESIDING OFFICER (Mr. ALLARD). The time of the Senator has expired.

Mr. BOND. I yield 5 minutes to my distinguished colleague from Maryland.

Ms. MIKULSKI. Mr. President, I oppose the Boxer amendment on arsenic in drinking water, and I urge my colleagues to vote against it.

This amendment is not needed, and its adoption will effectively kill this bill.

Let me be clear about what we did.

In our negotiations with the House, bill language was added that allows EPA to take until June 22, 2001 to issue a final rule setting the allowable level of arsenic in drinking water.

EPA remains free to issue the final rule anytime up to June 22, 2001.

This provision was carefully negotiated with the administration.

It does not prevent, prohibit or restrict EPA's ability to issue a final rule for arsenic in drinking water.

Since EPA missed the deadline for proposal of this rule, this extension from the current January 1, 2001 statutory deadline would allow EPA the same length of time—12 months—to consider public comments as contemplated in the Safe Drinking Water Act Amendments of 1996.

This provision is fully consistent with the Safe Drinking Water Act.

Our provision maintains all of the protections for public health and safety.

If it didn't, I would not support it.

This is not a debate about arsenic in drinking water.

We all agree that arsenic in drinking water should be reduced or eliminated consistent with science based public health standards.

This is a disagreement over process, not substance.

Let me be very clear, the language contained in the VA/HUD bill is permissive and does not prevent EPA from issuing the regulation earlier than June 2001 if EPA is prepared to promulgate the final rule.

Also, public interest groups would still be allowed to file suit next June if EPA misses the revised deadline—just as they can now.

No one's rights or privileges have been taken away.

Our provision on arsenic simply moves a date. It poses no threat to public health or the environment.

It is fully consistent with the Safe Drinking Water Act, and it maintains EPA's full authority.

I point out to my colleagues that this bill contains $825 million for the safe drinking water revolving loan program.

This is EPA's main program to upgrade and improve our Nation's public drinking water systems.

Overall, our bill provides $3.6 billion for all clean water programs—a $200 million increase over last year and, over $700 million more than the President's request.

If the Boxer amendment is adopted, it will kill this bill and jeopardize the funding increases for our clean water programs.

If this bill dies, there is no guarantee that we will be able to maintain our current level of funding.

The administration supports our provision, and I urge my colleagues to vote against the Boxer amendment.

Mr. President, I oppose the Boxer amendment on ozone nonattainment and I urge my colleagues to oppose it.

This amendment is not needed and should it pass, it will effectively kill this bill.

The administration supports the provision in our bill, and I urge my colleagues to support it and vote against this amendment.

Let me be clear about what the ozone nonattainment provision in the VA/HUD bill does.

The provision prohibits EPA from issuing new ozone nonattainment designations until June 15, 2001, or until the Supreme Court issues its ruling in this matter, whichever comes first.

The administration was involved in the negotiations over this provision and they support it.

I believe this provision is a matter of common sense. It makes no sense to issue new nonattainment designations, just to have the Supreme Court invalidate them.

That will do nothing more than confuse State and local governments and undercut EPA's authority and credibility.

I want to point out to my colleagues, that during our negotiations with the House, the language was modified to allow final designations to occur as soon as the U.S. Supreme Court rules on the ozone standard case, rather than waiting until June 15, 2001.

Depending on the Supreme Court's decision, this would potentially allow EPA to proceed with final designations several months earlier than under the original language.

This provision does not weaken the Clean Air Act, it does not threaten the Clean Air Act and, it does not undercut EPA's authority.

Our bill language does not preclude EPA from taking preparatory steps leading up to the final designations.

After the final designations are made, States have 3 years before they have to begin implementing their plans for achieving the new standard.

The additional time provided by this bill language, being tied to the Supreme Court process, minimizes any delay in moving forward with any clean air plans and acknowledges the uncertainty created by the ongoing litigation.

Our bill provides $209 million for State air assistance grants to help states meet Clean Air Act requirements.

If the Boxer amendment passes, the VA/HUD bill will be killed and funding levels that it contains will be in jeopardy.

I urge my colleagues to vote against the Boxer amendment and support the administration.

Mr. President, in summary, I oppose the Boxer amendments both on the issue of substance and procedure. No. 1, everybody complains about the process. Nobody complained about it more than BOND and MIKULSKI. We wanted to bring our bill to the floor, have a vote by the Senate, and go into a conference that was open and public. We were denied that.

Because we were worried about the homeless, because we were worried about veterans, because we were worried about the environment, we pressed on in a quasi-conference. BOND and MIKULSKI were united to delete the riders, but we lost. The House would not yield.

We then went to a fallback position because, again, we are worried about the homeless; we are worried about the veterans; we are worried about the environment and the National Service Corps, and all that is in this bill. When we negotiated, I invited into the room OMB—with the concurrence of my Republican colleagues—who brought in the Council on Environmental Quality. The President's chief adviser on the environment was on the phone with the legal counsel at EPA. We did not make this up.

I thought I was proceeding on safe grounds because of the advice I received from the Council on Environmental Quality. I say to my Democratic colleagues: Do you believe in a letter from 21 groups or do you believe in President Clinton's Council on Environmental Quality? The choice is there. Do you believe the advocacy analysis or President Clinton's analysis? I go with President Clinton because I believe there is a track record on protecting the environment.

What about arsenic? It does not shackle anybody. It delays it by 6 months. Under the current law, EPA must give the regs by January 2001. They can issue them at any time up to 2001. EPA retains its authority and its flexibility to issue the regs any time, but it removes the old deadline. Why do we do this? So small rural communities can have time to get EPA information, cost, and other things they are going to need to comply.

Let's go to the ozone. That court case is before the Supreme Court of the United States. It is not going through some small court. It is in the Supreme Court. They are going to decide it in June. The Court term ends in June. This language will no longer apply once the Court issues its ruling. Also, the language becomes moot in 2001.

Why was this language added? To prevent EPA from making new attainment designations and then have the Supreme Court invalidate them. We are saying, let the Court act and move on. At the same time, EPA is allowed to go on with its own planning process. Once the Supreme Court acts, EPA is good to go.

We are not shackling anybody. We are not stymying anybody. I believe in each of these instances there is flexibility to meet the compelling needs of public health. If they did not have that, I would not have supported it. If President Clinton's own team did not tell me it was OK to do this, I would not have done it.

I stand on the advice we were given, and I believe the advice is accurate, responsible, and reliable. I urge my colleagues to defeat the Boxer amendments.

Mr. BOND. Mr. President, I thank my colleague from Maryland. I yield 3 minutes to the junior Senator from Idaho.

The PRESIDING OFFICER. The junior Senator from Idaho.

Mr. CRAPO. Mr. President, I thank Senator BOND and Senator MIKULSKI. As chairman of the Fisheries, Wildlife and Drinking Water Subcommittee, I rise today in strong opposition to the amendment to prevent the EPA from having the time necessary to produce a proper arsenic drinking water rule based on the available science. It is important to note that in 1996 this Congress directed the EPA to adopt a specific schedule to propose an arsenic standard to allow for a full year of public review and comments by scientific experts and then to implement a rule after taking into consideration those comments.

That is what is at stake. It is important to follow up on what Senators BOND and MIKULSKI have said about what this amendment really does. It has been characterized as stopping the EPA from protecting us from arsenic problems.

The reality is that all this amendment does is give the EPA up to an additional 6 months to complete its work. In fact, I am quite surprised to see this amendment today because the administration itself has said they do not have the ability to meet the statutory deadline, and they need this extra time to make sure the rule they adopt is scientifically justified and does not cause the immense damage to local small communities in rural areas that is of concern.

We have held hearings on this issue in our subcommittee, and witness after witness has raised questions about whether the science is there to justify the direction in which the EPA is going. The EPA has acknowledged these questions. The EPA has said it needs time to further review the science, and the EPA has said it will take that time if we give it to them to do a good rule that will protect the country and yet not do damage to small communities in rural areas.

It is also important to note that this amendment does not stop the EPA from acting at any time the EPA deems it is ready to act. If the EPA says it has the process finalized, it has the science understood and is ready to proceed, they can proceed tomorrow, they can proceed in November or December or January when the statutory deadline exists. Again, the EPA has told us they are not ready to do so and that they need this extra time. We believe they need the extra time because of the impending damage that could be caused to local communities across this country.

As Senator BOND has said, there are communities and individual families who will see their water bills go up by hundreds of dollars. There are communities that probably will have to go off their systems because of this. The potential damage if we do not give the EPA the time to act properly and to review the comments is immense, and that is why I must oppose this amendment. I yield back the remainder of my time.

Mr. BOND. Mr. President, I reserve the time that has been allocated to various Members. I now allocate 3 minutes to the distinguished senior Senator from Idaho.

The PRESIDING OFFICER. The senior Senator from Idaho is recognized.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 4205

Mr. CRAIG. Mr. President, on behalf of the leadership, I ask unanimous consent that the Senate proceed to the DOD authorization conference report following the consideration and vote on H.R. 4516 on Thursday; that the conference report be considered as having been read and debated under the following agreement: 2 hours under the control of the chairman of the Armed Services Committee; 2½ hours under the control of Senator LEVIN; 1 hour under the control of Senator GRAMM; 30 minutes under the control of Senator WELLSTONE; that following the debate just outlined, Senator BOB KERREY be recognized to make a point of order, and that the motion to waive the Budget Act be limited to 2 hours equally divided in the usual form. I further ask unanimous consent that following the use or yielding back of time on the motion to waive, the Senate proceed to vote on the motion and, if waived, a vote occur immediately on adoption of the conference report, without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, this is the agreement we have been attempting to work out for the last day. This is something Senator WARNER and Senator LEVIN have worked on very hard. It is a good bill. We, on this side, think the agreement is something that will be to the benefit not only of the Senate but the country.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Idaho.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS—Continued

Mr. CRAIG. Mr. President, I thank the chairman of my subcommittee for yielding.

I say to the Senator from California, her amendment is a perfect example of no good deed goes unpunished. I say that to the Senator from California for this very simple reason. This language has been worked out with all of the parties, and all of the staffs, with the administration, and with the EPA. While they do not like it, they understand their science, and where they are does not justify, at this time, the kind of regulation they are attempting to bring down.

From the State of the Senator from California, let me read from the Indian Wells Valley Water District. This is a water district of 10 to 12 wells, wells that, meeting the current standard proposed by EPA, would cost this water district $1 million per year—a 60- to 70-percent cost increase in their operations.

What happens when Government goes silly or crazy based on science they have not substantiated, in highly mineralized areas, where arsenic is present in water supplies, is that they drive up costs, and ultimately they collapse these little water districts and everybody goes out and drills their own wells to supply their own household water and then an even greater problem exists.

We are talking about cost per speculative cancer case—cost per speculative cancer case.

If the amendment of the Senator from California prevails, that cost per speculative cancer case goes to $5 million per speculative case.

I do not think that is good policy. I know the science isn't there yet to justify it because the word "speculative" is the word EPA uses in suggesting these dramatic reductions in arsenic levels.

I do not want to destroy rural water systems. Neither does this subcommittee. My colleague from Idaho spoke very clearly about the real live impact if this amendment were to prevail. Across this country, small independent water districts cannot nor could not comply without a cost of several hundred dollars more per month added to the cost of a water bill.

This is not good policy. I do not even think it is good politics.

Let me repeat: No good deed will go unpunished according to this amendment because we have been working collectively together to solve this problem, recognizing the phenomenal importance of the water quality to all citizens in this country.

Energy and Water, as an authorizing committee, has acted responsibly. While the ranking member might suggest that staff or they were not consulted, that is simply not true. They were thoroughly involved and consulted on this issue. This is a compromise. It does not shut down the process, as has clearly been spoken to by my colleague from Idaho, Senator CRAPO. So I hope the Senate will recognize that.

Let us not rush to judgment, nor let us not get into the speculative business of driving up costs of water and, therefore, allowing people to go out and drill their own wells and even create a more dangerous water structure for small rural communities.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. CRAIG. Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that at the conclusion of debate on the two amendments under the previous order, I be permitted to speak on the VA-HUD bill for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we reserve the remainder of our time on these amendments. I believe the chairman of the Environment and Public Works Committee is on his way over.

What time do we have remaining?

The PRESIDING OFFICER. The Senator from Missouri has 2 minutes, and the Senator from California has 3 minutes.

Mr. BOND. I thank the Chair. We reserve our time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to respond to my colleagues directly on a number of points that they made. These two riders should be deleted. It is bad process. I think that has been spoken to a number of times. And it is really bad policy. I think that has been spoken to as well.

I say to my dearest friend, Senator MIKULSKI, who has worked so hard on this bill—and it means everything to her—how much I support her bill but for these riders. I want to tell her how I feel.

I do not think that all wisdom resides in Washington. I think I am quoting the Republican candidate for President. I do think these 21 groups are phenomenal. I do trust them. The National Resources Defense Council, the Sierra Club—maybe they do not always agree with every one of us, but they spend their lives on these issues. I do respect them. And I do think that they can. I am really glad it looks as if they are going to count these votes as an important vote on their scorecard.

But I do want to say if CEQ were in the room and some others from the administration—I know it to be fact, and it is true —I just do not happen to agree with them. I will tell you who was not in the room, who was not even given the courtesy of a phone call, Senator Max BAUCUS, who is the ranking member on Environment and Public Works. I will tell you who else was not in the room, Senator MOYNIHAN, who supports my dredging amendment. I think a phone call from the administration, if you will, to those folks would have been in order to find out how we feel about these anti-environmented riders. So we are very disappointed.

I say to my friend, Senator CRAIG, who has left the floor, he calls it "silly science" to talk about a lower standard for arsenic. Here is the silly science. I have to tell you, taxpayers pay the National Academy of Sciences to produce this study on arsenic in drinking water. This isn't silly science. This is what they said:

> This outdated standard does not achieve EPA's goal for public health protection and, therefore, requires revision as promptly as possible.

So what did we do? We did the opposite. We delayed the date.

The Senator mentioned a water district in California. That is why we have a waiver in the Safe Drinking Water Act, for those small communities, a waiver so they will not have hardship. That is why we have a State revolving fund which, by the way, is funded in this bill. It needs more attention. It needs more help.

But I have to say, again—and call me as old-fashioned as you want; maybe it is because when I was a kid I saw "Arsenic and Old Lace"—but I can tell you right now, the science is clear. It is not silly; it is not foolish. This is very dangerous. We have to do something about it.

To say this is a rush to judgment when we have been having hearings on the standard since the 1980s, we all know what it is about. It is about a delay. It is the hope that the new administration may not be as tough.

The PRESIDING OFFICER. All the Senator's time has expired.

Mrs. BOXER. I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So I would sum up this way. We have a gag order in front of us in the rider that deals with EPA not being allowed to tell people they live in a dirty air district. It is for people to know that exposure to smog decreases lung function. It hurts our children with asthma, and it leads to emergency room visits. The courts have said clearly—and I have a direct quotation from the court—the court said: EPA has the right to tell people the truth about the quality of their air. This rider overturns that court decision.

I hope we will have strong support for this amendment.

I thank my friends.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BOND. Mr. President, I inquire of the Senator from New Hampshire if he is ready to speak?

Mr. SMITH of New Hampshire. Yes.

Mr. BOND. Mr. President, just to correct the record, the staff of the ranking member on the Environment and Public Works Committee was consulted, was informed of this. This was not done without advice to them. That was just incorrect.

I now yield the remaining time on this side to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire has 1 minute 39 seconds.

Mr. SMITH of New Hampshire. That is not much time to try to make my points here. But, look, this is one of those situations where you have an amendment, part of which I support and part of which I do not, which means I have to oppose it.

The clean air provisions that the Senator from California has outlined I can support. But it is unfortunate that I have to be here today, as the chairman of the committee, to choose to do something that this body chose to do 4 years ago in the Safe Drinking Water Act amendment.

It is worse that the only groups objecting to this language in VA-HUD are doing so because they stand to gain attorney's fees. I support the underlying managers' amendment by the Senator from Missouri. We are going to see wasteful litigation here, and it is wrong.

To put this in context would take more time than I have, but we all agree the standard on this should be reviewed. This is not a discussion about the standard. The arsenic standard needs to be reviewed. But due to the complexity and science that was needed to develop the standard, the Congress very clearly dictated a timeframe.

Congress directed EPA to propose a rule on January 1, 2000, and to finalize the rule on January 1, 2001. They made it clear we wanted to provide one year from the date of publication of a draft rule to publication of a final rule. EPA cannot meet this requirement right now, and we need to get this science. We need to draw all this in. That is what the managers' amendment allows for.

To go to litigation now means we will waste millions of dollars of taxpayers' money on litigation for no reason, and they are still not going to be able to meet the standard in spite of the litigation. It is absolutely ridiculous.

I encourage my colleagues to support Senator BOND and the managers' amendment on this issue.

To reiterate, I come today to talk about Senator BOXER's amendment to the VA HUD appropriations bill. Unfortunately, Senator BOXER has put two issues into her amendment. I support one and strongly object to the other. Due to that strong objection I will vote against this amendment.

On the arsenic provision, it is very unfortunate that I need to come down here today to defend what this body chose to do four years ago in the Safe Drinking Water Act Amendments. It is even worse that the only groups objecting to this language in the VA HUD appropriation bill are doing so because they stand to gain attorneys fees.

The provision on arsenic in the VA-HUD Appropriations bill does one thing: preserves the original intent of the Safe Drinking Water Act Amendments of 1996. While Senator BOXER's amendment does one thing—promotes wasteful litigation.

To put this into context let me explain the history and reality of the situation. The Safe Drinking Water Act Amendments of 1996 clearly outlined a need to review the standard for arsenic. We all agree the standard needs to be reviewed. This is NOT a discussion about the standard. I repeat, the arsenic standard needs to be reviewed.

However, due to the complexity and science that was needed to develop the standard, we the Congress, very clearly dictated the time frame for developing this rule. Congress directed EPA to propose a rule on January 1, 2000 and to finalize the rule on January 1, 2001.

The Congress also made it very clear that we wanted to provide one year from date of publication of a draft rule to publication of a final rule. The reason was to allow sufficient time for public comment and EPA review to finalize this very complex issue. Thus, the Congress stated that the final rule should be published on January 1, 2001, one year after the publication of the draft rule.

Unfortunately, the EPA missed the January 1, 2000 deadline to publish the draft rule by six months. There may be very good reasons for why EPA missed this deadline, but the fact is EPA missed the statutory deadline for publication by six months.

EPA provided 90 days to comment on the proposed rule, however it is my understanding that EPA will be having an additional comment period on information that became available after the original draft rule was published. So basically, we are not done with the public comment period EPA, less than three months from the statutory deadline to publish the final rule has not even received all the public comments.

What do these dates and missed deadlines mean? They mean, and EPA will agree with me on this, that there is no way that EPA will meet the January 1, 2001 statutory deadline to publish this final rule. In fact, EPA will probably not publish the final rule until late spring. I support EPA taking the time to consider all the stakeholders comments and the very complex information they have received. I support the original intent of the Safe Drinking Water Act Amendments to provide one year to finalize this rule. Especially, in light of the controversy this rule has brought on by a host of very credible institutions like the EPA Science Advisory Board that questions the EPA proposal. But that is not what we are down here today to talk about.

What happens unfortunately, is a host of groups will sue EPA on January 2, 2001 for not publishing the final rule. Everyone knows that EPA will miss this deadline, YET, these organizations will waste everyone's time and tax payer's money by bringing an unnecessary lawsuit. So what am I down here to discuss today? I am here to discuss: unnecessary attorney's fees, waste of tax payer dollars, and place a burden on the judicial branch.

To avoid those three issues, I support the arsenic provision in the VA–HUD Appropriations Bill. This provision would extend the deadline for finalization of the arsenic rule to no later than June 22, 2001. This provides the EPA one year to finalize the rule—exactly the same time frame as the Safe Drinking Water Act Amendments.

Why is this needed? Because this is a complex rule and the Congress realized that when they required EPA to take one year to finalize the rule. But just as important: we the Congress can make sure tax payers dollars are not wastefully spent on unnecessary judicial proceeding and attorney's fees.

Our constituents should not have to pay the price for the EPA's failure to follow the mandates of the Safe Drinking Water Amendments of 1996. This extension will have no impact on human health because it is completely consistent with EPA's time frame for finalizing the rule.

I am sure that is why the White House and the Council on Environmental Quality is not opposing this language.

Senator BOXER's amendment does absolutely nothing to protect human health. It only protects those environmental groups that want litigation will benefit. This is unfortunate because the litigation will produce the exact same outcome as this provision. However the litigation has consequences, it will produce: unnecessary attorneys fees, an unnecessary burden on the judiciary, an unnecessary burden on the EPA, and taxpayer dollars funding all of this. I cannot stand here and encourage unnecessary litigation. But I can proudly support the original intent of the Safe Drinking Water Act and allow EPA to take appropriate time to consider all the comments and information in proposing a final rule.

Now switching to the Clean Air Act issue. The motion to strike also contains language that touches on another one of those complicated Clean Air Act issues. I believe that this is exactly the type of thing that must be addressed by the committee of jurisdiction rather than through a rider.

Last year the Environment and Public Works Committee first addressed the issue of what limits were needed on the implementation of these air quality standards while the court was reviewing them. At that time, the committee was considering a bill to improve the transportation conformity provisions of the Clean Air Act. Senator INHOFE offered an amendment to deal with this matter and the amendment was adopted.

Even as the INHOFE language was accepted, there was discussion regarding how it might be improved prior to floor consideration. During the past few months, members of the Environment and Public Works Committee, and especially Senator INHOFE and Senator BAUCUS, worked hard to develop language that is now broadly supported—and included in this bill. The bill also contains controversial language on the same issue that came from a House appropriations bill and was not considered by the Environment and Public Works Committee. In fact, no authorizing committee in either body dealt with this language.

Mr. President, it seems to me that we are borrowing trouble by taking the House language because the language Senator INHOFE proposed speaks to precisely the same problem as the language Senator BOXER seeks to strike. We do not need both.

Let me briefly address the substance of the issue. As many Members know, the Supreme Court is currently reviewing the EPA's recently established air quality standards for smog and soot, ozone and particulate matter.

At the same time, implementation of the standards is proceeding. The EPA is required by law to identify areas that violate the standards, even though the court might throw the standards out. More importantly, designating areas as violating the standards triggers automatic requirements under the Clean Air Act. These include restrictions on highway construction and expanding or building new facilities that would emit air pollutants.

The problem we are trying to solve is that these requirements may be triggered and then the standards could be overturned, leading to planning chaos for many states. Senator INHOFE's language would delay the effective date of the automatic requirements under the Clean Air Act to allow time for the Supreme Court to act. The language from the House bill that Senator BOXER seeks to strike would bar the use of funds for making determinations about what areas would violate the standards; thus preventing the triggering of the automatic Clean Air Act requirements.

So we have two ways of skinning the same cat. Senator INHOFE's approach has bipartisan support and is the work product of members of this body's authorizing committee. The House language is controversial and has not received consideration from any authorizing committee.

The House language is controversial because many people believe that the air data collected by the states should be analyzed by the EPA and made public no matter what happens to the standards in the courts. Also, the limit on the use of funds could delay implementation in the event that the Court upholds the standards.

I believe that the Senate should recognize and reward the effort that Senator INHOFE has made to eliminate unnecessary conflict over this issue. I support the language in the bill developed by the Senator from Oklahoma.

If the motion by the Senator from California to strike the House language was not attached to the arsenic issue, I would support the Senator in her motion, and I would encourage the entire Senate to do the same. Because the arsenic matter is the overriding concern for me, I must oppose the motion.

The PRESIDING OFFICER. The Senator from California is recognized to offer a second amendment.

AMENDMENT NO. 4309

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mrs. MURRAY, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, and Mr. LEVIN, proposes an amendment numbered 4309:

(Purpose: Expressing the sense of the Congress regarding the cleanup of river and ocean waters contaminated with DDT, PCBs, dioxins, metals and other toxic chemicals)

At the appropriate place, add the following:

SEC. . (a) FINDINGS.—Congress finds that—

(1) more than one-eighth of all sites listed on the Superfund National Priorities List

are river and ocean water sites where sediment is contaminated with PCBs, dioxins, DDT, metals and other toxic chemicals;

(2) toxic chemicals like PCBs, dioxins, DDT and metals tend to be less soluble, and more environmentally persistent pollutants;

(3) toxic chemicals like PCBs, dioxins, DDT and metals polluting river and ocean sites around the nation may pose threats to public health, safety and the environment.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the nation that have been contaminated with PCBs, DDT, dioxins, metals and other toxic chemicals in order to protect the public health, safety and the environment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wanted the amendment read because I think it is a pretty clear statement of what we ought to be doing; that is, expediting the cleanup of the Superfund sites.

To respond to Senator BOND, the staff of Senator BAUCUS has informed me that they received one call and they objected to the riders. They don't believe Senator BAUCUS was ever called personally. We are going to check on that because I do want the record clear on it.

I ask unanimous consent that Senators MOYNIHAN, SCHUMER, and KERRY be added on as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I strongly oppose report language included in this conference agreement that will delay the cleanup of waters contaminated with toxic pollutants such as DDT and PCBs. We tried to work with my colleagues to change this language. We were unable to be successful.

The language will remain in because you can't strike report language, but we have a sense of the Senate that is very clear. Basically the operative language, which was just read by the clerk, is:

> It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the nation that have been contaminated with PCBs, DDT, dioxins, metals and other toxic chemicals in order to protect public health, safety and the environment.

The report language included in this bill—remember, this is an appropriations bill—prohibits the EPA from cleaning up river and ocean sites that are contaminated with these horrible pollutants until the National Academy of Sciences completes a study or until June of 2000, whichever comes first. That isn't the worst of it. The worst of it is, we believe this language opens up a whole new loophole, which is really going to mean we are going to have many more court suits. I will get to that in a minute.

We think this language could delay the cleanup of at least six Superfund sites nationwide. One of them happens to be in California. The report language that is extremely troubling, which we were unable to remove, requires EPA to "properly consider the results of the NAS study" before moving forward on the cleanup of these sites. Anyone who knows anything about litigation knows a lawyer will have a field day with the phrase "properly considered."

What does that mean? You must properly consider before you move ahead with a cleanup? You could have a whole year discussing what that means, and that is exactly what the polluters are going to do. They are going to haul this Government into court just to try to get out of their responsibility. It will give polluters a hook to get into court and to litigate.

I want to talk about a site off the Santa Monica Bay, the Montrose site.

Mr. President, will the Chair inform me when I have 5 minutes remaining of my time?

The PRESIDING OFFICER. The Chair will do that.

Mrs. BOXER. I thank the Chair.

The Montrose Chemical Corporation holds the distinction of being the largest producer of DDT in the world. That is not a great distinction since we know what a poison DDT is.

It discharges tons of DDT through storm sewers into the ocean off the Palos Verdes peninsula, and 100 tons of it sits on the ocean floor there.

DDT is classified as a probable human carcinogen. It is thought to have severe liver and neurological impacts, and it has also recently been identified as a chemical which may promote breast cancer.

We know DDT is causing harm to the ocean, i.e. Santa Monica Bay, because the DDT goes up through the food chain where it reaches the bald eagles. Of course, we know those bald eagles were brought to the brink of extinction by DDT, and we know it causes the eagle eggs to thin and to fail to successfully hatch. EPA estimates it will cost $150 million to restore the ocean where that dump is.

The report language, in our strong opinion, with legal authorities across this country, tells us that it would prohibit the EPA from cleaning up this site until the NAS report comes out. And then even after that, Montrose will go back into court. Mind you, they have already spent $50 million fighting the cleanup. Their position is: Let the DDT just sit there. Don't cap it off. Don't do anything. In the meantime, it is poisoning the environment there.

I don't understand why we do these things. When I talk to my constituents, their eyes roll. Arsenic, DDT, PCBs, these are not good things. If we could agree on one thing around here, it would be to get rid of them. We do everything we can to help people who are good actors to clean up their act, if they made a mistake. We have a State revolving fund.

It stuns me that in this century we are still arguing over cleaning up arsenic out of the water, cleaning up DDT that is harming wildlife.

As to this argument by Montrose that they should do nothing, imagine how strongly they feel. They have spent $50 million in order to do nothing. Why didn't they spend the $50 million cleaning up the site, and we would be rid of the DDT; we wouldn't have this poison moving up the food chain.

What we hope to achieve—and we hope the managers will support this—is a very simple sense-of-the-Congress amendment. It is so clear. What we say is: Look, we can't get your language out of the report. We understand you don't want to make changes because you don't want to go back to conference. All we are saying is, let's stand firm together. Let us pass the sense of the Congress. I will reiterate it, and then I will save my 5 minutes. I am hopeful others will come to the floor.

> It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the nation that have been contaminated with PCBs, DDT, dioxins, metals and other toxic chemicals in order to protect health, safety and the environment.

Now, my colleagues say nothing in this bill would harm that. I hope, therefore, they will support this amendment. I think it is very important.

Mr. President, I will take an additional 30 seconds to say Senator LEVIN wants to be added as a cosponsor. Senator BAUCUS was not personally consulted by anyone on this matter. That is clearing up the record, straight from Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am sorry we have to get into this little battle over who said what and who said what, when where, and why. Let it be clear that we on both sides made our best efforts to assure that everyone was advised. Twice, Mr. Tom Sliter, a staffer on EPW, was notified and discussed this with my assistant, Ms. Apostolou. He also, I understand, participated in a briefing conducted by Mr. Carliner of the minority staff.

Not everybody agreed with all of those things, and we never said that we had 100-percent agreement. We don't get 100-percent agreement, but we do extend the courtesy to all of the Members who are interested to let them know what we are doing and give them an opportunity. I am sorry to get into this, but when it was said that we did this without notification in an attempt to hide this, that is absolutely wrong. That is an unfortunate and unfair slam at our staff. I do not intend to let it stand.

The next point I will make, just to call it to the attention of my colleague from California, is we have been advised that no California sites would be affected. EPA has indicated they will be sending a letter to assure the Senator that no California sites would be affected by the proposed managers' amendment, or the language in the statement of managers.

Let me say that while, technically, this issue is not before us at this time, we do intend to include a statement which has been carefully worked out at painstaking meetings that Senator MIKULSKI and I had, along with our House counterparts, with OMB Director Jack Lew and George Frampton, CEQ Director. This language will be included to address the concerns raised by EPA about House report language on this issue.

The report language simply requires EPA to take into consideration a National Academy of Sciences study on contaminated sediments, which has been worked on for the past several years and is expected within the next 3 months, before dredging or invasive remediation actions at sites where a plan has not been adopted by October 1, 2000, or where dredging has not already occurred.

Exceptions are provided for voluntary agreements and urgent cases where there is significant threat to public health. Furthermore, EPA is not prohibited from proposing draft remediation plans involving dredging or invasive remediation technologies.

In view of the time, effort, and resources that have gone into examining the efficacy of dredging contaminated sediments, it would truly be a shame not to consider the best science available before going forward. This is not going to result in undue delays, but it will result in an informed process.

Dredging is very controversial and it is very costly. What do you do with the dredge material if you dig up material that is contaminated? Where do you put it? I can tell you that the answer will be NIMBY—not in my backyard. That is the first thing everybody will say. "Can't you find a better or safer place to put it?"

Also, does dredging cause more harm, potentially, to the health and environment than leaving the contaminated sediments in place? When you stir it up and dig into the contaminated sediments, do you spread more out and do you get more in the water supply or in the air? These are things that scientists ought to tell us. The National Academy of Sciences is working on it. What would you do with thousands of truckloads of dredge material if you dredged it up and the National Academy of Sciences says you should have left it in place?

Well, it is important that we act on science around this place. I know there are some groups that love to write letters and have their own agenda and say that we need to move forward. I believe most people in this body would agree that getting a peer-reviewed study by the National Academy of Sciences before we engage upon a massive and potential danger-causing activity—dredging up sediments, or other invasive remedies—makes sense. For that reason, I believe that carefully crafted language, which was agreed on by the OMB Director and the CEQ Director, is a far preferable resolution of this very serious question. Let's take the radical step of waiting to rely on the science.

I yield to my distinguished colleague from Maryland such time as she may require.

Ms. MIKULSKI. Mr. President, how much time remains for the opponents to the Boxer amendment?

The PRESIDING OFFICER. Nine minutes.

Ms. MIKULSKI. Mr. President, will the Chair inform me when I have taken 4 minutes in the event that others also wish to speak?

The PRESIDING OFFICER. Yes, the Chair will do so.

Ms. MIKULSKI. Mr. President, I rise in opposition to the Boxer amendment and I urge my colleagues to vote against it.

This amendment will have to be disposed of by the House. It will not be accepted by the House and therefore will kill this bill.

I would like to explain to my colleagues how our bill addresses the issue of contaminated sediments, why I am opposed to the Boxer amendment and, why the administration is opposed to the Boxer amendment.

The Boxer amendment is not necessary and its passage would effectively kill this bill.

Let me explain what we do in our bill.

The final version of the VA/HUD bill will contain report language in the statement of the managers that prevents EPA from dredging any contaminated site that does not have an approved plan in place by October 1, 2000 until the National Academy of Sciences, NAS, has completed its study on this issue and EPA has reviewed it.

This language sunsets on June 30, 2001. The NAS is expected to release its report in December. With an EPA review, the delay would last probably no more than 120 days.

We have included some exceptions to this language that are very important and I want to outline them for my colleagues.

First, if a site has an approved dredging plan in place by October 1, 2000, the language does not apply.

Second, if dredging or dredging activity is already occurring at a site, the language does not apply.

Third, if a site has a voluntary agreement in place with a potentially responsible party, the language does not apply.

Fourth, if EPA determines that a site poses a threat to public health, the language does not apply.

These exceptions are very important and were carefully negotiated with the administration.

This was no small victory for us.

The House passed VA/HUD bill included report language that would have directed EPA not to initiate or order dredging or other invasive remediation technologies, until the NAS report was complete and required that the results be incorporated into the EPA decision making processes.

This more extreme language would have effectively frozen work at affected sites for an indefinite period of time.

During our negotiations with the House, we successfully modified the provision to remove the extreme language.

The report language that will be incorporated into the final version of the VA/HUD bill still leaves EPA with some discretion and does not mandate any solutions.

Our language also allows EPA to take comment on proposed remedial actions such as that for cleanup of the Hudson River.

Our language would also allow all cleanup plans to be finalized by a date certain—June 30, 2001—even if the NAS report has not been completed in a timely manner.

The NAS is expected to use their final report, no later than January 1, 2001, allowing the report to be properly considered by EPA while sites without final plans work on their drafts.

Mr. President, the administration supports our language and I urge my colleagues to vote against the Boxer amendment.

I wish to also respond to my colleague and friend, the Senator from California, by saying this: No. 1, neither Senator BOND nor I wanted the riders. The House insisted on the riders. So we attempted to remove the draconian substance of the riders and put in more procedural issues, more procedural safeguards. The Senator thinks we wimped out. We think we had a victory because of the draconian aspect. We fought off the dragons.

Also, I want to be clear to my colleagues, we are in a very unusual parliamentary procedure. If we pass this bill without any amendments, it will go immediately to the House and can go through a process of ratification and will be done. If any of these amendments pass, we will have to go into a parliamentary situation where the House will not accept this and, therefore, the bill will be dead. So I just lay that out for everyone to take into consideration.

So the funds for EPA, which are quite robust—matching, in many instances, the President's request—housing, as well as veterans, science and technology, and other consumer protection agencies such as the Consumer Product Safety Commission—I believe will be jeopardized.

Having said that, I don't want to make my argument on jeopardizing the bill. I want to address the concerns that my conscientious colleague has raised about jeopardizing the environment.

This bill prevents EPA from dredging at any site that does not have an approved dredging plan by October 1 until the National Academy of Sciences has completed its study and EPA has reviewed it. In the arsenic ozone debate we heard, the National Academy of Sciences elevated it to an icon status that said don't do anything on this rider because of what the National Academy of Sciences says. By the way, I think the Senator from California and I would agree that we do need the National Academy of Sciences. On the dredging issue, what we are saying is that the dredging sites cannot move ahead until the National Academy has completed its study and EPA has looked at it. Guess when the study is going to be done. December 2000 or January 2001. Any delay will be micro—90 to 120 days. Guess what. I say to my colleagues in the Senate, this is not permanent. It only takes this language to June 30, 2001.

This language has a sunset provision of June 30, 2001.

What are these exceptions? The main one is that if EPA believes any site poses a threat to public health, the language does not apply.

Let me repeat to anyone who thinks wisdom lies in Washington, with 21 advocacy groups, that if EPA believes the site poses a threat to public health, this language does not apply.

Also, if the site has a voluntary agreement in place, it doesn't apply. If dredging is already occurring at a site, the language does not apply. If you have your plan approved by October 1, the language does not apply.

We have so many "doesn't applys" here that I don't think the arguments made by the proponents of this amendment apply really in any way that has validity or attraction.

If you are worried about public health—I salute you for it—remember, it would not apply.

I join with my colleagues to say let the National Academy of Sciences complete its work. Let the EPA review it. Then it can move forth on all of this. If there is a delay, it would be 90 to 120 days.

That is basically what the argument is.

I hope the amendment offered by my colleague from California will be defeated.

How much time did I consume?

The PRESIDING OFFICER. Four minutes ten seconds remain.

Ms. MIKULSKI. I reserve the right for either Senator BOND or me to do rebuttal.

Mr. FEINGOLD. Mr. President, I rise today to support the Sense of the Congress amendment on contaminated sediments offered by the Senator from California (Mrs. BOXER). I do so because I have concerns about the implications that the report language accompanying this bill may have for the remediation and restoration of the Fox River in my home state of Wisconsin.

My staff has tried repeatedly over the last several days to clarify the report language with the Environmental Protection Agency (EPA) and has been unable to do so. I had wanted a letter from the EPA explaining the impact of this language on the Fox clean-up. In fact, my office was told by the Office of General Counsel that the EPA could not state with certainty the effects of this language on the Fox River, because it was one of the clean-ups that they had identified which might be delayed by this report language. This leaves me with concern that the next few actions Wisconsin is about to take to clean up the Fox River may be delayed, and my concern is shared by the Wisconsin Department of Natural Resources.

As members of this body know, the Senate's version of the VA-HUD bill did not contain any report language on sediments. Only the version which passed the other body contained report language on this issue, and this language is retained and modified in the report accompanying this bill. Therefore, I also raise concerns, Mr. President, because my Wisconsin colleague in the House (Mr. GREEN), who represents the Fox Valley, tried to clarify the House report language in a floor colloquy when the measure was considered in the House of Representatives. This bill before us now changes the very language my colleague from Wisconsin specifically tried to clarify, and adds new and explicit time lines which do not mesh with the upcoming actions that will be taken to clean up the Fox River. As a Wisconsin Senator, I have no choice but to try to enhance the understanding of what this language would do, and I believe that the amendment by the Senator from California (Mrs. BOXER) makes it clear that Congress intends the EPA to move swiftly to clean up contaminated river and ocean sites.

I want to explain the status of the Fox River clean-up. The Fox River is currently not a National Priority List (NPL) site, commonly known as Superfund site. Nonetheless, the Wisconsin Department of Natural Resources (WDNR) is working to develop a final Remedial Investigation and Feasibility Study (RIFS) and is expected to release that study in late December, 2000 or early January, 2001. The Wisconsin DNR intends to release the final RIFS jointly with the EPA, and the other trustees which include: the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service and the Oneida Tribe of Wisconsin. A final Record of Decision (ROD) could be reached between March and early June, 2001.

If the National Academy study is not yet complete and "properly considered" by EPA before the final RIFS is issued, as the Conference Report language requires, the report language is unclear about whether public comment can be initiated on the final RIFS. The report language says that public comment can be taken on "proposed" or "draft" remediation plans but is unclear with respect to comment on a final RIFS. Further the language says that "no plans are to be finalized until June 30, 2001 or until the Agency has properly considered the National Academy of Sciences report, whichever comes first." Potentially stalling comment on the final RIFS raises concerns, as the final RIFS will finally indicate a preferred alternative for cleaning-up the Fox, an alternative which was not indicated in the draft RIFS. Interests on all sides of this issue—the paper companies that are potentially responsible parties in the clean-up, local governments that are concerned about liability, and local citizens who have been waiting to see what will be done to address the contaminants in the river—deserve to know what the preferred alternative is and to express their views.

Moreover, if the final ROD is issued before June 30, 2001, its implementation could also be delayed by this language. Though some may view this as simply a delay of a few weeks, I remind my colleagues that Wisconsin is a cold weather state. My State needs the certainty of being able to plan to contract to implement the remedy during the summer and early fall construction season. If not, we risk having to put off the clean up for another calendar year due to cold weather delays.

Given these uncertainties, I support my colleague from California's (Mrs. BOXER) amendment. This report language may have consequences for my state which I simply feel must be addressed.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I yield 3 minutes to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the distinguished Senator from California. I had not expected to speak on this matter. I came to the floor to speak on the VA-HUD bill as a whole.

Let me share a couple of quick observations about these riders.

I congratulate my colleague from California for the fight she is making because it is an important fight as a matter of principle, and also it is a matter of science and common sense. These riders don't find their way into this legislation accidentally. There are powerful interests in the country that made sure these riders were here. We consistently see these attacks on environmental enforcement efforts in the country because there are people who just do not want a change.

On the air quality standards and nonattainment designations, the American Trucking Association is waiting for litigation with the EPA and wants to stop the EPA from keeping accountability with respect to the Clean Air Act.

That is what this is about. I have great respect for truckers and great respect for their efforts across the country. They are important to our economy. No one here is going to suggest otherwise. But every American has seen what happens at stoplights where they are sitting in a car that is living up to emission standards and a truck starts out at the stoplight. There is a great plume of black smoke that comes out of that truck. It is all over our highways. We know it. SUVs are presenting us with an increased problem because they come in under the light truck exception.

The fact is that the air standards of the country are not reaching the levels they ought to reach. The EPA is our chosen entity to enforce the Clean Air Act and to make sure that Americans are not subjected to pollution and air quality standards that are less than high.

We are told by the EPA what happens with this delay. There is the exposure of some 15,000 premature deaths in the country. Some 350,000 more Americans will suffer asthma as a consequence of the lack of air quality standards. That is the risk the Senate will take by allowing this kind of rider. However innocuous it may seem or however people make it sound going forward, there is a diminishment of the capacity of the EPA to enforce the law Congress has already passed to allow Americans to live by the highest air quality standards.

With respect to the dredging, I understand where that comes from. We have all been through that struggle in Massachusetts to try to clean up the Husatonic River. We are going to do some dredging there. There is now a struggle about the Hudson River, and other rivers, about whether or not those are going to be cleaned up.

The fact is the National Academy of Sciences has already provided us with not one but two studies that show dredging is a legitimate and important mechanism for cleaning up polluted areas. We are trying to do that in the Bedford-Hartford area where we have PCBs. They fear if this rider passes, that cleanup may in fact be jeopardized because people will use the excuse to say we don't have to proceed.

That is what is at stake. I know it is difficult to pull these bills together. There are a lot of different interests that have to be satisfied. But the fact is the Senate ought to take a vote on these riders. We ought to vote appropriately—that they don't belong in this legislation.

I thank my colleague for her efforts.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, how much time is remaining on my side?

The PRESIDING OFFICER. Four minutes.

Mrs. BOXER. Would you let me know when I have 1 minute remaining?

The PRESIDING OFFICER. The Chair will be glad to do that.

Mrs. BOXER. Mr. President, I thank my friend from Massachusetts for his eloquent remarks. He is a leader on environmental issues in the Senate. It makes me feel really good that he came over.

I want to again try to set the record straight. Senator BOND said a letter is on its way from the EPA saying the California site is not in fact affected by the language in the bill regarding dredging. We have called them again. We called the general counsel last night. I told my friend from Missouri. They tell us that no such letter is coming.

Be that as it may, whether the letter comes or it doesn't come, the fact is if it does not affect California—and I hope he is right—I say to my friend, if he gets that letter, I will be very grateful. It is a bad situation because the language, in fact, we believe will really slow down the cleanup of Superfund sites. That is why you have Senators MOYNIHAN and SCHUMER concerned about the Hudson River. That cleanup will be stalled.

As my friend, Senator MIKULSKI, said—she calls me the gentlelady from California. She is the gentlelady from Maryland. That goes back to our House days. Senator MIKULSKI pointed out that she said these riders are less draconian. I believe that. They are less draconian. They are still bad, and they don't belong on their otherwise terrific bill. They do harm.

My friend points out that it is very clear the language said this will wreck the public health—no delay. It doesn't say "affect" the public health or the environment. When you have an effect on the environment by the fish eating DDT, you do not have to be a rocket scientist; if the fish eat DDT, it it is bad for humans. When do you prove that? It may not come down the line much longer.

I know my friend worked very hard on this. She had people in the room whom she trusted. But, again, I don't believe the administration sought out these riders. My friend is right; it was the House Members who did. They simply don't belong here. It would be very simple for us to agree to this sense of the Senate. I think it would be helpful because my friends say they don't want to delay these cleanups.

I want to make one point about science. Listen very carefully when people stand up here and say it is silly science and we must act on science. The EPA and the National Academy of Sciences acted on science with their new rule on the arsenic standard. Guess what. They are calling this silly science. This is the National Academy of Sciences. They say arsenic is very dangerous.

The bottom line is you can't seem to win around here. You get a report done by the National Academy of Sciences, and they say you have silly science; forget about it; throw it away. When you don't have the report, they say you can't act. As my friend pointed out, there have been many studies done by the National Academy of Sciences on port dredging as a way to get rid of these contaminants. We didn't know they were life threatening and dangerous. We know that now.

I hope we will have a good solid vote on these amendments.

I thank my colleagues. I retain 30 seconds.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we are now in the concluding minutes of the debate.

First of all, on the three issues raised by the Senator from California, I want to say a couple of things.

No. 1, I am very proud of the Senate. When we moved our bill out of the full committee, we had no riders. We were not authorizing on appropriations. We had no riders, and we attempted to stand firm. Yes, we did face the dragons of the riders. What we ended up doing was not eliminating the dragons but we defang them. We defang the riders. We took the teeth out of them so they couldn't snarl up what this legislation is trying to do.

I believe the language we have adopted through the committee, through the managers' amendment, does have the riders. They are procedural. We acknowledge the flashing yellow light of the Senator from California with her terrible situation in California. We will do everything we can to make sure the Senator has that letter. I know it is not a substitute for the amendment. However, we want our colleagues to know the flashing yellow lights raised by the proponents are not valid.

Remember on the dredging, if the site has been approved by October 1, 2000, the language doesn't apply. If the dredging is already occurring, the language does not apply. If you have a voluntary agreement, the language does not apply. And if the EPA certifies that the site posed a threat to public health, the language does not apply.

I recommend the Boxer amendment does not apply to this bill and I urge its defeat.

I yield back the remaining time.

The PRESIDING OFFICER. Two minutes remain.

Mr. BOND. Mr. President, I take 1 minute to say the ranking member and I have been advised by EPA the California sites that would be affected by the language—and it is the clear understanding of the managers of the bill in the Senate—are either pilot sites already underway and would not be included or they are sites in which the final action would not be ready by the timeframe in which this action is delayed.

We have been advised, and it is our understanding, there is no application of this provision. It was intended to be included in the statement of managers on any California site.

I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. Mr. President, I ask for an additional 30 seconds added to my remaining 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank my friends for the opportunity for the brief debate. I say to my friends, these are not harmless riders. You can say they will "defang" and that is in the eye of the defanger.

The bottom line is these are not harmless riders. It is not harmless to tell the EPA they are gagged from telling the people in my State and every other State that they live in a dirty air situation. That is what this rider does.

It is not harmless to tell the EPA they cannot set a new standard for arsenic, a standard that essentially was set with data collected in 1942. I will not tell anyone if I was born then or not. That is an old standard, folks. We know it is much more dangerous.

Finally, it is not harmless to delay the cleanup of PCBs and DDT and all the other hazardous toxins that sometimes get into the bay and the ocean floor and harm the wildlife and work up the chain.

Please support the Boxer amendments.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized for 10 minutes.

Mr. KERRY. I see we have more time than I anticipated. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. I want to make sure that there is time for the ranking member and myself.

What is the time situation, and how much time now does the Senator from Massachusetts have?

The PRESIDING OFFICER. The Senator from Massachusetts at the present time has 10 minutes.

Mr. BOND. And he is requesting?

The PRESIDING OFFICER. Another 5 minutes.

Mr. BOND. Mr. President, I do not object.

I amend that to ask unanimous consent that the remaining 20 minutes prior to the 12:30 vote be divided between the ranking member and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I rise to speak on the legislation we will vote on shortly, the VA-HUD bill, with mixed feelings. I want to be clear to my colleagues, the distinguished Senator from Maryland and the Senator from Missouri, those feelings have absolutely nothing to do with the level of leadership they have provided on this legislation. I think they have done an outstanding job under exceedingly difficult circumstances. When I say "difficult circumstances," they know better than anybody in the Senate what we are talking about.

This bill is traditionally knocked around, almost always begins with a significantly below realistic cap which makes it almost impossible for them to do their work for months on end. And then at the last minute they get some kind of a reprieve and they are allowed the opportunity to try to fit the pieces together, satisfy their colleagues, satisfy national priorities, and come to the Senate.

I think they have produced a housing budget that in light of recent years—I emphasize this—is a very strong budget. They have done an exceptional job with respect to the existing housing programs that we have in this country. They have increased funding for almost every significant Federal housing program that is already run by the Department of Housing and Urban Development. For that, I thank them—not just for me but for countless numbers of people across the country who depend on one or another of those efforts to have decent shelter and a competent housing program for their communities.

Let me share quickly a couple of examples where the work has been exceptional. They have provided about $6.2 billion for operating and capital costs in public housing, which is an increase over the administration's request. The HOPE VI program, which has been enormously successful in turning some of the Nation's worst public housing developments into healthy, mixed-income communities, including a number in my home State of Massachusetts, has received an additional $575 million.

The HOME program and the CDBG received significant funding increases. Any of us can go home and talk to a mayor and we will learn quickly how important those particular programs have been to the discretionary capacity of mayors to be able to make a difference for their communities.

The Community Reinvestment Act has been able to extend credit. That has assisted the communities. The bill also brought the homeless budget back up to where it was.

But let me just discuss, if I may, an area in which I know both the Senator from Missouri and the Senator from Maryland share with me a sense of frustration and a sense of a priority not met by this legislation. There is something the Congress of the United States could have done about this, and has chosen not to do.

Very simply, we need a production program in this country. We used to have a production program, but over the last years we have seen a retreat from the commitment by the Federal Government to provide production.

Last night, in the debate between Vice President GORE and Governor Bush, there was an exchange where the Vice President said to the Governor that he didn't doubt his heart, or his goodness as a person but that he questioned his priorities. I come to the floor today to question the priorities of all of us in Washington, the Congress and the administration, with respect to one of the most evident, compelling needs that we face in this country, in community after community after community. This is not a Boston or a Massachusetts issue. It is not a New England issue. There is not a community in the United States of America that you go to today where there are not people having an extraordinarily difficult time being able to find adequate housing.

The reason is partly something we can celebrate, in the sense it comes out of an economy that is so extraordinarily strong. But, on the other hand, because it is so strong and so many people are able to afford the few available places, the rents have risen to a point where even some vouchers are being refused. So we are upping the number of vouchers in this legislation to some 80,000 new vouchers, but there is no place for anybody to take them.

The result is, even as we live in a time of extraordinary economic expansion, too many of our fellow Americans are not sharing on the up side and are finding it increasingly difficult to find decent housing. HUD estimates that 5.4 million low-income households have what we call worst case housing needs. These families are paying over half their income towards housing costs or they are living in severely substandard housing.

Since 1950, the number of families with worst case housing needs has increased by 12 percent. That means 600,000 more of our fellow citizens cannot afford a decent and safe place to live, even though the United States of America has the best economy we have had in maybe half a century. For these families, living paycheck to paycheck, one simple unforeseen circumstance such as a child getting sick or a big car repair bill or some other kind of emergency can send them into homelessness. That is not an exaggeration.

Earlier this year, on the front page of the Washington Post, an article detailed these problems right here in our own backyard, the Nation's Capital. That article detailed the plight of low-income families living in apartments that are no longer affordable because the owners decided to no longer accept Federal assistance. For those families, the loss of their affordable housing unit meant they could go without a home.

We have mistakenly viewed this crisis as limited to certain demographic groups. I really caution my colleagues not to fall into that stereotype. There is not one metropolitan area in the country where a minimum wage earner can afford to pay the rent for the average two-bedroom apartment. The minimum wage today—is it $5.15? You would have to earn over $12 an hour to afford the median rent for the average two-bedroom apartment in this country. That figure rises dramatically in many metropolitan areas.

An hourly wage of $28 is needed in San Francisco; $23 on Long Island; $19 in Boston; $17 in Washington, DC, $16 in Chicago and in Seattle, and $15 in Atlanta. In every one of these cases, the affordability crisis has grown worse over the course of the past year. Working families are increasingly finding themselves unable to afford a house. A person in Boston would have to make over $35,000 a year just to afford a two-bedroom apartment, and we know that is well above the median earnings of folks in that area—as well, I might add, as most of the country.

In Cape Cod, MA, a working mother of three children has been forced to live in a camper. The children actually live in a tent because the camper is not large enough. The mother cooks on an outdoor grill. She cleans the campground toilets to help pay the rent on her campsite. She works 40 hours a week, earns $21,000 annually, and she cannot find affordable rental housing.

There was another article in the Washington Post this week which emphasizes the impact of this issue. Because of the ability of higher wage earners in this area who have benefited from the booming economy to pay higher housing costs, we have seen a rise in the number of building owners who refuse to rent to households that are assisted by section 8 vouchers. In Prince Georges County, 300 tenants in an apartment complex were recently told they have to move because the owner is no longer going to accept section 8.

I know the Senator from Missouri understands everything I have thus far said and supports the notion that we need a production program. I am grateful to the Senator from Missouri for having not just seen that, but put $1 billion into this bill for housing production. That is how this bill went to the conference level. That bill could have received support from the House and the administration that would have left us in a position to fund.

When people say: Senator, what about the cap? What about the total amount of money? In this year, the 2001 budget cycle, as a matter of priority, the administration and others are choosing to pay down $200 billion of debt. I am all for debt paydown. I know that is a tax cut to all Americans. I have been one of those here who has supported the concept that we ought to pay off the debt as rapidly as we possibly can. But the key is in the words "as rapidly as we possibly can." Maybe we should add words such as "as is appropriate," or "as is measured against other priorities of the country."

I do not know where it is written in stone or otherwise made an edict of the budgeting process that we have to choose to pay down $200 billion instead of paying down $199 billion or $198 billion, or some other figure. Would it really be so bad if the United States took 1 year longer to pay off the entire debt while sufficiently addressing the question of adequate housing for American families today?

The Senator from Missouri sought to put $1 billion into this bill. So we are making our own priorities. I say to my colleagues, as a matter of common sense and sound investment policy in the future of the country, it makes sense to invest in production of housing for people who cannot afford it because the alternative is that you have a lot of kids who are dragged out of schools, moving from community to community, often becoming at risk as a consequence of the lack of adequate housing. We will pick up their costs. We will pick up their costs when some Senator comes to the floor and says we need more Federal assistance to build prisons; or we need more Federal assistance for the juvenile justice system to take care of those kids who are getting into trouble; or we need more Federal assistance for the drug program because we have too many crack houses and too many communities that are magnets for crime.

Why? Because we don't allow them to become the kinds of communities we want them to be by investing up front in creating the kind of housing the country needs. It is inexcusable, in a nation as rich as we are, doing as well as we are, that we cannot find $1 billion to make certain we have a production program to help build the kind of housing that will release the pressures on the marketplace and can be felt all up and down the ladder in housing costs in the country.

Some colleagues will say: Why should the Federal Government do that? Years ago, we made a commitment in this country about housing. We have come to understand that there are certain things the marketplace doesn't always do very well. I happen to believe we have the most efficient allocation of capital of any economic system anywhere on the face of the planet. I am proud of that. I support that in dozens of ways—through the Small Business Committee, Banking Committee, Commerce Committee, tax incentives, various ways in which we allow the private sector to do what it does best, which is create jobs. But sometimes there are certain sectors of the economy where the marketplace does not work as efficiently. We have always recognized that with one kind of tax incentive or tax credit or direct grant or other kind of incentive or another. Housing just happens to be one of them.

When the supply is very tight and the demand is very high, you have a capacity for rents to rise and you have builders targeting their building to that place where they can make the most money. That is a natural instinct in a marketplace where you are looking for the greatest return on investment. You do not get your great return on investment from the sectors where the people can least afford the rents.

That is why we need a production program, and that is why I hope in these final days before the Congress adjourns we will find our way to include in the omnibus bill the production program we need so desperately. I thank the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The time of the Senator from Massachusetts has expired.

There are now 20 minutes equally divided among the managers of the bill.

Ms. MIKULSKI. Mr. President, as we conclude our debate on the VA-HUD bill, there are differences of opinion on these riders. I do hope they are rejected. If they are adopted, it will have a serious parliamentary and maybe even fiscal consequence. However, it is a democracy; people need to work their will. I am very proud of this bill because we do meet the needs of our veterans, those who fought the war over there so we could have peace here. I am very proud of what we have done in housing and urban economic development because what we want to do is create an opportunity ladder so people can make sure they have the opportunity for a better life, that there is local control in decisionmaking, strengthening communities whether they are in rural or urban America.

I am very proud of what we have done on the environment. We have funded clean air, clean water, safe drinking water, the ongoing efforts to clean up the Chesapeake Bay and many other bays around the United States of America. Also, in terms of science and technology, again, we have increased the funding so we can come up with the new ideas that ultimately will save lives, generate jobs, and save communities. That is what this bill is all about.

There are little known provisions, such as funding Arlington Cemetery where brave people who died in war are buried, and where Navy diver Stethem, my own Maryland resident who died as a result of an act of terrorism, is buried. He was on an airplane, and he wore the Navy uniform. They beat him up. This bill is a tribute to what people fight and die for around the country: That people will have a better life.

I yield the floor.

Mr. BOND. Mr. President, I wish to follow up with some comments on the issues we have discussed today and express, again, my sincere appreciation to my colleague from Maryland for the tremendous cooperation and guidance and valuable assistance she has provided, and her staff, Paul Carliner and others. We have had a lot of difficulties in working out this bill under unusual circumstances, but we both extend our thanks to the chairman and the ranking member, Senator STEVENS and Senator BYRD, for assisting us and for providing us with the resources we needed ultimately to put together a bill that meets the needs in so many important areas, from veterans to housing to the environment to space to science and emergency management. It has been a challenging time.

The Senator from Massachusetts noted that we had made an effort with respect to the production of housing. Frankly, I believe there is nothing more important. I think we have finally gotten the attention of the Department of Housing and Urban Development, which had heretofore focused solely on sending out new vouchers.

They wanted new vouchers overall. And my staff did what I thought was a very helpful report—completed it a month or so ago—which pointed out in so many areas vouchers simply cannot be used. There is no place to use them. The nationwide average is about 19 percent. I think in Jersey City some 65 percent of the vouchers cannot be used. In St. Louis County, MO, 50 percent cannot be used. It is an empty promise, a hollow promise, when we give a needy family a certificate that says this will pay their rent, and they take it out someplace and find out they cannot rent anyplace with that voucher, with that section 8 certificate. That does not do much good.

So we did fight hard for the production program. People have objected. I think they had legitimate concerns about the provisions. We agreed that these should be considered in an authorizing vehicle. We hope and we urge the Banking Committee next year to take up the problem of housing production. Let's get all these ideas out on the table.

My office has a lot of good ideas; I am sure others do. Let's get them all out and work them out in authorizing language. How sweet it would be if we had an authorized piece of housing legislation that would make it unnecessary for us to include housing provisions in the appropriations bill. It might be a lot duller, but I believe the ranking member and I could still pass the appropriations bill. So I urge them to deal with those housing questions.

We also thank our colleagues from the Environment and Public Works Committee for their helpful comments. As a member of that committee, I urge them to take a look at these many provisions which are included in our bill because of concerns over the direction we are moving in the environment. I would like to deal with them on the authorizing basis. I hope that we may do so in the future.

Mr. President, I thank all our colleagues for their help.

I reserve 2 minutes for the chairman of the committee at such time as he may choose for matters that he wishes to bring up.

Mr. STEVENS. Will the Senator yield now?

I thank the Senator very much.

Mr. President, I thank Senator BOND and Senator MIKULSKI, who have worked so hard on this bill and brought us a bill now, through the negotiations they have had with the House, that I believe will be signed. It has been a very difficult bill. In working together, it is nice to see a good bipartisan effort on our appropriations bills.

AMENDMENT NO. 4310

Mr. President, I ask unanimous consent it be in order for me to offer an amendment at this time. The amendment is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 4310.

Mr. STEVENS. I would like to have the amendment read.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

At the appropriate place in the amendment, add:

DIVISION C

SEC. . In lieu of a statement of the managers that would otherwise accompany a conference report for a bill making appropriations for federal agencies and activities provided for in this Act, reports that are filed in identical form by the House and Senate Committees on Appropriations prior to adjournment of the 106th Congress shall be considered by the Office of Management and Budget, and the agencies responsible for the obligation and expenditure of funds provided in this Act, as having the same standing, force and legislative history as would a statement of the managers accompanying a conference report.

Mr. STEVENS. Mr. President, I ask unanimous consent for adoption of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 4310) was agreed to.

Mr. STEVENS. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I know we are concluding. I express my thanks to Senator STEVENS and to Senator BYRD, who enabled us to move forward with this very unusual process, and for the assistance they gave us in dealing with severe budgetary allocations.

I also thank Senator BOND, as well as Congressman WALSH, for including the Democrats as full participants, and also the courtesy extended to members of the executive branch at OMB and also to the Council on Environmental Quality.

I also thank Senator BOND's staff for, again, their really close work in relationship with us and for the professionalism that was afforded. And I thank my own staff. While we worked on this bill, a lot of people were off enjoying themselves. They went home to dinner; they went to fundraisers; they played with their grandchildren; and we were out here working. That is our job. We were happy to do it. But after we would go home, the staff would work, often until 10, 11, 12 o'clock at night and through weekends. I thank them for their hard work. But, most of all, I know the American people thank them for their hard work.

Mr. President, that concludes my remarks.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4308

Mrs. BOXER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator has 1 minute.

Mrs. BOXER. Mr. President, my amendment strikes two riders which are harmful and unfair to the American people. That is why 21 environmental groups support the amendment. And the League of Conservation Voters has indicated they are going to score this on their environmental scorecard.

The first rider delays the setting of a new standard for arsenic in drinking water. The National Academy of

Sciences tells us we must act on a new standard for arsenic in water because arsenic is now a known carcinogen. They urge swift action because they tell us that the old standard was based on 1942 data. Arsenic causes cancer. That is science. We should not delay.

The second rider gags the EPA from informing communities that their air quality is harmful to their health. That is, to me, in a democracy, an amazing thing that we would stand here and allow this to happen, where the EPA would be denied the free speech to go into communities and say: You have to watch out for your health.

Gag rules on clean air and delays on arsenic standards are bad riders. I hope we will strike them.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri has 1 minute.

Mr. BOND. Mr. President, with respect to the arsenic rider, the National Academy of Sciences says somebody must act, but the EPA has not determined what action must be taken. Give them the full year that the Clean Water Act envisioned. We are doing this so they can conduct the process and not wind up spending their time in court.

With respect to the ozone nonattainment designations, this is simply saying: Don't go out and put black eyes on communities when lower courts have said that the EPA doesn't have the authority to issue those designations. Wait until you find out whether they actually have the authority to go out and brand a community as being out of attainment with this particular standard until you find out whether it is lawful.

I strongly urge my colleagues to join with me in opposing this amendment.

Mr. President, I move to table amendment No. 4308, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 4308. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Minnesota (Mr. GRAMS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 32, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—63

Abraham
Allard
Ashcroft
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cleland
Cochran
Conrad
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Enzi
Frist
Gorton
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Inouye
Kohl
Kyl
Landrieu
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Nickles
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—32

Akaka
Baucus
Biden
Boxer
Bryan
Chafee, L.
Collins
Dodd
Durbin
Edwards
Feingold
Fitzgerald
Graham
Hollings
Jeffords
Johnson
Kerrey
Kerry
Lautenberg
Leahy
Murray
Reed
Reid
Robb
Roth
Sarbanes
Schumer
Snowe
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—5

Feinstein
Grams
Helms
Kennedy
Lieberman

The motion was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

CHANGE OF VOTE

Mr. DODD. Mr. President on rollcall No. 270, I voted aye. It was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote since it would in no way change the outcome of that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. BOND. Mr. President, on behalf of the leader, I ask unanimous consent that the next votes in this series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

AMENDMENT NO. 4309

Mrs. BOXER. Mr. President, do I have 1 minute to describe this amendment?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, this is a simple amendment. It is a sense of the Congress and says the following:

It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the Nation that have been contaminated with PCBs, DDT, dioxins, metal, and other toxic chemicals in order to protect the public health, safety, and the environment.

I think this is very straightforward. I think we should all join hands and support the amendment. Why do I think we need it? There is report language in this bill that we believe delays the cleanup of these sites. The managers say, no, they don't think it will result in delay. If that is the case, then why can't we all join hands and support this sense of the Congress?

My goodness; we ought to protect our environment in this way. It seems to me if we have PCBs, if we have DDT with an ocean environment, a bay environment, or river environment, it is going to harm and it is harming the wildlife. That gets passed on to humans as the fish consume the DDT.

I urge a "yes" vote.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Senator from Maryland.

Ms. MIKULSKI. First, do not be deluded by the phrase "sense of the Congress." This is not a free ride on the riders. There are consequences if this passes. It is a dangerous amendment. This amendment will then go to a formal conference. The House will not accept our decision. This bill will then die as so many other things are dying. It will die quickly, as a matter of fact.

Second, in terms of the consequences to policy, first of all, there are so many exceptions in this bill, one of which is that this language does not apply if EPA says the site poses a threat to public health. It does not apply if a voluntary agreement is in place, if dredging is already occurring in a site. If a site has an approved plan by October 1, 2000, it doesn't apply.

Guess what. It sunsets on June 30, 2000. Let's just sunset the amendment and move on.

Mr. BOND. I move to table and ask for yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to a motion to table the amendment No. 4309. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Minnesota (Mr. GRAMS), are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—56

Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cleland
Cochran
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Enzi
Frist
Gorton
Gramm
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Murkowski
Nickles
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—39

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Chafee, L.
Collins
Conrad
Dodd
Durbin
Edwards
Feingold
Fitzgerald
Graham
Harkin
Jeffords
Johnson
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Moynihan
Murray
Reed
Reid
Robb
Roth
Schumer
Snowe
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—5

Feinstein
Grams
Helms
Kennedy
Lieberman

The motion was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the bill will be read a third time.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

SECTION 404

Mr. SMITH of New Hampshire. Mr. President, I would like to discuss with the distinguished chair of the Appropriations Subcommittee on VA, HUD and Independent Agencies the role of the Federal Emergency Management Agency (FEMA) in the Section 404 permitting process. FEMA and the Section 404 wetlands permitting program are subject to the authorization jurisdiction of the committee I chair, the Senate Environment and public Works Committee, and receive their funding through this appropriations bill.

Mr. BOND. I would be delighted to discuss this matter with my colleague from New Hampshire.

Mr. SMITH of New Hampshire. As the Senator knows, the Federal Emergency Management Agency was not established with the intent that it become a regulatory agency. Rather, the principal mission of the Agency is to administer relief to areas of our nation that are suffering from catastrophic events such as floods or hurricanes. The Section 404 permitting program under the Clean Water Act, as the Senator also knows well, is a complicated and controversial federal regulatory program administered primarily by the Army Corps of Engineers. However, the Environmental Protection Agency also has a major role in the implementation of the program that includes the ability to veto decisions by the Corps to issue specific Section 404 permits. I believe that two agencies implementing a federal regulatory program is quite enough.

Mr. BOND. I am familiar with the Section 404 program and agree with the Senator's observations.

Mr. SMITH of New Hampshire. I have two specific concerns regarding FEMA and the Section 404 program. First, I understand that a new rule on nationwide permits was issued by the Corps effective June 7, 2000. Nationwide permits are a streamlined permitting process that apply to minor wetlands disturbances that have a minimal impact on the nation's wetlands. These permits are very important to the operation of the program since as many as 85 percent of the permits issued by the Corps each year are nationwide permits. One aspect of this new rule makes it very difficult to obtain nationwide permits in the one hundred year floodplain. According to the Corps, 53 percent of the floodplain is subject to the jurisdiction of the Section 404 program. The rule provides that certain nationwide permits can be obtained in a portion of the hundred year floodplain if approved by FEMA or the local flood control agency.

Congress has not authorized a role for FEMA in the Section 404 permitting process. Is it your understanding that this new rule will be implemented in such a fashion that FEMA will not become a regulatory agency with respect to Section 404 nationwide permits?

Mr. BOND. I agree with the Senator that FEMA should not have a regulatory role in the Section 404 program and that there is some lack of clarity in the new nationwide permit rule regarding FEMA's role. The report of the Committee that accompanies this legislation contains language requesting detailed information from FEMA regarding their implementation plans under this new rule. I can assure the Senator that we will address his concerns as we work with FEMA on their funding needs and requests.

Mr. SMITH of New Hampshire. I thank the Senator for his attention to my concerns about FEMA's role in the 404 program. I would also call the Committee's attention to the related problem of the issuance of individual 404 permits in the 100 year floodplain. I believe it is important to emphasize that, just as in the case of nationwide permits. FEMA does not have a regulatory role in the issuance of individual permits under Section 404. Whether or not there should be such a policy in the hundred year floodplain is an issue that Congress may wish to address in the future. However, for now, I believe that it must be restated that FEMA has not been authorized a decisional role in whether or not an individual Section 404 permit should be issued nor the conditions of a Section 404 permit. We do not need a third federal agency with a decisional role in the Section 404 permitting program. Obviously, FEMA may comment on applications for Section 404 permits, as may any citizen or federal agency, but that opportunity must not be transformed into a decisional role. Does the Senator agree with me on this point? Is it the Senator's understanding that the funds in this bill will not be used by FEMA to play a decisional role in the issuance of individual Section 404 permits in the hundred year floodplain?

Mr. BOND. I agree with the Senator on this point. The funds in this bill are not to be used by FEMA to play a decisional role in the issuance of individual Section 404 permits in the hundred year floodplain.

Mr. SMITH of New Hampshire. Mr. President, I thank my distinguished colleague from Missouri.

ASSISTING VETERANS WITH DISABILITIES

Mr. LEVIN. Will the Chairman of the VA, HUD and Independent Agencies Appropriations Subcommittee yield for a question?

Mr. BOND. I will be pleased to yield for a question from the Senator from Michigan.

Mr. LEVIN. First, I want to compliment the Chairman and the Ranking Member, Ms. MIKULSKI, for bringing this bill to the Senator floor and for the Subcommittee's attention to the health, rehabilitation and research programs funded by this bill that are critical to our Nation's veterans.

I also want to compliment the Chairman and the Ranking Member for the subcommittee's report language that urges the VA's Rehabilitation Research Office to conduct a demonstration project to assess the impact of a new mobility technology on the ability of veterans to perform work functions, thereby leading to increased opportunities for veterans with disabilities to return to work. This innovative mobility device is a major advance in that it has the ability to climb stairs, traverse all terrain and balance the seated user at standing eye-level. It should, I hope, provide veterans who have mobility impairments with significant additional opportunities in the workplace. The demonstration project called for by the Subcommittee's language will help clarify the additional employment opportunities that such a device should create for our Nation's veterans. I thank the Subcommittee for its assistance in making process on this matter.

With new and emerging technologies becoming available that can assist veterans with disabilities, it is vital that the VA keep pace with the marketplace and ensure that veterans with disabilities have access to these advancements. I have had the pleasure of seeing this new mobility device perform its functions and it clearly holds great promise. I am hopeful that this demonstration project will show a significant impact that this device can have on the ability of veterans with disabilities to return to work and I am eager on review the findings of the demonstration. Would the Chairman agree that the demonstration that is requested in the Subcommittee's language be completed by May 1, 2001?

Mr. BOND. Yes, I think that the more than 7 months between now and May 1, 2001, is ample time to complete the demonstration project. I thank Senator LEVIN for his work on this important issue and for bringing it to the Subcommittee's attention.

Mr. LEVIN. I thank the Chairman for his continuing leadership on this matter.

DREDGING

Mr. LEVIN. Mr. President, this Manager's Amendment contains language which would direct the Environmental Protection Agency (EPA) to take no action to initiate or order the use of dredging or invasive remedial technologies where a final plan has not been adopted prior to October 1, 2000, or where such activities are not now occurring until the NAS report has been completed and its findings have been properly considered by the Agency. Would the Senator from Maryland be willing to clarify a few questions about this language?

Ms. MIKULSKI. Mr. President, I would be pleased to offer information about this Amendment to my friend from Michigan.

Mr. LEVIN. Is it understood that the Environmental Protection Agency has the discretion to define "threat to public health" and "urgent case" as those terms are applied to the exceptions? Further, is it understood that the EPA has the discretion to define "properly considered."

Ms. MIKULSKI. The Senator is correct.

Mr. LEVIN. Does the Senator from Missouri, the Chairman of the Subcommittee, agree with these clarifications?

Mr. BOND. I agree with the Senator from Maryland and join in her interpretation of this language.

Mr. LEVIN. Mr. President, as always, I appreciate the courtesy of the distinguished Senators from Maryland and Missouri.

GREAT WATERS PROGRAM

Mr. DEWINE. Mr. President, we congratulate the Chairman and Ranking Member of the Appropriations Committee for presenting the Senate with an Appropriations bill which addresses so many of the water quality issues confronting America today. We also want to reiterate our support for a program of great interest to our colleagues from the Great Lakes states.

Mr. LEVIN. The Great Waters program, authorized by the Clean Air Act Amendments of 1990, assesses air deposition as a source of toxic contamination to key water bodies, including the Great Lakes and Chesapeake Bay. Research suggests that at least half of all new toxic pollution loadings entering the Great Lakes may be transported and deposited by the atmosphere. Consistent funding for the monitoring of air deposition of toxic contaminants is especially critical at this time as the international community completes negotiations of an international treaty on persistent organic pollutants. The Great Waters program will provide a key component of the database used to judge the effectiveness of this international agreement in lowering the toxic contaminants entering the Great Lakes, and other great waters of the United States, from foreign sources.

Mr. DEWINE. I would like to ask the distinguished Chairman if the bill provides sufficient funding through the parent account to restore funding for critical monitoring under the Great Waters program to the fiscal year 1999 level of effort?

Mr. BOND. Mr. President, I want to thank the distinguished Senators from Ohio and Michigan for highlighting the importance of the Great Waters program. We are pleased to recommend continuation of this program which is so vital to understanding the impact of airborne toxins on aquatic ecosystems. I assure the Senator that the intention of this bill is to restore sufficient funding to allow assessment of our progress in reducing the amount of toxic pollution entering the nation's waters.

THE CENTREDALE MANOR RESTORATION PROJECT

Mr. L. CHAFEE. Mr. President, I appreciate the work of the subcommittee chairman and ranking minority Member in putting together this year's VA-HUD appropriations bill. I would like to clarify one matter of importance regarding removing an environmental threat in a Rhode Island community. The Centredale Manor Restoration Project is a Superfund site in North Providence, RI. With my encouragement, the U.S. Environmental Protection Agency has been moving quickly at this site. The site was only added to the National Priorities List in February of this year and several removal actions have been conducted at the site. Recently, the EPA released a proposed Engineering Evaluation/Cost Analysis that recommends replacement of the Allendale Dam and excavation of contaminated soils from residential properties along the Woonasquatucket River. These cleanup plans—requiring excavation of approximately 2,500 cubic yards of soils and sediments—were intended to be finalized later this year after the current public comment period, with design and construction work to follow shortly thereafter. There is a great deal of local support for getting on with this clean up and removing dangerous contaminants from North Providence neighborhoods.

I understand that the report attached to this bill contains language directing EPA to wait until completion of the current National Academy of Sciences study of sediment remediation technology, and proper consideration of the NAS study as it relates to EPA remedy selection, before finalizing any more dredging plans. The NAS study is scheduled to be completed no later than January 1, 2001. It seems to me this report language would allow the EPA to continue planning associated with the Centredale Manor cleanup, including replacement of Allendale dam and excavation of contaminated soils and sediments in and along the Woonasquatucket River, at the North Providence Superfund site. Ultimately, I believe that following consideration of the NAS study, EPA will be able to finalize the cleanup plan and implement that final plan during the 2001 construction season. I would like to confirm with the Chairman of the VA-HUD Appropriations Subcommittee that the report language is not intended to delay progress toward cleaning up contamination at the Centredale Manor Restoration Project in North Providence.

Mr. BOND. Mr. President, the Senator from Rhode Island is correct. The conference report language on dredging and EPA review of the pending study by the National Academy of Sciences is not intended to delay progress towards cleaning up contamination at the Centredale Manor Restoration Project in Rhode Island. It is intended to ensure that EPA considers the findings of the NAS study in selecting remedies involving contaminated sediments.

Mr. L. CHAFEE. Mr. President, I appreciate the chairman's clarification of this matter.

TEA-21

Mr. LAUTENBERG. Mr. President, I would like to engage the Chairman of the VA-HUD Appropriations Subcommittee in a brief colloquy on an important matter.

It is my understanding that the managers' amendment that we are adopting includes a rider which prohibits the EPA from making nonattainment designations under the new 8-hour ozone standard until June 15, 2001, or the final adjudication of the American

Trucking Association vs. EPA case now before the Supreme Court, whichever comes first. Is that right?

Mr. BOND. The Senator from New Jersey is correct.

Mr. LAUTENBERG. While I believe that inclusion of this rider is unfortunate as it will slow progress toward cleaner air, I understand that it should have little practical effect. EPA is unlikely to make those designations much in advance of June 15, 2001, in any case, even though all but about 6 states have submitted proposed areas for nonattainment designation.

I would just like to make one thing very clear for the record. This rider is a prohibition on the expenditures of funds. It does not negate the requirement included in TEA–21 that areas be designated under the new ozone standard. It also does not in any way prejudice the litigation pending before the Supreme Court. Would the distinguished Chairman confirm that these points are true?

Mr. BOND. Yes, Mr. President, the Senator is correct. This language does not modify section 6103 of TEA–21, nor is it intended to affect the Supreme Court's consideration of the litigation on these standards in any way.

Ms. MIKULSKI. I concur with the Subcommittee Chairman and the Senator from New Jersey.

CERCLA

Mr. LAUTENBERG. Mr. President, I would like to clarify a section in the statement of the managers accompanying the conference report. The language directs EPA to take no action to initiate or order the use of certain technologies such as dredging until certain steps have been taken with respect to the National Academy of Sciences report, with exceptions for voluntary agreements and urgent cases. It is my understanding that after June 30, 2001, or when EPA has properly considered the NAS report, whichever comes first, the conferees intend that EPA could proceed to finalize any such plans and act on those plans through steps to initiate or order dredging and other technologies, as appropriate.

Mr. BOND. The Senator is correct. The statement of the managers is not intended to limit EPA's authority to act on a plan that is finalized in accordance with the conditions set out.

Mr. LAUTENBERG. It is also my understanding that in directing EPA to properly consider the NAS report, the conferees are not intending to change the normal criteria by which EPA selects remedies, such as the factors laid out in CERCLA, the National Contingency Plan, and applicable guidance. Instead, the conferees are asking EPA to disseminate the report to officials within the Agency who make remedy selection decisions and to ask them to review it as part of the larger body of research on scientific and technical issues associated with hazardous waste cleanup. The NAS report is not being singled out for special deference greater than it would otherwise receive.

Mr. BOND. The Senator is correct. The statement of the managers calling for EPA to properly consider the NAS report is not a change in the CERCLA remedy selection process, it is not a call for an EPA response to the report, and is not a direction to give the report more weight than it would otherwise receive.

Mr. LAUTENBERG. It is also my understanding that urgent cases would include situations in which contaminated sediments, either alone or through their accumulation in fish, cause significant risks to public health such as increases in cancer risks, reproductive effects, or birth defects.

Mr. BOND. The Senator is correct.

Ms. MIKULSKI. I concur with the subcommittee chairman and Senator LAUTENBERG.

EPA'S ENDOCRINE DISRUPTOR SCREENING PROGRAM

Mr. SMITH of New Hampshire. Mr. President, I want to call the Senate's attention to a program that the Environmental Protection Agency (EPA) is implementing in a way that I believe is inconsistent with the original intent of Congress. The Endocrine Disruptor Screening Program, EDSP, was created by EPA to implement language in the Food Quality Protection Act, FQPA, and Safe Drinking Water Act Amendments of 1996 requiring that EPA, and I quote, "develop a screening program, using appropriate validated test systems and other scientifically relevant information, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or other such endocrine effect . . ." The Program was required to be implemented by August 1, 1999.

This program has been plagued by a lack of public participation from key constituencies, an expansive interpretation of the Congressional mandate, questionable decisions as to the validation of testing protocols, and neglect of money appropriated for the development of non-animal tests.

In October 1996 EPA formed the Endocrine Disruptor Screening and Testing Advisory Committee, EDSTAC, under the Federal Advisory Committee Act to advise EPA on risk assessment techniques for endocrine disrupting chemicals. EDSTAC included scientists and representatives from EPA and other government agencies, industry, national environmental groups, worker protection groups, environmental justice groups, and research scientists. More recently, EPA set up the Endocrine Disruptor Standardization and Validation Task Force to perform the work needed to develop, standardize, and validate the screens and tests proposed for the Program. However, one very important constituency was not included in either of these groups—in fact they were excluded—they are the animal welfare groups. Traditionally, these groups have been left out of the consultation process of EPA regarding the newly initiated chemical testing programs. Any program that includes testing of chemicals for toxicity or other effects involves the use of animals in such testing, however, the groups that advocate for animal welfare were excluded from providing early input in the Endocrine Disruptor Screening Program.

As Chairman of the committee with jurisdiction over the testing and handling of toxic chemicals, the Committee on Environment and Public Works, I am particularly concerned about how this program is being administered. In addition to the lack of public input, a major concern deals with the large number of animals used in testing that could occur as a result of EPA's implementation plan for this program. On August 25, 2000, EPA published a report to Congress on the Endocrine Disruptor Screening Program that sets forth the findings, recommendations and further actions of EPA in implementing the EDSP. The implementation plan that EPA has come up with is broader than the plain language of the FQPA. While obtaining better data on endocrine disruptors is certainly a worthy goal, I am concerned about the expansion of this congressionally mandated program. The broad interpretation by the EPA of the chemicals to test and the method of validation calls into question whether this program will be implemented in a manner consistent with the intent of Congress. All of these expanded interpretations increase the number of test animals needed to implement the program.

The law specifically states that EPA is to "use appropriately validated tests." EPA has interpreted the law to mean that animal tests can be validated through the EPA's own Science Advisory Board, however, non-animal tests must be run through a more rigorous Interagency Coordinating Committee for the Validation of Alternative Methods (ICCVAM) process. ICCVAM was created as a standing committee in 1997 and is composed of representatives of fifteen Federal regulatory or research agencies that regulate the use of animals in toxicology testing; EPA is a co-chair of ICCVAM. The ICCVAM process with input from the EPA Science Advisory Board reviews can ensure that the tests, animal or non-animal, will produce good results. I believe all tests should be assessed for validation by ICCVAM.

My comments up until now have been critical of the plan that EPA has put forth for future implementation of the Endocrine Disruptor Screening Program. Last year, Congress appropriated

$5 million for the development and implementation of the test methods including the high throughput prescreen, a non-animal screening process. After spending $70,000, the Agency has stopped working to integrate the high throughput pre-screen into the Endocrine Disruptor Screening Program. Although this specific example concerns me, it is only one example of the general disinterest of EPA in integrating non-animal tests into the program. I urge the EPA's Office of Research and Development to apportion funds to prioritize research, development and validation of non-animal tests.

Mr. BOND. Thank you for your insight and comments on EPA's Endocrine Disruptor Screening Program. We are in agreement that EPA should implement the Program better. EPA should also pursue the validation and incorporation of non-animal testing as soon as practicable.

Mr. SMITH of New Hampshire. I want to thank the Senator from Missouri for his comments and hope we can continue to work together on the monitoring of this and other EPA programs.

MILITARY RETIREES

Mr. HAGEL. Mr. President, as you know, current law requires that for a military retiree to receive his VA disability compensation he must waive an equal part of his retirement pay. This issue is frequently referred to as "concurrent receipt," because it would involve the simultaneous receipt of two types of benefits.

The service connected disabled military retiree is the only person that is forced to pay for their own disability compensation. A worker in private industry is not forced to pay for his own disability. Likewise, local, State and federal civil servants, appointed and elected officials are not forced to pay for their own disability compensation.

For several years I have worked closely with military retirees and veterans organizations to change the law to permit receipt of all deserved benefits. This is a step that this Congress must take. It is unfair that a person who serves his or her country and has a service-connected disability can't draw both benefits.

Legislation to fix concurrent receipt has been introduced during the past several Congresses. Last year, thanks in great part to the efforts of the Chairman and the Ranking Member of the Senate Armed Services Committee, the Senate took a first step towards fixing this problem by authorizing a concurrent receipt provision for severely disabled military retirees. The existing concurrent receipt restrictions, however, remain in effect.

This year, the Senate again made an effort to solve the concurrent receipt problem. During debate on the Department of Defense Authorization bill, the Senate included an amendment to completely repeal concurrent receipt laws. This would allow all veterans to receive their full disability compensation along with their retired pay. When the conference report to the Defense Authorization bill reached desk of the conferees, however, they were faced with an insurmountable financial problem.

The Defense Authorization conference report that is being considered today contains crucial provisions that will enable the government to fulfill its first priority: to provide a strong national defense. In addition, the Act contains significant and necessary increases in overall defense spending, especially directed at improving morale and retention. One of the most important of these provisions is an amendment, fulfilling a broken promise, which will give the same health care benefits to military retirees as those available to active duty service members. Therefore, I will support the Defense Authorization bill.

However, I want to take this opportunity to declare my intentions and to call upon my colleagues for their support. As part of the annual budget process next year, I will work with my colleague from Nevada, Mr. REID, who has dedicated a great deal of time to this effort, to include budget cap room for concurrent receipt.

I want to remind my colleagues, the service connected disabled military retiree is the only person who is forced to pay for his own disability compensation. It is simply unfair that a person who serves his or her country and has a service-connected disability can't draw both his VA and disability benefits concurrently.

This is a situation that must be fixed and I look forward to working with my colleagues on both sides of the aisle to ensure that our servicemembers, active duty and retired, receive the full benefits that they deserve.

HOUSING NEEDS

Mr. SARBANES. Mr. President, I thank Senators BOND and MIKULSKI for their good work on this year's VA-HUD appropriations bill. Also, I would like to congratulate Secretary Cuomo on the hard work he has done to raise awareness of the critical housing needs many Americans are experiencing around the country.

As the ranking member on the Banking, Housing, and Urban Affairs Committee, I have a very keen interest in the portion of this bill that funds the Department of Housing and Urban Development.

This year's budget is a strong step in the right direction. The bill contains increases in spending for many of the critical housing programs that serve middle- and low-income families.

It includes funding for nearly 80,000 new section 8 housing vouchers. These vouchers will provide additional housing resources for families experiencing critical housing needs.

Funding for the HOME and CDBG programs has been increased by $200 million and $300 million over last year's levels respectively. These are programs that local governments and non-profits rely on to build and rehabilitate affordable housing, as well as revitalize communities.

The Committee has also provided for an increase in the homeless budget, which includes emergency shelter, permanent housing, counseling, and job training services. For the approximately 500,000 people that are homeless in this country on any given night, this additional money will mean a better chance to find a bed in a shelter, a soup kitchen at which to eat, or a permanent home.

They also took the important step of providing a stream of funding to renew Shelter Plus Care vouchers. This will enable local providers to continue to build up the infrastructure they need to serve this vulnerable population.

This year's budget builds on the public housing reform legislation we passed two years ago by increasing the public housing operating and capital funds, enabling local public housing authorities to maintain and invest in their properties.

Also included is a two year extension of The Federal Housing Administration's Down Payment Simplification Program. This will allow the FHA to continue using the simplified formula to extend homeownership to more American families.

Additionally, there is an increase in spending for the Lead Paint Hazard program, a very important program for cities trying to abate the poisonous lead paint found in their housing stock.

Lastly, I want to thank Senators BOND and MIKULSKI for their efforts in pushing one provision that did not make it into the bill, that is, a new housing production program. While I am disappointed that we were unable to achieve this in the end, I appreciate their acknowledgment of the housing crisis our nation is experiencing.

The long-term answer to this problem will have to be the dedication of new resources to building additional housing. While the nearly 80,000 new section 8 vouchers will help to alleviate the severe housing crunch that many working American families experience, I hope we will be able to revisit the topic of production again next year.

All in all, this is a very good bill. I am very pleased and again congratulate my colleagues on a well thought out, well funded, piece of legislation.

Mr. BYRD. Mr. President, as all Senators are aware, I have taken the floor on a number of occasions, not only this year, but over the past several years, to express my concern about the manner in which the Senate was disposing of certain appropriation bills. This year—as in three previous fiscal years, fiscal years 1997, 1999, and 2000—the Senate has, until today, again been unable to take up and debate and amend several fiscal year 2001 appropriations bills; namely, Treasury/General Government, VA/HUD, and Commerce/Justice/State appropriations bills. I have been deeply concerned that the Senate is in danger of becoming a mere adjunct of the House, when it comes to consideration of appropriations bills.

In light of the circumstances in which we find ourselves, so near the end of the 106th Congress, I was pleased to support the unanimous consent agreement entered into yesterday. Under that agreement, the Senate has before it this morning the Fiscal Year 2001 VA/HUD Appropriations bill, as amended by the Senate Appropriations Committee. That Committee-reported bill has been amended by a Committee substitute offered by Senators BOND and MIKULSKI. Despite the fact that the Senate has not taken up the VA/HUD Appropriations bill until today, the fact is that Chairman BOND and Ranking Member MIKULSKI have worked tirelessly on the substitute before the Senate today. They have worked with the Administration and the other body to pound out an agreement that is acceptable to all parties involved in those negotiations. So, I am pleased that the many hours that they have devoted to this effort have resulted in the agreement now about to be adopted by the Senate. As is always the case, when it comes to appropriations bills, no one is fully satisfied with the final agreements that are reached. I am sure that there are areas where members would prefer to see changes made, but the time has come and gone for us to complete our work on the Fiscal Year 2001 appropriations bills—a fiscal year which began some 12 days ago.

Mr. President, as I explained earlier in my remarks, the Senate, until today, had not taken up the VA/HUD bill, or the Treasury/General Government bill, or the Commerce/Justice/State bill. The amendment at the desk places before the Senate the Committee-reported FY–2001 Treasury/General Government Appropriations bill.

This is the only opportunity that the Senate has had to consider the Treasury/General Government Appropriations bill, other than its being presented to the Senate on September 14th in a combined Legislative Branch and Treasury/General Government conference report, which was unamendable. The inclusion of the Treasury/General Government appropriations in the Legislative Branch conference report was not amendable and precluded the Senate's opportunity to debate and amend the Treasury/General Government bill on the Senate floor. Instead, on September 14th, Senators were asked to vote on the unamendable conference report, which contained not only the Legislative Branch Appropriations for Fiscal Year 2001, but also the Treasury/General Government Appropriations for Fiscal Year 2001. The vote on that combined conference report was 28 yeas and 69 nays. The motion to reconsider that vote is still pending.

Mr. President, it is my understanding that several adjustments to that Legislative Branch and Treasury/General Government conference report have been made in the form of amendments to the Transportation Appropriations bill, which were adopted in conference and were included as part of the Transportation conference report, which has now passed both Houses of Congress and is awaiting the President's signature. I do not intend to discuss those amendments in detail at this time, but instead will point out that a concern by Senator REID regarding the selection of a chief administrative officer for the Capitol Police has been resolved in that Transportation conference, together with substantial increases in funding for the IRS and certain other matters pertaining to the Treasury/General Government portion of that combined conference report.

As a result of these amendments regarding the Legislative Branch and Treasury/General Government conference report, it is my understanding that that conference report is now acceptable to the Chairmen and Ranking Members of those two Subcommittees, and I believe it is the intention of the Leadership to bring up and dispose of that combined Legislative Branch and Treasury/General Government conference report immediately following completion of consideration of the VA/HUD Appropriations conference report, which is currently before the Senate.

Mr. President, I urged the Leaders to allow for the amendment to put before the Senate the Treasury/General Government Appropriations bill, as reported by the Appropriations Committee, in order to preserve, at least to some extent, the Senate's right to take up appropriations bills prior to their being inserted into unamendable conference reports. I appreciate that the Leaders accommodated my request. Although, under the unanimous consent agreement, there will be no opportunity to amend the Treasury/General Government Appropriations bill, at least we have preserved the Senate's right to consider it. I am encouraged by the fact that the Majority Leader, at this late hour of the session, has attempted, as best he could, to allow some semblance of Senate consideration of the VA/HUD and the Treasury/General Government appropriations bills. I am hopeful that a similar agreement can be reached on the one remaining appropriations bill which the Senate has not yet acted upon—the Commerce/Justice/State Appropriations bill.

I am also very hopeful that we can find a way to ensure that the Senate can return to the regular appropriations process in the next Congress and all congresses thereafter, whereby appropriations bills are reported by the Committee and taken up in the Senate for debate and amendment prior to their being inserted into unamendable conference reports.

Mr. KOHL. Mr. President, I would like to take a moment to explain my votes on the amendments offered by Senator BOXER to the VA–HUD Appropriations bill relating to legislative riders that were attached to the bill. Included in the bill were provisions that would potentially delay the issuance of rules on arsenic, the declaration of new ozone non-attainment areas, and ordering dredging for the clean up of PCB's. Senator BOXER offered amendments that would have eliminated or weakened these provisions. She has worked hard for our environment, and has been a leader on ecological issues, so I regret I had to vote against her proposals. Unfortunately I had to oppose her for several reasons. First, the amendments, if accepted would have seriously disrupted Congress's efforts to complete our work on the budget. These amendments would have resulted in additional delays, and could have jeopardized the fate of the bill.

I was also concerned because the Administration did not oppose, and did not agree with the dire assessment of the effects of these riders. Staff at the EPA do not believe that these riders will result in any significant delays. EPA does not believe that the dredging language included in the bill will delay action on the Fox River in my state, but it will ensure that we use the best science available when EPA develops clean up plans.

Senators BOND and MIKULSKI, along with the Administration, have done their best to neuter destructive language that was included in the House version of this bill, and I think they have done well. We would prefer that these riders not be included at all, but if they must, at least they were included in a way that is unlikely to have any negative effect on the environment.

Mr. LEVIN. Mr. President, I am very pleased that this year's VA, HUD Appropriations bill contains $1 million for the City of Detroit for the Detroit River walkway or promenade. The riverfront is a focal point of Detroit's redevelopment efforts in connection with the City's upcoming 300th anniversary and plans are underway to construct an extensive, pedestrian-friendly walkway or promenade along the shoreline. I have personally been able to obtain support from this body for that purpose. The grant provided for in this bill will help defray the costs of the project, such as land acquisition, walkway installation and building demolition, and will help give Detroit a world-class waterfront.

We also have before the Senate today two very important amendments to this bill. The first would strike language in the report which delays the Environmental Protection Agency from making a final regulation for arsenic in drinking water. The National Academy of Sciences has found that the current regulations for the levels of arsenic in our water are unacceptable. The Environmental Protection Agency has proposed to lower the standard from the current 50 parts per billion to 5 parts per billion. I support that proposal and regret that I had to vote against this amendment. However, this amendment contained two provisions and it is the other provision I do not support.

That part of this amendment would strike language in the report which prevents the Environmental Protection Agency from designating an area in nonattainment under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone. I agree that an ozone standard should be in place to protect public health and the environment. However, the Environmental Protection Agency's authority to issue the 8-hour standard is currently under review by the United States Supreme Court. The Court will hear argument on November 7 to decide whether to uphold a Court of Appeals decision that invalidated the 8-hour standard on the grounds that the agency had assumed an "unconstitutional delegation of legislative power." Even the EPA has agreed that it cannot actually implement efforts with respect to the 8-hour standard. Until the Supreme Court hears this case, we do not know whether the EPA even had the authority to make this new rule. Therefore, I agree that the EPA should refrain from using the standard—a standard that may be struck down as unenforceable—until the Supreme Court has made its determination regarding the constitutionality of the EPA's actions.

Now this isn't a frivolous matter. A nonattainment designation can detrimentally affect an area and, if not justified, would cause needless economic hardship, such as costly transportation conformity measures, should the Supreme Court rule that the 8-hour standard is unenforceable. Further, this standard could impose unfair economic burdens on a number of communities in Michigan that suffer from significant ozone and other pollution transported from more severely polluted areas. And it could be all for nought if the Supreme Court strikes down the standard.

Mr. President, I support the goals of the Clean Air Act. However, it needs to be applied in a common sense equitable manner if it is to retain the support of the American People. It is not equitable to designate an area in nonattainment if that designation may become null and void in a matter of months. For these reasons I voted against the Boxer Amendment.

Mr. JOHNSON. Mr. President, I am pleased that, with my support, the Senate took another step today toward fulfilling our country's commitment to provide health care for our veterans. The fiscal year 2001 VA–HUD Appropriations Conference Report that passed the Senate this afternoon contains a $1.4 billion increase in veterans health care funding from the last year's appropriations level.

While I am pleased that we have finally come around to talking about additional funding for veterans health care, as opposed to three years of flatline budget levels, I am disappointed that the funding level in the FY2001 VA–HUD Appropriations Conference Report falls short of the level proposed by veterans organizations.

The authoritative Independent Budget is produced by major veterans organizations including AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the VFW. The Independent Budget and The American Legion agree that the Veterans Administration will need at least $500 million more in funding than provided by this conference report.

I am pleased to have led the effort last year in the Senate to increase veterans health care funding. Through my efforts on the Senate Budget Committee and on the Senate floor, we were able to start reversing the negative effects of three years of flat-lined veterans health care budgets with an increase of $1.7 billion. I am pleased that my efforts appear to have convinced the Administration and Members of Congress to start talking about increases in veterans health care funding instead of keeping this budget stagnant.

This year, I was successful in getting a bipartisan amendment passed to the Senate Budget Resolution that added an additional $1.9 billion to last year's funding for veterans health care. The conference report that passed the Senate today fell $500 million short of this goal and will prevent the VA from adequately funding a number of important programs including medical care, research, long term care, and necessary facility construction and renovation.

While the $1.4 billion increase in this year's VA budget and the $1.7 billion increase from last year are important improvements, I'm afraid the funds are simply providing budgetary backfill for the years when the veterans health care needs were ignored. We need a VA veterans' health care budget that can adequately offset years of underfunding, the higher costs of medical care caused by consumer inflation, wage increases, and legislation passed by Congress. For the first time in a number of years, we're working with overall budget surpluses instead of budget deficits. Clearly, the funds are there to provide for veterans health care. It is simply a question of whether the political will is there to make veterans health care a priority instead of an afterthought.

As a member of the Senate Budget Committee, I will continue to do all I can to encourage my colleagues to approve adequate funding levels for veterans health care. I look forward to continue working on a bipartisan basis with my Senate colleagues as well as with representatives of the veterans community in South Dakota.

Mr. KYL. Mr. President, the final version of the fiscal year 2001 Energy and Water Development appropriations provides $1 million for the Bureau of Reclamation to initiate a comprehensive Hopi/Western Navajo water development study. This funding was added to the bill at my request, and I would like to take this opportunity to detail the reason why I consider this to be a very important undertaking.

Efforts have been ongoing for several years to settle the various water rights claims of the Navajo and Hopi Indian tribes and other water users in the Little Colorado River watershed of Northern Arizona. Numerous proposals have been advanced in an effort to settle these water-rights claims, including identifying alternative sources of water, means of delivery and points of usage to help provide a reliable source of good-quality water to satisfy the present and future demands of Indian communities on those reservations. Cost estimates for the various existing proposals run into the hundreds of millions of dollars, the majority of which would likely be borne by the federal government. This study is needed to identify the most cost-effective projects that will serve to meet these objectives.

I have asked the Bureau to hire an outside contractor to complete this study to ensure that a fresh and objective analysis of existing studies and data is conducted. In addition, using a private contractor will enable the Bureau to complete the study in a timely manner without requiring the Bureau to divert personnel needed to accomplish other vital priorities. The study should be complete and submitted to the Senate Appropriations Committee as soon as possible, but no later than April 1, 2002.

I also want to assure the parties that this study is intended to be used to facilitate this settlement, and cannot be used for any other purpose in any administrative or judicial proceeding.

Mr. WELLSTONE. Mr. President, I rise to speak about a provision in the VA, HUD and Independent Agencies Appropriations bill, which was passed by the Senate today. Specifically, I want to speak about the substantial backlog of civil rights claims that have been filed with the Environmental Protection Agency's, EPA, Office of Civil Rights, OCR.

As my colleagues know, Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. For thirty-five years, this law has been a cornerstone of our nation's civil rights protections. To better implement Title VI in federal environmental programs, President Clinton issued an Executive Order in 1994 requiring each federal agency "to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations."

Under EPA's Title VI implementing regulations, 40 CFR Section 7, EPA-funded permitting agencies are prohibited from taking actions in the permitting process that are intentionally discriminatory or have a discriminatory effect based on race, color, or national origin. Under these regulations OCR is required to "promptly" investigate all complaints filed under Title VI unless all parties agree to a delay [40 CFR Section 7.120]. OCR is first required to initiate complaint proceedings within 5 days of receipt of a complaint [40 CFR Section 7.120(d)]. Then it must review the complaint for acceptance, rejection, or referral to another agency and make a determination within 25 days of the receipt of the complaint [40 CFR Section 7.120(d)(1)]. If a complaint is accepted, EPA must make a preliminary finding in the matter, including recommendations, if any, for achieving voluntary compliance, and OCR must notify the recipient of these finding within 180 days of the start of the complaint investigation. [40 CFR Section 7.120(d)(2)].

Unfortunately according to the OCR's most recent log of cases filed on October 4, 2000, 103 Title VI claims have been filed since September 1993. Of these, over half, 56 cases, are still pending. The remainder were either rejected or dismissed over jurisdictional issues. Eleven of the still active cases have been pending for 5 years or more, without resolution. Only one case has been resolved by a decision of the OCR, which found that there was not a legally recognizable "adverse impact" on the community and denied the community's request for reconsideration.

To further complicate resolution for these civil rights claims, in 1998 a rider was inserted in the VA-HUD Appropriations bill that blocked the implementation or administration of the interim Guidance to enforce Title VI claims issued on February 5, 1998. This rider has effectively stopped the EPA from investigating and responding to claims of race or national origin discrimination that have been filed with the Agency after October, 1998. That same rider has been on all subsequent VA/HUD bills, including this one.

This summer the EPA revised it's Guidance, which was noticed in the Federal Register for public comment. The revision is titled "Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits." I am pleased that the rider, included in this VA/HUD Appropriations bill, would not apply to the EPA's revised Guidance.

However a there still remains a large backlog of cases to be acted upon. There were 35 complaints filed after the first rider in 1998. To date only one has been accepted for investigation. Although the step of acceptance or rejection is required under Federal Regulation within 25 days of the receipt of the complaint, 34 of these complaints are more than 25 days old and over half of them, 20 of 34 cases, have been "under review" for more than a year.

The EPA's own regulations are clear, regardless of any Guidance. Furthermore, the rider does not account for the entire backlog of unresolved complaints. There are still 21 complaints pending that were filed before the rider blocking the EPA's 1998 Guidance went into effect. Of these cases, 19 have been accepted, but no preliminary findings have been made. Two cases are still under review after 4½ years, and as you will recall the deadline in the federal regulations for accepting cases is 25 days from the initial complaint date. And again, half of the still active cases,—11 of 21—have been pending for 5 years or more, without resolution.

It appears the EPA is out of compliance with it's own regulations for processing civil rights complaints, both for cases filed before and after the effect of the rider. While the rider has no doubt been a hindrance to the Agency, it clearly does not absolve the Agency of its responsibilities under the 36 year old civil rights law. And the Agency's own regulations lay out a clear framework for processing and acting on complaints.

Several environmental and civil rights organizations have written to Congressional leaders on this backlog. Mr. President, I ask unanimous consent that a letter to the VA, HUD and Independent Agencies Subcommittee from the NAACP, and a letter from the Earthjustice Legal Defense Fund be entered into the RECORD following my statement.

In closing, I am pleased the Administration appears to be working to finalize the revised Guidance. However, I remain concerned that the EPA has established no clear way of dealing with the backlog of civil rights claims that have built up over the past seven years.

Therefore, as a Senator from Minnesota, I call on the EPA, as expeditiously as possible, to resolve the many backlogged civil rights claims, several of which have been pending for years. Only then will we be able to fulfill the intent of the landmark 1964 Civil Rights Act.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, October 11, 2000.

Hon. CHRISTOPHER S. BOND, Chairman,
Hon. BARBARA MIKULSKI, Ranking Member,
VA, HUD, and Independent Agencies Subcommittee, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR BOND AND SENATOR MIKULSKI: The National Association for the Advancement of Colored People, the nation's oldest and largest grassroots civil rights organization, strongly opposes the anti-civil rights, anti-environmental rider in the House version of the VA, HUD, and Independent Agencies Appropriations bill that, for the third year in a row, attempts to interfere with the obligation of the Environmental Protection Agency (EPA) to investigate and resolve Title VI Civil Rights complaints filed with its Office of Civil Rights. We urge you to not accept this rider in the final version of the bill, and to instead insist on bill language that requires the EPA to begin immediately resolving the growing backlog of civil rights complaints filed since 1993 by communities of color struggling for environmental justice.

The rider, as well as the backlog of civil rights complaints, has had the effect of undermining one of the most important laws in this country, Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin. The NAACP worked for the enactment of Title VI and continues to work against any actions that may result in racial discrimination. Therefore, we are deeply troubled by acts of Congress and actions of government agencies that may result in having a disparate impact on communities of color.

Any community in this nation that feels that it is threatened by a state environmental agency decision must have access to legal recourse to address its concerns. Historically, these communities have been low-income areas with high concentrations of African Americans, Latino Americans and Asian Americans. The fact that communities of color are disproportionately over-represented among communities with these complaints leads to inevitable concerns that their basic civil rights are being violated. According to the EPA's Office of Civil Rights, there are now 56 complaints lodged with the agency that remain unresolved. Many of these claims were filed with the EPA several years ago. However, the agency has not even notified complainants about whether their complaints have been accepted or rejected—a duty required of the EPA by federal regulations. Of the 21 unresolved complaints that were accepted for investigation, over half were filed more than five years ago. The EPA has failed to render preliminary findings for all of the complaints accepted for investigation. However, federal regulations require the EPA to make preliminary findings within 180 days of the complaint's acceptance for investigation. EPA's failure to comply with federal regulations has blocked resolution of civil rights complaints. As a result, people of color who lack the resources for federal court civil rights litigation are effectively denied access to legal redress at the administrative level. This is a completely unacceptable situation.

The House anti-civil rights, anti-environmental rider makes a bad situation worse. For the last two years and as proposed for next year, the riders expressly prohibit the EPA from investigating and resolving new civil rights complaints. The result has been a maintaining the status quo of concentrating polluting sources in communities of color. By blocking the EPA from developing and implementing concrete manners of resolving these complaints, the rider creates a chilling effect on the EPA for investigating the backlog of complaints. As a result, the riders clearly have added to the problem of the growing backlog of unresolved civil rights complaints.

The rider is an unjust denial of a civil rights remedy for people of color struggling to protect their children and communities from environmental hazards and pollution. It violates the spirit, if not the outright language, of the Constitution of the United States that guarantees every American the right to "life, liberty and the pursuit of happiness."

We urge you to delete all language from the final bill that could interfere with EPA's ability to investigate civil rights violations, and to insert into the final bill a provision that requires the EPA to resolve the backlog of civil rights complaints as expeditiously as possible. I hope that you will feel free to contact me with any questions or comments you may have on this matter. I look forward to working with you to ensure that the rights of all Americans are protected.

Sincerely,

HILARY O. SHELTON,
Director.

EARTHJUSTICE,
LEGAL DEFENSE FUND,
October 12, 2000.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: EarthJustice Legal Defense Fund is a non-profit environmental law firm whose mission is to enforce laws that protect our environment through litigation and advocacy. One of these laws is Title VI of the Civil Rights Act, which expressly prohibits discrimination on the basis of race, color or national origin in federally-funded programs. In 1993, the New Orleans office of Earthjustice successfully represented African American citizens groups in Mississippi by filing the first Title VI Civil Rights complaint with the Environmental Protection Agency ("EPA"), which was against the state's environmental programs that concentrated waste sites in African American communities. Our civil rights complaint protected Mississippi citizens, who were unfairly targeted for additional proposed waste sites.

Clearly, Title VI of the Civil Rights Act is an important remedy to protect people of color who are disproportionately burdened by toxic facilities and waste sites. There have been numerous governmental and academic reports that demonstrate the racial disparities that exist in environmental permitting decisions, which concentrate polluting sources in communities of color. The gains that people of color have made in the struggle for environmental justice have heightened public awareness about this form of racism and established institutional changes at the EPA and other government agencies to address this issue. However, actions taken by Congress over the past three years have taken away the ability of people of color to exercise their civil rights in defense of their health and environment.

The right of citizens to seek legal redress—a cornerstone of our democracy—is blocked by Congressional riders that have prevented the EPA from investigating civil rights complaints for the last two years. This rider is also inserted in this year's VA, HUD, and Independent Agencies bill. Through this rider, Congress has effectively repealed civil rights protections for people who live in fear of industrial accidents and daily breath a cocktail of toxic chemicals spewed by facilities and waste sites in their neighborhoods. As a result of the rider, there has been an increase in the number of civil rights complaints filed with the EPA by people of color that go unanswered. There are now 56 civil rights complaints pending before the EPA's Office of Civil Rights that remain unaddressed, in violation of the agency's own Title VI regulations requiring prompt resolution of claims. The rider's offensive prohibition against investigating new civil rights complaints with tools and analyses developed by the EPA silences people of color. We find that such legislation is a dangerous erosion of our civil rights, which opens the door to new riders that can dismantle civil rights protections in housing, education, employment, and transportation. We find it profoundly disturbing that with one brushstroke of a pen, Congress can set back the gains of the civil rights movement in this country.

The anti-civil rights and anti-environmental rider in the present VA, HUD, and Independent Agencies bill sets a dangerous precedent in this country for taking away the rights of citizens. We deeply appreciate your leadership in opposing this rider and supporting a safe and healthy environment for all communities.

Sincerely,

MONIQUE HARDEN,
Staff Attorney.
JOAN MULHERN,
Senior Legislative Counsel.

Mr. BOND. Mr. President, have the yeas and nays been ordered? I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOND. Before we begin the vote, I urge all my colleagues to support this measure. Senator MIKULSKI and I have worked long and hard. Obviously, we have not made everybody happy, but that is not in our power. We hope we have done well by all of the functions and all of the facilities and departments we serve. We hope our colleagues will be sullen but not rebellious and join us in passing a measure which has so many good things to provide for veterans, housing, environment, space, science, and emergency management.

Again, I thank all my colleagues for their indulgence as we had to go through this unusual episode. I thank our staff, Jon Kamarck, Carolyn Apostolou, Cheh Kim, and Joe Norrell. On the minority side, Paul Carliner and Alexa Mitrakos have been outstanding.

The most valuable ally I have on this measure is the very distinguished Senator from Maryland, Ms. MIKULSKI, to whom I am deeply grateful, and I appreciate her leadership and guidance.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I echo the expression of thanks to our staff and to our colleagues. I urge we move immediately to a vote and serve the Nation.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 8, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—87

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Fitzgerald
Frist
Gorton
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—8

Allard
Feingold
Graham
Gramm
Inhofe
Kyl
McCain
Voinovich

NOT VOTING—5

Feinstein
Grams
Helms
Kennedy
Lieberman

The bill (H.R. 4635), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4635) entitled "An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $22,766,276,000, to remain available until expended: Provided, That not to exceed $17,419,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,634,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to the account: Provided further, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2001, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $162,000,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $220,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $52,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $432,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $532,000, which may be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $20,281,587,000, plus reimbursements: Provided, That of the funds made available under this heading, $900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $500,000,000 shall be available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $28,134,000 may be transferred to and merged with the appropriation for "General operating expenses": Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2002, $351,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $62,000,000 plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2001.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,050,000,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $45,000,000 shall be available until September 30, 2002: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $109,889,000: Provided, That travel expenses shall not exceed $1,125,000: Provided further, That of the amount made available under this heading, not to exceed $125,000 may be transferred to and merged with the appropriation for "General operating expenses".

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $46,464,000: Provided, That of the amount made available under this heading, not to exceed $28,000 may be transferred to and merged with the appropriation for "General operating expenses".

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $66,040,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2001, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2001; and (2) by the awarding of a construction contract by September 30, 2002: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $162,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2001 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2000.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2001 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2001, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2001, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2001, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, collections authorized by the Veterans Millennium Health Care and Benefits Act (Public Law 106–117) and credited to the appropriate Department of Veterans Affairs accounts in fiscal year 2001, shall not be available for obligation or expenditure unless appropriation language making such funds available is enacted.

SEC. 109. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure until September 30, 2003: funds obligated by the Department of Veterans Affairs for a contract with the Institute for Clinical Research to study the application of artificial neural networks to the diagnosis and treatment of prostate cancer through the Cooperative DoD/VA Medical Research program from funds made available to the Department of Veterans Affairs by the Department of Defense Appropriations Act, 1995 (Public Law 103–335) under the heading "Research, Development, Test and Evaluation, Defense-Wide".

SEC. 110. As HR LINK$ will not be part of the Franchise Fund in fiscal year 2001, funds budgeted in customer accounts to purchase HR LINK$ services from the Franchise Fund shall be transferred to the General Administration portion of the "General operating expenses" appropriation in the following amounts: $78,000 *from the "Office of Inspector General", $358,000 from the "National cemetery administration", $1,106,000 from "Medical care", $84,000 from "Medical administration and miscellaneous operating expenses", and $38,000 shall be reprogrammed within the "General operating expenses" appropriation from the Veterans Benefits Administration to General Administration for the same purpose.*

SEC. 111. Not to exceed $1,600,000 from the "Medical care" appropriation shall be transferred to the "General operating expenses" appropriation to fund personnel services costs of employees providing legal services and administrative support for the Office of General Counsel.

SEC. 112. Not to exceed $1,200,000 may be transferred from the "Medical care" appropriation to the "General operating expenses" appropriation to fund contracts and services in support of the Veterans Benefits Administration's Benefits Delivery Center, Systems Development Center, and Finance Center, located at the Department of Veterans Affairs Medical Center, Hines, Illinois.

SEC. 113. Not to exceed $4,500,000 from the "Construction, minor projects" appropriation and not to exceed $2,000,000 from the "Medical care" appropriation may be transferred to and merged with the Parking Revolving Fund for surface parking lot projects.

SEC. 114. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for "Medical care" appropriations of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN 12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $13,940,907,000 and amounts that are recaptured in this account to remain available until expended: Provided, That of the total amount provided under this heading, $12,972,000,000, of which $8,772,000,000 shall be available on October 1, 2000 and $4,200,000,000 shall be available on October 1, 2001, shall be for assistance under the United States Housing Act of 1937 ("the Act" herein) (42 U.S.C. 1437): Provided further, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937 (47 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That amounts available under the first proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That $11,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That of the total amount provided under this heading, $452,907,000 shall be made available for incremental vouchers under section 8 of the United States Housing Act of 1937 on a fair share basis and administered by public housing agencies: Provided further, That of the total amount provided under this heading, up to $7,000,000 shall be made available for the completion of the Jobs Plus Demonstration: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: Provided further, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That $1,833,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual Contributions for Assisted Housing" or any other heading for fiscal year 2000 and prior years: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission: Provided further, That the Secretary shall have until September 30, 2001, to meet the rescission in the proviso preceding the immediately preceding proviso: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $3,000,000,000, to remain available until expended, of which up to $50,000,000 shall be for carrying out activities under section 9(h) of such Act, for lease adjustments to section 23 projects and $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: Provided further, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2001.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,242,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFERS OF FUNDS)

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $3,000,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight, training and improved management of this program, $2,000,000 shall be available to the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public housing and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996, and $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, $20,000,000 shall be available for the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug-related criminal activity in and around such developments, and to *provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.*

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $575,000,000 to remain available until expended, of which the Secretary may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $650,000,000, to remain available until expended, of which $6,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees: Provided further, That of the amount provided in this heading, $2,000,000 shall be transferred to the Working Capital Fund for development and maintaining information technology systems.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $258,000,000, to remain available until expended: Provided, That the Secretary shall renew all expiring contracts that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to 1 percent of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2001, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $90,000,000, to remain available until expended: Provided, That $75,000,000 shall be available for the Secretary of Housing and Urban Development for "Urban Empowerment Zones", as authorized in the Taxpayer Relief Act of 1997, including $5,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone: Provided further, That $15,000,000 shall be available to the Secretary of Agriculture for grants for designated empowerment zones in rural areas and for grants for designated rural enterprise communities.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,057,550,000: Provided, That of the amount provided, $4,410,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301), to remain available until September 30, 2003: Provided further, That $71,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $2,600,000 shall be available as a grant to the National American Indian Housing Council, $10,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation, and $45,500,000 shall be for grants pursuant to section 107 of the Act of which $3,000,000 shall be made available to support Alaska Native serving institutions and native Hawaiian serving institutions, as defined under the Higher Education Act, as amended, and of which $3,000,000 shall be made available to tribal colleges and universities to build, expand, renovate, and equip their facilities: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the department: Provided further, That $15,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That $20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program.

Of the amount made available under this heading, $28,450,000 shall be made available for capacity building, of which $25,000,000 shall be made available for "Capacity Building for Community Development and Affordable Housing", for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, of which not less than $5,000,000 of the funding shall be used in rural areas, including tribal areas, and of which $3,450,000 shall be made available for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $44,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, that any unobligated balances of amounts set aside for neighborhood initiatives in fiscal years 1998, 1999, and 2000 may be utilized for any of the foregoing purposes: Provided further, That these grants shall be provided in accord with the terms and conditions specified in the statement of managers accompanying this conference report.

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $4,000,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amounts made available under this heading, $2,000,000 shall be available to the Utah Housing Finance Agency for the temporary use of relocatable housing during the 2002 Winter Olympic Games provided such housing is targeted to the housing needs of low-income families after the Games.

Of the amount made available under this heading, $292,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,800,000,000 to remain available until expended: Provided, That up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $1,025,000,000, to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to 1.5 percent of the funds appropriated under this heading is transferred to the Working Capital Fund to be used for technical assistance for management information systems and to develop an automated, client-level Annual Performance Report System: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE RENEWALS

For the renewal on an annual basis of contracts expiring during fiscal years 2001 and 2002 under the Shelter Plus Care program, as authorized under subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, $100,000,000, to remain available until expended: Provided, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $996,000,000, to remain available until expended: Provided, That $779,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects and of which amount $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $217,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That $1,000,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2000, and any collections made during fiscal year 2001, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2001, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2001, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed $4,022,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $160,000,000, of which $96,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2001 an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $101,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000, of which $193,134,000, shall be transferred to the appropriation for "Salaries and expenses"; and of which $18,321,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000, of which $33,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2001, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

Government National Mortgage Association

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2002.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for "Salaries and expenses".

Policy Development and Research

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $53,500,000, to remain available until September 30, 2002: Provided, That of the amount provided under this heading, $10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: Provided further, That $3,000,000 shall be for program evaluation to support strategic planning, performance measurement, and their coordination with the Department's budget process: Provided further, That $500,000, to remain available until expended, shall be for a commission as established under section 525 of Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act.

Fair Housing and Equal Opportunity

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,000,000, to remain available until September 30, 2002, of which $24,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

Office of Lead Hazard Control

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $100,000,000 to remain available until expended, of which $1,000,000 shall be for CLEARCorps and $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards.

Management and Administration

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,072,000,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the "Community development fund" account, $150,000 shall be provided by transfer from the "Title VI Indian federal guarantees program" account, and $200,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That not more than $758,000,000 shall be made available to the personal services object class: Provided further, That no less than $100,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of Information Technology Systems: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of this provision by two and one-half percent: Provided further, That the Secretary shall submit a staffing plan for the Department by May 15, 2001: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs or in any position in the Department where the employee reports to an employee of the Office of Public Affairs.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $85,000,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for "Drug elimination grants for low-income housing": Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

Office of Federal Housing Enterprise Oversight

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $22,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

Administrative Provisions

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2001 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. (a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2001 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2001 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2001 do not have the number of cases of acquired immunodeficiency syndrome required under such clause.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2001, in proportion to

AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) ENVIRONMENTAL REVIEW.—Section 856 of the Act is amended by adding the following new subsection at the end:

''(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

ENHANCED DISPOSITION AUTHORITY

SEC. 204. Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by striking ''and 2000'' and inserting ''2000, and thereafter''.

MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS

SEC. 205. Section 8(t)(1)(B) of the United States Housing Act of 1937 is amended by inserting ''and any other reasonable limit prescribed by the Secretary'' immediately before the semicolon.

DUE PROCESS FOR HOMELESS ASSISTANCE

SEC. 206. None of the funds appropriated under this or any other Act may be used by the Secretary of Housing and Urban Development to prohibit or debar or in any way diminish the responsibilities of any entity (and the individuals comprising that entity) that is responsible for convening and managing a continuum of care process (convenor) in a community for purposes of the Stewart B. McKinney Homeless Assistance Act from participating in that capacity unless the Secretary has published in the Federal Register a description of all circumstances that would be grounds for prohibiting or debarring a convenor from administering a continuum of care process and the procedures for a prohibition or debarment: Provided, That these procedures shall include a requirement that a convenor shall be provided with timely notice of a proposed prohibition or debarment, an identification of the circumstances that could result in the prohibition or debarment, an opportunity to respond to or remedy these circumstances, and the right for judicial review of any decision of the Secretary that results in a prohibition or debarment.

HUD REFORM ACT COMPLIANCE

SEC. 207. Except as explicitly provided in legislation, any grant or assistance made pursuant to Title II of this Act shall be made in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 on a competitive basis.

EXPANSION OF ENVIRONMENTAL ASSUMPTION AUTHORITY FOR HOMELESS ASSISTANCE PROGRAMS

SEC. 208. Section 443 of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

''SEC. 443. ENVIRONMENTAL REVIEW.

''For purposes of environmental review, assistance and projects under this title shall be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

TECHNICAL AMENDMENTS AND CORRECTIONS TO THE NATIONAL HOUSING ACT

SEC. 209. (a) SECTION 203 SUBSECTION DESIGNATIONS.—Section 203 of the National Housing Act is amended by—

(1) redesignating subsection (t) as subsection (u);

(2) redesignating subsection (s), as added by section 329 of the Cranston-Gonzalez National Affordable Housing Act, as subsection (t); and

(3) redesignating subsection (v), as added by section 504 of the Housing and Community Development Act of 1992, as subsection (w).

(b) MORTGAGE AUCTIONS.—The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by inserting after ''December 31, 2002'' the following: '', except that this subparagraph shall continue to apply if the Secretary receives a mortgagee's written notice of intent to assign its mortgage to the Secretary on or before such date''.

(c) MORTGAGEE REVIEW BOARD.—Section 202(c)(2) of the National Housing Act is amended—

(1) in subparagraph (E), by striking ''and'';

(2) in subparagraph (F), by striking ''or their designees.'' and inserting ''and'';

(3) by adding the following new subparagraph at the end:

''(G) the Director of the Enforcement Center; or their designees.''.

INDIAN HOUSING BLOCK GRANT PROGRAM

SEC. 210. Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) LAW ENFORCEMENT OFFICERS.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act to a law enforcement officer on the reservation or other Indian area, who is employed full-time by a Federal, state, county or tribal government, and in implementing such full-time employment is sworn to uphold, and make arrests for violations of Federal, state, county or tribal law, if the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.''.

PROHIBITION ON THE USE OF FEDERAL ASSISTANCE IN SUPPORT OF THE SALE OF TOBACCO PRODUCTS

SEC. 211. None of the funds appropriated in this or any other Act may be used by the Secretary of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a facility, or facility with a designated portion of that facility, which sells, or intends to sell, predominantly cigarettes or other tobacco products. For the purposes of this provision, predominant sale of cigarettes or other tobacco products means cigarette or tobacco sales representing more than 35 percent of the annual total in-store, non-fuel, sales.

PROHIBITION ON IMPLEMENTATION OF PUERTO RICO PUBLIC HOUSING ADMINISTRATION SETTLEMENT AGREEMENT

SEC. 212. No funds may be used to implement the agreement between the Commonwealth of Puerto Rico, the Puerto Rico Public Housing Administration, and the Department of Housing and Urban Development, dated June 7, 2000, related to the allocation of operating subsidies for the Puerto Rico Public Housing Administration unless the Puerto Rico Public Housing Administration and the Department of Housing and Urban Development submit by December 31, 2000 a schedule of benchmarks and measurable goals to the House and Senate Committees on Appropriations designed to address issues of mismanagement and safeguards against fraud and abuse.

HOPE VI GRANT FOR HOLLANDER RIDGE

SEC. 213. The Housing Authority of Baltimore City may use the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading ''Public Housing Demolition, Site Revitalization, and Replacement Housing Grants'' for use, as approved by the Secretary of Housing and Urban Development—

(1) for activities related to the revitalization of the Hollander Ridge site; and

(2) in accordance with section 24 of the United States Housing Act of 1937.

COMPUTER ACCESS FOR PUBLIC HOUSING RESIDENTS

SEC. 214. (a) USE OF PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.—Section 9 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(E), by inserting before the semicolon the following: '', including the establishment and initial operation of computer centers in and around public housing through a Neighborhood Networks initiative, for the purpose of enhancing the self-sufficiency, employability, and economic self-reliance of public housing residents by providing them with onsite computer access and training resources'';

(2) in subsection (e)(1)—

(A) in subparagraph (I), by striking the word ''and'' at the end;

(B) in subparagraph (J), by striking the period and inserting ''; and''; and

(C) by adding after subparagraph (J) the following:

''(K) the costs of operating computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E), and of activities related to that initiative.''; and

(3) in subsection (h)—

(A) in paragraph (6), by striking the word ''and'' at the end;

(B) in paragraph (7), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) assistance in connection with the establishment and operation of computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E).''.

(b) DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR PROJECTS.—Section 24 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(G), by inserting before the semicolon the following: '', including a Neighborhood Networks initiative for the establishment and operation of computer centers in public housing for the purpose of enhancing the self-sufficiency, employability, an economic self-reliance of public housing residents by providing them with onsite computer access and training resources''; and

(2) in subsection (m)(2), in the first sentence, by inserting before the period the following '', including assistance in connection with the establishment and operation of computer centers in public housing through the Neighborhoods Networks initiative described in subsection (d)(1)(G)''.

MARK-TO-MARKET REFORM

SEC. 215. Notwithstanding any other provision of law, the properties known as the Hawthornes in Independence, Missouri shall be considered eligible multifamily housing projects for purposes of participating in the multifamily housing restructuring program pursuant to title V of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65).

SECTION 236 EXCESS INCOME

SEC. 216. Section 236(g)(3)(A) of the National Housing Act is amended by striking out ''fiscal year 2000'' and inserting in lieu thereof ''fiscal years 2000 and 2001''.

CDBG ELIGIBILITY

SEC. 217. Section 102(a)(6)(D) of the Housing and Community Development Act of 1974 is amended by—

(1) in clause (v), striking out the "or" at the end;

(2) in clause (vi), striking the period at the end; and

(3) adding at the end the following new clause:

"(vii)(I) has consolidated its government with one or more municipal governments, such that within the county boundaries there are no unincorporated areas, (II) has a population of not less than 650,000, over which the consolidated government has the authority to undertake essential community development and housing assistance activities, (III) for more than 10 years, has been classified as an entitlement area for purposes of allocating and distributing funds under section 106, and (IV) as of the date of enactment of this clause, has over 90 percent of the county's population within the jurisdiction of the consolidated government; or

"(viii) notwithstanding any other provision of this section, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, at the option of the county, may hereafter remain classified as an urban county for purposes of this Act.".

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD OF PHA

SEC. 218. Public housing agencies in the States of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2001.

USE OF MODERATE REHABILITATION FUNDS FOR HOME

SEC. 219. Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make the funds available under contracts NY36K113004 and NY36K113005 of the Department of Housing and Urban Development available for use under the HOME Investment Partnerships Act and shall allocate such funds to the City of New Rochelle, New York.

LOMA LINDA REPROGRAMMING

SEC. 220. Of the amounts made available under the sixth undesignated paragraph under the heading "Community Planning and Development—Community Development Block Grants" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276) for the Economic Development Initiative (EDI) for grants for targeted economic investments, the $1,000,000 to be made available (pursuant to the related provisions of the joint explanatory statement in the conference report to accompany such Act (House Report 105–769)) to the City of Loma Linda, California, for infrastructure improvements at Redlands Boulevard and California Streets shall, notwithstanding such provisions, be made available to the City for infrastructure improvements related to the Mountain View Bridge.

NATIVE AMERICAN ELIGIBILITY FOR THE ROSS PROGRAM

SEC. 221. (a) Section 34 of the United States Housing Act of 1937 is amended—

(1) in the heading, by striking "PUBLIC HOUSING" and inserting "PUBLIC AND INDIAN HOUSING";

(2) in subsection (a)—

(A) by inserting after "residents," the following: "recipients under the Native American Housing Assistance and Self-Determination Act of 1996 (notwithstanding section 502 of such Act) on behalf of residents of housing assisted under such Act," and

(B) by inserting after "public housing residents" the second place it appears the following: "and residents of housing assisted under such Act".

(3) in subsection (b)—

(A) by inserting after "project" the first place it appears the following: "or the property of a recipient under such Act or housing assisted under such Act";

(B) by inserting after "public housing residents" the following: "or residents of housing assisted under such Act"; and

(C) in subsection (b)(1), by inserting after "public housing project" the following: "or residents of housing assisted under such Act"; and

(4) in subsection (d)(2), by striking "State or local" and inserting "State, local, or tribal".

(b) ASSESSMENT AND REPORT.—Section 538(b)(1) of the Quality Housing and Work Responsibility Act of 1998 is amended by inserting after "public housing" the following: "and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996".

TREATMENT OF EXPIRING ECONOMIC DEVELOPMENT INITIATIVE GRANTS

SEC. 222. (a) AVAILABILITY.—Section 220(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1075) is amended by striking "September 30, 2000" and inserting "September 30, 2001".

(b) APPLICABILITY.—The Secretary of the Treasury and the Secretary of Housing and Urban Development shall take such actions as may be necessary to carry out such section 220 (as amended by this subsection (a) of this section) notwithstanding any actions taken previously pursuant to section 1552 of title 31, United States Code.

HOME PROGRAM DISASTER FUNDING FOR ELDERLY HOUSING

SEC. 223. Of the amounts made available under Chapter IX of the Supplemental Appropriations Act of 1993 for assistance under the HOME investment partnerships program to the city of Homestead, Florida (Public Law 103–50; 107 Stat. 262), up to $583,926.70 shall be made available to Dade County, Florida, for use only for rehabilitating housing for low-income elderly persons, and such amount shall not be subject to the requirements of such program, except for section 288 of the HOME Investment Partnerships Act (42 U.S.C. 12838).

CDBG PUBLIC SERVICES CAP

SEC. 224. Section 105(a)(8) of the Housing and Community Development Act of 1974 is amended by striking "1993" and all that follows through "City of Los Angeles" and inserting "1993 through 2001 to the City of Los Angeles".

EXTENSION OF APPLICABILITY OF DOWNPAYMENT SIMPLIFICATION PROVISIONS

SEC. 225. Subparagraph (A) of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)(A)) is amended, in the matter that precedes clause (i), by striking "mortgage" and all that follows through "involving" and inserting "mortgage closed on or before December 31, 2002, involving".

USE OF SUPPORTIVE HOUSING PROGRAM FUNDS FOR INFORMATION SYSTEMS

SEC. 226. Section 423 of the Stewart B. McKinney Homeless Assistance Act is amended under subsection (a) by adding the following paragraph:

"(7) MANAGEMENT INFORMATION SYSTEM.—A grant for the costs of implementing and operating management information systems for purposes of collecting unduplicated counts of homeless people and analyzing patterns of use of assistance funded under this Act.".

INDIAN HOUSING LOAN GUARANTEE REFORM

SEC. 227. Section 184 of the Housing and Community Development Act of 1992 is amended—

(1) in subsection (a), by striking "or as a result of a lack of access to private financial markets"; and

(2) in subsection (b)(2), by inserting "refinance," after "acquire,".

USE OF SECTION 8 VOUCHERS FOR OPT-OUTS

SEC. 228. Section 8(t)(2) of the United States Housing Act of 1937 is amended by inserting after "contract for rental assistance under section 8 of the United States Housing Act of 1937 for such housing project" the following: "(including any such termination or expiration during fiscal years after fiscal year 1996 prior to the effective date of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001)".

HOMELESS DISCHARGE COORDINATION POLICY

SEC. 229. (a) DISCHARGE COORDINATION POLICY.—Subtitle A of title IV of the Stewart B. McKinney Homeless Assistance Act is amended by adding at the end the following new section:

"SEC. 402. DISCHARGE COORDINATION POLICY.

"The Secretary may not provide a grant under this title for any governmental entity serving as an applicant unless the applicant agrees to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.".

(b) ASSISTANCE UNDER EMERGENCY SHELTER GRANTS PROGRAM.—Section 414(a)(4) of the Stewart B. McKinney Homeless Assistance Act is amended-

(1) in the matter preceding subparagraph (A), by inserting a comma after "homelessness";

(2) by striking "Not" and inserting the following: "Activities that are eligible for assistance under this paragraph shall include assistance to very low-income families who are discharged from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions). Not".

TECHNICAL CHANGE TO SENIORS HOUSING COMMISSION

SEC. 230. Section 525 of the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act" (42 U.S.C. 12701 note) is amended in subsection (a) by striking "Commission on Affordable Housing and Health Care Facility Needs in the 21st Century" and inserting "Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century".

INTERAGENCY COUNCIL ON THE HOMELESS REFORMS

SEC. 231. Title II of the Stewart B. McKinney Homeless Assistance Act is amended—

(1) in section 202, under subsection (b) by inserting after the period the following: "The positions of Chairperson and Vice Chairperson shall rotate among its members on an annual basis."; and

(2) in section 209 by striking "1994" and inserting "2005".

SECTION 8 PHA PROJECT-BASED ASSISTANCE

SEC. 232. (a) IN GENERAL.—Paragraph (13) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended to read as follows:

"(13) PHA PROJECT-BASED ASSISTANCE.—

"(A) IN GENERAL.—A public housing agency may use amounts provided under an annual contributions contract under this subsection to enter into a housing assistance payment contract with respect to an existing, newly constructed, or rehabilitated structure, that is attached to the structure, subject to the limitations and requirements of this paragraph.

"(B) PERCENTAGE LIMITATION.—Not more than 20 percent of the funding available for tenant-

based assistance under this section that is administered by the agency may be attached to structures pursuant to this paragraph.

"(C) CONSISTENCY WITH PHA PLAN AND OTHER GOALS.—A public housing agency may approve a housing assistance payment contract pursuant to this paragraph only if the contract is consistent with—

"(i) the public housing agency plan for the agency approved under section 5A; and

"(ii) the goal of deconcentrating poverty and expanding housing and economic opportunities.

"(D) INCOME MIXING REQUIREMENT.—

"(i) IN GENERAL.—Not more than 25 percent of the dwelling units in any building may be assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph.

"(ii) EXCEPTIONS.—The limitation under clause (i) shall not apply in the case of assistance under a contract for housing consisting of single family properties or for dwelling units that are specifically made available for households comprised of elderly families, disabled families, and families receiving supportive services.

"(E) RESIDENT CHOICE REQUIREMENT.—A housing assistance payment contract pursuant to this paragraph shall provide as follows:

"(i) MOBILITY.—Each low-income family occupying a dwelling unit assisted under the contract may move from the housing at any time after the family has occupied the dwelling unit for 12 months.

"(ii) CONTINUED ASSISTANCE.—Upon such a move, the public housing agency shall provide the low-income family with tenant-based rental assistance under this section or such other tenant-based rental assistance that is subject to comparable income, assistance, rent contribution, affordability, and other requirements, as the Secretary shall provide by regulation. If such rental assistance is not immediately available to fulfill the requirement under the preceding sentence with respect to a low-income family, such requirement may be met by providing the family priority to receive the next voucher or other tenant-based rental assistance amounts that become available under the program used to fulfill such requirement.

"(F) CONTRACT TERM.—A housing assistance payment contract pursuant to this paragraph between a public housing agency and the owner of a structure may have a term of up to 10 years, subject to the availability of sufficient appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts and in the agency's annual contributions contract with the Secretary, and to annual compliance with the inspection requirements under paragraph (8), except that the agency shall not be required to make annual inspections of each assisted unit in the development. The contract may specify additional conditions for its continuation. If the units covered by the contract are owned by the agency, the term of the contract shall be agreed upon by the agency and the unit of general local government or other entity approved by the Secretary in the manner provided under paragraph (11).

"(G) EXTENSION OF CONTRACT TERM.—A public housing agency may enter into a contract with the owner of a structure assisted under a housing assistance payment contract pursuant to this paragraph to extend the term of the underlying housing assistance payment contract for such period as the agency determines to be appropriate to achieve long-term affordability of the housing or to expand housing opportunities. Such a contract shall provide that the extension of such term shall be contingent upon the future availability of appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts, and may obligate the owner to have such extensions of the underlying housing assistance payment contract accepted by the owner and the successors in interest of the owner.

"(H) RENT CALCULATION.—A housing assistance payment contract pursuant to this paragraph shall establish rents for each unit assisted in an amount that does not exceed 110 percent of the applicable fair market rental (or any exception payment standard approved by the Secretary pursuant to paragraph (1)(D)), except that if a contract covers a dwelling unit that has been allocated low-income housing tax credits pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) and is not located in a qualified census tract (as such term is defined in subsection (d) of such section 42), the rent for such unit may be established at any level that does not exceed the rent charged for comparable units in the building that also receive the low-income housing tax credit but do not have additional rental assistance. The rents established by housing assistance payment contracts pursuant to this paragraph may vary from the payment standards established by the public housing agency pursuant to paragraph (1)(B), but shall be subject to paragraph (10)(A).

"(I) RENT ADJUSTMENTS.—A housing assistance payments contract pursuant to this paragraph shall provide for rent adjustments, except that—

"(i) the adjusted rent for any unit assisted shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market and may not exceed the maximum rent permitted under subparagraph (H); and

"(ii) the provisions of subsection (c)(2)(C) shall not apply.

"(J) TENANT SELECTION.—A public housing agency shall select families to receive project-based assistance pursuant to this paragraph from its waiting list for assistance under this subsection. Eligibility for such project-based assistance shall be subject to the provisions of section 16(b) that apply to tenant-based assistance. The agency may establish preferences or criteria for selection for a unit assisted under this paragraph that are consistent with the public housing agency plan for the agency approved under section 5A. Any family that rejects an offer of project-based assistance under this paragraph or that is rejected for admission to a structure by the owner or manager of a structure assisted under this paragraph shall retain its place on the waiting list as if the offer had not been made. The owner or manager of a structure assisted under this paragraph shall not admit any family to a dwelling unit assisted under a contract pursuant to this paragraph other than a family referred by the public housing agency from its waiting list. Subject to its waiting list policies and selection preferences, a public housing agency may place on its waiting list a family referred by the owner or manager of a structure and may maintain a separate waiting list for assistance under this paragraph, but only if all families on the agency's waiting list for assistance under this subsection are permitted to place their names on the separate list.

"(K) VACATED UNITS.—Notwithstanding paragraph (9), a housing assistance payment contract pursuant to this paragraph may provide as follows:

"(i) PAYMENT FOR VACANT UNITS.—That the public housing agency may, in its discretion, continue to provide assistance under the contract, for a reasonable period not exceeding 60 days, for a dwelling unit that becomes vacant, but only (I) if the vacancy was not the fault of the owner of the dwelling unit, and (II) the agency and the owner take every reasonable action to minimize the likelihood and extent of any such vacancy. Rental assistance may not be provided for a vacant unit after the expiration of such period.

"(ii) REDUCTION OF CONTRACT.—That, if despite reasonable efforts of the agency and the owner to fill a vacant unit, no eligible family has agreed to rent the unit within 120 days after the owner has notified the agency of the vacancy, the agency may reduce its housing assistance payments contract with the owner by the amount equivalent to the remaining months of subsidy attributable to the vacant unit. Amounts deobligated pursuant to such a contract provision shall be available to the agency to provide assistance under this subsection.

Eligible applicants for assistance under this subsection may enforce provisions authorized by this subparagraph.".

(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) as in effect before such enactment, such assistance may be extended or renewed notwithstanding the requirements under subparagraphs (C), (D), and (E) of such section 8(o)(13), as amended by subsection (a).

DISPOSITION OF HUD-HELD AND HUD-OWNED MULTIFAMILY PROJECTS FOR THE ELDERLY OR DISABLED

SEC. 233. Notwithstanding any other provision of law, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

FAMILY UNIFICATION PROGRAM

SEC. 234. Section 8(x)(2) of the United States Housing Act of 1937 (42 U.S.C 1437f(x)(2)) is amended—

(1) by striking "any family (A) who is otherwise eligible for such assistance, and (B)" and inserting "(A) any family (i) who is otherwise eligible for such assistance, and (ii)"; and

(2) by inserting before the period at the end the following: "and (B) for a period not to exceed 18 months, otherwise eligible youths who have attained at least 18 years of age and not more than 21 years of age and who have left foster care at age 16 or older".

PERMANENT EXTENSION OF FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS

SEC. 235. Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "demonstrate the effectiveness of providing" and inserting "provide"; and

(B) in the second sentence, by striking "demonstration" and inserting "the";

(2) in subsection (b)—

(A) in paragraph (1), by striking "determine the effectiveness of" and inserting "provide"; and

(B) by striking paragraph (5), and inserting the following new paragraph:

"(5) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.";

(3) in subsection (c)—

(A) in paragraph (1), by striking "test the effectiveness of" and inserting "provide"; and

(B) by striking paragraph (4) and inserting the following new paragraph:

"(4) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.";

(4) by striking subsection (d);

(5) by striking "pilot" and "PILOT" each place such terms appear; and

*(6) in the section heading, by striking "***DEMONSTRATIONS***" and inserting "***PROGRAMS***".*

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $28,000,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,500,000, $5,000,000 of which to remain available until September 30, 2001 and $2,500,000 of which to remain available until September 30, 2002: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $118,000,000, to remain available until September 30, 2002, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American Communities, and up to $8,750,000 may be used for administrative expenses, up to $19,750,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,000,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $52,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), $458,500,000, to remain available until September 30, 2002: Provided, That not more than $31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $231,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $45,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); and not more than $25,000,000 may be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $21,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations Acts, $30,000,000 shall be rescinded: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc. to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Parents as Teachers National Center, Inc. to support childhood parent education and family support activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Boys and Girls Clubs of America to establish an innovative outreach program designed to meet the special needs of youth in public and Native American housing communities: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to the Youth Life Foundation to meet the needs of children living in insecure environments.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, which shall be available for obligation through September 30, 2002.

ADMINISTRATIVE PROVISION

The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74) is amended under the heading "Corporation for National and Community Service, National and Community Service Programs Operating Expenses" in title III by reducing to $229,000,000 the amount available for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the "Act") (with a corresponding reduction to $40,000,000 in the amount that may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of the Act), and by increasing to $33,500,000 the amount available for quality and *innovation activities authorized under subtitle H of title I of the Act, with the increase in subtitle H funds made available to provide a grant covering a period of three years to support the "P.A.V.E. the Way" project described in House Report 106–379.*

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $12,445,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $17,949,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, $63,000,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

SALARIES AND EXPENSES

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $75,000,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That not withstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2001, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $696,000,000, which shall remain available until September 30, 2002.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,087,990,000, which shall remain available until September 30, 2002: Provided, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: Provided further, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964: Provided further, That notwithstanding section 1412(b)(12)(A)(v) of the Safe Drinking Water Act, as amended, the Administrator shall promulgate a national primary drinking water regulation for arsenic not later than June 22, 2001.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,094,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $23,931,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,270,000,000 (of which $100,000,000 shall not become available until September 1, 2001), to remain available until expended, consisting of $635,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $635,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $11,500,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2002, and $36,500,000 shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2002.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,096,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,628,740,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $35,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $335,740,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the conference report and joint explanatory statement of the committee of conference accompanying this Act, except that, notwithstanding any other provision of law, of the funds herein and hereafter appropriated under this heading for such special needs infrastructure grants, the Administrator may use up to 3 percent of the amount of each project appropriated to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to States; and $1,008,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2001 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2001, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2001, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, as amended, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under Title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available after June 1, 2001 to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That notwithstanding any other provision of law, all claims for principal and interest registered through any current grant dispute or any other such dispute hereafter filed by the Environmental Protection Agency relative to construction grants numbers C–180840–01, C–180840–04, C–470319–03, and C–470319–04, are hereby resolved in favor of the grantee: Provided further, That EPA, in considering the local match for the $5,000,000 appropriated in fiscal year 1999 for the City of Cumberland, Maryland, to separate and relocate the city's combined sewer and stormwater system, shall take into account non-federal money spent by the City of Cumberland for combined sewer, stormwater and wastewater treatment infrastructure on or after October 1, 1999, and that the fiscal year 1999 and any subsequent funds may be used for any required non-federal share of the costs of projects funded by the federal government under Section 580 of Public Law 106–53.

ADMINISTRATIVE PROVISIONS

For fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

For fiscal year 2001, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 176(c) of the Clean Air Act, as amended, is amended by adding at the end the following new paragraph:

"(6) Notwithstanding paragraph 5, this subsection shall not apply with respect to an area designated nonattainment under section 107(d)(1) until one year after that area is first designated nonattainment for a specific national ambient air quality standard. This paragraph only applies with respect to the national ambient air quality standard for which an area is newly designated nonattainment and does not affect the area's requirements with respect to all other national ambient air quality standards for which the area is designated nonattainment or has been redesignated from nonattainment to attainment with a maintenance plan pursuant to section 175(A) (including any pre-existing national ambient air quality standard for a pollutant for which a new or revised standard has been issued).".

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,201,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,900,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to "Emergency management planning and assistance" for the consolidated emergency management performance grant program; and up to $15,000,000 may be obligated for flood map modernization activities following disaster declarations: Provided, That of the funds made available under this heading in this and prior Appropriations Acts and under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to the State of Florida, $3,000,000 shall be for a hurricane mitigation initiative in Miami-Dade County.

For an additional amount for "Disaster relief", $1,300,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,678,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $427,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $215,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,000,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $269,652,000: Provided, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2001, as authorized by Public Law 106–74, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $140,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $25,736,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,307,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $455,627,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, up to $17,730,000 in fees collected but unexpended during fiscal years 1994 through 1998 shall be transferred to the Flood Map Modernization Fund and available for expenditure in fiscal year 2001.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking "September 30, 2000" and inserting "December 31, 2001".

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking "September 30, 2000" and inserting "December 31, 2001".

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000 to remain available until September 30, 2002, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,122,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2001 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,462,900,000, to remain available until September 30, 2002.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,190,700,000, to remain available until September 30, 2002.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $40,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,608,700,000 to remain available until September 30, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for minor revitalization and construction of facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2001 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Unless otherwise provided for in this Act or in the joint explanatory statement of the committee of conference accompanying this Act, no part of the funds appropriated for "Human space flight" may be used for the development of the International Space Station in excess of the amounts set forth in the budget estimates submitted as part of the budget request for fiscal year 2001.

No funds in this or any other Appropriations Act may be used to finalize an agreement prior to December 1, 2001 between NASA and a non-government organization to conduct research utilization and commercialization management activities of the International Space Station.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2001, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility shall not exceed $296,303: Provided further, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services *for research support; acquisition of aircraft; $3,350,000,000, of which not to exceed $275,592,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2002: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $65,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.*

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $121,600,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $787,352,000, to remain available until September 30, 2002: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $10,000,000 shall be available for the Office of Innovation Partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $160,890,000: Provided, That contracts may be entered into under "Salaries and expenses" in fiscal year 2001 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,280,000, to remain available until September 30, 2002.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $90,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937: Provided, That of the amount made available, $2,500,000 shall be for an endowment to establish the George Knight Scholarship Fund for the Neighborhood Reinvestment Training Institute.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $24,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et *seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.*

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2001 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to the Congress.

SEC. 423. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2001, HUD shall transmit this information to the Committees by November 1, 2000, for 30 days of review.

SEC. 427. None of the funds made available in this Act may be used for the designation, or approval of the designation, of any area as an ozone nonattainment area under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone that was promulgated by the Environmental Protection Agency on July 18, 1997 (62 Fed. Reg. 38,356, p. 38855) and remanded by the District of Columbia Court of Appeals on May 14, 1999, in the case, American Trucking Ass'ns. v. EPA (No. 97–1440, 1999 Westlaw 300618) prior to June 15, 2001 or final adjudication of this case by the Supreme Court of the United States, whichever occurs first.

SEC. 428. Section 432 of Public Law 104–204 (110 Stat. 2874) is amended—

(a) in subsection (c) by inserting "or to restructure and improve the efficiency of the workforce" after "the National Aeronautics and Space Administration" and before "the Administrator";

(b) by deleting paragraph (4) of subsection (h) and inserting in lieu thereof—

"(4) The provisions of subsections (1) and (3) of this section may be waived upon a determination by the Administrator that use of the incentive satisfactorily demonstrates downsizing or other restructuring within the Agency that would improve the efficiency of agency operations or contribute directly to evolving mission requirements."

(c) by deleting subsection (i) and inserting in lieu thereof—

"(i) REPORTS.—The Administrator shall submit a report on NASA's restructuring activities to the Committee on Appropriations of the House of Representatives and the Committee on Appropriaiions of the Senate not later than September 30, 2001. This report shall include—

"(1) an outline of a timetable for restructuring the workforce at NASA Headquarters and field Centers;

"(2) annual Full Time Equivalent (FTE) targets by broad occupational categories and a summary of how these targets reflect the respective missions of Headquarters and the field Centers;

"(3) a description of personnel initiatives, such as relocation assistance, early retirement incentives, and career transition assistance, which NASA will use to achieve personnel reductions or to rebalance the workforce; and

"(4) a description of efficiencies in operations achieved through the use of the voluntary separation incentive."; and

(d) in subsection (j), by deleting "September 30, 2000" and inserting in lieu thereof "September 30, 2002".

SEC. 429. Section 70113(f) of title 49, United States Code, is amended by striking "December 31, 2000", and inserting "December 31, 2001".

SEC. 430. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 431. Title III of the National Aeronautics and Space Act of 1958, Public Law 85–568, is amended by adding the following new section at the end:

"SEC. 312. (a) Appropriations for the Administration for fiscal year 2002 and thereafter shall be made in three accounts, 'Human space flight', 'Science, aeronautics and technology', and an account for amounts appropriated for the necessary expenses of the Office of Inspector General. Appropriations shall remain available for 2 fiscal years. Each account shall include the planned full costs of the Administration's related activities.

"(b) To ensure the safe, timely, and successful accomplishment of Administration missions, the Administration may transfer amounts for Federal salaries and benefits; training, travel and awards; facility and related costs; information technology services; publishing services; science, engineering, fabricating and testing services; and other administrative services among accounts, as necessary.

"(c) The Administrator, in consultation with the Director of the Office of Management and Budget, shall determine what balances from the 'Mission support' account are to be transferred to the 'Human space flight' and 'Science, aeronautics and technology' accounts. Such balances shall be transferred and merged with the 'Human space flight' and 'Science, aeronautics and technology' accounts, and remain available

for the period of which originally appropriated.".

TITLE V—FILIPINO VETERANS' BENEFITS IMPROVEMENTS

SEC. 501. (a) RATE OF COMPENSATION PAYMENTS FOR FILIPINO VETERANS RESIDING IN THE UNITED STATES.—(1) Section 107 of title 38, United States Code, is amended—

(A) by striking "Payments" in the second sentence of subsection (a) and inserting "Except as provided in subsection (c), payments"; and

(B) by adding at the end the following new subsection:

"(c) In the case of benefits under subchapters II and IV of chapter 11 of this title paid by reason of service described in subsection (a) to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States, the second sentence of subsection (a) shall not apply.".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to benefits paid for months beginning on or after that date.

(b) ELIGIBILITY FOR HEALTH CARE OF DISABLED FILIPINO VETERANS RESIDING IN THE UNITED STATES.—Section 1734 of such title is amended—

(1) by inserting "(a)" before "The Secretary,"; and

(2) by adding at the end the following:

"(b) An individual who is in receipt of benefits under subchapter II or IV of chapter 11 of this title paid by reason of service described in section 107(a) of this title who is residing in the United States and who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States shall be eligible for hospital and nursing home care and medical services in the same manner as a veteran, and the disease or disability for which such benefits are paid shall be considered to be a service-connected disability for purposes of this chapter.".

(c) HEALTH CARE FOR VETERANS RESIDING IN THE PHILIPPINES.—Section 1724 of such title is amended by adding at the end the following new subsection:

"(e) Within the limits of an outpatient clinic in the Republic of the Philippines that is under the direct jurisdiction of the Secretary, the Secretary may furnish a veteran who has a service-connected disability with such medical services as the Secretary determines to be needed.".

TITLE VI—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,172,730,916.14.

DIVISION B

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

SEC. 1001. Such amounts as may be necessary are hereby appropriated for programs, projects, or activities provided for in H.R. 4733, the Energy and Water Development Appropriations Act, 2001, to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (House Report 106–907) as filed in the House of Representatives on September 27, 2000, as if enacted into law, except:

(1) that such conference report shall be considered as not including those provisions in section 103 of the conference report on H.R. 4733 as filed in the House of Representatives on September 27, 2000;

(2) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as providing $1,000,000 for the Upper Susquehanna River Basin, New York, investigation within available funds under General Investigations in Title I;

(3) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as appropriating $1,717,199,000 for Construction, General under Title I, including $8,400,000 for the Elba, Alabama, flood control project; $10,800,000 for the Geneva, Alabama, flood control project; $1,000,000 for the Metropolitan Louisville, Beargrass Creek, Kentucky, project; $3,000,000 for the St. Louis, Missouri, environmental infrastructure project authorized by section 502(f)(32) of Public Law 106–53; and $2,000,000 for the Black Fox, Murfree and Oaklands Springs Wetlands, Tennessee, project;

(4) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as including the following at the end of Title I:

"SEC. 106. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct the locally preferred plan for flood control, environmental restoration and recreation, Murrieta Creek, California, described as Alternative 6, based on the Murrieta Creek Feasibility Report and Environmental Impact Statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000.

"SEC. 107. Within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Rio Grand de Manati flood control project at Barceloneta, Puerto Rico, which was initiated under the authority of the Section 205 program prior to being specifically authorized in the Water Resources Development Act of 1999.";

(5) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as providing that $19,158,000 of the amount appropriated under the Central Utah Project Completion Account under Title II shall be deposited into the Utah Reclamation Mitigation and Conservation Account;

(6) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as not including those provisions in section 211, and shall be considered as including the following new section 211:

"SEC. 211. Section 106 of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675, 102 Stat. 4000 et seq.) is amended by adding at the end the following new subsection:

"'(f) REQUIREMENT TO FURNISH WATER, POWER CAPACITY AND ENERGY.—Notwithstanding any other provision of law, in order to fulfill the trust responsibility to the Bands, the Secretary, acting through the Commissioner of Reclamation, shall permanently furnish annually the following:

"'(1) WATER.—16,000 acre-feet of the water conserved by the works authorized by title II, for the benefit of the Bands and the local entities in accordance with the settlement agreement: Provided, That during construction of said works, the Indian Water Authority and the local entities shall receive 17 percent of any water conserved by said works up to a maximum of 16,000 acre-feet per year. The Indian Water Authority and the local entities shall pay their proportionate share of such costs as are provided by section 203(b) of title II or are agreed to by them.

"'(2) POWER CAPACITY AND ENERGY.—Beginning on the date when conserved water from the works authorized by title II first becomes available, power capacity and energy through the Yuma Arizona Area Aggregate Power Managers (Yuma Area Contractors), at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities, in amounts sufficient to convey the water conserved pursuant to paragraph (1) from Lake Havasu through the Colorado River Aqueduct and to the places of use on the Bands' reservations or in the local entities' service areas in accordance with the settlement agreement. The Secretary, through a coterminus exhibit to Bureau of Reclamation Contract No. 6–CU–30–P1136, shall enter into an agreement with the Yuma Area Contractors which shall provide for furnishing annually and permanently said power capacity and energy by said Yuma Area Contractors at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities. The Secretary shall authorize the Yuma Area Contractors to utilize federal project use power provided for in Bureau of Reclamation Contracts numbered 6–CU–30–P1136, 6–CU–30–P1137, and 6–CU–30–P1138 for the full range of purposes served by the Yuma Area Contractors, including the purpose of supplying the power capacity and energy to convey the conserved water referred to in paragraph (1), for so long as the Yuma Area Contractors meet their obligation to provide sufficient power capacity and energy for the conveyance of said conserved water. If for any reason the Yuma Area Contractors do not provide said power capacity and energy for the conveyance of said conserved water, then the Secretary shall furnish said power capacity and energy annually and permanently at the lowest rate assigned to project use power within the jurisdiction of the Bureau of Reclamation in accordance with Exhibit E "Project Use Power" of the Agreement between Water and Power Resources Service, Department of the Interior, and Western Area Power Administration, Department of Energy (March 26, 1980).

"'SEC. 106A. ANNUAL REPAYMENT INSTALLMENTS. During the period of planning, design and construction of any of the works authorized by title II of Public Law 100–675 and during the period that the Indian Water Authority and the local entities referred to in said Act receive up to 16,000 acre feet of the water conserved by said works, the annual repayment installments provided in Section 102(b) of Public Law 93–320 shall continue to be nonreimbursable. Nothing in this Section shall affect the National obligation set forth in Section 101(c) of Public Law 93–320.'."; and

(7) that such conference report shall be considered as not including those provisions in section 605 of the conference report on H.R. 4733 as filed in the House of Representatives on September 27, 2000.

SEC. 1002. In publishing this Act in slip form and in the United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in section 1001.

DIVISION C

In lieu of a statement of the managers that would otherwise accompany a conference report for a bill making appropriations for Federal agencies and activities provided for in this Act, reports that are filed in identical form by the House and Senate Committees on Appropriations prior to adjournment of the One Hundred Sixth Congress shall be considered by the Office of Management and Budget, and the agencies responsible for the obligation and expenditure of funds provided in this Act, as having the same standing, force and legislative history as would a statement of the managers accompanying a conference report.

Titles I–IV of division A of this Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001".

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer (Mr. FITZGERALD) appointed Mr. BOND, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. DOMENICI, Mr. STEVENS, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. REID, Mr. BYRD, and Mr. INOUYE conferees on the part of the Senate.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate proceeds to and adopts the motion to reconsider the vote whereby the conference report on H.R. 4516 was defeated.

The question is on agreeing to the conference report upon reconsideration.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 37, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—58

Akaka
Bennett
Bond
Boxer
Breaux
Campbell
Chafee, L.
Cochran
Craig
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Enzi
Fitzgerald
Gorton
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Shelby
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli

NAYS—37

Abraham
Allard
Ashcroft
Baucus
Bayh
Biden
Bingaman
Brownback
Bryan
Bunning
Burns
Byrd
Cleland
Collins
Conrad
DeWine
Edwards
Feingold
Frist
Graham
Gramm
Harkin
Hutchison
Johnson
Lincoln
McCain
Miller
Roberts
Santorum
Schumer
Sessions
Smith (NH)
Snowe
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—5

Feinstein
Grams
Helms
Kennedy
Lieberman

The conference report was agreed to.

Mr. STEVENS. That vote is not subject to reconsideration?

The PRESIDING OFFICER. The vote is subject to reconsideration because the first result was changed.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001—CONFERENCE REPORT

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 4392, the intelligence authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 4392, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agreed to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of the Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 11, 2000.)

Mr. SHELBY. Mr. President, the Senate has before it the conference report to H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001. The conference report reflects the legislation, S. 2507, that was approved unanimously by the Select Committee on Intelligence on April 27, 2000, and amended and approved by the Senate on Monday, October 2.

I thank Senator BRYAN, the vice chairman of the committee for his assistance in expediting this conference report. This is Senator BRYAN's first year as vice chairman. It has been a pleasure to work cooperatively with him on a wide range of issues, and I regret that this also will be his last year on the committee and in the Senate.

The committee has been increasingly troubled by the NSA's growing inability to meet technological challenges and to provide America's leaders with vital signals intelligence, SIGINT. Success in NSA's mission is critical to our national security. Therefore, the conference report reflects the start of our investment in resources and support aimed at restoring the NSA's' capabilities.

I am proud to report that the conference report addresses the growing problem of leaks of classified information. The conferees endorsed the Senate provision that will close a gap in U.S. law to ensure the prosecution of all unauthorized disclosure of classified information. Successive directors of Central Intelligence have decried the growing problem of leaks of classified information and the damage it causes to our national security. DCI Tenet has publically stated that the U.S. Government "leaks like a sieve."

Arguments that section 304 will stifle the freedom of the press simply don't pass muster. This provision has nothing to do with restraining publication. It simply criminalizes knowing and willful disclosure of properly classified information by those charged with protecting it. The Senate Intelligence Committee unanimously approved this provision and worked closely with the Attorney General and the intelligence community to incorporate changes requested by the Department of Justice. The Departments of Justice and State and the CIA all support the provision as approved by the conference committee.

Another provision of the bill is designed to ensure that the State Department corrects the serious, systemic security weaknesses that have repeatedly placed at risk sensitive classified intelligence information collected at considerable risk and expense. This provision would require that the Director of Central Intelligence certify that the retention and storage of Sensitive Compartmented Information (SCI) by any element of the State is in full compliance with all applicable DCI directives relating to the handling, retention, or storage of such information.

The bill requires the Director of Central Intelligence, in consultation with the Secretary of Defense, to create an analytic capability for intelligence relating to prisoners of war and missing persons. The analytic capability will extend to activities with respect to prisoners of war and missing persons after December 31, 1990.

Also, the bill strengthens the IG's requirements to be fully engaged in investigating and responding to possible wrongdoing by senior CIA officials. In the wake of the investigation of former Director of Central Intelligence John

Deutch this provision will ensure that the CIA policies its senior officials.

The conference report also contains the Counterintelligence Reform Act of 2000. S. 2089 was introduced by Senators SPECTER, TORRICELLI, THURMOND, BIDEN, GRASSLEY, FEINGOLD, HELMS, SCHUMER, SESSIONS, and LEAHY in April in the wake of Congressional and other investigations into PRC espionage against the Department of Energy's nuclear weapons laboratories and other U.S. government facilities, and the U.S. government's response. Those investigations focused attention on the application of the Foreign Intelligence Surveillance Act of 1978, and highlighted coordination, information-sharing, and other problems within and among the Department of Energy, FBI, and Department of Justice. The amendment will correct some of the problems in coordinating and sharing information between federal agencies, and will clarify procedures and the statutory roles of various agencies in the investigation and prosecution of espionage and other cases affecting national security.

I thank all Senators for their cooperation in this conference report, particularly the members of the committee. I also thank the staff of the Select Committee on Intelligence for their hard work in developing this legislation.

SECTION 304

Mr. LEVIN. Mr. President, I would like to ask a question of the Vice Chairman of the Intelligence Committee, Senator BRYAN, for purposes of clarification with respect to one definition in the Intelligence Authorization bill. And that's the definition of "classified information" in Section 304 of the bill which amends Section 798A of Title 18. Section 304 establishes as a crime the willful disclosure of classified information to an unauthorized person. In paragraph (c)(2) it defines "classified information" as "information that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive Order . . ."

Mr. President, I would like to ask the Vice Chairman's assurance that this bill is not intended to alter in any way the existing definitions of classified information contained in other statutes relevant to the protection of classified information and whistleblower rights. Is that correct?

Mr. BRYAN. The Senator is correct, and I thank him for bringing this to the attention of the Senate.

Mr. WARNER. Mr. President, I ask unanimous consent the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

UNANIMOUS CONSENT AGREEMENT—H.R. 4461

Mr. WARNER. I ask consent that at 10 a.m. on Friday the Senate turn to the conference report to accompany H.R. 4461, the Agriculture appropriations bill, and it be considered under the following agreement, equally divided in the usual form.

I further ask consent that the debate continue beginning at 9:30 a.m. on Tuesday and proceed throughout the day.

I ask consent that the vote occur on adoption of the Agriculture conference report at 11:30 a.m. on Wednesday and that paragraph 4 of rule XII be waived and the time between 9:30 a.m. and 11:30 a.m. on Wednesday be equally divided in the usual form, and, finally, 45 minutes of the minority time be under the control of Senator HARKIN.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 111

Mr. WARNER. I ask consent that immediately following the vote on passage of the Defense authorization conference report, the Senate proceed to the consideration of H.J. Res. 111, the continuing resolution, the resolution be read the third time, and the Senate then proceed immediately to a vote on passage of the resolution with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will read the conference report.

The legislative clerk read as follows:

> The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year and for the Armed Forces, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceeding of the RECORD of October 6, 2000.)

Mr. WARNER. Mr. President, it is my privilege as chairman, together with my distinguished friend and ranking member, Mr. LEVIN, the Senator from Michigan, to at long last bring to the Senate the annual conference report from the authorizing committee in the Senate and the authorizing committee in the House.

To refresh the recollection of Senators, I will read the time agreement: 2 hours under the control of the chairman of the Armed Services Committee, Mr. WARNER; 2½ hours under the control of the ranking member, Mr. LEVIN; 1 hour under the control of Senator GRAMM; 30 minutes under the control of Senator WELLSTONE. Following the debate just outlined, Senator ROBERT KERRY will be recognized to make a point of order. The motion to waive the Budget Act will be limited to 2 hours equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. We hope to yield back some time because I know many of our colleagues are anxious to make commitments, but this is a very important piece of legislation. I am certain the Senators who are going to participate, whom I have identified, will do so in a manner that fits the importance of this annual piece of legislation.

This is the 39th consecutive authorization bill passed by the Congress, assuming it passes this Chamber. It passed the House by a vote of 382–31. That will give some clear indication of the importance of the legislation and the strong support that it merits and has merited in the House of Representatives.

Mr. President, the Senate, as I have been with my colleagues here for the past hour or so for the voting, reflects a very somber note on this sad day for America—indeed, for all those who, throughout the world, stand guard for freedom. We have suffered a tragic loss to the U.S. Navy. This is in parallel with frightful losses taking place elsewhere throughout the Middle East. It brings to mind that this is a most dangerous world that faces us every day. Men and women in the Armed Forces of the United States go forth from our shores, serving in countries all over the world. They, of course, now are on a high alert because of the tragic terrorist act inflicted upon one of our destroyers, the U.S.S. *Cole*.

First in mind are thoughts for our sailors who have lost their lives, and most particularly their families and the families who, at this hour, are still waiting definitive news with regard to the crew of that ship. The casualties number four dead, approximately 12 missing, and some 35 to 36 suffering wounds. Still the facts are coming in.

This clearly shows the danger; it shows the risks the men and women of the Armed Forces are taking—not only in the Middle East region. This, of course, happened in a port in Yemen. The ship was on a routine refueling, a matter of hours, as it worked its way up towards the Persian Gulf to take up its duty station in enforcing the United Nations Security Council sanctions against Iraq. Because of the smuggling that is taking place in violation of those sanctions, those are dangerous tasks and they are being performed every day by men and women of the U.S. Armed Forces, Great Britain, and other nations. Air missions are being flown over Iraq every day, and often those missions are encountering ground fire and other military activity directed against them. We must be a grateful nation for the risks that are constantly assumed by the men and women of the U.S. Armed Forces and their families.

The Senate will have an opportunity to get further facts in the course of the day.

I will now direct my attention to this particular bill, and I see the distinguished President pro tempore, the former chairman of the Senate Armed Services Committee. It is my privilege to succeed him. As an honor to our distinguished former chairman, I ask he lead off the debate on this bill today.

Mr. THURMOND. Thank you very much. I appreciate your fine work as chairman.

Mr. President, before I discuss the conference report on the Defense authorization bill, I want to join my colleagues in expressing my condolences to the families of the sailors killed and wounded in this morning's attack on the U.S.S. *Cole*. This heinous attack again demonstrates the constant peril faced by our military personnel and reinforces the need for this Nation to maintain its vigilance at all times.

Mr. President, I join Chairman WARNER and Senator LEVIN, the ranking member of the Senate Armed Services Committee, in urging my Senate colleagues to support the conference report to accompany the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. The report, which is the culmination of hundreds of hours of work by the Senate and House Armed Services Committees, is a continuation of the Congress' efforts to reverse the decline in the readiness of our armed forces. It increases the President's budget request by more than $4 billion. More important, it directs the additional resources to the critical areas of procurement, research and development, and improving the quality of life for our military personnel and their families.

The chairman and ranking member have already highlighted the significant aspects of this bill. However, I do want to comment on the comprehensive health care provision for Medicare-eligible military retirees and the Energy Employees' Occupational Illness Compensation Program, both of which I consider significant aspects of this legislation. The health care provision is long overdue legislation that will ensure our military retirees and their families receive life-long health care committed to them as a condition of their service. It will significantly ease the uncertainty regarding health care and financial burden for thousands of military retirees who have dedicated their lives to the service of the Nation. The occupational illness compensation provision provides fair and just compensation to the thousands of workers who were exposed to dangerous levels of hazardous material and other toxic substances while they worked on the Nation's nuclear weapons programs. Although I understand that these benefits come at a significant financial cost, we must keep in mind our commitment to these patriots and remember the greatness of a Nation is not how much gold or wealth it accumulates, but on how it takes care of its citizens, especially those who serve in the Armed Forces.

As with all conference reports, there are disappointments. I am particularly disappointed that the provision to increase the survivor benefit plan basic annuity for surviving spouses age 62 and older was dropped during the conference. The provision would have increased the survivor benefit plan annuity for these individuals from 35 percent to 45 percent over the next four years. I understand that despite the obvious merit of the legislation it was dropped during the conference because it would have cost $2.4 billion over the next 10 years. I find this ironic, since there is more than $60 billion in direct spending attributed to this conference report.

Despite my disappointment regarding the survivor benefit plan provision, this is a strong defense bill that will have a positive impact on the readiness of our armed forces. It is also a fitting tribute to my friend FLOYD SPENCE, the Chairman of the House Armed Services Committee, to have this bill named in his honor. FLOYD has worked tirelessly for our military personnel throughout his long and distinguished career in the House of Representatives. Regrettably, due to the House Rules he will give up the chair of the Armed Services Committee at the end of this session. Although he will be missed as chairman, his leadership and concern for our military personnel will have a lasting legacy in this conference report and FLOYD will continue to serve the people of South Carolina and the Nation as a member of the House Armed Services Committee.

I congratulate Chairman WARNER and Senator LEVIN on this conference report and urge my colleagues to give it their overwhelming support.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I believe there is a parliamentary inquiry from our colleague. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that following the Senator from Virginia and the Senator from Michigan, I be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. WARNER. Mr. President, of course, his request is in the unanimous consent agreement, and, of course, we will observe it.

Today the Senate begins consideration of the conference report to accompany H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

Before I discuss the provisions of the conference report, I want to report that my fellow Senators on the conference panel and I enthusiastically joined the House conferees in naming this bill. Representative FLOYD SPENCE has served as the chairman of the House Armed Services Committee for the last six years. His chairmanship, however, represents only a portion of the almost 30 years Representative SPENCE has been a tireless and dedicated supporter of the military men and women in uniform. As chairman of the committee, in particular, he has led the committee and the House of Representatives in addressing the many challenging national security issues that have confronted our nation in the wake of the cold war. Representative SPENCE has accomplished this undertaking with distinction. From this former Marine captain to a retired Navy captain, I salute him for his leadership. Under the rules of the House, he will relinquish command of the committee at the end of this Congress. Representative SPENCE will remain a member of the committee, and I look forward to continuing to work with him in the many years to come.

This legislation will have a profound, positive impact on our nation's security and on the welfare of the men and women of the Armed Forces and their families. For the second year in a row, the conference report before the Senate authorizes a real increase in defense spending. We have built on the momentum begun last year by authorizing $309.9 billion in new budget authority for defense for fiscal year 2001—$4.6 billion above the President's budget request. And how have we allocated this increase? This bill authorizes $63.2 billion in procurement, which is $2.6 billion above the President's budget request; $38.9 billion in research, development, test and evaluation, which is $1.1 billion above the President's request; and $109.7 billion in operations and maintenance funding, which exceeds the budget request by $1.0 billion.

It is said that success has a thousand fathers and failure is an orphan. The majority of credit for the successes in this bill however, can be attribute to five distinguished and decorated fathers: the Chairman of the Joint Chiefs of Staff and the four service chiefs. General Shelton, General Shinseki, Admiral Clark, General Jones, and General Ryan came to Congress repeatedly during this session and presented to the Senate Armed Services Committee their concerns about the state of the Armed Forces today. They also shared with us their observations about the future. They have consistently shared this information with us in a reasonable, earnest, and nonpartisan manner. We greatly appreciate their candor and contributions to this process.

We all recognize that our military today is over deployed and under recourced—both in terms of people and money.

Since the early 1990s, the U.S. military has been sent on operations overseas at an unprecedented rate; at the same time that force structure was reduced by a third and defense spending was declining. From the end of the Viet Nam War until 1989, there were 60 military deployments. From 1990 to today, there have been 343 deployments—a 571 percent increase. These statistics accurately tell the story. This trend has increased the risk to our forces and has exacerbated the recruiting and retention problems in the military. This cannot continue.

While the rate of military deployments is established by the President, the Congress, within our constitutional powers, is continuing to support the Armed Forces by improving the quality of life for the men and women in uniform and their families, by providing for funding increases to address declining readiness problems, aging equipment, and recruiting and retention difficulties. The conference report does this. For the servicemen and women deployed around the world, and the families at home that wait their return, they should know that the Congress is steadfastly behind them.

I turn now to what is one of the most important single item in this conference report—military healthcare, particularly for our retired personnel and their families. History shows they are the best recruiters of all.

The conference report before the Senate fulfills an important commitment of "healthcare for life" made by the recruiters—the U.S. Government—beginning in World War II and continuing through the Korean war and the Viet Nam war. The goal of making that commitment was to encourage service members to remain in uniform and become careerists. Simply put, a commitment of health care for life in exchange for their dedicated career service.

Again, this convergence report fulfills the promise of healthcare for life. I am proud of the bipartisan unanimity with which the Senate Armed Services Committee supported this initiative—an initiative never taken before by an congressional committee.

Let me describe for my colleagues and for our active and retired service members around the world the legislation in this conference report to authorize health care benefits for Medicare-eligible military retirees and their families, and how we arrived at this outcome.

For as long as I can remember, military recruits and those facing re-enlistment have been told that one of the basic benefits of serving a full military career is health care for life. We all know now that this commonly offered incentive was not based in statute, but was, nonetheless, freely and frequently made; it is a commitment that we must honor.

Let me briefly review the history of military health care. Military medical care requirements for activity duty service members and their families were recognized as early as the 1700's. Congressional action in the last 1800's directed military medical officers to attend to military families whenever possible, at no cost to the family. During World War II, with so many service members on activity duty, the military medical system could not handle the health care requirements of family members. The Emergency Maternal and Infant Care Program was authorized by Congress to meet this road. This program was administered through state health agencies.

The earliest reference in statute defining the health care benefit for military retirees was in 1956 when, for the first time, the Dependent's Medical Care Act specified that military retirees were eligible for health care in military facilities on a space-available basis. In 1966, this Act was amended to create the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, to supplement the care provided in military facilities. This legislation, in 1966, specifically excluded from coverage military retirees who were eligible for Medicare—a program which had been enacted by the Congress one year earlier, in 1965.

The exclusion of over age 65, Medicare-eligible military retirees from guaranteed care from the military health care system was masked for many years because the capacity of military hospitals an the military medical system exceeded that required to care for active duty service members; therefore, many Medicare-eligible retirees were able to receive treatment, on a space-available basis, at military facilities. In the 1990s, we began to reduce the size of our military services and the base realignment and closure, BRAC, rounds began to close bases—and military hospitals—all across the Nation. The combined effect of fewer military medical personnel to provide care and the closure of over 30 percent of the military hospitals eliminated the excess capacity that had been so beneficial to military retirees. Also during this decade the retiree population grew dramatically, adding pressure to the military health care system. The true magnitude of the problem was finally exposed.

All of us have heard from military retirees who served a full career and, in so doing, made many sacrifices. Many times the sacrifices these heroic veterans made resulted in serious medical conditions that manifested themselves at the time in their lives when they were pushed out of the military health care system. As a nation, we promised these dedicated retirees health care for life, but we were ignoring that promise.

On February 23, 2000, I introduced a bill, S. 2087, that provided for access to mail order pharmaceuticals for ALL Medicare-eligible military retirees, for the first time. The legislation also would improve access to benefits under TRICARE and extend and improve certain demonstration programs under the Defense Health Program.

On May 1, 2000, I introduced S. 2486, which added a retail pharmacy component to the previous legislation, providing for a full pharmacy benefit for all retirees, including those eligible for Medicare.

On June 6, Senator TIM HUTCHINSON and I introduced S. 2669, a bill that would extend TRICARE eligibility to all military retirees and their families, regardless of age. Later that same day, I amended the defense authorization bill to add the text of S. 2669. This legislation provided uninterrupted access to the Military Health Care System, known as TRICARE, to all retirees.

While the Senate bill extended TRICARE eligibility to all military retirees and their families regardless of age, the defense authorization bill passed by the House of Representatives took a different approach. The House bill expanded and made permanent the Medicare subvention program. Medicare subvention is a program that is currently being tested in ten sites across the country. Under Medicare subvention, the Health Care Financing Agency of the Department of Health and Human Services reimburses the Department of Defense for providing health care to Medicare-eligible military retirees in military hospitals.

There are several problems with Medicare subvention. First, the amount of the reimbursement from Medicare to DOD falls well short of the actual cost of providing that care, causing DOD to absorb a loss for each retiree covered by the program. Second, expanding Medicare subvention nationwide would provide access to health care only for those beneficiaries living in proximity to the remaining DOD medical facilities. In contrast, the Senate bill covered 100 percent of the Medicare-eligible military retirees, regardless of where they live.

As many of you know, since the defense authorization conference began in late July, Senate and House conferees have been working toward the mutual goal of adopting legislation which would provide comprehensive health care to all military retirees, regardless of age. I am pleased to announce that the conference report to accompany the National Defense Authorization Act for Fiscal Year 2001 includes a permanent health care benefit for retirees—modeled on the Senate bill. I am delighted that we have honored the commitment of health care for life that was made to those who proudly served this nation. This is long overdue.

It had always been my intent to make this health care benefit permanent. In fact, when I originally introduced my legislation in February, with the support of many in the Senate, there was no time limit on the benefits contained in my amendment. During Senate floor consideration, a discussion arose about whether a budget point of order could be made against the bill due to the mandatory costs of the amendment. At that point, I made the decision to limit the provision to a preliminary 2-year period to ensure that there would be no point of order against the authorization bill. We knew of Senators who had a legitimate interest in raising such a point of order, and I did not want to put the bill at risk.

All through this process, I have made clear my commitment to work to make these benefits permanent at the earliest opportunity.

During the defense authorization conference we had an opportunity to make my retiree health care provisions permanent by converting the benefit to an entitlement and creating an accrual account in the Treasury. This conversion to an entitlement would not occur until fiscal year 2003.

Let me describe how funding the health care benefit through an accrual account would work. Accrual method of financing is more of an accounting mechanism than a change in funding. Using an accrual method of financing does not, in itself, increase the costs of a program. Accrual funding is commonly used in entitlement programs; one example of an accrual account is the military retirement account. The Department of Defense would annually deposit such funds, as determined by the actuarial board, into the accrual account in the Treasury. The Treasury, which would absorb the liability for certain costs attributed to providing health care, would also make an annual deposit to the accrual account. The costs of the health care benefit would than be paid from the accrual account.

The net effect of funding this important program as an entitlement would be similar to funding it from within the discretionary accounts of the Department of Defense. While a significant portion of the burden of funding this program is moved from the Department of Defense budget, there is little net cost to the federal government.

Permanently funding the military retiree health care benefit will be seen by retirees, active duty service members and potential recruits as the nation keeping it's commitment of health care for life to military retirees. Those serving today and those who are joining the military will see that the promise of a lifetime of health care, in return for serving a full career, will be honored in perpetuity.

Two weeks ago, in testimony before both the Senate Armed Services Committee and the House Armed Services Committee, General Hugh Shelton, Chairman of the Joint Chiefs of Staff, and each of the service chiefs strongly supported making this benefit permanent and using the accrual account method of financing. The Joint Chiefs have repeatedly testified that failing to honor the commitment to our retirees has been detrimental to their recruiting and retention efforts.

During our conference we made many tough decisions on issues that are very important to many Senators. I resisted every proposal that would potentially generate a point of order against the conference report. The accrual funding mechanism and the direct spending associated with the retiree health care benefit will make our conference report vulnerable to a motion to raise a point of order against our bill which would require a 60 vote majority to overcome. It is any Senator's legitimate right to take such an action. While I respect the right of any Senator to raise a point of order, I am urging my colleagues to consider the benefits of the health care provisions in this bill, which are fully justified. We would not want to leave our over-65 military retirees in doubt about our intentions with respect to their medical care. They must make critical decisions regarding their medical insurance plans and medical care. By making this health care plan a permanent entitlement, we are truly fulfilling the commitment made to all those who have completed a career in uniform.

If such a point of order is sustained, then the Defense authorization conference report will have to be recommitted to a new conference. There is simply not enough time in this Congress to commence a new conference.

If the Defense authorization conference report is not passed, there will be no health care benefit for Medicare-eligible military retirees. If the defense authorization conference report is not passed, this would be the first time in 38 years that the Congress has not passed a Defense authorization bill. That would be a tragedy. What a terrible signal to send to our brave men and women in uniform defending freedom around the world.

In addition to restoring our commitment to our retirees, the conference report also includes a number of important initiatives for active and reserve men and women in uniform today. The conferees authorized a 3.7 percent pay raise for military personnel effective January 1, 2001 and a revision of the basic pay tables to give noncommissioned officers an additional pay increase, effective July 1, 2001. I cannot understate the importance of providing our noncommissioned officers with this support. They are our career soldiers, sailors, airmen, and marines; tried and true, they are the backbone of our military and are more than deserving of this pay raise.

We included a provision to reduce the number of military personnel on food stamps. The conference report would provide up to $500 per month in an additional, special pay for military personnel who are eligible for food stamps. By our estimates, this provision should reduce the 6,000 military personnel estimated by DOD to be on food stamps today by about half. To further assist our most needy service members, the conferees agreed to eliminate the requirement that service members pay 15 percent of their housing costs out of their own pocket and directed implementation of the Thrift Savings Program of active and reserve service members.

The conference report extends current and authorizes additional recruiting and retention bonuses and special pays. If the bill is not enacted into law, all of these bonuses will expire on December 31, 2000. If the services are not able to offer the recruiting and reenlistment bonuses, their recruiting and retention progress of this past year will be for naught.

Also important to improving the quality of life for servicemen and women and their families is our continuing support for the modernization, renovation, and improvement of aging military housing. This conference report contains $8.8 billion for military construction and family housing, an increase of $788.0 million above the administration's request. More than $443.0 million of this amount is for the construction of 2,900 family housing units—800 more homes than last year. The conference report also provides more than $585.0 million to renovate and upgrade critical barracks space for unaccompanied military personnel and more than $660.0 million for vital military construction projects for reserve components.

This conference report also supports a group of dedicated men and women, who, while not in uniform, provided an equally important contribution to the defense of the Nation. The conference report establishes a new program to compensate Department of Energy, DOE, employees and DOE contractor employees who were injured due to exposure to radiation, beryllium, or silica while working at certain DOE defense-related nuclear facilities. This new program is intended to compensate those employees who, for the past 50 years, have performed duties uniquely related to nuclear weapons production and testing. Eligible employees would receive a lump sum payment of $150,000 and payment for all future medical costs related to the covered illness.

At this point, I recognize the important contributions of Senators THOMPSON, VOINOVICH, MCCONNELL, and DEWINE and their staff in crafting the final conference outcome on DOE workers compensation. Although they were not conferees, they were involved every step of the way as we negotiated this important issue with the House. They are to be commended for their tireless efforts on behalf of DOE workers.

I will now briefly highlight just a few of the important measures in this bill which support modernization and operations of our land, sea, and air forces, and which support our continuing efforts to identify and counter the emerging threats—information warfare or the use of weapons of mass destruction.

The conference report:

Increases funding by over $888.0 million for the primary military readiness accounts for ammunition, spare parts, equipment maintenance, base operations, training funds, and real property maintenance. While the additional funds that the conferees have provided will help with some of the most critical shortages in these areas, further efforts will be required over the next several years if we are to restore the Armed Forces to appropriate levels of readiness;

Supports the Army's transformation efforts by: authorizing an additional $750.0 million for this initiative; directing the Army to provide a plan that charts a clear course toward the fielding of an objective force in the 2012 time frame; and requiring an evaluation of equipment alternatives for Interim Brigade Combat Teams;

Adds $560.0 million to the President's budget request for ship construction;

Adds $15.7 million for five additional Weapons of Mass Destruction Civil Support Teams, WMD-CST, which will result in a total of 32 WMD-CSTs by the end of fiscal year 2001. WMD-CSTs, formerly known as Rapid Assessment and Initial Detection, RAID; Teams, are comprised of 22 full-time National guard personnel who are specially trained and equipped to deploy and assess suspected nuclear, biological, chemical, or radiological events in support of local first responders in the United States.

Includes a provision that would designate one Assistant Secretary of Defense as the principal civilian advisor to the Secretary for Department of Defense activities for combating terrorism. This provision—which is critically needed—ensures that there is a single individual within the Department responsible for providing a focused, comprehensive and well-funded DOD policy for combating terrorism.

Provides additional funding to address several of the Department of Defense's most critical shortfalls in combating cyber-warfare threats. The conference report adds $15.0 million to create an information Security Scholarship Program to address shortages in skilled DOD information assurance personnel by providing essential training and education in exchange for a service commitment, and $5.0 million to establish an Institute for Defense Computer Security and Information Protection to conduct critical research and development that is currently not being done by DOD or the private sector, and to facilitate the exchange of information regarding cyberthreats and related issues;

Adds $146.0 million to accelerate technologies leading to the development and fielding of unmanned air combat vehicles by 2010 and unmanned ground combat vehicles by 2015. This initiative will allow the Department to exploit the opportunities created by the rapid pace of technological development to provide our men and women in uniform with the most advanced weaponry and leverage these developments in a way that minimizes the risk to those deployed in harm's why;

Authorizes a net increase of $391.8 million for ballistic missile defense programs including a $129.0 million increase for National Missile Defense risk reduction, an $85.0 million increase for the Airborne Laser program, and an $80.0 million increase for the Navy Theater Wide missile defense program;

Reduces the congressional review period from 180 days to 60 days for changes proposed by the administration on the export control levels of high performance computers;

Ensures service contractors receive prompt and timely payment from the Department of Defense by requiring a plan for the electronic submission of supporting documents for contracts and the payment of interest for service contracts for payments more than 30 days late;

Authorizes $470.0 million in federal assistance to the Nation's firefighters over the next two years. The conference report also establishes a framework for the review and reauthorization of the program at the end of that time.

I would now like to take a few moments to address a provision which is not in the final conference report—the Warner-Kasich amendment on Kosovo.

As my colleagues know, I started the legislative effort to get our European allies to live up to the commitments they have made to provide assistance to the peacekeeping operation in Kosovo shortly after returning from a trip to the region in January. I was greatly troubled by what I saw in Kosovo—a U.N. peacekeeping mission that was out of money; a civil implementation effort that had barely begun, almost seven months after the war had ended; and U.S. and other NATO troops having to make up for shortfalls on the civilian side by performing a variety of non-military missions, from performing basic police functions to running towns and villages, to acting as judges and juries. I could not allow this situation to continue without reviewing the issue with our allies and bringing it to the attention of my colleagues.

The United Sates bore the major share of the military burden for the air war on behalf of Kosovo—flying almost 70 percent of the strike and support sorties, at a cost of over $4.0 billion to the U.S. taxpayer and great personal risk to our aviators. In return, the Europeans promised to pay the major share of the burden to secure the peace. European nations and institutions quickly volunteered billions in assistance and thousands of personnel for the effort to rebuild Kosovo. Unfortunately, as I discovered in January, these resources and personnel were not making their way to Kosovo—commitments were simply not becoming realities.

I introduced legislation that had a very clear and simple purpose: to tell our European allies that we would not allow the commitment of U.S. military personnel to Kosovo to drift on endlessly because of the failure of the Europeans to live up to their commitments. My legislation would have done no more than hold our allies accountable for the pledges and commitments they freely made.

For a variety of reasons, a form of the legislation that I originally sponsored failed in the Senate on a close vote. However, Congressman KASICH, after consulting with me, pursued similar legislation as an amendment to the defense authorization bill in the House of Representatives. The Kasich amendment passed the House by an overwhelming margin—over 100 votes. It was this amendment that we addressed during our conference.

I believe that the legislation Congressman KASICH and I jointly pursued this year has had a very positive effect. Money and personnel for civil implementation efforts are now flowing into Kosovo. Our allies are making credible progress in fulfilling their commitments. The civil implementation effort in Kosovo is now moving forward. While more clearly needs to be done, it was the feeling of a majority of the conferees—myself included—that the Kosovo legislation had largely achieved its purpose, and keeping this legislation in the final conference report could have a negative impact on relations with our allies and, perhaps, developments in Kosovo.

In place of the Kasich language, the conferees included a provision which requires the President to submit semiannual reports to the Congress, beginning in December of this year, on the progress being made by our allies in fulfilling their commitments in Kosovo. Such reports will allow the Congress to keep track of developments in this important area. If these reports reveal that progress again lags, it is the intention of this Senator to pursue legislation in the future designed to ensure greater burden sharing by our European allies in this crucial venture.

In conclusion, I want to thank all of the members and staff of the Senate and House Armed Services Committee for their hard work and cooperation. This bill sends a strong signal to our men and women in uniform and their families that Congress fully supports them as they perform their missions around the world with courage and dedication.

I am confident that enactment of this conference report will enhance the quality of life for our service men and women and their families, strengthen the modernization and readiness of our Armed Forces, and begin to address newly emerging threats to our security. I strongly urge my colleagues to adopt the recommendations of the conference committee.

Mr. President, I especially thank my distinguished friend and ranking member for the cooperation he has given me. This is the 22nd year we have served together in the Senate. We have been partners all these many years. We are proud to have the joint responsibility of the leadership of the committee that tries at every juncture to exert wisdom and decisions reflecting bipartisanship and, as in the famous words of another Senator, we check politics at the water's edge, particularly as it relates to the forward-deployed troops of our Armed Forces.

We are proud of that record. We have worked together very well. There was unanimous signing of the conference report which is presently before the Senate. I am very proud of the participation of all members of our committee and, indeed, the superb staffs of both the majority and minority.

I join my distinguished colleague, the President pro tempore and former chairman, in recognizing this bill is named for FLOYD SPENCE, the chairman of the House committee. Chairman SPENCE has served many years. He was a World War II veteran in the Navy and rose to the rank of captain. He has had a distinguished public service record in the United States. It is most fitting that this bill be named in his honor.

Mr. President, I see the presence of our distinguished colleague from Alabama. Perhaps he would like to follow the Senator from Minnesota.

Mr. SESSIONS. If that is appropriate, I will be honored to follow the Senator.

Mr. WARNER. Senator WELLSTONE, to be correct. Mr. President, I ask unanimous consent he be recognized following Senator WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, unless the managers, Mr. LEVIN or myself, for some reason need to be recognized.

For the second year in a row, the conference report before the Senate authorizes a real increase in defense spending. We have built on the momentum of last year by authorizing $309.9 billion in new budget authority for Defense for the fiscal year 2001, $4.6 billion above the request of the President of the United States.

That additional funding over and above the President's request was the result of the actions of many Senators, most particularly our Senate leadership, Republican and Democratic, the Budget Committee chairman, Senator DOMENICI, the ranking member, and others, and I certainly had a strong hand in it. We had a record to take before the Senate to justify that increase, and that record, in large measure, was put together by the Joint Chiefs of Staff; specifically, the Chiefs of the Services who have periodically come before the Congress and, in accordance with the clear understanding between the Congress and the Service Chiefs, to give us their opinions with regard to the needs for their respective military departments and, indeed, the other departments. They give us those professional opinions, even though those opinions at times are at variance with the statements of the President, the Secretary of Defense, and possibly even the Chairman of the Joint Chiefs of Staff.

The Service Chiefs have come forward repeatedly and told us about the needs over and above budget requests. Therefore, at this time, I specifically thank them for their service and thank them also for standing up for those in uniform and their families in their respective military departments.

When you are down there, whether it is an enlisted man or junior officer, looking up to those four-stars, it is a long way, but they are the leaders and they are the most trusted of all, the most unbiased. When it comes to politics, there is not a trace. They are there for the interest of our Nation and most specifically for those who every day follow their orders. I thank them.

They confirmed what we all know: That today, the U.S. military is overdeployed and underresourced, resource in terms of people, dollars, procurement, and O&M funds. I will go into detail about them in the course of this debate.

Since early 1990, the U.S. military has been sent on operations overseas at an unprecedented rate. At the same time, that force structure was reduced by a third and defense spending was declining every year up until 2 years ago. From the end of the war in Vietnam until 1989, the records of the Pentagon show there were 60 military deployments.

From basically 1989 until today, there have been 343 deployments in sharp contrast to the 60 in the preceding period. This represents over a 500-percent increase in our deployments. These statistics tell the story.

I am not suggesting in any way that most of these deployments were absolutely essential. Many were in the vital security interests of the United States. As I think quite properly, those contending for the Presidency today, both Republican and Democrat, have pointed out that they will watch very carefully what has been brought to the attention, largely by the Congress and the Chiefs, that they are overdeployed and underresourced. Those are the statistics of this period basically from 1989 until today.

While the rate of military deployments is established by the President, the Congress, with our constitutional powers, is continuing to support the Armed Forces by improving the quality of life for the men and women in uniform and their families, and the President, in his budget submissions, has done that. But each time in the past 3 years, the Congress has gone above the President's request to add what we can, given the budget constraints, to further improve the quality of life of the men and women in the Armed Forces, to further increase procurement, to further increase O&M funds because we are highly aware of that theme—overdeployed and underresourced.

The conference report takes great strides in the direction to improve, over and above that requested by the President, the quality of life of our men and women and, I may say, the retirees.

I am proud of our committee. The Senate Armed Services Committee, the records show, is the first committee in the Senate to recognize the need for revising the health care program for career military retirees. Basically, that is 20 years or, in the case of those who have medical retirement, earlier than 20, but the career military have long been neglected.

I want to credit the many organizations and many individuals who approached this chairman, who approached, I believe, every Member of the Senate, and brought to their attention the need for correction. That correction, I am proud to say, is incorporated in this conference report and will be given in great detail.

Basically, these retirees, in my judgment, have been entitled to this for many years. In my judgment, they were promised this. At a later point in this debate, I will go into the specifics because I have researched it way back. And now, at long last, in this 2001 appropriations, we make the start for a health care program to have the care for those retirees which they deserve and to which they have been entitled for many years. One of the most important single items in this conference report is this military health care.

History shows that our military retirees are the best recruiters of all. One of the direct consequences of our military being overdeployed and underresourced—I will use that refrain over and over again—has been the difficulty in recruiting the needed personnel, the difficulty in retaining the middle grade officers primarily, and the middle grade enlisted, particularly those with skills that are in direct competition with our ever-burgeoning economy in the private sector, who know full well that to get a military person—trained in computers, trained in electronics—they know they get a well-trained, well-disciplined, reliable employee.

That is quite a lure to these young men and women who are overdeployed, who suffer so much family separation. There has been an over 500-percent increase in these military deployments in the past decade or so. So that is the reason we are having difficulty in meeting our recruiting goals.

But we are beginning to put a fix in to take care of the retirees, so once again they can go out, as they have done in the past—I am not suggesting they withstood recruiting, but certainly some of the incentive has been lacking because they have not been treated fairly—and, once again, they will be in the forward vanguard of recruiting. They are the best recruiters of all.

I have to say on a personal note, my father served in World War I. I am very proud of his service and believe he recruited me in World War II by simply saying: It is your duty, son. Although I had very modest service at the conclusion of, the end of that war, fathers like him all throughout the country—and some mothers—were the recruiters long before we got to the recruiting station.

The conference report before the Senate fulfills an important commitment of health care for life, as we have determined because in World War II, history shows, and continuing through the Korean war, and indeed through Vietnam, the goal of making that commitment was to encourage service members to remain in uniform and become careerists. Simply put, there was the commitment of health care for life in exchange for their dedicated career service.

Let me describe for my colleagues and for our active and retired service members around the world the legislation in this conference report to authorize health care benefits for Medicare-eligible military retirees and their families. First, our committee, we were in the forward vanguard of this. Then we were joined by the House. But let me describe what we have done in this bill jointly—Senate and House—in this conference report.

Military medical care requirements for active duty service members and their families were recognized as early as the 1700s. That is how far back in the history of our country it goes—George Washington's Continental Army. Congressional action in the late 1800s directed military medical officers to tend to military families, whenever possible, at no cost to the family.

During World War II, with so many service members on active duty, the military medical system could not handle the health care requirements of many family members. The Emergency Maternal and Infant Care Program was authorized by Congress to meet that need in that wartime period. This program was administered through State health agencies. The earliest reference in statute defining the health care benefit for military retirees was in 1956, when for the first time, the Dependent's Medical Care Act specified that military retirees were eligible for health care in military facilities on a space-available basis.

In 1966, a decade later, this act was amended to create the Civilian Health and Medical Care Program of the Uniformed Services, called CHAMPUS, to supplement the care provided in military facilities. This legislation, in 1966, specifically excluded from coverage military retirees who were eligible for Medicare, a program which had been enacted by the Congress 1 year earlier, in 1965.

All of us have heard from military retirees who served a full career and in so doing made many sacrifices. Many times the sacrifices these heroic retirees made resulted in serious medical conditions that manifested themselves in a time in their lives when they were pushed out of the military health care program. As a nation, we promised these dedicated retirees health care for life, but at that period we were ignoring that promise of America.

On February 23, 2000, I introduced a bill, S. 2087, that provided for access to mail-order pharmaceuticals for all Medicare-eligible military retirees. This was the first time that has ever been done. The legislation would also improve access to benefits under TRICARE and extend and improve certain demonstration programs under the Defense Health Program.

On May 1, 2000, I introduced S. 2486, which added a retail pharmacy component to the previous legislation, providing for a full pharmacy benefit for all retirees, including those eligible for Medicare.

Now, I staged this purposely because throughout this period I was in consultation with the many veterans groups who came forward in that period, experts who had studied this for a long time and brought to my attention the added requirements in the legislation.

While I and other members of the Senate Armed Services Committee were working on this legislation, we were doing so in consultation regularly with those organizations representing the retired military and the Department of Defense. It is interesting, Secretary Cohen had some difficulty, understandably, because of his budget constraints. But I know in his heart of hearts he was concerned about the military retirees, as were the Chiefs. But the time came when the Chiefs had the opportunity to express their opinions, which, as I say, were at variance with those of the Secretary of Defense and, indeed, the President. They told us about the need for this legislation.

So while I thank the Senate and most particularly our committee for pioneering this effort for the first time in the history of the Congress, we owe a debt of gratitude to so many others who helped us, gave us the encouragement, and, indeed, showed us the path to follow.

On June 6, Senator TIM HUTCHINSON and I introduced S. 2669, a bill that would extend TRICARE eligibility to all military retirees and their families regardless of age. Later that same day, I amended the Defense authorization bill to add the text of S. 2669. This legislation provided uninterrupted access to the military health care system, known as TRICARE, to all retirees.

While the Senate bill extended TRICARE eligibility to all military retirees and their families regardless of age, the Defense authorization bill passed by the House of Representatives took a different approach. I respect their approach, but it was different from ours.

The House bill expanded and made permanent the Medicare subvention program. Medicare subvention is a program that is currently being tested in 10 sites across the country. Under Medicare subvention, the Health Care Financing Agency of the Department of Health and Human Services reimburses the Department of Defense for providing health care to Medicare-eligible military retirees in military hospitals.

There were two significant problems with Medicare's subvention in the judgment of the Senate, and particularly the conferees, when we got to conference.

First, the amount in the reimbursement from Medicare to DOD falls well short of the actual cost of providing that care, causing DOD to absorb a loss for each retiree covered by the program.

Second, expanding Medicare subvention nationwide would provide access to health care only for those beneficiaries living in proximity to the remaining DOD medical facilities. In contrast, the Senate bill covered 100 percent of the Medicare-eligible military retirees, regardless of where they live.

This is important; I emphasize that. Many of the military retirees live under very modest circumstances and have sought places in our Nation for their retirement homes which cost less and, therefore, very often are not co-located with large military facilities and military medical hospitals. They are scattered. It has been a burden on some of those people through the years to travel considerable distances to avail themselves of such medical assistance as was afforded to them prior to this bill.

Since the Defense authorization conference began in late July, Senate and House conferees have been working towards the mutual goal of adopting legislation which would provide comprehensive health care to all military retirees regardless of age. I am pleased to announce that the conference report to accompany the National Defense Authorization Act for fiscal year 2001 includes a permanent health care benefit for retirees modeled on the Senate's original version to have it permanent.

I am delighted that we have honored the commitment of health care for life that was made to those who proudly served the Nation on a permanent basis.

I acknowledge the strong participation by the House conferees; indeed, the Speaker of the House and the chairman of the House Subcommittee on Personnel, and Chairman Spence, Chairman Stump. I could mention many who worked on this. That was a subject of some concern in the conference because Senator LEVIN and I, when we had our bill on the floor with provisions which would, in an orderly way, have enabled us to have permanency to this program, were going to be challenged on a point of order. That may occur again today. Frankly, I would rather have it occur today than when this bill first was on the floor 2 months or so ago for various reasons.

So the conferees made the decision—a bold one—that they would make this permanent, and we now present that to the Senate. It had always been my intent to make this health care permanent. In fact, when we originally introduced the legislation in February, with the support of many in the Senate, there was no time limit on the benefits contained in the early Senate bills and amendments. I have covered the history of how we have gotten where it is now permanent.

The net effect of funding this important program as an entitlement would be similar to funding it from within the discretionary accounts of the Department of Defense. There is little net cost to the Federal Government. Permanently funding the military retiree health care benefit will be seen by retirees, active duty service members, and potential recruits, both enlisted and officers, as the Nation keeping its commitment to health care for life to military retirees. Those serving today and those who are joining the military will see that the promise of a lifetime of health care in return for a career will be honored by America.

Two weeks ago in testimony before the Senate Armed Services Committee and the House Armed Services Committee, Gen. Hugh Shelton, Chairman of the Joint Chiefs of Staff, and each of the Service Chiefs strongly supported making this benefit permanent and using the accrual account methods of financing. While I respect the right of any Senator to raise a point of order, I am urging my colleagues to consider the benefits of the health care provisions of this bill which are fully justified. We would not want to leave our over-65 military retirees in doubt about our intentions with respect to their future medical care.

This issue is on the 1 yard line, ready to be carried across for a touchdown by the Senate, hopefully within a matter of hours.

These retirees must make critical decisions regarding their medical insurance plans and medical care. By making this health care plan a permanent entitlement, we are truly fulfilling the commitment made to all those who have completed a career in uniform and to those contemplating a career in the future.

I am going to yield the floor at this time so as to move along. I will return to my remarks at a later point.

I yield the floor to my distinguished colleague. Again, I thank Senator LEVIN for his untiring efforts on our behalf to create this historic piece of legislation.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me congratulate Senator WARNER, our chairman, for his distinguished service, as always, for his total commitment to the men and women in the military, for trying to produce a bipartisan product which we have produced again this year. Without his leadership, this would not be possible. I, first and foremost, thank my good friend JOHN WARNER for again coming through with a really good bill that I think will command the large number of votes which will be forthcoming.

Mr. WARNER. Mr. President, I thank my colleague. I know he would wish to share, with me, such credit for this legislation with all members on both sides of the aisle of the Armed Services Committee. We have a great team.

Mr. LEVIN. That was indeed the next point. We are blessed with a committee which operates on a bipartisan basis. The members of the committee work well together. The chairmen of our subcommittees work well. Our staffs work well together. We have many blessings to count being able to serve in this body and to serve our Nation, but surely one of our great blessings is being on a committee which is able to operate on such a bipartisan basis.

I echo Chairman WARNER's comments about the tragedy in Yemen this morning that involved the Navy ship, the U.S.S. *Cole*. Our hearts and prayers go out to the families of those who have been lost in this despicable act of terrorism. Our hearts and prayers go out to the sailors who have survived who are now struggling for life. Our hearts and prayers go out to their families. We are in, as we surely understand, for a long battle against terrorist acts.

I notice my good friend from Kansas on the floor, chairman of the subcommittee that addresses new threats we face. The terrorist threat which was exemplified this morning in Yemen has been repeatedly pointed out by him and other members of the subcommittee and of the Senate as being the type of threat that we face. That kind of terrorist act is a real world threat which is here and now.

That was not a weapon of mass destruction, but it was a weapon that caused massive injury, massive death. We must put our brains and our resources together with allies to try to prevent these kinds of actions from occurring and, when they do occur, to bring the perpetrators to justice.

The Senator from New York has requested that I yield 5 minutes to him so he may make a statement at this time. The order that we had established by unanimous consent was that after my opening statement the Senator from Minnesota would be recognized, and then the Senator from Alabama would be recognized. I want someone on the other side of the aisle to hear this, but I ask unanimous consent that that be modified at this time so I may defer my opening statement to yield to the Senator from New York 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my friend, the Senator from Michigan. He is gracious as always, and I appreciate the opportunity to briefly interrupt this proceeding. I also compliment him and Senator WARNER on the bill they have put together. As was mentioned, the whole Chamber admires the bipartisan way in which the Senators from Michigan and Virginia have worked together.

I rise today to say I am stunned and saddened by the violence which has erupted in the Middle East. I am saddened by the loss of four innocent and brave American sailors, victims of malicious, malevolent, maddening terrorism that has no rationale, no justification.

My prayers and thoughts are with their families, as well as with those who have been injured and those who are missing, and their families as well. Terrorism can strike anywhere at any time. We have to be doing all we can in this Chamber to deal with it.

I am stunned also that after 7 years of good faith negotiations all too many Palestinians still see violence as the means to achieve their ends. The violent pictures we saw of the two Israeli reservists being thrown from a window and brutally beaten is enough to turn anyone's stomach. Pictures such as that and so many other pictures that we have seen are not only very disturbing to us, but it lessens the chances for peace in the Middle East.

I am disappointed and sad that Chairman Arafat has failed to stop or even condemn the violence. Yasser Arafat says he is for peace and he has signed agreements for peace. Yet violence has erupted in the Middle East and not only has he failed to stop it, you don't hear a word of condemnation. Instead, one may feel that he misguidedly thinks violence is a means to an end. I am saddened that a peace process which saw the courage and sacrifice of leaders such as Yitzhak Rabin and Ehud Barak may be crumbling before our eyes. The prospect for peace, at least in the near future, has been shattered by today's events.

I have been a supporter of the Oslo peace process because I truly believe that peace is the only realistic, long-term alternative for Israel and Israel's Arab neighbors. It will be through peace that they achieve strength and security. It will be through peace that Israel will have its future aglow with possibilities. But now, to be honest, I am not so sure what will come of the Oslo peace process, let alone how much more Israel can sacrifice in the name of peaceful compromise which may never come to be. Prime Minister Barak went further than anyone dreamed he could go, and even those exceedingly generous and courageous offers were rejected.

Peace has to be a two-way street; otherwise, it is just empty promises.

Chairman Arafat must be called to task for his inability to control the violence and to embrace peace. The sad truth is that while Israeli leaders were preparing their citizens for peace by bringing them to accept the compromises necessary for peace, Arafat was doing the opposite. He was making false promises to his people and raising false hopes.

If there is to be real peace in the Middle East, Chairman Arafat has a responsibility to prepare his people for peace, not violence. That means changing Palestinian textbooks which still call for the destruction of Israel. It also means stopping the rhetoric of hate concerning Jewish claims to Jerusalem's holy sites. Most of all, it means telling his people, as Ehud Barak has, that compromise is the way to attain a fair and just settlement, and that violence is no longer an option.

As a result, today, sadly, extremists on both sides have been strengthened. Who has benefited from what has happened in the last 10 days? Ideologues, and only ideologues; not average people, whether they be Jew, Arab, Christian, or Moslem.

I believe Mr. Arafat will rue the day he let this genie out of the bottle. He has let forces loose and he now has a tiger by the tail, and I even wonder whether he can survive.

To the Israelis, I say: Stay the course, even at this painful moment. It will be very easy to throw up one's hands and give up. Yes, be strong, and make sure that when a horrible thing such as happened to the two in Ramallah happens, there will be a price paid. But don't give up on the course to peace; don't give up to those who will tell you there is another solution. There is not.

To my fellow Americans, I say: First, we are so saddened, again, by the loss of innocent lives—people defending America as Americans have for more than 200 years. I also say to my American brethren that we can't isolate ourselves, that this conflict in the Middle East is not one on which we can turn our backs. Just look; not only are four Americans dead; several more are missing and many more injured, and oil prices are up. We are carefully watching movements of troops in Iraq and Iran at this moment. We are worried about terrorism even on our own shores. No, we all must stay the course.

As I mentioned, the prospects for peace in the Near East have been shattered by today's actions. Only by strong, courageous but careful and judicious action by people of good will—Americans, Israelis, and Arabs—can those pieces be put back together. I thank the Chair.

Mr. WELLSTONE. Mr. President, if my colleague will yield for 30 seconds, I know other colleagues want to respond, but I say to my colleague from New York in as sincere a way as I can, I thought his words were powerful and eloquent. They were beautifully written, beautifully said, and very important. I want to associate myself with him. I know I can't speak on it as well as the Senator did, so I associate myself with what he said. It is just the way I think about it and feel about it.

Mr. SCHUMER. I thank the Senator.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I ask the distinguished Presiding Officer this: It is my understanding that the Senator from Michigan will be recognized next, to be followed by the distinguished Senator from Minnesota, to be followed by the Senator from Alabama, Mr. SESSIONS; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERTS. I ask unanimous consent that I may be recognized following the remarks by Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, while the Senator from New York is still on the floor, I commend him for his thoughtful comments about the Middle East. I was not only struck by the content of his comments, but also by the way in which they were so forcefully and calmly delivered, which I think will reverberate throughout this Chamber.

These are times of great violence in the Middle East. One of the most striking things to me is the silence of Chairman Arafat relative to violence. Prime Minister Barak has said to his own citizens, "I urge our Jewish citizens to refrain from attacking Arabs and their property under any circumstances." From Chairman Arafat, we have had silence about the actions of the Palestinians in the streets. That silence speaks volumes. It was referred to by the good Senator from New York, and I want to again say that I thought his comments were exactly the right substance and tone.

I also want to expand on that one thought, about what we have not heard once from Chairman Arafat, which is a statement saying that violence—by whoever—is wrong. We have not even gotten that much from Chairman Arafat, and it is a huge and very obvious and intentional omission on his part, which speaks very loudly about what his intentions are.

I would be happy to yield to my friend from Nevada.

Mr. REID. Mr. President, I think the Senator from New York summed up my feelings. I think Americans have to understand that tiny, little Israel, the only democracy in that part of the world—surrounded by some of the worst tyrannies in the world—is having a very difficult time right now. If there was ever a country in the history of the United States that has shown their friendship to the United States it has been Israel. During this time of need for Israel, we have to show our friendship toward them—no one wants to see the violence taking place—and recognize that Israel is a democracy. It was in 1948. It is today.

As my friend from Michigan said, I hope we will have Chairman Arafat come forward and do something publicly to denounce what is taking place on the Palestinian side. It has been despicable—from the raiding of the tomb, to the terrible murders of these two Israeli soldiers today.

I support the statement made by my friend from New York, and certainly my friend from Michigan who is managing this bill. Today, of all days, signifies to me the importance of the work that he and Senator WARNER have done to get this bill to this point so we can authorize the many things that need to be done by the U.S. military. We have talked about the act of terrorism against our U.S. Navy, and this bill addresses that.

As I said yesterday, the Senator from Michigan is to be commended for his work on this bill.

Mr. LEVIN. Mr. President, I thank the Senator from Nevada. He is always thoughtful and on the point. He joins those of us who have commented on the tragic loss of our sailors and on the injuries to our sailors on the U.S.S. *Cole* because not only is it happening at the moment—this act of terrorism—but it is dramatizing what the major threats to our security are. But it is just another reminder of the sacrifices of the men and women of our military and the risk that they face every day in this world.

I thank him for his comments.

I am happy to yield to the Senator from New York.

Mr. SCHUMER. Mr. President, I thank both of my colleagues for not only their kind remarks but for their leadership on this and some other issues. It is a pleasure to serve in the Senate under such leaders as the Senators from Michigan and Nevada. I thank them.

Mr. LEVIN. I thank the good Senator from New York.

Mr. President, let me now continue with my remarks relative to the Defense authorization bill itself.

The most far-reaching step that we have taken in this conference report is to answer the call of Secretary Cohen and the Joint Chiefs of Staff to address shortcomings in the health care program. We provide health care for our military personnel and our retirees and their families. But there are shortcomings. There are gaps. There are holes. There are lapses. We are trying to fill those. We are trying to make the commitment of health care to our military men and women and to their families, and after they retire, a real-world commitment. We want to fulfill the promise of lifetime health care to those who complete a military career by providing, as we do in this bill, that retired members and their families remain in the TRICARE health program for life. When they become eligible for Medicare, TRICARE would serve as a Medigap-type policy and pay virtually all costs for medical care that are not covered by Medicare itself. This means that retirees will be able to choose any medical provider that accepts Medicare, and TRICARE would pay the deductibles and the copayments.

Second, the budget request that we approved improves access to health care for families of active duty members by eliminating deductibles and copayments for care provided by the TRICARE program.

We would also make TRICARE Prime available to the families of service members assigned to remote locations where they don't have access to military treatment facilities. And we provide for physical exams for family members when required for school enrollment.

Finally, we would address the rising price of prescription drugs by providing a generous pharmacy benefit for military retirees. Under this provision, prescriptions filled in a military facility will be free. Prescriptions filled through the military's national mail-order pharmacy will cost $8 for a 90-day supply. Retirees would pay a 20-percent copayment for prescriptions filled in a way which is on an approved list of retail pharmacies. There is the so-called "network retail pharmacy." They would pay a 25-percent copay for prescriptions filled in a non-network retail pharmacy; in other words, from a pharmacy not on the approved list.

I am appalled, as so many Members of this body are appalled, by the rising costs of pharmaceuticals in this country, and by the growing gap between the prices paid for drugs by our citizens and people who live in other countries—frequently, by the way, for prescription drugs manufactured in this country and often subsidized either directly by taxpayers in the form of NIH grants to people who develop those drugs and do the research on them, and indirectly through the Tax Code. We provide credits for research and development. We have this gap between what our citizens pay and citizens in other countries pay for drugs manufactured in the United States. We are not curing that gap in this bill, except we are taking a step relative to military retirees. This step at least addresses that problem for military retirees.

It is my hope that before the end of this session or in the next Congress that we will provide a similar benefit for Medicare beneficiaries.

The importance of this prescription drug program is shown by the effort that was made to achieve it. The importance of this benefit is reflected in the fact that military retirees brought to our attention the extraordinary expense to them of prescription drugs. We are responding to that. We have a moral obligation to respond to that because we made a commitment to them.

This country has a moral obligation surely to our seniors—I think to all of us, but at least to our seniors—to make prescription drugs affordable. We haven't made the same kind of commitment technically to our seniors. But surely we should feel the moral obligation to make sure our seniors have access to affordable prescription drugs. That commitment that we surely should feel, I believe, will be advanced by this action that we are taking relative to our military retirees. Hopefully it will prod us to do the same for all of our seniors as we do for our military retirees in the area of prescription drugs.

We cannot overlook the fact that these provisions are going to be expensive to implement. This bill would establish a new entitlement program for military retiree health care at an estimated cost of $60 billion. The $60 billion cost of this program is over the next 10 years. It is actually, technically, a $40 billion net cost to the Government for reasons that I will go into when we get to the waiver of the point of order relative to the budget.

It is a significant amount of money, $60 billion of direct spending, or $40 billion net, over the next 10 years. Either one of those numbers is a big number. We should be very conscious of what we are doing. That is why it is very important this body act openly and forthrightly on this proposal.

Senator WARNER mentioned that we had made a proposal in committee which would have achieved this same goal on a phased-in basis, first for 2 years and then permanently, in a way which would have met the requirements of the Budget Act without creating a point of order.

In the wisdom of the conferees, we made this a permanent benefit. It is the right thing to do. But there is a cost to it which exceeds the amount of money this committee has been authorized to allocate under our mandatory spending limits. This body will then be offered the opportunity and presented with the question: Do we wish to waive that limit, to use the waiver authority as provided for us in the Budget Act, in order to approve this permanent benefit?

That will be argued at a later time in this debate. I intend to vote to waive the Budget Act and permit this benefit to go into effect for our retirees. However, it is important that this body, when it exceeds these spending allocations, does so in a way where everyone has a chance to recognize what it is we are doing in that regard.

As I said, there was no provision made in this year's budget resolution for this level of mandatory spending. We were given a very small amount, closer to half a billion. There was a way we could have operated within that level in a 2-year program, then expecting to make that permanent later on in a way which would have complied with the Budget Act. But this conference went in a different direction. It is a reasonable approach, perhaps even a more straightforward approach. In any event, it does create this point of order which we now need to address in this bill.

I believe these steps to address problems in the military health care system are the right thing to do. Again, we just should do so openly. We should not do so blindly. The problem is not with this bill but in the budget resolution itself, which is not realistic in the amount of money it provided for this and for other purposes.

The conference report also includes a title numbered 35 in the Senate bill which is the Energy Employees Occupational Illness Compensation Program. This Nation now has a great debt to the many workers in our nuclear weapons facilities who played such a vital role in winning the cold war, a deterrent which they produced which was able to deter aggression to help maintain security and peace. But we now know that many of these workers were exposed to dangerous radioactive and chemical materials in the course of their work, and they are now suffering from debilitating and often fatal illnesses as a result. It is simple justice that these workers and their families should be compensated for those illnesses.

The Department of Energy Employees Occupational Illness Compensation Act provides that compensation, and it does so in a fair and balanced manner. We were able to overcome significant opposition in the House of Representatives and provide compensation to the loyal Department of Energy workers who were poisoned by that work in support of our Nation's defense. Now there is a cost. We should be aware of that cost. It is a cost of $1.1 billion over 5 years and about $1.6 billion over 10 years.

I am particularly pleased that the conferees rejected a House provision which would have prohibited the continued deployment of United States ground combat forces in Kosovo under certain circumstances. What the House provision said was, if the specified contributions by our allies for civilian policing and reconstruction were not met by a target date, then our troops would automatically be withdrawn.

First of all, our European allies are almost to those levels. They are now clearly the senior partner in Kosovo. That is the right thing. We want our allies to be senior partners and the United States to be the junior partner. Many times we are not the senior partner. That is a very good development.

It would be a mistake, and this body voted it would be a mistake, to put in an automatic withdrawal date because of the uncertainty that would create, the weakening of the NATO alliance which would be created, and the negative impact of morale on our men and women who would then believe, somehow or other between now and that automatic removal date, that our troops may be removed. That kind of uncertainty is not healthy either in terms of who our adversary was and could still become theoretically; it is not healthy in terms of the NATO alliance; it is not healthy in terms of the morale of our men and women in uniform.

We have all put pressure on our European allies to do more. It is something in which many of us, if not most of us, believe. They are now doing more. Our response should be a positive response rather than this automatic threat that unless they meet a specified numerical target by a fixed date, something would automatically happen without any further action of the Congress.

The process in the House bill, which was rejected by the Senate after a lengthy floor debate, but adopted by the House, would have led to the automatic withdrawal of our forces, even if there was no action in the future by Congress. That at least, in my judgment, would not have been a responsible exercise of congressional authority but rather its abdication. Putting this on automatic pilot would not have been the best way to exercise congressional authority.

We have the power of the purse, and we have a right to exercise it. If we want to withdraw troops, we have the right to do that. If we have troops in too many places, we have the right to say: Pull them out, don't spend any money to keep them there. We have that responsibility. If we are in too many places, we are the ones with the power of the purse. We can say: Pull forces out of here, pull forces out of there.

The specific effort to do that was made relative to Kosovo. It was rejected. I am glad, by the way, that both the candidates for President rejected that approach. But if we are going to do it, we ought to be accountable ourselves for doing it and not put something on automatic pilot so that something will happen in the future even if we do nothing between now and then. That is not the way I believe the power of the purse should be used.

I believe very deeply in the power of the purse, and I believe there are occasions when we want to say we believe that troops should not be in a certain place and we are not going to provide money for it. But that ought to be done directly and not be done at a future date in the absence of a decision by the Congress.

The conferees also rejected a provision that would have placed burdensome restrictions on our efforts to support the antidrug effort in Colombia. We rejected a provision that undermined our ability to implement agreements designed to prevent development of nuclear weapons by North Korea. We rejected a provision which implied that a national missile defense would be deployed immediately without regard to the system's operational effectiveness or affordability or the impact that it might have on our overall national security. Those were unwise provisions, in my judgment, and I am pleased they were not included in the conference report. I am pleased the conferees did adopt a series of provisions implementing the agreement between President Clinton and the Governor of Puerto Rico regarding the status of training exercises by the Navy and Marine Corps on the island of Vieques. Training on Vieques, as we know, was suspended last year after the tragic death of a security guard at the training range. The Secretary of the Navy, the Chief of Naval Operations, and others have testified that there is just no adequate substitute for that training on the island of Vieques.

As of today, the Commonwealth of Puerto Rico has lived up to its obligations under the agreement. The training range on Vieques has been cleared of protesters with the assistance of the government of Puerto Rico, and Navy training exercises have now resumed on the island with the use of inert ordnance, as provided for in the agreement.

The Navy is working with the citizens of Vieques and others throughout Puerto Rico towards the resumption of live-fire training on Vieques. This bill, hopefully, provides the framework for the resumption of that training.

The President's budget request added $12 billion of defense spending to last year's appropriated levels, and the Congressional Budget Resolution added an additional $4.5 billion. For the most part, the conference report spends this money wisely, to meet needs that were identified as priorities by the Joint Chiefs of Staff or to accelerate items that are included in the Future Years Defense Plan.

The bill also provides funding support and legislative guidance for key Department of Defense priorities, including the Army's transformation plan and the Joint Strike Fighter Program.

On the first point, the conference report provides appropriate support for the Army transformation plan, the plan that was put forward by Secretary Caldera and General Shinseki. The conferees concluded that the Army needs to transform itself into a lighter, more lethal, survivable, and tactically mobile force. We approved all of the funds requested by the Army for this purpose, and we actually added some research money to the amount requested to help the Army in the long-term transformation process.

At the same time, we directed the Army to prepare a detailed roadmap for the transformation initiative and to conduct appropriate testing and experimentation to ensure that the transformation effort is successful.

Mr. President, I have a few more minutes but I have taken a little longer than I expected. I would like, at this point, if the Senator from Minnesota is ready, to yield to him for his presentation.

Mr. WELLSTONE. Mr. President, I do not want to break up the flow of my colleague. I am pleased to follow the Senator from Michigan.

Mr. LEVIN. Actually, if the Senator from Minnesota is ready to speak at this time, it will work to my convenience if I interrupt myself at this moment and yield to the Senator, but I ask unanimous consent I then be given back the floor for perhaps 10 more minutes of remarks following the Senator from Minnesota.

The PRESIDING OFFICER. Is there an objection?

Mr. SESSIONS. Mr. President, I understand Senator ROBERTS was seeking to speak. Perhaps with that exception? The two of you could talk about that, perhaps.

Mr. LEVIN. I will be happy to comment on the request of the Senator from Alabama because he is correct. As I understand it, the order now is that at the end of my remarks Senator WELLSTONE is to be recognized, the Senator from Alabama is to be recognized, and then the Senator from Kansas is to be recognized.

What I am suggesting is that the remarks of the Senator from Minnesota come now in the middle of my remarks, I then complete my remarks following the Senator from Minnesota, and then we go back to the Senator from Alabama and the Senator from Kansas; if that is all right?

Mr. SESSIONS. That is fine. I have no objection.

Mr. LEVIN. It will just take me 10 minutes more when Senator WELLSTONE has finished. I thank my friend from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me again thank Senator WARNER of Virginia for his statement about the crew of the U.S.S. *Cole*. My understanding is four American sailors have lost their lives, others have been injured. As a Senator from Minnesota, I want to express my support and my concern. I do not think we have as yet knowledge of who is behind this. It certainly looks like a well-planned terrorist attack, but I echo the words of my colleague from the State of Virginia.

The chair of the committee, Senator WARNER, and the ranking minority member, Senator LEVIN, are two of the best Senators in the Senate. Therefore, I want to speak with a little bit of humility because I don't want this to come off as arrogant. I want to express my opposition to this bill. I don't think there will be many opposed, but I want to give this at least my best effort.

Let me start out with my own framework. I believe part of the definition of real national security for our Nation is a strong military, but I also think part of the definition of real national security is the security of our local communities—whether it is affordable housing, whether it is affordable child care, whether it is good health care for citizens, or whether we have the best education for every child. It is within this framework that I rise to speak against this bill.

The bill provides $309.8 billion for the military. That is $4.5 billion more than the administration's request and $19 billion above fiscal year 2000 levels. Yet the majority party could not find the additional money for more school counselors, could not find additional money for Head Start. One of the scandals is we keep talking about how important the early years are, we keep talking about how important the Head Start Program is to give children a head start. Yet I think we provide funding for about 3 or 4 percent of the children who could benefit from the Early Head Start Program.

The majority party could find the additional $4.5 billion, above and beyond the administration's request, but they could not find the additional money for affordable housing. They could not find additional money up to this time for prescription drug benefits for elderly people. It is a matter of priorities. I think as long as our country is first in the world when it comes to spending on the military but ranks 10th in the world when it comes to spending on education, we will never achieve our strength and our greatness.

The cry for more money, the rallying cry from some of my colleagues for more Pentagon funding, was for readiness. We have heard about the crisis in readiness, lack of spare parts, inadequate training funds, difficulty retaining pilots and other key personnel, declining quality of life. I am all for the part of this budget that increases funding in these decisive areas. But if you look at the category of spending with the largest increase from fiscal year 2000 to fiscal year 2001, it is procurement of weapons. It is not military readiness, with an 11-percent increase; or operations and maintenance, which funds most of the readiness programs, which goes up 4 percent; or family housing, on the other hand, which actually declines by 3 percent; military construction declines by 6 percent. These figures are from the Pentagon budget authority.

But the real increase in the funding—if you look at fiscal year 1999 to fiscal year 2005, procurement increases 39 percent. This is the largest increase in this Pentagon budget. In fact, 53 percent of the increase in budget authority during this 6-year period goes to new weapons.

I have to ask the question in this post-cold war period, in an opportunity to redefine some of our priorities and to redefine national security and to have a strong military, but also to make sure that we concern ourselves with national security as in the security of local communities—good education, good health care, good jobs, affordable housing. It seems to me this budget does much more for the military contractors than it needs to do, is beyond the President's request. And, frankly, we are in a zero sum game. You cannot have it all. Money spent in one area is money not spent in another area.

I believe that overall what we have before us in this piece of legislation, and the amount of money it calls for, for the Pentagon and military, reflects some distorted priorities. It is for that reason I will oppose this conference report.

Related to this question I have raised about budget priorities is an amendment which was dropped from the conference report. This was an amendment I offered, which was accepted, which asked that we in the Congress do a careful study of child poverty under welfare "reform" to find out how children are doing, to find out whether not only has there been a decrease in poverty of children but among those children who are poor—from the last report we received—we have an increase in poverty among children who are poor. I wanted us to do an honest policy evaluation.

Over the last 2 years I have offered this amendment four or five times, and every time it is dropped in conference committee—every single time. It seems to me we would want to know, as we move into the reauthorization of the welfare bill, what this dramatic decline in the welfare roll means. Any fool can throw people off the welfare rolls. That is easy. The question is, Where are the mothers and where are the children and are they better off?

Some I think are better off. For that I am grateful. Some have living-wage jobs and can support their families, and that is what it was supposed to be about. But I am telling my colleagues, I traveled some of the country—I am going to do more over the next 2 years because obviously we need to know what is happening out there—and it is my observation that the vast majority of the women and children are in the following situation: These women are working but now they are working poor. These jobs do not provide anywhere close to our salaries or even close to what would be called a living wage; in other words, on what they can support their families.

From the studies of Families USA and what I have seen with my own eyes, too many of these women no longer have medical assistance for themselves and their children and in all too many situations—Yale and Berkeley did a study on the child care situation—2- and 3-year-olds—these are mothers with children—are in child care situations which at best are inadequate and quite often are dangerous.

We have seen, roughly speaking, a 25- to 30-percent decline in food stamp participation, the major safety net for poor children.

I want to know what is happening out there. I would think colleagues would want to know, but sometimes we do not want to know what we do not want to know.

For the fourth or fifth time, this amendment has been dropped, and I have come to the floor to express my opposition to the dropping of this amendment. The majority party found $4 billion more than the administration requested, I am sorry, but is unwilling to do an honest policy evaluation of the welfare bill, its effect on children, the poverty of children, and whether we can do better for poor children. That is a misplaced priority.

When we come back next year—we will be moving into the period of time of reauthorization of this welfare bill—one of my commitments as a Senator from Minnesota is to do everything I can to focus the Senate, Democrats and Republicans, on an honest policy evaluation of what is happening to poor women and poor children in our country.

I can think of better uses for some of this money in the Pentagon budgets as opposed to new weapons systems, for example. I can see putting more into child care. I can see putting more into education. I can see putting more into expanded health care coverage. I can see putting more into affordable housing. I can see putting more into making sure there is long-term care so elderly people are able to stay at home and live at home with dignity as opposed to being forced into nursing homes. I can see some other priorities.

The Hate Crimes Prevention Act, which was passed by the Senate as an amendment, was taken out of the conference. In the United States of America, surely we as a people no longer accept the proposition that a citizen can be killed or injured because of his or her race, national origin, religion, gender, disability and, yes, sexual orientation.

Not that long ago, James Byrd was dragged to death by the most vicious of racists, and he was killed for only one reason: He was black.

It was less than a year ago that two men were killed and three others were injured in Pittsburgh when a gunman shot them down for only one reason: They were white.

It was only a few months before that when a man went on a shooting spree in Chicago aiming at people for one reason and one reason alone, and that was because they were either black, Asian or Jewish.

Let's not forget Matthew Shepard who was killed in Wyoming for one reason and one reason only: He was gay.

The amendment we adopted in the Senate with 57 votes and was taken out of this conference report would have permitted Federal intervention in serious violent crimes. In addition, the crimes that would have been covered would have included gender, disability, and sexual orientation.

There is not one Senator who can say that Matthew Shepard was not murdered because of hate. By failing to keep this amendment in this conference report, we have communicated a message that says we still tolerate these hate crimes; we are not willing to take strong action.

The majority party took that amendment out of this conference report. The majority party took the hate crimes amendment out of this conference report, and I think we have communicated a terrible message to the country.

Hate crimes are a kind of terrorism. They are not just meant to intimidate the victim but all those who belong to the group and make all of the people victims. They are meant to instill fear. They are meant to communicate the idea that one group of people has supremacy over others. They are meant to dehumanize people. They say not just to the victim but to all those who are like the victim: You are vulnerable and you could be next because you are gay, lesbian, transgender, or bisexual; you could be next because of your disability; you could be next because of your religion; you could be next because of the color of your skin; you could be next because of your national origin. And they took this amendment out of this conference report. I believe that is shameful, and that is another reason I am going to vote against this conference report.

Mr. President, I have 30 minutes reserved. How much time do I have left?

The PRESIDING OFFICER. The Senator has 15 minutes 47 seconds.

STATE DEPARTMENT AUTHORIZATION

Mr. WELLSTONE. I say to my colleague from Alabama, I will take a couple more minutes to speak on one other related issue, not so much to this conference report.

While I am on the floor of the Senate, I express my disappointment—I have to do this with a little bit of a twinkle in my eye—at the eleventh hour attempt by some of my colleagues to ram through—and this is not, I say to the Senator from Virginia, in this conference report; this is separate—an ill-conceived, unjust, and unbalanced "bankruptcy reform" through the Senate by co-opting an unrelated conference report, although I am not surprised.

The fact that the House and the Senate Republican leadership is willing to trample the traditions of the Senate in their rush to pass this legislation speaks to the tremendous clout and the financial resources of the financial services industry.

Make no mistake about it, that is why I say I have to have a twinkle in my eye. This is a tactic straight out of "Invasion of the Body Snatchers." Listen to this. House and Senate Republicans have taken a secretly negotiated bankruptcy bill—I am sorry; I do no damage to the truth when I say this—and they have stuffed it into a hollowed-out husk of the State Department authorization bill. Not one provision of the original State Department bill remains.

Of course, the State Department authorization is the last of many targets. The majority leader has talked about doing this on an appropriations bill, on a crop insurance bill, on the electronic signature bill, on the Violence Against Women Act. So desperate are we to serve the big banks and the credit card companies that no bill has been safe from this controversial baggage.

Colleagues, there is no question that this is a significantly worse bill than the one that passed the Senate. In fact, there is no pretending that this bill is designed to curb real abuse of the bankruptcy code.

Does the bill take on wealthy debtors who file frivolous claims and shield their assets in multimillion-dollar mansions? No. Let me repeat that—no. It guts the cap on the homestead exemption which was adopted by the Senate. Nor does this bill contain another amendment adopted by the Senate, that Senator SCHUMER worked on, that would prevent violators of the Fair Access to Clinic Entrances Act—which protects women's health clinics—from using the bankruptcy system to walk away from their punishment.

Indeed, colleagues, this legislation would deny a fresh start to low- and moderate-income families who file bankruptcy out of desperation. It has an arbitrary test making it very hard for people to go to chapter 7. But at the same time, this legislation has no balance, does not hold the credit card industry accountable, does not hold the financial institutions accountable. It has now been stuffed into a hollowed-out State Department bill, and it is going to come over to the Senate, I suppose, sometime around Wednesday.

I just want to say—I could go into all of the detail, but I will not—should the majority leader follow through on this strategy, I announce I will use my procedural rights as a Senator, of course, as any other Senator would, to slow down this conference report. The conference report would be hard to stop, but we could take at least a couple of days of the Senate's precious remaining time to consider the ramifications of this legislation on working families.

And finally——

Mr. WARNER. Mr. President, could I ask my distinguished colleague, on my time—I was momentarily off the floor due to the unfolding crisis in regard to one of our Navy's ships in the Middle East. He made reference to the hate crimes legislation.

Mr. WELLSTONE. That is correct.

Mr. WARNER. At an appropriate time, I would like to give to my distinguished friend and colleague from Minnesota, and also to inform the Senate precisely, my role as chairman of the conference and what I did in that context. So at the appropriate time, I would like to do that. And perhaps the Senator would like to make a reply to what I have to say. Indeed, perhaps my distinguished friend and colleague, the ranking member, would like to make a comment. But I think that should be made a part of the RECORD.

Mr. WELLSTONE. I would be pleased to hear from my colleague from Virginia.

To expedite matters, included with my statement about this so-called bankruptcy reform bill I just will include a letter from the White House. This is from John Podesta, announcing that the President will veto this bankruptcy bill that has been stuffed into a hollowed-out State Department authorization bill. The President just makes it clear that none of the fundamental problems with this piece of legislation has been addressed and that he fully intends to veto this. I thank the White House for their very strong support. The President is doing the right thing.

So I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, October 12, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I understand that the House will take up today the conference report on H.R. 2415, which apparently incorporates the text of S. 3186, a recently filed version of bankruptcy legislation. if this bankruptcy legislation is sent to the President, he will veto it.

Over the last few months, this Administration has engaged in a good faith effort to reach agreement on a number of outstanding issues in the bankruptcy legislation. The President firmly believes that Americans would benefit from reform legislation that would stem abuse of the bankruptcy system by, and encourage responsibility of, debtors and creditors alike. With this goal in mind, we have pursued negotiations with bill proponents on a few key issues, notwithstanding the President's deep concern that the bill fails to address some creditor abuses and disadvantages all debtors to an extent unnecessary to stem abuses by a few.

An agreement was reached in those negotiations on an essential issue—limiting homestead exemptions—with compromises made on both sides. Unfortunately, H.R. 2415 fails to incorporate that agreement, instead reverting to a provision that the Administration has repeatedly said was fundamentally flawed. The central premise of this legislation is that we must ask debtors, who truly have the capacity to repay a portion of their debts, to do so. This would benefit not only their creditors but also all other debtors through lower credit costs. Unlimited homestead exemptions allow debtors who own lavish homes to shield their mansions from their creditors, while moderate-income debtors, especially those who rent, must live frugally under a rigid repayment plan for five to seven years. This loophole for the wealthy is fundamentally unfair and must be closed. The inclusion of a provision limiting to some degree a wealthy debtor's capacity to shift assets before bankruptcy into a home in a state with an unlimited homestead exemption does not ameliorate the glaring omission of a real homestead cap.

Moreover, the President has made clear that bankruptcy legislation must require accountability and responsibility from those who unlawfully bar access to legal health services. Yet the conference report fails to address this concern. Far too often, we have seen doctors, health professionals and their patients victimized by those who espouse and practice violence. Congress and the States have established remedies for those who suffer as a result of these tactics. However, we are increasingly seeing the use of the bankruptcy system as a strategic tool by those who seek to promote clinic violence while shielding themselves from personal liability and responsibility. It is critical that we shut down this abusive use of our bankruptcy system and prevent endless litigation that threatens the court-ordered remedies due to victims of clinic violence. The U.S. Senate was right in voting 80–17 to adopt an amendment that would effectively close down any potential for this abuse of the Bankruptcy Code. We fail to understand why the bill's proponents refuse to include this provision and shut down the use of bankruptcy to avoid responsibility for clinic violence.

I repeat President Clinton's desire to see balanced bankruptcy reform legislation enacted this year. The President wants to sign legislation that addresses these known abuses, without tilting the playing field against those debtors who turn to bankruptcy genuinely in need of a fresh start. He will veto H.R. 2415 because it gets the balance wrong.

Sincerely,

JOHN PODESTA,
Chief of Staff to the President.

Mr. WELLSTONE. I thank the Chair and yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Under the previous order——

Mr. WARNER. Mr. President, I ask unanimous consent that I be allowed, as the manager, on my time, to address this issue for such time as I believe may be necessary.

Mr. LEVIN. Reserving the right to object, and I will not object, I just want to, while the Senator from Alabama is on the floor, alert him that this will delay his place. He has been very patient here.

Mr. WARNER. I know he has been patient, but this is important. It will be put in the RECORD. I shall probably not take more than 3 or 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the annual Armed Forces bill should really become almost an omnibus bill because so many amendments can be attached under the rules of the Senate, which I support. I do not criticize any Member exercising his or her rights under the rules of the Senate to put on bills, subject to a vote, such legislation as they deem appropriate.

There are other rules that preclude that in certain areas, but in this instance we had a freestanding, amendable piece of legislation on the floor. Senator KENNEDY courteously informed me, the ranking member, and others that he was going to raise the issue of what is generically referred to as the hate crimes legislation. Senator HATCH likewise said he had a version and he was going to put it before the Senate. Both Senators brought those bills. Both bills passed. Both bills went to conference as a part of the Senate bill.

My decision, as chairman of the conference, was made to drop those pieces of legislation—both of them; Senator KENNEDY's bill, Senator HATCH's bill—because I looked upon it as my duty to get this bill passed and enacted into law. That is my principal responsibility as chairman of the Armed Services Committee, working with my ranking member and other members of the committee.

I have been here 22 years. I understand Senators quite well. I respect their rights, and I know when they speak with sincerity. I was advised, not by one, not by two, but by many Senators on both sides of this issue, of the gravity of the issue and the seriousness of the issue. It was made clear to me that if this legislation—either Senator KENNEDY's bill or Senator HATCH's bill—were left in the conference report, in all likelihood we would have a series of filibusters. And given the very short period of time which is remaining in this session—even though we have been active as a committee and got the bill timely to the Senate; even though we were on the floor for weeks intermittently, having to have it laid aside—we are here in the final hours of this session of this Congress. If we do not act on this bill tonight, and if we do not pass this bill tonight, it is questionable whether the leadership will find additional time for consideration. And, as we say, it may be that pieces of it would be put into some appropriations bills or a CR or something—some parts—but much of it could well be lost, unless this conference report is enacted. So I made the decision. I take full responsibility for the decision of urging the conferees to drop this legislation.

My distinguished colleague, the ranking member of the committee, I presume, will address the Senate in a moment on this point. Exercising his rights in a very courteous way, he said he wished for me to convene the full Committee on Armed Services and have a vote: That we did. By a narrow margin, my recommendation was sustained by the full committee, I might add, in a bipartisan exchange of votes.

So that is the history as to why this legislation was dropped, I say to my colleague from Minnesota. I take responsibility. I believed it was necessary that this bill should be passed. On this day when the world is in such a tragic situation, whether it is the violence in the Middle East or the attack on an American ship, all of America expects Congress to do its duty on behalf of the men and women of the Armed Forces, and this is the most important piece of legislation done every year.

So I do not regret for a minute the decision I had to make in the face of representations, fairly and honestly made to me, by colleagues on both sides, as to the tactics that would be used if this bill would be brought up in a conference report before the Senate with either pieces of that legislation contained in the bill.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, on the hate crimes legislation issue, my good friend from Virginia has accurately presented the facts. There are some additional facts, though, which should also be brought to bear.

I can't remember a time, although there may have been one, when the Senate has adopted language, as we did by a vote of 57–42, and when the House of Representatives has adopted language, as they did by 30 or 40 votes—when I say "adopted language" in the House, let me be clear, what the House of Representatives did was even more precise than adopt the hate crimes language; they instructed their conferees to agree to our hate crimes language by 30 or 40 votes—I cannot remember a time when one body has adopted language and the other body has instructed their conferees to yield to the first body's language where that language has then been dropped in conference.

I am not saying that has never happened because I haven't checked the records to be sure. I can say I can never remember it happening. Think about it. We had a big debate on this issue. We adopted Senator KENNEDY's hate crimes language by a vote of 57–42 in this body. Then the House had a debate, instructing their conferees to agree to our language, and somehow or other it is dropped in conference.

Let it be clear as to what happened. The House conferees would not accept our language, despite the instruction from the House of Representatives. Then we were faced with the question, Do we then give it up, despite the vote in the Senate?

There was a vote among Senate conferees. Ten Republicans and one Democrat voted basically to give it up, which was the 11-vote majority. Eight Democrats and one Republican voted not to give it up; let us maintain this fight; let us bring this language back in the conference report. If someone wants to filibuster a conference report, they have that right. But this legislation is too important. This is the hate crimes bill that this body adopted. It is simply too important a subject to be dropped because of the threat of a filibuster after being adopted in the Senate and having the House telling their folks to yield to us. If we refused to adopt important legislation around here whenever there was the threat of a filibuster, we would never adopt anything important. The civil rights legislation of the 1960s was adopted after weeks of debate, a filibuster that lasted weeks, with numerous cloture votes, because it was important legislation.

Let me say this about our chairman: He is absolutely correct that he felt that his responsibility was such that he had to bring a bill to the floor. He made the judgment, as he indicated, and it was a good faith judgment. I may disagree with him, which I do, but I don't in any way disagree with the fact that the chairman made a good faith judgment that it was necessary to drop this language because the House would not accept it. And even though I disagree with it and think we should have put this language in here and let someone filibuster, nonetheless, I surely agree that as always he acts in the best of faith.

Mr. WARNER. Mr. President, may I express to my colleague my respect for his acknowledging the fact that my judgment was predicated on sound facts.

Mr. WELLSTONE. Mr. President, the Senator from Virginia was gracious enough to say I may want to respond. Other colleagues want to speak, and I believe the exchange between my two colleagues covered the ground and spoke to the question I raised. If I had spoken, I would have said what Senator LEVIN said. I just wouldn't have said it as well. I appreciate the forthrightness of the Senator from Virginia, his directness and, as always, his intellectual honesty.

Mr. WARNER. I thank my colleague. I only say to him, the fervor with which he addresses issues and pursues his goals in the Senate for this cause, be it hate crimes in favor, I think he will recognize that that same fervor is matched by others who have a different point of view very often. Therein lies the issue which I had to take responsibility to resolve, and this bill was of paramount interest to anything else before the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I apologize to my good friend from Minnesota. I assumed he had yielded the floor. Has the Senator yielded?

Mr. WELLSTONE. I yield back my time.

Mr. LEVIN. I thank him for his contribution to this debate, so many debates of this body.

I am going to be briefer than I had actually planned to because our good friends from Alabama and Kansas have been waiting for some time. I do want to spend a couple more minutes.

One of the items in this conference report which should be noted is the fact that we have agreed to the language in the Senate bill that would replace the Army's School of the Americas with a new Western Hemisphere Institute for Security Cooperation. This new institute is going to provide professional education and training to military personnel, law enforcement personnel, and civilian officials of Western Hemisphere countries in areas such as leadership development, counterdrug operations, peace support operations, disaster relief, and human rights.

The legislation specifies that the curriculum of this institution include mandatory instruction for each student of a minimum of 8 hours of instruction on human rights, the rule of law, on due process, on civilian control of the military, and the role of the military in a democratic society. In a very significant addition, we have a Board of Visitors, which includes, among others, four Members of Congress and six members from academia, the religious community, and the human rights community, to review the institute's curriculum and its instruction. The Board of Visitors will submit an annual report to the Secretary of Defense, and the Secretary of Defense, after consultation with the Secretary of State, will submit an annual report to Congress on the operation of the institute.

I am hoping that this will be a positive, new chapter and that some of the controversial history of the School of the Americas can now be, in fact, in the history books and that we can turn to a new approach in terms of our relationship with the leadership, both civilian and military, in the democratic countries of the Western Hemisphere.

We have some important beliefs that we want to share with others in democratic societies about civilian control of the military and human rights. These and other subjects, such as due process, are vital to us and, we believe, vital to the success of any democratic institution. They have been under challenge, under stress in too many countries in the Western Hemisphere. They have been too often violated. We have a positive role to play in this area. This provision, particularly now with the kind of Board of Visitors we are going to have that includes members of the religious community, human rights communities, and Members of Congress, I think is now going to make it possible for us to have a new Western Hemisphere Institute which is going to have a proud record of achievement.

Second, the bill contains an amendment that I offered to prohibit DOD from selling to the general public any armor-piercing ammunition or armor-piercing components that may have been declared excess to the Department's needs. This prohibition was enacted on a one-year basis in last year's Defense Appropriations Act, and Senator DURBIN has introduced a bill in the Senate to make the ban permanent. There is no possible justification for selling armor-piercing ammunition to the general public, and I am pleased that we have taken this step toward enacting the ban into permanent law.

Third, the conferees rejected House language that would have effectively restricted the bidding when DoD privatizes its utility to the sole utility authorized by a state government to operate in that particular area. The conference agreement requires competitive bidding, with a level playing field for all bidders, when DoD privatizes these assets, and allows DoD to determine the rates they will pay after privatization as a matter of contract rather than by state regulation. The conference agreement also protects people on military installations by requiring DoD to enforce prevailing health and safety standards.

Mr. President, this is a good bill as far as it goes. But I am deeply disappointed, however, by the failure of the conference to include several important provisions that were added in the Senate.

First, I am disappointed that conferees refused to include title XV of the Senate bill—the Kennedy hate crimes legislation—in the conference report despite the clear support of a majority of both Houses for this legislation.

Hate crimes are a special threat in a society founded on "liberty and justice for all." Too many acts of violent bigotry in recent years have put our nation's commitment to fairness to all our citizens in jeopardy. When Matthew Shepard, a gay student was severely beaten and left for dead or James Byrd, Jr., was dragged to his death behind a pick-up truck, it was not only destructive of the victims and their families, but threatens more broadly to others, and to the victims' communities, and to our American ideals.

When a member of the Aryan Nations walked into a Jewish Community Center day school and fired more than 70 rounds from his Uzi submachine gun, and then killed a Filipino-American federal worker because he was considered a "target of opportunity," it not only affected the families of the victims and their communities, but the broad group of which they were a part of.

The conferees had an opportunity to address this problem and send a message that America is an all-inclusive nation—one that does not tolerate acts of violence based on bigotry and discrimination. Sadly, we failed to do so.

Despite a 232–192 vote in the House of Representatives instructing the conferees to adopt the Senate provision, the House majority refused. And then despite a 57–42 vote in the Senate to make the hate crimes legislation part of the bill, the Senate conferees voted 11–9 to drop the legislation.

Mr. President, this issue will not go away. If this Congress will not pass legislation addressing the acts of hatred and violence that terrorize Americans every day, I am confident that another Congress will, and I will continue to work toward that objective.

The Senate bill also included landmark legislation authored by Senator CLELAND that would have permitted our men and women in uniform to extend the benefits of the GI bill to family members in appropriate circumstances, and would have addressed an inequity toward disabled veterans by eliminating the requirement that disability pay be deducted dollar-for-dollar from retirement pay. I am disappointed that we were unable to find a way to include these important provisions.

Overall, however, this is a bill which should become law. Once again, I want to thank our chairman, Senator WARNER, all of the members of the Senate Armed Services Committee, and the staff on both sides of the aisle, for their long hours of hard work on this legislation. I hope the Senate will join us in passing this bill and sending it to the President for signature.

I thank my good friend, the chairman of the committee, for his fine leadership, and all the members of the committee and our staffs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I join with my colleagues in expressing my support for the Defense authorization bill. I salute Senator WARNER and Senator LEVIN, the ranking member, for the work they have given in creating a bill that strengthens our Nation's defenses and allows us to be more efficient and innovative as we move forward into the future. I wish we could have done more, but irregardless, we will in the future. I must give Senator WARNER credit. Under his leadership, for the last 2 years, we have produced a defense budget with real increases in defense spending. A defense spending increase that has outpaced the inflation rate.

For 15 consecutive years, we had a net reduction in the defense budget. As a result, we have some real problems today, as the Joint Chiefs of Staff told us 2 weeks ago in a very important Armed Services Committee hearing. We need to focus on the It is also important for us, all of us who care about the men and women in uniform, to pause and remember the men and women of this Nation who risk their lives daily, including the five who were killed in a dastardly attack by terrorists in the Middle East today. Unfortunately, this is the kind of world we live in. I wish it weren't so.

This is a $310 billion bill. In fact, it is $4 billion above what the President requested. It is above what the Joint Chiefs, who are appointed by the President, said they needed to maintain an adequate force, although they told us after the budget had been written they really needed a lot more over a sustained period of time.

Two weeks ago, in the Armed Services Committee, which I am honored to be a member of, we had the Chairman of the Joint Chiefs of Staff, General Shelton, and the Chiefs for each of the service branches—Army, Navy, Air Force, and Marines. They were asked by Senator WARNER: Tell us the truth, what is the situation in with the military?

Each one of these men were appointees of this administration, but under oath they came forward and told the truth. That is, they testified that they have thankfully restored and maintained the readiness of two Army divisions that had fallen to the lowest readiness rating possible last fall. In other words, the Chiefs in the past were forced to take resources from other areas to maintain readiness. I believe Senator ROBERTS, who will speak in a minute, used the phrase, "The point of the spear then is OK, but it is the shaft that is wrong." That is what they agreed to. At least three of the five used the phrase, "We are mortgaging our future."

What did they mean by that? They meant that this Nation has been robbing research and development, recapitalization, new equipment, and the kinds of things we need to maintain the greatest military in the world. But to maintain that, you have to continue to invest in those requirements. We are not doing that. The Chiefs stated it plain and simple, and I emplore anybody who doubts it to read the transcript of that hearing. They agreed with the phrase that one Senator used, quoting the Clinton Assistant Secretary of Defense, that the defense budget is in a death spiral. What he meant by that was that when you spend more and more money to try to maintain equipment that is worn out, you are pouring money down a bottomless pit. What we should have done, and what we have not done these past 8 years when we have had good economic times, is increase this defense budget. We could have recapitalized and replaced wornout equipment. But we haven't been doing that. As a result, we will face a future readiness crisis.

The Secretary of Defense, Bill Cohen, testified earlier this year that this Nation has been living off Ronald Reagan's military buildup of the 1980s. He said we are going to be facing a crisis in the years to come. That is testimony by the Secretary of Defense and this administration has not listened to that warning. They are going to let this burden fall on the American people in the immediate future. The Secretary of Defense says it, the Chairman of the Joint Chiefs of Staff says that, and the chairman of our committee who has been involved in these issues for so many years says that. It has been complicated, as they testified, with our excessive and unusually high number of deployments of our men and women around the world. This wears out equipment, it drains additional resources, and it tires our men and women in uniform. In addition, it separates them from their families for extraordinary periods of time.

We have a real problem because we have a peace dividend. Oh, they say, President Bush cut the Defense Department when he was in there. Well, of course, he did. We had a legitimate peace dividend. The Berlin wall fell. We had a tremendous change as a result of the will of President Reagan and President Bush to maintain an unwavering stand against the Soviet Union. Consequently, we were able to save a lot of money.

So, yes, he was cutting; yes, we wanted to reduce manpower and reduce any costs we could, and use those savings to strengthen this country. But he didn't pretend to have it go on forever.

So that is where we are. I have to say that we have not yet faced up to the challenges of our future. I am reminded by the gulf war and our soldiers taking on the Iraqis. Our fighting men and women did an outstanding job. At that time, I heard the Senator from Minnesota, Mr. WELLSTONE, say we needed more preschool teachers and we needed more guidance counselors, and anything else you can think of that he would spend money on, but when we committed those men and women in the desert, what did they use? They used the finest equipment the world had ever seen. We were able to put missiles in the windows of buildings and our tanks were able to destroy the enemy's before they new it.

Our forces were able to defeat the enemy and devastate them with minimum loss of life on our side. That is what we want to do. We do not want to get into a war in which this Nation is not able to carry out its just national interests and suffer a huge loss of life. We want to be able to carry out our just national interests effectively. We do not want to over extend ourselves and become engaged in conflicts all over the world. But we need to be ready to execute to defend our legitimate national interests. We can't do that if we don't spend some money on it.

We are heading to a time where we can't live off the Reagan buildup anymore. We are going to be at a time where we will have to do something about it. We will be at a time when we need to improve our cruise missiles and our smart bombs and during the gulf war, we had superiority in the Middle East. We avoid wars by being strong.

Senator STEVENS, chairman of the Appropriations Committee, understood these issues and fought for them. When the conflict occurred, we prevailed at minimum loss of life to American citizens.

I agree with Senator WARNER. This bill does not need to be jeopardized by adding such measures as hate crimes legislation, that should have come out of Judiciary on a law enforcement bill, rather than on a Defense bill. This type of ploy only adds to the complication on these matters.

I think we are making a solid step forward. It would have been better if the Commander in Chief had told us we needed more money and challenged us to find more. It is hard for Congress to find more money when the President says, as Commander in Chief, he doesn't need it. Nevertheless, we spent $4 billion more than he asked for, which is hard to do. But the core function of Government ultimately is to defend our national sovereignty. We have a leadership role in this world, whether we want to have it or not. We have the ability to lead this world into the greatest century in the history of mankind. We can avoid wars if we remain strong. If we have competent leadership, we can maintain peace. We need a steady, mature funding of defense so that we are always above and ahead of our competitors. We do not want to go into a war on a level playing field. If we do have to go to war, we must have the resources available to prevail at a minimum loss of life.

All of this could create a more stable world order, and promote peace. Goodness knows, the events in the last few days are enough to make an impact and to see what happens in Belgrade, to see what happens in the Middle East, to see what happens now with an attack on our warship. Doesn't that tell us we live in a very dangerous world? The history of the world hasn't changed. There will always be struggles, fights, and wars, it seems. But if we are prepared, if we lead, and if we have a strong military that allows us to speak softly but carry a big stick, we can do great things. We can fulfill our destiny at this point in time; that is, to lead this world into a peaceful future.

I will just say this: We need to maintain the ability to act unilaterally when we need to. This Nation cannot allow some multinational group to decide for us how to use the power that we have. Of course we want the support and friendship of every nation in the world, but we don't need to be in a position where we have to have NATO votes to tell us whether or not we can deploy our forces. We don't need to have the U.N. voting with a single veto in the security council stopping us from deploying either. Would that be wiser than the leadership within the United States? Not at this point in time. I believe we can help the world. We need to maintain our independence. We need to maintain a strong national defense.

If I haven't used my time, I will yield it back and thank the chairman for giving me this opportunity.

Once again, I thank Senator WARNER and Senator LEVIN for their leadership and bringing a bill that I believe will help preserve this Nation's strength in the future.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, as chairman of the committee, I thank the Senator from Alabama for his service on the Senate Armed Services Committee. He has only recently joined the committee. But his voice and his wisdom are brought to bear on many key issues. His attendance at the hearings is among the highest. I thank him for the time that he has been working for our committee. We very much value his judgment and his wisdom as we deal with these tough issues.

Mr. SESSIONS. I thank the chairman. I am honored to serve with him.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. WARNER. Mr. President, I would be happy to yield to my colleague, the chairman of the Appropriations Committee, and the chairman of the Subcommittee on Military Construction.

At this time, may I say, Mr. Chairman, it is essential that the chairman of the Appropriations Committee, and most specifically the chairman of the Subcommittee on Military Construction, and the chairman of the Armed Services Committee, and, indeed, our two ranking members—Senator BYRD, is on the Armed Services Committee, as well as the Appropriations Committee—our ability to work together as a team is essential. In my many years on their committee, I can recall where the relationships between the chairman and the various committees was somewhat strained. I say to Senator STEVENS that he has been an exemplary and wonderful working partner on our two bills in tandem on behalf of the men and women of the Armed Forces. I thank him.

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas is recognized.

Mr. WARNER. Mr. President, I yield all of my time, or such time as our distinguished colleague and a very valuable member of the Armed Services Committee may wish to take

Mr. ROBERTS. Mr. President, I believe the regular order is that I have the time. But I ask unanimous consent that the distinguished chairman of the Appropriations Committee be recognized prior to my remarks at this time, and I would be delighted to have him speak, or I will yield to the distinguished chairman, whatever is his preference.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I thank both Senators. I am delighted that I was able to be here at the time Senator SESSIONS made his remarks. I thank him for his kind remarks about my service, and I am delighted that he is on the Armed Services Committee because I like very much what he said.

I had intended to make a statement on the Defense bill. But I have been engaged this week in sort of herding turtles around this place. If it is agreeable to my friend from Virginia, I will make my statement concerning the Defense bill next week and ask it be printed in the permanent record as part of this RECORD.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I yield to my distinguished friend and colleague from Oklahoma for a unanimous consent request.

Mr. INHOFE. Mr. President, I ask unanimous consent I be recognized at the conclusion of the remarks of the Senator from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, there has been some discussion on the floor in reference to this bill, the Defense authorization bill, on the merits of including a hate crimes provision. I am struck by the fact that we have just witnessed an international terrorist hate crime with the attack on the U.S.S. *Cole*, leaving, according to my notes, 5 dead and 36 wounded, 12 missing. All of our U.S. military are on alert in terms of force protection. Our intelligence services are working full time to make sure that we have the proper force protection as they do their duty. In fact, I think that is a hate crime to which this particular bill speaks.

I associate myself with the remarks of the distinguished chairman. While Members on both sides have strong feelings about the hate crimes bill, in no way should this defense authorizations bill be further held up or impeded.

I express my sincere condolences, as my colleagues have, to the families and friends of the crewmembers of the U.S.S. *Cole* who were killed and injured today in the Port of Aden in Yemen. They died or they were injured in the services of this Nation, and we all feel their sacrifice. The apparent—I say "apparent"; I think we all know it was—terrorist attack on the U.S. ship was brutal, it was unprovoked, it was an act of terrorism. All the information is not yet available to determine the source and the motivation of the attack. The Government of Yemen has said they are certainly not involved, so we have to reserve judgment on the response, if this is a terrorist strike.

No matter what the cause of the explosion, this again points out the risks that our service men and women face every day. We have to be ready every day. There is no strategic response to terrorism in regard to the service they provide to our Nation.

We must never forget that we ask the members of the military to be on the front line of U.S. diplomacy, and, unfortunately, they are the obvious targets of terrorist groups.

I have the privilege of being the chairman of the Emerging Threats and Capabilities Subcommittee on the Armed Services Committee. As has been indicated by Senator LEVIN and others, we have the responsibility to make sure we are ready and we have the proper resources to combat terrorism.

I can make a solemn promise to the families involved and to our military: We are going to continue to do our very best budgetwise and our very best in regard to legislation and policy to assure the force protection that we must have to protect our troops.

I rise to add my compliments to the chairman and the distinguished ranking member, Senator LEVIN, of the Armed Services Committee on a job that I think is well done. Through their hard work and their perseverance over the last legislative year, and in particular in regard to the conference with our colleagues in the House, we are presenting to the Senate a bill that will make significant progress.

Senator SESSIONS has made what I consider to be an excellent speech on the state of military readiness, the problems and the challenges we face. I see the distinguished chairman of the Readiness Subcommittee, the Armed Services Committee, Senator INHOFE, who does a splendid job in that regard. He has been sounding the alarm for years in regard to the readiness problems we face. We will make significant progress toward stopping what I call the readiness drain now facing our military. It is not enough, but this bill does actually lay down a marker that the Congress is very serious, that the committee is very serious about its commitment to reversing the damaging readiness cuts. We owe the men and women of the Armed Forces nothing less.

Over time, the last several years, we have authorized significant increases in pay. We have certainly done a better job in regard to the retirement system. We reformed that. As the distinguished chairman and the ranking member have pointed out, under the health care banner, we are now providing health care for the military retired. That is an obligation we must keep.

As I have indicated, I have the privilege to serve as the chairman of the Emerging Threats and Capabilities Subcommittee. I am very proud of our accomplishments this year in the subcommittee. I thank the distinguished Senator from New Mexico, Mr. BINGAMAN, for his assistance, as well as all the members of the subcommittee, working in a bipartisan fashion to produce this work product.

Behind the success was the hard work of our staff. I have always said that there are no self-made men or women in public office today. It is your friends who make you what you are. I put staff in that category. We are only as good as our staff in terms of the work product we are able to pass. I take this opportunity to thank them. They are not expecting this, but I want to take this opportunity to present: The head of our Emerging Threats and Capabilities "posse," if I can refer to us in that vein, and who I consider to be the iron lady and the iron fist of the science and technology world, Ms. Pam Ferrell; Mr. Military Transformation, who did an outstanding job, Mr. Chuck Alsap; the strong duo dealing with counterterrorism, the very subject we are dealing with today, even as I speak, as the 250 members of the U.S.S. *Cole* try to right the ship and save the ship, is Mr. Ed Edens and Mr. Joe Sixeas; the guy, the young man or the staffer that the drug cartels probably fear as much as anybody, Mr. Cord Sterling; our cyber warrior, Mr. Eric Thommes; and our tough negotiator in dealing with the Russian programs, the counterthreat reduction programs, an investment for us, and we think an investment for the Russians, as well, Miss Mary Alice Hayward; and the cleanup hitter, Miss Susan Ross.

I thank each and every one of them for their hard work, their professionalism, and the work product we were able to produce.

There are many successes for this year I want to address, but time is an issue. I know the Senators from Oklahoma and Iowa want to make some remarks, but there are four areas I would like to highlight of which I am especially proud.

First, we have two educational programs designed to increase research and the number of technically trained Americans. We have a technology personnel gap. I do not know what the acronym is for that. We hear about gaps in the past in terms of arguments in regard to the military. But, boy, this is a gap that is real and it is a gap that must be filled.

We have authorized $15 million to establish what is called an Information Security Scholarship Program for the Secretary of Defense to award grants to institutions of higher education to establish or improve programs in information security and to provide scholarships to persons who would pursue a degree in information assurance in exchange for a commitment of service within the Department of Defense. That is a breakthrough.

Senator **WARNER** gave his personal leadership to this. As a matter of fact, it is his initiative. I like to think I had something to do with it, as well as all members of the committee in a bipartisan fashion.

We have also authorized $5 million to establish something called an Institute for Defense Computer Security and Information Protection. This institute will conduct research in technology development in the area of information assurance and to facilitate the exchange of information with regard to cyber threats, technology tools, and other relevant issues.

Again I go back to the technology personnel gap. This will assist us to really close that gap. As a matter of fact, when we asked the experts in our subcommittee, What keeps you up at night? they mentioned a lot of things, but they mentioned two things of priority interest. No. 1 is the possibility of the use of biological weaponry by some state-supported terrorist or non-state-supported terrorist. The second thing they worry about is cyber attacks, information warfare. So we think this institute is long overdue. We have authorized $5 million. That is going to get it started.

The second thing I would like to mention is that we ensure that the Department of Defense will focus real coordination in their responsibilities to combat terrorism activities through a single office. We had four people before the subcommittee testifying in regard to DOD responsibilities and the challenge they face in regard to terrorism, so I asked the witnesses: Would you sit in order of your authority. Nobody knew where to sit—No. 1, 2, 3, 4—because they didn't know. We had so many people within the DOD who shared partial responsibility for this that we did not find one person in charge. So that is what we are going to have after this bill passes.

We made a suggestion on the Senate side; we really singled it out and put it in a particular person's area of responsibility. The House came back and said let's let the Secretary of Defense decide that. But I will tell you again, we are going to ensure the Department of Defense is focused in regard to their responsibilities to combat terrorism through one single office.

We included a provision that would designate one Assistant Secretary of Defense as the principal civilian advisor to the Secretary for Department of Defense activities for combating terrorism—one guy in charge, one lady in charge, one person in charge. This provision ensures there is a single individual within the Department responsible for providing focused and comprehensive and well-funded DOD antiterrorism policy.

I have said that about three times now, but three times I want to say how important that is. I think it is a real step forward.

The third area is to reduce the risk of the expansion of weapons of mass destruction and to help provide opportunities to Russian scientists outside of their weapons development. We authorized over $1 billion for nonproliferation and threat reduction programs for the Departments of Defense and Energy to assist nations of the former Soviet Union in preventing the expansion of their weapons of mass destruction and dissemination of their scientific expertise. This is a program really started by Senator Nunn and Senator **LUGAR**. Conferees included several initiatives to obtain greater Russian commitment to these programs—these programs are not without controversy—and the necessary U.S. access to ensure these programs do achieve their threat reduction goals.

We authorized $443.4 million for the Department of Defense Cooperative Threat Reduction Program for fiscal year 2001 to reduce the threat posed by the former Soviet Union weapons of mass destruction. So, let's see, there is $443.4 and $1 billion for the nonproliferation and threat reduction programs. That is quite an investment to assist the Russians, to work together with the Russians to reduce that kind of capability.

Last, I would like to say to help the military continue to put a solid effort in the invaluable area of science and technology and to ensure we are ready to address the emerging threats, we added $209 million for the Defense Science and Technology Program; that is the S&T programs, the science and technology programs. We focused on revolutionary technologies to meet the emerging threats. And we required the services to undertake a comprehensive planning process to identify long-term technological needs in consultation with the warfighting and the acquisition communities, and to ensure that the services' programs in regard to science and technology are appropriately designed to support these needs.

I could list some other significant accomplishments in the joint warfighting area, in the continued focus on helping our military communities prepare for the possibility that they may have to handle the consequences of a terrorist attack on our homeland.

We all know about the U.S.S. *Cole*. That threat exists in regard to our domestic situation as well and in several other key areas where we have jurisdiction. But I am going to let that go. I will probably put something in the RECORD at a later date in regard to what I think we have done in meeting our responsibilities in that area.

Again, I thank the chairman, Senator **WARNER**, who has labored long and hard. We did this several months ago. We have been in conference for 2 or 3 or 4 months. In the rush to complete our business, we had all sorts of things pop up out of the woodwork, almost a gauntlet to get this bill done. I thank Senator **WARNER**, Senator **LEVIN**, all members of the committee for their leadership, their guidance, their help during the development of this year's Defense bill.

There is no more important bill. Our first obligation as Members of this body is to do what we can in behalf of our national security. Today's events certainly prove that is the case. That has been spoken to by the distinguished chairman.

I think it is a good bill. We need to get it passed, and it needs a big vote. It needs a big, solid vote for the responsibility we have to our men and women in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LEVIN. Mr. President, if I may interject, I thank Senator **INHOFE** for the work he has done on Vieques. I ask unanimous consent that, following the remarks of Senator **INHOFE**, Senator **HARKIN** be recognized for up to 10 minutes and Senator **ROBB** then be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I join in the remarks that were made by the Senator from Kansas about the U.S.S. *Cole*, the tragedy that took place. We are all so saddened to hear about that. It was a complete surprise to all of us. Also, his comments about our chairman—our chairman, the Senator from Virginia, has done just an incredible job of leading the way and getting this bill done.

I see this bill we are about to vote on as turning the corner. After 7 years of neglecting our military, we are actually starting to improve some things. We have some things in this bill that I think are long overdue. In our readiness funding, the conferees add more than $888 million to the primary readiness accounts. That included areas of neglect: $125 million to the war reserves and training munitions. We have places where they actually do not have enough bullets, enough ammunition to train with; $222 million for spare parts—that is not nearly enough, but there is a trend going up in the right direction now.

I go around as chairman of the Readiness Subcommittee of the Senate Armed Services Committee to quite a few of the places around the country and around the world and find the cannibalization rates, getting spare parts out of engines. I have seen them open up a new, crated F-100 engine just to pull off spare parts. That becomes very labor intensive. As a result of that, we are having terrible retention rates.

We hear about the pilots, but we don't hear about the mechanics and some of the other MOS, military occupational specialties, where we really are having a crisis.

This bill also goes a long way to try to get us back into opening up the live range on the island of Vieques.

Mr. ROBERTS. Mr. President, will my distinguished colleague yield for a question?

Mr. INHOFE. Certainly.

Mr. ROBERTS. Mr. President, I ask the Senator if he is familiar with the statement made by the Under Secretary of Defense for Acquisition and Technology—this is somebody who appeared before his subcommittee and mine—Secretary Jacques Gansler?

Mr. INHOFE. Yes, he has appeared before our committee on three occasions I can recall.

Mr. ROBERTS. He made a recent statement in regard to the very issue the Senator from Oklahoma is pointing out. I think it will be helpful if I read this, if the Senator from Oklahoma will permit me. This is somebody from the administration. He stated this:

> We are trapped in a death spiral.

I do not think one could make it any more plain than that.

> We are trapped in a death spiral. The requirement to maintain our aging equipment is costing us more each year in repair costs, down time, and maintenance tempo. But we must keep this equipment in repair to maintain readiness. It drains our resources—resources we should apply to modernization of the traditional systems and development of new systems.

Then the Secretary went on to say:

> So we stretch out our replacement schedules to ridiculous lengths and reduce the quantities of new equipment we purchase, raising the cost and still further delaying modernization.

I do not think one can be any plainer than that. So the Senator's remarks are backed up not only from what we hear in testimony but also from the many bases at home and overseas. I thank my distinguished colleague for all the effort he makes from his personal time and other duties to go to bases all over the world. He checks with the enlisted; he checks with the NCOs; he checks with the officers; and he checks with the commanders and shows them his candor and integrity. We talked about this at great length.

In terms of readiness, there is no other person in the Congress of the United States or, for that matter, whom I know in this city who knows better the readiness problems we have, and it is backed up by this statement by a Secretary of the administration. We owe the Senator from Oklahoma a debt of gratitude.

Mr. INHOFE. Mr. President, I appreciate very much getting that into the RECORD because that testimony came out in our committee meetings. The Senator from Kansas is right. Sometimes when you sit in a committee meeting in Washington, everything is filtered. You do not really get the truth you find in the field.

This bill is going to put $449 million in real property and maintenance. The RPM accounts are accounts that are mandatory that we have to get down, and yet I have been down to Fort Bragg during a rainstorm. Go into the barracks and one will see our soldiers are actually covering up their equipment with their bodies to keep it from rusting. It is a crisis. We are addressing that crisis with this bill. It is a start. We should be doing more than we do with this particular bill.

Mr. WARNER. Will the Senator yield on my time?

Mr. INHOFE. I yield to the chairman.

Mr. WARNER. Mr. President, I wish to express not only my appreciation but that of the whole committee, on both sides of the aisle, for the amount of travel the Senator has done. I heard the Senator talk about how he made these inspection trips. He spent a great deal of his time traveling to our military bases in the continental United States and abroad. There is no one who pulls harder on their oar than the Senator from Oklahoma.

I especially credit him with trying to resolve in a very fair and balanced manner the diversity of positions regarding the Vieques issue. The President had his views, the Government of Puerto Rico had its views, colleagues in the Senate had their views, and the Senator worked his way through that problem, and I know in this bill we have a fair and good solution to that difficult problem. I thank him.

Mr. INHOFE. I thank the chairman. Also I thank the ranking member, Senator LEVIN, who was very helpful on this whole issue. I believe we addressed it properly in this bill.

If we let an agreement go that had a financial motivation for the 9,000 residents of the island of Vieques to vote to kick out the Navy forever and lose that as a range, that had to be changed. This bill does that. We changed it so that the western land is not going to the Governor of Puerto Rico but to the people of Vieques.

A lot of people do not realize that Vieques is like a municipality in Puerto Rico, and the people of Vieques are very fond of the Navy. I am the first one to admit the Navy had some PR problems, but I say to our chairman, they have worked very hard, and I see a change in attitude there.

I was recently in Vieques meeting with a group of people. I left firmly convinced that if we have this referendum and if the referendum has a motivation for them to vote right—and that is to accept the Navy and the live firing range—then I believe they are going to do it.

The other day, I was on a talk show and someone called in. Actually, it was someone who was on the other side of this issue. They said: How would you like to have a live range in your State of Oklahoma?

I said: Let me tell you about Fort Sill.

Mr. WARNER. Mr. President, I know the answer to that question. It is the same thing with the State of Virginia. Less than 30 miles from this Chamber is a live-fire range for the U.S. Marine Corps.

Mr. INHOFE. That is exactly right. My concern has been, I hope and I will go on record right now and I am already on record saying, if we have this referendum, this will be the last time that we should allow a referendum to take place on closing a live range. When one stops and thinks about the domino effect this will have on other places, such as Capo Teulada in Sardinia or Cape Wrath in northern Scotland, it would be a real crisis if we lose those, and yet they logically ask the question—I have seen it in print in Scotland: Wait a minute, if they do not allow the training to take place on land they own, why should we let them come here to our country and bomb it?

Mr. WARNER. I thank my colleague.

Mr. INHOFE. The western land now will go not to the politicians in Puerto Rico but to the residents of the island of Vieques, and in the event something should happen that they should vote to reject the Navy, then it is not going to go into some developer's hands where someone is going to stand to get rich over this.

We have done a good job——

Mr. ROBB. Mr. President, will the Senator from Oklahoma yield for a very brief comment?

Mr. INHOFE. Yes, I yield to the Senator from Virginia.

Mr. ROBB. Mr. President, I add my voice to that of my senior colleague in thanking our colleague from Oklahoma for the way he has worked on this particular problem. For a number of months, this seemed to be one of those intractable problems that was probably not going to be resolved.

I know the very strong feelings the Senator from Oklahoma has and brought to bear on this question in particular. We may disagree on other matters, but on this question in particular, he struck just the right balance, represented the long-term interests of the United States in a way that allowed us to come to closure on an issue that might not have closed at all and certainly would have created all kinds of difficulty for the United States in our long-term relations in the hemisphere with the Commonwealth of Puerto Rico and others.

I add my voice to others in thanking the chairman of the Readiness Subcommittee for his very important and tireless work on this issue.

Mr. INHOFE. Mr. President, I thank the Senator from Virginia, who is the ranking member on the Readiness Subcommittee, for the contributions he has made. The Senator from Virginia is in the same position I am in, having live ranges in his home State.

I can recall going out on one of the carriers before one of the deployments from the east coast to the Persian Gulf. They have this integrated training on the island of Vieques. They have F–14s and F–18s doing air work; they have the Marine expeditionary, with which the Senator is familiar, since he was a marine, doing their work, and at the same time they have live Navy fire. They say they can get that training elsewhere but not at the same type of place. The analogy was called to my attention by someone who was on one of the deploying battle groups. It is like you have the very best quarterbacks, the very best offensive line, and the very best defensive line. If one is training over here, one is training over here, and one is training over here, but they never train together. On the day of the big game, of course, they lose. The integrated training is necessary.

I believe the language in this bill is going to offer the self-determination of the people of Vieques to support the Navy live range, and I have every expectation that is exactly what is going to happen. American lives are at stake.

I want to make one last comment. I have mentioned several times we should have probably gone further with this bill. I have been concerned about our state of readiness, and we outlined some of these things in the real property and maintenance accounts and others.

But I was reading, the day before yesterday, in the Wall Street Journal, an editorial by Mark Helprin. Mark Helprin is a contributing editor to the Journal but is also a senior fellow of the Claremont Institute. He talks about the crisis that we are going to have to take care of, and that we should not be talking about the fact that we right now, today, are better equipped than we have been. We are not better equipped than we have been before. He goes on to talk about the fact that in Kosovo, 37,000 aerial sorties were required to destroy what Gen. Wesley Clark claimed were 93 tanks and 53 armored fighting vehicles. That is approximately 8 percent and 7 percent, respectively, of which Milosevic actually had.

He goes on to say:

> Twenty percent of carrier-deployed F–14s do not fly, serving as a source of spare parts instead. Forty percent of Army helicopters are rated insufficient to their tasks. Half of the Army's gas masks do not work.

It goes on and on.

I ask unanimous consent that this entire editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. Lastly, let me just say I am glad that defense has become prominent in this Presidential election. We have had a degradation in what has happened to our defense. We have great troops, but right now we are operating at roughly one-half the force strength we were during the Persian Gulf war. And that can be quantified.

So often when people stand up politically and say we are stronger now than we were, or as strong as we were back during the Persian Gulf war, that just isn't true. We are approximately 60 percent of where we were in terms of force strength. That can be quantified.

I am talking about 60 percent of the Army divisions, 60 percent of the tactical air wings, 60 percent of the ships floating around, going from a 600-ship Navy to a 300-ship Navy. It is true some of that was from the previous administration. The Bush administration wanted to go down from 600 to 450 ships. But now we are far below that.

I think this administration has done a bad job the last 8 years. We are going to have to turn that around and do a massive rebuilding in the next administration. I think we are probably going to do it. I think we are going to see our Defense authorization committees of the House and the Senate do that. As well the Appropriations Committees are primed and ready, as is evidenced by the bill we are discussing today that we are going to pass. We are going to turn that corner and start rebuilding America's defense again.

With that, I yield the floor.

EXHIBIT NO. 1

[From the Wall Street Journal, Oct. 10, 2000]

MR. CLINTON'S ARMY

(By Mark Helprin)

Many people have come to believe that thinking about war is akin to fomenting it, preparing for it is as unjustifiable as starting it, and fighting it is only unnecessarily prolonging it. History suggests that as a consequence of these beliefs they will bear heavy responsibility for the defeat of American arms on a battlefield and in a theater of war as yet unknown. Theirs are the kind of illusions that lead to a nation recoiling in shock and frustration, to the terrible depression of its spirits, the gratuitous encouragement of its enemies, and the violent deaths of thousands or tens of thousands, or more, of those who not long before were its children.

They will bear this responsibility along with contemporaries who are so enamored of the particulars of their well-being that they have made the government a kindly nurse of households, a concierge and cook, never mind a resurgent Saddam Hussein or China's rapid development of nuclear weapons. They will bear it along with the partisans of feminist and homosexual groups who see the military as a tool for social transformation. And they will bear it with a generation of politicians who have been guilty of willful neglect merely for the sake of office.

ABJECT LIE

So many fatuous toadies have been put in place in the military that they will undoubtedly pop up like toast to defend Vice President Gore's statement that "if our servicemen and women should be called on to risk their lives for the sake of our freedoms and ideals, they will do so with the best training and technology the world's richest country can put at their service." This is an abject lie.

To throw light on the vice president's assertion that all is well, consider that in Kosovo 37,000 aerial sorties were required to destroy what Gen. Wesley Clark claimed were 93 tanks, 53 armored fighting vehicles, and 389 artillery pieces; that these comprised, respectively, 8%, 7%, and 4% of such targets, leaving the Yugoslav army virtually intact; and that impeccable sources in the Pentagon state that Yugoslav use of decoys put the actual number of destroyed tanks, for example, in the single digits.

To achieve with several hundred sorties of $50-million airplanes the singular splendor of destroying a Yugo, the United States went without carries in the Western Pacific during a crisis in Korea, and the Air Force tasked 40% of its intelligence, surveillance, and reconnaissance assets, and 95% of its regular and 65% of its airborne tanker force, in what the chief of staff called a heavier strain than either the Gulf War or Vietnam.

One reason for the "inefficiency" of Operation Allied Force is that this very kind of farce is funded by cannibalizing operations and maintenance accounts. Such a thing would not by itself be enough to depress the services as they are now depressed. That has taken eight years of magnificent neglect. Case in point: The U.S. Navy now focuses on action in the littorals, and must deal with a burgeoning inventory of increasingly capable Third World coastal submarines that find refuge in marine layers and take comfort from the Navy's near century of inapplicable blue-water antisubmarine warfare. But our budget for surface-ship torpedo defense will shortly dip from not even $5 million, to nothing in 2001.

The reduction of the military budget to two-thirds of what it was (in constant dollars) in 1985, and almost as great a cut in force levels, combined with systematic demoralization, scores of "operations other than war," and the synergistic breakdown that so often accompanies empires in decline and bodies wracked by disease, have produced a tidal wave of anecdotes and statistics. Twenty percent of carrier-deployed F–14s do not fly, serving as a source of spare parts instead. Forty percent of Army helicopters are rated insufficient to their tasks. Half of the Army's gas masks do not work. Due to reduced flying time and training opportunities within just a few years of Bill Clinton's first inauguration, 84% of F–15 pilots had to be waived through 38 categories of flight training. The pilot of the Osprey in the December 1999 crash that killed 19 Marines had only 80 hours in the aircraft, and the pilot who sliced the cables of the Italian aerial tram in 1998, killing 20, had not flown a low-altitude training flight for seven months. It goes on and on, and as the sorry state of the military becomes known, the administration responds by doing what it does best.

In the manner of Gen. Clark presenting as a success the—exaggerated—claim of having destroyed 8% of the Yugoslav tank forces in 78 days of bombing, the administration moved to "restructure" the six armored and mechanized divisions by shrinking force levels 15% and armor 22%, while expanding the divisional battle sector by 250%, the idea being that by removing 3,000 men and 115 tanks and Bradley Fighting Vehicles while vastly expanding the area in which it would have to fight, a division would somehow be made more effective.

The two failed Army divisions cited by George W. Bush in his acceptance speech were returned to readiness with speed inversely proportional to the time it takes the White House to produce a subpoenaed document, perhaps because, according to the Army, "new planning considerations have enabled division commanders to make a more accurate assessment," and "the timelines for deployment . . . have been adjusted to better enable them to meet contingency requirements." In 1995, brigade officials told the General Accounting Office that they felt pressured to falsify readiness ratings, and that the rubric "needs practice" was applied irrespective of whether a unit scored 99% or 1% of the minimum passing grade.

But there is more. Mainly by coincidence but partly by design, several broader measures exist. The Army rates its echelons. In 1994, two-thirds of these were judged fully ready for war. By 1999, not one of them was. More than half the Army's specialty schools have received the lowest ratings, as did more than half its combat training centers (although the chaplains are doing very well). These training centers serve as an instrument that illuminates the character of all the units that pass through them. By examining their ratings it is possible to get a comprehensive view of the Army's true state.

I have obtained National Training Center trend data that are the careful measure of unit performance in 60 areas over three years. Of 200 evaluations, only two were satisfactory. This 99% negative performance, stunning as it is, is echoed in the preliminary findings of a RAND study that, according to sources within the Army, more than 90% of the time rates mission capability at the battalion and the brigade levels as insufficient. RAND has voluminous data and doesn't want to talk about it until all the t's are crossed, long after the election.

If Gov. Bush becomes president, the armies his father sent to the Gulf will not be available to him, not after eight years of degradation at the hands of Bill Clinton. Given that their parlous condition is an invitation to enemies of the United States and, therefore, Mr. Bush might need them, and because the years of the locust are always paid for in blood, he should take this issue and with it hammer upon the doors of the White House at dawn.

In the Second World War, Marine Brig. Gen. Robert L. Denig said, with homely elegance, "This is a people's war. The people want to know, need to know, and have a right to know, what is going on." Nothing could be truer, and the vice president of the United States does not speak the truth when he characterizes as he does those forces that for two terms his administrations have mercilessly run down. The American military does not deserve this. It is not a cash cow for balancing the budget, a butler-and-travel service for the president, an instrument of sexual equality, or a gendarmerie on the model of a French Foreign Legion with a broader mandate and worse food.

CAESAR'S LEGIONS

If we are, in effect, the enemies of our own fighting men, what will happen when they go into the field? The military must be redeemed. Should Gov. Bush win in November he should bring forward and promote soldiers and civilians who understand military essentials and the absolute necessity of readiness and training, people both colorful and drab, but who would, all of them, understand that these words of Gen. George S. Patton are the order of the day:

"In a former geological era when I was a boy studying latin, I had occasion to translate one of Caesar's remarks which as nearly as I can remember read something like this:

"'In the winter time, Caesar so trained his legions in all that became soldiers and so habituated them in the proper performance of their duties, that when in the spring he committed them to battle against the Gauls, it was not necessary to give them orders, for they knew what to do and how to do it.'

"This quotation expresses very exactly the goal we are seeking in this division. I know that we shall attain it and when we do, May God have mercy on our enemies; they will need it."

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Iowa.

Mr. HARKIN. Mr. President, this conference report contains a number of provisions of great importance to our troops and our veterans. First, I am very glad that one of the top priorities of this conference report is improving the military health care system. The expansion of TRICARE, the military health care system, to Medicare-eligible retirees provides a permanent comprehensive health care benefit to military retirees, regardless of age. All military retirees and their families will now be able to remain in the TRICARE health program for life.

At least as important, military retirees will now have complete prescription drug coverage. With this new benefit, there is an even stronger case for Congress passing a Medicare prescription drug plan for all seniors this year before we go home.

I am also pleased that this bill provides our troops a significant pay raise as well as supplementary benefits for troops on food stamps and increased WIC nutritional support for troops overseas. These are issues on which I have worked for several years on the Defense Appropriations Subcommittee.

I am especially pleased that we have overcome significant opposition among the House majority to provide compensation to some of those who were harmed by dangerous conditions at our nuclear weapons plants. I am sure that by now all my colleagues are aware that many of our citizens were exposed to radioactive and other hazardous materials at nuclear weapons production plants in the United States. While working to protect our national security, thousands of workers were subjected to severe hazards, sometimes without their knowledge or consent.

I would like to address in more detail another provision that is important for former workers at our nuclear weapons facilities. The dangers at these plants thrived in the darkness of Government secrecy. Public oversight was especially weak at a factory for assembling and disassembling nuclear weapons at the Iowa Army Ammunition Plant in Middletown, IA. I first found out about the nuclear weapons work there from a constituent letter from a former worker, Robert Anderson. He was concerned that his non-Hodgkins lymphoma was caused by exposures at the plant. But when I asked the Department of Energy about the plant, at first they denied that any nuclear weapons work took place there. The constituent's story was only confirmed when my staff saw a promotional video from the contractor at the site that mentioned the nuclear weapons work.

The nuclear weapons production plants were run not by the Defense Department but by the Atomic Energy Commission, which has since been made part of the Department of Energy. The Department of Energy has since acknowledged what happened, and is now actively trying to help the current and former workers in Iowa and elsewhere by reviewing records, helping them get medical testing and care, and seeking compensation.

I compliment Secretary Richardson for his foresight and for taking this matter very seriously and making sure that the Department of Energy is forthcoming in regard to getting testing and care and compensation.

I was pleased this past January to host Energy Secretary Richardson at a meeting with former workers and community members near the plant in Iowa. The Department specifically acknowledges that the Iowa Army Ammunition Plant assembled and disassembled nuclear weapons from 1947–1975. And their work has helped uncover potential health concerns at the plant, such as explosions around depleted uranium that created clouds of radioactive dust, and workers' exposure to high explosives that literally turned their skin yellow.

And while the Department of Energy is investigating what happened and seeking solutions, the Army is stuck, still mired in a nonsensical policy. It is the policy of the Department of Defense to "neither confirm nor deny" the presence of nuclear weapons were assembled in Iowa without admitting that there were nuclear weapons in Iowa. So they write vaguely about "AEC activities," but don't say what those activities were.

There have been no nuclear weapons at the Iowa site since 1975, but it is well known that weapons were there before that. The DOE says the weapons were there. A promotional video of the Army contractor at the site even says the weapons were there. But the Army can't say it.

What this does is, it send the wrong signal to the former workers. These workers swore oaths never to reveal what they did at the plant. And many of them are still reluctant to talk. They are worried that their cancers or other health problems may be caused by their work at the plant. But they feel that they can't even tell their doctors or site cleanup crews they worked there or what the tasks were they did.

They don't want to violate the oaths of secrecy they took. One worker at the Iowa plant said recently: There's still stuff buried out there that we don't know where it is. And we know people who do know, but they will not say anything yet because they are still afraid of repercussions. Instead of helping these workers speak out, the Army has forced them to keep their silence.

I am pleased that the conference report includes a provision I offered to help these workers. It is narrowly targeted to require the Defense Department, in consultation with the Energy Department, to review their classification and security policies to ensure they do not prevent or discourage workers at nuclear weapons facilities from discussing possible exposures with their health care providers and other appropriate officials. The provision specifically recognizes that this must be done within national security constraints. It also directs the Department to contact people who may have been exposed to radioactive or hazardous substances at former Defense Department nuclear weapons facilities, including the Iowa plant. The Department is to notify them of any exposures and of how they can discuss the exposures with their health care providers and other appropriate officials without violating security or classification procedures.

I thank the chairman and the ranking member of the conference committee for joining with me in a colloquy to clarify that this provision applies to all workers at such facilities, and not just DOD personnel.

I am pleased we are passing this provision today. I thank the managers of the bill for including this provision and for the fine work they have done on all aspects of this bill.

Lastly, I am very concerned about the recent upsurge of violence in the Middle East. I strongly support the efforts of President Clinton and U.N. Secretary General Kofi Annan to negotiate a cease-fire. This cycle of killings and destruction must end so there can be a return to the negotiating table to achieve a comprehensive and lasting peace agreement in the Middle East.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank Senator HARKIN for his wonderful commitment to the workers, particularly in his State, but really the workers in America. He noticed something in our bill which inadvertently could have left out some workers we wanted to cover and he wanted to cover.

We worked out the colloquy with Senator HARKIN which will be made a part of the RECORD. I thank Senator HARKIN for his intrepid effort on behalf of the workers of America and Iowa. It has really paid off.

Mr. WARNER. Mr. President, I join my colleague. The three of us signed the colloquy. I thank the Senator. He does look after his people.

Mr. HARKIN. If I might reciprocate, I thank the chairman and Senator LEVIN, the ranking member, for including this in the bill. These were hard workers. They were good people. They work for a contract employer, not the Department of Defense. With this change, it makes it clear they are covered also. I thank them both.

Mr. WARNER. I thank the Senator.

While I have the floor, Mr. President, I would like to advise Senators that there is an effort being made to try and get the vote on first, presumably, a point of order that will be raised and then, following that, on final passage. We hope to begin to move to those votes possibly as early as 6 o'clock. So we are condensing down the period of time prior to the vote that Senators wish to speak.

Of course, we can arrange for such time after the votes as Senators desire. This is to accommodate both sides of the aisle and many Senators. I thank my colleagues for working with me to achieve these goals. We now have in place two Senators ready to speak, then I will consult with our leadership.

Mr. LEVIN. Mr. President, if the Senator from Virginia will yield for an additional minute, I ask unanimous consent that Senator ALLARD be recognized immediately after Senator ROBB for up to 5 minutes, and then that Senator BYRD be recognized immediately after Senator ALLARD. I will talk to Senator BYRD about the time situation in which we find ourselves.

Mr. WARNER. Senator BYRD is a member of our committee and he has a key piece of legislation in here. It is my hope that we can have Senators speak briefly so that we can get on to the issue by Senator KERREY.

Mr. LEVIN. I will speak with Senator BYRD about the amount of time.

Mr. WARNER. And Senator ROBB, our valued colleague, a member of the committee, is about to address his issues.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, the defense authorization bill before us today has historic qualities. It represents another year of real growth in our commitment to national defense and the readiness of the men and women who serve this Nation in uniform. It represents our reinvigorated and growing national consensus on the importance of American military power, and our military's continuing relevance to world peace, stability, and prosperity. Friends and allies around the world will see in this bill America's commitment to leadership and our willingness to keep our military the most powerful ever and equal to the challenge.

This bill continues to chip away at the quality of life issues that make service in today's military a greater sacrifice than it needs to be. This bill raises pay, improves housing, authorizes additional bonuses to improve retention, and improves medical care for servicemembers and their families.

I am particularly proud that this bill at last acknowledges the promise of lifetime health care made to America's thousands of military retirees and their families. The program put in place by this bill sets the conditions for keeping our promise, but we should have no illusion that this fulfills our debt. The devil, as usual, is in the details and there is much work ahead ensuring that the system we create is up to the requirements of this benefit and accomplishes its purpose. In a respect our real work lies before us, now that we are over the political and budgetary hurdles of keeping the promise.

This bill, thankfully but modestly, also increases our procurement, readiness, and research and development accounts. Anyone reading this bill will see our clear intent to deal with our daunting maintenance challenges. Anyone reading this bill will see our clear intent to modernize our tactical aircraft. Anyone reading this bill will see our clear intent to increase shipbuilding rates necessary to sustain a globally capable 300-ship Navy. Anyone reading this bill will see our clear intent to accelerate research and development to bring forward the next generation of aircraft—manned and unmanned, ships, and combat vehicles necessary to our future readiness and security.

Unfortunately, the rush, early this year, to massive tax cuts and political fears over new spending worked against us in making the kinds of real and significant increases necessary to address the challenges to our readiness today and tomorrow.

There is no doubt that significant increases in the defense top line are ahead. But regrettably, we have missed an opportunity to apply additional resources this year to some of our more chronic military requirements such as aviation spare parts and ship depot maintenance.

Equally regrettable, we fail again, in my judgement, to take on the issue of excess infrastructure.

One of the best ways we can help pay for current readiness is through reducing the DOD's large "tail" of infrastructure and support, which is taking away critical funding for the teeth—our warfighting troops and equipment that will fight the next year.

And the best place to reduce tail is to cut more bases.

I am encouraged by the Armed Services Committee chairman's commitment to making additional BRAC legislation his first priority for our next session. It is time to get over the history of this issue and get on with supporting defense establishment requirements.

Mr. President, there are very exciting days ahead for America's Armed Forces. The benefits of a strong national economy with projected budget surpluses provide a historic opportunity across the range of national priorities—from paying off our national debt to tax relief. But we also enjoy a historic opportunity to address today's military challenges and reach deeply into the future assuring our continued peace and prosperity.

At the same time, we must be careful and have the courage to make tough choices where necessary ensuring that we get the most for our defense dollars. We must not become embroiled in an arms race with ourselves. We are the best already, we need only stay ahead of our greatest threats.

Mr. President, for the last couple years one of our greatest readiness challenges has been recruiting and retention. I believe a young American today should see not only a tremendous opportunity to join the best military in the world, but an opportunity to join a military that will get the resources it needs to stay trained and ready. And, more importantly, a military that will get even better.

In addition, Mr. President, I rise to talk about events earlier today.

The explosion and loss of life this morning aboard the U.S.S. *Cole* is deeply disturbing and has affected all of us. The U.S.S. *Cole*, her crew, and their families are homeported in Norfolk, VA, and are proud members of Virginia's Navy family. Our prayers go out to those sailors killed and injured or missing. Our prayers go out to the courageous crew members right now dealing with the aftermath of this attack, and our prayers go out to the families of the U.S.S. *Cole* who live, as Navy families always have, with quiet courage, with this kind of danger, and in the face of this kind of tragedy.

I can confidently report that the extended Navy family in Virginia and around the country is coming together in this tragic moment to support and comfort the families of the U.S.S. *Cole*. The resources of this Nation will be there for them in this time of great sorrow and need.

The U.S. Navy sails into harm's way every day around the world protecting America and her interests. Today's attack is a painful reminder that the world is still a dangerous and uncertain place. America's young men and women in uniform are truly on freedom's frontier. As the CNO reminded us this afternoon, the U.S.S. *Cole* is one of 101 warships that are currently deployed.

We stand ready to provide the Navy whatever support is necessary at this painful time. We are doing everything we can to ensure the rapid evacuation of our casualties, to ensure the security of the crew and ship, to determine who is responsible for this attack, and to take appropriate action in response.

Even in the best of conditions, service in the U.S. Navy, afloat or ashore, is inherently dangerous, difficult work. Ships and aircraft at sea in all types of weather, during the day and during the night, are, over the long haul, as hazardous as any conditions we ever ask Americans to serve under. We owe these men and women and their families the best possible leadership, a reasonable quality of life, modern ships, aircraft and equipment, and realistic training. We owe them a fighting chance to serve in harm's way and to come home safe and proud.

The Navy is appropriately treating this as a suspected terrorist attack and has responded with antiterror-capable Marine security forces, in addition to the medical support flowing to the aid of the ship and her crew. If we determine that this was a terrorist attack, we should respond in a manner that guarantees that anyone or any state that might use terror against our military or civilians understands that they will pay a heavy price for misjudging either our capability or our will.

The U.S. Navy provides an indispensable contribution to world peace and stability. This incident cannot deter us from our commitment to defend our interests wherever they are, anyplace in the world. America will never retreat from our responsibilities, and we will take steps to bring to justice those responsible for this tragic loss of American life.

In this time of shock and sorrow, American resolve is called upon once again. We will meet this challenge.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I join with my colleague from Virginia in his expression of concern about the crew and members of the U.S.S. Cole. It still shows that we do live in a dangerous world, and our fighting men and women are exposed to danger every day they do their job.

Mr. WARNER. Mr. President, I would like to also make reference to the remarks of my colleague from Virginia. He and I have a very special responsibility in this tragedy. We will undoubtedly, working together on that, do what we can on behalf of the families, particularly, in this instance.

Mr. ROBB. I thank my senior colleague from Virginia. We will be doing everything we can to respond to this tragedy.

Mr. WARNER. The Senator is aware of the availability at 6 o'clock of the briefing on this matter?

Mr. ROBB. Mr. President, I say to the senior Senator, I am and I have already availed myself of other briefings today.

Mr. WARNER. Thank you.

Mr. ALLARD. Mr. President, before I begin my statement regarding the conference report, I want to say that my heart goes out to the families of the crewman of the U.S.S. *Cole* in the Aden Gulf who were killed, injured, or are missing. Let it be said, that if this was a terrorist attack, the United States shall not allow this to stand without a strong response by the United States and no matter where these terrorists go, they will be found and they will be held accountable.

Now to the conference report, I want to thank Chairman WARNER for allowing me the opportunity to speak in strong support of this essential Defense authorization conference report which provides the needed resources for our men and women in the armed services. I believe this bill is a fitting tribute for those who served, are serving, and will serve in armed services in the future.

The Fiscal Year 2001 Defense Authorization Act conference report has been a bipartisan effort and for the second year in a row we have reversed the downward trend in defense spending by increasing this year's funding by $4.6 billion over the President's request, for a funding level of $309.9 billion.

As the Strategic Subcommittee chairman, I would like to point out a few key provisions in the subcommittee's jurisdiction, plus a few of keen interest to myself.

As has been the pattern over the last several years, we had to increase the funding for our ballistic missile and space programs. This bill increases the ballistic missile defense programs by $391.8 million, a very important increase of $78 million for military space research and development programs, an increase of $91.2 million for strategic nuclear delivery vehicle modernization, and $80.5 million increase for military intelligence programs.

Regarding a few specific items—an increase of $85.0 million the Airborne Laser Program which requires the Air Force to stay on the budgetary path for a 2003 lethal demonstration and a 2008 deployment; an increase of $10 million for the Space Based Laser Program; a $129 million increase for National Missile Defense risk reduction; an increase of $80 million for Navy Theater Wide; an extra $8 million for the Arrow System Improvement Program; and for the Tactical High Energy Program an increase of $15 million.

Beyond the budget items, there four very important legislative provisions I would like to point out.

First, the Secretary of Defense is required to conduct comprehensive review of our nuclear posture—the first major review since 1994. Second, the Secretary of Defense, in consultation with the Secretary of Energy, must develop a long range plan for the sustainment and modernization of the U.S. strategic nuclear forces. We are concerned that the Department does not have a long term vision beyond their current modernization efforts.

Third, in 2002, the Space-Based Infrared System Low or the SBIRS Low program will be transferred from the Air

Force to the Ballistic Missile Defense Organization. And fourth, in order to assess an emerging threat, a commission has been established to assess the threats to the United States from an electromagnetic pulse attack.

This conference report also authorizes the activities at the Department of Energy in regards to their defense activities. In order to ensure that America's nuclear weapon stockpile is safe and reliable and that our nuclear waste is managed responsibly, we have authorized $13 billion for Atomic Energy Defense activities at the Department of Energy.

However, unfortunately, DOE has had a few problem areas in keeping and protecting our nation's most valued nuclear secrets. That is why we established in the fiscal year 2000 authorization bill the National Nuclear Security Administration or the NNSA and this year's bill provides a total of $6.4 billion for the NNSA. This total includes $4.8 billion for weapons activities, $877.5 million for defense nonproliferation activities, and $695 million for naval reactors activities.

A priority for me is the timely and efficient cleanup and closure of formerly used DOE weapons facilities, such as Rocky Flats in my State of Colorado. This bill moves the cleanup and closure of these forward with strong funding lines and some key legislative provisions. For example, DOE believed it would be best if they moved all the security and safeguards funding into one line and into one office at the DOE Washington, DC, headquarters. The problem is that this would have taken the responsibility away from the people who are responsible for the safeguards and security at each individual site, plus would have removed the needed flexibility to manage the sites effectively. For instance, once the material requiring security are removed from Rocky Flats, the savings from the reduction of these security needs would then be used to accelerate the cleanup and closure at the site. That is one of the reasons why we have a provision which would keep the funding and responsibility at each Environmental Management site.

In regards to the workers at Department of Energy sites, we provide employee incentives for retention and separation of federal employees at closure project facilities. These incentives are needed in order to mitigate the anticipated high attrition rate of certain federal employees with critical skills.

Another key provision which is very important not just for the workers I know at Rocky Flats, but for workers throughout the DOE sites in the United States is the establishment of an employee compensation initiative for DOE employees who were injured, due to exposure to radiation, beryllium, or silica, as a result of their employment at DOE sites. These workers performed a unique, important, but sometimes thankless task, of producing and testing our nuclear weapons arsenal.

Finally, I would like to mention a few important highlights of the conference report outside of the Strategic Subcommittee. In last year's authorization bill, we enacted a much needed and deserved pay raise for our military personnel. This year's bill continues that progress with a 3.7-percent pay raise beginning January 1, 2001. Along with the last year's pay raise, we also made major retirement reforms, including a Thrift Savings Plan for our service personnel. After many delays at the Pentagon, this year's bill directs the Department to implement the Thrift Savings Plan, in order to allow our military to prepare for life after their military service is complete.

Let me finish with a provision that by no small measure is the most expensive but couldn't be more deserving for those who have served. Beyond the many changes we have made in the pharmacy benefit and extension of benefits for active duty family members, we provide a permanent comprehensive health care benefit for Medicare eligible military retirees. This has been a priority for this committee and Congress and I believe we are doing the right thing for our military retirees who have served and protected this Nation.

I want to thank Chairman WARNER for the opportunity to point out some of the highlights in the bill which the Strategic Subcommittee has oversight and to congratulate him and Senator LEVIN in the bipartisan way this bill was developed and ask that all Senators strongly support the Defense Authorization Conference Report. I also want to congratulate the chairman in the way he shepherded this conference report down the long arduous road this bill saw.

One of Congress' main responsibilities is to provide for the common defense of the United States and I am proud of what this bill provides for men and women in uniform. I see this bill as a tribute to the dedication and hard work of these young men and women. I ask for a strong vote on this bill in order to get that much needed and well deserved resources to our military personnel.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, consideration of the annual Defense Authorization conference report is generally an occasion for celebration and congratulation in the Senate as we reflect on the strength and superiority of America's armed forces. The report that we are considering today is indeed a solid achievement in our efforts to keep this nation on the right track as we work to bolster America's military readiness and national security.

Unfortunately, the circumstances under which we are taking up this report offer no cause to celebrate. The United States today is mourning the loss of at least five American sailors, a death toll likely to rise, and the injury of dozens more in an apparent terrorist attack on the destroyer U.S.S. *Cole* in Aden, Yemen. At the same time, the Gaza Strip and the West Bank are in chaos as the escalating violence between the Israelis and the Palestinians threatens to erupt into all-out war.

Our thoughts and our prayers are with the crew of the *Cole* and their families, and with the entire Navy family. The attack on the *Cole* was a vile and contemptible act. We must leave no stone unturned in working to determine the origins of this attack, to bring those responsible to justice, and to redouble our efforts to protect our forces overseas. And we must renew our calls to the Palestinian and Israeli leaders to quell the violence in the Middle East, to stop the fighting between the two sides from spiraling out of control. Too many lives have been lost already in this latest round of violence, too many children have been sacrificed to the disputes of their governments. It is time for the Israelis and Palestinians to each accept responsibility for their actions, to stop the fighting, and to resume talking.

These grave crises are a stark reminder of the importance of maintaining a strong and ready U.S. military, and the FY 2001 Defense Authorization conference report that we considering today does a good job in meeting that goal. Like the Defense Appropriations conference report that was passed earlier this year, this authorization measure provides needed funding increases and policy directives to meet the changing nature of our national security challenges and to respond to crises affecting our national security as they arise.

With the current focus on the readiness of America's military, this is a timely package that makes a clear statement about the Senate's commitment to our men and women in uniform. There is no question that this is a big bill, topping out at $309.9 billion—$4.6 billion over the President's budget request. It is a broad and complex measure, affecting virtually every facet of our nation's military forces and readiness capabilities. It has not been an easy task to finalize the conference and reach this point. Many controversial issues had to be confronted and resolved along the way. Conferees began their work before the August recess, and have labored intensely over the past several weeks to complete the conference. I commend our Chairman, Senator WARNER, and Ranking Member, Senator LEVIN, for their guidance, skill, and leadership during the conference. While not every Senator may agree with every provision of this conference report, all Senators can be assured, thanks to the leadership of Senators WARNER and LEVIN, that the conferees never lost sight of the essential purpose of this legislation, which is to provide for America's national security and military readiness.

I am particularly pleased that the authorizers concurred with the appropriators in funding a 3.7 percent pay raise for military personnel. We can never adequately compensate our men and women in uniform for their dedication and service to this nation, but we must always strive to provide the best pay and benefits package that we can. In that regard, I also welcome the comprehensive package of improved health benefits for Medicare-eligible military retirees, although I understand the concern that has been raised over the cost of the so-called "TRICARE for life" provision that was included in this conference report. The cost of health care for aging Americans, be they military or civilian retirees, is an issue that this nation is going to have to confront, and that Congress will have to provide for in future budgets. I have no doubt that whatever we do, as we have seen in this measure, the price tag will be steep.

I am also pleased that the conferees agreed to accept the provision that I offered on behalf of myself, Senator WARNER and Senator LEVIN establishing a United States-China Security Review Commission to monitor and assess the national security implications of the U.S.-China trade relationship. In the wake of the recent enactment of legislation to extend Permanent Normal Trade Relations to China, this Commission can play a key role in assuring that an enhanced economic relationship between the United States and China does not undermine our national security interests.

The purpose of the U.S. China Security Review Commission is to determine whether China, which is working hard to gain entry to the World Trade Organization, or WTO, and to extend its economic dominance throughout the hemisphere, will use its enhanced trade status within the WTO and income from increased international trade to compromise the national security of the United States. Given the circumstances—including the fact that the Chinese Central Committee just this week approved an economic plan that calls for doubling China's economy over the next decade—this is a timely and serious issue to address.

Mr. President, we have good reason to be wary. I think it is significant that even before the President signed the PNTR legislation into law, the Chinese started waffling on promises they had made to secure entry to the World Trade Organization. I note that the President's top trade negotiator was dispatched to Beijing this week, shortly after the PNTR signing ceremony, to attempt to nail down China's commitment to reduce tariffs on imports and open markets to foreign companies.

Let me read from an item in Wednesday's New York Times, entitled "Clinton Warns China to Abide by Trade Rules."

I will read from the article.

> Mr. Clinton sent Charlene Barshefsky, the United States trade representative, on her mission on the same day that he signed into law the legislation to grant China permanent normal trade relations, the culmination of 14 years of negotiations and a protracted struggle on Capital Hill.
>
> But even as administration officials and bipartisan Congressional leaders gathered on the White House lawn to hail what they called China's integration into the world economy, American officials acknowledged that China was slipping on pledges to open its markets that it had made as part of its efforts to join the World Trade Organization.

I wish I could say I was surprised by China's apparent backing away from its WTO commitments, but I was not. I predicted this. China's record on trade agreements is abysmal. Since 1992, six trade agreements have been made, and broken, by China. In addition to its record of broken promises on trade agreements, China also has a history of weapons proliferation, religious repression, poor labor protections, and aggressive foreign policy postures. Is this the kind of behavior we want to reward with permanent normal trade relations?

I opposed PNTR for China, and I have grave reservations over the impact of China's membership in the WTO. We are entering uncharted waters in our economic relationship with China, and it is absolutely essential that we do so with our eyes open. We gave away our only means to bring the issue of trade with China before the Congress on an annual basis when we passed PNTR.

I believe there were 13 Senators who had their eyes open when they voted on that matter and they voted against it. I was one of the 13.

This U.S.-China Security Review Commission will restore a vital measure of scrutiny to the economic relationship between the United States and China. It is a fundamental safeguard, and I am glad that we are moving forward with it.

It is not a trade commission. It is a national security commission.

Let's have some group that will advise the Congress as to what impact the trade engaged in by China with the United States might have on our national security. We are not depending upon the administration. We are not depending upon the executive branch. We have a commission that will advise the Congress so that we will know, we will have some idea as to what the impact on national security is of this permanent normal trade relations legislation.

So it is a fundamental safeguard, and I am glad that we are moving forward with it.

Once again, we stand at a time when tensions throughout the world are high. In the span of only a few days, we have ricocheted from the euphoria of democracy—this is the way of making China a democratic nation. We will have great influence upon China. It is laughable that we, the people of 212 years, will have influence upon the people of 5,000 years. No. We have ricocheted from the euphoria of democracy sweeping through Yugoslavia, to the despair of escalating violence in the Mideast, to the horrific images of dead and injured American soldiers on the U.S.S. *Cole*, the victims of an apparent anti-American terrorist attack. We are reminded that peace remains an elusive goal, and that America must remain vigilant.

The first order of business is to ensure that the United States maintains the finest, the best equipped, the best protected, and the best managed military in the world; a military force—but we will have to make it all of these things—a military force suited for the emerging challenges of the 21st century. This conference report goes a long way to meet that test. It is a good package.

I urge its adoption, and I again commend Senators WARNER and LEVIN for having led the way for others of the conferees to the final development of this package.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank our dear friend from West Virginia for his nice remarks about the chairman and myself. I am wondering if we could line up some speakers. We have Senator REED of Rhode Island and Senator CLELAND on our side who need some time on the conference report before we get down to the point of order. I have not had a chance to talk to Senator HOLLINGS on that issue. But I am wondering if we could set up a line of speakers with Senator REED for 5 minutes on our side.

Mr. WARNER. Mr. President, I want to make sure I hear because I have Senator DOMENICI and Senator GRAMM of Texas.

I, first, want to thank our very valued Member, Senator BYRD, of the committee. I was privileged to join him on the legislation on the China Commission. I can't tell you how our committee benefits from his work and wisdom that he has given us through the many years.

I thank the Senator.

Mr. BYRD. Mr. President, the distinguished Senator from Virginia was a sterling and very steadfast advocate of this legislation. I am deeply in debt to him for his leadership in the committee, and also to my friend, Mr.

LEVIN, for his support of this commission.

Mr. WARNER. We thank the Senator.

Mr. LEVIN. Mr. President, let me join our chairman in commending Senator BYRD for the way in which he worked so hard for this commission, and for the valuable function this commission is going to perform for all of us. Whichever side of that debate we were on in terms of PNTR, and however we voted on it, this commission is going to be very helpful to all of us.

I thank my friend from West Virginia.

Mr. WARNER. Mr. President, Senator LEVIN and I will endeavor to see what we can do to convenience the Senate and keep this bill moving.

Our esteemed colleague, Senator KERREY, has his time reserved. We want to have several others before we get to his issue, if that is agreeable. Senator REED has been waiting, Senator GRAMM, and Senator DOMENICI.

Mr. LEVIN. Senator CLELAND.

Mr. WARNER. Senator CLELAND, a member of the Armed Services Committee.

Let's alternate between sides.

Mr. LEVIN. Senator REED, who has been waiting the longest, wishes 5 minutes.

Mr. WARNER. Senator DOMENICI, on my time for another 5 minutes.

Mr. LEVIN. And back to Senator CLELAND for 10 minutes.

Mr. WARNER. Then we go to Senator GRAMM, who has his time under the unanimous-consent agreement.

It would be our hope the Senator will consume less than the allocated amount under the unanimous consent.

Mr. GRAMM. I was hoping our distinguished chairman would consume less than allocated on the budget but he consumed 10 times as much.

Mr. WARNER. We will have the opportunity, Mr. President, to have a few words on that subject.

Mr. LEVIN. If the chairman will yield, it is my understanding under the existing unanimous-consent agreement after the 2 hours under your control, either used or yielded back, 2½ hours under my control, either used or yielded back, the 1 hour under the control of Senator GRAMM of Texas, either used or yielded back, and Senator WELLSTONE, I believe, has already utilized his time, at that point we then turn to the point of order, and Senator KERREY would be recognized for that purpose.

Mr. WARNER. That is correct. For those who are following this, you will make a point of order, at which time I will seek recognition to have that point of order waived.

Mr. LEVIN. We jointly ask unanimous consent the order of speakers be followed for such length of time that we outlined.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to express my support for the fiscal year 2001 Defense authorization conference report.

I believe this bill contains many excellent provisions which will ensure that our military remains the finest in the world.

As to personnel benefits, this bill also takes great steps to improve health care, pay and benefits for armed services personnel.

For the second year in a row, Congress approved a pay raise for military personnel. This year's 3.7 percent pay raise will go into effect on January 1, 2001.

This bill directs the Secretary of Defense to implement the Thrift Savings Plan for active and reserve service members.

Many Members of Congress have been outraged to learn that a number of active duty service members qualify for food stamps. This bill addresses that issue by directing the Secretary of Defense to implement a program which provides additional special pay of up to $500 per month for those service members who qualify for food stamps.

This bill also eliminates co-payments for active duty family members for health care received under TRICARE Prime. In addition, Congress extended TRICARE Prime to families of service members assigned to remote locations.

For military retirees, this bill goes far to fulfill the promise made to our military retirees when they enlisted that they would be given lifetime healthcare.

Congress approved a permanent comprehensive health care benefit for Medicare-eligible retirees which effectively makes all military retirees eligible for health care within TRICARE.

Under this plan, military retirees and family members may keep their Medicare coverage and use Tricare as a Medicare supplement to pay costs not covered by Medicare.

This provision can save military retirees thousands of dollars in out-of-pocket costs.

Congress also expanded the comprehensive retail and national mail order pharmacy to benefit all Medicare eligible retirees and their eligible family members, without enrollment fees.

On submarines, this bill also provides significant resources for the Navy's submarine fleet, a military asset very close to the hearts of the residents of my home state Rhode Island:

Authorizes funding for the construction of the third *Virginia* class submarine, the U.S.S. *Hawaii*;

Authorizes a block buy of submarines from FY03–06 which will greatly increase the efficiency and lower the cost of our next generation of submarines.

In transforming for future threats, the Navy will soon be faced with a decision on whether to refuel old *Los Angeles* class submarines or convert four Trident submarines which are scheduled to be retired to special operations boats. I believe that this decision must be made very carefully and so I am pleased that this report contains language directing a study of the advantages of Trident conversion over refueling.

I am also pleased that significant funding has been authorized for countermine measures. I believe this is a necessary program that has been woefully underfunded in recent years.

As to Army transformation, in October 1999, senior Army leaders announced a new vision to enable the Army to better meet the diverse, complex demands of the 21st century.

At present, in some instances the Army faces strategic deployment challenges that inhibits its ability to negotiate rapidly the transitions from peacetime operations in one part of the world to small-scale contingencies in another.

Army heavy forces have no peer in the world, but they are a challenge to deploy.

The Army has the world's finest light infantry, but it lacks adequate lethality, survivability, and mobility once in theater.

The Army Transformation Strategy will result in an Objective Force that is more responsible, deployable, agile, versatile, lethal, survivable and sustainable than the present force.

A force with these capabilities will allow the Army to place a combat capable brigade anywhere in the world, regardless of ports or airfields, in 96 hours.

It will put a division on the ground in 120 hours. And it will put 5 divisions in theater in 30 days.

This bill supports the Army Transformation efforts by authorizing an additional $750 million for the initiative, of which $600 million is for procurement requirements and $150 million for R&D requirements.

On impact aid, I am also pleased that the conference report contains language I authored to address the considerable financial strain on school districts educating military children with severe disabilities and help military families get the best education for their children with severe disabilities.

As many of my colleagues are aware, military personnel with children with severe disabilities often request and receive compassionate-post assignments to a few districts known for their special education programs.

The cost of providing such education is disproportionately high for these communities. In fact, for some of these children, the cost is upwards of $50,000 to $100,000 a year (as compared to an average per pupil expenditure of $6,900).

In my home state, Middletown, Portsmouth, and Newport are districts with many military children with disabilities. This year, Middletown alone is providing education to 66 high need military children with disabilities at a total cost of nearly $1 million.

This experience, however, is not unique to Rhode Island. In fact, districts ranging from San Diego and Travis Unified in California to Fort Sam Houston Independence in Texas also face considerable financial strain in their endeavor to educate military children with disabilities.

Section 363 of the conference report, Impact Aid for Children with Severe Disabilities, requires a report containing information on military children with severe disabilities, and authorizes funding to ease the strain on local communities providing education to high numbers of such children.

Mr. President, this critical program will help ensure that military families get the best education for their children with disabilities, while providing needed relief to school districts, and I am very pleased that it has been adopted.

I look forward to working with my fellow committee members, the Department of Defense, impact aid organizations, military personnel, and affected communities to press for funding for this program next year.

Under the Montgomery G.I. bill, Mr. President, I would now like to turn to some items that I regret have not been included in the conference report.

First, I would like to mention the expansion of Montgomery G.I. bill benefits that have been advocated for years by our colleague, Senator CLELAND.

One of the most innovative provisions he proposed would have allowed service members to transfer Montgomery G.I. bill benefits to family members.

I believe this transferability would have been an effective tool for recruiting new members and retaining trained and skilled service members.

This provision would have had a negligible impact on the budget: The provision was not written as an entitlement, but rather would have been implemented at the discretion of the service Secretaries.

However, this provision, which was included in the Senate bill, was ultimately eliminated from the conference report because it was too expensive.

Yet while this provision was considered too expensive, in conference, majority leaders created and approved a greatly expanded entitlement for retirees which will cost $60 billion over ten years.

I am disappointed that we were not able to include both of these worthy items in this conference report and I will continue to work with Senator CLELAND to ensure it is included next year.

As for hate crimes, Mr. President, I would like to express my extreme disappointment regarding the stripping of the hate crimes legislation from the Department of Defense (DOD) authorization conference report.

Fifty-seven United States Senators voted to add this important legislation to the DOD authorization bill, 232 Members of the House of Representatives instructed the conferees to keep the hate crimes legislation in the DOD authorization bill, and both the President and Vice-President have expressed unwavering support for this legislation.

Although some argue that hate crimes legislation has nothing to do with authorizing our nation's defense programs, a majority of the Senate added it to the DOD authorization bill because we were never given the opportunity by the Republican leadership to vote on it as a stand alone bill.

I support this legislation because it sends a message that society finds crimes motivated by bias especially heinous and worthy of punishment.

Hate crime laws recognize that a violent act committed against someone just because of who they are, is intended to intimidate and frighten people other than the immediate victim. While a hate crime might be targeted at one person, it is really directed at an entire community.

Considering the intent behind a person's action in committing a crime is not a new development. Deeply ingrained in our nation's laws is the recognition that intentions count when it comes to crime. That's why premeditated murder is punished more severely than manslaughter.

Hate crime laws express society's judgment that a violent act motivated by bigotry deserves greater punishment than a random crime committed under the same circumstances.

The Local Law Enforcement Act does not trample on our nation's ideals of free speech and equal justice under the law.

The Supreme Court has held constitutional state legislation that enhances penalties for hate crimes, respecting findings that hate crimes often provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest. The Court affirmed that it is reasonable to have greater punishments for crimes that cause greater individual or societal harm.

Hate crimes are very real offenses, combinations of uncontrollable bigotry and vicious acts of personal injury. These crimes not only inflict physical wounds, but wreak mental and emotional devastation by attacking a person's identity.

People who hurt or kill someone because that person represents a certain community, deserve harsher penalties.

Dr. Martin Luther King, Jr., said that he hoped that one day all people will be judged by the content of their character.

A majority of the U.S. Senate, a majority of the House of Representatives and the President and Vice President believe this to be the case. Our nation's hate crime laws should be extended so that we—that all people can have the freedom to be themselves without fear of being attacked for who or what they are.

Mr. President, I regret that we were not able to accomplish all that we set out to do with this conference report.

However, I believe that it is ultimately a solid legislative effort that will help our military and I urge my colleagues to support it.

Mr. President, I commend Chairman WARNER and the ranking member, Senator LEVIN, for their great work in bringing to the floor a comprehensive and critically needed reauthorization of our defense programs. This is legislation which recognizes the extraordinary sacrifices of our military personnel around the globe—sacrifices which were certainly highlighted today in the gulf.

One part of this legislation is an enhancement of personnel benefits, both pay and health care. There is a sentiment which I subscribe to, frankly, as a veteran and as an American, that we cannot reward our service men and women enough for what they do each day. There is a very practical consideration, and that is the limits of our budget.

This legislation does many good things, but it raises an important question. It raises the question of whether we are reaching the limits of resources that we can effectively devote to personnel concerns, not only in terms of overall economic strategies in the country but also in terms of the inherently limited defense dollars because dollars we commit to personnel force cannot be used for operations, cannot be used for modernization, cannot be used for a host of programs that give us the qualitative education, and give our service men and women serving today the tools to do this very critical job. That question keeps emerging in the context of this legislation. For those personnel enhancements, certainly no one deserves more recognition or reward than our men and women in uniform.

Let me speak about several other topics included within this legislation. First, I am pleased to see that submarines have been recognized. This is a very valuable aspect of our national security. This legislation would authorize funding for the construction of a third *Virginia* class submarine, the U.S.S. *Hawaii*, and authorize a block buy program of submarines for fiscal years 2003 to 2006. It is more efficient, a better way to spend our dollars to get the quality submarines we need. It also recognizes the requirements to augment our submarine fleet by either new construction or by refueling existing 688 attack submarines.

This legislation, I am pleased to say, contains legislation language that directs a study of conversion of Trident over refueling, conversion of certain submarines over refueling, and that type of study is inherently positive and useful for future deliberations.

What is happening to our services today as we speak is a profound transformation based upon new threats, a transformation based upon new political realities in the post-cold-war world. It is a transformation we have to undertake with each service. I believe this legislation lays out some good guidelines for the transformation.

With respect to the Army, it does support the Chief of Staffs' commitment to forming five to six new interim Army brigades that would be more mobile, better able to be positioned around the world. It also sets up testing requirements that will ensure these new concepts are thoroughly tested.

With respect to the Air Force, it recognizes what has already been done in terms of organizing 10 aerospace expeditionary forces in providing resources and certainly support for that.

With respect to the Navy, it recognizes and, again, as evidenced today, the Navy now has responsibilities close in shore, along the littorals. They have to be prepared to meet the hostile fleet at sea. But more often they are called upon to be close in, supporting operations, supporting political and diplomatic issues. That, too, is recognized here.

So we have legislation that is comprehensive, legislation that recognizes the need to reward our service men and women, legislation that recognizes the need to transform our military services because of our new world, and legislation that I think goes a long way in building those vital programs, such as submarines, but there are others, that are critical to our future national security.

There are several regrets, though, and one regret is that included within the Senate version of the legislation was the hate crimes bill—important legislation that could match our ideals with our legislative intent. We all profess, indeed, would say stoutly and without reservation, our abhorrence for hate crimes, the need to condemn them. Unfortunately, this language which was included in the Senate version, and which the House also favorably supported for at least an instruction of the conferees, could not be included in the final version of the legislation. I regret that.

What it means is that we have to return next January with a commitment to pass this legislation. Hopefully we can pass it standing alone; hopefully, if that is not the case, on some legislative vehicle. But this legislation is necessary. Certainly I will be supporting this legislation because it will make us more capable, it will help us modernize our forces, and will reward those forces who are serving so valiantly.

The PRESIDING OFFICER. The Senator from New Mexico is next to be recognized under the unanimous consent agreement.

Mr. DOMENICI. I believe I have 5 minutes.

Mr. President, I rise today to support for the Defense Authorization Conference Report of 2001. The conferees have worked very hard to achieve consensus or reach compromises on the provisions found in this year's report.

The conference report contains many positive things for ensuring America's continued military dominance; in addition, it also includes several authorizations for defense activities in the state of New Mexico. I thank the Chairman and Ranking Minority Member for their contributions.

I would like to specifically address what has been achieved in this bill with respect to laser programs and directed energy technologies. I strongly believe that lasers, like THEL and Airborne Laser, will offer offensive and defensive military means far beyond our current capabilities. These programs deserve our full support. At the same time, we need better coordination of our nation's efforts in lasers and other directed energy technologies.

I am pleased the Committee accepted my amendment that requires the Secretary of Defense to implement the High Energy Laser Master Plan and authorizes up to $30 million for these vital technologies. This amendment also requires selection of a site for the Joint Technology Office (JTO) by the Secretary of Defense. The JTO will perform a critical role in achieving better coordination and execution of our nation's laser programs. The bill also underscores the vital role of the High Energy Laser Test Facility at White Sands Missile Range and the importance of DoD's close coordination with other federal agencies, academia and industry in creating a stable foundation for further progress in these technologies.

Although my original legislation encompassed all directed energy technologies, including microwaves, in this defense-wide effort, the conferees would not support this position. Instead, the legislation will require the Pentagon to take a hard look at integrating all other directed energy technologies into the current structure for High Energy Laser programs. From my perspective this would be a logical next step in the Pentagon's efforts to streamline and better coordinate its research programs. This would also accelerate progress and maximize efficiencies for these related technology areas.

The conferees also addressed shortfalls in some specific ongoing laser weapons programs. They authorized $85 million to restore the most of the Airborne Laser (ABL) program funding. The Air Force's ABL program is the only missile defense system currently contemplated that would strike and kill missiles in their boost phase.

In addition, the conferees reached a reasonable compromise on the control of funding for Airborne Laser after the Air Force radically cut that program's budget. The Air Force will retain funding control for ABL; however, it must have the Ballistic Missile Defense Organization's (BMDO) approval before making any changes to any aspect of the program, including its budget.

The Tactical High Energy Laser (THEL) was authorized at $15 million for FY2001. THEL represents one of the first weapons systems being tested that utilizes high energy lasers for the purposes of missile defense. I led the charge to obtain an additional $5.7 million in FY00 funding for continued testing of this weapon system this year. Since the passage of the Senate bill earlier this year, THEL has shown that lasers can provide effective, speed of light defenses against Katyusha rockets. In the coming months, THEL will be tested against other targets and will provide us additional insights into the lethality of this particular type of system.

I am committed to addressing the shortfalls in the science and technology funding to ensure more rapid development and fielding of high energy laser weapons. However, I am also committed to expanding these efforts to all directed energy technologies. While I appreciate the Committee's attention to these vital programs, more must be done to ensure the directed energy science and technology is fully streamlined and sufficiently funded. These technologies can assist in countering some of the most prevalent threats confronting us.

This long-awaited conference report will have a positive impact on the day-to-day concerns confronting our military. For example, quality of life received much needed attention. I applaud the 3.7 percent pay raise for military personnel and the comprehensive health care for Medicare-eligible military retirees. The conference report also retained the extension of the TRICARE Prime benefit to families of service members assigned to remote locations and the elimination of co-payments for services received under TRICARE Prime.

This legislation contains landmark provisions with respect to healthcare for our military retirees. Many complicated and situation-specific problems currently exist with the health care programs for active and retired military members as well as for veterans. It will take more than one year of fixes to find the right combination of policies and ensure that the funding for military health care is not forced to compete with other defense priorities.

These will aid in addressing the health care crisis within our military and provide proof of our desire to keep our promise. I applaud the conferees for enacting sweeping reform to a broken system.

Military Construction and family housing is authorized at $8.8 billion, an increase of $788 million over the Administration's request. I am pleased that projects critical to the operational effectiveness and well being of the service members and military families residing in New Mexico were addressed in this bill. These are not glamourous projects. These authorizations will replace critical crumbling infrastructure, such as repair of the Bonito pipeline between La Luz and Holloman Air Force Base.

Five additional Weapons of Mass Destruction Civil Support Teams were included at a cost of $15.7 million. This will provide us with a total of 32 Civil Support Teams by the end of fiscal year 2001. These teams are comprised of full-time National Guard personnel trained and equipped to deploy and assess suspected nuclear, biological, chemical, or radiological events in support of local first responders. One such team is currently being trained and fielded in New Mexico, ensuring that New Mexico constituents and its vital assets have better protection against such attacks.

The bill authorizes a total of $13 billion for Atomic Energy Defense activities of the Department of Energy. A total of $6.4 billion of this funding is for the National Nuclear Security Administration.

Over $1.0 billion is authorized for the nonproliferation and threat reduction programs of the Departments of Defense and Energy. These programs continue to make great strides in the critical process of securing weapons of mass destruction and retaining scientific expertise in the former Soviet Union. To further ensure that these threat reduction programs achieve their goals, the committee has also included several initiatives to obtain greater commitment and necessary access from Russia.

Earlier this year I introduced a bill to improve the structure and signal a meaningful U.S. commitment to DOE's nuclear cities initiative. I strongly believe that without significant restructuring in nuclear weapons production complex of Russia the progress in strategic arms reductions could readily be reversed. Further, the proliferation threat of underemployed and underpaid Russian weapons scientists could create a direct, negative impact on international security. I thank the Committee for focusing efforts on this issue.

While I am pleased with the authorization levels to support stockpile stewardship and nonproliferation, I am dismayed that the conferees took it upon themselves to adopt additional provisions on polygraphs. These new requirements will entail polygraphs for an estimated 5,000 additional persons working in our nuclear complex. I find it astounding—especially in light of the findings in the Baker/Hamilton Report—that the conferees included these provisions. That report stated unequivocally that "(t)he current negative climate is incompatible with the performance of good science. A perfect security system at a national laboratory is of no use if the laboratory can no longer generate the cutting-edge technology that needs to be protected . . ."

There is little evidence that polygraphs administered as a screening technique is an effective use of security resources. The Conferees apparently view mass polygraphs of everyone at the Labs as a silver bullet that will ensure no future security breaches. That is a naive view of security that fails to recognize that polygraphs are simply one tool among many, that must be wisely and judiciously used to ensure a strong security culture that will allow science to thrive. Otherwise, the silver bullet of mass polygraph will end up killing the labs, not protecting them.

In sum, security is a moot point if our national laboratories fail to achieve scientific advances worth protecting. The Baker/Hamilton Report clearly indicated that we should avoid further "made in Washington" rules that frustrate scientific pursuits and only serve to further demoralize laboratory personnel. I believe these provisions will only make a bad situation worse.

Finally, $38.9 billion is provided for the defense research, development, test and evaluation programs—an increase of $1.1 billion over the President's budget. This funding will focus on the revolutionary technologies to address emerging threats and ensure that America's military remains dominant in the future.

In years past I have repeatedly emphasized the need to stop the ebbing tide and end the lengthy decline in defense budgets. We must not tire in our efforts to maintain a strong, ready and professional military. Quality of life is central to recruitment and retention. Combat readiness of our armed forces must never be at risk. And we must ensure that we are developing and leveraging new technologies to the maximum extent. Our soldiers, sailors, airmen and marines require the means necessary to respond to international uncertainty and address different and diffuse security threats. We must not fail them or U.S. citizens in rising to this challenge.

One of the most dangerous things confronting the United States of America is the current situation of morale at the three nuclear laboratories of the United States. These are the three labs that for three generations we have sent the greatest scientists in America, the best young scientists who wanted to go because it was a great place to work. We used to get the top graduate Ph.D.s from Texas A&M in physics. They would cherish going to one of the nuclear laboratories for 10 or 12 years. From MIT, from Harvard, from Cal Tech, everywhere.

We were being told about a current report available to this committee, while it was in conference, the committee that produced this bill, called a Baker-Hamilton report, named after Senator Baker and Representative Hamilton. It is about 6 weeks old. They were asked to check the current situation in our laboratories. They are more worried about the morale of the scientists there than any other single thing. They have concluded that the recruitment of young, bright scientists is off in excess of 50 percent because of the constant bombardment of those laboratories over the last 18 months with references to security, some of which has been corrected.

They also concluded that a laboratory which is perfectly secure but cannot maintain the highest degree of science in the world is not a very good laboratory. They maintain that we should do less polygraphs, not more, be more targeted, and more efficient and more effective.

Guess what the bill does. This bill permits 5,000 additional laboratory employees. This may even permit them to go down to a janitor, I don't know, and submit polygraph tests to them. And believe it or not, they provide a waiver for the Secretary of Energy. Then they say you cannot use the waiver if, in fact, the reason for it is that the laboratory is having morale problems and cannot keep its personnel to stay alive. That is paraphrasing.

I read the exact words: This amendment would prohibit the Secretary from using the waiver to maintain the scientific viability of a DOE laboratory. That is the precise reason you should be able to use a waiver, the viability of the laboratories.

Frankly, I am not at all sure everyone who signed this conference report and produced the bill that they really think is a great bill knows that provision is in there.

I say to my good friend, the chairman of the committee, I worked hard and fast and side by side with the Senator from Virginia to get a new law to create a new, semiautonomous agency with which he helped so much. It is now known as the National Nuclear Safety Administration, headed by a great general whom you know, General Gordon. If you asked him, Can these laboratories work under these kinds of conditions? he would tell you: Please don't do that. He would say: Please don't do that. That is the wrong thing to do.

Frankly, all I am asking is that the Senate take heed of what I am saying. I am not asking for anything more. I am not even asking the distinguished chairman for anything today. I only hope he is listening and next year, early on, when the Senator from New Mexico tries to change this provision consistent with the Baker-Hamilton report—and almost everybody who has looked at our National Laboratories since the Wen Ho Lee case would agree, too—I hope the distinguished chairman and the chairman's staff will consider, early in the year of the next Congress, something that will fix this provision; 5,000 additional polygraph employees is not the way to go with the laboratories in the position they are in now.

There is no evidence that polygraphs of the type they are talking about have anything to do with security, veracity, or anything else. I know the people who work there. It is somewhat of an insult to consider the average employee, some of whom have been there 30 years, has to be subject to a polygraph because security has gone awry in the laboratories.

I really wish I had had a chance to present this issue. I think it is exactly the kind of thing we should not be doing. I am going to do everything I can, starting next year with the first legislation that is around, to change this. In the meantime, I am glad the Secretary does not have to go next month and start immediately imposing these polygraphs. He has a little bit of time. I hope he squeezes the time so next year we can fix it. That is all I have on this subject.

I say to the distinguished chairman, thank you for yielding me time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, on my time I thank my colleague for bringing this to our attention. I commend him for the fervor with which he has taken the interest of these very vital laboratories, some of which are in his State, and spent inordinate amounts of time in his Senate career trying to strengthen them and look after the employees. I know how difficult it was for him to work through the complicated case which was recently disposed of.

I worked with the Senator in the creation of this new entity in the Department of Energy. I am about to get some new documents. Once I get them, I want to show them to you and we may find a little time to amplify this record. But I am advised, subject to the documents coming, we did take into consideration the concerns the Senator has expressed, and we do have a letter from the individual primarily responsible for security saying they could work with this proposal, this language.

Until I get that letter, I will withhold. But I may ask unanimous consent to have documents printed in the RECORD, should I get them in my possession, after showing them to my good friend and colleague, the Senator from New Mexico.

Mr. LOTT. I know the Senator from Georgia is prepared to speak. Will he allow me to intervene for a moment? I do not want to take away from time that may be reserved, so I yield myself such time from my leader time as is necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I will be brief. I want to commend Senator WARNER for the effort he and his staff have put into this bill. I am hoping we can wrap up the debate and get to the votes that are going to be required on the point of order and final passage before too late in the evening.

This has been a long time coming. It has been a laborious process. Senator WARNER stuck with it. Obviously, he had help from his colleague on the other side of the Capitol, the gentleman from South Carolina, Congressman SPENCE. He worked with Senator LEVIN, the ranking member. But this is a monumental achievement.

There are some people who have the idea we do not need the Defense authorization bill if we have already done the Department of Defense appropriations bill and military construction appropriations bill, but we need this bill because it authorizes important programs; it authorizes important changes in the law; it authorizes the money that we need. I want to touch on a few of those very briefly.

The funding level for new budget authority for the Department of Defense in this bill is $309.9 billion, which is $4.6 billion above the President's budget request. It is an increase over what was requested for procurement, for research, development, test and evaluation, and operations and maintenance. It also has a 3.7-percent pay raise for our military personnel effective January 1, 2001.

Last year, when we had a pay raise for our military men and women, the word I got from the rank-and-file troops, and also from the Joint Chiefs, including specifically the Chairman of the Joint Chiefs, was that it absolutely transformed the attitude of our military men and women who were leaving and were not "reuping," as the saying goes in the military, because they really wondered if we appreciated them and knew they were there. At least by improving their pay, by dealing with their retirement benefits, and now in this bill, another pay raise, and dealing with this question of health care, it is going to have a good effect on morale. Obviously, we want the morale to be good. We want quality of life in the barracks. We want the ships and tanks and everything we need. But if we do not begin with decent living arrangements for our military men and women, then all is lost.

This bill comes at a critical time. Just today we see what the risks are—the U.S.S. *Cole*, built in my hometown of Pascagoula—I believe I was there when it was commissioned—300 sailors on the ship, and now we see 3 dozen or more of them are killed or injured and others are missing. Yet this is one of the most sophisticated ships in the world. But it shows once again, if we have kamikazes who are willing to put it all on the line, to get killed, to do damage, they can do damage to our equipment and to our men and women. This is no time to nitpick this bill and turn away from it.

There are those who say we should not be starting these new programs or make them permanent. But for our military men and women, active duty and retirees, and for their families, we need to address this health care question. For our military people to be told, at 65, you are off, you are off this program, go there and get on Medicare or find some other arrangement, is wrong. When we talked to our military personnel and our retirees and we said: what is really the thing that you want the most in helping you deal with your health care needs, they cited the pharmaceutical problem, the need for pharmacy benefits, either mail order or, in this bill, through retail.

This is a major achievement. I have already had military retirees and veterans call my office literally in tears to say thanks for what we are doing here. Maybe it was not done exactly the prettiest way, or in the way it should have been done early on, but this is a major achievement. I do not want to be the one to explain to some veteran, because of a procedural issue or a point of order, that we don't address this need of our military men and women and their families and our retirees. I am not going to explain that. I am going to vote for this bill, and I am going to do it proudly.

Then there is another provision that objections have been raised about, and that is the Department of Energy employees who were injured due to exposure to radiation and other problems at our DOE facilities and nuclear facilities. Again, there may need to be more work on it. Maybe it should have been handled in a different way. But who wants to tell these people who have been injured by our Government operation, "There is no program for you." Not me. I do not think we should walk away from this at this point.

This is a reasonable compromise. Both the retirement and the DOE program that was added as we went along, and expanded, while it may present certain difficulties for some of our people, in the end it is the right thing to do. Also, it is attached to a bill that we need desperately—a good bill, a bill that has been a long time coming.

I thank all those involved. There are so many parts of it I could refer to that are important, but I didn't want us to get to final passage without me saying we should do this bill—we should defeat the point of order, and we should pass this bill. It is the right thing for the defense of our country, for our veterans, and the right thing for people who have been injured and haven't been properly compensated. We can fine tune the program as we learn more about the extent of the damages and how much they are injured and the proper way to deal with it, but for now I urge my colleagues, vote for this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend our distinguished majority leader. This bill had a long and tortuous course through the Senate, but he stood by our side, not only me, as chairman, but the members of the committee from both sides of the aisle, and the Democratic leader likewise.

I see the presence of the distinguished Senator from Nevada. On those days when we were on again and off the next, you stood by. Last year, you were the first one to cosponsor the bill on the pay raise, the first one this year to cosponsor the bill on the medical benefits. While you are no longer a member of our committee, having once been one, you have stood with us throughout this whole process. I thank you.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. WARNER. I inquire how much time our distinguished colleague and very valuable member of the committee, without whose wit and function I doubt we could function, requires.

Mr. CLELAND. I thank the Senator. Two minutes.

Mr. CLELAND. Mr. President, I come before the Senate to remind Members that the news today reminds us why we need a Defense authorization bill; why we need pay increases for our military men and women abroad; why we need our Armed Forces to be strong; why we need to take care of our military retirees, especially in terms of their health care needs; why we need a defense of this country at all.

Our young men and women are in 121 nations around the globe, and they stand on watch in defense of this country. In doing so, they voluntarily, every one of them, place themselves in harm's way. We saw the cost today of that terrible price that is exacted from time to time on our service men and women. All of us have in our hearts and in our thoughts and in our prayers the families of those service men and women on board the U.S.S. *Cole* as they struggle with taking care of their dead, their wounded, and their missing.

This year's Department of Defense authorization conference report represents months of hard work and compromise on behalf of our Nation's military, as has been discussed. I thank Chairman WARNER and ranking member CARL LEVIN for their leadership throughout this entire process this year and for their support particularly of my initiatives to enhance the GI bill. Stephen Ambrose, the historian, particularly of the greatest generation of World War II, said the GI bill is probably the finest piece of legislation ever devised by the Federal Government.

I thank Senator HUTCHINSON, chairman of the Personnel Subcommittee, with whom I have worked closely this year on issues pertaining to the quality of life of our service men and women.

This conference report has been a long time coming, as has been discussed. We began the authorization process earlier this year. Here we are in the closing days of this session of the Congress and finally debating the conference report for the DOD authorization bill.

The extended time we have taken on this year's bill has been worthwhile, though. It represents our continued effort in the Senate to build upon a firm foundation by providing a substantial increase in funding for the U.S. military, and Lord knows we need it.

Last year was the first step in addressing some of the pressing needs of those who defend our Nation by providing pay increases—and by the way, with last year's pay increase and this year's 3.7-percent pay increase, we will have provided just in the last 2 years the biggest pay increase in a generation.

This bill not only provides pay increases but reform of the military retirement pay system, targeted bonuses, critical investments in spare parts, and continued support for the next generation of weapons systems.

We have taken an even bigger step this year throughout this process. We have talked with our men and women in uniform. This year I have been to Kosovo. I personally have been to Japan and the Korean peninsula. I talked with our men and women in uniform serving around the world. I consulted with the leadership of the services. We have taken yet another step to fulfill the promises to support those who put on the uniform and carry our flag every day.

Our people, as we now know, and are so painfully reminded today, face dangers every day in what seems the most routine of tasks. Our hearts do go out to the sailors and families of those serving, especially on the U.S.S. *Cole*, tonight in the Middle East. Those sacrifices are just a recent reminder of what our men and women face every day.

This year we continue the support of the modernization of our Armed Forces by funding the next generation of weapons systems, such as Joint Strike Fighter providing critical funding for the F-22 aircraft. We have authorized additions to some of our most trusted aircraft systems by increasing the funding for C-130s made in my home State of Georgia and funding additional JSTARS aircraft, without which we could not conduct modern warfare.

Also included in this bill is increased funding to support the Army's plan to transform itself into a leaner, more mobile fighting force. We have authorized funding of $222 million for our spare parts accounts and over $407 million for equipment maintenance accounts to address such critical readiness issues.

This year, as with last year, we have increased funding in support for the most critical weapon in our arsenal—our military men and women. It is their hard work and selfless service that make America's military the strongest force in the world.

This year, we provided that 3.7-percent pay increase to all military personnel. We have eliminated TRICARE copayments for our military families and extended TRICARE Remote to active duty family members assigned to remote locations who do not have access to military treatment facilities.

We have authorized almost $9 billion for military construction and provided improvements to family housing, which is much needed. We have included full implementation of a thrift savings plan for service members.

We have also authorized those military families eligible for food stamps to qualify for an extra $500 a month. Most importantly, this year, we have taken an enormous step by providing health care access for our military retirees. Since my election to the Senate, I have heard from military retirees in Georgia and across the Nation regarding health care benefits. When they were asked to serve their country, they did not turn their backs on our country. Time and again, we have heard their call for keeping this country's promises to them.

This year, we are living up to that promise. In this conference report, we have authorized the Warner-Hutchinson provisions granting TRICARE for seniors as a lifetime benefit for our retirees over the age of 65. For the first time, we are granting health care insurance for military retirees over 65. Though in the beginning this was a 2-year pilot program to be fully implemented and fully funded in the outyears, we worked to make this benefit permanent.

Additionally, I worked with my colleagues to provide a prescription drug benefit, prescription drugs being the biggest out-of-pocket expense for military retirees, for our Medicare-eligible retirees. This is the first prescription drug benefit to be offered by the Federal Government.

Our military retirees have earned these benefits, and I am proud to support both of these vital provisions.

One quality of life issue I have been working on during the past 2 years has been educational benefits. I was pleased that two provisions of my educational initiative are included in the conference report: authorizing the services to pay 100 percent of tuition assistance for going to school while in the military and allowing VEAP participants to buy into the Montgomery GI bill. However, we have to do more. I will continue to work to address the quality-of-life issues, especially educational benefits. I still believe we must make the GI bill more family friendly. We must work to offer a transferability option to our military families, as recommended by the congressionally mandated Principi Commission.

I note this conference report is subject to a budget point of order. There are important concerns about the increases in mandatory spending that are included in the legislation. However, this spending which is mainly for health care benefits is needed and justified. Therefore, I will not support the budget point of order and will support final adoption of this conference report.

In the next congressional session, we have to continue to work hard to establish meaningful benefits for service members who serve our great Nation by taking additional steps along the road to maintaining the finest military in the world. We must honor the soldiers, sailors, airmen, and marines who serve this country. They deserve it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Virginia.

Mr. WARNER. Mr. President, I again thank our distinguished colleague from Georgia. His knowledge of the military and his real love and deep respect for them to this day is an invaluable contribution to our committee. I thank him for his hard work and his extensive travel to military bases and installations in the United States, as well as abroad.

Mr. LEVIN. If I could just ask my friend from Virginia to yield, let me join in his thanks to our good friend from Georgia for the really not only invaluable but unique contribution based on his experience, as well as his judgment, on so many issues that come before us.

It is hard to imagine the committee without the Senator. I just want to add my thanks.

Mr. WARNER. Mr. President, we should add to that—Senator LEVIN and I—how hard the Senator fought with respect to amendments on the GI bill for portability of the benefits, enabling the service person to have a quantity of those benefits—whatever fraction might be agreed on in law—to be passed on to a spouse or a child. I supported that and fought that battle with you, I say to the Senator. We did not win. We lost in conference. But, I say to the Senator, we will start that next year.

Now I would like to refer to the UC agreement which is governing this debate. I will read from it: That following the debate just outlined—that is basically what we have had to date—Senator BOB KERREY be recognized to make a point of order, and that the motion to waive the Budget Act be limited to 2 hours, equally divided in the usual form.

It also states: I further ask unanimous consent that following the use or yielding back of time on the motion to waive, the Senate proceed to vote on the motion and, if waived, a vote occur immediately on adoption of the conference report, without any intervening action, motion, or debate.

The one remaining thing is, I intend to fairly—and I am sure my colleague from Michigan does as well—deal with Senator PHIL GRAMM, who unavoidably had to leave the floor. But let us proceed now under this order with the recognition of our colleague, Senator KERREY.

Mr. LEVIN. Mr. President, I do not know if that is a unanimous consent request or not.

Mr. WARNER. No, I didn't put it in the form of a UC.

Mr. LEVIN. If my good friend from Nebraska would yield for one moment for me to comment on that, the situation we are in is the following: We were to use all of the time on the conference report prior to turning to the point of order. We were to either use it or yield it back. We have not done that yet. Yet the Senator from Virginia is suggesting we turn to the point of order.

Mr. WARNER. Mr. President, the Senator raises a correct point. But I want to protect Senator GRAMM of Texas.

Mr. LEVIN. If I could just finish my thought, I fully agree with the determination to protect the Senator from Texas. On the other hand, I do not know where that leaves us in terms of this unanimous consent agreement. And if I could complete my thought, everyone reasonably wants to have some idea as to when the votes will begin, and to a large extent that is going to depend upon Senator GRAMM's decision of how much time he wants to use of his time.

I want to, as a factual matter, see if my good friend from Virginia has the same understanding. Both of us have time remaining, I believe, on our time.

The 2 hours under the control of the chairman, how much of that time, if I may ask the Chair, is remaining?

The PRESIDING OFFICER. Fourteen minutes is remaining under the control of the Senator from Virginia.

Mr. LEVIN. How much time do I have remaining?

The PRESIDING OFFICER. Fifty-nine minutes.

Mr. LEVIN. Is that time now still remaining under the approach we are taking, if we turn to——

Mr. WARNER. Mr. President, it would be, because I have not yielded back time on the UC. I was just trying to keep this thing moving in an informal way, protecting our colleague from Texas. I would be willing to yield back my 14 minutes. I presume the Senator would be willing to yield back his 59. Because the two of us have time under the debate of the motion of the Senator from Nebraska. So I think we are adequately protected. That would move this forward and shorten the time between now and the vote.

Mr. LEVIN. Mr. President, I would concur in that approach that we yield back the remainder of our time on the conference report. I understand Senator WELLSTONE has yielded back the remainder of his time. That would leave 1 hour under the control of Senator GRAMM. We would then modify the unanimous consent agreement so that hour, in effect, would be placed into this second tier of debates.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, I want to clarify, I am not certain at what juncture Senator GRAMM would be recognized. Again, he is unavoidably away from the floor. But we could proceed, presumably under Senator KERREY's motion and my motion that I would make, and really have the vote on that, and then Senator GRAMM could be recognized if he can't be recognized beforehand.

So I am prepared to yield back 14 minutes. As I understand it, the Senator from Michigan yields back 59 minutes. Let's have action on that.

The PRESIDING OFFICER. Would the Senator from Virginia restate his unanimous consent request?

Mr. WARNER. The unanimous consent request is that I yield back my 14 minutes remaining under the existing unanimous consent agreement, and the Senator from Michigan yields back 59 minutes, with the understanding that the UC agreement which provides 1 hour under the control of Senator GRAMM remain intact.

Mr. LEVIN. I have no objection to that. I think that is a good course.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nebraska.

Mr. KERREY. Mr. President, I make a point of order the pending Defense authorization conference report violates section 302(f) of the Congressional Budget Act of 1974.

Mr. WARNER. Mr. President, I move to waive the relevant provisions of the Budget Act with respect to the conference report to accompany H.R. 4205, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, the 106th Congress appears to be heading towards an ending which will be regarded by many as an orgy of spending. Over the past 12 years when I was approached by citizens who sought additional spending I would invariably reference the spending caps contained in the Budget Act as a way to encourage restraint. But this year, the total spending contained in thirteen FY2001 appropriations bills will be $100 billion over the original spending caps. By drastically increasing the spending baseline, we are adding more than $1 trillion in additional spending over the next ten years. This additional spending is in excess of one dollar of every ten dollars in total U.S. Gross Domestic Product which we propose to collect in taxes and spend. This will be done with nary a debate about the wisdom of our actions.

In addition, there are active discussions under way about spending more to "fix" the changes we made in the 1997 Balanced Budget Act, to cut taxes, and to create a prescription drug benefit for seniors. Before we go any further, we need to step back and take a look at the choices we are making about the budget surplus.

The Defense authorization conference report is our first opportunity to do so. Contained in this bill is an authorization that drastically expands the health care entitlement of military retirees over the age of 65—a provision that costs more than was allocated to the Armed Services Committee under current law. The cost of this provision violates our budget rules because it mandates $60 billion in new mandatory spending beyond what is authorized in our budget resolution. Because this provision violates the Budget Act, at least 60 Senators must vote to ignore the budget resolution. While fully I expect 60 Senators will vote to do just that, I hope the debate this afternoon provides us with a better perspective on what we are about to do with the people's money.

The provision we are debating about increases health care spending on 1.2 million military retirees and will cost, according to CBO, $60 billion over the next 10 years. But this number is deceiving. By 2010, the annual cost will be nearly $10 billion. I think we have a duty to ask ourselves what problem are we attempting to solve at an eventual annual cost of $10 billion? The provision in the conference report would allow military retirees to remain in TriCare when they turn 65 and would allow these retirees to continue to receive health care provided by the Department of Defense. Currently, when military retirees turn 65, they must transition from a more generous health insurance program called TRICARE to a less generous program called Medicare where co-payments and deductibles are higher. By changing the law, we will in essence be providing a subsidy for military retiree health insurance coverage that contains no deductibles or co-payments and a generous prescription drug benefit. Imagine the cost if we did the same for all Medicare beneficiaries.

I oppose the provision both for policy and budgetary reasons. First, the rhetoric in support of this spending exaggerates the promise that was made to the men and women who volunteered and served in our Armed Forces. Worse, it undermines and reduces the value of the motivation of millions who volunteered with no expectation or desire of being repaid with taxpayer-financed benefits. Our motivation was that it was our duty, and that the service would be good for the nation and for us. In my case, I got a bargain and I do not like the feeling I get when I hear former comrades-in-arms claim they are entitled to some benefit on account of their service.

A second objection to this provision is that it is in essence an admission that Medicare is an inadequate program whose coverage is unacceptably poor. Military retirees are not the only former employees in America who must transition from health care provided in the work place to Medicare. You could probably find millions of current Medicare beneficiaries who would stand in line to have their copayments and deductibles paid as this provision will do for military retirees. If we grant this benefit to military retirees, how soon do you think it will be before non-military retirees will be asking Congress to do the same for them?

My third objection is based upon considering the source of the money we will use to pay this subsidy. The source of the money will, of course, be individual and corporate income taxes. Please don't tell me the government is paying for this. That is a euphemism used by politicians and military retirees alike to hide the truth: we will be collecting individual income taxes from millions of working families who cannot afford to buy health insurance in order to subsidize the purchase of Medigap coverage for millions who could afford to pay their premiums.

Unfortunately—as is often the case—beneficiaries of this income transfer are better organized and better informed than those who will be paying the bills. As a consequence, there will likely be 60 votes to waive the budget point of order. I doubt there would be 60 votes if the transfer of funds was in the opposite direction: from those who have health insurance to those who do not.

My final objection is that the extension of this benefit conflicts with the need we have to invest in our current forces: their salaries, their training, their equipment, and their benefits. Every dollar we commit to increased spending on the mandatory side of our budget—which currently represents two-thirds of total spending—comes at the expense of appropriated spending, defense and non-defense alike.

It is very possible that this business of breaking the budget caps may become a habit. If that's the case, then the conflict between mandatory and discretionary spending may become moot. That's the good news. The bad news is, if this happens we will have spent our way back into fiscal deficits.

Under the budget law that governs our spending, we should be spending no more than $540 billion on defense and non-defense appropriations. The budget resolution enacted by Congress earlier this year allowed for $600 billion in spending. The appropriations bills we are trying to finish will contain at least $40 billion more.

Most Members of Congress are aware—even if most Americans are not—that we cannot do this under the law. To appropriate $640 billion, 60 Senators will have to vote to waive our own budget act to lift the spending caps or to waive the imposition of $100 billion sequester of all defense and non-defense appropriated accounts.

My fear is that we will likely take this action as a consequence of our desire to get out of town quickly. We will have minimal debate and will hope that the American people do not notice what we have done until after the election. However, if we were to have an actual debate on this issue, I believe there would be at least two positive outcomes beyond informing the American people of what we are doing. First, domestic spending levels dictated by our budget act are too low. Second, in less than ten years, the pressure of mandatory spending, even presuming lower interest costs, will become enormous.

Mr. President, I do not expect to win this vote given the margin of victory when it was considered in the Senate earlier this year. Therefore, I will not take more of my colleague's time with further arguments against this provision. Instead, I want to present a case for increasing defense and non-defense spending, but against the willy-nilly process which will lead to the greatest expansion of domestic spending since Lyndon Johnson was President. After I make this case, I will briefly describe the looming problem of mandatory spending.

The good news on spending is that a synergistic combination of federal fiscal discipline and economic growth has shrunk domestic spending as a percentage of total U.S. income to its lowest levels since the middle 1970s. Ten years ago, total Federal spending consumed 22 percent of U.S. GDP. This year, federal spending will be 18 percent of our GDP. According to CBO, if current law is unchanged, total spending will fall to 16 percent in ten years, the lowest percentage of our income since the Eisenhower administration.

In current dollars, each 10 percent of GDP represents nearly $1 trillion. It is a tremendous amount of money that causes the people of most other nations on this earth to shake their heads and wonder at our good fortune. Leaving $4 trillion in the economy over the next 10 years for private sector purchases and investments adds a lot of constructive steam to our economy. This fact gets too little attention when we are debating how to sustain our current economic recovery.

Mr. President, this is why we need to stop and to consider what we are doing before we quietly agree to spend $1 trillion beyond the original discretionary spending caps. We would be better-served if we made this decision to increase the caps with a coherent and holistic debate about how to invest the surplus. A spending strategy that would increase the productivity of our work force by increasing the percentage of college graduates, and by increasing the number of high school graduates who have the necessary technical training to succeed in the American economy. A thoughtful debate on our spending strategy would no doubt also lead to higher spending levels on early childhood education and adult education. A thoughtful debate on our spending strategy would no doubt recognize the need to invest in our non-human infrastructure of roads, research, sewer and water. And a thoughtful debate on our spending strategy would no doubt contain safeguards to make certain that we do not throw good money after bad.

Instead, we are going to commit ourselves to dramatic increases in discretionary and mandatory spending without any unifying motivation beyond the desire to satisfy short term political considerations. To be clear, Mr. President, I do not believe most of these considerations are bad or unseemly. Most can be justified. But we need a larger purpose than just trying to get out of town.

On the mandatory side of the spending equation we have allowed the heady talk of surpluses as far as the eye can see to prevent us from seeing the wave of baby boomers that will begin to become eligible for taxpayer subsidized health and retirement benefits in less than 9 years. In less time than our most senior colleagues have served in the Senate, the ratio of American workers being taxed to pay the benefits for those who are eligible will shrink from 3 workers per retiree to 2 workers per retiree. If we continue to vote for more and more spending—as a percentage of our income—on Americans over the age of 65 and less and less on Americans under the age of 18 we will create two terrible problems: workers who do not have the skills to earn the money needed to support their families and a collective working population whose total income is smaller than needed to avoid higher payroll taxes.

And yet that is exactly what we are doing with this provision in the Defense authorization conference. We obligate another $60 billion of tax revenue to reduce the burden of buying Medigap insurance. Just this year, a majority of the Senate has voted for a prescription drug benefit, an end to the Social Security earnings test, a decrease in the income tax of Social Security income, and this military retiree provision. Together, these mandatory spending items will cost the American taxpayer more than $500 billion over the next ten years.

These spending levels may in fact be justified and affordable. However, they could also end up squeezing our domestic spending further as a percent of GDP. Because entitlement spending programs are locked into law, because those who favor these benefits are well organized and easily provoked come election time, they tend to be protected from spending cuts forever.

I ask my colleagues to consider how many votes there would be for a proposal to waive the budget act in order to spend $60 billion more on our children to improve the quality of their health, their education, their lives. How many votes would there be for such a proposition? Less than 60, I assure you.

Mr. President, I regret the proposed expansion of tax payer subsidization of military retirees' health benefits will not take place in the context of a more thorough debate of current and future Federal spending. In my view, it would be far less likely that this entitlement expansion would occur if we understood how it will add to the problems created by rapidly growing mandatory spending that begins again just as the full cost of this new benefit kicks in. And it would be far more likely that if we did vote for such an expansion we and the American people would understand the future consequences of our actions.

Mr. President, let me say, I regret this may be my last speech on the Senate floor and that it be a speech against extending additional benefits to my fellow veterans or, stated another way, which I think needs to be thought about as we do this, asking other taxpayers to pay some things that I currently pay for myself by asking them to subsidize me even more for the service.

I am military retired, let me fully disclose to my colleagues. I will benefit from this provision regardless of what my income is, regardless of what my need is. I say to you, I am personally offended by some of the rhetoric around this. I did not volunteer for the U.S. Navy in order to get anything. And you take away the most important value that I have from my service: I served; I volunteered. You did not have to buy that. You did not have to give me a health care benefit.

If you want to give me a health care benefit, give it to me, but please do not say you owe it to me. You may decide it is necessary, but I got more from my service than my country got from me. I am the one who benefited from my service. And I am much less likely to benefit if all of a sudden I become a mercenary. You would owe me money because what this bill does is it says that when our veterans reach age 65, Medicare is not good enough; Medicare will not be good enough for the 1.3 million veterans over the age of 65 who are military retirees; it is not good enough.

We are going to buy their Medigap insurance. Oh, no, Medigap isn't good enough. It has to have a prescription benefit in it. That is what this does. It asks one group of taxpayers to pay the Medigap insurance for another group of Americans who say Medicare is not good enough.

Look, I know it is a hot issue. I have received lots of phone calls already from people who say: Gee, KERREY is down here trying to stop this.

I do not expect to get more than 40 votes. I hope there aren't 60 votes to waive the Budget Act. I say to my colleagues, nothing would send a better signal from this Congress right now than for us to say that we will not waive the Budget Act—that we will not waive the Budget Act.

We are not getting much leadership down at the other end of Pennsylvania Avenue. And there is a spending orgy going on. We are going to have another vote to waive the Budget Act on appropriations. The cap, prior to the budget resolution, was $540 billion. The budget resolution raises it to $600 billion. We all sort of privately know it is going to be $640 billion or $645 billion. That is $100 billion over the previous cap. That is $1 trillion over 10 years. There is a meeting going on amongst Senate Democrats on the Finance Committee, talking to Secretary Summers about a tax cut package. There are lots of discussions going on about putting more money back in, as a consequence of the BBA of 1997, for health care providers.

I do not know what it all adds up to, but I will tell you, I have never been in a situation where I took a phone call from somebody who said: Senator, this only costs $60 billion over 10 years—it only costs $60 billion over 10 years. That is what I am getting from people right now.

So I think we would send a very important signal, right now, saying that we will not waive the Budget Act, we will not waive the Budget Act that has created the fiscal discipline that enabled us to get to where we are today. I think it would send a very important signal. I understand that you would have to take this thing back to conference tell the House Members we are coming back next week anyway. Isn't it worth $60 billion to spend a little more time to get this thing right?

Let me get into the substance of this. I think it is important for us to send a signal that we will not waive the Budget Act to spend only $60 billion over the next 10 years.

Let me make the case against the provision. First of all, I reiterate, you don't owe me any additional benefits. This Nation doesn't owe me anything. I will make that case, and I will make it repeatedly because I have heard an awful lot of rhetoric here that implies that I am a mercenary.

I am a better person because of my service. I learned from my service. I believe I am a part of a nation as a consequence of my service. I wasn't just in the Navy; I was in the U.S. Navy. It has enriched me. It has benefited me. You didn't have to pay me to get me to do it. I did it as a consequence of believing that it was my duty. I thought I was going to be the one who came out ahead, and I have.

Please, in the rhetoric you are using to describe why this is necessary, don't tell me it was a promise. I am one of the beneficiaries of this language, and I wasn't promised any benefit when I signed up. If you want to give it to me, fine, but please don't tell me that you owe it to me.

Secondly, it is important for us to do some sort of evaluation of need. The last time I checked, I didn't see an awful lot of military retirees out there foraging in the alley for food. We need to do some sort of evaluation of need. Remember, we are taking $60 billion over the next 10 years from one group of Americans, and we are going to pay for the Medigap insurance, including a prescription drug benefit, for another group of Americans.

I don't know how many Americans we are going to tax who are out there right now saying, I don't have enough income to pay for my health insurance, but there are a number who are. They are sitting out there, hard-working families, paying their bills, who are an important part of our country as well, who are an important part of our society.

We are not saying to them, you are entitled to Medigap insurance. We are not saying to them, you are entitled to a prescription drug benefit. What you are entitled to is to pay somebody else's bills. Remember, the Government doesn't pay for anything. All we do is collect the money and pay the bills for somebody else. We are obligating $60 billion over 10. In the tenth year, this thing is knocking on the door of being $10 billion a year at the very moment—which is my third point—at the very moment when we have this unprecedented baby boom generation that begins to retire.

I know this surplus goes as far as the eye can see. I understand that it has gotten more difficult to say no to people as a consequence of that; the fiscal discipline is lucid. But we are not going to change this demographic boom that is heading our way. It is not going to be altered. There aren't enough H-1B visas we can issue to immigrate our way out of this problem. We aren't going to have three people working who we tax to pay the retirement and health care benefits of those who aren't working. We are only going to have two. We are going to have two workers per retiree. You don't get to pick Warren Buffet and Bill Gates to tax. You tax an average.

As a consequence of taxing that average, we are going to have a very difficult time paying the bills. Everybody who has examined this says that is the case. It is true that right now, under the previous CBO evaluation, we have stabilized the cost of mandatory programs, but not for long. We are going to be right back off to the races again starting in 2009. Our Federal Government, unless we exhibit some restraint, is going to become an ATM machine. We are going to be collecting money from one group of taxpayers and shipping it on to another group of taxpayers.

The reason it is a problem can be seen in the way our authorizers had to deal with this. They didn't want this money to come out of Defense appropriations. They didn't want it to come out of readiness accounts. They didn't want it to come out of our ability to be able to recruit, to train, and equip our forces. No. They want to protect that. So they push it all over into mandatory.

Well, you can only push it so far. I am sure the chairman of the Budget Committee will say at some point you have a limited amount of money you can extract from the U.S. economy. If you have a limited amount of money and you have mandatory programs going, it is going to eventually put pressure on appropriated accounts. The paradox, in my view—not shared by all—is that we probably are underinvesting right now in things that will increase productivity and will increase the strength of our economy. It is a paradox because we are going to be taxing the very people in whom we are underinvesting because we don't have a sufficient amount of resources in the appropriated accounts.

As I said, on the basis of policy, I think on the basis of fiscal discipline, on several other bases I could talk about, this sounds good. Again, I understand the pressure. Nobody organizes better than Americans over the age of 65 in order to get something they think they are entitled to. In a relatively short period of time, I have generated well over 75 phone calls, including one misguided human being who said he was going to do everything in his power to make sure that my Medal of Honor was taken away from me. Well, more power to him; have at it. It is not likely. I am not offended by that. It is just an indication of the intensity of people's feelings, to which they are entitled. They don't tell us where we are going to get the money. The Government is going to pay for it; that is as far as they will go. Let the Government pay for it.

The Government—I say again, for emphasis—doesn't pay for anything. It collects. It taxes one group of people in order to pay the benefits for another. That is what we are doing. You have a very difficult time, either on the basis of promise or on the basis of need, making the case that this group of Americans needs to have us pay their Medigap insurance, including a prescription drug benefit.

I hope my colleagues, at this moment when we seem to have lost our fiscal discipline, will come to the floor and say: I might have, under normal circumstances, liked to be able to help these military retirees, but we have to stand up and say, no, we are going down a road where, when the smoke clears, we are going to find ourselves looking pretty foolish for having spent all the money or committed all the money that we have done.

I hope my colleagues, even those who might say they like this benefit, will not vote to waive the Budget Act. The Budget Act has given us the discipline that enabled us to get this far. To sort of willy-nilly come down here and say, fine, my phone is ringing off the hook, I will not be able to stand up to that, I have to say, yes. The Budget Act allowed us to turn to our citizens and say, we have to be disciplined. It gave me, for 12 years, a method by which I could say, look, I support what you are doing, but we don't have the money. We have to say no sometimes to things we want to spend money on.

I hope my colleagues will come to the floor and muster the will to vote no on waiving this Budget Act.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I know there are moments in the life of a Senator that they will never forget. This is one I will not forget. I don't have a better friend in the Senate than my good friend from Nebraska. I don't know of any Senator—well, perhaps Senator INOUYE, of course—who has more rightfully earned the respect of this body and, more specifically, the men and women of the Armed Forces for his courageous acts in the field of battle in Vietnam. I was privileged to be in the Navy Secretariat with our recently departed, beloved former Senator Chafee, who was then Secretary when the Medal of Honor was awarded my good friend.

I have to say to my friend that, yes, in law, it is not clear about their entitlement, but in every other respect—sometimes the law is silent—these people were, time and time again, told they would have for life their health care.

I want to draw a distinction which was not clear in the Senator's otherwise very able presentation. He talked about his service, indeed my service, which was very insignificant compared to his, but we both served in the Navy at different times. I think I have some faint recollection of this, but it was long ago; I won't rest my laurels on that.

You went in initially not with the idea of becoming a careerist, and there may have been a point in your career when you did think about staying for 20 years.

The people who are entitled under this legislation are the ones who devoted their careers—a minimum of 20 years and often more years of service—to the military. It is not those like myself who served for briefer periods in World War II and brief periods in Korea. This legislation doesn't cover them. It would not cover you, regardless of your injuries which entitled you to other medical care that you received that was service connected. My point is, the person who goes in for one hitch as an enlisted man, one tour as an officer, they are not the beneficiaries under this. It is that class of individuals who, together with their families, have dedicated a career, who have moved, who responded to the call to go overseas many times, in most instances. That is what this legislation is for. I would like to have the Senator comment on that.

Mr. KERREY. I am pleased to, Mr. President. First of all, I am a retired Naval officer for medical reasons. The Senator is quite right; there is a difference between the reason I signed up, how I did it as a reserve officer, and somebody who signs up for 20 years. No question, that is true. I don't mean to imply there isn't a difference; there is a significant difference. When I hear people describing what this benefit does, that we are only talking about people who are in 20 years, the rhetoric is far afield on this.

I feel like I can't go home and talk to friends and neighbors and say I am getting one more thing from my Government here. I am just telling you that I don't feel as if this country owes me anything. I want my colleagues, especially those who didn't have any military service, to know that. I have gotten more out of it than my Nation got. You say, well, somebody who has been in 20 years should be promised health care. There are employees we promised health care to. I say this to the Senator from Virginia: Medicare is health care. What do you say to somebody who has been in the workforce who says, "My employer promised me health care, and I get to be 65 and I have to have Medicare." Do we say we are going to pick that up as well? That will be the next thing knocking on our door.

Mr. WARNER. It should be knocking on our door.

Mr. KERREY. Are we going to pay the Medigap insurance for every single Medicare beneficiary?

Mr. WARNER. It is the obligation of the Congress to fix Medicare and, indeed, I know of initiative——

Mr. KERREY. I don't disagree, but to fix Medicare by saying there will not be copayments or deductibles, I don't think there is anybody on the floor who would argue that eliminating copayments and deductibles is the way to save money in health care. Quite the opposite. The argument on the other side of the aisle—joined by me in 1997—is we should go in the opposite direction. This eliminates copayments and deductibles.

Mr. WARNER. It was intentionally devised that way. When I made reference to the nonmilitary people in this country who are not, of course, eligible because of absence of a career in military service, Congress should be addressing that issue. I know of initiatives time and again to try to do that. Regrettably, it will probably not be done in the waning days of this Congress, but we have an obligation to these people. Do you realize if we had not made this program permanent, we would be casting on these individuals—most of whom are over 65 to 70, and some are medically retired—they would be forced to make a decision to drop their private insurance, which they had to go out and buy? They have to make other decisions because they would not be certain that Congress at some future date would make it permanent. So that is why we had to go down this road.

I will yield in a moment. First, I want to show my good friend something that I found. I went out and did some research on this because I have spent endless hours trying to figure out the facts. I have found this recruiting poster for the U.S. Army. Can the Senator read it from there?

Mr. KERREY. I can imagine.

Mr. WARNER. "Superb health care. Health care is provided to you and your family members while you are in the Army, and for the rest of your life if you serve a minimum of 20 years of active Federal service." This is an actual official recruiting document. I daresay there are many others like it from World War II to this date. If you are a young man or a young woman enlisting today and this is printed by the U.S. Army, you believe it.

Mr. KERREY. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mr. KERREY. It will take 30 seconds to respond. On that basis, my Government owes me a lot of travel. They promised me I was going to see the world. All I saw was Vietnam, right? So I go to OCS for, they told me 16 weeks; it was 18 weeks. Guess what they said. "We lied to you. Big deal." We have a lot of promises we have to keep if we are going to fulfill every promise made at every recruiting office in the United States. Come on, this is about deciding how much we can afford. There is a limit. I know the chairman understands there is a limit. There is a point beyond which one can't go. Are we going to do long-term care? Are we going to promise to pay for that? There are lots of things we can pay for and say we have an obligation.

The question before us is, Are we going to waive the Budget Act? This Defense conference authorization requires $60 billion worth of spending beyond the budget resolution. That is the question, not do you like what this is. You may like this particular provision. But I am telling you, with just a couple of days left in this Congress, we are on a spending orgy. I am having people saying to me: Don't worry about waiving the budget resolution on appropriations; don't worry about waiving the budget resolution on Defense authorization; don't worry, we have to get out of town. Well, we are going to get out of town having done an awful lot of damage if we take that attitude.

Mr. DOMENICI. Does the Senator from Nebraska have any time to yield me?

Mr. WARNER. Mr. President, first, if I might reply, I respect the Senator from Nebraska. I associate myself with his remarks that the military did more for him than he gave to the military. That is certainly true in my case. I don't think it is true in his. I think he served with the greatest distinction, and this country is everlastingly in the Senator's personal debt. Certainly, for this humble soul, the military did more for me than I did for it. I have said that on the floor a dozen times.

There is living proof of promises made. I have shown you the difficulty facing the aged people over 65 and into their seventies who have to make a decision depending on the vote about to be taken in this Senate. They were made to commit one way or another by their Nation. I think they are deserving, having given their careers, families, spouses, whatever. I urge that Members of the Senate join me in waiving this Budget Act.

I yield the floor.

Mr. DOMENICI. Will the Senator from Nebraska yield briefly?

Mr. KERREY. I yield.

Mr. DOMENICI. First, I will be as quick as I can because I understand

Senator GRAMM wants to comment at more length than I. Let me say to the Senator from Nebraska, when you came to the Senate, I had already been here a while. I didn't know anything about you. I didn't know you were a Medal of Honor recipient of the United States. I know you don't like to hear this, but I want to tell you that what you are doing tonight shows that you have something about you that is intuitively or instinctively courageous because what you are down here doing is not so easy for many Senators because, obviously, there is going to be a lot of guff for what you have proposed tonight, asking that we not waive the Budget Act.

I wish to also say to everyone that neither of us—including Senator GRAMM—are saying we should not do what we are doing tonight for our veterans. What we are saying is, with 2 days left in the session, neither the House nor the Senate having any detailed hearings, nor the Medicare people having detailed hearings on this, we come out of a conference with an agreement and propose a little item that over a decade will cost $60 billion.

That may be something veterans are entitled to, but I believe we are all thinking that there is no end to American prosperity and to American surpluses. I think we have come to the conclusion that they will be here forever and they are in quantities beyond anything we can imagine—and whatever goes in the waning moments goes. I think I can support this; I just don't believe we ought to do it now, with 2 days left, without sufficient hearings on the effect on the rest of Government. I might say, without trying to figure out who we are going to give prescription drugs to under Medicare, who are also people who are hurting very much and who think Medicare should have covered them better—there are millions of those people.

I believe the Budget Act singularly permitted the Congress to get its deficit under control. There are benefits from that. Every single American, every single veteran, and everyone in this country participates in a prosperity movement, with low interest rates and things people thought they would never acquire because when we used to stand up and say, "Don't waive the Budget Act," nobody waived it. In fact, I didn't check tonight to see how many years had gone by when neither Senator DOMENICI, nor Senator GRAMM, nor Senator KERREY, nor whomever would say that violates the Budget Act to see if you could get 61 votes. That is why the decade of the 1990s became the decade of discipline.

Do you know the Government of the United States, on average, for the decade of the 1990s grew 3.3 percent, the most formidable in terms of small growth in the last 50 years? There is no reason other than that as to why this deficit has come down the way it has and prosperity has grown the way it has.

I believe next year is a year to look at the big picture, to fit this into all of the other things we have to do. But I don't believe we ought to waive a Budget Act which has protected our people, protected our veterans, and protected the cost of military equipment because of inflation coming down.

Those are all great big benefits that we don't quite understand, but they are very important.

Again, tonight by insisting that we comply with the Budget Act, you are showing me a degree of courage that makes me understand who you are.

I yield the floor.

Mr. LEVIN. Will the Senator yield for 1 minute for a question of the chairman of the Budget Committee?

Mr. GRAMM. Yes.

Mr. LEVIN. While the good chairman is here, I ask a factual question: What is the estimate as to how much the appropriations bill that we are about to vote on in the next few days will go over the discretionary ceiling in the budget resolution?

Mr. DOMENICI. I don't know.

Mr. LEVIN. We predict it is $40 billion for 1 year.

Mr. DOMENICI. No. I don't. If you say that is the case, I disagree.

Mr. LEVIN. I say it is not the case. We have heard the figure. Is it clear that there will be a point of order that will lie against one of these appropriations bills coming up?

Mr. DOMENICI. Surely.

Mr. LEVIN. For exceeding the caps of the budget resolution.

Mr. DOMENICI. That is correct.

Mr. LEVIN. Mr. President, at some point there will be a vote on a waiver of the Budget Act for that purpose—I don't want to estimate the number of billions because I am not privy to it—but for a significant amount of money. I want to put that in this context. This is not going to be the last time this year that there is going to be a vote on whether to waive the Budget Act because the ceiling is exceeded.

I fully agree with Senator DOMENICI. I couldn't agree more in terms of what his comment was about Senator KERREY's instincts. As always, he seems to me honest and open. That is what this point of order is going to force. Even though I will vote for waiving the Budget Act—I am going to vote that way on this point of order—I must say that I think it is very important that this point of order be made. It is so important that if Senator KERREY had not made it, I was going to make it, because I think the Senate has got to understand what we are doing. I think we are doing the right thing. But we are not going to be doing it quietly in a closed way, which is hidden. We are going to be doing it openly or we are not going to do it at all. Maybe there will not be enough votes to do it at all.

But the important point that Senator KERREY and others are making, it seems to me, No. 1, is in their judgment we should not do it. That is the matter of disagreement. But where I think there is agreement is when we do it and when we consider it, we should not be burying it in some bill that nobody knows about. That is why this point of order is valuable, in my judgment.

I thank the Senator for his comments.

One other point: That the size of this item is a 10-year item. The question I asked the Senator from New Mexico, chairman of the Budget Committee, was approximately how much will the appropriations bills for just 1 year go above the budget ceiling and discretionary spending. It is that figure which perhaps by the end of the evening I can try to get an estimate of from the staff of the Appropriations Committee. But it will be a significant amount. We are going to have to vote on it. I hope we vote on that explicitly. I hope we vote on that in that final appropriations bill just as openly as we are going to vote on this. I hope it is not just going to be buried in the final appropriations bill and fly through here without a conscious decision on whether or not to waive the Budget Act. Otherwise, there is no fiscal discipline at all. If it is not done openly, there will be even less fiscal discipline.

I want my comments to go against my time, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I am stunned that we are talking about fiscal discipline and asking whether a bill is over the budget when we have a bill before us where we set out funds in the budget knowing that this was a problem that needed to be dealt with. We set out $400 million in the budget to try to begin to deal with this problem. The bill before us creates a brand new program never debated anywhere and which no Member of this Senate can really explain how it will work. It has never been tested anywhere. It will cost $59.9 billion.

Let me quote from Senator WARNER's letter and his initial cost estimate, which is now out of date because additional benefits were added to this bill. But let me quote from his letter of September 27. "The cost of this proposal is scored by the Congressional Budget Office at $42.4 billion in mandatory spending over 10 years." That has now risen to $59.9 billion. "In addition, the Treasury would accept a $200 billion liability that would be amortized over 70 years."

Not only is this bill a budget buster—it will win the blue ribbon in Congress this year. There will be no bill in this Congress that will approach this bill in terms of fiscal irresponsibility and lack of financial discipline. And all of this was done not in a committee, not in a public debate, but by a group of conferees who got together in closed sessions. The House entered that conference with a program that cost $945 million. The Senate went into the conference with a program that cost $466 million. They came out of conference with a program that cost $60 billion, and committed us to a 70-year debt of $200 billion.

I believe there is no parallel in the history of appropriations and authorizations in America to the bill before us in terms of a bill which has never been debated and a program that has never been discussed.

Let me make a couple of points.

First of all, it is obvious that all of us here tonight should praise our dear colleague, Senator KERREY, who is retiring. You can get a lot of praise around here by dying or retiring. Given the choice between the two, he has chosen the right one.

Let me say that many people have congratulated Senator KERREY for his physical courage. I don't know much about that type of courage. So far as I know, nobody has ever shot at me. Nor do I have any reason to believe I would have been shot at. I don't know much about that kind of courage.

But there is a different kind of courage that I know a little bit about. It is a courage that has to do with standing up to peer group pressure. There is something very human about the fact that somewhere around the first or second grade we start caring terribly about what people around us think. It is something we never escape from until they lower us in the grave. One would think grown men and women, Members of the Senate, the greatest deliberative body in the history of the world, would be immune to it. But as my colleagues know, we are not immune to it. We want to be loved. We want to be accepted by our colleagues. You don't get love by opposing this giant expenditure of money. You don't get appreciated by your colleagues by standing up to it. Senator KERREY is getting a lot of praise tonight. My guess is when the votes are counted, we may have three votes to sustain this point of order. But I don't know. I wasn't there when Senator KERREY won the Congressional Medal of Honor, but I was there when he stood up in this Congress and pointed out to America and to this Congress that the largest federal entitlement programs tax young working people who are just starting out, and give that money to seniors, many of whom have built up retirement savings over a lifetime.

And it's being done because older people vote and younger people don't vote. We are digging a hole in Medicare and Social Security that can destroy America and that will destroy our prosperity if we don't do something about it.

The Senator from Nebraska has been a leader in that and I want to say I appreciate it. I believe America does, but America is not embodied in the way it can speak and, since it hasn't been elected, it couldn't speak on the floor of the Senate anyway. On behalf of working people in my State and my country, I thank you, BOB KERREY. I'm sorry you are retiring. I want to thank you for what you have said and what you have stood up for.

Now, let me try to put all this in perspective. First of all, I agree with Senator WARNER's poster. I hope my colleagues will forgive me because I want to give a little bit of history to establish my bona fides on this issue, if I can.

First, my dad was a career soldier. He joined the Army on his 15th birthday in his brother's clothes. He was in the Army for 28 years, 7 months, and 27 days. He believed when he joined the Army that part of what the Government had committed to him was that if he served for 20 or more years, they were going to take care of him and his family and their health care needs. I am proud to say—and I say it with certainty because I know; I was born in the same hospital my dad died in, and it was a military hospital at Ft. Benning, GA—the Government never, ever took that benefit away from my dad.

We are here today for two reasons. We are here in part because the policies of our Government changed. They changed in a remarkable way, and it is an interesting thing how benefits are lost. They changed because Medicare was going broke. So our government made everybody join Medicare, including men and women in the Armed Services. This problem came about because people who retired from the service qualified for two medical programs: One, by paying Medicare taxes; and two, by serving 20 or more years. The military health care benefit was a right not to Medigap insurance or any of the things we are talking about today, it was a right to go to a military hospital on a space-available basis and get military medicine.

What happened—which was terribly wrong, in my opinion—is that, in the midst of a period of very tight budgets, the military gave retirees their military health benefit until they turned 65 when they became qualified for Medicare. As they got close to their 65th birthday—I know this because I have a brother who is a career soldier. I don't know whether he likes military medicine because they know his name—"Colonel." He goes to a regular hospital and they call him "Mister" although, obviously, they don't know who he is. They don't know anything about him. So I don't know whether it is that or whether he just is comfortable with having been a career soldier and having served in the Army for some 27 years—the point is, as he gets closer to 65, under the current system he will get a sheet when he goes in, and members of the staff know this, he will get a referral sheet. And they will say, "Colonel, you are going to turn 65 in August. So these are the medical areas that we are aware of that are relevant to you, and these are private practitioners in Dallas, Texas, that you can go to under Medicare."

Here is a person who got military medicine on active duty for 27 years, and then he retired and continued to get it up to the day he was 65, but because he earned two benefits, they shoved him out the door when he turned 65.

My disagreement with Senator WARNER is not about that recruiting poster. I believe that poster is true. And I believe the benefit is owed. Where we split company is on what we are doing here tonight.

Let me explain. Just to complete the history, because I felt that I had some personal knowledge about this problem, I was the leader in Congress in putting together a test program called Medicare Subvention. The idea was simple. A lot of simple ideas don't work. It is not clear how well this one is working. In some ways, I think it is working well although costs are up because utilization is up. But the basic idea was simple. Let's pick ten facilities in America that have big retirement populations near them and let people stay in military medicine and let Medicare pay what they would pay had they gone to the private sector. We are in the midst of a test of that program right now.

Earlier this year, while Medicare Subvention was still being tested, this bill came up, and while we were debating military retiree health care, a proposal was made to spend $92 billion. Senator DOMENICI will remember that. That proposal failed. And it should have. I voted against it.

During that debate, Senator WARNER offered a 2-year program to build on the test that we had underway. Senator WARNER's program cost $466 million. I supported it. In fact, I think all the rest of us supported it. I am not sure Senator KERREY did, but I think Senator DOMENICI supported it.

The Senate had put in the budget enough money that to try Senator WARNER's program out for 2 years. Why was it important to do it in 2 years? I will talk about the money, but let me talk about the policy. What is wrong with committing to $60 billion worth of new programs that have never been debated, never been tested, and committing to a $200 billion liability over the next 70 years? What is wrong is, as anybody who has ever served in public office knows, once this program is in place, a vested political interest will build up around it in the medical sector, in the retirement sector, and in the communities where it is provided. What happens is even if this program doesn't work, even if it is terribly inefficient, even if people are unhappy with it, the chances of ever getting rid of it or fundamentally changing it are very low.

We have in Medicare, as Senator KERREY, better than anyone else knows having served on the Medicare Commission, we have a 1965 medical care system. In Medicare, we have an old Edsel. Yet we can't change it. We tried to change it on the Medicare Commission as the Senator remembers. But the vested interest in it, even though it is inefficient, even though it doesn't serve the public well, even though it costs tremendous amounts of money, once it is in place, it is hard to change.

Here is the point. The first problem with this huge program is that was never debated, never discussed, and was written by a handful of people that, quite frankly, are very intelligent people, very knowledgeable people about defense. As far as I am aware, it was never discussed in the Finance Committee, which has jurisdiction over Medicare. It was never debated in any public forum. It has never been tested anywhere. The point is, tonight on the verge of adjournment, we are getting ready to commit $60 billion in spending on a program that may or may not work, may or may not satisfy people, and which is going to be virtually irreversible.

The second point I want to make is the House went into conference with a program that extended the Medicare Subvention demonstration, made it permanent within 6 years, and costs $945 million. So the Senate went to conference with a temporary program of $466 million to build on a concept, that basically, we had started in the test; and the other House of Congress went with a program that made a judgment to move toward full implementation of the test, and it cost $945 million. But what happened?

What happened—and Senator KERREY was making the point, I thought very effectively—they got to conference and suddenly somebody said, "The sky's the limit. We have a huge surplus. This is an election year." So what happened is one House, with a program for $466 million, and the other House, with a program for $945 million, got together and suddenly we have a $60 billion entitlement program. Actually the new program is $39 billion, but the committee just gratuitously took existing health care programs and said let's just put $21 billion on automatic pilot in a permanent entitlement program so we do not have to account for spending it.

That is what happened. Why did it happen? Because the surplus is burning a hole in our pocket. This surplus is the greatest danger we face in terms of our economic stability—not just now, but 10 or 12 years from now when the baby boomers start to retire. It is not just happening here. I am not just being mean to our dear friends on the Armed Services Committee, a committee I had the privilege to serve on for 6 years. It is happening everywhere.

We have a railroad retirement proposal that lowers the retirement age. We are raising the retirement age in Social Security. Yet, we would lower it in railroad retirement. We have a proposal to give Amtrak $10 billion.

We have proposals—we are giving back Medicare savings that we have previously adopted at a rate where, in 10 years, we will have given back more than we ever had in savings, yet Medicare is going broke every day. What is happening to us? What is happening to us is this surplus is affecting our judgment and we are spending it as fast as we can spend it.

Let me sum up. I want to make a point about the economy, one I had not thought of until I was talking to Alan Greenspan today, and I want to bring it up because I think it is relevant.

What is my position? My position is we do have an obligation to military retirees and we have to find a way to fix the health care system for military retirees. But I think we need to do it so we know what we are doing, so we know what it costs, so we know it is going to be efficient, and we have to do it after there has been a clear, effective, public debate and where we have actually tested the program so we know what we are doing.

The problem here is this bill is immensely popular, as my colleagues know if any of you have paid any attention to your telephone calls today, but it is popular because we are spending massive amounts of money.

My point is I do not disagree with Senator WARNER. We owe these benefits, and we are going to have to provide a way for our military retirees to have quality medical care, which we promised. But the idea of doing it by busting the budget by $59.9 billion on a program nobody ever debated, nobody ever tested, nobody has ever seen work, I think is clearly the wrong way to do it.

We have a point of order that is going to be raised by Senator KERREY. What is the point of order about?

Mr. DOMENICI. He has already raised it.

Mr. GRAMM. Well, he has raised it. What it is about is, in our budget we agreed we were going to spend $400 million to begin to try to fix this problem. The committee with jurisdiction to fix it was not willing to abide by that budget, and they came up with a program that did not cost $400 million, they came up with a program that cost $59.9 billion and committed us to a $200 billion debt to be amortized over 70 years.

So Senator KERREY has raised a point of order saying: This may be wonderful, this might actually be the right thing to do someday, but this violates what we voted to do and the constraints we imposed on ourselves.

I do not suffer any delusion. My guess is we are going to get 3 or 4 or 5—maybe 10 votes here. We are going to waive this point of order, and we are going to spend this $60 billion. We are going to spend it on a program which was never debated, never tested, never analyzed in any systematic way. My fear is that we are going to have a very difficult time fixing it. I am afraid 10 years from now we may be here debating how we can fix it, but with the vested interests that have built up, it will be very difficult to do.

So I believe this point of order should be sustained. I am going to vote to sustain it.

Why should we care about this spending? I was talking to Chairman Greenspan today about the economy and about the stock market. We were talking about spending. I basically had raised the issue with him, was he worried about this runaway spending? He made a point to me that, in April and May, something clearly started happening because long-term interest rates started going up in America. Some people say that is caused by Fed policy. No, the policy of the Fed, as our colleagues know, affects short-term interest rates. But the economy affects long-term interest rates.

Let me tell you what was happening in May. What was happening in May is it started to become clear we were not going to abide by our budget. It started to become clear we were losing control of spending. These long-term rates went up and the economy started to cool, and that is being reflected in the stock market today, in my opinion.

I am not saying we are going into a recession. But I am saying the interest rates went up on the long-term because we are losing control of spending. We are losing fiscal discipline. They went up until the economy slowed down enough that they started to back off.

I think we ought to be concerned about spending this surplus. I think we need to make rational decisions about it. It may very well be, after a debate, we write a budget and we spend $60 billion on this problem. I do not think I would do it this way. I think we need efficiency, I think we need copayments, I think we need incentives for cost consciousness. I don't think I would support doing it this way, but I might support a program that costs this much, more or less.

But doing it this way, where two or three people put together this proposal, is fundamentally wrong and is dangerous. This is a noble cause, and a cause that I support—military retirees were promised a benefit. They weren't promised these kinds of benefits, but they were promised access to military medicine. I want them to have it.

As bases have closed and as people now do not live near military bases, we have to come up with another program. But I think it ought to be a rational program. I think it ought to be one we look at over time. So I am going to vote to sustain this point of order.

I think this bill is simply an outward and visible sign of what is happening in our Congress. I wish America could be awakened to it. We are on a spending binge that has no precedent in my period of service in Congress. You have to go all the way back to Lyndon Johnson to find spending at the level we are now talking about in the Congress. At first it was just discretionary spending. Now we are into entitlements. As we all know, these things start out small. This one didn't start small, but a lot of them do. But they get bigger and bigger and bigger and bigger.

I appreciate my colleagues' listening. I think this is an issue such that you have to explain to people what you are trying to do. I think it is a very easy issue to say, boy, I am trying to deliver on the commitment in that recruiting poster. I believe in the commitment in the recruiting poster, but you don't deliver on it with a huge program that has never been tested, that was put together by people who do not specialize in this area of government, and where there has never been a debate. I think this is a mistake, and I think we are going to end up regretting it.

I think we will someday come back and fix it, but we will not fix it, in my opinion, until we have spent a lot of money and until we have produced a system that—unless we are extraordinarily lucky—is not going to provide the kind of efficient care we need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I say to the chairman and ranking member, I am not going to make any additional arguments on the specifics. I want to make some closing comments. I am prepared to yield back time and go to the vote. I don't know where they are, but I will start talking so they understand that is where I am.

The Senator from Texas made an effort to establish his bona fides and did a very good job referencing his father, who was a career military officer.

In my closing, I need to do a little subtracting in my bona fides. I have received the Medal of Honor, as was mentioned several times. The Senator from Texas said he was not there that night and does not know what happened. When I saw the citation, I didn't know if I was there that night. I didn't receive the Medal of Honor because of my heroism. I received it because of many men out there, heroic beyond me, who did not have a witness or had a witness who did not like them or could not write or something got lost in the food chain, as some of these sometimes do. I am a recipient for others, and I do not say that in any sense of false modesty at all. I say it sincerely and genuinely.

I understand Reserve officers, which I am, and career officers are substantially different. I praise the chairman and the ranking member of the Armed Services Committee and all the members of the Armed Services Committee, some of whom already spoke, for their efforts to make certain we take care of the men and women who volunteer and say: I will make a life career. I do not want anything I said previously to subtract from the enormous respect and admiration I have for them. Indeed, many times I have been moved to tears to see the risks the men and women who wear the uniform of the Army, Air Force, Navy, Marine Corps, and Coast Guard take for all of us, and we have a painful example of it today in sailors who are trying to keep an embargo in place on Iraq.

We started that embargo many years ago, and we take it for granted. All of a sudden, we have 5 dead, 10 missing, and another 30 or so who are injured executing a mission. My guess is many of those people in question are lifers, as we call them, people who have made a life commitment.

I appreciate very much the chairman making an effort. It may be he is right, that he has a provision here that ought to be done. I tried to argue as to why I think it goes beyond. He is the chairman of this committee. Senator LEVIN spent a lot of time on it. I supported them almost every time in the past when they tried to get benefits in line with what we need in order to recruit and retain. I do not want anything I said previous to this to be interpreted by anybody either on this floor or out in America that I have any disrespect at all for the commitment that men and women make when they say: I will make a life career.

Again, I will use the observation of the Senator from Texas that you can support this provision and still say at some point you have to say no. We all understand that. We are asked to spend the taxpayers' money on many things, and you need a method by which at some point you say no. You can't say yes to everything. There are a lot of things I would like to spend money on, but there is a limit, and you have to figure out what that limit is.

For years we had a Budget Act. For years we had budget caps. The Senator from New Mexico is right. It used to be, not that long ago, when you came down to the floor and there was a motion to waive the Budget Act, that was a tough vote. It was tough to waive the Budget Act. All of a sudden, it is not anymore. It used to be a mechanism that enabled us to have the fiscal discipline.

I am proud of many things in which I had the opportunity to participate. One of them is the opportunity to help get rid of the fiscal deficit over the last 12 years. The only way that was possible was for us to have a mechanism by which we could look at a friend, look somebody in the eye who deserves to have more spending, and say: No, I just can't do it.

At this moment, we are poised to spend far beyond what we intended when this year started. I hope colleagues will vote against the motion to waive the Budget Act and send this bill back to conference and say to the House Members: We cannot get it in because we have to say no, and we have to reassert the fiscal discipline that got us to where we are today.

Mr. President, I am prepared to yield back my time.

Mr. WARNER. I think we are all prepared to yield back time.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Texas.

Mr. GRAMM. I yield back my time as well.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the conference report on the National Defense Authorization Act for fiscal year 2001 contains direct spending that far exceeds the Armed Services Committee's allocation of mandatory spending under the fiscal year 2001 budget resolution.

According to the Congressional Budget Office, this conference report would increase mandatory spending by over $19 billion over the next 5 years, and by $61 billion over the next 10 years.

Most of this increased spending is for the new "Medigap" entitlement for Medicare-eligible military retirees. This new benefit would add $18.7 billion in new direct spending over the next 5 years, and $59.9 billion in new direct spending over the next 10 years. This year's congressional budget resolution established a $400 million reserve fund for mandatory spending on military health care benefits over the next 5 years; the mandatory spending on health care in this conference report would exceed that allowance by $18.3 billion.

The net cost to the federal budget is somewhat less, because current, discretionary spending must be subtracted out. While the net cost to the federal budget—that is, the amount of the projected future surpluses that these health care benefits would consume—is somewhat smaller, it is still a very substantial amount of money. The health care provisions in this conference report, when both the mandatory and discretionary components are added together and the costs that are moved from one category to another are netted out, would require $14 billion of new spending over the next 5 years and $40 billion of new spending over the next 10 years. That is a lot of money.

This new spending was not contemplated in this year's congressional budget resolution. When Congress enacted the budget resolution earlier this year, we provided only $400 million for new military health care benefits over the next 5 years. So this conference report contains over $13.6 billion over the amount of direct spending on health care that was approved in the budget resolution.

I support the new medical benefits provided by this conference report. I support them because I believe that it is incumbent upon the Congress to answer the call of Secretary Cohen and the Joint Chiefs of Staff to address shortcomings in the health care that we provide for our military personnel, military retirees, and their families. The Chairman of the Joint Chiefs of Staff, General Henry Shelton, told the Armed Services Committee earlier this year.

> For years our recruiters have promised health care for life for career members and their families. As we all know, that is not what they receive. . . . Keeping our promise of ensuring quality health care for military retirees is not only the right thing to do, it also is a pragmatic decision because it sends a strong signal signal to all those considering a career in uniform.

General Shelton went on to point out that we have actual recruiting posters that specifically state that military members and their families would receive health care for life. That, he said, is "basically what we committed to at the time they were recruited to the armed forces."

Last year, we enacted pay and retirement reform provisions to send a strong message that we recognize the demands that we place on our men and women in uniform, the circumstances in which they must live and work, and the fact that we often pay them less, and expect them to do far more, than employes in the private sector. The health care provisions in this year's bill should send an equally strong message, and will hopefully have an equally strong positive impact on military recruitment and retention.

I believe that providing these health care benefits is the right thing to do, and that we should use the waiver open to us to provide them. At the same time, however, Senator KERREY has done the right thing in raising a point of order relative to these provisions under the Budget Act. We have the responsibility, if we are going to spend tens of billions of dollars on a new benefit, to do so openly and in accordance with our budget rules. Those rules allow us to exceed the spending limits we set for ourselves should we deem it wise and prudent to do so.

We do so by voting to waive the Budget Act. That is our way of standing up openly and acknowledging what we are doing, acknowledging that we are about to use some of our surplus for a benefit that was not included in the fiscal plan the Congress adopted in April. We owe it to ourselves and our constituents to be willing to stand up and say either we think this is a good idea worth doing and we should waive the Budget Act, or to say we shouldn't be doing this and voting not to waive it.

There is one other significant new entitlement in this conference report and that is the compensation program for contract and federal employees of the Department of Energy who became ill due to their exposure to radiation, beryllium, or other hazardous materials while working to build our nuclear weapons. While much less expensive than the health care benefit, this compensation program also entails direct spending of $1.1 billion over 5 years, and $1.6 billion over 10 years, that was not provided for in the Budget Resolution. As with the health coverage for our military retirees, I think this is the right thing to do, but we have to be willing to waive the Budget Act to do it.

Either this bill is wrong, or the congressional budget resolution was wrong in the limitations that it placed on Federal spending. In my view, the problem is not with this bill, but with the budget resolution itself, which was never realistic in the amount of money that it provided for this and other purposes. I believe that the American people would want us to provide improved access to health care and a comprehensive pharmacy benefit for military retirees—and that they would want us to take similar action on behalf of other retirees.

Others may disagree, but we cannot have it both ways. We cannot say that we support the strict spending limits in the congressional budget resolution and that we also support the new entitlement programs in this conference report, which would violate those spending limits. The two are inconsistent, and we must make a choice. That is what this vote is about.

I commend Senator KERREY for raising a point of order under the Budget Act. For the reasons that I have stated, I will vote to waive the point of order and allow this conference report—and the new benefits that it includes—to become law.

I again quote from the testimony of the Chairman of the Joint Chiefs of Staff when he told us earlier this year:

> For years our recruiters promised health care for life for career members and their families. As we all know, that is not what they receive. . . . Keeping our promise of ensuring quality health care for military retirees is not only the right thing to do, it also is a pragmatic decision because it sends a strong signal to all those considering a career in uniform.

Last year, we increased the retirement benefit to where it previously had been 10 years before when we said it would be 50 percent of your base pay when you retire, rather than the 40 percent which it had been reduced to 15 years ago. We did not make that subject to people's earnings. There is no earnings test. That was an entitlement. It was a retirement benefit. It was a recruiting aid. It was a retention aid. So is this.

Most important, it is keeping a commitment which has been made to the people who joined the service. I know very well Senator KERREY did not join for that purpose. Indeed, many do not join for that purpose. But the expert recruiters and the Chairman of the Joint Chiefs tell us this is a very important recruiting and retention tool, No. 1. No. 2, it keeps a commitment which has been made, and when the Government makes that commitment, we should keep it. Whether or not the private company keeps it or not, we may not have any control over it. Senator KERREY raised the question of what happens if a private company breaks a commitment. That is very different from when we, the people, make a commitment to our men and women in the military.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, the Senator is right. Let's move forward and vote.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, all Senators recognize that we are drawing to a conclusion this session of Congress. We have had an excellent debate. I urge Senators to support my motion to waive. Were this to fail and the Budget Act is not waived, the entire Defense authorization conference report will fail. Conferees will have to be appointed for a new conference. The Senate will appoint conferees and send the bill back to the House. The House will appoint conferees and a new conference will have to be convened. A new conference report will then have to be passed by both the House and the Senate. We will have opportunities next year to readdress this problem.

I close by saying, with all due respect to my dear friend from Nebraska, this is the living proof which says for the rest of your life, if you serve a minimum of 20 years active Federal service, you earn your retirement. That is a commitment that has been made by this Nation since World War II, Korea, Vietnam, and continues to be made today. Now it is the obligation of the Senate to confirm the credibility of this country and to give to these people what they have earned rightly.

I yield back my time. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered.

The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 9, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—84

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Enzi
Fitzgerald
Frist
Gorton
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—9

Bryan
Domenici
Feingold
Graham
Gramm
Gregg
Kerrey
Mack
Nickles

NOT VOTING—7

Feinstein
Grams
Helms
Kennedy
Lieberman
McCain
Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 9. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to table was agreed to.

NAVY HRSC'S

Mr. SANTORUM. Mr. President, I wish to enter into a colloquy with Senator OLYMPIA SNOWE of Maine and Senator JOHN WARNER of Virginia, two of my colleagues on the Senate Committee on Armed Services, to clarify a provision concerning a U.S. Navy Benefits Center as referenced in Senate Report 106–292 which accompanies S. 2549.

As my colleagues are aware, the Department of the Navy's Human Resources Service Centers, HRSCs, located in eight geographical locations worldwide, serve as the regional Human Resources Management, HRM, processing centers for activities and Human Resources Offices in its service area. The HRSCs also provide various centralized HRM programs and services.

S. 2549, the Fiscal Year 2001 National Defense Authorization Act, authorizes $3.0 million for a contractor-supported national employee benefits call center located in Cutler, Maine. According to Senate Report 106–292, this center is to provide a full range of benefit and entitlement information and assistance to civilian employees of the Department of the Navy. The report notes that the call center would replace eight separate Human Resources Service Centers now in operation throughout the country.

Based on conversations with the Department of the Navy, it is my understanding that these HRSCs are not to be replaced by the new center to be established in Cutler, Maine. Instead, the new Navy Benefits Center will complement the services performed by the eight HRSCs.

Mr. WARNER. The Senate understands these HRSCs are not to be replaced by the new benefits center to be established in Cutler, Maine. Instead, the new Navy Benefits Center will complement the services performed by the eight HRSCs. The conferences believe that the new U.S. Navy Benefits Center will add a new capability which supplements the resources inherent in the existing HRSCs. That is, the new center will not replace the eight existing Navy HRSCs but will enhance efforts to provide information to civilian employees of the Navy.

I also want to bring to the attention of my colleagues that there is an error in the Conference Report tables. Three million dollars for this initiative should have been authorized to match the appropriations provided in the fiscal year 2001 DoD Appropriations Conference Report. I have been in contact with the Chief of Naval Operations this afternoon. I have his assurance that the Navy will execute this program as we intended.

Ms. SNOWE. Mr. President, I want to thank the distinguished Chairman of the Armed Services Committee, Senator WARNER, for his support of this initiative. I agree with him and my colleague, Senator SANTORUM, and they are correct in their understanding of the intent of this authorization and the benefits center itself.

Cutler has a history of admirable and noteworthy support of the U.S. Navy. For nearly 40 years, the United States Navy's Computer and Telecommunications Station resided in Cutler and set standards for excellence in performing its vital national security mission. The civilian men and women of Cutler who contributed so much to this success personify Maine's celebrated work ethic.

Now, the residents of Cutler eagerly await the establishment of the new benefits center and will once again showcase their loyalty, work ethic and stalwart support for the United States Navy.

SPECIFIED CANCER

Mr. DEWINE. Mr. President, I would like to take a moment to clarify the definition of "specified cancer" as defined by this provision with my colleague from Ohio. When we drafted this definition, we intended to cover cancers that were likely to be caused by exposure to radiation, isn't that correct?

Mr. VOINOVICH. Yes, we did intend to cover radiogenic cancers. The definition of specified cancer includes those cancers covered by the Radiation Exposure Compensation Act and Bone cancer. According to the medical text "Cancer Epidemiology and Prevention" by Doctors Schottenfeld and Fraumeni, cancers of the bone include cancers of the cartilage, including radiosensitive cancers that originate in cartilage such as chondrosarcoma.

Mr. DEWINE. I would also like to add that both the Senate Health, Education, Labor and Pensions Committee and the Government Affairs Committee have heard testimony from the Department of Energy on worker exposure to ionizing radiation at the Portsmouth uranium enrichment plant in Portsmouth, Ohio, and we became aware that chondrosarcoma has afflicted some in the workforce. The chapter on bone cancer in the Schottenfeld and Fraumeni medical text should provide helpful guidance as the Administration implements this proposal. I ask for unanimous consent to include a portion of that text for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CANCER EPIDEMIOLOGY AND PREVENTION

(Edited by David Schottenfeld, M.D., and Joseph F. Fraumeni, Jr., M.D.)

BONE CANCER

(By Robert W. Miller, John D. Boice, Jr., and Rochelle E. Curtis)

Cancers that arise from bone or cartilage account for about 0.5% of all malignant neoplasms in the human. As with other neoplasms, much more research has been devoted to diagnosis and therapy than to causation. This chapter reviews the epidemiologic observations on bone cancer that have provided clues to its origins.

DEMOGRAPHIC CHARACTERISTICS

Descriptive studies in the past have been handicapped by the use of a single code number in the International Classification of Diseases, which groups all cell types of bone cancer. The three main subtypes are osteosarcoma, which arises most often from the growing ends of long bones; chondrosarcoma, which develops in cartilage; and Ewing's sarcoma, which according to recent evidence may arise from primitive nervous tissue (Cavazzana et al. 1987;

Ewing's Tumour Workshop, 1990; Horowitz et al, 1993), most commonly in the shafts of the axial skeleton.

The cell types should be studied separately, because they have marked demographic differences that are of etiologic significance. Histologic diagnoses are thus required, as from population-based cancer registries. Of particular value in this regard are data from the Surveillance, Epidemiology and End-Results (SEER) Program of the National Cancer Institute (Percy et al, 1995), which has covered about 10% of the U.S. population since 1973. Ninety-five percent of bone cancers were histologically confirmed. The geographic areas covered and distribution by cell type are shown in Table 44–1.

Of the 1961 cases among whites and 163 among blacks registered in the SEER Program from 1973 through 1985, osteosarcoma was reported in 36%, chondrosarcoma in 26%, and Ewing's sarcoma in 16%. Age-adjusted rates by histologic type are presented in Figure 44–1 (charts are not reproducible in the RECORD.)

Age, Sex, and Race-Specific Incidence

Osteosarcoma has a bimodal age distribution, with peaks in adolescence and late in life (Fig. 44–2). It is rare early in life, but the rate increases rapidly in late childhood. In 1950–1959, before improved therapy increased survival, mortality and incidence rates were similar. There were enough deaths in the United States during this ten-year interval to allow study of the distribution by single year of age (Fig. 44–3). At age 13 the rate for males rose higher than that for females, and remained elevated for a longer time, suggesting that bone cancer is related to the adolescent growth spurt. (Price, 1958; Fraumeni, 1967; Glass and Fraumeni, 1970).

Chondrosarcoma is rare in childhood and rises with advancing age, for unknown reasons (Young et al, 1990). The age distribution of Ewing's sarcoma resembles that of osetosarcoma early in life, but rarely develops over 35 years of age (Fig. 44–2). Apparently, malignant change of the primitive tissue from which it arises does not occur later in life.

There is a male predominance of each major form of bone cancer among whites and blacks (Fig. 44–1). The two races have similar incidence rates for childhood osteosarcoma, but blacks have almost no cases of Ewing's sarcoma, either in the United States (Figs. 44–1 and 44–1) or Africa (Parkin et al, 1988). Rates of Ewing's sarcoma are also low among Asians, but less so than in blacks. A possible explanation for these racial differences is that a gene for osteosarcoma is equally mutable among the various races, but that for Ewing's sarcoma resists mutation in blacks and Asians.

Table 44–1 shows an absence of chordoma, when about 10 cases were expected if blacks had 12% of the total, as they did for osteosarcoma. Among blacks there is also a rarity of giant cell and blood-vessel tumors. These racial differences have not previously been recognized, and need further investigation.

TABLE 44–1.—NUMBER OF PATIENTS WITH PRIMARY BONE CANCER AMONG WHITES AND BLACKS ACCORDING TO HISTOLOGIC TYPE, SEER CANCER REGISTRIES[a], 1973–85

Histology	Number of Cases						
	Whites			Blacks			
	M	F	Total	M	F	Total	Percent[c]
Osteosarcoma	379	287	666	51	42	93	12.3
Chondrosarcoma	295	248	543	18	14	32	5.6
Ewing's sarcoma	218	121	339	2	3	5	1.5
Chordoma	55	31	86	0	0	0	....
Fibrous histiocytoma[b]	35	21	56	1	4	5	8.2
Fibrosarcoma	27	26	53	2	5	7	11.7
Sarcoma, NOS	26	19	45	3	1	4	8.2
Giant cell tumor	22	22	44	0	1	1	2.2
Blood vessel tumors	15	19	34	0	1	1	2.9
Odontogenic tumors[b]	12	14	26	4	1	5	16.1
Other types	11	16	27	2	2	4	12.9
Malignant neoplasm, NOS	24	18	42	1	5	6	12.5
Total	1,119	842	1,961	84	79	163	100.0
Percent histologically confirmed	....	....	95	....	95	....	....

[a] SEER areas include the states of Connecticut, Hawaii, Iowa, New Mexico, Utah and the metropolitan areas of Detroit, Atlanta (1975–1985), Seattle (1974–1985), and San Francisco-Oakland.
[b] Includes morphology categories in use since only 1977.
[c] For a given subtype, % that were Black; e.g., osteosarcoma = 93/(666+93) 100 =12.3%.

Table 44–2 summarizes SEER data concerning the distribution of the seven main bone cancers among whites with respect to age, sex, and anatomic site. It shows that osteosarcoma most often arises from long bones of the lower limbs, whereas chondrosarcoma and Ewing's sarcoma most often arise from flat bones. Chordoma, presumbly arising from remnants of the embryologic notochord, is a tumor of the flat bones of the trunk and head, and of the lower limbs. The lower limbs are the principal sites for fibrosarcoma, giant cell tumors, and malignant fibrous histiocytoma, which has recently gained attention as a clinical entity, especially as a complication of Paget's disease.

Geographic Variation

Little geographic variation is seen worldwide in the incidence of bone cancer, all forms combined (Muir et al., 1987). Incidence rates that differ by more than 2-fold are rare in the few populations of sufficient size to ensure stable estimates. No clues to etiology are apparent from international comparisons of age-adjusted rates. With few exceptions, rates are higher among males than females, with ranges of 0.8 to 1.6 and 0.6 to 1.2 per 100,000, respectively.

Time Trends in Mortality and Incidence

Mortality rates for bone cancer, all forms combined, in the United States (Fig. 44–5) and other countries have declined steadily from the 1950s to the mid-1980s, largely attributable to improved diagnosis and treatment (Pickle et al, 1987; Miller and McKay, 1984; Decarli et al, 1987; La Vecchia and Decarli, 1988; Ericsson et al, 1978). Using SEER incidence data, Hoover et al (1991) found that between 1973–1980 and 1981–1987 there was an unexplained increase in the annual incidence rates of osteosarcoma in males under 20 years of age, from 3.6 to 5.5 cases per million people. Among females the corresponding annual rates were 3.8 and 3.7 cases per million.

Figures 44–6 and 44–7 show survival rates for the three main cell types for males and females, respectively (SEER data, 1980–1989, all races combined). Survival was by far the best for chondrosarcoma, and, for all 3 cell types, was substantially better in females than in males.

ENVIRONMENTAL FACTORS

Radiation

Ionizing radiation is one of the few environmental agents known to induce certain bone cancers, particularly osteosarcoma, chondrosarcoma, and fibrosarcoma. In 1935, Maryland linked bone cancer to occupational exposure to radium. In subsequent studies (see Table 44–3) an excess risk of bone cancer was found following brief exposure to high-dose radiation therapy (Robinson et al, 1988) and following continuous exposure to internally deposited radionuclides injected to treat bone disease or to provide a contrast medium in diagnostic radiography (Mays, 1988). Investigations of radiogenic bone cancer have enabled researchers to develop an elegant theory of the induction of osteosarcoma (Marshall and Groer, 1977); models in which genetic-environmental interactions can be evaluated (Knudson, 1985); and guidelines for protecting against the effects of internally deposited radionuclides, especially plutonium (Healy, 1975).

SECRECY AND WORKER HEALTH

Mr. HARKIN. Mr. President, I would ask the distinguished Chairman and Ranking Member to engage in a brief colloquy on section 1078 of the Department of Defense Authorization Conference Report regarding secrecy and worker health. This originally passed the Senate as an amendment I sponsored that was agreed to by all parties. The amendment referred to workers at former nuclear weapons facilities. The provision in the conference report was rewritten, and now defines these workers to be "employees and former employees of the Department of Defense" at defense nuclear weapons facilities. However, at least one such facility, the Iowa Army Ammunition Plant, is owned by the Defense Department but operated by a contractor. Thus virtually all employees at the facility were and are employees of the contractor and not directly of the Department of Defense. Is it the understanding of my colleagues that this provision is intended to refer to all employees at such facilities, including those employed directly by the Department of Defense and indirectly through contractors?

Mr. LEVIN. Yes, you are correct. As indicated in the report language, the conferees are concerned about all employees affected by the defense Department policies, and we intended this provision to cover all affected employees at the Iowa facility and similar facilities. We will join with you to make sure the Defense Department implements this provision according to these intentions.

Mr. WARNER. I agree with Senator HARKIN and the distinguished ranking member, and I too am committed to ensuring the Defense Department implements this provision to protect all workers including those of contractors.

Mrs. BOXER. Mr. President, I have strong reservations about the fiscal year 2001 Defense Authorization Conference Report that is before the Senate today. The concerns I have are the same that led me to vote against the Defense Authorization bill when it was before the Senate earlier this year.

This conference report would increase Defense spending by more than $20 billion over last year's authorized level. It is $4.6 billion over the President's request. I am particularly troubled that most of this $4.6 billion increase is for weapons systems that were not requested by the Department of Defense.

While I support many provisions of this bill, including a 3.7 percent pay raise for military personnel and additional pay for troops on food stamps, I strongly believe that military spending is increasing at a rate beyond what is necessary to meet our security needs.

Today, however, our military has been attacked—presumably by those who believe that acts of terrorism might somehow deter the United States from defending our interests of promoting peace and security throughout the world.

At this time, it is important to vote for this bill to send a signal to the rest of the world that America stands united in the face of such threats and supports the men and women who so bravely serve this Nation.

Mr. BINGAMAN. Mr. President, I am pleased that the Conference Report for the National Defense Authorization Act for Fiscal Year 2001 includes a program that I championed in the Senate during its consideration of this bill, along with Senator THOMPSON and others. This program addresses occupational illnesses scientifically found to be associated with the DOE weapons complex, that have occurred and are now occurring because of activities during the Cold War.

This new program was a joint effort of a bipartisan group of Senators and House Members. I would like to knowledge the hard work by my staff and by the staff for Senator FRED THOMPSON, Senator GEORGE VOINOVICH, Senator MIKE DEWINE, Senator MITCH MCCONNELL, and Senator TED KENNEDY. We worked with the Administration, with worker groups, with manufacturers, and with staff from the House of Representatives.

The workers in the DOE nuclear weapons complex, both at the production plants and the laboratories, helped us win the Cold War. But that effort left a tragic environmental and human legacy. We are spending billions of dollars each year on the environmental part—cleaning up the physical infrastructure that was contaminated. But we also need to focus on the human legacy.

This program is an attempt to put right a situation that should not have occurred. But it proposes to do so in a way that is based on sound science.

The amendment focuses federal help on three classes of injured workers.

The first group is workers who were involved with beryllium. Beryllium is a non-radioactive metal that provokes, in some people, a highly allergic lung reaction. The lungs become scarred, and no longer function.

The second group is workers who dug the tunnels for underground nuclear tests and are today suffering from chronic silicosis due to their occupational exposures to silica, which were not adequately controlled by DOE.

The third group of workers are those who had dangerous doses of radiation on the job.

Along with the workers who are covered by the compensation program being created by this legislation, we are reaching back to the uranium miners and millers who were compensated under the Radiation Exposure Compensation Act, or RECA, and providing them with a similar benefit of a total of $150,000 and ongoing medical care. I think that this is only a matter of simple justice, and I strongly supported its inclusion in the current legislation. Early in this Congress, I introduced legislation that would have provided $200,000 in compensation for the uranium miners and millers—the same financial payment that was initially proposed for the DOE workers in this legislation. I am glad that the final result is a better deal for the persons being compensated under RECA, as well as the persons being compensated under this new program.

For the workers who were employed at numerous current and former DOE facilities, we have included a general definition of DOE and other type of facilities in the legislation, in lieu of including a list that might be incomplete. For purposes of helping in the implementation of this legislation, I would like to ask unanimous consent that a non-exclusive list of the DOE-related facilities intended to be covered under this amendment be printed in the RECORD following my statement.

(See Exhibit 1.)

For beryllium workers, there are tests today that can detect the first signs of trouble, called beryllium sensitivity, and also the actual impairment, called chronic beryllium disease. If you have beryllium sensitivity, you are at a higher risk for developing chronic beryllium disease. You need annual check-ups with tests that are expensive. If you develop chronic beryllium disease, you might be disabled or die.

This amendment sets up a federal worker's compensation program to provide medical benefits to workers who acquired beryllium sensitivity as a result of their work for DOE. It provides both medical benefits and a lump-sum payment of $150,000 for workers who suffer disability or death from chronic beryllium disease.

For radiation, the situation is more complex. Radiation is proven to cause cancer in high doses. But when you look at a cancer tumor, you can't tell for sure whether it was caused by an alpha particle of radiation from the workplace, a molecule of a carcinogen in something you ate, or even a stray cosmic ray from outer space. But scientists can make a good estimate of the types of radiation doses that make it more likely than not that your cancer was caused by a workplace exposure.

The original legislative proposal passed by the Senate put the Department of Health and Human Services, HHS, in charge of making the causal connection between specific workplace exposures to radiation and cancer. Within the HHS, it was envisioned that the National Institute for Occupational Safety and Health, or NIOSH, take the lead for the tasks assigned by this legislation. This assignment followed a decision made in DOE during the Bush Administration, and ratified by the National Defense Authorization Act for Fiscal Year 1993, to give NIOSH the lead in identifying levels of exposure at DOE sites that present employees with significant health risks. While in the final legislative text, the President was assigned these responsibilities, I think it is clearly the intent of the Senate proponents that he delegate these authorities as laid out in the original Senate amendment.

HHS was also given a Congressional mandate, in the Orphan Drug Act, to develop and publish radioepidemiological tables that estimate "the likelihood that persons who have or have had any of the radiation related cancers and who have received specific doses prior to the onset of such disease developed cancer as a result of those doses." I would like to ask unanimous consent that a more detailed discussion of how the Senate proponents envision these guidelines being used be included as an exhibit at the end of my remarks.

(See Exhibit 2.)

Under guidelines that would be developed and used under this legislation, if your radiation dose was high enough to make it at least as likely as not that your cancer was DOE-work-related, you would be eligible for compensation for lost wages and medical benefits.

The HHS-based method will work for the many of the workers at DOE sites. But it won't work for a significant minority who were exposed to radiation, but for whom it would be infeasible to reconstruct their dose.

There are several reasons why reconstructing a dose might be this infeasibility might exist. First, relevant records of dose may be lacking, or might not exist altogether. Second, there might be a way to reconstruct the dose, but it would be prohibitively expensive to do so. Finally, it might take so long to reconstruct a dose for a group of workers that they will all be dead before we have an answer that can be used to determine their eligibility.

One of the workers who testified at my Los Alamos hearing might be an example of a worker who could fall into the cracks of a system that operated solely on dose histories. He was a supervisor at what was called the "hot dump" at Los Alamos. All sorts of radioactive materials were taken there to be disposed of. It is hard to reconstruct who handled what. And digging up the dump to see what was there would not only be very expensive, it would expose new workers to radiation risks that could be large.

There are a few groups of workers that we know, today, belong in this category. They are specifically mentioned in the definition of Special Exposure Cohort. For other workers to be placed in this special category, the decision that it was infeasible to reconstruct their dose would have to be made both by the President (or his designee) and by an independent external advisory committee of radiation, health, and workplace safety experts. We allow groups of workers to petition to be considered by the advisory committee for inclusion in this group. Once a group of workers was placed in the category, it would be eligible for compensation for a fixed list of radiation-related cancers.

The program in this amendment provides for a lump-sum payment, combined with ongoing medical coverage under language identical to that used to provide medical coverage under the Federal Employee's Compensation Act, or FECA, in section 8103 of title 5, United States Code. Since Congress has consciously mirrored FECA for one important part of this new program, I hope that the Administration, in implementing our legislation, looks to FECA as a precedent for establishing other parameters for this program.

The legislation before us also invites the Administration to submit further legislative proposals to help implement this new program. In my view, it was not a good policy call for Congress to enact this program without more direction on the details of how it should operate, as was the case in the original legislative proposal passed by the Senate. I believe that the flexibility that the Congress has provided to the Executive Branch should be used to the fullest extent by the President to put the necessary implementing framework in place by Executive Order. If there are changes needed to the law that we have passed, they should be sent up by the President forthwith. But I do not have much confidence that Congress will be able to enact additional legislation on this program before the deadline date of July 31, 2001.

We have a duty to take care of sick workers from the nuclear weapons complex today. It is a doable task, and a good use of our national wealth at a time of budget surpluses. I congratulate my colleagues on having achieved a successful result from our initial bipartisan amendment.

Exhibit 1.—Examples of DOE and Atomic Weapons Employer Facilities That Would Be Included Under the Definitions in This Amendment

(Not an Exclusive List of Facilities)

Atomic Weapons Employer Facility: The following facilities that provided uranium conversion or manufacturing services would be among those included under the definition in section 3503(a)(4):

Allied Signal Uranium Hexafluoride Facility, Metropolis, Illinois.

Linde Air Products facilities, Tonowanda, New York.

Mallinckrodt Chemical Company facilities, St. Louis, Missouri.

Nuclear Fuels Services facilities, Erwin, Tennessee.

Reactive Metals facilities, Ashtabula, Ohio.

Department of Energy Facility: The following facilities (including any predecessor or successor facilities to such facilities) would be among those included under the definition in section 3503(a)(15):.

Amchitka Island Test Site, Amchitka, Alaska.

Argonne National Laboratory, Idaho and Illinois.

Brookhaven National Laboratory, Upton, New York.

Chupadera Mesa, White Sands Missile Range, New Mexico.

Fermi Nuclear Laboratory, Batavia, Illinois.

Fernald Feed Materials Production Center, Fernald, Ohio.

Hanford Works, Richland, Washington.

Idaho National Engineering Laboratory, Idaho Falls, Idaho.

Iowa Army Ammunition Plant, Burlington, Iowa.

Kansas City Plant, Kansas City, Missouri.

Latty Avenue Properties, Hazelwood, Missouri.

Lawrence Berkeley National Laboratory, Berkeley, California.

Lawrence Livermore National Laboratory, Livermore, California.

Los Alamos National Laboratory, Los Alamos, New Mexico, including related sites such as Acid/Pueblo Canyons and Bayo Canyon.

Marshall Islands Nuclear Test Sites, but only for period after December 31, 1958.

Maywood Site, Maywood, New Jersey.

Middlesex Sampling Plant, Middlesex, New Jersey.

Mound Facility, Miamisburg, Ohio.

Niagara Falls Storage Site, Lewiston, New York.

Nevada Test Site, Mercury, Nevada.

Oak Ridge Facility, Tennessee, including the K-25 Plant, the Y-12 Plant, and the X-10 Plant.

Paducah Plant, Paducah, Kentucky.

Pantex Plant, Amarillo, Texas.

Pinellas Plant, St. Petersburg, Florida.

Portsmouth Plant, Piketon, Ohio.

Rocky Flats Plant, Golden, Colorado.

Sandia National Laboratories, New Mexico.

Santa Susanna Facilities, Santa Susanna, California.

Savannah River Site, South Carolina.

Waste Isolation Pilot Project, Carlsbad, New Mexico.

Weldon Spring Plant, Weldon Spring, Missouri.

Exhibit 2.—Determining "Causation" for Radiation and Cancer

Different cancers have different relative sensitivities to radiation.

In 1988, the White Office of Science and Technology Policy endorsed the use by the Veterans Administration of the concept of "probability of causation" (PC) in adjudicating claims of injury due to exposure to ionizing radiation. Given that a radiogenic cancer cannot be differentiated from a "spontaneously" occurring one or one caused by other dietary, environmental and/or lifestyle factors, the PC—that is, the "likelihood" that a diagnosed cancer has been "caused" by a given radiation exposure or dose—has to be determined indirectly.

To this end, the National Institutes of Health (NIH) was tasked to develop radioepidemiology tables. These tables, which are currently being updated by the NIH, include data on 35 cancers compared to the 13 cancers in the original tables from 1985. These tables account for the fact that different cancers have different relative sensitivities to ionizing radiation.

The determination of a PC takes into account the radiation dose and dose rate, the types of radiation exposure (external, internal), age at exposure, sex, duration of exposure, and (for lung cancer only) smoking history. Because a calculated PC is subject to a variety of statistical and methodological uncertainties, a "confidence interval" around the PC is also determined.

Thus, a PC is calculated as a single, "point estimate" along with a 99% confidence interval which bounds the uncertainty associated with that estimate. If you have 99% certainty that the upper bound of a PC is greater than or equal to 0.5 (i.e., a 50% likelihood of causality), then the cancer is considered at least as likely as not to have been caused by the radiation dose used to calculate the PC.

For example, for a given worker with a particular cancer and radiation exposure history, the PC may by 0.38 with 99% confidence interval of 0.21 to 0.55. This means that it is 38% likely that this worker's cancer was caused by this radiation dose, and we can say with 99% confidence that this estimate is between 21% and 55%. Since the upper bound, 55% is greater than 50%, this person's cancer would be considered to be at least as likely as not to have been caused by exposure to radiation, and the person would be eligible for benefits under the proposed program.

Mr. HUTCHINSON. Mr. President, as chairman of the Personnel Subcommittee I worked hard this year, along with Senator MAX CLELAND, our ranking member, to develop a defense authorization bill that is responsive to the manpower readiness needs of the military services; supports numerous quality of life improvements for our service men and women, their families and the retiree community; and addresses in a comprehensive manner, the health care needs of military retirees.

The subcommittee focused on the challenges of recruiting and retention during each of our hearings this year, including the health care hearing. The important legislation contained in this bill will have a positive impact on both recruiting and retention as those who might serve and those who are serving see our commitment to provide the health care benefits promised to those who serve a full military career. I am proud of this bill and I believe the initiatives it contains will result in improved recruiting and retention within the military services.

The most vigorously pursued and most prized provisions in our bill will extend TRICARE, the military health care system, to all military retirees without regard to their age. We have eliminated the statutory language that kicked military retirees out of the military medical system when they became eligible for Medicare—just at the time of their lives when these retirees need medical help the most and can afford it the least.

We were fortunate during conference to be able to include a permanent funding mechanism for the retiree health care benefit. This funding mechanism will ensure that the important health care benefit will be financed in perpetuity rather than being subject to annual budget exigencies. I am delighted that we have stepped up to fulfill the commitment to those who served our nation over a full career.

Of course, health care is not the only issue on which the Personnel Subcommittee focused this year. In the area of military personnel policy, there are a number of recommendations intended to support recruiting, retention and personnel management of the services.

Among the most noteworthy, is a provision that would, effective July 1, 2002, require high schools to provide military recruiters the same access to a high school campus, student lists and directory information as is provided to colleges, universities and private sector employers, unless the governing body—school board—decides by majority vote to deny military recruiters access to the high school.

When I asked military recruiters what I could do to assist them in meeting the challenges they face recruiting the best young men and women in America, they asked me to help them get access to high schools on the same basis as the colleges and universities.

Other initiatives to support recruiting are: a pilot program in which the Army could use motor sports to promote recruiting; implement a program of recruiting in conjunction with vocational schools and community colleges; and a pilot program using contract personnel to supplement active recruiters.

This conference report authorizes the expansion of Junior ROTC programs. We have added $13.5 million to expand the JROTC programs. When combined with the funds in the budget request, this add will maximize the services' ability to expand JROTC during fiscal year 20001. I am proud to be able to support these important programs that teach responsibility, leadership, ethics and assist in military recruiting.

In military compensation, our major recommendations include a 3.7 percent pay raise for military personnel and a revision of the Basic Allowance for Housing to permit the Secretary of Defense to pay 100 percent of the average local housing costs and to ensure that housing allowance rates are not reduced while permitting increases as local housing costs dictate.

The bill directs the Secretary of Defense to implement the Thrift Savings Plan for active and reserve forces not later than 180 days after enactment. The Thrift Savings Plan will be a very positive recruiting and retention tool assisting the military services in attracting high-qualified personnel and encouraging them to remain until retirement.

We included a provision that will dramatically reduce the number of military personnel eligible to receive food stamps. Under this provision, military personnel determined by the Secretary of Defense to be eligible for food stamps would receive an additional special pay sufficient to raise their income level to where they would no longer need food stamps. This special pay will reduce the number of military personnel eligible to receive food stamps from the current DOD estimate of about 5,000 to less than 2,000. No United States military personnel should be forced to use food stamps to feed his or her family. When you combine the food stamp assistance in this bill with the increased pay raises we have directed over the next 5 years, we should practically eliminate the need for any service member to seek assistance from food stamps.

We also modified the basic pay tables for non-commissioned officers effective July 1, 20001 to give these deserving leaders a well deserved pay raise. When we adjusted the basic pay tables for all military personnel last year, we discovered that the non-commissioned officers—the key element in our military units—did not receive an equitable pay raise with the officers. We were able to correct that situation this year.

Other health care provisions include: the elimination of co-payments for those active duty family members enrolled in TRICARE Prime; an initiative that would provide recipients of the Medal of Honor, and their families, life-time military health care; and a provision that would direct the Secretary of Defense to implement a patient care reporting and management system to reduce medical errors.

Mr. President, I am proud of this bill. It will provide the resources and authority the military services need to maximize their readiness and to improve the quality of life for active and retired military personnel and their families.

Before I conclude, I would like to take this opportunity to thank the hardworking staff members of the Personnel Subcommittee: Charlie Abell, Patti Lewis, and Michele Traficante. I am proud of the work they have done this year, and every man and women who wears our nation's uniform, and every military retiree, is better off today because of their efforts. I thank you.

I will vote for the bill and I urge my colleagues to support the bill as well.

Mr. FEINGOLD. Mr. President, I will once again oppose the Department of Defense authorization bill, as I have done each year I have been a Member of this body.

As I stated earlier this year when the Senate passed the fiscal year 2001 Department of Defense appropriations bill, my opposition to this conference report should not be interpreted as a lack of support for our men and women in uniform. Rather, what I cannot support is the cold war mentality that continues to permeate the United States defense establishment.

I strongly support our Armed Forces and the excellent work they are doing to combat the new threats of the 21st century and beyond. However, I am concerned that we are not giving our forces the tools they need to combat these emerging threats. Instead, this conference report, like the corresponding defense appropriations bill that has already been enacted, clings to the strategies and weapons that we used to fight—and win—the cold war.

The cold war is over. It is past time that we undertake a comprehensive review of the threats currently facing the United States and formulate a strategy on how best to combat them before we continue to commit billions of dollars to programs that were created to fight an enemy that no longer exists.

As we reexamine our defense priorities, we should assess the changing roles and missions of both our active duty and our reserve components. The National Guard and Reserve are integral parts of overseas missions, with recent and ongoing missions in places including Iraq and the Balkans. According to statements by Department of Defense officials, Guardsmen and Reservists will continue to play an increasingly important role in our national defense strategy as they are called upon to shoulder more of the burden of military operations both at home and abroad. The National Guard and Reserves deserve the full support they need to carry out their duties.

One crucial part of that support is providing adequate compensation to these dedicated men and women. I am pleased that this conference report includes a modified version of an amendment I offered during Senate consideration of this bill which authorizes special duty assignment pay for members of the National Guard and Reserve not on active duty. This provision will provide a measure of pay equity to National Guard and Reserve personnel by making them eligible for special duty assignment pay for special duties performed during drill periods.

The men and women who serve in the Guard and Reserves are cornerstones of our national defense and domestic infrastructure, and they deserve to be adequately and equitably compensated for their dedicated service to this country. This provision is a step in that direction. I thank the chairman and the ranking member of the Committee on Armed Services for their cooperation and support on this important issue.

On another matter, I am also delighted that this bill permanently extends the authority of the General Services Administration, GSA, to convey surplus property to local governments for law enforcement purposes. This provision builds on an amendment I offered when this measure was before the Senate, and I am pleased that the conferees have retained the language and expanded its scope. This section will help a number of communities across the country seeking to use surplus property to protect their citizens and provide safe, secure facilities for their police departments. Without this amendment, the authority to convey surplus property for law enforcement purposes would have expired this year. Communities that want to use the GSA process, and have counted upon doing so, to negotiate the use of property for law enforcement purposes at a reduced cost would have been shut out.

In fact, I have just such a situation in my own home State. The city of Kewaunee, WI wants to acquire the city's Army Reserve Center, which is a former Federal armory building. The city intends to use the property as a municipal building in which they would house their police force and other municipal offices.

Congress has specified a number of public purpose uses for which property can be transferred to local governments at a reduced cost. The Federal Property and Administrative Services Act, FPASA, allows property to be transferred to public agencies and institutions at discounts of up to 100 percent of fair market value for a number of purposes: public health or educational uses, public parks or recreational areas, historic monuments, homeless assistance, correctional institutions, port facilities, public airports, wildlife conservation, and self-help housing. This type of transfer is called a public interest conveyance.

I strongly believe that law enforcement is an important public purpose for which surplus property should be used. Moreover, in fairness to local communities with tight budgets, Congress today is acting to permanently preserve this option for communities that are counting on being able to use this authority.

Mr. President, I again thank the bill's managers, the Senior Senator from Virginia [Mr. WARNER] and the Senior Senator from Michigan [Mr. LEVIN], as well as the Senator from Tennessee [Mr. THOMPSON], for assisting me in ensuring this provision becomes law.

In closing, I reiterate my concern about the excessive spending contained in this conference report, including millions in taxpayers' dollars for planes, ships, and other equipment that the President did not request.

We should reexamine our defense priorities, and we should do it as soon as possible.

I thank the Chair.

Mr. THOMPSON. Mr. President, I want to express my support for the Defense Authorization conference report and to thank the Chairman of the Armed Services Committee, Senator WARNER, and the Ranking Member, Senator LEVIN, for their assistance in ensuring that the conference report includes a provision to provide compensation to Department of Energy nuclear weapons workers whose health was harmed in the course of their service to our country.

Back in June, when the Senate first considered this measure, I offered an amendment along with Senator BINGAMAN, Senator VOINOVICH, Senator KENNEDY, Senator DEWINE and others to establish an occupational illness compensation program for these DOE workers who helped us win the Cold War. We offered the amendment after my Committee and others heard testimony and reviewed evidence that showed that, for decades, the federal government—and specifically the Department of Energy—failed to adequately protect its workers or to properly inform them of hazards associated with the important work they were performing.

In some cases, we simply did not know then what we know now about the links between some of the materials used to make weapons and certain illnesses. But in some cases, the government did know—and yet it covered up and kept people in the dark and failed to adequately protect them. We cannot go back and right that wrong. I wish we could. But we can face up to the mistakes that were made and begin to try to remedy them. That is what the Senate is about to do today.

This conference report will establish a compensation program for Department of Energy and contractor employees who were exposed to beryllium, silica, or radiation in the course of their employment, and who are now suffering from illnesses that can be linked to those exposures. The program will employ eligibility criteria based on expert judgement and sound science.

Under the compromise that was reached with the House, the President will be required to send to Congress by March 15th of next year a specific proposal detailing the level of compensation and benefits he believes should be paid. Congress will then have until July 31st to enact specific compensation levels. However, if Congress does not act by July 31st, a default benefit level of $150,000 plus medical benefits will take effect. Therefore, covered employees are guaranteed to receive at least that amount unless Congress enacts legislation stating otherwise by next July.

I believe this is a good compromise, Mr. President. It is not everything that the Senate sponsors wanted, but it is a start. It will get a program in place, allow the Administration to begin to identify those who are eligible, and guarantee a minimum benefit level without further action by Congress. Those are important victories for these Cold War veterans to whom we owe a debt of gratitude. Today we acknowledge that debt of gratitude, as well as a responsibility to remedy mistakes we made.

So again I want to thank Chairman WARNER for his support of this important provision. It would not have been included without his efforts. I also want to thank Senators BINGAMAN, VOINOVICH, KENNEDY, DEWINE, MCCONNELL, and BUNNING for working with me on this issue, and I urge my colleagues to support the conference report.

Ms. SNOWE. Mr. President, I rise today to strongly support the fiscal year 2001 National Defense Authorization Conference Report which we are considering today. As a member of the Senate Armed Services Committee and the chair of the Seapower Subcommittee, I enthusiastically endorse this legislation, and further would like to particularly note its name as the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 in recognition of the chairman of the House Armed Services Committee's long and distinguished service.

I also want to acknowledge the senior Senator from Virginia, Senator JOHN WARNER, the chairman of the

Armed Services Committee for the superb leadership he has provided in support of the committee in the context of the entire authorization bill, and our ranking member, Senator CARL LEVIN, for all his work on this conference report and for his contribution to the committee and its deliberations.

The Seapower Subcommittee addressed significant issues this year and we did so with the bipartisan support of the members of our subcommittee. I want to thank Senator KENNEDY, the ranking member of the Seapower subcommittee, and the other subcommittee members, Senators JOHN MCCAIN, BOB SMITH, JEFF SESSIONS, CHUCK ROBB, and JACK REED, for their contributions and their bipartisan support of not only this legislation but also of the work by the subcommittee throughout this year.

This conference report takes great strides toward modernizing our armed services, meeting their operational and maintenance funding requirements, and improving the quality of service for our dedicated and valuable men and women of the military.

Because we recognize that the service members are our most valuable asset, this bill makes a solid investment in substantive healthcare provisions which will improve the coverage and quality of healthcare for our active duty military members, retirees, and their family members.

Significantly, this legislation initiates a permanent program to provide "healthcare for life" to our military retirees age 65 and older by supplementing Medicare with TRICARE, the military's healthcare program. It also includes a provision, originally the Kennedy-Snowe amendment, which complements the "healthcare for life" legislation by expanding prescription drug coverage for all our retirees—to provide a comprehensive healthcare benefits program that our military retirees so richly deserve.

This conference report also reflects the Seapower Subcommittee's hard look at Navy and Marine Corps operations and the equipment our men and women require to carry out those operations. And, Mr. President, what we have found in testimony from our operational commander is that our Navy and Marine Corps continues to be the nation's 9–1–1 force. Our sailors and marines are forward deployed, carrying out the national military strategy, and they continue to function at a high level of operations.

In fact, between 1980 and 1989, the Navy/Marine Corps team alone responded to 58 contingency missions. However, between 1990 and 1999 that number had increased to 192 contingency missions—a remarkable three-fold increase in operations! What makes this figure even more astounding is that this increase in missions occurred while the number of ships was reduced from 500 in 1980 to the current fleet of 316 ships.

The subcommittee recognizes the critical and unique role that the Navy and Marine Corps team filled in pursuing the national military strategy, and worked to create a bill that would support these diverse missions. To that end, I am pleased that this conference report authorizes an increase of $749 million to the Seapower Subcommittee procurement programs—on top of the President's budget request of $21.6 billion.

Furthermore, this conference agreement includes all of the original Seapower Subcommittee legislative provisions I referenced during my June discussion of these issues on the floor of the Senate, as well as several positive additions which will enhance both our national security and the readiness of our naval forces.

I want to highlight several capabilities and programs that we addressed after receiving testimony from the service chiefs and operational commanders and after visiting and talking with our service men and women.

The Seapower conference report aggressively addresses the future of our nation's Navy and the importance of recapitalization of our fleet by authorizing the construction of eight new ships. This includes $4 billion for a *Nimitz* class aircraft carrier; $2.7 billion for three DDG–51 *Arleigh Burke* class destroyers—the most advanced surface combatant in the world; $1.5 billion for two LPD–17 *San Antonio* class amphibious ships which will begin to reduce lifecycle costs in our amphibious fleet; $339 million for one ADC(X) auxiliary supply ship; and $1.2 billion for one *Virginia* class attack submarine

It also authorizes the President's request of $357 million for the advance procurement of seven DDG–51 *Arleigh Burke* class destroyers, $508 million for SSN–774 *Virginia* class attack submarines, and $22 million for one CVN(X) nuclear powered aircraft carrier.

The subcommittee recognized this need to modernize the fleet and, as a result, invested in future ship research and development as the seed corn of the future Navy by approving the budget request of $38 million for CVN–77—the last aircraft carrier of the *Nimitz* class; $274 million for CVN(X); $207 million for the SSN–774 *Virginia* class attack submarines; and $535 million for the revolutionary DD–21 land attack destroyer.

This conference report also approves the President's request for $1.1 billion for the procurement of sixteen MV–22 Osprey Marine Corps tilt-rotor aircraft, $2.2 billion to procure twelve C–17 aircraft, and $176.4 million for contained research, development, test, and evaluation of the C–17 strategic airlift program.

I am pleased that $560 million of the total procurement authorization increase is for new ship construction and will assist the Navy in achieving potential savings of over $1 billion. This increase includes $460 million for advanced procurement of the LHD–8 amphibious assault ship and an increase of $100 million for advance procurement of DDC–51 *Arleigh Burke* class destroyers.

For the Navy and Marine Corps aviation communities the conference report authorizes an increase of $52.4 million to re-manufacture two additional SH–60 helicopters and a $41.8 million increase to procure two additional CH–60 Navy helicopters, an increase of $22 million for additional P–3 Anti-Surface Warfare Improvement Program Kits, and an increase of $17 million for modifications and night operations upgrades to the Marine Corps UH–1 and AH–1 helicopters.

The conference agreement authorizes a $179.5 million increase to the President's budget request of $4.5 billion for the research, development, test, and evaluation of Navy, Marine Corps, and Air Force programs under the jurisdiction of the Seapower Subcommittee to include a $12.5 million increase for an additional Advanced Amphibious Assault Vehicle prototype, a $20 million increase to develop advanced shipboard simulators for Marines embarked on amphibious ships, a $15 million increase for a multi-purpose acoustic processor for anti-submarine warfare, a $10 million increase for development of command and decision software to be used throughout the surface Navy to improve communication among commanders, and an $8.4 million increase for the development of a defense system to protect our surface ships from torpedoes.

Mr. President, I want to emphasize that these increases were authorized by the Seapower Subcommittee to begin to provide much needed relief to the operational commanders who testified that they were being "stretched too thin." This added funding supports critical programs that will provide commanders with the equipment and the modernized systems they require to successfully and safely accomplish their mission.

I say to my colleagues, this entire defense bill takes a positive step toward modernizing our armed services, meeting their operational and maintenance funding requirements, and improving the quality of service for our committed men and women of the military. I urge my colleagues to vote in favor of passage of the final version of the FY 2001 National Defense Authorization Act.

Mr. REID. Mr. President, I rise in support of the conference report for H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001.

The conference report contains a provision on an issue that I have been working on—the concurrent receipt of military retired pay and VA disability compensation.

A law enacted in 1891 requires a disabled career military veteran to waive the amount of his retired pay equal to his VA disability compensation. Military retirees are the only group of federal retirees who must waive retirement pay in order to receive VA disability compensation. If a veteran refuses to give up his retired pay, he will lose his VA disability benefits. Our government is effectively requiring career military retirees to fund their own disability benefits. This inequitable offset affects over 437,000 military retirees.

Section 666 of the Senate version of this legislation would have eliminated the current offset entirely. The provision was very similar of H.R. 303, which has 321 cosponsors in the House. The provision was supported by numerous veterans' service organizations, including the Military Coalition, the National Military/Veterans Alliance, the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America, and the Uniformed Services Disabled Retirees.

Some members were concerned that the provision was too expensive, and consequently, many felt that we could not include a provision to completely eliminate the current offset in the conference report. In my opinion, no amount of money can equal the sacrifice our military men and women have made in service to their country. This is a small price to pay to show our appreciation to those who have sacrificed so much for our great nation.

While I am extremely disappointed that we did not take advantage of this opportunity to correct this long-standing inequity, I am pleased that the conference report does contain language that will take us one step closer to correcting this injustice once and for all.

The Fiscal Year 2000 National Defense Authorization Act included a provision, to authorize a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans Affairs at 70 percent or greater. The provision authorized payments of $300 per month to retirees with 100 percent disability, $200 per month to retirees with 90 percent disability and $100 per month to retirees with 70 and 80 percent disability. To be eligible, retirees had to have at least 20 years of service and have their VA disability rating within four years of their retirement. Only individuals retired for longevity qualified for the monthly benefit.

The conference report for H.R. 4205 expands the eligibility for these special payments to those individuals retired for disability by their service. These individuals are also known as "Chapter 61" retirees. The payments will begin in fiscal year 2002.

I want to thank Senator WARNER and Senator LEVIN for their assistance in including this provision in the conference report. I would also like to acknowledge Congressman BILIRAKIS, who assisted as an outside conferee on the conference report which made it possible for us to debate concurrent receipt in this session of the 106th Congress. Congressman BILIRAKIS has been a vocal advocate for concurrent receipt in the House for over fifteen years.

The original law is 109 years old and discriminates against service members who decide to make the military their careers. Military retirees with service-connected disabilities should be able to receive compensation for their injuries above their military retired pay. The elimination of this offset is long overdue, and I will continue to pursue this issue in the 107th Congress.

I urge my colleagues to support the conference report for H.R. 4205.

Mr. SMITH of New Hampshire. Mr. President, I am proud to serve on the Senate Armed Services Committee that developed the Senate version of the National Defense Authorization bill for fiscal year 2001. I am equally proud to have served as a Conferee to resolve differences between our bill and the one that passed the House of Representatives.

This bill is important to our men and women who serve this Nation every day. As the explosion today in Yemen demonstrates, America's great military men and women put their lives on the line for us every day. That sacrifice demands our attention and our support.

This bill is another step to help us pull the U.S. military out of the nosedive created by this Administration. The number of deployments the Clinton/Gore administration committed us to has forced the military to use its limited funds for operations vice maintaining our forces. Readiness is at an all-time low. We are cannibalizing parts of our forces to keep the other parts running. That is wrong. Our men and women in uniform deserve better. This bill is a step in the right direction, but we still need more. I will fight for more again next year.

My colleagues on the Armed Services Committee have lauded the benefits of this bill, so I will not repeat them all here. However, several points I feel are very important to note for the American people.

This bill authorizes $309.9 billion in military spending, $4.6 billion above the President's budget request. It authorizes $63.2 billion for procurement, $2.6 billion above the President's budget request. It authorizes $38.9 billion for research and development, $1.1 billion above the President's budget request.

This bill provides a decent pay raise—3.7 percent. It approves permanent comprehensive health care benefits for military retirees and benefits for military families. It also provides pharmacy benefits. When our military men and women put their lives on the line for our freedom, we owe them this commitment.

This bill is a start, but we must do better. We need to expand our missile defense capabilities to fully leverage land, sea, air, and space options. Our ship-building rate is below that needed to sustain our aging naval force in the long term. We also need to be investing in space power programs. For 8 years, this Administration has ignored programs like the Kinetic Energy Anti-Satellite system and the military space plane.

I also want to mention two important items which I fought vigorously for in this Bill that my colleagues have not mentioned.

First, this bill attempts to right a grievous wrong that was committed over 50 years ago when Captain Charles Butler McVay III was tried and convicted—unjustly I believe—for the sinking of his ship, the U.S.S. *Indianapolis*, shortly before the end of the Second World War. This remains the greatest sea disaster in the history of the U.S. Navy. 880 of the 1,197 men aboard perished. Many of those who survived the actual sinking were left without lifeboats, food, or water and faced shark attacks for 4 days and 5 nights.

This legislation recognizes Captain McVay's lack of culpability for the tragic loss of the ship, urges a correction of his military record to reflect his exoneration, and prompts the Navy to award a Navy Unit Commendation to the U.S.S. *Indianapolis* and her final crew.

Captain McVay was not given intelligence reports about Japanese submarine activity in the ship's path; he was not granted an escort to help protect his ship; and he had taken prudent steps to protect the vessel. Not all of this information was made available to the court-martial board. Several hundred U.S. ships were lost in combat to enemy action during World War II, yet only Captain McVay was subjected to a court-martial.

This language does not erase the conviction of Captain McVay from his record. We in Congress do not have the authority to do that. It must remain on his record as a stain upon the conscience of the Navy until this or some future President sees fit to order that it be expunged. This resolution does, however, represent acknowledgment from one branch of the Federal Government he served so capably that Captain McVay's conviction was morally wrong and that he should no longer be viewed by the American people as responsible for the horrible tragedy which haunted him to the end of his life.

Second, this bill closes a loop hole in our national security regarding the granting of security clearances. Everyday, we entrust our national secrets to individuals to develop weapon systems, intelligence capabilities, war plans, and the like to defend this nation in war and peace. The American people demand these individuals be of the highest integrity. Yet, it came to my attention that we have not been maintaining that standard. Persons with criminal track records have been granted security clearances. We have even granted clearances to murderers.

The addition I fought for in this bill is simple. It would prevent the Department of Defense from granting security clearances to those who have been convicted in a court of a crime punishable by imprisonment for a term exceeding one year.

As I have said, this bill will strengthen our military. It is a step in the right direction, but we are not finished. I urge my colleagues to approve the conference report.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. LIEBERMAN. Mr. President, I rise to discuss provisions (Section 934) in the fiscal year 2001 National Defense Authorization Act (H.R. 5408) aimed at supporting efforts within the Department of Defense to develop a set of operational concepts, sometimes referred to as 'Network Centric Warfare', that seek to exploit the power of information and U.S. superiority in information technologies to maintain dominance and improve interoperability on the battlefield. I am reiterating points here that I made in a longer and more detailed statement this past summer on June 20 on this legislation. The concept of Network Centric Warfare calls for a military that links sensors, communications systems and weapons systems in an interconnected grid that allows for a seamless information flow to warfighters, policy makers, and support personnel. I am very pleased to see that our House and Senate Conferees have made a strong statement as to the importance of this emerging theory of warfare. They have joined a chorus of voices, including experts from the Naval War College, Office of the Defense, and the Joint Chiefs of Staff to push for an acceleration of DoD efforts to analyze, understand, and implement the concepts of Network Centric Warfare. In fact, Joint Vision 2020 set the goal for the Department of Defense to pursue information superiority in order that joint forces may possess superior knowledge and attain decision superiority during operations across the spectrum of conflict.

After extensive discussions with a variety of Agency and Service officials, I believe that although there are many innovative efforts underway throughout the Department to develop network centric technologies and systems, as well as to develop mechanisms to integrate information systems, sensors, weapon systems and decision makers, these efforts are too often underfunded, low-priority, and not coordinated across Services. In many cases, they will unfortunately continue the legacy of interoperability problems that we all know exist today. To paraphrase one senior Air Force officer, we are not making the necessary fundamental changes—we are still nibbling at the edges.

The legislation in Section 934 of H.R. 5408 explores many of the facets of this novel Joint vision of a networked force and operations. Section 934 (b) clearly states the policy of the United States with respect to Network Centric Warfare. The legislation makes it the goal of Department of Defense to fully coordinate various efforts being pursued by the Joint Staff, the Defense Agencies, and the military departments as they develop the concepts of Network Centric Warfare. The legislation then also calls for DoD to provide two reports to Congress detailing efforts in moving towards Network Centric forces and operations. The conference language reflects the fact that both the Senate and the House had compatible provisions on Network Centric Warfare in their respective bills. The final conference language essentially reflects the more detailed Senate version; it consolidates the wording while retaining the intent and each key element of the Senate bill's proposals. Therefore the points I made in a more extended statement this past summer remain applicable to the final provision, and what follows is merely a reiteration and elaboration from that statement. At this point I also particularly want to note my appreciation for the strong support, cooperation, and contributions on this provision from my friends and Committee colleagues, Senators ROBERTS and BINGAMAN.

Section 934(b) calls for a report focusing on the broad development and implementation of Network Centric Warfare concepts in the Department of Defense. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff are asked to report on their current and planned efforts to coordinate all Dod activities in Network Centric Warfare to show how they are moving toward a truly Joint, networked force. The report calls for the development of a set of metrics as discussed in Section 934(c)(J) to be used to monitor our progress towards a Joint, networked force and the attainment of fully integrated Joint command and control capabilities, both in technology and organizational structure. These metrics should allow Congress and DoD to evaluate technology development and acquisition programs that are related to Network Centric concepts and enable policy makers to set priorities and to make difficult resource allocation decisions.

The legislation also requires the Department to report on how it is moving toward Joint Requirements and Acquisition policies and increasing Joint authority in this area to ensure that future forces will be truly seamless, interoperable, and network-centric, as described in Section 934(c)(G). These Joint activities are critically necessary to achieving networked systems and operations. Unless we move away from a system designed to protect individual Service interests and procurement programs, we will always be faced with solving interoperability problems between systems. For example, strengthening the Joint oversight of the requirements for and acquisition of all systems directly involved in Joint Task Forces interoperability would provide a sounder method for acquiring these systems. We need to move away from a cold war based, platform-centric acquisition system that is slow, cumbersome, and Service-centric. As part of this review, DoD should examine the speed at which it can acquire new technologies and whether the personnel making key decisions on information systems procurement are technically training or at least supported by the finest technical talent available. The report should, as part of this review, evaluate how to ensure that Service acquisition systems are responsive to the establishment of Joint interoperability standards in networking, computing, and communications, as well as best commercial practices.

As described in Section 934(c)(I), the report must also address the need for coordination of Service and Agency Science and Technology (S&T) investments in the development of future Joint Network Central Warfare capabilities. In moving towards a more Joint, networked force we must continue to ensure that we provide our nation's warfighters with the best technologies. The review should evaluate where we must increase our investments in areas such as sensors, networking protocols, human-machine interfaces, training, and other technologies, especially in the face of constrained S&T budgets. The Secretary of Defense should explain how S&T investments supporting network centric operations will be coordinated across the Agencies and Services to eliminate redundancy and how and where investments will be made to better address critical warfighting technology needs. This is more important than ever as we develop our next generation of weapon systems—better coordination and establishment of common standards in the technology development stages can only help to alleviate future interoperability problems.

Any investments in S&T for a network centric force must also address the role of the operator in a network centric system. The report must pay attention to the training of our combat and support personnel so that they can make the best use of information technologies, as well as investing more in research on learning and cognitive processes so that our training systems and human-machine interfaces are optimized. The recommendations on investments in the report should also accommodate the incredible pace of change in information technologies that is currently driven by the commercial sector. Dodd must analyze the commercially driven revolutions in information technology and modify the investment strategy to best leverage those developments through cooperative R&D and utilization of dual-use technologies.

Section 934(d) describes the second report, which requires an examination of the use of the Joint Experimentation Program in developing Network Centric Warfare concepts. Network Centric Warfare is inherently Joint, and the Commander in Chief of Joint Forces Command is in the best position to develop new operational concepts and test the new technologies that support it. The report calls for a proposal on how the Joint Experimentation Program and the results of its activities are to be used to develop these new operational concepts, especially with regards to the design of optimal force structures for Joint operations.

The Joint Experimentation process should also be used to develop Joint Requirements, Doctrine, and Acquisition programs to support network centric operations. It should serve to identify impediments to the development of a joint information network, including the linking of Service intranets, as well as redesigning combat support functions to leverage new network centric operation concepts. The review should evaluate each of these issues. This of course does not detract from the critical role that existing Service experimentation programs will play in developing new technologies and doctrine to make our fighting forces more efficient and interoperable, which should be a part of this analysis.

This legislation will help focus the Pentagon and Congress' attention on the need to move our military into a more information savvy and networked force. We ask that these reports set forth the needed organizational, policy, and legislative changes necessary to achieve this transformation for decision makers in the military, Administration, and in Congress. The realities of the information technology revolution will force our future military operations to be network centric. We must act now to ensure that we stay ahead of the curve in technology and, more importantly, in thinking. I look forward to receiving plans and proposals to help get us there efficiently and effectively.●

Mr. JOHNSON. Mr. President, I am pleased that the Senate will vote today on the fiscal year 2001 Department of Defense Authorization Conference Report. This defense bill contains historic improvements in health care coverage for the approximately 12,600 military retirees, their families, and survivors currently living in South Dakota. In addition, the defense bill contains much-needed quality of life" improvements for men and women in active duty and several improvements to the TRICARE health care system for active duty personnel and their families.

On the first day of this legislative session, I introduced the Keep Our Promises to America's Military Retirees Act to restore the broken promise of lifetime health care for military retirees and their dependents. Men and women were promised lifetime health care for themselves and their families upon completion of 20 years in the military. However, military retirees are currently kicked out of TRICARE once they become eligible for Medicare. The current situation breaks a promise our country has made with its veterans and military retirees. The lack of adequate health care coverage for military retirees also impacts retention of qualified military personnel and sends a negative signal to young men and women considering a career in the military.

My bipartisan legislation received the endorsement from military retiree and veterans organizations as well as from a grassroots organization of thousands of military retirees across the country. My legislation called for military retirees to have the option of staying in their TRICARE military health care program or electing to participate in the Federal Employees Health Benefit Program, FEHBP. The Keep Our Promises to America's Military Retirees Act would also allow military retirees who entered the military prior to June 7, 1956 (the date military health care for retirees was enacted into law) to enroll in FEHBP with the United States paying 100 percent of the costs.

I offered my legislation as an amendment during Senate consideration of the fiscal year 2001 Defense Authorization bill. Although the amendment failed on a procedural motion, I was pleased that Senate Armed Services Committee Chairman JOHN WARNER agreed to include one part of my bill—the expansion of TRICARE to Medicare-eligible military retirees—in both the Senate defense bill and the final conference report that will be sent to the President.

The conference report also extends full DoD pharmacy benefits for Medicare-eligible military retirees. Military retirees will now be able to use DoD retail and mail-order pharmacy programs. A 20 percent copayment is required for retail, and a $8 copay is required for a 90-day supply of mail-ordered drugs. As you recall, this pharmacy provision was included in the Senate defense bill after I was successful in creating a special military retiree health care reserve fund" in the fiscal year 2001 budget resolution.

The fiscal year 2001 Defense Authorization Conference Report includes a number of other health care and "quality of life" improvements for men and women in active duty and their families. I am pleased this bill eliminates TRICARE Prime copayments for active-duty family members as well as increasing reimbursement rates for TRICARE providers. In my numerous meetings in the state on TRICARE, low reimbursement rates have been of particular concern because the low rates make recruitment of TRICARE health care providers in rural areas difficult. With my support, the bill also includes efforts to improve TRICARE through good business practices, increased technology, and reduced administrative waste.

The conference report includes a much-deserved 3.7 percent pay raise for active duty and reserve personnel. I am pleased the bill also begins the process of eliminating the mandatory out-of-pocket housing costs incurred by servicemembers. Recruitment and retention efforts will be enhanced with incentives to join ROTC and increased enlistment bonuses, as well as a provision that allows VEAP conversion to the Montgomery GI Bill for servicemembers currently on active duty who had previously contributed to VEAP.

While I am pleased that a number of health care issues have been addressed in this year's defense authorization bill, there is more work that needs to be done. I will continue to work with cosponsors of my Keep Our Promises legislation to provide military retirees with the option of using FEHBP and to address the broken promise of free lifetime health care to those military personnel who entered the military prior to June 7, 1956. I am also disappointed that the bill failed to adequately address a rule that prohibits disabled vets from receiving their retired pay and disability compensation concurrently. I am a cosponsor of legislation that would correct this injustice, and I will continue to work with my colleagues to ensure its eventual passage. Finally, I will continue to fight for increased veterans education benefits through a strengthened Montgomery GI Bill and passage of my Veterans Education Opportunities Act.

The health care improvements and "quality of life" improvements included in this year's defense authorization bill are a testament to the hard work and grassroots organization of thousands of military retirees across the country. One particular military retiree, Fred Athans from Rapid City, recently completed his term as national president of The Retired Enlisted Association. Fred and countless others from South Dakota and around the country were essential in the passage of this legislation.

• Mr. KENNEDY. Mr. President, first, I would like to say that the attack on the U.S.S. *Cole* is a tragedy for the nation. My thoughts are with the families and loved ones of the sailors who lost their lives, and I pray for the full recovery of those who were injured. I also urge an immediate investigation of this brutal terrorist act against our country in order to identify the terrorists and their backers and bring them to justice as soon as possible.

I support the conference report to the Fiscal Year 2001 Defense Authorization Bill. It represents major progress in our commitment to defending our country and caring for the dedicated men and women who serve so well in our armed forces.

I commend my colleagues on the Armed Services Committee for their skillful work in producing this consensus and bipartisan conference report. We have made worthwhile progress on many important issues affecting our armed forces.

The nation owes a special debt to the men and women of the armed forces for their unwavering commitment to our country and their excellent performance in the challenges they faced in this past year. They stand in harm's way. They have helped end the aggression in Kosovo, enforced the peace in Iraq, and helped provide the foundation for a free and independent nation in East Timor.

The contributions of our armed forces in those conflicts captured headlines, but it is important to recognize that our service members are preparing for and responding to a variety of contingencies. From defending the United States and our allies to participating in peacekeeping missions, to conducting counter-drug operations, to providing humanitarian assistance, the members of our armed forces today are prepared to carry out a wide range of duties in an efficient and professional manner.

This conference report includes a number of important provisions that demonstrate the commitment by Congress to improving the quality of life of those serving our country today as well as those who have completed their service in the past. For those currently serving, the conference report includes a 3.7 percent pay raise, a full half-percent above the rate of inflation.

Our commitment is not only to the soldiers, sailors, airmen and Marines who defend our country but also to their families. The conference report authorizes the construction of new housing for 2,900 families. For families who live off-base, we have taken steps to meet our goal of reducing out-of-pocket housing expenses to zero within five years.

The conference report helps to make the armed forces a more attractive career by implementing a program to allow active and reserve service members to enroll in the Thrift Savings Program, encouraging them to plan and save for their retirement.

One of the most important accomplishments in this legislation is a prescription drug benefit for military retirees, their spouses and widows. It is a long overdue step toward making good on the Nation's promise to provide career personnel with lifetime health benefits. And we intend to continue the on-going effort to provide all retirees with affordable, comprehensive prescription drug coverage through Medicare.

When we first considered the DOD authorization bill earlier this year, Senator SNOWE and I drafted a proposal to create a comprehensive drug benefit. We worked closely with Chairman WARNER and others to make coverage of prescription drugs a priority in this legislation. I am pleased that our legislation prevailed and was expanded in the conference. It is now clear to all that Congress has heard and heeded the needs of our military retirees, and addressed their number one priority—the cost of prescription drugs.

As a result of our efforts, nearly 1.4 million Medicare-eligible military retirees and their spouses and widows—including more than 21,500 in Massachusetts—will have access to affordable prescription drugs, effective upon enactment.

Under this legislation, military retirees will receive a retail and mail-order pharmacy benefit. Almost one-third of them—450,000—already have this benefit under the base closing agreement. The bill provides a 90-day supply of prescription drugs by mail for an $8 co-payment, or a 30-day supply of prescription drugs from a retail pharmacy for a 20 percent co-payment. There are no deductibles, and no additional premiums. Military retirees and their spouses and widows will receive the prescription drugs that their doctors prescribe. It is a generous benefit for those who have given so generously to the country during their working years.

The legislation also assures comprehensive Medicare supplemental coverage through TRICARE. Together, these new benefits assure health security in retirement for those who have served in the armed forces.

These benefits send a strong message to all men and women in uniform that we care about their service. It lets military retirees know that Congress listens, cares, and will act on their behalf.

Despite success here today for military retirees, we must not forget the millions of other senior citizens who need help with prescription drugs, too.

It's long past time for Congress to mend the broken promise of Medicare. Medicare is a compact between the government and America's senior and disabled citizens. It says work hard and pay in during your working years, and you will receive health coverage in your retirement years. But every day that promise is broken, because Medicare does not cover prescription drugs. It is time for Congress to make good on that promise, too.

When Medicare was enacted in 1965, only three percent of private insurance policies offered prescription drug coverage. Today, virtually all private health insurance policies provide prescription drug coverage.

Up to 20 million elderly and disabled Medicare beneficiaries—one-half of the total—have no prescription drug coverage throughout the year. Almost 14 million have never had drug coverage.

Those who have coverage find that too often it is unreliable, inadequate or unaffordable. In fact, the only senior citizens who have stable, secure, affordable drug coverage today are the very poor, who are on Medicaid. The idea that only the impoverished elderly should qualify for needed hospital and doctor care was rejected when Medicare was enacted.

Governor Bush and Congressional Republicans say they want to subsidize prescription drugs for the poor. But senior citizens deserve Medicare, not welfare.

Too many seniors today must choose between food on the table and the medicine they need to stay healthy or to treat their illnesses.

Too many seniors take half the pills their doctor prescribes—or don't even fill needed prescriptions—because they cannot afford the high cost of prescription drugs.

Too many seniors are ending up hospitalized—at immense cost to Medicare—because they aren't receiving the drugs they need at all, or cannot afford to take them correctly.

Pharmaceutical products are increasingly the source of miracle cures for a host of dread diseases. In 1998 alone, private industry spent more than $21 billion in research on new medicines and to bring them to the public. Congress is well on its way to doubling the budget for the National Institutes of Health. The miracle drugs developed by these public and private sectors investments save lives—and they save dollars too, by preventing unnecessary hospitalization and expensive surgery. But millions of Medicare beneficiaries are left out and left behind from the benefits of 21st century medicine because they cannot afford the price of admission.

Elderly Americans need and deserve prescription drug coverage under Medicare. Any senior citizen will tell you that—and so will their children and grandchildren. It is time to make the needs of all seniors a priority as well.

As a party, Republicans have always disliked Medicare. It was one of the first votes I cast when I came to the Senate, and it's still one of the best votes I've ever cast.

Senator Bob Dole, however, once boasted that he voted against Medicare's enactment, and never liked it. According to historian Robert Dallek, Ronald Reagan saw Medicare as the advance wave of socialism that would "invade every area of freedom in this country." House Majority Leader DICK ARMEY has said that it's a program he would "have no part of in a free world." Newt Gingrich wanted Medicare to "wither on the vine" in the GOP effort he led to privatize Medicare and reduce its funding in order to pay for tax breaks for the rich.

In contrast, under the leadership of the Clinton-Gore Administration, Medicare's financial outlook is the healthiest it has ever been. According to the most recent Trustee's Report, the Medicare Trust Fund will remain solvent for the next quarter century.

Democrats want a universal, voluntary prescription drug benefit under Medicare. All beneficiaries would be eligible for affordable coverage within one year of enactment. In contrast, George Bush passes the buck to the states and private insurance companies. His flawed two-part program would force seniors to wait too long and do too little for too few.

Phase One of the Bush plan would be a state block grant program similar to one of the proposals by Senator ROTH. Eligibility is limited to senior citizens whose incomes are below $14,600—which leaves 70 percent of all Medicare beneficiaries with no coverage. Senior citizens want Medicare, not welfare. They have spent their working years building our country, and they should not have to beg for prescription drugs in their golden years.

It would take years to implement the Bush block grant program. Last February, the National Governors Association unanimously rejected this approach in a resolution that said, "If Congress decides to expand prescription drug coverage to seniors, it should not shift that responsibility . . . to the states." States should not be asked to pick up the slack for Congress' failure to fill Medicare's biggest gap.

Phase Two of the Bush plan picks up where Newt Gingrich left off. Under the guise of Medicare "reform," the Bush proposal relies on private insurance companies to provide Medicare benefits. Prescription drug coverage under phase two would not start until 2004. It is contingent on passage by Congress of broad Medicare changes that would create a "premium support" program, which would eliminate the government's obligation to contribute 75 percent of the premium for individuals enrolling in Medicare. A similar plan was estimated to raise premiums for the elderly in traditional Medicare by up to 47 percent in the first year. Bush claims that the elderly could keep their current Medicare, but many would be forced to join HMOs, because conventional Medicare would quickly become unaffordable. The Bush plan will turn many senior citizens over to the tender mercy of the private insurance industry, and force them to give up their doctors and join HMOs to have access to an affordable drug benefit.

In addition, under Governor Bush's plan, the government would subsidize only 25 percent of an undetermined premium that could vary drastically from state to state. Never in the history of Medicare have senior citizens been asked to pay such a high proportion of the cost of any benefit. According to CBO estimates for a similar plan, the Bush proposal costs so much and provides so little that it is unlikely to help even half of the senior citizens who are currently without drug coverage.

The ongoing revolution in health care makes prescription drug coverage more essential now than ever. Coverage of prescription drugs under Medicare is as essential today as was coverage of hospital and doctor care in 1965, when Medicare was enacted. Senior citizens need that help—and they need it now.

So I say to my colleagues—while we are making good on broken promises, it's long past time to cover prescription drugs under Medicare for all elderly Americans. If we can cover military retirees, we can cover other senior citizens too.

Another major achievement in this bill is the inclusion of the Energy Employees Occupational Illness Compensation Act, a gratifying breakthrough for basic fairness. These workers deserve this compensation, and it is decades overdue.

As we now know, the nuclear buildup in the Cold War years exposed many hard-working, patriotic employees in the nation's defense plants to dangerous radioactive and chemical materials at far greater levels than employers were willing to admit. Many of these workers now suffer from debilitating and fatal illnesses directly related to that exposure. For too long, the government shamefully ignored the plight of these workers and failed to accept responsibility for it.

I commend Secretary of Energy Richardson for his leadership in bringing this issue to light and dealing so effectively with this tragic chapter in our recent history. I also commend Senators THOMPSON, BINGAMAN, VOINOVICH, MCCONNELL, DEWINE, and BUNNING for their leadership and persistence in achieving this bipartisan compromise.

This workers' compensation program is based on sound science and traditional principles of workers' compensation. It is designed to make the claimants whole by paying medical benefits and compensating them for lost income due to death or disability that resulted from work for the federal government or one of its contractors. I supported giving workers the option of choosing to receive their actual lost wages, instead of a lump sum payment, and I am disappointed that the House Republicans refused to include this provision in the final bill. Despite this oversight, this new program is a substantial victory for these energy workers. They made great sacrifices for our country during the Cold War, and they have already waited too long for this relief.

Another important provision in the conference agreement is a new GAO study of the effectiveness of existing disability programs in the military health system in meeting the needs of disabled dependents. Too often, active military personnel are forced to turn to Medicaid as the only way they can get good health care for their disabled child—even though there are programs authorized under the military health system to assist disabled dependents. In some cases, choosing Medicaid makes it impossible for active duty parents to accept a military promotion—because they would earn too much money for their child to qualify for Medicaid. It is time to overhaul these programs and make them more effective, so that no military personnel have to impoverish themselves and their family in order to obtain needed health care for their disabled children.

I am pleased that this legislation also includes a provision that at long last lifts the unfair stain placed on Admiral Husband E. Kimmel and General Walter C. Short in the wake of the Japanese attack on Pearl Harbor on December 7, 1941. Admiral Kimmel and General Short were the Navy and Army commanders at the time of that attack. Despite loyal and distinguished service, they were unfairly scapegoated for the nation's lack of preparation for that attack and the catastrophe that took place.

They were the only two officers eligible for advancement under the 1947 Officer Personnel Act who did not receive advancement when they retired. The provision in this bill asks the President to advance them posthumously, so that now, at this late date, these two men will finally be treated fairly like their peers. This provision moves us another step forward on the path of justice and equality, and I am delighted by its inclusion.

Although the conference report makes progress on many issues, I am very disappointed that this legislation fails to take strong and needed action on the important issue of hate crimes.

Earlier this year, with the support of a broad group of law enforcement organizations, civil rights groups, and community and religious organizations, strong, bipartisan majorities in both the Senate and the House voted to include a needed anti-hate crimes provision in the defense authorization bill.

By stripping the hate crimes provision from the bill in the conference, the Republican leadership has callously ignored these votes and the clear will of Congress. On hate crimes, the Republican leadership has failed the leadership test and turned its back on the need to protect all our citizens from bigotry and prejudice.

Hate crimes are a national disgrace—an attack on everything this country stands for. They send a poisonous message that some Americans are second class citizens who deserve to be victimized solely because of their race, their ethnic background, their religion, their sexual orientation, their gender or their disability. For too long, the federal government has been forced to stand on the sidelines in the fight against these senseless acts of hate and violence. If America is to live up to its founding ideals of liberty and justice for all, combating hate crimes must be a national priority.

If the national outcry is loud enough, we still have a chance to act on this issue in the remaining days of this Congress.

We also have a responsibility to address the problem of unexploded ordinance on active and formerly live-fire training facilities. On the Massachusetts Military Reservation, UXO poses a contamination threat to the soil and groundwater in the area. It is time to take action on this problem now, before it causes tragic and irreparable harm to the environment and the people who live in the area.

The conference report authorizes $8 million to develop and test new technologies to detect UXO and map the presence of their contaminants. While this is a good step, it cannot be the last step. The Department of Defense should take on the task of removing UXO from current and former training facilities. This step would ensure the continued operation of live-fire ranges and make former ranges safe for their communities and future reuse.

In addition, we must deal with the new generation of threats faced by our service members and the American public at large. As we enter the 21st century, our country is faced with new challenges from the proliferation of weapons of mass destruction, the risk of terrorist attacks both at home and abroad, and cyber-warfare. This legislation takes steps to protect us from each of these dangers.

The conference report authorizes the creation of five additional Civil Support Teams, comprised of National Guard personnel specially trained to detect and respond to the suspected use of chemical, biological, radiological, or other weapons of mass destruction against cities and people.

Strong support is given to threat reduction programs to continue work with the nations of the former Soviet Union to reduce the dangers of proliferation. These steps include an additional $25 million above the President's request to eliminate strategic nuclear weapons in Russia.

The number of cyber-attacks against the Department of Defense increased dramatically last year, totaling 22,000 raids on DOD computer systems. With computers being an essential part of the command, control, communications and intelligence functions of our armed services, it is easy to see how disruptive these attacks, if successful, could be. The conference report recognizes the seriousness of this threat and creates an Institute for Defense Computer Security and Information Protection to ensure our military can protect itself from this type of threat.

The Seapower Subcommittee, under the leadership of our distinguished chair, Senator SNOWE, heard testimony over the past year on concerns about the Navy's force structure, shipbuilding rate, and the readiness of our fleet. The conference report supports the Secretary of the Navy's decision to increase research and development on DD–21 to begin the next generation of our destroyer fleet, and asks the Navy to report on the feasibility of receiving delivery of this advanced ship by 2009. But many of us are concerned about the delays that the program has already faced, as well as the effects of the delays on the fire-support requirements of the Marine Corps and on our country's shipbuilding industrial base.

The conference report authorizes the extension of the DDG–51 multi-year procurement through fiscal year 2005. The extension of this procurement will ease the strain placed on many of our shipyards, and could raise the Navy's overall shipbuilding rate to an acceptable level of nine ships for each of those years. This provision is good for the taxpayer as well, as it can save the American public almost $600 million compared to building these ships at a slower rate.

In closing, this legislation makes progress on many of the serious challenges facing our armed services, and makes important commitments to those in uniform and those who have retired from the services. I urge my colleagues to join me in voting to approve the conference report.●

Mr. DEWINE. Mr. President, I would like to take a moment to thank my colleagues who have worked very hard over the last several months on a proposal to compensate eligible workers in nuclear energy facilities who have been exposed to hazardous materials. Without the extraordinary effort of so many members and their staffs, including Senators THOMPSON, MCCONNELL, VOINOVICH, BINGAMAN, and KENNEDY, we would not have been able to create this compensation program. I especially appreciate the patience of Chairman WARNER and Ranking Member LEVIN for working with us on the initiative and including it in the Defense Authorization bill.

For more than 50 years, Ohio has been home to numerous facilities that performed work for the Department of Energy's nuclear programs. During the Cold War, hundreds of Ohioans, as well as thousands of Americans, were exposed to hazardous and radioactive materials as a result of their employment. Often, workers were unknowingly exposed to these materials, and if workers became ill, they had no relief. Our federal government directed, and even paid for, contractors and subcontractors to fight worker compensation cases. A worker had to prove his or her case on evidence that the government would not make available.

A little over a year ago, things began to change. Stories started appearing in the press about what workers were exposed to and how the government ignored evidence. Several Senate Committees, such as Government Affairs; Energy and Natural Resources; and Health, Education, Labor, and Pensions, have held hearings the issue of harmful exposure and proposed remedies. I believe that we have a good understanding of the problem now, as well as a solution.

However, Mr. President, we all fully understand that no level of benefits can compensate these workers for what they have endured. But we are trying to reimburse them for their financial loss. The agreement in the Defense Authorization bill provides eligible victims with a lump sum payment of $150,000, plus health care coverage.

This agreement also defines those workers who are eligible based on the latest scientific evidence on beryllium disease, beryllium sensitivity, and radiogenic cancers. Mr. President, we have created stringent guidelines to determine eligibility. However, there are instances when the administering agency will not be able to recreate an employee's radiation dose exposure. We have reversed the burden of proof for exposure to employees at the Gaseous Diffusion Plants in Ohio, Kentucky, and Tennessee, because their radiation exposure doses cannot be assessed.

More than likely, there will be other instances of extremely poor record keeping, where it will be nearly impossible to determine employees' radiation exposure levels. Therefore, the administering agency may propose additions to the definition of "special cohort" under this agreement. Once a new cohort is proposed, Congress will have one hundred eighty days to act to reverse the decision to add the cohort. If Congress fails to act within that time, the cohort will be accepted and eligible for benefits.

Eligible employees will have seven years from either the enactment of this bill or from the date on which the employee learned that his or her illness was related to work in which to apply and collect the benefits provided by this program. Like a traditional worker compensation program, compensation under this program will be an exclusive remedy to an employee for claims against the United States, its contractors, and subcontractors—but not against beryllium vendors.

The benefits under this program are completely voluntary. Eligible individuals with beryllium disease must decide whether to litigate a claim or receive the benefits provided under this plan. Individuals who currently have pending lawsuits against beryllium vendors are eligible for benefits under this plan. Those individuals have two-and-one-half years from today to decide whether to dismiss their lawsuit and accept the benefits under this plan or to continue with litigation. During that two-and-one-half year window in which litigants must decide whether or not to drop their litigation, plaintiffs may begin an eligibility review with the agency administering this program, so the plaintiff knows whether he or she is eligible for compensation under this program. Nothing in this agreement prohibits plaintiffs or the administering agency from determining whether a plaintiff is eligible under this new program, allowing them to make an informed decision whether or not to pursue litigation.

Mr. President, this is a reasonable proposal. It will help people, like Sam Ray, who worked at the Portsmouth Gaseous Diffusion Plant in Ohio as an operator and instrument mechanic. It was there that Sam was exposed to technetium, plutonium, neptunium, and heavy metals. He has consequently developed chondrosarcoma—a rare type of bone cancer. As the medical text, Cancer Epidemiology and Prevention, by Doctors Schottenfeld and Fraumeni, points out, cancers of the bone include cancers of the cartilage, including radiosensitive cancers that originate in cartilage, such as chondrosarcoma.

Mr. President, let me conclude by thanking my colleagues once again for supporting this program. I also want to thank the many, many workers who came to Washington, DC, or to Columbus to testify on why a compensation measure is needed. They worked tirelessly with my office and other offices to get us to where we are today. They deserve a great deal of the credit for the program contained in this bill.

I thank the Chair and yield the Floor.

Mr. MCCAIN. Mr. President, I rise today in support of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. The bill that passed today includes several amendments that significantly improve the lives of active duty and Reserve servicemembers, military retirees, veterans, and their families.

I am pleased that the conference agreement includes some key legislative provisions that I had introduced in the Senate during the course of the normal legislative process. Some of these provisions included in the conference report will: remove servicemembers from food stamps; increase pay for mid-grade Petty Officers and Non-Commissioned Officers; assist disabled veterans in claims processing; expand pay benefits to some disabled military retirees; authorize a low cost life insurance plan for spouses and their children; enhance benefits and retirement pay for Reservists and National Guardsmen; authorize back pay for certain World War II Navy and Marine Corps Prisoners of War; and provide for significant acquisition reform by eliminating domestic source restrictions on the procurement of shipyard cranes.

One of the areas of greatest concern to me, however, regarding military retirees and their families is the broken promise of lifetime medical care, especially for those over age 65. Last year, the Joint Chiefs proclaimed that this would be the year for major health care reform for our military forces, especially our medicare-eligible military retirees who were promised lifetime military medical care. Despite the assurances of the Joint Chiefs, the President proposed a fiscal year 2001 defense budget without any major medical care reforms, and all but ignored those military retirees who are older and in greatest need of health care.

The Republican Congress, however, responded to military retirees' needs and provided several major military health care reforms as well as a plan in this year's bill to provide all Medicare-eligible military retirees, family members, and survivors with lifetime military health care coverage, including full pharmacy benefits in military, retail, and mail order pharmacies. This conference report will establish "TRICARE-for-life" as a permanent entitlement that will be funded through a "Military Retirees Health Care Trust Fund," a legislative provision adopted from S.2013, a military health care reform bill that I introduced earlier this year. This new, critical lifetime benefit will mean huge savings for military retirees by eliminating the need for them to buy expensive Medicare supplemental policies.

Separately, with severe recruitment and retention problems still looming, we must also better compensate our mid-grade enlisted servicemembers who are critical to leading the junior enlisted force. We have significantly underpaid enlisted servicemembers since the beginning of the All Volunteer Force. The value of the mid-grade NCO pay, compared to that of the most junior enlisted, has dropped 50 percent since the All Volunteer Force was put in place by Congress in 1973. The provision for the mid-grade enlisted ranks, up to $700 per year, plus the food stamp pay provision of up to an additional $500 per month for servicemembers, provides a significant increase in pay for enlisted servicemembers.

In addition, the National Guard and Reserves have become a larger percentage of the Total Force and are essential partners in a wide range of military operations. Due to the higher deployment rates of the active duty forces, the Reserve Components are being called upon more frequently and for longer periods of time than ever before. We must stop treating them like a second class force. It is tremendously important that we enact meaningful improvements for both our active duty and Reserve service-members, their families, and their survivors. They risk their lives to protect our freedom and preserve democracy. We should compensate them adequately, improve the benefits to their families and survivors, and enhance the quality of life for the Reserves and National Guard in a manner similar to the active forces.

This bill goes far in correcting some of the inconsistencies, with regard to Reserve Component policies, that previously only benefited the active duty components. Additionally, in order to ensure that reservists receive full credit for the time and effort they commit to attending drills, performing annual training, and completing correspondence courses, the conference report increased from 70 to 90 the maximum number of days per year that reservists may accrue as credit towards retirement benefits.

Each year the number of disabled veterans appealing their health care cases continues to increase. Furthermore, it takes an average of 275 days to get some sort of reply from the Department of Veterans Affairs' regarding claims filing. Disabled veterans are forced to leave the service because of their disabilities. It is Congress's duty to ensure that the disability claims process is less complex, less burdensome, and much more efficient. I am pleased that the final conference agreement includes legislation necessary to fully restore the Department of Veterans Affairs' duty to ensure efficient and timely veterans claims processing and remove onerous court-imposed procedures.

I commend the conference leaders for including some minimal improvements to the egregious regulations that strip retirement pay from military retirees who are also disabled, and cost them any realistic opportunity for post-service earnings. We should do more to restore retirement pay for those military retirees who are disabled. With respect to concurrent receipt, clearly, retirees who have incurred significant disabilities over the course of a military career deserve better than how they are treated currently.

Many such servicemembers are compelled to forfeit their full-retired pay under current rules. I have stated before on the Senate floor, and I am compelled to reiterate now, retirement pay and disability pay are two distinct types of pay. Retirement pay is for service rendered through 20 years of military service. Disability pay is for physical or mental pain or suffering that occurs during and as a result of military service. In this case, members with decades of military service receive the same compensation as similarly disabled members who served only a few years—with no recognition at all for their extended, clearly more demanding careers of service to our country. This is patently unfair and even more must be done to correct this problem.

I would also like to point out that this year's defense authorization bill contained over $2 billion in unrequested add-ons to the defense budget that will rob our military of vital funding on priority issues. While this year's total is less than in previous years, and is far less than the $7 billion in the defense appropriations bill, it is still $2 billion too much. We need to, and can do, better. I ask that the detailed list of pork on this bill be included in the Congressional RECORD following my remarks.

I have to wonder, Mr. President, about the wisdom of permitting the Navy to potentially violate public law with respect to the status of the last two battleships, the only current means of providing high-volume gunfire support for land forces ashore, while simultaneously continuing to provide millions of dollars from the defense budget for the recovery and preservation of Civil War vessels.

Over the past six years, Congress has increased the President's defense budgets by nearly $60 billion in order to address the military services' most important unfunded priorities. Still, it is sufficient to say that the military needs less money spent on pork and more money spent wisely to redress the serious problems caused by a decade of declining defense budgets. Those of us who have been criticized for sounding alarm bells about military readiness now have the empty satisfaction of seeing that there is more to maintaining a strong defense than a politician's history of falsely promising to do so.

We also must reform the bureaucracy of the Pentagon. With the exception of minor changes, our defense establishment looks just as it did 50 years ago. We must continue to incorporate practices from the private sector—like restructuring, reforming, and streamlining to eliminate duplication and capitalize on cost savings.

More effort must be made to reduce the continuing growth of headquarter staffs and to decentralize the Pentagon's labyrinth of bureaucratic fiefdoms. Although nearly every military analyst shares these views, the conference agreement took great measures to increase the size of headquarter staffs, thereby eliminating any incentive for the Pentagon to change its way of doing business with its bloated staffs and its outdated practices.

In addition, more must be done to eliminate unnecessary and duplicative military contracts and military installations. Every U.S. military leader has testified regarding the critical need for further BRAC rounds. We can redirect at least $3 billion per year by eliminating excess defense infrastructure. There is another $2 billion per year that we can put to better purposes by privatizing or consolidating support and maintenance functions, and an additional $5 billion can be saved per year by eliminating "Buy America" restrictions that only undermine U.S. competitiveness overseas. Despite these compelling facts, the conference agreement did not address any of these critical issues. On the contrary, it includes several provisions that move demonstratively in the opposite direction.

Sections designed to preserve Army depots and funnel work in their direction irrespective of cost are examples of the old philosophy of protecting home-town jobs at the expense of greater efficiencies. And calling plants and depots "Centers of Excellence" does not, Mr. President, constitute an appropriate approach to depot maintenance and manufacturing activities. Consequently, neither the Center of Industrial and Technical Excellence nor the Center of Excellence in Service Contracting provide adequate cloaks for the kind of protectionist and parochial budgeting endemic to the legislating process. Similarly, whether the Centers of Academic Excellence in Information Assurance Education is worthy of the $15 million earmarked in the budget is open to debate.

The Defense Appropriations bill, already signed into law, included a provision statutorily renaming National Guard armories as "Readiness Centers," a particularly Orwellian use of language. By statutorily relabeling "depot-level activities" as "operations at Centers of Industrial and Technical Excellence," we further institutionalize this dubious practice, the implications of which are to deny the American public the most cost-effective use of its tax dollars.

In conclusion, I would like to reiterate my belief in the importance of enacting meaningful improvements for active duty and Reserve servicemembers. They risk their lives to defend our shores and preserve democracy, and we can not thank them enough for their service. But, we can and should pay them more, improve the benefits for their families, and support the Reserve Components in a manner similar to the active forces. Our servicemembers past, present, and future need these improvements. However, we can not continue with this "business as usual" mindset. We must reform the Department of Defense and we must not fall prey to the special interest groups that attempt to warp our perspective and misdirect our spending. We owe so much more to our men and women in uniform who defend our country. They are our greatest resource, and I feel they are woefully under-represented. We must continue to do better.

Mr. President, I ask unanimous consent that the attached list of items added to the defense authorization bill by Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FY01 DEFENSE AUTHORIZATION CONFERENCE REPORT (H.R. 4205) ADD-ONS, INCREASES AND EARMARKS

Total Add-ons, Increases and Earmarks	$2,333,550,000

LANGUAGE EARMARKS

Sec. 112 Increases the quantity of Bunker Defeat Munitions the US. Army is authorized to purchase from 6000 to 8500.

Sec. 128 Directs the Secretary of the Navy to fully man and equip one squadron of six SH–2G aircraft for operational support of Naval Reserve FFG–7 frigates (Coronado, CA).

Sec. 341 Directs the Secretary of Defense to not include unutilized and underutilized plant-capacity costs when evaluating an Army Arsenal's bid.

Sec. 434 Encourages commercial firms to use Government-owned contractor-operated ammunition manufacturing facilities. Included is a loan-guarantee program.

Sec. 825 Provides a "Sense of Congress" that any entity of the DoD should fully comply with the Buy American Act.

Sec. 826 Directs that the Secretary of Defense may not, in awarding a contract for the purchase of firearms or ammunition, take into account whether a manufacturer agrees to limit importing or manufacturing firearms or ammunition in the commercial market.

Sec. 831 Directs the Secretary of Defense to conduct a study analyzing the amount and sources of parts, components and materials that are obtained from foreign sources.

Sec. 921 Directs the Secretary of Defense to establish an Institute for Defense Computer Security and Information Protection and provides $5 million for initial funding.

Sec. 1084 The Secretary of the Army to convey without consideration to the Cannonball House Museum in Macon, Georgia a 12–pounder Napoleonic Cannon.

Specific Conference Report Earmarks

[In millions of dollars]

TITLE I, PROCUREMENT:	
Army Procurement:	
Truck, Tractor, Line Haul	1
Special Purpose Vehicles	5.7
Gen Smoke Mech: Motorized Dual Purpose M56	3
Kit, Standard Teleoperating	6
Combat Support Medical	5
Training Devices, Non system	9
Navy Procurement:	
Items less than $5 million	4
TADIX–B	6
Marine Corps Procurement:	
Improved Night/Day Fire Control Observation Device (INOD)	2

Specific Conference Report Earmarks—Continued

M203 Tilting Brackets	2
Material Handling Equipment (D–7G Bulldozer)	12.1
Air Force Procurement:	
F–15A	149.8
Predator	10
Modification of Inservice Aircraft—55 C–135 Aircraft	52
H–60	5.5
GPS Adv. Procurement	4.5
Intelligence Comm Equip.	4
ADP Equip.	7
Combat Training Ranges	20
Items less than $5 million (Light Parachutes)	3
Mechanized Material Handling Equip.	8
Procurement, Defense-Wide:	
Automatic Document Conversion System	15
Chem Bio Individual Protection	2.5
Chem/Bio Contamination Avoidance	0.9
TITLE II R, D, T, and E:	
Army R, D, T & E:	
Composite materials	6
Passive millimeter wave camera	2.5
MISSILE TECHNOLOGY: Advanced missile composite components	5
COMBAT VEHICLE AND AUTOMOTIVE TECHN.: Smart Truck Initiative	3.5
ELECTRONICS AND ELECTRONIC DEVICES: Portable hybrid electric power research	1.5
COUNTERMINE SYSTEMS: Acoustic mine detection	2.5
HUMAN FACTORS ENGINEERING TECHNOLOGY: Medical errors reduction research	2.5
MILITARY ENGINEERING TECHNOLOGY:	
Thermoelectric power generation for mil. applications	1
Operational support	4
WARFIGHTER TECHNOLOGY: Thermal fluid based combat feeding system	1.5
MEDICAL TECHNOLOGY: Real time heart rate variability	2.5
MEDICAL ADVANCED TECHNOLOGY:	
Life support for trauma and transportation	4
Anti-malarial research	2
Volumetrically controlled manufacturing/artificial hip	3.5
COMBAT VEHICLE AND AUTO. ADVANCED TECH:	
National Automotive Center	3
Equipment Readiness	8
Fuel cell auxiliary power units	3
ARMY MISSILE DEFENSE SYSTEMS INTEGRATION:	
Family of systems simulators	3
Army space control	3
Acoustic technology	4
Radar power technology	4
Scramjet acoustic combustion enhancement	1.5
Aero-acoustic instrumentation	3
Supercluster distributed memory	1.5
TANK AND MEDIUM CALIBER AMMUNITION: Trajectory correctable munition	3
C3—ENG. DEV.: Communications and networking technologies	12.5
DOD HIGH ENERGY LASER TEST FACILITY:	
High-Energy laser test facility	3
Solid state high energy laser	10
AEROSTAT JOINT PROJECT OFFICE, DOMESTIC PREPAREDNESS AGAINST WMD: National Terrorism Preparedness Institute	3
ARMY TACTICAL UNMANNED AERIAL VEHICLES: Army tactical unmanned aerial vehicles PIP	4
END ITEM INDUSTRIAL PREPAREDNESS ACTS: Man Tech	10
RDT&E, NAVY:	
AIR AND SURFACE LAUNCHED WEAPONS TECH: Free electron laser	5
SHIP, SUBMARINE & LOGISTICS TECHNOLOGY:	
Biodegradable polymers	1.2
Bioenvironmental hazards research	2
MARINE CORPS LANDING FORCE TECHNOLOGY C3IS: Hyperspectral research	3
HUMAN SYSTEMS TECHNOLOGY: Cognitive research	2
MATERIALS, ELECTRONICS & COMPUTER TECH:	
Intermediate modulus carbon fiber	2
Silicon carbide & gallium nitride semiconduct. substrates	4
Nanoscale sensor research	2.5
Ceramic and carbon based composites	2
Hybrid fiberoptic wireless communications	2
OCEANOGRAPHIC AND ATMOSPHERIC TECHN.:	
Adv sensors for mine countermeasures & oceanogr	6
Distributed marine environment forecast system	2
Littoral area acoustic demo	2
UNDERSEA WARFARE WEAPONRY TECHN.: Computational engineering design	2
AIR SYSTEMS AND WEAPONS ADV. TECHN.:	
DP–2 thrust vectoring sys proof of concept demo	4.5
IHPTET	1
SURFACE SHIP & SUBMARINE HM&E ADV. TECH:	
Project M	3
Ship service fuel cell program	2
Advanced waterjet–21	4
Laser welding and cutting	2
MARINE CORPS ADV. TECHN. DEMO: Remote precision gun	1
ENVIRONMENTAL QUALITY & LOGISTICS ADV. TECH:	
Hybrid light detection range lidar	3
Aviation depot maint tec demo	1.7
MINE & EXPEDITIONARY WARFARE ADV TECHN: Ocean modeling for mine & expeditionary warfare	3
ADVANCED TECHNOLOGY TRANSITION: USMC ATT Initiative	7.5
SHIP PRELIMINARY DESIGN & FEASIBILITY STUD: Shipboard simulation for marine corps operations	20
COMBAT SYSTEMS INTEGRATION: Optically multiplexed wideband radar beamformer	2
NONLETHAL WEAPONS-DEM/VAL: Nonlethal research and technology development	4
SPACE & ELECTRONIC WARFARE ARCH/ENG SUPP: Collaborative integrated information techn	4
MULTI-MISSION HELICOPTER UPGRADE DEVEL: Advanced threat infrared countermeasures	5
MEDICAL DEVELOPMENT: Mobile integrated diagnostic & data analysis system	1.5
INFORMATION TECHNOLOGY DEVELOPMENT: Single integrated human resources strategy	8
TECHNICAL INFORMATION SYSTEMS: Supply chain management & develop. best practices	4
MARINE CORPS PROGRAM WIDE SUPPORT—E2–C SQUADRONS:	
E2–C2 Rotordome & control surface improvements	2
E2–C2 eight blade composite propeller	4
CONSOLIDATED TRAINING SYSTEMS DEVELOP: Battle force tactical trainer	5
MARINE CORPS COMMUNICATIONS SYSTEMS: Mobile electronic warfare support system	5
MARINE CORPS GROUND COMBAT/SUPPORT JOINT C4ISR BATTLE CENTER: Interoperability process software tools	2
TACTICAL UNMANNED AERIAL VEHICLES:	
Joint forces command operational testbed	1
TUAV MSAG technology	7
MODELING AND SIMULATION SUPPORT: C4ISR modeling and simulation/distributed eng plant	5
INDUSTRIAL PREPAREDNESS: Man Tech	10

Specific Conference Report Earmarks—Continued

RDT&E, AIR FORCE:	
DEFENSE RESEARCH SCIENCES: Upper atmosphere and astronomical research	3
MATERIALS:	
Special aerospace materials & manufact. process	4.5
Ultra-high thermal conductivity graphite materials	1.8
Resin systems for engine applications	1.3
Laser processing tools	3.2
Thermal protection system	1
Weathering & corrosion on aircraft surfaces/parts	1
AEROSPACE FLIGHT DYNAMICS: Aeronautical research	2
AEROSPACE PROPULSION:	
IHPTET/IHPRPT	3.8
Variable displacement vane pump	1.8
PBO membrane fuel cell	2.6
SPACE TECHNOLOGY:	
Aluminum aerostructures	1.8
Space survivability	3
HAARP	7
CONVENTIONAL MUNITIONS: XSS–10 microsatellite technology	8
ADVANCED MATERIALS FOR WEAPON SYSTEMS: Special aerospace materials & manufact. process	4.5
FLIGHT VEHICLE TECHNOLOGY: Fiber optic control technologies	1.4
BALLISTIC MISSILE TECHNOLOGY: Ballistic missile technology	12
ADVANCED SPACECRAFT TECHNOLOGY:	
Miniature satellite threat reporting system	1.5
Upper stage flight experiment	5
Scorpius/low cost launch	6.5
Space maneuver vehicle	6.5
Solar orbital transfer vehicle	2.6
EW DEVELOPMENT:	
Precision location and identification technology	10
MALD	1.2
MILSTAR LDR/MDR SATELLITE COMMUNICATIONS: Automated communications satellite management	4.5
LIFE SUPPORT SYSTEMS: Standardized cockpit and crew seats	3.7
COMBAT TRAINING RANGES: AMODSM	4
RDT&E FOR AGING AIRCRAFT: Aging landing gear life extension	10
AF TENCAP:	
Hyperspectral research on Predator UAV	2
Hyperspectral research on high alt. reconn platforms	2
INFORMATION SYSTEMS SECURITY PROGRAM:	
Lighthouse cyber-security	3.8
U–2 SYERS/SYERS polarization project	5
AIRBORNE RECONNAISSANCE SYSTEMS: Wideband integrated common data link	7
MANNED RECONNAISSANCE SYSTEMS: ECARS	9.5
DISTRIBUTED COMMON GROUND SYSTEMS INDUSTRIAL PREPAREDNESS: Specialty Aerospace metals	3.8
Defense-Wide R,D,T & E:	
Defense Research Sciences Spin Electronics	10
University Research Initiatives MEMS Sensors	9.5
Military Personnel Research Institute	4
Infrasound Detection Basic	1
Chem Agent Detection-Optical Computing	2
Thin Film Technology	1.7
Lincoln Lab Research Program Bio Defense Research	1.5
Chem Bio Defense Program Hybrid Sensor Suite	4.8
Tactical Technology Remotely Controlled Combat Sys Ini.	100
Integrated Comm and Cont. Tech. High Definition Sy	7
Materials and Electronics Tech. 3–D Structure Research	2
Nuclear Sustain. & Counter Prolif. Thermionics for Space	2.5
High Energy Laser R&D HEL Applied Research/Transfers	30
Explosives Demil. Tech. Ammunition Risk Analysis Cap.	2.8
Chem & Bio Def. Prog—Advanced—Chem-Bio Indiv. Samp.	2
Consequence Management Information System	4
Chem-Bio Advanced Material Research	2.8
Small Unit Bio Detector	0.75
Generic Logistics R&D Tech Demonstrations Competitive Sustain.	3
Air Logistics	0.3
Coop DoD/VA Med Research—Occupational Lung Disease	0.5
Adv. Concept Tech. Demonstrations—Ultra wideband Radar/Vision	1
Joint Wargaming Sim Management Office/WMD Simulation Cap.	3
Advanced Sensor Applications Program	9.5
HAARP	5
CALS Initiative Integrated Data Environment	2
Environ. Sec. Tech. Certif. Prog. Remediation of Unexploded Ord.	4
Defense Imagery and Mapping Program GeoSar	15
National Technology Alliance NIMA Viewer	3
Smart Maps/Spatio-temporal Database Research	2
Joint Technology Information Center Initiative	20
Live Fire Testing Reality Fire-Fighting Training	1.5
TITLE III OPERATIONS & MAINTENANCE:	
Army O&M:	
Military Gator/Battlefield Mobility Enhancements	3
Modern Burner Unit	3
Land Forces Depot Maintenance	50
Maintenance Automatic Identification Technology	1
Apprenticeship Program	3
Specialized Skill Training	5
WMD–CST	5.8
Navy O&M:	
Operational Meteorology and Oceanography	7
Man Overboard System	2.5
MTAPP	2
USMC O&M: ULCANS	10
USAF O&M:	
Keesler AFB, MI, Weatherproofing	2.8
Tethered Aerostat Radar System	8.5
Engine Reliability & Maintainability Program	2
Aircraft Spares	70.8
Defense Wide O&M:	
Mobility Enhancements	25
IT Organization Composite Research	2
MOCAS Enhancememnts	1
Document Conversion	4
Clara Barton Center	1.5
CTMA–Depot Level Activities	6
Legacy (Recovery & Preservation of Civil War Vessels)	6.5
Army National Guard O&M: Additional Military Technicians	20.5
Total Pork (not including MILCON Authorization)	1,272.75
MILITARY CONSTRUCTION AUTHORIZATION ADD-ONS:	
AL Redstone Space & Msl Defense Bldg	15.6
AK Eielson AFB Joint Mobility Complex	25
AK Elmendorf AFB Child Development Center	7.6
AK Air National Guard Kulis ANGB Corrosion Control Fac.	12
AZ Ft Huachuca Child Development Center	3.4
AZ Army National Guard Papago Mil. Res. Readiness Center	2.3
AZ ANG Yuma Readiness Center	1.6
AR Army Pine Bluff Arsenal Child Deve. Center	2.8
CA Army Presidio Monterey Barracks	2.6
CA Navy Barstow MCLF Paint Fac.	6.7
CA Lemoore NAS Child Dev. Center	3.8
CA Miramar MCAS Physical Fitness Center	6.4
CA Navy Monterey NPGS Bldg 245 Extension	5.3
CA Twenty Nine Palms BEQ	21.7
CA Beale Air Force Base Control Tower	6.3
CA Camp Parks Army National Guard Org. Maint. Shop	6.1
CA Fresno ANG Org. Maint Shop	2.8
CO Peterson AFB Computer Network Defense Fac	6.8
CO Peterson AFB Main Access Gate	2.3
CO Ft. Carson ANG Mobilization and Training Site	15.1
CO Buckley ANGB Jt Munitions Maint and Storage Fac	10.7

Specific Conference Report Earmarks—Continued

DE Smyrna ANG Readiness Center	7
DC Marine Corps Site Improvement	7.4
DC Washington NRL Nano Science Res. Lab	12.4
FL Mayport NS Aircraft Carrier Wharf Improvements	6.8
FL Panama City CSS Amphib Warfare Integration Fac	9.9
FL Tyndall AFB Weapons Controller Training School	6.2
FL Clearwater Army Reserve Army Aviation Support Fac	17.8
FL St. Petersburg Armed Forces Reserve Center	10
FL Homestead AFB Fire Station	2
GA Fort Gordon Army Consolidated Fire Station	2.6
GA Athens NSCS Fitness Center	2.9
GA Moody AFB Dormitory	8.9
GA Robbins AFB Storm Drainage System	11.7
GA Robbins AFB Airmen Dining Hall	4.1
HI Army Pohakuloa Trng Fac Saddle Access Road	12
HI Schofield Barracks, Army, Barracks Complex	43.8
HI Pearl Harbor NAVSTA Sewer Force Main on Ford Island	6.9
HI Maui ANG Readiness Center	11.6
ID ANG Gowan Field C–130 Assault Strip	9
IL Aurora ANG Readiness Center	2.8
IL Danville ANG Readiness Center	2.4
IN Ft. Wayne IAP Fuel Cell and Corr. Contr. Fac.	7
IN Grissom ARM Navy Reserve Training Center	4.7
IN Grissom Air Force Reserve Services Complex	11.3
KS Army Fort Riley Adv. Waste Water Treatment	22
KS McConnell AFB ANG B–1 Power Check Pad	1.5
KS McConnell AFB Approach lighting System	2.1
KS McConnell AFB KC–135 Squad Ops Fac	9.7
KY Ft. Knox ANG Parking at MATES	3.9
LS Barksdale AFB B–52H Fuel Cell Maint. Dock	14.1
LS New Orleans NAS Joint Reserve Center	7
LS New Orleans NAS Physical Fitness Rec Area	1.7
ME Portsmouth NSY Navy Standardized Waterfront Crane Rail Sys	4.9
MD Fort Meade Barracks	19
MD NAS Patuxent River Environmental Noise Reduction Wall	1.7
MD NAS Patuxent River RDT&E Support Fac	6.6
MD Aberdeen PG Munitions Assess/Proce Syst Fac	3.1
MA Hanscom AFB Renovate Acquisition Mgnt Fac	12
MA Barnes MAP Air Guard Relocate Taxiway	4
MA Otis ANG Upgrade Airfield Storm Water System	2
MA Westover AFRB Repair Alter Airmen Quarters	7.4
MA Westover Marine Reserve Trng Fac	9.1
MI Augusta Army Guard Org. Maint. Shop	3.6
MI Lansing Combined Maint. Shop	17
MI Selfridge ANGB Upgrade Runway	18
MS Stennis Space Center Warfighting Supp. Center	6.9
MS Columbus AFB Corrosion Control Fac	4.8
MS Camp McCain (Elliot) Modified Record Fire Range	2
MS Oxford Army Guard Readiness Center	3.4
MS Jackson IAP Air Nat. Guard C–17 Corrosion Cont. Fac	1.7
MO Maryville Army Guard Readiness Center	4.2
MO Whiteman AFB Navy Reserve Littoral Surveillance System	3.6
MT Malmstrom AFB Convert Commercial Gate	3.5
MT Malmstrom AFB Helicopter Operations Facility	2.4
MT Bozeman Army Guard Readiness Center	4.9
NV Fallon NAS Corrosion Control Hangar	6.3
NV Carson City Army Guard USP&FO Administrative Complex	4.5
NV ANG Reno-Tahoe IAP Fuel Storage Complex	5
NH ANG Pease Intl. Replace Medical Tng Fac	4
NJ Picatinny Arsenal Armament Software Eng Ctr	5.6
NJ McGuire AFB Air Freight/Base Supply Complex	10.6
NM Cannon AFB Control Tower	4.9
NM Holloman AFB Repair Bonito Pipeline	18.4
NM Kirtland AFB Fire/Crash Rescue Station	7.4
NY Fort Drum Battle Simulation Center	12
NY Hancock Field Syracuse Small Arms Range Trg Fac	1.3
NY Hancock Field Syracuse Upgrade Aircraft Maint Shop	9.1
NY Niagra Falls ANG IAP Upgrade runway/overrun	4.1
NC Camp Lejeune MCB Armories	4
NC Seymour Johnson AFB Repair Airfield Pavement	7.1
NC Charlotte Douglas IAP Replace Base Supply Warehouse	6.3
ND Wahpeton ANG Armed Forces Readiness Center	10.9
OH Wright Patterson AFB Consolidated Toxic Hazard Lab	14.9
OH Mansfield-Lahn MAP Replace Squad Ops and Comms	7.7
OH Springfield Buckley MAP Relocater Pwr Check & Arm Dearm	4
OH Columbus NMCRC Reserve Center Consolidation	7.7
OK Fort Sill Tactical Equip Shop	10.1
OK Altus AFB C–17 Cargo Compartment Trainer	2.9
OK Tinker AFB Dormitory	8.7
OK Vance AFB Maint. Hangar	10.5
OK Sand Springs Army Guard Armed Forces Reserve Center	13.5
OR Camp Rilea ANG Training Simulation Ctr	1.5
PA Philadelphia NSWC Gas Turbine Fac	10.7
PA Fort Indiantown Gap Army Guard Repair Waste Treatment	8.6
PA Johnstown Army Guard Regional Maint. Shop	4.5
PA Mansfield Army Guard Readiness Center	3.1
PA New Milford Army Guard Readiness Center	2.7
SC Charleston AFB Base Mobility Warehouse	9.4
SC Charleston AFB Repair Runway North Field	10.3
SC Shaw AFB Dining Fac	5.3
SC Beaufort Readiness Center	4.8
SC Leesburg Training Center	5.7
SC Fort Jackson Navy Reserve Readiness Center	5.2
SD Ellsworth AFB Civil Engineer Complex	10.3
SD Sioux Falls ANG Consolidated Barracks	0.1
TN Henderson ANG Readiness Center	5.2
TN New Tazwell ANG Readiness Center	3.5
TX Ft. Hood Command and Control Fac.	4
TX Ft. Hood Fire Station/Transportation Motor Pool	6.4
TX Corpus Christi NAS Parking Apron Expansion	4.8
TX Ingleside NS Mobile Mine Assembly Unit Fac	2.4
TX Kingsville NAS Aircraft Parking Apron	2.7
TX Dyess AFB Fitness Center	12.8
TX Lackland AFB Child Deve Ctr	4.8
TX Laughlin AFB Visitors Quarters	11.9
TX Sheppard AFB Dining Facility	6.5
TX William Beaumont Med Center Lab Renovation	4.2
TX Ellington Field Air National Guard Base Supply Complex	10
TX Fort Worth Navy Reserve Indoor Rifle Range	3.5
TX Fort Worth NAS Reserve Religious Ministry Facility	1.8
UT Hill AFB Dormitory	11.5
VT Burlington IAP Aircraft Maint Complex	9.3
VA Fort Eustis Aircraft Maint Instruct. Building	4.5
VA Dahlgren NSWC Joint Warfare Analysis Center	19.4
VA Langley AFB Fitness Center	12.2
VA Richlands Army Guard Org. Maintenance Shop	1.2
WA Bangor NSB Strategic Security Support Fac	4.6
WA Bremerton NS Fleet Recreation Fac	1.9
WA Everett NS Aquatic Combat Training Fac	5.5
WA Puget Sound Bremerton Industrial Skills Center	10
WA Army Guard Bremerton Readiness Center	1.7
WA Yakima Training Center Readiness Center	1.6
WA Fort Lawton Transfer	3.4
WV Yeagar ANG Upgrade Parking Apron and Taxiway	6
WV Eleanor Navy Reserve Center	2.5

Specific Conference Report Earmarks—Continued

WY Air Guard Cheyenne Control Tower	1.4
MILCON Pork	1,060.8
Pork not including MILCON	1,272.75
Total Add-ons, Increases and Earmarks	2,333.55

Mr. JEFFORDS. Mr. President, I rise today to express my profound disappointment that the Conference Report to the Fiscal Year 2001 Department of Defense Authorization bill does not contain language that was in the Senate passed bill to expand Federal jurisdiction in investigating hate crimes.

The language in the Senate passed bill was adopted by the Senate on June 20th by a vote of 57–42, and endorsed in the House on September 13th by a vote of 232–190. This language would expand Federal jurisdiction in investigating hate crimes by removing the requirement in Federal hate crime law that only allows federal prosecution if the perpetrator is interfering with a victim's federally protected right like voting or attending school. It would also extend the protection of current hate crime law to those who are victimized because of their gender, sexual orientation, or disability.

Mr. President, any crime hurts our society, but crimes motivated by hate are especially harmful. Many states, including my state of Vermont, have already passed strong hate crimes laws, and I applaud them in this endeavor. An important principle of the amendment that was in the Senate-passed bill was that it allowed for Federal prosecution of hate crimes without impeding the rights of states to prosecute these crimes.

The adoption of this amendment by the Senate was an important step forward in ensuring that the perpetrators of these harmful crimes are brought to justice. The American public knows that Congress should pass this legislation, and it is unfortunate that the conferees did not retain this important language.

Congress should pass this legislation, and I will continue to work to ensure that this legislation is enacted into law.

Mr. LEVIN. Mr. President, as the Senate completes action on this important legislation, I want to again congratulate the chairman of the Committee, Senator WARNER, for his leadership and determination in completing this important bill.

I also want to thank and congratulate all of the members of the Armed Services Committee for their hard work on this bill over the past year. The subcommittee chairpersons and ranking members carried the brunt of the workload in conference, but the fact is that every member of the committee played an active and constructive role in this legislation, from the committee and subcommittee hearings in the spring to the committee markup, to floor action and finally in conference.

Finally, Mr. President, I want to say a special word of thanks to the staff of the Armed Services Committee. The majority staff under the capable leadership of Les Brownlee works very cooperatively with the minority staff under David Lyles. The Committee's long tradition of bipartisanship among the members extends to the staff as well. They truly work together as a single team for the benefit of the men and women of the armed forces and for the national security of our nation.

In addition to David Lyles, I want to thank all of the members of the Armed Services Committee minority staff for their efforts this year: Peter Levine, Rick DeBobes; Richard Fieldhouse; Creighton Greene; Mike McCord; Gary Leeling; Dan Cox; Chris Cowart; and Jan Gordon. I also want to recognize the efforts of the associate staff members of all of the Democratic members of the committee for their efforts this year.

Mr. DODD. Mr. President, I rise today to express my gratitude to Chairman WARNER and Senator LEVIN for bringing to the Senate a strong Defense Authorization conference report. While I have long had the greatest respect for my friends from Virginia and Michigan, the task they complete today is a testament to their legislative skill, managerial expertise and leadership. Over the last year—and for many years—Senators WARNER and LEVIN have listened to our troops needs, and the needs of our troops' families. They have listened to our commanders and identified the equipment and modernization requirements needed to carry out the missions we, as a nation, expect of our military. They have listened to their colleagues, literally working through hundreds of amendments and incorporating many of them into this conference report. And today we consider a conference report which reflects all these influences and effectively balances the current national security requirements of our country with an eye toward the future needs of our military.

Broadly speaking, the Defense Authorization report we adopt today properly places the fighting men and women of this country at the heart of our military priorities. It increases pay, extends special pay and bonus programs to facilitate troop retention and it begins to address the housing, health care and educational needs of troops and their families. In addition this report extends retirement benefits including, most notably, the TRICARE-for-life program which will provide a prescription drug benefit and reduce out-of-pocket medical expenses for our Medicare-eligible military retirees—making a lifetime health care commitment to our fighting men and women. Taken as a whole, this report is a significant step in the right direction.

This conference agreement will ensure that the United States remains the world's preeminent superpower well into the 21st century. The report authorizes $38.9 billion for research, development, training and evaluation, including $4.8 billion for Ballistic Missile Defense, ensuring that we remain the most technologically advanced fighting force in the world and enabling our country to pursue a policy that will provide the greatest level of security in an ever-changing global environment.

I am proud of the central role Connecticut has earned when it comes to providing the men and women of our armed forces with the cutting edge in military equipment. I feel this conference report reflects that continued preeminence.

As many of my colleagues are aware, today is the 100th anniversary of the commissioning of the U.S.S. *Holland*, the United States Navy's first submarine. Today we mark 100 years of submarine operations by the United States Navy. I feel it is altogether appropriate that the Congress christen the next 100 years of submarine operations with a 21st century new attack submarine, the Virginia Class. It will be the most capable and most cost effective submarine class ever built.

Therefore, I commend the conferees for recognizing the growing need for, and expanding role of, our submarine force by authorizing the block buy of five New Attack Submarines, including $1.7 billion in fiscal year 2001 for a new Virginia Class submarine. I am proud to have the U.S.S. *Virginia*, the first of its class, taking shape in Connecticut today. The commitment we make here today will continue this essential program for years to come.

It is also encouraging that further planning and study for another innovative program, the conversion of four Trident submarines into guided missile submarines, remains a national priority, having been authorized for $37 million.

Further, in response to a force level requirement report produced earlier this year by the Joint Chiefs of Staff, this conference report requires the Secretary of Defense to report to Congress on how our country might maintain at least 55 fast attack submarines through 2015. I fully support this initiative.

The H–60 helicopter platform is once again recognized in this report for its unique versatility and combat-proven track record of survivability and performance. The agreement authorizes $206 million for 16 UH–60Ls and two UH–60Qs, and $280 million for 17 CH–60s. With respect to the demonstrated need of our armed forces, this authorization level represents an appropriate increase over the 21 helicopters requested by the Administration.

The conference agreement also authorizes $310 million for F–15 engine upgrades and $305 million for F–16 engine upgrades. This will extend the life and improve the performance of these vital air supremacy assets.

The New London Submarine Base is authorized to receive $3.1 million for much needed dry-dock construction which will enhance the base's ability to service and maintain our fighting force.

I might also mention a number of other authorizations which are contained in this conference report, including for the C–17 cargo aircraft program, the JPATS program, the Joint STARS ground surveillance aircraft program, the Comanche helicopter development program, the F–22 fighter engineering and development program and the ongoing, but slowed, Joint Strike Fighter development. All of these important national security priorities will draw upon the ingenuity and strength of the citizens of Connecticut.

I would also like to note the language in this conference report that will convey the national defense reserve fleet vessel *Glacier* to the Glacier Society of Bridgeport. The ship will be refurbished and docked in Bridgeport Harbor, becoming a museum to educate students and the general public about military service and the exploration of the North and South Poles. One of only a few ships to have served under both the U.S. Navy and the Coast Guard, the icebreaker *Glacier* made 39 trips to the North and South poles, including the deepest penetration of the of the Antarctic by sea in 1961. The *Glacier* will become a valuable civic asset for Bridgeport, and I am pleased to see the inclusion of this provision in the report.

And finally, I would like to take a moment to comment about one last provision. Senator DEWINE and I worked on the Firefighter Investment and Response Enhancement, FIRE, Act, which was designed to help reduce injuries among firefighters across the country. The original House version of the bill had previously been introduced by Congressman BILL PASCRELL, Jr. of New Jersey. Senator DEWINE and I worked hard to move the FIRE Act and we were pleased when Chairman WARNER and Senator LEVIN agreed to accept the FIRE Act as an amendment to the DOD Authorization bill.

Our original amendment has been modified by the Conference Committee, but the FIRE provision offered here today as part of this Conference Report authorizes more than $460 million dollars worth of federal assistance to local fire departments and for related research. This legislation represents a major step in developing an effective partnership between the Federal government and the men and women who every day put their lives on the line to protect Americans from all sorts of man-made and natural disasters.

The FIRE Act, is designed to provide local fire departments with the resources they need to keep firefighter safe and to protect the public. The bill is modeled on the very successful "COPS" program, which has helped towns and cities hire tens of thousands of police officers and to buy equipment to protect lives and property from crime. Now, under the FIRE Act the federal government will make a similar commitment to help protect lives and property from the ravages of fire, chemical spills, accidents, and natural disasters.

Each day, a million U.S. firefighters put their lives on the line to protect our families, our homes, and our businesses. Unfortunately, under the current funding regime, these unselfish men and women aren't always as well-equipped as they should be.

And in many ways the problems are getting worse. As our population grows, as our buildings and infrastructure age, as our suburbs expand and our highways and waterways become more congested, our firefighters and emergency medical technicians are being asked to respond to an increasing number and variety of dangerous situations.

There is a bright side, as well. Technology has kept pace with the increasing demands. We now have high-tech equipment, like thermal-imaging devices, that allow firefighters to see inside a building without going into the blaze. And modern science has produced incredible materials that can be integrated into protective gear that can shield firefighters from heat and falling debris. Unfortunately, technology is not cheap. And local governments are seldom able to fund the purchase of all of the wonderful tools becoming available.

There is a gap—a widening gap—between the leading edge of modern technology and our ability to put that technology to work to protect the public and our firefighters. I believe the Federal Government has an obligation to bridge the gap and help ensure that local firefighters have the financial resources they need to protect the public.

We can't eliminate all of the dangers that confront firefighters, but we can at least ensure that our local fire companies have up-to-date, safe and reliable equipment and today we are doing something about the problem.

By passing the FIRE Act today, Congress is saying to every firefighter in America: "We have taken you for granted for too long. We won't ignore your needs any longer. We stand with you and we are committed to working together to ensure that America is as safe and as prepared for any catastrophe as it can be."

Passage of the FIRE Act has been one of my highest legislative priorities this year. I want to thank Senator WARNER, Senator LEVIN, and Senator MCCAIN, Senator HOLLINGS, and, of course, Senator DEWINE for their vigilance and commitment on this most important issue. I also want to thank the experts at the National Safe Kids Campaign, International Association of Fire Fighters, International Association of Fire Chiefs, National Volunteer Fire Council, International Association of Arson Investigators, International Society of Fire Service Instructors, the National Fire Protection Association, and The Safety Equipment Association for all of the assistance and insight they have provided over the course of the last year.

Mr. ASHCROFT. Mr. President, today's final passage of the Defense Authorization Conference Report is a significant achievement. It fulfills past commitments, provides the necessary funds for our present obligations, and makes significant investments toward a secure future. I want to commend Senator WARNER and Senator LEVIN for the tremendous job they have done providing for our national defense. This bill authorizes $310 billion for the Department of Defense and the Department of Energy's defense related activities. This is $4.5 billion more than requested by President Clinton, and represents the first real increase in defense spending in 14 years.

One provision in the Defense Authorization bill of particular importance to the people of Missouri is that of military retiree health care. For generations, our military's career men and women have dedicated their lives to the protection of freedom and prosperity in America. One of the promises this country made to these men and women was a pledge that career members of the Armed Forces, their spouses, and dependents would have health care benefits on active duty and in retirement. While these benefits were not authorized by Congress, they were promised by the United States government, specifically, by the Department of Defense and its recruiters. Promises made need to be kept. Career members of the Armed Forces acted in good faith and relied on the statements of their government's representatives.

Mr. President, until recently, military retirees were provided with health care in military facilities here and abroad. However, due to major changes in the military health care program, multiple base closings, and a risky downsizing of the military by the current Administration, too many military retirees have been shut out of military facilities. Many have sought Medicare coverage or private insurance, or have been forced to do without access to care. In Missouri, where we have 76,439 military retirees, retiree family members, and survivors, this is a significant problem. Although we are fortunate to have Fort Leonard Wood and Whiteman Air Force Base close at hand in Missouri, and Scott Air Force Base in Illinois and Fort Leavenworth, Kansas, both nearby, many military retirees in Missouri have told me that it is virtually impossible to get an appointment at these bases for a routine physical, let alone for critical care. It is clear that Washington is not keeping its promise to these patriotic men and women.

Through the strong and dedicated leadership of Senator WARNER, America's military retirees will again have access to quality health care, as promised. This Defense authorization bill includes a provision to expand the popular TRICARE Senior Prime demonstration project. It eliminates the current restrictions that require military retirees to lose their military health care benefits under the CHAMPUS and TRICARE programs after they reach age 65 and become eligible for Medicare. Military retirees will not be able to receive TRICARE Senior Prime, or "TRICARE-for-life"—an HMO-type coverage plan for retirees that includes partial payment of the costs from Medicare. This program will finally ensure that all military retirees have access to quality health care throughout their life. This bill will also establish a military health care trust fund to ensure that retiree health care remains solvent for years to come. This valuable retiree health care provision is endorsed by most of the major veteran and military retiree organizations, and I support its inclusion in this legislation.

In addition to "TRICARE-for-life," the Defense Authorization bill also extends to military retirees access to prescription drugs, by restoring the full DoD Prescription drug benefit, including mail order and retail pharmacy, to all Medicare-eligible uniformed services beneficiaries.

These break-through provisions for military retirees are not the only important provisions of the Defense Authorization bill. This bill includes several critical active-duty provisions including measures to bring our military families off the food-stamp roles, provide a well-deserved 3.7% pay increase, and eliminates the statutory requirement that service-members incur out-of-pocket housing costs, thus permitting the Deputy of Defense to increase housing allowances immediately. This will eliminate out-of-pocket cost for housing by October 1, 2004.

This bill also makes significant progress towards ensuring a strong defense for our country in the years to come. The legislation includes authorizations for additional F-15s and a new Extended-Range Cruise Missiles, as well as provides $63 billion dollars for other new weapons procurements. Furthermore, the bill provides an additional $1 billion in funding for key readiness accounts. These amounts are necessary to ensure our military is not only ready to fight today, but will remain ready for any challenges our country may face in the future.

Again, I want to thank Senator WARNER for his leadership in the area of national defense. I urge the Senate to support this bill, and to support our men and women in uniform, especially those who gave their lives in service today on the U.S.S. *Cole*, in far away Yemen. We extend our thoughts and prayers to their families and friends.

Mr. WARNER. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—90

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Fitzgerald
Frist
Gorton
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NAYS—3

Feingold
Kerrey
Wellstone

NOT VOTING—7

Feinstein
Grams
Helms
Kennedy
Lieberman
McCain
Torricelli

The conference report was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. WELLSTONE. Mr. President, I ask unanimous consent to be able to change my vote to "no." It does not change the outcome, most definitely.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. WARNER. Mr. President, I cannot think of a stronger message that we as a body of the U.S. Government—the legislative body—can send to the men and women of the armed services in this hour of need throughout the uniform ranks, the reserve ranks, and the Guard ranks than this strong vote. It is a salute to each and every one of them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I join the chairman in that sentiment. This is an extraordinarily strong vote for a Defense authorization bill. I think there were 90-plus votes for it.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the clerk will read H.J. Res. 111.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 111) making further continuing appropriations for fiscal year 2001.

The PRESIDING OFFICER. The question is on agreeing to the joint resolution.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?—

The result was announced—yeas 90, nays 1, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—90

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bunning
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Leahy

NOT VOTING—9

Brownback
Burns
Feinstein
Grams
Helms
Kennedy
Lieberman
McCain
Torricelli

The joint resolution (H.J. Res. 111) was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. CRAIG. Mr. President, I thank Senator WARNER and Senator LEVIN for the fine work they have done on critical issues before us and, of course, on the DOD authorization bill.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate be in a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDDLE EAST CRISIS

A COUNTRY UNITED

Ms. MIKULSKI. Mr. President, I want to take 5 minutes at this time to speak on the events occurring in the world today.

I stand here with the melancholy that any Senator would feel as a result of the loss of lives of our U.S. military men and women due to a despicable act of terrorism.

I say to the terrorists: You underestimate the United States. Right now we are in an orderly constitutional process to begin the transition of the executive branch to a new leader. Do not think because we are beginning a transition that we are weak.

I say to the terrorists anywhere in the world: When any American is under attack, all Americans are under attack. We will check our party hats at the door. We will be united as one nation. I believe the Congress and the American people will stand as one behind President Clinton to aggressively pursue and punish the terrorists who have engaged in this despicable act. You might have gotten away with this one, but do not think again about the next hour, the next day, or the next week. The United States of America is coming after you, and we are all together on this.

In addition, to our friends in the Middle East: We are deeply troubled by the violence that is ongoing. A peace agreement was within reach. Indeed, it was fragile. We say now, please, take a timeout, end the violence, let's step back to see if we cannot come forward under the leadership of the United States as an honest broker to move ahead. We are plunging into chaos. Chaos only means further retreat. It means that maybe for years violence will continue.

We say: Please, Mr. Arafat, do not work behind the scenes; work on the front lines; end your violence.

To the people of Israel: We know that the first act is the act of self-defense. We understand that. It is human. Please, we ask restraint, and we ask all to come back to the bargaining table. Let's put down the stones. Let's put down the guns. Let's see if we can move forward.

I come back to what has occurred on the Senate floor today. I say to people around the world: This is democracy. Good people who have been good friends differ. We can conduct ourselves with civility. We can have intellectual arguments. We can quote our lawyers and our National Academy of Sciences, and so on. Ultimately, the Congress will work its will. This is democracy. We invite the whole world to participate in it. War only leads to more war. Violence only leads to more violence. But democracy leads to more democracy, and democracy means ultimately peace and prosperity.

We invite the world: Please, constitutional governments, treaties, rules of law are what this 21st century should be all about.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished colleague for her very eloquent statement. I know she and others and all of us extend our deepest sympathies to the families, the loved ones of those sailors who were killed in the cowardly act in the Gulf of Aden today. The cause of peace and international security is one that is worth a major effort, and it is not without sacrifices, as we saw today.

I share the concerns and I share the strong commitment that we shall do everything in our power to identify the people behind this cowardly deed and take appropriate responsive action. We do not intend as a democracy committed to freedom and human rights to be deterred from our continuing efforts by these acts of terrorism. These do nothing but bring sorrow and heartache to the families and loved ones left behind, and they strengthen the will of the rest of us to say that we will not bow to the terrorists acts. They will not deter us. They only strengthen us not only in our prayers for those who have given the ultimate sacrifice but in our commitment to ensure it does not deter our activities.

A TRAGIC ACT OF TERRORISM ON THE U.S.S. COLE

Mr. MCCAIN. Mr. President, we are all now aware of a terrible tragedy, an act of despicable terrorism has taken place on the U.S.S. *Cole* and American lives have been lost.

All of us are appalled. On behalf of all of us, our thoughts and prayers go out to the family members of those on the U.S.S. *Cole*. We hope we can get all the information as quickly as possible.

The United States has the ability to find out who perpetrated this outrage. We will find those people. There will be a heavy price to pay. We cannot allow these kinds of acts of terror to take place. I am confident the President of the United States will ascertain who these individuals and organizations are, and the heaviest price must be paid for this outrage. In the meantime, our thoughts, hopes, and prayers go out to those who were injured, those missing in action, and those killed in this tragedy.

TERRORISM

Mr. KYL. Mr. President, first, let me concur with the remarks of my colleague, Senator MCCAIN. I join him in expressing concern for those families who have lost Americans in connection with the terrorist attack on the U.S.S. *Cole*.

I call upon my colleagues who are holding up my antiterrorism legislation to stop holding up this important piece of legislation and allow us to get it passed this year and sent to the President for his signature. The National Terrorism Commission made some very important recommendations about how we should deal with terrorists attacks, and the only response has been the legislation that Senator FEINSTEIN and I have proposed. I hope those who are holding this legislation as a result of this attack will recognize we can't wait for the next terrorism attack. We need to act now.

MIDDLE EAST TENSIONS

Mrs. BOXER. Mr. President, my heart is so heavy this morning as we learn of the increasing tensions in the Middle East.

I join my friend from Arizona, Senator KYL, in expressing our condolences to those American families who are grieving at the loss of their children by an unprovoked attack on one of our ships off the coast of Yemen. We are not exactly sure who did this. We suspect that it was terrorism.

But, as Senator MCCAIN said on one of the shows this morning as I listened to him, we will find out, and we will respond. The world should make no mistake about that.

This morning I also want to call on Yasser Arafat to take control of the situation in the Middle East. There has been an incident where four Israeli soldiers were in Ramallah—the Israelis say that they had taken a wrong turn. They certainly weren't provoking anything. They were captured, and taken to the Palestinian authorities and to a detention center. Then a mob overtook the center and killed at least two of them. The reports vary. One report I heard said there was a lynching. I don't know that is accurate, but one report said that. You have now no rule of law. It is very difficult to negotiate a peace agreement when there is no rule of law on one side of the equation.

I had been closely following this. I was very hopeful yesterday. Things looked as if they were going in a better direction. The word was that Yasser Arafat was, in fact, calming his people down. But it is time for him to do this now publicly. It is one thing to quietly work behind the scenes; it is another thing to come out publicly and say enough of mob rule.

As I say, I come here with a very heavy heart, but always hopeful that the goodness in people will overcome everything else.

My heart is with the American families who will be grieving. My heart is with all the families in the Middle East who are suffering so much.

I believe Dwight Eisenhower once said—I may stand corrected—that people want peace so much that one of these days governments had better get out of the way and let them have it. I think people want peace. The vast majority of people want peace. How tragic it is that we can't seem to grasp that.

I praise President Clinton and Vice President GORE for doing everything they can. I give them my best. I offer myself as someone who will do what I can. I am on the Foreign Relations Committee. This is an area that we know is always a tinderbox. Yet we have faith that the peace process can get back on track.

BREAKDOWN OF CAMP DAVID PEACE PROPOSALS

Mr. MOYNIHAN. Mr. President, the news from the Middle East is deeply painful to all who pray for the peace of Jerusalem. Three months ago at Camp David the State of Israel offered the Palestine Authority unprecedented concessions in an effort to end the cycle of violence and hatred. The rejection of these proposals has tragically led to the loss of numerous lives and the resumption of the cycle of violence and hatred. Our Government must tell the Palestinian leadership that the destruction of holy sites and mob violence have no place in civilized society.

EVENTS IN THE MIDDLE EAST

Mr. FEINGOLD. Mr. President, I rise to offer my sincere condolences to the families of the U.S. Navy personnel killed in what appears to have been a terrorist attack on the U.S.S. *Cole*, and to express my outrage at this cowardly act of murder. This deplorable incident is a tragic reminder of the risk and sacrifice assumed by all of our men and women in uniform, and by their families. I know that the administration will be using all of the resources at its disposal to discern who is responsible for the attack, and that the U.S. will resolutely take appropriate action in response to this incident.

My certainty about that last point is based on a simple and irrefutable truth. No country would stand by while its soldiers and sailors are targeted and killed. The U.S. will certainly not stand for it and will not be intimidated in the wake of the cowardly attack on the Cole. By the same token, it should surprise no one that Israel retaliated in response to the brutal murder of Israeli soldiers at the hands of a mob in Ramallah.

But as difficult as it is, as raw as emotions are right now, we cannot afford to lose sight of one fundamental fact. All of us—we Americans, the rest of the international community, the Israelis and the Palestinians—know that there is no military solution to the terribly difficult issues that have made the Middle East a region of tension and violence for far too long. In recent days the promise of peace has been obscured by terrible violence in Jerusalem and elsewhere. Nearly 100 lives have been lost, including the lives of children. For the Israeli and Palestinian children who remain, in the name of providing them a future free from these horrors, I hope that the Israeli and Palestinian people will find the courage and the strength to stop the violence, and that they will find their way back on a path toward peace.

SITUATION IN ISRAEL

Mr. MACK. Mr. President, the United States commitment to Israel is strong. It has stood the test of time, and has only strengthened. It is strong because it is grounded in our shared principles of freedom and democracy. It is also strong because we respect and appreciate Israel's commitment to preserve and protect those religious sites considered by all people of the world to be holy.

I am very disturbed over recent events in the Middle East. America's response to Israel must be clear and reflect our total support. What we are witnessing is not, as it is often called, an "outbreak of violence." What we are witnessing is a concerted attack against Israel; and this is occurring on the heels of the Israeli government taking the most conciliatory stance ever toward the Palestinians.

After the Camp David summit, President Clinton correctly blamed Palestinian Authority Chairman Yassir Arafat for rejecting the compromises that Israel was willing to consider. Since Camp David, Arafat has compounded his rejection of peace proposals with an embrace of violence. The United States must maintain its pressure on Arafat and the Palestinian leadership, and avoid retreating into the moral swamp of "evenhandedness." We must stand with Israel.

I am deeply disappointed in the shameful U.S. abstention on a UN Security Council resolution that our own ambassador called "unbalanced, biased, and really a lousy piece of work."

Mr. President, I ask unanimous consent that the Jerusalem Post editorial of October 10, 2000 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Jerusalem Post News & Feature Service, Oct. 10, 2000]

BETRAYAL AT THE U.N.

(Editorial)

The United States made a grave mistake in failing to veto what Secretary of State Madeleine Albright called a "one-sided" U.N. Security Council resolution condemning Israel. The U.S. abstention was a mistake, despite the three seemingly cogent arguments used to explain it: that a worse resolution was blocked, that Israel was consulted all along, and that "U.S. interests" dictated the move.

The U.N. resolution deplored "the provocation carried out at al-Haram al-Sharif in Jerusalem on 28 September 2000, and the subsequent violence there and at other holy places, as well as in other areas throughout the territories occupied by Israel since 1967, resulting in over 80 Palestinian deaths and many other casualties." The resolution, which passed 14 to 0 with the U.S. abstaining, also condemned "acts of violence, especially the excessive use of force against Palestinians." An innocent observer reading the resolution might reasonably conclude the Palestinians were quietly minding their own business when, out of the blue, Israeli forces decided to throw seven years of talks out the window and attack their negotiating partners. The opposite is the case.

After weeks of official Palestinian broadcasts encouraging violence and lionizing martyrs, and after attacks against Israelis in which both soldiers and civilians were killed, Yasser Arafat took advantage of Likud leader Ariel Sharon's visit to the Temple Mount to turn the flames on full burner.

In any case, the twisted nature of the resolution is not at issue—U.S. Ambassador to the United Nations Richard Holbrooke called it "unbalanced, biased, and really a lousy piece of work." This recognition begs the question, which was leveled at Albright and Holbrooke repeatedly over the weekend: If the resolution was so lousy, why did the U.S. not exercise its right to veto?

Standard answer No. 1—that a worse resolution was blocked—does not wash, because it is a truism. The Arab lobby at the United Nations always asks for the moon, in the hopes of passing a slightly less outrageous version after negotiations. According to Holbrooke, the U.S. would have vetoed an "operational" resolution, but it could oppose what was watered down to "just empty rhetoric." Far from "empty," the Security Council resolution was exactly what Arafat needed: an international judgment saddling the blame for his attack against Israel squarely on Israel's shoulders. Now the international commission of inquiry that Arafat fought for in Paris is redundant. The inquiry is over and the verdict is in: Israel is guilty.

The next line of defense used by Albright and Holbrooke was that Israel was closely consulted and "understood" the U.S. position. That the Israeli government "understood" this failure of American will and judgment is itself unfortunate, but in no way excuses U.S. behavior.

Having taken every "risk for peace" expected by the U.S. and more, Israel is now a victim of U.S. weakness, even betrayal. As a tactical matter, Israel may have had to choose its battles with the U.S., and therefore decided not to more openly resist the U.S. position. But an Israel under siege should not have been forced into giving the U.S. a pass in the Security Council, one of the few arenas where the U.S. has a decisive voice.

Albright argues that "our role in the Middle East is to try to be the negotiator, the mediator, the honest broker." Could Albright mean that the U.S. must be an 'honest broker' in the face of a wholesale attack by the party that has rejected their peace proposals on the party that accepted them? An "honest broker" that cannot differentiate between aggressor and victim is not doing the peace process any favors. An "honest broker" role makes sense in the context of negotiations, not when the negotiating track has been unilaterally tossed out the window by one party.

Finally, Albright alludes to America's "larger responsibilities within the whole region"' in explaining the U.S. abstention. This is veiled allusion to the risk of riots against American embassies and relations with the Arab world, but again the logic is backwards and dangerous.

A U.S. veto would have signaled to Arafat and the Arab world that this round of blaming the victim is over. Now Arafat, Hizbullah, Saddam Hussein (who just called again for Israel's destruction), and anyone else who wants to jump on the absurd bandwagon that Israel is threatening al-Aksa Mosque can see that Israel's great ally, the United States, is unwilling to come to her defense. This can only be bad for Israel, bad for the United States, and bad for peace.

Mr. MACK. Mr. President, we must speak the truth and stand on principle, so that Arafat cannot continue blaming Israel for the completely unjustified attack that he initiated. There is a word for a policy of rewarding violence, and that word is "appeasement."

Appeasement is not just wrong; it also does not work. Events of recent days have led many Israelis to conclude that their government's generosity toward the Palestinians has—far from being reciprocated—been taken as weakness and invited the beating of war drums against Israel throughout the Arab world.

As Israel begins to rethink its course, the United States must not push Israel towards appeasement. We must help Israel find the strength to stand up to aggression and continue the principled fight for justice.

As citizens of a democracy that desperately wants peace, Israelis are as pained as anyone by the heart-wrenching pictures of Palestinian children caught in the crossfire. Israel can be counted on to search its soul as to whether she could have defended herself and claimed fewer Palestinian casualties. The result of such an inquiry, however, will not shift the overarching burden of responsibility from the party that chose to abandon the negotiating table and open a shooting war—Palestinian leader Yassir Arafat.

Mr. President, I ask unanimous consent that the article by Natan Sharansky in today's Washington Post appear in the Record immediately following my statement.

Now is the time for us to publicly reaffirm our commitment to the freedom-seeking people of Israel. During Israel's time of need, we know that they will make the right choices—take the right actions for peace with freedom. And we will stand with Israel.

[From the Washington Post, Oct. 12, 2000]

AFRAID OF THE TRUTH

(By Natan Sharansky)

JERUSALEM.—Nearly 20 years ago, confined to an eight-by-ten cell in a prison on the border of Siberia, I was granted by my Soviet jailers the "privilege" of reading the latest copy of Pravda, official mouthpiece of the Communist regime. Splashed across the front page was a condemnation of Ronald Reagan for having the temerity to call the Soviet Union an "evil empire."

Tapping on walls and talking through toilets, prisoners quickly spread the word of Reagan's "provocation" throughout the prison. The dissidents were ecstatic. Finally, the leader of the free world had spoken the truth—a truth that burned inside the heart of each and every one of us.

For decades, with few exceptions, the moral authority of the Soviet Union had rarely been challenged. Some, particularly those who saw in communism's egalitarian ideals the antidote to all the ills of capitalism and democracy, were simply duped by a totalitarian society that could so easily manipulate the picture it presented to the outside world.

But sadly, most were not blind to the truth—they were just frightened by it. They understood what the Soviet Union represented but, knowing the price of confrontation, preferred to close their eyes to it. Rationalizing their cowardice with morally comforting words such as "peace" and "coexistence," they pursued the path of appeasement.

Today the nations of the free world also prefer to close their eyes to the truth in the Middle East in general and the Arab-Israeli conflict in particular. While in practice the Arab states do not pose the threat of a belligerent superpower, the West's attitude toward these authoritarian regimes is all too familiar. Some, who see Palestinian stone throwers as David to Israel's Goliath, are again duped by the manipulations of a brutal dictator who sends children to the front lines to achieve through tragedy what he cannot achieve through diplomacy.

But most people are not so easily duped. They simply choose to blindfold themselves rather than confront a discomforting truth. Instead of pressuring Arab tyrants to free their own peoples from the yoke of oppression, the West prefers to view them as a "stabilizing" force.

When the peace process began, Israel and the West had a remarkable opportunity to use their influence to ensure that the emerging Palestinian society could evolve into a liberal, democratic state. Instead they spent the better part of 10 years subsidizing tyranny.

The goal was to strengthen Yasser Arafat and his PLO, supposedly a force for modernization and compromise. With his 40,000-man armed police force, Arafat was supposed to serve as Israel's proxy in the war on terror, and would do it, as the late prime minister Yitzhak Rabin said, "without a Supreme Court, without human rights organizations and without bleeding-heart liberals."

This policy, support by the West, was not designed to solve a genuine Palestinian human rights problem but to export it.

In the past two weeks we have seen the consequences of this folly. The man who promised at Oslo to renounce the violent struggle against the Jewish state once again uses violence as an instrument of negotiation. His police have turned their guns against the state that armed them, while his kangaroo courts have released dozens of Hamas terrorists drenched with the blood of his "partner" in peace.

Needing an external enemy to justify internal repression, he continues to incite against Israel. With new textbooks depicting a map of Palestine that stretches from the Mediterranean to the Dead Sea but does not include a Jewish state, he is educating the next generation of Palestinians that they will soon take up arms in a holy jihad.

In response to all this, the world can summon sufficient courage only to condemn a democratic Israel for defending itself against enemies within and without who seek its destruction. It is assailed for provoking the Palestinians by visiting our people's holiest site, when the real provocation is not our sovereignty over a Temple Mount that is the soul of the Jewish people but our sovereignty, period.

No doubt a government that is prepared to make far-reaching and dangerous concessions will soon be pressed to make more, so that the free states can remain safely behind their blindfolds. The only free state in this vast region to tyranny will be asked to concede more in the name of "peace" and "coexistence" to an Arab world that wants nothing of the sort.

Thirty years ago, Democratic Sen. Henry Jackson of Washington state courageously stood against the bipartisan forces of appeasement and issued a moral challenge to an immoral state. By speaking the same truth a decade later, Republican President Ronald Reagan helped free hundreds of millions of people around the world, and sparked a democratic flame that continues to engulf and threaten tyrannies. Who will speak the truth today and allow freedom to reach this region where only one nation carries its torch?

The writer, a former Soviet dissident, is a member of the Israeli parliament and formerly served as interior minister in the Barak government.

CURRENT SITUATION IN ISRAEL

Mr. ASHCROFT. Mr. President, over the past two weeks, the Middle East has been in a state of grave turmoil and violence. With almost 100 people reported dead, Israel is dangerously close to internal war between the Jews and Palestinians. Even this morning, two Israeli soldiers were brutally murdered in Ramallah in connection with this ongoing violence. Although there are some reports of a decrease in violence, this conflict demonstrates how complex and difficult it will be to have real peace for the people of the Middle East.

Throughout the West Bank, Gaza Strip, and even Arab towns inside Israel proper, Palestinians have taken to the streets. They are demanding Israeli capitulation and withdrawal of Israel troops from Arab regions. Although the Palestinian Authority has claimed that the flashpoint for the violence was a visit to the Temple Mount by Israeli political leader Ariel Sharon, the violence's widespread and intense nature of the violence, along with Palestinian reaction, indicates that the violence may not be a simple and uncoordinated reaction.

Since the initial incident, the violence has rapidly spread with incredible fervor. According to published reports, "The internal riots stunned Israeli police officials by their size and intensity." A simple incident was radically and almost instantaneously transformed into a dire situation that threatens the entire Middle East peace process. Although this outrageous reaction may appear isolated, Mr. Arafat has threatened over the years to cross out the peace accords and unleash a new uprising against Israel. He has often described the peace accords as simply a temporary truce.

Mr. Arafat's response to the recent situation raises many concerns. It appears he has done little to nothing to quell the violence. The Palestinian Authority's official media arm, the Palestinian Broadcasting Corporation, has consistently broadcast incitement against Israel, including a children's program where martyrdom as "suicide warriors" is glorified. Palestinian television is also running a story about an alleged brutal killing of a Palestinian by Jewish settlers. The audience is told that the 40-year-old man's skull was crushed, his bones broken and his body burned by the settlers. Pictures of a charred and mutilated body are being used continually to incite already combative protesters and mourners. Although Israeli officials have stated that the man, Isam Hamad, 36, died in a car crash north of Ramallah and that the Palestinians chose to exploit the terrible condition of his body, Palestinian officials have refused to investigate the real cause of death and instead some have stated that the killing justifies an "open season on settlers."

Hassan Asfour, a Palestinian cabinet minister, told the Reuters News Service that, "The settlers must now be a target by every Palestinian in order to stop their terrorism and they must be uprooted from our Palestinian occupied lands." These are not the words of a leadership that wants peace.

Mr. President, we must continually remember that Israel is in one of the most dangerous and unstable regions of the world. Since the beginning of the Oslo process in 1993, Israel has lost more than 280 of its citizens to terrorist violence (a portion of the Israeli population comparable to 15,000 Americans) in over 1,000 terrorist attacks. That death toll is worse than in the 15 years prior to Oslo. Rather than eradicate terrorist infrastructure in Palestinian territory, the Palestinian Authority apparently has maintained its revolving door policy in detaining terrorists. Over 20 prominent terrorists have been released since President Clinton's visit to Gaza in December 1998. Israeli reaction to violence must be seen in this context.

During this current situation, President Clinton has failed to stand firm with our long-time friend and ally, Israel. Although I appreciate the President's interest in bringing about peace in the Middle East, his desire to play the role of the "honest broker" is sadly misguided. Until Mr. Arafat begins to demonstrate otherwise, it appears clear that the Palestinian Authority is simply not an "honest player".

Mr. President, it is time to stand with Israel in the effort to find real and lasting peace. We must continue to work with our friends and allies around the world, including moderate Arab countries, to bring the Palestinian Authority into line with appropriate international behavior that will contribute to the process of peace, not to war. I call on Prime Minister Barak and Chairman Arafat to honestly work towards an end to this latest violence and come back to the negotiating table with the goal of reaching a workable and lasting peace.

MIDDLE EAST TRAGEDY

Mr. BROWNBACK. Mr. President, there is a tragedy ongoing in the Middle East, and the first thing I want to do is express heartfelt sorrow for the families of those who have lost their lives.

The events of the last two weeks are deeply disturbing, and the clear first step is to find a way to calm the violence. The onus is on Yasser Arafat and the Palestinian Authority to call a cease fire. If the Palestinian leadership and the Palestinian people are in the midst of a quest for a state, and are trying to prove they have the maturity to lead more than a terrorist organization, the moment of truth has come and gone. What many have long suspected about the Palestinian leadership is being confirmed: They are not committed to peace, they are committed to victory.

Unfortunately, the reaction of the international community to the violence in the Middle East has only emboldened Yasser Arafat. For proof we need look no further than the one-sided, dishonest U.N. Security Council resolution that passed last weekend. The resolution ignores the role of the Palestinians in the violence now taking place. It unfairly blames Israel for sparking the violence, forgetting that it is the right of any person of any religion to visit the Temple Mount. The United States' failure to veto this resolution is an embarrassment—a sell-out of our friends, a sell-out of the peace process.

Arfat insists on an international inquiry into the violence before he will call for its cessation. But is it any wonder that Prime Minister Barak is reluctant to accept such an inquiry when the international community has ranged itself so clearly on one side. Condemn first and ask questions later.

The actions of Arafat and the Palestinian Authority on the question of treatment of holy sites are equally troubling. First, the use of Ariel Sharon's visit to the Temple Mount and the use of that holy site to incite violence: How can we believe any commitment to allow access to all people of all faiths when the Palestinians believe it is their right to sow mayhem after one visit?

Second, the sacking of Joseph's Tomb. Palestinian police stood by as a mob of Palestinians destroyed Joseph's tomb in Nablus—a location from which Israeli forces had retreated in an attempt to calm the situation. They ripped apart Torah scrolls and desecrated a holy place. I have heard it said that the authenticity of the site has been questioned. I can just picture the mob looking for that certificate of authenticity before they went ahead and destroyed a holy book of the Jews.

There is no excuse—no excuse—for the behavior of the Palestinians or their leadership. Prime Minister Barak has offered concessions previously through taboo by most Israelis. Chairman Arafat has responded by demanding yet more and using violence to get it when negotiations failed. He has broken every agreement made in the past months and years, and has released dozens of notorious Hamas and Islamic Jihad terrorists in recent days. Perhaps Israel's intensified reaction following the mob killing of three Israeli soldiers will convince Arafat that he cannot win with violence. But I wonder.

And for the United States, being an honest broker does not necesitate our staying neutral. It should mean embracing a policy of honesty and telling one side when enough is enough. Instead, the Clinton-Gore Administration has shied away from the kind of frankness needed from our nation, and has stood aside in the face of an international political assault on our most important friend in the Middle East.

That lack of resolve is noticed. It has been noticed by those who defy sanctions on Iraq. It has been noticed by the Palestinians. And it was surely noticed by those who attacked the U.S.S.*Cole* and murdered six, maybe more American servicemen. When will this nation show the resolve needed to crush the cowards and criminals who threaten us and our allies?

I hope that the diplomatic efforts underway can lead to a calming of the situation and that the future will see a lasting peace between Israel and the Palestinians. However, for this peace to be truly lasting—and truly be peace—it must come when the parties are ready, on a timetable agreed by them. More important, it can only come when the Palestinians are ready to take upon themselves the mantle of nationhood and abandon their legacy of terrorism. And finally, peace will come when those who stand with the United States know that they have a forthright and loyal ally and those who stand against us fear our resolve.

ALASKAN SLED DOGS

Mr. STEVEN. Mr. President, I wish to speak about some Good Samaritans.

Recent fish disasters in Alaska have made it extremely difficult for Alaskans along the Yukon River and the surrounding areas of that river.

Dog mushers rely upon protein-rich chum salmon to feed their families, as well as their sled dogs. It takes about 100 chum salmon a year to feed one sled dog.

As a result of the fish disaster, an alarming dilemma has confronted the dog mushers. They watch their sled dogs starve or they shoot them. Now that is a terrible dilemma. Healthy Alaskan sled dogs ought not to lose their lives because of a shortage, but that is the situation that we faced. The alternative to end their misery is not one that a dog musher wants to face. It is totally unacceptable as far as I am concerned. Working with my staff, I have tried to find a solution to this problem.

Villages along the Yukon rely upon sled dogs for the transportation of goods. Use of sled dogs in rural Alaska is equivalent to the use of a vehicle in most of our Nation. Today I am able to announce, thanks to the generosity of Jim von der Heydt, executive vice president of Ralston Purina, 22½ tons of dog food will be donated by that company to Alaska's Native people from Purina's Iowa plant. It is the plant in Clinton, IA.

That food is now going to be shipped to Alaska by Lynden Transport with the assistance from the Totem Ocean Trailer Express, which we call TOTE, and the Alaska Railroad. I am extremely grateful to Jim Jansen of Lynden, Robert McGee of TOTE, and our former Governor, Bill Sheffield, who is now the head of the Alaska Railroad, for agreeing to deliver this relief to the dog mushers.

The dog food will be distributed to the dog teams by the Alaska Federation of Natives. Julie Kitka, the head of the Alaska Federation of Natives, has agreed to take on this task. I am grateful for her support and cooperation.

Lastly, let me commend James Lee Witt, the head of FEMA, for his personal assistance in this effort.

I think this is good news. I am happy to be here to talk about good Samaritans for a change.

I yield the floor.

TRANSPORTATION RECALL ENHANCEMENT ACCOUNTABILITY AND DOCUMENTATION ACT

Mr. MCCAIN. Mr. President, yesterday, the Senate took an important and critical step forward to improve our Nation's motor vehicle safety laws by passing H.R. 5164, the Transportation Recall Enhancement Accountability and Documentation (TREAD) Act. The bill is in response to the more than 100 deaths associated with defective Bridgestone/Firestone tires. During the debate, I intended to include a letter from Congressman BLILEY, chairman of the House Commerce Committee clarifying the intent of a provision of the bill relating to the ability of the Department of Transportation to request material from manufacturers. I ask that the letter be included in the RECORD at the conclusion of my remarks. The letter makes it clear that the provisions would not enable manufacturers to conceal or destroy information requested by the Secretary.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, October 11, 2000.

Hon. JOHN MCCAIN,
Chairman, Senate Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR JOHN: I am writing to clarify the intent of section 3(b) of H.R. 5164, the TREAD Act, as passed by the House last night.

I understand that there are concerns about the Committee's construction of the amendment to section 31066(m)(4)(B) of title 49, United States Code, relating to the Secretary's ability to request information not in possession of the manufacturer. This provision provides, in relevant part, that the Secretary may not "require a manufacturer * * * to maintain or submit records respecting information not in the possession of the manufacturer." This restriction was not intended to provide manufacturers with an easy way to withhold information from the Secretary by destroying or transferring the possession of records; rather, it is intended to ensure that the Secretary does not promulgate requirements that require the manufacturer to submit information not reasonably within its possession or control.

Further, any orchestrated effort to withhold information from the Secretary with the intent to mislead him, whether through an intentional "transfer" of possession or other method, is precisely the kind of activity that could potentially subject a manufacturer to the criminal penalties under section 4 of the bill. The fundamental purpose of this legislation is to ensure that the Secretary receives the information he needs to identify defects related to motor vehicle safety at the earliest possible opportunity.

I hope that you find this explanation helpful.

Sincerely,

TOM BLILEY,
Chairman.

NEED FOR ACTION ON DEBT RELIEF

Mr. BIDEN. Mr. President, in the last days of this Congress, as we scramble to compete our work, I am worried that one of the most important issues before us may slip through the cracks.

Last week, I attended an extraordinary meeting at the White House, where President Clinton called together religious and political leaders to discuss the urgent need to provide debt relief for the poorest countries of the world. Looking around the table, it was clear that this was no ordinary issue, no ordinary meeting.

Just a partial list of the people in that room speaks volumes about this issue. There were bishops of several denominations, and a rabbi. The Reverend Pat Robertson was there, as was the Reverend Andrew Young. Democratic Congresswoman MAXINE WATERS was at the table, not far from Republican Congressman SPENCER BACHUS. A few seats from the President himself sat near the rock star Bono, who has become one of the most prominent spokesmen for the cause of debt relief.

President Clinton called us together because the need for debt relief is great, the logic of debt relief is compelling, and time left for us to pass debt relief legislation is alarmingly short. Failure to act now would be nothing less than a failure of the United States to lead what could be the most important international effort to bring the poorest nations of the world into a more positive, constructive role in the world economy.

Here are the facts, Mr. President. Around the world today, many poor nations actually pay more in interest payments to advanced industrial nations, and to international development banks, than they do on childhood immunizations, primary education, and other essential services.

Tragically, Mr. President, many of these countries are suffering through an AIDS epidemic that dwarfs any public health crisis the world has ever seen. No responsible person can argue that we have no interest in helping such countries fight against communicable diseases that are just a jet flight away from our cities. No moral person can argue that we should sit idly by while a continent loses a generation to disease.

The debts these countries owe are often the legacy of earlier governments, propped up by lending that suited the purposes of Cold War geopolitics, but that did precious little for the poorest of the poor in those countries. Today, the prospects of repayment by these countries is so small that the loans are now carried on our books at just a few cents on the dollar. A sensible business decision—made every day in this country and around the world—is to simply write off bad debts, and let both borrower and lender move on.

Following that sound economic logic, with the leadership and commitment of the United States, the major creditor nations of the world agreed several years ago to forgive some of the debt owed by the poorest of these countries. That program, known as the HIPC Initiative—for the "Highly Indebted Poor Countries"—requires significant commitments by the poor countries if they are to qualify. They must commit to market-oriented economic reforms, reduce corruption, and use the savings from debt relief for essential poverty reduction programs.

Already under way in several countries, the HIPC program has achieved tangible results—the kind of results we all want to see, and the kind of results that will be put at risk if we fail to fully fund our participation. In Uganda, money saved by debt relief under the HIPC program has allowed the government to end the fees for primary school students, fees that had kept enrollment down. Over the last four years, primary school enrollment there virtually doubled. That is what a well-designed debt relief program can do.

Because those debts are such a large part of the poor countries' income—often as high as thirty or forty percent—and because those same debts are realistically worth so little to us, a relatively small financial commitment on our part buys important economic assistance many times over. And because we are the leading economy in the world, Mr. President, our leverage is even greater. Other nations are waiting for us to act—the only prudent course for creditors working out this kind of deal—and that means that our relatively small contribution will trigger a major international initiative.

But that leverage works both ways. Without us, the viability of the whole initiative remains in doubt. Our inaction has stalled any further action on debt relief in Latin America, and will prevent all but a few eligible African countries from participating.

Something more than sensible, effective foreign policy is at stake here, Mr. President, which brings me back to that extraordinary meeting at the White House. The world's religious leaders, from the Pope to Billy Graham, in an interfaith, ecumenical unanimity rarely seen on any issue, have joined to challenge our nation's conscience. They have asked us to face the embarrassing fact that while we talk about providing assistance to the poorest nations—while in fact we do send a tiny fraction of our own record income and wealth abroad—at the same time we continue to collect interest payments on those nations' old debts.

They have challenged us to follow the Biblical injunction to lift the burden of debt, in effect to put our money where we say our values are. They call on us to deal with the least fortunate in the way all of the world's great religions command. Now, when we are enjoying the best economic times in our history, as we stand as the most fortunate of nations, surely we can underwrite less than four percent of the overall cost of debt relief. That's right, Mr. President: our share is less than four percent of the total cost of the whole HIPC program.

For that contribution, we will assure the full implementation of nearly 30 billion dollars of debt relief for the poorest 33 countries of the world.

This program presents us with a powerful combination of economic logic and moral imperative. Here, in the last days and hours of this session of Congress, we must not let this opportunity slip away.

Earlier this year, the Foreign Relations Committee passed full authorization of two key funding mechanisms for our participation in the HIPC program. First, we authorized use of the balance of the funds made available through a revaluation of the IMF's gold holdings, to provide them with the resources to finance their share of the debt forgiveness—an action that will have no budgetary impact, that will not cost us a dime.

The Foreign Relations Committee also authorized the appropriation of $600 million for our share, between 2000 and 2003, of the HIPC initiative. Senator HELMS, Senator HAGEL, and Senator SARBANES and I agreed on a set of conditions that would hold the Administration accountable for policies that will promote more focused, better monitored international financial institutions. But we agreed, in the end, that the program was too important to impose unworkable conditions or to require the kind of delay that could be fatal. It took compromise and good faith to achieve that agreement, which was reported out of our committee unanimously.

Mr. President, I am here today to say that those principles must guide any final agreement. That means there must be no new, unworkable demands for overhauling international financial institutions like the IMF and the World Bank before debt relief can go forward. That will require the spirit of bipartisan accommodation that we achieved in our committee.

So far the Senate has only appropriated $75 million for debt relief. This is only a place holder for a final amount, now under negotiation. The House has done somewhat better, but is still far short of the mark. One of the problems is that full authorization has not reached the Senate floor, where I am confident it would receive overwhelming bipartisan support.

Right now, as I speak, there is still hope that we can reach an accommodation on authorizing language that the Appropriations Committee is seeking before it provides the full amount of debt relief needed to make the HIPC program a reality.

But time is running out, Mr. President, and we are dangerously close to forfeiting our international leadership on this issue. That means forfeiting not just our leadership in international financial affairs, Mr. President. If we fail to provide full funding for our participation in the international debt relief effort, we will forfeit something even more valuable: our moral leadership.

IN REMEMBRANCE OF THE HONORABLE SID YATES

Mr. CAMPBELL. Mr. President, Sid Yates, former Congressman from Ohio and a long-time friend of Indian country passed away last week.

I am particularly saddened because in the last 2 years, we have lost Morris Thompson, the Alaska Native tribal leader and one of the instrumental leaders in Alaska politics, Dr. Helen Peterson one of the founders of the National Congress of American Indians (NCAI), and now our long-time friend Sid Yates.

Indian country is losing far too many friends and most unfortunate is that we seem to be losing more friends than we are gaining.

As a Congressman from the State of Ohio with no federally-recognized Indian Tribes Sid Yates had no political reason to become the champion for Indian causes that he was known for. His dedication was not part of constituent service and he stood to lose more than he gained from his advocacy. Nonetheless, Sid Yates' commitment and determination to do the right thing never wavered.

I am saddened to be making this statement because all who knew or came in contact with Sid Yates were awed by his generous heart and humbled by the patience he showed with his colleagues and with the public—even when they disagreed with him.

His patience and focus in the legislative realm were legendary. Sid Yates started what I believe an appropriate protocol in the House Subcommittee by affording every Tribal Leader wishing to come before the subcommittee the brief opportunity to describe the most pressing needs of his or her Tribe.

When I came to the House of Representatives in 1986, I became deeply involved in issues that affect my State of Colorado, natural resource issues and of course issues that affect American Indians. In pursuing and working on these matters, I worked with Sid Yates time and again and benefitted from that association both as a legislator and as a man.

Sid Yates also knew when generosity of spirit and patience were not the appropriate response. In the mid 1980's a series of newspaper articles appeared in the Arizona Republic that revealed a breathtaking level of corruption and waste in the Federal Bureau of Indian Affairs. Millions of dollars were being siphoned off or wasted and were not getting to the Indian beneficiaries as Congress intended.

As Chairman of the House Subcommittee on Interior Appropriations, Sid Yates took bold steps to ensure that this would not happen again and launched the Tribal Self Governance Demonstration Project. I am proud to say that in August the President signed legislation that I sponsored in the Senate to make permanent Self Governance in Health Care.

The auditorium in the U.S. Department of Interior was appropriately named the "Sid Yates Auditorium" and his name will carry with it the kind of dedication and honesty that was his hallmark.

It is customary and protocol to add the prefix "The Honorable" when talking of elected leaders and if there was ever a man who fulfilled that moniker it was the Honorable Sid Yates.

TAXPAYER PROTECTION AND CONTRACTOR INTEGRITY ACT

Mr. HARKIN. Mr. President, yesterday I introduced the Taxpayer Protection and Contractor Integrity Act. This legislation, which was introduced concurrently by Rep. PETER DEFAZIO in the House, is intended to crack down on fraud and abuse in government contracts. It would say to federal government contractors that have been convicted or had civil judgement rendered against them at least three times for procurement fraud and related offenses: you do not deserve further taxpayer support; you are suspended from new contracts for three years. Three strikes and you're out.

A recent report by the General Accounting Office on procurement fraud by the 100 largest Department of Defense contractors during the years 1995–1999 found: 8 criminal cases in which contractors pled guilty and paid fines totaling $66 million, and 95 civil cases, including 94 settlements and one judgment, in which awards totaled $368 million. The offenses included overcharging, kickbacks, defective products, procurement fraud, misuse/diversion of government furnished materials, cost/labor mischarging, and others. A number of companies, including some of the largest DOD contractors, had several criminal convictions or civil judgments for similar offenses over a few years. This clearly demonstrates a pattern of misconduct.

But the Department of Defense continued to conduct business with contractors even after these companies had committed multiple frauds against the government. Not one of the top military contractors guilty of procurement fraud was barred from future contracts. According to a recent Associated Press analysis, there are 1,020 contractors government-wide that were sued or prosecuted for fraud in the past five years. Of these, 737 remain eligible for future contracts.

It is disgraceful that the Pentagon and other agencies seem to hear and see no evil in the criminal fraud committed by contractors. Now it's up to Congress to step in and start cracking down on big contractors who have been swindling the federal government out of billions of dollars. I am hopeful that the bill we're introducing today will force all contractors to play by the rules and stop ripping off American taxpayers.

Under current law, a contracting officer is required to make a determination regarding the integrity and responsibility of a potential contractor prior to awarding a new contract. In making this determination, prior convictions can be taken into account, but even with several convictions an individual or company may still be granted a contract award.

The bill I introduced would require contractors to disclose the number of convictions or civil judgments, the nature of the offense, and whether any fines, penalties, or damages were assessed. Any contractor who has three or more convictions or civil judgements for fraud and similar offenses related to government contracts would be prohibited from receiving future contracts. Existing contracts would not be impacted. The prohibition on future contracts would last three years. If, during that period, the contractor demonstrates a satisfactory record of ethics and integrity by avoiding additional criminal convictions, the contractor may become eligible for future federal contracts. The bill also allows a waiver by the President in the interest of national security or to prevent serious injury to the government. Note that the bill does not prevent debarment under current procedures for fewer than three violations or broader consideration of ethics under the proposed OMB regulations. But recognizing that some agencies will not use these discretionary procedures, the bill sets a firm limit.

The bill was crafted much like the Violent Crime Control and Law Enforcement Act of 1994, which made life in prison mandatory for criminals convicted of their third federal felony. That's why we sometimes call this the "Three strikes and you're out" bill. This bill, however, is much softer, as the suspension can be lifted after three years. We've made a commitment in this country to be tough on crime. That resolve should apply to federal contractors too. It is time to stop rewarding criminal contractors with American taxpayers' hard-earned dollars.

GAMBLING

Mr. BROWNBACK. Mr. President, I would like to make a few remarks todays regarding the recent proposals put forth by the Nevada Gaming Commission yesterday that would place a $550 cap on all legalized gambling on college sports and prohibits all gambling on high school and the Olympic sporting events. I believe that the proposed rule changes in Nevada are a significant first step in protecting our student athletes and the integrity of college sports,

The Chairman of the Nevada Gaming Commission stated yesterday that the changes proposed "will provide protection for Nevada athletes and for Nevada games. They will also protect athletes in the other 49 states. The proposals are intended to discourage illegal bookmakers and fixers from attempting to use Nevada's legal sports books as a place to place bets."

It is obvious from these proposals that the Nevada Gaming Commission knows that gambling has an unseemly influence on our colleges and universities. Ironically, while Nevada is the only state where legal gambling on collegiate and Olympic sporting events occurs, Nevada's own gaming regulations currently prohibit gambling on any of Nevada's teams because of the potential to jeopardize the integrity of those sporting events. The frequency of gambling scandals over the last decade is a clear indication that legal gambling on college sports stretches beyond the borders of Nevada, impacting the integrity of other state's sporting events.

While I am encouraged by the proposed rule changes from the Nevada Gaming Commission, I do not believe it goes far enough. I will continue to insist that the Senate take up and pass, The Amateur Sports Integrity Act, which is in response to a recommendation made by the National Gambling

Impact Study Commission (NGISC), which last year concluded a two-year study on the impact of legalized gambling on our country. The recommendation called for a ban on all legalized gambling on amateur sports and is supported by the National Collegiate Athletic Association (NCAA), coaches, teachers, athletic directors, commissioners, university presidents, school principals and family groups from across the country.

Banning all legalized gambling on amateur sports serves notice that betting on college games or student athletes are not only inappropriate but can result in significant social costs. The National Gambling Impact Study Commission Report recognized the potential harm of legalized gambling by stating that sports gambling "can serve as gateway behavior for adolescent gamblers, and can devastate individuals and careers."

Some of its findings include: more than 5 million Americans suffer from pathological gambling; another 15 million are "at risk" for it; and about 1.1 million adolescents, ages 12 to 17, or 5% of America's 20 million teenager engage in severe pathological gambling each year.

According to the American Psychiatric Association: Pathological gambling is a chronic and progressive psychiatric disorder characterized by emotional dependence, loss of control and leads to adverse consequences at school and at home. Teens are more than twice as vulnerable to gambling addictions than adults because they are prone to high-risk behaviors during adolescence. Ninety percent of the nations compulsive gamblers start at an adolescent age. According to the Minnesota Council on Compulsive Gambling, gambling on sporting events is a favorite preference of teenage gamblers.

A study conducted by the University of Michigan found that most student athletes gamble. According to this study, "72% of students athletes have gambled in some way since entering college (80% among male student athletes)." Many student athletes gamble on sports. This study found "35% of all students athletes have gambled on sports while attending college (45% among male student athletes)." This study found that a considerable number of student athletes acted in ways that call into question the integrity of their contests. "Over 5% of male student athletes provided inside information for gambling purposes, bet on a game in which they participated, or accepted money for performing poorly in a game."

A study recently conducted by the University of Michigan found that "84% of college referees said they had participated in some form of gambling since beginning their careers as referees. Nearly 40% also admitted placing bets on sporting events and 20% said they gambled on the NCAA basketball tournament. Two referees said they were aware of the spread on a game and that it affected the way they officiated the contest. Some reported being asked to fix games they were officiating and others were aware of referees who "did not call a game fairly because of gambling reasons."

Gambling on college kids is banned in 49 states. Prior to 1992 when any state could have allowed gambling on amateur sporting events, they didn't. No states have asked to have this federal law repealed. Why do you think that is? It is because it is inappropriate.

The bottom line—it is inappropriate to bet on college kids. This is about protecting the integrity of amateur athletics, it is about the effect that legal, government sanctioned betting has on the games, it is about the gateway college sports betting provides youth gamblers, and most importantly, it is about the impropriety of betting on teenagers.

SUPPORT WILDLIFE CONSERVATION

Mr. JOHNSON. Mr. President, I rise today to request that the provisions of Title III of H.R. 701, the Conservation and Reinvestment Act be included in the Commerce-Justice-State Appropriations conference report. The Interior Appropriations conference report passed last week included increased funding for land, water and wildlife conservation programs. While the bill is a positive first step towards providing permanent funding for these programs, I would have preferred to see enactment of the Conservation and Reinvestment Act, CARA, especially the wildlife conservation provisions in Title III of the bill. To this end, I am requesting that Title III of H.R. 701 be included in the conference report of the Commerce-Justice-State Appropriations bill. I was a strong supporter of CARA when it was reported out of the Senate Energy and Natural Resources Committee, of which I am a member. It is the most important conservation and wildlife measure that Congress has written in the last 50 years. In particular, I am very pleased with Title III of the bill, which addresses wildlife conservation. I was actively involved early in the process and worked with the Committee to see that the wildlife provisions were included in the final product.

Title III would provide funding for a diverse array of fish and wildlife species, with an emphasis on preventing species, both game and non-game, from becoming endangered. These goals would be achieved by conserving important wildlife habitat, funding wildlife inventories to design better management plans, and working cooperatively with private landowners in a non-regulatory, incentive-based manner. Moreover, it gives the States the flexibility to set their own goals to meet their needs in a way that works for them. In addition, the emphasis on preventing species from becoming endangered will go a long way to help private property owners. Addressing concerns for endangered species on their lands is a costly process. Preventing species now from becoming endangered later is an investment that will save landowners valuable time and money that would occur after the species have been depleted. In addition, CARA will make it easier on hunters and anglers—more than 90 percent of all State fish and wildlife agency funding is from user fees. The passage of Title III and of CARA would create more equity in funding preservation efforts.

I am concerned that the language in the Interior bill, while providing funding for a new wildlife conservation fund" does not provide enough funding for the States to meet their needs and leaves discretion to the Fish and Wildlife Service without giving States the proper flexibility to administer the programs. Wildlife conservation efforts have been chronically underfunded over the years. Including Title III of CARA would help to guarantee that sufficient resources are available so that States and the Nation can meet these important needs.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 12, 1999:

Michael S. Chambers, 43, Seattle, WA;

Rueben M. Clark, 22, Memphis, TN;

Kenneth Ditter, 30, Philadelphia, PA;

Charles Guerra, 28, Houston, TX;

Joel Holbrook, 33, Kansas City, MO;

Walton Jerry Holmes, 68, Euless, TX;

J.C. Jones, 48, Miami-Dade County, FL;

Gregory Mabrey, 27, Baltimore, MD;

Khidetra S. McBride, 22, Memphis, TN;

Jorge Millan, 40, Miami-Dade County, FL;

John Ray, 23, Fort Wayne, IN;

Michael SHELBY, 34, Detroit, MI;

Nicholas Singleton, 19, New Orleans, LA;

Honore Sissoko, 46, Philadelphia, PA;

George THOMAS, 19, St. Louis, MO; and

Duane G. Weigelt, 69, St. Paul, MN.

One of the victims of gun violence I mentioned, 19-year-old Nicholas Singleton of New Orleans, was shot and killed one year ago today by a 19-year-old friend while the two were having an argument.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

SECURITY AND PENSION REFORM ACT

Mr. L. CHAFEE. Mr. President, I rise today to express my support for H.R. 1102, the Comprehensive Retirement Security and Pension Reform Act.

In my short time in the Senate, I have supported pension and savings reform and expansion, including cosponsoring S. 741, the Pension Coverage and Portability Act, and voting in favor of a pension and savings amendment offered by Finance Committee Chairman ROTH during consideration of H.R. 8, the estate tax phase out bill. I strongly believe that enacting H.R. 1102 will benefit millions of Americans, help boost America's savings rate, and bolster long-term economic growth. Indeed, economists agree that the increased personal savings and investment that would result from expanding pensions hold the key to long-term economic growth, and would shore up the country's savings tendencies.

Currently, only half of all workers have a pension plan. That means about 75 million Americans don't have access to one of the key components to a comfortable retirement. Pension laws have become so convoluted and the annual contribution limit so diminished that many small businesses simply do not bother setting them up.

In fact, the contribution limits to Individual Retirement Accounts (IRAs) have not changed since 1981. At that time, when the $2,000 limit was set, according to the U.S. Census Bureau the U.S. means the U.S. mean household income was under $23,000. In 1998, mean household income was almost $52,000, an increase of more than 130 percent. Still, the maximum IRA contribution hasn't budged from $2,000.

Setting aside $5,000, rather than $2,000, will provide the retiree with significant additional savings. For workers who don't have access to an employer-sponsored retirement plan, the IRA is their primary savings vehicle. Increasing the contribution to $5,000 helps put these people on a more equal footing with their fellow citizens covered by employer-sponsored plans. Also, it is estimated that more than 61 percent of IRA participants with incomes under $50,000 contribute the $2,000 maximum; and 69 percent of all IRA participants contribute the maximum. Workers are ready to invest more—if we in Congress will open the door for them.

H.R. 1102 includes an income tax credit to help those who might not be able to fund their retirement accounts without additional help, or who need more incentive to save. Under this legislation, joint filers of tax returns earning under $50,000, heads of households earning under $37,500, and all other taxpayers earning less than $25,000 will receive non-refundable tax credits for each of five years on a sliding scale from five to 50 percent for contributions to a broad range of existing retirement savings choices. In effect, the federal government will be matching these savers contributions dollar for dollar—through the tax credit—up to the maximum allowable based on their income and filing status.

Another provision will help workers approaching retirement age to jump start, or catch up with, their retirement savings. Many of our younger workers are limited in what they can invest toward retirement due to the other priorities such as saving for a house, starting a family, or setting aside funds for their children's education. With retirement beginning to loom as they turn 50, the current limits on contributions both to their IRAs and to their employer-sponsored retirement plans make catching up extremely difficult. H.R. 1102 allows taxpayers 50 and older to contribute $7,500 annually to an IRA, or $5,000 to their employees' retirement plan when fully phased in.

Today, it is commonplace for workers to switch jobs frequently. But, under current regulations, these workers often cannot carry the retirement benefits they have accumulated with one employer to a new job. Provisions in H.R. 1102 remove the final obstacles to full retirement portability, meaning that a worker easily can take his or her accumulated benefits to a new job. This component of the legislation is particularly important to state and local government employees who currently cannot roll over their qualified retirement savings to a new employer when they move to private sector jobs.

In Rhode Island, small businesses are the heart of the economy. Indeed, 98 percent of Rhode Island businesses are small. And, they are important forces in developing two emerging segments of the state's economy: service and technology. H.R. 1102 also will remove disincentives which currently prevent many small business owners from offering retirement plans to their employees. In addition, it will make it easier for long-serving union members to collect the full pension benefits they have earned.

Some provisions in the bill have stirred debate. One relates to cash balance pension plans. I recognize and appreciate the hard work that the Senate Finance Committee has done with respect to this issue, and understand that negotiations are still under way. I hope that the final product of these negotiations will help workers that are negatively affected by cash balance pension plan conversions.

The House approved H.R. 1102 by a vote of 401–25 on July 19th. I hope that we in the Senate act soon to approve this bill and send it to the President so that millions of hard working Americans will accrue its benefits.

HONORING HISPANIC HERITAGE MONTH

Mr. TORRICELLI. Mr. President, I rise today to recognize the celebration of National Hispanic Heritage Month. As one of America's largest ethnic groups, the Hispanic American community embodies the true spirit of our country as a land where people from all over the world can come to for the chance to pursue their dreams.

For countless years, Hispanic Americans have played an integral role in American society. This has been characterized by a strong work ethic, deep sense of faith and unwavering commitment to both family and community. Throughout the history of our country, the contributions of Hispanic Americans in areas such as public service, business, entertainment, and the sciences have been lasting and have made America a stronger nation.

Today, there are more than 31 million Hispanic Americans living in the United States, and they represent nearly 12 percent of our total population. The Hispanic American community in New Jersey includes more than 1 million residents, with roots from all over the world, including Europe, the Carribean, and both South and Central America.

I am proud to have the opportunity to represent a State with one of the largest concentrations of Hispanic Americans in the entire country. The vibrant Hispanic American communities across the State have given New Jerseyans a window into their cultures and heritage. We have also been fortunate to have members of these communities take on important roles in our public life. In New Jersey, we have Hispanic Americans representing some of our nation's most diverse communities in both the State legislature and the United States Congress, and dozens more hold elected office at the county and local levels.

As we begin a new century, it is projected that nearly 25 percent of America will be of Hispanic origin by 2050. At the same time, the widespread influence of Hispanic Americans is touching all of our communities, transcending racial and ethnic boundaries on a daily basis. I have no doubt that as America's Hispanic American community grows, it will maintain the legacy that it has built while also adding a new chapter to its rich history as an important piece of the American mosaic.

TIRE STANDARDS

Mr. ASHCROFT. I would like to engage in a brief colloquy with Senator McCAIN the Chairman of the Senate Commerce Committee. Yesterday, the Senate took an important step forward in improving our nation's motor vehicle safety laws. One of the most important aspects of that bill was a provision to require Department of Transportation to upgrade the Federal Motor Vehicle Safety Standard for tires for the first time in nearly 30 years.

Because it has been so long since the standards have been revised, they do not apply to tires used on sport utility vehicles (SUVs). In fact, SUVs weren't even around when these standards were last developed. Given the relationship of tires to the rollover propensity of SUVs, I would expect that the Department should first upgrade the standards for those tires used on SUVs. In addition, since the tire standard was put in place technology for the construction and design of tires has improved dramatically. For example, nylon ply caps can significantly improve the performance of tires. The types vehicles on the road has also changed as more and more people choose to drive sport utility vehicles. Chairman McCAIN would you agree that the Department should consider new technologies that would improve tire safety as they establish the new tire standard and that they should also consider the different mix of vehicles on the road as they set their priorities for implementing the new standard.

Mr. McCAIN. I concur with the Senator from Missouri that a variety of new technologies are available to improve the design and construction of tires. The improved federal motor vehicle safety standard for tires should take into account all of these new technologies to ensure that consumers are provided with safe tires. Additionally, the Department should implement the rule in light of the changing mix of types of vehicles that consumers are driving.

Mr. ASHCROFT. Well, I thank the Chairman for taking the time to answer my questions and the hard work he has done to get a bill passed this year.

FREIGHT RAIL TRANSPORTATION

• Mr. CLELAND. Mr. President, today I am addressing the Senate to express my view on a vital part of our Nation's transportation infrastructure—the freight railroads.

I am aware of concerns that have been raised by some companies that ship by rail about the service and rates available to them. Certainly, the ability to safely, economically and efficiently transport raw materials to plants and finished products to both domestic and international consumers is as critical as the actual production of these commodities and goods.

Since 1827 with the founding of the Nation's first commercial railroad, the B&O, we have depended on the rails to perform this function. In its heyday, the iron horse dominated transportation of goods and passengers. Today, after surviving nearly total collapse in the 1970s, a streamlined, modernized rail industry continues to play a role, albeit a considerably downsized one, in the transportation marketplace. Our transportation infrastructure has evolved—now trucks on the interstate highways are by far the predominant mode of transportation, and inland barges carry coal and grain on our nation's waterways.

As many of you know, I have always been interested in rail history. Indeed, Atlanta was originally known as Terminus because of the railroads which were sited there. What history has taught us is that the rails require a continuing, massive capital investment to operate safely. In the late 1970s, Congress faced the dilemma of a severely under-capitalized system with a dismal safety performance. The rails would have to be supported by massive federal subsidy or freed to compete in the marketplace in an effort to generate needed capital. Congress wisely chose the latter course, and the railroads have been able to generate the quarter trillion dollars needed since 1980 to support the infrastructure. In 1999 alone, the private investment was $16.2 billion, with $2.87 of assets needed for every dollar of revenue produced. The industry's vastly improved safety record in large part is a testament to the wisdom of that infrastructure investment. Let me add that although progress in this area has been significant, nevertheless this safety record can be further improved. It is my hope that management and labor will work together toward that end.

The world is not perfect, of course, and in the intervening years issues have arisen which must be addressed—issues such as the need to honor the hard earned collective bargaining agreements of railroad workers. Many of these issues have been brought to the attention of Congress, the Interstate Commerce Commission and now its successor, the Surface Transportation Board, STB. Indeed, the Congress took a comprehensive look at rail regulation in 1995 when it created the STB. I know some companies believe their rail rates are excessive. While rates have declined more than 50 percent since 1981, some customers have benefitted more than others, reflecting the differential pricing put into place by the Staggers Rail Act of 1980. This has led in part to complaints being heard from segments of the shipping public. Many have suffered from service disruptions following recent mergers and consolidations. While I am very concerned about these situations, I believe the STB has worked within its mandate to address them.

I have an open mind on whether these matters need to be examined further. If that is the case, I urge that we move carefully. We should not return to the very regulatory schemes that led to near disaster a generation ago. I would not favor policies that deprive the railroads of their ability to generate capital, resulting in the federal government—rather than the private sector—having to assume the costs of maintaining and operating the freight rail network.•

TRIBUTE TO LT. BOB DOUGLAS

• Mr. BUNNING. Mr. President, I rise to pay tribute to an outstanding Kentuckian, Lt. Bob Douglas (ret).

For almost 30 years, Bob has crusaded against the scourge of drugs and served the people of Kentucky, helping to make the Commonwealth a safer place to live.

Bob worked for 25 years as a member of the Erlanger, Kentucky Police Department. For the last nine of those years, he was the primary instructor for the anti-drug program, D.A.R.E. When Bob retired from the police force in 1998, he became the Executive Director of the Kentucky Crime Prevention Coalition. He is also a new member of the steering committee of the National Crime Prevention Council.

For his efforts, Bob was recently presented with a 2000 Mac Gray Award for his outstanding effort to promote the National Citizens' Crime Prevention Campaign. The award recognizes those who have made extraordinary contributions and pledged personal commitment to work with the media to promote anti-drug public service announcements and crime prevention education.

Some have kidded Bob about the Columbo-style overcoat he wears. But like Peter Falk's character, Bob gets results. For years, he visited children in schools to teach them about the dangers of drugs and to urge them to stay out of trouble. With his partner, the canine character, Officer McGruff, there is no doubt that Bob made an impression and steered more than a few children in the right direction.

Too often we hear about our problems and the trouble-makers in society, and we don't hear enough about our heroes and the everyday citizens who make a difference and improve our quality of life. Bob Douglas is one of those heroes, and he deserves our commendation.

I ask that an article on Lt. Douglas be printed in the RECORD.

The article follows:

Douglas Takes Bite Out of Award

(By Juli Hale)

With his Columbo-style overcoat, some might think Bob Douglas' long-time partner needs to call the fashion police. But one look at the partner's big brown eyes and black, wet nose is usually all it takes to draw in a crowd of kids to listen to the pair's message of drug resistance and crime prevention.

Douglas and Officer McGruff, the tough-talking cartoon canine, spent years visiting school classrooms trying to turn at least one student away from a life of drug abuse and crime, Douglas and others believe they did much more. Today, the pair appears at community events and keeps spreading the message.

For his efforts in drug and crime prevention and for sharing the spotlight with McGruff, Douglas was presented with a 2000 Mac Gray Award last week in Washington. The Mac Gray Award honors outstanding efforts to promote the National Citizens' Crime Prevention Campaign. It memorializes Berkeley McCabe "Mac" Gray II, the late executive deputy director of the National Crime Prevention Council.

The award was one of only two presented in the nation this year to officers who use McGruff as part of their message. The award recognizes two winners each year—one at the national/state level and one at the local/regional level—who have made extraordinary contributions and personal commitments to work with the media to secure donated advertising for public service announcements as well as promoting McGruff and crime prevention education. Douglas won for the national/state level.

"I personally see this as an Erlanger award and I wanted to share it with you," Douglas said to City Council Tuesday night after showing a short video presentation about the award. Obviously touched by the video, which showed Douglas working with students over the years, Douglas held the glass award high for everyone to see. The video also highlighted Douglas' other achievements, such as his having McGruff's image painted on the side of a new police cruiser and pushing for the McGruff message "take a bite out of crime" to be placed on billboards.

Douglas worked for the Erlanger Police Department for 25 years, the last nine as the primary DARE instructor. Douglas retired in 1998 and became executive director of the Kentucky Crime Prevention Coalition, which also used McGruff-related material. He was awarded the title of Kentucky DARE Officer of the Year in 1997.

"You never cease to amaze me," Mayor Marc Otto told Douglas. "Keep up the good work."

Douglas will continue his work both as the executive director of the Crime Prevention Coalition and as a new member of the steering committee of the National Crime Prevention Council. Douglas was asked to join that committee last week.●

CELEBRATING THE ARRIVAL OF THE "BAT'KIVSHCHYNA"

● Mr. DODD. Mr. President, I rise to speak of a special event taking place in my home State on Saturday. After much hard work and preparation, the people of the City of Norwich and the State of Connecticut will proudly welcome the Ukrainian schooner, *Bat'Kivshchyna*, and her dedicated crew to their winter port at The Marina at American Wharf in Norwich Harbor.

It is a great honor for the State of Connecticut to host the *Bat'Kivshchyna* and her crew. This past summer, the *Bat'Kivshchyna* was a popular participant in Operation Sail 2000, a millennial event that showcased numerous tall ships from around the globe in eight North American ports from San Juan, Puerto Rico, to Portland, Maine. I had the opportunity to view these vessels when they visited New London, Connecticut, between July 12 and July 15. I was deeply impressed with the immense and graceful design of these ships and enjoyed visiting with the crews who hail from across the world.

The *Bat'Kivshchyna* hails from the Ukraine, a country which only ten years ago shed Soviet domination and embraced the principles of democracy. Led by her captain and owner, Dmytro Birioukovych, the *Bat'Kivshchyna* is on an ambitious multi-year mission called "Discover Ukraine." The goal of this mission is to arouse local awareness and interest in Ukrainian culture and in the Ukrainian economy. Thus, the *Bat'Kivshchyna*, which is Ukrainian for "Fatherland," has become an important ambassador for her nation as she makes ports-of-call in Europe, the Americas, Asia, and Oceania.

Much of the *Bat'Kivshchyna's* success is owed to Captain Birioukovych. Having purchased the *Bat'Kivshchyna* in 1988, he transformed an aging fishing vessel into a world-class tall ship. Encouraged by Ukrainian independence from the former Soviet Union in 1991, Captain Birioukovych co-founded "Discover Ukraine" with his Canadian son-in-law, Roy Kellogg, and decided to use his vessel to promote his nation's history and culture. When asked about his global expedition, Captain Birioukovych proudly calls himself, his crew and his ship "folk ambassadors of good will."

The *Bat'Kivshchyna* had a difficult journey from her home port in Kiev, Ukraine, to the Americas for the commencement of Operation Sail 2000. Regional political tensions, rough seas, and numerous technical difficulties threatened the *Bat'Kivshchyna's* mission in several instances throughout the late spring and early summer. However, the dedicated crew persevered and overcame each hurdle to arrive for their first OpSail2000 event in Miami, Florida.

In July, Captain Birioukovych put forth an appeal for a North American port in which to dock the *Bat'Kivshchyna* during the winter. With plans to attend the 2001 Great Lakes Sailing Expedition, it was economically unfeasible for the *Bat'Kivshchyna* to sail back to Kiev only to return to the United States in the following spring. With numerous offers from ports across the Northeast, I am proud to say that Captain Birioukovych chose the great city of Norwich as his "winter refuge."

Connecticut's honor of hosting the *Bat'Kivshchyna* in Norwich could not have been possible without the tireless effort of those in the Constitution State dedicated to providing a winter home for the vessel. I would like to thank especially Mr. Michael Lamperelli of the Connecticut Friends of the Ukraine Expedition, Mr. Ron D. Aliano of The Marina at American Wharf in Norwich, and City Council President Mr. Richard Abele of Norwich. I would also like to thank all of those who are helping to prepare for Saturday's arrival of the *Bat'Kivshchyna* in Norwich Harbor: the Norwich Fire Department, the Norwich Police Department, the American Ambulance Service, Inc., the United States Coast Guard Academy, the Integrated Charter School of Norwich, and the Norwich Adult Education Center.

I know that Saturday's event will be a great day for the people of the City of Norwich and the State of Connecticut. The *Bat'Kivshchyna's* visit to the city will provide for a rich cultural exchange between the Ukraine and the State of Connecticut. I am proud that we, as a State, could provide a winter refuge for the *Bat'Kivshchyna* as she continues her global expedition, and I wish her crew success in future voyages.●

NINETY YEARS OF GIVING

● Mr. L. CHAFEE. Mr. President, next month a remarkable woman, who is a constituent of mine, will celebrate her ninetieth birthday; although, if you ask her, she will tell you that she still feels like a sixteen year-old.

Alice B. Dwyer—known to family and close friends as "Lally" and to literally thousands of Rhode Islanders, who learned in her classroom, as "Miss Dwyer"—was born on November 12, 1910. She was the second of four children of Matthew S. Dwyer and Alice Barry Dwyer of Providence. Her older sister, Matt, suffered from crippling polio at a time long before public accommodations for people with disabilities. Nevertheless, they set off together for Manhattanville College in New York City.

Alice Dwyer shies way from any words of recognition for her part in enabling her older sister, who had an insatiable lust for learning, to attend college. Alice simply was doing what has always come most naturally to her, giving to others.

After college, Alice went on to receive a Masters Degree in English Literature from Brown University, my own alma mater. With degrees in hand she began a lifetime of service to children in the Providence Public School system. The majority of her years teaching were spent at Classical High School where she taught sophomore English.

Today's public opinion polls tell us that education is the number one issue on the minds of Americans. We hear and talk a lot about holding students to high academic standards. But Alice Dwyer never needed pollsters and politicians to tell her about the importance of high standards. The students who read Shakespeare in her classroom knew that she expected each of them to do his or her best.

In addition to her love of teaching, Alice always has been an avid admirer of acting. She was among the Rhode Islanders to answer the casting call for "The Great Gatsby," starring Robert Redford and Mia Farrow. At sunset each evening for weeks, she would cross the bridge to Newport, where she would don a glittering 1920s flapper gown and join the guests at Hollywood's most recent rendition of Jay Gatsby's famed summer parties.

After retiring from the Providence Public School system, Alice took on various volunteer activities. She read to children and worked in the library of the Fox Point Elementary School in Providence, and she was a regular in the phone bank on New London Avenue in Cranston, making calls to turn out the vote for my father's 1982 Senate campaign. She worked relentlessly on the two unsuccessful campaigns of Fred Lippitt to be mayor of Providence.

In 1994 when my father ran for his fourth Senate term, difficulty walking kept Alice away from campaign headquarters. However, as a woman who cannot do enough for others, she found a way to help. Campaign workers would drop off box loads of envelopes and lists of names and addresses with her. When one box was done, it would be picked up and another delivered in its place.

Combining her love of reading with her natural tendency to help others, Alice spent a great deal of time taping textbooks for blind and visually impaired students.

Whether it's the young person working at the Newport Creamery on Wayland Square where Alice is known for liking her coffee piping hot, or the students (now middle-aged men and women) who recall the lessons they learned from her at Classical High School, or her own family members, all agree that Alice Dwyer has filled their lives with her own giving spirit.

Alice Dwyer will celebrate her ninetieth year with her sister, Rita Scotti, with her eleven nieces and nephews and their families, and with dozens of friends and neighbors. It is my great privilege to wish this woman, who has warmed so many hearts with her unfailing kindness and generosity, a very Happy Birthday.•

TRIBUTE TO VIRGINIA SHEHEE

• Mr. BREAUX. Mr. President, on the evening of Friday, November 3, the people of Shreveport will gather to pay tribute to one of the most exceptional people the State of Louisiana has ever produced, Virginia Shehee. The tribute to Virginia is organized by the Biomedical Research Foundation of northwest Louisiana, whose establishment is but one of the remarkable achievements in the life of this remarkable woman.

It is my pleasure and honor to tell my colleagues in the United States Senate about my friend Virginia Shehee. She is a superb model for everything she has done: wife, mother, businesswoman, political leader, community activist and economic visionary. My former colleague, Senator Bennett Johnston, once said, "In a state that is blessed with an abundance of natural resources, Virginia Shehee may be Louisiana's single greatest natural resource." I certainly know that is a view shared by many of those who know Virginia best and who have benefited from her lifetime of dedication to improve lives in Shreveport and northwest Louisiana.

Nothing better exemplifies her accomplishments than the creation of the Biomedical Research Foundation, and the construction of the Biomedical Research Institute that today stands proudly adjacent to the LSU Medical Center in Shreveport. It is an understatement to say that none of this would have been possible without the foresight, determination and hard work of Virginia, and other community leaders nearly 20 years ago.

Like so many advances in today's new economy, Shreveport's move into the world of biomedicine and biotechnology emerged from the difficulties caused by the decline of the old economy. In northwest Louisiana, where the steadily declining price in oil in the early 1980's caused community leaders to conclude that efforts had to be undertaken quickly to produce other economic sustenance for the area, they of course turned to Virginia Shehee.

In a matter of a few short years, Virginia had formed the Biomedical Research Foundation and gathered several million dollars in local support. She leveraged local dollars into a much larger state support and then converted that into significant support by the Congress and the Department of Energy. As a result, a 10-story, $40 million, state-of-the-art wet-lab research facility was built that today houses world-class researchers and serves as a growing economic engine, producing knowledge-based jobs for northwest Louisiana.

Beyond the work taking place in its own facilities, Biomed can point with great pride to the growing number of companies it has attracted to Shreveport's own technology park, InterTech, with technologies ranging from manufacturing and diagnostics to telemedicine and orthopedic devices. We in the Louisiana delegation often point to the success of Biomed as a textbook model of partnerships between Washington and local communities looking to build a better future for their citizens.

It is true, Mr. President, that Biomed has become a success because it has merit on its side. But all of us who have played some small part in this effort know that a big reason for the success is Virginia Shehee is someone who long ago learned not to take no for an answer. Her efforts have led to a mighty legacy in science and economic development in Shreveport. It is fitting the facility is now the "Virginia K. Shehee Biomedical Research Institute," and it is fitting the community is gathering next month to say thanks. It is my pleasure to join so many in saying how blessed Louisiana is to have Virginia Shehee's generous service and how fortunate I am to have her friendship.•

IN RECOGNITION OF THE RETIREMENT OF MR. DONALD W. JENSEN

• Mr. ABRAHAM. Mr. President, I rise today to recognize Mr. Donald W. Jensen, who is retiring on January 1, 2001, after 13 years of service as a member of the Oakland County Board of Commissioners. Since 1987, Commissioner Jensen has represented the citizens of District 15 to the best of his ability, which has been in an exemplary manner.

Commissioner Jensen graduated from the University of Detroit with a degree in Business Administration. He spent much of his work career with Burroughs Corporation, where he served as Director of Advertising and Public Relations. His primary responsibility was the design and production of promotional and technical literature, though he was also responsible for media advertising, the public relations department, and the operation of their international literature distribution facility. While at Burroughs, Mr. Jensen was a Board Member and President of the National Trade Show Exhibitors Association.

Public service has always played an essential role in Commissioner Jensen's life. Prior to being elected to his current position, he served for nine years as a member of the Birmingham, Michigan, City Commission and then later as Mayor of Birmingham. He was a Founder and Board Member of the Foundation for Birmingham Senior Residents, an organization which enables seniors to remain in their homes. He has also served on the Board of numerous other organizations, including the American Cancer Society and the Center for Independent Living.

As a County Commissioner representing the Cities of Berkley and Birmingham and a portion of the City of Royal Oak, Mr. Jensen has served as Chairman of the General Government Committee from 1993-94, as Vice Chairman of the Finance Committee, and has been a member of the Oakland Livingston Human Service Agency, the Southeast Michigan Council of Governments, the Oakland County Board of Commissioners' Public Services Committee, and the Health and Human Services Committee. He has also been a Trustee of the County Library Board for 12 years, and served on the Taxation and Finance Committee of the National Association of Counties.

I would like to thank Commissioner Jensen for his dedication and many efforts throughout his career in public service. His leadership during this time has been exceptional and will be dearly missed. On behalf of the entire United States Senate, I congratulate Mr. Donald W. Jensen on a wonderful and successful career, and wish him the best of luck in retirement.•

A TRIBUTE TO JIM HURD

• Mr. WYDEN. Mr. President, I wish to take a moment to pay tribute to Jim Hurd, the founding CEO of Planar Systems, who passed away this summer after a year-long battle with leukemia. Jim was a pioneering technical and business leader in the U.S. flat panel industry, and led Planar Systems of Beaverton, Oregon to become one of the largest flat panel display companies in the U.S. and Europe. Jim was actively involved at the national level in helping to shape federal policy on flat panel displays, and worked on the national flat panel initiative and in the formation of consortia to address critical issues for the flat panel display industry.

Mr. Hurd was a leader in Oregon's business community, serving as the Chair of the Oregon Council of the American Electronics Association. During his term in 1992, he helped develop the Oregon technical benchmark annual survey and conference. He was also active in supporting technical education efforts in Oregon, and was a member of the Board of Trustees of the Oregon Graduate Institute. For services to the industry and community, the American Electronics Association awarded Jim Oregon's technology executive of the year award in 1993.

A native of the Pacific Northeast, Jim was born in 1948 in Spokane, and grew up in Kennewick, Washington. He received his bachelors's degree in physics from Lewis & Clark College in Portland in 1970, where he met his wife Alice. Jim joined Tektronics Corporation soon after graduation. In 1983, Jim left Tektronics to co-found Planar Systems with Chris King and John Laney. Today, Planer employs over 850 people in the United States. Jim also lent his wisdom to help other start-up companies achieve success by serving on the Board of the Oregon Resource and Technology Development Fund, a state-sponsored venture capital fund.

Jim had a rare ability to balance his successful professional life with an active private life that included mountain climbing, running, bicycling, tennis, scuba diving and a love for auto racing. He was a wonderful husband to Alice and a terrific father to his sons, Owen and Peter.

Mr. Hurd will be missed by all of us who knew him.•

IN RECOGNITION OF THE RETIREMENT OF MR. GEORGE W. KUHN

• Mr. ABRAHAM. Mr. President, I rise today to recognize Mr. George W. Kuhn, who is retiring this year after a 60-year career during which he split time between the United States Navy, the Ford Motor Company, and being a public servant. Whatever the forum, he has been a leader and an inspiration to those around him.

Mr. Kuhn graduated from Central Michigan University, majoring in business administration, economics, and political science. In 1943, he entered the Naval Service and served aboard the Tender U.S.S. *Pelias* as a Finance Officer. He returned to active duty during the Korean War and served at U.S. Naval Stations in New York and in the Panama Canal Zone. Ultimately, he retired as a Navy Captain after completing 39 years of service, both on active duty and in the Naval Reserves.

Following the Korean War, Mr. Kuhn completed Ford Motor Company's Management Training Program. He served on the staff of the Vice President of Product Development for 20 years, coordinating the development phases of styling, engineering, purchasing and manufacturing of future car programs.

Mr. Kuhn's passion has always been in public service, though. He has been a leader within the Oakland County Republican Party for nearly 50 years, since his involvement in Eisenhower's first presidential campaign. In 1959, he was elected Mayor of the City of Berkley, Michigan. He served as Mayor until being elected to serve as a State Senator in 1966. During his four year tenure in the Michigan State Senate, he served as Chairman of the Corporations and Banking Committee, Chairman of the Senate Municipalities and Election Committee, and as Senate Majority Whip in 1970. In November of 1972, he was elected Oakland County Drain Commissioner, and he has served admirably in this position for the past 28 years, making him the longest active member of the Oakland County Parks and Recreation Commission.

Mr. Kuhn has often been recognized for his efforts. He has received the Ford Outstanding Citizen of the Year Award, the Distinguished Alumni Award at the 75th Anniversary of Central Michigan University, he has been honored by the Michigan Associated Underground Contractors, Inc., in appreciation of his contributions to the underground construction industry, and is a recent recipient of the Oakland County's annual Quality People, Quality County (Q2) Award which recognizes outstanding service to the community.

I applaud Mr. Kuhn on his extraordinary service to Oakland County, the State of Michigan, and our Nation. His leadership in all phases of his 60 year career has been exceptional and will be dearly missed. On behalf of the entire United States Senate, I congratulate and thank Mr. George W. Kuhn on a wonderful and successful career, and wish him the best of luck in retirement.•

TECKLENBURG NAMED PRESIDENT OF BELL ASSOCIATION

• Mr. HOLLINGS. Mr. President, I rise today to recognize an outstanding South Carolina native, Michael Tecklenburg, who has been named president of the Alexander Graham Bell Association for the Deaf and Hard of Hearing. I have had the privilege of knowing Michael and his family in Charleston for many years and I can't think of an individual more deserving of this honor.

As a young child, Michael was initially diagnosed as being mentally disabled, but his parents recognized their son's abilities and did not give up until doctors discovered his true condition—deafness. Michael went on to excel in his studies at St. Joseph Institute for the Deaf in St. Louis and later at the University of South Carolina Honors College. In 1989, he became the first deaf graduate of Columbia Law School.

Since 1999, Michael has been the Washington, D.C. director of the South Carolina Governor's Office. Prior to joining the Governor's staff, Michael practiced law with the Washington firm of Verner, Liipfert, Bernhard, McPherson and Hand. He has also served as litigation counsel of the U.S. Department of Justice's anti-trust division and as assistant counsel in the Presidential Personnel Office.

At 37, Michael is the youngest person to serve as the Bell Association's president, a small fact that attests to his very large talent. I have no doubt that he will guide the Association to many successes during his two-year tenure. He is a credit to South Carolina and to the Nation.•

IN RECOGNITION OF THE RETIREMENT OF THE HONORABLE GUS CIFELLI

• Mr. ABRAHAM. Mr. President, I rise today to recognize the Honorable Gus Cifelli, who will retire later this year from a career which has included a Purple Heart, a world championship, and nearly 30 years of exemplary service as a District Court Judge in the State of Michigan. Throughout each phase of this career, he has been a leader and an inspiration to those around him.

During World War II, Judge Cifelli served in the United States Marine Corps in the Pacific theater of operations, and was awarded the Purple Heart for bravery. Upon returning home, he attended school at the University of Notre Dame, where he played tackle for four undefeated football teams. Following graduation, he played professional football, and was a member of the 1952 World Champion Detroit Lions, the Green Bay Packers, the Philadelphia Eagles and the Pittsburgh Steelers.

Following his professional football career, Judge Cifelli worked as a casualty insurance agent and investigator and a labor relations representative for the Ford Motor Company. In 1972, the citizens of the State of Michigan's 48th District elected him to serve as their District Court Judge.

During his time on the bench, Mr. Cifelli has been credited with initiating and implementing the Court's small claims mediation procedures, staffed by volunteer attorneys. He has also created the Volunteer in Probation Program, which involves citizens as probation officers, and been responsible for the establishment of many procedures and standards for the Court's operation. To say the least, he has indelibly left his mark upon the 48th Circuit Court.

Judge Cifelli is a member of the American and Michigan Bar Associations, the American Judges' Association, the Justinian Society of Jurists and the American Judicature Society. He is also a member of the Italian American Foundation, the Oakland County Association for Retarded Citizens, and is a former board member of Families in Transition and the Jewish Association for Residential Care.

Judge Cifelli has often been recognized for his efforts. In 1994, he was named Italian American Man of the Year. In 1997, he was the recipient of the Eleanor Roosevelt Humanitarian Award from the State of Israel Bonds. And in 1998, he received the Law Enforcement Award.

I would like to thank Judge Cifelli for a lifetime of extraordinary achievement. Wherever he has gone, he has stood as a role model within the community, and his leadership will be dearly missed. On behalf of the entire United States Senate, I congratulate the Honorable Gus Cifelli on a wonderful and successful career, and wish him the best of luck in retirement.•

IN RECOGNITION OF BEN JOHNSON

• Mr. LEVIN. Mr. President, it gives me great pleasure to acknowledge a distinguished public servant and tireless advocate for our nation's cities, Ben Johnson. The people in my hometown of Detroit, Michigan, realize that ours is a nation of cities. Later this month, many individuals will gather there to celebrate the career of this man who devoted his life to ensuring that all Americans are able to share in our nation's wealth and prosperity.

Ben Johnson has dedicated his professional life to expanding opportunity for all Americans. For over two decades, he has tirelessly worked to assist communities, particularly minority communities, in their efforts to fully participate in the pursuit of the American dream.

Since 1993, Mr. Johnson has honorably served in the Clinton Administration. During his tenure in this Administration, he worked in the Office of Public Liaison, and served as both a Special and a Deputy Assistant to the President. Currently, Ben Johnson serves as the Assistant to the President and Director of The White House Office on the President's One America Initiative. The One America Initiative office he oversees is the first freestanding White House office established to close opportunity gaps that exist for minorities and the underserved in this nation. In all of these capacities, he has shown a steadfast commitment to ensure economic opportunities for all people.

Serving in the Clinton Administration was not Mr. Johnson's first job at 1600 Pennsylvania Avenue. During the Carter Administration he was Director of Consumer Programs and Special Assistant to Esther Peterson, the Special Assistant to the President for Consumer Affairs. In the years between his service at the White House, Mr. Johnson served in a variety of capacities within the District of Columbia's city government, and worked to ensure that the residents of our nation's capital lived in an efficient, safe and clean city.

Ben Johnson can take pride in his long career of service and dedication to assisting minorities and the underserved in our nation. He has been a vocal advocate for the people of Detroit and all the United States. I know my colleagues will join me in saluting Ben Johnson, and in wishing him well in the years ahead.•

GLENN W. LEVEY MIDDLE SCHOOL NAMED 1999–2000 BLUE RIBBON SCHOOL

• Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are recognized because they are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999–2000 are located in the State of Michigan, and I rise today to recognize Glenn W. Levey Middle School in Southfield, Michigan, one of these nine schools.

Glenn W. Levey Middle School takes pride in its tradition of addressing the learning needs of the whole child at a crucial stage in his or her development. The staff is firmly commited to educating all students through a challenging curriculum, a strong academic program, and a collaborative professional development program. This program takes into account the multiple needs of a middle-school population, needs which Levey has long worked to meet.

Levey was one of the first schools in the district to implement interdisciplinary teaming, block scheduling, and to align its curriculum with state and national standards. It is one of a select group of schools in the United States to successfully implement an IMAST (Integrated Mathematics, Science and Technology) Program. As a result of its success in these areas, Levey was one of the first schools in its district to acquire North Central Accreditation, NCA, receiving the highest scores in every NCA category.

The staff and students of Levey Middle School are proud of its history as a leading middle school, and the fact that it has been a catalyst for change inside the district and beyond. The staff and the community continue to set higher standards and hold greater expectations. With supportive parents, hardworking students, and a skilled and dedicated staff, I am confident that Levey Middle School will continue to set the precedent for years to come.

I applaud the students, parents, faculty and administration of Glenn W. Levey Middle School, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Dr. Linda Paramore-Ford, the Principal of Glenn W. Levey Middle School, whose dedication to making her school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Glenn W. Levey Middle School on being named a Blue Ribbon School for 1999–2000, and wish the school continued success in the future.•

LAKE ORION HIGH SCHOOL NAMED 1999–2000 BLUE RIBBON SCHOOL

• Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are recognized because they are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999–2000 are located in the State of Michigan, and I rise today to recognize Lake Orion High School in Lake Orion, Michigan, one of these nine schools.

In fall of 1992, Lake Orion High School set about to create school improvement that was purposeful to the lives of teachers and students. Their goals included a desire to maintain high academic standards, engage the learner, relieve stress, facilitate networking, expand curricular opportunities, curb attendance problems, and raise the responsibility of the student for his or her own learning. Ultimately, the mission was to reach the students of today and help them become the leaders of tomorrow.

All this required an enormous amount of time and extensive research. First, a staff committee devised a minimum restructuring of their normal six period days by allotting three hours on Wednesday morning for professional development, a program which was implemented in the fall of 1994. In February of 1994, the Vision of Hope staff committee was formed to investigate the restructuring of the school day. Extensive research, visitations, debate and discussion followed and, in the fall of 1996, a 4 by 4 block schedule was adopted. The block system has resulted in better teacher cooperation, greater flexibility in scheduling, increased student choices and a more meaningful and relevant curriculum for Lake Orion High School students.

Lake Orion High School moved into a new building in the fall of 1997, a state of the art facility which has become an ideal setting for the many innovative changes that have become a part of the curriculum. More importantly, the new building stands as the perfect representation of the overall growth that has occurred at Lake Orion High since the fall of 1992, growth which is a tribute to the shared goals and shared vision that administration and faculty together committed themselves to eight years ago.

I applaud the students, parents, faculty and administration of Lake Orion High School, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Dr. John S. Kastran, the Principal of Lake Orion High School, whose dedication to making his school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Lake Orion High School on being named a Blue Ribbon School for 1999–2000, and wish the school continued success in the future. •

L'ANSE CREUSE MIDDLE SCHOOL—NORTH NAMED 1999–2000 BLUE RIBBON SCHOOL

• Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are recognized because they are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999–2000 are located in the State of Michigan, and I rise today to recognize L'Anse Creuse Middle School-North in Macomb, Michigan, one of these nine schools.

The mission of L'Anse Creuse Middle School—North, MSN, is for each student, with the support of staff, parents and the community, to "attain measurable growth intellectually, physically, and socially in a safe, positive environment." Being recognized as a Blue Ribbon School is a tribute to the success that MSN has achieved in this regard.

Increased staffing, thoughtful scheduling and a dedicated staff have been the primary keys to this success. They have also been the keys to MSN completely "teaming" its students, the only school in its district to have done so. Teachers also work as parts of instructional teams—most academic teachers have been teammates for at least three years. This fact illustrates one of the greatest strengths of the school, which is the high level of cooperation that exists between members of the faculty, cooperation which in turn facilitates student learning.

The administration and faculty at MSN quickly realized the advantages that technology offered to their new learning program and made a strong commitment to improving the ability of their students to access computers. Indeed, this commitment to technology has revolutionized the teaching process and the management of the school. Two computer laboratories are now available to staff and students. Students can also sign out laptop computers for overnight use to help them with their homework. In addition, telephones have been placed in each classroom, which allow teachers to better communicate with parents and school offices, as well as with one another.

The administration and faculty of MSN recognize that a truly successful middle school is one that takes elementary school students and prepares them to succeed in the adult world of high school. Their philosophy is represented in this statement from the book The Middle School—and Beyond: "High quality middle schools result from the creative balance between elementary and secondary perspectives, between specialization and generalization, between curriculum and community, between equity and excellence, between teaching the mind and touching the heart." This is the core belief of all MSN faculty and administration, and the programs they have adopted, which have been so successful, reflect their commitment to this belief.

I applaud the students, parents, faculty and administration of MSN, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Mr. Erick Alsup, the Principal of MSN, whose dedication to making his school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate L'Anse Creuse Middle School—North on being named a Blue Ribbon School for 1999–2000, and wish the school continued success in the future.•

RETIREMENT OF THE HONORABLE ROMAN S. GRIBBS

• Mr. ABRAHAM. Mr. President, I rise today to recognize the Honorable Roman S. Gribbs, who will retire this year after a long and successful career of service to the State of Michigan. As Sheriff of Wayne County, Mayor of Detroit, and, for the last 18 years, a judge on the State of Michigan Court of Appeals, Judge Gribbs has been a statewide leader for over 30 years, and he has led with a strong and fair hand.

Judge Gribbs was born on December 29, 1925. After graduating from Capac High School in the Michigan Thumb area, he enlisted in the United States Army, from which he received an honorable discharge in 1948, having attained the rank of Sergeant. In 1952, he graduated Magna Cum Laude from the University of Detroit with a degree in Economics and Accounting, and in 1954 he graduated from the University of Detroit Law School with a Juris Doctor degree.

Following graduation, Judge Gribbs remained at the University of Detroit

Law School for two years as an instructor. He then spent two years as Assistant Wayne County Prosecutor before moving into private practice with the firm of Shaheen, Gribbs and Shaheen. In 1966, he was named Presiding Traffic Court Referee for the City of Detroit, and in June of 1968 he was appointed Sheriff of Wayne County.

In November of 1970, Judge Gribbs was elected Mayor of the City of Detroit. In his four years as Mayor, he became known not only as a solid leader, but a solid man, who was willing to work with individuals from both sides of the aisle to get things done. He played a large role in helping the city put the unruliness of the late 1960's behind it, and once again begin to move in a forward direction. During this time, he also served as President of the National League of Cities, a fact which illustrates that his leadership capabilities were well recognized by his colleagues.

Following his term as Mayor, Judge Gribbs briefly returned to private practice before being appointed to serve as a Judge for the Third Judicial Court in 1976. In 1982, he was elected to the State of Michigan Court of Appeals, and he has served in this position ever since. Judge Gribbs brings to the bench a keen understanding of the law. More importantly, he carries with him an approach to its application that is deeply rooted in common sense. He makes many difficult decisions each year, and he makes these decisions with his first and foremost priority being to find a just solution to the problem at hand. It is for this reason that he has become a well respected Jurist.

Judge Gribbs is a member of numerous organizations, which will allow him to remain an active member of society following his retirement. These include the Michigan Judicial Institute, the Detroit Institute of Arts, the Michigan Judges' Association, and the Friends of the Archbishop of Detroit. He has also been very active in the Boy Scouts of America, the American Judicature Society, the Family Conciliation Court, the Michigan Commission on Law Enforcement and Criminal Justice, the Michigan Youth Commission, the World Trade Club of Detroit and the Slavic American National Foundation. In addition, he is presently on the Board of Directors of the Thomas M. Cooley Law School, the Public Administration Foundation and the Northville Township Community Foundation.

Mr. President, Judge Gribbs' contributions to the City of Detroit and the State of Michigan are truly immeasurable. I would like to thank him for his dedication and his many efforts throughout his career. His leadership during this time has been exceptional, and it will be dearly missed by the State of Michigan. On behalf of the entire United States Senate, I congratulate the Honorable Roman S. Gribbs on a wonderful and successful career, and wish him the best of luck in retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:36 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

At 12:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution; in which it requests the concurrence of the Senate:

H.J. Res. 111. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution; without amendment:

S. Con. Res. 133. Concurrent resolution to correct the enrollment of S. 1809.

The message further announced that the House has passed the following bills, without amendment:

S. 1809. An act to improve service systems for individuals with development disabilities, and for other purposes.

S. 2686. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1236. An act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.

S. 1849. An act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

H.R. 2833. An act to establish the Yuma Crossing National Heritage Area.

H.R. 3676. An act to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

H.R. 4063. An act to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes.

H.R. 4226. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4285. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

H.R. 5362. An act to increase the amount of fees charged to employers who are petitioners for the employment of H-1B non-immigrant workers, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 12, 2000, he had presented to the President of the United States the following enrolled bills:

S. 1236. An act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.

S. 1849. An act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11110. A communication from the National Service Officer, American Gold Star

Mothers, Inc., transmitting, pursuant to law, a report relative to the CPA audit; to the Committee on the Judiciary.

EC–11111. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice for Hearings" (R–1083) received on October 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11112. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Disposition of HUD Acquired Single Family Property; Officer Next Door Sales Program" (RIN2502–AH37) (FR–4277–F–03) received on October 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11113. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Single Family Mortgage Insurance: Electronic Underwriting: Final Rule" (RIN2502–AH) (FR–4311–F–02) received on October 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11114. A communication from the Director of the Office of Thrift Supervision, transmitting, pursuant to law, the consumer report for calendar year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–11115. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to License Exception CTP" (RIN0694–AC14) received on October 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11116. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions and Clarifications to the Commerce Control List (ECCNS 1C350, 1C351, 1C991, 2B350, and 2B351); Chemical and Biological Weapons Controls; Australia Group" (RIN0694–AC13) received on October 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11117. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2000 through 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–11118. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a draft of proposed legislation entitled "Supplemental Subsistence Benefit for Certain Members of the Armed Forces"; to the Committee on Armed Services.

EC–11119. A communication from the Acting Under Secretary of the Navy, transmitting, pursuant to law, a report relative to the contract for Navy Marine Corps Intranet (NMCI) services; to the Committee on Armed Services.

EC–11120. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement; to the Committee on Armed Services.

EC–11121. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 1999 through 2004; to the Committee on Armed Services.

EC–11122. A communication from the Secretary of Defense, transmitting, pursuant to law, the report relative to the National Security Education Program for calendar year 1999; to the Committee on Armed Services.

EC–11123. A communication from the Assistant General Counsel for Regulatory Law, Office of Field Integration, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Deactivation Implementation Guide" (DOE G 430.1–3) received on October 10, 2000; to the Committee on Energy and Natural Resources.

EC–11124. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Native Hawaiian Revolving Loan Fund (NHRLF) for fiscal years 1998 through 1999; to the Committee on Indian Affairs.

EC–11125. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the National Information System for the Community Services Block Grant (CSBG) Program for fiscal year 1997; to the Committee on Health, Education, Labor, and Pensions.

EC–11126. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting , pursuant to law, the report of a rule entitled "Listing of Color Additives for Coloring Sutures; D&C Violet No. 2; Confirmation of Effective Date" (Docket No. 99C–1455) received on October 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11127. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting , pursuant to law, the report of a rule entitled "Food Labeling: Health Claims and Labeling Statements; Dietary Fiber and Cancer; Antioxidant Vitamins and Cancer; Omega-3 Fatty Acids and Coronary Heart Disease; Folate and Neural Tube Defects; Revocation" (RIN0910–AA19) received on October 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11128. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting , pursuant to law, the report of a rule entitled "Regulations on Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body; Partial Stay or Compliance" (RIN0910–0044) received on October 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11129. A communication from the Under Secretary for Domestic Finance , Department of the Treasury, transmitting, a draft of proposed legislation entitled "Amendments to Statutes Referencing Yield on 52-Week Treasury Bills"; to the Committee on Finance.

EC–11130. A communication from the Commissioner of Social Security, transmitting, a draft of proposed legislation entitled "Social Security Amendments of 2000"; to the Committee on Finance.

EC–11131. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "Black Lung Disability Trust Fund Debt Restructuring Act"; to the Committee on Finance.

EC–11132. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2000–42 Checklist for Section 1503(d) Closing Agreement Requests" (RP–117821–99) received on October 10, 2000; to the Committee on Finance.

EC–11133. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Ex Parte Communications Prohibition" (Rev. Proc. . 2000–43, 2000–43 I.R.B.) received on October 10, 2000; to the Committee on Finance.

EC–11134. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling" (RR–112269–00) received on October 10, 2000; to the Committee on Finance.

EC–11135. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2000–44; Transactions Between Partner and Partnership" (RP–112228–00) received on October 10, 2000; to the Committee on Finance.

EC–11136. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2000–43" (RP–112269–00) received on October 10, 2000; to the Committee on Finance.

EC–11137. A communication from the Director of Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Establish a Nonessential Experimental Population of Black-Footed Ferrets in North-Central South Dakota" (RIN1018–AG26) received on October 10, 2000; to the Committee on Environment and Public Works.

EC–11138. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Utah: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL #6885–5) received on October 12, 2000; to the Committee on Environment and Public Works.

EC–11139. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes, Dent Township" (FRL #6885–6) received on October 12, 2000 ; to the Committee on Environment and Public Works.

EC–11140. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Arkansas; Regulation 19 and 26" (FRL #6885–1) received on October 12, 2000 ; to the Committee on Environment and Public Works.

EC–11141. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Colorado butterfly plant (Gaura neomexicana ssp. coloradensis) from southeastern Wyoming, northcentral Colorado, and extreme western Nebraska" (RIN1018–

AE87) received on October 12, 2000; to the Committee on Environment and Public Works.

EC–11142. A communication from the Assistant Secretary, Division of Endangered Species, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Final determination of critical habitat for the Alameda whipsnake (Masticophis lateralis euryxanthus)" (RIN1018–AF98) received on October 12, 2000; to the Committee on Environment and Public Works.

EC–11143. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey" received on October 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11144. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2000 Specifications; Inseason Adjustments of Loligo Squid annual specifications" received on October 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11145. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting" received on October 11, 2000; to the Committee on Commerce , Science, and Transportation.

EC–11146. A communication from the Director of the Office of Regulations Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Reservists Education: Monthly Verification of Enrollment and Other Reports" (RIN2900–AI68) received on October 11, 2000; to the Committee on Veterans' Affairs.

EC–11147. A communication from the Office of the Acting Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report relative to the commercial activities inventory; to the Committee on Governmental Affairs.

EC–11148. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on October 11, 2000; to the Committee on Governmental Affairs.

EC–11149. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin; Pesticide Tolerances for Emergency Exemptions" (FRL #6742–9) received on October 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11150. A communication from Administrator of the Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1724, Electric Engineering, Architectural Services and Design Policies and Procedure" (RIN0572–AB54) received on October 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11151. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Hong Kong; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–628. A resolution adopted by the National Conference of Lieutenant Governors relative to a national dialogue on long term car financing reform; to the Committee on Finance.

POM–629. A concurrent resolution adopted by Legislature of the Assembly of the State of Ohio relative to the funding of the employment security system; to the Committee on Appropriations.

H. CON. RES. NO. 60

Whereas, Employers pay a federal tax under the Federal Unemployment Tax Act (FUTA), 53 Stat. 183 (1939), 26 U.S.C.A. 3301, as a payroll tax that produces revenue dedicated solely to use in the federal-state employment security system; and

Whereas, These employers' payroll taxes pay for administering the employment security system, providing veterans' reemployment assistance, and producing labor market information to assist in matching workers' skills with the employment needs of employers; and

Whereas, Congressional appropriations do not return dollar-for-dollar funds to states, despite adequate availability of funds from dedicated employer taxes, and only thirty-nine cents of every dollar of FUTA taxes paid by Ohio employers is returned to Ohio for dedicated employment security purposes; and

Whereas, Congressional appropriations do not provide adequate, predictable resources and have not kept pace with the fixed costs of operating the employment security system, administering the employment security system, providing veterans' reemployment assistance, and producing labor market information; and

Whereas, The Ohio General Assembly has been forced to provide state general revenue funding to maintain quality service and make technological enhancements because of the unavailability of FUTA tax revenue dedicated for this purpose; now therefore be it

Resolved, That the General Assembly of the State of Ohio urges the Congress of the United States to propose and pass legislation to return adequate funding to states to fund the employment security system, ensuring a fair return to employers for the FUTA taxes they pay; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the members of the Ohio Congressional delegation, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the news media of Ohio.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 2001" (Rept. No. 106–499).

By Mr. CAMPBELL, from the Committee on Appropriations:

Report to accompany S. 2900, an original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–500).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 3031: A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes (Rept. No. 106–501).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 3030: A bill to amend title 31, United States Code, to provide for executive agencies to conduct annual recovery audits and recovery activities, and for other purposes (Rept. No. 106–502).

By Mr. ROBB, from the Committee on Finance:

Report to accompany H.R. 4868, a bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes (Rept. No. 106–503).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself and Mr. LEVIN):

S. 3190. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

By Mr. TORRICELLI:

S. 3191. A bill to create a Federal drug court program, and for other purposes; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 3192. A bill to provide grants to law enforcement agencies to purchase firearms needed to perform law enforcement duties; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 3193. A bill to amend section 527 of the Internal Revenue Code of 1986 to exempt State and local political committees from required notification of section 527 status; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 3194. A bill to designate the facility of the United States Postal Service located at 431 George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office"; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 3195. A bill to establish the United States Open Society Commission; to the

Committee on Environment and Public Works.

By Mr. AKAKA (for himself, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. BAYH, Mr. REID, and Mr. INOUYE):

S. 3196. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 3197. A bill to amend the Child Nutrition Act of 1966 to increase the minimum amount available to States for State administrative expenses; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 3198. A bill to provide a pool credit under Federal milk marketing orders for handlers of certified organic milk used for Class I purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THOMPSON:

S. 3199. A bill to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide for a user fee to cover the cost of customs inspections at express courier facilities; to the Committee on Finance.

By Mr. KERREY (for himself, Mr. SANTORUM, Mr. MOYNIHAN, Mr. GRASSLEY, and Mr. BREAUX):

S. 3200. A bill to amend the Social Security Act to provide each American child with a KidSave Account, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. COCHRAN, and Mr. MOYNIHAN):

S. 3201. A bill to rename the National Museum of American Art; considered and passed.

By Mr. BIDEN:

S. 3202. A bill to amend title 18, United States Code, with respect to biological weapons; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3203. A bill to make certain corrections in copyright law; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3204. A bill to make certain corrections in copyright law; to the Committee on the Judiciary.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3205. A bill to enhance the capability of the United States to deter, prevent, thwart, and respond to international acts of terrorism against United States nationals and interests; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. JOHNSON, Mr. BINGAMAN, Mr. LEVIN, Mr. CONRAD, and Mr. REID):

S. Res. 371. A resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski; to the Committee on Governmental Affairs.

By Mr. LOTT (for Mr. GRAMS (for himself and Mr. BROWNBACK)):

S. Res. 372. A resolution expressing the sense of the Senate with respect to United Nations General Assembly Resolution 1322; to the Committee on Foreign Relations.

By Mr. LUGAR (for himself, Mr. McCAIN, Mr. SMITH of New Hampshire, Mr. WARNER, Mr. MOYNIHAN, Mr. ROBB, Mr. COCHRAN, Mr. KERREY, and Mr. MILLER):

S. Res. 373. A resolution recognizing the 225th birthday of the United States Navy; to the Committee on Armed Services.

By Mrs. MURRAY (for herself and Mr. WARNER):

S. Res. 374. A resolution designating October 17, 2000, as a "Day of National Concern About Young People and Gun Violence"; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. DODD, Mr. HELMS, Mr. DEWINE, and Mr. GRAHAM):

S. Res. 375. A resolution supporting the efforts of Bolivia's democratically elected government; to the Committee on Foreign Relations.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. Res. 376. A resolution expressing the sense of the Senate that the men and women who fought the Jasper Fire in the Black Hills of South Dakota should be commended for their heroic efforts; considered and agreed to.

By Mr. BROWNBACK (for himself and Mr. TORRICELLI):

S. Con. Res. 150. A concurrent resolution relating to the reestablishment of representative government in Afghanistan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. AKAKA (for himself and Mr. LEVIN):

S. 3190. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protection, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

WHISTLEBLOWER PROTECTION ACT

Mr. AKAKA. Mr. President, as the ranking member of the Federal Services Subcommittee, I am pleased to introduce legislation to amend the Whistleblower Protection Act, WPA, one of the cornerstone of our nation's good government laws. Enacted in 1989, the WPA is intended to protect federal employees from workplace retaliation when disclosing waste, fraud, or abuse. The law was passed unanimously in 1989, and strengthened through amendments in 1994, again with unanimous support of both houses of Congress. I am joined today by Senator LEVIN, who was a primary sponsor of the landmark 1989 Act and the 1994 amendments.

A key goal of the Whistleblower Protection Act was to close the loopholes that had developed under prior law. Back in 1978, Congress passed the Civil Service Reform Act, which included statutory whistleblower rights that elevated certain disclosures to absolute protection due to their public policy significance. The 1978 Act protected "a" disclosure evidencing a reasonable belief of specified misconduct, with certain listed statutory exceptions—classified or other information whose release was specifically barred by other statutes. Despite statutory language, the Federal Court of Appeals, the Merit Systems Protection Board, and the Office of Special Counsel—all created in 1978 to investigate and adjudicate the WPA—appeared to interpret the law as discretionary rather than absolute.

This removed the law's foundation. Congress, in 1978, had intended to create absolute categories of protection to end the inherent chilling effect in constitutional balancing tests that required employees to guess whether they were covered by the First Amendment. Congress sought to eliminate the confusion by resolving the balance in favor of free speech rights for serious misconduct listed in the statute. Unfortunately, the Federal Circuit and administrative agencies did not respect this mandate and created loopholes based on factors irrelevant to the public, such as whether an employee had selfless motives or was the first to expose particular misconduct.

As a result, a cornerstone of the Whistleblower Protection Act was to close these loopholes that arose under prior law by amending protection of "a" disclosure to "any" disclosure which meets the law's standards. The purpose was to clearly prohibit any new exceptions to the law's coverage. Only Congress has that authority. Again, however, in both formal and informal interpretations of the Act, loopholes continued to proliferate.

Congress responded to this reluctance to abide by congressional intent through the passage of the 1994 amendments. The Governmental Affairs Committee report on the amendments rebutted prior interpretations by the Federal Circuit, the Merit Systems Protection Board, and the Office of Special Counsel that there were exceptions to "any." The Committee report concluded, "The plain language of the Whistleblower Protection Act extends to retaliation for 'any disclosure,' regardless of the setting of the disclosure, the form of the disclosure, or the person to whom the disclosure is made."

I am pleased to note that since the enactment of the 1994 amendments, both the Office of the Special Counsel and the Merit Systems Protection Board generally have honored congressional boundaries. However, the Federal Circuit continues to disregard clear statutory language that the Act covers disclosures made to supervisors, to possible wrongdoers (Horton v. Dept. of Navy 66 F.3d 279, 1995), or as part of their job duties. (Willis v. Dept. of Agriculture, 141 F.3d 1139, 1998).

In order to protect the statute's cornerstone that "any" lawful disclosure evidencing significant abuse is covered by the Whistleblower Protection Act, our bill would codify the repeated and unconditional statements of congressional intent and legislative history. It would amend sections 2302(b)(8)(A) and 2302(b)(8)(B) of title 5, U.S.C. to protect any disclosure of information. This would be without restriction to time, place, form, motive or context, made to any audience unless specifically excluded in section 2302(b)(8) by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, which the employee or applicant reasonably believes evidences any violation of any law, rule, or regulation, or other misconduct specified in section 2302(b)(8). These include gross waste, gross mismanagement, abuse of authority, or a substantial and specific danger to public health or safety. Consistent with current law, if the disclosure evidences a prohibited personnel practice against the employee making the disclosure, his or her remedy will continue to be available through section 2302(b)(9), rather than section 2302(b)(8).

The exceptions resulting from the Federal Circuit's rulings defeat the underlying good government goals of the Whistleblower Protection Act by removing protection where it counts the most: for federal employees, who acting as public servants, are carrying out their responsibilities to the public as employees of their agencies. By stripping protection from in-house disclosures, the Federal Circuit imposed loopholes that chill employees from working within their agencies to address potential waste, mismanagement, or abuse issues. If employees seek to solve problems within the chain of command, they could forfeit their rights to whistleblower protection from subsequent retaliation under the Court's rulings in Horton and Willis. To maintain protection against reprisal, federal employees must now bypass normal organizational activities responsible for implementing the law. Moreover, the loophole created by Willis removes protection when employees are performing their job duties. Because of the Court's rulings, the intent of the Act to create an environment where federal employees can safely serve the public on the job has been compromised.

Secondly, the legislation would institutionalize a principle currently expressed by a ban on spending on enforcement of any nondisclosure agreement that does not contain language specifically protecting an employee's rights under various open government statutes. This includes the Whistleblower Protection Act, the Military Whistleblower Protection Act, and the Lloyd Lafollette Act, which prohibits discrimination against government employees who communicate with Congress. This prohibition has been passed on an annual basis since 1988 as part of the yearly appropriations process. Our bill would make it a prohibited personnel practice to take a personnel action implementing or enforcing nondisclosure rules without specific notice of the listed statutes and their supremacy in the event of a conflict.

The appropriations provision, known as the "anti-gag statute," has proved effective against attempts by agencies to override the Whistleblower Protection Act through prior restraint. The law originally passed as a spending control against abuses of national security secrecy, in which as a procedural prerequisite for security clearances, employees had to waive their constitutional and statutory free speech rights. Since its passage, however, it has been useful against gag orders in broad areas of specific and generic public concerns, including gag orders imposed as a precondition for employment and resolution of disputes, as well as general agency policies barring employees from communicating directly with Congress or the public. Prior restraint not only has a severe chilling effect, but strikes at the heart of this body's ability to perform its oversight duties by negating the repeatedly reaffirmed unequivocal congressional policy that whistleblowers have the right to make protected disclosures anonymously as a way to prevent retaliation.

Disclosing classified information is prohibited by law except to specific audiences listed in section 2302 and would not be a protected disclosure under this legislation. Nor would this legislation require the Merit System Protection Board to review security clearance determinations. The Supreme Court clearly spoke on this issue in Dept. of the Navy v. Egan, 484 U.S. 518 (1988), which found that denial of a security clearance is not . . . an "adverse action." The Court upheld the Board's jurisdiction over due process procedures underlying a clearance decision. Egan stands as a bright line test, and if an employee requests review of the substantive judgments underlying a security clearance, OSC examiners, administrative judges, and members of the MSPB would be justified in denying jurisdiction. However, the Board could have jurisdiction if an employee complained that he or she suffered a prohibited personnel practice, because he or she was forced to sign an illegal nondisclosure agreement or its terms were enforced, regardless of context.

Congress repeatedly has reaffirmed its intent that employees should not be forced to sign agreements that supercede an employee's rights under good government statutes. Moreover, Congress has unanimously supported the concept that federal employees should not be subject to prior restraint from disclosing wrongdoing nor suffer retaliation for speaking out.

Lastly, the bill provides the Special Counsel with authority to appear and represent the interests of the Office of Special Counsel in civil actions brought in connection with the exercise of its authority to protect the merit system against prohibited personnel practices under section 2302(b)(8) and violations of the Hatch Act. It also gives the Special Counsel the right to seek review of decisions by the Merit Systems Protection Board before the Federal Circuit where the Special Counsel determines that the Board issued an erroneous decision in a whistleblower retaliation case or in a case arising under the Hatch Act, or that the Board's decision will have a substantial impact on the enforcement of those laws.

Under the bill, in Board cases in which the Special Counsel was not a party, the Special Counsel must first petition the Board for reconsideration of its decision before seeking review. The Court of Appeals shall grant petitions for review by the Special Counsel at its discretion.

This additional authority would enable the Office of Special Counsel to fulfill its statutory missions more effectively to protect federal whistleblowers against retaliation and to enforce the Hatch Act. While OSC, under current law, has a central role as public prosecutor in cases before the Merit Systems Protection Board, it in no way authorizes OSC to seek judicial review of an MSPB decision that the Special Counsel considers erroneous. Our legislation recognizes that providing the Special Counsel the authority to seek such review—in precedential cases—is crucial to ensuring the promotion of the public interests furthered by these statutes.

Moreover, under existing law, the Special Counsel cannot appear to represent himself or herself as a party, or even as an amicus curiae, where another party has invoked the jurisdiction of the Court of Appeals in a whistleblower retaliation or Hatch Act case. As a result, the Special Counsel, who Congress intended would be a vigorous, independent advocate for protection of the merit system, cannot participate at all in the arena in which the law is largely shaped: the Court of Appeals for the Federal Circuit. This bill reflects our conviction that the public interests underlying the whistleblower retaliation laws and the Hatch Act are best served by ensuring that the Special Counsel's views are considered by the Court in important cases.

Mr. President, there is significant history that defines congressional intent with respect to ensuring that federal whistleblowers are protected from retaliatory measures. It is my intention that this bill will begin the needed dialogue to guarantee that any disclosures within the boundaries of the statutory language are protected. As the ranking member of the Federal Services Subcommittee, I will seek hearings in the next Congress on the Whistleblower Protection Act and the amendments I am proposing today. It is my intention to request a hearing that would be independent of any reauthorization hearing held for the MSPB and the OSC, both of whose authority expires in 2002.

There is strong support for the legislation Senator LEVIN and I are introducing today. I ask unanimous consent, in addition to the text of the bill, that I be allowed to insert into the RECORD immediately following my statement, a petition signed by the heads of 72 organizations urging Congress to restore the Whistleblower Protection Act to its 1994 boundaries. Among the 70-plus groups that support this effort are the AFL-CIO, American Federation of Government Employees, Blacks in Government, National Association of Treasury Agents, National Treasury Employees Union, Common Cause, and the Federation of American Scientists. I also wish to extend my appreciation to the Special Counsel and the Acting Chair of the Merit Systems Protection Board for the technical assistance they provided. Lastly, I would like to commend the Government Accountability Project for its dedication and perseverance over the years. Since 1977, GAP has sought to protect the public interest and promote government accountability by defending whistleblowers.

I urge my colleagues to join me in the effort to ensure that congressional intent embodied in the Whistleblower Protection Act is codified to ensure that the law is not weakened further.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8)(A) of title 5, United States Code, is amended—

(1) by striking "by an employee or applicant" and inserting ", without restriction to time, place, form, motive, or context, made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties,"; and

(2) in clause (i) by striking "a violation" and inserting "any violation".

(b) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x) by striking "and" after the semicolon; and

(B) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

"(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and".

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking "or" at the end;

(B) in paragraph (12), by striking the period and inserting "; or"; and

(C) by inserting after paragraph (12) the following:

"(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement:

" 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.' ".

(c) AUTHORITY OF SPECIAL COUNSEL RELATING TO CIVIL ACTIONS.—

(1) REPRESENTATION OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(h) Except as provided in section 518 of title 28, relating to litigation before the Supreme Court, attorneys designated by the Special Counsel may appear for the Special Counsel and represent the Special Counsel in any civil action brought in connection with section 2302(b)(8) or subchapter III of chapter 73, or as otherwise authorized by law.".

(2) JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS.—Section 7703 of title 5, United States Code, is amended by adding at the end the following:

"(e) The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board's decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

WHISTLEBLOWER PROTECTION ACT PETITION—
SIGNERS AS OF OCTOBER 3, 2000

Whereas: The undersigned organizations believe that freedom of speech is the foundation of democracy, and agree with Congress' repeated judgment that it is sound public policy to prohibit reprisals against whistleblowers who challenge Executive branch misconduct through disclosures of illegality, mismanagement, abuse of authority, gross waste and substantial and specific danger to public health or safety; and

Whereas: The Whistleblower Protection Act (WPA) is the nation's premier good government statute to protect federal workers who risk retaliation by disclosing betrayals of the public trust; and

Whereas: There is an overwhelming legislative mandate for this law, which Congress passed unanimously in 1989 and unanimously strengthened in 1994; and

Whereas: The law needs to be further strengthened, rather than weakened. Government surveys have confirmed that some half million employees annually witness serious government misconduct but choose to do nothing; and

Whereas: The Federal Circuit Court of Appeals, which has a monopoly of judicial review for the Act, has functionally overturned the law since congressional approval of 1994 amendments strengthening it; and

Whereas: The Court has created a series of loopholes in the WPA removing the Act's coverage in the most common scenarios where it is needed:

when employees blow the whistle to co-workers, superiors or others in the chain of command, or to suspected wrongdoers;

when employees' disclosures challenge policies that are illegal or otherwise improper, or

when employees make disclosures in the course of doing their jobs.

These loopholes flatly contradict explicit 1989 statutory language, which protects disclosures in "any" context, and 1994 legislative history warning the Federal Circuit that "any" means "any," without restrictions and defining it to ban exceptions for "time, place, motive or context;" and

Whereas: In 1999 the Court made it practically impossible or anyone to be recognized as deserving whistleblower protection regardless of circumstances. Under the Act passed by Congress, whistleblowers qualify for protection if they make disclosures that they "reasonably believe evidences" wrongdoing. However, without an explanation of the basis for overturning some twenty years of prior precedent, the Court ruled that an employee does not qualify for protection without "irrefragable proof" of the alleged wrongdoing. Webster's Dictionary defines "irrefragable" as "incontrovertible, undeniable, incapable of being overthrown;" and

Whereas: The practical impact of the decision is that if there are two sides to a story about alleged misconduct, it is not possible for a federal employee to be protected as a whistleblower. In light of this decision, no organization can responsibly advise whistleblowers that they have a realistic chance of defending themselves; and

Whereas: In the same 1999 decision, the Court ordered that every employee who exercise Whistleblower Protection Act rights must be investigated to determine whether the employee had a conflict of interest for raising the issue in the first place. As a result, the Act actually subjects whistleblowers to intimidation and harassment rather than protecting them from it. This violates Congress' 1994 ban on retaliatory investigations for engaging in protected activity such as exercising appeal rights; and

Whereas: There has never been any expression of legislative support either for the loopholes created by the Court or its requirement that whistleblowers prove their charges "irrefragably." The court' extremist activism overturned the repeatedly stated unanimous intent. Restoring the congressional mandate does not require opening any new debates on previously resolved issues; and

Whereas: A cornerstone of any free speech law is prohibiting prior restraint, threats and pre-emptive strikes that silence employees through mandatory nondisclosure agreements and gag orders. For over 12 years Congress has passed an annual spending ban on enforcing such gag orders. The time has come to eliminate the uncertainty of annual renewal for this free speech cornerstone.

Therefore: We, the undersigned organizations, petition Congress to restore the Whistleblower Protection Act to its 1994 boundaries, prevent recurrence of judicial activism that neutralizes the value of this good government law and permanently pass the prohibition on gag orders. This can occur by codifying current appropriations language and prior WPA legislative history to cancel judicial decisions that unraveled the law, and by restoring normal judicial review in any U.S. Circuit Court of Appeals—the normal course under the Administrative Procedures Act and the structure approved by Congress when the Civil Service Reform Act of 1978 was passed.

James K. Wyerman, Executive Director, 20/20 Vision.

Laurence E. Gold, Associate General Counsel, AFL–CIO.

Joseph LeBeau, Director, Alaska Center for the Environment, Palmer, AK.

Ross Coen, Executive Director Alaska Forum on Environmental Responsibility, Fairbanks, AK.

Charles Hamel, on behalf of AlaskaGroupSix.org (the anonymous Trans-Alaska pipeline whistleblowers).

Cindy Shogun, Executive Director, Alaska Wilderness League.

Carol Bernstein, Ph.D., American Association of University Professors, Arizona Conference, Tucson, AZ.

Bobby Harnage, President, American Federation of Government Employees (AFGE).

Charles M. Loveless, Director of Legislation, American Federation of State, County & Municipal Employees (AFSCME).

Mary Ellen McNish, General Secretary, American Friends Service Committee, Philadelphia, PA.

Steve Holmer, Campaign Coordinator, American Lands Alliance.

D.W. Bennett, Executive Director, American Littoral Society, Broad Channel, NY.

J. Terrence Brunner, Executive Director, Better Government Association, Chicago, IL.

Gerald Reed, National President, Blacks In Government.

Michael Cavallo, President, Cavallo Foundation, Cambridge, MA.

Ron Daniels, Executive Director, Center for Constitutional Rights, New York, NY.

Joseph Mendelson, III, Legal Director, Center for Food Safety.

David Hunter, Executive Director, Center for International Environmental Law.

Robert E. White, President & William Goodfellow, Executive Director, Center for International Policy.

Craig Williams Director, Chemical Weapons Working Group and Common Ground, Berea, KY.

Gwen Lachelt, Executive Director, Citizens Oil and Gas Support Center, Durango, CO.

Phil Doe, Citizens Progressive Alliance, Denver, CO.

Anne Hemenway, Treasurer, Citizen's Vote, Inc.

Lynn Thorp, National Programs Coordinator, Clean Water Action.

Scott Harshbarger, President, Common Cause.

Joan Kiley, Executive Director, Community Recovery Services, Berkley, CA.

Joni Arends, Waste Programs Director, Concerned Citizens for Nuclear Safety, Santa Fe, NM.

Travis Plunkett, Legislative Director, Consumer Federation of America.

James Love, Director, Consumer Project on Technology.

Marc Rotenberg, Executive Director, Electronic Privacy Information Center.

Richard J. Baldes, Senior Biologist, Environmental Legacy, Washakie, WY.

John Richard, Executive Director, Essential Information.

Steve Aftergood, Project Director, Federation of American Scientists.

John C. Horning, Watershed Protection Program, Forest Guardians, Santa Fe, NM.

Andy Stahl, Executive Director, & Jeff DeBonis, Founder, Forest Service Employees for Environmental Ethics (FSEEE), Eugene, OR.

Courtney Cuff, Legislative Director, Friends of the Earth.

Conrad Martin, Executive Director, Fund for Constitutional Government.

Tom Devine, Legal Director, Government Accountability Project.

Bill Hedden, Utah Conservation Director, Grand Canyon Trust, Moab, UT.

Bill Sheehan, Network Coordinator, Grass-Roots Recycling Network, Athens, GA.

Gary Wolf, Co-Chair, Green Party of Tennessee.

James C. Turner, Executive Director, HALT: An Organization of Americans for Legal Reform.

Rebecca Clarren, Assistant Editor, High Country News, Paonia, Colorado.

Scott Armstrong, Executive Director, Information Trust.

Don Soeken, Ph.D., Director, Integrity International, Laurel, MD.

Peter Hille, Chairman, Kentucky Environmental Foundation, Berea, KY.

Steve D'Esposito, Executive Director, Mineral Policy Center.

Russell Hemenway, President, National Committee for an Effective Congress.

Brett Kay, Health Policy Associate, National Consumers League.

Patricia Ireland, President, National Organization for Women.

Colleen M. Kelley, National President, National Treasury Employees Union.

Stephen M. Kohn, Chairperson, Board of Directors, National Whistleblower Center.

Audrie Krause, Executive Director, NetAction.

Elizabeth Crowe, Director, Non-Stockpile Chemical Weapons, Citizens Coalition, Berea, KY.

Bill Smirnow, Director, Nuclear Free New York, Huntington, NY.

Michael Mariotte, Executive Director, Nuclear Information and Resource Service.

Fred Fellerman, Northwest Director, Ocean Advocates, Seattle, WA.

Gary Bass, Executive Director, OMB Watch.

Ken Rait, Conservation Director, Oregon Natural Resources Council, Portland, OR.

Danielle Brian, Executive Director, Project On Government Oversight.

Frank Clemente, Director, Public Citizen Congress Watch.

Wenonah Hauter, Executive Director, Public Citizen Critical Mass Energy and Environment Program.

Jeff DeBonis, Founder & Dan Meyer, General Counsel, Public Employees for Environmental Responsibility.

Lucy Dalglish, Executive Director, Reporters Committee for Freedom of the Press.

Tim Little, Executive Director, Rose Foundation for Communities and the Environment, Oakland, CA.

Scott Denman, Executive Director, Safe Energy Communication Council.

James W. Moorman, President, Taxpayers Against Fraud.

Jude Filler, Executive Director, Texas Alliance for Human Needs, Austin, TX.

Ann Hoffman, Legislative Director, Union of Needletrades, Industrial and Textile Employees (UNITE).

Marcia Hanscom, Executive Director, Wetlands Action Network, Malibu, CA.

Dan Heilig, Executive Director, Wyoming Outdoor Council, Lander, WY.

By Mr. TORRICELLI:

S. 3191. A bill to create a Federal drug court program, and for other purposes; to the Committee on the Judiciary.

FEDERAL DRUG COURTS FOUNDATION ACT OF 2000

Mr. TORRICELLI. Mr. President, I rise today to introduce the "Federal Drug Courts Foundation Act of 2000." This legislation will usher in an new era in the struggle against drug-related crime by establishing a system of federal drug courts. These courts will help bring an end to the cycle of repeated and escalating crimes committed by small-time drug offenders. As General Barry McCaffrey has said: "The establishment of drug courts . . . constitutes one of the most monumental changes in social justice in this country since World War II."

Mr. President, I have long fought against the scourge of drug-related crime that has plagued this nation. The legislation I introduce today will continue that fight by creating a three-year pilot program establishing federal drug courts in ten cities selected by the Department of Justice.

Drug courts are a response to the fact that more than fifty percent of state parole violators were under the influence of drugs, alcohol, or both when they committed their new offense. They represent a creative new way to address this disturbing fact and are aimed at cleaning up first-time, small-time offenders through comprehensive supervision, drug testing and treatment.

Drug court programs have been successfully implemented at the state level. Since 1989, more than 100,000 drug offenders have participated in drug court programs at the state level and there are now more than 400 drug courts in existence. These drug courts have proven to be both effective and cost-efficient. A study in one New York drug court showed that only 11% of offenders were rearrested as compared to 27% in the general prison population. And while the incarceration of a drug offender costs between $20,000 and $50,000 annually, a drug court costs less than $2,500 per offender.

Drugs continue to be one of the greatest threats to our children and to the well-being of our communities. For this reason, we must continue to fight against the scourge of illegal drugs ravaging our communities. To that end, I am introducing the "Federal Drug Courts Foundations Act of 2000," legislation designed to sensibly combat the epidemic of drug-related crime. I hope that this much-needed legislation will enjoy your support and I look forward to working with each and every one of you in order to get this legislation enacted into law.

I ask unanimous consent the text of the legislation be included in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Court Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) Drug courts.—The term "drug courts" means a Federal district court of general jurisdiction in a high drug crime district, as defined by the Department of Justice, that will—

(A) expedite the criminal justice process for eligible offenders until such time as they are declared ineligible or selected for inclusion in a drug court program; and

(B) maintain jurisdiction over the offenders' cases before, during, and after participation in the program.

(2) Drug court program.—The term "drug court program" means a program for substance abuse treatment and rehabilitation for eligible offenders that—

(A) requires a successful plea agreement immediately following conviction or in lieu of incarceration; and

(B) is operated by a drug court in a State criminal justice system that has agreed to accept, for a fee per offender, all offenders selected for inclusion in such a program by a Federal drug court.

(3) Eligible offender.—The term "eligible offender" means a person who meets the requirements established in section 4 of this Act.

(4) Office.—The term "Office" means the Office of Justice Programs of the Department of Justice.

SEC. 3. AUTHORIZATION OF DRUG COURTS.

(a) Establishment of Drug Courts.—10 Federal district courts in the United States, as selected by the Office, are authorized to establish drug courts under this Act.

(b) Drug Court Responsibilities.—Each Federal drug court shall enter into an agreement with a State drug court program that will allow all eligible offenders to participate in the drug court program of that State, in exchange for the payment of a fee equal to the amount of the cost of the program for that offender. Each such agreement shall be subject to the approval of the Office.

(c) Oversight.—Except as specified in this Act, rules governing drug courts will be promulgated separately by each participating Federal district court, with the advice of the Office, and subject to Department of Justice approval.

SEC. 4. ELIGIBLE OFFENDERS.

(a) In General.—An "eligible offender" means a person who, by virtue of a Federal crime committed and other factors that the drug court may consider, may be considered for inclusion in the drug court program.

(b) Program Participants.—Drug court program eligibility under this Act shall not be available to any offender who—

(1) is accused of violent criminal offenses;

(2) is not accused of drug, drug-related, or drug-motivated offenses;

(3) has previously been convicted of a Federal or State violent felony offense; or

(4) for any other reason within the discretion of the court, does not meet all requirements of the applicable drug court.

(b) Additional Eligibility Requirements.—In addition to the criteria in subsection (a), no offender will be considered eligible for participation in a drug court program unless, following a reasonable investigation conducted according to standards set by the court, and one or more hearings before the court, consensus agreement is achieved among the prosecutor, the defense counsel, and the presiding judge, that the offender is a person who—

(1) currently suffers from a drug dependency;

(2) would benefit from the drug court program; and

(3) is appropriate for inclusion in the drug court program.

(c) Ineligible Offender Handling.—If at any point before admission into the drug court program, an offender is found ineligible for participation in a drug court program under this Act, the case of that offender shall be processed by the Federal district court under the applicable rules of procedure and sentencing.

(d) Requirements for Drug Program Participants.—Each eligible offender shall understand, sign, and acknowledge understanding of drug court documents, including—

(1) a waiver of the right of the offender to a speedy trial;

(2) a written plea agreement that sets forth the offense charged, the sanction to be imposed in the event of a breach of the agreement, and the penalty to be imposed, if any, in the event of a successful completion of the drug court program, except that incarceration may not be imposed upon successful completion of the program;

(3) a written treatment plan that is subject to modification at any time during the drug court program;

(4) a written performance contract requiring the offender to enter the drug court program as directed by the court and participate until completion, withdrawal, or removal by the court; and

(5) a limited applicability waiver of confidentiality for information relating to the treatment program of the offender, and progress in that program, limited only to agencies and parties participating in the drug court program, and agencies and parties participating in oversight of the case of the offender by the drug court.

SEC. 5. DRUG COURT OPERATIONS.

(a) Identification of Drug Program Participants.—The Office of the United States Attorney office in a Federal drug court, through the Office, shall establish procedures for the identification of eligible offenders not later than 30 days after the date of arrest of the alleged offender.

(b) Participant Fitness Examination.—A United States Attorney, defense counsel, and a treatment professional affiliated with the drug court program in which the offender would be placed, shall separately conduct investigations regarding the eligibility of an offender for inclusion in the drug court program. Upon a finding by any of the examining parties that the offender is ineligible to participate in the drug court program, the alleged offender shall be subject to prosecution under the applicable rules of procedure and sentencing.

(c) Hearing.—Upon agreement of the prosecutor, defense counsel, and treatment professional that an offender is eligible for the drug court program, the prosecutor, defense counsel, treatment professional, and offender shall appear for a hearing before a drug court judge, who shall receive testimony from each of the examining parties.

(d) Judicial Discretion.—Upon a finding by the judge that the offender is eligible for inclusion in the drug court program, the judge shall obtain from the offender all appropriate drug court documents, and the offender shall immediately be removed to the custody of the drug treatment program. Should the offender not agree to any of the conditions of participation in the drug court program, the offender shall be subject to prosecution under the applicable rules of procedure and sentencing.

(e) Drug Court Responsibilities.—The drug court shall—

(1) assign to the drug court program responsibility over all treatment, supervision, education, job skills training, and other ancillary services incidental to the program;

(2) hold regular hearings, attended by the judge, prosecutor, defense counsel, and treatment professional to assess the progress of the offender within the drug court program; and

(3) assess any and all disciplinary sanctions, penalties, and fines resulting from a violation by the offender of the drug court program plea agreement.

(f) Disciplinary Sanctions.—The drug court shall establish methods for measuring application of disciplinary sanctions, which may include—

(1) short term confinement;

(2) reintroducing the offender into the drug court program after a disciplinary action for a minor violation of the treatment plan; and

(3) removal from the drug court program and reinstatement of the criminal case.

(g) Drug Court Records.—All drug courts shall maintain records regarding rates of recidivism, relapses, restarts, sanctions imposed, and incentives given. All such data shall be collected and reported annually by the Office.

(h) Administrative Fees.—For each offender admitted to the drug court program, the drug court shall pay to the drug court program an amount agreed upon at the outset of the relationship between the drug court and drug court program. This amount shall represent payment for the cost of treatment, supervision, rehabilitation, education, job skills training, and other ancillary services that the program of the offender shall require.

SEC. 6. DRUG COURT PROGRAM PARTICIPANT SUPPORT.

(a) In General.—Each drug court program shall provide all participating offenders with a personalized program, including elements of treatment, supervision, rehabilitation, education, and job skills training, and other ancillary services that the program of the offender shall require.

(b) Participant Development.—Each drug court program shall ensure, at a minimum—

(1) strong linkage between all agencies participating in the drug court program, and

the drug court judge, prosecutor, and defense counsel responsible for oversight of the case;

(2) access for all participating agencies to information on the progress of the offender within the program, notwithstanding normally confidential treatment and counseling information;

(3) vigilant supervision and monitoring procedures;

(4) random substance abuse testing not less frequently than weekly;

(5) provisions for noncompliance, modification of the treatment plan, and revocation proceedings;

(6) availability of residential treatment facilities and outpatient services; and

(7) methods for measuring performance-based effectiveness of the services of individual treatment providers.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Subject to an appropriations Act, there is authorized to be appropriated for each of fiscal years 2000 through 2004, the following amounts:

(1) $15,000,000, to the Office, to carry out a pilot program to establish a Federal drug court in each of 10 cities in the United States that are statistically considered high drug crime areas.

(2) $5,000,000 to the Department of Justice, for additional prosecutorial resources, including personnel, dedicated to drug enforcement in each of the 10 cities in which a Federal drug court is established under this Act.

By Mr. TORRICELLI:

S. 3192. A bill to provide grants to law enforcement agencies to purchase firearms needed to perform law enforcement duties; to the Committee on the Judiciary.

POLICE GUN BUYBACK ASSISTANCE ACT

Mr. TORRECELLI. Mr. President, I rise today to introduce a bill that will reduce the number of firearms on the street and help guns out of the hands of criminals. In the wake of the tragic shootings this year in Michigan and Pennsylvania, we are reminded of what happens when the wrong people have access to guns. These tragic shootings become even more troubling when they involve a former police gun or firearms previously involved in a crime.

It is vital that law enforcement agencies have the very best equipment available to ensure their safety and to protect America's communities, but purchasing new weapons can be expensive, particularly for cash-strapped municipalities. To deal with this problem, for almost two decades law enforcement agencies have been reselling their old guns to dealers or auctioning them off to the public to offset the cost of purchasing new guns. However, this practice has led to an unintended result—increased risk that these guns would end up back on the streets and in the hands of criminals.

In the past nine years, firearms once used by law enforcement agencies have been involved in more than 3,000 crimes, including 293 homicides, 301 assaults and 279 drug-related crimes throughout the United States. Just last year, Bufford Furrow, a white supremacist, used a Glock pistol that was decommissioned and sold by a police agency in the State of Washington to terrorize and shoot children at a Jewish community center in Los Angeles and then kill a postal worker. Members of the Latin Kings, a violent Chicago street gang, used guns formerly owned by the Miami-Dade Police Department in Florida to commit violent crimes in Illinois. And a 1996 investigation by the New York State inspector general found that weapons used by New York law enforcement officers had been used in crimes in at least two other states.

In is time that we help our law enforcement agencies do what they have long tried to do—get out of the business of selling guns. Under the bill I introduce today, law enforcement agencies will no longer be forced to resell their old guns or guns seized from criminals to help them obtain the new weapons that are necessary to carry out their duties. Instead, this bill would provide grants to state or local law enforcement agencys to assist them in purchasing new firearms so that they will no longer be forced to sell their decommissioned firearms to anyone. In order to receive these grants, the law enforcement agencies must simply agree to either destroy their decommissioned guns or not sell them to the public.

A growing number of states and cities have already decided to ban the practice of pouring old police guns into the consumer market. They recognize that the extra money gained from selling old police guns is not worth the price of possible human suffering or loss of life. It is simply bad policy for governments to be suppliers of guns and potentially add to the problem of gun violence in America. Regardless of where one stands on gun control, logic, and common sense and decency demand that we also recognize this simple truth and unite behind moving this bill to passage.

I ask unanimous consent that a copy of the legislation appear in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Police Gun Buyback Assistance Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds the following:

(1) Buford Furrow, a white supremacist, used a Glock pistol decommissioned and sold by a law enforcement agency in the State of Washington, to shoot children at a Jewish community center in Los Angeles and kill a postal worker.

(2) Twelve firearms were recently stolen during shipment from the Miami-Dade Police Department to Chicago, Illinois. Four of these firearms have been traced to crimes in Chicago, Illinois, including a shooting near a playground.

(3) In the past 9 years, decommissioned firearms once used by law enforcement agencies have been involved in more than 3,000 crimes, including 293 homicides, 301 assaults, and 279 drug-related crimes.

(4) Many State and local law enforcement departments also engage in the practice of reselling firearms involved in the commission of a crime and confiscated. Often these firearms are assault weapons that were in circulation prior to the restrictions imposed by the Violent Crime Control and Law Enforcement Act of 1994.

(5) Law enforcement departments in the States of New York and Georgia, the City of Chicago, and other localities have adopted the practice of destroying decommissioned firearms.

(b) Purpose.—The purpose of this Act is to reduce the number of firearms on the streets by assisting State and local law enforcement agencies to eliminate the practice of transferring decommissioned firearms to any person.

SEC. 3. PROGRAM AUTHORIZED.

(a) Grants.—The Attorney General may make grants to States or units of local government—

(1) to assist States and units of local government in purchasing new firearms without transferring decommissioned firearms to any person; and

(2) to destroy decommissioned firearms.

(b) Eligibility.—

(1) In general.—Except as provided in paragraph (2), to be eligible to receive a grant under this Act, a State or unit of local government shall certify that it has in effect a law or official policy that—

(A) eliminates the practice of transferring any decommissioned firearm to any person; and

(B) provides for the destruction of a decommissioned firearm.

(2) Exception.—A State or unit of local government may transfer a decommissioned firearm to another law enforcement agency.

(c) Use of Funds.—A State or unit of local government that receives a grant under this Act shall use such grant only to purchase new firearms.

SEC. 4. APPLICATIONS.

(a) State Applications.—To request a grant under this Act, the chief executive of a State shall submit an application, signed by the Attorney General of the State requesting the grant, to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(b) Local Applications.—To request a grant under this Act, the chief executive of a unit of local government shall submit an application, signed by the chief law enforcement officer in the unit of local government requesting the grant, to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

SEC. 5. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to implement this Act, which shall specify the information that must be included and the requirements that the States and units of local government must meet in submitting applications for grants under this Act.

SEC. 6. REPORTING.

A State or unit of local government shall report to the Attorney General not later than 2 years after funds are received under this Act, regarding the implementation of this Act. Such report shall include budget assurances that any future purchase of a firearm by the law enforcement agency will be possible without transferring a decommissioned firearm.

SEC. 7. DEFINITION.

For purposes of this Act—

(1) the term "firearm" has the same meaning given such term in section 921(a)(3) of title 18, United States Code;

(2) the term "decommissioned firearm" means a firearm—

(A) no longer in service or use by a law enforcement agency; or

(B) involved in the commission of a crime and confiscated and no longer needed for evidentiary purposes; and

(3) the term "person" has the same meaning given such term in section 1 of title 1 of the United States Code.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $10,000,000 for each of the fiscal years 2001 through 2005.

By Mr. MURKOWSKI:

S. 3193. A bill to amend section 527 of the Internal Revenue Code of 1986 to exempt State and local political committees from required notification of section 527 status; to the Committee on Finance.

FINANCE DISCLOSURE LEGISLATION

Mr. MURKOWSKI. Mr. President, in our desire to close the so-called 527 loophole involving campaign financing earlier this year, I believe we may have gone too far in the disclosure requirements.

In the bill ultimately creating P.L. 106–230, we essentially adopted the House language without any amendments. When it became law on July 1, 2000, one of the provisions required candidates for state and local offices to file Form 8871 by July 31, 2000.

The goal of the new law is to find out who is contributing to 527 political organizations that have proliferated in recent years. The organizations, including the Sierra Club's 527, were taking in large size donations and yet not have and to reveal who the donors were.

Under the new law, contributions in excess of $200 by a single person must be disclosed. Expenditures by a 527 organization in excess of $500 also would have to be disclosed. However, these financial disclosures—the heart and soul of the bill—do not apply to candidates for state and local elections. Clearly, the rules for state and local elections are to be regulated by the states, not the federal government.

Yet, under the new law, candidates for state and local offices must file Form 8871 with the IRS. This form essentially notifies IRS that state or local officeholder has established a 527 organization. It must also list the name and address of the organization, the purpose of the organization; the names and addresses of its officers and highly compensated persons and identify a contact person and custodian of records and its Board of Directors (if any).

Since we have exempted state and local candidates from having to file financial disclosure statements, I see no reason why they should be burdened with filing Form 8857. This requirement serves no purpose except to create needless paperwork for both the candidates and the IRS.

That is why I am introducing legislation to exempt state and local candidates from this burden just as the current law exempts 527 Organizations that do not expect that they will raise $25,000 do not have to file this information.

My bill is retroactive so that some candidates for local office who were caught unaware of the filing requirement do not face any penalties.

It is my hope that after this election, when campaign finance reform will be debated in a less political environment, that this common sense technical amendment will be included in reform legislation.

By Mr. AKAKA (for himself, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. BAYH, Mr. REID, and Mr. INOUYE):

S. 3196. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Energy and Natural Resources

GEORGE E. BROWN, JR. HYRODGEN FUTURE ACT

Mr. AKAKA. Mr. President, I rise today with Senator MURKOWSKI and Senator BINGAMAN, Chairman and Ranking Member of Senate Committee on Energy and Natural Resources, my colleague on the Committee, Senator BAYH, my friend from Nevada, Senator REID, and my senior colleague from Hawaii, Senator INOUYE, to introduce legislation that will accelerate the ongoing efforts for the development of a fuel for the future—hydrogen. Hydrogen is an efficient and environmentally friendly energy carrier that can be obtained using conventional or renewable resources. There is strong evidence that hydrogen can be a solution for America's long-term energy needs.

All indications suggest that America's summer of discontent is going to continue and become the winter of discontent with respect to energy prices. Americans have paid record-breaking prices at the pump this summer. They will continue to suffer escalating prices this winter too. Higher energy prices hit most those Americans who can afford it the least.

Our Nation is heavily dependent on fossil fuels. We rely on imports to meet our needs. Our dependence on imported oil has been increasing for years. Oil imports have been rising for the past two decades. The combination of lower domestic production and increased demand has led to imports making up a larger share of total oil consumed in the United States. In 1992, crude oil imports accounted for approximately 45 percent of our domestic demand. Last year crude oil imports amounted for 58 percent. The Energy Information Administration's Short-Term Outlook forecasts that oil imports will exceed 60 percent of total demand this year. EIA's long-term forecasts have oil imports constituting 66 percent of U.S. supply by 2010, and more than 71 percent by 2000.

Continued reliance on such large quantities of imported oil will frustrate our efforts to develop a national energy policy and set the stage for energy emergencies in the future.

Mr. President, the way to improve our energy outlook is to adopt energy conservation, encourage energy efficiency, and support renewable energy programs. Above all, we must develop energy resources that diversify our energy mix and strengthen our energy security.

Now is the time to increase our efforts to develop new sources of energy. Growing evidence points to hydrogen as a fuel to resolve our energy problems and satisfy a wide variety of the world's energy needs.

Hydrogen as a fuel is not a new concept. For more than two decades there has been global interest in hydrogen as a renewable fuel. Progress is being made at an accelerating pace. Fuel cells for distributed stationary power are being commercialized and installed in various locations in the United States and worldwide. Transit bus demonstrations are underway in both the United States and Europe. Major automobile companies are poised to deploy fuel cell passengers cars within the next few years. All these activities involve government and private sector cooperation.

But many problems and challenges remain. Hydrogen production costs from both fossil and renewable energy sources remain high. Attractive low-cost storage technologies are not available. There is an inadequate infrastructure.

We need to address these challenges and barriers if we are to enjoy the fruits of an efficient and environmentally friendly energy source. This Senator believes that an aggressive research and development program can help us overcome many of these challenges such as bringing down the production costs from fossil and renewable sources, by advancing storage technologies, and addressing safety concerns with efforts in establishing codes and standards.

Our Nation needs an active and focused research, development, and demonstration program to make the breakthroughs necessary to make hydrogen a viable source of energy.

My predecessor, Senator Spark Matsunaga was one of the first to focus attention on hydrogen by sponsoring hydrogen research legislation. The Matsunaga Hydrogen Act, as this legislation has come to be known, was designed to accelerate development of domestic capability to produce an economically renewable energy source in sufficient quantities to reduce the Nation's dependence on conventional fuels. As a result of Senator Matsunaga's vision, the Department of Energy has been conducting research that will advance technologies for cost-effective production, storage, and utilization of hydrogen. The Hydrogen Future Act of 1996 expanded the research, and development, and demonstration program under the Matsunaga Act. It authorized activities leading to production, storage, transformation, and use of hydrogen for industrial, residential, transportation, and utility applications.

My good friend and former colleague in the House, Representative George E. Brown, Jr., was instrumental in the introduction and passage of the Hydrogen Future Act. Serving as the Chairman and Ranking Member of the House Science Committee, Congressman Brown earned a reputation as a true champion and advocate for science. He was an early supporter of hydrogen as a source of energy. He was the principal sponsor of the companion legislation to Senator Matsunaga's bill in the House. Congressman Brown passed away on July 15, 1999.

Mr. President, the legislation I am introducing today reauthorizes and amends the Hydrogen Future Act of 1996. I propose that Congress dedicate this legislation to George Brown's memory and cite the Act as George E. Brown, Jr. Hydrogen Future Act.

The legislation I am introducing today is consistent with the thinking of experts who have looked at this issue. The President's Committee of Advisors on Science and Technology (PCAST) issued a report titled "Federal Energy Research and Development for the Challenges of the Twenty-First Century" in response to a request from President Clinton to review the national energy R&D portfolio and make recommendations on how to ensure that the U.S. has a program that addresses its energy needs for the next century. In its report issued in November 1997, PCAST proposed a substantial increase in Federal spending for applied energy technology R&D, with the largest share going to energy efficiency and renewable energy technologies. This was a major change in focus. With this new R&D emphasis, the PCAST report acknowledges and supports advances in a wide range of both hydrogen-producing and hydrogen-using technologies. The bill I am introducing today supports the recommendations of PCAST.

The Hydrogen Technical Advisory Panel (HTAP) was established pursuant to the Spark Matsunaga Hydrogen Act. The panel's primary functions are to advise the Secretary of Energy on the implementation and conduct of the Department of Energy's Hydrogen Program and to review and make recommendations on the economic, technical, and environmental consequences of deploying hydrogen energy systems. The Hydrogen Future Act gave additional functions to HTAP. The Act requires HTAP to evaluate the effectiveness of the Department's Hydrogen Program and make recommendations for improvements. HTAP is also required to make recommendations for future legislation.

The panel, appointed by the Secretary of Energy, has broad representation from industry, government, and academia. While some members of the panel represent the hydrogen community, others represent fossil energy, industrial gases, transportation, and environment groups—areas affected by the development and deployment of hydrogen energy systems. This mix provides the panel with a balanced perspective that allows diversity of viewpoints. Members serve on a pro-bono basis.

HTAP, in its report to Congress has strongly endorsed reauthorizing the Hydrogen Future Act. Today's bill reflects most of the recommendations of this expert body.

The long-term vision for hydrogen energy is that sometime well into 21st century, hydrogen will join electricity as one of our Nation's primary energy carriers, and hydrogen will ultimately be produced from renewable sources. But fossil fuels will be a significant long-term transitional resource. In the next twenty years, increasing concerns about global climate changes and energy security concerns will help bring about penetration of hydrogen in several niche markets. The growth of fuel cell technology will allow the introduction of hydrogen in both transportation and electricity sectors.

We are a long way from realizing this vision for hydrogen energy. But progress is being made and many challenges and barriers remain. Sustained effort is the only way to overcome these challenges and barriers. We need to support a strategy that focuses on mid-term and long-term goals. We must support development of technologies that enable distributed electric-generation fuel cell systems and hydrogen fuel cell vehicles for transportation applications. For the long-term, we should look to hydrogen technologies that enhance renewable systems and offer society the promise of clean, abundant fuels.

Significant forces are coming together that may accelerate wider acceptance of hydrogen as an energy source. Industry is moving ahead with fuel cell developments at a rapid pace. Many companies are forming partnerships to bring new technologies to the market place. Daimler-Chrysler, Ford, and Ballard have formed a partnership and pledged $1.5 billion for commercialization of automotive fuel cells. Edison Development Company, General Electric, SoCal Gas, and Plug Power have agreement to commercialize residential fuel cells. There are other companies pursuing the same market sector and are developing high performance fuel cell technology for automotive and electrical generation systems.

Initiatives for controls of emissions from automobiles such as California's zero emissions vehicle requirements favor early introduction of hydrogen powered vehicles. There is significant industry interest in bringing fuel cell technology to mining operations.

The Department of Energy administers the Hydrogen Program that supports a broad range of research and development projects in the areas of hydrogen production, storage, and use in a safer and less expensive manner in the near future. Progress in several research and development areas shows promise that some of these new technologies may become available for wider use in the next few years. Some of the promising technologies include advanced natural gas- and biomass-based hydrogen production technologies, high pressure gaseous and cryogas storage systems, reversible PEM fuel cell systems. Others lay the groundwork for long range opportunities.

The Hydrogen Program utilizes the talents of our national laboratories and our universities. National Renewable Energy Laboratory, Sandia, Lawrence Livermore, Los Alamos, and Oak Ridge, as well as Jet Propulsion Laboratory are involved in the program. DOE Field Office at Golden, Colorado, and Nevada Operations Office in Nevada are also involved. University-led centers-of-excellence have been established at Florida Solar Energy Center at University of Miami and University of Hawaii. The U.S. participation in the International Energy Agency contributes to the advancement of DOE hydrogen research through international cooperation.

The DOE Hydrogen Program is well managed and run by dedicated managers and capable and talented technologists. The program has also built strong links with the industry. This has resulted in strong industry participation and cost sharing. HTAP, in its review of the program reached similar conclusions.

The legislation I am introducing today reauthorizes the Hydrogen Future Act and adds provisions for the demonstration of hydrogen technologies at government facilities. It highlights the potential of hydrogen as an efficient and environmentally friendly source of energy, the need for a strong partnership between the Federal government, industry, and academia, and the importance of continued support for hydrogen research. It fosters collaboration between Federal agencies, state and local governments, universities, and industry. It encourages private sector investment and cost sharing in the development of hydrogen as an energy source.

The legislation authorizes $250 million over the next five years for research and development of technologies for hydrogen production, storage and use. This will allow advancement of technologies such as smaller-scale production systems that are applicable to distributed-generation and vehicle applications, advanced pressure vessels, photobiological and photocatalytic production of hydrogen, and carbon nanotubes, graphite nanofibers, and fullerenes.

It also authorizes $50 million for conducting integrated demonstrations of hydrogen technologies at government facilities. This will help secure industry participation through competitive solicitations for technology development and testing. It may encourage integration of renewable energy resources with hydrogen storage in distributed power scenarios. It will test the viability of hydrogen production, storage, and use. It will lead to development of hydrogen-based operating experience acceptable to meet safety codes and standards.

By supporting the development of hydrogen technologies, we will be ushering in an era of a non-polluting source of energy that will reduce our dependence on foreign oil. The price we will pay for development of this clean and renewable energy is minuscule compared to the benefits. And Mr. President, if we develop hydrogen technologies, we will be less likely to be held hostage by our friends in the Middle East.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "George E. Brown, Jr. Hydrogen Future Act".

SEC. 2. PURPOSES.

Section 102(b)(2) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401(b)(2)) is amended by striking "among the Federal agencies and aerospace, transportation, energy, and other entities" and inserting ", including education, among the Federal agencies and industry, transportation entities, energy entities, and other entities".

SEC. 3. REPORT TO CONGRESS.

Section 103 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12402) is amended—

(1) in subsection (a), by striking "1999," and inserting "2003,";

(2) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) an analysis of hydrogen-related activities throughout the United States Government to identify productive areas for increased intergovernmental collaboration; and"; and

(3) by adding at the end the following:

"(c) REQUIREMENTS.—The report under subsection (a) shall—

"(1) be based on a comprehensive coordination plan for hydrogen energy prepared by the Department with other Federal agencies; and

"(2) to the extent practicable, include State and local activities.".

SEC. 4. TECHNOLOGY TRANSFER.

Section 106 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12405) is amended—

(1) in subsection (b)—

(A) in the first sentence—

(i) in paragraph (1), by striking "an inventory" and inserting "an update of the inventory"; and

(ii) in paragraph (2), by inserting "other Federal agencies as appropriate," before "and industry"; and

(B) by striking the second and third sentences; and

(2) by adding at the end the following:

"(c) INFORMATION EXCHANGE PROGRAM ACTIVITIES.—The information exchange program under subsection (b)—

"(1) may consist of workshops, publications, conferences, and a database for the use by the public and private sectors; and

"(2) shall foster the exchange of generic, nonproprietary information and technology, developed under this Act, among industry, academia, and the Federal Government, to help the United States economy attain the economic benefits of the information and technology.".

SEC. 5. TECHNICAL PANEL REVIEW.

Section 108(d) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407(d)) is amended—

(1) in the matter preceding paragraph (1), by striking "the following items";

(2) in paragraph (1), by striking "and" at the end;

(3) in paragraph (2), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(3) the plan developed by the interagency task force under section 202(b) of the Hydrogen Future Act of 1996.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 109 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12408) is amended—

(1) in paragraph (8), by striking "and";

(2) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(10) $40,000,000 for fiscal year 2002;

"(11) $45,000,000 for fiscal year 2003;

"(12) $50,000,000 for fiscal year 2004;

"(13) $55,000,000 for fiscal year 2005; and

"(14) $60,000,000 for fiscal year 2006.".

SEC. 7. FUEL CELLS.

(a) INTEGRATION OF FUEL CELLS WITH HYDROGEN PRODUCTION SYSTEMS.—Section 201(a) of the Hydrogen Future Act of 1996 (42 U.S.C. 12403 note; Public Law 104–271) is amended—

(1) by striking "(a) Not later than 180 days after the date of enactment of this section, and subject" and inserting "(a) IN GENERAL.—Subject"; and

(2) by striking "with—" and all that follows and inserting "into Federal and State facilities for stationary and transportation applications.".

(b) COOPERATIVE AND COST-SHARING AGREEMENTS; INTEGRATION OF TECHNICAL INFORMATION.—Title II of the Hydrogen Future Act of 1996 (42 U.S.C. 12403 note; Public Law 104–271) is amended—

(1) by redesignating section 202 as section 205; and

(2) by inserting after section 201 the following:

"SEC. 202. INTERAGENCY TASK FORCE.

"(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this section, the Secretary shall establish an interagency task force led by a Deputy Assistant Secretary of the Department of Energy and comprised of representatives of—

"(1) the Office of Science and Technology Policy;

"(2) the Department of Transportation;

"(3) the Department of Defense;

"(4) the Department of Commerce (including the National Institute for Standards and Technology);

"(5) the Environmental Protection Agency;

"(6) the National Aeronautics and Space Administration; and

"(7) other agencies as appropriate.

"(b) DUTIES.—

"(1) IN GENERAL.—The task force shall develop a plan for carrying out this title.

"(2) FOCUS OF PLAN.—The plan shall focus on development and demonstration of integrated systems and components for—

"(A) hydrogen production, storage, and use in Federal buildings;

"(B) power generation; and

"(C) transportation systems.

"(3) PROJECTS.—The plan may provide for projects to demonstrate the feasibility of—

"(A) hydrogen-based distributed power systems;

"(B) systems for hydrogen-based generation of combined heat, power, and other products; and

"(C) hydrogen-based infrastructure for transportation systems (including zero-emission vehicles).".

"SEC. 203. COOPERATIVE AND COST-SHARING AGREEMENTS.

"The Secretary shall enter into cooperative and cost-sharing agreements with Federal and State agencies for participation by the agencies in demonstrations at sites administered by the agencies, with the aim of replacing commercially available systems based on fossil fuels with systems using fuel cells.

"SEC. 204. INTEGRATION OF TECHNICAL INFORMATION.

"The Secretary shall—

"(1) integrate all the technical information that becomes available as a result of development and demonstration projects under this title; and

"(2) make the information available to all Federal and State agencies.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 205 of the Hydrogen Future Act of 1996 (42 U.S.C. 12403 note; Public Law 104–271) (as redesignated by subsection (b)) is amended by striking "this section, a total of $50,000,000 for fiscal years 1997 and 1998, to remain available until September 30, 1999" and inserting "this title $50,000,000 for fiscal years 2002, 2003, and 2004, to remain available until September 30, 2005".

By Mr. KERREY (for himself, Mr. SANTORUM, Mr. MOYNIHAN, Mr. GRASSLEY, and Mr. BREAUX):

S. 3200. A bill to amend the Social Security Act to provide each American child with a KidSave Account, and for other purposes: to the Committee on Finance.

KIDSAVE ACCOUNTS

Mr. KERREY. Mr. President, many of the things we do in the Senate involve making investments in America's future. Investments in research through the National Science Foundation or investments in infrastructure development through the Department of Transportation reap great rewards for the citizens of tomorrow.

Today, I am pleased to be joined by Senators SANTORUM, MOYNIHAN, GRASSLEY, and BREAUX in introducing a piece of legislation that represents a remarkable new investment in the financial security of future generations of Americans.

This proposal, called KidSave, aims to give every American a stake in the growth of the American economy, to help all Americans accumulate wealth and assets, and to teach all Americans firsthand the value of savings and compounding interest. Not only will this legislation promote savings and investments across all income levels, but it will also help to close the growing wealth gap.

One of the discoveries I have made in researching this idea is that the most important variable in compounding interest rates is time. The earlier you start, the more wealth you build.

One of the poster children for understanding the value of compounding interest is Osceola McCarty. Osceola was a Hattiesburg, Mississippi, washerwoman, who after more than seven decades of low-wage work donated $150,000 to the University of Southern Mississippi—wealth she had built by saving a little bit of money over a long period of time.

Wealth has also empowered the Federal employees I talk to in the halls of the Senate, who are excited about their ability to participate in their government Thrift Savings Plan, TSP, and who talk more knowledgeably than me about index funds and the difference between a stock and bond. These employees, and other workers across the country who are able to participate in employer-sponsored pension plans and IRAs, feel more confident about their own futures and their own retirement security. They are confident that they won't face poverty in their final years.

Our KidSave proposal will gave that same sense of confidence and pride in one's future to all future generations of Americans.

How does KidSave work? The KidSave program would use part of the surplus to provide each newborn child with a $2,000 KidSave retirement savings loan to jumpstart his or her retirement savings. Each KidSave loan will be deposited into a qualified KidSave account. The KidSave program will be administered by the Thrift Savings Plan, TSP, Board. Future KidSave loans will be adjusted for inflation, CPI, beginning in 2008.

Parents and grandparents will be able to add $500 per year to each KidSave account for each child under the age of 19.

A KidSave loan recipient—with no additional account contributions—can expect to generate future retirement savings of $250,000 by the age of 67 (assuming an 8 percent rate of return). Furthermore, since KidSave accounts are personal property, they can be willed on to an heir as part of an estate.

How will these KidSave loans be financed? Our legislation uses Social Security surpluses to finance the loans in the early years of the program. But, as older KidSavers begin to repay their KidSave loans, the program will virtually become self-funded, as the loan repayment revenues are used to fund the KidSave loans of a new generation.

Since the $2,000 KidSave loan is—just that—a loan, KidSavers are expected to pay back the loan amount at the CPI inflated rate starting at age 30. The KidSave loan repayment mechanism is designed in such a way to allow future KidSavers to pay back 20 percent of the loan each year for five years, beginning at the age of 30. In the rare event that an individual's KidSave account may perform poorly, no individual will have to pay more than 20 percent of his total account value back in any given year.

Building upon existing investment structures in the Federal government, KidSave accounts will be managed and administered through the Federal employees' Thrift Savings Plan (TSP). Investment options will be determined by the TSP Board. KidSave account holders and guardians will have the same flexibility in changing their investment distributions as current TSP participants.

As I noted earlier in my remarks, one goal of this proposal is to close the growing wealth gap. Despite all of the glowing media reports about the booming American economy, most of the economic gains of the last decade have gone to families who have owned financial assets. Ed Wolff, the wealth data guru, has reported that the wealthiest 10 percent of households enjoyed 85 percent of the stock market gains between 1989 and 1998. Since 1989, the share of wealth held by the top 1 percent of households grew from 37 percent to 39 percent, while the net worth of the bottom 40 percent of households dropped from .9 percent to .2 percent.

An editorial by the Progressive Policy Institute has called this proposal a democratization of the ownership of financial assets". I think they've hit the nail on the head. This proposal will create universal access to the tools of wealth creation and asset accumulation. It will make future workers less dependent on the Federal government for their retirement income security.

This proposal is also aimed at improving the personal savings rate in the United States. In fact, unlike other spending programs, KidSave loans will not only generate wealth, but also improve national and personal savings rates.

It has been widely reported that the personal savings rate has been in a long and steady decline in the U.S.—according to the Bureau of Economic Analysis, it has dropped from 11 percent in 1981 to 2 percent in 1999. Many workers are spending beyond their means, accumulating more and more consumer debt, while others simply can't afford to save because of high payroll tax rates and low wages. Many of these same workers are relying on Social Security to be their sole or primary source of income at retirement.

But the co-sponsors of this bill recognize that a Social Security retirement check isn't enough to live on. The average Social Security check in Nebraska is $766 a month. Nationwide, eighteen percent of beneficiaries have no other source of income. Another 12 percent rely on Social Security for more than 90 percent of their income, and nearly two-thirds overall derive more than half their income from that small check. For many of them, it's not enough. Our proposal is based on the idea that retirees need both income and wealth.

And Mr. President, that opportunity to hold assets and create wealth is an opportunity we can open today to every baby born in America. Guaranteed. I urge my colleagues to support this legislation.

By Mr. BIDEN:

S. 3202. A bill to amend title 18, United States Code, with respect to biological weapons; to the Committee on the Judiciary.

DANGEROUS BIOLOGICAL AGENT AND TOXIN CONTROL ACT OF 2000

Mr. BIDEN. Mr. President, today I am introducing the Dangerous Biological Agent and Toxin Control Act of 2000. Similar legislation was originally submitted by the Administration in 1999 as part of a larger anti-crime proposal.

Today a terrorist attack in the United States using chemical or biological weapons is one of the most significant terrorist threats we face. In recent years, through the ratification of the Chemical Weapons Convention and the enactment of the related implementing legislation, we have provided several statutory safeguards designed to prevent and deter against an attack using chemical weapons. But gaps remain in our laws regulating biological pathogens. It is essential not only that America be fully prepared to respond to such an attack, but also that we take steps to prevent them from happening in the first place.

Currently, federal law bans only the development and possession of biological agents for use as a weapon. But there are sensible things that we can do in the near term to give federal law enforcement the tools that they need to protect our country from these threats—before they materialize into unspeakable scenarios.

Earlier this year, the National Commission on Terrorism reported to Congress. Among its conclusions was that the federal laws regarding the possession of dangerous pathogens are currently insufficient. The Commission specifically recommended, among other things, that Congress make it illegal for anyone not properly certified to possess certain critical pathogens. And they were right.

The bill I introduce today fill several gaps in the law.

First, the bill will make it unlawful for anyone to possess biological agent, toxin or delivery system of a type or in a quantity that under the circumstances is not reasonably justified by a prophylactic, protective or other peaceful purpose. Second, the bill makes it unlawful to handle a biological agent with conscious disregard of an unreasonable risk to public health and safety. Third, the legislation makes it unlawful to knowingly communicate false, but believable information, concerning an activity which would constitute a violation of this statute. Finally, the bill requires people to report to the federal government their possession of listed biological agents, prohibits the transfer of a listed biological agent to a person who is not registered and makes possession by certain restricted persons—such as convicted felons—unlawful.

Closing these gaps in the law would be a modest but important step to prevent and deter a terrorist act involving biological agents. This should not be a partisan issue. This is an issue of governance, not politics. From Wilmington to Washington State, our constituents need protection and expect and deserve nothing less.

Mr. President, I recognize that the Congressional session is about to end, and therefore it is too late for the bill to be considered this year. But I wanted to introduce the bill now so that it would be available for review by my colleagues and other interested parties inside and outside of government. In particular, I invite comment by interested parties in the scientific community, the business community, and the civil liberties community. I regard the bill I introduce today as an initial draft that is a work in progress, and I welcome constructive comments and suggestions for improvement. I look forward to working with my colleagues on the Committee on the Judiciary early in the next session of Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dangerous Biological Agent and Toxin Control Act of 2000".

SEC. 2. EXPANSION OF THE BIOLOGICAL WEAPONS STATUTE.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) certain biological agents and toxins have the potential to pose a severe threat to the Nation's public health and safety, and thereby affect interstate and foreign commerce;

(B) the Secretary of Health and Human Services has published a list of biological agents and toxins that pose a severe threat to the Nation's public health and safety as an appendix to part 72 of title 42, Code of Federal Regulations;

(C) biological agents and toxins can be used as weapons by individuals or organizations for the purpose of domestic or international terrorism or for other criminal purposes;

(D) terrorists and other criminals can also harm national security, drain the limited resources of all levels of government devoted to thwarting biological weapons, and damage interstate and foreign commerce by threatening to use, and by falsely reporting efforts to use, biological agents and toxins as weapons;

(E) the Biological Weapons Convention obligates the United States to take necessary measures within the United States to prohibit and prevent the development, production, stockpiling, acquisition, or retention of biological agents and toxins of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes;

(F) the mere possession of biological agents and toxins is a potential danger that affects the obligations of the United States under the Biological Weapons Convention and affects interstate and foreign commerce; and

(G) persons in possession of harmful biological agents and toxins should handle them in a safe manner and, in the case of agents and toxins listed by the Department of Health and Human Services as posing a severe threat to the Nation's public health and safety, report their possession and the purpose for their possession to the appropriate Federal agency in order to ensure that such possession is for peaceful scientific research or development.

(2) PURPOSES.—The purposes of this section are to—

(A) strengthen the implementation by the United States of the Biological Weapons Convention and to ensure that biological agents and toxins are possessed for only prophylactic, protective, or other peaceful purposes;

(B) establish penalties for the false reporting of violations of chapter 10 of title 18, United States Code (relating to biological weapons); and

(C) improve the statutory definitions relating to biological weapons.

(b) ADDITIONAL MEASURES.—

(1) IN GENERAL.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

"(c) ADDITIONAL PROHIBITIONS RELATING TO BIOLOGICAL AGENTS, TOXINS, AND DELIVERY SYSTEMS.—

"(1) UNLAWFUL POSSESSION.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. Knowledge of whether the type or quantity of any biological agent, toxin, or delivery system is reasonably justified by a prophylactic, protective, or other peaceful purpose is not an element of the offense. For purposes of this paragraph, the terms 'biological agent' and 'toxin' do not encompass any biological agent or toxin that is in its naturally occurring environment, if such agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

"(2) UNSAFE HANDLING.—

"(A) IN GENERAL.—Whoever, with conscious disregard of an unreasonable risk to public health and safety, handles an item knowing it to be a biological agent, toxin, or delivery system in a manner that grossly deviates from accepted norms, shall be fined under this title, imprisoned not more than 1 year, or both.

"(B) AGGRAVATED OFFENSE.—Whoever in the course of a violation of subparagraph (A) causes bodily injury (as defined in section 1365(g)(4) of this title) to any individual (other than the perpetrator)—

"(i) shall be fined under this title, imprisoned not more than 10 years, or both; and

"(ii) if death results from the offense, shall be fined under this title, imprisoned for any term of years or for life, or both fined and imprisoned.

"(d) FALSE INFORMATION.—

"(1) CRIMINAL VIOLATION.—Whoever communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, concerning the existence of activity that would constitute a violation of subsection (a) or (c) shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) CIVIL PENALTY.—Whoever communicates information, knowing the information to be false, concerning the existence of activity that would constitute a violation of subsection (a) or (c) is liable to the United States or any State for a civil penalty of the greater of $10,000 or the amount of money expended by the United States or the State in responding to the false information.

"(e) REPORTING, TRANSFER, AND POSSESSION OF SELECT AGENTS.—

"(1) OBLIGATION TO REPORT.—Any person who possesses a select agent shall report such possession to the designated agency, in the manner prescribed by the designated agency, within 72 hours of the effective date of the regulation issued by that agency pursuant to this paragraph or within 72 hours of subsequently obtaining possession of the agent or toxin, except that, if such person is a registered entity, the reporting, if any, shall be in the manner as otherwise directed by regulation by the designated agency. If a person complies with this paragraph, there is no obligation for any employee of such person to file a separate report concerning the employee's possession of a select agent in the workplace of such person.

"(2) CRIMINAL PENALTY FOR WILLFUL FAILURE TO REPORT.—Any person who willfully fails to make the report required by paragraph (1) within the prescribed period shall be fined under this title, imprisoned not more than 3 years, or both. In this paragraph, the term 'willfully' means an intentional violation of a known duty to report.

"(3) CIVIL PENALTY FOR FAILURE TO REPORT.—Any person who fails to make the report required by paragraph (1) within the prescribed period is liable to the United States for a civil penalty of $5,000.

"(4) PENALTY FOR POSSESSION OF UNREPORTED SELECT AGENTS.—Any person who knowingly possesses a biological agent or toxin that is a select agent for which a report required by paragraph (1) has not been made shall be fined under this title, imprisoned not more than 1 year, or both.

"(5) UNAUTHORIZED TRANSFER OF SELECT AGENTS.—Whoever knowingly transfers a select agent to any person who is not a registered entity shall be fined under this title, imprisoned not more than 5 years, or both. For purposes of this paragraph, the term 'transfers' does not encompass the transfer of a select agent within the workplace between employees of the same registered entity, or between employees of any person who has filed the report required by paragraph (1), if the transfer is authorized by such entity or person.

"(6) POSSESSION OF SELECT AGENTS BY RESTRICTED INDIVIDUALS.—

"(A) PROHIBITION ON POSSESSION.—Except as otherwise provided in this section or in section 2(b)(3)(G) of the Dangerous Biological Agent and Toxin Control Act of 2000, no restricted individual shall knowingly possess or attempt to possess any biological agent or toxin if that biological agent or toxin is a select agent.

"(B) PENALTY.—Any individual who violates subparagraph (A) shall be fined under this title, imprisoned not more than 5 years, or both.

"(C) EMPLOYERS OF INDIVIDUALS WHO POSSESS SELECT AGENTS.—Employers of individuals who will possess select agents in the course of their employment shall require such individuals, prior to being given access to select agents, to complete a form in which the individual affirms or denies the existence of each of the restrictions set forth in section 178(8) of this title. In the case of individuals already employed as of the date of enactment of this subsection who possess select agents in the course of their employment, employers shall, not later than 90 days after the date of enactment of this subsection, require those individuals to complete such a form. Such form shall be retained by the employer for not less than 5 years after the individual terminates his employment with that employer.

"(D) EMPLOYEES.—

"(i) Whoever willfully and knowingly falsifies or conceals a material fact or makes any materially false, fictitious, or fraudulent statement or representation in completing the form required under subparagraph (C) shall be fined under this title, imprisoned not more than 5 years, or both.

"(ii) The prohibition of subparagraph (A) does not apply to possession by a restricted individual of a select agent in the workplace of his employer if the basis for the prohibition relates solely to subparagraph (A) or (B)(i) of section 178(8) of this title and a determination is made to waive the prohibition in accordance with the rules and procedures established pursuant to subsection (f).

"(iii) The prohibition of subparagraph (A) does not apply to possession by a restricted individual of a select agent in the workplace of his employer if the basis for the prohibition relates solely to subparagraph (B)(ii) or (G) of section 178(8) of this title and is more than 5 years old (not counting time served while in custody), and a determination is made to waive the prohibition in accordance with the rules and procedures established pursuant to subsection (f).

"(iv) For the purposes of this subparagraph, the term 'employer' means any person who is a registered entity or has filed the report required by section 175(e)(1) of this title and employs a restricted individual.

"(E) CERTAIN NONPERMANENT RESIDENT ALIENS.—The prohibition of subparagraph (A) does not apply to possession by a restricted individual of a select agent if the basis for the prohibition relates solely to subparagraph (F) of section 178(8) of this title, and the restricted individual has received a waiver from the agency designated to carry out the functions of this subparagraph. The designated agency may issue a waiver if it determines, in consultation with the Attorney General, that a waiver is in the public interest.

"(f) WAIVERS OF RESTRICTIONS ON POSSESSION OF SELECT AGENTS IN COURSE OF EMPLOYMENT.—The agency designated to carry out this subsection, after consultation with appropriate agencies, with representatives of the scientific and medical community, and with other appropriate public and private entities and organizations (including consultation concerning employment practices in working with select agents), shall establish the rules and procedures governing waivers of the provisions of subsection (e)(6)(A) with respect to possession of select agents by restricted individuals in the course of employment. Such rules and procedures shall address, among other matters as found appropriate by the designated agency, whether (or the circumstances under or the extent to which) the determination to grant a waiver shall be reserved to the Government, or may be made by the employer (either with or without consultation with the Government).

"(g) REIMBURSEMENT OF COSTS.—

"(1) CONVICTED DEFENDANT.—

"(A) SUBSECTION (a), (c), or (e).—The court shall order any person convicted of an offense under subsection (a), (c), or (e) to reimburse the United States or any State for any expenses incurred by the United States or the State incident to the seizure, storage, handling, transportation, and destruction or other disposal of any property that was seized in connection with an investigation of the commission of such offense by that person.

"(B) SUBSECTION (d)(1).—The court shall order any person convicted of an offense under subsection (d)(1) to reimburse the United States for any expenses incurred by the United States incident to the investigation of the commission by that person of such offense, including the cost of any response made by any Federal military or civilian agency to protect public health or safety.

"(2) OWNER LIABILITY.—The owner or possessor of any property seized and forfeited under this chapter shall be liable to the United States for any expenses incurred incident to the seizure and forfeiture, including any expenses relating to the handling, storage, transportation, and destruction or other disposition of the seized and forfeited property.

"(3) JOINTLY AND SEVERALLY LIABLE.—A person ordered to reimburse the United States for expenses under this chapter shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under this subsection to reimburse the United States for the same expenses.".

(2) TECHNICAL CLARIFICATIONS.—

(A) SECTION 175.—Section 175(a) of title 18, United States Code, is amended by striking "section" and inserting "subsection".

(B) SECTION 176.—Section 176(a)(1)(A) of title 18, United States Code, is amended by striking "exists by reason of" and inserting "pertains to".

(3) DESIGNATION OF RESPONSIBLE AGENCIES.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall designate—

(i) the agency responsible for prescribing the regulation required by section 175(e)(1) of title 18, United States Code;

(ii) the agency responsible for granting the waivers under section 175(e)(6)(E) of title 18, United States Code; and

(iii) the agency responsible for implementing the waiver provisions of section 175(f) of title 18, United States Code.

(B) REGULATIONS.—The agencies designated pursuant to subparagraph (A)—

(i) shall issue proposed rules not later than 90 days after the date of the President's designation; and

(ii) shall issue final rules not later than 270 days after the date of enactment of this Act.

(C) INSPECTIONS.—The agency designated pursuant to subparagraph (A)(i) may inspect the facilities of any person who files a report required by section 175(e)(1) of title 18, United States Code, to determine whether the person is handling the select agent in a safe manner, whether he is holding such agent for a prophylactic, protective, or other peaceful purpose, and whether the type and quantity being held are reasonable for that purpose. Any agency designated pursuant to subparagraph (A) may inspect any form required by section 175(e)(6)(C) of title 18, United States Code, and any documentation relating to a determination made pursuant to section 175(e)(6)(D) of that title. The designated agency shall endeavor to not interfere with the normal business operations of any such facility.

(D) FREEDOM OF INFORMATION ACT EXEMPTION.—Any information provided to the Secretary of Health and Human Services pursuant to regulations issued under section 511(f) of the Antiterrorism and Effective Death Penalty Act of 1996 (42 C.F.R. 72.6) or to the designated agency under section 175(e)(1) of title 18, United States Code, shall not be disclosed under section 552 of title 5, United States Code. The Secretary or the designated agency may use and disclose such information to protect the public health, and shall also disclose any such relevant information to the Attorney General for use in any investigation or other proceeding to enforce any law relating to select agents or any other law. Any such information shall be made available to any committee or subcommittee of Congress with appropriate jurisdiction upon the written request of the Chairman or Ranking Member of such committee or subcommittee, except that no such committee or subcommittee, and no member and no staff member of such committee or subcommittee, shall disclose such information except as otherwise required or authorized by law.

(E) CLARIFICATION OF THE SCOPE OF THE SELECT AGENT RULE.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1284) is amended—

(i) in each of subsections (a), (d), and (e)—

(I) by inserting "and toxins" after "agents" each place it appears; and

(II) by inserting "or toxin" after "agent" each place it appears; and

(ii) in subsection (g)(1), by striking "the term 'biological agent' has" and inserting "the terms 'biological agent' and 'toxin' have".

(F) EFFECTIVE DATES.—

(i) Subparagraph (D) shall take effect on the effective date for the final rule issued pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1284).

(ii) The amendments made by subparagraph (E) shall take effect as if included in the enactment of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1284).

(G) TRANSITIONAL EXEMPTIONS.—

(i) The prohibition created by section 175(e)(6)(A) of title 18, United States Code, shall not apply to the possession of a select agent in the workplace of an employer (as defined in section 175(e)(6)(D)(iv) of title 18, United States Code) by a restricted individual (as defined in subparagraph (A), (B), or (G) of section 178(8) of title 18, United States Code), until the effective date of the regulations issued to implement section 175(f) of title 18, United States Code, or 270 days after the date of enactment of this Act, whichever occurs earlier.

(ii) The prohibition created by section 175(e)(6)(A) of title 18, United States Code, shall not apply to the possession of a select agent by a restricted individual (as defined in section 178(8)(F) of title 18, United States Code), until the effective date of the regulations issued to implement section 175(e)(6)(E) of title 18, United States Code, or 270 days after the enactment of this Act, whichever occurs earlier.

(c) DEFINITIONAL AMENDMENTS.—

(1) SECTION 178.—Section 178 of title 18, United States Code, is amended—

(A) in paragraph (1), by striking "means any microorganism, virus, or infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product" and inserting the following: "means any microorganism (including, but not limited to, bacteria, viruses, fungi, rickettsiae, or protozoa), or infectious substance, or any naturally occurring, bioengineered or synthesized component of any such microorganism or infectious substance";

(B) in paragraph (2), by striking "means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including" and inserting the following: "means the toxic material or product of plants, animals, microorganisms (including, but not limited to, bacteria, viruses, fungi, rickettsiae, or protozoa), or infectious substances, or a recombinant or synthesized molecule, whatever their origin and method of production, and includes";

(C) in paragraph (4)—

(i) by striking "recombinant molecule, or biological product that may be engineered as a result of biotechnology" and inserting "recombinant or synthesized molecule"; and

(ii) by striking "and" at the end;

(D) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(6) the term 'select agent' means a biological agent or toxin that is on the list established by the Secretary of Health and Human Services pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1284) that is not exempted under part 72.6(h) of title 42, Code of Federal Regulations or appendix A to such part (or any successor to either such provision), except that the term does not include any such biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source;

"(7) the term 'registered entity' means a registered facility, or a certified laboratory exempted from registration, pursuant to the regulations promulgated by the Secretary of Health and Human Services under section 511(f) of the Antiterrorism and Effective Death Penalty Act of 1996 (42 C.F.R. 72.6(a), 72.6(h));

"(8) the term 'restricted individual' means an individual who—

"(A) is under indictment for a crime punishable by imprisonment for a term exceeding 1 year;

"(B) has been convicted in any court of a crime—

"(i) punishable by imprisonment for a term exceeding 1 year but not more than 5 years; or

"(ii) punishable by imprisonment for a term exceeding 5 years;

"(C) is a fugitive from justice;

"(D) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(E) is an alien illegally or unlawfully in the United States;

"(F) is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (or its successor law), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination, which remains in effect, that such country has repeatedly provided support for acts of international terrorism; or

"(G) has been discharged from the Armed Forces of the United States under dishonorable conditions;

"(9) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3));

"(10) the term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

"(11) the term 'designated agency' means—

"(A) except as provided in subparagraphs (B) and (C) of this paragraph, the agency designated by the President under section 2(b)(3)(A)(i) of the Dangerous Biological Agent and Toxin Control Act of 2000";

"(B) for purposes of section 175(e)(6)(E) of this title, the agency designated by the President under section 2(b)(3)(A)(ii) of the Dangerous Biological Agent and Toxin Control Act of 2000; and

"(C) for purposes of section 175(f) of this title, the agency designated by the President under section 2(b)(3)(A)(iii) of the Dangerous Biological Agent and Toxin Control Act of 2000; and

"(12) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States, including any political subdivision thereof.".

(2) SECTION 2332A.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), by striking ", including any biological agent, toxin, or vector (as those terms are defined in section 178)"; and

(B) in subsection (c)(2)(C), by striking "a disease organism" and inserting "any biological agent, toxin, or vector (as those terms are defined in section 178 of this title)".

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. MILLER, his name was added as a cosponsor of S. 4, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

S. 5

At the request of Mr. MILLER, his name was added as a cosponsor of S. 5, a bill to reduce the transportation and distribution of illegal drugs and to strengthen domestic demand reduction, and for other purposes.

S. 12

At the request of Mr. MILLER, his name was added as a cosponsor of S. 12, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals.

S. 14

At the request of Mr. MILLER, his name was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 25

At the request of Mr. MILLER, his name was added as a cosponsor of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 227

At the request of Mr. MILLER, his name was added as a cosponsor of S. 227, a bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Virginia (Mr. ROBB), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 1020, supra.

S. 1163

At the request of Mr. BENNETT, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1163, a bill to amend the Public Health Service Act to provide for research and services with respect to lupus.

S. 1364

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1364, a bill to amend title IV of the Social Security Act to increase public awareness regarding the benefits of lasting and stable marriages and community involvement in the promotion of marriage and fatherhood issues, to provide greater flexibility in the Welfare-to-Work grant program for long-term welfare recipients and low income custodial and noncustodial parents, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Oregon (Mr. SMITH), the Senator from North Dakota (Mr. DORGAN), the Senator from Texas (Mrs. HUTCHISON), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1593

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1593, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

S. 1721

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1721, a bill to provide protection for teachers, and for other purposes.

S. 1874

At the request of Mr. GRAHAM, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 2337

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2829

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2829, a bill to provide for an investigation and audit at the Department of Education.

S. 2914

At the request of Mr. ALLARD, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2914, a bill to amend the National Housing Act to require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon payment of their FHA-insured mortgages.

S. 2938

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

At the request of Mr. MILLER, his name was added as a cosponsor of S. 2938, supra.

S. 2962

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2962, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

S. 3060

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Kansas (Mr. BROWNBACK), the Senator from Maryland (Mr. SARBANES), the Senator from Maine (Ms. SNOWE), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 3133

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3133, a bill to provide compensation to producers for underestimation of wheat protein content.

S. 3137

At the request of Mr. SESSIONS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3137, a bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

S. 3145

At the request of Mr. BREAUX, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 3145, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities.

S. 3147

At the request of Mr. ROBB, the names of the Senator from Massachusetts (Mr. KERRY), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3152

At the request of Mr. ROTH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3181

At the request of Mr. HAGEL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3183

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 3183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 3186

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. BIDEN) was withdrawn as a cosponsor of S. 3186, a bill to amend title 11, United States Code, and for other purposes.

S. 3187

At the request of Mr. ROTH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 3187, a bill to require the Secretary of Health and Human Services to apply aggregate upper payment limits to non-State publicly owned or operated facilities under the medicaid program.

S. 3188

At the request of Mr. KYL, the name of the Senator from California (Mrs. FEINSTEIN) was withdrawn as a cosponsor of S. 3188, a bill to facilitate the protection of the critical infrastructure of the United States, to enhance the investigation and prosecution of computer-related crimes, and for other purposes.

S. CON. RES. 9

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Con. Res. 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. J. RES. 14

At the request of Mr. MILLER, his name was added as a cosponsor of S. J. Res. 14, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 69

At the request of Mr. MILLER, his name was added as a cosponsor of S. Res. 69, a resolution to prohibit the consideration of retroactive tax increases in the Senate.

S. RES. 339

At the request of Mr. REID, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Utah (Mr. BENNETT), the Senator from Montana (Mr. BURNS), the Senator from Colorado (Mr. CAMPBELL), the Senator from Maine (Ms. COLLINS), the Senator from Idaho (Mr. CRAIG), the Senator from New Mexico (Mr. DOMENICI), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. THURMOND), the Senator from Oklahoma (Mr. NICKLES), the Senator from Alabama (Mr. SHELBY), the Senator from Hawaii (Mr. AKAKA), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Oregon (Mr. WYDEN), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as "National Survivors of Suicide Day."

S. RES. 340

At the request of Mr. REID, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from New Hampshire (Mr. SMITH), the Senator from Virginia (Mr. WARNER), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 340, a resolution designating December 10, 2000, as "National Children's Memorial Day."

S. RES. 343

At the request of Mr. FITZGERALD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

SENATE CONCURRENT RESOLUTION 150—RELATING TO THE REESTABLISHMENT OF REPRESENTATIVE GOVERNMENT IN AFGHANISTAN

Mr. BROWNBACK (for himself and Mr. TORRICELLI) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 150

Whereas Afghanistan has existed as a sovereign nation since 1747, maintaining its independence, neutrality, and dignity;

Whereas Afghanistan had maintained its own decisionmaking through a traditional process called a "Loya Jirgah", or Grand Assembly, by selecting, respecting, and following the decisions of their leaders;

Whereas recently warlords, factional leaders, and foreign regimes have laid siege to Afghanistan, leaving the landscape littered with landmines, making the most fundamental activities dangerous;

Whereas in recent years, and especially since the Taliban came to power in 1996, Afghanistan has become a haven for terrorist activity, has produced most of the world's opium supply, and has become infamous for its human rights abuses, particularly abuses against women and children;

Whereas the former King of Afghanistan, Mohammed Zahir Shah, ruled the country peacefully for 40 years, and after years in exile retains his popularity and support; and

Whereas former King Mohammed Zahir Shah plans to convene an emergency "Loya Jirgah" to reestablish a stable government, with no desire to regain power or reestablish a monarchy, and the Department of State supports such ongoing efforts: Now, therefore, be it

Resolved by the Senate (the House of Represcntatives concurring), That the United States—

(1) supports the democratic efforts that respect the human and political rights of all ethnic and religious groups in Afghanistan, including the effort to establish a "Loya Jirgah" process that would lead to the people of Afghanistan determining their own destiny through a democratic process and free and fair elections; and

(2) supports the continuing efforts of former King Mohammed Zahir Shah and other responsible parties searching for peace to convene a Loya Jirgah—

(A) to reestablish a representative government in Afghanistan that respects the rights of all ethnic groups, including the right to govern their own affairs through inclusive institution building and a democratic process;

(B) to bring freedom, peace, and stability to Afghanistan; and

(C) to end terrorist activities, illicit drug production, and human rights abuses in Afghanistan.

SENATE RESOLUTION 371—EXPRESSING THE SENSE OF THE SENATE THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED TO HONOR SCULPTOR KORCZAK ZIOLKOWSKI

Mr. DASCHLE (for himself, Mr. JOHNSON, Mr. BINGAMAN, Mr. LEVINE, and Mr. CONRAD) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 371

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux warrior Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korzcak Ziolowski's marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World's Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas later that year, Korzcak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas while in South Dakota, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave warrior Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculptures aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, for the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the tallest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak's wife Ruth and the Ziolkowski family have continued to work on the Memorial and to expand upon the dream of Korczak Ziolkowski; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private donations and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski for his upcoming 100th birthday.

SENATE RESOLUTION 372—A RESOLUTION EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 1322

Mr. LOTT (for Mr. GRAMS (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 372

Whereas in an Emergency Special Session, the United Nations Security Council voted on October 7, 2000, to approve Resolution 1322, which unfairly blames Israel for the outbreak of violence and politicizes the Geneva Convention;

Whereas Resolution 1322 singles out Israel for the use of excessive force against Palestinians while ignoring identical acts perpetrated by Palestinians against Israelis;

Whereas Resolution 1322 incorrectly labels the September 28, 2000, visit of Israeli opposition leader Ariel Sharon to Temple Mount, a holy place open to all members of all faiths, as the "provocation" for violence;

Whereas there is clear evidence this violence was a premeditated and coordinated action by the Palestinian Authority and Palestinian militias;

Whereas Israeli army officials noted a sharp increase in attacks against security forces and Israeli civilians in the weeks before September 28, 2000, including the killing of one soldier and the wounding of another in a Gaza Strip ambush on September 27;

Whereas the Palestinian Authority has used official Palestinian television and the Voice of Palestine radio to incite violence;

Whereas there is evidence that Fatah leader Marwan Barghouti, Chairman Arafat's top political lieutenant in the West Bank, has been orchestrating the rioting of armed uniformed police and civilians;

Whereas the United States refused to veto Resolution 1322, although United States Ambassador to the United Nations Richard Holbrooke reportedly declared it "unbalanced, biased, and really a lousy piece of work"; and

Whereas the United States has vetoed three anti-Israel Security Council Resolutions since the 1993 Oslo Accords and has still played a constructive role in the peace process as an "honest broker": Now, therefore, be it

Resolved, That the Senate hereby—

(1) denounces the United States failure to vote against United Nations Security Council Resolution 1322;

(2) condemns the United Nations Security Council for its discrimination against the State of Israel and its efforts to manipulate the Fourth Geneva Conference for the sole purpose of attacking Israel; and

(3) urges the leaders of the Israeli and Palestinian peoples to seek a secure future through the end of violence and the resumption of the peace process.

SENATE RESOLUTION 373—RECOGNIZING THE 225TH BIRTHDAY OF THE UNITED STATES NAVY

Mr. LUGAR (for himself and Mr. McCAIN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 373

Whereas on Friday, October 13, 1775, the Continental Congress, representing the citizens of 13 American colonies, passed a resolution which stated "That a swift sailing vessel, to carry ten carriage guns, and a proportionable number of swivels, with eighty men, be fitted, with all possible dispatch, for a cruise of three months, and that the commander be instructed to cruise eastward, for intercepting such transports as may be laden with warlike stores and other supplies for our enemies, and for such other purposes as the Congress shall direct.";

Whereas the founders recognized the essential nature of a Navy to the strength and longevity of the Nation by providing authority to Congress "To provide and maintain a Navy" in article I of the Constitution;

Whereas a Naval Committee was established to build a fitting Navy for our fledgling country, acquire and fit out vessels for sea, and draw up regulations;

Whereas the Continental Navy began a proud tradition, carried out for 225 years by our United States Navy, to protect our island Nation and pursue the causes of freedom we hold so dear;

Whereas, for the past 225 years, the central mission of the Navy has been to protect the interests of our Nation around the world on the high seas, to fight and win the wars of our Nation, and to maintain control of the sea lines of communication enabling this Nation and other free nations to grow and prosper;

Whereas, whether in peace or at war, United States citizens around the world can rest assured that the United States Navy is on watch, ever vigilant, and ready to respond;

Whereas, for the past 225 years, Navy men and women, as both ambassadors and warriors, have won extraordinary distinction and respect for the Nation and its Navy on the high seas, among the ocean depths, on distant shores, and in the skies above;

Whereas the core values of "Honor, Courage, and Commitment" are the guides by which United States sailors live and serve;

Whereas the United States Navy today is the most capable, most respected, and most effective sea service in the world;

Whereas 75 percent of the land masses in the world are bounded by water and 75 percent of the population of the world lives within 100 miles of the sea, assuring that our Naval forces will continue to be called upon to respond to emerging crises, to maintain freedom of the sea, to deter would-be aggressors, and to provide our allies with a visible reassurance of the support of the United States of America; and

Whereas, no matter what the cause, location, or magnitude of future conflicts, the Nation can rely on its Navy to produce well-trained, well-led, and highly motivated sailors to carry out the missions entrusted to them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the 225th birthday of the United States Navy;

(2) expresses the appreciation of the people of the United States to the Navy, and the men and women who have served in the Navy, for 225 years of dedicated service;

(3) honors the courage, commitment, and sacrifice that Americans have made throughout the history of the Navy; and

(4) gives special thanks to the extended Navy family of civilians, family members, and loved ones who have served and supported the Navy for the past 225 years.

SENATE RESOLUTION 374—DESIGNATING OCTOBER 17, 2000, AS A "DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE"

Mrs. MURRAY (for herself and Mr. WARNER) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 374

Whereas young people are our Nation's most important resource, and we, as a society, have a vested interest in enabling children to grow in an environment free from fear and violence;

Whereas young people can, by taking responsibility for their own decisions and actions, and by positively influencing the decisions and actions of others, help chart a new and less violent direction for the entire Nation;

Whereas students in every school district in the Nation will be invited to take part in a day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

Whereas the observance of October 17, 2000, as a "Day of National Concern About Young People and Gun Violence" will allow students to make a positive and earnest decision about their future in that such students will have the opportunity to voluntarily sign the "Student Pledge Against Gun Violence", and promise that they will never take a gun to school, will never use a gun to settle a dispute, and will actively use their influence in a positive manner to prevent friends from using guns to settle disputes: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 17, 2000, as a "Day of National Concern About Young People and Gun Violence"; and

(2) requests that the President issue a proclamation calling on the school children of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 375—SUPPORTING THE EFFORTS OF BOLIVIA'S DEMOCRATICALLY ELECTED GOVERNMENT

Mr. LUGAR (for himself, Mr. DODD, Mr. HELMS, Mr. DEWINE, and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 375

Whereas the stability of democracy in Latin America and the eradication of illegal narcotics from the Andean nations are vital national security interests of the United States;

Whereas the democratically elected Government of Bolivia has taken dramatic steps to eradicate illegal narcotics under the Dignity Plan, resulting in the elimination of 80 percent of the illegal coca crop in just two years, a record of achievement unmatched worldwide;

Whereas the Government of Bolivia is now approaching the completion of coca eradication in the Chapare and will begin eradication operations in the Yungas regions in 2002;

Whereas there are indications that narcotics traffickers from outside Bolivia are stepping up efforts to keep a foothold in Bolivia by agitating among the rural poor and indigenous populations, creating civil disturbances, blockading roads, organizing strikes and protests, and taking actions designed to force the Government of Bolivia to abandon its aggressive counter narcotics campaign; and

Whereas the government of Bolivian President Hugo Banzer Suarez has shown remarkable restraint in dealing with the protesters through dialogue and openness while respecting human rights: Now, therefore, be it

Resolved, That (a) the Senate calls upon the Government of Bolivia to continue its successful program of coca eradication and looks forward to the Government of Bolivia achieving its commitment to the total eradication of illegal coca in Bolivia by the end of 2002.

(b) It is the sense of the Senate that—

(1) the United States, as a full partner in Bolivia's efforts to build democracy, to eradicate illegal narcotics, and to reduce poverty through development and economic growth, should fully support the democratically elected Government of Bolivia;

(2) the release of emergency supplemental assistance already approved by the United States for sustainable development activities in Bolivia should be accelerated;

(3) on a priority basis, the President should look for additional ways to provide increased tangible support to the people and Government of Bolivia;

(4) the Government of Bolivia should continue to respect the human rights of all of its citizens and to continue to discuss legitimate concerns of Bolivia's rural population; and

(5) Indigenous leaders should enter into serious discussions with the government on issues of concern and cease provocative acts that could lead to escalating violence.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. LUGAR. Mr. President, I rise to introduce a resolution in support of democracy and drug eradication in Bolivia. I'm pleased that I have been joined by several colleagues in a bipartisan initiative to applaud and support one of the most successful drug-eradication programs in the world.

Our resolution recognizes that extraordinary achievements of Bolivia's narcotics elimination program. It urges the Government of Bolivia to continue its program of drug elimination while upholding the rule of law and safeguarding human rights. It also urges the indigenous leaders to cease provocative acts and begin discussions with the Government of Bolivia to resolve outstanding issues.

For nearly two weeks now, Bolivia has been confronting one of the worst social upheavals the country has endured in the past two decades. The turmoil has been perpetrated by diverse forces in Bolivia, particularly those who wish to reverse the drug eradication program in the country.

A destabilization campaign, initiated by drug traffickers, has resulted in a number of protests that have virtually paralyzed the country. Roads that connect the major cities of the country were destroyed and blockaded and the flow of food to the urban centers has been interrupted. Nearly a dozen people have died and more have been injured by acts of violence. Economic losses are estimated at more than $160 million and growing.

The protesters, who are led by coca growers, were demanding the resignation of the President, the suspension of the anti-drug strategy, and the elimination of plans to build a U.S. funded military installation in the Chapare region—the region where most illegal coca has been cultivated. They also demand that the Government allow peasants of the Chapare to replant about 6,000 hectares of coca, which, if that is allowed to happen, would yield roughly 42 tons of cocaine.

President Banzer has flatly rejected most demands to changes in the Bolivian drug strategy, the Dignity Plan. He has, nevertheless, agreed to suspend plans for the construction of a new military installation in the Chapare and proposed to refurbish the existing installation instead.

Other groups in Bolivia have added a number of unrelated demands which appeared to be coordinated by or to be in concert with the coca leaders. Teachers, for example, have demanded pay raises, inmates have asked for better jail conditions, peasants demanded a modification of laws on land ownership, doctors requested better pay, and agitators exploited the current state of affairs to amplify racial division. Isolated by themselves, these may be reasonable requests but when they are raised or orchestrated by drug traffickers, the goals become more malevolent.

The protesters formed a coordinated block with the intent to make the government deal with all the demands together, in the form of a comprehensive package.

There is little doubt that the largest risk for the country lies with the "cocalero" movement—the peasant coca growers—that is supported by regional drug trafficking interests. The drug traffickers are embarking on a desperate effort to reverse the anti-drug plan being waged by the Bolivian Government and turn back the remarkable progress in drug eradication that has been accomplished in the past few years.

Coca leaders and the drug traffickers are aware that their leadership and the ill-gotten riches they derive from illegal narcotics will end if the final 1,800 hectares of coca in the Chapare are destroyed. This helps explain the intransigence of its leaders. During this crisis, the government has demonstrated a steady dedication to seek agreements through dialogue while retaining a respect for human rights.

It is important to keep in mind that the current turmoil in Bolivia is occurring at a time when Bolivia is set to complete its program of coca eradication while simultaneously facing a serious economic crisis. Of the 40,000 hectares which have been used for the cultivation of coca, only 1,800 hectares remain.

The Bolivian economy have taken a big hit from its effort to combat drug trafficking. The fight against drug trafficking alone has resulted in the loss of 3% of Bolivia's GDP. The fight against contraband and customs reforms have absorbed another 3% of the GDP of Bolivia. This is all the more remarkable because this pan to eradicate drugs has taken place in a country where 7 out of 10 Bolivians live on $2 a day, an income which is very much below the poverty line.

For these and other reasons, the Government of Bolivia has called on the international community to do everything possible to ensure that the hard won efforts in the fight against drug trafficking are not turned back.

Mr. President, let me conclude by saying that our resolution congratulates the Government of Bolivia for its successful drug elimination program and urges the government to continue its commitment to eradicate illegal coca by the end of 2002. It applauds the government's efforts to pursue its anti-narcotics strategy and urges the government to do what it can to uphold the rule of law and democratic practices, despite the strains the drug traffickers have imposed on the government. The resolution also stresses the view that human rights must continue to be safeguarded and urges the indigenous leaders to terminate provocative acts and negotiate the outstanding issues with the government of Bolivia.

I urge our colleagues to take note of the successful drug eradication program in Bolivia and encourage the democratically-elected government in La Paz to sustain its commitment for total coca eradication by the end of next year.

SENATE RESOLUTION 376—EXPRESSING THE SENSE OF THE SENATE THAT THE MEN AND WOMEN WHO FOUGHT THE JASPER FIRE IN THE BLACK HILLS OF SOUTH DAKOTA SHOULD BE COMMENDED FOR THEIR HEROIC EFFORTS

Mr. DASCHLE (for himself and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 376

Whereas the Jasper Fire started at 2:30 p.m. on Thursday, August 24, 2000, near Jasper Cave in the Black Hills National Forest and was contained at 6:00 p.m. on September 8, 2000;

Whereas two days after it started, the Jasper Fire nearly quadrupled in size in a matter of hours, burned as fast as 100 acres per second, and ultimately became the worst forest fire in the history of the Black Hills, consuming 83,508 acres;

Whereas the Jasper Fire threatened private homes in the Black Hills, including the South Dakota communities of Deerfield, Custer, and Hill City, Jewel Cave National Monument, and Mount Rushmore National Memorial, and forced the evacuation of many residents in northwestern Custer County and southwestern Pennington County;

Whereas volunteers from 67 community fire departments from across South Dakota made up a substantial part of the 1,160 men and women who worked around the clock to contain the Jasper Fire;

Whereas the Tatanka Hotshot crew, an elite 20-person firefighting team based in the Black Hills, came from fighting fires in western Wyoming to help fight the Jasper Fire;

Whereas while the Tatanka Hotshot crew has fought several fires throughout the country, the Jasper Fire was the first major fire they fought in their home forest;

Whereas the outpouring of support for the firefighters by local residents and communities, such as Hill City and Custer, helped boost firefighter morale; and

Whereas, in spite of the rugged terrain and the intense speed and size of the fire, the Jasper Fire was contained successfully with only one home lost and with no injuries to any firefighters or local citizens: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Jasper Fire was the largest forest fire in the history of the Black Hills National Forest, consuming 83,508 acres;

(2) the volunteer firefighters from across South Dakota played a crucial role in combating the Jasper Fire and preventing it from destroying hundreds of homes;

(3) the Tatanka Hotshot crew was instrumental in providing the effort, expertise and training necessary to establish a fire line around the Jasper Fire; and

(4) the men and women who fought the Jasper Fire are commended for their bravery, their extraordinary efforts to contain the fire, and their commitment to protect lives, property, and the surrounding communities.

AMENDMENTS SUBMITTED

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

BOND (AND MIKULSKI) AMENDMENT NO. 4306

Mr. BOND (for himself, and Ms. MIKULSKI) proposed an amendment to the bill (H.R. 4635) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $22,766,276,000, to remain available until expended: Provided, That not to exceed $17,419,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,634,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to the account: Provided further, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2001, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $162,000,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $220,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $52,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program,

$432,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $532,000, which may be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $20,281,587,000, plus reimbursements: Provided, That of the funds made available under this heading, $900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $500,000,000 shall be available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $28,134,000 may be transferred to and merged with the appropriation for "General operating expenses": Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2002, $351,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $62,000,000 plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2001.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,050,000,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $45,000,000 shall be available until September 30, 2002: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $109,889,000: Provided, That travel expenses shall not exceed $1,125,000: Provided further, That of the amount made available under this heading, not to exceed $125,000 may be transferred to and merged with the appropriation for "General operating expenses".

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $46,464,000: Provided, That of the amount made available under this heading, not to exceed $28,000 may be transferred to and merged with the appropriation for "General operating expenses".

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $66,040,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2001, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2001; and (2) by the awarding of a construction contract by September 30, 2002: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $162,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2001 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2000.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2001 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2001, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2001, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2001, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, collections authorized by the Veterans Millennium Health Care and Benefits Act (Public Law 106–117) and credited to the appropriate Department of Veterans Affairs accounts in fiscal year 2001, shall not be available for obligation or expenditure unless appropriation language making such funds available is enacted.

SEC. 109. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure until September 30, 2003: funds obligated by the Department of Veterans Affairs for a contract with the Institute for Clinical Research to study the application of artificial neural networks to the diagnosis and treatment of prostate cancer through the Cooperative DoD/VA Medical Research program from funds made available to the Department of Veterans Affairs by the Department of Defense Appropriations Act, 1995 (Public Law 103–335) under the heading "Research, Development, Test and Evaluation, Defense-Wide".

SEC. 110. As HR LINK$ will not be part of the Franchise Fund in fiscal year 2001, funds budgeted in customer accounts to purchase HR LINK$ services from the Franchise Fund shall be transferred to the General Administration portion of the "General operating expenses" appropriation in the following amounts: $78,000 from the "Office of Inspector General", $358,000 from the "National cemetery administration", $1,106,000 from "Medical care", $84,000 from "Medical administration and miscellaneous operating expenses", and $38,000 shall be reprogrammed within the "General operating expenses" appropriation from the Veterans Benefits Administration to General Administration for the same purpose.

SEC. 111. Not to exceed $1,600,000 from the "Medical care" appropriation shall be transferred to the "General operating expenses" appropriation to fund personnel services costs of employees providing legal services and administrative support for the Office of General Counsel.

SEC. 112. Not to exceed $1,200,000 may be transferred from the "Medical care" appropriation to the "General operating expenses" appropriation to fund contracts and services in support of the Veterans Benefits Administration's Benefits Delivery Center, Systems Development Center, and Finance Center, located at the Department of Veterans Affairs Medical Center, Hines, Illinois.

SEC. 113. Not to exceed $4,500,000 from the "Construction, minor projects" appropriation and not to exceed $2,000,000 from the "Medical care" appropriation may be transferred to and merged with the Parking Revolving Fund for surface parking lot projects.

SEC. 114. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for "Medical care" appropriations of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN 12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $13,940,907,000 and amounts that are recaptured in this account to remain available until expended: Provided, That of the total amount provided under this heading, $12,972,000,000, of which $8,772,000,000 shall be available on October 1, 2000 and $4,200,000,000 shall be available on October 1, 2001, shall be for assistance under the United States Housing Act of 1937 ("the Act" herein) (42 U.S.C. 1437): Provided further, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937 (47 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That amounts available under the first proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That $11,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That of the *total amount provided under this heading, $452,907,000 shall be made available for incremental vouchers under section 8 of the United States Housing Act of 1937 on a fair share basis and administered by public housing agencies; Provided further, That of the total amount provided under this heading, up to $7,000,000 shall be made available for the completion of the Jobs Plus Demonstration: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: Provided further, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That $1,833,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual Contributions for Assisted Housing" or any other heading for fiscal year 2000 and prior years: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission: Provided further, That the Secretary shall have until September 30, 2001, to meet the rescission in the proviso preceding the immediately preceding proviso: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.*

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $3,000,000,000, to remain available until expended, of which up to $50,000,000 shall be for carrying out activities under section 9(h) of such Act, for lease adjustments to section 23 projects and $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: Provided further, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2001.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,242,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFERS OF FUNDS)

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $3,000,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight, training and improved management of this program, $2,000,000 shall be available to the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public housing and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996, and $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, $20,000,000 shall be available for the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug-related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $575,000,000 to remain available until expended, of which the Secretary may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $650,000,000, to remain available until expended, of which $6,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees: Provided further, That of the amount provided in this heading, $2,000,000 shall be transferred to the Working Capital Fund for development and maintaining information technology systems.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $258,000,000, to remain available until expended: Provided, That the Secretary shall renew all expiring contracts that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to 1 percent of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2001, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $90,000,000, to remain available until expended: Provided, That $75,000,000 shall be available for the Secretary of Housing and Urban Development for "Urban Empowerment Zones", as authorized in the Taxpayer Relief Act of 1997, including $5,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone: Provided further, That $15,000,000 shall be available to the Secretary of Agriculture for grants for *designated empowerment zones in rural areas and for grants for designated rural enterprise communities.*

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,057,550,000: Provided, That of the amount provided, $4,410,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301), to remain available until September 30, 2003: Provided further, That $71,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $2,600,000 shall be available as a grant to the National American Indian Housing Council, $10,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation, and $45,500,000 shall be for grants pursuant to section 107 of the Act of which $3,000,000 shall be made available to support Alaska Native serving institutions and native Hawaiian serving institutions, as defined under the Higher Education Act, as amended, and of which $3,000,000 shall be made available to tribal colleges and universities to build, expand, renovate, and equip their facilities: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the department: Provided further, That $15,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That $20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program.

Of the amount made available under this heading, $28,450,000 shall be made available for capacity building, of which $25,000,000 shall be made available for "Capacity Building for Community Development and Affordable Housing", for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, of which not less than $5,000,000 of the funding shall be used in rural areas, including tribal areas, and of which $3,450,000 shall be made available for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $44,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, that any unobligated balances of amounts set aside for neighborhood initiatives in fiscal years 1998, 1999, and 2000 may be utilized for any of the foregoing purposes: Provided further, That these grants shall be provided in accord with the terms and conditions specified in the statement of managers accompanying this conference report.

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $4,000,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amounts made available under this heading, $2,000,000 shall be available to the Utah Housing Finance Agency for the temporary use of relocatable housing during the 2002 Winter Olympic Games provided such housing is targeted to the housing needs of low-income families after the Games.

Of the amount made available under this heading, $292,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,800,000,000 to remain available until expended: Provided, That up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $1,025,000,000, to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to 1.5 percent of the funds appropriated under this heading is transferred to the Working Capital Fund to be used for technical assistance for management information systems and to develop an automated, client-level Annual Performance Report System: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE RENEWALS

For the renewal on an annual basis of contracts expiring during fiscal years 2001 and 2002 under the Shelter Plus Care program, as authorized under subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, $100,000,000, to remain available until expended: Provided, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $996,000,000, to remain available until expended: Provided, That $779,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants *for residents of assisted housing projects and of which amount $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $217,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That $1,000,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.*

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2000, and any collections made during fiscal year 2001, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2001, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2001, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed $4,022,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $160,000,000, of which $96,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2001 an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $101,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000, of which $193,134,000, shall be transferred to the appropriation for "Salaries and expenses"; and of which $18,321,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000, of which $33,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2001, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2002.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for "Salaries and expenses".

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $53,500,000, to remain available until September 30, 2002: Provided, That of the amount provided under this heading, $10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: Provided further, That $3,000,000 shall be for program evaluation to support strategic planning, performance measurement, and their coordination with the Department's budget process: Provided further, That $500,000, to remain available until expended, shall be for a commission as established under section 525 of Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,000,000, to remain available until September 30, 2002, of which $24,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $100,000,000 to remain available until expended, of which $1,000,000 shall be for CLEARCorps and $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,072,000,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the "Community development fund" account, $150,000 shall be provided by transfer from the "Title VI Indian federal guarantees program" account, and $200,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That not more than $758,000,000 shall be made available to the personal services object class: Provided further, *That no less than $100,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of Information Technology Systems: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of this provision by two and one-half percent: Provided further, That the Secretary shall submit a staffing plan for the Department by May 15, 2001: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs or in any position in the Department where the employee reports to an employee of the Office of Public Affairs.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $85,000,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for "Drug elimination grants for low-income housing": Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $22,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2001 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. (a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2001 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2001 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2001 do not have the number of cases of acquired immunodeficiency syndrome required under such clause.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2001, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) ENVIRONMENTAL REVIEW.—Section 856 of the Act is amended by adding the following new subsection at the end:

"(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.".

ENHANCED DISPOSITION AUTHORITY

SEC. 204. Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by striking "and 2000" and inserting "2000, and thereafter".

MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS

SEC. 205. Section 8(t)(1)(B) of the United States Housing Act of 1937 is amended by inserting "and any other reasonable limit prescribed by the Secretary" immediately before the semicolon.

DUE PROCESS FOR HOMELESS ASSISTANCE

SEC. 206. None of the funds appropriated under this or any other Act may be used by the Secretary of Housing and Urban Development to prohibit or debar or in any way diminish the responsibilities of any entity (and the individuals comprising that entity) that is responsible for convening and managing a continuum of care process (convenor) in a community for purposes of the Stewart B. McKinney Homeless Assistance Act from participating in that capacity unless the Secretary has published in the Federal Register a description of all circumstances that would be grounds for prohibiting or debarring a convenor from administering a continuum of care process and the procedures for a prohibition or debarment: Provided, That these procedures shall include a requirement that a convenor shall be provided with timely notice of a proposed prohibition or debarment, an identification of the circumstances that could result in the prohibition or debarment, an opportunity to respond to or remedy these circumstances, and the right for judicial review of any decision of the Secretary that results in a prohibition or debarment.

HUD REFORM ACT COMPLIANCE

SEC. 207. Except as explicitly provided in legislation, any grant or assistance made pursuant to Title II of this Act shall be made in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 on a competitive basis.

EXPANSION OF ENVIRONMENTAL ASSUMPTION AUTHORITY FOR HOMELESS ASSISTANCE PROGRAMS

SEC. 208. Section 443 of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

"SEC. 443. ENVIRONMENTAL REVIEW.

"For purposes of environmental review, assistance and projects under this title shall be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.".

TECHNICAL AMENDMENTS AND CORRECTIONS TO THE NATIONAL HOUSING ACT

SEC. 209. (a) SECTION 203 SUBSECTION DESIGNATIONS.—Section 203 of the National Housing Act is amended by—

(1) redesignating subsection (t) as subsection (u);

(2) redesignating subsection (s), as added by section 329 of the Cranston-Gonzalez National Affordable Housing Act, as subsection (t); and

(3) redesignating subsection (v), as added by section 504 of the Housing and Community Development Act of 1992, as subsection (w).

(b) MORTGAGE AUCTIONS.—The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by inserting after "December 31, 2002" the following: ", except that this subparagraph shall continue to apply if the Secretary receives a mortgagee's written notice of intent to assign its mortgage to the Secretary on or before such date".

(c) MORTGAGEE REVIEW BOARD.—Section 202(c)(2) of the National Housing Act is amended—

(1) in subparagraph (E), by striking "and";

(2) in subparagraph (F), by striking "or their designees." and inserting "and";

(3) by adding the following new subparagraph at the end:

"(G) the Director of the Enforcement Center; or their designees.".

INDIAN HOUSING BLOCK GRANT PROGRAM

SEC. 210. Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) LAW ENFORCEMENT OFFICERS.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act to a law enforcement officer on the reservation or other Indian area, who is employed full-time by a Federal, state, county or tribal government, and in implementing such full-time employment is sworn to uphold, and make arrests for violations of Federal, state, county or tribal law, if the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.".

PROHIBITION ON THE USE OF FEDERAL ASSISTANCE IN SUPPORT OF THE SALE OF TOBACCO PRODUCTS

SEC. 211. None of the funds appropriated in this or any other Act may be used by the Secretary of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a facility, or *facility with a designated portion of that facility, which sells, or intends to sell, predominantly cigarettes or other tobacco products. For the purposes of this provision, predominant sale of cigarettes or other tobacco products means cigarette or tobacco sales representing more than 35 percent of the annual total in-store, non-fuel, sales.*

PROHIBITION ON IMPLEMENTATION OF PUERTO RICO PUBLIC HOUSING ADMINISTRATION SETTLEMENT AGREEMENT

SEC. 212. No funds may be used to implement the agreement between the Commonwealth of Puerto Rico, the Puerto Rico Public Housing Administration, and the Department of Housing and Urban Development, dated June 7, 2000, related to the allocation of operating subsidies for the Puerto Rico Public Housing Administration unless the Puerto Rico Public Housing Administration and the Department of Housing and Urban Development submit by December 31, 2000 a schedule of benchmarks and measurable goals to the House and Senate Committees on Appropriations designed to address issues of mismanagement and safeguards against fraud and abuse.

HOPE VI GRANT FOR HOLLANDER RIDGE

SEC. 213. The Housing Authority of Baltimore City may use the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading "Public Housing Demolition, Site Revitalization, and Replacement Housing Grants" for use, as approved by the Secretary of Housing and Urban Development—

(1) for activities related to the revitalization of the Hollander Ridge site; and

(2) in accordance with section 24 of the United States Housing Act of 1937.

COMPUTER ACCESS FOR PUBLIC HOUSING RESIDENTS

SEC. 214. (a) USE OF PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.—Section 9 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(E), by inserting before the semicolon the following: ", including the establishment and initial operation of computer centers in and around public housing through a Neighborhood Networks initiative, for the purpose of enhancing the self-sufficiency, employability, and economic self-reliance of public housing residents by providing them with onsite computer access and training resources";

(2) in subsection (e)(1)—

(A) in subparagraph (I), by striking the word "and" at the end;

(B) in subparagraph (J), by striking the period and inserting "; and"; and

(C) by adding after subparagraph (J) the following:

"(K) the costs of operating computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E), and of activities related to that initiative."; and

(3) in subsection (h)—

(A) in paragraph (6), by striking the word "and" at the end;

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (7) the following:

"(8) assistance in connection with the establishment and operation of computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E).".

(b) DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR PROJECTS.—Section 24 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(G), by inserting before the semicolon the following: ", including a Neighborhood Networks initiative for the establishment and operation of computer centers in public housing for the purpose of enhancing the self-sufficiency, employability, an economic self-reliance of public housing residents by providing them with onsite computer access and training resources"; and

(2) in subsection (m)(2), in the first sentence, by inserting before the period the following ", including assistance in connection with the establishment and operation of computer centers in public housing through the Neighborhoods Networks initiative described in subsection (d)(1)(G)".

MARK-TO-MARKET REFORM

SEC. 215. Notwithstanding any other provision of law, the properties known as the Hawthornes in Independence, Missouri shall be considered eligible multifamily housing projects for purposes of participating in the multifamily housing restructuring program pursuant to title V of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65).

SECTION 236 EXCESS INCOME

SEC. 216. Section 236(g)(3)(A) of the National Housing Act is amended by striking out "fiscal year 2000" and inserting in lieu thereof "fiscal years 2000 and 2001".

CDBG ELIGIBILITY

SEC. 217. Section 102(a)(6)(D) of the Housing and Community Development Act of 1974 is amended by—

(1) in clause (v), striking out the "or" at the end;

(2) in clause (vi), striking the period at the end; and

(3) adding at the end the following new clause:

"(vii)(I) has consolidated its government with one or more municipal governments, such that within the county boundaries there are no unincorporated areas, (II) has a population of not less than 650,000, over which the consolidated government has the authority to undertake essential community development and housing assistance activities, (III) for more than 10 years, has been classified as an entitlement area for purposes of allocating and distributing funds under section 106, and (IV) as of the date of enactment of this clause, has over 90 percent of the county's population within the jurisdiction of the consolidated government; or

"(viii) notwithstanding any other provision of this section, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, at the option of the county, may hereafter remain classified as an urban county for purposes of this Act.".

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD OF PHA

SEC. 218. Public housing agencies in the States of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2001.

USE OF MODERATE REHABILITATION FUNDS FOR HOME

SEC. 219. Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make the funds available under contracts NY36K113004 and NY36K113005 of the Department of Housing and Urban Development available for use under the HOME Investment Partnerships Act and shall allocate such funds to the City of New Rochelle, New York.

LOMA LINDA REPROGRAMMING

SEC. 220. Of the amounts made available under the sixth undesignated paragraph under the heading "Community Planning and Development—Community Development Block Grants" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276) for the Economic Development Initiative (EDI) for grants for targeted economic investments, the $1,000,000 to be made available (pursuant to the related provisions of the joint explanatory statement in the conference report to accompany such Act (House Report 105–769)) to the City of Loma Linda, California, for infrastructure improvements at Redlands Boulevard and California Streets shall, notwithstanding such provisions, be made available to the City for infrastructure improvements related to the Mountain View Bridge.

NATIVE AMERICAN ELIGIBILITY FOR THE ROSS PROGRAM

SEC. 221. (a) Section 34 of the United States Housing Act of 1937 is amended—

(1) in the heading, by striking "PUBLIC HOUSING" and inserting "PUBLIC AND INDIAN HOUSING";

(2) in subsection (a)—

(A) by inserting after "residents," the following: "recipients under the Native American Housing Assistance and Self-Determination Act of 1996 (notwithstanding section 502 of such Act) on behalf of residents of housing assisted under such Act," and

(B) by inserting after "public housing residents" the second place it appears the following: "and residents of housing assisted under such Act",

(3) in subsection (b)—

(A) by inserting after "project" the first place it appears the following: "or the property of a recipient under such Act or housing assisted under such Act";

(B) by inserting after "public housing residents" the following: "or residents of housing assisted under such Act"; and

(C) in subsection (b)(1), by inserting after "public housing project" the following: "or residents of housing assisted under such Act"; and

(4) in subsection (d)(2), by striking "State or local" and inserting "State, local, or tribal".

(b) ASSESSMENT AND REPORT.—Section 538(b)(1) of the Quality Housing and Work Responsibility Act of 1998 is amended by inserting after "public housing" the following: "and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996".

TREATMENT OF EXPIRING ECONOMIC DEVELOPMENT INITIATIVE GRANTS

SEC. 222. (a) AVAILABILITY.—Section 220(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1075) is amended by striking "September 30, 2000" and inserting "September 30, 2001".

(b) APPLICABILITY.—The Secretary of the Treasury and the Secretary of Housing and Urban Development shall take such actions as may be necessary to carry out such section 220 (as amended by this subsection (a) of this section) notwithstanding any actions taken previously pursuant to section 1552 of title 31, United States Code.

HOME PROGRAM DISASTER FUNDING FOR ELDERLY HOUSING

SEC. 223. Of the amounts made available under Chapter IX of the Supplemental Appropriations Act of 1993 for assistance under the HOME investment partnerships program to the city of Homestead, Florida (Public Law 103–50; 107 Stat. 262), up to $583,926.70 shall be made available to Dade County, Florida, for use only for rehabilitating housing for low-income elderly persons, and such amount shall not be subject to the requirements of such program, except for section 288 of the HOME Investment Partnerships Act (42 U.S.C. 12838).

CDBG PUBLIC SERVICES CAP

SEC. 224. Section 105(a)(8) of the Housing and Community Development Act of 1974 is amended by striking "1993" and all that follows through "City of Los Angeles" and inserting "1993 through 2001 to the City of Los Angeles".

EXTENSION OF APPLICABILITY OF DOWNPAYMENT SIMPLIFICATION PROVISIONS

SEC. 225. Subparagraph (A) of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)(A)) is amended, in the matter that precedes clause (i), by striking "mortgage" and all that follows through "involving," and inserting "mortgage closed on or before December 31, 2002, involving".

USE OF SUPPORTIVE HOUSING PROGRAM FUNDS FOR INFORMATION SYSTEMS

SEC. 226. Section 423 of the Stewart B. McKinney Homeless Assistance Act is amended under subsection (a) by adding the following paragraph:

"(7) MANAGEMENT INFORMATION SYSTEM.—A grant for the costs of implementing and operating management information systems for purposes of collecting unduplicated counts of homeless people and analyzing patterns of use of assistance funded under this Act.".

INDIAN HOUSING LOAN GUARANTEE REFORM

SEC. 227. Section 184 of the Housing and Community Development Act of 1992 is amended—

(1) in subsection (a), by striking "or as a result of a lack of access to private financial markets"; and

(2) in subsection (b)(2), by inserting "refinance," after "acquire,".

USE OF SECTION 8 VOUCHERS FOR OPT-OUTS

SEC. 228. Section 8(t)(2) of the United States Housing Act of 1937 is amended by inserting after "contract for rental assistance under section 8 of the United States Housing Act of 1937 for such housing project" the following: "(including any such termination or expiration during fiscal years after fiscal year 1996 prior to the effective date of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001)".

HOMELESS DISCHARGE COORDINATION POLICY

SEC. 229. (a) DISCHARGE COORDINATION POLICY.—Subtitle A of title IV of the Stewart B. McKinney Homeless Assistance Act is amended by adding at the end the following new section:

"SEC. 402. DISCHARGE COORDINATION POLICY.

"The Secretary may not provide a grant under this title for any governmental entity serving as an applicant unless the applicant agrees to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.".

(b) ASSISTANCE UNDER EMERGENCY SHELTER GRANTS PROGRAM.—Section 414(a)(4) of the Stewart B. McKinney Homeless Assistance Act is amended-

(1) in the matter preceding subparagraph (A), by inserting a comma after "homelessness";

(2) by striking "Not" and inserting the following: "Activities that are eligible for assistance under this paragraph shall include assistance to very low-income families who are discharged from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions). Not".

TECHNICAL CHANGE TO SENIORS HOUSING COMMISSION

SEC. 230. Section 525 of the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act" (42 U.S.C. 12701 note) is amended in subsection (a) by striking "Commission on Affordable Housing and Health Care Facility Needs in the 21st Century" and inserting "Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century".

INTERAGENCY COUNCIL ON THE HOMELESS REFORMS

SEC. 231. Title II of the Stewart B. McKinney Homeless Assistance Act is amended—

(1) in section 202, under subsection (b) by inserting after the period the following: "The positions of Chairperson and Vice Chairperson shall rotate among its members on an annual basis."; and

(2) in section 209 by striking "1994" and inserting "2005".

SECTION 8 PHA PROJECT-BASED ASSISTANCE

SEC. 232. (a) IN GENERAL.—Paragraph (13) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended to read as follows:

"(13) PHA PROJECT-BASED ASSISTANCE.—

"(A) IN GENERAL.—A public housing agency may use amounts provided under an annual contributions contract under this subsection to enter into a housing assistance payment contract with respect to an existing, newly constructed, or rehabilitated structure, that is attached to the structure, subject to the limitations and requirements of this paragraph.

"(B) PERCENTAGE LIMITATION.—Not more than 20 percent of the funding available for tenant-based assistance under this section that is administered by the agency may be attached to structures pursuant to this paragraph.

"(C) CONSISTENCY WITH PHA PLAN AND OTHER GOALS.—A public housing agency may approve a housing assistance payment contract pursuant to this paragraph only if the contract is consistent with—

"(i) the public housing agency plan for the agency approved under section 5A; and

"(ii) the goal of deconcentrating poverty and expanding housing and economic opportunities.

"(D) INCOME MIXING REQUIREMENT.—

"(i) IN GENERAL.—Not more than 25 percent of the dwelling units in any building may be assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph.

"(ii) EXCEPTIONS.—The limitation under clause (i) shall not apply in the case of assistance under a contract for housing consisting of single family properties or for dwelling units that are specifically made available for households comprised of elderly families, disabled families, and families receiving supportive services.

"(E) RESIDENT CHOICE REQUIREMENT.—A housing assistance payment contract pursuant to this paragraph shall provide as follows:

"(i) MOBILITY.—Each low-income family occupying a dwelling unit assisted under the contract may move from the housing at any time after the family has occupied the dwelling unit for 12 months.

"(ii) CONTINUED ASSISTANCE.—Upon such a move, the public housing agency shall provide the low-income family with tenant-based rental assistance under this section or such other tenant-based rental assistance that is subject to comparable income, assistance, rent contribution, affordability, and other requirements, as the Secretary shall provide by regulation. If such rental assistance is not immediately available to fulfill the requirement under the preceding sentence with respect to a low-income family, such requirement may be met by providing the family priority to receive the next voucher or other tenant-based rental assistance amounts that become available under the program used to fulfill such requirement.

"(F) CONTRACT TERM.—A housing assistance payment contract pursuant to this paragraph between a public housing agency and the owner of a structure may have a term of up to 10 years, subject to the availability of sufficient appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts and in the agency's annual contributions contract with the Secretary, and to annual compliance with the inspection requirements under paragraph (8), except that the agency shall not be required to make annual inspections of each assisted unit in the development. The contract may specify additional conditions for its continuation. If the units covered by the contract are owned by the agency, the term of the contract shall be agreed upon by the agency and the unit of general local government or other entity approved by the Secretary in the manner provided under paragraph (11).

"(G) EXTENSION OF CONTRACT TERM.—A public housing agency may enter into a contract with the owner of a structure assisted under a housing assistance payment contract pursuant to this paragraph to extend the term of the underlying housing assistance payment contract for such period as the agency determines to be appropriate to achieve long-term affordability of the housing or to expand housing opportunities. Such a contract shall provide that the extension of such term shall be contingent upon the future availability of appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts, and may obligate the owner to have such extensions of the underlying housing assistance payment contract accepted by the owner and the successors in interest of the owner.

"(H) RENT CALCULATION.—A housing assistance payment contract pursuant to this paragraph shall establish rents for each unit assisted in an amount that does not exceed 110 percent of the applicable fair market rental (or any exception payment standard approved by the Secretary pursuant to paragraph (1)(D)), except that if a contract covers a dwelling unit that has been allocated low-income housing tax credits pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) and is not located in a qualified census tract (as such term is defined in subsection (d) of such section 42), the rent for such unit may be established at any level that does not exceed the rent charged for comparable units in the building that also receive the low-income housing tax credit but do not have additional rental assistance. The rents established by housing assistance payment contracts pursuant to this paragraph may vary from the payment standards established by the public housing agency pursuant to paragraph (1)(B), but shall be subject to paragraph (10)(A).

"(I) RENT ADJUSTMENTS.—A housing assistance payments contract pursuant to this paragraph shall provide for rent adjustments, except that—

"(i) the adjusted rent for any unit assisted shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market and may not exceed the maximum rent permitted under subparagraph (H); and

"(ii) the provisions of subsection (c)(2)(C) shall not apply.

"(J) TENANT SELECTION.—A public housing agency shall select families to receive project-based assistance pursuant to this paragraph from its waiting list for assistance under this subsection. Eligibility for such project-based assistance shall be subject to the provisions of section 16(b) that apply to tenant-based assistance. The agency may establish preferences or criteria for selection for a unit assisted under this paragraph that are consistent with the public housing agency plan for the agency approved under *section 5A. Any family that rejects an offer of project-based assistance under this paragraph or that is rejected for admission to a structure by the owner or manager of a structure assisted under this paragraph shall retain its place on the waiting list as if the offer had not been made. The owner or manager of a structure assisted under this paragraph shall not admit any family to a dwelling unit assisted under a contract pursuant to this paragraph other than a family referred by the public housing agency from its waiting list. Subject to its waiting list policies and selection preferences, a public housing agency may place on its waiting list a family referred by the owner or manager of a structure and may maintain a separate waiting list for assistance under this paragraph, but only if all families on the agency's waiting list for assistance under this subsection are permitted to place their names on the separate list.*

''(K) VACATED UNITS.—Notwithstanding paragraph (9), a housing assistance payment contract pursuant to this paragraph may provide as follows:

''(i) PAYMENT FOR VACANT UNITS.—That the public housing agency may, in its discretion, continue to provide assistance under the contract, for a reasonable period not exceeding 60 days, for a dwelling unit that becomes vacant, but only (I) if the vacancy was not the fault of the owner of the dwelling unit, and (II) the agency and the owner take every reasonable action to minimize the likelihood and extent of any such vacancy. Rental assistance may not be provided for a vacant unit after the expiration of such period.

''(ii) REDUCTION OF CONTRACT.—That, if despite reasonable efforts of the agency and the owner to fill a vacant unit, no eligible family has agreed to rent the unit within 120 days after the owner has notified the agency of the vacancy, the agency may reduce its housing assistance payments contract with the owner by the amount equivalent to the remaining months of subsidy attributable to the vacant unit. Amounts deobligated pursuant to such a contract provision shall be available to the agency to provide assistance under this subsection.

Eligible applicants for assistance under this subsection may enforce provisions authorized by this subparagraph.''.

(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) as in effect before such enactment, such assistance may be extended or renewed notwithstanding the requirements under subparagraphs (C), (D), and (E) of such section 8(o)(13), as amended by subsection (a).

DISPOSITION OF HUD-HELD AND HUD-OWNED MULTIFAMILY PROJECTS FOR THE ELDERLY OR DISABLED

SEC. 233. Notwithstanding any other provision of law, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

FAMILY UNIFICATION PROGRAM

SEC. 234. Section 8(x)(2) of the United States Housing Act of 1937 (42 U.S.C 1437f(x)(2)) is amended—

(1) by striking ''any family (A) who is otherwise eligible for such assistance, and (B)'' and inserting ''(A) any family (i) who is otherwise eligible for such assistance, and (ii)''; and

(2) by inserting before the period at the end the following: ''and (B) for a period not to exceed 18 months, otherwise eligible youths who have attained at least 18 years of age and not more than 21 years of age and who have left foster care at age 16 or older''.

PERMANENT EXTENSION OF FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS

SEC. 235. Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''demonstrate the effectiveness of providing'' and inserting ''provide''; and

(B) in the second sentence, by striking ''demonstration'' and inserting ''the'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''determine the effectiveness of'' and inserting ''provide''; and

(B) by striking paragraph (5), and inserting the following new paragraph.

''(5) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''test the effectiveness of'' and inserting ''provide''; and

(B) by striking paragraph (4) and inserting the following new paragraph:

''(4) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(4) by striking subsection (d);

(5) by striking ''pilot'' and ''PILOT'' each place such terms appear; and

(6) in the section heading, by striking ''demonstrations'' and inserting ''programs''.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $28,000,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,500,000, $5,000,000 of which to remain available until September 30, 2001 and $2,500,000 of which to remain available until September 30, 2002: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $118,000,000, to remain available until September 30, 2002, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American Communities, and up to $8,750,000 may be used for administrative expenses, up to $19,750,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,000,000.

CONSUMER-PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $52,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $458,500,000, to remain available until September 30, 2002: Provided, That not more than $31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) *of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $231,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $45,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); and not more than $25,000,000 may be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $21,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations Acts, $30,000,000 shall be rescinded: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc. to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Parents as Teachers National Center, Inc. to support childhood parent education and family support activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Boys and Girls Clubs of America to establish an innovative outreach program designed to meet the special needs of youth in public and Native American housing communities: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to the Youth Life Foundation to meet the needs of children living in insecure environments.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, which shall be available for obligation through September 30, 2002.

ADMINISTRATIVE PROVISION

The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74) is amended under the heading "Corporation for National and Community Service, National and Community Service Programs Operating Expenses" in title III by reducing to $229,000,000 the amount available for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the "Act") (with a corresponding reduction to $40,000,000 in the amount that may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of the Act), and by increasing to $33,500,000 the amount available for quality and innovation activities authorized under subtitle H of title I of the Act, with the increase in subtitle H funds made available to provide a grant covering a period of three years to support the "P.A.V.E. the Way" project described in House Report 106–379.

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $12,445,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $17,949,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, $63,000,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

SALARIES AND EXPENSES

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $75,000,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That not withstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2001, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $696,000,000, which shall remain available until September 30, 2002.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,087,990,000, which shall remain available until September 30, 2002: Provided, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not *been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: Provided further, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964: Provided further, That notwithstanding section 1412(b)(12)(A)(v) of the Safe Drinking Water Act, as amended, the Administrator shall promulgate a national primary drinking water regulation for arsenic not later than June 22, 2001.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,094,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $23,931,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,270,000,000 (of which $100,000,000 shall not become available until September 1, 2001), to remain available until expended, consisting of $635,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $635,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $11,500,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2002, and $36,500,000 shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2002.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,096,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,628,740,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $35,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $335,740,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the conference report and joint explanatory statement of the committee of conference accompanying this Act, except that, notwithstanding any other provision of law, of the funds herein and hereafter appropriated under this heading for such special needs infrastructure grants, the Administrator may use up to 3 percent of the amount of each project appropriated to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to States; and $1,008,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2001 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2001, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2001, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, as amended, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under Title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available after June 1, 2001 to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That notwithstanding any other provision of law, all claims for principal and interest registered through any current grant dispute or any other such dispute hereafter filed by the Environmental Protection Agency relative to construction grants numbers C–180840–01, C–180840–04, C–470319–03, and C–470319–04, are hereby resolved in favor of the grantee: Provided further, That EPA, in considering the local match for the $5,000,000 appropriated in fiscal year 1999 for the City of Cumberland, Maryland, to separate and relocate the city's combined sewer and stormwater system, shall take into account non-federal money spent by the City of Cumberland for combined sewer, stormwater and wastewater treatment infrastructure on or after October 1, 1999, and that the fiscal year 1999 and any subsequent funds may be used for any required non-federal share of the costs of projects funded by the federal government under Section 580 of Public Law 106–53.

ADMINISTRATIVE PROVISIONS

For fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

For fiscal year 2001, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 176(c) of the Clean Air Act, as amended, is amended by adding at the end the following new paragraph:

"(6) Notwithstanding paragraph 5, this subsection shall not apply with respect to an area designated nonattainment under section 107(d)(1) until one year after that area is first designated nonattainment for a specific national ambient air quality standard. This paragraph only applies with respect to the national ambient air quality standard for which an area is newly designated nonattainment and does not affect the area's requirements with respect to all other national ambient air quality standards for which the area is designated nonattainment or has been redesignated from nonattainment to attainment with a maintenance plan pursuant to section 175(A) (including any pre-existing national ambient air quality standard for a pollutant for which a new or revised standard has been issued).".

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out *the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,201,000.*

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,900,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to "Emergency management planning and assistance" for the consolidated emergency management performance grant program; and up to $15,000,000 may be obligated for flood map modernization activities following disaster declarations: Provided, That of the funds made available under this heading in this and prior Appropriations Acts and under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to the State of Florida, $3,000,000 shall be for a hurricane mitigation initiative in Miami-Dade County.

For an additional amount for "Disaster relief", $1,300,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,678,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $427,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $215,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,000,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $269,652,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2001, as authorized by Public Law 106–74, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $140,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $25,736,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,307,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $455,627,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, up to $17,730,000 in fees collected but unexpended during fiscal years 1994 through 1998 shall be transferred to the Flood Map Modernization Fund and available for expenditure in fiscal year 2001.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking "September 30, 2000" and inserting "December 31, 2001".

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking "September 30, 2000" and inserting "December 31, 2001".

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000 to remain available until September 30, 2002, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,122,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2001 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,462,900,000, to remain available until September 30, 2002.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization, and modification of facilities, construction *of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,190,700,000, to remain available until September 30, 2002.*

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $40,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,608,700,000 to remain available until September 30, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for minor revitalization and construction of facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2001 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Unless otherwise provided for in this Act or in the joint explanatory statement of the committee of conference accompanying this Act, no part of the funds appropriated for "Human space flight" may be used for the development of the International Space Station in excess of the amounts set forth in the budget estimates submitted as part of the budget request for fiscal year 2001.

No funds in this or any other Appropriations Act may be used to finalize an agreement prior to December 1, 2001 between NASA and a non-government organization to conduct research utilization and commercialization management activities of the International Space Station.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2001, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility shall not exceed $296,303: Provided further, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,350,000,000, of which not to exceed $275,592,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2002: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $65,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $121,600,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $787,352,000, to remain available until September 30, 2002: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $10,000,000 shall be available for the Office of Innovation Partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $160,890,000: Provided, That contracts may be entered into under "Salaries and expenses" in fiscal year 2001 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,280,000, to remain available until September 30, 2002.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $90,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937: Provided, That of the amount made available, $2,500,000 shall be for an endowment to establish the George Knight Scholarship Fund for the Neighborhood Reinvestment Training Institute.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $24,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for *the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.*

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2001 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to the Congress.

SEC. 423. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2001, HUD shall transmit this information to the Committees by November 1, 2000, for 30 days of review.

SEC. 427. None of the funds made available in this Act may be used for the designation, or approval of the designation, of any area as an ozone nonattainment area under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone that was promulgated by the Environmental Protection Agency on July 18, 1997 (62 Fed. Reg. 38,356, p. 38855) and remanded by the District of Columbia Court of Appeals on May 14, 1999, in the case, American Trucking Ass'ns. v. EPA (No. 97–1440, 1999 Westlaw 300618) prior to June 15, 2001 or final adjudication of this case by the Supreme Court of the United States, whichever occurs first.

SEC. 428. Section 432 of Public Law 104–204 (110 Stat. 2874) is amended—

(a) in subsection (c) by inserting "or to restructure and improve the efficiency of the workforce" after "the National Aeronautics and Space Administration" and before "the Administrator";

(b) by deleting paragraph (4) of subsection (h) and inserting in lieu thereof—

"(4) The provisions of subsections (1) and (3) of this section may be waived upon a determination by the Administrator that use of the incentive satisfactorily demonstrates downsizing or other restructuring within the Agency that would improve the efficiency of agency operations or contribute directly to evolving mission requirements."

(c) by deleting subsection (i) and inserting in lieu thereof—

"(i) REPORTS.—The Administrator shall submit a report on NASA's restructuring activities to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate not later than September 30, 2001. This report shall include—

"(1) an outline of a timetable for restructuring the workforce at NASA Headquarters and field Centers;

"(2) annual Full Time Equivalent (FTE) targets by broad occupational categories and a summary of how these targets reflect the respective missions of Headquarters and the field Centers;

"(3) a description of personnel initiatives, such as relocation assistance, early retirement incentives, and career transition assistance, which NASA will use to achieve personnel reductions or to rebalance the workforce; and

"(4) a description of efficiencies in operations achieved through the use of the voluntary separation incentive."; and

(d) in subsection (j), by deleting "September 30, 2000" and inserting in lieu thereof "September 30, 2002".

SEC. 429. Section 70113(f) of title 49, United States Code, is amended by striking "December 31, 2000", and inserting "December 31, 2001".

SEC. 430. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 431. Title III of the National Aeronautics and Space Act of 1958, Public Law 85–568, is amended by adding the following new section at the end:

"SEC. 312. (a) Appropriations for the Administration for fiscal year 2002 and thereafter shall be made in three accounts, 'Human space flight', 'Science, aeronautics and technology', and an account for amounts appropriated for the necessary expenses of the Office of Inspector General. Appropriations shall remain available for 2 fiscal years. Each account shall include the planned full costs of the Administration's related activities.

"(b) To ensure the safe, timely, and successful accomplishment of Administration missions, the Administration may transfer amounts for Federal salaries and benefits; training, travel and awards; facility and related costs; information technology services; publishing services; science, engineering, fabricating and testing services; and other administrative services among accounts, as necessary.

"(c) The Administrator, in consultation with the Director of the Office of Management and Budget, shall determine what balances from the 'Mission support' account are to be transferred to the 'Human space flight' and 'Science, aeronautics and technology' accounts. Such balances shall be transferred and merged with the 'Human space flight' and 'Science, aeronautics and technology' accounts, and remain available for the period of which originally appropriated.".

TITLE V—FILIPINO VETERANS' BENEFITS IMPROVEMENTS

SEC. 501. (a) RATE OF COMPENSATION PAYMENTS FOR FILIPINO VETERANS RESIDING IN THE UNITED STATES.—(1) Section 107 of title 38, United States Code, is amended—

(A) by striking "Payments" in the second sentence of subsection (a) and inserting "Except as provided in subsection (c), payments"; and

(B) by adding at the end the following new subsection:

"(c) In the case of benefits under subchapters II and IV of chapter 11 of this title paid by reason of service described in subsection (a) to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States, the second sentence of subsection (a) shall not apply.".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to benefits paid for months beginning on or after that date.

(b) ELIGIBILITY FOR HEALTH CARE OF DISABLED FILIPINO VETERANS RESIDING IN THE UNITED STATES.—Section 1734 of such title is amended—

(1) by inserting "(a)" before "The Secretary,"; and

(2) by adding at the end the following:

"(b) An individual who is in receipt of benefits under subchapter II or IV of chapter 11 of this title paid by reason of service described in section 107(a) of this title who is residing in the United States and who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States shall be eligible for hospital and nursing home care and medical services in the same manner as a veteran, and the disease or disability for which such benefits are paid shall be considered to be a service-connected disability for purposes of this chapter.".

(c) HEALTH CARE FOR VETERANS RESIDING IN THE PHILIPPINES.—Section 1724 of such title is amended by adding at the end the following new subsection:

"(e) Within the limits of an outpatient clinic in the Republic of the Philippines that is under the direct jurisdiction of the Secretary, the Secretary may furnish a veteran who has a service-connected disability with such medical services as the Secretary determines to be needed.".

TITLE VI—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,172,730,916.14.

DIVISION B

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

SEC. 1001. Such amounts as may be necessary are hereby appropriated for programs, projects, or activities provided for in H.R. 4733, the Energy and Water Development Appropriations Act, 2001, to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (House Report 106–907) as filed in the House of Representatives on September 27, 2000, as if enacted into law, except:

(a) that such conference report shall be considered as not including those provisions in section 103 of the conference report on H.R. 4733 as filed in the House of Representatives on September 27, 2000;

(b) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as providing $1,000,000 for the Upper Susquehanna River Basin, New York, investigation within available funds under General Investigations in Title I;

(c) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as appropriating $1,717,199,000 for Construction, General under Title I, including $8,400,000 for the Elba, Alabama, flood control project; $10,800,000 for the Geneva, Alabama, flood control project; $1,000,000 for the Metropolitan Louisville, Beargrass Creek, Kentucky, project; $3,000,000 for the St. Louis, Missouri, environmental infrastructure project authorized by section 502(f)(32) of Public Law 106–53; and $2,000,000 for the Black Fox, Murfree and Oaklands Springs Wetlands, Tennessee, project;

(d) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as including the following at the end of Title I:

"SEC. 106. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct the locally preferred plan for flood control, environmental restoration and recreation, Murrieta Creek, California, described as Alternative 6, based on the Murrieta Creek Feasibility Report and Environmental Impact Statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000.

"SEC. 107. Within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Rio Grand de Manati flood control project at Barceloneta, Puerto Rico, which was initiated under the authority of the Section 205 program prior to being specifically authorized in the Water Resources Development Act of 1999.";

(e) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as providing that $19,158,000 of the amount appropriated under the Central Utah Project Completion Account under Title II shall be deposited into the

Utah Reclamation Mitigation and Conservation Account;

(f) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as not including those provisions in section 211, and shall be considered as including the following new section 211:

"SEC. 211. Section 106 of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675, 102 Stat. 4000 et seq.) is amended by adding at the end the following new subsection:

"'(f) REQUIREMENT TO FURNISH WATER, POWER CAPACITY AND ENERGY.—Notwithstanding any other provision of law, in order to fulfill the trust responsibility to the Bands, the Secretary, acting through the Commissioner of Reclamation, shall permanently furnish annually the following:

"'(1) WATER.—16,000 acre-feet of the water conserved by the works authorized by title II, for the benefit of the Bands and the local entities in accordance with the settlement agreement: Provided, That during construction of said works, the Indian Water Authority and the local entities shall receive 17 percent of any water conserved by said works up to a maximum of 16,000 acre-feet per year. The Indian Water Authority and the local entities shall pay their proportionate share of such costs as are provided by section 203(b) of title II or are agreed to by them.

"'(2) POWER CAPACITY AND ENERGY.—Beginning on the date when conserved water from the works authorized by title II first becomes available, power capacity and energy through the Yuma Arizona Area Aggregate Power Managers (Yuma Area Contractors), at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities, in amounts sufficient to convey the water conserved pursuant to paragraph (1) from Lake Havasu through the Colorado River Aqueduct and to the places of use on the Bands' reservations or in the local entities' service areas in accordance with the settlement agreement. The Secretary, through a coterminus exhibit to Bureau of Reclamation Contract No. 6–CU–30–P1136, shall enter into an agreement with the Yuma Area Contractors which shall provide for furnishing annually and permanently said power capacity and energy by said Yuma Area Contractors at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities. The Secretary shall authorize the Yuma Area Contractors to utilize federal project use power provided for in Bureau of Reclamation Contracts numbered 6–CU–30–P1136, 6–CU–30–P1137, and 6–CU–30–P1138 for the full range of purposes served by the Yuma Area Contractors, including the purpose of supplying the power capacity and energy to convey the conserved water referred to in paragraph (1), for so long as the Yuma Area Contractors meet their obligation to provide sufficient power capacity and energy for the conveyance of said conserved water. If for any reason the Yuma Area Contractors do not provide said power capacity and energy for the conveyance of said conserved water, then the Secretary shall furnish said power capacity and energy annually and permanently at the lowest rate assigned to project use power within the jurisdiction of the Bureau of Reclamation in accordance with Exhibit E "Project Use Power" of the Agreement between Water and Power Resources Service, Department of the Interior, and Western Area Power Administration, Department of Energy (March 26, 1980).

"'SEC. 106A. ANNUAL REPAYMENT INSTALLMENTS. During the period of planning, design and construction of any of the works authorized by title II of Public Law 100–675 and during the period that the Indian Water Authority and the local entities referred to in said Act receive up to 16,000 acre feet of the water conserved by said works, the annual repayment installments provided in Section 102(b) of Public Law 93–320 shall continue to be nonreimbursable. Nothing in this Section shall affect the National obligation set forth in Section 101(c) of Public Law 93–320.'."; and

(g) that such conference report shall be considered as not including those provisions in section 605 of the conference report on H.R. 4733 as filed in the House of Representatives on September 27, 2000.

SEC. 1002. In publishing this Act in slip form and in the United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in section 1001.

Titles I–IV of Division A of this Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001".

And the Senate agree to the same.

DASCHLE AMENDMENT NO. 4307

Ms. MIKULSKI (for Mr. DASCHLE) proposed an amendment to the bill, H.R. 4635, supra; as follows:

At the appropriate place, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $4,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $150,112,000: *Provided*, That the Office of Foreign Assets Control shall be funded at no less than $11,439,000: *Provided further*, That $502,000 shall be provided to Morris County, New Jersey, for the reimbursement of law enforcement overtime pay associated with protests and demonstrations during the World Bank meeting on March 31, 2000 to April 2, 2000: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $502,000 that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $37,279,000, to remain available until expended, of which $4,000,000 shall be for critical infrastructure protection research and development projects in the banking and finance sectors: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That, with the exception of amounts for Treasury-wide Human Resources Information System components and the Integrated Treasury Network for law enforcement communications, none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $32,899,000.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $118,427,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $22,700,000, to remain available until expended.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $37,576.000. of which not to exceed $2,800,000 shall remain available until September 30, 2003; and of which $2,275,000 shall remain available until September 30, 2002: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $400,000, to remain available until expended: *Provided*, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $55,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute terrorism, including payment of rewards in connection with these activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $93,198,000, of which up to $17,043,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2003: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $29,205,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, of which $90,976,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $202,851,000, of which not to exceed $10,635,000 shall remain available until September 30, 2003, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $15,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $724,937,000, of which $51,639,000 may be used for the Youth Crime Gun Interdiction Initiative; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms; and of which $13,000,000 shall remain available until expended for distribution through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: *Provided*, That such funds shall be allocated to State and local law enforcement and prevention organizations: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2001: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $1,804,687,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; of which $500,000 shall be provided to North Dakota State University to continue research on trade of agricultural commodities and products; of which not less than $100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than $200,000 shall be available for Project Alert; of which not less than $2,500,000 shall be available for the acquisition of Passive Radar Detection Technology; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That the Hector International Airport in Fargo, North Dakota shall be designated an International Port of Entry: *Provided further*, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $128,228,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2001 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $128,400,000, to remain available until expended, of which $123,000,000 shall be for the operations and maintenance of the Automated Commercial System, and $5,400,000 shall be for the International Trade Data System.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $187,301,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2001 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at $182,901,000. In addition, $23,600, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380; and in addition, to be appropriated from the General Fund, such sums as may be necessary for administrative expenses in association with the South Dakota Trust Fund and the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration and Lower Brule Sioux Tribe Terrestrial Restoration Trust Fund, as authorized by sections 603(f) and 604(f) of Public Law 106–53.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; providing an independent taxpayer advocate within the Service; programs to match information returns and tax returns; management services; rent and utilities; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,506,939,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; providing service to tax exempt customers, including employee plans, tax exempt organizations, and government entities; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,378,040,000, of which not to exceed $1,000,000 shall remain available until September 30, 2003, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $145,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,505,090,000 which shall remain available until September 30, 2002.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 827 vehicles for police-type use, of which 739 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $778,279,000: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2002.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $4,283,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2001, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2001 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 116. Funds made available by this or any other Act may be used to pay premium pay for protective services authorized by section 3056(a) of title 18, United States Code, without regard to the limitation on the rate of pay payable during a pay period contained in section 5547(c)(2) of title 5, United States Code, except that such premium pay shall not be payable to an employee to the extent that the aggregate of the employee's basic and premium pay for the year would otherwise exceed the annual equivalent of that limitation. The term premium pay refers to the provisions of law cited in the first sentence of section 5547(a) of title 5, United States Code. Payment of additional premium pay payable under this section may be made in a lump sum on the last payday of the calendar year.

SEC. 117. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 118. Under the heading of Treasury Franchise Fund in Public Law 104–208, delete the following: the phrases "pilot, as authorized by section 403 of Public Law 103–356,"; and "as provided in such section"; and the final proviso. After the phrase "to be available", insert "without fiscal year limitation,". After the phrase, "established in the Treasury a franchise fund", insert, "until October 1, 2002".

SEC. 119. None of the funds made available in this Act may be obligated or expended by the U.S. Customs Service for the purpose of closing the U.S. Customs Office at the Port of Racine, Wisconsin.

This title may be cited as the "Treasury Department Appropriations Act, 2001".

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $67,093,000, which shall not be available for obligation until October 1, 2001: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2001.

This title may be cited as the "Postal Service Appropriations Act, 2001".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $390,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $53,288,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $10,900,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $5,510,000, to remain available until expended for six projects for required maintenance, safety and health issues, Presidential transition, telecommunications infrastructure repair, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,673,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $354,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,110,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,165,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $43,737,000, of which $9,905,000 shall be available until September 30, 2002 for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $67,935,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105–277); not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $24,312,000, of which $1,700,000 shall remain available until expended, consisting of $1,100,000 for policy research and evaluation, and up to $600,000 for the evaluation of the Drug-Free Communities Act: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of Division C of Public Law 105–277), $29,052,000, which shall remain available until expended, consisting of $15,802,000 for counternarcotics research and development projects, and $13,250,000 for the continued operation of the technology transfer program: *Provided*, That the $15,802,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $196,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which $2,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in Las Vegas, Nevada; of which $500,000 shall be for an additional amount for the New England High Intensity Drug Trafficking Area; of which $500,000 shall be for an additional amount for the Gulf Coast High Intensity Drug Trafficking Area; of which $500,000 shall be for an additional amount for the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico; of which $500,000 shall be available to the Director for discretionary funds for the High Intensity Drug Trafficking Areas program; of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided further*, That, of this latter amount, $1,800,000 shall be used for auditing services: *Provided further*, That funds shall be provided for existing High Intensity Drug Trafficking Areas at no less than the total fiscal year 2000 level.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 105–277, $144,300,000, to remain available until expended: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the funds provided, $98,700,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998: *Provided further*, That of the amounts provided for the National Drug-Free Media Campaign, ONDCP may not issue to a seller of ad time a credit in lieu of ad time and/or space purchased with appropriated funds: *Provided further*, That ONDCP may not issue credits to networks for programs once they are in syndication: *Provided further*, That ONDCP shall develop guidelines for public comment that prohibit ONDCP from influencing program content as consideration for pro bono credit under the match program: *Provided further*, That of the funds provided, $3,300,000 shall be made available to the United States Olympic Committee's anti-doping program no later than 30 days after the enactment of this Act: *Provided further*, That of the funds provided, $40,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: *Provided further*, That of the funds provided, $1,000,000 shall be available to the National Drug Court Institute: *Provided further*, That of the funds provided, $1,300,000 shall be available to the Metro Intelligence Support and Technical Investigative Center (MISTIC) in Maricopa County, Arizona.

This title may be cited as the "Executive Office Appropriations Act, 2001".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $4,158,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $39,755,000, of which no less than $4,689,500 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,058,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $5,431,738,000, of which: (1) $3,000,000 shall remain available until expended for non-prospectus projects: *Provided*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2002, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $671,193,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and alterations:
Arizona:
Phoenix, Federal Building Courthouse, $26,962,000
California:
Santa Ana, Federal Building, $27,864,000
District of Columbia:
Internal Revenue Service Headquarters (Phase 1), $31,780,000
Main State Building, (Phase 3), $28,775,000
Maryland:
Woodlawn, SSA National Computer Center, $4,285,000
Michigan:
Detroit, McNamara Federal Building, $26,999,000
Missouri:
Kansas City, Richard Bolling Federal Building, $25,882,000
Kansas City, Federal Building, 8930 Ward Parkway, $8,964,000
Nebraska:
Omaha, Zorinsky Federal Building, $45,960,000
New York:
New York City, 40 Foley Square, $5,037,000
Ohio:
Cincinnati, Potter Stewart U.S. Courthouse, $18,434,000
Pennsylvania:
Pittsburgh, U.S. Post Office-Courthouse, $54,144,000
Utah:
Salt Lake City, Bennett Federal Building, $21,199,000
Virginia:
Reston, J.W. Powell Federal Building (Phase 2), $22,993,000
Nationwide:
Design Program, $21,915,000
Energy Program, $10,000,000

Basic Repairs and Alterations, $290,000,000: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance notice is transmitted to the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2002, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $185,369,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,944,905,000 for rental of space which shall remain available until expended; and (5) $1,624,771,000 for building operations which shall remain available until expended: *Provided further*, That in addition to amounts made available herein, $374,345,000 shall be deposited to the Fund, to become available on October 1, 2001, and remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New Construction:
California:
Los Angeles, U.S. Courthouse, $31,523,000
Maryland:
Montgomery Country, FDA Consolidation, $92,179,000
Michigan:
Sault Sainte Marie, Border Station, $3,630,000
Mississippi:
Biloxi-Gulfport, U.S. Courthouse, $42,715,000
Montana:
Eureka/Roosville, Border Station, $6,892,000
Virginia:
Richmond, U.S. Courthouse, $19,476,000
Washington:
Seattle, U.S. Courthouse, $177,930,000:

Provided further, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the Committee on Appropriations of a greater amount: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That of the amount provided, $190,000 shall be available for the Plains States Depopulation Symposium: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2001, excluding reimbursements under section 210(f)(6) of the

Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,431,738,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses, $123,420,000, of which $27,301,000 shall remain available until expended: *Provided*, That of the funds provided, $500,000 shall be available to continue the Virtual Archive Storage Terminal at the North Dakota State University: *Provided further*, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: *Provided further*, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $34,520,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,517,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the Presidential Transition Act of 1963, as amended, $7,100,000.

General Services Administration—General Provisions

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2001 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2002 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2002 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. DESIGNATION OF RONALD N. DAVIES FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and courthouse located at 102 North 4th Street, Grand Forks, North Dakota, shall be known and designated as the "Ronald N. Davies Federal Building and United States Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the Ronald N. Davies Federal Building and United States Courthouse.

SEC. 409. From the funds made available under the heading "Federal Buildings Fund Limitations on Revenue", in addition to amounts provided in budget activities above, up to $2,500,000 shall be available for the construction of a road and acquisition of the property necessary for construction of said road and associated port of entry facilities: *Provided*, That said property shall include a 125 foot wide right of way beginning approximately 700 feet east of Highway 11 at the northeast corner of the existing port facilities and going north approximately 4,750 feet and approximately 10.22 acres adjacent to the port of entry in Township 29 S. Range 8W., Section 14: *Provided further*, That construction of the road shall occur only after this property is deeded and conveyed to the United States by and through the General Services Administration without reimbursement or cost to the United States at the election of its current landholder: *Provided further*, That notwithstanding any other provision of law, and subject to the foregoing conditions, the Administrator of General Services shall construct a road to the Columbus, New Mexico Port of Entry Station on the property, connecting the port with a road to be built by the County of Luna, New Mexico to connect to State Highway 11: *Provided further*, That notwithstanding any other provision of law, Luna County shall construct the roadway from State Highway 11 to the terminus of the northbound road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration: *Provided further*, That upon completion of the construction of the road by the General Services Administration, and notwithstanding any other provision of law, the Administrator of General Services shall convey to the municipality of Luna County, New Mexico, without reimbursement, all right, title, and interest of the United States to that portion of the property constituting the improved road and standard county road right of way which is not required for the operation of the port of entry: *Provided further*, That the General Services Administration on behalf of the United States upon conveyance of the property to the municipality of Luna, New Mexico, shall retain the balance of the property located adjacent to the port, consisting of approximately 12 acres, to be owned or otherwise managed by the Administrator pursuant to the Federal Property and Administrative Services Act of 1949, as amended: *Provided further*, That the General Services Administration is authorized to acquire such additional real property and rights in real property as may be necessary to construct said road and provide a contiguous site for the port of entry: *Provided further*, That the United States shall incur no liability for any environmental laws or conditions existing at the property at the time of conveyance to the United States or in connection with the construction of the road: *Provided further*, That Luna County and the Village of Columbus shall be responsible for providing adequate access and egress to existing properties east of the port of entry: *Provided further*, That the Bureau of Land Management, the International Boundary and Water Commission, the Federal Inspection Agencies and the Department of State shall take all actions necessary to facilitate the construction of the road and expansion of the port facilities.

SEC. 410. DESIGNATION OF J. BRATTON DAVIS UNITED STATES BANKRUPTCY COURTHOUSE. (a) The United States bankruptcy courthouse at 1100 Laurel Street in Columbia, South Carolina, shall be known and designated as the

"J. Bratton Davis United States Bankruptcy Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States bankruptcy courthouse referred to in section 1 shall be deemed to be a reference to the "J. Bratton Davis United States Bankruptcy Courthouse".

SEC. 411. (a) The United States Courthouse Annex located at 901 19th Street in Denver, Colorado is hereby designated as the "Alfred A. Arraj United States Courthouse Annex".

(b) Any reference in a law, map, regulation, document, or paper or other record of the United States to the Courthouse Annex herein referred to in subsection (a) shall be deemed to be a reference to the "Alfred A. Arraj United States Courthouse Annex".

SEC. 412. DESIGNATION OF THE PAUL COVERDELL DORMITORY. The dormitory building currently being constructed on the Core Campus of the Federal Law Enforcement Training Center in Glynco, Georgia, shall be known and designated as the "Paul Coverdell Dormitory".

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $29,437,000 together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for the purposes of Public Law 102–252, $1,000,000, to remain available until expended.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $500,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $209,393,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $92,950,000, to remain available until expended: *Provided*, That of the amount provided, $88,000,000 to complete renovation of the National Archives Building shall be available for obligation on October 1, 2001.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,450,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $9,684,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $94,095,000; and in addition $99,624,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $8,500,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B) and 8909(g) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2001, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,356,000; and in addition, not to exceed $9,708,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $10,733,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $35,474,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 2001".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2001 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2001 from appropriations made available for salaries and expenses for fiscal year 2001 in this Act, shall remain available through September 30, 2002, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 510. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 511. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 512. SPECIAL POSTAGE STAMPS RELATING TO DOMESTIC VIOLENCE. (a) SHORT TITLE.—This section may be cited as the "Stamp Out Domestic Violence Act of 2000".

(b) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by inserting after section 414 the following:

"§ 414a. Special postage stamps relating to domestic violence

"(a) In order to afford the public a convenient way to contribute to funding for domestic violence programs, the Postal Service shall establish a special rate of postage for first-class mail under this section.

"(b) The rate of postage established under this section—

"(1) shall be equal to the regular first-class rate of postage, plus a differential not to exceed 25 percent;

"(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

"(3) shall be offered as an alternative to the regular first class rate of postage.

"(c) The use of the rate of postage established under this section shall be voluntary on the part of postal patrons.

"(d)(1) Amounts becoming available for domestic violence programs under this section shall be paid by the Postal Service to the Department of Justice. Payments under this section shall be made under such arrangements as the Postal Service shall, by mutual agreement with the Department of Justice, establish in order to carry out the purposes of this section, except that under those arrangements, payments to the Department of Justice shall be made at least twice a year.

"(2) For purposes of this section, the term 'amounts becoming available for domestic violence programs under this section' means—

"(A) the total amount of revenues received by the Postal Service that it would not have received but for the enactment of this section; reduced by

"(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including costs attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that it shall prescribe.

"(e) It is the sense of Congress that nothing in this section should—

"(1) directly or indirectly cause a net decrease in total funds received by the Department of Justice or any other agency of the Government (or any component or program thereof) below the level that would otherwise have been received but for the enactment of this section; or

"(2) affect regular first-class rates of postage or any other regular rates of postage.

"(f) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but not later than 12 months after the date of the enactment of this section.

"(g) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect, information concerning the operation of this section, except that, at a minimum, each report shall include—

"(1) the total amount described in subsection (d)(2)(A) which was received by the Postal Service during the period covered by such report; and

"(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (d)(2)(B).

"(h) This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps under this section are first made available to the public.".

(c) REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 3 months (but no earlier than 6 months) before the end of the 2-year period referred to in section 414a(h) of title 39, United States Code (as amended by subsection (a)), the Comptroller General of the United States shall submit to the Congress a report on the operation of such section. Such report shall include—

(1) an evaluation of the effectiveness and the appropriateness of the authority provided by such section as a means of fundraising; and

(2) a description of the monetary and other resources required of the Postal Service in carrying out such section.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 414 and inserting the following:

"414. Special postage stamps relating to breast cancer.

"414a. Special postage stamps relating to domestic violence.".

(2) SECTION HEADING.—The heading for section 414 of title 39, United States Code, is amended to read as follows:

"§ 414. Special postage stamps relating to breast cancer".

SEC. 513. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 514. Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Committee on Appropriations and the Committee on Governmental Affairs in the Senate and the Committee on Appropriations and the Committee on Government Reform of the House of Representatives that (1) evaluates, for each agency, the extent to which implementation of chapter 35 of title 31, United States Code, as amended by the Paperwork Reduction Act of 1995 (Public Law 104–13), has reduced burden imposed by rules issued by the agency, including the burden imposed by each major rule issued by the agency; (2) includes a determination, based on such evaluation, of the need for additional procedures to ensure achievement of the purposes of that chapter, as set forth in section 3501 of title 31, United States Code, and evaluates the burden imposed by each major rule that imposes more than 10,000,000 hours of burden, and identifies specific reductions expected to be achieved in each of fiscal years 2001 and 2002 in the burden imposed by all rules issued by each agency that issued such a major rule.

SEC. 515. None of the funds made available in this Act may be used to implement a preference for the acquisition of a firearm or ammunition based on whether the manufacturer or vendor of the firearm or ammunition is a party of an agreement with a department, agency, or instrumentality of the United States regarding codes of conduct, operating practices, or product design specifically related to the business of importing, manufacturing, or dealing in firearms or ammunition under chapter 44 of title 18, United States Code.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2001, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2000, until the normal effective date of the applicable wage survey

adjustment that is to take effect in fiscal year 2001, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2001, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2001 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2001 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2000 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2000, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2000, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2000.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: *Provided*, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 620. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that noncompliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of the enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

SEC. 621. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 622. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 623. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 624. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

Sec. 625. No funds appropriated in this or any other Act for fiscal year 2001 may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

Sec. 626. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

Sec. 627. (a) In General.—For calendar year 2002 and each year thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) Notice.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) Guidelines.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) Peer Review.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Sec. 628. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

Sec. 629. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

Sec. 630. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

Sec. 631. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Sec. 632. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

Sec. 633. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Providence Health Plan;

(B) Personal Care's HMO;

(C) Care Choices;

(D) OSF Health Plans, Inc.;

(E) Yellowstone Community Health Plan; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

Sec. 634. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

Sec. 635. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the "Policy and Operations" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2001 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives and the Chief Information Officers Council for information technology initiatives and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed $17,000,000. Such transfers may only be made 15 days following notification of the House and Senate Committees on Appropriations by the Director of the Office of Management and Budget.

Sec. 636. (a) In General.—In accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(d) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 637. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 638. FEDERAL FUNDS IDENTIFIED. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 639. NATIONAL HEALTH MUSEUM PROPERTY. (a) SHORT TITLE AND PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the "National Health Museum Site Selection Act".

(2) PURPOSE.—The purpose of this section is to further section 703 of the National Health Museum Development Act (20 U.S.C. 50 note; Public Law 105–78), which provides that the National Health Museum shall be located on or near the Mall on land owned by the Federal Government or the District of Columbia.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) MUSEUM.—The term "Museum" means the National Health Museum, Inc., a District of Columbia nonprofit corporation exempt from Federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(3) PROPERTY.—The term "property" means—

(A) a parcel of land identified as Lot 24 and a closed interior alley in Square 579 in the District of Columbia, generally bounded by 2nd, 3rd, C, and D Streets, S.W.; and

(B) all improvements on and appurtenances to the land and alley.

(c) CONVEYANCE OF PROPERTY.—

(1) IN GENERAL.—The Administrator shall convey to the Museum all rights, title, and interest of the United States in and to the property.

(2) PURPOSE OF CONVEYANCE.—The purpose of the conveyance is to provide a site for the construction and operation of a new building to serve as the National Health Museum, including associated office, educational, conference center, visitor and community services, and other space and facilities appropriate to promote knowledge and understanding of health issues.

(3) DATE OF CONVEYANCE.—

(A) NOTIFICATION.—Not later than 3 years after the date of enactment of this Act, the Museum shall notify the Administrator in writing of the date on which the Museum will accept conveyance of the property.

(B) DATE.—The date of conveyance shall be—

(i) not less than 270 days and not more than 1 year after the date of the notice; but

(ii) not earlier than April 1, 2001, unless the Administrator and the Museum agree to an earlier date.

(C) EFFECT OF FAILURE TO NOTIFY.—If the Museum fails to provide the notice to the Administrator by the date described in subparagraph (A), the Museum shall have no further right to the property.

(4) QUITCLAIM DEED.—The property shall be conveyed to the Museum vacant and by quitclaim deed.

(5) PURCHASE PRICE.—

(A) IN GENERAL.—The purchase price for the property shall be the fair market value of the property as of the date of enactment of this Act.

(B) TIMING; APPRAISERS.—The determination of fair market value shall be made not later than 180 days after the date of enactment of this Act by qualified appraisers jointly selected by the Administrator and the Museum.

(D) REPORT TO CONGRESS.—Promptly upon the determination of the purchase price, and in any event at least sixty days in advance of the conveyance of the property, the Administrator shall report to Congress as to the purchase price.

(E) DEPOSIT OF PURCHASE PRICE.—The Administrator shall deposit the purchase price into the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(d) REVERSIONARY INTEREST IN THE UNITED STATES.—

(1) IN GENERAL.—The property shall revert to the United States if—

(A) during the 50-year period beginning on the date of conveyance of the property, the property is used for a purpose not authorized by subsection (c)(2);

(B) during the 3-year period beginning on the date of conveyance of the property, the Museum does not commence construction on the property, other than for a reason not within the control of the Museum; or

(C) the Museum ceases to be exempt from Federal income taxation as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986.

(2) REPAYMENT.—If the property reverts to the United States, the United States shall repay the Museum the full purchase price for the property, without interest.

(e) AUTHORITY OF MUSEUM OVER PROPERTY.—The Museum may—

(1) demolish or renovate any existing or future improvement on the property;

(2) build, own, operate, and maintain new improvements on the property;

(3) finance and mortgage the property on customary terms and conditions; and

(4) manage the property in furtherance of this section.

(f) LAND USE APPROVALS.—

(1) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall be construed to limit the authority of the National Capital Planning Commission or the Commission of Fine Arts.

(2) COOPERATION CONCERNING ZONING.—

(A) IN GENERAL.—The United States shall cooperate with the Museum with respect to any zoning or other matter relating to—

(i) the development or improvement of the property; or

(ii) the demolition of any improvement on the property as of the date of enactment of this Act.

(B) ZONING APPLICATIONS.—Cooperation under subparagraph (A) shall include making, joining in, or consenting to any application required to facilitate the zoning of the property.

(g) ENVIRONMENTAL HAZARDS.—Costs of remediation of any environmental hazards existing on the property, including all asbestos-containing materials, shall be borne by the United States. Environmental remediation shall commence immediately upon the vacancy of the building and shall be completed not later than 270 days from the date of the notice to the Administrator described in subsection (c)(3)(A).

(h) REPORTS.—Following the date of enactment of this Act and ending on the date that the National Health Museum opens to the public, the Museum shall submit annual reports to the Administrator and Congress, regarding the status of planning, development, and construction of the National Health Museum.

SEC. 640. MANDATORY REMOVAL FROM EMPLOYMENT OF FEDERAL LAW ENFORCEMENT OFFICERS CONVICTED OF FELONIES. (a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding after subchapter VI the following:

"SUBCHAPTER VII—MANDATORY REMOVAL FROM EMPLOYMENT OF LAW ENFORCEMENT OFFICERS

"§ 7371. Mandatory removal from employment of law enforcement officers convicted of felonies

"(a) In this section, the term—

"(1) 'conviction date' means the date on which an agency has notice of the date on which a conviction of a felony is entered by a Federal or State court, regardless of whether that conviction is appealed or is subject to appeal; and

"(2) 'law enforcement officer' has the meaning given that term under section 8331(20) or 8401(17).

"(b) Any law enforcement officer who is convicted of a felony shall be removed from employment without regard to chapter 75 on the last day of the first applicable pay period following the conviction date.

"(c) This section does not prohibit the removal from employment before a conviction date.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 73 of title 5, United States Code, is amended by adding after the item relating to section 7363 the following:

"SUBCHAPTER VI—MANDATORY REMOVAL FROM EMPLOYMENT OF LAW ENFORCEMENT OFFICERS

"7551. Mandatory removal from employment of law enforcement officers convicted of felonies.".

SEC. 641. (a) CIVIL SERVICE RETIREMENT SYSTEM.—The table under section 8334(c) of title 5, United States Code, is amended—

(1) in the matter relating to an employee by striking:

"7.5 .... January 1, 2001, to December 31, 2002.
7 .... After December 31, 2002."

and inserting the following:

"7 .... After December 31, 2000.";

(2) in the matter relating to a Member or employee for Congressional employee service by striking:

"8 ...... January 1, 2001, to December 31, 2002.
7.5 ...... After December 31, 2002."

and inserting the following:

"7.5 ..... After December 31, 2000.";

(3) in the matter relating to a Member for Member service by striking:

"8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002."

and inserting the following:

"8	After December 31, 2000.";

(4) in the matter relating to a law enforcement officer for law enforcement service and firefighter for firefighter service by striking:

"8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002."

and inserting the following:

"7.5	After December 31, 2000.";

(5) in the matter relating to a bankruptcy judge by striking:

"8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002."

and inserting the following:

"8	After December 31, 2000.";

(6) in the matter relating to a judge of the United States Court of Appeals for the Armed Forces for service as a judge of that court by striking:

"8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002."

and inserting the following:

"8	After December 31, 2000.";

(7) in the matter relating to a United States magistrate by striking:

"8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002."

and inserting the following:

"8	After December 31, 2000.";

(8) in the matter relating to a Court of Federal Claims judge by striking:

"8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002."

and inserting the following:

"8	After December 31, 2000.";

(9) in the matter relating to a member of the Capitol Police by striking:

"8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002."

and inserting the following:

"7.5	After December 31, 2000.";

and

(10) in the matter relating to a nuclear materials courier by striking:

"8	January 1, 2001 to December 31, 2002.
7.5	After December 31, 2002."

and inserting the following:

"7.5	After December 31, 2000.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8422(a) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) The applicable percentage under this paragraph for civilian service shall be as follows:

"Employee	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	After December 31, 2000.
Congressional employee.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Member	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Law enforcement officer, firefighter, member of the Capitol Police, or air traffic controller.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Nuclear materials courier.	7	January 1, 1987, to October 16, 1998.
	7.5	October 17, 1998, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.".

(2) MILITARY SERVICE.—Section 8422(e)(6) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting "and" after the semicolon;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C).

(3) VOLUNTEER SERVICE.—Section 8422(f)(4) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting "and" after the semicolon;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(c)(2) of the Balanced Budget Act of 1997 (50 U.S.C. 2021 note) is amended—

(A) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(B) in the matter after the colon, by striking all that follows "December 31, 2000.".

(2) MILITARY SERVICE.—Section 252(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(h)(1)(A)), is amended—

(A) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(B) in the matter after the colon, by striking all that follows "December 31, 2000.".

(d) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(d)(2) of the Balanced Budget Act of 1997 (22 U.S.C. 4045 note) is amended—

(A) in subparagraph (A)—

(i) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(ii) in the matter after the colon, by striking all that follows "December 31, 2000."; and

(B) in subparagraph (B)—

(i) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(ii) in the matter after the colon, by striking all that follows "December 31, 2000.".

(2) CONFORMING AMENDMENT.—Section 805(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(d)(1)) is amended, in the table in the matter following subparagraph (B), by striking:

"January 1, 2001, through December 31, 2002, inclusive.	7.5
After December 31, 2002	7"

and inserting the following:

"After December 31, 2000	7".

(e) FOREIGN SERVICE PENSION SYSTEM.—

(1) IN GENERAL.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended by striking all that follows "December 31, 2000." and inserting the following:

"7.5	After December 31, 2000.".

(2) VOLUNTEER SERVICE.—Section 854(c)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4071c(c)(1)) is amended—

(A) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(B) in the matter after the colon, by striking all that follows "December 31, 2000.".

(f) CIVIL SERVICE RETIREMENT SYSTEM.—Notwithstanding section 8334 (a)(1) or (k)(1) of title 5, United States Code, during the period beginning on October 1, 2002, through December 31, 2002, each employing agency (other than the United States Postal Service or the Metropolitan Washington Airports Authority) shall contribute—

(1) 7.5 percent of the basic pay of an employee;

(2) 8 percent of the basic pay of a congressional employee, a law enforcement officer, a member of the Capitol police, a firefighter, or a nuclear materials courier; and

(3) 8.5 percent of the basic pay of a Member of Congress, a Court of Federal Claims judge, a United States magistrate, a judge of the United States Court of Appeals for the Armed Forces, or a bankruptcy judge;

in lieu of the agency contributions otherwise required under section 8334(a)(1) of such title 5.

(g) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding section 211(a)(2) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(2)), during the period beginning on October 1, 2002, through December 31, 2002, the Central Intelligence Agency shall contribute 7.5 percent of the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System in lieu of the agency contribution otherwise required under section 211(a)(2) of such Act.

(h) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding any provision of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), during the period beginning on October 1, 2002, through December 31, 2002, each agency employing a participant in the Foreign Service Retirement and Disability System shall contribute to the Foreign Service Retirement and Disability Fund—

(1) 7.5 percent of the basic pay of each participant covered under section 805(a)(1) of such Act participating in the Foreign Service Retirement and Disability System; and

(2) 8 percent of the basic pay of each participant covered under paragraph (2) or (3) of section 805(a) of such Act participating in the Foreign Service Retirement and Disability System;

in lieu of the agency contribution otherwise required under section 805(a) of such Act.

(i) The amendments made by this section shall take effect upon the close of calendar year 2000, and shall apply thereafter.

This Act may be cited as the "Treasury and General Government Appropriations Act, 2001".

BOXER (AND BAUCUS) AMENDMENT NO. 4308

Mrs. BOXER (for herself and Mr. BAUCUS) proposed an amendment to the bill, H.R. 4635, supra; as follows:

On page 103, strike the first three lines.

On page 138, strike section 427.

BOXER (AND OTHERS) AMENDMENT NO. 4309

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. MOYNIHAN, Mr. SCHUMER, and Mr. KERRY) proposed an amendment to the bill, H.R. 4635, supra; as follows:

At the appropriate place, add the following:

SEC. (a) FINDINGS.—Congress finds that—

(1) more than one-eighth of all sites listed on the Superfund National Priorities List are river and ocean water sites where sediment is contaminated with PCBs, dioxins, DDT, metals and other toxic chemicals;

(2) toxic chemicals like PCBs, dioxins, DDT and metals tend to be less soluble, and more environmentally persistent pollutants;

(3) toxic chemicals like PCBs, dioxins, DDT and metals polluting river and ocean sites around the nation may pose threats to public health, safety and the environment.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the nation that have been contaminated with PCBs, DDT, dioxins, metals and other toxic chemicals in order to protect the public health, safety and the environment.

STEVENS AMENDMENT NO. 4310

Mr. STEVENS proposed an amendment to the bill, H.R. 4635, supra; as follows:

DIVISION C

SEC. In lieu of a statement of the managers that would otherwise accompany a conference report for a bill making appropriations for federal agencies and activities provided for in this Act, reports that are filed in identical form by the House and Senate Committees on Appropriations prior to adjournment of the 106th Congress shall be considered by the Office of Management and Budget, and the agencies responsible for the obligation and expenditure of funds provided in this Act, as having the same standing, force and legislative history as would a statement of the managers accompanying a conference report.

UNITED STATES GRAIN STANDARDS REAUTHORIZATION ACT OF 2000

LUGAR AMENDMENT NO. 4311

Mr. MURKOWSKI (for Mr. LUGAR) proposed an amendment to the bill (H.R. 4788 to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Grain Standards and Warehouse Improvement Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GRAIN STANDARDS

Sec. 101. Sampling for export grain.
Sec. 102. Geographic boundaries for official agencies.
Sec. 103. Authorization to collect fees.
Sec. 104. Testing of equipment.
Sec. 105. Limitation on administrative and supervisory costs.
Sec. 106. Licenses and authorizations.
Sec. 107. Grain additives.
Sec. 108. Authorization of appropriations.
Sec. 109. Advisory committee.
Sec. 110. Conforming amendments.

TITLE II—WAREHOUSES

Sec. 201. Storage of agricultural products in warehouses.
Sec. 202. Regulations.

TITLE III—MISCELLANEOUS

Sec. 301. Energy generation, transmission, and distribution facilities efficiency grants and loans in rural communities with extremely high energy costs.
Sec. 302. Carry forward adjustment.
Sec. 303. Fees and penalties for mediation and arbitration of disputes involving agricultural products moving in foreign commerce under multinational entities.
Sec. 304. Community facilities grant program for rural communities with extreme unemployment and severe economic depression.
Sec. 305. Community facilities grant program for rural communities with high levels of out-migration or loss of population.
Sec. 306. State agricultural mediation programs.
Sec. 307. Adjustments to nutrition programs.
Sec. 308. Authorization for Secretary of Agriculture to purchase and transfer land.
Sec. 309. Extension of time period for filing certain complaints alleging preparation of false inspection certificates.
Sec. 310. International food relief partnership.

TITLE I—GRAIN STANDARDS

SEC. 101. SAMPLING FOR EXPORT GRAIN.

Section 5(a)(1) of the United States Grain Standards Act (7 U.S.C. 77(a)(1)) is amended by striking "(on the basis" and all that follows through "from the United States)".

SEC. 102. GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.

(a) INSPECTION AUTHORITY.—Section 7(f) of the United States Grain Standards Act (7 U.S.C. 79(f)) is amended by striking paragraph (2) and inserting the following:

"(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—Not more than 1 official agency designated under paragraph (1) or State delegated authority under subsection (e)(2) to carry out the inspection provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary, except that, if the Secretary determines that the presence of more than 1 designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary may—

"(A) allow more than 1 designated official agency to carry out inspections within the same geographical area as part of a pilot program; and

"(B) allow a designated official agency to cross boundary lines to carry out inspections in another geographic area if the Secretary also determines that—

"(i) the current designated official agency for that geographic area is unable to provide inspection services in a timely manner;

"(ii) a person requesting inspection services in that geographic area has not been receiving official inspection services from the current designated official agency for that geographic area; or

"(iii) a person requesting inspection services in that geographic area requests a probe inspection on a barge-lot basis.".

(b) WEIGHING AUTHORITY.—Section 7A(i) of the United States Grain Standards Act (7 U.S.C. 79a(i)) is amended—

(1) by striking "(i) No" and inserting the following:

"(i) UNAUTHORIZED WEIGHING PROHIBITED.—

"(1) IN GENERAL.—No";

(2) by striking the second sentence; and

(3) by adding at the end the following:

"(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—Not more than 1 designated official agency referred to in paragraph (1) or State agency delegated authority pursuant to subsection (c)(2) to carry out the weighing provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary, except that, if the Secretary determines that the presence of more than 1 designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary may—

"(A) allow more than 1 designated official agency to carry out the weighing provisions within the same geographical area as part of a pilot program; and

"(B) allow a designated official agency to cross boundary lines to carry out the weighing provisions in another geographic area if the Secretary also determines that—

"(i) the current designated official agency for that geographic area is unable to provide the weighing services in a timely manner; or

"(ii) a person requesting weighing services in that geographic area has not been receiving official weighing services from the current designated official agency for that geographic area.".

SEC. 103. AUTHORIZATION TO COLLECT FEES.

(a) INSPECTION AND SUPERVISORY FEES.—Section 7(j)(4) of the United States Grain Standards Act (7 U.S.C. 79(j)(4)) is amended in the first sentence by striking "2000" and inserting "2005".

(b) WEIGHING AND SUPERVISORY FEES.—Section 7A(l)(3) of the United States Grain

Standards Act (7 U.S.C. 79a(l)(3)) is amended in the first sentence by striking “2000” and inserting “2005”.

SEC. 104. TESTING OF EQUIPMENT.

Section 7B(a) of the United States Grain Standards Act (7 U.S.C. 79b(a)) is amended in the first sentence by striking “but at least annually and”.

SEC. 105. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking “2000” and inserting “2005”; and

(2) by striking “40 per centum” and inserting “30 percent”.

SEC. 106. LICENSES AND AUTHORIZATIONS.

Section 8(a)(3) of the United States Grain Standards Act (7 U.S.C. 84(a)(3)) is amended by inserting “inspection, weighing,” after “laboratory testing,”.

SEC. 107. GRAIN ADDITIVES.

Section 13(e)(1) of the United States Grain Standards Act (7 U.S.C. 87b(e)(1)) is amended by inserting “, or prohibit disguising the quality of grain,” after “sound and pure grain”.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking “2000” and inserting “2005”.

SEC. 109. ADVISORY COMMITTEE.

Section 21(e) of the United States Grain Standards Act (7 U.S.C. 87j(e)) is amended by striking “2000” and inserting “2005”.

SEC. 110. CONFORMING AMENDMENTS.

(a) Section 8 of the United States Grain Standards Act of 1976 (7 U.S.C. 79 note; Public Law 94–582) is amended—

(1) by striking “(a)”; and

(2) by striking subsection (b).

(b) Sections 23, 24, and 25 of the United States Grain Standards Act of 1976 (7 U.S.C. 87e–1, 7 U.S.C. 76 note; Public Law 94–582) are repealed.

(c) Section 27 of the United States Grain Standards Act of 1976 (7 U.S.C. 74 note; Public Law 94–582) is amended by striking “; and thereafter” and all that follows and inserting a period.

SEC. 111. SPECIAL EFFECTIVE DATE FOR CERTAIN EXPIRED PROVISIONS.

The amendments made by sections 103, 105, 108, and 109 shall take effect as if enacted on September 30, 2000.

TITLE II—WAREHOUSES

SEC. 201. STORAGE OF AGRICULTURAL PRODUCTS IN WAREHOUSES.

The United States Warehouse Act (7 U.S.C. 241 et seq.) is amended to read as follows:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘United States Warehouse Act’.

“SEC. 2. DEFINITIONS.

“In this Act:

“(1) Agricultural product.—The term ‘agricultural product’ means an agricultural commodity, as determined by the Secretary, including a processed product of an agricultural commodity.

“(2) Approval.—The term ‘approval’ means the consent provided by the Secretary for a person to engage in an activity authorized by this Act.

“(3) Department.—The term ‘Department’ means the Department of Agriculture.

“(4) Electronic document.—The term ‘electronic document’ means a document that is generated, sent, received, or stored by electronic, optical, or similar means, including electronic data interchange, electronic mail, telegram, telex, or telecopy.

“(5) Electronic receipt.—The term ‘electronic receipt’ means a receipt that is authorized by the Secretary to be issued or transmitted under this Act in the form of an electronic document.

“(6) Holder.—The term ‘holder’ means a person that has possession in fact or by operation of law of a receipt or any electronic document.

“(7) Person.—The term ‘person’ means—

“(A) a person (as defined in section 1 of title 1, United States Code);

“(B) a State; and

“(C) a political subdivision of a State.

“(8) Receipt.—The term ‘receipt’ means a warehouse receipt issued in accordance with this Act, including an electronic receipt.

“(9) Secretary.—The term ‘Secretary’ means the Secretary of Agriculture.

“(10) Warehouse.—The term ‘warehouse’ means a structure or other approved storage facility, as determined by the Secretary, in which any agricultural product may be stored or handled for the purposes of interstate or foreign commerce.

“(11) Warehouse operator.—The term ‘warehouse operator’ means a person that is lawfully engaged in the business of storing or handling agricultural products.

“SEC. 3. POWERS OF SECRETARY.

“(a) In General.—The Secretary shall have exclusive power, jurisdiction, and authority, to the extent that this Act applies, with respect to—

“(1) each warehouse operator licensed under this Act;

“(2) each person that has obtained an approval to engage in an activity under this Act; and

“(3) each person claiming an interest in an agricultural product by means of a document or receipt subject to this Act.

“(b) Covered Agricultural Products.—The Secretary shall specify, after an opportunity for notice and comment, those agricultural products for which a warehouse license may be issued under this Act.

“(c) Investigations.—The Secretary may investigate the storing, warehousing, classifying according to grade and otherwise, weighing, and certifying of agricultural products.

“(d) Inspections.—The Secretary may inspect or cause to be inspected any person or warehouse licensed under this Act and any warehouse for which a license is applied for under this Act.

“(e) Suitability for Storage.—The Secretary may determine whether a licensed warehouse, or a warehouse for which a license is applied for under this Act, is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse.

“(f) Classification.—The Secretary may classify a licensed warehouse, or a warehouse for which a license is applied for under this Act, in accordance with the ownership, location, surroundings, capacity, conditions, and other qualities of the warehouse and as to the kinds of licenses issued or that may be issued for the warehouse under this Act.

“(g) Warehouse Operator’s Duties.—Subject to the other provisions of this Act, the Secretary may prescribe the duties of a warehouse operator operating a warehouse licensed under this Act with respect to the warehouse operator’s care of and responsibility for agricultural products stored or handled by the warehouse operator.

“(h) Systems for Electronic Conveyance.—

“(1) Regulations governing electronic systems.—Except as provided in paragraph (2), the Secretary may promulgate regulations governing 1 or more electronic systems under which electronic receipts may be issued and transferred and other electronic documents relating to the shipment, payment, and financing of the sale of agricultural products may be issued or transferred.

“(2) Limitations.—The Secretary shall not have the authority under this Act to establish—

“(A) 1 or more central filing systems for the filing of financing statements or the filing of the notice of financing statements; or

“(B) rules to determine security interests of persons affected by this Act.

“(i) Examination and Audits.—In addition to the authority provided under subsection (l), on request of the person, State agency, or commodity exchange, the Secretary may conduct an examination, audit, or similar activity with respect to—

“(1) any person that is engaged in the business of storing an agricultural product that is subject to this Act;

“(2) any State agency that regulates the storage of an agricultural product by such a person; or

“(3) any commodity exchange with regulatory authority over the storage of agricultural products that are subject to this Act.

“(j) Licenses for Operation of Warehouses.—The Secretary may issue to any warehouse operator a license for the operation of a warehouse in accordance with this Act if—

“(1) the Secretary determines that the warehouse is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse; and

“(2) the warehouse operator agrees, as a condition of the license, to comply with this Act (including regulations promulgated under this Act).

“(k) Licensing of Other Persons.—

“(1) In general.—On presentation of satisfactory proof of competency to carry out the activities described in this paragraph, the Secretary may issue to any person a Federal license—

“(A) to inspect any agricultural product stored or handled in a warehouse subject to this Act;

“(B) to sample such an agricultural product;

“(C) to classify such an agricultural product according to condition, grade, or other class and certify the condition, grade, or other class of the agricultural product; or

“(D) to weigh such an agricultural product and certify the weight of the agricultural product.

“(2) Condition.—As a condition of a license issued under paragraph (1), the licensee shall agree to comply with this Act (including regulations promulgated under this Act).

“(l) Examination of Books, Records, Papers, and Accounts.—The Secretary may examine and audit, using designated officers, employees, or agents of the Department, all books, records, papers, and accounts relating to activities subject to this Act of—

“(1) a warehouse operator operating a warehouse licensed under this Act;

“(2) a person operating a system for the electronic recording and transfer of receipts and other documents authorized by the Secretary; or

“(3) any other person issuing receipts or electronic documents authorized by the Secretary under this Act.

“(m) Cooperation With States.—The Secretary may—

“(1) cooperate with officers and employees of a State who administer or enforce State laws relating to warehouses, warehouse operators, weighers, graders, inspectors, samplers, or classifiers; and

“(2) enter into cooperative agreements with States to perform activities authorized under this Act.

“SEC. 4. IMPOSITION AND COLLECTION OF FEES.

“(a) IN GENERAL.—The Secretary shall assess persons covered by this Act fees to cover the costs of administering this Act.

“(b) RATES.—The fees under this section shall be set at a rate determined by the Secretary.

“(c) TREATMENT OF FEES.—All fees collected under this section shall be credited to the account that incurs the costs of administering this Act and shall be available to the Secretary without further appropriation and without fiscal year limitation.

“(d) INTEREST.—Funds collected under this section may be deposited in an interest-bearing account with a financial institution, and any interest earned on the account shall be credited under subsection (c).

“(e) EFFICIENCIES AND COST EFFECTIVENESS.—

“(1) IN GENERAL.—The Secretary shall seek to minimize the fees established under this section by improving efficiencies and reducing costs, including the efficient use of personnel to the extent practicable and consistent with the effective implementation of this Act.

“(2) REPORT.—The Secretary shall publish an annual report on the actions taken by the Secretary to comply with paragraph (1).

“SEC. 5. QUALITY AND VALUE STANDARDS.

“If standards for the evaluation or determination of the quality or value of an agricultural product are not established under another Federal law, the Secretary may establish standards for the evaluation or determination of the quality or value of the agricultural product under this Act.

“SEC. 6. BONDING AND OTHER FINANCIAL ASSURANCE REQUIREMENTS.

“(a) IN GENERAL.—As a condition of receiving a license or approval under this Act (including regulations promulgated under this Act), the person applying for the license or approval shall execute and file with the Secretary a bond, or provide such other financial assurance as the Secretary determines appropriate, to secure the person's performance of the activities so licensed or approved.

“(b) SERVICE OF PROCESS.—To qualify as a suitable bond or other financial assurance under subsection (a), the surety, sureties, or financial institution shall be subject to service of process in suits on the bond or other financial assurance in the State, district, or territory in which the warehouse is located.

“(c) ADDITIONAL ASSURANCES.—If the Secretary determines that a previously approved bond or other financial assurance is insufficient, the Secretary may suspend or revoke the license or approval covered by the bond or other financial assurance if the person that filed the bond or other financial assurance does not provide such additional bond or other financial assurance as the Secretary determines appropriate.

“(d) THIRD PARTY ACTIONS.—Any person injured by the breach of any obligation arising under this Act for which a bond or other financial assurance has been obtained as required by this section may sue with respect to the bond or other financial assurance in a district court of the United States to recover the damages that the person sustained as a result of the breach.

“SEC. 7. MAINTENANCE OF RECORDS.

“To facilitate the administration of this Act, the following persons shall maintain such records and make such reports, as the Secretary may by regulation require:

“(1) A warehouse operator that is licensed under this Act.

“(2) A person operating a system for the electronic recording and transfer of receipts and other documents that are authorized under this Act.

“(3) Any other person engaged in the issuance of electronic receipts or the transfer of documents under this Act.

“SEC. 8. FAIR TREATMENT IN STORAGE OF AGRICULTURAL PRODUCTS.

“(a) IN GENERAL.—Subject to the capacity of a warehouse, a warehouse operator shall deal, in a fair and reasonable manner, with persons storing, or seeking to store, an agricultural product in the warehouse if the agricultural product—

“(1) is of the kind, type, and quality customarily stored or handled in the area in which the warehouse is located;

“(2) is tendered to the warehouse operator in a suitable condition for warehousing; and

“(3) is tendered in a manner that is consistent with the ordinary and usual course of business.

“(b) ALLOCATION.—Nothing in this section prohibits a warehouse operator from entering into an agreement with a depositor of an agricultural product to allocate available storage space.

“SEC. 9. COMMINGLING OF AGRICULTURAL PRODUCTS.

“(a) IN GENERAL.—A warehouse operator may commingle agricultural products in a manner approved by the Secretary.

“(b) LIABILITY.—A warehouse operator shall be severally liable to each depositor or holder for the care and redelivery of the share of the depositor and holder of the commingled agricultural product to the same extent and under the same circumstances as if the agricultural products had been stored separately.

“SEC. 10. TRANSFER OF STORED AGRICULTURAL PRODUCTS.

“(a) IN GENERAL.—In accordance with regulations promulgated under this Act, a warehouse operator may transfer a stored agricultural product from 1 warehouse to another warehouse for continued storage.

“(b) CONTINUED DUTY.—The warehouse operator from which agricultural products have been transferred under subsection (a) shall deliver to the rightful owner of such products, on request at the original warehouse, such products in the quantity and of the kind, quality, and grade called for by the receipt or other evidence of storage of the owner.

“SEC. 11. WAREHOUSE RECEIPTS.

“(a) IN GENERAL.—At the request of the depositor of an agricultural product stored or handled in a warehouse licensed under this Act, the warehouse operator shall issue a receipt to the depositor as prescribed by the Secretary.

“(b) ACTUAL STORAGE REQUIRED.—A receipt may not be issued under this section for an agricultural product unless the agricultural product is actually stored in the warehouse at the time of the issuance of the receipt.

“(c) CONTENTS.—Each receipt issued for an agricultural product stored or handled in a warehouse licensed under this Act shall contain such information, for each agricultural product covered by the receipt, as the Secretary may require by regulation.

“(d) PROHIBITION ON ADDITIONAL RECEIPTS OR OTHER DOCUMENTS.—

“(1) RECEIPTS.—While a receipt issued under this Act is outstanding and uncanceled by the warehouse operator, an additional receipt may not be issued for the same agricultural product (or any portion of the same agricultural product) represented by the outstanding receipt, except as authorized by the Secretary.

“(2) OTHER DOCUMENTS.—If a document is transferred under this section, no duplicate document in any form may be transferred by any person with respect to the same agricultural product represented by the document, except as authorized by the Secretary.

“(e) ELECTRONIC RECEIPTS AND ELECTRONIC DOCUMENTS.—Except as provided in section 3(h)(2), notwithstanding any other provision of Federal or State law:

“(1) IN GENERAL.—The Secretary may promulgate regulations that authorize the issuance, recording, and transfer of electronic receipts, and the transfer of other electronic documents, in accordance with this subsection.

“(2) ELECTRONIC RECEIPT OR ELECTRONIC DOCUMENT SYSTEMS.—Electronic receipts may be issued, recorded, and transferred, and electronic documents may be transferred, under this subsection with respect to an agricultural product under, a system or systems maintained in 1 or more locations and approved by the Secretary in accordance with regulations issued under this Act.

“(3) TREATMENT OF HOLDER.—Any person designated as the holder of an electronic receipt or other electronic document issued or transferred under this Act shall, for the purpose of perfecting the security interest of the person under Federal or State law and for all other purposes, be considered to be in possession of the receipt or other electronic document.

“(4) NONDISCRIMINATION.—An electronic receipt issued, or other electronic document transferred, in accordance with this Act shall not be denied legal effect, validity, or enforceability on the ground that the information is generated, sent, received, or stored by electronic or similar means.

“(5) SECURITY INTERESTS.—If more than 1 security interest exists in the agricultural product that is the subject of an electronic receipt or other electronic document under this Act, the priority of the security interest shall be determined by the applicable Federal or State law.

“(6) NO ELECTRONIC RECEIPT REQUIRED.—A person shall not be required to issue in electronic form a receipt or document with respect to an agricultural product.

“(7) OPTION FOR NON-FEDERALLY LICENSED WAREHOUSE OPERATORS.—Notwithstanding any other provision of this Act, a warehouse operator not licensed under this Act may, at the option of the warehouse operator and in accordance with regulations established by the Secretary, issue electronic receipts and transfer other electronic documents in accordance with this Act.

“(8) APPLICATION TO STATE-LICENSED WAREHOUSE OPERATORS.—This subsection shall not apply to a warehouse operator that is licensed under State law to store agricultural commodities in a warehouse in the State if the warehouse operator elects—

“(A) not to issue electronic receipts authorized under this subsection; or

“(B) to issue electronic receipts authorized under State law.

“SEC. 12. CONDITIONS FOR DELIVERY OF AGRICULTURAL PRODUCTS.

“(a) PROMPT DELIVERY.—In the absence of a lawful excuse, a warehouse operator shall, without unnecessary delay, deliver the agricultural product stored or handled in the warehouse on a demand made by—

“(1) the holder of the receipt for the agricultural product; or

"(2) the person that deposited the product, if no receipt has been issued.

"(b) Payment To Accompany Demand.—Prior to delivery of the agricultural product, payment of the accrued charges associated with the storage of the agricultural product, including satisfaction of the warehouseman's lien, shall be made if requested by the warehouse operator.

"(c) Surrender of Receipt.—When the holder of a receipt requests delivery of an agricultural product covered by the receipt, the holder shall surrender the receipt to the warehouse operator, in the manner prescribed by the Secretary, to obtain the agricultural product.

"(d) Cancellation of Receipt.—A warehouse operator shall cancel each receipt returned to the warehouse operator upon the delivery of the agricultural product for which the receipt was issued.

"SEC. 13. SUSPENSION OR REVOCATION OF LICENSES.

"(a) In General.—After providing notice and an opportunity for a hearing in accordance with this section, the Secretary may suspend or revoke any license issued, or approval for an activity provided, under this Act—

"(1) for a material violation of, or failure to comply, with any provision of this Act (including regulations promulgated under this Act); or

"(2) on the ground that unreasonable or exorbitant charges have been imposed for services rendered.

"(b) Temporary Suspension.—The Secretary may temporarily suspend a license or approval for an activity under this Act prior to an opportunity for a hearing for any violation of, or failure to comply with, any provision of this Act (including regulations promulgated under this Act).

"(c) Authority To Conduct Hearings.—The agency within the Department that is responsible for administering regulations promulgated under this Act shall have exclusive authority to conduct any hearing required under this section.

"(d) Judicial Review.—

"(1) Jurisdiction.—A final administrative determination issued subsequent to a hearing may be reviewable only in a district court of the United States.

"(2) Procedure.—The review shall be conducted in accordance with the standards set forth in section 706(2) of title 5, United States Code.

"SEC. 14. PUBLIC INFORMATION.

"(a) In General.—The Secretary may release to the public the names, addresses, and locations of all persons—

"(1) that have been licensed under this Act or that have been approved to engage in an activity under this Act; and

"(2) with respect to which a license or approval has been suspended or revoked under section 13, the results of any investigation made or hearing conducted under this Act, including the reasons for the suspension or revocation.

"(b) Confidentiality.—Except as otherwise provided by law, an officer, employee, or agent of the Department shall not divulge confidential business information obtained during a warehouse examination or other function performed as part of the duties of the officer, employee, or agent under this Act.

"SEC. 15. PENALTIES FOR NONCOMPLIANCE.

"If a person fails to comply with any requirement of this Act (including regulations promulgated under this Act), the Secretary may assess, on the record after an opportunity for a hearing, a civil penalty—

"(1) of not more than $25,000 per violation, if an agricultural product is not involved in the violation; or

"(2) of not more than 100 percent of the value of the agricultural product, if an agricultural product is involved in the violation.

"SEC. 16. JURISDICTION AND ARBITRATION.

"(a) Federal Jurisdiction.—A district court of the United States shall have exclusive jurisdiction over any action brought under this Act without regard to the amount in controversy or the citizenship of the parties.

"(b) Arbitration.—Nothing in this Act prevents the enforceability of an agreement to arbitrate that would otherwise be enforceable under chapter 1 of title 9, United States Code.

"SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this Act.".

SEC. 202. REGULATIONS.

(a) Proposed Regulations.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register proposed regulations for carrying out the amendment made by section 201.

(b) Final Regulations.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate final regulations for carrying out the amendment made by section 201.

(c) Effectiveness of Existing Act.—The United States Warehouse Act (7 U.S.C. 241 et seq.) (as it existed before the amendment made by section 201) shall be effective until the earlier of—

(1) the date on which final regulations are promulgated under subsection (b); or

(2) August 1, 2001.

TITLE III—MISCELLANEOUS

SEC. 301. ENERGY GENERATION, TRANSMISSION, AND DISTRIBUTION FACILITIES EFFICIENCY GRANTS AND LOANS IN RURAL COMMUNITIES WITH EXTREMELY HIGH ENERGY COSTS.

Title I of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 19. ENERGY GENERATION, TRANSMISSION, AND DISTRIBUTION FACILITIES EFFICIENCY GRANTS AND LOANS IN RURAL COMMUNITIES WITH EXTREMELY HIGH ENERGY COSTS.

"(a) In General.—The Secretary, acting through the Rural Utilities Service, may—

"(1) in coordination with State rural development initiatives, make grants and loans to persons, States, political subdivisions of States, and other entities organized under the laws of States to acquire, construct, extend, upgrade, and otherwise improve energy generation, transmission, or distribution facilities serving communities in which the average residential expenditure for home energy is at least 275 percent of the national average residential expenditure for home energy (as determined by the Energy Information Agency using the most recent data available);

"(2) make grants and loans to the Denali Commission established by the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) to acquire, construct, extend, upgrade, and otherwise improve energy generation, transmission, or distribution facilities serving communities described in paragraph (1); and

"(3) make grants to State entities, in existence as of the date of enactment of this section, to establish and support a revolving fund to provide a more cost-effective means of purchasing fuel where the fuel cannot be shipped by means of surface transportation.

"(b) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year.

"(2) Limitation on planning and administrative expenses.—Not more than 4 percent of the amounts made available under paragraph (1) may be used for planning and administrative expenses.".

SEC. 302. CARRY FORWARD ADJUSTMENT.

The amendments made by section 204(b)(10)(A) of the Agricultural Risk Protection Act of 2000 shall apply beginning with undermarketings of the 2001 crop of burley tobacco and with marketings of the 2002 crop of burley tobacco.

SEC. 303. FEES AND PENALTIES FOR MEDIATION AND ARBITRATION OF DISPUTES INVOLVING AGRICULTURAL PRODUCTS MOVING IN FOREIGN COMMERCE UNDER MULTINATIONAL ENTITIES.

Section 203(e) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(e)) is amended—

(1) by striking "(e) To" and inserting the following:

"(e) Development of New Markets.—

"(1) In general.—To"; and

(2) by adding at the end the following:

"(2) Fees and penalties.—

"(A) In general.—In carrying out paragraph (1), the Secretary may assess and collect reasonable fees and late payment penalties to mediate and arbitrate disputes arising between parties in connection with transactions involving agricultural products moving in foreign commerce under the jurisdiction of a multinational entity.

"(B) Deposit.—Fees and penalties collected under subparagraph (A) shall be deposited into the account that incurred the cost of providing the mediation or arbitration service.

"(C) Availability.—Fees and penalties collected under subparagraph (A) shall be available to the Secretary without further Act of appropriation and shall remain available until expended to pay the expenses of the Secretary for providing mediation and arbitration services under this paragraph.

"(D) No requirement for use of services.—No person shall be required by the Secretary to use the mediation and arbitration services provided under this paragraph.".

SEC. 304. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH EXTREME UNEMPLOYMENT AND SEVERE ECONOMIC DEPRESSION.

(a) In General.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

"(20) Community facilities grant program for rural communities with extreme unemployment and severe economic depression.—

"(A) Definition of not employed rate.—In this paragraph, the term 'not employed rate', with respect to a community, means the percentage of individuals over the age of 18 who reside within the community and who are ready, willing, and able to be employed but are unable to find employment, as determined by the department of labor of the State in which the community is located.

"(B) Grant authority.—The Secretary may make grants to associations, units of general local government, nonprofit corporations, and Indian tribes (as defined in section

4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in rural communities with respect to which the not employed rate is greater than the lesser of—

"(i) 500 percent of the average national unemployment rate on the date of enactment of this paragraph, as determined by the Bureau of Labor Statistics; or

"(ii) 200 percent of the average national unemployment rate during the Great Depression, as determined by the Bureau of Labor Statistics.

"(C) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation.".

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) is amended by striking "section 306(a)(19)" and inserting "paragraph (19) or (20) of section 306(a)".

SEC. 305. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 304(a)) is amended by adding at the end the following:

"(21) COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.—

"(A) GRANT AUTHORITY.—The Secretary may make grants to associations, units of general local government, nonprofit corporations, and Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in any geographic area—

"(i) that is represented by—

"(I) any political subdivision of a State;

"(II) an Indian tribe on a Federal or State reservation; or

"(III) other federally recognized Indian tribal group;

"(ii) that is located in a rural area (as defined in section 381A);

"(iii) with respect to which, during the most recent 5-year period, the net out-migration of inhabitants, or other population loss, from the area equals or exceeds 5 percent of the population of the area; and

"(iv) that has a median household income that is less than the nonmetropolitan median household income of the United States.

"(B) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation.".

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) (as amended by section 304(b)) is amended by striking "paragraph (19) or (20)" and inserting "paragraph (19), (20), or (21)".

SEC. 306. STATE AGRICULTURAL MEDIATION PROGRAMS.

(a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

"(1) ISSUES COVERED.—

"(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

"(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

"(i) Wetlands determinations.

"(ii) Compliance with farm programs, including conservation programs.

"(iii) Agricultural credit.

"(iv) Rural water loan programs.

"(v) Grazing on National Forest System land.

"(vi) Pesticides.

"(vii) Such other issues as the Secretary considers appropriate.

"(2) PERSONS ELIGIBLE FOR MEDIATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the persons referred to in paragraph (1) include—

"(i) agricultural producers;

"(ii) creditors of producers (as applicable); and

"(iii) persons directly affected by actions of the Department of Agriculture.

"(B) VOLUNTARY PARTICIPATION.—

"(i) IN GENERAL.—Subject to clause (ii) and section 503, a person may not be compelled to participate in mediation services provided under this Act.

"(ii) STATE LAWS.—Clause (i) shall not affect a State law requiring mediation before foreclosure on agricultural land or property."; and

(2) by adding at the end the following:

"(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term 'mediation services', with respect to mediation or a request for mediation, may include all activities related to—

"(1) the intake and scheduling of cases;

"(2) the provision of background and selected information regarding the mediation process;

"(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

"(4) the mediation session.".

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking "Each" and inserting the following:

"(1) IN GENERAL.—Each"; and

(2) by adding at the end the following:

"(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

"(A) salaries;

"(B) reasonable fees and costs of mediators;

"(C) office rent and expenses, such as utilities and equipment rental;

"(D) office supplies;

"(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

"(F) education and training;

"(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

"(H) costs associated with publicity and promotion of the mediation program;

"(I) preparation of the parties for mediation; and

"(J) financial advisory and counseling services for parties requesting mediation.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking "2000" and inserting "2005".

SEC. 307. ADJUSTMENTS TO NUTRITION PROGRAMS.

(a) PAYMENT OF COSTS ASSOCIATED WITH REMOVAL OF COMMODITIES THAT POSE A HEALTH OR SAFETY RISK.—Section 15(e) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237) is amended by striking "2000" and inserting "2003".

(b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—

(1) COST-OF-LIVING ALLOWANCES FOR MEMBERS OF UNIFORMED SERVICES.—Section 17(d)(2)(B)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)(ii)) is amended by striking "continental" and inserting "contiguous States of the".

(2) DEMONSTRATION PROJECT.—Effective October 1, 2000, section 17(r)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(r)(1)) is amended by striking "at least 20 local agencies" and inserting "not more than 20 local agencies".

(c) CHILD AND ADULT CARE FOOD PROGRAM.—

(1) TECHNICAL AMENDMENTS.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(A) by striking the section heading and all that follows through "SEC. 17." and inserting the following:

"SEC. 17. CHILD AND ADULT CARE FOOD PROGRAM.";

and

(B) in subsection (a)(6)(C)(ii), by striking "and" at the end.

(2) EXCEPTIONS TO HEARING REQUIREMENTS.—Section 17(d)(5)(D) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(5)(D)) is amended—

(A) by striking "(D) HEARING.—An institution" and inserting the following:

"(D) HEARING.—

"(i) IN GENERAL.—Except as provided in clause (ii), an institution"; and

(B) by adding at the end the following:

"(ii) EXCEPTION FOR FALSE OR FRAUDULENT CLAIMS.—

"(I) IN GENERAL.—If a State agency determines that an institution has knowingly submitted a false or fraudulent claim for reimbursement, the State agency may suspend the participation of the institution in the program in accordance with this clause.

"(II) REQUIREMENT FOR REVIEW.—Prior to any determination to suspend participation of an institution under subclause (I), the State agency shall provide for an independent review of the proposed suspension in accordance with subclause (III).

"(III) REVIEW PROCEDURE.—The review shall—

"(aa) be conducted by an independent and impartial official other than, and not accountable to, any person involved in the determination to suspend the institution;

"(bb) provide the State agency and the institution the right to submit written documentation relating to the suspension, including State agency documentation of the alleged false or fraudulent claim for reimbursement and the response of the institution to the documentation;

"(cc) require the reviewing official to determine, based on the review, whether the State agency has established, based on a preponderance of the evidence, that the institution has knowingly submitted a false or fraudulent claim for reimbursement;

"(dd) require the suspension to be in effect for not more than 120 calendar days after the institution has received notification of a determination of suspension in accordance with this clause; and

"(ee) require the State agency during the suspension to ensure that payments continue to be made to sponsored centers and family and group day care homes meeting the requirements of the program.

"(IV) HEARING.—A State agency shall provide an institution that has been suspended from participation in the program under this clause an opportunity for a fair hearing on the suspension conducted in accordance with subsection (e)(1).".

(3) STATEWIDE DEMONSTRATION PROJECTS INVOLVING PRIVATE FOR-PROFIT ORGANIZATIONS PROVIDING NONRESIDENTIAL DAY CARE SERVICES.—Section 17(p)(3)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(p)(3)(C)) is amended—

(A) in clause (iii), by striking "all families" and inserting "all low-income families"; and

(B) in clause (iv), by striking "made" and inserting "reported for fiscal year 1998".

SEC. 308. AUTHORIZATION FOR SECRETARY OF AGRICULTURE TO PURCHASE AND TRANSFER LAND.

Subject to the availability of funds appropriated to the Agricultural Research Service, the Secretary of Agriculture may—

(1) purchase a tract of land in the State of South Carolina that is contiguous to land owned on the date of enactment of this Act by the Department of Agriculture, acting through the Coastal Plains Soil, Water, and Plant Research Center of the Agricultural Research Service; and

(2) transfer land owned by the Department of Agriculture to the Florence Darlington Technical College, South Carolina, in exchange for land owned by the College.

SEC. 309. EXTENSION OF TIME PERIOD FOR FILING CERTAIN COMPLAINTS ALLEGING PREPARATION OF FALSE INSPECTION CERTIFICATES.

Notwithstanding section 6(a)(1) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)(1)), a person that desires to file a complaint under section 6 of that Act involving the allegation of a false inspection certificate prepared by a grader of the Department of Agriculture at Hunts Point Terminal Market, Bronx, New York, prior to October 27, 1999, may file the complaint not later than January 1, 2001.

SEC. 310. INTERNATIONAL FOOD RELIEF PARTNERSHIP.

(a) ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.—Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by adding at the end the following:

"SEC. 208. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

"(a) IN GENERAL.—The Administrator may provide grants to—

"(1) United States nonprofit organizations (described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of the Internal Revenue Code of 1986) for the preparation of shelf-stable prepackaged foods requested by eligible organizations and the establishment and maintenance of stockpiles of the foods in the United States; and

"(2) private voluntary organizations and international organizations for the rapid transportation, delivery, and distribution of shelf-stable prepackaged foods described in paragraph (1) to needy individuals in foreign countries.

"(b) GRANTS FOR ESTABLISHMENT OF STOCKPILES.—

"(1) IN GENERAL.—Not more than 70 percent of the amount made available to carry out this section shall be used to provide grants under subsection (a)(1).

"(2) PRIORITY.—In providing grants under subsection (a)(1), the Administrator shall provide a preference to a United States nonprofit organization that agrees to provide—

"(A) non-Federal funds in an amount equal to 50 percent of the amount of funds received under a grant under subsection (a)(1);

"(B) an in-kind contribution in an amount equal to that percentage; or

"(C) a combination of such funds and an in-kind contribution;

for the preparation of shelf-stable prepackaged foods and the establishment and maintenance of stockpiles of the foods in the United States in accordance with subsection (a)(1).

"(c) GRANTS FOR RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION.—Not less than 20 percent of the amount made available to carry out this section shall be used to provide grants under subsection (a)(2).

"(d) ADMINISTRATION.—Not more than 10 percent of the amount made available to carry out this section may be used by the Administrator for the administration of grants under subsection (a).

"(e) REGULATIONS OR GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with the Secretary, shall issue such regulations or guidelines as the Administrator determines to be necessary to carry out this section, including regulations or guidelines that provide to United States nonprofit organizations eligible to receive grants under subsection (a)(1) guidance with respect to the requirements for qualified shelf-stable prepackaged foods and the quantity of the foods to be stockpiled by the organizations.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section, in addition to amounts otherwise available to carry out this section, $3,000,000 for each of fiscal years 2001 and 2002, to remain available until expended.".

(b) PREPOSITIONING OF COMMODITIES.—Section 407(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)) is amended by adding at the end the following:

"(4) PREPOSITIONING.—Funds made available for fiscal years 2001 and 2002 to carry out titles II and III may be used by the Administrator to procure, transport, and store agricultural commodities for prepositioning within the United States and in foreign countries, except that for each such fiscal year not more than $2,000,000 of such funds may be used to store agricultural commodities for prepositioning in foreign countries.".

WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4312

Mr. MURKOWSKI (for Mr. SMITH of New Hampshire) proposed an amendment to the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

Sec. 101. Short titles.

Subtitle A—Wildlife Restoration

Sec. 111. Expenses for administration.
Sec. 112. Firearm and bow hunter education and safety program grants.
Sec. 113. Multistate conservation grant program.
Sec. 113. Miscellaneous provision.

Subtitle B—Sport Fish Restoration

Sec. 121. Expenses for administration.
Sec. 122. Multistate conservation grant program.
Sec. 123. Funding of the Coastal Wetlands Planning, Protection and Restoration Act.
Sec. 124. Period of availability.
Sec. 125. Miscellaneous provision.
Sec. 126. Conforming amendment.

Subtitle C—Wildlife and Sport Fish Restoration Programs

Sec. 131. Designation of programs.
Sec. 132. Assistant Director for Wildlife and Sport Fish Restoration Programs.
Sec. 133. Reports and certifications.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

Sec. 201. Short title.
Sec. 202. Purposes.
Sec. 203. Board of directors of the Foundation.
Sec. 204. Rights and obligations of the Foundation.
Sec. 205. Annual reporting of grant details.
Sec. 206. Notice to Members of Congress.
Sec. 207. Authorization of appropriations.
Sec. 208. Limitation on authority.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL

Sec. 301. Short title.
Sec. 302. Findings and purposes.

Sec. 303. National Wildlife Refuge System Centennial Commission.
Sec. 304. Long-term planning and annual reporting requirements regarding the operation and maintenance backlog.
Sec. 305. Year of the National Wildlife Refuge.
Sec. 306. Authorization of appropriations.
Sec. 307. Effective date.

TITLE I—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

SEC. 101. SHORT TITLES.

(a) This Title.—This title may be cited as the "Wildlife and Sport Fish Restoration Programs Improvement Act of 2000".

(b) Pittman-Robertson Wildlife Restoration Act.—The Act of September 2, 1937 (16 U.S.C. 669 et seq.), is amended by adding at the end the following:

"SEC. 13. SHORT TITLE.

"This Act may be cited as the 'Pittman-Robertson Wildlife Restoration Act'.".

(c) Dingell-Johnson Sport Fish Restoration Act.—The Act of August 9, 1950 (16 U.S.C. 777 et seq.), is amended by adding at the end the following:

"SEC. 15. SHORT TITLE.

"This Act may be cited as the 'Dingell-Johnson Sport Fish Restoration Act'.".

Subtitle A—Wildlife Restoration

SEC. 111. EXPENSES FOR ADMINISTRATION.

(a) Set-Aside for Expenses for Administration of the Pittman-Robertson Wildlife Restoration Act.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking "Sec. 4." and all that follows through the end of the first sentence of subsection (a) and inserting the following:

"SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

"(a) Set-Aside for Expenses for Administration of the Pittman-Robertson Wildlife Restoration Act.—

"(1) In general.—

"(A) Set-aside.—For fiscal year 2001 and each fiscal year thereafter, of the revenues (excluding interest accruing under section 3(b)) covered into the fund for the fiscal year, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this Act, in accordance with this subsection and section 9.

"(B) Available amounts.—The available amount referred to in subparagraph (A) is—

"(i) for each of fiscal years 2001 and 2002, $9,000,000;

"(ii) for fiscal year 2003, $8,212,000; and

"(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

"(I) the available amount for the preceding fiscal year; and

"(II) the amount determined by multiplying—

"(aa) the available amount for the preceding fiscal year; and

"(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(2) Period of availability; apportionment of unobligated amounts.—

"(A) Period of availability.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

"(B) Apportionment of unobligated amounts.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States for the fiscal year.

"(b) Apportionment to States.—";

(3) in subsection (b) (as designated by paragraph (2)), by striking "after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section," and inserting "after deducting the available amount under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion"; and

(4) in the first sentence of subsection (c) (as redesignated by paragraph (1)), by inserting "Puerto Rico," after "American Samoa,".

(b) Requirements and Restrictions Concerning Use of Amounts for Expenses for Administration.—Section 9 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h) is amended to read as follows:

"SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

"(a) Authorized Expenses for Administration.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(a)(1) only for expenses for administration that directly support the implementation of this Act that consist of—

"(1) personnel costs of employees who directly administer this Act on a full-time basis;

"(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

"(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

"(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

"(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

"(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

"(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

"(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

"(7) costs of audits under subsection (d);

"(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

"(9) costs of travel to States, territories, and Canada by personnel who—

"(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

"(B) administer grants under section 6, 10, or 11;

"(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this Act on a full-time basis, for purposes that directly relate to administration of this Act and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

"(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

"(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 6, 10, and 11.

"(b) Reporting of Other Uses.—

"(1) In general.—Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 4(a)(1) should be used for an expense for administration other than an expense for administration described in subsection (a), the Secretary—

"(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the expense for administration and stating the amount of the expense; and

"(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

"(2) Maximum amount.—For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than $25,000.

"(c) Restriction on Use To Supplement General Appropriations.—The Secretary of the Interior shall not use available amounts under subsection (b) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

"(d) Audit Requirement.—

"(1) In general.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this Act.

"(2) Auditor.—

"(A) In general.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

"(B) Supervision of auditor.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

"(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

"(A) a report on the results of each audit under this subsection; and

"(B) a copy of each audit under this subsection.".

(c) CONFORMING AMENDMENT.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended in the first sentence by striking "section 4(b) of this Act" and inserting "section 4(c)".

SEC. 112. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

The Pittman-Robertson Wildlife Restoration Act is amended—

(1) by redesignating section 10 (16 U.S.C. 669i) as section 12; and

(2) by inserting after section 9 (16 U.S.C. 669h) the following:

"SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

"(a) IN GENERAL.—

"(1) GRANTS.—Of the revenues covered into the fund, $7,500,000 for each of fiscal years 2001 and 2002, and $8,000,000 for fiscal year 2003 and each fiscal year thereafter, shall be apportioned among the States in the manner specified in section 4(c) by the Secretary of the Interior and used to make grants to the States to be used for—

"(A) in the case of a State that has not used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b)—

"(i) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;

"(ii) the enhancement of interstate coordination and development of hunter education and shooting range programs;

"(iii) the enhancement of bow hunter and archery education, safety, and development programs; and

"(iv) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges; and

"(B) in the case of a State that has used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b), any use authorized by this Act (including hunter safety programs and the construction, operation, and maintenance of public target ranges).

"(2) LIMITATION ON USE.—Under paragraph (1), a State shall not be required to use more than the amount described in section 8(b) for hunter safety programs and the construction, operation, and maintenance of public target ranges.

"(b) COST SHARING.—The Federal share of the cost of any activity carried out with a grant under this section shall not exceed 75 percent of the total cost of the activity.

"(c) PERIOD OF AVAILABILITY; REAPPORTIONMENT.—

"(1) PERIOD OF AVAILABILITY.—Amounts made available and apportioned for grants under this section shall remain available only for the fiscal year for which the amounts are apportioned.

"(2) REAPPORTIONMENT.—At the end of the period of availability under paragraph (1), the Secretary of the Interior shall apportion amounts made available that have not been used to make grants under this section among the States described in subsection (a)(1)(B) for use by those States in accordance with this Act.".

SEC. 113. MULTISTATE CONSERVATION GRANT PROGRAM.

The Pittman-Robertson Wildlife Restoration Act (as amended by section 112) is amended by inserting after section 10 the following:

"SEC. 11. MULTISTATE CONSERVATION GRANT PROGRAM.

"(a) IN GENERAL.—

"(1) AMOUNT FOR GRANTS.—Not more than $3,000,000 of the revenues covered into the fund for a fiscal year shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

"(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

"(A) PERIOD OF AVAILABILFTY.—Amounts made available under paragraph (1) shall remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year.

"(B) APPORTIONMENT.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any amounts that remain available among the States in the manner specified in section 4(b) for use by the States in the same manner as funds apportioned under section 4(b).

"(b) SELECTION OF PROJECTS.—

"(1) STATES OR ENTITIES TO BE BENEFITED.—A project shall not be eligible for a grant under this section unless the project will benefit—

"(A) at least 26 States;

"(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

"(C) a regional association of State fish and game departments.

"(2) USE OF SUBMITTED PRIORITY LIST OF PROJECTS.—The Secretary of the Interior may make grants under this section only for projects identified on a priority list of wildlife restoration projects described in paragraph (3).

"(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of wildlife restoration projects that the International Association of Fish and Wildlife Agencies—

"(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

"(i) nongovernmental organizations that represent conservation organizations;

"(ii) sportsmen organizations; and

"(iii) industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery;

"(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

"(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

"(4) PUBLICATION.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

"(c) ELIGIBLE GRANTEES.—

"(1) IN GENERAL.—The Secretary of the Interior may make a grant under this section only to—

"(A) a State or group of States;

"(B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

"(C) subject to paragraph (2), a nongovernmental organization.

"(2) NONGOVERNMENTAL ORGANIZATIONS.—

"(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

"(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated hunting or trapping of wildlife; and

"(ii) will use the grant funds in compliance with subsection (d).

"(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

"(d) USE OF GRANTS.—A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated hunting or trapping of wildlife.

"(e) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section.".

SEC. 114. MISCELLANEOUS PROVISION.

Section 5 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669d) is amended in the first sentence—

(1) by inserting ", at the time at which a deduction or apportionment is made," after "certify"; and

(2) by striking "and executing".

Subtitle B—Sport Fish Restoration

SEC. 121. EXPENSES FOR ADMINISTRATION.

(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by striking subsection (d) and inserting the following:

"(d) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—

"(1) IN GENERAL.—

"(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) and section 14, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this Act, in accordance with this subsection and section 9.

"(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

"(i) for each of fiscal years 2001 and 2002, $9,000,000;

"(ii) for fiscal year 2003, $8,212,000; and

"(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

"(I) the available amount for the preceding fiscal year; and

"(II) the amount determined by multiplying—

"(aa) the available amount for the preceding fiscal year; and

"(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

"(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

"(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States under subsection (e) for the fiscal year.".

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.—Section 9 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h) is amended to read as follows:

"SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

"(a) AUTHORIZED EXPENSES FOR ADMINISTRATION.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(d)(1) only for expenses for administration that directly support the implementation of this Act that consist of—

"(1) personnel costs of employees who directly administer this Act on a full-time basis;

"(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

"(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

"(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

"(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

"(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

"(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

"(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

"(7) costs of audits under subsection (d);

"(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

"(9) costs of travel to States, territories, and Canada by personnel who—

"(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

"(B) administer grants under section 6 or 14;

"(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this Act on a full-time basis, for purposes that directly relate to administration of this Act and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

"(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

"(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 6 and 14.

"(b) REPORTING OF OTHER USES.—

"(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 4(d)(1) should be used for an expense for administration other than an expense for administration described in subsection (a), the Secretary—

"(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the expense for administration and stating the amount of the expense; and

"(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

"(2) MAXIMUM AMOUNT.—For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than $25,000.

"(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under subsection (b) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

"(d) AUDIT REQUIREMENT.—

"(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this Act.

"(2) AUDITOR.—

"(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

"(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

"(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

"(A) a report on the results of each audit under this subsection; and

"(B) a copy of each audit under this subsection.".

(c) EXPENSES FOR ADMINISTRATION OF CERTAIN PROGRAMS.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by adding at the end the following:

"(g) EXPENSES FOR ADMINISTRATION OF CERTAIN PROGRAMS.—

"(1) IN GENERAL.—For each fiscal year, of the amounts appropriated under section 3, the Secretary of the Interior shall use only funds authorized for use under subsections (a), (b)(3)(A), (b)(3)(B), and (c) to pay the expenses for administration incurred in carrying out the provisions of law referred to in those subsections, respectively.

"(2) MAXIMUM AMOUNT.—For each fiscal year, the Secretary of the Interior may use not more than $900,000 in accordance with paragraph (1).".

SEC. 122. MULTISTATE CONSERVATION GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Dingell-Johnson Sport Fish Restoration Act is amended—

(1) by striking the section 13 relating to effective date (16 U.S.C. 777 note) and inserting the following:

"SEC. 14. MULTISTATE CONSERVATION GRANT PROGRAM.

"(a) IN GENERAL.—

"(1) AMOUNT FOR GRANTS.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 in a fiscal year, not more than $3,000,000 shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

"(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

"(A) PERIOD OF AVAILABILITY.—Amounts made available under paragraph (1) shall remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year.

"(B) APPORTIONMENT.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any amounts that remain available among the States in the manner specified in section 4(e) for use by the States in the same manner as funds apportioned under section 4(e).

"(b) SELECTION OF PROJECTS.—

"(1) STATES OR ENTITIES TO BE BENEFITED.—A project shall not be eligible for a grant under this section unless the project will benefit—

"(A) at least 26 States;

"(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

"(C) a regional association of State fish and game departments.

"(2) USE OF SUBMITTED PRIORITY LIST OF PROJECTS.—The Secretary of the Interior may make grants under this section only for projects identified on a priority list of sport fish restoration projects described in paragraph (3).

"(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of sport fish restoration projects that the International Association of Fish and Wildlife Agencies—

"(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

"(i) nongovernmental organizations that represent conservation organizations;

"(ii) sportsmen organizations; and

"(iii) industries that fund the sport fish restoration programs under this Act;

"(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

"(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

"(4) PUBLICATION.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

"(c) ELIGIBLE GRANTEES.—

"(1) IN GENERAL.—The Secretary of the Interior may make a grant under this section only to—

"(A) a State or group of States;

"(B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

"(C) subject to paragraph (2), a nongovernmental organization.

"(2) NONGOVERNMENTAL ORGANIZATIONS.—

"(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

"(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated taking of fish; and

"(ii) will use the grant funds in compliance with subsection (d).

"(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

"(d) USE OF GRANTS.—A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated taking of fish.

"(e) FUNDING FOR OTHER ACTIVITIES.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a)—

"(1) $200,000 shall be made available for each of—

"(A) the Atlantic States Marine Fisheries Commission;

"(B) the Gulf States Marine Fisheries Commission;

"(C) the Pacific States Marine Fisheries Commission; and

"(D) the Great Lakes Fisheries Commission; and

"(2) $400,000 shall be made available for the Sport Fishing and Boating Partnership Council established by the United States Fish and Wildlife Service.

"(f) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section."; and

(2) by moving that section to appear after the section 13 relating to State use of contributions (16 U.S.C. 777*l*).

(b) CONFORMING AMENDMENT.—Section 4(e) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(e)) is amended in the first sentence by inserting "and after deducting amounts used for grants under section 14," after "respectively,".

SEC. 123. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT.

Section 4(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)) is amended in the second sentence by striking "2000" and inserting "2009".

SEC. 124. PERIOD OF AVAILABILITY.

Section 4(f) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(f)) is amended in the first sentence by striking ", and if" and all that follows through "recreation".

SEC. 125. MISCELLANEOUS PROVISION.

Section 5 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777d) is amended—

(1) by inserting ", at the time at which a deduction or apportionment is made," after "certify"; and

(2) by striking "and executing".

SEC. 126. CONFORMING AMENDMENT.

Section 9504(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking "(as in effect on the date of the enactment of the TEA 21 Restoration Act)" and inserting "(as in effect on the date of enactment of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000)".

Subtitle C—Wildlife and Sport Fish Restoration Programs

SEC. 131. DESIGNATION OF PROGRAMS.

The programs established under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) shall be known as the "Federal Assistance Program for State Wildlife and Sport Fish Restoration".

SEC. 132. ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.

(a) ESTABLISHMENT.—There is established in the United States Fish and Wildlife Service of the Department of the Interior the position of Assistant Director for Wildlife and Sport Fish Restoration Programs.

(b) SUPERIOR.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall report directly to the Director of the United States Fish and Wildlife Service.

(c) RESPONSIBILITIES.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall be responsible for the administration, management, and oversight of the Federal Assistance Program for State Wildlife and Sport Fish Restoration under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.).

SEC. 133. REPORTS AND CERTIFICATIONS.

(a) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—At the time at which the President submits to Congress a budget request for the Department of the Interior for fiscal year 2002, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the steps that have been taken to comply with this title and the amendments made by this title.

(2) CONTENTS.—The report under paragraph (1) shall describe—

(A) the extent to which compliance with this title and the amendments made by this title has required a reduction in the number of personnel assigned to administer, manage, and oversee the Federal Assistance Program for State Wildlife and Sport Fish Restoration;

(B) any revisions to this title or the amendments made by this title that would be desirable in order for the Secretary of the Interior to adequately administer the Program and ensure that funds provided to State agencies are properly used; and

(C) any other information concerning the implementation of this title and the amendments made by this title that the Secretary of the Interior considers appropriate.

(b) PROJECTED SPENDING REPORT.—At the time at which the President submits a budget request for the Department of the Interior for fiscal year 2002 and each fiscal year thereafter, the Secretary of the Interior shall report in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate the amounts, broken down by category, that are intended to be used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1)).

(c) SPENDING CERTIFICATION AND REPORT.—Not later than 60 days after the end of each fiscal year, the Secretary of the Interior shall certify and report in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

(1) the amounts, broken down by category, that were used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1));

(2) the amounts apportioned to States for the fiscal year under section 4(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(2)) and section 4(d)(2)(A) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(2)(A));

(3) the results of the audits performed under section 9(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(d) and section 9(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(d));

(4) that all amounts used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1)) were necessary for expenses for administration incurred in implementation of those Acts;

(5) that all amounts used for the fiscal year to administer those Acts by agency headquarters and by regional offices of the United States Fish and Wildlife Service were used in accordance with those Acts; and

(6) that the Secretary of the Interior, the Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Assistant Director for Wildlife and Sport Fish Restoration Programs each properly discharged their duties under those Acts.

(d) CERTIFICATIONS BY STATES.—

(1) IN GENERAL.—Not later than 60 days after the end of each fiscal year, each State that received amounts apportioned under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) or the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) for the fiscal year shall certify to the Secretary of the Interior in writing that the amounts were expended by the State in accordance with each of those Acts.

(2) TRANSMISSION TO CONGRESS.—Not later than December 31 of a fiscal year, the Secretary of the Interior shall transmit all certifications under paragraph (1) for the previous fiscal year to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(e) LIMITATION ON DELEGATION.—The Secretary of the Interior shall not delegate the responsibility for making a certification under subsection (c) to any person except the Assistant Secretary for Fish and Wildlife and Parks.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the "National Fish and Wildlife Foundation Establishment Act Amendments of 2000".

SEC. 202. PURPOSES.

Section 2(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(b)) is amended by striking paragraph (1) and inserting the following:

"(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, to further the conservation and management of fish, wildlife, plants, and other natural resources;".

SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT AND MEMBERSHIP.—

"(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the 'Board'), which shall consist of 25 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.

"(2) REPRESENTATION OF DIVERSE POINTS OF VIEW.—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to conservation and management of fish, wildlife, plants, and other natural resources.

"(3) NOT FEDERAL EMPLOYEES.—Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.".

(b) APPOINTMENT AND TERMS.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (b) and inserting the following:

"(b) APPOINTMENT AND TERMS.—

"(1) AGENCY HEADS.—The Director of the United States Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere shall be Directors of the Foundation.

"(2) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

"(A) IN GENERAL.—Subject to subparagraph (B), after consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 23 Directors who meet the criteria established by subsection (a), of whom—

"(i) at least 6 shall be educated or experienced in fish, wildlife, or other natural resource conservation;

"(ii) at least 4 shall be educated or experienced in the principles of fish, wildlife, or other natural resource management; and

"(iii) at least 4 shall be educated or experienced in ocean and coastal resource conservation.

"(B) TRANSITION PROVISION.—

"(i) CONTINUATION OF TERMS.—The 15 Directors serving on the Board as of the date of enactment of this paragraph shall continue to serve until the expiration of their terms.

"(ii) NEW DIRECTORS.—Subject to paragraph (3), the Secretary of the Interior shall appoint 8 new Directors.

"(3) TERMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.

"(B) INITIAL APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint, in fiscal year 2001, 3 Directors for a term of 6 years.

"(C) SUBSEQUENT APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint, in fiscal year 2002—

"(i) 2 Directors for a term of 2 years; and

"(ii) 3 Directors for a term of 4 years.

"(4) VACANCIES.—

"(A) IN GENERAL.—The Secretary of the Interior shall fill a vacancy on the Board.

"(B) TERM OF APPOINTMENTS TO FILL UNEXPIRED TERMS.—An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

"(5) REAPPOINTMENT.—An individual (other than an individual described in paragraph (1)) shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.

"(6) REQUEST FOR REMOVAL.—The executive committee of the Board may submit to the Secretary of the Interior a letter describing the nonperformance of a Director and requesting the removal of the Director from the Board.

"(7) CONSULTATION BEFORE REMOVAL.—Before removing any Director from the Board, the Secretary of the Interior shall consult with the Secretary of Commerce.".

(c) TECHNICAL AMENDMENTS.—

(1) Section 4(c)(5) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)(5)) is amended by striking "Directors of the Board" and inserting "Directors of the Foundation".

(2) Section 6 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3705) is amended—

(A) by striking "Secretary" and inserting "Secretary of the Interior or the Secretary of Commerce"; and

(B) by inserting "or the Department of Commerce" after "Department of the Interior".

SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) PRINCIPAL OFFICE OF THE FOUNDATION.—Section 4(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(a)(3)) is amended by inserting after "the District of Columbia" the following: "or in a county in the State of Maryland or Virginia that borders on the District of Columbia".

(b) INVESTMENT AND DEPOSIT OF FEDERAL FUNDS.—Section 4(c) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (7) through (11), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

"(4) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

"(5) to make use of any interest or investment income that accrues as a consequence of actions taken under paragraph (3) or (4) to carry out the purposes of the Foundation;

"(6) to use Federal funds to make payments under cooperative agreements entered into with willing private landowners to provide substantial long-term benefits for the restoration or enhancement of fish, wildlife, plants, and other natural resources on private land;".

(c) AGENCY APPROVAL OF ACQUISITIONS OF PROPERTY.—Section 4(e)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) the Foundation notifies the Federal agency that administers the program under which the funds were provided of the proposed acquisition, and the agency does not object in writing to the proposed acquisition within 60 calendar days after the date of the notification.".

(d) REPEAL.—Section 304 of Public Law 102-440 (16 U.S.C. 3703 note) is repealed.

(e) AGENCY APPROVAL OF CONVEYANCES AND GRANTS.—Section 4(e)(3)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(3)(B)) is amended by striking clause (ii) and inserting the following:

"(ii) the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided of the proposed conveyance or provision of Federal funds, and the agency does not object in writing to the proposed conveyance or provision of Federal funds within 60 calendar days after the date of the notification.".

(f) RECONVEYANCE OF REAL PROPERTY.—Section 4(e) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)) is amended by striking paragraph (5) and inserting the following:

"(5) RECONVEYANCE OF REAL PROPERTY.—The Foundation shall convey at not less than fair market value any real property acquired by the Foundation in whole or in part with Federal funds if the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided, and the agency does not disagree within 60 calendar days after the date of the notification, that—

"(A) the property is no longer valuable for the purpose of conservation or management of fish, wildlife, plants, and other natural resources; and

"(B) the purposes of the Foundation would be better served by use of the proceeds of the conveyance for other authorized activities of the Foundation.".

(g) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended by adding at the end the following:

"(h) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—The Foundation shall not make any expenditure of Federal funds in connection with any 1 transaction for printing services or capital equipment that is greater than $10,000 unless the expenditure is approved by the Federal agency that administers the Federal program under which the funds were provided.”.

SEC. 205. ANNUAL REPORTING OF GRANT DETAILS.

Section 7(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3706(b)) is amended—

(1) by striking “Congress” and inserting “the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate”; and

(2) by adding at the end the following: “The report shall include a detailed statement of the recipient, amount, and purpose of each grant made by the Foundation in the fiscal year.”.

SEC. 206. NOTICE TO MEMBERS OF CONGRESS.

Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) (as amended by section 204(g)) is amended by adding at the end the following:

“(i) NOTICE TO MEMBERS OF CONGRESS.—The Foundation shall not make a grant of funds unless, by not later than 30 days before the grant is made, the Foundation provides notice of the grant to the Member of Congress for the congressional district in which the project to be funded with the grant will be carried out.”.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended by striking subsections (a), (b), and (c) and inserting the following:

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2001 through 2003—

“(A) $20,000,000 to the Department of the Interior; and

“(B) $5,000,000 to the Department of Commerce.

“(2) REQUIREMENT OF ADVANCE PAYMENT.—The amount made available for a fiscal year under paragraph (1) shall be provided to the Foundation in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of the fiscal year.

“(3) USE OF APPROPRIATED FUNDS.—Subject to paragraph (4), amounts made available under paragraph (1) shall be provided to the Foundation for use for matching, on a 1-to-1 basis, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

“(4) PROHIBITION ON USE FOR ADMINISTRATIVE EXPENSES.—No Federal funds made available under paragraph (1) shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

“(b) ADDITIONAL AUTHORIZATION.—

“(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with the requirements of this Act.

“(2) USE OF FUNDS ACCEPTED FROM FEDERAL AGENCIES.—Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

“(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR LITIGATION AND LOBBYING EXPENSES.—Amounts provided as a grant by the Foundation shall not be used for—

“(1) any expense related to litigation; or

“(2) any activity the purpose of which is to influence legislation pending before Congress.”.

SEC. 208. LIMITATION ON AUTHORITY.

The National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.) is amended by adding at the end the following:

“SEC. 11. LIMITATION ON AUTHORITY.

“Nothing in this Act authorizes the Foundation to perform any function the authority for which is provided to the National Park Foundation by Public Law 90–209 (16 U.S.C. 19e et seq.).”.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL

SEC. 301. SHORT TITLE.

This title may be cited as the “National Wildlife Refuge System Centennial Act”.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) President Theodore Roosevelt began the National Wildlife Refuge System by establishing the first refuge at Pelican Island, Florida, on March 14, 1903;

(2) the National Wildlife Refuge System is comprised of more than 93,000,000 acres of Federal land managed by the United States Fish and Wildlife Service in more than 532 individual refuges and thousands of waterfowl production areas located in all 50 States and the territories of the United States;

(3) the System is the only network of Federal land dedicated singularly to wildlife conservation and where wildlife-dependent recreation and environmental education are priority public uses;

(4) the System serves a vital role in the conservation of millions of migratory birds, dozens of endangered species and threatened species, some of the premier fisheries of the United States, marine mammals, and the habitats on which such species of fish and wildlife depend;

(5) each year the System provides millions of Americans with opportunities to participate in wildlife-dependent recreation, including hunting, fishing, and wildlife observation;

(6)(A) public visitation to national wildlife refuges is growing, with more than 35,000,000 visitors annually; and

(B) it is essential that visitor centers and public use facilities be properly constructed, operated, and maintained;

(7) the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f note; Public Law 105–242), and the amendments made by that Act, significantly enhance the ability of the United States Fish and Wildlife Service to incorporate volunteers and partnerships in refuge management;

(8) as of the date of enactment of this Act, the System has an unacceptable backlog of critical operation and maintenance needs; and

(9) the occasion of the centennial of the System, in 2003, presents a historic opportunity to enhance natural resource stewardship and expand public enjoyment of the national wildlife refuges of the United States.

(b) PURPOSES.—The purposes of this title are—

(1) to establish a commission to promote awareness by the public of the National Wildlife Refuge System as the System celebrates its centennial in 2003;

(2) to develop a long-term plan to meet the priority operation, maintenance, and construction needs of the System;

(3) to require an annual report on the needs of the System prepared in the context of—

(A) the budget submission of the Department of the Interior to the President; and

(B) the President’s budget request to Congress; and

(4) to improve public use programs and facilities of the System to meet the increasing needs of the public for wildlife-dependent recreation in the 21st century.

SEC. 303. NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL COMMISSION.

(a) ESTABLISHMENT.—There is established the National Wildlife Refuge System Centennial Commission (referred to in this title as the “Commission”).

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) the Director of the United States Fish and Wildlife Service;

(B) up to 10 individuals appointed by the Secretary of the Interior;

(C) the chairman and ranking minority member of the Committee on Resources of the House of Representatives and of the Committee on Environment and Public Works of the Senate, who shall be nonvoting members; and

(D) the congressional representatives of the Migratory Bird Conservation Commission, who shall be nonvoting members.

(2) APPOINTMENTS.—

(A) DEADLINE.—The members of the Commission shall be appointed not later than 90 days after the effective date of this title.

(B) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

(i) IN GENERAL.—The members of the Commission appointed by the Secretary of the Interior under paragraph (1)(B)—

(I) shall not be officers or employees of the Federal Government; and

(II) shall, in the judgment of the Secretary—

(aa) represent the diverse beneficiaries of the System; and

(bb) have outstanding knowledge or appreciation of wildlife, natural resource management, or wildlife-dependent recreation.

(ii) REPRESENTATION OF VIEWS.—In making appointments under paragraph (1)(B), the Secretary of the Interior shall make every effort to ensure that the views of the hunting, fishing, and wildlife observation communities are represented on the Commission.

(3) VACANCIES.—Any vacancy in the Commission—

(A) shall not affect the power or duties of the Commission; and

(B) shall be expeditiously filled in the same manner as the original appointment was made.

(c) CHAIRPERSON.—The Secretary of the Interior shall appoint 1 of the members as the Chairperson of the Commission.

(d) COMPENSATION.—The members of the Commission shall receive no compensation for their service on the Commission.

(e) TRAVEL EXPENSES.—

(1) LEGISLATIVE BRANCH MEMBERS.—The members of the Commission from the legislative branch of the Federal Government shall be allowed necessary travel expenses, as authorized by other law for official travel, while away from their homes or regular places of business in the performance of services for the Commission.

(2) EXECUTIVE BRANCH MEMBERS.—The members of the Commission from the executive branch of the Federal Government shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code, while away from their homes or

regular places of business in the performance of services for the Commission.

(3) OTHER MEMBERS AND STAFF.—The members of the Commission appointed by the Secretary of the Interior and staff of the Commission may be allowed necessary travel expenses as authorized by section 5702 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) DUTIES.—The Commission shall—

(1) prepare, in cooperation with Federal, State, local, and nongovernmental partners, a plan to commemorate the centennial of the National Wildlife Refuge System beginning on March 14, 2003;

(2) coordinate the activities of the partners under the plan; and

(3) plan and host, in cooperation with the partners, a conference on the National Wildlife Refuge System, and assist in the activities of the conference.

(g) STAFF.—Subject to the availability of appropriations, the Commission may employ such staff as are necessary to carry out the duties of the Commission.

(h) DONATIONS.—

(1) IN GENERAL.—The Commission may, in accordance with criteria established under paragraph (2), accept and use donations of money, personal property, or personal services.

(2) CRITERIA.—The Commission shall establish written criteria to be used in determining whether the acceptance of gifts or donations under paragraph (1) would—

(A) reflect unfavorably on the ability of the Commission or any employee of the Commission to carry out its responsibilities or official duties in a fair and objective manner; or

(B) compromise the integrity or the appearance of the integrity of any person involved in the activities of the Commission.

(i) ADMINISTRATIVE SUPPORT.—Upon the request of the Commission—

(1) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may provide to the Commission such administrative support services as are necessary for the Commission to carry out the duties of the Commission under this title, including services relating to budgeting, accounting, financial reporting, personnel, and procurement; and

(2) the head of any other appropriate Federal agency may provide to the Commission such advice and assistance, with or without reimbursement, as are appropriate to assist the Commission in carrying out the duties of the Commission.

(j) REPORTS.—

(1) ANNUAL REPORTS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Commission shall submit to Congress a report on the activities and plans of the Commission.

(2) FINAL REPORT.—Not later than September 30, 2004, the Commission shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a final report on the activities of the Commission, including an accounting of all funds received and expended by the Commission.

(k) TERMINATION.—

(1) IN GENERAL.—The Commission shall terminate 90 days after the date on which the Commission submits the final report under subsection (j).

(2) DISPOSITION OF MATERIALS.—Upon termination of the Commission and after consultation with the Archivist of the United States and the Secretary of the Smithsonian Institution, the Secretary of the Interior may—

(A)(i) deposit all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other similar materials of the Commission relating to the centennial of the National Wildlife Refuge System in Federal, State, or local libraries or museums; or

(ii) otherwise dispose of such materials; and

(B)(i) use other property acquired by the Commission for the purposes of the National Wildlife Refuge System; or

(ii) treat such property as excess property.

SEC. 304. LONG-TERM PLANNING AND ANNUAL REPORTING REQUIREMENTS REGARDING THE OPERATION AND MAINTENANCE BACKLOG.

(a) UNIFIED LONG-TERM PLAN.—Not later than March 1, 2002, the Secretary of the Interior shall prepare and submit to Congress and the President a unified long-term plan to address priority operation, maintenance, and construction needs of the National Wildlife Refuge System, including—

(1) priority staffing needs of the System; and

(2) operation, maintenance, and construction needs as identified in—

(A) the Refuge Operating Needs System;

(B) the Maintenance Management System;

(C) the 5-year deferred maintenance list;

(D) the 5-year construction list;

(E) the United States Fish and Wildlife Service report entitled "Fulfilling the Promise of America's National Wildlife Refuge System"; and

(F) individual refuge comprehensive conservation plans.

(b) ANNUAL SUBMISSION.—Beginning with the submission to Congress of the budget for fiscal year 2003, the Secretary of the Interior shall prepare and submit to Congress, in the context of each annual budget submission, a report that contains—

(1) an assessment of expenditures in the prior, current, and upcoming fiscal years to meet the operation and maintenance backlog as identified in the long-term plan under subsection (a); and

(2) a specification of transition costs, in the prior, current, and upcoming fiscal years, as identified in the analysis of newly acquired refuge land prepared by the Department of the Interior, and a description of the method used to determine the priority status of the transition costs.

SEC. 305. YEAR OF THE NATIONAL WILDLIFE REFUGE.

(a) FINDING.—Congress finds that designation of the year 2003 as the "Year of the National Wildlife Refuge" would promote the goal of increasing public appreciation of the importance of the National Wildlife Refuge System.

(b) PROCLAMATION.—The President is requested to issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to accomplish the goal of such a year.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the activities of the Commission under this title—

(1) $100,000 for fiscal year 2001; and

(2) $250,000 for each of fiscal years 2002 through 2004.

SEC. 307. EFFECTIVE DATE.

This title takes effect on January 20, 2001.

Amend the title so as to read: "An Act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.".

HELMS AMENDMENT NO. 4313

Mr. MURKOWSKI (for Mr. HELMS) proposed an amendment to the resolution (S. Res. 267) directing the return of certain treaties to the President; as follows:

On page 5, strike lines 7 through 11.

On page 5, line 12, strike "(18)" and insert "(17)".

ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAMS IMPROVEMENTS ACT OF 1999

SPECTER AMENDMENT NO. 4314

Mr. MURKOWSKI (for Mr. SPECTER) proposed an amendment to the amendments of the House to the bill (S. 1402) to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits and Health Care Improvement Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 102. Uniform requirement for high school diploma or equivalency before application for Montgomery GI Bill benefits.
Sec. 103. Repeal of requirement for initial obligated period of active duty as condition of eligibility for Montgomery GI Bill benefits.
Sec. 104. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.
Sec. 105. Increased active duty educational assistance benefit for contributing members.

Subtitle B—Survivors' and Dependents' Educational Assistance

Sec. 111. Increase in rates of survivors' and dependents' educational assistance.
Sec. 112. Election of certain recipients of commencement of period of eligibility for survivors' and dependents' educational assistance.

Sec. 113. Adjusted effective date for award of survivors' and dependents' educational assistance.
Sec. 114. Availability under survivors' and dependents' educational assistance of preparatory courses for college and graduate school entrance exams.

Subtitle C—General Educational Assistance

Sec. 121. Revision of educational assistance interval payment requirements.
Sec. 122. Availability of education benefits for payment for licensing or certification tests.
Sec. 123. Increase for fiscal years 2001 and 2002 in aggregate annual amount available for State approving agencies for administrative expenses.

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

Sec. 201. Annual national pay comparability adjustment for nurses employed by Department of Veterans Affairs.
Sec. 202. Special pay for dentists.
Sec. 203. Exemption for pharmacists from ceiling on special salary rates.
Sec. 204. Temporary full-time appointments of certain medical personnel.
Sec. 205. Qualifications of social workers.
Sec. 206. Physician assistant adviser to Under Secretary for Health.
Sec. 207. Extension of voluntary separation incentive payments.

Subtitle B—Military Service Issues

Sec. 211. Findings and sense of Congress concerning use of military histories of veterans in Department of Veterans Affairs health care.
Sec. 212. Study of post-traumatic stress disorder in Vietnam veterans.

Subtitle C—Medical Administration

Sec. 221. Department of Veterans Affairs Fisher Houses.
Sec. 222. Exception to recapture rule.
Sec. 223. Sense of Congress concerning cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of medical items.
Sec. 224. Technical and conforming changes.

Subtitle D—Construction Authorization

Sec. 231. Authorization of major medical facility projects.
Sec. 232. Authorization of appropriations.

Subtitle E—Real Property Matters

Sec. 241. Change to enhanced use lease congressional notification period.
Sec. 242. Release of reversionary interest of the United States in certain real property previously conveyed to the State of Tennessee.
Sec. 243. Demolition, environmental cleanup, and reversion of Department of Veterans Affairs Medical Center, Allen Park, Michigan.
Sec. 244. Conveyance of certain property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia.
Sec. 245 Land conveyance, Miles City Department of Veterans Affairs Medical Center complex, Miles City, Montana.
Sec. 246. Conveyance of Fort Lyon Department of Veterans Affairs Medical Center, Colorado, to the State of Colorado.
Sec. 247. Effect of closure of Fort Lyon Department of Veterans Affairs Medical Center on administration of health care for veterans.

TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS

Subtitle A—Compensation Program Changes

Sec. 301. Strokes and heart attacks incurred or aggravated by members of reserve components in the performance of duty while performing inactive duty training to be considered to be service-connected.
Sec. 302. Special monthly compensation for women veterans who lose a breast as a result of a service-connected disability.
Sec. 303. Benefits for persons disabled by participation in compensated work therapy program.
Sec. 304. Revision to limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 305. Review of dose reconstruction program of the Defense Threat Reduction Agency.

Subtitle B—Life Insurance Matters

Sec. 311. Premiums for term Service Disabled Veterans' Insurance for veterans older than age 70.
Sec. 312. Increase in automatic maximum coverage under Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.
Sec. 313. Eligibility of certain members of the Individual Ready Reserve for Servicemembers' Group Life Insurance.

Subtitle C—Housing and Employment Programs

Sec. 321. Elimination of reduction in assistance for specially adapted housing for disabled veterans for veterans having joint ownership of housing units.
Sec. 322. Veterans employment emphasis under Federal contracts for recently separated veterans.
Sec. 323. Employers required to grant leave of absence for employees to participate in honor guards for funerals of veterans.

Subtitle D—Cemeteries and Memorial Affairs

Sec. 331. Eligibility for interment of certain Filipino veterans of World War II in national cemeteries.
Sec. 332. Payment rate of certain burial benefits for certain Filipino veterans of World War II.
Sec. 333. Plot allowance for burial in State veterans cemeteries.

TITLE IV—OTHER MATTERS

Sec. 401. Benefits for the children of women Vietnam veterans who suffer from certain birth defects.
Sec. 402. Extension of certain expiring authorities.
Sec. 403. Preservation of certain reporting requirements.
Sec. 404. Technical amendments.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

SEC. 101. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—Section 3015 is amended—

(1) in subsection (a)(1), by striking "$528" and inserting "$650"; and

(2) in subsection (b)(1), by striking "$429" and inserting "$528".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on November 1, 2000, and shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months after October 2000.

SEC. 102. UNIFORM REQUIREMENT FOR HIGH SCHOOL DIPLOMA OR EQUIVALENCY BEFORE APPLICATION FOR MONTGOMERY GI BILL BENEFITS.

(a) ACTIVE DUTY PROGRAM.—(1) Section 3011 is amended—

(A) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

"(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and"; and

(B) by striking subsection (e).

(2) Section 3017(a)(1)(A)(ii) is amended by striking "clause (2)(A)" and inserting "clause (2)".

(b) SELECTED RESERVE PROGRAM.—Section 3012 is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

"(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and"; and

(2) by striking subsection (f).

(c) WITHDRAWAL OF ELECTION NOT TO ENROLL.—Paragraph (4) of section 3018(b) is amended to read as follows:

"(4) before applying for benefits under this section—

"(A) completes the requirements of a secondary school diploma (or equivalency certificate); or

"(B) successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree; and".

(d) EDUCATIONAL ASSISTANCE PROGRAM FOR MEMBERS OF SELECTED RESERVE.—Paragraph (2) of section 16132(a) of title 10, United States Code, is amended to read as follows:

"(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);".

(e) DELIMITING PERIOD.—(1) In the case of an individual described in paragraph (2), with respect to the time limitation under section 3031 of title 38, United States Code, for use of eligibility and entitlement of basic educational assistance under chapter 30 of such title, the 10-year period applicable under such section shall begin on the later of—

(A) the date of the enactment of this Act; or

(B) the date of the individual's last discharge or release from active duty.

(2) An individual referred to in paragraph (1) is an individual who—

(A) before the date of the enactment of this Act, was not eligible for such basic educational assistance by reason of the requirement of a secondary school diploma (or equivalency certificate) as a condition of eligibility for such assistance as in effect on the date preceding the date of the enactment of this Act; and

(B) becomes entitled to basic educational assistance under section 3011(a)(2), 3012(a)(2), or 3018(b)(4) of title 38, United States Code, by reason of the amendments made by this section.

SEC. 103. REPEAL OF REQUIREMENT FOR INITIAL OBLIGATED PERIOD OF ACTIVE DUTY AS CONDITION OF ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS.

(a) ACTIVE DUTY PROGRAM.—Section 3011 is amended—

(1) in subsection (a)(1)(A)—

(A) by striking clause (i) and inserting the following new clause (i):

"(i) who serves an obligated period of active duty of at least two years of continuous active duty in the Armed Forces; or"; and

(B) in clause (ii)(II), by striking "in the case of an individual who completed not less than 20 months" and all that follows through "was at least three years" and inserting "if, in the case of an individual with an obligated period of service of two years, the individual completes not less than 20 months of continuous active duty under that period of obligated service, or, in the case of an individual with an obligated period of service of at least three years, the individual completes not less than 30 months of continuous active duty under that period of obligated service";

(2) in subsection (d)(1), by striking "individual's initial obligated period of active duty" and inserting "obligated period of active duty on which an individual's entitlement to assistance under this section is based";

(3) in subsection (h)(2)(A), by striking "during an initial period of active duty," and inserting "during the obligated period of active duty on which entitlement to assistance under this section is based,"; and

(4) in subsection (i), by striking "initial".

(b) SELECTED RESERVE PROGRAM.—Section 3012 is amended—

(1) in subsection (a)(1)(A)(i), by striking ", as the individual's" and all that follows through "Armed Forces" and inserting "an obligated period of active duty of at least two years of continuous active duty in the Armed Forces"; and

(2) in subsection (e)(1), by striking "initial".

(c) DURATION OF ASSISTANCE.—Section 3013 is amended—

(1) in subsection (a)(2), by striking "individual's initial obligated period of active duty" and inserting "obligated period of active duty on which such entitlement is based"; and

(2) in subsection (b)(1), by striking "individual's initial obligated period of active duty" and inserting "obligated period of active duty on which such entitlement is based".

(d) AMOUNT OF ASSISTANCE.—Section 3015 is amended—

(1) in the second sentence of subsection (a), by inserting before "a basic educational assistance allowance" the following: "in the case of an individual entitled to an educational assistance allowance under this chapter whose obligated period of active duty on which such entitlement is based is three years,";

(2) in subsection (b), by striking "and whose initial obligated period of active duty is two years," and inserting "whose obligated period of active duty on which such entitlement is based is two years,"; and

(3) in subsection (c)(2), by striking subparagraphs (A) and (B) and inserting the following new subparagraphs (A) and (B):

"(A) whose obligated period of active duty on which such entitlement is based is less than three years;

"(B) who, beginning on the date of the commencement of such obligated period of active duty, serves a continuous period of active duty of not less than three years; and".

(e) DELIMITING PERIOD.—(1) In the case of an individual described in paragraph (2), with respect to the time limitation under section 3031 of title 38, United States Code, for use of eligibility and entitlement of basic educational assistance under chapter 30 of such title, the 10-year period applicable under such section shall begin on the later of—

(A) the date of the enactment of this Act; or

(B) the date of the individual's last discharge or release from active duty.

(2) An individual referred to in paragraph (1) is an individual who—

(A) before the date of the enactment of this Act, was not eligible for basic educational assistance under chapter 30 of such title by reason of the requirement of an initial obligated period of active duty as condition of eligibility for such assistance as in effect on the date preceding the date of the enactment of this Act; and

(B) on or after such date becomes eligible for such assistance by reason of the amendments made by this section.

SEC. 104. ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) SPECIAL ENROLLMENT PERIOD.—Section 3018C is amended by adding at the end the following new subsection:

"(e)(1) A qualified individual (described in paragraph (2)) may make an irrevocable election under this subsection, during the one-year period beginning on the date of the enactment of this subsection, to become entitled to basic educational assistance under this chapter. Such an election shall be made in the same manner as elections made under subsection (a)(5).

"(2) A qualified individual referred to in paragraph (1) is an individual who meets each of the following requirements:

"(A) The individual was a participant in the educational benefits program under chapter 32 of this title on or before October 9, 1996.

"(B) The individual has continuously served on active duty since October 9, 1996 (excluding the periods referred to in section 3202(1)(C) of this title), through at least April, 1, 2000.

"(C) The individual meets the requirements of subsection (a)(3).

"(D) The individual, when discharged or released from active duty, is discharged or released therefrom with an honorable discharge.

"(3)(A) Subject to the succeeding provisions of this paragraph, with respect to a qualified individual who makes an election under paragraph (1) to become entitled to basic education assistance under this chapter—

"(i) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is $2,700; and

"(ii) to the extent that basic pay is not so reduced before the qualified individual's discharge or release from active duty as specified in subsection (a)(4), at the election of the qualified individual—

"(I) the Secretary concerned shall collect from the qualified individual; or

"(II) the Secretary concerned shall reduce the retired or retainer pay of the qualified individual by,

an amount equal to the difference between $2,700 and the total amount of reductions under clause (i), which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(B)(i) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an election under paragraph (1), for the qualified individual to pay that Secretary the amount due under subparagraph (A).

"(ii) Nothing in clause (i) shall be construed as modifying the period of eligibility for and entitlement to basic education assistance under this chapter applicable under section 3031 of this title.

"(C) The provisions of subsection (c) shall apply to qualified individuals making elections under this subsection in the same manner as they applied to individuals making elections under subsection (a)(5).

"(4) With respect to qualified individuals referred to in paragraph (3)(A)(ii), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

"(A) the Secretary concerned collects the applicable amount under subclause (I) of such paragraph; or

"(B) the retired or retainer pay of the qualified individual is first reduced under subclause (II) of such paragraph.

"(5) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice to participants in the educational benefits program under chapter 32 of this title of the opportunity under this subsection to elect to become entitled to basic educational assistance under this chapter.".

(b) CONFORMING AMENDMENT.—Section 3018C(b) is amended by striking "subsection (a)" and inserting "subsection (a) or (e)".

(c) COORDINATION PROVISIONS.—(1) If this Act is enacted before the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, section 1601 of that Act, including the amendments made by that section, shall not take effect. If this Act is enacted after the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, then as of the enactment of this Act, the amendments made by section 1601 of that Act shall be deemed for all purposes not to have taken effect and that section shall cease to be in effect.

(2) If the Veterans Claims Assistance Act of 2000 is enacted before the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, section 1611 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, including the amendments made by that section, shall not take effect. If the Veterans Claims Assistance Act of 2000 is enacted after the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, then as of the enactment of the Veterans Claims Assistance Act of 2000, the amendments made by section 1611 of the Floyd D.

Spence National Defense Authorization Act for Fiscal Year 2001 shall be deemed for all purposes not to have taken effect and that section shall cease to be in effect.

SEC. 105. INCREASED ACTIVE DUTY EDUCATIONAL ASSISTANCE BENEFIT FOR CONTRIBUTING MEMBERS.

(a) AUTHORITY TO MAKE CONTRIBUTIONS FOR INCREASED ASSISTANCE AMOUNT.—(1) Section 3011, as amended by section 102(a)(1)(B), is amended by inserting after subsection (d) the following new subsection (e):

"(e)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (c)(1) may contribute amounts for purposes of receiving an increased amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any reductions in the basic pay of such individual under subsection (b).

"(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty.

"(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed $600. Such contributions shall be made in multiples of $4.

"(4) Contributions under this subsection shall be made to the Secretary. The Secretary shall deposit any amounts received by the Secretary as contributions under this subsection into the Treasury as miscellaneous receipts.".

(2) Section 3012, as amended by section 102(b)(2), is amended by inserting after subsection (e) the following new subsection (f):

"(f)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (d)(1) may contribute amounts for purposes of receiving an increased amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any reductions in the basic pay of such individual under subsection (c).

"(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty.

"(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed $600. Such contributions shall be made in multiples of $4.

"(4) Contributions under this subsection shall be made to the Secretary. The Secretary shall deposit any amounts received by the Secretary as contributions under this subsection into the Treasury as miscellaneous receipts.".

(b) INCREASED ASSISTANCE AMOUNT.—Section 3015 is amended—

(1) by striking "subsection (g)" each place it appears in subsections (a)(1) and (b)(1) and inserting "subsection (h)";

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

"(g) In the case of an individual who has made contributions authorized by section 3011(e) or 3012(f) of this title, the monthly amount of basic educational assistance allowance applicable to such individual under subsection (a), (b), or (c) shall be the monthly rate otherwise provided for under the applicable subsection increased by—

"(1) an amount equal to $1 for each $4 contributed by such individual under section 3011(e) or 3012(f), as the case may be, for an approved program of education pursued on a full-time basis; or

"(2) an appropriately reduced amount based on the amount so contributed, as determined under regulations which the Secretary shall prescribe, for an approved program of education pursued on less than a full-time basis.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 2001.

(d) TRANSITIONAL PROVISION FOR INDIVIDUALS DISCHARGED BETWEEN ENACTMENT AND EFFECTIVE DATE.—(1) During the period beginning on May 1, 2001, and ending on July 31, 2001, an individual described in paragraph (2) may make contributions under section 3011(e) or 3012(f) of title 38, United States Code (as added by subsection (a)), whichever is applicable to that individual, without regard to paragraph (2) of that section and otherwise eligible in the same manner as an individual eligible for educational assistance under chapter 30 of such title who is on active duty.

(2) Paragraph (1) applies in the case of an individual who—

(A) is discharged or released from active duty during the period beginning on the date of the enactment of this Act and ending on April 30, 2001; and

(B) is eligible for educational assistance under chapter 30 of title 38, United States Code.

Subtitle B—Survivors' and Dependents' Educational Assistance

SEC. 111. INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)(1)—

(A) by striking "$485" and inserting "$588";

(B) by striking "$365" and inserting "$441"; and

(C) by striking "$242" and inserting "$294";

(2) in subsection (a)(2), by striking "$485" and inserting "$588";

(3) in subsection (b), by striking "$485" and inserting "$588"; and

(4) in subsection (c)(2)—

(A) by striking "$392" and inserting "$475";

(B) by striking "$294" and inserting "$356"; and

(C) by striking "$196" and inserting "$238".

(b) CORRESPONDENCE COURSE.—Section 3534(b) is amended by striking "$485" and inserting "$588".

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) is amended—

(1) by striking "$485" and inserting "$588";

(2) by striking "$152" each place it appears and inserting "$184"; and

(3) by striking "$16.16" and all that follows and inserting "such increased amount of allowance that is equal to one-thirtieth of the full-time basic monthly rate of special training allowance.".

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) is amended—

(1) by striking "$353" and inserting "$428";

(2) by striking "$264" and inserting "$320";

(3) by striking "$175" and inserting "$212"; and

(4) by striking "$88" and inserting "$107".

(e) EFFECTIVE DATE.—The amendments made by subsections (a) through (d) shall take effect on November 1, 2000, and shall apply with respect to educational assistance allowances paid under chapter 35 of title 38, United States Code, for months after October 2000.

(f) ANNUAL ADJUSTMENTS TO AMOUNTS OF ASSISTANCE.—

(1) CHAPTER 35.—(A) Subchapter VI of chapter 35 is amended by adding at the end the following new section:

"§ 3564. Annual adjustment of amounts of educational assistance

"With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under sections 3532, 3534(b), and 3542(a) of this title equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(B) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 3563 the following new item:

"3564. Annual adjustment of amounts of educational assistance.".

(2) CHAPTER 36.—Section 3687 is amended by adding at the end the following new subsection:

"(d) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsection (b)(2) equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(3) EFFECTIVE DATE.—Sections 3654 and 3687(d) of title 38, United States Code, as added by this subsection, shall take effect on October 1, 2001.

SEC. 112. ELECTION OF CERTAIN RECIPIENTS OF COMMENCEMENT OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

Section 3512(a)(3) is amended by striking "8 years after," and all that follows through the end and inserting "8 years after the date that is elected by that person to be the beginning date of entitlement under section 3511 of this title or subchapter V of this chapter if—

"(A) the Secretary approves that beginning date;

"(B) the eligible person makes that election after the person's eighteenth birthday but before the person's twenty-sixth birthday; and

"(C) that beginning date—

"(i) in the case of a person whose eligibility is based on a parent who has a service-connected total disability permanent in nature, is between the dates described in subsection (d); and

"(ii) in the case of a person whose eligibility is based on the death of a parent, is between—

"(I) the date of the parent's death; and

"(II) the date of the Secretary's decision that the death was service-connected;".

SEC. 113. ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 5113 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a), by striking "subsection (b) of this section" and inserting "subsections (b) and (c)"; and

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) When determining the effective date of an award under chapter 35 of this title for an individual described in paragraph (2) based on an original claim, the Secretary may consider the individual's application as having been filed on the eligibility date of the individual if that eligibility date is more than one year before the date of the initial rating decision.

"(2) An individual referred to in paragraph (1) is an eligible person who—

"(A) submits to the Secretary an original application for educational assistance under chapter 35 of this title within one year of the date that the Secretary makes the rating decision;

"(B) claims such educational assistance for pursuit of an approved program of education during a period preceding the one-year period ending on the date on which the application was received by the Secretary; and

"(C) would have been entitled to such educational assistance for such course pursuit if the individual had submitted such an application on the individual's eligibility date.

"(3) In this subsection:

"(A) The term 'eligibility date' means the date on which an individual becomes an eligible person.

"(B) The term 'eligible person' has the meaning given that term under section 3501(a)(1) of this title under subparagraph (A)(i), (A)(ii), (B), or (D) of such section by reason of either (i) the service-connected death or (ii) service-connected total disability permanent in nature of the veteran from whom such eligibility is derived.

"(C) The term 'initial rating decision' means with respect to an eligible person a decision made by the Secretary that establishes (i) service connection for such veteran's death or (ii) the existence of such veteran's service-connected total disability permanent in nature, as the case may be.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications first made under section 3513 of title 38, United States Code, that—

(1) are received on or after the date of the enactment of this Act; or

(2) on the date of the enactment of this Act, are pending (A) with the Secretary of Veterans Affairs, or (B) exhaustion of available administrative and judicial remedies.

SEC. 114. AVAILABILITY UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

(a) IN GENERAL.—Section 3501(a)(5) is amended by adding at the end the following new sentence: "Such term also includes any preparatory course described in section 3002(3)(B) of this title.".

(b) SCOPE OF AVAILABILITY.—Section 3512(a) is amended—

(1) by striking "and" at the end of clause (5);

(2) by striking the period at the end of clause (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) if the person is pursuing a preparatory course described in section 3002(3)(B) of this title, such period may begin on the date that is the first day of such course pursuit, notwithstanding that such date may be before the person's eighteenth birthday, except that in no case may such person be afforded educational assistance under this chapter for pursuit of secondary schooling unless such course pursuit would otherwise be authorized under this subsection.".

Subtitle C—General Educational Assistance

SEC. 121. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) IN GENERAL.—Subclause (C) of the third sentence of section 3680(a) is amended to read as follows:

"(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between those terms does not exceed eight weeks, and (ii) both the terms preceding and following the period are not shorter in length than the period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

SEC. 122. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS.

(a) IN GENERAL.—Sections 3452(b) and 3501(a)(5) (as amended by section 114(a)) are each amended by adding at the end the following new sentence: "Such term also includes licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved by the Secretary in accordance with section 3689 of this title.".

(b) AMOUNT OF PAYMENT.—

(1) CHAPTER 30.—Section 3032 is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, except for paragraph (1), such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(2) CHAPTER 32.—Section 3232 is amended by adding at the end the following new subsection:

"(c)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(3) CHAPTER 34.—Section 3482 is amended by adding at the end the following new subsection:

"(h)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(4) CHAPTER 35.—Section 3532 is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3501(a)(5) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(c) REQUIREMENTS FOR LICENSING AND CREDENTIALING TESTING.—(1) Chapter 36 is amended by inserting after section 3688 the following new section:

"§3689. Approval requirements for licensing and certification testing

"(a) IN GENERAL.—(1) No payment may be made for a licensing or certification test described in section 3452(b) or 3501(a)(5) of this title unless the Secretary determines that the requirements of this section have been met with respect to such test and the organization or entity offering the test. The requirements of approval for tests and organizations or entities offering tests shall be in accordance with the provisions of this chapter and chapters 30, 32, 34, and 35 of this title and with regulations prescribed by the Secretary to carry out this section.

"(2) To the extent that the Secretary determines practicable, State approving agencies may, in lieu of the Secretary, approve licensing and certification tests, and organizations and entities offering such tests, under this section.

"(b) REQUIREMENTS FOR TESTS.—(1) Subject to paragraph (2), a licensing or certification test is approved for purposes of this section only if—

"(A) the test is required under Federal, State, or local law or regulation for an individual to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession; or

"(B) the Secretary determines that the test is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

"(2) A licensing or certification test offered by a State, or a political subdivision of a State, is deemed approved by the Secretary for purposes of this section.

"(c) Requirements for Organizations or Entities Offering Tests.—(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under chapter 30, 32, 34, or 35 of this title and that meets the following requirements, shall be approved by the Secretary to offer such test:

"(A) The organization or entity certifies to the Secretary that the licensing or certification test offered by the organization or entity is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

"(B) The organization or entity is licensed, chartered, or incorporated in a State and has offered the test for a minimum of two years before the date on which the organization or entity first submits to the Secretary an application for approval under this section.

"(C) The organization or entity employs, or consults with, individuals with expertise or substantial experience with respect to all areas of knowledge or skill that are measured by the test and that are required for the license or certificate issued.

"(D) The organization or entity has no direct financial interest in—

"(i) the outcome of the test; or

"(ii) organizations that provide the education or training of candidates for licenses or certificates required for vocations or professions.

"(E) The organization or entity maintains appropriate records with respect to all candidates who take the test for a period prescribed by the Secretary, but in no case for a period of less than three years.

"(F)(i) The organization or entity promptly issues notice of the results of the test to the candidate for the license or certificate.

"(ii) The organization or entity has in place a process to review complaints submitted against the organization or entity with respect to the test or the process for obtaining a license or certificate required for vocations or professions.

"(G) The organization or entity furnishes to the Secretary such information with respect to the test as the Secretary requires to determine whether payment may be made for the test under chapter 30, 32, 34, or 35 of this title, including personal identifying information, fee payment, and test results. Such information shall be furnished in the form prescribed by the Secretary.

"(H) The organization or entity furnishes to the Secretary the following information:

"(i) A description of the licensing or certification test offered by the organization or entity, including the purpose of the test, the vocational, professional, governmental, and other entities that recognize the test, and the license of certificate issued upon successful completion of the test.

"(ii) The requirements to take the test, including the amount of the fee charged for the test and any prerequisite education, training, skills, or other certification.

"(iii) The period for which the license or certificate awarded upon successful completion of the test is valid, and the requirements for maintaining or renewing the license or certificate.

"(I) Upon request of the Secretary, the organization or entity furnishes such information to the Secretary that the Secretary determines necessary to perform an assessment of—

"(i) the test conducted by the organization or entity as compared to the level of knowledge or skills that a license or certificate attests; and

"(ii) the applicability of the test over such periods of time as the Secretary determines appropriate.

"(2) With respect to each organization or entity that is an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under 30, 32, 34, or 35 of this title, the following provisions of paragraph (1) shall apply to the entity: subparagraphs (E), (F), (G), and (H).

"(d) Administration.—Except as otherwise specifically provided in this section or chapter 30, 32, 34, or 35 of this title, in implementing this section and making payment under any such chapter for a licensing or certification test, the test is deemed to be a 'course' and the organization or entity that offers such test is deemed to be an 'institution' or 'educational institution', respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

"(e) Professional Certification and Licensure Advisory Committee.—(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereinafter in this section referred to as the 'Committee').

"(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under chapter 30, 32, 34, or 35 of this title, and such other related issues as the Committee determines to be appropriate.

"(3)(A) The Secretary shall appoint seven individuals with expertise in matters relating to licensing and certification tests to serve as members of the Committee.

"(B) The Secretary of Labor and the Secretary of Defense shall serve as ex-officio members of the Committee.

"(C) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

"(4)(A) The Secretary shall appoint the chairman of the Committee.

"(B) The Committee shall meet at the call of the chairman.

"(5) The Committee shall terminate December 31, 2006.".

(2) The table of sections at the beginning of chapter 36 is amended by inserting after the item relating to section 3688 the following new item:

"3689. Approval requirements for licensing and certification testing.".

(d) Effective Date.—The amendments made by this section shall take effect on March 1, 2001, and shall apply with respect to licensing and certification tests approved by the Secretary on Veterans Affairs on or after such date.

(e) Startup Funding.—From amounts appropriated to the Department of Veterans Affairs for fiscal year 2001 for readjustment benefits, the Secretary of Veterans Affairs shall use an amount not to exceed $3,000,000 to develop the systems and procedures required to make payments under chapters 30, 32, 34, and 35 of title 38, United States Code, for licensing and certification tests.

SEC. 123. INCREASE FOR FISCAL YEARS 2001 AND 2002 IN AGGREGATE ANNUAL AMOUNT AVAILABLE FOR STATE APPROVING AGENCIES FOR ADMINISTRATIVE EXPENSES.

Section 3674(a)(4) is amended—

(1) in the first sentence, by inserting "or, for each of fiscal years 2001 and 2002, $14,000,000" after "$13,000,000"; and

(2) in the second sentence, by striking "$13,000,000" both places it appears and inserting "the amount applicable to that fiscal year under the preceding sentence".

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

SEC. 201. ANNUAL NATIONAL PAY COMPARABILITY ADJUSTMENT FOR NURSES EMPLOYED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) Revised Pay Adjustment Procedures.—(1) Subsection (d) of section 7451 is amended—

(A) in paragraph (1)—

(i) by striking "The rates" and inserting "Subject to subsection (e), the rates"; and

(ii) in subparagraph (A)—

(I) by striking "section 5305" and inserting "section 5303"; and

(II) by inserting "and to be by the same percentage" after "to have the same effective date";

(B) in paragraph (2), by striking "Such" in the second sentence and inserting "Except as provided in paragraph (1)(A), such";

(C) in paragraph (3)(B)—

(i) by inserting after the first sentence the following new sentence: "To the extent practicable, the director shall use third-party industry wage surveys to meet the requirements of the preceding sentence.";

(ii) by inserting before the penultimate sentence the following new sentence: "To the extent practicable, all surveys conducted pursuant to this subparagraph or subparagraph (A) shall include the collection of salary midpoints, actual salaries, lowest and highest salaries, average salaries, bonuses, incentive pays, differential pays, actual beginning rates of pay, and such other information needed to meet the purpose of this section."; and

(iii) in the penultimate sentence, by inserting "or published" after "completed"; and

(D) by striking clause (iii) of paragraph (3)(C).

(2) Subsection (e) of such section is amended to read as follows:

"(e)(1) An adjustment in a rate of basic pay under subsection (d) may not reduce the rate of basic pay applicable to any grade of a covered position.

"(2) The director of a Department health-care facility, in determining whether to carry out a wage survey under subsection (d)(3) with respect to rates of basic pay for a grade of a covered position, may not consider as a factor in such determination the absence of a current recruitment or retention problem for personnel in that grade of that position. The director shall make such a determination based upon whether, in accordance with criteria established by the Secretary, there is a significant pay-related staffing problem at that facility in any grade for a position. If the director determines that there is such a problem, or that such a problem is likely to exist in the near future, the Director shall provide for a wage survey in accordance with subsection (d)(3).

"(3) The Under Secretary for Health may, to the extent necessary to carry out the purposes of subsection (d), modify any determination made by the director of a Department health-care facility with respect to adjusting the rates of basic pay applicable to covered positions. If the determination of the director would result in an adjustment in rates of basic pay applicable to covered positions, any action by the Under Secretary under the preceding sentence shall be made before the effective date of such pay adjustment. Upon such action by the Under Secretary, any adjustment shall take effect on the first day of the first pay period beginning after such action. The Secretary shall ensure that the Under Secretary establishes a mechanism for the timely exercise of the authority in this paragraph.

"(4) Each director of a Department health-care facility shall provide to the Secretary, not later than July 31 each year, a report on staffing for covered positions at that facility. The report shall include the following:

"(A) Information on turnover rates and vacancy rates for each grade in a covered position, including a comparison of those rates with the rates for the preceding three years.

"(B) The director's findings concerning the review and evaluation of the facility's staffing situation, including whether there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position and, if so, whether a wage survey was conducted, or will be conducted with respect to that grade.

"(C) In any case in which the director conducts such a wage survey during the period covered by the report, information describing the survey and any actions taken or not taken based on the survey, and the reasons for taking (or not taking) such actions.

"(D) In any case in which the director, after finding that there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position, determines not to conduct a wage survey with respect to that position, a statement of the reasons why the director did not conduct such a survey.

"(5) Not later than September 30 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on staffing for covered positions at Department health care facilities. Each such report shall include the following:

"(A) A summary and analysis of the information contained in the most recent reports submitted by facility directors under paragraph (4).

"(B) The information for each such facility specified in paragraph (4).".

(3) Subsection (f) of such section is amended—

(A) by striking "February 1 of 1991, 1992, and 1993" and inserting "March 1 of each year"; and

(B) by striking "subsection (d)(1)(A)" and inserting "subsection (d)".

(4) Such section is further amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(b) REQUIRED CONSULTATIONS WITH NURSES.—(1) Subchapter II of chapter 73 is further amended by adding at the end the following new section:

"§ 7323. Required consultations with nurses

"The Under Secretary for Health shall ensure that—

"(1) the director of a geographic service area, in formulating policy relating to the provision of patient care, shall consult regularly with a senior nurse executive or senior nurse executives; and

"(2) the director of a medical center shall include a registered nurse as a member of any committee used at that medical center to provide recommendations or decisions on medical center operations or policy affecting clinical services, clinical outcomes, budget, or resources.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7322 the following new item:

"7323. Required consultations with nurses.".

SEC. 202. SPECIAL PAY FOR DENTISTS.

(a) FULL-TIME STATUS PAY.—Paragraph (1) of section 7435(b) is amended by striking "$3,500" and inserting "$9,000".

(b) TENURE PAY.—The table in paragraph (2)(A) of that section is amended to read as follows:

"Length of Service	Rate	
	Minimum	Maximum
1 year but less than 2 years	$1,000	$2,000
2 years but less than 4 years	4,000	5,000
4 years but less than 8 years	5,000	8,000
8 years but less than 12 years	8,000	12,000
12 years but less than 20 years	12,000	15,000
20 years or more	15,000	18,000.".

(c) SCARCE SPECIALTY PAY.—Paragraph (3)(A) of that section is amended by striking "$20,000" and inserting "$30,000".

(d) RESPONSIBILITY PAY.—(1) The table in paragraph (4)(A) of that section is amended to read as follows:

"Position	Rate	
	Minimum	Maximum
Chief of Staff or in an Executive Grade	$14,500	$25,000
Director Grade	0	25,000
Service Chief (or in a comparable position as determined by the Secretary)	4,500	15,000.".

(2) The table in paragraph (4)(B) of that section is amended to read as follows:

"Position	Rate
Deputy Service Director	$20,000
Service Director	25,000
Deputy Assistant Under Secretary for Health	27,500
Assistant Under Secretary for Health (or in a comparable position as determined by the Secretary)	30,000.".

(e) GEOGRAPHIC PAY.—Paragraph (6) of that section is amended by striking "$5,000" and inserting "$12,000".

(f) SPECIAL PAY FOR POST-GRADUATE TRAINING.—Such section is further amended by adding at the end the following new paragraph:

"(8) For a dentist who has successfully completed a post-graduate year of hospital-based training in a program accredited by the American Dental Association, an annual rate of $2,000 for each of the first two years of service after successful completion of that training.".

(g) CREDITING OF INCREASED TENURE PAY FOR CIVIL SERVICE RETIREMENT.—Section 7438(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Notwithstanding paragraphs (1) and (2), a dentist employed as a dentist in the Veterans Health Administration on the date of the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 shall be entitled to have special pay paid to the dentist under section 7435(b)(2)(A) of this title (referred to as 'tenure pay') considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 only as follows:

"(A) In an amount equal to the amount that would have been so considered under such section on the day before such date based on the rates of special pay the dentist was entitled to receive under that section on the day before such date.

"(B) With respect to any amount of special pay received under that section in excess of the amount such dentist was entitled to receive under such section on the day before such date, in an amount equal to 25 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Administration after such date.".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements entered into by dentists under subchapter III of chapter 74 of title 38, United States Code, on or after the date of the enactment of this Act.

(i) TRANSITION.—In the case of an agreement entered into by a dentist under subchapter III of chapter 74 of title 38, United States Code, before the date of the enactment of this Act that expires after that date, the Secretary of Veterans Affairs and the dentist concerned may agree to terminate that agreement as of the date of the enactment of this Act in order to permit a new agreement in accordance with section 7435 of such title, as amended by this section, to take effect as of that date.

SEC. 203. EXEMPTION FOR PHARMACISTS FROM CEILING ON SPECIAL SALARY RATES.

Section 7455(c)(1) is amended by inserting ", pharmacists," after "anesthetists".

SEC. 204. TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL.

(a) PHYSICIAN ASSISTANTS AWAITING CERTIFICATION OR LICENSURE.—Paragraph (2) of section 7405(c) is amended to read as follows:

"(2) A temporary full-time appointment may not be made for a period in excess of two years in the case of a person who—

"(A) has successfully completed—

"(i) a full course of nursing in a recognized school of nursing, approved by the Secretary; or

"(ii) a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title, or as a physician assistant, in a recognized education or training institution approved by the Secretary; and

"(B) is pending registration or licensure in a State or certification by a national board recognized by the Secretary.".

(b) MEDICAL SUPPORT PERSONNEL.—That section is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Temporary full-time appointments of persons in positions referred to in subsection (a)(1)(D) shall not exceed three years.

"(B) Temporary full-time appointments under this paragraph may be renewed for one or more additional periods not in excess of three years each.".

SEC. 205. QUALIFICATIONS OF SOCIAL WORKERS.

Section 7402(b)(9) is amended by striking "a person must" and all that follows and inserting "a person must—

"(A) hold a master's degree in social work from a college or university approved by the Secretary; and

"(B) be licensed or certified to independently practice social work in a State, except that the Secretary may waive the requirement of licensure or certification for an individual social worker for a reasonable period of time recommended by the Under Secretary for Health.".

SEC. 206. PHYSICIAN ASSISTANT ADVISER TO UNDER SECRETARY FOR HEALTH.

Section 7306(a) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

"(9) The Advisor on Physician Assistants, who shall be a physician assistant with appropriate experience and who shall advise the Under Secretary for Health on all matters relating to the utilization and employment of physician assistants in the Administration.".

SEC. 207. EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

The Department of Veterans Affairs Employment Reduction Assistance Act of 1999 (title XI of Public Law 106–117; 5 U.S.C. 5597 note) is amended as follows:

(1) Section 1102(c) is amended to read as follows:

"(c) LIMITATION.—The plan under subsection (a) shall be limited to a total of 7,734 positions within the Department, allocated among the elements of the Department as follows:

"(1) The Veterans Health Administration, 6,800 positions.

"(2) The Veterans Benefits Administration, 740 positions.

"(3) Department of Veterans Affairs Staff Offices, 156 positions.

"(4) The National Cemetery Administration, 38 positions.".

(2) Section 1105(a) is amended by striking "26 percent" and inserting "15 percent".

(3) Section 1109(a) is amended by striking "December 31, 2000" and inserting "December 31, 2002".

Subtitle B—Military Service Issues

SEC. 211. FINDINGS AND SENSE OF CONGRESS CONCERNING USE OF MILITARY HISTORIES OF VETERANS IN DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

(a) FINDINGS.—Congress makes the following findings:

(1) Pertinent military experiences and exposures may affect the health status of Department of Veterans Affairs patients who are veterans.

(2) The Department of Veterans Affairs has begun to implement a Veterans Health Initiative to develop systems to ensure that both patient care and medical education in the Veterans Health Administration are specific to the special needs of veterans and should be encouraged to continue these efforts.

(3) Protocols eliciting pertinent information relating to the military history of veterans may be beneficial to understanding certain conditions for which veterans may be at risk and thereby facilitate the treatment of veterans for those conditions.

(4) The Department of Veterans Affairs is in the process of developing a Computerized Patient Record System that offers the potential to aid in the care and monitoring of such conditions.

(b) SENSE OF CONGRESS.—Congress—

(1) urges the Secretary of Veterans Affairs to assess the feasibility and desirability of using a computer-based system to conduct clinical evaluations relevant to military experiences and exposures; and

(2) recommends that the Secretary accelerate efforts within the Department of Veterans Affairs to ensure that relevant military histories of veterans are included in Department medical records.

SEC. 212. STUDY OF POST-TRAUMATIC STRESS DISORDER IN VIETNAM VETERANS.

(a) STUDY ON POST-TRAUMATIC STRESS DISORDER.—Not later than 10 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with an appropriate entity to carry out a study on post-traumatic stress disorder.

(b) FOLLOW-UP STUDY.—The contract under subsection (a) shall provide for a follow-up study to the study conducted in accordance with section 102 of the Veterans Health Care Amendments of 1983 (Public Law 98–160). Such follow-up study shall use the data base and sample of the previous study.

(c) INFORMATION TO BE INCLUDED.—The study conducted pursuant to this section shall be designed to yield information on—

(1) the long-term course of post-traumatic stress disorder;

(2) any long-term medical consequences of post-traumatic stress disorder;

(3) whether particular subgroups of veterans are at greater risk of chronic or more severe problems with such disorder; and

(4) the services used by veterans who have post-traumatic stress disorder and the effect of those services on the course of the disorder.

(d) REPORT.—The Secretary shall submit to the Committees of Veterans' Affairs of the Senate and House of Representatives a report on the results of the study under this section. The report shall be submitted no later than October 1, 2004.

Subtitle C—Medical Administration

SEC. 221. DEPARTMENT OF VETERANS AFFAIRS FISHER HOUSES.

(a) AUTHORITY.—Subchapter I of chapter 17 is amended by adding at the end the following new section:

"§ 1708. Temporary lodging

"(a) The Secretary may furnish persons described in subsection (b) with temporary lodging in a Fisher house or other appropriate facility in connection with the examination, treatment, or care of a veteran under this chapter or, as provided for under subsection (e)(5), in connection with benefits administered under this title.

"(b) Persons to whom the Secretary may provide lodging under subsection (a) are the following:

"(1) A veteran who must travel a significant distance to receive care or services under this title.

"(2) A member of the family of a veteran and others who accompany a veteran and provide the equivalent of familial support for such veteran.

"(c) In this section, the term 'Fisher house' means a housing facility that—

"(1) is located at, or in proximity to, a Department medical facility;

"(2) is available for residential use on a temporary basis by patients of that facility and others described in subsection (b)(2); and

"(3) is constructed by, and donated to the Secretary by, the Zachary and Elizabeth M. Fisher Armed Services Foundation.

"(d) The Secretary may establish charges for providing lodging under this section. The proceeds from such charges shall be credited to the medical care account and shall be available until expended for the purposes of providing such lodging.

"(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions—

"(1) limiting the duration of lodging provided under this section;

"(2) establishing standards and criteria under which charges are established for such lodging under subsection (d);

"(3) establishing criteria for persons considered to be accompanying a veteran under subsection (b)(2);

"(4) establishing criteria for the use of the premises of temporary lodging facilities under this section; and

"(5) establishing any other limitations, conditions, and priorities that the Secretary considers appropriate with respect to lodging under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1707 the following new item:

"1708. Temporary lodging.".

SEC. 222. EXCEPTION TO RECAPTURE RULE.

Section 8136 is amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end the following new subsection:

"(b) The establishment and operation by the Secretary of an outpatient clinic in facilities described in subsection (a) shall not constitute grounds entitling the United States to any recovery under that subsection.".

SEC. 223. SENSE OF CONGRESS CONCERNING COOPERATION BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE IN THE PROCUREMENT OF MEDICAL ITEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The procurement and distribution of medical items, including prescription drugs, is a multibillion-dollar annual business for both the Department of Defense and the Department of Veterans Affairs.

(2) Those departments prescribe common high-use drugs to many of their 12,000,000 patients who have similar medical profiles.

(3) The health care systems of those departments should have management systems that can share and communicate clinical and management information useful for both systems.

(4) The institutional barriers separating the two departments have begun to be overcome in the area of medical supplies, in part as a response to recommendations by the General Accounting Office and the Commission on Servicemembers and Veterans Transition Assistance.

(5) There is significant potential for improved savings and services by improving cooperation between the two departments in the procurement and management of prescription drugs, while remaining mindful that the two departments have different missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense and the Department of Veterans Affairs should increase, to the maximum extent consistent with their respective missions, their level of cooperation in the procurement and management of prescription drugs.

SEC. 224. TECHNICAL AND CONFORMING CHANGES.

(a) Requirement To Provide Care.—Section 1710A(a) is amended by inserting "(subject to section 1710(a)(4) of this title)" after "Secretary" the first place it appears.

(b) Conforming Amendments.—Section 1710(a)(4) is amended—

(1) by inserting "the requirement in section 1710A(a) of this title that the Secretary provide nursing home care," after "medical services,"; and

(2) by striking the comma after "extended care services".

(c) Outpatient Treatment.—Section 201 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1561) is amended by adding at the end the following new subsection:

"(c) Effective Date.—The amendments made by subsection (b) shall apply with respect to medical services furnished under section 1710(a) of title 38, United States Code, on or after the effective date of the regulations prescribed by the Secretary of Veterans Affairs to establish the amounts required to be established under paragraphs (1) and (2) of section 1710(g) of that title, as amended by subsection (b).".

(d) Ratification.—Any action taken by the Secretary of Veterans Affairs under section 1710(g) of title 38, United States Code, during the period beginning on November 30, 1999, and ending on the date of the enactment of this Act is hereby ratified.

Subtitle D—Construction Authorization

SEC. 231. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) Fiscal Year 2001 Projects.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Construction of a 120-bed gero-psychiatric facility at the Department of Veterans Affairs Palo Alto Health Care System, Menlo Park Division, California, $26,600,000.

(2) Construction of a nursing home at the Department of Veterans Affairs Medical Center, Beckley, West Virginia, $9,500,000.

(3) Seismic corrections, clinical consolidation, and other improvements at the Department of Veterans Affairs Medical Center, Long Beach, California, $51,700,000.

(4) Construction of a utility plant and electrical vault at the Department of Veterans Affairs Medical Center, Miami, Florida, $23,600,000.

(b) Additional Fiscal Year 2000 Project.—The Secretary is authorized to carry out a project for the renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, in an amount not to exceed $14,000,000.

SEC. 232. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account—

(1) for fiscal years 2001 and 2002, a total of $87,800,000 for the projects authorized in paragraphs (1), (2), and (3) of section 231(a);

(2) for fiscal year 2001, an additional amount of $23,600,000 for the project authorized in paragraph (4) of that section; and

(3) for fiscal year 2002, an additional amount of $14,500,000 for the project authorized in section 401(1) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1572).

(b) Limitation.—The projects authorized in section 231(a) may only be carried out using—

(1) funds appropriated for fiscal year 2001 or fiscal year 2002 (or, in the case of the project authorized in section 231(a)(4), for fiscal year 2001) pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2001 or fiscal year 2002 (or, in the case of the project authorized in section 231(a)(4), for fiscal year 2001) for a category of activity not specific to a project.

(c) Revision to Prior Limitation.—Notwithstanding the limitation in section 403(b) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1573), the project referred to in subsection (a)(3) may be carried out using—

(1) funds appropriated for fiscal year 2002 pursuant to the authorization of appropriations in subsection (a)(3);

(2) funds appropriated for Construction, Major Projects, for fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2001 or fiscal year 2002 for a category of activity not specific to a project.

Subtitle E—Real Property Matters

SEC. 241. CHANGE TO ENHANCED USE LEASE CONGRESSIONAL NOTIFICATION PERIOD.

Paragraph (2) of section 8163(c) is amended to read as follows:

"(2) The Secretary may not enter into an enhanced use lease until the end of the 90-day period beginning on the date of the submission of notice under paragraph (1).".

SEC. 242. RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN REAL PROPERTY PREVIOUSLY CONVEYED TO THE STATE OF TENNESSEE.

(a) Release of Interest.—The Secretary of Veterans Affairs shall execute such legal instruments as necessary to release the reversionary interest of the United States described in subsection (b) in a certain parcel of real property conveyed to the State of Tennessee pursuant to the Act entitled "An Act authorizing the transfer of certain property of the Veterans' Administration (in Johnson City, Tennessee) to the State of Tennessee", approved June 6, 1953 (67 Stat. 54).

(b) Specified Reversionary Interest.—Subsection (a) applies to the reversionary interest of the United States required under section 2 of the Act referred to in subsection (a), requiring use of the property conveyed pursuant to that Act to be primarily for training of the National Guard and for other military purposes.

(c) Conforming Amendment.—Section 2 of such Act is repealed.

SEC. 243. DEMOLITION, ENVIRONMENTAL CLEANUP, AND REVERSION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ALLEN PARK, MICHIGAN.

(a) Authority.—(1) The Secretary of Veterans Affairs shall enter into a multiyear contract with the Ford Motor Land Development Corporation (hereinafter in this section referred to as the "Corporation") to undertake project management responsibility to—

(A) demolish the buildings and auxiliary structures comprising the Department of Veterans Affairs Medical Center, Allen Park, Michigan; and

(B) remediate the site of all hazardous material and environmental contaminants found on the site.

(2) The contract under paragraph (1) may be entered into notwithstanding sections 303 and 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253, 254). The contract shall be for a period specified in the contract not to exceed seven years.

(b) Contract Cost and Source of Funding.—(1) The Secretary may expend no more than $14,000,000 for the contract required by subsection (a). The contract shall provide that all costs for the demolition and site remediation under the contract in excess of $14,000,000 shall be borne by the Corporation.

(2) Payments by the Secretary under the contract shall be made in annual increments of no more than $2,000,000, beginning with fiscal year 2001, for the duration of the contract. Such payments shall be made from the nonrecurring maintenance portion of the annual Department of Veterans Affairs medical care appropriation.

(3) Notwithstanding any other provision of law, the amount obligated upon the award of the contract may not exceed $2,000,000 and the amount obligated with respect to any succeeding fiscal year may not exceed $2,000,000. Any funds obligated for the contact shall be subject to the availability of appropriated funds.

(c) Reversion of Property.—Upon completion of the demolition and remediation project under the contract to the satisfaction of the Secretary, the Secretary shall, on behalf of the United States, formally abandon the Allen Park property (title to which will then revert in accordance with the terms of the 1937 deed conveying such property to the United States).

(d) Flagpole and Memorial.—The contract under subsection (a) shall require that the Corporation shall erect and maintain on the property abandoned by the United States under subsection (c) a flagpole and suitable memorial identifying the property as the location of the former Allen Park Medical Center. The Secretary and the Corporation shall jointly determine the placement of the memorial and flagpole and the form of, and appropriate inscription on, the memorial.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions with regard to the contract with the Corporation under subsection (a) and with the reversion of the property under subsection (c) as the Secretary considers appropriate to protect the interest of the United States.

SEC. 244. CONVEYANCE OF CERTAIN PROPERTY AT THE CARL VINSON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, DUBLIN, GEORGIA.

(a) Conveyance to State Board of Regents.—The Secretary of Veterans Affairs shall convey, without consideration, to the Board of Regents of the State of Georgia all right, title, and interest of the United States in and to two tracts of real property, including any improvements thereon, at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia, consisting of 39 acres, more or less, in Laurens County, Georgia.

(b) Conveyance to Community Service Board of Middle Georgia.—The Secretary of Veterans Affairs shall convey, without consideration, to the Community Service Board of Middle Georgia all right, title, and interest of the United States in and to three tracts of real property, including any improvements thereon, at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia, consisting of 58 acres, more or less, in Laurens County, Georgia.

(c) CONDITIONS ON CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the real property conveyed under that subsection be used in perpetuity solely for education purposes. The conveyance under subsection (b) shall be subject to the condition that the real property conveyed under that subsection be used in perpetuity solely for education and health care purposes.

(d) SURVEY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey or surveys satisfactory to the Secretary of Veterans Affairs. The cost of any such survey shall not be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Veterans Affairs may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 245. LAND CONVEYANCE, MILES CITY DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER COMPLEX, MILES CITY, MONTANA.

(a) CONVEYANCE REQUIRED.—The Secretary of Veterans Affairs shall convey, without consideration, to Custer County, Montana (in this section referred to as the "County"), all right, title, and interest of the United States in and to the parcels of real property consisting of the Miles City Department of Veterans Affairs Medical Center complex, which has served as a medical and support complex for the Department of Veterans Affairs in Miles City, Montana.

(b) TIMING OF CONVEYANCE.—The conveyance required by subsection (a) shall be made as soon as practicable after the date of the enactment of this Act.

(c) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the condition that the County—

(1) use the parcels conveyed, whether directly or through an agreement with a public or private entity, for veterans activities, community and economic development, or such other public purposes as the County considers appropriate; or

(2) convey the parcels to an appropriate public or private entity for use for the purposes specified in paragraph (1).

(d) CONVEYANCE OF IMPROVEMENTS.—(1) As part of the conveyance required by subsection (a), the Secretary may also convey to the County any improvements, equipment, fixtures, and other personal property located on the parcels conveyed under that subsection that are not required by the Secretary.

(2) Any conveyance under this subsection shall be without consideration.

(e) USE PENDING CONVEYANCE.—Until such time as the real property to be conveyed under subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the real property, together with any improvements thereon, under the terms and conditions of the current lease of the real property.

(f) MAINTENANCE PENDING CONVEYANCE.—The Secretary shall be responsible for maintaining the real property to be conveyed under subsection (a), and any improvements, equipment, fixtures, and other personal property to be conveyed under subsection (d), in its condition as of the date of the enactment of this Act until such time as the real property, and such improvements, equipment, fixtures, and other personal property are conveyed by deed under this section.

(g) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 246. CONVEYANCE OF FORT LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, COLORADO, TO THE STATE OF COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs may convey, without consideration, to the State of Colorado all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 512 acres and comprising the Fort Lyon Department of Veterans Affairs Medical Center. The purpose of the conveyance is to permit the State of Colorado to use the property for purposes of a correctional facility.

(b) PUBLIC ACCESS.—(1) The Secretary may not make the conveyance of real property authorized by subsection (a) unless the State of Colorado agrees to provide appropriate public access to Kit Carson Chapel (located on that real property) and the cemetery located adjacent to that real property.

(2) The State of Colorado may satisfy the condition specified in paragraph (1) with respect to Kit Carson Chapel by relocating the chapel to Fort Lyon National Cemetery, Colorado, or another appropriate location approved by the Secretary.

(c) PLAN REGARDING CONVEYANCE.—(1) The Secretary may not make the conveyance authorized by subsection (a) before the date on which the Secretary implements a plan providing the following:

(A) Notwithstanding sections 1720(a)(3) and 1741 of title 38, United States Code, that veterans who are receiving inpatient or institutional long-term care at Fort Lyon Department of Veterans Affairs Medical Center as of the date of the enactment of this Act are provided appropriate inpatient or institutional long-term care under the same terms and conditions as such veterans are receiving inpatient or institutional long-term care as of that date.

(B) That the conveyance of the Fort Lyon Department of Veterans Affairs Medical Center does not result in a reduction of health care services available to veterans in the catchment area of the Medical Center.

(C) Improvements in veterans' overall access to health care in the catchment area through, for example, the opening of additional outpatient clinics.

(2) The Secretary shall prepare the plan referred to in paragraph (1) in consultation with appropriate representatives of veterans service organizations and other appropriate organizations.

(3) The Secretary shall publish a copy of the plan referred to in paragraph (1) before implementation of the plan.

(d) ENVIRONMENTAL RESTORATION.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary completes the evaluation and performance of any environmental restoration activities required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and by any other provision of law.

(e) PERSONAL PROPERTY.—As part of the conveyance authorized by subsection (a), the Secretary may convey, without consideration, to the State of Colorado any furniture, fixtures, equipment, and other personal property associated with the property conveyed under that subsection that the Secretary determines is not required for purposes of the Department of Veterans Affairs health care facilities to be established by the Secretary in southern Colorado or for purposes of Fort Lyon National Cemetery.

(f) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Any costs associated with the survey shall be borne by the State of Colorado.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions in connection with the conveyances authorized by subsections (a) and (e) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 247. EFFECT OF CLOSURE OF FORT LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER ON ADMINISTRATION OF HEALTH CARE FOR VETERANS.

(a) PAYMENT FOR NURSING HOME CARE.—Notwithstanding any limitation under section 1720 or 1741 of title 38, United States Code, the Secretary of Veterans Affairs may pay the State of Colorado, or any private nursing home care facility, for costs incurred in providing nursing home care to any veteran who is relocated from the Fort Lyon Department of Veterans Affairs Medical Center, Colorado, to a facility of the State of Colorado or such private facility, as the case may be, as a result of the closure of the Fort Lyon Department of Veterans Affairs Medical Center.

(b) OBLIGATION TO PROVIDE EXTENDED CARE SERVICES.—Nothing in section 246 or this section may be construed to alter or otherwise affect the obligation of the Secretary to meet the requirements of section 1710B(b) of title 38, United States Code, relating to staffing and levels of extended care services in fiscal years after fiscal year 1998.

(c) REPORT ON VETERANS HEALTH CARE IN SOUTHERN COLORADO.—Not later than one year after the conveyance, if any, authorized by section 246, the Under Secretary for Health of the Department of Veterans Affairs, acting through the Director of Veterans Integrated Service Network (VISN) 19, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the status of the health care system for veterans under that Network in southern Colorado. The report shall describe any improvements to the system in southern Colorado that have been put into effect in the period beginning on the date of the conveyance and ending on the date of the report.

TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS

Subtitle A—Compensation Program Changes

SEC. 301. STROKES AND HEART ATTACKS INCURRED OR AGGRAVATED BY MEMBERS OF RESERVE COMPONENTS IN THE PERFORMANCE OF DUTY WHILE PERFORMING INACTIVE DUTY TRAINING TO BE CONSIDERED TO BE SERVICE-CONNECTED.

(a) SCOPE OF TERM "ACTIVE MILITARY, NAVAL, OR AIR SERVICE".—Section 101(24) is amended to read as follows:

"(24) The term 'active military, naval, or air service' includes—

"(A) active duty;

"(B) any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty; and

"(C) any period of inactive duty training during which the individual concerned was disabled or died—

"(i) from an injury incurred or aggravated in line of duty; or

"(ii) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.".

(b) TRAVEL TO OR FROM TRAINING DUTY.—Section 106(d) is amended—

(1) by inserting "(1)" after "(d)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "or covered disease" after "injury" each place it appears;

(4) by designating the second sentence as paragraph (2);

(5) by designating the third sentence as paragraph (3); and

(6) by adding at the end the following new paragraph:

"(4) For purposes of this subsection, the term 'covered disease' means any of the following:

"(A) Acute myocardial infarction.

"(B) A cardiac arrest.

"(C) A cerebrovascular accident.".

SEC. 302. SPECIAL MONTHLY COMPENSATION FOR WOMEN VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY.

Section 1114(k) is amended—

(1) by striking "or has suffered" and inserting "has suffered"; and

(2) by inserting after "air and bone conduction," the following: "or, in the case of a woman veteran, has suffered the anatomical loss of one or both breasts (including loss by mastectomy),".

SEC. 303. BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM.

Section 1151(a)(2) is amended—

(1) by inserting "(A)" after "proximately caused"; and

(2) by inserting before the period at the end the following: ", or (B) by participation in a program (known as a 'compensated work therapy program') under section 1718 of this title".

SEC. 304. REVISION TO LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503(b)(1) is amended—

(1) in subparagraph (A)—

(A) by striking "$1,500" and inserting "the amount equal to five times the section 1114(j) rate"; and

(B) by striking "$500" and inserting "one-half that amount"; and

(2) by adding at the end the following new subparagraph:

"(D) For purposes of this paragraph, the term 'section 1114(j) rate' means the monthly rate of compensation in effect under section 1114(j) of this title for a veteran with a service-connected disability rated as total.".

SEC. 305. REVIEW OF DOSE RECONSTRUCTION PROGRAM OF THE DEFENSE THREAT REDUCTION AGENCY.

(a) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences to carry out periodic reviews of the program of the Defense Threat Reduction Agency of the Department of Defense known as the "dose reconstruction program".

(b) REVIEW ACTIVITIES.—The periodic reviews of the dose reconstruction program under the contract under subsection (a) shall consist of the periodic selection of random samples of doses reconstructed by the Defense Threat Reduction Agency in order to determine—

(1) whether or not the reconstruction of the sampled doses is accurate;

(2) whether or not the reconstructed dosage number is accurately reported;

(3) whether or not the assumptions made regarding radiation exposure based upon the sampled doses are credible; and

(4) whether or not the data from nuclear tests used by the Defense Threat Reduction Agency as part of the reconstruction of the sampled doses is accurate.

(c) DURATION OF REVIEW.—The periodic reviews under the contract under subsection (a) shall occur over a period of 24 months.

(d) REPORT.—(1) Not later than 60 days after the conclusion of the period referred to in subsection (c), the National Academy of Sciences shall submit to Congress a report on its activities under the contract under this section.

(2) The report shall include the following:

(A) A detailed description of the activities of the National Academy of Sciences under the contract.

(B) Any recommendations that the National Academy of Sciences considers appropriate regarding a permanent system of review of the dose reconstruction program of the Defense Threat Reduction Agency.

Subtitle B—Life Insurance Matters

SEC. 311. PREMIUMS FOR TERM SERVICE DISABLED VETERANS' INSURANCE FOR VETERANS OLDER THAN AGE 70.

(a) CAP ON PREMIUMS.—Section 1922 is amended by adding at the end the following new subsection:

"(c) The premium rate of any term insurance issued under this section shall not exceed the renewal age 70 premium rate.".

(b) REPORT.—Not later than September 30, 2001, the Secretary of Veterans Affairs shall submit to Congress a report setting forth a plan to liquidate the unfunded liability under the life insurance program under section 1922 of title 38, United States Code, not later than October 1, 2011.

SEC. 312. INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) MAXIMUM UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 is amended in subsections (a), (c), and (d) by striking "$200,000" each place it appears and inserting "$250,000".

(b) MAXIMUM UNDER VETERANS' GROUP LIFE INSURANCE.—Section 1977(a) is amended by striking "$200,000" each place it appears and inserting "$250,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

SEC. 313. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) ELIGIBILITY.—Section 1965(5) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) a person who volunteers for assignment to a mobilization category in the Individual Ready Reserve, as defined in section 12304(i)(1) of title 10; and".

(b) CONFORMING AMENDMENTS.—Sections 1967(a), 1968(a), and 1969(a)(2)(A) are amended by striking "section 1965(5)(B) of this title" each place it appears and inserting "subparagraph (B) or (C) of section 1965(5) of this title".

Subtitle C—Housing and Employment Programs

SEC. 321. ELIMINATION OF REDUCTION IN ASSISTANCE FOR SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS FOR VETERANS HAVING JOINT OWNERSHIP OF HOUSING UNITS.

Section 2102 is amended by adding at the end the following new subsection:

"(c) The amount of assistance afforded under subsection (a) for a veteran authorized assistance by section 2101(a) of this title shall not be reduced by reason that title to the housing unit, which is vested in the veteran, is also vested in any other person, if the veteran resides in the housing unit.".

SEC. 322. VETERANS EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR RECENTLY SEPARATED VETERANS.

(a) EMPLOYMENT EMPHASIS.—Subsection (a) of section 4212 is amended in the first sentence by inserting "recently separated veterans," after "veterans of the Vietnam era,".

(b) CONFORMING AMENDMENTS.—Subsection (d)(1) of that section is amended by inserting "recently separated veterans," after "veterans of the Vietnam era," each place it appears in subparagraphs (A) and (B).

(c) RECENTLY SEPARATED VETERAN DEFINED.—Section 4211 is amended by adding at the end the following new paragraph:

"(6) The term 'recently separated veteran' means any veteran during the one-year period beginning on the date of such veteran's discharge or release from active duty.".

SEC. 323. EMPLOYERS REQUIRED TO GRANT LEAVE OF ABSENCE FOR EMPLOYEES TO PARTICIPATE IN HONOR GUARDS FOR FUNERALS OF VETERANS.

(a) DEFINITION OF SERVICE IN THE UNIFORMED SERVICES.—Section 4303(13) is amended—

(1) by striking "and" after "National Guard duty"; and

(2) by inserting before the period at the end ", and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.".

(b) REQUIRED LEAVE OF ABSENCE.—Section 4316 is amended by adding at the end the following new subsection:

"(e)(1) An employer shall grant an employee who is a member of a reserve component an authorized leave of absence from a position of employment to allow that employee to perform funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.

"(2) For purposes of section 4312(e)(1) of this title, an employee who takes an authorized leave of absence under paragraph (1) is deemed to have notified the employer of the employee's intent to return to such position of employment.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 180 days after the date of the enactment of this Act.

Subtitle D—Cemeteries and Memorial Affairs

SEC. 331. ELIGIBILITY FOR INTERMENT OF CERTAIN FILIPINO VETERANS OF WORLD WAR II IN NATIONAL CEMETERIES.

(a) ELIGIBILITY OF CERTAIN COMMONWEALTH ARMY VETERANS.—Section 2402 is amended by adding at the end the following new paragraph:

"(8) Any individual whose service is described in section 107(a) of this title if such individual at the time of death—

"(A) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and

"(B) resided in the United States.".

(b) CONFORMING AMENDMENT.—Section 107(a)(3) is amended to read as follows:

"(3) chapters 11, 13 (except section 1312(a)), 23, and 24 (to the extent provided for in section 2402(8)) of this title.".

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

SEC. 332. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II.

(a) PAYMENT RATE.—Section 107 is amended—

(1) in subsection (a), by striking "Payments" and inserting "Subject to subsection (c), payments"; and

(2) by adding at the end the following new section:

"(c)(1) In the case of an individual described in paragraph (2), the second sentence of subsection (a) shall not apply.

"(2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after the date of the enactment of this subsection if the individual, on the individual's date of death—

"(A) is a citizen of, or an alien lawfully admitted for permanent residence in, the United States;

"(B) is residing in the United States; and

"(C) either—

"(i) is receiving compensation under chapter 11 of this title; or

"(ii) if the individual's service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.".

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the date of the enactment of this Act by reason of the amendments made by subsection (a).

SEC. 333. PLOT ALLOWANCE FOR BURIAL IN STATE VETERANS CEMETERIES.

(a) IN GENERAL.—Section 2303(b)(1)(A) is amended to read as follows: "(A) is used solely for the interment of persons who are (i) eligible for burial in a national cemetery, and (ii) members of a reserve component of the Armed Forces not otherwise eligible for such burial or former members of such a reserve component not otherwise eligible for such burial who are discharged or released from service under conditions other than dishonorable, and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the burial of persons dying on or after the date of the enactment of this Act.

TITLE IV—OTHER MATTERS

SEC. 401. BENEFITS FOR THE CHILDREN OF WOMEN VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS.

(a) IN GENERAL.—Chapter 18 is amended by adding at the end the following new subchapter:

"SUBCHAPTER II—CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

"§ 1811. Definitions

"In this subchapter:

"(1) The term 'eligible child' means an individual who—

"(A) is the child (as defined in section 1821(1) of this title) of a woman Vietnam veteran; and

"(B) was born with one or more covered birth defects.

"(2) The term 'covered birth defect' means a birth defect identified by the Secretary under section 1812 of this title.

"§ 1812. Covered birth defects

"(a) IDENTIFICATION.—The Secretary shall identify the birth defects of children of women Vietnam veterans that—

"(1) are associated with the service of those veterans in the Republic of Vietnam during the Vietnam era; and

"(2) result in permanent physical or mental disability.

"(b) LIMITATIONS.—(1) The birth defects identified under subsection (a) may not include birth defects resulting from the following:

"(A) A familial disorder.

"(B) A birth-related injury.

"(C) A fetal or neonatal infirmity with well-established causes.

"(2) In any case where affirmative evidence establishes that a covered birth defect of a child of a woman Vietnam veteran results from a cause other than the active military, naval, or air service of that veteran in the Republic of Vietnam during the Vietnam era, no benefits or assistance may be provided the child under this subchapter.

"§ 1813. Health care

"(a) NEEDED CARE.—The Secretary shall provide an eligible child such health care as the Secretary determines is needed by the child for that child's covered birth defects or any disability that is associated with those birth defects.

"(b) AUTHORITY FOR CARE TO BE PROVIDED DIRECTLY OR BY CONTRACT.—The Secretary may provide health care under this section directly or by contract or other arrangement with a health care provider.

"(c) DEFINITIONS.—For purposes of this section, the definitions in section 1803(c) of this title shall apply with respect to the provision of health care under this section, except that for such purposes—

"(1) the reference to 'specialized spina bifida clinic' in paragraph (2) of that section shall be treated as a reference to a specialized clinic treating the birth defect concerned under this section; and

"(2) the reference to 'vocational training under section 1804 of this title' in paragraph (8) of that section shall be treated as a reference to vocational training under section 1814 of this title.

"§ 1814. Vocational training

"(a) AUTHORITY.—The Secretary may provide a program of vocational training to an eligible child if the Secretary determines that the achievement of a vocational goal by the child is reasonably feasible.

"(b) APPLICABLE PROVISIONS.—Subsections (b) through (e) of section 1804 of this title shall apply with respect to any program of vocational training provided under subsection (a).

"§ 1815. Monetary allowance

"(a) MONETARY ALLOWANCE.—The Secretary shall pay a monthly allowance to any eligible child for any disability resulting from the covered birth defects of that child.

"(b) SCHEDULE FOR RATING DISABILITIES.—(1) The amount of the monthly allowance paid under this section shall be based on the degree of disability suffered by the child concerned, as determined in accordance with a schedule for rating disabilities resulting from covered birth defects that is prescribed by the Secretary.

"(2) In prescribing a schedule for rating disabilities for the purposes of this section, the Secretary shall establish four levels of disability upon which the amount of the allowance provided by this section shall be based. The levels of disability established may take into account functional limitations, including limitations on cognition, communication, motor abilities, activities of daily living, and employability.

"(c) AMOUNT OF MONTHLY ALLOWANCE.—The amount of the monthly allowance paid under this section shall be as follows:

"(1) In the case of a child suffering from the lowest level of disability prescribed in the schedule for rating disabilities under subsection (b), $100.

"(2) In the case of a child suffering from the lower intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

"(A) $214; or

"(B) the monthly amount payable under section 1805(b)(3) of this title for the lowest level of disability prescribed for purposes of that section.

"(3) In the case of a child suffering from the higher intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

"(A) $743; or

"(B) the monthly amount payable under section 1805(b)(3) of this title for the intermediate level of disability prescribed for purposes of that section.

"(4) In the case of a child suffering from the highest level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

"(A) $1,272; or

"(B) the monthly amount payable under section 1805(b)(3) of this title for the highest level of disability prescribed for purposes of that section.

"(d) INDEXING TO SOCIAL SECURITY BENEFIT INCREASES.—Amounts under paragraphs (1), (2)(A), (3)(A), and (4)(A) of subsection (c) shall be subject to adjustment from time to time under section 5312 of this title.

"§ 1816. Regulations

"The Secretary shall prescribe regulations for purposes of the administration of this subchapter.".

(b) CONSOLIDATION OF PROVISIONS APPLICABLE TO BOTH SUBCHAPTERS.—Chapter 18 is further amended by adding after subchapter II, as added by subsection (a), the following new subchapter:

"SUBCHAPTER III—GENERAL PROVISIONS

"§ 1821. Definitions

"In this chapter:

"(1) The term 'child' means an individual, regardless of age or marital status, who—

"(A) is the natural child of a Vietnam veteran; and

"(B) was conceived after the date on which that veteran first entered the Republic of Vietnam during the Vietnam era.

"(2) The term 'Vietnam veteran' means an individual who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era, without regard to the characterization of that individual's service.

"(3) The term 'Vietnam era' with respect to—

"(A) subchapter I of this chapter, means the period beginning on January 9, 1962, and ending on May 7, 1975; and

"(B) subchapter II of this chapter, means the period beginning on February 28, 1961, and ending on May 7, 1975.

"§ 1822. Applicability of certain administrative provisions

"(a) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO COMPENSATION.—The provisions of this title specified in subsection (b) apply with respect to benefits and assistance under this chapter in the same manner as those provisions apply to compensation paid under chapter 11 of this title.

"(b) SPECIFIED PROVISIONS.—The provisions of this title referred to in subsection (a) are the following:

"(1) Section 5101(c).

"(2) Subsections (a), (b)(2), (g), and (i) of section 5110.

"(3) Section 5111.

"(4) Subsection (a) and paragraphs (1), (6), (9), and (10) of subsection (b) of section 5112.

"§ 1823. Treatment of receipt of monetary allowance and other benefits

"(a) COORDINATION WITH OTHER BENEFITS PAID TO THE RECIPIENT.—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of the individual to receive any other benefit to which the individual is otherwise entitled under any law administered by the Secretary.

"(b) COORDINATION WITH BENEFITS BASED ON RELATIONSHIP OF RECIPIENTS.—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of any other individual to receive any benefit to which such other individual is entitled under any law administered by the Secretary based on the relationship of such other individual to the individual who receives such monetary allowance.

"(c) MONETARY ALLOWANCE NOT TO BE CONSIDERED AS INCOME OR RESOURCES FOR CERTAIN PURPOSES.—Notwithstanding any other provision of law, a monetary allowance paid an individual under this chapter shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

"§ 1824. Nonduplication of benefits

"(a) MONETARY ALLOWANCE.—In the case of an eligible child under subchapter II of this chapter whose only covered birth defect is spina bifida, a monetary allowance shall be paid under subchapter I of this chapter. In the case of an eligible child under subchapter II of this chapter who has spina bifida and one or more additional covered birth defects, a monetary allowance shall be paid under subchapter II of this chapter.

"(b) VOCATIONAL REHABILITATION.—An individual may only be provided one program of vocational training under this chapter.".

(c) REPEAL OF RECODIFIED PROVISIONS.—The following provisions are repealed:

(1) Section 1801.

(2) Subsections (c) and (d) of section 1805.

(3) Section 1806.

(d) DESIGNATION OF SUBCHAPTER I.—Chapter 18 is further amended by inserting before section 1802 the following:

"SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA".

(e) CONFORMING AMENDMENTS.—(1) Section 1802 is amended by striking "this chapter" and inserting "this subchapter".

(2) Section 1805(a) is amended by striking "this chapter" and inserting "this section".

(f) CLERICAL AMENDMENTS.—(1) The chapter heading of chapter 18 is amended to read as follows:

"CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS".

(2) The tables of chapters before part I, and at the beginning of part II, are each amended by striking the item relating to chapter 18 and inserting the following new item:

"18. Benefits for Children of Vietnam Veterans .... 1802".

(3) The table of sections at the beginning of chapter 18 is amended—

(A) by inserting at the beginning the following:

"SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA";

(B) by striking the items relating to sections 1801 and 1806; and

(C) by adding at the end the following:

"SUBCHAPTER II—CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

"1811. Definitions.
"1812. Covered birth defects.
"1813. Health care.
"1814. Vocational training.
"1815. Monetary allowance.
"1816. Regulations.

"SUBCHAPTER III—GENERAL PROVISIONS

"1821. Definitions.
"1822. Applicability of certain administrative provisions.
"1823. Treatment of receipt of monetary allowance and other benefits.
"1824. Nonduplication of benefits.".

(g) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning more than one year after the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs shall identify birth defects under section 1812 of title 38, United States Code (as added by subsection (a) of this section), and shall prescribe the regulations required by subchapter II of chapter 18 of that title (as so added), not later than the effective date specified in paragraph (1).

SEC. 402. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.

(a) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking "December 31, 2002" and inserting "December 31, 2008".

(b) HOME LOAN FEES.—Section 3729 is amended by striking everything after the section heading and inserting the following:

"(a) REQUIREMENT OF FEE.—(1) Except as provided in subsection (c), a fee shall be collected from each person obtaining a housing loan guaranteed, insured, or made under this chapter, and each person assuming a loan to which section 3714 of this title applies. No such loan may be guaranteed, insured, made, or assumed until the fee payable under this section has been remitted to the Secretary.

"(2) The fee may be included in the loan and paid from the proceeds thereof.

"(b) DETERMINATION OF FEE.—(1) The amount of the fee shall be determined from the loan fee table in paragraph (2). The fee is expressed as a percentage of the total amount of the loan guaranteed, insured, or made, or, in the case of a loan assumption, the unpaid principal balance of the loan on the date of the transfer of the property.

"(2) The loan fee table referred to in paragraph (1) is as follows:

"LOAN FEE TABLE

Type of loan	Active duty veteran	Reservist	Other obligor
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed before October 1, 2008)	2.00	2.75	NA
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2008)	1.25	2.00	NA

"LOAN FEE TABLE—Continued

Type of loan	Active duty veteran	Reservist	Other obligor
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed before October 1, 2008)	3.00	3.00	NA
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2008)	1.25	2.00	NA
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before October 1, 2008)	1.50	2.25	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2008)	.75	1.50	NA
(D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before October 1, 2008)	1.25	2.00	NA
(D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2008)	.50	1.25	NA
(E) Interest rate reduction refinancing loan	0.50	0.50	NA
(F) Direct loan under section 3711	1.00	1.00	NA
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)	1.00	1.00	NA
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)	1.25	1.25	NA
(I) Loan assumption under section 3714	0.50	0.50	0.50
(J) Loan under section 3733(a) ..	2.25	2.25	2.25".

"(3) Any reference to a section in the 'Type of loan' column in the loan fee table in paragraph (2) refers to a section of this title.

"(4) For the purposes of paragraph (2):

"(A) The term 'active duty veteran' means any veteran eligible for the benefits of this chapter other than a Reservist.

"(B) The term 'Reservist' means a veteran described in section 3701(b)(5)(A) of this title.

"(C) The term 'other obligor' means a person who is not a veteran, as defined in section 101 of this title or other provision of this chapter.

"(D) The term 'initial loan' means a loan to a veteran guaranteed under section 3710 or made under section 3711 of this title if the veteran has never obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

"(E) The term 'subsequent loan' means a loan to a veteran, other than an interest rate reduction refinancing loan, guaranteed under section 3710 or made under section 3711 of this title if the veteran has previously obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

"(F) The term 'interest rate reduction refinancing loan' means a loan described in section 3710(a)(8), 3710(a)(9)(B)(i), 3710(a)(11), 3712(a)(1)(F), or 3762(h) of this title.

"(G) The term '0-down' means a downpayment, if any, of less than 5 percent of the total purchase price or construction cost of the dwelling.

"(H) The term '5-down' means a downpayment of at least 5 percent or more, but less than 10 percent, of the total purchase price or construction cost of the dwelling.

"(I) The term '10-down' means a downpayment of 10 percent or more of the total purchase price or construction cost of the dwelling.

"(c) Waiver of Fee.—A fee may not be collected under this section from a veteran who is receiving compensation (or who, but for the receipt of retirement pay, would be entitled to receive compensation) or from a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability.".

(c) Procedures Applicable to Liquidation Sales on Defaulted Home Loans Guaranteed by the Department of Veterans Affairs.—Section 3732(c)(11) is amended by striking "October 1, 2002" and inserting "October 1, 2008".

(d) Income Verification Authority.—Section 5317(g) is amended by striking "September 30, 2002" and inserting "September 30, 2008".

(e) Limitation on Pension for Certain Recipients of Medicaid-Covered Nursing Home Care.—Section 5503(f)(7) is amended by striking "September 30, 2002" and inserting "September 30, 2008".

(f) Annual Report of Committee on Mentally Ill Veterans.—Section 7321(d)(2) is amended by striking "three" and inserting "six".

(g) Authority To Establish Research and Education Corporations.—Section 7368 is amended by striking "December 31, 2000" and inserting "December 31, 2003".

SEC. 403. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

(a) Inapplicability of Prior Reports Termination Provision to Certain Reports of the Department of Veterans Affairs.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following: sections 503(c), 529, 541(c), 542(c), 3036, and 7312(d) of title 38, United States Code.

(b) Repeal of Reporting Requirements Terminated by Prior Law.—Sections 8111A(f) and 8201(h) are repealed.

(c) Sunset of Certain Reporting Requirements.—

(1) Annual report on equitable relief cases.—Section 503(c) is amended by adding at the end the following new sentence: "No report shall be required under this subsection after December 31, 2004.".

(2) Biennial report of advisory committee on former prisoners of war.—Section 541(c)(1) is amended by inserting "through 2003" after "each odd-numbered year".

(3) Biennial report of advisory committee on women veterans.—Section 542(c)(1) is amended by inserting "through 2004" after "each even-numbered year".

(4) Biennial reports on Montgomery GI bill.—Subsection (d) of section 3036 is amended to read as follows:

"(d) No report shall be required under this section after January 1, 2005.".

(5) Annual report of special medical advisory group.—Section 7312(d) is amended by adding at the end the following new sentence: "No report shall be required under this subsection after December 31, 2004.".

(d) Cost Information To Be Provided With Each Report Required by Congress.—(1)(A) Chapter 1 is amended by adding at the end the following new section:

"§ 116. Reports to Congress: cost information

"Whenever the Secretary submits to Congress, or any committee of Congress, a report that is required by law or by a joint explanatory statement of a committee of conference of the Congress, the Secretary shall include with the report—

"(1) a statement of the cost of preparing the report; and

"(2) a brief explanation of the methodology used in preparing that cost statement.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"116. Reports to Congress: cost information.".

(2) Section 116 of title 38, United States Code, as added by paragraph (1) of this subsection, shall apply with respect to any report submitted by the Secretary of Veterans Affairs after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 404. TECHNICAL AMENDMENTS.

(a) Title 38.—Title 38, United States Code, is amended as follows:

(1) Section 1116(a)(2)(F) is amended by inserting "of disability" after "to a degree"

(2) Section 1318(b)(3) is amended by striking "not later than" and inserting "not less than".

(3) Section 1712(a)(4)(A) is amended by striking "subsection (a) of this section (other than paragraphs (3)(B) and (3)(C) of that subsection)" and inserting "this subsection".

(4) Section 1720A(c)(1) is amended by striking "for such disability" and all that follows through "to such member" and inserting "for such disability. Care and services provided to a member so transferred".

(5) Section 2402(7) is amended by striking "chapter 67 of title 10" and inserting "chapter 1223 of title 10".

(6) Section 3012(g)(2) is amended by striking "subparagraphs" both places it appears and inserting "subparagraph".

(7) Section 3684(c) is amended by striking "calender" and inserting "calendar".

(8) The table of sections at the beginning of chapter 41 is amended by inserting after the item relating to section 4110A the following new item:

"4110B. Coordination and nonduplication.".

(9) The text of section 4213 is amended to read as follows:

"(a) Amounts and periods of time specified in subsection (b) shall be disregarded in determining eligibility under any of the following:

"(1) Any public service employment program.

"(2) Any emergency employment program.

"(3) Any job training program assisted under the Economic Opportunity Act of 1964.

"(4) Any employment or training program carried out under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

"(5) Any other employment or training (or related) program financed in whole or in part with Federal funds.

"(b) Subsection (a) applies with respect to the following amounts and periods of time:

"(1) Any amount received as pay or allowances by any person while serving on active duty.

"(2) Any period of time during which such person served on active duty.

"(3) Any amount received under chapters 11, 13, 30, 31, 32, and 36 of this title by an eligible veteran.

"(4) Any amount received by an eligible person under chapters 13 and 35 of this title.

"(5) Any amount received by an eligible member under chapter 106 of title 10.".

(10) Section 7603(a)(1) is amended by striking "subsection" and inserting "subchapter".

(b) Other Laws.—

(1) Effective November 30, 1999, and as if included therein as originally enacted, section 208(c)(2) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1568) is amended by striking "subsection (c)(1)" and inserting "subsection (c)(3)".

(2) Effective November 21, 1977, and as if included therein as originally enacted, section 402(e) of the Veterans' Benefits Act of 1997 (Public Law 105–114; 111 Stat. 2294) is amended by striking "second sentence" and inserting "third sentence".

In lieu of the House amendment to the title of the bill, amend the title so as to read: "An Act to amend title 38, United States Code, to increase the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.".

VETERANS BENEFITS ACT OF 2000

SPECTER (AND ROCKEFELLER) AMENDMENTS NOS. 4315–4316

Mr. MURKOWSKI (for Mr. Specter and Mr. Rockefeller) proposed two amendments to the bill (H.R. 4850) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes; as follows:

Amendment No. 4315

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2000".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) Rate Adjustment.—The Secretary of Veterans Affairs shall, effective on December 1, 2000, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) Amounts To Be Increased.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) Compensation.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) Additional compensation for dependents.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) Clothing allowance.—The dollar amount in effect under section 1162 of such title.

(4) New dic rates.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) Old dic rates.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2000.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2000, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2001, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

AMENDMENT NO. 4316

Amend the title so as to read: "An Act to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.".

PRIVILEGE OF THE FLOOR

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Alex Mitrakos, a detailee to the VA-HUD subcommittee be granted the privilege of the floor during consideration of H.R. 4635, the VA-HUD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask consent that Peter Washburn, a fellow in the Environment Committee, be granted the privilege of the floor during consideration of H.R. 4635.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I ask unanimous consent that Patricia Lewis of the Senate Armed Services Committee be granted privileges of the floor during consideration of the conference report accompanying H.R. 4205.

Mr. CLELAND. I ask unanimous consent that Tricia Heller and Geoff Gauger be granted the privilege of the floor during consideration of the Department of Defense authorization conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent that Kyndra Jordan, who is a correspondent in my office, be granted floor privileges for the remainder of the debate on the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGH STEENS AREA OF SOUTHEASTERN OREGON

Mr. SMITH of Oregon. Mr. President, I will not speak but a minute, along with my colleague, Senator WYDEN. He and I come to the floor to celebrate what Senator CRAIG will do later this evening by unanimous consent, and that is passage of H.R. 4828. It has to do with the high Steens area of southeastern Oregon. It is a beautiful and pristine area.

What we have done is truly bipartisan and truly historic in that the Sierra Club and the Oregon Cattlemen's Association enthusiastically support it. They support it because this has been a product of dialog and not Executive dictate. This has come about because people of good will have said: How can we protect the environment and protect the people as well? We have accomplished that in this bill. We are creating 170,000 acres of wilderness and providing other places for people to pursue their ranching lifestyles, and we are preserving the economy of Harney County.

I thank all of my colleagues—my colleague in the Senate, Senator WYDEN; Congressman WALDEN; all of the Oregon Congressmen, Republicans and Democrats alike; and the Governor of Oregon as well; and Secretary Bruce Babbitt who worked with us in good faith to make this possible. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, my friend and colleague, Senator SMITH, has said it extremely well, and I know our colleague Senator REED is waiting to speak, so I, too, will be very brief.

My view is that this Steens legislation is a monumental wilderness triumph. This legislation creates for the first time in statute cow-free wilderness. In the past, wilderness designations allowed the continuation of historic grazing practices, but because the ranchers in the Steens recognize the delicate nature of this ecosystem and because they were willing to work with Democrats and Republicans in our congressional delegation, Congressman GREG WALDEN, Congressman PETER DEFAZIO, and so many of our colleagues, we were able to build a coalition for a truly historic approach to protecting our wilderness.

We were able to find acceptable alternative grazing sites. Almost 100,000 acres of the total wilderness designation is now going to be by law cow free. In my view, this is just an example, a precedent of how communities can work together to protect our treasures.

All across this country when there are debates about national monuments, the sides go into opposing and what amounts to warring camps, the decibel level gets very high, and there is an awful lot of finger pointing and accusations.

In Oregon, we did it differently. We came up with an Oregon solution. Like Senator SMITH, I am very proud of what we have been able to achieve. This is a model that our delegation is going to use to tackle other critical natural resource questions and, frankly, we are especially proud tonight because we think that with our Steens bill, we set a model for other communities across this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

LIBERIAN IMMIGRANTS

Mr. REED. Mr. President, I want to take a moment to discuss the issue of Liberians in the United States who, up until a few days ago, faced an imminent threat of deportation. Today, through Executive action, that has been stayed at least for a year, but it is a community of people residing here who are literally living on the edge, not knowing if next year at this time they will, in fact, be deported back to Liberia, which is a country in great turmoil and crisis as we speak.

For the last several years I have tried with diligence and determination to do justice for these people, to give them a chance to become permanent residents of this country and ultimately citizens of this country. In my determination and my dedication, I have objected to the consideration of other legislation regarding immigrant groups, not because this legislation lacked merit, but because, in my view, it was unfair not to consider in some way the plight of the Liberians who are in the United States today.

I hope at this point, given assurances by the White House that this issue of justice for Liberians in the United States is a paramount issue for the President in the final days of this Congress in his negotiation with the congressional leadership, that the legislation I have objected to can and will move forward promptly.

Let me try to explain briefly the status of Liberians in this country.

In 1989, Liberia, which historically is a country with close ties with Africa and the United States—it was founded by freed American slaves; its capital is Monrovia, named after our President James Monroe—this country in 1989 was engulfed in a brutal civil war. This civil war over the next 7 years would claim 150,000 lives; it would displace the population; it would destroy infrastructure. In 1991, realizing the gravity of this crisis, the Attorney General of the United States granted temporary protective status to approximately 14,000 Liberians. They were allowed to remain in the United States. They could apply for work authorization, and they could work during this temporary protective status.

This status was renewed annually because of the crisis in Liberia until 1999. In that year, it was determined that since there had been at least an election of democratic reform in Liberia, and since the situation of armed conflict had subsided, temporary protective status was no longer required. But rather than immediate deportation, the President decided to authorize something which is known as deferred enforced departure, or DED, essentially telling the Liberian community in the United States: You are subject to deportation today, but we are simply deferring that for at least a year.

Just recently, again at the end of last month, we were able to get another Executive extension, but essentially what we are doing to these good people is putting their lives on hold one year at a time. They are unable to establish the same kind of permanency that we are seeking for other groups in this country.

They are good and decent people who have worked hard. They are a vital part of our community, and in the intervening almost 10 years, they have established themselves; quite literally many of them have children born here who are American citizens.

Yet each year we force these people to worry, to be concerned, to contemplate the very idea of leaving a home they have found and established here, taking with them children who know nothing of their native land, taking with them their skills which are not particularly useful, and going into a country that is violent.

Yesterday, the President of the United States and our Department of State declared the President of Liberia, Charles Taylor, persona non grata in the United States. He cannot get a visa to come here because of his deportations within Liberia, because of his support of a campaign of terror in Sierra Leone. We have all been horrified by the pictures of mutilated children in Sierra Leone. This is all part of his involvement there—his trading guns for diamonds, his attempt to destabilize the country, and defy international law.

That is the situation in Liberia, a situation, I might add, which we have also recognized is a threat to Americans. Our State Department is advising Americans they should not go to Liberia. We are withdrawing nonessential embassy personnel from Liberia. Yet we are unable to tell these Liberians in America: You can stay here and become permanent residents.

In fact, we are saying: We are prepared to deport you at the end of next year because that is the message that DED gives. I think it is wrong. I think it is unjust.

So I objected to certain measures. I think it is important to point out these measures.

First, there was legislation, H.R. 4681, to provide an adjustment status for Syrian Jews. These individuals came to the United States in 1992 through an arrangement between President Bush and President Assad of Syria. They were allowed to leave the country to seek refuge in the United States. But part of the negotiations, part of the fiction was that they would leave Syria on tourist visas. So they came to the United States. They did not come as refugees. They came as asylees. They sought asylum when they entered here.

Under our immigration law, there is a limit on the number of asylees that can adjust to permanent status each year. But it is important to point out, these individuals, these very good decent people, these Syrian Jews, are not in danger of being deported back to Syria.

Liberians are in grave danger of being deported back to Liberia. Essentially what this legislation would do—and I would support this legislation—is it would jump in ahead of other asylees who are waiting to fulfill the yearly quota of the number of asylees who can become permanent residents.

So this is a situation of concern and importance, but not the level of criticality, I believe, with respect to the Liberian community. Yet this legislation has moved through this House promptly, is on the verge of passage, while still the Liberian legislation languishes. I do not think that is right. I do not think it is just. I don't care. I certainly am pleased literally within a few days these Syrian Jews will have a chance to adjust to permanent status. Again, what about the Liberians?

There is another piece of legislation, the religious worker visa extension bill, which is also known as the Mother Teresa Religious Worker Act. This bill will allow the religious to come to the United States on a visa to do pastoral work.

It has been in effect for several years. It is a good program. About 2,500 workers come in a year. Very importantly, once these individuals are here, they can also adjust to permanent residency status, unlike the Liberians who now, under our DED, cannot do that. It is a worthy program, but it is a program, again, that I do not think has the same kind of compelling justice that the Liberians have in their case.

We again applaud the fact that this piece of legislation is likely to become law. But what about the Liberians?

There is also another piece of legislation that would grant immediate citizenship to children adopted internationally by the American public. Once again, these children are not in any danger of being returned to their homeland involuntarily. The Liberians are in such danger.

Each time now that a child is adopted, they come in on a visa. The adoptive parents can fill out an application for citizenship on behalf of the child and pay a $2,500 fee. The application is then considered with all other applications for permanent residency. It takes a few years, but these children are virtually assured of becoming American citizens.

Let me try to suggest the incongruity of not dealing with the Liberian legislation in the same way we are dealing with this type of legislation.

If we do not, next September, grant DED, we could be in the awkward position of having legislation which would allow an American couple to adopt a Liberian child and automatically make that child a citizen while at the same time we deport Liberian families in which the children are already American citizens having been born here. Again, not fair, not just. Even though this adoption bill is quite worthy—it will likely become law; I will support it—what about the Liberians?

So what we have seen is that legislation that has been introduced after legislation I introduced has already proceeded through the House and the Senate and will likely become law to the benefit of these good people, but what about the Liberians?

I have tried all I can to get a fair hearing for the Liberians in this country. I hope, in the last few days, we will get that hearing, through the intervention of the White House and through the consideration of my colleagues.

There are about 10,000 people here who have become important parts of our communities, who have sunk roots deep in our communities, many of whom have children who are Americans. It is not fair and it is not right that they are being ignored. I have tried to prevent at least that from happening, of them being completely ignored and being deported. They have suffered our indifference. I hope we can work this out in the next few days.

I thank my colleagues for their indulgence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

PUERTO RICAN ELECTIONS COMMISSION

Mr. CRAIG. Mr. President, this Congress has taken a historic step to advance the process of self-determination of the American citizens of Puerto Rico by approving an appropriation of $2.5 million as requested by the President for a grant to the Elections Commission of Puerto Rico to be used for voter education and a choice among the island's future status options. As an advocate of that process and the need to resolve the island's political status after 102 years, I am pleased that we have acted.

This is historic because it represents the first authorization from Congress for the United States citizens of Puerto Rico to choose the ultimate political status for their island. Presidents since Truman have been seeking such an authorization and each house has passed similar language in the past, but the same language has never passed both houses and been enacted into law. Our approval of this appropriation should be read as Congress' determination to resolve the century-long question of the island's ultimate status and let Puerto Rican Americans choose a fully democratic governing arrangement if they wish to replace the current territorial status.

By adopting this provision as part of the unanticipated needs account of the Office of the President, it is Congress' intention that its support for a future vote in Puerto Rico be coordinated with the Administration's efforts to provide realistic options to be included on the ballot in the island's next referendum. In recent months the President has brought Puerto Rico's major political parties together in an unprecedented effort to define the available political status options. Our approval of the $2.5 million request evidences our expectation that the White House will provide realist options upon which to base a future status referendum. It can only responsibly allocate the funds for the consideration of options that are realistic.

Mr. President, the ultimate resolution of Puerto Rico's political status will require that Congress and the American citizens of Puerto Rico work together to make a choice based on clearly defined status options that are consistent with the U.S. Constitution. The action we have taken is a major contribution towards that goal.

CLIMATE CHANGE AND GLOBAL WARMING

Mr. CRAIG. Mr. President, I would like to speak for a couple of moments on an issue that I know is important to many of us and has been addressed by both myself and the chairman of the Energy and Natural Resources Committee who has now joined us on the floor, Senator Frank MURKOWSKI of Alaska.

Last night, the Vice President stated his belief that global warming is caused by fossil fuel use. The Senator from Alaska and I have both introduced legislation to deal with the question of climate change and global warming. We have looked at this issue extensively over the last several years, and through the eyes of the committee by a resolution, expressed on the floor of the Senate, as it related to the Kyoto Protocol.

With all of that, the Vice President said one thing last night. Governor Bush said he was not certain that climate change was a direct result of fossil fuel use. In fact, he said, science would govern environmental decision-making in his administration, and he did not believe that science had yet fully resolved that fossil fuel use and the creation of greenhouse gases was, in fact, creating climate change.

I happen to agree with the Vice President. I say that because the scientists we have had before us may generally agree that our globe is gaining some heat, with some temperature change, but they do not yet agree that fossil fuel usage and the aftereffects, the greenhouse gases, are in fact the sole cause or are they causing climate change?

Which opinion is more supported by the scientists themselves? On Monday, the Washington Post reported, in unusual detail, a new theory of global warming that is being advanced by scientists from Denmark to UCLA. It goes like this:

First of all, they say, charged particles from space, better known as cosmic rays, cause cloud formation by changing atmospheric molecules with neutral charges into charged ions. The charged ions cluster, forming dense, low clouds.

Now, this may sound like a scientific lecture, but this was the kind of detail that the Washington Post was giving in this article.

They said, secondly, the Sun's magnetic field deflects much of the cosmic rays away from the Earth, reducing their ability to trigger cloud formation.

With less cloud cover to shade the Earth, the Earth gets warmer.

That seems like pretty reasonable logic, doesn't it?

It turns out that satellite data over the last 20 years reveal an uncanny correlation between changes in the Sun's magnetic field and cloud cover. Meanwhile, Greenland ice-cores show that cosmic rays have declined over the past century.

James Hensen of NASA, once a leading proponent of the human cause theory that the Vice President embraces to the exclusion of all others, now acknowledges in the Post that the Sun has probably been a significant contributor in past climate change. But Hensen would still like to see some convincing evidence. Hensen, by the way, has also published recent work suggesting that methane gases, many of which are emitted naturally, may be as large a contributor to climate change as CO_2.

How can we find out what is right? Here is what the Post reports:

A consortium of more than fifty scientists have petitioned CERN, the European particle physics facility in Geneva, to conduct an experiment that could help settle this theory, this argument, this general issue, as reported by the Washington Post.

> The researchers want to use one of CERN's particle beams as a source of artificial cosmic rays that would strike a "cloud chamber" containing the equivalent of air in the lower atmosphere. If there is a clear link between cosmic rays and cloud formation, the experiment should reveal it.

The scientists proposing the experiment say:

> If this link is confirmed, the consequent global warming could be comparable to that presently attributed to greenhouse gases from the burning of fossil fuels.

In other words, what the scientists are saying is, if this theory and this test were proven accurate, then cosmic rays and their influence in the atmosphere and the formation of clouds could have equal or greater influence over the Earth's atmosphere and climate change or global warming.

How can we in the Senate use this information? If this experiment indicates that changes in solar magnetic fields account for all of the detected warming, then burning fossil fuel might account for none of it. Interrupting our economic growth by arbitrarily curtailing energy use either by taxing it or regulating it could be a far costlier experiment than the one these scientists have proposed at CERN. And because the human cause/effect is so weak and so few countries are likely to join our self-destructive experiment, useful scientific results may never materialize.

Let's do the real science, and do it now. In other words, I believe Gov. George Bush was right last night when he said, I believe there is a field of science we ought to understand and err on before we send this country down the road. He said his administration would make decisions on climate change based on science, not the politics or the popularity of the politics of the day.

Let's make science drive the issue. Science has to drive public policy in this area, not vice versa. We dare not let public policy drive science.

Meanwhile, let us hold off on dangerous experiments such as Kyoto that place our economy at risk in an attempt to prove one man right in the face of so much doubt. Truly, the kind of taxation the Vice President proposes and proposed but wouldn't own up to last night could certainly turn our economy into a recession and disadvantage our producers against other producers around the world.

In other words, what the Washington Post reported in great detail in an article well over a half a page long, on

Monday, was exactly what Governor Bush was saying last night.

Mr. Vice President, the jury is still out. And the jury is scientists all over the world who have not yet confirmed, nor do they agree, that fossil fuels are the sole cause of a climate growing warmer.

Let's err on the side of science and not politics as we make these decisions.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I share the concern expressed by my good friend from the State of Idaho with regard to the issue of global warming. Much of the rhetoric that has been used is not based on sound science. The reality that we have the technology, if given an opportunity to apply that technology, particularly in the developing Third World nations, results in a meaningful decrease of the concentrations of pollutants that we are all concerned about in association with clean air.

I commend my friend from Idaho for bringing this matter, again, to the attention of this body with the recognition that, indeed, through science and technology, we can make a significant difference in reducing overall. the emissions, particularly from the emerging nations.

THE BREAKDOWN IN PEACE PROCESS IN MIDDLE EAST AND ITS EFFECT ON THE ENERGY CRISIS

Mr. MURKOWSKI. Mr. President, my purpose in coming before the Senate at this late hour is to bring to your attention a rather catastrophic situation that is occurring in the world today.

We are all familiar with the devastation associated with the breakdown of the peace process in the Mideast and the tensions associated with the conflict between Israel and the Palestinians. I think it is important to recognize another significant factor that has occurred today; that is, the price of oil has increased about $3.40 a barrel in one day. Currently oil closed at roughly $36.40. That is just a few cents under the all-time high of 3½ weeks ago where oil closed at $37 a barrel.

Clearly, our increased dependence on Mideast oil, where we import about 58 percent of the total oil we consume, is a significant factor in recognizing that any conflict in the Mideast not only affects oil prices in the United States, because our supply is threatened, but it affects our stock market which has dropped rather dramatically today as well.

Let me highlight a few things that I think represent an inconsistency in the administration's policies towards developing a sound energy policy.

Perhaps you noticed, I am not wearing a dark shirt, a dark tie, the kind worn by Regis on "Who Wants To Be A Millionaire?" As you know, this is a TV show on ABC where contestants compete to win up to $1 million in prizes. It is my understanding that to win, contestants on the TV show must answer some questions, just as the administration has had to answer a series of questions regarding the lack of an energy policy.

If contestants on the TV show get stumped by a question, they can use a so-called lifeline. For example, they can phone a friend. Well, we have seen when oil prices rose, this administration phoned their friends. They phoned the Saudis and asked them for more crude oil, and the Saudis obliged.

Now, contestants can ask the audience—in other words, consult the polls—to see who has the right answers. Doesn't that sound familiar? The administration, of course, loves polls.

Finally, TV contestants can use a 50/50 where only two choices are presented, one of which is the right answer, helps them out a little bit, not unlike the two contrasting energy policies that were presented by the major Presidential candidates. Well, the administration has used about all of its lifelines and still doesn't have an answer with regard to the energy policy. Now we find we are playing the game "Who Wants to be a Millionaire" with the Strategic Petroleum Reserve at the expense of our national energy security.

Some of the lucky winners, speculators who bid on this crude oil released from SPR recently, stand to profit handsomely; there is no question about it. But we should reflect on what the purpose was. The purpose was to build up heating oil inventories in the Northeast. Well, it is pretty hard to make a case that anything realistic has been done as a consequence of the SPR sale to build up those reserves.

I recall that the Vice President called on the President a few weeks ago to authorize the release of 30 million barrels of oil from the SPR. That was on September 21. Interestingly enough, the President responded the very next day. It is important to grasp that the aim of the emergency release, according to the administration, was to increase heating oil stocks in the Northeast and prevent high heating oil prices this winter. But what has been the result, Mr. President? Heating oil stocks in the Northeast have actually declined. They have declined 600,000 barrels since the President made his announcement. Those figures, which we reviewed, came from the American Petroleum Institute. That is a very disturbing trend because we are entering the winter season. It is getting colder up there and the reserves, again, are 600,000 barrels less than when the President made his announcement on September 21.

One can question the motive. Was the motive to lower prices and provide an excuse, cover, throughout the winter heating season, and perhaps throughout the elections, to ensure that the administration was doing something about the energy problem, something about the price of oil, something about our dependence on the Mideast, something about meeting the obligation of having adequate heating oil reserves?

I think the administration's premise was flawed from the start. If you consider these realistic facts, at the time of the SPR release, our refineries were operating at between 95 and 96 percent of capacity. That is a fact. Now, the oil in SPR is crude oil. In order to refine it, it has to go to a refinery. Furthermore, our pipelines for crude and finished product are already operating to capacity. We haven't had a new refinery for nearly two decades. And 37 refineries have been closed in this country in the last 10 years. So what we have is a situation where we have a bottleneck at our refineries, regardless of how much crude oil we have.

New heating oil resulting from SPR releases can't be delivered until late November at the earliest because you have to take this oil out of the SPR in the salt caverns of Louisiana on the gulf coast and you can only recover about 4 million barrels a day maximum, and you have to move it through a pipeline, put it on a tanker, and transport it to a refinery that is already full. There would be no guarantee that the crude oil released from SPR would have to be turned into heating oil for use in the United States. In other words, when they made this sale, they didn't make any requirement that whoever was the successful bidder on the sale was prohibited from exporting it. As a matter of fact, they didn't even have to turn it into heating oil. There is no provision in the contractual terms that mandates if you are the successful bidder for the SPR oil, you have to either turn it into heating oil and put it in a reserve in the United States, or, for that matter, you can export the oil. You certainly don't have to refine the oil.

The Wall Street Journal reported last week that heating oil from the United States is now being exported to Europe. We checked on that and found out that that is true. The heating oil market there is 50 percent larger than the U.S. market. Stocks are tight and prices are a few cents a gallon higher. I mentioned this to some of the principals in the Department of Energy and they said: We are letting the free market work.

I said: It is certainly working because that is where it is going—to the highest return, which is Europe.

So refiners are able to ship heating oil over to Europe because they pay a premium price at a time when there is a real shortage here in the United States.

Another question is, Why didn't the administration, when it put up 30 million barrels, put in a prohibition on exporting that oil, a mandate that it had to be refined, a mandate that it had to go into a reserve? We took oil out of the Strategic Petroleum Reserve, which was designed to address our needs should there be a curtailment of supply from the Mideast, and here we have a situation where no provision was even given to ensure that the action of taking 30 million barrels out of SPR resulted in any increase in our domestic heating oil supply for the Northeast part of the country.

And now the Department of Energy's Information Administration says that nearly two-thirds of the oil released from SPR—or 20 million barrels—will simply displace foreign imported oil. What that means is that we don't have the capacity in our refineries to take 30 million barrels; we are going to take 10. So instead of 30 million barrels, we will only get 10 million barrels of new crude actually from the SPR because of the displacement that I just explained.

Now, the Department of Energy claims that these 10 million barrels can still yield 3 million to 4 million barrels of heating oil. On the other hand, the industry tells us—and they are in the business because they have to refine it—that roughly 800,000 to 900,000 barrels of heating oil is all we are going to get out of the 10 million barrels that are refined. I don't know who is correct, but I suspect the industry is. In any event, recognize that the United States uses roughly 1 million barrels of heating oil a day.

So this pulldown of the SPR has either resulted in a 3-day supply or a 1-day supply. It sent a signal that we are so desperate that we are willing to reduce our Strategic Petroleum Reserve for the specific purpose of increasing the supply of heating oil, which we haven't achieved. One can question whether there was another motivation. Could that motivation have been to manipulate prices because prices did fall from $37 to about $32 after the announcement was made by the President that we were going to go in and sell 30 million barrels of SPR. But I point out where the price is today; the price closed at roughly $36.40 today. We are right back where we started.

As a consequence, the SPR release will, as I have said, likely end up representing less than 1 day's supply of heating oil. It is clear to me that the release of oil from the SPR won't help at all in increasing heating oil supplies in the Northeast this winter. If this had been the real concern of the administration, why would they turn away the invitation offered by Venezuela's state oil company, PDV, to produce heating oil for direct delivery to the United States? Well, we have asked the Secretary this. We asked him in an extended letter.

COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, October 11, 2000.

Hon. BILL RICHARDSON,
Secretary of Energy, U.S. Department of Energy, Washington, DC.

DEAR MR. SECRETARY: I am writing to request that the Department provide the Committee the following information with respect to the proposed exchange of 30 million barrels of crude oil from the Strategic Petroleum Reserve:

1. A list of the bidders for the SPR oil.
2. For each bidder, the date on which their bid was submitted, the amount of SPR oil they bid for and the bid they made.
3. For each winning bidder, the amount and type of SPR oil they were awarded and the terms of the award.
4. For each winning bidder, the assurance they provided that they will be able to return oil to the SPR as is required.
5. Why DOE did not have any financial qualification for bidders.
6. For each losing bidder, the reasons why their bid was not accepted.
7. A list of all persons who the Department contacted to inform them of the proposed exchange, and the means by which such person was contacted.
8. Provisions in the contracts that require heating oil to be refined from the SPR oil.
9. Provisions in the contracts that require heating oil refined from the SPR oil to be delivered to the Northeast market.
10. Provisions in the contracts that prohibit the export of the SPR oil or petroleum product refined from the SPR oil, including export by exchange.

Please provide the Committee with this information as soon as possible, no later than 12:00 p.m., Monday, October 16, 2000. If you or your staff have any questions you may contact Mr. Brian Malnak (224-4970).

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

(Mr. CRAIG assumed the Chair.)

Mr. MURKOWSKI. This administration seems to have limited success in the real goal and, as I have indicated, it appears to be manipulating prices in the world market for, one can only conclude, a political effect. Crude oil prices, as I said, were at a 10-year high, $37 a barrel. After SPR, they hit $32. But today, as I have indicated, they are back up to $36.40. Along the way, they might be making some millionaires out of the speculators who were lucky enough to win a bid on SPR oil. We asked the Secretary to explain how those went out, who got them, how were they offered because if it is true, how did the administration, with this kind of an opportunity for speculators who didn't have to put up any financial requirement, prove a capability to get their bid? It appears that anyone was eligible to play.

Let's look at some of the bidders. Without being specific, very little was required of anyone who wanted to bid on the SPR oil. They did not have to show any financial capacity. The excuse was they were going to take care of that later. That was the official response from the Department of Energy. You didn't have to have any previous experience in the energy market; no track record. You didn't have to have any agreements with refiners who refine the oil. You didn't have any guarantee of even access to refiners and no guarantee that heating oil would be reserved specifically for the Northeast.

They made this bid proposal without any requirement that you could not export it, without any requirement that it be held in the United States for the Northeast reserve.

As a consequence, what have we really accomplished? All the winning bidders needed to do was promise to return more oil to SPR than the other bidders. You might have a pretty inexperienced bidder who wanted to get the bid and who didn't have to put up any financial responsibility proof, bid high, and get an award. Once you get an award, you can turn around and market it. For the larger companies that have the financial capacity, it is perhaps a little different.

I don't begrudge anyone for making a return on an investment. But it is a rather peculiar and I would suggest a poor way for government to do business.

As I think back at government sales, for example, in the forests, the Forest Service requires a participant who is putting up a bid to also show financial responsibility. You have to put up a letter of guarantee in your bank to even bid.

What happened here is we had the letters go out from the Department of Energy to prospective bidders. They simply bid and got an award. Then they have to put up the financial responsibility under a letter of credit after the fact.

In the meantime, if they are a broker, as a few of these folks were, with no experience and no refinery capacity, they are simply going to bid on the oil, and hopefully the price of oil will increase. They can sell their position to somebody else and walk away with a couple of million dollars.

I guess that is part of what makes America great. But, by the same token, you wonder to whom that profit should belong. Should it belong to the taxpayer or the speculator who puts up nothing for the opportunity to get a position and then be fortunate enough to sell it so he can make a few bucks?

We will have to see either today or tomorrow, when the letters of credit are due, whether some of these speculators have the financial capacity to actually meet the conditions after the fact. But I can tell you this. I have checked with several of the companies. These speculators have been busy trying to resell their positions. We will see how many are able to make good on their promises.

But it is important to recognize the winners. What do they get? I don't want you to misunderstand. But they basically get to borrow the crude from SPR. And, if the price goes up, they can sell it at a higher price. They can take the money and buy back cheaper oil in 10 to 12 months to replace what they have borrowed from SPR with interest and, of course, keep any profits as a result. There is potentially millions of dollars—at whose expense? The taxpayer.

I have a little bit of background in banking and business. I can tell you it is a poor way to do business, to put out a bid proposal without any financial requirement for performance. That is what the Department of Energy has done. I think it is totally inappropriate when other Government agencies such as the Forest Service have a proven list of bidders.

I want to make another observation.

Isn't it rather peculiar that we have a Strategic Petroleum Reserve with about a 56-day supply of oil in case this country finds its oil supplies in the Mideast, on which we are 58-percent dependent, cut off by some action and we don't have an approved list of bidders who have already proven their financial capacity or the wherewithal to refine the oil and get it to market so we can do this in a process of a very short time? If the supply is disrupted, we are going to need to move it in a short period of time. It doesn't appear to be the case.

The Department of Energy evidently doesn't have a standing list of bidders who are willing to take the oil at a price, refine it, and get it out to the market. It appears that what we have done here is put this out to the highest bidder, and some of these speculators say: I didn't have to put up anything. I have nothing to lose. If I get a position, I can turn around and try to sell my position hoping that the price of oil has gone up, as it has today $3.50, and make a few bucks without any risk individually—because they haven't had to put up anything.

Let's get this straight. I think this was done at a considerable risk to our national security, and as a consequence, the release of oil from SPR by this administration has not contributed one identifiable barrel to the heating oil reserve for the Northeast part of this country.

Remember what we have achieved so far in the sale is identification that perhaps we will get at least a day's worth of heating oil. But it is not going to arrive until sometime in November.

Further, most of the crude oil released from SPR appears to be going into the foreign markets because they are paying a higher price in Europe than we are paying in the United States. There is no prohibition against the export. The only folks who appear to benefit will be perhaps a few of the speculators and a few of the oil companies that hit the jackpot. I can't imagine the Vice President is going to generate any expanded support from it. But the losers are really the fuel-starved consumers in the Northeast, the people this was designed to help.

I think that raises a number of questions regarding the administration's ability to basically manage the SPR.

When I think of the situation, as I have seen it evolve, I think the Secretary and the administration owe us a few answers.

For example, who bid on crude oil from SPR and what did they offer?

Why were the winning bids selected?

Who didn't get selected and why?

Whom were the bids sent out to?

What assurances did the administration get that oil release from SPR would be turned into heating oil in the Northeast?

How did the winning bidders plan to refine SPR oil?

How will they get it to market?

Why didn't the Department of Energy have a preapproved list of bidders that might be required in a real supply emergency?

Why wasn't financial responsibility part of the bidding process, similar to the way the Forest Service puts up timber for bid with financial requirements to be part of the bid submission?

I have asked these questions of the Secretary. I look forward to his response.

With regard to our national energy security, I think this administration really needs to respond to this question. The question is: Is that your final answer? Because that is simply not good enough for the American people.

In conclusion, it is my intention, as chairman of the Energy and Natural Resources Committee, to hold a hearing, which I intend to call for next Thursday, on the Strategic Petroleum Reserve, to try to generate the factual information relative to just what has been accomplished and what assurances people of the Northeast have that this action will actually result in any increase in our reserves of heating oil for the coming winter in view of the circumstances that exist today—the conflict in the Mideast, the tensions, and the realization that, indeed, we are at a time when we have become so dependent on imported oil that our national energy security is dictated by the likes of Saddam Hussein, Iraq, and others who do not necessarily look for the best interests of the United States when they sell their product to us.

I am always reflective on Saddam Hussein and the realization that now we are importing about 750,000 barrels a day from Iraq. How quickly the American people forget that we lost 147 lives in 1992 in the Persian Gulf war; we had 437 wounded. The cost to the taxpayer was in the billions of dollars.

Now we are looking to Saddam Hussein as a savior for our addiction to oil. I think it is further interesting to note the action taken by Saddam Hussein in relationship to the demand on Iraq from the U.N. to begin to pay Kuwait for reparations from the conflict there in the invasion from Iraq into Kuwait. Saddam Hussein told the U.N., if you require payment now, I will reduce my oil production. It is my understanding that the U.N. said: We will talk about it next quarter.

If you look at where we are today, we find the world's production and the world's consumption are almost equal. There is a little bit more production than there is consumption—just about 1 million barrels a day. But Saddam Hussein is producing 2.9 million barrels a day. His threat to cut production could increase the price of oil from $36 today to $56 tomorrow.

I always recall the issue of Israel and our commitment to Israel's security. He ends virtually every speech with "Death to Israel." If there ever is a threat to peace in the Middle East, it comes from Iraq. They are building up their missile-delivery capability, their biological capability, and as a consequence of what we are seeing today in the Middle East, the crisis is increasing by the hour, and as a consequence the threat is increasing.

So this is all coupled with dependence, an increased growing dependence on imported oil and the inability of the administration to face up to appropriate relief associated with reducing our dependence on imported oil by producing more oil at home in the overthrust belt in Wyoming, Colorado, Utah—areas where the Federal Government is now taking nearly 60 percent of the public land and putting it off limits.

In my State of Alaska, we are attempting to open up the small sliver of ANWR, roughly a footprint of 2,000 acres out of 19 million acres, a potential supply of 16 billion barrels that would replace what we import from Saudi Arabia over a 30-year period. These are the actions that could be taken as well as conservation and tax incentives to address our energy security.

If we were to take these actions, there is no question in my mind we would be sending a strong signal to the Middle East. We would see a very significant drop in oil, much more so than occurred the other day when the President announced the sale of 30 million barrels from the SPR. I suggest we could expect at least a $10 to $15 a barrel drop in the price of oil.

I was thinking about the remarks of the previous speaker relative to the political season we are in. I was reminded in the debate last night of a statement by the Vice President that he always opposed energy taxes. I guess perhaps the Vice President overlooked the fact that when the administration came in in 1993 the first tax they proposed was the Btu tax, British thermal unit, a tax on energy. It was defeated in this body.

However, shortly thereafter there was the effort by the Vice President, who was sitting in the chair of the Presiding Officer, and there was a tie vote in the Senate. The issue was the gas tax, 4.5 cents a gallon. The Vice President broke that tie and that gas tax went into effect.

In conclusion, I assume that the Vice President overlooked his record on increasing energy taxes and perhaps he should revisit his record and his memory.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1999

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 1715, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (H.R. 1715) to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the bill be considered read the third time and passed and the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1715) was read the third time and passed.

STEENS WILDERNESS ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4828, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (H.R. 4828) to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4828) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, moments ago, by unanimous consent, the Senate passed H.R. 4828, the Steens Mountain Cooperative Management and Protection Act. This bill, supported by the entire Oregon delegation, is a very unique piece of legislation to enhance the protection of Steens Mountain in Southeastern Oregon, while preserving the local ranching economy.

As the sponsor of the Senate companion bill, S. 3052, cosponsored by my colleague, Senator WYDEN, I am here to thank my colleagues for the swift consideration of the House-passed bill.This bill enjoys broad support, ranging from the local community officials and the Oregon Cattlemen's Association, to Oregon Trout and the Sierra Club.

For those of my colleagues who have not had the good fortune to visit this special place, the Steens Mountain area in southeastern Oregon is a unique geologic formation that is home to a wide diversity of flora and fauna. The Steens Mountain fault block stretches sixty miles. It rises to an elevation of 9,700 feet and drops 5,500 feet in three miles to the historic lakebed of the Alvord Desert.

The federal lands on Steens Mountain are managed by the Bureau of Land Management. There is significant private ownership in the area, with over 270 separate landowners controlling about one-third of the land. There are several large ranching operations that graze both public and private lands in the Steens Mountain area.

Faced with multiple landowners, and a wide range of views on how best to protect the land, we finally crafted a great bill that enjoys local and national support, and that the President has indicated he will sign.

Through this bill, we are going to designate over one hundred and seventy thousand acres of wilderness. We are permanently removing cattle from over a hundred thousand acres in the High Steens. We will permanently withdraw over 1.1 million acres, including the Alvord Desert, from mining and geothermal development. We are also creating innovative management tools, such as a Redband Trout reserve and a Wildlands Juniper Management Area, to respond to the diverse stewardship needs of the Steens and the wildlife that finds its home there.

Mr. President, it was no easy task to achieve such wide-ranging environmental protection in my state without decimating the way of life of an entire community, and without creating more distrust of federal land management policies. This solution, though, works for the land and the people, rather than trying to make the land fit an existing management classification.

The best way to preserve special places like Steens Mountain, with significant private ownership, is not to force people off the land or to buy them all out. It is to ensure that open spaces are preserved in private ownership, and to provide incentives for the preservation of these open spaces. After all, it is the stewardship of this area by the private landowners over the last one hundred years that makes Steens Mountain the special place that it is today.

For over a year now, the entire Oregon congressional delegation and the Governor have worked closely with the Secretary of the Interior and stakeholders to achieve one primary goal: the preservation of Steens Mountain for future generations of Americans while ensuring that the ranchers can pass their ranches down to their children and grandchildren.

At the risk of leaving someone out, I would like to take a moment to mention some of the people who have contributed to this landmark process. I want to thank all of the Members of the Oregon delegation, the Secretary of the Interior, and the Governor, and all the dedicated staff members who worked on this bill—especially Valerie West, my Natural Resources Director, as well as Kurt Pfotenhauer and Matt Hill of my staff; Lindsay Slater, and Troy Tidwell in Congressman WALDEN's office; David Blair, Josh Kardon, and Sarah Bittleman in Senator WYDEN's office; Amelia Jenkins with Congressman DEFAZIO; Chris Huckleberry with Congresswoman HOOLEY; Michael Harrison with Congressman BLUMENAUER; and working on behalf of Governor Kitzhaber—Kevin Smith and Peter Green. In the Secretary of the Interior's office, I want to extend thanks to Molly McUsic and Laurie Sedlmayr. I also want to recognize the work of Mike Menge, David Dye, and David Brooks of the Senate Energy Committee, who helped bring this legislation before the Committee and to the floor of the Senate.

There are also many in Oregon that have been essential to this process. First and foremost, those who live in the shadow and beauty of Steens Mountain, and who will continue to act as its stewards: Stacy Davies, Fred Otley and Charlie Otley. There are also those who have represented the various environmental groups in Oregon: Bill Marlett, Andy Kerr, Sybil Ackerman, Jill Workman, and Jim Myron.

Mr. President, this bill is a historic achievement that will protect a mountain and a way of life that are deeply intertwined in the spirit of the American west, and I thank my colleagues for their support.

LIBERTY MEMORIAL IN KANSAS CITY, MISSOURI

RELOCATING AND RENOVATING THE HAMILTON GRANGE, NEW YORK

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Energy Committee be discharged from further consideration of the following resolutions, and further, the Senate proceed to their considerations en bloc: S. Con. Res. 114, S. Res. 368.

The PRESIDING OFFICER. The clerk will report the resolutions by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con.Res. 114) recognizing the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defended liberty and our country through service in World War I.

A resolution (S. Res. 368) to recognize the importance of relocating and renovating the Hamilton Grange, New York.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. MURKOWSKI. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to consider be laid upon the table, that any statement related to the resolutions be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. CON. RES. 114

Whereas over 4 million Americans served in World War I, however, there is no nationally recognized symbol honoring the service of such Americans;

Whereas in 1919, citizens of Kansas City expressed an outpouring of support, raising over $2,000,000 in 2 weeks, which was a fundraising accomplishment unparalleled by any other city in the United States irrespective of population;

Whereas on November 1, 1921, the monument site was dedicated marking the only time in history that the 5 Allied military leaders (Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain) were together at one place;

Whereas during a solemn ceremony on Armistice Day in 1924, President Calvin Coolidge marked the beginning of a 3-year construction project by the laying of the cornerstone of the Liberty Memorial;

Whereas the 217-foot Memorial Tower topped with 4 stone "Guardian Spirits" representing courage, honor, patriotism, and sacrifice, rises above the observation deck, making the Liberty Memorial a noble tribute to all who served;

Whereas during a rededication of the Liberty Memorial in 1961, former Presidents Harry S. Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed;

Whereas the Liberty Memorial is the only public museum in the United States specifically dedicated to the history of World War I; and

Whereas the Liberty Memorial is internationally known as a major center of World War I remembrance: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Liberty Memorial in Kansas City, Missouri, is recognized as a national World War I symbol, honoring those who defended liberty and our country through service in World War I.

S. RES. 368

Whereas Alexander Hamilton, assisted by James Madison and George Washington, was the principal drafter of the Constitution of the United States;

Whereas Hamilton was General Washington's aide-de-camp during the Revolutionary War, and, given command by Washington of the New York and Connecticut light infantry battalion, led the successful assault on British redoubt number 10 at Yorktown;

Whereas after serving as Secretary of the Treasury, Hamilton founded the Bank of New York and the New York Post;

Whereas the only home Hamilton ever owned, commonly known as "the Grange", is a fine example of Federal period architecture designed by New York architect John McComb, Jr., and was built in upper Manhattan in 1803;

Whereas the New York State Assembly enacted a law in 1908 authorizing New York City to acquire the Grange and move it to nearby St. Nicholas Park, part of the original Hamilton estate, but no action was taken;

Whereas in 1962, the National Park Service took over management of the Grange, by then wedged on Convent Avenue within inches between an apartment house on the north side and a church on the south side;

Whereas the 1962 designation of the Grange as a national memorial was contingent on the acquisition by the National Park Service of a site to which the building could be relocated;

Whereas the New York State Legislature enacted a law in 1998 that granted approval for New York City to transfer land in St. Nicholas Park to the National Park Service, causing renovations to the Grange to be postponed; and

Whereas no obelisk, monument, or classical temple along the national mall has been constructed to honor the man who more than any other designed the Government of the United States, Hamilton should at least be remembered by restoring his home in a sylvan setting: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes the immense contribution Alexander Hamilton made to the United States as a principal drafter of the Constitution; and

(2) the National Park Service should expeditiously—

(A) proceed to relocate the Grange to St. Nicholas Park; and

(B) restore the Grange to a state befitting the memory of Alexander Hamilton.

DISTRICT OF COLUMBIA RECEIVERSHIP ACCOUNTABILITY ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 943, H.R. 3995.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3995) to establish procedures governing responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3995) was read the third time and passed.

RENAMING THE NATIONAL MUSEUM OF AMERICAN ART

Mr. MURKOWSKI. I ask unanimous consent the Senate now proceed to the immediate consideration of S. 3201, introduced earlier today by Senator FRIST, for himself, Mr. COCHRAN, and Mr. MOYNIHAN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3201) to rename the National Museum of American Art.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3201) was read the third time and passed, as follows:

S. 3201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING OF NATIONAL MUSEUM OF AMERICAN ART.

(a) IN GENERAL.—The National Museum of American Art, as designated under section 1 of Public Law 96-441 (20 U.S.C. 71 note), shall be known as the "Smithsonian American Art Museum".

(b) REFERENCES IN LAW.—Any reference in any law, regulation, document, or paper to the National Museum of American Art shall be considered to be a reference to the Smithsonian American Art Museum.

SEC. 2. EFFECTIVE DATE.

Section 1 shall take effect on the day after the date of enactment of this Act.

COMMENDING THE MEN AND WOMEN WHO FOUGHT IN THE JASPER FIRE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 376, introduced earlier today by Senator DASCHLE and Senator JOHNSON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 376) expressing the sense of Senate that the men and women who fought the Jasper Fire in the Black Hills of South Dakota should be commended for their heroic efforts.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JOHNSON. Mr President, I rise today in support of the Daschle-Johnson resolution that commends the men and women who valiantly fought the Jasper fire in the Black Hills of South Dakota. The fire that raged through the Black Hills caused considerable damage to the forests in these states. Almost 100,000 acres burned in the Black Hills alone. To the great relief of all of us in South Dakota, the fire has been brought under control. The firefighters in our state did a tremendous job in containing the fire. Their efforts have been nothing short of Herculean.

The fire started near Jasper Cave on the Black Hills National Forest on August 24, 2000 and was contained by September 8, 2000. By the second day, the fire had quadrupled in size and was burning as fast as 100 acres per second. The fire threatened private homes in the communities of Deerfield, Custer and Hill City, the Jewel Cave National Monument and the Mount Rushmore National Memorial. It also forced the evacuation of many residents on northwestern Custer County and southwestern Pennington County.

1,160 men and women worked around the clock, most of them volunteers who literally risked their lives and made great sacrifices to contain the fire. Special mention should be made of the Tatanka Hotshot crew, an elite 20-person firefighting team based in the Black Hills who came from fighting fires in western Wyoming the fight the Jasper fire. While the Tatanka crew has fought several fires throughout the country, this was the first major fire they fought in their home forest .

The firefighters were incredibly successful. In spite of the rugged terrain and the intense speed and size of the Jasper fire, it was contained with only one home lost and with no injuries to any firefighters or local citizens. This resolution commends the firefighters for their bravery, their extraordinary efforts to contain the fire, and their commitment to protect lives, property and the surrounding communities. Senator DASCHLE, myself, and the entire Senate are proud of their efforts. We can't thank them enough.

Mr. MURKOWSKI. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table with no intervening action, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 376

Whereas the Jasper Fire started at 2:30 p.m. on Thursday, August 24, 2000, near Jasper Cave in the Black Hills National Forest and was contained at 6:00 p.m. on September 8, 2000;

Whereas two days after it started, the Jasper Fire nearly quadrupled in size in a matter of hours, burned as fast as 100 acres per second, and ultimately became the worst forest fire in the history of the Black Hills, consuming 83,508 acres;

Whereas the Jasper Fire threatened private homes in the Black Hills, including the South Dakota communities of Deerfield, Custer, and Hill City, Jewel Cave National Monument, and Mount Rushmore National Memorial, and forced the evacuation of many residents in northwestern Custer County and southwestern Pennington County;

Whereas volunteers from 67 community fire departments from across South Dakota made up a substantial part of the 1,160 men and women who worked around the clock to contain the Jasper Fire;

Whereas the Tatanka Hotshot crew, an elite 20-person firefighting team based in the Black Hills, came from fighting fires in western Wyoming to help fight the Jasper Fire;

Whereas while the Tatanka Hotshot crew has fought several fires throughout the country, the Jasper Fire was the first major fire they fought in their home forest;

Whereas the outpouring of support for the firefighters by local residents and communities, such as Hill City and Custer, helped boost firefighter morale; and

Whereas, in spite of the rugged terrain and the intense speed and size of the fire, the Jasper Fire was contained successfully with only one home lost and with no injuries to any firefighters or local citizens: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Jasper Fire was the largest forest fire in the history of the Black Hills National Forest, consuming 83,508 acres;

(2) the volunteer firefighters from across South Dakota played a crucial role in combating the Jasper Fire and preventing it from destroying hundreds of homes;

(3) the Tatanka Hotshot crew was instrumental in providing the effort, expertise and training necessary to establish a fire line around the Jasper Fire; and

(4) the men and women who fought the Jasper Fire are commended for their bravery, their extraordinary efforts to contain the fire, and their commitment to protect lives, property, and the surrounding communities.

UNITED STATES GRAIN STANDARDS ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 4788.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4788) to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4311

Mr. MURKOWSKI. Mr. President, Senator LUGAR has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. LUGAR, proposes an amendment numbered 4311.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4311) was agreed to.

The bill (H.R. 4788), as amended, was read the third time and passed.

GOOD CITIZENSHIP ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2883, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2883) to amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2883) was read the third time and passed.

PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT AND THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 945, H.R. 3671.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLES; TABLE OF CONTENTS.

(a) SHORT TITLES.—

(1) THIS ACT.—This Act may be cited as the "Wildlife and Sport Fish Restoration Programs Improvement Act of 2000".

(2) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—The Act of September 2, 1937 (16 U.S.C. 669 et seq.), is amended by adding at the end the following:

"SEC. 14. SHORT TITLE.

"This Act may be cited as the 'Pittman-Robertson Wildlife Restoration Act'.".

(3) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—The Act of August 9, 1950 (16 U.S.C. 777 et seq.), is amended by adding at the end the following:

"SEC. 16. SHORT TITLE.

"This Act may be cited as the 'Dingell-Johnson Sport Fish Restoration Act'.".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short titles; table of contents.

TITLE I—WILDLIFE RESTORATION

Sec. 101. Expenditures for administration.
Sec. 102. Firearm and bow hunter education and safety program grants.
Sec. 103. Multistate conservation grant program.

TITLE II—SPORT FISH RESTORATION

Sec. 201. Expenditures for administration.
Sec. 202. Multistate conservation grant program.
Sec. 203. Conforming amendment.

TITLE III—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

Sec. 301. Designation of programs.
Sec. 302. Implementation report.

TITLE I—WILDLIFE RESTORATION

SEC. 101. EXPENDITURES FOR ADMINISTRATION.

(a) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking "SEC. 4." and all that follows through the end of the first sentence of subsection (a) and inserting the following:

"SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

"(a) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—

"(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the revenues (excluding interest accruing under section 3(b)) covered into the fund for the fiscal year, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for administrative expenses incurred in implementation of this Act, in accordance with this subsection and section 9.

"(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

"(i) for fiscal year 2001, $9,500,000; and

"(ii) for fiscal year 2002 and each fiscal year thereafter, the sum of—

"(I) the available amount for the preceding fiscal year; and

"(II) the amount determined by multiplying—

"(aa) the available amount for the preceding fiscal year; and

"(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

"(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

"(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States for the fiscal year.

"(b) APPORTIONMENT TO STATES.—"; and

(3) in subsection (b) (as designated by paragraph (2)), by striking "after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section," and inserting "after deducting the available amount under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion".

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Section 9 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h) is amended to read as follows:

"SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.

"(a) AUTHORIZED ADMINISTRATIVE COSTS.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(a)(1) only for administrative expenses that directly support the implementation of this Act, consisting of—

"(1) personnel costs of employees who directly administer this Act on a full-time basis;

"(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of an employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

"(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

"(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

"(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

"(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

"(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

"(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

"(7) costs of audits under subsection (d);

"(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

"(9) costs of travel to States, territories, and Canada by personnel who—

"(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

"(B) administer grants under section 6, 10, or 11;

"(10) costs of travel by personnel outside the United States (except travel to Canada) that relates directly to administration of this Act and that is approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

"(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

"(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under section 6, 10, or 11.

"(b) REPORTING OF OTHER USES.—If the Secretary of the Interior determines that available amounts under section 4(a)(1) should be used for an administrative expense other than an administrative expense described in subsection (a), the Secretary—

"(1) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the administrative expense; and

"(2) may use any such available amounts for the administrative expense only after the end of the 30-day period beginning on the date of submission of the report under paragraph (1).

"(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under section 4(a)(1) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

"(d) AUDIT REQUIREMENT.—

"(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for administrative expenses incurred in implementation of this Act.

"(2) AUDITOR.—

"(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit).

"(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

"(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of each audit under this subsection.".

(c) CONFORMING AMENDMENT.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended in the first sentence by striking "section 4(b) of this Act" and inserting "section 4(c)".

SEC. 102. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

The Pittman-Robertson Wildlife Restoration Act is amended—

(1) by redesignating section 10 (16 U.S.C. 669i) as section 12; and

(2) by inserting after section 9 (16 U.S.C. 669h) the following:

"SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

"(a) In General.—Of the revenues covered into the fund for a fiscal year, $7,500,000 shall be apportioned among the States in the manner specified in section 4(b) by the Secretary of the Interior and used to make grants to the States to be used for—

"(1) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;

"(2) the enhancement of interstate coordination and development of hunter education and shooting range programs;

"(3) the enhancement of bow hunter and archery education, safety, and development programs; and

"(4) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges.

"(b) Cost Sharing.—The Federal share of the cost of any activity carried out with a grant under this section shall not exceed 75 percent of the total cost of the activity.

"(c) Period of Availability; Reapportionment.—

"(1) Period of Availability.—A grant under this section shall remain available only for the fiscal year for which the grant is made.

"(2) Reapportionment.—At the end of the period of availability under paragraph (1), the Secretary of the Interior shall apportion any grant funds that remain available among the States in the manner specified in section 4(b) for use by the States in accordance with this section.".

SEC. 103. MULTISTATE CONSERVATION GRANT PROGRAM.

The Pittman-Robertson Wildlife Restoration Act (as amended by section 102) is amended by inserting after section 10 the following:

"SEC. 11. MULTISTATE CONSERVATION GRANT PROGRAM.

"(a) In General.—

"(1) Amount for Grants.—Not more than $3,500,000 of the revenues covered into the fund for a fiscal year shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

"(2) Period of Availability; Apportionment.—

"(A) Period of Availability.—A grant under this subsection shall remain available only for the fiscal year for which the grant is made and the following fiscal year.

"(B) Apportionment.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any grant funds that remain available among the States in the manner specified in section 4(b) for use by the States in the same manner as funds apportioned under section 4(b).

"(b) Selection of Projects.—

"(1) States or Entities to be Benefited.—A project shall not be eligible for a grant under this section unless the project will benefit—

"(A) at least 26 States;

"(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

"(C) a regional association of State fish and game departments.

"(2) Use of Submitted Priority List of Projects.—The Secretary of the Interior may award grants under this section only for projects identified on a priority list of wildlife restoration projects described in paragraph (3).

"(3) Priority List of Projects.—A priority list referred to in paragraph (2) is a priority list of projects that the International Association of Fish and Wildlife Agencies—

"(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

"(i) nongovernmental organizations that represent conservation organizations;

"(ii) sportsmen organizations; and

"(iii) industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery;

"(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

"(C) not later than October 1 of each fiscal year, submits to the Chief of the Division of Federal Aid.

"(4) Publication.—The Chief of the Division of Federal Aid shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

"(c) Eligible Grantees.—

"(1) In General.—The Secretary of the Interior may make a grant under this section only to—

"(A) a State or group of States;

"(B) the United States Fish and Wildlife Service for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

"(C) subject to paragraph (2), a nongovernmental organization.

"(2) Nongovernmental Organizations.—

"(A) In General.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

"(i) does not promote or encourage opposition to the regulated hunting or trapping of wildlife; and

"(ii) will use any funds awarded under this section in compliance with subsection (d).

"(B) Penalties for Certain Activities.—Any nongovernmental organization that is found to promote or encourage opposition to the regulated hunting or trapping of wildlife or that does not use funds in compliance with subsection (d) shall return all funds received under this section and be subject to any other penalties under law.

"(d) Use of Grants.—A grant under this section shall not be used for an activity, project, or program that promotes or encourages opposition to the regulated hunting or trapping of wildlife.".

TITLE II—SPORT FISH RESTORATION

SEC. 201. EXPENDITURES FOR ADMINISTRATION.

(a) Set-Aside for Administrative Expenses.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by striking subsection (d) and inserting the following:

"(d) Set-Aside for Administrative Expenses.—

"(1) In General.—

"(A) Set-aside.—For fiscal year 2001 and each fiscal year thereafter, of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) and section 14, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for administrative expenses incurred in implementation of this Act, in accordance with this subsection and section 9.

"(B) Available Amounts.—The available amount referred to in subparagraph (A) is—

"(i) for fiscal year 2001, $9,500,000; and

"(ii) for fiscal year 2002 and each fiscal year thereafter, the sum of—

"(I) the available amount for the preceding fiscal year; and

"(II) the amount determined by multiplying—

"(aa) the available amount for the preceding fiscal year; and

"(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(2) Period of Availability; Apportionment of Unobligated Amounts.—

"(A) Period of Availability.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

"(B) Apportionment of Unobligated Amounts.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States under subsection (e) for the fiscal year.".

(b) Requirements and Restrictions Concerning Use of Amounts for Administrative Expenses.—Section 9 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h) is amended to read as follows:

"SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.

"(a) Authorized Administrative Costs.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(d) only for administrative expenses that directly support the implementation of this Act, consisting of—

"(1) personnel costs of employees who directly administer this Act on a full-time basis;

"(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of an employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

"(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

"(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

"(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

"(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

"(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

"(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

"(7) costs of audits under subsection (d);

"(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

"(9) costs of travel to States, territories, and Canada by personnel who—

"(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

"(B) administer grants under section 6 or 14;

"(10) costs of travel by personnel outside the United States (except travel to Canada) that relates directly to administration of this Act and that is approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

"(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

"(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under section 6 or 14.

"(b) REPORTING OF OTHER USES.—If the Secretary of the Interior determines that available amounts under section 4(d) should be used for an administrative expense other than an administrative expense described in subsection (a), the Secretary—

"(1) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the administrative expense; and

"(2) may use any such available amounts for the administrative expense only after the end of the 30-day period beginning on the date of submission of the report under paragraph (1).

"(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under section 4(d) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

"(d) AUDIT REQUIREMENT.—

"(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for administrative expenses incurred in implementation of this Act.

"(2) AUDITOR.—

"(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit).

"(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

"(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of each audit under this subsection.".

SEC. 202. MULTISTATE CONSERVATION GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Dingell-Johnson Sport Fish Restoration Act is amended by striking the section 13 relating to effective date (16 U.S.C. 777 note) and inserting the following:

"SEC. 14. MULTISTATE CONSERVATION GRANT PROGRAM.

"(a) IN GENERAL.—

"(1) AMOUNT FOR GRANTS.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 in a fiscal year, not more than $3,500,000 shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

"(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

"(A) PERIOD OF AVAILABILITY.—A grant under this subsection shall remain available only for the fiscal year for which the grant is made and the following fiscal year.

"(B) APPORTIONMENT.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any grant funds that remain available among the States in the manner specified in section 4(e) for use by the States in the same manner as funds apportioned under section 4(e).

"(b) SELECTION OF PROJECTS.—

"(1) STATES OR ENTITIES TO BE BENEFITED.—A project shall not be eligible for a grant under this section unless the project will benefit—

"(A) at least 26 States;

"(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

"(C) a regional association of State fish and game departments.

"(2) USE OF SUBMITTED PRIORITY LIST OF PROJECTS.—The Secretary of the Interior may award grants under this section only for projects identified on a priority list of sport fish restoration projects described in paragraph (3).

"(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of projects that the International Association of Fish and Wildlife Agencies—

"(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

"(i) nongovernmental organizations that represent conservation organizations;

"(ii) sportsmen organizations; and

"(iii) industries that fund the sport fish restoration programs under this Act;

"(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

"(C) not later than October 1 of each fiscal year, submits to the Chief of the Division of Federal Aid.

"(4) PUBLICATION.—The Chief of the Division of Federal Aid shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

"(c) ELIGIBLE GRANTEES.—

"(1) IN GENERAL.—The Secretary of the Interior may make a grant under this section only to—

"(A) a State or group of States;

"(B) the United States Fish and Wildlife Service for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

"(C) subject to paragraph (2), a nongovernmental organization.

"(2) NONGOVERNMENTAL ORGANIZATIONS.—

"(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

"(i) does not promote or encourage opposition to the regulated taking of fish; and

"(ii) will use any funds awarded under this section in compliance with subsection (d).

"(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to promote or encourage opposition to the regulated taking of fish or that does not use funds in compliance with subsection (d) shall return all funds received under this section and be subject to any other penalties under law.

"(d) USE OF GRANTS.—A grant under this section shall not be used for an activity, project, or program that promotes or encourages opposition to the regulated taking of fish.

"(e) FUNDING FOR OTHER ACTIVITIES.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a), $2,100,000 shall be made available for—

"(1) the Atlantic States Marine Fisheries Commission;

"(2) the Gulf States Marine Fisheries Commission;

"(3) the Pacific States Marine Fisheries Commission;

"(4) the Great Lakes Fisheries Commission;

"(5) the Sport Fishing and Boating Partnership Council established by the United States Fish and Wildlife Service;

"(6) construction and renovation of pumpout stations and waste reception facilities under the Clean Vessel Act of 1992 (33 U.S.C. 1322 note; subtitle F of title V of Public Law 102–587);

"(7) coastal wetlands conservation grants under section 305 of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3954);

"(8) boating infrastructure grants under section 7404 of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1); and

"(9) the National Outreach and Communications Program established under section 8(d).".

(b) CONFORMING AMENDMENTS.—Section 4(e) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(e)) is amended in the first sentence by inserting "and after deducting amounts used for grants under section 14," after "respectively,".

SEC. 203. CONFORMING AMENDMENT.

Section 9504(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking "(as in effect on the date of the enactment of the TEA 21 Restoration Act)" and inserting "(as in effect on the date of enactment of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000)".

TITLE III—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

SEC. 301. DESIGNATION OF PROGRAMS.

The programs established under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) shall be known as the "Federal Assistance Program for State Wildlife and Sport Fish Restoration".

SEC. 302. IMPLEMENTATION REPORT.

(a) TIMING.—At the time at which the President submits a budget request for the Department of the Interior for the third fiscal year that begins after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the steps that have been taken to comply with this Act and the amendments made by this Act.

(b) CONTENTS.—The report under subsection (a) shall—

(1) describe—

(A) the extent to which compliance with this Act and the amendments made by this Act has required a reduction in the number of personnel assigned to administer, manage, and oversee the Federal Assistance Program for State Wildlife and Sport Fish Restoration;

(B) any revisions to this Act or the amendments made by this Act that would be desirable in order for the Secretary of the Interior to adequately administer the Programs and ensure that funds provided to State agencies are properly used; and

(C) any other information concerning the implementation of this Act and the amendments

made by this Act that the Secretary of the Interior considers appropriate; and

(2) certify, with respect to the period beginning on the date of enactment of this Act—

(A)(i) the amounts used under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)); and

(ii) a breakdown of the categories for which the amounts were used;

(B) the amounts apportioned to States under section 4(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(2)) and section 4(d)(2)(A) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(2)(A));

(C) the results of the audits performed under section 9(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(d) and section 9(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(d));

(D) that all amounts used under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)) were necessary for administrative expenses incurred in implementation of those Acts;

(E) that all amounts used to administer those Acts by agency headquarters and by regional offices of the United States Fish and Wildlife Service were used in accordance with those Acts; and

(F) that the Secretary of the Interior, the Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Chief of the Division of Federal Aid each properly discharged their duties under those Acts.

(c) LIMITATION ON DELEGATION.—The Secretary of the Interior shall not delegate the responsibility for making a certification under subsection (b)(2) to any person except the Assistant Secretary for Fish and Wildlife and Parks.

(d) PUBLICATION OF CERTIFICATIONS.—The Secretary of the Interior shall promptly publish in the Federal Register each certification under subsection (b)(2).

AMENDMENT NO. 4312

Mr. MURKOWSKI. Mr. President, Senator SMITH of New Hampshire has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. SMITH of New Hampshire, proposes an amendment numbered 4312.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

DOG FIELD TRIALS

Mr. CRAPO. I would like to engage the distinguished Senator from New Hampshire, Mr. SMITH, in a colloquy regarding the Federal Aid bill and concerns that have been raised with respect to the use of Pittman-Robertson Act-acquired lands for dog field trials.

Mr. SMITH of New Hampshire. I am delighted to accommodate my friend from Idaho.

Mr. CRAPO. As the chairman of the Environment and Public Works Committee knows, there is nothing that precludes the use Pittman-Robertson lands for dog field trials, and, that in fact, this is a legitimate use of these lands, provided that the field trials are consistent with the objectives of the Pittman-Robertson Act.

Mr. SMITH of New Hampshire. I agree that Pittman-Robertson lands can certainly be used for field trials in a way that is consistent with the act.

Mr. CRAPO. Concerns have been raised that Pittman-Robertson lands should not be used for field trials. As the Senator from New Hampshire knows, the sportsmen who pay this excise tax have varied interests—they are hunters, field trialers, and shooting enthusiasts. The primary goal of the Pittman-Robertson Act is wildlife conservation, but it is also important that these lands support multiple uses.

Mr. SMITH of New Hampshire. I agree with the chairman of the Fisheries, Wildlife, and Water Subcommittee.

Mr. CRAPO. Multiple uses of public lands necessarily require the balancing of occasionally competing interests and objectives. The most appropriate parties to make decisions regarding wildlife habitat development and other uses and activities are state wildlife managers who are most familiar with site specific conditions, habitat needs, and the impact of sporting activities.

Mr. SMITH of New Hampshire. I agree wholeheartedly with the Senator from Idaho. It is those closest to the land who can help determine on a case-by-case basis how to balance wildlife needs with users who engage in various sporting activities, while remaining consistent with the objectives of the Pittman-Robertson Act.

ASSISTANT DIRECTOR

Mr. BAUCUS. Mr. President, I want to make a point about one provision of the amendment and ask the committee chairman, Senator SMITH, whether he agrees. Section 132 of the bill establishes a new position, in the Fish and Wildlife Service, of Assistant Director for Wildlife and Sport Fish Restoration Programs. The provision also specifies the Assistant Director's responsibilities.

Although this provision is similar to section 302 of the version of the bill that passed the House, it differs in one significant respect. The House report said that "individuals in the Regional offices who are responsible for administering the Wildlife and Sport Fish Restoration Programs will also report to the Assistant Director." We considered and rejected this approach. The Fish and Wildlife Service operates through a system of regional offices. Employees in the regional offices report to the regional directors, and the regional directors report to the Director of the Fish and Wildlife Service. In light of this, it would be potentially disruptive to require that individuals who are responsible for administering the federal aid program to report directly to the Assistant Director, in Washington, D.C., rather than to the regional director. We do not intend section 132 to mandate such a change. Does the chairman agree?

Mr. SMITH of New Hampshire. Yes. By approving section 132, we intend to elevate the role of the head of the Federal Aid program, as part of our overall effort, in this bill, to give the program the full attention that it deserves. We do not intend, however, to mandate a change in the general Fish and Wildlife Service's administrative structure. No case has been made for such a change, and it could potentially be counterproductive.

FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM

Mr. BAUCUS. Mr. President, the manager's amendment amends the Firearm and Bow Hunter Education and Safety Program that was included in the bill as reported out of the Committee. It is my understanding that the manager's amendment authorizes $7.5 million for fiscal year 2001 and 2002, and $8 million for fiscal year 2003 and every year thereafter. The authorized funds would be provided to the States in the form of direct grants. Would you please briefly explain how this new grant program will impact the States, especially States like Montana and New Hampshire that are spending a considerable amount on these type of projects already?

Mr. SMITH of New Hampshire. As you know, under current law, States are authorized to use one half of the revenue collected from taxes on handguns and archery equipment for hunter education and the development of target ranges. Under our provision, any State that is fully utilizing the authorized amount for these purposes can spend the grant money on any project that is authorized in the Pittman-Robertson Act. States that are spending less than the authorized amount have to use the grant funds for hunter education and range development until they utilize the amount authorized by the Pittman-Robertson Act for those purposes. The States can then spend any remaining funds above the authorized level on hunter education, range development or any other project that is authorized in Pittman-Robertson. For example, say New Hampshire is authorized to use $270 thousand of Pittman-Robertson funds on hunter education and range development but is only spending $266 thousand. New Hampshire would be then required to spend $4 thousand of its grant money on hunter education and range development. After that New Hampshire could use any remaining amount on any project that is consistent with the purposes of the Pittman-Robertson Act.

Mr. BAUCUS. I think it is very important for us to recognize that the vast majority of states spend a considerable sum of money, both Pittman-Robertson and state funds, on hunter education and target range development.

Mr. SMITH of New Hampshire. Mr. President, I rise today to encourage my colleagues to support final passage of H.R. 3671, the Fish and Wildlife Programs Improvement Act. I believe that this bill will enhance State wildlife conservation programs across the country. I am proud to be a cosponsor of this important legislation.

The Pittman-Robertson Act and the Wallop-Breaux Act created user-pay benefit trust funds. Together, these programs are called the Sport Fish and Wildlife Restoration Programs and are known more generally as the Federal Aid Program. The States are primarily responsible for managing the Federal Aid Program. They identify eligible projects and then pay for the projects up front. The projects must be directly related to old and sport fish restoration efforts. Projects that are eligible for funding through the Pittman-Robertson and Wallop Breaux Programs include: acquisition and improvement of wildlife habitat; hunter education; wildlife population surveys; construction of facilities to improve public access; management of wildlife areas fish stocking, boating and fishing access; and facility development and maintenance. States are reimbursed for up to 75 percent of the total cost of each project from the Federal Aid funds.

I am offering a manager's amendment in the nature of a substitute that makes several important changes to the Federal Aid bill that reported by the Committee on Environment and Public Works. I believe that in adopting these changes, we will not only improve the bill, but will also ensure that this important legislation is signed into law this year. In addition, the manager's package includes the National Fish and Wildlife Refuge System Centennial bill, and reauthorized the National Fish and Wildlife Foundation. This package has been negotiated with the House Committee on Natural Resources.

Earlier this year, the Environment and Public Works Subcommittee on Fisheries, Wildlife and Water held a hearing on the Fish and Wildlife Service's Administration of the Wallop-Breaux and Pittman-Robertson Acts and what we discovered was shocking.

The Pittman-Robertson and Wallop-Breaux Restoration Funds were created over 50 years ago. Congress intended to allow sportsmen to contribute to the preservation and enhancement of the fields, streams and great outdoors that they enjoy so much. These two programs together authorize the collection of excise taxes from the manufacturers and importers of hunting and fishing equipment. Congress entrusted the Fish and Wildlife Service, through the Federal Aid Division, with the responsibility of managing these programs and distributing the funds to the States. Unfortunately, a report issued by the General Accounting Office indicates that the Fish and Wildlife Service has violated that trust.

These are significant wildlife programs, with substantial resources to fund them. Last year alone, sportsmen contributed over $430 million to the programs. Every time a hunter buys a gun, or an angler buys a rod, they know a portion of the cost is supposed to be given to the States to fund conservation projects, such as fish stocking or habitat restoration. I say "supposed to" because GAO recently found that not all of the money the States are entitled to is, in fact, being given to them. Both the Wallop-Breaux and Pittman-Robertson Acts allowed the Fish and Wildlife Service to reserve a percentage of the mounts received from the excise tax. However, the Acts also require that any excess amounts not needed for administration of the programs be distributed among the States. Unfortunately, for years, the Fish and Wildlife Service just ignored that requirement and shortchanged the States.

The problems that plague these programs are numerous. The Service created several grant programs which they had, at best, questionable authority to do. Initially, they failed to account for millions of dollars. They ignored their own established guidelines for approving travel. This is unacceptable behavior.

I believe that the manager's amendment will put an end to the mismanagement that plagues the programs today. At the same time, it will institute a more effective way in which to manage these programs in the future. We address the problems that were identified in the GAO report and in the hearing by making four fundamental changes to the wildlife restoration and sport fish programs. These changes are intended to enhance accountability within the Fish and Wildlife Service with respect to the administration of the Federal Aid Program; to provide further clarity regarding the use of administrative funds; to encourage safe hunting through education; and to provide additional flexibility to the States for regional conservation projects.

First, the manager's amendment authorizes $18 million in fiscal years 2001 and 2002, and $16.4 million in fiscal year 2003 and subsequent years, with an increase relative to the Consumer Price Index for the Secretary of the Interior to administer both the Pittman-Robertson and Wallop-Breaux Programs. I felt that it was extremely important for the Secretary to have enough resources to administer the program effectively, but not so much money that there would be an incentive to waste it needlessly. Although I am confident that the program can run effectively on the authorized amount, it is extremely important to revisit this issue in several years. This is particularly important because the administration was unable to justify many of its costs. The manager's amendment requires a biennial audit that will give the Committee additional information on whether or not the authorized amount needs to be adjusted.

Second, the manager's amendment enumerates legitimate administrative costs and limits the use of Federal Aid funds to those expenses. The General Accounting Office investigation found that the Fish and Wildlife Service, among other things, failed to maintain adequate controls over funds, expenditures, and grants, and used administrative funds inconsistently among different FWS regional offices. By specifically listing what constitutes appropriate administrative costs, these problems should not arise in the future.

Third, the manager's amendment creates a new Firearm and Bow Hunter Education and Safety Grant Program authorized at $7.5 million in fiscal years 2001 and 2002, and $8 million in fiscal year 2003 and every year thereafter. The authorized funds would be provided to the States in the form of direct grants. Under current law, States are authorized to use half of the revenue collected from taxes on handguns and archery equipment for hunter education and the development of target ranges. This new provision would allow any State that is fully utilizing the authorized amount for these purposes to spend the grant money on any project that is authorized in the Pittman-Robertson Act. States that are spending less than the authorized amount would be required to use the grant funds for hunter education and range development until they utilize the amount authorized by the Pittman-Robertson Act for those purposes. At that point, the States can spend any remaining funds above the authorized level on hunter education, range development or any other project that is authorized in Pittman-Robertson.

In my home State of New Hampshire, for example, the Department of Fish and Game is authorized to use $270 thousand of Pittman-Robertson funds on hunter education and range development, but is currently only spending $266 thousand. Under this bill, New Hampshire would be required to spend $4 thousand of its grant money on hunter education and range development; after that, however, the State would have the discretion to spend the remaining amount on any project that is consistent with the purposes of the Pittman-Robertson Act. This strikes a good balance between the interests of the hunting community that wanted states to spend the 50 percent level authorized under the law, and the States who want discretion to spend Pittman-Robertson funds to meet their priorities, both education and conservation programs.

Finally, the manager's amendment authorizes a new Multistate Conservation Grant Program at $6 million to allow for Federal Aid funds to be used for regional projects. The Multistate Grant program requires the International Association of Fish and Wildlife Agencies International to submit a list to the Secretary of the Interior recommending projects that should receive funding. The bill as reported out of Committee prohibited the International from considering any grant submitted by an organization that opposes hunting or fishing. Shortly before the markup, we realized this approach raised First Amendment concerns, and I promised to work with interested parties to resolve this problem. The manager's amendment prohibits any grant funds from supporting, in whole or in part, any activity that promotes opposition to hunting and fishing. Any organization can apply for a grant but it can't use these funds in any activity that targets the individuals who pay the excise tax. This is a common sense solution that protects the first amendment rights of all, without penalizing sportsmen who help fund the programs.

This manager's amendment also reauthorizes the National Fish and Wildlife Foundation Establishment Act of 1984. The manager's amendment makes important changes in the Foundation's charter, changes that I believe will allow the Foundation to build on its fine record of providing funding for the conservation of our nation's fish, wildlife and plant resources.

The National Fish and Wildlife Foundation was established in 1984 to bring together diverse groups to engage in conservation projects across America and, in some cases, around the world. Since its inception, the Foundation has made more than 3,400 grants totaling over $435 million. This is an impressive record of accomplishment. The Foundation has pioneered some notable conservation programs, including implementing the North American Waterfowl Management plan, Partners in Flight for neotropical birds, Bring Back the Natives Program, the Exxon Save the Tiger Fund, and the establishment of the Conservation Plan for Sterling Forest in New York and New Jersey, to name just a few.

The Foundation has funded these programs by raising private funds to match federal appropriations on at least a 2 to 1 basis. During this time of fiscal constraint, this is an impressive record of leveraging federal dollars. Moreover, all of the Foundation's operating costs are covered by separate private sources, which means that Federal and private dollars given for conservation are spent only on conservation projects.

The National Fish and Wildlife Foundation has more than fulfilled the hopes of its original sponsors. It has helped to implement solutions to some difficult natural resource problems and is becoming widely recognized for its innovative approach to solving environmental problems. For example, when Atlantic salmon neared extinction in the U.S. due to overharvest in Greenland, the Foundation and its partners bought Greenland Salmon quotas. I, like many others in Congress, want the Foundation to continue its important conservation efforts.

This legislation is quite simple. The manager's amendment would expand the Foundation's governing Board of Directors from 15 members to 25 members. This will allow a greater number of individuals with a strong interest in conservation to actively participate in, and contribute to, the Foundation's activities. Also, it would authorize appropriations to the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration through 2003.

Finally, the manager's amendment would authorize the "National Wildlife Refuge System Centennial Commemoration Act of 2000." This landmark provision commemorates the centennial of the first national wildlife refuge in the United States, established on March 14, 1903, by a great man and conservationist, President Theodore Roosevelt. By setting aside land at Indian River Lagoon on Pelican Island, Florida as a haven for birds, President Roosevelt began a conservation legacy known as the National Wildlife Refuge System.

Today, the National Wildlife Refuge System has evolved into the most comprehensive system of lands devoted to wildlife protection and management in the world—spanning nearly 93 million acres across the United States and its territories. By placing special emphasis on conservation, our nation's network of refuges ensures the continued protection of our wildlife resources, including threatened and endangered species, and land areas with significant wildlife-oriented recreational, historical and cultural value.

Currently, there are more than 500 refuges in the United States and its territories, providing important habitat for 700 bird species, 220 mammal species, 250 species of amphibians and reptiles, and over 200 fish species. The Refuge System also hosts some of our country's premiere fisheries, and serves a vital role in the protection of threatened and endangered species by preserving their critical habitats.

Approximately 98 percent of the Refuge System land is open to the public. Each year, the System attracts more than 34 million visitors to participate in a variety of recreational activities that include observing and photographing wildlife, fishing, hunting and taking part in system-sponsored educational programs. By providing the public with an opportunity to participate in these activities, refuges promote a sense of appreciation for the natural wonders of this nation and emphasize our important role as stewards of these lands.

The manager's amendment commemorates the Refuge System by creating a Commission that will oversee the Centennial anniversary and promote public awareness and understanding of the importance of refuges to our nation. Additionally, the manager's amendment directs the Fish and Wildlife Service to prepare a long-term plan for the Refuge System that will enable the Service to look ahead and determine the future needs and priorities of the system network.

Mr. President, I strongly urge my colleagues to support adoption of this bill.

Mr. CRAPO. Mr. President, I rise today in support of H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000. The bill we have before us today is the culmination of a bi-partisan, bi-cameral effort. I want to thank Chairman BOB SMITH, Ranking Member BAUCUS, and Senator BOXER for their hard work and recognition of how important it was to pass this bill this year. I also thank Representative DON YOUNG, Chairman of the House Resources Committee, for his efforts and investigation into the program.

I think we have a bill that everyone can support. It will reduce Government waste and prevent misuse of funds, while enhancing the program. The federal aid program has been a conservation success story. This bill will ensure that this success continues by restoring accountability and responsibility to the program. Ultimately, this legislation will restore trust in the program, without affecting the effectiveness of the program.

Senator CRAIG and I introduced the Senate version of this bill because there was a problem and America's hunters and fishermen needed trust returned to the administration of the Wildlife and Sport Fish Restoration Programs. The bill we have before us today restricts the amount of money that the U.S. Fish and Wildlife Service can spend on administrative expenses, while clearly identifying authorized expenses. The bill also improves the program by funding a multi-state grant program, and ensuring that hunter education and shooting range programs are funded at the level hunters and shooting enthusiasts expect and deserve. These changes are good for the program, good for hunters, fishermen, and shooting enthusiasts, and are simply good government.

Congressional investigations and a General Accounting Office audit of the U.S. Fish and Wildlife Service revealed that, contrary to existing law, money had been routinely diverted to administrative slush funds, withheld from states, and generally misused for purposes unrelated to either fisheries or wildlife conservation. In addition, the GAO called the Division of Federal Aid, "if not the worst, one of the worst-managed programs we have encountered." As an avid outdoorsman, I was particularly disturbed by this abuse. As a legislator, I am pleased to have an opportunity to prevent such abuses in the future.

This bill reestablishes the trust between the hunters and anglers who pay the excise taxes and the Federal Government. It is an opportunity to repair a system that has been lauded as one of the nation's most successful conservation efforts. I hope my colleagues will join me in passing this bipartisan effort to restore accountability and responsibility to the Federal Aid programs and the Fish and Wildlife Service.

I thank the Chair.

Mr. BAUCUS. Mr. President, I support H.R. 3671, the Wildlife Sport Fish Restoration Programs Improvement Act of 2000, and the substitute amendment proposed by the chairman of the Environment and Public Works Committee, Senator SMITH.

The Federal aid program, embodied in the Pittman-Robertson Act and the Wallop-Breaux Act, uses the revenue derived from the excise taxes on firearms and fishing equipment to support state efforts to promote wildlife conservation, sport fish conservation, hunter education, and related activities. It's a good program. It has provided more than $7 billion to support state wildlife conservation and sport fish projects. To give you a more specific idea about the benefits of the program, in 1999 Montana received almost $5 million dollars under these programs, for activities ranging from our hunter education program, to improving habitat for white tail deer, waterfowl, and upland birds, to acquisition of access rights to private land, to our program to reduce conflicts between grizzly bears and people. A few years ago, the program helped us complete the Gallatin land exchange.

Over the years, problems developed in the administration of the program. In particular, the General Accounting Office and others found that money that was set aside, by statute, for administration of the program was being used for unrelated activities. There also were considerable problems with budgeting and overall management.

The bill is designed to address these problems. It makes several reforms. Among other things, it reduces the amount available for administrative expenses, clarifies what constitutes a proper administrative expense, and establishes a new multistate grant program, in part, codifying a previous practice.

These reforms are important. They will assure that taxpayers' money is well spent and that states receive the funds that they are entitled to. In addition, both the bill reported by the Environment and Public Works Committee and the substitute amendment improve on the version of the bill that passed the House. The bill and amendment provide a level of funding for administration that, while significantly lower than the previous level, will fully fund the current activities of the federal aid office of the Fish and Wildlife Service. They also provide the Service with some limited flexibility in determining what is an appropriate administrative expense and avoid prescribing the Service's activities in such detail that we risk "micromanaging." These changes make a good bill even better.

I am pleased that the bill also includes two other important provisions, one reauthorizing the National Fish and Wildlife Foundation and another establishing a program to recognize the upcoming centennial of the National Wildlife Refuge System. Both have previously passed the Senate.

I urge adoption of the amendment and passage of the bill.

MULTI-STATE CONSERVATION GRANT PROGRAM

Mr. BAUCUS. Mr. President, as you know H.R. 3671 establishes a new Multi-State Conservation Grant program. This program requires the International Association of Fish and Wildlife Agencies, representing State fish and wildlife agencies, to submit a list to the Secretary of the Interior of recommendation projects eligible for funding under this program prior to October 1 of each year. It is my understanding that the International submitted a list to the Secretary of the Interior prior to October 1 of this year for consideration. Senator SMITH, is it your understanding that the list should be considered submitted in accordance with the provisions of this bill?

Mr. SMITH of New Hampshire. Yes, it is. I do not believe that the grant recipients, many of whom are States, should be penalized because we were unable to pass a bill prior to October 1.

Mr. BAUCUS. The multi-state grant program also requires the International to consult with the various non-governmental organizations and interests involved in this program in preparing this list. It is my understanding that this provision should ensure that these groups are involved both in preparing the request for grant proposals and in evaluating them. Is this also the view of the Chairman?

Mr. SMITH of New Hampshire. Yes, it is. This bill requires that the various interests involved in the Sport Fish and Wildlife Restoration programs be fully and meaningfully consulted in the process, as indicated by the Senator. This should be carefully adhered to in the development of future recommendations.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4312) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 3671), as amended, was read the third time and passed.

The title was amended so as to read:

An Act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

MAKING CERTAIN CORRECTIONS IN COPYRIGHT LAW

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5107, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5107) to make certain corrections in copyright law.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, with the imminent passage of the work made for hire legislation today, I believe a few comments are in order. Last year a technical amendment was included in the Intellectual Property and Communications Omnibus Reform Act of 1999 which added sound recordings to the list of works eligible for, or considered as having, the status of works made for hire under the Copyright Act. Works made within the scope of employment or large collaborative works such as motion pictures are most often accorded the status of works made for hire, and the copyright for those works resides in the employer or the corporation doing the hiring, such as the movie studio. The status of sound recordings had been in some doubt because sound recordings did not obtain the status of copyrighted works until relatively recently, and, when added to the list of copyrightable works was not added to the list of works made for hire.

When the technical amendment was raised for consideration in the conference, our research indicated that the practice of the Copyright Office has uniformly been to register sound recordings as works made for hire. The technical amendment therefore seemed a reasonable codification of the ongoing practice at the Copyright Office, and was adopted.

Soon thereafter, however, it became clear that while the technical amendment aligned the code with long-time Copyright Office practice, it was not uncontroversial. Indeed many recording artists had believed that the work-for-hire clauses of their contracts were unenforceable because contrary to the copyright code: i.e., sound recordings are not listed as works made for hire. They view their contracts as operating as assignments or transfers of copyright. This distinction is important because under work-for-hire, the copyright is owned by the record company for the life of the copyright and the artists' rights are extinguished; under a transfer or assignment, the artist may recapture his or her copyright after 35 years and then either renegotiate more favorable terms with the same company or sell the remaining copyright to another label on more favorable terms. The basic premise of this recapture is that the initial assignment of copyright might not fully reward the unproven artist who is an unknown quantity in a risky business. Once the artist's commercial value is better proven an opportunity is given the artist to reap the rewards of his or her creations that have stood the test of time. That the assumptions of the artists and labels about the status of these works have been diametrically opposed might not have appeared until 35 years after the 1978 effective act of the current Copyright Act, but for this technical amendment.

What ought the status of sound recordings be then? Sound recordings can be something of a hybrid art form lying on a continuum between the individual author writing a song or book and the motion picture where possibly hundreds of employees collaborate on the final work. Sound recordings can be more like the former or the latter, depending on the circumstances. Because the facts can vary so widely—some albums are primarily the product of the producer, some of one artist, some of a group, many have hired musicians or technicians who contribute but do so as part of their normal employment, some recordings are compilations of smaller recordings—it is not clear what general rule would be either most fair to all concerned or would most encourage the continued creativity of recording artists. Since it may take some time, and will require the input of all the affected parties, it seems reasonable at this time to undo last years' technical amendment without prejudice to either side in case litigation should arise later, while we explore whether a more comprehensive rule can be crafted. That is why we have made this change today, containing in the legislative language the congressional intent that neither enactment prejudice any future litigation.

It is my hope that the dialogue on this issue is beginning, rather then ending, with this legislation. I think it is important to avoid costly litigation if possible. And I believe it of paramount importance that artists are fairly compensated for the work they do. Without the creativity of the artist, the record companies would have nothing to market, and the audience would have nothing to enjoy. For the sake of the future of music, I hope that using new technologies, artists and audience can begin having a closer relationship, where artists are encourage to stretch themselves creatively and fans are enabled to enjoy artists' work more fully. I think a focused conversation on the relative roles of artists and label, as well as the artist's role in controlling their work in traditional and new media, can hasten that day. If the legislative roundabout on the work-for-hire issue concluded today can serve as such a beginning, then it has served a useful purpose.

I commend this legislation to my colleagues. At this time I also wish to thank my colleagues in the House and Senate who have supported this legislation, and the recording artists and labels who have worked together on this legislation and who will begin the task of exploring what more comprehensive settlement we might reach with regard to the status of sound recordings under the copyright law, which will allow them to continue their creative works.

Mr. LEAHY. Mr. President, more than a week ago I came to the floor to be sure the record was clear that all Democrats had cleared for final passage H.R. 5107, the Work for Hire and Copyright Corrections Act of 2000. I urged the Senate to take up H.R. 5107 without further unnecessary delay. I am glad that the majority has finally decided that action on this consensus bill is appropriate. I still do not know what caused the unexplained 2-week delay on the Republican side.

Representatives BERMAN and COBLE deserve credit, along with the interested parties, for working out a consensus solution in this legislation. The purpose of this bill is to restore the status quo ante, as it existed before November 29, 1999 regarding whether a sound recording can qualify as a "work made for hire" under the second part of the definition of that term in section 101 of the Copyright Act, and to do so in a manner that does not prejudice any person or entity that might have interests concerning this question. The House held an oversight hearing to explore this matter earlier this year and originated this legislation. This bill restores the law to the same place it was before the enactment of section 1101(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law Number 106–113, so that neither side is prejudiced by what was enacted at the end of 1999 or by what is being enacted now. This bill does not express or imply any view as to the proper interpretation of the work made for hire definition before November 29, 1999. Thus, neither the enactment of section 1101(d) nor this bill's deletion of that language are to be considered in any way or otherwise given any effect by a court or the Copyright Office when interpreting the work made for hire definition.

I congratulate Congressmen BERMAN and COBLE on final passage of this measure.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5107) was read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 715 and 716. I finally ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Robert N. Shamansky, of Ohio, to be a Member of the National Security Education Board.

Robert B. Pirie, Jr., of Maryland, to be Under Secretary of the Navy.

Mr. MURKOWSKI. Those confirmed are Robert Shamansky, to be a member of the National Security Education Board, and Robert Pirie to be Under Secretary of the Navy. I wish them congratulations.

DIRECTING THE RETURN OF CERTAIN TREATIES TO THE PRESIDENT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 267) directing the return of certain treaties to the President.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 4313

Mr. MURKOWSKI. Senator HELMS has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] for Mr. HELMS, proposes an amendment numbered 4313.

The amendment is as follows:

(Purpose: To remove from the list of treaties required to be returned to the President a mutual legal assistance treaty between the United States and Nigeria)

On page 5, strike lines 7 through 11.

On page 5, lines 12, strike "(18)" and insert "(17)".

Mr. MURKOWSKI. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4313) was agreed to.

Mr. MURKOWSKI. I ask unanimous consent the resolution, as amended, be agreed to, the motion to reconsider be laid upon the table, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 267), as amended, was agreed to, as follows:

[The resolution will be printed in a future edition of the RECORD.]

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–49

Mr. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on October 12, 2000, by the President of the United States: International Convention for Suppression of Financing Terrorism (Treaty Document No. 106–49).

Further, I ask unanimous consent that the convention be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on December 9, 1999, and signed on behalf of the United States of America on January 10, 2000. The report of the Department of State with respect to the Convention is also transmitted for the information of the Senate.

In recent years, the United States has increasingly focused world attention on the importance of combating terrorist financing as a means of choking off the resources that fuel international terrorism. While international terrorists do not generally seek financial gain as an end, they actively solicit and raise money and other resources to attract and retain adherents and to support their presence and activities both in the United States and abroad. The present Convention is aimed at cutting off the sustenance that these groups need to operate. This Convention provides, for the first time, an obligation that States Parties criminalize such conduct and establishes an international legal framework for cooperation among States Parties directed toward prevention of such financing and ensuring the prosecution and punishment of offenders, wherever found.

Article 2 of the Convention states that any person commits an offense within the meaning of the Convention "if that person by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out" either of two categories of terrorist acts defined in the Convention. The first category includes any act that constitutes an offense within the scope of and as defined in one of the counter terrorism treaties listed in the Annex to the Convention. The second category encompasses any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in hostilities in a situation of armed conflict, when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

The Convention imposes binding legal obligations upon States Parties either to submit for prosecution or to extradite any person within their jurisdiction who commits an offense as defined in Article 2 of the Convention, attempts to commit such an act, participates as an accomplice, organizes or directs others to commit such an offense, or in any other way contributes to the commission of an offense by a group of persons acting with a common purpose. A State Party is subject to these obligations without regard to the place where the alleged act covered by Article 2 took place.

States Parties to the Convention will also be obligated to provide one another legal assistance in investigations or criminal or extradition proceedings brought in respect of the offenses set forth in Article 2.

Legislation necessary to implement the Convention will be submitted to the Congress separately.

This Convention is a critical new weapon in the campaign against the scourge of international terrorism. I hope that all countries will become Parties to this Convention at the earliest possible time. I recommend, therefore, that the Senate give early and favorable consideration to this Convention, subject to the understanding, declaration and reservation that are described in the accompanying report of the Department of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 12, 2000.*

VETERANS BENEFITS AND HEALTH CARE IMPROVEMENT ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1402) to amend title 38, United States Code, to increase amounts of educational assistance for veterans under the Montgomery GI bill and to enhance programs providing educational benefits under that title, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1402) entitled "An Act to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans and Dependents Millennium Education Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references to title 38, United States Code.
Sec. 2. Increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 3. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.
Sec. 4. Increase in rates of survivors and dependents educational assistance.
Sec. 5. Adjusted effective date for award of survivors' and dependents' educational assistance.
Sec. 6. Revision of educational assistance interval payment requirements.
Sec. 7. Availability of education benefits for payment for licensing or certification tests.
Sec. 8. Extension of certain temporary authorities.
Sec. 9. Codification of recurring provisions in annual Department of Veterans Affairs appropriations Acts.
Sec. 10. Preservation of certain reporting requirements.

(c) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided,

whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) Active Duty Educational Assistance.—(1) Section 3015 is amended—

(A) in subsection (a)(1), by striking "$528" and inserting "$720"; and

(B) in subsection (b)(1), by striking "$429" and inserting "$585".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000, and before October 2002 under section 3015 of such title—

(A) subsection (a)(1) of such section shall be applied by substituting "$600" for "$528"; and

(B) subsection (b)(1) of such section shall be applied by substituting "$487" for "$429".

(b) CPI Adjustment.—No adjustment in rates of educational assistance shall be made under section 3015(g) of title 38, United States Code, for fiscal years 2001 and 2003.

SEC. 3. ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) Special Enrollment Period.—Section 3018C is amended by adding at the end the following new subsection:

"(e)(1) A qualified individual (described in paragraph (2)) may make an irrevocable election under this subsection, during the 1-year period beginning on the date of the enactment of this subsection, to become entitled to basic educational assistance under this chapter. Such an election shall be made in the same manner as elections made under subsection (a)(5).

"(2) A qualified individual referred to in paragraph (1) is an individual who meets the following requirements:

"(A) The individual was a participant in the educational benefits program under chapter 32 of this title on or before October 9, 1996.

"(B) The individual has continuously served on active duty since October 9, 1996 (excluding the periods referred to in section 3202(1)(C) of this title), through at least April, 1, 2000.

"(C) The individual meets the requirements of subsection (a)(3).

"(D) The individual is discharged or released from active duty with an honorable discharge.

"(3)(A) Subject to succeeding provisions of this paragraph, with respect to a qualified individual who makes an election under paragraph (1) to become entitled to basic education assistance under this chapter—

"(i) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is $2,700; and

"(ii) to the extent that basic pay is not so reduced before the qualified individual's discharge or release from active duty as specified in subsection (a)(4), at the election of the qualified individual—

"(I) the Secretary concerned shall collect from the qualified individual; or

"(II) the Secretary concerned shall reduce the retired or retainer pay of the qualified individual by,

an amount equal to the difference between $2,700 and the total amount of reductions under clause (i), which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(B)(i) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an election under paragraph (1), for the qualified individual to pay that Secretary the amount due under subparagraph (A).

"(ii) Nothing in clause (i) shall be construed as modifying the period of eligibility for and entitlement to basic education assistance under this chapter applicable under section 3031 of this title.

"(C) The provisions of subsection (c) shall apply to individuals making elections under this subsection in the same manner as they applied to individuals making elections under subsection (a)(5).

"(4) With respect to qualified individuals referred to in paragraph (3)(A)(ii), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

"(A) the Secretary concerned collects the applicable amount under subparagraph (I) of such paragraph; or

"(B) the retired or retainer pay of the qualified individual is first reduced under subparagraph (II) of such paragraph.

"(5) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice to participants in the educational benefits program under chapter 32 of this title of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.".

(b) Conforming Amendment.—Section 3018C(b) is amended by striking "subsection (a)" and inserting "subsection (a) or (e)".

SEC. 4. INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

(a) Survivors and Dependents Educational Assistance.—(1) Section 3532 is amended—

(A) in subsection (a)(1)—

(i) by striking "$485" and inserting "$720";

(ii) by striking "$365" and inserting "$540"; and

(iii) by striking "$242" and inserting "$360";

(B) in subsection (a)(2), by striking "$485" and inserting "$720";

(C) in subsection (b), by striking "$485" and inserting "$720"; and

(D) in subsection (c)(2)—

(i) by striking "$392" and inserting "$582";

(ii) by striking "$294" and inserting "$436"; and

(iii) by striking "$196" and inserting "$291".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3532 of such title—

(A) subsection (a)(1) of such section shall be applied by substituting—

(i) "$600" for "$485";

(ii) "$450" for "$365"; and

(iii) "$300" for "$242";

(B) subsection (a)(2) of such section shall be applied by substituting "$600" for "$485";

(C) subsection (b) of such section shall be applied by substituting "$600" for "$485"; and

(D) subsection (c)(2) of such section shall be applied by substituting—

(i) "$485" for "$392";

(ii) "$364" for "$294"; and

(iii) "$242" for "$196".

(b) Correspondence Course.—(1) Section 3534(b) is amended by striking "$485" and inserting "$720".

(2) The amendment made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3534(b) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3534 of such title, subsection (b) of such section shall be applied by substituting "$600" for "$485".

(c) Special Restorative Training.—(1) Section 3542(a) is amended—

(A) by striking "$485" and inserting "$720";

(B) by striking "$152" each place it appears and inserting "$225"; and

(C) by striking "$16.16" and inserting "$24".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3542(a) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3542 of such title, subsection (a) of such section shall be applied by substituting—

(A) "$600" for "$485";

(B) "$188" for "$152" each place it appears; and

(C) "$20" for "$16.16".

(d) Apprenticeship Training.—(1) Section 3687(b)(2) is amended—

(A) by striking "$353" and inserting "$524";

(B) by striking "$264" and inserting "$392";

(C) by striking "$175" and inserting "$260"; and

(D) by striking "$88" and inserting "$131".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3687(b)(2) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3687 of such title, subsection (b)(2) of such section shall be applied by substituting—

(A) "$437" for "$353";

(B) "$327" for "$264";

(C) "$216" for "$175"; and

(D) "$109" for "$88".

(e) Provision for Annual Adjustments to Amounts of Assistance.—

(1) Chapter 35.—(A) Subchapter VI of chapter 35 is amended by adding at the end the following new section:

"§ 3564. Annual adjustment of amounts of educational assistance

"With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under sections 3532, 3534(b), and 3542(a) of this title equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(B) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 3563 the following new item:

"3564. Annual adjustment of amounts of educational assistance.".

(2) Chapter 36.—Section 3687 is amended by adding at the end the following new subsection:

"(d) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsection (b)(2) equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to fiscal year 2002 and each fiscal year beginning on or after October 1, 2003.

SEC. 5. ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 5113 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a), by striking "subsection (b) of this section" and inserting "subsections (b) and (c)"; and

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) When determining the effective date of an award of survivors' and dependents' educational assistance under chapter 35 of this title for an individual described in paragraph (2) based on an original claim, the Secretary shall consider the individual's application (under section 3513 of this title) as having been filed on the effective date from which the Secretary, by rating decision, determines that the individual is entitled to such educational assistance (such entitlement being based on the total service-connected disability evaluated as permanent in nature, or the service-connected death, of the spouse or parent from whom the individual's eligibility is derived) if that date is more than 1 year before the date such rating decision is made.

"(2) An individual referred to in paragraph (1) is a person who is eligible for educational assistance under chapter 35 of this title by reason of subparagraph (A)(i), (A)(ii), (B), or (D) of section 3501(a)(1) of this title who—

"(A) submits to the Secretary an original application under such section 3513 for such educational assistance within 1 year of the date that the Secretary issues the rating decision referred to in paragraph (1);

"(B) claims such educational assistance for an approved program of education for months preceding the 1-year period ending on the date on which the individual's application under such section was received by the Secretary; and

"(C) would have been entitled to such educational assistance for such course pursuit for such months, without regard to this subsection, if the individual had submitted such an application on the effective date from which the Secretary determined the individual was eligible for such educational assistance.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications first made under section 3513 of title 38, United States Code, that—

(1) are received on or after the date of the enactment of this Act; or

(2) on the date of the enactment of this Act, are pending (A) with the Secretary of Veterans Affairs or (B) exhaustion of available administrative and judicial remedies.

SEC. 6. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) IN GENERAL.—Subclause (C) of the third sentence of section 3680(a) is amended to read as follows:

"(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if: (i) the period between such terms does not exceed 8 weeks; and (ii) both the terms preceding and following the period are not shorter in length than the period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

SEC. 7. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS.

(a) IN GENERAL.—Sections 3452(b) and 3501(a)(5) are each amended by adding at the end the following new sentence: "Such term also includes licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved by the Secretary in accordance with section 3689 of this title.".

(b) AMOUNT OF PAYMENT.—

(1) CHAPTER 30.—Section 3032 is amended by adding at the end the following new subsection:

"(g) PAYMENT AMOUNT FOR LICENSING OR CERTIFICATION TEST.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(2) CHAPTER 32.—Section 3232 is amended by adding at the end the following new subsection:

"(c) PAYMENT AMOUNT FOR LICENSING OR CERTIFICATION TEST.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(3) CHAPTER 34.—Section 3482 is amended by adding at the end the following new subsection:

"(h) PAYMENT AMOUNT FOR LICENSING OR CERTIFICATION TEST.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(4) CHAPTER 35.—Section 3532 is amended by adding at the end the following new subsection:

"(f) PAYMENT AMOUNT FOR LICENSING OR CERTIFICATION TEST.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(c) REQUIREMENTS FOR LICENSING AND CREDENTIALING TESTING.—

(1) IN GENERAL.—Chapter 36 is amended by inserting after section 3688 the following new section:

"§3689. Approval requirements for licensing and certification testing

"(a) IN GENERAL.—(1) No payment may be made for a licensing or certification test described in section 3452(b) or section 3501(a)(5) of this title unless the Secretary determines that the requirements of this section have been met with respect to such test and the organization or entity offering the test. The requirements of approval for tests and organizations or entities offering tests shall be in accordance with the relevant provisions of this part and with such regulations promulgated by the Secretary to carry out this section.

"(2) To the extent that the Secretary determines practicable, State approving agencies may, in lieu of the Secretary, approve licensing and certification tests, and organizations and entities offering such tests, under this section.

"(b) REQUIREMENTS FOR TESTS.—(1) Subject to paragraph (2), a licensing or certification test is approved for purposes of this section only if—

"(A) the test is required under Federal, State, or local law or regulation for an individual to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession; or

"(B) the Secretary determines that the test is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

"(2) A licensing or certification test offered by a State, or a political subdivision of the State, is deemed approved by the Secretary.

"(c) REQUIREMENTS FOR ORGANIZATIONS OR ENTITIES OFFERING TESTS.—(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under this part, and that meets the following requirements shall be approved by the Secretary to offer such test:

"(A) The organization or entity certifies to the Secretary that each licensing or certification

test offered by the organization or entity is required to obtain the license or certificate required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

"(B) The organization or entity is licensed, chartered, or incorporated in a State and has offered such tests for a minimum of 2 years before the date on which the organization or entity first submits to the Secretary an application for approval under this section.

"(C) The organization or entity employs, or consults with, individuals with expertise or substantial experience with respect to all areas of knowledge or skill that are measured by the test and that are required for the license of certificate issued.

"(D) The organization or entity has no direct financial interest in—

"(i) the outcome of a test; or

"(ii) organizations that provide the education or training of candidates for licenses or certificates required for vocations or professions.

"(E) The organization or entity maintains appropriate records with respect to all candidates who take such a test for a period prescribed by the Secretary, but in no case for a period of less than 3 years.

"(F)(i) The organization or entity promptly issues notice of the results of the test to the candidate for the license or certificate.

"(ii) The organization or entity has in place a process to review complaints submitted against the organization or entity with respect to a test the organization or entity offers or the process for obtaining a license or certificate required for vocations or professions.

"(G) The organization or entity furnishes to the Secretary such information with respect to a licensing or certification test offered by the organization or entity as the Secretary requires to determine whether payment may be made for the test under this part, including personal identifying information, fee payment, and test results. Such information shall be furnished in the form prescribed by the Secretary.

"(H) The organization or entity furnishes to the Secretary the following information:

"(i) A description of each licensing or certification test offered by the organization or entity, including the purpose of each test, the vocational, professional, governmental, and other entities that recognize the test, and the license of certificate issued upon successful completion of the test.

"(ii) The requirements to take such a test, including the amount of the fee charged for the test and any prerequisite education, training, skills, or other certification.

"(iii) The period for which the license or certificate awarded upon successful completion of such a test is valid, and the requirements for maintaining or renewing the license or certificate.

"(I) Upon request of the Secretary, the organization or entity furnishes such information to the Secretary that the Secretary determines necessary to perform an assessment of—

"(i) the test conducted by the organization or entity as compared to the level of knowledge or skills that a license or certificate attests; and

"(ii) the applicability of the test over such periods of time as the Secretary determines appropriate.

"(2) With respect to each organization or entity that is an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under this part, the following provisions of paragraph (1) shall apply to the entity: subparagraphs (E), (F), (G), and (H).

"(d) ADMINISTRATION.—(1) Except as otherwise specifically provided in this section or part, in implementing this section and making payment under this part for a licensing or certification test, the test is deemed to be a 'course' and the organization or entity that offers such test is deemed to be an 'institution' or 'educational institution', respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

"(2) The Secretary shall use amounts appropriated to the Department in fiscal year 2001 for readjustment benefits to develop the systems and procedures required to make payments under this part for a licensing or certification test, such amounts not to exceed $3,000,000.

"(e) PROFESSIONAL CERTIFICATION AND LICENSURE ADVISORY COMMITTEE.—(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereafter in this section referred to as the 'Committee').

"(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under this part, and such other related issues as the Committee determines to be appropriate.

"(3)(A) The Secretary shall appoint five individuals with expertise in matters relating to licensing and certification tests to serve as members of the Committee, of whom—

"(i) one shall be a representative of the Coalition for Professional Certification;

"(ii) one shall be a representative of the Council on Licensure and Enforcement; and

"(iii) one shall be a representative of the National Skill Standards Board (established under section 503 of the National Skill Standards Act of 1994 (20 U.S.C. 5933)).

"(B) The Secretary of Labor and the Secretary of Defense shall serve as ex-officio members of the Committee.

"(C) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

"(4)(A) The Secretary shall appoint the chairman of the Committee.

"(B) The Committee shall meet at the call of the chairman.

"(C)(i) Members of the Committee shall serve without compensation.

"(ii) Members of the Committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of the responsibilities of the Committee.

"(5) The Committee shall terminate December 31, 2006.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 is amended by inserting after the item relating to section 3688 the following new item:

"3689. Approval requirements for licensing and certification testing.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000, and apply with respect to licensing and certification tests approved by the Secretary on or after such date.

SEC. 8. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES.

(a) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking "December 31, 2002" and inserting "December 31, 2008".

(b) HOME LOAN FEES.—Section 3729(a) is amended—

(1) in paragraph (4)(B)—

(A) by striking "2002" and inserting "2008"; and

(B) by striking "2003" and inserting "2009"; and

(2) in paragraph (5)(C), by striking "October 1, 2002" and inserting "October 1, 2008".

(c) PROCEDURES APPLICABLE TO LIQUIDATION SALES ON DEFAULTED HOME LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3732(c)(11) is amended by striking "October 1, 2002" and inserting "October 1, 2008".

(d) INCOME VERIFICATION AUTHORITY.—Section 5317(g) is amended by striking "September 30, 2002" and inserting "September 30, 2008".

(e) LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.—Section 5503(f)(7) is amended by striking "September 30, 2002" and inserting "September 30, 2008".

SEC. 9. CODIFICATION OF RECURRING PROVISIONS IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS.

(a) CODIFICATION OF RECURRING PROVISIONS.—(1) Section 313 is amended by adding at the end the following new subsections:

"(c) COMPENSATION AND PENSION.—Funds appropriated for Compensation and Pensions are available for the following purposes:

"(1) The payment of compensation benefits to or on behalf of veterans as authorized by section 107 and chapters 11, 13, 51, 53, 55, and 61 of this title.

"(2) Pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of this title and section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978.

"(3) The payment of benefits as authorized under chapter 18 of this title.

"(4) Burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payments of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.), and other benefits as authorized by sections 107, 1312, 1977, and 2106 and chapters 23, 51, 53, 55, and 61 of this title and the World War Adjusted Compensation Act (43 Stat. 122, 123), the Act of May 24, 1928 (Public Law No. 506 of the 70th Congress; 45 Stat. 735), and Public Law 87–875 (76 Stat. 1198).

"(d) MEDICAL CARE.—Funds appropriated for Medical Care are available for the following purposes:

"(1) The maintenance and operation of hospitals, nursing homes, and domiciliary facilities.

"(2) Furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department, including care and treatment in facilities not under the jurisdiction of the Department.

"(3) Furnishing recreational facilities, supplies, and equipment.

"(4) Funeral and burial expenses and other expenses incidental to funeral and burial expenses for beneficiaries receiving care from the Department.

"(5) Administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department.

"(6) Oversight, engineering, and architectural activities not charged to project cost.

"(7) Repairing, altering, improving, or providing facilities in the medical facilities and homes under the jurisdiction of the Department, not otherwise provided for, either by contact or by the hire of temporary employees and purchase of materials.

"(8) Uniforms or uniform allowances, as authorized by sections 5901 and 5902 of title 5.

"(9) Aid to State homes, as authorized by section 1741 of this title.

"(10) Administrative and legal expenses of the Department for collecting and recovering

amounts owed the Department as authorized under chapter 17 of this title and Public Law 87–693, popularly known as the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.).

"(e) Medical Administration and Miscellaneous Operating Expenses.—Funds appropriated for Medical Administration and Miscellaneous Operating Expenses are available for the following purposes:

"(1) The administration of medical, hospital, nursing home, domiciliary, construction, supply, and research activities authorized by law.

"(2) Administrative expenses in support of planning, design, project management, architectural work, engineering, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department, including site acquisition.

"(3) Engineering and architectural activities not charged to project costs.

"(4) Research and development in building construction technology.

"(f) General Operating Expenses.—Funds appropriated for General Operating Expenses are available for the following purposes:

"(1) Uniforms or allowances therefor.

"(2) Hire of passenger motor vehicles.

"(3) Reimbursement of the General Services Administration for security guard services.

"(4) Reimbursement of the Department of Defense for the cost of overseas employee mail.

"(5) Administration of the Service Members Occupational Conversion and Training Act of 1992 (10 U.S.C. 1143 note).

"(g) Construction.—Funds appropriated for Construction, Major Projects, and for Construction, Minor Projects, are available, with respect to a project, for the following purposes:

"(1) Planning.

"(2) Architectural and engineering services.

"(3) Maintenance or guarantee period services costs associated with equipment guarantees provided under the project.

"(4) Services of claims analysts.

"(5) Offsite utility and storm drainage system construction costs.

"(6) Site acquisition.

"(h) Construction, Minor Projects.—In addition to the purposes specified in subsection (g), funds appropriated for Construction, Minor Projects, are available for—

"(1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by a natural disaster or catastrophe; and

"(2) temporary measures necessary to prevent or to minimize further loss by such causes.".

(2)(A) Chapter 1 is amended by adding at the end the following new section:

"§ 116. Definition of cost of direct and guaranteed loans

"For the purpose of any provision of law appropriating funds to the Department for the cost of direct or guaranteed loans, the cost of any such loan, including the cost of modifying any such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"116. Definition of cost of direct and guaranteed loans.".

(b) Effective Date.—Subsections (c) through (h) of section 313 of title 38, United States Code, as added by subsection (a)(1), and section 116 of such title, as added by subsection (a)(2), shall take effect with respect to funds appropriated for fiscal year 2002.

SEC. 10. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

(a) Inapplicability of Prior Reports Termination Provision to Certain Reports of the Department of Veterans Affairs.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following: sections 503(c), 529, 541(c), 542(c), 3036, and 7312(d) of title 38, United States Code.

(b) Repeal of Reporting Requirements Terminated by Prior Law.—Sections 8111A(f) and 8201(h) are repealed.

(c) Sunset of Certain Reporting Requirements.—

(1) Annual report on equitable relief cases.—Section 503(c) is amended by adding at the end the following new sentence: "No report shall be required under this subsection after December 31, 2004.".

(2) Biennial report of advisory committee on former prisoners of war.—Section 541(c)(1) is amended by inserting "through 2003" after "each odd-numbered year".

(3) Biennial report of advisory committee on women veterans.—Section 542(c)(1) is amended by inserting "through 2004" after "each even-numbered year".

(4) Biennial reports on Montgomery GI Bill.—Subsection (d) of section 3036 is amended to read as follows:

"(d) No report shall be required under this section after January 1, 2005.".

(5) Annual report of special medical advisory group.—Section 7312(d) is amended by adding at the end the following new sentence: "No report shall be required under this subsection after December 31, 2004.".

(d) Cost Information To Be Provided With Each Report Required by Congress.—

(1) In general.—(A) Chapter 1, as amended by section 9(2)(A), is further amended by adding at the end the following new section:

"§ 117. Reports to Congress: cost information

"Whenever the Secretary submits to Congress, or any committee of Congress, a report that is required by law or by a joint explanatory statement of a committee of conference of the Congress, the Secretary shall include with the report—

"(1) a statement of the cost of preparing the report; and

"(2) a brief explanation of the methodology used in preparing that cost statement.".

(B) The table of sections at the beginning of such chapter, as amended by section 9(2)(B), is further amended by adding at the end the following new item:

"117. Reports to Congress: cost information.".

(2) Effective Date.—Section 117 of title 38, United States Code, as added by paragraph (1) of this subsection, shall apply with respect to any report submitted by the Secretary of Veterans Affairs after the end of the 90-day period beginning on the date of the enactment of this Act.

AMENDMENT NO. 4314

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate concur in the House amendments with a further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. Murkowski] for Mr. Specter, proposes an amendment numbered 4314.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that an explanatory statement be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

EXPLANATORY STATEMENT ON SENATE AMENDMENTS TO HOUSE AMENDMENTS TO S. 1402, AS AMENDED

The Senate amendments to the House amendments to S. 1402, as amended, reflect a compromise agreement that the House and Senate Committees on Veterans' Affairs have reached on H.R. 284, H.R. 4268, H.R. 4850, H.R. 5109, H.R. 5139, H.R. 5346, H. Con. Res. 413, S. 1076, S. 1402, and S. 1810. On May 23, 2000, the House passed S. 1402 with an amendment consisting of the text of H.R. 4268 as reported. H.R. 4850 passed the House on July 25, 2000. H.R. 5109 passed the House on September 21, 2000. H.R. 284 passed the House on October 3, 2000. S. 1076 passed the Senate on September 8, 1999, and S. 1810 passed the Senate on September 21, 2000. S. 1402 passed the Senate on July 26, 1999. H. Con. Res. 413 was introduced on September 28, 2000. H.R. 5346 was introduced on September 29, 2000. H.R. 5139 passed the House on October 3, 2000.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of S. 1402, as amended (hereinafter referred to as the "Compromise Agreement"). Differences between the provisions contained in the Compromise Agreement and the related provisions of H.R. 284, H.R. 4268, H.R. 4850, H.R. 5109, S. 1076, S. 1402, and S. 1810 are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement and minor drafting, technical and clarifying changes.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL

Current Law

Section 3011 of title 38, United States Code, establishes basic educational assistance entitlement under the All-Volunteer Force Educational Assistance Program (commonly referred to as the "Montgomery GI Bill" or "MGIB") Active Duty program. Section 3015 establishes the base amount of such educational assistance at the monthly rate of $528 for a 3-year period of service and $429 for a 2-year period of service. These amounts increased to $552 per month and $449 per month, respectively, on October 1, 2000.

House Bill

Section 2 of the House amendments to S. 1402 would increase the current monthly rate of basic education benefits to $600 per month effective October 1, 2000, and to $720 per month on October 1, 2002, for full-time students. The monthly rate for 2-year enlistees would increase to $487 per month effective October 1, 2000, and to $585 per month on October 1, 2002. This section provides parallel increases for part-time students and similar adjustments to the rates paid for correspondence and other types of training. No cost-of-living increases would be made in fiscal years 2001 and 2003.

Senate Bill

Section 4 of S. 1402 would increase the monthly rate of basic education benefits to $600 per month for 3-year enlistees and $488 per month for 2-year enlistees.

Compromise Agreement

Under section 101 of the compromise agreement, effective November 1, 2000, the basic education benefit would be increased from $552 per month (effective October 1, 2000) to $650 per month for a 3-year period of service, and $528 per month for a 2-year period of service.

UNIFORM REQUIREMENT FOR HIGH SCHOOL DIPLOMA OR EQUIVALENCY BEFORE APPLICATION FOR MONTGOMERY GI BILL BENEFITS

Current Law

To be eligible to receive educational assistance, section 3011(a)(2) of title 38, United States Code, requires that a servicemember complete the requirements of a secondary school diploma (or equivalent certificate) before the end of the individual's initial obligated period of active duty. Section 3012(a)(2) contains a similar requirement for servicemembers who serve 2 years of active duty as part of a 6-year Selected Reserve commitment.

Senate Bill

Section 111 of S. 1810 would create a single, uniform secondary school diploma requirement as a prerequisite for eligibility for education benefits—a requirement that, prior to applying for benefits, the applicant will have received a high school diploma or equivalency certificate, or will have completed the equivalent of 12 semester hours in a program of education leading to a standard college degree.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 102 of the compromise agreement follows the Senate language, modified to reflect a new 10-year eligibility period for individuals affected by this provision, which would begin tolling on such individual's last discharge (or release from active duty) or the effective date of this Act, whichever is later.

REPEAL OF REQUIREMENT FOR INITIAL OBLIGATED PERIOD OF ACTIVE DUTY AS CONDITION OF ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS

Current Law

Sections 3011(a)(1)(A)(i) and 3012(a)(1)(A)(i) of title 38, United States Code, set forth initial-period-of-active-duty requirements to earn basic educational assistance entitlement under the Montgomery GI Bill. The period within which a servicemember's eligibility for educational assistance can be established is currently restricted to the initial period of active duty service.

Senate Bill

Section 112 of S. 1810 would strike the requirement that MGIB benefit entitlement be predicated on serving an "initial" period of obligated service and substitute in its place a requirement that an obligated period of active duty be served.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 103 of the compromise agreement follows the Senate language with a clarifying amendment that for an obligated period of service of at least 3 years, the servicemember would have to complete at least 30 months of continuous active duty under that period of obligated service. In addition, the compromise agreement contains a modification to reflect a new 10-year eligibility period for individuals affected by this provision, which would begin tolling on such individual's last discharge (or release from active duty) or the effective date of this Act, whichever is later.

ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL

Current Law

Section 3018C of title 38, United States Code, furnishes an opportunity for certain post-Vietnam-era Veterans' Educational Assistance Program (VEAP) participants to convert to the Montgomery GI Bill (MGIB) if the individual was a participant in VEAP on October 9, 1996, was serving on active duty on that date, meets high school diploma or equivalency requirements before applying for MGIB benefits, is discharged from active duty after the individual makes the election to convert, and during the 1-year period beginning on October 9, 1996, makes an irrevocable election to receive benefits under the MGIB in lieu of VEAP, and also elects a $1,200 pay reduction.

House Bill

Section 3 of the House amendments to S. 1402 would furnish individuals who have served continuously on active duty since October 9, 1996, through at least April 1, 2000, and who either turned down a previous opportunity to convert to the MGIB or had a zero balance in their VEAP account, the option to pay $2,700 to convert to the MGIB program; individuals would have 12 months to elect to convert and 18 months to make payment.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 104 of the compromise agreement contains the House language.

INCREASED ACTIVE DUTY EDUCATIONAL ASSISTANCE BENEFIT FOR CONTRIBUTING MEMBERS

Current Law

Section 3011(b) of title 38, United States Code, requires servicemembers who elect to participate in the Montgomery GI Bill program to participate in a voluntary pay reduction of $100 per month for the first 12 months of active service to establish entitlement to basic educational assistance.

Senate Bill

Section 6 of S. 1810 would allow servicemembers who have not opted out of MGIB participation to increase the monthly rate of educational benefits they will receive after service by making contributions, at any time prior to leaving service, over and above the $1,200 basic pay reduction necessary to establish MGIB eligibility. Under section 6, a servicemember could contribute up to an additional $600 in multiples of $4. The monthly rate of basic educational assistance would be increased by $1 per month for each $4 so contributed. Thus, MGIB participants who "use up" their full 36 months of MGIB benefits would receive a 9-to-1 return on their additional contribution investment. A maximum in-service contribution of $600 would yield an additional $5,400 of entitlement to the 36-month MGIB benefit.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 105 of the compromise agreement follows the Senate language with amendments to make this provision effective May 1, 2001, and to make eligible any servicemember who was on active duty on the date of enactment and subsequently discharged between date of enactment and May 1, 2001 to have until July 31, 2001. These individuals would have until July 31, 2001, to make an election to "buy up" additional benefits.

Subtitle B—Survivors' and Dependents' Educational Assistance

INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Current Law

Section 3532 of title 38, United States Code, provides survivors' and dependents' educational assistance (DEA) allowances of $485 per month for full-time school attendance, with lesser amounts for part-time training. Generally, eligible survivors and dependents include unremarried spouses of veterans who died or are permanently or totally disabled or servicemembers who are missing in action or captured for more than 90 days by a hostile force or detained or interned for more than 90 days by a foreign government. Under section 3534, such benefits are also available for correspondence courses, special restorative training, and apprenticeship training.

House Bill

Section 4 of the House amendments to S. 1402 would increase DEA benefits for full-time classroom training students to $600 per month effective October 1, 2000, and $720 per month effective October 1, 2002, with parallel increases for part-time students and similar adjustments to the rates paid for correspondence and other types of training. Apprenticeship training would increase from $353 to $437 per month effective October 1, 2000, and $524 per month effective October 1, 2002. This provision also requires annual cost-of-living allowances for DEA benefits.

Senate Bill

Section 5 of S. 1402 would increase the full-time rate of DEA benefits by 13.6 percent to $550 per month, and make parallel increases in the benefit rates afforded to three-quarter time and half-time students. Increases of 13.6 percent in the amounts for correspondence courses, special restorative training, and apprenticeship training would also be afforded.

Compromise Agreement

Under section 111 of the compromise agreement, effective November 1, 2000, the basic education benefit for survivors and dependents would increase from $485 per month to $588 per month, with future annual cost-of-living increases effective October 1, 2001.

ELECTION OF CERTAIN RECIPIENTS OF COMMENCEMENT OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Current Law

Section 3512(a)(3) of title 38, United States Code, provides that if the Secretary first finds that the parent from whom eligibility for DEA benefits is derived has a total and permanent service-connected disability, or if the death of the parent from whom eligibility is derived occurs between an eligible child's 18th and 26th birthdays, then such eligibility period shall end 8 years after whichever date last occurs: (1) the date on which the Secretary first finds that the parent from whom eligibility is derived has a total and permanent service-connected disability, or (2) the date of death of the parent from whom eligibility is derived. "First finds" is defined in this section as either the date the Secretary notifies an eligible parent of total and permanent service-connected disability or the effective date of such disability award.

Senate Bill

Section 114 of S. 1810 would allow a child to elect the beginning date of eligibility for

DEA benefits that is between (1) in the case of a child whose eligibility is based on a parent who has a total and permanent service-connected disability, the effective date of the rating determination and the date of notification by the Secretary for such disability, (2) in the case of a child whose eligibility is based on the death of a parent, the date of the parent's death and the date of the Secretary's decision that the death was service-connected.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 112 of the compromise agreement contains the Senate language.

ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Current Law

Section 5113 of title 38, United States Code, states that except for the effective date of adjusted benefits, dates relating to awards under chapters 30, 31, 32, 34, and 35, or chapter 1606 of title 10 shall, to the extent feasible, correspond to effective dates relating to awards of disability compensation.

House Bill

Section 4 of the House amendments to S. 1402 would permit the award of DEA benefits to be retroactive to the date of the entitling event, that is, service-connected death or award of a total and permanent service-connected disability. This provision would be limited to eligible persons who submit an original claim for DEA benefits within 1 year after the date of the rating decision first establishing the person's entitlement.

Senate Bill

Section 115 of S. 1810 would tie the effective date of award for DEA benefits to the date of the entitling event, i.e., the date of a veteran's service-connected death or award of a permanent and total disability rating. This provision would be limited to eligible persons who submit an original claim for DEA benefits within 1 year after the date of the rating decision first establishing the person's entitlement.

Compromise Agreement

Section 113 of the compromise agreement contains the Senate language.

AVAILABILITY UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL REQUIREMENTS

Current Law

Sections 3002(3) and 3501(a)(5) of title 38, United States Code, define the "program of education" for which veterans and surviving spouses and children, receive educational assistance benefits. Section 701 of Public Law 106–118 modified section 3002(3) of title 38, United States Code, to permit a veteran to use benefits for preparatory courses. Examples of preparatory courses include courses for standardized tests used for admission to college or graduate school.

Senate Bill

Section 113 of S. 1810 would allow survivors" and dependents' educational assistance benefits to be provided for use on preparatory courses.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 114 of the compromise agreement follows the Senate language with an amendment clarifying that qualifying persons may pursue preparatory courses prior to the person's 18th birthday.

Subtitle C—General Educational Assistance

REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS

Current Law

Section 3680(a)(C) of title 38, United States Code, allows VA to pay educational assistance for periods between a term, semester, or quarter if the interval between these periods does not exceed one calendar month.

House Bill

Section 6 of the House amendments to S. 1402 would allow monthly educational assistance benefits to be paid between term, quarter, or semester intervals of up to 8 weeks.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 121 of the compromise agreement contains the House language.

AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS

Current Law

Chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, do not currently authorize use of VA educational assistance benefits for occupational licensing or certification tests.

House Bill

Section 7 of the House amendments to S. 1402 would allow veterans' and DEA benefits to be used for up to $2,000 in fees for civilian occupational licensing or certification examinations that are necessary to enter, maintain, or advance into employment in a vocation or profession. This section would establish various requirements regarding the use of such entitlement and requirements for organizations or entities offering licensing or certification tests. This section also establishes minimum approval requirements of a licensing or certification body, requirements for tests, requirements for organizations or entities offering these tests, VA administrative authority (including a requirement to develop the computer systems and procedures to make payments to beneficiaries for these tests), and a seven-member, organization-specific VA Professional Certification and Licensing Advisory Committee.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 122 of the compromise agreement follows the House language with an amendment that the Secretary shall name seven individuals to the VA Professional Certification and Licensing Advisory Committee, an amendment that deletes specific names of organizations from which members shall be named, and an amendment that deletes the requirement that members shall serve without compensation.

INCREASE FOR FISCAL YEARS 2001 AND 2002 IN AGGREGATE ANNUAL AMOUNT AVAILABLE FOR STATE APPROVING AGENCIES FOR ADMINISTRATIVE EXPENSES

Current Law

Section 3674(a)(4) of title 38, United States Code, makes available amounts not exceeding $13 million in each fiscal year for duties carried out by State Approving Agencies.

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 123 of the compromise agreement amends the amount available for State Approving Agencies to $14 million for fiscal year 2001 and fiscal year 2002.

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

ANNUAL NATIONAL PAY COMPARABILITY ADJUSTMENT FOR NURSES EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

The rate of pay for VA nurses is determined using a mechanism contained in Subchapter IV of Chapter 74, title 38, United States Code. The law links changes in total pay to nurse compensation trends in local health care labor markets. This locality pay feature has not always produced the results envisioned by Congress. For example, even though many VA nurses received very substantial one-time increases as a consequence of the 1990 restructuring of basic pay, some VA nurses have not received any additional pay raises since that time.

House Bill

Section 101 of H.R. 5109 would reform the local labor market survey process and replace it with a discretionary survey technique. The bill would provide more flexibility to VA medical center directors to obtain the data needed to complete necessary surveys and also restrict their authority to withhold indicated rate increases. Directors would be prohibited from reducing nurse pay. In addition, the House bill would also guarantee VA nurses a national comparability increase equivalent to the amount provided to other federal employees. The bill also would require Veterans Health Administration network directors to consult with nurses on questions of policy affecting the work of VA nurses, and would provide for registered nurses' participation on medical center committees considering clinical care, budget matters, or resource allocation involving the care and treatment of veteran patients.

Senate Bill

Senate bills contain no comparable provision.

Compromise Agreement

Section 201 of the compromise agreement contains the House language.

SPECIAL PAY FOR DENTISTS

Current Law

Subchapter III of Chapter 74, title 38, United States Code, authorizes special pay to physicians and dentists employed in the Veterans Health Administration. This authority is intended to improve recruitment and retention of dentists and physicians.

House Bill

Section 102 of H.R. 5109 would revise and increase the rates of special pay for VA dentists. This is the first proposed change in these rates since 1991.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 202 of the compromise agreement contains the House language. The Committees urge medical center directors to utilize the full range of pay increases authorized, including increases in the higher range, to optimize dentist recruitment and retention efforts.

EXEMPTION FOR PHARMACISTS FROM CEILING ON SPECIAL SALARY RATES

Current Law

Under section 7455 of title 38, United States Code, VA has authority to increase rates of basic pay for certain health care personnel—either nationally, locally or on another geographic basis—when deemed necessary for successful recruiting and retention. Special rates may be granted in response to salaries in local labor markets, but may not enable VA to be a pay leader. With limited exceptions, the law restricts such "special salary rates" to a maximum pay rate, but exempts two categories of health care personnel from that statutory ceiling: nurse anesthetists and physical therapists.

House Bill

Section 103 of H.R. 5109 adds VA pharmacists to the existing categories of VA personnel exempted from such statutory pay ceilings. This amendment would enable VA to improve retention of the most senior members of the current pharmacy workforce and would improve its competitiveness in recruiting new pharmacists.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 203 of the compromise agreement contains the House language.

TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL

Current Law

Section 7405 of title 38, United States Code, authorizes VA to provide temporary appointments of individuals in certain professions, including nursing, pharmacy, and respiratory, physical, and occupational therapy, who have successfully completed a full course of study but who are pending registration, licensure, or certification. Upon obtaining the required credentials, these professionals may be converted to career appointments. This temporary appointment authority provides VA a means of recruiting new health professionals still in the process of meeting the technical qualification standards pertinent to their fields.

However, VA must now limit physician assistants (PAs) waiting to take the PA certification examination to a general 1 year, nonrenewable appointment. Since the national certification examination is only offered once a year, this 1-year appointment limits VA's efforts to provide a smooth transition from a training appointment to a permanent appointment for such graduates.

House Bill

Section 105 of H.R. 5109 would amend section 7405(c)(2) of title 38, United States Code, to add the position of physician assistant to the existing group of professional and technical occupations for which VA may make temporary graduate technician appointments, provided these individuals have completed training programs acceptable to the Secretary. Under this appointment authority, graduate physician assistants would have up to 2 years to obtain professional certification or licensure.

Senate Bill

Section 203 of S. 1810 would accomplish the same ends as the above-described language with respect to physician assistant temporary graduate technician appointments.

Compromise Agreement

Section 204(a) of the compromise agreement contains the House language.

MEDICAL SUPPORT PERSONNEL

Current Law

Section 7405 of title 38, United States Code, permits the temporary appointment of certain medical support personnel who work primarily in the laboratories and other facilities of VA principal investigators who have been awarded VA research and development funds through VA's scientific merit review process. These technicians are appointed for a maximum term of 2 years. The normal VA cycle of 3-year research awards conflicts with the 2-year maximum term for appointments of these key personnel in VA's research and development program.

House Bill

Section 105 of H.R. 5109 would amend section 7405(c)(3) of title 38, United States Code, to authorize the Secretary to make and to renew temporary full time appointments for periods not to exceed 3 years.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 204(b) of the compromise agreement contains the House language.

QUALIFICATIONS OF SOCIAL WORKERS

Current Law

Section 7402(b)(9) of title 38, United States Code, requires that a VA social worker become licensed, certified, or registered in the state in which he or she works within 3 years of initial appointment in this capacity by the VA. Certain states, such as California, impose prerequisites to the licensure examination that routinely require more than 3 years to satisfy. Many states do not provide reciprocity in social work licensure, and thus will not grant a license in the absence of a new state licensing examination. At present, VA social workers are the only VA health care practitioners who cannot use their state licenses to gain credentials in other states' VA medical centers.

House Bill

Section 106 of H.R. 5109 would allow the Secretary, on the recommendation of the Under Secretary for Health, to waive the 3-year requirement in order to provide sufficient time to newly graduated or transferred VA social workers to prepare for their state licensure examinations.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 205 of the compromise agreement contains the House language.

PHYSICIAN ASSISTANT ADVISOR TO THE UNDER SECRETARY FOR HEALTH

Current Law

Section 7306 of title 38, United States Code, establishes the Office of the Under Secretary for Health and requires that the office include representatives of certain health care professions. VA is the nation's largest single employer of physician assistants (PAs), with over 1,100 physician assistants on VA's employment rolls. Nevertheless, PAs are not represented by a member of their field in the office of the Under Secretary for Health.

House Bill

Section 104 of H.R. 5109 would establish a PA consultant position which would be filled by a VHA physician assistant designated by the Under Secretary for Health. This individual could be assigned to the field with occasional official visits as needed to VHA headquarters or elsewhere as required to fulfill assigned duties of the position. The PA consultant would advise the Under Secretary on all matters relating to the utilization and employment of physician assistants in the Veterans Health Administration.

Senate Bill

Section 202 of S. 1810 would add an Advisor on Physician Assistants to the immediate Office of the Under Secretary for Health, would require this individual to serve in an advisory capacity and would require that the PA advisor shall advise the Under Secretary on matters regarding general and expanded utilization, clinical privileges, and employment (including various specific matters associated therewith) of physician assistants in the Veterans Health Administration.

Compromise Agreement

Section 206 of the compromise agreement incorporates portions of both the House and Senate language. The Committees call upon VA to provide the individual selected as Advisor on Physician Assistants with necessary support and resources to enable this consultant to fulfill the assigned responsibilities of the position.

EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS

Current Law

Public Law 106-117, the Veterans Millennium Health Care and Benefits Act of 1999, authorized a temporary program of voluntary separation incentive payments to assist VA in restructuring its workforce. This program limited VA to a 15-month authorization period for such "buyouts" of VA employees, limited to 4,700 the number of staff who could participate, and required VA to make a contribution of 26 percent of the average salary of participating employees to the Civil Service Retirement and Disability Fund. This provision also requires a one-for-one employee replacement for each such buyout approved under this policy.

House Bill

Section 107 of H.R. 5109 would amend title XI of Public Law 106-117 to increase the number of VA positions subject to buyouts to 8,110. The House measure would also adjust the contribution made by VA to the retirement fund to 15 percent, an amount equivalent to the amount that most other Federal agencies must contribute to the fund for their buyout participants. The measure extends VA's buyout authority from December 31, 2000 to December 31, 2002.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 207 of the compromise agreement follows the House language, but limits the number of VA positions subject to buyouts to 7,734 and allocates the positions for activities of the Veterans Health Administration, Veterans Benefits Administration, National Cemetery Administration, and VA staff offices.

Subtitle B—Military Service Issues

MILITARY SERVICE HISTORY

Current Law

No provision.

House Bill

Section 301 of H.R. 5109 would require VA to take and maintain a thorough history of each veteran's health, including a military medical history. Ascertaining that a veteran was a prisoner of war, participated directly in combat, or was exposed to sustained subfreezing conditions, toxic substances, environmental hazards, or nuclear ionizing radiation often facilitates diagnosis and treatment of veterans. The House bill would provide veterans assurance that such a policy becomes a matter of routine clinical practice in VA.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 211 of the compromise agreement adopts the intent of the House proposal, but in the form of a Sense of the Congress Resolution to express the sense of Congress that VA proceed to implement a system of record keeping to record veterans' military history.

STUDY OF POST-TRAUMATIC STRESS DISORDER (PTSD) IN VIETNAM VETERANS

Current Law

Public Law 98–160 directed VA to conduct a large-scale survey on the prevalence and incidence of PTSD and other psychological problems in Vietnam veterans. The study found that 15 percent of male and 8.5 percent of female Vietnam veterans suffered from PTSD. Among those exposed to high levels of war zone stress, however, PTSD rates were dramatically higher. Also, the study found that nearly one-third of Vietnam veterans had suffered from PTSD at some point after military service.

House Bill

Section 302 of HR 5109 would direct the VA to enter into a contract with an "appropriate entity" to carry out a follow-up study to the study conducted under Public Law 98–160.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 212 of the compromise agreement contains the House language. The Committees agree the new study should be kept distinct and independent from VA, as in the original. The compromise agreement is not intended to pre-judge the entity that will win this award.

Subtitle C—Medical Administration

DEPARTMENT OF VETERANS AFFAIRS FISHER HOUSES

Current Law

Current law does not explicitly provide VA with authority to house veterans overnight to expedite outpatient care or next-day hospital admissions. Nor does current law provide explicit authority for VA to accept, maintain, or operate facilities for housing families or others who accompany veterans to VA facilities. However, most VA medical centers offer veterans who live some distance from a medical facility from which they are receiving care or services help with some form of lodging to facilitate scheduled visits or admissions. Indeed, more than 115 facilities offer lodging of some kind on VA grounds, and services are available in non-VA facilities at a number of other locations. Also, over the years, many VA medical centers have converted unused wards and other available space to establish temporary lodging facilities for use by patients. The Under Secretary for Health has encouraged medical centers to establish such facilities to avert the need for hospitalizing patients when outpatient treatment is more appropriate. This guidance to VA facilities suggested that facilities could provide lodging without charge to outpatients and their family members and others accompanying veterans when "medically necessary." The guidance also sanctioned the use of a revocable license for family members under which an individual could be required to pay VA a fee equal to the fair-market value of the services being furnished.

House Bill

Section 404 of H.R. 5109 would clarify VA's authority to provide temporary overnight accommodations in "Fisher Houses," built with funds donated by the Zachary and Elizabeth M. Fisher Foundation. Four such facilities are now being operated in conjunction with VA medical centers and other similar facilities located at or near a VA facility. These accommodations are available to veterans who have business at a VA medical facility and must travel a significant distance to receive Department services, and to other individuals accompanying veterans. Section 404 would also give VA clear authority to charge veterans (and those accompanying them) for overnight accommodations and apply fees collected to support continuation of these services. The measure would require VA to promulgate regulations to address matters such as the appropriate limitations on the use of the facilities and the length of time individuals may stay in the facilities.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 221 of the compromise agreement contains the House language.

EXCEPTION TO THE RECAPTURE RULE

Current Law

Section 8136 of title 38, United States Code, requires VA to "recapture" the amount of a grant to a state home for purposes of building or renovating a state veterans home, if, within 20 years, the state home ceases to be used for providing domiciliary, nursing home, or hospital care for veterans. This provision could be interpreted to require recapture of the grant if the state home allows VA to establish an outpatient clinic in the home.

House Bill

Section 406 of H.R. 5109 would clarify that establishment of an outpatient clinic in a state home would not constitute grounds entitling the United States to recover its grant.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 222 of the compromise agreement contains the House language.

SENSE OF CONGRESS CONCERNING COOPERATION BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE IN THE PROCUREMENT OF MEDICAL ITEMS

Current Law

Under the Department of Veterans Affairs (VA) and Department of Defense (DOD) Health Resources Sharing and Emergency Operations Act, Public Law 97–174, VA and DOD have the authority to share medical resources. In 1999, VA and DOD entered into sharing agreements amounting to $60 million dollars out of combined budgets of approximately $35 billion. This is resource sharing of less than two-tenths of one percent. On May 25, 2000, the General Accounting Office reported that greater joint pharmaceutical procurements alone could lead to as much as $345 million in annual recurring savings.

House Bill

H. Con. Res. 413 would encourage expanded joint procurement of medical items, to include prescription drugs.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 223 of the compromise agreement contains the House language.

Subtitle D—Construction Authorization

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS

Current Law

Section 8104 of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and VA may not obligate or expend funds (other than for planning and design) for any medical construction project involving a total expenditure of more than $4 million unless funds for that project have been specifically authorized by law.

House Bill

Section 201 of H.R. 5109 would authorize the construction of a gero-psychiatric care building at the Department of Veterans Affairs Medical Center, Palo Alto, California ($26.6 million); the construction of a utility plant and electrical vault at the Department of Veterans Affairs Medical Center, Miami, Florida ($23.6 million); and, seismic corrections, clinical consolidation and other improvements at the Department of Veterans Affairs Medical Center, Long Beach, California ($51.7 million). Also, the House bill would authorize the renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, using funds previously appropriated for this specific purpose ($14 million).

Senate Bill

Section 301 of S. 1810 would authorize construction of a 120-bed gero-psychiatric facility at the Department of Veterans Affairs Palo Alto Health Care System, Menlo Park Division, California ($26.6 million); and, construction of a nursing home at the Department of Veterans Affairs Medical Center, Beckley, West Virginia ($9.5 million). In section 302 of S. 1810, the Senate would amend section 401 of the Veterans Millennium Health Care and Benefits Act of 1999, Public Law 106–117, to add as a seventh project authorized by that act for fiscal year 2000–2001 the Murfreesboro construction project ($14 million).

Compromise Agreement

Section 231 of the compromise agreement incorporates each of the projects authorized by either body and includes specific authorization for the Murfreesboro project. Also, the compromise agreement provides that the authorizations for Palo Alto, Long Beach, and Beckley will be for 2 years, covering fiscal years 2001 and 2002, while the authorization for the Miami project will be only for fiscal year 2001. The compromise agreement also renews and extends the prior authorization of a project at the Lebanon, Pennsylvania VA Medical Center through the end of fiscal year 2002.

The Miami electrical plant and utility vault project is authorized only for fiscal year 2001. While the compromise agreement authorizes the project to proceed, we note that the current estimate to replace these facilities is $32 million. Given this level of anticipated expenditure, the Committees urge the Secretary to examine innovative ways to reduce VA's outlay, at least on an initial basis. For example, the Committees note that the Miami facility is located in the midst of a very densely developed community of health and public safety-related institutions, including the Jackson Memorial Hospital and Metro-Dade police headquarters, among others. Given the need for such crucial institutions, including the VA medical center, to have dependable, stable, weather-proof and even fail-safe electrical sources, the Committees urge the Secretary to consider a "performance-based contract" for these services through the local utility (Florida Power and Light), or by consortium with multiple partners in need of similar improvements, assurances and security of utilities. At a minimum, the Secretary must carefully examine the reported cost of this project to ensure that it is being planned to meet known needs, rather than planned for the "highest possible use."

AUTHORIZATION OF APPROPRIATIONS

House Bill

The House bill (H.R. 5109, section 202) would authorize appropriations for fiscal years 2001 and 2002 of $101.9 million for construction of the facilities authorized in section 201 thereof.

Senate Bill

S. 1810, section 303, would authorize appropriations for fiscal years 2001 and 2002 of $36.1 million for construction of the facilities authorized in section 301. Also, section 303 alters the authorization funding level of projects authorized in Public Law 106–117 by including the Murfreesboro project discussed above.

Compromise Agreement

Section 232 of the compromise agreement authorizes appropriations for the amounts indicated in each measure for these projects, affecting both fiscal year 2001 and fiscal year 2002, as follows:

[In millions of dollars]

Authorizations	*Amount authorized*
Beckley	$9.5
Lebanon[1]	14.5
Long Beach	51.7
Miami[2]	23.6
Murfreesboro	14.0
Palo Alto	26.6

[1] Indicates authorization of appropriation in fiscal year 2002 only.

[2] Indicates authorization of appropriation in fiscal year 2001 only.

EXTENSION OF CONSTRUCTION AUTHORIZATION AT THE LEBANON, PENNSYLVANIA VA MEDICAL CENTER

Current Law

Section 401 of Public Law 106–117 (113 Stat. 1572) authorized a major construction project at the Lebanon, Pennsylvania, VA Medical Center. The project was authorized for fiscal year 2000 and fiscal year 2001.

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 232(a)(3) of the compromise agreement extends through fiscal year 2002 the prior authorization for construction of a long-term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14.5 million.

Subtitle E—Real Property Matters

CHANGE TO ENHANCED USE LEASE CONGRESSIONAL NOTIFICATION PERIOD

Current Law

Section 8163(c) of title 38, United States Code, requires the Secretary to notify Congress of VA's intention to pursue an enhanced-use lease of unused VA property, then wait a period of "60 legislative days" prior to proceeding with the specific lease objective(s). In the Veterans' Millennium Health Care Act, Public Law 106–117, Congress eased limits in law on leasing underused VA property based on a finding that long-term leasing could be used more extensively to enhance health care delivery to veterans.

House Bill

Section 407 of H.R. 5109 would amend the waiting period for VA notifications to Congress from 60 "legislative" days, to 90 "calendar" days. This change would shorten the length of time VA must wait before entering into an enhanced-use lease.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 241 of the compromise agreement contains the House language.

RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN REAL PROPERTY PREVIOUSLY CONVEYED TO THE STATE OF TENNESSEE

Current Law

In 1953, by Act of Congress (67 Stat. 54), the federal government transferred certain property of the Veterans Administration (now Department of Veterans Affairs) in Johnson City (now Mountain Home), Tennessee, to the State of Tennessee, for use by the Army National Guard of the State of Tennessee. The act of transfer retained a reversionary interest in the land on the part of the government in the event that the State of Tennessee ceased to use the land as a training area for the guard and for "other military purposes." The land is no longer being used by the Tennessee National Guard and has no practical use by the government. Local municipal officials desire the land as a site for a public park and recreation area, and the State of Tennessee has made a commitment to transfer the land for these purposes but may not do so absent a recision of the federal government's reversionary interest in the property.

House Bill

Section 407 of H.R. 5109 would rescind the government's reversionary interest in the Tennessee property.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 242 of the compromise agreement contains the House language.

TRANSFER OF THE ALLEN PARK, MICHIGAN, VA MEDICAL CENTER TO FORD MOTOR LAND DEVELOPMENT CORPORATION

Current Law

In 1937, the Henry Ford family donated a 39-acre plot to VA expressly for the establishment of the Allen Park, Michigan VA Hospital. The conveyance provided that VA must return the land, in the same condition as it was received, if VA ceased to utilize it for veterans' health care. In 1996, VA activated a new VA Medical Center in Detroit.

House Bill

H.R. 5346 would transfer the land, the site of the former Allen Park, Michigan VA Medical Center, and all improvements thereon, to the Ford Motor Land Development Corporation, a subsidiary of Ford Motor Company. Having been replaced in 1996 by a new VA Medical Center in Detroit, the facility now is in disrepair. The bill would require up to 7 years of cooperation between VA and Ford in demolition, environmental cleanup (including remediation of hazardous material and environmental contaminants found on the site), and restoration of the property to its prior state. VA contributions would be limited to $2 million per year over the period, and Ford would be responsible for any amount over VA's total contribution ($14 million) required to complete the restoration. At the conclusion of restorative work, the Secretary would formally abandon the property, which would then revert to Ford Motor Land Development Corporation, in accordance with the reversionary clause contained in the original 1937 gift.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 243 of the compromise agreement contains the House language.

TRANSFER OF LAND AT THE CARL VINSON VA MEDICAL CENTER, DUBLIN, GEORGIA

Current Law

No provision.

House Bill

H.R. 5139 would convey to the Board of Regents of the State of Georgia two tracts of real property, including improvements, consisting of 39 acres at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia. The bill also conveys to the Community Service Board of Middle Georgia three tracts of property consisting of 58 acres, including improvements, at the Carl Vinson facility. The bill requires these properties be used in perpetuity for education or health care.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 244 of the compromise agreement contains the House language.

LAND CONVEYANCE OF MILES CITY, MONTANA VETERANS AFFAIRS MEDICAL CENTER TO CUSTER COUNTY, MONTANA

Current Law

No provision.

Senate Bill

Section 312 of S. 1810 would transfer VA medical center facilities in Miles City, Montana, to Custer County, Montana, while authorizing VA to lease space in which VA would operate an outpatient clinic. Custer County would devote the transferred land to assisted living apartments for the elderly and to a number of other economic enhancement and community activity uses, including education and training courses through Miles Community College, a technology center, local fire department training, and use by the Montana Area Food Bank. VA, in turn, is relieved of the requirement to spend over $500,000 per year maintaining a facility that is poorly suited to provide health care to the veterans of eastern Montana. VA would devote the saved funds to expanding Montana veterans' access to care by activating additional community based outpatient clinics in Montana.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 245 of the compromise agreement follows the Senate language. The compromise agreement anticipates that VA will work with the civic leadership of Custer County, Montana in order to identify potential improvements that may be reasonably necessary to effectuate the transfer of the Miles City property to Custer County. Also, the compromise agreement calls for the Secretary to determine to what extent it may be necessary to stipulate any conditions about the transfer, or conditions for VA's future use of this property, prior to the transfer of ownership of this property to Custer County. The compromise agreement further envisions funds appropriated to VA for non-recurring maintenance may be used, as authorized by law, to facilitate the transfer of VA's interest in the Miles City VA Medical Center to Custer County.

TRANSFER OF THE FORT LYON, COLORADO, VA MEDICAL CENTER TO THE STATE OF COLORADO

Current Law

No provision.

Senate Bill

Sections 313 and 314 of S. 1810 would transfer the VA Medical Center, Ft. Lyon, Colorado to the State of Colorado for use by the State as a corrections facility. Under the terms of the bill, the conveyance would take place only when arrangements are made to protect the interests of affected patients and employees of the facility. With respect to patients, the bill would require VA to make alternate arrangements to ensure that appropriate medical care and nursing home care services continue to be provided, on the same basis that care had been provided at Ft. Lyon, to all veterans receiving such services at the medical center. Under the bill, the VA would be authorized to provide care in community facilities at VA expense, notwithstanding other statutory limitations—e.g., title 38, United States Code, section 1720, which limits to 6 months the duration for which such care might be provided to veterans for nonservice-connected disabilities—or by state homes where VA would pay full costs and reimburse the veterans' share of copayments. Further, VA would be authorized to offer voluntary separation incentive payments to eligible employees of the Ft. Lyon VA medical center. In addition, the State would be required to allow public access to the Kit Carson Chapel located on the grounds of the VA medical center. And, finally, the VA would report on the status of the VA health care system in southern Colorado, not later than 1 year after the conveyance.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Sections 246 and 247 of the compromise agreement follow the Senate language, except for the provision extending VA's authority to offer voluntary separation incentive payments [subsection (c) of section 314 of S. 1810].

The inclusion of this language in this legislation should not be misconstrued as an erosion of, or acquiescence in, the requirement enacted in Public Law 106–117, the Veterans Millennium Health Care and Benefits Act of 1999, for VA to maintain VA-provided long-term care capacity at the 1998 level. VA continues to be obligated by law to ensure that the cumulative effect of its actions does not result in a reduction in VA's ability to provide institutional long-term care.

It should be noted that section 207 of this bill provides a 2-year extension of VA-wide authority to offer voluntary separation incentive payments to VA employees. The Committees find that the provision specifically granting the Fort Lyon facility a 1-year authority to offer voluntary separation incentive payments is redundant. Further, the Committees were concerned that retaining the Fort Lyon-specific provision in final legislation could have the unintended effect of limiting the 2-year, VA-wide buyout authority, granted in section 207, to 1 year when applied in the case of Fort Lyon. The Committees expect VA to use the authority granted in section 207, as an important human resources management tool, in its conveyance of the Fort Lyon facility.

TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS

Subtitle A—Compensation Program Changes

PRESUMPTION OF SERVICE CONNECTION FOR HEART ATTACK OR STROKE SUFFERED BY A MEMBER OF A RESERVE COMPONENT IN THE PERFORMANCE OF DUTY WHILE PERFORMING INACTIVE DUTY TRAINING

Current Law

Under section 101(24) of title 38, United States Code, guardsmen and reservists who sustain an "injury" during inactive duty training are eligible for certain veterans' benefits, but are not eligible to receive disability compensation for a condition characterized as a "disease" that is incurred or aggravated during such training.

House Bill

Section 201(a) of H.R. 4850 would amend section 101(24) to include an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident resulting in disability or death and occurring during any period of inactive duty training for the purposes of service-connected benefits administered by VA.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 301 of the compromise agreement contains the House provision.

SPECIAL MONTHLY COMPENSATION FOR WOMEN VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY

Current Law

Section 1114(k) of title 38, United States Code, authorizes a special rate of compensation if a veteran, as the result of a service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, or has suffered complete loss of the ability to speak, or deafness of both ears. The special monthly compensation is payable in addition to the compensation payable by reason of ratings assigned under the rating schedule.

House Bill

Section 202 of H.R. 4850 would amend section 1114(k) by making veterans eligible for special monthly compensation due to the service-connected loss of one or both breasts due to a radical mastectomy or modified radical mastectomy.

Senate Bill

Section 103 of S. 1810 would amend section 1114(k) by making female veterans eligible for special monthly compensation due to the loss of one or both breasts, including loss by mastectomy.

Compromise Agreement

Section 302 of the compromise agreement contains the Senate provision.

BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM

Current Law

Section 1151 of title 38, United States Code, provides compensation, under certain circumstances, to veterans who are injured as a result of VA health care or participation in VA vocational rehabilitation. Section 1718 of title 38, United States Code, authorizes the "Compensated Work Therapy Program (CWT)," which pays veterans to work in a variety of positions on contracts with governmental and industrial entities. CWT work is intended to be therapeutic by helping veterans re-enter the work force, enabling them to increase self-confidence and by improving their ability to adjust to the work setting. However, current law provides no mechanism to compensate CWT participants who may be injured as a result of participation.

House Bill

Section 402 of H.R. 5109 would allow VA to provide disability benefits under section 1151 to CWT participants injured while participating in this program.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 303 of the compromise agreement contains the House language.

REVISION TO LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS

Current Law

Under section 5503 of title 38, United States Code, VA is prohibited from paying compensation and pension benefits to an incompetent veteran who has assets of $1,500 or more if the veteran is being provided institutional care with or without charge by VA (or another governmental provider) and he or she has no dependents. Such payments are restored if the veteran's assets drop to $500 in value. If VA later determines that the veteran is competent for at least 6 months, the withheld payments are made in a lump sum.

Senate Bill

Section 205 of S. 1076 would repeal the limitation on benefit payments imposed by section 5503 of title 38, United States Code.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Under section 304 of the compromise agreement, the amount of resources that an incompetent veteran may retain and still qualify for payments is increased from $1,500 to five times the benefit amount payable to a service-connected disabled veteran rated at 100 percent. If payments are withheld, they may be restored if the veteran's assets drop to one-half of that amount. The Committees expect that in notifying veterans and fiduciaries of the applicability of this requirement, VA will briefly indicate the assets that are counted or excluded in determining net worth. (See 38 C.F.R. § 13.109)

REVIEW OF DOSE RECONSTRUCTION PROGRAM OF THE DEFENSE THREAT REDUCTION AGENCY

Current Law

VA provides service-connected compensation benefits to veterans who were exposed to ionizing radiation in service (due to participation in the occupation forces of Hiroshima or Nagasaki immediately after World War II, or in nuclear testing activities during the Cold War era) and who, subsequently, are diagnosed with the presumptive diseases listed in section 1112(c)(2) of title 38, United States Code. VA may also compensate radiation-exposed veterans with diseases not presumed to be service-connected if it determines that it is as likely as not that the disease is the result of exposure, taking into account the amount of exposure and the radiogenic properties of the disease; but VA utilizes dose reconstruction analysis provided by the Department of Defense to determine the estimated exposure.

Senate Bill

Section 171 of S. 1810 specifies that the Department of Defense (DOD) shall contract with the National Academy of Sciences (NAS) to carry out periodic reviews of the dose reconstruction program. NAS would review whether DOD's reconstruction of sampled doses is accurate, whether DOD assumptions regarding exposure based upon sampled doses are credible, and whether data from nuclear testing used by DOD in its reconstructions are accurate. The review would last 24 months and culminate in a report detailing NAS' findings and recommendations, if any, for a permanent review program.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 305 of the compromise agreement follows the Senate language.

Subtitle B—Life Insurance Matters

PREMIUMS FOR TERM SERVICE DISABLED VETERANS' INSURANCE FOR VETERANS OLDER THAN AGE 70

Current Law

VA administers the Service-Disabled Veterans Insurance (SDVI) program under chapter 19 of title 38, United States Code. SDVI term policy premiums increase every 5 years to reflect the increased risk of death as individuals age.

Senate Bill

Section 131 of S. 1810 would cap premiums for SDVI term policies at the age 70 renewal rate.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 311 of the compromise agreement follows the Senate language with an amendment requiring VA to report to Congress, not later than September 30, 2001, on plans to liquidate the unfunded liability in the SDVI program not later than October 1, 2011.

INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Current Law

The Servicemembers' Group Life Insurance (SGLI) program provides up to $200,000 in coverage to individuals on active duty in the Armed Forces, members of the Ready Reserves, the Commissioned Corps of the National Oceanic and Atmospheric Administration, the Public Health Service, cadets and midshipmen of the four service academies, and members of the Reserve Officer Training Corps. The maximum coverage of $200,000 is automatically provided unless the servicemember declines coverage or elects coverage at a reduced amount.

Senate Bill

Section 132 of S. 1810 would increase the maximum amount of coverage available through the SGLI program from $200,000 to $250,000.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 312 of the compromise agreement contains the Senate language.

ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Members of the Selected Reserve are eligible for enrollment in the Servicemembers' Group Life Insurance (SGLI) program. Members of the Individual Ready Reserve (IRR) are eligible for SGLI only when called to active duty.

Members of the IRR are currently eligible for Veterans Group Life Insurance, but only a small percentage participates.

House Bill

Section 301 of H.R. 4850 would provide those members of the IRR who are subject to involuntary call-up authority to enroll in the Servicemembers' Group Life Insurance program.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 313 of the compromise agreement contains the House language.

Subtitle C—Housing and Employment Programs

ELIMINATION OF REDUCTION IN ASSISTANCE FOR SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS HAVING JOINT OWNERSHIP OF HOUSING UNITS

Current Law

Under chapter 21 of title 38, United States Code, veterans with severe disabilities such as loss of ambulatory function are eligible for specially adapted housing grants of up to $43,000 to finance the purchase or remodeling of housing units with special adaptions necessary to accommodate their disabilities. No particular form of ownership is specified in current law. Under regulations promulgated by the Secretary of Veterans Affairs, co-ownership of the property by the veteran and another person is not relevant to the amount of the grant if the co-owner is the veteran's spouse. If, however, the co-owner is a person other than the veteran's spouse, the maximum grant amount is reduced by regulation to reflect the veteran's partial ownership of the property interest, e.g., if the veteran jointly owns the property with one other person such as a sibling, the maximum grant is $21,500. (See 38 C.F.R. §36.4403)

Senate Bill

Section 121 of S. 1810 would amend section 2102 of chapter 21 of title 38, United States Code, to allow VA to make non-reduced grants for specially adapted housing in cases where title to the housing unit is not vested solely in the veteran, if the veteran resides in the housing unit.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 321 of the compromise agreement contains the Senate language.

VETERANS' EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR RECENTLY SEPARATED VETERANS

Current Law

Section 4212 of title 38, United States Code, requires that certain Federal contractors and subcontractors take affirmative action to employ and advance "special disabled veterans" (generally, veterans with serious employment handicaps or disability ratings of 30 percent or higher), Vietnam-era veterans, and other veterans who are "preference eligible" (generally, veterans who have served during wartime or in a campaign or expedition for which a campaign badge has been authorized).

Senate Bill

Section 151 of S. 1810 would add recently separated veterans (veterans who have been discharged or released from active duty within a 1-year period) to the definition of veterans to whom Federal contractors and subcontractors must extend affirmative action to employ and advance in employment.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 322 of the compromise agreement contains the Senate language.

EMPLOYERS REQUIRED TO GRANT LEAVE OF ABSENCE FOR EMPLOYEES TO PARTICIPATE AS HONOR GUARDS FOR FUNERALS OF VETERANS

Current Law

Section 4303(13) of title 38, United States Code, defines "service in the uniformed services," as the performance of duty on a voluntary or involuntary basis. Section 4316 defines the rights, benefits, and obligations of persons absent from employment for service in a uniformed service.

House Bill

H.R. 284 would add to the definition of "service in the uniformed services" a period for which a person is absent from employment for the purpose of performing funeral honors authorized duty under section 12503 of title 10, United States Code, or section 115 of title 32, United States Code. An employer would be required to grant an employee who is a member of a reserve component an authorized leave of absence from a position of employment to allow the employee to perform funeral duties. For purposes of intent to return to a position of employment with an employer, H.R. 284 would stipulate that an employee who takes an authorized leave of absence to perform funeral honors duty would be deemed to have notified the employer of the employee's intent to return to such position of employment.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 323 of the compromise agreement contains the House language.

Subtitle D—Cemeteries and Memorial Affairs

ELIGIBILITY OF CERTAIN FILIPINO VETERANS OF WORLD WAR II FOR INTERMENT IN NATIONAL CEMETERIES

Current Law

Section 2402(4) of title 38, United States Code, provides that eligibility for burial in any open VA national cemetery include any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

Senate Bill

Section 141 of S. 1810 would amend section 2402(4) of title 38, United States Code, to provide for the eligibility of a Philippine Commonwealth Army veteran for burial in a national cemetery if, at the time of death, the Commonwealth Army veteran is a naturalized citizen of the United States, and he is a resident of the United States.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 331 of the compromise agreement follows the Senate language with an amendment requiring that the veteran be a citizen of, or lawfully admitted for permanent residence in, the United States, and be receiving compensation or be determined to have been eligible for pension had the veteran's service been deemed to be active military, naval, or air service.

PAYMENT RATE OF BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II

Current Law

Former members of the Philippine Commonwealth Army may qualify for VA disability compensation, burial benefits, and National Service Life Insurance benefits, and their survivors may qualify for dependency and indemnity compensation. These benefits are paid at one-half the rate they are provided to U.S. veterans. (See 38 U.S.C. §107).

Senate Bill

Section 201 of S. 1076 would authorize payment of the full-rate funeral expense and plot allowance to survivors of Philippine Commonwealth Army veterans who, at the time of death, (a) are citizens of the United States residing in the U.S. and (b) are receiving compensation for a service-connected disability or would have been eligible for VA pension benefits had their service been deemed to have been active military, naval, or air service.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 332 of the compromise agreement follows the Senate language with an amendment that as an alternate requirement to citizenship, permanent resident status would suffice for purposes of establishing eligibility.

PLOT ALLOWANCE FOR BURIAL IN STATE VETERANS' CEMETERIES

Current Law

Section 2303(b)(1) provides a plot allowance of $150 for each veteran buried in a State-owned veterans' cemetery, provided that only persons eligible for burial in a national cemetery are buried in that cemetery.

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 333 of the compromise agreement would allow a State to bury in a State veterans' cemetery members of the Armed Forces or former members discharged or released from service under conditions other than dishonorable—who are not otherwise eligible for burial in a national cemetery—without the State losing its eligibility for a plot allowance.

TITLE IV—OTHER MATTERS

BENEFITS FOR THE CHILDREN OF WOMEN VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS

Current Law

VA has authority to compensate veterans (including additional amounts of compensation for dependents) for service-connected disease or injury. VA may, pursuant to Public Law 104-204, provide benefits to children of Vietnam veterans born with "all forms and manifestations" of spina bifida except spina bifida occulta. Children with spina bifida born of Vietnam veterans currently are eligible for (1) a monthly allowance, varying by degree of disability of the person with spina bifida, (2) health care for any disability associated with that person's spina bifida, and (3) vocational training, job placement, and post-job placement services.

Senate Bill

Section 162 of S. 1810 would extend (with a single variation) to the children born with birth defects to women Vietnam veterans the same benefits as those now afforded to Vietnam veterans' children born with spina bifida under chapter 18 of title 38, United States Code.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 401 of the compromise agreement generally follows the Senate language. The former chapter 18 has been redesignated as subchapter I, the compromise agreement from section 401 of S. 1810 has been designated as subchapter II of chapter 18 and certain general definitional and administrative provisions applicable to both subchapters I and II of chapter 18 have been placed in a new subchapter III.

The definition of "child" in the Senate bill has been moved to a general definitions section (new section 1821) contained in subchapter III. A separate definition of "eligible child" (for purposes of subchapter II) has been provided in a new section 1811. The definition of "female Vietnam veteran" contained in S. 1810 has been removed from subchapter II and replaced by general definitions of Vietnam veteran and Vietnam era in new section 1821.

S. 1810 would have excluded spina bifida from the definition of a covered birth defect in subchapter II. Thus, the Senate bill could have been interpreted so as to require a child to choose to receive a monthly monetary allowance and health care based only on spina bifida or based only on non-spina bifida disabilities, but not both. Because the Committees wish to include spina bifida with all other covered disabilities for purposes of rating the disabilities from which an eligible child may suffer, the prohibition in proposed section 1812(b)(2) has been deleted from the compromise bill. The compromise agreement is intended to ensure that children of women Vietnam veterans who suffer both from spina bifida and any other covered birth defect will have all of their disabilities considered in determining the appropriate disability rating and the amount of monetary benefits to be paid under subchapter II of chapter 18. If the only covered birth defect present is spina bifida, the eligible child would be compensated under the spina bifida provisions of subchapter I of chapter 18.

The requirement in S. 1810 that birth defects identified by the Secretary be listed in regulations has been omitted. In drafting this legislation, the Committees considered the report of the Department of Veterans Affairs, Veterans Health Administration, Environmental Epidemiology Service, entitled "Women Vietnam Veterans Reproductive Outcomes Health Study" (October, 1998). Because this report identifies a wide variety of birth defects identified in the children of women Vietnam veterans, the Committees concluded that it was not necessary to provide a rating for each separate defect. Thus, the Committees intend that, in addition to whatever specific defects the Secretary may identify, the Secretary may also describe defects in generic terms, such as "a congenital muscular impairment resulting in the inability to stand or walk without assistive devices." Language authorizing the Secretary to take into account functional limitations when formulating a schedule for rating disabilities under the new subchapter was added to specifically allow for ratings based upon generic descriptions of functional limitations imposed by the disabilities.

The limitation contained in the Senate bill which barred assistance under the new authority to an individual who qualified for spina bifida benefits has been deleted to assure that children who suffer from spina bifida and any other covered defect may receive a monetary allowance under subchapter II and health care which takes into account the disabilities imposed by spina bifida and any other condition.

EXTENSION OF CERTAIN EXPIRING AUTHORITIES

Current Law

The following authorities expire on September 30, 2002: (1) VA's authority to verify the eligibility of recipients of, or applicants for, VA needs-based benefits and VA means-tested medical care by gaining access to income records of the Department of Health and Human Services/Social Security Administration and the Internal Revenue Service, (2) the reduction to $90 per month for VA pension and death pension benefits to veterans or other beneficiaries without dependents who are receiving Medicaid-covered nursing home care, (3) the Secretary's authority to charge borrowers who obtain VA-guaranteed, insured or direct home loans a "home loan" fee, and (4) procedures applicable to liquidation sales of defaulted home loans guaranteed by VA. The Secretary's (enhanced loan asset) authority to issue and guarantee securities representing an interest in home loans expires on December 31, 2002.

House Bill

Section 8 of H.R. 4268 would extend temporary authorities to 2008 that would otherwise expire on September 30, 2002, including: (1) VA income verification authority through which VA verifies the eligibility for VA needs-based benefits and VA means-tested medical care, by gaining access to income records of the Department of Health and Human Services/Social Security Administration and the Internal Revenue Service, (2) limitation on VA pension and death pension payments to beneficiaries without dependents receiving Medicaid-covered nursing home care, (3) VA-enhanced loan asset authority guaranteeing the payment of principal and interest on VA-issued certificates or other securities, VA home loan fees of ¾ of one percent of the total loan amount, and (4) procedures applicable to liquidation sales on defaulted home loans guaranteed by VA.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 402 of the compromise agreement contains the House language.

PRESERVATION OF CERTAIN REPORTING REQUIREMENTS

Current Law

The Federal Reports Elimination and Sunset Act of 1995 repealed a number of agency report requirements that Congress had imposed during the 20th century. The effect of that law, which otherwise would have taken effect last year, was temporarily suspended until May 15, 2000, by a provision in last year's omnibus appropriations act, Public Law 106-113.

House Bill

Section 10 of H.R. 4268 would reinstate the requirements that the Secretary provide periodic reports concerning equitable relief granted by the Secretary to an individual beneficiary (expires December 31, 2004); work and activities of the Department; programs and activities examined by the Advisory Committees on a) former prisoners of war (expires December 31, 2003) and b) women veterans (expires after biennial reports submitted in 2004); operation of the Montgomery GI Bill educational assistance program (expires December 31, 2004); and activities of the Secretary's special medical advisory group (expires December 31, 2004). It also requires the Secretary to include with any report that is required by law or by a joint explanatory statement of a Congressional conference committee an estimate of the cost of preparing the report.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 403 of the compromise agreement contains the House language.

LEGISLATIVE PROVISIONS NOT ADOPTED

EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS

Current Law

Section 1112(c)(2) of title 38, United States Code, lists 16 diseases which, if they become manifest in a radiation-exposed veteran at any time in his or her lifetime, would be considered to have been incurred in or aggravated during active service.

Senate Bill

Section 102 of S. 1810 would amend section 1112(c)(2) by adding lung cancer, colon cancer, tumors of the brain and central nervous system, and ovarian cancer to the list of diseases presumed to be service-connected if they are contracted by radiation-exposed veterans.

House Bill

The House bills contain no comparable provision.

INCREASE IN MAXIMUM AMOUNT OF HOUSING LOAN GUARANTEE

Current Law

Under section 3703(a)(1)(A)(IV) of title 38, United States Code, VA guarantees 25 percent of a home loan amount for loans of more than $144,000, with a maximum guaranty of $50,750. Under current mortgage loan industry practices, a loan guaranty of $50,750 is sufficient to allow a veteran to borrow up to $203,000 toward the purchase of a home with no down payment.

Senate Bill

Section 122 of S. 1810 would amend section 3703(a)(1) to increase the maximum amount of the VA guaranty from $50,750 to $63,175.

House Bill

The House bills contain no comparable provision.

TERMINATION OF COLLECTION OF LOAN FEES FROM VETERANS RATED ELIGIBLE FOR COMPENSATION AT PRE-DISCHARGE RATING EXAMINATIONS

Current Law

Section 3729(c) of title 38, United States Code, provides that a loan fee may not be collected from a veteran who is receiving disability compensation (or who, but for the receipt of retirement pay, would be entitled to receive compensation) or from a surviving spouse of any veteran who died from a service-connected disability (including a person who died in the active military, naval, or air service).

Senate Bill

Section 123 of S. 1810 would amend section 3729 to add an additional category of fee-exempt borrower; persons who have been evaluated by VA prior to discharge from military service and who are expected to qualify for a compensable service-connected disability upon discharge, but who are not yet receiving disability compensation because they are still on active duty.

House Bill

The House bills contain no comparable provision.

FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Spouses and dependent children are not eligible for any VA-administered insurance program.

Senate Bill

Section 133 of S. 1810 would create a new section 1967A within chapter 19 of title 38, United States Code. This section would provide to SGLI-insured servicemembers an opportunity to provide for coverage of their spouses and children. The amount of coverage for a spouse would be equal to the coverage of the insured servicemember, up to a maximum of $50,000. The lives of an insured servicemembers' dependent children would be insured for $5,000.

House Bill

The House bills contain no comparable provision.

COMPTROLLER GENERAL AUDIT OF VETERANS' EMPLOYMENT AND TRAINING SERVICE OF THE DEPARTMENT OF LABOR

Current Law

Not applicable.

Senate Bill

Section 152 of S. 1810 would require the Comptroller General of the United States to carry out a comprehensive audit of the Veterans' Employment and Training Service of the Department of Labor. The audit would commence not earlier than January 1, 2001, and would be completed not later than 1 year after enactment of this provision. Its purpose would be to provide a basis for future evaluations of the effectiveness of the Service in meeting its mission. The audit would review the requirements applicable to the Service under law, evaluate the organizational structure of the Service, and any other matters related to the Service that the Comptroller General considers appropriate.

House Bill

The House bills contain no comparable provision.

ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE

Current Law

Current law does not provide for accelerated educational assistance payments in VA-administered education programs.

Senate Bill

Section 9 of S. 1402 would authorize VA to make accelerated payments under the terms of regulations that VA would promulgate to allow MGIB participants to receive a semester's, a quarter's, or a term's worth of benefits at the beginning of the semester, quarter, or term. For courses not so organized, VA could make an accelerated payment up to a limit established by VA regulation, not to exceed the cost of the course.

House Bill

The House bills contain no comparable provision.

ELIGIBILITY OF MEMBERS OF THE ARMED FORCES TO WITHDRAW ELECTIONS NOT TO RECEIVE MONTGOMERY GI BILL BASIC EDUCATIONAL ASSISTANCE

Current Law

Sections 3011(c)(1) (for active duty service of at least 3 years) and 3012(d)(1) (for active duty service of 2 years and 4 continuous years in the Selected Reserve) of title 38, United States Code, provide that any servicemember may make an election not to receive educational assistance under chapter 30 of title 38, United States Code. Any such election shall be made at the time the individual initially enters active duty. For servicemembers who elect to sign up for the Montgomery GI Bill, section 3011(b) requires a pay reduction of $100 per month for the first 12 months of active service.

Senate Bill

Section 8 of S. 1402 would authorize servicemembers who had "opted out" of MGIB participation (by electing not to receive MGIB benefits and whose basic pay during the first 12 months of service, therefore, had not been reduced by $100 per month for 12 months) to regain eligibility for MGIB benefits by making a $1,500 lump sum payment.

House Bill

The House bills contain no comparable provision.

CODIFICATION OF RECURRING PROVISIONS IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS

Current Law

Each year the Congress appropriates funds to the Department of Veterans Affairs as part of the Departments of Veterans Affairs and Housing and Urban Development, Independent Agencies Appropriations Act (VA-HUD appropriations bill). Although the amount of the appropriations varies from year to year, the purposes for which appropriations are made are generally fixed, and change little, if any, from year to year. Because the style of appropriations language discourages normal punctuation or sentence structure, some of the "sentences" making appropriations exceed a page in length. This approach appears to make the appropriations language difficult for the average person to read.

House Bill

Section 9 of H.R. 4268 would codify recurring provisions in annual Department of Veterans Affairs Appropriations Acts.

Senate Bill

The Senate bills contain no comparable provision.

MAJOR CONSTRUCTION PROJECT AT THE BOSTON, MASSACHUSETTS HEALTH CARE SYSTEM: INTEGRATION OF THE BOSTON, WEST ROXBURY, AND BROCKTON VA MEDICAL CENTERS

Current Law

No provision.

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

The Committees take note of concerns registered by Members of both Houses over the pace and poor planning associated with an important project in the greater Boston VA environment. The most recent information on the Boston integration indicates that a new review—by the Capital Assets Restructuring For Enhanced Services (CARES) contractor for New England—will begin soon. The Committees expect VA to complete the Boston integration plan in an expedited manner. Further, the Committees expect the VA to submit a proposal, or a major construction authorization request, to address these infrastructure needs following completion of the CARES validation of bed need in the area. The Committees support this process and look forward to the results of the analysis and any proposal VA consequently may make.

PILOT PROGRAM FOR COORDINATION OF HOSPITAL BENEFITS

Current Law

No provision.

House Bill

Section 401 of H.R. 5109 would authorize a four-site VA pilot program. Under the program, veterans with Medicare or private health coverage (and a number of indigent veterans), who rely on a VA community-based clinic, could voluntarily choose nearby community hospital care for brief episodes of medical-surgical inpatient care. The VA clinic would coordinate care and cover required copayments.

Senate Bill

The Senate bills contain no comparable provision.

UNIFICATION OF MEDICATION COPAYMENTS

Current Law

Under Section 1710(a)(2)(G) of title 38, United States Code, VA provides medical care, without imposing an obligation to make copayments for such care, to veterans who are "unable to defray the expenses of necessary care. . . ." This is determined by comparing the veteran's annual income against an income threshold that is adjusted annually. A separate provision of law, section 1722A of title 38, United States Code, mandates that VA charge a copayment for each 30-day supply of prescription medications provided to a veteran on an outpatient basis if that medication is for the treatment of a nonservice-connected condition.

Two categories of veterans are exempt from the copayment obligation: veterans who have service-connected disability ratings of 50 percent or higher, and veterans whose annual income does not exceed the maximum amount of "means tested" VA pension that would be payable if such veterans were to qualify for pension. Eligibility for pension is also determined by calculating countable income against an income threshold. This pension level is lower than the health care eligibility income threshold. As a consequence, veterans who are given priority access to VA health care and are exempted from making copayments for that health care under one measurement of their means are required to make copayments for medications under a different measurement of their means.

Senate Bill

Section 201 of S. 1810 would unify the copayment exemption thresholds at the health care eligibility income threshold.

House Bill

The House bills contain no comparable provision.

EXTENSION OF MAXIMUM TERM OF VA LEASES TO PROVIDERS OF HOMELESS VETERANS SERVICES

Current Law

VA's Home Loan Guaranty Program assists veterans by facilitating their purchase, construction, and improvement of homes. VA does so by encouraging private lenders to extend favorable credit terms to veterans by guaranteeing repayment of a portion of the lender-provided home loan.

In some circumstances, veterans default on mortgage loans guaranteed by VA. In such cases, the lender will foreclose, and VA, as a guarantor, may come into possession of the property. Such properties, typically, are sold to the public by VA. VA, however, has the option of leasing such properties to public and nonprofit private providers of services to homeless veterans so that such service-providers may offer shelter and other services to homeless veterans and their families. However, such leases to the providers of services to homeless veterans may not exceed 3 years in term.

Senate Bill

Section 311 of S. 1810 would extend the maximum term of VA leases to providers of services to homeless veterans from 3 to 20 years.

House Bill

The House bills contain no comparable provision.

Mr. ROCKEFELLER. Mr. President, as the ranking member of the Committee on Veterans' Affairs, I urge my colleagues to support this comprehensive bill which would make changes to a wide range of veterans's benefits and services. The bill represents compromise on both sides of the aisle and in both Houses of Congress, and many, many hours of staff and Members' work. For that, I thank everyone involved.

The bill covers a wide spectrum of issues—from new educational benefits for service members to improvement in VA nurses' and dentists' pay. I would like to address some of the major provisions.

Mr. President, S. 1402, as amended, represents a comprehensive effort to address the shortfall in the amount provided for veterans' education. The current basic GI Bill benefit is $536 per month, which, according to College Board data, pays for less than 60 percent of the costs of a public four-year university. The cost of tuition and fees for public and private educational institutions rose approximately 90 percent from 1980–1995, while the MGIB benefit rates only increased 42 percent from 1985 to 1995. S. 1402 will provide an increase for fiscal year 2001 of 22 percent, raising the basic rate to $650 per month.

Additionally, this compromise bill adopts a Senate "buy up" provision that will allow servicemembers to elect to contribute up to an additional $600 (above the $1,200 that they contribute over their first year of service), in exchange for receiving four times their contribution. This additional contribution can be made at any time prior to the servicemember leaving service. Thus, it is targeted at those who definitely plan to pursue additional education when they leave service.

Although these increases fall short of the full tuition recommended last year by the Commission on Servicemembers and Veterans Transition Assistance, they will nevertheless provide a substantial improvement in assistance to veterans. The basic monthly benefit increase to $650, when combined with the maximum "buy up" contribution, would yield a monthly benefit of $800 per month, an increase of 49 percent over the current benefit.

I believe that education is the key to success in today's high tech, fast-paced economy. We must ensure that our nation's veterans do not wind up on the wrong side of the "digital divide." It should be our policy to always encourage servicemembers and veterans to strive for greater achievement. Aside from the benefits that accrue to the individual veteran, we cannot overlook the benefits that accrue to our Nation when we provide a substantial educational benefit to veterans, including increased tax dollars from better salaries, greater stability through higher levels of home ownership rates, and a stronger recruiting tool for future servicemembers.

We also must remember our commitment to take care of the families of servicemembers killed on duty and families of veterans who are totally disabled due to their service. S. 1402 provides a corresponding increase in the monthly educational benefit, Dependents' Educational Assistance (DEA), provided to survivors and dependents of these veterans. Part of the reason that DEA is so low when compared to MGIB is that the MGIB rate has been indexed to the inflation rate, while the DEA has not. That is why it was so important to me that we index DEA, as section 111 of S. 1402 provides. This will ensure that the education benefit to eligible dependents and survivors will keep pace with the cost of education and MGIB benefits.

Last year, we expanded VA's authority to provide education benefits to veterans by including payment for preadmission exam preparatory courses (SATs, GREs, etc). This year, through section 114, we are extending this valuable benefit to the eligible survivors and dependents of veterans through

DEA. At some of the nation's top schools, scores on entrance exams can count for half of the total application, creating enormous pressure to score well. Studies by national consulting companies have shown improvement of over 100 points on the SAT exam scores for students who take exam preparatory courses. However, many of these exam preparatory course are quite costly. One national provider charges as much as $750 for a two-month, part-time, SAT preparatory course. Fairtest, an educational advocacy group, argues that "[t]he SAT has always favored students who can afford coaching over those who cannot. . . ." To be able to compete, it is critical that veterans' survivors and dependents have access to such courses.

Last year, along with Senator MURRAY and Senator DASCHLE, I introduced legislation that will provide much needed benefits to the children born with birth defects to female Vietnam veterans. I am enormously pleased that this legislation has been incorporated in S. 1402.

Section 401 will provide health care and compensation to children born with permanently disabling birth defects to women Vietnam veterans. The legislation had its inception in a comprehensive study the VA conducted of long-term reproductive health outcomes of women Vietnam-era veterans. After analyzing the records of over 4,000 women Vietnam veterans compared with 4,000 women Vietnam-era veterans, the study found a "statistically significant increase in birth defects," particularly moderate to severe birth defects, in the children of the women Vietnam veterans. According to the study, the risk to a woman Vietnam veteran of having a child with birth defects was significantly elevated, even after adjusting for age, demographic variables, military characteristics, and smoking and alcohol consumption of the mothers.

As VA does not have the authority under current law to provide health care or their benefits to the children of women Vietnam veterans disabled from birth defects other than spinal bifida, I worked with VA to craft legislation modeled after that groundbreaking spina bifida legislation to address this issue.

It is only fitting that we assist these children. Their mothers served our Nation with honor and courage, volunteering to be placed in harm's way, without knowledge of what effects their service may bring later. They were the nurses, mapmakers, air traffic controllers, clerical staff, Red Cross and USO workers, and others who supported our troops in the field. Unfortunately, some of their children have suffered because of their mothers' service, and it is time for them to begin to be repaid for that suffering.

Under the provisions of S. 1402, VA would be authorized to provide reimbursement for health care of the disabled children for their birth defect and associated conditions, vocational rehabilitation services, and a monthly allowance that is not countable as income for the purpose of other federal programs.

Women Vietnam veterans have waited 25 years for this acknowledgment of the special risks they faced. Helping their children born with birth defects is the logical extension of our policy to provide benefits for disabilities that result from service. It's the compassionate and the right thing to do, and I am enormously gratified that we are finally doing it.

S. 1402 contains a number of benefits provisions that will aid veterans.

Section 301 extends compensation to be paid to reservists on inactive duty for training who were disabled or died from heart attack or stroke during training or travel to/from training. Currently, guards members and reservists who sustain an injury during inactive duty for training are eligible for veterans benefits. However, they are not eligible to receive compensation for diseases incurred or aggravated during such training, while active duty servicemembers would be eligible for the same condition. This provision recognizes the special nature of strokes and heart attacks and how they may be triggered by the additional physical stress during inactive duty for training, and ensures that these servicemembers and their families will be taken care of.

Section 302 will provide special monthly compensation to female veterans who have lost a breast due to service-connected conditions. Special monthly compensation is an additional monthly monetary benefit provided above regular compensation for loss, or loss of use of a part of a veterans' body, that yields an additional disability that another loss would not, such as loss of sight or hearing, loss of use of the veterans' legs, or loss of a creative organ. The loss of a breast to a woman veteran is consistent with the other disabilities where special monthly compensation is provided.

I am very pleased that S. 1402 closes the final chapter on a 55-year-old injustice—the cause of Filipino veterans who fought under U.S. Command during World War II. When the decision to extend benefits to this group was initially made, the law authorized payments to Filipino veterans at the rate of 50 cents on the dollar of the amounts that American veterans receive. It is my understanding that the VA–HUD Appropriations bill will contain a provision that will provide full compensation benefits and extend health care to these Filipino veterans. Section 332 of S. 1402 will extend full burial benefits to the dependents of Filipino veterans, while section 331 will provide that Filipino veterans who are American citizens and in the U.S. at the time of their death can be buried in National Cemeteries. This is a long overdue correction of an old injustice.

I am enormously proud of the fact that S. 1402 includes a small provision that I introduced which removes the limit on adaptive housing grants to disabled veterans who own their home with someone other than a spouse.

I became aware that there was a problem with the adaptive housing regulations when I was contacted by the family of Darren Frederick, a West Virginia Gulf War veteran who lost his ability to walk when he developed ALS, also known as Lou Gehrig's disease. Darren owned a house with his brother and applied for a grant from VA to adapt his home for his wheelchair. But because he owned the house with someone other than a spouse, VA regulations required that the grant be reduced by half. Still, this young, disabled veteran needed a whole ramp, not half a ramp, into his home.

The regulation VA was applying was written in 1947 to protect veterans from unscrupulous people who might take advantage of them. However, I am certain that this provision has hurt far more people than it has helped. That is why I pushed to eliminate it, and am pleased to say that it is no longer going to be the law. Unfortunately, I am sad to say that this change came too late to help young Darren Frederick. Darren passed away while he was still dealing with the red tape caused by this provision.

I am very disappointed that last year we were unable to move the Senate provision overturning the "$1,500 rule." Since 1933, the law has required VA to suspend the compensation or pension benefits of incompetent veterans who have no dependents and are hospitalized at government expense. This suspension is triggered when the veteran's estate (basically, his bank account) exceeds $1,500, and continues until the estate is spent down to $500. At that time, VA reinstates the veteran's compensation until the veteran is hospitalized again and the estate exceeds $1,500, when the benefits are cut off again. No similar suspension is made for competent veterans or for incompetent veterans who are not hospitalized or who have dependents.

The rationale for cutting off benefits was that these veterans might have been institutionalized for years, and that it was not good policy to allow their estates to build up when they have no dependents to inherit them. There was also a fear of fraud on the part of the veteran's guardian or fiduciary.

Today, veterans are generally being hospitalized for shorter periods of time, but even so, the rule often applies quickly because of the outdated low dollar limit. It takes VA an average of 66 days to restore the benefits to incompetent veterans once their estates have been spent down. The result is that a veteran may have been released from the hospital for quite some time before the benefit is restored, creating great hardships in paying for the expenses of daily living.

The dollar amounts of the limit have not changed since 1933, when $1,500 equaled almost three years' worth of VA benefits at a 100 percent rating level. In today's dollars, this is less than one month's benefit at a 100 percent rating level. Although I truly believe that this is an outdated and indefensible policy that discriminates against incompetent veterans—veterans who are least likely to be able to fight for themselves—we remain unable to fully eliminate the restriction, as I wish we could. However, we are doing the next best thing—raising the limits to a more realistic dollar amount and indexing it to account for future increases in compensation. Section 304 provides that the $1,500 will be replaced with the dollar value represented by five times the 100-percent service-connected compensation rate, and that amount will be indexed to include future cost-of-living adjustments. If we can't eliminate this type of discrimination, I am gratified that we could at least reduce its application and impact.

I am especially pleased that this legislation includes authorization for the construction of a $9.5 million nursing home in Beckley, West Virginia. With the World War II and Korean War veteran population aging, there is a increased demand for an alternative to private long-term care, which is often costly and beyond the reach of many veterans and their families. I fought so hard for this federally funded facility because it will be available to all veterans in need of care, regardless of income. It will also contain a 20-bed Alzheimer's unit, to meet the special needs of those suffering from this horrible disease. Long-term care for Alzheimer's patients is very limited in southern West Virginia, and the Beckley VA Medical Center must often send veterans outside the state for this specialized care. Quality long-term care for West Virginia veterans is long overdue.

Currently, the Senate is deliberating on a bill that would appropriate $1 million in design funds for this project. I am hopeful that we will get the full amount needed for completion of the facility in the near future.

I am very proud of the nurses' pay provision in section 201 of S. 1402, which finally gives a very valued segment of VA's health care staff their due. Since the inception of the locality pay system in 1990, which determined the rate of pay for nurses according to trends in local health care labor markets, only some nurses in the VA system nationwide have actually seen pay increases. This was an unjust consequence of implementing the locality pay system that I am very glad we can now rectify.

This bill prohibits directors from reducing nurses' pay, and guarantees VA nurses a national comparability increase equivalent to that provided to other federal employees. Additionally, it reforms the local labor market survey process currently used to determine wages. Finally, I am pleased that this provision also requires Veterans Health Administration network directors to consult directly with nurses on policy issues that involve the work of VA nurses, and allows registered nurses to participate on medical center committees considering clinical care, budget matters, or resource allocation involving the care and treatment of veteran patients.

Section 202, the dentists' pay provision of S. 1402, is one that I am very satisfied with as it seeks to improve the recruitment and retention of dentists within the VA, and, therefore, the level of dental care our veterans receive as well. The basic pay rates of dentists employed in the VHA are supplemented by special pay and incentive pay scales that were originally enacted with the intent of helping recruitment and retention rates. However, they were not sufficient enough to keep this vital sector of veterans' care secured. This bill will build on what was already started nearly 10 years ago by finally revising and increasing the rates of special pay for VA dentists.

Another important provision in this legislation that I am very proud of is the creation of a physician assistant advisory position within the Veterans Health Administration (VHA). This position will finally give voice to a very essential segment of the VA health care system.

Current law requires that the office of Under Secretary for Health in the VA include representatives of a variety of health care professions. However, despite the fact that the VA is the nation's largest single employer of physician assistants, physician assistants have not had any representation within this office.

That is why I am pleased to be able to provide these often underrated health care workers with their own representative advisor. The VA Under Secretary for Health will designate a VHA physician assistant to fill this position and charge that person with advising on all matters regarding the employment and use of physician assistants within the Veterans Health Administration. The advisor may be assigned out in the field with periodical visits as necessary to VHA headquarters for reports, so that they are able to keep in touch both with physician assistants working all over the country and the VA Under Secretary for Health in VA Headquarters. The language associated with this section specifically calls upon VA to provide this individual with the necessary support and resources to enable this consultant to fulfill the assigned responsibilities of this position.

Just over 15 years ago, the VA conducted a large-scale survey on the occurrence of PTSD and other psychological problems in Vietnam veterans. The study found that 15 percent of male veterans and 8.5 percent of female veterans suffered from PTSD. However, among those veterans exposed to higher levels of war zone stress, PTSD rates were significantly higher. In addition, the study found that nearly one-third of both male and female Vietnam veterans had suffered from PTSD at some point following military service.

Therefore, I am very gratified that this bill provides for a followup study to be conducted to monitor the effectivness of the PTSD programs and other psychiatric services the VA has provided over the years to help veterans cope with the symptoms of this debilitating disorder. The study is to be conducted by an independent contractor, but the VA is being encouraged to design the study protocol itself in order to secure high quality responses to the survey.

Mr. President, in closing, I want to acknowledge the work of our Committee's Chairman, Senator SPECTER, in developing this comprehensive legislation. Through his efforts, and that of his staff—Bill Turek, Staff Director; Chris Yoder, Assistant Staff Director; and Legislative Assistants Jon Tower and William Cahill, we are moving this significant piece of legislation today.

I appreciate the willingness of the House Committee on Veterans' Affairs, especially Chairman BOB STUMP and Ranking Member LANE EVANS, to work together to reach compromise on so many vital issues.

And I would be remiss if I did not acknowledge the efforts of my own staff: Jim Gottlieb, Minority Staff Director; Kim Lipsky, Professional Staff Member; and Mary Schoelen, Counsel. I am enormously grateful for their diligence, and for their commitment to the work we do in this Committee on behalf of our Nation's veterans.

The PRESIDING OFFICER. Without objection, the amendment (No. 4314) is agreed to.

The PRESIDING OFFICER. The Senate concurs in the amendment of the House to the title of the bill with an amendment.

The title of the bill was amended so as to read: "An Act to amend title 38, United States Code, to increase the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.".

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4850 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4850) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENTS NOS. 4315 AND 4316, EN BLOC

Mr. MURKOWSKI. Senator SPECTER and Senator ROCKEFELLER have amendments at the desk, and I ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. SPECTER, proposes amendments numbered 4315 and 4316, en bloc.

The amendments are as follows:

AMENDMENT NO. 4315

(Purpose: To provide a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2000".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2000, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2000.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2000, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2001, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

AMENDMENT NO. 4316

(Purpose: To amend the the title)

Amend the title so as to read: "An Act to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.".

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4315 and 4316) were agreed to.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4850), as amended, was considered read the third time and passed.

ORDERS FOR FRIDAY, OCTOBER 13, 2000

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m. on Friday, October 13. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then proceed to the conference report to accompany H.R. 4461, the Agriculture appropriations bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. Mr. President, the leader has asked me to announce that, for the information of all Senators, the Senate will begin consideration of the conference report to accompany the Agriculture appropriations bill at 10 a.m. tomorrow. Debate on the conference report will take place all day tomorrow and all day on Tuesday, with a vote scheduled to occur on Wednesday at 11:30 a.m. Those Senators who intend to make statements on the conference report are encouraged to come to the floor as soon as possible due to the lack of time prior to the vote on Wednesday.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:31 p.m., recessed until Friday, October 13, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 12, 2000:

UNITED STATES INSTITUTE OF PEACE

MORA L. MCLEAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001, VICE ALLEN WEINSTEIN, TERM EXPIRED.

MORA L. MCLEAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KIRK M. KRIST, 8703
DENNIS J. SANTO TOMAS, 2343
KEVIN D. THOMAS, 8557
CHARLES F. WALSH, 1152
ROBERT H. WILLIAMS, 6129

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES W. LENOIR, 9966
KENNETH D. MCRAE, 1506
STANLEY P. SHOPE, 9023
EARNEST C. SMITH, 7670
LARRY E. SMITH, 4616
JEFFRY K. WOLFE, 7171
CHARLES L. YRIARTE, 9946

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

TIMOTHY L. BARTHOLOMEW, 0562
GEORGE M. BESHENICH, 2836
FRANCIS T. DINUCCI, 6304
RICKIE C. GURR, 9434
NORMA J. KRUEGER, 5028
CORY L. LOFTUS, 4773
RONALD M. SCHROCK, 9167
SCOTT D. WAGNER, 3810
ROBERT E. WELCH JR., 7227

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531, AND 624:

To be major

ANGELO RIDDICK, 2271

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE CHAPLAIN CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

To be major

JAMES WHITE, 1236 CH

CONFIRMATIONS

Executive nominations confirmed by the Senate October 12, 2000:

DEPARTMENT OF DEFENSE

ROBERT N. SHAMANSKY, OF OHIO, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

ROBERT B. PIRIE, JR., OF MARYLAND, TO BE UNDER SECRETARY OF THE NAVY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO JOHN HICKS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to a good friend, John Hicks, of Leisuretowne, New Jersey. John is a community leader without equal.

Having risen through the ranks of firefighters in Philadelphia starting in 1947, he became Battalion Chief of Battalion 13 in 1978. A true professional, his career in public service as a firefighter is rarely equaled.

On relocating to Southampton Township, New Jersey in 1979, John became involved in the transportation program, driving Leisuretowne residents to shopping centers, doctor appointments, and more.

John was first elected to Southampton Council in 1981, and still serves today. He has been both dedicated and adamant with regard to the Big Hill Landfill project, and is active as liaison between the Leisuretowne military veterans and Southampton Township.

John is very active, in a subdued way, accomplishing a great deal quietly, with dignity.

He is truly deserving of this tribute, and I am certain he will remain committed to serving the community for many years to come.

75TH ANNIVERSARY OF THE ROTARY CLUB OF ARDMORE

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize the Rotary Club of Ardmore in Lower Merion Township, Montgomery County, Pennsylvania on their 75th Anniversary this year.

The Rotary Club of Ardmore was founded October 21, 1925 by J. Elmer Watts and Albert L. Reinhold and is currently the third largest Rotary Club in District 7450 of Southeastern Pennsylvania. The 111 members of the Ardmore Rotary contribute about $25,000 annually to community organizations and donate thousands of hours of time to public service initiatives.

Community service is an integral part of the Rotary's mission. The club was instrumental in the reopening of the Main Line YMCA in the 1930s. Club members travel weekly to the George Gordon Meade Elementary School to tutor students and help promote literacy. The Rotary conducts an annual Holiday Basketball Tournament fundraiser at Lower Merion High School and an annual pancake breakfast to benefit the Merion Fire Company. During the Holidays, the Ardmore Rotary raises thousands of dollars for local charities.

The Ardmore Rotary extends its charitable aims overseas as well. Frequently, Rotarians travel to countries like India and Mexico to care for sick children and provide crucial medicinal vaccines to those in need.

The residents of Montgomery County are fortunate to benefit from the services provided by the Rotary Club of Ardmore. It is an honor to recognize such an extraordinary group of individuals on their 75th Anniversary.

IN OBSERVANCE OF LOVELIFE WEEK, OCTOBER 16 TO 22, 2000, BY THE LOVELIFE FOUNDATION, OAKLAND, CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. LEE. Mr. Speaker, I rise to observe the third anniversary of the death of teenager LoEshe' Lacy, and to recognize the great accomplishments of the LoveLife Foundation, founded by her father in her memory.

On October 27, 1997, LoEshe' Lacy was an innocent victim to a shooting across the street from her high school. The name LoEshe' is Ibo/Nigerian and means "Love Life." Donald Lacy founded the LoveLife Foundation in her honor to work with at-risk youth, and to help garner a greater appreciation for the value of human life.

In its brief three-year history, the projects and successes of the LoveLife Foundation have been both numerous and varied. One particularly successful program is the LoveLife Arts and Media Training Academy. This program trains youth to produce television, radio, and theatrical performances that specifically address violence and its devastating effects on the community. The public service announcement, "Precious Gift", produced through this program, has received several national television awards, including a National Public Television Award, a Bay Area Cable Ace Award, and a Black Filmmakers Hall of Fame Award. The student written and performed play, "Legacy for LoEshe'" has aired repeatedly on local television.

The Mayor of Oakland has credited the LoveLife Foundation's efforts with contributing significantly to a 32-year low in the city's murder rate in 1999.

The LoveLife Foundation will observe LoveLife Week October 16 through 22, 2000. The Foundation requests that people observe this week by performing random acts of kindness to family, friends, and even perfect strangers.

Mr. Speaker, I am inspired by the dedication and commitment Mr. Lacy and members of the LoveLife Foundation have shown to improving Oakland and preventing more senseless deaths like that of LoEshe' Lacy.

I want to thank the LoveLife Foundation for its efforts to increase appreciation for the value of human life, and I encourage people everywhere to honor this great organization by observing LoveLife Week.

TRIBUTE TO HELEN HOLLINGSHED TAYLOR, HEAD START BUREAU ASSOCIATE COMMISSIONER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. STARK. Mr. Speaker, in the closing days of the Clinton Administration, as we reflect on our accomplishments and unfinished work, we can only look with great pride and admiration to the Head Start program and all it has become for America's children. The President and Congressional leaders may try to take credit for the increase in the numbers of children enrolled, the new expansion to serving pregnant women and families with infants and toddlers, and the increase in program quality and accountability. But the real champion of Head Start was Helen Hollingshed Taylor.

Helen looked out for the nation's children, and their world is better for her efforts. Deborah and I feel fortunate to have known and worked with Helen during these past seven years and will miss her fun spirit, her gentle nudge, her wisdom, and her passion to do right by all children.

Born in Fort Valley, Georgia, and raised in Cincinnati, Helen came to Washington to attend Howard University in 1964. Two years later, she received a National Institute of Mental Health fellowship to the Institute for Youth and Community Studies at Harvard. In 1973, she received a Masters degree in early childhood education from Catholic University.

Helen most recently served as Associate Commissioner of the Head Start Bureau in HHS. In this position, she ran a vital program that provides educational services to needy children who otherwise start school a step behind many of their peers. Today, the Head Start program serves 865,000 pre-school children of low-income families with an annual budget exceeding $5 billion. Due almost entirely to Helen's tireless advocacy, Head Start enrollment expanded by more than 145,000 during her tenure, which began in 1994 and lasted until her death on October 3rd of this year.

Helen's personal courage and unflagging commitment to the cause of helping children was remarkable. During the last several years of her life, she waged a fierce battle with cancer, yet continued to work nearly every day. One of her most prized projects was the Early Head Start Program for infants, toddlers and pregnant women, which under her leadership

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

expanded from 68 programs in 1995 to 525 programs now serving 39,800 children. Without her energy and vitality, the Early Head Start program would be far less developed today.

Helen's commitment to quality in Head Start is as much a part of her legacy as expansion of the program. As Associate Commissioner, she spearheaded an initiative on performance measures; revitalized the program's research agenda; established a new monitoring system; and revised the training and technical assistance system to strengthen ongoing efforts to improve quality.

Helen also worked hard to create community partnerships by fostering linkages between Head Start programs, community colleges and other institutions of higher education. She established partnerships between Head Start and child care through expansions of full-day, full-year services for children of parents in school, training and employment.

Prior to her appointment as Associate Commissioner, Helen was Executive Director of the National Child Day Care Association in Washington, D.C., where she oversaw a network of more than 20 school centers providing services to more than 1,300 children each year.

Her career is studded with awards, among them the prestigious National Public Service Award, an honor bestowed only on those individuals who have made an important difference in public administration over a sustained period of time.

In a tribute last week to Helen's lifetime achievements, HHS Secretary Donna Shalala said:

> I shall miss Helen Taylor deeply. Helen believed in the potential of every child to learn. She devoted her life to Head Start and the education and healthy development of young children. Millions of children have benefited from her vision, compassion, and inspiration. She was a remarkable, vital, courageous woman who spent every day giving with all her heart to make the lives of children better. Her immeasurable contributions to early education will endure for years to come.

Secretary Shalala said it just right. I want to add my words to hers and say thank you, Helen. America's children will miss you, too.

IN HONOR OF HIS DIVINE HOLINESS PRAMUKH SWAMI MAHARAJ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of His Divine Holiness Pramukh Swami Maharaj, the spiritual leader of the worldwide BAPS (Bochasanwasi Shree Akshar Purushottam Swaminarayan Santhsa). He visits the Greater Cleveland area on Tuesday October 17.

HDH Pramukh Swami Maharaj is the fifth spiritual successor of Lord Swaminarayan, the spiritual figurehead of the BAPS. At the age of 79, he continues to demonstrate the highest order of caring for others. In his role as religious leader, he has visited over 15,000 villages, 250,000 homes and personally counseled over 610,000 people. He also had the distinguished honor of delivering an inaugural address at the recent Millennium World Peace Summit at the United Nations. His compassion for humanity and his altruistic tendencies have formed the basis for a wide range of noble projects. All his work is united by the common goal of improving the condition of humanity as a whole. As such he is an example to us all.

BAPS is a remarkable organisation which has reached out and touched over one million followers across the world. It has over 6,800 international centers for youth, women and children. Under the leadership of HDH Pramukh Swami Maharaj, BAPS has built the largest traditional Hindu Mandir outside India. In a nation of religious freedom and diversity, we should pay our respect to such outstanding work for the betterment of humanity.

I ask the House of Representatives to join me today to honor the arrival of HDH Pramukh Swami Maharaj to the Greater Cleveland area.

LUPUS RESEARCH AND CARE AMENDMENTS OF 2000

SPEECH OF

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today in strong support of H.R. 762, the Lupus Research and Care Amendments of 2000, of which I am a proud co-sponsor. This important legislation will provide vital funding to strengthen research activities and extend medical care for poor or uninsured individuals suffering from this disease.

While lupus affects nearly 2 million Americans, this is a disease that disproportionately affects women, and especially African American, Hispanic American, Asian American, and Native American women. Women are nine times more likely to develop lupus than men. I have women friends who have been diagnosed with lupus, thus I know first hand how devastating this disease can be on individuals and families.

In Metropolitan Kansas City and the state of Missouri combined, there are approximately 29,565 persons diagnosed with lupus. Fortunately, the Kansas City and Missouri Chapters of the Lupus Foundation of America, Inc., among other groups, coordinate excellent support services for those affected by this disease.

Mr. Speaker, I urge my colleagues to join me in full support of H.R. 762, because there is not yet a cure for lupus, and there are still too many people diagnosed with this disease who do not receive the medical care and support they need. I applaud the commitment of this Congress to enact this important measure.

HONORING JOHNSON & JOHNSON ACTIVITIES CENTER INC.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BENTSEN. Mr. Speaker, I am pleased to recognize Andrew and his wife DeMonica Johnson as they celebrate the grand opening of their new non-profit elder care facility in the 25th District of Texas. The Johnsons have named their center Johnson & Johnson Activities Inc., with emphasis on the word "activities." The Johnsons' vision is to offer a place where senior citizens obtain more than just adult day care; they are offered a chance to continue to enjoy life and grow through participation in volunteer activities, and they can receive access to services to help overcome some of the obstacles that older Americans face.

The Johnsons, who are members of the South Post Oak Baptist Church which also lies in my District, have designed Johnson & Johnson Activities Inc. to accommodate life in the new millennium. As people are living longer than ever, the Johnsons are offering an alternative for the thousands of seniors in our area who possess time, talent, and the inclination to share their gifts with the community. There are many opportunities for senior citizens to share their experience and expertise to help others, such as caring for latch-key children, aiding at-risk seniors and their caregivers, counseling small business owners and working in our national and local parks.

In addition to offering a day activity program that includes volunteer activities, Johnson & Johnson will also provide rides for seniors to health care services; run errands; visit homebound seniors; counsel seniors on health, nutrition, legal and financial concerns; and serve as an ombudsman to resolve resident facility disputes and ensure the safety and well-being of residents.

Just having a place for a caretaker to drop off a senior for a day can make all the difference. The Johnsons know first-hand what it is like to experience the exhaustion and helplessness that can accompany the noble duties of caring for an elderly friend or relative. Running errands, catching a child's ball game or recital, even paying bills can become impossible when a relative or loved one needs constant care. When Andrew Johnson's own mother needed him, he was there to help. But when he needed a day off to tend to his own life, there was nowhere for his mother to go. That is when the dream to open an adult day care and activities center began.

Johnson & Johnson Activities is designed to assist individuals in acquiring and/or improving self-help and socialization skills. Mr. Speaker, I couldn't agree more with the Johnsons' premise that senior citizens have much to share and bestow on a community willing to help and listen. I commend them on their new Activities Center, and thank them for their dedication.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 519, S. 2438, the Pipeline Safety Act. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 520, H.R. 208, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, and to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 521, H.R. 762, Lupus Research and Care amendments. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BALLENGER. Mr. Speaker, on Friday, October 6, I missed rollcall vote 516, final passage of the FY 2001 Transportation appropriations conference report (H.R. 4475). Had I been present, I would have voted "yea". I also missed rollcall vote 517, the rule for H.R. 3244, the Sexual Trafficking Victims Protection Act, and rollcall 518, final passage of H.R. 3244. Had I been present, I would have voted "yea" on both.

RECOGNITION OF JAMES G. MILLS, THE NEWLY ELECTED CHAIRMAN OF THE BOARD FOR THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SOUDER. Mr. Speaker, today I would like to recognize James. G. Mills of Fort Wayne, Indiana in my district for his recent election as chairman of the board for the National Association of Federal Credit Unions. Mr. Mills was elected on June 17, 2000 and officially took over in late July.

In 1985, Mr. Mills joined Three Rivers Federal Credit Union as president and chief executive officer. Three Rivers provides important options for my constituents and as such has been an asset to Northeast Indiana. Between 1985 and 1995, the number of branches increased from one to eight with the number of member companies increasing from 125 to more than 700. Individual membership soared from 15,000 to 65,000 plus.

Along the way, Mr. Mills worked to promote the growth of the community as well as the Credit Union. In 1995, Three Rivers FCU was able to secure Indiana's first Community Development Credit Union Expansion Charter to open the field of membership and provide financial services to less served parts of the community. This innovation was the result of his near two-years of work with local city officials, the economic development offices of Fort Wayne, and the National Credit Union Administration. Most recently, Mr. Mills facilitated an initiative in the area of inner city financial literacy training for an under-served group that also happens to be a new part of the FCU's field of membership. I strongly commend him for his efforts to empower those who are less economically advantaged through knowledge and the broadening of financial services.

In the role of Chairman of NAFCU, Mr. Mills will be leading the trade association that represents federal credit unions. I look forward to working with him and America's credit unions as we work to benefit families and communities, and congratulate him on this national recognition.

TRIBUTE TO RABBI RICHARD HAMMERMAN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Rabbi Richard Hammerman of Congregation B'Nai Israel, Toms River, New Jersey, who is celebrating his 25th year with the synagogue.

Much of B'Nai Israel's vibrancy and outreach comes from the influence of Rabbi Hammerman, who came to B'Nai Israel in 1975. He is credited by many as the driving force which helped make the synagogue as it is today.

Through the years, the congregation has enjoyed many additions and accomplishments, among them the memorial to the victims of the Holocaust, the stained glass windows depicting scenes from Israel, and the synagogue expansion in 1983. Despite difficulties during the early days, the congregation persevered, and today it is an active member of both the Jewish community and the community at large, including a thriving Talmud Torah which sends all Hebrew high school graduates to Israel, participates in community programs to provide moderate housing, and in an interfaith group to help house the homeless.

Rabbi Hammerman is described as a "real mensch," a person who genuinely cares about each member of the congregation. He is considered a man of the highest ethics, one who is warm and welcoming.

Having grown from 225 members upon Rabbi Hammerman's arrival to its current membership of 500, his warmth and caring are cited as the strength behind the success of Congregation B'Nai Israel, and for the respect the congregation has earned from the community.

May Rabbi Richard Hammerman, Rabbi of Congregation B'Nai Israel, continue to serve the community for many years to come.

75TH ANNIVERSARY OF STEWART MIDDLE SCHOOL

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Stewart Middle School of Norristown, Pennsylvania on their 75th Anniversary. On September 8, 1925, Stewart Junior High opened its doors to 916 pupils and has been a model of academic excellence for the past 75 years.

The current Stewart Middle School was the first junior high school in the Norristown School District and currently enrolls more than 650 students from diverse backgrounds. In 1926, the first Student Council was established and continues to provide real leadership and community involvement for the students.

In 1981, Stewart was selected as one of only two schools statewide to participate in the Pennsylvania Department of Education's School Climate Improvement Project and has been recognized by the PDE and the Senate of Pennsylvania for its efforts to improve mathematics and reading scores. As an advocate of combining academic and special area instruction, Stewart Middle School applies a "school within a school" concept to learning. This allows students to learn in smaller classes with an emphasis on group learning. Stewart should serve as a model for schools throughout the country.

I am pleased to celebrate this momentous occasion with the Stewart Middle School community. They have much to be proud of during their first 75 years and I expect even more accomplishments to come.

IN CELEBRATION OF ITALIAN FESTA AND THE ITALIAN-AMERICAN FEDERATION OF THE EAST BAY, OAKLAND, CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. LEE. Mr. Speaker, I rise to recognize the Italian-American Federation of the East Bay, for its presentation of the 9th Annual Italian Festa, which took place on September 16 and 17, 2000, at Jack London Square in Oakland, California.

Italian Festa is one of the largest celebrations of Italian heritage and culture on the West Coast. This year's visitors listened to accordion, opera and other traditional Italian music, while watching costumed dancers perform. Visitors were also treated to a demonstration by Tony Gemignani, the "World Pizza Toss King" and a food demonstration with Andy LoRusso, "the Singing Chef."

A photographic display detailing the Italian legacy in the California gold fields provided a fascinating local history lesson for visitors. "Nostra Storia—The Italian Legacy in the Mother Lode" tells the story of one of the earliest and most important, but often unrecognized, groups of people to settle in the California foothills of the Sierra Nevada.

In the tradition of Italian street festivals, Italian Festa provided a great selection of Italian specialties such as sausage and peppers, biscotti, polenta, Sicilian pastries, handmade ice cream, tortas and cannoli. The food was prepared in the kitchen of the East Bay's Social Clubs, which donate a portion of the profits from beverage sales to a scholarship foundation for Italian-American Students.

Mr. Speaker, I commend the Italian-American Federation of the East Bay for its efforts to celebrate Italian and Italian-American culture and history. On behalf of the residents of the 9th Congressional District, I congratulate the Foundation on the great success of the 9th Annual Italian Festa, and wish the organization luck in continuing to educate the community about Italian heritage and culture for years to come.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE BRUCE VENTO, MEMBER OF CONGRESS FROM THE STATE OF MINNESOTA

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. KUCINICH. Madam Speaker, I rise today to honor my colleague, Congressman Bruce F. Vento, who passed away on Tuesday, October 10, 2000, at the age of 60, after 23 years of dedicated service as the Representative from Minnesota's Fourth Congressional District.

Congressman Vento was first elected to the House of Representatives in 1977. Over the course of his 12 remarkable terms in office, Congressman Vento has taken a leadership role on environmental, housing and banking reform issues. As chairman of the Natural Resources Subcommittee on National Parks, Forests and Public Lands for over 10 years the Congressman was enormously successful in protecting hundreds of thousands of acreage from Minnesota to Alaska and American Samoa. Through his role as ranking member on the Subcommittee on Financial Institutions and Consumer Credit, he has worked tirelessly to modernize our financial services industry while continuing to safeguard consumer privacy. Finally, as an active, vocal member of the Housing and Community Opportunity Subcommittee, Congressman Vento will always be remembered for his admirable fight to end homelessness in America. The most fitting tribute that we, his colleagues, can pay Congressman Vento is to follow in his footsteps and continue his commendable work on behalf of the environment, the homeless, and banking reform.

Madam Speaker, it is with a heavy heart that I ask my fellow colleagues to join me in remembering one of our own, the Honorable Bruce F. Vento. He will be sorely missed by myself and all members of this House. I also wish to take this opportunity to extend my deepest sympathy to his family and friends during this difficult time.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

SPEECH OF

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today in strong support and as a co-sponsor of the Ryan White CARE Act, which is a life-saving piece of legislation. Persons with HIV/AIDS deserve the medical support services provided through the grants and programs included in this measure. Although the rate of HIV infection per year is decreasing in America, there are still over 40,000 new infections per year. We must continue our national efforts to prevent future transmissions and improve the quality of life for those living with AIDS.

To date, the Ryan White Care Act has helped provide the latest drug therapy to more than 100,000 poor people, reduced AIDS mortality by seventy percent, and decreased mother-to-child transmission of HIV by seventy percent. It is clear that this legislation is successful, and I believe the measure before us strengthens our national assault on this disease.

My home state of Missouri received over $15 million dollars for FY 1998 under the Ryan White CARE Act. These funds have helped those living with HIV or AIDS, through investments in medication and vital support services. The legislation before us today contains a provision on partner notification, which I believe is essential to decreasing the spread of HIV and reducing the transmission of all sexually transmitted diseases. I am concerned with the racial disparities in the incidence of HIV infection in Missouri, and specifically in Kansas City. This measure will hopefully make strides in reducing the incidence of HIV in both minority communities as well as among women and youth, who are especially vulnerable.

Mr. Speaker, I urge my colleagues to join me in full support of passage of the Ryan White CARE Act. Our support sends a message that HIV/AIDS is a fully recognized public health problem, and has our commitment to protect all vulnerable persons from this devastating disease.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. BENTSEN. Mr. Speaker, I rise in support of S. 2438, the Pipeline Safety Improvement Act. Almost all Members agree that S. 2438 significantly increases government safety regulation in the safest sector of America's transportation industry. I commend the Senate for swiftly and overwhelmingly passing this legislation, making pipeline safety legislation up to the House.

I would like to begin with the safety record in the pipeline industry. According to Office of Pipeline Safety statistics, 76 unforgettable, tragic fatalities were reported for liquid and gas pipeline accidents from 1986 to 1999. According to the National Highway Traffic Safety Administration statistics, 10,772 equally tragic fatalities resulted from accidents involving large trucks in 1997 and 1998 alone. One could easily say that the current pipeline transportation system, which transports explosive, hazardous materials, is hundreds of times safer than the transportation system that carries the large majority of America's economic output. However, everyone knows a "good" safety record is not enough. We must always keep working to improve the status quo.

Some of my colleagues will argue that this is an "industry bill" and is actually a fake. I respect their desire to appear independent, but I strongly disagree. Clearly the U.S. Senate, including many particularly independent Senators, feels that this bill significantly increases public safety. The bill strengthens reporting by a factor of 420. Spills over 2,100 gallons are reported now, spills over 5 gallons would be reported under S. 2438. The bill increases daily fines by a factor of 20 ($25K to $500K). The pipeline industry is part of the fundamental energy base of our economy and has a strong safety record overall. It would be unwise and unjust to disproportionally attack an industry that is vital to the economy and significantly safer than the predominate mode of transportation.

Mr. Speaker, for those concerned with pipeline inspection, I would like to remind them that S. 2438 will provide much needed momentum for the issuance of DOT mandatory testing requirements, and sets a deadline of December 31, 2001. The bill authorizes funds to develop and implement these regulations. If S. 2438 is passed and signed, every interstate pipeline operator will be required to submit a detailed, integrated safety program to the DOT. The bill also provides for research and development into new inspection techniques.

In summary, this bill provides higher standards, stiffer enforcement, and authorizes over $170 million to make it possible. The bill is supported by the Secretary of Transportation, the U.S. Senate, and a large bipartisan group of my colleagues.

I sympathize with the opposition to this bill. However, in this diverse body, we must sometimes accept imperfect legislation without as much opportunity for input as we would like. I believe that this bill is a large step in the right direction on pipeline safety. I also believe that this bill does not place the blame for accidents on individual employees. Section 14, "Operator Assistance in Investigations", allows the DOT to direct the suspension of an employee that directly and substantially contributed to an accident. The employee may return to work if they are later cleared of blame or are retrained. The legislation does not state that an employee on the scene is culpable or an automatic suspect.

This is our last chance to improve public pipeline safety this year. Do not wait for further accidents to move on this issue. I urge all my colleagues to support the improvement of pipeline safety.

FAIR TAX TREATMENT FOR INSURANCE AGENTS' TERMINATION PAYMENTS ACT OF 2000

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I am introducing a small business tax relief measure that will assist thousands of insurance agents throughout this country as they prepare for retirement.

Many exclusive insurance agents who leave or retire from their jobs receive what is known as a "termination payment" under a contractual agreement with their respective insurance companies. These payments are paid for intangible assets, including the agent's "book of business" and goodwill, and are usually spread out over a series of years.

Currently, there is confusion about the tax treatment of these termination payments, which has caused some IRS field agents to question the capital gains treatment of these payments. My bill, the "Fair Tax Treatment for Insurance Agents' Termination Payments Act of 2000," will make it clear that these termination payments are for the sale or other disposition of intangible capital assets and therefore should be subject to capital gains treatment. A clarification of current law is needed to ensure the correct result and prevent unknowing IRS agents from subjecting innocent insurance agents around the country to attack and audit on an issue that has no basis for controversy.

I urge my colleagues to support my bill and work with me to clarify the law to ensure that insurance agent "termination payments" are subject to capital gains treatment for Federal income tax purposes.

TRIBUTE TO POLONIA SPORT CLUB, INC. ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to the men and women of Polonia Sport Club, Inc., of Franklin, Wisconsin.

Polonia Sport Club was founded to provide an opportunity for recent Polish immigrants to the Milwaukee area to gather for social activities and sporting events—mainly soccer games—and keep alive and flourishing the traditions of their homeland. Today, Polonia Park, located on West Loomis Road just west of Highway 100 in the Milwaukee suburb of Franklin, boasts 23 beautiful acres of parkland and soccer fields, a shaded picnic area and a quaint traditional Polish chapel. The grounds are utilized by young and senior citizens alike, and range from ethnic Polish groups to youth and adult weekend soccer tournaments attracting players and their families from throughout the Midwest.

The members of Polonia Sport Club have truly witnessed a revival of it's original intentions of soccer being a unifying outlet for immigrants to the Milwaukee area to the game's present-day emergence as the fastest growing youth participatory athletic event in the US.

My family and I have had the privilege of attending and hosting more than a few events at Polonia Park over the years and have always been impressed with the old-world charm of the park's grounds and hospitality offered by the park's managers.

On November 4, the founders, active members and guests of Polonia will celebrate the club's 50th anniversary with a banquet at the new Polish Center of Wisconsin. It is my distinct pleasure to recognize this event by bringing Polonia Sport Club's many attributes to the attention of the United States Congress.

To the members of Polonia Sport Club, I offer my sincere congratulations on your first 50 years and best wishes for the future. Sto lat.

CONGRESSIONAL MEDAL OF HONOR FOR DORIS MILLER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to introduce legislation that would allow the awarding of a Congressional Medal of Honor to Doris Miller. This recognition is long overdue to a man who served his country with distinction and who performed valiantly during the Japanese attack on Pearl Harbor.

Doris Miller, born and raised in Waco, Texas, enlisted with the Navy as a Mess Attendant in 1939 at the age of 20. This was one of the few positions available at the time to black sailors in the country's segregated military. Within four months, he was assigned to the battleship U.S.S. West Virginia, stationed at Pearl Harbor.

On the fateful day of December 7, 1941, Doris Miller was collecting laundry when Japanese aircraft attacked. The ship's commanding officer, Captain Mervyn Bennion, had been hit in the stomach by shrapnel. Doris Miller dragged his captain to a place of greater safety. Then, without any prior training, Miller manned a machine gun on the ship's deck. He shot down at least two of the 29 Japanese planes that were lost by the attackers that day, and Miller may have hit up to four others.

Doris Miller continued to serve his country in the Navy during World War II. However, in 1943, he and 654 shipmates were killed in the line of duty when the Japanese sank the aircraft carrier U.S.S. *Liscome Bay* near the Gilbert Islands.

Unfortunately, like other African Americans who served in the military during World War II, Doris Miller's acts of valor have never been fully recognized, and some of the awards that were bestowed upon him were only given grudgingly. Initially, Doris Miller's actions were not publicized until three months after the Pearl Harbor attack. Then, he was only given a letter of citation by the Secretary of the Navy—the lowest of awards for duty. Doris Miller was finally awarded the Navy Cross, but only after a public campaign by civil rights organizations brought about critical attention in the press. However, Doris Miller was not decorated with the nation's highest honor—the Congressional Medal of Honor. In fact, no African American who served in World War II received the Congressional Medal of Honor until seven Army veterans were given the award in 1997.

The legislation that I introduce today would waive the time limitation specified in current law for the awarding of military decorations in order to allow the posthumous award of the Congressional Medal of Honor to Doris Miller for his heroic actions during World War II, so that a long-awaited honor may finally be bestowed upon this deserving individual.

RECOGNIZING THE UNIVERSITY OF MASSACHUSETTS' BASKETBALL PROGRAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. McGOVERN. Mr. Speaker, back in June, the University of Massachusetts at Dartmouth men's and women's basketball teams embarked on a twelve-day trip to Portugal in order to participate in the 10th Annual Amadora International Basketball Tournament 2000. Two years earlier, University of Massachusetts at Dartmouth had hosted the Portuguese National Junior Team, and as a result the Portuguese Basketball Federation invited both the University of Massachusetts at Dartmouth teams to compete in this year's tournament. Both teams competed well, with the men's basketball team finishing in second place. This type of athletic event further highlights the strong cultural ties between the Greater New Bedford/Dartmouth Area and Portugal. Men's basketball coach Brian Baptiste, Women's basketball coach, Lynn Sheedy and the Athletic Director Robert Mullen should be commended for their efforts in encouraging this type of exchange which brought pride to Southeastern Massachusetts and allowed young men and women to experience, first hand, a culture that is so prevalent in this area.

HONORING THE 100TH ANNIVERSARY OF THE EDDYSTONE FIRE COMPANY NO. 1

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a great honor for me to rise today to congratulate the Eddystone Fire Company No. I for 100 years of dedicated service to the residents of Eddystone, Pennsylvania.

The Eddystone Fire Company, chartered on January 29, 1900, was actually organized in 1895. Some thirty-six men gathered one January evening in 1895, in the old lighthouse hall in Eddystone Village. By the time they went home the volunteer fire company had been founded. The original by-laws were adopted February 14, 1895 and the first officers were elected.

The first piece of fire apparatus, which consisted mainly of fire hose on a hand-drawn reel, was purchased shortly after the group was organized. It was housed in the old Town Hall building, on the corner of Saville Avenue and 12th Street. As new pieces of equipment were purchased during the years they too were housed in this building.

Early in 1954, a new firehouse was built in the old Town Hall. When it was completed, the fire apparatus was moved to its new quarters, and the old Town Hall was torn. down to make way for the new borough hall.

The firefighters of Eddystone Fire Company No. I have an impressive record when it comes to fire fighting. The company has fought such spectacular blazes as the Boyer Lumber Yard fire, the Eddystone Ammunition Plant explosion, the Remington Hotel fire, Tollins Fumiture store blaze, the Baldwin Paint Shop fire, the Eddystone High School fire and more recently the Sun Oil truck explosion and fire.

The fire company is a volunteer organization and is on 24-hour call for fire, ambulance and water rescue search and recovery services. Aside from a modest appropriation from the borough, the fire company is supported through the efforts of its members and the Ladies Auxiliary. The ambulance service is made up of men and women who are thoroughly trained in first aid and now includes emergency medical technicians. These services are available to all residents of the borough.

Today the Eddystone Fire Company is a member of the Ridley Township Fire Board, a sophisticated network of telephone and radio equipment, which handles calls automatically and keeps a record of every alarm called into the company. Many in the Borough have a direct alarm hook-up to the firehouse which gives prompt notice of a potential industrial fire.

I would like to take this opportunity to thank all those who have dedicated not only their time, but also their lives, to the safety of all Eddystone residents as well as surrounding communities. As a former fire chief in Marcus Hook, I am aware of the risks firefighters face each day, under intense pressure, in life or death situations. Our thanks and appreciation can never repay those who put their lives on the line to ensure our safety. I am proud to recognize and commend the tremendous commitment, courage and dedication of Eddystone Fire Company members who continue to reflect the same true spirit in which the department was established more than 100 years ago. I am honored to rise today to extend my thanks for what the members of the Eddystone Fire Company do each day and congratulate them on this milestone anniversary.

UPON THE DEATH OF ROBERT K. PILLSBURY, DEDICATED MINNESOTA COMMUNITY LEADER AND VISIONARY ENVIRONMENTALIST

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. RAMSTAD. Mr. Speaker, I rise proudly to salute a remarkable and visionary public servant from the Lake Minnetonka community in Minnesota who passed away recently. Robert K. Pillsbury of Minnetonka, Minnesota, passed away October 5, 2000, after a long illness. Bob will be sorely missed by all of us who admired and respected his dedicated public stewardship and his love and devotion to his faith, family, friends, and country.

By any measure of merit, Bob was one of our nation's best and brightest—a gifted business leader, civic leader and loving husband, father, and grandfather.

Bob Pillsbury loved his country and was a true patriot, serving a grateful nation with honor and great courage during World War II as a first lieutenant in the U.S. Army.

Mr. Speaker, Minnesotans called him "Mr. Lake Minnetonka." Bob lived on the shores of Lake Minnetonka and there wasn't a more dedicated, vigilant defender of the lake than Bob Pillsbury. He was relentless in the amount of time, energy and talent he devoted to protecting Lake Minnetonka for both current users and future generations.

Bob started the Hennepin County Sheriff's Water Patrol on Lake Minnetonka. The Water Patrol has made a huge, life-saving difference in providing safety measures on the surface of this busy, metro-area lake, and it has served as a model for law enforcement agencies all around the nation with jurisdiction over navigable waters.

A warm and friendly man with a great wit, Bob Pillsbury represented his community on the Lake Minnetonka Conservation District for many years. His hard work on that citizens' panel led to many innovative practices to clean up and protect Lake Minnetonka, a highly used lake located in the midst of the Twin Cities metropolitan area. Bob's bold vision produced environmental policies that will be followed for years to come.

With Bob Pillsbury, no detail went overlooked. He was always looking for ways to keep Lake Minnetonka beautiful. One of Bob's favorite crusades was his plan to require dock owners to use green boat canopies rather than white, striped and multicolored ones, all the better to blend the intrusion of development into the natural environment. Mr. Speaker, the resolution never passed, but there are more green canopies on the lake than ever before, including mine.

Bob Pillsbury was a highly successful stockbroker because he believed in people and his clients believed in him. He was a man of great integrity and he was a stakeholder in his community in so many ways. He was an original member of the City of Minnetonka's Charter Commission and a long-time member of the Minnetonka Planning Commission.

Bob was an active member of the American Legion and the Zuhrah Shrine Temple, as well as the Fox and Hounds and Lafayette Clubs.

Bob was also a great fan of University of Minnesota Golden Gopher Football. For 25 years, he organized charter flights to out-of-town Golden Gopher football games and did not miss a Golden Gopher game—home or away—for 25 years. He was one of the biggest Gopher football fans ever. Despite failing health, Bob continued to watch every game in recent years at the Hillcrest Health Care Center, where he lived the past 5 years.

Our thoughts and prayers are with Bob's wonderful family: his lovely wife of 58 years, Elizabeth M. Pillsbury; his sons, Robert, Jr. (wife Tody), and Charles (wife Linda); and his daughter, Sandra (husband David), as well as his four grandchildren and their spouses, and his step-grandson and his spouse and family.

TRIBUTE TO A.L. "PETE" SINGLETON

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. ARCHER. Mr. Speaker, today I pay tribute to one of the most truly outstanding staff people with whom I have served here in the People's House. Pete Singleton is about to retire as Staff Director of the Ways and Means Committee for the second time, and I know that all the Members of the Committee will miss him dearly.

Pete first served his country as a Marine in World War II. Pete joined the staff of the Committee in 1970 as Deputy Minority Staff Director after having two previous, successful careers—one in journalism as a reporter and editor of several papers including the Washington, D.C., STAR, and one for the then U.S. Steel Company.

He quickly mastered two of the most difficult matters under the jurisdiction of the Ways and Means Committee, Social Security and International Trade. In 1981, he became Minority Staff Director and held that position until 1988 when he first retired. During that period he wrote several books and served on the Quadrennial Advisory Committee on Social Security and on the Social Security Advisory Board. Eight years later, I asked him to return to the staff and he became Majority Staff Director, the position he holds today.

Pete has made significant substantive contributions to the Committee and the country, especially in the area of Social Security. It was he, in 1977, who drafted the Minority Social Security proposals, most of which later became law. Most recently, he oversaw the Committee's intensive efforts during action on the historic 1997 Balanced Budget Act and Taxpayer Relief Act, as well as legislation to repeal the Social Security earnings limit.

This history of his dedication to the Members of the Committee and the House is, by itself, sufficient to warrant our thanks and best wishes for the future. But, frankly, that pales by comparison with the quality of his service. Pete Singleton is one of the most loyal people I have ever known. His first thought has always been "How does this impact the Committee?" He is one of the hardest working staff persons I have known, and has sacrificed much of his personal life for the Committee. He possesses a sharp wit and a quick mind. He is a true gentleman in every sense, and a wonderful human being. Pete is a fine leader and helped me assemble an outstanding staff which has, for the most part, remained with the Committee during both his tenures.

As he leave's the Hill for the second time, he does so with the gratitude of his Chairman and all the members of the Ways and Means Committee with whom he has worked. He will be greatly missed, but he can derive great satisfaction in the knowledge of his contribution to the Committee, the House of Representatives, and his beloved country.

INTRODUCTION OF THE SOCIAL SECURITY ADMINISTRATION PREPAREDNESS ACT OF 2000

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SHAW. Mr. Speaker, today I am introducing legislation to modernize and strengthen the Social Security Administration in preparation for the oncoming baby boom retirement. This legislation completes the spirit of the laws Congress has enacted three times since 1983—taking the last of Social Security expenditures off-budget and removing SSA's administrative funds from budgetary restraints which have nothing to do with Social Security's needs.

In preparation for the upcoming retirement wave, Congress and the administration clearly want Social Security resources dedicated only to Social Security to ensure promised benefits are paid. Ensuring responsive public service delivery by the Social Security Administration is part of that promise because worker's hard-earned payroll taxes directly support the running of the agency.

A recent report by the bipartisan Social Security Advisory Board concluded

> There is a significant gap between the level of services that the public needs and that which the Agency is providing. Moreover, this gap could grow to far larger proportions in the long term if it is not adequately addressed.

This world-class delivery of services will become more difficult as the baby boom generation enters its peak disability years and then reaches retirement age starting in 2008. By 2010 Social Security retirement benefit claims are expected to rise by 16 percent and disability claims by 47 percent. For an agency facing a substantial number of retirements in its own workforce and high expectations from customers, that's a great challenge.

It may come as a surprise to both Congress and to Americans that part of Social Security is not wholly separated from the federal budget, but it is not. The administrative costs of running the agency and paying benefits are subject to discretionary spending caps—an on-budget restraint that could keep that agency from preparing for the challenge it will soon face as the baby boomers retire and disability cases soar.

Subjecting the agency's administrative funding to the caps really doesn't make sense. After all, these costs are paid for with workers' payroll taxes from the Social Security Trust Fund—they are not paid for with general revenues. When these payroll taxes are used to pay benefits, they are considered off budget and not subject to the caps. But when the exact same payroll taxes are used to pay the administrative costs that support benefit payments, they are treated differently.

Mr. Speaker, my bill creates a new cap for SSA's administrative appropriations for the two remaining years the caps exist. This is not unprecedented. Congress felt that Social Security's responsibility to do Continuing Disability Reviews was so important, that it exempted those management costs many years ago. Since no caps exist after fiscal year 2002, Social Security administrative expenses will then go off-budget like the rest of the program.

However, to insure the public gets the service they paid for, my legislation still requires the Social Security Administration to go through the appropriations process and to defend that request to both the appropriations and authorizing committees.

Each year, new funding requests will be reviewed based upon the Commissioner's documentation that current and future tax dollars are meeting the mission and performance levels contained in the Agency's Strategic Plan and Annual Performance Plan. Open ended funding without results is not an option. Continued delivery of world-class service, along with ongoing progress on eliminating waste, fraud, and abuse will be demanded first.

I also want the Social Security Administration to be a fully integrated member of the new information age, so my bill provides for technology investment. The agency must submit a comprehensive procurement plan detailing the benefits, risks and returns from the investment. This plan will be updated biannually and GAO will provide the Congress with their assessment and recommendation on SSA's performance to guide our funding decisions.

The way to prepare Social Security for the future is to start now. We have committed ourselves to saving Social Security. Just as important must be our commitment to save the underlying program operation so critical in delivering the service needed by retirees, individuals with disabilities, and their families.

Mr. Speaker, I want to thank my Ways and Means colleague, Mr. CARDIN, for joining me as an original sponsor of this bill and note that this represents another bipartisan effort to strengthen the Social Security program for current and future retirees. I urge all my colleagues to cosponsor this important, bipartisan legislation.

THE GREATEST GENERATION

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, most of America's soldiers are just ordinary people. They are people from all walks of life who are sometimes asked to do extraordinary things. Those of us who haven't served in the armed forces will never know the pain they suffer or the hardships they can be asked to endure.

However, I do want them to know the depth of our gratitude.

For this reason, I'm happy to share with my colleagues a speech by Kootenai County Commissioner Ron Rankin entitled "The Greatest Generation," which emphasizes the sacrifices made by the World War II generation. He calls them this because they lived up to the challenges forced upon them by both our country's worst depression and our greatest war.

Commissioner Rankin knows the sacrifices made by this generation. He learned this as a Marine fighting the Communists and the violent seas at Incheon, Korea. We can never thank this generation enough, but I would like to express my heartfelt gratitude to both Commissioner Rankin and the American servicemen who so bravely served our country. They met the challenges forced upon them in our country's hour of need.

Mr. Speaker, in closing I co[illegible]d the example of Ron Rankin to my colleagues, and hereby submit to the RECORD for their consideration "The Greatest Generation" speech.

GREATEST GENERATION

(By Ron Rankin)

Fellow Veterans—Families and Friends of the Greatest Generation: In December of 1776, just five months after the Declaration of Independence had been signed and the thirteen colonies were swept up in the American Revolution, Thomas Paine wrote, "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands now deserves the love and thanks of all men and women."

We . . . American's greatest generation . . . are gathered here today to remember all of those great patriots who stood fast and held the line against tyranny, from the bridge at Concord to the sands of the Persian Gulf, and to say thank you . . . for without their courage, their dedication and their willingness to die for what was right, we would not be here today.

I didn't serve in the Navy but many of my Marine Corps brothers would not be here today were it not for Navy ships bombarding the beaches before the troops landed . . . and for the ships that shelled the enemy lines . . . directed by forward observers on the ground—miles from the ships that targeted the enemy with surgical precision.

Fifty years ago this very week, I climbed down the nets at the Incheon Landing executed by the Navy, fighting 30-foot tides, a landing which became an epic in Navy and Marine Corps history.

Until Korea, my first-hand knowledge of the Navy was troop ships, LST's and LCT's. Later in Korea, two regiments of the First Marine Division were completely surrounded by over 100 thousand Chinese troops on the top of icy mountains at the Chosin reservoir, 78 miles from the sea. . . Ten divisions of Chinese troops had determined to annihilate our Division. We survived,, thanks in part to the constant, dawn to dark napalming of our perimeters by fighters many from carriers off the coast . . . keeping the Communist troops at bay while we regrouped for—our bloody fight to the sea.

My fellow Marines and I—members of the "Chosin Few"—owe an everlasting debt of gratitude to the heroes of the United States Navy for our survival. . . Our bond with the

Navy was sealed on October 14, 1989 when the guided missile cruiser USS Chosin was christened.

Others we remember today died so that we might enjoy life, liberty and the pursuit of happiness. Their legacy carries with it a tremendous burden—the responsibility to so live our lives that we may hold inviolate that for which we bravely fought and for which so many gave their lives . . . our freedom.

Freedoms won on distant battlefields and on distant seas can be lost in an instant here at home if we fail to carry on the fight against tyranny.

No one knows better than a Veteran that service to America does not end when you come home from war. We fought for freedom and we've seen our friends die for freedom, but in spite of the great sacrifices of our fallen patriots of the past, we have become a nation morally adrift—without compass or rudder, sacrificing the generations we fought and died for to an enemy we cannot see.

In our wars, fought on the seas and on the fields of battle, the enemy sailed great warships, he wore uniforms and carried weapons—rifles, bayonets, grenades—he was identifiable and we were armed and trained to recognize and defeat him and defeat him we did!

Today, another insidious enemy is already on our shores striking at the very soul of America. This enemy does not wear a uniform or fight with great ships at sea or with bayonets or grenades . . . or sneak attack our fleets at anchor. He is among us. He uses our media to desensitize us against threats from abroad . . . to lull us to sleep to facilitate future Pearl Harbors. He prays on the carnal desires of our communities. He pollutes our children's minds with filth and their bodies with drugs. He has taken God out of our institutions and desecrates our flag with the approval of our government. There are no distant drums of war signaling this peril—no Pearl Harbors, no foxholes, trenches, bayonets or grenades in this war. The ammunition is knowledge, which we must all continue to seek . . . and the battle is being fought in the city halls, the courthouses, the legislatures, and in the Congress, to rebuild our decaying military, to return dignity and respect to our men and women in uniform living on food stamps.

I say to you here today, you patriots and protectors of our progeny and their heritage, as Patrick Henry stated, "the enemy is in the field . . . why stand we here idle?"

Thank God we survived the wars. Thank God that our fallen buddies . . . patriots all . . . cared enough about our country and its future that they laid down their lives to preserve it, and thank God that with His help, we may have the strength and determination to carry on and make this again the "One Nation Under God" for which we served and our buddies died. It is a tremendous responsibility, but we owe it to them and to future generations.

The future begins today, the future begins with us. May God continue to bless America and may He bless us all in our righteous endeavors.

For this I ask humbly, in the name of Jesus Christ. Amen!

TRIBUTE TO DR. GEROLD L. SCHIEBLER

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mrs. THURMAN. Mr. Speaker, I am here today to pay tribute to Dr. Gerold L. Schiebler, the Associate Vice President for Health Affairs for External Relations at the University of Florida Health Science Center and a Distinguished Service Professor with the Department of Pediatrics (Cardiology). Dr. Schiebler is a very special doctor and advocate for health-care issues who I am sorry to say is retiring by the end of the year after 40 years of unselfish service to children, to medicine, to the University of Florida Health Science Center and to Shands Hospital in Gainesville, Florida.

Let me start off by telling you a little bit about this man's remarkable background.

Growing up, Dr. Schiebler probably never realized that he was destined to be a great physician. He started off—like so many great Americans—quite modestly. In fact, as recounted by his longtime friend Clarence Burkey, at the completion of the meal at a recent awards dinner, the person seated next to Dr. Schiebler said, I can tell that you are a child of the depression era because you 'cleaned up' your plate." That begins to describe the early years of a first generation child of German immigrants. They lived in and were a part of the Borough of Hamburg, a small middle class Pennsylvania-German community, where frugality, pride, and self-sufficiency were the rules.

In high school he was an excellent student, class president and class valedictorian. Years later and as part of her life recollections, former grade school principal, Ella Scholl, remarked that he was "the smartest person that had ever graduated from Hamburg High." Mrs. Scholl's late husband had also been the high school principal for many years. Dr. Schiebler attended Franklin and Marshall College where he graduated magna cum laude and then graduated from Harvard Medical School. His medical internship and residency were at the Massachusetts General Hospital and the Mayo Clinic. While in residency at the Mayo Clinic, Clarence Burkey recalls, "During a visit to Hamburg, Gerold called at the home of my mother to inquire of my whereabouts. He noticed that there was something medically wrong with her. He looked at her medication and then told her that she was taking the wrong thyroid medicine. That visit added more than a decade to her life."

This was clearly only the beginning of what would be a very long and distinguished career for the 72-year-old physician.

Throughout his medical career, Dr. Schiebler was an influential member of numerous professional societies, including the Society for Pediatric Research and the American Pediatric Society. He also wrote or co-wrote 86 peer-reviewed articles published in medical journals, authored four books and wrote 10 chapters for inclusion in other medical texts—predominantly on the subject of cardiac disease in children. As his published writings make clear, over time, he truly became an expert in his field.

But he also became much more than that. As he grew into the role of teacher and mentor, he became an expert at creating experts. Many of his former faculty members are proof of his ability and commitment to helping younger colleagues grow and succeed. Today, many are chairmen or deans at institutions throughout the country.

In fact, you can even say that his 17-year tenure as the Chairman of Pediatrics at the University of Florida was legendary. Residents joked that he could read an EKG and then be able to tell the patient's age, hometown and referring physician!

Dr. Milton Morris, Director of Governmental Relations at the University of Florida, said he has learned a great deal from Dr. Schiebler over the years. "He was a mentor to me and he taught me how to be a mentor. He taught me the advantage of investing in the future," Dr. Morris said. "He has a love of, and faith in, medical students. He provided students with experience in politics, in the medical profession and encouraged them to become contributing members of society."

I had the pleasure of getting to know a 21-year-old University of Florida medical student this summer who considers herself one of Dr. Schiebler's biggest fans. Joy Kunishige interned in my Washington office this summer after coming to me highly recommended by Dr. Schiebler—a man she says will always have a very special place in her heart.

Despite his many accomplishments, Joy says, Dr. Schiebler makes time to help and support aspiring students.

"I have no idea how to thank Dr. Schiebler for all he has done for me," Joy said. "I always tell him, 'please let me know how I can help you.' The last time I said this he said, 'When you're in a position to do so, someone else will come and ask you for the same thing. You can return the favor then'."

Former student turned Senior Associate Dean for Educational Affairs Dr. Robert T. Watson says, "Dr. Schiebler. is easily one of the most amazing people I have ever known. He possesses the ability to keep track of an infinite number of things and has a deep and sincere commitment to medical education. I don't know anyone else like that. I don't think a team could replace him."

Ann Groves, Administrative Assistant to Dr. Schiebler for 25 years, agrees. She said, "He can generate more work in five minutes than a team can in five months and while Dr. Schiebler is telling us what to do, he is also writing it down and doing it!"

He is also well known for his uncanny ability to remember details about people. He knows your middle name. He knows where your parents grew up. He just knows. He has an ability to make everyone feel special and important. These are qualities that have enabled him to succeed and develop great personal and professional relationships wherever he goes.

Part of the reason for this success is his ability to be quick on his feet—literally. Rarely one to take an elevator, he walked the halls of the Florida State Capitol so much—up and down flights of stairs—that his wife, Audrey, once bought him a pedometer. When asked where the pedometer went, Dr. Schiebler replied, "When I looked how far I had walked, I threw it away!" Each legislative session, Ann

Groves said, he walks so much he wears out a couple pairs of shoes.

With this energy and spirit, he has lobbied for Shands Hospital, the University of Florida Health Science Center, and, most fervently and constantly, for children. Both Dr. Schiebler and his wife, Audrey, have fostered a lifelong interest in children's health issues. Dr. Schiebler was an early advocate for providing health insurance for children from birth. Before this landmark legislation, insurance companies did not offer coverage to children until they were 60 to 90 days old. Since his pioneering advocacy, all other states have similarly expanded insurance coverage. "As Director of Children's Medical Services (CMS), he introduced the concept of CMS covering the full spectrum of chronic health diseases in children. He established the modern CMS program as the most powerful program for children with special health care needs in the country," comments Dr. Arlan Rosenbloom, Assistant Medical Director of CMS and University of Florida Distinguished Service Professor Emeritus of Pediatrics.

As a trained and skilled medical doctor with political intellect and wherewithal, Dr. Schiebler's deep concern and knowledge of the issues have enabled him over the years to become an effective champion for children and the University of Florida.

In the words of the man chosen to succeed Dr. Schiebler following his retirement, Dr. Richard Bucciarelli said, "In addition to the advocacy and vision Dr. Schiebler has for kids, he was—and still is—an outstanding and caring physician. He brings a unique combination of a practicing physician who has a knowledge of the legislative process. Both of these skills make him very credible in both arenas," said Dr. Bucciarelli, who is the Assistant Vice-President for Health Affairs for External Relations and a professor of Pediatrics at the UF College of Medicine.

Dr. Schiebler's hard work and many accomplishments have not gone unnoticed.

In 1991, Dr. Schiebler became the only person from the University of Florida to be accepted into the National Academy of Sciences Institute of Medicine while being on the faculty of the University of Florida College of Medicine. In the academic world, this is a very high honor.

He has also been recognized in many other distinguished ways.

The District III Children's Medical Services Center bears his name, an honor bestowed upon him by the late Gov. Lawton Chiles. This was a rare happening as buildings are not typically named for the living. The exception was made possible by an unusual vote of the Florida State Legislature in 1990.

Last year, he received yet another honor when Florida Governor Jeb Bush proclaimed him the Children's Medical Services, Pediatrician of the Decade, The proclamation reads, "Whereas it is crucial that health care programs are developed to meet the needs of children, including children with special health care needs; and Whereas, the development of these programs requires leadership, direction and advocacy; and . . . Gerold L. Schiebler, M.D. has dedicated his professional career to such leadership, direction and advocacy for Children's Medical Services programs . . ."

The Florida State Legislature also gave Dr. Schiebler a grand send off to his retirement before concluding the session.

In a House Resolution passed by the 118 Members present, H.R. 9135 outlined his many accomplishments. In one section, the resolution reads, "Whereas, the recipient of awards too numerous to set forth in their entirety, Dr. Schiebler has the distinction of being the only individual to receive both the Abraham Jacobi Award and the Doctor Benjamin Rush Award during any one year, has had an Eminent Scholar's Chair in Pediatric Cardiology named for him at the University of Florida, and has had the Gerold L. Schiebler Lectureship established in his honor. . . . That the Florida House of Representatives pauses in its deliberations to honor the distinguished Gerold L. Schiebler, M.D. . . ."

The Florida Senate Resolution "commending Gerold L. Schiebler, M.D., for his contributions to the health and welfare of children in this state" was equally complimentary.

A portion of the Senate Resolution reads, ". . . Gerold L. Schiebler's efforts have resulted in the creation of Children's Medical Services, infant metabolic screening, infant hearing screening, regional neonatal and perinatal intensive care centers, poison control centers, insurance coverage for babies at birth, and numerous other programs. . . . That the Florida Senate commends Gerold L. Schiebler for his dedication and accomplishments in providing better health care for the children of this state."

And, just last month, out of respect and appreciation to Dr. Schiebler, his peers honored him at the Annual Alumni meeting by choosing him to become one of the first three individuals designated as an Honorary Alumnus of the University of Florida College of Medicine.

In the Florida Senate, I had the pleasure of working with Dr. Schiebler on dental school appropriations, tort reform and children's issues. In that time, I learned that his relationships with legislators was as much about his commitment to helping people as it was about his commitment to his legislative goals. If you needed advice or help about a medical problem for yourself or your family or if you had a constituent who could not get care, you would call Dr. Schiebler. You could send a child without health insurance up to Gainesville and leave a message on his answering machine on Sunday night. You knew he would open the health center's doors on Monday morning. In many cases, he saved people's lives.

Since entering Congress, we have continued to work together on the Patients Bill of Rights, healthcare reform and the Graduate Medical Education Program. We most recently secured federal funding for the creation of the Brain Institute at the University of Florida. The multi-million dollar building now houses magnet systems and the largest breadth of multidisciplinary talent focused on the nervous system.

On a more personal note, he has been very supportive of me and my family. Dr. Schiebler was a great help when my husband John was diagnosed with polycystic kidney disease. We took John up to Shands when John started to go through the dialysis procedures. He was there when John had a transplant. I remember sleeping in my car one night while John was in the ER and the next day Dr. Schiebler asked, "Why didn't you call me?" He was helpful to me and continues to be.

It's very hard to completely sum up all of Dr. Schiebler's accomplishments and contributions because he's done so much for so many people, but I will make an attempt. Dr. Schiebler is an advocate for children. He is an advocate for Shands Hospital and the University of Florida Health Science Center. He is an advocate for the American Medical Association. He is an advocate for me. He is an advocate for his family. He credits his wife, Audrey, for shaping and inspiring his every accomplishment, including the couple's six children—Mark, Marcella, Kristen, Wanda, Bettina and Michele—and their 17 grandchildren.

Perhaps his character is best described by his colleague, Dr. Rosenbloom: "He never, never did anything for Gerry Schiebler. He always acted for the kids for whom he felt responsible, for his family or for his academic family. Never self-serving, he is the most unselfish, caring person of power you will ever meet."

I couldn't agree more.

Thank you Dr. Schiebler for your many years of service to me, to the University of Florida Health Science Center, to Shands Hospital and to the people of Florida. You will be missed!

MEDICARE PARTIAL HOSPITALIZATION SERVICES' RESTORATION AND INTEGRITY ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. STARK. Mr. Speaker, today, I am introducing legislation to restore a benefit in Medicare that has been destroyed. A benefit that is needed by about 100,000 Medicare beneficiaries who need outpatient mental health services to maintain their functional capacity and live lives that are as normal as possible. It is a benefit that was put into Medicare in 1990, but has now been almost completely eliminated by administrative actions of the Health Care Financing Administration (HCFA) that I believe have been and continue to be illegal. I have conveyed my concerns to HCFA several times, but without effect.

The history of this benefit is truly sad. In a report issued in January 2000, the GAO concluded that "HCFA's implementation of the partial hospitalization benefit was not adequate." The GAO report details the mismanagement of this benefit by HCFA from the beginning, and I believe that the mismanagement continues to this day. That is why I am introducing legislation today to stop the mismanagement and restore this benefit as the Congress intended it to be.

Before 1990, Medicare covered partial hospitalization services provided by hospitals. Recognizing a broader need for outpatient mental health services, the Congress expanded the benefit in OBRA 1990 to include services provided by Community Mental Health Centers (CMHCs) as defined in Section 1913 of the Public Health Service Act.

The Congress was quite clear in its intent for this benefit, and the precise language of the statute reflects that intent. Section 1861(ff)(2)(I), as amended by Section 4162 of OBRA 1990, specifies the partial hospitalization benefit as services that are:

"Reasonable and necessary for the diagnosis or active treatment of the individual's condition reasonably expected to improve or maintain the individual's condition and functional level and to prevent relapse or hospitalization, and furnished pursuant to such guidelines relating to frequency and duration of services as the Secretary shall by regulation establish (taking into account accepted norms of medical practice and the reasonable expectation of patient improvement)."

The Congress did not know the specific eligibility requirements needed for this benefit, nor did it know the specific services that should be provided for each patient, depending on the functional status of the individual. Therefore, the Congress mandated that the Secretary promulgate regulations establishing eligibility guidelines and covered services—taking into account accepted norms of medical practice. The Congress expected—and required—the Secretary to promulgate regulations so that the public would have an opportunity to comment and participate in defining and establishing the standards for this benefit.

In March 1992, HCFA issued a manual instruction (IM 205.8)—not a regulation—that included the following language:

"In general, to be covered, the services must be reasonable and necessary for the diagnosis or active treatment of a patient's condition. The services must not be for the purpose of diagnostic study or they must be reasonably expected to improve or maintain the patient's condition and to prevent relapse or hospitalization.

It is not necessary that a course of therapy have, as its goal, restoration of the patient to the level of functioning exhibited prior to the onset of the illness, although this may be appropriate for some patients. For many other psychiatric patients, particularly those with long term, chronic conditions, control of systems and maintenance of a functional level to avoid further deterioration or hospitalization is an acceptable expectation of improvement. "Improvement" in this context is measured by comparing the effect of continuing treatment versus discontinuing it. Where there is a reasonable expectation that if treatment services were withdrawn the patient's condition would deteriorate, relapse further, or require hospitalization, this criterion is met.

Some patients may undergo a course of treatment which increases their level of functioning but then reach a point where further significant increase is not expected. Continued coverage may be possible even though the condition has stabilized or treatment is primarily for the purpose of maintaining the present level of functioning. Coverage is denied only where evidence shows that the criteria discussed above are not met, e.g., that stability can be maintained without further treatment or with less intensive treatment."

Although this definition of the partial hospitalization benefit was not issued through regulations as required by the law, at least it was consistent with the intent of the law in substance, and the mental health community did not complain.

On February 11, 1994, the Secretary published an Interim Final Rule implementing the partial hospitalization benefit. The language of the Interim Final Rule mirrored the language of the statute:

"(a) Partial hospitalization services are services that—

(1) Are reasonable and necessary for the diagnosis or active treatment of the individual's condition;

(2) Are reasonably expected to improve or maintain the individual's condition and functional level and to prevent relapse or hospitalization; and

(3) Include the following:" (list of services).

This Interim Final Rule did not do what the Congress expected—it did not provide clear eligibility and coverage guidelines, taking into account accepted norms of medical practice. However, it did at least implement the partial hospitalization benefit through regulations, as required by the statute. Following publication of this Interim Final Rule, the 1992 manual issuance continued in force providing more specific instructions and guidelines.

Because HCFA did not involve the mental health community in establishing eligibility and coverage guidelines, HCFA's rules were inadequately defined and unclear. The GAO reported that:

"HCFA initially gave its contractors little guidance on, or explanation of, the program beyond the implementing language of OBRA '90. As a result, contractors struggled to understand the parameters of the partial hospitalization benefit in the first years it was in effect. Our discussions with contractors and HCFA regional offices show that contractors raised concerns over such issues as:

- whether partial hospitalization could cover organic conditions such as Alzheimer's, which are unlikely to improve;
- whether the benefit was available to only those patients with previous psychiatric treatment, or even further limited to only those who had previously been psychiatric inpatients;
- which specific services could be billed to Medicare as partial hospitalization services;
- how frequently services had to be delivered for Medicare to consider a beneficiary's treatment program as partial hospitalization; and
- the level of physician involvement required for services provided to the patient."

Without clear eligibility and coverage guidelines, HCFA invited fraud and abuse into the program. Expenditures for the benefit mushroomed, and HCFA's contractors began to notice claims for large amounts. For example, GAO reported that a CMHC in Washington came to the attention of its fiscal intermediary because of claims in excess of $10,000 per beneficiary per month. That CMHC operated residential board and care facilities with live-in aides who assisted residents with everyday needs, such as cooking, cleaning, and transportation. The CMHC was billing Medicare up to $100 per hour, per patient, for these services. Another example GAO reported was in Montana, where CMHCs interpreted the partial hospitalization benefit to mean that all CMHC services were covered, and were submitting claims for day care services provided by the CMHC. Other examples reported by GAO include:

- Day care and geriatric care programs were being billed to Medicare as partial hospitalization.
- Arts and craft activities were being billed as occupational therapy or patient education.
- Family counseling services were being billed when there was not evidence of family member participation.
- Long-term psychiatric patients with controlled symptoms were being monitored in partial hospitalization programs for years.

GAO reported that in 1994, one HCFA regional office expressed its concerns about lack of understanding of the partial hospitalization benefit and perhaps misrepresentation of the benefit, but HCFA did not follow up on the concern. By 1995, another HCFA regional office became alarmed about the rapid increase in applications received from new CMHCs, particularly when telephone calls and site visits to CMHCs already participating in the program reached disconnected telephone numbers, private residences, and nonmedical businesses. Still, HCFA did not issue regulations defining the requirements for the facilities and has not issued such regulations to this day. In a statement at a Congressional Town Hall meeting on CMHCs in Houston in March 1999, a representative of the CMHCs stated: "I am not aware of any other Medicare provider that is certified and regulated in the absence of regulations, based upon shifting standards set out in internal transmittals. The provider community for some time has advocated for formal rulemaking to develop clear and measurable certification standards with industry, clinician and patient input."

Costs of the partial hospitalizaion benefit mushroomed. In 1993, costs of the benefit were about $60 million; in 1994, about $105 million; and in 1995, $145 million.

Finally, HCFA acted. In July 1996, HCFA issued another manual instruction (Transmittal A–96–2) that severely narrowed the coverage criteria for the partial hospitalization benefit as follows:

"Partial hospitalization may occur in lieu of either:

- Admission to an inpatient hospital; or
- A continued inpatient hospitalization.

Treatment may continue until the patient has improved sufficiently to be maintained in the outpatient or office setting on a less intense and less frequent basis. This is an individual determination."

In my view, neither the process nor the substance of this new mandate is consistent with the law. HCFA issued this new limitation on the benefit through a manual instruction, not a regulation, in clear violation of the law. Medicare law requires in not one, but two places that the Secretary publish regulations defining this benefit. First, as I mentioned previously, section 1861(ff) requires that the Secretary publish regulations defining the partial hospitalization benefit, and section 1871 requires the Secretary to publish regulations for all Medicare policy. Indeed, section 1871(a)(2), which was enacted in 1965 in the original Medicare statute, provides:

"(2) No rule, requirement, or other statement of policy (other than a national coverage determination) that establishes or changes a substantive legal standard governing the scope of benefits, the payment for services, or the eligibility of individuals, entities, or organizations to furnish or receive services or benefits under this title shall take effect unless it is promulgated by the Secretary by regulation under paragraph (1)."

I find it troubling that those charged with enforcing the law ignore the law and proceed as though the law does not apply to their actions, but only to the actions of others. We must change the culture in HCFA and in HHS that repeatedly issues manual instructions in violation of the law.

The substance of the 1996 HCFA ruling was also inconsistent with the law. Nothing in section 1861(ff) limits the partial hospitalization benefit to services "in lieu of either:

- Admission to an inpatient hospital; or
- A continued inpatient hospitalization."

However, in issuing this new ruling, HCFA relied on a technical inconsistency in the statute. Although the partial hospitalization benefit is defined in section 1861(ff), section 1835(a)(2)(F) provides that a physician must certify that the individual would require inpatient psychiatric care in the absence of such services. Despite HCFA's February 11, 1994 regulation to the contrary, HCFA issued a manual instruction limiting the benefit to the level of the physician certification requirement provided in section 1835.

Based on the new HCFA instruction that severely limited the benefit, HCFA and the Inspector General began intensive investigations of partial hospitalization claims, and not surprisingly, they found that high percentages of the claims did not meet the new standards. When HCFA severely restricted the benefit, programs suddenly found themselves out of compliance. HCFA and the Inspector General then proclaimed that there was widespread "fraud and abuse" in the partial hospitalization benefit. HCFA has been seeking repayments of substantial amounts paid to mental health programs that had been operating on the basis of the earlier published regulation and the manual instructions that were consistent with the regulation and the law.

We need to refocus our attention on the beneficiaries who use the partial hospitalization benefit. In 1997, about 88,000 Medicare beneficiaries were using this benefit. About 60 percent of them were disabled beneficiaries, under the age of 65, and about 60 percent of them were dually eligible for both Medicare and Medicaid. The beneficiaries who need and use this benefit are among the poorest and most disabled beneficiaries in the entire Medicare program. They need our help and our protection, and they need these services.

My record of fighting fraud and abuse in Medicare is long. I hate fraud. We must do everything we can to eliminate fraud in Medicare, including any fraud in the partial hospitalization benefit. But the way to eliminate fraud is not to eliminate the benefit itself. By that standard, it would be easy to eliminate all fraud in Medicare. We would simply eliminate the program! No, instead, we must take steps to address those areas of the benefit where fraud has been found, but we must also restore this benefit for those Medicare beneficiaries who need it.

Today, I am introducing legislation, "The Medicare Partial Hospitalization Services Restoration and Integrity Act of 2000," that would restore the partial hospitalization benefit as the Congress intended, while also taking steps to limit fraud in the benefit.

First, the bill would require a face-to-face visit with a physician to certify the need for the services.

Second, the bill would tighten the language regarding "individual activity therapies" ((ff)(2)(E)), using limits already in the statute for other approved services (requiring the services to be directly related to the therapy program).

Third, the bill would tighten the survey and certification requirements in (ff)(3) for community mental health centers.

And fourth, the bill would correct the technical flaw in the statute, which HCFA has used to limit the benefit, making the physician certification language under section 1835 the same as that defining the benefit in section 1861(ff).

To address HCFA's lack of publishing regulations, the bill would require a negotiated rule making process to define the benefit, establish quality of care standards, and establish survey and certification standards for CMHCs.

I am introducing this bill now so that interested parties can study it over the adjournment period and suggest improvements. I will reintroduce the bill early in the new Congress, with appropriate refinements. For the sake of some of the most vulnerable in our society, I hope we can enact this kind of legislation early in 2001.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. BLUMENAUER. Mr. Speaker, pipeline safety is literally a matter of life and death. Legislation this important must be crafted carefully, allowing for the input of every member of Congress, since pipeline safety impacts every American community. Legislation this important must be brought through committee and to the Floor of the House of Representatives in an inclusive, nonpartisan manner. Sadly, this was not the case for yesterday's consideration of the Pipeline Safety Improvement Act.

S. 2438 faced significant opposition from consumer, environmental and labor groups, and was opposed by my own committee leadership. The bill did not ensure that pipelines would be inspected and did not do enough to help local emergency management agencies react to pipeline emergencies. Given these, and other concerns, and given the considerable opposition the bill faced, S. 2438 should not have been brought to the floor as a suspension calendar item. Mr. Speaker, we all know that the suspension calendar is meant to move noncontroversial, routine items. As such, these items are given little time for debate and no opportunity for amendment.

Had S. 2438 been brought for a vote in a more open manner, it could have won my support. It is my sincerest hope that the Republican leadership will take pipeline safety seriously and bring S. 2438 back to the House of Representatives in a manner that permits its further debate and possible improvement.

STATEMENT ON THE IMPORTANCE OF DATABASE PROTECTION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BERMAN. Mr. Speaker, I want to take a moment to discuss the importance of legal protection for databases. Databases are extremely important to the continued growth of our hightech based economy. Within databases—organized collections of information—lie the basic tools of the Information Age. The continued development of new and exciting database products depends on adequate legal protection from piracy. Over the past two Congress' we have grappled with the scope of protection that should be afforded database producers. We have worked hard to produce a well balanced approach. Unfortunately, we were unable to bring the development of this legislation to a close in time for consideration before this body. I believe that addressing this issue must be a priority for the 107th Congress and will do all that I can to facilitate passage of database protection legislation in the next Congress.

PERSONAL EXPLANATION

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. WU. Mr. Speaker, yesterday, October 10, 2000, I was unavoidably detained due to airline mechanical problems. Had I been present, I would have voted the following ways:

No on rollcall No. 519, S. 2438, the Pipeline Safety Act.

Yes on rollcall No. 520, H.R. 208, a bill to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

Yes on rollcall No. 521, H.R. 762, Lupus Research and Care Amendments.

A TRIBUTE TO JAMES HILL FOR 25 YEARS OF GOVERNMENT SERVICE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. KLECZKA. Mr. Speaker, I rise today to honor my good friend, Jim Hill, who is celebrating 25 dedicated years of government service.

I've known Jim since he worked as my chief of staff when I served in the Wisconsin State Senate in the 1970s. He came to the job an intelligent, energetic, enthusiastic and strongly principled young man, and quickly became a highly respected name in public service in the Wisconsin legislature. Jim's impressive understanding of issues made him a trusted and valued advisor during my years on the Senate's Joint Finance Committee, and his continued support was critical to my decision to run for Congress in 1984.

Jim remained in Wisconsin, and joined the staff of Wisconsin's Dane County Executive Jonathan Barry, where he gained experience in the challenges of county government. But soon he and I had the opportunity to work together again, this time in Washington, DC, where he became my administrative assistant (AA). Jim was a fast learner and an outstanding AA, quickly developing expertise on a myriad of issues while providing strong leadership to a young and inexperienced DC staff.

And although I know that Jim enjoyed the challenges of working on Capitol Hill, his first priority was and is his family. Knowing that the job of AA was incredibly demanding and meant frequent long hours, Jim decided to go back to Wisconsin, where he joined the staff of the City of Milwaukee's Department of City Development and later worked for the Milwaukee Metropolitan Sewerage District.

Jim's strong sense of social justice and his outstanding management skills then led him to his current employment with Milwaukee County's Department of Human Services, where he serves as administrator of the Division of Management Services. And, after 25 years of public service, he remains a well-respected and active member of our community, a man of unquestioned integrity and dedication.

And despite holding positions of enormous responsibility, Jim has always maintained a healthy balance between his job and his family life. He is a dedicated father of two wonderful and talented sons, Patrick (who I am proud to say is my godson) and Daniel. He's also a devoted and loving husband to his wife, Christine.

Throughout the past 25 years, Jim has remained one of my closest and most valued friends. He's always been there for me, in good times and in bad, and has been a trusted advisor and an ardent, vocal and hardworking supporter. I thank him for his friendship, and commend him for 25 years of outstanding service to our community, our state, and our nation. Congratulations, Jim!

CONGRATULATING THE AFRICA BUREAU OF THE DEPARTMENT OF STATE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. PAYNE. Mr. Speaker, I rise today to commend and congratulate the Africa Bureau of the Department of State for leading a successful campaign against the candidacy of the government of Sudan to the rotating seat of the United Nations Security Council.

On October 10th the United Nations voted 113–55 in favor of Mauritius over Sudan to take a seat on the Security Council. I would like to single out Assistant Secretary of State for Africa, Dr. Susan E. Rice, for her courage, determination, and hard work in this campaign. Dr. Susan Rice has stood firm against the brutal dictatorship of the National Islamic Front government in Sudan. In that light, she has exemplified the leadership ability that is required and needed to move those countries on the African continent toward good governance and democratic reform.

For the last five years, both at the National Security Council and the Africa Bureau of the Department of State, she consistently and tirelessly fought for the helpless and the innocent victims of the NIF regime.

TRIBUTE TO JOHN MOULTRIE "MOOT" TRULUCK, III

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Mr. John Moultrie "Moot" Truluck, an outstanding public servant and friend. In celebration of his dedication and hard work. Earlier today, he was honored with the John M. "Moot" Truluck Highway in Lake City, South Carolina in the Sixth Congressional District, which I am proud to represent.

Moot was born in Lake City, South Carolina. He was educated in the public schools and graduated from Lake City High School in 1963. He continued his academic career at the University of South Carolina, where he received a Bachelor of Science in Marketing in 1968.

From 1968 to 1975, Moot served as an educator, administrator, and coach in Florence County, District 3. For twenty-three years, he labored and toiled in the fields, growing tobacco, corn, soybeans and wheat, significantly contributing to South Carolina's agricultural economy. Moot has served in several capacities in the agricultural industry; both as President and Secretary of the South Carolina Tobacco Warehouse Association, Incorporated; President and Chairman of the Bright Belt Warehouse Association, and owner/operator of Partner, Planters, Growers, and Golden Leaf Warehouse.

Moot has served tirelessly and exhibited strong leadership skills as he ably represented the interests of fellow colleagues and local residents as Mayor Pro Tempore of the Lake City County Council. He represented the Twelfth Judicial District as a member of the Department of Transportation Commission, served as Chairman of the Florence County Transportation Committee. Currently, he serves as a member of the Department of Transportation Commission, representing the Sixth Congressional District that comprises seventeen counties.

Moot's community service reaches from his church, area schools, to local businesses. He has served on the advisory boards of First National Bank, South Carolina National Bank, and Bank of America-Florence. He held previous board positions including Carolina Academy, Florence County Board of Health, and Lake City Development Cooperation.

Moot is married to the former Carol Ann Matthews and they are the proud parents of two children. Mr. Speaker, please join me and my fellow South Carolinians in honoring John Moultrie "Moot" Truluck, III to his outstanding leadership and devoted public service.

PRESERVING ESSENTIAL ANTIBIOTICS FOR HUMAN USE

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BROWN of Ohio. Mr. Speaker, I rise to commend my colleagues for their recognition of an emerging threat to public health: antibiotic resistance.

All over the world, a silent war is underway between people and infectious diseases. This is not a new struggle. Throughout human history, microbes have preyed on us, and we have fought back. As recently as the 19th century, the average lifespan in Europe and North America was 50 years, and the likelihood of dying prematurely from infectious diseases was as high as 40 percent. With the widespread introduction of penicillin and other antibiotics in the 1940s, we thought we had finally gained the upper hand. Finally, we could cure a whole raft of infectious diseases that routinely took human lives across the whole span of a human lifetime, from infancy, through the prime of life, to old age.

But the struggle is not over. Earlier this year, the World Health Organization issued a warning against antibiotic resistance. Microbes are mutating at an alarming rate into new strains that fail to respond to drugs. We need to develop new antibiotics, but it is too soon to give up the ones we have. By using these precious medications more wisely and more sparingly, we can slow down antibiotic resistance.

We need to change the way drugs are given to people, but we also need to look at the way drugs are given to animals. According to the World Heath Organization, about 50% of all antibiotics are used in agriculture, both for animals and plants. In the U.S., livestock producers use drugs to treat sick herds and flocks. They also feed a steady diet of antibiotics to healthy livestock so they will gain weight more quickly and be ready for market sooner.

Many of these drugs are the same ones used to treat infections in people, including erythromycin and tetracycline. Prolonged exposure to antibiotics in farm animals provides a breeding ground for resistant strains of Salmonella, E. coli, Campylobacter, and other bacteria harmful to humans. When transferred to people through food, they can cause dangerous infections.

The Food and Drug Administration's Center for Veterinary Medicine is to be commended for taking steps to address the contribution of animal drugs to the antibiotic resistance problem. In view of the importance of these activities to human health, I offered an amendment to the agriculture appropriations bill with the goal of increasing CVM's budget for antibiotic resistance by $3 million. In accepting the amendment, the House for the first time tackled the public health threat from antibiotic resistant bacteria in our food supply.

Today, the House voted to approve the conference report for the Fiscal Year 2001 Agriculture Appropriations bill. I am pleased to note that the report includes an additional $3 million for work done within the Center for Veterinary Medicine on antimicrobial resistance. I wish to commend my colleagues on the agriculture appropriations committees for recognizing the importance of these activities to public health, with special thanks to the ranking member in the House, my colleague from Ohio.

If we continue to work together, we can come up with solutions to prolong the efficacy of antibiotics used to treat human illnesses, while at the same time ensuring that Americans will continue to enjoy a safe, affordable, plentiful food supply.

TRIBUTE TO JAY R. STROH, DIRECTOR OF CALIFORNIA DEPARTMENT OF ALCOHOL BEVERAGE CONTROL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. LEWIS of California. Mr. Speaker, I would like to call your attention today to one of California's most unsung dedicated public servants: Mr. Jay R. Stroh, who has been director of California's Department of Alcoholic Beverage Control for 17 years, during which time he has professionalized and modernized an extremely important and complex agency.

Jay R. Stroh began his public career as a deputy with the Los Angeles Sheriff's Department, rising through the ranks to become captain. He was Chief of Police for the City of Inglewood for 10 years, and Chief of Police of El Segundo for four and a half years. He was appointed by Governor Ronald Reagan to the Commission on Peace Officers Standards and Training, served at the California State University Los Angeles as a member of the Institute Planning Committee on Police Science and Administration, School of Applied Arts and Sciences, and at El Camino College.

Mr. Stroh was first appointed Director of the Department of Alcoholic Beverage Control (ABC) by Governor George Deukmejian on February 3, 1983, reappointed by Governor Pete Wilson and again by Governor Gray Davis upon his election in 1999. Respected by the alcoholic beverage industry, law enforcement and community coalitions, Mr. Stroh has received recognition by State legislators, both Democrats and Republicans, as an effective leader.

While he has been Director, Mr. Stroh has turned the ABC into a proactive agency with several innovative programs that brought merchants, law enforcement, youth, community leaders and alcoholic beverage industry members together. Mr. Stroh helped pass legislation elevating the Department's peace officer status to a classification equivalent to the California Highway Patrol. He increased by one-third the field enforcement activities of Department investigators and streamlined and modernized the Department's licensing and investigative procedures.

Mr. Stroh's tenure is believed to be the longest continuous directorship in California state government. His retirement brings to a close 49 years as a public servant to the people of California. Mr. Speaker, please join me in thanking Jay R. Stroh for his dedicated service and numerous accomplishments, and in wishing he and his wife, Jackie, good luck in their future endeavors.

LOST OPPORTUNITY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. SCHAKOWSKY. Mr. Speaker, it is shameful to me that we could adjourn the 106th Congress without having strengthened our federal hate crimes law to protect victims who are chosen because of their gender, sexual orientation or disability and to allow federal prosecutors to pursue hate-crime cases if local authorities refuse to press charges.

Unfortunately, hate violence is becoming an all too common occurrence in our communities. That an individual could be so filled with rage for his or her fellow human being is unthinkable—but it has happened in small towns and big cities across this nation and it will continue to happen, until and unless we stand up to bigotry and hate by ensuring that the civil rights of all people are protected. The expanded Hate Crimes legislation that was included in the Senate Defense Authorization bill was just that kind of tool.

The defeat of expanded hate crimes legislation ignores overwhelming public support for this critical civil rights legislation. Since 1998 when an African American man was tied to the back of a truck and dragged to death by white supremacists in Jasper, Texas, several high profile hate crimes have continued to shock our country, including a hate based killing spree that profoundly touched my community during July 4th celebrations in 1999.

I am proud to represent one of the most diverse districts in America and I will continue to stand with my constituents against bigotry and hate and actively work to expand and improve the federal Hate Crimes law. We cannot and we should not leave Washington without ensuring that the civil rights of all Americans are honored and protected.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE BRUCE VENTO, MEMBER OF CONGRESS FROM THE STATE OF MINNESOTA

SPEECH OF

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Ms. VELÁZQUEZ. Mr. Speaker, yesterday the House of Representatives lost one of our most respected members and the nation lost a lifelong advocate for the homeless and the environment. A true public servant, BRUCE VENTO used his seat in Congress for 24 years to champion programs to eliminate homelessness, increase funding for community investment and economic development, and, of course, to protect our environment.

I had the privilege of serving with BRUCE VENTO on the Banking Committee, where he worked tirelessly to establish the emergency shelters grant program, preserve the Federal Housing Authority, provide increased funding for community development programs, and ensure adequate consumer protection. Those who live in low-income communities, the poor, and the homeless, may not have high-priced lobbyists advocating for them, but they did have BRUCE VENTO. Through his work, he gave a voice to Americans who too often go unheard.

Yesterday, we lost a friend and a colleague. But those Americans whose lives BRUCE VENTO worked so hard to improve lost an advocate and a voice.

My thoughts are with the Vento family, and his constituents in Minnesota. I and the other Members of this body who were fortunate to work with him over the years will miss him greatly.

TRIBUTE TO LINDA CHAVEZ-RODRIGUEZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BACA. Mr. Speaker, this past Monday morning this country lost a great individual, a true pioneer in the Hispanic movement as well as in the movement of women in organized labor.

I speak of Linda Chavez-Rodriguez. Daughter of the great Cesar Chavez, founder of the United Farm Workers Union (UFW), and wife of current UFW president, Arturo Rodriguez.

She began her career at age 11, when she worked in the fields and vineyards to help support her family. She continued her efforts by joining walkouts in 1973 when the California grape workers went on strike. Earning as little as $3 a week as a farm worker, she often wondered how her family would survive.

As her father's popularity grew, and growers became more aware of his efforts, strong repercussions were felt by the family members. During high school her education was threatened and other students taunted her sisters and her for defending what was moral and just. They were misunderstood and misrepresented. Fellow students believed them to be well off and have many luxuries. Growing up in an extremely worn two bedroom, one bath wood-frame house with 10 family members is not what I call living in luxury.

After high school, Linda's dedication to labor continued through her volunteer work for the UFW, by helping farm workers obtain their union cards and keep their files in order. Soon after that, she followed in her father's footsteps by joining thousands of grape workers in California when they shut down the fields in a bloody strike against the growers. In Detroit she picketed in freezing snow with fire hoses being turned on them, and yet they still fought for what was right. She also made another change in Detroit she met her husband, Arturo Rodriguez.

For the next 14 years, Linda worked along side her husband throughout California. The family fought hard to continue her father's legacy and dedication. Avoiding any type of limelight, she stayed close to her family and continued her work.

In 1990 her family moved back to La Paz where she continued to raise her son and two daughters. After many years of putting her own pain aside, the Lord felt that it was Linda's time to rest.

She leaves a proud legacy and a wonderful family behind. She will never be forgotten.

EIGHTIETH BIRTHDAY OF MARY LOUISE QUIGG CALDWELL PLUMER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I want to recognize one of my constituents and very dear friends, Mary Louise Quigg Caldwell Plumer, of Miami, Florida, who will be celebrating her 80th birthday on October 21st, 2000.

Mary was born October 21, 1920 in Live Oak, Florida. Her parents moved to Miami when she was 6 years of age, where she was educated and graduated from Ponce de Leon High School in 1938. She served as editor of the school newspaper and was awarded the Woman's Club Cup as the "Most Outstanding Girl." Mary continued her education at the Florida State College for Woman (FSCW), becoming a member of the Sophomore Council, the Cotillion Club and the Pi Beta Phi Sorority. She graduated from FSCW in 1940 and transferred to the University of North Carolina in Chapel Hill, where she was awarded the Valkyrie Cup as the most outstanding Coed of the University, graduating in 1942.

Moving to Atlanta, Georgia in 1942, she worked as the publicity director for radio station WSB. She returned to Miami and contributed to the War effort by working for the Red Cross as staff assistant to the Army Air Corps Redistribution Unit in Miami Beach were she met her husband to be, Naval Lt. Commander Richard B. Plumer. He was graduated from Miami High School, Philips Exeter Academy and Princeton University summa cum laude.

Mary raised 4 children and became actively involved in many worth-while community projects. Among her accomplishments, she brilliantly led a committee to build the All Faith Chapel at Jackson Memorial Hospital in 1973, 5 years after her daughter died there. She has had articles published in The Miami Herald and Reader's Digest. She was awarded the M.O.M. Cup in 2000 as the Most Outstanding Mother. She also earned a prestigious reference in Who's Who of American Women.

I want to join Mary's family and friends in wishing her a wonderful celebration and many more happy and healthy birthdays.

THE DETROIT RED WINGS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. CONYERS. Mr. Speaker, tonight is a night that many people in Detroit look forward to all year long. Tonight is the Season "Home Opener" in Hockeytown. The Detroit Red Wings open their 75th season, tonight at Joe Louis Arena. The Red Wings, in their 75 years in Detroit, have become more than just a sports team in our hometown, they are a part of the community. There is a reason that Detroit is known as Hockeytown, and it isn't simply our love for the team. Hockey is a part of our lives in Detroit. Many Detroiters remember their first pickup games played on a neighborhood pond with their childhood friends. Our children, with the invention of rollerblades, now play street hockey year round in our neighborhood streets and driveways, or anywhere else they can find a smooth surface. It's not simply our climate, which is conducive to hockey, nor is it our proximity to Canada, the origin of the game, it's partly our attitude, and part our love for the game. But a large part of the reason we are known as Hockeytown is the fact that the Red Wings have helped shape Detroit for the past 75 years.

The Red Wings began in the early 1920's with a group of investors led by Detroiter Charles Hughes. He convinced the Detroit Athletic Club to create a new team for the National Hockey League. They began playing in Olympia Stadium in 1927, and played there until 1979, when they moved to Joe Louis Arena on Detroit's waterfront. The Detroit Red Wings are known in the NHL, as part of an elite group, "The Original 6". The "Original 6" were the 6 teams in the NHL that played during World War II, when men and finances were devoted to the War effort. Being a part of the "Original 6" has brought much pride and prestige to the Red Wings.

Through their 75 years in Detroit they have earned 9 Stanley Cups, and numerous League Championships. We were most fortunate this last decade to have had a dynasty in Detroit, winning two Stanley Cups and capturing the President's Trophy for winning most games in a season twice, setting a new NHL record, in 1995.

We have had winning seasons and losing seasons, but through it all we have been fortunate to have the Red Wings as a part of our community and I want to thank the Red Wings, and their owner, Mr. Mike Illitch, for their commitment to Detroit. I want to congratulate them for 75 years in our great city, and I want to wish them luck this year in their quest for the cup. Go Wings!

HONORING ACCESS COMMUNITY HEALTH AND FAMILY COUNSELING AND THE COALITION ON DOMESTIC VIOLENCE

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. STABENOW. Mr. Speaker, I rise today to recognize the mission and accomplishments of the coalition on Domestic Violence on the occasion of their benefit banquet which is being held today at the Bint Jebail Cultural Center in Dearborn, Michigan.

The Coalition on Domestic Violence was formed in 1997 to provide cultural-sensitive services to the community served by the Arab Community Center for Economic and Social Services (ACCESS). Recognizing that domestic violence impacts the very fabric of daily life by impairing the education of children, reducing productivity in the workplace, and denying freedom and security to victims and non-victims alike, ACCESS feels strongly that there needs to be a coordinated community approach to stop the violence. Many organizations including law enforcement, healthcare and educational institutions have pulled together to raise awareness about the problem and develop culturally relevant education programs.

It is certainly appropriate that the Coalition on Domestic Violence chose October, which is Domestic Violence Awareness Month, to host their banquet which is entitled "Facing Domestic Violence: A Community Stands Together." They are featuring presentations by two very well-known women with important and unique perspectives on this issue. Camelia Anwar Sadat, the daughter of the late Egyptian President and Nobel Peace Prize Recipient Anwar Sadat and his first wife, Ekbal, will share her valuable insights as a survivor of domestic violence. Denise Brown, sister of Nicole Brown Simpson, has committed herself to improving the lives of women and children by speaking out on the issue of domestic violence. It is exciting that they will be in Michigan to share their stories.

Domestic violence cuts across ethnic lines, socioeconomic classes and religious backgrounds which makes it essential that we all work together to prevent it from causing more suffering. The Coalition on Domestic Violence is a wonderful example of what can be accomplished through a coordinated effort. I commend them for their excellent work and hope that they have a successful and educational banquet.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent Friday, October 6, 2000, and Tuesday, October 10, 2000, and as a result, missed rollcall votes 514 through 521. Had I been present, I would have voted "yes" on rollcall vote 514, "no" on rollcall vote 515, "yes" on rollcall vote 516, "no" on rollcall vote 517, "yes" on rollcall vote 518, "no" on rollcall vote 519, "yes" on rollcall vote 520, and "yes" on rollcall vote 521.

TRIBUTE TO HANNA RUBBER COMPANY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise to pay tribute to one of Kansas City, Missouri's most successful companies. This year the Hanna Rubber Company will celebrate 75 years as one of the nation's leading distributors of quality industrial rubber products and as a corporate leader in our community.

In 1925, after their service in World War I, brothers J.C. and R.J. Hanna returned home to Kansas City, Missouri. Together the two brothers pooled their savings to form a partnership and a business they named Hanna Rubber Company. The Hanna brothers began their new business to fulfill the demand for fast service on select industrial rubber products. J.C. Hanna, now deceased, once reflected on those days when "we only had one desk, answered the phone ourselves, and R.J. would make up the orders, and I would hop the street cars to make the deliveries."

Today James B. Vandergrift, President of Hanna Rubber Company, is in charge of the operations and success of the Hanna Rubber Company. Under James Vandergrift's tenure with Hanna, he has been responsible for raising the company from the ashes of almost a decade ago when the company's headquarters suffered a three-alarm blaze that left little but a few company records kept in a fireproof safe. On the very same day of this devastating event, Mr. Vandergrift installed phone lines in the basement of his home and with the help of his staff he was able to keep the company's operations going throughout this ordeal. Due to the extreme damage the facilities suffered, one week later the company would say goodbye to its historic headquarters on Main Street and move into its current offices a few blocks away. The new location would prove to be a blessing in disguise for the company as it provided more space, enabling Hanna Rubber to add new product lines to in turn increase its customer base.

Hanna Rubber has experienced tremendous success since the devastating fire in 1991. In 1999 the company had $8 million dollars in sales, with this year's sales projected to reach $10 million. The company now encompasses a large regional, national, and international customer base which includes clients such as: Hallmark Cards, General Motors, Ford Motor Company, and Trans World Airlines. During recent debates in Congress on trade policy, I was proud to use Hanna Rubber Company as an example of a Midwestern company that has benefited from progressive trade policy initiatives. Hanna Rubber Company's prosperity can be attributed to their standard of excellence in the service they provide their customers, employees, and suppliers. James Vandergrift truly believes that the cultivation of positive people relationships at Hanna Rubber Company has been a key to their past accomplishments and future ambitions.

The founding spirit of the Hanna Brothers continues on today in the hearts and minds of Hanna Rubber Company employees who are dedicated to quality, service, long hours, hard work, and commitment to excellence. Mr. Speaker, please join me in saluting the Hanna Rubber Company for 75 years of service to our community and the world market.

A TRIBUTE TO MR. LONNIE THOMPSON

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SPRATT. Mr. Speaker, my colleague, Mr. CLYBURN and I rise today to take a moment and recognize Mr. Lonnie Thompson, President of SOPAKCO of Mullins, SC, which has facilities in each of our congressional districts.

Mr. Thompson was recently presented the Colonel Merton Singer Award for outstanding contributions to the Department of Defense. The Colonel Singer Award is the Research & Development Associates for Military Food & Packaging Systems, Inc. (R&DA) most prestigious award for industry. He was selected for this award based on his significant accomplishments in the area of supporting U.S. forces in all locations throughout the world. He has led his company to improve the quality and contents of Meals Ready to Eat (MRE), Unitized Group Rations, and other specialized rations. His leadership has placed SOPAKCO into the forefront of supporting military forces.

SOPAKCO was founded in 1943 to package military rations for Allied troops during World War II. Today, SOPAKCO's Packaging division serves military, humanitarian and nonmilitary organizations around the world. SOPAKCO Packaging maintains and operates a packaging plant in Mullins, South Carolina, and a food processing facility in Bennettsville, South Carolina.

Mr. Speaker, Lonnie Thompson's accomplishments are of the highest order and support the needs of the Department of Defense for today and tomorrow. Mr. Thompson's leadership and commitment is what we recognize and honor today.

RECOGNITION OF BILL CHENEY, NEWLY ELECTED DIRECTOR ON THE BOARD OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BONILLA. Mr. Speaker, today I recognize Bill Cheney, the President and CEO of Xerox Federal Credit Union, headquartered in El Segundo, California, for his recent election to the board of the National Association of Federal Credit Unions (NAFCU). I have had the pleasure of knowing Bill for over 16 years, many of which he spent in my congressional district at Security Service Federal Credit Union in San Antonio, Texas. During that time, we spent many years working together on issues that affect the citizens of the 23rd Congressional District of Texas. Bill also shares my life-long commitment to supporting all athletes at the University of Texas at Austin.

Even though Bill left San Antonio to become President and CEO at Xerox Federal Credit Union, he continues to keep me updated on credit union views. He even makes it back to Texas from time to time to visit Xerox Federal Credit Union offices. Xerox Federal Credit Union, which has over 73,000 members, serves employees of Xerox Corporation and related companies nationwide through 16 credit union offices in 9 states including California, New York, Illinois, and Texas.

His election to the NAFCU board culminates 15 years of dedicated work in the credit union industry. I congratulate my friend Bill Cheney on his recent election to the NAFCU Board and look forward to continuing to work with him and America's credit unions. I know Bill will be an outstanding voice for credit unions everywhere.

SUPREME COURT SECURITY ACT OF 2000

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, as indicated by my colleague, H.R. 5136 would make permanent the authority of the U.S. Supreme Court Police to provide security for its Justices, Court employees, and official visitors on and off the Supreme Court grounds. The U.S. Supreme Court Police were first authorized by Congress to carry firearms and protect court personnel and visitors outside Supreme Court grounds in 1982. The statutory authorization was scheduled to terminate on December 29, 1985. In December 1985, the Congress extended such authorization and has done so five additional times in the subsequent years. The last extension occurred in October 1996, and is set to expire December 29, 2000.

It is clear that the security concerns which gave rise to the original authorization, including threats of violence against the Justices and the Court, will continue for the foreseeable future. In addition, I am not aware of any suggestion or concern that the U.S. Supreme Court Police has misused its authority, or should not be entitled to such authority on a permanent basis.

In fact the evidence suggests that the U.S. Supreme Court Police has discharged its responsibilities in an efficient and cost effective manner. For example, the cost of the program has been minimal. The Supreme Court Police work closely with the U.S. Marshal's office to provide security for Supreme Court Justices when they travel outside the Washington, DC, metropolitan area. Over the past 4 years, there were 74 requests for Supreme Court Police protection beyond the D.C. metropolitan area at a total cost of $16,855, or $4,214 per year.

In light of continuing security concerns, and the Supreme Court Police's record of providing appropriate protection over the past 18 years for the Justices, Court employees, and official visitors, I support making the Supreme Court Polices authorization to provide security on and off Supreme court grounds permanent. As a result, I urge my colleagues to support the bill.

A TRIBUTE TO GAIL WEISS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. GILMAN. Mr. Speaker, I am pleased to join with my colleagues this evening to recognize the long, distinguished career of Gail Weiss. Gail, who serves so ably now as the Minority Staff Director on the Committee on Education and the Workforce, and before that as Staff Director of that Committee, had earlier served as Staff Director of our Committee on Post Office and Civil Service, chaired by my good colleague, the gentleman from Missouri, Mr. CLAY. Serving as the Ranking Minority Member of the Post Office Committee at that time, I had the opportunity to work closely with Gail. I found her to be a true professional and I appreciated the time she took to listen to our positions on various issues before our Committee.

We will surely miss having Gail's experience and institutional memory upon which to rely. Gail is one of a dwindling corps of staff who have the ability to put the measures before us into the perspective of earlier legislation enacted to address important issues. Her expertise on postal and civil service issues and those before the Committee on Education and the Workforce have helped us to develop legislative initiatives that address these issues in an effective manner.

I am certain that Gail will continue to be active in a number of areas that are of keen interest to her. I know that our colleagues will also continue to reach out to her for her thoughts on key matters that we deal with in the Congress. I've certainly become fond of both Gail and her husband Jack and wish them great success, happiness, and good health as they enter this new and rewarding time in their lives.

TRIBUTE TO ITALIAN GARDENS RESTAURANT

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to a Kansas City, Missouri family tradition. Seventy-five years ago a small, family owned business established its roots in the heart of Kansas City. Today, the Italian Gardens Restaurant is a well established and celebrated Kansas City landmark and popular eatery.

The late John Bondon, Sr., first opened the Italian Gardens Restaurant in 1925 with his nephew Frank Lipari. It was a difficult time for the partners and most of the country as the economy collapsed and a world war became a reality. Despite these challenges Italian Gardens persevered and in 1933 the restaurant was able to move to its current location at 1110 Baltimore with the help of a $1,500 loan from a waitress. John Bondon and Frank Lipari owned only one new pair of shoes worn by whomever was working with the public in the front of the restaurant. When America entered World War II, the Italian Gardens recognized the anti-Italian sentiments present at this time and was forced to temporarily change the name of the restaurant to "The Gardens." The restaurant was available for dinner only since many of the staff was working in the defense industry.

Over the past 75 years, the Italian Gardens has spanned five generations of family proprietorship and attracted a large and loyal following of patrons. The restaurant has attracted a diverse crowd of customers such as Joe Di Maggio, Katherine Hepburn, Frank Sinatra, Liberace, and the famed outlays Bonnie Parker and Clyde Barrow. For seventy-five years the Italian Gardens has been known by businessmen, artists, athletes, and neighbors to be a large community table and gathering place where everyone is made to feel welcome and part of the family.

Throughout their rich heritage the Italian Gardens Restaurant has been a significant charitable and civic contributor to our community, including lending the talents and expertise of its executives to critical boards and commissions benefitting the Greater Kansas City Area. The Italian Gardens family includes the now retired Carl DiCapo, John Bondon, president of the restaurant company, and great-nephew of the original co-founder, Bondon's mother, Carolyn Berbiglia, Bondon's wife, Vicki, and his daughter Bianca. The Italian Gardens is a Kansas City landmark that has served as a model of success in our community. It is one of the few longtime family owned operations still present in our region. This cherished local eatery has established a standard of excellence that will continue to be celebrated for years to come.

Mr. Speaker, please join me in congratulating the Italian Gardens Restaurant family as it celebrates seventy-five years of service to the Kansas City community.

STARK CALLS FOR FURTHER FDA INVESTIGATION INTO ABUSE OF AVERAGE WHOLESALE PRICE SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. STARK. Mr. Speaker, I today sent the following letter to the FDA, in support of an investigation of how some of the nation's leading drug manufacturers are using false pricing data to distort the practice of medicine in America. The data in the letter is an indictment of the companies' abuse of the taxpayer and of the patient.

I submit the following letter into the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 10, 2000.

Dr. JANE E. HENNEY,
Commissioner, Food and Drug Administration, Rockville, MD.

DEAR DR. HENNEY: I am writing you to supplement my recent letter of October 3, 2000. I would request that any FDA investigation into whether certain drug companies have engaged in conduct that violates FDA rules or regulations take into account the following:

1. *The findings contained in the HHS-OIG report entitled Infusion Therapy Services Provided in Skilled Nursing Facilities (December 1999 A-06-99-00058) Exhibit #1.* The OIG's independent findings provide compelling evidence of the magnitude, cost and public health issues resulting from drug price manipulation of the Medicare program.

The following excerpts from the above referenced OIG report are particularly noteworthy:

"Our review of three infusion suppliers, for the period 1995 through 1998, showed they provided infusion therapy services to Medicare-reimbursed SNFs that were excessively priced and unnecessary." (Page #1)

"At the 22 SNFs, $4.8 million out of $9 million in claims reviewed (53 percent) were not medically necessary." (Page #1)

"In addition to the financial effects we noted above, overutilization and overpricing were potentially harmful to the patients. Medical reviewers who were part of our audit concluded that patients receiving unnecessary infusion therapy services were placed at undue risk for complications, including increased risk of infection, fluid and electrolyte imbalance, and medical reactions. Furthermore, in addition, infusion services are invasive procedures that are painful and, when unnecessary, reduce the quality of life."

"Based on a survey of infusion suppliers in Texas, we found that charges for infusion drugs varied widely, from as little as Average Wholesale Price (AWP), which is generally considered a reference price for drugs by the pharmaceutical industry, to more than 20 times AWP." (Page #6)

2. *The public health consequences of the drug pricing manipulation by certain companies for the IV antibiotic Vancomycin, the drug of last resort for many life theratening infections.* Exhibit #2 features an article from Hospital Pharmacist Report entitled Under Attack Vancomycin-resistant S. Aureus Hits U.S. Shores. "The widespread, and often unwarranted, use of antimicrobial agents, particularly vancomycin is a major contributing factor in the emergence of S. aureau with diminished susceptibility to vancomycin." Indeed, as stated in the article, the problem

has reached the level where the CDC has called for strict limits on the use of this vital drug. "Published in the MMWR, detailed recommendations for preventing and controlling S. aureus with diminished susceptibility to vancomycin emphasize strict adherence to contact isolation precautions and their recommended infection control practices, *judicious use of vancomycin . . .*" (emphasis added).

Enclosed as composite Exhibit #3 (provided by the industry insider pursuant to a congressional subpoena) is:

1. Listings from the 1995, 1996 & 1999 Red Book for Abbott's generic Vancomycin.

2. Copies of advertisements from Florida Infusion for the years '95, '96 and '99 for Abbott's genreic Vancomycin.

The following chart summarizes Exhibit 3:

ABBOTT'S VANCOMYCIN

[1 gm. 10s NDC#00074-6533-01]

Year	Red Book AWP	Red Book DP	Florida infusion true wholesale price	Difference between AWP & true price "The Spread"
1995	604.44 (60.44/1 gm.)		$8.40/1 gm	$52.04
1996	628.66 (62.86/1 gm.)		$7.95/1 gm	$54.91
1999	727.82 (72.78/1 gm.)	612.90	74.00 ($7.40/1 gm.)	$65.38

As the above chart also demonstrates, Abbott actually raised its representations of AWP from 1996 to 1999 while the true wholesale price to providers fell from $7.95 to $7.40. Abbott's price manipulation, creating a financial incentive for doctors to increase their usage of Vancomycin at a time when America is experiencing a health crisis, is reprehensible conduct and clearly warrants an FDA investigation.

You may question why a major drug company would engage in this deplorable conduct? Abbott's direct benefit from its false price manipulation is demonstrated by data (enclosed as Exhibit #4 provided by the industry insider pursuant to a congressional subpoena) for calendar year 1996 from the State of Florida's Medicaid Pharmacy Program. The data outline Florida Medicaid's reimbursements paid to the customers of Abbott and utilization of Abbott's generic Vancomycin. Abbott maximized sales volume and captured the Florida medicaid pharmacy market for Vancomycin by causing the Florida Medicaid program to substantially inflate reimbursement to the detriment of Florida's Medicaid Program. As you know, drug companies capture market share and maximize sales volume by concealing true drug prices while falsely representing grossly inflated prices which in turn creates a spread between the providers' costs and the amount of reimbursement paid by Medicaid or Medicare. As a result, Abbott has captured the majority of the market (at least for Medicaid) by creating a financial incentive for doctors to increase their usage of the overprescribed drug (Exhibit #5—prepared by the National Association of Medicaid Fraud Control Units in conjunction with their ongoing investigation).

The insider's evidence demonstrates that providers will purchase and utilize the pharmaceutical manufacturer's product that has the widest spread between the provider's true cost and the reimbursement paid by third parties (including the States' Medicaid Programs and Medicare). For example, 1996 reimbursement demonstrates that the manufacturer which causes the widest spread, benefits from the highest utilization. The pharmaceutical manufacturers Abbott, Fujisawa, Lederle Lilly and Schein all made representations of Wholesaler Acquisiton Cost ("WAC") to the State of Florida as illustrated in the chart below. The chart further sets out the number of reimbursed claims, the insider's cost and "the spread" between Medicaid reimbursement and true cost. A review of the chart clearly demonstrates that the vast majority of providers utilize the manufacturer's pharmaceutical with the greatest spread between the true Wholesale Acquisition Cost and the inflated false WAC reported by Abbott.

1996 FLORIDA MEDICAID UTILIZATION FOR VANCOMYCIN HCL 1 GRAM

Company/NDC	True cost $	Florida Medicaid Reimbursement	The spread	Reimbursement paid by Florida Medicaid	% of market share
Abbott/00074-6533-01	$7.95	$58.75	$50.80	$381,480.78	83.37
Fujisawa/00469-2840-40	6.42	13.91	7.49	19,023.54	4.16
Lederle/00205-3154-15	3.98	9.36	5.38	21,297.64	4.65
Lilly/00002-7321-10	14.30	13.35	(0.95)	19,096.96	4.17
Schein/00364-2473-91	6.05	12.52	6.47	16,672.18	3.64

It is important to note that Abbott publishes and reports truthful prices for many of its drugs when it does not seek to create a financial incentive to the provider. The following attached as composite Exhibit #6 is a chart specifying numerous drugs for which Abbott reports truthful prices:

ABBOTT LABS 1999 REPRESENTATIONS OF PRICES AND COST AND STATES' MEDICAID REIMBURSEMENT

Drug Strength & Size, NDC# 00074–	Red Book AWP	Bergen Brunswig cost (WAC*)	Provider cost with 7% upcharge	Florida Medicaid WAC + 7%	New York Medicaid AWP–10%
Biaxin 500 MG, 60S NDC#2586-60	$195.59	$164.13	$175.62	175.62 Spread $0.00	$176.04 Spread $0.42 (0.2%).
Cartol 5mg, 100s NDC#166-13	106.18	88.76	94.97	94.97 Spread $0.00	$95.57 Spread $0.60 (0.6%).
Cylert Tablets 37.5mg, 100s NDC# 6057-13	144.84	121.67	130.18	130.18 Spread $0.00	$130.36 Spread $0.18 (0.1%).
Depakote 250mg, 100s NDC# 6214-11	82.66	69.30	74.15	$74.15 Spread $0.00	$74.40 Spread $0.25 (0.3%).

*WAC—Wholesaler Acquisition Cost (7 states use WAC for reimbursement).

3. *Examination of another Medicare reimbursed drug further confirms that the drug manufacturers engaging in the price manipulation are correct when they assume that the financial incentives they arrange will increase the usage of their drugs.* Atrovent (Ipratropium Bromide) is an inhalant medication that had almost no Medicare utilization while it was under patent and not subject to any generic competition. Sometime in 1997, Atrovent came off patent and became subject to generic competition. Certain manufacturers of the generic form of the drug began to make false price representations to create a financial inducement. As the chart below indicates, Medicare utilization has gone from $14,426,108.00 in 1995 to $253,400,414.00 in 1998. The spread has gone from virtually zero to over 100%!

Year	Medicare Reimbursement amount per unit*	True cost per Medicare unit**	Spread $	Spread %	Medicare expenditures
1995	$3.11 ($0.62/ml)	$3.11	0.00	0	$14,416,108
1996	3.75 (0.75/ml)	3.26	0.49	15	47,388,622
1997	3.50 ($0.70/ml)	2.15	1.35	63	96,204,639
1998	3.34	1.70	1.64	96	176,887,868
1999	3.34	1.60	1.74	108	253,400,424

*Medicare Units were converted from ml's to mg's for the years 1995, 1996 & 1997 (5 ml=1 milligram).

Would you please advise me if the FDA since 1995 has approved any other additional indications that might explain the dramatic increase in the utilization of Ipratropium Bromide. Is there any medical reason for these noted utilization increases?

It is essential that the Health Care Financing Administration and other government reimbursement authorities receive truthful and accurate information from drug manufacturers regarding drugs for which the government reimburses. The evidence uncovered by the Congressional investigation to date reveals a conscious, concerted and successful effort by some drug makers to actively mislead the Health Care Financing Administration and others about the price of their drugs. As the federal agency possessing primary regulatory responsibility with respect to drug makers' representations about their products, I urge the Food and Drug Administration to take immediate action before the present fiscal and public health consequences reach a catastrophic level.

Sincerely,

PETE STARK,
Member of Congress.

WRONG ON KAZAKHSTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BURTON of Indiana. Mr. Speaker, I would like to draw the attention of my colleagues to a very disturbing Op Ed article by Professor Amos Perlmutter ("More words than deeds on Kazakhstan?" in the Washington Times of October 4, 2000), detailing how the Clinton-Gore Administration has dropped the ball in promoting democracy and respect for human rights in Kazakhstan.

Time after time, Kazakhstan's ruthless and corrupt President, Nursultan Nazarbayev, has made promises to Vice President Gore and others in the Administration and has then failed to deliver on those promises. And so as Professor Perlmutter puts it, the Nazarbayev regime continues its campaign of "relentlessly destroying the opposition, closing the free press and involving itself in corrupt schemes."

It should have been possible for the United States, which has had the support of the Organization for Security and Cooperation in Europe as well as numerous non-governmental human rights organizations, to insist that Nazarbayev fulfill the promises he made on human rights and free elections as a price for legitimacy in American eyes. Sadly, however, it seems clear that Clinton-Gore Administration has pulled its punches, because it wants oil rich Kazakhstan's support for an oil pipeline that does not go through Russia. What is particularly troublesome in this regard is that the United States should not be turning a blind eye to repression and corruption in order to persuade Kazakhstan to do something that is in its interest in any event.

Mr. Speaker, I would like to submit Professor Perlmutter's article for the RECORD.

MORE WORDS THAN DEEDS ON KAZAKHSTAN?

(By Amos Perlmutter)

The Clinton-Gore administration relationship with Nursultan Nazarbayev's corrupt dictatorship in Kazakhstan is, once again, making news. Not without reason.

The case is that the administration failed to defend political freedom and free enterprise in Kazakhstan. They talked the talk without walking the walk when it come to challenging the Nazarbayev dictatorship.

Promises from Mr. Nazarbayev went unfulfilled. The administration failed to support the claims of human rights organizations, non-government organizations (NGOs), and the OSCE that the Nazarbayev government is not only failing to undergo democratic changes as a price for support from the United States, but also is relentlessly destroying the opposition, closing the free press and involving itself in corrupt schemes.

The effort to support this regime was conceived in conformity with the American national interest. After all, there are three reasons for U.S. strategic interest in Kazakhstan: oil, nukes and independence. Kazakhstan has been one of the Soviet Union's major oil reserves, and continues to be a most significant oil reserve and also a Caspian littoral state. Josef Stalin made Kazakhstan a Soviet nuclear arsenal.

Independence was the goal of both the Bush and Clinton administrations, to strengthen Central Asia non-Russian Muslim states, and to move them in the direction of democracy and free enterprise. There was a tacit strategic purpose in separating Kazakhstan from Russia's historical imperial linkages (an exercise in futility). Kazakhstan is the most Russified Central Asian state, with close to 30 percent of its population Russians who serve as the main scientific industrial and business elite.

However, the Clinton administration sank into the pool of oil that inadvertently led to the most serious corruption of the Nazarbayev dictatorship by failing to resist the dictatorship. One of the administration's major foreign policy goals was humanitarian intervention to help bring an end to former communist dictatorships in the former Soviet Union and the Balkans.

In fact, the administration conducted a "humanitarian war" in Kosovo. The idea of a humanitarian and exemplary intervention, i.e. support of opposition groups in Kazakhstan, free press, and democracy was sacrificed, unfortunately, to the pool of oil.

The administration was not directly involved in support of the dictatorship. But it failed to vigorously resist the Nazarbayev violation of human rights, dissolution of the Kazakh parliament on two occasions, and above all the closing the only two opposition papers and the rigging of the 1999 elections.

In defense of the administration you could say diplomatic gobbledygook and securing unfulfilled promises form Mr. Nazarbayev was unfortunately subordinated to oil and nuclear strategic policies. The embassy in Kazakhstan continuously reported to the U.S. State Department on Mr. Nazarbayev's violations of human rights.

In fact, the OSCE, human rights groups, non-government organizations (NGOs), and other groups have warned the administration and continuously protested Mr. Nazarbayev's dictatorship and suppression of freedom in Kazakhstan. Leon Fuerth, Vice President Al Gore's national security adviser, and his assistant, Richard Brody, met on Sept. 15, 1999, at the Old Executive Office Building to discuss Nazarbayev to the United States. Attending were several people from the State Department, regional and human rights bureaus, as well as the Human Rights Foundation, and the Kazakhstan 21st Century Foundation.

Mr. Fuerth was on the defensive throughout the meeting, as the various representatives pressed hard the argument that the meeting was a mistake at that time, since Mr. Nazarbayev would interpret it as an endorsement of his behavior. According to one of the participants, Mr. Fuerth was unpersuasive and ineffective in defending the purpose for the visit of Mr. Nazarbayev to United States.

The issue at stake was Kazakhstan's MiG sales to North Korea and the failure of democracy. When Mr. Nazarbayev promised Mr. Gore the next election "would be better," the OSCE report on the 1999 elections in Kazakhstan were still pending. Mr. Fuerth said at the meeting, "We will adopt its [OSCE's] finding as leverage on Nazarbayev." Mr. Fuerth continued, "Our government has been saying repeatedly, and the vice president personally, pay attention to what the monitors are saying about your, i.e., Nazarbayev's, elections." Mr. Fuerth said Mr. Nazarbayev is "not your poster boy" for democracy and freedom. Mr. Fuerth said, "Gore sees his personal relationship as essential to prodding Nazarbayev toward democracy."

America's goals include, says Mr. Fuerth, "carrying Kazakhstan to a modern self-sustaining state at every level of societal concern. . . . We are into their affairs at an fantastic level of detail, and that is only possible with the political support of Nazarbayev and this [Gore-Nazarbayev] commission and the commitment of the United States to a face-to-face meeting with the vice president."

Mr. Fuerth continued to say the United States must persuade them to "more and more perfect democracy," and he is "perfectly aware of the imperfections." According to Mr. Fuerth, Mr. Gore's message is "Democracy is on the agenda. Democracy is not our idiosyncrasy." He describes Mr. Gore's agenda as follows: "Democracy and elections are essential parts of the relationship Nazarbayev wants with the U.S. Gore will explain why a valid election is indispensable if he [Mr. Nazarbayev] wants the relationship he seeks."

After meeting with the president, Mr. Nazarbayev went back home and continued in his oil-mired practices, human-rights violations and the creation of his position as president for life.

Since Mr. Gore was given the portfolio on Russia and the independent states of the former Soviet Union, the essential difference between what the Cox Report finds in the case of Russia and the administration policy toward Kazakhstan is that in the case of Russia it was mired with good intentions for reform that turned sour because of support for Boris Yeltsin's corrupt, undemocratic government. You cannot tell Russia, a major power, what to do, while the situation in Kazakhstan was totally different.

Not only was the United States in the position to help implement the recommendations for democracy and freedom in Kazakhstan, it coddled the dictator and made no impact whatsoever or follow up on the promises made my Mr. Nazarbayev to Mr. Gore to advance the democracy in Kazakhstan.

In the case of Kazakhstan, the United States was in a stronger position than in Russia, with the support of OSCE, multiple human rights organizations and NGOs, to impose upon the dictatorship to implement their promises made on human rights and free elections as a price for legitimacy in American eyes.

They did not do it. The administration tacitly accepted Mr. Nazarbayev's defense that there is an emergent democracy in Kazakhstan and it is a question of "time."

It seems the Clinton-Gore administration did not try very hard to institutionalize and implement their commitments to democracy, free elections, and an open press in the case of Kazakhstan.

INTRODUCTION OF THE EMPLOYEE HEALTH BENEFITS DISCLOSURE ACT

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. ARMEY. Mr. Speaker, I am proud to introduce the Employee Health Benefits Disclosure Act of 2000, a small but important stepping-stone to the consumer-driven health-care marketplace of tomorrow.

This bill addresses an important problem. Today, most workers don't know how much money their workplace health coverage costs. They have no idea. Their employers usually only inform them about the "employee share" of the cost. The employer's share is left invisible.

Also left invisible is the generous taxpayer subsidy given to workplace health benefits under section 106 of the tax code.

Under that section, workers pay no income, payroll, or unemployment taxes on those benefits. Yet employees are almost always unaware of the fact. This is wrong. People have a right to know about the tax benefits they're receiving. They have a right to know how much their labor is really worth.

This bill gives workers that important information. It helps them become more informed employees and better health-care consumers.

How does it do this? It requires employers, who have more than 100 employees, and who provide health benefits, to communicate to their employees at least once a year the amount of the employer's share of the contribution.

This notice must be accompanied with the following sentence: "This contribution is part of your total compensation and reduces your cash wages and other compensation by a like amount." The requirement takes effect January 1, 2005.

I've tried to make the requirement as convenient as possible for employers. They may compute an average, rather than a specific amount per employee. And they may use the most convenient method of communication. They may use a letter, the weekly pay stub, the summary plan description, a slip inserted with the W–2 tax form, or any other reasonable means.

The important thing is not how the information is provided—but that it be provided, and in a clear and understandable form. I confess I'm not happy about imposing a new government mandate on employers. That goes against my grain. It rubs me the wrong way. But in this limited and unique case, I think the benefits far outweigh the costs.

It is good public policy for workers to know how much their labor is worth, and how their compensation is structured. Workers have a right to know this currently invisible information which bears so directly on their well-being and happiness. Employers have a duty to provide it.

Legislation is needed to make sure employers provide it in a clear, consistent, and understandable manner. Hence this bill.

I look forward to a day when health care in America is a true marketplace in which consumers are king, where prices are constantly going down and quality is constantly going up, and where everyone gets the health care he needs when he needs it.

Only consumers can bring such a market into being—only consumers armed with full information.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

SPEECH OF

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. FRANKS of New Jersey. Mr. Speaker, having experienced, first hand, a needless pipeline tragedy in Edison, NJ, pipeline safety is of particular concern to me and the other members of our delegation. While I applaud the Senate's efforts to pass comprehensive pipeline safety legislation this year, I remain concerned that their final product would have limited local participation in critical pipeline safety decisions. I have also been contacted by many local officials, representatives from citizens safety groups and environmental advocates who feel that S. 2438 does not adequately address their concerns. Although the legislative process rarely allows for a "perfect" piece of legislation which addresses every concern, the process by which this bill was brought to the House Floor did not allow for any improvement upon the base text. Therefore, I would have voted against this bill and remain hopeful that we will be able to reach some bi-partisan compromise before Congress adjourns.

TRIBUTE TO EUGENE STANDIFER, JR.

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to an outstanding individual from the State of Missouri. This year Eugene Standifer, Jr. will be joined by his friends and family to celebrate his 75th birthday.

In 1944, Gene Standifer began his career in public service as a member of the United States Army during World War II. He was honorably discharged in 1951. After returning home, he took a job with the U.S. Postal Service as a railway mail clerk sorting mail on a railway mail car traveling between Kansas City, Missouri and Denver, Colorado. While employed as a postal worker, Gene Standifer attended Rockhurst College where he graduated with a Bachelor of Science in Business Administration in Accounting and Economics in 1957. Gene Standifer advanced his career in 1965 with the General Services Administration as a Supervisory Accountant. In 1970 he joined the Department of Housing and Urban Development as an Equal Employment Opportunity Compliance Specialist who investigated and enforced fair housing laws and regulations. From 1972 until 1978, Gene Standifer worked for the Environmental Protection Agency as a Regional Equal Opportunity Officer that supervised the Kansas City regional offices. And until his retirement in 1986, Gene Standifer worked for the U.S. Department of Labor as the Area Director of the Office of Federal Contract Compliance Programs.

Throughout his career Gene Standifer has been a great friend to his neighbors in the Kansas City community. He has served as Chairman of the Board for the East Area Community Coalition, President of the Central Citizens Crusade Against Crime, Board Member for the Ad Hoc Group Against Crime and the Urban League of Kansas City, and he is a lifetime member of the NAACP.

Gene Standifer was appointed to Commissioner of the Kansas City, Missouri Election Board by Governor Mel Carnahan in 1993. The Kansas City Election Board governance is an essential component to every election that takes place in our city. The Election Board ensures that the election process is fair and accessible to all citizens by providing the opportunity to register to vote, receive absentee ballots, have access to polling stations, and be informed of accurate election results. As Commissioner of the Kansas City Election Board, Gene Standifer has served in a dedicated, professional capacity that has earned him the respect and friendship of his peers and the members of the Kansas City Area political community. He has demonstrated outstanding results through his commitment to promote the democratic process. Gene Standifer's service has been an asset for our community.

As a champion of fairness and equity throughout his professional career, Gene embodies the essence of inclusiveness. He has met the challenges of his life with fortitude and commitment to doing the right thing. His engulfing smile always permeates an occasion.

Mr. Speaker, please join me and the Standifer family in wishing Eugene Standifer a very Happy 75th Birthday.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE BRUCE VENTO, MEMBER OF CONGRESS FROM THE STATE OF MINNESOTA

SPEECH OF

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. TRAFICANT. Madam Speaker, it is with great sadness that I rise to pay tribute to our colleague, Bruce Vento, who passed away this week. Bruce Vento was a hard working and extremely effective Member of this body. During his long tenure in Congress, Bruce Vento emerged as a true leader on environmental issues. One of the many legacies he left America was the protection and expansion of the national park system and urban parks.

Bruce Vento represented the very best Congress had to offer. Not only was he an effective advocate on issues vitally important to our nation, he was a vigorous advocate for his district and his native state of Minnesota.

He will be missed.

My thoughts and prayers go out to his family. God bless Bruce Vento.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SHOWS. Mr. Speaker, I was away from the House on official business on Friday, October 6, 2000, and was unable to cast a recorded vote on rollcall 515.

On rollcall 515 I would have voted "yes" on H. Res. 612, Waiving Points of Order Against the Conference Report on H.R. 4475, Transportation and Related Agencies Appropriations for FY 2001.

ISRAELI-PALESTINIAN CONFIRMATION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. LEWIS of Georgia. Mr. Speaker, I submit for the CONGRESSIONAL RECORD the attached statement by the American Jewish Committee, which appeared in The New York Times on October 10, 2000.

ASSUMING RESPONSIBILITY FOR PEACE

After the dead have been buried, the sirens silenced, and the rubble swept from streets where rioters rampaged, what lessons will have been learned from these recent days of bloody confrontation between Palestinians and Israelis?

Two are essential: When mobs are incited to violence by Palestinian media and political and religious leaders, chaos ensues. And when Israeli-Palestinian security cooperation breaks down because Palestinian police and militiamen join in the mayhem and turn their guns on Israelis, the level of conflict crosses a terrible threshold, and the toll of suffering soars.

We grieve for the victims of the senseless violence that has erupted in Israel, the West Bank and Gaza. We pray for the safe return of the Israeli soldiers kidnapped by Hezbollah marauders who stole across the international border from Lebanon.

We reel from the desecration and of destruction of Joseph's Tomb, a holy place, on the Sabbath, by a Palestinian mob and the murder of a pious Jew trying to save sacred Torah scrolls.

We yearn for the peace that will end for both peoples this cycle of needless pain.

With Israel and the Palestinian tantalizingly close to agreement in talks aimed at resolving their bitter conflict, these days of violence fomented by the Palestinians needn't have happened.

Innocent blood needn't have been spilled.

It wouldn't have—if Palestinian political and religious leaders had not deliberately overblown a visit by an Israel politician to Jersusalem's Temple Mount, Judaism's holiest site, and launched a furious campaign of attacks on Israeli civilians and soldiers.

It wouldn't have—if a sermon during Friday prayers at Al-Aqsa mosque hadn't called on the Muslim faithful to "eradicate the Jews from Palestine" provoking assaults on Jewish worshippers at the Western Wall and eliciting a defensive response by Israel.

It wouldn't have—if the Palestinian Authority hadn't emptied its schools, where Israelis' status as the enemy is continually taught, so that children could be bused directly to confrontations with Israeli forces and into harm's way.

It wouldn't have—if Palestinian leader Yasir Arafat's Fatah lieutenants in Gaza and the West Bank hadn't ordered waves of armed strikes by paramilitary forces against Israeli targets.

It wouldn't have—if Palestinian Authority radio and television hadn't bombarded the airwaves day after day with calls to rise up against Israel.

Finally, the conflict that engulfed Israelis and Palestinians wouldn't have happened if Chairman Arafat had assumed that responsibility of leadership and acted to calm rather than inflame his people.

In the end, there can be no other path for Israel and Palestinians than the path of negotiated peace, based on compromise and the need to bring their conflict to an end.

Acceptable alternatives simply do not exist. For the Palestinians and for Arab leadership across the Middle East, there is no choice but to grasp the long-outstretched hand of Israel, and assuming responsibility for peace.